

**Water Law No. (41) of 2006
Amending some articles of law No. 33 for the year 2002
Concerning water**

**In the name of the people,
President of the Republic:
Pursuant to the Republic of Yemen's Constitution,
Law no. 33 for the year 2002 concerning water and after approval of the
House of Representatives
We hereby issue the following Law:**

Part (1) Definitions

Article (1): articles (2-3-7-9-11-13-15-18-23-24-25-26-29-33-35-37-38-40-41-42-45-46-47-48-49-50-54-61-64-69-70-71-72-74-76-78) of law no. 33 for the year 2002 concerning water as follows

Article (2): For the purposes of this Law, the following words and expressions shall have the meanings as indicated against each of them, unless the text requires otherwise:

1-Republic: Republic of Yemen

2-Ministry: Ministry of Water & Environment.

3-Minister: Minister of Water & Environment.

4-Authority: National Water Resources Authority

5-Relevant or concerned authorities:

Ministries or governmental relevant institutions, organizations or projects, which are indicated by the text in any form.

6- Water resources:

Any waters existing within the borders of the Republic, whether surface or underground waters including waters naturally flowing into valley streams and artificial canals, waste water after treatment and salty water after desalination, and also includes the share of the Republic in the water of joint basins between the Republic and neighboring countries, as set forth in treaties and conventions signed between the Republic and those countries or international agreements to which Yemen is a party.

7- Surface waters:

Any water existing on the earth's surface including floods and valleys water, ordinary, mineral and hot springs whether permanent or seasonal, natural and artificial lakes and basins as well as waste water after its treatment.

8- Underground water: All waters naturally stored or running underground in water layers at various depths.

9- Underground Basin and water Layer:

Any geological formations, horizontal or vertical, neighboring each other under the earth's surface

Filled up with water and which, as a whole, are affected by the change of hydraulic pressures in any of their parts with the possibility of variation of their hydraulic coefficients/factors and physical, chemical and geological qualities. If a geological formation is characterized by hydraulic coefficients/factors and pressures and is isolated from the other neighboring formations, such formation is called "a water layer" - Water basin and water layer:

10 - Water basin and water area:

Any area on the earth's surface whose water flows naturally towards the direction of a joint stream or whose surface water groundwater water resources form one unit so that any water action in any of its parts affects the overall waters in the remainder of the parts.

- Water area: Any part or several parts of water basin or basins whose conditions are similar or it is found necessary that they should be administered as one water unit whether their borders are consistent or inconsistent with the Republic's administrative division.

11- Sustainability of water resources:

Extraction of water from underground basins in quantities equal or less than the renewable quantities thereof during the same year or during a period already fixed in advance in a manner which does not affect the quantity and quality of water in the long run.

12- Depletion:

Extraction of water at a rate in excess of the replenishment rate in a manner which leads to the drop of underground water levels.

13-Well:

Any hole or opening manually or mechanically dug with the purpose of extraction of underground water regardless of its depth or diameter or the quantity or quality of water extracted there from.

14- Water facility:

Any traditional or non-traditional buildings including drilling or accumulation of soil under or on the earth's surface with the purpose of storage, divergence, draining, moving, or distribution of water or for purposes of protection against floods.

15-Strategy:

Water strategy.

16- Water policies:

All orientations and procedures adopted by the State for organization, development and utilization of water resources and protecting them against depletion and pollution.

17- Water planning:

Conduction of analysis and evaluation of available data and information about the water position and putting the same in illustrative and statistical forms demonstrating the water balances and fluctuation in each water basin or area in the light of the indicators of the current and future of the national development needs for water and comparison between various possible alternatives and which secures the preparation of a water plans and management of supply and demand for water available in the area or basin with the best possible ways and in a manner that leads to the sustainability of water resources.

18-Water plan: The alternative or set of alternatives which are selected in the light of data, statistics and indicators which demonstrate the water position and water projects in the Republic or any part thereof during a period of time for implementing the water policy objectives.

19- Organization of water:

All water policies, legislations and water plans as well as all procedures, arrangement and field, office activities and laboratory activities taken for their

implementation.

20-Usufructs:

The rights which authorize their owner to use specific quantities of water for specific purposes and in accordance with law.

21-Traditional usufructs:

The inherited rights whose continuance is recognized, by tradition or law or both of them, and which are based upon the right of individual, family and collective use of waters of rains, floods, valleys, springs, wells and water facilities, and the purposes and limits of these uses and their associated easements.

22-Easements:

The benefits which recurred for others on water resources and their facilities and supplies and wells such as the right to obtain water for human and animal drinking or for any other recognized purpose, right of way or grazing at rains catchments and water streams and canals or right of watering for the higher and the highest or in the surplus water of the original usufructuary or right of watch and inspection of what is happening to water in accordance with this law

23-Campuses or protection area:

The areas surrounding wells, water facilities and natural water streams within which any activity that causes or expected to cause damages to these wells or facilities is entirely or partially prohibited.

24- Area of prohibition:

A geographical space or area in which installation of any water facilities, drilling of water wells or development of industrial, agricultural or other activities, which affect the water resources in terms of quantity or quality or in both cases, is entirely or partially prohibited.

25-Pollution:

The change that occurs in the natural, chemical or biological qualities of water and which results in the limitation of water's usability for any of the purposes assigned therefore.

26-Wastes or polluting materials:

Any liquid, solid, gaseous, microbial, viral, radiant or thermal material results in or can result in the pollution of water or deterioration of its quality, or limitation of its usability for any of the purposes assigned therefore.

27-Removal of wastes:

Any process of getting rid of polluting materials whether through accumulating, pouring or leaving them at their sites upon the completion of a specific activity, on the earth's surface or in water facilities, burying them underground, burning them and vaporizing them into air or through getting rid of them in seas.

28-Sewerage water:

The water which was used in domestic, industrial and service purposes including wastes and remains therein whether liquid or solid.

29-Treated water:

The water which is purified by physical, chemical or organic ways that results in some or all the sediments and deposits or dissolved substances carried therewith.

30-Wasting of water:

Willingly, or as a result of carelessness, causing loss of a quantity of water without making use of it for the purpose assigned therefore.

31-License or permit:

The document granted by the Authority or concerned agencies to the beneficiary party for the use in any of the works pursuant to the rules of law prior to the beginning of such works.

32- Registration:

Process of registering water rights which law ordained their exercise authorization in respective register at the Authority or at the competent agencies including registration certificates of water rights.

33-Commercial use of water:

Distribution, carrying or selling of water against charges in any way for using water in purposes of commercial nature such as hotels, restaurants and any other uses other than domestic or agricultural uses.

34-Bylaw or Bylaws:

The official documents which are issued as resolutions by the Council of Ministers concerning the organization of the executive rules, measures and procedures of this law and which are based hereon.

35-Contractor:

Any natural or corporate person practicing any of the professions mentioned in article (42) hereof.

36-Drilling machinery:

The equipments which pierce the earth's surface and reach any depths which were below its ground surface with the purpose to reach underground water whether for extraction or study of water regardless of their operation method and driving energy.

37-Rain harvesting:

Collection of water resulting from rain from spaces owned by the usufructuary or his assignee for direct use thereof or keeping it in tanks, dams, ponds and others.

38-Digging and deepening of well:

Well Digging: Piercing Soil or rocks manually or mechanically aiming at extraction of underground water.

Well Deepening: Increase in digging well manually or mechanically aiming at water extraction or the increase of the extracted quantity.

Part (2)

General Objectives and Principles

Article (3):

This law targets the organization, management, development, and rationalizing of the use of water resources and protecting it from depletion and pollution, increasing the efficiency of its conveyance and distribution, better maintenance and operation of water facilities and involving the stakeholders in the management of water facilities at the stages of their development, investment, protection and maintenance.

Part (3)
Organization, management and planning of water resources

Chapter (I)
Organization and planning of water resources

Article (7):

Water resources shall be organized and developed in accordance with the provisions of this law and its bylaw in the light of a water strategy to be proposed by the Ministry according to a proposal by the Authority and which is to be issued by a Council of Ministers resolution pursuant to the policies, plans and sectoral programs derived from this strategy.

Article (9):

Relevant authorities shall organize, manage and prepare their sectoral policies and plans related to the development and rationalization of water uses in coordination with the Ministry.

Article (11):

a) The Ministry following recommendation of the Authority and in coordination with the concerned parties and local authorities is entitled to propose the formation of committees for the water basins and areas to contribute in the organization of water, with a proper representation of the relevant non-governmental organizations.

b) These committees shall be established by a Prime Minister Decree. The executive bylaw of this law clarifies the quorum, tasks and authorities of these committees and the tenure of their work as well as their relations with local authorities without prejudice to the Water Resources unit as per provisions of this law and in conformity with the articles of local administration Law.

Chapter (2)
Planning of water resources

Article (13):

The Ministry shall draw up the principles of the general water planning for the Republic in the light of the results of evaluation of the water basins and areas so that it comprises the general indicators of the water position, trends of demand for water for all uses and short, medium and long-term water balances. These principles shall be deemed a basis for working out the water plan alternatives.

Article (15):

All the governmental authorities , private and public corporate persons shall submit their water projects plans for review and approval by the Authority or any of its branches in the governorates offices within not more that sixty days from the date of submission of such projects to the Authority and should the Authority fail to determine its viewpoint within the said period, the Authority's implied approval shall be deemed to have been given unless there is a convincing justification to the contrary.

Article (18):

The water plan shall be adopted by a resolution of the Council of Ministers based upon the Authority's proposal, and submission by the Minister and in implementing this plan, it shall be observed that competences are delegated to extent that enhances decentralization and participation of the usufructuary in organizing and managing water at the level of water basins and areas without prejudice to the integrity of the water resources management.

Part (4)
Water uses
Chapter (2)
Water use guidelines

Article (23):

The following shall be compliant with standards and specifications set forth by the Authority and approved by Council of Ministers:

- 1- The water assigned for nutritive and domestic use, food industries and water used in manufacturing and processing medical materials.
- 2- Water used for animal drinking, irrigation, tourism, service and medication purposes.
- 3- Uses of treated sewerage water treated for irrigation or for other purposes.
- 4- Salty water after its desalination.

Article (24):

A prior license within the conditions and standards set forth by the executive bylaw of this law shall be applicable to any method of remedy and treatment of water quality for all purposes by mixing water or by chemical, biological, radiant or gaseous materials or by any method which changes the water's physical and chemical qualities including thermal, radiant, gaseous and bacterial qualities or which changes the water's taste, color or smell. The bylaw shall clarify the

agencies entrusted with the licensing process as per respective specialization.

Chapter (3)
Sectoral water uses

Article (25): Without prejudice to the provisions of this law,

Ministry of Agriculture and Irrigation and its associate authorities and organizations shall operate and maintain their facilities, organize, rationalize and guide water uses assigned for irrigation in accordance with local administration law and the water plan and in line with the general strategies and policies of water resources, irrigation policies and other relevant policies. For this purpose, the Ministry of Agriculture and Irrigation shall for this purpose do the following:

1- Prepare policies and executive irrigation plans to ensure the best benefit from the agricultural sector's share from water.

2- Conduction of theoretical and applied studies and researches, implementation of guidance programs, taking the actions intended to rationalize water uses to increase the productivity of water used for agricultural crops and encouragement of modern irrigation techniques in accordance with the economic feasibility thereof, adaptation with the water shares specified for irrigation purposes for conservation of water and environment protection.

3- A

1- Installation, operation and maintenance of water facilities in accordance with local Administration law aiming at enhancing the participation of the beneficiaries in panning and financing and making use of rains and floods water within the framework of the indicators of the Republic's water plan and water balances for the water basins and areas

2- It is allowed for a natural or corporate person to contribute in the establishment of water facilities for the purpose of irrigation in a way that is not in contradiction with the Ministry of Agriculture and Irrigation general plan, under its technical supervision and in line with the provisions of this Law

b- Drawing up of a plan for protection against floods and setting up of climatic and agricultural surveillance networks and recording and analysis of information which it surveys and document it and exchange of such information with the Authority and beneficiaries and making use of the outputs of the national network for water surveillance of the Authority.

4- Making and implementing plans and programs related to rectification of valley streams and public canals and observation of floods flow and observation uses of irrigation water and its facilities in a manner that secures the safety of such facilities and preservation of water against waste and pollution.

5- Preparation of indicators of demand for water for short, medium ant long terms including the private sector projects' needs for irrigation water so that such indicators, after their review and evaluation constitute one of the water plans inputs provided for in article 13 of this law.

6- If any place in the water uses areas sustains flood risks during field handling

such floods and storm water due to which there is a fear from the occurrence of damages to lives and properties where the public interest requires taking urgent actions thereon, the Ministry of Agriculture and Irrigation shall be entitled to take such actions which it sees appropriate including destruction and breaking of facilities or removal of any barriers erected but that shall be within the narrowest limits that enable it to prevent or avoid such damages provided that it shall pay fair compensation to the usufructuary for any damage they sustain as a result of such actions and compensation payment shall be made within six months from taking such actions amicably. In case dispute arises the two parties the aggrieved party has the right to seek justice at the judiciaries and the executive bylaws determine the guidelines for coordination with the Ministry and other related bodies in this concern.

Article (26):

Without prejudice to the provisions of this Law, the Ministry, its associate agencies and institutions, whether in the urban or rural areas, shall organize, manage and rationalize water uses assigned for the water supply and sewerage sector in the water plan and in the light of the water general strategies and policies in a manner consistent with the local administration law. For this purpose, The Ministry shall do the following:

- 1- Prepare policies and executive plans related to the water and sewerage sector in a manner that secures the best utilization of the sector's water share assigned for it in the water plan.
- 2- Conduct theoretical and applied studies and researches and setting up facilities, laboratories and water supply networks which supply the population with water for domestic, industrial, tourism and other service purposes within the limits of the water assigned for the Ministry in the water plan.
- 3- Rationalizing and enhancing the efficiency of the use of water allocated for domestic, industrial, tourism and other buses through enlightenment and guidance programs and regulatory controls and introduction of measures and technologies which reduces water losses and its conservation
- 4- Securing the service of supplying the population with potable water good for drinking and domestic uses, putting into effect controls and measures that secure the application and observation of its standards, specifications and suitability for human consumption and adoption of the measures and actions which prevents any health hazard to the population as well as developing and improving such services in terms of quantity and quality.
- 5- Supply of water for various industrial, tourism and other private and public services which falls within the range of the water distribution networks and subjecting them to the application of the water standards and specifications control measures in accordance with the various use purposes and in line with the provisions of this Law and its executive bylaws.
- 6- Installing and up and operating of sewerage networks and sewerage treatment plants for domestic and other public use and supervision of sewerage treatment plants for tourism and industrial projects taking into consideration coordination with the ministry of agriculture and irrigation, the local authority and other relevant agencies about the best methods to use treated waste water for irrigation

and other purposes in accordance with the technical , health and environmental specifications and guidelines set forth by the Ministry in association with related agencies.

7- Treatment and disposal of waste water as per standard and environmental specifications specified by the executive bylaw of this Law taking into consideration that the treated waste water shall not be disposed of or allowed to be used except after coordination with the Ministry and the relevant authorities and after consultation and coordination with its users and those who are affected by its use.

Part (5)
Water rights and licenses

Chapter (1)
Water rights

Article (29):

The traditional usufructs and the rights associated therewith ,prior to the issuance of this Law, in the water of springs, valleys, natural streams and wells shall remain reserved without prejudice to the registration principles provided that they shall remain assigned for the purposes specified thereto and in case of their transfer to another owner, such rights shall necessarily be transferred to the new owner and in case of the division of the land which is making use of water, the water shall be distributed as per the areas of the plots resulting from such division.

Article (33):

Beneficiaries of underground water drilled before the issuance of this Law, or their representatives, and usufruct Aries of water, exploited or non-exploited, shall apply to the Authority or any of its branches or its offices in Governorates or Districts for registration and continuation of such rights within a maximum period of 3 years from the date of announcement addressed by the Authority after the issuance of this Law.

Chapter (2)
Licenses

Article (35):

Subject to Article (73) of this Law no person, group of persons, governmental or national agency, natural or body corporate entity may drill any water well, deepen it or erect a water facility for capturing flood water or running springs in valleys or above valleys and water basins, or divert them from their natural courses without first obtaining the approval in advance of the Authority,

Article (37):

No beneficiary may exceed the quantities or surpass the purposes of use or any other technical specifications identified by the Authority. Conditions in the license should be strictly observed by beneficiaries. The bylaws provide the necessary details for implementing these conditions.

Article (38):

Licenses granted in accordance with this Law for drilling water wells shall be considered canceled by the force of the Law in the following events:

- 1- If the licensee fails to commence drilling works within one year as of date of issue of the license.
- 2- If licensee uses the license for purposes other than those for which the license was issued.
- 3- If licensee violates the conditions of the license.
- 4- If licensee assigns the license to others with or without price without the consent of the Authority. The bylaw specifies the cases in which such assignment could be accepted. The Authority shall have the right of regular review of these licenses in accordance with the system prepared for this purpose. Based on justifiable reasons, the license may be renewed once for a period of 3 months, which may be extended in the event of persistence of such reasons.

Article (40):

Without prejudice to the penalties indicated under Part (8) of this Law, the Ministry may stop the use of the usufruct if the water of the well proved to be contaminated or detrimental to the public health or the environment, or proves impossible to be treated in accordance with a report from a competent authority.

Article (41):

The Government must construct projects to develop water resources and water harvesting. The Ministry have the right when necessary to reconsider the quantity of water permitted to be pumped from each underground or surface basin, in a manner compatible with the overall water resources liable to exploitation from that aquifer, within the framework of the water projects that had been established, or are planned to be established, by the government in accordance with the Water Plan.

Article (42):

Subject to Contractors and Engineering Offices Classification bylaws, contractors and engineering offices may not exercise any of the following businesses without obtaining of licenses from the Authority to exercise them:

- 1- Drilling water wells.
- 2- Exploring underground water and undertaking studies and consultancy services in the field of water resources.
- 3- Distribution of water from wells directly, through drinking water networks or bottling.

The Authority shall issue licenses, or refuse applications, in coordination with relevant agencies according to specialization. All natural persons and body corporate exercising any of the businesses indicated above at the time of issue of this Law shall, within one year as of date of issue of this Law, register themselves or their offices or companies, equipment and instrument they are using in this profession and obtain licenses to exercise these professions.

The bylaw shows the requirements for performing this profession obtaining of these licenses, the validity period of the license or registration and the executive rules and procedures of this Article, in a manner compatible with the provisions of this Law.

Article (45):

Subject to the provisions of Article (29) of this Law, surface wells may, without prior licenses, be drilled up to a depth of 60 meters to obtain limited quantities of drinking water, provided that the following are observed:

- 1-Control measures and conditions of water resources and facilities campuses and restricted areas be observed and causing harm to others be avoided.
- 2-Consideration of prevailing customs and traditions pertaining to water usage usufruct and other rights associated with it and its structures are observed.

Part (6)

Conservation and Protection of Water from Contamination

Chapter (1)

General Technical Standards and Specifications

Article (46):

With the exception of works undertaken before the issuance of this Law and to the extent that such works are consistent with the civil law, the following shall be subjected to the approved General Technical Standard and Specifications of the Authority:

- 1- Drilling of water wells.
 - 2- a) Sites and general designs of irrigation and water facilities.
b) Treatment and water desalination plants.
 - 3- Protected areas of wells, floods and natural springs.
 - 4- Drilling rigs inputs, drilling materials and well casing.
 - 5- Pumps.
 - 6- Means of transmission and distribution of water for drinking purposes.
- The bylaw identifies these technical standards and general technical specifications and other executive procedures of this Article.

Article (47):

Subject to Article (54) of this Law, the concerned competent agencies shall, in

coordination with the Ministry, issue licenses for disposal of waste, sludge, waste water, oils and specify locations and methods of their disposal and construction of their facilities, reuse of treated water sewerage effluents according to the approved standards and specifications, construction of sewerage networks and desalination plants according to the relevant laws

Chapter (2)
Conservation of Water Resources
from Depletion and Rationalization of Utilization

Article (48):

The State, represented by the Ministry and other relevant agencies, shall undertake the following:

1-Assist in providing the necessary support and facilities to farmers and encourage them to use modern irrigation techniques and technologies that aim at saving water supplies, rationalizing and increasing agricultural yeild .

2-a) Erect water dams, dikes, cistern and structures that are necessary for rain water harvesting in order to maximize the benefit from rainfall and floods in replenishing underground water and maintain their proper condition through regular maintenance and operation in coordination with the concerned local council and beneficiaries.

2-B Technical supervision over the establishment of water structures for any natural or corporate body for the purposes of underground water replenishment in a way that does not contradict the provisions of this Law, its executive bylaw and the General plan of the Ministry.

3-Provide the necessary assistance and support for conservation of water through soil and vegetative cover; control desertification and other factors that are detrimental to the environment.

4- Support and encourage public efforts in participating in management and conservation of water resources.

Article (49):

Subject to the approved urban and towns plans which do not contradict with the provision of this LAW, and by a decree of the Council of Ministers, based on a proposal by the Authority and submission of the Minister, defining restricted areas, in which drilling or deepening of wells, construction of any facilities, expanding or development of industrial activities or expansion of the agricultural area or any other activities which will negatively affect the water resources are is prohibited. The decree shall identify the geographical boundaries of each area, the restriction period and its executive procedures for its implementation, after fair compensation, the decree shall entail cancellation of licenses of all works that had not been started at the time of the issuance of the decree for the restricted area. It may also include modification of quantities licensed for use or even cancellation of the licenses if this would prove detrimental to the water resources in the restricted area. However, restriction shall come to an end by the elimination of the reasons that led thereto.

Article (50):

After evaluation of potential existing and prospective alternatives and options and identification of the best of them through elaborate studies (technical, social and economic) for the current and future water resources needs, the Authority may, after the agreement of the Minister and approval of the Council of Ministers, license pumping specific quantities of underground or surface water from a certain basin or area and transporting it either permanently or temporarily for use in other basins or areas, once the following conditions become available:

1- That the transfer process does not prejudice the need for drinking and domestic use, provided that no future detriment be suffered to the quality and quantity of the water in the basin from which the water is transferred.

2- That the purpose for transfer of the water is for drinking and domestic use in the receiving basin.

3- That the water stock in the basin to which the water is transferred is inadequate to satisfy the needs due to scarcity of water or its being not suitable for human consumption, after stopping all other uses.

4- That consultation and coordination be made with the local authorities, basins committees and the actual beneficiaries in the basin from which water is transferred.

5- That if damages are sustained by the beneficiaries as a result of transfer of water, such damages should be fairly compensated for once only.

6- That, under all circumstances, and in the event of multiplicity of sources from which water can be transferred and closeness in economic cost of transfer from them or some of them compared with cost of transfer from a single source, then the required quantity should be transferred should be shared between more than one source to bring about a balance in distribution of impact on the sources.

Chapter (3)

Protection of Water from Contamination/Pollution

Article (54):

The Ministry shall have the authority to protect the water resources from contamination, preserve its standard quality, and prohibit activities that lead to its contamination or deterioration of its standards and combat cases of emergency contamination in cooperation with the relevant and competent authorities. The following should be adhered to:

1- Agencies exercising activities that may lead to contamination of water resources shall observe application of the standards and specifications pertaining to disposal of solid, liquid, radioactive or thermal waste and others including effluents related to petroleum extraction operations in accordance with this Law and its Executive bylaw.

2- No agency may dispose of any waste of any source whatsoever through discarding or piling solid, liquid or dead animals into channels in wadis or areas identified by the Authority as replenishment areas for underground water, or exercise any activities in such locations, which may directly or indirectly result in contamination or deterioration of the water resources quality.

3- The concerned agencies and individuals shall observe the water restriction in

water prohibition or protection zones near wells and other water resources identified under the bylaw.

4- (a) The Ministry, in coordination with the concerned agencies and after approval of the Council of Ministers, shall close down the factories and establishments that dispose of their waste without licenses or in contradiction with the conditions of the licenses or disobeying orders and instructions issued by the Authority or the competent concerned agencies to remove and stop the violations in accordance with the provisions of this Law, together with obliging them to pay compensations against damages caused by them,

4-(b) The Authority, after the approval of the Minister may identify areas protected from industries whose effluents constitute a danger to water resources. The bylaws to this Law identify protection conditions and standards that have to be observed by factories before permitting them to exercise their activities. Governmental agencies should not issue licenses for industrial investment without first coordinating with the Authority

5-The Ministry, in cooperation and coordination with the concerned agencies, shall prepare a bylaw that organize the disposal of industrial wastes, use of agricultural fertilizers, pesticides and all other materials that are detrimental to water resources and the environment. It shall also select locations for solid waste dumpsites and landfills and areas for disposal of effluents and classify the damages that could be caused by activities causing pollution and their impact on the water resources in the Republic.

Part (7) **Protection from Floods**

Article (61):

The Ministry of Agriculture and Irrigation in coordination with local authority and the other relevant agencies shall have to set up controls for management of rain areas leading to floods and storms, places of their collection, flow and disposal. They have also to establish a plan for the watershed and flood drainage in a manner that would provide protection against them and avoiding their damages in cooperation with water users, which shall include the following:

1- Protection of soil and vegetative cover and ideal exploitation of water and other land resources to secure natural environmental stability and mitigate the effect of erosion and other damaging human and natural detrimental factors.

2- Maintenance of valleys watercourses and protecting them from erosion; erection of facilities necessary for the protection of soil, public and private property and population conglomerations including the eradication of **Saysaban** trees..

3- Protection and maintenance of agricultural terraces to minimize the power of floods flow and enhancing rainfall water harvesting methods.

4- Prohibition of enlargement of agricultural lands, civil or industrial installations or others on the expense of water and flood courses and public-channels, if these would in any way hamper flow of flood water into the channels constructed for

this purpose; also refraining from erection of barriers, buildings and other structures in areas that could be possibly flooded, or construction of any buildings between water courses and any structures erected for protection from floods. An exception to this condition is the structures erected for the protection of adjacent buildings and properties in cases of emergency.

5- Without prejudice to what is provided for in paragraph (4) of article (25) of this Law, the Ministry of Agriculture and Irrigation may demolish barriers, licensed buildings and any other structures, if these would hamper flow of water or otherwise assist in increasing the damages of floods, after payment of fair compensation to their owners.

Part (8)
Control Procedures and Penalties
Chapter (1)
Control Procedures

Article (64):

1-The inspectors referred to in the following Article shall control violations identified in accordance with the provisions of this Law. They shall prepare seizure minutes in which shall be indicated the kind, place, date of the violation and those involved and any other information relevant to the incident in question.

2-Inspectors shall issue a stopping order of works pertinent to contravention as soon as the control minutes has been redacted as per the provisions of the precedent paragraph as well as detention of the work machinery and the referral of the case subject of contravention with the work machinery detained to the public prosecution in order to take their legal procedures in respect thereof.

Chapter (2)
Penalties

Article (69):

A penalty of imprisonment for a period not exceeding 2 years shall be imposed on:

1- Whosoever disposes of any wastes that lead to contamination of water resources or deterioration of its quality without having a prior license. The penalty shall double in the event of repetition of the violation.

2- Whosoever fails to surrender to decisions or orders issued by the Authority to stop work at the site of violation that leads to contamination/pollution.

3- Whosoever disposes of industrial, medical or animal wastes or materials that contain poisonous, viral or radioactive compounds or liquid materials, such as oils, solid, gaseous or any other materials with specifications inconsistent with standards permitted by the public sewerage network.

4- Whosoever distributes water for drinking, tourism or other purposes via distribution networks or tankers or any other means in violation of the standards and specifications and means of its conveyance identified therefore.

5- Any beneficiary or contractor who changes a drilling site or any other water facility to another site without obtaining a license beforehand.

6- Whosoever drills a water well or constructs a water facility to trap flood water or diverts it from its natural courses, for himself or for others, with or without price, without having a work license from the Authority.

7- Whosoever discards or piles solid or liquid waste, including oils and dead animals, or exercises a detrimental activity in water courses in wadis/valleys or underground water replenishment areas that may lead to contamination of water resources or deterioration of its quality.

Article (70):

A penalty of imprisonment for a period not exceeding six months, or financial fine of not more than YR200, 000 with stoppage of work at the site of the violation and rectification of damages .The penalty will be doubled upon repetition or continuation of the violation shall be imposed on:

1- Any contractor who drills water well or erects a water facility to trap floodwater or diverts it from its natural courses without having a license to exercise that activity.

2- Any contractor who drills water well or erects a water facility in violation of the technical specifications indicated in the license at the time of executing the work, or in the event of non-observance of the technical specifications that pertain to water wells and facilities or uses drilling rigs not registered with the Authority.

3- Whosoever discards wastes in wadis and other water courses and leads to hampering the smooth flow of water in the courses.

4- Whosoever expands or creates agricultural lands, civil or industrial installations on the expense of water and flood courses and public channels or hampers the smooth flow of floodwater into the channels specified for this purpose.

5-Whosoever carries out a study on, or explores water resources without having a license to practice such a profession or in violation of the license granted to him by the Authority.

6- Any employee of the Authority or the other relevant agencies exploiting his position during performance of the tasks entrusted to him.

Article (71):

A penalty of imprisonment for a period not exceeding one month or a fine not exceeding YR300.000 shall be imposed and doubled if violation is repeated or continued on:

1- Whosoever uses water for purposes other than those for which they are identified.

2- Whosoever commences drawing water from drilled wells or water facilities without applying for registration.

3- Whosoever commences distribution of water for drinking purposes and household consumption without carrying out regular analysis of samples of the water and providing the Authority and the relevant agencies with the results of such analysis.

4-Whosoever presents incorrect data to the Authority or other relevant agencies concerned with application of this Law, if such an act entails violations of this Law.

5- Whosoever delays in registering the usufruct with the Authority within the period specified in this Law.

6- Whosoever delays in registering the exploited water wells within the period specified in this Law.

7- Whosoever delays presentation of completion certificates of licensed works within the period indicated in the license, in which case if such delay exceeds one year the Authority has the right cancel the license.

8- Any contractor who imports any water wells drilling equipment, spare parts or well casing inputs in violation of the conditions identified by the Authority.

9- Any contractor who drills a well or erects a water facility despite expiration of the license granted for exercising the profession within three months and is remaining not renewed during this period.

10- Any contractor who drills a water well and backfills or closes it without indicating the same to the Authority in the Work Completion Certificate, or inserting in such certificate or the Technical Data Form incorrect information.

11- Whosoever assigns to others the Drilling License or Usufruct without approval of the Authority.

Part (9) **General and Final Provisions**

Article (72):

In the event of the Authority being unable to execute all its competences and tasks by itself, it may delegate some of these competences and tasks after the approval of the Minister, as indicated under this Law, to any Committee, Office or Unit forming or not forming a part of it in accordance with this Law and the Local Authority Law.

Article (74):

The Ministry shall consult and coordinate the tasks that relate to the Ministry of Agriculture and the local administration in this Law.

Article (76):

Based on a proposal by the Authority, following approval by the minister and in coordination with the relevant agencies and in accordance with the legal procedures, fees may be levied for the support and protection of water resources from depletion and contamination, in a manner that would realize the purposes of this Law as follows:

1- Fees for registration of water rights.

2- Fees from using water for commercial purposes.

3-Fees for protection of water resources from contamination/pollution resulting out of sewerage, commercial and industrial waste.

The executive bylaw for this Law shall determine the rules and procedures and control measures regulating collection and disbursement of such fees.

Article (78):

The Executive bylaw of this Law shall be issued by means of a resolution issued by the Cabinet following approval of the Council of Ministers based on a proposal submitted by the Minister in coordination with the related agencies.

Article (2)

Two articles are hereby added to law no. 33 for the year 2002 concerning water following the articles 74 and 75 providing as follows:-

Article (74 repeated):

The Ministry is entitled in emergency cases where danger might befall humans or private properties to remove works at the site of violations and to return the status to its previous state prior to the violation in a way that it sees befitting on the account of the violator without having to wait for the result of adjudication by the judiciaries each as per jurisdiction, in coordination with related agencies. The bylaw shall mention such emergency cases.

Article (75 repeated):

It is allowed for water protection associations and mandated bodies by the Ministry as well as any natural or corporate body to file a civil suit against any natural or corporate body who might in any way has contravened the provisions of this Law by damaging water and their plants/ facilities including causing serious depletion of water or its pollution.

Article (3) This Law shall be effective as of date of its issue and is to be published in the official Gazette.

**Issued at the Presidency of the Republic - Sana'a
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Ali Abdullah Saleh

President of the Republic