



## International E-mail Conference on Irrigation Management Transfer

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### WUA Legislation Country Profiles: BOLIVIA

**Constitutional framework** Water management is a responsibility of the national Government.

#### 1. Name of organization

The Regulation for the use and exploitation of water for irrigation (see References below) uses interchangeably the terms Irrigation Organizations (*Organizaciones de regantes*) – IOs, and Users' Association (*Asociacion de usuarios*), UA. The former acronym is used in this document.

#### 2. Purpose

Irrigation

#### 3. Legal status and capacity

IOs are legal entities.

#### 4. Establishment

Mandatory in case of construction of new irrigation systems or substantial changes in existing water infrastructure.

No specific provision on procedure for establishment.

The Government recognises, as *de facto* organizations, IOs created on the basis of customary norms. A special register of such organizations is kept by the Government.

#### 5. Membership

Automatic

##### 5.1 Eligibility criteria

Users of the same irrigation system

##### 5.2 Rights and Duties of members

Each user has the duty to carry out all necessary works for the proper operation of the system.

#### 6. Internal structure

IOs can pass their own statutes and regulations defining their internal structure as well as the rights and duties of members. The law requires that an Administrative Tribunal (*Tribunal administrativo*) be established by each IO for solving disputes among members.

## **7. Functions, Powers and Rights**

### **7.1 Functions**

Delivery of irrigation water, operation and maintenance of canals. IOs are required to perform necessary maintenance on all waterworks, waterways, canals and the infrastructure necessary for the distribution of water for irrigation.

Dispute settlement: disputes among members shall be resolved by the Administrative Tribunal of each IO, or by such other body as defined by the customary rules in effect.

### **7.2 Powers**

Levy and collection of assessments. After completion of works, the Government, in consultation with the users, regulates the management of the infrastructure, including setting the level of charges. Water charges are set with a view to covering the operation and maintenance costs of the infrastructure. There is no specific provision on the role of IOs nor on the collection of charges.

Imposition of fines. Fines for violations of the statutes that regulate the management of infrastructure are set in the statutes themselves. There is no specific provision on the role of IOs in the imposition of fines.

### **7.3 Rights**

Water rights IOs are given priority in the granting of government permits for the use of irrigation water. Licences are granted for 40 years and are renewable. A government authorization is required to change the use of water. Licences can be granted for a constant flow, a periodic flow or an occasional flow. Water rights cannot be transferred.

Rights in the infrastructure. As the irrigation infrastructure belongs to whoever constructs it, IOs can, by implication, own infrastructure.

Rights of way No specific provision

## **8. Financing**

No specific provision

## **9. Government role**

The distribution of irrigation water is the exclusive responsibility of users. However, the Government registers IOs, prior approval of the Government is required for the implementation of irrigation projects and the Government supervises the execution of works.

## **10. Dissolution**

No specific provision

## **11. Federation of Associations**

No specific provision

## **References**

### Legislation

Regulation for the use and exploitation of water for irrigation (*Normas Reglamentarias de Uso y Aprovechamiento de Agua para Riego*) 25 March 1998. Documentation is available in the FAOLEX database at URL <http://faolex.fao.org/faolex>