



## International E-mail Conference on Irrigation Management Transfer June – October 2001

### WUA Legislation Country Profiles: COLOMBIA

**Constitutional framework** Land development, and the associated management of water resources, is a responsibility of the national Government.

#### 1. Name of organization

Users' Association (*Asociación de usuarios*) - UA

#### 2. Purpose

Management of Land Development Districts (*Distritos de adecuación de tierras – DAT*), created with a view to providing designated areas with irrigation, drainage and flood control infrastructure.

#### 3. Legal status and capacity

UAs are non-profit organizations with the status of a legal entity.

#### 4. Establishment

Automatic.

UAs must register with the Ministry of Agriculture. No additional provision on procedure for establishment.

#### 5. Membership

Automatic if eligibility criteria are met.

##### 5.1 Eligibility criteria

All landowners, tenants and holders of any entitlement to the use of land in the same DAT automatically become members of the respective UA.

##### 5.2 Rights and Duties of members

No specific provision.

#### 6. Internal structure

General Assembly of users of land in the DAT (*Asamblea de usuarios*)

Board of Directors (*Junta Directiva*) generally composed of 7 members. Directors are elected for a renewable term of 2 years. The Board of Directors recruits and selects a general manager.

Technical Committee (*Comité Técnico*) composed of three members. As far as is feasible, at least one of the members of the Committee should have a higher education degree. The Technical Committee, on behalf of the UA, submits comments and participates in decisions concerning land development projects.

The General Assembly of users must also elect an auditor to monitor the financial management of the UA.

Statutes. UAs can adopt their internal statutes. The only reference in the law to the content of the statute is that they must provide for the establishment of the Technical Committee and guarantee fair participation of members.

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

### **7.1 Functions**

Delivery of irrigation water, operation and maintenance of canals. The UA of each DAT is responsible for the administration, operation and maintenance of the DAT, after completion of all or part of the infrastructure.

Dispute settlement. No specific provision

Others. UAs promote the implementation of land development projects. They participate in the development of land improvement projects by submitting recommendations and being involved in the selection of the projects.

UAs are required to prepare and submit for approval the annual budget for the administration, operation and maintenance of the DAT.

Once legally established, UAs can enter into binding contractual arrangements (*acta de compromiso*) with governmental bodies responsible for the construction of water projects. The agreement will contain provisions for repayment (total or partial) of investments made in the DAT and spells out the tasks of the UA.

UAs shall maintain and update a register of water rights in their area of operation.

### **7.2 Powers**

Levying and collection of assessments. Subject to the approval of the Government, UAs can assess and levy charges on their members for the services provided. Charges are composed of two parts, a fixed tariff per hectare of land being irrigated, drained or protected from floods, and a volumetric tariff for water used.

Imposition of fines. UAs can impose fines and sanctions on users and may rely on the national police for their recovery

Others. UAs can be delegated powers by the Government concerning the administration, operation, development and rehabilitation of DATs.

### **7.3 Rights**

Water rights. The authority responsible for the administration of each DAT has the obligation to obtain concessions and permits for the use of water in its service area (Art.2 of Law 41). Therefore, when the UA becomes the administrative authority of the DAT, they apply for concessions and permits. Water rights can be transferred with government consent.

Rights in the infrastructure. Once public investments have been recovered, irrigation system infrastructure and other assets in the DAT become the property of the UA.

Rights of way. UAs have rights of way in respect of irrigation canals and facilities.

## **8. Financing**

Sources of revenue. Revenue from the collection of charges levied on members for the services provided. Also government subsidies, based on the annual budget submitted by each UA.

## **9. Government role**

The Government, through the National Institute for Land Development (*Instituto Nacional de Adecuación de Tierras, INAT*), approves the annual budget of each UA.

The Government is also responsible for prior approval of charges to be levied on UAs' members.

The Government can decide that management of the DAT be resumed by governmental agencies – the conditions that can justify such decision are not spelled out in the Law.

## **10. Dissolution**

No specific provision

## **11. Federation of Associations**

Name: Federation of Water User's Associations of Irrigation Districts (*Federación Nacional de Usuarios de Distritos de Adecuación de tierras, FEDERRIEGO*).

Legal status: FEDERRIEGO has legal personality.

Purpose: Among others, its objectives are: coordination of the activities of UAs and fostering exchange of technical and managerial experiences with a view to promoting the development and more efficient use of DATs.

Membership: Voluntary

Internal structure: General Assembly of Delegates composed of two representatives and two alternates from each affiliated DAT. Executive Board, governing body of FEDERRIEGO, composed of 7 elected members with a two-year mandate. The Board is headed by a chairman and a vice-chairman elected by the Board for one year. The Executive Director is FEDERRIEGO's legal representative and manager and is appointed by the Board for an indefinite period.

Functions and Powers: FEDERRIEGO is officially recognised as the voice of UAs for the entire country. A representative of FEDERRIEGO has the right to speak and vote in CONSUAT (Higher Council of Land Development – *Consejo Superior de Adecuación de Tierras*), the highest policy advisory body on land development issues; a representative also serves on the Board of Trustees of INAT and the Ministry of the Environment.

## **References**

### Legislation

Decree 182 – regulating the use of water and the operation, conservation and maintenance of irrigation and drainage districts (*Decreto N° 182 - Reglamenta el uso de aguas, operación, conservación y mantenimiento de los distritos de riego y avenamiento*), 12 February 1968.

Decree 2811 – National Code for Renewable Natural Resources and Protection of the Environment (*Decreto N° 2.811 - Código Nacional de Recursos Naturales Renovables y de Protección del Medio Ambiente*), 18 December 1974.

Decree 1541 implementing Decree 2811 of 1974 and, in part, Law 23 of 1973 (*Decreto N° 1.541- Reglamenta el Decreto N° 2.811 de 1974, y parcialmente la Ley N° 23 de 1973*), 26 July 1978.

Law 41 that organizes the land development sector and defines its functions (*Ley N°41 por la cual se organiza el subsector de adecuación de tierras y se establecen sus funciones*), 25 January 1993.

Decree 1881 implementing Law 41 that organizes the land development sector and defines its functions (*Decreto N° 1.881 - Reglamenta parcialmente la Ley N° 41, que organiza el subsector de adecuación de tierras y se establecen sus funciones*), 3 August 1994.

All documents are available in the FAOLEX database at URL <http://faolex.fao.org/faolex>

### Literature

Garcés-Restrepo C. **Irrigation Management Devolution in Colombia: a Case Study**, Consultant Report to the Food and Agricultural Organization of the United Nations – support for manuscript on “The Devolution of Irrigation Management: A Synthesis of Global Experience”, FAO, Rome, 2000

Groenfeldt, D. and Svendsen M., **Case Studies in Participatory Irrigation Management**, World Bank Institute Learning Resources Series, The World Bank: Washington D.C., 2000