



International E-mail Conference on Irrigation Management Transfer

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Note to the reader: the analysis below concerns Irrigation Associations outside of Irrigation and Drainage Districts. Decree 10 of 22 January 1999, carrying the reform of the General Law on Irrigation and Drainage, refers also to Irrigation Associations of water users inside Irrigation and Drainage Districts. However, the Decree does not provide details. The Irrigation and Drainage Law of 17 November 1970, establishes Irrigation and Drainage Districts as administrative units of the Ministry of Agriculture and Livestock. According to this law, water users inside Irrigation and Drainage Districts elect their representatives to the Governing Committee of the District (*Comité Directivo*) in a General Assembly (*Asamblea General*) called by the General Director of the District (*Jefe del Distrito*).

Constitutional framework Regulation of water resources is a responsibility of the national Government.

1. Name of organization

Irrigation Association (*Asociación de Regantes*), IA.

2. Purpose

Irrigation and drainage.

3. Legal status and capacity

IAs have the status of a legal entity.

4. Establishment

Voluntary with at least ten water users. The law spells out the procedure for establishment: IAs are established by public deed. This must specify: name and area of jurisdiction of the IA, purposes, name and location of the water resource it exploits, general description of the existing infrastructure and of the project the IA will be responsible for, general register of members (*registro general de usuarios asociados*) and their water rights, eligibility criteria and reasons for loss or suspension of membership, properties of the IA and duration and procedures for dissolution. The founding deed must also establish the first Governing Board (*Junta Directiva*). The designated Governing Board shall file an application to the Ministry of Agriculture and Livestock containing the public deed, the proceedings of the first session of the General Assembly and two copies of the statute approved by the General Assembly. The Ministry has sixty days to verify that all documents are in compliance with the applicable legislation and to decide on the attribution of the legal personality. The decision of the Ministry shall be published in the official gazette.

5. Membership

Voluntary

5.1 Eligibility criteria

Water users who hold a water right and are not inside an Irrigation and Drainage District (*Distrito de Riego y Avenamiento*)

5.2 Rights and Duties of members

To be specified in the statute of IAs.

6. Internal structure

General Assembly of members (*Asamblea General de los asociados*). Each member has one vote. The internal functioning of the Assembly is set by the IA statute. The Assembly shall meet at least once a year and can be summoned upon request of the IA's Governing Board or at least one fourth of its members.

Governing Board (*Junta Directiva*), responsible for the management and administration of the IA. The General Assembly elects the Board by absolute majority vote. It is composed of a Chairman (*Presidente*), a Secretary (*Secretario*) and a Treasurer (*Tesorero*) plus all members deemed necessary, as indicated in the respective statute. Each year the Board must submit a budget to the General Assembly for approval.

Statute. The law gives general indications of the contents of statutes. They must indicate the name and purpose of the IA, eligibility criteria for membership, rights and duties of members, number of members of the Governing Board and provisions for the conduct of financial affairs and dissolution of the IA.

7. Functions, Powers and Rights

7.1 Functions

Delivery of irrigation water and operation and maintenance of canals. IAs are responsible for operation and maintenance on the irrigation system.

Dispute settlement. No specific provision

Others. IAs can carry out construction of the irrigation infrastructure.

7.2 Powers

Levying and collection of assessments. The Government determines and collects water tariffs; no specific provision on the role of IAs.

Imposition of fines. No specific provision.

7.3 Rights

Water rights. By implication, IAs can hold water rights

Rights in the infrastructure. No specific provision

Rights of way. By implication, IAs can have rights of way for the construction and maintenance of irrigation and drainage infrastructure.

8. Financing

No specific provision

9. Government role

The Government (Ministry of Agriculture and Livestock) may grant the status of legal entities to IAs. It also has to approve changes to the statutes of each IA, as decided by its General Assembly.

On request of the Governing Board, or with the approval of the General Assembly, the Government can participate in solving problems the IA encounters in administration.

10. Dissolution

The statute of each IA shall contain provisions on the procedure to follow in case of voluntary dissolution of the IA.

11. Federation of Associations

Name: Federation of Irrigation Associations (*Federación de Asociaciones de Regantes*)

Establishment: voluntary. Established by public deed with no less than three IAs. Each IA can only be member of one Federation.

Federations of Irrigation Associations can also form Confederations (*Confederaciones*).

Internal structure: each Federation adopts its own internal statute to regulate its organization and functioning. A General Assembly composed of two delegates from all member IAs; a Governing Board (*Junta Directiva*) elected by the General Assembly

References

Legislation

Decree 10 - Reform of the General Law on Irrigation and Drainage (*Decreto N° 10 - Reforma el Reglamento general de la Ley de riego y avenamiento*) 22 January 1999;

Decree 17- General regulation on Irrigation and Drainage Law (*Decreto N° 17 - Reglamento General de la Ley de Riego y Avenamiento*) 28 February 1973;

Decree 153 - Irrigation and Drainage Law (*Decreto N° 153 - Ley de riego y avenamiento*) 17 November 1970. All documents are available in the FAOLEX database at URL <http://faolex.fao.org/faolex>