



International E-mail Conference on Irrigation Management Transfer

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WUA Legislation Country Profiles: MEXICO

Constitutional framework Mexico is a federal State and the management of national water resources is a responsibility of the Federal Government.

1. Name of organization

The Law on National Waters (see References below) uses the term “users’ association” (*asociación de usuarios*). The Regulations made under the Law (see References below) use interchangeably the terms “water users’ organizations,” “water users’ societies” and “users’ associations.” The term “Water Users’ Associations,” (WUA) is used in this document.

2. Purpose

Management of irrigation and drainage infrastructure, management of Irrigation Units (*Unidades de Riego*) and of Irrigation Districts (*Distritos de Riego*). Also non-agricultural purposes.

3. Legal status and capacity

WUAs are generally constituted as civil non-profit associations that operate profit-making ventures.

4. Establishment

Voluntary. The law does not include provisions on the procedure for establishment.

5. Membership

Voluntary

5.1 Eligibility criteria

Agricultural producers that are interested in organizing a common irrigation system. In case of Irrigation Districts, water users in the District.

5.2 Rights and duties of members

To be specified in the statute of each WUA.

The law requires WUA members to provide all the information necessary to update the register of water rights kept by the WUAs.

6. Internal structure

The law specifies that, in order to be granted water rights, WUAs must adopt an internal statute that indicates, among others: conditions for water distribution and management, internal organization of the WUA, rights and duties of members, provisions on financial management (income and expenditures), provisions for the transfer of water rights among members and provisions on dissolution of the WUA.

The General Assembly of water users must adopt the statute and changes to it. The statute is then subject to government approval.

As a rule, the internal organization comprises a General Assembly, a Governing Council and an Oversight Commission. There are no specific provisions about the composition and terms of office for these bodies.

7. Functions, Powers and Rights

7.1 Functions

Delivery of irrigation water and operation and maintenance of canals.

Dispute settlement. No specific provision.

Others. WUAs can construct their own infrastructure or participate in government-financed construction projects.

WUAs shall keep and update a register of members and their respective water rights.

7.2 Powers

Levying and collection of assessments. Subject to Government approval, WUAs set the charges for the services provided to their members. WUAs also collect the charges.

Imposition of fines. WUAs can sanction and fine their members. Procedures for imposing sanctions and the amounts of fines have to be specified in the internal statute of each WUA.

Others. WUAs can suspend the water supply to members who do not pay their charges or who violate the guidelines for the use of water and irrigation services.

7.3 Rights

Water rights. WUAs can be granted water rights. Water rights can be transferred among members of the same WUA and between WUAs. If a WUA is established for the provision of irrigation services to several users, a water right concession is granted to the WUA, which will administer it.

Rights in the infrastructure. Irrigation infrastructure can be transferred to WUAs. The law does not spell out under what kind of title WUAs can hold infrastructure.

Rights of way. No specific provision.

8. Financing

Sources of income. Revenue from the collection of service charges and membership dues.

9. Government role

The Government is responsible for supervising the operation, maintenance and management of the infrastructure which has been transferred to WUAs. It also provides technical assistance to WUAs in carrying out their activities.

10. Dissolution

To be specified in the internal statute of each WUA.

11. Federation of Associations

WUAs that manage Irrigation Units or Districts can associate for the purpose of improving the quality of the services they provide. There are no further provisions on the federations of associations.

At the national level, a National Federation of Users of Irrigation Water (*Asociación Nacional de Usuarios de Riego*) was established in 1994, representing the interests of WUAs in negotiations with the Government.

References

Legislation

Law on National Waters (*Ley de Aguas Nacionales*), 27 November 1992;

Implementing regulation of the Law on National Waters (*Reglamento de la Ley de Aguas Nacionales*), 11 January 1994. Documents are available in the FAOLEX database at URL <http://faolex.fao.org/faolex>

Literature

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