



## International E-mail Conference on Irrigation Management Transfer

June – October 2001

### WUA Legislation Country Profiles: PERU

**Constitutional framework:** Management of water resources is a responsibility of the national Government

#### 1. Name of organization

The Regulation on the administrative organization of water resources management of 6 October 2000 (see References below) uses as a generic term Users' Organizations (*Organizaciones de Usuarios*) - UOs. Specific terms are Irrigation Commission (*Comisiones de Regantes*) and Users' Boards (*Junta de Usuarios*). Since these two organizations have distinct characteristics, both are analysed in this document. However, Users' Organizations is used in this document to refer to both organizations.

#### 2. Purpose

Irrigation, drainage and other agricultural purposes.

Users' Boards are responsible for the management of water resources in the same river basin.

#### 3. Legal status and capacity

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

#### 4. Establishment

Mandatory: in each section or sub-section of each Irrigation District (*Distrito de Riego*), water users are required to organize Irrigation Commissions and one Users' Board.

UOs must register with the "Local Water Authority" (i.e., the Technical Manager of the District, *Administrador Técnico del Distrito de Riego*) in order to acquire the status of a legal entity. Registration cannot be delayed for more than five days from receiving the required documents, which include the internal statute and the names of the members of the first governing bodies. In case of inaction, the National Institute for Natural Resources (*Instituto Nacional de Recursos Naturales*) shall complete the registration process. There is no other provision on the procedure for establishment.

#### 5. Membership

For Irrigation Commissions: all users of water for agricultural purposes in each section or sub-section of each Irrigation District.

For Users' Boards: one or two representatives elected by the Governing Board of each Irrigation Commission in the Irrigation District or sub-district, two delegates elected by each Irrigation Commission (delegates are elected together with members of the Governing Board of each Irrigation Commission), a delegate from the bodies that provide sanitation services (*Entidades Prestadoras de Servicios de Saneamiento*), one elected representative of the users of water for energy purposes, one from the mining sector and others where applicable.

## **5.1 Eligibility criteria**

Irrigation Commissions: users of water for agricultural purposes.

Users' Boards: see 5.

## **5.2 Rights and duties of members**

The law spells out the rights and duties of water users as members of UOs in their respective Irrigation District. Users are required to regularly pay their charges and assessments, as approved by the Local Water Authority; to construct, operate and maintain the infrastructure on their lands; to use water efficiently; to participate in the meetings and to support the activities of the organizations of which they are members.

Among the rights of water users, as members of UOs, the law lists the right to speak and vote in the General Assembly, the right to elect and be elected (in compliance with the restrictions set by the law) and the right to access all documents of the UOs.

Voting rights are subject to regular payment of water charges and are assigned in proportion to the size of landholdings: there shall be one vote per hectare for holdings up to twenty hectares and fractions of a vote for larger holdings. Voting rights are registered in the Electoral Register (*Padrón Electoral*) which is kept and updated by the Electoral Committee. It is based on information contained in the Register of Users which is kept and updated by the Local Water Authority.

Members that do not participate in the General Assembly of the Irrigation Commission are sanctioned by the Local Water Authority with a fine.

## **6. Internal structure**

### Irrigation Commissions

General Assembly of Irrigators (*Asamblea General de Regantes*): This is composed of all eligible water users in the Irrigation District, it is the main body of the Commission. Its decisions are binding on all members. It meets at least three times a year in regular session. Sessions of the General Assembly are called by the Governing Board and should be summoned at least ten days ahead. The statute of each Irrigation Commission shall set the size of the quorum for the Assembly. The Assembly is responsible for approving the financial and administrative records of the Commission as prepared by the Governing Board; for adopting and modifying the statute of the Irrigation Commission; for deciding on the removal of members of the Governing Board and for nominating the Electoral Committee (*Comité Electoral*) that manages the election of members of the Governing Board and of delegates to the Users' Board. Non-participation of delegates and representatives of Irrigation Commissions to the sessions of the organ in which they serve is sanctioned with a fine.

Governing Board (*Junta Directiva*): This is the executive organ of the Commission. It is composed of seven members elected by all members of the General Assembly every three years and for such term of office as set in the statute of each Irrigation Commission. It meets at least once a month and takes decisions by a simple majority vote. The Governing Board elects one or two representatives to the Users' Board. Non-attendance of members of the Board to the relevant meetings is sanctioned with a fine.

A President (*Presidente*) and a Vice President (*Vicepresidente*) preside over both the General Assembly and the Governing Board.

The law provides in detail for the election and the qualifications of candidates to the Governing Board.

Statutes The General Assembly is responsible for approving and modifying the statute of the Irrigation Commission.

### Users' Boards

General Assembly (*Asemblea General*) composed of all members. It meets at least three times a year. Its decisions are binding on all members.

Governing Board (*Junta Directiva*) composed of nine members (a president, a vice-president, a secretary, a treasurer, a deputy treasurer, and up to four members) selected by the Governing Boards of the member Irrigation Commissions (one from each if there are more than seven members in the Irrigation Commission, two from each if there are less). The functions and powers of members of the Governing Board are defined in the statute of each Users' Board.

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

### **7.1 Functions**

#### Irrigation Commissions

Delivery of irrigation water within their respective section or sub-section of the Irrigation District.

Dispute settlement. No specific provision

Others. Formulation and implementation of irrigation plans, in coordination with the Users' Board; contributing to projects for the conservation and maintenance of irrigation, drainage and flood control works; contributing to the payment of debts incurred by the Users' Board; supporting the Users' Board in the collection of charges for the use of water for agriculture; seeking funding for the implementation of conservation and development projects; attracting loans and participating in projects for the conservation and development of the forests near the water canals.

#### Users' Boards

Main functions of the Users' Board in each Irrigation District include: 1) representing the member organizations before the Local Water Authority or the Government; 2) ensuring that the member organizations comply with their obligations and pay their charges and assessments; 3) preparing, implementing and monitoring plans, as adopted by the General Assembly for the operation and maintenance of the irrigation, drainage and flood control infrastructure; 4) acquisition, operation and maintenance of the equipment necessary to implement these plans; and 5) auditing the financial accounts of the member Irrigation Commissions.

### **7.2 Powers**

Levying and collection of assessments Users' Boards are responsible for collecting water charges and for managing the fraction of the proceeds from the collection of charges which is earmarked as "Income of Users' Boards". Irrigation Commissions support the respective Users' Board in the collection of water charges.

Imposition of fines No specific provision.

### **7.3 Rights**

Water rights No specific provision.

Rights in the infrastructure No specific provision.

Rights of way No specific provision.

## **8. Financing**

Sources of income of UOs are: the fraction of the proceeds from the collection of water charges earmarked as "Income of Users' Board" (*Ingresos Junta de Usuarios*), loans, donations, legacies or interest from capital they may own, assessments approved by the General Assembly and revenue from the fines that are imposed on users that do not participate in the elections or in the sessions of the General Assembly. Finally, assessments

that users are obliged to pay to the Irrigation Commission for works that are necessary and are not included in the annual budget of the Commission.

### **9. Government role**

The Government, in the person of the Technical Manager of each Irrigation District, registers Irrigation Commissions and Users' Boards. It also registers the Governing Boards of the various UOs upon receiving the relevant electoral results.

The Government regulates and fixes the dates for elections of the Governing Board of Irrigation Commissions and of delegates to the General Assembly of the Users' Board.

In case there is no Governing Board, the Government is responsible for summoning the General Assembly of Users of the Irrigation Commissions. If the Governing Board of an Irrigation Commission fails to summon the Assembly, the Local Water Authority has the power to convene it.

The Government also registers the Electoral Committees.

The Government supervises management of the financial resources of UOs.

Elections of delegates and representatives are held under the supervision of the Government.

### **10. Dissolution**

No specific provision

### **11. Federation of Associations**

Name National Board of Users of Irrigation Districts (*Junta Nacional de Usuarios de los Distritos de Riego del Peru*). The Law does not provide details on the formation, structure and functioning of this federation of associations.

### **References**

Legislation Decree 057/00/AG – Regulation on the administrative organization of water resources management (*Decreto Supremo N° 057/00/AG - Reglamento de organización administrativa del agua*) 6 October 2000.

Decree 17752 - General Water Law (*Decreto Ley N° 17.752 - Ley General de Aguas*) 24 July 1969.

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