

## Water Legislation/31/Implementing Instructions

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### Implementing Instructions of the Syrian Water Legislation issued under Law No. 31 of 16/11/2005

#### Chapter I

#### Definitions<sup>1</sup>

##### Article 1:

- Higher Commission on Water: a higher national commission that develops the State's water policy on short-, intermediate- and long-term basis and adopts the water strategy to achieve that policy.
- Chairman of the Higher Commission on Water: the Prime Minister or his designee.
- Committee on Basin Management: a committee that implements the water policy determined by the Higher Commission on Water regarding water within the concerned basin in order to preserve water resources from being depleted and polluted and to achieve the principle of sustainability.

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<sup>1</sup> Translator's Note: A comprehensive listing of terms is contained in Chapter I ('Definitions'), Article 1, of the Syrian Water Law No. 31 of 16 November 2005. For the following stand alone terms which are frequently mentioned in the present Implementing Instructions, they shall mean as shown against each:

- "this Law" or "the Law": The Syrian Water Law No. 31 of 16 November 2005.
- "the Ministry": The Ministry of Irrigation.
- "the Minister": The Minister of Irrigation.

In implementation thereof and of the provisions of Article 54 of this [the] Law, His Excellency the Prime Minister issued Decision No. ... of ... [sic.] containing the Implementing Instructions [of that Law] that the Higher Commission on Water and the Committee on Basin Management shall comply with.

- Ministry's public authority: the public institutions and public irrigation directorates for water basins.

In implementation thereof and consistent with Legislative Decree No. 90 of 2005, the Ministry's public authority now comprises the public institutions and the Public Authority for Water Resources represented by Directorates of Water Resources at the Governorates.

- Institution: the authority concerned with utilizing drinking water and sewage; it being the Public Institution for Drinking Water and Sewage as well as the companies and units attached to it in the governorates.

In implementation thereof, the Institution is the competent authority as set forth in this [the] Law, which is attached to the Ministry of Housing and Reconstruction.

- Mandatory periodic inspection: periodic control conducted at specified intervals in order to evaluate the work performance of the water systems for all usages. Such systems shall be specified in the Implementing Instructions of this [the] law. Inspections shall be carried out by a qualified technical entity from within, or external to, the competent authority.

In implementation thereof, the mandatory periodic inspection shall aim at evaluating the performance and efficiency of all types of irrigation and drainage systems as well as drinking water networks (e.g. dams; water sources; stations such as pumping station – filtering station – desalination station – treatment station); channels and pipes used for carrying and distributing [water]; mechanical and electrical equipment for measurement and control; operational system and programming; etc; including all their equivalent installations, and [finally] evaluating the performance and efficiency of water project management systems (operation, maintenance and utilization systems). Bases of mandatory periodic inspection:

Each concerned ministry shall set the bases of mandatory periodic inspection for evaluating the performance and efficiency of waters within their respective jurisdictions, taking into consideration the following:

1. That the entity entrusted with evaluating the performance of water systems, whether it is from within, or external to, the competent authority, shall have the scientific and practical experience and possess the equipment and experts needed.

2. That the entity thus entrusted shall indicate the reasons and locations of failure, if any, and to what extent each reason has caused a decline in the efficiency level of (e.g. design, implementation, maintenance, management, operation, technical cadre of staff, etc.).
3. That the report [containing the outcome of evaluation] shall include scientific and practical proposals to tackle the problems and difficulties [encountered].
4. That the performance evaluation shall be conducted in accordance with declared international or local criteria and bases that are adopted by the competent authorities and the Syrian Authority on Specifications and Measurements.

## **Chapter II**

### **Public Water**

#### **Article 2 (5):**

The direct buffer zone for water sources and main public water installations shall not be less than six meters.

The zone shall be the part of lands surrounding water sources and main public water installations as defined in article (1) of the Law; it shall be reserved to protect those sources and installations against pollution and to preserve them from depletion, as determined by the Ministry based on their importance, provided it shall not be less than six meters. Consequently, no entity or a person, whether a natural person, or a legal private person or a legal public person, shall be allowed to set up any installation or any kind of occupancy or to carry out any act encroaching on the direct buffer zone, excluding those installations, premises and types of occupancy that are set up or approved by the responsible entity and that are necessary for utilizing, maintaining and preserving [the relevant water] sources. It shall be left to the competent ministry to specify the direct buffer zone (including treatment stations, dams and the like) as per decision that shall be issued by the Minister.

#### **Article 3 (1):**

The Minister shall form a Committee consisting of the concerned authorities to specify the scope of the buffer zones for water sources.

In implementation thereof, the Minister shall issue a decision containing the formation of a Committee consisting of representatives of the following authorities:

- a representative of the Ministry: Chairman

- one representative or more from the Ministry's public authority: Member [Members]
- a representative of the Ministry of Housing and Reconstruction: Member
- two representatives of the Ministry of Agriculture and Agrarian Reform, one of them from the State Property Department: Member [Members]
- a representative of the Ministry of Local Administration and Environment: Member
- a representative of the Ministry of Tourism: Member
- a representative of the Ministry of Industry: Member

The Committee shall propose the boundaries of the buffer zones for water sources and draw up their topographical schemes.

Taking into consideration the provisions of Law No. 10 of 1989, and upon a proposal from the Committee, the Minister shall issue a decision specifying the buffer zones for water resources; it shall contain the specified scope of the direct and indirect buffer zones for water sources, the conditions that shall be observed [in relation thereto] in accordance with applicable laws and regulations, the [relevant] adopted standard specifications and [lastly] the economic activities that shall possibly be carried out therein.

### **Chapter III**

#### **Establishing acquired rights on public water**

**Article 7 provides for the following:**

1. The process to establish unregistered acquired rights to public water shall be carried out by a Committee formed at each of the Ministry's public authorities by a decision from the Minister; it shall be chaired by a judge with a counsel's rank, who shall be nominated by the Minister of Justice. Representatives of concerned public authorities shall be members on the Committee.

2. Members of the Committee shall swear the following Oath before its Chair:

**"I swear by God Almighty to carry out my duty with honesty and integrity"**

3. The Chair and members of the Committee shall grant compensation in accordance with a decision that shall be issued by the Prime Minister, upon a proposal from the Minister.

In implementation thereof, the Committee referred to in Article 7(1) of this [the] Law shall be formed as per decision from the Minister, chaired by a judge with a counsel's rank, who shall be

nominated by the Minister of Justice. The Committee shall have the following representatives on its membership:

- a representative of the Ministry: Member
- a representative of the Ministry of Housing and Reconstruction: Member
- a representative of the Ministry of Agriculture and Agrarian Reform: Member
- a representative of the Governorate Farmers' Union, who shall be nominated by the Chairman of the Farmers' General Union: Member
- a representative of the Governorate, who shall be named by the Governor: Member
- a representative of the Governorate's Water Users' Associations, if existing – who shall be nominated by the Governor: Member.

## **Chapter IV**

### **Liquidation of acquired rights to public water**

**Article 8<sup>2</sup> [16] provides for the following:**

- a) The Minister shall form a Committee to estimate the value of acquired rights that are specified in Chapter III of this Law, on grounds established by the Ministry and the Ministry of Agriculture and Agrarian Reform.
- b) The Ministry shall communicate the values estimated by the Committee to each of the holders of rights in accordance with the provisions on notifications provided for in the Civil Procedure Code and shall, at the same time, announce a public invitation to access the initial estimation records within thirty days. The announcement shall be made in accordance with the provisions of Article 15 of this Law.

In implementation of paragraph (a) of this Article, the Committee referred to [in Article 16 (a) of the Law] shall be formed as per decision from the Minister consisting of:

1. a jurist representative of the Ministry: Chairman

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<sup>2</sup> Translator's note: There is no Article (8) under Chapter IV of the Law. However, the text is that of Article 16 in Chapter IV of that Law.

2. two representative (technical and financial) of the Ministry: Member [Members]
3. a representative of the Ministry of Housing and Reconstruction: Member
4. a representative of the Ministry of Agriculture and Agrarian Reform: Member

In implementation of paragraph (b) of this Article, the Committee shall be formed as per decision from the Ministry consisting of:

1. a judge with a counsel's rank who shall be nominated by the Minister of Justice: Chairman
2. a representative of the Ministry: Member
3. a representative of the Ministry of Housing and Reconstruction: Member
4. a representative of the Ministry of Agriculture and Agrarian Reform: Member
5. a representative of the Governorate Farmers' Union who shall be nominated by the Chairman of the Farmers' General Union: Member
6. a representative of the Governorate's Water Users' Associations – if existing – who shall be nominated by the Governor: Member
7. an elected representative of the holders of acquired rights: Member

## **Chapter V**

### **Governmental Water Networks**

#### **Article 21 provides for the following:**

Water sources, water and watercourse networks, and dams shall be utilized and maintained in accordance with instructions that shall be issued by the Ministry or the competent Ministry.

This Article shall be implemented as per instructions which shall be issued by the Ministry or the competent ministry. They shall be issued in the form of annual instructions and, as necessary, at the beginning of the irrigation season, depending on the available water resources.

## **Chapter VI**

### **Licensing well drilling and pumping equipment**

#### **Article 23 provides for the following:**

Utilization of public water by public or private entities for any purpose shall be subject to a license that shall be obtained in advance, except in emergency cases involving wells being utilized for drinking water, provided that the Ministry shall be informed accordingly during the drilling process. Such cases shall be specified in the Implementing Instructions of this Law.

In implementation thereof, public water shall be utilized after obtaining a license from the Ministry, irrespective whether the entity wanting to utilize it is a public or private one and whether its utilization is intended for purposes of irrigation, industry, tourism, or any other purpose, except in emergency cases involving wells being utilized for drinking water (in the event that the well has dried up or has been excluded from utilization for any reason), and provided that the Ministry shall be informed accordingly during the drilling process.

**Article 24 provides for the following:**

a) The Minister shall issue instructions governing the issuance of licenses for public water utilization and well drilling for various purposes, in coordination with the Ministry of Housing and Reconstruction and the Ministry of Agriculture and Agrarian Reform, with priority given to issuing licenses for drinking water and public usages.

b) The Minister's initial approval of a license shall serve as an order to embark on drilling drinking water wells, subject to the license procedures being completed later on.

In implementation of paragraph (a) of this Article, the Minister shall issue, in coordination with the Minister of Housing and Reconstruction and the Minister of Agriculture and Agrarian Reform, a decision to regulate the process of issuing licenses for drilling, clearing and deepening wells and installing pumping devices, irrespective of the license purpose, provided that priority in issuing such licenses shall be given to public wells earmarked for drinking water and domestic usages.

**Article 25 provides for the following:**

The Ministry shall issue, upon a request submitted by the requesting entity, a license to drill one or more wells and shall provide technical support to it, within the quantity limit of the water resources available in each basin, provided that modern irrigation methods shall be employed for agricultural purposes and water usage rationalized for other purposes.

In implementation thereof, licenses for drilling, clearing and deepening wells shall be issued as per decisions that shall be issued by the Ministry within the limits of the available water recharge in each water basin, based upon a request for drilling one or more wells submitted by the competent authority, and technical assistance shall be provided, to the extent possible, provided that the following conditions shall be complied with:

- The applying entity shall undertake in writing that it shall use modern irrigation techniques for agricultural purposes; [it being understood that] priority shall be given to licensing collective irrigation projects in which three or more beneficiaries are involved.
- Guidance and decisions issued by the Ministry or the competent ministry in the domains of water usage rationalization and preserving water sources and protecting them from pollution in other domains (drinking, industry, tourism and others), shall be adhered to.
- The Minister's [initial] approval of drilling wells earmarked for public drinking water shall be regarded as an order to embark on drilling and the Ministry's public authority shall give the movement order on the rigs which shall implement [the drilling] of the drinking water wells based on the aforementioned Minister's initial approval, and the applying entity shall complete the licensing procedures later on.

**Article 26 provides for the following:**

1. Licenses to drill wells shall be valid for one year from the date they are issued, except for licenses to drill the Institution's public wells earmarked for drinking water.
2. An applicant seeking a license to utilize well water shall submit the licensing application during the validity period of the well drilling license.
3. The Minister or his designee shall issue a decision setting the conditions for issuing licenses and putting them into use, the licensing application forms and the necessary data to accompany them, and how the applications shall be studied and the licenses issued.
4. All persons, bodies, administrations and institutions acquiring information that may be useful in the study of water resources, during the exploration works and the geological, hydrological, or geophysical surveying and other works, shall deposit a copy thereof with the Ministry in order to make use of it whenever needed. The Ministry shall establish a databank divided into two sections:

First: Data that can be released upon the Minister's approval;

Second: Data that can be used by interested parties and all those engaged in the public water domain.

In implementation of paragraph (1) of this Article, a license to drill a well shall be valid for one year from the date it is issued and it shall be regarded cancelled and nullified *ipso jure* upon the expiry of the one-year validity unless it has been renewed as provided for in Article 33 of the Law; licenses for drilling the Institution's public wells earmarked for drinking water shall be excluded from the foregoing.

In implementation of paragraph (3) [of this Article], the Minister shall issue a decision setting the conditions for issuing licenses and putting them into use, the licensing application forms and the necessary documentary evidence to accompany them, and how the applications shall be studied.

**Article 27 provides for the following:**

An applicant entity seeking a license shall conditionally be the owner, the beneficiary or the lessee of the real estate. It shall be sufficient for the applicant entity to own the majority of shares in the real estate, whether it is the owner, beneficiary, administrator, or the proxy/designee of the aforementioned. The Institution shall be exempt of this provision.

In implementation thereof, the applicant entity, irrespective whether it is a natural or legal person, shall conditionally be:

1. the owner of the real estate in which the well to be licensed is located, or the owner of the majority of the real estate shares if the real estate is commonly owned [joint ownership with others], or the proxy of the real estate owner or of the majority of the real estate shareholders in accordance with applicable laws and regulations.
2. the real estate administrator [disposer] or the real estate beneficiary or the proxy of either of them. If the act of disposal relates to a real estate commonly owned, the provisions of common ownership shall apply in accordance with applicable laws and regulations regarding the requirement that the majority of shares shall [only] be disposed of or that the power of attorney shall be issued by the administrator [s] [disposers] in control of the majority of shares.
3. the owner of the real estate usufruct or the owner of the majority of the usufruct shares if the real estate is commonly owned or the proxy of either of them.
4. the lessee of the whole real estate or the lessee of the majority of shares of the real estate if it is commonly owned or the proxy of such a lessee.

**Article 29 provides for the following:**

Licenses for pumping equipment shall be issued for a renewable period of ten years, by a decision from the Minister. The decision to issue a license shall be made following a request from a concerned party and shall be decided upon in light of available water resources. The license shall be deemed valid as of the date it is issued. Licenses relating to drinking water and water set for public usages shall be excluded from the foregoing.

In implementation thereof, a license for installing pumping equipment shall be issued based on an application submitted by the concerned entity, by a decision from the Minister, within one

year from the date the well drilling license is obtained. Such a license shall be valid for ten years from the date it is issued, excluding licenses related to public water intended for drinking and domestic uses granted to the Institution, as these shall be valid as long as they are needed.

**Article 30 provides for the following:**

A license shall be revoked *ipso jure* in either of the following two instances:

1. If its holder does not install the licensed equipment within one year from the date the license is issued, with due consideration to cases that are assessed at the Ministry's discretion and specified in the Implementing Instructions.
2. If the license holder does not pay the fees due by him on time.

In implementation of paragraph (1) of this Article, a license shall be revoked *ipso jure* if its holder does not install the licensed equipment within one year from the date the license is issued. However, a license shall not be revoked in the following two instances:

- when drinking water wells are licensed for the Institution.
- when wells are licensed for governmental entities.

**Article 32 provides for the following:**

Licenses granted in the name of an owner or a lessee of real estate in order to use public water in agricultural projects shall remain valid in favor of that real estate, no matter to whom the ownership or the right of utilization of that real estate is devolved.

In implementation thereof, such licenses shall not be assigned in favor of another real estate that has not been benefitting therefrom at the time of licensing.

**Article 34 provides for the following:**

Upon issuing a license for drilling wells or installing pumping equipment, a fee of 5.000 Syrian pounds as a lump-sum shall be collected from license holders. It shall be collected for each license issued. Upon license renewal, the fee shall be reduced by half unless the legal renewal period is violated in which case the fee shall be doubled. The fee may be adjusted by decision from the Chairman of the Higher Commission on Water, if deemed necessary.

In implementation thereof, a fee in the amount of 5.000 Syrian pounds as a lump-sum shall be collected in the following instances:

- Upon issuing a well drilling license to any entity, whether it is public or private.

- Upon issuing a license for installing a dewatering device on a well to any entity, whether it is public or private.

A lump-sum in the amount of 2.500 Syrian pounds shall be collected upon renewing a license for installing a dewatering device on a well before the expiry of its legal validity period.

A lump-sum in the amount of 10.000 Syrian pounds shall be collected when an application is submitted for renewing a license for pumping equipment installed on a well, for any entity, whether it is public or private, after the expiry of its legal validity period.

## **Chapter VIII**

### **Water Policing Apparatus**

#### **Article 37 provides for the following:**

First and second category personnel serving in the field of water resources and utilization who are assigned to detecting the contraventions set forth in this Law shall have the status of water police officers and shall be nominated by a decision from the Minister.

[In implementation thereof], members of each Water Policing Unit shall be nominated by a decision from the Minister who [also] may adjust or revoke such a decision. It shall be taken into consideration that personnel with the status of water police officers shall meet the following requirements:

1. Educational qualifications: [the level normally possessed by] first and second category personnel; the head of unit shall be from the first category.
2. Each member shall possess five years' experience, at least.
3. They [members of the unit] shall have a record of good conduct and morality.
4. None of them shall, to the extent possible, be a resident of the same town where a contravention is committed.

#### **Article 39 provides for the following:**

One or more water police units may be established within the Ministry's public authority, as necessary.

In implementation thereof, more than one water policing unit may be formed at one public authority attached to the Ministry or the competent ministry when contraventions [being

committed] are of more than one type. The criteria for determining whether or not more than one unit shall be formed, shall be [factors such as] the nature of the contravention [being committed] and the nature of the jurisdiction [wherein it shall be dealt with], or if a single water policing unit is unable to suppress a contravention whether in terms of quality or number.

**Article 40 provides for the following:**

Water police detection records shall have the status of judicial police detection records.

In implementation thereof, the water policing unit shall consist, when the detection record is initiated and in all instances, of not less than three members. The Director-General of the public authority attached to the Ministry or the competent ministry, as well as the Directors of water resources in the Governorates shall not make any modification to the detection record thus initiated by the water policing unit.

**Article 41 provides for the following:**

By a decision from the Minister, based on a proposal from the Director-General of the Institution, one or more water police units shall be established in each of the Institutions and the units attached thereto, to suppress contraventions and remove encroachments on drinking water and sewage networks. Prior to commencing their activities, members of the water police units shall swear the oath set forth in Article 7(2) of this Law before the Chairman of the Civil Court of First Instance at the Governorate. Water police detection records shall have the status of judicial police detection records.

In implementation thereof, the Director-General of the public authority attached to the Ministry or the competent ministry as well as the Directors of water resources in the Governorates shall not, in case more than one water policing unit is formed in their respective locations, transmit a detection record initiated by a water policing unit to another water policing unit nor shall they act in such a way that shall affect the independence of the water policing unit in their respective locations [jurisdictions].

## **Chapter X**

### **Water Users' Associations**

**Article 45 provides for the following:**

Associations carrying the name of Water Users' Associations shall be established in the Syrian Arab Republic by a decision from the Minister.

**Article 46 provides for the following:**

It shall be mandatory upon individuals benefiting from water sources set for collective use to join the associations within the latter's respective areas of operation.

In implementation of Articles 45 and 46 of this [the] Law, Water Users' Associations [shall have the following features]:

*Definition:*

Water Users' Associations are non-governmental, civil cooperative organizations the affiliation to which shall be mandatory upon beneficiaries. They are run by their members to their own benefit in order to achieve a better water management.

There shall be established in the Ministry's General Authority for Water Resources - [i.e. within] the Directorate of the Integrated Management of Water Resources – a department carrying the name of Department of Water Users' Associations which shall have divisions attached to it at the level of the Directorates of Water Resources in the Governorates.

*Participation in water management and systems:*

Participation in the management of irrigation systems and other water usage systems is a fundamental focus in the pursuit towards the achievement of the goal of optimal water usage through mutual cooperation and coordination among participatory parties. Participation shall be two-pronged [scenario], i.e.:

- First, participation on the part of beneficiaries themselves in [activities] among themselves;
- Secondly, participation on the part of the executive (governmental) entities on one hand and water beneficiaries on the other hand.

Participation among consumers shall take place through Water Users' Associations, which they themselves shall form and run in order to achieve their interests, whereas participation between the executive entities and these Associations shall take place in various forms, i.e. ranging from making information available, to assigning management and devolving ownership [to Associations] under the supervision and control of governmental authorities.

1. Participation through making information available:

This shall be the first step in a participation programme; it shall mean ensuring transparency and clarity and making information available to beneficiaries and those who are affected by governmental programmes. It shall aim at facilitating effective performance and avoiding problems before they occur.

## 2. Participation in decision-making:

An executive entity shall participate with the beneficiaries and those [usually] affected by decisions, in the decision-making process and in taking decisions. This shall not negate the fact that the responsibility for taking decisions lies with the executive entity which shall solely have the right to take those decisions. Also, participation in decision-making shall not take place in all cases, but only in such cases which [may] affect the interests of beneficiaries or the interests of other parties, whether negatively or positively.

Participation and seeking views shall be taken into consideration in the early stages of taking a decision, thereby facilitating its subsequent implementation and guaranteeing that there shall be no sudden developments that might obstruct or impede its implementation.

## 3. Participation in decision implementation:

Water Users' Associations shall have the right to participate in decision implementation. This shall not necessarily mean that an Association shall assume the technical role in the implementation [process], but shall rather pursue the implementation process as agreed upon and participate therein, subject to [existing] possibilities and circumstances.

## 4. Participation in the management, operation and maintenance processes:

Water Users' Associations shall be responsible for managing, operating and maintaining part or parts of the water networks system, as shall be agreed upon and defined in participation with the executive entities.

Roles and responsibilities of both the Associations and the [respective] executive entity shall be clearly defined and detailed. Participation in management, operation and maintenance processes shall take place partially, in the sense that beneficiaries shall undertake certain activities in the area of operation and maintenance, whereas participation with the executive entity shall take place in the area of supervision, follow-up and provision of guidance and technical services that shall essentially enable the Associations to assume their expected role in the works and activities assigned to them.

## 5. Assignment of management functions:

This shall mean the full assignment to Water Users' Associations of the managerial functions related to part or parts of a water network or system, bearing in mind that such assignment shall not include the devolution of ownership, meaning that ownership shall remain public. However, Associations shall be empowered to undertake all activities related to management, operation and maintenance under the supervision and follow-up of the executive entity in

charge, in addition to providing them with technical support (and, sometimes, with financial support) as necessary for Associations to ensure the continuity and success of this process.

#### 6. Devolution of ownership:

This shall mean allocating to Associations a full part of the network, including the devolution of ownership to them, whereby the Associations will become fully responsible for the management, operation and maintenance of that part of the network, as well as vis-à-vis all State entities in their capacity as owners thereof .

#### *Requirements of the participatory process:*

[These requirements shall include]:

1. qualifying highly trained cadre of personnel to carry out this task [participatory process] and to help beneficiaries to absorb the concept of participation, as well as providing them with guidance and technical assistance.
2. training beneficiaries and raising their awareness to enable them to understand and practice the matter [the concept of participation] effectively and fruitfully as desired.
- 3) working stage by stage in a manner allowing the necessary flexibility [which shall make it possible] to adapt continuously and to learn from the practical situation through practicing and from rectifying errors and drawing lessons therefrom.

#### *Associations' Organizational Structure*

##### 1. Membership:

Participation on the membership of Water Users' Associations shall be mandatory upon all beneficiaries who use water from any common water source or sources, whether they are inlets, channels, pipes, springs, wells or a set of wells, as determined by the competent authority. It is noteworthy that an Association's area of operation (its boundaries) are the usufruct boundaries set for benefitting from a water system regardless of its administrative boundaries.

##### 2. Association's management council:

Members of an Association, including both water beneficiaries and users, shall elect, at the Association's first meeting, the Association's Management Council which shall consist of an odd number of individuals, not less than three but not more than seven. Voting to elect the Council's chairman, secretary and treasurer shall be conducted at the first meeting of the

elected council. The council's tenure shall be determined and the functions therein assigned in accordance with the statute of water users' associations provided for in Article 48 of the Law.

### 3. Seat [of the Association]:

A Water Users' Association shall choose a seat for it within its area of operation; it [the seat] shall be clearly defined and made recognizable to all [Association's] members and all concerned entities. Communication with the Association shall take place at the address of the specified seat which can be a house, an office, or a business or industrial location.

#### *The Association's objective:*

An Association shall aim at ensuring the organization of water users' participation in water management and preservation [processes] with a view to achieving an equitable water allocation for all beneficiaries (i.e. members of the Association) in accordance with [their established] needs.

### 4. General Assembly of Water Users' Association:

An Association's General Assembly shall consist of all members of the Association and it shall hold its general and extraordinary meetings in accordance with the provisions of the Water Users' Associations' statute, based on an invitation from the Chairman of the Management Council, or at a request from one third of the [Association's] members, provided that they shall hold 30% of the reins of the Association, or at the request of the competent authority.

#### Terms of reference and functions:

##### 1. Terms of reference of the Association's Management Council:

An Association's Management Council's term of reference shall include the following:

- To develop operational and investment programmes regarding the irrigated area, in accordance with the [respective] agricultural plan, and pursue the implementation of same with a view to meeting the needs of those who benefit from water.
- To manage, operate, maintain and protect watercourses, water facilities and pumping stations.
- To prepare schedules for water allocation to beneficiaries.
- To carry out replacement and refurbishment processes.
- To determine costs of services as decided by the General Assembly and in line with the State's water policy.

- To handle operating and maintenance works by way of sale, purchase, as well as [concluding] agreements and contracting.
- To prepare reports on the activities of the [Management] Council and the Association.
- To collect levied fees which shall include operating and maintenance costs, plus a certain percentage amount for covering refurbishment and development costs.
- To direct farmers towards following water-saving methods and techniques.
- To obtain the best forms of credit in order to develop the Association's objectives.
- To settle disputes arising among members of the Association.
- To cooperate with governmental, local, popular and executive entities, and to represent the Association as a legal personality vis-à-vis administrative and judicial entities.
- To assist the Water Steering Department in training members of committees and leading persons, whether related to the Association itself or other neighboring Associations.
- To exercise the [Management] Council's terms of reference and powers in full as provided for in the [Association's] statute.

Steps for and phases of establishment of Water Users' Associations:

After setting the initial plan and bases needed for the strategy on establishment of Water Users' Associations and participation in the management of irrigation systems and other water systems, and their approval by the Higher Commission on Water, as well as the establishment of the Water Steering Department, establishment of proposed Water Users' Associations shall be approved subject to the following conditions:

- availability of a collective irrigation source from which a group of three beneficiaries, at least, shall benefit.
- availability of [quantities of] water needed.
- water problems which cannot be solved are non-existent.

1. Introductory phase:

This phase shall include: collection of detailed data about the area [in which the Association shall be established]; preparation of a map (an illustrative drawing) for that area by qualified persons from the Water Steering Department; identifying influential persons who have effect on and can be listened to by beneficiaries; explaining to them the project's objectives and the

benefits and returns that can be expected from it as well as the proposed organizational structure of the Associations and their bases of operation.

## 2. Organizational phase:

The establishment phase starts after the issuance of the statute of Water Users' Associations and the election by beneficiaries of the Association's Management Council, it being understood that it shall be representative of all beneficiaries in terms of ownership, the geographical location and the special circumstances of the selected area.

## 3. Training phase:

Members of the elected [Management] Council shall be trained in the following topics:

- general training relative to participation in Associations.
- specialized training in areas of financial, administrative and technical affairs, as necessary to run the work of the Association.
- developing a plan for operation, management and water allocation processes.
- developing maintenance plans for watercourses, water inlets and pumping machinery.
- initiating and implementing operational and maintenance plans.
- evaluation and follow up.
- field visits, as well as training and qualifying new cadres of staff.

## 4. Functional performance by the Association's Management Council:

After receiving initial training and tasks have been assigned to members of the Council, the Association's Management Council shall exercise its functions within the framework of the powers entrusted to it in accordance with the Association's terms of reference and objectives.

## 5. Re-planning process:

The planning and programme development process shall be replicated a while after the [Management] Council has started exercising its terms of reference, based on the experience gained in practice. It shall be taken into account that plans shall be flexible to allow introduction of modifications thereto subject to [existing] developments and circumstances.

## 6. Liaison with other Associations:

Liaison shall include sharing expertise and information through exchange of field visits between Associations, with coordination and support provided to that effect by the Water Steering Department.

#### 7. Organizational development

At a certain point in time, after a sufficient period has elapsed, Associations that benefit from the same public water source, whether it is a watercourse or groundwater basin, shall have [the opportunity] to unite in order to form a higher-level Association with a view to coordinating activities of various Associations towards undertaking functions at a wider and more diversified scale.

#### 8. Evaluation and follow-up:

This is an ongoing process that shall aim at learning from experience, rectifying and avoiding errors and optimally attaining the desired objectives.

#### **Article 48 provides for the following:**

The Minister shall issue the Associations' operating instructions and model statute and the relevant document assigning responsibility from the Ministry to the Water Users' Associations.

In implementation of the provisions of this Article, it shall be incumbent upon the Water Users' Associations and their [Management] Councils, bodies, and members to abide by the contents of the entirety of the Implementing Instructions of the Law and of the statute of the Water Users' Associations as well as of the document assigning responsibility from the Ministry to the Water Users' Associations.

## **Chapter XI**

### **General Provisions**

#### **Article 50 on protection of public water against pollution provides for the following:**

Public water shall be protected against pollution through cooperation and coordination between the Ministry, other ministries and public authorities in accordance with applicable laws and regulations.

In implementation thereof:

1. The Public Water Quality Control Directorate at the Ministry's public authority shall carry out periodic control, in accordance with adopted standard specifications, of all public water sources

(rivers, lakes, springs, groundwater, sea, etc.) through its laboratories or accredited environmental testing laboratories.

2. If control analysis results reveal any deviation from the standard criteria and specifications set for the public water being controlled, the Ministry of Local Administration and Environment shall be notified accordingly and the latter shall receive cooperation in investigating the reasons that led to the pollution of the [concerned] water source. The competent ministry, to which the facility that caused the pollution of public water is attached, shall also be notified.

3. Once the pollution source has been identified, the Ministry of Local Administration and Environment shall follow up on the [relevant] remedial measures in cooperation and coordination with all concerned entities in pursuance of the provisions of Law 50 of 2002 and its Implementing Instructions.

4. After the competent ministry has taken the necessary [remedial] measures, the Public Water Quality Control Directorate shall monitor the improvement or deterioration trend in the quality of public water being controlled, and shall inform the Ministry of Local Administration and Environment of the follow-up [monitoring] results.

5. Laboratories of the Public Water Quality Control Directorate shall meet the following conditions:

a) They shall have a system for validating and consolidating analytical modalities, recording sample receipt [at the laboratory] and results of investigations conducted thereon in the [respective] laboratory, as well as for validating certificates of analysis and duly scrutinizing them before they are issued in accordance with adopted standard specifications.

b) They shall have the appropriate equipment for water analysis and [the capacity] to continually qualify a technical cadre of staff through the national quality control of laboratory analysis.

c) They shall apply analysis quality control mechanisms in accordance with adopted standard specifications.

6. Ministries and competent public authorities shall be responsible for the quality control of water earmarked for their use and for the use of special entities operating under their supervision, in accordance with applicable laws and regulations.

Damascus, / / 1427 AH corresponding to / / 2006 AD [sic.]

**Minister of Irrigation**

**Engineer Nadir Al-Bunni**