

## Water Legislation/Law 31

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### Law No. 31

The President of the Republic,

based on the provisions of the Constitution,

and as adopted by the People's Assembly [Parliament] in its meeting held on 17/9/1426 AH [corresponding to] 20/10/2005 AD,

promulgates the following:

### The Water Legislation

#### Chapter I

##### - Definitions -

##### Article 1:

The following terms in this law shall mean as shown against each:

- 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.
- Ministry: the Ministry of Irrigation.

- Minister: the Minister of Irrigation.
- Ministry's Public Authority: the public institutions and public irrigation directorates for water basins.
- 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.
- Water Users' Association: Groupings having legal personality, consisting of farmers or water beneficiaries in a given hydrological unit, recognized agricultural project, independent irrigation system, or a geographical zone having a recognized legal personality, which are non-profit-making entities.
- Association's area of operation: a geographical area having a recognized legal personality as defined by the Ministry.
- Hydrological basin: a drainage basin delineated by surface watershed divides.
- Water source: traditional water and non-traditional water as follows:
  1. traditional water: surface water and groundwater:
    - a) Surface Water: waters of rivers, inner lakes, brooks, streams, swamps, salinas, ponds and pits.
    - b) Groundwater: spring waters and aquifers.
  2. Non-traditional water: treated sewage and industrial waters and agricultural drainage water, as well as water ensuing from desalination, fulfilling the required standard specifications.
- Watercourse: a river, a brook, a channel, a drain, a vent, a valley or a stream.
- Public water: any water source or any type of water for public use or any other purpose.
- Standard specifications: standard water criteria adopted and issued by the competent authority.
- Water pollution: the presence in water of polluting materials or causatives leading directly or indirectly to changes in the physical, chemical, biological or bacterial properties of water, making them different from the adopted criteria in standard specifications.

- Pollution causer: a natural or legal person, whether a public or a private entity, that causes the pollution of water sources by whatever direct or indirect means.

- Buffer Zone<sup>1</sup>: a defined area necessary for the protection of a water source, for which certain conditions are set with a view to preserving the safety of the water source and protecting it against all forms of depletion and pollution, and in order to carry out related maintenance and control activities. It is divided as follows:

1- Direct Buffer Zone: the land surrounding the water source that allows access to that source to ensure its maintenance and to preserve its safety and prevent its pollution.

2- Indirect Buffer Zone: the lands surrounding the Direct Buffer Zone of water sources, wherein execution of some works is prevented or whose utilization is restricted by public interest necessities.

- Dam: an artificial barrier that retains water in order to be utilized for purposes of drinking, irrigation, industry, power generation, flood prevention, watercourse streamlining, filtration, livestock watering, breeding (animals and fish), tourism, and climate mitigation.

- Water networks: public or private systems for carrying water; they are built for water supply or discharges for all purposes. They consist of the following:

1. Irrigation water network system of various levels, viz.:

a) Main channel: a watercourse, covered or open, for carrying water from the water source in order to distribute it for irrigation and all other water usages.

b) Secondary channel: a watercourse branching from the main channel.

c) Third channel: a watercourse branching from the secondary channel.

d) Fourth or farm field channel: a watercourse branching from the third channel to irrigate farm fields.

2. Agricultural water drainage network system (covered or open) of various levels.

3. Drinking water network system extending from the water source to the subscriber's counter.

4. Pre-treated sewage network system of various levels (main, subsidiary and domestic lines).

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<sup>1</sup> Translator's note: watercourse protective buffer zone ("buffer zone").

- Water quota<sup>2</sup>: quantity of water allocated during the irrigation cycle to each hectare to be irrigated according to the adopted agricultural cycle. The quantity is estimated by (M<sup>3</sup>/hectare) or by (l/sec/hectare).
- Irrigation water: water set for agricultural use that fulfills the standard specifications.
- Drinking water: water set for human and domestic use that fulfills the standard specifications.
- Natural water of medical utility: water that can be used for therapeutic purposes because of the special nature of its local, gaseous, radiological, or thermal components. In coordination with the competent authorities, the Minister shall issue a decision setting the conditions and methods of its use and the basics of its protection, taking into consideration the laws issued in that regard.
- 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 law. Inspections shall be carried out by a qualified technical entity from within, or external to, the competent authority.

## **Chapter II**

### **- Public Water -**

#### **Article 2:**

The following shall be classified as public water property:

1. Inland water, which includes:

- a) Watercourses of any type within their limits as identified by the level of their running water, when they are full prior to flooding.
- b) Inland lakes and salinas, rivulets, ponds and swamps within their limits as identified by the highest level that can be reached by water prior to flooding.
- c) Waterfalls.
- d) Groundwater that can be pumped from wells and all aquifers.
- e) Water springs of any type.

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<sup>2</sup> Translator's note: As related to *efficient* water use.

f) Dam lake waters and water installations erected up to their highest level of storage capacity.

g) Irrigation, sewage and drinking network waters.

h) Non-traditional water.

2. Sea water, which includes:

a) Sea waters within the territorial borders of the Syrian Arab Republic and all their ramifications such as lakes, ponds, swamps, salty rivulets, ports, as well as seaports and basins, gulfs and navigation waterways, and their routes and overall banks.

b) Water generated from the intermixing of inland and sea waters at estuaries, beaches, streams and subsea water.

3. The seashore up to the farthest distance the sea waves can reach on land, as may be specified in schemes adopted by the Ministry of Transportation.

4. Syria's share of common international watercourses located within the borders of the Syrian Arab Republic.

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

### **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.

2. Taking into consideration the provisions of Law No. 10 of 1989, the Minister shall issue, upon proposal from the Committee on specifying the scope of the buffer zones for water sources, a decision embodying the following:

a) a specification of the scope of the direct buffer zone for the public water property set forth in Article 2. Construction of any premises and setting up any installations as well as any kind of occupancy in the direct buffer zone shall be prevented, with the exception of installations, premises, and occupancies that are related to public waters;

b) a specification of the scope of the indirect buffer zone for water sources;

c) a specification of the economic, tourist, agricultural and housing activities that can be undertaken in the indirect buffer zone and the conditions that need to be fulfilled within

the framework of these activities in accordance with the laws and regulations in force as well as adopted standard specifications.

### **Chapter III**

#### **- Establishing acquired rights to public water -**

##### **Article 4:**

Taking into consideration the acquired and previously established rights to public water prior to entry into force of this Law, rights of individuals to public water, be they acquired rights or rights to dispose of it or to utilize it by custom or by virtue of unregistered legal bonds shall be established in accordance with the provisions of Articles 5 to 13 set forth in this Chapter; utilizing such water shall be governed by the provisions of this Law.

##### **Article 5:**

Action on establishing the rights referred to in Article 4 shall be initiated by a decision issued by the Minister, including the following:

1. Specific reference to the public water targeted by the processes on establishing claimed rights thereto;
2. The place at which applications shall be received from holders of claimed rights and the time limit set for submitting such applications provided that it shall not be less than sixty days from the date of publication of the Minister's decision.

##### **Article 6:**

The Minister's decision mentioned in the preceding Article shall be published in one of the local newspapers and in one of the newspapers of the capital city. It shall also be posted on notice boards at central locations of governorates, districts, towns as well as at farm associations and water users' associations. It shall further be circulated to the heads of villages (Mukhtars) targeted by the processes on establishing claimed rights to the public water.

##### **Article 7:**

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.

**Article 8:**

Any person claiming that he has an acquired right to public water within the area specified in the decision provided for in Article 5 of this Law shall submit an application, within the period set forth therein, to the Ministry’s public authority supported by relevant documentation and bonds, otherwise it shall not be considered.

**Article 9:**

The Committee shall receive the applications and documents submitted by holders of claimed rights. It shall scrutinize the documents, and it may seek the views and comments of persons and authorities it deems capable of providing the required clarifications. The Committee shall prepare a preliminary report to be attached to a roster containing the names of holders of rights as well as the nature and amount of those rights.

**Article 10:**

The roster referred to in Article 9 shall be advertised by display in the foyer of the Ministry’s public authority location for two months and shall be published in a local newspaper, if available, and in one of the newspapers of the capital city. The advertisement shall be regarded as a personal notification to all holders of rights to public water in the area where the process on establishing rights is being carried out.

**Article 11:**

a) Persons who submit applications to have their rights established during the specified time limit shall be entitled to submit their comments on the roster within sixty days following the end of the period of display of the roster for information. Within 30 days of the end of the aforementioned period, the Committee shall study those comments and take decisions thereon, containing the final roster of acquired rights being claimed.

b) Holders of rights shall be entitled, within 15 days from the date they are notified of the decision referred to in paragraph ‘a’ of this Article to challenge that decision before the Civil Court of Appeal at the Governorate; the Court’s decision shall be conclusive.

**Article 12:**

The final decisions of the Committee on establishing the rights shall be recorded in a special register kept at the Ministry's competent public authority.

**Article 13:**

When determination and editing formalities have been conducted, acquired rights to public water shall be established in the real estate records in accordance with the provisions of this Law.

**Chapter IV**

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

**Article 14:**

When it is in the public interest to liquidate acquired rights to public water, the Prime Minister shall issue a decision to this effect, upon a proposal from the Minister, embodying a statement about the presence of public interest based on justified reasons. The decision shall be conclusive and not subject in any way to challenge or review, and it shall be based on an outline showing the water source and the real estate area covered by the liquidation process.

**Article 15:**

The Ministry shall announce the commencement of the liquidation process of acquired rights, in the foyer of the governorate, district and town covered by that process, as well as in one the local newspapers and in one of the newspapers of the capital city.

**Article 16:**

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<sup>3</sup> 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 30 days. The announcement shall be made in accordance with the provisions of Article 15 of this Law.

**Article 17:**

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<sup>3</sup> Translator's Note: "Ministry of Irrigation"; see article 1 on definitions.

All persons who submit their applications in accordance with Article 16 of this Law shall be entitled to submit their objections to the initial estimation within 30 days starting from the day following the date of publication of the advertisement or notification, whichever is later. Estimated values that have not been objected to during this specified period shall be conclusive. An objection made by one of a group of partners sharing the same right shall be regarded as an objection by the other partners.

#### **Article 18**

1. The Minister shall form a Committee to decide on the objections made by the holders of acquired rights, chaired by a judge with a counsel's rank, who shall be nominated by the Minister of Justice. Representatives of concerned authorities and of holders of acquired rights shall be members on the Committee.

2. 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 by the Minister.

3. Members of the Committee shall swear before its Chair the oath set forth in Article 7(2) of this Law.

#### **Article 19:**

Payment of the values of acquired rights to their holders shall be made in accordance with the provisions of Article 25 of the Expropriation Law issued under Legislative Decree No. 20 of 1983, and the amendments thereto.

#### **Chapter V**

##### **- Governmental water networks -**

#### **Article 20:**

Governmental water networks shall consist of runways and lines set for carrying, distributing, and discharging water, be they open or covered, as well as the installations attached thereto, which the State establishes and whose operation and maintenance it supervises, taking into consideration the duties and tasks of Water Users' Associations as per Chapter X of this Law.

#### **Article 21:**

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.

#### **Article 22:**

1. Lands benefitting from irrigation networks may utilize network waters in accordance with established distribution schedules and water quotas as well as instructions issued by the Ministry.

2. Sewage and agricultural discharge water shall not be used for irrigation purposes, unless a license is obtained in advance from the Ministry depending on the quantity and quality of water being drained.

## **Chapter VI**

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

#### **Article 23:**

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.

#### **Article 24:**

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.

#### **Article 25:**

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.

#### **Article 26:**

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.

**Article 27:**

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.

**Article 28:**

The Minister shall determine by a decision the following:

1. The water quota which can be licensed based on the water potential available in each basin and mini basin. The quantity of water allowed to be pumped out from the water source shall be controlled by counters installed on all pumping equipment set for agricultural and irrigation purposes;

2. The adjustment of the water quantity specified in the license that can be drawn from the water source, by way of increase or decrease, in proportion to the water resources available in each basin;

3. The conditions that shall be imposed on the methods of accessing public water, and the conditions for utilizing it and protecting it from depletion and pollution.

**Article 29:**

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.

**Article 30:**

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.

**Article 31:**

Licenses of various types shall be revoked without compensation, by a decision from the Minister, if:

1. Damage is caused to the quality or quantity of public water;
2. Damage is caused to third parties, on condition that this is established judicially;
3. The license holder violates the conditions contained therein for a second time;
4. The issued water license is used for purposes other than the purpose for which it is issued, without prior approval by the Minister;
5. The land licensed to be irrigated is being included in one of the governmental irrigation projects;
6. The license holder violates applicable laws and regulations on water utilization;
7. The license is granted by way of cheating or based on false documents. The person responsible shall be prosecuted.

**Article 32:**

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.

**Article 33:**

A license shall be renewed when:

- its period of validity expires;
- the pumping device is replaced by another one with higher capacity;
- new areas are added to the area specified in the well license.

**Article 34:**

Upon issuing a license for drilling wells or installing pumping equipment, a fee of 5000 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.

**Chapter VII**

**- Penalties -**

**Article 35:**

Without prejudice to the stricter provisions set forth in the Penal Code or any other law, persons committing the acts listed below, shall be punished by enforcing penalties as specified in the following paragraphs:

1.

a) Any person who deliberately demolishes or sabotages, completely or partially, a major irrigation installation, such as dams or pumping stations, or deliberately pollutes water sources, shall be punished with imprisonment for a period ranging from one to three years, and with payment of a fine ranging from 50,000 to 200,000 Syrian pounds.

b) Any person who deliberately demolishes or sabotages, completely or partially, a water utility installation or its attachments, such as culverts as well as main drinking, irrigation, and drainage channels, shall be punished with imprisonment for a period ranging from six months to one year, and with payment of a fine ranging from 10,000 to 100,000 Syrian pounds.

c) Any person who deliberately demolishes or sabotages, completely or partially, subsidiary or secondary irrigation, drainage and drinking water networks, shall be punished with imprisonment for a period ranging from one to three months, and with payment of a fine ranging from 3,000 to 100,000 Syrian pounds.

d) A person who commits an act as specified in paragraphs 'a', 'b' and 'c' above, shall be liable to paying the value of the damage resulting from his act.

2. Any person who directly or indirectly drills a well, installs a pumping device, or exploits a well before obtaining a license in advance, whether he is the land owner, proxy, investor, or lessee of the well, shall be punished with imprisonment for a period ranging from one to six months and with payment of a fine ranging from 50,000 to 100,000 Syrian pounds. The person in whose favor the drilling is carried out shall be liable to paying the cost of removing the effect of violation; and all devices, machinery, tools, and equipment used in committing the violation shall be confiscated in favor of the Ministry.

3. Any person, who builds installations or carries out drilling works for personal interest within the limits of, and the buffer zone of, watercourses and public water installations or within areas of irrigation projects, shall be punished with imprisonment for a period ranging from two to six months, and with payment of a fine ranging from 20,000 to 40,000 Syrian pounds. The effect of violation shall be removed at his expense; and all devices, machinery, tools and equipment used in the violation shall be confiscated in favor of the Ministry.

4.

a) Any person who steals irrigation water by any means shall be punished with imprisonment for a period ranging from one to six months, and with payment of a fine ranging from 20,000 to 30,000 Syrian pounds.

b) Any person who steals water from a public drinking water network or tampers with a public drinking water network by any means shall be punished with imprisonment for a period ranging from one to three months, and with payment of a fine ranging from 3,000 to 10,000 Syrian pounds.

c) If the occupant of the real estate in which the theft in paragraph 'b' above is committed benefits from that theft or is aware of the theft but does not inform the Institution about it, he shall be punished with the same penalty.

d) In addition to the penalties set forth above, in this Article, relating to encroachments on drinking water projects, persons referred to above who commit them shall be sentenced to paying compensation under joint liability, including the value of the water consumed, as estimated by the Institution, plus the value of the damages caused thereto.

e) The Institution shall receive within six months from the date this Law enters into force requests for settlement of cases of encroachments committed on public drinking water networks prior to the entry into force of this Law. All encroachments committed prior to the entry into force of this Law shall be regarded reconciled *ipso jure*; thus, criminal prosecutions and execution of penalties imposed as per sentences shall be terminated. The Institution shall be entitled to remove the effects of the violation committed if they cannot be retained.

5. Any person who uses polluted water for irrigation purposes shall be punished with imprisonment for a period ranging from three months to one year, and with payment of a fine ranging from 25,000 to 50,000 Syrian pounds.

6. The Minister shall define by a decision the instances in which devices, machinery, tools, and equipment used in the commission of violations in paragraphs '2' and '3' of this Article shall be disposed of.

7.

a) Any member of a Water Police Unit who facilitates the commission of any of the violations mentioned above, in this Article, or connives at their commission, or ignores detecting and suppressing them shall be punished with the same penalty set forth in one of the above paragraphs.

b) Personnel of all state public authorities who issue orders or instructions not based on a legal document, which are conducive to damage to public water shall be punished with the same penalty set forth in one of the above paragraphs.

**Article 36:**

a) Any person who pumps water earmarked for governmental irrigation water networks in quantities more than permissible shall be liable to paying a fine amounting to five Syrian pounds for each cubic meter of water pumped in excess to the permissible quantity, plus the annual fee set forth in Legislative Decree No. 8 of 1996.

b) Any person trespassing the delineated area in pumping groundwater from wells in quantities exceeding the quantity specified in the license issued to him shall pay a fine amounting to five Syrian pounds for each cubic meter of water pumped in excess to the permissible quantity. This fine shall be doubled if the contravention is repeated. If the contravention is committed for the third time, the license shall be suspended for one year and the pumping device shall be removed at the contravener's expense.

c) If the contravener declines to remove the pumping device installed atop the public water within one month from the date he receives the decision revoking the license, the Ministry shall itself remove the device, and this action shall be carried out at his expense and responsibility. The pumping device shall be held [under the custody of the Ministry] until a double cost of the device removal has been paid.

d) Any person who declines to install a counter atop a well after it has been put into use shall pay a fine of 5,000 Syrian pounds, and the relevant license shall be revoked if he fails to install it within three months from the date the contravention is detected.

## **Chapter VIII**

### **- Water Policing Apparatus -**

#### **Article 37:**

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.

#### **Article 38:**

Prior to commencing their activities, aforementioned personnel 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.

#### **Article 39:**

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

#### **Article 40:**

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

#### **Article 41:**

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.

#### **Article 42:**

Water police detection records shall be transmitted to the Public Prosecution Department for further necessary action.

## **Chapter IX**

## **- Exploration -**

### **Article 43:**

Public authorities may carry out exploration activities at a third party's land, by a decision exclusively taken by the Minister, in cases of necessity as so assessed by him on the basis of guidance relating to the quality of the land soil and aquifers, with the provision that priority shall be given to drinking water, after taking into consideration the provisions on licensing well drilling set forth in Chapter VI of this Law.

### **Article 44:**

The authority which carries out exploration activities shall be committed to:

- a) Removing residuals from the land being explored and from the land in the vicinity thereof and paying compensation for damages resulting from exploration activities.
- b) Paying compensation to a third party for being deprived of investment, relative to the land area on which, and the period in which, investment is suspended owing to exploration activities.
- c) Forming a committee by a decision from the competent paymaster, composed of three members at least, tasked with the responsibility to look into compensating for damages resulting from the exploration activities and to assess the amount of compensation for investment deprivation. The committee's decisions shall take effect upon their ratification.
- d) Restoring the land to its former condition, if no water is discovered.
- e) Expropriating the area of land needed for the public use of the water source, if the exploration activities end up with producing the water quantity required.

## **Chapter X**

### **- Water Users' Associations -**

#### **Article 45:**

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

#### **Article 46:**

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

**Article 47:**

Water Users' Associations shall be granted, when established, one-time soft loan by a public bank; the Minister of Finance shall issue instructions as to how the loans shall be granted and repaid.

**Article 48:**

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.

**Chapter XI**

**- General Provisions -**

**Article 49:**

Utilization of public water shall be governed by the following:

- a) The provisions of Legislative Decree No. 8 of 1996 and the decisions issued by the Chairman of the Higher Commission on Water insofar as irrigation water is concerned;
- b) The decisions issued by the competent minister embodying the utilization system and the tariff decisions insofar as drinking water and drainage system are concerned.

**Article 50:**

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.

**Article 51:**

Mandate over the public water property and competence over its management and representation shall fall with the Ministry's jurisdiction, except what belongs thereof to the mandate of another public authority under particular laws.

**Article 52:**

Owners of wells shall be committed to using developed irrigation techniques based on grounds defined and decisions issued by the Higher Commission on Water.

**Article 53:**

The Minister or the competent minister shall issue necessary decisions to rationalize the use of public water for various purposes. Beneficiaries of public water shall abide with those decisions. If it is established that a beneficiary is wasting water or contradicting the decisions issued, the Minister or the competent minister shall be entitled to withhold water from the contravening beneficiary until such beneficiary provides evidence proving his compliance with the Ministry's or the competent ministry's decisions.

**Article 54:**

The Chairman of the Higher Commission on Water shall issue Implementing Instructions to both the Higher Commission on Water and the Committee on Basin Management.

**Article 55:**

Without contradicting the provisions of Article 54 above, and in coordination with the competent authorities, the Minister shall issue Implementing Instructions for the provisions of this Law.

**Article 56:**

All provisions contradicting the provisions of this Law, wherever they exist in laws and regulations in force, shall be revoked.

**Article 57:**

This Law shall be published in the Official Gazette, and shall enter into force as of the date it is promulgated.

Damascus, 15/10/1426 AH corresponding to 16/11/2005 AD.

**President of the Republic**

**Bashar Al-Asad**