

# Procedure for the Formation, Registration, Strengthening and Function of Irrigation Associations

Islamic Republic of Afghanistan  
Ministry of Agriculture, Irrigation and Livestock

## **Procedure For the Establishment, Registration, Strengthening & Functioning of Irrigation Associations (IAs)**

**26Saur 1391 (15May, 2012)  
Chapter One  
General Provisions**

### **Base**

#### **Article 1:**

This procedure has been enacted in line with Article 11, Clause 5 and Articles 18 and 23 of the Water Law to manage affairs related to the establishment, registration, strengthening and functioning of the Irrigation Associations, allowing for the preservation of the Mirab traditional system, a cultural heritage designed for better management of water intended for irrigation.

#### **Goals:**

##### **Article 2:**

The following are goals of this procedure:

1. To elaborate on how the IAs are to be established, registered, strengthened and should function.
2. To organise and manage affairs related to the establishment, registration, strengthening and functioning of IAs.
3. To organise affairs related to water for irrigation, operation and maintenance of irrigation networks.

#### **Terms:**

### Article 3:

The following terms refers to:

1. **Irrigation Association (IA):** A volunteer association of real and legal persons which manage water in an irrigation network used for agriculture where such association is established in accordance with the provisions of this procedure and Article 11, Clause 5 of Water Law.
2. **IA's Charter:** A document that contains the principles, functions and structure of an IA.
3. **IA's Internal Rules and Regulations:** The documents which are developed in accordance with the charter of an IA, required for addressing specific issues.
4. **IA's Area of Management:** A piece of land, irrigation network and irrigation infrastructures where water is utilised for irrigation.
5. **Irrigation Network:** Includes canals and water turnouts which starts from a main canal and extends into a farm to deliver water for agriculture.
6. **Irrigation Infrastructures:** The water reservoirs, intakes, turnouts, canals, karizes and other structures meant for water diversion, conveyance, measurement, storage and filtration.
7. **Operation & Maintenance:** Protection, cleaning and repairing of irrigation systems for better and sustainable utilisation of irrigation water.
8. **Mirab:** A person who manages water distribution as per water right (*Haqaaba*) for agriculture, maintains effective use of water and has the responsibility for maintenance of irrigation network.
9. **Chakbashi:** A person or persons who succeeded Mirab.

### Legal Status:

### Article 4:

IA established as per this procedure shall be recognized as a legal entity after duly registered and as per the Article 11, Clause 5 of the Water Law, shall be engaged in decision making related to the planning and use of water resources, maintenance of irrigation network and other rights and duties as described in the Water Law.

## Chapter Two

### Establishment, Registration, Structure, Duties and Power of an IA

#### IA's Establishment Criteria:

### Article 5:

IA shall be established on the basis of following criteria:

1. Members must represent all IA's areas of management.
2. Members must be the owner of agricultural land or have water right (*haqaaba*) within the IA's area of management.
3. Members must have a physical presence within the IA's area of management.

### IA's Registration:

## Article 6:

IA's registration comprises the following steps:

1. The applicants shall prepare and produce the following documents as envisaged in the Procedure and the Water Law:
  - a. Application for registration
  - b. IA's Charter (Annex 1)
  - c. Internal Rules & Regulations (Annex 2)
  - d. List of elected members (Annex 4)
  - e. Basic agricultural information (Annex 8)
  - f. Signed commitment endorsed by two-thirds of the persons fulfilling the criteria of Article 5 of the Procedure in the IA's establishment gathering.
2. The applicant shall provide the above documents to the Directorate of Agriculture, Irrigation and Livestock (DAIL) of respective province.
3. The respective provincial DAIL shall register the application and review its Annexes for accuracy and completeness.
4. In case of any deficiency, the documents shall be sent back along with a cover letter from the DAIL highlighting the deficiency and provides guidance to make corrections.
5. In case the documents are found accurate and complete according to Article 6, Clause 3, DAIL shall forward them to the Irrigation Directorate of MAIL within two weeks.
6. The Irrigation Directorate of MAIL shall review the documents within two weeks and if found correct shall:
  - a. Get the approval of the Minister of Agriculture, Irrigation and Livestock.
  - b. Register the IA and inform the following authorities in writing:
    - a. The respective provincial DAIL
    - b. The Statistics and Market Information Directorate of MAIL
    - c. General Directorate of Water Management, Ministry of Energy and Water
    - d. Respective River Basin Council
    - e. Other relevant authorities / departments
- c. Award Registration Certificate
7. After receiving the registration certificate, IA can start functioning in accordance with the provisions of the Procedure and the Water Law.
8. After receiving the registration certificate, IA shall open a bank account for depositing, water delivery services fee, financial aids and loans.

9. In case the Irrigation Directorate of MAIL finds any deficiency in the documents, the following measures shall be taken:
  - a. The documents shall be sent to the respective provincial DAIL for correction, within two weeks.
  - b. The respective provincial DAIL shall inform the applicant in writing.

#### **IA's Structure:**

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

1. The IA shall be comprised of the General Assembly (*IA's members*), Mirab, Chakbashi(s), Secretary and Treasurer.
2. The IA members shall be elected without any religious, ethnical, lingual and gender biasness, by the persons who fulfil the criteria of Article 5 of the procedure for a period of three years or more as indicated in the IA's Charter.
3. The routine meetings of the IA's general assembly shall be specified in the said Charter.

#### **IA's Duties:**

##### **Article 8:**

IA shall have the duties to:

1. Elect Mirab and Chakbashi(s).
2. Prevent water losses.
3. Prevent illegal usage of water as per the Water Law.
4. Prevent all types of activities which are in contradiction to the provisions of Article 5 and 6 of the Water Law that could decrease or contaminate water.
5. Ensure/monitor the equitable distribution of water amongst farmers as per their Water Right (Haqaaba).
6. Clean the canals and remove any obstructions caused by floods, for smooth flow of water in order to minimise damages to the agriculture lands and irrigation systems.
7. Continuously repair and maintain the irrigation network within IA's area of management for efficient usage of water.
8. Measure and record the flow of water in the irrigation canal.
9. Participate in the identification, survey, implementation and monitoring process of irrigation projects.
10. Follow MAIL's plans of action, in case of drought or water scarcity.

11. Collect and deposit agriculture's water delivery services fee for operation and maintenance of the irrigation systems in accordance to the IA's Charter.
12. Establish regular contact with the relevant Water Users Association and participate in the decision making processes on planning and usage of water resources for agriculture.
13. Perform any other duties assigned by the Water Law.

**IA's Powers:**

**Article 9:**

IA shall have the powers to:

1. Preserve and maintain due water rights (*Haqaaba*) within the area of management.
2. Own and control the irrigation network within the area of management.
3. Participate in the important decisions regarding water resources management with Water Users Associations, sub-basin and basin river councils, keeping in view the interests of all water users.
4. Participate in the governmental and non-governmental organizations' decision making process regarding investments in rehabilitation and development of irrigation networks within the area of management.
5. Utilize the deposited capital for undertaking the responsibilities mentioned in Article 8 of the Procedure and other obligations specified in the IA's Charter.
6. Make request for emergency assistance in the event of natural and agricultural disasters and utilize the same.

**Chapter Three**  
**MAIL's Duties and Powers**

**Duties:**

**Article 10:**

In regard to IAs, MAIL shall have the duties to:

- a. Make aware the Mirabs and farmers about the benefits regarding the establishment of IAs.
- b. Provide assistance in the establishment of IAs, including:

- a. Initiation of consultation process
  - b. Facilitation and organization of initial meetings
  - c. Facilitation of the process for the election of Mirab, Chakbashi(s), Secretary and Treasurer.
  - d. Distribution of sample forms (annexes of the Procedure) and offer guidance on how to fill them out appropriately.
3. Provide information on the IA's registration progress to the applicant, upon request.
  4. Build the capacity of IAs in water resources management, on farm water management and use of modern irrigation technologies.
  5. Develop and produce processes and guidelines on participatory approaches related to water resources and on farm water management.
  6. Offer technical and professional trainings on the implementation of irrigation projects, maintenance of water networks, administration and financial management, and other functions requiring specialized skills.

#### **Transfer of Ownership:**

#### **Article 11:**

After MAI handover an irrigation infrastructure, built in accordance to the provision of the Water Law, with a certificate to an IA, then the IA is the owner of that irrigation infrastructure and therefore responsible for its operation and maintenance.

### **Chapter Four Miscellaneous Provisions**

#### **Dissolution of an IA and Clearance of Accounts:**

#### **Article 12:**

Dissolution of an IA and clearance of accounts, will be carried out in accordance with the provisions stated in the IA's Charter.

#### **Enforcement:**

#### **Article 13:**

This Procedure is comprised of 4 Chapters and 13 Articles and shall be enforced after approved by the Minister of Agriculture, Irrigation and Livestock.

Approved,

Mohammad Asif Rahimi

Minister of Agriculture, Irrigation and Livestock