

Law No. 31

President of the Republic

Based on the Constitution's Rules

And on what was decided by the people's Council in its session held on 20/10/2005, the following is decided:

Water Legislation

Section I

Definitions

Article 1. The following expressions included in this law express the meanings as described:

- The high committee for water: a national high committee forming the water policy of the Country, on the short, medium and long run, and endorsing the water strategy for realizing this policy.
- Chairman of the high committee for water: Chairman of the Cabinet (Prime-Minister) or his delegate.
- Basin Management committee: A committee performs the implementation of the water policy defined by the high committee for water, within the frame of the relevant basin, to preserve water resources from over consumption, pollution and achieving sustainability.
- The Ministry: Ministry of Irrigation
- The Minister: Minister of Irrigation
- The Public bodies under the Ministry: The general institutions and general irrigation directorates of water basins.
- The Institution: the concerned body of investing drinking water and sewage water. This refers to the general institution of drinking water and sewage, as well as companies and units associated to it in Governorates.
- Water users Association: Is a gathering of legal personality for farmers, or water beneficiaries, in a particular hydraulic unit, or a defined agricultural project, or an independent irrigation scheme or a geographic location of a legal nature, which is a non-profit entity.
- Working area of the association: a geographic location of a well known nature defined by the Ministry.
- Hydraulic basin: the inflow basin defined by the surface water dividing lines.
- Water source: Conventional and non-conventional water:
 - 1. Conventional Water: surface and ground water.
 - Surface water: water of rivers, inland lakes, water courses, catchments, swamps, ponds and watershed areas.
 - Ground water: springs and aquifers.

2. Non-conventional water: treated sewage and industrial water, drainage water, in addition to water resulting from desalination, matching the required standards.

- Water course: A river, a canal, a channel, a drain, wadi or water fall.
- Public Water: Any water source that could be publicly used for any object.
- Standard Characteristics: Characteristics of standard water as endorsed by the concerned body.
- Water Pollution: The existence of polluted material in water which leads directly or indirectly to deviation in the physical, chemical, biological or microbial characteristics of water from the endorsed standards.
- Pollution course: The normal or other entity whether is a public or private body, causing pollution to water resources by any direct or indirect method.
- Borderline: The defined area needed to protect the water source, for which particular conditions are established, to preserve the safety of water source, and protect it from over exploitation and pollution, and also needed for monitoring and maintenance operations, and is divided to:
 1. Direct borderline: the land around the water source which allows reaching it for maintenance, preservation, safety and pollution prevention.
 2. Indirect borderline: lands surrounding the direct border line of water source where particular activities are prohibited or limited to necessary public benefits.
- Dam: Artificial barrier to prevent the flow of water for arranging its use, for drinking, irrigation, industry, energy generation, prevention of floods, regulating water course, filtering, cattle watering, breeding (animals-fish), tourism and climate mitigation.
- Water networks: Public or private systems for water transfer, established for supplying water for all purposes, it consists of:
 - 1-Irrigation network with different types:
 - a. Main Canal: covered or open water course for transferring water from the source and distributing it for irrigation and other uses.
 - b. Secondary Canal: the water course branched from the main canal.
 - c. Territory Canal: the water course branched from the secondary canal.
 - d. Fourth grade or field canal: The water course branched from the territory canal for farm irrigation.
 - 2- Drainage network system (open or tile) of different grades.
 - 3- Drinking water network system from source until the water meter of the beneficiary.
 - 4- Sewage network system with its different grades (main lines, branches and domestic lines), before treatment:
- Water scheduling: Quantity of water given to each hectare during irrigation period according to the endorsed agricultural rotation, and is expressed in (M^3/Hectar).

- Irrigation water: Water of standard characteristics made available for agricultural purposes.
- Drinking water: Water meeting the standard characteristics made available for human and domestic use.
- Natural water of medical benefit: Water that could be used for medical purposes due to the special nature of its ingredients in regard to salts, gases, radiology or temperature. The conditions and methods of its uses and basis of its protection are defined by a ministerial decree in coordination with concerned bodies within the prevailing regulation in this respect.
- Compulsory periodical investigation: A periodical monitoring during particular times to evaluate the performance of water systems of all uses. Such systems are defined in the executive instructions of this law, and are decided by a technically qualified body from within or outside the concerned institution.

Section II Public Water

Article 2- The following are considered to be a water of public ownership

1. Inland Water including:
 - a) All types of water courses within borders, defined by its highest level, before flooding.
 - b) Inland lakes, ponds, water courses, swamps, catchments and watershed areas, defined borders at the maximum level of water below flooding.
 - c) Water falls.
 - d) Ground water that could be pumped from wells and all aquifers.
 - e) All types of springs.
 - f) Water of dams, lakes and other water establishments, at the highest storage level.
 - g) Water networks for irrigation, drainage and drinking.
 - h) Non-conventional water
2. Marine Water including:
 - a) Sea water within the regional territories of the Syrian Arab Republic and what is branched from it, as lakes, ponds, swamps and saline canals as well as ports, marine basins, gulfs, sailing paths with all roads and banks.
 - b) Water generated from mixing inland water with sea water at rivers outlets, shores, small water courses and sub-soil water.
3. Sea shore untill the far most distance reached by waves, as defined in diagrams endorsed by the ministry of transportation.
4. Syrian portion of shared international water courses inside the borders of the Syrian Arab Republic.

Article 3-

1. The Minister is to form the committee of defining the water source borderline from the concerned bodies.

2. In consideration of rules of law number 10/1989, a ministerial decree to be issued upon a proposal from the committee of defining the water sources borderlines, to include the following:-

- a) Defining the direct borderline of public water mentioned in article two, where the construction of any building, setting up any establishment or performing any sort of occupation, are prohibited, except those necessary for public water.
- b) Defining the indirect borderline of water resources.
- c) Defining the economic, touristic, agricultural and housing activities in the indirect borderline, and the conditions needed for such activities in line with the prevailing rules and regulations and the endorsed standard characteristics.

Section III

Confirming vested rights on Public Water

Article 4- In consideration of the previous firm vested rights on public water before enforcement of this law, the vested rights of persons on public water, including conduction and benefits, according to customs or legal documents, not confirmed within the rules of this section from article 5 till article 13, but its investment are enforced by the rules of this law, are hereby endorsed.

Article 5- Confirming the rights mentioned in article 4, starts by a decree from the Minister to include the following:

The public water subject to rights confirmation.

The place of accepting applications for the claimed rights and the period defined for that, provided that it should not be less than 60 days from disseminating the decision.

Article 6 – This decision mentioned in the previous article is to be disseminated in one local newspaper and one of the Capital's news papers and also put on the notice board of the Governorate, the district, the locality, the agricultural cooperatives and water users associations, and also circulated amongst mayors of villages subject to rights confirmation.

Article 7 –

1. Confirming the vested rights on public water to be performed by a committee formed in each public body under the Ministry, through a ministerial decree. The committee will be presided by a judge at the rank of advisor, selected by the Minister of Justice and will have representatives of concerned bodies.
2. The members of the committee perform the following swearing before its Chairman

"I swear with GOD the great to perform my task with honesty and truth"

3. The chairman and members of the committee are granted compensations decided by a decree from the Prime Minister upon proposal from the Minister.

Article 8 - Any person who claims a right in Public water, in the area defined in article 5 of this law, should submit his claim during the defined period, to the concerned department of the Ministry supported by proof documentation, otherwise, his claim will be neglected.

Article 9- The committee will receive the claims and documents from the rights claimers and investigate it, and could request the views and remarks from persons or bodies that can provide required clarifications. The committee then prepares an initial statement along with a table including names of rights claimers, nature and quantum of such rights.

Article 10 – The above table should be shown in the notice board of the concerned body of the Ministry for a period of two months, disseminated in a local news paper if available and in one of the Capital. Such notification is considered to be personal information for all right claimers of public water in the area in question.

Article 11 –

- a) Persons who submit applications during the defined period, have the right to provide their remarks on the table within a period of 60 days. The committee should study such remarks within 30 days from the end of the above period, and arrange accordingly, a decree containing the final table of the vested rights.
- b) The rights claimers can protest before the **Civil Court of Appeal** in the Governorate against the decree referred to in paragraph (a) above, within 15 days of decree notification, the court decision on that respect will be final.

Article 12 – The final decisions of the committee will be recorded in special registry c/o the concerned public body under the Ministry.

Article 13 – When performing defining and clearing actions, the vested rights on public water are confirmed in the real estate records according to the rules of this law.

Section IV **Clearance of Vested Rights on Public Water**

Article 14 – When the necessities of public benefits require the clearance of vested rights on public water, a decree on this effect is issued by the Prime Minister upon a proposal from the Minister, clarifying the public benefits based on obligatory reasons.

This would be a firm decree not subject to any objection or revision, and should be supported by a diagram defining the water source and real estate, subject to clearance operation.

Article 15 – The Ministry announces the starting of vested rights clearance at the notice board of the Governorate, the district, the locality and in one of the local newspapers and one of the Capital newspapers.

Article 16 –

- a) The Minister forms a committee to assess the values of the vested rights defined in section III of this law according to basis established by the Ministry, and the Ministry of Agriculture and Agrarian Reform.
- b) The Ministry notifies the rights holders with the values assessed by the committee in line with notification rules as enrolled in the law of civil judgments, and announces in the same time a

public call to view the statements of initial assessment within a period of 30 days, this announcement will be in line with article 15 of this law.

Article 17 – All persons who submitted their applications according to article 16 of this law, should submit their objections on the initial assessment within a period of 30 days from the day following the date of announcement or notification (the latest). The assessed values which are not objected during the defined period, becomes final. The objection of one partner of the right will be considered objection of other partners.

Article 18 –

1. The Minister forms a committee to decide about the objections submitted by the vested rights holders, presided by a judge at the rank of advisor selected by the Minister of Justice with representatives from the concerned bodies and rights holders.
2. The Chairman and members of the committee are granted emoluments decided by a decree from the Prime Minister upon proposal of the Minister.
3. The Committee members will perform the swearing mentioned in paragraph 2 of article 6 of this law before the chairman of the committee.

Article 19- The values of vested rights will be paid to its holders in line with article 25 of the ownership law, issued by legislation number 20/year 1983 and its amendments.

Section V Government Water Networks

Article 20 – The government water networks consists of sewage lines and lines prepared for the transfer and distribution of water and its discharge (open or covered), as well as relevant establishment set up by the state. Supervising its maintenance and operations in consideration of water users associations duties and tasks, will be according to section 10 of this law.

Article 21- The water resources, water networks, water courses and dams are invested and maintained according to instructions issued by the Ministry or the concerned Ministry.

Article 22 –

1. Lands benefiting from irrigation networks can get use of network water according to distribution tables and the water duty and instructions issued by the Ministry.
2. The drainage and sewage water is prohibited for use in irrigation before obtaining a license from the Ministry on the basis of quality and quantity.

Article 23 – The public water invested by public or private sector, for any purpose, is subject to obtaining a license except in emergency situations for wells invested for drinking water, provided that the Ministry is informed during the digging operation. Such cases are defined in the executive instructions.

Article 24-

- a) The Minister is to issue the organizing instructions of granting licenses for public water investment, and digging of wells for different purposes, in coordination with the Ministry of

housing and reconstruction and the Ministry of Agriculture and Agrarian Reform. Priority of granting licenses will be given to water for drinking and public uses.

- b) The initial approval of the Minister is considered a permission to start the digging of drinking water wells, while procedures for obtaining the license could be completed later on.

Article 25 – Upon submitting a request from the body requiring a license, the Ministry grants such license for digging one well or more and provides the necessary technical assistance, all that within the available water resources in each basin provided that the modern irrigation methods will be used for agricultural purposes, in addition to the wise use in other purposes.

Article 26-

1. The license of digging wells is valid for one year from the date of its issuance except public wells specified for drinking water at the institution.
2. Applicant of a license to invest the well's water should submit his application during the valid period of digging the well.
3. The conditions of granting license, its investment, the forms of submitting applications, the data to be attached, the methodology of its study and granting the license are all defined by a decree from the Minister or his delegate.
4. All persons, organization, administrations and institutions acquire useful information in water resources study during the operations of digging and geological or hydrological survey, and other activities, should deposit a copy of such information in the Ministry to benefit from it when needed. The Ministry should establish information bank divided into two parts: The first to be used upon the approval of the Minister and the second is allowed for interested persons and all people working in the field of public water.

Article 27 – The body applying for the license should be an owner, a beneficiary or a tenant of the real estate and approval is given to the shares majority whether they are owners or beneficiaries or their delegates and agents. The institution is exempted from that.

Article 28- The following is defined by a Ministerial decree:

1. The water duty that could be approved on the basis of water availability in each basin. The quantity of water that could be pumped from the water source is defined through water meters installed on all pumping machines, for agricultural and irrigation purposes.
2. Amending the quantity of water defined in the license with increase or decrease in line with the available water resources in each basin.
3. Conditions to be imposed on methodology of accessing the public water, and conditions of its investment and protection against over exploitation and pollution.

Article 29 – The licenses of pumping machinery are granted for 10 years, renewable by a decree from the Minister upon a request from the relevant person, within the available water resources. The license is valid from the date of its issuance. The licenses related to drinking and public use water are exempted from that.

Article 30- The license is considered void in the following situations:

1. If its holder does not install the machine subject to this license within one year of its issuance, with due consideration of cases defined by the Ministry in the executive instructions.
2. If the license holder does not pay the relevant fees in due dates.

Article 31 – Different types of licenses could be cancelled by a Ministerial decree, without compensation in the following cases:

1. Causing harm to public water in term of quality or quantity.
2. Causing harm to other people provided that is confirmed by court judgment.
3. Breaking the rules of the license for a second time.
4. Deviating the purpose of using the license to different purposes without the pre-approval of the Minister.
5. Inclusion of the land licensed for irrigation in one of the Government irrigation schemes.
6. The license holder action against the prevailing rules and regulations in respect of water investment.
7. The issuance of license on the basis of cheating or false documents. The responsible for that would be brought to court.

Article 32 – The license given to the name of an owner or a tenant for using the public water in agricultural project will continue to be valid in favor the relevant real estate, regardless of transferring its ownership to any person for investment.

Article 33 – The license should be renewed in the following cases:

- At the expiry date.
- When replacing the pumping device with another of stronger capacity.
- When adding new land areas to the area defined in the license.

Article 34- A fixed fee of 500 SL is imposed on the license holder for digging wells and installing pumping devices. This fee is reduced to half at renewal time and doubled when neglecting the legal time of renewal. The fee could be amended by the chairman of the high committee of water, when necessary.

Section VII General Punishment

Article 35- Without jeopardizing stronger punishment mentioned in the relevant law or any other law, the conductors of the under mentioned acts could be punished as defined in these paragraphs:

1,

- a) Imprisonment for one to three years or a fine from fifty to two hundred thousands SL for any one who intentionally made full or partial destruction or damage to any major irrigation establishment such as: dams and pumping stations or intentionally polluted water resources.
- b) Imprisonment from six months to one year and a fine from 10 to 100 thousand SL for any one who intentionally made full or partial destruction or damage , to one of water use establishments or its appendixes such as crossing pipes and main irrigation and drainage canals.
- c) Imprisonment from one to three months and a fine from three to ten thousands SL for any one who intentionally made a full or partial destruction or damage to the main or secondary networks of irrigation, drainage and drinking water.
- d) The actor of any of the above action (a,b,c) will be obliged to compensate for the value of harm caused by him.

2. Imprisonment from one to six months and a fine of 50 to 100 thousand SL for anyone who acted directly or indirectly towards digging a well, installing a pumping device or investing a well before obtaining a license, whether he is an owner, an agent, an investor or a renter of the well. The misdoing is to be removed at the cost of who ever the digging is done in his favor and all equipment, devices, and tools used in such misdoing are taken by the Ministry.
3. Imprisonment from two to six months and a fine from 20 to 40 thousands SL for any one who sets up establishments or digging actions for personal benefits, within the borderlines of water courses and the public water establishments or within irrigation schemes. The misdoing is to be removed at his cost while all equipment, devices and tools used in such misdoing are taken by the Ministry.
4.
 - a) Imprisonment from one to six months and a fine of 20 to 30 thousands SL for anyone who acted to steal irrigation water by any means.
 - b) Imprisonment from one to three months and a fine of three to ten thousands SL for anyone who acted to steal water from the public network of drinking water, or cause any change to it by any means.
 - c) The holder of the real estate in which the stealing mentioned in b) was done, who is benefiting from that or aware of such action but do not notify the institution, will get the same punishment.
 - d) In addition to the punishments mentioned above in connection with causing harms to drinking water schemes, the actors mentioned will be judged to compensate (with a guarantee to each other) for the value of consumption as assessed by the institution plus the value of the caused harms.
 - e) The institution is to receive requests for settlement of disputes happened before enforcing this law on the public networks of drinking water, within a period of six months from the enforcement of this law. All the misdoing carried out before enforcing the law are considered to be reconciled, and therefore the follow up and seeking the in faults for punishment should be stopped. The institution has the right to remove the wrong action if not possible to keep it.
5. Any person who uses polluted water for irrigation would be punished by imprisonment from three to one year and fined with the sum from 25 to 50 thousand SL.
6. Action concerning devices, machines and tools mentioned in items 2 and 3 above, to be decided by the Minister.
7.
 - a) The same punishments mentioned in the above paragraphs would given to any controlee element, who facilitates one of the misdoings, provides a cover for it or neglects it.
 - b) The same punishment mentioned in the above paragraphs would be given to any employee in all public bodies of the country, who issue orders or instructions of no legal basis which would cause harm to public water.

Article 36

- a) Any one who pumps water from the government irrigation network, more than the quantity allowed, should pay a fine equivalent to five SL against each cubic meter taken in access to what is permitted in addition to the annual fee enrolled in the legislation law number 8 /year 1996.

- b) Any one who pumps ground water from wells more than the quantities mentioned in the license should pay a fine equivalent to five SL against each cubic meter pumped more than the defined quantity, and the fine would be doubled in case of repeating this misdoing. If he repeats the same for a third time, the license will be cancelled and the pumping device removed at his cost.
- c) If the person in fault refuses to remove the pumping device installed on public water within one month from notifying him about cancellation of the license, the Ministry undertakes to remove the device at the cost of its owner and keep it until refunding double the cost of the removal.
- d) Anyone who rejects the installation of a meter on the well after putting the well for investment will be fined with 5000 SL and the investment license is cancelled if he does not install the meter within three months from committing the mistake.

Section VIII Water Control

Article 37- The employees of grade one and two in the field of investment of water resources who are entrusted for the control of misconducts mentioned in this law, are authorized for water control and they are designated for that by a decree from the Minister.

Article 38- The above mentioned employees should perform the swearing mentioned in paragraph 2, article 7 of this law before the chief of the civil primary tribunal in the governorate before starting their task.

Article 39- It is possible to form one water control or more within the public body under the Ministry, according to necessity.

Article 40- The restraintment organized by the water controllment will be considered a court restraintment.

Article 41- A water controllment or more will be formed in each institution and its units, to control the misdoing and remove the offence done on networks of drinking water and sewage, by a decree from the concerned Minister, upon a proposal from the director general of the institution. The members of controllment will perform swearing mentioned in paragraph 2, Article 7 of this law, before the Chief of Civil primary tribunal in the Governorate, prior to starting their task. The restraintment organized by them will be considered as court restraintment.

Article 42- The restraintments are sent to the District Attorney for necessary action.

Section IX Digging

Article 43- The public bodies are allowed to dig in the land that belong to others, upon approval from the Minister exclusively, in necessary cases defined by him, in the light of guidance related to the quality of land and water aquifers, provided that priority is given to drinking water after considering the rules of wells digging licenses as mentioned in section IV of this law..

Article 44- The bodies carried out the digging are committed to:

- a) Removing the remains from the dug land and neighborhood land, and compensation for harms resulting from digging operations.
- b) Compensation for the non investment of land during the period of digging with due consideration of area and period.
- c) Forming a committee upon a decision of the concerned payment office consisting of three members at least with the mandate of assess the compensation for the harms resulted from the digging and the non investment. The committee decisions are enforced after its endorsement.
- d) The land should be returned to its previous status in case no water was discovered.
- e) If the digging results the required quantity of water, the land area needed for the use of the public water source, would be surrendered.

Section X Water Users Associations

Article 45- associations under the name of "Water users Associations" should be formed in Syrian Arab Republic, by a decree from the Minister.

Article 46- Joining the Association by the beneficiaries of the water resource public use will be compulsory within the association's area of work.

Article 47 – The water users associations could be granted soft loans from one of the Public Banks, for once at time of formation. The Minister of finance would issue instructions related to such loans and the method of its recovery.

Article 48 – Executive instructions the model basic system for association and the document of responsibility transfer from the Ministry to the association are all to be issued by the Minister.

Section IX

Article 49- Public water investment is subject to:

- a) Rules of the legislation law number 8/1996 and decrees issued by the Chairman, high Committee for water regarding irrigation water.
- b) Decrees issued by the concerned Minister which include investment systems and tariff decrees for drinking water and sewage.

Article 50- Public water is preserved from solution through cooperation and coordination between the Ministry and other Ministries and Public bodies in line with enforced rules and regulations.

Article 51- Supervising of public water and its management is the responsibility of the Ministry except what is subject to supervision of other public bodies by special regulations.

Article 52- The wells owners are committed to use modern irrigation technologies according to basis and decrees issued by the high committee for water.

Article 53- The Minister or other concerned Minister issue decrees related to the wise use of Public water for different purposes, and beneficiaries are bound to follow such decrees. In case of breaking these decrees by the beneficiaries, the concerned Minister will have the right to plug the water until the beneficiary submits what confirms his commitment regarding the decree of the Ministry or other concerned Ministry.

Article 54- The Chairman of the high Committee for water is to issue instructions to this committee and the committee of basin management.

Article 55- Without jeopardizing the rules of Article 54, the Minister in coordination with the concerned bodies will issue the executive instructions of this law.

Article 56- All regulations contradict with the articles of this law, enrolled in other enforced laws are cancelled.

Article 57- This law should be issued in the official gazette and enforced from the date of its issuance.

Damascus on 16.11.2005

President of the Republic
Bashar Al-Asad