

# LAW ON AMELIORATION AND IRRIGATION OF THE AZERBAIJAN REPUBLIC

This Law identifies the legal principles of activity in the field of land amelioration and irrigation.

## CHAPTER I. GENERAL OUTLINES

### Article 1. Principal outlines

The principal outlines used in the present Law are the following:

amelioration - radical improvement of land by application of hydrotechnical, cultural-technical, chemical, agro-ameliorative, agrotechnical and other measures;

irrigation (watering) - water distribution by means of engineering-technical and other measures by areas under crops on lands with the shortage of natural water;

ameliorated (to be ameliorated) land - land whose fertility shall (should) increase as a result of ameliorative measures;

irrigated land - land provided with irrigation system and facilities with the irrigation purpose;

ameliorative systems - united complex of hydrotechnical and other facilities and structures used for regulation of water, salt, air, heat and nourishment regime on ameliorated lands (channels, collectors, pipelines, reservoirs, lines, pumping stations, water intakes and other facilities and structures) as well as shelter belts;

irrigation (watering) systems - complex of hydrotechnical and other facilities and structures ensuring water intake, transportation, distribution and watering of crops, as well as protective forest-plantations;

detached hydrotechnical facilities - engineering facilities, structures and protective forest-plantations not being the part of amelioration and irrigation systems and ensuring water distribution to consumers, drainage of surplus water by means of ameliorative systems as well as land protection from water erosion and landslide;

ameliorative and irrigation measures - designing, building, rehabilitation and operation of ameliorative systems, irrigation systems and detached hydrotechnical facilities (hereinafter amelioration and irrigation systems); pastures' water supply, afforestation, fulfilment of cultural-technical works on improvement of land's natural and agrochemical properties, scientific and productive-technical supply of the above mentioned works.

### Article 2. Legislation of Azerbaijan Republic on Amelioration and Irrigation

The legislation of Azerbaijan Republic on amelioration and irrigation consists of the present Law and regulatory-legal acts adopted in accordance with it.

Should international agreements of Azerbaijan Republic provide for rules differed from those of the legislation of Azerbaijan Republic on amelioration and irrigation, the international agreements' rules shall be applied.

### Article 3. Purpose of Amelioration and Irrigation

The purpose of amelioration and irrigation is to create suitable conditions for husbandry, to ensure stability and growth of agricultural

output production on the base of maintenance and increase of land fertility; to reclaim low-yield and unused land and involve them in agricultural circulation.

#### Article 4. Types and Forms of Amelioration

There are the following types of amelioration (according to the nature of ameliorative measures): hydroamelioration, agro-forest amelioration, cultural-technical amelioration, chemical amelioration and others.

Each type of amelioration is divided to the following forms:

by hydroamelioration - watering, drainage, washing of saline soils, measures against erosion, landslide, flood, mud stream, etc.;

by agro-amelioration - land-protecting, field-protecting, water-detaining forms of amelioration by means of afforestation;

by cultural-technical amelioration-cleaning land from bushes, rocks, snips and other subjects, land recultivation;

by chemical amelioration - land gypsumation, etc.

### CHAPTER II.

#### TITLE TO AMELIORATION AND IRRIGATION SYSTEMS

##### Article 5. Title to Amelioration and Irrigation Systems

Amelioration and irrigation systems could be in public, municipal and private ownership.

##### Article 6. Amelioration and Irrigation Systems being in Public Ownership

Amelioration and irrigation systems located at the territory of one or a number of districts, built (being under construction) at the expense of public funds and ensuring inter-district and (or) inter-farm water distribution, unnecessary and waste water drainage and other ameliorative and irrigation measures, as well as systems used by the bodies of the executive powers of Azerbaijan Republic in order to perform the responsibilities, identified by the present Law, shall be classified as state-owned amelioration and irrigation systems.

Objects and other property of organisations carrying out supervision over amelioration and irrigation systems of state significance, as well as over their design, construction, operation and ameliorative conditions could be transferred to natural and legal entities' ownership.

##### Article 7. Amelioration and Irrigation Systems being in Municipal Ownership

Amelioration and irrigation systems within the bounds of the relevant administrative territorial unit not being state-owned and in the ownership of natural and legal entities, shall fall under the category of municipal property.

##### Article 8. Natural and Legal Entities Ownership for Amelioration and Irrigation Systems

Domestic amelioration and irrigation systems being in the common use (in the common use of two or more natural and legal entities) could be in the ownership of the natural and legal entities. Amelioration and irrigation systems being in the ownership of two or more persons shall be considered as common property of the specified persons.

### CHARTER III.

## THE AUTHORITY OF THE BODIES OF THE EXECUTIVE POWER AND MUNICIPALITIES IN THE FIELD OF AMELIORATION AND IRRIGATION

### Article 9. The Authority of the Bodies of the Executive Power of Azerbaijan Republic in the Field of Amelioration and Irrigation

The bodies of the Executive Power of Azerbaijan Republic are authorised in the field of amelioration and irrigation as follows:

- to identify the state policy in the field of amelioration and irrigation;
- to supervise over observance of the legislation in the field of amelioration and irrigation;
- to manage state-owned amelioration and irrigation systems;
- to establish the relevant bodies on amelioration and irrigation, according to the established order;
- to approve and implement Republican programmes in the field of amelioration and irrigation, to organize control of their implementation;
- to ensure funding of ameliorative measures undertaken by means of state-owned amelioration and irrigation systems and attracting investment in the field of amelioration and irrigation as well;
- to carry out co-ordinated scientific-technical policy in the field of amelioration and irrigation;
- to approve standards, norms and rules in the field of amelioration and irrigation;
- to organize the state examination of amelioration and irrigation systems projects;
- to determine water consumption limits for amelioration and irrigation systems by regions (sectors);
- to organize restoration of amelioration and irrigation systems damaged as a result of natural calamity;
- to settle disputes arisen between districts (sectors) regarding the use of state-owned amelioration and irrigation systems;
- to perform other responsibilities established by the legislation.

### Article 10. High Authority of the Bodies of the Executive Power of Nakhchivan Autonomous Republic in the Field of Amelioration and Irrigation

The bodies of the executive power of Nakhchivan Autonomous Republic are authorised in the field of amelioration and irrigation as follows:

- to adopt regulatory-legal acts in the field of amelioration and irrigation according to the legislation of Azerbaijan Republic;
- to ensure funding of ameliorative measures undertaken at the territory of Nakhchivan Autonomous Republic by means of state-owned amelioration and irrigation systems;
- to prepare, approve and implement ameliorative and irrigation programmes for the territory of the Autonomous Republic; to organize control of their implementation;
- to determine water consumption limits for state-owned amelioration and irrigation systems by the territory of the Autonomous Republic;
- to perform other responsibilities established by the legislation.

### Article 11. The Authority of Municipalities in the Field of Amelioration and Irrigation

The municipalities are authorized in the field of amelioration and irrigation as follows:

- to own amelioration and irrigation systems, to give orders regarding them and their use;
- to supervise over observance of environment protection requirements on the appropriate areas when carrying out ameliorative and irrigation activities;

- to take part in examination of amelioration and irrigation systems' projects;
- to co-ordinate, within their competence, natural and legal entities' activities in the field of amelioration and irrigation;
- to perform other responsibilities provided by the legislation.

#### CHAPTER IV.

#### STATE MANAGEMENT IN THE FIELD OF AMELIORATION AND IRRIGATION

##### Article 12. State Management of the Amelioration and Irrigation Sector

State management in the field of amelioration and irrigation shall be carried out by the relevant bodies of the executive power of Azerbaijan Republic and the relevant bodies of the executive power on amelioration and irrigation, within their competence, on the administrative - territorial principle.

The relevant body of the executive power on amelioration and irrigation comprises the Republican body and its local bodies.

The relevant body of the executive power on amelioration and irrigation carries out its activity following a statement approved in accordance with the established order.

##### Article 13. The Authority of the Relevant Bodies of the Executive Power on Amelioration and Irrigation

The relevant bodies of the executive power on amelioration and irrigation are authorised:

- to supply land users, regardless of forms of ownership, with water for irrigation;
- to prepare and implement Republican and regional (district) programmes in the field of amelioration and irrigation;
- to ensure funding ameliorative and irrigation measures;
- to organize operation of state-owned amelioration and irrigation systems;
- to supervise over distribution of water taken from water objects according to the established order and over water use;
- to provide with registration certificate and to keep a cadastre;
- to organize registration of irrigated and ameliorated land and to carry out their monitoring;
- to work out standards, norms and rules in the field of amelioration and irrigation;
- to carry out the state examination of amelioration and irrigation systems' projects, to approve them;
- to organize scientific-research and experimental design works;
- to control conditions of irrigated and ameliorated land as well as operation of amelioration and irrigation systems;
- other responsibilities established by the legislation.

##### Article 14. Provision of Registration Certificate Passport for Amelioration and Irrigation Systems

Amelioration and irrigation systems are to be provided with registration certificate (passport). When providing with registration certificate, a passport (registration certificate) shall be prepared for amelioration and irrigation systems as well as for each hydrotechnical facility

being in the structure of amelioration and irrigation system or standing by itself, reflecting their technical specifications and conditions.

Rules of provision amelioration and irrigation systems with registration certificate (passport) shall be established by the relevant bodies of the executive power on amelioration and irrigation.

#### Article 15. Registration of Irrigated and Ameliorated Land

Registration of irrigated and ameliorated land is collection of information on this land's ameliorative, hydrogeological, technical and other peculiarities. This information shall be included in the state land cadastre.

Rules of registration of irrigated and ameliorated land and of its inclusion in the state land cadastre shall be established by the land legislation of Azerbaijan Republic.

#### Article 16. Monitoring of Irrigated and Ameliorated Land

Monitoring of irrigated and ameliorated land, being an integral part of the state land monitoring, is a regular examination of irrigated and ameliorated land conditions. On the basis of this examination changes shall be disclosed in irrigated and ameliorated land conditions, they shall be evaluated and a system of measures shall be developed.

Land monitoring shall be carried out by the relevant body of executive power and scientific-research institutions on amelioration and irrigation. Rules of land monitoring shall be established by the legislation of Azerbaijan Republic.

#### Article 17. Licensing of Activity in the Field of Amelioration and Irrigation

In cases and according to the order provided by the legislation of Azerbaijan Republic, natural and legal entities shall carry out entrepreneurial activity in the field of amelioration and irrigation on the basis of a special permission (license).

#### Article 18. State Examination of Amelioration and Irrigation Systems Construction and Rehabilitation Projects

To identify conformity of amelioration and irrigation systems construction and rehabilitation projects to the appropriate standards, technical conditions and requirements state examination shall be carried out by the relevant bodies of the executive power on amelioration and irrigation.

State ecological examination in the field of amelioration and irrigation shall be carried out in accordance with the legislation of Azerbaijan Republic on environment protection and ecological examination.

### CHAPTER V.

### RULES AND REGULATION OF CARRYING OUT AMELIORATIVE AND IRRIGATION MEASURES

#### Article 19. Planning Ameliorative and Irrigation Measures

Planning ameliorative and irrigation measures shall be carried out by the relevant body of the executive power in accordance with Republican and regional (district) programmes in the

field of amelioration and irrigation as well as based on requests of municipalities, natural and legal entities being land owners and users.

A form of amelioration shall be selected according to natural-climatic peculiarities of the relevant territory and agriculture requirements.

When planning ameliorative and irrigation measures according to requests of municipalities, natural and legal entities being land owners and users, a form of amelioration and scope of ameliorative and irrigation works shall be established in accordance with the appropriate standards, norms and rules.

#### Article 20. Carrying Out Ameliorative and Irrigation Measures

Ameliorative and irrigation works shall be carried out by the specialized state-owned building organizations and natural and legal entities having licenses in this sphere, in accordance with feasibility study and projects prepared following the appropriate construction, ecological, sanitary and other standards, norms and rules.

Designing and building of amelioration and irrigation systems whose activity is related to the use of water objects shall be carried out according to a contract and a license on water use issued following the legislation of Azerbaijan Republic.

Land agro-amelioration shall be carried out in accordance with the present Law and the forest legislation of Azerbaijan Republic.

#### Article 21. Rides of Land Tenure for Carrying Out Ameliorative and Irrigation Measures

To carry out ameliorative and irrigation measures land lots, attributed to lands to be ameliorated according to the established order, shall be transferred to organization undertaking the above mentioned measures, for a period specified in the project following the land legislation of Azerbaijan Republic.

Land lots under state-owned amelioration and irrigation systems shall be handed free of charge to the organizations carrying out operation of these amelioration and irrigation systems for the permanent use.

To ensure implementation of ameliorative and irrigation measures, areas adjoining to the ameliorated (to be ameliorated) land could be used according to the civil and land legislation of Azerbaijan Republic.

#### Article 22. Ecological Requirements for Ameliorative and Irrigation Measures

Ameliorative and irrigation measures should not result in deterioration of environment conditions.

Ameliorative and irrigation measures shall be carried out following requirements of land, water, forest legislation of Azerbaijan Republic and the legislation of Azerbaijan Republic on environment protection, on land lots, on flora and fauna.

#### Article 23. Acceptance of Amelioration and Irrigation Systems

Acceptance of amelioration and irrigation systems and of protective forest-plantations shall be carried out following the rules established by the legislation of Azerbaijan Republic.

## Article 24. Use of Amelioration and Irrigation Systems Located on Ameliorated and Irrigated Land

Land lots within the bounds of amelioration and irrigation systems of common use could be transferred to natural entities for ownership or use on conditions of these systems' indivisability and observance of the technology for their use.

When distributing irrigated and ameliorated lands within the bounds of amelioration and irrigation systems between natural entities, these entities should maintain and repair the above systems on the basis of shareholding, accordingly to the volume of water used and land lots. Natural entities could carry out these works through attraction of the relevant organisations on the basis of an agreement or by means of establishing a new organisation.

To organise operation and protection of amelioration and irrigation systems being in joint or individual ownership, to manage them, to collect water fees, to settle disputes arising during the use of water and to solve other issues, an association of water users could be established. These associations' activities shall be regulated by the legislation of Azerbaijan Republic.

## Article 25. Regulation of Water Relations During the Use of Amelioration and Irrigation Systems.

Water relations during the use of amelioration and irrigation systems shall be regulated by the water legislation of Azerbaijan Republic.

To use water resources efficiently, to reimburse state expenditures allocated for water supply, to keep precise metering of water, paid water use shall be introduced.

Water payment (charges) use shall be introduced step-by-step.

Rules of paid water payment shall be established by a statement approved by the relevant body of the executive power.

## Article 26. Amelioration and Irrigation Systems Operation.

Natural and legal entities operating amelioration and irrigation systems and protective forest-plantations should maintain these objects in good (proper) conditions and prevent their damage.

Maintenance of amelioration and irrigation systems, protective forest-plantations in good (proper) conditions shall be organised:

- for state-owned amelioration and irrigation systems, protective forest-plantations - by the relevant body of the executive power on amelioration and irrigation;
- for amelioration and irrigation systems, protective forest-plantations being in municipal ownership - by municipalities;
- for amelioration and irrigation systems, protective forest-plantations of common use and those are in the ownership of natural and legal entities, - by owners and users of these objects.

Rules of amelioration and irrigation systems' operation and protective forest-plantations' maintenance shall be established by the relevant bodies of the executive power on amelioration and irrigation in agreement with the relevant body of the executive power on environment protection, the relevant bodies of the executive power on water use and protection, on forestry, on land reserves and on organisation of the use of land as well as by other concerned bodies.

Observance of the rules of amelioration and irrigation systems' operation and protective forest-plantations' maintenance is obligatory for all natural and legal entities.

#### Article 27. Protection of Amelioration and Irrigation Systems

Any activity on ameliorated and irrigated (to-be ameliorated and irrigated) land should be carried out following the requirements of the relevant bodies of the executive power on amelioration and irrigation.

Fulfilment of construction and other works, not related to amelioration and irrigation, on ameliorated and irrigated (to be ameliorated and irrigated) land should not deteriorate water, air and nourishment regime of land, break operation of amelioration and irrigation systems and protective forest-plantations.

Construction and operation of communication and electrical lines, pipelines, road and other objects on (to be) ameliorated and irrigated land should be carried out in agreement with the relevant body of the executive power on amelioration and irrigation.

### CHAPTER VI.

#### FINANCING AMELIORATIVE AND IRRIGATION MEASURES

##### Article 28. The Principles of Financing Ameliorative and Irrigation Measures.

Ameliorative and irrigation measures shall be financed at the expense of the state budget (Republican budget, local budgets) as well as funds of municipalities, natural and legal entities, water fees for irrigation and other funds not forbidden by the Law.

##### Article 29. Financing Ameliorative and Irrigation Measures from the Budget

Ameliorative and irrigation measures carried, out by means of state-owned amelioration and irrigation systems shall be financed at the expense of proceeds allocated from the state budget.

Restoration of amelioration and irrigation systems damaged or destructed as a result of natural calamity shall be carried out at the expense of funds of the Republican budget, local budgets and natural and legal entities using these systems.

##### Article 30. Participation of Municipalities, Natural and Legal Entities in Ameliorative and Irrigation Measures

Ameliorative and irrigation measures carried out according to requests of municipalities, natural and legal entities being land lots' owners or users, shall be financed by the customers.

### CHAPTER VII.

#### SETTLEMENT OF DISPUTES IN THE FIELD OF AMELIORATION AND IRRIGATION. RESPONSIBILITY FOR INFRINGEMENT OF AMELIORATION AND IRRIGATION LEGISLATION

##### Article 31. Settlement of Disputes in the Field of Amelioration and Irrigation

Disputes between natural and (or) legal entities in the field of amelioration and irrigation shall be reviewed by the court according to the order established by the legislation of Azerbaijan Republic.



Article 32. Responsibility for Infringement of Amelioration and Irrigation Legislation

Officials and citizens being guilty of infringement of amelioration and irrigation legislation shall bear disciplinary, material, civil administrative and criminal responsibility in accordance with the order provided by the legislation of Azerbaijan Republic.

President of Azerbaijan Republic  
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Heydar ALIYEV