

# Law on Amelioration of Georgia

## PART I

### *General Provisions*

#### Chapter I

##### *Article 1. Law Regulation Subject*

The law regulates legal relationships between state bodies, natural persons and legal entities in the sphere of amelioration.

##### *Article 2. The Legislation System in the Sphere of Amelioration*

The legislation of Georgia in the sphere of amelioration is based on the Constitution of Georgia, international agreements of Georgia, this law and other normative acts.

##### *Article 3. The Sphere Regulated by the Law*

This law covers the following spheres:

- a) Land reclamation;
- b) Amelioration activities;
- c) Flood (and other disasters) control measures on agricultural lands;
- d) Amelioration Associations.

##### *Article 4. Main Tasks and Objectives of the Law*

Main objectives of the law are:

- a) In order to obtain high and sustainable yields from ameliorated lands, define the principles and norms of legal aspects of designing, construction, rehabilitation, operation and maintenance of complex land reclamation, provide assistance in coordination of activities of state bodies, natural and legal persons in this sphere.
- b) To accelerate the priority development of land reclamation, rehabilitation of amelioration and pasture watering schemes, hydraulic structures, implementation of reforms in the sphere of amelioration and water economy.
- c) To promote establishment and effective functioning of Amelioration Associations.

##### *Article 5. Definition of Terms*

1. Land Reclamation – Hydro-amelioration and cultural-technical recultivation, chemical, agrotechnical, forest-amelioration, soil protection and other complex activities the implementation of which ensures agricultural development of the land unfit for agriculture, improvement of physical, mechanical, chemical, water and air qualities of the soil, increase of its fertility, creation of optimum conditions for growth and protection of plants.
2. Hydro-amelioration – Complex water regulation by means of amelioration and pasture watering schemes and hydraulic structures. The types of

water regulation are the following: irrigation, drainage, pasture watering, liquidation of erosion, prevention of floods, landslides and others.

3. Cultivation and Re-cultivation – Basic improvement of land such as stubbing of trees and bushes, clearing the land from stones and stumps, initial cultivation, deep ploughing, hoeing and other kinds of cultivation and recultivation works.
4. Chemical Reclamation – Improvement of physical and chemical qualities of the soil using gypsum, lime, peat compost, bentonite clay and other chemicals, agroamelioration of alkali soils.
5. Forest Amelioration – Protection of agricultural crops, soil, water reservoirs, ravines from erosion, wind emaciation, improvement of climatic and hydrogeological conditions by means of forest shelter belts.
6. Ameliorated Lands – Lands on which amelioration activities were carried out.
7. Ameliorable Lands - The cultivation, increase of fertility of such lands, their transformation into intensive agricultural area are carried out by means of amelioration activities.
8. Amelioration Activities – Designing, construction, rehabilitation, operation and maintenance of hydraulic structures, pasture watering systems, carrying out forest amelioration, recultivation, chemical, agrotechnical, soil protection, fertility increasing and other kinds of activities, their scientific and industrial – technical provision
9. Amelioration Scheme (Irrigation, Drainage, Bilateral Regulation) – A complex of interconnected hydraulic structures, which ensures the creation of optimum water, air and temperature regime in the soil for plants and increase of fertility.
10. Irrigation Scheme – A complex of a water reservoir, headworks, a main canal, a pipeline, a distributary and irrigation network, deep drainage, main drain network, a pumping station, a well, roads, bridges, culverts and other hydraulic structures which ensures storage, transportation and distribution of water in the area according to water necessity of plants in different phases of their growth.
11. Drainage Scheme – A complex of horizontal and vertical drainage, regulating, open canal, a water receiver, a mountain foot canal, an embankment, a pumping station and other hydraulic structures, which ensures removal of excessive water according to water necessity of plants in different phases of their growth.
12. Pasture Watering Scheme – A complex of headworks, a pumping station, a main pipeline, a regulatory reservoir, a distributary network and other hydraulic structures that ensures water supply of cattle breeding farms and other objects.

- 13. Independent Hydraulic Structure** – An engineering structure, which is not a part of an amelioration scheme and independently ensures water regulation, protection from erosion, landslides, floods.
- 14. Primary Water Users** – A licensee to whom the water object is transferred for use and which is responsible for its operation and maintenance.
- 15. State Amelioration Scheme of General Use (Purpose) and an Independent Complex Hydraulic Structure (Amelioration Infrastructure)** – Headworks of irrigation, drainage, double regulation, pasture watering schemes, water reservoirs, main canals, pipelines, different kinds of regulatory and drainage networks, main drains, catchments constructed before a water distributary and water receiver, pumping stations, wells of frontal and regime observation, complex hydraulic structures (that serve hydroamelioration of two or more districts or major areas (massifs) of the territory of regions) preventing erosions, landslides, mud-streams, floods, inundations, constructed (or being constructed) by public funds.
- 16. Amelioration Network of Onfarm Use (Purpose), Independent Simple Hydraulic Structures and local Schemes (Amelioration Infrastructure)** – Amelioration networks constructed after distributaries and water receivers of state amelioration schemes as well as simple hydraulic structures preventing erosion, landslides, mud-streams, floods, inundations, pumping stations, wells and local schemes which serve certain areas of districts.
- 17. Amelioration Association** – a legal person (a corporation under the Public Law) under the Public Law based on membership and established by the Act of the Ministry of Agriculture and Food of Georgia in accordance with the proposed Law and the Law on Legal Persons Under the Public Law of Georgia. The Ministry of Agriculture and Food makes decision on foundation of an amelioration association within two weeks after submission of Founders' application.

The refusal on foundation of an amelioration association should be justified in writing; it should consider the possibility and rules of appeal. The appeal against the refusal can be taken to the Court. A legal or natural person directly possessing (owner, leaser etc) land within Association service territory can become a member of an Association. Entering the membership of an Association can not be paid. The founders of an Association and the members entering into the membership later have similar status. The supreme management body of an Association is a General Assembly.

Amelioration Associations are:

- a) **Water User Association** – to be established by the land possessors possessing land within the territory of irrigation and/or pasture watering schemes;
- b) **Drainage User Association** – to be established by the land possessors possessing land within the territory of drainage schemes;
- c) **Amelioration Federation** – a Legal Person under the Public Law established by two or more Amelioration Associations in accordance

with the "Law on Legal Persons the Under Public Law of Georgia" and this law.

**18. Association Service Territory** – (a) ameliorated area determined by Amelioration Association members, covering not less than one hydraulic unit; (b) the borders of a service territory is to be agreed with the local administration (in accordance with the location of a hydraulic unit). All the documents specified in the proposed Law and needed for making a decision should be submitted to the local administration. The local administration, in its turn, agrees (within 10 days) borders of the service territory with the related amelioration district offices of the Ministry of Agriculture and Food and the related district offices of the State Department of Land Management and makes decision within 20 days after applying. The refusal (on the agreement) should be justified in writing and envisage the possibility and the rules of appeal. The refusal can be appealed in the Court. (c) In case of presenting several requests for agreeing Association service territory (in which one and the same hydraulic unit appears), it is necessary (for making a decision) to present the written agreement of minimum 51% of the total number (possessing not less than 51% of the whole territory) of land possessors (for each hydraulic unit located within the Association service territory) on establishment of an Association and entering the membership.

#### **19. Hydraulic Unit**

Hydraulic Units are:

- (a) A Hydraulic Unit of irrigation and/or pasture watering schemes – secondary and tertiary distributaries and the related hydraulic structures and/or local schemes of irrigation and/or pasture watering schemes;
- (b) A Hydraulic Unit of a drainage scheme –collector drains of drainage schemes, tertiary water intakes and the related hydraulic structures and/or local schemes;

**20. The Management Board** is an association management body which is responsible to the General Assembly. Association Management Board is elected at the General Assembly and staffed by those Association members who are not indebted to the Association, for the period of not more than 4 years (not less than three members). The Chairman of the Management Board (of the Association) is selected out of the Management Board members by the Management Board members; the Chairman represents Association in relation with the third persons.

#### **21. Tariffs on Irrigation Water Delivery and on Service per Hectare with Drainage Schemes**

- a) Wholesale Tariffs** – Cost of water delivered from state irrigation, double regulation and pasture watering schemes to Associations and other water users and cost per hectare of removal of excessive water by means of state drainage schemes.

- b) Retail Tariffs – Wholesale tariffs plus cost of operation of an Association (or cost of the services provided) defined by General Assembly of an Association; the agreement of 2/3 of members is needed for approving a retailing tariff.

## *PART II*

### *Principal Part*

#### Chapter II

#### Conditions of Use of Amelioration, Pasture Watering Schemes And Independent Hydraulic Structures

##### **Article 6. Use of Amelioration and Pasture Watering Schemes and Independent Hydraulic Structures**

1. Amelioration, pasture watering schemes and independent hydraulic structures can be in state or private ownership in cases stipulated by the legislation of Georgia.
2. The state-owned amelioration infrastructure (located within Amelioration Association service territory) will be transferred to the Amelioration Association by termless usufruct contract for free within two weeks after establishment of Associations.

##### **Article 7. Conditions of Use of Amelioration Schemes and Hydraulic Structures**

1. Natural and legal persons are obliged to use their own amelioration and pasture watering schemes, hydraulic structures for their purposes intended, operate, maintain and protect them.
2. Forest amelioration, recultivation, chemical, soil protection activities, protection from landslides, erosion, mud-streams, floods, inundations, increase of fertility, designing, construction, rehabilitation, operation and maintenance of amelioration and pasture watering schemes are carried out in compliance with the legislation of Georgia.

## *Chapter III*

### *Financing of Land Reclamation Activities*

#### *Article 8. Financing of Land Reclamation activities*

1. The Parliament of Georgia approves the operation and maintenance costs of state owned amelioration and pasture watering schemes and independent hydraulic structures of general use (purpose) within the framework of the Law on State Budget.
2. Costs soil protecting and fertility increasing activities, operation and maintenance costs of state owned onfarm network, simple independent hydraulic structures, pumping stations, wells and local schemes are covered with district budget allocations and charges paid by land (water) users. Local authorities define the amount of allocations from local budget.

## **Article 9. Tariffs for Water Delivered through State Irrigating, Double Regulating and Watering Schemes and for Service of Drained Land per Hectare**

1. In Georgia tariffs are imposed on water delivered to onfarm networks and other water users through state irrigation, double regulation and pasture watering schemes of general use (purpose) and on providing drainage services per hectare.
2. The income derived from wholesale tariffs charged for services are used for the purposes intended to cover operation and maintenance costs of amelioration and pasture watering schemes of general use (purpose) and of independent complex hydraulic structures.
3. Costs of services provided by Amelioration Associations (AAs) are covered by amelioration service fees paid by AA members and non-members and membership fees.

### **Article 10. Bodies Defining Tariffs for Services**

Wholesale tariffs for services are defined according to the legislation of Georgia.

Retail tariffs for services are approved by the General Assembly of an Association according to the legislation of Georgia.

## **Chapter IV**

### **State Management of Amelioration Sector**

## **Article 11. Division of Powers among State Bodies, Natural and Legal Persons in the Field of Amelioration**

The basis for the division of powers among state bodies, natural and legal persons in the field of amelioration is a form of ownership, which is regulated by the Constitution of Georgia, this law and other normative acts.

### **Article 12. State Management and Control of Amelioration Sector**

Ministry of Agriculture and Food carries out management and control of amelioration sector ~~by means of the Department of Amelioration and Water Economy~~. Its functions are:

- a) to control implementation of normative acts in the field of amelioration;
- b) to determine state policy in the field of amelioration, to prepare government programs, to pursue unified technical policy, to ensure scientific-technical provision, to elaborate rules, standards, to approve and implement them and to control their implementation;
- c) to ensure management, regulation, industrial-technical provision of designing, construction, rehabilitation, operation and maintenance of amelioration and pasture watering schemes, hydraulic structures, recultivation, soil protection, chemical amelioration, flood and landslide prevention, liquidation of erosion.
- d) to define, distribute, manage and control the limits of using the water delivered through irrigation, double regulation and pasture watering schemes.

- e) to operate and maintain state irrigation water reservoirs, to organize, coordinate, manage and regulate activities for the improvement of their technical condition.
- f) to liquidate erosion, prevent floods, landslides, inundations, to carry out recultivation, soil protection, chemical amelioration, to operate and maintain hydraulic structures.
- g) to elaborate data for the reclaimed land survey within the framework of the land cadaster, to provide hydrogeological services.
- h) to promote establishment of Amelioration Associations (Federations), provide free consultations and keep registers, service territory and cartographic information database and execute state control on Amelioration Associations.
- i) ~~(In order to systematize Association registration materials) to register the materials (together with the District Offices of Agriculture and Food) connected with the Charter, a map of service territory, the number of land possessors, area of the land occupied, certification and asset prices of amelioration structures.~~

## *Chapter IV<sup>1</sup>*

### *Amelioration Association*

#### Article 12<sup>1</sup>. Establishment of an Association

1. Association is established according to the Law on Legal Person the Under Public Law of Georgia and this law for improving amelioration services and water management; the following arrangements are needed for establishment of an Association:
  - a) to inform the land possessors (within Association service territory) on establishment of an Association and acquaint them with the Charter;
  - b) written agreement of minimum 51% of the total number of the land possessors (possessing not less than 51% of the territory) on establishment and entering the membership of an Association;
  - c) map of the service territory (layout plan) agreed with the local administration and the related amelioration district offices of the Ministry of Agriculture and Food, the list of the land possessors (within Association service territory) and the areas occupied agreed with the related district office of the State Department of Land Management of Georgia.

#### Article 12<sup>2</sup>. Management of Amelioration Associations (AA) and Their Activities

1. In order to improve water management and amelioration services the objectives of AA activities are:
  - (a) entering of the maximum number of land possessors (within Association service territory) into the membership of an Association. Provision of

- priority services to the members of an Association and contract basis service - to the non-members.
- (b) receiving and estimation of the water delivered to the water division point from State Irrigation and/or Pasture Watering Schemes, efficient distribution (and estimation) of water between the land possessors; levying service fees and settlement of accounts with the organizations delivering water.
  - (c) improving (re-equipment/rehabilitation) amelioration condition of the infrastructure located within Association Service Territory, construction, maintenance and protection;
  - (d) execution of amelioration activities in order to preserve and improve amelioration condition of the existing lands and high intensity use of lands.
2. The responsibilities of the Management Board are:
- (a) to keep the register of ameliorated lands possessed by AA members;
  - (b) to organize technical, financial, accounting activities, ensure implementation, prepare reports, elaborate draft budgets and discuss it on the General Assembly;
  - (c) to identify the expenses needed for operation and maintenance of irrigation, drainage and watering onfarm networks, simple independent hydraulic structures, pump stations, wells and local schemes transferred by usufruct contract in order to submit them to the local administration to be envisaged in the Territorial Budget;
  - (d) to elaborate schedules for seeding, water use and distribution, compile the list of Association service users (including priority service users) and submit them to the General Assembly for approval. The Management Board must meet the requirement of the water supply of the land possessor (member or non-member) having no debts before starting next irrigation by turns;
  - (e) to determine the retailing tariff (for amelioration services) for the members and the contract price (which should not exceed double retailing tariff) for the non-members and submit them to the General Assembly for approval;
  - (f) Other activities that are beyond the General Assembly functions.

### **Article 12<sup>3</sup>. Rights and Responsibilities of Irrigation, Drainage and Pasture Watering Service Users**

1. The irrigation, drainage and pasture watering service user has a right:
- (a) to demand provision of irrigation and/or drainage services;
  - (b) to become a member of an Association in case of possessing a land within Association service territory. In case of joint possession only one of the possessors (who is conferred the authority by the other possessors) can become a member of an Association;
  - (c) in case of being an Association member to have not less than one vote and not more than 20% of the total number of votes and to pass his/her vote to the representative, who can represent not more than 10 members;
  - (d) in case of being an Association member to participate in management and other activities of an Association, use priority



- services, on the basis of the written consent of 10% of the total number of members check accounting and financial recordings, technical reports, contract and other documents of an Association;**
- (e) to demand recovery of damages caused by Association activities;**
2. The responsibilities of irrigation, drainage and pasture watering service users are:
- (a) to protect amelioration network and hydraulic structures located within the area possessed by him/her, preserve and improve amelioration condition of the land;
  - (b) to enable an Association to use on-farm amelioration network and independent simple hydraulic structures located within the area possessed by him/her;
  - (c) to pay retailing tariff within the period determined by the General Assembly;

*Article 12<sup>4</sup>. Payment with Retailing and Wholesaling Tariffs*

- 1. Association carries out payments with the primary water user by means of a wholesaling tariff for irrigation water supply and drainage services. In case of non-payment the primary water user is authorized to cease water delivery or drainage services to the Association and demand reimbursement of expenses.**
- 2. Any user of Association services is obliged to pay a retailing tariff within the period determined by the General Assembly.**
- 3. In case of having indebtedness, Association is authorized to cease water delivery or drainage services to any user (of an Association services) and demand reimbursement of expenses.**

*Article 12<sup>5</sup>. Property of an Association and Liquidation*

The property of an Association is made up with the funds gained by carrying out amelioration services, contributions and other legal incomes. The property of an Association can be used only for the purposes envisaged by the Charter.

(Points 2 and 3 have been canceled)

Chapter V  
Use of Water Resources and Irrigation Water Reservoirs

**Article 13. Use of Water Resources**

- 1. Obtaining of a license to use water resources for irrigation and watering of pastures, water management, rational use and protection are carried out in compliance with the legislation of Georgia.**
- 2. The amount of fees charged for use of water resources for irrigation and pasture watering and terms of payment are defined by the legislation of Georgia.**

#### Article 14. Use of Irrigation Water Reservoirs

1. Joint use state owned irrigation water reservoirs will be used by water users primarily for irrigation purposes keeping all the necessary safety conditions for their operation
2. Natural and legal persons which fish or obtain aquatic animals and plants or generate electric power in state owned irrigation water reservoirs should agree the conditions of water use with primary water users

### Chapter VI

#### Allocation and Use of Land under Amelioration Schemes And Hydraulic Structures

#### Article 15. Allocation and Use of Land

1. Land intended for construction, rehabilitation, operation and maintenance of state owned amelioration pasture watering schemes and of independent hydraulic structures are allocated according to the rule on land arrangement in compliance with the legislation of Georgia.
2. Land intended for operation and maintenance of amelioration, pasture watering schemes and independent hydraulic structures which are built (being built) or privatized by natural persons or legal entities are granted to them for special needs according to the rule on land arrangement and in compliance with the legislation of Georgia.
3. Parameters of alienation zone of amelioration and pasture watering schemes and hydraulic structures are defined according to the construction norms and rules in compliance with the legislation of Georgia.
4. Use of sanitary – protective and technical zones of water reservoirs and complex hydraulic structures is carried out in compliance with the legislation of Georgia.
5. Ownership rights in the land occupied by amelioration, pasture watering schemes and independent hydraulic structures and servitudes are defined in compliance with the legislation of Georgia.
6. Plot of land which is contiguous with the territory allocated for carrying out amelioration, soil protection, flood, inundation and landslide prevention, erosion liquidation and other works will be transferred to the organization executing the above mentioned works for special use for a fixed term in compliance with the legislation of Georgia.

### Chapter VII

#### Certification, Inventorying and Monitoring of Reclaimed Lands and Amelioration Schemes

#### Article 16. Cadaster of Reclaimed Lands

The Ministry of Agriculture and Food ~~by means of the Department of Amelioration and Water Economy~~ and State Department of Land Management of Georgia observe salinization, alkalization, acidity, waterlogging of the reclaimed land, dynamics of ground waters and other hydrogeological-amelioration characteristics and prepare the data of the cadaster of reclaimed lands.

Article 17. Certification, Inventorying and Monitoring of Amelioration,  
Pasture Watering Schemes and Hydraulic Structures  
The Ministry of Agriculture and Food ~~by means of the Department of  
Amelioration and Water Economy~~ carries out certification, inventorying and  
monitoring of amelioration, pasture watering schemes and independent  
hydraulic structures.

## Chapter VIII International Cooperation in the Sphere of Amelioration

Article 18. International Cooperation in the Sphere of Amelioration  
In compliance with the legislation of Georgia, Georgia concludes, ratifies,  
denounces, joins international agreements, which regulate relationship of  
Georgia with other states and international organizations in the sphere of  
amelioration.

## Chapter IX Responsibility for Infringement of The Law on Amelioration of Georgia

Article 19. Responsibility for Infringement of the Law on amelioration of  
Georgia

Responsibility for infringement of the requirements of this law is stipulated by  
the legislation of Georgia.

## Chapter IX<sup>1</sup> Transitive Provisions

Article 19<sup>1</sup>. Standard acts to be adopted in view of the validity of the proposed  
law

In order to implement government control on Amelioration the Ministry of  
Agriculture and Food should work out a normative act specifying form and  
frames of government control.

## PART III. FINAL PART

## Chapter X Final Provisions

Article 20. Adjustment of Normative Acts of Georgia to the Law on  
Amelioration of Georgia

From the effective date of this law the following documents are considered  
invalid:

- a) Decree No 846 on lands Granted to Water Management Bodies and Other Organizations for Special Needs issued by the Council of Ministers of Georgian Soviet Socialist Republic on 27 December 1962 (Statute-book of Georgian Soviet Socialist Republic, 1980, Volume 7)
- b) Decree No 111 on Rules of Construction, Repair, Operation and Maintenance of Hydraulic structures Preventing Erosion and Landslides and Forest Shelter Belts issued by the Council of Ministers of Georgian Soviet Socialist Republic on 14 March 1968 (Statute-book of Georgian Soviet Socialist Republic, 1980, Volume 7)
- c) Item 3 of Decree No 352 on Strengthening Environmental Protection and Improvement of Use of natural Resources issued by the Central Committee of Communist Party and Council of Ministers of Georgian Soviet Socialist Republic on 15 May 1973 (Statute-book of Georgian Soviet Socialist Republic, 1980, Volume 7)
- d) Decree No 324 on Rules of Appointment of Commissions for Formal Acceptance of Constructed Irrigation and Drainage Systems and Other Structures issued by the Council of Ministers of Georgian Soviet Socialist Republic on 19 May 1975 (Statute-book of Georgian Soviet Socialist Republic, 1980, Volume 7)
- e) Decree No 659 on Arrangements of the Development of Small Amelioration in the Republic issued by the Central Committee of Communist Party and Council of Ministers of Georgian Soviet Socialist Republic on 28 October 1975 (Statute-book of Georgian Soviet Socialist Republic, 1980, Volume 7)
- f) Decree No 382 on Results of Checking- Survey of Readiness of Collective Farms of the republic for Irrigation Season of 1976 issued by the Central Committee of Communist Party and Council of Ministers of Georgian Soviet Socialist Republic on 2 June 1976 (Statute-book of Georgian Soviet Socialist Republic, 1980, Volume 7)
- g) Decree No 398 on Rules of Making and Considering an Application for Transferring Water Objects for Use issued by the Council of Ministers of Georgian Soviet Socialist Republic on 7 June 1976 (Statute-book of Georgian Soviet Socialist Republic, 1980, Volume 7)
- h) Decree No 900 on Increase of Efficiency of Agricultural Science and Strengthening Its Relations with Production issued by the Central Committee of Communist Party and Council of Ministers of Georgian Soviet Socialist Republic on 28 December 1976 (Statute-book of Georgian Soviet Socialist Republic, 1980, Volume 7)
- i) Decree no 479 on Urgent Measures of Drainage and Development of Kolkheti Lowland issued by the Central Committee of Communist Party of Georgian Soviet Socialist Republic on 21 June 1977 (Statute-book of Georgian Soviet Socialist Republic, 1980, Volume 7)
- j) Decree No 805 on Improvement of Condition of Farm network and Roads in Kolkheti Lowland issued by the Council of Ministers of Georgian Soviet Socialist Republic on 13 December 1977 (Statute-book of Georgian Soviet Socialist Republic, 1980, Volume 7)
- k) Decree No 843 on Provision of Hydroamelioration Works Executed by Water Management Organizations of Georgian Soviet socialist republic with Technical Personnel issued by the Council of Ministers of Georgian

Soviet Socialist Republic on 30 December 1977 (Statute-book of Georgian  
Soviet Socialist Republic, 1980, Volume 7)

Article 21. Validation of the Law

This law is valid from the date of its publication.

President of Georgia

Eduard Shevardnadze

Tbilisi

15 October, 1997

No 938 I