

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

GOVERNMENT OF THE REPUBLIC OF INDONESIA

REGULATION NO. 77 (2001)

on

IRRIGATION

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

Considers : a. changes in such as a regional government system as set out in Law No. 22 (1999) regarding Regional Government have a significant impact on irrigation management policy;

b. such irrigation management policy as set out in Government Regulation No. 23 (1982) regarding Irrigation is deemed to be no longer appropriate during the current regional autonomy era;

c. in connection therewith, it is deemed necessary to issue a new government regulation which is capable of being used as a legal basis for irrigation organization;

- In view of :
1. Article 5 (2) and Article 33 (3) of the Constitution of 1945 as amended by the Third Amendment to the Constitution;
 2. Law No. 5 (1960) regarding the Base Regulation concerning Principles of Agrarian Affairs (see Official Gazette of the Republic of Indonesia No. 104 (1960), Supplement to the Official Gazette No. 2043);
 3. Law No. 11 (1974) regarding Irrigation (Official Gazette No. 65 (1974), Supplement to the Official Gazette No. 3046);
 4. Law No. 12 (1992) regarding Plant Cultivation (Official Gazette of the Republic of Indonesia No. 46 (1992), Supplement to the Official Gazette No. 1347);
 5. Law No. 23 (1997) regarding Environmental Management (Official Gazette of the Republic of Indonesia No. 68 (1997), Supplement to the Official Gazette No. 3699);

6. Law No. 22 (1999) regarding Regional Government (Official Gazette of the Republic of Indonesia No. 60 (1999), Supplement to the Official Gazette No. 3839);
7. Law No. 25 (1999) regarding the balance between Finances of the National and Regional Governments (Official Gazette of the Republic of Indonesia No. 72 (1999), Supplement to the Official Gazette No. 3848);
8. Law No. 25 (2000) regarding the National Development program for the 2001-2004 Period (Official Gazette of the Republic of Indonesia No. 206 (2000));
9. Government Regulation No. 25 (2000) regarding the Authority of the National Government and the Provinces as Autonomous Regions (Official Gazette of the Republic of Indonesia No. 54 (2000), Supplement to the Official Gazette No. 3952);

DECIDES:

To Stipulate : GOVERNMENT REGULATION ON IRRIGATION

CHAPTER I

GENERAL DEFINITIONS

Article 1

In the Government Regulation the following definitions shall apply:

1. "Water" shall mean any water found in, on and underneath the ground, including surface water, ground water, rain water, and sea water which is used on land;
2. "Water source" shall mean any place, which contains water found in, on or underneath the ground;
3. "Irrigation" shall mean any effort to supply and regulate water for the purpose of supporting irrigation, efforts of which consist of surface, underground, pumped and fish pond irrigation;
4. "Irrigated Area" shall mean any area unit, which receives water from an irrigation network;
5. "Irrigation Network" shall mean any channel, building and its complementary building which constitute a unit and are necessary to regulate irrigation water from its provision, collection, distribution, supply, utilization, and its disposal;
6. "Primary Network" shall mean any irrigation network which is installed in an irrigation system, consisting of main buildings, primary and secondary canals, absorption and ancillary buildings;

7. "Tertiary Network" shall mean any irrigation network which serves as part of water supply service infrastructure in tertiary lots, which consist of carryover canals, called tertiary canals, dividing canals, called quarter canals, and disposal canals and their complementary and ancillary buildings, which include pumped irrigation networks the service area of which is comparable to tertiary areas;
8. "Irrigation Lot" shall mean any lot, which receives irrigation water;
9. "Tertiary Lot" shall mean any group of irrigation lots, which constitute a unit and receives irrigation water through the same tertiary canals;
10. "Irrigation Water Supply" shall mean the determination of the amount of water per unit of time and the time the supply of water which may be used to support agricultural activities;
11. "Irrigation Water Distribution" shall mean any distribution of water found in a primary network;
12. "Irrigation Water Supply" shall mean supply of allocated water from a primary network to tertiary and quarter lots;
13. "Irrigation Water Utilization" shall mean the use of water in agricultural sites;

14. "Drainage" shall mean the drainage of excess unused irrigation water in a certain irrigation are;
15. "Water-using Farmer Association" shall mean any institution which is established by farmers in a democratic manner to manage irrigation activities and serves as water-using farmer organization in an irrigation service area; this includes local institutions which manage irrigation water;
16. "Irrigation Commission" shall mean any coordination and communication agency between a regency or municipal government, water-using farmer association at irrigation area level, irrigation water users for other purposes, and elements of society which have an interest in irrigation management, namely NGO's, representatives of higher learning institutions and irrigation observation organizations found in the working area of the regency or municipality concerned;
17. "Irrigation Area Coordination Forum" shall mean any consultation and coordination body which consists of and between water using farmer associations, local government officials and irrigation water users for other purposes, with an aim to manage irrigation activities in one or part of an irrigation area the primary network of which performs a multipurpose

function and is established on the basis of common needs and interests;

18. "Dam" shall mean any place to contain river water so that it may be used for irrigation and other purposes;
19. "Field Dam" shall mean any place which contains irrigation water where there is river or rain water surplus;
20. "Irrigation Network Construction" shall mean any construction activity for the purpose of providing irrigation networks for areas which do not have irrigation networks or do not enjoy irrigation water supply so that these areas are capable of increasing their service areas;
21. "Irrigation Management" shall mean all efforts in the productivity/ utilization of irrigation water that comprise of operations and maintenance, security, rehabilitation, and improvement of irrigation network.
22. "Irrigation Network operation and Maintenance" shall mean any activity for the purpose of regulating irrigation networks and water, including its supply, distribution, giving, utilization and drainage and efforts to maintain irrigation network functions;
23. "Irrigation Network Protection" shall mean any effort to prevent and deal with damage to irrigation networks due to the destructive forces of water, animals or

humankind, so that irrigation network functions are maintained;

24. "Irrigation Network Rehabilitation" shall mean any activity to repair irrigation networks so that they return to their original functions and irrigation services;
25. "Irrigation Network Improvement" shall mean any activity aimed at improving irrigation networks by taking into account changes in the environs of irrigation areas for the purpose of improving irrigation services and functions;
26. "Irrigation Research Management" shall mean any inventory-taking, audit, planning, utilization and protection of irrigation assets, and the evaluation thereof;
27. "Irrigation Management Audit" shall mean any activity to inspect the performance of irrigation management which covers organizational, technical and financial aspects, as bases for the evaluation of irrigation asset management;
28. "Authorized Official" shall mean any public official and/or regional government official which is authorized to regulate, control and supervise the organization of irrigation activities based upon the applicable laws and regulations;

29. "Delegation of Irrigation Management Authority" shall mean any assignment of the rights, authority and responsibility from a regional government to water-using farmer associations for the purpose of regulating irrigation and financing activities in its working area;
30. "Irrigation Water Concession" shall mean any entitlement granted by an Authorized Official upon water-using farmer associations, legal entities, social organizations, individual persons, irrigation water users for other purposes who utilize irrigation water for the purpose of supporting their main business activities;
31. "Irrigation Water Taking Permit" shall mean any permit granted by an Authorized Official upon the holder of an irrigation water concession;
32. "Local Policy" shall mean any rule, directive, provision and guideline and reference to the organization of a local government which is set out in a local regulation, decree of a head of district, resolution of a local government legislative assembly and decree of the executives of a local government legislative assembly;
33. "River Flow Area" shall mean any area which is delineated by topographical borderlines and contains, stores and channels water to a water stream and main

river which drains into a lake or the sea, including that found under a ground water rim;

34. "National Government," hereinafter referred as "the government," shall mean the national agency of the Unitary Republic of Indonesia, which consists of the President and his or her government ministers;
35. "Minister" shall mean the government minister who is in charge of and responsible for water resources;
36. "Governor" shall mean the head of a provincial government assigned with executive duties over a province;
37. "Regent or Mayor" shall mean the head of a regency or municipality assigned with executive duties over a regency or municipality;
38. "Autonomous Region," hereinafter referred to as "the Region," shall mean any unit of legal community which is specifically delineated, has the authority to regulate and administer the local community's interests in accordance with their own initiative based upon public aspirations within the Unitary Republic of Indonesia;
39. "Regional Government" shall mean the head of a district and his or her autonomous region's personnel who comprise the Region's Executive Branch.

Article 2

Irrigation shall be organized with an aim to materialize water utilization in a comprehensive, integrated and environment-friendly manner and for the purpose of improving the welfare of the public, specifically farmers.

Article 3

Irrigation shall serve to maintain and increase land productivity so as to reach an optimum agricultural outcome without any harm to other interests.

CHAPTER II

PRINCIPLES OF IRRIGATION MANAGEMENT

Article 4

- (1) Irrigation management shall be conducted with an emphasis on the interests of the farming community and by treating water-using farmer associations as decision-makers and the major players for whom irrigation management is a responsibility.
- (2) For the purpose of attaining such an objective as set out in section 1 of this article, water-using farmer associations shall be empowered in a sustainable and continual manner.

Article 5

- (1) In order to ensure effective and efficient irrigation management and provide farming communities with maximum benefits, irrigation management shall be conducted by maximizing the utilization of both surface and underground water in an integrated manner.
- (2) Such irrigation management as set out in section 1 of this article shall be carried out on the principle of one irrigation system for one management unit, taking into account the interests of downstream, mid-stream and upstream users in a balanced manner.
- (3) Irrigation management shall be performed by way of involving all interested parties so that the maximum utilization of irrigation networks is achieved.

Article 6

- (1) The continuity of an irrigation system shall be maintained on the basis of reliable irrigation water and sound irrigation infrastructure for the purpose of helping to increase farmer income.
- (2) In order to help increase farmer income as set out in section 1 of this article, irrigation management shall be conducted in anticipation of agricultural business modernization and diversification with the support of

infrastructure and facilities being provided in accordance with demand.

- (3) Irrigation water reliability may be enhanced as provided for in section 1 of this article by means of constructing dams and/or field dams, controlling water quality, appropriate drainage networks and re-utilizing drainage water.

CHAPTER III

IRRIGATION WATER INSTITUTIONS

Article 7

- (1) Irrigation water institutions shall consist of the agencies of the Government, the Local Government, water-using farmer associations or other parties the activities of which relate to irrigation management in accordance with their authority in the planning, construction, operation, maintenance, rehabilitation, improvement and financing.
- (2) Any water-using farmers may form water-using farmer associations up to irrigation area level, which associations shall serve as the competent organization to regulate irrigation areas as a management unit.
- (3) In order to fulfil irrigation water demand for a variety of needs, the Regent or Mayor shall establish an

Irrigation Commission under the Decree of the Regent or the Mayor concerned.

- (4) Such an Irrigation Commission as set out in section 3 of this article shall serve to assist the Regent or the mayor in improving the performance of irrigation management, specifically with respect to the supply, distribution and giving of irrigation water for plants and other purposes, and making recommendations on the allotment priority of funds for regency or municipal irrigation management.
- (5) For the purpose of coordinating managerial activities performed in an irrigation area the primary network of which has a multipurpose function, an irrigation area coordination forum may be formed.

Article 8

The division of authority and responsibility and working mechanism among irrigation management institutions shall be conducted in accordance with the applicable laws.

CHAPTER IV

DELEGATION OF IRRIGATION MANAGEMENT AUTHORITY

Article 9

- (1) The delegation of irrigation management authority from a Local Government to a water-using farmer association

which takes the form of a legal entity shall be carried out in a democratic manner on the principle of one irrigation system for one management unit.

- (2) The delegation of irrigation management authority from a Local Government to a water-using farmer association consistent with the working area of this association shall be conducted at irrigation area or partial irrigation area level.
- (3) Such delegation of irrigation management authority from a Local government to a water-using farmer association as set out in section 2 of this article shall be determined through an agreement in writing and without the physical delivery of the asset ownership of the irrigation network concerned.

Article 10

The delegation of irrigation management authority for an irrigation area the irrigation network of which possesses a multipurpose function shall be performed under an agreement between the Local Government, water-using farmer association and other irrigation water users concerned.

Article 11

Should an irrigation management audit find that a water-using farmer association fails to perform the irrigation management

authority, which has been delegated, the Local Government shall withdraw the authority through the minutes of withdrawal concerned.

Article 12

The delegation of irrigation management authority shall be conducted in accordance with the applicable laws.

CHAPTER V

EMPOWERMENT OF WATER-USING FARMER ASSOCIATIONS

Article 13

- (1) The Local Government shall empower water-using farmer associations through the improvement and enhancement of the ability of these associations.
- (2) The Local government or another party may provide water-using farmer associations with assistance and facilities under an agreement in writing.
- (3) Should the management of a water-using farmer association be impeded by the lack of activity on the part of this association as irrigation management, the Local Government may facilitate the resolution this issue.
- (4) The Local Government shall determine a Local Regulation based upon the National Policy, which regulation serves to further regulate such empowerment of water-using

farmer associations as set out in section 1 of this article.

CHAPTER VI

MANAGEMENT PATTERNS FOR IRRIGATION WATER

Article 14

- (1) The Irrigation Water Use Concession shall be granted by the Regent, Mayor, Governor and Minister in accordance with his or her authority upon water-using farmer associations at irrigation area level, legal entities, social organizations, individual persons and other irrigation water users at each water source utilized.
- (2) The Irrigation Water Use concession shall be granted specifically in the interests of farmers without prejudice to those of other businesses.
- (3) The Irrigation Water Use Concession shall be granted based upon water availability and demand at certain service areas and valid for a period of not less than five (5) years and may be extended.

Article 15

- (1) The Irrigation Water Use Concession shall be granted in the form of a water collection permit.
- (2) Such water collection permits, as set out in section 1 of this article shall be granted upon water-using farmer

associations, legal entities, social organizations, individual persons and other water users.

- (3) The holder of such a Water Collection Permit as set forth in section 2 of this article may utilize the existing irrigation network.

Article 16

The regulation and determination of irrigation water collection permits shall be performed under the applicable laws.

Part 2

Irrigation Water Supply

Article 17

- (1) Irrigation water supply shall be aimed at achieving an optimum agricultural production capacity while taking into account the interests of others.
- (2) During the course of irrigation water as set forth in section 1, the Local government shall make efforts to maximize water supply to a single irrigation area and multiple irrigation areas.
- (3) The Government and the Local Government shall make efforts to ensure the availability, control and improvement of the quality of irrigation water.

Article 18

- (1) The Annual Plan of irrigation water supply shall be prepared by an Irrigation Commission based upon the proposals of water-using farmer associations and other irrigation water users in accordance with the irrigation Water Use Concessions which have been granted and irrigation water demand.
- (2) The Annual Plan of irrigation water supply as provided for in section 1 of this article shall be determined by the Governor or Regent or mayor in accordance with his or her authority.
- (3) The irrigation water supply under the Annual Plan as stipulated in section 2 of this article shall be determined by the water-using farmer association concerned and specifically for the irrigation water supply the irrigation network of which possesses a multipurpose function, which the Local government may determine.
- (4) Water supply for the purpose of dealing with water shortage in certain agricultural sites may be undertaken through pumps in accordance with the Irrigation Water Use concession on hand and the demand and capability of the society in question while taking into account the conservation of the environment.

- (5) Such pumps as set out in section 4 of this article shall take water from either the surface or under the ground upon obtaining a permit by the competent authorities under the applicable laws.
- (6) During such a period where water supply is limited, the Regent or Mayor or Governor shall determine the adjustment of water allotment for the holders of Irrigation Water Use Concessions on the basis of fairness and balance.

Part 3

Distribution and Giving of Irrigation Water

Article 19

- (1) Water distribution plans for an Irrigation Area shall be determined on an annual basis by the water-using farmer association concerned.
- (2) Water distribution plans for irrigation networks which perform multipurpose functions shall be determined on an annual basis in an amicable manner between the water-using farmer association and other water users through an irrigation Area Coordination Forum.
- (3) The distribution of irrigation water shall be determined by the water-using farmer association at irrigation area level in accordance with the water distribution plan

concerned on the principle of fairness, balance and amicability among the interested parties.

Article 20

Any irrigation water excess found in an Irrigation Area may be utilized for other plants situated outside those which have been specified and/or for other purposes upon the consent of the Authorized Official.

Article 21

- (1) For the purpose of water distribution and giving in an efficient manner to an irrigation Area, the water-using farmer association concerned shall prepare the relevant schedule and serve a notice on water users and the other interested parties prior to the beginning of the planting season.
- (2) Should during the implementation course of such a provision as set out in section 1 of this article an estimate be made that the rate of irrigation water will not be sufficient, the water-using farmer association shall determine a priority over irrigation water allotment taking into account the local circumstances.
- (3) Such distribution and giving of irrigation water as set out in section 1 of this article shall not reduce the obligation of the water-using farmer association to

provide irrigation water for households so that their basic necessity is met.

Article 22

- (1) A water-using farmer association and the Local Government shall determine the time-table and portions of irrigation networks which must be drained for inspection and/or repair purposes.
- (2) The drainage time-table of such portions of irrigation networks as provided for in section 1 of this article must be determined in an accurate manner and be notified to the relevant users within a period of not less than two (2) weeks prior thereto.
- (3) Any drainage which may last in excess of two (2) weeks every season may be performed only during an event of emergency and upon the consent of the water-using farmer association concerned.

Article 23

- (1) Distribution of irrigation water to a Tertiary Lot must be conducted through an absorption building which has been determined by the Local Government.
- (2) For water distribution and giving purposes, distribution buildings and absorption buildings shall be provided with rate measuring instruments and operation boards.

Part 4

Irrigation Water Utilization

Article 24

- (1) Irrigation water utilization shall be permitted if the water concerned is taken from a Tertiary Canal or Quarter Canal at such collection places, which have been determined by the water-using farmer association concerned.
- (2) For the purpose of organizing irrigation water utilization for an Irrigation Area, the water-using farmer association shall designate its water distribution official.

Article 25

Any utilization of Irrigation Water for Irrigation Areas for industrial plantations must obtain the consent of the water-using farmer association concerned.

Part 5

Drainage

Article 26

- (1) For the purpose of regulating irrigation water in a proper manner and meeting the relevant and agricultural technical standards, any Irrigation Network constructed

shall be provided with drainage networks, which form part thereof.

- (2) Irrigation Water which is distributed to a water source through drainage networks must be controlled or prevented from contamination so that it meets the quality standards set by the applicable laws.
- (3) Any water-using farmer associations and the public must participate in the maintenance of drainage networks as set out in section 1 of this article and no buildings shall be constructed and no other activities shall be permitted which may disturb drainage functions.

Part 6

Direct Utilization of Irrigation Water from Water sources

Article 27

- (1) Anyone whosoever directly uses surface water for his or her irrigation purposes must obtain the permit of the Local government in accordance with the applicable laws.
- (2) Anyone whosoever directly uses underground water for his or her irrigation purposes must obtain the permit of the Local Government in accordance with the applicable laws.

CHAPTER VII

IRRIGATION NETWORK CONSTRUCTION

Article 28

- (1) The master plan of a province, Regency or Municipality for irrigation development shall be prepared under the water resource development plan and area planning concerned, taking into account the conservation of water resources. This master plan shall be determined under a Local Regulation.
- (2) The master plan for irrigation development as set out in section 1 of this article shall be based upon the mutual agreement between sectors, areas, Local Governments, the public and farmers and other interested parties.

Article 29

- (1) Irrigation Networks shall be constructed under the master plan for irrigation development as stipulated in section 1 of Article 28 hereof.
- (2) The Government and the Local Government shall be empowered and held responsible for the construction of new primary irrigation networks based upon the agreement of the local community.
- (3) The construction of Tertiary irrigation Networks shall be the authority, duty and responsibility of the water-using farmer association, which falls under its jurisdiction.
- (4) The Government and the Local Government shall be empowered and be held responsible for the construction

of Irrigation Networks for the expansion of irrigation areas outside the working areas of a water-using farmer association based upon an agreement with this association and the local community.

- (5) Any water-using farmer association shall be empowered and held responsible for the construction of Irrigation networks for the expansion of irrigation areas into its working area based upon an agreement with the local community.
- (6) The Government and the Local Government shall facilitate the development and expansion of irrigation areas as provided for in section 5 of this article based upon an agreement with the relevant water-using farmer association and the principle of independence.
- (7) Any legal entities, social organizations, individual persons and other irrigation water users who make use of water sources or Irrigation networks may construct their own networks based upon the master plan for irrigation development as stipulated in Article 28(1) hereof.

Article 30

Any water-using farmer associations, legal entities, social organizations, individual persons and other water users may construct irrigation networks for their respective purposes

upon the grant of a Water Collection Permit by the Regent, Mayor, Governor or Minister.

CHAPTER VIII

OPERATIONS AND MAINTENANCE OF IRRIGATION NETWORKS

Part 1

Authority, Duties and Responsibility

Article 31

- (1) Any water-using farmer associations shall have the authority, duties and responsibility to operate and maintain Irrigation Networks situated in their working areas.
- (2) For the purpose of operating and maintaining multipurpose irrigation networks, water-using farmer associations shall coordinate with all other irrigation water users through the irrigation Area Coordination Forum.
- (3) The operation and maintenance of any irrigation Networks belonging to legal entities, social organizations, individual persons and irrigation other water users shall be the responsibility of the party(-s) concerned.

Article 32

With respect to the operation and maintenance of Irrigation networks managed by water-using farmer associations, the

Local government shall provide the necessary assistance and facilities, taking to account the principle of independence.

Part 2

Safety of Irrigation networks

Article 33

With regard to the operation and maintenance of irrigation Networks, water-using farmer associations, legal entities, social organizations, individual persons and other irrigation water users, in conjunction with the Local Government, shall be held jointly responsible for the safety thereof.

Article 34

- (1) In order to ensure the safety of Irrigation networks as set out in Article 33 hereof, water-using farmer associations, social organizations, individual persons and other irrigation water users, in conjunction with the Local Government, shall determine the delineation lines measured from outside the bodies of these networks and/or the irrigation structures concerned.
- (2) In order to prevent water loss, the Local government shall have the authority to prohibit any digging activities from being performed within specified distance outside such delineation lines as stipulated in section 1 of this article.

- (3) It shall be prohibited to construct, modify or demolish any other structures found in, on and past Irrigation networks, unless the Local Government issues a permit to do so.
- (4) Further regulations regarding the safety of Irrigation Networks shall be issued by a Local Regulation.

CHAPTER IX

REHABILITATION AND IMPROVEMENT OF IRRIGATION NETWORKS

Article 35

- (1) Any water-using farmer associations shall have the authority, duty and responsibility for the rehabilitation and improvement of Irrigation Networks situated in their respective working areas.
- (2) The Government and the Local government or any other party shall provide assistance and facilities for the rehabilitation and improvement of Irrigation networks as set out in section 1 of this article and in accordance with the request made by water-using farmer associations and on the principle of independence.
- (3) Rehabilitation and improvement of irrigation-network owned by legal bodies/companies, social organizations/agencies, private persons, and user of irrigation water for other purposes shall be their respective responsibility.

- (4) Changes and or demolition of irrigation networks that alter the form and function thereof must obtain consent of the Regent/ Mayor or Governor concerned.

CHAPTER X

INVENTORY-TAKING OF IRRIGATION NETWORKS

Article 36

- (1) The inventory-taking of irrigation networks shall include the recording, data-gathering, condition and functions thereof, water availability, service areas and irrigation management institutions.
- (2) The inventory-taking of irrigation Networks shall constitute part of the conditions for the delegation of irrigation management authority.
- (3) The government of a regency or municipality, in conjunction with the relevant water-using farmer association, shall conduct the inventory taking of irrigation Networks situated in their respective working areas as stipulated in section 1 of this article.
- (4) Based upon the result of the inventory-taking as set out in section 3 of this article, the government of the regency or municipality shall determine the list of inventory in accordance with their jurisdiction.
- (5) The Government and Provincial Government shall in accordance with their level of authority compile data

and determine the list of inventory of Irrigation Networks as set forth in section 4 of this article.

- (6) The inventory-taking as provided for in section 1 of this article shall be carried out on an annual basis and be determined by the Authorized Official as stipulated in sections 4 and 5 of this article at year-end.

CHAPTER XI

AUDITS INTO THE MANAGEMENT OF IRRIGATION NETWORKS

Article 37

- (1) In accordance with their respective authority, the Government and the Local Government shall perform management audits into Irrigation Networks for the purpose of ensuring consistency with the agreement, which binds the Local government and the water-using farmer association concerned.
- (2) The management audit as stipulated in section 1 of this article shall be performed on an annual basis by the Local government or the Government and accompanied by the water-using farmer association at irrigation area level.

CHAPTER XII

MANAGEMENT OF IRRIGATION NETWORK ASSETS

Article 38

- (1) The management of network irrigation assets shall constitute part of the implementation and financing plan for the operation, maintenance, rehabilitation and improvement, for the purpose of ensuring the safety and survival of the functions thereof.
- (2) Any asset management plan for Irrigation Networks the management authority of which has been delegated shall be prepared by the Local government in conjunction with the relevant water-using farmer associations and other irrigation water users based upon the results of inventory-taking and the minutes of the delegation of irrigation network management and shall be discussed by the Irrigation Commission.
- (3) Any asset management plans for Irrigation Networks the management authority of which has not been delegated shall be determined by the Local Government in conjunction with the relevant water-using farmer associations and other water users based upon the results of inventory-taking and shall be discussed by the Irrigation Commission.
- (4) Such asset management plans as set out in sections 2 and 3 shall be determined by the Governor, Regent or Mayor in accordance with his or her authority.

Article 39

- (1) For the purpose of utilizing irrigation network assets, in conjunction with the public, water-using farmer associations shall supervise and safeguard Irrigation Networks so that they are capable of providing all irrigation water users with optimum services, taking into account irrigation network survival and environmental conservation.
- (2) The utilization of irrigation network assets shall be performed by water-using farmer associations through irrigation network operation and maintenance.

Article 40

- (1) The Government and the Local government shall in accordance with their respective authority evaluate the management of irrigation assets once every five (5) years.
- (2) Based upon the results of such an evaluation as set out in section 1 of this article, the Government and the Local government may revise their asset management plans.

CHAPTER XIII

FINANCING

Article 41

- (1) The Government and the Local Government shall be held responsible for the financing of primary irrigation network construction based upon their mutual agreement.
- (2) The financing of irrigation management shall be performed by water-using farmer associations in their respective working areas in an autonomous and independent manner.
- (3) The Government and the Local Government shall assist with the provision of funds for irrigation management and the distribution thereof shall be based upon the agreement between the Government and the Local Government. And the water-using farmer associations concerned, taking into account the principle of independence.
- (4) The financing of irrigation network management belonging to legal entities, social organizations, individual persons and other irrigation water users shall become the responsibility of the parties concerned.

Article 42

- (1) The finances of irrigation network management as stipulated in Article 41(3) hereof shall be distributed through the irrigation management funds of the Regency or Municipality for the purpose improving efficiency and effectiveness of the utilization the said funds.

- (2) Water-using farmer associations may make proposals on the utilization of irrigation management funds to the Irrigation Commission.
- (3) The priorities in the allotment of irrigation management funds of the Regency or Municipality shall be determined by the irrigation Commission based upon the principle of fairness and transparency.
- (4) The utilization of irrigation management funds of the Regency or Municipality shall be determined by the Regent or Mayor concerned based upon the recommendations made by the Irrigation Commission.
- (5) The Government of the Regency or Municipality shall determine the Local Policy on the further regulation of irrigation management funds of the Regency or Municipality.

CHAPTER XIV

IRRIGATION SYSTEM SURVIVAL

Article 43

- (1) The Government, the Local Government and the Public shall in accordance with their respective authority maintain irrigation systems in a continued manner through the materialization of water resource conservation activities, empowerment of water-using farmer associations, prevention of the use of irrigated

fields from other purposes and support for improved farmer welfare.

- (2) For the purpose of ensuring the survival of irrigation systems as set out in section 1 of this article, the government and the Local government shall conduct regulatory activities and, in conjunction with the public, enforce the laws and regulations concerning irrigation.

Article 44

- (1) Any use of irrigated fields found in specified irrigation areas for commercial purposes other than agriculture must obtain the prior consent of the Local government with reference to the set zoning plan and compensation shall be paid which is equal to the cost of irrigation network construction and making of newly irrigated fields. This shall be determined in a Local Regulation.
- (2) The Local Government shall return any irrigated fields, which do not serve their purposes to their original functions in accordance with the established zoning plan.

CHAPTER XV

CONTROL AND SUPERVISION

Article 45

- (1) The Government and the Local Government shall control and supervise the implementation of irrigation management.
- (2) The Government and the Local Government shall control, supervise and safeguard irrigation network infrastructure and enforce the applicable laws and regulations concerning irrigation.

Article 46

Water-using farmer associations, legal entities, social organizations, individual persons and other water users shall provide irrigation management information and be supportive of control and supervisory activities.

CHAPTER XVI

TRANSITORY PROVISIONS

Article 47

Upon the entry into effect of this Regulation, any irrigation water use concessions and permits which have been issued under Government Regulation No. 23 (1982) shall remain in force and shall within a period of one (1) year be made consistent with this Regulation.

CHAPTER XVII

CONCLUDING PROVISIONS

Article 48

Upon the entry into effect of this Regulation, any and all other regulations regarding irrigation shall remain in force so long as they are not found to be inconsistent herewith.

Article 49

Upon the entry into effect of this Regulation, Government Regulation No. 23 (1982) regarding Irrigation (see Republic of Indonesia Official Gazette No. 38 (1982), Supplement to Official Gazette No. 3226) shall stand repealed.

Article 50

This Regulation shall enter into full effect on the date of enactment.

In order that the public are aware, it be ordered to enact this Regulation by means of placing it in the Republic of Indonesia Official Gazette.

Issued in Jakarta on December 5th, 2001, by,

signed,

MEGAWATI SOEKARNOPUTRI

PRESIDENT OF THE REPUBLIC OF INDONESIA

Enacted in Jakarta on December 5th, 2001, by,

signed,

BAMBANG KESOWO

STATE SECRETARY OF THE REPUBLIC OF INDONESIA

REPUBLIC OF INDONESIA OFFICIAL GAZETTE NO. 143 (2001)

Validated as a true copy of the original by,

signed and sealed,

Lambock V. Nahattands

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EXPLANATIONS ON
REPUBLIC OF INDONESIA
GOVERNMENT REGULATION NO. 77 (2001)
ON
IRRIGATION

GENERAL

As we are aware that the agricultural sector plays a very strategic role in the nation's economic structure and agricultural activities involve water, irrigation as one of the support sectors for the success of agricultural development will continue to play this role.

In order to implement Law No. 11 (1974) regarding irrigation, a Government Policy has been made concerning the administration of water regulation, one that covers any and all efforts to regulate such issues as ownership, control, management, utilization, exploitation and supervision of water and its various sources, including the animal resources which it contains, for the purpose of achieving the maximum benefits for the people's welfare and well-being.

Under Article 10 of Law No. 11 (1974) concerning irrigation, it is provided that the Government sets the administrative procedures for irrigation activities in

accordance with the respective areas involved and their functions and roles. Therefore, it is deemed necessary to regulate further the irrigation field in a separate government regulation.

Law No. 22 (1999) regarding Regional government provides that government activities are based upon the principle of decentralization by means of providing the regions with freedom to organize regional autonomy on the principle of service to the public in various kinds of fields, including irrigation.

Law No. 25 (1999) regarding Financial Balance between the National and Regional Governments is basically aimed at increasing the economic capability of the regions, namely the financing of irrigation projects shall particularly become the responsibility of the Local Government and its public.

Government Regulation No. 25 (2000) regarding the Authority of the Government and the Governments of Provinces as Autonomous Regions grants more authority upon the Provinces as autonomous regions to organize administrative activities between regencies or municipalities, which include inter-area irrigation. Hence, it is expected that the organization activities above will be capable of improving the people's well-being, creation of equal fairness, democratization and respect for local cultures and attention to regional potential and diversity.

The shift of agricultural development objectives from increase in production capacity to rice self-sufficiency has resulted in the nation having to maintain its own food supply, higher income for farmers and more employment opportunities in rural areas and improved family hygiene. This all demands adjustment of our direction and steps and irrigation approaches.

The shift in the value of water from being abundant public goods which may be consumed at no cost to economic goods which is charged with social functions, water shortage at national level, competition for water utilization between irrigation and other sectors, and conversion of irrigated fields into other places, requires an effective irrigation management policy so as to ensure the survival of irrigation systems and water concessions for all users.

Considering irrigation activities involve water resources management on an overall basis, revised policy on irrigation must be implemented simultaneously and consistently with the comprehensive revision of water resources management.

Consistent with our reform spirit, it is deemed necessary to change our paradigms with respect to irrigation activities, with the following objectives:

- a. improvement of farmer well-being;

- b. utilization of irrigation water for more purposes than rice cultivation;
- c. decentralization, de-bureaucratization and devolution;
- d. farmer empowerment, democratization and participation;
- e. accountability and transparency;
- f. efficiency and effectiveness;
- g. continuity and environment-friendliness, taking into account local cultures;
- h. being holistic in nature, namely integration into other developmental activities; and
- i. one irrigation system for one management unit.

Consistent with public demand and Law No. 22 (1999), Law No. 25 (1999) and Government Regulation No. 25 (2000), all of which have been enacted, the irrigation management policy has been revised so that it covers:

- a. the redefinition of the authority, duties and responsibility of irrigation management institutions;
- b. empowerment of water-using farmer associations;
- c. delegation of irrigation management authority to water-using farmer associations;
- d. financing of irrigation management activities; and
- e. organization of continued irrigation systems.

For the purpose of performing more efficient and effective irrigation activities, the Government redefines the duties and responsibility of irrigation management institutions at national, provincial, regency, municipal government and farmer levels, designating water-using farmer associations as decision-makers for the management of irrigation activities for which they are held responsible. As part of government efforts to materialize decentralization and further regional autonomy, the Government, the Province, the Regency or Municipality shall be held responsible for the supply of raw water, services and facilitation so that water-using farmer associations are independent, consistent with their empowerment.

The irrigation management policy above is aimed at:

- a. providing clarity as to the division of duties and responsibility of the respective institutions engaged in irrigation activities;
- b. establishing water-using farmer associations as independent organizations and empowered to manage irrigation systems under their jurisdiction;
- c. creating transparency and accountability with regard to irrigation management;

- d. even and increased suitably qualified human resources of the regency or municipality and water-using farmer associations;
- e. generating a conducive climate for the growth of water-using farmer associations; and
- f. enhanced efficiency and effectiveness of irrigation management.

Empowerment of water-using farmers constitutes an effort to create water-using farmer associations which are autonomous, independent, rooted in the public, social, economic and cultural in nature, and environment-friendly for the purpose of improving the well-being of their members. In addition, the empowerment is aimed at providing these members with a facility and opportunity to form in a democratic manner economic organization or business unit at farmer level in accordance with their choices so that their associations represent themselves in dealing with external parties such as cooperatives, small-scale businesses and others, channel aspirations with respect to the utilization of production resources, including water and irrigation systems, on the principle of social and economic independence and authority.

The policy above is further directed at:

- a. establishing water-using farmer associations which are autonomous, independent and capable of managing

irrigation activities in a more efficient and effective manner, making their members prosper, possessing authority, and enjoying equal status to other institutions;

- b. forming water-using farmer associations on the principle of one irrigation system for one management unit based on the local potential;
- c. creating water-using farmer associations which represent the members in the Irrigation Area Coordination Forum and deal with other parties;
- d. generating water-using farmer associations which possess authority and capability to exercise their rights as to irrigation management;
- e. improving the financial capability of water-using farmer associations so that they are capable of managing irrigation activities for which they are held responsible;
- f. creating a conducive climate for the empowerment of farmers and their water-using associations through training and capability enhancement activities, employing a participation approach;
- g. ensuring any Water Use Concessions granted as collective entitlements through water-using farmer associations and in accordance with mutual agreements on allotment plans.

Based on the principle of one irrigation system for one management unit, the Local Government delegates irrigation management authority which includes the operation, maintenance, safeguarding, rehabilitation and improvement of one irrigation system upon the relevant water-using farmer association in a democratic manner. However, the delegation of irrigation system management from the Local Government to the relevant water-using farmer association shall be conducted without irrigation network ownership being assigned. The Local Government shall facilitate the technical and financial assistance consistently with the request made by the relevant water-using farmer associations, taking into account the principle of independence. In accordance with their authority, water-using farmer associations shall manage irrigation activities independently and may choose to work together with the Local Government or another party in the provision of irrigation management services in their working area.

The irrigation management policy is further aimed at:

- a. the delegation of the management of government irrigation systems to water-using farmer associations in a democratic manner;
- b. the protection and improved performance of irrigation systems, be they have been delegated or continue to be

managed jointly by the Government, the Local Government, water-using farmer associations and other parties;

- c. the creation of cooperation mechanisms for irrigation systems which are not fully managed by water-using farmer associations, on the principle of equality, transparency and accountability;
- d. increasing the participation and responsibility of water-using farmer associations with respect to irrigation system management.

A water-using farmer association shall be held responsible for the financing of irrigation activities in its working area, with respect to the operation, maintenance, rehabilitation and construction of irrigation infrastructure, and those connected with water allotment. Should this association be incapable of financing all or part of irrigation management activities, the Government or the Local Government shall continue to be responsible for the provision of funds. The funds of the Government or the Local government shall be distributed upon the request of the relevant water-using farmer association, taking into account the principle of independence. The financing of irrigation management in the working area of a water-using farmer association and other activities connected with the management cooperation for and allotment of water for which this association shall be held responsible shall be derived from irrigation

management fees and funds from other sources. The water-using farmer association concerned shall determine, collect, use and be held responsible for the irrigation management fees and funds from other sources. These irrigation management fees shall be charged on all irrigation systems and may take the form of money, labor or materials.

The irrigation management policy above shall be aimed at:

- a. creating certainty as to the sources of funding for irrigation management;
- b. providing funds for irrigation management and other activities which relate to irrigation management and water allotment;
- c. creating a source of fees for irrigation management the administration of which shall be conducted in a simple and transparent manner, and the farmers concerned are capable of directly enjoying the benefits and controlling them;
- d. increasing the capability and responsibility of water-using farmer associations with respect to the determination, collection, administration and utilization of irrigation management fees and funds from other sources;
- e. increasing the efficiency and effectiveness of fund utilization and reducing the bureaucracy by means of

making decisions based upon actual field issues and needs;

- f. opening opportunities for cooperation in the financing of irrigation management by the Government, the Local government or other party if the water-using farmer association concerned is deemed incapable;
- g. creating a sense of responsibility among farmers and water-using farmer associations for the survival of irrigation systems through payments for irrigation management fees.

For the purpose of ensuring irrigation system survival, the Government shall be required to ensure the conservation of water resources, organize participatory irrigation activities, prevent the shift of irrigated fields to other purposes and increase farmer income by issuing and implementing a macroeconomic policy in a consistent manner. For the same purpose, local farmers and communities shall be invited to participate in every state of irrigation system construction activities. Efforts to maintain the survival of irrigation systems shall be made by following the following degrees of priority: improvement of performance in operation, maintenance, rehabilitation and construction of new systems based upon farmer or community needs.

The irrigation system management policy above shall be directed at:

- a. increasing farmer income through the implementation of agricultural, transportation, trade, industrial and other related policies;
- b. creating participatory irrigation system administration;
- c. preparing a strategic plan for water resource management;
- d. preparing and enforcing a General Zone Planning to prevent fields from being used for unintended purposes;
- e. determining a mechanism for returning government investments in case of there being a shift in the functions of irrigated fields;
- f. creating long-lasting irrigation systems.

Irrigation networks are part of irrigation systems which must be constructed according to the demand of the local farming community, taking into account technical, social, cultural, economic and local environmental aspects, and shall be aimed at empowering the institutions of farmers which manage irrigation.

A fully continued irrigation system shall involve physical, social, cultural, economic and environmental aspects, which affect each other. The discontinuation of one such aspect will affect the others and eventually threaten the continuation of the irrigation system in question.

The Government, the Local Government and the Regency or Municipality shall in accordance with their respective authority be held responsible for raw water supply, services, development and facilitation so that water-using farmer associations are independent.

Legal entities, social organizations which, individual persons and other irrigation water users who carry on business in the area of agriculture and/or plantations which require irrigation water shall be required to finance irrigation management and administer irrigation networks upon obtaining irrigation water use concessions through the procedures and in accordance with the conditions set in this Regulation and its implementation regulations.

Water supply plans for irrigation purposes shall include plants as a primary objective and take into account water for household daily demand, animal husbandry, fresh water farms, and cleaning of residential area drainage. In order to deal with fires, the public shall at all times be permitted to use any water found in irrigation drains as fire-fighting is a must considering the danger posed thereby and public protection.

Given the social, cultural and economic circumstances of the local community, irrigation networks may, upon the consent of the relevant water-using farmer associations and compliance with the regulations issued by the Local

Government, be used for transportation, fisheries and other activities provided these activities do not interrupt water flows, do not reduce water quality and do not do any damage to these networks and the accompanying soil.

Irrigation area inventory-taking shall be intended to recognize the physical condition of networks, management institutions and irrigation area potential. This inventory-taking shall made a basis for irrigation management planning and asset management evaluation. The Local Government shall conduct irrigation area inventory-taking for which it is held responsible and the Government and the Local government shall determine the inventory list in accordance with their respective authority.

ARTICLE AFTER ARTICLE

Article 1

Paragraph 1

Sufficiently clear

Paragraph 2

Sufficiently clear

Paragraph 2

Sufficiently clear

Paragraph 3

Sufficiently clear

Paragraph 4

Sufficiently clear

Paragraph 5

Drains shall mean carrier and sewage canals.

Paragraph 6

Sufficiently clear

Paragraph 7

Sufficiently clear

Paragraph 8

Sufficiently clear

Paragraph 9

Sufficiently clear

Paragraph 10

Sufficiently clear

Paragraph 11

Sufficiently clear

Paragraph 12

Sufficiently clear

Paragraph 13

Sufficiently clear

Paragraph 14

Sufficiently clear

Paragraph 15

Local irrigation management institutions shall mean units of custom law society which are social, agrarian and religious in nature, have historically been growing as water administration organizations for irrigation areas such as subak and similar entities, the water regulation of which is performed by raja bondar, tuo banda, jogo tirta, pekaseh and ulu-ulu (Translator's note: traditional community leaders).

Article 2

Sufficiently clear.

Article 3

Sufficiently clear.

Article 4

Section 1

An irrigation system for the management of which a water-using farmer association shall be held responsible shall form one or part of specified irrigation areas the administration of which has been delegated in a democratic manner from the Local Government to the relevant water-using farmer association.

Section 2

Continued empowerment of water-using farmer associations shall be conducted by facilitating, improving the capability of these associations in technical, financial, managerial, organizational administration areas so that they become independent and these provide opportunities for the formation of business units in a democratic manner.

Article 5

Sufficiently clear.

Article 6

Section 1

An irrigation system may continue in existence if it is supported by:

- a. reliable irrigation water, namely irrigation water may be made available and the amount, time and quality of which is consistent with the demand of plants to be optimally productive. Reliable irrigation water means reliable irrigation systems where there is water surplus and shortage, which may reduce productivity.
- b. Well-functioning irrigation infrastructure which meets farmer needs, employing efficient technology and friendly with the environment.

Section 2

Sufficiently clear

Section 3

The authority to construct large-scale and small-scale dams rests with the Government and the Local Government respectively. Any water-using farmer association which is desirous of constructing dams situated outside its working area must obtain the prior consent of either the Government or the Local Government.

Article 7

Section 1

In order to improve the role of water-using farmer associations in irrigation management, the authority, duties and responsibility of the respective institutions concerned.

Section 2

Several water-using farmer associations in certain secondary service areas may merge into a federation or another entity at secondary service area level in a democratic manner, for the purpose of managing part of an irrigation area as a management unit.

Several federations of water-using farmer associations in certain irrigation areas may merge into a confederation or another entity at irrigation area level in a democratic manner, for the purpose of managing an irrigation area as a management unit.

A water-using farmer associations at irrigation area level may be formed in an irrigation area situated in one Regency or Municipality or cross-regency or cross-municipality irrigation areas.

Section 3

The Irrigation Commission shall constitute a coordination agency at regency or municipality level the members of which are representatives of the regency or municipal government agencies connected with irrigation activities, water-using farmer associations at irrigation area level, other irrigation water users and such interested elements of the community as NGO's, higher learning institutions and irrigation observers.

Section 4

Sufficiently clear.

Section 5

An irrigation area coordination forum shall be informal in nature and serve as a coordination agency for problem solving activities.

Article 8

Sufficiently clear

Article 9

Section 1

The delegation of irrigation management authority from the Local government to a water-using farmer association shall be a certainty and conducted as part of a range of empowerment activities for water-using farmer associations.

The delegation above shall be performed if the relevant water-using farmer association has been established for an irrigation area or primary or secondary service area in accordance with the agreement made by and between the Local Government and this association. Should a water-using farmer association have been delegated with irrigation management authority and fail to manage irrigation activities in an independent manner, the Local Government shall continue to be required to provide assistance and facilities in the form of management cooperation under a mutual agreement. Any agreements made, assistance and facilities provided by the Government shall be through dialogues and be transparent and accountable in nature.

Irrigation management authority delegated shall not include the assignment of irrigation network assets and. Therefore, these assets shall remain the property of the Government or the Local Government.

Section 2

Part of irrigation areas shall constitute secondary or primary irrigation service areas.

Section 3

Written agreements shall mean any documents which set out the roles, rights, authority and responsibility of both a water-using farmer association at irrigation area level and the Local Government with respect to irrigation management upon delegation and shall be executed by the Local Government and the chairman of the association.

Article 10

Sufficiently clear.

Article 11

Such a failure shall mean failure in management, which causes the water-using farmer association not to serve its institutional purposes.

The Local government shall manage irrigation on a temporary basis until a water-using farmer association is capable of serving its institutional purposes again. Therefore, the Local Government shall be required to continue empowering water-using farmer associations.

Article 12

Sufficiently clear.

Article 13

Section 1

Empowerment of any water-using farmer associations in a working area under the jurisdiction of a Regency or Municipality shall be responsibility of the government of the regency or municipality concerned and cross-regency or cross-municipality working areas shall be the collective responsibility of the governments of the regency(-s) or municipality (-s) concerned.

This empowerment shall mean an activity which includes the facilitation of the establishment of water-using farmer associations in a democratic manner and encourage them to become legal entities which have the right and authority to management irrigation in their working areas.

Improvement of the capability of water-using farmer associations shall mean facilitation activities which among them include training, guidance, accompaniment, education and management cooperation. These activities shall be carried out in a continual and sustainable manner and aimed at improving the capability of the associations in technical, financial, managerial, administration and organizational areas so that they will be capable of managing irrigation areas in an independent and sustainable manner.

Section 2

Sufficiently clear.

Section 3

Interruptions with the managerial activities of water-using farmer associations shall mean conflicts among executives, among members and abuse of power by executives of these associations.

Section 4

The National Policy shall be made by the government ministers, in accordance with their respective areas, relating to the empowerment of water-using farmer associations.

Article 14

Section 1

Irrigation water use concessions shall be primarily intended to provide water-using farmer associations with certainty and protection. Water sources include surface and underground water.

Section 2

Sufficiently clear.

Section 3

Any grant of irrigation water use concessions shall take into account the potential of water sources found in the

irrigation area concerned so that farmers are provide
with certainty as to the planning of plants to grow.

Article 15

Sufficiently clear.

Article 16

Sufficiently clear.

Article 17

Sufficiently clear.

Article 18

Section 1

Annual plans for irrigation water provision shall be
consistent with demand based upon areas, the amount and
quality required, and to meet the demand of all plants
under an agreement on planting procedures.

Section 2

Sufficiently clear.

Section 3

The provision of water for multi-purpose irrigation systems
shall mean that for multiple purposes through
competition among irrigation water users for such
purposes as agricultural, industrial, drinking water and
urban area cleaning in an irrigation area.

Section 4

Sufficiently clear.

Section 5

Sufficiently clear.

Section 6

Sufficiently clear.

Article 19

Section 1

Sufficiently clear.

Section 2

A resolution on plans which are not capable of being agreed upon by water users at irrigation area coordination forum level may be referred to the irrigation commission.

Section 3

Water-using farmer associations at irrigation level area shall be empowered to distribute irrigation water based upon the allotment set according to water demand and availability.

Article 20

So long as the circumstances make it feasible, excess water from one irrigation area may be supplied to another for filling shortfalls or other purposes.

Article 21

Section 1

The schedule for irrigation water utilization must take into account the time required for planting activities.

Section 2

Sufficiently clear.

Section 3

Sufficiently clear.

Article 22

Sufficiently clear.

Article 23

Section 1

The Local Government conducts determination in accordance with the technical plan agreed upon with the water-using farmer association concerned.

Section 2

Sufficiently clear.

Article 24

Sufficiently clear.

Article 25

Industrial plantations shall mean plantations cultivated for agro-industrial purposes such as sugarcanes, tobacco, rosella.

Article 26

Section 1

The construction of irrigation networks shall not always involve the construction of drainage systems on a specific basis. Efforts shall be made so that drainage systems adapt to natural settings.

Section 2

Sufficiently clear.

Section 3

Sufficiently clear.

Article 27

Sufficiently clear.

Article 28

Section 1

An irrigation system development master plan may be made consistent with the growth of public demand.

Section 2

Sufficiently clear.

Article 29

Section 1

Sufficiently clear.

Section 2

A new primary irrigation network shall be constructed in an area where such a network is non-existent.

An agreement shall mean an agreement which covers planning, implementation, operation and maintenance based upon the principle of participation and independence.

A community shall mean a community who owns and/or utilizes areas on which an irrigation network will be constructed and will serve as new irrigation areas. The opening of new irrigation areas shall mean an effort to convert a piece of land into irrigated agricultural fields in an uninhabited area.

Section 3

Sufficiently clear.

Section 4

Irrigation area expansion shall mean addition to an irrigation network part of which has been constructed.

Water-using farmer associations shall mean those water-using farmer associations the irrigation network of whose has been made available.

Section 5

The authority and responsibility of water-using farmer associations shall include the planning and implementation of the development activities of irrigation networks and expansion of irrigation areas.

Section 6

Facilitating the development and construction of irrigation networks and expansion of irrigation areas shall mean the provision of technical assistance and the financing of irrigation network development and irrigation area expansion.

Section 7

Sufficiently clear.

Article 30

Sufficiently clear.

Article 31

Section 1

Irrigation network operations shall include the provision, distribution, giving and utilization of irrigation water, and its drainage as set out in Articles 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26. Irrigation network maintenance shall include maintaining the condition of irrigation networks so that they continue functioning well, and shall include their protection.

Section 2

Should a water-using farmer association and other water users be incapable of undertaking cooperation in wider public interests with respect to a multi-purpose irrigation

network, the Local Government shall perform the operation and maintenance of this network through management cooperation with the association and other users.

Section 3

Sufficiently clear.

Article 32

The Local Government shall regulate further the mechanism for the provision of assistance and facilities for the operation and maintenance of irrigation networks.

Article 33

For the purpose of ensuring the sustained functions of an irrigation network, the relevant water-using farmer association, legal entities, social organizations, individual persons and other irrigation water users, in conjunction with the surrounding communities and the Local Government, shall protect this network from any damage which may occur due to water destructive forces, persons and animals.

Article 34

Section 1

Delineation lines shall mean the protective lines for canals and/or structures found in an irrigation network. The distance of these lines shall be adjusted to the local

circumstances and be determined by the relevant Local Regulation.

Section 2

Those digging activities outside delineation lines which are prohibited shall be those which are deemed capable of causing interruptions with irrigation networks and damage and conflicts between irrigation network users and the surrounding communities.

Section 3

Construction shall be permitted for buildings, which shall upon technical consideration not interrupt with irrigation network functions.

Section 4

Sufficiently clear.

Article 35

Section 1

Sufficiently clear.

Section 2

Assistance with and facilitation for the rehabilitation and improvement of irrigation networks to water-using farmer associations shall be set out in an action plan, and the division of work, implementation and financing of which

shall be mutually agreed upon by these associations and the Local Government or another party.

Another party shall mean individual persons, legal entities, and social organizations.

Section 3

Sufficiently clear.

Section 4

One of the functions of an irrigation network shall be the provision of irrigation network services.

Article 36

Section 1

Inventory-taking activities shall include the gathering, processing, maintenance, protection and updating of data and other information relating to irrigation networks. These activities shall be performed on all irrigation areas, the information and data of which shall be used in, among others, the preparation of water allotment plans for irrigation water use concessions, calculation of funds for irrigation management and creating a basis for planning and control.

Section 2

Sufficiently clear.

Section 3

Sufficiently clear.

Section 4

Sufficiently clear.

Section 5

Sufficiently clear.

Section 6

Sufficiently clear.

Article 37

Section 1

Sufficiently clear.

Section 2

For the purpose of conducting institutional, financial and implementation audits into irrigation management, the Local Government shall be accompanied by water-using farmer associations to track irrigation networks and supervise irrigation network performance.

Article 38

Section 1

Sufficiently clear.

Section 2

Sufficiently clear.

Section 3

Sufficiently clear.

Section 4

Results of asset management planning shall be used as a basis
for the preparation of asset management programs.

Article 39

Sufficiently clear.

Article 40

Sufficiently clear.

Article 41

Section 1

Sufficiently clear.

Section 2

The funds for irrigation management by a water-using farmer
association shall be obtained from, other others,
members who pay fees. These fees shall be planned,
collected, used and be accounted for by the association
concerned in a transparent manner. These fees shall
apply to all irrigation areas found in the country.

Section 3

The agreement between the Government and/or the Local
government with either water-using farmer associations
or local farming communities shall, among others,

include funding mechanisms and distribution and post-construction financing.

Section 4

Sufficiently clear.

Article 42

Sufficiently clear.

Article 43

Section 1

Water-using farmer associations shall participate in protecting the survival of irrigation networks and administer them in a proper manner during their construction, rehabilitation and improvement, which the Government or the Local Government performs in participatory manner, through which water-using farmer associations are made as decision-makers from planning up to implementation stages.

Section 2

Sufficiently clear.

Article 44

Sufficiently clear.

Article 45

Sufficiently clear.

Article 46

Sufficiently clear.

Article 47

Sufficiently clear.

Article 48

Sufficiently clear.

Article 49

Sufficiently clear.

Article 50

Sufficiently clear.

SUPPLEMENT TO OFFICIAL GAZETTE

THE REPUBLIC OF INDONESIA NO. 4156