

DECREE OF THE MINISTER OF HOME AFFAIRS
NUMBER 50 YEAR 2001
ABOUT
GUIDELINES FOR EMPOWERMENT OF WATER USER FARMER
ASSOCIATION

MINISTER OF HOME AFFAIRS

Considering : a. that in improving irrigation management in an autonomous way, effective and efficient, it is considered necessary to carry out empowerment efforts for water user farmer association;

b. that in relation to point a above, it necessary to issue Decree of the Minister of Home Affairs about Guidelines for Empowerment of Water User Farmer Association.

Recalling : 1. Law Number 22 Year 1999 about Regional Government (State Gazette Year 1999 Number 60, Addendum to State Gazette Number 3839);

2. Law Number 25 Year 1999 about Financial Balance Between Central and Regional Government (State Gazette Year 1999 Number 75, Addendum to State Gazette Number 3851);

3. Government Regulation Number 25 Year 2000 about Authority of the Government and Authority of the Province as Autonomic

Region (State Gazette Year 2000 Number 54, Addendum to State Gazette Number 3952);

4. Government Regulation Number 77 Year 2001 about Irrigation (State Gazette Year 2001 Number 143, Addendum to State Gazette Number 4156);
5. Decree of the Minister of Home Affairs Number 40 Year 2001 about Organization and Working Procedures of the Ministry of Home Affairs and Regional Autonomy

HAS DECIDED

To Enact : DECREE OF THE MINISTER OF HOME AFFAIRS ABOUT GUIDELINES FOR EMPOWERMENT OF WATER USER FARMER ASSOCIATION

CHAPTER I

GENERAL PROVISIONS

Article 1

In this Decree the following definitions are used:

1. Central Government hereinafter called Government, is the Apparatus of the Unitary State of the Republic of Indonesia which consists of the President and His Ministers;

2. Regional Government is Head of the Region with other Apparatus of the Autonomic Region as Regional Executive Body;
3. Water User Farmers are all farmers which get pleasure and benefit directly from management of irrigation water and networks including pump irrigation, which cover paddy field owner, paddy field worker owner, paddy field worker, owner of fish pond who gets water from irrigation networks and other irrigation water users;
4. Water user farmer association hereinafter called P3A is general term for irrigation management institution which becomes facility for water user farmers in one irrigation services area at tertiary level or village which is established by farmers themselves in a democratic way, including local institution of irrigation water management;
5. Federation of water user farmer associations, hereinafter abbreviated GP3A, is a general term for institutional facility of a number of P3A which utilize irrigation facilities, which agree to cooperate in the management of a part of irrigation Region or at secondary level;
6. Central water user farmer association, hereinafter called IP3A, is the general term for institutional facility of a number of GP3A which utilize irrigation facilities, which agree to cooperate in the management of one Irrigation Region or at central/primary level;

7. Irrigation is effort to supply and manage water to support agriculture, the types of which cover surface water irrigation, under ground water irrigation, pump irrigation, and pond irrigation;
8. Irrigation area is regional unit which gets water from one irrigation networks;
9. Irrigation Networks are channel, structure and supplementary structure which represent one unit and needed for regulating irrigation water, which covers supply, taking, distribution, giving, using and discharging;
10. Main networks is irrigation networks which is found in an irrigation system, starting from main structure, primary/master channel, secondary channels and collecting structures with its facilities;
11. Tertiary networks is irrigation networks which has the function as water services infrastructures in the tertiary block , which consists of conveying channels called tertiary channel, distribution channel which is called quarter channel, and discharge channel together with derivative and complementary structures, including pump irrigation networks with services area equated to tertiary area.
12. Irrigation management fee is fee collected, deposited and utilized by P3A, GP3A and IP3A in autonomous and transparent way for conducting their tasks and obligations as well as irrigation management costs;

13. Irrigation Commission is coordination and communication institution between District/Town Administration, representatives of IP3A, and other irrigation water users in irrigation management at the related District/Town work area;

14. Coordination forum of irrigation areas is consultation and communication facility from and inter water user farmer association, Regional Government officials, as well as other irrigation water users in the framework of irrigation management in one multipurpose irrigation area, established based on needs and common interest.

CHAPTER II

BASE AND NATURE

Article 2

Water User Farmer Association is based on mutual help principle (*gotong royong*)

Article 3

Water User Farmer Association represents an association for all water user farmers with socio-economic, cultural nature, and with environment perception.

CHAPTER III

ESTABLISHMENT

Article 4

P3A is established from, by, and for water user farmers in a democratic way, the boards and members of which consist of water user farmer element.

Article 5

P3A in a certain secondary services can be combined together to form GP3A or with other name at secondary services area level, in a democratic way to manage a part of irrigation area as one management unit.

Article 6

GP3A in one irrigation area can be combined together to form IP3A or with other name at irrigation area level, in a democratic way to manage irrigation area as one management unit.

CHAPTER IV ESTABLISHMENT PROCEDURES

Article 7

Establishment of P3A is carried out by way of:

- a. Water user farmers agreed to establish P3A, boards of P3A, prepare draft of Statutes and Rules of the Organization of P3A.
- b. Establishment of P3A, boards of P3A, Statutes and Rules of the Organization of P3A are decided in member meeting and reported by boards/chairman of P3A to local Regent/Mayor.
- c. Boards of P3A registers Statutes of P3A to local State Court or Notary to get legal body status.

- d. In case the establishment of P3A institution is not democratic, Regional Administration facilitates according to request of water user farmers to carry out new agreement in improving the establishment of P3A institution.
- e. In case the establishment of P3A does not reach a consensus, Regional Administration facilitates according to the request of water user farmers to make new agreement in improving the establishment of P3A institution.

Article 8

Establishment of GP3A is carried out by way of:

- a. Several P3As located in a part of irrigation area or at secondary level makes agreement to establish GP3A, boards of GP3A, as well as prepare draft of Statutes and Rules of the Organization of GP3A.
- b. Establishment of GP3A, boards of GP3A, as well as Statutes and Rules of the Organization of GP3A are decided in member meeting and reported by boards/chairman of GP3A to local Regent/Mayor.
- c. In connection with hand over of authority of irrigation management, boards of GP3A is obliged to register Statutes of GP3A to local State Court or Notary to get legal body status.

Article 9

Establishment of IP3A is carried out by way of:

- a. Several G3As or P3A located in one irrigation area or at central/primary level makes agreement to establish IP3A, boards of IP3A, as well as prepare draft of Statutes and Rules of the Organization of IP3A.
- b. Establishment of IP3A, boards of IP3A, as well as Statutes and Rules of the Organization of IP3A are decided in member meeting and reported by boards/chairman of IP3A to local Regent/Mayor.
- c. In connection with hand over of authority of irrigation management, boards of IP3A is obliged to register Statutes of IP3A to local State Court or Notary to get legal body status.

CHAPTER V

ORGANIZATION STRUCTURE

Article 10

- (1) Organization structure of P3A consists of boards and members;
- (2) Structure of boards of P3A as mentioned in paragraph (1) is decided in member meeting;
- (3) Member meeting as mentioned in paragraph (2) represents the highest authority in P3A.

Article 11

- (1) Organization structure of GP3A consists of boards and members;
- (2) Structure of boards of GP3A as mentioned in paragraph (1) is decided in member meeting;

- (3) Member meeting as mentioned in paragraph (2) represents the highest authority in GP3A.

Article 12

- (1) Organization structure of IP3A consists of boards and members;
- (2) Structure of boards of IP3A as mentioned in paragraph (1) is decided in member meeting;
- (3) Member meeting as mentioned in paragraph (2) represents the highest authority in IP3A.

CHAPTER VI

AUTHORITY, RIGHTS AND OBLIGATIONS

Part One

Authority, rights and obligations of organization

Article 13

P3A, GP3A, and IP3A have authority in their working area to:

- a. Prepare irrigation management planning and agreement in accordance with services needed by P3A, GP3A, and IP3A in the working area which is its responsibility;
- b. Carry out irrigation management in working area which is its responsibility, including management of under ground water and surface water in an integrated way;

- c. Carry out monitoring and evaluation of irrigation management in working area which is its responsibility; and
- d. Manage irrigation management fund for sustainability of irrigation system.

Article 14

- (1) Member meeting of P3A, GP3A, and IP3A has the authority to:
 - a. Make Statutes and Rules of the Organization;
 - b. Determine and change structure of boards;
 - c. Appoint and dismiss members of boards;
 - d. Determine working program;
 - e. Determining amount, collecting mechanism, management and accountability of the utilization of irrigation management fee;
 - f. Accept or reject accountability report of boards; and
 - g. Approve or reject protocol of hand over of authority of irrigation management.
- (2) Boards of P3A, GP3A, and IP3A has the tasks, authority, and responsibility to:
 - a. Organize and carry out irrigation management to make it effective and efficient;
 - b. Apply regulation and give sanctions strictly to members in accordance with Statutes and Rules of the Organization;
 - c. Submit accountability report to member meeting;
 - d. Guide and supervise members, so that they carry out Statutes and Rules of the Organization as well as all regulations related to irrigation water usage issued by Regional Administration and Government;
 - e. Settle disputes among members;

- f. Give sanctions to member who violates Statutes and Rules of the Organization, including effecting penalty equal to the value of loss occurred and stop supplying water to the violator;
- g. Carry out collection, management and accountability of the utilization of irrigation management fee; and
- h. Carry out provisions in Statutes, Rules of the Organization and decrees made in member meeting, as well as other policies.

Article 15

P3A, GP3A, and IP3A has rights in its working area:

- a. Determine Planting Pattern and Planting system;
- b. Get Water Usage Right;
- c. Get Water Allocation;
- d. Get right to manage irrigation networks infrastructure;
- e. Get right to manage dams handed over in accordance with the prevailing laws and regulation;
- f. Organize Statutes/Rules of the Organization;
- g. Submit request for assistance and facilitation to Regional Government or other party;
- h. Own land and property as well as carry out contract with other party;
- i. Get protection on functions of irrigated land;
- j. Own right to express its opinion in the management of water resources/river watershed;

- k. Carry out cooperation with other parties, including Regional Government; and
- l. Determine other party to be invited to cooperate with IP3A, including Regional Government.

Article 16

P3A, GP3A, and IP3A have the obligations in their working area:

- a. Planning and implementation of channel & structure maintenance;
- b. Organize distribution, supply, usage and discharge of excess irrigation water;
- c. Carry out rehabilitation and improvement of irrigation networks;
- d. Maintain sustainability of functions of irrigation networks;
- e. Carry out Statutes/Rules of the Organization;
- f. Obey laws and regulations;
- g. Protect interests of members;
- h. Develop farmer business; and
- i. Improve state income.

Part Two

Rights and Obligations of Members

Article 17

- (1) Rights of members of P3A, GP3A, and IP3A cover:
 - a. Every member has the right to be elected and elect in the boards;
 - b. Every member has the right to get fair irrigation water services in accordance with the prevailing water distribution provisions;

- (2) Obligations of P3A, GP3A, and IP3A cover:
 - a. Every member is obliged to secure sustainability of the functions of irrigation networks facilities and infrastructures;
 - b. Every member is obliged to pay irrigation management fee;
 - c. Every member is obliged to carry out provisions regulated in the Statutes/Rules of the Organization as well as other decrees set by member meeting.

CHAPTER VII

EMPOWERMENT

Article 18

- (1) Empowerment of P3A, GP3A, and IP3A to strengthen institution until it acquires legal status and increase the capability of human resources in the field of organization, technical and financial aspects, to manage an irrigation system autonomously in the efforts of a sustainable irrigation;
- (2) Carry out empowerment of P3A, GP3A, and IP3A as mentioned in paragraph (1);
 - a. Through a string of activities which are not separated from hand over of authority of irrigation management;
 - b. Based on partnership, transparency, democracy, and accountability, and legal security in accordance with level of priority; and
 - c. Through participatory approach, planning integrity, socio-economy, dialogue, and based on local resources.
 - d.

Article 19

Empowerment of P3A, GP3A, and IP3A is directed towards:

- a. Strengthen of organization status, rights and obligations of members, organization management, recognition of the existence and authority of irrigation management;
- b. Strengthen technical capability of irrigation management and farmer business technique; and
- c. Strengthen financial capability and its management in the efforts to reduce dependency on other party.

Article 20

Empowerment of P3A, GP3A, and IP3A is carried out through the activities of motivation, training, hand over of authority, facilitation, technical guidance, flanking, cooperation and audit of irrigation management.

Article 21

- (1) Empowerment of P3A, GP3A, and IP3A in order to have a role as an institution which is capable of managing irrigation in an autonomous way, carry out economic activities related to farmer business of their members and cooperation with other party based on potential owned;
- (2) Empowerment in the field of economic business related to farmer business, covering high economic value plant cultivation, fishery, providing agricultural

production facilities, agricultural equipment services, irrigation networks construction services, management of produces, and marketing;

(3) P3A, GP3A, and IP3A can establish an economic business or agribusiness, by still conserving irrigation management through:

- a. Business unit/cooperatives which structurally separated from the development of P3A;
- b. Members of P3A are not obliged to become member of he business unit/cooperatives;
- c. Chairman of P3A is not allowed to concurrently boards f business unit/cooperatives; and
- d. Fund from P3A irrigation management fee is not allowed to be used in business unit/ cooperatives.

CHAPTER VIII

WORKING AREA

Article 22

- (1) P3A working area is determined based on stretch of land receiving water from irrigation networks managed with the principle of one irrigation management, in accordance with agreement and decrees of members.
- (2) P3A working area is determined based on working areas of several P3A managed as one hydrological unit in a part of irrigation area or at secondary level.

- (3) P3A working area is determined based on working areas of several GP3A or P3A which are managed as a hydrological unit in a part of irrigation area or at central/primary level.

CHAPTER IX
WORK RELATION

Article 23

- (1) Work relation among P3A, GP3A, and IP3A is cooperative, coordinative and consultative in nature, which will further be regulated in each of their Statutes and Rules of Organization according to their working area;
- (2) P3A, GP3A, and IP3A can carry out work relation with Regional Administration agencies, other institution/body or party with equality and mutual profit principles;
- (3) Work relation with the related Regional Administration agencies as mentioned in paragraph (2) covers things related to organizational empowerment, agricultural, irrigation and business aspects;
- (4) Work relation with organizations, business bodies or other parties as mentioned in paragraph (2) covering implementation of work program, solving problems faced together in irrigation water and networks management, as well as activities related to organizational, agricultural and business aspects;
- (5) Work relation as mentioned in paragraph (3) and paragraph (4) are described in irrigation management agreement.

Article 24

- (1) Irrigation area with its main networks having multipurpose functions, P3A, GP3A, and IP3A become members of irrigation area coordination forum.
- (2) IP3A has representatives in District/Town irrigation commission.
- (3) GP3A has representatives in District/Town irrigation commission if IP3A is not established yet.

Article 25

- (1) IP3A has the role as coordinator in proposing and receiving assistance and facilities from Government, Regional Government and other party as long as IP3A is established yet.

CHAPTER X

RESOURCES

Article 26

- (1) P3A, GP3A, and IP3A fund can come from:
 - a. Irrigation management fee;
 - b. Unbinding contribution or assistance;
 - c. Other legal businesses;
 - d. Assistance from the Government or Regional Government; and
 - e. Assistance from foreign foundations/institutions.
- (2) Irrigation management fee as mentioned in paragraph (1) comes from members of P3A.

- (3) Amount of fee, collection, management and utilization are determined by P3A, GP3A, and IP3A.

Article 27

- (1) Cost for the empowerment of P3A, GP3A, and IP3A can come from State Budget, Regional Budget and other legal sources.
- (2) Government and Regional Government assistances are given based on request and agreement with P3A, GP3A, and IP3A and the amount is in accordance with the financial capability of the Government and Regional Government by observing autonomy principles of P3A, GP3A, and IP3A.
- (3) Procedures of channeling and accountability of assistance from Government and Regional Government are carried out in accordance with the prevailing funding guidelines for irrigation management.
- (4) All fund received by P3A, GP3A, and IP3A is managed autonomously by P3A, GP3A, and IP3A in accordance with Statutes and Rules of Organization.

Article 28

In principles, activities carried out by P3A, GP3A, and IP3A are financed by P3A, GP3A, and IP3A themselves.

CHAPTER XI

TRANSITIONAL PROVISIONS

Article 29

- (1) The already existed traditional institution for water and P3A which has already been established at the time this Decree of the Minister comes into force is still recognized and are directed to always get support from its members in a democratic way.
- (2) The existing provisions which regulate the establishment and empowerment of water user farmer association are declared to be still valid as far as they are not contradictory to this Decree.

CHAPTER XII

CONCLUDING PROVISIONS

Article 30

Further arrangement about empowerment of water user farmer association will be regulated with Regional Policy, adjusted to regional conditions and needs, by still observing National Policy.

Article 31

This Decree comes into force on the day it is enacted.

Enacted at Jakarta

Date: 14 December 2001

MINISTER OF HOME AFFAIRS

SGD.

DR. (Hc) HARI SABARNO, S.IP,MBA,MM

No. 13

Decree of Minister of Home Affairs

No. 50 YEAR 2001

About

**Guidelines for Establishment and Empowerment of
Water User Farmer Association**

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Secretariat of Working Group for Water Resources Sector Policy Reform

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