



Law of the Azerbaijan Republic

On Melioration and Irrigation

This Law provides legal basis in the area of melioration and irrigation.

Chapter I. General

Article 1. Key Definitions

Following definitions applied for the purposes of this Law:

- **melioration** — fundamental improvement of lands via implementation of hydro-technical, technical, chemical, agricultural-forestry melioration, agro-technical and other activities;
- **irrigation (watering)** — supply of water to cultivated lands with natural water shortages via implementation of engineering-technical and other activities;
- **meliorated lands** — lands with is being improved (was improved) productivity as a result of implementation of melioration activities;
- **irrigated lands** — lands provided with irrigation networks and facilities for watering;
- **melioration networks**— complexes of interconnected hydro-technical and other facilities and units (canals, collectors, pipelines, water reservoirs, dams, pump stations, water intake networks, other installations and facilities on meliorated lands), providing establishment of optimal water, salt, air, thermal and feeding regimes for soils at meliorated lands, as well as protective tree planting;
- **irrigation (watering) systems** — complexes of hydro technical and other facilities that provide lifting, supply, distribution of water from water sources, watering of plants, as well as protective tree planting;
- **separately located hydro technical facilities**— engineering installations and facilities that do not form the part of melioration and irrigation network, providing delivery of water to consumers, export of exceeding water, protective forestry planting;
- **ameliorative and irrigational activities** — design, construction, refurbishment and operation of melioration networks, irrigation systems and separately located hydro technical facilities (hereinafter referred to as melioration and irrigation systems), watering of pastures, planting of protective forestry, implementation of cultural and technical works, works on improvement of physical and agrochemical properties of soils, scientific and production-technical support of these works.

Article 2. Legislation of the Azerbaijan Republic in the area of melioration and irrigation

The legislation of the Azerbaijan Republic in the area of melioration and irrigation comprised of this Law and legislative acts adopted in accordance with hereof.

If international treaties entered by the Azerbaijan Republic establish rules different from those stipulated under the legislation of the Azerbaijan Republic for melioration and irrigation, rules of international treaties are applied.

Article 3. Scope of melioration and irrigation

Melioration and irrigation is implemented for the establishment of favorable conditions for agriculture, provision of stability and increase of volumes of agricultural production via maintenance and improvement of productivity of lands, involvement into agriculture of low productivity non-agricultural lands.

Article 4. Types of melioration

Following types of melioration are classified dependent from character of melioration activities: hydro melioration, agro-forest melioration, cultural and technical melioration, chemical melioration and other types of melioration.

Each type of melioration is divided into following:

- hydro melioration — watering, drying, washing of salt lands, anti-erosion, anti-landslide, anti-flood works etc.;
- agro-forest melioration — soil protection, field protection, water barrier and other types of melioration implemented via establishment of forestry;
- cultural and technical melioration — cleaning of lands from timber and grass vegetation, rocks, hummocks, stumps and other items, land re-cultivation etc;
- chemical melioration — soil plastering etc.

Chapter II. Rights of ownership on melioration and irrigation networks

Article 5. Ownership of melioration and irrigation networks

Melioration and irrigation networks can be under the state, municipal and private ownership.

Article 6. Melioration and irrigation systems under the state ownership

The melioration and irrigations systems under the state ownership consist of melioration and irrigation systems located on the territory of one or several regions, providing interregional and/or inter economic water distribution, export of exceeding and waste waters, as well as other melioration and irrigation activities, built (being built) at the expense of state funds and used for implementation of duties of relevant executive authorities of the Azerbaijan Republic stipulated under this Law.

Melioration and irrigation networks of state importance, facilities and other property of organizations on design, construction and operation of melioration and irrigation systems and control over ameliorative conditions of lands can not be transferred to ownership of natural persons and legal entities.

Article 7. Melioration and irrigation systems under the municipal ownership

The municipal property shall be comprised of melioration and irrigation networks located within the certain territorial unit, which are not the part of state or private ownership.

Article 8. Melioration and irrigation systems under the ownership of natural persons and legal entities

Natural persons and legal entities shall be entitled to own internal enterprise melioration and irrigation networks of general application (use by two or more natural persons of legal entities. Melioration and irrigation networks, owned by two or several persons, shall belong to them on the basis of shared ownership.

Chapter III. Authority of executive power bodies and municipalities in the area of melioration and irrigation

Article 9. Authority of executive power bodies in the area of melioration and irrigation

Following shall comprise authority of executive power bodies of the Azerbaijan Republic in the area of melioration and irrigation:

- establishment of state policy in the area of melioration and irrigation;
- control over compliance with legislation in the area of melioration and irrigation;
- management of melioration and irrigation networks owned by state;
- establishment in accordance with appropriate procedures of relevant bodies in the area of melioration and irrigation;
- approval and implementation of national programs in the area of melioration and irrigation, control over their execution;
- financing of melioration activities by melioration and irrigation networks and attraction of investments into the area of melioration and irrigation;
- implementation of uniform scientific and technical policy in the area of melioration and irrigation;
- approval of standards, codes and rules in the area of melioration and irrigation;
- organization of state expertise of melioration and irrigation network projects;
- establishment of limits for water intake from melioration and irrigation networks of regions and districts (cities);
- organization of refurbishment of melioration and irrigation networks damaged or destroyed as a result of natural disasters;
- resolution of disputes between regions (cities) on use of state owned melioration and irrigation networks;
- other authorities stipulated under legislation.

Article 10. Authorities of the relevant executive body of the Nakhichevan Autonomy Republic in the area of melioration and irrigation

Following shall comprise authority of executive power bodies of the Nakhichevan Autonomy Republic in the area of melioration and irrigation:

- adaptation of legislative acts in accordance with legislation of the Azerbaijan Republic in the area of melioration and irrigation;
- financing of melioration and irrigation activities on the territory of Autonomy Republic, provided state owned melioration and irrigation networks;
- development, approval and implementation of programs in the area of melioration and irrigation on the territory of Autonomy Republic, control over their execution;
- establishment for Autonomy Republic of limits for water intake from state owned melioration and irrigation networks;
- other authorities stipulated under legislation.

Article 11. Authorities of municipalities in the area of melioration and irrigation

Following shall comprise authority of municipalities in the area of melioration and irrigation:

- ownership, use and management of melioration and irrigation networks, owned by municipalities;
- control over compliance with environmental protection requirements during implementation of melioration and irrigation activities on relevant territories;
- participation in the expert analysis of melioration and irrigation network projects;
- within their competence, coordination of activities of legal entities and natural persons in the are of melioration and irrigation;
- other authorities stipulated under legislation.

Chapter IV. State management in the area of melioration and irrigation

Article 12. State management in the area of melioration and irrigation

State management in the area of melioration and irrigation shall be implemented by relevant executive power authorities of the Azerbaijan Republic within their levels of competence, as well as relevant executive power authorities in the area of melioration and irrigation on the basis of *territorial control*.

Relevant executive power authorities in the area of melioration and irrigation shall comprise of national body and its regional authorities.

Relevant executive power authorities in the area of melioration and irrigation shall act in accordance with provisions approved in accordance with relevant procedures.

Article 13. Authorities of relevant executive power bodies in the area of melioration and irrigation

Following shall comprise authorities of relevant executive power bodies in the area of melioration and irrigation:

- provision by irrigation water of land users independent of form of ownership;
- approval and implementation of national and regional (district) programs in the area of melioration and irrigation;

- organization of financing of melioration and irrigation activities;
- organization of operations of melioration and irrigation networks, owned by state;
- in accordance with relevant procedure distribution of water resources taken from water sources and control over the water consumption;
- certification and registration of melioration and irrigation networks;
- organization of registration and implementation of monitoring of irrigated and meliorated lands;
- development of standards, codes and rules in the area of melioration and irrigation;
- implementation of state expertise of melioration and irrigation network projects, their approval;
- organization of scientific-research and experimental-design developments in the area of melioration and irrigation;
- control over condition of irrigated and meliorated lands and operation of melioration and irrigation networks;
- other authorities stipulated under legislation.

Article 14. Certification of melioration and irrigation networks

Melioration and irrigation systems shall be certified. During the certification of melioration and irrigation system and for each hydro technical facility that is comprising or not comprising the melioration and irrigation system, technical passport shall be prepared to include key technical characteristics and conditions of meliorations and irrigation networks and hydro technical facilities.

Procedure for implementation of certification of melioration and irrigation networks shall be established by the relevant executive power authority in the area of melioration and irrigation.

Article 15. Registration of irrigated and meliorated lands

Registration of irrigated and meliorated lands comprised of collection of data on ameliorative conditions, hydro geological, technical and other characteristics of these lands. Specified data shall be included into the state land registry.

The procedure for registration of irrigated and meliorated lands and entering of data into the state land registry shall be established under the land legislation of the Azerbaijan Republic.

Article 16. Monitoring of irrigated and meliorated lands

Monitoring of irrigated and meliorated lands is a major part of state land monitoring system and consists of routine observations over conditions of irrigated and meliorated lands. On the basis of such observations changes to conditions of irrigated and meliorated lands are determined, evaluated and system of activities prepared.

Monitoring of lands is conducted by the relevant executive authority in the area of irrigation and melioration and scientific-research institutes. Procedure for implementation of land monitoring shall be determined under the legislation of the Azerbaijan Republic.

Article 17. Licensing of activities in the area of melioration and irrigation

Entrepreneur activity of natural persons and legal entities in the area of melioration and irrigation in the events and in accordance with procedures stipulated under the laws of the Azerbaijan Republic shall be implemented on the basis of special permit (license).

Article 18. State expertise of melioration and irrigation networks' construction and refurbishment projects

State expertise of melioration and irrigation networks' construction and refurbishment projects for their compliance with codes, technical specifications and requirements shall be implemented by the relevant executive power authority in the area of melioration and irrigation.

State environmental expertise in the area of melioration and irrigation shall be conducted in the accordance with legislation of the Azerbaijan Republic on environmental protection and environmental expertise.

Chapter V. Procedure for implementation of melioration and irrigation activities

Article 19. Planning of melioration and irrigation activities

Planning of melioration and irrigation activities shall be conducted by relevant executive power authority in the area of melioration and irrigation in accordance with national and regional (district) programs in the area of melioration and irrigation, as well as orders of municipalities, natural persons and legal entities, that own and use land areas.

Selection of any type of melioration shall be based on natural and climatic peculiarities of relevant territories and agricultural needs.

During planning of melioration and irrigation activities by the orders of municipalities, natural persons and legal entities, that own and use land areas, types of melioration and scale of melioration and irrigation activities shall be based on relevant standards, codes and rules.

Article 20. Implementation of melioration and irrigation activities

Melioration and irrigation activities shall be implemented by specialist state construction organizations, as well as natural persons and legal entities that hold appropriate licenses on the basis of designs developed in accordance with feasibility studies and consideration of construction, environmental, sanitary and other standards, codes and rules.

Design and construction of melioration and irrigation networks, the functioning process of which use water sources, shall be conducted on the basis of licenses obtained in accordance with water legislation of the Azerbaijan Republic and contracts on water source use.

Implementation of agricultural forestry melioration of lands shall be implemented in accordance with this Law and forest legislation of the Azerbaijan Republic.

Article 21. Procedure for use of lands for implementation of melioration and irrigation activities

Land areas, classified in accordance with established procedure as meliorated lands, shall be provided for the project term to organizations that conduct melioration and irrigation activities and taken back from these organizations in accordance with procedures stipulated under the legislation of the Azerbaijan Republic. Areas where melioration activities are conducted shall not be used for agricultural needs for the period of implementation.

Land areas owned by state where melioration and irrigation networks are located, shall be provided free of charge to organizations that implement the operation of above melioration and irrigation networks as permanent users.

Land areas adjacent to meliorated lands can be used for provision of implementation of melioration and irrigation activities in accordance with civil and land legislation of the Azerbaijan Republic.

Article 22. Environmental requirements to implementation of melioration and irrigation activities

Implementation of melioration and irrigation activities shall not result in degradation of environment.

Melioration and irrigation activities shall be implemented in compliance with land, water, forestry legislation of the Azerbaijan Republic, as well as laws on protection of nature, natural resources, flora and fauna.

Article 23. Commissioning of melioration and irrigation networks

Commissioning of melioration and irrigation networks, protective tree planting shall be conducted in accordance with procedures stipulated under the legislation of the Azerbaijan Republic.

Article 24. Use of melioration and irrigation networks located on irrigated and meliorated lands

Land areas located within melioration and irrigation networks of general application can be transferred to ownership and use of natural persons under provisions of non-distribution of these systems and compliance with technology of their operation.

During distribution of irrigation and melioration lands located within irrigation and melioration networks of general application among natural persons, such persons shall provide the maintenance and repair of these networks pro-rata to their share in the use of water and size of land area. Natural persons shall be entitled to implement these works on the contractual basis via attraction of existing or newly established organizations.

For organization of operation and protection of irrigation and melioration networks of collective and individual ownership, their management, collection of payments for water, resolution of disputes arising from water use and other issues water consumer unions can

be established. Activities of these unions are regulated under the legislation of the Azerbaijan Republic.

Article 25. Regulation of water relations during use of irrigation and melioration networks

Water relations during use of irrigation and melioration networks are regulated under the water legislation of the Azerbaijan Republic.

For the purposes of rational use of water resources, compensation of state costs directed at water supply, accurate registration of water consumption water use payment system is applied.

Application of payments for use of water is implemented in stages.

Procedure for paid use of water shall be established under the provisions approved by relevant state executive authority.

Article 26. Operation of melioration and irrigation networks

Natural persons and legal entities, involved in operation of melioration and irrigation networks and protective forestry shall maintain these in appropriate condition and do not allow their damaging.

Maintenance of melioration and irrigation networks, protective forestry in appropriate conditions shall be provided in regards with:

- state owned melioration and irrigation networks, protective forestry, — relevant executive power authorities in the area of melioration and irrigation;
- municipal melioration and irrigation networks, protective forestry — municipalities;
- melioration and irrigation networks, protective forestry owned by natural persons and legal entities — owners and users.

Rules for operation of melioration and irrigation networks and maintenance of protective forestry shall be established by relevant state executive power authority in the are of environmental protection, relevant executive power authorities in the area of water use management and water protection, forestry agency, land resources and planning as well as other relevant parties.

Rules for operation of melioration and irrigation networks and maintenance of protective forestry shall be mandatory for all natural persons and legal entities.

Article 27. Protection of melioration and irrigation networks

Any activity on irrigated and meliorated lands shall be conducted in accordance with requirements of relevant executive power authorities in the area of irrigation and melioration.

Construction on irrigated and meliorated lands of facilities and implementation of other works not related to melioration and irrigation shall not degrade the water, air and

feeding regimes of soils impede the operation of melioration and irrigation networks, protective forestry.

Installation and operation of communication lines, power lines, pipelines, roads and other facilities on irrigated and meliorated lands shall be conducted upon the obtained approval of the relevant executive authority in the area of irrigation and melioration.

Chapter VI. Financing of melioration and irrigation activities

Article 28. Basis for financing of melioration and irrigation activities

Financing of melioration and irrigation activities shall be implemented from funds of the state budget (state budget, local budgets), as well as from funds of land owner and user municipalities of irrigated and meliorated lands, funds of natural persons and legal entities, payments for irrigation water and other legal sources.

Article 29. Financing of melioration and irrigation activities from state budget

Financing of melioration and irrigation activities from state owned melioration and irrigation networks, shall be provided from funds allocated from the state budget.

Refurbishment of melioration and irrigation networks damaged or destroyed as a result of natural disasters, in accordance with established procedure shall be financed from national budget, local budgets, funds of user natural persons and legal entities, and other means.

Article 30. Participation of municipalities, legal entities and natural persons in financing of melioration and irrigation activities

Financing of melioration and irrigation activities, implemented on the basis of orders from municipalities, natural persons and legal entities, who own and use land areas, shall be implemented by consumers.

Chapter VII. Resolution of disputes in the area of melioration and irrigation. Liability for violation of legislation on melioration and irrigation

Article 31. Resolution of disputes in the area of melioration and irrigation

Disputes arising between natural persons and/or legal entities in the area melioration and irrigation shall be reviewed by the court of law in accordance with procedure established under the legislation of the Azerbaijan Republic.

Article 32. Liability for violation of legislation in the area of melioration and irrigation

Executives and citizens responsible for violation of legislation in the area of melioration and irrigation shall bear disciplinary, financial, civil, administrative and criminal liability stipulated under the legislation of the Azerbaijan Republic.

President of the Azerbaijan Republic

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