

REPUBLIC OF YEMEN
MINISTRY OF AGRICULTURE AND IRRIGATION

IRRIGATION IMPROVEMENT PROJECT

(IDA Credit No. 3412 – YEM)

Main Technical Assistance Package for IIP

WORKING PAPER NO 33

DRAFT
OUTLINE FOR ANNUAL MANAGEMENT PLAN FOR
IRRIGATION COUNCIL

May 2005

 **ARCADIS** EUROCONSULT

in association with



 **Halcrow**

YEMENI ENGINEERING GROUP

Irrigation Improvement Project - Yemen

Outline for Annual Management Plan of Irrigation Council

May 2005

Outline for Annual Management Plan of Irrigation Council

Table of Content

1	INTRODUCTION	1
1.1	Law on Local Authorities	1
1.1.1	Irrigation Department	1
1.1.2	Governorate Local Council	2
1.1.3	District Local Council	2
1.2	Water Law	2
1.3	Establishment of Irrigation Council	3
1.3.1	Rationale of Irrigation Council	3
1.3.2	Legal Status of Irrigation Council	3
1.3.3	Institutional Framework for Irrigation Council	3
2	OBJECTIVES, TASKS AND AUTHORITIES OF IRRIGATION COUNCIL	4
2.1	Aim and Objectives of Irrigation Council	4
2.2	Main Tasks of the Irrigation Council	5
2.2.1	Role of Irrigation Council in O&M	6
2.3	Authorities of the Irrigation Council	6
3	ORGANISATIONAL STRUCTURE OF IRRIGATION COUNCIL	7
3.1	Composition of the General Meeting	7
4	ANNUAL ACTIVITIES OF IRRIGATION COUNCIL	8
4.1	Preparation and Approval of Annual Report and Financial Statements	8
4.2	Preparation and Approval of Annual Work Plan and Annual Budget	9
4.3	Review and Approval of Wadi Water Management Plan and Annual Irrigation Plan	10
4.4	Review and Approval of Annual O&M Plans and Budgets	10
4.5	Monitoring and Supervision of Operation of Irrigation Infrastructure	11
4.6	Collection of Data on Water Distribution and Irrigated Area	12
4.7	Monitoring of Use of Equipment Pool	12
4.8	Monitoring, Supervision and Inspection of Maintenance of Irrigation Infrastructure	13
4.9	Evaluation of Water Distribution and O&M of Spate Irrigation Systems	13
4.10	Time Schedule for Annual Activities of Irrigation Council	14
4.10.1	Tentative Calendar for General Meeting of Irrigation Council	14
5	PERSONNEL, OFFICE AND EQUIPMENT	15
5.1	Need for Personnel	15
5.1.1	Minimum Personnel Requirements	15
5.1.2	Modalities for Recruitment of Personnel	15
5.2	Office, Equipment and Vehicles	16
6	FINANCIAL RESOURCES OF IRRIGATION COUNCIL	17
6.1	Contributions and Service Charges	17
6.2	Donations and Subsidies	18
6.3	Returns from Economic Activities	18
6.4	Loans	19
6.5	Summary of Sources of Revenue for Irrigation Council	19

- Annex A:** Final By-laws of Irrigation Council
Annex B: (Draft) Internal Rules & Regulations of Irrigation Council
Annex C: Basic Agreement on Responsibilities and Mode of Maintenance Implementation in Wadi Tuban and Wadi Zabid

Abbreviations

AFDPF	Agricultural and Fisheries Development Promotion Fund
GDI	General Directorate of Irrigation
ID	Irrigation Department
IIP	Irrigation Improvement Project
MAI	Ministry of Agriculture and Irrigation
MWE	Ministry of Water and Environment
NWRA	National Water Resources Authority
O&M	Operation and Maintenance
RAO	Regional Agricultural Office
TDA	Tihama Development Authority
WSA	Water & Sanitation Authority
WUA	Water Users' Association
WUG	Water Users' Group
YR	Yemeni Rial

1 INTRODUCTION

Although water security is a primary concern in the Republic of Yemen, very little is happening in terms of actual water resource management in the country at national and local level. There has been no lack of studies, research, drafting of legislation, but real regulatory initiatives have been missing.

For the last three to four decades, there have been considerable investments in the water/irrigation sector in Yemen. Given the water scarcity in the Republic of Yemen, one would expect that most investments would be directed to improved water use efficiency and regulating water use. Instead the larger share of investments has gone to the development of new irrigation infrastructure with a strong bias to the construction of (small) dams and water harvesting structures. Most of these investments were funded from two main sources, namely the regular budget of the Ministry of Agriculture and Irrigation (MAI) and the Agricultural and Fisheries Development Promotion Fund (AFDPF). In addition, the Social Development Fund as well as multi- and bilaterally funded projects (i.e. World Bank, European Commission) have also funded the construction of new (spate) irrigation schemes and the rehabilitation of existing structures.

However, relatively limited funds have been available for water management in general and the operation and maintenance (O&M) of (spate) irrigation systems in particular. In general, the public sector agencies, which are responsible for the O&M of the (spate) irrigation systems, do not have sufficient funds to undertake the necessary maintenance and repair of irrigation infrastructure in an adequate and timely manner. As a result, many (spate) irrigation systems under-perform as they are not adequately operated and maintained by the concerned public sector agencies.

During two local consultations in Wadi Tuban and Wadi Zabid, the following important water management issues were identified in both project areas of the Irrigation Improvement Project (IIP):

Wadi Tuban	Wadi Zabid
<ul style="list-style-type: none"> ▪ Increasing inequity in distribution of flood water ▪ Increasing misuse of drinking water for irrigation purposes ▪ Increasing pollution of water and salinity problems ▪ Uncontrolled installation of new tube-wells 	<ul style="list-style-type: none"> ▪ Increasing inequity in water distribution, mainly due to the rapid expansion of banana and mango cultivation ▪ Decreasing ground water table ▪ Decreasing inflow of (flood) water into spate irrigation system, probably due to construction of new dams upstream of the scheme ▪ Sedimentation of the spate irrigation system

With the promulgation of the Local Authority Law No.4 for the year 2000 and the Water Law No.33 for the year 2002, a new legal framework has been established, which could facilitate the promotion of adequate and sustainable water management at local level.

1.1 Law on Local Authorities

The promulgation of the new Law on Local Authorities has set in motion a process of decentralisation, which offers opportunities to strengthen water management at local level. The Law on Local Authorities has a number of provisions relevant to the irrigation sector, which are presented below.

1.1.1 Irrigation Department

According to Article 14 (c) of the Law on Local Authorities, the executive organs of the administrative unit are deemed to be local organs, whereby they represent the technical, administrative and executive organ of the local council. Under the supervision, management and control of the local council, these local organs undertake funding, equipping and management of all development and services projects incorporated in the annual plan and budget of the administrative unit.

The Irrigation Department (ID) within the Regional Agricultural Office (RAO) is the executive organ of the Governorate Local Council for the funding, equipping and management of all (spate) irrigation projects in the Governorate. Where the Ministry of Water and Environment (MWE) and the National Water Resources Authority (NWRA) do not have branches in the Governorate, the existing ID should also be responsible for the implementation of the existing laws and regulations aimed at protecting water resources against over-exploitation and pollution.

1.1.2 Governorate Local Council

According to Article 19 of the Law on Local Authorities, the Governorate Local Council shall have the following powers and duties:

- to control the applications of laws and regulations in force;
- to supervise and control the implementation of water policy and the protection water basins against over-exploitation and pollution in accordance with provisions of existing laws and regulations as well as directives issued by the central authorities in this respect;
- to determine and adopt fees for benefiting from services of utilities operated by the executive organs of the Governorate; and
- to consider and approve fundamentals and rules organising citizen's contributions to the funding, construction and maintenance of essential services projects.

1.1.3 District Local Council

According to Article 61 of the same law, the District Local Council shall have the following powers and tasks:

- to control the applications of laws and regulations in force;
- to supervise the implementation of environmental policies and legislation;
- to determine and approve fees for benefiting from services of utilities operated by the executive organs of the district; and
- to develop water resources by constructing dams and weirs as well as protecting water from depletion and pollution in accordance with laws and regulations in force.

1.2 Water Law

The main aims of the new Water Law can be defined as follows:

- to develop and regulate the exploitation of water resources as well as their protection from depletion and pollution;
- to improve the efficiency of conveying and distributing water as well as the O&M of the infrastructure related to the conveyance and distribution of water; and
- to enhance the participation of the beneficiaries in the development, investment and management of infrastructure for the conveyance and distribution of water.

The new Water Law 2002 has the following provisions with regard to the use and management of (spate) water:

Article	Description
4	Water is a right that is accessible to all and does not become privately owned, except by means of transport, acquisition or any other related methods.
6	All beneficiaries of any of the water resources shall enjoy the right to benefit from this resource in such a way as not to harm the interests of other beneficiaries and shall carry out all the duties required to him with respect to the conservation of these resources and safeguard them from depletion and pollution.
8	The Republic of Yemen shall be divided into Water Basins and Water Zones, in which the water resources will be assessed in each of them and for which plans will be prepared for their development and use as autonomous units that are indivisible and they shall be regulated on the basis of the principle of Integrated Water Resources Management with a view towards conforming to the social and economic orientations and conserving the environment.
10	Water users and beneficiaries associations, groups, committees, leagues or federations may be formed for the purpose of involving the public and the beneficiaries of water in regulating water resources or in operations and maintenance of water installations. The procedures for the implementation of the provisions of the Law shall set out the purposes and all the detailed rules related to such organisations accordingly.
20	The use of water for drinking and domestic purposes shall have absolute priority.
27	The right of water use authorises to dispense water in such a way as not conflict with public interests and the prevailing customs and traditions in each water zone or water basin.
28	Traditional rights to use spate water for irrigation shall be exercised in accordance with regional traditions and customs.
37	No beneficiary may exceed the amounts or purposes spelled out by NWRA in the permit and must comply with all the terms spelled out in the license.

According to Article 48 of the Water Law, the Government shall support and encourage the involvement of community efforts to participate in the management and conservation of water resources.

1.3 Establishment of Irrigation Council

During the Local Water Management Consultation Meetings in Wadi Tuban and Wadi Zabid, the participants strongly called for the (re-)establishment of Irrigation Councils, in which the Water Users' Associations (WUAs) are duly represented, as a practical institutional set-up aimed at the improvement of water management in both areas. At present, the water/irrigation sector in both areas face the following shortcomings:

- Existing legislation and regulations to improve water management are not properly enacted;
- Water users are not involved in water resource management;
- Coordination between investments for water resource development (i.e. construction of dams in catchment) and spate irrigation development (i.e. construction of schemes in the plains) does not exist;
- Institutional linkages between water users, irrigation agencies and local government hardly are not properly developed; and
- Coordination between different users of water resources hardly exists.

1.3.1 Rationale of Irrigation Council

The rationale of establishing Irrigation Councils is to facilitate decentralised water management, so that the above-mentioned shortcomings would be resolved, in particular the participation of water users in water resource management, the coordination between different water users and the establishment of institutional linkages between the water users, irrigation agencies and local government.

The Irrigation Council will bring together representatives of water users (i.e. WUAs), local government (i.e. District Local Councils and Governorate Local Council) and the Government agencies responsible for the O&M of (spate) irrigation infrastructure and water resources management (i.e. ID, TDA and NWRA), whose common interest is to manage the existing water resources adequately within the working area of the Irrigation Council.

1.3.2 Legal Status of Irrigation Council

According to its By-laws (see Annex A), the Irrigation Council is founded in accordance with the following legislation and regulations:

- Article 168 of the Local Authority Law No.4 for the year 2000;
- Article 10 of the Water Law No.33 for the year 2002; and
- Article 294 of the Executive Procedures of the Local Authority Law, issued by Republic Decree No.269 for the year 2000.

The formation of the Irrigation Council is considered to be approved and to have its own legal personality from the date of the issue of the Decree by the Governor. As the Irrigation Council is formally established under the Law on Local Authority and by Governor's Decree, it shall have the legal status of an executive organ of the Governorate Local Council.

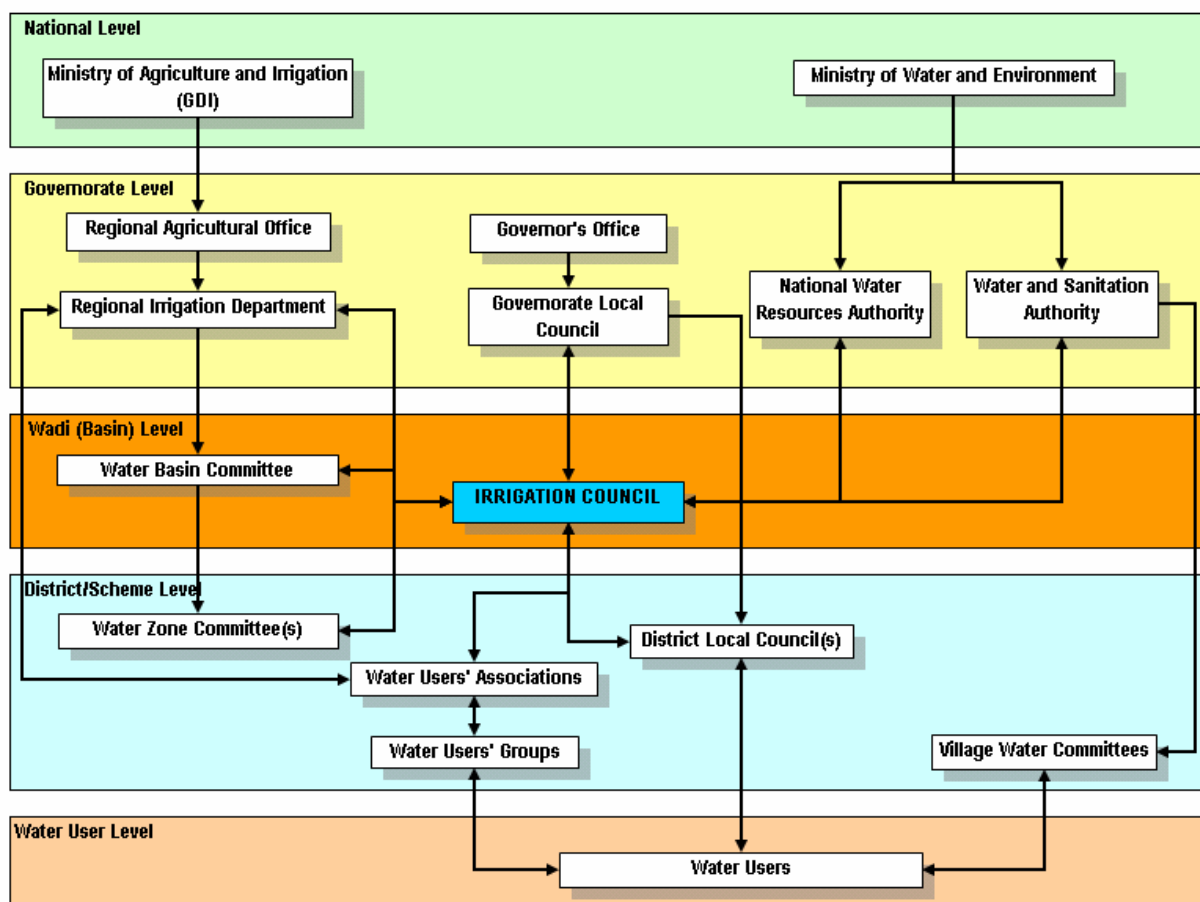
1.3.3 Institutional Framework for Irrigation Council

The MAI is responsible for irrigation management in the country through its General Directorate of Irrigation (GDI). MAI's regional offices and autonomous development authorities are responsible for the management of spate irrigation systems, which include the Tihama Development Authority (TDA) for Wadi Zabid and the Lahej RAO for Wadi Tuban. Irrigation management is carried out within the framework of overall water resources management, which is the responsibility of the NWRA.

Under the new Water Law, water resource management at local level may be strengthened through the formation of Water Basin Committees and Water Zones Committees. The composition and tasks of these committees is still under debate, but the Water Law makes an explicit reference to the need of dovetailing both committees with the work of the Local Councils at district and governorate level. The main tasks of the Water Basin Committee would be focused on water basin planning, including the development of dams and other infrastructure, and water resource planning, including the regulation of groundwater use. The proposal is to attach the Water Basin Committees to the proposed Irrigation Councils

in Wadi Zabid and Wadi Tuban, because the Irrigation Councils would have the institutional capacity to encourage and monitor local regulation through direct connections with the WUAs and their Water Users' Groups (WUGs).

The following figure shows the tentative institutional framework for water resources management at regional and local level as well as the institutional linkages of the Irrigation Council:



2 OBJECTIVES, TASKS AND AUTHORITIES OF IRRIGATION COUNCIL

2.1 Aim and Objectives of Irrigation Council

Main Aim

The main aim of the Irrigation Council is to strengthen (integrated) water resource management at local level by facilitating and promoting the active participation of water users in the management of their water resources, the coordination amongst the water users with regard to the use of their water resources as well as the establishment of institutional linkages between water users, irrigation agencies and local government.

Main Objective

The main objective of the Irrigation Council is to ensure that irrigation water (i.e. base flow and flood water) is supplied equitably to all water users within its working area in accordance with existing water rights, legislation and policies of the Government.

Specific Objectives

The specific objectives of the Irrigation Council are as follows:

- to protect the rights of all water users, especially in relation to the allocation and distribution of base flow and flood water within its working area, by recording the agreed rights and rules for distributing water between different canals and areas, using smaller and larger floods, second irrigation turns, water supplies to particular crops, height and maintenance of field bunds;

- to ensure the fair distribution of base flow and flood water between the different canals and areas in line with the agreed water rights and rules by closely monitoring the actual distribution of base flow and flood water, recording the timing of water deliveries to the different canals and areas, and assessing which fields/areas are irrigated;
- to ensure the O&M of all irrigation infrastructure within its working area by:
 - approving the annual O&M plans and budgets as prepared and submitted by the Government agency responsible for the O&M of the modernised diversion structures and main canal systems, hereinafter called responsible O&M Authority, and WUAs
 - closely monitoring, supervising and controlling the execution of the O&M of the diversion structures, main and secondary distribution system, control and associated infrastructure by the responsible O&M Authority and WUAs respectively;
- to monitor the construction and/or rehabilitation of irrigation infrastructure and flood control structures;
- to intermediate in obtaining funds (i.e. grants, subsidies, loans) for the construction, improvement and/or management of irrigation infrastructure;
- to investigate complaints submitted by water users and to resolve conflicts that may arise among the water users; and
- to promote the development of irrigated agriculture within its working area.

2.2 Main Tasks of the Irrigation Council

The main tasks of the Irrigation Council related to water resource management include:

- Preparation and adoption of General Water Management Policy, in which the agreed rights and rules for the allocation and distribution of base flow and flood water between the different canals and areas are precisely described, so that irrigation water is distributed equitable and efficiently among all water users within the working area of the Irrigation Council;
- Review and approval of (annual) Wadi Water Management Plan and Annual Irrigation Plan for the distribution of base flow and flood water between all canals and area within the Irrigation Council's working area, which have been prepared by the responsible O&M Authority;
- Review and approval of the Annual O&M Plan and Budget as prepared and submitted by the responsible O&M Authority (i.e. ID and TDA);
- Review and approval of the Annual O&M Plans and Budgets, including the O&M contributions (i.e. water charges) to be paid by the water users, as prepared and submitted by the WUAs;
- Monitoring and supervision of the operation of all modernised and traditional diversion structures in order to control if the base flow and flood water are distributed between the different canals and areas in accordance with the agreed water rights and rules as specified in the General Water Management Policy and the approved Wadi Water Management Plans and Annual Irrigation Plans;
- Collection and publication of data on the actual distribution of irrigation water and irrigated areas at (two-)weekly intervals;
- Monitoring and supervision of the execution of the annual maintenance works in order to check if these works are carried out by the responsible O&M Authority and WUAs in accordance with the approved Annual O&M Plans and the O&M Manuals;
- Implementation of regular maintenance inspection together with the responsible O&M Authority and WUAs in order to assess the condition of all irrigation and associated infrastructure and to identify maintenance and repair requirements;
- Inspection of reported damage to any irrigation or associated structure jointly with responsible O&M Authority and/or WUA(s) in order to find a suitable solutions aimed at preventing further damage;
- Monitoring the efficient use of the equipment pool managed by the responsible O&M Authority, which has been exclusively designated for maintenance activities within the working area of the Irrigation Council;
- If required, set out the prices for renting equipment out to WUAs in coordination with the responsible O&M Authority;
- Investigation of any reported violation of the approved Wadi Water Management Plan and/or Annual Irrigation Plan or wilful damage to any irrigation or associated structure situated within the working area of the Irrigation Council;
- Resolution of any conflict caused by the distribution of irrigation water and/or maintenance of the irrigation infrastructure between two or more WUAs or between one or more WUAs and the responsible O&M Authority;
- Representation of one or more WUAs in any conflict with third party;
- Enforcement of imposed sanctions against any person or institution for violating any agreed rights and rules regarding the distribution of irrigation water or wilful damage of any irrigation or associated infrastructure;
- Promotion of the use of improved irrigation and production techniques aimed at efficient use of water and prevention of depletion and pollution of water resources;
- Establishment of communication links with other Irrigation Councils and other agencies aimed at the exchange of relevant information and experiences; and

- Liaison with relevant government and financial agencies in order to obtain information about available funds for the construction and/or rehabilitation of irrigation infrastructure as well as other investments aimed at the development of profitable and sustainable irrigated agriculture.

2.2.1 Role of Irrigation Council in O&M

With regard to the O&M of irrigation and associated infrastructure within the working area of the Irrigation Council, it is important to emphasize that:

- Responsible O&M Authority (i.e. ID for Wadi Tuban and TDA for Wadi Zabid) and the WUAs will be responsible for the planning and implementation of all O&M activities in accordance with the approved Annual O&M Plans and the Basic Agreements on Responsibilities and Mode of Maintenance Implementation (see Annex C);
- The Irrigation Council will not be responsible for the implementation of the O&M of any irrigation and associated infrastructure;
- The Irrigation Council will be responsible for the review and approval of the Annual O&M Plans as submitted by the responsible O&M Authority and WUAs as well as the monitoring, supervision and control of the O&M activities as executed by the responsible O&M Authority and WUAs; and
- A permanent pool of equipment (i.e. bulldozer, wheel loader, excavator, trucks) will be operated by the responsible O&M Authority for maintenance activities only, which may be rented out to the WUAs for execution of maintenance and repair works.

Basically, the Irrigation Council is not an implementing agency but an institution aimed at monitoring and regulating the O&M of the irrigation infrastructure within its working area in order to ensure that water is distributed equitable and used efficiently.

2.3 Authorities of the Irrigation Council

The Irrigation Council could be considered the High Executive and Administrative Authority of the WUAs and other water users situated within the working area of the Irrigation Council. In order to achieve its aim and objectives, the Irrigation Council shall have the following powers:

- to draft a General Wadi Management Policy as the “legal” framework for the equitable distribution of irrigation water among the different canals and areas within its working area and to ensure (increased) water use efficiency;
- to represent the WUAs and other water users towards Government agencies, private sector as well as local, national and international organisations with regard to (irrigation) water management;
- to prepare and adopt any Executive Procedures concerning issues related to the O&M of irrigation and associated infrastructure within its working area;
- to issue directives to the responsible O&M Authority and WUAs aimed at the prevention of any human and material damage during the flood season;
- to review and approve the Wadi Water Management Plan and the Annual Irrigation Plan as prepared by the responsible O&M Authority;
- to review and approve the Annual O&M Plans and Budgets of the responsible O&M Authority and WUAs;
- to employ personnel on a permanent or temporary basis;
- to obtain advice from experts;
- to issue directives to the responsible O&M Authority and WUAs with regard to the O&M of irrigation and associated infrastructure;
- to impose adequate and effective sanctions on WUAs for the late or non-collection of the O&M contributions among the water users;
- to impose (financial) sanctions on individual water users or WUAs for violating the agreed rules for the distribution of irrigation water, the wilful damage of irrigation infrastructure within its working area or any other provisions of the Water Law, By-laws and/or Internal Rules & Regulations of the Irrigation Council;
- to apply for and receive funds (i.e. donations, grants, subsidies, loans) in order to (co-)finance activities aimed at the improvement and/or rehabilitation of irrigation and associated infrastructure, efficient use of irrigation water or the development of sustainable irrigated agriculture within its working area;
- to report any violation of the Water Law and/or Environment Protection Law, such as the wilful damage of irrigation and associated infrastructure, unauthorised drilling of wells as well as the pollution of water, to the concerned authorities (i.e. MWE, NWRA); and
- to request the Prosecution Office to undertake legal action against any person or institution for violating the agreed rules for the distribution of irrigation water, the wilful damage of irrigation infrastructure within its working area or any

other provisions of the Water Law, By-laws and/or Internal Rules & Regulations of the Irrigation Council in order to be compensated for the damage caused by the unlawful behaviour of the offender.

3 ORGANISATIONAL STRUCTURE OF IRRIGATION COUNCIL

The Irrigation Council shall have the following two compulsory organs:

- General Meeting comprising 20 to 25 members as the principal decision-making body and the seat of the highest authority in the Irrigation Council ; and
- Executive Committee consisting of 3 to 7 members, including a Director, Secretary and Financial Officer, which shall be responsible for the day-to-day management of the Irrigation Council and it is accountable to the General Meeting for all its actions.

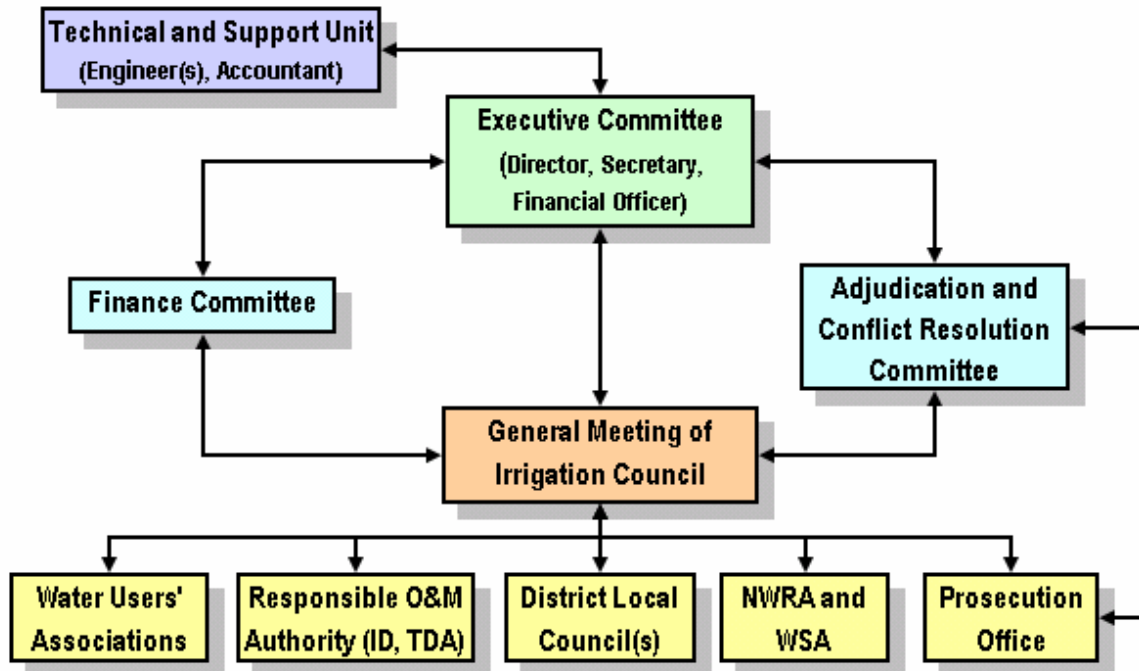
Following a decision by the General Meeting, the Executive Committee shall ensure the formation of at least the following two Standing Committees in order to assist with the implementation of its tasks and responsibilities:

- Finance Committee with at least 2 (elected) members (of the Irrigation Council) and their main tasks shall be the review, control and approval of the financial affairs of the Irrigation Council on behalf of the General Meeting ; and
- Adjudication and Conflict Resolution Committee with the representative of the Prosecution Office as permanent member and at least two elected members of the Irrigation Council, which shall resolve any conflict between WUAs or between WUA(s) and the responsible O&M Authority through mediation or arbitration.

Following the approval of the General Meeting, the Executive Committee shall second one or more personnel for the execution of the main tasks of the Irrigation Council as well as to assist the Executive Committee with the implementation of its responsibilities. The seconded personnel will form the Technical and Support Unit of the Irrigation Council.

Detailed provisions with regard to the functioning of these organs of the Irrigation Council can be found in the By-laws and (draft) Internal Rules & Regulations of the Irrigation Council (see Annex A and B).

The organisational structure of the Irrigation Council is presented in the following figure:



3.1 Composition of the General Meeting

To ensure the active participation of water users in the management of their water resources, the coordination amongst the water users with regard to the use of their water resources as well as the establishment of institutional linkages between water users, irrigation agencies and local government, the General Meeting of the Irrigation Council has the following composition:

- Chairman of the Governorate Local Council (or any other person appointed by the Governor) as Chairman of the General Meeting;
- Person appointed by the Governor as Deputy Chairman of the General Meeting;
- Representative of each District Local Council within the working area of the Irrigation Area;
- Representative of the responsible O&M Authority (i.e. ID in Wadi Tuban and TDA in Wadi Zabid);
- Representative of each water/environment-related Government agency that is operational in the working area of the Irrigation Council, such as NWRA and the Water & Sanitation Authority (WSA);
- Representative of the Prosecution Office; and
- Representative (i.e. Chairman) of each WUA that is operational within the working area of the Irrigation Council.

As strongly recommended by the participants of the local water management workshops in Wadi Tuban and Wadi Zabid, the Prosecution Office is represented in the General Meeting (and the Adjudication and Conflict Resolution Committee) in order to strengthen the (institutional) capacity of the Irrigation Council to enforce compliance with agreed rules and regulations with regard to O&M of the spate irrigation systems as well as to impose sanctions effectively.

4 ANNUAL ACTIVITIES OF IRRIGATION COUNCIL

Each year, the Irrigation Council has to carry out a number of activities and they are scheduled in accordance with the financial year (January to December) and the flood season (April to October). These annual activities of the Irrigation Council include:

- Preparation and approval of Annual Report and Financial Statements for the Irrigation Council;
- Preparation and approval of Annual Work Plan and Budget for the Irrigation Council;
- Review and approval of annual Wadi Water Management Plan and Annual Irrigation Plan as prepared by the responsible O&M Authority;
- Review and approval of Annual O&M Plans and Budgets of the WUAs and the responsible O&M Authority;
- Monitoring and supervision of the operation of the diversion structures and other irrigation infrastructure by the responsible O&M Authority and the WUAs;
- Collection of data on diversion of base flow and flood water into different canals and towards different areas as well as the irrigated area;
- Monitoring of the efficient use of the equipment pool managed by the responsible O&M Authority and setting the prices for renting out equipment to WUAs;
- Monitoring, supervision and inspection of the maintenance of the diversion structures and other irrigation infrastructure by the responsible O&M Authority and the WUAs; and
- Evaluation of the implementation of the Wadi Water Management Plan and Annual Irrigation Plan as well as the performances of the responsible O&M Authority and WUAs with regard to the O&M of the individual spate irrigation systems.

4.1 Preparation and Approval of Annual Report and Financial Statements

Annual Report

Immediately after the end of each financial year, the Executive Committee shall prepare an Annual Report, in which the activities, achievements and problems of the completed financial year are briefly described. The Annual Report should contain a summary of:

- Number of meetings of General Meeting, Executive Committee and any Standing Committees;
- Election of members for Executive Committee, Finance Committee, Adjudication & Conflict Resolution Committee and/or any other Standing Committee;
- Employment of personnel, such as an Accountant and Engineer(s);
- Observations concerning the O&M of the irrigation infrastructure by the responsible O&M Authority and WUAs during the completed financial year;
- Recorded area that was irrigated with base flow and flood water respectively during the completed financial year;
- Summary of the financial status of the Irrigation Council, including total incomes and expenditures compared with the approved budget;
- Summary of complaints submitted to Irrigation Council as well as their solutions and unresolved conflicts; and
- Specific problems encountered during the completed financial year with regard to the O&M of the irrigation system and/or the management of the Irrigation Council itself.

The Annual Report is important for two reasons:

- The members of the Executive Committee, who are elected by the members of the General Meeting, must be held responsible for their actions and must justify their actions to the members of the General Meeting. It is, in fact, the annual test of the Executive Committee of the Irrigation Council, whereby the General Meeting has to decide if the Executive Committee has done a good job. If not, the General Meeting may decide to replace the entire Executive Committee or one or more members of the Executive Committee; and
- The members of the Executive Committee are personally responsible for any actions that go beyond their mandate. By approving the Annual Report, the members of the General Meeting accept full responsibility for all activities undertaken by their Irrigation Council during the completed financial year. The Executive Committee is acquitted from any personal responsibility following the approval of the Annual Report by the General Meeting.

Financial Statements

Immediately after the end of each financial year, the Executive Committee shall prepare (at least) the following financial statements in order to report on the financial status of the Irrigation Council:

- Income and Expenditure Statement; and
- Balance Sheet.

The Income and Expenditure Statement shall report all revenues and expenses of the Irrigation Council during the completed financial year as well as the net income or loss at the end of the reporting period. The Balance Sheet, also known as Statement of Financial Position, gives the overall financial status of the Irrigation Council at the end of the financial year by reporting all assets, liabilities and capital of the Irrigation Council at the end of the reporting period.

Time Schedule and Modalities

The preparation, review and approval of the Annual Report and Financial Statements shall be carried out according to the following time schedule:

- Within 30 days of the end of the financial year, the Executive Committee (with the assistance of the employed Accountant) shall complete the preparation of the Annual Report and Financial Statements;
- Within 45 days of the end of the financial year, the Finance Committee shall review and approve the Annual Report and Financial Statements as submitted by the Executive Committee;
- Within 60 days of the end of the financial year, the General Meeting shall review and approve the Annual Report and Financial Statements as submitted by the Executive Committee; and
- Within 7 days of the date of the approval of the Annual Report and Financial Statements by the General Meeting, the Executive Committee shall publish a summary of the approved Annual Report and Financial Statements in the offices of the Irrigation Council, District Local Council(s) and WUAs.

4.2 Preparation and Approval of Annual Work Plan and Annual Budget

Annual Work Plan

The Annual Work Plan described the proposed activities of the Irrigation Council for the new financial year, including:

- Proposed dates for the General Meeting of the Irrigation Council;
- Proposed elections of members for the Executive Committee and/or any Standing Committee(s);
- Proposed schedule and modalities for the monitoring, supervision and inspection of the O&M of the irrigation infrastructure within the working area of the Irrigation Council;
- Proposal for employment of temporary and permanent personnel;
- Proposal for procurement and/or lease of furniture, equipment and/or vehicles; and
- Proposed training of (new) members of the Executive Committee, Standing Committee and/or employed personnel.

Annual Budget

The Annual Budget is an estimate of the total incomes and expenditures of the Irrigation Council for the new financial year. Although it is impossible to predict the exact incomes and expenditures of the Irrigation Council for the entire financial year in advance, the Annual Budget shall be prepared for the following reasons:

- to determine the amount of funds required to execute the proposed activities as specified in the Annual Work Plan;
- to ensure transparency and accountability by presenting the Annual Budget to the General Meeting for its review and approval; and
- to have an instrument to monitor the financial performance and status of the Irrigation Council throughout the financial year by comparing the actual incomes and expenditures with the estimated incomes and expenditures in the Annual Budget.

Time Schedule and Modalities

The preparation, review and approval of the Annual Work Plan and Annual Budget shall be carried out according to the following time schedule:

- Within 30 days of the end of the financial year, the Executive Committee (with the assistance of the seconded Accountant) shall complete the preparation of the Annual Work Plan and Annual Budget;
- Within 45 days of the end of the financial year, the Finance Committee shall review and approve the Annual Work Plan and Annual Budget as submitted by the Executive Committee;
- Within 60 days of the end of the financial year, the General Meeting shall review and approve the Annual Work Plan and Annual Budget as submitted by the Executive Committee; and
- Within 7 days of the date of the approval of the Annual Work Plan and Annual Budget by the General Meeting, the Executive Committee shall publish a summary of the approved Annual Work Plan and Annual Budget in the offices of the Irrigation Council, District Local Council(s) and WUAs.

4.3 Review and Approval of Wadi Water Management Plan and Annual Irrigation Plan

Prior to the start of the flood season in the month of April, the responsible O&M Authority (i.e. ID in Wadi Tuban and TDA in Wadi Zabid) have to prepare the following two plans:

- annual Wadi Water Management Plan for the management of all water resources (i.e. surface and ground water) within the working area of the Irrigation Council; and
- Annual Irrigation Plan for the management of the surface water (i.e. base flow and flood water) in the wadi for irrigation purposes.

To assess if the available water resources will be used efficiently and irrigation water will be distributed equitably, the General Meeting of the Irrigation Council shall review and approve the Wadi Water management Plan and Annual Irrigation Plan in accordance with the existing water rights and rules as specified in the General Water Management Policy that has been prepared by the Irrigation Council itself.

Time Schedule and Modalities

The (detailed) review of the Wadi Water Management Plan and Annual Irrigation Plan shall be carried out by technical personnel (i.e. Engineer) employed by the Irrigation Council in consultation with the Executive Committee. As the flood season formally commences in the month of April, the General Meeting of the Irrigation Council shall approve the Wadi Water Management Plan and Annual Irrigation Plan not later than March 15 on the basis of recommendations submitted by the Executive Committee.

4.4 Review and Approval of Annual O&M Plans and Budgets

Prior to the execution of the maintenance works in the month of March and the start of the flood season in the month of April, the responsible O&M Authority and the WUAs shall prepare their Annual O&M Plans and Budgets, in which they specify:

- Proposed plan, budget and time schedule for maintenance and repair of the irrigation and associated infrastructure;
- Proposed plan and budget for employment of temporary and permanent staff and labour required for the O&M of the irrigation and associated structures;
- Proposed plan and budget for the procurement and/or lease of furniture, equipment and/or vehicles required for the O&M of the irrigation and associated facilities;
- Proposed plan and budget for investments aimed at the improvement and/or rehabilitation of the (spate) irrigation infrastructure; and
- Proposed training plan and budget.

In addition, the Annual O&M Plans and Budgets of the WUAs shall also include:

- Proposed level(s) of the O&M contributions to be paid by all members and non-members of the WUA;
- Proposed time schedule for the collection of the O&M contributions among all members and non-members of the WUA; and
- Proposed elections of members for the Executive Committee and/or any Standing Committee.

In order to assess if the diversion structures and canal systems will be properly operated and maintained by the responsible O&M Authority and the WUAs, the General Meeting of the Irrigation Council shall review and approve the Annual O&M Plans Budgets, in particular if the estimated incomes and expenditures are sufficient to operate and maintain the irrigation system in accordance with the provisions in the O&M Manuals.

Time Schedule and Modalities

The (detailed) review of the Annual O&M Plans and Budgets shall be carried out by technical personnel (i.e. Engineer) employed by the Irrigation Council in consultation with the Executive Committee. As the implementation of the (main) maintenance and repair works are planned in the month of March, the General Meeting shall approve the submitted Annual O&M Plans and Budgets not later than February 15 on the basis of the recommendations made by the Executive Committee.

4.5 Monitoring and Supervision of Operation of Irrigation Infrastructure

During the flood season (April to October), the Irrigation Council shall closely monitor and supervise the operation of all modernised diversion structures and main canal systems by the responsible O&M Authority as well as the operation of the traditional diversion structures by the WUAs in order to assess if:

- Flood water (and base flow) is distributed between the modernised and traditional spate irrigation systems along the wadi in accordance with the existing water rights and rules as specified in the General Water Management Policy as well as the approved annual Wadi Water Management Plan and Annual Irrigation Plan; and
- Modernised and traditional diversion structures along the wadi are operated in accordance with the approved Annual O&M Plans of the responsible O&M Authority and WUAs as well as the O&M Manuals.

Modalities and Time Schedule

To facilitate the monitoring and supervision of the distribution of irrigation between the different spate irrigation systems along the wadi and the operation of their diversion structures and main canal systems, personnel employed by the Irrigation Council shall be (almost) daily in the field during the entire flood season from April to October. During their daily monitoring and supervision visits, the Irrigation Council personnel shall check if:

- Responsible O&M Authority opens and closes the gates of modernised diversion structures in accordance with the approved Wadi Water Management Plan and Annual Irrigation Plan;
- Responsible O&M Authority operates the main canal system in accordance with the Annual Irrigation Plan, so that each secondary canal receives its share of the diverted irrigation water according to its existing water rights and the approved Annual Irrigation Plan;
- WUAs (re)construct and operate the traditional diversion structures according to the approved Wadi Water Management Plan and Annual Irrigation Plan;
- Individual or group of farmers do not construct unauthorised diversion structures along the wadi aimed at taking more water than their existing water rights; and
- Floods have not caused any serious damage to the banks of the wadi or modernised diversion structures, which may hamper the equitable distribution of (flood) water between the different canals and areas or cause further damage to villages, roads and/or irrigation and associated infrastructure.

Authorities of Irrigation Council

If the Irrigation Council personnel has observed that the responsible O&M Authority and/or WUAs do not operate the (modernised and traditional) diversion structures and/or main canal systems properly, so that irrigation water is not distributed in accordance with the approved Wadi Water Management Plan and Annual Irrigation Plan, they shall have the authority to issue directives to the responsible O&M Authority and/or WUAs aimed at correcting the observed shortcomings in the operation of the diversion structures and/or main canal systems. If the responsible O&M Authority and/or WUAs continue to operate the diversion structures and/or main canal systems improperly, the Irrigation Council personnel shall inform the Executive Committee immediately. The latter shall take the necessary actions against the responsible O&M Authority and/or WUAs, including the enforcement of sanctions and/or the submission of a complaint to the Prosecution Office with a copy to the Governor.

In case of the unauthorised and unlawful diversion of (flood) water by farmers, the Irrigation Council personnel shall have the power to arrange the closure/destruction of the illegal off-take structure immediately and inform the Executive Committee accordingly. The latter shall take the necessary actions against the offenders by:

- imposing effective sanctions, including penalties and suspension of supply of irrigation water for the rest of the flood season;

- calculating the compensation to be paid by the offenders for the damage caused by their unlawful action; and
- submitting a complaint to the Prosecution Office with a copy to the Governor.

If the Irrigation Council personnel has observed serious damage to the banks of the wadi and/or modernised irrigation structure, they shall inform immediately the responsible O&M Authority, which shall undertake all necessary mitigating actions to avoid further damage without any unnecessary delay. In addition, they shall also immediately inform the Executive Committee, which shall inform the concerned local authorities, such as the District Local Councils, accordingly and decide what other actions may be required to avoid any further damage.

4.6 Collection of Data on Water Distribution and Irrigated Area

In order to be able to monitor the distribution of irrigation water and to assess the performances of the spate irrigation systems within its working area, the Irrigation Council shall arrange the collection of the following set of data at regular intervals:

- Dates and duration of the diversion of base flow and/or flood water for each modernised and traditional spate irrigation system;
- Size of the area that has received at least one spate irrigation during the flood season for each modernised and traditional spate irrigation system; and
- Size of the area that is irrigated with the diverted base flow as well as the number of irrigations for each modernised and traditional spate irrigation system.

Modalities and Time Schedule

Throughout the entire year, in particular during the flood season, the Irrigation Council shall arrange the collection of the relevant data on the distribution of irrigation water and the actually irrigated area for each spate irrigation system within its working area. Although the Irrigation Council could use data that are collected and prepared by the responsible O&M Authority and WUAs, it is recommended that Irrigation Council personnel collect the necessary data as well in order to have reliable and objective data on water distribution and irrigated area.

4.7 Monitoring of Use of Equipment Pool

According to the Basic Agreement on Responsibilities and Mode of Maintenance Implementation for Wadi Tuban and Wadi Zabid respectively (see Annex C), a permanent pool of equipment is envisaged, which will be operated by the responsible O&M Authority (i.e. ID in Wadi Tuban and TDA in Wadi Zabid) for the execution of its (routine and replacement) maintenance and (emergency) repair activities only. At the same time, this pool of equipment may be rented out to the WUAs for the execution of their maintenance and repair works, if available and/or requested.

To ensure that the equipment pool is operated by the responsible O&M Authority in accordance with the two Basic Agreements on O&M, the Irrigation Council shall monitor if:

- Responsible O&M Authority only uses the equipment for the maintenance and repair of the permanent irrigation infrastructure, village protection works and wadi embankments as specified in section A of the Basic O&M Agreement;
- Responsible O&M Authority maintains the equipment pool properly, so that all available equipment remains fully operational at any time of the year; and
- Responsible O&M Authority allows WUAs to rent equipment from its pool, if the requested equipment is available and not used by the responsible O&M Authority for the maintenance and/or repair of the permanent irrigation infrastructure, village protection works and wadi embankments as specified in section A of the Basic O&M Agreement.

The Irrigation Council and the responsible O&M Authority shall agree upon the modalities for renting out equipment to the WUAs, in particular the rates. For instance, the WUAs could rent the equipment at commercial rates or at cost price. It may also be possible that the responsible O&M Authority provides the requested equipment free of cost and that the WUA only has to pay for the fuel costs and the salary of the operator/driver.

Modalities and Time Schedule

Throughout the entire year, the Irrigation Council shall carry out (monthly) inspection visits in order to assess if the equipment pool is maintained properly, fully operational, permanently available and exclusively used for the maintenance and repair of the permanent irrigation infrastructure, village protection works and wadi embankments as specified in section A of the Basic O&M Agreement. In particular during the month of March, the Irrigation Council shall closely monitor if the responsible O&M Authority uses the available equipment properly for the execution of all necessary

maintenance and repair works prior to the start of the flood season. Furthermore, the Irrigation Council shall regularly check if the responsible O&M Authority has allowed WUAs to rent equipment for the execution of their maintenance and repair works against the agreed rates.

4.8 Monitoring, Supervision and Inspection of Maintenance of Irrigation Infrastructure

To ensure that all available irrigation water, both base flow and flood water, is equitably distributed among all water users in accordance with existing water rights and rules for water management, it is crucial that all irrigation and associated infrastructure is properly maintained, so that the entire spate irrigation system is fully operational and that all diverted water can be conveyed efficiently to the individual fields. Therefore, one of the core activities of the Irrigation Council is to monitor and supervise the execution of all maintenance and repair works by the responsible O&M Authority and WUAs in order to make sure that these works are carried out according to the approved Annual O&M Plans and O&M Manuals.

Furthermore, the Irrigation Council shall also conduct annual maintenance inspections of all irrigation and associated infrastructure of each spate irrigation system jointly with the responsible O&M Authority and the concerned WUA(s) in order to:

- assess the physical condition of all irrigation and associated structures;
- identify maintenance and repair requirements;
- prioritise the identified maintenance and repair requirements; and
- agree upon a minimum maintenance and repair plan on the basis of the prioritised maintenance and repair requirements.

Modalities and Time Schedule

The monitoring and supervision of the execution of maintenance and repair works shall be conducted by qualified and experienced technical personnel (i.e. Engineers) of the Irrigation Council during the month of March, when (almost) all maintenance and repair works are undertaken by the responsible O&M Authority and WUAs, so that the spate irrigation systems are fully operational at start of the flood season in the month of April.

The annual maintenance inspections shall be carried out immediately after the end of the flood season and before the end of the financial year. Together with the responsible O&M Authority and the WUAs, qualified and experienced technical personnel (i.e. Engineers) of the Irrigation Council shall inspect all irrigation and associated infrastructure in the months of November and December. For each spate irrigation system, the Irrigation Council personnel shall prepare a Maintenance Inspection Report, in which all findings, conclusions and recommendations are systematically recorded and presented. Subsequently, the responsible O&M Authority and the WUAs shall use these Maintenance Inspection Reports for the preparation of their Annual Maintenance Plans for the next financial year.

4.9 Evaluation of Water Distribution and O&M of Spate Irrigation Systems

Using the data collected about the distribution of water and irrigated area for each spate irrigation system (see 4.6) as well as the results of the annual maintenance inspections (see 4.8), the Irrigation Council shall be able to evaluate the following issues:

- Implementation of the Wadi Water Management Plan and Annual Irrigation Plan at wadi level, in particular the equitable distribution of irrigation water, both base flow and flood water, between the different systems and area according to the existing water rights and rules for the management of water resources; and
- Performances of the responsible O&M Authority and WUAs with regard to the O&M of each spate irrigation system.

The annual evaluation of the implementation of the water management plans at wadi level and the O&M of the spate irrigation systems shall be considered as an important tool for the Irrigation Council to improve the equitable distribution of irrigation water between the different spate irrigation systems in its working area. Based on the outcomes of the annual evaluation, the Irrigation Council shall be able to:

- identify the main causes for observed problems regarding the equitable distribution of irrigation water at wadi level and/or the O&M of the individual spate irrigation systems by the responsible O&M Authority and/or WUAs;
- amend the existing rules regarding the distribution of irrigation water, so that water can be distributed more equitably and efficiently along the wadi and within each spate irrigation system;

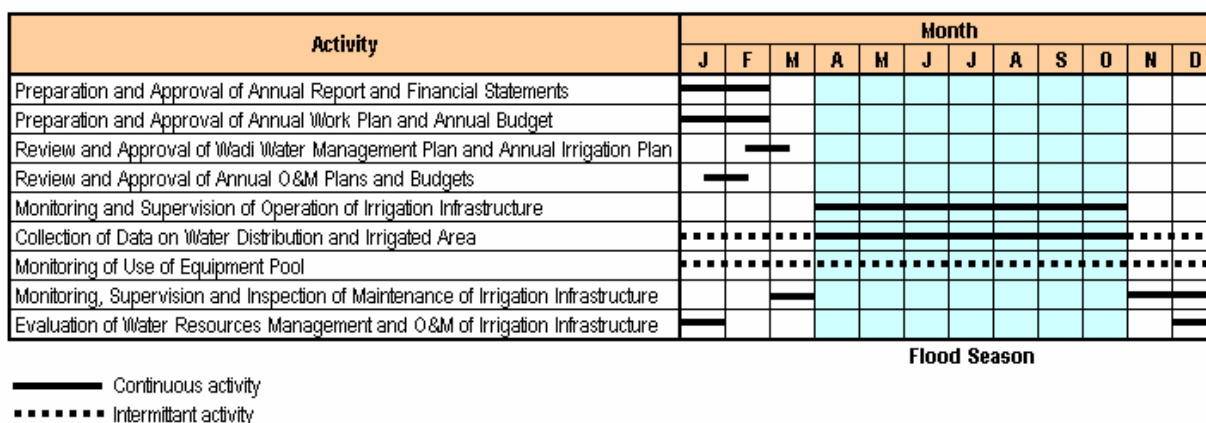
- modify the existing procedures for the O&M of the spate irrigation systems, so that all irrigation and associated infrastructure will be operated and maintained more effectively and efficiently by the responsible O&M Authority and/or WUAs;
- prepare an investment plan for the rehabilitation and/or improvement of the existing spate irrigation systems to ensure that water is distributed (more) equitably along the wadi; and
- propose the provision of (additional) training for the responsible O&M Authority and/or WUAs in order to enhance their skills and knowledge concerning improved O&M of the irrigation and associated infrastructure.

Modalities and Time Schedule

The annual evaluation of the water management/irrigation plans at wadi level and the O&M of the individual spate irrigation systems shall be carried out by the General Meeting of the Irrigation Council together with the employed technical personnel in the month of December or January, once the Maintenance Inspections Reports are completed. The Irrigation Council may also invite one or more experts in order to obtain advice on improved water resources management and/or O&M of irrigation and associated structures.

4.10 Time Schedule for Annual Activities of Irrigation Council

The time schedule for the implementation of the annual activities of the Irrigation Council is presented in the following bar chart:



4.10.1 Tentative Calendar for General Meeting of Irrigation Council

Based on the time schedule for annual activities of the Irrigation Council, it is envisaged that the General Meeting of the Irrigation Council would come together at least four times each year in accordance with the following tentative calendar:

Purpose of General Meeting	Month
Approval of Annual Report, Financial Statements, Annual Work Plan and Annual Budget of the Irrigation Council as well as the Annual O&M Plans and Budgets as submitted by the responsible O&M Authority and WUAs	February
Approval of Wadi Water Management Plan and Annual Irrigation Plan as submitted by the responsible O&M Authority	March
Review of implementation of Annual Irrigation Plan during flood season	June/July
Evaluation of water distribution and O&M of spate irrigation systems for last flood season	December/January

5 PERSONNEL, OFFICE AND EQUIPMENT

In order to be able to execute its annual activities as described in the previous chapter, the Irrigation Council needs personnel, office space and equipment.

5.1 Need for Personnel

The Irrigation Council needs qualified and experienced personnel for the implementation of its annual activities in an adequate and timely manner as the members of the Executive Committee and/or any Standing Committees would not be able to execute all these activities properly.

5.1.1 Minimum Personnel Requirements

The minimum personnel requirements and their respective tasks and duties are as follows:

Type of Personnel	Tasks and Duties
Accountant	<ul style="list-style-type: none"> ▪ Preparation of Annual Budget and Financial Statements of Irrigation Council ▪ Maintenance of all financial records and books of Irrigation Council ▪ Preparation of (monthly) reports on financial status of Irrigation Council for Executive Committee ▪ Provision of information and data concerning the financial affairs of the Irrigation Council to the Finance Committee
Engineer(s)	<ul style="list-style-type: none"> ▪ Review of Wadi Water Management Plan and Annual Irrigation Plan as prepared and submitted by the responsible O&M Authority ▪ Review of all Annual O&M Plans and Budgets as submitted by the responsible O&M Authority and WUAs ▪ Monitoring and supervision of the operation of the irrigation and associated infrastructure by the responsible O&M Authority and WUAs, in particular the distribution of base flow and flood water ▪ Conducting annual maintenance inspection of all irrigation and associated structures jointly with the responsible O&M Authority and concerned WUAs, including the preparation of Maintenance Inspection Reports ▪ Monitoring and supervision of the execution of the maintenance and repair works by the responsible O&M Authority and WUAs ▪ Monitoring of the use of the equipment pool as operated by the responsible O&M Authority, including the lease of equipment for maintenance purposes to WUAs ▪ Evaluation of the water distribution and the performances of the responsible O&M Authority and WUAs regarding the O&M of the irrigation and associated structures during the last flood/financial year
Data Collectors	<ul style="list-style-type: none"> ▪ Recording the dates and duration of the diversion of base flow and/or flood water into the main canal system of each spate irrigation system ▪ Recording the size of the area that have received at least one irrigation during the flood season for each spate irrigation system ▪ Recording the size of the area irrigated with base flow as well as the number of irrigations for each spate irrigation system

5.1.2 Modalities for Recruitment of Personnel

Accountant

The Irrigation Council requires the services of an Accountant on a temporary basis (i.e. one to two days each week). During the preparation of its Annual Budget and Financial Statements in the months of January and February, however, the Irrigation Council may require the services of the Accountant more frequently. Although the Irrigation Council could employ an Accountant, it is recommended to investigate the possibility if the Governorate could assign one of its staff members as a part-time Accountant of the Irrigation Council. If the Governorate would assign an Accountant and pay the salary costs, the Irrigation Council should pay a financial incentive to the seconded Accountant.

Engineer(s)

Taking into account its annual activities related to the O&M of the spate irrigation systems, the Irrigation Council requires the services of at least one Engineer on a permanent basis. In addition, the services of at least another Engineer may be required during the flood season (April to October) in order to ensure that the monitoring and supervision of the O&M of all irrigation and associated infrastructure by the responsible O&M Authority and WUAs is properly executed. Similar as for the Accountant, the Irrigation Council could employ one or more Engineers itself or the Governorate could (employ and) appoint one or more engineers, who would assist the Irrigation Council with the execution of its annual activities. If the Governorate would pay the salaries of the appointed Engineers, the Irrigation Council should pay financial incentives to them.

Data Collectors

The responsible O&M Authority (i.e. ID in Wadi Tuban and TDA in Wadi Zabid) employs a group of extension workers (i.e. one extension worker for two WUAs), who should form the day-to-day link between the responsible O&M Authority, WUAs and Irrigation Council. According to the Basic O&M Agreements for Wadi Tuban and Wadi Zabid, these extension workers could be seconded to the Irrigation Council. It is strongly recommended to transfer the most qualified and experienced extension workers on a permanent basis to the Irrigation Council, whereby they remain employees of the responsible O&M Authority, in order to assist with the collection of data on water distribution and irrigated areas as well as with the monitoring of the O&M of the irrigation and associated infrastructure by the WUAs during the flood season. To motivate these extension workers to carry out their tasks and duties properly, the Irrigation Council should provide a monthly financial incentive on top of their salaries, which will be paid by the responsible O&M Authority.

5.2 Office, Equipment and Vehicles

Office

The Irrigation Council needs an equipped office at a central and easily accessible location within its working area in order to have:

- Working place for the Office Bearers (i.e. Chairman, Secretary and Financial Office) and any personnel of the Irrigation Council;
- Convenient venue for conducting meetings of the General Meeting, Executive Committee and any Standing Committees; and
- Secure place to store all documents, cash money and any equipment owned and/or leased by the Irrigation Council.

Although the Irrigation Council could rent office space, it is strongly recommended that the Governorate or a District would provide office space free of cost in order to reduce the operational costs of the Irrigation Council.

Office Equipment

In addition to office space, the Irrigation Council also needs furniture (i.e. tables, desks, chairs and filing cabinet), office equipment (i.e. calculator, typewriter/computer and printer), communication (i.e. telephone connection/potable telephones) and stationary in order to make its office operational. The necessary furniture and office equipment may be purchased by the Irrigation Council itself, if funds would be available, and/or they are provided by the Government.

Vehicles

To facilitate the transport of its technical personnel during the implementation of field activities, the Irrigation Council also requires one or more vehicles (i.e. car(s) and/or motorcycles). The Irrigation Council could decide to procure and/or lease the necessary vehicles, if funds would be available. Another option is that the Government provides one or more vehicles and that the Irrigation Council has to pay the O&M costs, such as fuel, spare parts and repairs. A third option is that the Irrigation Council could use vehicles belonging to the responsible O&M Authority, Governorate and/or Districts, for which it may have to pay a fixed price per day and/or (only) the fuel and driver's costs.

6 FINANCIAL RESOURCES OF IRRIGATION COUNCIL

In addition to personnel, office space, equipment and vehicles, the Irrigation Council also needs funds for the execution of its annual activities. According to Article 20 of its By-laws (see Annex A), the financial resources of the Irrigation Council may consist of:

- Contributions, donations, loans and/or local and international aid;
- Subsidies provided by the Government and/or other organisations;
- Charges for the services provided by the Irrigation Council;
- Returns from (economic) activities undertaken by the Irrigation Council;
- Returns from lease of property owned by the Irrigation Council;
- Any other resource generated by the Irrigation Council, which is not in conflict with prevailing legislation of the Republic of Yemen.

6.1 Contributions and Service Charges

As the responsible O&M Authority and the WUAs are the main “clients” of the services provided by the Irrigation Council, it is reasonable to expect that they pay contributions and/or service charges to the Irrigation Council. Other water users situated within the working area of the Irrigation Council, such as well-owners, village water supply schemes and Water & Sanitation Authority (WSA) in Wadi Tuban, may also have to pay contributions and/or service charges as they would benefit (in)directly from the water management activities of the Irrigation Council as well.

Responsible O&M Authority

Each year, the central Government allocates funds to the responsible O&M Authority for the O&M of State-owned irrigation and associated structures (i.e. modernised diversion structures within the wadi, permanent control/bifurcation structures in main canals, village protection works, and access/inspection roads along the main canals). One of the main tasks of the Irrigation Council is the monitoring and supervision of the O&M of these State-owned irrigation and associated infrastructure in order to control if it is managed by the responsible O&M Authority in accordance with the approved O&M Plan and O&M Manual. As the monitoring, supervision and inspection of the O&M of the State-owned irrigation and associated infrastructure has to guarantee the functionality and sustainability of the entire spate irrigation system, it is recommended that the Government through the MAI pays the Irrigation Council for the provision of these services.

WUAs

Similarly, the Irrigation Council also monitors and supervises the O&M of traditional diversion structures as well as the main and/or secondary canal systems with their permanent and temporary structures by the WUAs. The main financial resource of the WUA for financing its O&M activities is the O&M contributions (i.e. water charges) to be paid by the individual water users within its command area. Due to the uncertainty of spate irrigation (i.e. high risk of crop failure) and the low returns from spate irrigated agriculture, the financial capacity of most water users to pay water charges is limited. Consequently, it is envisaged that the collected O&M contributions would be just enough to finance the O&M of the “transferred” irrigation and associated structures, for which the WUA has taken over the O&M responsibility. Therefore, it is unrealistic to expect that the WUA would be financially able to pay any contributions and/or service charges to the Irrigation Council in the short and medium term.

Well-owners

If the Irrigation Council would succeed in the equitable distribution of base flow and flood water in accordance with existing rights and rules, it is very likely that many owners of (tube-)wells would benefit from the improved recharge of the aquifer throughout the entire working area of the Irrigation Council. Therefore, the option to charge well-owners a fixed service charge per installed well should be investigated, whereby well-owners in areas with access to base flow should pay a higher service charge than well-owners in areas with only spate irrigation. The responsibility for the collection of the service charges among the well-owners could be given to the WUGs and WUAs.

Water & Sanitation Authority

In Wadi Tuban, the WSA has installed a significant number of large tube-wells within the working area of the proposed Irrigation Council for the supply of drinking water to the city of Aden. Similar as for privately-owned (tube-)wells, the WSA would benefit from the improved recharge of the ground water due to annual water management activities of the Irrigation Council. For this reason, it is recommended that the WSA should pay a fixed annual contribution per installed tube-well to the Irrigation Council.

Village Water Supply Schemes

Similarly, village water supply schemes may also benefit from the improved recharge of the aquifer as a result of the equitable distribution of base flow and flood water among all spate irrigation systems within the working area of the Irrigation Council. Therefore, it is reasonable that the operators of the village water supply schemes (i.e. District Local Councils) should pay a fixed annual contribution for each installed tube-well to the Irrigation Council.

6.2 Donations and Subsidies

Donations and subsidies could be important financial resources during the establishment of the Irrigation Council, in particular for the procurement of furniture and equipment for its office and/or vehicles. The two main sources of investments in the irrigation sector are the regular budget of MAI and the Agriculture and Fisheries Development Promotion Fund (AFDPF). In addition, the Social Development and some bilateral donor funds have also invested in water management and irrigation infrastructure. Another potential source of funding could be the internationally funded projects, such as the Irrigation Improvement Project (IIP) and the Groundwater and Soil Conservation Project, in particular component 3 of this newly planned project that is aimed at the provision of support to WUGs and WUAs. The European Commission may be another option as it has made substantial investments in the spate irrigation sector in recent years. Furthermore, the Japanese Grant for Social Development could be a potential source of funding as well.

Government Budget

As an institution established and registered under the Law on Local Authorities, the Irrigation Council will be given the responsibility to monitor, supervise and inspect the O&M of State-owned irrigation and associated infrastructure in order to ensure that it is managed by the responsible O&M Authority and WUAs in an adequate, efficient and sustainable manner. Therefore, it is in the interest of the Government that the Irrigation Council is properly established and that it has the necessary equipment and vehicles to carry out its annual activities with regard to the monitoring, supervision and inspection of the O&M of all irrigation and associated structures.

Government subsidies for the establishment of the Irrigation Council could be channelled through the regular budget of MAI and/or the Governorate. For instance, a fixed percentage of the *Zakat* revenues and/or fees from licensing the drilling of wells could be allocated to the Irrigation Council for funding its establishment and/or operational costs.

Agriculture and Fisheries Development Promotion Fund

An important source of investments is the AFDPF, which is formed by a surcharge of YR 1 per litre on petrol. The AFDPF has invested in the construction of water management structures (i.e. small dams and water harvesting structures), fisheries and local government infrastructure. About 30% of the AFDPF's investments is channelled directly to local authorities. Reportedly, the AFDPF wants to increase its investments in the irrigation sector by spending at least 10% of the water sector investments on irrigation systems, including investments in water use efficiency. As a major investor in the water sector at local level, it may be likely that the AFDPF would be interested to financially support the process of decentralised water management in order to ensure the functionality and sustainability of its investments. As the Irrigation Council would play a central role in the decentralised water management, it is strongly recommended to investigate if the AFDPF could fund the establishment and/or the operation of the Irrigation Council through the provision of donations and/or subsidies under its component for water sector investments, either directly or channelled through the local authorities.

6.3 Returns from Economic Activities

As the Irrigation Council will not be involved in the implementation of the O&M of irrigation and associated infrastructure within its working area, it will not possess any equipment that could be rented out. It is not envisaged that the Irrigation Council will be (actively) involved in any economic activities, such as the sale of agricultural inputs and/or irrigation equipment (i.e. pumps) or the marketing of agricultural produce. Therefore, the Irrigation Council will not have opportunities to generate returns from economic activities and/or lease of equipment.

One possible source of revenue for the Irrigation Council may be the fees for licensing the excavation of riverbed materials (i.e. sand) by third parties. As it is not clear if the Irrigation Council would have the right to issue licenses for the excavation of riverbed material and to collect the corresponding fees, it is recommended to investigate the feasibility of this potential source of income for the Irrigation Council.

6.4 Loans

As a formally registered institution under the Law on Local Authority, the Irrigation Council would be entitled to apply for loans. However, it is questionable if the Irrigation Council will have the financial capacity to repay any loan as its revenues from annual contributions and service charges would be just enough to finance (part of) its operational costs and it will not generate substantial amounts of revenue from other activities. Therefore, the option to obtain loans as an important financial resource may not be feasible for the Irrigation Council.

6.5 Summary of Sources of Revenue for Irrigation Council

The potential of the different sources of revenue for the Irrigation Council as specified in Article 20 of its By-laws, are summarised in the following table:

Source of Revenue	Potential	
	Yes	No
Contributions and Service Charges		
▪ Service charges from responsible O&M Authority	✓	
▪ Service charges from WUAs		✓
▪ Annual Contributions from well-owners	✓	
▪ Annual Contributions from WSA	✓	
▪ Annual Contributions from operators of Village Water Supply Schemes	✓	
Donations and Subsidies		
▪ Government budget	✓	
▪ Agriculture and Fisheries Development Promotion Fund	✓	
▪ Bi- and multi-lateral donors	✓	
▪ Other funds (i.e. Social Development Fund)	✓	
Returns from economic activities		✓
Returns from lease of equipment and other property owned by Irrigation Council		✓
Fees from licensing excavation of riverbed material	✓	
Loans		✓

It is strongly recommended to assess if the potential sources of revenue for the Irrigation Council are feasible.

Final By-Laws Irrigation Council

For Irrigation Council in Wadi _____ [name], Governorate _____ [name]

First Chapter Nominations and Definitions

- Article (1)** These By-Laws are named By-Laws of Irrigation Council in Wadi [name], Governorate [name]
Article (2) For the purpose of applying these By-Laws, the following stated utterances and phrases have the following meaning, unless the context and/or presumption state another meaning

<i>The Republic</i>	Republic of Yemen
<i>Concerned Ministry</i>	Ministry of Agriculture & Irrigation
<i>Concerned Minister</i>	Minister of Agriculture & Irrigation
<i>The Ministry</i>	Ministry of Water & Environment
<i>The Minister</i>	Minister of Ministry of Water & Environment
<i>The Governor</i>	The Governor of the Governorate.
<i>Water Law</i>	Water Law No. 33 for the year 2002
<i>Local Authority Law</i>	Local Authority Law No. 4 for the year 2000
<i>Executive Procedures</i>	The Executive Procedures of the Local Authority Law by Republic Decree No. 269 for the year 2000
<i>Group</i>	Water User Group (WUG), which is formed on the basis of the smallest hydraulic unit (i.e. tertiary canal, earthen bund - ma'aqam) or on more than one tertiary canal/ma'aqam that are adjacent to each other.
<i>Association</i>	Water Users Association, which includes a number of WUGs with its jurisdiction limited to an area below the main irrigation canal/ or individual Ogma level.
<i>Irrigation Council</i>	Irrigation Council is established by Governor's Decree at Wadi level; its composition includes representatives of the Local councils (Governorate and district levels), (all) WUAs, as well as water/environment related Government organisations and Prosecution Office in the Wadi area.
<i>Wadi Water Management Plan</i>	The Water Management Plan concerns the management of all water resources within the wadi, hence also groundwater.
<i>Irrigation Plan</i>	The Irrigation Plan concerns the management/operation of the spate flows within the spate irrigation system
<i>Maintenance Plan</i>	The Maintenance Plan concerns the operation and maintenance plan for the overall spate irrigation system at main system level and lower levels

- Article (3)** Irrigation Council is founded in Wadi [name], Governorate [name] according to (a) the Local Authority Law No. 4 for the year 2000 Article 168, (b) the Water Law No. 33 for the year 2002 Article 10, (c) according to the Decree of the Governor [name] No [number] for the year [year] and (d) according to the Article No. 294 of the Executive Procedures of the Local Authority Law, issued by Republic Decree No. 269 for the year 2000, where it is stated that the relevant Executive Departments at Governorate level, under the supervision of the Local Council of the Governorate and according to the prevailing laws, can act as the Central Authority and decide on the issuance of any organisational procedures.

In order to organise the irrigation in the Republic, the Irrigation Council carries out its tasks and activities according to the rules set out in these By-Laws. The Irrigation Council is hereby considered approved and has its own legal personality from the date of this Governor Decree.

Article (4) Objectives of the Irrigation Council

The Irrigation Council activities aim at providing services which are related to the supply of irrigation water and which services shall benefit the water users at wadi level; taking into account the plans and general policy of the Government. Specially, it's services aim at:

1. Promotion of irrigated agriculture within the area of the Irrigation Council's jurisdiction;
2. Protect the water users rights, especially in relation to the organisation/ distribution of floodwaters within its area of jurisdiction and to solve conflicts, which may arise among the water users;
3. Ensure the fair distribution of floodwater between the different canals and areas in line with agreed water rights. The Irrigation Council will keep records of these agreed rights, as they apply to the area, which is entitled to irrigation water, timing of water deliveries, water allocation and distribution over the different channels, rules for using smaller and larger floods, rules on second irrigation turns, rules for water supplies to particular crops, maintenance of embankments and bunds and other rules;

4. Ensure the quality and continuity of operation & maintenance (O&M) works and the rehabilitation within all main and secondary distribution infrastructure, including diversion structures, canals, gates; it also includes silt removal, vegetation clearance and protection of the wadi embankments;
5. Ensure execution of the construction works to control floods;
6. Monitor the construction of new irrigation projects and improvement of existing projects;
7. Intermediating in obtaining funds for activities related to works for establishing, managing and improving irrigation projects/infra structure.

Second Chapter Tasks & Authority of the Irrigation Council

Article (5) The main tasks of the Irrigation Council

1. Setting a general policy for the whole wadi for achieving the demand of the water users and promoting the distribution program of irrigation water and increasing its efficient use;
2. Approval of a wadi water management plan which is prepared by the responsible Government Authority and which includes flood water/base flow in line with agreed water rights;
3. Approval and supervising the implementation of the annual irrigation plan which is prepared by the responsible Government Authority;
4. Preparation and approval of IC annual Budget;
5. Monitoring the water distribution for the modern and traditional system at wadi level;
6. Monitoring any defects related to the execution of the wadi water management – and annual irrigation plan or any cause, which may damage the irrigation infrastructure;
7. Review and approve the annual maintenance plan, which is prepared by the responsible Government Authority. When major repairs are required, the Irrigation Council will discuss this with the related Government Authority representatives and monitor the execution thereof;
8. Approve the O&M contributions, which each WUA will collect from the benefiting farmers to ensure the regularity of the O&M works at wadi level and approve the current expenditures of the WUA in this field;
9. Inspect, together with the responsible parties, the implementation of the annual O&M activities for all irrigation infrastructures, according to the approved plan(s);
10. Supervise the operation of diversion structures or any other irrigation infrastructure, which are operated by the responsible Authority, to make sure that the distribution of flood water/base-flow is implemented according to the agreed annual wadi water management plan;
11. Monitor the implementation of annual maintenance works to ensure that the maintenance of irrigation infrastructure is done according to the Main System O&M Manual and the agreed annual maintenance plan;
12. Monitor the efficient use of the Government's equipment pool, which has been designated for maintenance activities only, within the area of jurisdiction of the IC;
13. Encourage the use of improved irrigation techniques, agriculture development methods, the training of water users in these aspects, assist in providing loans and other financial support and assist in the distribution of agriculture inputs as well as marketing of these products;
14. Ensure the unity among WUAs and its members, solve conflicts caused by the distribution of water among the water users and represent the WUAs in any conflicts with the third party;
15. Promote and exchange administrative and technical experiences with local and international Irrigation Councils on water usage in the irrigated areas, and establish communication links and exchanges of information flow, particularly on land reform, with national and international agencies;
16. Assist in providing statistical information and data on the irrigated areas, when required by the official Authorities (Ministry of Agriculture & Irrigation, Development Authorities and/or other relevant organisations) for the purpose of designing improvement programs to promote the social and economic situation for the water users;
17. Promote the trade of agricultural production and internal and external marketing links and function as a medium for exchanging services and agricultural production among the water users in the Republic of Yemen;
18. Encourage the use of new productive systems in order to protect the natural resources and prevent pollution.

Article (6) Authority of the Irrigation Council

The Irrigation Council is considered to be the High Executive and Administrative Authority of all water users. It will be responsible for applying the Irrigation Council's By-Laws and its Executive Procedures and implement its decisions. The Irrigation Council will have the following powers:

1. Sets a general policy of the whole wadi, which applies to water users demand and ensures an equity in the distribution of water irrigation and increased water use efficiency;

2. Represents the water users (particularly the WUAs) as a united organisation towards Government Authorities, private sector, international and local organisations in related to irrigation management, land use activities, water management at catchment level and/or groundwater extraction;
3. Prepares any Executive Procedures concerning O&M issues;
4. Ensure that adequate measures are taken by the responsible Authorities for protection during the flood season to avoid any human and material damage;
5. May receive contribution to achieve the different Irrigation Council's activities;
6. Imposes financial penalties on individual water users or water users associations for late payment of O&M contributions or on those who impede the agreed upon distribution of water or on those who damage the irrigation infrastructure;
7. Obtain advise from experts and invite them to their meetings, if required;
8. The Irrigation Council shall inform the concerned organisations, in case of any aggressive behaviour or trouble which is causing or has caused damage at any wadi or irrigation infrastructure such as weir diversions and division structures, the random digging for wells and/or pollution of water or other things, which are against the Water Law and/or Environment Protection Law and request the Prosecution Office to present the violators to the Court and request for compensation of the damages that were caused by such behaviour/trouble on water related infrastructure and/or environment on behalf all the beneficiaries in the wadi area.

Third Chapter

Structure of the Irrigation Council and its Administration

- Article (7) The Irrigation Council is established by Governor's Decree. The composition of the Irrigation Council include the following:**
1. The Chairman of the Governorate Local Council or any other person appointed by Governor. The Governor also appoints the deputy Chairman;
 2. Representative of each of the Local Councils in the wadi districts.
 3. Representative of each of the water/environment related Government organisations in the wadi area;
 4. Representative of the Prosecution Office in the wadi area;
 5. Representative of each WUAs in the wadi area.
- Article (8)** The Chairman shall preside over each Meeting, and the deputy Chairman shall deputise for him in his absence. If both are absent, a Chairman shall be elected from the Irrigation Council from those present.
- Article (9)** All decisions of the Irrigation Council shall be taken by simple majority vote but when the votes are equal the Chairman shall have a casting vote.
- Article (10) The General Meeting of the Irrigation Council:**
The General Meeting of the Irrigation Council shall meet at least (6) times a year during the preparation of the annual plan, before the flood season and immediately after it. Or more often, if called for by the Director of the Executive Committee or by one fourth of the members of the General Meeting. The quorum for the General Meeting's decisions is that two thirds of its members should be present. Notice of the meetings shall be sent to all members at least (10) days ahead of the meeting and a copy of the notice shall be posted in the public places within the area of the Irrigation Council.
- Article (11) Authority of the General Meeting of the Irrigation Council**
1. The selection of Executive Committee of the Council;
 2. The approval of annual O&M plan (s);
 3. The approval of annual O&M budgets (both Governmental and WUAs);
 4. Composition and roles of Standing Committee(s);
 5. The approval of the casher tasks of the Executive Committee;
 6. The approval of changes in the By-Laws and Internal Rules & Regulations of the IC;
 7. The approval of changes in water allocations and water rights;
 8. The approval of effective incentives and/or sanction and penalties;
 9. The approval of appoint of any staff, including conditions of employment, if relevant;
 10. The approval of a Federation with other Irrigation Councils or the participation in Water Zone Committee(s) or Water Basin Committee(s), as described under the Water Law;
 11. The approval of the financial report that is submitted by Executive Committee;
 12. The approval of the dissolution of the IC.
- Article (12) The selection of Executive Committee of the Irrigation Council**
During the annual meeting of the Irrigation Council, an Executive Committee is selected among the Council members by secret vote for a period two years that may be renewal. Its members should reside in the wadi.
- Article (13)** The Executive Committee members shall not be less than (3) or not be more than (7), two of them from the lower wadi area. The Executive Committee will have at least a Director, Secretary and Cashier.

Article (14) Meeting of the Executive Committee

The Executive Committee will meet at least (2) times monthly at the Office of the Irrigation Council. During the flood season the Executive Committee will meet (2) times weekly. All members of the Executive Committee will be notified in advance of the meeting and the agenda of the meeting will be circulated. The quorum for Executive Committee decisions is that two thirds of its members should be present. Decisions of the Executive Committee will be recorded in its Minutes and circulated to the members of the General Meeting.

Article (15) Authority of Executive Committee

The duty of the Executive Committee is to fulfil the functions of the Irrigation Council on day-to-day basis on behalf of the entire Irrigation Council. The Executive Committee, in particular, will ensure the financial stability of the Irrigation Council, by ensuring that expenditures of the Irrigation Council are within reasonable limits and that all possibilities for income generation are explored. The Executive Committee will ensure that proper arrangements are made and implemented for the fair distribution of water and the adequate maintenance of the structures.

The responsibilities and powers of Executive Committee are as follows:

1. Prepare/monitor an annual budget and work plan;
2. Execute regular financial audits;
3. Implement activities to fulfil the objective of the Irrigation Council;
4. Supervise water distribution along the wadi;
5. Initiate actions against Water Users Associations, that, on unreasonable grounds, withhold payment of water contributions or penalties;
6. Resolve conflicts between concerned parties;
7. Actively involve in monitoring the implementation of rehabilitation/ improvements works in the wadi and prepare a plan with priorities for improvement in water infrastructure and water management;

Article (16) Establishment of Standing Committee(s):

Upon the decision of the General Meeting of the Irrigation Council, the Executive Committee will or may appoint Standing Committee(s) for (2) years that may be renewed to assist it in the fulfilment of its responsibilities as follows:

1. Finance Committee: the Finance Committee is formed by two specialized persons and their tasks will be to review expenditures and scrutinize the annual budget and financial statements;
2. Adjudication and Conflict Resolution: the task of this Committee will be to mediate and decide in conflicts between Water Users Associations or between the Water Users Associations and the Irrigation Council. The Adjudication & Conflict Resolution Committee will consist of at least (3) members of the Irrigation Council, one of which will be the representative of the Prosecution Office.

Article (17) Transparency

The Irrigation Council and the Executive Committee will ensure that all its proceedings are open and transparent. It will make its report available to any interested responsible party. The Executive Committee will publish the irrigation schedule in public places, the total costs required for O&M and the amounts paid by the water users.

Receipt vouchers must be issued to any one who pays any sum into funds of the Irrigation Council. A monthly statement shall be submitted to the Irrigation Council (by the Executive Committee); accounting for revenues and the money shall be delivered to the Executive Committee.

This monthly statement is open to scrutiny of any interested party. Any of its members will have access, if so requested, to its financial accounts and any contracts, signed by the Executive Committee.

Article (18) Disqualification of Members

The Members of the Irrigation Council and Executive Committee will be disqualified, in case of:

1. Loss of membership and employee status in the organisations they represent;
2. Non-payment of dues and/or the costs for O&M, or non-fulfilment of the labour contribution by the organisation they represent;
3. Unfitness of mind and/or proven engagement in activities in contravention of objectives of the Irrigation Council/Executive Committee;
4. In case members of the General Meeting are absent four (4) times from the General Meetings, without sufficient reason given in writing to the deputy Chairman of the Irrigation Council;
5. Using the Irrigation Council/Executive Committee for individual political purposes, that is not supportive of the long-term interests of the Irrigation Council.

Article (19) Replacement of a Member

Whenever a vacancy occurs in the Irrigation Council/Executive Committee, through death, resignation or removal, the General Meeting shall appoint a successor for the unexpired term.

Fourth Chapter
The Capital and Financial Recourses of the Irrigation Council

- Article (20)** The Capital of Irrigation Council and its resources consist of:
1. Contributions, donations, loans and/or international and local aid;
 2. The subsidies of the Government or any organisation;
 3. Returns from the activities of the Irrigation Council and services charges;
 4. Returns from any possible (future) property of the Irrigation Council;
 5. Any other resource generated, which is not in conflict with the prevailing Laws of the country.
- Article (21)** The Irrigation Council will follow the standard accounting system that is used in the Republic of Yemen.
- Article (22)** The accounting year of the Irrigation Council shall start and end with the accounting year for the Government. If the time remaining after of the establishing Irrigation Council is less than (6) months, it can add to the next year. At the beginning of the year the Irrigation Council will present to the General Meeting the final account statement for the previous year and it make clear the financial situation or loss account, if any, and the resources and finance expenditures and summary of the assets and property of the Irrigation Council.
- Article (23)** The Executive Committee shall authorize (2) of its members, one a treasurer, to operate their account (if any) by joint signature for any necessary amounts to be withdrawn.
- Article (24)** Services to non-WUA members: the Irrigation Council can present services to non-members of WUA. In this case these non-members shall pay an amount to the Irrigation Council in return of the services rendered to them, incremented by 100% of the normal fees imposed to the members of the Association.

Fifth Chapter
The Adjudication in the Conflict & Penalties

- Article (25)** The Adjudication & Conflict Resolution Committee of the Irrigation Council will arbitrate and adjudicate those cases that relate to the maintenance of the irrigation system. The plaintiff shall submit his plaint to the deputy Chairman of the Irrigation Council in duplicate, who shall assess the relevance of the complaint. Upon accepting the relevance of the complaint, the deputy Chairman shall enter the case in the Register of Agricultural Cases and appoint a date for the hearing of the case by the Adjudication and Conflict Resolution Committee. The plaintiff, after accepting his plaint, shall be required to pay a fee, specified by the Irrigation Council, and a receipt in duplicate shall be issued to him, one (1) copy of which shall be attached to the plaint and another shall remain in his possession. The deputy Chairman of the Irrigation Council shall be responsible for informing the defendant of the plaint. He shall require the defendant to sign the original copy of the plaint and he shall be given the other copy of the plaint. The adjudication shall solve the case as soon as possible particular in the agricultural season.
- Article (26)** **Penalties**
1. The Executive Committee will have the right to impose a penalty on the WUAs, when the WUAs do not pay their contribution in the cost of the O&M. This should be agreed/approved by two thirds of the Irrigation Council members;
 2. The Executive Committee will have the right to suspend supplies to a watercourse in case of non-payment of the O&M or close the supply to a particular each in the irrigation system after (2) written notes and the suspension will take place after (2) weeks from last note;
 3. In case the water right system in place is not adhered to, the Adjudication & Conflict Resolution Committee has the right to impose penalties on those who have broken the water right system as follows:
 - a. Unless decided otherwise by the General Meeting, any person, who for the second time intentionally draws off water, shall pay for each maad/fadan of land a fine amounting to (the amount shall decided upon by General Meeting of the Council);
 - b. Any person proved to have transgressed by breaking down a small or large ma'aqam, ogma or bank of a canal or constructs an unauthorized structure in such a way as to deprive an entitled person of his share of water, becomes liable to repair the damage and pay a fine to the Irrigation Council, ranging between [amount in YR] and {amount in YR}, according to the kind of transgression. In addition he shall pay to the deprived party the equivalent of the crop lost;
 - c. When animals destroy the main canals or other irrigation related infra structure, the owner of the animal shall pay an [amount in YR] according to what is established by the General Meeting.
- Article (27)** The Water Users Association that is affected by the suspension or disagrees with the penalties imposed may appeal to the Adjudication and Conflict Resolution Committee. After hearing the complaint the Committee will reach a verdict within two (2) weeks.
- Article (28)** Any member of the Executive Committee or any other authorized person has the right to inspect, supervise or make any enquiry with respect to disputes regarding the sharing of water, operation, maintenance of wadi and irrigation infrastructure irrigation and/or flood protection works.

Sixth Chapter
Dissolution & Liquidation the Irrigation Council

- Article (29)** The Irrigation Council may be dissolved for the following reasons:
1. The completion of the limited period of Irrigation Council;
 2. The non-achievement the certain objectives or the impossibility to achieve;
 3. When two thirds of the General Meeting's members vote to dissolve;
 4. If the number of members are decreased to less than 10 members or the WUA representation is reduced by 2/3 or more;
 5. If there is a court judgment against the Irrigation Council because of breaking of the prevailing Laws;
 6. If the Irrigation Council cannot continue its work because of bankruptcy.
- Article (30)** In case of liquidation of the Irrigation Council, the Irrigation Council shall appoint one desolator or more from its members, an accountant and representatives of the concerned Authorities to liquidate all assets and determine the commitment.
- Article (31)** The Governor of the Governorate can take the decision to dissolve the Irrigation Council based on the General Meeting's decision of the Irrigation Council to do so, and publish the dissolution and liquidation by audible and readable media of information.
- Article (32)** The Irrigation Council will have the right to appeal the decision of the dissolution before the concerned Court within a 60-day period after the date of publishing this decision and the Court will make a verdict on this appeal that is presented by the Irrigation Council according to the prevailing Laws.
- Article (33)** The Irrigation Council excises its technical and administrative activities according to the local Authority Law and Water Law and its two Executive Procedures.
- Article (34)** **Exemptions**
The Irrigation Council will comply with the prevailing Laws concerning the exemption from any income tax, customs duties or/and any other goods requested to achieve its aims.
- Article (35)** In matters that are not covered in these By-Laws, the rules of the Laws mentioned in Article (2) will be applied.

April, 2005

**Draft (MODEL) INTERNAL RULES & REGULATIONS
FOR
_____ IRRIGATION COUNCIL**

Introduction

Article 1 Nomination and Procedures

- (1) These Internal Rules and Regulations are named Internal Rules & Regulations of Irrigation Council in Wadi _____ [name], Governorate _____ [name].
- (2) These Internal Rules and Regulations have been adopted by [simple majority vote or two-third/three-quarter of votes] during the General Meeting of the Irrigation Council on the ___ [day] of _____ [month], 20__ [year] in order to define in more detail the provisions in the Irrigation Council By-Laws with regard to the composition and functioning of the Irrigation Council.
- (3) These Internal Rules and Regulations can be changed by [simple majority vote or two-third/three-quarter of votes] during the General Meeting of the Irrigation Council as and when required.
- (4) These Internal Rules and Regulations are in agreement with the Local Authority Law No.4 for the year 2000, the Water Law No.33 for the year 2002 and the Decree of the Governor _____ [name] No.____ [number] for the year 20__ [year].
- (5) A copy of these Internal Rules and Regulations as well as any subsequent changes to these Internal Rules and Regulations as adopted by the General Meeting of the Irrigation Council shall be submitted to the _____ in _____ [name of town/city] within 30 days of the date of the General Meeting of the Irrigation Council.

First Chapter

Main Characteristics of Irrigation Council

Article 2 Name and Location of Irrigation Council

- (1) The Irrigation Council is called the _____ [name] Irrigation Council and it is located in the Governorate of _____ [name] of the Republic of Yemen.
- (2) The office of the Irrigation Council is situated in the town of _____ [name] in the District of _____ [name] of the Governorate of _____ [name].

Article 3 Working Area of Irrigation Council

- (1) The working area of the Irrigation Council is formed by the command areas of the following ___ [number] intakes (i.e. weirs, modified free off-take structures, traditional free off-takes (*ogma/ma'aqam*) and their primary canals, if any, along Wadi _____ [name]:
 - _____ [name of intake and primary canal(s), if any]
 - _____ [name of intake and primary canal(s), if any]
 - _____ [name of intake and primary canal(s), if any]
 - _____ [name of intake and primary canal(s), if any]
 - etc.
- (2) The working area of the Irrigation Council comprises the following ___ [number] Water Users' Associations:
 - _____ [name] WUA
 - _____ [name] WUA
 - _____ [name] WUA
 - _____ [name] WUA
 - etc.
- (3) The size of the working area of the Irrigation Council is _____ [number] hectares (or _____ [number] *maad/feddan*).
- (4) The working area of the Irrigation Council is situated in the following ___ [number] Districts:
 - _____ [name] District
 - _____ [name] District
 - etc.

Article 4 Seal of Irrigation Council

The Irrigation Council has its own seal with its nomination: the _____ [name] Irrigation Council

Second Chapter
Membership of Irrigation Council

Article 5 Eligible Members of Irrigation Council

- (1) The following legal persons are eligible to be members of the Irrigation Council:
 - Governorate Local Council;
 - District Local Council(s) situated in working area of Irrigation Council;
 - Water/environment related Government agencies operating in working area of Irrigation Council;
 - Prosecution Office;
 - WUAs situated and operating in working area of Irrigation Council;
 - _____
- (2) Membership of the Irrigation Council is compulsory for all above-mentioned legal persons [except for the WUAs]

Article 6 Admission of WUA as New Member of Irrigation Council

- (1) Any WUA that is eligible to become member of the Irrigation Council has the right to join the Irrigation Council by submitting an application to the Director of the Executive Committee of the Irrigation Council.
- (2) Following the approval by the General Meeting of the Irrigation Council, the Executive Committee shall admit the WUA as a new member of the Irrigation Council and amend the Register of Members accordingly.

Article 7 Resignation of WUA as Member of Irrigation Council (only if WUA membership is voluntarily)

- (1) Any WUA, which is member of the Irrigation Council, has the right to resign as member of the Irrigation Council by submitting a written notice to the Director of the Executive Committee and the Register of Members shall be amended accordingly.
- (2) Any WUA, which voluntarily resigns as member of the Irrigation Council, remains liable for all unpaid fees, charges and fines due to the Irrigation Council.
- (3) Any WUA, which voluntarily resigns as member of the Irrigation Council, has no right for repayment of any past charges or fees arising from its membership of the Irrigation Council.

Article 8 Termination of Membership of Irrigation Council

- (1) Any WUA, which has ceased to function and/or been dissolved, is deemed to have automatically resigned as member of the Irrigation Council as it is no longer eligible for membership of the Irrigation Council in accordance with Article 5 above. The Executive Committee shall amend the Register of Members accordingly.
- (2) Any WUA, which is required to resign as member of the Irrigation Council, remains liable for all unpaid fees, charges and fines due to the Irrigation Council.
- (3) Any WUA, which is required to resign as member of the Irrigation Council, has no right for repayment of any past charges or fees arising from its membership of the Irrigation Council.

Article 9 Succession of Membership of Irrigation Council (only if WUA membership is voluntarily)

- (1) If an WUA merges with (an)other WUA(s) that is/are situated in the working area of the Irrigation Council, the newly formed WUA, which is eligible to become member of the Irrigation Council, has the right to join the Irrigation Council by submitting an application to the Director of the Executive Committee of the Irrigation Council.
- (2) Following the approval by the General Meeting of the Irrigation Council, the Executive Committee shall admit the newly formed WUA as a new member of the Irrigation Council and amend the Register of Members accordingly.
- (3) The new WUA that is formed following the merger of two or more WUAs, becomes liable for all unpaid fees, charges and fines of the merged WUAs due to the Irrigation Council.

Article 10 Expulsion of WUA as Member of Irrigation Council (only if WUA membership is voluntarily)

- (1) An WUA may be expelled as member of the Irrigation Council for the following reasons:
 - a) Systematic violation of the By-laws and/or Internal Rules & Regulations of the Irrigation Council;
 - b) Persistent delay or refusal to pay fees and charges levied by the Irrigation Council;
 - c) Refusal to repair damage or pay for the costs to repair damage caused to assets or equipment used or owned by the Irrigation Council; and
 - d) Defamation of the Irrigation Council, action against the interests of the Irrigation Council or creation of hindrance in the proper functioning of the Irrigation Council.

- (2) The decision to expel a WUA as member of the Irrigation Council shall be taken by the General Meeting of the Irrigation Council by [simple majority vote or two-third/three-quarter of votes] on the proposal of the Executive Committee.
- (3) Any WUA, which is expelled as member of the Irrigation Council, remains liable for all unpaid fees, charges and fines due to the Irrigation Council.
- (4) Any WUA, which is expelled as member of the Irrigation Council, has no right for repayment of any past charges or fees arising from its membership of the Irrigation Council.
- (5) Any dispute regarding the expulsion of a WUA as member of the Irrigation Council shall be settled internally by submitting the case to the Adjudication & Conflict Resolution Committee. Where such a settlement cannot be reached, the matter shall be referred to the [Governor / District Court], whose decision shall be final and binding to all parties.

Article 11 Rights of Members of Irrigation Council

- (1) The members of the Irrigation Council shall have the following rights:
 - To benefit from any service provided by the Irrigation Council;
 - To be elected as member to the Executive Committee or any Standing Committee;
 - To elect and dismiss members to the Executive Committee or any Standing Committee;
 - To review and approve changes to the By-Laws and Internal Rules & Regulations of the Irrigation Council;
 - To review and approve the wadi water management plan as well as the annual work plans and budgets, financial statements, annual account and annual report of the Irrigation Council;
 - To discuss any matter and suggest improvements with regard to water management at wadi level and/or the functioning of the Irrigation Council;
 - To review and approve the level of service charges and fees to be paid for the services provided;
 - To review and approve penalties and sanctions to be imposed by the Irrigation Council against defaulters and offenders for unlawfully violating the provisions in the By-Laws and/or Internal Rules & Regulations of the Irrigation Council;
 - To approve the admission of new members or the expulsion of existing members of the Irrigation Council;
 - To review and approve the creation of posts, the actual number of personnel to be employed by the Irrigation Council as well as their terms and conditions of employment;
 - To review and approve any contract of the value of YR _____ [amount] or more for the purchase, lease or sale of (movable and immovable) assets, the acquisition of services or to obtain a loan;
 - To review and approve the membership of a Federation with other Irrigation Councils and/or the participation in Water Zone Committee(s) / Water Basin Committees, including the (s)election of one or more representatives of the Irrigation Council to the Federation and/or Water Zone Committee(s) / Water Basin Committees;
 - To review and approve the proposal to dissolve the Irrigation Council voluntarily;
 - _____

Article 12 Obligations of Members of Irrigation Councils

- (1) The members of the Irrigation Council shall have the following obligations:
 - To attend regularly and participate actively in the General Meetings of the Irrigation Council;
 - To provide the Irrigation Council with all necessary information and data;
 - To comply with and apply all decisions made by the Irrigation Council as well as its Executive Committee and/or any Standing Committee;
 - To pay any due service fee, charge and/or fine in a timely manner to the Irrigation Council;
 - To comply with the provisions of the By-Laws and Internal Rules & Regulations of the Irrigation Council;
 - To avoid any damage to assets owned or used by the Irrigation Council and to report damage immediately to the Director of the Executive Committee;
 - To protect the Irrigation Council against defamation or any action that may affect the interest and/or create hindrance in the proper functioning of the Irrigation Council;
 - _____

Article 13 Rights and Obligations of Non-Members of Irrigation Council (only if WUA membership is voluntarily)

- (1) An WUA, which is not a member of the Irrigation Council, shall benefit in the same way as a member of the Irrigation Council from any service provided by the Irrigation Council as long as it is related to the main objective of the Irrigation Council, namely the supply of irrigation water to the benefit of water users within the plans and general policy of the Government of Yemen.

- (2) An WUA, which is a non-member of the Irrigation Council shall have the following obligations:
- To provide the Irrigation Council with all necessary information and data;
 - To comply with and apply all decisions made by the Irrigation Council as well as its Executive Committee and/or any Standing Committee;
 - To pay any due service fee, charge and/or fine in a timely manner to the Irrigation Council;
 - To comply with the provisions of the By-Laws and Internal Rules & Regulations of the Irrigation Council;
 - To avoid any damage to assets owned or used by the Irrigation Council and to report damage immediately to the Director of the Executive Committee;
 - _____
- (3) The Irrigation Council has the right to charge a non-member WUA a higher fee for the services rendered, which shall not be incremented by more than 100% of the service fees imposed to the members of the Irrigation Council.

Article 14 Suspension or Cessation of Provision of Services to Members and Non-Members of Irrigation Council

If an WUA, which is a member or non-member of the Irrigation Council, has persistently delayed or refused to pay its due service fees and charges to the Irrigation Council, the latter has the right to suspend and ultimately cease the provision of services to defaulting WUA in accordance with the provisions specified in Article 31 (5) below.

Third Chapter **Organisational Structure and Administration of Irrigation Council**

Article 15 Organs of Irrigation Council

- (1) The Irrigation Council shall have the following organs:
- General Meeting of Irrigation Council;
 - Executive Committee;
 -];
 - _____
 - _____

General Meeting of Irrigation Council

Article 16 Composition of General Meeting of Irrigation Council

- (1) As the principal decision-making body, the General Meeting of the Irrigation Council is the seat of the highest Authority in the Irrigation Council. It shall consist of the following ___ [number] members:
- Chairman of the Governorate Local Council or another person appointed by the Governor as Chairman of the General Meeting of the Irrigation Council;
 - One person appointed by the Governor as Deputy Chairman of the General Meeting of the Irrigation Council;
 - ___ [number] representatives of ___ [number] District Local Councils;
 - ___ [number] representative(s) of the Government agency responsible for the O&M of the modernised diversion structures in the wadi and the main canals;
 - ___ [number] representative(s) of Government institution(s) responsible for water resource management and/or environmental protection;
 - ___ [number] representative(s) of the Prosecution Office;
 - ___ [number] representatives of ___ [number] WUAs situated in the working area of the Irrigation Council;
 - _____
- (2) The General Meeting of the Irrigation Council may invite one or more observer members, who may provide information, advice and recommendations during the meetings but without the right to vote.
- (3) The General Meeting of the Irrigation Council shall have the right to remove one or more of its members on the grounds of:
- Incompetence;
 - Pursuit of self-interest instead of representing the interests of the members;
 - Serious breach of duty;
 - _____
 - etc.
- (4) A member of the General Meeting of the Irrigation Council, who fails to attend [3] consecutive meetings without any justified reasons, shall be deemed to be retired and shall be replaced by a newly elected representative.
- (5) If a member of the General Meeting of the Irrigation Council is removed or deemed to be retired from office, the

concerned District Local Council, Government institution or WUA shall elect a replacement, whose term of office shall be the period remaining for the removed or retired member. The Governor's approval is required to remove the existing Chairman or Deputy Chairman of the General Meeting of the Irrigation Council.

- (6) The members of the General Meeting of the Irrigation Council shall not receive remuneration for the provision of their services, but the expenses related to the execution of their membership of the General Meeting of the Irrigation Council (i.e. travel, lunch, etc.) shall be reimbursed.

Article 17 Frequency, Timing and Modalities of General Meetings of the Irrigation Council

- (1) There shall be a General Meeting of the Irrigation Council ____ [number] times a year in accordance with the following schedule:
- _____ [month] for review and approval of the annual work plan and budget, financial statements and annual report of the Irrigation Council at the start of the new financial year;
 - _____ [month] for review of maintenance inspection report and formulation of recommendations and directives with regard to the maintenance of spate irrigation systems prior to the flood season;
 - _____ [month] for review and approval of annual operation/irrigation plan at wadi level prior to the flood season;
 - _____ [month] for review of the execution of the annual operation/irrigation plan at wadi level during the flood season;
 - _____ [month] for review and evaluation of the execution of the annual operation/irrigation plan and collected data regarding irrigated area immediately after the flood season;
 - _____ [month] for _____
 - etc.
- (2) Additional General Meetings of the Irrigation Council may be called by the Director of the Executive Committee at its discretion or on the written request of at least [25]% of the members of the General Meeting of the Irrigation Council.
- (3) The agenda of each General Meeting of the Irrigation Council shall be prepared by the Director and Secretary of the Executive Committee of the Irrigation Council. Additional agenda items shall be included upon the request of at least [25]% of the members present at the start of the General Meeting of the Irrigation Council.
- (4) A written invitation with the agenda shall be submitted personally to each member of the General Meeting of the Irrigation Council at least [10] days before the date of the planned meeting. In addition, copies of the notice shall be posted for the same period in the offices of the Irrigation Council, WUAs and District Local Councils as well as at public places in the villages located within the working area of the Irrigation Council.
- (5) The General Meetings of the Irrigation Council shall be chaired by the Chairman of the Irrigation Council or, in his/her absence, by the Deputy Chairman or another person appointed by the General Meeting of the Irrigation Council.
- (6) At least [67]% of the members of the General Meeting shall attend in order for such a meeting to be deemed legitimate. If this quorum is not reached, another General Meeting of the Irrigation Council shall be called by the Executive Committee within the following [14] days and decisions taken at that meeting shall be valid irrespective of the number of attending members.
- (7) Minutes shall be prepared for each General Meeting of the Irrigation Council, which have to be signed by the Chairman and Secretary of the meeting. Copies of the signed minutes of meeting shall be sent to the members of the General Meeting of the Irrigation Council within [7] days of the date of the meeting. A copy of the signed minutes of meeting shall be filed by the Secretary of the Executive Committee.
- (8) All decisions taken by the General Meeting of the Irrigation Council shall be published in the offices of the Irrigation Council, WUAs and District Local Councils as well as at public places in the villages located within the working area of the Irrigation Council.

Article 18 Voting Rights and Procedures

- (1) Members of the General Meeting of the Irrigation Council only have the right to vote if they do not owe any outstanding service fees, charges or fines to the Irrigation Council.
- (2) Each member of the General Meeting of the Irrigation Council has one vote, but when the votes are equal the Chairman shall have a casting vote.
- (3) All ordinary decisions and resolutions of the General Meeting of the Irrigation Council shall be made by simple majority of votes cast.
- (4) Decisions regarding the following issues require at least [66 or 75]% of the votes cast:

- Expulsion of WUA as member of the Irrigation Council;
 - Amendment of the By-laws and Internal Rules & Regulations of the Irrigation Council;
 - Membership of a Federation of Irrigation Councils and/or Water Zone Committee(s)/Water Basin Committee(s);
 - Dissolution and liquidation of the Irrigation Council;
 - _____
 - etc.
- (5) Voting shall (normally) take place by show of hands (open vote) for [all/most] decisions to be taken by the General Meeting of the Irrigation Council. Voting by ballot box (secret vote) is required for the following (sensitive) decisions:
- Election of members for the Executive Committee and any Standing Committee;
 - Expulsion of WUA as member of the Irrigation Council;
 - _____
 - etc.
- (6) A member of the General Meeting of the Irrigation Council may vote by proxy if he/she has given a written authorisation to another member attending the General Meeting of the Irrigation Council and a copy to the Chairman of the General Meeting of the Irrigation Council. A member may act as a proxy for no more than [1] other member of the General Meeting of the Irrigation Council.

Executive Committee

Article 19 Composition of Executive Committee

- (1) The Executive Committee shall be responsible for the day-to-day management of the Irrigation Council and it is accountable to the General Meeting of the Irrigation Council for all its actions.
- (2) The Executive Committee shall have [3 to 5] members, whereby at least [50]% members of the Executive Committee shall be elected from among the representatives of the WUAs, whereby at least [50]% elected WUA representatives shall come from the tail reach of the working area of the Irrigation Council.

Article 20 Election and Removal of Members of Executive Committee

- (1) The members of the Executive Committee are elected among the members of the General Meeting of the Irrigation Council (by secret vote) for a period of [5] years with the right to stand for re-election.
- (2) To be eligible for election as member of the Executive Committee, a candidate shall fulfil the following criteria:
- At least 18 years of age;
 - Literate;
 - Good standing;
 - Permanently resident in the working area of the Irrigation Council;
 - _____
 - _____
- (3) The Executive Committee shall have the following Office Bearers:
- Director;
 - Secretary;
 - Treasurer / Financial Officer;
 - _____
- (4) The General Meeting of the Irrigation Council shall have the right to remove all or some of the members of the Executive Committee on the grounds of:
- Theft and embezzlement of funds belonging to the Irrigation Council;
 - Incompetence;
 - Pursuit of self-interest instead of representing the interests of the members;
 - Serious breach of duty;
 - _____
 - _____
- (5) A member of the Executive Committee, who fails to attend [4] consecutive meetings of the Executive Committee without any justified reasons, shall be deemed to be retired.
- (6) If a member of the Executive Committee is removed or deemed to be retired from office, the General Meeting of the Irrigation Council shall elect a replacement, whose term of office shall be the period remaining for the removed or retired member.

Article 21 Meeting Procedures

- (1) From _____ [month] to _____ [month], the Executive Committee shall have a meeting [2] times monthly. During the flood season, from _____ [month] to _____ [month], the Executive Committee shall meet [2] times weekly. All meetings of the Executive Committee shall take place at the office of the Irrigation Council.
- (2) Additional meetings of the Executive Committee may be called by the Director of the Executive Committee at its discretion or on the written request of at least [25]% of the members of the Executive Committee.
- (3) The agenda of each meeting of the Executive Committee shall be prepared by the Director and Secretary of the Executive Committee. Additional agenda items shall be included upon the request of at least [25]% of the members present at the start of the meeting of the Executive Committee.
- (4) All members of the Executive Committee shall be notified [verbally or in writing] of the next meeting at least [2] days before the date of the planned meeting. In addition, copies of the notice shall be posted for the same period in the office of the Irrigation Council. Copies of the agenda shall be submitted to each member of the Executive Committee at least [2] days before the date of the next meeting.
- (5) The meetings of the Executive Committee shall be chaired by the Director of the Executive Committee or, in his/her absence, by the Deputy Director or another person appointed by the members of the Executive Committee.
- (6) At least two thirds of the members of the Executive Committee shall attend in order for such a meeting to be deemed legitimate. If this quorum is not reached, another meeting of the Executive Committee shall be called by the Director of the Executive Committee within the following [2] days and decisions taken at that meeting shall be valid if at least [50]% of the members of the Executive Committee is present.
- (7) Minutes shall be prepared for each meeting of the Executive Committee, which have to be signed by the Director and Secretary of the Executive Committee. Copies of the signed minutes of meeting shall be sent to the members of the Executive Committee within [2] days of the date of the meeting. A copy of the signed minutes of meeting shall be filed by the Secretary of the Executive Committee.
- (8) All decisions taken by the Executive Committee shall be published in the offices of the Irrigation Council, WUAs and District Local Councils as well as at public places in the villages located within the working area of the Irrigation Council.

Article 22 Voting Procedures

- (1) Each member of the Executive Committee has one vote, but when the votes are equal the Director shall have a casting vote.
- (2) All ordinary decisions and resolutions of the General Meeting of the Irrigation Council shall be made by simple majority of votes cast.
- (3) Decisions regarding the following issues require at least [two thirds or three quarters] of the votes cast:
 - Expulsion of WUA as member of the Irrigation Council;
 - Amendment of the By-laws and Internal Rules & Regulations of the Irrigation Council;
 - Membership of a Federation of Irrigation Councils and/or Water Zone Committee(s)/Water Basin Committee(s);
 - Dissolution and liquidation of the Irrigation Council;
 - _____
 - etc.
- (4) Voting shall (normally) take place by show of hands (open vote) for [all/most] decisions to be taken by the Executive Committee. Voting by ballot box (secret vote) is required for the following (sensitive) decisions:
 - Election of members for any Standing Committee;
 - Expulsion of WUA as member of the Irrigation Council;
 - _____
 - etc.
- (5) A member of the Executive Committee may vote by proxy if he/she has given a written authorisation to another member the Executive Committee and a copy to the Director of Executive Committee. A member may act as a proxy for no more than [1] other member of the Executive Committee.

Article 23 Functions and Authorities of Office Bearers of Executive Committee

- (1) The main functions and authorities of the Chairperson of the Executive Committee are:
 - To represent or cause to be represented the Irrigation Council in all relations with third parties and in judicial proceedings;
 - To announce and chair the meetings of the Executive Committee;
 - To ensure the preparation of the general policy on wadi water management for approval by the General Meeting

- of the Irrigation Council;
- To ensure the preparation of the (annual) wadi water management plan as well as annual irrigation plan by the Government Authority for O&M for approval by the General Meeting of the Irrigation Council;
 - To ensure the preparation of the annual budget and accounts by the Financial Officer of the Executive Committee and employed Accountant, if any, for approval by the General Meeting of the Irrigation Council;
 - To ensure and monitor the execution of all decisions of the Executive Committee and General Meeting of the Irrigation Council as well as the implementation of approved annual wadi water management plan and annual irrigation plan following approval by the General Meeting of the Irrigation Council;
 - To ensure the timely review and approval of all annual O&M plans as prepared and submitted by the WUAs and the Government Authority for O&M;
 - To supervise the activities of all personnel employed by the Irrigation Council, if any;
 - To co-sign contracts for purchase or lease of assets or inputs, the acquisition of services or to obtain a loan following approval by the General Meeting of the Irrigation Council;
 - To co-sign cheques for withdrawal of money from bank account(s) in name of the Irrigation Council, if any;
 - To impose sanctions against any member or non-member of Irrigation Council for unlawfully violating the provisions in the By-Laws and Internal Rules & Regulations of the Irrigation Council;
 - To obtain comments from the members of the Irrigation Council concerning the management of the Irrigation Council itself and the distribution of flood water (and base flow) between the different diversion weirs and free intakes within the working area of the Irrigation Council;
 - To undertake any other functions to promote the interests of the Irrigation Council and its members as provided in the By-Laws and Internal Rules & Regulations of the Irrigation Council.
- (2) The main functions and authorities of the Secretary of the Executive Committee include:
- To prepare the meetings of the Executive Committee, including the preparation and distribution of the invitations and agenda;
 - To prepare minutes of meetings of the Executive Committee;
 - To prepare annual report on all activities conducted by the Irrigation Council during the last financial year;
 - To execute all administrative tasks and correspondence of the Irrigation Council;
 - To maintain and file all non-financial books and records of the Irrigation Council.
- (3) The main functions and authorities of the Financial Officer of the Executive Committee are:
- To execute all financial tasks and transactions of the Irrigation Council, including the preparation of annual budget, balance sheet and financial statements;
 - To maintain and regularly control all financial books and records of the Irrigation Council;
 - To receive and record all payments made to the Irrigation Council as well as to ensure the timely and correct payment of all bills;
 - To co-sign cheques for withdrawal money from the bank account(s) in the name of the Irrigation Council, if any;
 - To report monthly to the Executive Committee about the financial situation of the Irrigation Council.

Article 24 Remuneration of Members of the Executive Committee

- (1) In addition to the reimbursement of the expenses related to the execution of their membership of the Executive Committee (i.e. travel, lunch, etc.), the ordinary members of the General Meeting of the Irrigation Council shall receive a remuneration of YR _____ [amount] per month for the provision of their services.
- (2) In addition to the reimbursement of the expenses related to the execution of their membership of the Executive Committee (i.e. travel, lunch, etc.), the Office Bearers shall receive a remuneration of YR _____ [amount] per month.

Standing Committees

Article 25 Composition of Functions of Finance Committee

- (1) The General Meeting of the Irrigation Council shall elect [3] members of the Finance Committee from among its members. Each member of the Finance Committee shall hold office for a period of [5] year with the right to stand for re-election. A member of the Finance Committee may not at the same time serve as a member of the Executive Committee and he/she shall not be a relative of any member of the Executive Committee.
- (2) The members of the Finance Committee shall elect the Chairperson from among its members and they shall formulate their own rules of procedure. The Finance Committee shall keep minutes of its meetings.
- (3) The Finance Committee shall have access to all books, records and any other documentation of the Irrigation

Council. On request of the Finance Committee, the Executive Committee shall provide all information and copies of documents within [15] days of the date of the (written) request. If the Executive fails to comply with such a request, the Finance Committee shall refer the matter to the General Meeting of the Irrigation Council.

- (4) The functions of the Finance Committee shall be:
- To conduct an internal audit of the draft Annual Balance Sheet and Financial Statements as prepared by the Executive Committee at the end of the financial year, which shall be completed within [15] days after these financial documents have been submitted by the Executive Committee;
 - To review and approve the Annual Budget, Financial Statements, Balance Sheet and Annual Account as submitted by the Executive Committee within [60] days of the end of the financial years as specified in Article 34 (1) below;
 - To prepare and submit a report to the General Meeting of the Irrigation Council within [15] days after the completion of the review and approval of the Annual Budget, Financial Statements, Balance Sheet and Annual Account as submitted by the Executive Committee;
 - To inspect quarterly the books and accounts of the Irrigation Council;
 - To inspect quarterly the inventory of the assets of the Irrigation Council and undertake inspections of the assets of the Irrigation Council [2] times a year;
 - To present the findings of the quarterly inspections to the members of the Executive Committee and General Meeting of the Irrigation Council.
- (5) The members of the Finance Committee shall not receive remuneration for the provision of their services, but the expenses related to the execution of their membership of the Finance Committee (i.e. travel, lunch, etc.) shall be reimbursed.

Article 26 Composition of Adjudication and Conflict Resolution Committee

- (1) In addition to the representative of the Prosecution Office, who is a permanent member of the Adjudication and Conflict Resolution Committee, the General Meeting of the Irrigation Council shall elect [2] members of the Adjudication and Conflict Resolution Committee from among its members. Each elected member of the Adjudication and Conflict Resolution Committee shall hold office for a period of [5] years with the right to stand for re-election. A member of the Adjudication and Conflict Resolution Committee may not at the same time serve as a member of the Executive Committee and he/she shall not be a relative of any member of the Executive Committee.
- (2) The members of the Adjudication and Conflict Resolution Committee shall elect the Chairperson from among its members and they shall formulate their own procedures in accordance with the provisions specified in Article 42 below. The Adjudication and Conflict Resolution Committee shall keep minutes of its meetings.
- (3) The members of the Adjudication and Conflict Resolution Committee shall not receive remuneration for the provision of their services, but the expenses related to the execution of their membership of the Adjudication and Conflict Resolution Committee (i.e. travel, lunch, etc.) shall be reimbursed.

Employed Personnel

Article 27 Procedures for Employment and Dismissal of Personnel

- (1) To ensure the management of the Irrigation Council itself and the execution of its functions in an effective, efficient and timely manner, the General Meeting of the Irrigation Council shall approve the different positions for employed personnel, the number of employed personnel, the minimum educational level as well as their terms and conditions of employment as proposed by the Executive Committee.
- (2) The Executive Committee shall select and appoint suitable candidates for the different positions as approved by the General Meeting of the Irrigation Council.
- (3) Any personnel employed by the Irrigation Council cannot be a member of the General Meeting of the Irrigation Council, Executive Committee or any Standing Committee.
- (4) The Irrigation Council shall have the right to terminate a contract with any employed personnel on the ground of:
- Theft and embezzlement of funds of the Irrigation Council;
 - Incompetence;
 - Serious breach of duty;
 - _____
 - _____
- (5) With [7] days of the Executive Committee's approval to terminate the employment contract, the Director of the

Executive Committee shall submit a letter of resignation to the concerned personnel member specifying the reason(s) for termination of contract and the payment of the last salary. If the employment contract is terminated for misuse of funds, the Director of the Executive Committee shall submit a formal complaint to Prosecution Office for further action.

Article 28 Approved Positions for Employed Personnel as well as Terms and Conditions of Employment

The General Meeting of the Irrigation Council has approved the terms and conditions for the employment of the following personnel:

- Accountant for ___ [number] months a year for a maximum gross salary of YR _____ [amount] per month;
- ___ [number] Engineer(s) for ___ [number] months a year for a maximum gross salary of YR _____ [amount] per month;
- ___ [number] _____ [position] for ___ [number] months a year for a maximum gross salary of YR _____ [amount] per month;
- ___ [number] _____ [position] for ___ [number] months a year for a maximum gross salary of YR _____ [amount] per month;
- etc.

Article 29 Tasks of Employed Personnel

- (1) The tasks of the Accountant include:
 - To prepare the annual budget, financial statements and balance sheet;
 - To maintain all financial records and books of the Irrigation Council;
 - To prepare (monthly) report of the financial status of the Irrigation Council;
 - _____
 - etc.
- (2) The tasks of the Engineer(s) include:
 - To review and approve the annual O&M plans as submitted by the WUAs and the Government Authority for O&M in the month(s) of _____;
 - To review and approve the annual wadi water management plan and annual irrigation plan as prepared and submitted by the Government Authority for O&M in the month(s) of _____;
 - To supervise and monitor the operation of the diversion weirs and free intake structures daily during the flood season in order to assess if base flow and flood water is distributed in accordance with the approved general policy for the entire wadi, including the existing water rights, as well as the annual wadi water management plan and annual irrigation plan;
 - To undertake inspection of all irrigation structures [2] times a year in the months of _____ in order to assess if the Government Authority for O&M and the WUAs have maintained their respective infrastructure in accordance with the approved annual maintenance plans;
 - To prepare and submit a maintenance inspection report to the Executive Committee within [14] days after the completion of each maintenance inspection;
 - _____
 - _____
 - etc.
- (3) The tasks of the _____ [position] include:
 - _____;
 - _____;
 - _____;
 - etc.

Fourth Chapter Financial and Administrative Management

Article 30 Inventory of Assets

The Executive Committee shall maintain an inventory of all assets owned and hired by the Irrigation Council, both movable and immovable. The asset inventory shall be updated by the Secretary of the Executive Committee every [3] months.

Article 31 Assessment and Payment of Annual Service Fees

- (1) In order to finance (part of) its administrative and operational costs, the Irrigation Council shall have the right to charge a fee to the users of its services, which shall be based on the estimated costs for rendering the envisaged services. Following the approval by the General Meeting of the Irrigation Council, the Executive Committee shall inform in writing the WUAs and Government Authority for O&M about the level of their respective service fees as well as the latest date(s) of payment within [7] days of the date of the approval of the annual service fees by the General Meeting of the Irrigation Council. Written notices with the fixed levels of services fees and payment dates shall be published in the offices of the Irrigation Council, WUAs and District Local Council(s) as well as at public places in the villages situated in the working area of the Irrigation Council within [7] days of the date of the approval of the annual service fees by the General Meeting of the Irrigation Council.
- (2) Each member WUA shall pay an annual service fee equivalent to YR _____ [amount] per hectare of its recorded command area to the Irrigation Council. The member WUA shall pay its annual service fee to the Irrigation Council not later than ____ [date] of the month of _____
- (3) Each non-member WUA shall pay an annual service fee equivalent to YR _____ [amount] per hectare of its recorded command area to the Irrigation Council. The non-member WUA shall pay its annual service fee to the Irrigation Council not later than ____ [date] of the month of _____
- (3) The Government Authority for O&M shall pay an annual service fee of YR _____ [amount] to the Irrigation Council not later than ____ [date] of the month of _____
- (4) The WUAs and the Government Authority for O&M shall pay their respective service fees either by cheque or bank transfer. The Financial Officer of the Executive Committee shall be responsible for the recording of all paid service fees in the Service Fee Book as well as for the issue of receipts.
- (5) In case of delays in the payment of the due service fee, a delay penalty shall be imposed of ____ [number]% per month. In case of non-payment of the due service fee by an WUA, the Irrigation Council may decide to impose the following sanction(s):
 - Fine of YR _____ [amount];
 - Cessation of the supply of base flow and/or flood water for [1] flood season;
 - _____
 - _____

Article 32 Expenditures

The financial resources (i.e. annual contributions, donations, subsidies, paid fines, loans, incomes from activities undertaken and/or service provided, revenues from lease of assets) can be used for:

- Administration costs, including costs of meetings, stationary, etc.;
- Office costs, including rent, electricity, telephone, etc.;
- Personnel costs;
- Operational costs, including transport and communication costs
- Purchase and maintenance of assets, such as office furniture and equipment, means of transport (i.e. motorcycles), tools, communication equipment (i.e. mobile phones);
- Lease of equipment and means of transport;
- External financial audit;
- Servicing of any debt obligations;
- _____
- _____
- etc.

Article 33 Bank Account and Petty Cash

- (1) The Irrigation Council shall open a bank account in the name of the Irrigation Council with a bank nearest to the office of the Irrigation Council.
- (2) Withdrawal of money from the bank account in the name of the Irrigation Council shall only be made by the Director and the Financial Officer of the Executive Committee or by any other authorised person in case of their absence. Any cheque for the withdrawal of money from the bank account in the name of the Irrigation Council shall be co-signed by the Director and the Financial Officer or any other authorised person in case of their absence.
- (3) The maximum amount of money in the petty cash of the Irrigation Council shall not be more than YR _____ [amount]. If the amount of money in the petty cash is more than YR _____ [amount], the Financial Officer of the Executive Committee shall deposit the excess amount in the bank account in the name of the Irrigation Council.

Article 34 Financial Records and Accounts

- (1) The financial year of the Irrigation Council shall run from January 1 to December 31.
- (2) In order to follow the standard accounting system that is used in the Republic of Yemen and to ensure the financial management of the Irrigation Council in an effective, transparent and accountable manner, the Executive Committee shall maintain the following financial records and accounts:
 - General Journal;
 - Ledger with accounts;
 - Cash Book;
 - Bank Book;
 - Service Fee Book;
 - _____
 - _____
- (3) The Executive Committee shall prepare an Account Balance within [15] days of the end of each quarter of the financial year as specified in sub-article (1).
- (4) Within [45] days of the end of the financial year as specified in sub-article (1), the Executive Committee shall prepare the draft Annual Budget, Financial Statements, Balance Sheet and Annual Account for review and approval by the Finance Committee and General Meeting of the Irrigation Council.
- (5) Within [60] days of the end of the financial year as specified in sub-article (1), the Finance Committee shall approve the Annual Budget, Financial Statements, Balance Sheet and Annual Account as submitted by the Executive Committee.
- (6) Within [90] days of the end of the financial year as specified in sub-article (1), the General Meeting of the Irrigation shall approve the Annual Budget, Financial Statements, Balance Sheet and Annual Account as submitted by the Executive Committee.
- (7) The Executive Committee shall publish a summary of the approved Annual Budget, Financial Statements, Balance Sheet and Annual Account in the offices of the Irrigation Council, WUAs and District Local Council(s) as well as at public places in villages in the working area of the Irrigation Council.

Article 35 External Audit

- (1) Following the approval of Annual Budget, Financial Statements, Balance Sheet and Annual Account by the General Meeting of the Irrigation Council, the Executive Committee shall arrange the financial audit by an external auditor within [120] days of the end of the financial year as specified in Article 34 (1) above.
- (2) The members of the Executive Committee shall be liable to punishment in accordance with the Criminal or Administrative Law if they unlawfully fail to arrange the financial audit by an external auditor within the period as specified in sub-article 1.

Article 36 Liability of Irrigation Council and its Members

- (1) All members of the Irrigation Council shall be jointly responsible for the liabilities of their Irrigation Council.
- (2) The members of the Irrigation Council shall have limited liability for the debts of their Irrigation Council to a maximum amount of YR _____ per member of the Irrigation Council.
- (3) All members of the Executive Committee and all personnel employed by the Irrigation Council shall be liable for the damages arising from their own fault.

Article 37 Non-Financial Records

- (1) To ensure that the administrative management of the Irrigation Council is carried out in an effective, transparent and accountable manner, the Executive Committee shall maintain the following non-financial records:
 - Register of Members [and Non-Members] of Irrigation Council;
 - Register of Members of Executive Committee and Standing Committees (i.e. Finance Committee, Adjudication and Conflict Resolution Committee);
 - Minutes of Meeting Register;
 - Correspondence Register;
 - Asset and Stock Register;
 - Contract and Legal Register;
 - Complaint Register/Register of Agricultural Cases;
 - Technical Register;
 - Scheme and Command Area Maps;
 - Water Delivery and Irrigated Area Register;
 - Supervision and Inspection Register;

- _____
 - _____
 - etc.
- (2) The Executive Committee shall ensure that all non-financial records are maintained up-to-date.

Article 38 Right of Access

Duly authorised personnel of the Irrigation Council as well as members of the Executive Committee and any other Standing Committee shall have the power to enter private land for supervising and monitoring the operation as well as inspecting the maintenance of any irrigation and associated infrastructure by the WUAs and Government Authority for O&M.

Fifth Chapter Offences and Sanctions

Article 39 Types of Sanctions

- (1) The Irrigation Council shall have the right to impose the following types of sanctions:
- Written warning;
 - Fines;
 - Confiscation of part of) harvest;
 - Loss of right to second irrigation during same flood season;
 - Suspension of supply of base flow and/or flood water for [1] season(s);
 - Expulsion as member of the Irrigation Council;
 - _____
 - _____
- (2) The Irrigation Council shall apply the following sanctions for the following offences committed by members and non-members of the Irrigation Council:

Offence	Sanction
Opening/closing of one or more gates of diversion weirs without permission from Irrigation Council and/or Government Authority for O&M	Following a written warning for first time offence, the sanction(s) for second time offence are <ul style="list-style-type: none"> • Fine of YR _____ [amount]; and/or; • Suspension of water supply for one season; and/or • Expulsion as member of Irrigation Council.
Unauthorised destruction of control structure in canal (i.e. <i>ma'aqam, ogma</i>) or bank of canal or construction of unauthorised structure in canal, so that downstream water users are deprived of their share of the base flow and/or flood water	<ul style="list-style-type: none"> • Fine of YR _____ [amount]; and/or; • Payment of sum equivalent to value of crop lost to deprived party; and/or • Payment of repair costs; and/or • Suspension of water supply for one season; and/or • Expulsion as member of Irrigation Council.
Excavation works in wadi bed without permission from Irrigation Council and/or Government Authority for O&M	Following a written warning for first time offence, the sanction(s) for second time offence are <ul style="list-style-type: none"> • Fine of YR _____ [amount]; and/or • Suspension of water supply for one season; and/or • Expulsion as member of Irrigation Council
Violation of existing water rights by diverting base flow and/or flood water from wadi into distribution system when it is not ones turn	<ul style="list-style-type: none"> • Fine of YR _____ [amount]; and/or • Payment of sum equivalent to value of crop lost to deprived party; and/or • Suspension of water supply for one season; and/or • Expulsion as member of Irrigation Council.
Damage to irrigation and associated infrastructure caused by animals	<ul style="list-style-type: none"> • Fine of YR _____ [amount]; and/or • Payment of repair costs; and/or • Payment of sum equivalent to value of crop lost to deprived party.
Etc.	
Etc.	

Article 40 Procedure for Enforcement of Sanctions

- (1) The Executive Committee shall decide to impose a sanction on a member or non-member of the Irrigation Council for the unlawful violation of any provision in the By-laws and/or the Internal Rules & Regulations by simple majority of votes cast.
- (2) Following the decision to impose a sanction, the Director of the Executive Committee shall arrange the issue of a written notice to the offender, in which the imposed sanctions is specified, within [15] days of the decision by the Executive Committee. The written notice shall also be published in the offices of the Irrigation Council, WUAs and District Local Council(s) as well as at public places in the villages situated in the working area of the Irrigation Council.
- (3) Any member or non-member of the Irrigation Council, on whom the Irrigation Council has imposed a sanction, shall have the right to submit an appeal to the Director of the Executive Committee within [15] days of the date that the written notice was issued and submitted to the offender. The Director shall call a meeting of the Adjudication and Conflict Resolution Committee in accordance with the procedures as specified in Article 41 below.

Article 41 Procedures for Collection of Outstanding Service Fees and Fines

- (1) If a member or non-member of the Irrigation Council has not paid the due service fee and/or imposed fine(s) fully before the due date, the Director of the Executive Committee shall arrange the issue of a written notice to the defaulting member or non-member that any outstanding service fee and/or fine(s) shall be paid fully to the Irrigation Council within [30] days of the date of the issue of this written notice. The written notice shall also be published in the offices of the Irrigation Council, WUAs and District Local Council(s) as well as at public places in the villages situated in the working area of the Irrigation Council.
- (2) If the outstanding service fee and/or fine(s) are not paid fully to the Irrigation Council within [30] days of the date of the issue of the written notice, the Director of the Executive Committee shall arrange the issue of a written warning specifying that the Irrigation Council shall refer the case to the Prosecution Office if the outstanding service fee and/or fine(s) are not paid fully to the Irrigation Council within [15] days of the date of the issue of this written warning. The written warning shall also be published in the offices of the Irrigation Council, WUAs and District Local Council(s) as well as at public places in the villages situated in the working area of the Irrigation Council.
- (3) If the offender continues to refuse to pay his due service fee and/or fine(s) to the Irrigation Council within [15] days of the date of the issue of the written warning, the Irrigation Council shall report the non-payment of the service fee and/or fine(s) by the offender to the Prosecution Office in order to recover the outstanding service fee and/or fine(s) owed to the Irrigation Council.
- (4) As an ultimate attempt to recover the outstanding service fee and/or fine(s) from the offender, the Irrigation Council may decide to refer the case to the Court.

Sixth Chapter **Dispute Resolution**

Article 42 Procedures for Dispute Resolution

- (1) Any member or non-member of the Irrigation Council is entitled to bring any dispute or offence against the provisions of the By-laws and/or Internal Rules & Regulations of the Irrigation Council to the notice of the Director of the Executive Committee by submitting a written complaint. If the Director of the Executive Committee accepts the relevance of the complaint, he shall enter the case in the Complaint Register/Register of Agricultural Cases and a written receipt shall be issued to all parties involved in the dispute. [The plaintiff shall also pay a fee of YR _____ [amount] following the acceptance of the complaint.]
- (2) In the first place, the Executive Committee shall made every effort to obtain an amicable settlement between the parties concerned without involving a third party within [7] days of the date of the issue of the receipt.
- (3) Where such an amicable settlement cannot be reached, the Director of the Executive Committee shall call a meeting of the Adjudication and Conflict Resolution Committee to hear the complaint within [14] days of the date of the receipt of the written complaint. A written notice with details about the first hearing of the Adjudication and Conflict Resolution Committee shall be submitted to all the parties involved in the dispute. Copies of the notice shall also be published in the offices of the Irrigation Council, WUAs and District Local Council(s) as well as at public places in the villages within the working area of the Irrigation Council.
- (4) The hearings of the Adjudication and Conflict Resolution Committee shall take place in public within [14] days of the date of the call from the Director of the Executive Committee to have a hearing. The Adjudication and Conflict Resolution Committee shall have the right to call other members and non-members of the Irrigation Council to give evidence. The Adjudication and Conflict Resolution Committee shall hold its deliberations in private following the hearings. The Adjudication and Conflict Resolution Committee shall issue its decision within [14] days of the date of the last hearing.
- (5) If the Adjudication and Conflict Resolution Committee finds that an offence has been committed against the

provisions of the By-laws and/or Internal Rules & Regulations of the Irrigation Council, it shall have the power to fine the offender.

- (6) The decision of the Adjudication and Conflict Resolution Committee with a brief description of its reasons for reaching its decision shall be submitted in writing to all parties involved in the dispute and to the Prosecution Office within [7] days of the date of the issue of the decision. The decision of the Adjudication and Conflict Resolution Committee shall also be displayed in the offices of the Irrigation Council, WUAs and District Local Council(s).
- (7) If any party involved in the dispute is not satisfied with the ruling of the Adjudication and Conflict Resolution Committee, it may appeal to the Court.
- (8) The Director of the Executive Committee shall inform the Governor's Office of all unresolved disputes within the Irrigation Council and any procedures taken to resolve these disputes.

Seventh Chapter Miscellaneous

Article 43 Principles of the Irrigation Council

The establishment and operation of the Irrigation Council shall be guided by the following principles:

- **Non-discrimination:** The Irrigation Council shall not unfairly discriminate against different members or categories of member on any basis, including gender, religion or ethnicity, in so far as the provision of services is concerned;
- **Transparency and participation:** The Irrigation Council shall operate on the principle of transparency and shall promote and support the participation of all of its members;
- **Fairness in decision-making:** The Irrigation Council shall establish and implement fair and equitable decision-making procedures, which permit all members to have genuine rights to participate;
- **Fair and equitable use of resources:** The Irrigation Council shall ensure the fair and equitable use of resources, including base flow and flood water, with regard to the needs of its members and non-members within its working area as well as other water users;
- **Rational use of resources:** The Irrigation Council shall ensure the rational use of resources so as to prevent waste, over-watering, erosion and pollution and to promote the protection of the environment

Article 44 Membership of Federation of Irrigation Councils

- (1) The Irrigation Council shall have the right to establish a new Federation with (an)other Irrigation Council(s) with common interests or to become member of an existing Federation of Irrigation Councils.
- (2) The decision of the General Meeting of the Irrigation Council to form a new Federation with (an)other Irrigation Council(s) or to become member of an existing Federation of Irrigation Councils shall be made by at least [two thirds or three quarters] of the votes cast in accordance with the provisions of Article 18 above.

Article 45 Membership of Water Zone / Water Basin Committee

- (1) In accordance with provisions in the Water Law No.33 for the year 2002, the Irrigation Council shall have the right to be represented in the Water Zone Committee(s) and Water Basin Committee that are operational in the working area of the Irrigation Council.
- (2) The decision of the General Meeting of the Irrigation Council to be represented in the Water Zone Committee(s) and Water Basin Committee shall be made by at least [two thirds or three quarters] of the votes cast in accordance with the provisions of Article 18 above.

April 2005

Operation & Maintenance

Basic Agreement on Responsibilities and Mode of Maintenance Implementation in Wadi Tuban

The following two (2) criteria form the basis for further developing/revising the existing O&M procedures and organisation:

- What is the future O&M responsibility of Government and WUA; and
- Policy with regards to the use of maintenance equipment.

A Responsibility for O&M of Wadi Tuban Irrigation Scheme

Based on the agreements reached between PMU and World Bank on future O&M responsibilities of the stakeholders the following is proposed in Wadi Tuban:

For Wadi Tuban's "modern" irrigation system

- The Government (ID) is responsible for (1) village protection works; (2) wadi embankments; (3) all permanent irrigation infrastructure within the wadi (weirs and modified free off takes); (4) the intake structures to a primary/main canal; (5) the primary/main canal itself; (6) any permanent structures within the primary/main canal; and (7) off takes to secondary canals.
- The Government (ID) will also be responsible for the access/inspection roads along side primary/main canal, if any.
- Although not responsible for the maintenance, any "temporary" structures within the wadi (*ogmas* and/or *ma'aqams*) or primary/main canals should be approved by the Government (ID).

The works basically include following:

Description	Location	Quantity
Main diversion weirs	Weirs	
Modified free off takes		
Bifurcation structures		
Main intake structures		
Primary/main canals		
Structures in primary/main canal	Drops, checks, secondary off-takes	
Village protection works		

- The maintenance of trunk roads is not included in the ID's responsibility.

Water Users Associations: 16

For Wadi Tuban's "modern" irrigation system

- The WUA will become responsible for all temporary structures within primary/main canals, if any
- The WUA becomes responsible for all permanent and/or temporary irrigation infrastructure downstream of the secondary off-takes i.e. canals, structures, inspection roads (if any), field outlets, temporary structures etc.

For Wadi Tuban "traditional" irrigation system

- The WUA will become responsible for any traditional free off takes from the wadi
- The WUA will become responsible for any temporary structures within the wadi (*ogmas* and/or *ma'aqams*).
- The WUA will become responsible for all infrastructure within the traditional system i.e. canals, permanent/temporary structures and inspection roads.

B Mode of maintenance implementation

The Government's (ID) responsibility for routine maintenance activities and incidental maintenance i.e. (emergency) repair during the irrigation season/floods & replacement maintenance of the Wadi Tuban Irrigation scheme will be covered by a permanent pool of equipment, which will be operated by ID for maintenance activities only. This equipment pool can, at the

same time, act as an emergency unit and may be rented out to the WUAs at commercial rates, if available and/or requested. The equipment pool will exist of (to be checked by O&M expert):

Description	Quantity
Bulldozer	8
Wheel loader	2
Hydraulic excavator	2
Motor grader	1
Dump truck	2
Pick-ups (4x4) double cabin	3

Any routine maintenance of gates (greasing, painting, concrete works and or repair of hydraulic hoisting mechanisms) can be implemented by the gate tender or outsourced to a contractor.

Replacement maintenance of structures is not a yearly re-occurring event and can be outsourced to a contractor.

One of the basic consideration is that the Government (ID) should continue managing its own equipment, which entails an organisation, including operators, mechanics, workshop for maintaining its equipment, spare parts and replacement costs.

Once a maintenance budget can be guaranteed, out sourcing of all or part of the maintenance activities can be considered to local/regional contractors. In that case the maintenance organisation of ID can be restructured i.e. small maintenance unit with some technical staff to plan and manage/supervise the works.

A prepared inventory can be converted into a database, within the developed MIS -GIS for regular up dating purposes. The maintenance unit can monitor and evaluate the state of each asset, which then forms the basis for yearly maintenance programmes and/or rehabilitation works.

The WUAs will be responsible for their own maintenance activities. They can use their own labour, outsource to a contractor and hire equipment (if available) from the ID's equipment pool.

The above considerations will form the basis for a proposed future organisational O&M set-up, which will include a small technical planning unit, operator-drivers, workshop (?), gate tenders for those structures which fall under the responsibility of the Government/ID and a group of extension workers (extension workers [1 per two WUAs] will form the day-to-day field link between PIU/ID O&M unit, the future Irrigation Council and the WUAs). Extension workers can be seconded to the Irrigation Council.

In December 2004, it was decided to create an Irrigation Council "new style", taking into account the future responsibilities of the newly established WUAs. The By-Laws of the "new" Irrigation Council are tailored to the above envisaged responsibilities of each entity i.e. Government (ID) and WUAs.

February 26, 2005

Operation & Maintenance

Basic Agreement on Responsibilities and Mode of Maintenance Implementation in Wadi Zabid

The following two (2) criteria form the basis for further developing/revising the existing O&M procedures and organisation in Wadi Zabid:

- What is the future O&M responsibility of Government and WUA
- Policy with regards to the use of maintenance equipment.

A Responsibility for O&M of Wadi Zabid Irrigation Scheme

Based on the agreements reached between PMU and World Bank on future O&M responsibilities of the stakeholders the following is proposed in Wadi Zabid:

Government: TDA

- The Government remains responsible for (1) village protection works; (2) wadi embankments and all permanent irrigation infrastructure within the wadi (weirs and modified free off-takes); and (3) bifurcation structures. They basically include following:

Description	Location	Quantity
Main diversion weirs + intakes	Weirs 1,2, 3, 4 and 5	5
Modified free off takes	Jarahazi, Bagr and Buny	3
Bifurcation structures	Bagr-Mansury-Rayan, Berry-Buny, Rayan-Bagr, Mawi-Yusofi, Ebri-Jarahazi and Haram-Mahraqi	6
Village protection works	??	??

- Although not responsible for the maintenance, any “temporary” structures within the wadi (ogmas and/or ma’aqams) should be approved by the Government (TDA).
- The maintenance of roads is not included in this responsibility.

Water Users Associations: 16

- The WUA becomes responsible for all permanent and/or temporary irrigation infrastructure downstream of the main intakes at the diversion weir and/or beyond the modified free off-takes from the wadi i.e. canals, *ogmas*, *mansubs/ma’aqams*, structures (drops, checks, off-takes, gates), service-inspection roads (if any), temporary structures etc.
- Any traditional free off takes from the wadi.

B Mode of maintenance implementation

As the Governments responsibility for routine maintenance activities and incidental maintenance i.e. (emergency) repair during the irrigation season/floods & replacement maintenance of the Wadi Zabid Irrigation scheme is limited, a permanent pool of equipment is envisaged, which will be operated by TDA for maintenance activities only. This equipment pool can, at the same time, act as an emergency unit and may be rented out to the WUAs at commercial rates, if available and/or requested. The equipment pool will exist of (still to be checked by O&M Expert):

Description	Quantity
Bulldozer	1
Wheel loader	1
Hydraulic excavator	1
Dump truck	2
Pick-ups (4x4) double cabin	2

Any routine maintenance of gates (greasing, painting, concrete works and/or repair of hydraulic hoisting mechanisms) can be implemented by the gate tender or outsourced to a contractor.

Replacement maintenance of structures is not a yearly re-occurring event and can be outsourced to a contractor in the future.

One of the basic consideration is that the Government (TDA) will continue managing its own equipment, which entails an organisation including operators, mechanics, workshop for maintaining its equipment, spare parts and replacement costs.

A prepared inventory of assets can be converted into a database, within the developed MIS -GIS for regular up dating purposes. The Maintenance Unit can monitor and evaluate the state of each asset, which then forms the basis for a yearly maintenance programme and/or rehabilitation of works.

The WUAs will be responsible for their own maintenance activities. They can use their own labour, outsource to a contractor and/or hire equipment (if available) from the Governments equipment pool.

The above considerations will form the basis for a proposed future organisational O&M set-up of TDA, which will include a small technical planning unit, operator-drivers, workshop(?), gate tenders for those structures which fall under the responsibility of the Government and a group of extension workers (extension workers [1 per two WUAs] will form the day-to-day field link between TDA O&M unit, the future Irrigation Council and the WUAs). These extension workers may be seconded to the Irrigation Council.

In December 2004, it was decided to create an Irrigation Council “new style”, taking into account the future responsibilities of the newly established WUAs. The By-Laws of the “new” Irrigation Council are tailored to the above envisaged responsibilities of each entity i.e. Government (TDA) and WUAs.

February 26, 2005