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WUA Legislation Country Profiles: ITALY

Note to the reader There are two different kinds of associations that deal with irrigation and drainage: associations instituted for land reclamation that deal with major irrigation and drainage activities (*Consorti di bonifica*) and associations for land improvement (*Consorti di miglioramento fondiario*). The law provides for a third category of users' associations: voluntary irrigation associations (*Consorti volontari di irrigazione*). This type of association is no longer in use, therefore it will not be covered in this analysis.

Constitutional framework The management of irrigation is a responsibility of regional governments in compliance with the guidelines set by the national Government. This analysis refers to the national legislation on the two kinds of water users' associations; details on two examples of regional legislation can be found in separate analyses.

1. Name of organization

Land reclamation associations (LRA) and land improvement associations (LIA).

2. Purpose

Land reclamation associations undertake land reclamation projects in compliance with general plans elaborated in the public interest.

Land improvement associations undertake land improvement projects on a smaller scale and independently from a general land reclamation plan.

3. Legal status and capacity

Land reclamation associations have the status of legal entities under public law.

Land improvement associations are private associations carrying out activities of public interest. However, LIAs can be assigned the status of legal entities under public law if the extent of their jurisdiction or the importance of the activities they carry out so warrant. In such case, LIAs are regulated as LRAs.

4. Establishment

Land reclamation associations can be established on the initiative of users or of the local government. Procedure for establishment LRAs are established by a decision of the local government.

Land improvement associations can be freely established by interested individuals.

5. Membership

Land reclamation associations, membership is automatic and compulsory for all landowners in the area under the jurisdiction of the LRA.

Land improvement associations, membership is voluntary and open to all landowners who have an interest in minor irrigation and drainage works.

5.1 Eligibility criteria

See point 5.

5.2 Rights and duties of members

Land reclamation associations Members are required to pay the assessments decided by LRAs.

Land improvement associations No specific provision.

6. Internal structure

Land reclamation associations The governing bodies are elected by members and the voting rights are assigned in relation to the interest each member holds in the activities of the association. Each LRA approves its own statute. The regional governments can set general guidelines for the internal structure of LRAs.

Land improvement associations No specific provision.

7. Functions, Powers and Rights

7.1 Functions

Land reclamation associations

Delivery of irrigation water and operation and maintenance of canals.

Dispute settlement. No specific provision.

Others. LRAs can undertake the construction and repair of major irrigation and drainage infrastructure, with the financial assistance of regional governments.

Land improvement associations

Delivery of irrigation water and operation and maintenance of canals. No specific provision.

Dispute settlement. No specific provision.

Others. LIAs can undertake the construction and repair of minor irrigation and drainage infrastructure.

7.2 Powers

Levy and collection of assessments. LRAs can levy and collect assessments from their members. Assessments are handled on a par with property taxes.

Imposition of fines. No specific provision.

7.3 Rights

Water rights. Both LRAs and LIAs are given priority over individual users in the granting of water rights for irrigation.

Rights in the infrastructure. LRAs can own irrigation infrastructure which retains the status of public property. No specific provision on LIAs' rights in the infrastructure.

Rights of way. No specific provision.

8. Financing

Sources of income.

Land reclamation associations, Revenue from the collection of assessments from members. Regional governments assist financially LRAs in the construction and maintenance of major irrigation and drainage infrastructure.

Land improvement associations, No specific provision.

9. Government role

Land reclamation associations

Regional governments delimit the area of jurisdiction of LRAs with a view to comprising a whole hydrological unit.

Representatives of the regional governments participate in the activities of LRAs and LRAs' activities are in general subject to the control of regional governments.

All decisions taken by LRAs must be transmitted to the regional government concerned. The regional governments may suspend or terminate the organs of LRAs and appoint a commissioner to manage LRAs until such organs resume their functions or are reconstituted. *Land improvement associations*, No specific provision.

10. Dissolution

Land reclamation associations regional governments can decide, with the agreement of all members, to dissolve a LRA.

Land improvement associations can dissolve with the agreement of all members.

11. Federation of Associations

Both types of users' associations, LRAs and LIAs, can form federations at the regional level to coordinate their activities. At the national level, coordination is promoted by a national association.

Name. National Association for land reclamation, irrigation and land improvement (*Associazione Nazionale delle bonifiche, delle irrigazioni e dei miglioramenti fondiari, ANBI*).

Purpose. Coordination of the activities of users' associations. ANBI represents member associations before the national Government and promotes the adoption and implementation of policies and legislation beneficial to the associations. ANBI also carries out studies on themes related to the functioning of LRAs and LIAs and on irrigation issues.

Membership. Open to individual LRAs or LIAs. Regional federations participate in the activities of ANBI.

Internal structure. ANBI is managed by a Chairperson, several vice-chairpersons, an Executive Committee, several advisers, a General Director and an Auditor.

References

Legislation

New regulation for land reclamation (*Nuove norme per la bonifica integrale*), Royal Decree number 215, 13 February 1933, as amended.

Literature

Anna Maria Martuccelli, The collective management of water resources and irrigation infrastructure: users' associations. (*La gestione in comune delle acque e degli impianti irrigui: i consorzi*), September 1987.