

Kingdom of Cambodia
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Module 2
On
Participatory Irrigation
Management and Development:
Policy, Legal and Institutional
Framework

Prepared by: Ministry of water Resources and Meteorology

Dated: 22 / October / 2003

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Module 1
On
Introduction to Participatory
Irrigation Management and
Development (PIMD)

Prepared by: Ministry of water Resources and Meteorology

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Training Manual for Participatory Irrigation Management and Development in Cambodia

Module 2

PARTICIPATORY IRRIGATION MANAGEMENT AND DEVELOPMENT: POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK

1. Overview of Module 2

Training Module 2 is about the policy, legal and institutional framework for PIMD. The main objective of Module 2 is to give participants a clear understanding of the official PIMD policy, the principles and contents of the legal documents supporting PIMD, the roles and functions of the National Secretariat for PIMD and FWUC Support Teams and, finally, the procedures whereby each participant will fit into the process, for coordination, training, guidance, approvals and so on.

By the end of Module 2, participants should:

1. Be able to explain to others the basic principles and contents of the official PIMD policy and legal documents that support it;
2. Be able to explain to others the overall structure for planning, supervising, coordinating and implementing PIMD at the national and provincial levels;
3. Know the roles of the National Secretariat for PIMD and the provincial-level FWUC Support Teams;
4. Know how they will relate to the different units in PIMD for coordination, technical and financial support, problem solving, etc.;
5. Prepare a summary of the module discussion and results of exercises;
6. Complete the group assignment.

2. Current Status of PIMD Policy and Strategy in Cambodia

2.1 Principles and objectives of PIMD policy

In 1999, the Government issued the *Circular No. 1 on Implementation Policy for Sustainable Irrigation Systems*, which was signed by the Prime Minister. The Circular promulgates the following six principles of reform:

1. That the Farmer Water Users Community (FWUC) will be a formal legal entity recognized by government and civil society. (This means that the FWUC will have the right to make rules, enforce sanctions, have a bank account, loan money, enter into legal contracts, etc.)
2. That irrigation system development will be done only at the request of the FWUC and that the FWUC will participate in all aspects of scheme development. (This is meant to include decision-making and investment in every stage of scheme repair, rehabilitation, modernization and extension.)

3. That water users will be obligated to pay for the cost of routine operation and maintenance and develop a fund to pay for emergency repairs.
4. That irrigation systems will be maintained and improved over time, in partnership between the FWUC and government.
5. That water delivery will be arranged by the FWUC in an equitable and reliable manner.
6. That MOWRAM will be responsible to provide technical and managerial support, monitoring and evaluation and other support as needed.

In June 2000 MOWRAM issued the *Policy for Sustainability of Operation and Maintenance of Irrigation Systems*. The policy elaborates the new PIMD policy and states that its objectives are:

1. To ensure effective and sustainable management of irrigation systems,
2. To promote food security and growth of the national economy,
3. To increase the role of farmers and decrease the role of government in the management and development of irrigation systems,
4. To build capacity of the FWUC to management irrigation systems,
5. To promote awareness among farmers about the policy and facilitate the management transfer process,
6. To encourage international financing agencies to support participatory irrigation development,
7. To bring about uniformity and consistency among donors, government agencies and NGO's in the strategy for irrigation development and management.

This policy statement states that future development, rehabilitation or support services will be done on the basis of requests from and agreement with farmers. It prescribes a five-year period where the government phases out its funding for O&M and emergency repairs as the FWUC takes over. The policy also describes the structure and functions of the FWUC and lower-level water users groups (WUG's), basis for calculating the irrigation service fee and the responsibilities of government to provide training and extension, monitoring and evaluation, environmental assessment and agency human resource development. The policy statement also includes an example form to use for water users to apply for membership in the FWUC.

Also in June 2000, MOWRAM issued a brief document that explains eight steps for organizing and establishing an FWUC. It is entitled, *Steps in the Formation of a Farmer Water Users Community*. This is discussed in detail in Training Module 3.

2.2 PIMD strategy

The RGC intends to implement the PIMD strategy throughout the country. It expects that all donor-assisted irrigation development programs will follow the same strategy of organizing FWUC's, building their managerial, technical and financial capacity, adopting Irrigation Service Plans and Audits and transferring irrigation management authority to the FWUC's. Where FWUC's are not yet able to manage an entire irrigation, the systems will be managed jointly by the government and FWUC until such time as the scheme can be managed completely by a self-sustaining FWUC or between the FWUC and a private sector contractor. In all cases, joint management arrangements will be formalized with a written Irrigation Service Agreement between the FWUC and the government, or third party.

With assistance from the Asian Development Bank (ADB Loan No. 1445-CAM, SF), MOWRAM will implement the PIMD strategy from 2001 to 2005 in 11 provinces around Tungle Sap Lake and along the Mekong River. In each province one irrigation system will be selected for assistance. This will include establishing FWUC, provision of training to FWUC leaders and staff, participatory repair and improvement of irrigation infrastructure, provision of irrigation and agricultural extension and on-the-job support to FWUC to ensure they can implement water delivery and drainage and maintenance properly.

In each province an FWUC Support Team will be established, consisting of government staff from MOWRAM, MAFF, MRD and other offices as needed. Members of the Support Team will be trained in how to organize FWUC, provide training and extension and on-the-job support for effective irrigation management and agricultural development and marketing. The first three provinces scheduled for implementation are Kampong Cham, Battambang and Prey Veng. Additional capacity building for PIMD will be given to MOWRAM staff at the national and regional levels, especially for the Department of Irrigated Agriculture. A monitoring and evaluation system will be established and implemented from the beginning in order to provide planners and farmers with essential information about the progress of PIMD. This will ensure that the early stages of PIMD are a learning process where the policy and strategy can be adjusted over time.

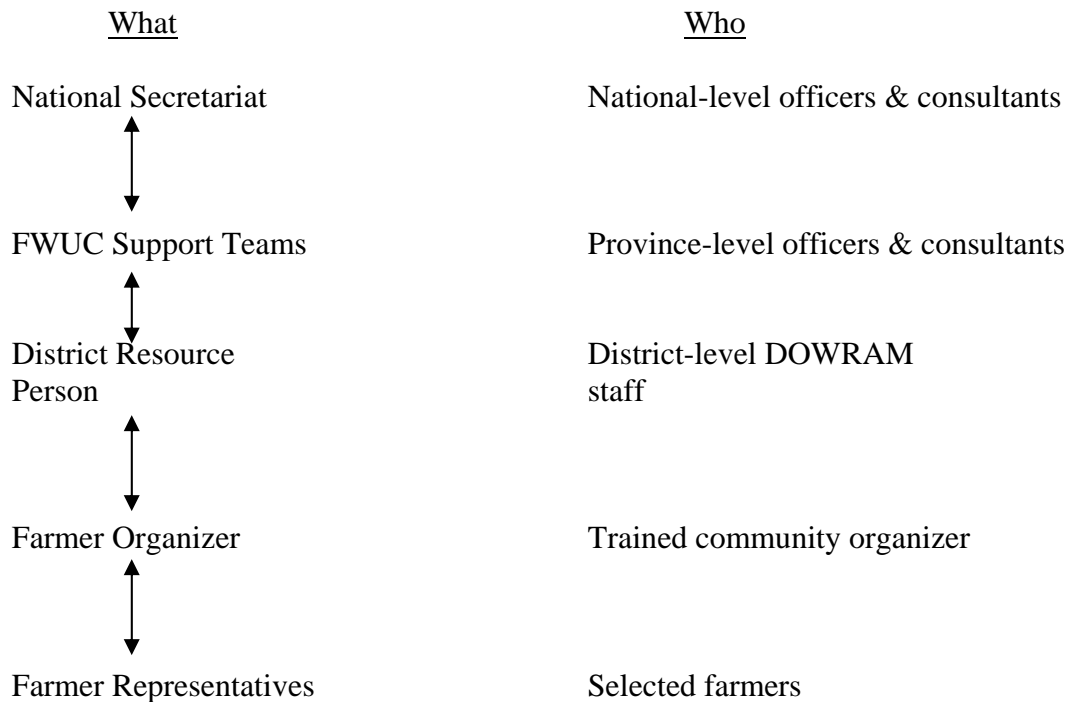
3. Establishment of National Secretariat for Participatory Irrigation Management and Development

3.1 Purpose of the Secretariat

The Royal Government of Cambodia proposes to establish a National Secretariat for Participatory Irrigation Management and Development. The overall purpose of the Secretariat is to alleviate rural poverty in Cambodia through improving the productivity, profitability and sustainability of irrigated agriculture, which is the economic lifeline of the large majority of Cambodia's population.

The Secretariat will oversee at the national level all policy and program development, adoption, implementation, assessment and research for participatory irrigation management and development. It will ensure effective coordination between related departments. And it will ensure the PIMD is an effective learning process of continual improvement. Figure 2.2 below shows what the structure of the PIMD Program will be.

Figure 2.2 National Structure for PIMD



3.2 Structure of the Secretariat

It is proposed that a Chairman and inter-ministerial Board Committee will govern the National Secretariat for PIMD (see Figure 3.2 below). The Chairman will be the Minister of the Ministry of Water Resources and Meteorology (MOWRAM). The Minister has primary responsibility to ensure adoption of a coherent, integrated PIMD program within the water sector, which is consistent with evolving water sector policy and legislation.

The recent history of Cambodia’s water sector has been fraught with many donors and NGOs adopting many different strategies in an uncoordinated, inconsistent and unsustainable way. In order for PIMD to work, it must be adopted as the single strategy for irrigation management and development. Coordination by the minister of MOWRAM is the best way to ensure such coordination and consistency. So the Minister is proposed as Chairman for the Secretariat because of his mandate and authority to ensure a coherent strategy in the water sector. The Minister is also in a unique position to mobilize financial and political support for water sector programs from donors, technical assistance agencies, other ministries and the highest levels of government.

The Board Committee for the Secretariat will decide on all high-level policy, program and budget issues related to PIMD, especially those that cut across sectors and ministries. It will develop necessary coordinating arrangements to insure effective and integrated adoption of PIMD at all levels. It will consist of ministers or secretaries of state for the Ministry of Agriculture, Forestry and Fisheries, Ministry of Rural Development, Ministry of Economy and Finance, Ministry of Foreign Affairs, Ministry of Planning and Ministry of Land Titling.

The Executive Secretary of the Secretariat will be the chief executive officer in charge of overseeing all of the work of the Secretariat. It is recommended that the Executive

Secretary of the Secretariat be a senior officer of the Department for Irrigated Agriculture, within MOWRAM.

The Secretariat will be staffed with a team of trained planners, preferably with expertise in irrigation management, agricultural development, strategic planning, community organizing, monitoring and evaluation, economics and finance and possibly natural resources law.

The Secretariat will not overlap with or duplicate the work of other line departments. Staff from structural departments within and outside MOWRAM will be assigned to the Secretariat part-time or full-time. They will still maintain their positions in their structural departments and their involvement in Secretariat work will only add to the productivity of their departments through:

- 1) Provision of operational budgets, equipment and facilities,
- 2) Various capacity building exercises related to PIMD and new support service arrangements and
- 3) Experience working in a multi-disciplinary, multi-sectoral way.

Some Secretariat staff will also be obtained from expert consultants, technical assistance experts (domestic and foreign) and NGO's.

The Secretariat will have a General Committee that will coordinate the work of several sub-committees. Some sub-committees will function indefinitely and others may only be needed temporarily. In the future, additional sub-committees may be needed. The following is a list of sub-committees that will be needed, at least during the first few years of adoption of PIMD.

1. Sub-committee on Policy and Legislation,
2. Sub-committee on Capacity Building and Service Provision,
3. Sub-committee on Financing Irrigation,
4. Sub-committee on Infrastructure Maintenance, Improvement and Development,
5. Sub-committee on Monitoring, Evaluation and Research,
6. Sub-committee on Irrigated Agriculture and Extension.

Figure 3.2 Proposed Structure of National Secretariat for PIMD

<u>Position</u>	<u>Who</u>
Chairman	Minister, MOWRAM
Board Committee	Ministers & Secretaries of State
Executive Secretary	Senior Officer, DIA
General Committee	Sub-committee secretaries
Sub-committees:	

1. Policy and Legislation
2. Capacity Building and Service Provision
3. Financing Irrigation
4. Infrastructure Maintenance, Improvement & Development
5. Monitoring, Evaluation & Research

6. Irrigated Agriculture and Extension

Members of
Sub-committees: Government officers,
experts, academics

Each sub-committee will have at least one regular member of the Secretariat assigned to it full time, plus part-time working members from collaborating departments in MOWRAM, MAFF, MRD, etc. and expert resource persons as needed. Each full-time member of the General Committee of the Secretariat will have responsibility to act as coordinator for one or more of the sub-committees. These will be experts in the subject matter of their sub-committee. All full-time staff of the Secretariat would automatically be members of the Secretariat.

Each member of a sub-committee will be senior enough to have direct access to director-level officers in each department, so that sub-committee members can discuss and mobilize support from directors of their respective departments.

3.3 Tasks of the Secretariat

After Secretariat is established, each sub-committee will develop a work plan and identify specific outputs and target dates. All key sub-committee outputs will be reviewed and approved by the Secretariat. The Secretariat will coordinate preparation of an integrated work plan that is based on work plans of each sub-committee. Each work plan will include the following components:

- Description of activities and outputs,
- Schedule for implementation of activities and production of outputs,
- Description of who is responsible for what activities and outputs,
- Specification of resource requirements and budgets.

The following is a preliminary list of tasks for the National Secretariat.¹

1. Develop and promote policy and strategy in irrigation sector
2. Promote conformity and consistency with the official irrigation sector PIMD policy and strategy among all government, multi-lateral and bi-lateral donors, technical assistance agencies and NGO's for all irrigation development projects in the irrigation sector
3. Supervise the work of the sub-committees:
 - 1) Sub-committee for Policy and Legislation,
 - 2) Sub-committee for Capacity Building and Support Services,
 - 3) Sub-committee for Financing Irrigation,
 - 4) Sub-committee for Infrastructure Maintenance, Improvement and Development,
 - 5) Sub-committee for Monitoring, Evaluation and Research,
 - 6) Sub-committee for Agricultural Development and Extension.
4. Support collaboration and synergy between irrigation and agricultural development activities

¹ The list is always subject to possible change by the Secretariat as PIMD develops further.

5. Develop capacity for strategic planning (including for human resources development) and conduct strategic planning PIMD
6. Develop a center of information on all irrigation management and development activities in the country
7. Promote information exchange among all organizations in the country which are involved in irrigation development, through workshops, a periodic newsletter (in paper and digital format) and establishment and sponsorship of a Cambodian PIMD Network (as a chapter affiliated with the International Network on Participatory Irrigation Management, or INPIM)
8. Promote research on PIMD and publishes research reports, technical guides and training material
9. Supervise a monitoring and evaluation program on PIMD
10. Convene a periodic meeting of donors, technical assistance agencies and NGO's to exchange information and coordinate development activities
11. Promote mobilizing financial resources for PIMD in Cambodia
12. Serve as a link between PIMD Network members in Cambodia and INPIM

The *Sub-committee on Policy and Legislation* will have responsibility for drafting policy issuances, legislation and formats for transfer agreements for PIMD. It would also coordinate with other offices that prepare policy and legislation in related areas (such as water rights, river basin management, agriculture, etc.).

The following is a tentative list of duties for the Sub-committee for Policy and Legislation.²

1. Review examples of policy and legislative issuances on PIMD from different countries.
2. Review recommendations of international consultants on policy and legislative issuances for PIMD in Cambodia and involve a Cambodian legal expert in the review.
3. Translate into English Circular No. 1 on the Implementation Policy for Sustainable Irrigation Systems.
4. Identify areas where a more supporting framework is needed for gender concerns and an expanded role for the private sector in service provision and investment.
5. Hold consultations to identify what refinements may be needed in *Circular No. 1 on the Implementation Policy for Sustainable Irrigation Systems*.
6. Hold consultations to identify what enhancements may be needed in the *Policy for Sustainability of Operation and Maintenance of Irrigation Systems*.
7. Hold consultations to identify what enhancements may be needed in the *Steps in the Formation of a Farmer Water Users Community*.
8. Identify what additional policy issuances are needed to support PIMD and prepare draft policy documents for review. These may include such items as: 1) adoption of a single policy for how external donor funds must be used in the sector (consistent with the PIMD strategy), 2) a clear policy on cost sharing and 3) establishment of Irrigation Improvement Funds.
9. Identify what additional legislation is needed to support PIMD and prepare draft legislative documents for review. These may include such items as: 1) clarification of ownership or irrigation system infrastructure, 2) ownership and management

² As with the other Committees, the list of functions is subject to change by the Secretariat over time.

responsibility for water resources infrastructure such as reservoirs, feeder canals, dikes, etc.

10. Prepare draft copies of the additional policy and legislative issuances and hold review consultations with consultants and legal experts and members of the Secretariat to finalize them.
11. Support awareness of politicians and the public about PIMD and the new policy and legal initiatives that support it.

The *Sub-committee on Capacity Building and Support Services* will have responsibility for planning and supervising all training, information exchange activities, workshops and other capacity building activities for PIMD. This includes capacity building for FWUC, FWUC Support Teams, MOWRAM, the Secretariat and potential private sector service providers. It will also develop recommendations and guidelines for water delivery and drainage service plans and agreements and provision of support services for irrigated agriculture. Capacity building requirements This Sub-committee will need to collaborate closely with the other committees for capacity building on specific topics of the other committees and with the sub-committee on M&E for capacity building aspects of PIMD. It will also coordinate with agriculture and agri-business development programs.

The following is a tentative list of duties for the sub-committee on Capacity Building and Support Services.

1. In collaboration with consultants, conduct a training needs assessment for PIMD, including for the FWUC, FWUC Support Teams, MOWRAM, the National Secretariat for PIMD and possible private sector entities
2. Coordinate capacity building in the National Secretariat for strategic planning
3. Plan and supervise all training and capacity building activities for PIMD
4. Plan and supervise all information exchange activities for PIMD and facilitate development and operation of the Cambodia Network for PIMD
5. Prepare a guide for preparing Irrigation Service Plans and Agreements (suitable for both government and private sector service providers) and hold consultations to refine and issue it
6. Prepare a guide for the structure and functions of Irrigation Service Audits and hold consultations to refine and issue it
7. Provide overall direction and coordination for the public awareness campaign for PIMD
8. Provide direction and coordination for a strategic planning exercise to assess the possible needs to restructure and reorient MOWRAM relative to the needs for effective PIMD
9. Conduct a study and analysis of the needs for support services for FWUC
10. Propose modalities for effective coordination between MOWRAM, MAFF, MRD and other departments and NGOs for developing mutually supportive initiatives in PIMD, agricultural extension and agri-business development, and represent the Secretariat in this coordination
11. Collaborate with the Sub-committee on Monitoring and Evaluation on aspects pertaining to training, capacity building, Irrigation Service Plans and Audits and support services

The ***Sub-committee on Financing Irrigation*** will have responsibility for formulating the policy and arrangements for financing irrigation, including O&M, rehabilitation and upgrading and new construction. Key concerns will be: 1) to estimate various costs of irrigation management and development, 2) analyze how costs for irrigation will be shared between water users, government and society in general, 3) suggest methods for charging and collecting fees and 4) develop arrangements to ensure efficient and proper financial management. The Sub-committee will work closely with the sub-committee on M&E to specify indicators and help analyze results of M&E on financial aspects.

The following is a tentative list of duties for the Sub-committee on Financing Irrigation.

1. Prepare an assessment and strategy paper for how the irrigation sector will be financed under the overall PIMD strategy
2. Design and supervise a study and consultations on the cost of irrigation and farmer capacity to pay for irrigation services,
3. Design and supervise a study on methods for charging the IS Fee to water users and development of a practical method for preparing IS Plan budgets
4. Collaborate closely with the Sub-committee on Policy and Legislation to formulate a policy statement by MOWRAM on how all financial and technical assistance from foreign donors and foreign and domestic NGOs will be used consistent with the PIMD strategy.
5. Collaborate closely with the Sub-committee on Infrastructure Improvement and Development to design the financial aspects of the structure, functions and operating procedures for the Irrigation Improvement Fund
6. Propose sources and methods for financing the Irrigation Improvement Fund
7. Conduct an assessment of what kinds of measures will be taken to ensure honest and proper bookkeeping and financial management by FWUC and prepare a guide for this
8. Assess the potential and methods whereby FWUC and provincial governments could develop an emergency repair fund
9. Collaborate closely with the Sub-committee on Policy and Legislation to formulate a policy statement or regulation on irrigation sector financing

The ***Sub-committee on Infrastructure Maintenance, Improvement and Development*** will have responsibility to formulate the policy and strategy for how irrigation system infrastructure will be maintained, rehabilitated, upgraded and developed after creation of FWUC and transfer of management authority to them. This Sub-committee will need to work closely with the Sub-committee on Financing Irrigation because of the close relationship between physical and financial requirements of infrastructure. This Sub-committee will also work closely with the Sub-committee on M&E to develop indicators and analyze findings about infrastructure maintenance, improvement and development. The following is a tentative list of duties for the Sub-committee on Infrastructure Maintenance, Improvement and Development.

1. In collaboration with the Sub-committee on Financing Irrigation, design and conduct a study and consultations to design an Irrigation Improvement Fund (IIF), at the regional or provincial level.
2. In collaboration with the Sub-committee on Financing Irrigation, develop a method and guide for how to prepare an Irrigation Service Plan and prepare a budget.

3. In collaboration with the Sub-committee on Policy and Legislation, identify what additional policy or legal issuances are needed to enable formation of the Irrigation Improvement Fund.
4. In collaboration with the Sub-committee on Financing Irrigation, identify sources of financing for the IIF and plan establishment of IIF in pilot regions or provinces.
5. Develop a practical method and guide for preparing a pre-transfer inventory of irrigation infrastructure and its functional condition.
6. Develop a typology of irrigation systems, by type of water sources and functions and identify appropriate design criteria and standards for performance.
7. In collaboration with the Sub-committee on Monitoring and Evaluation, develop indicators for irrigation maintenance and the functional condition of irrigation infrastructure.
8. Develop a practical guide for development of new irrigation systems, including how to identify sites, conduct feasibility studies, prepare and IS Plan prior to construction, design, construct and begin managing new irrigation systems, all in a manner which is consistent with the PIMD policy.

The *Sub-committee on Irrigated Agriculture and Extension* will have the responsibility to design and coordinate a new strategy for support services and extension for FWUC. This strategy will ensure optimal synergy between the new opportunities created by PIMD (such as farmer control over irrigation management, more demand-oriented management of irrigation systems, subsidies which stimulate local investment, etc.) and new opportunities these present for agricultural and agri-business development.

The following is a tentative list of duties for the Sub-committee on Irrigated Agriculture and Extension.

1. Collaborate with the Sub-committee on Monitoring, Evaluation and Research to identify and plan research activities and develop a program for monitoring and evaluation, for those aspects related to irrigated agriculture and extension.
2. Conduct participatory rural appraisals with farmers (including women) and hold consultations with NGO's, consultants, academic experts and government officials to identify the new opportunities created by PIMD for development of irrigated agriculture and farmer cooperative agri-business.
3. Organize seminars and workshops with stakeholders (including farmers) to discuss how to link PIMD with a new strategy for development of irrigated agriculture and farmer cooperative agri-business.
4. Coordinate planning for the agriculture and agri-business development strategy.
5. Conduct a needs assessment for extension for on-farm water management, agricultural development and agri-business development, which includes needs for women as well as male farmers.
6. Identify alternative sources of extension service providers (including local people selected by FWUC and trained to provide some services and an expanded role for private sector service providers).
7. Coordinate development of practical, demand-driven and PIMD-based extension methods for on-farm water management and agricultural development, which adequately examine needs for male and female farmers and encourage private sector involvement in extension and provision of agricultural support services.
8. Coordinate development of a method of extension and advisory services for development of FWUC-based agri-businesses.

9. Coordinate planning and help mobilize funding for the new extension activities.

The ***Sub-committee on Monitoring, Evaluation and Research*** will have responsibility to formulate and oversee research on priority issues for irrigation management and development and development of irrigated agriculture. Such research will produce practical recommendations for policy and planning. The Sub-committee will also develop and supervise a program of monitoring and evaluation of PIMD. It will also develop an effective process for analyzing and presenting results of M&E in order to support timely decision-making by the Secretariat. The Sub-committee will interact closely with each of the other committees to identify research priorities and to develop M&E indicators and interpret results from research and M&E. Research is only one of the functions of the Secretariat and it will be integrated with the other functions to ensure that PIMD is an effective learning process involving continual adjustment and improvement.

The following is a tentative list of specific duties for the Sub-committee on Monitoring, Evaluation and Research.

1. Hold discussions with members of the other sub-committees, government officials, consultants, NGO's and academic experts to identify priority research topics for PIMD and development of irrigated agriculture and agri-business. (Top priority will be given to how to best exploit the potential synergy between PIMD and the new opportunities it creates for agricultural and agri-business development.)
2. In cooperation with relevant offices and experts, design research activities, identify researchers and collaborators.
3. Prepare research proposals and identify and help obtain funding for research.
4. Supervise research activities and ensure that they produce relevant findings for policy and planning.
5. Review the proposed Monitoring and Evaluation Plan for Participatory Irrigation Management and Development.
6. Discuss the proposed M&E system in a national workshop with national and provincial staff of MOWRAM, MAFF and MRD and other resource persons.
7. Revise the M&E Plan for PIMD and present it to the Secretariat (and possibly the Board of Directors) for approval.
8. Assign and provide training for one full-time staff in the Secretariat to be responsible for supervising data collection, management and analysis.
9. With assistance from local consultants, design a data entry, management and analysis system for M&E.
10. With assistance from consultants, design a participatory rural appraisal method for qualitative aspects of M&E.
11. Organize a training activity for FWUC Support Team members on data collection, data entry and data management.
12. Review M&E done in other ministries and determine to what extent the Secretariat could take pertinent data from these other M&E programs and incorporate it into the PIMD M&E database (such as data on agricultural productivity, farm income, incidence of poverty, etc.). This is to decrease duplication and improve efficiency.
13. Consult with other committees in the secretariat to determine what kind of information will be needed to make planning decisions. Target dates will be scheduled upon which certain results will be reported and discussed.

14. Build up a reliable database from the M&E system and prepare quarterly and annual reports and submit them to the Secretariat (for onward distribution).
15. Provide guidance and technical support to FWUC Support Teams for implementing monitoring and evaluation.
16. Maintain a budget and propose consulting and financial requirements for future implementation.

4. Legal framework for FWUC

The RGC has already made a good start in preparing provisional policy statements and regulations for PIMD. In this sub-section we propose a comprehensive set of legal rights and obligations which go beyond what is included in existing policy issuances. This consultant believes that these should be provided by law to give the FWUC clear legal status and security, to enable it to function and make investments in the long-term sustainability of irrigation systems. The following is a list of essential rights and obligations for FWUC, which should be a part of the legal framework for PIMD in Cambodia.

1. Clear water use rights that are consistent with government regulations, FWUC interests and the capacity of local water control structures
2. Protection of FWUC against irrigation land use conversion within FWUC area
3. Right of FWUC to federate up to the main scheme level
4. Rights to use, improve and extend irrigation infrastructure
5. Authority to require water users to become members of FWUC or pay for water service
6. Right to make and enforce rules
7. Right to chose Irrigation Service Providers and hire or release O&M staff
8. Right to make and implement the Irrigation Service Plan and budget
9. Right to set, collect and use funds from an Irrigation Service Fee
10. Right to make legal contracts and own property
11. Right to determine cropping patterns by consensus among water users
12. Obligation to comply with government policy and regulations for the water and agriculture sectors
13. Obligation to use and preserve irrigation system infrastructure consistent with transfer agreements
14. Obligation to function according to agreed principles of democratic participation, transparency, honesty and interest in the public welfare
15. Obligation to protect the environment

Normally, water users communities (or FWUC) would have two founding documents. The first is the statute (also called the constitution or articles of association). This spells out the basic role, jurisdiction, rights and obligations and organizational structure of the FWUC.

Typical Contents of an FWUC Statute

The following is an example of typical contents of an FWUC Statute:

1. FWUC Mission Statement,

2. Basic roles and structure,
3. Legal status and basis of authority,
4. Area of jurisdiction,
5. Criteria for membership,
6. Basic rights, powers and obligations of FWUC,
7. Structure of leadership,
8. Method for amending FWUC Statute.

Typical Contents of FWUC By-laws

The Statute does not include the detailed operating rules of the FWUC. For this, the FWUC By-laws are prepared. The following is an example of the typical contents of a FWUC By-laws:

1. Procedure for admitting and expelling members,
2. Leadership positions and functions,
3. Procedure for selecting and removing leaders and tenure of officers,
4. Objectives of water delivery and maintenance and related rules,
5. Rules and sanctions about the irrigation service fee,
6. Decision making procedures for policy and tactical decisions,
7. Procedure for entering into contracts,
8. Protocol for forming federations and having external relations,
9. Procedure for amending By-laws.

Typical Contents of a Transfer Agreement

The following is an example of the normal contents of a Transfer Agreement:

1. Inventory & of infrastructure & equipment transferred to WUA responsibility,
2. Service area & membership of WUA,
3. Role & jurisdiction of WUA,
4. Basic rights, authority & obligations of WUA,
5. Terms & conditions for transfer to occur & to be revoked,
6. Protocol for interaction between WUA to government,
7. Rights, authority & obligations of government toward WUA,
8. Procedure for dispute resolution,
9. Procedure & purpose of Irrigation Management Audit.

The first phase of implementing PIMD at the scheme level includes the establishment of the FWUC, adoption of the Statute and By-laws and signing of the Transfer Agreement.

5. Establishment of FWUC Support Teams

FWUC Support Teams should be established in each province for the purpose of guiding and coordinating all PIMD activities in the province. In the first few years of the PIMD program this may only be done in pilot locations, but eventually should spread throughout the country. It is important that all components of PIMD be mutually consistent and adopted together. It is the responsibility of the FWUC Support Team to ensure that this happens.

Normally, the head of the Department of Irrigated Agriculture would be Coordinator of the FWUC Support Team in each province. Province-level staff of the MAFF, MRD, local government and possibly the Ministry of Economics and Finance (MOEF) should also be represented on the team. If it is financially feasible, an experienced community organizer should be assigned to each FWUC Support Team as a consultant (at least in the pilot provinces during the first 5 years).

The following is a tentative list of functions to be performed by the FWUC Support Team:

1. Train and supervise the PIMD Field Worker and FWUC Assistant;
2. Help local farmer representatives to identify boundaries and prospective membership of FWUC;
3. Help FWUC to plan and implement their organizing and training activities;
4. Provide technical guidance and support to the FWUC;
5. Implement monitoring and evaluation activities in cooperation with the National Secretariat for PIMD;
6. Ensure effective collaboration at provincial level between MOWRAM, MAFF and MRD.

The FWUC Support Team will help organize meetings and training events, assist the FWUC to establish and strengthen their organizations, assist the FWUC to prepare initial Irrigation Service Plans and Transfer Agreements, help mobilize technical and financial support services, participate in Irrigation Management Audits and occasionally support the FWUC in resolving disputes.

Staff of the Department of Irrigated Agriculture will be the primary personnel who will provide on-the-job or apprentice-type training to water users. Significant additional training of provincial-level staff of MOWRAM, MAFF, MRD and possibly other ministries will be required to enable them to perform effectively their future roles of capacity building, training, working in partnership with water users organizations, conducting inventories of irrigation infrastructure, preparing Irrigation Service Plans and Agreements, participating in Irrigation Management Audits and so on.

Each FWUC Support Team should have one District Resource Person assigned to do the main fieldwork in each scheme where PIMD is being implemented. This may be the DIA staff assigned to the particular district in which the scheme is located.

During the first or subsequent meeting of water users in the scheme, the FWUC Support Team should encourage the water users to select from among them a person who could function during the organizing and strengthening phase as an *FWUC Assistant*. This is not a decision-making post for a senior village elder. Rather, it is a functional position to perform logistical, communication and miscellaneous tasks on behalf of the water users and FWUC Support Team. The FWUC Assistant would act as a counterpart with the PIMD Field Worker to assist with all activities related to organizing and monitoring the FWUC. If the FWUC Assistant is considered to be effective, after management responsibility is transferred to the FWUC, perhaps the FWUC Assistant could become an FWUC staff.

Suggested qualifications for persons who could be selected as FWUC Assistants are that they be:

- Articulate and able to communicate with farmers,
- Respected by the local community of water users,
- Capable of simple mathematics and record-keeping,
- Capable of writing minutes of meetings,
- Have a basic understanding of local farming and irrigation.

6. *Summary of Session 1 of Module 2*

Reporters present their reports of key points raised in discussions and exercises. Participants make corrections or additions as needed.

End of Session 1 for Module 2

7. Module 2 Session 2: Working Group Assignment

Task 1: Prepare plan for stakeholder participation in PIMD process

Task 2: Prepare plan for establishing National Secretariat, financing it, recruiting staff, identifying special training needs

Task 3: Identify remaining elements of policy and legal framework that need to be developed and prepare action plans for completing them

Task 4: Propose who should be members of the FWUC Support Teams

Task 5: Prepare and present report to the National Secretariat (which provides comments) and subsequent finalization of report