

Paper 6

Discussion on the Paper *Legal Aspects and Issues*

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THE PAPER HIGHLIGHTS very important issues which were previously not apparent in the tropical countries due to abundant rainfall. However, due to expansion of population and quick expansion of other sectors such as industries and urbanization, competition for resources will be severe in future.

To solve present conflicts and future problems, legal aspects have to be considered and laws have to be enacted to ensure justice and preserve social order.

The paper can be linked with the current attention of sustainability in irrigated agriculture development. The issues can be grouped as follows:

Institutional Unsustainability

- Security of water right deals with the question of who has the right to water; can the right be transferred, etc.
- Effectiveness of the government water right administration deals with the enforcement of law and order or how to improve the present regulatory practices.

Resource Instability

- Security of land tenure deals with the legal ownership of land and how irrigated land can be conserved; is this possible legalwise?
- Other land-related issues deal with the transfer of irrigated land to other usages. What is the suitable farm holding? What usage falls under agriculture? How about golf courses or other activities which are more investment-intensive?

Economic Unsustainability

- Cost recovery deals with the sustainability of government funds for infrastructure. How much should be borne by users? How about differential rates for different purposes?

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- Transfer of irrigation systems to users deals with the inability of government agencies to maintain and operate the system. To whom can the responsibility be transferred? Can infrastructure be legally transferred? Can the private sector get concessions?
- Mobility and transferability of irrigation water rights deal with the question of whether the water is attached to landownership. Can the owner of land inherit the water right to use water for other purposes such as for a golf course?

Environmental Unsustainability

- Pollution of water resources from irrigation runoff and return flows deal with the problem of pollution from agricultural activities, and these generate mainly non-point source pollutions which are difficult and more costly to control. How can they be controlled? What measures should be taken to effect the implementation?