

ACQUIRING THE NECESSARY PROPERTY AND RESOURCES  
FOR CONDUCTING AQUACULTURE: A COMPARATIVE STUDY OF THE  
PROPERTY LAW OF FOUR COUNTRIES AS IT APPLIES TO AQUACULTURE.

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ABSTRACT

This paper describes and analyzes the laws governing the conduct of aquaculture in Mexico, Chile, Hungary and the State of Washington in the United States. The topic is important because the ability to acquire enforceable property rights in resources affects the cost of capital by affecting the risk of investing in resource development. Fish, because of their migratory nature, present an interesting property rights problem. Countries that fragment their property rights and restrict their transfer inhibit the development of aquaculture industries. Countries that do not place significant barriers to the consolidation of possession and use rights in a single owner encourage the development of such industries.

INTRODUCTION

One of the tasks of management is the acquisition of rights to use resources for the purpose of producing the goods or services that the firm sells to others. The right to use resources is one of the classic property rights.

Property consists of rights, not objects. Lawyers and economists define property as rights in things of value with which others cannot interfere.<sup>1</sup> The classic property rights consist of possession (*i.e.*, exclusion), use and transfer rights.<sup>2</sup>

Aquaculture--the cultivation of aquatic organisms under controlled conditions<sup>3</sup>--presents an interesting property rights application. In order to cultivate the organism under controlled conditions, the firm must be able to restrict access to the organism's environment from egg hatch to harvest--*i.e.*, he must have possessory rights over water, shoreline and ocean bed or river or stream bottom. Restricting access, however, is only part of the problem. He must have the right to use the shoreline and water for cultivation of the aquatic organism. Having the right to exclude others from water, shoreline and river or stream bed is of no use to the aquaculturist if these resources can be used for recreation or transportation but not for aquaculture.

If property rights are transferrable, then an aquaculturist can purchase possession and use rights to water, shoreline and bottom from current holders of the rights. If he wishes, he can also purchase, theoretically, all competing use rights from the current owners of the rights and there will be no one who will complain when he uses the water, shoreline and ocean, river or stream beds for aquaculture. The right to transfer the possessory and use rights is crucial to the development of aquaculture or to the development of any new industry because the right of transfer permits resources to be transferred from declining or low productivity firms and industries to new high productivity firms and industries.<sup>4</sup> Consequently, the transfer right is essential to economic growth and development.<sup>5</sup>

Research by economists suggests that a nation's property rights system can impact whether a country develops an aquaculture industry.<sup>6</sup> Mexico and Chile provide excellent illustrations of this principle.

## THE MEXICAN EXPERIENCE

The Mexican constitution grants lifetime possessory and use rights to land to the members of an ejido (a geographical based community in which citizenship is based on birth).<sup>7</sup> It also grants offshore fishing rights to offshore fishing cooperatives and inland fishing rights to inland fishing cooperatives.<sup>8</sup> No foreign person may participate in a fishing cooperative.<sup>9</sup>

The ejido members, as well as members of the inland and offshore fishing cooperatives, cannot transfer their possessory and use rights to another person or organization.<sup>10</sup> The lack of transfer rights discourages investors from devoting capital to producing migratory species, such as the Mexican species of shrimp, that spend part of their life cycle in inland waters and part in the ocean.<sup>11</sup> The inland fishing cooperatives have no incentive to hatch and feed shrimp during their fresh water stage because they have no rights of harvest when the shrimp mature in the salt water environment.

The restriction on the transfer of rights prevents the inland cooperatives from purchasing the rights of the offshore cooperatives and vice versa. While the potential gains from cooperation create an incentive for the inland and offshore cooperatives to form a contract with the inland cooperatives agreeing to hatch and raise shrimp in exchange for compensation by the offshore cooperatives, there are serious practical difficulties in enforcing such a contract. If the offshore cooperative dissipates the harvest revenue and breaches the contract, the inland cooperatives have no practical way to recover their damages. If the offshore cooperative dissipates the revenue, its remaining assets will be its fishing rights and real property. The restriction on transfer rights prevents the inland cooperative from acquiring the fishing rights or real property of the offshore cooperative as compensation for the breach of contract.

There is an incentive for offshore cooperatives to avoid breaching the contract in order to do future business with the inland cooperative. Such incentive, however, is also present in those countries that do not place restrictions on the transfer of property rights. Investment in shrimp farming in Mexico, therefore, is riskier than investment in shrimp farming in countries which do not restrict the transfer of property rights. It is also riskier than investment in alternate activities that are not subject to restriction on the transfer of those property rights to resources that are necessary for the production of the product. The higher level of risk does not necessarily mean that entrepreneurs will avoid investing in shrimp farming in Mexico. The increased risk, however, means (other things being equal) that the cost of capital is higher than it would be under an alternate legal framework and the scale of the industry is smaller. As a result, despite relatively inexpensive resources, and despite a favorable geographical location next to a large, wealthy market (the United States), Mexican aquaculture of shrimp, in the view of some observers, has failed to realize its full potential.<sup>12</sup>

### THE CHILEAN EXPERIENCE

Chile's property rights law differs significantly from Mexican law.<sup>13</sup> Chilean law recognizes the right of citizens to develop any activity that is not contrary to morals, public order or national security and grants the right to acquire all the resources necessary for such activities unless the resources are, by their nature, common to all.<sup>14</sup> The Constitution does not attempt to provide an exhaustive list of such common resources. It only states that species in maritime waters and zones that are important to national security are common resources and that legislation can specify additional common resources.<sup>15</sup> There is, therefore, no restriction of property rights to certain groups, such as inland and offshore fishing cooperatives and there is no restriction on the right to transfer resources between persons and entities.

Unlike the Mexican system, anyone can acquire possessory and use rights to water, shoreline and ocean, lake, river and stream bed. Both Chileans and permanent foreign residents can obtain aquaculture permits.<sup>16</sup> Any Chilean juridical person is eligible for a permit.<sup>17</sup> If a Chilean juridical person allows foreign capital to participate in the juridical entity, it must comply with the laws and regulations governing foreign investment but does not lose its permit eligibility.<sup>18</sup> This provision of the statute appears to permit a foreign investor to form a Chilean business entity and acquire an aquaculture permit provided he complies with the statutes and rules regulating foreign investment.

Article 19 of the Chilean constitution permits the government to grant concessions or special contracts permitting private businesses to operate within these waters or zones or to operate enterprises itself.<sup>19</sup> It further provides that the government can terminate such concessions or contracts without notice or cause but that it must indemnify the concessionaire or contract holder in the event of termination.<sup>20</sup>

Ownership rights that vested prior to the adoption of the Chilean Constitution, however, continue to

be recognized without the necessity of a concession or special permit.<sup>21</sup> The Chilean Constitution requires the payment of fair market value if the government takes property and grants the judicial system the power to determine fair market value in the event of a dispute between the government and the citizen.<sup>22</sup> Presumably, the provisions of Article 19 allow these rights to be terminated at anytime but compensation for the rights must be paid.

Article 67 of the fisheries law gives the Ministry of National Defense control of the seacoast and the waters of rivers and lakes navigable by ships of 100 gross tons.<sup>23</sup> It further authorizes the defense minister to establish sectors appropriate for the establishment of aquaculture and to grant aquaculture concessions in these areas according to rules established by the defense ministry.<sup>24</sup>

Waters that are not adjacent to the seacoast, that are not navigable by ships of 100 gross tons, and that are not part of an enclosed non-navigable system are under the jurisdiction of the Sub-secretary for Aquaculture Development.<sup>25</sup> Aquaculture activities in these waters cannot be undertaken without the authorization of this official.<sup>26</sup>

Aquaculture activities in enclosed non-navigable water systems apparently are not under the control of any government agency.<sup>27</sup> Before undertaking aquaculture in these areas, however, an enterprise must register with the national aquaculture registry.<sup>28</sup>

Before designating an aquaculture area in those zones subject to regulation, the responsible official must consult with the organizations whose activities would be impacted by aquaculture activities.<sup>29</sup> He also must take into account the effects on communities that depend on these alternate activities, environmental effects, and the effects on national parks, reserves and monuments.<sup>30</sup>

The concession or permit grants the right to use the surface water and the area lying vertically under the surface.<sup>31</sup> The regulatory authority grants aquaculture permits for specified species.<sup>32</sup> The permit, however, can be amended.<sup>33</sup> The enterprise does not have to comply with any rules or regulations unless they are part of the permit that they receive.<sup>34</sup>

The establishment of an aquaculture zone establishes a concurrent prohibition against the capture of those species cultivated in the zone by persons who do not have an aquaculture permit.<sup>35</sup> The permit-issuing official can extend the prohibited area to protect migratory routes for the cultivated species.<sup>36</sup>

The statute permits the transfer of concessions.<sup>37</sup> Such transfer, however, requires the permission of the Secretary of Defense.<sup>38</sup> The Secretary can deny a transfer application only if the Sub-Secretary of the Navy, to whom a transfer application must be submitted, denies the application.<sup>39</sup>

Fixtures must be left upon expiration of the concession.<sup>40</sup> A concessionaire must remove items that do not constitute fisheries within ninety days of the termination of the concession.<sup>41</sup> The concessionaire is not entitled to compensation for the improvements that he must leave upon termination of the concession.

Chile has developed a world class aquaculture industry, focusing on salmon and crustaceans. In 1994, the industry, which was virtually non-existent in the early 1980's, supplied 7.6% of the world salmon market of one million tons.<sup>42</sup> It is doubtful that this industry could have developed in the absence of the provisions present in Chilean property rights law.

Salmon farmers face property rights issues that are similar to the issues faced by Mexican shrimp farmers. Salmon, like the Mexican shrimp, spend their youth and adulthood in different aquatic environments. They begin life in fresh water and, when they are approximately 12 months old, migrate to the sea.<sup>43</sup>

At first glance, therefore, an entrepreneur needs possession and use rights in fresh water, in salt water, and over migration routes between the two environments or free riders may harvest his salmon and make it impossible to earn a return on his investment. The Chilean Constitution permits one person or entity to acquire possession and use rights to fresh water, salt water and the associated shore lines and water beds. It also theoretically permits the same person to acquire property rights over migration routes although, in practice, such acquisition is not necessary. Technology allows the salmon aquaculturist to dispense with the need to acquire possessory and use rights over migration routes. The salmon farmers rear the fry and smolts in cages in fresh water lakes and transport them, at the age of ten or twelve months, by truck in oxygenated tanks to ferries that transport the trucks to Chloe Island where they are placed in sea cages and harvested at the age of fourteen to sixteen months.<sup>44</sup> In essence, possession and use rights in the tanks substitute for possession and use rights in watercourses that might serve as migration routes for the salmon.

The ability of the entrepreneurs to exercise possessory rights from hatch to harvest makes investment in disease control programs a worthwhile effort. The industry uses a disease control program designed by the University of Valparaiso and Austral University.<sup>45</sup> The program is quite successful. Approximately 62.5% of all eggs become harvested adult salmon.<sup>46</sup> This rate is considerably higher than the rate existing on salmon farms in Washington state.<sup>47</sup>

The salmon industry has spawned crustacean farming. In order to control waste produced by the salmon, and keep the water fresh for future salmon farming, the salmon farmers have cultured shrimp and crabs underneath the salmon cages.<sup>48</sup> These species offer further income-producing potential for the industry.

## PROPERTY RIGHTS AND AQUACULTURE IN WASHINGTON STATE

Washington state and Chile have similar resource endowments with respect to aquaculture. The

climate and topography of Southern Chile, where the aquaculture industry is located, is similar to that part of Washington that lies west of the Cascade mountains.<sup>49</sup> Western Washington also has an aquaculture industry, although not on the Chilean scale. Because the two regions are similar, and because different property right systems have consequences in a competitive world due to their impact on the cost of capital,<sup>50</sup> a comparative analysis of the two systems has value.

Chile has a unitary form of government<sup>51</sup> and a civil law system. The United States has a federal system of government and a common law legal system. As a result of the federal system of government and the common law legal system, property rights in the United States is a subject of both national and state legislation and national and state court decisions. This section of the paper focuses on the property rights system produced by the United States Constitution, the Washington Constitution, statutes enacted by the Washington legislature and court decisions as that system affects aquaculture.

Article 17, Section 1, of the Washington constitution places ownership of the beds and shores of all tidal and navigable waters in the state unless the land had another vested owner at the time of the adoption of the state constitution.<sup>52</sup> The state's ownership stops at the high water line.<sup>53</sup>

RCW 79.96.010 allows the director of natural resources to lease the beds of all navigable tidal waters below extreme low tide, with the exception of lands protected by Article 15, Section 1, for the purpose of aquaculture.<sup>54</sup> The statute limits such leases to a maximum term of 30 years.<sup>55</sup> Renewal leases are also limited to a maximum term of 30 years.<sup>56</sup> There is no comparable statutory provision permitting leasing of non-navigable tidal waters.

Leases of tidelands or the beds of navigable waters for the production of shellfish are subject to special restrictions. Before the initial lease of such lands, the director of wildlife must determine that the land is not necessary for the protection of existing natural oyster beds or seed stock.<sup>57</sup> The term of the lease must be at least five years, but not more than ten years.<sup>58</sup>

The Article 15, Section 1, waters, which RCW 79.96.010 exempts from its leasing provisions, are harbor line waters. Article 15, Section 1, of the Washington constitution mandates the establishment of a harbor line commission with the duty of establishing harbor lines in the navigable waters of all harbors, estuaries, bays and inlets within the front of, or within one mile on either side of, the boundaries of any incorporated city.<sup>59</sup> These lines can be relocated or reestablished at any time.<sup>60</sup> The waters lying in front of these lines, as well as the waters within these lines and the high water line, cannot be sold, leased or donated to any private person, corporation or association.<sup>61</sup>

Article 15 is a source of uncertainty for the aquaculture entrepreneur, particularly given the high rate of in-migration to Washington state. An entrepreneur who acquires shoreline and water in an area outside of the harbor line faces the risk that a newly formed municipal corporation will acquire harbor lines, thus divesting him of his aquaculture rights. Nor can he be certain that the harbor line commission will not divest him of his rights by redrawing the harbor lines of existing municipal

corporations. The unlimited reach of state ownership beyond the harbor line that fronts an incorporated city means that a minor change in a harbor line can divest an aquaculturist whose facilities lie a long distance from the line.

The Fifth Amendment to the United States Constitution requires the government to pay property owners the fair market value of any property that the government takes for a public use. Whether a divested aquaculturist could recover the value of his investment under the taking clause of the Fifth Amendment, however, is questionable. Because any property owner that acquired coastline property rights after the adoption of the state constitution acquired rights subject to possible defeasance by a redrawing of the harbor lines, there is a possibility that a court might hold that the state does not have to pay compensation if it takes such property rights by redrawing the line.<sup>62</sup> There is no constitutional provision, comparable to Article 19 of the Chilean Constitution, that would force the state or national government to pay compensation if an investor experiences actual defeasance of property rights that were subject to possible defeasance at the time of acquisition.

In addition, the acquisition of use rights in Washington state is subject to constraints imposed by zoning, the permitting provisions of the Shorelines Management Act (RCW 90.58 *et seq.*), the Washington Environmental Policy Act and the federal Endangered Species Act. Zoning specifies the uses that can be made of shoreline and ocean, lake and stream beds. The listing of a particular use (such as aquaculture) as a permitted use, however, does not automatically grant the right to conduct the specified activity on the shoreline or in the water bed. If an activity involves "substantial development," an entrepreneur must obtain a governmental permit before beginning his construction and conducting his activity.<sup>63</sup>

The permit-granting authority cannot grant a permit unless it is consistent with a shoreline master program of development.<sup>64</sup> The public must be notified of all shoreline development.<sup>65</sup> Any person who feels himself aggrieved can seek review from the Shorelines Management Board, an administrative agency.<sup>66</sup> Any person who feels that he is aggrieved by a decision of the Shorelines Management Board can appeal the decision to the Washington courts pursuant to the Administrative Procedure Act.<sup>67</sup>

In addition, a determination must be made concerning whether a proposed project would have a significant adverse environmental impact.<sup>68</sup> If so, an environmental impact statement must be prepared.<sup>69</sup> A significant adverse environmental impact that cannot be mitigated can be grounds for denying or conditioning a permit, provided that environmental considerations are listed as a factor that the government agency must consider in its decision making.<sup>70</sup> The public must receive notice of government action.<sup>71</sup> A decision that an environmental impact statement is not required, or the adequacy of an environmental impact statement if one is required, can be appealed to the Washington court system.<sup>72</sup>

It is obvious that the Shoreline Management Act, the Washington Environmental Policy Act and the federal Endangered species Act all have the potential of imposing significant costs upon aquaculture in the form of out-of-pocket costs, in the form of a reduction in the rate of return on the

investment because of the time necessary to obtain a permit and in the form of a risk premium because of the risk that the permit may never be obtained. In the opinion of salmon farmers in Washington state, the cost of complying with the Shoreline Management Act (but not the Environmental Policy Act or the Endangered Species Act) is a significant barrier to the expansion of the industry in Washington state.<sup>73</sup>

## A COMPARISON OF WASHINGTON AND CHILEAN PROPERTY RIGHTS AS THEY AFFECT AQUACULTURE

On paper, a potential aquaculture investor faces similar property rights systems in both jurisdictions. Neither jurisdiction will allow him the equivalent of fee simple ownership of property rights over water shoreline and water bed unless such ownership predates the adoption of the constitution. Both will grant limited possessory and use rights.

The acquisition of new possessory and use rights over water shoreline and water bed in Chile requires governmental approval, as does the acquisition of such rights in the Washington state. Before granting possessory and use rights, the regulatory authority in both jurisdictions require the issuing authority to consider the effect on third parties. The Chilean system appears to define the granted possessory and use rights with greater certainty, specifically granting rights from the surface to the bed and specifically requiring any use restrictions to appear on the permit. However, Chilean law does not appear to provide persons who dispute aquaculture permits the same rights to impose costs on the aquaculturist as the law of Washington state permits. Thus Chilean law, other things being equal, appears to be more favorable to aquaculture than Washington state law.

Granting secure property rights on paper, however, does not guarantee security in practice. The ability to prove property rights, and a fair, honest tribunal for the enforcement of such rights, is a necessary condition of security.<sup>74</sup> The Washington state system of land title registration, coupled with legal doctrines concerning ownership of underwater land extending to the high water mark of the shore line, provides an effective means of determining who owns what. The Chilean permit system apparently offers the same certainty of title as the Washington system.

The Washington court system, in the opinion of the author, who practices before it, provides fair, impartial tribunals for the resolution of disputes over property ownership. The Chilean court system, in the author's opinion, has the same reputation. Additional research, however, is necessary to treat this issue adequately.

## HUNGARIAN PROPERTY LAW AND AQUACULTURE

Hungarian law recognizes private property and distinguishes between possession, use and transfer rights.<sup>75</sup> The Hungarian Constitution provides that property may be expropriated only in

exceptional circumstances in the public interest and then only in the manner provided by law.<sup>76</sup> The Constitution further provides that expropriation must be accompanied by full, unconditional, immediate indemnification.<sup>77</sup>

Hungarian law places ownership of surface water and the banks and beds of watercourses in the national or municipal government unless the water course is encompassed entirely on the land of a single owner.<sup>78</sup> The State likewise owns subsurface waters.<sup>79</sup> The statute contemplates that the government can lease and perhaps even sell its surface water rights to private enterprise, with the exception of certain specified lakes and water courses and waters reserved for conservation purposes.<sup>80</sup>

Section 11 of the Water Management Code requires concessions to be in harmony with regional and community development plans, environmental protection and nature conservation.<sup>81</sup> Because fish farming could potentially affect the flow of a watercourse, or the quantity or quality of water in it, or the condition of channels and beds on banks or shores, it would meet the definition of a hydraulic facility and require an operating permit from the government.<sup>82</sup> This would trigger the Hungarian environmental protection statute.

Hungarian law provides for detailed environmental impact statements and for public hearings after the impact statement has been submitted to the responsible governmental agency (the inspectorate).<sup>83</sup> The law requires the inspectorate to study the comments before making a decision.<sup>84</sup> Associations formed for the purpose of protecting environmental interests have the right to participate in these hearings and have the standing to file a lawsuit to contest the inspectorate's decisions.<sup>85</sup>

Hungarian environmental legislation has the obvious potential to make it quite costly to acquire the necessary possessory and use rights for the conduct of aquaculture. Whether these potential costs are realized in practice, of course, is another matter. Fish farming is given a high priority for water allocation in times of water shortage, ranking ahead of nature conservation, economic activities and recreation and behind subsistence drinking, public health and therapeutics.<sup>86</sup> If the high priority of fish farming in times of water shortage reflects a policy decision to favor this type of activity, the potential environmental impediments to the acquisition of the property rights necessary for aquaculture may not result in the imposition of significant costs on entrepreneurs. This is a subject that needs further research.

## CONCLUSION

On paper, Chilean property rights law appears to be more favorable to the development of aquaculture than property rights law in Washington state, Mexico or Hungary. Empirical work is necessary to determine how the various legal systems operate in practice.

## ENDNOTES

1. R. COOTER and T. ULEN, LAW AND ECONOMICS (1988) at 91
2. Id.; See R. POSNER, ECONOMIC ANALYSIS OF LAW (1977) at 27-31, 34-35
3. P. HERNANDEZ and P. CURTIS, QUE ES LA ACUACULTURA? FIDEICOMISOPARA EL FONDO NACIONAL DE DESARROLLO PESQUERO, (1986) cited in A. ROEMER, FEDERAL REGULATION OF AQUACULTURE IN MEXICO (1992) at 12
4. See Id. at 28-29
5. See Id. at 28-29
6. A. ROEMER, FEDERAL REGULATION OF SHRIMP AQUACULTURE IN MEXICO (1992)
7. Id. at 28-30
8. Id. at 14. Mex. Const. art. 55, 56
9. Mex. Const. art. 27
10. Id. at 29-30.
11. Id. at 30.
12. Id. at 4-6.
13. See ante at 3-5
14. Chile Const. art. 21, 23 (translated by author)
15. Chile Const. art. 23 (translated by author)
16. Law of Fishing and Aquaculture, art. 71 (translated by author)
17. Id.
18. Id.
19. Id.

20. Id.
21. Id.
22. Chile Const. art. 23 (translated by author)
23. Law of Fishing and Aquaculture, art. 67 (translated by author)
24. Id.
25. Id.
26. Id.
27. Id.
28. Id.
29. Id.
30. Id.
31. Law of Fishing and Aquaculture, art. 74 (translated by author)
32. Law of Fishing and Aquaculture, art. 69 (translated by author)
33. Id.
34. Id.
35. Law of Fishing and Aquaculture, art. 70 (translated by author)
36. Id.
37. Law of Fishing and Aquaculture, art. 87 (translated by author)
38. Id.
39. Id.
40. Law of Fishing and Aquaculture, art. 73 (translated by author)
41. Id.

42. J. Luxner, Chile's Salmon Rush, THE AMERICAS, July/August 1994 at 18
43. Id. at 18
44. Id. at 18, 21
45. Id. at 20
46. Id. at 20
47. Interview, by telephone, with Operations Manager, Scan-Am Fisheries, Anacortes, WA (April 17, 1997)
48. Id. at 21
49. The author has traveled extensively in Puerto Montt and the surrounding region, including the island of Chloé where the salmon molts grow into adults in the Pacific Ocean. In fact, various participants in this industry told him that the original salmon eggs used to start the industry, as well as the equipment, were imported from Washington state.
50. See POSNER, supra at 27
51. Chile Const. art. 3 (translated by author)
52. Wash. Const. art. 17, § 2
53. Id.
54. Wash. Rev. Code § 79.96.010 (1996)
55. Id.
56. Wash. Rev. Code § 79.96.050 (1996)
57. RCW 79.96.030
58. Id.
59. Wash. Const. art. 15, § 1
60. Id.
61. Id.

62. See Illinois Central R.R. Co. v. Illinois, 146 U.S. 387, 451 (1891). N. Johnson and C. Dumars, A Survey of the Evolution of Western Water Law in Response to Changing Economic and Public Interest Demands, 29 NATURAL RESOURCES J. 347,371 (1989)
63. RCW 90.58.140
64. RCW 90.58.140(2)
65. RCW 90.58.140(4)
66. RCW 90.58.180(1)
67. RCW 90.58.180(3); RCW 30.05.514
68. RCW 43.21C.030(h)
69. RCW 43.21C.031; RCW 43.21.033
70. RCW 43.21C.060
71. RCW 43.21C.080
72. RCW 43.21C.075
73. Interview, by telephone, with Operations Manager, Scan-Am Fisheries, Anacortes, WA (April 17, 1997)
74. See COOTER and ULEN, supra at 94-97, 149-154
75. Hungarian Civil Code, section 112 (English translation provided by Complex Jogtar)
76. Hungarian Constitution, Chapter I, Article 13 section 2 (English translation provided by Complex Jogtar)
77. Id.
78. Act LVII of 1995 (Water Management) section 6(1)(English translation provided by Complex Jogtar)
79. Id.
80. Act LVII of 1995 (Water Management), section 6, (5)(6) (English translation provided by Complex Jogtar)

81. Act LVII of 1995 (Water Management), section 11 (English translation provided by Complex Jogtar)

82. Act LVII of 1995 (Water Management), section 28 and Schedule Number I, subsection 24 (English translation provided by Complex Jogtar)

83. Act LIII of 1995 (On the General Rules of Environmental Protection), section 93(1)(English translation provided by Complex Jogtar)

84. Act LIII of 1995 (On the General Rules of Environmental Protection), section 93(6) (English translation provided by Complex Jogtar)

85. Act LIII of 1995 (On the General Rules of Environmental Protection), section 98(1)(3)(English translation provided by Complex Jogtar)

86. Act LVII of 1995 (Water Management), section 15(4)(English translation provided by Complex Jogtar)