

Sustainable Water  
Integrated Management (SWIM) -  
Support Mechanism



Project funded by  
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*Water is too precious to waste*

**Session III: IMPROVING COMPLIANCE & ENFORCEMENT OF WATER  
LEGISLATION IN SWIM-SM COUNTRIES.**  
**17-18 October 2012, Brussels**

## BRIEF REMINDER

Within the context of water governance & IWRM, SWIM-SM implemented in 2012 the following activities:

1. Prepared a report entitled "Regional Review of National Water Plans and/or Strategies"
2. Organized a regional dialogue to review, discuss & validate the findings of the regional review with the view of suggesting a series of policy options & recommendations for further actions.
3. Held a regional training workshop for Government Officials on the Preparation of Water Plans/Strategies.

## MAIN OUTCOMES OF REGIONAL EXPERT GROUP DIALOGUE

1. Water governance represents the main foundation sustaining the three pillars of IWRM namely social, economic & environmental considerations in realizing the integrated & sustainable management of water resources.
2. One of the main obstacles hindering the implementation of IWRM was the inadequate water governance especially **rule of law**.

## MAIN OUTCOMES OF REGIONAL EXPERT GROUP DIALOGUE

- 3. Rule of law**, was found to be hampered by:
- Insufficient policies,
  - Inadequate appropriate legislations & regulations,
  - Ill prepared judiciary systems (prosecutors & magistrates),
  - Deficient technical and institutional capacities, and
  - Lack of modalities & operating systems to ensure compliance & enforcement.

## WHAT DO WE MEAN BY RULES OF LAW IN THE WATER SECTOR?

Rules of law in the water sector involves:

- 1.adequacy of water legislations;
- 2.capacity to promote compliance;
- 3.capacity to monitor, inspect, audit & report non-compliance;
- 4.capacity to enforce through accredited monitoring;
- 5.qualified law enforcement officers and prosecutors
- 6.Well trained and qualified magistrates in the judiciary systems,
- 7.public access to justice, etc.

## WATER GOVERNANCE FOCUS FOR 2013 WORK PLAN

Based on that, SWIM-SM is refocusing its water governance and IWRM scope of work towards supporting PCs in:

### **Promoting compliance with water laws** **Enforcing water legislations** through:

- Development of guidelines for SWIM-SM PCs for establishing **competent** inspection capacities, **credible** monitoring systems, **accredited & standardized** measuring systems, **conformed** chain of custody and **certified** reporting system.
- Development of guidelines for the identification of the measures to promote compliance.
- Development of measures to enforce water laws through administrative & court actions by engaging well trained water regulators, prosecutors and magistrates.
- Build capacity of SWIM-SM PCs in all aforementioned aspects.

## OVERARCHING OBJECTIVES OF PROPOSED COMPLIANCE & ENFORCEMENT ACTIVITIES FOR 2013 & 2014.

1. To identify measures to improve compliance and feasible approaches for the enforcement of water legislation in SWIM-SM PCs while considering the Region's cultural & socio-economic specificities.
2. To develop capacities to ensure full compliance with water legislations. This will encompass capacity development for (i) promoting compliance, (ii) establishing accredited monitoring, (iii) enhancing inspection & monitoring systems for the provision of legal evidences for compliance or violations, and (iv) developing the capacity of judicial system including training of water regulators, prosecutors and magistrates to address violations of water laws.

## EXPECTED OUTCOMES

1. Guidelines to improve compliance & enforcement of water legislations are developed.
2. Shortcomings in accredited monitoring & inspection systems are identified & assessed .
3. Legislative & technical gaps for compliance & enforcement of water legislations are identified & measures to bridge these gaps are provided.
4. National technical & legislative capacities are developed for improving compliance & for enforcing water legislations.





# **PROPOSED ACTIVITIES FOR 2013-2014**

## **ACTIVITY I: (2013)**

**Develop regional guidelines on measures for improving compliance with water legislations & assess the available enforcement capacity & mechanisms currently practiced in SWIM-SM region to enforce water legislations with focus on 4 SWIM-SM PCs (Morocco, Jordan, Israel, & Egypt). In synergy with IUCN-Geneva, UNEP-ROWA. (2013)**

## ACTIVITY 1 WOULD INCLUDE THE FOLLOWING:

1. Evaluation of the general state of compliance with water legislations; identify constraints, gaps and challenges in achieving compliance; identify opportunities and capacity needed to bridge the gaps.
2. Development of guidelines & policy options for SWIM countries on measures for improving compliance.
3. Assessment of the available enforcement capacity & mechanisms currently practiced in SWIM-SM PCs to enforce water legislations and identify achievements, constraints, gaps, challenges and available opportunities for improvement.

## ACTIVITY 1 WOULD INCLUDE (CONTINUED):

4. Develop guidelines & policy options to enhance national enforcement capacities through:
  - (i) The establishment of competent water inspectorates;
  - (ii) Development of credible monitoring systems;
  - (iii) Formation of an improved auditing scheme;
  - (iv) Development of regulated self-monitoring & self reporting systems,
  - (v) Identification of accredited & standardized measuring methods & monitoring tools;
  - (vi) Development of chain of custody system;
  - (vii) Preparation & implementation of a certified reporting system.

## **ACTIVITY II** **(2013)**


**Develop & execute a capacity development program for water & environment prosecutors and investigators including two days workshop to be followed by 12 days study tours in 3 European countries in collaboration with IUCN-Geneva and UNEP-ROWA.**

## activity II would include the following

1. Develop training materials for water & environment professionals and prosecutors on (i) Credibility of water & environment monitoring systems; (ii) Formal water and environment auditing scheme; (iii) Regulated self-monitoring & self reporting systems, (iv) Accredited & standardized monitoring methods & tools including minimum QA/QC policies that can stands in courts of law; (v) Flawless certified chain of custody system; (vi) Preparation and implementation of a certified reporting system.
2. Conduct a training workshop on the identified issues.
3. The training workshop to be immediately followed by a 12 days study tours in three European Countries to expose environmental & water professional in addition to prosecutors to experienced gained & best practices in European countries in this domain.

## ACTIVITY III: (2014)

**ASSESSMENT OF INSTITUTIONAL & LEGISLATIVE CAPACITIES FOR THE PROSECUTION OF NON-COMPLIANCE WITH WATER LEGISLATIONS.**

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1. Assess the current legislative capacity & legal procedures employed for the prosecution of violators of water legislation in the WWIM-SM PCs.
  2. Develop guidelines & policies for the establishment of water prosecution systems and water magistrates as a part of national judiciary systems.
  3. Prepare modalities for investigation of water violations and methodology for establishing the rules for assessment of penalties.



## Activity IV: (2014)

### DEVELOPMENT OF CAPACITY OF WATER AND ENVIRONMENT MAGISTRATES:

Develop and execute a capacity building program of water & environment magistrates - judges in two days training workshop followed by 8 days study tour.



*Thank you  
for your kind attention*

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وامتثاني

*Merci pour  
votre attention*

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