

## SWIM-SM

# High-level Policy Dialogue on Enforcement of Water Laws in SWIM-SM Countries

Athens, 14-15 October 2014



# POLICY PERSPECTIVES AND AN AGENDA FOR ACTION TO IMPROVE THE ENFORCEMENT RECORD OF WATER LEGISLATION

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# THE LAW ENFORCEMENT TRIAD

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- ❑ BASED ON OBSERVATION WATER LEGISLATION ENFORCEMENT HINGES ON:
- ❑ SYSTEMATIC MONITORING OF WATER USERS/POLLUTERS PERFORMANCE
- ❑ REPORTING NON-COMPLIANCE
- ❑ SWIFT PROSECUTION AND EVENTUAL SANCTION OF OFFENDING BEHAVIOUR

# ENHANCING LAW ENFORCEMENT

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- ❑ WATER LEGISLATION ENFORCEMENT ENHANCED BY:
  - ❑ MERGER OF DIFFERENT ARMS OF GOVERNMENT HAVING WATER LAW ENFORCEMENT AUTHORITY & FUNCTIONS
  - ❑ STRATEGIZING AND PLANNING LAW ENFORCEMENT ACTIONS BY COMPETENT GOVERNMENT AUTHORITIES – SETTING PRIORITIES
  - ❑ COORDINATION BETWEEN THE GOVERNMENT LAW ENFORCEMENT AUTHORITIES AND THE JUDICIARY (PUBLIC PROSECUTOR'S OFFICES) FOR THE PURSUIT OF CRIMINAL OFFENCES

# FACILITATING LAW ENFORCEMENT/1

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- ❑ WATER LEGISLATION ENFORCEMENT FACILITATED BY:
- ❑ EDUCATION & TRAINING OF GOVERNMENT LAW ENFORCEMENT OFFICERS IN WATER/ENVIRONMENTAL MATTERS
- ❑ EDUCATION & TRAINING OF PUBLIC PROSECUTORS AND JUDGES IN WATER/ENVIRONMENTAL MATTERS
- ❑ CONSOLIDATION OF DISPARATE PENALTIES INTO A UNIFIED AND CONSISTENT SYSTEM OF ENVIRONMENTAL PENALTIES, ADMINISTRATIVE AND CRIMINAL

# FACILITATING LAW ENFORCEMENT/2

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- ❑ WATER LEGISLATION ENFORCEMENT ALSO FACILITATED BY SIMPLIFICATION OF PROCEDURES TO DEAL WITH LESS SERIOUS CRIMINAL OFFENCES, E.G.:
- ❑ COMPUNDING OF OFFENCES
- ❑ FORMAL WARNING OF OFFENCE COMMITTED, AND AGREEMENT OF OFFENDER TO TAKE SWIFT REMEDIAL ACTION
- ❑ AND BY ACCESSORY OBLIGATION OF OFFENDER TO UNDERGO TRAINING AND AWARENESS-RAISING

# POLICY & ACTION IMPLICATIONS/1

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- ❑ ENHANCEMENT AND FACILITATION OF WATER LEGISLATION ENFORCEMENT HAVE POLICY IMPLICATIONS IN RESPECT OF –
- ❑ WATER (AND ENVIRONMENTAL PROTECTION) LEGISLATION - REVIEW AND ADJUSTMENT CONDUCIVE TO ENHANCED LAW ENFORCEMENT
- ❑ GOVERNMENT WATER (AND ENVIRONMENT) INSTITUTIONS - ALIGNMENT TO THE REQUIREMENTS OF ENHANCED LAW ENFORCEMENT

## POLICY & ACTION IMPLICATIONS/2

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- ❑ *MODUS OPERANDI* OF COMPETENT AUTHORITIES - SHIFTING FROM HAPHAZARD TO PLANNED APPROACH TO LAW ENFORCEMENT ACTION
- ❑ EDUCATION/SENSITIZATION OF GOVERNMENT AND THE JUDICIARY - ENHANCING AWARENESS AND UNDERSTANDING OF WATER AND ENVIRONMENTAL MATTERS

# THANK YOU!

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