



Sustainable Water
Integrated Management (SWIM) -
Support Mechanism



Project funded by
the European Union

Water is too precious to waste

UNESCO-IHE
Institute for Water Education

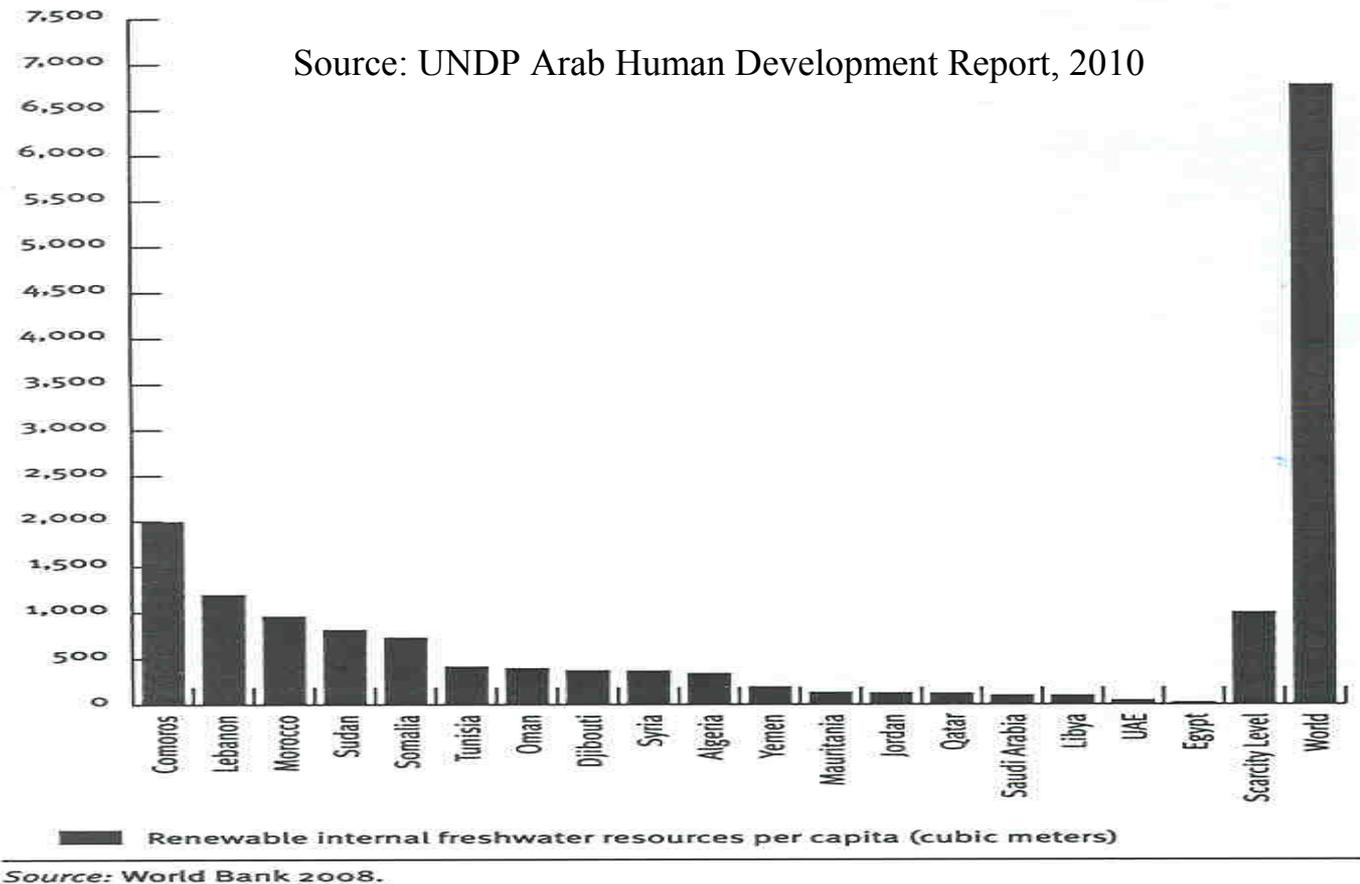


TRAINING WORKSHOP “Training workshop & study tour for developing the capacity of prosecutors & investigators for the enforcement of water & environment legislations”
3-5 June 2013, Delft, The Netherlands.

Presented by: Dr. Hosny Khordagui, Team Leader, SWIM-SM

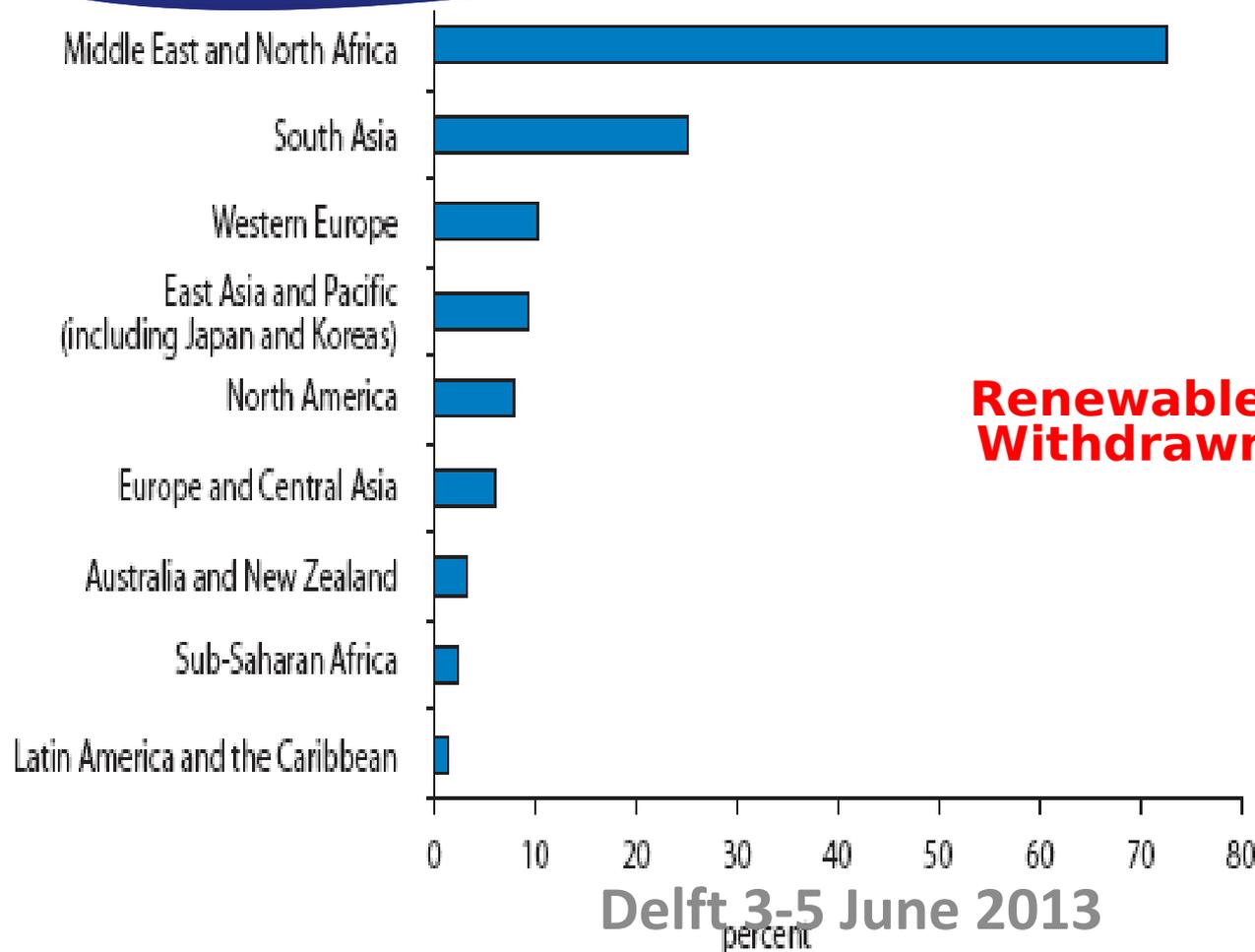
RULE OF LAW AS A NECESSARY FOR INTEGRATED WATER RESOURCES MANAGEMENT (IWRM)

BRIEFING ON WATER SITUATION IN SWIM COUNTRIES



Per capita Renewable Water Resources in the South Med countries is the Lowest in the World

The Water Situation in the Southern Mediterranean Region is Critical

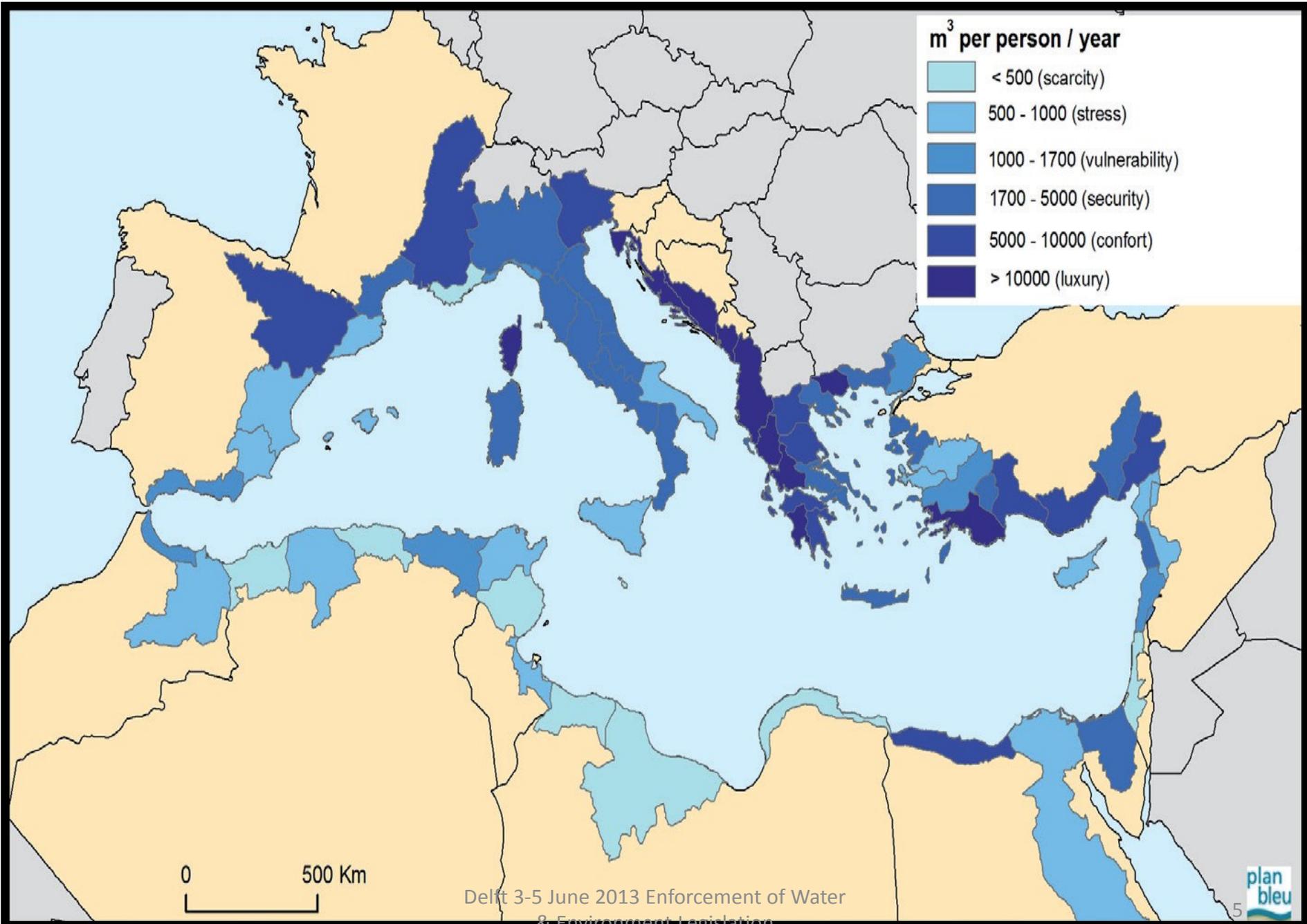


**Renewable Water Resources
Withdrawn is the Highest in
the
World**

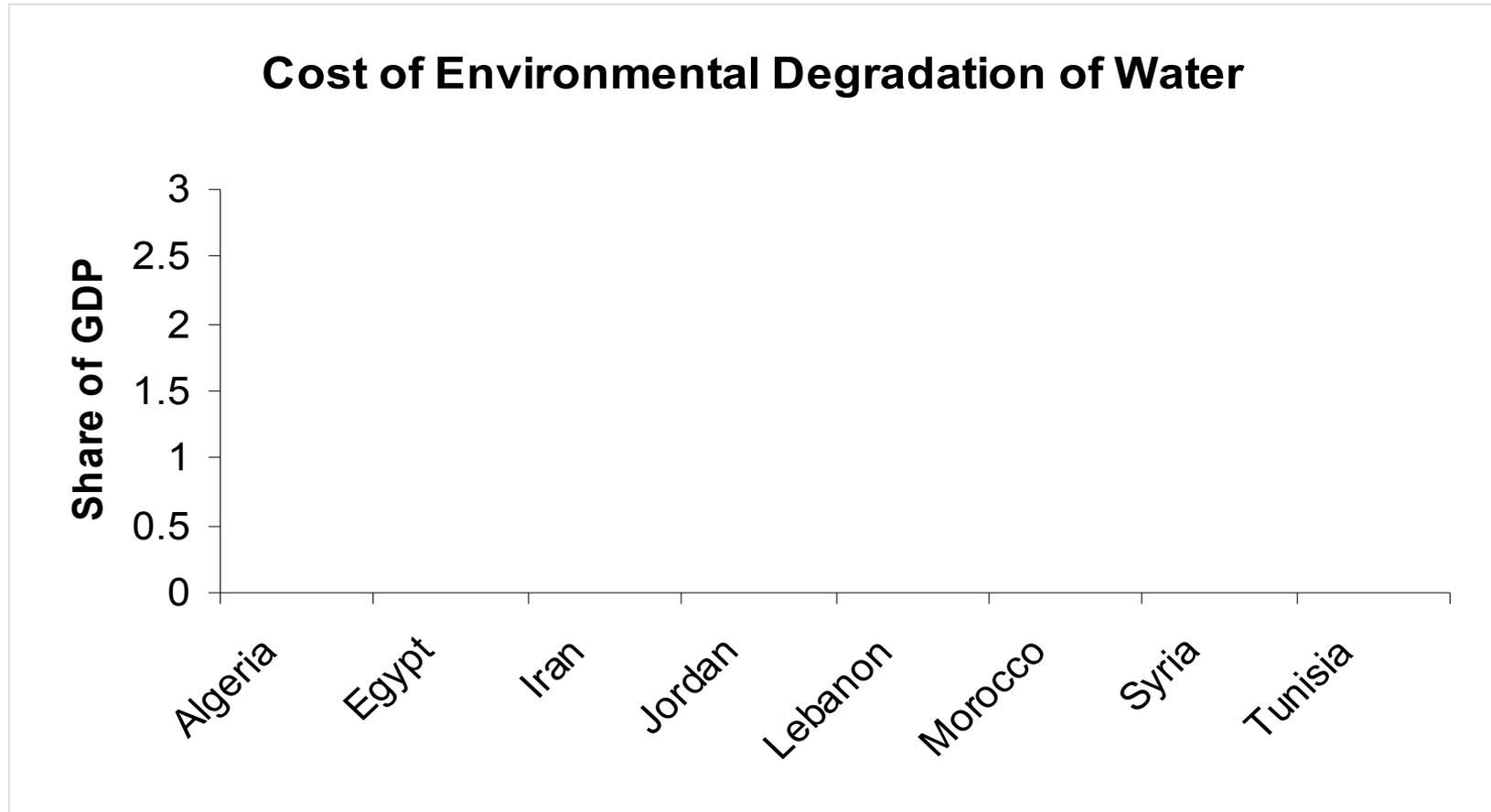
Delft 3-5 June 2013
percent

Source: FAO Aquastat, Making the Most of Scarcity, the World Bank 2006

Enforcement of
Water &



Deteriorating Water Quality is Costly & Affects Public Health



Sources: The Little Green Data Book, The World Bank, 2010 & Sarraf et al: Cost of Environmental Degradation, METAP.

What is Integrated Water Resources Management?

- **IWRM** is a concept which promotes the coordinated development & management of water, land & related resources in order to maximize economic & social welfare in an equitable manner without compromising the sustainability of vital ecosystems and the environment.

THE THREE PILLARS OF IWRM

- IWRM focuses on three basic pillars that aims at avoiding a fragmented approach of water resources management by considering the three pillars, known as the **3Es** of sustainable development (-social-**E**quity, **E**nvironmental sustainability & economic **E**fficiency).
- This will require three basic needs:
 - An enabling environment of suitable policies, strategies & legislation for sustainable water resources & management.
 - An institutional framework through which policies, strategies & legislation are put into place, and
 - A management instruments for operating the policies & implementing the plans and strategies.



Integrated Water Resources Management

**Environmental
Sustainability**

**Economy
Efficiency**

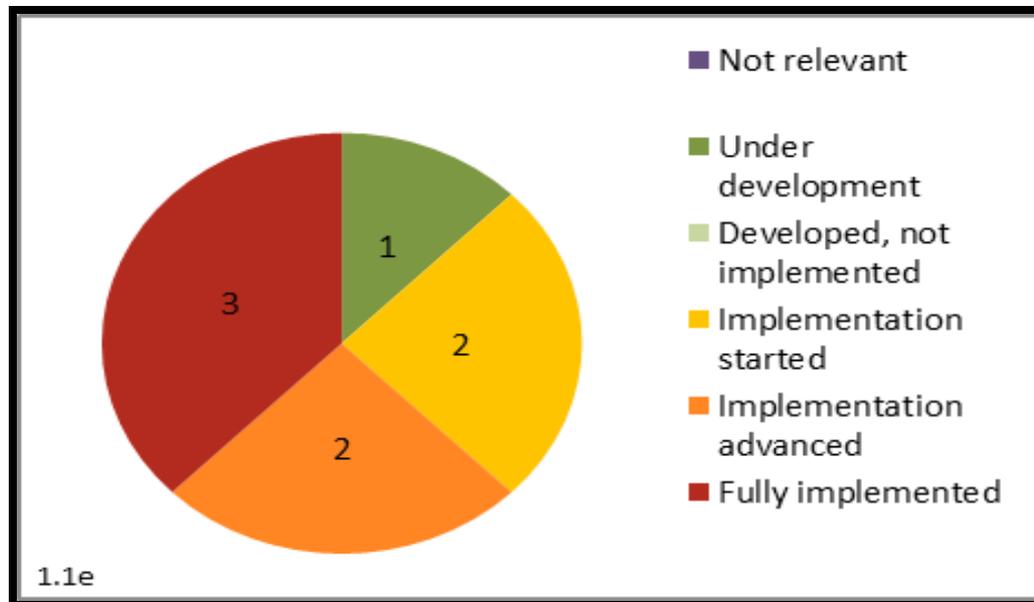
**Social
Equity**

The three pillars of IWRM

Delft 3-5 June 2013 Enforcement of Water
& Environment Legislation

STATUS OF IMPLEMENTATION OF IWRM IN SOME SWIM COUNTRIES

- Most PCs have frameworks consisting of plans and/or strategies that follow the IWRM principles
- Egypt and Jordan have in place & under implementation IWRM Plans -both countries conduct revision/update of their plans
- Algeria, Lebanon, Syria & Tunisia have explicit provisions in their legislations for the preparation of IWRM Plans



ASSESSMENT OF IWRM IMPLEMENTATION IN SWIM COUNTRIES

- SWIM organized a regional dialogue to discuss the outcomes of the IWRM assessment in Athens on 13 & 14 of June 2012. One of the most prominent constraints towards the implementation of IWRM was identified as ineffective water governance particularly **rule of law**.
- IWRM was often found to be hampered by insufficient policies, inadequate & appropriate legislations & regulation, ill prepared judiciary systems, deficient technical & institutional capacities & lack of modalities & operating systems to ensure compliance & enforcement.

**Integrated Water
Resources Management**

**Environmental
Sustainability**

**Economy
Efficiency**

Social Equity

Water Governance

What is Water Governance ?

1. **Participation**: including bottom-up approach, stakeholders participation, WUAs, community involvement, NGOs, gender balance, decentralization, etc.
2. **Transparency**: Including monitoring, reporting, disclosing, sharing & disseminating water information. Media involvement in addressing water scarcity & quality problems, freedom of speech & availability of public forums to voice water concern.
3. **Equity**: including equity in water rights between poor & rich, men & women, advantaged & disadvantaged, etc.

4. **Effectiveness & Efficiency**: Socio-economic return from water use & internalization of environmental externalities.
5. **Rule of Law**: **Adequacy of water legislations, degree of compliance, capacity to inspect, audit & report on non-compliance, capacity to enforce through accredited monitoring, qualified law enforcement officers, prosecutors & judiciaries & public access to justice**, etc.
6. **Accountability**: Accountability of the government, public sector, private sector & civil societies to the public; public response to lack of accountability; institutional & political structures affecting accountability in water sector.
7. **Coherence & Integration**: Including horizontal coordination among relevant water sectors & vertical coordination within the water sector down to communities level.

WHY RULE OF LAW IS A CONSTRAINT?

Rule of law, was found to be hampered by:

- Insufficient policies,
- Inadequate appropriate legislations & regulations,
- Ill prepared judiciary systems (prosecutors & magistrates) to address water & environment violations,
- Deficient technical & institutional capacities, and
- Lack of modalities, guidelines & 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.

HOW SWIM-SM IS PLANNING TO ADDRESS THE ISSUE?

1. To overview water resources protection policies in place; assess the adequacy of water legislations including by-laws, standards, regulations and requirements; evaluate the general state of compliance with these legislations; identify constraints and gaps; recognize challenges in achieving compliance; identify opportunities for updating and/or amending water legislation & list capacity needed to bridge the gaps.

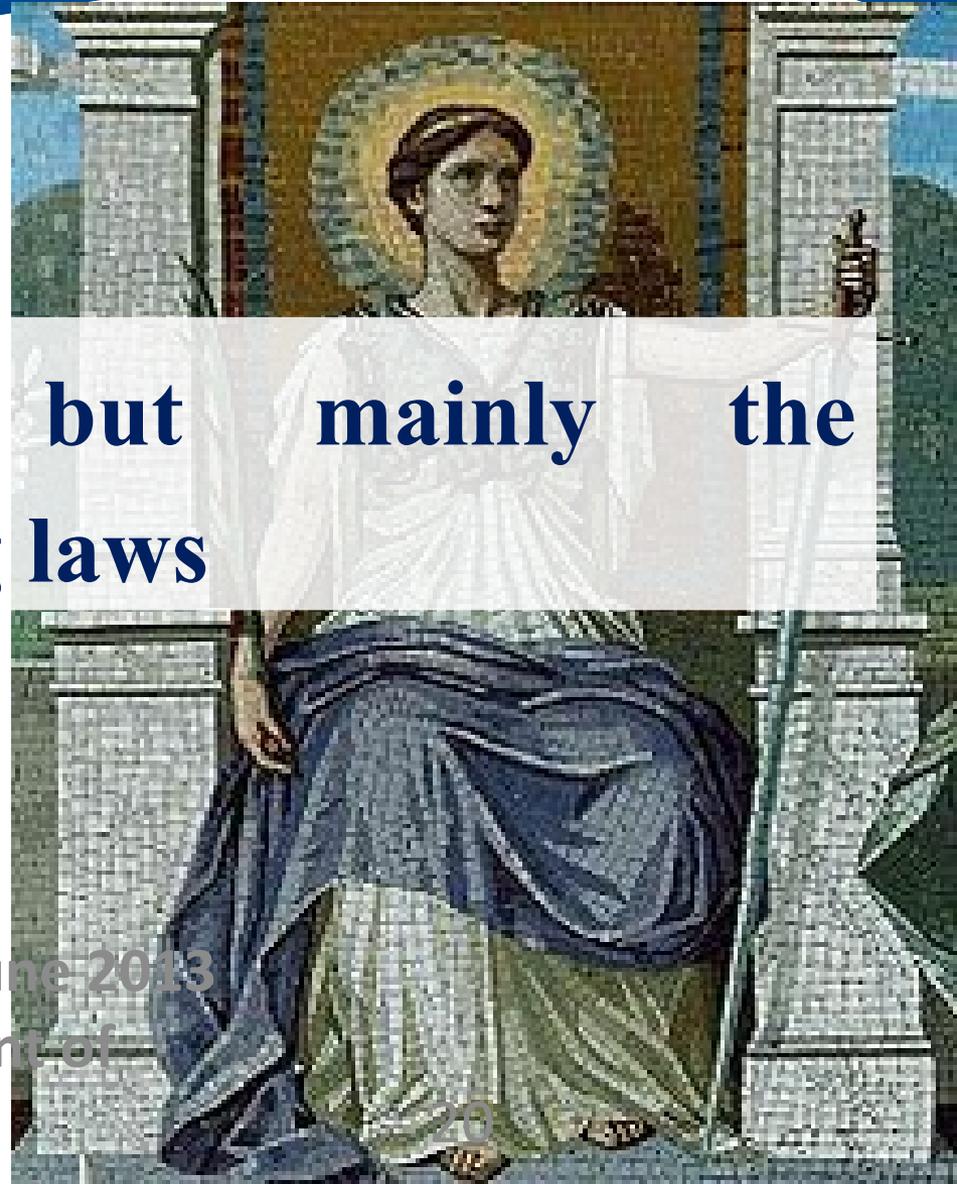
2. To identify feasible approaches for the enforcement of water legislation in SWIM-SM PCs while considering the Region's cultural & socio-economic specificities.
3. This to be followed by the development of a guideline for the formulation of national water legislative systems & design their enforcement mechanisms in support of the implementation of IWRM national plans.

4. To develop capacities to ensure full compliance with water legislations. This will encompass capacity development for (i) preparing water legislations & by-laws including permitting & licensing, (ii) promoting compliance, (iii) establishing accredited monitoring, (iv) enhancing inspection & monitoring systems for the provision of legal evidences for compliance or violations, (v) establishing auditing procedures, and (vi) developing the capacity of judicial system including training of judiciaries to address violations of water laws.

What is rule of law in IWRM?

Several definitions but mainly the enforcement of existing laws

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Enforcement of
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Environ



Rule of law in IWRM means the following:

1. Protection of vulnerable resource & public good
2. Protection of rights of all users including women
3. Codification in legal text to support participation of all stakeholders in decision making
4. Prevent, resolve & end conflicts
5. Ratification and implementation of legislation to ensure good governance in water.

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Inadequate rule of law leads to Corruption

**Without Rule of law for
Good Governance
and
Integrity
we have
Corruption**

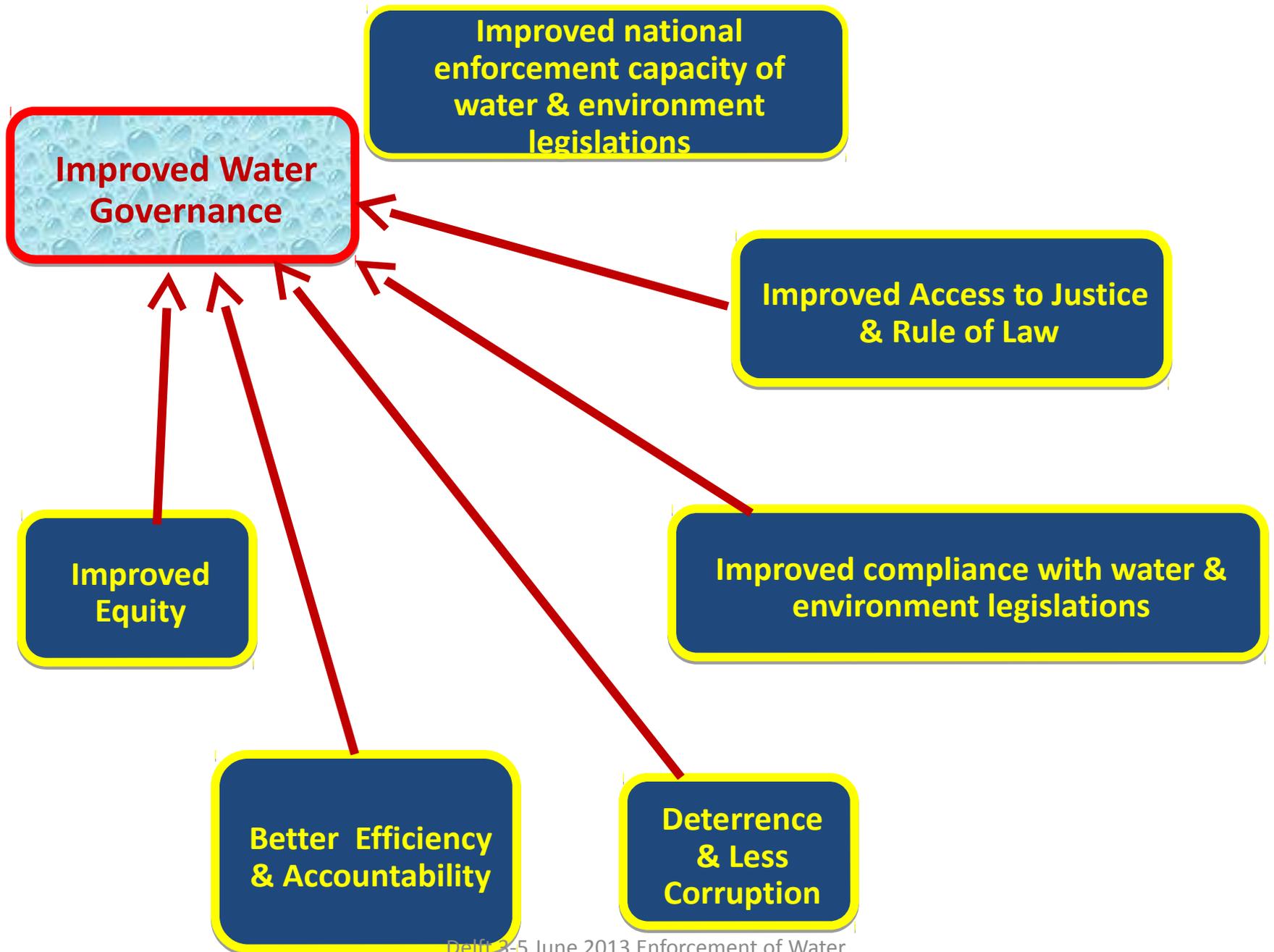
Lack of Rule of law in the water & Environment sectors leads to...

1. Undrinkable, inaccessible, unaffordable & polluted water.
2. Thirsty & ill people.
3. Un-equal distribution of the resource with the poor, women & disadvantaged suffering the most.
4. Damaged drinking supplies, sanitation, agriculture & the environment .
5. Unjustified additional costs (20-30% more) of large water infrastructure projects.

6. Unpunished polluters
7. Distorted & un-implemented policies, plans & budgets
8. Bad service delivery & billing. Informal providers – often the only source of water delivery to the poor – can use extortion & bribery.
9. An addition of 30-45% to the price of connection to a water network.

What is compliance & enforcement?

- Compliance & enforcement is how regulating agencies ensure that regulated community (either governments, businesses, industry, etc.) understand & follow the nation's water & environment laws and regulations.
- Compliance helps organizations or individuals meet their obligations under water & environmental laws and regulations.
- Enforcement takes legal action against a regulated party (organization, industry, etc.) when they do not comply with the water & environment laws.



ELEMENTS OF WATER & ENVIRONMENTAL MANAGEMENT

1- VOLUNTARY APPROACH:

- This approach encourages or assists change, but does not require it. It heavily relies upon public education, technical assistance & the promotion of water & environmental leadership. Successful voluntary compliance programs allow governments' always limited resources to be focused on poorer performing organizations, build support for enforcement efforts.
- Due to the often relatively weak enforcement & inspection infrastructure needed to monitor & follow-up on the voluntary environmental compliance, this approach is seldom used.

2- COMMAND & CONTROL APPROACH:

- ✿ In this approach, the regulating agency
 - Prescribes the desired changes through detailed requirements.
 - Promotes compliance with these requirements & finally.
 - Monitors compliance.
 - Enforces compliance with these requirements.
- ✿ It is the most preferred & prevailing water & environment management formula the region.

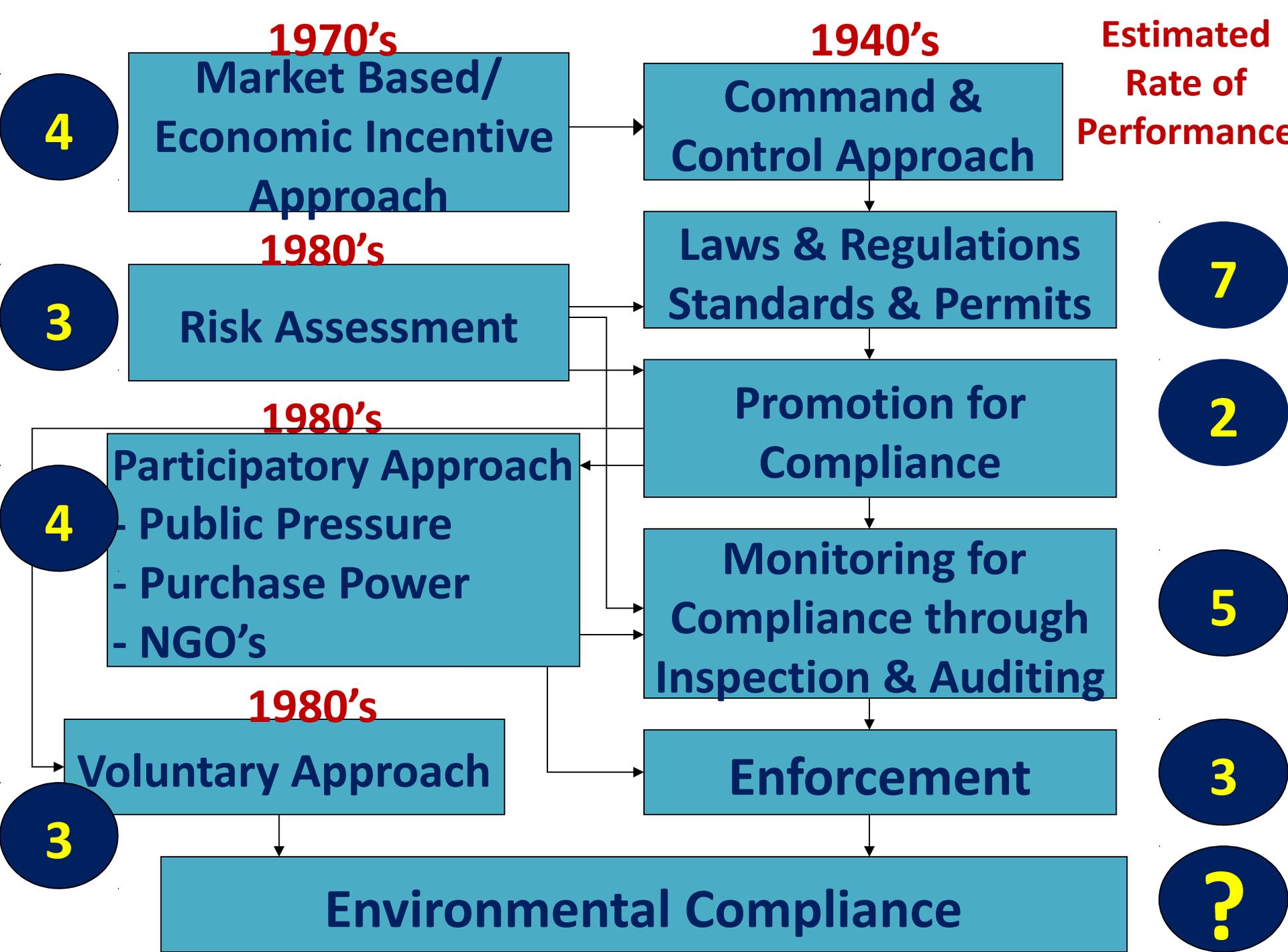
3- MARKET BASED/ECONOMIC INCENTIVE

APPROACH:

- It uses market forces to achieve behavioral changes.
- It permits individual polluters to choose among a range of alternatives to match costs with benefits.
- The main instruments for economic dis-incentives:
 - Fee system
 - Tradable permits
 - Offset approaches
 - Auctions
 - Environmental labeling

4- RISK BASED APPROACH:

- It establishes priorities for compliance & enforcement based on the potential for reducing the risks posed to public health and/or environment
- This approach will require
 - Adequacy & regular environmental monitoring programs that systematically measure pollutant concentration in ambient aquatic environment to assess risks.
 - Environmental epidemiological investigations that are based on actual public exposure to various water pollutants & their potential dose response effects.
 - Adequate reliable database & information systems to conduct risk assessment studies.



مع خالص
شكري
وامتناني

Thank you
for your attention

Merci pour
votre attention



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