

# SWIM-SM capacity building programme SPAIN June 10-12 2013

**TRAINING WORKSHOP AND STUDY TOUR FOR DEVELOPING THE  
CAPACITY OF PROSECUTORS AND INVESTIGATORS FOR THE  
ENFORCEMENT OF WATER & ENVIRONMENT LEGISLATIONS**

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Sustainable Integrated Water Management – Support Mechanism  
Project funded by the European Union

**UNESCO-IHE**  
Institute for Water Education



# Introduction to Spain Programme

PART 1 – Brief introduction to water governance in Spain

PART 2 – Field visits and objectives



# PART I

## WATER GOVERNANCE IN SPAIN

*Based on Cristina Danés, 2012, Deputy Water director of General Water Directorate of the Spanish Ministry of Environment, Food & Agriculture and Nora Van Cauwenbergh, 2012*





## **Water Law of 1985:**

- Regulation on Public Property of Water Resources
- Regulation on Public Administration of the Water and on Water Planning

## **Water Law of 2001:**

- Based on the Water Law of 1985 and aiming to transpose the European legislation on water (Water Frame Directive)

# A changing water paradigm

- Introduction of the EU WFD coincides with a changing paradigm
- At the basis, 3 streams:
  - Stream 1 ~ **Waterscapes** : increased awareness and interest in water as a key element in the landscape, and a growing understanding of water as a fundamental element in the maintenance of healthy ecosystems
  - Stream 2 ~ **Water as an economic good** The old hydraulic paradigm believed in heavy state intervention through subsidising water for privileged sectors like irrigation, farming and hydropower, which sharply contrasts with the neoliberal discourse on state failure
  - Stream 3 ~ **Deepening of democracy** in Spain namely the evolution and recognition of regionalist and nationalists claims have been increasingly mediated through water, territory and identity

# Changing planning strategies and institutions

- Internal changes + EU WFD
  - Environmental uses and good status of water bodies
  - Public participation (article 14)
  - Principle of Cost recovery
- Changes in planning process
- Changing institutions and tasks
  - Water council now integrates different voices
  - Organization of « Jornadas de participación » - Different publications and sensibilization campaigns
  - Environmental Impact Assessment, Economic Analysis, Action Plans

# Changes in planning process (1/2)

- Territory now includes coastal and transition waters (before a competence of national ministry of “Costas” Coasts)
- Broader content of plans, including:
  - Eco-regions, types and reference conditions
  - Pressures and anthropogenic incidences
  - Environmental flows
  - Natural fluvial reserves
  - Unique exploitation system
  - Protected areas
  - Control networks
  - Environmental objectives

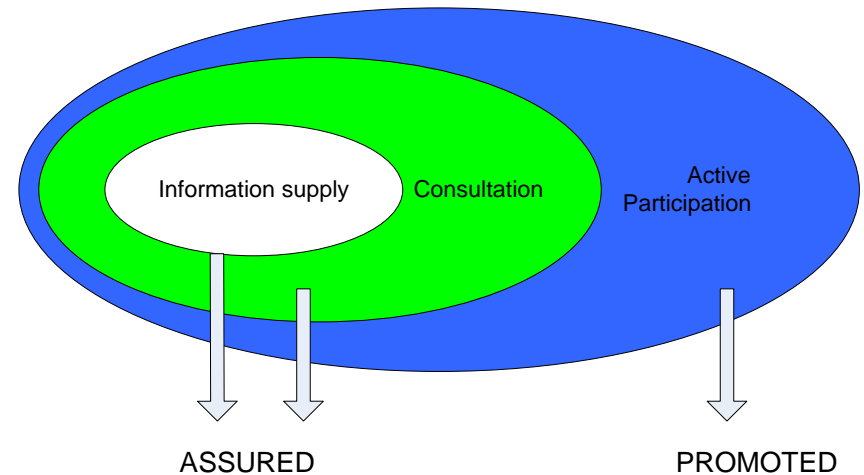


# Changes in planning process (2/2)

- Broader content of plans, including (continued):
  - Economic analysis
  - Action Plans
  - Detailed plans and programmes for sub-basins
  - Public information campaigns
  - Designation of competent authorities
  - Contact points and procedures for public consultation
  - Drought emergency plans
  - Flood protection plans
  - Short content of detailed plans from competent administrations
  
- As a result:
  - Effective integration of terrestrial and marine area in the basin
  - Competent Administrations elaborate Action Plans
  - Strategic Environmental Assessment
  - Public Participation

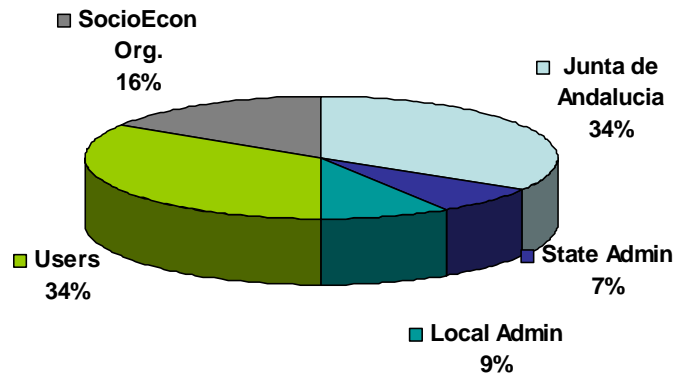
# Public Participation

- Public participation in planning processes aims to help the administration in designing a basin management plan that allows to comply with WFD objectives
- Public participation in the planning process according to Spanish Government



# Water council including non-consumptive uses

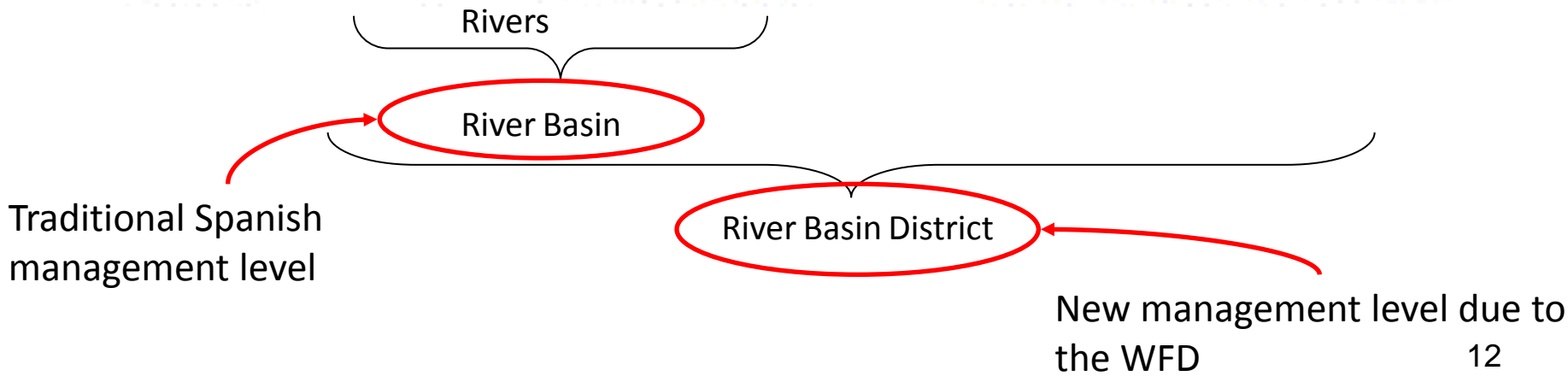
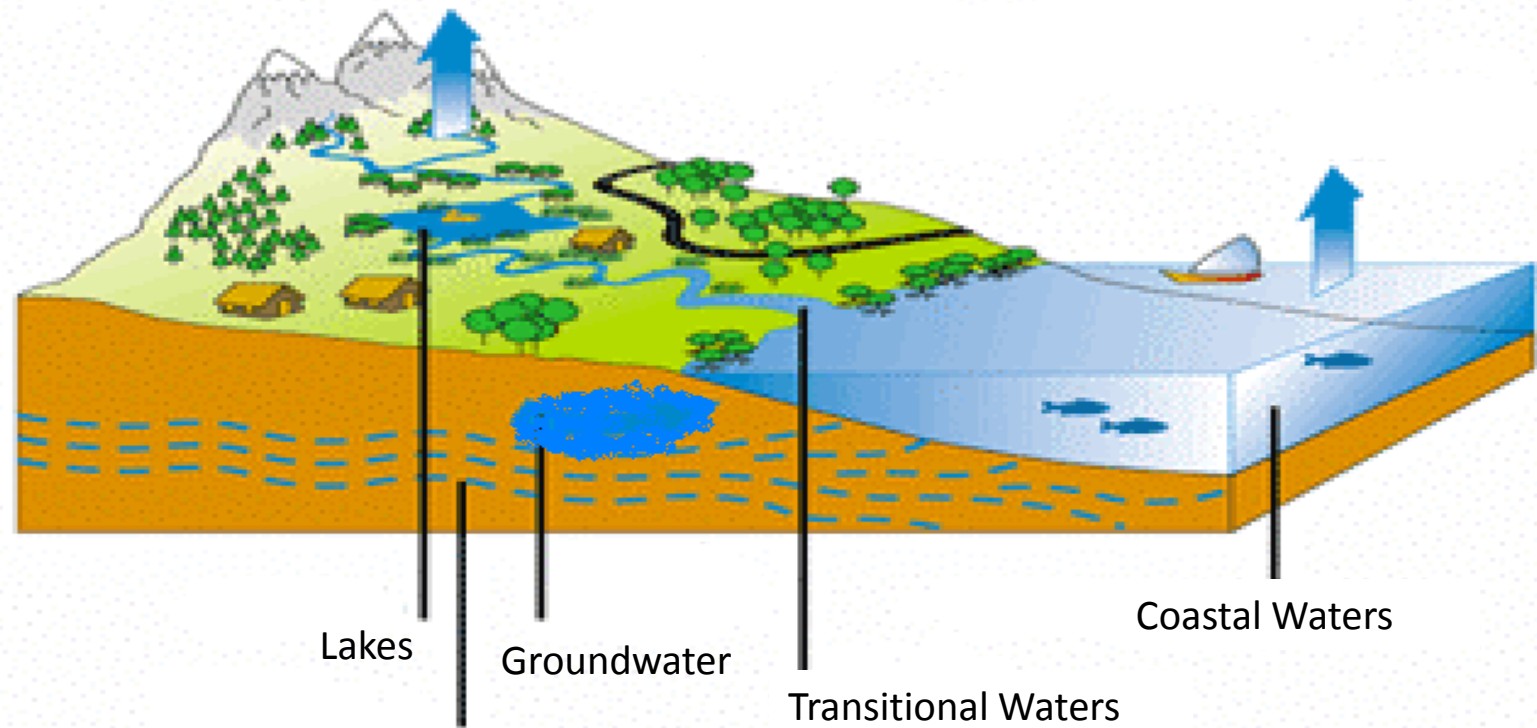
## Members of Water Comissions



- Users
  - Agricultural
  - Urban
  - **Other uses**
  - Irrigation Associations and Farmers
  - Urban supply organizations
  - Consumer organizations
- Representants of socioeconomic interests
  - Syndicates
  - Enterprises
  - **Neighbourhood organizations**
  - **Ecologist**
  - Universities



# River Basin vs RB District





## Basic concepts:

- River basin as unit of management
- Decentralized management
- Covering all the water related issues
- Respect of the hydrological cycle
- Compatible with the land planning and the environmental issues

The Regions can manage the water issues only when the river basin is completely circumscribed to their lands

Otherwise the water competencies will be handled by the State





	Inter-regional		Intra-regional	
	Managed by the central administration		Managed by the regional administrations	
<b>National</b>	<ul style="list-style-type: none"> <li>- Júcar</li> <li>- Cantábrico occidental</li> <li>- Segura</li> <li>- Guadalquivir</li> </ul>		<ul style="list-style-type: none"> <li>- El Hierro</li> <li>- La Palma</li> <li>- La Gomera</li> <li>- Tenerife</li> <li>- Gran Canaria</li> <li>- Fuerteventura</li> <li>- Lanzarote</li> </ul>	
<b>International</b>	<ul style="list-style-type: none"> <li>- Ebro</li> <li>- Miño-Sil</li> <li>- Tajo</li> </ul>	<ul style="list-style-type: none"> <li>- Duero</li> <li>- Guadiana</li> </ul>	<ul style="list-style-type: none"> <li>- Cuenca fluvial de Cataluña</li> <li>- Ceuta</li> <li>- Melilla</li> </ul>	

## Classification according the manager:

9 River Basins managed by the State → inter-regional

16 River Basins managed by the Regions → intra-regional

## Classification according the international/national character:

8 International River Basins

17 National River Basins



## Ministry of Agriculture, Food and Environment

Environment State Secretary

Water Directorate

Competencies on:

- elaboration, follow up and revision of the Water National Management Plan
- revision of the River Basin Management Plans
- coordination of sectoral or regional plans that affect the water planning
- coordination of the emergency plans on droughts and floods
- elaboration of reports about the water quality and hydrological situation
- survey, follow up and control of the water quality
- international representation

Coordination of the inter-regional River Basin Authorities

State societies

Water National Council



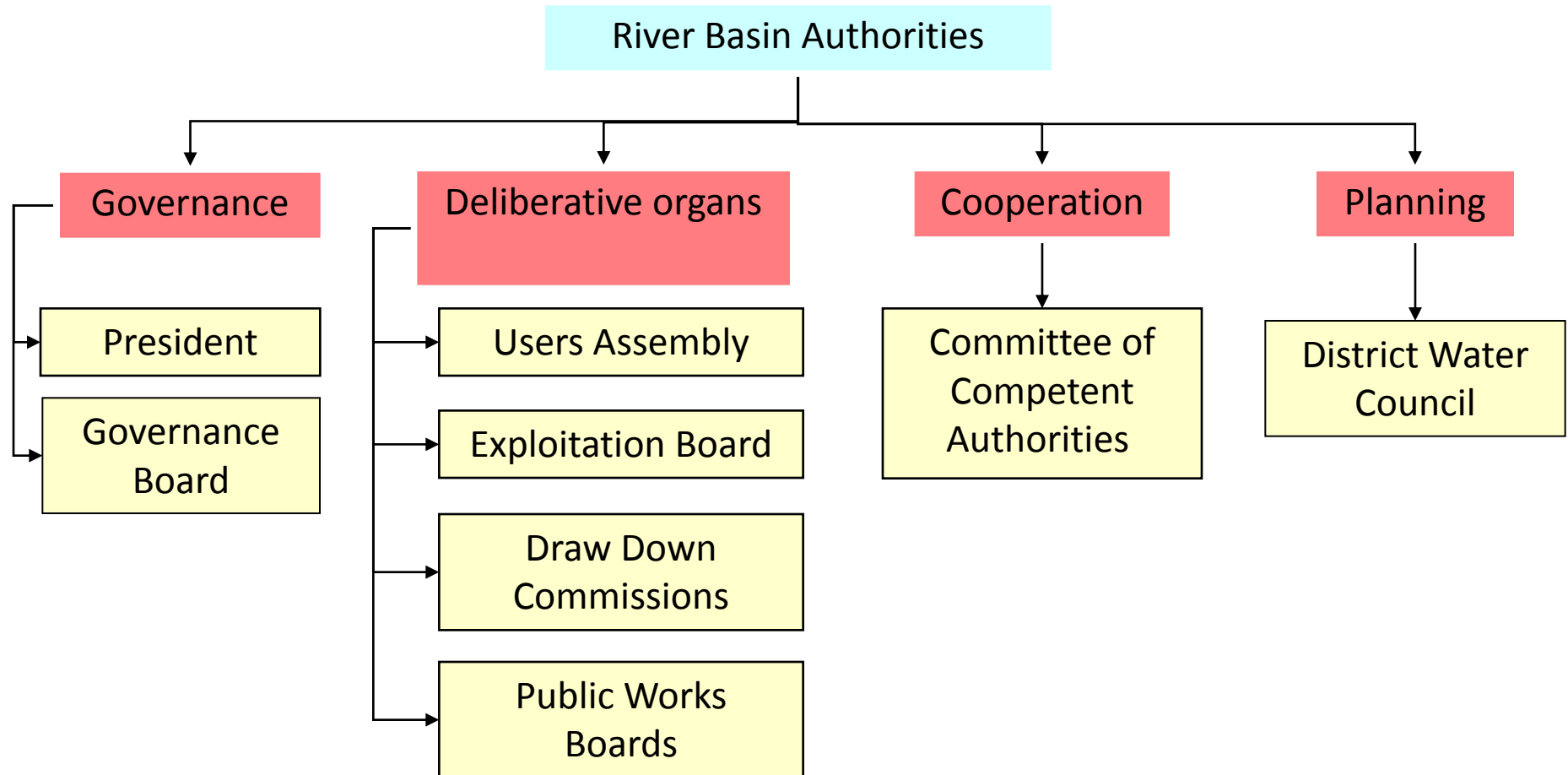
Each river basin, depending of the State, has a **River Basin Authority** that is in charge of:

- Preparation, follow up and revision of the River Basin Management Plan
- Control and management of the water resources public property
- Control and management of general interest exploitations or which affect to more of one region
- Elaboration, exploitation and maintain of public works of general interest
- Any other commitment due to agreements with regions, local governments and public or private entities or with individuals.



Embalse del Cenajo, Cuenca del Segura







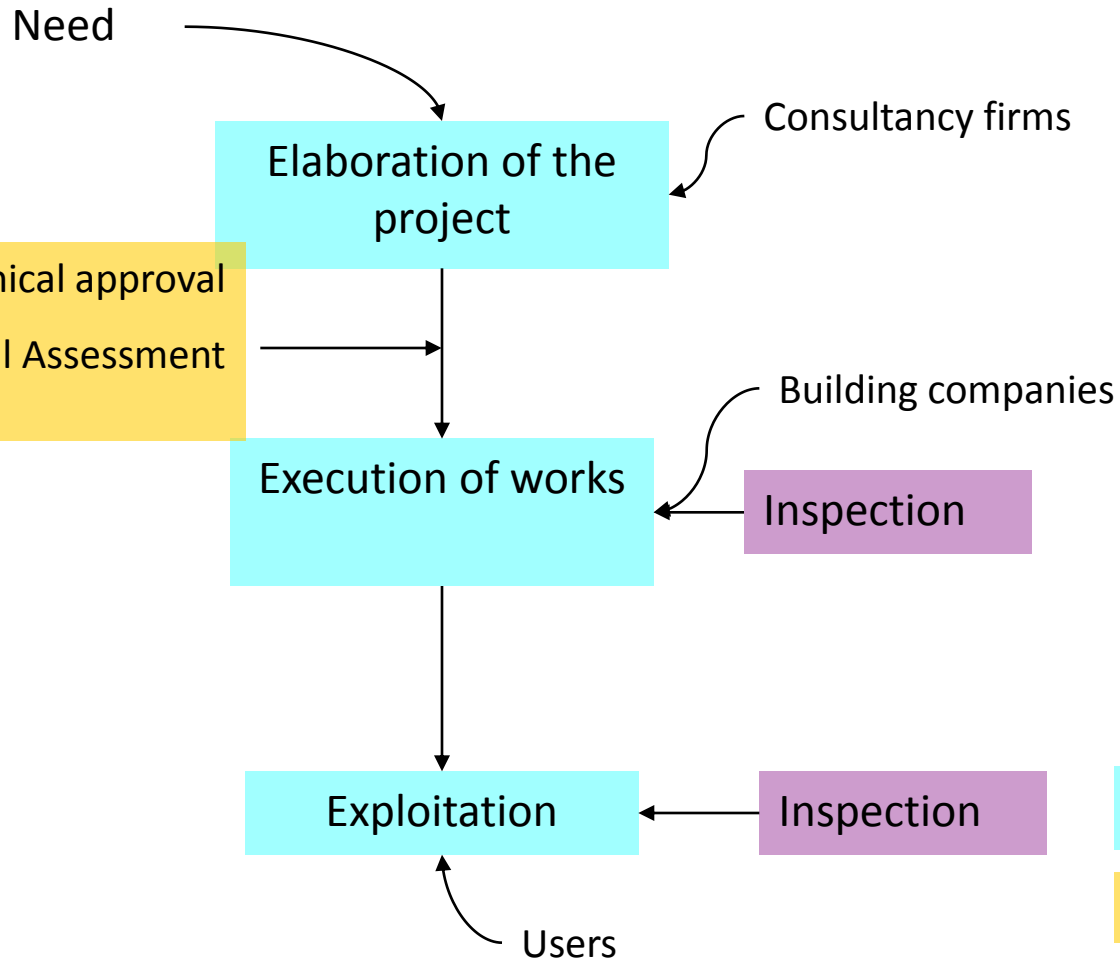
## Main ideas about the **State Societies**:

- created in 1998
- 100% public property
- realization of public works commanded by the Ministry
- agreements with users, in order to share costs
- more agile action (workers admission procedure)
- need to observe the principles of publicity and free competition





## Operation Overview



State Society
Ministry
River Basin Authority <sup>19</sup>



**The water is a public good:** no one can have a private use without a concession

## Hierarchy of water uses:

1. Water supply
2. Irrigation
3. Energy production
4. Industrial uses
5. Aquaculture
6. Recreational uses
7. Sailing and water transport
8. Other uses

This order can be changed by the River Basin Management Plan, but always respecting the number 1, water supply.





## **Cession between particular users:**

- Temporal cession of the water use rights between users that already have water use rights
- The cession has to respect the hierarchy of water uses (equal or superior use)
- Only the Ministry of Agriculture, Food and Environment can approve an alteration of the hierarchy
- Economic exchange agreement

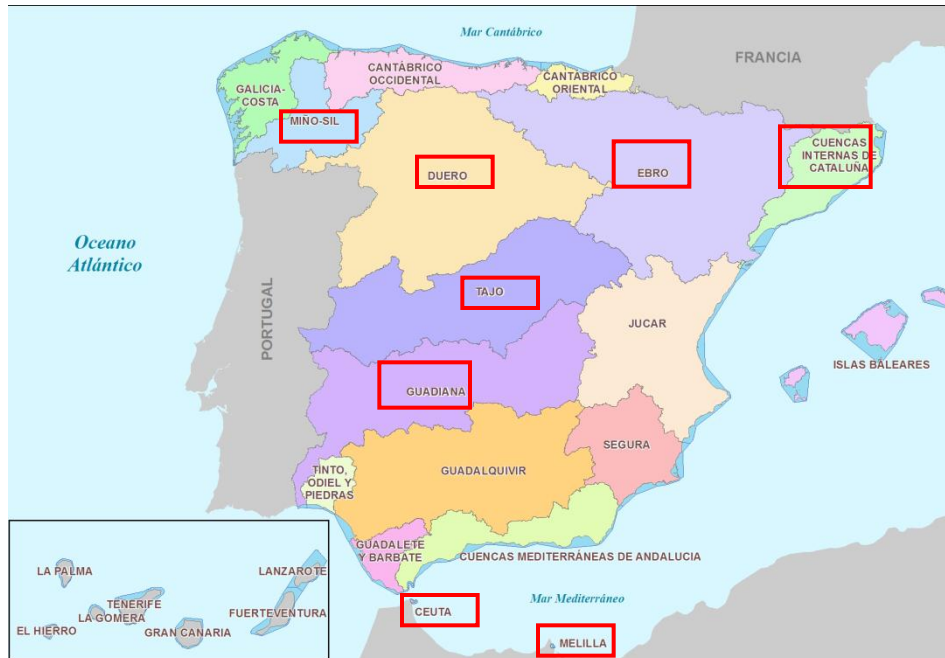
## **Water trading centres:**

- Temporal or permanent cession of the water use rights to the River Basin Authority
- The River Basin Authority makes public offers with a concrete price
- Only in exceptional situations (ex: droughts, overexploited aquifers)
- The River Basin Authority can decide what to do with the rights acquired (no obligation to cede them again)



## 8 International River Basin

- 2 shared with Morocco → No agreement
- 2 shared with France → Toulouse Agreement (2006)
- 4 shared with Portugal → Albufeira Agreement (2000)



International River  
Basins



## Objectives:

- To reach the integrity of shared river basins (including the superficial and groundwater and the ecosystems related)
- To encourage the sustainable water use, including the protection of water quality.
- To improve the legal coordination between the cross-boundary basins

## Basic operation ideas:

- Systematic and regular information exchange
- Querying through specific organs
- Adoption of measures to facilitate the homologation of administrative and legal systems of both countries
- Establishment of a flow regime
  - Commitment to meet a weekly, quarterly and yearly flow according to the precipitations
  - Exceptions due to extreme situations (droughts and floods)



**PART II**  
**FIELD VISITS AND OBJECTIVES**



# General objectives

- After having actively attended the workshop and the study tours in The Netherlands and Spain the participants will be able to:
- compare knowledge about methods and practice of inspection, monitoring, measuring, recording and reporting in IWRM in The Netherlands and Spain.
- identify technical and administrative capacities needed for inspection, monitoring, measuring, recording and reporting for indicting non compliance and enforcement of water and environment legislations (issue 1).
- distinguish types and levels of inspection and authority that should be given to inspectors by the water and environmental regulating authorities (issue 2).
- define qualifications, training, experience and competence of inspectors, field and testing laboratory operators and prosecutors to ensure compliance and enforcement of water & environment legislations (issue 3).
- analyse the structure and mechanism of maintaining a chain of custody in accredited water and environmental monitoring systems and laboratories (issue 4).
- plan a proper documentation of all aspects related to methods of monitoring, inspection, sampling, analyses and reporting (issue 5).
- consider self-monitoring, self-record-keeping and self-reporting in managing water resources and environmental protection (issue 6).



Madrid - RBO Tajo + field visit

Daimiel - RBO Guadiana + field visit

Sevilla - Intro + New Water Culture Foundation

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# Day 1 – Observatory of implementation of WFD in Spain



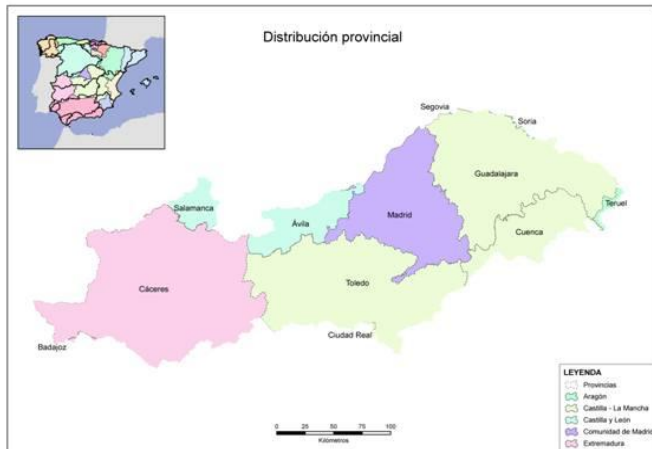
- Analysis of challenges for institutions and administrative procedures
- Prof. Abel La Calle
- New Water Culture Foundation
  
- History of water legislation, key moments and implications for implementation
  
- Cases on non compliance with water legislation in Spain
  
- Discussion

# Day 2 – Use of remote sensing as support for application of water legislation + Involvement of user communities



- Case of groundwater overexploitation
- Dr. Manuel Bea, expert in remote sensing for water abstraction monitoring
- Intro to basin problematics
- Field visit
- Presentation on technical aspects of remote sensing and its use in admin/legal procedures
- Visit to River Basin Organization
- Roundtable debate with prosecutors (RBO) and irrigators

# Day 3 – Functioning of Water Comisariat of the River Basin Organization



- Legal framework for monitoring and control
- Presentation of water quality monitoring network (focus on urban supply/industrial pollution) + discussion on procedures and competences necessary for good quality monitoring and enforcement.
- Presentation of an infringement case: procedures from monitoring to court
- Visit to the laboratory and Hydrologic Information Automatic System (SAIH) room and discussion on RBO relations with users and other stakeholders
- Field visit to monitoring station SAICA