



Sustainable Water  
Integrated Management (SWIM) -  
Support Mechanism



Project funded by  
the European Union

*Water is too precious to waste*

**IMPROVING COMPLIANCE & ENFORCEMENT OF WATER LEGISLATION IN  
SWIM-SM COUNTRIES**

**ACTIVITIES PROPOSED FOR 2014 PLAN OF ACTIONS**

**From 3-18 June 2013,**

**Third SC Meeting, 12-13 November 2013, Athens**

# 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 (1) insufficient policies, (2) inadequate & appropriate legislations & regulation, (3) ill prepared judiciary systems, (4) deficient technical & institutional capacities & (5) lack of modalities & operating systems to ensure compliance & enforcement.

**Integrated Water  
Resources Management**

**Environmental  
Sustainability**

**Economy  
Efficiency**

**Social Equity**

**Water Governance**

# **SWIM-SM APPROACH TOWARDS THE PROBLEM**

**STEP I (2012)**

**DIAGNOSIS OF THE ROOT  
CAUSES**

**“PROBLEM IDENTIFICATION”**

# In 2012

Within the water governance context, SWIM-SM

1. Produced a report entitled "Regional Review of National Water Plans". The report aimed at providing the PCs with an assessment of the status of national water planning in SWIM-SM PCs. It provided an assessment of achievements, constraints, challenges & shortcomings in implementing the current water plans.
2. Organized a regional dialogue to review, discuss, complement & validate the findings of the regional review with the view of suggesting a series of policy options for further actions.
3. Held a regional training workshop for training of Government Officials to expand the capacity of water and environment stakeholders in PCs in developing and implementing IWRM plans.

# **STEP II (2013 & 2014)**

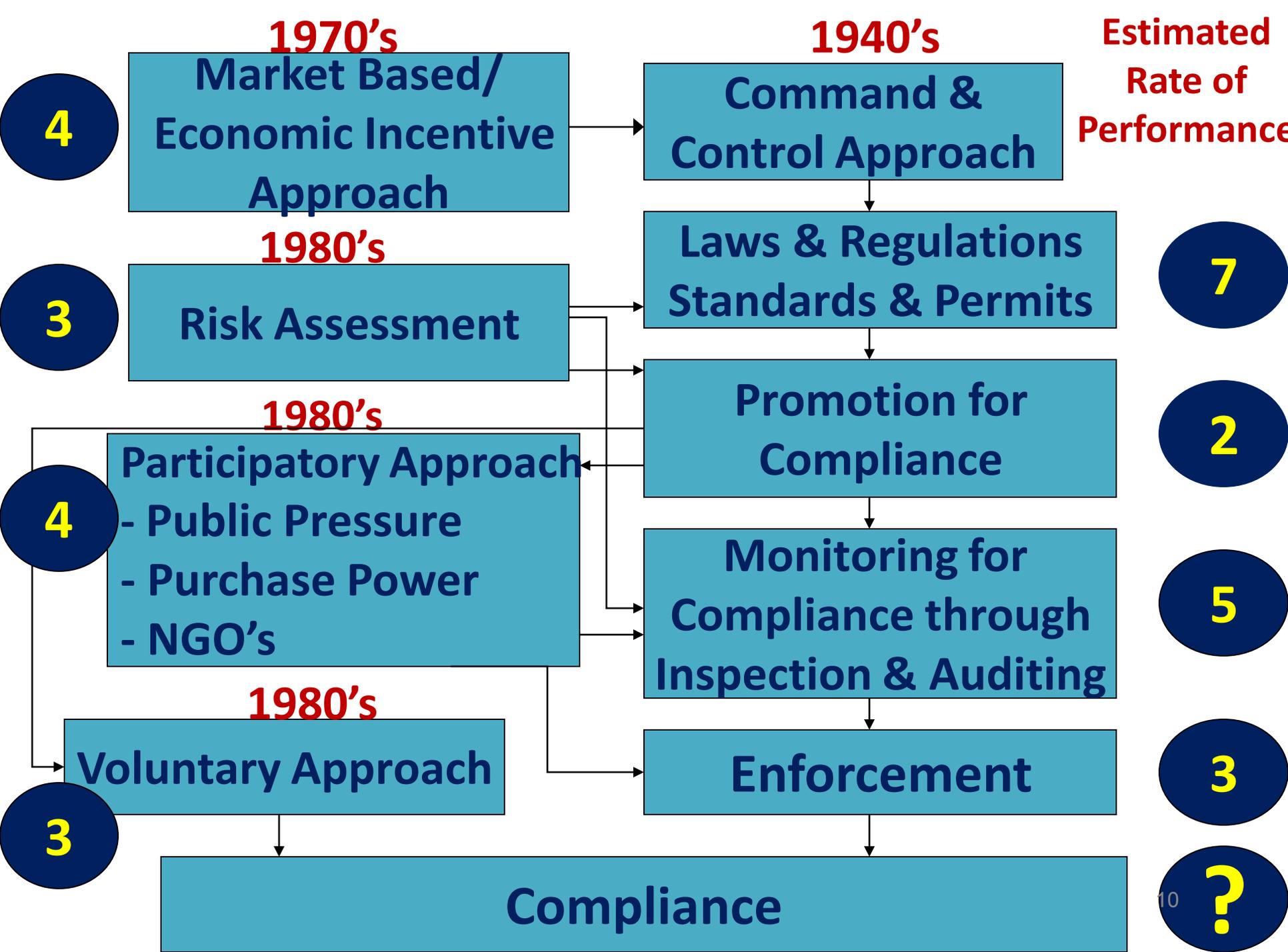
## **ASSESSMENT & MANAGEMENT OF THE IDENTIFIED PROBLEM**

In order to support SWIM-SM countries facing these challenges & bridging the gaps, the project devised a series of integrated activities for the years 2013 & 2014.

# In 2013

## SWIM-SM activities included the following:

1. Assessment of degree of compliance and capacity available for enforcement of water & environment legislations.
2. Development of regional guidelines on measures for improving compliance with water legislations and assess the available enforcement capacity and mechanisms currently practiced in SWIM-SM region to enforce water legislations with focus on 5 SWIM-SM PCs (completed and undergoing peer review).
3. Development and execution of a capacity development program for water & environment prosecutors and investigators including three days workshop to be followed by 12 days study tours in 3 European countries (completed)



# In 2014

SWIM-SM is proposing the following:

- (1) To assess the institutional & legislative capacities for the prosecution of non-compliance with water & environment legislations.
- (2) To hold a regional high level event on prosecution of violations of water & environment legislations. The aim of the event is to draw a road map for countries of the region to enforce rule of law in the water & environment sectors to achieve compliance.

# **ACTIVITY I**

**ASSESSMENT OF INSTITUTIONAL & LEGISLATIVE CAPACITIES  
FOR THE PROSECUTION OF NON COMPLIANCE WITH  
WATER & ENVIRONMENT LEGISLATIONS IN THREE  
SELECTED COUNTRIES**

## **Objective:**

To assess the institutional & legislative capacities needed for the prosecution of non-compliance with water & environment legislations.

## **Expected outputs:**

1. An assessment of the adequacy of water and environmental legislations in terms of their compliance and enforcement.
2. An assessment of institutional & judiciary capacities (prosecutors and judges responsible for water and environment) to handle cases of water and/or environment violations.
3. A simple guideline & recommendations for the establishment of water & environment prosecution systems and magistrates as a part of national judiciary systems in SWIM-SM countries.

- **Scope**: This activity shall be materialized through the following:
  1. Overview the legal aspects in water resources protection policies in relevant line ministries.
  2. Assess the adequacy of water legislations including laws, decrees, by-laws, standards, regulations and requirements.
  3. Evaluate water legislation currently in force in terms of their feasibility, cost of compliance, comprehensiveness, overlap, integration, coordination and potential fragmentation.

4. Assess the institutional & technical capacities of the judiciary system including magistrates in addressing violations.
5. Prepare modalities to investigate water & environment violations & methodology for establishing the rules for assessment of proportional penalties.
6. Develop guidelines & recommendations for the establishment & institutionalization of water and environment prosecution systems & magistrates as a part of national judiciary systems.

# **ACTIVITY II**

## **HIGH LEVEL POLICY DIALOGUE ON PROSECUTION OF VIOLATORS OF WATER & ENVIRONMENT LAWS**

# Objective:

The main objective of the high level 2 days policy dialogue in Athens (TBC) is to reach a consensus on policy options and to draw a road map to improve compliance & enforcement of water & environmental legislations. The ultimate aim of the event is to help SWIM-SM countries enforce rule of law in the water & environment sectors to achieve conformity.

## **Expected outputs:**

1. A road map to improve compliance & enforcement of water & environmental legislations.
2. Suggested policy options, recommended measures & tools catered for SWIM-SM countries to ensure conformity with water and environment legislations.
3. Identification of major areas where legislative and technical capacities are in need for further development/strengthening.

# **SCOPE: ISSUES TO BE ADDRESSED**

1. Constraints, gaps and challenges leading to the inadequate compliance with water and environment legislations prevailing in some SWIM-SM countries.
2. Adequacy of water and environmental legislations in SWIM-SM PCs to identify the main challenges, gaps and suggest measures to bridge them.
3. Policies, measures, tools and capacities in need for further development in SWIM-SM countries to ensure conformity with water and environment legislations.
4. The means and measures to reform and gear water and environment regulations to commensurate with the command & control approach commonly used in SWIM-SM PCs.

5. Feasible mechanisms & tools needed to communicate water & environment requirements to the regulated community to promote compliance.
6. Measures to create an enabling environment for compliance including public participation and technical support.
7. Measures to motivate the regulated community to comply using incentives, disincentives, penalties and deterrence.
8. Policies, measure & capacity needed to monitor & verify compliance.

9. Policies, measures, institutions and systems needed to enable the judiciary system (prosecutors and judges) to handle cases of violation of water and/or environment legislations.
10. Credibility of the indicting evidences of noncompliance and establishment of credible enforcement response systems to violations.
11. Systems to assess and incorporate proportionate penalties to water and environment violations including a mechanism to assess adequate deterrence.

# Approach:

- The dialogue shall be attended by the following representatives from each PC: (1) one high-ranking water policy maker, (2) one high-level representative of national environmental regulating authority (3) two specialized judiciaries (one prosecutor and one judge).
- In addition, (1) two eminent international experts, (2) two regional NGOs and (3) two academicians from relevant disciplines will be invited to contribute to the discussions.
- Potential synergy with EEA, UNEP-MAP, etc.

مع خالص شكري  
وامتناني

Thank you  
for your attention

Merci pour  
votre attention



*For additional information please contact:  
Sustainable Water Integrated Management – Support Mechanism: [info@swim-sm.eu](mailto:info@swim-sm.eu)*