



INFORMATION NOTE FOR HIGH LEVEL POLICY DIALOGUE ON ENFORCEMENT OF WATER LAWS IN SWIM-SM COUNTRIES

SWIM-SM Activity 2.2.12

Athens 14 & 15 October 2014

1.1 Background

As one of the main constraints discussed during the regional workshop on planning of water resources in SWIM-SM countries held on 13 and 14 of June, 2012 in Athens, Greece, effective water governance, and particularly the rule of law, was found to be often hampered by insufficient policies, inadequate legislative and regulatory frameworks, ill prepared judiciary systems, limited technical and institutional capacities and lack of appropriate modalities and operating systems to ensure compliance and enforcement.

Rule of law in the water and its relevant sectors essentially involves, but is not restricted to, the following main elements: (1) adequacy of water legislations; (2) degree of compliance; (3) capacity to monitor, inspect, audit & report non-compliance; (4) capacity to enforce through accredited monitoring; (4) qualified law enforcement officers, prosecutors and judiciaries; (5) public access to justice, etc.

In order to support SWIM-SM countries in facing these challenges and bridging the gaps as appropriate, the SWIM-SM project devised an integrated series of activities for the years 2013 and 2014. These activities started in 2013 with an assessment of the degree of compliance and the available enforcement capacities in selected SWIM-SM countries. It also included the development of guidelines aiming at improving compliance and enforcement of water legislations. In parallel, a capacity building activity was undertaken through training and exposure through a study tour to best practices in three European countries known for their advancement in this domain.



In 2014, the series of activities shall include an assessment of the adequacy of water legislations in terms of their compliance and enforcement in addition to an assessment of the institutional and judiciary capacities (prosecutors and judges responsible for water) to handle cases of water quality and quantity violations. Furthermore, as a concluding step in this series of activities, SWIM-SM is planning to convene a high-level meeting to debate the subject and draw a road map for countries of the region, develop policy options, agree on measures and tools to adopt to enforce rules of law in the water sector with the view of achieving compliance.

SWIM-SM activities touching upon Water Legislations, in 2012-2013, included

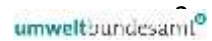
In 2012:

1. "Regional Review of National Water Plans and/or Strategies". The report aimed at providing the PCs with an assessment and close-up look on the status of national water planning in SWIM-SM PCs. The report analyzed and interpreted information in order to i) provide an assessment of achievements, constraints, challenges and shortcomings of the current water plans, ii) identify opportunities and iii) formulate recommendations and socially sensitive policy options towards effective implementation of water plans and/or strategies in PCs within an IWRM context.
2. Regional Expert Group Meeting (June 2012, Athens) to review, discuss, complement and validate the findings of the regional review of national water plans particularly with the view of confirming the series of policy options for further actions towards mainstreaming water resources management.
3. Regional Capacity Building Workshop (June 2012, Athens) for training of Government Officials on the Preparation of Water Plans/Strategies to expand the capacity of water stakeholders in PCs in developing and implementing IWRM plans and strategies and to introduce mainstreaming and participation as basic measures in planning and implementation of IWRM.

In 2013:

1. Capacity development program for water & environment prosecutors and investigators, in June 2013, including a 3-day Workshop followed by a 12-days study tour in 3 European countries.
2. Regional Guidelines on measures for improving compliance with water legislations and assessing the available enforcement capacity and mechanisms currently practiced in the SWIM-SM region to enforce water and environment related legislation with focus on 5 SWIM-SM PCs.

Despite the noticed efforts exerted by several SWIM-SM PCs towards realizing the rule of law and accountability in water resources management, it has been found that extensive effort still needs to be put forth by the range of partners involved to assist the PCs in spreading the rule of





law in water and environment sectors, with due consideration to prevailing ethics and integrity norms. On the request of the PCs and based on the work already done, SWIM-SM has further prioritized the subject within its work plan.

Within such a framework, SWIM-SM is planning to hold a two days regional high-level policy dialogue on enforcement of water and environment related legislations. The aim of the regional event is to reach a consensus among SWIM-SM PCs on policy options and to draw a road map to improve compliance & enforcement in the field. The ultimate goal of the event is to help SWIM-SM countries reach better water governance through implementing rules of law in the water sector.

1.2 Objectives & expected results

1.2.1 Objectives:

The main objective of the high level 2 days policy dialogue in Brussels (TBC) is to review the current enforcement and compliance issues in SWIM-SM PCs and identify gaps, deliberate possible policy options, identify measures to improve conformity including capacity needs and suggest guidelines for countries of the region towards better application of rule of law in the water sector with the view of achieving compliance.

1.2.2 Approach to meet meetings objectives

In order to achieve the meeting objective, an interactive and participatory approach will be adopted, involving

- During the first day of the policy dialogue, SWIM-SM will provide an account of the main outcomes of the SWIM-SM regional guidelines on measures for improving compliance with water legislations and assessing the available enforcement capacity and mechanisms currently practiced in the SWIM-SM region to enforce water legislation. This will be followed by a series of brief presentations on specified enforcement issue to identify all relevant aspects for deliberation. Each brief presentation shall be followed by moderated round tables on suitable measures and possible policy options to be considered in the region. Presentation of other regional analysis and programs in the fields could be added in the agenda. The afternoon sessions will be devoted for representatives from SWIM-SM countries to provide a brief account on their countries vision, policies and current capacity for the enforcement of water legislations.
- The second day of the meeting will be devoted for presenting and discussing additional water compliance and enforcement mechanisms. The second half of the day will be devoted to present and discuss draft nonbinding policies on enforcement of water legislations for the SWIM-SM countries. This shall encompass deliberations on recommended measures to be undertaken to enhance degree of compliance, building capacity and the way forward to implement the adopted policies.



- 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, (4) two eminent international experts, (5) two regional NGOs and (6) one relevant NGO from each SWIM PC. Selected international and regional institutions and organizations with expertise in the field such as UNESCO, European Parliament will be also invited. Along with representatives of EC DGs, EU Delegations may also wish to join.

1.2.3 Expected Outcome

A suggested policy brief to improve compliance & enforcement of water legislations, including policy options and recommended measures & tools catered for SWIM-SM countries to ensure conformity with water and environment related legislations.

Major areas where legislative and technical capacities are in need for further development/strengthening are identified.

Venue and Date

The events is planned to be held either in Athens for two days from 14 to 15 October 2014. Planned arrival to venue for EGM is 13 October and departure on 16 October 2014.