



Sustainable Water  
Integrated Management (SWIM) -  
Support Mechanism



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Water is too precious to waste

**GAPS AND CHALLENGES ENCOUNTERED IN ENFORCING WATER  
LEGISLATIONS IN THE SWIM REGION, Athens 14 & 15 October 2014.**

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# OBJECTIVE OF 2<sup>ND</sup> PRESENTATION

- To identify and discuss the grass root challenges & constraints leading to limited compliance with water and aquatic environment legislation.

# IMPORTANT QUESTIONS

1. Are water quality & quantity violations likely to be detected in SWIM Countries?
  2. Is the official response to violations swift & predictable?
  3. Does the response include a proportionate sanction?
- In many cases the answer is **NO**

# WHAT ARE THE FACTORS AFFECTING COMPLIANCE WITH WATER LEGISLATION IN THE SWIM REGION?

## 1- DETERRENCE FACTOR:

- It is the phenomenon of people changing their normal behavior to avoid a painful sanction.
- Inadequate monitoring, inspection, reporting & slow response of authorities to water violations led to inapplicability of deterrence.
- Deterrence is considered at its infancy stage in some SWIM countries.

## **2- ECONOMIC FACTOR:**

To eliminate any economic gain reaped by violating the requirements, the monetary penalty would ideally at least equal the amount the violator would save by not complying. To add to this, the deterrence factor based on probability of being caught.

- **Such modality is not existing in most SWIM countries. Methodology needed for penalty calculation is nearly nonexistent in the region.**

### **3- INSTITUTIONAL FACTOR:**

The history & social norms of noncompliance with water legislation in some SWIM-MS can be attributed to the lack of institutional capacity for the following reasons:

1. Some institutions enacted water laws that are unenforceable due to defects in their design such as lack of stakeholders participation, lack of economic consideration, etc. during preparation.
2. The implementing institutions often lack adequate monitoring, inspecting & reporting resources.
3. Some large-scale national development projects (particularly food-security, development of new communities & greening-deserts projects) with socio-political ramifications are politically exempt from complying with some water laws.

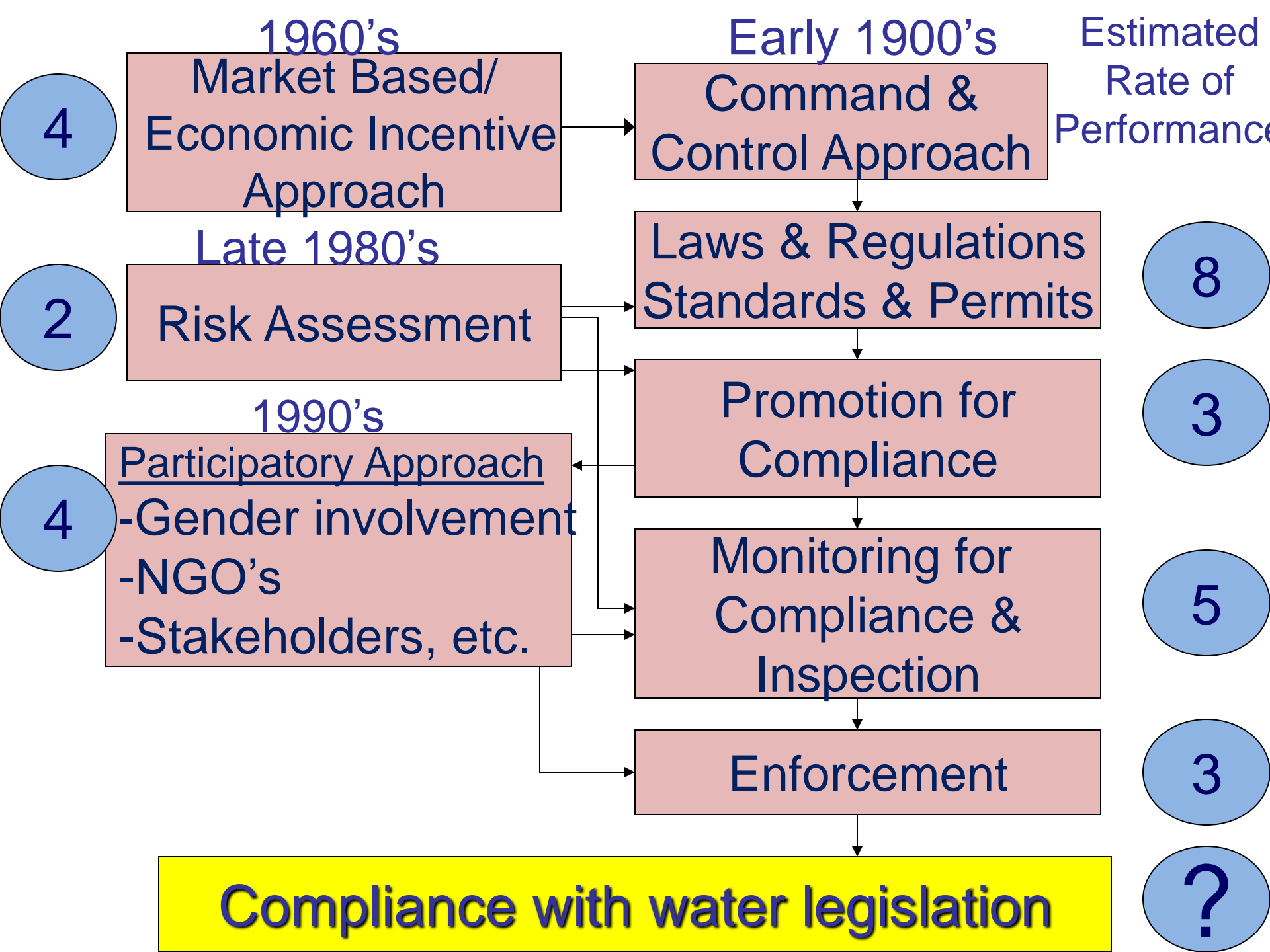
## 4- SOCIAL FACTORS:

- In very few cases, personal connections, social status, political ranking & clout play a pronounced role in determining the degree of enforcement of the water legislation.

## 5- PSYCHOLOGICAL FACTORS:

- Fear of change is one of the major factors observed in SWIM region. For instance,
  - Agricultural engineers & farmers believe that familiar & inherited old ways of water management are working & safe.
  - Farmers also believe that complying with new water conservation legislation might represent unnecessary & probably unacceptable risk to their productivity.
- Inertia is what makes water users resist change because of the perceived effort it will require to enact water legislation.





# WHAT IS COMMAND AND CONTROL APPROACH?

- In the command and control approach, the water and aquatic environment regulating authorities:
  1. prescribe the desired changes through detailed regulations,
  2. promote compliance with these regulations and
  3. finally enforce compliance with these regulations.

This is the most preferred & prevailing water resources management formula in the SWIM region.

This will be discussed in more details in next presentations.

## **1- MARKET BASED/ECONOMIC INCENTIVE APPROACH:**

- It uses market forces to achieve behavioral changes.
- It permits individual violators to choose among a range of alternatives to match costs with benefits.
- **The main instruments for economic dis-incentives:**
  - Fee system
  - Tradable permits
  - Auctions
- **The use of market based approach is of limited use in some countries in the region except in the case of water utilities** due to inadequate accredited monitoring and inspections, socio-economic and political factors.

## **2- RISK BASED APPROACH:**

- It establishes priorities for compliance & enforcement in the water sector based on the potential of reducing the risks posed to sustainability of water resources, economic losses, impacts on public health & degradation of the aquatic environment.
- There is a limited capacity available in SWIM region to implement this approach.  
This can be attributed to:

1. Inadequacy of regular water & aquatic environment monitoring programs.
2. Lack of investigations that can correlate between social wellbeing, availability of water resource and its quality.
3. Inadequacy of reliable database and information systems capable of storing, retrieving and disseminating water and aquatic environment data for conducting risk assessment studies.

4. insufficient national expertise in the area of biostatistics, water economics, environmental health, environmental epidemiology, etc.
5. Some of the governments in the SWIM-SM region consider risk assessment investigations and their potential communication to the public as sensitive issues with potential political undesirable ramifications.
6. Some of the water data available for risk assessment studies suffers from uncertainty due to inadequate Quality Assurance/Quality Control (QA/QC) programs in monitoring.

### **3- Participatory Approach:**

Some government agencies in few SWIM countries are reluctant to cooperate with stakeholders to improve compliance with water legislation. Engaging the grass root public in compliance & enforcement of water and/or aquatic environment regulations faces the following challenges:

1. According to the prevailing culture, traditions & political norms in some SWIM-MSs, the decision-making hierarchy still could not easily tolerate participatory bottom-up approach, or accept public interventions.
2. Some decision makers in the region usually express concern about the temptations of local NGOs to imitate what is being considered as immoderate & some time extravagant actions carried-out by some international NGO groups.
3. Public participation requires disclosure of water quality and quantity information. Water related information is considered by some government authorities as a politically sensitive issue that might lead to public confusion or panic & might affects tourism & trade.



مع خالص شكري  
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Thank you  
for your attention

Merci pour  
votre attention



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