

# SWIM and Horizon 2020 Support Mechanism

Working for a Sustainable Mediterranean, Caring for our Future

## SWIM-H2020 SM Regional Activities.....

Presented by:  
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**SWIM and Horizon 2020 SM - REG 11 – regional on-site training**  
**Introduction to good governance**  
2<sup>nd</sup> October 2018, Brussels, Belgium

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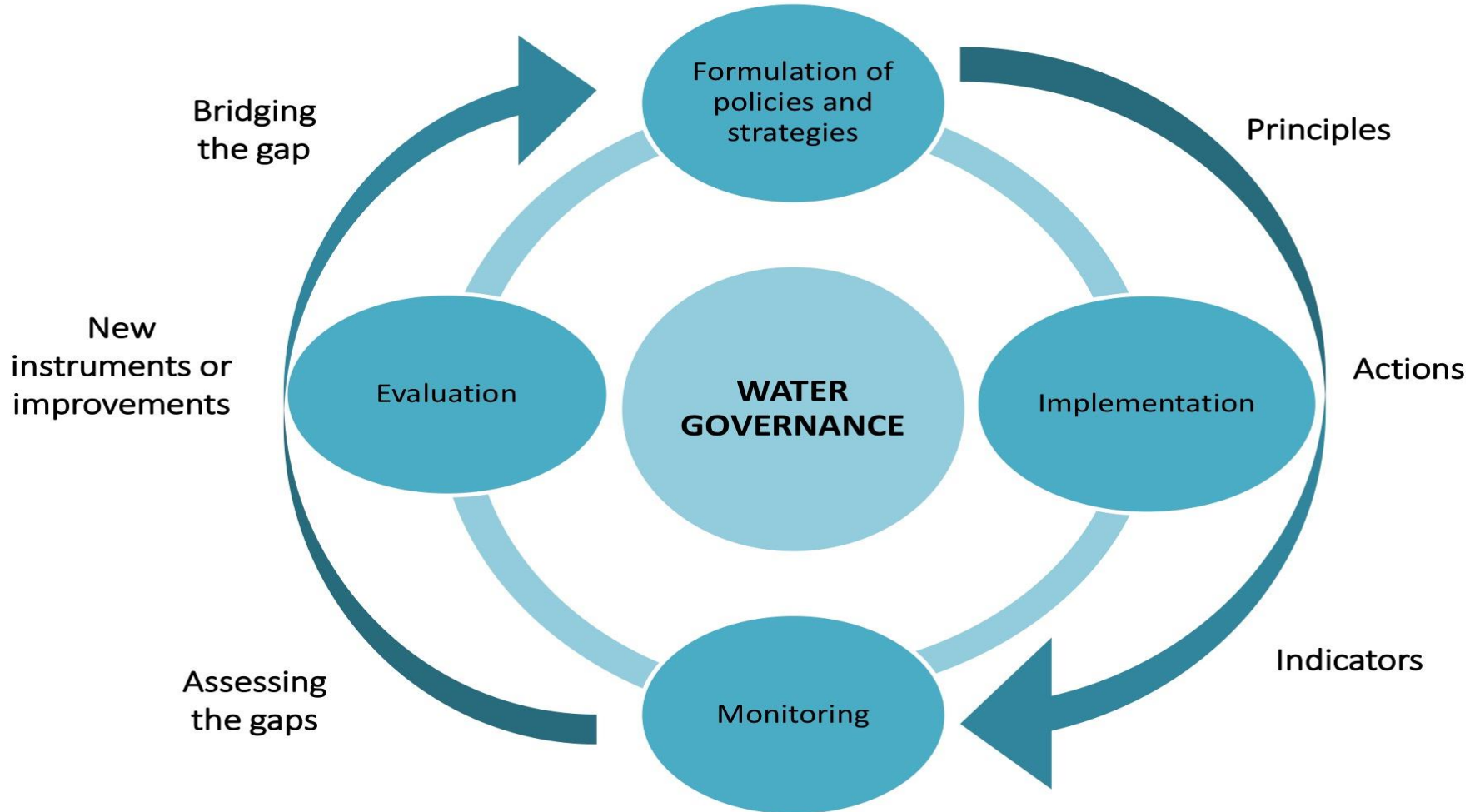
# Session 2: Introduction to good governance

## Agenda

- **Presentation** of key principles and elements of good governance
  - ✓ Water Governance Cycle and OECD principles
  - ✓ Good quality of laws
  - ✓ Good implementation and enforcement structures
  - ✓ Case study: “Semmering” railway tunnel project
- **Interactive session:** Analysis of a conflict situation – non harmonized permits for a planned project
- **Presentation and wrap-up of interactive session**

# WATER GOVERNANCE CYCLE

## The Water Governance Cycle



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- **Water governance** = range of political, institutional & administrative rules, practices & processes (formal/informal) through which
  - a) decisions are taken & implemented;
  - b) stakeholders are involved and
  - c) decision-makers are held accountable
- **Water governance = means to achieve a goal, not goal in itself**
- No one size fits all solutions
- Situations differ from country to country.
- Responses to be adapted to climate/geographical situation
- Governance is highly context-dependent

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### Recommendations OECD Council on Improving Quality of Government Regulation

- 1: Problem Correctly Defined?
- 2: Government Action Justified?
- 3: Regulation Best Form of Government Action?
- 4: Legal Basis for Regulation?
- 5: Appropriate Level (or Levels) of Government for this Action?
- 6: Do Benefits of Regulation Justify the Costs?
- 7: Distribution of Effects across Society Transparent?
- 8: Regulation Clear, Consistent, Comprehensible, Accessible to Users?
- 9: All Interested Parties had Opportunity to Present Views?
- 10: How will Compliance be Achieved?

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### OECD Principles on Water Governance:

- Effectiveness (meet targets)
- Efficiency (regarding the costs to society)
- Trust and Engagement (inclusiveness, legitimacy, fairness)

### Instruments mix:

**a) Voluntary**

**b) Fiscal**

**c) Legal (command & control)**

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### A) Voluntary instruments

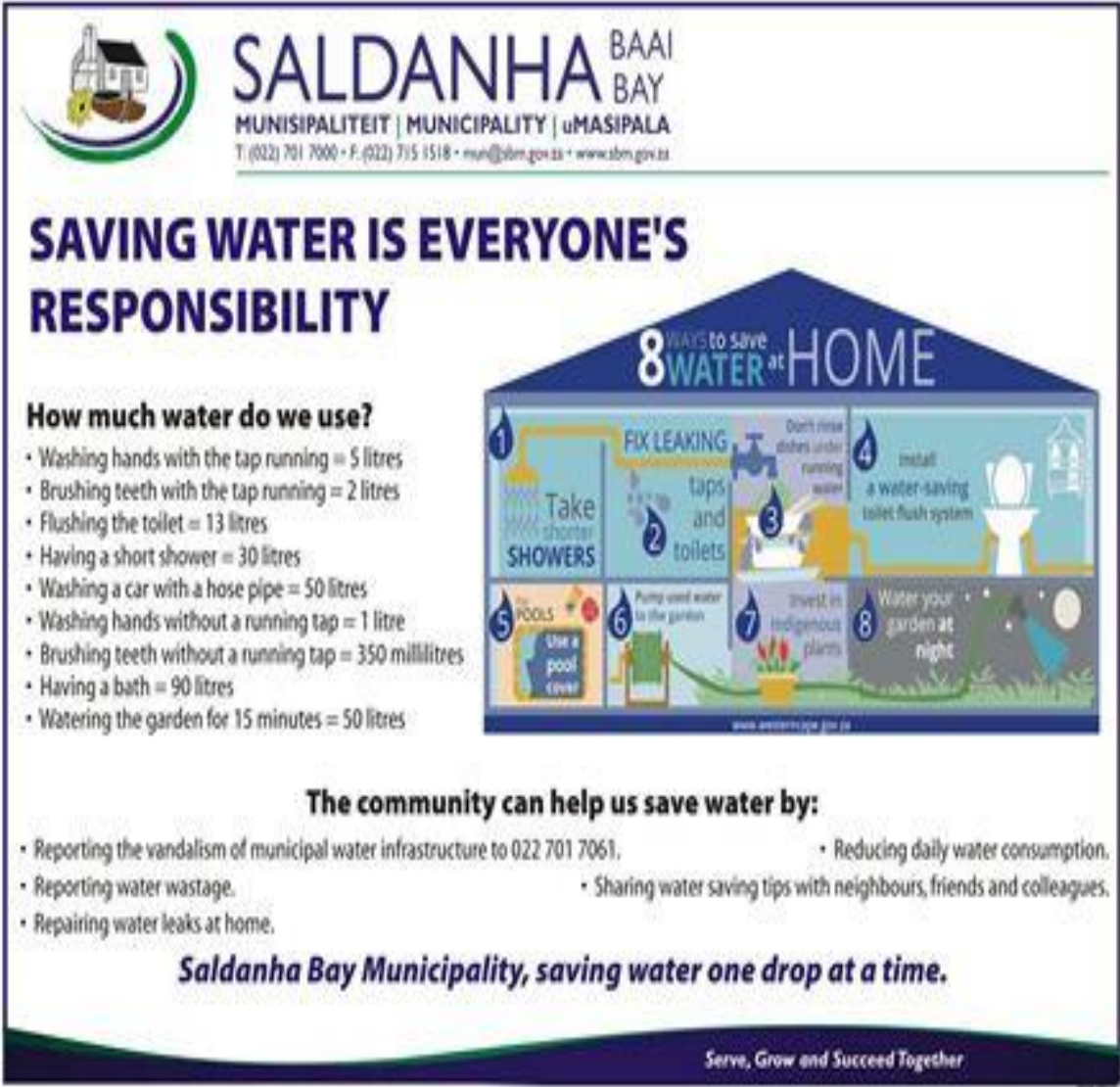
*Idea: Motivate the stakeholders and make win-win-situations visible for the stakeholders!*

- Use persuasion
- Dialogue with stakeholders
- Sending messages (campaigns)
- Agreement regarding goals -> less need for enforcement
- Control still needed though

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## Example for voluntary instrument: *Motivation of private water consumers in a Municipality in South Africa*

[http://www.saldanhabay.co.za/pages/campaign/pre\\_ss\\_4.html](http://www.saldanhabay.co.za/pages/campaign/pre_ss_4.html)



The poster features the Saldanha Bay Municipality logo at the top left, which includes a house and a water tap. To the right of the logo, the text reads 'SALDANHA BAAI BAY' in large letters, followed by 'MUNISIPALITEIT | MUNICIPALITY | uMASIPALA' and contact information: 'T: (022) 701 7000 • F: (022) 715 1518 • email@salm.gov.za • www.salm.gov.za'. The main title is 'SAVING WATER IS EVERYONE'S RESPONSIBILITY'. Below this is a section titled 'How much water do we use?' with a list of activities and their water consumption. To the right is a graphic titled '8 WAYS to save WATER at HOME' shaped like a house, with eight numbered tips. At the bottom, it says 'The community can help us save water by:' followed by a list of actions. The footer includes the slogan 'Saldanha Bay Municipality, saving water one drop at a time.' and the motto 'Serve, Grow and Succeed Together'.

**SALDANHA BAAI BAY**  
MUNISIPALITEIT | MUNICIPALITY | uMASIPALA  
T: (022) 701 7000 • F: (022) 715 1518 • email@salm.gov.za • www.salm.gov.za

### SAVING WATER IS EVERYONE'S RESPONSIBILITY

#### How much water do we use?

- Washing hands with the tap running = 5 litres
- Brushing teeth with the tap running = 2 litres
- Flushing the toilet = 13 litres
- Having a short shower = 30 litres
- Washing a car with a hose pipe = 50 litres
- Washing hands without a running tap = 1 litre
- Brushing teeth without a running tap = 350 millilitres
- Having a bath = 90 litres
- Watering the garden for 15 minutes = 50 litres

#### 8 WAYS to save WATER at HOME

1. Take shorter SHOWERS
2. FIX LEAKING taps and toilets
3. Don't rinse dishes under running water
4. Install a water-saving toilet flush system
5. POOLS: Use a pool cover
6. Pump used water to the garden
7. Invest in indigenous plants
8. Water your garden at night

**The community can help us save water by:**

- Reporting the vandalism of municipal water infrastructure to 022 701 7061.
- Reporting water wastage.
- Repairing water leaks at home.
- Reducing daily water consumption.
- Sharing water saving tips with neighbours, friends and colleagues.

**Saldanha Bay Municipality, saving water one drop at a time.**

Serve, Grow and Succeed Together



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### B) Fiscal instruments

***Idea: Make the “user pay” and the ‘polluter pay’ principle operational !***

Incentives by

- prices, charges, or:
- grants, subsidies

Situation in Austria: incentives mainly through grants and subsidies, relatively few and rather low charges compared to other EU countries (e.g. compared to France)

Report:

Green growth knowledge platform, *Fiscal instruments and water scarcity*, 2015

[http://www.greenfiscalspolicy.org/wp-content/uploads/2015/11/Fiscal\\_Instruments\\_and\\_Water\\_Scarcity\\_GGKP.pdf](http://www.greenfiscalspolicy.org/wp-content/uploads/2015/11/Fiscal_Instruments_and_Water_Scarcity_GGKP.pdf)

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### C) Legal Instruments – the “classical” instruments

#### Good quality of laws – what does it mean?

**“A law is of good quality if it is fit for purpose”**

#### **What does “fit for purpose” mean?**

- ✓ The law properly reflects the policy objectives, e.g. water supply targets, ecological targets, energy policy (renewables/hydro power)
- ✓ The law is enforceable in terms of language - no general or ambiguous wording
- ✓ Clear nomination of competent authorities e.g. local or regional authorities and appropriate infrastructure in these authorities (office equipment, staffing, qualifications, etc.)

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## Good implementation and enforcement structures – what does it mean?

**“... means an administrative set up which ensures full implementation of the law”**

### **Key elements of good implementation and enforcement structures:**

- ✓ Good planning (e.g. river basin management plans)
- ✓ Tools for the implementation of the planning (e.g. authorization/permitting procedures)
- ✓ Control mechanisms (e.g. inspections, enforcement measures and administrative fines)
- ✓ Sufficiently staffed and well-trained competent authorities

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## Good planning - example:

### *River basin management plans as defined in the EU - Water Framework Directive*

The EU - Water Framework Directive is based on sound planning. Planning is done based on river basins and specified as follows:

- River basin management plans are prepared per ***river basin district***.
- What is a river basin district? River basin district means *“the area of land and sea, made up of one or more neighboring river basins together with their associated groundwaters and coastal waters, which is identified as the main unit for management of river basins”*.
- What is the content of the plan? River basin management plans shall contain *“programmes of measures”*, consisting of *“basic measures”* and *“complementary measures”*

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## Tools for the implementation of the planning (e.g. authorization/permitting procedures)

Example from Austria regarding authorizations (Art. 103 – 112 Austrian Water Act):

- Construction of e.g. water supply installations, hydro power stations, dams, but also bridges and streets which are close to surface waters require a water permit based on a procedure with public
- Permitting procedures provide for a comprehensive check of all aspects in favor and against a project, including a public hearing
- Permits are issued for a limited number of years and contain permit conditions aiming at protection of the environment and the interest of neighbors and other interested parties, such as municipalities in the project area, fishing associations, environmental NGOs, etc.
- Legal remedies are available to check the correctness of the permit, e.g. NGOs can go to Court if they find that protected habitats are threatened.

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### Control mechanisms (e.g. inspections, enforcement measures and administrative fines)

Example from Austria (Art. 130 – 138 Austrian Water Act):

- Water authorities in charge (= district administrations) carry out regular inspections according to an inspection plan
- If they find irregular constructions they can request their removal
- Alternatively – in case there is no obvious danger for the environment and other public interests - the operator can be granted a grace period until when he has to apply for a permit
- Administrative fines can be prescribed in addition to the removal order
- In case of non-fulfillment of reporting obligations (e.g. environmental monitoring requirements) and other permit conditions (e.g. maintenance of devices) fines are an important instrument to put pressure on the obliged person/company.

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## Sufficiently staffed and well-trained competent authorities

Example from Austria:

- The Austrian Water and Waste Management Association (ÖWAV) provides for comprehensive training programmes, both for staff of authorities and for staff of operators (e.g. staff of waste water treatment facilities)
- Besides these specialized trainings life-long-learning programmes are offered by the public administration academies of the federal and the provincial governments
- Sufficient staffing of central and local authorities is important
- Reduction of work-load for civil servants was achieved through e-government solutions, such as the EDM tool (“Electronic Data Management”) and the WISA (Water Information System Austria) system.

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**Opportunities for training of specialized staff members on EU level:**

***European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL)***

**[www.impel.eu](http://www.impel.eu)**

**2017 study:**

**-> lack of resources and qualified staff - main barriers for effective implementation of environmental regulations,**

**<https://www.impel.eu/wp-content/uploads/2018/04/FR-2017-27-Implementation-Challenge-follow-up.pdf>**



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## Case study from Austria:

### “Semmering” – permitting conflict around a railway tunnel project

- Project of new railway tunnel through the Semmering mountain from early 1990s:
  - Railway construction permit issued; Ecological permit (Authorization from the Nature Protection Authority) refused → The project was blocked and there were court review procedures lasting for many years → project abandoned
- Revised railway tunnel project from around the year 2000, when the new EIA legislation was already applicable:
  - Concentrated structured procedure under which all competent authorities worked together and issued the required authorizations in a well coordinated manner
  - Today all required permits are valid and construction of the tunnel has well advanced
  - High level of environmental protection is ensured via the EIA study and related permit conditions, including monitoring requirements, e.g. effects on the surface and ground waters in the project area.

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### Interactive session (2 groups) – difficulties in permitting

*Analysis of a governance related conflict situation in your country – non harmonized permits for a planned project*

- What was the background (type of project and nature of conflict)?*
- Could it finally be resolved/not resolved (outcomes – state of today if known)*
- What are the “lessons learnt”? In which way would the governance framework/ the legislation in your country or the organizational structure of your organization have to be modified/improved?*

Time frame: 15-20 min

Please briefly present your findings on a flip-chart after the interactive session.

# SWIM-H2020 SM

## For further information

### Website

[www.swim-h2020.eu](http://www.swim-h2020.eu)

E: [info@swim-h2020.eu](mailto:info@swim-h2020.eu)

### LinkedIn Page

[SWIM-H2020 SM LinkedIn](#)

### Facebook Page

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Thank you for your attention.

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