REG-11

REGIONAL ON-SITE TRAINING

"Good water governance, focusing on regulatory aspects and the design, monitoring and enforcement of policies"

2 – 3 October 2018, Brussels, Belgium

Albert Borschette Congress Center, Rue Froissart 36, 1040 Brussels

1 INTRODUCTION: THE SWIM-H2020 SM PROJECT

The SWIM-H2020 Support Mechanism (SM) is a Regional Technical Support Program funded by the European Commission, Directorate General (DG) NEAR (Neighbourhood and Enlargement Negotiations), that includes the following Partner Countries (PCs): Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine, [Syria] and Tunisia. However, in order to ensure the coherence and effectiveness of Union financing or to foster regional co-operation, eligibility of specific actions will be extended to the Western Balkan countries (Albania, Bosnia Herzegovina and Montenegro), Turkey and Mauritania. The Program is funded by the European Neighborhood Instrument (ENI) South/Environment. It ensures the continuation of EU's regional support to ENP South countries in the ields of water management, marine pollution prevention and adds value to other important EU-funded regional programs in related fields, in particular the SWITCH-Med program, and the Clima South program, as well as to projects under the EU bilateral programming, where environment and water are identified as priority sectors for the EU co-operation. It complements and provides operational partnerships and links with the projects labelled by the Union for the Mediterranean, project preparation facilities in particular MESHIP phase II and with the next phase of the ENPI-SEIS project on environmental information systems, whereas its work plan will be coherent with, and supportive of, the Barcelona Convention and its Mediterranean Action Plan.

The overall objective of the Program is to contribute to reduced marine pollution and a more sustainable use of scarce water resources. The Technical Assistance services are grouped in 6 work packages: WP1. Expert facility, WP2. Peer-to-peer experience sharing and dialogue, WP3. Training activities, WP4. Communication and visibility, WP5. Capitalizing the lessons learnt, good practices and success stories and WP6. Support activities.

2 BACKGROUND AND OBJECTIVES

The purpose of the specific regional on-site training REG-11 is to promote good governance in the context of water resources management by introducing **key stakeholders** of the water sector to key principles of good governance, focusing on regulatory aspects, the design and monitoring enforcement of policies, as well as public participation.

Other objectives include promotion of north to south and south to south exchange and experience sharing through:

1. Presenting and discussing practical examples from Europe;

2. Facilitating the exchange of experiences between participating practitioners.

3 APPROACH TO MEET THE WORKSHOP OBJECTIVES

In order to achieve the workshop objectives, a highly dynamic, interactive, facilitated and participatory approach will be adopted, making use of professional learning tools such as:

1. Presentations by trainers
2. Break-out session in small groups for the exchange of experiences; each facilitated by a trainer
3. Plenary session to share the new perspectives and ideas obtained in the training

The agenda of the training is designed in a way that permits a balance between inputs from the trainers on new themes and methodology as well as space for experiences exchange among participants and active participation in exercises.

The training will also take into account pressing issues emerging during the sessions.

Copies of the training material will be prepared by the course trainer and will be provided to all participants on a flash memory. A certificate of attendance will be awarded to the participants at the end of the course

The languages of the Workshop will be English and French.

4 RESOURCES FOR PARTICIPANTS

Resources that are intended to be provided to participants are:

1. PowerPoint presentations

2. Group discussions

3. Case studies and group exercises

5 TRAINERS

- Ms Melanie Muro, Coordinator of the training activity & Senior Expert in Water Policy, Milieu

- Mr Fritz Kroiss, Senior Expert in Governance, UBA

- Mr Francois Touchais, Senior Legal Expert, LDK

- Mr Emad Adly, Senior, Expert in Strategic Environmental Assessments, RAED

- Ms Katharina Lenz, Senior Expert in Monitoring and Evaluation, UBA

- Mr Arnulf Schönbauer, Senior Expert in Water and Institution Development, UBA

- Mr Tony Zamparutti, Senior Expert in Economic Policy Instruments, Milieu

- Mr Jasper Fiselier, Senior Expert in Public Participation, RHDHV

- Mr Dirkjan Douma, Senior Expert in Community-based resource management, RHDHV

Prof. Michael Scoullos, Team leader for the SWIM-H2020 SM will deliver an introductory talk at the outset of the training vent. The Key Water Expert, Ms. Suzan Taha, will act as resource person and will oversee the harmony of the training workshop and its alignment with the objectives assigned to it.

6 TRAINING CONTENT

The REG-11 on-site training (2 and 3 October 2018) is organized along three modules:

Module 1: Introduction to good governance and the policy cycle

This session will introduce participants to some of the key concepts covered throughout the training event, including **good governance, the policy cycle and the DPSIR (Drivers, Pressures, State, Impact, Response) framework.** A short presentation will first elaborate on the role of good governance as one of the four components of sustainable development before providing a brief introduction to the policy cycle model, which is widely used as a guide to how policy should be drafted, implemented and assessed. The DPSIR framework, which can serve as an analytical tool throughout the various stages of the policy cycle, is also briefly explained.

The main part of the session will focus on the **key principles and elements of good governance** which include: (1) good quality of laws and (2) good implementation and enforcement structures. Good quality of laws refers to laws which are fit for purpose. Laws are fit for purpose if they a) properly reflect the policy objectives, e.g. achievement of certain quantitative and qualitative objectives for specific water bodies and b) are enforceable both in terms of language (no general or ambiguous wording) and in terms of clear nomination of competent authorities e.g. local or regional [specialized] authorities. Good implementation and enforcement structures imply an administrative set up which provides for planning (e.g. river basin management plans), implementation (e.g. permits) and control (e.g. inspections,

enforcement measures and administrative fines) and which requires sufficiently staffed and well-trained competent authorities. Using a mix of presentations and hands-on exercises, participants will gain a thorough understanding of the key issues at stake, enabling them to replicate what they learn in the training session in their own work environment.

Module 2: Policy design and evaluation

This module introduces the participants to several instruments suitable to contribute to effective policy design and evaluation. The first session presents **Strategic Environmental Assessment (SEA) as an environmental planning tool for improving decision-making at the strategic level of decision-making, policies, legislation, strategies, plans, and programs and as a process for improving public policy design and good governance of natural resources[1].** As such, SEA serves as an instrument for environmental mainstreaming of policies and plans. SEA can play a key role in delivering water policy objectives in a balanced and sustainable manner by ensuring greater consideration of the environmental impacts of the plans, strategies or policies and by providing an important opportunity for public participation in decision-making, at an early stage, before specific projects are drafted. This session will present the key principles of SEA and will illustrate how SEA can be integrated into the planning process, what the expected benefits are as well as the main assessment stages and resources required. Practical examples will illustrate how SEA can be implemented in water resources planning and policy-making, how assessment findings can be used and how common challenges in carrying out SEA might be addressed.

The establishment of water policies is only useful, when mechanisms to monitor and control their correct and timely implementation and mechanisms of enforcement are available. Hence, the second session under this module addresses the **evaluation of policies by means of compliance checks.** The EU Urban Waste Water Treatment Directive (Directive 91/271/EEC, UWWTD) dates back to the year 1991 and offers a long history of improvements as regards the efficiency of checking compliance with the Directive. Experience with the UWWTD showed, that the elements that are required for an effective assessment of compliance include *inter alia* a clear definition of the appropriate parameters/ indicators, reporting routines and formats in order to assess compliance, a strict timetable for reporting, automatized compliance checks to ensure a timely evaluation of reported data as well as visualization/ publication tools to raise awareness on the effects of a specific policy. Participants will gain a thorough understanding of the aims of, approaches to and tools for compliance checks. Based on good and bad examples presented the participants should be able to design and establish compliance control and monitoring mechanism to evaluate water-related policies.

The final part of this module will introduce participants to **elements of environmental performance auditing**. Environmental audits are instruments with which the use and achievement of objectives of public funds in environmental protection and resource management can be verified. The results serve to improve strategies, action plans and programming. There can be financial, compliance and performance audits in environment. The knowledge of the environmental audit in the partner countries is limited. A brief presentation followed by a question and answer session will allow participants to familiarize themselves with the performance auditing cycle, the three "e" (economy, efficiency and

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[1] World Bank. 2010. Strategic Environmental Assessment: Improving Water Resources Governance and Decision Making. Water P-Notes; No. 48. Washington, DC. © World Bank. https://openknowledge.worldbank.org/handle/10986/11695 License: CC BY 3.0 IGO

effectiveness) which form the basis of performance audit, the methodologies applied in an environmental performance auditing as well as the elements of an audit report.

Module 3: Implementation and enforcement

Day two of the training event will be dedicated entirely to the topic of policy implementation and enforcement. The first session will focus on the legal framework as a prerequisite for good water governance and will introduce participants to various **law enforcement approaches**. Moving towards effective water legislation implies compliance with a comprehensive list of administrative and criminal sanctions, implementation of a detailed permitting systems but also well-trained institutional capacities of inspections. In order to efficiently control the uses and misuses of water, all ministries involved in the water sector must cooperate within a central high-level advisory council. Administrations must operate at field level through a motivated, trained and well-equipped corps of engineers and technicians. The pursuit of offences is a stringent societal challenge. Penal actions are the most deterrent means against environmental criminals. They require the highest standard of proof because of the risk of alteration and require sophisticated investigation techniques. Administrative actions, such as license suspension or fines, produce better results than penal actions, but necessitate long-term investments. A comprehensive permitting system shall be based on a classification and objective criteria of operations likely to be infringed. Administrative actions, if well-defined can be very efficient and cover the largest scope of offenses. The session will use a mix of presentations and hands-on activities to build participants capacity on comprehensive permitting systems, classification of water related activities and operations (withdrawals, rejections…) as well as administrative infringement procedures and related sanctions. In addition, the session with create awareness amongst participants of the need for and approaches to shaping administrative, penal definitions and sanctions, advocating for common policies between Ministries in charge of water, on one side, and the Ministry of Justice and local courts, on the other, mobilizing, in parallel, prosecutors and magistrates.

The second session under this module will introduce key **approaches for economic and voluntary instruments**, provide examples of their use in the EU, and explore opportunities for their implementation in the SWIM countries. Economic instruments have a key role to play in water management: they support cost recovery and implement the polluter pays principle. Despite their advantages, many governments have given economic instruments a secondary role compared to regulatory ('command-and-control') instruments. At EU level, the Water Framework Directive (EUWFD) calls for the recovery of the costs of water services, including environmental and resource costs and for water pricing that provides incentives for users to use water resources efficiently. The session will focus on three key types of economic instruments: water pricing, trading of water rights during drought periods, and water pollution fees. Voluntary instruments provide flexibility and can strengthen environmental performance, going beyond regulatory requirements and government capacity to implement and enforce them. In the EU, agricultural runoff is one of the main sources of water pollution (as described in the European Environment Agency (EEA)'s j assessment of Europe's waters published in 2018[2]) and one that has proved stubbornly difficult to address. The session will present examples of voluntary agreements with farmers to reduce runoff, including those financed by drinking water supply companies. Using a mix of presentations, discussions and group work, the session will allow participants to develop an understanding of principles and key

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[2] https://www.eea.europa.eu/themes/water/water-assessments/eea-2018-water-assessment

terms for economic instruments and voluntary instruments, explore the benefits and constraints of these instruments, and assess opportunities for using these instruments.

The success of water policies is determined to a great extent by feedback and "adaptive management" based on regular monitoring mechanisms put in place to control their correct and timely implementation. Hence, the third presentation in this module will focus on **supporting implementation through monitoring: the WFD-Programme of Measures (PoM) – surface water**. The WFD established a framework for sustainable water management through the development of River Basin Management Plans (RBMPs) and Programmes of Measures (PoMs), with the objective of preventing deterioration of the aquatic environment and of achieving good status of all water bodies by 2015. According to the WFD, the PoMs are established in order to achieve the environmental objectives of the Directive and should therefore include the actions that Member States plan to take for that purpose. Based on the example of four significant water management issues (organic, nutrient and hazardous substances pollution and hydromorphological alterations), participants will gain a thorough understanding of the aims and approaches of PoM as well as of the monitoring and evaluation tools for assessing the PoM for surface waters.

The final part of the training will address the theme of public participation. The first session will present **participatory approaches in environmental sustainability, particularly the community-based programs for "adoption of a stream"; capitalising on the activity undertaken by the project within the scope of the Expert Facility (EF) work.** Steering stakeholders can have different forms. Laws, regulations and law enforcement are one way, but voluntary involvement of stakeholders also has great potential. Riparian residents have a keen interest in restoring their rivers and streams, to a state they used to know and appreciate. They are also keen observers that note changes over longer periods, but also incidents of shorter duration. They also seek opportunities to engage in community based and meaningful activities. The simplest form of engagement is that of a regular clean up, taking away the trash, that somehow always seems to accumulate on the shores of rivers and streams. These activities are often linked with public awareness campaigns and education for Sustainable Development programmes, as described in the Marine Strategy on Education for Sustainable Development (MSESD)[3] and its Action Plan[4.] There are however also more elaborate and also more formalized forms of stakeholder and public engagement. In some countries involving stakeholders is highly organized with involvement of national, regional and local authorities. The session will consist of presentations on key concepts and examples and a debate on the potential of participatory approaches in reaching water management objectives. It will allow participants to discuss principles and concepts of stakeholder involvement in water management, notably stream restoration and management, learn about examples of how stakeholder involvement can be organized and how the involvement can be stimulated as well to discuss the potential of stakeholder involvement in reaching WFD objectives.

The final session will present **success stories in mobilizing participatory approaches in the South Mediterranean countries**. Examples will serve as a basis for drawing out key lessons for designing and implementing effective participation processes in the region.

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[3] http://www.medies.net/_uploaded_files/publications/msesd%20booklet.pdf
[4] http://www.medies.net/_uploaded_files/cyprus%20conference%202016/eng_%20action_plan_accepted_ with%20post%20edits_15%20dec.pdf

7 TARGET AUDIENCES

This training explores the core principles and components of good governance for integrated water resources management, with a focus on legislative frameworks, approaches to and instruments for effective policy design, implementation and enforcement as well as monitoring and evaluation. The intended audience of this training activity therefore includes law and policy makers, water resources' managers and planners, researchers and specialised NGOs working on:

- The development and enforcement of water regulation;

- The development, implementation and evaluation of water policies and plans;

- The design and implementation of policy instruments and specific interventions for ensuring compliance, including voluntary, economic and participatory approaches.

8 LEARNING OUTCOMES

Throughout the training event, participants will have the opportunity to:

1. Deepen their understanding of the key principles, components and benefits of good governance with a strong focus on the regulatory framework;

2. Reflect on the strengths and shortcomings of and opportunities for good governance practices in their home countries.

3. Get familiar with approaches to and methods for effective policy design, monitoring and evaluation, including DPSIR, Strategic Environmental Assessment (SEA) and Environmental Auditing;

4. Explore a range of regulatory, economic and participatory instruments for policy implementation and enforcement, including their benefits and drawbacks.

9 AGENDA

Day 1: 02/10/2018

Item	Time	Description	Speaker
#1	9:00 – 9:30	**Welcoming remarks** • *Introduction to the SWIM-H2020 project* • *Overview of the agenda* • *Completion of evaluation questionnaires (1)*	Suzan Taha (Key water Expert) Melanie Muro (NKE 1)
		Module 1: Introduction to good governance and the policy cycle	
#2	9:30 – 10:00	**Introduction to governance in sustainable development and the policy cycle** • *Governance as the foundation of all three sustainable development pillars* • *The DPSIR policy cycle*	Prof. Michael Scoullos, (Team leader SWIM-H2020 SM, via Skype)
#3	10 :00- 11 :15	**Introduction to good governance** • *Principles and elements of good governance* • *The concept of the policy cycle and its practical application* • *Examples of good and deficient governance field of water management from EU Member States* • *Hands on exercises /interactive sessions*	Fritz Kroiss (NKE 2) Francois Touchais (NKE 3)
	11:15 - 11:30	**Coffee break**	
		Module 2: Policy design and evaluation	
#4	11:30 – 13:00	**Strategic Environmental Assessment (SEA) as an instrument for environmental mainstreaming of policies and plans** • *SEA aims and key elements* • *SEA rationale and comparison to EIA* • *Benefits of applying SEA to policies and plans* • *SEA case studies in the water sector*	Emad Adly (NKE 4) Melanie Muro (NKE 1)
	13:00 – 14:30	**Lunch break**	
#5	14:30 – 16:00	**Compliance check of legal requirements using the example of the EU Urban Wastewater Regulation** • *Introduction and background, including mechanisms of compliance controls at operational, regional, national and EU-level* • *Good and deficient practical examples for compliance control and monitoring in different (EU-)countries* • *Hands-on exercises/ interactive sessions*	Katharina Lenz (NKE 5)

Item	Time	Description	Speaker
	16:00 - 16:30	**Coffee break**	
#6	16:30 – 17:30	**Elements of environmental performance auditing** • *Selecting topics for environment audits* • *Defining objectives, questions and criteria* • *Drafting an audit report*	Arnulf Schönbauer (NKE 6)

Day 2: 03/10/2018

Item	Time	Description	Speaker
#7	8:00 – 8 :30	**Welcome** • *Recap of Day 1 and agenda for Day 2*	Melanie Muro (NKE 1)
		Module 3: Implementation and enforcement	
#8	8:30 – 10:00	**Law enforcement approaches** • *Compliance and inspections* • *Administrative and criminal sanctions* • *Permitting systems* • *Group discussion*	Francois Touchais (NKE 3) Fritz Kroiss (NKE 2)
	10:00 – 10:30	**Coffee break**	
#9	10:30 – 12:00	**Economic and voluntary instruments** • *Introduction to economic and voluntary instruments* • *Case studies* • *Discussion of regional examples, opportunities and constraints*	Tony Zamparutti (NKE 7) Melanie Muro (NKE 1)
#10	12:00-13:00	**Supporting implementation through monitoring: the WFD-Programme of Measures (PoM) – surface water** • *Introduction to aims and approaches of the PoM as well as monitoring requirements* • *Case studies* • *Discussion of regional examples, opportunities and constraints*	Katharina Lenz (NKE 5)
	13 :00 – 14 :30	**Lunch break**	
#11	14:30 – 16:00	**Participatory approaches in environmental sustainability and introduction to community-based programs for "adoption of a stream"** • *Principles and concepts* • *Examples of adopting a stream* • *Organisational models* • *Group discussion*	Jasper Fiselier (NKE 8) Dirkjan Douna (NKE 9)

Item	Time	Description	Speaker
#12	16:00 – 17:00	**Success stories in mobilizing participatory approaches in the South Mediterranean countries** • *Participatory Learning and Action methods* • *Dialogue as a tool for stakeholder engagement* • *Popular Water Diplomacy* • *Millennium Development Goals and initiative on water and sanitation*	Emad Adly (NKE 4)
#13	17:00 – 17:30	**Closing remarks** • *Follow-up process* • *Completion of evaluation questionnaires*	Suzan Taha (Key water Expert) Melanie Muro (NKE 1)