Public participation in the implementation of the Water framework directive in Spain

Alba Ballester Ciuró
February, 19, 2015
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   - Public participation in planning cycle

3. Public participation and social capacities: The ongoing research in Tucson
Public participation Conceptual framework

• **What is public participation?** Political and social practices through which the public intended to influence the public issues. It can be institutional or non-institutional, and in different degrees. *On who does the final decision rest?*

• **What is a stakeholder?** Everyone who is affected or have any interest in the decision-making. *Who does promote the participation?*
Institutional framework on water management in Europe

INTERNATIONAL COMMUNITY

**Actions:** The adoption of the agreements which regulate the relationships and cooperation between the states and international organizations.

**Actions:** The adoption of regulations, directives and required decisions to Member states, which have priority on the national laws.

**Environmental competences:** Shared with the other Member states.

**Institutions:** European Council and European Parliament (the adoption of legislative acts). European Commission (compliance of European law). Court of justice (interpretation and application of European law).

EUROPEAN UNION

**Actions:** Adaptation of national law to European law, adoption of regulations and acts.

**Environmental competences:** Shared between the State (inter-community basins), autonomous communities (intra-community basins), and local institutions (urban water cycle: water supply and purification)

**Institutions:** Environmental Ministry, Environmental Departments of each autonomous community, Councils.

SPAIN

Adapted from Ballester, 2015
Legal framework for public participation

INTERNATIONAL COMMUNITY
- Río de Janeiro Declaration, 1992
  - Aarhus Convention, 1998
  - Directive on public access to environmental information and repealing (2003/4/CE)
  - Directive on public participation in environmental decisions (2003/35/CE)
  - Proposal of Directive on access to justice in environmental matters (COM(2003)624)

EUROPEAN UNION
- Directive on public access to environmental information and repealing (2003/4/CE)
- Directive on public participation in environmental decisions (2003/35/CE)
- Proposal of Directive on access to justice in environmental matters (COM(2003)624)

SPAIN
- Environmental information: Management and dissemination arts. 6-9 Ley 27/2006, access on request arts. 10-15 Ley 27/2006
- Public participation: Public policy (arts. 7 C. Aarhus 1998, regulation norms art. 18 Ley 27/2006), plans and programs (arts. 17 Ley 27/2006; Ley 29/2006; 41.3 RDL 1/2001), projects and installations (arts. 3 RDL 1/2008; 16 Ley 20/2006)
Water policy (D 2000/60/EC)

**Principles**
- Ecosystem protection
- Sustainable water use
- Public participation

**Aims**
- Good status of waters 2015
- Availability guarantee

**Means**
- Hydrological Planning
- Programme of measures
- Monitoring programme

Adapted from La Calle, 2008
Public participation requirements in WFD

Article 14: Public information and consultation
1. Member States shall encourage the **active involvement of all interested** parties in the **implementation** of this Directive, in particular in the production, review and updating of the river basin management plans. Member States shall ensure that, for each river basin district, they publish and make available for comments to the public, including users:
   a) a **timetable and work programme** for the production of the plan, including a statement of the consultation measures to be taken, at least three years before the beginning of the period to which the plan refers;
   b) an interim **overview of the significant water management issues** identified in the river basin, at least two years before the beginning of the period to which the plan refers;
   c) **draft** copies of the river basin management plan, at least one year before the beginning of the period to which the plan refers.

On request, **access shall be given to background documents and information** used for the development of the draft river basin management plan.

2. Member States shall allow at least **six months to comment in writing** on those documents in order to allow active involvement and consultation.

3. Paragraphs **1 and 2 shall apply equally to updated river basin management plans**.

D 2000/60/EC
Water planning cycle and phases of public consultation (WFD)

Adapted from La Calle, 2015
Participation paths in water management

Adapted from La Calle, 2015
2
Water management in Spain

9 Inter-community basins: state competences
5 Intra-community basins: autonomous communities competences

Cantábrico Occidental
Cantábrico Oriental
Duero
Guadalete-Barbate
Guadalquivir
Guadijana
Júcar
Mediterránea
Tajo
Tinto, Odiel, Piedras
Tinto Quebrantado

Galicia Costa
Miño-Sil
Cataluña
Isla Canarias
Isla Baleares
Administrative and hydrological limits: Example from the Ebro basin

9 Autonomous communities and 27 sub-basins
Different ways of public participation: Examples from the Ebro basin

- Demonstration: Plataforma en defensa del Ebro
- Administrative appeals against PHN: Regional governments and NGO
- Volunteering: Projecte rius (Catalonia-Ebro)
- Workshop: Participatory-action-research (floods)
- Formal participatory body: Water Council of the Ebro basin
- Writing comments (deadline)
- Formal participatory process (workshop): Recreational users-planning cycle
- River contract: Matarraña sub-basin
Public participation in water planning

Main changes brought about by WFD in terms of public participation in water policy

<table>
<thead>
<tr>
<th></th>
<th><strong>Water Act 1985</strong></th>
<th><strong>WFD 2000</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Where</strong></td>
<td>Formal management bodies and Water Administration planning agencies</td>
<td>Formal bodies and informal public participation in open processes</td>
</tr>
<tr>
<td><strong>Who</strong></td>
<td>Participation is limited to the users ('water rights holders').</td>
<td>Participation of all stakeholders and general public</td>
</tr>
<tr>
<td><strong>Why</strong></td>
<td>Participation to management water availability</td>
<td>Participation to improve the water planning process and decision-making</td>
</tr>
</tbody>
</table>
Total numbers...

What does it represent?

832 meetings
14913 people
## Quantitative overview

<table>
<thead>
<tr>
<th>Basin</th>
<th>Sup. (mi²)</th>
<th>areas</th>
<th>meetings</th>
<th>Participants</th>
<th>claims</th>
<th>TI¹ (11/13) %</th>
</tr>
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<tr>
<td>Baleares</td>
<td>S</td>
<td>3080,16</td>
<td>5</td>
<td>19</td>
<td>546</td>
<td>101 36 33</td>
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<tr>
<td>Canarias</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>there is not enough information available</td>
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<tr>
<td>Cantábrico (or y occ)</td>
<td>M</td>
<td>15369,8</td>
<td>7</td>
<td>132</td>
<td>2979</td>
<td>? 63 45</td>
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<tr>
<td>Cataluña (c.internas)</td>
<td>M</td>
<td>10292</td>
<td>12</td>
<td>290</td>
<td>1769</td>
<td>144 66 81</td>
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<tr>
<td>Ceuta</td>
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<td>12,4</td>
<td>1</td>
<td>13</td>
<td>59</td>
<td>5</td>
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<tr>
<td>Duero</td>
<td>L</td>
<td>48892,6</td>
<td>1</td>
<td>12</td>
<td>215</td>
<td>181 57 62</td>
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<tr>
<td>Ebro</td>
<td>L</td>
<td>52337,3</td>
<td>27</td>
<td>135</td>
<td>2758</td>
<td>954 80 67</td>
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<tr>
<td>Galicia costa</td>
<td>M</td>
<td>8052,56</td>
<td>3</td>
<td>11</td>
<td>145</td>
<td>53 43 43</td>
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<tr>
<td>Guadalete Barbate</td>
<td>S</td>
<td>3700,78</td>
<td>1</td>
<td>11</td>
<td>341</td>
<td>44 73 71</td>
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<tr>
<td>Guadalquivir</td>
<td>L</td>
<td>35666,7</td>
<td>5</td>
<td>18</td>
<td>896</td>
<td>431 60 58</td>
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<tr>
<td>Guadiana</td>
<td>L</td>
<td>41631,1</td>
<td>3</td>
<td>25</td>
<td>256</td>
<td>125 48 53</td>
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<tr>
<td>Júcar</td>
<td>L</td>
<td>26567,6</td>
<td>3</td>
<td>32</td>
<td>1134</td>
<td>277 78 81</td>
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<tr>
<td>Mediterránea</td>
<td>M</td>
<td>11130,2</td>
<td>3</td>
<td>22</td>
<td>1073</td>
<td>105 73 71</td>
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<tr>
<td>Melilla</td>
<td>S</td>
<td>14,88</td>
<td>1</td>
<td>13</td>
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<td>6</td>
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<tr>
<td>Miño Sil</td>
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<td>10923,8</td>
<td>2</td>
<td>29</td>
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<td>76 62 58</td>
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<td>6</td>
<td>34</td>
<td>642</td>
<td>291 67 66</td>
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<tr>
<td>Tajo</td>
<td>L</td>
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<td>3</td>
<td>25</td>
<td>471</td>
<td>12208 68 63</td>
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<tr>
<td>Tinto Odiel Piedras</td>
<td>S</td>
<td>2931,98</td>
<td>1</td>
<td>11</td>
<td>235</td>
<td>50 73 71</td>
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</tbody>
</table>

Qualitative overview: deliberative analysis

### Research:
Deliberative democracy in water planning in Spain

Documentary review of all the participatory processes, 6 study cases, 105 interviews

### Analysis

<table>
<thead>
<tr>
<th>Deliberative quality</th>
<th>B</th>
<th>P</th>
<th>M</th>
<th>G</th>
<th>H</th>
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</thead>
<tbody>
<tr>
<td>Argumentative</td>
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<td>Public (accessible)</td>
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<td></td>
<td></td>
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<tr>
<td>Constructive (concrete)</td>
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<td></td>
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<td></td>
<td></td>
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<tr>
<td>Cooperative</td>
<td></td>
<td></td>
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</table>

### Operational patterns

<table>
<thead>
<tr>
<th>Communication strategy</th>
<th>B</th>
<th>P</th>
<th>M</th>
<th>G</th>
<th>H</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participants’ involved</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Rules and protocols</td>
<td></td>
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</table>

### Patterns of behaviour

<table>
<thead>
<tr>
<th>Participants’ behaviour</th>
<th>B</th>
<th>P</th>
<th>M</th>
<th>G</th>
<th>H</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leading institutions’ behaviour</td>
<td></td>
<td></td>
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</tbody>
</table>

### Tangible Results

<table>
<thead>
<tr>
<th>Conclusions of the process (dis/agreements)</th>
<th>B</th>
<th>P</th>
<th>M</th>
<th>G</th>
<th>H</th>
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</thead>
<tbody>
<tr>
<td>Impacts of the process</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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</table>

### Intangible Results

<table>
<thead>
<tr>
<th>Legitimacy</th>
<th>B</th>
<th>P</th>
<th>M</th>
<th>G</th>
<th>H</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public interest (transformative)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mutual recognition</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Social learning</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Meetings

### Organization

### Results
## Types of meetings: Examples

<table>
<thead>
<tr>
<th>Typology</th>
<th>Basin</th>
<th>Meetings main features</th>
<th>Supplements (mi²)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Multisectorial</td>
<td>Sectorial</td>
</tr>
<tr>
<td>Inter</td>
<td>Duero</td>
<td>Presentation SWMI, RBMP (7P)</td>
<td>48892,6</td>
</tr>
<tr>
<td></td>
<td>Ebro</td>
<td>RBMP-PM (107D)</td>
<td>SWMI (12P)</td>
</tr>
<tr>
<td></td>
<td>Guadalquivir</td>
<td>RBMP-PM (5D)</td>
<td>Initial documents (1P, 1D), flows (3D), PHC (3D)</td>
</tr>
<tr>
<td></td>
<td>Júcar</td>
<td>SWMI (7P-3D)</td>
<td>Initial documents, SWMI (3P-3D)</td>
</tr>
<tr>
<td>Intra</td>
<td>Mediterránea</td>
<td>RBMP-PM, flows (4P-10D)</td>
<td>SWMI presentation, draft of the plan (5P)</td>
</tr>
<tr>
<td></td>
<td>Catalunya</td>
<td>RBMP-PM, flows (26P-197D)</td>
<td>Diagnosis (SWMI), flows (58D)</td>
</tr>
</tbody>
</table>

Significant Water Management Issues (SWMI); River Basin Management Plans (RBMP); Programme of measures (PM)
Catalan participatory process: Organization

1st month
- Plenary: Briefings
  - Sectoral workshops: Diagnosis debate
    - Administration
    - Forest and farming
    - Business (industrial, energetical)
    - Environmental (associations, research, education...)

2nd month
- Plenary meeting
- Intersectoral workshops: Proposal of measures
  - Urban and industrial pollution
  - Agricultural pollution
  - Hydromorphological and biological quality
  - Water saving and consumption, sanitation
  - Environmental flows

3rd 4th month
- Plenary meeting

6th month
- Plenary: Managers response
Impact in water planning: Internal basins of Catalonia

Organization of the answer to the public

### Proposals after study

<table>
<thead>
<tr>
<th>Proposals</th>
<th>Total</th>
<th>%</th>
<th>No info</th>
<th>Rejected AS</th>
<th>Accepted AS</th>
<th>Implemented</th>
</tr>
</thead>
<tbody>
<tr>
<td>Already planned</td>
<td>608</td>
<td>40</td>
<td></td>
<td>137</td>
<td>113</td>
<td>106</td>
</tr>
<tr>
<td>Innovative in study</td>
<td>356</td>
<td>23</td>
<td></td>
<td></td>
<td>113</td>
<td>106</td>
</tr>
<tr>
<td>Rejected</td>
<td>51</td>
<td>3</td>
<td></td>
<td>51</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transferred to other Departments</td>
<td>514</td>
<td>34</td>
<td></td>
<td>204</td>
<td>184</td>
<td>126</td>
</tr>
<tr>
<td>Total</td>
<td>1529</td>
<td>100</td>
<td>341</td>
<td>297</td>
<td>232</td>
<td></td>
</tr>
</tbody>
</table>

### Proposals of measures before study

- **Already planned**: 40%
- **Innovative in study**: 23%
- **Rejected**: 3%
- **Transferred to other Departments**: 34%

More influence scenario

- **Already planned**: 37%
- **Rejected**: 15%
- **Included**: 45%

Less influence scenario

- **Already planned**: 26%
- **Rejected**: 34%
- **Included**: 40%

Average influence scenario

- **Already planned**: 26%
- **Rejected**: 34%
- **Included**: 40%
## General conclusions

| 1. Availability of **information** | 1. There is a lack of information about the **results** of the participation, but it seems that the **impact** on water planning has been very low. Furthermore the major influence come from formal writing comments period. |
| 2. Increment of **knowledge** about water dynamics and functions (social learning) | 2. Poor **deliberative quality** (with few exceptions) |
| 3. Strengthening and creation of water **networks** and **relations** | 3. **Methodology** and participation tools need to be improved |
| 4. **New actors** involved in water policy | 4. Non-relevant **contents** or insufficient time to discuss about them |

**Social capacities?**
3
Public participation for social capacity building (an ongoing research in natural hazards field)

• **Social capacity building**: A learning process based on the interaction of different actors at different levels, individual, organizational, institutional, communal, as a result of institutional or social interventions

• **Social capacities**: Disposition for decision-making in a given situation in order to anticipate, response, cope with, recover of, or adapt to negative effects of a perturbation, and deploy the needed resources (knowledge, organizational, motivational, economical, institutional)
Research in Tucson basin

• A comparative analysis of public participation in water management between Tucson basin (Arizona) and Ebro basin (Spain): Alba Ballester & Kelly Mott Lacroix

• Social capacities of environmental organizations in TAMA regarding water management: Alba Ballester & Aleix Serrat Capdevila
Thank you

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