

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

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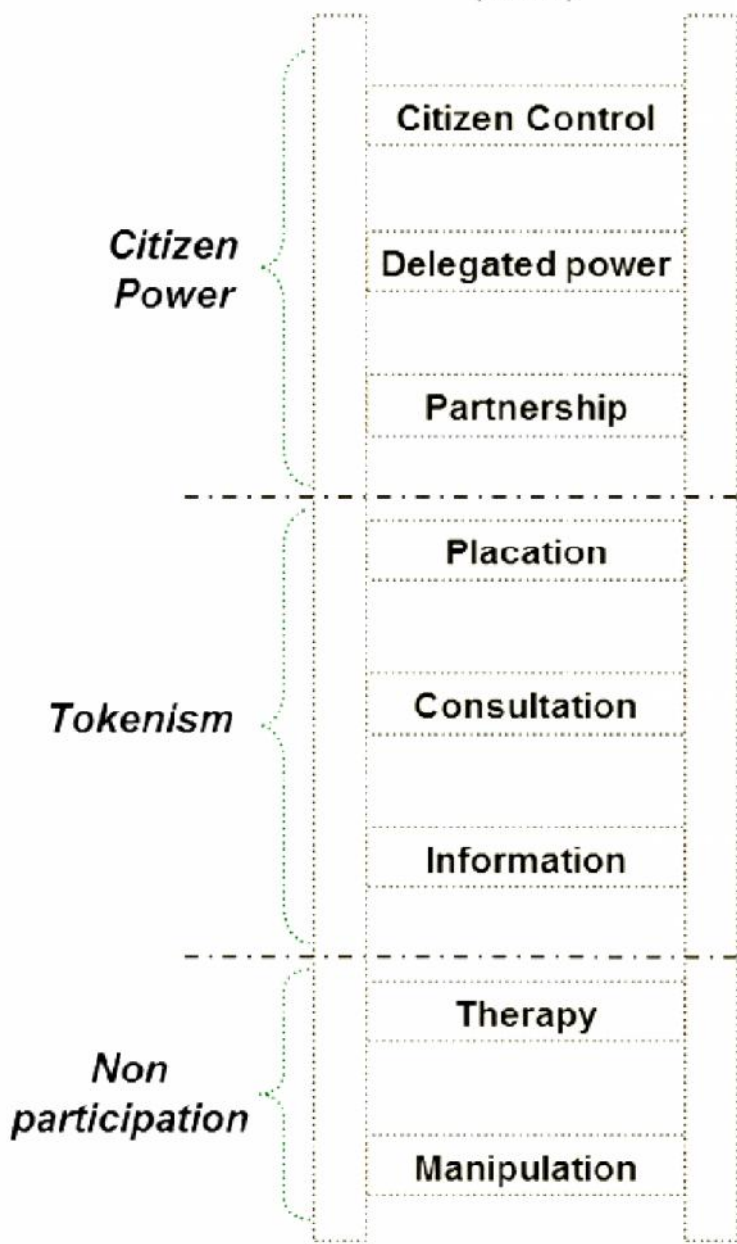
Public participation Conceptual framework

- **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?*

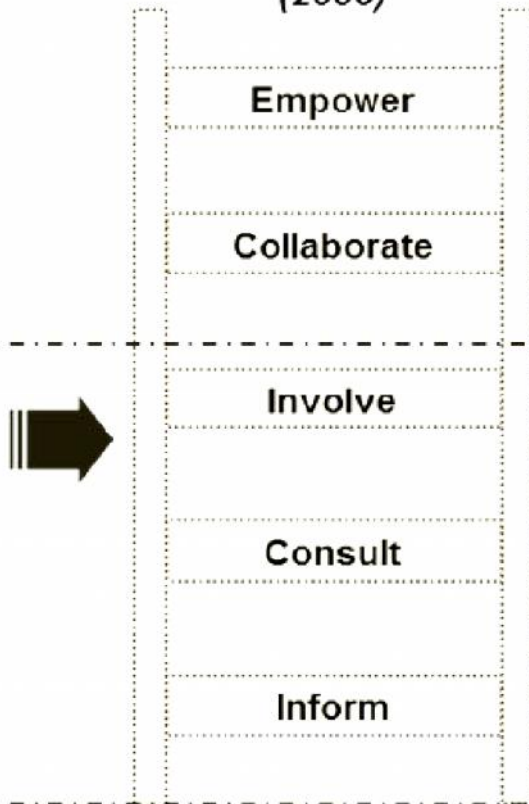


Sherry Arnstein

Ladder of Citizen Participation (1969)

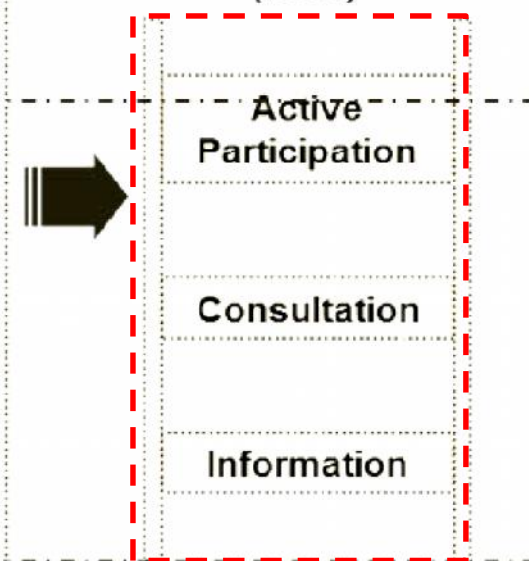


IAPP Spectrum of Public Participation (2000)



Degrees

OECD Government-Citizens Relations (2001)



Source: Prieto-Martín, P. (2010)



Institutional framework on water management in Europe



Adapted from Ballester, 2015

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).

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.

Legal framework for public participation



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)

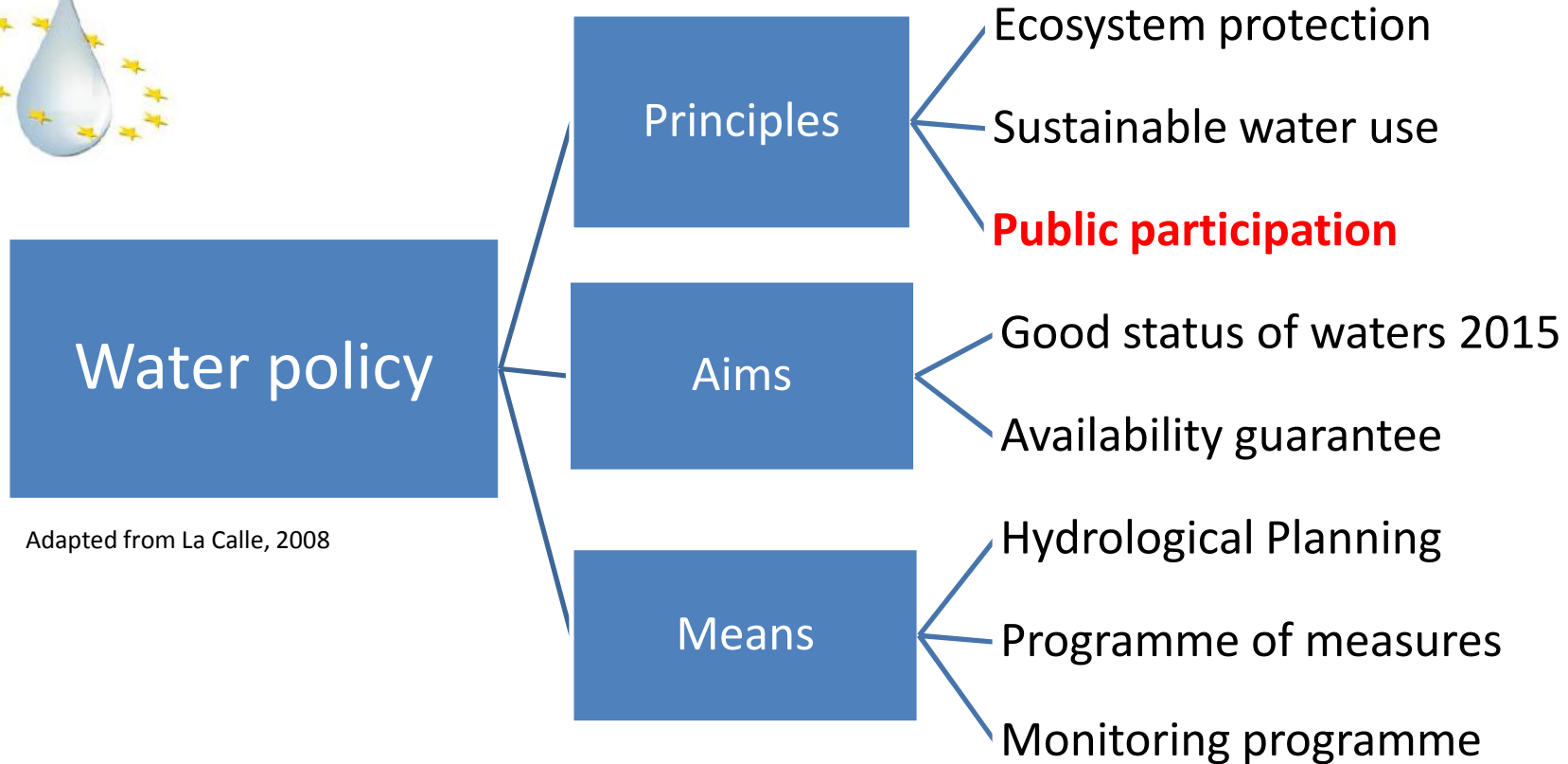
Proposal of Directive on access to justice in environmental matters (COM(2003)624)

Environmental information: Management and dissemination arts. 6-9 Ley 27/2006, access on request arts. 10-15 Ley 27/2006

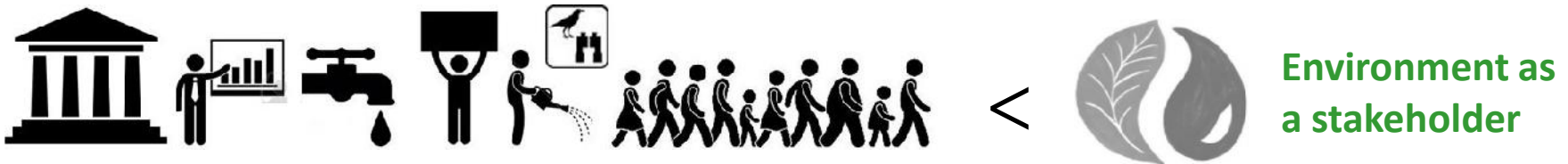
Public participation: Public policy (arts. 7 C. Aarhus 1998, regulation norms art. 18 Ley 27/2006), plans and programs (arts. 17 Ley 27/2006; Ley 29/2006; 41.3 RDL 1/2001), projects and installations (arts. 3 RDL 1/2008; 16 Ley 20/2006)

Access to justice: Access to administrative and judicial justice (arts. 20-23 Ley 27/2006)

Water policy (D 2000/60/EC)



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.

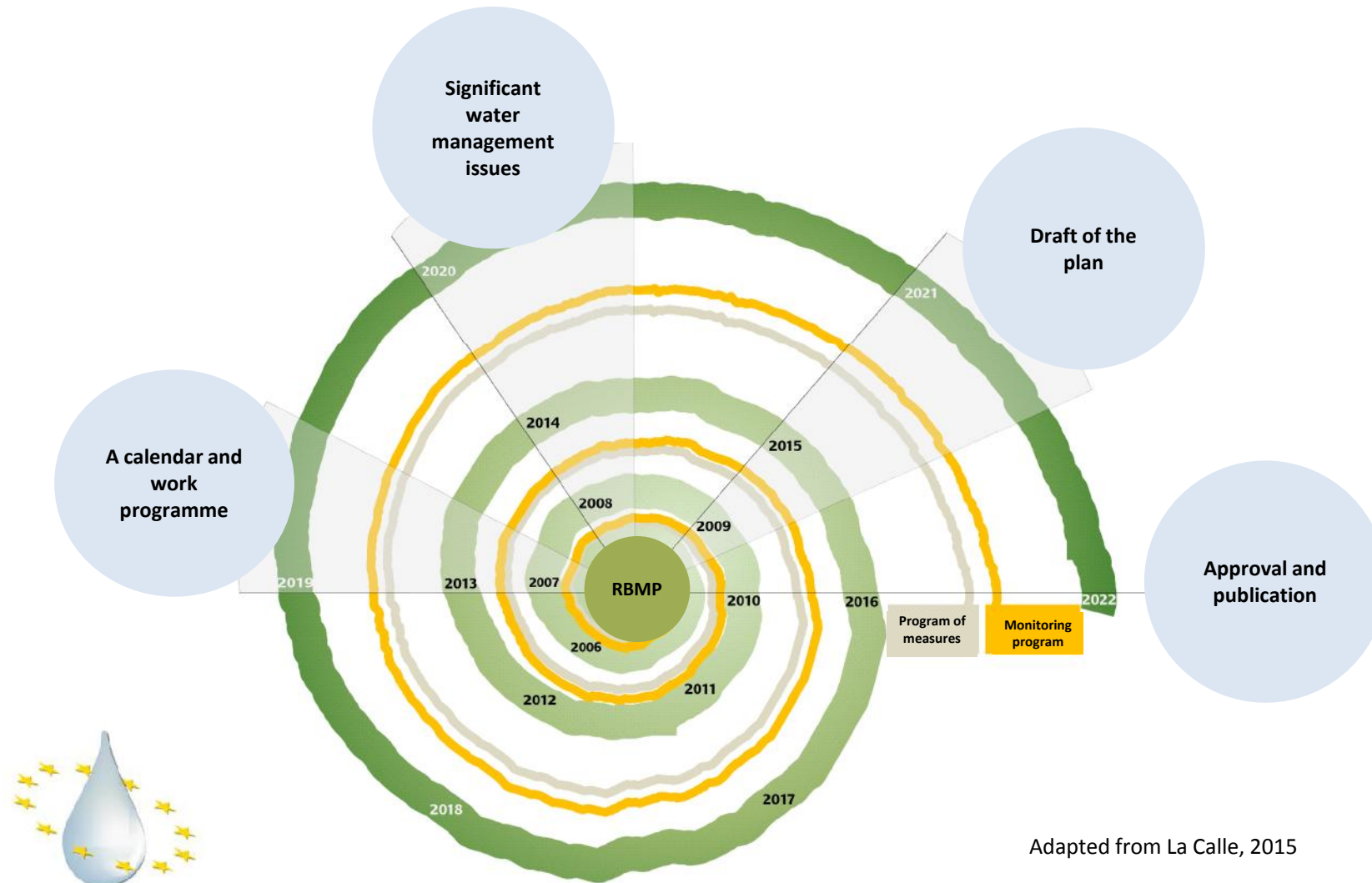
2. Member States shall allow at least **six months to comment in writing** on those documents in order to allow active involvement and consultation.

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



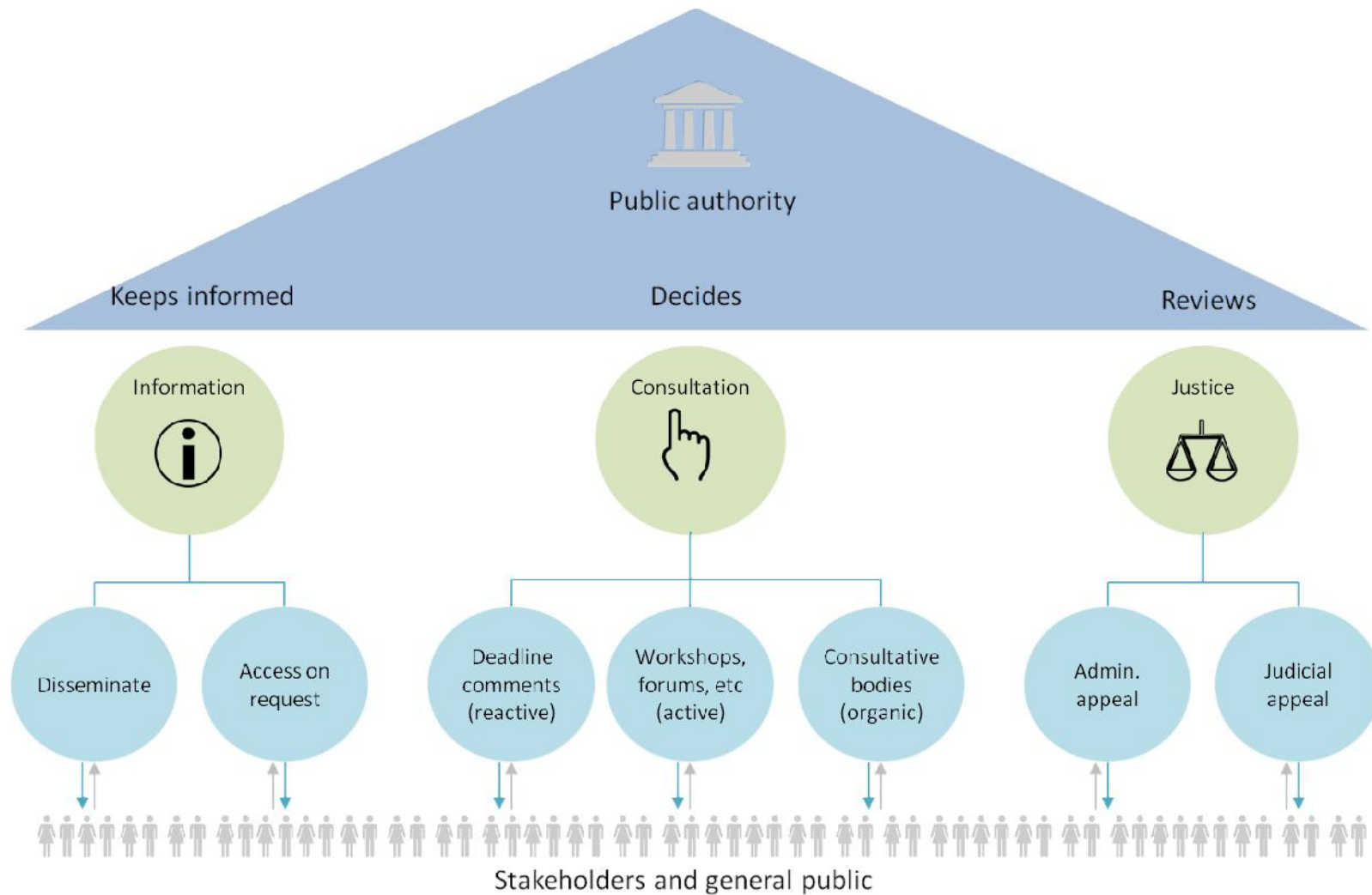
D 2000/60/EC

Water planning cycle and phases of public consultation (WFD)



Adapted from La Calle, 2015

Participation paths in water management





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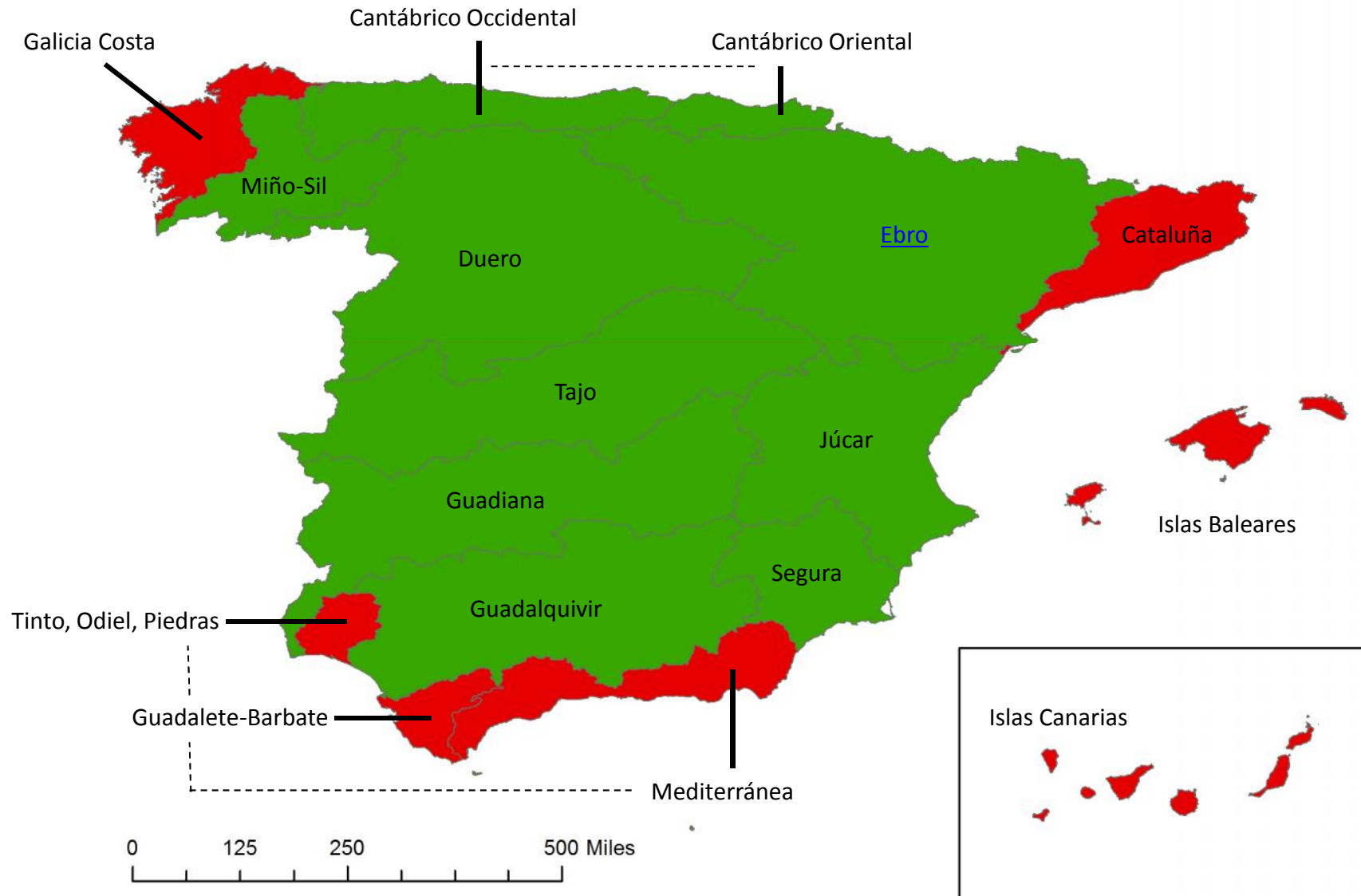
Water management in Spain

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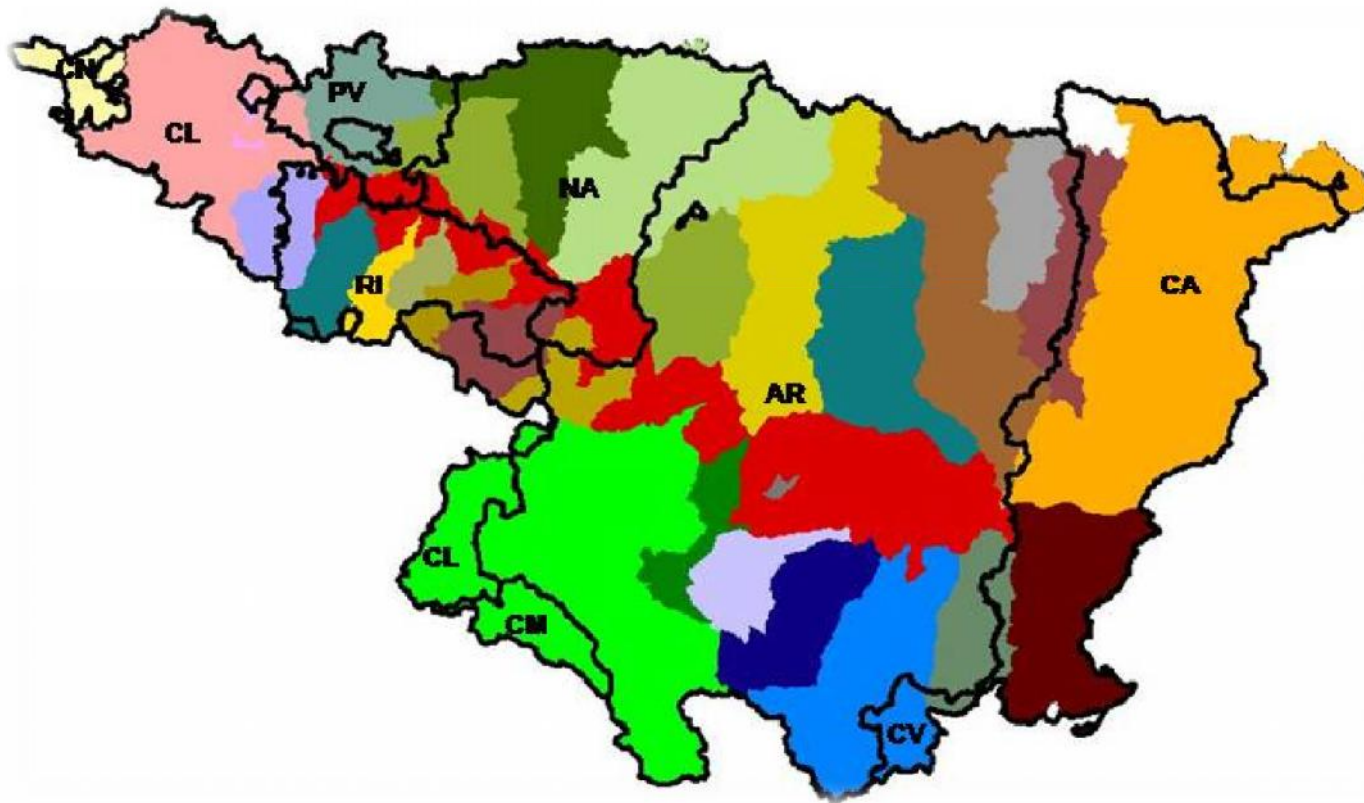
Inter-community basins: state competences

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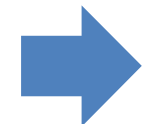
Intra-community basins: autonomous communities competences



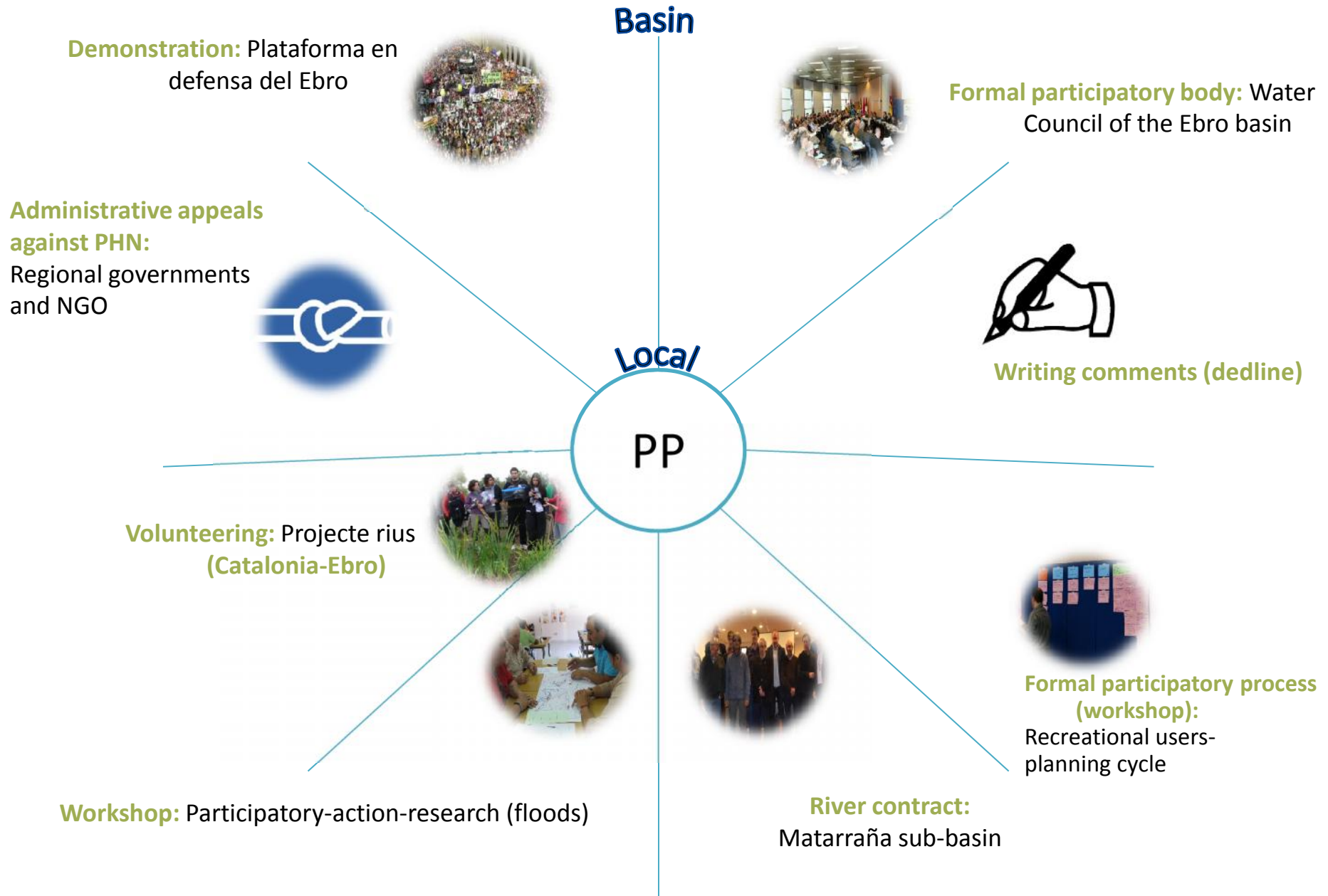
Administrative and hydrological limits: Example from the Ebro basin



9 Autonomous communities and 27 sub-basins



Different ways of public participation: Examples from the Ebro basin



Public participation in water planning

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

	Water Act 1985	WFD 2000
Where	Formal management bodies and Water Administration planning agencies	Formal bodies and informal public participation in open processes
Who	Participation is limited to the users ('water rights holders').	Participation of all stakeholders and general public
Why	Participation to management water availability	Participation to improve the water planning process and decision-making

Total numbers...



What does it represent?

Quantitative overview

Basin	Sup. (mi ²)	areas	meetings	Participants	claims	TI ¹ (11/13) %
Baleares	S 3080,16	5	19	546	101	36 33
Canarias	there is not enough information available					
Cantábrico (or y occ)	M 15369,8	7	132	2979	?	63 45
Cataluña (c.internas)	M 10292	12	290	1769	144	66 81
Ceuta	S 12,4	1	13	59	5	
Duero	L 48892,6	1	12	215	181	57 62
Ebro	L 52337,3	27	135	2758	954	80 67
Galicia costa	M 8052,56	3	11	145	53	43 43
Guadalete Barbate	S 3700,78	1	11	341	44	73 71
Guadalquivir	L 35666,7	5	18	896	431	60 58
Guadiana	L 41631,1	3	25	256	125	48 53
Júcar	L 26567,6	3	32	1134	277	78 81
Mediterránea	M 11130,2	3	22	1073	105	73 71
Melilla	S 14,88	1	13	49	6	
Miño Sil	M 10923,8	2	29	814	76	62 58
Segura	M 12545,1	6	34	642	291	67 66
Tajo	L 34584,2	3	25	471	12208	68 63
Tinto Odiel Piedras	S 2931,98	1	11	235	50	73 71

¹ <http://www.transparencia.org.es/>

Qualitative overview: deliberative analysis

Research:
Deliberative
democracy in
water planning
in Spain

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

High
Good
Moderate
Poor
Bad

Analysis	B	P	M	G	H
Deliberative quality					
Argumentative		Poor			
Public (accessible)			Moderate		
Constructive (concrete)		Poor			
Cooperative				Good	
Operational patterns					
Communication strategy			Moderate		
Participants' involved			Moderate		
Rules and protocols		Poor			
Patterns of behaviour					
Participants' behaviour				Good	
Leading institutions' behaviour			Moderate		
Tangible Results					
Conclusions of the process (dis/agreements)	Bad				
Impacts of the process	Bad				
Intangible Results					
Legitimacy		Poor			
Public interest (transformative)		Poor			
Mutual recognition			Moderate		
Social learning				Good	



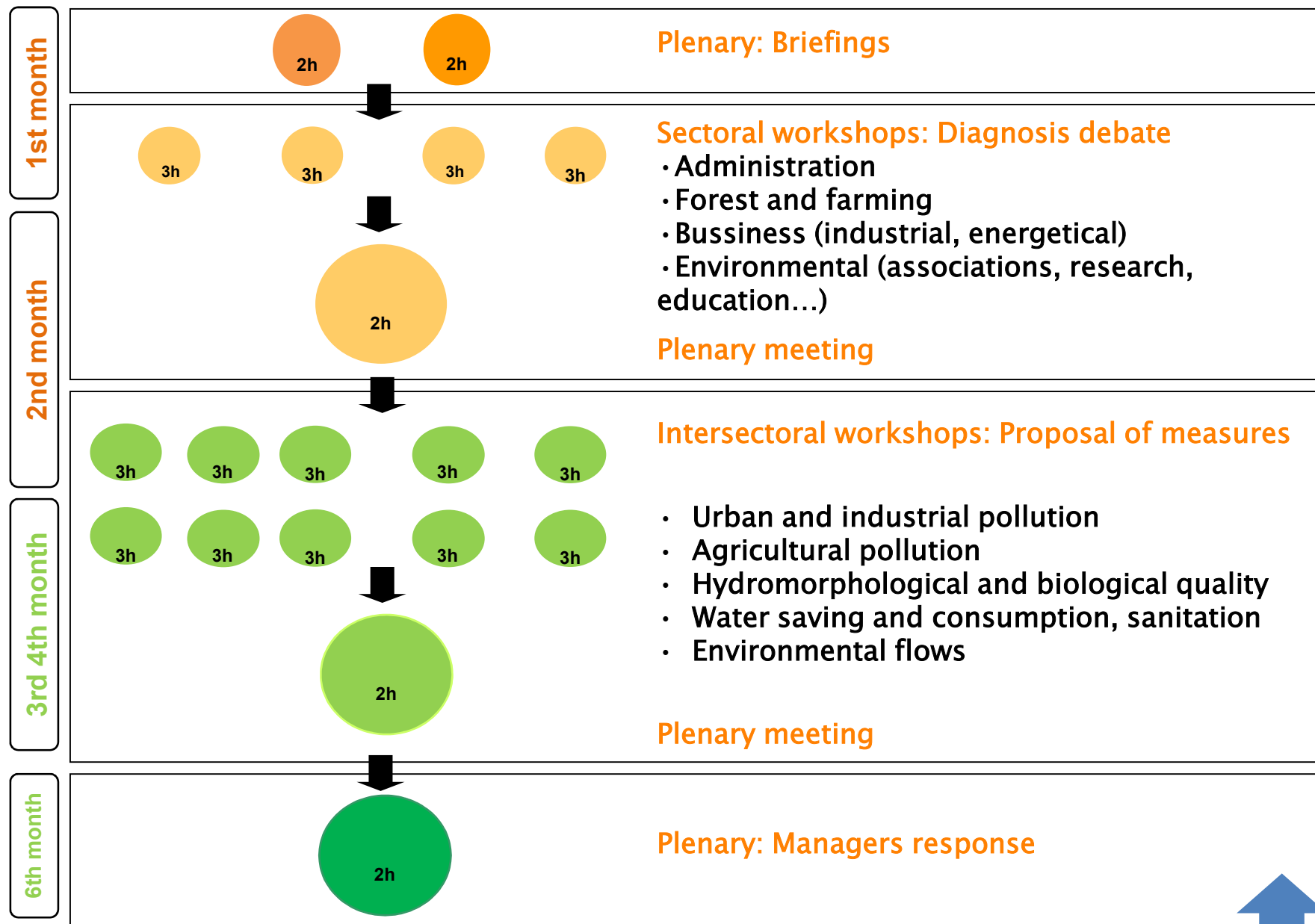
Types of meetings: Examples

Typology	Basin	Meetings main features				Totals	
		sub-basin		basin			
		Multisectorial	Sectorial	Multisectorial	Sectorial	Meetings	Sup. (mi ²)
Inter	Duero			Presentation SWMI, RBMP (7P)	Diagnosis (5D)	12	48892,6
	Ebro			RBMP-PM (107D)	SWMI (12P)	RBMP-PM (16D)	135
	Guadalquivir	RBMP-PM (5D)		Initial documents (1P, 1D), flows (3D) PHC (3D)	SWMI (5P)	18	35666,7
	Júcar	SWMI (7P-3D)		Initial documents, SWMI (3P-3D)	Initial documents, SWMI (16P)	32	26567,6
Intra	Mediterránea	RBMP-PM, flows (4P-10D)		SWMI presentation, draft of the plan (5P)	SWMI (3D)	22	11130,2
	Catalunya	RBMP-PM, flows (26P-197D)		Diagnosis (SWMI), flows (58D)	Diagnosis and RBMP-PM (1P-8D)		290

Significant Water Management Issues (SWMI); River Basin Management Plans (RBMP); Programme of measures (PM)



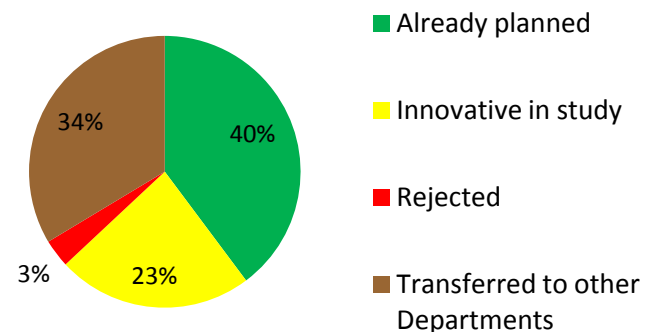
Catalonian participatory process: Organization



Impact in water planning: Internal basins of Catalonia

Organization of the answer to the public

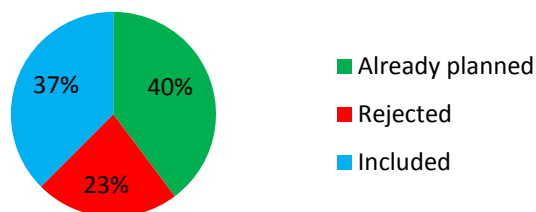
Proposals of measures **before study**



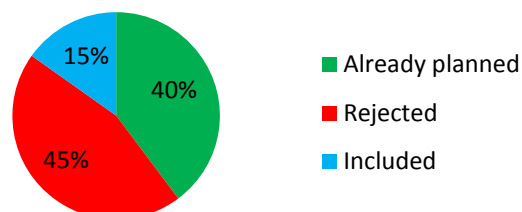
Proposals after study

Proposals	Total	%	No info	Rejected AS	Accepted AS	Implemented
Already planned	608	40				?
Innovative in study	356	23	137	113	106	
Rejected	51	3		51		
Transferred to other Departments	514	34	204	184	126	
Total	1529	100	341	297	232	

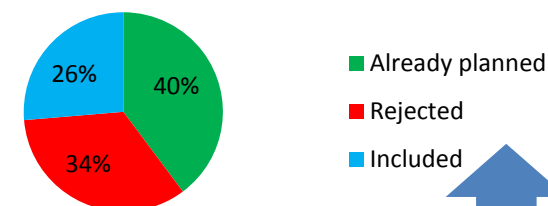
More influence scenario



Less influence scenario



Average influence scenario



General conclusions

1. Availability of **information**
2. Increment of **knowledge** about water dynamics and functions (social learning)
3. Strengthening and creation of water **networks** and **relations**
4. **New actors** involved in water policy



Social capacities?

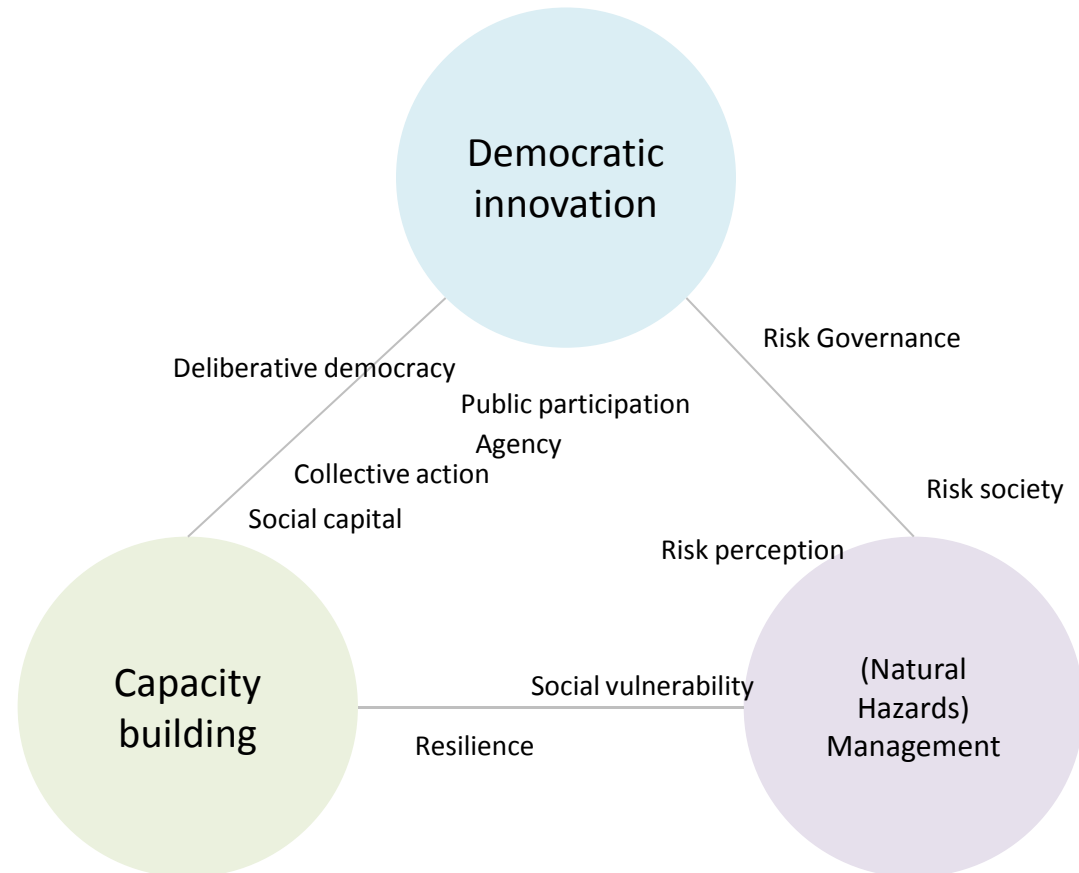
1. There is a lack of information about the **results** of the participation, but it seems that the **impact** on water planning has been very low. Furthermore the major influence come from formal writing comments period.
2. Poor **deliberative quality** (with few exceptions)
3. **Methodology** and participation tools need to be improved
4. Non-relevant **contents** or insufficient time to discuss about them



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)



Public participation for social capacity building: a way to self-management at local scale (Spain)

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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