



DRAFT !

Better Water Governance



**Participation and involving processes
in context of Water Frame Directive**

Learnings from 4 EU member states

Report from Conference and Workshop

October 30-31th 2014

Vingsted Hotel & conference center, Vejle, Denmark

Indhold

Better Water Governance.....	0
Introduction.....	2
Public participation in the Water Frame Directive.....	3
Workshop set-up.....	4
Learning outcome from 4 EU member states	5
Conclusions and recommendations	13
References	14
Annexes.....	15
References	16

Introduction

Public participation is a key element in the Water Framework Directive (WFD). Increasing public awareness of environmental issues is important but making use of knowledge, experience and initiatives of the different stakeholders and thus improving the quality of plans and measures is even more important. Public acceptance, commitment together with more transparency and a more informed decision making process will lead to less litigation and misunderstandings. This can again avoid potential conflicts, problems of management and costs in the long term will be less.

In 2003 the European Commission published "Guidance document no. 8, Public Participation in relation to the WFD" in order to assist the EU member states with implementation of the Directive. However as stated in the Guidance Document no. 8; it *"is a living document that will need continuous input and improvements as application and experience build up in all countries of the EU"*.

Now 12 years later and one WFD plan cycle wiser we will in this report have a look at some of the experiences from 4 regions in Northern Europe with water governance in relation to the implementation of the WFD. And we will try to look into what is needed to improve water governance in general for the benefit of all member states.

Public participation in the Water Frame Directive

From the very beginning of the design of the Water Framework Directive it was recognized that getting the European citizens involved was crucial. First of all due to that the decisions on finding the most appropriate measures to achieve the objectives in the river basin management plan will involve balancing the interests of various groups. Secondly the greater the transparency in the establishment of objectives, the imposition of measures, and the reporting of standards, the greater the care Member States will take to implement the legislation in good faith, and the greater the power of the citizens to influence the direction of environmental protection of all waters

In the Water Framework Directive article 14 public participation and active involvement are addressed:

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.

These first lines of article 14 are the only legal binding words concerning *active involvement*. The member states shall also ensure that there is information and consulting to the public. For example the Member States shall allow at least six months of consultation, where interest can comment on the plan documents in order to ensure disclosure, consultation and dissemination of information on the water planning .

To assist competent authorities in the Member States with the implementation of Article 14 about Public Participation, guidance has been made on the common implementation strategy for the Water Framework Directive.

The Guidance Document no. 8 delivers a common understanding regarding the meaning of public participation in the context of the Water Framework Directive. Public participation can generally be defined as:

- To create awareness of environmental issues
- Help to increase acceptance and commitment towards intended plans
- Allowing people to influence the outcome of plans and working processes.
- A means of improving decision-making

Public participation for the implementation of the Directive is recommended at any stage in the planning process, from the Article 5 requirements to the Program of Measures and the design of the River Basin Management Plans.

The scale at which public participation should take place is according to The Guidance no. 8 not pre-determined. *At a local scale the effects of management will be felt more directly and more responses from public and (local) stakeholders can be expected. This input can be aggregated to a higher level to take advantage of local knowledge at river basin or river basin district level. Sometimes the focus should be on a wider area than the one where public participation is undertaken, for example when dealing with measures.*

The experiences from implementing the WFD so far, indicates that the “scale” is one of the issues, together with other issues, that still needs attention. The Guidance no. 8 was published before the plans were made. Therefore the advices in the guidance are based on experiences from many projects and processes, but none of them in a scale and with the complexity of the WFD. The need for a new updated Guidance Document no. 8 is therefore very obvious in the light of the experiences from the first WFD cycle.

Workshop set-up

Experiences and learnings from implementing the WFD in 4 different countries was discussed at a conference October 30st and at a workshop October 31st 2014 in Denmark.

The goal was to pass on inspiration for the future work with public participation in water planning. Inspiration was based partly on the experiences from the local water councils in Denmark and partly on international experiences on this matter from Sweden, England and the “Bundeslände” Schleswig Holstein (Germany).

The conference was targeted a Danish audience with the intention to have the experiences from the four countries communicated to the Danish stakeholders and authorities.

The workshop was hosted by The Knowledge Centre for Agriculture (now SEGES) representing the [WaterCAP-Taskforce](#) partnership with participants at the workshop from:

England - One former rep. for Dep. for Environment Food & Rural Affairs

England - The Rivers Trust

Sweden - Swedish Agency for Marine and Water Management

Germany - Landesverband der Wasser- und Bodenverbände, Schleswig-Holstein

Denmark - The Danish Nature Agency, Danish Ministry of Environment

Denmark - Local Government Denmark (LGDK)

Denmark - Danish Agriculture & Food Council

Denmark – local farm adviser with experiences from participation in 2 local water boards

Denmark – Aarhus University

The following main issues were discussed at the workshop:

- Traditions in water management cultures
- Organization - organizational structures
- Geographic Scale
- Objectives and agendas (ambitions)
- Driving forces

Learning outcome from 4 EU member states

Based on presentations from the four countries (presentations are included as annexes xx) the below highlights can be deduced:

Non involving processes - examples

Both in Denmark and in England the first cycle was characterized by very little or none involvement of stakeholders and local authorities. In both countries the plans were made on central government scale with a typical “top down” approach. And in both countries the plans ended as “paper-plans” not possible to roll out. In Denmark protests against the principles for achieving good ecological status and the planned measures, led to a 5 year delay of the first plans. In England the top down approach, delivered process rather than substance and the plans were produced at considerable cost but for little benefit. The stakeholders were frustrated for lack of ambition, involvement and opportunities to realize substantial benefits for society, and to find new ways of getting these paid for, was missed.

Learnings from these 2 examples clearly demonstrate the necessity and importance of active involving stakeholders in not only the consulting period but as part of the planning from early start.

The failures in both countries led to a change in government planning which included a more involving processes. See next sections.

Schleswig-Holstein – example

The model for implementing WFD used in Schleswig-Holstein is unique in Germany. This is due to the fact that Schleswig-Holstein has a historical tradition for water boards. The role of the water boards have traditionally been protection of the coastal low land to give safety for the population and secure goods in the sense of farmland, industry, etc.

The 450 water boards in Schleswig-Holstein early realised the massive importance of the WFD for their future work. Therefore at a very early stage they demanded the integration into the transposition of directives in Schleswig-Holstein. Already early in 2001 the regional-association of water boards (Landesverband) advised its members and representatives of the water management (Wasser-wirtschaft) of the contents and consequences of the WFD. As a result of meetings, the water boards in Schleswig-Holstein were advised to form up in a new way, in order to play an active role in planning the water framework directive. For this reason they decided to found 34 new associations.

Already in 2002 the 34 new established EU-planning-associations (Planungsverbände) were founded as water boards adapted in the legislation of water-board-act (Wasserverbandsgesetz). Since that time they actively accompanied and formed the realisation of the WFD. All stakeholders have been part of the process with the water boards in a lead role and with the Ministry as a neutral role without vote but as a data supplier. In addition working groups have been established for specific tasks for example for the classification of the watercourses into natural, heavily modified and artificial water bodies. Schleswig-Holstein (county/“Bundesländer”) have repaid the costs of the water boards, required for this management.

With a contract to the Ministry the water boards have specifically worked with:

- Examination of existing and addition of missing specifications
- Examination of the developed maps
- Preparation and management of working group sittings
- Writing of working group transactions
- Planning and co-ordination of measures.



Water Board management “set-up” for each of the 34 water boards in Schleswig-Holstein. Working groups have been established for specific tasks.

Learnings

The learning from the Schleswig-Holstein water boards is that an early involvement of stakeholders have paid off in the sense that the water plans have been made without protest as seen in Denmark og England. Giving authority locally also seems to have paid off in the sense that it was clear that “something was on stake” and the members was very well aware that the boards where no “coffee discussion club” and therefore gave a high degree of commitment and interests to the boards.

Denmark – example

After a planning process in the first cycle with minimum stakeholder involvement (see first section in this charter) a new legislation in 2013 made it possible to establish consultative water councils (“vandråd”). So far these councils have only been a temporary experiment with a 6 month working period.

In 2012 the Ministry of Environment also established several national working groups as part of a more open process, targeting specific subject such as streams, lakes, coastal water etc.

Water councils

In the spring of 2014, 23 water councils were created - one in each main river basin district area. These river basins or catchments areas vary between 538 km² to 7598 km² in size and each water council consisted of 12 and 20 members. All important stakeholder organisations had a representative in the council and the local authority had a function as technical supporter, secretary and facilitator. An important element of setting up the local water councils has been to ensure local involvement and use of local

knowledge. Further the purpose of the water councils was to advise local authorities with proposals concerning streams and rivers for the 2. cycle in the WFD program (2015-2021). The role of the water councils was in advance delimited to give guidelines of what measures to use in the watercourses and where to place them in an overall level. The Danish version of water councils can be seen as a kind of an advanced pre consulting or "top down water councils" and so far the water councils only had a six months lifespan. The destiny of the water councils will be decided later in 2015 by the Ministry of Environment. The time spent in the councils has been limited to typically between 3-5 sessions of 2-3 hours duration. Within the limitation of the council's role, the process has been a success. A very high percentage of the advices from the councils have been accepted first by local authorities and later as part of the WFD plan sent to public consulting the 22th of December 2014.

In a questionnaire and interview survey among Danish water councilors the attitude towards the process has been largely positive. 64% answered "yes" to the question of whether their involvement has had an impact, and 87% strongly agreed or agreed that the management and coordination of work in the water councils have worked successfully (Graversgaard, ...).

National working groups and forums

In order to secure better water planning and active dialogue with stakeholders the Ministry of Environment established a national forum with important stakeholders for discussion planning of the WFD. The forum can be seen as a kind of a liaison panel, or advisory group.

Further, there were established 9 working groups. 5 groups concerning 5 specific issues related to rivers and streams. For example; measures, heavily modified and artificial water bodies, climate issues etc. The other 4 groups were related to coastal areas, lakes, ground water and discharge/retention of nutrients. The processes with dialog gave feedback to the ministries planning process.

Learnings

Concerning the water councils there has been a positive response and a large engagement among a majority of members of the water councils. This is due to the fact that it was possible to see progress - even though the time has been very limited. And in the same time the task was limited and well defined which also gave a direction to the work. The local authorities were in most cases able to make a good facilitation of the process and provide necessary data and technical input to the councils (Graversgaard,...).

The national working groups and forums can be characterized as some kind of expert consulting forums and can be seen as a top down approach but in the right context also as an important supplement to a more active involvement on the local scale.

There is no doubt that if a real bottom up approach and active involvement is wanted then the water councils have to be permanent and have to be supported and guided in the right structure of governance setup.

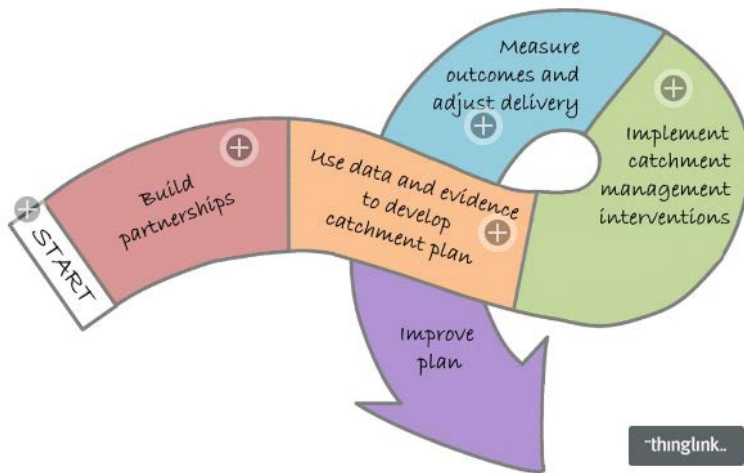
England – example

After a planning process in the first plan cycle with minimum stakeholder involvement (see first section in this charter) a new [catchment based approach \(CaBA\)](#) was introduced for the second cycle implementation of WFD. This new strategy was carried out by Department of Environment Food and Rural Affairs (DEFRA) and is based on partnerships, hosted by local third parties. These third parties were given the lead in developing catchment plans, so that local interventions are developed from the bottom and up to national government. The main change from the first cycle is that evidence is shared, and knowledge pooled, at a geographical level where people identify with it. Evidence can be examined, debated and supplemented so that a consensus is developed on what is needed. If measures are needed at local, even field level these can be identified and ways found to help them to happen.

The steps in the catchment based approach are:

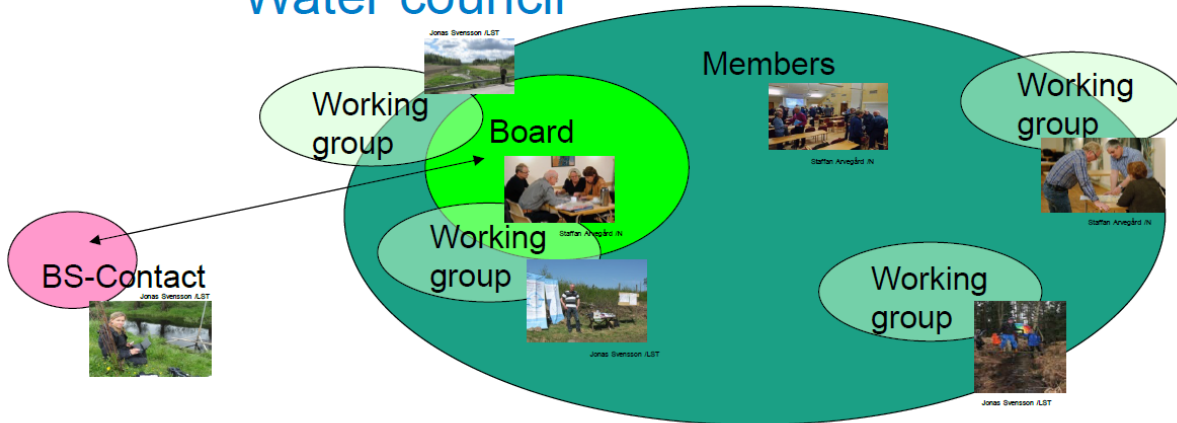
1. Engaging catchment stakeholders and building effective partnerships
2. Using data and evidence to inform stakeholder-led catchment planning

3. Delivery of targeted and integrated catchment management interventions
4. Monitoring and modelling approaches for measuring improvements



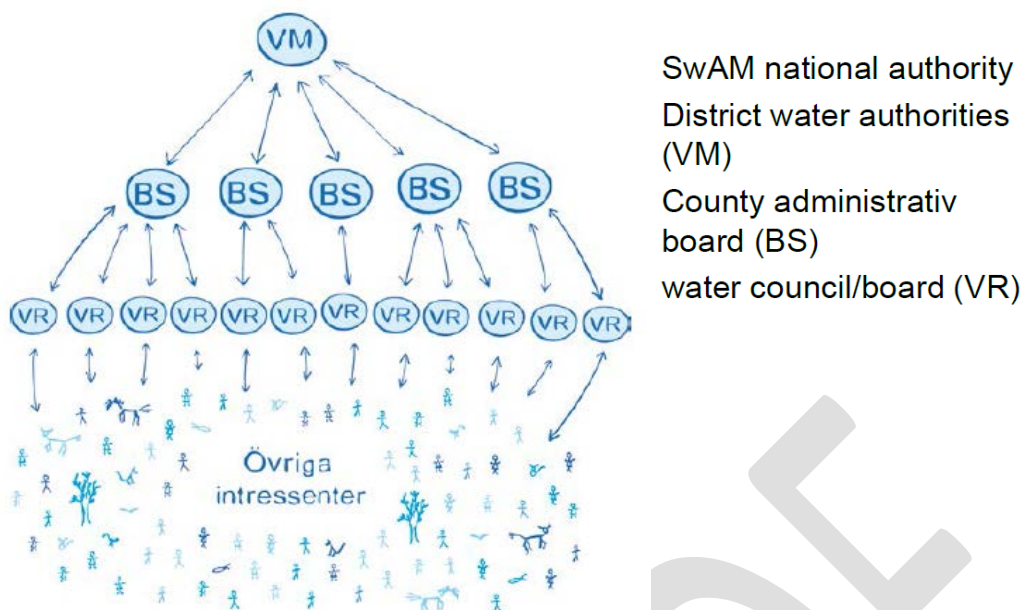
Today 100+ partnerships are now in place in England and Wales and are overseen by a Steering Group of national representatives. The Rivers Trust has today a central role in many of the partnerships being the facilitators of the groups. The Rivers Trust (RT) is the new name for the Association of Rivers Trusts (ART) which is a waterway society and registered charity and an umbrella organisation for trusts concerned with rivers in England and Wales. RT was launched in 2001 by four River Trusts: the Eden Rivers Trust, Tweed Foundation, Westcountry Rivers Trust, and the Wye Foundation. The association was granted registered charity status in 2004. With 150 technical specialists, 20.000 active volunteers and active in every WFD river basin district The Rivers Trust plays a crucial role for the overall WFD implementation strategy in England. Some of the main focus and reason for success for The Rivers Trust is the neutrality, to keep the process transparent and to have human focus

Water council



The water councils most often consist of representatives from public administration, private industry and non-profit organizations. Some (most/all?) water council also have individual members and a steering board and working groups within the councils. Although there is a broad representation of stakeholders there are a number of exceptions where for example the agriculture and forestry are missing. The local authorities have a facilitating role as secretary for the council and they also have the role where they shall ensure the contact to county administrative boards.

What is real active engagement? In large catchments, it has been difficult to get locally active engagement. It is in general easier in smaller areas with less administrative requirements. The larger councils mostly acting as “boards of large companies” and the engagement is therefore often missing at a local scale. So far the role of the councils have mainly been related to dissemination of information, dialog and discussions and there are at the moment a fear by members that the councils will end as “discussions clubs”. At the same time there is a gap between objectives at the catchment level and the role and involvement at local level.



Structure in the xxx

Learnings

The scale of the Water Councils has shown to be a very important factor. If they are too big the local engagement will easily be lost. The origin of the councils has also often an impact. Old structures often have more difficulties adapting the new role and the tasks as a water council.

The councils have been more than 7 years under way. This is probably due to the fact that their role is not predefined. They have not had a specific task to fulfill and they have themselves defined their role and tasks. This again have over time probably given some degree of uncertainty among members and a fear for becoming a discussion club and this have properly affected the engagement in a negative way.

What are needed are well defined tasks at least to some degree. More progress in realisation of real measures and a recognition and experience of the work of councils leads to real change. This should be done in close cooperation with councils between and authorities thus there will be a clear connection between objectives at catchment scale and realisations of measures at local scale.

Differences in governance structure leads to different results – example

The way governance structure is operating and the interaction between authorities and stakeholders will have a big impact on the result in the end. The following example is a comparison between the region on both sides of the border between Denmark and Germany.

On the German side of the border the local water boards have to a large extent been responsible for classification of the watercourses into natural, heavily modified or artificial water bodies. The work was undertaken by a large number of working groups and involved a large number of stakeholders. In Denmark the same classification have been done by relatively few people from the Nature Agency under the Ministry of Environment with only little involvement of stakeholders. While the water boards south of the border originates from organisations that aimed at protecting the population and land against flooding the Danish Ministry of Environment had environmental goals in mind from the beginning of the process. The end result is 2 very different classifications. South of the border a majority of the watercourses has been classified as heavily modified and artificial water bodies while in Denmark the opposite has been the case. Even the water course being the border itself has been classified differently on each side of the border. As natural on the Danish side of the border and heavily modified on the German side. Also smaller watercourses with a

catchment less than 10 km² have been included in the water plans in Denmark while this hasn't been the case south of the border.

While the EU Commission has asked Germany for a better argumentation for the classification of HMWBs (ref1) concerning 1 cycle plans, it is in Denmark the farmers that are asking to the classification based on their fear for not being able to get a proper drainage of the fields. For now it seems like a large difference between the two countries even though the directive is a “framework” directive.



Natural, heavily modified and artificial water bodies.

Blue color is natural water courses and red and yellow colors are heavily modified and artificial water bodies.

Conclusions and recommendations

The first water cycle in the WFD has come to an end and the four countries participating in the workshop had very different experiences and challenges in getting an appropriate water governance structure.

The Guideline 8 concerning participation in the WFD are more than 10 years old and a number of the experiences and challenges which the four countries have faced in the first water planning cycle are not addressed in this guideline.

The four countries dealt with all face challenges in finding a water governance structure which balances the needs for:

- Balancing the interests of various groups
- Secure good status of different water bodies
- Include knowledge from various actors
- Include an intermediary between the national and the local level

The questions which is raised again and again is how to make the collective water planning in a way, where the EU and national goals are taken into account and the local initiatives is supported and facilitated? And how do we make a good fit between the different scales (natural scales vs governance scales)? How do we find ways where overall planning and ideas for implementation with multiple benefits are able to go hand in hand?

Recommendations

In order to secure that the different learnings from the different EU countries are taken into account it is recommended that:

The experiences and learnings on water governance in the different countries are shared and learned from in order to optimize the future water governance structure

The Guideline 8 should be revised

References

Ref 1:

COMMISSION STAFF WORKING DOCUMENT, Member State : Germany. Accompanying the document
REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL on the Implementation of the Water Framework Directive (2000/60/EC)
River Basin Management Plans

KLADDE

Annexes

Fact sheet on water governance

http://www.watercap.eu/NR/rdonlyres/9FB475CD-E0A1-427E-8192-57C76247A630/0/WaterCAPTaskforce_catchment.pdf

Annex 2: The catchment based Approach and the role of the third sector, report from UK meeting on water governance in April 2014

The presentations from conference on water governance in Denmark in October 2014 (in Danish):

https://www.landbrugsinfo.dk/miljoe/vandplaner/vandraad/sider/Konferenc-e-vandraad-materialer_pl_14_1945.aspx

Report from workshop on water governance in Denmark in October 2014

Report from meeting on water governance in UK in November 2014

References

Common Implementation Strategy for the Water Framework Directive, guidance document no. 8, June 2003: http://www.eau2015-rhin-meuse.fr/fr/ressources/documents/guide_participation-public.pdf

Catchment Based Approach: Improving the quality of our water environment, May 2013, by Department for Environment, Food & Rural Affairs: <https://www.gov.uk/government/publications/catchment-based-approach-improving-the-quality-of-our-water-environment>

Defra Strategic Evidence and Partnership Project
<http://www.therivertrust.org/projects/sepp/index.html>

<http://onlinelibrary.wiley.com/doi/10.1002/eet.509/pdf>