

CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF EUROPE

Recommendation 137 (2003)¹ on the role of territorial authorities in the management of river basins

The Congress, bearing in mind the proposal of the Chamber of Regions,

1. Having considered:

a. the report on “the role of territorial authorities in the management of river basins: an analysis of the Danube based on the experience of the Rhine” presented by Mr Dragnea (Teleorman, Romania) and Mrs Jacobs (Gelderland, the Netherlands), rapporteurs;

b. the Final Declaration of the European Conference on the Role of Territorial Authorities in the Management of River Basins – the Danube, held in Turnu Magurele (Romania) from 10 to 12 April 2003;

2. Welcoming:

a. the agreement reached by governments at the World Summit on Sustainable Development (WSSD) (Johannesburg, 2002) to “Develop and implement integrated land management and water-use plans that are based on sustainable use of renewable resources and on integrated assessments of socio-economic and environmental potentials, and strengthen the capacity of governments, local authorities and communities to monitor and manage the quantity and quality of land and water resources.” (WSSD, Plan of Implementation, 38/b);

b. the recommendations of the International Conference on Freshwater (Bonn, 2001) which stated that: “Decision making, implementation of projects and operation of services should be decentralised to the lowest level capable of handling such tasks, keeping in mind that watersheds are the appropriate reference for water resource management (...) National governments should strengthen their domestic funding capabilities and create a viable frame for local government (...) Decentralisation of responsibilities for water and other services to local government should go hand in hand with parallel actions to improve management and provide clear authority to raise and retain revenues.” (Bonn Recommendation 11: “Manage water at the lowest appropriate level”);

3. Recalling:

a. directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000, establishing a framework for Community action in the field of water policy (the “European Union Water Framework Directive”), which recognises as a guiding principle that water must be managed at the level of the basin or catchment, and

calls for the “protection and sustainable use of water in the Community in accordance with the principles of subsidiarity.”(Preamble, paragraph 18);

b. that the crucial importance of local and regional government is enshrined in the principle of subsidiarity, which emphasises that decisions and actions should be taken at the appropriate level, as close as possible to the citizen, in accordance with the principles laid down in the European Charter of Local Self-Government;

c. the Budapest Memorandum on the Danube River Basin of November 2001 – where twenty-one countries discussed the historical, cultural, economical and ecological situation prevailing in the Danube river basin – lists recommendations to assist in the process of integrating this important region into the European Union, including that: “Norms and regulations as they have been developed in the EU states are to be implemented in the Danube region but need to be adjusted to the specific local situations;”

d. the Strasbourg Declaration: Relearning about Water, adopted by the Parliamentary Assembly of the Council of Europe in 1998, which states that “the management of water and all its uses presents a political, economic and social challenge around which the contours of tomorrow’s Europe are being drawn;”

4. Highlighting:

a. that nowhere is the challenge of achieving integrated, sustainable and participative water resource management more important to the future of “tomorrow’s Europe” than in the Danube river basin, which brings together EU member states, accession states and non-accession states, in a complex transboundary watershed;

b. that the Danube – the Black Sea region – constitutes an axis of increasing geopolitical importance in the enlarging European Union;

c. that in an international river basin, co-operation between states sharing the resource is essential to achieving sustainable water management and regional security, and these transboundary responsibilities must be respected and understood at all levels of decision making and implementation, including territorial authorities;

d. that the basin of the Danube river and its tributaries are of enormous economic and social importance as a major European river system with multiple uses and functions, providing drinking water, transport, energy, fish and numerous sources of income and recreation to millions of people, as well as being of great ecological significance as the natural habitat for countless species and location of several wetlands protected by the Ramsar Convention on Wetlands of International Importance;

e. the special challenges being faced by the central and eastern European basin states of the Danube which have undergone rapid economic, social and administrative transition in the last decade, and which are still experiencing severe environmental, social and financial hardships;

f. the central role which territorial authorities in these central and eastern European states must play in ensuring non-discriminatory public participation in water resource management and policy making, which is required in the EU Water Framework Directive and which is an essential element of any democratic state;

g. that territorial authorities, as the overseers of local water supply, wastewater treatment, spatial planning and environmental protection within their territories, are key players in meeting all conditions of the EU Water Framework Directive and other EU environmental standards within the agreed timeframes;

h. that while the Danube basin, including eighteen states at different levels of economic and political development, is unique, the experiences of local and regional authorities in other major European waterways – in particular those of the Rhine basin, which have had long-term practice in democratic, decentralised and integrated transboundary water resource management – are invaluable;

5. Concerned:

a. by the fact that the welcomed political transition in the central and east European Danube basin states, which has resulted in rapid decentralisation of decision making and policy implementation, has not been accompanied by corresponding increases in the financial, human and technical capacities of local and regional authorities;

b. that the speed of legislative reform has left many stakeholders feeling that they have not been adequately consulted;

c. that the inadequate financial, human and technical resources of local and regional authorities to meet their new responsibilities in water management and service provision has led to near collapse of services in some regions, lack of consumer and environmental protection and loss of trust in the ability of public authorities to provide these essential services;

d. that in some instances new water-related legislation and policy have resulted in contradictions, confusion and even conflict between different levels of public authority and subsequently hindered the development of integrated water resource management and transboundary co-operation;

e. that contradictions also exist between international, European, Danube basin, bilateral and national level legislation and agreements;

f. that while the simultaneous processes of decentralisation within, and internationalisation of, the Danube basin (through the Convention on Co-operation for the Protection and Sustainable Use of the Danube River, EU enlargement, and international conventions such as the Aarhus Convention and Ramsar Convention) have led to greater responsibilities for local and regional authorities and greater co-operation at inter-state level, the practical links between these two decentralisation processes have yet to be adequately made;

g. that the requirements to meet the standards of the EU Water Framework Directive (WFD) are placing additional responsibilities on already resource-poor local and regional authorities;

h. that the privatisation of water and wastewater services, particularly in large cities in the Danube basin, is taking place in a context of inadequate information and public participation, leading to insufficient regulation and consumer protection, and therefore potential conflict;

i. that, although in a highly inter-connected river basin such as the Danube, one region's problem is every region's problem, there is insufficient emphasis on, or institutional facilities for, direct co-operation or sharing of information and experience at the region-to-region level within and between the basin states of the Danube;

j. that the different systems of water administration and governance in the Danube basin states, ranging from those which remain highly centralised to those where local and regional authorities have been granted prime responsibility, makes region-to-region co-operation and the identification of counterparts more difficult;

k. that the many serious problems and crises which have occurred recently in the Danube basin (e.g. disruption caused by the Balkans conflicts during the 1990s, Baia Mare cyanide contamination in 2000 and devastating floods in 2002) have demonstrated that the mechanisms for rapid information exchange and co-ordinated action currently in place are inadequate to prevent severe transboundary damage;

6. Stressing:

a. that local and regional authorities in the central and eastern European basin states which are now responsible for crucial elements of water management have reported an insufficiency of adequate information concerning many essential issues, including: changes to national legislation, the terms of the WFD, how to access European Union and other grants and loans, privatisation and regulation of water services, and methods of involving the public in decision making;

b. that local and regional authorities in the central and eastern European basin states have reported a lack of practical knowledge and skills in the integrated water resource management due to the insufficiency of the process of decentralisation;

c. that local and regional authorities have identified insufficient funds as a principal reason for their difficulties in carrying out much needed management reform and infrastructure development;

d. that levels of public participation vary greatly across the basin and are not sufficiently structured or transparent;

e. that largely as a result of the above problems, only an estimated 60% of the population of European Union accession countries have access to piped water supplies; just over 40% of waste liquids are treated; and the Danube, its tributaries and delta continue to be the depository of

unacceptable levels of pollution and suffer from lack of co-ordinated and integrated management in the whole Danube river basin;

f. that, as evidenced by the case of the Rhine basin, it can take many decades and large amounts of dedicated financing to achieve co-operation and integrated water resource management on a transboundary watercourse; however, the social and ecological situation faced by the Danube-Black Sea region necessitates that while states and regions should adopt a long-term vision no time or effort can be wasted in enacting reforms and programmes to protect the region from further deterioration and regenerating the Danube for the future;

g. that rather than focusing on controversial and seemingly irreconcilable differences related to the sharing or division of the water resource between regions and nations, the people and authorities of the Danube basin should turn their attention to developing ways to equitably share the benefits of integrated water resource management, and to neutralise their comparative disadvantages and weaknesses through co-operation and exchange of ideas;

7. Welcoming the fact that 2003 has been declared the International Year for Freshwater, in order to celebrate Europe's waterways and make resource protection a top priority of political agendas; in this framework, the European Conference on the Role of Territorial Authorities in the Management of River Basins – the Danube, held in Turnu Magurele (Romania) from 10 to 12 April 2003, provided an opportunity to relaunch specific activities in the Danube river basin,

8. Recommends that the Committee of Ministers of the Council of Europe call on the governments of all member states:

a. to consolidate, co-ordinate and strengthen their national and bilateral efforts to support the protection and regeneration of Europe's transboundary watercourses;

b. to increase co-ordination and the exchange of experience and information between the different multilateral and international commissions, task forces and other expert institutions and bodies involved in protecting and encouraging co-operation relating to these transboundary watercourses;

c. to ratify without delay the United Nations Convention on the Non-Navigational Uses of International Watercourses;

d. to recognise the crucial role to be played by local and regional authorities in the democratic and integrated management of transboundary water resources, as established by the subsidiarity principle and the WFD, and insist that this role is recognised and accommodated in relevant international conventions, agreements and financial mechanisms;

e. to examine their entire legal and institutional framework for water management, at the local, national, regional and international level in order to appreciate vertical co-ordination and identify and address any contradictions or areas of potential conflict;

f. to develop a permanent system for informing local and regional authorities of legislation, policy and initiatives related to water management;

g. to assess the national funds available to support water resource management, infrastructure and services, and prioritise funding to areas of most urgent need, from a social and environmental perspective, and direct it at the level appropriate to meeting the challenges;

h. to ensure that local and regional authorities are fully aware of financial mechanisms and resources available to them and the means to apply for them;

i. to recognise that the deteriorating financial status of municipal water and wastewater utilities can endanger public access to clean water and the ecological state of the watercourse even beyond their national boundaries, and strive to increase funds in such cases;

j. to develop possibilities for representatives of local and regional authorities to be present in the working groups which establish the terms of reference of the financial programmes;

k. to analyse the potential role of private water service providers in their territory and ensure that, when privatisation occurs, local and regional authorities have the institutional capacity to implement and enforce regulations and protect the rights of consumers and workers;

l. to support the preparation of a set of clear guidelines to help local and regional authorities make informed decisions regarding privatisation of water services and insist that authorities consult and involve the public in decision making;

m. to provide the necessary training for elected representatives and employees of local and regional authorities to allow them to make and implement policies which favour integrated water resource management;

n. to promote broad bilateral and multilateral region-to-region co-operation and exchange in regions which share watersheds both within and across national borders;

o. to assist the development of direct inter-region emergency warning systems for floods, contamination and other cross-border disasters, to reduce transboundary impact through early warning and prevention;

p. to develop and support permanent fora and facilities for the active participation of citizens and civil-society representatives in all areas of water-related decision making;

q. to assist local and regional authorities in their efforts to reach the public and be receptive to their ideas and concerns, through public hearings, referendums, media campaigns, and other suitable means;

9. Recommends that the Committee of Ministers of the Council of Europe call on the governments of all Danube basin states to:

- a. support the process already under way under the auspices of the Strategic Action Plan for the Danube River Basin to sub-divide the Danube basin into fifteen sub-catchments for the purpose of achieving integrated water resource management (IWRM) on the ground, while maintaining a long-term and holistic vision for the whole basin;
- b. facilitate the functioning of existing (and the creation of new) inter-regional commissions for the integrated management and environmental planning of these sub-catchments, the majority of which are transboundary; these commissions should consist of elected representatives and experts from each region within the sub-catchment;
- c. encourage the re-orientation of national, regional and local water resource management strategies to align with the priorities and integrated plans developed for each sub-catchment of which they are a part. In this context, local and regional authorities should be involved in the process of drawing up integrated plans;
- d. propose, as contracting parties, that the conventions on the Danube and Black Sea be amended to incorporate the guiding principles of the WFD and the role of the sub-catchments, including the following points:
 - i. reference to the subsidiarity principle;
 - ii. reference to the principle of integrated water resource management;
 - iii. reference to the role of local and regional authorities;
 - iv. provisions for the inclusion of regional representatives from the sub-catchments in the priority-setting and decision making of the Danube Commission;
- e. take advantage of the opportunities opened up by EU enlargement and adherence to the WFD (which even non-accession Danube basin states have committed to) to assess the effectiveness and efficiency of the myriad institutions, initiatives and programmes in place aimed at the environmental rehabilitation of the Danube basin; co-ordinate activities to best serve the common objectives; and ensure that local and regional authorities are better integrated into the existing process;
- f. set clear priorities and develop a broad consensus on water management issues among levels of government, donors, NGOs and civil society to better prioritise investment towards areas and problems where the need is greatest, and develop low-cost options;
- g. give appropriate priority and weight to local and regional water management needs in applications for and distribution of grants and loans in the context of the EU Instrument for Structural Policies for Pre-Accession (ISPA), the European Bank for Reconstruction and Development (EBRD), the European Investment Bank (EIB), the World Bank/Global Environment Facility (GEF),

bilateral development aid and other financial mechanisms through closely involving the representatives of local and regional authorities in defining the items for financial support;

- h. support the preparation and publication of national specific water management information handbooks and websites aimed at informing local and regional authorities of relevant legislation at all levels and how it affects them, and providing practical information on IWRM, privatisation, access to funds, and the principles of transboundary water management;
 - i. co-operate with local and regional authorities to launch a broad public information campaign to raise awareness of the links between responsible water consumption and water resource and environmental protection, the WFD, and informing the public of their right to participate and be informed about water management decisions and how to engage in this process and in this framework to support the initiative “Year of Education for the Danube” launched by the Teleorman county council during the European conference held in Turnu Magurele from 10 to 12 April 2003;
 - j. actively promote the exchange of skills, techniques and advice between local and regional authorities within the Danube basin and their counterparts both in other regions and nations of the Danube, and in other river basins, particularly the Rhine basin, which served as a model for the development of the WFD and has developed a wealth of expertise in all areas of transboundary management, flood control, reduction of hazardous substances and other relevant areas;
 - k. to support the setting up of a centre for local and regional authorities in the Danube river basin, as presented in CLRAE Resolution 163 (2003) on the role of territorial authorities in the management of river basins;
10. Recommends that the Committee of Ministers of the Council of Europe call on the European Union to:
- a. increase involvement of the EU and its member states in environmental co-operation with the regions of both non-member states and member states, including through more co-ordinated action by all relevant sources of EU financial assistance in accordance with the European Commission Communication on Environmental Co-operation in the Danube – Black Sea region (COM (2001) 615 – November 2001);
 - b. create a Danube and Black Sea Region (Dablas) Task Force consisting of representatives of basin states, the European Commission, interested EU member states, international financial institutions and bilateral donors, and include in the task force also representatives of local and regional authorities;
 - c. ensure that funding and investment also follow the WFD logic of catchment-based management and of the subsidiarity principle and are proportionately directed to local and regional authorities (who bear increasing responsibility in fulfilling the *acquis communautaire*

related to water) and to the Danube sub-catchment management commissions, both of which should also be integrated in the consultation and assessment process to determine where funds are most needed; in this respect, the creation of a special Danubius fund – which can also support the creation of the centre for local and regional authorities in the Danube river basin – is desirable;

d. demonstrate solidarity and commitment to rehabilitating the environment of an enlarged EU through support for inter-basin co-operation and exchange, particularly in

terms of transfer of technology which has proved crucial in integrated river basin planning and management in the EU, and particularly in the Rhine basin, such as the Geographic Information System (GIS) tools and other decision support systems.

1. Debated and approved by the Chamber of Regions on 21 May 2003 and adopted by the Standing Committee of the Congress on 22 May 2003 (see Document CPR (10) 4, draft recommendation presented by Mrs C. W. Jacobs and Mr L. N. Dragnea, rapporteurs).