

LEGAL AND INSTITUTIONNAL
CONTEXT OF
ISIIMM PROJECT COUNTRIES

DRAFT

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VERSION CONTROL TABLE

Date of modification	Who modified	Description
26 April 2005	Sergio Vallejo	Add the separate documents in one so isimm teams can consult, modify and compare
26 May 2005	Yunona Videnina	Integrate additional documents and schemes sent by project partners

LEGAL AND INSTITUTIONAL CONTEXT EGYPT

National Legislation

- Law n.68 of 1953 for Irrigation and Drainage: this law issued to replace the law enacted in 1899 that continue to be valid until 1952. According to this law the central authority undertakes the management of irrigation water and canals at national level. The ministry of Public Works and Irrigation was the sole party allowed to formulate and implement policies to water resources.
- Law n. 35 of 1949: this law has regulate the drains field. Others laws followed it in 1954 and 1956 sought regulating the cost recovery of establishments of the several component of drainage system. These laws were amalgamated in the law n.74 of 1971.
- Law n. 32 of 1964: It establish the association and private union. This law was the sole legal basis for establishment of non-state organisations, including the water users' association. The membership in this association is voluntary and the supervisor central authority in charge is the Ministry of Social Affairs.
- Law n.12 of 1982: this law is the milestone of the legislative contemporary framework related to the water resources in Egypt. It has amalgamated the several laws issued to activities related to management of water, whether fresh or underground, and the operation and maintenance off all irrigation and drainage system. The central authority takes care of the control and management of the water distribution from the Nile River and its branches for the purpose of irrigation, drinking , industry, etc..
- Law n. 213 of 1994: it furnish a legal base for improvement of the irrigation system. This Law is the first to provide the legal basis for the farmers' participation and decentralisation in water management at the "mesques" levels. In fact This law establish the water users' association to manage the private "mesques". Those association have the authority to estimate irrigation fees which could cover the operational coast.

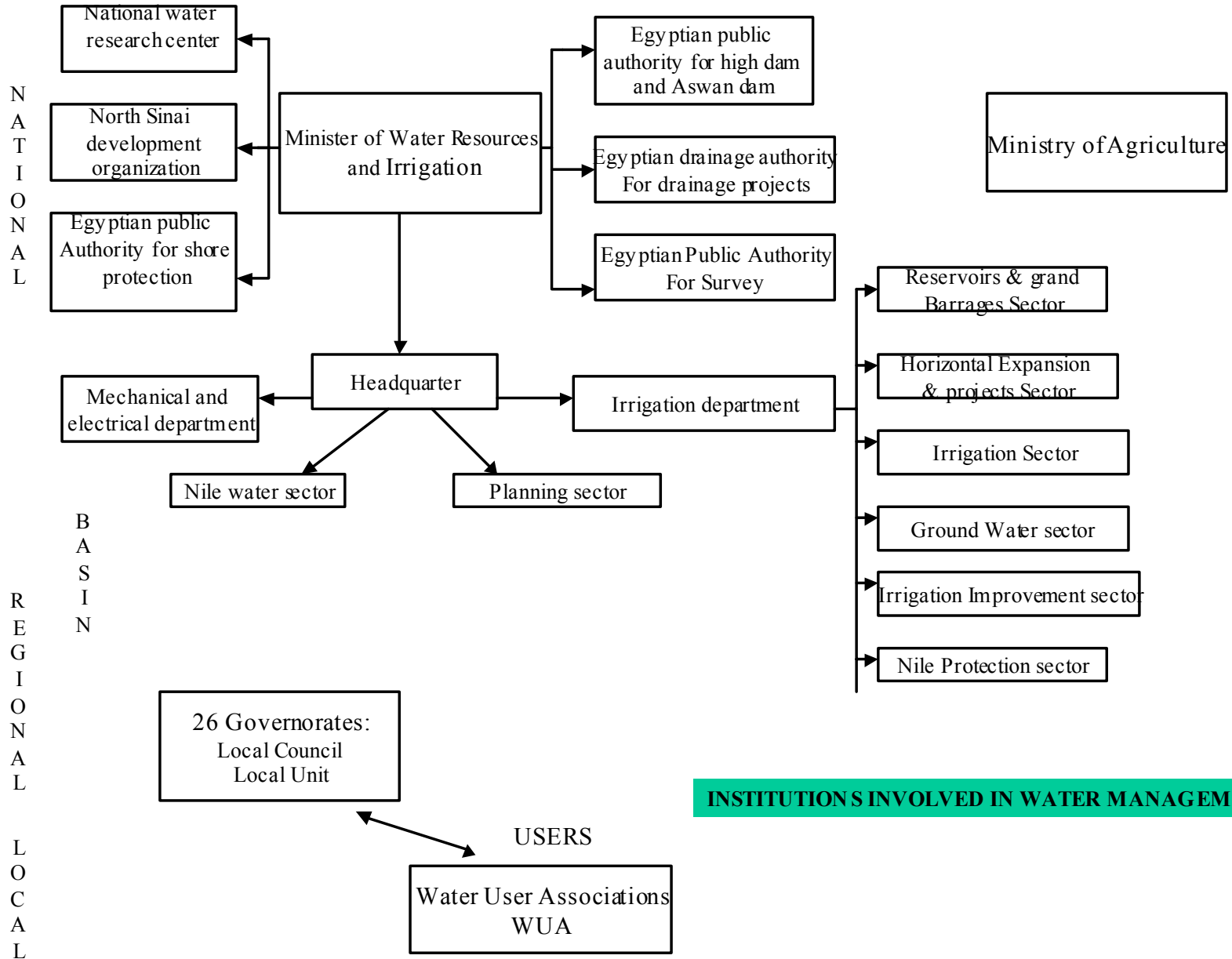
National and Regional Institutions

- Ministry of Water Resources and Irrigation (MWRI): Central institution in the management of water quantity and also quality. The actual name came from the decree no. 409 of 1999, before it was defined as Ministry of Public Works and Water Resources. The MWRI responsibility are: Optimisation of available fresh water resources; Improvement of drainage conditions; Improvement of irrigation system; control of system losses; control of water quality and groundwater exploitation; planning the reclamation of desert area for agriculture.
- Ministry of Agriculture:
- The Water Boards Projects: projects had been develop an approach, which has general validity to the diverse irrigation and drainage system in Egypt.
- Govern orates: administrative body competent at regional level.

Local Institutions

- Water User Associations (WUAs): MWRI has adopted a policy to increase stakeholders participation through the formation of WUA. That is including as experiment within I.I.P. This WUA participate in planning and control at mesquas

level. The WUA is an non-profit organization managed by the group of water users. This body manage the irrigation system at local level. The farmers that join a WUA can have some benefit (more reliable water supply, well-maintained canals, quick dispute resolution etc..).



INSTITUTIONS INVOLVED IN WATER MANAGEMENT

LEGAL AND INSTITUTIONAL CONTEXT FRANCE

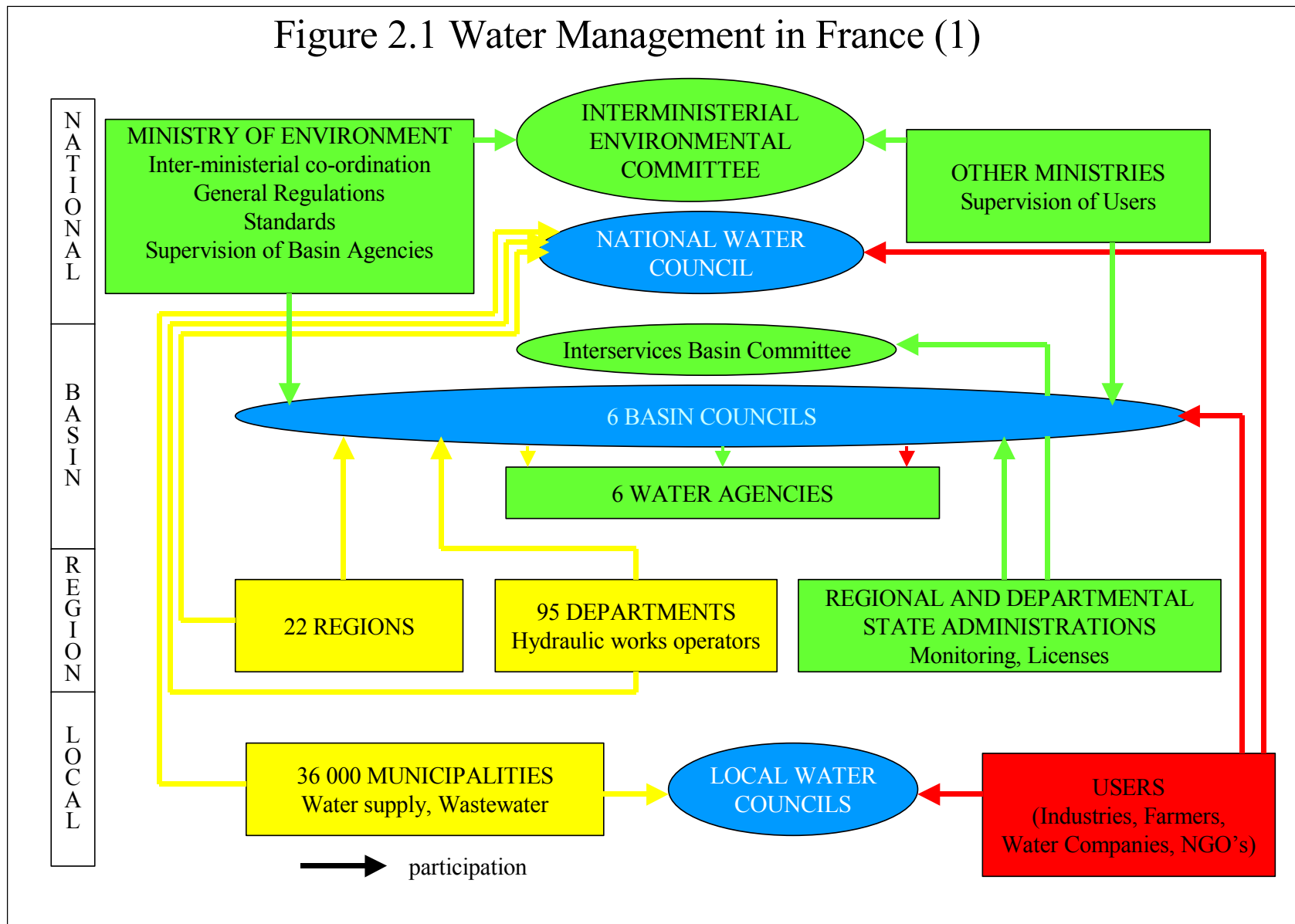
National Legislation

- Water Law of December 1964 established: the water management at the level of the large basin to satisfy all users; participation of stakeholders in the water policy definition and its implementations at national level (National Water Committee) and at basin level (Basin Committees); technical and financial organism at the basin level in order to implement the basin policy through financial incentives; monitoring the water quality and the pollution discharge licenses; Basin Committees set up in 1967 and Basin Agencies operational in 1968.
- Water Law no. 92-3 of January 3, 1992 established: that the integrated water management have to satisfy not only the interests of drinking water and economic uses, but also ecological goals; groundwater and surface water have to be managed together; the duty for the Basin Committee to draw up the Master Plan for Development and Management.
- E.U. Water Framework Directive
- Law decree of January 10, 2001, in actuation of E. U. directive, to establish the “action program” at national level; introduce the concept of “vulnerable zone”; more competences to the CORPEN.

National and Regional Institutions

- Inter-ministerial Environmental Committee
- Ministry of Environment
- Inter-services Basin Committee
- National Water Council
- Basin Council
- Water Agency
- 22 Regions: Administrative body with not obligatory competence; financing project of regional interest (dam..) and to protect the “sensible zone” (lack cost ..);
- 95 Departments: thanks to the decentralisation the Departments are acquiring more importance, but already they have not a large obligatory competences.
- Regional and Departmental state administrations
- Municipalities
- Local water councils

Figure 2.1 Water Management in France (1)



LEGAL AND INSTITUTIONAL CONTEXT ITALY

(See Annex 1)

National Legislation

- Law no 319/1976 (Merli Law): planning and protection of water use and introduction of regulation for waste waters.
- Law no 183/1989: Introduce Basin Authorities that thanks to Basin plan, manage the water resource.
- Law 36/1994: Introduce the new territorial administrative units, Optimal Territorial Areas (ATOs); create Integrated Water Service (IWS); introduce public ownership of all water resource.
- Legislative Decree no 152/99: address the protection of water quality integrating the E.U. directives 91/271 and 91/676.
- E.U. Water framework Directive (2000), already not implemented.

National and Regional Institutions

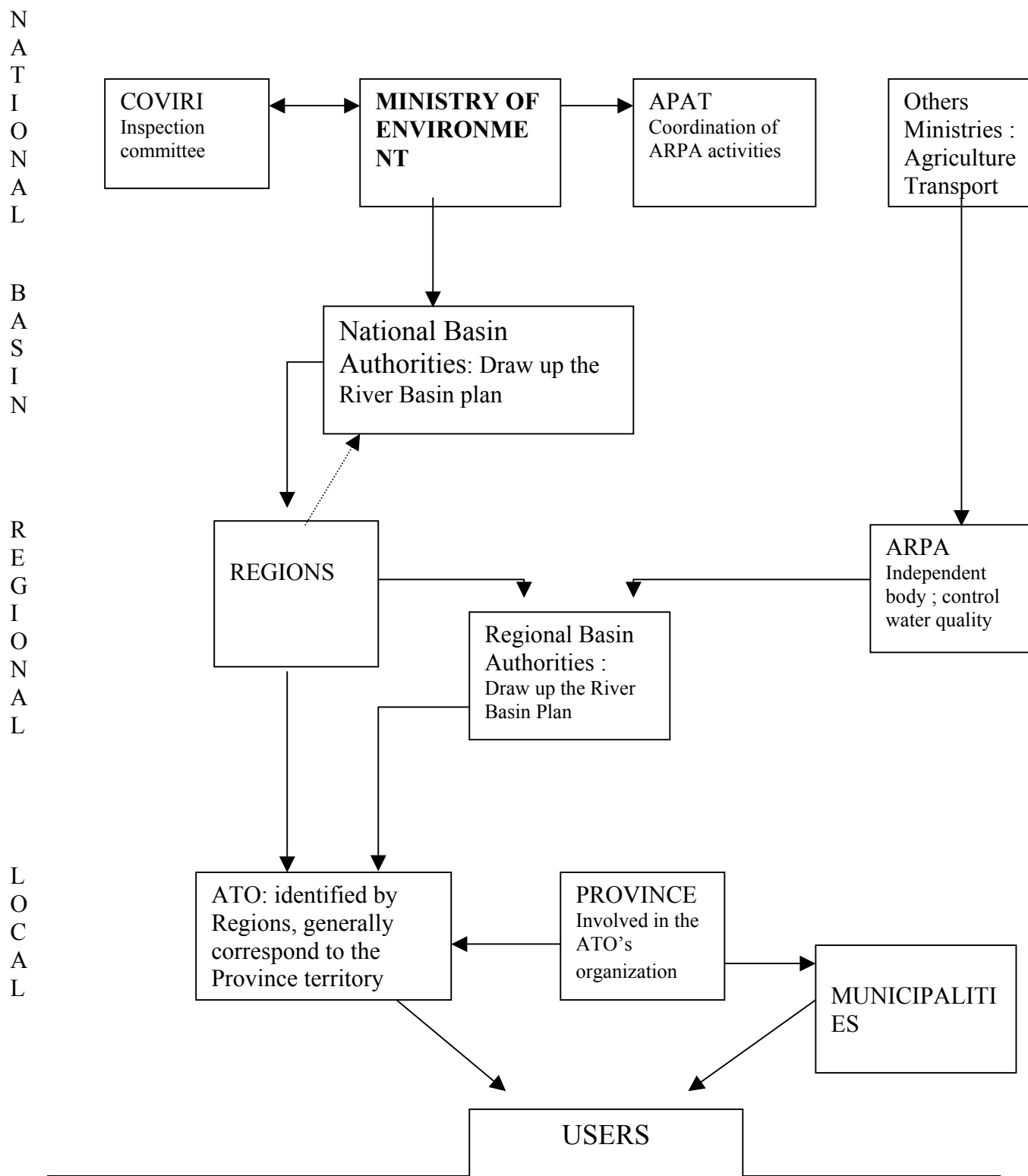
- Ministry of Environment and Soil Protection: provides general guidance for management and protection of water resources.
- Ministry of Infrastructure and Transport: plan and manage national network of infrastructure.
- Ministry of Agricultural and Forestry: develop technical and scientific activities in water field.
- Inspection Committee for the Use of Water Resources (COVIRI): independent body established by Law no.36/1994. The Committee monitors that the organisation and implementation of water service follow the principle of efficiency and effectiveness.
- Italian Agency for the Protection of the Environment and for technical Service (APAT): technical activities of protection of the environment of water and soil source; Co-ordinates the activities of the Italian Regional Environmental Protection Agencies (ARPA).
- National Basin Authorities: guarantee the water and soil protection, draw up the River Basin Plan, plan the water budget for the River Basin.
- Regions: competences in water planning protection developing a Regional Law; in water management, identifying the Optimal Territorial Areas; and full competence of concession matters.
- Regional Basin Authorities: Authorities at regional level under the regional law.

Local Institutions

- Optimal Territorial Areas (ATOs): territorial administrative units, corresponding very often to Province territories, for managing the IWS

- Province: involved in the ATOs's organisation.
- Municipalities

Institutions involved in water management



LEGAL AND INSTITUTIONAL CONTEXT LEBANON

(See Annex 2)

National Legislation

Code of Medjelle (1845-1876): developed a complex property regimes. The code affirmed that the ground water is a community property; Concerning the rights of use, Water was considered as not saleable good. The irrigation was regulated by the irrigation code (1913) and the law of exploitation of the irrigation networks (1918). The Code of Medjelle is still in force.

Decree 144 of 10 June, 1925 and the decree 320 of 26 may, 1926 defined all the water resources as a public property. The rights of property issued by the previous juridical regimes still valid until the state expropriate them by the purge procedure.

Law no.20/66 of 29 march 1966 created the minister of Energy and Water (this laws it is amended by Law decree no.3044 of 25/3/72, and by law decree no. 6650 of 6/12/1973, and finally by Law no. 221 of May 29, 2000)

Law project 1972 propose to reorganize the 21 water office into 5 institutions.

Decrees 1996 in actuation of the law project of 1972. It is confirmed the administrative division proposed in 1972. Five office with a competence of water uses and irrigation. An exception is constituted by the Bekaa Sud and Liban Sud office, because they didn't have an irrigation competence. In fact this competence is assigned to the National office of Litani.

Law n° 241/2000 (amended by Law no. 221 of 29 may 2000 and by Law no. 377 of 14 December 2001 to transfer the treatment of waste water to the institutions) define four Water Office, unifying Bekaa nord and Bekaa sud, and maintaining the National office of Litani; The Law affirms that the develop and the protection of the water resource are in the heart of the public interest; Also thanks to the Law are delegates several task to the Ministry of energy and Water.

National and Regional Institutions

Ministry of Energy and Water (MRHE): controlling the surface and underground water quality and fixing the correspondent criteria's; studying and executing the major hydraulic installation (dams; tunnels etc.); controlling the pumped volume; giving the authorization to create wells; controlling the performance of institutions dealing with the water sector.

Council of development and Reconstruction (CDR): created in 1977 is taking in charge the financial aspects. It is dealing with international financing bodies for the projects execution.

Ministry of Agriculture: taking care for the extension of irrigation technique and efficiency; developing the "green plan" (1963), to create small lakes in mountains regions and small irrigation project; Supervisor of statistics studies and national plan.

Others Ministries: Ministry of Health: Control water quality; Ministry of Environment: Control the pollution affecting water; Ministry of Interior: carry out the drainage water of municipalities.

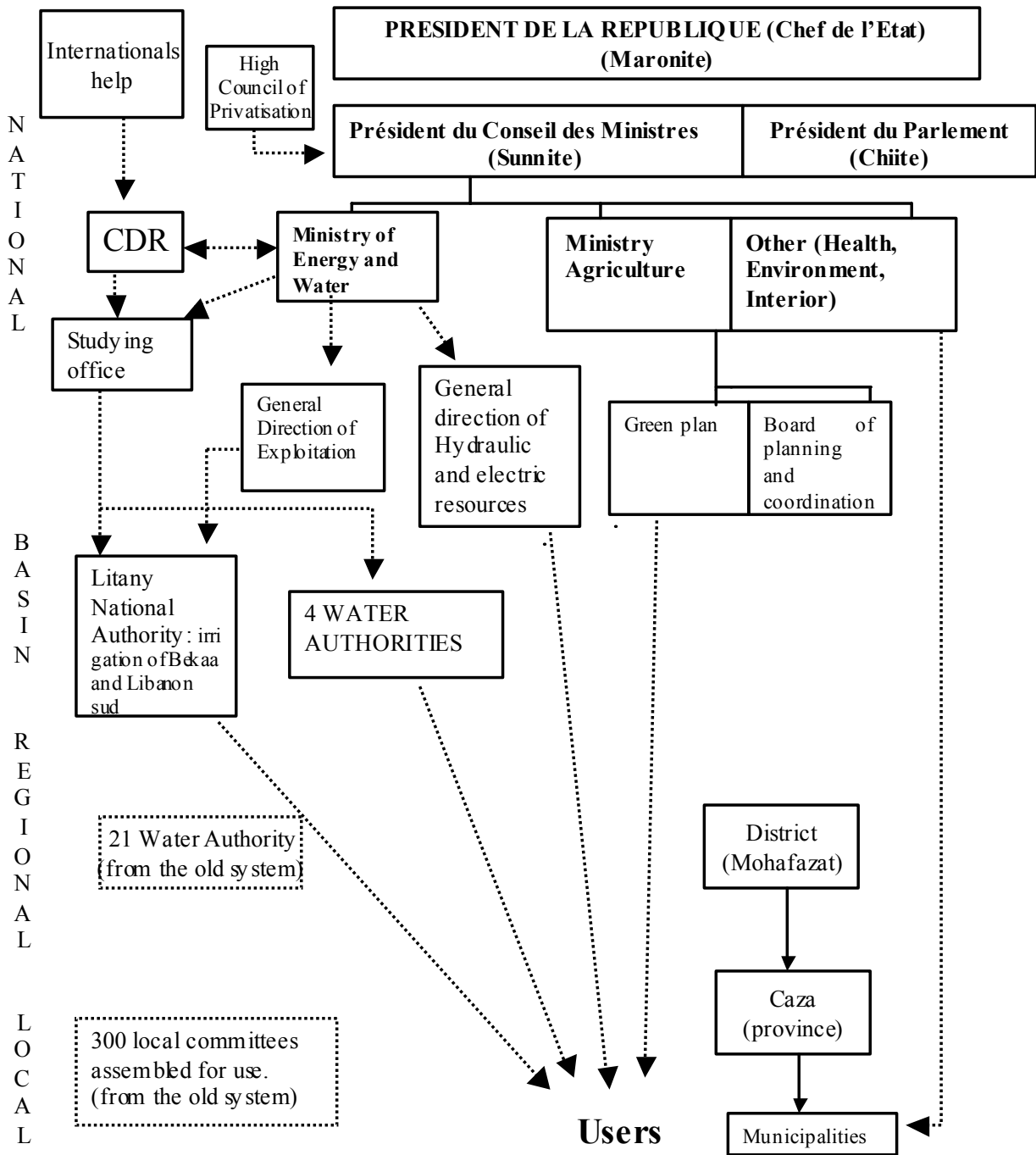
Local Institutions

Water Authorities (Beirut and Mount Lebanon, North Lebanon, South Lebanon, and Bekaa): controlling the drinking and irrigation water quality; suggest water tariffs according to the socio-economic situation

Litani National Office: controlling the quantity level of water and the irrigation in South Lebanon and Bekaa.

Municipalities: carry out the drainage water in the urban areas.

INSTITUTIONS INVOLVED IN WATER MANAGEMENT



LEGAL AND INSTITUTIONAL CONTEXT MOROCCO

National Legislation

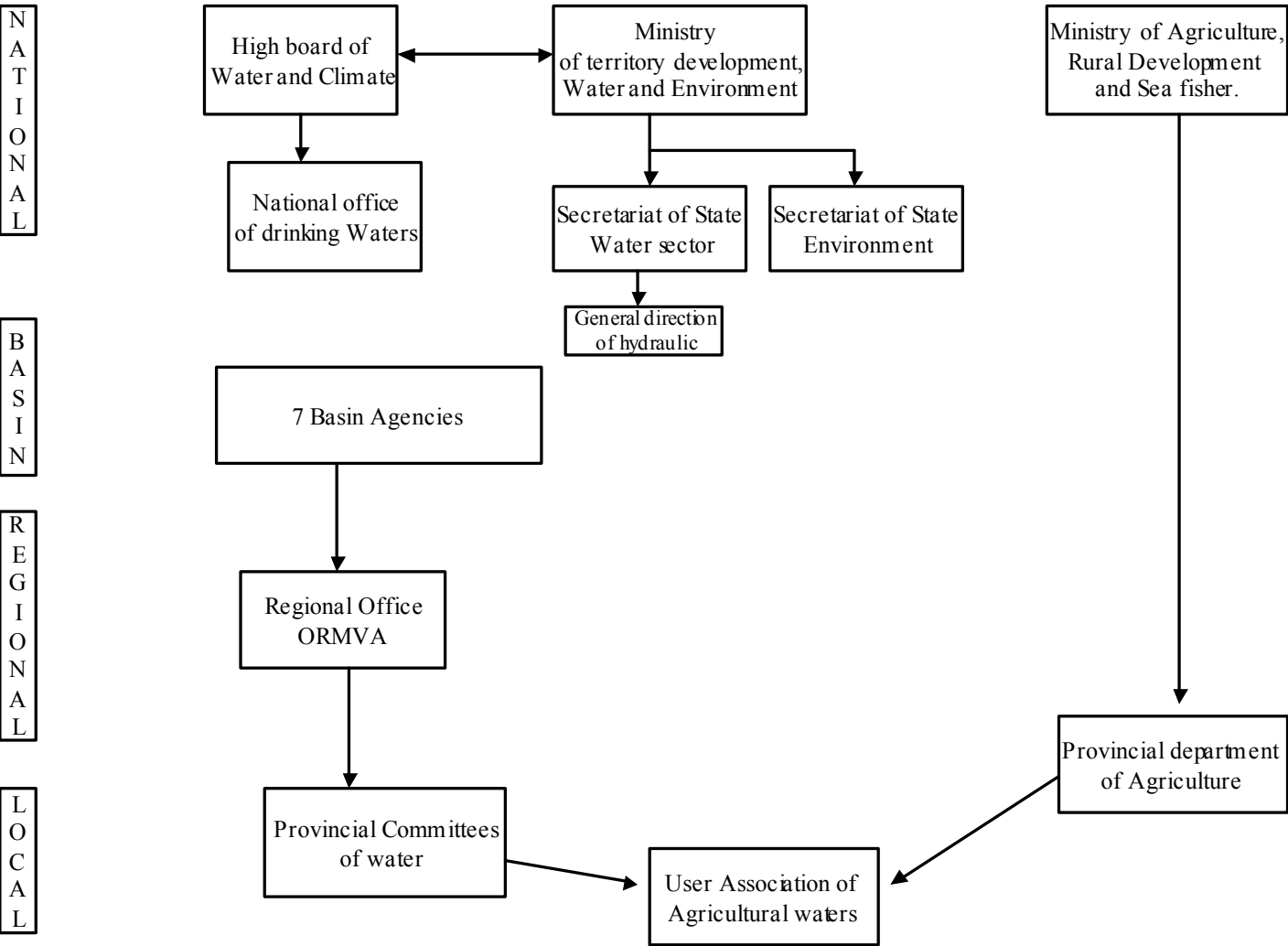
- Code des Investissements Agricole (July 25 1969) : this code's goals is the agriculture develop and the reorganization of irrigation policy.
- PAS (plan d'Ajustement Structurel) : the plan is a consequence of the financial difficult situation of Morocco in the early '80. It was established a partial privatization and the cut of subvention to the ORMVA organizations. Develop of irrigation program thanks to the internationals financials helps.
- PAGI I and II: program to develop the grand irrigation system created in 1986; the program's goals is the develop of agriculture and the efficiency of water use; In 1993 born the PAGI II that seek the financial autonomy of ORMVA institutions.
- PMH: the program goal is the reduction of disparities between the grand surface and the small in the irrigation process.
- National plan for the Irrigation (PNI) 1993: extend the irrigation for arrive at 1 million hectares of cultivable land; valorization and of water source; the extension of ORMVA' competence and the develop of farmers participation in the AUEA organizations.
- Water Law of October 1995: the law's goals are: the develop of integrated water policy to take care the offer and the demand of water source; the identification of resources; the planning of exploitations; valorization of no conventional resource; the fight desertification and pollution; the develop of new irrigation techniques to economize water source and redistribution of water cost.

National and Regional Institutions

- Ministry of Territory development Water and Environment: Plan and manage the water source; Control and evaluation of water quality; Realization and preservation of infrastructure in water sector.
- Ministry of Agriculture development and Sea fisher
- High board of Water and Climate: Analyze the national water policy and the National plan; the Board studies the water division among different uses of sector. For a 50% it is composed by the delegate of the government of public bodies and for the other 50% by delegate of Users, Scientifics experts and institutions at local level.
- National Office of drinking waters :
- Basin Agency:(water Law 10-95): the main task are: draw up the River Basin plan; control the application of river Basin plan; control the license to use the public waters; planning the water management at quality and quantity level; prevent the risk of flooding

- Regional Office (ORMVA):created in 1966 in the context of decentralization; they are public body with financial and administrative autonomy; they are responsible of planning and control the irrigation water source.
- Provincial department of agriculture: it is composed by delegate of different institutional level, from national level(Water National Office, ministry of Agriculture..) to local level (Chamber of Commerce and local municipalities).
- Province committee of water: February 5, 1998:
- AUEA (Users association of agricultural water) 1990

INSTITUTIONS INVOLVED IN WATER MANAGEMENT



LEGAL AND INSTITUTIONAL CONTEXT SPAIN

(See Annex 3, 4 and 5)

National Legislation

- Water Law of 1985: Establishment of principles of water management and adaptation of public administration of water to the new regional configuration of government.
- Royal Decree 849/1986: to regulate uses and protection to the public hydrological domain.
- Royal Decree 927/1988: establishment of the administrative organisation for the exercising of government competencies.
- Law 42/1994 of december 30th: modification of several articles of the Royal Decree 849/1986 to regulate uses and protection to the public hydrological domain.
- Law 9/1996 of January 15th: under which extraordinary, exceptional and urgent measures regarding hydrological supplies are adopted as a result of the persistence of drought period.
- Law 13/1996 of december 30th: Tax measures to regulate management and exploitation of public waterworks.
- Law 11/1999 of December 13th: modification of Water Law of 1985
- Law 46/1999: Modified text of Law 29/85 that, without substantially altering previous legislation, seeks to redress its deficiencies and the new challenges demanded of water administration in compliance with the European Union and with the need to grant the greatest level of protection to this natural resource as a environmental asset of the highest order

- E.U. Water framework Directive (2000)
- Law of National water master plan 2001
- Law-decree to modify the law (2001) of National water master plan 2004

National and Regional Institutions

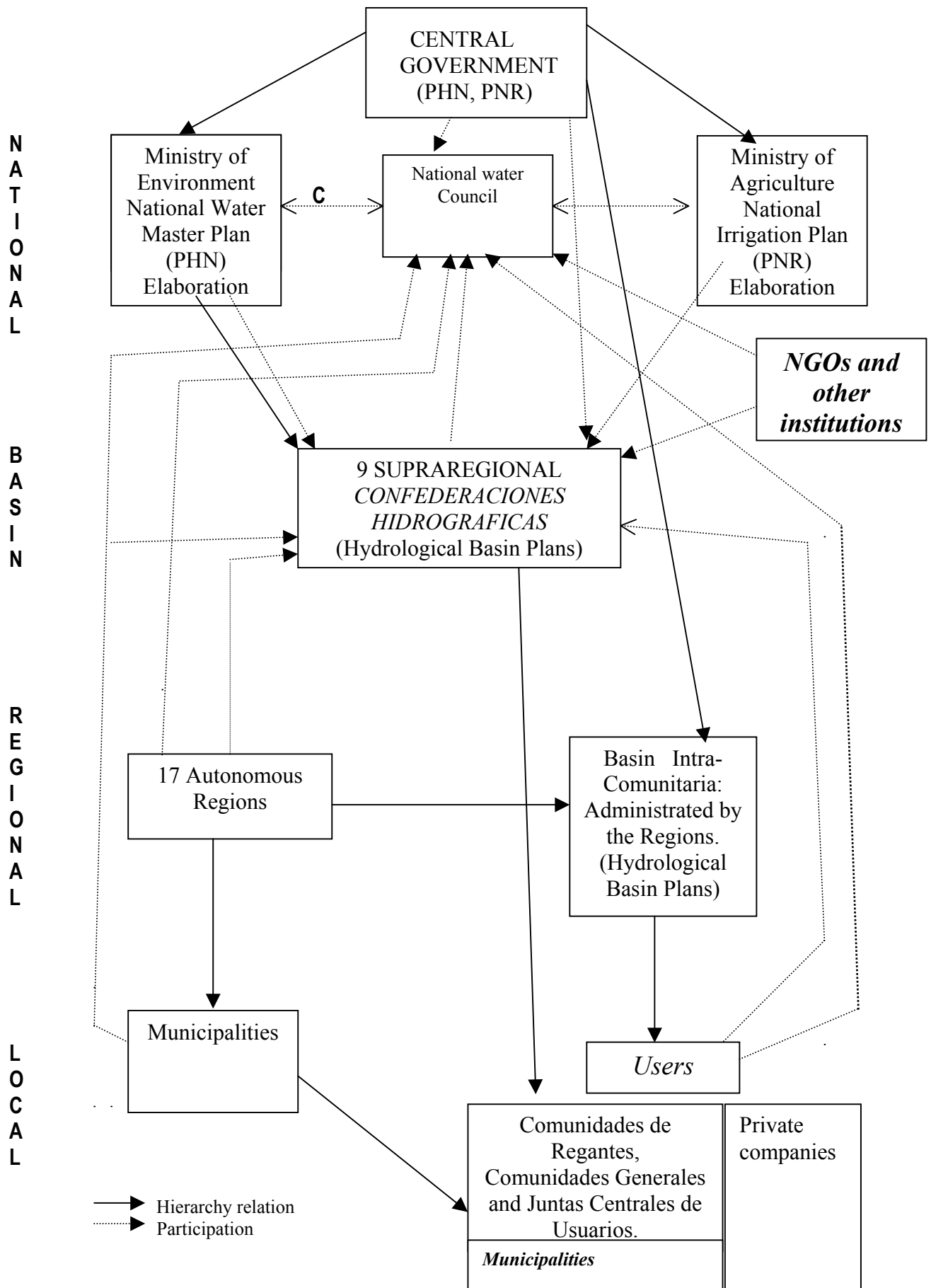
- Ministry of Environment: Provide general guidance for management of water resources. It draw up the National Water Master Plan (*Plan Hidrológico Nacional*) to define the water management system at national level.
- National Water Council: It s a important body constituted to represent the different actors involved in the water management process. It is composed by delegate of *Comunidades Autonomas*, delegate of municipalities, experts, users and delegate of *Cuencas*. In the end of 2004 the Spanish government was thinking about reform this body
- Minister of Agriculture: it draw up the National Irrigation Plan. In the actual plan (*Plan Nacional de Regadíos. Horizonte 2008*) are proposed the principle that have to be develop in Spain irrigation system (sustainability, cohesion, competition, flexibility, equity, multipurpose and coordination)

- Hydrographic confederation (9 River Basin *Intra-comunitarias*): manage one inter regional basins, that can include one or more undivided basin. The functions are the elaboration of hydrological plans for basins included in their territory; the administration and control of public hydraulic domain; project and control of works.
- Basin *Inter-comunitario*: this body is in close relation to the Region to develop the control, analysis and managing of the water resources.
- Region: Autonomics Communities Administrative body, that cover a important role in managing water resource in relation with Basin inter-comunitario. The regions have a delegate in the National Water Council and in the *Confederacionse Hydrograficas*

Local Institutions

- Municipalities: responsible of water supply and waste water facilities.

INSTITUTIONS INVOLVED IN WATER



ANNEXE 1 : INSTITUTIONAL REQUEST ITALY

National legislation

1. Please, verify and complete the legal context (National legislation) by identifying and defining the different types of legal documents (Laws, decrees, regulations, Norms and Standards..)?

THE ITALIAN WATER LEGISLATION

Significant Italian legislation on water resources issued at the end of the 19th century.

ROYAL DECREE n. 1775/1933

Royal Decree n. 1775/1933, entitled: “Consolidation Act of the provisions of law on water resources and electrical systems”. This Decree aimed to establish detailed rules in order to regulate the use of water resources and devolved upon the public administration wider executive and managerial powers. Besides the Decree regulated also the hydroelectric sector. The Decree revised also the concept of public water including for the first time, within the water resources, the category of groundwater resources, although the definition of public water was not clearly stated.

LAW n. 183/1989

Another important step in the evolution of the Italian water policy has been made by the **Law n. 183/1989**, which laid down the bases for a structured water policy dealing with delimitation of the watershed, the protection of water resources, the safeguarding of water heritage and the use and management of water resources. This law was designed to secure the co-ordination of the different sectorial policies for the water cycle, soil conservation, water pollution abatement and protection operations, use and management of water resources for the purposes of rational economic and social development, and protection of the associated environmental aspects. This law represents the first attempt to integrate water quality, water use and soil protection in one policy.

In fact, the Law 183/89 establishes important regulations for soil protection and aims to set in motion a process of administrative rationalization, introducing the following main innovative features: a) the introduction of the River Basin (watershed) as an optimal area of intervention for an integrated policy for soil protection and water management; b) the creation of the Basin Authorities, which are composed both by State and Regions; c) the introduction of a Basin Plan, as the planning instrument for the management and use of water resources within the River Basin. In particular, the Law identifies three different levels of Basin Authorities: National, Inter-Regional and Regional. Moreover, the Law introduced new measures for the environmental protection of water in order to foster a rational use of water resources. Indeed art. 3 enacts that *the basin plan must guarantee that water withdrawals will not compromise the water minimum constant vital flow*.

With reference to water planning, the Law foresees the possibility to adopt provisional plans (referring to sub-basins or to specific topics) before the implementation of the river basin plan. Those plans are considered useful instruments suitable for tackling unexpected emergencies and speeding up the planning process.

LAW n. 36/1994 (Galli Law)

Another measure considered of essential importance to give a legal outline of the situation, is the Law n. 36/1994, called Galli Law. The Law introduces principles such as the definition of

“territorial units” in way of manage the water resources, the integration of water services within a specific territorial area and the need for an effective water pricing. The Law n. 36/1994 mainly focuses on the making up of a new coherent water management policy and introduces general principles concerning water use. The main new aspects introduced by the law are the following:

- a) introduction of public ownership of all water resources;
- b) introduction of the “water balance concept” within each River Basin. The water balance is the relation between the availability of resources and the water demands for different uses. Art. 3 of Law 36/94 states that Basin Authorities have the functions to identify and update the water balance of the competent Basin and to guarantee its equilibrium through planning measures;
- c) definition of a hierarchy between various uses of water, giving priority to human consumption. Moreover, the Law states that during dry spell after human consumption the use of water for irrigation is prioritized;
- d) creation of the *Integrated Water Service (IWS)* which should provide extraction, adduction and distribution services for water supply, sewerage and purification. The IWS aims at improving a rational use of water resources, promoting water savings and the reuse of refluent waters. The main innovation is that for the first time the aqueduct and sewerage systems, traditionally divided, become unified and jointly managed;
- e) definition of new territorial administrative units: the Optimal Territorial Area (ATO) in which the integrated water service is managed. The ATOs are identified by the Regions (after consultation with the competent Basin Authority) according to hydrographic and political-administrative criteria. Pursuant to the Law, the Italian territory has been divided into 91 ATOs. Municipalities and Provinces within each ATO have the functions to organize the IWS and to establish the Authorities of the Optimal Territorial Areas (AATO). These authorities carry out activities for the planning, organization and monitoring of the IWS and in particular have the responsibility of drawing up and adopting a specific plan. This plan must contain the objectives for improving water services and it also foresees the establishment of new infrastructures. The management of the IWS is performed by a managing body entrusted by the competent AATO through a convention.
- f) introduction of measures for the revision the traditional water tariff system. The same tariff is applied to both the aqueduct and sewerage systems, and it should guarantee a “full cost recovery”, including the recovery of operational and investment costs.

To sum up, basically, the Law n. 36/1994 aims to implement an *integrated reform* of water services in Italy. The integration is both territorial (through the creation of ATOs) and functional (through the creation of the water integrated service). It is important to highlight that the implementation process of the Law has been slow and difficult. Actually, up to now several aspects of the reform are not yet fully implemented even though consistent improvements took place in the last years. At the moment, 85 out of the foreseen 91 ATOs has been identified, 47 ATOs adopted the “field plan” and 25 ATOs entrusted the management of the IWS to a managing body. (source: *Italian Agency for the Protection of the Environment and for Technical Services, 2004*). The inspections concerning aqueducts, sewerage and purification systems has been performed on 66 ATOs.

LEGISLATIVE DECREE n. 152/1999

The Leg. Decree is entitled: “Provisions about water conservation from pollution and reception of the directive 91/271/CEE on the urban wastewater treatment, and of the directive 91/676/CEE on water safeguard from nitrate pollution originated by agricultural provenance”.

The Leg. Decree n. 152/1999 addresses general rules for the protection of marine, surface and ground waters. This Decree was issued in order to reorganize and update the Italian legislation

on water protection and especially to integrate and implement both the EC directive 91/271 (concerning the treatment of wastewater) and the EC directive 91/676 (concerning the protection of waters from nitrates). The Leg. Decree addresses the protection of water quality and introduces for the first time in the Italian legislation the concept of quality objectives of a water body.

The main objectives stated by the Decree are the following:

1. to prevent and reduce water pollution and to reinstate the status of the polluted water bodies;
2. to improve water quality, adopting specific protection measures for water resources assigned to specific uses;
3. to guarantee sustainable and durable use of water, defining quality objectives for specific uses of water resources (*i.e.* irrigation purposes) and giving priority for drinking uses;
4. to preserve the natural self-purifying capacity of water bodies.

Moreover, the Leg. Decree provides a reorganization of the institutional set-up in the water sector, assigning and redistributing functions between the various actors at national and local levels. In addition, the Regions are endorsed, in drawing up and adopting protection plans, by the competent Basin Authority. The protection plan is an instrument through which the Region establishes criteria for planning water resources within its administrative boundaries. Through the protection plan the Region states a quality objective for each water body, defines the admissible charges compatible with the self purifying capacity of the water body and sets up the discharge limits. With reference to the agricultural sector, the Regions together with the Basin Authorities adopt specific rules on water savings in agriculture. It is noticeable that the Leg. Decree n. 152/1999 introduces consistent changes in water planning and together with the Law 36/1994 represents a consistent attempt to integrate water use, quality and protection. However, according to some experts, the planning instrument introduced by the Decree might clash with the river basin plan system provided by the previous laws.

The Legislative Decree n.152/1999 has been slightly modified and integrated by the Decree n. 258/2000. The most important changes introduced by this provision are related to the fixing of sanctions for illegal discharge of wastewaters.

LEGISLATIVE DECREE n. 258/2000

“Supplementary and corrective provisions of the Legislative Decree 11 May 1999, n. 152, regarding water safeguard from pollution, according to article 1, paragraph 4 of Law 24 April 1998, n. 128”.

DECREE n. 185/2003

Regulation containing technical rules for the reuse of wastewater to implement the article 26, paragraph 2 of Legislative Decree 11 May 1999, n. 152.

In order to implement the aspects of Decree n. 152/1999 related to the recycle and reuse of wastewater, the Decree n. 185/2003 has been issued, containing specific rules on wastewater reuse for irrigation purposes. The present regulation provides technical rules for the domestic, urban and industrial wastewater reuse, through the regulation of the “proper-use” and quality requisites, in order to safeguard water resource quality and quantity, limit the drawings of shallow water and underground water, reducing the draining impact on water bodies and supporting water saving through the multiple use of the refluxed waters. The reuse have to come in environmental safety conditions, avoiding alterations to the ecosystems, to the ground and to the cultures, as well as hygienic-healthy risks to the exposed population and respecting the

legislation in force. The present regulation do not discipline the reuse of wastewater produced within the same factory or industrial combine.

Institutional context

2. Please, verify and complete the description of the institutional/ organisational set-up of the entities that are responsible at the four different levels: national, basin, regional and local level?

NATIONAL LEVEL

MINISTRY OF ENVIRONMENT

The Ministry of Environment and Soil Protection provides general guidance for the management and protection of water resources and sets precautionary measures in order to avoid water pollution. In particular, the General Directorate for Water Quality within the Ministry has specific competencies concerning water resources.

MINISTRY OF AGRICULTURE

The Ministry for Agriculture and Forestry acts mainly in the water field through the General Directorate for structural policies and rural development which provides general guidelines and co-ordination for the creation of large-sized irrigation infrastructures. In addition, the Research Institutes at the Ministry for Agriculture and Forestry develop technical and scientific activities in the water field.

MINISTRY OF INFRASTRUCTURE

The Ministry of Infrastructures and Transports provides guidelines in order to plan and manage water infrastructures at interregional level and also lays down criteria to plan infrastructures at a Regional level. The Ministry of Infrastructures replaced the Ministry of Public Works, which traditionally played a leading role in the system of governance of water resources. In consequence of the Italian government's reorganisation, performed by Law n. 300/1999, the most of the competencies of the former Ministry of Public Works were assigned to the Ministry of Environment and Soil Protection.

MINISTRY OF HEALTH

The Ministry of Health holds functions mainly in protecting water resource quality devoted to human consumption and in bathing waters.

COVIRI

The Inspection Committee for the Use of Water Resources (COVIRI) is an independent body belonging to the public administration, which was established by Law n. 36/1994. The main aim of the Committee is to guarantee the compliance with Law 36/1994, which states the objectives for the reorganisation of water services. In particular, the Committee monitors that the organisation and implementation of water services follow the principles of efficiency and effectiveness, moreover it guarantees the establishment and the revision of water tariffs and ensures the protection of water users' interests. The Ministry of Environment and Soil Protection supports the activities performed by this Committee.

APAT

The Italian Agency for the Protection of the Environment and for Technical Services (APAT) is a public body, subject to the supervision and vigilance of the Minister of the Environment and Soil Protection and to the Control of the Supreme Court of Accounts.

The Agency performs tasks and technical scientific activities of interest to the protection of the environment, of water and soil resources. In doing so, it has taken over technical and operational functions, which were previously assigned to the National Agency for Environmental Protection (ANPA) and the Department for National Technical Services of the Council of Ministers. The Agency also provides guidelines for the determination and delimitation of national and interregional river basins. The Department is also responsible, together with a network of other national and international structures, for gathering, organising and managing water data.

CIPE

The Inter-ministerial Committee for Economic Planning (CIPE) is generally responsible for approving investment plans and allocating funds to the competent bodies which make investments. With reference to water resources, the Committee is in charge of regulating water tariffs and setting criteria in order to review the standard method for estimating water prices stated by Law no 36/1994. In addition, the Committee provides Regions with financial support for the realisation of the appropriate infrastructures aimed at distributing water at local levels.

CIVIL PROTECTION

The Italian Civil Protection is organised like a national service, formed by central and peripheral bodies of the State, local Authorities and voluntary associations and is co-ordinated by the Prime Minister through the Civil Protection Department. At municipal level, the responsible for the organisation of the civil protection is the mayor. The mayor organises the Municipality's resources on the basis of specific plans previously defined for coping with dangerous events. When the local means are not suitable to face up to huge disasters, the other levels (provincial, regional, national) provide the necessary support. Concerning water resources, main task of the National Service for Civil Protection is to draw up water emergency plans together with Regions and local Authorities. The National Service provides guidelines for the destination of water resources during emergencies: human and animal water consumption is generally prioritised. At last it performs activities in order to remove the causes of emergency situations.

REGIONAL LEVEL

REGION

Regions are mainly competent in the water planning and water management.

About water planning and protection the Region defines water classes and identifies the necessary measures in order to achieve and keep up the water quality objectives set by law; also identifies and marks the boundaries of vulnerable areas and consequently draws up operation plans, defines measures aimed to foster water saving and at reducing water consumption. Regions according to law no 152/99 draft water protection plans to regulate discharges into watercourses, identifying water quality objectives and usage destinations. The water protection plan introduces special measures in order to protect the water environment from pollution.

About water management, the Region, according to the Law n. 36/1994, identifies the Optimal Territorial Areas (ATO) and provides other local authorities with general criteria on water management. Moreover, Regions have full competence with respect to the whole water concessions matter. The Regions also carry out pollution control by means of the Regional Environmental Authorities. At last, Regions generally exert influence over all responsibilities not carried out by the central government with regard to water administration.

RIVER BASIN LEVEL

RIVER BASIN AUTHORITY

River Basin Authorities, are self-governing public bodies established by the Law n. 183/1989 that entrusted them with responsibilities concerning soil protection, reclamation of water resources, usage and management of water heritage and environmental protection within the ecosystem of the concerned river basin. The Law n. 183/1989, through the institution of the River Basin Authorities, completely reorganised the distribution of competencies concerning soil protection between the central government and the local administration. Actually, those Authorities work within the boundaries of the river basin or watershed, a division that supersedes the earlier regional and sub-regional administration boundaries and allows to better deal with the problems connected to water cycle and soil defence. In Italy, there are three different levels of River Basin Authorities: National, Inter-Regional and Regional. The operative instrument of the River Basin Authorities is the river basin plan, which serves as an area plan for the sector. Basically, it gives guidelines for the conservation, protection and improvement of the soil and for correct water use, according to the physical and environmental features of the geographical area concerned.

LOCAL LEVEL

PROVINCE

Provinces are involved in the organisation and management of the Integrated Water System according to the Law n. 36/1994. Moreover, Provinces provide authorisations for water discharges out of sewerage system and take up actions to protect water resources in case of urgent need.

MUNICIPALITY

Municipalities are involved, together with Provinces, in the organisation and management of the integrated water system. In addition, Municipalities identify non-bathing waters and provide authorisations for water discharges in sewerage systems.

ATO

Optimal Territorial Areas (ATO) are territorial administrative units for managing the Integrated Water System (IWS) set up by Law n. 36/94. Each territorial administrative unit includes a group of Municipalities generally belonging to several Provinces. The boundaries of ATO are defined by the concerned Regions according to hydro-graphic and political-administrative criteria. A management system is established for each ATO. This management system is generally made up by an Assembly, an Institutional Committee and a President. Thanks to the role of the ATO, the general management of the water services changed completely, moving from a very fragmented system to an integrated one. In the present model, close co-operation between different Municipalities and Provinces is requested in order to manage more efficiently the water resources.

LAND RECLAMATION BOARD

Land Reclamation Boards (LRB) are public bodies which have competencies concerning water defence and irrigation management at local level. More specifically, LRB carry out activities within the land reclamation district which is a specific territorial area within a Region. Therefore, each Region has the responsibility to identify the districts within its territory and to fix their boundaries. The Land Reclamation Boards are managed and funded by private members (associates) which own properties (lands, buildings, etc) within the land reclamation district. The

Land Reclamation Board has a Council made up of elected members and representatives of Regions, Provinces and the communities located in the mountain area. The main tasks of Land Reclamation Boards are stated by national and regional laws. The LRB are in particular committed to planning, performing, managing and maintaining land reclamation works. LRB carry out activities aimed at achieving soil protection, at preventing flooding events and at fostering the rational management and use of water resources. To this aim, LRB draw up the Land Reclamation and Soil Protection Plan, which lays down rules concerning the land reclamation activities and the irrigation works to be performed in the district. Moreover, the Plan provides guidelines in order to safeguard the agricultural use of land against the other alternative uses. The execution of land reclamation works in districts is funded by the State and the concerned Region, which holds the property of the infrastructures. The associates of the LRB take care of the costs for the management and the maintenance of such works.

3. Please identify the public, private and associative organisations that should be also considered and note the reason

Organisations that should be considered	Yes	No	Comments
Inter-commune trade unions			
Users trade-union	X		Presence of Users trade union in the area.
Development offices		X	Given the Case study's features, Dev. Offices are not relevant.
Private water management companies	X		On the strength of art. 11, Law 36/94, the legal form of the existing managements is set by the Regions through a special convention. In the CSA there are several private companies of this kind, therefore is important to take them into consideration.
Water users associations	X		They coincide with Land Reclamation Board and have public legal form, therefore they have to be considered.
Non-governmental organisations	X		In the pilot area is important to understand their opinion on the project of irrigation system reconversion.
OTHERS:			

4. Please, describe an organigramme of the major players (eg. Ministry of water...) in the Agricultural development, irrigation and water sector?

Table of abbreviation

ARPA: Regional Agency for Environmental Protection,

APAT: Agency for the Protection of the Environment and for Technical Services,

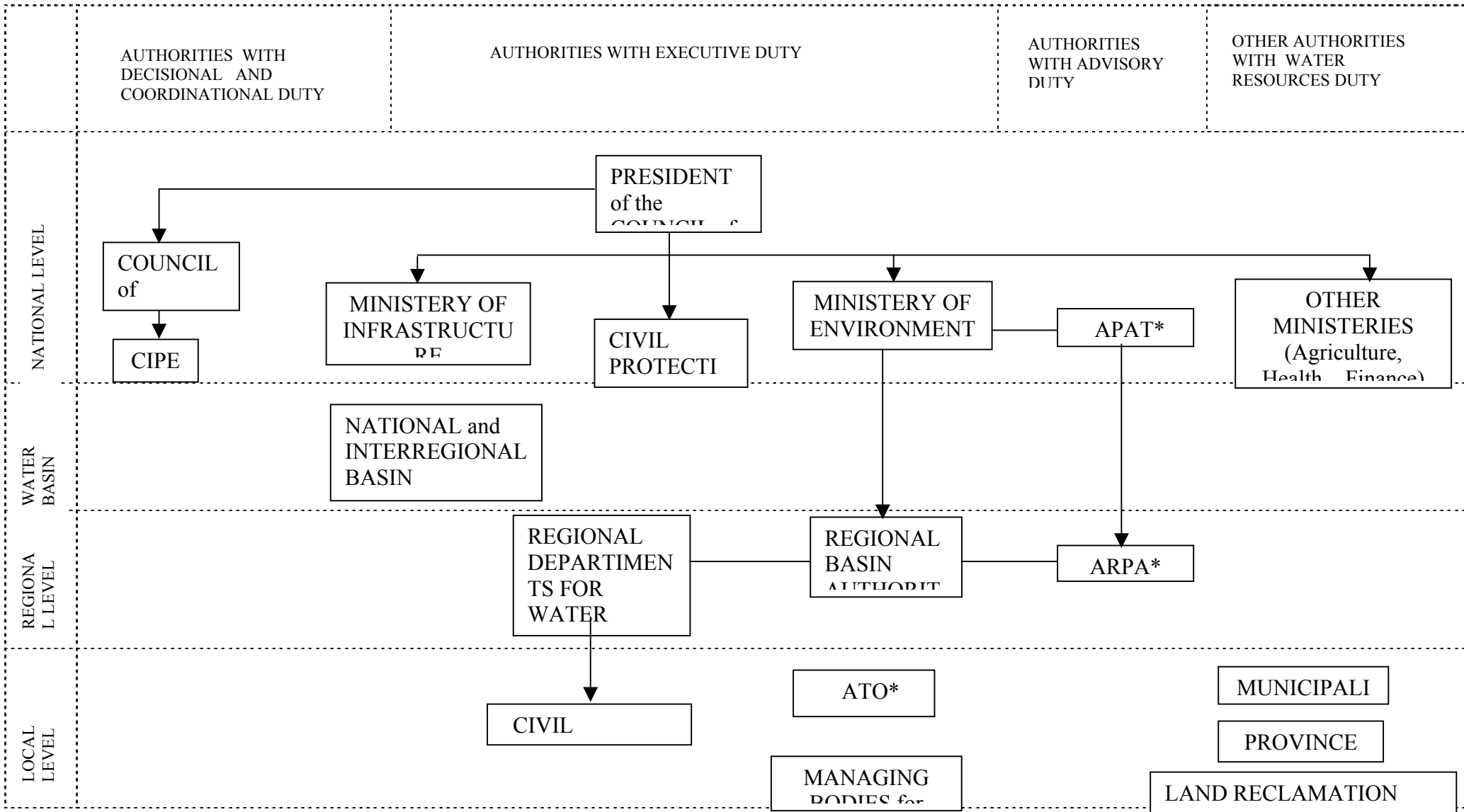
ATO: Optimal Territorial Area,

CIPE: Inter-Ministerial Committee for Economic Planning,

COVIRI: Inspection Committee for the Use of Water Resources,

IWS: Integrated Water Service.

DRAFT VERSION TO BE REFINED



Cooperation among institutions

5. Regarding the schema, please complete/underline the interactions and their forms among the institutions, emphasizing which type of coordination exist (hierarchy, information, consultation, representation...)?

Is not possible at the moment to answer to this question due to a lack of information that will be gathered in the next weeks.

6. Please, offer an evaluation of how these co-operations/links function and which are the major difficulties?

Is not possible at the moment to answer to this question due to a lack of information that will be gathered in the next weeks.

Place of irrigation and agriculture in economics decision making

7. What proportion of the total consumption does each type of water use present?

8. What proportion of the total GDP does each type of water use represent?

USES	AGRICULTURE		URBAN	INDUSTRIAL	OTHERS (to specify)
	Underground ⁽¹⁾	Surface			
TOTAL CONSUMPTION % ⁽²⁾	52%		18%	15%	Energetic (Hidraulic energy, cooling-off water) and other uses not defined.
STATE CONCESSIONS ⁽³⁾	20%		5%	75%	
GDP %					

(1) In Italy the 20% of the total drawings come from groundwater.

(2) Data 2004.

(3) Data 1998.

9. What is the role of irrigation in water management decision making?

	TYPE OF REPRESENTATION (Ministries, associations, lobbies...)	COMMENTS
NATIONAL	MINISTRY OF AGRICULTURE (MIPAF)	
BASIN	AUTHORITY BASIN	
REGIONAL	REGION	
LOCAL	LAND RECLAMATION BOARD	

ANNEXE 2 : INSTITUTIONAL REQUEST LEBANON

National legislation

10. Please, verify and complete the legal context (National legislation) by identifying and defining the different types of legal documents (Laws, decrees, regulations, Norms and Standards..)?
- Code of Medjelle (1845-1876): developed a complex property regimes. The code affirmed that the ground water is a community property; Concerning the rights of use, Water was considered as not saleable good. The irrigation was regulated by the irrigation code (1913) and the law of exploitation of the irrigation networks (1918). The Code of Medjelle is still in force.
 - Decree 144 of 10 June, 1925 and the decree 320 of 26 may, 1926 defined all the water resources as a public property. The rights of property issued by the previous juridical regimes still valid until the state expropriate them by the purge procedure.
 - Decree 65 of 19 August, 1943 created the only WUA in Nahr el Jawz.
 - Law no.20/66 of 29 march 1966 created the minister of Energy and Water (this laws it is amended by Law decree no.3044 of 25/3/72, and by law decree no. 6650 of 6/12/1973, and finally by Law no. 221 of May 29, 2000)
 - Decree 14438 of 2 May, 1970 organized the ground water use.
 - Law project 3375 of 25 may, 1972 propose to reorganize the 21 water office into 5 institutions (the law wasn't applied). The decree 4517 of 13 December, 1972 created 21 Autonomous Water Offices.
 - Decrees 1996 in actuation of the law project of 1972. It is confirmed the administrative division proposed in 1972. Five office with a competence of water uses and irrigation. An exception is constituted by the Bekaa Sud and Liban Sud office, because they didn't have an irrigation competence. In fact this competence is assigned to the National office of Litani (created in 1954 for irrigation and power production).
 - Law n° 241/2000 (amended by Law no. 221 of 29 may 2000 and by Law no. 377 of 14 December 2001 to transfer the treatment of waste water to the institutions) define four Water Office, unifying Bekaa nord and Bekaa sud, and maintaining the National office of Litani; The Law affirms that the developement and the protection of the water resource are in the heart of the public interest; Also thanks to the Law are delegates several task to the Ministry of energy and Water.

Institutional context

11. Please, verify and complete the description of the institutional/ organisational set-up of the entities that are responsible at the four different levels: national, basin, regional and local level? (see legal and institutional paper)

National and Regional Institutions

- Ministry of Energy and Water (MOEW):

Is responsible of the Water National Policy (Plan Directeur Général), controlling the surface and underground water quality, protecting them and fixing the correspondent criteria's; studying and executing the major hydraulic installation (dams; tunnels etc.); controlling the pumped volume and recharge the underground water; giving the authorization to create wells; controlling the performance of institutions dealing with the water sector.

- Ministry of Agriculture:

Taking care for the extension of irrigation techniques and efficiency; developing the “green plan” (1963), create small lakes in mountains and small irrigation project; Supervisor of statistics studies and national plan.

- Others Ministries: Ministry of Health: Control water quality; Ministry of Environment: Control the pollution affecting water; Ministry of Interior: carry out the drainage water of municipalities (until now).
- Water Authorities (Beirut and Mount Lebanon, North Lebanon, South Lebanon, and Bekaa): **executing, O&M and** controlling the drinking and irrigation water quality; **collecting and treatment of waste water**; suggest water tariffs according to the socio-economic situation.
- Council of development and Reconstruction (CDR): created in 1977 is taking in charge the financial aspects. It is dealing with international financing bodies for the projects execution.
- Litani River Authority: controlling and exploitation of the irrigation schemes in South Lebanon and South Bekaa.

Local Institutions

- Municipalities: **carry out the drainage water in the urban areas (until now).**

12. Please identify the public, private and associative organisations that should be also considered and note the reason

Organisations that should be considered	Yes	No	Comments
Inter-commune trade unions			
Users trade-union		X	Their role isn't important in our case study
Development offices	X		There are a number of these offices/projects working in the same area. They should integrate the social issues and make stakeholders survey.
Private water management companies		X	Not existent
Water users associations	X		It should be a main stakeholder
Non-governmental organisations	X		Especially the environmental NGO due to pollution problems

OTHERS: Basin Agency and Water Authorities	X		They are the main stakeholders
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13. Please, describe a organigramme of the major players (eg. Ministry of water...) in the Agricultural development, irrigation and water sector? (see ppt slide)

Cooperation among institutions

14. Regarding the schema, please complete/underline the interactions and their forms among the institutions, emphasizing which type of coordination exist (hierarchy, information, consultation, representation...)?
- MOEW: prepare the Water National Plan. Control and tutelage of the Water Authorities and any other institution dealing with the water sector. Improve the performance of Water Authorities through an Evaluation Committee. Ensure public relation and improve the water use efficiency through awareness campaigns.
 - The Water Authorities are nominated by the Government upon the request of the Minister of Energy and Water.
 - The management is up-down and the users are not implicated in the whole system. Their role is to pay fees and receive water.
15. Please, offer an evaluation of how these co-operations/links function and which are the major difficulties?

Upon the new regulation, the cooperation with the different actors isn't defined clearly, especially that the decrees of application are not existent. In the current situation, the MOEW is the main actor. The CDR is responsible for all the finance of all projects. The New Water Authorities are still working as during the previous years.

Place of irrigation and agriculture in economics decision making

16. What proportion of the total consumption does each type of water use present?
17. What proportion of the total GDP does each type of water use represent?

USES	AGRICULTURE		INDUSTRIAL	URBAN	OTHERS (to specify)
	Underground	Surface			
TOTAL CONSUMPTION %	24%	39%	14%	23%	
GDP %	12%		22%	66% (Services and tourism)	

18. What is the role of irrigation in water management decision making?

	TYPE OF REPRESENTATION (Ministries, associations, lobbies...)	COMMENTS
NATIONAL	Ministry of Energy and Water	Quality control of surface and ground water – planning/studies for irrigation projects (dams,...) – protect water against pollution – giving authorization for wells – hydro-geologic studies
BASIN	Litani River Authority	Management and exploitation of the irrigation schemes in south bekaa and south lebanon
REGIONAL	Water Authorities	Quality control of surface and ground water – planning/studies for irrigation projects (dams,...) – ratification
LOCAL		

ANNEXE 3 : INSTITUTIONAL REQUEST SPAIN

National legislation

- 1 Please, verify and complete the legal context (National legislation) by identifying and defining the different types of legal documents (Laws, decrees, regulations, Norms and Standard..)?

See Spain Legislative and Institutional arrangement.doc and 1st Year Memory

Institutional context

- 2 a) Please, verify and complete the description of the institutional/ organisational set-up of the entities that are responsible at the four different levels: national, basin, regional and local level?

See SPAIN Scheme.doc

- b) Please identify the public, private and associative organisations that should be also considered and note the reason:

Organisations that should be considered	Yes/No	Comments
Inter-commune trade unions	Yes	
Users trade-union	Yes	
Development offices	No	
Private water management companies	Yes	
Water users associations	Yes	
Non-governmental organisations	Yes	
OTHERS: Administrations	Yes	

- c) Please, describe a organigramme of the major players (eg. Ministry of water...) in the Agricultural development, irrigation and water sector?

See SPAIN Scheme.doc

Cooperation among institutions

- 3 a) Regarding the schema, please complete/underline the interactions and their forms among the institutions, emphasizing which type of coordination exist (hierarchy, information, consultation, representation...)?

Hierarchy →
 Representation→
 ConsultationC.....→

- b) Please, offer an evaluation of how these co-operations/links function and which are the major difficulties?

Relationships between users and administration are based on 90 years of satisfactory experience, extended by the National Water Law to the National Water Council.

Relationships between regional governments, municipalities and central government are the same that in other areas of the administrative or political framework. Despite punctual problems, they are satisfactory.

See 1ST Year Memory.

Place of irrigation and agriculture in economics decision making

- 4 a) What proportion of the total consumption does each type of water use present?
 b) What proportion of the total GDP does each type of water use represent?

USES	AGRICULTURE	INDUSTRIAL	URBAN	OTHERS
TOTAL CONSUMPTION %	80%	8 %	12 %	
GDP %	2,5%	31,2%	65,3%	

c) What is the role of irrigation in water management decision making?

	Type of representation (Ministries, associations, lobbies...)	Comments
NATIONAL	FENACOR	National Water Council
BASIN	COMUNIDADES DE REGANTES	High representativity
REGIONAL	COMUNIDADES DE REGANTES	Without representativity
LOCAL	COMUNIDADES DE REGANTES	Direct management

ANNEXE 4 : RIVER BASIN MANAGEMENT EFFICIENCY IN DIFFERENT COUNTRIES

		Egypt	France	Italy	Lebanon	Morocco	Spain
River Basin management experience							***
Basin/Regional conflicts resolution							**
Water resources	Surface						***
	Groundwater						*
Water quality	Surface						**
	Groundwater						*
	Marine						**
Drinking water	Quantity						***
	Quality						**
Ecological efficiency							*
Economical efficiency							**
User participation							***
Cost recovery	Urban services						**
	Agriculture						***
	Efficiency:	***	high				
		**	middle				
		*	low				

ANNEXE 5 : COMPARATIVE CHARACTERISTICS OF WATER MANAGEMENT INSTITUTIONS IN DIFFERENT COUNTRIES

		Egypt	France <i>(example to be verified and competed)</i>	Italy	Lebanon	Morocco	Spain <i>(verified and completed)</i>
Global water policy			Ministry of Environment				Ministry of Environment
	Responsibility						Ministry of Environment and Confederaciones Hidrográficas
Irrigation	Operator						Comunidades de regantes and other water users associations
	Subsidies						Ministry of Environment and Regional Governments
	Water fees						Confederaciones Hidrográficas
	Responsibility		Municipalities				Municipalities
	Delegation		Often to private companies (80%)				Possible to water companies (95%) (Private companies or semi-public companies)
Water supply	Water quality control		Ministry of Health				Municipalities and Regional Governments
	Subsidies		FNDAE : rural municipalities ; Basin Agencies : treatment				Regions
	Water fees		Operation and investment ; FNDAE tax ; Basin Agency levees				Confederaciones, Municipalities and Regional Governments
Waste water facilities	Responsibility		Municipalities				Municipalities and companies
	Delegation		Possible to water companies (50%)				<i>Companies (90%)</i>
	Subsidies		FNDAE : rural municipalities ; Basin Agencies : treatment				Regions and occasionally Central Government

	Services fees	Operation and investment ; Basin Agency levees	Confederaciones, Municipalities and Regional Governments
	Water abstraction licenses	State administration at departmental level	Confederaciones Hydrograficas
Water police	Water quality standards ; Water emission standards	Ministry of Environment	Ministry of Environment
	Water discharges licenses	State administration at departmental level	Confederaciones Hydrograficas
Hydroelectric works	Responsibility	Ministry of Industry after interministerial co-ordination	Ministry of Environment
	Operator	EDF (public company)	Private electric companies
Main other hydraulic works	Responsibility	Ministry of Environment after interministerial co-ordination	Ministry of Environment (National water master plan) and Regional Governments
	Operator	Territorial communities ; <i>Specific public organisms</i>	Confederaciones Hydrograficas and Regions
Abstraction levies	Responsibility	Basin agencies	Confederaciones Hydrograficas
	Use	Subsidies to main hydraulic works and to drinking water treatment	Main hydraulic works investment, operation and maintenance
Pollution levies	Responsibility	Basin agencies	Confederaciones Hydrograficas
	Use	Subsidies to domestic and industrial wastewater facilities	Monitoring, Licensing, Corrections

In italics : Possible but not general