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The Water Framework Directive and the need to coordinate water plans across jurisdictions

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Purpose & Content

- 1. Frame water resources management with the ‘second modernity’ paradigm (new cosmopolitanism)**
- 2. Define the EU WFD’s approach for transboundary rivers**
- 3. Implications for various Federal-type configurations**
- 4. Reflections about Spain and the Iberian case**

1. The New Cosmopolitanism (Beck, 1992)

- **World Risk Society:**
 - Nation-state approach invalid to face world risks
 - The ‘and/or’ national/international, being replaced by:
 - Transnational
 - Translocal
 - Global-Local
 - Global-national
 - The foundations of risk calculation, undermined by global processes (Adaptation vs risk reduction)

1. The New Cosmopolitanism (Beck, 1992)

- **Implications for Water Resources:**
 - **Global change (CC) underlying some of the most critical processes in river dynamics (mountain-flood plains – deltaic zones)**
 - **Invasive species (Zebra mussel)**
- **National jurisdictions rendered unable to respond to the challenges (50% of world population lives/depends on transboundary rivers)**
- **National/international dichotomy still important**

2. The EU Water Framework Directive

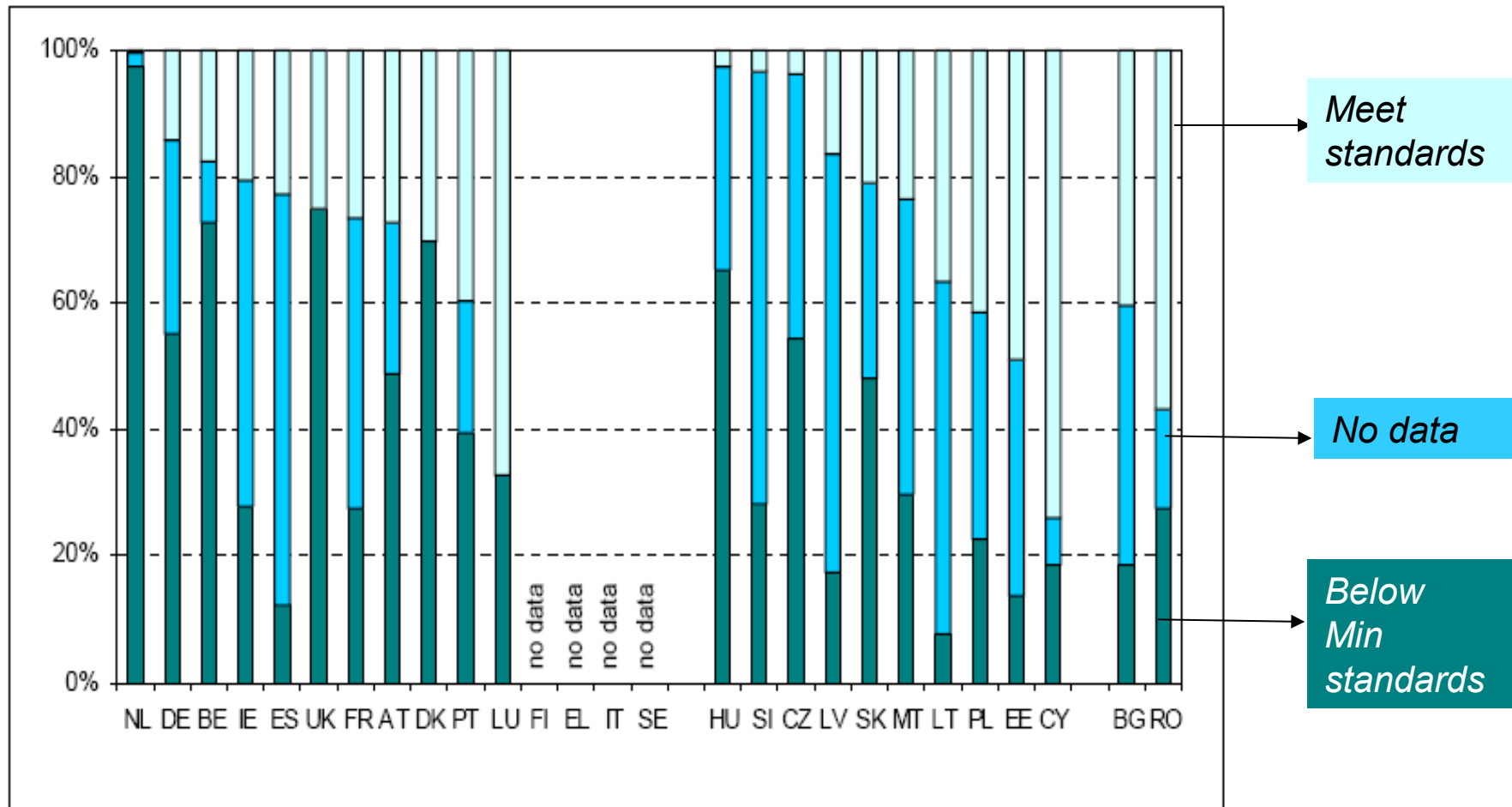
- **Article 13. River Basin Management Plans:**
 2. In the case of an international river basin district falling entirely within the Community, Member States shall ensure coordination with the aim of producing a single international river basin management plan. Where such an international river basin management plan is not produced, Member States shall produce river basin management plans covering at least those parts of the international river basin district falling within their territory to achieve the objectives of this Directive.

2. The EU Water Framework Directive

- **Implications:**
 - **Agreed cartography (Water bodies' definition)**
 - **Intercalibration**
 - **Agreed definition of actual characterisation**
 - ...
 - **Set common water quality objectives, valid across borders**
- **Member States, accountable to the EC, and in turn accountable to their own citizens, by means of EC's ratings**

2. The EU Water Framework Directive

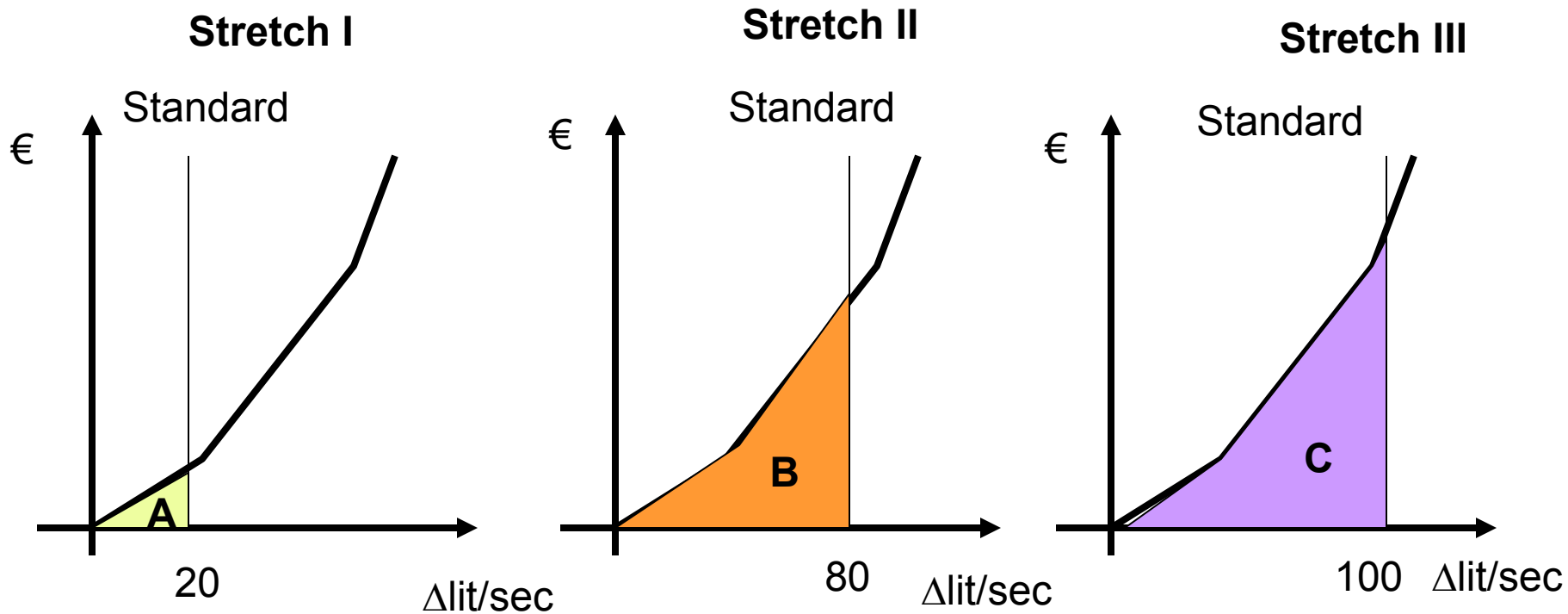
State of water bodies' characterisation in the EU Member States (CE, 2007)



2. The EU Water Framework Directive

Designing Cost-effective Programmes of Measures

Seeking cost-effective measures of bridging water quality gaps



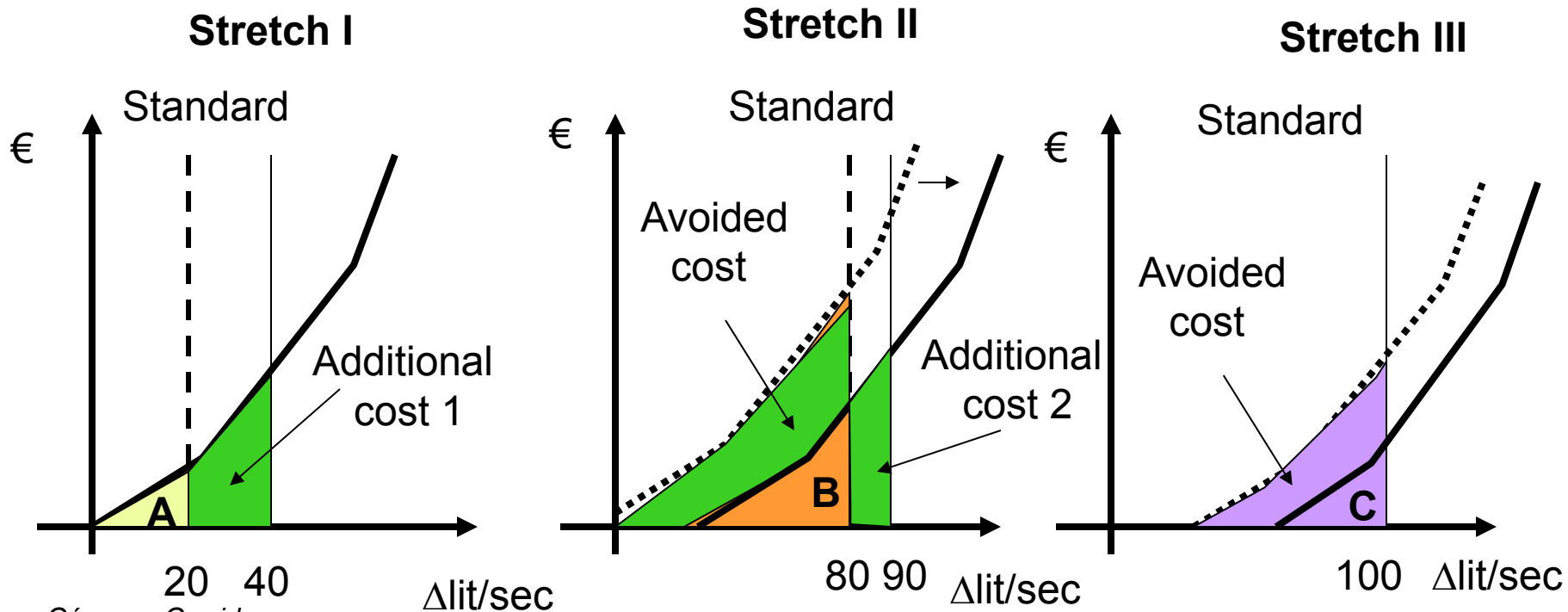
Source: Gómez y Garrido (2008)

Overall costs = A + B + C

2. The EU Water Framework Directive

Designing Cost-effective Programmes of Measures

Seeking cost-effective measures of bridging water quality gaps



Source: Gómez y Garrido (2008)

Overall costs = A + Addit. Cost 1 + B + Addit Cost 2 + C < A+B+C

3. Implications for various Federal-type configurations

- **Characterise the action & effect across stretches**
 - Private party → Public good (improved ecological status)
 - Private party → Private benefit
 - Public good →
 - Private benefit
 - Public agent's benefit
 - Public good → Public good

3. Implications for various Federal-type configurations

- **Characterise types sovereignty**
 - Strict sovereignty: independent states
 - Attenuated sovereignty: Truly Federal countries: USA, Australia,
 - Two-layers of federalism in the EU (Member States and Federal/Decentralised Member States)
 - Common sovereignty and jurisdiction (same administration, same rights definitions, unique planning & implementation)

3. Implications for various Federal-type configurations

Finding least-cost types of actions across borders

	Strict sovereignty	Attenuated sovereignty	Shared sovereignty
Private party →Public good (Improved ecol status)			
Allocating water flows			

3. Implications for various Federal-type configurations

Finding least-cost types of actions across borders

	Strict sovereignty	Attenuated sovereignty	Shared sovereignty
Private party →Public good (Improved ecol status)	<i>UN 1997 Convention of Non-navigational Waters</i> •Reasonable needs •No absolute Sovereignty	<i>Federalisation on the move within the EU (Parties accountant to EC and common Secretariats)</i>	
Allocating water flows	<i>NO River Basin Planning</i>	<i>Regional agreements (Indirect trading)</i>	<i>Allocation rules Water markets</i>

3. Implications for various Federal-type configurations

- **First Hypothesis**

In both humid and semi-arid environments, fragmentation of sovereignty within river basins may actually help promote improved ecological status, because

- Lower-scale accountability (see the Danube; Iberian basins)
 - Less compromising between subbasins is possible
- ➡ Prerequisite: a Federal Institution acting as referee, supervisor and donor (or strong coalition)

3. Implications for various Federal-type configurations

- **Second Hypothesis**

In semi-arid environments, fragmentation of sovereignty within river basins may impair efficient water allocation, because

- Market exchanges are almost unavoidable for efficient allocation and environmental restoration
 - Rights heterogeneity and cross jurisdictions prevent trade from taking place
- ➔ Direct water trade across international borders is hardly viable (indirect, very plausible within the EU)

4. Reflections about Spain and the Iberian cases

- **Spanish Constitution 1978**

Inter-regional river basins are national jurisdictions (competency)

Intrar-regional basins are regional (competencies)

4. Reflections about Spain and the Iberian cases

- **Spanish Constitution 1978**

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jurisdic
Intrar-reg
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4. Reflections about Spain and the Iberian cases

- Iberian cooperation of shared river basins



*Albufeira Treaty
1998*

4. Reflections about Spain and the Iberian cases

- **Water trading initiated in 2005**

Primarily across basins

- Contested by area-of-origin regions
- Using already available infrastructure

4. Reflections about Spain and the Iberian cases



4. Reflections about Spain and the Iberian cases

New Statutes for the Autonomous Communities statutes (Andalusia, Valencia, Catalonia, Aragón, Extremadura...), redefining water jurisdictions

- All claim new competencies on water:
 - A new notion of regional sovereignty is being claimed
 - Enable active local and regional policies

4. Reflections about Spain and the Iberian cases

Finding least-cost types of actions across borders

	Strict sovereignty	Attenuated sovereignty	Shared sovereignty
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Iberia →

← Regions

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In conclusion

- Sovereignty fragmentation has advantages and disadvantages
- In semi-arid environments, benefits may be more than offset by the costs

In conclusion

- In Spain, the process raises serious questions:
 - The Central Gov't becoming weaker
 - The EC has no mandate to deal with internal affairs
 - Regional asymmetries and lack of federal tradition
 - Political motivation, rather than management rationale
 - Goes against 'new cosmopolitanism'

Thank you!

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