

# THE EU WFD, A DRIVING FORCE FOR SHARED WATER RESOURCES MANAGEMENT

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## Abstract

Up to recently, the management of shared water resources in Europe, apart from the difficulties that caused the geographic location and the existence of different national legislations had to face also the void of international legislation with regard to the regulation of transboundary waters. Past experience of transboundary cooperation focused on specific water issues (economic, environmental etc.) rather than promoting integrated approaches.

The Water Framework Directive (WFD) sets new common objectives in EU water policy and establishes a coherent legal and administrative framework for their achievement. Through the WFD, EU policy moves from protection of particular waters of special interest (such as a nature area, specific aquatic organisms, drinking water) to protection and use based on an overall approach, extended to all waters, surface waters and groundwater.

The WFD partly replaces and partly augments existing legislation to provide a comprehensive framework, in which Member States will have to orient their efforts.

The overall system provided by the WFD is based on a central concept, present also in the Helsinki Convention, which is *integration*. The Directive integrates all water resources, ecological objectives, water uses and functions, interdisciplinary analyses and expertise within a common policy framework. EU Member States are bound to achieve “good ecological status” for water bodies. Territorial management based upon physical rather than administrative boundaries represents a major innovation in procedure. Great emphasis is put

on solving transboundary water problems jointly. The need to integrate qualitative and quantitative information and the inclusion of scientifically assessed risk in decision-making imposes planning processes towards including more complex, subjective and complicated choices. The WFD foresees increased public participation in the water resource management process and prescribes the economic assessment of potential measures to achieve good water status. To cope with the increasing complexity of such innovative policy, the traditional state-led approach to decision making is being replaced by new institutions, actors and levels of governance. Thus the management of transboundary river basins emerges as one of the most challenging issues related to the WFD implementation process.

The task of generating international agreement on anything is extremely difficult. The procedures currently used to formulate global agreements were not designed for complex ecosystemic and environmental problems, negotiators need to have unique interdisciplinary and technical skills, linkages among environmental concerns and other policy issues must be adequately established, and, effective monitoring and enforcement arrangements must also be devised and properly implemented. In such a demanding task serious obstacles occur to global cooperation, including the increasing split between the developed nations of the North and the developing nations of the South; the persistence of national sovereignty; and the lack of incentives sufficient to bring nations to the table for serious and sustained negotiations. There are currently a variety of multi-institutional approaches ranging from local institutions involving riverine institutions, national and international NGOs and research institutions, private sector participants, bilateral and multi-lateral donors, riparian government institutions, all the way to transnational river basins. All such multiple actors and institutions face problems of vertical and horizontal integration not only in water resources projects, programs and policies; but, also, within and between other resource management entities and local, national, regional, and international organizations. These are principles from international law and their letter and spirit derive from bilateral and multilateral treaties, binding acts of international organizations, rules of

customary international law, and, judgments of international courts and tribunals.

A basic question is how and through what kind of processes water in transborder regions may unify rather than divide sharing nations, and how stakeholders in international water catchments may increase their benefits without causing losses to others. The issue is complex because political issues of domestic and external policy are involved and affect all considerations from technical to ecological.

This paper first reviews the complexity of transboundary water resources management and the role of the EU WFD. Then, provides guidelines on how to reach to efficient and effective agreements on sharing waters. Interesting conclusions can be drawn by the review and analysis of different international agreements of shared water basins.