



THE HANDBOOK FOR THE PARTICIPATION OF STAKEHOLDERS AND THE CIVIL SOCIETY IN THE BASINS OF RIVERS, LAKES AND AQUIFERS

March 2018



AGENCE FRANÇAISE
POUR LA BIODIVERSITÉ
ÉTABLISSEMENT PUBLIC DE L'ÉTAT

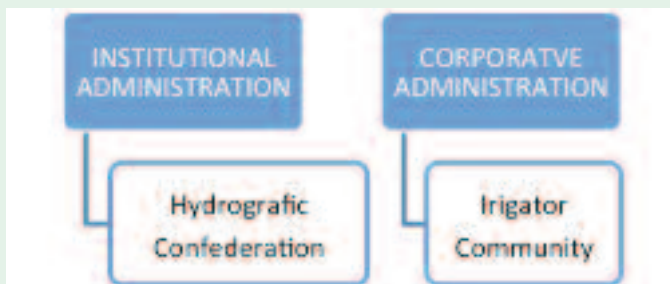
Box 14: Formal participation mechanisms in Spain, case of the Guadalquivir Basin, national legislative framework enabling participation

Many legislative documents regulate the participation of stakeholders in Spanish river basins. These documents range from the 1978 constitution to the laws of 2006 and 2015, which find their application through five major decrees.

Participation in Basin Committees and Commissions

Two main areas are to be distinguished: on the one hand, the River Basin Confederation (CHG), an autonomous basin organization of the General State Administration, attached to the Ministry of the Environment (institutional administration) and, on the other, the communities of irrigators in the form of a public corporations under Spanish law, attached to the basin organization and constituted by water users.

Within the Basin Organization, there are two types of participation to be considered: participation in the CHG Board of Directors (governing body) and participation in the Users' Assembly, the Operating Councils, the Dam Water Release Commission (management or participation bodies). The decisions adopted in these bodies concern the entire Guadalquivir basin.



For the irrigators' communities, participation in their internal management is ensured by three structures: the board of directors, the general assembly and the risk court. Decisions adopted by these bodies only concern users of the community.

A) Basin Organisation or hydrografic Confederation	B) Irrigator Community
<p>1. Bodies of governance: 1.1. Board of directors</p> <p>2. Bodies for managing or participation: 2.1. Assembly of users 2.2. Operating council 2.3. Dam water release commission 2.4. Water council Planning Commission Participation Commission</p>	<p>1. Board 2. General Assembly 3. Risk court</p>

Local committees close to the population and economic stakeholders

The Irrigators' Communities

They are public companies, attached to the basin organization and composed by owners who use water and other public hydraulic structures related to the same pumping sites, established on their own initiative or by the basin organization.

The Guadalquivir River Basin Confederation manages a basin of 57,184 km², in which it has promoted many actions in the construction of structures for supplying water in quantity and quality, for irrigation, drinking water and industrial needs. Thus, from the Guadalmellato dam built in 1928 to the most recent Melonares, Breña II, Arenoso and Siles dams, the basin organization

Box 14: cont'd

operates 52 reservoirs with a total capacity of nearly 8,000 cubic hectometers, allowing the irrigation of over 700,000 hectares. In the basin, about 3,500 irrigation communities use an average area of 100 hectares.

Its internal structure includes a Board of Directors as a governing body, an Assembly that is a participatory decision-making body and a risk court for the resolution of internal conflicts and the application of sanctions for committed offenses.

Board of directors

- Elected by general assembly, in charge of application of orders and agreements adopted by the Assembly or the Council
- Members:
 - President
 - Vice-president
 - Members
 - Secretary
 - Treasurer

General Assembly

- Participatory structure for decision making
- Members:
 - President
 - Vice-president
 - All users of the community
 - Secretary

Risk Court

- To know the problems between users related to the ordonnances
- To impose legal penalties to offenders
- To fix the compensation to be paid to the injured parties and the obligations arising from the offense
- Members:
 - President: one member of the board elected by the board Members and alternates
 - Secretary

Box 15: NBA regional coordination: getting closer to the local level

The purpose of the Niger Basin Authority (NBA) is to promote cooperation between the member countries and to ensure integrated development of the Niger Basin through the development of its resources, especially as regards hydraulics, energy, agriculture, livestock, fisheries, fish farming, forestry and logging, mining, industry, transport and communications.

To face the challenges ahead, during their 7th Summit held in February 2002 in Abuja, Nigeria, the NBA Heads of State and Government decided to draft a "clear and shared vision" with a Sustainable Development Action Plan for 2025 and an Investment Program. This strong political commitment of the NBA Member States (Shared Vision) aims to promote understanding, increase cooperation between the States and make the most of the basin resources in a peaceful way.

The Shared Vision process broadly developed with a participatory framework. After six years of dialogue (September 2002 to April 2008), consultation and negotiation between the Member States, the technical and financial partners and the stakeholders of the civil society, the process led, among other things, to the establishment of a strategic reference framework.

A Water Charter, legal and regulatory reference instrument for joint and sustainable water resources management, was drafted for the Niger Basin. It plans for water use in the basin to take into account a number of principles, including participation and the fair and reasonable use of water resources in the basin, the non-detrimental use of water resources, precaution and prevention and the "Polluter-Pays" and "User pays" principles.