



**REPUBLIC OF TURKEY
MINISTRY OF FORESTRY AND WATER AFFAIRS**

**GENERAL DIRECTORATE OF WATER MANAGEMENT
WATER QUALITY MANAGEMENT DEPARTMENT**

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KEY ISSUES IN WATER SECTOR

Statistical, Economic and Social Research and Training Centre for Islamic Countries
Higher Council for Environment and Natural Resources
“Water Resources Management”

23rd-24th November, 2011
Khartoum, Sudan


Separation of Powers

- Legislation
- Judiciary
- Executive

- Are powers always separated in a democracy?
- How to characterize GOVERNANCE:
- Legislation plus execution???

Governance

Governance can be defined as the process of taking care of public interests (of general application) through leading, ruling, planning, controlling and correcting the organizational resources.



Elements/instruments of Governance

- Policy development
 - Formal legislation
 - Secondary legislation
 - Decentralized regulation
 - Planning
 - Decision making
 - Control: monitoring, policing, sanctioning, enforcement
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Policy and Strategy

Policy is a comprehensive formulation of :

- Principles
- Objectives
- Targets
- Aims

Strategy is the subsequent comprehensive set of measures often including scenarios for problem resolution.

Formal (general) legislation is the binding arrangement of human behavior aiming at general application with repeatable use following formal constitutional requirements (procedures).

Secondary legislation aims at the legal implementation of formal legislation (procedures are less formal).

Formal requirements

- General application
- For repeatable use
- Binding
 - Direct binding to the public
 - Indirect binding as instruction to the Government
- Formal initiative (cabinet, parliament, both)
- Obligatory advise
- Promulgation
- Not conflicting higher legal arrangement (constitution, treaty, international agreement)

Comparison (rough) legislation and regulation

➤ Legislation:

- Formal procedure
- Parliamentary control
- Central level
- Guidance character
 - Dealing with competencies
 - Establishing rights and duties
- Promulgation

➤ Regulation

- Less formal procedure
- Multi-tiered or decentralized
- Implementation or operational character
- Publication

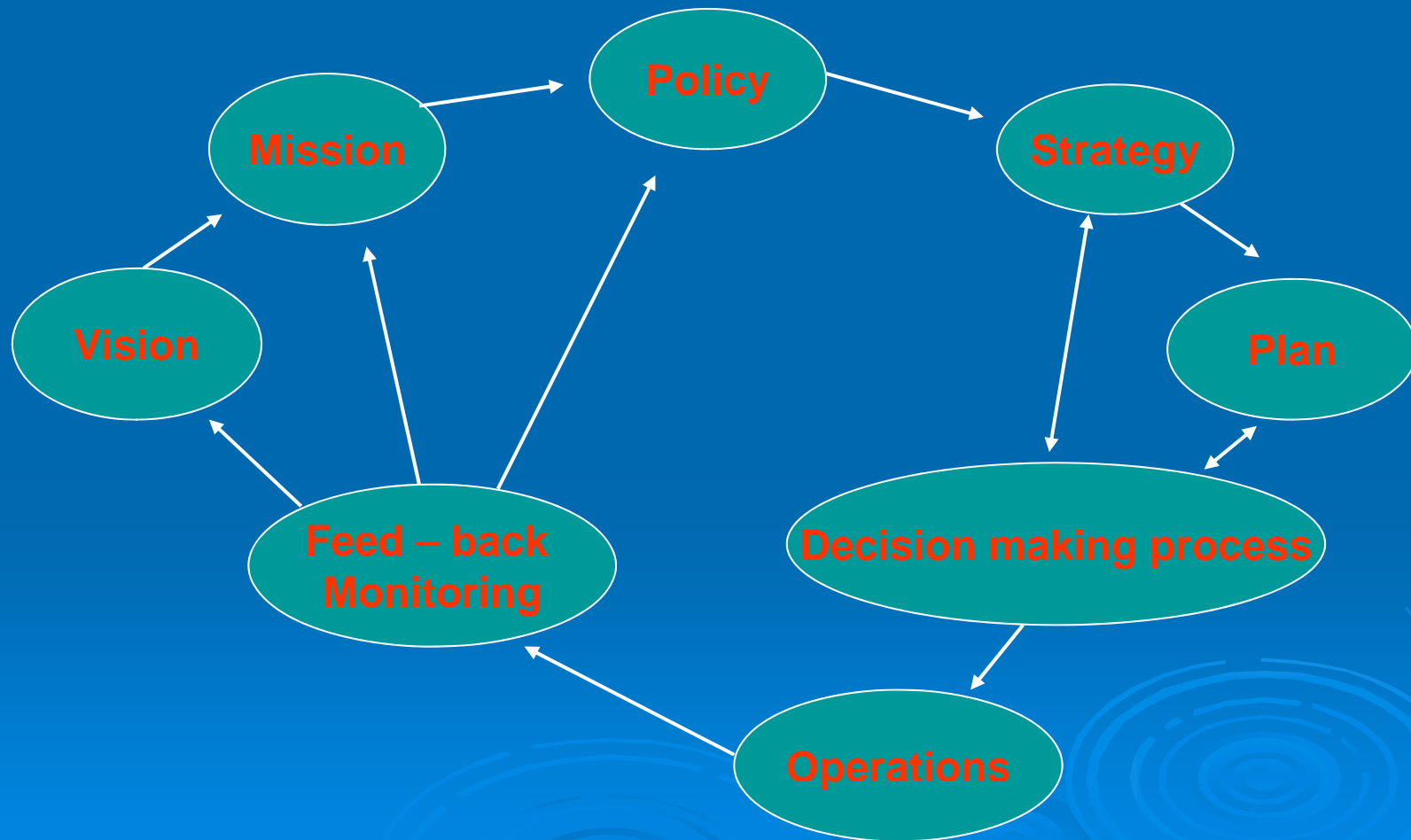
Planning is a continuous and structured process, which involves making decisions or choices about alternative ways of using available (water) resources with the aim of achieving particular goals at some time in the future (Cf. Conyers and Hills, 1994).

Plan (government) is a publicly accessible output of any planning activity or process with general external or internal binding and with a repeatable use for the time horizon given.


Types of planning

- Strategic planning
 - Informative
 - Indirect binding
 - Long term
 - National
 - Top-down
 - Integrated
 - Operational planning
 - Legally binding
 - Direct binding
 - Short term
 - River basin
 - Bottom-up
 - Sector
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Process of decision making in organization (theoretical)



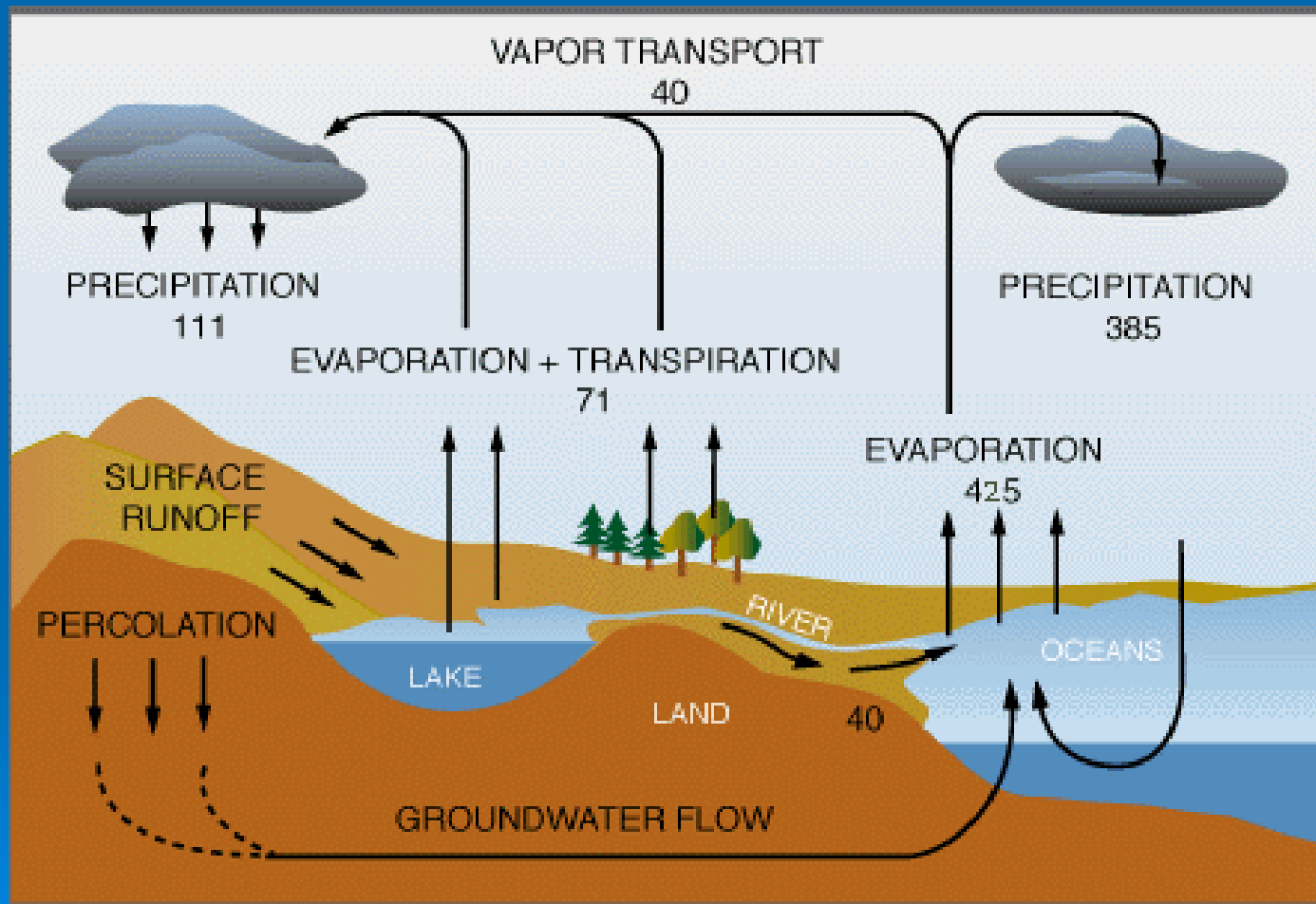
Other legal instruments

- Designation or zoning
 - Comprehensive standards
 - System of rights or licenses
 - System of taxes or charges
 - Penalties and incentives
 - Other enforcement instruments
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Enforcement instruments

- Administrative force (adm.)
- Penal sum, fine, penalty, damages (adm.)
- License withdrawal or withholding (adm.)
- Closure (adm. and penal)
- Punitive actions (penal)
 - Imprisonment
 - Penalties
 - Removal of advantage

Governance of water in the hydrologic cycle



Legitimate water uses

➤ Consumptive:

- Drinking
- Other Domestic
- Livestock
- Irrigation
- Industry
- Aquaculture

➤ Non-consumptive:

- Power Generation
- Transport
- Recreation
- Environment&Nature
- Fishery



Governance (public) functions

- Constitutional function
 - Formal legislation
 - Policy and strategy development
 - Creation of institutional arrangements
- Organizational function
 - Strategic operational planning
 - Organizing implementation
- Operational function
 - Implementation
 - Monitoring and enforcement

Organizational governance arrangements

- General legislation by (inter)national government, state, province, district, municipality
- Specific regulation and administration by (international) river basin authority, sub-basin or watershed organization
- Operational management by local government, water users associations and NGOs and private sector.

Legal instruments

- Constitutional function: convention, treaty, directive, formal law, regulation, policy, guidelines, strategic plan
- Organizational function: specific regulation, standards, river basin plan, taxes and charges
- Operational function: operational (control) plan, service contract, by-laws, EIA, permit systems, individual decisions or decrees

THANK YOU FOR
YOUR ATTENTION...

