The evolution of water governance in France from the 60’s: disputes as major drivers for drastic changes within a consensual frame

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Overview of major laws

**IWRM**

1964: POLLUTION, BASIN COMMITTEES and AGENCIES

→ 1992: WATER = COMMON NATION INHERITAGE, WATER MASTERPLANS

→ 2003: WFD = RESTORING GOOD STATUS

→ 2016: INTEGRATION IN BIODIVERSITY

**WSSS**

1993 -1995-2002: RULES FOR COMPETITION, TRANSPARENCY, PUBLIC REPORTS, USER COMMITTEES

→ 2016-2017: RESHAPING LOCAL AUTHORITIES
Water policies and decentralization

Water governance in light of decentralization

Decentralization process

- 1960
- 1982-83: 1st decentralization Act
- 2000: 2nd decentralization Act
- 2014-15: 3rd decentralization Act

Major water legislative steps

- 1964: Water Agencies, Basin Committee, polluter-pays and water-pays-for-water principles
- 1992: integrated water resource management, innovative tools for basin planning (SAGE, SDAGE), concertation (participation)
- 2000: European water framework directive (WFD): basin institutions, public participation, good water status, economic and ecological objectives
- 2006: WFD transposition, recentralising monitoring of water quality (ONEMA), fostering collective action
- 2014-15: empowering local authorities (municipalities and groupings of municipalities) with jurisdiction over water resource management and flood prevention
- 2016: French Biodiversity Agency

State: command, control and collective action facilitator
Strengthening of local authorities and local water authorities

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New paradigms in water service regulation
Regulation of WSSS

FRAMES (European)

REGULATOR (national)

Rules Control

RESPONSIBLE AUTHORITY (local)

COMPLIANCE

SUNSHINE REGULATION

TRANSPARENCY

PARTICIPATION (accountability)

TRANSPARENCY

EFFICIENCY

EQUITY

CONTRACTING INDICATORS

CONTROL

PERFORMANCE

USERS

SERVICE PAYMENT

QUALITY

OPERATOR (public or private)
Many models of operators

| Public management | - direct management by local authority’s governance structure
|                   | - specific budget (funded by water bills)
|                   | - headed by a civil servant
|                   | - employment contracts under private law

| Public local enterprise | - financial autonomy
|                         | - legal existence
|                         | - headed by a civil servant accountable to local authority
|                         | - employees under private law
|                         | - under contract without bidding and no deadline
|                         | - may have private shareholders

| Private enterprise | - majority of private shareholders
|                   | - legal existence
|                   | - head and employees under private law
|                   | - under contract through bidding and time limit

Part of the population served by public operators:

- sanitation: $\frac{1}{2}$ stable
- water supply: $\frac{1}{4} \rightarrow \frac{1}{3}$
### Reduction of the number of local authorities 2015 → 2020

<table>
<thead>
<tr>
<th>2015</th>
<th>2020</th>
<th>Population</th>
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</thead>
<tbody>
<tr>
<td>20</td>
<td>20</td>
<td>powerful</td>
</tr>
<tr>
<td>200</td>
<td>300</td>
<td>strong</td>
</tr>
<tr>
<td>2000</td>
<td>1400</td>
<td>weak</td>
</tr>
<tr>
<td>22 000</td>
<td>200</td>
<td>very weak</td>
</tr>
</tbody>
</table>

Opportunity to:

• reinforce the sunshine regulation (national level)
• Build new contracts and get better productivity

Risk of:

• Lower proximity to users
IWRM : 40 years of conflicts and negotiations about water inside and outside of the waterbox
Three steps on Water policies in Europe

EU water policy in time

1970
1980
1990
2000
2010

1973-1986: no EC mandate for environment

1986
Single European Act: EC mandate for environment

1987-1992: pollution control & environmental protection

1993-2000 and onwards: sustainable development, integrated management & subsidiarity

1970
1980
1990
2000
2010

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EU water policy in time

1986
Single European Act: EC mandate for environment

1987-1992: pollution control & environmental protection

1993-2000 and onwards: sustainable development, integrated management & subsidiarity

Quality objectives and standards
Permissible levels of discharge
Emission standards and zoning
Zoning, environmental standards and quality standards for all waters

Point source pollution
Non point source pollution

Organic matter
Pollutant
Dangerous substances

Nitrate, phosphorus
Pesticides

Endocrine disruptors
Dangerous substances
Micropollutants

Water use directives (public health oriented)
Water pollutant directives (harmonization of pollution control effort)
Urban waste water directive
Nitrate directive

Groundwater directive
Dangerous substances
Floods directive
Marine strategy framework directive

2000 Water Framework Directive (WFD)

2012 Water Blueprint

2012

2012

2012
IWRM at basin level with dedicated institutions and financial circuits

National strategies
National water committee

Basin committees and agencies
Sdage : basin masterplan
Quantity, quality, biodiversity and risk
Climate change

Smaller catchments
Dedicated institutions
Dedicated participatory governances
Basin committees: sharing the power

- Elected representatives of local authorities: 40%
  - 2017

- Water user representatives: Industry, agriculture, NGOs: 40%
  - 2016

- Representatives appointed by the State: 20%

Regions ↗
Districts ↘
Basin institutions ↗
Municipalities ↘
Responsible authorities for WSSS ↗

Professional Water user 20%
Non-professional Water user 20%

- Industry: 13%
- Agriculture: 13%
- NGOs: 13%

2016

2017
Water as a part of environmental issues

- Emergence of other environmental concerns
  - 2003

- Water pollution as major environmental problem
  - 1964

- Contributions of water agencies to national expenses
  - 2017

- Extension of mandate of water agencies and national agency to biodiversity at large
French experience and the WGI principle

• In line with the WGI principles for years
• Concept framework stable → create confidence
• Major long term drivers (decentralization) → step by step reforms in a general trend
• Evolving needs increase of tensions between actors
• Disputes as factor of decision to change
• Not a rational Water Policy Cycle:
  policy formulation → implementation → monitoring → evaluation → new policy formulation
• But a pragmatic adjustments to new realities:
  new concerns → pressure/disputes → authorities ask for reports → decision → implementation → new gaps to be filled
Thank you for your attention