



9th IUCN Academy of Environmental Law Colloquium
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« WATER AND THE LAW : TOWARDS SUSTAINABILITY »

*“The european Union water initiative and the
development cooperation policy :*

*What contribution towards equitable and sustainable
management of water resources ? “*

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At the 2002 World Summit on Sustainable Development in Johannesburg, the EU and its Member States launched **the EU Water Initiative**.

This political initiative aims at reaching the **Millennium Development Goals** and to promote an integrated and participatory approach to water resource management in the **EU external relations with developing countries**.

2002 to 2011: is the EU Water initiative a **real contribution** towards equitable and sustainable management of water resources ? Does EU succeed to **meet its international and european commitments** ?

Such questions offer the opportunity to appreciate « **the spirit** » and the « **reality** » of the **environmental contribution of the EU external policies**, especially the development cooperation policy.



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Introduction « Genesis and major legal issues »

I- Crucial data

- Around one billion people still lack access to safe drinking water
 - More than 2,5 billion people remain without improved sanitation
- = Access to safe drinking water and basic sanitation are essential for the achievement of the others Millenium Development Goals

II EU and its political international commitments

- Millennium Development Goal number 7 : halve by 2015 the proportion of people without sustainable access to safe drinking water
 - World Summit on Sustainable Development 2002 in Johannesburg : halve by 2015 the proportion of people without access to sanitation and develop integrated water resources management plans
- = Launch of the EU Water initiative – Signature of EU Africa Strategic Partnership on Water affairs and Sanitation september 2002.



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Introduction « Genesis and major legal issues »

II EU and its legal european commitments

Major objectives and principles

The Union's external action (under Treaty EU of Lisbon)

Article 21.2 TEU : « *The Union shall define and pursue common policies and actions and shall work for a high degree of cooperation in all fields of international relations in order :*

d) Foster the sustainable economic, social and environmental development of developing countries with the primary aim of eradicating poverty »

Article 208 TFEU – Development cooperation

« Union development cooperation policy shall have as its primary objective the reduction and, in the long term, the eradication of poverty. The Union shall take account of the objectives of development cooperation in the policies that it implements wich are likely to affect developing countries ».



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Major objectives and principles

The EU environmental policy

Article 11 TFEU

« *Environmental protection requirements **must be integrated** into the definition and implementation of the Union policies and activities, in particular with a view to promoting sustainable development* »

Nature of EU Competence in the field of development policy

Article 4-4 TEU Specific shared competence

« In the areas of development cooperation and humanitarian aid, the Union shall have competence to carry out activities and conduct a common policy; however, the exercise of that competence shall not result in Member Sstate being prevented from exercising theirs »



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Nature of EU Competence in the field of development policy

Article 210 TFEU

« 1 - In order to promote the complementarity and efficiency of their action, the Union and the member states **shall coordinate** their policies on development cooperations and **shall consult each other** on their aid programmes, including in international organisations and during international conferences. They may undertake joint action, member States **shall contribute** if necessary to the implementation of Union aid programmes

2- The Commission may take any useful initiative to promote the coordination referred to in § 1 ».

Article 211 TFUE « Within their respective spheres of competence, the Union and the Member States **shall cooperate** with third countries and with the competent international organisations »

= Complex articulation of competences and coherence obligation of european policies



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I- The spirit of EU Water initiative

A- An integrated approach : Priority to River basin level and sustainable management

The EU Water initiative is based on an integrated approach to river basin management

In the light of sustainable and equitable management of water resources

= multi-dimensional initiative and promotion of policy coherence for development

B- A regional approach : Priority to Africa and ACP (African, caribbean and pacific) countries

The choice of partners

2002 : signature of strategy Africa-EU Partnership on water and sanitation

2004 : The ACP-EU Water Facility was set up in 2004 under the 9th European Development Fund (EDF). A new Water Facility under the 10th EDF (2009-2013).



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B- A regional approach : Priority to Africa and ACP (African, caribbean and pacific) countries

Others regional components in the EU Water initiative : eastern Europe, Caucasus and central Asia – the Mediterranean – Latin american -

The importance of the different spatial level

Local level to regional cooperation level. The EU Water Initiative encourage local, regional and sub-regional cooperation on water management issues

C- A multistakeholders approach : Priority to ownership and capacity building

According to european Commission, the concept of ownership is central to the approach of EU Water Initiative, especialy of the ACP-Water Facility. This ownership approach is one of the common principles of the european consensus on development adopted in 2006



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C- A multistakeholders approach : Priority to ownership and capacity building

- One of the purpose of EU ACP Water Facility is to develop capacity of ACP water and sanitation utilities, ACP local authorities and other ACP water sector organisations in water and sanitation governance and management and sustainable development and maintenance of infrastructure
- The importance of multidimensionnal dialogue between stakeholders
- .The Africa working group is one of the regional components of EU Water Initiative and emerged from the EU Africa strategic partnership on water affairs and sanitation (2002)
- . Political dialogue and participation of civil society
- . Promotion of complementarity with member States and others international donors in the fiel of water issues : for european Commission, EU Water initiative constitue a catalyst in order to enhance co-financing projects.



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II- The reality of EU Water initiative

A- Success stories

→ co-financing projects

- **First ACP–EU Water facility (2004-2009)** under the 9th European Development Fund

Around 500 millions for 175 projects aiming to provide access to water and sanitation and to improve governance

According to the European Commission, « *including 14 million people benefiting from access to safe water, some 3 millions benefiting from improved sanitation and about 11 million people involved in hygiène awareness activities* »

- Second phase of ACP-Water Facility launched in february 2010

- Creation of the pooling mechanism in 2011 in order to promote medium size investment projects in ACP rural and peri-urban areas



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II- The reality of EU Water initiative

A- Success stories

= 60% of EU aid to the water sector goes to african recipient countries. According to the european Commission, the total EU disbursement of aid to the water sector in Africa have increased between 2005 and 2009 (USD 500 million to 950 million)

B- Efficiency and Effectiveness of EU Water Initiative : Paradox and Gaps

→ EU Water initiative in the light of real needs and water tools protection

According a recent study on effectiveness of EUWI, « there is no obvious linkange between EU Water sector aid received by african countries and their actual need in term of access to water and sanitation ». This study shows how the EU Water sector aid is « highly fragmented ».



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II- The reality of EU Water initiative

B- Efficiency and Effectiveness of EU Water Initiative : Paradox and Gaps

→ EU Water initiative in the light of real needs and water protection tools

The question of the choice water protection tools : which innovative sources of financing ? Which private and public partnership ? Which price for access water and sanitation ? Market versus Protection and equity ? Which balance ?

→ Effectiveness of principle of coherence and integration of environmental and development requirements into EU policies and activities

Which coherence between EU Water initiative and the others financial tools of development policy of EU, and between development policies and common commercial policy ?

Which visibilité and importance of water issues compared to others environmental issues as climate change ?



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II- The reality of EU Water initiative

B- Efficiency and Effectiveness of EU Water Initiative : Paradox and Gaps

→ Which reality for the multistakeholders approach ?

Quality of dialogue ? The place of public participation and information ? The reality of complementarity and coordination between EU and Member States ? Which effectiveness for the financing commitments ?

Conclusion

Enormous challenges still exist : insufficient political prioritisation – insufficient and uncoordinated investments and aids – According to WHO's conclusion, « from 2005 until 2014, 72 billion US needs to be spent on water and sanitation annually in the developing countries »



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EU Water Initiative, a necessary step, but the EU and its Member States have to

- Enhance the **integration of environmental requirements** into all the policies and activities which impact developing countries
- Ensure the **effectiness and performance of aids** and the complementary of Member States and others donors and **promote others mechanisms** (research, expertise and technologies transfert (...)).
- Enhance the **multistakeholder process** and the participation of public





Thank you for your attention

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