

## INDICATOR 1.6

### Note on well-functioning basin councils



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**Funded by  
the European Union**

**EU4Environment**  
Water and Data in Eastern Partner Countries

EU4Environment in Eastern Partner Countries:  
Water Resources and Environmental Data (ENI/2021/425-550)

## ABOUT THIS REPORT

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### IMPRINT

Owner and Editor: EU4Environment-Water and Data Consortium

Umweltbundesamt GmbH

Spittelauer Lände 5

1090 Vienna, Austria

International Office for Water (IOW)

21/23 rue de Madrid

75008 Paris, FRANCE

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24 July 2024

## **ABOUT EU4ENVIRONMENT - WATER RESOURCES AND ENVIRONMENTAL DATA**

This Programme aims at improving people's wellbeing in EU's Eastern Partner Countries and enabling their green transformation in line with the European Green Deal and the Sustainable Development Goals (SDGs). The programme's activities are clustered around two specific objectives: 1) support a more sustainable use of water resources and 2) improve the use of sound environmental data and their availability for policy-makers and citizens. It ensures continuity of the Shared Environmental Information System Phase II and the EU Water Initiative Plus for Eastern Partnership programmes.

The programme is implemented by five Partner organisations: Environment Agency Austria (UBA), Austrian Development Agency (ADA), International Office for Water (OiEau) (France), Organisation for Economic Co-operation and Development (OECD), United Nations Economic Commission for Europe (UNECE). The programme is principally funded by the European Union and co-funded by the Austrian Development Cooperation and the French Artois-Picardie Water Agency based on a budget of EUR 12,75 million (EUR 12 million EU contribution). The implementation period is 2021-2024.

<https://eu4waterdata.eu>

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## List of abbreviations

ADAAustrian .....	Development Agency
BCBasin .....	Council
BQEBiological .....	Quality Elements
DoADescription ....	of Action
DG NEAR .....	Directorate-General for Neighbourhood and Enlargement Negotiations of the European Commission
EaP .....	Eastern Partners
EC .....	European Commission
EECCAEastern .....	Europe, the Caucasus and Central Asia
EMBLAS .....	Environmental Monitoring in the Black Sea
EPIRB .....	Environmental Protection of International River Basins
ESCS .....	Ecological Status Classification Systems
EU .....	European Union
EUWI+ .....	European Union Water Initiative Plus
GEF .....	Global Environmental Fund
ICPDR .....	International Commission for the Protection of the Danube River
INBO .....	International Network of Basin Organisations
IOW/OIEau .....	International Office for Water, France
IWRM .....	Integrated Water Resources Management
NESB .....	National Executive Steering Board
NFP .....	National Focal Point
NGOs .....	Non-Governmental Organisations
NPD .....	National Policy Dialogue
OECD .....	Organisation for Economic Cooperation and Development
RBD .....	River Basin District
RBMP .....	River Basin Management Plan
RBO .....	River Basin Organisations
Reps .....	Representatives (the local project staff in each country)
ROM .....	Result Oriented Monitoring
SDG .....	Sustainable Development Goal
SWMI .....	Significant Water Management Issue
ToR .....	Terms of References
UBA .....	Umweltbundesamt GmbH, Environment Agency Austria

UNDP ..... United Nations Development Programme

UNECE..... United Nations Economic Commission for Europe

WFD ..... Water Framework Directive

## Executive Summary

The indicator of the Logical Framework concerning the output 1.6 "No. of well-functioning water basin councils that held public consultations at least twice during planning process" needs clarification on various levels: Basin Council vs River Basin Organisation; well-functioning criteria; status of Public Consultation; etc.

This note proposes elements to better understand the content of this indicator and its current value as well as for estimate the efficiency of a basin council.



## 1. Introduction

The indicator of the Logical Framework concerning the output 1.6 is: "No. of well-functioning water basin councils that held public consultations at least twice during planning process". This indicator needs clarification.

A basin council can be created *ex nihilo* by regulation or be based on an existing structure. In this case, the operation of the basin council must not be unbalanced in favour of one use to the detriment of others and/or ecosystems.

A vision must be shared at national or supra-national level. Sustainable development, adaptation to climate change and integrated water resource management are key principles.

Its area of influence is the river basin. Its delimitation is based on natural principles. It can, however, incorporate administrative boundaries as long as they are close to the physical boundaries. This makes it easier to understand and implement a river basin policy.

Delineate a river basin is not always self-evident in the case of karst<sup>1</sup>, for example, or when taking into account the telluric impact in maritime areas<sup>2</sup>.

The geographical boundaries of the river basin covered by the basin council must be precise, accessible and enshrined in regulations.

A basin council is not just a body that meets once or twice a year to discuss issues. It can be much more, as this document suggests.

A Basin Council is a kind of a River Basin Organisation. A Basin Council alone is not enough to implement an Integrated River Basin Management in a river basin.

River Basin Organisations are an essential link in the implementation of Integrated Water Resources Management (IWRM). As IWRM is based on 7 pillars (clear and coherent long-term vision, appropriate governance, basin-scale planning, improved knowledge, stable financial mechanisms, awareness raising, project owners for implementation), the River Basin Organisations structure water governance at the level of river basins.

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<sup>1</sup> Groundwater flow in karstic terrain can be very rapid between the recharge zone and the outlet, making these aquifers more vulnerable to chronic or accidental surface pollution. These zones may be far apart and in different river basins. Underground circulation is complex, making it difficult to define catchment areas.

<sup>2</sup> Because of marine currents, continental pollution can affect distant coastal waters. For example, sargassum strandings in the Caribbean appear to be linked to the flow of nutrients discharged by the Amazon River into the Atlantic Ocean.

## 2. River Basin Organisations

A River Basin Organisation (RBO) can be considered as a societal entity created to manage, develop, protect and/or monitor natural water resources in a river basin.

Basin organisations are set up under different arrangements depending on the aim, the legal and administrative systems, and human and financial resources. They are usually, but not always, formal legal bodies. In some cases, less formal arrangements also work. But whatever the setup, basin organisations would be public sector organisations because water resources management is a public good<sup>3</sup>.

Although formal basin organisations are part of the public sector, for water to be managed effectively, a wide range of stakeholders, community groups, economic sectors, nongovernmental organisations and private enterprise, need to be involved.

In essence, basin organisations are umbrella organisations for basin management. Their mandate is to take a 'big picture' perspective and be the leading voice on basin-wide water issues. This means keeping basin constituencies and decision makers in all sectors and at all levels, in both the public and private sector, fully informed and involved.

Basin organisations can take many forms: statutory decision making and/or advisory bodies, management bodies, development entities and regulatory bodies. Frequently, they operate in conjunction with other government agencies and administrative bodies. Responsibilities for managing water, regulating water and providing water services should be assigned to different agencies to streamline operations and ensure accountability.

Basin organisations may be created afresh, but are more likely to evolve from existing entities to fit local needs and practices. The institutional set up of basin organisations will depend on local legal systems and leadership styles, so that what is called a basin council in one country may be different in form and function from what is called a basin council in another. The key distinguishing features are whether the basin organisation is a formal government body enshrined in law, a temporary official arrangement but with limited legal powers, or an informal or non-governmental body with no legal powers. Other distinguishing features are in the functions of basin organisations: whether they own dams, canals, water ways, hydroelectricity power plants, dykes and irrigation works and build, operate and maintain such water infrastructure, or whether the basin organisations are only responsible for soft water management tasks (e.g. monitoring of water resources, data management, awareness, etc.).

The cost of running a basin organisation will depend on its mandate and institutional set up and this has to be considered when deciding what type of institutional structure is needed. This aspect is crucial and must be solved at the step of the river basins delineation. Indeed, it could increase the transaction costs to an unrealistic level.

All around the world, there are various types of RBO<sup>4</sup>.

**Advisory Committee:** A formalized or quasi-formal organization in which individuals take responsibility for undertaking action planning and provide advice; governments 'hand over' strategic planning to such organizations; they frequently have no or limited legal jurisdiction. Example: Fitzroy

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<sup>3</sup> [GWP, INBO, 2009. A handbook for Integrated Water Resources Management in Basins.](#)

<sup>4</sup> [Hooper B. P., 2006. Key Performance Indicators of River Basin Organisation. US Army Corps of Engineers](#)

Basin Association, Eastern Australia; Verde Watershed Association, South-western USA; possibly public engineering offices

**Association:** Similar to an Advisory Committee, this is an organization of like-minded individuals and groups with a common interest. In a river basin they have varying roles: providing advice, stimulating basin awareness, education and ownership of basin natural resources management issues; educational functions and information exchange. Example: Missouri River Basin Association, Midwest USA.

**Authority:** An organization which makes planning decisions at a central or regional government level; may set and enact regulations, or authorise the development of activities; authorities are founded on democratic principles and a framework of law to which all relevant individuals and institutions are subject in a basin setting. Example: Niger Basin Authority, West Africa.

**Commission:** An organization which is delegated to consider natural resources management matters and/or take action on those matters. A basin commission's powers vary, and include advisory/education roles, monitoring roles, undertaking works, fulfilling goals of a specific government's charter or an international agreement. Commissions normally are instituted by a formal statement of a command or injunction by government to manage land and water resources; commissions may also have regulatory powers. Authority mentioned above has higher power than commission. Examples include: Great Lakes Commission, North America; International Commission for the Protection of the Danube River, Central & Eastern Europe; International Commission for the Protection of the Rhine, Western Europe; International Joint Commission, North America; Lake Chad Basin Commission, Central Africa; Mekong River Commission, South-east Asia; Murray-Darling Basin Commission, South-eastern Australia.

**Directorate:** A basin directorate makes planning decisions and has statutory responsibilities. They may set and enact regulations, or have authority to give consent for developments and are usually founded on civil service principles to serve the public with some autonomy within a national legal framework. They may have an arbitration role, which the interested parties refer to for decision making on any conflict that arises. They are usually in charge of carrying out tasks for medium-term planning and for collecting taxes on water abstractions and discharges to finance or support the investments needed to achieve set objectives. In some cases, they can also be responsible for water policy, studies, data collection or production, information sharing and public awareness. Examples: Apele Romane, Romania; Adour Garonne, Artois Picardie, Loire Bretagne, Rhin Meuse, Rhône Méditerranée, Corse and Seine-Normandie Water Agencies, France. The French Water Agencies can be considered as the Secretariats of the Basin Councils.

**Council:** A formal group of experts, government ministers, politicians, NGOs and lay people brought together on a regular basis to debate matters within their sphere of basin management expertise, and with advisory powers to government. A council is contrasted with a commission which, although also a body of experts, is typically given regulatory powers in addition to a role as advisor to the government. Basin Councils are mentioned inside the indicator. Example: Ruhr Association, Germany; Adour Garonne, Artois Picardie, Corse, Loire Bretagne, Rhin Meuse, Rhône Méditerranée, and Seine-Normandie Basin Councils, France.

**Corporation:** A legal entity, created by legislation, which permits a group of people, as shareholders (for-profit companies) or members (non-profit companies), to create an organization, which can then focus on pursuing set objectives, and empowered with legal rights which are usually only reserved for individuals, such as to sue and be sued, own property, hire employees or loan and borrow money. Also known as a "company". The primary advantage of a for-profit corporation is that it provides its shareholders with a right to participate in the profits (by dividends) without any personal liability

because the company absorbs the entire liability of the organization. Example: Damodar Valley Corporation, Northern India

**Tribunal:** A basin entity which has formalized procedures and quasi-judicial powers; a heavy emphasis on bureaucratic decision making; stakeholders may formally participate through hearings; major decisions are taken by independent bodies, like a water pricing tribunal. A Tribunal acts as a special court outside the civil and criminal judicial system that examines special problems and makes judgments, for example, a water tribunal, which resolves disputes between water users. Very few such entities exist purely for river basins management purposes but rather for special purposes, for example, government pricing tribunals. Some tribunals have specific water functions which are a component of a broader river basin's management process, where an RBO may or may not exist. These entities have limited traditional powers of civil government and do not report to other government agencies, except where a local government body may oversee entities such as 'country' drainage districts, which charges for water. They play an important role in developed countries and many developing countries. Example: Valencia Water Court, Spain.

**Trust:** A trust is legal device used to set aside money or property of one person for the benefit of one or more persons or organizations. It is an organization which undertakes river basin works; develops and implements a strategic plan; its mandate is to be the river basin 'advocate'; it co-ordinates local programs through Memoranda of Understanding or other agreements; it raises local levies (funds) for its works and programs. A Trust keeps monies raised in 'trust' for the benefits of its citizens. Example: Hawkesbury-Nepean Catchment Management Trust (now part of the Sydney Catchment Authority), South-eastern Australia.

**Federation:** A collaboration of organizations or departments within one government or between state and national governments to establish and undertake actions for river basin management. Governance actions at various levels (national, state and local) include: agreements on water sharing and water quality management, shared statements of intent; shared policy development; information exchange; joint actions for management of ecosystem degradation. Collaboration is expressed in terms of framework directives, cost-sharing arrangements, joint statements of intent, partnerships, joint programs and agreed policy. Examples include: International Network of Basin Organizations; Global, based in France; Council of Great Lakes Governors and the Great Lakes Basin Water Resources Compact, North America.

### 3. Water basin council

The basin council can be considered as a river basin organisation. However, its existence must be guaranteed by law and its influence must be strengthened by a secretariat. Otherwise, the basin council is limited to meetings between privileged people with little responsibility.

#### 3.1. Composition

The balance between the stakeholders on the basin council is crucial. The proportion of representatives from the colleges of representatives of the State, local authorities and users must not allow one college to dominate the others. The diversity of economic and non-economic users guarantees solid, shared compromises.

The composition of the basin councils must be enshrined in law.

#### **Example of the composition of a French basin council**

*In each basin council, the college of economic users includes at least one representative :*

- 1° From agriculture, on the proposal of Chambers of agriculture;*
- 2° Organic farming, on a proposal from the National Federation of Organic Farming;*
- 3° Forestry, on the proposal of the National Organisation of Woodlots Owners;*
- 4° Professional freshwater fishing, on the proposal of the National Committee for Professional Freshwater Fishing, where the activity is present in the basin;*
- 5° Aquaculture, on the proposal of the National Federation of Aquaculture, when the activity is present in the basin;*
- 6° Maritime fisheries, on the proposal of the National Committee for Maritime Fisheries and Sea Farming, when the basin has a coastline ;*
- 7° Shellfish farming, on the proposal of the National Committee of Shellfish Farming, when the basin has a coastline;*
- 8° Tourism, on the recommendation of the bodies representing this activity in the basin;*
- 9° Industry, on the proposal of a college comprising the presidents of the regional chambers of commerce and industry, the presidents of the regional representatives of the French Enterprises Movement and the president of the agricultural cooperative;*
- 10° Water distributors, on the proposal of the Professional federation of water companies;*
- 11° Electricity producers and hydroelectricity producers, on the proposal of the French Electricity Union;*

*In each basin council, the college of non-economic users includes at least one representative:*

- 1° Approved associations for the protection of nature, proposed by the representative bodies of these associations present in the basin;*

*3° Associations active in water sports, proposed by the French Federation of Canoe Kayak and Paddle Sports;*

*4° Approved associations for fishing and protection of the aquatic environment, proposed by the National Federation for Fishing and the Protection of the Aquatic Environment;*

*5° Hunting authorities, proposed by the National Federation of Hunters;*

*6° Approved consumer protection associations, proposed by the representative bodies of consumer associations in the basin.*

The appointment of basin council members must be clear. They may be the legitimate representatives of an organisation. In this case, the appointment is proposed by the said organisation. For example, the representative of a ministry is the ministry's local representative or is appointed by the minister. The same applies to existing professional organisations. In the case of unstructured types of users, the member proposed to sit on the basin council must be representative of the profession or users in order to be able to speak on their behalf and report the results.

### 3.2. Operating rules

The operation of the Basin Council should not be limited to one or two formal meetings a year. Which is sometimes the case.

Its operating procedures must be set out in a set of internal rules. These rules generally contain the following sections:

ARTICLE 1 - Composition

ARTICLE 2 - Staffing

ARTICLE 3 - Chairperson (Role of the Chairperson)

ARTICLE 4 - Board (Composition; role)

ARTICLE 5 - Role of the BC members

ARTICLE 6 - Basin Council Secretariat

ARTICLE 7 - Basin Council's working groups (Functioning of the working groups; Duties; Sub-basin and/or thematic working groups; working groups with other neighbouring basins national or international)

ARTICLE 8 - General Operating Procedures (number of meetings, other participants at BC meetings)

ARTICLE 9 - Plenary meetings (notice of meeting; proxy given to another member; representation of members; quorum; report writers; methods of voting; self-interest; proceedings; deliberations; minutes)

ARTICLE 10 - Operating expenses

ARTICLE 11 - Jurisdictions, competencies

ARTICLE 12 - Interpretation of the rules

### 3.3. Resources

Staff, budget and responsibilities must be dedicated to ensure the orderly functioning of the BC.

The budget may come from a variety of sources, which may be cumulative: the State, local authorities, remuneration for activities, sales of services, public-private partnerships, collection of fees, international donors, etc. The sustainability of these sources must be ensured.

Specific mechanisms may enable it to finance itself or, better still, to finance itself in order to ensure its operation but also to carry out its own actions (e.g. the case of ear-marked charges in France).

### 3.4. Competencies and functions

Basin organisations function according to their specific mandate, usually determined at a high level by central government to align with government goals and policies. The mandate very much depends on the reasons the basin initiative was started and reflects the critical issues in the basin (Example 4.1). It is very important to clearly define the boundaries of the mandate (by law for formal organisations), the reporting lines and to spell out who sets the 'rules' for making decisions and participation.

Although basin organisations carry out many tasks, they tend to focus on three main areas:

- monitoring, investigating, co-ordinating and regulating,
- planning and financing, and
- developing and managing.

Depending on the purpose for which the basin organisation has been created, and the arrangements for management, it may cover some or all of these functions. The critical issues from the integrated water resources management perspective are that, in carrying out these tasks, the basin organisation should be flexible, work at all levels and work collaboratively.

Defining the powers and responsibilities of the Basin Council is a fundamental aspect. Skills and responsibilities can be developed gradually. A young body with members who are not used to working together needs to prove its effectiveness and relevance. Once this has been done, the council can be strengthened.

Some responsibilities are mutually exclusive. It is not conceivable for the same organisation to be responsible for planning, administrative instruction, implementation and monitoring of works.

In addition, sensitivity to corruption must be considered whenever an organisation collects fees and redistributes them. Reliable control processes must be implemented.

Examples of functions are listed below. Of course they must be adapted to the National and local context.

#### REGULATION AND BOTTOM-UP:

Recommendations on sectoral strategies

Evaluation of public and/or sectoral policies

Involvement in decision process for big infrastructures, policies and/or strategies: Simple Consultation, Compulsory Consultation, Compliance Consultation<sup>5</sup>

Reporting to State agency, Ministry, Government, International body

Local regulation, water permit system

Recommendations on controls

Controls, arbitration, water police

Conflicts resolution

Zoning of sensitive areas (ecosystems, drinking water catchment, etc.)

Donors' coordination

Transboundary coordination

Etc.

#### MANAGEMENT:

Studies

Planning (RBMP, sub-basin plans, quantitative plans)

Resources allocation processes

Consultation process

Mobilisation of project owners

Coordination of line agencies

Dams management (low-water support, flood prevention)

Crisis management (floods, droughts, pollution, conflicts)

Communication

Users' register

Stakeholders' register

Fees collection

Fees allocation

Etc.

#### OPERATING SERVICES:

Monitoring of water resources and ecosystems (sampling, analysis)

Data management and valorisation

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<sup>5</sup> Simple Consultation: a national authority decides to consult the Basin Council for advice. It can choose to follow or not this advice. Compulsory Consultation: a national authority must consult the Basin Council but it can choose to follow or not its advice. Compliance Consultation: a national authority must consult the Basin Council. It must follow this advice.



<p>Data sharing</p> <p>Library and computing resources</p> <p>Production of documents</p> <p>Awareness raising</p> <p>Training of various stakeholders</p> <p>Technical assistance and support to improve practices</p> <p>Organisation, works and/or maintenance of: water supply, sewerage, sanitation, irrigation, drainage, rainwater, dams, erosion protection, navigation, ecosystems' restoration, ecological continuity, nature-based solutions, flood protection, fire control, etc.</p> <p>Work inspection</p> <p>Charges for services</p> <p>Etc.</p>
<p><b>OTHERS:</b></p> <p>International cooperation</p> <p>Secretariat management</p> <p>Etc.</p>

The following list summarises the missions of the Loire-Brittany Water Agency (France)<sup>6</sup>.

#### **Missions of the Loire-Brittany Water Agency (France)**

##### **Governance, planning and international**

Institutional operation

WFD (RBMP, programme of measures, international districts)

Drawing up and monitoring sub-basin management plans

International projects outside international districts

##### **Knowledge (environments, pressures)**

Measurement networks and data management

General studies, knowledge

##### **Steering and implementing intervention policies**

Steering aid

Promotion of water management policies

<sup>6</sup> [Objectives and Performance Contract 2019-2024 between the French State and the Loire-Bretagne Water Agency, France](#)

Processing and monitoring grants

#### **Ear-marked charges**

Definition of repositories and role management

Processing and collection of fees, control and audit

#### **Steering the activity and cross-functional functions**

Steering the activity

Budget, financial monitoring and accounting execution

General business

Information, communication, documentation

Human resources management

Computing and information systems

#### **Other**

Activities carried out on behalf of other water agencies within the framework of mutualisation

### **3.5. Evolution**

Because regional and national contexts change, basin organisations also evolve over time. Basin organisations need to adjust to changes in political direction, administrative reforms, or relations between riparian countries. This may require changes in their governance system and structure, and changes in their mandates, for example. They also need to be able to adapt to emerging issues, such as climate change, ecosystems protection, among others. Basin organisations very often start as 'commissions', particularly in the case of transboundary basins. **Often, they are initially set up to address one or two critical problems rather than all water-related issues, but this may change over time.** In other cases, organisations initially set up under the umbrella of government may split into several units with some evolving into autonomous institutions.

An example of how basin organisations change is the evolution of the French Water Agencies. **These were initially created in 1964 to finance a plan against pollution, and improve sanitation systems.** But, since then, their role has changed considerably and they now focus more on environmental issues in planning and decision making within the implementation of the European Water Framework Directive.

Even if the legal status remains the same, the mandate and functions of a basin organisation very often evolve in response to political and administrative reforms, and new challenges.

Basin organisations are usually set up to deal with issues which are not, or not fully, covered by other institutions. **Collecting and exchanging information and data have often been entry points for developing initial basin structures.** In many cases, even well-established basin organisations did not initially involve stakeholders. Since then, this has become more common practice and they have had to set up mechanisms to improve public participation.

At a transboundary level, the catalysts for basin cooperation have been the need to resolve conflict, to guarantee free navigation, to deal with floods, and the need to co-operate in designing and constructing infrastructure. Then, when decision makers become aware of the value of involving stakeholders, the

mandate of basin organisations broadens. Sometimes there is also a change in the scope of the basin organisation, for example in transboundary basins which expand as more countries become members<sup>7</sup>.

**Table 1 Example of functional stages in the evolution of an adaptive river basin organization<sup>8</sup>**

Functions	Initial RBO	Emerging Auto-adaptive RBO	Mature Auto-adaptive RBO
Group 1: Water (and natural resource) data collection and processing, systems modeling, water and natural resources planning, stakeholder consultation & issue clarification			
Group 2: Project feasibility, design, implementation, operation and maintenance, raising funds, ongoing community consultation and awareness raising			
Group 3: Allocating and monitoring water shares (quality and quantity and possible natural resources sharing), cost sharing principles			
Group 4: Policy and strategy development for economic, social and environmental issues, community awareness and participation			
Group 5: Monitoring water use and shares, monitoring pollution and environmental conditions, oversight and review role for projects promoted by RBO partners, monitoring and assessing the health of the basin's natural resources, monitoring the sustainability of resource management, review of strategic planning and implementation of modified plans			

### 3.6. Complementary roles of water management bodies in basins

Different kinds of basin organisations may work in the same basin but play complementary roles. For example, in the Rhône basin in France, the International Commission for the Protection of Lake Geneva (France/Switzerland), the Rhône Basin Council and Water Agency (for planning, financing and implementation of the European Water Framework Directive) and the National Rhône Company (Compagnie Nationale du Rhône), for dams, dykes, hydropower, navigation, and bulk water) work together. In such cases, the role and mandate of each organisation must be clearly defined by national laws and international treaties.

<sup>7</sup> GWP, INBO, 2009. Op. cit.

<sup>8</sup> Hooper B.P., 2006. Op. cit.

Table 2 Organisation of water management at basin level

Functions	France	Armenia	Azerbaijan	Georgia	Moldova	Ukraine
Water policing, permit system (abstractions, discharges)	State services	Ministry of Environment (MoE): Water Resources Management Department, Water Policy Department	Ministry of Ecology and Natural Resources (MENR), State Water Resources Agency (SWRA)	Ministry of Environmental Protection and Agriculture (MEPA), Environment and Climate Change Department, Water Division (?)	Ministry of the Environment, Integrated Water Resources Management Department	Water policing – State Ecological Inspectorate, subordinated by Ministry of Environmental Protection and Natural Resources (MEPR), permit system – State Agency of Water Resources (SAWR) at basin level, Ukrainian Geological Survey for groundwater
Users' register	RBO (Water Agency as Secretariat of Basin Council)	RBO (6 Basin Management Organisations, but currently too weak to do it)	MENR, SWRA, Ministry of Agriculture, Water Users Associations (WUA)		Agency “Moldovan Waters” (Apele Moldovei)	State Agency of Water Resources (SAWR)
Preparation of River Basin Management Plan	RBO (Basin Council)	RBO (6 Basin Management Organisations, but currently too weak to do it)	MENR but not applied yet	Ministry of Environmental Protection and Agriculture of Georgia (MEPA) is responsible	Agency “Moldovan Waters” (Apele Moldovei)	State Agency of Water Resources (BUVR hosted Basin Council) together with Central Geophysical Observatory and

Functions	France	Armenia	Azerbaijan	Georgia	Moldova	Ukraine
				for organizing the process of elaboration and review of river basin management plans (RBMPs)		Ukrainian Geological Survey
Adoption of River Basin Management Plan	State representative in the River Basin Districts	Approval by RA government, with a status of government decree	According to draft strategy: approval by National Water Commission, MENR or SWRA	Ministry of Environmental Protection and Agriculture (MEPA) present the RBMP to the Government for approval. RBMP are approved by governmental decree	Ministry of the Environment, Integrated Water Resources Management Department with State Chancellery clearance	Cabinet of Ministers of Ukraine (CMU)
Management concessions	Private developers	Water Committee under the Ministry of Territorial Administration and Infrastructures (MTAI)	Tariff Council, Cabinet of Ministers and SWRA offices		Ministry of the Environment, Integrated Water Resources Management Department?	State Agency of Water Resources
Water charges	RBO (Water Agency), rules from National Assembly adapted	Regulated by the Tax Code of Armenia, administered by the Ministry of Environment	State Water Resources Agency		Agency "Moldovan Waters" (Apele Moldovei)	Budgets of different levels (state and local)

Functions	France	Armenia	Azerbaijan	Georgia	Moldova	Ukraine
	by the Basin Council					
Drinking water supply and sanitation	Municipalities	Water Committee under the Ministry of Territorial Administration and Infrastructures (MTAI) is in charge of contract management with Veolia. Municipalities are in charge in the case of self-supplied settlements (outside of the service area of Veolia)	State Water Resources Agency (Azersu)	Municipalities and/or Mkhare (regional authorities) and /or Ltd. United Water Supply Company of Georgia	Municipalities or Intermunicipal Development Association (ADI)	Municipalities (Water treatment plants “Vodokanals”) and local authorities
Irrigation	Developers and Associations	Water Supply Agency “Jrar” and Water Users Associations (WUA) under MTAI	State Water Resources Agency	Ltd. Georgian Amelioration	Ministry of Agriculture, the Agency for land improvement	State Agency of Ukraine for the Development of Land Reclamation, Fisheries and Food Programs
Monitoring, data	State Services RBO (Water Agency) French Office for Biodiversity Various users	Hydrometeorology and Monitoring Center SNCO, Environmental Protection and Mining Inspection Body	State Water Resources Agency MENR National Hydrometeorological Service	National Environmental Agency (NEA) (regional divisions?)	National Environmental Agency and Hydrometeorological Service	State Agency of Water Resources Central Geophysical Observatory Ukrainian Geological Survey MEPR State Statistic Services

## 4. Well-functioning

### 4.1. Role of basin councils

The Basin Council must:

- take ownership of integrated management of water resources by ensuring consistency with the major themes of the health of living species and ecosystems (bio-politics), food and energy, through economic development, regional planning, agriculture, forestry, shellfish farming, aquaculture, hydroelectricity, industry, crafts, civil protection, transport, town planning, tourism, etc. This cross-sectoral approach should encourage consistency in the public policies pursued by local authorities;
- Disseminate water policy at basin level across the various activities and uses;
- Promoting the widest possible awareness of the issues, to adapt behaviour and expectations, and to encourage project owners;
- provide information at national and international level on improvements, practices, etc. to give its opinion on major projects, to improve the body of regulations, governance, cross-border cooperation (hydro-diplomacy), etc.;
- report on its activities and its social, environmental and financial performance using a management chart and indicators.

The Basin Council secretariat must be adequately staffed, with a clear organisation chart and responsibilities. It should not take the place of the Basin Council, but should prepare its work objectively.

Basin councils have to strike a balance between hydrographical and natural boundaries and the project areas corresponding to the territorial scope of the project owners, as well as with national or international decisions impacting the River Basin. Certain social practices and political choices can generate driving forces and pressures on the resources. As a result, the river basin council sometimes has to consider different frameworks and boundaries.

The Basin Council must regulate real or perceived injustices between users.

### 4.2. Operating procedures

Because of its diversity, the Basin Council operates by consensus, but not exclusively. Various other strategies have been observed to interfere with the proper working of the BC and its secretariat, such as:

- Regular requests for additional studies to delay decision-making,
- Strong influence of technicians/experts to the detriment of politicians,
- Clogging up the agenda to avoid certain items,
- An economic argument to the detriment of the environment,
- Absence from plenary meetings and quorum problems,
- Disruption of the Basin Council's work by petitions, demonstrations,
- Etc.

An Executive Committee (Bureau) of the Basin Council is responsible for setting the agenda for plenary meetings and even for the debates. Its composition, as specified in the internal rules, is important.

### 4.3. Role of the members of the Basin Council

The members of the Basin Councils undertake to:

- be able to discuss water issues, so have a certain level of knowledge and interest in the subject,
- find out about the discussions, their progress and the content of the documents,
- give opinions on behalf of the organisation it represents and be able to reach compromises within the body,
- inform local project owners of decisions taken, their impact on water resources, good practices, etc. For example, the farmers' or irrigators' representative must be able to report back to the professionals,
- ensure the consistency of its actions and those of its organisation and other responsibilities outside the Basin Council with regard to water resources and the decisions taken by the Basin Council.

### 4.4. Scope of the River Basin Management Plan

Some basin councils are focused on the preparation of River Basin Management Plans (RBMP). Such plans can be considered as:

- Regulatory requirements,
- A political project for the River Basin, given the crucial importance of water management,
- An educational tool to explain the ins and outs of integrated water resource management,
- List of ideal, minimum or maximum actions (depending on the user) to be implemented,
- Local implementation of texts of greater importance, such as the Water Framework Directive in the Member States of the European Union,
- An opportunity to discuss water and all its components.

The RBMP must have a strong legal scope in order to be enforceable against administrative decisions and/or third parties. This scope may concern the entire document or a clearly identified part of it (for example, the regulations governing the Sub-Basin Management Plans in France).

### 4.5. Assessment procedures

The proper functioning of a basin council can be assessed by means of a scorecard containing appropriate indicators. It can be the subject of a contract of objectives with a national supervisory body, such as a ministry. This assessment can be made public via a web portal. This transparency is all the more legitimate as the river basin council is self-financed by taxes, ear-marked charges or fees paid by the users or inhabitants of the river basin.

The variety of river basin management settings and river basin organizations makes it difficult to identify general performance indicators of river basin organizations, suitable to this complex array of basin



organizations. No single indicator template will suit all conditions. The result is a number of indicators from which basin organizations can select. Some examples are proposed in annex.

Typically, an indicator must be: Specific; Measurable; Acceptable; Relevant; Timely. Their number must be limited.

They provide an insight into the performance of the various components of the basin council:

- Resources deployed;
- Achieving objectives;
- Impact on water resources and the status of water bodies.

Additional examples are proposed and below provided in the annexes.

### ***Sustainable Development Goal Indicator 6.5.1<sup>9</sup>***

Target 6.5 aims to implement integrated water resources management (IWRM) at all levels. Indicator 6.5.1 "Degree of integrated water resources management implementation" tracks the degree of integrated water resources management (IWRM) implementation, by assessing the four key components of IWRM:

- Enabling environment;
- Institutions and participation;
- Management instruments;
- Financing.

It takes into account the various users and uses of water, with the aim of promoting positive social, economic and environmental impacts at all levels, including the transboundary level, where appropriate.

The indicator score calculated uses the responses to a questionnaire representing the current degree of IWRM implementation, on a scale from 0 to 100.

The table below describes the steps and targets to be achieved for this indicator.

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<sup>9</sup> <https://www.unwater.org/our-work/integrated-monitoring-initiative-sdg-6/indicator-651-degree-integrated-water-resources>

Table 3 Extract from the SDG 6.5.1 survey questionnaire

Indicator	Degree of implementation (0 - 100)					
	Very low (0)	Low (20)	Medium-low (40)	Medium-high (60)	High (80)	Very high (100)
<b>Basin/aquifer management plans or similar, based on IWRM</b>	Development not started or delayed in most basins/aquifers of national importance.	Being prepared for most basins/aquifers of national importance.	Approved in the majority of basins/aquifers and starting to be used by authorities.	Being implemented in the majority of basins/aquifers.	Plan objectives consistently achieved in majority of basins/aquifers.	Objectives consistently achieved in all basins/aquifers, and periodically reviewed and revised.
<b>Basin/aquifer level organizations for leading implementation of IWRM plans or similar.</b>	No dedicated basin authorities for water resources management.	Authorities exist, with clear mandate to lead water resources management.	Authorities have clear mandate to lead IWRM implementation, and the capacity to effectively lead IWRM plan formulation.	Authorities have the capacity to effectively lead IWRM plan implementation.	Authorities have the capacity to effectively lead periodic monitoring and evaluation of the IWRM plan.	Authorities have the capacity to effectively lead periodic IWRM plan revision.
<b>Basin management instruments</b>	No basin level management instruments being implemented.	Use of basin level management instruments is limited and only through short-term / ad-hoc projects.	Some basin level management instruments implemented on a more long-term basis, but with limited geographic and stakeholder coverage.	Basin level management instruments implemented on a more long-term basis, with adequate geographic and stakeholder coverage.	Basin level management instruments implemented on a more long-term basis, with effective outcomes and very good geographic and stakeholder coverage.	Basin level management instruments implemented on a more long-term basis, with highly effective outcomes and excellent geographic and stakeholder coverage.
<b>Sub-national or basin budgets for investment including water resources infrastructure</b>	No budget allocated in sub-national or basin investment plans.	Budget allocated but only partly covers planned investments.	Sufficient budget allocated for planned investments but insufficient funds disbursed or made available.	Sufficient budget allocated and funds disbursed for all planned programmes or projects.	Funding available and all planned projects under implementation.	Budget fully utilised, programmes completed as planned and post evaluation carried out.

<b>Revenues raised from dedicated levies on water users at basin, aquifer or sub-national levels.</b>	No revenues raised at the sub-national level.	Processes in place to raise local revenue but not yet implemented.	Limited revenues raised from charges, but are not used for IWRM activities.	Limited revenues raised from charges cover some IWRM activities.	Revenues raised from charges cover most IWRM activities.	Local authorities raise funds from multiple sources and fully cover costs of IWRM activities.
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The last results available for the Eastern Partner countries are presented in the table below.

**Table 4 SDG Indicator 6.5.1 in the Eastern Partner countries**

Score 2023	Armenia	Azerbaijan	Georgia	Republic of Moldova	Ukraine
SDG 6.5.1	46	55	54	68	39 (2020)

### Examples of dashboards

In France, each basin council elaborates a dash board to follow-up the implementation of the River Basin Management Masterplan. Indicators are collected by the Water agencies with the help of line agencies, presented regularly to the Basin council, and then available on line.



Seine-Normandie: 28 indicators



Loire-Brittany: 22 indicators

Furthermore, each Water agency signs a Performance Agreement (*contrat d'objectifs*) with the Ministry in charge of ecology to follow-up specific indicators from water resources status to human resources management. Most of the indicators concern the means implemented and European directives requirements.

The first generation of Performance Agreements contains e.g. 35 indicators in Seine-Normandie Basin and 44 indicators in Loire Brittany Basin. The last generation of Performance Agreements are more homogenous with 32 common indicators and additional indicators depending on the context of the River Basin (e.g. coastline). In some Basin, 36 indicators are mentioned.

***Example of indicators for cross-border basin organisations***

Ten categories of Basin Governance are given below<sup>10</sup> :

1. **Information management** - the production and dissemination of information.
2. **Legislation** - the role of legislation in basin management.
3. **Participation** - the inclusiveness of basin governance, including representation of stakeholders.
4. **coordination** - the organisation and working relationships of different stakeholders in basin management.
5. **Finance** - the financial management of basin funds.
6. **organizational design** - the structure of the basin organization's management roles.
7. **Basin planning** - existence of strategic plans to identify basin objectives.
8. **Goal completion** - actual progress of the implementation of a basin's mandate.
9. **capacity building** - training and development of staff members tasked with implementing basin water cooperation.
10. **Monitoring and evaluation** - activities undertaken to monitor resource use.

#### 4.6. Estimating well-functioning

The following table suggests a number of criteria for assessing how well a basin council is working. The values are for one year. It must, of course, be adapted to the context and competencies of the Basin Council.

The table does not have to be filled in every year. Comparing years gives elements on the efficiency of the RBO.

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<sup>10</sup> [Saruchera, D.; Lautze, J. 2015. Measuring transboundary water cooperation: learning from the past to inform the sustainable development goals. Colombo, Sri Lanka: International Water Management Institute \(IWMI\). 28p. \(IWMI Working Paper 168\). doi: 10.5337/2015.219](#)

**Table 5 Examples of criteria to evaluate well-functioning basin councils incl. their secretariat**

Criteria	Value	Comments
Area of the River basin (km <sup>2</sup> )		
Population of the River Basin (inhabitants)		
Basin Council set in a regulation (Y/N)		
Composition set in the regulation (Y/N)		
Existing Basin Council (Y/N)		
Number of members		
Balanced composition (official representatives %; users %; others %)		
Operating rules (Y/N)		
Number of meetings per year		
Existing of another River Basin Organisation (Y/N)		
Number of staff dedicated in the Basin Council Secretariat		
Total amount of financial resources of the Basin Council and its Secretariat		
Operating expenditures compared to the total financial resources (%)		
Number of training days (average per person)		
Number of issued notices at national level (opinion on policies, strategies, significant projects, etc.)		
Number of permits delivered		
Number of controls		
Preparation of a RBMP (Y/N)		
Number of consultations during the RBMP preparation		
Total cost of the Programme of Measures		
Total cost of the Programme of Measures per inhabitant of the River Basin		
Number of analysis for water bodies monitoring (chemical, biological, surface water, groundwater, etc.)		
Number of connexions to the water information system		
Amount of fees collected by the RBO		
Amount of subsidies allocated by the RBO		
Total amount spent for the water resources in the RBD		
Hydromorphological conditions restored (km)		

Criteria	Value	Comments
Number of project owners met		
Communication plan (Y/N)		
SDG 6.1.1 Proportion of population using safely managed drinking water services		
SDG 6.3.1 Proportion of domestic and industrial wastewater flows safely treated		
SDG 6.3.2 Proportion of bodies of water with good ambient water quality		
SDG 6.4.2 Level of water stress: freshwater withdrawal as a proportion of available freshwater resources		
SDG 6.6.1 Change in the extent of water-related ecosystems over time		
Etc.		

## 5. Public consultations at least twice during planning process

The WFD requires 3 public consultations to address the following topics (art. 14): work programme and schedule; significant water management issues (SWMI); draft RBMP. The 2 first consultations can be merged in one (e.g. like in France). So, a minimum of 2 consultations is organised during the planning process.

The planning process is renewed every 6 years in the EU. Preparation of RBMPs is a long task, not less than 2 years.

Consultations can take a wide variety of forms. At the very least, the basic documentation must be made available online and comments must be collected. Consultations can take the form of thematic and/or geographical stakeholder meetings within or outside existing bodies, the production of summary documents (non-technical summaries, brochures, videos, etc.) to facilitate understanding and ownership, the organisation of events for the general public (public meetings, conferences, stands, mailings, etc.), and the appropriate collection of comments (tables, questionnaires, etc.).

Consultations are organised at the initiative of the competent authority. Local relays can be mobilised on the ground to reach as many people as possible.

Local regulations are not always adapted to WFD requirements.

For instance, the first public consultation for SWMI was not required under the 18 May 2017 Resolution N°336 of the Cabinet of Ministers of Ukraine initially. On 1st September 2021, this Resolution was amended to state that "the public has the right to provide comments and suggestions to the SWMI within 6 months from the date of its publication on the Ministry of Environmental Protection website".

## 6. Current result of the indicator

The five countries share a common history within the Soviet Union, which has led to similar planning and development, institutional approaches and associated challenges in the water sector, especially a strong centralization, with limited participatory and consultative processes in the decision-making<sup>11</sup>.

Considering the Logical Framework Indicator "No. of well-functioning water basin councils that held public consultations at least twice during planning process", the results can be summarised in the table below (status March 2024).

The planning process (preparation of RBMPs) is long, sometimes longer than the duration of an EU-funded project (e.g. in Ukraine). So far, two criteria have been considered: existence of Basin Council; number of consultations during the preparation of RBMPs.

The "well-functioning" aspect will be discussed in the light of the implementation of IWRM and RBMPs. This could be addressed during the National Policy Dialogue meetings as well as the more relevant type of River Basin Organisation for each country. Indeed, the adapted RBO<sup>12</sup> depends on the local context, the existing bodies which could host a Basin Council or similar "local water parliament", the resources available, the progress of IWRM implementation, etc. Therefore, for the future, an indicator for such output could be the number of well-functioning River Basin Organisation in terms of legal soundness, competencies, representativeness of members, human and financial resources, organisation of public consultations, scope of outcomes.

**Table 6 Logical Framework Indicator "No. of well-functioning water basin councils that held public consultations at least twice during planning process", status March 2024**

Country	Value	Comments
Armenia	0	No active basin council yet. Nevertheless, public consultations on-going for the Northern RBMP with the support of the EU4Environment Water and Data programme.
Azerbaijan	0	No active basin council yet. Basin Councils are mentioned in the National Water Strategy and its Action Plan still under discussion.
Georgia	0	No active basin council yet. Basin Councils are mentioned in the 2023 Water Law. Nevertheless, public consultations on-going for the Enguri and Rioni RBMPs with the support of the EU4Environment Water and Data programme.
Republic of Moldova	2	2 basin councils which held the consultations of the Prut Danube Black Sea with the support of the EUWI+ project.

<sup>11</sup> Alexander Belokurov, Chloé Déchelette, Matthew Griffiths, Guy Halpern, Philippe Seguin & Alexander Zinke (19 Mar 2024): A shared water culture between the European Union and the Countries of the Eastern Neighbourhood, Water International, DOI: 10.1080/02508060.2024.2321772

<sup>12</sup> See section 2



Country	Value	Comments
Ukraine	11	There are 12 basin councils in the country including 4 for the Dnipro RBD. 11 basin councils held two public consultations, the second one with the support of the programme EU4Environment-Water Resources and Environmental data. The 4 Dnipro basin councils held the first public consultation with the support of the EUWI+ project. The Crimea basin council holds the second public consultation only.
<i>Total</i>	<i>13</i>	<i>Target: 13</i>

## 7. Recommendations

Ensure alignment between the number of River Basin Districts and the country's available human and financial resources to control the transaction costs.

Regardless of the setup, basin organizations should operate within the public sector as water resource management is a public good.

Initially, it is not advisable to introduce new structures in Eastern Partner countries. The establishment of such structures often leads to the loss of expertise, institutional knowledge, and undermines previous efforts, lacking robust teams and a clear understanding of the current status and future plans. Priority should be given to enhancing existing bodies.<sup>13</sup> .

Roles, composition, mandates, and competencies must be clearly defined in regulations.

While formal basin organizations fall under the public sector, effective water management necessitates the involvement of various stakeholders including community groups, economic sectors, non-governmental organizations, and private enterprises. A balanced composition of stakeholders (government representatives, economic and non-economic users, communities, NGOs, ensuring gender balance, etc.) is crucial as cooperation involves reconciling differences to achieve sustainable water resource management.

Regular meetings with relevant agendas should be followed by concise reports outlining decisions. Debates must be conducted fairly by the chair.

An efficient secretariat with dedicated human and financial resources is the driving force behind a Basin Council, without which progress will stall. The tandem Basin Council and Secretariat constitutes a River Basin Organisation.

Awareness and transparency are vital for motivating stakeholder and public involvement, particularly regarding potential fees paid to the River Basin Organisation.

Coordination between planning and project management levels is essential to facilitate on-ground action implementation.

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<sup>13</sup> Kutonova T., 2023. Personal communication

## 8. Annexes

### 8.1. Example of Order about Basin Councils in Ukraine



Ministry of Ecology and Natural Resources of Ukraine  
ORDER 26.01.2017 No. 23  
Registered with the Ministry of Justice of Ukraine  
on February 17, 2017  
under the No. 231/30099

#### On Approval of the Model Regulation on Basin Councils

In accordance with Articles 13.3, 15 of the Water Code of Ukraine, in order to take into account the interests of all interested parties as to the use and protection of waters and the reproduction of the aquatic resources within the river basin in the implementation of the integrated approaches in water resources management based on the basin principle, it is hereby ordered:

1. To adopt the Model Regulation on Basin Councils.
2. The Department of Natural Resources Protection shall ensure submission of this order for state registration to the Ministry of Justice of Ukraine.
3. This order shall come into force from the day of its official publication.
4. The Deputy Minister for European Integration shall be entrusted with control over the implementation of this order.

Minister AGREED

Head of the State Agency of Water Resources of Ukraine APPROVED

#### MODEL REGULATION ON BASIN COUNCILS

1. This Model Regulation is developed on the basis of the principles of the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes, Directive 2000/60/EC of the European Parliament and of the Council of October 23, 2000 establishing a framework for Community action in the field of water policy and to ensure the sustainable use and protection of water and reproduction of aquatic resources, and their integrated management.

2. The Basin Council established by the State Agency of Water Resources is an advisory body within the territory of the river basin.

In3. its activity, the Basin Council shall be governed by the Constitution of Ukraine, the Water Code of Ukraine, international treaties of Ukraine, laws and other regulatory legal acts of Ukraine.

4. The Regulation on the Basin Council shall be developed by the basin council on the basis of this Model Regulation and approved by the State Agency of Water Resources.

5. The decisions of the Basin council shall be taken into account in developing and implementing the river basin management plan, implementing measures for the sustainable use and protection of water and reproduction of aquatic resources.

6. The main tasks of the Basin council are:

development of the proposals and alignment of the interests of enterprises, institutions and organizations in the field of water use and protection and reproduction of aquatic resources within the basin;

promotion of the integrated water resources management within the territory of the river basin;

alignment of the interests and coordination of actions of interested parties as to the water resources management in the territory of the river basin;

assistance of cooperation of central and local executive authorities, local authorities, enterprises, institutions, organizations, international organizations and experts (with consent) in achievement of "good" ecological and chemical status of surface water arrays, "good" chemical and quantitative status of underground water arrays, as well as "good" ecological potential of artificial and substantially changed surface water arrays within the territory of the river basin;

provision of proposals for the draft river basin management plan;

assistance in the implementation of the river basin management plan, the state, target, sectoral, interstate, regional and local environmental programs and projects related to the river basin;

assistance in the development and implementation of technical assistance programs and projects, investment attraction for the implementation of measures aimed at improving the ecological status of the river basin;

assessment of the river basin management plan implementation.

n17. accordance with the tasks assigned to it, the Basin council:

considers and approves the draft river basin management plan;

participates in implementation of the river basin management plan;

promotes the implementation of effective economic mechanisms for ensuring the implementation of the river basin management plan;

prepares proposals for attraction of funds of different levels of budgets and investments for implementation of measures of the river basin management plan;

considers and approves annual reports on the implementation of the river basin management plan;

promotes the concerted actions aimed at improvement of the ecological status of the river basin;

organizes interaction on issues related to the collection, regular exchange and distribution of environmental information of the river basin, including water-management information;

considers the issue of ecological, quantitative and qualitative state of water resources of the river basin, analysis and assessment of the risks of failure to improve the ecological status of water resources of the river basin and the consequences of its changes for natural ecosystems and economic sectors, as well as forecast of the processes affecting the quality of water resources and volumes of water consumption;

submits proposals for the environmental objectives of the river basin management plan and possible deviations from the terms for their achievement;

considers the issues of water-management balance and socio-economic development on the territory of the river basin;

submits proposals for the implementation of the most important (priority) measures for the environmental improvement of the river basin and the mechanisms for their financing;

promotes the development of international cooperation in the river basin.

8. The Basin council shall have the right:

to approve the draft river basin management plan;

to participate in the implementation of the river basin management plan;

to submit proposals for attracting funds from different levels of budgets and investments to implement the measures of the river basin management plan;

to approve information on the course of implementation of the river basin management plan;

to submit proposals on the environmental objectives of the river basin management plan and possible deviations from the terms for their achievement;

to consider the issues of water-management balance and socio-economic development on the territory of the river basin;

to submit proposals for the implementation of the most important (priority) measures for the environmental improvement of the river basin and the mechanisms for their financing;

to receive in proper manner the information from central and local executive authorities, local governments, enterprises, institutions and organizations necessary for implementation of the tasks assigned to it;

to establish permanent or temporary working groups, commissions, etc. in its composition, if necessary;

if necessary, to involve the representatives of specialized organizations, institutions, individual specialists and scientists (with the consent) into the work of the Basin council;

to organize conferences, seminars, meetings and other events;

to have other rights in accordance with the law.

9. The Basin council shall carry out its activities in cooperation with the basin departments of water resources, the Ministry of Ecology and Natural Resources of Ukraine, the State Agency for Water Resources, local executive authorities, territorial bodies of central executive authorities and local self-government bodies exercising their powers within the river basin, other interested organizations, institutions, enterprises, public associations, intergovernmental cooperation bodies in transboundary basins (where such bodies are formed).

10. The Basin council includes representatives of interested parties (central and local executive authorities, local self-government authorities, basin departments of water resources, water users, enterprises, institutions, organizations, public associations (with consent), which carry out their activities within the river basin).

The Basin council shall be headed by the head of the basin council. The head of the basin council shall have one deputy, who serves as head in his/her absence.

In order to ensure preparation of meetings, effective work and organization of implementation of decisions made by the Basin council, the secretariat, a permanent working body of the Basin council is established. The secretariat of the Basin council shall be headed by an executive secretary elected by the Basin council. The provisions of the secretariat and its structure shall be approved by the Basin Council.

11. The composition of the Basin council shall be formed by a meeting of representatives of interested parties. In the case of nominating two or more candidates from one body, enterprise, institution, organization or association specified in clause 10 of this Model Regulation, the representative shall be elected by rating voting.

12. Water consumers represent at least 30% of the number of basin council members.

The maximum number of representatives of one branch as part of the Basin council shall be equal to the number of administrative areas, where the basin council operates.

If the number of candidates for admission to the basic council from one branch exceeds the maximum number provided for by this clause, election to the Basin council from this branch shall be determined by rating voting.

The maximum number of representatives of the public as part of the Basin council shall be calculated based on maximum three representatives of the public per one administrative region. In the case of failure to submit three candidates from one of the regions, the excess quota shall be evenly distributed among the rest of the regions.

If the number of candidates for admission to the basic council from the public exceeds the maximum number provided for by this clause, election to the Basin council from the public shall be determined by rating voting.

In13. order to form the composition of the Basic council, the State Agency of Water Resources shall determine the structural unit responsible for arrangement of the meeting of representatives of interested parties, and inform the interested parties hereof on its official website in the section "Basin Councils".

14. The candidates of the Basin Council members shall be provided by the interested parties according to the branch principle, as well as the principle of equal territorial representation within 30 calendar days from the moment the information stipulated in clause 13 of this Model Regulation is disclosed by the State Agency of Water Resources.

Not later than 15 business days prior to the meeting of representatives of interested parties for the formation of the Basic council, the State Agency of Water Resources shall publish on its official website a notification of the date, time and place of the meeting, surname, name, e-mail address and telephone number of the responsible person.

15. The personal composition of the Basin council shall be approved by the State Agency of Water Resources on the basis of the minutes of the meeting of representatives of interested parties.

16. Members of the Basin Council shall exercise their powers on a voluntary basis. The term of office of a member of the Basin council shall be 5 years.

17. The members of the Basin council shall have the right to raise at its meetings any issues that fall under the competence of the Basin council in accordance with its regulations.

18. The powers of a member of the Basin council shall automatically cease upon termination of the employment relationship with the interested party, which delegated such member or, in case of deprivation of the authority to participate in the basin council by the interested party, which delegated such member. Information about the termination of the powers of the member of the Basin council, as well as the candidates of new members shall be submitted to the secretariats of the Basin council within ten days by the corresponding interested parties. Changes to the composition of the Basin council shall be submitted by the State Agency of Water Resources upon the recommendation of the secretariat of the Basin council within 15 business days.

19. The head and deputy head of the Basin Council shall be elected from among the members of the Basin Council by voting.

Head of the Basin Council shall:

approve the agenda of the meetings of the Basin Council, the date and place of their holding;

open, hold and close the meetings of the Basin Council, raise for consideration and voting the issues and proposals, announce the results of voting, monitor compliance with the rules and sign the minutes of the meetings;



represent the Basin council before the executive bodies of various levels, local self-government authorities, public associations, enterprises, institutions and organizations, bodies of interstate cooperation in transboundary basins;

organize the work of the secretariat of the Basin council.

20. The Basin Council shall define and approve the rules of its work, make decisions within its powers and arrange their implementation.

21. The main form of work of the Basin Council shall be its meetings. The Basin council shall carry out its activities in accordance with the plans and directions approved by it.

22. Meetings of the Basin council shall be held as may be required from time to time, but not less than twice a year. Meetings of the Basin council shall be held on the territory of the river basin.

23. A meeting of the Basin Council shall be eligible if more than half of its members are present.

24. Meetings of the Basin council shall be open.

25. An extraordinary meeting of the Basin council may be convened on the initiative of the head, its deputy or the Head of the State Agency of Water Resources.

26. The date, place and draft agenda of the meeting of the Basin Council shall be determined at the previous meeting of the Basin Council and shall be made public on the official website of the State Agency of Water Resources, as well as on the website of the relevant basin department of water resources in the section "Basin Councils" no later than 10 business days prior to the meeting of the basin council.

27. Decisions of the Basin Council shall be drawn up by the minutes of its meetings, signed by the chairman of the meeting, sent to the members of the Basin Council and made public on the official website of the State Agency of Water Resources in the section "Basin Councils", as well as on the website of the relevant basin department of water resources.

28. The decisions of the Basin Council shall be made by open voting by a simple majority of the votes of its members attending the meeting, and shall be implemented through the issuance of a corresponding order of the State Agency of Water Resources.

29. The Basin Council shall inform about its work by placing the annual plan of work of the Basin council, the composition of the permanent and temporary working bodies of the Basin council, made decisions, minutes of meetings, annual reports on their work, etc. on the official website of the State Agency of Water Resources, as well as on the website of the relevant basin department of water resources in section "Basin Councils".

Deputy Director of the Department of Natural Resources Protection -  
Head of the Plant Protection Division

## 8.2. Indicators: example 1<sup>14</sup>

The Table below is a self-reporting scorecard of benchmarks and selected performance indicators of IWRM for river basin organisations. The scorecard can be used as a template for self- evaluation against known best practice. It provides a 'road-map' of the types of functions for effective basin management. It is recommended that it be used cautiously and that an examination of the setting be undertaken prior to the use of this scorecard. Users may wish to develop numerical responses to the maturity weightings and create their own meanings of the implementation and achievement meant by the terms: 'Poor', 'Fair', 'Good' and 'Excellent'.

BC Performance Indicator Acronym	Indicator #		Source of evidence [Reports, Reviews, Meeting Outcome Statements, Evaluations, Stakeholders' Feedback]	Evidence Exists? [Yes/No/Some]	Achievement Rating			
					Poor	Fair	Good	Excellent
DECISION-MAKING Benchmarks: Decision-making by the BC occurs within a national framework of natural resources management objectives and investments Decision-making is consensual & coordinates across sectors in the basin Decision-making is reflected in a business plan, is prioritized, focuses on efficiency, links vertically to governments & provides stakeholder access to government								
DM1	1	Existence of high level, cross-sectoral policy links between natural resources management, health, population and economic development portfolios of government						
DM2	2	Existence of national and/or international coordination arrangements (dialogues, MOUs, joint programmes of action) between states for river basin management						
DM3	7	Use of consensus-based decision-making in basin-wide planning and management to balance all user needs for water resources and to provide protection from water related hazards						
DM4	8	Evidence of use of consensus methods to broker agreements on commitments within the basin, coupled with evidence of mechanisms to monitor those agreements						

<sup>14</sup> Hooper B.P., 2006. Op. Cit.

DM5	11	Evidence of authority given to the BC to coordinate actions and programs across the basin						
DM6	12	Existence of a business plan for the BC which specifies coordination mechanisms between entities						
DM7	13	Existence of laws which specify authority of river basin organization to coordinate entities						
DM8	16	Evidence that local government and state agency pollution laws and regulations are congruent with river basin management plans and goals						
DM9	18	Existence of national governments guidelines for priority action areas in natural resources management which can be implemented by basin organizations and are supported by national funding mechanisms						
DM10	23	Evidence that the basin management decision processes address critical problems first: e.g. water scarcity, flooding, droughts for very large and rapidly growing populations through risk assessment;						
DM11	24	Evidence of programs which promote more efficient water management techniques in agriculture to achieve more crop, cash and jobs for each drop						
DM12	27	Evidence of methods to integrate decision-making vertically through organizations: linking local management to Cabinet-levels of government						
DM13	28	Evidence of measures to link BC to high levels of government decision-making						
DM14	29	Evidence of stakeholders' access to governments through BC about natural resources management issues						
GOALS, GOAL SHIFT AND GOAL COMPLETION Benchmarks: An IWRM approach is agreed to and practiced by the BC Objectives specified in and articulated through feasible options in a river basins management plan								
G1	30	Evidence of an IWRM approach used as the basis for land and water resources management						



O1	49	Existence of democratically elected governments which facilitate good governance						
O2	51	Evidence that national water policy functions remain through successive administrations						
O3	58	Evidence of institutional arrangements for basin management which specify roles and responsibilities of different entities and stakeholders						
O4	60	Degree to which BC roles, responsibilities and functions reflect realities of existing conditions						
O5	61	Evidence of strategic planning and implementation process based on communications, coordination and cooperation within a river basin organization						
O6	66	Evidence that BC structures avoid dominance of one sectoral interest group						
O7	67	The specification of organizational responsibilities is clear and determined by water policy and law						
O8	68	Mechanisms exist in government to reduce jurisdictional overlap and reduce duplication (such as regulatory tribunals)						
LAW Benchmarks: Ongoing laws exist to enact natural resources management relevant to basin management Laws specify BC functions								
L1	69	Existence of legislation to enact natural resources management						
L2	70	Legislation specifies functions, structure, financial base & accountability mechanisms for river basin management						
L3	52	Evidence that a system of water laws remains through successive administrations						
STAFF TRAINING Benchmarks: BC has a programme in place to improve staff quality for management skills, leadership and communication								
ST1	74	Evidence of training programs to improve the skills levels of river basin managers and stakeholders						
ST2	75	Evidence that the BC provides the leading voice on basin wide land and						

		water issues						
ST3	76	Evidence of the BC informing its constituencies and decision-makers of basin issues and management solutions						
ST4	77	Evidence that the BC leadership is well-trained, articulate, responsible and has listening skills						
ST5	78	Existence of well-trained staff with capacity to work in teams and plan across sectors and disciplines						
<p>INFORMATION &amp; MONITORING</p> <p>Benchmarks:</p> <p>BC has its own or joint access to a well developed, accurate, up-to-date, information and monitoring system</p> <p>Science informs the BC through modelling and spatial representation of options, which are costed and linked to the BC decision system: options are delivered through strategic planning and decision-making</p> <p>The information management system reports on how the basin is being managed and resources are consumed and protected</p>								
IM1	80	Evidence of a method to specify type of information, how it is presented and timing of information exchange in the BC's information systems						
IM2	81	Evidence that information is accessible by relevant stakeholders						
IM3	82	Evidence of information is appropriate to relevant stakeholders						
IM4	85	Evidence of integration of the information on a spatial scale: provides a resource management atlas in GIS at the sub-basin scale specifying environmental conditions and best management options						
IM5	87	Evidence that two-way vertical information exchange mechanisms are made a priority.						
IM6	88	Evidence that data and information are quality controlled including strong systems of field measurements and of data collection						
IM7	89	Evidence of high reliability of information system - evidence of lack of breakdowns						
IM8	90	Evidence of sharing of data in the information system by stakeholders						
IM9	91	Evidence of uniformity of information system for entire basin						
IM10	92	Evidence that information management systems and models are used for analysis and prioritizing resource management options						
IM11	97	Evidence of research collaboration between BC, research community, government						

		agencies and NGOs						
IM12	100	Reporting mechanisms in place between BC and high levels of government						
IM13	101	Existence of a monitoring and information system, including a permanent, reliable and optimized system of meteorological, water resources, water use measurements linked to basin decision-making						
IM14	102	Use of a monitoring system that derives from an accurate, uniform and comprehensive data network, systems and models for analysis						
IM15	103	Use of a monitoring system and that facilitates the use of "knowledgeable" natural resources/water management policies and strategies and is linked to the basin decision systems						
COORDINATED MANAGEMENT WITH STAKEHOLDERS Benchmarks: Public involvement processes are effective: provide for joint decision-making and conflicts are resolved Roles and responsibilities of stakeholders are specified and understood BC uses joint ventures and coordinates strategic decisions between partners								
CMS1	105	Existence of methods in the BC to effectively manage public involvement and avoid stalemates						
CMS2	108	Evidence of capacity of local agencies, non-government organizations and user organizations to implement preferred management options in the basin						
CMS3	112	Evidence that donor agencies are sensitive to approaches to water planning						
CMS4	114	Evidence of clear specification of private sector involvement and links to basin decision systems						
CMS5	115	Evidence of joint ventures, funding and exploiting resources						

### 8.3. Indicators: example 2<sup>15</sup>

The following indicators assess the quality of the governance put in place at the level of basin organisations as well as the results observed in the field. As well as being tools for assessing the progress made in implementing IWRM, they are also a tool for communicating with local partners, water users and donors.

The effectiveness of each indicator is rated from 0 to 5 and supported by evidence. These scores make it possible to estimate a result in principle. This assessment allows comparisons of governance between river basin organisations.

#### **PRINCIPLE 1: POLITICAL PROCESSES**

G1 Political commitment

Political commitment of the States in the governance and operation of the basin organisation

G2 Profit sharing

Mechanism for equitable sharing of the benefits derived from the use of water resources between basin countries

#### **PRINCIPLE 2: FINANCING MECHANISMS**

G3 Ongoing financing

Continued funding of the basin governance structure by the States despite the changes at national level

G4 Financing consistent with objectives

Funding actually mobilised for the development and management of the basin compared with the budget envisaged in the 10-year Master Plan.

G5 Efficiency

Ratio between the operating costs of the basin organisation and the funding mobilised to implement the Scheme (Plan) in the basin

G6 Application of the user-pays and polluter-pays principles

Contribution of water users in the basin and their use for operational activities and/or investments in the basin

G7 Coordination with financial backers

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<sup>15</sup> Bernard A., Brachet C., 2014. Bilan des expériences d'organismes de bassins transfrontaliers en Afrique, bonnes pratiques et recommandations. Agence Française de Développement



Actions by the basin organisation to ensure good coordination with funding agencies, in order to ensure that the coherence of programmes and projects financed in the basin

### **PRINCIPLE 3: REPRESENTATION AND PARTICIPATION**

G8 Representativeness

Balance in the political (within bodies) and technical (within the executive) representation of countries members of the basin organisation

G9 Involvement of water users

Mechanisms to enable water users at the lowest level to participate in the decisions of the basin organisation (integrating gender and indigent population issues)

### **PRINCIPLE 4: LEGAL FRAMEWORK**

G10 Legislation at basin organisation level

Legal framework relating to the mandate and structure of the basin organisation, financial mechanisms and water management at regional level, adapted to the requirements of IWRM.

G11 Consistency between national/regional legislation

Reciprocal consistency of national water legislation with the texts produced by the basin organisation

### **PRINCIPLE 5: PLANNING**

G12 Planning process

A planning process with clearly defined objectives, mutually beneficial goals and development priorities, all set out in an integrated long-term basin management plan.

G13 Scheme implementation (plan)

Implementing the key stages of the basin management plan

G14 Decision-making processes for infrastructure

Consistency of the investment decision-making process for major infrastructures with a cross-border impact with international recommendations in terms of transparency, benefit sharing and sustainability (poverty reduction, social and environmental constraints).

### **PRINCIPLE 6: FUNCTIONAL COORDINATION**

G15 Interface national / level / regional

Design and operation of national relay structures

G16 Coordination tools Operation of technical consultation tools and joint action programmes to manage water in a transparent manner between the countries in the basin (water allocation, coordinated management of structures, etc.).

G17 Global reporting mechanism

Mechanisms for the basin organisation to report to government administrators on the results achieved through the policies implemented

#### **PRINCIPLE 7: INFORMATION AND COMMUNICATION SYSTEMS**

G18 Information management system

Shared information system (including its geographical component, environmental characterisation, etc.) to support decision-making

G19 Information management protocols

Protocols specifying the types of information required, their presentation and the procedures for exchanging information in the basin organisation's information management system.

G20 Communication

Internal and external communication procedures within the basin organisation



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