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9b. Scale(s) of governance

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Title: Law and water governance: how does Italian water legislation promote sustainable water governance?

The European Water Framework Directive (2000/60/CE, WFD) establishes a comprehensive legislative framework to promote a sustainable water use and a long-term protection of all water resources in Europe. The river basin is considered the appropriate scale to achieve this ambitious target, given that it enables to consider the entire hydrological cycle in water management decisions. Furthermore, participation at river basin level should be encouraged by Member States, at least during the decision-making phase. However, the effectiveness of participatory decision-making based on river basin boundaries is strongly dependent on whether coordination is achieved among all administrative levels lying within the same river basin and engaged with Water Framework Directive activities. So far, the shift to water governance based on river basin scale has proved to be cumbersome for many Member States, especially regarding the improvement of coordination among administrative levels. Hence, the aim of this research is to analyse the reasons for such implementation gap, starting from the analysis of how national water legislation has transposed WFD governance requirements. Thus, the guiding research questions are: to what extent and how does water legislation transposing WFD enable the adoption of a participatory river basin approach in water resources management? And, to what extent does national legislation warrant coordination across administrative levels regarding WFD implementation in the river basins?

To answer these questions, the Italian legislation transposing WFD is analysed. We use the governance principles of WFD, concerning river basin management and participation and their substantive requirements, as guiding criteria to analyse their transposition into Italian legislation. This allows us to understand whether roles and responsibilities, enforcement mechanisms and conflict resolution foreseen by national legislation have provided clear and effective indications to fulfil WFD governance principles. The analysis highlights that Italian legislation can partially explain the reasons for WFD implementation gap in the country. In fact, on one side the legislation establishes a mandatory river basin planning and creates new river basin authorities giving them coordination functions, on the other WFD implementation and management activities are left to regional and local administrations. However, in such governance framework the possibility for river basin authorities to effectively coordinate the administrations lying within the river basin has been reduced by substantial delays in the implementation of water legislation.

Keywords: Water legislation, Water Framework Directive, water governance, river basin approach, participation