

The creation of basin institutional structures as a platform for implementation IWRM principles to ensure the sustainability of the EPIRB project results in Upper Prut pilot river basin, including implementation of the River Prut RBMP

Inception report



DRAFT

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TABLE OF CONTENTS

	Abbreviations and Acronyms	3
	Introduction	4
1.	Enhanced water basin management in the River Prut	5
2.	Development of the inter-agency basin agreement on cooperation in the use and protection of water resources and ecosystems of the Prut River Basin	10
3.	Regulation and concept for information and data exchange for water resources within the basin of the Prut	12
4.	Time-table and Summary of the work schedule and deliverables for the Prut River Basin in Ukraine	13



Abbreviations and Acronyms

BC	Basin Council
BUWR	River basin management authority
CIS	Common Implementation Strategy (for WFD)
EPIRB	Environmental Protection of International River Basins
EU	European Union
GIS	geographic information system
GW	Groundwater
GWB	groundwater body
HPP	Hydro Power Plant
IWRM	Integrated Water Resources Management
MENR	Ministry for Ecology and Natural resources
NGO	Nongovernment organisation
CNNP	Carpathian National Nature Park
PoM	programme of measures
PRB	Prut River Basin
SAWR	State Agency for Water Resource of Ukraine
WB	Water Body
WFD	Water Framework Directive



Introduction

The EPIRB project targets the improvement of water quality in the trans-boundary river basins of the wider Black Sea region and Belarus. It supports the move towards modern management tools and compliance of the EU Water Framework Directive (WFD) by building capacities learning-by-doing, and through the development and implementation of River Basin Management Plans for selected pilot river basins according to the requirements of WFD.

In the River Prut basin in the territory of the Ukraine there is a need *to create a model of integrated water resources management*, which would allow:

- Coordination of the actions and work of the together at all levels of government;
- Efficient use of environmental, economic, social, and other information for basin planning;
- Increased involvement in basin management and decision-making to improve the ecological status by the water users, community organizations and local governments;
- Devolution of management decisions from the central to the basin authorities;
- Coordination and integration of efforts at regional, national and international levels;
- Active cooperation with the basin agencies of the River Prut in Romania, the Republic of Moldova and the ICPDR.

The objective of pilot project *'The creation of basin institutional structures as a platform for implementation IWRM principles to ensure the sustainability of the EPIRB project results in Upper Prut pilot river basin, including implementation of the River Prut RBMP'* is **to assist in the development of an institutional framework to deliver IWRM in the River Prut basin.**

There are three made outputs:

1. Enhanced basin management structure
 - 1.1. Regulations for basin management in the River Prut
 - 1.2. Establishment of the River Basin Council, consultation body
2. Inter-agency basin agreements on cooperation in the use and protection of water resources and ecosystems of the Prut River Basin
3. Regulation and concept for information and data exchange for water resources within the basin of the Prut

These outputs will complement the RBMP being developed for the River Prut on the territory of Ukraine under the main EPIRB project.

The main project objective: The creation of the model of integrated water resources management as a platform of implementation IWRM principles on basin level in Upper Prut pilot river basin

The project beneficiaries are:

Ministry of Ecology and Natural Resources of Ukraine,
Prut River Basin authority (State Water Agency of Ukraine),
local authorities, local communities, local business, NGOs.



1. Enhanced water basin management in the River Prut

Prut River is one of the largest rivers in Western Ukraine, Moldova and Romania, and one of the main tributaries of the Danube. An important feature of the river is its mountain hydrological origin. This accounts for Prut's sufficiently large water content and frequent floods. These floods present imminent threat not only to the economics of all three countries, through which the Prut River flows, but also for the lives of people living near rivers in the basin.

Prut River originates on the south-western slope of Hoverla mountain, at about 15 km south-south-east of Vorokhta village in the Chornogora massif of the Carpathian forest massifs, and flows into the Danube south of Giurgiulesti village, at about 164 km from the Danube mouth. Prut River has length of 967 km, water catchment area – 27 540 km², elevation drop – 1577 m, overall stream gradient – 163‰, and average meander ratio – 2,1.

The Prut River basin is trans-boundary: it is located in the territory of three countries. Of the total basin area, 28% is in the territory of Moldova, and 33% – in the territory of Ukraine. The absolute maximum elevation of the basin is 429,5 m, and the minimum – 2,6 m.

the Prut River basin is located in Ivano-Frankovsk and Chernovtsy regions. The upper part of the river basin is located within the Ukrainian Carpathians and the lower – within the Subcarpathian uplands of the East European Platform (Figure 1).

The physical and geographical features in the Prut basin in Ukraine are numerous. Above all, much of its area is located in the mountains. This conditions both the high river water content, which changes relatively little downstream, and the characteristic transience of river processes.

In the upper reaches, Prut River is a typical mountain river, relatively small, with steep slope of the riverbed, lined with boulders and pebbles. In this section, the river flows in a deep valley, which resembles a canyon at times. The section is largely forested. Trees are often observed in the water stream, especially at bridges. River flow is primarily from south-west to north-east. At the town of Yaremche, the river forms the cascading waterfall Probiy, which is a tourist attraction.

Prut River tributaries in its upper reaches are small, often without names. Cheremosh River is the main tributary of the Prut. It flows into the Prut at the border of Ivano-Frankovsk and Chernovtsy regions. The Cheremosh originates from the convergence of two rivers: the Black Cheremosh on the left, and the White Cheremosh on the right. The Black Cheremosh starts in the south of Ivano-Frankovsk Region. The White Cheremosh starts in the territory of Romania, near the border with Ukraine. The Cheremosh basin is largely forested, and during floods the river carries trees.

Downstream of the confluence of Cheremosh and Prut rivers, water content in the Prut markedly increases. At this point, the Prut assumes the features of a flood-plain river. Yet, its mountain origins are still evident in the flood regime, high water turbidity, and presence of pebbles and even boulders in the sediment. The Prut leaves the territory of Ukraine near Mamalyga village (Ukraine), flows along the border of Romania and Moldova, and finally flows into the Danube near Giurgiulesti village (Moldova).

The upper part of the Prut River basin within the Carpathians is largely unsuitable for economic activity. Thus, natural landscapes are well-preserved in many places. At present, in the Prut catchment area in Ukraine there five national nature parks (NNP – Carpathian, Vyzhnytsia, Hutsul, Verkhovyna, and Cheremosh) and one regional nature park (RNP – Chernovtsy).



Figure 1. Prut River basin, Ukraine – physical map

In the Prut River basin, within its powers and in accordance with legislation, *Dniester-Prut Basin Management Administration* (BUVR) ensures the implementation of State policy related to the management, use, protection, regeneration, and development of water resources, and to the management of water facilities and waterworks. Together with executive authorities and other organizations, institutions, and businesses, Dniester-Prut BUVR addresses the issue of providing water resources to population and industries in the basin. Finally, it coordinates the activities of institutions under the *State Agency for Water Resources* of Ukraine (SAWR) within the basin on these issues.

1.1. Regulations for basin management in the Prut River Basin

One of the key principles that underlie the integrated water resources management is the active involvement of stakeholders in the management process in this area. The number of important international documents of the last decade notes that public participation is essential for achieving the sustainable development and ensuring the effective management of water resources in the modern world.

Creation of River Basin Councils in the modern international practice is an important component of integrated approach to the water resources management, which is considered as an effective tool for ensuring equitable, economically viable and environmentally sustainable management of water resources and provision of water services. Such authorities provide necessary institutional framework for the coordination of efforts of bodies managing the water and land resources, environmental protection with the different categories of water users, scientific institutions, and nongovernmental organizations that are concerned with the environmental issues.

River Basin Council inherently has a consultative and advisory status. It means that it does not have any administrative or regulatory powers, for example, it cannot approve the legal documents, issue any permits (licenses) and carry out the control and inspection activities and dispose of state property.



This body is primarily intended to develop and adopt recommendations to the parties to the river basin agreement. In many cases the composition of River Basin Council may be broader than the composition of parties to the river basin agreement, so its consultative and advisory functions may not be limited only by them.

In substantial plan the River Basin Councils are specialized authorities on the use and protection of water resources and ecosystems. Theoretically they may consider any relevant issues in this area. However in practice the range of issues within their competence will be limited by the documents that determine the status of River Basin Council. First of all, it concerns the relevant Regulations and other internal documents of River Basin Council.

River Basin Councils are not the subsidiary bodies of River basin management authorities; they are in some measure the antiauthority bodies that do not have the status of an independent legal entity.

Basin water management will introduce the principle of the Prut river basin planning based on data collection and analysis of ecological state of basin for implementing measures for environmental improvement of water bodies and ecosystems under the Prut River Basin Management Plan.

Creating Basin Council in the basin requires the preparation of the relevant decisions of the central and regional authorities, preliminary negotiations, coherence and consistency of the process of signing, which requires institutional support from the project experts.

According ToR need to develop in conjunction with the beneficiaries the regulations and procedures for River Basin Management in accordance with national policy and legislation.

The main to be addressed under the regulations are:

- Establishment of Basin Council as a consultative body to the Basin Authority;
- Implementation of programs and basin management plan;
- Monitoring and management of data on the status of water bodies, both Ground Water and Surface Water;
- Financial support for the implementation of water conservation measures programs and plans in the basin;
- Regulation of the use of water resources in the basin;
- Control over the implementation of plans of measures in the Prut basin.

1.2. Establishment of the River Basin Council, consultation body

Terms of References of the Pilot Project ‘The creation of basin institutional structures as a platform for implementation IWRM principles to ensure the sustainability of the EPIRB project results in Upper Prut pilot river basin, including implementation of the River Prut RBMP’ emphasized that the consultant will assist the beneficiary establish a Basin Council which will act as a consultative body to the Basin Authority. The consultant will help define the role and responsibility of the Basin Council based upon best international practice and to prepare its rules and procedures. The consultant will advise on the composition of the Council and provide secretariat services for the first two Council meetings.

The composition of the Basin Council will include representatives of the public administration as well as water users, the public, local authorities, scientific and educational organizations.

Creating River Basin Council requires the preparation of the relevant decisions of the central and regional authorities, preliminary negotiations, coherence and consistency of the process of signing, which requires institutional support from the project experts.



The main task of the Council in its initial period will be to approve and to oversee the implementation of the Prut RBMP.

The process of forming the Prut River Basin Council can be divided into several stages. Future Council is intended to become a body with wide representation of all stakeholders in the effective management of water resources in the river basin of the Prut.

The process of establishing the Prut River Basin Council should be started from the formation of action (working) team, whose members must from the very beginning actively participate in the activities on creation of this body. The initiative group begins its activities by defining the tasks that it should perform. In particular it should ultimately determine the list of potential members of Prut River Basin Council, to draft the basic normative documents of the Council (Regulation and Rules), as well as prepare a preliminary work plan for Prut River Basin Council. These activities should be organized through the joint meetings of members of initiative group, the consultations and discussions on certain issues on a routine basis between the representatives of administration of Carpathians NNP and individual members of the initiative group, exchange of relevant information, etc.

During the preparatory phase the initiative group may also conduct activities to inform all potential members of Prut River Basin Council, as well as water users and the interested public, on issues related to the creation and future work of the Council. An information campaign may be organized through the workshops, round tables, on-site meetings of members of initiative group in separate areas that are located in the river basin of Prut. The main purpose of these activities is to familiarise stakeholders with the planned goals and objectives of the Council, the opportunities and benefits of participation in its work, the relevant national and international experience, the legal aspects of River Basin Councils, etc.

During the preparatory work the action group should also determine the preliminary list of members of Prut River Basin Council that is being created. First of all, it should be noted that the Council must necessarily include the head of Dniester and Prut RBMA, head of Ivano-Frankivsk regional water resources agency, heads of Ivano-Frankivsk and Chernivtsi regional state administrations and chairmen of district executive committees that are located on the territory of Prut river basin. As for the heads of territorial departments of the competent ministries and other sectoral agencies, firstly it is appropriate to create their complete list in relation to this river basin. The next step of the initiative group should determine preliminary dates and agenda of the first meeting of Prut River Basin Council. The main issues that must be considered at the first meeting are usually the final approval of the list of members of Prut River Basin Council, discussion and adoption of the Regulations and Rules of Procedure of Prut River Basin Council, the election of its bodies, as well as examination and approval of the Action Plan of established authority.

As a further step, the initiative group should develop and approve the annual and if possible the long-term plan of activities of Prut River Basin Council for a period of 2-3 years.

Work on preparation of the first meeting of Prut River Basin Council begins after the completion of all tasks of the initiative group. This requires prepare an invitation letter, which reflects the following items:

- summary of key results of the preparatory work undertaken by the initiative group;
- notification of the preliminary venue and main issues on the agenda of the first meeting of Prut River Basin Council;
- presentation for discussion of the draft Rules of Procedure and Action Plan of Prut River Basin Council with deadlines and responsible person for working off the possible comments, suggestions and additions to the submitted documents;
- the repeated request for confirmation of participation in the Prut River Basin Council, if it has not been received previously;



– reminder of which official may represent the invited organisation in the Prut River Basin Council.

As a rule, the invitation should be sent out at least a month before the scheduled date of the first meeting in order to be able to work out all proposals that are submitted for discussion of the draft documents for the River Basin Council beforehand. It is recommended to finalise the prepared documents within the initiative group for creation of the Prut River Basin Council in the case of a large number of comments and suggestions, as well as in the case of necessity to make significant changes. The agenda, draft Regulations, Rules of Procedure and Action Plan of the Prut River Basin Council, which have been worked out considering the revised proposals received from his future participants, should be presented at the first meeting.



2. Development of the inter-agency basin agreement on cooperation in the use and protection of water resources and ecosystems of the Prut River Basin

River Basin Council is established within the River Basin Agreement. River Basin Agreements can be created on a multilateral and bilateral basis. This legal instrument allows determining the joint activities of different parties on the rational use of water bodies in river basin on the legally voluntary basis. River Basin Agreement may be concluded on a multilateral basis between the key managers and water users in this river basin, on a bilateral basis (for example, between the River basin management authority and particular water user), as well as on an international basis between the government authorities or water users of neighbouring states in the case of transboundary water basins. Therefore River Basin Agreement is the most important legal document that defines object of activity for this particular River Basin Council, as well as the action program on phased achieving the water quality targets and required volume of water with the environmentally safe sustainable development of water management in the river basin, which is strengthened by corresponding commitments of the parties.

The purpose of the agreement to be signed by the various agencies responsible for water resource management in the basin will be to:

- Strengthen cooperation and coordination in the use and protection of water resources and ecosystems Prut;
- Agree to the establishment and operation of the Basin Council;
- Facilitate the exchange on a regular basis of ecological, economic and water information in the basin of the Prut River;
- Raise funds to address priority environmental issues;
- Establish working groups on specific issues;
- Adoption and implementation of RBMP.

Other important documents that define the organizational and legal framework for River Basin Councils are their individual Regulations that are individually developed and adopted for each River Basin Council. It can be approved by the parties to a multilateral river basin agreement or by the river basin water management authorities and regional state administrations in the case of absence of such agreement. Usually the following issues are the subject of this document:

- legal status and legal basis for the activities of authority that is being established;
- purpose, tasks and main areas of its activity;
- composition of authority and procedure of its formation;
- rights and obligations of its members;
- procedure for organising the activities;
- maintenance of activities of authority.

More detailed operating procedures can also be established within the special Regulations approved by the River Basin Council. The importance of Regulations for the River Basin Councils is caused by the fact that their main activity is meetings among stakeholders, which can be represented by quite large number of participants, and so it is important to have clear and unambiguous procedure of work, as well as to produce the correctly accepted and designed resolutions.

The composition of the River Basin Council must include representatives of central bodies of executive power (that are competent in water regulation at the state level), their regional structures that carry out their activities in this river basin, regional state administrations, local authorities, various categories of water users and the public, scientific organizations.



It is necessary to remember that the work of River Basin Council should be open and transparent to the stakeholders that were not included in its composition, even with a presence of representatives of water users and the public sector in this River Basin Council. It should be considered when developing Regulations, Rules and other internal documents of Council. Transparency may be achieved with the inclusion of such requirements like the openness of meetings, public accessibility to the documents in question and texts of accepted decisions, proposals to River Basin Councils for the consideration of issues, etc. These steps will ensure a higher degree of trust in the work of the Councils from the public and will prevent the narrowing of the group of stakeholders that are involved in its work. In general, it is very important to make sure that the competence, the order of organisation and carrying out the meetings, as well as the order of discussion and decision-making by the River Basin Council are strictly regulated and clearly understood by the public.

The head of the River Basin Council may be the head of respective river basin authority, which in turn organises the work of the Council and actually performs the as the secretariat. It is possible to recommend the appointment of the Secretary (Secretaries) of River Basin Council, which would be personally responsible for organizational work related to the preparation and holding of meetings of this body. The Head and the Secretary of Council should be elected by the decision of River Basin Council at its first meeting.

Another approach to organizational development of River Basin Councils in the initial phase may be the formation of special working groups from its members. They can be created on a temporary basis to work on some specific issues, including the inter-session period of the Council.



3. Regulation and concept for information and data exchange for water resources within the basin of the Prut

The adoption of appropriate management solutions in the field of water management requires a comprehensive study of, research and information systems, as well as forecast the consequences of their implementation. A significant part of management decisions connected with the implementation of projects, the consequences of which, as a rule, almost irreparable. This dramatically increases the relevance of the establishment of an effective system of information support of the state of water resources management and activities of Basin Councils. In addition, the water legislation of Ukraine based on the principles of transparency and public involvement in solving the problems in the use and protection of water resources.

It will be necessary to develop draft regulations and develop a concept for information exchange between data producers and users in the area of water resource management, which includes the following:

- Principles of cooperation and exchange of environmental information;
- List of data providers and users;
- Listing of environmental data information, the rules of its transfer;
- Obligation of the subjects of information exchange;
- Format of data to be provided;
- Coordination of data collection and distribution.

Before development of the agreement it will be undertake a study to establish the current data information flow between the producers and users. The main beneficiary of environmental information will be the River Prut basin authority. Information management system should:

- Be output oriented (built to answer to needs)
- Be based on and should allow the enhancing of the infrastructure of the partners
- Respect the confidentiality of data defined by the partners
- Look for comparability of data and interoperability of the various systems related to water at national, basin and local level.

The information should be:

- managed as close as possible to its sources (if possible by the producer itself),
- collected once and shared with others for many purposes,
- available to public authorities and enable them to fulfil their legal obligations.

The main forms of dissemination and exchange of information for the Basin Council, not counting the popular means of communication via telephone, fax or e-mail can be: working with the media; public hearings; collection and exchange of scientific and technical information; publication of information materials, the development of educational and instructional posters; organization of meetings with the public; dissemination of information about the activities of the organization through the web site.



4. Time-table and Summary of the work schedule and deliverables for the Prut River Basin in Ukraine

Duration of the assignment is 8 months. The expected commencement date for implementation of the assignment is March, 2015, and the completion date – October, 2015. The assignment is divided into four phases with the following general schedule:

<i>The creation of basin institutional structures as a platform for implementation IWRM principles to ensure the sustainability of the EPIRB project results in Upper Prut pilot river basin, including implementation of the River Prut RBMP</i>	2015							
	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
<u>Deliverable 1:</u> Inception report - outlining contractor's appreciation and implementation methodology								
<u>Deliverable 2:</u> Development of inter-agency basin agreement on cooperation in the use and protection of water resources and ecosystems of the Prut River Basin.								
<u>Deliverable 3:</u> Preparation of Documents for the creation of the Prut River Basin Council: Regulation of the work, provision of the Basin Council etc. Programme for basin Information management system and draft agreement on information and data exchange								
<u>Deliverable 4:</u> Final Report to include a summary of activities and lessons learnt								

Summary of the work schedule and deliverables for the Prut River Basin in Ukraine

Deliverable	Max. No. of pages excl. Appendices	Language of deliverable	Start date	Due date for draft report	Finalization
<u>Deliverable 1:</u> Inception report - outlining contractor's appreciation and implementation methodology	10	English	02 Mar 15	26 Mar 15	31 Mar 15
<u>Deliverable 2:</u> Development of inter-agency basin agreement on cooperation in the use and protection of water resources and ecosystems of the Prut River Basin.	20	Ukraine / English	01 Apr 15	18 June 15	30 June 15



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<u>Deliverable 3</u> : Preparation of Documents for the creation of the Prut River Basin Council: Regulation of the work, provision of the Basin Council etc. Programme for basin Information management system and draft agreement on information and data exchange	40	Ukraine/ English	01 July 15	21 Sep 15	30 Sep 15
<u>Deliverable 5</u> : Final Report to include a summary of activities and lessons learnt	70-100	Ukraine/ English	01 Oct 15	19 Oct 15	31 Oct 15

The draft deliverables reviewed by the beneficiary and the project team members and final approval of deliverables will be given by the EPIRB Team Leader.