

EN2E: Establish mechanisms for receiving and dealing with citizen complaints related to water resources use

REGULATORY FUNCTION: ENVIRONMENT		EN2E
OBJECTIVE EN2 Environmental compliance of water and wastewater service operators, industries and agriculture is monitored through collected information on the status of water resources, its use and protection	ACTION CARD EN2E <h1>ESTABLISH MECHANISMS FOR RECEIVING AND DEALING WITH CITIZEN COMPLAINTS RELATED TO WATER RESOURCES USE</h1>	
COST: Medium FREQUENCY: One time TARGET GROUPS: Regulators, environmental authorities, civil society organizations		
DESCRIPTION Environmental regulators are often responsible for identifying any possible unsustainable use of water resources. Regulators are increasingly performing this task through online platforms or by phone, where citizens are invited to submit their complaints, follow up with a regulator on appropriate resolutions, and potentially obtain compensation. Interactive digital mechanisms could be developed alongside similar kinds of existing platforms within environmental authorities. Complaint mechanisms must clearly outline the steps and procedures, and be accessible to all interested parties.		
EXPECTED OUTCOMES <ul style="list-style-type: none"> • Potential breaches and non-compliance with water abstraction and wastewater effluent discharge licenses are quickly identified. • Environmental damage to water bodies is minimized. • Citizens are actively engaged in protecting the environment. 		
EXAMPLE 1: CANADA In Canada , the mission of Québec's Ministère du Développement durable, de l'Environnement et des Parcs (MDDEP) is to protect the environment and natural ecosystems for the benefit of current and future generations. As part of its mission, the ministry monitors activities to ensure they comply with Québec's environmental laws, and citizens are invited to play a part by reporting any activity that appears harmful to the environment. The ministry checks complaints and response when there is reason to believe an activity does not comply with laws and regulations, such as manure spreading too close to a drinking water well.		
EXAMPLE 2: COLOMBIA Article 256 of the Criminal Code establishes the crime of fluid fraud. Any person employing any type of clandestine mechanism, or altering monitoring systems or metering apparatus, to appropriate water to the detriment of others shall be subject to a prison sentence of sixteen (16) to seventy-two (72) months, and a fine of one point three three (1.33) to one hundred and fifty (150) statutory monthly minimum wages in force. It is a crime to have a parallel connection to that which is installed by the water services company, to manipulate the normal operation of the meter, etc. Any citizen may report the crime at the complaint's reception desk of the Public Prosecutor's Office, the courthouses of the Ministry of Justice and Law, the National Police stations, the Police departments, and the general correspondence windows of the district branches of the Public Prosecutor's Office. The report may also be made by phone, in writing or online either by the victim or a third party. The report must include the time, place and a description of the event.		

EXAMPLE 3: GUATEMALA

The Criminal Code of Guatemala, Decree No. 17-73, categorizes the crime of “water theft” in Article 260. This category establishes a penalty of one to three years in prison and a fine of one thousand to five thousand quetzales for anyone who, with the aim of appropriation, illicit use or the intent to cause harm, should contain, deviate or block watercourses, or destroy, in whole or in part, dams, canals, ditches or any other means of water retention or conveyance, or in any way disturb or impede the rights of a third party over such water. The report must be submitted before the Public Prosecutor’s Office, at a courthouse or police station, and can be made orally or in writing.

LINKS

Canada: <http://www.environnement.gouv.qc.ca/ministere/plaintes/env-complaint.htm>

Colombia: How is a crime reported in Colombia?

<https://www.fiscalia.gov.co/colombia/servicios-de-informacion-al-ciudadano/donde-y-como-denunciar/>

Guatemala: Criminal Code. (See Article 260)

https://tse.org.gt/images/UECFFPP/leyes/Codigo_Penal.pdf

INTERNAL CAPACITIES NEEDED AND THE ROLE OF PARTNERS

Establishing complaints and reporting mechanisms for potential environmental breaches requires administrative and IT capacity to establish and maintain a dedicated and 24 hour phone line and associated online reporting systems to track progress in dealing with reports. Technical capacity is also required to develop guidelines regarding what classifies as a potential breach, along with communication skills to raise public awareness of the importance of reporting potential environmental breaches. Development partners can support by facilitating participatory dialogue to reach a consensus on a list of guidelines for packaging and communicating to the public, and providing technical and financial support.