

Study of National Water Sector 'Apex Bodies' and Civil Society Involvement in Asia

Case studies of Thailand, Bangladesh and Sri Lanka

Paper written by
Peter Newborne

June 2006



This is the report of a research study commissioned by WaterAid and funded by the Asian Development Bank (ADB) under their Knowledge Partnership Programme.

It is based on consultations by e-mail and telephone, and key informant interviews in Thailand, Bangladesh and Sri Lanka held between February and April 2005. Interviews were held with a cross-section of stakeholders including government, civil society representatives, researchers and academics, and other independent specialists/experts.

The author would like to thank all those who participated in this study, especially the persons in the three countries who gave their time to be interviewed, and Tom Slaymaker of the Water Policy Programme, Overseas Development Institute-ODI

who carried out the Sri Lanka case study with the help of Rajindra Ariyabandu.

Guidance and detailed comments on drafts of this report, as well as the proposals in Figure 5 (in section 6.) for improvement of civil society participation, were supplied by Belinda Calaguas of WaterAid, for which many thanks.

The project could not have taken place without the generous support of ADB, led by Wouter Lincklaen Arriens and Ellen Pascua, including the opportunity to present and discuss the findings of the study at the second Regional Meeting of Apex Bodies in Bangkok (27th-29th April, 2005).

It should be noted that the views expressed are those of the author alone and do not necessarily reflect those of WaterAid, ADB or ODI.

CONTENTS

CONTENTS 3

LIST OF ABBREVIATIONS 4

1. **INTRODUCTION** 5

2. **THAILAND CASE STUDY** 9

3. **BANGLADESH CASE STUDY** 26

4. **SRI LANKA CASE STUDY** 39

5. **FINDINGS** from the three case studies 51

6. **CONCLUSIONS:** towards strengthening future CSO participation 54

ANNEX 1: CASE STUDIES: LISTS OF PERSONS CONSULTED 57

ANNEX 2: LIST OF REFERENCES 60

LIST OF ABBREVIATIONS

ADB	Asian Development Bank
ARTI	Agricultural Research and Training Institute
BWDB	Bangladesh Water Development Board
CCC	Central Coordinating Council, Sri Lanka
CEA	Central Environment Agency, Sri Lanka
CEB	Ceylon Electricity Board, Sri Lanka
CSO	Civil Society Organisation
DG	Director General
DWASA	Dhaka Water Supply and Sewerage Authority
DWR	Department of Water Resources, Thailand
EJN	Environmental Justice Network
GWP	Global Water Partnership
ICZM	Integrated Coastal Zone Management
IDS	Institute of Development Studies, University of Sussex, UK
IMPASA	Irrigation Management Policy Support Activity, Sri Lanka
INWRA	Interim National Water Resource Authority, Sri Lanka
IWRM	Integrated water resources management
JRC	Joint Rivers Commission (Bangladesh – India)
MA	Mahaweli Authority, Sri Lanka
M&E	Monitoring and Evaluation
MDGs	Millennium Development Goals
MONRE	Ministry of Natural Resources and Environment, Thailand
MPs	Members of Parliament
NESDB	National Economic and Social Development Board, Thailand
NWMP	National Water Management Plan, Bangladesh
NWRAuthority or NWRA	National Water Resources Authority (future Apex body in Sri Lanka)
NWRCommittee	Natural Water Resources Committee (the Apex body in Thailand)
NWRCouncil	Natural Water Resources Council (the Apex body in Bangladesh)
NWSABs	National Water Sector Apex Bodies
NWSDB	National Water Supply and Drainage Board, Sri Lanka
NGO	Non-Governmental Organisation
ODI	Overseas Development Institute
PM	Prime Minister
PRSP	Poverty Reduction Strategy Paper
RBC	River Basin Committee
RID	Royal Irrigation Department (of Thailand), part of Ministry of Agriculture
SLJF	Sri Lanka Journalists' Forum
TA	Technical Assistance
WARPO	Water Resources Planning Organisation, Bangladesh
WRB	Water Resources Board, Sri Lanka
WRC	Water Resource Council, Sri Lanka
WRM	Water Resources Management
WRMP	Water Resources Management Project, Sri Lanka
WRS	Water Resources Secretariat, Sri Lanka
WRT	Water Resources Tribunal, Sri Lanka
WSS	Water Supply and Sanitation
WSSD	World Summit on Sustainable Development

1. INTRODUCTION

Overcoming the challenges facing water sector development in any country requires not only interest and commitment of top government officials, but also consultation and participation of citizens and user communities.

In Asia, one recent development in the way governments are attempting to tackle water management issues is the establishment of national water sector 'apex' bodies. Apex bodies aim to promote water issues within the political and policy agenda, and to better coordinate what is often a fragmented sector. They are led by government at the highest level (chaired by prime minister or deputy PM) and include the heads of ministries as well as top civil servants. The intention is that they collaborate in a national body, committee, or commission to oversee and lead efforts at sector reform.

As part of its Water Policy¹, the Asian Development Bank (ADB) has actively promoted and supported the development of these 'national water sector apex bodies' ('NWSABs')² in its developing member countries³. At the first Regional Meeting of National Water Sector Apex Bodies held in Hanoi in 2004, questions were raised in relation to the level of presence and participation of **civil society organisations** in the Apex bodies, and the value of the contribution of civil society to the Apex bodies and the initiatives taken by Apex bodies. It was asked at that meeting, how is civil society involved in Apex processes, and what contribution does that involvement bring?

In 2004, WaterAid commissioned a study of involvement of civil society organisations (CSOs) in the operations of water sector apex bodies in three countries - **Thailand, Bangladesh** and **Sri Lanka**. The ADB funded the study, through its Knowledge Partnership Programme.

The study revealed that the apex bodies in these countries have created *some* space for CSO participation, but that more dialogue would help strengthen CSO roles.

After describing the nature and extent of the 'space for participation'⁴ existing to-date, this report makes some preliminary proposals for improving the quality of CSO participation in apex bodies in the future.

Objectives

The purpose of this research was to study the nature of civil society's involvement in water sector apex bodies, and its participation in the processes which water sector apex bodies instigate. Also, to consider ways by which that involvement could better contribute to formulation and implementation of water policy - steps by which CSO participation may be strengthened.

While the primary responsibility for providing leadership, to simulate the development and implementation of effective water policies and investments, lies with government, it is recognised that non-governmental actors also have a significant role to play, including CSOs. 'Civil society' is here interpreted as referring to a wide range of stakeholders which are involved in water issues⁵, including all actors other than government (i.e. not confined to NGOs). For these purposes, therefore, civil society includes research institutes and academic institutions, and other independent analysis and 'experts' in the water and related domains. As will be seen below, there are 'experts' included among the members of national water sector apex bodies.

This report outlines the experience of the apex bodies in the three study countries, as seen by representatives of both government and non-governmental entities. The purpose here was to 'take stock' of what was happening in terms of dialogue and partnership between government institutions and CSOs, to check the progress made in practice within the Apex bodies and in the processes which they have instigated. In interviews, those representatives described⁶ what has, and what has not, been useful in these sector processes and civil society's involvement in

¹ 'Water for All: The Water Policy of the Asian Development Bank', ADB 2001 www.adb.org/water/policy

² This is the full term and the acronym; the term 'water sector apex bodies' is also used in this report, and where reference is not being made particularly to the water sector, simply 'apex bodies'.

³ As reiterated on page 5 of the Report of the first Regional Meeting of National Water Sector Apex Bodies in Hanoi, in May 2004 available on www.adb.org/Water/NWSAB/firstmeeting

⁴ The concept of 'space for participation' is explained below.

⁵ E.g. in the Sri Lanka case study below, civil society is used 'to refer to private sector, trade unions, academics, NGOs, producer organisations - and the media'.

⁶ There are certain facts which can be noted (such as dates, or content of published documents), but much of the interview time was spent recording the perceptions and impressions of the persons consulted on the subject of this

them, and to the extent there have been problems, what the perceived reasons are for those, identifying lessons learnt.

The aim, in the longer term, is to contribute to ongoing efforts at national level, supported regionally by ADB, to arrive at more effective involvement by civil society in strengthening of water sector processes and water sector apex bodies⁷.

Each country context is of course specific, so the case studies present *examples* of how water policy debates are being conducted in Asia, and the nature of participation by CSOs. ADB has noted⁸ that 'there is no standard approach that fits all needs'. This point was reiterated in the report of the first regional meeting of national water sector apex bodies⁹ (page 6, Report of Hanoi Meeting).

Policy Engagement

One of the objectives of this study is to stimulate discussion between members of Apex bodies on what engagement by civil society in policy-making can or should mean. Civil society engagement is about proposing ideas and possible solutions to water problems, as much as to opposing others' ideas and suggested solutions. Once it is acknowledged that it is not only government which can propose ideas and solutions, but also other stakeholders, then the engagement between government and civil society can be seen to be two-way. It may be that, in the opinion of some apex members in the case study countries, civil society groups generally adopt an oppositional mode. This does not need to be the case, and if it is the predominant mode, it is worth considering reasons why this is so.

ADB pointed to this key element of dialogue at the Hanoi Meeting, where it was recognised that a key role of the apex body is setting up and managing the arrangements according to which a range of actors can meet to exchange ideas and information on policy. 'The multi-stakeholder forum is a key mechanism for facilitating such dialogue in the water sector'. This study examines what dialogue is currently taking place within and around the national water sector apex bodies in the three example countries, and how the opportunities for such dialogue are being used by civil society and - since dialogue entails two-way exchange - also by government.

Conceptual Framework

The research scope for this study was expressed in seven key research questions - see **Box 1**.

The step referred to in Box 1. of 'shaping' the apex process, after it has been defined, reflects the challenge of building the relationships and organising activities which will improve dialogue and collaboration between water stakeholders. The 'shaping' also applies to the participation of civil society. Shaping arises from a dynamic process of dialogue between government and non-governmental actors.

Box 1.

Key Research Questions

(1) CONTEXT

What were the circumstances around establishment of the Apex body, including the status of the water sector at the time?

(2) DEFINING THE APEX PROCESS

How was the Apex process defined?

research. Such perceptions tend to be subjective; the method employed here is, without naming individuals, to report, in as balanced a manner as possible, the views of the persons consulted, noting perspectives which differ, but also identifying where perceptions are common - particularly where opinions are widely held.

⁷ This goal, that civil society add value to the water sector Apex bodies and water sector processes, was considered in Hanoi as being a feature of the long-term challenge of developing Apex bodies, and, as will be seen below, the findings of this study bear out that expectation.

⁸ In the presentation by Wouter Lincklaen Arriens, Lead Water Resources Specialist at ADB at the first Regional Meetings of Apex Bodies on the 'Need for National Water Sector Apex Bodies'.

⁹ 'Report of the Meeting, First Regional Meeting of National Water Sector Apex Bodies: Leadership in Water Governance', Hanoi 18-21 May 2004, Asian Development Bank.

(3) SHAPING THE APEX PROCESS

How was the Apex process shaped?

(4) DEFINING THE SPACE FOR PARTICIPATION within the Apex process

How did the different participants in the Apex-led process perceive the nature of the opportunity, the 'space', for dialogue and particularly for Civil Society participation as established by the Apex process, at the outset?

5) SHAPING THE SPACE FOR PARTICIPATION within the Apex process

How do the different participants in the Apex-led process perceive the nature of the opportunity/space for dialogue and participation as it came to be shaped?

(6) STRENGTHENING THE SECTOR

What came out of the Apex process, and Civil Society involvement within it, for strengthening of the water sector?

(7) CONCLUSIONS

On the basis of the above, is there a good case for Civil Society involvement in the Apex bodies, and how should CSO participation be best defined and shaped?

Space for Participation

The concept of 'space for participation' comes from recent work of the Institute of Development Studies (IDS) in the UK, which points out that those who have sought to deepen democratic governance have often been divided on their approach to the problem. 'On the one hand, attention has been made to strengthening the processes of citizen *participation* - that is the ways in which people exercise voice through new forms of inclusion, consultation and/or mobilisation designed to inform and to influence larger institutions and policies. On the other hand, growing attention has been paid to how to strengthen the *accountability* and *responsiveness* of these institutions and policies through changes in institutional design, and a focus on the enabling structures for good governance' (Gaventa 2003)¹⁰.

IDS and its partners' research confirms that, to rebuild relationships between citizens and their local governments, means twin-track working - that is, going beyond 'civil society' or 'state-based' approaches, to focus on their intersection, through new forms of participation, responsiveness and accountability. 'Increasingly, however, we are beginning to see the importance of working on both sides of the equation. As participatory approaches are scaled up from projects to policies, they inevitably enter the arenas of government, and find that participation can only become effective as it engages with issues of institutional change. And, as concerns about good governance and state responsiveness grow, questions about how citizens engage ... come to the fore' (Gaventa, 2003).

In both South and North, there is growing consensus that progress is found in a focus on:-
 - both an active and engaged civil society which can express demands of the citizenry;
 - and a responsive and effective state which can deliver needed public services;
 the two are mutually reinforcing and supportive - strong, aware, responsible, active and engaged citizens along with strong, listening, open and responsive democratic governments' (Commonwealth Foundation, 1999). This makes for a reciprocal process of not only passively participating in a given space, but actively shaping that space.

The empirical studies carried out by IDS and its partners have produced a description of three different types of 'spaces for participation'¹¹ as shown in **Box 2**.

¹⁰ Gaventa, J. (2003), *Towards Participatory Local Governance: Assessing the Transformative Possibilities*, www.sed.manchester.ac.uk/events/participation03/Gaventa.

¹¹ 'While we are still seeking the appropriate terminology for these categories, our work seems to suggest ... spaces, which include...[the three types above]' (Cornwall 2002; Brock, Cornwall, Gaventa, 2001).

Box 2.**Spaces for Participation**

- **Closed or provided spaces.**

Some decision-making spaces are closed. That is, decisions are made by a set of actors behind closed doors, without any pretence of broadening the boundaries for inclusion. Within the state, another way of conceiving these spaces is as 'provided' spaces in the sense that elites (be they bureaucrats, experts or elected representatives) make decisions and provide services to 'the people', without the need for broader consultation or involvement.

- **Invited spaces.**

As efforts are made to widen participation, to move from closed spaces to more 'open' ones, new spaces are opened which may be referred to as 'invited' spaces, i.e. 'those into which people (as users, as citizens, as beneficiaries) are invited to participate by various kinds of authorities, be they government, supranational agencies or non-governmental organisations' (Cornwall 2002). Invited spaces may be regularised, or more transient, through one-off forms of consultation.

- **Created/claimed spaces.**

Finally there are the spaces which are created or claimed, by government or citizens or both. These can, for example, be spaces which emerge 'out of sets of common concerns or identifications' and 'may come into being as a result of popular mobilisation, such as around identity or issue-based concerns, or may consist of spaces in which like-minded people join together in common pursuits' (Cornwall, 2002).

Adapted from Gaventa, 2003.

A key objective for national water sector apex bodies is the promotion of policy dialogue between water stakeholders, including exchange of ideas and information so that debates and decisions relating to water policy happen not just in formal institutional, 'closed' spaces, but will also move into new spaces opened by apex membership and apex-facilitated multi-stakeholder fora (e.g. invited spaces).

A second important issue is how much do national water sector apex bodies allow 'claimed' or 'created' spaces to emerge and develop (i.e. as well as 'invited spaces') - considering that question at both central and local, *decentralised* level.

2. THAILAND CASE STUDY

Establishment of the Apex body

The Thai national water sector Apex body which is called in English the 'National Water Resources Committee' (also referred to in this report as the 'NWRCommittee'¹² or 'the Committee')¹³ was established in 1989 by a regulation of the Prime Minister's Office (Regulation B.E. 2532). The Committee is chaired by the Prime Minister ('PM'), or (in practice) by a Deputy Prime Minister (of which there are a number in Thailand) to whom the role is assigned by the PM.

Members

The members of the NWRCommittee are, in legal terms, appointed by the Prime Minister. The composition of the NWRCommittee¹⁴ is set out in **Box 3**.

Box 3. Composition of the 'Apex' Committee in Thailand

- One Deputy Prime Minister assigned by the Prime Minister to be Chairperson (as noted above);
- Ministers, for example, the recently created Minister of Natural Resources and Environment ('MONRE'), and the Minister of Agriculture and Cooperatives;
- Permanent Secretaries (top civil servants in the above Ministries);
- Directors-General (of government departments) including the Director General of the Department of Water Resources (part of MONRE);
- the Head of the Ministry of Interior which is the ministry responsible for water supply and sanitation-WSS;
- Heads of other government agencies e.g.¹⁵ Irrigation, Pollution Control, Groundwater, and the Office of the National Economic and Social Development Board (NESDB), the national planning agency;
- representatives of River Basin Committees ('RBCs') (according to a civil society member, three RBCs);
- representatives of water users;
- technical experts and 'qualified persons';
- representatives of non-governmental organisations (NGOs).

The Department of Water Resources acts as the Secretariat to the Committee serving its administrative needs, through the presence on the Committee of the Director-General of the DWR who acts as the official Committee Secretary¹⁶.

According to one person interviewed, in practice the Prime Minister confers with the Minister of Natural Resources and Environment in the choice of some nominations of members of the NWRCommittee, and invitations are then made through the Department of Water Resources.

According to one current member, the Committee comprises some 34 members including the Chair, and the experts number some eight to ten persons. There are apparently two representatives of local government, and, as noted above, several representatives of River Basin Committees (as to the creation of these Committees, see below). Currently, there is one NGO only sitting on the Committee¹⁷. Others were invited, but, for reasons referred to below, they declined the invitation. In an earlier phase of the Committee (several years ago), there was a second NGO invited and represented¹⁸.

¹² Not simply 'NWRC' because this would cause confusion with the Bangladeshi 'National Water Resources Council' (referred to below in section 5 of this report as the 'NWRCouncil' or the 'Council').

¹³ In Thai, the name of the NWRCommittee is 'Kor Thor Chor'.

¹⁴ According to information supplied by the Department of Water Resources (also referred to in this report by its acronym, 'DWR') in a DWR publication called 'Department of Water Resources and its Role in Thailand's Water Management' (DWR, 2003, page 20).

¹⁵ According to another interviewee who sits on the NWRCommittee.

¹⁶ While the duly assigned Deputy Director-General of the DWR and the Director of the Bureau of Water Resources Policy and Planning within the DWR act as Assistant Secretaries to the Committee.

¹⁷ The Wildlife Fund Thailand, a nature conservation organisation.

The Regulation does not put any limit on the number of members which the PM could appoint, so this could be substantially more if the PM so decided - although increasing the number of members beyond its existing substantial size might have disadvantages in terms of the manner of its proceedings - certainly, this was the view of two persons interviewed during this study, each of whom has had experience of the Committee. They consider that the existing size of the Committee makes it cumbersome and that finding agreement between the many persons attending is already not easy.

The Prime Minister was not obliged by the Regulation to include representatives of civil society (including NGOs), but the decision was taken to do so¹⁹ - see below in relation to the evolving context of civil society participation in Thailand.

As to representation on the Committee of agencies responsible for activities relating to water supply & sanitation (WSS), the Minister of the Interior which is responsible for water supply in urban contexts²⁰ is a member, and WSS is one amongst a number of services which come under the responsibility of local government, which is also represented on the Committee. The fact that there are only two Committee members with a special interest in WSS confirms what this Apex body's title suggests, namely that the predominant preoccupation of the Committee is on water resources and their management. This does include the making available of 'bulk' water supply to cities and towns, but with less attention to delivery of WSS services to populations within those urban centres. In other words, the composition of membership of the NWRCommittee does not of itself promote significant intra-sectoral coordination between water resources management (WRM) and WSS policies and plans. Despite the connections between water resources and how they are managed and how water supply is (or is not, as the case may be) available to urban users, it seems the Committee has simply accepted a conventional separation between WRM and WSS.

Amongst the persons consulted, there was general agreement that there is indeed a need for better coordination within the water sector in Thailand. The administration of WSS and WRM is seen to be separated and one of the challenges of the water sector in the country is to make for links between the two 'sub-sectors'. This is discussed under 'Coordination' below.

From a civil society perspective, it is important to note what one civil society representative²¹ pointed to, namely the relatively 'few NGOs in Thailand who work on community-based WSS projects, compared, for example, with the many NGOs who work on advocacy around dams and nature conservation - there are few NGO water supply and sanitation service providers'.

Powers and Responsibilities

The powers²² and responsibilities of the NWRCommittee are broad, in summary as follows:-

- the Committee is not an implementing agency, but rather is conceived as a body which creates policy;
- key functions of the Committee include setting of guidelines for government agencies in relation to the planning of water development plans and projects, and approving those plans proposed by government agencies (presumably in accordance with the guidelines) - then supervising and overseeing those plans; i.e. its role is a combination of technical advice and political approval;
- the Committee has also a problem-resolving function where problems arise which are urgent (what kinds of problems or 'impediments' is left open);
- the Committee additionally can make direction as to priorities for water allocation and regulation of water use;
- the Regulation founding the Committee, further, foresaw the possibility of proposing (to Cabinet) of new water rules, regulations and laws (this is discussed below).;
- finally, the Regulation (according to one person who read and gave a summary translation of the text of the Regulation during interview) adds a clause to give other powers to the Committee as necessary for carrying out its above responsibilities (such 'catch all' clauses are commonly found in legal instruments).

¹⁸ As stated by the person in question, who was working at the time for the big Thai NGO called the Population and Community Development Association - PDA. He has since changed jobs, but was available to be interviewed for the purposes of this study.

¹⁹ Establishment of the NWRCommittee pre-dated the Thai Constitution of 1997 which included the right to association (see below).

²⁰ The Ministry of the Interior supervises the Bangkok Metropolitan Waterworks and Provincial waterworks.

²¹ A specialist on WSS.

²² The above set of powers is still applicable.

As well as approval of plans, the functions of the Committee refer to 'scrutiny' of those plans. The wording would seem to allow the Committee discretion to decide what kind of scrutiny it wishes to exercise in any given case. One person interviewed observed that the Committee has, at least in its recent practice, left detailed scrutiny to responsible ministries and departments, entrusting the details to them. According to another interviewee, individual projects, as well as water plans or policies, have been presented to the Committee for approval. This points to a possible misunderstanding as to the Committee's role. The wording of the Regulation (at least as translated for the above DWR publication) suggests that projects are not reviewed by the Committee: whereas guidelines are to be set by the Committee for formulation by government agencies of both plans and projects scrutiny and approval is of plans only²³. The reason this is of interest is because of a criticism, from one member of the Committee, that the agenda of the Committee is dominated by certain government agencies such as the Royal Irrigation Department (part of the Ministry of Agriculture) which look to obtain 'rubber-stamping' of their projects by the Committee.

Proceedings of the NWRCommittee

All NWRCommittee members are, it seems, invited to attend all meetings. The Committee has in recent years met once or sometimes twice per year. This impression of infrequent (and irregular) meetings of the Committee was confirmed by several members (both currently and no longer sitting). One civil society member expressed the view that it should meet more often.

As would be expected by a high-level committee, its proceedings are quite formal. One of the experts feels, however, that experts have a voice and are able to express their views - and s/he does so. The same expert said, however, that when s/he expresses an opinion which differs from that proposed, s/he rarely receives support from Government representatives who tend to be passive (except, presumably, when they are called upon to promote their Ministry's interests). It is not clear, for example, to what extent the statements of experts on the Committee are listened to by government representatives on the Committee²⁴. The perception is that representatives of Government on the other hand are more cautious in their interventions. Overall, s/he is 'not that impressed' by the Committee's functioning.

Another civil society Committee member commented that decision-taking by the Committees is limited by the fact that, whilst in theory the representatives of government bodies on the Committee are high level, in practice the top civil servant deputise to staff who do not have much decision-making power, and who are careful not to speak out. S/he referred to another long-standing apex committee in another sector which s/he perceives functions better.

Whilst the civil society members on the Committee clearly have a voice, the interviews of civil society representatives were revealing as to the nature of the 'space' for their participation.

The opportunity for expression of views is, it seems, generally in reaction to proposals of others. The perception of another civil society representative, after several years of attendance at Committee meetings, is that the agenda of the Committee is dominated by certain influential government ministries. A lot of time is spent 'discussing their big projects'. Whilst this member has raised issues, on the basis of his/her field of expertise, in relation to those projects, (i.e. s/he too confirmed that s/he has a voice on the Committee which s/he has exercised), s/he does not consider that the agenda of the Committee is open. S/he has not been invited to propose agenda points/subjects. Her/his impression is that this would not be welcome - it is certainly not, s/he said, actively promoted, i.e. the agenda itself is a 'closed' or 'provided' space. The effect of this is that s/he is unclear and 'suspicious' of how the agenda is set. The agenda is sent to members 'only a week before': little time to prepare. This capture (effectively) of the agenda is contrary to the spirit of the guidelines which came out of the Hanoi Meeting (see the item headed 'Communication' on page 8 of this report which recommends that stakeholders be invited to put forward issues for consideration). It raises the question whether the original inclusion of representatives of civil society was token or genuine.

It seems, therefore, that whatever the efforts made to broaden the membership of the Committee, the way its proceedings are conducted undermines the opening of the 'space for participation'. Most, if not all, of the decision-making - e.g. the thinking behind the projects put to the Committee - has already been carried out in the 'closed' space of the line ministries, and the 'invited space' is correspondingly reduced. So the Committee invited civil society members to be present, but does not seem to be genuinely interested in what they have to say. This makes it difficult for those civil society members to bring 'added value' to the Committee's proceedings.

As to the incentive for civil society members to attend Committee meetings, the same civil society representative said s/he had been motivated to sit on the Committee in order to raise those views which her/his organisation

²³ The oral translation of the Regulation given (rapidly) by the interviewee referred to above did not make the distinction between plans and projects.

²⁴ The question arises to what extent the Committee actually benefits from the knowledge and advice of the experts.

wished to present, and also so as to be able to pass information to other NGOs which do not attend. It remains to be seen how long this motivation would be maintained, were the Committee to continue to operate as it has been doing so recently.

Positioning of NWRCommittee

Consistent with the characteristic of 'Apex' bodies, that they are placed close to the highest level of government, the NWRCommittee in Thailand is placed immediately below the Cabinet. The Committee's positioning, as portrayed by the Department of Water Resources (DWR 2003, page 20), is as shown in **Figure 1**. This high-level positioning of the Committee, close to the Prime Minister's office, attracted comment from interviewees, who consider it has both advantages and disadvantages.

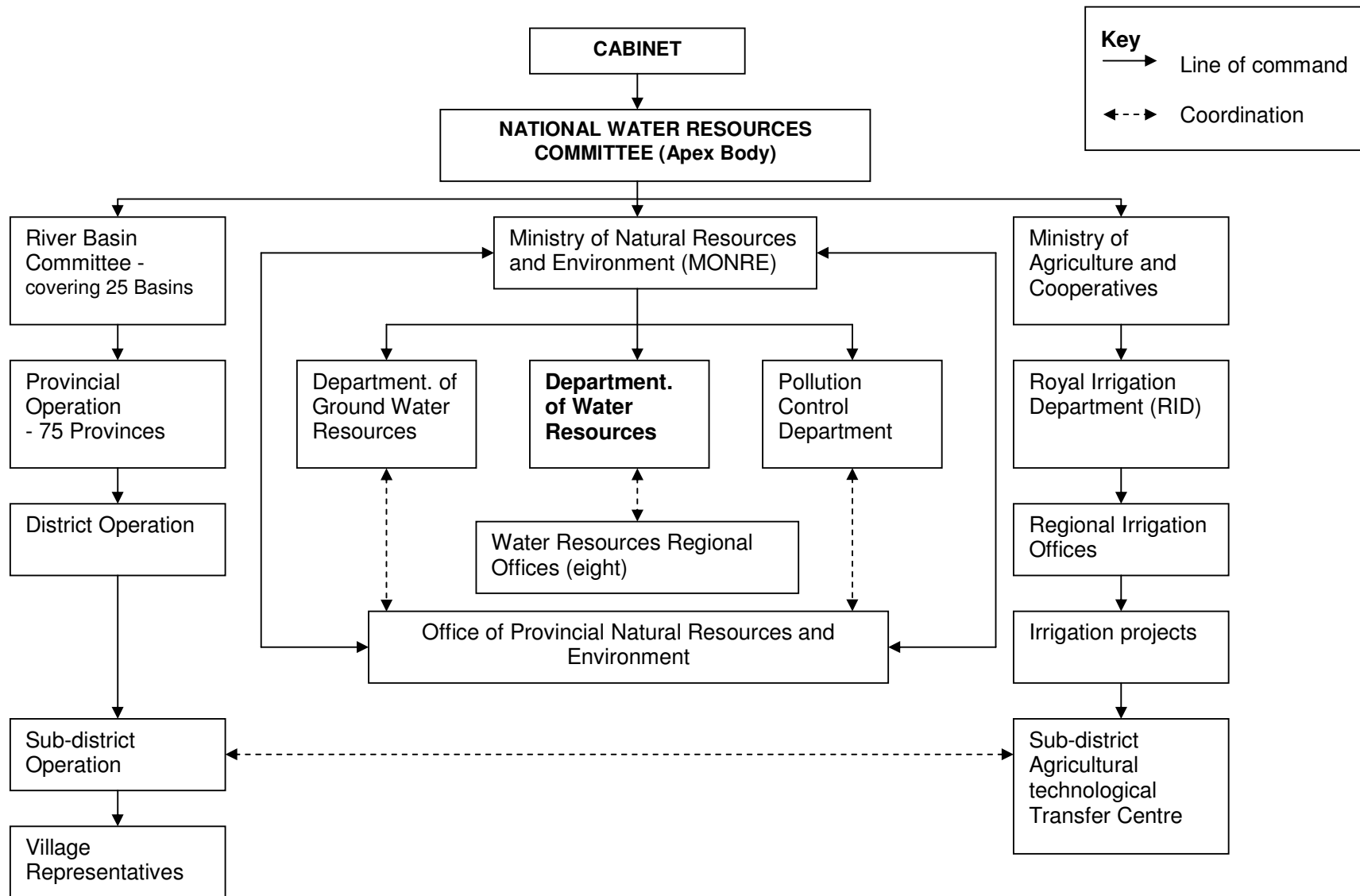
Accomplishments attributed to the Apex Body

On the positive side, it was recognised that the NWRCommittee's relationship with the PM's office, and its proximity to the Cabinet, including Committee members of ministerial rank, endows it with much potential power, including the possibility of promoting better coordination between different parts of government (as noted above, there was general agreement amongst persons interviewed that there is indeed a need for better coordination within the water sector in Thailand). Examples were given by interviewees of how the Committee had applied its influential status to good effect.

One senior expert said that the Committee could be credited with the initiative to produce the National Water Vision²⁵ and the National Water Policy, approved by Cabinet Resolutions on 25th July and 31st October, 2000 respectively, as set out in **Box 4**. (emphasis added, in italics).

²⁵ NB: It should, however, be borne in mind that, in many countries, a significant factor in promotion of national water 'visions' was calls by international organisations in time for the new millennium.

Water Resources Management Organisation and Agencies with Water-related Missions in Thailand (adapted from DWR)



As highlighted by the italics in Box 4., both the National Water Vision and the National Water Policy give prominence to participation by stakeholders and the public, e.g. in paragraph 7. of the Policy. The Policy provides a set of principles to guide water management, including water allocation according to equity, as well as efficiency and sustainability. It places a first priority on enactment of a new water law, an initiative which should be promoted. The Policy also points to the establishment of river basin and local organisations which will prepare basin-wide water management plans, with emphasis on stakeholder's participation in river basin planning (see below). In other words, the Committee has acted upon the second of its powers referred to above. It is clear that civil society Committee members have been active in promoting the River Basin Committees.

Box 4. National Water Vision and National Water Policy in Thailand

National Water Vision

Within 2015 Thailand will achieve sufficiency of quality water, with management, organization and legal systems in place for sustainable and equitable use of water, taking into consideration people's quality of life and participation at all levels.

National Water Policy

1. To push for the enactment of Water Resources Act to be the fundamental law for the country's water resources management by reviewing and amending the existing Act and expediting the enforcement together with revising and amending other relevant laws and regulations to ensure conformity;
2. To establish national, river basin, and local organizations for water resources management with supporting legislation. The national-level organization will formulate policy, and oversee and coordinate the implementation of policy. River basin and local organisations will prepare basin-wide water management plans with emphasis on *stakeholder's participation*;
3. To emphasize appropriate and equitable water allocation for various purposes so as to meet the basic requirements of agriculture and consumption. Water utilization will be prioritized for each area to ensure efficient and sustainable use of water under the expressly stated rules of water allocation. Furthermore, water users will share responsibility in receiving services depending on the user's participatory capabilities and level of service;
4. To give clear directives for provision of water and water resources development to secure water availability in accordance with their potentials and water demand, with quality appropriate for every activity, taking into full consideration the conservation of other pertinent natural resources and environment;
5. To equitably provide and develop water resources for agriculture for all farmers in order to meet the basic requirements of agriculture and consumption, similar to other basic services provided by the government;
6. To develop and include water knowledge in the curricula of every educational level to build awareness among the general public of the great value of water, water use efficiency, and the necessity and duties to care for and conserve the environment of both natural and man-made water resources.
7. *To support and promote public participation including clearly defining participatory approaches, rights and duties of the people, non-government organisations and state agencies in water resources management, i.e. water utilization, care and responsibility, water resources conservation, and water quality monitoring to ensure efficiency in water resources management;*
8. To accelerate the planning of flood and drought relief and solutions including warning and setting of guidelines as well as efficient and impartial rehabilitation after disaster with due consideration to relevant land use and natural resources.
9. To provide budget for action plans according to the policy including researches, public relations, information and data collection as well as adequate and continual transfer of water-related technology to the public.

Source: DWR, 2003, page 18.

Another civil society member of the Committee considers that a further accomplishment of the Committee has been that it successfully pushed for creation of the new Ministry of Natural Resources and Environment, including the Department of Water Resources (alongside, s/he noted, other departments of MONRE such as Department of Groundwater Resources). At that time there were, s/he thought, over 30 government agencies dealing in some way with water resources and this was a positive step towards bringing together the sector which was very fragmented, i.e. this was an institutional reform which promoted coordination.

The same Committee member also recalls that the Committee did also discuss the creation of a new water resources law and s/he attributes to the Committee the promotion of this initiative to Cabinet (i.e. in accordance with the first paragraph of the Policy, and the sixth of its powers in Box 4). Since then, the task of drafting a new water law -

intended to be a new framework law to replace the many laws currently applying - is in process, although one other civil society member of the Committee, who has been involved in that process, considers that the real stimulus behind creation of the new law came from academics and NGOs, rather than the Committee. In other words, according to this view, the contribution of civil society to this initiative has been crucial, though not, it seems, expressed via the Committee itself.

Weaknesses attributed to the Apex Body

But the NWRC Committee, as it is currently constituted is also perceived by Committee members as having disadvantages. First, as noted above, in legal terms, the PM appoints all *members* of the Committee. It has been noted above, that, in practice, the members may be nominated by the Minister of Natural Resources and Environment, through the Department of Water Resources. But whether the system of selection of members is in the hands of the PM's office or MONRE, it allows for experts to be in fact proxies for politicians or government - i.e. the temptation is that 'qualified persons' are chosen for the Committee for policy stances which are aligned with those of government. As will be seen further below, space for civil society participation may be created by allowing civil society to choose its own representatives.

Secondly, the Committee's proximity to high-level political processes means its proceedings are prone to political interruption and instability, in several ways, as follows. The Committee is seen to have been over-dependent on the Prime Minister's office. How the Committee chooses to exercise its powers, depends, it seems, very much on the approach taken by the Deputy PM, whether s/he chooses to wield that power in a given case. That is, in turn, determined by the political priorities at any given time of that Deputy PM, and the PM's office. The Committee has itself no authority to approve instruments, like water policies and plans, directly. The procedure is that they are taken to Cabinet by the Chair, and approved by Cabinet²⁶. In other words, whilst the National Water Policy and perhaps also the National Water Vision (pre-2000) are seen as positive outcomes of this approval procedure, the procedure itself is not considered by some Committee members to be satisfactory, or at least not in present circumstances. As one expert expressed it, starkly: 'The Committee has been created by Government for Government, and it was not therefore surprising that it was dominated by Government, and not working for 'outsiders'' (and only in a limited way working in partnership with them).

Another expert who is a member of the Committee commented on the conduct of business by the Committee. S/he said that the Committee has functioned as a personal initiative of the Prime Minister. The conduct of its business depends, s/he emphasised, on the PM's office. The active presence and political support of the PM's office is very important. When the PM's office is active and present as Chair, the Committee is active and influential. If, on the other hand, the PM's office is busy with other matters, and if the Department of Water Resources (which, as noted above, is the Secretariat of the Committee) is not pushing for the PM's time, the Committee will not be active. The Committee was productive, for example, during a recent drought: in response to the urgency of the drought, it promoted the setting up of a more 'bottom-up' process for small and medium scale projects with recognition of need for sustainability (e.g. operation and maintenance ('O & M')), by way of the so-called 'continuing activities'. Another civil society representative emphasised that the Government responded reactively to crises of drought and flood, in a repeating cycle.

Interviewees also observed that the Committee is subject to changes in political power, and as such, they consider, it is unstable. For example, the Committee apparently last met some eight months ago. This delay in reconvening was partly attributed to a recent change of government in January 2005 which will certainly entail designation of a new Chairman. One person interviewed said that, since the change of Government, the Committee has been 'under review'. Another member (a government representative who has experience of Committee meetings) expressed the view that this would lead to appointment of a new Committee, with, s/he believes, a new set of invitations and possible changes to the membership. Certainly, the membership of the Committee has, as one would expect over its 15 years of existence, evolved. From the persons interviewed in the course of this study, two phases of the Committee's history are identifiable. In other words, the 'sustained political commitment' needed by an apex body has not (at least recently) been provided by government in this case.

A third concern was that the Committee, latterly, has not exercised real policy-making power. Although it is supposed to give approval to plans, in practice the Committee has not, during one member's attendance over some 2 years, discussed any detailed water plan or policy. Instead it has looked at specific issues, such as a proposed project, or budget issues. According to this member, each ministry sets up the projects it wishes and has the funds allocated to it through the national budget so that it can, legally speaking, approve those projects without going through the Committee. The power to approve (or not) plans according to their consistency with policy is, it seems, limited. Hence the remark of another interviewee, reported above, that the Committee was being used as a 'rubber-stamp'. This

²⁶ According to the Hanoi Meeting, is this sufficient as an independent channel?

criticism led to the conclusion of the member that the Committee had not really been active and has not played a significant role in practice (at least in its most recent phase) – difficult in such circumstances for civil society to make a difference to such limited policy-creation as is stimulated by the Committee.

Further, a question arises in relation to the degree of openness of government and space for civil society participation at levels below the NWRCommittee. Whilst the Committee, situated at the apex of government cannot itself be responsible for reaching ‘down’ to stakeholders at lower levels, including at the grass-roots, it is clearly contemplated by paragraph 2 of the National Water Policy (Box 6. above) that mechanisms will be created to achieve this (with support of the Committee). In other words, in Thailand it is accepted that there should in principle be representation of stakeholders in water planning through both membership of the Apex body and participation in institutions which are established at decentralised level (with regular convening of opportunities for such representation at both levels). Many interviewees referred to the establishment of the River Basin Committees-RBCs (of which there are twenty-nine²⁷). The issue of civil society participation in the River Basin Committees is considered below.

Legal Form

As noted above, the NWRCommittee was created, over 15 years ago, by a Regulation of the PM’s office - i.e. issued by the PM as a form of executive order, as opposed to under an act of parliament. This is a formal weakness of the Committee. As one expert expressed it: ‘The PM of Thailand has the power to create committees to work on implementation of any government policy; he does so by declaration which provides a mandate, but the power remains in the PM’s Office. The committees have no power under Thai law except as executive branches of the PM’. One possible means of responding to the criticism above, that the Committee is a ‘political body’, was explained by another expert. If the Committee were to be constituted by Act of Parliament, its powers would be set out in that Act, passed by the National Assembly, and would not depend solely on the political sponsors of the Committee, as currently is the case. The powers and duties of any water committee created by law, as well as the composition of the membership, would be clearly specified in such a law. In other words, that law would provide a more neutral and solid basis for a newly-constituted committee.

Water Law

Since the preparation of a new water law was referred to in the NWRCommittee’s mandate and subsequently identified as a priority in the National Water Policy, it is important to record the other statements of the persons interviewed on the subject. At present, there are apparently some 20 - 30 laws in Thailand which have provisions relating to water. As well as being fragmented, another interviewee commented that existing provisions of present laws were inadequate in scope; they had provisions relating to, for example, pollution but were weak on management. The new law would be a consolidating law, a ‘framework law’ which would aim to be comprehensive, except in one respect. There are separate laws relating to water supply and water resources, and one expert involved in drafting the new water law said that it would not change that²⁸, i.e. it would be a water resources law.

As noted above, this (major) undertaking was actively promoted by the Committee in a previous phase of its existence, before the changes to it made some 2-3 years ago. Currently, a draft of the law is being disseminated and debated through hearings in different provinces around the country. This consultation process (including apparently 14 hearings) has been organised by the Department of Water Resources and Thammasat University in collaboration - i.e. an example, one modality, of a functioning partnership between government and civil society. The consultation process is still ongoing with, apparently, participation of NGOs and water users in twelve provinces.

Coordination

As noted above, a key rationale for establishing national water sector apex bodies is ‘to coordinate the many ministries, donors, financial organisations and non-governmental groups involved in the water sector’ (Report of Hanoi Meeting, page 3). The need for better coordination of the water sector in Thailand is confirmed in the opinions of the persons consulted. One expert stated: ‘The range of interested ministries and agencies makes it difficult to coordinate, difficult to have a unified approach. Not less than nine out of twelve Ministries have some involvement and interest in water matters, and overall there are some 30 agencies of government which are concerned’. S/he added that the role of the Apex body should be as a ‘clearing house’²⁹ of problems and differences of view over water issues (although, as expressed in the mandate of the NWRCommittee, its problem-solving role seems to apply in urgent situations only). Another expert noted that improving coordination is an important challenge not only at national level, but also at decentralised levels, at basin and sub-basin levels.

²⁷ Whilst there are 29 RBCs in existence, it seems that not all can yet be considered as in operation.

²⁸ Except insofar as the urban waterworks are one of the many water users and the legal processes for their access to ‘bulk’ supply would be set out, or confirmed, under the new water resources law.

²⁹ See below in chapter 5. how the notion of a ‘clearing-house’ is debated in Bangladesh.

The question arises, therefore: *how has the NWRCommittee contributed to improved coordination of the water sector?* It was noted above that the membership *per se* of the Committee does not significantly promote coordination, at least between two parts of the water sector, namely WRM and WSS. One civil society Committee member considers that the Committee does not help coordination. 'There is rivalry between ministries, and the ministries do not listen to each other' on the Committee. It seems 'they approve or disapprove of proposals put before the Committee according to those rivalries, without listening' (the importance, in the achievement of genuine dialogue, of listening as well as speaking, was noted above). A similar perception was held by a further expert interviewed, who, agreeing that coordination is currently 'poor', stated that a key challenge is to bring about a change in the culture of government. 'The various departments generally focus on their respective mandates and collaborate little'. Despite efforts over a number of years, this weakness in government ways of working has, s/he believes, changed little.

Throwing some light on inter-ministerial relations from the perspective of a government official, one interviewee observed that the Ministry of Natural Resources and Environment (MONRE) has been created just 2 or so years ago and, since, it has been necessary to clarify the respective roles and responsibilities of the Department of Water Resources (DWR) within MONRE on the one hand, and those of the Royal Irrigation Department ('RID') (part of the Ministry of Agriculture) on the other. S/he expressed the opinion that the division of responsibilities was that the DWR was responsible for policy and planning, while the RID's job was implementation. So, according to this view, the DWR oversees planning at river basin level, and RID devotes its attention to how to develop water resources and water delivery systems for providing the water which farmers needed. As to coordination, the same official agreed that coordination in the water sector is a challenge. However, s/he considers that there is 'good progress' in coordination. S/he added that the new Cabinet were planning to reorganise the sector, and the possibility of creating a new water ministry was being debated. In other words, views on whether coordination is improving are divided and it is not clear whether any progress can be attributed to the leadership of the Committee (or indeed the role of civil society within it).

Civil Society Involvement

The Thai National Constitution of 1997 recognised the importance of public participation. As Furugganan, B. (2002) notes, it provided a framework for strengthening people's participation in governance in Thailand: 'This Constitution, known as the participatory constitution because it was drafted in collaboration with people's representatives, explicitly acknowledged the right of the public and the communities' participation in the preservation and utilization of natural resources. The principle of people's participation as stated in the 1997 Constitution referred to all government decision-making processes including that of making decisions related to national planning and development'. Sections 45 to 47 enshrined the people's right to unite and form associations, farmers' groups, NGOs, cooperatives or unions. Furugganan, B. (2002) also notes: 'In 1985 the NGO-Coordinating Committee on Rural Development was established to promote the formation of NGOs, their collaboration, and the coordination of their joint activities. NGO-CORD was also set up to create public awareness on NGO activities and to articulate and propose the people's visions and plans to the government' (the current Director of NGO-CORD was consulted for the purposes of this study).

Comments from persons consulted during this study on the status of participation in Thailand included the following. One NGO leader observed as follows: 'As to participation, the Thai Government is 'very much' in favour of participation in principle, but s/he considers that the Government's concept of what kind of participation is required is different from the expectations of NGOs. 'The Government has invited participation at various meetings of different kinds and government officials consider they have made efforts to stimulate participation'. But the process adopted by the Government of setting up and managing the forums for participation is 'not right' and consequently 'trust has not been built', or not yet. S/he feels the Government approach is 'authoritarian', without 'two-way information'. In other words, a key element of participation, as identified in section 2, is not, in his/her view, present, namely openness by government to debate with civil society stakeholders involving a two-way exchange of views and information. Similarly, another expert, who sits on the NWRCommittee, said that 'public participation is not a new concept in Thailand; it is more and more widely accepted. But many government officials may not be comfortable with this concept'.

Participation in the Water Sector

The problem seems also to go beyond processes of participation to content of policy - the type of water policies which are being and should be promoted. The same NGO leader further stated that: 'Both the Thai Government and civil society agree that water needs to be managed. The Thai Government, however, has a different concept of water management from that of civil society'. On the one hand, s/he said, most (perhaps not all) civil society groups favour a concept of water management which is based on the local economy as a community-based economy (with less focus on incomes), as contrasted with what s/he sees as the type of 'macro' approach of the Thai Government,

supported by ADB, which tends towards projects on a 'big scale' which are oriented towards agro-business and industry, and which do not often benefit local people. S/he feels that certain policies are being pushed by ADB and this has the effect of bringing to Thailand policies which are taken up by the Thai Government. The Thai government then absorbs them into the government bureaucracy. A key issue, s/he said, is that 'it is not right to think for the people; instead they should be allowed to think'.

In similar vein, another civil society representative (not sitting on the NWRCommittee) said that the current government-promoted 'paradigm' of water management is misguided. It is 'supply driven' with centrally-driven and designed projects; there was a failure to engage the grass-roots, and resources were not targeted to the most needy; and the government passes a lot of money to contractors. Continuing, the same civil society representative considers that, in terms of water management, the 'mindset' of central government has not changed. This was echoed by another civil society representative who said that, because the ADB has supported big projects in Thailand with which the NGOs disagree, e.g. dam projects, some NGOs do not trust what it is proposing. One expert (not sitting on the NWRCommittee) referred to the process led by chiefs of sub-districts as 'informing' local people, rather than inviting active participation at this point: some projects which had been presented, had been rejected, but the projects still went ahead. Another expert went further, observing that 'the idea of farmers working in farmers' groups represented in the river basin committees is new and unfamiliar. The concept is good, but the practice is difficult. The cultural history in Thailand is that water for farmers is freely available; farmers are not familiar with the notion of sharing water and working in a group (aside maybe from a different culture in the Northern province); farmers worry about water for harvesting' (i.e. more than sharing).

Participation in the NWRCommittee

One expert member on the Committee said that the starting point for persons invited to sit on the Committee would be that it was an honour which 'nobody rejects' because the Committee is a prestigious, high-level body. In the light of that, an important question is why some civil society leaders declined to participate in the Committee. One civil society representative (who had accepted) gave the reason that (other) NGOs which declined had done so because of a 'lack of trust of government'. An NGO leader who had been invited, but declined said that s/he had not immediately responded with a 'No', but had replied that 'principles' should be discussed before s/he would accept the invitation. Her/his view was that there was little point in discussing policy content, as long as the wider policy 'concept' was not discussed - s/he wished to challenge and debate certain aspects or assumptions of the water management 'framework' which was being promoted by the government: as expressed above, 'the Thai Government has a different concept of water management from that of civil society'. According to this view, civil society will not be able to validly contribute to policy debate until government is ready to open that debate to consider the principles and assumptions underlying its own approach. A further NGO representative who does not sit on the NWRCommittee but has had experience of a high-level ADB-promoted task force (set up a few years ago) considers such committees a 'waste of time' because of the mindset of government which 'allocates big budgets to water supply projects which do not pay sufficient attention to transfer to communities of technologies which they will take on as their own'. This seems to be based on a perception which exists among many NGOs, namely that policy advocacy cannot be carried out in any other than an oppositional mode: 'Once you go for advocacy in public, it is difficult to adopt a cooperative stance and sit in meeting rooms and talk with Government', said the NGO representative referred to above³⁰. By holding to this oppositional mode, the NGOs in question are excluding themselves.

An interviewee who used to sit on the NWRCommittee as an NGO representative viewed the experience more positively, recollecting that the Committee was a useful forum for her/him to express, on behalf of her/his NGO, its approach. S/he used it to convey the message that projects should be participatory, involving local farmers and local people. The idea that small farmers should be involved was (at least at that time) 'different from Government', but since the participatory philosophy was very much part of her/his NGO's own approach, s/he used the Committee as a platform for that purpose. In other words, as suggested above, alongside some NGOs who have 'opposed', others have contributed (or sought to contribute) to debate on water policy by 'proposing'.

A further civil society opinion was that some NGOs are 'aggressive' and do not make an effort to fit in the formal context of government, e.g. 'they wear clothes which make them look like the farmers they are seeking to represent' - i.e. according to this report, it seems they deliberately use their appearance to express their message (as opposed to a possible different approach which would be adaptive to different dress codes and social contexts, whilst advocating the message nonetheless). This was echoed by another expert who commented that: 'Some NGOs seem to be against everything'. A comment of Furugganan, B. (2002) may be useful in this connection: in relation to the difficulties of people's participation at the multi-sectoral gatherings organised in the 1990s, he comments (page 12)

³⁰ It should be noted that this NGO member clearly has a professional preference for working on implementation projects, rather than advocacy generally, and it may be for that reason (in part at least) that s/he considers that advocacy NGOs can easily fall into category of 'NATO': No Action, Talk Only'.

that 'the task of convincing [civil society] sectoral representatives on the importance of their participation was as equally daunting as the task of convincing government of its merits'. However, after these initial difficulties, 'as the workshops and dialogues proceeded, communication channels were opened' and 'deeper learning was possible', so that 'participants were learning from each other'. Progress in stimulating multi-stakeholder dialogue takes time, and involves a measure of trust; it seems there is little two-way engagement on water policy, at least at present.

Evolution of Conventional 'Mindsets'

A government official who was interviewed was referred to the criticisms, reported above, that big ministries involved in the water sector had their own 'mindset' or 'concept' which they promoted without really listening to the alternative approaches proposed by other actors. Her/his reply was that, while his/her department might indeed have pursued its own concepts in the past, s/he thought that its staff were more ready to 'adjust' their approach. Resident engineers, for example, now would find out what kind of water local people want, and then they would show those people how they (the engineers) can help deliver that water. He said the staff of her/his department 'try to change our attitude' including setting up meetings with local people to understand their needs before elaborating a technical model for a project.

An expert acquainted with current agricultural practice is, however, sceptical of the extent of change to mindsets. The government agencies, s/he says, tend to promote 'one size fits all' technologies, with no appropriate adaptations to the design to suit different local conditions. Instead, farmers' groups are asking for financial support which would give them the funds they need to implement their own projects - since they consider that their technical knowledge is better adapted to local conditions. They say: 'Give us - the farmers - the funds, and let us do the work - instead of controlling things from Bangkok!' As a response to this, it seems the Royal Irrigation Department is making efforts to hand over more responsibility to farmers. The RID state that it has developed, and is already implementing, 'participatory irrigation management' in which local people are asked to participate, and which would involve, over time, transfers of O & M from the RID to local water users' groups. 'At present farmers are responsible for just the 'sub-lateral' irrigation canals, with the RID in charge of both the 'lateral' canals and the main canals. In future, over the long-term [for large-scale projects] the responsibility for operating and maintaining lateral canals would be transferred to local farmers, although rehabilitation of old canal infrastructure (to improve water efficiency) would still be within the remit of the RID'. One key issue remaining is finance. The RID hopes that funds may be made available by local sub-district administrations to support the livelihoods needs of local farmers and help them in covering the costs of O & M. This would also depend, however, on the 'sustainability' of water user groups, and the level of contributions which they could collect from the farmers themselves. Further, the RID apparently organises public hearings before a project goes to the Cabinet for approval. This is not, apparently, a requirement laid down in any law, but instead a procedure specified by Cabinet, for any projects which are likely to have a substantial impact (large-scale and some medium-scale projects). In the experience of the RID, many local people show their 'maturity', although there may often be a 'minority against'³¹. The RID should also increasingly submit project proposals to river basin committees, as a local forum which is wider than local farmers. Again, this is not a legal requirement and it is not practice yet. This could, s/he said, be something which could in the future be set out explicitly in a new water law.

River Basin Committees and Participation of Civil Society

In terms of the challenge of putting participation as envisaged by the Thai Constitution into practice, one expert who sits on the NWRCommittee considers that the key mechanism for public participation is at decentralised level, through membership of the river basin committees. S/he considers that a more stable means of participation will be achieved through this membership, by building the capacity (e.g. technical) of the RBCs and their members³²: 'people at the basin/sub-basin level will know the problems in their area and also will be able, with technical support, to propose the solutions'. The question, therefore, arises: how is civil society involvement being provided for lower down in the 'pyramid', below the apex, in the RBCs and at sub-basin level?

Figure 2³³ shows the procedure for formulation of river basin plans as proposed by the Department of Water Resources. The lines upwards from 'Village' level upwards indicate the channel for proposal of the river basin plans. The diagram illustrates the many levels which exist between the 'bottom' and the 'top' of the pyramid - as well as the complexity of the proposed approval process (which, according to the DWR design is to be achieved in a little over 9 months). As explained by the Department of Water Resources, Figure 2 shows twelve steps in the planning process, from July to March, moving from Village level through successive levels of the hierarchy, including sub-district, district, sub-basin/basin (the river basin committee), provincial, via central agencies including the DWR and the Bureau of the Budget, through two Committees - the Budget Scrutiny Committee and the National Water Resources Committee - to finally the Cabinet - i.e. such is the long ladder which will take proposals from grass-roots to the top.

³¹ A value judgement seems here to be implied, namely that local people are not mature if they oppose.

³² There are, s/he said, some 130,000 members of the 29 river basin committees.

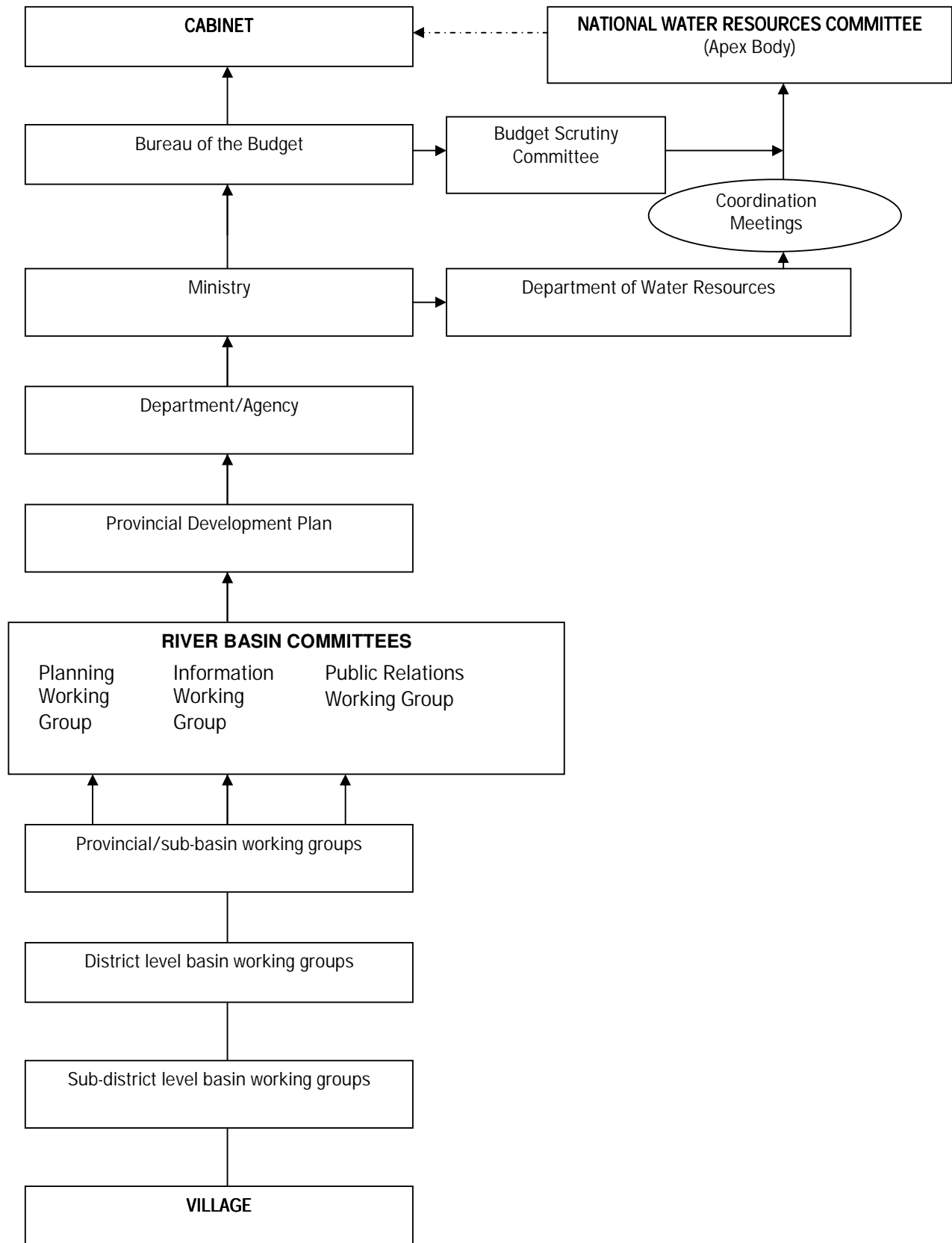
³³ Reproduced, in slightly adapted form, from DWR, 2003, page 30.

The same expert responds to the question above by stating that each River Basin Committee is to have representation of non-governmental interests which will be in the majority in these committees. Representatives are elected, or to be elected, by, for example, farmers' groups or village groups. But it has been seen above that local people may or may not be accustomed to forming such groups, and electing their representatives. A lot of work apparently still needs to be done to train the people involved in these committees. The idea is that all projects require approval of the RBC, although s/he notes that 'line ministries are not used to this and may resist the institutional change. The budget bureau (treasury) is also loth to lose the authority it has had with different centralised departments in relation to decisions on how to apply resources'.

Such is the intended mechanism for participation. The expert (cited above with reference to farmers' culture) is, again, sceptical: 'The farmers' groups are currently by-passing the RBCs. They (and s/he) consider them to be 'puppets' of politics. It seems (according to this opinion) they do not have trust in these committees and consider it would be a waste of time to work with them – at least so long as the present conceptual paradigm persists.

Another interviewee, whilst expressing the view that the best thing to have come out of the Committee's work is the creation of the River Basin Committees and local watershed committees for each river basin, said that the process of putting into operation the RBCs is still quite new and the space available to civil society is currently insufficient. Although, he said, in theory the composition of the RBCs includes NGOs as well as government and local stakeholders, in practice 'government at a district and sub-district level uses its networks to place in the RBCs local people who, it believes, will not cause opposition'. 'There is little NGO participation' and the result of this is currently a 'lack of trust' on the part of civil society. This points to a 'catch-22' situation which seems to obtain in some (at least) contexts in Thailand: that (some parts of) government is apprehensive or distrustful of opening real participation to civil society, yet that as long as such participation does not exist, the potential of civil society to contribute cannot be tested/proven.

Figure 2. Procedure of River Basin Development Plan Formulation in Thailand



According to the current system, after approval of the Cabinet to the river basin plans at the various levels, the finance to provide funds for carrying out the plans is channelled via the responsible agency/ies (whichever agency is relevant, depending on the content of the given river basin plan). In other words, although the planning at river basin level is entrusted to the RBCs and the levels below them (sub-basin, district, sub-district and village), the RBCs are not provided with a budget for spending in line with the plans, but instead the funds are controlled by the conventional line ministries and passed down through their agencies in the provinces. That is the budgetary system currently laid down by regulation.

A possible change in the new water resources law (a draft of which is in the process of being prepared), one expert explained, would be to strengthen the powers of the River Basin Committees. Each Committee could be assigned its own budget to spend in its basin area and have the power to set quotas of water for water users in its basin area.

FINDINGS from the Thailand Case Study

The following are the findings from the example of the national water sector apex body in Thailand, including in relation to what came out of the Apex process, and civil society involvement within it:-

- the National Water Resources Committee is credited with having provided leadership in the water sector, as shown by production of the National Water Policy (and also, perhaps, the National Water Vision) which set directions for water resources policy, as well as by some support it gave to the initiative for drawing up a new water resources law;
- new policies relating to water supply & sanitation (WSS) have not (on the basis of the interviews conducted during this study) been specifically promoted by the Committee; the 'leadership' in 'improving water governance' (as per the ADB Hanoi Meeting) applies to 'management of water resources', but not it seems to 'delivery of water services' - with strengthening of the water 'sector' understood accordingly;
- the persons interviewed did not credit the Committee with having taken active steps to promote the better coordination within the water sector which was commonly agreed to be necessary (including between WSS and water resources management (WRM)), except creation of the Ministry of Natural Resources and the Environment (MONRE);
- efforts have been made to include civil society representatives (both experts and NGOs) within the membership of the Committee, but these have been only partially successful because of what are perceived by some civil society leaders as major 'conceptual' differences which have, it seems, yet to be debated³⁴; in this context, merely issuing an invitation to participate in the Committee and expecting all invitees to accept is not enough; if the presence of civil society, and particularly NGOs, on the Committee is to be increased, the 'space' for invited participation needs to be opened in a more proactive manner;
- the majority of the civil society representatives (both experts and NGOs) who accepted to become members of the Committee have been disappointed in their expectations of what the Committee would do, because of the way the proceedings of the Committee are managed; the agenda of the Committee is dominated by government with key decisions taken outside the Committee prior to its meetings (i.e. in conventional 'closed spaces'), with proceedings during meetings being, therefore, only to a limited extent open to broader debate; in other words, the way the business of the Committee is being conducted means that civil society participation (and, it seems, inter-ministerial engagement) currently takes place in an 'invited space' which is substantially confined; this opens NGOs which agreed to sit on the Committee to (further) criticism from NGO colleagues who declined - who may be tempted to draw the conclusion that: 'Since you who accepted seem to be making little or no inroads into policy debate, with your views seemingly not sought or listened to, we were right not to accept!';
- although, as noted above, the Committee is credited with leadership in an earlier phase of its existence, the impression obtained from persons consulted is that the Committee has accomplished less more recently, since 2000, so that it is not perceived as currently serving a useful function;
- the Committee has not benefited from sustained political support - it is seen as a political body subject to changing political power, unstable in its present form; the Committee is not perceived by the non-governmental members as being neutral: there is a lack of confidence that the Committee, as operated in practice to-date, is other than 'created by government for government';

³⁴ It is perhaps unlikely that the Committee itself would be the right forum for holding such a debate, but an alternative mechanisms for dialogue could presumably be explored.

this means that its role in leading the formulation (and implementation) of water policy is, currently, at least compromised; the positioning of the Committee at the 'apex' is not currently working to the advantage of the water sector;

- if the above view, which is common to experts and NGOs alike, is to be taken into account, the Committee will need to be modified; the National Water Sector Apex Bodies are seen to be themselves a part of the water sector reform process, to help in managing the process of change and transition; in Thailand the process is evolving and the Committee arguably needs to reflect this (it seems, if the Committee is not adapted, civil society organizations will perceive that there is less incentive to spend time as a member of the Committee³⁵);
- a new water (resources) law could provide a more neutral and solid basis for a re-constituted Committee, with its mandate and composition of membership set out and approved by the National Assembly, and more accountable regulation of its proceedings (see further below);
- perceptions are that 'mind-sets' in the water sector on both 'sides' of the debate, of certain government institutions and their staff on the one hand, and of certain civil society organisations (including NGOs) on the other, need to change; the culture of government as manifested by some government officials prefer (it is perceived) to hold onto 'old ways' of working, despite the move in Thailand towards more public participation and open government (as per the Constitution); meanwhile some NGOs find it difficult to combine the role of policy advocate - proposing ideas and solutions to water challenges - with a role of 'watch-dog', namely of monitoring, and, where appropriate, criticising, the performance of government in meeting those challenges, and opposing government initiatives; undertaking of joint projects, such as, for example, the collaboration between the Department of Water Resources and Thammasat University for public consultation on the water law, is one means of establishing new working relationships and changing mindsets;
- there is a need for civil society participation to be mirrored at other levels below the Committee at the 'apex', including within the River Basin Committees, and below them (closer to the base of the 'pyramid'); as well as mechanisms for participation at the centre and 'top' an important issue is how much spaces for participation are being invited and created/claimed at decentralised level;
- the nature of the 'space for participation' in the RBCs is, it seems, yet to be constructed: in order to succeed in making that participation of civil society productive, the leaders of the process for putting the RBCs into full operation will need to prove wrong the sceptics that these decentralised committees are or will be, also, within the control of politicians or other powerful vested interests;
- while the workings of the RBCs, including the spaces for participation, are being developed/built, the efforts made by the conventional structures of line ministries to open their project planning procedures to participatory approaches, as referred to above in relation to the Royal Irrigation Department, will be important;
- in answer to the broader question of what, as yet, has 'come out' of the process of involvement of civil society in the Apex process, it is premature to say: due to some hesitancy or reluctance on both sides, little genuine civil society participation has occurred to-date, with as a consequence little 'value added' being evident. That said, none of the persons interviewed expressed the view that the present process of development towards more open dialogue within the water sector should be reversed.

The Apex Body in Thailand: options for the future?

The Hanoi Regional Meeting observed that the structure and functions of water sector apex bodies can evolve in accordance with the stage and needs of the policy-making process.

One option proposed by an expert, as a possible alternative to the Apex body in its current form, would be that a new Ministry of Water Resources would be created, and that Ministry could have a Board similar to that of the National Economic and Social Development Board. On that new Board, the different sub-sectors of the water sector could be represented (industry, agriculture, environment, etc.) and this would give balance in the Board's advisory role, instead of power residing in the hands of one person, the Minister. The Board would not be chaired by the PM's office and would therefore be more independent and more neutral, not subject to the instability of high-level political support and availability.

Another proposal, explained by a second expert, would be that an Apex body would continue to exist, with some of the powers of the Committee copied from the 1989 Regulation. According to this second proposal - an alternative

³⁵ On the basis, as suggested by Holmes and Scoones, 2000, that the degree of motivation in participating depends on the perceptions of the relevance of the deliberative process to the final decision.

modality for strengthening the Apex body and the contribution of civil society within it - the *composition* of a newly-constituted National Water Resources Committee could be in two broad categories: (i) public sector/government; (ii) private entities/non-government; with fifteen members for each (i.e. $15 \times 2 = 30$), plus one Chair of the PM's Office. The Government would be entitled to appoint three experts, as well as nominating twelve representatives of government ministries/departments. The non-governmental representation would be composed of (again) three experts appointed by the members of the non-government section themselves, plus twelve other persons: four representatives of River Basin Committees, four water users' representatives, three representatives of local administrations and one NGO. Under this proposed model, civil society would choose its own representatives and would be more strongly represented, so as to enable it to contribute more effectively.

3. BANGLADESH CASE STUDY

Establishment of the Apex body

In Bangladesh the national water sector Apex body is called in English the 'National Water Resources Council' (also referred to in this report as the 'NWRCouncil'³⁶ or 'the Council'). The Council was established in the 1980s³⁷. It is supported by an executive committee, the 'Executive Committee of the National Water Resources Council' (referred to here as the 'Executive Committee'). A specially established government body³⁸ called the Water Resources Planning Organisation ('WARPO') acts as the Secretariat to the Executive Committee. More information on WARPO is set out below.

Members of the NWRCouncil and the Executive Committee

The composition of the NWRCouncil³⁹ is as set out in **Box 5**.

Box 5. Composition of the Apex Body in Bangladesh

- Prime Minister, as Chair;
- 9 members of the PM's office;
- the Ministers of: Water Resources, Agriculture, Finance, Planning, Local Government Rural Development & Cooperatives, Inland Water Transport, Land, Environment, Foreign Affairs, and Fisheries & Livestock;
- Permanent Secretaries (top civil servants) of the above Ministries;
- 7 Members of Parliament (MPs);
- 3 water experts nominated by government;
- the Director General ('DG') of the Bangladesh Water Development Board (BWDB);
- the DG of WARPO;
- Bangladeshi members of Joint Rivers Commission ('JRC') (with India);
- 1 representative of each of the (two) Institutes of Engineers;

(i.e. over 40 members)

It seems there were, at one point in the 1990s, more than the above three experts - according to one member at that time, some four or five experts sat on the Council. Not all Bangladeshi Ministries are represented. For example, the Ministry of Industry is not represented - see below for one implication of that. As to NGO representation, the situation is not entirely clear. It seems at the outset (as per the translation above), there was no provision for membership of NGOs - civil society was to be represented by the experts only (including the two engineers). But subsequently a decision was taken to invite NGO representation. As to current NGO membership, one civil society representative consulted confirmed that there is, currently, an NGO present on the Council⁴⁰.

As to representation on the Council of agencies responsible for activities relating to water supply & sanitation, WSS is one amongst a number of services which come under the responsibility of Local Government Division⁴¹ and the Ministry of Local Government Rural Development and Cooperatives is represented on the Council. As in the Thailand

³⁶ Not simply 'NWRC', in order to distinguish this Bangladeshi 'National Water Resources Council' from the Thai 'National Water Resources Committee' referred to in section 4 of this report.

³⁷ The interviewees were not precise as to the date.

³⁸ WARPO effectively took over, at its establishment, the role of the former 'Master Planning Organisation'.

³⁹ According to the relevant official document in Bengali (as translated by one of the persons interviewed).

⁴⁰ A Bangladeshi NGO called 'Asha'.

⁴¹ E.g. the Ministry of Local Government Rural Development & Cooperatives supervises the Dhaka Water Supply and Sewerage Authority (DWASA) and other urban water supply authorities.

case, the focus of the Council members' interests relate to water resource management (WRM)⁴², consistent with the title of the Apex body. In other words, the composition of membership of the Council does not of itself promote significant intra-sectoral coordination between WRM and WSS policies and plans. Several interviewees observed that administration of the activities of WSS and WRM is separated. WSS policy is developed largely by the Department of Public Health and Engineering which is also absent from the above list of ministries sitting on the Council - the activities of a high-level 'apex' forum which is operating in Bangladesh in relation to WSS are referred to later in this case study.

There is agreement amongst the persons consulted that there is a need for improved coordination within the water sector in Bangladesh, including between the two 'sub-sectors' of WRM and WSS (see further below under 'Coordination').

From a civil society perspective, the interviews pointed to the fact that there are many NGOs in Bangladesh which work on WSS projects and policy⁴³, compared with relatively few NGOs involved on water resources issues - i.e. the situation is the reverse from that which exists in Thailand.

The *Executive Committee* is made up of the following members:-

- Minister of Water Resources*, as Chair;
- Ministers of: Agriculture*, Local Government*, Environment*, Fisheries and Livestock*;
- 5 Permanent Secretaries (of the above ministries*);
- a water expert nominated by government;
- DG of BWDB*;
- DG of WARPO*;
- Bangladeshi members of the Joint Rivers Commission (with India);
- 1 NGO representative⁴⁴;

i.e. c. 15 members (of which those asterisked are also on the above list of Council members).

Role of the NWR Council and the Executive Committee

The mandate of the *Council* is, according to the Country Paper presented to the Hanoi Meeting, as set out in **Box 6**. The implications of this definition of the Council's role are as follows.

The Council is a body which creates policy in relation to management and use of water resources (items i and ii in Box 6). It is not an implementing agency, but it oversees implementation by other agencies (item iii)⁴⁵. Notably, the Council has a responsibility to promote coordination, as 'appropriate', between agencies (item v). Again, it is not intended that the Council actually carry out that function itself, but instead that it should 'provide policy directives' (item v again) for that purpose. As will be seen below, that coordination role is to be carried out by WARPO. The Council is, also, responsible for promoting institutional development in the water sector (item iv).

As to the responsibilities of the *Executive Committee*, these are defined (again as described in the Country Paper presented at the Hanoi Meeting⁴⁶) in similar terms to those of the Council: providing 'directives' on 'planning, management and coordination', and giving guidance to water management institutions (at all levels, national, regional and local) in the formulation and implementation of policies and plans for improved water management, i.e. again, creation of policy, and support to its implementation by others.

Box 6. Mandate of the Apex Body in Bangladesh

⁴² This does include the making available of 'bulk' water supply to cities and towns, but with less attention to delivery of WSS services to populations within those urban centres.

⁴³ The national 'NGO Forum for Drinking Water Supply and Sanitation' has over 600 members of which many are NGOs.

⁴⁴ It is not clear from the interviews who, on behalf of NGOs, is currently sitting on the Executive Committee. One NGO was named by a govt. official as attending, but the leader of the NGO in question said that he had ceased to be a member.

⁴⁵ This version of the Council's mandate has been updated. In the 1992 Act of parliament which established WARPO, it refers to a 'Water Resources Master Plan'. The 'National Water Management Plan', referred to in item iii. in Box 7, was prepared and produced relatively recently, in the course of the last few years.

⁴⁶ Stated in the same terms in the 1999 National Water Policy (page 20).

The Council will coordinate all water resources management activities in the country and particularly:-

- i. Formulate policy on different aspects of water resources management;
- ii. Provide directions for optimal development and utilization of water resources;
- iii. Oversee the preparation and implementation of the National Water Management Plan;
- iv. Provide directions on the development of institutions in the water sector;
- v. Provide policy directives for appropriate coordination among different agencies;
- vi. Look after any other matter that may require its attention in the water sector.

Source: WARPO: Country Paper at the Hanoi Meeting, page 2

As so defined, therefore, the mandated roles of both the Council and the Executive Committee are to transmit directions and guidance 'downwards' from the apex.

However, it is important to note, that according to the persons consulted, the manner in which those mandates are interpreted is such that in practice the direction of transmission, of stimulus, is mostly reversed. WARPO considers that: 'The National Water Resources Council gives approval to policies and programmes which are developed at a lower level. These are not submitted to the Council until they are at their final stage of preparation. Only policy issues and programmes of 'national importance' are put to the Council - major plans or policies such as the National Water Management Plan. Council may approve, with directions or instructions'. The impression is of an essentially reactive posture, but the 'mostly' above is important, because, as WARPO interviewees added, the Council can 'set or interject high-level directions' and it has done so at least on one occasion - the Council was cited by one person consulted as having given a direction that a key priority of water management in that national context was food production and for that the Council directed that new irrigation projects should be created. So, the Council can choose to exercise its powers pro-actively, including, according to WARPO, 'where necessary, to resolve any inter-ministerial conflicts which cannot be settled at a lower level', i.e. a problem-solving function.

That said, the general impression of the Council as a reactive approval body is reinforced by persons consulted including one expert who is familiar with the process, and who said that the 'role of the Council is not generally pro-active. It is up to the Ministry of Water Resources and WARPO to draw up the agenda for meetings - 'WARPO does a proposal and submits it to the Ministry'.

The consequences of the predominantly upwards direction in the mechanism of policy creation, as widely perceived by persons consulted, are considered further below.

Role of WARPO

WARPO summarises its key function as 'macro-level policy planner', drawing up, in a consultative manner, the plans and programmes which are submitted to the Executive Committee, and thereafter to the Council. In other words, WARPO is placed near the top of the pyramid, but not itself at the apex - as it acknowledges. Its position is below the Executive Committee to the Council, which it serves and which is placed directly under the Council itself.

In the terms of the Act which established WARPO (Act no 12 of 1992), WARPO's first responsibility is to prepare a 'Water Resources Master Plan'. It has also three responsibilities relating to technical inputs and services which it is to provide, namely: 'to review and evaluate the impact of action taken by any organisation' involved in water activities (i.e. it seems, a monitoring and evaluation (M&E) type function); also 'to improve education and training, to collect and

review, and disseminate information'; 'to arrange seminars/events, and to perform any other duties assigned by government' (i.e the usual 'catch-all' at the end)⁴⁷.

WARPO, further, it says, carries out a mediator's role between different perspectives and interests of different ministries and government agencies. If a difference arises which WARPO cannot resolve, it goes to the Executive Committee (as yet, according to WARPO, no disagreement has apparently needed to be referred upwards). WARPO seeks to act as a neutral party. It does, however, recognise that, since it is formally part of the Ministry of Water Resources, other agencies may consider that it is not independent and impartial, or at least not totally.

WARPO also refers to a function which it has as a 'clearing house'. This concept was referred to as one of WARPO's 'core tasks' at the Hanoi Meeting⁴⁸ and talked about by the representatives of WARPO who gave interviews for this study. The term, 'clearing house' seems to be used with different meanings. WARPO see this as 'clearing' all water programmes produced by other government agencies for their consistency with the National Water Management Plan. The Plan was approved in March 2004 and each and every line agency is, according to WARPO, 'responsible for implementation of its programmes in accordance with the Plan; each agency develops its detailed programme plans according to framework of the Plan'. WARPO, it says, 'will clear all programmes for consistency with the Plan'; each agency 'should not go outside the framework' of the Plan. WARPO also refers to this as a 'regulatory' role.

This interpretation is, however, being debated within government. WARPO's mandate, as set out in the 1992 Act, did not point to a clearing house role of that nature; as seen above, it refers to 'review and evaluate the impact of action' taken by agencies. The clearing-house role is stated in another, later document, the 1999 National Water Policy (the 'Policy'), and the definition of its responsibilities as Secretariat to the Executive Committee as described⁴⁹ in that Policy - see the italics added in **Box 7**. But even this more recent document - an example of an evolving mandate of the secretariat to an apex body - does not specify what 'clearing' means, and other agencies are, it seems, questioning whether this is a mandate for WARPO to 'check' (the term used by one interviewee) that the programmes developed by line agencies are in line with the National Water Management Plan.

Proceedings of the NWR Council and the Executive Committee

The Council meets about once a year - this is openly acknowledged by WARPO and confirmed by other persons consulted who have been, or currently are, members. WARPO states that the Council meets when requested by WARPO, via the Executive Committee, i.e. in terms of the timing of convening of Council, the Council would appear to be in reactive mode.

As to the business conducted by the Council, one member stated that: 'It is not a working meeting; it is not the place for that. At a committee at such a high-level, you should not expect that things are conducted across the table' - particularly, one might add, since it is such a big gathering of over 40 persons.

Box 7. Responsibilities of WARPO as per the 1999 National Water Policy

- i. Providing administrative, technical, and legal support to the Executive Committee; advising the Executive Committee on policy, planning, and regulatory matters of water resources and related land and environmental management;
- ii. Preparing & periodically updating National Water Management Plan for approval of the Council;
- iii. Setting up and updating the National Water Resources Database (NWRD) and Information

⁴⁷ The National Water Policy, coming subsequently, may have expanded WARPO's clearing-house function - see below.

⁴⁸ As set out in the Country Paper presented in Hanoi.

⁴⁹ As expressed on page 20 of the National Water Policy (see further below).

- Management System;
- iv. Acting as a 'clearing house' for all water sector projects identified by different agencies and reporting to the Executive Committee on their conformity to the NWMP;
- v. Undertaking any special study, as may be required by the Executive Committee, for fulfilling the objectives and programmes envisaged in the National Water Policy and the Bangladesh Water and Flood Management Strategy;
- vi. Performing any other function as may be assigned to it from time to time by the Government.'

If the role of the Council is not to be a 'working meeting', where then is the policy-creation work to be carried out? Not much, it seems, in the Executive Committee, because according to persons consulted, nor does the Executive Committee meet often. As to how the Executive Committee is convened, one interviewee stated that it meets to conduct business, currently, only when WARPO signals that a meeting is needed, via the Ministry of Water Resources. Persons consulted who have had experience of the Executive Committee consider that the infrequency of Executive Committee meetings (combined with that of the Council) presents a problem. They feel it should meet more often, for example, three times a year. One interviewee considers that high-level committees, such as the Council, are valuable as 'an expression of political will'; they could, he said, provide a push to policy principles, without entering into details of policy. They have considerable powers which they can wield - and if they do so decisively, they can be influential without being frequently active.

As to the nature of the proceedings of the Council, when it does meet, the following picture emerges:-

- 'at Council meetings, the Minister of Water Resources and/or WARPO make a short presentation, e.g. of a plan, saying 'We have dealt with X institutions, Y organisations and Z people and here is the agreed proposal';
 - in response, a few other Ministers make short interventions, but these generally relate to 'local issues and problems', i.e. missing an opportunity to situate issues in their broader national context;
 - one or more of the experts may comment; the other members of the Council do not express a view;
- in general, few persons talk: 'there is no debate on water management issues';
- 'the impression is of busy people occupied on other things; many of the persons attending will probably not have read the relevant plan or other documentation before the meeting; they may have read the short Summary circulated with the Agenda⁵⁰ - an agenda with generally 'one big item on it';
 - 'the MPs present do not seem to engage in the discussion', thereby surely missing an opportunity to add an element of parliamentary scrutiny into the process;
 - overall, there is little evidence of (pro-active) political interest or commitment beyond the limits of the proposing Ministry;
 - whenever a major policy has to be produced, the 'donor card' will often be drawn by the ministry leading: i.e. 'if the proposal is not approved, funding will be lost'.

⁵⁰ Some 10 days, before. Whether this is sufficient lead-in time is in doubt - and a related question arises, namely whether WARPO/the Executive Committee helps prepare Council meetings with advance briefings of key Council members.

The above picture tends to confirm the criticism that the Council is not actively engaged in water policy debate - i.e. it is not in practice decisive. One person consulted said that he had found the mode of functioning of the Council (at least at the meetings he has attended) 'very frustrating'. Looking back, then, to the Executive Committee, to see if it fills the policy-making gap, one interviewee agreed that 'the Executive Committee should be looking into major issues, including institutional issues...'. However, in practice, he said, the agenda is decided by the Ministry of Water Resources and, the same interviewee continued, '...very little of these things are discussed'. Assuming the above portrayal is correct, the situation is similar to that observed in Thailand: most, if not all of the decision-making - e.g. the thinking behind the projects put to the water resources apex body - has already been carried out in the 'closed' space of line ministries, and the 'invited space' in the Council is correspondingly reduced. Consequently, the perception of persons sitting on the apex body is that it is not a forum for debate in which all members can engage. In these circumstances, the reality is that there is little they can contribute.

Interviewees pointed out that this need not be the manner of operation of the Council. There are other high-level committees in Bangladesh, which have operated or are operating at the apex (or close to it) - such as the Arsenic Mitigation Committee and a top committee relating to WSS - and (some at least of) these committees have apparently worked or are working in a more open manner - see below.

As to the design of composition of such committees, one interesting insight was provided by the case of the Integrated Coastal Zone Management (ICZM) policy. The ICZM policy, although related to water resources, includes some key aspects which are important to ministries not represented on the NWRCouncil⁵¹. In this instance, therefore, WARPO opted to obtain approval for the ICZM plan by a different channel, by submitting it direct to the Cabinet. In that case the NWRCouncil was, it considered, not the best or right means of obtaining approval⁵².

Accomplishments of the Apex Process

Interviewees cited two principal positive outcomes of the Apex process in Bangladesh, namely production of the National Water Policy and the National Water Management Plan⁵³.

The *National Water Policy* was approved in January of 1999. As stated in the Preface of the Minister of Water Resources, the task of preparing this policy was directed by the 'National Water Council' at a meeting chaired by the PM in March 1997 - is this, one asks, an example of the Council in pro-active mode? The first part of the Policy, the 'Declaration' (on page 2) states that: 'it is the policy of the Government of Bangladesh that all necessary means and measures will be taken to manage the water resources of the country in a comprehensive, integrated and equitable manner', i.e. an integrated approach to water resources management (IWRM), which, one notes, is to take account of equity alongside 'water efficiency'⁵⁴. On page 3, it is stated: 'The water policy of the government aims to provide direction to all agencies working with the water sector, and institutions that relate to the water sector in one form or another, for achievement of specified objectives'. These objectives of the National Water Policy are set out in **Box 8**. (emphasis added).

As highlighted by the underlining, objective f. in Box 8 refers to public participation (as does, implicitly, objective d.). On page 6 of the policy, it is further stated that (emphasis added): 'The participation of all project affected persons, individually and collectively, will be ensured in the planning, design, implementation, and operation and maintenance (O&M) of publicly funded surface water resources development plans and projects. Local Governments (*Parishads*) will be the principal agencies for coordinating these efforts. Community level self-help groups (private) and Non-

⁵¹ For example, the Ministry of Industry is not represented on this National Water Resources Council, yet there are important salt, shrimp/fish and tourism related industries in the coastal zone, as well as roads and telecommunications issues which arise.

⁵² This, however, raises questions as to appropriate channels for approval and who decides which to take.

⁵³ The NWMP is also apparently sometimes also referred to as simply the 'National Water Plan'.

⁵⁴ Equity is not explicitly mentioned in the title of the international water target relating to IWRM which was approved at the World Summit on Sustainable Development ('WSSD') in 2002.

Government Organisations will also be relied upon to assist in the *participatory process*⁵⁵. Further, as per page 10, 'Planning ... of all projects will follow ... the Guidelines for People's Participation...' and, then, in a subsequent section of the Policy on 'Stakeholder Participation' (on page 18), it is confirmed that 'Stakeholder involvement should be an integral part of water resources management, at all stages of the project cycle'.

Box 8. Objectives of the National Water Policy in Bangladesh

- a. To address issues related to the harnessing and development of all forms of surface water and ground water and management of these resources in an efficient and equitable manner
- b. To ensure the availability of water to all elements of the society including the poor and the underprivileged, and to take into account the particular needs of women and children;
- c. To accelerate the development of sustainable public and private water delivery systems with appropriate legal and financial measures and incentives, including delineation of water rights and water pricing;
- d. To bring institutional changes that will help *decentralise* the management of water resources and enhance the role of women in water management;
- e. To develop a legal and regulatory environment that will help the process of decentralisation, sound environmental management, and improve the investment climate for the private sector in water development and management;
- f. To develop a state of knowledge and capability that will enable the country to design future water resources management plans by itself with economic efficiency, gender equity, social justice and environmental awareness to facilitate achievement of the water management objectives through *broad public participation*.

Source: National Water Policy, Ministry of Water Resources, pages 2 and 3

How this policy for participation in the water sector is being implemented is discussed below.

The Policy also foresaw the drawing up a National Water Management Plan (the 'Plan' or the 'NWMP') which (page 5) 'WARPO will prepare, and periodically update'. The Plan is to address the overall resource management issues in each region and the whole of Bangladesh, and provide direction for the short, intermediate and long runs. 'The Plan will be executed by different agencies as determined by the Government from time to time'.

The Plan is to be prepared in a participatory manner. 'The planning methodology will ensure co-operation across sectors and people's participation in the process.' (page 6). The Plan is also to be drawn up in a 'comprehensive and integrated manner' (page 6 again), with regard for the interests of all water-related sectors. 'Water Supply and Sanitation' is the first of seven areas of sectoral water use referred in the Policy. Others are: 'Water and Agriculture', 'Water and Industry', 'Water and Fisheries/Wildlife', 'Water and Navigation', 'Water for Hydropower and Recreation', 'Water for the Environment'. It is the Bangladesh Water Development Board (BWDB) which will 'implement all major surface water development projects' (page 6 again), whilst local government implements smaller projects. One of the experts interviewed said that the National Water Policy is 'a good policy which is well regarded nationally' - and in some quarters internationally too. He said that the Policy tries 'to push for more balance in water allocation'.

National Water Management Plan

The persons interviewed also highlighted the production of the National Water Management Plan as a useful contribution to the water sector⁵⁵. In view of the role of WARPO as coordinator of the process of preparation of the Plan, this may be attributed as a second major outcome of the Apex process. It is not, however, clear how actively the Council contributed. The Plan was presented to the Council (via the Executive Committee) for approval, but one commentator at least considers that, although the preparation of the Plan was an achievement, it was not an achievement of the Council. The process of creation of the Plan was 3 years of work, with an international consultant (Halcrow) engaged in 1998 to support WARPO. The Plan comprises not less than 84 programmes, grouped in 8 'clusters'. These together encompass a wide range of aspects of water

⁵⁵ Despite some 'errors' and 'conceptual mistakes' which were pointed out by the committee which reviewed the Plan.

resources management and delivery of water supply and other services. Each programme outline, prepared by the consultants in collaboration with the responsible agency, is set out in the Plan (in one key volume on investment, with some three pages for each programme, including costings). The headings of the Plan clusters are set out in **Box 9**.

Box 9. Clusters in the Bangladesh National Water Management Plan

- cluster headings and notes on programme content (as per programme headings)

- **Institutional Development**
 - capacity building of government agencies and other institutions;
- **Enabling Environment**
 - references to participatory management, water resources law, research and data collection, raising public awareness, PSP, environment, alternative financing;
- **Main Rivers**
 - abstraction projects, works related to barrages, river management, surface water distribution networks, erosion control, dredging, hydropower;
- **Towns and Rural Areas**
 - urban and rural arsenic mitigation, UWSS, RWSS, sanitation in rural and urban contexts, flood protection for towns;
- **Major Cities**
 - Dhaka and three other major cities;
 - WSS and sewerage, and storm water drainage, as well as flood protection;
- **Disaster Management**
 - cyclone shelters, flood proofing for roads and railways; irrigation and drought proofing of rural water supplies;
- **Agriculture and Water Management**
 - promotion of minor irrigation and on-farm water management, improvement of existing irrigation, new irrigation schemes, improved water management at local government and community level, land reclamation, coastal protection and afforestation;
- **Environment and Aquatic Resources**
 - pollution control, water quality monitoring, fisheries, environmentally critical areas and integrated wetlands management, improved water management, public awareness raising and empowerment.

As one interviewee expressed it: 'The Plan represented for the first time the taking of a 'comprehensive approach' - and for this reason it has gained, it seems, broad approval. Another person consulted agreed that the Plan made an effort to integrate the different aspects of the water sector - at least on paper: as a third interviewee put it: 'The Plan is a good start, but it is not a final product'. It needs to be implemented and in that respect: 'What should have happened since then, has not happened (see further below under 'Coordination). What is commonly acknowledged by the persons consulted is that a participatory process was indeed organised during the Plan's preparation (at least the first part of that preparation), as WARPO states: an 'extensive consultation' process including local NGOs, MPs and the public - see under Civil Society Involvement below. Further, WARPO's contribution to the important task of collection of data on water resources and management is also widely recognised, including its collaboration with other water data collection agencies. 'WARPO has accumulated a good collection of data, which it does make available'.

Weaknesses attributed to the Apex Process

But the Apex process, as it currently functions, is also perceived as having weaknesses. First, as has been observed, there seems, generally, to be a lack of policy-making leadership on the part of the Council. As mentioned above,

other high-level committees such as the Arsenic Mitigation Committee and a top committee relating to WSS (see below) are perceived to have worked/be working more effectively. For example, the Arsenic Mitigation Committee meets on average once a month and is very active⁵⁶. Where a committee meets infrequently, it may be (as one expert noted) more difficult for politicians to gainsay a process controlled by civil servants, because the committee is less able to engage in debate.

The Council is criticised for providing little political vision, for addressing the challenges of water management, e.g. to integrated water resources management. As several interviewees explicitly noted, IWRM in Bangladesh is still on paper. 'At least', one person said, 'it has got to paper, but not as yet any further'. He explained that three major streams of the water management debate in Bangladesh are dominant, namely flood control (or latterly flood management), drainage and irrigation. All other aspects of water resources management are 'peripheral'. The 'clusters' in the National Water Management Plan 'do not talk to each other'; each line agency 'does its own thing'. Things are not moving because of 'institutional rigidity and lack of capacity'. 'Each institution has its own views and does not care about anyone else. The National Water Resources Council has not changed that'.

Secondly, the Executive Committee is perceived as being dominated by the Ministry of Water Resources and, further, all participants in the Executive Committee represent their sectoral interests, each different ministry with its different thinking. There is not integration.

As to the National Water Management Plan, its approval was, it seems, slow. Produced in 2001, it took until March 2004 to be approved⁵⁷. Once approved by the Council, over 3 years' later, only 'cosmetic' changes to it were made. One interviewee commented that much information had been collected in the participatory process which went into preparation of the Plan, but it had not been followed up⁵⁸. WARPO, one interviewee said, had been active up to production of the Plan, but since the Plan was approved, less so⁵⁹. In Bangladesh, he said, 'follow-up by government is a common problem; people tend to switch back in their routines'. So much so that one expert thinks that the Plan is likely to sit on the shelf without being implemented (or not as a whole). Another person consulted said the Plan had unfortunately, because of this lack of follow up, become an 'academic exercise'. This suggests that changing institutional 'routines' requires maintaining non-governmental representation in the follow-up, or improving parliamentary scrutiny or media awareness.

Thirdly, WARPO is observed to have broad responsibilities without the corresponding authority to make it possible for it to exercise those responsibilities. Integration of the different clusters in the Plan was supposed to be the next step after its production and the persons consulted are looking to WARPO to promote this as part of its role - this is what they see as its 'clearing house' function. But, as one interviewee expressed it, 'WARPO's own creation has been negated by lack of capacity' (e.g. limited manpower and no presence outside Dhaka). So, in reality, said one person, through no fault of WARPO itself, it was 'toothless', without power to sanction⁶⁰. This was echoed by another person consulted who said, bluntly, that he thought WARPO was: 'a lame-duck': 'its mandate is very broad; to meet it, capacity-building at the roots is necessary and WARPO does not have the capacity to do that. To carry out its supposed role, it would need a mix of skills,

⁵⁶ The interviewees in question did not say whether there are any material differences in the manner of establishment or powers of these various committees.

⁵⁷ In part, because of review by the review committee and, in part, because of a change of Government.

⁵⁸ It is widely recognised that the Plan needs periodic review and updating. For example, the Plan pre-dated understanding of the full implications of the Millennium Development Goals and a new version of the Plan would need to be prepared to adjust the targets in the Plan to those in the MDGs. There will apparently be a review and update of the Plan in 2006.

⁵⁹ WARPO might reply that it has tried to be active as a clearing-house, but has been prevented from doing so.

⁶⁰ This assumes that WARPO indeed has a regulatory function, as well as its role as secretariat.

people from different professional disciplines, but in practice in WARPO 'there is nobody who understands, for example, inland water transport or WSS'. Currently, he said, most of the people at WARPO are from the Water Resource Ministry or ex-BWDP who have brought certain specific perspectives with them. WARPO suffers from a lack of resources and staff. It had problems attracting good people, said one person⁶¹. WARPO needs restructuring to be able to meet the needs of the different 'sub-sectors' in the water sector. WARPO was already in some respects a knowledge centre, but it should be a knowledge centre with a range of different disciplines.

Coordination

A key rationale for establishing national water sector apex bodies is 'to coordinate the many ministries, donors, financial organisations and non-governmental groups involved in the water sector' (Report of Hanoi Meeting, page 3). The need for better coordination of the water sector in Bangladesh is confirmed in the opinions of the persons consulted, and on paper: the National Water Policy explicitly states, on page 19, that: 'The governance and management of the national water resources require a great deal of coordination of existing institutions and, in some cases reform and creation of new community-based institutions... Accordingly, 'the Government will restructure and strengthen, where appropriate, the existing institutions to ensure that the agenda for reform and the action plan is implemented efficiently' (page 19).

In practice, the commonly held view is that not much coordination is happening. One interviewee commented that the Ministry of Water Resources and the BWDB 'go their own way'. One other senior observer of the water sector commented that in Bangladesh: 'The implications of the concept of IWRM are not yet understood. There is more than a lack of interest, there is a lack of awareness of the importance of better integrating the different parts of the water sector. People do not understand the 'connectivity' of water. The different aspects of the National Water Management Plan are dealt by with different agencies - without coordination of functions. It needs an institutional mechanism for dialogue'. That dialogue is 'absent' at local level and it is 'not happening very much' at national level (it is presumably the role of the NWR Council to stimulate such national debate). Another expert said he thought the clusters of 'programmes' in the Plan were a compromise between those persons who wished to list projects, and those trying to move away from a project-by-project approach. He also thinks that there is little coordination between the clusters of the Plan. And, in terms of possible *inter*-sectoral coordination, he also doubts whether other sectoral Ministries, beyond the water sector, like Public Health, will consider the Plan. As noted above, WARPO is supposed to promote such inter-ministerial coordination, but 'it does not have the power'. It seems that WARPO needs the political interest and support from above, e.g. the Council, which is precisely what is lacking.

Water Law

To improve coordination, several persons consulted recognise that a new water law is needed, to relate the activities of so many diverse water uses and interests. If IWRM is to be launched, one interviewee said, you need to frame laws and regulations to regulate different actors. If you did not, you would create a disaster, e.g. industrial pollution in rivers contaminating household water supply.

WARPO reports that a new draft national water resources law will be drawn up - the task has been started, but not finalised. The purpose is to bring together the provisions of more than 100 laws, including, WARPO states, legal provisions on WSS. The original idea had been to draw up a 'code' (an administrative instrument for approval by the Council), but the decision had been made by the Ministry of Water Resources to prepare a law for submission to the National Assembly. The draft would be progressed when WARPO had the funds to instruct a Bangladeshi

⁶¹ Especially during the period of the international consultancy project, where significantly higher remuneration was paid under the terms of that project.

lawyer as consultant. It would thereafter go to Council, before going through the parliamentary procedure.

In a country such as Bangladesh, the consequences of lack of integration in water management may be very significant. For example, one expert observed that the hydrological system around the city of Dhaka is very important for the carrying out of the three main functions of the mandate of the Dhaka city water authority (DWASA), namely water supply, sewerage (domestic and industrial) and stormwater drainage. Dhaka suffers from both stormwater and fluvial flooding. Management of the surrounding hydrological system is not within DWASA's control, so it relies heavily on other agencies responsible for water resource management to help it in the carrying out of its own mandate.

But the situation, said another interviewee, is that each organisation still tends to protect its existing domain, despite the fact that the whole point underlying IWRM is that 'water is for everyone'.

Such is the situation in relation to the WRM 'sub-sector' of the water sector. In contrast, it emerged from the interviews that in the WSS part of the sector major efforts are being currently made to effect reforms, including improving coordination. The Local Government Rural Development & Cooperatives Ministry, led by the Minister himself, is proactive and interactive. In line with the Millennium Development Goals, WSS has been made a political goal of government and the sub-sector is 'moving in a more or less successful way' (see further below). Why, then, in the WRM sub-sector are there problems of coordination? In answer to this question, one respondent pointed to the 'good deal of disagreement in the water resources management field'. A solution would be, he thought, to give power to basin level. But at present, there are no river basin committees in Bangladesh. This would seem to be a current major gap in water governance in Bangladesh: river basin committees, if carefully designed, could act as decentralised, mixed composition institutions which permit dialogue between government and civil society, on a regular basis.

Civil Society Involvement

As to the status of civil society participation in Bangladesh, the following are some comments from persons consulted during this study. First, NGOs attract considerable mistrust and criticism: - NGOs are 'urban people'; NGOs 'do not understand macro-issues'; they often lack clear legitimacy; for example, it is sometimes not clear whether NGOs who oppose big structural projects are expressing their own views or the views of outsiders.

Secondly, a question arises in relation to the degree of openness of government and real space for civil society participation. It has been seen above that there is little opening of space for participation in the National Water Resources Council and Executive Committee. In relation to preparation of the National Water Management Plan, as alluded above, it is commonly acknowledged that there had been broad consultation during its preparation. The positive outcome of this, according to one interviewee, is that: At least now there is some [government] understanding of stakeholders' concerns.

WARPO reported that the process of preparation of the Plan took 3 years, from 1999-2001. The process selected 28 districts (out of a total of c.70 in the country) and smaller administrative units within them; focus groups and other events were organised (including in collaboration with NGOs, benefiting from their networks) to hear people's water related issues and problems; the focus groups, WARPO notes, included 'farmers, fisher-people, small farmers, boatmen'; they asked people to prioritise their water issues. These workshops were summarised in 'background papers'. An expert consulted confirmed that workshops had indeed been held, with voices of local people and NGOs heard, organised by an NGO called 'Proshikha'. But, he continued, whilst people's comments had at the time been recorded, he and other interviewees doubted whether those comments had been taken into account in preparation of the final text of the Plan. Another expert echoed this, saying that this had been a case of local people making comments to an agency, then that agency going away without those local commentators knowing if/how the

comments have been taken into account. He conceded that managing such large consultative processes was 'difficult', but added that 'the process of preparation of the Plan had started with a lot of background papers which were made public, but when the Plan reached later drafts it was not evident how the text of the Plan was sourced in relation to that background information'. Another person consulted said that since publication of the Plan, it had unfortunately been 'business as usual'. Some of the projects in the Plan had anyway been operational before it, and there had since been no process of prioritising the programmes in the Plan.

The above situation contrasts with the WSS sub-sector, where, as one interviewee reported: 'Opportunities for civil society participation in WSS are good; for example, the government is planning with civil society organisations and the collaboration at central and local level is growing'. From this and other comments, it is clear that government and civil society organisations involved in WSS have, it seems, progressed further in defining civil society's mode of engagement - and both government and civil society have moved further towards partnership. One NGO officer commented: 'We favour dialogue with Government, since we do not want to parallel with government, and they are coming to understand how the roles of government and civil society are complementary'.

An example of WSS-related collaboration between a public authority and NGOs is that DWASA is working with NGOs, e.g. projects piloted with WaterAid and local NGOs, and to that end a Memorandum of Understanding (MOU) is being entered into for water supply to slum areas in Dhaka.

FINDINGS from the Bangladesh Case Study

The following are the findings from the national water sector apex process in Bangladesh:-

- the apex process, through WARPO, has provided some leadership in the water sector, as shown by production of the National Water Policy which set directions for water resources policy, and the support the apex process gave to the drawing up of the National Water Management Plan;
- the Policy and Plan are seen as positive steps towards reform in WRM, examples of how the apex process has strengthened the sector - at least on paper; the Plan included, in the first stages of its preparation, substantial participation by civil society which served to increase awareness of different stakeholders' perspectives on water management: the persons consulted clearly considered that civil society involvement had been important and productive in this respect; concerns are expressed, however, that the views of those at local level who took part in the participatory process were not reflected in the version of the Plan which was published, with no feedback to them; this would seem to be a manifestation of a wider problem as perceived by civil society representatives, namely of an institutional culture which is closed and rigid, with each individual government agency pursuing its narrow interests; the (so to speak) wearing of institutional 'blinkers' runs contrary to the spirit of integrated water resources management: although IWRM is acknowledged and increasingly accepted in Bangladesh on paper, it is not operational in practice;
- the opportunity presented by the Plan to link a wide range of water programmes (as documented in it) has, at least until now, been missed: in such follow-up as has occurred (thought to be limited by many persons consulted), there is apparently little evidence of coordination and integration of the different water management functions, i.e. the 'clusters' in the Plan 'do not talk to each other'; this points to a general observation that the effort to construct dialogue between government and civil society does not just stop when a plan has been produced or other task completed;
- the National Water Resources Council - the apex body - and its supporting Executive Committee, have not, it seems, applied their powers effectively to bring about greater coordination; thereby not contributing to strengthening of the sector; the 'space of participation' by civil society on the Council and the Executive Committee is *limited* - an 'invited space' which is in practice *confined* because debate and decision-making is taking place elsewhere, in other conventional 'closed spaces', e.g. within line ministries; this may have a negative effect on the motivation of civil society representatives to attend both bodies;

- WARPO, as secretary to the Executive Committee, and 'macro-level planner', is widely regarded as having made a useful contribution in its support to preparation of the Plan as well as data collection and management, but civil society interviewees highlighted what they saw as WARPO's lack of resources and capacity, as well as the inadequate authority from which it suffers, so that in practice it is unable to fulfill its (broad) mandate, with some confusion among different stakeholders as to what exactly are WARPO's role and responsibilities;
- an initiative to prepare a new national water law does not, at present, seem to be advancing;
- as noted above, a current gap in water governance in Bangladesh is the lack of river basin committees, which could act as decentralised institutions of mixed governmental and non-governmental composition, thereby permitting dialogue on a more regular basis; despite the importance of reflecting in institutional terms the 'connectivity' of water, an institutional mechanism for dialogue is lacking; such dialogue between government and civil society is little evident at local, basin and national levels; persons consulted spoke of distrust and lack of understanding between government and many NGOs, in both directions (at least in relation to water resources management);
- the WSS sub-sector of the water sector is currently experiencing a period of considerable policy-making activity and dynamism; it offers an example of good collaboration between water stakeholders, including in a high-level committee which is situated near the 'apex';
- as in Thailand, the interviews pointed to an example of a joint project, entered into by the public water authority in Dhaka (DWSA) with NGOs, as a modality of building practical working relationships and, it is intended, expanding water services to poor areas.

Water Supply and Sanitation in Bangladesh: a model committee?

As noted above, recent activities in the water supply and sanitation 'sub-sector' in Bangladesh indicate that this is, currently, an area of dynamic activity. Some possible explanations of why the WSS sub-sector is active were suggested by one person consulted: - the MDG targets for WSS which are especially high profile internationally, and have been prioritised in the (draft of the) national Poverty Reduction Strategy Paper (PRSP)⁶²; - the fact that urban and urban slum related issues are 'burning' in the country, e.g. with rates of growth of population in Dhaka very high (thought to be 5-6%); - links between lack of sanitation and disease are now recognised in the country; - there are many civil society organisations working on WSS (there are less working on WRM).

Among civil society organisations involved in WSS, there is a much more positive perception of high-level committees, which they do think can be useful as mechanisms for better sectoral coordination and collaboration, and for improving policy-making. An example of this is the National Steering Committee for WSS - an inter-ministerial committee, though at a lower level than the NWRCouncil. It is headed by a permanent secretary at the Local Government Ministry who attends some meetings - the impression is of high-level political commitment. There are also permanent secretaries of other Ministries, e.g. Water Resources, Planning, Information on the committee. Finally, sitting on the committee are representatives of civil society: research, NGOs (the NGO Forum), plus representatives of donors and the UN (UNICEF) - the inclusion of members representing international parties points to an alternative modality for using an apex body to strengthen the water sector. The proceedings of this committee are, it seems, relatively informal, subject to a set of working conditions. The committee reviews and approves draft policies and submits them to Cabinet. Despite not being chaired by the Prime Minister (as in the case of the NWRCouncil), it is politically influential. This National Steering Committee approved the 1998 National Policy on WSS. According to civil society representatives consulted, it serves as a good platform for presenting different perspectives, and for sharing information. In other words, this committee in the WSS sub-sector is a current working example of how government and civil society can collaborate in high-level policy-making.

⁶² None of the water resources management specialists interviewed mentioned the PRSP.

6. SRI LANKA CASE STUDY

Context

The interviews in Sri Lanka have revealed that the term 'Apex body' is not commonly used there. One reason is that the concept is not widely understood, and the term's usage is also considered by many to be problematic in the country context⁶³. The apex body⁶⁴ in Sri Lanka - the 'National Water Resources Authority' (referred to as the 'NWRAuthority' or 'NWRA') does not yet exist (see below). The Sri Lankan case study therefore focuses on civil society involvement in processes surrounding the development of a new water resources policy in Sri Lanka (1996-2000), and subsequent attempts to formally establish the NWRAuthority (2000 to-date).

Scope of Case Study

Comprehensive evaluation of design and functioning of water sector apex bodies is beyond the scope of this short study, but in the Sri Lanka case an understanding of the history of policy and institutional change in the water sector is essential to understanding the scope for civil society involvement. It is equally important to appreciate the social and cultural importance of water and the long tradition of water management in Sri Lanka⁶⁵ which shapes the agenda for reform⁶⁶.

History of Water Policy and Institutions

Attempts at water policy and institutional reforms have been ongoing since the 1980s with various forms of technical assistance ('TA') from external agencies⁶⁷. A Water Resources Board ('WRB') was established in 1964 with a broad mandate to advise on the formulation of national water policies, integrated water resources planning, river basin development and the prevention of water pollution. In practice, however, the WRB has been much more narrowly focused on hydro-geological investigations and the development of groundwater. In 1980, the Ministry of Irrigation, Power and Mahaweli Development drafted a Water Resources Bill which attempted to introduce a number of reforms. These were designed to promote more efficient water management, but the Bill was rejected due to insufficient ministerial support within the Cabinet.

Several interviewees trace the apex body *concept* back to the Irrigation Management Policy Support Activity (IMPSA) project of the early 1990s. The IMPSA project (1990-1992), although focused on irrigation, was the most comprehensive review of water management issues in Sri Lanka at that time. It produced a series of policy papers which variously refer to the need to formulate a Water Resources Master Plan and establish some sort of Central Coordinating Council (CCC) to oversee WRM. A subsequent more detailed assessment was undertaken by the National Planning Department (1992-94) with ADB Technical Assistance, and while the concept was not entirely new the actual *term* 'apex' body appears to have been used for the first time in Sri Lanka during this period.

This ADB-funded comprehensive study of WRM in Sri Lanka recommended a range of policy and institutional reforms (Mosely et al, 1994). The rationale for reform was clearly stated. There are around 50 different pieces of legislation and 40 different agencies dealing with water in Sri Lanka, but these are mostly sector-focused and poorly coordinated. At the same time there is evidence of growing water problems (relating to uneven distribution of resources, degradation and pollution, changing patterns of demand and inter-sectoral competition for water) and the need to establish effective mechanisms for allocation and regulation. The institutional strengthening component (Birch & Muthukude, 2000) recommended establishment of three new institutions, namely the National Water Resources Authority, the Water Resource Council ('WRC') and the Water Resources Tribunal ('WRT'), to oversee the formulation of a new water policy and coordinate its implementation - see **Figure 3** which follows.

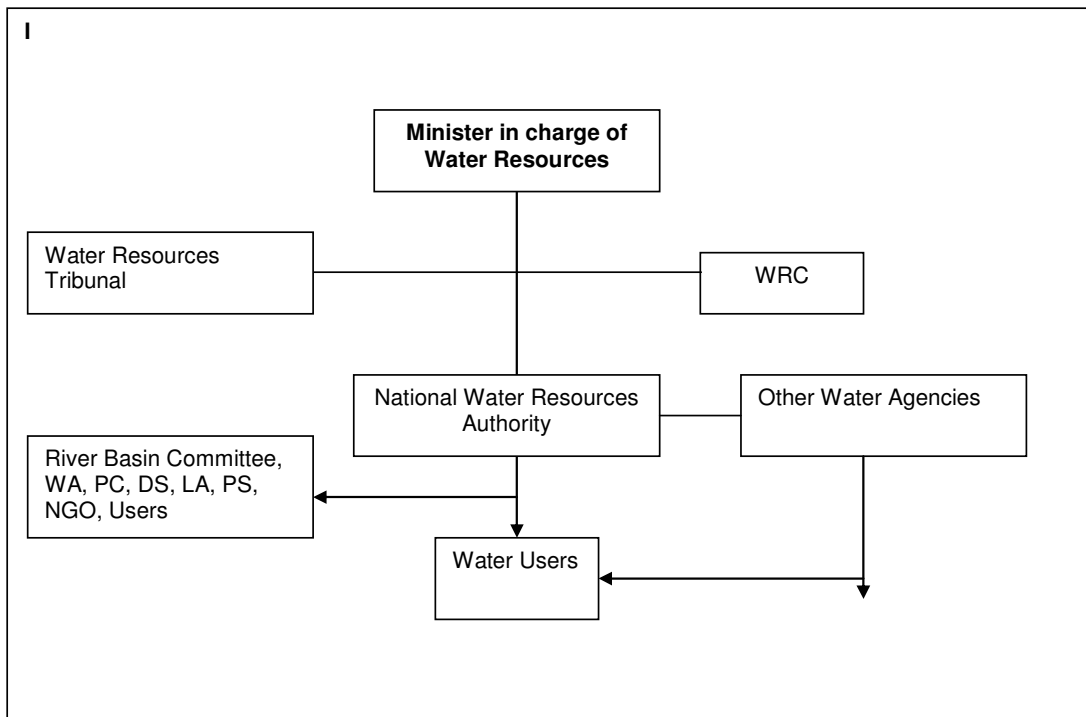
⁶³ Apex implies a hierarchical relationship with other water institutions which is currently contested (see later).

⁶⁴ The concept of an Apex body was formally introduced in policy in 2000.

⁶⁵ Which apparently dates as far back as a Kondawatuana inscription in the 10th century A.D.

⁶⁶ Sri Lanka is proud of being one of the oldest hydraulic civilisations and a major criticism of the new policy has been its failure to acknowledge historical and cultural perspectives.

⁶⁷ Interviewees emphasised that current political resistance to water sector reforms dates back over two decades.



The three entities are

conceived as parallel bodies, with the NWRAuthority as the apex body in the water sector, responsible for coordination, planning, regulation, and monitoring of water resources in the country. The NWRAuthority's intended functions include: - formulation of policy proposals; - river basin planning and catchment management; - issuing of bulk water entitlements; and - monitoring and enforcement. The WRC functions as a permanent high level coordinating and advisory body, whereas the WRT operates as an independent appeal tribunal for parties affected by water entitlements administered by the NWRAuthority. River Basin Committees are to be created by NWRAuthority in selected river basins for the allocation of entitlements. The proposed National Water Act would legally formalise these arrangements.

Interviewees suggest that there was broad support for the idea of separating service delivery (i.e. irrigation, water supply and hydropower etc) and resource management functions, and establishing an independent body to oversee the latter. There was understandably some resistance to the proposed reforms among existing water institutions, but high level political support came from the President as the Ministry of Finance and Planning which at that time came under the President. A Cabinet paper was subsequently passed in 1996 on Institution Building and Capacity Development for Integrated Water Resources Management (Birch & Muthukude, 2000) enabling the formal establishment of the Water Resources Council (WRC) and a Water Resources Secretariat ('WRS'). The basic idea was that the Water Resources Council should oversee the development of a new water policy and legislation by the Water Resources Secretariat. Interviewees noted that while there was much discussion of the new arrangements among existing water institutions and sector professionals, there was relatively little interest or debate within the media at that stage.

Composition of the Water Resources Council

The WRC initially comprised the entities referred to in **Box 10**.⁶⁸:-

Box 10. Composition of the Apex Body (WRC) in Sri Lanka

⁶⁸ It is important to note that the names and/or portfolios of different Ministries have changed several times since 1994 (see Box 13 for a summary) with changing administrations. These changes have had significant impacts on the functioning of the Council (see below).

- 7 Ministerial Secretaries: Irrigation, Mahaweli, Urban Development and Water, Environment, Power and Energy, Fisheries, Agriculture;
- Heads of relevant line agencies: Irrigation Department, National Water Supply and Drainage (NWSDB) Board, Mahaweli Authority (MA), Central Environment Agency (CEA), Ceylon Electricity Board (CEB);
- NGO representatives; and
- private sector representatives; and
- representatives of farmers' organisations.

The WRS was composed of around ten technical staff (seconded) from line agencies⁶⁹. WRS (with TA from ADB) was essentially tasked with developing the water resources policy and institutional recommendations. To this end, the WRS conducted a series of stakeholder consultations between 1996 and 2000 around the development of a new policy. WRS subsequently drew up a new policy along with institutional arrangements for its implementation - National Water Resources Policy and Institutional Arrangements, Water Resources Council & Secretariat of Sri Lanka, April 2000 - which was approved by Cabinet Ministers on March 28th 2000.

Water Resources Management Project

ADB then provided funding for a *project* designed to take the new policy forward. The Water Resources Management Project (2000-06) was designed to:-

'Improve the management of water resources in Sri Lanka. It will support the implementation of policy and institutional reforms that the Government has recently approved, which include setting up a new apex body, the National Water Resource Authority (NWRAuthority). The project will build capacity in the NWRAuthority to fulfil its mandate of managing the country's water resources and establishing working linkages with key partner agencies in the water sector. Capacity will be developed through practical exercises to resolve existing conflicts in three river basins. Infrastructure to improve water resource management will also be constructed under the project.'

(Source: ADB project document, 2000)

The Water Resources Secretariat, as the existing precursor of NWRAuthority, was identified as the interim executing agency pending formal creation of the NWRAuthority following passage of the National Water Resources Act in Parliament. At the time the ADB loan was agreed in June 2000, it was anticipated that the Act would follow swiftly from approval of the Water Policy⁷⁰ but to-date the Act has not been passed and hence *the NWRAuthority or apex body has not yet been established*.

Furthermore the policy and institutional arrangements for implementation of the Water Policy have both subsequently been contested⁷¹ (see below). The WRS, which has continued to try and implement the project (ADB funding has more recently been suspended, in June 2004), is sometimes referred to as the Interim National Water Resource Authority (INWRA) but without the Act it currently has no legal authority⁷².

The Interim National Water Resource Authority is nevertheless the closest thing there is to an Apex body in Sri Lanka and therefore forms the primary focus of this study.

Phases of the Apex Process

As the above historical summary indicates, there are two phases to the 'Apex process' in Sri Lanka:-

- a) Pre-2000 development of the current (contested) Water Policy and institutional recommendations;
- b) Post-2000 attempts to promote the Water Policy and establish institutional arrangements for its implementation.

Pre-2000 Phase

⁶⁹ The personnel at the Secretariat changed several times between 1994 and 2000, with individuals from different line agencies exerting various degrees of influence, but it remained a primarily technical body staffed by water sector professionals. The composition changed after 2000 with the introduction of the ADB project (see below).

⁷⁰ The project document is based on Cabinet approving the draft legislation by 31 May, 2001 and NWRA being established and functioning by 31 December, 2001 at the latest.

⁷¹ Several interviewees argued that long term *processes* of policy and institutional reform cannot, and should not, be 'projectised' in this way.

⁷² Indeed legal experts have suggested that any attempt by the Water Resources Secretariat to implement the Water Policy could be subject to a legal challenge.

The 'space' for civil society⁷³ participation in the process of developing the new water policy was reportedly well-defined, but, with the benefit of hindsight, interviewees identified a number of weaknesses in the process which may have contributed to the current situation where the resulting policy and institutional recommendations are contested. It is widely acknowledged that the first ADB TA ('Institutional Assessment for Comprehensive Water Resources Management') helped to establish the foundations for policy dialogue on IWRM issues. Local consultants involved in the assessment report that intensive consultations with existing water agencies were required to overcome initial doubts and fears, but eventually succeeded in 'making the case' for change, and generating consensus around the 'logic of reform', at least among sector professionals⁷⁴.

In 1995, the government accepted a seven point 'Action Plan' designed to initiate policy and legal reform and institutional strengthening. Establishment of WRC/WRS followed as a direct result of this, and became permanent under the legislation of 1996 (Cabinet paper). Interviewees noted that the reform initiative continued to enjoy high level political support at this stage. The composition of the WRC was reportedly broadly representative of civil society interests: originally 16 members including 7 secretaries, plus heads of line agencies involved in WRM i.e. Irrigation Department and Mahaweli Authority and 7 others representing private sector, farmers, NGOs⁷⁵ and academia).

WRC operated a revolving Chair among the ministries represented on the WRC and at that time was generally considered (by government and NGOs alike) to be an effective forum for consultation between different sector interests. Persons consulted report that NGO members were allowed an opportunity to talk, but meetings were generally conducted in English and that meant that farmers' organisations were often unable to follow proceedings. Summary sheets were sometimes produced in Sinhalese, but participants report that this was not consistently practiced. This had the effect of closing the 'space for participation' to some representatives of civil society, from the 'grass-roots'⁷⁶.

WRS became the implementing agency for the second ADB TA (Institutional Strengthening for Comprehensive Water Resources Management) and at that time reported to the Council on a regular basis (approx every 3 months).

WRS initiated extensive country-wide consultations on the development of a new water resources policy with the help of local consultants. WRS staff list around 79 meetings held between 1996 and 2000⁷⁷, and, although detailed proceedings were generally not documented, they apparently achieved good geographical coverage⁷⁸ including national, provincial and district level and involved a wide range of different stakeholders at each level.

It is important to note that the concept of civil society engagement in decision making remains quite new in Sri Lanka. NGOs consulted noted that government dominates the policy process and while NGOs are tolerated they are generally not taken seriously. Bureaucrats consulted argued that NGOs are often unwilling or incapable of constructive engagement in policy processes. Interviewees agreed that civil society is not as strong as in other countries, with a widely held attitude being that: 'you vote for the politicians and then leave them to make (the right) decisions'.

However, in the aftermath of the launch of the new policy in 2000, many claimed that the consultation process had been inadequate (see below). Interviews with stakeholders help shed some light on the reasons why the resulting policy and institutional recommendations are now being contested:-

- *Who was invited?* WRS officials reflect that it is not just a question of how many people you talk to, but who you talk to. Because it was not widely publicised in the media the consultation relied heavily on NGOs and local authorities to identify relevant stakeholders. As a result the range of interests represented in any given meeting varied (some were very good, others not so good). Local consultants involved point out that it is 'difficult to get a perfect sample'. Generally, participants appear to have been selected according to who had relevant information to offer. Someone somewhere had/has to make a decision on whom to invite and this depended/s on what the

⁷³ The term 'civil society' is used here in its broadest sense to refer to private sector, trade unions, academics, NGOs, producer organisations - and the media. Detailed analysis of the particular characteristics and functioning of civil society in Sri Lanka is beyond the scope of this study.

⁷⁴ The fact that the Institutional Assessment was led by the National Planning Department, i.e. independent of the water ministries, appears to have been a key factor in mediating between and reconciling sector interests.

⁷⁵ Water Decade Services (Community-based water supply NGO) and EMACE (environmental pollution NGO) and two federations of farmers' organisations.

⁷⁶ It was not stated by interviewees how WRC members were selected/appointed.

⁷⁷ A total of 173 consultations to-date, April 2005.

⁷⁸ With the exception of conflict-affected areas (north and east).

local authority/NGO thinks the policy is about. Interviews suggest that some of the discussions were inaccurately advertised (either inadvertently or intentionally).

- *Who speaks for or represents civil society?* As noted above, levels of awareness and/or interest in policy issues are generally low in Sri Lanka. The consultation identified 14 big NGOs and their associated networks, but these were frequently described in interviews as 'Colombo-based' and/or 'Colombo-educated' implying that they do not really speak for the grassroots. The Sri Lanka Journalists Forum (SLJF) was centrally involved in national level consultations. SJF represents a network of over 200 NGOs nationwide, but others question how well information flows within such networks. ADB provided some seed money (8,000 Rs) to assist/incentivise district level NGOs to engage grassroots stakeholders in consultations, but uptake was reportedly limited.
- *What is their interest/objective?* Interviewees agreed that meetings tended to be dominated by environmental NGOs and community-based WSS NGOs, but others e.g. farmers' organisations (who are less well represented in Colombo) were less vocal. Observers question how far the NGO agenda is really a local or national agenda, or rather part of a bigger international agenda⁷⁹. This raises the issue of how civil society organisations employ, and share, 'space for participation'.
- *What do we mean by consultation?* The meetings reportedly had a dual role. WRS officials regarded information collection and awareness raising as the primary functions. NGOs, on the other hand, complained that the basic tenets of the policy were presented as a *fait accompli*, developed by experts and therefore themselves not subject to discussion, i.e. that decisions on policy had been made in other 'spaces' which were closed to a large part of civil society. A perceived strength of the process was the large amount of information gathered, but it is argued that this was at the expense of genuine dialogue around the nature of the problems and the range of different policy options for addressing them.
- *Overly technical and fragmented.* Interviews suggest that consultations were dominated by sector professionals. Expert consultations involving academics, e.g. Institute for the Advancement of Science, were generally well received by academics consulted. However, several participants described the approach as 'information harvesting', with information flowing one way only and a lack of feedback afterwards. A key problem noted by independent experts was the fragmented nature and narrow focus of many meetings e.g. groundwater experts. Several participants complained that they were 'asked about their opinions on the different ingredients but never on the whole cake'.
- *Transparency and language issues.* With the benefit of hindsight it is widely agreed that there was inadequate opportunity for public discussion of the final policy document before it went to Cabinet. Draft sections for discussion at workshops were generally only available in English. Local language versions were made available at later stages (following complaints in the media), but major difficulties arose in translating some of the central concepts (e.g. entitlements) into local language. Furthermore, unusually, full details of the policy were never actually published in the media prior to its approval by Cabinet. All of this led to a growing feeling that the policy was being 'pushed through too fast' and fuelled conspiracy theories and accusations of foul play later on (this comment on the pace of the participatory process points to the fact that 'space for participation' surely needs to be considered in terms of time, as well as composition and proceedings of committees/fora). Interviewees noted that although there was broad agreement on the need for a new policy at that time, there was insufficient understanding of what policy reform would mean for real people in real places and how the principles of water management espoused in the document could be effectively adapted to the Sri Lankan context.

The above suggests the consultation process was inadequately thought out and planned. This is corroborated by the personal experience of one civil society leader who was invited and accepted in April 1996 to participate in the Apex body/secretariat, and did so in a consultative role in relation to the water policy and the ADB-supported project for 3 years until 1999. This person has reported: 'The consultation could certainly have achieved better results had it been designed in a more 'scientific' manner, including the participatory methodology'. The methodology design, s/he believes, should itself have been subject to discussion with community leaders and other 'change agents' drawn not just from amongst academics and researchers, but also from other parts of society, in order to generate more acceptance from the outset. S/he says that, although there were some opportunities for her/him to voice views on behalf of her/his organisation at the meetings arranged by WRS for consultation of civil society, in practice there was not space to participate meaningfully on technical aspects, because there was insufficient time to consult technical colleagues and feed-back their technical inputs. S/he adds, however, that these were 'pioneering days of civil society

⁷⁹ Resistance to Water Sector Reforms has been presented in NGO and media circles as part of a broader struggle against processes of 'globalisation'

engagement in making of water policy in Sri Lanka, so that overall s/he feels that, at the time, during the pre-2000 phase of the Apex process, WRS made a reasonable first attempt at the challenge.

Nevertheless the policy was approved in early 2000, although to-date full details of the policy have never been published in the press.

Post-2000 Phase

Box 11. summarises nine guiding principles of the 2000 Water Policy (source, WRS (2000)).

Although the policy exists on paper there have been several changes of government since 2000, each of which initiated action to reformulate the national water resources policy. To-date that exercise is still underway⁸⁰.

Box 11. Guiding Principles of the 2000 Water Policy in Sri Lanka

- a) water as a basic need for all living beings;
 - b) water resources as public property owned by people but managed by government as a trustee;
 - c) water as scarce good with economic, social, and environmental values;
 - d) water management under decentralised and participatory decision framework;
 - e) agreed basis for cost sharing among stakeholders;
 - f) high priority for water supply and sanitation;
 - g) river basins as a basis for planning, managing, and implementation;
 - h) recognition of water rights as basis for water allocations and transfers within national priorities;
- and
- i) integrated treatment of surface and groundwater.

Civil Society Involvement - surrounding the Water Policy in Sri Lanka since 2000

2000 was an election year. Elections were held in December 2000 and articles started appearing in the (opposition) media in late 2000 questioning the Water Policy - the process of its preparation, and its content (and suggesting hidden agendas⁸¹). There followed considerable agitation focused mainly on the issue of water pricing for irrigation and tradable water rights or entitlements. WRS staff attribute this mainly to 'lack of understanding and/or fear of loss of authority among existing institutions'. Nevertheless it clearly reflected a generally increased politicisation of the issue. Civil society groups who had apparently not been part of the pre-2000 consultations surfaced. Although the Water Policy had come out in March 2000, several NGOs complained that copies were only made available in November, and then only in limited numbers⁸².

Detailed analysis of the Water Policy is beyond the scope of this study but Gunaatilake & Gopalakrishnan (2002) provide a useful analysis of its major elements and the validity of public reactions and critiques. They highlight genuine concerns over the feasibility of applying concepts such as water pricing and tradable water rights, given current implementation capacity constraints, but note that many of the concerns and suspicions of civil society groups relate to inadequate consultation during the process of policy development. The NGO leader cited above has commented that, because of the inadequate thought and planning put into the consultative process, it had generally a negative impact in terms of perceptions and attitudes of many community representatives and members.

A brief review of web and published material shows that the sophistication of civil society critiques varies enormously. While some reveal a strong understanding of the issues and challenges faced in reforming water policy, others reflect considerable confusion over what the policy is designed to achieve. It is important to note that civil society groups are themselves divided over many of these issues, and NGOs consulted reported a number of major rifts, e.g. between the Environmental Justice Network ('EJN')⁸³ and SLJF. WRS staff note that it is very difficult to respond to multiple and often contradictory critiques. Interviewees indicated that following an initial period of intense opposition and disengagement during 2000/01, there followed a period of more constructive dialogue.

⁸⁰ WRS staff estimate that there have been approximately 25 different drafts since 2000.

⁸¹ The policy has been presented in certain sections of the media as part of a conspiracy by the World Bank and other international donors to exploit Sri Lanka's natural wealth. WRS staff refute this and counter that WB, ADB, FAO and DGIS have been providing invaluable support to water sector development since the 1960s.

⁸² 300 copies only.

⁸³ The Environmental Justice Network based in Colombo represents a loose network of around 800 NGOs operating at different levels (including consumer groups, trade unions and farmer organisations in rural areas).

It is generally agreed that the Apex body did not deal with opposition to the policy very well, largely because by now it was working to a project logical framework, whereby the objective was not to revisit established policy, but to strengthen institutional arrangements to implement it. WRS staff were thus reluctant to enter a new round of consultations and there was no formal mechanism to engage civil society groups in continued dialogue post 2000. Growing pressure⁸⁴ eventually forced the WRS to set up ad hoc arrangements for further consultation. A series of workshops were held in Colombo where WRS attempted to establish a more constructive dialogue with policy critics. WRS staff note that civil society organisations fell into two categories, i.e. those who rejected/reject the policy wholesale (i.e. an oppositional mode of engagement) and those who were interested to improve it (proposing, as well as opposing). The latter were invited to present their arguments to WRS. Participation was thus limited to a relatively small 'core group' of self-selecting 'interested NGOs' who tended to be Colombo-based. Holding consultations after publishing the policy is clearly unsatisfactory. Some NGOs accuse WRS of launching an 'ex-post public relations exercise' and adopting a 'sticking plaster approach' which does not address more fundamental concerns: 'Rather than trying to fix a bad document, maybe it would be better to start again?'. On the other side, some academics accused WRS of trying to appease everyone and thereby losing sight of the principles and objectives underlying reforms. One interviewee said: 'This sort of political tinkering does not have my support as a water sector professional'. There is a widespread perception among such professionals that WRS/WRC is not strong enough to 'champion reforms' and manage sectoral interests.

Interviewees also revealed a number of more specific concerns over the 'Apex process' since 2000:-

- *Policy intent unclear.* Interviewees on all sides agreed that there had been a widespread failure to understand the purpose of the new water policy and the intent of the new water law. This relates partly to language which is arguably 'too legalistic and not operationally understandable or workable' and therefore perceived as threatening by bureaucrats tasked with its implementation. 'Too much information, not enough explanation' was a common observation. Some of the terms used are considered inappropriate or simply do not translate into local language. To-date, key concepts such as 'bulk water' remain inadequately defined. There exists no concise definition of what the new policy is trying to do/achieve and as a result WRS staff have struggled to defend it⁸⁵. Interviewees note that there has been a general failure to explain, for example, why water rights are important, why they are needed and (crucially) how end users will benefit: 'It is not a bad policy, it is just badly framed and couched in the wrong terms'. This has contributed to a widespread perception that it is being imposed from outside. 'The same policy may have succeeded if it had been home grown'. Another common criticism is that there is no clear timeframe for its implementation, or indication of how reforms will be prioritised/sequenced, and what opportunities exist for non-government stakeholders to engage in piloting and monitoring.

Issues relating to the ADB project. While there was broad agreement in 2000 on the need for a new policy, there was arguably less agreement on the need for a new apex body; but at that time the Government was already negotiating with ADB for the WRMP. It is important to note that the project has two different components: Part A is about policy and institutional reforms for WRM, but Part B is a large infrastructure project to construct a barrage to secure drinking water supplies for greater Colombo. As a result those not directly involved in 'the ADB project' perceived it to be primarily about water supply rather than water management. The major stakeholder for Part B is NWSDB, and the Irrigation Department was apparently not involved in project negotiations with ADB⁸⁶. Loan approval was conditional on ratification of the draft water act by the WRC. The process was thus expedited to secure the loan. Media reports subsequently questioned whether due process was followed. Nevertheless the project went ahead but the Act itself was never actually passed. In 2001, additional staff were appointed to WRS to service the project as per the agreement with the ADB. This included three Directors: Policy and Planning, Field Services, and Legal and Administrative Services and a Director General - see the **Figure 4** below showing the **Organisation Chart of the INWRA**.

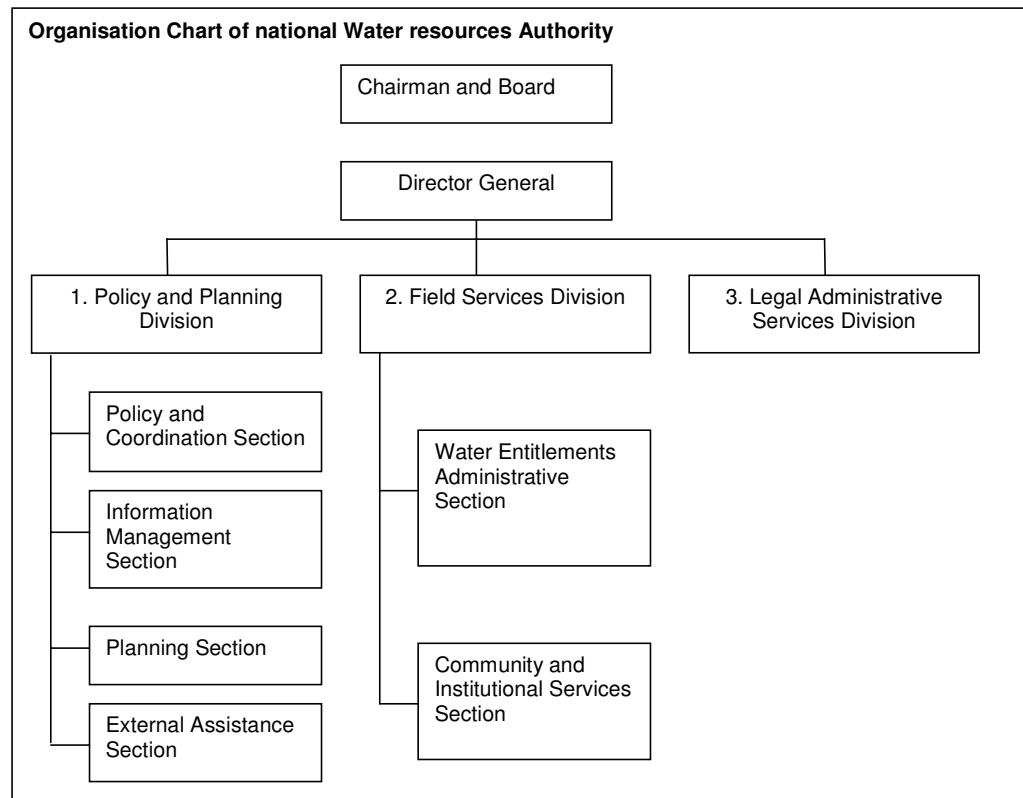
- *Changing nature of WRS relations with WRC and thus other Ministries.* Independent experts noted that once WRS became the executing agency for WRMP, it was no longer working under guidance of WRC but rather working to a project logframe. In 2000, WRS was reporting to WRC every three months, but this gradually decreased to the point where WRS would convene WRC rather than the other way round. Members of the WRC noted that the Council became increasingly 'sidelined' and 'disenfranchised' between 2001 and 2004: 'Increasingly the tail was wagging the dog'. Several interviewees observed that while the WRS functioned well prior to 2000, it subsequently became 'consultant heavy' and 'project driven', and questioned the

⁸⁴ A series of demonstrations against the new water policy were held across Sri Lanka during 2001/02.

⁸⁵ Very few current WRS staff were directly involved in the pre-2000 process of policy formulation.

⁸⁶ This contributed to problems later on as sections within the Irrigation Department opposed the WRM reform component and in particular the establishment of an Apex body.

appropriateness of external donor support to institutions (which have minimal costs) which can create power imbalances within the sector.



- *Loss of independence and neutrality* (both perceived and real). Another key factor in the changing relations between the Apex process and others was its relocation from the Ministry of Finance and Planning. In 2001, the WRC and WRS were brought under the purview of the Ministry of Irrigation and Water Resources Management and therefore, instead of reporting to the President, began reporting to the Ministry of Irrigation. Responsibility for the Apex body then shifted again with subsequent changes in government - see **Box 12**. In April 2004 a third major water related ministry was established, in addition to the two which already existed.

As noted above, high level political support had been key in driving the process up to 2000, but the President was reportedly concerned that, given other commitments, the Department of Planning lacked the capacity to continue and so handed it to another Ministry⁸⁷. Various interviewees noted that the WRS was thus no longer independent, but became an 'appendage' of the Ministry to which it was attached, subject to the same internal communications and unable to speak/act without prior approval from the secretary⁸⁸. Others noted a further danger of Ministerial personalities and rivalry⁸⁹ coming into play and affecting objective functioning of the council which requires a strong neutral chair. According to interviewees these changes in ministerial ownership decreased the 'convening power' of the WRC and compromised its neutrality. This combined loss of independence and high level political support meant WRS/WRC effectively became, as expressed by one interviewee, a 'lame duck'⁹⁰.

Box 12. Ministerial 'Ownership' of the Water Sector Apex body in Sri Lanka

⁸⁷ Independence of the Apex body was not a condition of the ADB loan.

⁸⁸ Interviewees recalled similar problems affecting the functioning of the Council of Agricultural Research Policy which was also perceived to have been dominated by one ministry.

⁸⁹ In Sri Lanka rivalry not only exists between the ruling party and opposition, but also between political parties within ruling coalitions. Political instability has been a significant obstacle to progress in water policy reforms.

⁹⁰ Frequent changes in government personnel and ministerial portfolios means the composition of the WRC is constantly changing and consequently has limited institutional memory, requiring the WRS to explain many of the issues from scratch each time it met. This reportedly resulted in a lack of continuity in the reform process.

1996 – July 2001	Ministry of Finance and Planning (WRS under Dept. of National Planning)
Aug 2001 – Oct 2002	Ministry of Water Resources Management and Irrigation
Oct 2002 – Jun 2003	Ministry of Irrigation and Water Management
Jun 2003 – Apr 2004	Ministry of Water Management
4 th Apr 2004 to-date	Ministry of Mahaweli Development, River Basin and Rajarata Development

Source: the interviews during this study.

- *Growing political opposition.* Sectoral interests threatened by the proposed water policy and institutional reforms gradually aligned with political interests and mobilised against it. This resulted in rather unlikely coalitions of NGOs and political parties. Several interviewees emphasised the poor quality of media reporting in Sri Lanka and close links between political parties and the media. WRS staff keep a whole ream of newspaper clippings and copies of speeches by politicians relating to the policy, many of which are partially or wholly inaccurate in their presentation of facts⁹¹.
- *Constructing dialogue:* WRS concluded that something needed to be done to ensure more constructive dialogue. As opposition grew, they commissioned a study on Public Perceptions of Water Policy (2002). The study was completed by the Agricultural Research and Training Institute-ARTI, Colombo University and the University of Peradeniya, and revealed generally low levels of awareness at all levels, even among quite senior government officials, and a particular failure to reach the grassroots. ARTI studies of farmers' perceptions showed that farmers' primary source of information on water policy is politicians, and second most important was the Irrigation Department. These studies concluded that *the process of consultation leading up to 2000 had been inadequate*. In particular, WRS had failed to harness the media.
- *Redrafting:* Civil society groups report involvement in a series of ad hoc meetings and workshops to redraft sections of the policy between 2001 and 2004. This was generally by invitation. Some feel deliberately excluded. Others report having to 'gate-crash' meetings initially, but later establishing themselves as part of a core trusted group (a 'created space?'). WRS note that there have been approximately 25 different drafts, but a much smaller number have been shared beyond WRS.
- *Effort to raise awareness:* The activities of the Apex body are ultimately constrained by political priorities of changing administrations. The last big push to champion the reforms was by then Prime Minister in mid-2003 and subsequently the secretary to the Ministry of Mahaweli and River Basin Development. WRS launched a public awareness campaign in 2004 designed to raise awareness and engage critics in more constructive dialogue. Posters, TV programmes, talk shows/debates and a whole series of meetings was planned to raise awareness. Awareness raising materials were carefully adapted to different audiences and key policy principles illustrated using cartoons and reference to the history and culture of water management in Sri Lanka. Unfortunately the campaign was shelved at the last minute due to political sensitivities surrounding the 2004 elections.
- *Political changes:* In April 2004, there was another change in government and work on the national water policy was suspended pending guidance and direction from the new government. The WRC and WRS were moved to the new Ministry of Mahaweli and River Basin Development by Presidential decree. A further revised version of the water policy surfaced in December 2004 following a series of closed door consultations, but failed to get Cabinet approval. Recently, the President has reportedly set up a task force to expedite the reform process.

⁹¹ The resulting heightened political sensitivity effectively precluded genuine constructive dialogue on the issues surrounding water policy. As an interim body WRS has neither the capacity or authority to engage in high level political processes.

FINDINGS from the Sri Lanka Case Study

The following are the findings from the example of the apex process in Sri Lanka:-

- interviewees note that although the reform process has not been smooth, there has at least been some progress; it is, however, difficult to ascertain how far the Apex has helped: it is generally agreed that the apex *concept* is sound, but it is thought it will only work if it has legal authority and everyone is represented (including civil society widely);
- the water resources secretariat (WRS) is credited by persons interviewed as having made progress in piloting apex processes: interim mechanisms for coordination, consultation and conflict resolution are in place; however, ultimately these are not legally enforceable, and interviewees perceive therefore that the Apex body is a 'toothless tiger';
- the apex process previously functioned quite well, but requires continued high-level political support if it is to improve coordination within the sector and among sectoral interests; in this connection, there are limits to what can be achieved with an *interim* body. As noted above, the WRS currently has no legal authority to fulfil its intended functions. There are important questions as to whether a new organisation of 30-50 staff (including administrative support) can fulfil the apex role and coordinate bigger well-established water institutions⁹²; ultimately the apex body has to prove itself capable and gain the respect of sector stakeholders at all levels;
- nevertheless, the interviews indicate that there is value in the WRS: as an independent body it has been invited to participate in and contribute technical inputs to numerous policy processes e.g. recent debates on sand mining. Some interviewees noted that the fact that it still exists (despite suspension of project funding) demonstrates that it has an important role to play;
- important questions surround how the WRS maintains independence and neutrality: its staff are ultimately public servants and cannot speak/act without the sanction of politicians;
- it should be noted that institutional strengthening, while necessary, will not be sufficient on its own. Experience shows that public awareness is key. Water is a fundamentally political and cultural issue, and reform requires genuine broad-based dialogue. To-date the approach in Sri Lanka has been to get politicians' approval first, prior to going public; this approach has, however, not worked - instead it has led to confusion and suspicion which has 'deadlocked' the process;
- NGOs consulted noted that, in some ways, the controversy over the water policy has brought people together. There are very few NGOs working on water issues and most deal with technical aspects e.g. pollution rather than policy issues. However, civil society remains generally divided and relations with government are strained. There is some interesting experience of improved dialogue between civil society and government in other sectors, e.g. the Energy Forum, but it is unclear whether this can be replicated in the water sector. Linkages between civil society organisations in the water sector mostly remain personal/informal rather than formal/institutional e.g. through networks;
- water issues are undoubtedly back on the agenda in Sri Lanka which is arguably positive. There seems to be greater awareness and interest among NGOs, academics and even government officials. However, the issue of reform is highly politicised. WRS feel that media reporting has effectively 'poisoned' public perceptions, that the process of consultation has been 'hijacked by troublemakers' and that civil society involvement is often somehow 'not genuine'. The argument against is simple and appeals to the sensationalist media. The argument for is more complex to articulate. To-date there has been a lack of informed broad-based debate on these issues;
- independent experts note a number of broader questions over the appropriate role for the apex body, should it ever be established. There is certainly a role to play in setting policy and coordinating the sector⁹³, but it is unlikely to be able to regulate and enforce implementation other than through existing institutions. There are major capacity issues here and questions about sequencing reforms to fit with Sri Lanka's current socio-economic development. It would arguably be better to focus on incremental administrative approaches to

⁹² The Irrigation Department, for example, is over 100yrs old and approximately 6000 strong

⁹³ Useful comparisons can be drawn with the Central Environment Agency. Environment is a concurrent subject (central and provincial). The CEA can set standards and guidelines, but these are enforced by the most appropriate (existing) institution.

implementation rather than top-down attempts to impose new legislation. The process should not attempt to duplicate local jurisdiction, but rather provide technical support and guidance centrally to assist people to make their own decisions locally;

- finally, several interviewees noted that in some ways the process in Sri Lanka is 'back to front' because the water policy has been drawn up with insufficient attention to the capacity of existing institutions for implementation. It is essential therefore to pilot some of these reform ideas incrementally through existing institutions and generate broad-based civil society support via 'demonstration effect'. This requires a more flexible, less top-down approach and a long-term commitment to the process of reform.

5. FINDINGS from the three case studies

Establishment of Apex Bodies⁹⁴

There is support in principle in all three countries for the concept of a high-level umbrella body in the water sector. In Sri Lanka, the name 'apex' is, however, contested where it is considered by many to suggest that the apex process is intended to be hierarchical and 'top-down'. Different mechanisms can be used to establish apex bodies. For example, by executive order of the Prime Minister - in the case of the apex body in Thailand; by act of parliament - in the case of the secretariat to the apex body in Bangladesh.

Proceedings of the Apex Bodies

The comments of persons consulted on the details of the proceedings of the Apex bodies in the three countries - on the way their proceedings are conducted - indicate that the meetings of the apex body have been infrequent (and irregular) (in the case of Sri Lanka, since 2000) and that little real debate on water policy has taken place within the apex body - the policy agenda tending to be captured by major ministries. In Sri Lanka, the fact that the apex process has been contested (e.g. opposition to the water policy) has stimulated much debate 'around' the apex body.

Leadership in Water Governance: accomplishments of Apex Bodies

Whilst it is difficult to assess exactly what the three Apex bodies have achieved, in each of the three countries new water policies or plans are attributed to them: in Thailand and Bangladesh, production of the National Water Policy, in Bangladesh, the National Water Management Plan also, and in Sri Lanka, the water policy which was drawn up by the water resources secretariat (although a *perception* in Sri Lanka is widespread that this policy was drawn up by outside consultants).

Coordination and 'Integration'

A key rationale for establishment of umbrella or 'apex' bodies is that they will benefit from high-level political support, and on this basis be able to push forward a reform agenda. One important element for reforming and strengthening the water sector is promotion of coordination between different agencies - for more 'integrated' water resources management. The persons consulted in Thailand and Bangladesh did *not* consider that the apex body/process has perceptibly increased *intra*-sectoral coordination, integration within the water sector, for example, between WRM and WSS. In Sri Lanka, it is still early to assess the apex process on this basis. In all countries, there seems to be a risk that establishment of an apex secretariat may have the undesired effect of giving rise to another element of institutional rivalry and complexity in the water sector: in other words, the question arises of how many levels or 'storeys' there are to the 'apex body' and what is the value-added of each?

There are examples in the three countries of partnerships between government and civil society organisations in the form of joint working on specific projects or tasks - this may be a useful practical means of establishing greater understanding and changes to culture on both 'sides'.

As to *inter*-sectoral coordination, this has largely not been addressed at in the three countries (not a preoccupation of those interviewed). The river basin committees offer a possible opportunity to promote inter-sectoral coordination, but, in all three cases, it is premature to assess whether they are succeeding or likely to succeed in that regard (see below).

Civil Society and its Involvement in (i) Apex processes (ii) other sector processes

Perceptions of what constitutes 'civil society' may differ within a country, and from country to country, as well as of who are legitimate representatives of civil society (including who are selected as representatives and how they are selected). In all three cases, the extent of participation of civil society in the Apex body has been *limited* - the 'space for participation' has been in practice *confined*. Many civil society representatives consulted feel they have not effectively been invited to debate on important principles of water policy. This currently limited space for participation accorded to civil society is summarised in **Box 13**.

Box 13.

CURRENT STATUS OF SPACES FOR PARTICIPATION in Apex bodies and processes in the three case study countries

⁹⁴ In Thailand and Bangladesh, the water resources apex body has existed for some 15 years, with supporting secretariat; as described above, the circumstances in Sri Lanka have been substantially different.

	National	Decentralised
Closed or Provided Spaces - decisions made by a set of actors behind closed doors, without any pretence of broadening the boundaries for inclusion.	No real policy debate in Apex bodies; decisions currently taken in conventional institutional spaces	Development of basin/local fora not completed
Invited Spaces. - in which stakeholders are invited to participate by government institutions and agencies	Despite some efforts to open policy debate, invited spaces which exist in Apex committees and councils are currently limited/confined	How will civil society be represented in river basin committees?
Created/Claimed Spaces. - by government and/or citizens	As yet, few examples of innovation...	... e.g. joint projects

In Thailand, this caused some NGOs to decline to participate in the apex body, with the result that they are placed, or perceived as being placed, in opposition. In Sri Lanka, groundwater experts made available their expertise, but were not shown the bigger picture: they consider that they contributed to production of ‘ingredients’ of the cake, but not the cake itself.

‘Participation’ is not the same as consultation, whether it be the type of ‘information harvesting’ referred to above in Sri Lanka, or the fact that, for example, in Bangladesh, the civil society representatives expressing views at consultative workshops did not know whether and how those views had found their way into the final version of the National Water Management Plan, because of the lack of feedback and referencing of background materials. This means in practice that wherever civil society participation has occurred (to the limited extent this has happened to-date), its impact on the way apex bodies have functioned and behaved has tended, unsurprisingly, to be relatively limited, up to this point⁹⁵. A number of possible reasons for the limited space for participation accorded to civil society have emerged in this study, including factors such as: the relative novelty of the concept of participation of civil society, an unfavorable culture of government, the predominantly oppositional mode of some NGOs etc (the last, arguably, being exacerbated by the two former factors).

Other Lessons from Apex Experience

This study has confirmed some lessons of apex experience suggested at the Hanoi Meeting, with further insights emerging from these three case studies, as follows:-

- sustained political commitment is needed to advance water reforms: the experience of the apex bodies in the three case study countries has been that the political interest and support has been present at times, but variably and inconsistently; the degree of political commitment required in order to modify the configuration of existing interests in the water sector may be substantial, e.g. over questions of priority of allocation (or re-allocation) of water resources for different uses; it is not clear that political support at or above the apex has in practice succeeded in shifting the relative influence of sectoral interests (an exception is perhaps the creation of the new ministry in Thailand); a closer assessment of that would need to look at future implementation of policy; an important issue arising from the experience in Bangladesh and Sri Lanka is: *who exactly is convening whom?* Is the Committee/Council convening the ministries and other members, or the

⁹⁵ As alluded above, it is not the purpose of this study to re-examine the underlying premise that participation is useful - or, some commentators would argue, essential - for gathering support for institutional reform and ensuring successful project implementation.

secretariat and the ministry convening the Committee/Council, i.e. in what direction is the impulse for water reform being transmitted? also, more fundamentally, the role of civil society and its representatives as credible and legitimate political actors needs to be developed.

- an apex body requires a clear /lega/ mandate: in Thailand, some commentators propose modification of the form of the apex body in order to clarify its mandate, and thereby to strengthen civil society representation; in Bangladesh, the (broad) mandate of WARPO as secretariat to the apex process is (in present circumstances) unclear in certain key respects, and the authority of WARPO is widely thought not to be sufficient to enable it to fulfill this mandate; in Sri Lanka, the necessary steps to formalise the establishment of the apex body have yet to be completed, some 8 years after the beginning of the apex initiative.
- an apex body should not be perceived as a *threat* to other agencies with legitimate water-related functions: the evidence suggests, that whether or not the apex body or process is perceived as a specific threat, key water-related line ministries may use the apex body/process to advocate their existing sectoral interests, e.g. in Thailand and Bangladesh; as alluded above, there is criticism that apex secretariats in two of the three countries have insufficient authority, that they are 'toothless'; as such they are unlikely to pose a threat, but open to criticism as being ineffectual: can it be both ways? institutional rivalries aside, a key factor in the achieving by apex bodies of acceptance from other agencies will surely be whether it is considered to be *capable* of fulfilling functions (including taking over some functions), i.e. as well as authority, it must have adequate capacity;
- according to the Hanoi Meeting an apex body should be *neutral*: the apex body has to be 'housed' somewhere and its attachment to a particular ministry means it will be difficult for it to be able to maintain its image of neutrality; in both Thailand and Bangladesh it is part of the water ministry and not, it seems, perceived as independent of it; in Sri Lanka, the apex secretariat has changed its institutional home three times - an indication of changing political circumstances and relations;
- *decentralisation* of certain water management responsibilities will give increased ownership at local level: in relation to water resources management, a key element of strengthening the 'sector' will be the establishment and operation of decentralized river basin committees; in all three countries, the process of putting into operation of the river basin committees is still to be completed; it will be important to complement increased civil society participation at or close to the 'apex' with such participation in these basin committees at basin and sub-basin level.

6. CONCLUSIONS: towards strengthening future CSO participation

Progress has been made in focusing attention on the role of community participation in water governance.

The question arises how the quality and extent of space for policy debate, the invited and created spaces between apex bodies and civil society, may be improved in the future?

Conclusions from this study are - in summary - that CSO participation in apex bodies could be strengthened by:-

- **Interpreting spaces for participation:** opening the discussion in each country on which water debates and decisions should be conducted in which type of space in the future;
- **Debating the principles of water policy and management:** re-engaging disaffected sections of civil society. Many of the concerns and suspicions of CSOs related to gaps in consultation during the process of key policy development;
- **Building understanding and trust:** as one Thai commentator noted, referring to a successful local consultation, *'After the initial difficulty of convincing government officials of the merits of CSO participation and CSO representatives of the importance of their engagement, the workshops proceeded and communication channels were opened so that participants were willing to learn from each other'*;
- **Initiating working collaborations:** developing collaborations around specific water projects and tasks contributes to building mutual trust;
- **Institutionalising CSO participation:** for achieving good CSO participation, apex committees (and river basin committees) should be composed of equal (or other defined) proportions of government and non-governmental representatives, with opportunities for civil society to choose its own representatives, based on selection processes, which provide legitimacy.

Practical steps proposed by WaterAid for improving the spaces for CSO participation in apex bodies are set out in **Figure 5.** below.

Figure 5. Improvement of Spaces for Participation in Apex Bodies

Spaces for Participation	National level	Local Level	What CSOs can do to improve the space
Closed/provided spaces	<ul style="list-style-type: none"> - Invite wider CSO representation to apex body - Improve information dissemination of decisions to different sectors, for example via an email list, government gazette, or through CSOs and media, using local languages - Produce an annual report of the progress of work of the apex body, in local languages - Create a website as an information source on the work of apex body, and invite contributions from interested stakeholders on specific issues - Circulate the agenda and schedule of meetings of the apex body to different sectors and encourage submissions of evidence relevant to the agenda items - Make the submissions accessible to others via a website 	<ul style="list-style-type: none"> - Invite CSO membership within for example a river basin agency/ies (RBAs) - Disseminate information on RBA meetings through local agencies - Establish a schedule of RBA meetings and inform interested stakeholders 	<ul style="list-style-type: none"> - Interested CSOs can jointly monitor decisions made by the apex body or RBA and disseminate information further, especially to groups likely to be affected by decisions - Regularly provide feedback on information provided by the apex body/RBA - Produce research-based evidence and perspectives of affected communities for submission to the apex body/RBA meetings to inform debate on specific agenda items - Establish a cooperative working relationship with the apex body or RBA secretariat office (or executive agency) to serve as conduits of information between the apex body/RBA and CSOs - Establish link and relationship with identified members of the apex body who can serve as such conduits of information - Apply to provide briefings on the impact of decisions, policies on people on the ground to the apex body or RBA when it meets or mail short briefing notes to apex body/RBA members - Offer to take apex body/RBA members to see project sites or communities
Invited spaces (people are invited to participate by authorities)	<ul style="list-style-type: none"> - Hold one public, multi-sector meeting, for example, an annual forum or water conference linked to one regular meeting of the apex executive - Create 'expert commissions' to investigate specific problems and propose solutions. The commissions can conduct public hearings - Where technology allows, combine the use of websites with actual conferences and forums to enlarge the number of people that participate in the consultation exercises 	<ul style="list-style-type: none"> - Hold a municipal conference on key water issues for resolution (for example, conserving the local water environment, water pollution, etc) - Make the municipal conference or forum a regular feature of the RBA calendar - Invite local media /radio to feature stories on local water resource and service issues 	<p>See above. In addition:</p> <ul style="list-style-type: none"> - Assist apex body, RBA or municipal agency in organising forums to ensure space for CSO perspectives - Ensure the quality of people's input into participatory monitoring and evaluation and impact assessments by improving people's understanding of processes and the value of these exercises - Offer to assist by taking forward activities under participatory monitoring and evaluation and impact assessment

Invited spaces (continued)

- Hold closed-door meetings with representatives of different stakeholders to discuss their views and proposals. The meetings can later become regular, and be a standard part of the apex process
- Assess the impact of apex body decisions (policies, projects) in a participatory way, incorporating perspectives of affected people/communities through participatory M and E and impact assessment
- Use the local media and local radio to disseminate information on apex body decisions and invite feedback through phone-ins
- Identify common issues that government, CSOs and private sector want to see resolved and conduct a multi-stakeholder consultation exercise on options to address these issues
- Undertake joint assessments or fact-finding missions with CSOs and other interested stakeholders
- Host a public debate in the local media on these issues
- Conduct visits by RBA members to sites that show extent of the problem, or showcase solutions to problems
- Undertake joint activities (forums, research, implementation projects, awareness-raising activities, etc) with CSOs and other local stakeholders to address contentious water issues in the locality
- Offer to assist by acting on recommendations that can be addressed by people and communities themselves and report any progress to the apex body/RBA
- Work with national and local media to highlight the issues being addressed by the apex/RBA
- Organise delegations of community representatives to visit the apex secretariat and/or members, and RBAs
- Assist in preparing community representatives to make good use of the space for participation
- Propose joint research, awareness-raising or implementation project activities with apex body/RBA

Created/Claimed spaces (people create autonomous spaces, independent of government)

- Offer to meet with CSO organisers within their created/claimed spaces, to dialogue and exchange information or views
- Make available official information to spaces created by CSOs and other stakeholders.
- Offer to meet with CSO organisers within their created/claimed spaces, to dialogue and exchange information or views.
- Make available official information to spaces created by CSOs and other stakeholders.
- Invite apex body/RBA representatives to provide information and participate in CSO-created spaces
- Where official representatives are not available, invite members of the apex body/RBAs to participate in CSO-created spaces
- Provide information and formal feedback to apex body/RBA on outputs or outcomes from created spaces
- Provide informal feedback to individuals within apex body/RBA secretariats and members on outputs or outcomes from created spaces
- Lobby for joint projects with apex body/RBAs to address specific issues of concern.

ANNEX 1

CASE STUDIES: LISTS OF PERSONS CONSULTED

** denotes a person who sits, or has sat, on the Apex body

THAILAND

Ms Sawanee Sukhotu

Director, Bureau of Mass Promotion and Coordination, Department of Water Resources
Ministry of Natural Resources and Environment (MONRE)

Ms Potchana Auengpaibul

Policy and Plan Analyst
National Resource, Environment, Science and Technology Office
Office of the National Economic and Social Development Board

Mr. Chatchai Boonlue

Director, Foreign Financed Project Administration Division
Royal Irrigation Department, Ministry of Agriculture and Cooperatives

Dr. Apichart Anukularmphai **

President
Water Resources Association

Dr. Amnat Wongbandit **

Associate Professor, Faculty of Laws,
Thammasat University, Bangkok

Mr Wilas Techo

Director Rural Development Bureau
Population and Community Development Association – PDA (includes WSS activities)

Dr Samrieng Mekkiengkrai

Associate Professor
Chulalongkom University, Bangkok

Mr Surapon Duangkhae **

Secretary General
Wildlife Fund Thailand

Dr. Sawaeng Ruaysongnern

Associate Professor, Faculty of Agriculture
Khon Kaen University

Ms Rewadee Presertcharoensukh

Director, National Office of the National Coordinating Committee of Non-Governmental Organisations on Rural
Development (NGO-CORD)

Mr. Krailert Taweekul **

Formerly of Population and Community Development Association - PDA
Now at Faculty of Agriculture, Khon Kaen University

BANGLADESH

* denotes a person who sits, or has sat, on the Executive Committee to the Apex body

** denotes a person who sits, or has sat, on the Apex body

Mr. H.S Mozaddad Faruque **

Director General, Water Resources Planning Organization-WARPO (Secretariat to Executive Committee of the Apex body), Ministry of Water Resources

Dr. M. Feroze Ahmed

Professor of Civil/Environmental Engineering
Bangladesh University of Engineering and Technology – BUET

Mr. A.N.H Akhtar Hossain

Managing Director,
Dhaka Water Supply and Sewerage Authority – DWASA

Mr. Hasnat Khandaker

Programme Officer – Advocacy
WaterAid Bangladesh

Mr. S.M.A Rashid

Executive Director
NGO Forum for Drinking Water Supply and Sanitation

Mr Ainun Nishat *

Country Representative
IUCN Bangladesh

Mr Qazi Kholiquzzaman Ahmad **

Chairman
Bangladesh Uynnan Parishad - BUP

Dr. A.K.M Jahir Uddin Chowdhury **

Professor, Institute of Water and Flood Management
Bangladesh University of Engineering and Technology – BUET

Mr. Q.I. Siddique **

Chairman
Bangladesh Water Partnerships (BWP)
together with **Reba Paul**, Executive Secretary, Global Water Partnership, South Asia

Mr. M.D. Shahjahan

Principal Scientific Officer, Head of the Socio-Economic Planning Division
Water Resources Planning Organisation–WARPO, Ministry of Water Resources

SRI LANKA

Eng. K.R. Neil Bandara, Acting DG & Mr. Ananda H. Jayaweera, Director/Field Service, WRS

Mr Wijayapala

Additional Secretary, Ministry of Mahweli, River Basin Development and Rajarata Development

Mr. Ranjith Ratnayake

Consultant

Sri Lanka National Water Partnership

Mr. Nanda Abeyawickrama

Chair-South Asia

Global Water Partnership

Mr. S.M.S.B. Niyangoda

Advisor/ President, Secretary,

Ministry of Mahaweli and River Basin Development and Rajarata Development (2001); Member of Regional Water Partnership South Asia

Mr. Hemantha Withanage

Environmental Scientist

Executive Director, Centre for Environmental Justice

Professor N.T. Sohan Wijesekera

International Center for Geoinformatics Applications and Training (ICGAT)

University of Moratuwa

Ms Ruana Rajepakse

Attorney-at-Law and Legal Consultant

Mr. K.S.R. de Silva

Director General, Irrigation

Dr. Vishaka Hidellage, Country Director and **Mr. Ranasinghe Perera**, Consultant

ITDG South Asia

Mr. M.M.M. Aheeyar

Research Associate,

Agricultural Research and Training Institute, ARTI

Mr Palitha Muthukude

Chief Executive Officer/Team Leader

Resource Management Consultants

Mr. E. Abeyrathne

Executive Director

EMACE.

ANNEX 2

LIST OF REFERENCES

- ADB (2001), *Water for All: the Water Policy of the Asian Development Bank*, www.adb.org/water/policy
- ADB (2004), *Report of the Meeting, First Regional Meeting of National Water Sector Apex Bodies: Leadership in Water Governance*, Hanoi 18-21 May 2004 (including Country Papers)
www.adb.org/Water/NWSAB/firstmeeting
- ADB (2000), *Water Resources Management Project* (2000-06),
- Birch A. & Muthukude P. (2000), *Institutional Development and Capacity-Building for IWRM*, Report proposed under the Western River Basin Sector Project, TA 3030/SRI of the Water Resources Council and Secretariat, Sri Lanka;
- Commonwealth Foundation (1999), *Citizens and governance: civil society in the new millennium*, The Commonwealth Foundation, London
- DWR (2003), *Department of Water Resources and its Role in Thailand's Water Management*, Bureau of Mass Promotion and Coordination, DWR, Government of Thailand
- Brock, K. Cornwall, A. and Gaventa, J. (2001), *Power, Knowledge and Political Spaces in the Framing of Poverty Policy*, IDS Working Paper 143
- Cornwall, A. (2002), *Making Spaces, Changing Places: Situating Participation in Development*, IDS Working Paper 170.
- Costa, L. M (2003), *Activist Intellectuals: Scholar-NGO interfaces in Thailand's Civil Society*, Asia Source, Social Issues, www.asiasource.org/asip/costa.cfm
- Furugganan, B. (2002), *Bridging Local Needs with National Realities through Participation: a study of bridging leadership in Thailand*, Synergos Institute in cooperation with the Asian Institute of Management
- Gaventa, J. (2003), *Towards Participatory Local Governance: Assessing the Transformative Possibilities*, www.sed.manchester.ac.uk/events/participation03/Gaventa
- Goetz, A.M. and J. Gaventa (2001), *From Consultation to Influence: Bringing Citizen Voice and Client Focus into Service Delivery*, IDS Working Paper 138
- Government of the People's Republic of Bangladesh (1999), *National Water Policy*, Ministry of Water Resources, Dhaka, January 1999
- Government of the People's Republic of Bangladesh (2001), *National Water Management Plan*, Ministry of Water Resources, Dhaka, December 2001
- Government of the People's Republic of Bangladesh (1998), *National Policy for Safe Water Supply & Sanitation, Water Management Plan*, Ministry of Local Government and Cooperatives, Dhaka, 1998
- Government of the People's Republic of Bangladesh (2004), *'Unlocking the Potential: National Strategy for Accelerated Poverty Reduction (draft)*, General Economics Division, Planning Commission, Dhaka, December 2004
- Gunatilake M.H. & Gopalakrishnan C. (2002), *Proposed Water Policy for Sri Lanka: the policy versus the policy process*, International Journal of Water Resources Development 18, pp. 545-562
- GWP (2004), *Status of IWRM and Water Efficiency Plans of GWP-South Asia Countries*, Global Water Partnership, South Asia, February 2004
- Holmes and Scoones (2000), *Participatory environmental policy processes: experiences from the North and South*, IDS Working Paper 113, Institute of Development Studies, UK
- Mosely P. et al (1994), *Comprehensive Water Resource Management in Sri Lanka: draft strategic framework and action plan*, June 1994;
- Nanayakkara, G. (1996), *Study on Water and Water Related Institutions in Sri Lanka*, December 1996
- Narayan, D., Chambers, R., Shah, MK & Petesch, P. (2000), *Voices of the Poor: Crying Our For Change*, Washington, DC, World Bank
- WARPO (2001), *National Water Management Plan, Development Strategy*, Ministry of Water Resources, Dhaka, June 2001
- WARPO (2004), *Quarterly Bulletin*, Issue no 7, September 2004.