

FIRST DRAFT – WORKING DOCUMENT

PARTICIPATION OF THE USERS IN SUSTAINABLE BASIN MANAGEMENT

Contribution to the OECD Water Governance Initiative

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□ - INVOLVEMENT OF THE CIVIL SOCIETY : A REQUIREMENT FOR BETTER WATER MANAGEMENT

The experience that has been acquired for several decades, regarding water management, emphasized the need for an institutional association of the "civil society" inside mechanisms of decentralized water resources management, in order to allow an optimum and adapted meeting of growing and diversified needs.

Indeed:

- administrations and public bodies in charge of water management must decentralize their actions, while relying on partnerships that enable a real participation of Local Authorities and users' representatives (households, farmers, industrialists, fishermen,...) in decision-making;

- improving public or collective services, such as drinking water supply, sanitation or irrigation, will only be possible if mechanisms are set up for recovering costs from the users. This will only be accepted by the users if they are given the guarantee that water is of good quality, services are permanent, management methods are transparent and that they will participate more and more in management;

- decision-making will have to become progressively democratic everywhere, widely opening possibilities for expressing counter-opinions, in order not to sink into theoretical and fruitless debates, and have an independent and sound expertise capacity and access to transparent and complete information;

- many needs will not be met by way of the traditional channel of Public Authorities but by individual or community field initiatives, which will not necessarily be spontaneous and will imply adequate skills and know-how.

- water saving, preventing wastage, protection of the aquatic ecosystems, pollution control, imply the initial awareness-raising of all the users and thus the inhabitants, especially children and in many countries, the womenfolk;

- an important part of the installations and development is carried out by the riverside property owners or individual users, whose combined initiatives do not necessarily correspond to the general interest, in the absence of a global policy to the elaboration of which they would have been associated.

□ - **THE CIVIL SOCIETY :**
AT THE CROSS-ROADS OF INSTITUTIONAL STEPS
AND SUPPORT FOR DEVELOPMENT

• On one hand, there is the impetus given by bi- and multi-lateral Cooperation Agencies and by Governments to set up some institutions and procedures to allow for global and integrated management of water resources, which are based on:

- a partnership with the local communities and the users, associated more and more with decision-making, particularly within new Basin organizations,
- some contradictory instruction procedures of the projects and the authorizations.

It is then absolutely essential for the Authorities to be surrounded by interlocutors who are sufficiently informed and competent, to be capable of assuming the role which is expected of them.

A widely spread movement does exist, towards the decentralization of the State's role in the organization of water supply and sanitation services to municipalities and of the tasks of collective irrigation to irrigation users' communities: this will require that they become real managers of "industrial and commercial services" and thus acquire quickly a good knowledge of techniques and management to assume their responsibilities.

• On the other hand, there are the field efforts displayed by the Public Authorities and Non-Governmental Organizations, aimed at the most un-provided for, in remote rural areas or Underprivileged urban areas, in order for them to have access -through education and the appropriate organizational methods- to health care, to a minimum of essential services, to the development of activities, in the sectors of agriculture and fishing, in particular.

There again, it is with the support of the Local Authorities, village communities and local associations that one can obtain positive results, some of which, are very spectacular.

Whatever the method of approach, it is clear that improvement of the quality of services related to water, the development of the principle of integrated management of the resources aiming at optimum satisfaction of the needs and simultaneously, preventing pollution and rehabilitating the environment and the aquatic ecosystems, will not be possible unless organizational systems are created in order to federate interests and initiatives which could, along with the Public Authorities, introduce and impose legitimate and representative interlocutors in order to:

- give a stimulus to the ideas and disseminate them,
- thwart bureaucracy,
- ensure also direct responsibilities, without expecting all the solutions to come from elsewhere.

That implies the existence of local people in charge, and the forming of teams of volunteers or professionals, which intervene in the procedures, organize and manage the new structures and the projects they generate, with all the required know-how.

□ - WHICH MEANS FOR THIS STRUCTURING ?

Evolution of this kind should be axed on three priorities:

- **training and awareness-raising campaigns**, especially for those who will have to share or assume decision-making in the field,
- **access to information**, which implies both :
 - the possibility of access to the data and to the files, to understand and to analyze them,
 - the need for appropriate dissemination, through the media and the educational systems, of knowledge which is essential to understand, decide and act.
- **structuring of the initiatives**, within competent and representative organizations which can become capable of gathering the interested partners, of speaking on their behalf and of representing them in the procedures, of developing their own capacities of expertise and expression and themselves, be the supports for collective actions.

That implies fundamental, thorough work which entails considerable time and efforts and which must be canalized by modern vectors for support, co-ordination and intervening, requiring important means of organization, information, professionalization and action.

The established fact shows that even today, the means are still provided mainly through the aid for development channels organized by the NGO's which often, because there is no other alternative, are limited to "small" programmes which are isolated one from another.

The "important means" from Public Aid to Development and the Authorities are concentrated primarily on the investments, leaving only a minor place - even if recent evolution can be observed - for specialized education, institutional organization, means for a real user partnership-association and the appearance of Local Authorities.

However, rapid progress could be made if the awareness of the "facilitating" role of the "Civil Society" improved, if the necessary means were assigned to really enable its involvement.

Thus, the necessary means must be mobilized:

- **to constitute integrated information systems related to water,**

- **to develop the capacity of decision-making in this sector :**

- elected officials of the local communities,
- people in charge of the village communities and cooperatives of irrigation users, of fishermen, ...
- representatives of the industrial branches and economic activities linked to water (tourism, fishing ...)
- executives of non-governmental associations/organizations (expertise training ...).

- **to encourage the creation of representative organizations**, in providing the possibility for them to benefit from the know-how and the means which are necessary for participating to public water management policies and for creating the appropriate legal structures, search for the financing, manage the budgets, lead the projects, have access to information, communicate, etc ...

- **to raise awareness and educate all the actors on the principle of sustainable management of the water resources.**

All these actions can be classified under the term of «social engineering»

□ - INSTITUTIONAL ORGANIZATION FOR USERS' PARTICIPATION

All direct or indirect users should be involved, in one way or another, in the decision-making process, so far as they are concerned.

❖ Who is a "User"?

- A "user" utilizes water (industrialists, electricity producers, farmers, population...).
- The users may be participants in organizations which represent their interests.
- This notion can be extended to people using water for recreational purposes (fishermen, leisure, tourism, etc...) and to associations for the protection of nature or of general interest.

❖ Why involve the users?

Acceptation and thus the feasibility of a long-term project and its successful completion require the following steps:

- approval of project objectives,
- sharing of the long-term vision,
- definition of priorities,
- getting the human, technical and financial means necessary to achieve the objectives.

An active participation of the users is the best means to solve possible conflicts on water use: "Dialogue is the beginning of wisdom".

❖ Which official framework for dialogue?

A framework for dialogue should take into account the impact of the decisions to be made. The more ambitious the project, or far reaching, the more widespread dialogue should be. On the contrary, a project of local interest will need a more reduced and precise dimension.

Dialogue must be organized in the most decentralized way possible while taking local constraints and specificities into account.

In a general manner:

- The extent of public participation in all decision-making processes must be unanimously approved.
- Representatives of local elected officials, communities and of all users concerned must participate in the works regarding the formulation of master plans for water development and management, priority action plans, projects..., with the help of specialists from the Administration and specialized consulting firms.
- Information must be clearly distinguished from dialogue. In the first case, the administration shares information with the public, it is a one-way process. Dialogue implies a two-way process: the administration listens and takes the formulated comments into account.,
- The public participation process must be accessible to a wide range of people concerned: it is an open process that takes the diversity of the interested parties into account (representativeness),
- NGOs, when they are well established in the field, can become efficient partners in programmes involving an active participation of the population.
- The comparison of different points of view amongst reflection groups is the fount of progress towards an integrated vision of water resources,

Of course, at the conclusion of this information and association process, the final decision is left, at adequate level, to the competent Public Authorities, subject to the eventuality of recourse before the jurisdictions.

The organization of such procedures is relatively expensive for preliminary studies, dissemination of documents, meetings, travelling, exhibitions, for experts and animators: **it is essential that the corresponding budgets be foreseen.**

The approach to integrated management of water resources through river basins offers a favorable context for this participation within the Basin Committees for the important rivers, and the Local Water Commissions, for their tributaries.

□ - INFORMATION IS ESSENTIAL

In order to attain an overall management of water resources, at river basin level in particular, it is to be emphasized the prime importance for decision-makers (Directors of River Basin Organizations and Administrations, Basin Committee members, representatives of the Local Authorities and associations of users), and usually for all the users and the population, to have easy access to complete, representative and reliable information on the following :

- the state of surface and groundwater resources, from both a quantitative and a qualitative viewpoint, also the seasonal and yearly variations,
- land uses and the development of activities,
- the situation concerning biotopes and the aquatic ecosystems and their degrees of sensitivity,
- water uses (withdrawals), in particular drinking water supply for the population or irrigation for the farmers,
- pollution sources (discharges) whether point or non-point,
- the risks of recurring extreme phenomena such as floods or drought and accidental pollution,
- investment programmes and costs for water harnessing.

...and, in a general manner, to have access to studies, documentation, information on experiments and the availability of services and equipment, etc...

But this information is often dispersed, heterogeneous and incomplete ... and is not always comparable and adapted to the prerequisites for objective decision-making and awareness raising. Moreover, it is a fact that public, para-public and even private organizations can have access to this information but lack of sufficient means for exchanging, gathering, standardizing, summarizing and for capitalizing it amongst them or for its dissemination to other people interested...

In each situation and considering all the national and local characteristics, special attention should be paid to the organization of documentation centres, of monitoring networks and data banks, to their financing and operation, as well as to a suitable role for specific basin organizations as compared to other possible stakeholders.

It is absolutely necessary to examine:

- the nature of useful information,
- the means used for collecting, monitoring and analyzing, as well as for controlling the quality of data produced, of their transmission (in real-time, when necessary, for major risks forecasting) and for their storage,
- forms in which information should be made accessible to decision-makers (data banks, reports, maps, diagrams, ...) or to technicians and scientists,

- broadcasting and dissemination means (tele-processing, publications, diffusion to the general public, ...),

❖ **Real and complete « systems » must be designed, used and organized to constitute « global observatories ».**

The exact definition of each participant's role as well as of the issue of financing and its sustainability is of prime importance.

Gathering this information, requires a complex and consistent organization of monitoring networks, analyses laboratories, data transmission and their checking and monitoring, management of data banks, their accessibility and their “ products ” and a documentation management, etc. For this, permanent means must be made available and their optimizing ensured, in order to obtain at minimum public cost, all the relevant information, limiting this however, to the strict necessary.

It should be pointed out that investment costs for obtaining appropriate information (monitoring stations, laboratories, tele-transmission, automatization, studies and research ...) are high.

Moreover, the qualification of intervening experts (training) and operating costs are, by far, the most important and recurring items of expenditure in the medium and long-term.

Thus, it appears unreasonable to invest without ensuring positive means for the optimum and continuous operation of the systems over a long period of time which, of course, requires substantial, appropriate and sustainable financial resources.

It is important to avoid using excessive sophistication relying on advanced technologies instead of reflecting on a sound organization and straightforward solutions that usually are the most efficient.

Information systems only operate when skilled operators are in charge.

❖ **Moreover, if the information is to be useful, it must not remain in the form of raw data, but be retrieved in the form of easy-to-understand data which can be handled by all the different categories of users.**

Information should be organized according to requirements, whether it be for the study of a “white book ”, master plans for water management and development, for action programmes, budgetary simulations or the basis for water charges, for delivering administrative authorizations or studying projects, for regulation of public works, warning systems or even for evaluating the results of applied policies and monitoring the environment, finally for informing the general public ...

If it is generally considered that Public Authorities must be the contracting authorities for documentation centres, monitoring networks and associated information systems and that from then on, access to them must be open and free for the various users. However, due to additional costs for processing and circulating the information, it would appear quite normal that the processed data be paid for when the people making the request can afford it.

❖ **In addition, if the data are to be utilized, they must be made available in the most appropriate forms.**

It is clear that the information is not meant to remain confidential.

On the other hand, it does not always arrive at its destination.

- Most of the water studies throughout the world are to be found in the "corporate literature" format, available as unique reports which are more often than not non-referenced and never published.
- Many data bases can only be consulted on-site, on the premises of the organization which manages them.

It is necessary to facilitate the access to information and to organize its dissemination according to the most appropriate techniques in order to reach the various "targeted-publics".

It is interesting to have recourse to professionals of media and to use the information relays such as the elected officials, civil servants, professional or associative leaders, journalists, teachers, animators, etc ...

The broadcasting and dissemination means must be budgeted because they are often as expensive as those for the production of information (printing, mailing, multimedia broadcasting, exhibitions, events, etc ...).

Some mass communication systems can be very efficient.

❖ **Common standards must also be defined to gather the comparable information produced by different parties** in order to organize real observation systems at the level of national or transboundary river basins and to centralize the summarized information necessary for formulating governmental policies and for informing the public.

Information systems for shared rivers and aquifers would be improved by being designed in a global and consistent way on the watershed scale, within the framework of agreements between riparian countries.

It is then necessary to:

- consider that setting up complete information systems, corresponding to the above-mentioned specifications, is a prerequisite,
- clearly define which institutional bodies are responsible for the permanent organization and operation of such systems,
- guarantee not only sufficient means for corresponding investments, but also the compulsory financial techniques which will secure their long-term operation,
- encourage the development of means and specific engineering proficiency in this field,

- support the works that aim at defining common standards and nomenclatures for data or documentation management in order to exchange, compare and summarize the information between partners at all relevant observation levels,
- promote the setting-up of observation systems for water resources and their use, at the river basin level in particular, and the organization of national and coherent information systems that can:
 - become resource centres for the various users of data and documents,
 - integrate the national, regional and international Networks permitting useful exchanges, comparisons and syntheses, as for example “ AWIS ” in Africa or in the Mediterranean region, “ EMWIS ”.

□ - AWARENESS RAISING AND TRAINING OF DECISION-MAKERS AND THE INFORMATION RELAYS

More and more actors are thus involved in water management :

Ⓜ to participate in dialogue bodies or in the procedures organized by the Public Authorities,

Ⓜ to realize investments either individually or collectively and to ensure their management,

Ⓜ to make better use of water, thus combatting and preventing wastage and pollution, and better maintain the aquatic media and the bed of the basin,

Ⓜ to organize risk prevention and warning systems ...,

Thus, new parties are coming into the scene to mingle with the water professionals (engineers, technicians, civil servants ...). Their direct or indirect role will become more and more important :

○ The decision-makers :

- individuals : heads of industrial enterprises, farmers, fishermen, waterways representatives ...,
- collectives: local elected officials, heads of village communities, heads of trade unions or co-operatives, associations' representatives.

- Information relays, they are mainly journalists, teachers, animators of associations, popularizing bodies, health care staff ... and whom play an “interactive” role in broadcasting both the information and the knowledge, but also in carrying the problems and the opinions of the users and of the population.

It is extremely important to implement specific means to raise their awareness, and provide them with the information they require, in and with the appropriate forms and supports.

They all have in common, on one hand, that water is not their profession and that they have not been prepared to play a role and on the other, they are often geographically dispersed, even isolated sometimes, especially in rural areas.

In France for example, the International Office for Water has developed some awareness-raising programmes with the support of the Ministries, the Water Agencies and Associations of elected officials or professionals. These programmes are particularly intended for the mayors of rural communities (more than 10.000 participants in the “ Water information days for local elected officials ”) or the people in charge of professional agricultural organizations (European LIFE - RIVER - Water sharing programme). The Water Agencies also produce teaching materials for teachers organizing “ Water classes ”.

In Poland, the Gdansk Water Foundation (GFW) has organized with the RZGW's, the seminars of the people in charge of all Voïvodships.

In Hungary, the awareness-raising days for elected officials have also been organized.

In Mexico, the Guadalajara seminar in July 1994, was particularly aimed at informing the users' representatives on the future basin committees.

With the fulgurating development of Internet, new “intelligent”, on-line services will develop and allow responding in real-time to the questions asked the most frequently by the various categories of managers.

Services of this kind are being experimented within the framework of European programmes intended for managers of Small Industries or for mayors of rural communities.

Of course, projects like the African Water Information System - “AWIS”, in Africa or in the Mediterranean region, the Euro – Mediterranean Water Information System - “EMWIS”, will provide, we hope in the not to distant future, direct access to international data banks, open to all potential users.

We may also welcomed, with great interest, the initiative of the International Secretariat for Water in Montreal to jointly promote with INBO a "**Blue Passport of basin citizens**", so that local decision-makers, economic partners and the population develop a stronger sense of belonging to this basic geographical and sociological unit for water management, which is their river basin.

Interested Basin Organizations, on a voluntary basis of course, may join the project and develop their own passport adapted to the situation of their river basin.

□ - POSITIVE ROLE OF BASIN COMMITTEES AND LOCAL WATER COUNCILS

Nowhere, there is only one single organization in charge of all water issues and management. Indeed coordination and consultation between all concerned bodies and actors is essential.

In each country, a clear legal framework have to precise the rights and obligations of the different stakeholders, their competences, the decentralization levels, the proceedings and means allocated to achieve an integrated water management.

Indeed, this concerted participation will ensure the social and economic acceptability of decisions, taking into account the real needs, the provisions to be acted upon and the contribution capabilities of the stakeholders in social and economic life and their real mobilization for acting on the same track.

It is recommended that this participation be organized in Basin Committees or Councils.

Significant progress has been made since the 1990s:

Basin Committees experienced a quick development in many countries, which made them one of the basis of their national legislation on water or experimented them in pilot basins. Some of them, like France and Spain, successfully implement Basin Committees for more than fifty years, but mainly significant progress has been made since the 1990s.

These Basin Committees should be involved in the decision-making related to water policy in the basin, with procedures that clearly define their role.

In particular, they should be associated to:

- the definition of long-term objectives,
- the preparation of Management Plans or Master Plans,
- the selection of development and equipment priorities,
- the implementation of Programs of Measures and multiyear priority investment programs, as well as,
- the setting of financing principles and the calculation of water taxes that concern them.

In some countries, the Basin Committees have become real places where decisions are taken for all water issues concerning their basins, mainly for planning and even for fixing specific water taxes

If the various partners are involved at the earliest possible time, the more will be chance of good acceptance of all the measures which will have to be taken and of a definition of a real intersectoral adaptation strategy.

It is necessary to establish intersectoral links to foster exchanges of information and experience and coordination of actions in each basin. In particular, each sector must be well informed on the possible effects of climate change on its activity.

Moreover, it is necessary that users, professionals or not, such as farmers, industrialists, fishermen, representatives of municipalities, of environmental associations, of economic sectors ... adopt administrative, corporative or associative structures to represent them in these Basin Committees and Local Water Councils at sub-basins level (tributaries or aquifers...).

These Basin Committees may only succeed if their role is not only reduced to approve decisions taken by other authorities: it is needed they are really associated in the decision making process.

In France, where such Basin Committees have been created since 1964, 50 years ago this year (!), they are called "local water parliament"....

In the European Union, all the International Commissions, created at the level of transboundary rivers or lakes, organize now, beside of the official ministerial meeting, many working groups involving all the concerned stakeholders of the different riparian countries concerned.

□ - SOME SUCCESSFUL EXAMPLES OF STAKEHOLDERS PARTICIPATION: TRANSBOUNDARY RIVERS IN AFRICA

The Niger Basin Authority (NBA), established in 1964 by the nine States sharing the Niger River Basin (Benin, Burkina Faso, Cameroon, Chad, Côte d'Ivoire, Guinea, Mali, Niger and Nigeria) led to a Shared Vision process marked by the adoption in 2008 of an Action Plan for Sustainable Development and a Water Charter.

The invitation, which was made by the NBA to regional organisations and associations during a workshop gathering the nine basin countries in early 2005, has been the starting point of thinking about the participation of the civil society in the Shared Vision process in the Niger River Basin. The identification of the stakeholders and interested parties was a prerequisite. Among non-State stakeholders we can distinguish groups (e.g. farmers or irrigators' associations) from unorganised water users, which are the most numerous and often the ultimate recipients of various development programmes.

A study for the identification and characterisation of water users in the Niger River Basin was carried out under the coordination of the "Eau Vive" association. Its outcomes were presented at the first regional forum of men and women, users of the basin resources, held in February 2006 in Fada-Ngourma in Burkina Faso. For the first time, this step allowed bringing together organisations of the civil society on the basin scale to discuss issues of common interest with the States and partners. Several resolutions of the NBA Council of Ministers led to the establishment of a regional coordination of the Niger Basin users, based on nine national coordination processes.

One major challenge, in terms of scale, of a large transboundary river basin, like the Niger, lies in obtaining a true representativeness of the stakeholders. The solution proposed in the Niger River Basin was to identify representatives per topic (agriculture, fisheries, water and sanitation, environment, hydropower, etc.), while ensuring that each country is represented. The representatives' legitimacy must also be gained; a democratic process may be initiated for stakeholder groups to choose their representatives. Cultural aspects can offer enabling conditions for participation.

Another difficulty is the need to ascend and descend from the local to the international basin level, through the national level. These processes are facilitated when the civil society participation is already acquired in each national process. The information flowing up from local communities is then performed per country, with consolidation at the basin level.

Transboundary basin organisations are likely to play a significant role in the mechanisms for exchange with the civil society on different scales, which may require some changes in their organisational culture. It ultimately means providing "seats" to the people's representatives in the institutional meetings of the basin organisation to achieve active participation (association to decision making) and not a mere consultation.

The Niger Basin Authority (NBA) has had a Water Charter, adopted by the Member States, since 2010. This agreement provided for, in Articles 25 and 26, effective involvement of users of the Niger Basin natural resources in decision-making regarding the management of the river.

"States Parties shall guarantee to all users the right to be informed about the status of water resources and to participate in the elaboration and implementation of decisions relating to the basin development.

For this purpose, information about the status of transboundary waters, the allocation of water to different sectors and the measures taken or planned to prevent, control and reduce transboundary impact must be available to the public".

The users' information is guaranteed by their participation, through local coordination, the National Coordination of Users (NCU) and the Regional Coordination of Users (RCU), in the statutory meetings of the Niger Basin Authority (Technical Committee of Experts, Council of Ministers, Summit of Heads of State and Government).

To facilitate their effective participation in the decision-making process, the Water Charter set out the following rules for participation:

- Information must be given effectively at the beginning of the decision-making process;
- Reasonable time must be provided for the different stages of public participation;
- Participation should begin early in the process;
- The public must be informed promptly of new projects;
- The public must have the opportunity to submit in writing any comments, information, suggestions, proposals, alternative proposals, analyses or opinions that it considers relevant;
- States Parties and the Authority must ensure that, at the time of decision making, the results of public participation are duly taken into account;
- Once the decision is made, the public is promptly informed.

Stakeholders' capacity building and the involvement of the civil society are the third priority issue, entrusted by the Member States to the Executive Secretariat under the Shared Vision.

In the Senegal River Basin, the Master Plan for Water Development and Management of **the Organisation for the Development of the Senegal River (OMVS)** was also drafted in a participatory manner. The assessment validated in 2009, a true knowledge base shared between all stakeholders, is based, on the one hand, on a rich bibliography of studies, and, on the other, on meetings organised in each country with the water stakeholders.

The participatory approach implemented by OMVS has helped to involve people (often illiterate) in the drafting of the master plan, a complex and technical document. An informative guide ("image box") for people has been developed especially to facilitate the drafting and appropriation of the plan. Radio programmes have also been used and strong support was provided by local facilitators trained by the project team.

As the financial resources devoted to the participation of the civil society should be sufficient, in the Senegal River Basin, OMVS may provide technical assistance and facilitation, especially for unorganised users, so that stakeholders can appropriate themselves with issues through workshops or specific media..

The Congo River Basin approach started in 2012 through a project funded by the European Union and implemented by the International Office for Water, "Eau vive" and "Solidarité Eau Europe". The activities carried out in early 2013 with **the International Commission of the Congo - Ubangi - Sangha Basin (CICOS)** were: meeting with and awareness raising of the various partners, assessment of the involvement of non-State stakeholders in the past and future activities of the institution, drafting a list of the supports to provide them, identification of the beneficiaries, feasibility in time and in the Congo Basin of the participation in the development of the CICOS Master Plan.

In Burkina Faso, the water agencies established in each national sub-basin apply the principles of integrated water resources management and people's participation: **The Nakanbe Water Agency for instance created Local Water Committees.**

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