



ORANGE-SENQU RIVER COMMISSION

ROADMAP TOWARDS STAKEHOLDER PARTICIPATION

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The **African Centre for Water Research (ACWR)**, based at Cape Town South Africa, collaborates with WaterNet, the SADC-based programme: Building Capacity for Water Resources Management in Southern Africa and assumed responsibility for the coordination of the strategy development process.

InWent had been entrusted by ORASECOM to support the shared river basin Commission in the efforts to develop a strategy for the progressive involvement of stakeholders. A multi-stakeholder seminar was held from February 1-3, 2006 at Cape Town with the aim of developing a stakeholder involvement strategy. This resulted in a draft outline strategy – based on inputs from the ORASECOM Commissioners and others. The draft was further developed by Emmanuel Manzungu, Barbara Tapela, Daniel Malzbender and Anton Earle.

This *Roadmap Towards Stakeholder Participation* was developed with inputs from regional and international experts during a meeting in Cape Town in October 2006. This has built on the draft outline strategy and aims to provide guidance on the progressive involvement of stakeholders in the co-management of the Orange-Senqu basin.

The Roadmap is complemented by:

A Preliminary Basin Profile of the Orange/Senqu River. by Anton Earle, Daniel Malzbender, Anthony Turton & Emmanuel Manzungu. InWent and AWIRU/CIPS, April 2005 (1st version).

Reader - Stakeholder Participation in Transboundary River Basin Management – Selected Case Studies. InWent-ACWR February 2006 (draft 1).

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1 EXECUTIVE SUMMARY

In recognition of regional and international good practice the Orange-Senqu Commission (ORASECOM) in 2005 embarked on a process to start incorporating other stakeholders in the co-management of the basin. The greater involvement of stakeholders promotes good governance and sustainability by improving accountability, encouraging support for decisions taken, improving the quality of those decisions, assisting with monitoring and bringing early warning of potential challenges. Participatory approaches enhance project quality, ownership and sustainability, with stakeholders becoming active contributors to basin development and management. This document serves as a guide on how to progressively realise greater involvement of stakeholders in the basin. As such it represents a journey and not an end destination – a roadmap. The roadmap is based on inputs from ORASECOM during the February 2006 workshop, but with emphasis placed on the methodology of involving stakeholders. The methodology proposed is based on inputs by regional and international experts, providing their wealth of knowledge and experience, but recognising that it is the stakeholders themselves who are best placed to develop the mechanisms and institutions through which they wish to be involved in co-management of the basin. This roadmap provides an outline of how best ORASECOM can facilitate that process.

As with any roadmap it requires a sense of what the end destination is – even if knowledge of its precise location is not available. The vision for stakeholder participation should tie in with the vision which ORASECOM has as an institution. As this does not yet formally exist for the commission, it is important that any future vision and the vision for stakeholder participation are in alignment. Thus the vision is not cast in stone and is itself merely a step towards co-management. For now it can be written as:

Orange-Senqu River Basin stakeholders actively and effectively participate with ORASECOM in the co-management of the Basin and its resources for enhanced livelihoods and sustainable development [of the basin].

In support of this vision the following objectives will be aimed for:

- To develop and strengthen ***institutional mechanisms*** for effective stakeholder participation in the management of the Orange Senqu River basin.
- To build and ***strengthen capacity*** in Basin Forums to effectively participate in decision-making, planning and sustainable co-management of the Orange Senqu River Basin.
- To develop and maintain open and effective horizontal and vertical ***communication*** between and among the structures of ORASECOM and basin stakeholders via the development of accessible, timely and good quality information and dissemination mechanisms to build trust, and improve participation and decision making in the basin

The roadmap outlines ***four key focus areas*** in support of the above objectives - Communication and Information, Institution creation and development, Capacity building and Institutional interfaces. Each of these seeks to enhance and promote the ability of stakeholders to interact meaningfully with ORASECOM and to

progressively play a role in management of the basin. Each key focus area is underpinned by founding principles – providing a rationale for their adoption. This is followed by an overview of the various actions which need to be taken in order to develop the key area – also providing an overview of some of the tools and methodologies available. These include Socio-ecological surveys, participatory stakeholder analysis and the development of institutional interfaces such as national focal points. The focus is placed on practically implementable actions – rather than a theoretical discussion of various options available. Stakeholder participation is something which happens by doing.

A Framework of Action outlines the various activities and how they contribute to the achievement of the overall vision and the objectives of stakeholder participation for ORASECOM. The framework recognises the fact that ORASECOM, although having primary responsibility for management of the basin, has relatively limited capacity for the implementation of many of these processes. Indeed, in some cases other organisations outside of government may be better placed to provide the services. Thus, although ORASECOM remains an overall facilitator, most of the actions associated with the key focus areas will be carried out by organisations such as NGOs, CBOs, academic institutions, the private sector and other development partners. As these other partners start working with stakeholders there will be various feedback and interaction mechanisms with ORASECOM – allowing the commission to gain a better understanding of the needs of stakeholders, while the stakeholders develop skills and knowledge about basin-wide management issues. Much of this interaction will be through workshops organised by partners in the basin where ORASECOM will attend as another stakeholder with the objective to listen, learn and assess. Over time the Framework of Action provides for a progressive involvement of stakeholders – on terms that they have developed and in regular interaction with the commission.

As these activities will be performed by a range of partners the possibility exists for overlaps and gaps in their work. Experience from other river basins in the region indicates that development partners do not always share their knowledge and experiences with others – the net result being that projects cover ground which has been covered before and don't address other pressing issues in the basin. To address these concerns a Terms of Engagement for development partners embarking on transboundary stakeholder projects in the basin has been developed. These terms use incentives to encourage development partners planning activities in the basin to take note of what has taken place before to, amongst others, make a commitment to involve meaningfully local partners, share knowledge and data with the commission and nine other points. The approach is to provide an incentive for partners to cooperate, providing support to their planned projects – especially useful when approaching donor organisations for funds. Thus if they demonstrate broad compliance with the terms it amounts to a tacit endorsement of the planned project by ORASECOM – without having to undergo a formal onerous approval process.

This roadmap is meant to cover the short to medium term of stakeholder participation in the basin - the next five to ten years. It is intended to guide a process which is in fact well underway and will mature and develop over time with inputs from lessons learned and experiences gained.

2 INTRODUCTION AND BACKGROUND

2.1 The Orange-Senqu River Commission (ORASECOM) Agreement

The Governments of the Republic of Botswana, The Kingdom of Lesotho, the Republic of Namibia and the Republic of South Africa agreed to establish the Orange-Senqu River Commission on 3 November 2000 in Windhoek, Namibia to promote the equitable and sustainable development of the shared resources of the Orange-Senqu River. A number of factors precipitated the Agreement:

- General scarcity of water in the southern African region
- Significance of the Orange-Senqu River in the region
- Mutual benefit, peace, security, welfare and prosperity of people that would accrue from the collaboration between the riparian countries, as well as adherence to the principle of equitable and reasonable utilisation and sustainable development of the Orange-Senqu River
- Upholding important aspects of international water law such as the 1966 Helsinki Rules on the Uses of the Waters of International Rivers and the UN-Convention on the Law of the Non-Navigational Uses of International Watercourses of 1997
- Upholding the spirit of the Protocol on Shared Watercourses in the Southern African Development Community, and
- Desire to extend and consolidate good neighbourliness and friendly relations between parties through close and co-ordinated co-operation in the development of all resources in the Orange-Senqu River.

The Agreement provides for the establishment of the Council, which is the highest body of the Commission. It spells out the objectives and functions of the Council, how it will conduct its business in relation to general and financial obligations, settlement of disputes and mechanism of withdrawing from the Agreement.

2.2 Developments to date

Since its establishment ORASECOM has recorded a number of achievements. The Council was successfully established and meets regularly, as do the technical working groups. Training to enhance the capacity of the commissioners and technical staff has also been availed. There is currently underway a study on the development of an integrated water resources management (IWRM) plan in the basin. A decision has also been taken to establish a secretariat for the Commission – to assist with the technical and logistical management of the Commission.

2.3 Stakeholder participation to the fore

There is a wide recognition that the sustainable development of the Orange-Senqu River, to a large extent, depends on how stakeholders in the four riparian countries participate in all the aspects of water resources development and management. In a clear demonstration of the commitment to the concept, Water Ministers of the four countries in May 2005 mandated the Commissioners to develop a strategy for

stakeholder participation in the Orange-Senqu River. This is in accordance with international trends and good practice in river basin management as well as fitting with regional water-related policies and laws recognising the benefits which accrue from involving stakeholders in various ways in the co-management of water resources. These include the SADC Protocol on Shared Watercourses, the SADC Regional Water Policy, the SADC Regional Water Strategy, Regional Strategic Action Plan on Integrated Water Resources Management, the ORASECOM Agreement as well as the national water laws of the basin states (see Appendix 1: Principles for Stakeholder Participation).

The first step towards involving stakeholders in the co-management of the basin was the *ORASECOM Stakeholder Participation Strategy Seminar* held in Cape Town, South Africa between 1 and 3 February 2006. This seminar was attended by over 30 people from the four basin states and invited delegates from Mozambique representing the Limpopo Commission (LIMCOM). Various representatives of other regional governmental and non-governmental water management organisations also attended. The seminar aimed to expose the Commissioners to various stakeholder participation processes taking place in transboundary rivers in the region as well as developing an understanding of the elements which need to be involved in a stakeholder participation strategy. The overall output of the seminar was to identify key elements for inclusion in a stakeholder participation strategy for ORASECOM. Discussions at the seminar yielded a number of observations:

- Stakeholder participation is seen as one of the mandates of ORASECOM and regarded as critical for equitable sharing of water resources. To this end a focused strategy was needed, which among other things, would develop guidelines on minimum levels of stakeholder participation
- Streamlining of institutions was seen as important for enhancing efficiency and effectiveness. Having three separate commissions on one river was seen as a replication, which could be solved by the other two commissions (i.e. the PWC and the LHWC) becoming technical task groups of the main commission
- The strategy on stakeholder participation should ideally be developed within the context of the overall ORASECOM strategy, which is not in place at the moment
- There was a need to ensure that links to bi-lateral and national institutions were clearly established, which should involve developing the strategy (accompanied by adequate monitoring and evaluation arrangements) at all levels including basin, national level, project, regional level without compromising the sovereignty of member states.

The outputs of the seminar were collated into a working document - *Towards Developing a Strategy for Stakeholder Participation*. The document provided an overview of key issues that were considered to be important in the development of a strategy on stakeholder participation. The document also identified steps that should be followed in order to develop the strategy and served as a departure point for discussions within ORASECOM on the further development of the strategy.

It is important to note that the inputs to this document were derived from the participants of the seminar and thus reflect the views, concerns and priority areas as identified by the ORASECOM Commissioners and the other participants from the region. This is in contrast to the consultant-driven strategy formation process – which may deliver a highly polished product, but with little support, buy-in or ownership from the organisation and individuals who will have to implement the strategy. The fact that Commissioners themselves were responsible for the inputs to that document makes it likely that as the strategy is developed (even with additional inputs from external consultants) it will remain essentially an ORASECOM product.

After ORASECOM reviewed and discussed the working document internally InWent was requested to convene a drafting team comprised of regional and international experts in the field of stakeholder participation in transboundary water management, with the aim of further developing the strategy. These experts included at least one person from each of the basin states, two from East Africa, one from West Africa and one from North America. Together they analysed the working document which had been developed and identified areas for specific attention and further development. Early on in their deliberations there was a conceptual shift away from producing a “pre-packaged” stakeholder participation strategy for ORASECOM to adopt and rather towards providing guidance on the series of actions which would need to be embarked on to progressively involve stakeholders in the development of a strategy. Thus stakeholders themselves would become part of the process of determining the modalities of their involvement in the co-management of the Orange-Senqu basin. The document is termed a “roadmap” in recognition of the fact that it serves merely as a guide on how to embark on this journey – identifying opportunities for picking up passengers along the way. It is envisaged that this document will cover some of the options over the short to medium term, roughly five years and is not to be viewed as a template for the interaction of the Commission with stakeholders, but will propose some key actions and activities.

3 THE ROADMAP

3.1 The Vision

By involving the stakeholders of the Orange Senqu River Basin in decision-making processes concerning the management of the basin, ORASECOM is guided by the following vision¹

Orange -Senqu river basin stakeholders actively and effectively participate with ORASECOM in the co-management of the Basin and its resources for enhanced livelihoods and sustainable development [of the basin].

¹ To date ORASECOM does not yet have an overall vision guiding the activities of the Commission. It is important that ORASECOM’s vision for stakeholder participation and a future overall vision for the Commission are mutually compatible, in other words that ORASECOM’s vision for stakeholder participation is an extension of the overall ORASECOM vision for the specific field of stakeholder participation.

3.2 Objectives

The following objectives have been identified in support of the vision:

- To develop and strengthen institutional mechanisms for effective stakeholder participation in the management of the Orange Senqu River basin.
- To build and strengthen capacity in Basin Forums to effectively participate in decision-making, planning and sustainable co-management of the Orange Senqu River Basin.
- To develop and maintain open and effective horizontal and vertical communication between and among the structures of ORASECOM and basin stakeholders via the development of accessible, timely and good quality information and dissemination mechanisms to build trust, and improve participation and decision making in the basin.

3.3 Key Focus Areas

3.3.1 Communication and Information

Meaningful participation of stakeholders in the management of the basin requires effective communication and information exchange between all relevant role-players, i.e. ORASECOM itself, national water management institutions in the basin and stakeholders at all levels.

The objective is therefore:

to develop and maintain open and effective horizontal and vertical communications between and among the structures of ORASECOM and basin stakeholders via the development of accessible, timely and good quality information and dissemination mechanisms to build trust, and improve participation and decision making in the basin.

The objective is based on the underlying principles of:

- Transparency
- Democracy
- Inclusiveness – equity and involvement of marginalized groups
- Timely and comprehensive access to relevant information and knowledge
- Genuine open and trusting multi-dimensional communications

It is commonly agreed that these principles are essential elements of good governance and putting them into practice contributes to the building of trust and effective collaboration between the various actors involved in the management of the basin.

Activities:

In order to achieve the objective, it is required that a dynamic and adaptive communication strategy is developed for communication and information exchange between the relevant stakeholders in the basin. As set out in the objective, the communication strategy needs to facilitate effective communication both vertically (e.g. between ORASECOM as the responsible transboundary institution and stakeholders in the basin states), as well as horizontally, i.e. between stakeholders on the ground. The strategy needs to have a strong transboundary component in order to ensure cross-border communication and information exchange between stakeholders in the different riparian countries.

The communication and information exchange strategy should at a minimum provide for:

1. The development of background information in an accessible format that is appropriate for the respective stakeholder groups. The information provided should describe the biophysical situation of the basin, its socio-economic development to date and plans for the future, the role and mandate of ORASECOM as well as the key principles of participatory practices and co-management approaches. This should also include the development of a detailed profile of the basin with a good quality database containing relevant data on the basin.
2. The development of a variety of information dissemination mechanisms, which ensure basin-wide outreach and wide-spread information dissemination in formats that are easily accessible and take the information needs and means of accessing information of the different stakeholder groups into account. Examples of information dissemination tools are:
 - a web site with information on activities in the basin and offering a platform for information exchange between stakeholders
 - media campaigns to raise awareness on matters pertinent to the management of the basin
 - learner educational materials that introduce issues concerning the basin in schools
 - newsletter providing updates on activities in the basin
 - theme events and materials centred around basin management issues
 - brochures, maps, posters, reports etc. that are handed out, e.g. at community events
 - regular meetings between stakeholders at all levels
 - best practice guides /case studies that inform stakeholders about good basin management practice
 - exchange visits between stakeholders at different levels and in different geographical areas, including transboundary exchanges
3. The development of a comprehensive communication stakeholder address list that is accessible to all stakeholders in order to facilitate wider information exchange and direct communication between stakeholders.

4. The development of an “information and communications desk” within the ORASECOM Secretariat that functions as an access point for stakeholders in their interaction with the Commission.
5. The development of suitable mechanisms to take up issues and interests from stakeholders on to the ORASECOM agenda, and vice versa.

The proposed development of a communication and information exchange strategy will contribute to and be complemented by the development and strengthening of institutions and the implementation of capacity building measures, which are described in the following sections.

3.3.2 Institution creation and development

The objective is therefore

To develop and strengthen institutional mechanisms for effective stakeholder participation in the management of the Orange-Senqu River Basin.

The objective is based on the underlying principle of:

- **Transparency and accountability in decision-making**
- **Equity**
- **Sustainability**

Activities

Strengthening of institutional mechanisms for effective stakeholder participation requires that the governance of basin water resources be based on the subsidiarity principle as well as upward and downward accountability by structures at various levels of the political ecology hierarchy. For that reason, prerequisite interventions include the setting up of appropriate legal and institutional frameworks for stakeholder participation in transboundary basin management and the establishment of partnerships between governments and civil society. These interventions are in line with Sections 9.2.8, 9.2.9, 9.3.2, 9.3.3, 10.1.1, 10.1.2 and 10.1.3 of the SADC Water Policy (see Appendix 1: Principles for Stakeholder Participation). With regard to the latter intervention, key activities include the identification of national focal points/partners, assessment of modes of participation and the carrying out of socio-ecological surveys.

Identification of national focal points/partners

There is a need for ORASECOM to identify National Focal Points that will coordinate the operational work relating to stakeholder participation. These focal points could be national NGOs, civil society organisations or the private sector. Given that perceptions of legitimacy are critical to the sustainability of water resources management initiatives, it is essential that National Focal Points be composed of

institutions that are acceptable to local people and to national and basin level institutional actors. The rationale is that in transboundary water resources management, legitimacy derives from the extent to which an institutional structure is perceived as pursuing the interests of a particular constituency *and* interests of the broader range of stakeholders within the shared basin. This roadmap recommends that particular attention be given to the roles of NGOs, as these are often well-placed to ensure the creation of a viable bridge between institutional actors at the transboundary basin level and people at local levels. NGOs might also support ORASECOM in raising funds for stakeholder participation and in holding national consultations that feed into basin-wide consultation processes.

In selecting NGOs for national focal point roles, the following factors need to be considered:

- Legitimacy of the NGO,
- Good governance – are there good financial management practices in place,
- Experience – in the specific field of activity,
- Independence – not just from government but also from international pressure, e.g. from groups with a strong “activist” agenda,
- Objectivity in their work – recognising that there are various paths towards sustainable development;
- Credibility in the country or the region.

Detailed options and considerations in guiding the activities of partners such as NGOs and development agencies are laid out in the Terms of Engagement on page 22.

Assessment of modes of participation

This activity requires the carrying out of participatory stakeholder analysis, supported by desktop studies of institutional objectives, roles, resources and relationships. Stakeholder analysis facilitates the determination of modes of stakeholder participation in transboundary basin management activities. Examples of modes of participation include:

- Observer status of stakeholders directly,
- Observer status for representatives of a forum,
- Monitoring forum,
- Basin council of stakeholders at a national level,
- Basin-wide committees or forums at the trans-national level, such as the Okavango Basin-wide Forum.

Modes of participation are closely related to stakeholder roles. For example, roles of NGOs differ according to location within the political ecology hierarchy. As such, whereas International NGOs (such as the IUCN) might play advisory roles, local NGOs are better placed to play project facilitation and implementation roles. By contrast, local communities might play monitoring roles to ensure both sufficient regard for livelihood interests and compliance with regulatory and operational standards. Donors might participate through providing funding to achieve set targets,

while private sector institutions might participate through investment or development projects.

Irrespective of stakeholder specific roles and modes of participation, it is important to note that ‘co-management’ is the key underlying principle for participatory basin management. Co-management is defined by the 1996 Montreal World Conservation Congress as “*a partnership in which government agencies, local communities and resource users, NGOs and other stakeholders share, as appropriate to each context, the authority and responsibility for the management of a specific territory or a set of resources*” (IUCN, 1996). Co-management models are a manifestation of the shift away from “the content of management policy and the selection of the most appropriate regulatory mechanisms to the reform of the institutional frameworks within which policies are framed and implemented and, in particular, to the realignment of the relationship between the regulators and the resource users” (Symes, 1997 in Hara, 1999). Co-management involves decentralisation of authority from the traditional state centre to stakeholders at local and international levels.

Socio-ecological Surveys

Since co-management involves decentralisation of authority from the state centre to local and international stakeholders, institutional mechanisms for effective stakeholder participation require an awareness of the socio-economic, political and ecological issues as perceived by various stakeholders within the transboundary basin. Socio-ecological surveys help to identify stakeholder needs in each country, and how these needs intersect with the needs and interests of other stakeholders, including the ecosystem. The results of socio-ecological surveys are then collated and developed into a basin-wide report. The socio-ecological survey represents a two-way learning experience – where the needs and interests of the stakeholders become evident as well as the stakeholders learning more about the resources of the basin and management interventions in place or planned. The survey will also start to provide a clearer understanding of how stakeholders want to participate in the co-management of the basin.

Although socio-ecological surveys provide useful information for decision making, there are challenges to effective utilisation of survey information. This is due to that transboundary basin co-management brings together diverse political interests, languages, priorities and commitments (e.g. commitment of funds). In situations where multiple stakeholder interests and jurisdictions compete, overlap and conflict there are often low levels of trust, despite the shared attributes (resources, interests and jurisdictions). The ORASECOM Strategy should therefore consider developing mechanisms to address potential and actual constraints to effective stakeholder participation and co-management. Focus should be on building trust and confidence, and strengthening the capacity by individual local people and communities to actively participate in relevant basin management activities.

3.3.3 Capacity building

Effective stakeholder participation requires that all stakeholders have the necessary capacity to meaningfully interact and contribute to decision-making on matters

relating to the management of the basin. This requires the strengthening of ORASECOM's capacity to interact with stakeholders and include them in decision-making processes. On the other hand it requires that stakeholder institutions on the ground have the capacity to interact with ORASECOM as well as with other stakeholders on the ground and contribute meaningfully to the management of the basin.

The objective is therefore:

To build and strengthen capacity in Basin Forums, institutions and stakeholders to effectively participate in decision-making, planning and sustainable co-management of the Orange Senqu River Basin.

The objective is based on the underlying principles of:

- Equity in decision making
- Mutual accountability
- Partnership
- Access to knowledge, skills and institutions
- Access to resources (financial, etc.)

Basin management activities will generate the highest buy-in and support of stakeholders where they are based on equitable decision-making. A prerequisite for the latter is sufficient capacity in basin institutions to make informed and meaningful contributions in the decision-making process. To this end capacity in the basin is currently underdeveloped and the following capacity building activities are proposed to redress the situation.

Activities:

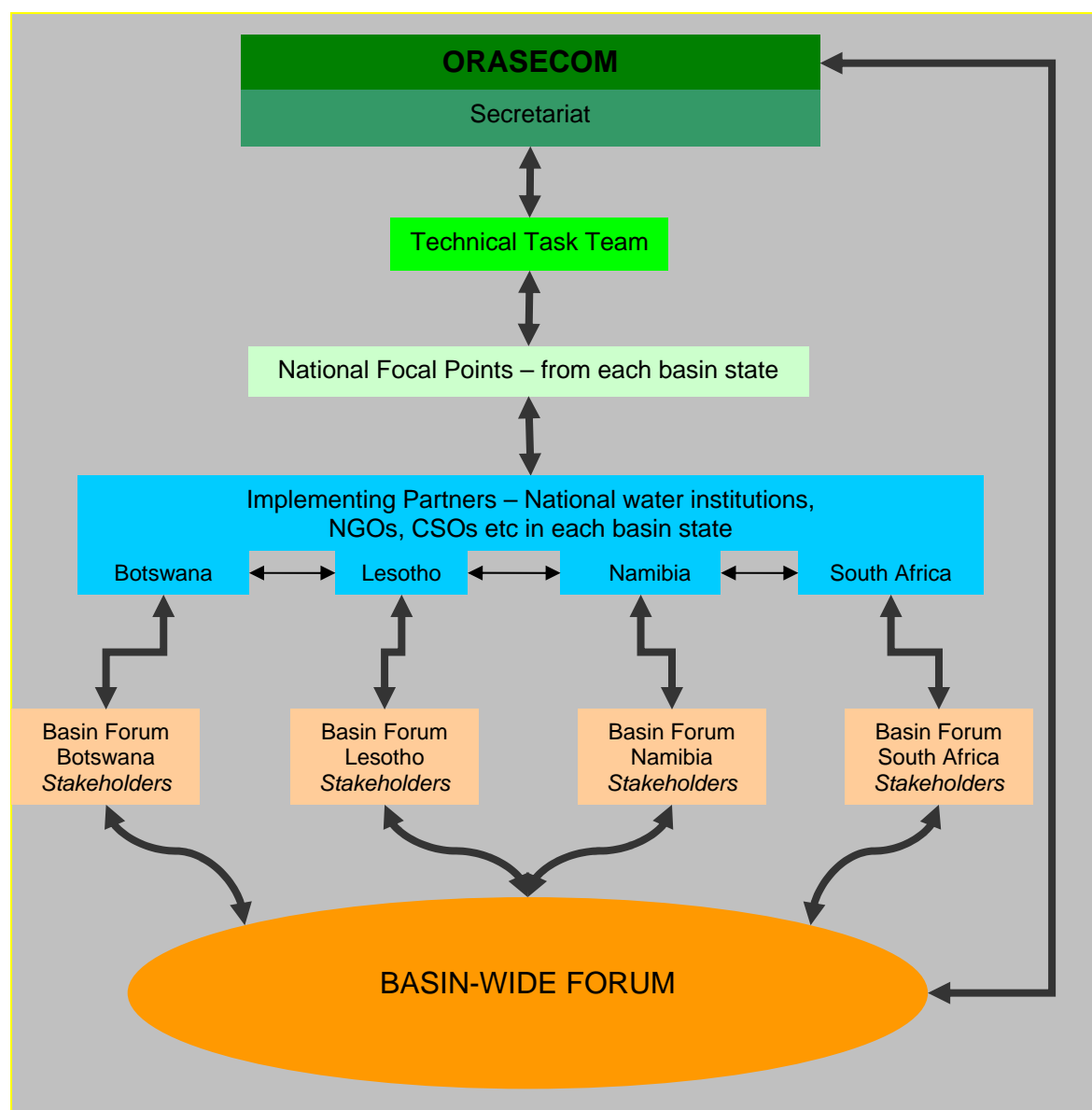
1. An institutions and stakeholder survey and analysis needs to be conducted in order to gain an overview of existing capacity as well as capacity gaps in the basin. The analysis should distinguish between different types and levels of stakeholders and identify specific capacity constraints that need to be addressed.
2. A detailed capacity building plan for the basin needs to be formulated, identifying both short-term and long-term capacity building initiatives for the different stakeholder groups that have been identified in the above-mentioned survey.
3. Based on the developed capacity building plan, appropriate capacity building measures need to be identified, developed and implemented.
4. Due to the transboundary nature of the process cross-border and national/local partnerships for capacity building need to be build in order to uses resources (financial and human) effectively and ensure that the uptake of capacity building measures is effective.

5. A monitoring and evaluation system for the capacity building measures needs to be developed and implemented in order to ensure that the effectiveness of the measures can be verified and, if necessary, adaptations can be made.
6. A sustainable funding plan for the implementation of capacity building measures needs to be developed, including exploring the possibility of generating donor funding.

3.3.4 Institutional interfaces

Effective stakeholder involvement requires that institutional interfaces at all levels are clearly defined and functioning channels of institutional interaction are established.

Figure 1: Institutional interfaces for stakeholder participation in the basin



For the Orange Senqu River Basin the following institutional linkages are proposed (see Figure 1: Institutional interfaces):

1. Stakeholder participation in the management of the Orange Senqu River basin requires coordination at the transboundary level. This should be done by ORASECOM as the official basin Commission mandated by the governments of the four riparian states. The newly established ORASECOM Secretariat should fulfil the role of monitoring the different stakeholder participation activities that are implemented in the basin with a view to creating synergies and avoiding overlaps.
2. On the level of riparian states, National Focal Points should be established and be responsible for the coordination of stakeholder participation activities in the respective countries on the ground. Stakeholder representatives elected by the National Basin Forum (see 5. below) of the respective basin state should hold seats in the National Focal Points. In fulfilling their coordinating role the National Focal Points work closely with the ORASECOM Technical Task Team members of the respective country, who provide information and technical input where required. The National Focal Points report to the ORASECOM Secretariat through the Technical Task Team and support the Secretariat in its efforts to monitor the stakeholder participation activities in the basin states.
3. Since neither ORASECOM nor the National Focal Points have the human resources capacity to implement stakeholder participation activities on the ground, this has to be done by external organisations, here called “implementing partners”. The implementing partners conduct the stakeholder participation activities on the ground and interact with and report to the National Focal Points. The implementing partners will be the respective national water management institutions (government) as required by the national water laws as well as civil society organisations and NGOs.
4. Stakeholders will interact with the respective implementing partners where stakeholder participation activities are conducted. In line with national legislation stakeholders can also directly be represented in national water management institutions. NGOs, CBOs and CSOs are themselves stakeholders and are involved in implementing stakeholder participation activities – there is thus a direct two way interaction and representation.
5. National Basin Forums for stakeholders will be established, where stakeholders are represented according to an agreed formula. Elected representatives of the National Basin Forum will be elected to hold seats in the National Focal Points. The National Basin Forums will also be represented in a Basin Wide Forum, which in turn will have (an) elected representative/s having a seat/s in ORASECOM as observer/s.
6. Since stakeholder participation activities are costly, it is likely that donor support will be required for their implementation for the foreseeable future.

Interaction with donors can happen at various levels. Some donors are likely to interact directly with ORASECOM in the design and implementation of transboundary initiatives. On the other hand donors might directly interact with NGOs, CBOs and CSOs and support small-scale initiatives on the ground. Whereas both are desirable it is important that an overall overview of ongoing activities and the support provided to it is maintained through the National Focal Points and in accordance with the Terms of Engagement for development partners that form part of this road map.

3.4 Framework for Action

The Framework for Action proposed in this roadmap adopts a rolling planning process approach.

Principles

Predication of the ORASECOM Framework for Action on attributes that ensure legitimacy and acceptance of institutional structures, systems and processes is prerequisite to effective stakeholder participation. The proposed Framework for Action is therefore dynamic, responsive, adaptive, inclusive, accessible, transparent, informed by making optimal use of best available information and proactive.

Activities

Table 1 on page 20 outlines the specific actions, tools and responsibilities required to articulate ORASECOM's agenda for broad and effective stakeholder participation. Essentially, key activities identified by the Framework of Action revolve around:

- Awareness raising;
- Dissemination of information;
- Clarification of stakeholder interests and challenges;
- Integration of stakeholder action plans into the ORASECOM agenda and basin planning processes;
- Expansion of the scope, quality and depth of information available to stakeholders throughout the basin;
- Participatory monitoring and evaluation of stakeholder involvement processes; and
- Involvement of stakeholders in proactive visioning and basin planning for future management and development;

Awareness raising and Dissemination of information

The proposed Framework of Action outlines two forms of awareness raising activities. Such activities are concerned with ensuring that the public in general and stakeholders in particular are aware of the profile of ORASECOM (i.e. purpose, mandate, organizational structure and function). On the other hand, these activities seek to enhance awareness among stakeholders of issues, challenges and pressures within and around the basin. Key tools for awareness creation include Stakeholder Analysis (see Appendix 2: Stakeholder Analysis on page 28), Socio-ecological

Surveys and resource materials for information dissemination and communication, such as brochures (such as the Preliminary Basin Profile produced by InWEnt), posters, public broadcasts through various media (print, radio, television and electronic). To increase accessibility of information to the diverse range of stakeholders, information should be presented in as many relevant languages as practical.

While ORASECOM will assume responsibility for generating the content of resource material (in collaboration with partners) for awareness raising, the responsibility for packaging and disseminating such material should be delegated to civil society organizations, NGOs and the private sector. The rationale is that these organizations are better placed to creatively develop and disseminate resource material that is aligned to stakeholder needs.

Clarification of stakeholder interests and challenges

Clear understandings of stakeholder interests and challenges are critical to the development of an effective and sustainable strategy for the management of the Orange-Senqu Basin. Such understandings, and the identification of potential solutions to challenges, are best elicited through participatory Stakeholder Analysis. Variations in stakeholder interests, roles, resources, relationships and challenges over time and space require that Stakeholder Analysis should not be a once-off process that is conducted at the onset of the strategy formulation process. Rather Stakeholder Analysis should be articulated as an essential component of a rolling planning process approach. This means that stakeholder analysis should be a standard part of subsequent planning, implementation and monitoring and evaluation (M & E) activities.

The responsibility for facilitating participatory Stakeholder Analysis workshops should be outsourced to institutional structures that are perceived by stakeholders as neutral and legitimate. NGOs are often seen as fitting this role. However, consortia of NGOs, civil society organizations and private sector organizations can also effectively assume facilitation responsibilities – in partnership with government. The role of ORASECOM in Stakeholder Analysis workshops would be that of participant stakeholder institution. Although this role has similarities with roles of other participating stakeholders, it is best that ORASECOM should mainly listen, learn and allow the foregrounding of voices of other stakeholders.

Integration of stakeholder action plans into ORASECOM agenda and basin planning

Stakeholder Action Plans should be integrated into the ORASECOM agenda and basin-wide planning process. Stakeholder Action Plans draw largely from Stakeholder Analysis. Draft Action Plans should be widely disseminated for comments and discussion before they are finalized and integrated into the ORASECOM agenda and basin-wide planning process. The drafting, revision and integration of Stakeholder Action Plans is best done by both civil society and ORASECOM acting in conjunction.

Expansion of scope, quality and depth of information available to stakeholders

This activity involves the development of the Preliminary Orange-Senqu Basin Profile and formation of a database for purposes of expanding the scope, quality and depth of information available to stakeholders throughout the basin. A website that captures and avails all data in electronic format, as well as allows for interactive engagement, is a useful tool. Complementary tools include compact discs (CDs) and videos that can be used to disseminate data through institutions such as schools, libraries and municipalities. In light of the prevailing limited access to electronic, visual and printed information technology by many key primary stakeholders, such as the less affluent and vulnerable households within local communities, other useful tools are radio broadcasts and roadshows.

The responsibility for expanding the scope, quality and depth of information available to stakeholders throughout the basin is best outsourced to civil society, in partnership with ORASECOM.

Participatory monitoring and evaluation of stakeholder involvement processes

This activity is essential for ensuring that required levels of participation are achieved and maintained. Minimum standards for stakeholder participation should be determined and adopted. Qualitative and quantitative indicators for monitoring and evaluation of stakeholder involvement should then be developed. Institutions that are best placed to perform M & E roles should also be identified. Ideally, the responsibility for facilitating participatory monitoring and evaluation of stakeholder involvement processes should be delegated to partnerships between ORASECOM and civil society.

Involvement of stakeholders in proactive visioning and basin planning

This activity is critical to the sustainability of transboundary basin management and development initiatives. Key supportive tools include the Preliminary Orange-Senqu Basin Profile and database, action plan, transboundary environmental impact assessment (TEIA) and Socio-Ecological Analysis (SEA).

The responsibility for ensuring that all stakeholders are involved in proactive visioning and basin planning is best shared among all role-players, including ORASECOM, primary and secondary stakeholders, and civil society in particular.

Table 1: Proposed Framework for Action

ORASECOM's Agenda	Tools	Responsible Party
Raise awareness about ORASECOM (structure, purpose, functions, mandate, etc)	<ul style="list-style-type: none"> - Participatory SH Analysis - Socio-ecological surveys - create and disseminate accessible materials (brochures, posters, radio, etc.) in local languages 	Materials created by ORASECOM; SHA outsourced to civil society
Raise awareness among SH about issues, challenges, and pressures (background) around the basin	<ul style="list-style-type: none"> - Use preliminary profile to create accessible materials in local languages (posters, media kits, fact sheets, issue papers) - Socio-ecological survey and SHA (stakeholder workshops) - Flights around basin - Videos, maps 	<p>Profile and posters been created in English. Need to simplify, translate, and replicate.</p> <p>Research institutions and/or civil society in partnership with ORASECOM to create issue papers and fact sheets. NOTE: process should be streamlined to fast-track approval of materials (i.e., should not require full Commission approval)</p>
Disseminate information to SH on SH engagement process and principles	<ul style="list-style-type: none"> - Articulate protocol for SH engagement - create accessible materials (brochure, etc) to disseminate in local languages - SHA and socio-ecological surveys - Media 	Outsourced to civil society
Understand SH needs, priorities, challenges, interests, and potential solutions (includes existing and desired institutional mechanisms)	<ul style="list-style-type: none"> - SHA and reports - Socio-ecological surveys and reports - SH workshops (national and basin-wide) - Reports from SHA and socio-ecological surveys consolidated and action plan developed (tying into socio-economic and ecological sustainability issues) 	<p>Outsourced to civil society</p> <p>Workshops with ORASECOM attendance (listen and learn)</p>
Expanding the scope, quality and depth of information available to SH basin-wide	<ul style="list-style-type: none"> - Basin profile - Basin database - Website (with all data accessible) - Database on CD and videos disseminated to schools, 	Outsource to civil society in partnership with ORASECOM

ORASECOM's Agenda	Tools	Responsible Party
	libraries, etc. - Use of local radio (to make announcements on events, talk shows on themes, etc) - (road shows)	
Participatory monitoring and evaluation of SH involvement process (common, good quality and replicable information is basis for joint planning, common objective setting and co-management)	- Creation of qualitative indicators that can be used and updated on an ongoing basis	Outsource to civil society and ORASECOM
Integration of SH action plan ² into ORASECOM agenda and basin-wide planning process	- Drawing from SHA and socio-ecological reports and workshop proceedings, etc. - Draft widely disseminated for comments and discussion	Outsource to civil society and ORASECOM
Involve SH fully in proactive visioning and planning for the future management and development of the basin	- Preliminary Basin Profile and database - Action plan - TEIA and SEA	ALL (ORASECOM, SH, civil society)

² Includes vision, objectives, implementation plan and participatory M and E on socio-economic and environmental management and development.

3.4 Terms of Engagement

Terms of Engagement

The terms of engagement is intended to guide development partners (donors, NGOs, consultants and others) wishing to develop projects on a transboundary scale (two or more of the basin states) dealing with stakeholder participation in water management. The aim is to promote coordination between the various project activities to avoid overlap and promote integrated basin development. Coordination should be through incentives, creation of an enabling environment and through collaboration and participation. If a development partner can demonstrate that reasonable efforts have been taken to apply the terms of engagement in the design and implementation of projects it will imply a tacit endorsement by ORASECOM for the project.

1. Projects should involve meaningfully a local partner from each basin state in which activities are planned
2. Donors wishing to start programmes or projects in the basin should have obtained endorsement from ORASECOM
3. Development partners should demonstrate coordination with other activities (past and present) in the basin – to avoid duplication of activities and promote the coverage of gaps.
4. Project partners (as a group) should possess the skills necessary to implement the proposed activity.
5. Projects should demonstrate the ability and intention to transfer knowledge and skills to the lowest practical level.
6. Partners should be able to demonstrate the sustainability (financial, technical, social, environmental etc) of their intervention
7. At the start of a project a work-plan should be submitted to ORASECOM (Secretariat) for approval
8. Annual progress reports should be submitted to ORASECOM
9. A final project report as well as data collected should be submitted to ORASECOM at the close of a project
10. Projects should align themselves with the ORASECOM strategic plan
11. The various endorsed projects should be placed in a basin-wide log-frame

4 APPENDICES

Appendix 1: Principles for Stakeholder Participation

It is important that the strategy on stakeholder participation in the Orange-Senqu River lines up with the regional and national policy context. Below is an overview of some the significant policy contexts that the strategy should take into account.

1.1 Rationale for stakeholder participation

The strategy on stakeholder participation in the Orange-Senqu River is being developed for genuine social, economic, environmental and political reasons and not cosmetic ones. It is now widely recognised and accepted that stakeholder participation improves the quality of decision-making in water resources development and management in terms of efficiency and effectiveness, as well as ensuring the buy-in and support from local communities and other actors. It is also important to note that stakeholder participation is part of IWRM, which SADC, through its various policies, legal and institutional frameworks, supports (see below).

Environmental concerns are a critical issue in the transboundary sharing of water, but are often not foregrounded. Local stakeholders are usually most dependant on a healthy and functioning ecosystem, as they rely on the good and services provided by that ecosystem. Thus a stakeholder participation strategy would need to contain explicit provisions around environmental concerns at various scales.

1.2 Compliance with international water law and practice

In the last decade water resources development and management has been profoundly shaped by international dialogue such as the Agenda 21, the Dublin principles, the World Summit on Sustainable Development as well as the World Water Forums. These have all affirmed, in one way or another, the importance of stakeholder participation in sustainable development and management of water resources. The development of the strategy on stakeholder participation in the Orange-Senqu River should be seen in the light of these important developments, and represents an attempt at domesticating these important provisions.

1.3 SADC Protocol on Shared Watercourses

The strategy will be developed with the understanding that the SADC Protocol on Shared Watercourses is the overall legal framework in the region for transboundary water resource management whose objective is to foster closer cooperation for judicious, sustainable and coordinated management; protection and utilization of shared watercourses and advance the SADC agenda of regional integration and poverty alleviation.

1.4 Regional Water Policy and Strategy

SADC member states have developed and approved a *Regional Water Policy* RWP that provides a number of broad guidelines in how water will be developed and managed in the region. The RWP document (2006, in print) makes a number of pertinent observations:

- The absence of a long-term policy and strategy for the management of transboundary watercourse systems against a backdrop of shared watercourse systems with complex water rights, which raises the spectre of potential conflicts over utilization of the shared resources.
- The common heritage of shared watercourses presents opportunities for cooperation in managing the shared resources for regional economic development and regional integration,
- The Regional Policy provides a framework for sustainable, integrated and coordinated development, utilization, protection and control of national and transboundary water resources in the region so as to promote socio-economic development and regional integration and improve the quality of life of all people in the region.

Effective public consultation and involvement of users is identified as one of twelve founding principles of the Regional Policy:

- Stakeholder participation and capacity building focusing on participation and awareness creation, capacity building and training, gender mainstreaming, and research, technology development and transfer is given one of the nine thematic areas. It is recommended that water resource development and management at all levels should ideally be based on a participatory approach, with effective involvement of all stakeholders. To this end all stakeholders should be empowered to effectively participate in the management of water resources at regional, river basin, national and community levels, particularly in shared water courses, and
- Member states and Shared Watercourse Institutions (SWCI) should recognize the positive role-played by Non-Governmental Organisations (NGOs) in water resources management particularly at community level, and shall facilitate their participation in water development and management activities, and SADC, SWCI as well as member states should establish mechanisms for regular dissemination of essential information on water resources. This will ensure that the public is kept informed.

The *Regional Water Strategy* (Draft February 2006) outlines in Chapter 10 - Stakeholder Participation and Capacity Building: strategies for participation and awareness creation; capacity building and training; gender mainstreaming; and research, technology development and transfer

Excerpt: Chapter 10.1 of the RWS draft version. SADC February 2006

“10.1 Participation and Capacity Development

The participation of stakeholders in decision-making processes is a fundamental principle of IWRM, as captured by, *inter alia*, the Dublin Principles. It is through the engagement of stakeholders that issues of local and regional significance are highlighted, that ownership of the process is transferred to the people that the process is affecting and that a consensual, people-oriented approach is pursued. Stakeholder

participation should, therefore, be encouraged at all levels within regional and national water resources development and management processes and activities, and stakeholders should be capacitated and empowered to be engaged in the processes and activities.

Effective stakeholder involvement in water resources management at national and transboundary levels will require activities including the following:

- Developing **awareness** and creating a **common understanding** of the need for, and the nature of stakeholder participation in IWRM through appropriate mechanisms or guidelines
- Encouraging **dialogue** among stakeholders and creating a suitable environment within which such dialogue can take place
- Ensuring that **information** is appropriately constructed and widely disseminated to ensure that stakeholders are **sufficiently informed** to engage the debate and participate in the decision-making process
- Developing **suitable incentives** for stakeholder involvement in the decision-making processes

Strategic Objective

- ❖ To promote effective mechanisms for stakeholder participation, capacitation and empowerment.

Strategies

10.1(a) Strategy: Develop and promote mechanisms to encourage stakeholder participation

Stakeholder participation and the involvement of stakeholders in the decision-making process is a cornerstone of IWRM. A range of mechanisms exists to encourage such participation, including:

- i) Awareness amongst all stakeholders, including the private sector, NGOs and other civil society organisation and society-at-large
- ii) Dialogue and debate amongst stakeholders and a raised profile of IWRM in local affairs
- iii) Appropriate forums and an enabling environment for dialogue and debate
- iv) Incentives for stakeholder engagement and participation in the process and activities of water resource management and development

10.1(b) Strategy: Promote best practices for effective participation in the region and the dissemination of this information (guidelines) to the appropriate institutions in an appropriate manner

Stakeholder participation is an elastic concept, and the process and methodology requires a careful understanding of the local social, cultural, economic and political dynamics, and incorporates the sensitivities and focuses inherently on those dynamics. Accordingly, the best mechanisms for stakeholder participation are often locally grown and significant capacity exists within the indigenous knowledge base to foster stakeholder engagement and participation.

- i) Support regional harmonisation of instruments and mechanisms for stakeholder participation, while allowing for local variation in approach and methodology

10.1(c) Strategy: Promote mechanisms for the development of appropriate levels and channels of information and the wide dissemination of that information

Information is empowerment. The collection and compilation of appropriate levels of information and the wide dissemination thereof is a natural precursor to the engagement of individuals and groups with the dominant debates and issues in IWRM. Information is a pre-requisite for effective and efficient stakeholder engagement and participation. This, however, requires a number of mechanisms and measures, including:

- i) Collection of the correct information and that the information is processed and presented at an appropriate level of detail
- ii) Mechanisms of information dissemination that bring the right level of detail to all stakeholders and constituencies,
- iii) Empowerment of all stakeholders through the transfer of information

- iv) Regular, frequent and wide dissemination of information
- v) Impartial information compilation and dissemination, and that information is not used to promote a particular agenda

10.1(d) Strategy: Develop and promote mechanisms to effectively involve the youth, women and the poor in IWRM decision-making, and to empower them to participate in IWRM dialogue and debate

Engaging the youth, women and the poor in the process of IWRM and decision-making in IWRM is a fundamental principle of the integrated, participatory, representative and people-orientated approach to water resources management, as highlighted in the Dublin Principles, *inter alia*. The inclusion of women in the process forms a separate component elsewhere in this chapter (**Section 10.2**). However, the involvement of the youth and the poor is an equally important component of achieving the goals of IWRM and requires some specific activities, including the following:

- i) Specifically target the marginalised groups in awareness and education campaigns, and information dissemination.
- ii) Specific forums for dialogue and debate amongst the youth about issues of IWRM
- iii) Inclusion of issues relevant and/ or specific to the young and women in the dialogue surrounding the decision-making in IWRM
- iv) Youth-centred and pro-poor incentives for engagement and participation in IWRM and decision-making

10.1(e) Strategy: Evaluate and monitor stakeholder participation in IWRM

Assessing the success of adopted or advocated approaches and mechanisms to stakeholder engagement is an integral component of the process by which the approaches and methodologies are adapted to achieve the aims of inclusive, effective and efficient stakeholder participation. Such benchmarking requires an evaluation and monitoring strategy that periodically reviews the successes and failures, appropriateness, and impacts of the adopted mechanisms. Monitoring and evaluation systems are treated elsewhere in this document (**Section 9.4**), and the reader is referred to the relevant section for further information.”

1.5 Regional Strategic Action Plan on Integrated Water resources Management (RSAP-IWRM)

SADC developed and implemented the first five years of the Regional Strategic Action Plan on Integrated Water Resources Development and Management (RSAP-IWRM) between 1999 and 2004. The Strategic Action Plan for the second phase (2005-2010) has been developed and is already in place. In the new RSAP-IWRM stakeholder participation is captured in the mission of the RSAP, which reads as follows:

To provide a sustainable enabling environment, leadership and co-ordination in water resources strategic planning, use and infrastructure development through the application of integrated water resources management at member state, regional, river basin and community level.

Stakeholder participation is also reflected in one of the five strategic objectives, which reads as follows,

Develop, promote and facilitate best practices regarding effective participation by various individual and institutional stakeholders in water resource development and management, including women, youth and other disadvantaged groups.

The Action Plan contains other elements for improving stakeholder participation:

- It is one of the nine targets of the water sector as captured in the Regional Indicative Strategic Development Plan (RISDP), SADC’s blueprint for development. Specifically Target 2 talks about “increased awareness, broad participation and gender mainstreamed in water resources development and management by 2005”.
- Is captured in two of the four strategic areas, namely Water Governance and Capacity Building.
- Two RSAP projects; Promotion of Public Participation in Water Resources Development and Management (WG2) and Skills Training for Policymakers, managers and practitioners (CB1) espouse it.

1.6 Mandate of Orange-Senqu River Commission (ORASECOM)

The strategy on stakeholder participation should be in line with the mandate of Orange-Senqu River Commission as it is laid out in the Agreement document. At a broad level the Agreement document makes reference to:

the extent to which the inhabitants of each territory of each party concerned shall participate in respect of the planning, development, utilization, protection and conservation of the river system, as well as the harmonization of policies in that regard and the possible impact on the social, cultural, economic and natural environment.

1.7 National policies

An effective strategy on stakeholder participation in the basin depends on sound domestic (national) policies. To this end the following issues should be considered are: does the national water policy contains provision for stakeholder participation; is there a strategy and action plan in place to ensure stakeholder participation, and if not when would they be in place? If provisions for stakeholder participation exist, how aligned are these provisions across legislations of the various riparian states?

It is indeed important for ORASECOM to consider the inclusion of provisions for stakeholder participation in each country’s national water law. Beyond that, however, a critical factor is the degree of alignment (or harmony) between such provisions among the various national water laws. To cite an example, the Pungwe case (see ORASECOM seminar reader) shows that although Zimbabwe and Mozambique have both made provisions for stakeholder participation at the transboundary level, each country has adopted a different approach. Zimbabwe’s water law recognizes stakeholder institutions as Responsible and Accountable Legal Entities (RALES) while Mozambique’s water law considers stakeholder institutions (basin committees) as ‘advisory’ bodies to state water institutions, without the legal mandate to make decisions. Such differences in legal provisions have implications for transboundary stakeholder participation strategies.

Appendix 2: Stakeholder Analysis

In order to plan any stakeholder involvement in a project or project component, it is first necessary to know *who* your stakeholders are and what their interests might be relative to the project. Failure to identify and involve key stakeholders and to understand their potential roles and interests can result in incomplete definitions of the scope of the problems being addressed, inappropriate implementation plans, and alienation of excluded groups.

The process of identifying stakeholders and assessing their relative interests in an activity or decision-making process is called *Stakeholder Analysis* (SHA). SHA is an approach, or set of tools, for generating knowledge about actors – individuals and organizations – in order to understand their behavior, intentions, inter-relations, and interests, and for assessing the influence and resources they bring to bear on a decision-making or implementation process.³ SHA is a critical step in any participatory planning process. A SHA is a required pre-requisite of Full Project approval by the GEF and has the potential to contribute to the participatory nature of each stage of a GEF IW project. It should thus be considered as an iterative tool that can be refined and re-visited throughout the life of the project.

GEF international waters projects target a range of sometimes complicated and often multi-disciplinary objectives. The transboundary nature of the projects by definition involves multiple political, legal, institutional and cultural settings. While the complexity of each project might vary in any of these aspects, all of the projects are addressing issues that involve numerous individuals, groups, and institutions. A systematic and detailed review is therefore required to identify the specific stakeholders that are important to each project stage and decision-making process and categorize the relevant interests, knowledge, needs, resources, and authority that stakeholders can bring to bear on those processes.

There are many tools for conducting SHA that use both quantitative and qualitative information to understand stakeholders and their positions. We will highlight some of these in this Section. It is important to remember, however, that there is no blueprint for conducting a successful SHA. The complexity of the issues involved in GEF IW projects and the fact that each one takes place in a particular social, ecological, political, and cultural context requires that the approaches to engaging stakeholders remain flexible in order to respond and adapt appropriately to the circumstances of each project. Indeed, each stage of a project, and even each critical decision point within those stages, might entail a need to identify and evaluate what stakeholders can and should be involved in that process. The specific goals of those decision points must guide the type of analysis that needs to be undertaken to identify and categorize the relevant stakeholders. Moreover, the number and range of stakeholders is almost certain to change throughout the project, reflecting new information, building of new stakeholder institutions, clarification of issues and so on. These considerations do not necessarily mean that a new SHA will need to be conducted at each decision point, but rather that this is an iterative process that can be built upon throughout the life of the project.

³ Z. Varvasovszky and R. Brugha, “How to do (or not to do) a Stakeholder Analysis,” 15 HEALTH POLICY AND PLANNING 3, 338-45.