

Water Governance in the MENA region: Critical Issues and the Way Forward The Case of Stakeholder Participation and Public Awareness¹

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I. Introduction

The global interest in environmental and social issues has increased since the convening of the United Nations Conference on the Human Environment in Stockholm in 1972. At the time of the Stockholm Conference only 11 countries had institutional arrangements to manage environmental issues. Exactly 20 years later, when the United Nations convened its next global Conference on the Environment and Development in Rio de Janeiro, nearly all its member countries had established institutional mechanisms to manage their environmental issues at the national level. One of the aspects that contributed to this development was the countries' individual and collective recognition of the increasing degradation of their natural resources and the inevitable long-term adverse linkages this would have for their future economic development, efforts on poverty alleviation and overall quality of life of their populations. This awareness prompted political attention towards social and environmental issues at the national and international levels, which resulted in several world-wide gatherings to analyse development and environment related issues. Unfortunately, 15 years after the Rio meeting increasing environmental degradation suggests that many developed and developing countries have still not managed to formulate and implement proper public policies that address environmental issues within their overall economic and social frameworks.

In the area of water resources, the dominant trends of the decades of the 1970s and 1980s were on development of infrastructure. During the early 1990s, the focus shifted to the management of water resources, still largely along sectoral lines. By the end of the decade, the concept of integrated water resources management encompassing a multi-sectoral approach and a wider range of social and environmental issues became the main trend. It was recognised that many of the activities related to a broader approach of water resources management had little to gain from a paradigm which focused mainly on the construction of water infrastructures. The new policies were expected to take into consideration social, environmental and economic aspects that would result into more effective regulations, incentives, investment plans and environmental protection. The emphasis of the international community shifted then from sub-sectoral and project-based development projects to broader issues like demand management, private sector involvement, water pricing, environmental conservation and participation of stakeholders.

With time, the focus of the discussions has changed, discourses on specific issues have ebbed and flowed, and new and modified paradigms have been proposed. In spite of this, development practices have had limited impacts on poverty alleviation, and the global environmental situation

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continues to deteriorate. In other words, deeds have not matched the words of the national and international leaders and their institutions (Tortajada 2007a, b).

Terminology and concepts have also evolved, and it is now governance, and mostly varying concepts of “good governance,” that have permeated the development discourse. Extremely challenging and complex, governance is regarded as an umbrella concept that considers multi-faceted processes where societal goals are pursued through the interaction of all interested actors in specific fields of development. The processes require the promotion of decision-making dialogues and the participation of multiple stakeholders. It also takes into consideration how governments and social organisations interact, how they relate to citizens, how decisions are taken, and how accountability is rendered (Graham et al., 2003).

Because the concept of governance is used in many different ways, this paper will not even attempt to assess it comprehensively. Instead, it will present the discussion of governance and water governance as a concept, and as a reality, particularly in the Middle East and North Africa (MENA) Region. It centres its analyses in the core aspect of the concept of governance: multi-level participation of stakeholders in the policy-making and decision-making processes, and the complexities associated with it.

The paper argues that the countries in the MENA region are indeed promoting stakeholder participation, but are focusing mainly on involving the national and international private sectors for water supply-related services, and the users in the irrigation sector. Since participation, collaboration and dissemination of information for the civil society and members of the public is more limited, its overall usefulness to promote, for example, awareness in water-related issues and on the role members of society can play as part of the water-related problems and their solution, is also limited. The way forward for the countries in the MENA region in this regard looks challenging as it relates mainly to the development of enabling environments, resources and capacities that can lead to a more extended participation of stakeholders, including the members of the society.

II. Governance as a concept

Governance has been used mostly as an umbrella concept and no definition has been agreed for it as a whole.

Governance is not synonymous with government. It is instead a complex process that considers multi-level participation beyond the state, where decision-making includes not only public institutions, but also private sector, civil society and the society in general. Good governance frameworks refer to new processes and methods of governing and changed conditions of ordered rule on which the actions and inactions of all parties concerned are transparent and accountable. It embraces the relationships between governments and societies, including laws, regulations, institutions, and formal and informal interactions which affect all the ways in which governance systems function, stressing the importance of involving more voices, responsibilities, transparency and accountability of formal and informal organisations associated in any process.

Because of its complexity, good governance clearly does not just appear: it is instead the culmination of multi-faceted, long-term processes that have to be carefully planned and nurtured. For good governance to develop, overall conditions and the general environment must be made appropriate; parties concerned must be amenable to collective decision-making; effective and functional organisations need to be developed; and policy, legal and political frameworks must be

suitable to the goals that are being pursued for the common good (Rhodes, 1996; Kooiman, 2003; Tiihonen, 2004).²

Since governance-related issues are not just public or private, but are frequently shared, governance activities at all levels become diffuse over various societal actors whose relationships with each other are constantly changing. The challenge for anyone involved in governing and governance is to make public, private and societal actors, participate at solving problems and creating opportunities under both normative and institutional frameworks that provide the foundations for any activities. For these complex interrelationships to succeed they have to take into consideration that they are interdependent and that no single actor, public or private, has the knowledge or information to solve the changing societal challenges on his own. This is, no actor has the sufficient umbrella to make the necessary instruments effective on his own or sufficient action potential to unilaterally dominate the decision-making arena (Kooiman, 2003).

² In terms of definitions, each organisation has described “governance” in its own terms. For example, for the Organisation for Economic Co-operation and Development (OECD), governance denotes the use of political authority and exercise of control in a society in relation to the management of its resources for social and economic development (OECD, 1995). The World Bank defines governance as the way in which power is exercised in the management of the economic and social resources of any country. It takes into consideration the countries’ political regimes, the processes by which authority is exercised in the management of economic and social resources for development of the nation, and the capacity of governments to formulate and implement policies and allocate functions. The World Bank has set three goals for good governance which include empowering citizens to hold governments accountable through participation and decentralisation; enabling governments to respond to new demands by building capacity; and enforcing compliance with the rule of law and greater transparency (World Bank, 1994).

The United Nations Development Programme (UNDP) considers governance as the exercise of economic, political and administrative authority to manage the affairs of any country at all levels, and the mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences (UNDP, 1997). Similarly to other international organisations, UNDP considers that good governance requires participation, transparency and accountability, and that it should promote the rule of law. Governance encompasses the state, but also the private sector and the civil society organisations.

The Commission on Global Governance regards governance as a multi-level phenomenon. It describes it as the sum of the ways in which individuals and institutions, public and private, manage their common affairs through a continuing process that accommodates conflicting and diverse interests while fostering cooperative actions. In other words, governance refers to the many channels through which ‘commands’ flow in the form of goals framed, directives issued and policies pursued. It includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements to which people and institutions either have agreed to or perceive to be in their interest (Commission on Global Governance, 1995).

The European Union establishes its own concept of governance in the White Paper on European Governance. The term ‘European Governance’ refers to the rules, processes and behaviour that affect the way in which powers regarding openness, participation, accountability, effectiveness and coherence are exercised in the European Community. Multi-level governance identifies the challenge of articulating the action of independent public actors at different geographic levels towards shared objectives. Since the idea of governance highlights the involvement of regional, local and non-governmental actors in the policy-making process, it is increasingly clear that the success of the decision-making and the acceptability of its rules depend on such actors being involved.

Regarding civil society, governance enables it to play a role both as a responsible stakeholder and as an increasingly important force for reforms and development processes. Nevertheless, involving civil society as a stakeholder is a very complex political, philosophical and technical task for institution building in any country mainly because of its many-dimensional nature. Responsibilities cannot just be transferred from the state to the society simply because there is no one monolithic group known as “society”: society is composed instead of heterogeneous groups of individuals, citizens, organised associations and unorganised communities with very complex relationships. It has been the complexity of these inter-relations between actors what has meant that the governance discourse can be only implemented to a certain extent, and that is application remains mainly theoretical in nature and concerns mostly the development of strategies and principles but not so much the difficult execution phase (Tiihonen, 2004).

Given the importance that governance has acquired within the international community, resources in the form of aid are being directed towards strengthening the relations between the state and the different non-state actors mostly in developing countries. In 1998, the ODA for government and civil society from regional development banks represented 35.3% of total multilateral finance, becoming only 8.9% in 2005. Contrarily, aid from the World Bank for these same areas increased from 4.7% in 1998 to 11.3% in 2005.

Also in 2005, the aggregate of the funds provided by the United States, the Development Assistance Committee (DAC), the European Community, the World Bank and the African, Asian and Inter-American development banks, allocated the highest percentage of total bilateral ODA towards the support of government and civil society only after funding for social and administrative infrastructure (Faure, 2000; OECD, 2007a, b). The United States designated 18.3%, the DAC 9.7%, the European Union 16%, the World Bank 11.3%, and the Regional Development Banks, 8.9%. This percentage was much higher than the one allocated to, for example, water supply and sanitation purposes (see Table 1).

Table 1. Aid by major purposes, percent of total bilateral ODA, 2005

	United States	DAC	EC	Percent of total Multilateral Finance (ODF)	
				World Bank	Regional Dev. Banks ^c
Social and administrative infrastructure	42.8	30.5	40.1	42.2	27.7
Education ^a	2.7	6.1	6.6	9.2	3.1
Health	4.9	3.8	5.4	3.9	2.9
Population ^b	5.2	2.3	0.5	0.8	0.7
Water supply and sanitation	3.9	4.8	6.1	8.8	3.4
Government and civil society	18.3	9.7	16.0	11.3	8.9
Other social infrastructure-services	7.9	3.7	5.6	8.1	8.7

a Including students and trainees.

b Population and reproductive health.

c Including the African, Asian and Inter-American Development Banks.

Source: OECD, 2006a.

The change of dynamics in terms of governance in the region, and in the world, has meant that the definition of development needs and implementation of programmes now take place in the

form of partnerships. As a result, country assistance strategies are looking for agreements, commitments and contributions not only from governments at different levels, but also from domestic and foreign private sectors, development agencies and groups of the civil society.

III. Governance approaches in the MENA region

The World Bank recently completed a study (2007a) on water management and accountability in the MENA region. With respect to the topics of governance and administrative reforms, the MENA region rates high in indicators related to political stability and e-governance; is “fair” in terms of service delivery and anticorruption; and rates low on issues of public voice, accountability and participation, with differences depending on the countries. The study identifies as a main constraint the overall size and affordability of the public sector. When government employment is viewed in per capita terms or as a proportion of the labour force, the MENA region remains home to some of the largest governments in the world.

Progress in terms of accountability of the public sector is considered particularly important for the successful implementation of the overall reform agenda in the region. Improvements with regard to more participation of their societies in development-related matters are important not only to take into account the needs, values and opinions of those who are affected by the reforms, but also to ensure that the implications of a new development model are acceptable to the societies.

Governance indexes related to the quality of the public administration and to the public accountability in the MENA region are shown in Table 2. As it can be observed, the MENA region has made significant improvements in the field of governance over the past few years.

Table 2. Governance indexes, 2000 and 2005, and governance reform progress

Country/region	Quality of administration, 2000	Quality of administration, 2005	Quality of administration, reform	Public sector accountability, 2000	Public sector accountability, 2005	Public sector accountability, reform
Algeria	26	38	91	22	29	91
Bahrain	80	77	26	16	23	91
Egypt	29	43	92	19	25	84
Iran	23	16	19	35	21	4
Jordan	63	66	67	33	34	60
Kuwait	62	58	24	30	31	65
Libya	9	11	64	1	0	42
Morocco	66	73	83	28	33	81
Oman	56	61	75	11	16	81
Qatar	49	60	89	10	13	74
Saudi Arabia	52	57	77	3	5	69
Syrian Arab Republic	12	15	67	4	7	74
Tunisia	65	74	87	26	22	22
United Arab Emirates	74	59	6	18	17	41
Yemen	24	28	71	13	20	89
MENA	46	49	63	18	20	64
Resource-poor	56	64	82	27	28	62
Resource-rich	42	44	55	15	17	65
RRLA	21	24	62	19	19	64
RRLI	55	55	52	12	15	66
East Asia and Pacific	44	43	45	43	41	48
Europe and Central Asia	47	47	46	51	52	51
Latin America						

and the Caribbean High-Income	46	46	50	58	57	53
OECD	89	89	47	92	91	49
South Asia	47	48	53	47	39	31
Sub-Saharan Africa	35	34	53	35	37	55
World	50	50	50	50	50	50

Source: World Bank Staff estimates, World Bank 2006a.³

According to the World Bank (2006a, p.109):

“...in the area of quality of public administration, the MENA region ranked, on average, in the 63rd percentile worldwide, ahead of all other regions of the world. The strongest reform effort has occurred among resource-poor economies in the region, which ranked in the top quintile worldwide, on average, with regard to improving the quality of public administration. This was led by strong achievements in Egypt, Morocco, and Tunisia. A few resource-rich economies including Algeria, Oman, Qatar, Saudi Arabia, and Yemen also notably improved. The region has also made very good progress in improving mechanisms for greater government accountability. Between 2000 and 2005, the MENA countries made the strongest effort compared to the rest of the regions of the world, ranking on average in the 64th percentile. The greatest improvement has been in the resource-rich, labour-importing economies, where a few countries such as Bahrain, Oman, and Qatar, have taken significant steps to open up the political space for greater participation in public policies.”

Unfortunately, in spite of the above, the MENA region is also considered to have the greatest gap with the rest of the world in terms of accountable and inclusive governance structures, ranking on

³ Note 1. Governance indexes reflect data for 2000 and 2005, or closest available years. “100” reflects a greater improvement in rank and “0” reflects the lowest improvement.

Note 2. The MENA Resource includes resource-poor, labour-abundant (RPLA) economies of Djibouti, Arab Republic of Egypt, Jordan, Lebanon, Morocco, Tunisia, and the West Bank and Gaza; resource-rich, labour-abundant (RRLA) economies of Algeria, the Islamic Republic of Iran, Iraq, the Syrian Arab Republic, and the Republic of Yemen; and resource-rich, labour-importing (RRLI) economies of Bahrain, Kuwait, Libya, Oman, Qatar, Saudi Arabia, and the United Arab Emirates.

Note 3. The Index of public accountability includes the following 11 measures: (a) Freedom House political rights measure; (b) Freedom House civil liberties measure; (c) Freedom House freedom-of-the-press ranking; (d) Centre for International Development and Conflict Management (CIDCM) Polity IV database polity score; (e) CIDCM Polity IV database regulation of executive recruitment regulation; (f) CIDCM Polity IV database competitiveness of executive recruitment competition; (g) CIDCM Polity IV database openness of executive recruitment; (h) CIDCM Polity IV database regulation of participation; (i) CIDCM Polity IV database competitiveness of participation; (j) CIDCM Polity IV database executive constraints; (k) Political Risk Services index of democratic accountability.

Note 4. The index of quality of public administration (IQA) includes the following 7 measures: (a) Political Risk Services index of corruption; (b) Political Risk Services index of bureaucratic quality; (c) Heritage Foundation index of property rights; (d) Heritage Foundation index of regulation; (e) World Bank *Doing Business* indicator of starting a business (number of procedures); (f) World Bank *Doing Business* indicator of contract enforcement (average time); (g) World Bank *Doing Business* indicator of closing a business (average time).

average in the bottom quintile worldwide, by far the lowest average ranking worldwide. There is almost no diversity in the region with accountable governance structures: every country in the region, except for Jordan, ranks in the bottom third. Given this large gap in public sector accountability with the rest of the world, any improvements in the region are of highest importance (World Bank 2006a, 2007a).

Private sector

Institutions and practices for good governance are also fundamental to the functioning of the private sector. The OECD (1999) considers that practices to improve private investment and effectiveness of aid include, but are not limited to, public management and corporate governance, development of partnerships based on local ownership, mechanisms and processes to ensure high levels of consultation and participation, and consensus building and strengthening of local capacities to conceptualise, implement and monitor programmes.

Overall, the formal private sector remains underdeveloped in the MENA region and accounts for less than 50% of GDP in the region (Figure 1). Private sector activity is concentrated in a small number of large firms that are considered to have benefited from protective policies and which operate along with a number of microenterprises that account for much of employment but have little access to formal finance, markets, or government support programmes (World Bank, 2006b).

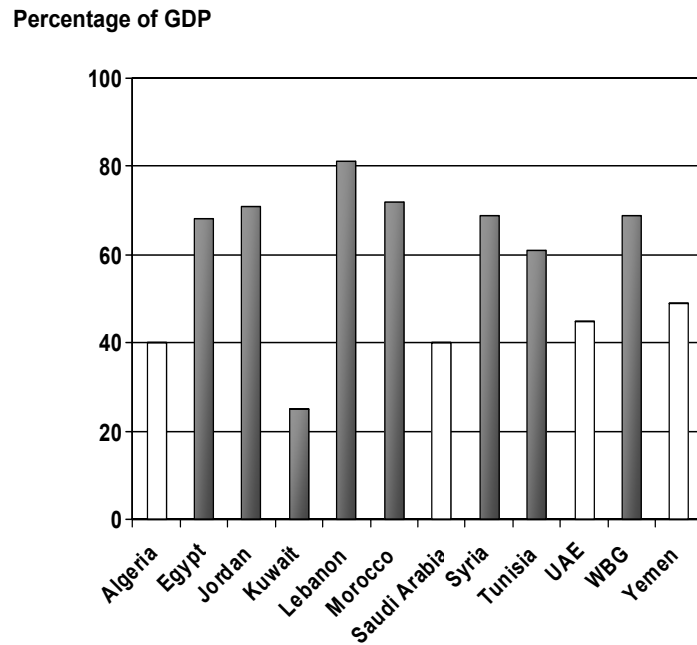


Figure 1. Private sector contribution to GDP in early 2000
(Source: World Bank, 2006b)

While most of the governments in MENA agree that the private sector needs to become the primary engine for employment growth, the public sector remains a major source of job creation.

The public sector accounts for almost a third of employment in the region, compared with 27% worldwide: it ranges from a low 10% in Morocco to a high of 93% in Kuwait.

Recognising the need to make improvements in the areas of governance and investment, the countries in the MENA region have launched an “Initiative on Governance and Investment for Development” with the support of UNDP, the Government of Jordan and OECD (OECD, 2007). This project has the objective to promote broad reforms to improve the investment climate, modernise the governance structure and its operations, strengthen regional and international partnerships and promote economic growth in the region. One of the main focuses of this initiative is to support the implementation and further development of the national action plans of the countries in the MENA region through capacity building programmes. According to OECD, as a result of this programme, national actions plans for modernising governance of seven MENA countries are already under analysis.

Within the above initiative, there is the programme on “Good Governance for Development in the Arab Countries (GfD)”. This programme is founded on three inter-related reforms in the fields of administration, finances and the judiciary. It comprises six themes which include civil service and integrity; e-government and administrative simplification; governance of public finances; public service delivery, public-private partnership and regulatory reform; role of the judiciary and law enforcement; and citizens, civil society and public sector reform in the Arab Region. (For more information, see OECD, 2006a, b, c, d).

The analyses of “citizens, civil society and public sector reform” emphasise the importance of promoting governance reforms which are based on government policies and actions with the participation and shared responsibilities of the society. Both media and the civil society are expected to build on their acquired freedom, but also to develop their institutional capacity and build strong alliances with the government, the private sector and the society at large. This relationship is expected to be based on mutual trust; access to information and strengthening of participatory democracy; modernisation and enforcement of legislative reforms where civil society organisations are recognised and legitimised; and training and skills development with the objective to enhance the role of civil society organisations and strengthen its partnership with public and private agencies.

One of the potential limiting factors for economic and social development of the MENA region is lack of water resources, especially as this region faces both water scarcity problems and water governance constraints.

IV. Governance of water resources management as a concept

As is the case for the concept of governance, that of water governance is still evolving. There is no universally agreed definition for water governance, and its ethical implications and political dimensions are all a matter of international debate. The result is that different people use the concept in different ways and within varying cultural, economic, social and political contexts.

Water governance is perceived, in its broadest sense, as comprising all social, political economic and administrative organisations and institutions, as well as their relationships to water resources development and management. It is concerned with how institutions operate and how regulations affect political actions and societal concerns through formal and informal instruments (UNDESA et al., 2003).

According to UNDP (2004) the term water governance includes political, economic and social processes and institutions by which governments, the private sector and the civil society make decisions about how best to use, develop and manage water resources. It refers to the range of political, social, economic, and administrative systems that are in place to develop and manage water resources and the delivery of water services at different levels of society. It comprises the mechanisms, processes, and institutions through which all involved stakeholders, including citizens and interest groups, articulate their priorities, exercise their legal rights, meet their obligations and mediate their differences. It emphasises the causality of water-related problems by pointing out not only the natural limitations of the water supply or lack of financing and appropriate technologies, but rather from profound failures in water governance, such as the ways in which individuals and societies have assigned value to, made decisions about, and managed the water resources available to them.

Water governance and water management are interdependent issues in the sense that effective governance systems are meant to enable practical management tools to be applied properly as the situations require. Partnerships between the public and private sectors, participation of stakeholders, and economic or regulatory instruments will not be effective unless there are administrative systems in place as well as commitments of governments, private sector groups and civil society organisations. Even though reform of water institutions and policies is taking place in many countries, the progress has been rather slow and limited. In most of the countries of the developing world, water institutions do not function properly and many of them display fragmented institutional arrangements and overlapping and/or conflicting decision-making structures (UNDESA, et al., 2003). Water governance is also considered as the context within which integrated water resources management can be applied (Rogers and Hall, 2003). Nevertheless, while integrated approaches are considered to be of fundamental importance to manage water in more effective ways, their implementation remains incomplete in most countries, regardless of their stage of development.

V. Stakeholder participation and public awareness in the MENA region within a governance framework: the challenge of implementation

Water governance in general, and stakeholder participation in particular, are dependent on and cannot be achieved separately from the improvement of the overall governance situation in any country. The MENA countries have developed, or are in the process of developing innovative water policies and carrying out institutional reforms, which often include an increased space for involvement of stakeholders, including central and non-central state actors, private sector and societal groups.

According to a study of the World Bank (2007a) on the water sector in the MENA region, the index of quality of water policies and institutions which evaluates policies and institutions for water management in different countries rates 10 MENA countries above 27 low- and middle-income countries from outside the region (see Figure 2). This index covers the adequacy of what is called a policy mix (legislation, property rights, and allocation mechanisms) and instruments and policies to control water pollution (standards, instruments and involvement of stakeholders).

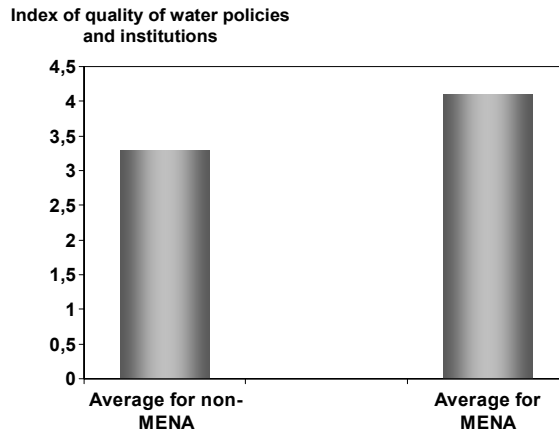


Figure 2. Evaluation of water policies and institutions in MENA and comparator countries, 2004
(Source: World Bank 2007a)

The above figure shows that compared to other regions, by these measures, the water policies and institutions in MENA are better on average. However, since the information provided does not include which countries are considered, or what specific parameters are measured and how (except in very general terms), this comparison gives only a very general view of what may or may not be happening in the countries in the MENA region.

Despite the improvements in the MENA countries in the water sector, the World Bank (2007a,b) also considers that the policy and institutional efforts have not reached the expected results due to problems related mainly to resource management and inefficiency in public expenditure on water services and related projects. Other reasons include subsidy regimes that do not promote organisational capacity growth, water organisations that do not attract and retain staff with skills required for efficiency efficient service delivery, and legislation that lacks the necessary implementing instruments.

Regarding participation, countries in the region, be it because of the realisation of the benefits of the involvement and contributions of different actors or because of the pressure of the international donors, have begun to involve stakeholders in water resources-related issues. For example, Egypt, Jordan, Morocco, Tunisia, West Bank and Gaza have developed water policies and strategies that consider consultation of stakeholders including government officials, politicians, water users associations, local communities and the private sector (World Bank, 2007a; Ministry of Planning and International Co-operation, 2004; UNDP and Institute of National Planning in Egypt 2004, 2005).

Bruch et al. (2007) have carried out a comprehensive review of legal frameworks governing water in the Middle East and North Africa with emphasis in Algeria, Egypt, Jordan, Morocco, Palestine, Syria, Tunisia and Yemen. Among the issues analysed is the extent of mandate and requirements for public participation in terms of access to information, establishing standards, permitting processes, environmental impact assessments and institutionalised public participation. According to the findings of the authors, some of the laws and regulations of the above countries allow access to information to the public as well as participation in the permitting processes (e.g.,

water authorisations and concessions), but not in establishing standards for norms, policies or plans. Regarding environmental impact assessments, a procedure that normally includes the participation of stakeholders affected by the projects, no specific requirements were found related to the involvement of stakeholders for consultations or other forms of decision-making. The most structured procedures for participation of stakeholders was found to be that of water users in the irrigation sector. Egypt, Iran, Jordan, Libya, Morocco, Oman, Tunisia and Yemen are some of the countries in the region that promote the involvement of users in the irrigation sector in activities such as management, operation and maintenance of local infrastructure. There have also been developed institutional reforms to work with stakeholders at the basin level and within a more integrated framework. However, these attempts are still very much in their very initial steps regarding implementation.

In his comparative study of regulatory frameworks for water resources management, Salman (2006) presents several studies.

In the case of Yemen,

The goals of the Water Law, as stated in art. 3, are developing and rationing the exploitation of water resources; protecting water resources from depletion and pollution; improving the allocation of water and the operation and maintenance of water installations; and promoting the participation of beneficiaries in the management, development and conservation of the water resources from which they benefit (pp. 119-120).

The NWRA (National Water Resources Authority) is responsible for formulating the National Water Plan (Water Law, arts. 13-17) and issuing all permits for water use. The National Water Plan, which should include consideration of efforts designed to promote public participation, must ultimately be approved by the Council of Ministers (Water Law, art. 18) (p. 124).

In Morocco,

the Water Law of 1995, Law No. 10-95, is based in a number of principles including that water use development and water distribution plans are to be based on broad consultation between water users and public authorities. The water law creates a High Council on Water and Council responsible for formulating the guidelines for national water and climate policy: half the membership of the High Council is composed of central government representatives and catchment basin authority representatives; and the other half consists of representatives of water users, local authorities and professional and scientific bodies. At the prefecture or province level, the country must establish a Prefecture or Provincial Water Commission. These Commissions are responsible of assisting the catchment basin authority in preparing the catchment basin integrated water resources development plan, supporting municipalities in designing water protection activities, and educating the public about the need to protect and preserve water resources. Half the membership of the Commission consists of representatives of the central government and the public establishments responsible for potable water production, hydroelectric power generation and irrigation. The other half consists of the presidents of the prefecture or provincial assembly, the chamber of agriculture, the chamber of commerce, industry and services representatives, and representatives of municipal councils and ethnic communities. The

Catchment Basin Authorities are administered by a management board that is chaired by the government authority responsible for water resources. The board has 24 to 48 members and is composed of one-third government representatives, one-quarter representatives of public bodies responsible for potable water production, hydroelectric power, and irrigation; and the remainder from chambers of agriculture, commerce and industry, local government, ethnic communities and associations of water users (pp. 90-91).

Regarding participation in Jordan, according to Haddadin (2006), the Board of Directors of each public institution includes two representatives of stakeholders who are appointed by the Council of Ministers. In the irrigation sector, water users associations are being introduced in the Jordan Valley with the objective to encourage the participation of farmers in managing the distribution of irrigation water in several districts in the Jordan Valley and Southern Ghors, and in helping identify and resolve technical and administrative issues related to water distribution networks.

Participation of the private sector is not new in the region. For years, national and international private sector companies in partnerships with the government have contributed to expedite activities in financing and managing public infrastructure, provide water supply and sanitation services, as well as invest in the irrigation sector. Examples of these practices can be found in countries such as Egypt, Jordan, Morocco, Tunisia and Yemen (See World Bank, 2007a; Haddadin, 2006; Al-Baz and Biswas, 2002).

In terms of institutions which provide water supply and sanitation services, following are some examples of improved efficiency in management in different countries of the region with and without participation of the private sector.

- a) Tunisia has a publicly owned operator, the Société Nationale d'Exploitation et de Distribution des Eaux (SONEDE), responsible for domestic and industrial water supply in urban areas. It is financially independent and with a clear set of performance standards.
- b) Jordan has established management contracts for water and wastewater in Amman with LEMA (a private consortium of the French company Lyonnaise des Eaux, the British company Montgomery Watson and the Jordanian company Arabtec Jordaneh) and one more in Wadi Mousa. It has a commercially-run public utility in Aqaba and a BOT contract for the Asamra wastewater treatment plant.
- c) Morocco has awarded concessions of water supply and sanitation services to the private sector in cities such as Casablanca, Marrakech, Rabat, Tangiers and Tetouan.
- d) Egypt has created a holding company for water and wastewater to manage water services in 14 cities. The company has set up performance incentives for staff responsible for bill collection; it has helped improve consumer trust in the accuracy of the water bills; and most of the affiliated companies have so far recovered a high percentage of operations and maintenance costs (World Bank, 2007a). The government of Egypt has also established two holding companies to manage, operate and maintain the irrigation and drainage networks in the Toshka and North Sinai development projects.

Concerning NGOs and the general public with respect to environmental protection and related-information, their interest on environment and water-related issues is increasing in the region.

Civil society involvement in decision-making is still generally low, but it is receiving increasing attention and support not only at the national level but from international donors.

The Government of Jordan recognises the importance of allocating additional investment at the municipal level to enable the municipalities to plan stronger roles in development and governance tasks at the local levels. In terms of civil society organisations, it stresses that they should take a more proactive role at the local level by informing citizens of their rights and helping them on making their claims effectively. Concerns of matters such as empowerment, participation, ownership, rights, entitlements and responsibilities will, to a large extent, depend on civil society playing a more active role, but also on the government being more receptive to them and thus providing specific spaces for participation (Ministry of Planning and International Co-operation et al., 2004)

The Egyptian Government, as many other governments, lacks both all needed financial and human resources to adequately meet the increasing demands of the population for services. It has thus recognised that one of the four directions for change in the country is for the State to reduce its central control and the promotion of further political, social and economic participation of civil society. Moreover, decentralised participation is acknowledged as a major tool for cultural transformation because it is trying to achieve that citizens own and manage utilities and services for which they are willing to collectively share the responsibility for their use and their quality (UNDP and Institute of National Planning, 2005). Pilot projects in several villages across Egypt (e.g. Kom el Dabaa villages in the governorate of Qena and Moufty al Kobra in the governorate of Kafr el Sheikh) have been implemented with the objective to promote the involvement of citizens in local decision-making processes related to specific income-generating activities; mobilising resources for their own benefit; and promoting collaborative relationships with the local private sector and NGOs. While these efforts were not free of constraints and challenges, it was possible to involve the citizens to improve the impact of the activities that affect them directly. On the one hand, building local capacities was a very important issue for citizens to engage more actively in improving their own conditions. On the other hand, information and sensitisation within the central institutions was fundamental to facilitate any ground for change (UNDP and Institute of National Planning, 2004)⁴. The lessons learnt were that decentralisation as well as the development of mechanisms to facilitate representative participation of various stakeholders can be promoted in specific locations and under specific socio-economic, cultural and institutional contexts, but not in others.

The countries in the region recognise the need to improve key aspects of governance systems to achieve higher levels of human development, mainly reform of public institutions and promotion of the participation of the society. They acknowledge that institutional and governance reforms are complex and that they involve addressing a very broad range of challenges and cannot be achieved simply by changing laws and regulations. It is recognised that without the strong and sustained commitment of the leadership and the consent of the society, reforms will not deliver its benefits (UNDP et al. 2005).

VI. Complexity of the participation of stakeholders

⁴ Examples where participation in all sectors of the country have been promoted, the experiences, and the lessons learnt, can be found in the 2004 and 2005 Egypt Human Development Reports (UNDP and Institute of National Planning 2004, 2005).

Processes that involve dialogue, interaction and debate between stakeholders are enormously intricate, as it also is to persuade the different actors to recognise and assume its responsibility for the protection and conservation of the resources they use.

The more frequent means by which stakeholders can have a say in decision-making is through the interest groups to which they belong. However, when only such groups (many of them non-governmental organisations) are involved, the views that are put forward may not always be sufficiently representative of the individuals as a whole. This is because groups of stakeholders neither include all of the citizenry nor represent all of its needs and concerns. In addition, stakeholders who are affected by a particular decision or problem are not necessarily all represented in the groups that are prepared to take part in decision-making on specific issues, including members of local institutions, groups of users, or normally excluded sections of the population.

Even when participation can be useful in understanding the reasons that lie behind a particular decision, it provides no final assurance that any agreement can be reached among the parties involved. It is commonly assumed, for example, that participation helps to build consensus and prevent conflict and that dialogue provides an opportunity for stakeholders to discuss and have a better understanding of the different viewpoints. However, although participation processes represent an opportunity for stakeholders to share objectives, experiences, responsibilities, and be more agreeable to the solutions that will be reached, this is clearly not always the case. In many cases prevail the interests and ideologies that make no allowance for interaction and exchange of ideas, blocking any work towards a common objective.

Participation is not, therefore, some lofty ideal: stakeholders and members of the society interested in an issue may join a process of participation for specific motives that, far from implying the quest for a common goal, represent an effort to impose specific interests. Thus, the challenge is not that people and organisations, both formal and informal, take part per se in processes of participation. The challenge is that they do so be fully aware of the facts and the accompanying sense of responsibility that commits them to making constructive contributions to the common cause, and stand by group decisions even when the results fail to coincide with their very own interests.

Participation must not be understood as an end in itself with the organisation of participative processes as the final objective. Participation has to be a means of achieving joint responsibility of the different economic and social sectors in the decisions-making of which they form part of the problems as well as of the solutions. The role of governments is to promote processes and establish spaces for communication, information and participation where proposals are discussed, decisions are taken, and mechanisms are established that link government actors and other stakeholders.

Participatory processes tend to remain as good intentions if specific mechanisms are not devised to guarantee involvement of all interested and affected parties in decision-making and to facilitate the representation of traditionally marginalised and informal interests. Specific national and international guidelines are, therefore, required in order to promote social participation in decision-making on environmental issues. One of the most well-known guidelines for public participation is the Aarhus Convention, which is being mentioned hereafter.

The Aarhus Convention as the international guideline for public participation

A total of 35 countries including the European Community and its 15 member States in 1998, signed the United Nations Economic Commission for Europe Convention on access to information, public participation in decision-making and access to justice in environmental matters, known as the Aarhus Convention (Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, Aarhus, Denmark, 25 June 1998). Among the many countries which have not signed this Convention are the countries in MENA.

The Aarhus Convention aims not only to promote the interest of the public in environmental issues but also its participation so that citizens can directly contribute to the protection, conservation and improvements in the quality of the environment. The Convention regards transparency as a necessary element of decision-making, while public participation and access to information and justice are vital means to that end. The rationale is that, otherwise, citizens, as well as NGOs and private sector, will be unable to meet their rights to participate actively and with full relevant knowledge in the protection and improvement of the environment. It basically states that all interested parties should be able to have access to information related to environmental issues, to have opportunities to take part in environmental decision-making and, where these rights are denied without sufficient cause, have effective recourse to justice in order to assess the extent of any damages.

The Convention's definition of environmental information is very broad and includes all information available in written, visual, oral or electronic form that relates to the state of environmental elements. It includes factors such as substances, energy, noise, radiation, activities or measures, especially those of an administrative nature, that have or are capable of having, an impact on the elements that are part of the environment. Also included are cost-benefit and other analyses and economic hypotheses used in environmental decision-making, human health, and the condition of historic sites.

While the Convention grants ample rights to the public on access to information, it also provides specific mechanisms for the States parties to fulfil these rights or to deny them of specific situations. As public awareness of the importance of the environment grows, increasing numbers of requests for information are expected on a very wide range of issues. All this confronts governments and public authorities with a major challenge on the quantity and quality of environmental information that should be selected and made available for publication within a brief period of time (one month, or two in specific cases), with the administrative and economic consequences that this implies.⁵

The European Union is so far the most active in implementing the Aarhus Convention. Among

⁵ The Aarhus Convention defines as “public” one or more individual or legal persons, as well as associations, organisations or groups constituted in accordance with the law or customs of the nations concerned. The “interested public” is the public that is or can be affected by decisions taken on environmental matters or that have an interest in invoking decisions (such an interest is considered to pertain to NGOs that work to preserve the environment and that meet certain legal requirements). However, the Convention makes clear that “the public which may participate shall be identified by the relevant public authority, taking into account the objective of this Convention.” (Article 3). This clause appears to be contradictory since the public authorities are free to involve certain members and associations of the public that are not necessarily interested in the issues that are to be tackled or will not necessarily be affected by the decisions that are taken, while leaving out those with a genuine interest in being present. This contradiction would contravene the very aim of the Aarhus Convention in the sense that “each party shall guarantee the rights to access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention” (Art. 1).

the instruments for its implementation, there are two directives that have been issued to cover the main principles of the Convention: the public access to environmental information, and the measures for public participation in the elaboration of certain plans and programmes that relate to the environment. One of them, the Directive 2003/4/EC adopts the philosophy behind the Aarhus Convention in the sense that greater public access to information on the environment and the wider publication of such information will raise public awareness of the importance of becoming involved in environmental issues. The Directive is very important because it aims to ensure the right of the public to access environmental information that is in the hands of the public authorities or those of other bodies that act on behalf of the public, as well as to establish the standards, the basic conditions and the practical means by which the right may be exercised. The Directive also aims to ensure that environmental information is published widely and systematically, constantly updated and, where possible, made available free of charge (where necessary a reasonable charge may be made in order to cover costs).

Directive 2003/4/EC considers the same aspects as those included in the Aarhus Convention and follows the definition of 'the public' as one or more individual or legal persons, as well as associations, organisations or groups that have been established in accordance with the laws or customs of the country concerned. The Directive mentions that governments should provide the public with all environmental information at their disposal, but with specific clarifications of the cases when they have the right to deny it. This means that the authorities have to develop efficacious information systems to ensure that all information that the directive considers to be related to environment is made available in precise, trustworthy and understandable form; and that personnel must also be trained for the adequate selection, organisation and distribution of the information requested. Nevertheless, the reality is that collection, selection and publication of information represent major challenges for governments that can only be met with great effort and significant investment; as a result, information available to the public is often insufficient in both quality and quantity.

This Directive mentions that information will contribute to raising awareness of environmental issues, promote a free exchange of points of view, make public participation in decision-making more effective and, in general, contribute to an improvement in the environment. On reflection, this is not necessarily accurate. Although information is a fundamental component of the decision-making processes, in the case of the environment, it is not the only one, or even the most important. In most cases, the interests of governmental and/or non-governmental organisations, private sector and/or political parties, weigh more in everyday decisions than those that are taken on the basis of information to which the public has had access. Access to information is of fundamental importance in taking any decision, but it is not an element that per se will improve the environment, and it is wrong to pretend it is otherwise.

The fact that the public has more access to information does not automatically guarantee a freer exchange of views, more effective public participation in decision-making, or a corresponding improvement in the environment. There are many reasons why this is the case, ranging from the practical to the ideological. One of the most important reasons is that the Aarhus Convention stipulates that competent public authorities are to decide which members or sectors of the public may take part. This gives the impression that participation is by no means universal, nor can all the public take part in all the decision-making processes in which it has an interest, as appears to have been envisaged as one of the aims of the Convention. This is an important consideration that has to be taken into account if the goal is overall and open participation by society and its organisations. As long as not mechanisms are devised to ensure involvement of all public in decision-making (in spite of its fragmentation, heterogeneity or ideologies) there can be no guarantee of the assumption of collective responsibility for action on the environment.

Clearly, involvement of stakeholders is more difficult than what it seems to be. As Rogers and Hall (2003) mention, some very critical elements to support key management processes include, or should include, the understanding of the types of norms and values that form the foundation of the core interest of specific stakeholders; the norms and values used as the basis of the legal systems; the norms and values used to take decisions; and the norms and values applicable in the mediation of disputes.

It is true that involvement in policy shaping, coordination, communication and information exchange between administrations and stakeholders at various levels would contribute to a better knowledge of each others' policy objectives, working methods and instruments. However, decisions should first be coherent with a broad set of principles leading to a more progressive management of water resources. For example, it is expected that by directly involving users of water in the governance of the resource, the knowledge on which this participation is based will be more adequate than otherwise would be possible, as local stakeholders are often more familiar with the peculiarities of local economic, social, cultural and environmental situations. It might also mean that users involved will accept the regulations as appropriate and consistent with their values and interests and will also be more willing to comply with them (Kooiman, 2003). Nevertheless, in practice more than in theory, many stakeholders, including water users associations, NGOs and local communities, may build on local knowledge and networks, but may often lack support, funds, institutional capacity or even membership to significantly contribute to the management of water resources. Therefore, the means for enabling the effective role of stakeholders in water governance remains as an imperative challenge to be solved before the concept of governance can become more of a reality.

Water management is evidently not a problem that can be approached only from within the sector or only from the perspective of one single stakeholder or sector. It is instead a development challenge that requires the cooperation and collaboration from within and outside the water sector as well as from the multiple interested parties. As important as the meaning of the concept of water governance is, countries and sectors are trying to implement it when they have still not solved some of their long-standing and rampant societal and economical problems. In the water sector, non-functional water institutions, deficient legislation, and overall inefficiency in the management of water resources of most developing countries, have been constraints for decades. With the involvement of multiple actors in the arena of water resources planning, development and management, and the introduction of ethical issues such as responsibility, accountability, transparency, equity and fairness, the challenges associated with governance of water resources becomes exceedingly complex. It now remains to be seen how the countries, their governments and their societies, can make the best of the opportunity of having multi-stakeholder participation and consideration of ethical issues to achieve much needed reforms in the water sector.

VII. The way forward

Governance, and in this specific case water governance, embraces issues such as responsibility, accountability, transparency, equity and fairness of all sectors of society which interact with each other on decision-making processes. This clearly adds an enormous complexity to the unsolved challenges that already face the existing inappropriate water policies and institutions in most of the countries in the developing world, including the MENA region.

In general terms, participation is understood as the mediation between government and society, with the direct involvement of the latter in the understanding, evaluation, prevention and solution

of problems and concerns. By means of participation, stakeholders as a whole are expected to become aware of problems and solution and get involved in decision-making that relate to the institutions, plans and programmes that affect them both directly and indirectly.

Examples of participation of non-central state actors, though still few and far between, are growing in number, and so are raising the levels of expectation of other stakeholders, including members of the society in general. Formal and informal organisations that have as common purpose channelling demands for participation have sprung up in growing numbers with the aim to give a hearing to the expectations, needs and viewpoints of ordinary citizens. On the one hand, stakeholders of both developed and developing countries are looking forward to having participatory instruments that allow their viewpoints to be taken into account when decisions are taken. On the other hand, governments are facing an enormous challenge in finding the ways and means not only of providing society and its organisations with appropriate and timely information, but also of meeting the more complex requirements for participation. Thus far, the result has been that, while society and organised groups call for more participation in decision-making, the existing institutions are struggling to resolve an ever-growing number of requirements. The MENA region has not escaped the complexity of trying to develop and implement governance instruments, including those related to stakeholder participation. This has proven to be, as in the rest of the regions of the world, a challenge where an increasingly intricate gap remains between the theory and the practice.

The achievement of stakeholder participation on environmental issues, water included, represents an exceedingly complex challenge because it involves a pool of differing interests that do not always allow for progress towards a common aim. Nevertheless, this can neither explain nor excuse public administrations that do not promote mechanisms for broad participation on issues in which common interests are involved or affected.

It is important to note that the term “participation” does not necessarily have the same meaning for public administrations as it does for the public whose interests are involved or affected. From the point of view of public administrations, participation is still frequently associated with the ability of citizens or their organisations to have access to information and to participate as and when required by the administration. From the citizens’ viewpoint, on the other hand, participation is often understood as a process of continuous intervention in decision-making at all levels. Citizens and their informal organisations expect their government to establish instruments of participation for the social identification of problems, the setting of priorities, definition of objectives, and the management of solutions and follow-up measures; in sum, instruments that allow for participation throughout the whole decision-making process. Even so, joint participation in decision-making is not always accepted by all stakeholders as part of a general process of joint responsibility: while citizens and their organisations seek the legitimate right to take part in decision-making (in this case on water-related issues) they are not always willing to assume joint responsibility for the resulting action.

Most of the instruments to promote stakeholder participation that have been developed are based on the representation of joint interests through the presence and participation of non-governmental organisations. In most countries, the MENA region included, the ordinary citizen as such, almost never takes part in decision-making; his or her needs, concerns and points of view are expressed, not directly but through non-governmental organisations. These organisations pursue causes in a way with which the ordinary citizen may or may not be in agreement, and with which he or she may or may not feel that they identify. Thus, it is a mistake to believe that “*the public*” (my italics) has a homogeneous point of view when there are normally many different views on any proposal and it is important to listen to as many of them as possible. It also has to be

understood that no sole organisation represents “*public opinion*” (my italics), since the groups that are most interested in taking part in decisions-making (including the non-governmental organisations) can hardly claim to represent the views of all of the public. As a way round this limitation, as many citizens as possible should become involved: stakeholders’ organisations cannot be regarded as a substitute.

In the MENA region, as well as everywhere else, it is extremely difficult to ensure the participation of all the individuals and social sectors that have an interest in, or are affected by, a specific issue. It is even almost impossible to achieve the total satisfaction of all those involved in participation processes; in the great majority of cases, only some of the parties are fully satisfied and, even then, only on one specific matter. While regulatory frameworks can be improved and public administrations should create effective mechanisms for effective participation methods, societies and their formal and informal organisations also have to confront and overcome their own lack of interest in taking advantage of the opportunities that the public administrations have opened up and consolidated over time.

Countries in all regions of the world, the MENA region included, still have to make significant efforts to develop instruments and mechanisms for effective participation. The objective has to be not only to include users or the private sector, but societal stakeholders, so that they can become increasingly and more effectively involved, as well as aware of environmental decision-making, in a way that makes them not only participants but also jointly responsible. As mentioned in the 2004 Jordan Human Development Report, existing instruments for participation still have to become integrated within institutional frameworks in which citizens and government favour conditions, mechanisms and spaces, but also intentions for the quest of a common objective.

Seeking improved patterns of governance within an environment of different interests, dissimilar values and norms, and many times absence of consensus about goals, represent formidable challenges that require extraordinary measures of coordination and cooperation not only from the government but also from stakeholders and societies in general. Therefore, the way forward in the MENA region is to realise the importance of planning and implementing frameworks for good water governance within their own social, economic, environmental and cultural conditions, including processes and mechanisms of interaction between state and non-state actors and looking for clear communication around mutual responsibilities.

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