

1. INTRODUCTION

1.1. Background and Objectives

Involvement of public and the public opinion in the work of MRC is believed to be a prerequisite for the overall aim and vision of our Mekong Agreement, i.e., **sustainable development of the Mekong River Basin**. As a case in point, public inputs are expected to be required at the various stages of the formulation of the Basin Development Plan. With the consent of the Joint Committee, the **Study on Public Participation in the Context of the MRC** has been initiated in late 1996.

In October 1997, with financial Support from Sweden (SIDA), the Secretariat engaged TDRI (the Consultants) to carry out the Study which was completed in mid-1998. The Study reports were submitted to the 8th Meeting of the Joint Committee in September and the related progress was reported to the Council, at its 5th Meeting in October 1998.

Both the Council and the Joint Committee fully recognize the importance of the subject. The Joint Committee, with support from the Council, decided to undertake a review of the various recommendations and proposals made by the Consultants, In view of the voluminous Study reports and in line with their directives, the Secretariat recently established an in-house Task Force comprising five members, one riparian staff from each MRC member country and an expatriate, to prepare an **MRC Secretariat Report** aiming at facilitating understanding of the Joint Committee on the reports and their substance This report was completed in January 1999 and submitted to the Joint Committee.

The Joint Committee, upon its review, approved the Report at its 9th Meeting, held in Phnom Penh on March 30-31, 1999. For implementation by the Secretariat and reference of the interested public, the basic concept, terminologies, and principal guidelines for public participation in the context of the MRC -as endorsed by the Joint Committee -are presented in this Document.

1.2. Structure of the Document

The subsequent Section 2 presents a common definition of public participation in the context of the Mekong River Commission. It defines who the stakeholders are in the context of the empowerment model and the definitions for MRC, including a definition of the public participation process and explanations of the levels at which this process occurs.

A set of guidelines on public participation for the MRC, taking into account the needs and concerns of riparian countries. is given in Section 3¹

1. The reader interested in the specifics of the public participation process in the context of the Basin Development Plan (BDP), in particular, as regards potential parties to be involved in the public participation process under the BDP and relevant stakeholders and tools involved in the stages of the formulation of the BDP, is referred to the Secretariat Report of January 1999.

2. DEFINITION OF PUBLIC PARTICIPATION IN THE CONTEXT OF THE MEKONG RIVER COMMISSION

2.1 Defining Stakeholders

The term **public** can be taken to mean any individual or group in society, including the government and business sector. Who or what is included in the "public" depends very much on activities under consideration. The term "stakeholder" helps clarify the meaning of "public" in the context of development activities:

A Stakeholder is any person, group of institution that has an interest in an activity, project or program. This includes both intended beneficiaries and intermediaries, those positively affected, and those involved and/or those who are generally excluded from the decision-making process.

This definition is necessarily broad due to:

- ?? the magnitude and complexity of some MRC projects or programmes such as the BDP
- ?? the large and diverse population of people who live in the Basin
- ?? the diverse range of political and economic systems which exist in the Basin
- ?? the link between ecosystem processes in the Basin and regional and global issues.

This definition includes those who would immediately be recognised as stakeholders, that is, those who live in a project area and would directly experience its impacts, whether positive or negative.

Stakeholders can usefully be categorized in five main types:

- i) directly affected people (who live or work where the project will be located)
- ii) indirectly affected people (who live nearby or use resources from the project area)
- iii) public sector agencies (ministries, provincial or local government, government mandated mass organisations)
- iv) private developers (private companies with a direct investment in the project) and their subcontractors and financiers
- v) others (donors, NGOs with a stake in the project, external advisors, the business sector).

However, stakeholders in the context of MRC operations can also include those who live in countries outside the territory of the Basin. This is because the implications of MRC programmes and projects often extend beyond national or Basin boundaries.

As this is a very broad concept, stakeholders in the context of the MRC will further be clarified at the initial stage of each project, by means of stakeholder analysis, which will be carried out to define key and other stakeholders and their respective levels of participation.

The process of defining stakeholders dictates the need to carefully map out expected costs and benefits. These costs and benefits are not limited to quantifiable economic impacts but should be extended to involve, or to take into account, social, environmental and cultural costs in order to produce a sound basis for negotiation for resettlement and mitigation plans. A method for stakeholder analysis is outlined in the **Annex**.

In short, stakeholder analysis (also known as key stakeholder analysis) is a method that is applied when planning for participation. It aims to find out the characteristics of the various stakeholders, assess their importance to achieving project objectives, their influence or power position and their level and timing of involvement in the participation exercise.

2.2 Defining Public Participation

Public participation is a process of creating mutual and continuous understanding in resource structure both in natural and social aspects. It is a key factor that would bring about an explanation of constraints, problems, barriers and necessities or needs. Through mutual consideration, public participation would ensure an adequate capacity for dissolving or mitigating problems and undesirable impacts of public projects.

Public participation in the context of the MRC is defined as follows:

Public Participation is a process through which *key stakeholders* gain influence and take part in decision making in the planning, implementation, monitoring and evaluation of MRC programs and projects.

This definition is adapted from those used by multilateral agencies such as the World Bank and Asian Development Bank. Most definitions of participation by such agencies and by governments around the world that have policies or legislation in place on participation include the concept of stakeholders sharing in decision making.

In the context of the MRC and the scope of its operations over four riparian nations, there will need to be an adaptation of the definition described here. The MRC operates both at the localised project level and at a quadrilateral deliberative level. This is a complex situation, which requires well-planned and targeted strategies for participation. One important consideration is that participation will not truly happen unless there is capacity to plan, implement and manage it. This means that, to achieve the goal of “stakeholders taking part in decision making”, the MRC will have to go through a step by step process of building up capacity.

According to this definition, public participation occurs throughout the lifecycle of a project or programme. It is therefore not a once-off exercise. Further discussion about this definition is also elaborated in the Annex.

The MRC as a publicly funded organisation, has a responsibility to ensure that it has an efficient administration which requires a properly managed decision making process. Thus, a participation process while it should be rigorous, should not detract from the organisation's need to carry out its programme responsibilities and meet its obligations. Taking the BDP as an example, public participation should be consistent with the stages of project formulation and be planned so as to be a manageable process within the constraints of the project budget .

2.3. Level/Stage of Public Participation

Public participation as a process, goes through four stages of activities, namely, **information gathering, information dissemination, consultation and participation** that culminate in some level of decision making power. These stages can occur simultaneously but when starting off a new programme of public participation, one would need to start with the first two stages (in sequence) before a higher level of engagement with stakeholders can be successful.

The Levels of Public participation in the context of the M RC also include these four stages. However, different levels of public participation may be determined and applied for different projects and activities.

These stages are briefly described in the following:

i) Information Gathering

The first stage of public involvement is to understand the issues and stakeholders that affect - and are affected by - a particular project or programme. The important types of information are social, cultural, economic and political. This understanding will help in doing a stakeholder analysis to determine the key stakeholders. Ideally, this stage should try to encourage an active, participatory relationship between those who seek and those who provide relevant information. An effective way to accomplish this ideal is to undertake information gathering in conjunction with the second stage, information dissemination.

ii) Information Dissemination

At this stage, information is provided to all stakeholders. Dissemination can take a variety of forms and should aim to provide information that is understood and useful to the stakeholders. Thus, the knowledge that the key stakeholders gained in the first stage should be used to design the information methods and materials. The next stage can not be reasonably achieved if stakeholders are not adequately informed about the project and its implications.

iii) Consultation

This stage goes one step beyond dissemination and creates an opportunity for stakeholders to discuss and negotiate their needs and preferences. It is here that ideas from stakeholders can start to affect project design. This step is crucial in the sense that it sets the rules and creates the opportunities by which stakeholders can influence a final decision (the final stage).

A participatory structure would seek to eliminate, or at least reduce, the barriers to entry for the key stakeholders.

iv) Participation

The final stage is participation where stakeholders are able to directly contribute their ideas and preferences. In other words, they take part in decision making. It is during this stage that projects, policies and everyday resource decisions are put into practice, and costs and benefits are allocated. It is important to stress that the output of this stage will almost always be political in the sense that stakeholders will almost always possess different preferences about the distribution of costs and benefits.

It is important that within these stages, there will need to be iterative processes of planning, implementation, monitoring and evaluation. For example, to conduct an information gathering exercise, the approach, methods and materials to be used needed to be planned ahead of time. Before actually carrying out the exercise, it would be useful to pre-test the materials (perhaps a questionnaire) and improve them until you are confident that they will work. In general, all participatory activities in the field should be observed and evaluated so that they can be refined for future work.

2.4. Tools of Public Participation

There are numerous tools of public participation, some of which are elaborate and self contained such as **Participatory Rural Appraisal** and others which are more simple such as using leaflets to disseminate information about a proposed project. Some tools may be applied in more than one level for example community meetings can be useful in all the levels. The choice of tools to be used depends on factors such as budget and time available, the nature of the stakeholders, the size and impacts of the project and so on. The following are suggested tools per stages.

Gathering Information

- ?? questionnaire or informal surveys
- ?? community meeting (small to large)
- ?? focus groups
- ?? interviews with key people in the community
- ?? interviews with experts
- ?? desk research
- ?? hotline

Disseminating Information

- ?? access to information through information policies
- ?? information centre either in the impact zone or in a location accessible to stakeholders
- ?? press releases, press conferences or newspaper inserts
- ?? interviews with journalists
- ?? broadcast media
- ?? internet sites
- ?? printed material such as brochures, newsletters, technical reports, posters
- ?? community meeting (small to large)
- ?? public hearings or seminars
- ?? conferences
- ?? announcement of project TOR

Consultation

- ?? technical hearing
- ?? community meeting (small to large)
- ?? consultation papers
- ?? community organisers/advocates

Participation

- ?? community meeting (small to large)
- ?? planning and project review meetings or activities
- ?? advisory panels
- ?? steering committee representation
- ?? dialogue sessions
- ?? representation on project management teams.

3. GUIDELINES FOR APPLICATION OF PUBLIC PARTICIPATION IN THE CONTEXT OF THE MEKONG RIVER COMMISSION

3.1. Introduction

This chapter delivers a set of guidelines on public participation for the MRC, including NMCs, taking into account the needs and concerns of riparian countries. It also gives an operational flavour to the concepts and definitions of public participation introduced so far. These guidelines are relevant to both programmes and projects of the MRC and the BDP.

From the outset, it should be stated that the approach to public participation should be adapted to the situation in each country. Approaches to participation in Cambodia, for example, should take this into consideration and one of the initial objectives would be to build trust with the population. It would also be desirable to start off with small rural development projects. When used in Cambodia, the term public participation may also be replaced by "participatory approach to resource management".

Another issue in applying these guidelines is that of the capacity of the MRC. The prospect of being an organisation that has more transparency will include making available to the public various documents or information about the organisation and its planning process. While the will may be there to do so, it requires planning and resources to make the right documents available at the right time.

Finally, these guidelines should not be taken as the final word and they will almost certainly need to be revised as public participation activities of MRC and NMC personnel increase over time. Only through such a process will guidelines on participation be well adopted by the organisations, as the staff will have a sense of ownership over them.

3.2. Principles of Public Participation

A number of key principles form the basis for these guidelines and set the scope for public participation within the context of the MRC. This list of principles is not exhaustive and it would be desirable for the MRC and the NMCs to refine them so that they can be integrated into project and programme documentation and practice.

The **Principles and guidelines of public participation** are to include the following (not presented in order of importance):

- ?? **Public participation is a normal and essential process in MRC and NMC activities.**
- ?? **The ultimate goal of public participation is to allow key stakeholders to take part in decision-making processes.**
- ?? **Key stakeholders are those who, based on the stakeholder analysis, are most affected /vulnerable and those who are considered to possess the most influence on project implementation.**
- ?? **Public participation enhances the ability of the MRC and NMCs to meet the sustainable development objectives of the 1995 Agreement.**
- ?? **The MRC and NMCs should ensure an adequate capacity to plan, implement, monitor and evaluate the public participation process.**
- ?? **Building capacity for public participation by the MRC and NMCs is a step-by-step process and the approach should be sensitive to country variables.**
- ?? **Individual public participation exercises should be managed within the constraints of programme or project budgets.**
- ?? **Public participation should be a transparent process that is understandable to most, if not all, stakeholders.**
- ?? **The public participation process should start as early as possible in project or programme cycles - preferably in the formulation stage - and be evident throughout the cycle.**
- ?? **Stakeholder analysis should be one of the first activities to be carried out in the planning phase of a public participation exercise.**
- ?? **A continuous improvement approach should be built into the public participation process. Hence, the public participation process should be strategic and flexible.**

ANNEX

STAKEHOLDER ANALYSIS AND ISSUES IN PUBLIC PARTICIPATION

Which Stakeholder Participates ?

Stakeholder analysis is an essential tool to manage the participatory process for the MRC especially due to the large number of potential stakeholders particularly in its basin-wide programmes or projects. The objective is to find out who are the key stakeholders who should participate.

In stakeholder analysis, one identifies the key stakeholders, assesses their interests and the way these interests affect project risk and viability. It is a method that appraises institutions and analyses social processes to map out the stakeholders according to their influence or importance to the project or programme.

Key stakeholders are those who can significantly influence or who are important to the success of the programme or project.

In this case, a successful programme or project is one that meets the objectives of sustainable development as mandated in the Agreement. These will include poverty alleviation, equity, biodiversity conservation and so on.

The various steps in stakeholder analysis are:

1. identify and define the characteristics of stakeholders (using a stakeholder table)
2. assess the importance and relative influence of each stakeholder to the programme or project
3. assess the appropriate type of participation by different stakeholders at various stages of a project or programme cycle

Identify and define characteristics of stakeholders

One of the first things to do in stakeholder analysis is to draw up a list of all the stakeholders. Using the categories described in the previous section, the following gives a general description of the stakeholders in MRC programmes and projects, with some comments on whether they are key stakeholders or not.

Directly affected people

This is an obvious group of stakeholders who will definitely be key stakeholders. They will be the workers, farmers and fisherfolk who live and work in the project area, whether rural or urban. This category may include seasonal fisherfolk or forest gatherers and others who do not live or work in the area all the time and those who may travel through the project area regularly as part of their transportation route.

Indirectly affected

Some of these people will also be considered key stakeholders though not as important as those directly affected. They are the people who live nearby and/or use resources from the project area and others such as those who trade occasionally with those in the first group and others who simply live nearby and/or occasionally use the resources from the project area.

Public sector

Those agencies who are critical to the project are key stakeholders. In the context of MRC programmes and projects, the collaborating riparian government agencies at national, provincial or local level, would certainly be classified as key stakeholders. Mass organisations may also in the case of Lao PDR and Vietnam be key stakeholders as they represent Party interests at the same time as acting as the voice of local people. National Mekong Committees are necessarily key stakeholders due to their strategic importance to the functioning of the MRC.

Private developers

Where these companies are direct investors in the project, they should qualify as key stakeholders. Other private developers may be interested in investments that would become feasible or profitable if the project goes ahead.

Others (donors, NGOs with an interest in the project, external advisors, the business sector)

Donor agencies and NGOs may or may not be key stakeholders depending on their role and modus operandi. If the NGOs are locally based, then, they could be representatives of directly affected people. Regional, national and international NGOs on the other hand, may also play such a role if the project or programme is of a large scale. Advisors commissioned by executing agencies and the general business sector would not normally be considered key stakeholders.

In identifying the stakeholders, it is important to go through a checklist to make sure all possible stakeholders have been listed. The questions on this checklist can include:

- ?? have all the riparian countries been represented where the project affects their territory?
- ?? have the National Mekong Committees or their nominees been included?
- ?? have both potential supporters and opponents of the project been identified?
- ?? have stakeholders been chosen to ensure gender issues are addressed?
- ?? have stakeholders been chosen to represent vulnerable groups, including indigenous people?
- ?? do stakeholders represent the various income/user/occupational etc groups?

Having defined the stakeholders, it is useful to understand their characteristics. This will include information about their stake in the project or programme and the potential impact on them. All this information is then best displayed in a stakeholder table.

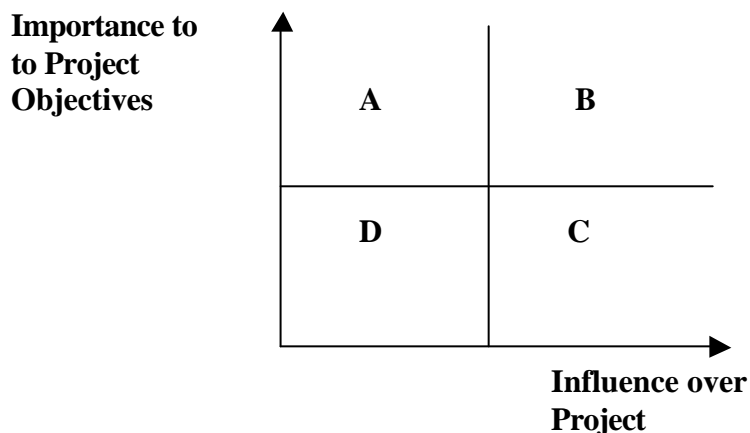
This next stage of key stakeholder analysis maps out the identified stakeholders according to their importance to project success and their influence over the project.

Assess importance and influence of stakeholders.

This part of the analysis scrutinises the list from step 1 and maps them so that the key stakeholders can be identified. Influence over the project means that the stakeholder is able to exert control over decisions and the running of the project. Influential stakeholders include responsible government departments, powerful private interests, donor agencies and so on. Importance is a measure of the stakeholders' relevance to meeting the objectives of the project and to the objective of sustainable development. Important stakeholders include those who are often excluded from participation, women, the poor, ethnic minorities and so on. They are stakeholders who have little influence and few avenues open to them to participate.

All the stakeholders can then be assessed using the following matrix:

Figure 1 Matrix to Assess Stakeholders ¹



¹ There are other matrices to categorise stakeholders such as those that measure them according to their level of support for a project against their importance to project objectives. Each approach has its strengths and weaknesses. The one shown here is geared towards identifying those stakeholders who have the weakest positions in their communities.

EXPLANATION OF STAKEHOLDER GROUPS

Group A -Least influence, most importance

Includes those living in the project area. May not include all members of the community as some may be powerful and influential people. May include local governments that have little power to influence resource management decisions. This is the most critical group and will need careful attention during the participation process.

Group B -Most influence, most importance

May include the powerful ministry responsible for the project, party members who have strong influence in a single party state, developers who are the main investors and so on. Good working relationships between this group and the MRC will be necessary but the participatory process should aim to balance their power with especially those in Group A.

Group C- Most influence, least importance

This will include donors or agencies that have strong influence in planning and finance or mobilisation of people. May include mass organisations They should be fully informed and able to share their ideas They may represent considerable risk and will need careful monitoring and management.

Group D- Least influence, least importance

These are various groups who have low stakes in the project. They may include groups with people who are marginally affected and are project beneficiaries or collaborators. They require only limited involvement in the participatory process but should be kept informed and be given the opportunity to make queries about project details.

Assess type of participation

The type of participation describes how the stakeholders are linked to the participatory process, depending on their respective influence and importance. A different matrix using the four levels of public participation (described in the section below on levels of public participation) can be drawn up to differentiate the stakeholders according to intensity of participation. For example, Group A stakeholders should be linked in to all stages of the participatory process and have influence over decision-making. In addition, notwithstanding which group of stakeholders the National Mekong Committees fall into according to the analysis, they should be involved in the various participation activities during the full project cycle.

DEFINING PARTICIPATION

Public Participation is at first a seemingly straightforward term. In relation to the BDP for example, it means the involvement of the public in the different stages of the project. This, according to available documents on the BDP, is necessary to ensure that the plan is sustainable as a result of "identifying" the needs of "stakeholders and interest parties" in the riparian countries to ensure "efficient use of the resources available". Further, this will enable a balance between "socio-economic development and environmental considerations" (MRC Secretariat, February 1997).

From these explanations of the utility of public participation in the BDP process, it appears to be, for the MRC, a process that will make possible more efficient and equitable management of natural resources. This is certainly consistent with the provisions of the Agreement.

Discussions about sustainable development generally acknowledge the primacy of participation by the public as a precondition to achieving truly sustainable development. In practically all the interviews conducted for this project, interviewees in riparian countries and the MRC considered that participation was important and beneficial to sustainable development efforts. While the philosophy behind this and the processes used to achieve participation were often different, there was nevertheless a common opinion that it was useful and that it was necessary.

Is it then necessary to define what is public participation?

The answer to this question is yes. Firstly, the mandate of the MRC covers four countries, which are quite different from each other in a number of respects. As mentioned above, a variety of approaches to participation exist in these countries.

The MRC has adopted a common and acceptable definition of public participation, which, in the context of bilateral resources management meets the requirements of donors and satisfies international standards. Moreover, the definition is simple and easily adaptable to MRC needs. In addition, apart from the imperative to meet acceptable standards, this definition is needed for effective management of the range of projects run by the MRC. This definition should be applied in a flexible way to accommodate individual constraints and opportunities in each country when possible.

The definition of public participation at the MRC is as follows:

<p>Public Participation is a process through which <i>key stakeholders</i> gain influence and take part in decision making, planning, implementation, monitoring and evaluation of MRC programs and projects.</p>
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This definition defines public participation as a process while the goal is to "influence and take part in decision making" This definition is concise yet conveys the full intent of a public participation programme.

Tracing a process, public participation includes a wide range of staged activities that culminate in some level of decision making power. These stages are not necessarily chronological, that is, they can occur simultaneously. They also need not (and should not) apply only to formal projects and policies.