

## **Transparency, Honesty and Corruption in the Water and Sanitation Sector Lessons learned from an e-conference**

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In May 2005, the IRC International Water and Sanitation Centre organized an e-conference forum with 175 registered participants on the topic: *Transparency and honesty in the water and sanitation sector*.

The focus was on finding strategies – and ways of mainstreaming these -- for greater transparency and reduced corruption in the water sector. We at IRC also hoped to meet like-minded colleagues, and to learn about their experience and ideas. This was also one of the initial activities in our work on transparency, honesty and corruption.

The introductory paper for the e-conference began by asserting that good governance and transparency can free most of the resources needed to achieve the Millennium Development Goals for water supply. At the beginning, questions were posted such as: *What do we mean by transparency, honesty and corruption? Which benefits can come from greater transparency and honesty? Is it true that the stronger positions on governance and transparency adopted by international, bi-lateral and northern-based organisations have been largely ineffective?* In the last two weeks of the conference, the discussion focused more on tools and strategies.

This article summarizes the e-conference and the final appendices show an interesting list of strategies and tools which were mentioned by those who participated. A few case studies are appended which were presented by participants from Nigeria, Kazakhstan and the Philippines.

### **Why transparency, honesty and corruption in the watsan sector?**

Over the past few years, the issue of corruption--the abuse of public office or job position for private gain--has attracted renewed interest, both among academics and policymakers. There are a number of reasons why this topic has come under fresh scrutiny. One reason is the increased public criticism and even cynicism about the lack of honesty in the provision of services. Corruption scandals have toppled governments in both major industrial countries and developing countries. The shift in some countries from command economies to free market economies (recently in the water sector) has created a new range of opportunities for the appropriation of rents (that is, excessive profits) and appears to have been accompanied by a change from a well-organized system of corruption to a more chaotic one<sup>1</sup>. With the end of the cold war, donor countries have placed less emphasis on political considerations in allocating foreign aid among developing countries and have paid more attention to cases in which aid funds have been misused and have not reached the poor. The water and sanitation sector is part of this general mechanism but the lack of proper transparency is not confined to the water sector alone. One observe in the e-conference contended that the Millennium Development Goals can be achieved without additional resources if honesty is ensured in decision-making and use of resources.

### **Participation**

The IRC team is thankful for the commitment, insightfulness and openness of those who participated in the e-conference. Their discussions may, at the very least, have helped scope the themes – transparency, honesty and corruption – in the water sector.

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<sup>1</sup> Paolo Mauro, 1996, "The Effects of Corruption on Growth, Investment, and Government Expenditure," IMF Working Paper 96/98 (Washington: International Monetary Fund).

Participation in this e-conference had an interesting profile. For example, of the people who contributed, there seemed to be a fairly high proportion of retired professionals. One observer noted that the issues of honesty and corruption are perhaps less threatening from the vantage point of retirement. Of those who contributed, a few people wrote repeatedly, indeed, one rather too much. It was, however, gratifying to receive inputs from all continents. The greatest number of participants (7) were from India. Participation had to be monitored. Despite a careful introduction, on two occasions, messages were more in the form of personal attacks rather than comments on the topic. This is probably a function of the emotive nature of the theme.

The e-conference began with a short introduction where the point was made that transparency, honesty and corruption are challenges around the world. No countries and no societies are immune. However this does not mean that corruption should be tolerated or accepted. Some participants reminded us that the conference is needed because corruption is inadequately addressed within the water and sanitation sector.

**Definitions**

It may be interesting to note that we as facilitators had purposely used the words *transparency*, *corruption* and *honesty* as themes in this e-conference. We knew that theoretically at least, it would complicate definitional issues as the three words have somewhat different meanings and definitions. The table below, which was not presented at the e-conference, illustrates this point.

<b>Terms</b>	<b>Definition<sup>2</sup></b>	<b>General representation</b>
Transparency	Easily seen and understood by stakeholders at all levels	Disturbing for decision makers, important for civil society.
Corruption	Influenced by bribery and perversion from its original state	Criticised in general but unfortunately concrete actions are limited.
Honesty	Fair and righteous in speech and act, not cheating and lying.	Supported by the development sector but difficult to realize.

Table 1: Explanation of the terms

However, we had selected the three words because taken altogether; they reflect the focus that we feel as the most relevant in the water sector.

Secondly, selecting only one topical word such as *corruption* might, we thought, have frightened some of the participants. The somewhat multiple focuses did not seem to disturb the discussion. However, we still had the impression that the issues, while of great interest, simultaneously inspire fear. One indication of this was that a number of writers withheld their names. A second indication was that, considering the great frequency of e-conferences these days, the number who registered was large (175), but the proportion of these who actually participated was rather low (about 30 which represents only 20 %). Apparently people wanted to read in the safety of anonymity rather than contribute openly.

Thus, rather than trying to agree on a set of definitions, a process of group brainstorming emerged. Through a large number of examples and typologies, the scope of the subject began to emerge inductively. Knowing that societies and their institutions are susceptible to corruption at all levels, the point was made that it is important to be aware of how this can be developed in order to find better solutions to avoid it.

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<sup>2</sup> The concise Oxford Dictionary

The brainstorming aspect of the e-conference was replete with examples using different forms of symbols, images and descriptions to define and categorize these phenomena. For example, Paul van Beers described degrees of corruption by using colors which illustrated the wide range of the topic:

**\*White corruption\***

Misuse funds, by exaggerating salaries and (inventing) costs, without justification.

**\*Black corruption\***

Re-allocate or transfer of money under threat. Not always the person himself is to blame.

**\*Orange corruption\***

Transfer funds to own bank accounts, direct or via friends or companies..

**\*Red corruption\***

To supply counterfeit and low quality products and shift the 'savings' to managers and decision-makers.

**\*Yellow corruption\***

Also called "commission", rather innocent, but can easily slip into the Red C-bug.

**\*Purple corruption\***

Straight forward, simply don't pay for contracted services, materials or equipment.

**Green corruption\***

Deliver service to friends or institutes without asking payment.

**\*Brown corruption\***

Similar to Purple corruption, but now done by the beneficiaries of the service, high in number, so the effect is large.

Chetan Pandit was emphasizing on the speed of the process by differentiating the speed of action:

"Type-1 is "speed money", paid to speed up actions. Here, the action to be taken is perfectly legal and above board, and does not harm the society in any way. Often the money paid may be out of contractor's profit, rather than out of public funds.

Type-2 is "favour money", paid to get a decision in one's favour. Here the action taken, prompted by money, is unfair as it infringes some one else's rights. Yet, it may not necessarily affect the quality of outputs.

Type-3 is "virtual theft" where people make money by executing work in a sub-standard manner.

## **Main themes**

One theme that emerged during the first and second week related to where to start. The point was made that without attacking the origins of the problems, they can not be fully resolved. Several participants pointed to social/economic inequities in some countries, the exceptionally low pay given to civil servants who must manage substantial resources, or a basic devaluation of societal ethics. Without resolving these fundamental challenges first, they said, transparency and honesty will remain elusive. Corruption will prevail. Other comments implied, however, that while this may be true, we simply will not live long enough to address transparency or corruption if we must wait to solve the problems of international and national inequity. Working on several fronts at a time may be more realistic.

Another theme that gradually emerged over the first weeks related to focus. There were some observations about ways of ensuring that donor funding is not misused, others about forms of

corruption in developing countries. This seemed to generate several comments questioning the role of donors and their governments in industrialized countries. Issues that were brought up included: insufficient effectiveness of donors' new policies on transparency/governance and corruption; the negative impact of excess and time-bound funding together with the 'urge to spend'; as well as, the observation that corruption seem to be fostered by some of the international companies based in industrialized countries. From this we formulated the position, as stated above, that the issue is relevant to all countries, and all levels, although it may be manifested in different ways.

The themes of the last weeks related to strategies/tools that enhance transparency and can reduce corruption, as well as thinking about what can be done in the future. These were difficult issues that required far more effort than simply discussing the phenomenon itself. However, from this an interesting list of potential strategies/tools was distilled and is listed at the end of this paper.

### **The relevance and interest of the topic**

Most opinions expressed in the e-conference have demonstrated that each of the participants has his/her own 'burning issues' which she/he hoped would be addressed through this conference. Some of the issues and problems were generic while others were unique to the geographic region. Some of the contributions from the different regions are noted below.

#### **NORTH-SOUTH**

When corruption happens in industrialized countries, it does not affect individual salaries or income that much. However, in developing countries it can have a direct impact on people's livelihood and income. As one writer put it: "I am sure, we are familiar with governments that do not pay salaries to their employees for months but expect them prevent corruption!!!" . Sohrab Baghri (Plan International) wanted to emphasize the destructive relationship than can occur between north and south by saying that " the hands of individuals and institutions from developed countries have been traced in many corrupt practices in developing countries".

#### **EUROPE:**

"Europe is the context where there are more long-standing privatization practices, and where more mature systems of corruption have, therefore, evolved in the WATSAN sector. This is rarely recognized in discussions of corruption but recent years have seen leading politicians prosecuted and convicted of corruption in many Western European countries, including Austria, Belgium, France, Germany, Italy, Spain and the UK. For example, in the city of Grenoble in 1996, a former mayor and government minister and a senior executive of a private water company both received prison sentences for receiving and giving bribes to award a water contract to a subsidiary of the company."<sup>3</sup> This analysis was made by David Hall and shared by a participant.

#### **ASIA**

One writer stated that frequent transfers reduce transparency 'as the same person who is manning water department today may go to another department tomorrow.' Several writers from Asia referred to politicians and to the misuse of political power. Others referred to specific engineering or design features, such as selecting water sources that are further away and, by implication, giving more scope for corruption.

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<sup>3</sup> Contracts, Concessions and Corruption in the Water Sector by David Hall from Privatization, Multinationals and Corruption, published in Development in Practice Volume 9, Number 5, November 1999. Available on the PSIRU website: [www.psir.org](http://www.psir.org)

## LATIN AMERICA

Grit Martinez (Transparency International) described four areas in the tendering process where corruption takes place: the decision to initiate a public tender (by municipalities), the design of public tender documents, the public tender evaluation, the contract implementation (more details on page 8). Another writer complained that the government purposely avoided being transparent.

## AFRICA

A writer from Nigeria noted that the supply-driven approach prevalent in the water sector leads to lack of transparency and dishonesty in service delivery: "In the first instance, stakeholders are not aware of what goes into the annual budget for the sub sector at the different levels of government (federal, state and local governments) or how the funds budgeted are used at the end of the day. Stakeholders involvement in planning and budgeting as well as review of the budget implementation will go a long way to reducing corruption and dishonesty in water supply and sanitation services delivery."

### Follow-up to the e-conference

The e-conference proceedings were summarized in the list of strategies/tools shown on the following page. This list was examined and expanded in a subsequent mini-workshop, attended by a small number of colleagues working in Africa and Asia.

<b>Amjad-Akhan</b>	<b>DWHH Afghanistan</b>
<b>Astrid van Agthoven</b>	<b>UNICEF Iraq</b>
<b>Peter Mc Intyre</b>	<b>Journalist</b>
<b>Alok Kn.Majunder</b>	<b>DANIDA Bangladesh</b>
<b>Sandile Mbanjwa</b>	<b>Ilembe Municipality (South Africa)</b>
<b>Max A. Zarate</b>	<b>East Carolina University</b>
<b>Cor Dietvorst</b>	<b>IRC, <a href="mailto:dietvorst@irc.nl">dietvorst@irc.nl</a></b>
<b>Kathy Shordt</b>	<b>IRC, <a href="mailto:shordt@irc.nl">shordt@irc.nl</a></b>
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One issue raised in the e-conference and in the follow-up workshop was not fully addressed. The issue was: *The many examples/strategies provided of best practice are small islands of success. What can be done to scale up these practices, to mainstream them in the practice of water planning, implementation and management? This will be a central focus of the IRC programme which we will continue with partner organisations in the future. We hope to work with partners in configurations such as thematic groups, learning alliances, research and to disseminate best practices.*

The next pages provide, first, an interesting list of tools and strategies raised during the conference, with a few additions. The last appendix copies three contributions giving examples from current practice.

## Improving transparency/honesty and reducing corruption in the water sector

### *Examples of tools and strategies*

#### Central concept

- Political strategy: Through honestly-managed programmes, politicians will appear more popular and win votes.
- Decentralization leads to less corruption (some agree, but some people disagree on this)..

#### Stakeholders

- Involve politicians, media, religious leaders in advocating for transparency and honesty.
- Involve civil society, for example, NGOs/CBOs should design and implement water and sanitation projects (some say it will reduce corruption, but others doubt this).
- Separate the implementer from the regulator in water sector.
- Reform the government engineering departments through democratization, experimental pilot programmes, voluntary staff participation in planning and quality circles, and so on. The reform leads to cost reductions and more honest working methods.
- Donors (bi-, multi-lateral, international) should implement their own policies on transparency, participation and anti-corruption.
- Involve the private sector more. Increase competition among private players. (Some people agreed, but others doubted this.)
- “Scorpion Unit” that identifies and publicizes corrupt individuals/groups. It can also have the power to initiate litigation.
- Choose work locations for engineers in Government engineering departments by lottery (that is, a random process).

#### Planning

- Use sustainable water sources that are as close as possible to users (not far away to increase monies needed).
- Plan water service with the community. Involve leaders, rich/poor people, men/women.
- Community members participate in (and approve) site selection of water points, the design of water distribution nets, physical mapping.
- A representative community group checks the eligibility of “poor” households for subsidies, using agreed criteria.
- Develop the lowest-cost technologies that are relevant. Develop traditional water systems such as rain water harvesting systems.
- Make clear and agreed plans for O&M, sustainability, reaching the poor.

#### Implementation

- Perform quickly. Work rapidly in planning, release of funds and implementation. A long delay aids corruption and lacks transparency.
- Implementation strategies should be known and agreed among all stakeholders.

#### Tendering and contracts

- Tendering: control and openness: public tenders, open documents.
- An agreed code of “zero tolerance” for corruption.
- Include “no bribery”, “no corruption” clauses in contracts.
- Private water providers must produce asset management plans showing how services will be extended to the poor.
- For expenses over \$100 or \$1000 per week (depending on the person or institution) two signatures are required on an A-4 form.

- Joint signatures on financial and project documents.
- Create a list of contractors known for honesty. Create a list of offending contractors.

#### Construction

- Community and third party control of quality of construction.
- Materials: manufacturers and suppliers are told there will be no commission and are given immediate payments.
- Purchasing of local materials accompanied by community members.
- Check on quality of materials by one or two of: third party company, ISO, community, NGOs/CBOs.

#### Cost recovery, payment for water

- Fix water tariffs in blocks according to the quantity used. This reduces opportunities for corruption.
- Use water meters in each household.
- Set up centralized, “one-stop” application/approval points for household water connection.
- Monitor and publish water quality levels of bulk providers, water from treatment plants and bottling plants.
- Have frequent, responsible inspections. Inter-institutional membership.
- Establish and implement rules to immediately stop work if there is any corruption or mis-conduct.

#### Communication

- Give training in how to report.
- Set strict public reporting requirements for public reporting, to report to donors and so on.
- Household latrine construction: give simple plans, list of materials, costs, labour time and labour costs to householders and to masons/contractors.
- Urban water: Publish reports on utility performance levels.
- Publish technical specifications for public information.
- At the water point site, there can be simple information boards showing the total project cost, who contributes, amounts of contributions, contractor by name, prices, expected date of completion
- Computerize data collection on water and management and make this available to the public
- Media reports highlighting problems of corruption or lack of transparency.
- Media reports highlighting good practice.

#### Monitoring/reporting

- Check and act on unpaid for water by companies and institutions.
- Check illegal connections and fine (legalize) or stop services to these.
- Fault reporting and complaints systems for water: set up fault reporting/complaints system, including planning with community members how/where to report.
- Protect the staff involved in transparency/honesty issues: transfers and tenure

# FOUR CASE STUDIES EXCERPTED FROM THE E-CONFERENCE

## Micro-projects in Nigeria

*Martin Mbonu*

*Programme Manager*

*Delegation of European Commission, Nigeria.*

“The view expressed here is strictly my personal opinion and does not represent the view of my organisation. The EU is funding micro-projects programme in the nine oil-producing States of the Delta region of Nigeria. Under the programme, the EU co-finances projects selected by the rural communities, with the assistance of non-governmental organizations, up to 75% of the total cost. The benefiting communities pay a minimum of 25% of the cost in cash and/or in kind. Water and sanitation infrastructure constitutes about 40% of the communities’ choices. Other projects include classroom blocks, health centres, roads, boat jetties, community halls, etc.

“Experience has shown that a simple information sign board erected at the project site, on which the total cost of the project, who is contributing to the project cost and the amount contributed by each contributor, who has won which contract and at what price as well as the delivery period for the contracts, has reduced tension and improved community participation and ownership. This information board combined with the fact that the communities are involved in the design and implementation of the projects have ensured that contractors keep to the budget as jointly planned thus ensuring transparency and accountability.

“The Niger Delta region is reputed for youth restiveness; expressed by frequent conflict and violence and incessant demand by youth for “under-the-table” payments from oil contractors, etc. Transparency of operations in the micro-projects programme has translated in the success of the programme as manifested in the number of projects completed at record time and at reasonable cost. No project has been left uncompleted as is the case for many other initiatives in the region.”

## Water transportation systems (pipes etc) in Latin America

*Grit Martinez*

*Consultant in Transparency International*

“It has been identified that a high proportion of corruption in the water transportation sector and in general lies within the process of public contracting. In Latin America an open public tender process is common when project values amount to 40.000 EUR and above. Below that, usually three companies are selected by municipalities to give their offer. Of course there are plenty of opportunities for corruption to occur - from the selection of those companies itself up to the quoted (and beforehand agreed) prices of the "competitors" etc.)

“There are mainly four areas in the bidding process where corruption tends to occur:

1. Decision to initiate a public tender (by municipalities)
2. Design of public tender documents
3. Public tender evaluation
4. Contract implementation

“Public tender documents tend to comprise an economic (prices for the described construction/ services) and a technical part (certifications, references, technical datas etc.)

“When it comes to appoint the winner of the tender the weightings of the economic part count for about 30%, while the technical part is given about 70% of the weighting points. That means that the technical part bears more importance and thus offers risks of manipulations in order to tailor technical requirements to the profile of a particular company. (e.g. by very specific technical data which can only be fulfilled by a "preselected" company)

#### **“1. Decision to initiate a bid (by municipalities)**

- Due to the presidential elections (every 4 years in most countries of Latin America and every 6 years in Mexico) directors of Public Water Agencies and other public agencies are replaced almost completely.

Consequences are the loss of knowledge, methods, and competitions which can take to false evaluations and decisions. The change of government after the elections generally marks the beginning of a wave of new bids (necessary and unnecessary), like for example the decision to initiate a bid which favor a certain group of interest and/or in order to pay tribute to previous or later campaign contributions.

- The decision to invite a company to bid can result to be a corrupt act which shows the following example of a company which cleans water pipes in the State of Santa Catarina, Brazil: When asking the municipality when it was going to open the next tender process to clean the network of pipes they received the answer: The municipality needed a motorcycle to be able to control works in construction and that whoever provided it had good possibilities of winning the contract.

#### **“2. Design of public tender documents /3. Public tender evaluation**

- Most commonly bribes are paid in order to manipulate the tender documents with specificities that suit the company. The bribe can occur or be accompanied by a support to political campaigns, invitations, gifts, trips or the handling of prices. Many of these practices are made through commission agents of relative qualification.

- The different weighting between the technical (70%) and economic (30%) part offer corruption risks. Since the technical criteria have more influence in the evaluation of the bids it can be easy to exclude a company that does not fulfill some required technical detail in the tender.

- Manipulation in the economic part, p.e. or supply below the real market price (the difference recovers generally later, alleging improvements or making reclamations when the works already are in march).

#### **“3. Contract implementation:**

- It is known that cases of corruption occur mostly during the storage of construction equipments. It is for example to include in the invoices supposed material damages or their "disappearance" (which makes up for the lower pricing in the tender).

When beginning with the construction of the project it is also common to make a second analysis of the quality of the land on which the construction will be carried out. The results usually are different from those from the first analysis which were made in the moment of the tender. The consequences are usually an increase of the price of the work, meaning that the municipality must pay more of the predicted project.”

### **Three examples from Kazakhstan**

***Evgeny Tyrtyschny***

***Executive Secretary of the Technical Advisory  
Committee of the Kazakhstan Water Partnership***

“The first example was developed in the framework of FASEP (France - Kazakhstan) Project "Program of Water Quality Improvement at the Irtys River Basin" and was continued by the Project FFEM (France – Russia - Kazakhstan) *Irtys River Basin Transboundary Water Resources Management*

<http://www.irmic.org/> and represents the strengthening of the existing management structure for IWRM goals through the creation of the Irtysh River Basin Information System (IRBIS) and further actions. The concept of this Information System for Irtysh River Basin includes computer information system as well as all organizational aspects necessary for the support, functioning and system efficiency. IRBIS is seen as a tool for the coordination of data collection on water and management with respect to the responsibility and needs of each partner on basin level, national and international levels.

“Secondly, River Basin Councils, which will represent important step in the work of attracting stakeholders were defined by the New Water Code in Kazakhstan. Preimage of this Basin Council is the Public Committee on Irtysh River Protection <http://www.belovodye.freenet.kz>.

“The third example is working as volunteer Kazakhstan Water Partnership <http://www.atasu.org/ru/waterpart.html>. For the purpose of achieving the IWRM the Kazakhstan Water Partnership (GWP-Kazakhstan) is working to disclosure and made accessible any available water information and knowledge at the country.”

## **NGO implementation strategy in southern Philippines**

***Jose Carmelo M Gendrano***

***The NGO, the Philippine Center for Water and Sanitation.***

“Honest and transparent project management is one of the "three plus two" principles we are trying to promote for the successful delivery of sustainable projects ( the others are community participation and appropriate technology, and working in communities where the needs are deepest and local partners are available). These principles are mutually indispensable.

“Proof that these work: in 2002 to 2004 we had two CIDA-LGSP programs in Mindanao island that aimed to demonstrate to local governments exactly these principles via the rapid implementation of small water projects. With only seven core field staff, in the space of 10 working months we and the beneficiary communities (we did not hire contractors) were able to build and operationalize 24 water systems in 21 villages of 17 municipalities in six provinces of the island. This resulted to the delivery of improved water services to at least 1424 rural households (7000 people).

“We built spring-fed gravity systems, hand pump wells, household roof water systems and filters for improving water quality, depending on which technologies suit a community best. We also introduced sanitation technologies such as biogas septic tanks. Per capita materials cost were about \$7, with another \$7 expended for salaries and travel expenses. In contrast, government water projects in the area costed about \$60 per capita.

“To be sure, innovations other than honesty and transparency were also employed. However, these would not have been possible had there not been a culture of honesty and trust inculcated in and required of every staff.

“For example, the staffs were divided into three teams, each focusing on one community at a time. These small teams were not only faster-moving but were necessarily largely autonomous, considering that they worked scores of kilometers apart. They traveled on public transport, but had mobile phones so they can report every day by text messages. They were given enough money so they can rapidly purchase the needed materials on the phoned-in permission of the project head, and their daily

progress enabled on-time planning of logistics so they can be replenished rapidly. Purchasing of materials were especially straightforward and above-board. Community members accompanied canvassing. Dealers were told that commissions will not be accepted and that spot cash will be paid on delivery, so they can feel free to quote their best prices.

“The projects used technologies requiring less material such as ferrocement (for spring-boxes, reservoirs and water-treatment vessels). This not only brought the costs of such components down by as much as a factor of ten; it also meant that there was that much less materials lying around that can be a temptation for pilferage. Design of the water systems were rapid and forthright. Much use was made of prepared templates and computer spreadsheets for rapid calculations of economic sizes of components, bills of materials and the relative costs and benefits of applicable technologies and configurations to a community. All this usually meant that after one or two days of field-data gathering and five days of data-processing, a project plan detailing not only the technical aspects but also roles and counterparts can already be presented to the community for their go-ahead. And, within a few days of the community-pre-construction meeting the first materials can be delivered and something concrete can be started such as a spring-box or a reservoir mold. These had a big impact in raising community enthusiasm (and therefore participation) for their projects.

“To be sure, not all systems were finished and running by the time the programs ended. Six were left uncommissioned to wait for counterparts from local governments while one was unsuccessful because of disputes in the sharing of the water source. Of the 17 municipalities, as of this writing only one is known to replicating the approach in other projects, and then only its technology innovations. To conclude, the programs had been a complex undertaking: geographically each program area spanned 400km from end to end; and there were some 70 local government officials, four donor agency officers, and seventy community leaders aside from the communities themselves that had to be kept in communication and in various ways involved in the program. But imagine how much more complex, slow and unmanageable it could have been without the atmosphere of trust, openness and confidence emphasized to everybody.”