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The contradictions “Alternative” Service Delivery: Governance, Business Models, and Sustainability in Municipal Water Supply

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Abstract

Restructuring municipal water supply using ‘alternative service delivery’ models is a growing trend. This paper examines potential contradictions between ‘alternative service delivery’ business models, on the one hand, and goals of good governance and sustainability on the other. We use a case study of water conservation and efficiency programs implemented by municipal water utilities in Canada to show that specific alternative service delivery (ASD) models that seek greater distance between management and government can create incentives that deter utilities from pursuing important social and environmental goals. The neoliberal governance reform that commonly accompanies and encourages ASD tends to exacerbate its deficiencies vis-à-vis conservation in the water sector. Still, the prevalent government-led service delivery model can impose trade-offs of its own. Strategic (rather than ideological) improvements in governance can enable municipalities to reap the benefits of a variety of business models (including alternative service delivery) without compromising sustainability objectives.

Keywords

Governance, sustainability, water conservation, efficiency, Canada, Alternative Service Delivery (ASD), Business models, devolution, regulation

1 Introduction:

The growth in alternative service delivery (ASD) since the 1990s has been extraordinary. With ‘55% of the public service operat[ing] outside of traditional departments’, in Canada the alternative is now the norm (Wilkins, 2003: 176-177). In Ontario alone, the provincial government boasted a movement of 14 000 jobs from the public sector to ASD arrangements (eliminating 6000 jobs) between 1996 and 2000. Experts from 130 countries visited Ontario to learn about its approach (OPSRS, 2002: 13).¹

Rather than independent restructuring, ASD is often propagated in conjunction with other governance reforms. In the water sector, much of the literature on utility governance prescribes a set of governance reforms including new business models (or ASD, e.g. corporatization), delegation to non-state actors (the shift from ‘government to governance’), and devolution (or ‘decentralization’) of authority from higher to lower orders of government. These reforms are promoted on the basis that they will improve the governance of water supply utilities through, for example, increasing efficiency and improving accountability mechanisms.

Critics argue that such reforms will not necessarily improve governance in the ways described by proponents. Criticisms have also been directed at the potential attenuation of accountability and transparency associated with new business models, and also at the

¹ Cited in Wilkins (2003: 178).

risks of devolving responsibility without a concomitant re-allocation of resources (particularly with regards to delegation to the local scale) (e.g. Prudham, 2004).

Within this debate, relatively little analysis has been devoted to the interrelationship between governance reform and sustainability concerns. The conventional assumption in the literature is that restructuring governance in the ways described will positively contribute to sustainability. This paper questions this assumption, through analyzing one instance of the relationship between governance reform and sustainability.

Specifically, the paper uses a case study of business model restructuring of water supply utilities and conservation/efficiency programs in several municipalities in Canada, and documents the potential constraints and limits that some forms of alternative service delivery may imply for water conservation. Water conservation is of increasing importance in Canada for a variety of reasons, including physical water stress (e.g. Southern Alberta), limitations to infrastructural capacity (e.g. Ontario), and consumer fairness as water rates increase in many municipalities (Furlong and Bakker, 2008b). The research finds that with declining government authority over water supply services (as ASD models become more arms-length), the incentives for engaging in conservation are reduced, and the breadth and durability of conservation programming is diminished.

Water conservation is a compelling issue through which to examine the governance-sustainability relationship for at least two reasons. First, demand side management and water loss control are now considered to be standard ‘best practice’ for water utilities worldwide. Second, water conservation provides a classic example of the ‘win-win’

scenario promoted by sustainability proponents, with both economic and environmental gains to be made. But without taking broader governance issues into account, we argue, the case for conservation is neither as clear-cut nor as straightforward as one might assume.

This, in turn, suggests more general implications for our understanding of the governance-sustainability connection (discussed in the next section), as well as practical implications (discussed in the closing sections of the paper). Specifically, although there may be good reasons in particular cases for municipalities to seek ASD models, it is important to be aware of potential contradictions between them and sustainability goals (such as water conservation). We argue, below, that these contradictions arise in part because of a lack of attention to the articulation of local reforms with governance at higher scales. By taking a broader focus than business models, and by situating performance in the context of wider governance issues, we identify concrete strategies for good governance for sustainability in municipal water delivery.

2 The Contradictions of “Improved” Governance

2.1 *Business models*

Public sector organizations have been under significant pressure to reform their methods of service delivery over the last three decades. Often, these reforms are coincident with the rise of neoliberal policy and are expressed in terms of new public management (NPM) norms, translated, where organizational restructuring is deemed necessary, into

alternative service delivery (ASD) models. Often, proponents present ASD as a natural and necessary response to ‘globalization’ that provides governments with the capacity necessary to improve efficiency, innovation and performance, while reducing the putatively negative effects of civil service management structures (the ‘state failure’ argument) (e.g. Fyfe, 2004).

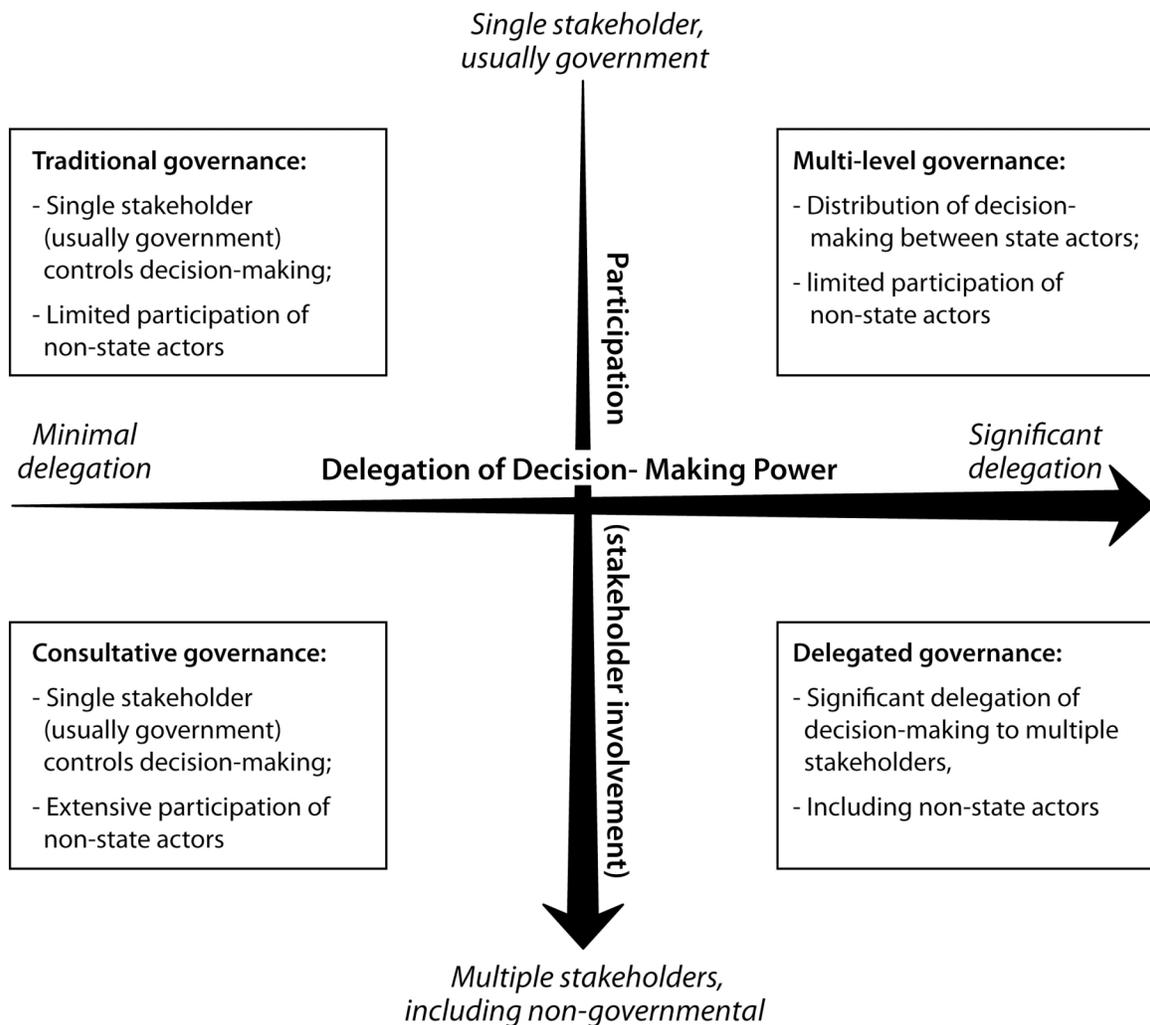
Definitions of ASD are varied, and tend to be both general - e.g. ‘the many and varied organizational forms and delivery mechanisms governments use to achieve their objectives’ (Wilkins, 2003: 173) - and ideological – e.g. ‘a creative and dynamic process of public sector restructuring that improves the delivery of services’ (Ford and Zussman, 1997: 6). Often, ASD is simply defined implicitly, as the converse of the undesirable aspects of conventional (usually government-led) service delivery expressed as a continuum of improvement with greater distance from government.

In this paper, we define ASD as the set of alternatives (business models and associated delivery mechanisms) to conventional (i.e. direct) government provision of public services, which are frequently implemented in the context of broader governance reform. While our definition constrains ASD’s focus to the organizational level, it also recognizes that ASD is conceptually and temporally articulated with recent trends in governance. This relationship is visible in the standard list of ASD programs. Moving from greater to lesser government involvement, the options include ‘agencies, devolution, purchase of service, partnerships, franchising/licensing and privatization’ (Good and Carin, 2003; Wilkins, 2005). In our view, this list (and others like it) mistakenly conflates two distinct

but related ongoing policy processes: changes in governance and changes in business models (or organizations).

This suggests two foci in terms of ASD. First, with respect to changes in governance, policy processes have tended to involve devolution in government authority, oversight, and responsibility, a putative shift from government towards “governance” (Hirst, 2000; Pierre, 1995). Figure 1 provides a schematic of these shifts in governance, showing it to involve a variety of possible combinations of increased participation and devolved authority in decision-making. This does not necessarily imply new organizational (business) models (the second aspect of ASD), but does mean that such entities are regulated and evaluated differently. This could include such things as voluntary regulation or business-based performance evaluation.

Figure 1: Governance reform - increasing delegation in traditional government service sectors



Second, ASD typically entails specific organizational restructuring of business models for service delivery (e.g. the creation of stand-alone agencies, private sector outsourcing, and privatization). A business model defines the operational structure of a given organization. It delineates features such as ownership, organizational structure, and the risks and responsibilities for the management of the organization and its improvement (Bakker and Cameron, 2002).

In Canada (as elsewhere), these two trends in ASD are mutually reinforcing (Hebdon and Jalette, 2008). The perceived negative link between political control over utility budgets at the municipal level and cost recovery is one of the main justifications given for ASD. This link is exacerbated by neoliberal policy reform², which increases the strain on municipal budgets thus encouraging municipalities to avail of certain financial instruments³ to transfer funds from water budgets to municipal revenue streams (including the construal of various municipal activities as water related). This exacerbates the pressure on water utility revenues, reduces the security of meeting cost recovery, and heightens interest in ASD business model reform.

Table 1 describes an array of business models with which utilities in Canada and elsewhere are actively experimenting, often as a response to changes in governance (Bakker and Cameron, 2005).⁴ They are arranged from greater to lesser involvement of municipal governments.

² Municipalities in Canada have limited means of revenue generation. Of the available revenue sources — property tax, municipal grants and loans, and user fees — municipalities can claim exclusive control over user fees alone Kitchen (1996). The pressure on the property tax was exacerbated by neoliberalization, which saw increasing responsibilities and decreasing funds for municipal governments.

³ For a discussion of the options available see Stumm (1997)Stumm T J, 1997, "Comparing alternative service delivery modes: Municipal enterprises require special consideration" *Journal of Urban Affairs* 19 275-289.

⁴ This list of business models in Table 1 is not exhaustive but of particular concern to the municipal water sector. For more extensive lists ASD models see Ford and Zussman (1997) and Langford (1997).

Table 1: Business models for urban water supply

Business model	Who owns infrastructure?	Who operates infrastructure?	Legal status of operator	Legal framework	Who owns the shares?
Government utility – direct management	Municipal or regional government	Municipal or regional administration	Municipal Government department	Public	n/a
Municipal stand-alone body (e.g. Agency, Board or Commission)	Municipal government	Commission or Board	Public agency	Public	n/a
Co-operative	Users/ Cooperative society	Users or delegated authority	Cooperative society or corporation	Varies	n/a (or users)
Public corporation (or corporatised utility)	Government ⁵ or utility	Utility (often as permanent concessionaire)	Corporation	Public or Corporate	Government
Delegated management (“private sector participation”)	Government or private company	Government and/or temporary private concessionaires	Corporation	Corporate	Private shareholders
Private Utility	Private company	Private company	Corporation	Corporate	Shareholder or investor-owned

Source: Adapted from (Bakker and Cameron, 2002: 6).

⁵ Where the level of government is not specified, it may pertain to another level of government than the municipal. In Canada, this would generally be the provincial level, but state owned water corporations exist in other countries. Ghana is an example.

Dissecting the oft-conflated governance and organizational aspects of ASD offers important insights. On the one hand, it suggests that changes in governance and changes in business models are linked; on the other, it suggests that this relationship is neither deterministic nor uni-directional. In the municipal water sector (as elsewhere) different philosophies of governance have typically been associated with different business models. For example, whereas the Keynesian-welfare model of governance is most frequently associated with the direct government provision (often through a municipal department), the neoliberal model is associated with arms-length business models (e.g. boards and commissions, contracting out and privatization). The analytical point we wish to emphasize here (and develop in the case study below) is that, although governance and business models are inter-related, specific governance outcomes—such as improved accountability or efficiency --can not simplistically be assumed to derive from specific business models.

The point that organizational change is not equal to governance change is important. It suggests a critical approach to evaluating the potential for success of ASD strategies. Specifically, it suggests that organizational restructuring is insufficient for improvements in sustainability (as argued below), and that the success of the organizational reforms associated with ASD is linked to broader governance reforms. This is in contrast to many approaches to ASD, which often advanced organizational restructuring as sufficient to ensure the achievement of governance goals.

This overlooked interaction between governance and organizational change (and the ensuing neglect of the question of governance) is perhaps an important reason why the analyses find the results of ASD restructuring to have been mixed and sometimes contradictory (see Giauque, 2003). Three other common sets of critiques merit recalling here. Together these may provide some insight to recent trends to reverse earlier ASD processes from contracting out to ‘contracting back-in’ (Chen, 2009; Hefetz and Warner, 2004, 2007). First, ASD has been criticized for its assumption of technocratic neutrality. Paquet argues that ASD is often deployed as an apolitical process, offering a technical solution to problems that are likewise political in nature (Paquet, 1997).

Following from the above, a second critique asserts that ASD processes often overlook or minimize the necessary role of governments (e.g. regulation). Certain aspects of service delivery lie beyond organizational or local control, and government involvement (as most ASD proponents now tend to admit) is necessary in order to “maintain the public good by ensuring reasonable prices, reliability and equity of access” (Fyfe, 2004: 641). In practice, however, ASD often occurs in the absence of the governance reforms required to enable governments to effectively play their new roles. Thus, the potential effectiveness of ASD is limited. For example, ASD strategies often seek to improve customer service through adopting a business-like focus. But in the absence of enabling regulations, hoped-for efficiency gains may not be achieved.

A third critique, less frequently voiced, is that ASD places complex issues like sustainability and social justice in a policy vacuum where they are meant to be resolved

at the organizational level, immune to (and unsupported by) broader governance processes. This risks ignoring the impacts of these governance processes on the ability of ASD strategies to perform on key issues like sustainability. Indeed, as argued below, without broader changes in governance, ASD poses limits to improving the environmental performance of municipal water services. In the next section, we theorize why this may be the case.

2.2 *Environmental governance – strategies beyond organizations*

ASD, as we have seen, involves restructuring focused at the level of organizations but acts under a shifting neoliberal governance regime. Addressing first ASD's organizational focus, we begin by drawing on theories of delegated governance, which examine scale in relation to environmental governance. What becomes obvious from the discussion is that environmental issues demand action from a wide variety of actors at all scales (below and well above that of the organization). Delegated governance, however, can take on many forms and all are not equal in terms of environmental improvements. Neoliberal strategies of governance reform (which tend to be coincident with ASD) suggest a particular form of delegated governance. Accordingly, the discussion on delegated governance is followed by a discussion of neoliberal governance reforms, focusing on the debate over neoliberalism and sustainability (or "liberal environmentalism").

Delegating environmental governance

Environmental goods are typically messy resources to manage within conventional jurisdictional and decision-making frameworks. Their inter-connectedness, for example, poses a challenge to conventional resource management approaches. They are connected both “horizontally” (between organisms and ecosystems) and “vertically” (through, for example, the hydrological cycle). Yet, traditional resource management approaches tend to adopt a silo approach and the predominantly local nature of resource use fits uneasily with interactions at multiple scales. The mismatch between geopolitical and ecological boundaries further compounds the problem (see Jordon, 2008; Saunders and Wenig, 2007).

The response, in many instances, has been to advocate greater devolution and delegation of authority to non-state actors and lower scales of governance; watershed committees are a typical example (see Sabatier et al., 2005). Within environmental governance more broadly, this has entailed a shift from traditional governance models to multi-level, consultative, and delegated governance models. The challenge is, of course, to balance the tensions between “top-down” (centralised) and “bottom-up” (decentralised) approaches (Heinmiller et al., 2008), and thus balance considerations of efficiencies and economics of scale and scope with issues of accountability, legitimacy, and effectiveness. In many ways, this is emblematic of the sustainable development challenge: re-scaling and reforming governance so as to minimize conflicts and maximize synergies between social, environmental, and economic goals. This is why almost any conceptual

framework regarding sustainability involves changes at orders of governance higher (and indeed lower) than the local scale (and certainly the organizational one).

Despite the obvious need for the involvement and empowerment of multiple actors at multiple scales for meaningful environmental governance to occur, delegated governance can likewise pose its own set of challenges. For example, delegation strategies at the local level may create (or enhance) such benefits as access to ‘local’ expertise (which can improve the quality of decision-making); the ability to adapt regulatory programs to meet local conditions; the empowerment of stakeholders (particularly those traditionally marginalized); the reinforcement of ‘social trust’ between stakeholders and a consequent reduction of conflict over competing uses; greater cooperation in information-sharing; or greater political legitimacy (and thus enforceability) of water management planning outcomes. Conversely, delegation strategies at the local level may create (or reinforce) weaknesses of a water governance regime, such as a focus on local environmental interests to the exclusion of regional environmental concerns; emphasis on consensus may lead to politically workable solutions, rather than environmentally optimal solutions; unequal representation of local stakeholders; long-term sustainability undermined by large amounts of volunteer time required (‘burnout’); greater overall costs and longer time frames for decision-making (Leach et al., 2002; Nowlan and Bakker, 2007). This raises questions about how, and how much, delegation of water governance responsibility should occur.

Another key issue with respect to delegation is the nature of the new or ongoing role of governments in resource management when certain forms of decision-making power have been delegated to lower scales of government and to non-state actors. Importantly, delegated governance has all too often implied a diminution rather than an amelioration of the roles of various scales of government. This is especially true in an era of neoliberal governance reform where various programs of ‘rescaling’ governance have been critiqued for reducing the authority and the capacity of the government to govern (Dean, 1999). Delegated governance associated with this type of reform, for example, has encouraged voluntary or economic regulation as opposed to government regulation, a move that has been found wanting in terms of improving (or even maintaining) environmental standards in many cases (e.g. Harrison, 2001; Prudham, 2004).

Liberal environmentalism

The second set of sustainability debates relevant to ASD issues pertains to “liberal” or “market environmentalism”: the doctrine that changes in governance consistent with neoliberal reforms are compatible with environmental improvement. This approach gradually achieved near-hegemonic status in international policy regimes by the late 1990s, characterized by a belief in the “compatibility of environmental concern, economic growth, the basic tenets of a market economy, and a liberal international order” (Bernstein, 2001). This in turn lent impetus (through a mixture of incentives, coercion, and emulation) to the ongoing reframing of environmental policy at the national and local level, around the world⁶, via key mediating organizations such as the Organization for

⁶ The literature on this point is vast. For references on water, see Goldman (2005, 2007).

Economic Cooperation and Development, the World Bank Group, and the United Nations agencies⁷.

Proponents of liberal environmentalism argue, to put it simply, that where possible environmental ends are best achieved by market means (e.g. Mol, 1997; Mol and Spaargaren, 2000). This implies organizational as well as institutional change, via a broad ranging set of strategies: commercialization, liberalization, privatization, and the introduction of markets or market-simulating mechanisms in resource regulation and allocation. These strategies imply reforms to institutions ('the laws, policies, rules, norms and customs which govern resource use'), organizations ('the collective social entities that govern resource use') and governance ('the decision-making process by which organizations enact resource management institutions'...or the practices by which ... we construct and exploit resources') (Bakker, 2007: 433-434). Importantly, these trends in governance and organizations not only discursively encourage ASD, but the governance changes involved likewise create the conditions for the associated organizational change on the ground (see page 9).

Debates over the effectiveness of liberal environmentalist strategies are ongoing (and sometimes fierce). Proponents argue that market models perform better: they will be more efficient, provide more finance, and mobilize higher-quality expertise than their government counterparts (Kessides, 2004; Shirley, 2002). Proponents also often argue

⁷ The literature here is again vast. For a specific example, see Bailey (2007 a,b) and Dupuis and Gareau (2008) as well as Gareau (2008) with respect to international climate change protocols.

that private involvement will facilitate broader reforms—such as the treatment of water as an economic good and full-cost pricing—that are required in order to ensure environmentally friendly outcomes, such as water conservation and the reduction of pollution (Brubaker, 2002; Johnstone and Woods, 2001).

In response, opponents argue that government-run water supply systems, when properly supported and resourced, are more effective, equitable, and responsive, have access to cheaper forms of finance (and thus lower tariffs), and can perform just as well as their private sector counterparts. Opponents also often reject arguments in favor of treating water as an economic good, arguing instead that environmental protection and water conservation should be fostered through new ethics of water use, whether based on a spirit of solidarity, environmental consciousness, eco-spirituality, or traditional water use practices (e.g. Heynen et al., 2006; McCarthy and Prudham, 2004; Petrella, 2001; Shiva, 2002).

The two trends explored above (delegated environmental governance and liberal environmentalism) both entail the involvement of non-state actors in decision-making and resource management, although on different terms. Proponents assert that these approaches will (a) improve performance and (b) improve governance. Several questions thus arise: whether these claims are true; whether these two approaches are compatible; and what their implications might be in specific resource sectors. Next, we use a series of municipal case studies from across Canada to discuss these questions.

3 Water Conservation and Municipal Water Sector Reform

3.1 Business models and Conservation

The research presented below examines the links between governance reform and sustainability through a case study of the interrelationship between alternative service delivery and water conservation in Canada's municipal water supply sector, which has seen rapid shifts in governance and business models over the last 15-20 years. Briefly, the methodology included 18 municipal case studies across Canada, including 7 in Ontario, the country's most populous province. The case study research was supplemented by two expert surveys and two expert workshops held in the spring of 2007 and 2008 respectively.⁸

In Canada, as elsewhere, the implementation of ASD typically implies the introduction of new business models as well as devolution as an aspect of broader governance reform. The assumption in much of the ASD debate is that governance improves along a continuum from lesser to greater distance from government. In order to examine this hypothesis, our research considered a range of business models with respect to water efficiency and conservation programming.

Our findings indicate that business models do affect the type and extent of water conservation programs implemented. Specifically, particular business models generate incentives that tend to focus conservation programs on particular tools and policies,

⁸ Details on the workshops as well as the survey data can be found on www.watergovernance.ca/municipal.

which can result in more limited goals and outcomes. The relationships between different business models and programming for efficiency and conservation, as revealed through the research, are summarized in Table 2.

In general, Table 2 indicates that where a utility does not have a strong external driver for conservation (e.g. regulation from higher orders of government or important constraints on water supply), the more arms-length a business model, the greater the potential constraints on water conservation and efficiency programming. In particular, these stem from (1) a lesser tendency to engage those affected by conservation in the development of conservation programs and (2) a greater tendency to focus on water as a commodity (the sale of which is necessary to maintain the financial well being of the utility). The first means that more arms-length utilities tend to pursue less ambitious programs opting for more standard options that do not demand community outreach. The second means that arms-length models tend to focus on supply side programs (like water loss control) as opposed to demand side programs that could mean lost revenue.

In most instances, the restrained approach to conservation was the outcome not only of the business model in question, but also of a particular approach to devolution (i.e. transfer of decision-making authority to lower scales of government), and the degree of delegation (i.e. the transfer or sharing of decision-making input or authority to non-state actors).

These two issues—devolution and delegation—are key element in successful conservation programming. Below, each of these issues is considered in turn.

Table 2: Summary of the implications of different business models for conservation and efficiency programming

Business Model	Implications for Conservation Planning	Case Study Example
Municipal Department	<ul style="list-style-type: none"> • Greater care must be taken to develop programs that are acceptable to council and the public. This may mean compromises but it can also mean more robust and broader programs in the long term. • May present barriers to ring fencing of water rates. • Consumer protection is a stronger consideration than with other models. 	<ul style="list-style-type: none"> • Toronto: Toronto Water hired a public consultation expert that worked over 2-years to ensure council approval of their efficiency plan.⁹ Approval also meant omitting outdoor water use restrictions. • Calgary: Their efficient fixture bylaw was developed through extensive industry consultation, ensuring a successful program.¹⁰ However, this also led them to omit a ban on multiple showerheads installations.
Regional Government Two-tier Models	<ul style="list-style-type: none"> • Can enable broader conservation programs over a larger area. Distance from local politics can facilitate the implementation of economic and regulatory measures at the regional level. • It can be difficult to achieve harmonized programs across local municipalities. 	<ul style="list-style-type: none"> • Waterloo Region provides bulk water for 7-local municipalities. It has not been able to harmonize rates or outdoor water-use bylaws since 1987 (RACWC 1987). Yet, political problems related to pricing etc have not been an issue.¹¹ • The CRD is quite advanced in water conservation. Yet, it lacks uniform pricing across its 13-local municipalities and had to forgo a bylaw on Xeriscaping due to jurisdictional issues.¹²
Exogenous Governance	<ul style="list-style-type: none"> • Political distance can facilitate higher pricing and efforts to link water provision to a certain level of efficient use in the receiving municipality. • The receiving municipality can feel that supply is insecure, encouraging it to seek locally independent 	<ul style="list-style-type: none"> • Metro Toronto, for example, charged York Region from 22-36% more than its own area municipalities from 1987-96 (Department of Works 1979-1996) and moved that York adopt their efficiency measures to reduce peak demand and delay infrastructural expansion.¹³

⁹ Interview #37 with municipal staff.

¹⁰ Interview #6B with municipal staff.

¹¹ Interviews #43 & 44 with regional staff and council.

¹² Interview #8B with a regional commissioner.

¹³ Interview #34 with municipal staff.

Business Model	Implications for Conservation Planning	Case Study Example
	supply solutions that may not be environmentally or economically optimal.	
Board or Commission	<ul style="list-style-type: none"> • Program development and approval has more autonomy from council. • They can provide the necessary budget autonomy to implement a broader range of economic instruments. • They can suffer similar limitations to the corporation. 	<ul style="list-style-type: none"> • The Halifax Water Commission (HWC) credits ‘management by a commission’ (adopted in 1945) with overcoming the ‘perennial problems of wastage, cost overruns and poor service (Curwin 1995, 9). Still, its conservation programming focuses almost strictly on water loss control, in which the utility is a world leader.
Municipal Corporations	<ul style="list-style-type: none"> • Greater scope for economic measures for conservation. • A narrower focus in terms of overall programming. • Supply-side measures such as leak detection are favoured over demand-side measures. • Municipal government leadership may be needed to ensure that more creative and demanding programs are pursued. 	<ul style="list-style-type: none"> • Utilities Kingston engages in water loss control but not demand-side programs; leaking pipes are considered lost revenue, whereas excess demand is not.¹⁴ • EPCOR’s water efficiency activities (aside from leak detection) focus on the AWWA’s “only tap water delivers” messaging. The city’s more extensive programming has been at the initiative of council.
Delegated Management to an External Operator (External Concession)	<ul style="list-style-type: none"> • Conservation becomes a value-added option that a municipality can request from the contracted operator. • Municipalities must take the initiative for conservation. This can have different consequences for large and small municipalities. • Delegation of conservation to local agencies becomes more important. 	<ul style="list-style-type: none"> • Conservation is not part of OCWA’s¹⁵ standard offer to its client municipalities; programs can be requested at extra cost. OCWA had a water conservation section when it owned the water facilities that it serviced (1993-1997). The program declined when OCWA became a crown corporation and was given a mandate for cost recovery.¹⁶

¹⁴ Interview #17 with corporate staff.

¹⁵ The Ontario Clean Water Agency, a provincial corporation.

¹⁶ Interview #13 with provincial corporation representatives.

3.2 ASD and delegated governance: Conservation beyond government

Why should delegated governance facilitate conservation? Across business models, the data clearly demonstrate that conservation programs developed cooperatively involving a broad range of actors and concerns are much more apt to be innovative, successful and durable. In the case of some programs, it is also shown that where their implementation can be delegated to a non-governmental body, greater successes can be achieved. Of particular importance are improvements in partnerships, participation in decision-making, and communication to the public. Research in the municipalities with advanced conservation programming showed that their success related frequently to broad consultation with business, non-governmental organizations and community groups, to drawing on existing knowledge within the community, to partnering with neighbouring utilities to emulate their success, and to working closely with private groups to help roll out or administer programs (Furlong and Bakker, 2008a: 10).

Although such delegation can happen across business models, the findings demonstrate that it is especially characteristic of direct delivery (i.e. the municipal department). In fact, one might argue that one of the most important aspects of the municipal department model is that it is more likely to encourage the involvement of multiple actors and broad consultation. Given that municipal departments require budget and program approval by municipal council, they are often more likely to tailor their programs to meet local political conditions. As such, where programs may be controversial, staff often engages with a wide array of potentially affected parties in their refinement. The benefit is that programs have greater potential for success and longevity once implemented (although it

may be more time consuming to get to the implementation stage). In each of the municipal department case studies where significant water sustainability programs exist, extensive consultation (not seen in the other models) was done with community members, local businesses and council.

A key drawback of direct delivery, however, is that locally controversial programs may not get passed or even brought before council. Often, it is the broader manifestation of this issue that brings many utility managers to seek ASD restructuring. Key informant interviews throughout the research indicated a desire on the part of utility management – especially in larger municipalities - to adopt business models that would limit the influence of municipal politics on utility management. A central reason is that municipal councils have been seen to complicate rate harmonization, use the water rate to subsidize the mill rate¹⁷, take too long to approve contracts, or exhibit ward-based political interests that may not benefit the utility. This can restrict conservation programs (e.g. metering and lawn watering restrictions), but its key effect is to harm the economic sustainability of the utility.

This highlights a contradiction between ASD and conservation: popular business models that can facilitate economic sustainability are much less likely to foster delegated governance (especially in terms of program development) and thus conservation. These ASD models tend to be ineffective at involving non-state actors (or even local governments) in their programming. Moreover, given trends toward arm's-length models,

¹⁷ The mill rate refers to the property tax, which is the key form of revenue for Canadian municipalities.

existing channels for public input through municipal councils may become even more limited. A compounding issue is that the devolutionary aspect of ASD can further limit the potential to improve conservation within ASD business models that already pose certain limitations to progress. Table 3 summarizes some of the data that demonstrate the above points. In particular, it highlights municipalities' engagement with delegation, their level of program success and their business model type. It also shows some of the potential tradeoffs of delegation.

In making the links between delegated governance, business models, and conservation, it is important to note that our evidence suggests that delegated governance is facilitative of but not (on its own) sufficient to ensure improvements in water conservation. It is facilitative because conservation programs achieve durability and success where the range of actors affected by them are engaged in their development and where trusted and appropriate actors external to government are involved in their implementation. But it is insufficient because certain programs and business models require the action of multiple levels of government to ensure success, as explored below.

Table 3: Municipalities with medium to high levels of efficiency and conservation and their use of delegated governance

Municipality	Business Model	Consultation/Participation	Partnerships in Implementation	Strategically omitted Programs	Level of program success
Cochrane, AB	Municipal Department	Community based social marketing	Worked with Calgary on conservation bylaw	Consumption based pricing	High
Okotoks, AB	Municipal Department	Community based social marketing	Work with Okotoks and Edmonton on programs		High
CBRM, NS	Municipal Department	Through the NSUARB ¹⁸ community consultation is facilitated	Locally trusted ENGO rolls out all programs except water loss control		Fair
Kelowna, BC	Municipal Department	Participatory development of landscaping and efficiency bylaws	Local retailers, entire program run through a separate agency		High
Region of Waterloo, ON	Regional Government		Worked with other cities on efficiency standards for water using devices	By-law and rate harmonization	High
Calgary, AB	Municipal Department	Participatory development of efficiency bylaw	Local retailers	Multi-shower head restrictions	High
Toronto, ON	Municipal Business Unit	Community consultation on WEP development	Worked with other cities on efficiency standards for water using devices	Outdoor water use restrictions	High
Capital Regional District, BC	Regional Commission			By-law and rate harmonization	High
Halifax, NS	Regional Commission	Worked with businesses on reducing their water loss		N/A	Medium, focused on water loss control
Edmonton, AB	Municipal Corporation	City council brought groups together to develop an efficient fixture by-law.	Local retailers		Medium, EPCOR's own programming is low
Peel, ON	Contract to a Public Provider		Worked with other cities on efficiency standards for water using devices	Outdoor water use restrictions	Medium-high

¹⁸ The Nova Scotia Utility and Review Board (NSUARB) is a provincial board that regulates all public utilities in Nova Scotia.

3.3 ASD and devolution: The role of governments in conservation

Devolution can have an important impact on conservation as well as on the operation of business models. As explored in section 2, devolution is a change in governance that often accompanies ASD as part of broader neoliberal governance reform. Devolution – the passing of authority, duty or power from senior governments to non-governmental actors or lower scales of government – can increase the challenges of successful conservation programming in general and for ASD business models in particular. Several issues highlight the importance of senior government engagement in terms of fostering long-term progress on water conservation within the municipal water supply sector. Most significantly, these include: (1) the fact that many conservation tools require action from senior governments for their success; (2) the action of local government is necessary to ensure fairness, and (3) governmental action is necessary to ensure progress on conservation the more arms-length a business model becomes.

Water conservation consists of a variety of tools and policies whose successful implementation depends on different actions from differing mixes of actors. Rather than strict devolution of government responsibilities, for many conservation practices new actions are also needed from senior governments. Table 3 highlights a few examples where this is the case, and categorizes the tools to give an indication of the types of tools for which senior government action may be of greater relevance. The table indicates the type of tool (economic, social/political or structural/operational)¹⁹, its use in supply or

¹⁹ This tripartite classification of conservation tools and policies is borrowed from Tate (1990).

demand management, and lists the actors required for its successful implementation.

Significantly for our analysis, many of the tools which fall under the mandate of higher orders of government have not been implemented, suggesting a “governance gap”.

Table 4: Sample water conservation and efficiency tools and policies

	Water conservation tools in supply management	Water conservation tools in demand management
Economic	Charging for water taking including ecosystem services and source protection Who: Provincial Government	Pricing (various including peak & distance based) Who: Provincial & Municipal Governments, Utilities
		Ring fencing Who: Provincial & Municipal Governments, Utilities
Social/ Political	Employee training Who: Provincial & Municipal Governments, Utilities	Public education/Advertising programs Who: Provincial & Municipal Governments, Utilities
	Tying water allocation to efficiency Who: Provincial & municipal governments	Municipal water and land-use bylaws Who: Municipal Government
	Including efficiency and conservation in MPM²⁰ Who: Federal & provincial governments, professional associations	Legislation for water reuse Who: Provincial government
		Standards & Regulations for water using Devices Who: Federal & Provincial Governments
Structural/ Operational	System leak detection and repair Who: Municipal government, utilities	Water efficient retrofit devices Who: Municipal government, utilities, Consumers
	Metering Who: Municipal government, utilities	Private leak detection Who: Utilities, Consumers
		Water Cycling/ Grey Water Use Who: Provincial Government, Utilities

²⁰ Municipal Performance Measurement

In terms of devolution and delegated governance, the key point emerging from Table 4 is that most conservation programs require actions from multiple actors. For example, provincial-level actions are important in the implementation of economic as well as social-political instruments for both supply and demand management. Ring fencing water rates often requires provincial oversight of municipal budgeting, ensuring supply side efficiency through the valuation of water taken from the environment or the monitoring of utility performance likewise require provincial engagement with clear targets, means to assist utilities, and sanctions.

Most important is perhaps the fact that while certain measures may be within the domain of utilities; their successful implementation relies on actions that can only be taken by senior governments. Efficient device retrofit programs (e.g. low flow shower heads and toilets) are a key example. They are implemented by utilities, but the standards that guarantee the performance of efficient devices and the regulations preventing the sale of sub-performing devices can only be implemented at the federal and provincial levels. Utility staff expressed frustration at the inefficiency of each municipality separately committing significant resources to such programs that are (1) limited in their impact due to the absence of standards and regulations and (2) needlessly costly given the duplication of effort across municipalities that could be avoided by banning inefficient devices at the national scale.

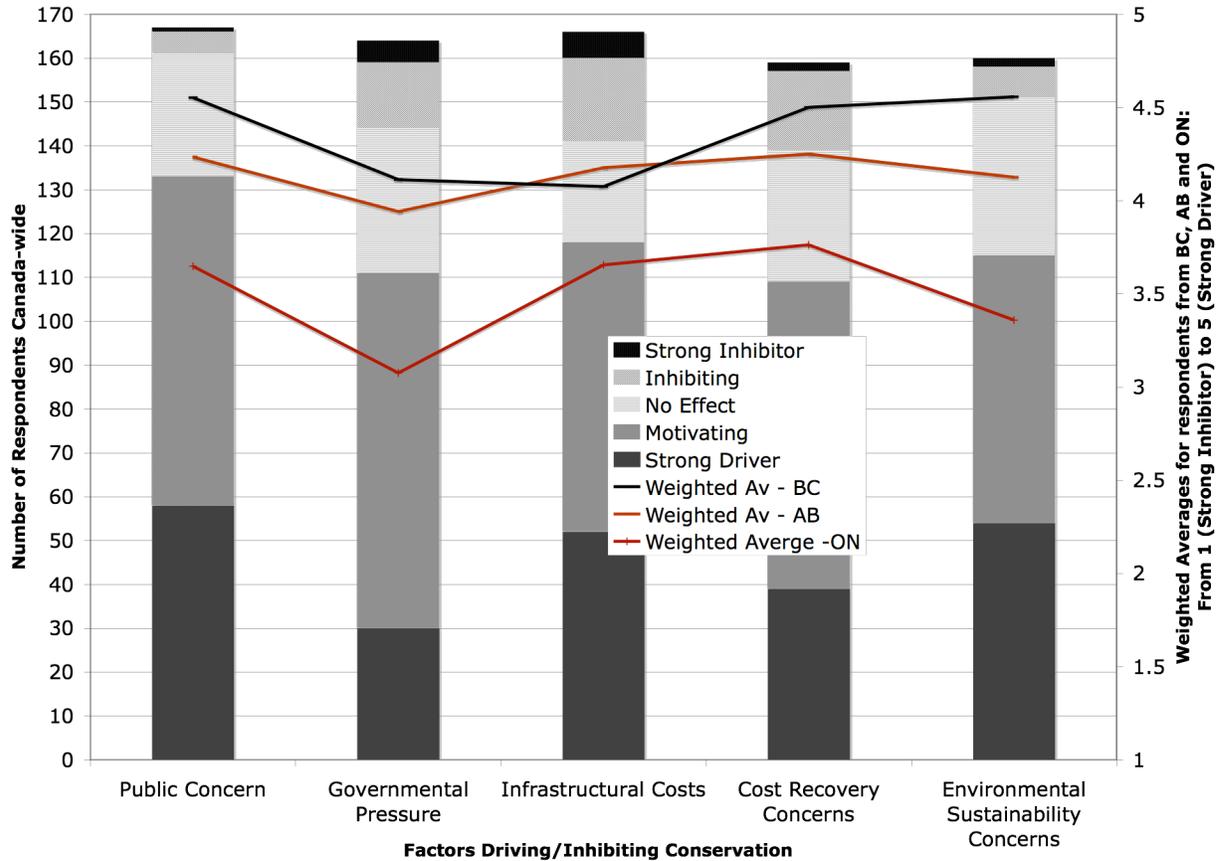
Moreover, where it exists, government pressure can be a key driver of conservation. In Canada, the three provinces where municipalities have made the greatest advances in

conservation are Ontario, British Columbia and Alberta. In BC and Alberta, where governmental pressure and public concern are key drivers, we see greater risk taking in terms of program development including the development of municipal bylaws that are clearly address issues of provincial jurisdiction. In Ontario, respondents felt that such bylaws (e.g. local water efficient device regulation) would be challenged at the provincial scale.²¹ Where cost recovery is a key motive, on the other hand, utilities may be encouraged to reduce water loss but not necessarily water sales. Certain utility staff noted that they were discouraged from being “too successful on conservation” because it meant lost revenues.²² Figure 2 shows the importance of particular drivers for conservation across the three provinces. Although differences exist, infrastructure expansion costs (capacity) and cost recovery are important across all three.

²¹ Interview #15 with regional staff.

²² Interviews #15 and #38 with regional staff persons from different municipalities.

Figure 2: Key drivers of conservation identified across Canada (bars) including the weighted averages of three most advanced provinces in terms of conservation (British Columbia BC, Alberta AB and Ontario ON)



Beyond the necessity of government engagement for broad and durable programming, direct routes for government involvement in water supply policy can help ensure that policies intended to improve the sustainability of the utility (environmental or economic) do so without imposing undue social costs (no matter the business model). The City of Hamilton’s experience with its universal metering program is one example. Seeking to move to universal metering, in 1999, utility staff proposed a tripling of flat rate charges for consumers who refused meter installation and consumer repayment for the meter

installation within 2 years. Council required modifications to the program, reducing the penalty to a doubling of the flat-rate and increasing the payback period to five years (Hughes, 2001a, b). By 2007, only 0.2% of Hamilton clients remained unmetered (City of Hamilton, 2007). Council eased the potential burden on consumers without inhibiting success.

Finally, if arms-length business models are to continue increasing in prevalence in the water sector, government involvement is necessary to ensure the continuation and amelioration of water conservation. The most popular arms-length business models in Canada are boards, commissions and corporations (Figure 3). In some respects, their autonomy from municipal government can enable them to implement controversial programs more easily. Typically, however, this does not result in the application of a broad range of programs, but rather a limited focus on economic instruments (EIs)²³ for demand management or structural operational instruments for supply-side management (see Table 2 and Table 3).

In particular, such models exhibit a tendency to discount socio-political programs. In Figure 4, for example, the survey results show that the greatest gap between the degree respondents felt a program should be implemented and the degree that it had been implemented was for public education and participation programs. This is despite the fact that they are likewise considered relatively easy to implement. In interviews, respondents

²³ Research elsewhere has shown that, arm's length models exhibit greater ease in implementing EIs given their distance from government and the political controversial nature of the programs (Renzetti and Marbek Resource Consultants, 2005).

explained that given their mandate to operate as businesses, justification of programs through cost benefit analysis was essential but difficult to accomplish for such programs. Metering, pricing and measures to reduce water loss on the other hand all have higher rates of implementation although they are considered more difficult to implement.

Figure 3: Expert views on key business model options in Canada

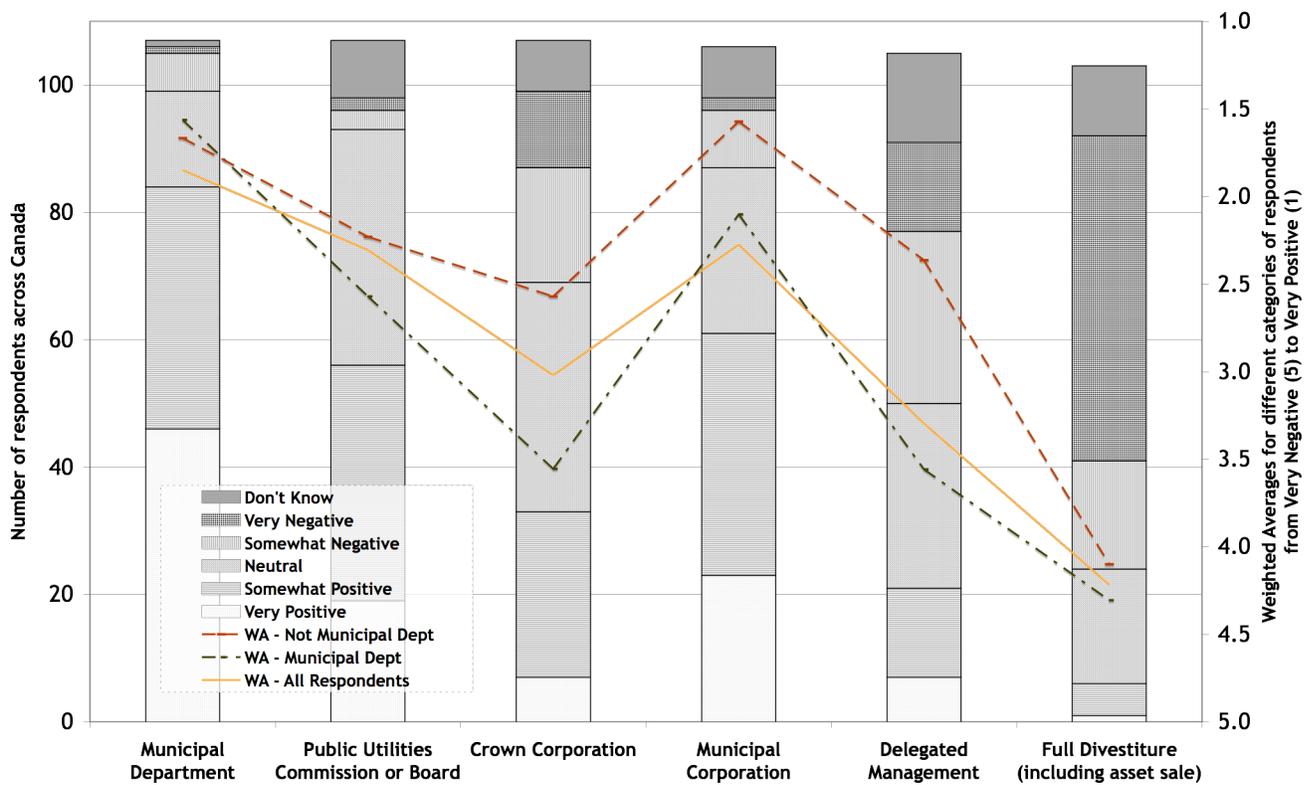
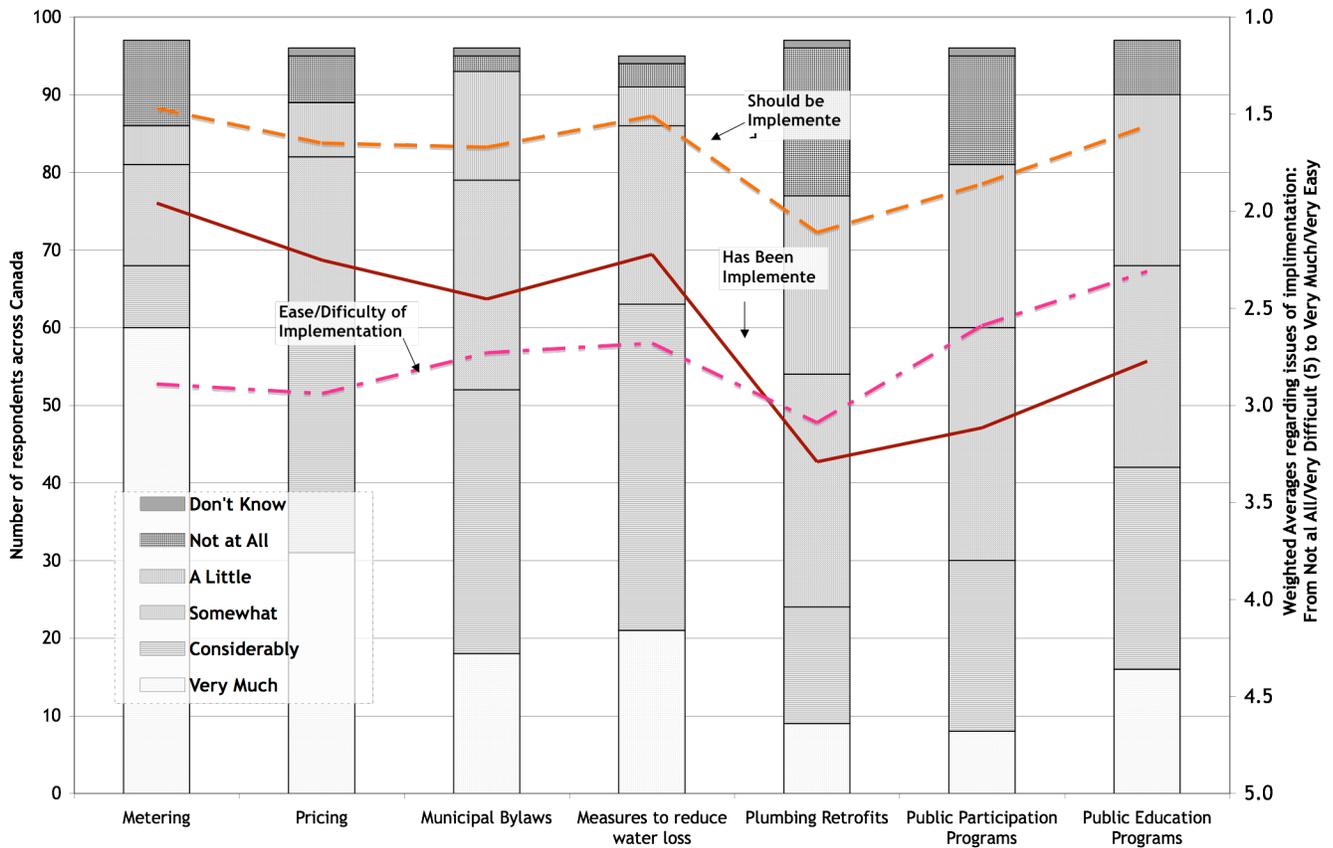


Figure 4: Conservation/efficiency program options, their level of implementation (bars) and weighted averages of implementation perceptions (lines)



In the case of corporate water suppliers (such as Utilities Kingston and Edmonton’s EPCOR), it becomes the city’s role to ensure that conservation is pursued, given the narrow corporate mandate. In Edmonton, for example, the City is the key mobilizing force on water efficiency; the development of their efficient fixture bylaw is an example.²⁴ In the Kingston case, councilors felt unable to advance an environmental agenda, indicating that progress is dependent upon the sympathies of the Chief

²⁴ Interview #19B with corporate staff.

Administrative Officer (CAO)²⁵, the sole member of staff or council to sit on the board of Utilities Kingston.²⁶

Scale is also an important issue. For larger versus smaller municipalities, retaining or expanding conservation programs when delegating management may be more feasible. In Peel (population 1,16 million) for example, which delegated management to OCWA, the region retains an extensive water efficiency plan that it implements separately through a variety of regional departments. In Okotoks (population 17,000), however, local efficiency staff are worried that, with delegation to EPCOR, their conservation programs will wane as EPCOR will not take them under its mandate.²⁷ Here, the action of the provincial government to require a certain water efficiency standard is necessary.

Moreover for small municipalities, providing services via direct delivery may not be optimal. It could in fact result in excessively high water prices for consumers, poor quality services and/or insufficient local expertise, given their frequent lack of human and financial resources. Consequently, small municipalities can benefit from business models that enable economies of scope, including delegated management to an external operator, or bulk water purchases from a larger municipality. As such, focusing on policy development through business model restructuring may leave small municipalities with a

²⁵ Chief Administrative Officer – In Canadian municipalities, this person is appointed by a council and is in charge of administrative functions for the municipality.

²⁶ Interview #22 with a municipal councilor.

²⁷ Interview # 17B with municipal staff.

choice between developing economies of scope and access to expertise on the one hand and well developed conservation and efficiency programming on the other.

These cases highlight the fact that in instances of arms-length ASD models for water supply, the strength (and political will) of the local government becomes a much more important factor in ensuring conservation. However, “political will” is an insufficient backstop for progress on sustainability in the water sector. Rather, accountability is needed. In these cases, municipal accountability for conservation must be supported by checks and balances from higher scales of government such as standard setting and performance measurement. This becomes more important with the increasing trend toward ASD as incentives for broad conservation programming within utilities and the influence of local governments is reduced.

4 Conclusions

This paper has argued that ASD coincident with neoliberal governance reform often hinders sustainability in the municipal water sector. Rather than a single set of organizational reforms, this paper has shown that ASD likewise involves a second set of reforms directed at governance. As opposed to having synergistic effects, their combined impacts are the source of important contradictions in ASD that serve to diminish the potential for improved sustainability in municipal water supply.

The research has shown that successful conservation programming is best fostered through coordinated and managed delegation at the municipal level supported by strategic

multi-level governance involving all levels of government as appropriate. On the one hand, delegation generates programs that are more in tune with community needs and thus more stable. On the other hand, there are certain necessary roles in ensuring conservation that only senior governments can fill (Table 4). Moreover, municipal government involvement is essential both in promoting sustainability and ensuring that it is fair.

Contrasting these criteria for environmental sustainability in water supply with ASD's two reform strategies clarifies the contractions involved. First, ASD governance reforms (in keeping with neoliberal ideas) focus on devolution in both the authority and the participation of governments. They therefore reduce the necessary involvement of government (at all scales) in conservation irrespective of the associated business model. ASD business model reform, moreover, itself serves to reduce municipal government involvement.

Second, while ASD governance reforms may promote devolution, its organizational reforms actually curtail the propensity for delegation, which is shown to be necessary (although insufficient) for improving conservation and efficiency in the water sector. We have seen that improved delegation is an important governance strategy in promoting conservation and efficiency, whereas devolution can be limiting. For these reasons (and potentially others), it is important not to confuse delegation with a diminished need for regulation. Action from higher orders of government is necessary to protect both

environmental and consumer needs. On water conservation and efficiency, the lack of regulatory action from senior governments has a profound impact on local programming.

Third, on the surface, the business models which most effectively facilitate full-cost recovery, consumption-based pricing, and metering (i.e. arm's-length models) are not the same as those that most effectively facilitate broad-based conservation programs that are considerate of their social implications (i.e. municipal department models). Thus, municipalities may be compelled to make tradeoffs between environmental and social sustainability on the one hand and economic sustainability on the other. Yet, it is an important measure the governance reforms associated with ASD and neoliberalism that have exacerbated some of the challenges to meeting economic sustainability goals through the municipal department model.

These contradictions highlight the complications of assuming that devolution at higher scales necessarily compliments arm's length governance in municipalities or that business model reform alone can resolve existing governance challenges. On an organizational level, ASD options can yield important benefits to water supply in some (especially smaller) municipalities. Getting the most from the potential of ASD business model reform, means finding creative ways to support utilities in circumventing its contradictions. This means some measure of accountability for the economic, social and environmental sustainability of water services overseen by senior governments. It means organizational change without the now-prevailing associated changes in governance. For ASD to function on an organizational level, the related governance reforms must steer

away from their current devolutionary exigencies to a more pragmatic (and less ideological) engagement with the most effective role for each level of government in achieving the goals of 21st century service provision.

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