Harrison Symposium 1

The World Commission on Dams
A Model for Global Environmental Governance?

Introducing the Harrison Symposium

With this edition we introduce the Harrison Symposium as a regular feature of *Politics and the Life Sciences*. The Symposium will focus on current, debates, developments, and controversies in the domain of global governance, globalization, and the life sciences.

The Symposium is a product of the University of Maryland's Harrison Program on the Future Global Agenda. The Harrison Program's mission is to promote research, teaching, and public dialogue on issues related to ecological security, long-term sustainability, energy and environmental policy, and global governance. Symposium editors are Dennis Pirages, the Horace Harrison Professor of International Environmental Politics at the University of Maryland and Ken Conca, Harrison Program director. We aim for the Symposia to be ongoing discussions; readers are encouraged to submit comments, reactions and suggestions for future Symposia to the editors.

In this edition of the Harrison Symposium we examine the World Commission on Dams as an unusual, controversial, and potentially innovative model of global environmental governance. In the debate surrounding the proper linkages between environment and development, no issue has been more controversial than the role of large dams. Stalin is reported to have observed that "Water which is allowed to enter the sea is wasted"; Nehru dubbed large dams "the temples of modern India."[1] Governments of all ideological stripes — from liberal New Deal America in the 1930s to right-wing authoritarian Brazil in the 1980s to the post-Maoist China of today — have embraced large dams as linchpins of economic development. There are more than 40,000 large dams around the world, serving as central instruments of irrigation, flood control, and industrial development and providing approximately one-fifth of the world's electricity supply.

Dams are also among the major stressors of the world's critical freshwater ecosystems. The reservoirs created by the world's dams have flooded an area roughly equal to the size of France. The damming of rivers fragments riverine ecosystems by inhibiting the movement of water, sediment, nutrients, and living organisms. One recent assessment concluded that 60 percent of the world's largest rivers are moderately to strongly affected by fragmentation and altered flows.[2] Dams are also sites of human-rights controversies and political struggles. The World Commission on Dams estimates that 40 to 80 million people have been displaced by dam construction — most with little or no voice or compensation. Dam construction sites around the world have become zones of intense social conflict, as affected local communities mobilize in opposition and find support from an increasingly well networked array of environmental and human-rights advocacy groups.

The rate of construction of major dams has slowed appreciably over the past few decades. One consequence of this slowing is that the amount of land under irrigation increased by about 50 percent from 1960 to 1980 but only by about 25 percent from 1980 to 2000. The one regional exception to this trend is Asia, where governments of large countries, including China and

India, have forged ahead despite flagging support from international capital and aid agencies.

To be sure, several factors have contributed to the dam-construction slowdown: cost overruns and financial riskiness of large infrastructure projects have reduced the attractiveness of large dams; in many countries the best hydro sites have already been tapped; and the increasing cost-competitiveness and greater flexibility of small gas-fired turbines has reduced interest in hydroelectricity. Without question, however, one of the principal forces in slowing large dam construction has been social opposition by environmentalists, human-rights advocates, indigenous peoples' groups, and local organizing and advocacy by negatively affected communities. The increasingly dense and transnationalized networks formed by these opponents of large dams have transformed previously isolated, local struggles into a globally linked controversy.

Increasingly paralyzed by social-movement activism, dam builders and financers have been drawn in recent years to sit down at the bargaining table with their critics. One result of this incipient dialogue was the World Commission on Dams, an unusual mixed-membership body that took an unprecedented, broadly encompassing look at the costs and benefits of large dams. The Commission's mandate was twofold:

- to review the developmental effectiveness of large dams and assess alternatives for water resources and energy development; and
- to develop internationally acceptable criteria, guidelines, and standards, where appropriate, for the planning, design, appraisal, construction, operation, monitoring, and decommissioning of dams.[3]

The general terms of this mandate were established at a "stakeholder" workshop sponsored by the World Bank and World Conservation Union in 1997, and attended by a heterogeneous array of dam proponents and critics.[4] The Commission's membership was unusual in that it consisted of both vocal proponents and vocal opponents of dam construction and a mix of actors from various "stakeholding" groups: activist networks, the corporate sector, government, affected communities, professional associations, and academia.[5]

The Commission's report was the culmination of a two-year period of intensive study that generated several products: a detailed survey of 125 dams; eight in-depth case studies of particular dams and watersheds; three country-level reviews (India, Russia, and China); seventeen thematic reports on a range of social, economic, ecological, and technical topics; and an unprecedented outpouring of statements, comments, and testimonials from affected groups and interested parties, generated through the Commission's submission process and a series of regional consultation hearings. Although identifying important contributions that dams can make to development, many of the Commission's findings stressed shortcomings in the practice of conceiving, designing, planning, building, and operating large dams:

- a "high degree of variability in delivering predicted water and electricity services" with "a considerable portion" of surveyed dams falling short of their physical and economic targets;
- "a marked tendency towards schedule delays and significant cost overruns;" extensive and predominantly negative ecosystem impacts; little success for efforts to mitigate these effects;"
- "pervasive and systematic failure" to assess impacts and account for those being displaced by dams, leading to "the impoverishment and suffering of millions"; and
- a systematic failure of the benefits of dams to reach communities bearing the brunt of the costs of dams.[6]

Based on these findings, the central thrust of the Commission's recommendations were to shift the focus away from dams as ends in themselves and toward comprehensive options assessments for water and energy needs; and to establish "core values" of equity, efficiency, participatory decision-making, sustainability, and accountability in all decisions related to dams and their alternatives.

We begin the Symposium with the executive summary of an independent assessment of the WCD, conducted by the World Resources Institute (WRI), Lokayan (India), and Lawyers' Environmental Action Team (Tanzania).[7] The assessment examines the process by which the WCD was formed, the activities it undertook as part of its mandate, the interactive dynamics among the diverse group of commissioners, and the interactions between the Commission itself and the larger array of stakeholding groups surrounding the large-dams controversy. The assessment also contrasts the Commission with prior "eminent personali-

ties" approaches to global governance, such as the Brundtland and Brandt Commissions, stressing the WCD's direct engagement of stakeholders and its greater willingness to confront the most fundamentally contentious issues. The assessment also culls from the WCD experience several lessons on the promise and pitfalls of "multistakeholder processes." The authors emphasize the promise of greater legitimacy and direct engagement, the pitfall of determining genuine representation among often amorphous constituencies, and the ongoing challenge of getting the broader array of actors in the dams arena to "buy in" to the Commission's findings.

Minu Hemmati picks up the discussion of multistakeholder processes, drawing on her experience in the context of the U.N. Commission on Sustainable Development, Stakeholder Forum for Our Common Future, and various NGO forums within the U.N. system. She defines stakeholders as "those who have an interest in a particular decision, either as individuals or representatives of a group. This includes people who influence a decision, or can influence it, as well as those affected by it." Acknowledging the diffuse boundaries of the concept, she nonetheless endorses the emergence of multistakeholder processes as an important step in the development of international democracy. In reply to those who worry about endorsing the more direct involvement in decisionmaking of self-appointed stakeholders, she points out that "such involvement is happening anyway, through lobbying, which places resourceful groups in very advantageous positions." Hemmati underscores the importance of moving beyond the currently popular but limiting "tri-sectoral approach" which conceives of stakeholder dialogue in terms of trilateral interactions among governments, the private sector, and an amorphous "civil society" to achieve a more pluralistic, democratic dialogue.

Ken Conca shifts the focus to the role of multistakeholder processes in the broader context of global governance. He argues that the growing appeal of stakeholder models of global environmental governance has been driven in large measure by the failure of traditional, state-centered bargaining approaches to respond to, or even recognize, pressing global environmental challenges. He also suggests that institutional developments of this sort are part of a larger process of the "hybridization" of authority in world politics, in which both states and nonstate actors perform functions typically reserved to the other while retaining some of their traditional roles as well.

It is too early to determine the extent to which the WCD experiment with stakeholder bargaining will actually change dam-related behavior. In general terms, dam critics have been more pleased with the report than dam proponents.[8] Many activist groups, though dissatisfied with some elements of the document, have pressed for the Commission's recommendations to become binding on parties building or funding dams. Southern governments have been divided in their response, with many expressing skepticism that the recommendations could be implemented as strict policy guidelines. ICOLD, the international dam-industry umbrella group, rejected the report as flawed in its methodology and inadequate in capturing the many benefits of large dams. On the other hand, some donor governments have indicated that they will be guided by the WCD recommendations in making future decisions on whether to support dam projects. Despite being a key catalyst for the stakeholder dialogue that culminated in the WCD process, the World Bank has been equivocal in its response, committing only to considering the WCD recommendations in a non-binding manner.

These uncertainties notwithstanding, the ability to draw actors locked into bitter conflict into a sustained process of dialogue may provide several lessons for resolving future environmental-developmental controversies. In this sense, the political dynamic surrounding the large dams debate — which over time has evolved from bitter confrontation to an increasingly institutionalized process of stakeholder bargaining — points toward the more participatory dialogues that surely will be required for the resolution of such controversies.

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Minu Hemmati has been working with Stakeholder Forum for Our Common Future (formerly UNED Forum) since 1998. Her areas of expertise include gender and sustainable development, information tools and capacity-building, and the participation and collaboration of stakeholder groups. A psychologist with a doctorate in environmental and organizational psychology, she was Senior Lecturer at the University of Saarbruecken, Germany, 1992-1998. She has attended the Commission on Sustainable Development (CSD) meetings since 1997, served as advisor on the U.K. Government delegation to the CSD-9 intersessional meeting in March 2001, and coordinated the CSD NGO Women's Caucus from 1999-2001. She is the author of *Multi-Stakeholder Processes for Governance and Sustainability-Beyond Deadlock and Conflict* (Earthscan, 2002, with contributions from Felix Dodds, Jasmin Enayati, Jan McHarry).

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5. For a summary of the Commission's membership and a discussion of the process by which it was formed, see the contribution of Dubash et. al. to the Symposium.

6. World Commission on Dams, *Dams and Development,* executive summary, p. xxxi.

7. Navroz K. Dubash, Mairi Dupar, Smitu Kothari, and Tundu Lissu, *A Watershed in Global Governance? An Independent Assessment of the World Commission on Dams* (Washington: World Resources Institute, 2001). A report of the World Resources Institute, Lokayan, and Lawyers' Environmental Action Team.

8. For an overview of immediate reactions to the report see Dubash et. al., *A Watershed in Global Governance?* See also the links section at the end of this Symposium.

A watershed in global governance?

An independent assessment of the World Commission on Dams

(Executive Summary)*

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An experiment in global public policy-making

In mid-2000, Medha Patkar, a leader of one of the best-known social movements in India, and Göran Lindahl, the Chief Executive Officer of one of the world's largest engineering firms, participated in a meeting together in Cape Town. The two came from different worlds. Patkar was weak from undertaking a hunger strike to protest a dam on the Narmada River in western India. Lindahl arrived at the last minute on his private jet. Before their meeting, Patkar animatedly described the recent protests, showed Lindahl pictures of the villagers, and narrated their experiences.

So began a typical meeting of the World Commission on Dams (WCD). Ms. Patkar, Mr. Lindahl, and their 10 colleagues from government min-

Box 1: Key objectives of the WCD

- A global review of the development effectiveness of large dams, and assessments of alternatives.
- A framework for options assessment and decision-making processes for water resource and energy services and development.
- Internationally acceptable criteria and guidelines for planning, designing, construction, operation, monitoring, and decommissioning of dams.

Source: *World Commission on Dams, Interim Report,* July 1999.

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istries, the private sector, and civil society were all Commissioners on the WCD. Their common task was to address the conflicting viewpoints that have made large dams a flash point in the arena of environment, development, and justice.

The WCD was formed following a meeting of diverse dam-related stakeholders in early 1997 to discuss the past and future of large dams. The World Bank and the World Conservation Union (IUCN) initiated the process in response to growing protests at dam sites around the world. Although originally focusing on a study of the World Bank's dam-building record, the process grew into an independent review that consumed the time of 12 Commissioners, a full-time professional Secretariat, a 68-member advisory Forum, and thousands of contributors. The WCD's goals were to build a comprehensive knowledge base of large dams' development effectiveness and to develop criteria and guidelines to advise future decision-making on dams. (See Box 1.)

Because of its efforts at representing a range of views, its emphasis on broad consultation, and its commitment to transparency in its work, the WCD described itself as, and was proclaimed by others to be, a unique experiment in global public policymaking.[1] Interest in the WCD model grew when, after 30 months of data gathering and negotiation and significant skepticism over whether consensus was possible, the Commissioners completed a consensus report, Dams and Development.[2] In their report, the Commissioners overcame political divisions to provide a joint assessment of the development effectiveness of dams in the past and map out priorities and recommendations for water and energy development in the future. (See Box 2 and 3.) Since then, discussions about the WCD's replicability have cascaded into areas as diverse as extractive industries, trade and environment, food security and genetically modified organisms, and debt relief.

The WCD in historical context

The WCD emerged from several strands in the recent history of global policymaking. First, the WCD built upon a history of global commissions that have sought either to reconcile economic growth and environmental sustainability (such as the Brundtland Commission and the Stockholm and Rio Conferences) or to address

Box 2: The Dams and Development report

The Commission's final report, Dams and Development, is a consensus report of 380 pages. All 12 Commissioners* signed the report.† Dams and Development wraps together the Commission's global review of dams' development effectiveness, a framework for water resources planning, and guidelines for options assessment and dam building, maintenance, and decommissioning.

The report was much more than a finding on dams. Rather, it was a judgment on the very governance and societal relations that underpin any major development project. It broke new ground in international development discourse and in the history of commissions by squarely locating infrastructure development in a human rights framework endorsed by most countries in the world.

In assessing past performance, the Commission concluded that large dams vary greatly in delivering predicted water and electricity benefits, with some notable over-and under-performance among hydro dams. Large dams often incur substantial capital cost overruns. Large dams have displaced from 40 to 80 million people worldwide, but official statistics do not capture the full picture. Governments and developers have systematically failed to assess the range of potential negative impacts and to put adequate mitigation and compensation measures in place. Therefore, the development benefits of dams have been "marred in many cases by significant environmental and social impacts which when viewed from today's values, are unacceptable." The report argues that inequitable power relations within and across nations and closed decision-making processes are among the root causes of these failures.

To locate dams practice, past and future, the Commission used three United Nations instruments: the Universal Declaration of Human Rights, 1948; Declaration on the Right to

Box 2 continued on next page

Box 2 continued

Development, 1986; and the Rio Principles, 1992. The Commission argued that "governments, in constructing dams, have often found themselves in conflict with basic principles of good governance that have been articulated in the three international instruments." Future water and energy planning should place those rights at the centre.

The report laid out a "Rights and Risks" framework to identify which stakeholders should be involved or represented in decision-making. Stakeholders would be identified based on whether they had a legitimate claim and entitlement (under law, constitution, or custom) that might be affected by a development project. In what is perhaps the most far-reaching concept in the report, the Commission argued that the risks (or "loss of rights") of project-affected peoples should be recognized and addressed in an explicit, open, and transparent fashion. Historically, the notion of risks had been applied to investors who risked financial capital on a project. The Commission highlighted the number of "involuntary risk takers" in both displaced and downstream communities as the result of dam building. The Commission explicitly rejected the old-fashioned "balance sheet" approach that sought to trade off one person's loss against another's gain. When rights of various stakeholders might overlap or conflict, the Commission stated that good faith negotiations or recourse to independent courts would be required to reconcile stakeholder interests. The Commission also broke new ground by accepting the principle of "prior and informed consent" of indigenous and tribal peoples for options assessment and all stages of planning for water and energy developments that would affect them.

The Commission supplemented this framework with a set of strategic priorities and policy principles for water and energy resource development and 26 specific guidelines for dam planning, building and maintenance, and options assessment.

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*There were originally 12 members on the World Commission on Dams, plus one non-voting member, the Secretary General Achim Steiner. Halfway through the process Commissioner Shen Guoyi of China resigned, and her employer, the Chinese Ministry of Water Resources, declined to provide a replacement. Achim Steiner subsequently signed the final report with the status of full Commissioner.

†Medha Patkar added a "comment" reiterating her appreciation for and endorsement of the Commission's work but expressing reservations about the report's failure to address the development model underlying large dams.

Source: *World Commission on Dams, Dams and Development: A New Framework for Decision-Making* (London: Earthscan, 2000).

North-South inequalities and questions of justice (such as the Brandt and South Commissions). Indeed, the WCD marked a step forward by incorporating at once the themes of social justice, human rights, ecological sustainability, and development in its work.

Second, the dams arena illustrates the growing ability of transnational civil society networks to contribute to global public policy agendas. The WCD was formed as a result of national and international civil society protest against large dams, which was often directed at such multilateral agencies as the World Bank.[3] The high transactions costs created by civil society dissent persuaded the World Bank and selected allies in international finance and industry that a new approach was required to move the dams debate forward.

Third, the WCD stood out from previous commissions in its diversity by including pro-dam lobbyists and anti-dam protesters, rather than limiting itself to participants from a broad middle ground. By the standards of global commissions generally, it also marked a notable departure from the "eminent persons" model of distinguished public servants. It comprised, instead, active practitioners whose personal legitimacy derived from their prominence in international networks of stakeholders.

> **Box 3: The WCD's values and priorities**
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> The WCD's Five Core Values:
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> Equity
> Sustainability
> Efficiency
> Participatory decision-making
> Accountability
> The WCD's Seven Strategic Priorities:
> Gaining public acceptance
> Comprehensive options assessment
> Addressing existing dams
> Sustaining rivers and livelihoods
> Recognizing entitlements and sharing benefits
> Ensuring compliance
> Sharing rivers for peace, development, and security
>
> Source: *World Commission on Dams, Dams and Development: A New Framework for Decision-Making* (London: Earthscan, 2000).

Fourth, the WCD was one of many government, private sector, and civil society dialogues on development policy that have proliferated since the landmark UN Conference on Environment and Development in Rio de Janeiro in 1992. By including a broad range of stakeholders, the WCD was a leading example of a "multi-stakeholder process." By including multiple perspectives, integrating diverse viewpoints early in a policy process, and building constituencies for implementation, multi-stakeholder processes are intended to provide a more inclusive and pragmatic form of policy formulation.[4] Some consultative processes involving civil society, business, and governmental actors have a direct input into policymaking.[5] However, many multi-stakeholder processes lack formal authority for decision-making and result in declarations, policy recommendations, and codes of conduct that are not legally binding. The WCD's report joined a recent profusion of normative instruments and processes in international development that have no legal stature in themselves but are intended to be considered by legislators and to influence development practice.[6]

Finally, the WCD's structure and functioning responded to a broader call by civil society for transparency and inclusiveness in global governance. Before and since the WCD's formation, numerous protests and advocacy efforts by NGOs and social movements have sought to open up global decision-making about trade and investment rules, and associated labor, human rights, and environmental standards — decisions that are made behind closed doors and in the hands of the few, but affect the lives of millions. As a multi-stakeholder process whose objective was to address the source of past conflicts, the WCD committed explicitly to being transparent and open in its work.

The debate over large dams was ripe for the WCD's approach. Dams issues provide a microcosm of the changing political roles of the state, civil society, and the private sector in the rush toward a globalized world. Private financing is playing an increasing role, expanding the number of actors who hold leverage in dam planning and decision-making. Dams decisions often involve governments, private firms, and international financiers — including bilateral aid agencies, multilateral development banks, export credit agencies, and commercial banks. Social movements and NGOs have criticized these actors for lack of transparency and have vocally resisted their decisions. The increase in number and scope of physical protests has brought added urgency to the dams debate. At the same time, the number of dams under planning and construction has rapidly fallen as cost-effective alternatives to large dams have become increasingly available, especially in providing energy services. The controversy generated by large dams and the changing face of the dams industry provided compelling reason for the supporters and opponents of large dams, although wary, to come to the table. This is the context in which discussion began over the formation of an independent commission to address the dams debate.

Framework for assessing the WCD

The ability to convene diverse actors and keep them constructively engaged is a core principle of multi-stakeholder processes, such as the WCD. For such processes to be successful, stakeholders must feel that they have access to the process, that their voices are

fully heard, and that their participation in the deliberations is meaningful. The potential benefits of these conditions are two fold: first, such processes are better informed, integrate diverse subjective viewpoints, and result in better outcomes. Second, inclusion builds constituencies for implementation.

We look at the efforts of the WCD and its initiators to create political space for broad access to the process and build constituencies for implementation through

- full representation of relevant stakeholder groups on the Commission,
- independence from external influence,
- transparency to ensure the Commission's accountability to stakeholders' concerns, and
- inclusiveness of a range of views in compiling the knowledge base.

We assess how the WCD put these principles into practice, and the effect on stakeholder perceptions of the WCD's legitimacy as the process unfolded. Based on interviews and observation of the process, we ask if the WCD's structures and practices were sufficiently robust for stakeholders to feel that they were meaningfully involved. This approach was made possible by the timeframe of our assessment, which was concurrent with the WCD.

We pay close attention to the political and practical trade-offs that the WCD faced in its efforts to create a representative, independent, transparent, and inclusive process. Since the WCD brought together opponents in the dams debate as well as a broad political middle, inclusion of one group or perspective risked alienating another. In addition, the work of a commission is inevitably shaped by practical trade-offs. Funds, time, and the patience and perseverance of commissioners, staff, and stakeholders are real constraints on any such process, no matter how high the aspirations to good governance. The real measure of the WCD's success is whether it managed these trade-offs well enough to allow engagement by a range of stakeholders that was sufficiently broad to promote its results.

Representation and good process are ultimately only means to influence policy and practice. Impact can be difficult to measure, because multi-stakeholder processes often do not have formal authority as decision-making bodies, but seek to shape outcomes through their influence as an advisory voice. In this study, we deploy multiple criteria for assessment of the Commission's likely impact. First, we examine whether and how the Commission achieved consensus. Without consensus, a commission will be seen to have reproduced divisions among stakeholders, rather than transcending them. Second, we ask whether and how the narrow consensus among commissioners can eventually be translated into a broader consensus among stakeholders. In particular, we explore whether a sufficiently broad range of stakeholders was satisfied enough with the process to constitute a constituency for implementation.

Finally, this assessment is informed by historical precedent. We undertook a detailed survey of past commissions, civil society advocacy efforts, global conferences, and multi-stakeholder processes. All of these arenas represent important influences in the formation of the WCD. This rich record provides a useful context for the assessment, as it reflects the many strands that shaped the WCD. It provides a lens on the practical feasibility of different forms of stakeholder consultation and representation by demonstrating what has been accomplished before.

The formation of the WCD

The World Commission on Dams was initiated following a meeting of diverse dam-related stakeholders convened by the World Bank and IUCN at Gland, Switzerland, in 1997. The purpose of the meeting was to discuss the second phase of a study by the World Bank's Operations Evaluation Department (OED) on World Bank-sponsored dams.[7] In the run-up to the meeting, civil society groups called for an independent global body to review large dams' performance and criticized the OED review sharply for failing to reveal the true extent of dams' environmental and social disruption and economic and technical under-performance.[8]

The conveners of the process were important in creating the political space for dialogue. Neither the World Bank nor the IUCN were regarded as neutral conveners, for stakeholders identified the former with dam building and the latter with environmental conservation interests. Together, however, they persuaded stakeholders from government, industry, NGOs, and social movements to attend the Gland workshop.

The World Bank and IUCN debated how broad participation in the dialogue should be and decided to cast

the net wide to capture diversity across and within stakeholder groups. Invitees included civil engineers with lifelong careers in dam building, such as members of the International Commission on Large Dams (ICOLD), a dam-builders' association, as well as groups that were formed specifically to oppose large dams, such as the International Rivers Network (IRN) and Narmada Bachao Andolan (Struggle to Save the Narmada River). With the aid of painstaking preparation and facilitation by the organizers, the participants agreed, during a tense two-day meeting, on the need for an independent global review of dams' development effectiveness and a new international framework for water and energy planning.[9]

The World Bank and IUCN oversaw a contentious process of Commissioner selection in late 1997. Together with a core group of participants from the Gland meeting, they chose a 12-member Commission with Professor Kader Asmal, South Africa's Minister for Water Affairs and Forestry, at the helm. Lakshmi Jain, the Indian High Commissioner to South Africa, was appointed as Vice Chairperson. The other Commissioners hailed from government, industry, academia, nongovernmental organizations, and social movements. (See Box 4.) The process of Commissioner selection was so tense that major interest groups involved threatened on many occasions to withdraw and scuttle the effort in a barrage of negative publicity.

From its first meeting in May 1998, the Commission embarked upon a two-year fact-finding mission.[10] (See Box 1.) The ambitious work program included public hearings, case studies, cross-cutting "thematic" papers, and an overview survey of 150 large dams.[11] (See Box 5.) The program's objective was to build a knowledge base on the development effectiveness of large dams and options for providing water and energy services — a knowledge base from which the Commissioners would extrapolate their findings and recommendations. The knowledge formation process was also to provide a platform for dialogue among diverse stakeholders.

The WCD recognized that technical information about dams already resided with professional dams associations, such as ICOLD and the International Hydropower Association (IHA). Therefore, its members decided to focus on "those key issues around which there is greatest disagreement"[12] — the benefits and costs of dams, and the nature of the decision-making processes behind them.

Box 4: The Commissioners

Kader Asmal
WCD Chairperson
Ministry of Water Affairs and Forestry, South Africa

Lakshmi Chand Jain
WCD Vice Chairperson
High Commissioner to South Africa, India

Judy Henderson
Oxfam International, Australia

Göran Lindahl
Asea Brown Boveri Ltd., Sweden

Thayer Scudder
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Tebtebba Foundation, Philippines

Donald Blackmore
Murray-Darling Basin Commission, Australia

Medha Patkar
Struggle to Save the Narmada River, India

José Goldemberg
University of São Paolo, Brazil

Deborah Moore
Environmental Defense, United States

Shen Guoyi*
Ministry of Water Resources, China

Jan Veltrop†
Honorary President, ICOLD, United States

Achim Steiner††
WCD Secretary General
Germany

* Resigned, early 2000

†Joined Commission in September 1998, to replace Wolfgang Pircher the original nominee

††Initially an ex-officio Commissioner
Note: Affiliations as of 1998.

Source: *World Commission on Dams, Interim Report,* July 1999.

Box 5: The WCD Work Program

Knowledge Base
Focal Dam/Basin Case Studies
125 Large Dams Cross-Check Survey
Thematic Reviews
Submissions & Consultations

Source: *World Commission on Dams, Dams and Development: A New Framework for Decision-Making* (London: Earthscan, 2000).

A professional Secretariat of 10 senior members and numerous support staff managed the work program from Cape Town, South Africa. An advisory Forum comprising the original participants of the Gland meeting, plus an additional 30 representatives of relevant organizations (see Box 6), met twice during the WCD's process and once after the report's release to act as a sounding board for the Commission's work.

Because the Commission attempted to capture the political extremes of the debate in its composition and work program, many observers considered the experiment ambitious. Even with the three component bodies of the WCD in place — the Commission, Secretariat, and Forum — it was not clear that they would endure the political friction of the process.

Establishing a credible process

Representation. The WCD departed from the eminent persons model of past global commissions, which were composed of elder statesmen and women with distinguished records of public service. The Commissioners of the WCD were indeed prominent individuals, but they were prominent as active practitioners in NGO, social movement, and business networks, as well as in government agencies. In many cases they were selected because they were perceived as being affiliated with distinct constituencies. The combination of stature and affiliation with interests provided a bridge between previous commission models and the emerging concept of multi-stakeholder processes. The WCD's initiators had no obvious benchmark to use when departing from an eminent persons' model to compose a diverse multi-stakeholder commission. Rather, the selection of Commissioners was the result of a political negotiation. Helpfully, the WCD's own process later generated a robust framework for identifying stakeholders based on rights and voluntary and involuntary risks. (See Box 2.) This framework will be relevant to the formation of future multi-stakeholder processes.

Although representativeness was a key selection criterion for Commissioners, they were chosen to serve in their individual capacities rather than as formal institutional representatives. This arrangement placed the burden of legitimacy heavily on the personal and professional reputation of the Commissioners, and on the continued strength of their ties to their networks. This notion of loose representation was critical to the overall success of the process. Commissioners' freedom from institutional ties allowed them the flexibility to evolve new forms of understanding amongst themselves. It also required them to move skillfully between their professional networks and their shared responsibility as Commissioners.

The Commissioner selection process proved instrumental to stakeholders' willingness to engage in the WCD process. After pressuring the World Bank and IUCN for a role, a small group representing industry, NGOs, and dam-affected people was allowed to participate in vetting candidates and drawing up a final list. The participation of these stakeholders in the selection process turned out to be vital to the Commission's legitimacy with those interest groups. It would have been impractical for all concerned stakeholders to learn about and participate in the selection process. The participation of this ad hoc group, from diverse networks and backgrounds, was a practical, good faith effort to gauge the general political acceptability of the Commission. Future processes would benefit from involving a range of stakeholder groups in the selection of commissioners.

The different levels of organization and interest across stakeholder groups at this time influenced Commissioners and groups' subsequent engagement in the process. When the WCD was formed, the anti-dam movement was relatively well organized, which translated into coherent demands for representation. Before

Box 6: Categories of stakeholder groups on the WCD advisory Forum

Category	*Number of Groups*
Bilateral Agencies / Export Credit Guarantee Agencies	6
Government Agencies	6
International Associations	4
Multilateral Agencies	7
Affected Peoples' Group	7
NGOs	13
Private Sector Firms	6
Research Institutes	10
River Basin Authorities	4
Uilities	5

Source: WCD website, www.dams.org/about/forum_list.htm (28 August 2001).

and after the Gland meeting, civil society groups refused to be subsumed in a single stakeholder category. They argued that "civil society" was sufficiently diverse that it merited several stakeholder categories: indigenous peoples, non-indigenous project-affected people, public interest advocacy groups, and environmental groups. In particular, civil society groups pressed for affected peoples' representatives and indigenous peoples' representatives to have their own seats at the table. This demand — which formed the basis for the Commission's political acceptability to the anti-dam movement — marked a departure from previous consultative and multi-stakeholder processes in which civil society slots were typically taken by NGOs close to the corridors of power in Washington, Nairobi, and Delhi.

By contrast, dam-building companies and utilities did not take an active interest in the nascent WCD process in its early days, largely because they disregarded its significance. In addition, some business people noted that the competitive nature of the dams industry, or simply companies' varying portfolios, posed an initial challenge to their building group solidarity around common interests. As a result, when private companies and utilities recognized the growing reputation of the WCD and became more active in the process later on, some felt under-represented on the Commission. This discontent was exacerbated by circumstances, as the Commissioner best positioned to represent corporate interests (Mr. Lindahl) slowly lost the confidence of industry groups as his company progressively withdrew from the large hydropower business. This gradual loss of representation led industry groups to feel that they were losing ground in the debate and led to the establishment of a more formal industry network toward the end of the process. The contrasting experience of stakeholder groups suggests that stakeholders bear a considerable burden of defining constituencies and mobilizing accordingly, if they are to feel adequately represented.

National governments were represented only modestly at the Gland meeting and in the Commission's formation, an outcome with considerable significance for the subsequent process. The World Bank and IUCN invited only one ministry representative to the Gland meeting: an official from China, which was undertaking possibly the largest engineering feat known to humankind in the Three Gorges Dam.[13] Government viewpoints were otherwise represented by various proxies and quasi-governmental appointees, from two state-owned utilities,[14] and two river basin authorities.[15] The Indian government would later point out that in its view, it and other major dam-building governments had been excluded from the formative process. Despite the presence of a strong Chairperson and Vice Chairperson from Southern governments, the ability of the WCD to attract the political support of governments would become a serious issue later on, and would inhibit their more enthusiastic engagement with the process and final report.

The issue of government representation highlights one of the trade-offs that the WCD could not avoid. The muted participation of governments during the Commission's formation helped create the space for groups believed that to involve governments integrally from the start would have delayed, if not stalled, the formation process.[16] Based on statements made by governments later in the process, government involvement at the formation stage would likely have led to a less broadly consultative process and a less aspirational outcome.[17] Hence, greater "inclusion" of governments would likely have led to the loss of civil society

voices.[18] For example, the response of the Chinese government to the unfolding process certainly suggests that some governments were unwilling to sustain engagement with a broad spectrum of stakeholders. The Chinese government permitted an official of the Ministry of Water Resources, Shen Guoyi, to serve on the Commission in her personal capacity. However, Ms. Guoyi resigned halfway through the process, ostensibly for health reasons. The government declined to provide a replacement and later stated that "China retreated from WCD 1998 due to [our] very different position with the majority of Commission members."[19] China's discomfort with the process led to its rejection of the final report, which was significant given that almost half of the global population of 45,000 large dams resides in China.

The option of a Commissioner from the World Bank was never explicitly considered given the history of the dams debate and the genesis of the WCD in civil society calls for an independent review. It was important to affirm the principle of diverse stakeholder representation rather than specific representatives from particular institutions or agencies. Indeed, World Bank representation on the Commission may have alienated social movements and NGOs. Such a development would have changed the entire character of the process and likely its results. In future processes, if the World Bank is more centrally engaged, even represented on a Commission, it may place greater pressure on the institution to acknowledge ownership of the findings and recommendations. The price, however, would be diminished independence. Such potential trade-offs between representation and adoption of findings, on the one hand, and character of the process and results, on the other, are highly relevant to future processes.

The emphasis on representing positions within the dams debate resulted in limited attention to representation viewed through a regional lens. Although Commissioners came from seven countries in all, they included three Americans, two Western Europeans, two Indians, and two Australians. This apparent regional imbalance perplexed stakeholders in other major dam-building regions, such as Latin America, Africa, and the Middle East.[20] This said, the Commission's membership was well balanced between North and South, and in a matter of great importance to Southern countries — where the majority of future dams will be built — both the Chairperson and the Vice Chairperson were from Southern nations.

From the perspective of stakeholders within a country, the viewpoint of Commissioners was equally, if not more important, than the number of Commissioners. To the Government of India, the choice of Commissioners proved a red flag. The government regarded both Indian nationals, Lakshmi Jain and particularly Medha Patkar, as anti-dam. This perception, compounded by unfortunate events surrounding the cancellation of a South Asia regional meeting in Bhopal, India, contributed to the distancing of this key government from the WCD process.

Finally, the WCD experience suggests that adequate representation of stakeholders should extend beyond the Commission to all the other organs of the process. As a sounding board, the advisory Forum was intended to capture diverse perspectives from the dams debate, and did so successfully. Secretariat diversity was important because Secretariat staff were the filters between the broad community of stakeholders and the Commissioners, and deployed their networks in developing the work program. NGOs faulted the Secretariat for having no staff who had worked directly with displaced people. Industry groups criticized the Secretariat for lacking technical dams expertise. According to the Secretariat, it was difficult to recruit senior staff with diverse sectoral and regional backgrounds because of relocation issues and the temporary nature of the assignment. Criticisms by Forum members suggest that quite aside from the performance of the Secretariat, in a partisan arena each interest group hopes to see someone "like themselves" on the Secretariat, and judges the legitimacy of the Secretariat accordingly.

Women were well represented on the Commission itself, comprising five of the twelve original members. However, both the Secretariat and Forum had disproportionately small numbers of women or, perhaps more pertinent to issues of representation, they included few women or men who were sensitive to the gender-differentiated impacts of water and energy development, and to best practice in gender and development work. The discrepancy in numbers and the poor representation of gender advocates led women to feel marginalized in discussion forums. The WCD's final report might have had a stronger gender perspective running through it had there been more women and gender advocates in its Secretariat and Forum.[21] By failing to include more such voices, the WCD failed to

meet its own standard for inclusiveness and neglected an important constituency.

In summary, representation of the full range of stakeholders, across government, business, and civil society as well as regions and disciplines, can considerably enhance the legitimacy of a multi-stakeholder process. In the case of the WCD, this potential was somewhat diminished by the lack of full industry confidence, largely because of their failure to mobilize early in the process, and by the wariness of some governments. Yet, the alternative of relying exclusively on a middle ground, however eminent the representatives, would not have carried the same credibility with the range of people involved and particularly not with civil society whose calls for an independent review led to the formation of the WCD. Hence, despite the trade-offs involved that make it impossible to satisfy all sides, and despite the challenges of balancing various forms of representation, the potential legitimacy gains make the representative multi-stakeholder model worth emulating.

Independence. The WCD was born out of calls by civil society for an independent review of the global experience with large dams, with a particular focus on the role of international aid and credit agencies. Hence its independence, not only from funding agencies, but also from influence by various stakeholder groups was a critical element of its legitimacy. At the same time, the success of the WCD relied on vigorous engagement by all stakeholders, so as to promote buy-in to the process and the final outcome. The simultaneous pursuit of independence and engagement certainly posed a challenge. Rather than seeking neutrality, the Commission sought balance in its engagement with stakeholders.

The Commission was independent from the convening institutions — the World Bank and IUCN — insofar as it was not answerable to them, these institutions were not represented on the Commission, and they did not control its operations or decision-making process. The WCD made a clear choice for independence over ownership by convening institutions, a choice that was critical to the Commission's legitimacy.

Considerations of independence should extend beyond a commission to selection of secretariat members. A secretariat invariably influences a commission's work and perceptions of independence. Secretariat members draw on their past experience and professional networks in performing tasks, which include framing debates, synthesizing materials, and managing research and review processes. In the WCD process, for example, some stakeholders were concerned that the Secretary-General and three of ten senior advisers had strong prior ties with IUCN and that ecological concerns would be given undue weight as compared to social or economic issues.

Strategies for ensuring independence

- Weigh the benefits of independence against the potential for buy-in that comes with institutional ownership of a process.
- Ensure that the composition of the Secretariat supports, rather than undermines, perceptions and reality of independence.
- Seek a diverse funding base based on untied funds.

Maintaining independence by diversifying funding sources was a major accomplishment of the WCD that enhanced its broader legitimacy. The WCD explicitly sought financial support from government and multilateral agencies, the private sector, and civil society groups. This fundraising effort was time-consuming and overshadowed much of the work program. However, the pay-off was worth the effort, for diverse funding sources demonstrated that the WCD was not beholden to any one set of interests. Indeed, it is a notable measure of success that Forum members and the general media did not criticize the WCD's funding strategy.

Also in the interests of independence, the WCD adopted a policy of only seeking money that came with no strings attached. This was more difficult to accomplish. In order to raise sufficient funds, the WCD did compromise this principle. For instance, the Commission accepted major donations (principally from bilateral and multilateral agencies) that were tied to specific events or studies. However, there is no evidence that these conditions forced the WCD to do what it otherwise would not have done, nor did they undermine the confidence of Forum members or other

Strategies for Achieving Adequate Representation

- Base representation on broad constituencies and skills-based categories, rather than on eminence alone, to create the political space for a large range of stakeholders to get involved.
- Undertake an assessment to determine major categories of stakeholders who must be brought to the table.
- Engage a range of stakeholders early in the process of commissioner selection to gauge the political acceptability of commission composition, particularly if the commission is based on the representation of interest groups.
- Ensure that the composition of the secretariat embraces disciplinary breadth and is seen to reflect broader stakeholder interests.
- Ensure that a gender perspective is represented in all of a commission's bodies.

concerned stakeholders in the integrity of the process. Future processes will, similarly, have to handle such relationships cautiously to avoid donor influence.

Transparency. A body of international analysis is emerging on norms for transparency in development decision-making, which provides a benchmark against which to evaluate the WCD experience and other multi-stakeholder processes. A relevant standard for transparency is that the objective of the policy process is communicated in a timely manner to relevant stakeholders, stakeholders are told how they can participate and how their inputs will be used, stakeholders' inputs are acknowledged, and decisions are communicated in full.[22]

Transparency was central to the WCD's legitimacy for several reasons. Non-transparent decision-making processes in multilateral institutions, and in large-scale development generally, have been major causes of friction in the history of large dams. To mobilize broad input for its work program, and therefore build credibility as a platform for dialogue, the WCD had to respond to stakeholder demands for transparency. Transparency was especially important, because there were no formal accountability mechanisms between Commissioners and various constituencies. Hence, disclosing information about objectives, methods, and progress helped keep Commissioners honest to broader tides of opinion. Perhaps most important, the WCD had limited ability to facilitate broad consensus among contending interest groups during its lifetime. Given a two-year time line and limited resources, it was at first uncertain whether even the Commissioners themselves would reach consensus. In order to leverage the WCD's influence in the dams debate, the commitment to transparency was necessary to disseminate new ways of thinking among these constituencies.[23]

The WCD did strive to, and substantially achieved, such high standards of transparency. It communicated widely to stakeholders the opportunities for participation in the work program through postings on the Internet. It disseminated the terms of reference for studies and the thematic papers and case studies to all interested parties and posted them on its award-winning website. In addition, stakeholder groups were engaged in the process by reviewing the terms of reference and studies and by occasionally participating in meetings organized around the various studies.

The Commission's track record for transparency was tarnished toward the end of the process, however, when the Commission did not communicate clearly whether the Forum would have an opportunity to review a synthesis of work program results. The synthesis was to be compiled by the Secretariat from the myriad background studies midway through the process. It was intended to provide a succinct summary of the knowledge base that the Commission would use to prepare its findings and recommendations. Because of time pressures, the interim step of sharing a synthesis with the Forum was abandoned. The lack of a focused consultation with Forum members about the tone, emphasis, and approach to recommendations based on interim findings failed to make full use of the Forum.

Although discussion of interim findings compiled by the Secretariat based on the knowledge base may well have been constructive, disclosure of the Commissioners' draft final report, as some Forum groups desired, would have been counterproductive. A premature effort to build a broad consensus among stakeholders, via the Forum, might have risked undermining progress toward the Commissioners' consen-

Strategies for creating transparent process

- Respect stakeholder expectations to comment on interim products, given current norms of transparency.
- Weigh stakeholder expectations for comment, particularly on final products, against the risks of disrupting a fragile consensus.
- Translate framing and synthesis documents to broaden participation in the process.
- Disseminate documents on the Internet and devote significant resources to outreach by non-electronic means.
- Establish adequate mechanisms for acknowledging and processing public contributions.

sus. Over two years, the Commissioners had developed a delicate internal dynamic based upon mutual respect and shared learning that did not exist among Forum members or the wider stakeholder community. Circulation of a Commissioners' draft for comment risked igniting politically charged debates among interest groups, which could have undermined Commissioner solidarity. The lesson is that the demand for transparency must be balanced with the often delicate dynamics of consensus among commissioners.

Another set of practical challenges to full transparency pertain to consultation in a global setting where stakeholders' use of information is limited by language and their access to information is limited by access to the Internet. The transparency of the WCD's process was diluted for those non-English speaking stakeholders who could not understand the information. The WCD's record in translating information about the work program from English into other languages was mixed. Although the final report itself was translated in full into Spanish and the summary into numerous languages,[24] working documents were not translated. Because it is not practical to translate multiple drafts of working papers for stakeholder dissemination, a reasonable standard may be to translate essential framing documents and interim products into major world languages. Although translation and interpretation requires significant amounts of time and money, it should be an integral part of the time lines and budgets of future processes.

The WCD's efforts to reach out in person to stakeholders and go beyond reliance on the Internet were important to those with limited Internet access. This included the majority of Southern stakeholders, even in elite institutions. Personal contact — through seminars, workshops, and official consultations — helped engage them and solicit their input more effectively.

The Commission's efforts to disseminate information about opportunities for participation were not matched by its management capability to acknowledge stakeholder inputs once they were received. This is a problem that can easily be corrected in future processes. For almost the first two years of the Commission's life, stakeholders were invited to send written submissions on the development effectiveness of large dams. The process yielded a total of 970 submissions from institutions and individuals around the world and helped the Commission achieve an image of openness. Managerial problems somewhat undermined the mechanism's legitimacy. Consultants failed to integrate submissions and only in the late stages did the Secretariat have the resources to do so. They were included on a CD-ROM of the knowledge base that was mailed to stakeholders after the report's launch. However, the lack of early acknowledgement undermined the confidence of contributors that their submissions would be taken into account.

Inclusiveness. "Let no one say that the World Commission on Dams has not been all-inclusive," said Professor Kader Asmal on launching the WCD's report in November 2000. Indeed, by the standard of global commissions, the WCD was extraordinary in its inclusiveness. Not only were affected peoples' perspectives directly represented on the Commission, but community groups were empowered to participate directly in case study consultations and regional hearings, and members of the general public were encouraged to submit their views directly to the Commission for consideration. The Commission's insistence on welcoming all forms of evidence — the grassroots as well as the "official" — as a valid contribution to the knowledge base ensured that it was more democratic than technocratic. The effort to reach previously unheard voices also dis-

pleased some technical experts who were accustomed to being the dominant participants in such processes. The practical obstacles to democratizing the dialogue were many, and the commitment to inclusiveness raised people's expectations, perhaps beyond a level that the WCD could deliver, as we shall detail below. The WCD's major achievement was that it developed sufficient authority as a convener that it could create and strengthen the political space over two years of consultations to engage most concerned parties in the knowledge gathering process.

The WCD's advisory Forum best demonstrated the inclusiveness of the process, for it included organizations that had engaged in bitter wars of words and even physical clashes in the past over the legitimacy of dam projects. Export credit agencies that were backing controversial dam projects in the South joined the Forum alongside indigenous peoples' groups defending their ancestral lands from large dams. Large engineering firms that supplied dam equipment joined alongside civil society organizations that had arranged protests outside their corporate offices. Forum meetings provided the chance for such diverse actors to talk for the first time, as when the Japan Bank for International Cooperation met with the Cordillera People's Alliance from the Philippines. Some Forum members refused to engage in direct dialogue with others, but many agency officials, community representatives, and NGOs came with — or developed — a listening ear. Although the effects are hard to measure, gathering such actors in the same room for three substantive Forum meetings was clearly an achievement.

While the act of convening such diverse parties was worthwhile and quite unusual, the ongoing engagement of Forum members in the WCD's work program was sporadic and uneven. Forum members' satisfaction with their roles had partly to do with how effectively they organized themselves to provide input. Some seized the initiative. Indeed, the Chairperson and Secretariat spent countless hours responding to concerns, mostly from NGOs and industry groups, about how the WCD framed its work program and the content of specific papers and events. The time and diplomacy required for this task should not be underestimated. Staff 's personal qualities were important to keeping these diverse groups engaged in the process.

Structured opportunities for Forum members to provide guidance on the work program were far fewer. Commission and Secretariat members say they were informed and empowered by their two formal meetings with Forum members. However, the consultations fell far short of using the Forum as a "sounding board" for the direction of the WCD's final report as Forum members gained little sense of the Commission's internal deliberations. As a result, Forum members' ownership in the process and forthcoming product was quite tenuous. Between the second Forum meeting and the launch of the report, an intense aura of secrecy surrounded the final report's content, and the report surprised many Forum members upon its release. Many members were ill-prepared to receive and respond to the report.

The WCD experience suggests that advisory bodies have considerable value in providing a platform for exchange among conflicting interest groups. Such bodies further a commission's shared learning and advance its members' thinking. For participants to reap tangible benefits from the experience, they not only need to be organized and motivated to participate themselves, but they also require regular updates about the progress of the work program and the direction of a commission's thinking. The WCD excelled in providing Forum members with informational updates, but as our discussion about transparency indicated, they fell short of their own high standards in fully engaging the Forum.

The WCD's ability to create and maintain political space for diverse engagement rested in large part on its open-ended approach to knowledge gathering. Rather than defining criteria up front for the development effectiveness of large dams, the Commission invited stakeholders to present their own analytic and normative views of whether dam projects had advanced their society's development. The multi-criteria, multidisciplinary case studies were in theory set up to elicit such converging and diverging views.[25] This approach assured stakeholders that the process did not prejudge outcomes, and thus encouraged broad participation.

Alternative methodologies for the work program could have focused on more comprehensive comparisons of dams with water and energy alternatives, or on situating dams within global water and energy forecasts. Many industry and government participants remain displeased that such a comparison was not undertaken. Stakeholders from scientific backgrounds criticized heavily the perceived lack of technical merit in the WCD's final report. However, it remains the case

that a more technocratic process would have excluded the broad range of views encouraged by the WCD — grassroots, as well as official.

The WCD's open-ended and inclusive approach to knowledge gathering held significant implications for its structure and operations. The multifaceted studies and consultations required a large management effort and a substantial budget. The total expenses of the Commission over two and a half years were almost US$10 million, of which the majority went toward knowledge gathering and synthesis.[26] The scope of the effort created a great fundraising burden. It also fostered new stakeholder relationships, enabled a profound process of shared learning to occur among Commissioners, and led to the production of a report that significantly reframed the global dams debate. Because one of the main breaking points in the dams debate had been civil society opposition, the legitimacy of the WCD process and its potential to accomplish real progress depended upon inclusion of a range of civil society voices.

The WCD's regional consultations were important vehicles for the Commission to demonstrate its inclusive approach. These hearings, which took place in South Asia, South America, Africa and the Middle East, and East and Southeast Asia, brought almost the entire Commission and Secretariat to Southern regions to reach out and listen to stakeholders. The Secretariat went to considerable lengths to include social, economic, and environmental topics, along with pro-and anti-dam perspectives on the panels, by selecting presenters beforehand, based on a general submissions process. The Commission paid for presenters' travel to the venue when they lacked their own funds, which ensured that a range of presenters could attend, from community representatives, to environmental experts, to dam engineers, to agency planners. Not only did these events raise awareness of the Commission's work during its process, but they were also a means of legitimizing the process' outcome — the Commission could rest its report upon consultations with thousands of people.

The first attempt to stage a consultation failed miserably because the Commission planned a field trip to the hugely controversial Narmada Valley project in India. This decision outraged the state government of Gujarat, a major beneficiary of the dam project. Responding to this, the Government of India withdrew its permission for the meeting and the Commission retreated under a hail of negative press. However, the Commission succeeded in arranging events with diverse representation subsequently, in Sri Lanka (for South Asia), Brazil (for Latin America), Egypt (for Africa and the Middle East), and Vietnam (for East and Southeast Asia).

Two important lessons from the regional consultations are relevant for future commissions and multi-stakeholder processes. First, even when meetings are carefully designed for balance and inclusiveness, the failed India meeting serves as a reminder that the location and timing of public meetings is a political decision that can alienate stakeholders. When such decisions appear heavily biased toward one side or another, the commission risks destroying its ability to act as a convener for broad stakeholder dialogue. In this case, the meeting preparation appeared to bear upon a local controversy.

Second, the WCD succeeded in mobilizing grass-

Strategies for creating inclusive process

- Use advisory forums to create structured opportunities for multi-stakeholder input to the process. If forum members are to be used as ambassadors for the final product, they must be briefed regularly on the substance of the developing product to gain their support.
- Adopt a work program that allows stakeholders to propose diverse approaches and measures in order to foster inclusion.
- Hold public hearings and establish processes for accepting general submissions from the public to foster inclusion of diverse viewpoints.
- Use international networks to disseminate information about events, but also exploit country and regional networks and the mass media, where possible, to reach broad audiences.
- Provide financial support to community representatives and other less-resourced groups to allow them to travel to meetings, so that the scope of their participation is equivalent to that of government, business, and better-resourced groups.

roots input for its hearings, which was notable for a global commission. WCD events often marked the first time that government officials had heard directly the voices of affected people and the alternative viewpoints of NGOs. This mobilization owed something to the efforts of diverse Commissioners, Secretariat staff, and Forum members. But in particular, grassroots mobilization resulted from the efforts of a few highly coordinated, dedicated civil society groups who reached out to contacts at the community level with their own resources. Future processes will also rely heavily upon networks of staff, commissioners, and advisors to mobilize participation. Where such networks are limited in their reach, as they inevitably will be, it may be practical to assign additional resources to civil society groups and local actors to increase appropriate outreach. Vigorous outreach to local media to mobilize input to consultations would also be a cost-effective strategy in the future.

A successful model?

Was the WCD a successful model? What overarching lessons does the WCD experience hold for multi-stakeholder commissions? The WCD's implicit strategy was to achieve consensus among a small, but legitimate and broadly representative group of Commissioners, and subsequently to expand this consensus to the broader group of stakeholders. The WCD passed one necessary condition for success — it produced a consensus report. That it achieved this tangible goal suggests that the Commission did transcend, rather than reproduce, fractures among interest groups in the dams debate. Achieving a consensus was by no means a foregone conclusion at any stage of the process. It owed much to careful design. A central element in this design was the principle of "sufficient consensus" on which the Chairperson based the deliberations. This formulation allowed incremental progress toward agreement on an ever-expanding set of issues, even while preserving space for disagreement. For example, one Commissioner chose to issue a comment stating agreement with the report, but also concern that the WCD did not go far enough in challenging the basic premise of the development enterprise.

Consensus among Commissioners was always intended to be a means to a greater end — progress toward a consensus among stakeholders at large. A legitimate process was a precondition for this outcome. An important assumption of the Commission was that if stakeholders felt adequately represented on the Commission, and if they acknowledged that their voices were adequately heard, then they would have few grounds on which to reject the outcome. In this assessment, we have documented and discussed various strengths and flaws in the WCD process and stakeholders' opinions about the implications of these flaws. Do stakeholder views about shortcomings undermine the outcome? As a brief summary of reactions to the report suggests, the answer to this question depends on one's stance.

From Commissioner to stakeholder consensus? Reactions to the WCD report

The reactions to the WCD report signaled that expanding consensus from the Commissioners to the broad set of stakeholders would neither be automatic nor easy. Stakeholder reactions in the six months following the report's release largely followed the lines of various interest groups. However, the detail and breadth of reaction did show that different groups were reading the report closely.[27] Below we briefly describe these reactions and their significance, but with two caveats. First, since this assessment was concluded only months after the report release, what follows captures only the immediate reaction to the report, and not the slow unfolding of reactions as the implications of the WCD are weighed against existing knowledge and practice. Second, the short snapshots below do not completely capture the variation in responses within each stakeholder group.

A majority of NGOs, and particularly international NGOs, welcomed the final report, and sought concrete commitments to its guidelines by international financing institutions.[28] They noted that not only the credibility of the WCD, but the participation of NGOs in future multi-stakeholder processes would rest on such commitments. A minority of NGO actors came out strongly against the report. They said the WCD's failure to reject large dams technology altogether, and its focus on underlying decision-making processes, was an unacceptable compromise for the global anti-dam movement.[29]

Peoples' movements and community-based organizations found much in the report to hearten them and

expressed a desire to work with the report, but also conveyed disappointment that the WCD did not root its analysis in a more fundamental critique of contemporary thinking and practice of development.[30] They criticized the WCD decision to restrict the principle of "free, prior, and informed consent" regarding the impacts of water and energy developments to indigenous peoples.[31] The WCD favored the less precise notion of "public acceptability" of dams, rather than free, prior, and informed consent for the population at large. Both NGOs and peoples' movements found fault with the process, suggesting undue reliance on "mainstream" consultants and inadequate feedback to stakeholders during and after the consultation process.

International financial institutions, both multilateral and bilateral, had a varied response. The World Bank, a key actor and convener of the WCD process, was arguably the most cautious. The World Bank used client government reservations as a rationale for its unenthusiastic response. Based on this feedback, it promised that there would be no new loan conditionalities stemming from the WCD report. It also proposed a modest suite of follow-up activities such as gathering information on good practice and further exploration of how the WCD guidelines might inform the World Bank's own guiding strategies.[32] The Asian and African Development Banks stated that they would begin the process of integrating the guidelines into their own procedures. A communiqué from the Asian Development Bank's (ADB) management to the WCD Forum was particularly comprehensive in stating how the ADB would adopt WCD recommendations,[33] although an ADB consultation with its client governments indicated that there was a long way to go before they would accept the spirit of the recommendations.[34] Bilateral aid agencies, such as the German, British, and Dutch agencies, many of which provided funds to the WCD, were forthright in their support for the report. At the same time, they emphasized the need to adapt the guidelines to national policy processes and encouraged discussion and debate toward this end.

United Nations (UN) agencies, many of which had had partnerships of some kind with the WCD during its process, provided a warm response to the WCD report. The common approach between the UN and the WCD report is underscored by the UN norms that the WCD chose to place at the heart of its analysis and forward-looking framework. UN agencies expressed appreciation for the usefulness of the WCD's framework to all types of development, not just dams. Overall their approach was constructive and indicated a willingness to try out the recommendations. The head of the United Nations Environment Program (UNEP) welcomed the report's contribution to development debates[35] and offered to host the WCD's follow-up body, the Dams and Development Unit, in UNEP offices, to facilitate dissemination to government stakeholders. The World Health Organization praised the WCD report for acknowledging the myriad and often complex effects of dam building on public health and recognized the rights-and-risk framework as a "leap forward in development planning" overall.[36] The Food and Agriculture Organization of the United Nations (FAO) faulted the WCD for understating food security concerns but promised to carry forward the recommendations in a forthcoming international multi-stakeholder dialogue on Water, Food, and the Environment.[37]

Private and public corporations and dams-related trade groups and associations criticized the WCD's recommendations for the future, its characterization of the past, and its knowledge gathering process. Industry's objective was a set of clear guidelines on when and how to build dams, which would reduce the transaction costs of dam building and allow them to continue building dams, albeit within a more restrictive framework. In their view, some of the WCD guidelines, such as a call for stakeholder dialogue on options and negotiations between developers and project-affected peoples, would introduce unbearable uncertainties and risks into project development. With regard to the past, the dams industry accused the WCD of underplaying the contributions of dams to development and overstating the costs. On process, they were bitterly critical of the final stages of the WCD and argued that the WCD's failure to share interim findings and draft conclusions with stakeholders was a failure of transparency.[38]

Finally, several Southern governments, such as Brazil and Nepal, produced a formal response to the report that agreed with the core values and many strategic priorities promoted by the WCD, but suggested that these were already incorporated into their national policies and measures.[39] The overall tone was defensive. This defensiveness extended to their interpretation of the follow-up process. Although the WCD called upon governments to begin national dialogues and establish a

framework to internalize WCD guidelines, many governments incorrectly interpreted the report as a call to import the guidelines wholesale and objected to this on grounds of national sovereignty.[40] With regard to the process, some governments, such as India, China, Nepal, and Ethiopia, critiqued the WCD's methodology as insufficiently representative of the range of dams in existence and insufficiently attentive to government views and data.[41] By contrast, in South Africa, the Department of Water Affairs and Forestry, South African National Committee on Large Dams, the Environmental Monitoring Group (an NGO), and IUCN held a joint Congress that put in place concrete measures for bringing forward the WCD recommendations in the South African context.[42] In the only response from a Northern government to date (other than Northern aid agencies), the Norwegian government praised the WCD's report but cautioned that it may have "gone too far in the direction of consensus-based decision-making systems" as compared to its own preferred option of allowing legislatures to decide on behalf of the community as a whole.[43]

In sum, in the short term the Commissioner consensus did not translate into a broader stakeholder consensus. Initial reactions suggest a hardening of the positions that existed before the existence of the WCD. However, a closer look at initial reactions suggest stakeholder willingness to grapple with the report, compare recommendations to existing policies and situations on the ground, and potentially put in place some ideas embedded in the report. If broad consensus lies in the future of the dams debate, it will be forged through a longer term process initiated by, rather than concluded by, the WCD. In the words of the WCD report, " . . . all concerned parties must stay together if we are to resolve the issues surrounding water and energy resources development. It is a process with multiple heirs and no clear arbiter."[44]

Could an immediate consensus among all stakeholder groups feasibly have been forged? The reactions to the report provide a basis for extrapolating what each group might have looked for in such a consensus. Based on their reactions, NGOs and social movements would likely have sought a more direct indictment of broader development processes. Industry groups would likely have rejected any articulation of a rights and risks framework that empowered affected communities to negotiate with industry on a time-consuming case-by-case basis. Various governments might well have focused on issues of specific relevance to their national circumstance. Had the government and industry views prevailed, NGOs and social movements might not have continued their engagement with the process at all.

Hence, it is likely that an immediate, broad consensus among all stakeholders would not have been a viable goal. If anything, a process of stakeholder negotiation over the content of the WCD's report might have produced a report that only moved incrementally beyond the status quo. Arguably, such a report would have had a greater chance of being adopted wholesale by multilateral institutions, governments, and industry in the short term. However, such a report would almost definitely have lacked the support of NGOs and the social movements and might have inspired even greater citizen protest. By focusing on forging a consensus among a smaller number of Commissioners, the WCD has produced a more aspirational text, but one which dam-building nations and industries have greeted unenthusiastically. In the longer term, the promise for implementation depends largely upon an ongoing constructive engagement by civil society groups with governments, international agencies, and the private sector, and the expectation of results in the medium to long term.

The legacy of the WCD

The promise of a representative commission

The WCD reveals both the promise and the pitfalls of an advisory multi-stakeholder process. The promise is that selection of active practitioners can provide legitimacy with the full range of stakeholders engaged in a debate. The pitfalls are that determining representation within amorphous constituencies and expanding consensus among representative commissioners to a broad consensus remains a challenge.

The WCD also provides lessons on how to support and promote the legitimacy of advisory commissions. The WCD experience suggests that if a multi-stakeholder process is to truly move beyond the divisive politics of an issue, representatives from the full spectrum of the debate must be at the table. The WCD provides a model where voices that have long protested decisions made about their lives in their absence can represent their views directly and share in developing a framework for future decision-making. Who is a stake-

holder? Who should be at the table? Helpfully, the WCD's own report identifies a framework for deliberation based upon "rights and risks." This framework calls for full identification of the overlapping and intersecting rights followed by a negotiated solution, combined with attention to both voluntary and involuntary risks latent in a project. This provides one point of departure for identifying legitimate stakeholders for dialogues in many development arenas — from the global to the national to the local. Based on legitimacy with a wide range of stakeholders, such bodies are well poised to act as "norm entrepreneurs," who articulate genuinely new formulations that, over time, diffuse and are accepted as new norms of conduct in the international arena.[45]

What does good process contribute?

In this assessment, we have examined the WCD process against the benchmarks of independence, transparency, and inclusiveness. Although the process did have flaws, we have concluded that it was essentially robust. As the stakeholder reactions above suggest, however, good process cannot by itself transcend divisive politics. Indeed, it would be naïve to suggest that it could. What, then, did attention to process bring to the WCD, and what does it promise for future processes?

The most significant contribution of good process is to support the legitimacy of a multi-stakeholder process. This is important because in contentious arenas, such as dams, not all differences can be reconciled through new information and cognitive advances. Ultimately, some differences are irreconcilable and will require a framework to decide which interests prevail. A legitimate process is an important defense against criticisms of this approach.

A good process can expand the range and variety of information and perspectives that feed into decision-making. The WCD's efforts at inclusion brought to the fore voices that have often been marginalized in the dams debate. The WCD cast a wide net, capturing the views of the displaced, along with the reports of consultants and the data banks of governments. This process enriched the knowledge base on which the WCD deliberated.

An important promise of a multi-stakeholder process is its ability to create a broader space for dialogue among stakeholders. The WCD proved only partially successful at this task. In their frequent face to face meetings, the Commissioners were able to transcend preconceived characterizations of other constituencies. The broader group of stakeholders had far fewer opportunities for interaction. Moreover, the regional consultations and, in large part, Forum meetings were structured to inform the Commission, rather than as a two-way dialogue. Finally, the absence of an interim report that could stimulate a directed discussion among Forum members proved an obstacle to furthering stakeholder dialogue. Despite these design flaws, the WCD, nonetheless, did encourage far more communication across stakeholder groups than had occurred in the past years of the dams debate and additionally stimulated the formation of networks within stakeholder groups.

The challenge of implementation

Multi-stakeholder processes typically have little formal decision-making authority, and the WCD was no exception. Instead, multi-stakeholder processes are designed to win consent for implementation through a process of inclusion, with a particular focus on civil society and the private sector. A process structured around representative stakeholders holds the potential for genuinely new and transformative formulations that can break policy deadlocks, a contribution that is less likely to be achieved through governmental processes alone.

Yet, as the tentative and defensive reactions of Southern governments to the WCD suggest, a multi-stakeholder approach coexists only uneasily with the existing framework of international law based on the sovereignty of nation states. As the Indian government's negative reaction to the appointment of an activist as a Commissioner illustrates, governments question the legitimacy of non-elected individuals as representatives of a broad view. Moreover, as governments' call for no new conditionalities arising from the WCD suggests, they are wary of non-governmental actors' ability to circumscribe states' role through international agencies and such processes as the WCD.

What then, is the pathway to implementation, one that captures the potential for creativity of multi-stakeholder processes, while recognizing the legitimate role of governments? The full answer to this question must await the unfolding of reactions to the WCD report over time. However, the initial steps taken by various actors provide indications of a way forward.

The WCD Forum established a Dams and Development Unit (DDU) to carry forward its work. A range of Forum members — the World Bank, IUCN, and NGO, a river basin authority, a social movement, and a private sector actor — agreed to serve as the steering committee of this unit. It is an indication of the ongoing relevance of the Commission's report that a range of stakeholders agreed to take on this role.

The WCD couched its recommendations within the context of the United Nations covenants and declarations on human rights, development, and environment. By so doing, it firmly located itself as within, rather than external to, the frameworks of intergovernmental deliberations. It, thus, provided a way for governments to engage with its findings in a manner that recognized the legitimacy of intergovernmental deliberations. Moreover, the steering committee's choice of an established intergovernmental body, the United Nations Environment Program, as the host of the DDU, provides a further bridge to governments.

At the same time, rather than being backed by formal sanction mechanisms, the WCD depends on acceptance of norms of practice, supported by civil society scrutiny of the private sector, national governments, and international agencies. If successful, a critical role for the WCD will have been to crystallize and provide an impetus to norms of practice for infrastructure projects. Over the longer term, the bridge back to formal governmental and intergovernmental processes will likely be built incrementally, by incorporating practice into formal laws, in part through continued pressure by non-state actors.

This discussion reinforces the message that although democratization of decision-making at the global level can bring significant advantages, ultimately advances in principles and practices must be translated to and implemented at the national level and below. However, as the experience of the WCD suggests, efforts at global and national democratization are mutually reinforcing. In the WCD process, civil society organizing at the national level served as the catalyst for creating the WCD and the seedbed for a transnational civil society alliance on dams. Conversely, the WCD process provided an avenue for greater expression at the national level and stimulated further dialogue across sectors at that level. It is in this promise of democratization, at both the national and global levels, that the WCD's full potential lies.

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The World Commission on Dams as a multi-stakeholder process
Some future challenges

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> Business as usual, government as usual, and perhaps even protest as usual are not giving us the progress needed to achieve sustainable development. Let's see if we can't work together to find better paths forward.
>
> — Paul Hohnen, former director of Greenpeace International[1]

Multi-stakeholder processes and their benefits

Designing and conducting multi-stakeholder processes is a great challenge. The World Commission on Dams process — an effort undertaken in the face of great conflict between a multitude of actors all over the world and at all levels — has stood up to the challenge in a remarkably successful way. The process has been hailed as a precedent for dealing with other controversial global policy issues. It has attracted attention to a number of new approaches to governance, including multi-stakeholder processes (MSPs). At all levels, organizations and networks are experimenting with MSPs, which can be defined as "processes which aim to bring together all major stakeholders in a new form of communication, decision-finding (and possibly decision-making) on a particular issue. They are also based on recognition of the importance of achieving equity and accountability in communication between stakeholders, involving equitable representation of three or more stakeholder groups and their views. They are based on democratic principles of transparency and participation and aim to develop partnerships and strengthen networks between stakeholders.

MSPs cover a wide spectrum of structures and levels of engagement. They can comprise dialogues on policy or grow into consensus-building, decision-making, and implementation of practical solutions. The exact nature of any such process "will depend on the issues, its objectives, participants, scope, time lines, etc."[2] In addition, it is important to differentiate between processes linked to official decision-making and independent processes. In brief, the benefits include:

- Quality: Stakeholders add specific experiences and knowledge of issue areas that are not as easily accessible to others. Their inclusion adds to the quality of opinion-forming and decision-making (e.g., on norms and standards). Paired with requiring participants to base their arguments on facts, MSPs can deliver results of high factual authority.
- Credibility: MSPs include groups that do not represent the same interests. People know that collaborating across interests groups is difficult, the result of identifying common ground, building trust, and, often, compromise. All of that, if done in an equitable, transparent, and democratic manner, can create results that gain respect and are more likely to be seen as legitimate than efforts that are undertaken by one group. This adds to the moral authority of MSP results.
- Likelihood of impact and implementation: Being part of an MSP and thus partly responsible for its outcomes can increase people's commitment to the

outcomes and enhance their efforts to communicate and implement them.

- Societal gains: Democratic participation, equitable involvement and transparent mechanisms of influence create ownership and support among stakeholder groups and individual citizens. Successful communication across interest groups and competitors as well as consensus-building and joint decision-making can increase mutual respect and tolerance and lead societies out of deadlock and conflict on contentious issues.

Participation in MSPs

"Stakeholders are those who have an interest in a particular decision, either as individuals or representatives of a group. This includes people who influence a decision, or can influence it, as well as those affected by it."[3] This sounds easy enough. Yet this very broad and open definition makes it difficult to say who would not be a stakeholder.

Questions of choice of participants, inclusion, and representation accompany the design and the critique of all MSPs, particularly as regards their legitimacy. At the global level, one tends to work with international associations and networks of business, trade unions, nongovernmental organizations (NGOs), and so forth. However, the extent to which associations can speak for their members varies greatly, and more often than not several networks could play the representational role. Thus, initial design of the process should involve a number of principal stakeholders, who then have a say in choosing additional participants in a fashion nominally intended to balance both interest and influence.

With regard to the inclusiveness and practicality of MSPs, many nowadays argue to use a trilateral or tri-sectoral approach, which would include governments, the private sector, and "civil society." Particularly within sustainability-related fora this practice seems inappropriate; Agenda 21 and subsequent international agreements since Rio work on the basis of nine "Major Groups," so as not to squeeze everybody but business into one group or to give business by default as much voice as everybody else together. While it might accurately reflect existing power relations, the tri-sectoral approach may not serve the representation of perspectives varied enough to assure quality and earn credibility. Definition of stakeholder groups has more successfully been based on careful analysis of an issue area (e.g., via social mapping) and on thinking "outside the box" of established "lists" of stakeholder groups. The answer to practical questions of group size, length of meetings, and amounts of documentation to be digested has proved not to be exclusion but, rather, creativity. As the WCD has shown with its Commission and Forum structure and layered process of meetings at different levels, large numbers of people, organizations, and views can indeed be included.

The question of legitimacy extends to the stakeholder groups themselves and the way they work within their constituencies. Edwards has put forward some criteria on the legitimacy of NGOs and their ability to speak for their constituencies at international meetings.[4] However, the legitimacy of business, trade unions, and other stakeholders and their associations has not similarly been scrutinized as to transparency, internal democratic consultation and decision-making, and constituency representativeness. Within stakeholder associations, there is competition — for example, for markets and funding — and this will also impact the ability to come to common positions and speak for all members.

Another important aspect of relations between representatives and constituencies is what the Environment Council has labeled "constituency drift": the fact that through the dynamics within the MSP group mutual learning and changes of perspective take place that are not shared by the wider constituencies.[5] Representatives may "drift" away from those represented, risking ultimate rejection by the very groups supposedly participating by proxy. Therefore, participants must assure that their constituencies remain involved and that the process remains transparent to them.

Role and status of MSPs

Many international agreements — particularly in the area of sustainable development but also legally binding instruments such as multilateral environmental conventions — make clear that stakeholders need to take an active role in implementation. For example, decisions of the United Nations Commission on Sustainable Development "call upon" and "urge" stakeholders to engage in various activities, outlining their responsibilities, and the need for partnerships. However, stakeholders are referred only to an advisory role when formulating decisions. There are problematic governance implications implied when discussing stakeholders' involvement in

decision-making. Yet such involvement is happening anyway, through lobbying, which places resourceful groups in very advantageous positions. A transparent, equitable, predictable process of engagement — including support , as needed, to allow meaningful partcipation — would likely appear more legitimate in the view of the general public. A simple checking back with stakeholders when formulating decisions — for example, as regards their capacities to do what they will be asked to do in a final settlement — could prove pivotal.

It is interesting to note that in preparation for the 2002 World Summit on Sustainable Development, the UN Secretary General has referred to the need for involvement of stakeholders in decision-making.[6] This is one indication among many that a substantial political debate on the relationship of governments and intergovernmental institutions to stakeholders has yet to occur. If this relationship is not clarified — and, to some extent, made more efficient — then stakeholders will in the long term withdraw their engagement. People participate to impact policies, not to endorse the policy-making process.

Steps toward more formal authority for MSPs would include designing them to be integral parts of decision-making processes and creating transparent and predictable mechanisms for the use of their outcomes. For example, in 1999, at the Seventh Session of the UN Commission on Sustainable Development (CSD), the chair of the negotiations forwarded a summary of the stakeholder dialogues to government delegations, allowing governments to use the text as an official input document and transfer parts of it into the CSD decision document where they wished. Such a procedure would seem to be a first step towards inclusion of MSPs in decision-making beyond a purely informational role, the outcomes of which can be discarded without consequence.

Another interesting example is the committee overseeing the implementation of the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Parties to CEDAW have to report every few years on progress made. The CEDAW Committee expects reports from governments and invites stakeholders to comment upon them, both in written form and at hearings held to scrutinize these reports. In other words, NGOs are officially consulted by the committee monitoring the convention. As such, a dialogue with civil society — assuming broad consultations within NGO constituencies — is an integral part of the compliance mechanism.

An MSP, whether independent or linked to an official process, can develop joint stakeholder action plans including their own mechanisms for monitoring and for management of non-compliance. The Stakeholder Forum's process and event, *Implementation Conference: Stakeholder Action For Our Common Future,* is an example.[7] Such mechanisms are under discussion for all partnership initiatives coming out of the Johannesburg Summit ("type 2 outcomes"), and the UN CSD may in future serve as a forum for such activities.

Monitoring follow-up is essential. As Patrick McCully of International Rivers Network has pointed out in relation to the WCD, "it is one thing to get a good report and it will be quite another for the report actually to make a difference to real-world practices."[8] However, if "getting a good report" has become a common goal, then some change may already have occured in relationships among the people involved.

Research prospects

The WCD assessment report undertaken by the World Resources Institute, Lokayan, and Lawyers' Environmental Action Team is a valuable contribution to the body of data and knowledge available on MSPs[9] and considerably advances the development of assessment methodology. More such reviews would be helpful, as would meta-analytical complements to serial case studies. Much can be built on the growing body of research examining participatory mechanisms, including those applied in the development field. There is a possibility that MSPs, which are fashionable at the moment in some circles, will be replaced by a subsequent fashion or be pushed aside in a shift towards the political right.

Many now seem to be experimenting with "engagement." Across the United Nations, a variety of practices have arisen, largely uncodified, which may be one reason "newcomers" have had difficulty contributing. Moreover, those already involved in these experiments cannot confidently predict the circumstances and dynamics of future "engagements," further complicating the maintenance of constituency committment.

For social scientists, processes of communication, consultation, facilitation, decision-making, and documentation, both within and between stakeholder groups and official bodies, present a range of research opportunities. As examples, the UN Department for Economic and Social Affairs has recently commissioned the

Consensus Building Institute to review stakeholder dialogues at the Commission on Sustainable Development,[10] and Stakeholder Forum's Implementation Conference is being linked with research efforts at universities in the United States and Switzerland.

MSPs have presented opportunities for life scientists as well, such as Novartis Germany's annual "Forum" events and the 2000 OECD Edinburgh Conference on the Scientific and Health Aspects of Genetically Modified Foods.[11] Yet these were open discussion events staged after conflict had already grown embittered; more useful might have been discussions staged much earlier. However, these would have required scientists, governments, and businesses to engage with other stakeholders during the research-and-development planning phase. While this may not seem a likely prospect, movement toward it has been seen within some international scientific circles.[12]

Political realities

The multi-stakeholder process is a political phenomenon, in certain ways recapitulating the development of democratic forms and republican institutions. It is, though, an unregular process and also a surprisingly unregulated one. It is beginning to affect major political controversies and has itself, accordingly, become a prime object of manipulation. Its future and our own may by now, though, be inextricable.

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The World Commission on Dams and trends in global environmental governance

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The World Commission on Dams marks a moment of real progress in the large-dams controversy. It does so in at least two ways: as a statement of the norms that should govern dam-related decision-making and as a process of dialogue between dam proponents and critics. Whether this progress translates into consistently better dam-related decision-making is a question that remains to be answered. Also unanswered is the larger question of whether the WCD experience will prove to be a replicable model for other environment-development controversies. The Commission emerged from a curious situation in which both dam builders and dam critics felt stymied in their ability to achieve their aims, and in which both saw opportunities in the idea of stakeholder dialogue. Such windows of opportunity may prove rare.[1] The skillful leadership and interpersonal dynamics among the commissioners that helped forge a consensus document may be difficult to reproduce.

Yet regardless of how these questions are ultimately answered, the WCD experience is important in that it calls our attention to some striking trends in global environmental governance. These trends include the waning momentum of traditional interstate diplomacy on environmental matters, the growing transnationalization of previously localized social conflicts around natural resource development, and a changing set of authority relations in global environmental politics which I refer to as the hybridization of authority.

The flagging momentum of environmental treaty-making

One trend underscored by the WCD example is the meagre record of accomplishment posted by the more traditional approach of interstate environmental diplomacy. By the early 1990s, efforts to negotiate issue-specific, multilateral environmental agreements had emerged as the grand strategy of global environmental protection. A decade after the Earth Summit, it is clear that the momentum for interstate environmental diplomacy has ebbed dramatically (if it was ever really there in the first place). This has left advocates of more aggressive, effective global environmental governance to cast about for new models and alternate approaches.

When it was signed in 1987, the Montréal Protocol on ozone-depleting substances was lauded as a breakthrough agreement that could inaugurate a new era of global environmental treaty-making. Far from doing so, it stands today in striking contrast to a larger pattern of inaction. Serious diplomacy to protect the world's forests has gone nowhere in the past decade. Climate diplomacy has run aground on American intransigence, unworkable emissions-trading schemes, and our incapacity to confront either the North's visceral dedication to high-throughput lifestyles or the South's thoroughly unsustainable energy-demand trajectory. An uphill struggle of interstate diplomacy recently culminated in an international agreement to control eleven chemicals from a family known as perisitant organic pollutants—eleven chemicals, that is, from among the tens of thou-

sands of human-fabricated chemicals in regular use, despite a puacity of knowledge about the ecological or health effects of most of them. It is difficult to imagine even starting negotiations today for something like the Convention on International Trade in Endangered Species or even the more recent Basel Convention on the toxic waste trade, considering that those instruments use the taboo concept of trade restrictions as a central instrument of policy.

The transnationalization of state-society conflict

Another bellweather feature of the WCD process is its frank acknowledgement of social conflict, as opposed to the more common practice of trying to deny or paper over such differences. The WCD approach engaged contesting stakeholders directly, in a fashion that actually made some headway in a seemingly irreconcilable dispute between dam proponents and opponents. This approach stands in marked contrast to, say, the climate talks, where genuine, fundamental social conflicts have been buried beneath a gentlemen's agreement on arbitrary emissions caps and a set of "flexible mechanisms" and emissions-trading schemes meant largely to evade those caps.

From a global-governance perspective, the WCD is significant not only for its engagement of social conflict, but also for the particular type of conflict it engages. Essentially, what is happening in the dams arena — and in a host of other environment-development controversies — is that a nominally domestic conflict between a "developmentally" minded state and a portion of its citizenry is being dragged into the international arena by the transnational alliances forged on both sides of the dispute.

The construction of large dams has always generated social conflict and local opposition. As pressure on the world's rivers has intensified, and as local opponents have grown better able to organize, such conflicts have proliferated. Thus, the most common form of international water conflict today is not the interstate "water war" foreseen by so many prognosticators but, rather, the proliferation of conflicts between river developers and their opponents. These conflicts are triggered by the enormous financial, social, and ecological costs of large water-infrastructure projects, the often highly skewed distribution of benefits, the tendency of river-development advocates to oversell benefits and understate costs, and the trail of victims such projects have too often left in their wake.

Although focused on a particular river or watershed, the resulting social conflicts are extensively — and increasingly — transnationalized. The push to manipulate rivers has always had a strong transnational dimension, given the role of international funding and the participation of multinational firms in the construction and operation of major projects. A more recent development has been the transnationalization of opposition, through growing linkages among local affected peoples' organizations, environmentalists, human-rights activists, and indigenous-peoples' groups. These linkages have been aided by the communications revolution and the expansion of space for political opposition in many countries during the 1990s.[2]

Interstate diplomacy is an inadequate frame for this sort of physically localized but socially transnationalized controversy. The array of actors is too heterogeneous, the state itself is rarely a neutral party in the dispute, and the increasingly transnationalized alliances on both sides of the dispute drive it to the level of global controversy. Yet finding an institutional framework that can engage these sorts of controversies is absolutely critical. It has become increasingly clear that the greatest challenge of global environmental governance is not simply to deal with problems of pollution across sovereign borders, for which interstate diplomacy is a reasonable and often effective tool. The far greater challenge is to respond to the systemwide pressures and cumulative local effects on the world's myriad forests, deserts, grasslands, meadows, soils, wetlands, coastlines, and watersheds. Because most local ecosystems remain tucked behind sovereign borders, interstate diplomacy has barely recognized the scope of the problem, much less mounted an effective response.

The hybridization of authority

One of the most important controversies surrounding the World Commission on Dams in particular, and multistakeholder dialogue more generally, involves the question of authority. Many skeptics have pointed to the self-appointed character of many so-called "stakeholders." Marina Ottaway has characterized the WCD

as a prime example of a phenomenon she refers to as "corporatism gone global."[3] She sees direct parallels between the tripartite structure of intergovernmental organizations, businesses, and NGOs at the global level and the process by which governments, particularly in Europe and Latin America, have historically sought to co-opt business groups and labor unions into regime support and participation. She suggests that "it is doubtful that close cooperation between essentially unrepresentative organizations — international organizations, unaccountable NGOs and large transnational corporations — will do much to ensure better protection for, and better representation of, the interests of populations affected by global policies."

The Third World Network has voiced a broadly similar concern:

> An underlying concern that has emerged is that the [multi-stakeholder dialogue] approach, be it national or global, may sideline other forms of participation. While it can be useful, it is inherently restrictive, especially in relation to the diversity of civil society organizations. Where local communities are concerned, the situation is more problematic, as can be seen from the inadequate participation of farmers, non-organised workers and other marginalized groups in our societies.[4]

Others have suggested that the problem is not too much authority but rather too little. Richard Falk has drawn a useful distinction between governance as democratic process and governance as problem solving via rule enforcement — and suggested that the World Commission on Dams is likely to be of lasting significance more for the former than the latter.[5] The independent assessment of the WCD conducted by the World Resources Institute, Lokayan, and Lawyers' Environmental Action Team (summarized elsewhere in this Harrison Symposium) provides a sobering account of some of the problems related to "buy-in" and the challenge of extending the consensus beyond the Commission itself.

Both of these cautions seem well founded. Yet when it comes to the question of authority, I see a somewhat more complex process at work than either corporatism gone global or a weak bid to promote strong norms.[6] One way to read the World Commission on Dams is as an experiment in decentering the authority of the state in world politics. As suggested previously, the subject under deliberation — the appropriateness of constructing large dams — constituted an essentially domestic matter that had been seized and dragged into a global forum. The thrust of the final recommendations — including ideals of human rights, watershed-scale democracy, and transnational accountability — essentially vested a set of traditional state responsibilities outside the sphere of the state.

Moreover, state actors enjoyed no particular pride of place alongside the activists, academics, technical experts, and industry representatives who sat as commissioners. Throughout the process, transnational corporate interests interacted directly with transnationally networked environmental, human-rights, and indigenous-peoples' advocates. The balance they struck between principles of economic efficiency and social justice may or may not be attainable in practice. Yet what is striking is the extent to which both sides transcended the traditional framework of state-provided public goods that has anchored more than half a century of water development projects around the world.

But it would be a mistake to understand this process as one of simply supplanting the state in favor of a newly authoritative "global civil society." States retained some traditional roles in this drama and evolved some new ones as well. Although funds were solicited from corporate donors and nonprofits, state funding sources (including both bilateral aid agencies and intergovernmental organizations) were key to the WCD's ability to deliver on its ambitious workplan.[7] States were also the single most important source of authoritative data, in the form of the economic statistics that allowed the Commission to fashion its skepticism about large dams' performance.

More significantly, one consequence of decentering the state in the WCD process appears to be a countervailing reaction in which states are recentered in important ways. Given the relatively narrow foundation on which such a heterogeneous commission was able to craft its consensus, an explicit intent of the WCD process was to reinject the Commission's findings back into the same local and national conflicts over which it had asserted a global form of authority.[8] In other words, one consequence of elevating state-society conflicts to a broader, global level of norm construction was to reinject and reinvigorate those conflicts at the domestic level.

The state's authority also reasserts itself in the process by which the resulting norms offered by the WCD are legitimated or delegitimated. Authority for nonstate actors in the international environmental arena is typically grounded in some combination of knowledge and ethics — two discursive forms that state actors cannot monopolize.[9] Having gained some authority by these means, nonstate actors not only herd states to the bargaining table but also play a crucial "downstream" function in legitimating or delegitimating the would-be norms of behavior that emerge from interstate bargaining processes. Yet in this case, the opposite is true — a process of norm construction taking place outside the interstate domain is dependent on the reaction of states for its validation. Thus, the embrace by donor governments and the rejection by dam-building states has been far more important in framing the legitimation struggle around the WCD's norms than any of the pronouncements by human-rights advocates, environmentalists, or dam-building professional associations.

Conclusion

Beyond the specifics of the dams arena, the WCD exercise seems likely to have a two-fold legacy. First, it has set a new standard for future exercises in global governance, in terms of both participatory procedures and substantive comprehensiveness. Simply put, it will be more difficult to avoid being bound by these precedents in future debates and decision-making exercises. Actors ranging from corporate entities to social movement groups are likely to find themselves more tightly bound to WCD-style processes, whether they like it or not.

Second, the WCD experience illustrates the direction in which global environmental dialogue must move — away from interstate bargaining and narrow sectoral considerations in development assistance, and toward a broader process of participatory dialogue. In the water arena alone, there are at present several bitter controversies — not only over infrastructure projects such as dams, but also on questions related to property rights, pricing mechanisms, trade in water, investment patterns, and privatization. The dams debate shows that it will not be possible to ignore dissenting voices on these matters. For better or for worse, processes of economic and sociocultural globalization are dragging these otherwise localized controversies into the global arena. The ability of the international community to foster effective stakeholder dialogue around such controversies will therefore be a critical variable shaping global environmental futures.

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Further information and useful links

World Commission on Dams

www.dams.org

Independent Assessment of the World Commission on Dams

http://www.wcdassessment.org/

Partner institutions:

World Resources Institute (USA): http://www.wri.org
Lokayan (India): http://education.vsnl.com/lokayan/main
Lawyers Environmental Action Team (Tanzania): http://www.leat.or.tz

Selected reactions to the World Commission on Dams report

Government of India: http://www.dams.org/report/reaction/reaction_india.htm
Government of Norway: http://www.dams.org/report/reaction/reaction_norway.htm
Harza Engineering Company: http://www.dams.org/report/reaction/reaction_harza.htm
International Commission on Large Dams: http://www.icold-cigb.org/wcdcom.htm
International Hydropower Assoc.: http://www.dams.org/report/reaction/reaction_iha.htm
International Rivers Network: http://www.irn.org/wcd/
World Bank:
lnweb18.worldbank.org/ESSD/essdext.nsf/18DocByUnid/AF6FA15872586EAB85256B500068DD42/$FILE
/TheWBPositionontheReportoftheWCD.pdf
World Health Organization: www.who.int/water_sanitation_health/vector/dams2.htm
World Water Council: www.dams.org/report/reaction_wwc.htm
http://www.dams.org/report/reaction/reaction_norway.htm
Additional reactions: http://www.dams.org/report/reaction/

Follow-on activities

U.N. Environment Program, Dams and Development Project: http://www.unep-dams.org