

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 stake-

holder 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.

*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

The WCD's Five Core Values:

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
California Institute of Technology, United States

Joji Cariño
Tebtebba Foundation, Philippines

Donald Blackmore
Murray-Darling Basin Commission, Australia

Medha Patkar
Struggle to Save the Narmada River, India

José Goldemberg
University of São Paulo, 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

<i>Category</i>	<i>Number of Groups</i>
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
Utilities	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 pri-

vate 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 profes-

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.

sional 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.

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

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.

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-

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 debates³⁵ 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

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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3. See Jonathan Fox and L. David Brown, eds. *The Struggle for Accountability: The World Bank, NGOs and Grassroots Movements* (Boston: MIT Press, 1998); Robert Wade, "Greening the Bank: The Struggle over the Environment, 1970-1995," in *The World Bank: Its First Half-Century*. Devesh Kapur, John P. Lewis, and Richard Webb, eds. (Washington: Brookings Institution, 1997).
4. Minu Hemmati et. al. "Multi-stakeholder Processes: A Methodological Framework," 2nd Draft Project Report, UNED Forum, April 2001. Online at: www.earthsummit2002.org/msp/report/draft_framework.htm (23 August 2001).
5. For instance, at the meetings of the United Nations Commission on Sustainable Development (CSD) the results of the multi-stakeholder dialogues at the beginning of the sessions are summarised by the CSD Chairperson. These summaries are presented to negotiators the following week and assume the status of an official document. The delegates choose paragraphs from the summaries in formulating the formal decision. Personal communication with UNED Forum staff, 30 July 2001.
6. See A. Florini, ed. *The Third Force: The Rise of Transnational Civil Society* (Washington, DC: Carnegie Endowment for International Peace, 2000); Dinah Shelton, ed. *Commitment and Compliance: The Role of Non-binding Norms in the International Legal System* (Oxford: Oxford University Press, 2000).
7. World Bank Operations Evaluation Department, *World Bank Lending for Large Dams: A Preliminary Review of Impacts*, OED Précis, September 1996.
8. On March 14 1997, a coalition of civil society groups issued the "Declaration of Curitiba: Affirming the Right to Life and Livelihood of People Affected by Dams" (www.irn.org/programs/curitiba.html, 23 August 2001) which called for an independent review of large dams. This call echoed an earlier statement by civil society opponents

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of dams issued in India, the “Manibeli Declaration Calling for a Moratorium on World Bank Funding of Large Dams,” September, 1994 (www.irn.org/programs/finance/manibeli.shtml, 23 August 2001).

9. The proceedings of the meeting and the immediate follow-up process were captured in an IUCN-World Bank publication entitled *Large Dams: Learning from the Past, Looking to the Future* (Gland: IUCN, 1997). Online at: www.dams.org/publications/publication1.htm (23 August 2001).

10. The Commission derived this specific set of objectives based upon its interpretation of the six-point Terms of Reference developed by the stakeholders at Gland.

11. Later reduced to 125 because of incomplete survey forms.

12. World Commission on Dams, “Strategy and Objectives: June 1998–June 2000,” Cape Town.

13. The Three Gorges Project is planned to have a 18,200 MW installed capacity and 39.3 10⁹ m³ reservoir capacity. It is forecast to produce 84.7 10⁹ kWh in annual energy. R. Fuggle; W.T. Smith; Hydrosult Canada Inc.; and Agrodev Canada Inc. 2000. Large Dams in Water and Energy Resource Development in The People’s Republic of China (PRC), country review paper prepared as an input to the World Commission on Dams, Cape Town, www.dams.org/studies/cn (23 August 2001).

14. Electricité de France and ISAGEN-Colombia.

15. Volta River Authority and Lesotho Highlands Development Project.

16. Interviews with Forum members, September 2000 and November 2000. Email correspondence with Forum member, January 2001.

17. In interviews and public settings during the Forum meetings, government representatives expressed reservation about the extent of NGO and social movement participation in the WCD process. Also interview with government representative, April 2000.

18. Patrick McCully, “How to Use a Trilateral Network: An Activist’s Perspective on the World Commission on Dams.” Paper presented at Agrarian Studies Program Colloquium, Yale University, 19 January 2001. Online at: http://www.rivernet.org/general/wcd/other_ngo.htm#how (23 August 2001).

19. World Bank internal document, “Talking points from Government of China discussion with World Bank,” 15 January 2001.

20. Based upon interviews with government and agency officials at the WCD consultation in Egypt, December 1999, and focus groups and interviews in Tanzania, Kenya, and Uganda in November 2000.

21. For example, the Dublin Principles agreed upon by governmental representatives in 1992 in the run-up to the United Nations Conference on Environment and Development recognised that “[the] pivotal role of women

as providers and users of water and guardians of the living environment has seldom been reflected in institutional arrangements for the development and management of water” as one of four overarching principles. Principle Three of The Dublin Statement, International Conference on Water and the Environment: Development issues for the 21st century, 26–31 January 1992, Dublin, Ireland. The WCD’s final report documents some of the effects of dam-related development and displacement on women, but its guidelines and recommendations incorporate only a passing mention of gender issues.

22. Derived from Corporación Participa, Environmental Management and Law Association, Thailand Environment Institute, and World Resources Institute, “Framework for Assessing Public Access to Environmental Decision-Making,” 2001.

23. This recommendation is contained in a paper by an early advisor to the Commission, Anthony Dorcey, “Institutional Design and Operational Modalities for the Proposed Large Dams Commission,” Stockholm Draft 6, August 1997 (mimeo).

24. Including French, Russian, Hindi, Polish, German, Chinese, Japanese, and Portuguese.

25. *Brazil*—Tucuruí Dam and Amazon/Tocantins River; *Norway*—Glomma and Lågen River Basin; *Pakistan*—Tarbela Dam and Indus River Basin; *Thailand*—Pak Mun Dam and Mekong/Mun River Basins; *Turkey*—Aslantas Dam and Ceyhan River Basin; *United States*—Grand Coulee Dam and Columbia Basin; *Zambia and Zimbabwe*—Kariba Dam and Zambezi River Basin. Country Reviews: China, India, Russia. Pilot Study: *South Africa* Gariep and Van der Kloof Dams and Orange River Basin.

26. World Commission on Dams, “World Commission on Dams Project & Financial Report,” May 1998–April 2001.

27. For detailed reactions to the final report, see www.dams.org/report/followups.htm (6 September 2001). This site is updated on an ongoing basis, and includes new material that has been posted since the authors completed the WCD assessment in May 2001. All of the responses described here are posted on www.dams.org/report/reaction.htm except as noted.

28. For example, International Rivers Network and the Berne Declaration, with 109 additional signatories from NGOs around the world, “From Commission to Action: An NGO Call to Public Financial Institutions,” 16 November 2000; Rivers Watch East and Southeast Asia, “Call to Dam-building agencies in East and SE Asia upon the release of the World Commission on Dams final report,” 29 November 2000. See also World Wide Fund for Nature position statement, February 2001. Online at: www.panda.org/livingwaters/pubs.html (14 September 2001).

29. See Philip Williams, “Lies, Dam Lies,” *The Guardian* (22 November 2000). Online at: <http://>

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society.guardian.co.uk/societyguardian/story/0,7843,400894,00.html (23 August 2001). Philip Williams is the founder and former President of IRN.

30. For example, Southern African communities and non-governmental organisations, "Southern African Call to Action," 23 November 2000; James Bay Cree Nation and the Pimicikamak Cree Nation, "Statement on the occasion of the release of the World Commission on Dams final report," Undated; Narmada Bachao Andolan (Struggle to Save the Narmada River), "World Commission on Dams Report vindicates unjustifiability of large dams," 20 November 2000. See also Brazilian Movement of Dam-Affected People, "The Brazilian Movement of Dam-affected People (MAB) and the World Commission on Dams (WCD)," 9 February 2001. Online at: www.rivernet.org/general/wcd/other_ngo.htm#bra (23 August 2000).

31. Personal communication with Brazilian activist, January 2001.

32. John Briscoe, "Responding to the WCD Report: A Progress Report from the World Bank." Presentation at the WCD's Third Forum Meeting, Cape Town, February 2001. John Briscoe is a Senior Water Resources Advisor at the World Bank.

33. Asian Development Bank, "ADB's ongoing and planned responses to the WCD's strategic priorities, best practices, and institutional responses." Internal ADB draft, February 2001.

34. Ramaswamy R. Iyer, public letter to Professor Asmal on the proceedings of the ADB consultation with client governments in Manila, 22 February 2001.

35. United Nations Environment Programme, "UNEP chief welcomes new report on impacts of dams as major contri-

bution to future energy and water resource policymaking," News Release No. 00/129, 17 November 2000.

36. World Health Organization response to the WCD's final report, "Risks, Rights and Negotiated Agreements," World Health Organization, 30 November 2000.

37. Food and Agriculture Organization of the United Nations. Statement at the WCD's Third Forum Meeting, 25–27 February 2000.

38. Interviews with industry representatives on the WCD Forum, 28 February 2001.

39. These views were captured in official letters from the National Water Agency of Brazil and the Government of Nepal to the World Bank, February 2001.

40. As in the formal response of the Ministry of Finance, Government of China to the World Bank, February 2001.

41. Response of the Government of India to the WCD Report and initial response of the Government of Nepal, as distributed to the WCD Forum, 25–27 February 2001. Response of the Government of Ethiopia. Memo by the Chinese Ministry of Finance to the World Bank on the WCD Report, February 2001.

42. WCD press release, "South African Symposium endorses WCD recommendations," 24 July 2001. Online at: www.dams.org/press/default.php?article=1324 (24 August 2001).

43. Norwegian Ministry of Foreign Affairs, "Norway's Comments on the Report of the World Commission on Dams," June 2001.

44. World Commission on Dams, 2000, p. 319.

45. Martha Finnemore and Kathryn Sikkink. Autumn 1998. "International Norm Dynamics and Political Change." *International Organization* 52(4): 887-917.