

Chapter 7

Beyond Temples and Tombs: Towards Effective Governance for Sustainable Development Through The World Commission on Dams

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Introduction: Genesis of the World Commission on Dams²

Big dams are characterized diametrically as modernization and destruction, as temples and as tombs, as progress and as injustice. On the one hand, perhaps more than any other development initiative, these projects over the years symbolized the progress of humanity from a life controlled by nature and tradition to one where nature is ruled by science, and tradition by rationality. On the other hand, big dams have more recently been identified with the injustice of humanity as a result of their untold destruction of nature as well as the sacrifice of diverse peoples, cultures and ways of life in the name ostensible progress through science and rationality.

Big dams bring together virtually the entire set of issues and actors that are central to conflicts over sustainable development at multiple levels and scales around the world. Nowhere have the conflicts between competing approaches to sustainable development been displayed more vividly than in the contestation over the options to, planning, design, appraisal, construction, operation, monitoring and even decommissioning of these grand technological, ecological, socio-economic and political interventions. At the heart of the debates and struggles over dams, however, lies the governance challenge of generating the institutional arrangements and decision-making processes needed for achieving sustainable development.

The world has built 45,000 big dams, mostly since 1950. The number of big dam projects built annually grew from virtually zero in 1900 to nearly 250 by mid-

century. The rate exploded thereafter and peaked at around 1000 big dams being constructed annually from the mid-1950s to the mid-1970s. But even more dramatically, the number of these projects completed per year fell precipitously to under 250 by the 1990s. This represents a 75 percent drop in the construction rate of big dams in a little over a decade. The number of the subset of major dams completed each year declined similarly: during the 1970s, 93 of these mega-projects were constructed while only 20 were built during the first half of the current decade.³

Given the seemingly tremendous needs for water (nearly 1 billion people do not have adequate supplies of drinking water), irrigation (for increasing agricultural production as global population expands beyond 6 billion), electricity (over 2 billion people do not have access to stable sources of electricity), and flood control (witness the massive and destructive floods that have engulfed numerous river basins over the past several years), in addition to the powerful set of interests and institutions promoting and supporting big dams (governments, international agencies, multinational corporations, domestic industrialists, agricultural lobbies and urban consumers), the rapid and dramatic decline in the construction of these projects globally over the last three decades is puzzling.

Four types of arguments can be offered to explain this trend: technical, financial, economic and political. The technical argument highlights the decreasing availability of sites for big dam building to account for the falling completion rate of these projects. However, as of 1986, 95 percent of big dams were concentrated in twenty-five countries which had built more than 100, while less than 2 percent were spread over the more than one hundred-fifty other countries of the world where sites are still available, if not plentiful.⁴ During the 1990s, the number of big dams under construction has increased slightly from about 1500 to 1700 per year, as the number of big dam-starts has continued to average 300 per year.⁵ Thus, there has been a diverging trend over time between the number of sites still available – as well as the number of dams being started and under construction – compared to the number of big dams actually being completed every year.

Financial and economic factors, such as shortages in available funding and the increasing relative viability of “conventional” alternatives to big dams are two other

possible explanations for the decline in big dam building.⁶ The world-wide recession during the 1980s, the growth in indebtedness of many third world states, donor fatigue among foreign lenders, and a strategy shift towards privatization all contributed to the decreasing availability of public and international financing for these projects. The decreasing costs of other conventional alternatives, particularly natural gas power plants in place of hydroelectric dams, also reduced their comparative financial and economic feasibility. The increasing time and cost overruns associated with big dam projects further detracted from expected financial and economic returns of these projects and improved the relative viability of alternatives.

These technical, financial and economic factors have clearly made big dam building less attractive, but they do not tell the whole story. Political factors have contributed increasingly to the decreasing financial viability of, and changing economic calculations regarding big dams. Mounting public protests against these projects have caused time overruns, which in turn have produced cost overruns. Costs have also escalated because big dam builders and authorities have been compelled to investigate and mitigate negative environmental and social effects, such as improving the life-chances of displaced peoples. As these environmental and social costs have been internalized more fully, economic benefit-cost or financial rate of return criteria justifying the building of these projects have become more difficult to meet. These requirements for the formulation, sanctioning and implementation of big dams either did not exist or were not followed in the past.⁷

Site depletion, moreover, actually has been as much a cause for the generation of political opposition to big dams, as it has been a direct factor in the decline of big dam building. Particularly in North America and Western Europe, the continual loss of free flowing rivers associated with the damming of more and more sites sparked much of the initial mobilization and organization of domestic conservation groups. The success of these early campaigns around big dams played a critical role in the growth of national environmental movements in numerous countries in the West from the 1950s to the 1970s.⁸ The declining opportunities for big dam building in the First

World and increasing demand in the Third World for the services these projects offer subsequently drove big dam builders to shift even more of their activities to developing countries. As a result, approximately two-thirds of the big dams built in the 1980s and three-quarters under construction during the 1990s were located in the Third World.

But over the last two decades, coalescing from a multitude of struggles and campaigns waged at the local, national and international levels, transnational civil society groups and organizations advocating participatory, equitable, and sustainable development have altered dramatically the dynamics of big dam building. Directly affected people, social movements and domestic non-governmental organizations in many parts of the world have empowered themselves to reform or block the completion of big dams in their own countries, often by forming partnerships with like-minded foreign supporters. At the same time, non-governmental organizations from the First World and international non-governmental organizations working on human rights, the protection of indigenous peoples, environmental conservation and other issues, have focused their energies increasingly on slowing or halting the global spread and growth of big dam building. As a result, in contrast to the First World where historically, domestic technical, financial, economic and political factors contributed relatively equally and interacted to cause the decline in big dam building, the primary explanation for these changing dynamics in the other countries is increasingly political-economic, having to do with the shifting transnational relations of power and meaning surrounding the construction of these projects.

Government agencies, private sector firms and international organizations had slowly begun to reform their policies and practices with respect to big dam building globally, particularly in the 1980s and 1990s. Part of these reforms were motivated by the scientific and practical knowledge base that had been built up from the tremendous amount of research experience with dam building over the last fifty years. But, these actors were pushed persistently, and progressively, to initiate, expedite, modify, and broaden reform efforts or often just halt building dams by growing

numbers of transnationally allied critics – primarily local peoples’ groups, social movements and non-governmental organizations at the regional, national and international levels.⁹

It was clearly transnational civil society groups of various kinds that successfully pushed for an independent and comprehensive review of big dams, a demand for which they had been lobbying for several years and which was articulated most explicitly in the Curitiba Declaration. The declaration itself was drafted and approved at the historic *First International Conference of People Affected by Dams* held in Curitiba, Brazil between the 11th and 14th of March 1997. Nearly 100 dam-affected people and dam critics speaking more than 12 languages from 17 countries including Argentina, Bolivia, Brazil, Chile, France, Germany, India, Lesotho, Mexico, Norway, Paraguay, Russia, Spain, Sweden, Switzerland, Taiwan, Thailand, and the United States attended the meeting and endorsed the declaration.¹⁰ The declaration demanded the establishment of an independent commission to conduct a comprehensive review of all large dams supported by international agencies, subject to the approval and monitoring or representatives of transnational civil society and especially those groups directly accountable to dam-affected peoples. Similar reviews for each national and regional agency that had supported the building of big dams would also be required.

By the 1990s, an increasingly dramatic state of affairs had clearly begun to emerge.. On the one hand, while opponents had been successful in halting specific projects and generating gradual policy change more broadly, many were interested in institutionalizing mechanisms for halting unacceptable big dams early on so that more of resources could be deployed for an “options” agenda rather than be drained by the continuous battles to reform or stop the next “destructive” project. On the other hand, proponents bemoaned the decline in prospects for big dam building but continued to extol the virtues and benefits of these projects. Many proponents were interested in having clear rules on when, how and by whom big dams could be built to increase predictability and lower risks and transactions costs of their activities.¹¹

Partly in response to this state of affairs, and partly to soften the harsh criticism that had been levelled against it, the World Bank invited the World Conservation Union (IUCN) to convene a workshop to bring “together leading experts and representatives of major stakeholder groups . . . to initiate an open and transparent dialogue”, on the future of large dams and alternatives globally.¹² In April of 1997, thirty-nine participants from governments, international development agencies, the private sector, professional associations, non-governmental organizations, universities and peoples’ groups met at a workshop entitled, “Large Dams: Learning from the Past, Looking to the Future”, held in Gland, Switzerland. After criticizing the workshop for being biased and flawed, the first ever post-evaluation of World Bank financed big dam projects that was conducted by the World Bank’s own Operation Evaluation Department. Consensus emerged among participants at Gland that no existing group or organization had the legitimacy to evaluate authoritatively the historical experience with dams and alternatives and propose recommendations for the future. Consequently, the constitution of a World Commission on Dams was proposed to fill this vacuum of legitimate authority globally and facilitate a path forward.

The Purpose and Nature of the World Commission on Dams:

The World Commission on Dams (WCD) was arguably one of the most innovative and even unprecedented international governance experiments in the area of sustainable development of the late 1990s. Its mandate, which it received from the “Gland Reference Group” of key stakeholder representatives, was to: a) conduct a global review of the development effectiveness of dams and assess alternatives for water resources and energy management, and b) develop internationally-accepted standards, guidelines and criteria for decision-making in the planning, design, appraisal, construction, monitoring, operation and decommissioning of dams”.¹³

The guiding principles of the WCD, also embedded in the mandate endowed to it by the Gland Reference Group, were independence, inclusiveness, openness and

transparency. It was further agreed that the WCD would have a limited life-span of two years at which time it would present its report to the global community at large and thereafter cease to exist. The WCD would thus was not supposed to contribute to further long term international bureaucratisation..

It is from the process by which it emerged, its objectives, its guiding principles, and its time-bound life-span that the WCD drew its legitimacy – and legitimacy is the primary challenge of any such endeavor. Emerging from a process that itself was quite participatory and inclusive, in which no major type of stakeholder was entirely absent, gave the idea of a Commission a great deal of momentum early on.

But the way forward from Gland was hardly easy. The Gland Reference Group established a smaller Interim Working Group of selected representatives from across the spectrum of stakeholders to take the WCD from idea to reality. This negotiation process took nearly a year with virtually every decision being hotly contested, from the selection of a Chair to the number and composition of the Commission members to the appropriate role of the World Bank, IUCN and broader reference group once the WCD was firmly established. The fact that these decisions were negotiated in an by relatively representative parties, again with no major interest completely absent, was critical to the ultimate establishment and success of the WCD.¹⁴ Certainly, the institutional, financial and political support provided by the World Bank and IUCN also contributed to the prospects for a Commission.

The twin objectives as specified in the mandate provided further legitimacy to the WCD. By combining an evaluation of experiences of the past (a global review of dams and assessment of alternatives), which was the main focus of critics with the formulation of recommendations for the future (standards, criteria and guidelines for decision-making around big dams) which was the main concern of proponents, all stakeholders had something to gain and lose from the WCD's activities – strong incentives to stay involved. And stipulating that both the evaluation and recommendations would be completed within a specified and imminent period of two

years meant that the results would be important and useful to various stakeholders because of their timeliness.

The guiding principles of independence, transparency, openness and inclusiveness were perhaps the most important legitimating mechanisms for the WCD. Because all existing groups and organizations (including international bodies) were seen as being vested or biased in one way or another, establishing an independent body was certainly necessary. Moreover any organization, after it is established, can be co-opted or even hijacked. To minimize the likelihood of these possibilities required the WCD to be transparent. A commitment to being open to and inclusive of all, moreover, ensured that the WCD would not become an unaccountable body – a criticism levelled against many more established international institutions. One could have imagined an independent commission of eminent individuals who did not have any specific stake in the actual outcome of the process. However, this alternative model would not have satisfied the concomitant focus on inclusiveness, the acknowledgement that the WCD was as much a negotiation process as a policy formulating body, and the belief that the results of a Commission which was composed of active stakeholders would be more likely to command acceptance from the broader range of interested groups.

Of course, the principles of independence, transparency, openness and inclusiveness also had a deep ethical basis besides their functional importance, and this moral foundation further increased the legitimacy that the WCD invoked when reflecting and upholding these principles in all of its structures and activities. What was attempted through the structures and activities of the WCD was to provide independent, transparent and inclusive arenas and processes in and through which the multiple groups and organizations that have stakes in big dams could negotiate through their differences, find areas of common ground, identify areas of continuing divergences, and formulate global public policy where possible and feasible.

The Constituent Structures of the WCD

The key structural elements of the World Commission on Dams were the Commissioners, the Secretariat, the WCD Forum, and the broader stakeholder constituencies (including funders). Each of these structural elements will be discussed in greater detail but it should be noted that each level was a reflection of the diversity of the broader set of stakeholders active in decision-making around big dams. Moreover, one might argue that the degree of influence over the final output of the Commission decreased as one moves away from the core, which consisted of the Commission members themselves, but that longer term outcomes were most dependent by the leading stakeholders groups and not the Commission itself.

Undoubtedly, the set of Commission members were the most important structural element of the WCD. The 12 Commissioners were selected to represent the range of stakeholders involved in conflicts and decision-making around big dams. The Commissioners as a group represented a diversity of institutional, disciplinary, geographic and political backgrounds. They were selected on the basis of their recognized leadership in government, the private sector, civil society, academia, professional association, etc., as well as for their significant experience and expertise with big dam projects. Roughly one third of the members were considered to historically have been proponents of dam building, one third were considered to be opponents of dam building, and one third to be moderate reformers or supporters. The backgrounds of Commission members ranged from Goran Lindahl, CEO and President of the multinational company ABB, to the Chair Kader Asmal, the former Minister of Water Affairs, and now the Minister of Education of South Africa, to Medha Patkar, the transnationally acclaimed activist leader of the Save the Narmada Movement and National Association of Peoples Movements in India. The Commission members were also relatively evenly divided in their origins, from countries such as China, India, Brazil, South Africa, the United States, Switzerland, the Philippines and Australia, with approximately 1/2 of the members coming from developing countries.¹⁵ Importantly, five of the twelve Commissioners were women.

Debate over the balance amongst the Commission members bedevilled the WCD from its inaugural meeting held in Washington D.C. in May of 1998. In particular, to convince domestically based stakeholders that the Commissioners do not represent the views of any particular country was difficult. This created problems from all sides of the dams debate. In the case of India, dam proponents (including many government officials) saw the two Commissioners from India as being anti-dam and thus questioned the overall independence of the WCD process. On the other hand, dam opponents and affected peoples from Brazil found the presence of a generally pro-dam Commissioner from that country as pre-empting a fair hearing for their views. The message that the Commission continually communicated was that the Commissioners were reflective of the diversity of stakeholders by sectors and issue areas *globally*, and not nationally. But this was not always sufficient nor could it ever allay fully critics of the WCD process.

The other challenge was to accommodate the full range of stakeholders given the relatively small number of Commission members that were selected. Previous World Commissions had often been too unwieldy because far too many members were selected to serve. On the other hand, the smaller number of members selected to the WCD meant that not all groups would be represented. Of course, any set of Commissioners chosen would not be beyond controversy, no matter what ultimate number was decided upon.

However, a better mapping of the political environment would have revealed early on that, partly because of the composition of the stakeholder representation in the Interim Working Group, commissioners with more expertise and experience with dams and alternatives for irrigation and agricultural production were ultimately left out of the set chosen. On the other hand, the WCD Forum and WCD Work Programme were safety valves for those key interests who did not find explicit and direct representation in the form of a Commission member, including such groups as those promoting irrigation dams and others promoting agricultural strategies where irrigation was less of a priority.

Moving outwards from the set of 12 Commissioners was the secretariat of the WCD, members of which were selected based primarily on their experience and expertise. However, as a group they were also selected to compliment one another in terms of their disciplinary, institutional, and geographical backgrounds. The Secretary General, also an ex-officio (non-voting) member of the Commission, who was selected by the Chair but approved of by the Interim Working Group, held the pivotal function at the nexus of the Commission members, the Secretariat and broader set of stakeholders and funders of the WCD. The one concern for any Secretary General appointee is that the person will be a dynamic leader without directly or indirectly usurping the authority of the Commission members, individually or as a set.

The other, approximately 10 members of the WCD Secretariat, brought disciplinary expertise as engineers, environmental specialists, social scientists, policy analysts, and communications specialists. They also ranged in their institutional backgrounds, working previously in organizations as diverse as private sector consulting firms to international development agencies to universities to nongovernmental organizations. This combination of expertise and diversity increased the comprehensiveness of the activities undertaken, contributed to the outreach capabilities of the WCD, and raised confidence in the capacity of the Commission to fulfil its mandate.

Again, creating and maintaining the balance within the secretariat was a difficult challenge for the WCD. It was quite a task to find and attract the best experts with cross-regional work experience on dams, water and energy resources to move to another country (the Secretariat was based in Cape Town, South Africa which gave it further legitimacy as not a Northern-driven initiative)¹⁶ to be part of a process that was only two years long with a fate that was extremely uncertain. It was particularly difficult to find and attract such experts from developing countries, as there was an extremely short supply of such qualified individuals. As a result, although there were members from developing countries, the composition of the Secretariat was still slightly weighted towards those from the First World.

In addition, some important gaps existed in the backgrounds and professional expertise of the Secretariat. For example, no member came from East or Southeast Asia and no member could have been considered an expert on legal issues. Moreover, the gender balance within the Secretariat was far from equal, partly because of the fewer number of women working on issues of dams, water and energy. Those women that do work on these issues were in extremely high demand. Also, women have tended to have more difficulty moving their families than men do to well-known and entrenched patriarchal norms.

These challenges of a small, time-bound, and highly specialized secretariat were partly overcome by the WCD Work Programme through which hundreds of consultants and reviewers from around the world contributed to generating the knowledge base of the Commission. One difficulty with the appointment of consultants was the lack of individuals from developing countries with cross-regional and global expertise. This certainly led to once again a somewhat imbalanced representation of Northern consultants, but to a much less degree than in other Commissions. In addition, the regional backgrounds and disciplinary expertise of both the set of Commissioners and the WCD Forum also compensated for those gaps and weaknesses within the Secretariat and consultants. The WCD Forum was a critical structural component that also assisted in operationalizing the guiding principles of transparency, participation, openness and inclusiveness. The Forum was an expanded version of the Gland Reference Group that initially proposed the establishment of the Commission. Approximately 60 representatives from the most important types of stakeholder groups and organizations involved in conflicts and decision-making around dam building around the world were members of the WCD Forum. Again these groups and organizations were selected from across the spectrum of civil society, private sector, academic, professional association, governmental and intergovernmental organizations. There was also a relatively equal balance of Forum members coming from the North and South, although the gender balance was quite unequal.

The Forum acted as a sounding board and networking mechanism in the WCD process. Forum members were specifically invited to participate and comment in the various activities of the Commission. They were also a critical vehicle in the Commission's outreach to the various regional, sectoral and issue-area networks involved in the dams debate. The Forum, furthermore, was an important mechanism for the implementation of the WCD's recommendations and other follow-up activities after the Commission ceased to exist in 2000.

While the Forum was a key structural innovation of the WCD process, as noted earlier, it was not been used as effectively as it might ideally have been during the early part of the Commission's life. Part of the reason was the difficulty of coordinating a group of approximately 60 extremely busy individuals working in organizations spanning the entire globe. For example, given the resource and time constraints of the WCD, to convene a meeting of all the Forum members, requires extraordinary skill and tremendous amounts of logistical planning. Just to keep Forum members informed about the ongoing work and status of the Commission is a challenge in itself. Certainly, the wide-spread availability of information technology has been indispensable in this regard. But to reach those Forum members who are from or work at the grassroots level, especially those from developing countries, e-mail and web-sites do not suffice. Indeed, an adequate mechanism for overcoming this constraint hwas not fully developed.

Another critical structural component of the WCD was, of course, the donors. Funding for the Commission was also sought out and received from the widest possible range of groups and organizations from the private sector (approximately 1/4 of the total budget), from governmental and intergovernmental agencies (approximately one half of the total budget), and from non-governmental organizations and foundations (approximately one quarter of the total budget). Moreover, to ensure that the guiding principles of the Commission were not contradicted, funders had to provide untied financial support such that the WCD's independence and thus legitimacy was not questioned An informal rule was

established that no single donor should contribute more than 10 percent of the total budget, and donors were not automatically given membership in the WCD Forum.

Funding the WCD was perhaps the greatest challenge of all, especially given the range of funding sources and untied nature of the funding that was sought out. It would likely have been much easier if the World Bank or some small set of large organizations had donated the entire \$10 million budget of the Commission from the outset. But, as discussed earlier, the independence and legitimacy of the WCD would have been weakened if such a strategy had been pursued.

On the other hand, to convince donors to give money to an endeavour without a track record, with an uncertain future, and which might possibly generate findings and conclusions against the interests of those very donors was truly difficult. This difficulty was gradually overcome by the legitimacy created in the WCD by the various factors noted previously and by critical infusions of support and funding from key organizations at key moments. Certainly the World Bank's donation of \$1 million early on was crucial to getting the Commission underway. But the donation of an even larger amount by the UN Foundation mid-way through the Commission's life was just as crucial in strengthening the WCD's financial base. In addition, the WCD could not have been financially sustained without the support of a few bilateral donors (in particular from Norway, Germany and Sweden).

The fact that fund-raising has continued to be a priority of the Commissioners and Secretariat throughout the life of the WCD did, however, detract from time and focus on other activities (the Work Program, Commissioner deliberations and negotiations, and communications/outreach). The effect on the WCD fulfilling its potential by the challenges of funding cannot be underestimated. The uncertainty of an insecure financial base clearly weakened the quality of work that the WCD was able to do, especially early in its life-span. For example, given the instability of funding, it was unclear whether several parts of the WCD Work Program could even be undertaken let alone completed at a high level of quality for many months. Commissioner meetings spent more time on issues of fundraising than on the

deliberations and negotiations around key substantive issues. And the full complement of secretariat members was not brought on board as early as needed. If all the funding had been secured prior to the establishment of the Commission, many of the other difficulties mentioned above could have been handled more easily.

In summary, the four critical structural components of the WCD were the set of 12 Commissioners, the Secretariat, the WCD Forum, and the donors. The composition of each was reflective of the broader set of active stakeholders in the dams debate and each was structured to give life to the Commission's guiding principles of independence, transparency, openness and inclusiveness. Each component contributed to the broader WCD process, and each was critical in shaping, activating, and legitimating the outcomes of the WCD process. The intensity and importance of the functions served by each of these constitutive components of the WCD, however, varied over time in relation to the various activities that were being conducted during the WCD process.

The Activities of the WCD

The activities of the Commission could be divided into three general types that were strongly interconnected: 1) the formal Work Program, 2) Commissioner deliberations and negotiations, and 3) broader stakeholder engagement efforts. The Work Program was the bridge between these three. Its basic objective was to develop the most comprehensive knowledge base possible to assist the Commission in achieving its objectives while fulfilling its guiding principle, thereby further increasing the legitimacy and thus potential effectiveness of the WCD. The Work Programme was composed of four components which include 10 in-depth basin and national case studies, a larger survey of 125+ dams around the world, 17+ thematic reviews of cross-cutting issues such as dams and social impacts or international trends in project financing, and the active solicitation of stakeholder views and perspectives through regional consultations, reviews and submissions.

Each sub-component of the Work Programme contributed different types and levels of knowledge for the Commission.¹⁷ While the survey of 125+ dams yielded information on the broader trends and patterns with respect to the performance and decision-making with respect to dams on a relatively small number of issues, the case studies provided more holistic histories of the development effectiveness of a smaller number of dam-building experiences within river basins or countries. The contribution of the thematic reviews was to further deepen the knowledge base by focusing on specific cross-cutting issues. Finally, acknowledging that a significant amount of the conflicts over big dams lies not just in controversies over specific pieces of information but on broader and deeper debates about values that constitute good governance and sustainable development, the Work Program consciously included an open and active set of invitations to all stakeholders to offer their views and perspectives through written submissions, comments on case studies, the cross-check survey and thematic reviews, and through oral presentations at the various regional and other consultations of the WCD.

The sub-component of the stakeholder inputs overlapped a great deal with the WCD's broader communications activities which included the WCD Forum gatherings, regional consultations, a web-site, a regular newsletter, as well as the active participation of Secretariat members and Commissioners in various meetings, conferences and other events around the world. The primary purpose of the communications activities was to insure that the all stakeholders who wanted to be informed about, participate in and contribute to the WCD were able to do so. In addition, a comprehensive communications program increased the likelihood that the WCD reached "beyond the usual suspects". But another, perhaps equally important, purpose of the communications activities was to generate greater awareness of the Commission's mandate, structure, and activities in order to increase the WCD's profile and legitimacy among various stakeholder groups and networks.

The third core and perhaps the central activity of the WCD process was the ongoing deliberations and negotiations of the Commissioners. While the Secretariat

members worked full time at managing the Work Programme and implementing the broader stakeholder engagement activities, Commissioners met every three or four months to discuss the progress of the Commission, evaluate the emerging knowledge base, and negotiate through divergent views and perspectives. In between these meetings, individual or small sub-sets of Commissioners often attended meetings, reviewed specific areas of the Work Program in which they had deep interest or expertise, and communicated through e-mail, regular mail, telephone and fax. But the most important work of the Commissioners was their active and serious involvement in the discussions and negotiations at their regular meetings.

Given the diversity that existed among Commissioners and the extremely active professional lives all of them led, their continuing and active involvement in the Commission was a persistent challenge. And as the focus of their meetings moved from the stage of identifying priorities and formulating the WCD Work Program and stakeholder engagement activities towards more substantive discussion and negotiation, the possibilities for greater levels of conflict increased significantly.

A tactic that was helpful early on was to have Commissioners focus on process issues rather than substantive debate, especially on formulating a common set of strategies to raise the profile and budget of the WCD. A second tactic was to have the Commissioners present themselves as a corporate unit through various joint activities (such as at Forum meetings, regional consultations or with selected field trips) rather than as individuals representing different constituencies. A third tactic was to have Commissioners focus on the findings and conclusions to be derived from the common knowledge base that was being assembled through the Work Program, rather than negotiate on the basis of their own personal experience. A fourth tactic was to identify areas of convergence (of which several do exist but which had been previously excluded from the public discourse because of the sub-optimal stalemate that had emerged) to build a basis from which the remaining divergences could be addressed. But as the Commissioners moved forward towards negotiating the more difficult and conflictual sets of substantive issues, the need for other tactic to be

utilized increased. Clearly greater use could have been made of best practice negotiation and mediation techniques as the process unfolded.

In summary then, the WCD involved three core sets of activities that served different functions but were interlinked and often overlapped. The Work Program was geared towards developing the formal knowledge base that would provide the raw materials for both the Commissioners' deliberations/negotiations as well as the final outputs of the WCD. The communications activities contributed to the implementation and enrichment of the Work Program and Commissioners' deliberations/negotiations by encouraging submissions and participation, which raised the profile through disseminating information about the progress of the WCD. The Commissioners' deliberations/negotiations shaped the direction of the Work Program and communications activities and ultimately determined the content of the WCD's recommendations, final products and follow-up agenda.

WCD Challenges and Results

The range of challenges faced by the WCD was vast and many have already been highlighted. Additional challenges included: 1) the need to acquire at least the cooperation if not the broader engagement of governments, 2) the difficulty of getting the private sector to take a more pro-active role, 3) the constraints on outreach to affected people at the grassroots in the developing world, 4) the potential inability to capture best knowledge and best practice globally, and 5) the question of how the WCD's recommendations could be activated and implemented after the Commission ceased to exist.

As an independent global commission with an advisory and not adjudicatory role, the WCD was often rebuffed by governments as being "self-appointed" or as being without "locus standi". Moreover, the WCD was on occasion just been ignored by governments who do not see why they should be interested in this "maverick" international experiment. Because implementation of the WCD Work Program required at least the approval if not the cooperation of governments, cold shoulders

from governments slowed down the assembly of the knowledge base a great deal. Moreover, implementation of the WCD recommendations ultimately involved governments to a certain degree and thus the long-term prospects of WCD impact could have been curtailed significantly by the early stages of insufficient or antagonistic government involvement with the Commission.

Several tactics were utilized to engage governments. Commission members, and in particular the Chair, as well as Secretariat members communicated directly and in a sustained way with various government officials to persuade them of the WCD's importance. Various Forum members, such as the World Bank, urged governments to allow the Commission entry into their countries to implement Work Program activities. And certainly, the strength of the Commission as evidenced by its survival, its increasing success with fund raising, and its progressively wider coverage in the media convinced more governments of its importance.

Other tactics to engage governments were also critical during the implementation phase after the final report of the Commission was completed. For example, perhaps the most successful Commission – the World Commission on Environment and Development or Brundtland Commission – conducted meetings with more than 100 governments (heads of states and relevant ministries) to promote its recommendations. The WCD had to do the same. However, the challenge of getting key governments to “buy in” to the WCD process and results remains a continuing challenge for post-WCD advocacy and implementation efforts.

The private sector was also a difficult nut to crack for the Commission. Despite their “formal” participation throughout the WCD process (from the Gland meeting onwards) and in all of the WCD structures (Commission, Secretariat, Forum and Donors), their involvement in the ongoing Work Program was patchy. For example, submissions from non-governmental organizations poured into the WCD, while those from the private sector were few and far between. Representatives from the private sector were also the least forthcoming and most reluctant to present their

views and perspectives at the WCD's regional consultations and case study stakeholder meetings. Several more examples such as these can be offered.

The WCD utilized similar tactics with the private sector as it had with governments and other stakeholders. These included, for example, direct, face-to-face Commissioner, Secretariat and Forum member meetings with private sector firms although not to the extent that they were perhaps necessary. The private sector was sent specific outreach materials (at considerable cost in terms of money and time) encouraging greater involvement. A significant percentage of the consultants commissioned to conduct Work Program activities were selected from the private sector. And, as with governments, the WCD conducted a massive outreach to the private sector with its final report and recommendations.

But much of the problem lay within the private sector itself. Most firms have not yet caught up with the new ways of doing of business with the rise and growth of civil society organizations domestically, internationally and transnationally. Ironically, they just do not have the capacity. Moreover, because of the market environments that many private sector firms are in, many refuse to coordinate their activities with their competitors. Finally, while companies in the North are far from perfect and generally have very little capacity, businesses in most developing countries in general have grasped the changes that have occurred in their external environment even less.

A major problem of all ostensibly global organizations and processes is the general inability to fully integrate developing countries at an equal level, especially those living and working at the grassroots. The WCD, while being considerably more effective, was no exception in this regard. The significant numbers of individuals who were selected as Commissioners (as well as the Chair), Secretariat staff and Forum members was one indicator of success. On the other hand, the search for individuals from the South to conduct various Work Programme activities (research, writing and review) was somewhat less effective.

A second piece of evidence indicating relative success in geographical balance was the numbers of stakeholders who participated in the WCD's regional public consultations. Four multi-stakeholder consultations, at which broad representation from different sectoral groups was achieved, were held as part of the WCD Work Programme (in South Asia, Latin America, Africa/Middle East, and East/Southeast Asia). In addition, the several WCD case studies located in developing countries encouraged further participation from developing country stakeholders.

But the involvement of stakeholders at the grassroots in the developing world was relatively low. The case studies involved, by far, the most interaction with these individuals, groups and organizations, primarily because of the conscious solicitation of their participation. Even in the case studies, however, the speed with which the Commission had to complete its work (one of the costs of the stipulated two-year time-limit), and the limited resources available for such critical activities as translation into local languages, meant that few people at the grassroots were active and equal participants in the WCD process. Part of the responsibility for increasing the involvement of grassroots people and groups, however, lay with the national and international civil society organizations that often claimed to represent these stakeholders. If the internal mechanisms of participation and accountability within these non-governmental organizations were weak, and they were working with grassroots people for a much longer time period than a new and time-bound international arrangement like the WCD, then the WCD cannot be faulted completely for a gap it did not have the resources or mandate to fill. On the other hand, the WCD certainly did have the moral obligation, and the self-interest, to marshal a larger amount of resources than it had to improve the chances for those at the grassroots in the developing world to effectively participate in a process that would undoubtedly affect them.

The short time period and limited resources of the WCD also lessened the likelihood that the Commission would be able to conduct as high a quality and as comprehensive a knowledge gathering process as was hoped for. Although the

Commission implemented its Work Program with vigour, and actively sought out the best research and expertise world-wide, there was only so much that could be done in a two-year time period. More importantly, the difficulty with acquiring the full budget of the WCD not only reduced the resources available for implementing the Work Program and facilitating outreach world-wide, it also reduced the effective time of the Commission to complete its activities perhaps by at least one third. In other words, resource constraints reduced the originally estimated 18-month time period for conducting knowledge gathering work to less than one year.

The actual time available to conduct investigations and outreach was further curtailed by the highly charged political environment in which the WCD was located. Virtually any decision to focus on a particular topic, or select a particular consultant, or invite a particular individual or group to present their views was seen by one side or another in the dams debate as potentially detrimental to their extant interests. Thus, decision-making and implementation of knowledge gathering activities proceeded haltingly at times. The ultimate effect on these various constraints to the quality and depth of the knowledge base that was eventually assembled, and to the legitimacy and thus impact of the WCD's final report and recommendations is, predictably, hard to determine.

The final uncertainty that became a primary question for the WCD was what should be done and what will happen after the WCD completed its work? Besides mandating that the Commission present its report to the international community at large and thereafter cease to exist, neither the Gland Reference group nor the Interim Working group pre-determined the answer to this query. The record of previous global commissions in directly motivating broader change as a result of their work, final report and recommendations has not been extremely strong. And while the indirect effects of these previous Commissions should not be underestimated – in contributing to the development of global norms, in supporting the growth of domestic, international and transnational civil society, in assembling knowledge from around the world – most stakeholders agreed that much more was expected from the

WCD. To the WCD's credit, the topic of post-Commission follow-up was focused on seriously and intensively from its formal establishment in February 1998 and the first meeting of Commissioners three months later in May. The final report of the WCD was completed in September and issued in November 2000 – three months behind schedule, presented to the WCD Forum and the broader 'international community' as required by its mandate. It was signed by 11 commissioners and the secretary general (the commissioner from China resigned without replacement). One of the remaining 11 commissioners -- the leading Indian social activist -- signed but only with the inclusion of a note of dissent that the WCD report did not go far or deep enough in its analysis and recommendations. The WCD implemented relatively extensive immediate follow-up activities to promote the final report's findings and recommendations, including a third meeting of the WCD Forum, and a Dams and Development Unit at the United Nations Environment Program was established to push the agenda forward for an additional two years.

The report met the first part of the WCD mandate with an extensive review of the effectiveness of large dams, of their financial, economic, environmental and social impacts, an assessment of water and energy options, and an analysis of the state of governance arrangements in this area. It claims neutrality on the subject of whether or not large dams should be built in the future, but strongly urges that these projects be considered as only one of many options for water and energy development – including the option of improving the utility of already built large dams. The final report very consciously embedded its review of large dams in a wider discussion about options for water and energy development.

The WCD process achieved enough legitimacy that all relevant groups have reacted to its report and recommendations.¹⁸ Judging by the responses to date, the report seems to have been welcomed by many large dam critics from civil society, who are concerned about democratising governance and a voice in decision-making processes for sustainable development. A letter from a transnational coalition of 109 nongovernmental organizations, community-based groups, and social movements

from 39 countries notes that the report vindicates many of the concerns they have previously raised and calls upon decision-makers to incorporate all the recommendations of the report before funding more large dams. Many aid agencies such as bilateral funders as well as regional development banks have generally been publicly supportive, and the World Bank has accepted the WCD normative framework but not formally adopted its recommended guidelines. Numerous private sector multinational companies now formally or at least informally link their practices to the WCDs recommendations.

Criticism of the final report, of its accuracy and the recommendations emphasis focusing on decision-making process have been levelled by some of the most powerful proponents of large dams, primarily from particular associations of industry professionals and private sector firms as well as some developing country governments. The International Hydropower Association objected that the overall tone of the report casts a negative light on large dams and claims that its conclusions are based on inadequately researched data in that only a fraction of the world's 45,000 dams were studied. But a newer association of other hydropower companies formed to support the activation of the reports recommendations.

For some actors from a range of perspectives on large dams, the report skirted the second part of the WCD mandate, by developing guidelines for decision-making processes in which large dams may be involved, rather than providing clear economic, social, environmental and technical criteria for their sanctioning. A posting from the International Commission on Large Dams (ICOLD) protested that in only offering guidelines for "consultations" with stakeholders, the report failed in its mandate to offer technical criteria and standards for the planning, construction, and operation of dams. Moreover, it argues the kind of negotiation and decision-making process suggested would be so cumbersome that it would stall any new large dams.

But the WCD process and final report are certainly now a central focal point in the dynamics around big dams and sustainable water resources development more broadly. The actual role it will have played with respect to broader, underlying

dynamics in this issue area remains to be seen. Moreover, the WCD is clearly looked upon as offering a model and set of lessons from for current and future global governance processes and institutional arrangements.

Conclusion: WCD Lessons for Making Global Commissions Successful

Based on this review of the WCD, it is clear that several strategic issues must be effectively addressed for global commissions to be successful including: A) legitimacy, B) external stakeholder engagement and knowledge generation, C) internal structures and processes, and D) final report/recommendations formulation and advocacy. Critical is that these challenges be discussed and strategies agreed upon at the commissioners' first meeting for early resolution, both to guide commission priorities as well as to generate widespread internal and external support for the commission's work.

Legitimacy is the primary challenge of any global commission. This involves effectively and consistently answering the following questions:

1. *From where did this commission come?:* Some are born out of a request by the heads of international agencies, particularly the UN Secretary General, others from pressure by and/or negotiation with civil society organizations like the WCD, and still others from the actions of visionary leaders. Whatever the genesis, a common and compelling narrative requires formulation.
2. *Why is this commission needed at this time?:* Perhaps more important than the genesis of the commission is the rationale and justification for why it is needed, and why now? It may be needed to find innovative solutions to a seemingly intractable policy problem, or to solve a conflict that has become deadlocked, or to provide a broad new moral and philosophical vision. In some sense the WCD was needed for all these reasons. Whatever the needs, they must capture the public imagination.
3. *Why a commission and why these commissioners?:* To put the first of these two queries another way, why not just use an existing institutional arrangement? And once a case for the global commission "form" is made, why and through what process were specific commissioners selected? It could be because of their eminence, because of their prior engagement with an issue, because they have deeply relevant knowledge, because they represent specific constituencies. The WCD commissioners were selected for a combination of all of these criteria and through a stakeholder consultation process. Whatever the selection criteria and the process, the world wants to know.

4. *What are the commission's goals?:* Some global commissions have mandates given to them by “authorizing” constituencies, others receive them from their chairpersons, and still others formulate them through commissioner deliberation. Both how the goals and objectives are determined, and ensuring that they are sufficiently clear, and agreed upon by commissioners early on and repeatedly, are critical to success. The WCD’s mandate was given to it by the Gland meeting participants, but certainly was modified and adapted by the Chair, Commissioners and Secretariat.
5. *What will be the commissions guiding principles?:* Most recent global commissions state that their work will be based on the principles of independence, openness, inclusiveness and transparency. From the WCD case, being independent suggests not being captured by vested interests, including funding agencies; being open implies that all ideas and information will be seriously considered; being inclusive entails the participation of all stakeholders; and being transparent requires constant communication through a variety of mechanisms and media.

The importance of external stakeholder engagement and knowledge

generation/synthesis overlap with the challenge of legitimacy, as both widespread stakeholder engagement and a sound knowledge-base contribute to legitimacy. Those commissions that have relied upon only one or another have been less successful than those commissions that have done both, which the WCD attempted to do. However, balancing both is difficult in terms of organizational capacity and financial resources as well as the formulation and advocacy of the final report and recommendations (discussed further below).

1. *To the extent that inclusiveness, transparency, and openness become guiding values of a global commission, widespread and sustained stakeholder engagement becomes a fundamental task it must fulfill.* This can take different forms such as regional hearings/consultations (usually involving some if not all commissioners), open submissions, the commissioning of position papers, mandatory web-site communication but also lower-tech forms of engagement (newsletters), etc.

A combination of mechanisms for stakeholder engagement must be established that makes the commission public visible by reaching out broadly (not just the usual suspects) but also strategically to those individuals and organizations the commission is directly trying to influence. In other words, the advocacy strategy of the commission must be embedded within its broader stakeholder engagement strategy. This requires a careful political mapping of stakeholders asking who might be supportive and against the commission’s work as well as who might be easier versus more difficult to engage (for example, engaging those at the grassroots in developing countries as well as private sector companies requires much creative thought).

2. *Linked to stakeholder engagement is the strategic issue of knowledge generation and synthesis.* Will the commission rely solely on existing materials and try to synthesize

these in a new way, or will it solicit new research and analysis? One can certainly think of these as sequential activities: an overview and synthesis of our existing stock of knowledge, followed by a gap analysis linked with commission priorities will provide key areas for specifically commissioned research and analysis.

But three key questions in terms of knowledge generation remain regardless of how the commission answers this broader issue of stock-taking versus new research. The first is how will the knowledge generation process be connected to the stakeholder engagement process? Correspondingly, who will manage these linked processes? And finally, how will the results of these two processes feed into the deliberations of the commissioners leading to the final report and recommendations?

Internal commission structures and processes are a large subset of the broader strategic challenge of organizational capacity. The other major aspect of organizational capacity is of course funding for the commission's work, an issue that is always challenging. The one lesson from the WCD experience that should be noted however is that not having the full or majority of the funding in hand at the outset severely hinders success. But returning to the topic of commission structures and processes, there are several issues that should be addressed:

1. *The first is to what extent there will be a permanent research/administrative secretariat and secretary general that manages a commission's "work program". The experience of previous WCD in light of other global commissions suggests that those that rely almost exclusively on the commissioners to manage the process are less robust than those that have a high-level but lean secretariat staff. The more a commission wants to engage stakeholders to conduct a comprehensive knowledge base, the more a solid secretariat is needed – especially communications professionals. Commissioners do not have the time to do this work, although they must advise/oversee the formulation of the work program and monitor it regularly (through meetings and regular contact with the secretariat, for example).*

Moreover, to the extent that the commissioners are not directly involved in implementing the work program on a daily basis, it shields them from criticism that the commission's final recommendations were formulated ex ante – in essence that the "books were cooked". With the secretariat administering the work program, the main responsibilities of commissioners are to oversee the secretariat, to represent the commission to the world, and to review and deliberate upon the knowledge base – a good division of labor in the case of the WCD. But this also requires active and committed communication between the secretariat and commission members – a major leadership task for an effective secretary general.

2. *The second issue involves how the commissioners will arrange their interactions and deliberations. How actively engaged will commissioners be? How many meetings will there be? Will there be virtual interactions between meetings via electronic means? Will there be subcommittees of commissioners who oversee parts of the work program? How will decisions be taken and recommendations be formulated? In*

the case of the WCD, there was a high level of opportunity of interaction among commissioners as a set and sub-sets but different commissioners were more or less active in their participation. Virtually all attended most if not all of the quarterly general meetings, and decisions were generally taken on the basis of consensus and then sufficient consensus produced through deliberation.

The most successful global commissions have been those where commissioners were actively engaged from beginning to end. Those commissions that were dominated by a few individuals, often the chairpersons, rarely were successful. Active engagement results in commissioners offering more of their time to advocating for the commission as well as to thinking creatively about the commission's work. This suggests that decision-making through full consensus or sufficient consensus might be an entry point for commissioner deliberations, perhaps followed by voting procedures and majority/minority opinions. Differences and conflict should be seen as opportunities for creativity rather than as constraints on effectiveness.

It may seem early to raise the issue of final report/recommendations formulation and advocacy at the commission's first meeting, but experience shows that it is not. With commissioners that have incredibly busy lives, discussion of what type of report and other final products as early as possible is essential. This discussion is tightly coupled with those on the goals and objectives as well as the decision-making procedures of the commission.

Indeed, in a world of information overload, strategizing the advocacy and follow-up phase for whatever outputs and outcomes the commission decides to work towards from the beginning cannot be under-emphasized. The number of good reports and recommendations that lie in the dustbins of history are far too many to count. If substantial resources including commissioner time as well as money are utilized for the commission's work, no one wants the processes and products to be lost in the noise of our cluttered policy world. There are issues of human capacity (who will plan and implement the advocacy and follow-up), funding, time horizons (short to longer-term tactics), targets and arenas, etc. that all must be worked through long before the final report products/recommendations are formulated. The principle in this area is certainly one of "don't wait or it will be too late"! The WCD did address these issues early on, and the UNEP post-report process has accomplished many of its dissemination and advocacy goals, but the jury is still out.

Notes

¹ Sanjeev Khagram is Assistant Professor of Public Policy at Harvard University's JFK School of Government. He also served as Senior Advisor for Policy, Institutional and Strategic Analysis for the World Commission on Dams from 1998 to 2000.

² This section is derived from Sanjeev Khagram, *Dams and Development: Transnational Struggles for Water and Power*, Ithaca: Cornell University Press, 2004.

³ The numbers of big dams being completed decreased partially as a result of the larger and larger size of projects that were initiated over time. For example, 10 major dams were built before 1950, 35 during the 1950s, 64 during the 1960s, and 93 during the 1970s. Figures calculated from T.W. Mermel, "The World's Major Dams and Hydro Plants", *International Water Power and Dam Construction Handbook*, 1993-1996.

⁴ ICOLD, *World Register of Dams*, (Paris: ICOLD, 1988), p. 1. Only slightly more than 10 percent of the world's technically available hydropower potential has been developed. See Jose Roberto Moreira and Alan Douglas Poole, "Hydropower and Its Constraints", in Thomas B. Johansson et al., *Renewable Energy: Sources for Fuels and Electricity*, (Washington D.C.: Earth Island Press, 1993).

⁵ ICOLD, Circular Letter 1427, December 1995, Circular Letter Number 1388, January 16, 1995, and Circular Letter 1342, October 4, 1993, (Paris: ICOLD). "Under construction" and "starts" can mean anything from receiving formal approval from authorities to actually in the process of being built with a reasonable certainty of completion.

⁶ This does not include non-conventional and renewable sources of energy production such as wind or solar power.

⁷ The World Bank estimates that a one year delay in completion will reduce the benefit-cost ratio of projects by one-third and a two year delay by over one-half and that costs associated with resettlement can increase project costs up to 30%. The World Bank, *The Bankwide Review of Projects Involving Involuntary Resettlement*, 8 April 1996.

⁸ For the United States, see Tim Palmer, *Endangered Rivers and the Conservation Movement*, Berkeley: University of California Press, 1986 and R. Gottlieb, *Forcing the Spring: The Transformation of the American Environmental Movement*, (Washington D.C.: Earth Island Press, 1993).

⁹ See, for example, the various policy reforms of the World Bank during the 1980s and 1990s.

¹⁰ See the various documents presented and generated at the conference found in *Proceedings: First International Meeting of People Affected by Dams*, (Berkeley: International Rivers Network, June 1997).

¹¹ "With a multi-million dollar dam the costs of long political delays are enormous", said Mr. Jan Strombland of ABB, the dam-building multinational that had received a beating from pressure groups for its involvement in the Bakun Dam and other similar projects throughout the world. See Stephanie Flanders, "Truce called in battle of the dams", *Financial Times*, 14 April 1997.

¹² Actually, the World Bank's Operational Evaluation Department approached IUCN to co-sponsor the workshop with the objective of reviewing its draft review of the development effectiveness of World Bank funded dams. IUCN representative agreed

to co-sponsor on the condition that the full range of stakeholders be invited and that the agenda be broadened beyond a focus solely on the review.

¹³ See IUCN, “Large Dams: Learning From the Past, Looking at the Future”, Workshop Proceedings, and “WCD Mandate”, (Cambridge: IUCN, August 1997 and February 1998).

¹⁴ Perhaps the most important victory for the WCD process at this early stage was the invitation and acceptance by Professor Kader Asmal to be Chair of the WCD. Asmal had impeccable credentials as a Professor of International Law, leader in the international Anti-Apartheid movement, as the then Minister of Water Affairs and Forestry in South Africa, and as a member of the ongoing World Commission on Oceans. While he was not immune to criticisms from various stakeholders, his expertise, experience and stature not only prevented any side from blocking his selection but also greatly contributed to the respectability and legitimacy of the WCD.

¹⁵ For more information on Commission members see The World Commission on Dams, “Interim Report”, (Cape Town: WCD, August 1999).

¹⁶ The Secretariat is based in Cape Town, South Africa for organizational and political reasons. Organizationally, it was seen to be much more efficient way for the Chair, Kader Asmal of South Africa, to oversee the work of the Secretariat. Politically, the choice of South Africa was important because most previous World Commissions and most international organizations are located in the North, as well as because it was seen as another mechanism for welcoming the new South Africa back into the international community.

¹⁷ See World Commission on Dams, “Work Programme”, (Cape Town: WCD, December 1999).

¹⁸ See the website of the commission for an overview of ongoing reactions, endorsements, criticisms, etc., based on the commission’s report and efforts of the UNEP Dams and Development follow-up initiative. See also Navroz K. Dubash, Mairi Gupar, Smitu Kothari and Tundu Lissi, *A Watershed in Global Governance? An Independent Assessment of the World Commission on Dams*, (Washington D.C.: World Resources Institute, 2001), and Jeremy Bird, “Nine Months after the Launch of the World Commission on Dams Report,” *Water Resources Development*, Vol. 18, No. 1, 111-126, 2002.