The Use of a Trilateral Network: An Activist's Perspective on the Formation of the World Commission on Dams

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INTRODUCTION

* The point which must be clearly understood is that the struggle is not
over, and negotiations themselves are a theatre of struggle, subject to
advances and reverses as any other form of struggle. ¹

Activists fighting destructive “development” projects and policies
do not often give a warm welcome to reports backed by the
international development establishment. However, this was the

¹ Nelson Mandela’s Opening Address to the 48th National Conference of the
African National Congress (July 2, 1991) (transcript available at
http://www.anc.org.za/ancdocs/history/mandela/).

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reaction of many dam critics to the World Commission on Dams' ("WCD") final report, *Dams and Development: A New Framework for Decision Making.* For example, the International Committee on Dams, Rivers, and People ("ICDRP"), a coalition of people's movements and non-governmental organizations ("NGOs") from thirteen countries established to coordinate civil society input into the WCD process, reacted positively to the Report. In the press release issued to mark the report's release on November 16, 2000, the ICDRP stated that *Dams and Development* "vindicates much of what dam critics have long argued. If the builders and funders of dams follow the recommendations of the WCD, the era of destructive dams should come to an end."

From the perspective of the ICDRP, the WCD process, and its final report, have been a remarkable success. The WCD supports many of the positions of anti-dam activists on the high impact and low performance of dams, and lays down a strict set of criteria for energy and water planning that echoes many of the activists' demands. While a report written by anti-dam activists would look quite different from the WCD report – especially regarding its optimism that the planning criteria set by the WCD could be met and a dam still be built – the important point is that the views expressed in the Report reflect a consensus of a diverse group of stakeholders, including prodam interests. For example, the World Bank sponsored


3. *See id.* (listing the names of the ICDRP members: The Association for International Water and Forest Studies (Norway); Berne Declaration (Switzerland); Campaign to Reform the World Bank (Italy); Coalition of People Affected by Large Dams and Aqueducts (Spain); Cordillera Peoples’ Alliance (Philippines); The Cornerhouse (England); Environmental Monitoring Group (South Africa); Friends of the Earth (Slovakia); International Rivers Network (USA); Movement of People Affected by Dams (Brazil); Save the Narmada Movement (India); Sobrevivencia (Paraguay); Southeast Asia Rivers Network (Thailand); Swedish Society for Nature Conservation; World Economy, Ecology & Development (Germany)).

4. *Id.*
the WCD and among the twelve commissioners were a CEO of one of the world’s biggest engineering companies and an honorary president of the main trade group of the global big dam industry. However, whether or not the report will positively impact actual practices remains to be seen.

This article analyzes the initial conditions and process that enabled an international blue-ribbon commission to produce a report that has been welcomed by many staunch critics of large dams. Understanding the WCD process is important, not just as a piece of forensic political science, but also because the World Bank, among others, touted the WCD as a precedent for dealing with other controversial global policy issues. Understanding the WCD process should help activists on other issues determine whether a “trisectoral network” policy process composed of governments and international agencies, private companies, and civil society works to further their aims, and if so, under what conditions.

Before explaining the background to the WCD, I should first explain that I am writing this as someone involved in the process from the beginning. I coordinated efforts by dam critics to lobby for an independent international review committee of dam building and participated in decisions regarding the committee’s composition and mandate. I have also served as coordinator of the ICDRP since its inception in May of 1998. Thus, this paper reflects a personal perspective on how the participation of activists resulted in a Commission with the ability to deliver favorable results.

I. THE PREHISTORY OF THE WCD

The origins of the WCD lie in the many anti-dam struggles waged by dam-affected communities and NGOs around the world, in particular those targeting World Bank-funded projects from the 1980s onwards. The most important of these was the campaign against World Bank-funding of the Sardar Sarovar dam on India’s

5. See id. (noting that the WCD is made up of twelve Commissioners of various backgrounds).

Narmada River. In June 1994, as part of NGO activism to mark the World Bank’s 50th Anniversary, International Rivers Network, and the Save the Narmada Movement (Narmada Bachao Andolan – “NBA”), coordinated the “Manibeli Declaration,” which called for a moratorium on World Bank funding for dams. Three hundred twenty-six groups and coalitions in forty-four countries demanded that the World Bank establish an “independent comprehensive review of all Bank-funded large dam projects to establish the actual costs, including direct and indirect economic, environmental and social costs, and the actually realized benefits of each project.” Activists believed that large dams regularly failed to deliver their promised benefits and caused massive social and environmental damage. They also believed that the lack of any comprehensive and independent assessments of the world’s 45,000 large dams hindered wider public acceptance of dam opponents’ positions and gave undue legitimacy to the industry’s claims of the need for more dams.

At the end of 1994, the World Bank’s Operations Evaluation Department (“OED”) informed International Rivers Network that it would review Bank-funded dams. OED, despite its self-professed independence, is a division of the World Bank. OED is staffed by employees who formerly worked in the divisions of the Bank whose work they now evaluate, and, as the OED’s dams study clearly demonstrated, the OED can be influenced by other interests within the Bank. Despite concerns regarding the independence of OED, IRN and several other NGOs decided to cooperate in good faith and, through 1995, supplied information and comments to the OED team.

A final draft of the OED review was circulated internally to the Bank’s Executive Directors and senior management in September 1996. OED failed to meet its commitment to circulate drafts to NGOs for comment, and the full review was never publicly released. A sanitized four-page Precis is the only publicly available version of

7. See www.narmada.org.
9. Id.
10. See Press Release, supra note 2.
the sixty-seven page review, although the review, minus an important “Background Notes” document, was circulated to the invitees of the April 1997 World Bank/World Conservation Union workshop in Gland, Switzerland. The review concluded that “the finding that thirty-seven of the large dams in this review (seventy-four percent) are acceptable or potentially acceptable, suggests that, overall, most large dams were justified.”

According to internal sources in the World Bank, the OED’s review process caused considerable concern within the institution. Long-time Bank staff, who had worked on the dam projects being reviewed, were resentful of criticism of dams and kept a close eye on the OED team working on the review. These staff members helped ensure that the review started with largely pro-dam assumptions and ended with largely pro-dam conclusions.

As the report was being finalized in mid-1996, OED began negotiations with the World Conservation Union (“IUCN”) to create a consultation process on the results of the review and a planned second phase which would look at ongoing Bank-funded dams. These negotiations led to a decision whereby the OED and the IUCN agreed to host a workshop at IUCN’s headquarters in Gland in April 1997. Plans were made to invite approximately 30 participants to the Gland meeting (ten from NGOs, including IUCN, and the rest from public-sector dam-building agencies, private-sector dam companies, the World Bank, and academia).

James Wolfensohn, President of the World Bank, frequently expressed his intention to make the institution more open to working


13. The IUCN describes itself as a “global union,” part inter-governmental agency, part NGO, part consultancy, comprised of more than 900 member institutions – governmental and non-governmental - spread across 137 countries.

with civil society after he took charge in 1995. A “partnership agreement” between the Bank and IUCN was one result of Wolfensohn’s new approach, and the negotiations over the Gland workshop took place within the institutional framework of this agreement. IUCN’s agreement with the World Bank was part of its Global Policy and Partnerships Initiative, which aimed to increase its influence with international organizations in global policy making on conservation-related issues.\footnote{See www.iucn.org/places/usa/inter.html.}

OED/World Bank seemed to believe that working with IUCN on a “multi-stakeholder” workshop to discuss their review would make the institution appear transparent and willing to listen to the opinions of others, and also help deflect expected criticism of their report from anti-dam activists. Conversations with Gland workshop organizers indicate that the World Bank assumed that the “NGOs” invited to Gland would be mostly those which the Bank believed were most “reasonable,” and with which the Bank had a pre-existing working relationship, such as the big international conservation groups like IUCN, the World Wildlife Fund, and Conservation International. With these groups participating in a consultative process with the Bank and industry, more progressive groups could be easily marginalized and dismissed as “unreasonable” and “fundamentalist.” Much to the credit of the IUCN staff coordinating the workshop, the IUCN successfully impressed upon the OED/World Bank that the Gland workshop would lack credibility unless anti-dam groups were invited.

IUCN then contacted IRN to suggest names of activists to invite to the workshop. IRN consulted with its allies around the world, and six groups, known to be highly critical of dams, and the World Bank, accepted invitations.\footnote{The six groups were: the Berne Declaration (Switzerland), IRN, Movement of People Affected by Dams (Brazil), Save the Narmada Movement, Sobrevivencia (Paraguay), and Sungi Foundation (Pakistan).} The invitation sent out by the OED and IUCN listed four objectives of the workshop:

“to review the OED study;”

“to develop a methodological framework for the Phase II study
that will consider the critical issues that need to be addressed in
determining the future development of a large dam - including
evaluation of alternatives and social, resettlement, environmental,
economic, technical and other relevant policy criteria:"

"to propose a rigorous, professional and transparent process for
defining the scope, objectives, organization and financing of the
Phase II study including basic guidelines for involvement by
Governments, the private sector and NGOs as well as public
participation, information disclosure and subsequent dissemination
of results"; and

"to identify additional follow-up actions necessary for the
development of generally accepted standards for assessment,
planning, building, operating and financing of large dams which
would adequately reflect lessons learnt from past experience."

In mid-March 1997, a major meeting of anti-dam groups took
place in Curitiba, Brazil: the First International Meeting of People
Affected by Dams. The Curitiba Declaration summarized the
conclusions and provided the dam critics going to Gland with the
legitimacy of a manifesto endorsed by numerous anti-dam activists
and dam-affected people from around the world. The Curitiba
Declaration calls for an "international independent commission . .
to conduct a comprehensive review" of large dams. IRN, and a
number of colleagues, viewed the Gland workshop as a platform to
attack the credibility of the OED review and to insist that instead of
carrying out a second phase of the OED process, the Bank should
commission a genuinely independent review of its dams.

17. See supra note 15 (on file with author).
(March 14, 1997).
19. In particular, Alex Wilks from the Bretton Woods Project in London, Chris
Chamberlain from the Bank Information Center in Washington, D.C., Shripad
Dharmadhikary from the NBA, Himanshu Thakker, then with Centre for Science
and Environment in New Delhi, Peter Bosshard from Berne Declaration, and
Francesco Martone from the World Bank Reform Campaign in Rome. One reason
why this set of individuals and groups was keen to push for an independent review
of World Bank-funded dams was that all had been involved in the Narmada
campaign, where the key lever in dislodging the Bank from the Sardar Sarovar
project was an extremely critical Bank-commissioned independent review.
Immediately before the Gland workshop, IRN wrote to World Bank President James Wolfensohn, asking him to reject the conclusions of the OED review and calling for a “comprehensive, unbiased and authoritative review of past World Bank lending for large dams” to be done by “a commission of eminent persons independent of the World Bank” which “must be able to command respect and confidence from all parties involved in the large dams debate.”\(^{20}\) The letter to Wolfensohn, which was endorsed by forty-four NGOs and anti-dam movements, was accompanied by a detailed critique of OED’s review showing that its methodology and conclusions were deeply flawed and systematically biased in favor of dams.\(^{21}\)

II. WHY WE ALL AGREED IN GLAND

The dam critics who came to Gland were greatly surprised that the workshop resulted not only in an agreement to establish an independent dam review, but that the review would encompass dams, and not just those funded by the World Bank. The OED and Bank staff involved in the Gland workshop\(^ {22}\) evidently decided before the workshop that they did not want an independent review of Bank-funded dams as this risked being a major embarrassment for the institution. They also knew they could not easily defend the OED’s review and that the criticisms of the OED review meant that any second phase carried out by the OED would lack sufficient credibility. The OED/Bank staff therefore concluded that their best

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22. The World Bank was represented at the workshop by the Director (Andrew Steer) and two staff (Robert Goodland and Kathryn McPhail) from the Environment Department; the Senior Water Adviser (John Briscoe); the Director of the Industry and Energy Dept (Richard Stern); Martyn Riddle, Manager of the Environment Department of the Bank’s private sector arm, the International Finance Corporation; the Director General of the OED (Robert Picciotto), and the OED Principal Evaluations Officer and lead author of their dams review, Andres Liebenthal.
response to the NGOs' demands would be to propose the establishment of a review of dam building in general. This would deflect the focus of any review away from the Bank's role in building dams and onto the industry and technology in general, and deflect anti-dam groups away from attacking the OED review.

More surprising than the Bank's offer of a global dam review was that the dam industry representatives at the workshop agreed to the proposal. There are several explanations for this. Most importantly, by 1997 anti-dam campaigns were seriously hurting the dam industry. Activists had brought most large dam building in the more industrialized countries to a halt and were increasingly hampering the activities of dam builders in the rest of the world. Criticism from campaigners who, the dam industry believed, have an undue influence upon the media and public opinion, hurt the self-respect of individuals in the dam industry. Many in the industry had spent their careers building huge dams, confident in their belief that these projects were essential to lifting poor and underdeveloped countries and people into a well-fed and watered, energy- and money-rich modern world. Many accepted, to some extent, that problems had been caused and mistakes made, but they were confident that the benefits to society in general far outweighed any harm to small numbers of displaced people or a few fish species.

Another important factor in contributing to the agreement by dam proponents for an independent dam review was that they were finding it extremely difficult to finance dam projects. Big dams had always been built with government and development agency money, but in recent years shrinking government budgets, coupled with pressure from anti-dam campaigns, were drying up this previously plentiful source. In the early 1990s, as governments started to sell state-owned infrastructure and seek private investors to build new power plants, roads and pipelines, many dam promoters saw a new opportunity. The industry would have to learn new project financing skills as private funds would soon be available.

As the 1990s progressed, however, the dam industry found that private investors did not necessarily care that dams stopped rivers "running to waste to the sea," as dam promoters liked to claim, or that they supposedly allowed countries to become self-sufficient in the production of food, controlled floods, and created beautiful
reservoirs. Investors, caring only about their earnings, were finding out that dams were not an effective way to make money. Despite the oft-repeated claim that hydropower is a cheap energy source, big dams are exceedingly expensive, and slow and difficult to build. Private investors were discovering that big dams had an appalling record of time and cost overruns, and that hydrologists had systematically underestimated the impacts of droughts on hydropower production.

Given that financing by private investors was lacking, dam supporters hoped that an independent review would help overcome their economic problems by providing a justification for new public subsidies - especially for hydropower dams. Part of this justification would be that because hydro projects supposedly provide ancillary benefit, such as flood control, water supply, and reservoir recreation, private hydro project operators should receive public monies for these public goods. The most important argument for hydropower subsidies, the industry believed, was that hydropower was a “climate-friendly” technology, and, therefore, hydropower dams should be eligible for some of the projected billions of dollars to be generated under global carbon trading mechanisms established under international measures to reduce greenhouse gas emissions. Distressingly for the industry, mounting evidence—accepted by the WCD—shows that reservoirs can emit significant amounts of methane and carbon dioxide from rotting vegetation and soils. Dams, therefore, cannot be assumed to be “climate friendly.”

For some in the industry, particularly the older engineers with a lifetime of experience in the business, a review would vindicate their belief that large dams are essential for society and have largely achieved their promised benefits. They believed that dam builders would emerge with honor, while dam critics would be forced to acknowledge the error of their ways. For others, a consensus regarding international standards for dam building would provide clarity on which dams would be likely to provoke opposition, consequently risking expensive delays and legal actions, and those

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23. Large dams without a significant hydropower component are rarely funded by the private sector largely due to the difficulty that project operators have in collecting revenues from non-hydro reservoir functions.
which would be safe investments. This clarity was especially important for those in companies that were switching from the role of contractors and suppliers of equipment in a public sector context, to equity-holding developers in the new privatized world.

While there were strategic explanations for the industry to support an independent review, there were also extremely good reasons from a dam-builder's perspective to oppose it. Some in the industry side were always deeply suspicious of, and even openly hostile to, the Commission. Probably the two most fundamentalist dam proponents who did attend the workshop were Theo P.C. Van Robbroeck from South Africa, President of the International Commission on Large Dams (“ICOLD”), and Aly Shady, from Egypt, President of the International Commission on Irrigation and Drainage (“ICID”). Neither Van Robbroeck nor Shady was able to exert much influence at Gland, in part because they failed to develop and gain support for a common strategy.

III. RESULTS OF THE GLAND MEETING

The Gland meeting concluded with agreement on a joint press release by the World Bank and IUCN. The press release stated that “[d]am-builders and some of their strongest critics agreed today to work together to review the development effectiveness of large dams and to establish internationally accepted standards that would improve the assessment, planning, building, operating and financing of these projects.” The review, to be carried out by a “high level international group,” was to start its work in November 1997 at the end of a six-month establishment phase. The review would then have two years to issue its final report.

The outline terms of reference agreed for the Commission were:

To assess experience with existing, new and proposed large dam projects so as to improve (existing) practices and social and environmental

24. ICOLD is the main trade association for the international dam industry and ICID is its parallel among irrigation engineers. ICOLD was deeply split on whether to support or oppose the WCD almost from the beginning of the process. ICID was largely hostile to its existence.

conditions;

To develop decision-making criteria and policy and regulatory frameworks for assessing alternatives for energy and water resources development;

To evaluate the development effectiveness of large dams;

To develop and promote internationally acceptable standards for the planning, assessment, design, construction, operation and monitoring of large dam projects, and if the dams are built, ensure affected peoples are better off;

To identify the implications for institutional, policy and financial arrangements so that benefits, cost and risks are equitably shared at the global, national and local levels; and

To recommend interim modifications – where necessary – of existing policies and guidelines, and promote “best practices.”

The participants at the Gland workshop would form a “Reference Group” to oversee the establishment of the review, which would include, most importantly, reaching agreement on a mandate and a list of Commissioners. IUCN and World Bank would form an Interim Working Group (“IWG”) to administer the establishment process in close consultation with the Reference Group.

The agreement at Gland laid the foundation for the process that would ultimately lead to the WCD’s final report. The agreement defined the general aims of the Commission and made the principles of transparency, consultation, and independence key to the process. This agreement set a generally progressive agenda that highlighted the need to: make dam-affected people better off, explore the issue of equity in the distribution of the costs and benefits from dams, and improve social and environmental conditions at existing dams. The inclusion of these issues was an implicit recognition that existing dams had left people worse off, had not been equitable, and had left a legacy of unresolved social and environmental damage. The

Commission would therefore have to address these problems, and any recommendations by the Commission would likely increase the requirements to be met before dams could be built.

Most importantly, the Gland workshop established the identity and roles of many *dramatis personae*. It also established dam critics as central to the legitimacy of the review. This allowed dam critics to wield an unusual amount of power, for without their involvement, the process would lose much of its credibility. As the process unfolded, IUCN and the World Bank continued to boast proudly of how they had brought together the two sides of a highly contentious debate and forged consensus between them. Although it was uncomfortable for dam critics to be helping the World Bank’s public relations, this rhetoric was important in maintaining the bargaining power of the critics.

It was vital to the success of the WCD that civil society representatives in the process included strong anti-dam critics. Had this sector of the “multistakeholder process” been represented by the more establishment-minded conservation and development groups (groups that possess few, if any, links to dam-affected communities and the international anti-dam movement), there would have been little possibility of producing a progressive report.

While the Gland workshop gave the World Bank and IUCN power during the establishment phase of the Commission, the Commission would be independent from both organizations once established. Just as the lack of an organized bloc of strong pro-dam individuals allowed consensus to be reached at Gland, the absence of these same pro-dam individuals from the Reference Group allowed progress to be made on the establishment of a Commission. The exclusion of governments from substantive power in the process was also vital. Had the governments of leading dam building nations like Brazil, China, India, Japan or Turkey formed an organized bloc within the Reference group, it is almost certain that their coalition would have destroyed the Commission’s potential to issue a progressive report.27

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27. China was, in fact, closely involved in the Commission until the end of 1998. A representative from China’s Ministry of Water Resources attended the Gland meeting and the Chinese selected another individual from the ministry, Shen Guoyi, to be a Commissioner. Although Shen was, by all accounts, keen to play a
Dam critics had long believed that post-construction reviews of the performance and impact of dams, if carried out in an honest and rigorous manner, would confirm many of their arguments. The design of the WCD these conditions to be met.

Although the Gland meeting laid the foundations for a successful Commission from a dam critics’ perspective, it is difficult to overstate the amount of hard work and political maneuvering that lay ahead. It is also hard to overstate the importance of a number of individuals within the Commission and Secretariat in moving the Commission in a progressive direction, while keeping a sufficient part of the dam industry supportive of the process. NGOs who followed the process also had an essential role in terms of making submissions, commenting on drafts of studies, and helping coordinate input from dam-affected people.

Not surprisingly, the transition period between the Gland meeting and the launch of the Commission was filled with contention. Granting the World Bank and IUCN a rather vague mandate to administer the process through the IWG was clearly a mistake. The IWG attempted to make decisions that the six NGOs and movements of the Reference Group saw as a breach of the Gland agreement. Trust was partly restored by forming a larger IWG for key meetings that included representatives of the various interest groups within the Reference Group. The first major decision by this “expanded” IWG was the selection of South African Water Minister, Kader Asmal, to chair the Commission. From the perspective of the anti-dam campaigners, Asmal’s past as a leading anti-apartheid activist and professor of international human rights law gave him impressive progressive credentials. However, he had recently approved the construction of a huge dam in Lesotho to supply South Africa with water and had belligerently criticized NGOs that claimed the dam was unnecessary. This aspect of Asmal’s record was obviously seen as positive by the pro-dam elements on the Reference Group.

The most contentious issue raised during the establishment process

constructive role on the Commission, her Ministry forced her to resign. The presumption is that the Chinese realized that the Commission was unlikely to further their interests and Shen’s participation in the Commission would backfire on them.
was the selection of the Commissioners to serve under Asmal. The IWG and Asmal had to cancel the Commission launch, scheduled for November 24, because their proposed list of commissioners was not accepted by dam critics in particular because of the weak representation of commissioners representing dam-affected people's movements. At several points over the following months it appeared that the process had collapsed. At the beginning of January 1998, however, Asmal agreed to a proposal from dam critics that the expanded IWG hold a last-ditch meeting in Cape Town at the end of the month. The participants at the meeting managed to agree on a final slate of Commissioners, which was subsequently accepted by the rest of the Reference Group. The main changes agreed at the meeting were the addition of Medha Patkar, the leading activist in the Narmada Bachao Andolan, and the confirmation of Indian economist L.C. Jain as Vice-Chair. The official launch of the WCD finally took place on February 16, 1998.

IV. WCD AS A MODEL OF GLOBAL POLICY MAKING?

Analyzing the WCD process is set to become something of a cottage industry in coming years. There are several academic analyses and a book on the process underway, as well as a major multi-year assessment by the Washington, D.C.-based World Resources Institute and three partner Southern NGOs. The WCD process has attracted such interest chiefly because of the unique way it brought together the different sides of the debate and the belief that the WCD process could be used as a model for resolving other

28. The agreed list of commissioners was Donald Blackmore (Chief Executive, Murray-Darling Basin Commission, Australia), Joji Carifio (Executive Secretary, International Alliance of Indigenous-Tribal Peoples of the Tropical Forest, Philippines), Jose Goldemberg (energy expert, University of Sao Paulo), Judy Henderson (Chair, Oxfam International, Australia), Wolfgang Pircher (former president of the International Commission on Large Dams, later replaced by another former president, Jan Veltrop), L.C. Jain (Indian High Commissioner to South Africa), Göran Lindahl (CEO, Asea Brown Bovery, Sweden), Deborah Moore (Senior Scientist, Environmental Defense Fund, USA), Thayer Scudder (Prof. of Anthropology, California Institute of Technology), Shen Guoyi (Director-General of Department of International Cooperation, Chinese Ministry of Water Resources).
contentious development issues. World Bank President James Wolfensohn, for example, suggested to NGOs at a meeting during the Bank's annual meeting in Prague in September 2000, that they could form a similar commission to assess the activities of the oil, mining and gas industries. 29

Further, Jan Martin Witte, Thorsten Benner, and Wolfgang H. Reinicke, call the WCD a "prototypical example" of how "trisectoral networks can help overcome stalemate in highly conflict-ridden policy arenas." 30 Reinicke is co-director of the Global Public Policy Project, 31 which the UN Foundation sponsors to explore the potential of public policy networks for increasing the effectiveness of the United Nations. The Global Public Policy Project has held a workshop and written a book and several papers that use the WCD as

29. See Transcript of the World Bank Group NGO Meeting with Mr. Wolfensohn, available at www.worldbank.org/html/exdr/am00/ts092200a.htm (visited June 16, 2001) (stating "What I am prepared to do is to do with you in a way that I think we should explore what I have done on dams. On dams, we have had an international and balanced Commission on Dams to take a look—and they will be reporting in a few months' time—on whether we've got it wrong or whether we've got it right on dams, and what it is we should do and what it is we shouldn't do. I would be perfectly happy to sit down with you and with your colleagues to try to see if there is some mechanism that we can stand back and take a look at the actualities of this extractive industry... You can even get Jeffrey Sachs to come and give his views on the subject if you'd like, so that is the major concession I'll give you in relation to it, and that's because I've been drinking."). Note that this statement was given before Wolfensohn knew what the WCD report actually said. Since the report was issued, the World Bank has appeared much less enthusiastic about the WCD.

30. See JAN MARTIN WITTE ET AL., Beyond Multilateralism: Global Public Policy Networks' Politik und Gesellschaft Online, available at http://www.fes.de/IPG/ipg2_2000/artwitte.html (visited June 16, 2001) [hereinafter WITTE] (explaining that during the process of dam construction, the trisectoral networks often solve the gridlock that occurs among development planners, contracting firms, and environmental groups).

31. See About the Global Public Policy Project, available at http://www.globalpublicpolicy.net/AboutGPP.htm (visited June 16, 2001) (stating that this network based approach facilitates communication among the public sector, private sector, and civil society and this increased communication furthers the progress of United Nations-sponsored projects). The Global Public Policy Project is sponsored by the UN Foundation to explore the potential of public policy networks for increasing the effectiveness of the United Nations. Aside from co-directing the Global Public Policy Project, Reineke is a Senior Partner and Senior Economist in the Corporate Strategy Group of the World Bank.
a positive example of a "trisectoral network"—the three sectors being the public sector, private sector, and civil society.\textsuperscript{32}

Witte et al. consider the WCD a "success" on the basis that the process was able to bring parties with such different interests together and move forward with them on board. For Witte et al., the WCD exists "to overcome stalemate" between dam proponents and opponents in a "highly conflict-ridden" policy arena, so as to "facilitate sustainable dam construction."\textsuperscript{33} Just keeping people talking was therefore an achievement in itself.

The WCD itself characterized is raison d'etre in similar terms of the need to break a supposed "stalemate." In its final report the WCD explained the factors leading to its formation in the following terms:

By the early 1990s, it was becoming clear that the cost of controversy could seriously affect future prospects for dams and stall efforts to finance other non-dam water and energy development projects... The stalemate did not benefit governments, dam builders, communities or the environment, as no actions or investments were considered attractive given the ongoing conflict. A new way had to be found.\textsuperscript{34}

To activists involved in the process, the purpose of the WCD was not to break a supposed stalemate or facilitate "sustainable" dam construction. Had anti-dam groups perceived a stalemate that was blocking dam construction, it is likely that they would have been happy to strengthen it, not attempt to overcome it. In reality, while anti-dam groups were certainly gaining strength and making it increasingly difficult to build dams, there were still plans for hundreds of dams, not including those already under construction.

\textsuperscript{32} See Summary of the Workshop on Global Public Policy Networks, available at http://www.globalpublicpolicy.net/AboutGPP.htm (visited June 16, 2001) (explaining that the goal of the workshop is to upgrade initiatives, build networks, and advise international organizations on how they can better serve the global dimension of development). Other "trisectoral networks" cited by Reinicke and others, include the Consultative Group for International Agricultural Research, the Roll Back Initiative, and the International Coalition to Stop the Use of Child Soldiers. See id.

\textsuperscript{33} See Witte, supra note 30.

\textsuperscript{34} See World Commission on Dams, Dams and Development: The Report of the World Commission on Dams, at 26 (Earthscan 2000).
Due to this reality, anti-dam activists saw the WCD as a means to further the aims of the international movement against dams by getting a thorough and unbiased review of the actual impacts and performance of dams that would be difficult for dam promoters to ignore or discredit. Dam critics realized that it was extremely unlikely that a multi-stakeholder commission would take a firm “no dams” stance. But they correctly believed that such a commission could set strict criteria for future dams, that, if followed, would prevent most destructive dams from going forward, promote better alternatives, and help promote recognition of the need for reparations for past damage due to dam construction. To adapt Clausewitz’s famous dictum, the WCD was a mere of the anti-dam struggle by other means.

For pro-dam supporters, the WCD offered an opportunity to establish for dam construction which dam critics would accept. This would reduce the risks of project delays and cancellations due to public opposition. Dam backers also hoped the report would prove that dams were vital to society, giving the industry a much-needed economic boost by legitimizing its demands for subsidies. The World Bank’s main interest in agreeing to the WCD was to salvage the credibility it lost after the harsh criticism of the OED report and its long history of support for dams in general. Thus, suggestions that the WCD came into being because the parties involved agreed on the need to break a “stalemate” is a misleading post facto rationalization for the process and depoliticizes the motivations of the various players involved.

V. WORLD BANK AND INDUSTRY CONTRIBUTIONS TO THE WCD’S SUCCESS

The World Bank’s involvement in the formation of the WCD was key to its success because of its logistical, administrative, and financial capacity and, most importantly, because of the impression of non-threatening Establishmentarianism which the World Bank’s inclusion lent to the process. This helped convince other pro-dam elements that it was safe for them to be involved. However, it is important to note that the World Bank was not an honest broker of the WCD process. The role of the World Bank in the IWG was far
from neutral. Indeed, while the Bank’s early involvement was crucial to getting the WCD off the ground, its withdrawal from direct influence (and the largely successful efforts of Commissioners and staff to keep the Bank’s influence at a minimum) once the Commission succeeded the IWG was also critical to the WCD’s success.

A second vital element in the WCD’s success is the dam industry’s lack of experience in common strategizing and action, and its inability to reach a common position on whether and how to engage the WCD. Had the industry possessed better organizational skills it may have either refused to take part in the WCD or done more to influence the process. Several pro-dam governments and agencies attacked the process at one time or another, but their efforts were never coordinated or effective. The Chinese and Indian governments both withdrew from the process after initially welcoming it, and, in doing so, only ensured that they could do little to influence its outcome.

On the public sector side, there are agencies such as Pakistan’s Water and Power Development Authority (“WAPDA”) and Turkey’s State Hydraulic Works (“DSI”), that are extremely powerful within their own countries, but have little, if any, experience with lobbying or political strategizing at the international level. Possibly the most sophisticated and powerful pro-dam public utility is Hydro-Quebec. While Hydro-Quebec recently set up an international subsidiary, strong opposition to its dam plans within Quebec, especially within First Nation communities, has forced it to adopt relatively progressive guidelines on issues such as gaining the consent of affected communities. This practice sets it apart from industry practice in the rest of the world. Most other public sector dam agencies in northern countries have been forced to shift from the building of dams, to management and repair, as dam-building has come to a close in these countries. These dam agencies now have little interest in promoting new dams around the world.

Another contributing factor to the WCD’s success is that the international dam industry, unlike the oil, nuclear, automobile, and tobacco industries, has little experience with modern public relations or lobbying techniques. Part of the explanation for this inexperience lies in the fragmented nature of the industry. There are few “dam
companies" in the way there are oil or tobacco companies. Some
engineering consultancies, such as Acres International and Marza
Engineering, which are highly dependent on contracts in the "water
resources sector" could be described as "dam companies," but these
firms tend to possess relatively little financial and political clout.
Hydropower contracts make up a very small part of the overall
business of generation equipment suppliers like ABB, Siemens,
Mitsubishi or Toshiba. Similarly, dams tend to be only a small part
of the overall portfolio of international construction companies such
as Balfour Beatty and Impregilo.

The international dam industry, moreover, has little experience in
modern public relations or lobbying techniques. This is partly
because big dams are, in essence, a 1950s and 1960s technology, and
one with an increasingly controversial image. Few dynamic young
engineers seem to be attracted to the dam industry. Active industry
advocates are mostly elderly male engineers used to working in
government bureaucracies or private firms where they relied on a
steady stream of public sector contracts with little or no
accountability regarding the performance of their projects. The
public relations of the international dam industry consists mainly of
engineers writing in trade magazines espousing the great global
benefits of dams and presenting of the articles at conferences
attended by those who read the trade magazines. Domestically, in
countries such as India, pro-dam public relations can be relatively
plentiful, although it is generally unsophisticated.

An additional factor in the outcome of the WCD was the character
of the two Commissioners most closely identified with the industry:
Jan Veltrop (former president of the International Commission on
Large Dams) and Göran Lindahl (CEO of the engineering
multinational ABB). Both Veltrop and Lindahl proved to be
generally open-minded and prepared to accept the evidence that
dams have underperformed and have had huge social and
environmental impacts. They further accepted the progressive policy
principles that formed the basis for the WCD's recommendations.

Witte, Reinicke and Benner state that:

Managing a network requires skillful social entrepreneurship, flexibility
and imagination and the ability to learn on the go. . . . [t]he first task, of
course, is getting the network up and running. Often it is the vision, dynamism and resolve of one or a few individuals—like Kadar (sic) Asmal in the case of the World Commission on Dams—that provide the spark for a new network.35

The WCD experience has certainly shown that the vision, imagination, skill, and dynamism of individuals is vital to the success of political processes. Asmal, according to insider accounts, could be overly domineering within Commission meetings, yet he did prove to be a dynamic chair who skillfully maneuvered the process forward. The diplomatic skills of the Secretary General, Achim Steiner, were also vital in keeping most of the people involved in the process sufficiently satisfied most of the time. Steiner also played a vital role in fundraising. The Commission’s ten million dollar budget was funded by fifty-three different donors, mainly governments, companies, and foundations.

VI. LIMITATIONS OF THE WCD

An important limitation of the WCD that global policy process analysts have not yet recognized, but that would be relevant to any other similar process, is its elitism. Despite claims of inclusiveness, only those individuals proficient in English and able to access large amounts of electronic documentation were able to have substantive input. Only a handful of WCD documents were available in non-English languages, and most of these documents were merely general background brochures. With the huge volume of background documentation produced by the WCD, and the numerous drafts of each document, it would have been a massive task to translate everything into other languages. Still, more documentation could have been translated had resources been made available.

Witte, Reinicke, and Benner state that the two year time limit imposed on the WCD was an “important precondition for the success” of the process and that “setting a time limit on the commission’s activities ensures that the results will be useful to various stakeholders because of their timeliness, and guarantees that the WCD will not degenerate into just another talking shop unable to

35. See Witte, supra note 30.
admit to its growing irrelevance." While Witte, Rienicke, and Benner believe that limited time actually contributed to the success of the WCD, the shortage of time also created many problems. For example, the Commission found it difficult to find consultants available at short notice to prepare background studies, and extremely tight deadlines made it difficult to comment on study drafts. Time constraints also hindered the amount of documents that could be translated. A significant overall limitation for the WCD was the difficulty (and sometimes lack of staff will) in finding consultants to conduct studies from outside the mainstream dam consulting industry. This problem was exacerbated because non-mainstream consultants who wanted to do a thorough job were dissuaded by the short time available. Commission staff gave time shortage as a reason for their lack of effort to inform the studies with input from grassroots organizations and others without the capacity to access, rapidly read, and comment upon voluminous documents in English.

Another important political dynamic within the WCD was the constant conflict over producing what one ICDRP member called "ruthlessly truthful" conclusions that fully reflected the actual evidence gathered, which was strongly advocated by the WCD, and the concern that the industry should not be able to easily dismiss the WCD's final Report as overly radical and its recommendations as unrealistic.

The WCD can be described as a globalized and privatized policy process. The public sector was, to a significant extent, marginalized from the process, and much of its accustomed political space taken up by civil society and the private sector. It was in this case fortunate that civil society was better able to exploit this space than in the dam industry. This was sue both to the fragmented and politically unsophisticated nature of the dam industry, and to effective networking and close political and personal relationships among many individuals and groups in the international anti-dam movement.

While this marginalization of the political sector may seem uncomfortable to those concerned by the ongoing worldwide

36. See Witte, supra note 30.
privatization of former state functions, marginalizing states from the WCD’s negotiations does nothing to reduce the importance of states and international organizations as the main bodies charged with the responsibility of implementing the report’s (non-binding) recommendations. As Witte and his colleagues explain, global public policy networks are meant to complement states, not replace them."

37. See Witte, supra note 30.