

The World Commission on Dams and trends in global environmental governance

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

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

The flagging momentum of environmental treaty-making

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

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

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

The transnationalization of state-society conflict

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

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

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

often highly skewed distribution of benefits, the tendency of river-development advocates to oversell benefits and understate costs, and the trail of victims such projects have too often left in their wake.

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

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

The hybridization of authority

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

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

The Third World Network has voiced a broadly similar concern:

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

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

Both of these cautions seem well founded. Yet when it comes to the question of authority, I see a somewhat more complex process at work than either corporatism gone global or a weak bid to promote strong norms.⁶ One way to read the World Commission on Dams is as an experiment in decentering the authority of the state in world politics. As suggested previously,

the subject under deliberation — the appropriateness of constructing large dams — constituted an essentially domestic matter that had been seized and dragged into a global forum. The thrust of the final recommendations — including ideals of human rights, watershed-scale democracy, and transnational accountability — essentially vested a set of traditional state responsibilities outside the sphere of the state.

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

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

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

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

Conclusion

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

Second, the WCD experience illustrates the direction in which global environmental dialogue must move — away from interstate bargaining and narrow sectoral considerations in development assistance, and toward a broader process of participatory dialogue. In the water arena alone, there are at present several bitter controversies — not only over infrastructure proj-

ects such as dams, but also on questions related to property rights, pricing mechanisms, trade in water, investment patterns, and privatization. The dams debate shows that it will not be possible to ignore dissenting voices on these matters. For better or for worse, processes of economic and sociocultural globalization are dragging these otherwise localized controversies into the global arena. The ability of the international community to foster effective stakeholder dialogue around such controversies will therefore be a critical variable shaping global environmental futures.

References

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