

Chapter 4

From Gland to Cape Town: The Making of the WCD

The question of who participates and how is at the heart of any multi-stakeholder process. The WCD's ability to create and maintain legitimacy depended on whether different stakeholder groups felt adequately represented in its process. In this chapter, we examine the role of the Commission, Secretariat, and advisory Forum and how they came to incorporate a range of interests. The acceptability of the Commission, Secretariat, and Forum to different groups holds implications for the design of future commissions. In addition to analysing representation, we examine the funding base of the WCD and the design of the workplan, which reflect concerns about independence and inclusiveness in the design of the WCD.

Representation of Viewpoints on the Commission

Multi-stakeholder processes (MSPs) raise complex questions of representation, and the WCD was no exception. Within the established framework of democratic government, the ballot box is the accepted test of representation. For MSPs, however, representation is a far more murky construct. Members are not elected and their constituencies are not clearly defined. In the case of the WCD, where Commissioners served in their personal capacities, there were no commonly accepted mechanisms by which they were held accountable to stakeholder groups. Yet, ensuring that different stakeholder views are represented is central to MSPs, particularly those created to provide advice on contentious issues, such as large dams. Thus, a key ingredient in the recipe proposed by the Gland workshop was appointment of Commissioners who were “representative of the diversity of perspectives.”¹ In this section, we explore how the WCD sought to tackle the question of representa-

tion to ensure that participation by various stakeholders strengthened, rather than diluted, the legitimacy of the process. Although the primary focus in this chapter is on the selection of Commissioners, we also examine how the formation of the Secretariat and the Forum are relevant to issues of representation.

A Protracted Struggle over Commissioner Selection

In the months immediately following the Gland workshop, the institutional apparatus of the Commission was not yet in place. During this time, stakeholder groups pressed the World Bank and IUCN for a role in forming the Commission. An influential report on institutional design penned by the facilitator at Gland, Professor Anthony Dorsey, noted the importance of expanding the legitimacy of the Commission beyond that provided by the authority of the two convening organisations, the World Bank and IUCN. (*See Box 4.1.*) At stake was the perceived independence of the Commission. The selection of Commissioners rapidly became a flashpoint for dispute.

The implementation strategy agreed in Gland called for the Interim Working Group (IWG), composed of a handful of senior World Bank and IUCN staff, to devise the terms of reference for the Commission and select Commissioners. It was to draw on the Gland participants (Reference Group) for “advice and support.”² This vague formulation quickly led to an argument over the degree to which Reference Group members would have a say in the Commission's structure and composition. As one participant in the Gland meeting suggested, “...people left the meeting with a different sense of what had been agreed to! In some ways they wanted to leave before it all fell apart.”³ Hence, the

Box 4.1

Foreshadowing challenges and pitfalls: recommendations of the Dorcey Report

Professor Anthony Dorcey, the facilitator at the Gland meeting, addressed design questions in a report written at the request of the Interim Working Group. The Dorcey report was influential in shaping key dimensions of the Commission, and prescient in pointing out potential challenges and pitfalls along the road.

Structure

- 1: Consult chairpersons and secretaries-general of selected previous international commissions.
- 2: Use the term “commission” and add appropriate qualifiers.
- 3: Make clear the commission’s nature and purpose in the terms of reference and adopted mandate.
- 4: Be explicit about how the Commission’s design will contribute to immediate and longer term improvements in decision making on large dams.
- 5: Commission design should reflect criteria of inclusiveness, transparency, consensus, effectiveness and fairness, while minimising the trade-offs necessitated by constraints of time and resources.

Initiation and Midwife Organisations

- 6: Be explicit about the intended independence of the commission and its implementation.
- 7: Discussions on the terms of reference and their implementation should precede their formal adoption and appointment of the chair.
- 8: Increase the perceived legitimacy of the commission and facilitate its access to information and resources by going beyond the World Bank and IUCN to obtain formal endorsement from other organisations.
- 9: Discuss the proposed commission with representatives of the key stakeholder organisations whose interests have been identified as not being adequately reflected in the Reference Group.

Characteristics

- 10: Make clear that it is an “advisory” rather than an “investigatory” commission.

- 11: Issue a statement of the commission’s adopted mandate, strategy, workplan and expected products as soon as possible after it is established.
- 12: Make clear that while the immediate goal of the commission focuses on building consensus among the commissioners on conclusions and recommendations, the longer term goal is to provide a foundation for building consensus in large dam decision making processes.
- 13: Exploit new computer-based technologies and the world wide web to their fullest advantage. But take great care to ensure that they are used as complements to the range of other well-proven communications techniques and that steps are taken to minimise the extent to which stakeholders are disadvantaged by their lack of access to new technologies.
- 14: Utilise case study assessments of experience with a representative set of large dam projects and, wherever possible, include multi-stakeholder processes.

Personnel

- 15: Agree on a final set of criteria and the weightings for each of them before proceeding to select from among the nominations for the chair.
- 16: Agree on a recommendation for appointment to the position of chairperson that would go to the chief executives of the formally sponsoring organisations.
- 17: All commissioners should be able to commit a comparable amount of time – at least 40 days per year.
- 18: All commissioners should agree to serve in their personal capacity.
- 19: Agree on recommendations to the chairperson on the criteria to be used in selecting commissioners.
- 20: Make recommendations to the chairperson on criteria to be considered in selecting the secretary-general and assist in the search for potential candidates to facilitate an early decision.

Source: Anthony Dorcey, Institutional Design and Operational Modalities for the Proposed Large Dams Commission, Stockholm Draft, 6 August 1997 (mimeo).

stage was set early for a tussle over authority between the IWG and the Reference Group.

The mandate from Gland was to select a slate of Commissioners with “appropriate expertise and experience...widely regarded as having integrity and being objective, independent, and representative of the diversity of perspectives including affected regions, communities, and private and public sectors.”⁴ The challenge lay in determining

the appropriate range and mix of perspectives on dams, and most importantly, deciding who would make this determination. The ensuing process of Commissioner selection, summarised below, was protracted, bitter, and partisan.

Selection of the Chairperson indicated the lenses through which different groups would view the battles ahead. The IWG selected Professor Kader Asmal, then the Minister of Water Affairs and

Forestry in South Africa, to chair the WCD. Each side in the debate saw signs of hope in his selection. As a government minister from the South, Prof. Asmal could reasonably be seen as credible by governments, particularly in Southern dam-building nations. Moreover, the legitimacy conferred on him as an elected politician was of great importance, particularly to governments.⁵ Private sector interests supported his candidacy based on his status as a minister in a Southern country with a track record of concern for economic development. They noted his past approval of a large dam in the Lesotho Highlands Water Project complex in South Africa. As one Forum member from the private sector noted, a minister could be counted on to uphold sovereign rights to decision-making over national resources, and not to abdicate authority to non-elected stakeholders.⁶ Indeed, Prof. Asmal's personal credibility was the basis on which this observer persuaded his board of directors to participate in the WCD.

Civil society groups were initially wary of Prof. Asmal's selection. In particular, they were concerned about his past support for the Lesotho water project, but were heartened by his distinguished background as a human rights and anti-apartheid activist. Ultimately, they decided to support him as Chairperson, but subject to a tacit understanding that the position of Vice Chairperson would be filled by someone who had their complete trust.⁷ The result was a Chairperson who was endorsed by all the stakeholders, albeit with different degrees of confidence. Subsequent events were to bear out the importance of a strong and credible Chairperson to the ultimate success of the Commission.

Selection of the Chairperson was as far as the unanimity of the selection process extended. In particular, the process was marked by contention between the IWG and NGO stakeholders on the Reference Group. NGO and social movement participants rejected the IWG's first list of 10 candidate Commissioners as "an insult." In their eyes, the list lacked direct representatives of affected communities and active anti-dam campaigners. By contrast, they argued that several representatives of the dam construction industry, dam promotion organisations, and technical experts, all of whom could be seen as dam supporters, were nominated to the Commission.⁸

The back-and-forth over proposed lists between October 1997 and January 1998 was characterised

by considerable ill-will and hostile exchanges. NGO and social movement representatives on the Reference Group threatened more than once to withdraw from the process entirely. They suggested that the attempt by the IWG and the Chairperson to retain complete authority over the Commissioner selection process would "flagrantly breach the consensus spirit of Gland."⁹ In response, the IWG and Prof. Asmal, who was now part of the process, threatened to pursue the process even if it was "without the complete consensus we had hoped for in Gland."¹⁰ In hindsight, the IWG found that the Reference Group wanted more ongoing input than they at first realised. They were operating on the assumption that they had a mandate to move forward and were surprised to be challenged.¹¹

*Commissioners were
to represent a diversity
of perspectives.*

A compromise was reached only after Professor Asmal threatened to resign if the group could not reach consensus. The compromise provided for an "expanded IWG" with a small number of interest group representatives from the Gland meeting, in addition to the World Bank and IUCN representatives. Thus, after much contention, a wider range of stakeholders won a say in Commissioner selection. In late January 1998, some 3 months late, this body was able to reach consensus on a list of 12 Commissioners. (See Box 4.2.) The main change from earlier lists was the addition of Medha Patkar, a founder of the Narmada Bachao Andolan (Struggle to Save the Narmada River).

A Commission Based on Stakeholder Interests

As a result of the difficult negotiations between the World Bank/IUCN Interim Working Group and participants from the Gland meeting, the Commission turned out to be characterised by representation of stakeholder interests, rather than purely by the eminence of its members. In this regard, the WCD was a significant departure from past commissions. The Commissioners of the WCD were active practitioners in international networks, which included NGO, social movement, and business networks, as well as government agencies.

Box 4.2

The Commissioners**Kader Asmal**

WCD Chairperson
Ministry of Water Affairs and Forestry, South Africa

Lakshmi Chand Jain

WCD Vice-Chairperson
High Commissioner to South Africa, India

Judy Henderson

Oxfam International, Australia

Göran Lindahl

Asea Brown Boveri Ltd., Sweden

Thayer Scudder

California Institute of Technology, United States

Joji Cariño

Tebtebba Foundation, Philippines

Donald Blackmore

Murray-Darling Basin Commission, Australia

Medha Patkar

Struggle to Save the Narmada River, India

José Goldemberg

University of São Paulo, Brazil

Deborah Moore

Environmental Defense, United States

Shen Guoyi^a

Ministry of Water Resources, China

Jan Veltrop^b

Honorary President, International Commission on Large Dams, United States

Achim Steiner^c

WCD Secretary-General
Germany

^a Resigned, early 2000

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

^c Initially an ex-officio Commissioner

Note: Affiliations as of May 1998

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

The emphasis on representation went hand in hand with greater stakeholder involvement in Commissioner selection, because only stakeholders, not the IWG, could determine who was representative of their interests.

This is not to suggest that it was easy to define stakeholder groups and establish who could represent them. The stakeholders who selected the Commissioners were an ad hoc group of participants from Gland chosen for their diverse political

views and prominence in the dams debate. They sought balance on the Commission between the North and South and diversity of experience in government, private sector, community organising, environmental management, academic disciplines, and other related issues.¹² The greatest benefit from their participation was that the stakeholders could determine the political acceptability of the Commission as a whole. The WCD could later claim legitimacy based on its incorporation of the entire spectrum of views and perspectives in the dams debate. (See Box 4.3 for one example.)

The emphasis on representation, rather than eminence, would have far-reaching implications for Commissioners' relationships with interest groups in the debate and on stakeholders' subsequent support for the Commission's work.¹³ On the one hand, Commissioners were explicitly invited to join the Commission as individuals and not as formal representatives of an organisation. "When I was invited to participate, my chief criterion was independence," said one Commissioner. "If you're beholden, you're stuck."¹⁴ Such independence was essential if Commissioners were to develop shared understanding with each other and move toward a consensus.

On the other hand, Commissioners' individual legitimacy stemmed from their prominence in international networks and their unspoken claim to represent certain viewpoints. As a result, they faced a perpetual tension between forging consensus among themselves, which required flexibility, and maintaining the trust of constituents, which required a measure of rigidity. When asked whether she was a representative of any group, one Commissioner responded: "Yes and no. It's very complex. I have a responsibility to represent a point of view of a particular constituency. It was in the mandate that we do not represent our organisations for the reason that I don't go back to them on everything I have to say. They have expressed faith in my nomination."¹⁵ We return to the subject of representation and how Commissioners balanced competing pressures in Chapter 7.

The struggle by NGOs for participation in decision-making, rather than consultation alone, set a benchmark for stakeholder engagement throughout the process, but only after it had created an initial climate of distrust.¹⁶ In order to rebuild trust, the IWG wrote to Reference Group members promising to implement the Gland commitment

Box 4.3

Defining allies—the perspective of the Movimento dos Antingidos por Barragens
(*Movement of Dam-affected People, Brazil*)

The views of the Movement of Dam-affected People (MAB), Brazil, on the composition of the WCD illustrate how stakeholders saw their perspectives represented on the Commission. MAB's leadership believed that the majority of WCD Commissioners were pro-dam in orientation. The Commissioner from Brazil was a former government official whom they considered to be a historical enemy of their movement.

Nonetheless, MAB's view of the Commission was tempered by the inclusion of Medha Patkar, the anti-dam activist, and the broader involvement of the Struggle to Save the Narmada River in the process. MAB saw Ms. Patkar as highly qualified and capable of playing a significant role in the process.

"During the choice of Commissioners, MAB almost left the process. We had many problems. But the inclusion of Medha Patkar made us continue, because if the Save the Narmada was participating we had to participate too."^a

"I am sure that there were more pro-dam representatives than anti-dam ones. But I think that our Commissioners were so well qualified that despite the minority in numbers we could easily present our ideas and convictions."^b

^aInterview with NGO activist, MAB's IV National Congress, November 1999.

^bInterview with a leader from MAB, MAB's IV National Congress, November 1999.

Source: Based on Flávia Braga Vieira, "Brazil's Dam-Affected People Movement and the World Commission on Dams." Background paper for the WCD assessment, January 2001.

to a fair and transparent process not only in the preparation phase but also throughout the life of the Commission.¹⁷

At least two lessons about developing a multi-stakeholder process emerge from this brief tour of the WCD's early history. First, decision-making authority over commissioner selection must be clear. The ambiguous authority given to the IWG, tempered by the Reference Group's consulting mandate and Prof. Dorsey's calls for greater stakeholder engagement, led to strains on the emerging dialogue between stakeholders. Second,

if the legitimacy of a commission is based in part upon perceptions of commissioners as representative of broader interests, as is the case with the WCD, then the process of selection must take stakeholder groups into confidence. The participation of a small group of stakeholders from Gland helped gauge the legitimacy of individual Commissioners in professional and interest-based networks, and the political acceptability of the Commission as a whole.

Reflections on the Composition of the Commission

One consequence of the Commission's composition along sectoral and disciplinary lines was that regional and country representation were not perfectly balanced. The Commission included nationals from the world's four largest dam-building countries: China, India, Brazil, and the United States. It was equally balanced between North and South, with both the Chairperson and Vice-Chairperson coming from the South, where the majority of future dams were forecast to be built. Both of these aspects boded well for the Commission's success. However, the fact that the Commissioners came from a total of seven countries and included two Indians, three Americans, and two Australians perplexed stakeholders in other major dam-building regions, such as Latin America, East and West Africa, and the Middle East.¹⁸ Although multi-stakeholder processes are composed to reflect diverse political and sectoral views, the WCD experience suggests that regional representation still matters.

The Commissioners were active practitioners in international networks.

Secondly, the selection process sought to balance gender diversity and was quite successful in doing so. Of the 13 original Commissioners (including the Secretary-General), 5 were women. This level of participation by women was quite notable by historical standards. The caveat is that all but one of these five women came from civil society backgrounds. With the exception of Shen Guoyi from the Government of China, the private sector and government participants were all male. This

formulation was to affect, in subtle ways, the dynamics within the Commission as, by and large, the male participants came from positions of significantly greater power than did the female participants.¹⁹

The Effect of Stakeholder Mobilisation on Representation

The degree to which stakeholder groups approved of the Commission's composition—and felt their views were represented—depended partly on how organised they were to participate in the early process. They were not all equally engaged in advocacy.

NGOs and social movements were extremely organised and, to an external audience, appeared united in their engagement in the Commissioner selection process.²⁰ As a result, they nominated Commissioners who enjoyed wide credibility within civil society—with backgrounds that spanned the interests of development, environment, indigenous peoples, and resettled populations. Although civil society groups continued to have reservations about other Commissioners and there was some internal dissension, most groups agreed to continued participation and engagement in the WCD.

Private sector engagement with the IWG lacks a paper trail and so is harder to reconstruct than that of the NGOs and movement groups. An official from the Harza Engineering Company and a past president of the International Commission on Large Dams (ICOLD) provided a dams industry perspective to the Commissioner selection process as part of the expanded Interim Working Group. However, there is little evidence of broad private sector interest in and engagement with the WCD at this early stage. Certainly, the dams industry did not have networks in place to co-ordinate common interests the way that anti-dam and social justice groups did. Many companies that had a stake in the WCD were either unaware of the Commission, or did not appreciate its potential significance for their operations. For example, a large utility sent a representative to the Gland workshop, but then played no role in Commissioner selection or, indeed, in any aspect of the WCD until very late in the process.²¹ Even among companies that appreciated the relevance of the WCD, private sector participants suggested that competition among firms placed barriers to working in coalitions.²² As

a result, private companies, utilities, and industry associations were less enthusiastic about the Commissioners from industry backgrounds, compared to NGOs and social movements' support for Commissioners from their backgrounds.

Furthermore, when the IWG proposed to include an office-bearer from ICOLD on the Commission, there was considerable contention over which person was most suitable. The original nominee, a former president of ICOLD, attended the first meeting of the Commission then withdrew.²³ Eventually, Dr. Jan Veltrop, another former president, was nominated and accepted. ICOLD members noted that there was vigorous debate behind closed doors at ICOLD on the suitability of Dr. Veltrop's nomination, implying that he did not enjoy the full trust of the membership.²⁴ In short, the private sector was complacent in the early days of the process, did not sufficiently appreciate the possible impacts of the WCD, and was relatively unprepared and fractious in its demands for representation.

There was little private sector interest in the WCD in the early stages.

Governments were perhaps the hardest group to accommodate within a representational model. Although governments certainly jostle for position and representation when it comes to inter-governmental bodies, multi-stakeholder processes have not, as yet, commanded that same attention. The WCD was no exception. It was up to the World Bank and IUCN and other members of the expanded Interim Working Group to reach out to governments and inform them about the new opportunity for dialogue and shared learning. Standing as they did outside the United Nations or other formal inter-governmental bodies, the onus was on the convenors to ensure that the WCD would be credible to governments.

Ultimately, the Commission departed from the model of past global commissions that have almost entirely comprised eminent retirees from government; however, its members' collective government experience was significant. Three Commissioners

were active in government service during their time on the Commission: Professor Asmal of South Africa; L.C. Jain of India; and Shen Guoyi of China. A former government official of another huge dam-building nation, José Goldemberg of Brazil, was appointed to the Commission. Several other Commissioners were either former government officials, or officials of parastatal organisations, such as Don Blackmore, the chief executive of the world's largest river basin authority. The Chairperson frequently pointed out that he and the Vice-Chairperson were from the South, to enhance the Commission's legitimacy with Southern governments.

This profile of governmental experience, while satisfactory to many stakeholders from the broad middle of the dams debate, proved unsatisfactory to some governments. The Commissioner from China's Ministry of Water Resources withdrew midway through the process, apparently because her government was becoming uneasy with the range of views on the Commission. (*See Chapter 7.*) This loss undoubtedly bruised the overall Commission's credibility.

Meanwhile, the Government of India's Central Water Committee perceived both Commissioners from India as being anti-dam and complained that it should have had a greater role in the selection process.²⁵ Two Indian nationals sat on the Commission: L.C. Jain and Medha Patkar. Ms. Patkar was the leader of the Struggle to Save the Narmada River and National Convenor of the National Alliance of People's Movements. Dr. Jain was India's High Commissioner to South Africa and a former member of India's National Planning Commission and a special committee to review aspects of the Sardar Sarovar Project. Both were critical of dams, Patkar famously so. Although the overall Commission included engineers, investors, and pro-dam planners, it was difficult for officials in India's Central Water Committee to see beyond the apparent bias of the two Indian members. The Indian case illustrates the juggling act that is required to make sure that balance is achieved across a range of parameters. It also highlights that for a global commission a global balance is necessary, but from the viewpoint of nation states, the more important lens is a national one.

The Indian government's preference for greater governmental participation in the WCD selection process and subsequent events illustrates a politi-

cal trade-off faced by the WCD's convenors. Indian water officials' disapproval of the unfolding WCD process and eventual outcome was partly because of their lack of involvement in the formative process. However, had governments been more involved in the preparatory and subsequent phases of the WCD, the direction of the process would have been different and the political space for inclusion of NGOs and social movements would have been destroyed. An influential NGO activist has stated that the anti-dam movement's involvement was contingent upon weak governmental involvement, because it was governments' water and energy policies that protest movements fundamentally opposed.²⁶

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Similarly, the options for greater World Bank influence over the Commission posed a political trade-off. The IWG never considered nominating an official of the World Bank to serve on the Commission because the WCD was rooted in the call by civil society for a truly independent review of large dams. Had a World Bank official served on the Commission (or had the process been tied to the World Bank in other ways), the major anti-dam NGOs and social movements would have left the process and barraged it with negative publicity. They considered the World Bank to be too deeply invested in large dams technology to be capable of providing an independent assessment of dams' benefits and costs.

In future multi-stakeholder processes, questions will inevitably arise about whether powerful actors, such as the World Bank, should have a direct voice in the negotiations, given the tenuous yet possible eventuality that such involvement could increase the institution's buy-in to the results. As with government officials, it is unclear whether and how a World Bank representative could comfortably manage the ambiguous representation—as an individual but also as an implied institutional spokesperson—required to participate in the Commission. Just as with governments, the individual chosen to serve from the World Bank—and his or her clout within the institution—would

make a tremendous difference to the outcome of the multi-stakeholder process and institutional acceptance of the results.

In sum, Commissioner selection was a highly complex balancing act. In the case of the WCD, NGOs were the most vigorous in representing their interests. In many respects, the creation of political space for their inclusion depended upon pro-dam interests being less organised and NGOs being able to claim the space for negotiation. In other words, the convenors of future processes must be aware that for contentious development issues such as dams, inclusion of diverse voices is possible but political trade-offs inevitably arise. The WCD experience suggests that future multi-stakeholder commissions should respond to the challenges of preparation and formation with comprehensive mapping exercises of concerned stakeholders and connected selection processes among stakeholder groups, rather than exclusion of any relevant constituency.

The Significance of the Secretariat's Role

As Commissioners were the public and political face of the WCD, the process and outcome of Commissioner selection were critical to representation and, therefore, to the legitimacy of the WCD. By contrast, it is not immediately obvious why the composition of the Secretariat, designed as an administrative body, should also have played a part in stakeholder perceptions of the WCD's legitimacy. And yet, it clearly did. Private sector actors and NGOs concluded that the Secretariat was a critical element of the Commission's structure, and that the composition of the Secretariat shaped outcomes. As we will discuss in Chapter 5, in operationalising the WCD's work plan, the Secretariat's role extended into framing decisions for the Commission in important, if understated, ways. As a result, concerns over the representation of interests became an issue within the Secretariat, just as much as within the Commission.

In processes of this nature, the importance of the Secretariat depends heavily on how Commissioners choose to structure their work. In the early days of the WCD, some Commissioners proposed that each of them conduct an independent work programme using WCD resources, and convene occasionally to knit these disparate elements into a cogent final report. This model would have required only a minimal Secretariat, one which

would have had less influence in shaping outcomes and, therefore, fewer implications for the WCD's overall legitimacy.²⁷ However, this model was abandoned as the Chairperson argued that only through a collective, unified approach would the Commission have sufficient legitimacy to transcend the partisanship of the dams debate. The Commissioners adopted a single plan that they would supervise together. One significant outcome of this decision was the need for a substantial Secretariat staff to undertake a more comprehensive work programme sanctioned by the WCD. However, this decision put much of the burden of maintaining credibility on to the Secretariat.

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Achim Steiner, Secretary-General, in consultation with the Chairperson, shouldered much of this burden. As a Deputy Director with IUCN, Mr. Steiner had been centrally involved in organising the Gland meeting. Further, for several months he guided the early establishment phase of the IWG as its Interim Co-ordinator, until he left to take up another position. When the time came to select a full-time Secretary-General, Mr. Steiner was summoned back to the WCD. His appointment apparently owed much to the relationship he enjoyed with Prof. Asmal, whose trust and confidence he had gained during the initial establishment phase. Indeed, during the course of the WCD, the close working relationship between Prof. Asmal and Mr. Steiner was repeatedly mentioned as an important glue for the process as a whole.²⁸

The Selection of Secretariat Staff

Given the Secretariat's important role in running the work programme, stakeholders watched closely to see whether their interests were reflected in the its make-up. Recognising the significance of the Secretariat's composition in gaining stakeholder groups' confidence, the Chairperson and Secretary-General sought staff with wide-ranging views in the dams debate and a diversity of sectoral expertise. As with the

Commission, the effort was to ensure that the Secretariat, as a whole, demonstrated balance. Thus, some staff brought a history of engagement with civil society groups, while others had worked on electricity and irrigation infrastructure projects. To a limited extent, this composition helped pair Commissioners with particular staff with whom they shared a perspective and background, and facilitated communication between the Commission and the Secretariat.

As with Commissioner selection, NGOs and social movements (including Commissioners from those backgrounds) were most active in identifying candidates for the Secretariat and encouraging them to apply. These efforts helped ensure that civil society viewpoints were represented within the Secretariat. Private sector actors and dams associations also played some role in proposing candidates, but did not do so until quite late in the selection process.

Stakeholder groups on the Forum remained uncomfortable with the Secretariat's composition for much of the process, although the issue did not lead any of them to withdraw. Civil society groups charged that the Secretariat staff tended to be drawn from a mainstream perspective associated with international development institutions, such as the World Bank.²⁹ Critics argued that development agency experience fosters a mind-set that emphasises technocratic approaches over the more political views put forward by peoples' movements and some NGOs. Meanwhile, industry stakeholders noted that several Secretariat staff had previously worked at IUCN, one of the WCD's convening institutions.

Charges of mainstream bias and IUCN tilt had some factual basis: four staff members brought considerable experience working in bilateral or multilateral development agencies. Three had considerable work experience with IUCN. Three more were drawn from academic or research organisations, two of whom had some experience consulting for development agencies. Two brought considerable media experience to the WCD.

Although it is a relatively simple matter to look at patterns in experience, it is much harder to assess what these patterns mean. Some of the effects of past experience, such as the ways in which problems are framed, are difficult to analyse empirically. It is easier to study the extent to which past

experience determined the networks that Secretariat members brought to their jobs. These networks were significant to the work of the WCD. Interviews suggest that Secretariat staff relied heavily on their past contacts to identify consultants to carry out the work programme and participants in the consultations organised by the WCD.³⁰ For example, the case study consultants in Pakistan were selected based on past work conducted by three senior advisors in Pakistan. This evidence of the importance of social networks suggests that explicit attention to the breadth of past experience within the Secretariat might have made for a more inclusive process.

If we accept that the personal experience of Secretariat staff inevitably affects the work of the Commission in explicit and subtle ways, then it is also relevant to examine the composition of the Secretariat along other parameters. Examined for gender balance, the Secretariat was unbalanced, with only two women (one of whom left during the process) among ten senior advisers. However, the Secretariat did also rely heavily on highly qualified interns, of which three-fourths were women.³¹ Thus, women were well represented at junior levels, but under-represented at senior levels.

The geographic balance across regions was also uneven. Of the ten senior advisors, three were from Europe, three from North America, two from South Asia, and one each from Latin America and Africa. Admittedly, these categorisations are crude, since most of the Secretariat staff had varied backgrounds and experience in several regions. In particular, all of the Europeans and North Americans also had considerable experience in Southern countries. In addition, the Secretariat staff explicitly sought out interns from various areas, particularly from those regions where the WCD would host regional consultations.³²

In sum, the composition of the Secretariat reflected the existing bias in development circles toward development agency experience, a preponderance of men over women, and of Northern rather than Southern origins. Some argue that the demographic characteristics of the Secretariat only reflected the constraints of global society in terms of the requisite skills, training, experience, and availability of personnel. However, the legitimacy of a body explicitly committed to inclusiveness, as the WCD Secretariat was, would have been more

easily defended had it successfully found ways to overcome these limitations.

Establishment of the Forum

The participants at the Gland workshop called for roles for diverse stakeholders in the Commission’s structure. In addition to the Commission and Secretariat, they envisioned a consultative group of stakeholders comprised of their own number, supplemented by others, to be used as a sounding board for the Commission’s ideas.³³ This vision was realised in the WCD Forum. The intent was by no means for the Commission to be accountable to the Forum on an ongoing basis. Instead, the Forum was an institutionalised means for the Commissioners, assisted by the Secretariat, to receive feedback on their ongoing work. The Forum would ensure that the wider body of stakeholders remained engaged in the process throughout its life and that the Commission did not drift too far from the wider range of opinions in the debate. Finally, the Forum, as the group of stakeholders most closely concerned with the outcome of the WCD, was intended to publicise the work of the WCD and build ownership for the final product. In the eloquent words of Kader Asmal, if the World Bank and IUCN were the midwives, the Forum was the family into whose hands the fledgling WCD report would be delivered.³⁴

The participants in the Gland workshop formed the core of the Forum. It was subsequently expanded to its final size of 68 organisations.³⁵ As with the other organs of the WCD, the initiators sought a balanced representation across various stakeholder groups. Participation in the Forum was by invitation only. The Commission decided upon new members with the help of the Secretariat. Partici-

pation was divided into 10 different group types (see Figure 4.1)—a classification that brought a balance of views to the Forum as a whole and that provides a possible model for future processes.

The definition of stakeholder groups had considerable implications for the relative representation of the Forum. For example, had the WCD been explicitly conceived of as a “trilateral network”—a simplistic formulation that has gained popularity in recent years—there would potentially have been considerable pressure to allocate Forum representation equally among governments, civil society organisations, and the private sector. Instead, the WCD chose to adopt a more fine-grained approach based on a close examination of the dams arena. For example, it included separate categories for NGOs and dam-affected peoples to reflect the different perspectives, approaches, and concerns of these two groups. In another example, it divided industry groups into river basin authorities, utilities, and private sector firms. This was entirely appropriate and continued the more sophisticated mapping of stakeholder categories evidenced in Agenda 21 and its follow-up processes. As one commentator wrote of the approach in Agenda 21, “How can you put together NGOs, women, trade unions, scientists, and local government, to mention a few, in one grouping called civil society?”³⁶

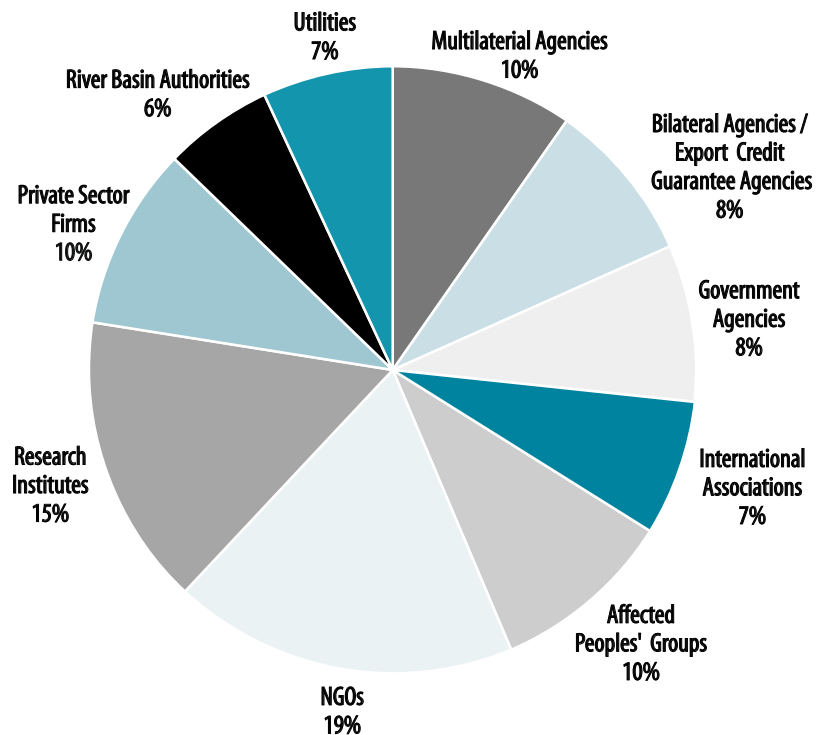


Figure 4.1 Forum composition

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

The WCD chose a fine-grained approach to stakeholder representation on the Forum.

Inclusiveness was but one concern in designing the Forum; the other was balance. The different interest groups on the Forum, interestingly, all considered it unbalanced in some way. Industry representatives found the Forum biased towards NGOs and felt that they would not “get their way” until the balance shifted.³⁷ When community groups and anti-dam NGOs tallied up numbers, they counted many more Forum members from the development establishment, which they considered pro-dam, than from project-affected communities. In the politically charged atmosphere around dams, no single formulation could satisfy all constituencies. The Commission made a broad effort to include multiple voices in approximately level proportions. Its ability to hold the Forum together through the process suggests that the general balance of the WCD’s Forum was right.

The Participation of Women

One shortcoming of the WCD’s stakeholder formulation is that participants who brought a gender perspective were not explicitly included as a separate stakeholder group. The Commission did acknowledge that there should be a slot for women’s issues. The international women’s network DAWN (Development Alternatives for Women in a New Era), which has a rotating secretariat among Southern countries, filled this slot.

Otherwise, gender concerns were captured only incidentally by individuals nominated to the other stakeholder categories. In most cases, the institutions chosen for Forum membership nominated male representatives. (The same phenomenon occurred at the Gland meeting, when IUCN and the World Bank invited institutions, not individuals, to participate and the overwhelming majority of representatives were men.) Although it is true that women seldom form a significant political constituency in dams debates, they do form one of the most important stakeholder groups in overall water use and management. Indeed, the Dublin Principles, agreed by governmental representatives in 1992 in the run-up to the United Nations

Conference on Environment and Development, recognised, as one of four overarching principles, that “[the] pivotal role of women as providers and users of water and guardians of the living environment has seldom been reflected in institutional arrangements for the development and management of water.”³⁸ The call for women’s integral involvement in water management was one of four pillars in the final conference declaration.

The space given to women’s voices on the Commission itself was extremely important—and to some degree corrected for the Forum’s male bias—in terms of women’s influences on the process’ outcome and overall public perceptions of gender bias. However, the Forum’s tilt nonetheless established it as a place where women had a hard time making themselves heard. Women participants—who were overwhelmingly from NGOs—reported how facilitators and rapporteurs of the Forum meetings disregarded their comments. A member of the sole women’s group on the Forum was visibly distressed by the lack of acknowledgement of women’s issues in the discussion. An observing female journalist from India wrote an article following the final Forum meeting that highlighted the preponderance of men at WCD meetings.³⁹

The Forum lacked the voices of women and gender advocates.

For a global process that was committed to good governance, there is enough evidence to suggest that gender bias in the WCD Forum led women to believe it was not a legitimate space for equal dialogue. Future multi-stakeholder processes will have to grapple with issues of organisational versus individual representation, if they follow the advisory forum model. There is a strong case for promoting more equitable women’s and men’s participation in such a design.

The Funding Challenge: Ensuring Adequacy and Independence

The WCD’s fundraising approach raises three questions. First, from a pragmatic point of view, did the WCD raise adequate funds to sustain itself effectively? Second, did the process of fundraising support or undermine the commitment to inde-

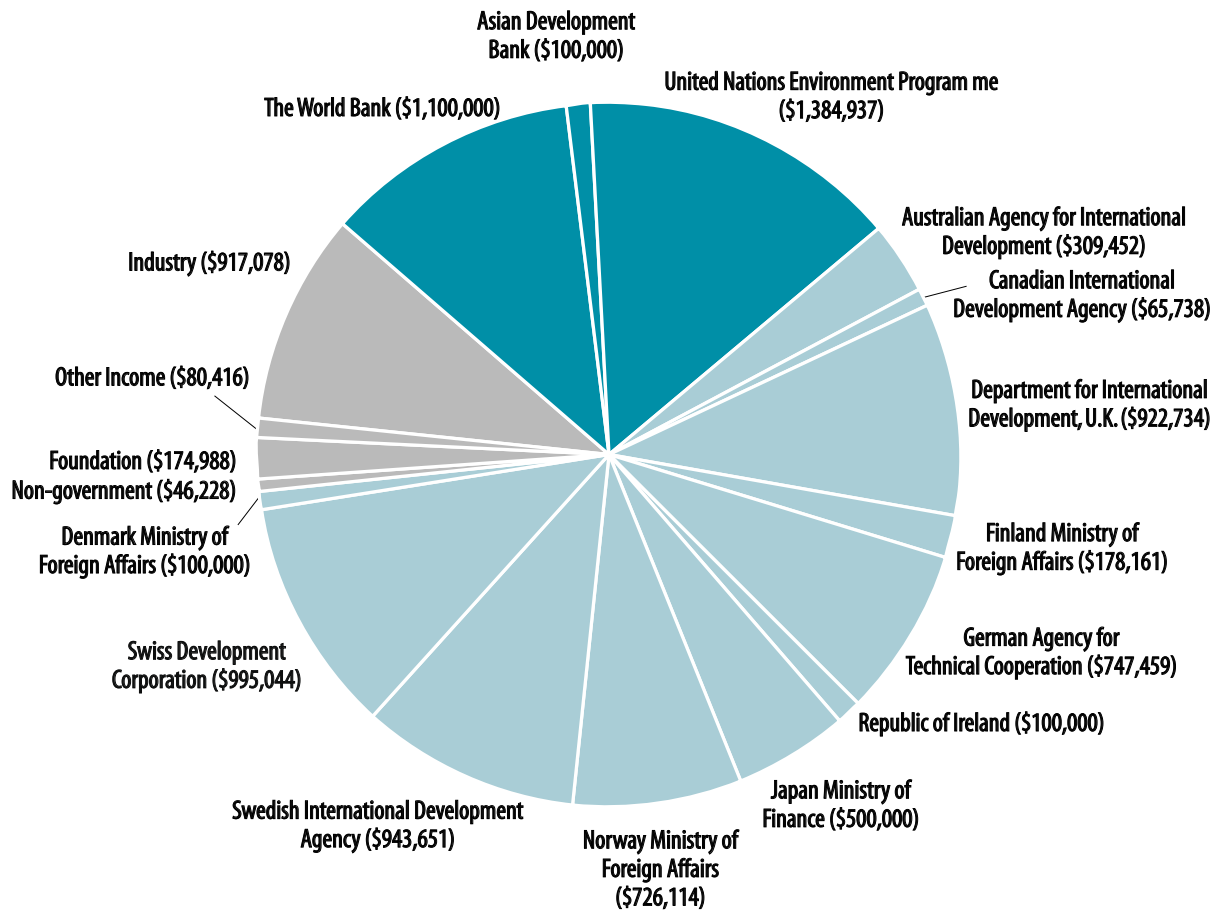


Figure 4.2 Income sources

Source: World Commission on Dams Project and Financial Report, May 1998 – April 2001.

pendence, broad participation, and transparency that characterised the WCD's work? Third, did the funding sources constrain or inhibit the working of the WCD?

From a pragmatic perspective, the WCD successfully met an ambitious budget, which allowed it to accomplish a significant amount of work over its two-year duration. This was a commendable accomplishment. At the same time, the WCD laboured under considerable uncertainty, particularly in its early months, over whether it would meet its fundraising targets. This uncertainty hampered its early work. Greater certainty of funds in the planning phase would undoubtedly have facilitated smoother implementation of the work plan.⁴⁰

The fundraising strategy was designed to ensure the WCD's independence from possible sources of influence over its product and to mirror the multi-stakeholder nature of the Commission itself. Independence was sought by adopting a “no

strings attached” fundraising policy. To ensure participation from a spectrum of actors, the WCD sought funds from the public sector, the private sector, and civil society institutions. The intent was to avoid undue reliance on any single funder and promote buy-in by all interest groups in the debate.⁴¹ The total projected budget for the WCD was just under US\$10 million.

One indication of the fundraising strategy's success was that the sources of funds and the means of raising funds did not provoke any debates during what was a highly scrutinised process. Multiple sources of funds allowed the WCD to claim that there was broad belief in the work of the Commission, as evidenced by the range of funders it attracted, including governments, industry, multilateral organisations, NGOs, and private philanthropic foundations. In examining the funding strategy in more depth, however, two caveats emerge.

First, although a wide range of funders from a variety of sectors did contribute, the bulk of the contributions came from the public sector. As Figure 4.2 shows, governments and multilateral agencies accounted for 88 percent of total financing for the WCD. Bilateral donor agencies from OECD countries, who funnelled their contributions through a trust fund set up by the World Bank, were a particularly important source of financing. This suggests that other stakeholder groups cannot or will not pick up the tab for commissions of this nature.

Second, the process of fundraising, at least in part, drove expansion of the Forum. Several Forum members, including a multilateral organisation, a government agency, and a private sector firm reported that they joined the Forum after being approached for a financial contribution to the WCD.⁴² Did this compromise the independence of the Forum? The answer is likely negative, because there is no evidence that funding was a requirement for membership on the Forum for these groups. Indeed, in one case, the organisation, citing its internal constraints, refused to fund the WCD but was nonetheless invited to participate on the Forum. However, the fact that some Forum members did perceive a linkage between Forum membership and funds suggests that the Secretariat did have trouble maintaining absolute independence.⁴³ This process does illustrate the potential for fundraising imperatives to compromise the independence of a commission, or, almost as serious, to create perceptions of compromised independence, which could damage the integrity of the process.

Second, the WCD made some compromises on its “no strings attached” clause. Specifically, in some cases donors made requests regarding how their funds would be used, or provided in-kind information or expertise. Normally, this had no discernible impact on the functioning of the WCD. For instance, the U.K. Department for International Development (DFID) sought to support British input to the WCD. The WCD was able to meet this requirement through internal accounting that showed DFID funds were used to support British citizens on the Secretariat.⁴⁴ The Asian Development Bank provided funds earmarked for the WCD’s consultations in Asia. Such geographically bounded provisions are not uncommon for bilateral and multilateral agencies.

Occasionally, funder preferences did influence the work programme in small ways. For example, the Inter-American Development Bank (IDB) chose to provide an in-kind contribution to the survey portion of the work programme from a Norwegian trust fund under its control. From the perspective of WCD staff, this led to considerable IDB control over the process, as the IDB, not the WCD, chose a Norwegian consulting firm to conduct the work and added questions to the survey. For its part, the IDB suggested that they were forced into more of a management role by the WCD than they desired.⁴⁵ In another case, a potential funder was rejected because the institution wanted to tie its funds. It subsequently dropped the restrictions and joined.⁴⁶

The fundraising strategy was designed to ensure the WCD's independence from sources of influence.

In summary, the WCD faced a trade-off between independence and obtaining sufficient funds to promote inclusion in the process. The evidence does not suggest that these incidents substantially altered the trajectory or outcomes of the WCD, nor were they significant in undermining perceptions of the WCD’s independence. However, they do suggest that the WCD faced continuous pressures in maintaining independence, and that the WCD had to make judgement calls as to what degree of interference was acceptable.

Conclusions

A commission built in part around the representation of stakeholders provides a promising alternative to a commission based on eminent persons. If key stakeholder groups perceive commissioners as legitimate representatives of their interests, then such a structure increases the likelihood that stakeholders will endorse the final outcome of the process. In order for this model to work, however, stakeholder groups must have a voice in the process of selecting Commissioners, and this voice should be recognised early in the process. This was the case in the WCD’s formation, when a small but diverse group of stakeholders from the Gland meeting participated in Commissioner selection.

STRATEGIES FOR BUILDING CREDIBLE MULTI-STAKEHOLDER PROCESSES

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

A model designed around representation also brings with it complexities of implementation. Representation of large, unbounded groups of stakeholders with no formal structures of coordination or accountability cannot be based on formal representation. Instead, representation is based on the loose accountability of commissioners and on their reputation as individuals. This hybrid model requires that each stakeholder group is able to build consensus around legitimate representatives. Advocacy NGOs and social movements felt well represented on the WCD because their high level of organisation led to coherent demands for representation. Industry

groups, by contrast, were poorly organised to participate at first, and did not feel well represented. Finally, the WCD experience shows that representation along the lines of interest groups has to be integrated with representation of experience, regional diversity, and gender diversity.

The secretariat that administers the day-to-day functioning of a commission has a key role in creating the political space for diverse participation. If it is perceived as broadly representative of stakeholder interests, it will have the trust of these groups. In the case of the WCD, the Secretariat mirrored the make-up of the professional development bureaucracy. The availability of qualified staff can pose a challenge to achieving sufficient diversity across interests, expertise, and gender and in regional balance. However, diversity in a secretariat, no less than in a commission, is worth striving for.

A fundraising strategy that draws upon a wide variety of contributors and that explicitly seeks independence from funders is an appropriate approach for a multi-stakeholder commission such as the WCD. The fact that the WCD's funding was not a contentious issue and did not cause any interest groups to leave the process suggests that securing funding from diverse sources was an important part of the platform for broad stakeholder engagement. Not only did this strategy ensure the direct buy-in of many actors, it also built the trust and co-operation of others (for instance, had the WCD been only corporate-funded, it would have eroded the trust of civil society). Diversifying sources is an appropriate strategy to minimise dependence and possible control imposed by a narrow donor base.

Endnotes

1. World Bank/IUCN, *Large Dams: Learning from the Past, Looking to the Future* (Gland: IUCN, 1997).
2. World Bank/IUCN, 1997, p. 11.
3. Interview with participant at Gland meeting, 1 February 2001.
4. World Bank/IUCN, 1997.
5. Interview with Forum member, June 2000.
6. Interview with industry representative on the Forum, 27 February 2001.
7. Patrick McCully, "How to Use a Trilateral Network: An Activist's Perspective on the World Commission on Dams." Paper presented at Agrarian Studies Program Colloquium, Yale University, 19 January 2001.
8. "NGO Letter on the Draft Final List" sent by e-mail to IUCN/World Bank Co-Chairs of IWG, Senior Advisor to IWG, and Chair, WCD, 28 October 1997.
9. "NGO Letter on the Draft Final List" sent by e-mail to IUCN/World Bank Co-Chairs of IWG, Senior Advisor to IWG and Chairperson, WCD, 28 October 1997.
10. Letter by Kader Asmal, John Briscoe, and George Greene to the Reference Group, 21 November 1997.
11. Interview with former IWG member, 16 November 2000.
12. Interview with former IWG member, 16 November 2000.
13. Interview with Commissioner, 27 February 2000.
14. Interview with Commissioner, 8 December 1999.
15. Interview with Commissioner, 27 February 2000.
16. Letter from John Briscoe and George Greene to the Reference Group, 23 December 1997. The Co-Chairs proposed the final date for the launch of the Commission to be late January 1998.
17. Letter from John Briscoe and George Greene to the Reference Group, 23 December 1997.
18. Based upon interviews with government and agency officials at the WCD consultation in Egypt, December 1999, and focus groups and interviews in Tanzania, Kenya, and Uganda in November 2000.
19. Interview with Commissioner, 8 December 1999.
20. Interview with Gland participant, April 2000.
21. Interview with industry representative on the Forum, 26 February 2001.
22. Interviews with industry representatives on the Forum, 17 November 2000 and 26 February 2001.
23. Wolfgang Pircher stated his reason for withdrawal as financial: Commissioners were not provided with consultancy fees.
24. However, this view was volunteered in an interview late in the process, after Dr. Veltrop had shown himself to be remarkably open to a wide range of views. Interview with Forum member, 17 February 2001.
25. Interview with official of India's Central Water Commission, speaking in his personal (non-official) capacity, 6 December 2000.
26. McCully, 2001.
27. Interview with Secretariat staff, 6 November 2000.
28. Interview with advisor to Kader Asmal, April 2000.
29. They argued that the short time frame within which the Commission was set up and the requirement to move to Cape Town limited the choice to development consultants whose experience drew largely from the international development bureaucracy. Interview with NGO representative on the Forum, 5 April 2000.
30. Interviews with Secretariat staff, 8 April 2000 and 26 February 2001.
31. Interview with Secretariat staff, 6 November 2000.
32. Interview with Secretariat staff, 6 November 2000.
33. World Bank/IUCN, 1997, p. 10.
34. Statement by Kader Asmal at WCD second Forum meeting, Cape Town, April 2000.
35. WCD website, www.dams.org/about/forum_list.htm (28 September 2001).
36. Felix Dodds, "Multi-Stakeholder Processes in the Context of Global Governance," in *Multi-Stakeholder Processes for Governance and Sustainability Beyond Deadlock and Conflict*. Minu Hemmati, ed. (London: Earthscan, 2001). Thanks to Dr. Hemmati for her insightful comments on this issue. Personal communication, 29 July 2001.
37. Personal communication with industry representatives on the WCD Forum, 26-27 February 2001.
38. Principle Three of *The Dublin Statement*, International Conference on Water and the Environment: Development Issues for the 21st Century, 26-31 January 1992, Dublin, Ireland. "Women play a central part in the provision, management and safeguarding of water: This pivotal role of women as providers and users of water and guardians of the living environment has seldom been reflected in institutional arrangements for the development and management of water resources. Acceptance and implementation of this principle requires positive policies to address women's specific needs and to equip and empower women to participate at all levels in water resources programmes, including decision-making and implementation, in ways defined by them."
39. Kalpana Sharma, "Lack of Rancour Marks WCD Proceedings," *The Hindu* (13 December 1998). Online at: www.dams.org/media/mediaitem.php?item=10 (28 September 2001).
40. Interview with Secretariat staff, 13 December 2000.
41. WCD website, www.dams.org/about/funding.htm (28 September 2001).
42. Interviews with Forum members, 1 December 2000, 27 February 2001, and 7 March 2000.
43. Interview with Forum member, 27 February 2001.
44. Interviews with Secretariat staff, 3 November 2000.
45. Interview with IDB official, 1 December 2000.
46. Personal communication with former Secretariat staff, August 2001.