

Follow up to the WCD Report - where has it gone?

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SYNOPSIS. Despite the wide range of responses to the report of the World Commission on Dams, there has been an increasing realization of the need to address its recommendations through appropriate national and institutional processes. Neither rejection of the report nor full endorsement hold the answer. This paper outlines some of the momentum being built by national follow-up processes and the actions taken by an increasing number of inter-governmental, bilateral and private sector organizations. Minimizing the financial, environmental, social and reputational risks associated with dam projects is at the centre of these initiatives and key concepts such as options assessment, public acceptance, benefit sharing and environmental flows are beginning to enter the mainstream of planning processes.

REACTIONS TO WCD: FROM REJECTION TO ENDORSMENT

A full spectrum of responses

It is hard to conceive a wider range of reactions to the World Commission on Dams Report (WCD, 2000) than those received, but maybe that is not so surprising given the intensity and polarity of the debate itself (DDP, 2003). There are those that reject the report outright and those that call for its immediate implementation as if it were law. What is interesting about the reactions is that they do not fit as neatly into pigeon-holes as our characterizations of stakeholder type would suggest. There is considerable diversity of reaction both between and within organizations, whether they be government agencies, professional associations, financing agencies, NGOs or affected peoples' groups.

Extreme headline reactions are there for those who wish to continue the polarization of the debate. At one end of the spectrum there is outright rejection of the Report by the Ministry of Water Resources of India (MWR, 2001) and a former President of the International Commission on Large Dams who stated that the Report '*made dams look like villains, to be*

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avoided unless there is no other way out (van Robbroeck, 2002). At the other end, passionate endorsement. For example on the day of the Report's launch, the International Rivers Network commented that it *'vindicates much of what dam critics have long argued'* and if applied, *'the era of destructive dams should come to an end'* (IRN, 2000).

Some critics' responses were influenced as much by their perspective on the composition of the Commission or the process it adopted as by its content. For example, the case studies in India and Thailand significantly influenced Government's subsequent positions on the WCD Report. Similarly, a number of agencies from developing country governments felt their views were not adequately represented (Dubash et al, 2001, p43). Other reactions were strongly influenced by concerns that the Report's recommendations could further burden the project appraisal process through incorporation, in their raw form, into safeguard policies of the multi-lateral organizations.² The World Bank explains that this will not be the case (World Bank, 2001).

Criticism was not limited to those involved with dam building. Amidst their support for the Report, some NGOs felt that it fell short of calling for a moratorium on dams. They proposed to test commitment to a new approach by requiring the legacy of past projects to be addressed before initiating new projects. Some had wanted more of a challenge to the prevailing development model and condemnation of vested private sector interests. Reactions voiced by a range of stakeholder groups after the Report's launch are recorded in the proceedings of the Third WCD Forum meeting (WCD, 2001).

Yet, between these extremes more than one hundred responses have been formally recorded and analyzed. It is evident from the follow-up around the world, that many more responses and comments are not available in the public domain. As is often the case, there exists a large middle ground, the silent majority, who neither reject nor endorse the Report. An analysis of reactions received provides an important reflection on the WCD Global Review and its three-tier recommendations, the 5 core values, 7 strategic priorities and associated policy principles, and the 26 guidelines (DDP, 2003).

Derailed or on track?

So, has the report fuelled or calmed the debate? Conflict has not mysteriously vanished. However, the process itself has built a culture and atmosphere wherein advocates both for and against dams can enter into a civilized and constructive discussion. There has been an opening up of space for dialogue. Follow-on discussions have started at a range of appropriate levels – global, regional, national, sub-national and community levels using

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the framework from the Report. It is a framework that considerably narrows the areas of controversy, allowing areas of agreement to be acknowledged and areas for more intense analysis to be flagged.

Where the controversy lies is the more detailed recommendations for implementation – the guidelines. What is important now is to look beyond the extreme reactions that continue to occupy the public limelight, and examine the extent and way in which the Report is influencing planning processes and implementation procedures.

In its independent analysis of the WCD process, the World Resources Institute outlined its view on how the Report will be taken up, '*Over the long term, the bridge back to formal government and intergovernmental processes will likely be built incrementally, by incorporating practice into formal laws, in part through continued pressure by non-governmental actors*' (Dubash et al, 2001, p127). But added to these actors are the large number of people occupying the middle ground who also recognize that change is needed.

INITIATIVES FOR CHANGE

What are the driving forces behind the various follow-on processes, given that the WCD Report has no legal status internationally? Clearly it is not the Commission. That disbanded on the date of the Report's publication. The initiative of its Forum members taken in February 2001, to continue with dissemination and promote dialogue on its findings, certainly has played an important role. But even then, there need to be catalysts to sustain any process within countries or organizations.

Three primary drivers come to mind. Most prominent is campaigning by international and national NGOs at both project level and targeted towards specific individual stakeholder groups. They have kept the WCD report and the issues it addresses firmly on the global agenda. WWF also has a campaign to engage with financing organizations to promote the WCD recommendations (WWF, 2003) and at the same time has used hard-hitting advertisements in high profile magazines to deliver its message (for example *The Economist*, 2003). In this case, globalization, at least in respect of information exchange, is something fully embraced by NGOs (Gyawali, 2001).

Secondly, a number of governments from developed countries have indicated their broad support for the WCD recommendations. There is considerable synergy with their domestic policies and these positions are

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reflected in their influence on the multi-lateral development banks and in their own development assistance programs.

Thirdly, the trend over the past decade towards corporate social responsibility and triple bottom line accounting on financial, social and environmental aspects of operations in the private sector has led to companies voluntarily subscribing to international initiatives such as the UN Global Compact, Global Reporting Initiative, UNEPs Finance Initiative and environmental management procedures under ISO 14001. Due diligence procedures have been strengthened accordingly in order to reduce reputational risk and caution association with potentially problematic projects. The example of the Brent Spar platform from the oil and gas industry demonstrates the adverse impact that negative publicity can generate and also highlights the lessons learnt and benefits of dialogue.³

In less developed countries and emerging economies, the drivers for change reflect a combination of the above sources, the influence of each depending upon the prevailing development paradigm, the institutional and governance structures and inevitably, the extent that the country is dependant on external financing for project development. Reformers within some government agents have initiated dialogue processes aimed at introducing appropriate reforms.

Facilitating follow up internationally

Both 'godparents' of the WCD process, the World Bank and IUCN-The World Conservation Union, have published detailed responses to the WCD Report outlining the subsequent actions they would take as follow-up.

After consultations with a number of agencies in its member countries, the World Bank's Board of Director's endorsed a statement that '*.....shares the core values and concurs with the need to promote the seven strategic priorities..*' while outlining where World Bank policy differs from the guidelines. As a practical element of its response, the World Bank promoted a 'Dams Planning and Management Action Plan' to promote good practice and support innovations in projects involving water resources, energy and dams. The Plan uses the seven strategic priorities as a framework to look at projects in the pipeline and intends to provide operational support services for critical elements identified by the Commission. A first output of the Plan is the development of a Sourcebook on Options Assessment (World Bank, 2003b).

There has been a considerable polarisation over the Bank's response, with a number of government agencies in developing countries encouraged by the

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decision not to amend its safeguard policies, while critics pointed to a lack of commitment to the outcome of a process that it helped to initiate.

IUCN's response was more supportive. It recognized that work needs to be done to operationalize the WCD recommendations and encourage multi-stakeholder groups to progress further (IUCN, 2001). Three priority areas identified were regional strategies for engagement and supporting multi-stakeholder process; work on global policy processes related to sustainable development and links with the Ramsar Convention (Ramsar, 2002), the Convention on Biodiversity (CBD) and the private sector; and work on strategic analysis and tools related to dam development and operation, including a toolkit of environmental flows and improved economic valuation of ecosystem services. Many of the principles in the WCD report also feature in IUCN's Water and Nature Initiative.

Both the World Bank and IUCN were key players in establishing a global follow on initiative to WCD in the form of UNEP's Dams and Development Project (DDP, 2001). Together with representatives from a government basin agency, affected peoples' groups, the private sector and advocacy NGOs, they worked within the mandate provided by the Third WCD Forum meeting (WCD, 2001) to craft a multi-stakeholder process with a goal '*To promote a dialogue on improving decision-making, planning and management of dams and their alternatives based on the World Commission on Dams core values and strategic priorities*'. As part of the formulation process, the six member liaison group was expanded to a 14 member Steering Committee, adding two other government representatives, indigenous peoples' groups, utilities, inter-governmental organizations, professional associations, organizations working on options, and research groups.

In selecting this route, the global multi-stakeholder follow-on process was brought into the UN inter-governmental system, thereby providing confidence among some agencies critical of the WCD Report that the follow-up process would take account of their views and provide an environment within which they could participate in the project through the Forum. Taking over what he described as a 'hot potato', UNEP Executive Director Klaus Toepfer captured the challenge of the DDP, '*I believe that we have no choice but to find ways of crossing traditional divides, to act together and find solutions to what has often been a conflict ridden way of working..*' (DDP, 2002). Responding to this challenge, the membership of the DD Forum has increased to include the Brazilian National Water Agency (ANA), the Chinese Ministry of Water Resources, Turkey's General Directorate of State Hydraulic Works (DSI), India's Planning

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Commission, Nepal's Ministry of Water Resources and Uganda's Ministry of Energy among others. The Forum of stakeholders forming part of the global dialogue process has expanded to 120 organizations.

Also at the global scale, the response of the World Water Council provides an insight into some of the challenges in taking the dialogue on dams and development further. Pointing to both positive and negative feedback from its members, the Council's official response acknowledges the important contribution of the WCD, supports the core values and strategic priorities, and recognizes that they have relevance to other infrastructure (WWC, 2001). In practice however, members of the Task Force on Dams established by the Council actively campaigned against acknowledgement of the WCD. This was evident at the Third World Water Forum, where they objected to direct reference to the WCD in the theme summary on dams, but was able to broadly accept its recommendations through a reference to '*A framework for planning and implementation based on values of equity, efficiency, participatory decision-making, sustainability and accountability*' and a series of principles that reflect many of the WCD strategic priorities (WWF3, 2003).

Beyond the perspectives of international organizations, there has been action at regional and national levels.

Regional initiative in Southern Africa

In response to a call from its Ministers, the Southern African Development Community (SADC) is adopting a two-fold strategy (SADC, 2003). It will comprise of a formal statement providing SADC's position on the WCD Report and a policy document on dams and development to guide future SADC involvement with dams related activities. Supported by the German agency GTZ and the DDP, initial drafts of the position paper and policy document are being prepared for review by a multi-stakeholder workshop in early 2004. They will be submitted for discussion in the formal committee processes of SADC and ultimately reviewed by the Committee of Ministers and approved at a SADC Summit.

National dialogues

A wide range of multi-stakeholder national processes have emerged since the launch of the WCD Report, many of which have been encouraged and supported by the DDP. A number are outlined below. Common characteristics include participation of all key stakeholders, government, endorsement by the responsible government agency, and a preliminary scoping stage leading ultimately towards recommendations on policy and procedures relevant to the local context. In some cases, translation of the WCD Overview and Report have been a pre-requisite to wider discussion.

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Experience of these national dialogues outline in this paper is based on the writer's involvement (Bird and Wallace, 2002) and updates provided by the DDP.⁴

South Africa

Probably the most advanced of all the national follow-up processes, the South African initiative on WCD started life as a proposal to hold a meeting among two groups - the professional organization, SANCOLD, and the Department of Water Affairs. However, based on discussions with local NGOs and the transition WCD Secretariat, the process took on a more multi-stakeholder character with a Symposium organized for 23-24 July 2001. The overall consensus of the Symposium was reflected in the resolution that "*declares itself to be broadly supportive of the strategic priorities outlined in the WCD report, but believes that the guidelines need to be contextualized in the South African situation*".

Since then the elected Coordinating Committee, representative of diverse stakeholder groups, has met approximately at two monthly intervals. There have been two further multi-stakeholder forums to review a draft Scoping Report and assess recommendations on policy reform measures for the first three of the WCDs seven strategic priorities. The process is scheduled to be completed by October 2004 when the Committee's recommendations will be submitted to Government for consideration.

Vietnam

A multi-stakeholder consultation on the report of the WCD was held in Hanoi in October 2002 organized by the Ministry of Agriculture and Rural Development (MARD) with financial support from the Asian Development Bank (ADB). In advance of the workshop, MARD arranged the translation of the WCD Report and Overview into Vietnamese with assistance from DDP. Based on the outcome of the consultation, a proposal emerged for a two phase follow-up. Phase 1 prepared a scoping paper to examine the WCD recommendations in the context of Vietnam and identified areas of agreement, disagreement, opportunities and constraints. Workshop discussions on the draft scoping paper will then define the second phase to analyze key outstanding issues and make specific recommendations on policy and procedures to Government decision-makers.

Nepal

Presentations and discussions on the WCD Report were organized in Nepal in the two years since its launch, both by professional associations and NGOs. Although there was strong interest to build on these meetings, the lack of involvement of government agencies was a major constraint. A change of Government and a facilitation role from DDP saw the

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establishment of a broad-based task force on dams and development and, in January 2003, the launch of a multi-stakeholder dialogue. Its aim is, "*To carry out national consultations on dams and development to consider the relevance of the recommendations of the WCD and other bodies in the Nepalese context with the ultimate aim of recommending the development and adoption of a national guideline for improved decision-making, planning and management of dams and alternatives for Nepal*". By September 2003, a scoping report had been prepared comparing the legal and regulatory framework in Nepal with the WCD recommendations, and identifying where reforms were considered appropriate in the local context. Discussions on a second phase started in November 2003.

Thailand

Translation of the WCD Overview into the Thai language formed the basis for a national multi-stakeholder meeting organized by the National Water Resources Committee in March 2003. The two-day meeting concluded with general support to the framework of core values and strategic priorities and agreed to establish a national task force on dams and development to take the process further and develop locally appropriate recommendations for government. In July 2003, the Ministry of Natural Resources and the Environment formally constituted the task force comprising government agencies responsible for and related with dam projects, river basin water user associations, NGOs and academic institutions. By examining the issues in a local context, the process has broadened its participation and included agencies initially reluctant to consider the Commission's recommendations.

Pakistan

In 2001, IUCN was requested by the Ministry of Environment to facilitate discussions about the WCD final report and develop locally appropriate recommendations. The process, supported by the Royal Netherlands Embassy in Islamabad, was delayed while institutional arrangements were worked out to ensure involvement of key government agencies responsible for dam projects in the water and energy sector. During this period, advocacy NGOs voiced concerns about being alienated from the dialogue. Subsequently, the WCD consultative process re-started with a series of workshops scheduled for September to December 2003. Other provincial consultations were initiated by the Pakistan Water Partnership, an affiliate of the Global Water Partnership.

Other national processes

Similar consultative processes are beginning to emerge in other countries. In Asia, an initial multi-stakeholder meeting was held in the Philippines in August 2001 sponsored by ADB and preparations are now underway to hold a second meeting in early 2004 with a view to setting up a national follow-

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on activity. In Sri Lanka, a workshop was held in December 2003 initiated jointly by a Government agency and an NGO. In Latin America, a core group of stakeholders has met in Argentina to plan for a multi-stakeholder consultation on the report tentatively scheduled for March 2004 and in Brazil, an international meeting on dams and reservoirs that will also have a focus on domestic dams and development issues is being convened. In Africa, national consultations linked to the SADC process at various stages of preparation in Lesotho, Malawi, Mozambique, Namibia, and Zambia.

In Europe, a number of countries have developed a response to the WCD, with some convening multi-stakeholder meetings to consider both their domestic situation and their influence on international activities. These include Germany, UK, and most recently the Netherlands (Both Ends, 2003).

Interaction between the DDP and government agencies in China is opening a channel of dialogue on dams and development despite the clear reservations of the Chinese Ministry of Water Resources on certain aspects of the Report. DDP's entry into the UN system, coupled with the World Bank's response not to add any additional layers of safeguard policy, encouraged this engagement. The Chinese Ministry of Water Resources joined the DD Forum as an opportunity to both participate in the global arena and make known their experience and perspectives. The WCD Report is now being translated into Chinese.

In contrast, there has not been a similar relationship developing with the Water Resources Ministry in India that took a position of non-engagement on the recommendations of the WCD Report. As water resources is predominately a State matter, the opportunities for dialogue may be more promising at a decentralized level.

Private sector financing and export credit

On 4 June 2003, a group of four private banks signed up to the Equator Principles', in which they require an Environmental Assessment for sensitive projects and subscribe to the safeguard policies of the International Finance Corporation of the World Bank Group.⁵ The number of banks endorsing the Principles has increased to eighteen as of November 2003. This initiative demonstrates an unprecedented realization in the financing sector of the need to address social and environmental issues to minimize risk to business, both financial and reputational risk. In parallel and leading on from this, an increasing number of organisations are addressing the WCD Report. Swiss Re, the reinsurance group, prepared a Focus Report on Dams⁶ stating its support for the WCD's five core values and seven strategic priorities concluding that, *'It is Swiss Re's conviction that in the future,*

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large projects should be handled in accordance with these principles and practices'. The banking group, HSBC, is working in conjunction with WWF to develop a freshwater policy that is expected to address many of the issues in the Report. Henderson Global Investors have used the Report in assessing whether companies are eligible to be included in their investment funds.

Some Export Credit Agencies have referenced the WCD recommendations as an influence on their new environmental policies (Neumann-Silkow, 2003). The Swiss export credit agency, ERG, has explicitly referenced the WCD recommendations in its EIA guidelines and requires an EIA Report to outline how the seven strategic priorities will be addressed in the context of a proposed project. New environmental guidelines of the Japan Bank for International Cooperation also drew on the WCD Report and include a number of the elements of the strategic priorities including the importance of environmental and social considerations in assessing alternatives, priority to the prevention rather than mitigation of impacts, early disclosure of information, recognition of the rights of indigenous peoples, agreement with affected people on mitigation measures and an emphasis on improving livelihoods.⁷

In June 2003, the Overseas Private Investment Corporation of the United States (OPIC) released a consultation draft revision to its Environmental Handbook to accommodate new policies on large dams and forestry.⁸ OPIC announced *'it believes it is important to show leadership in adopting and implementing those elements of the WCDs recommendations that inform good development policy and that are within OPICs capacity to implement'*. The draft revision includes extensive references to specific strategic priorities and guidelines. Recent guidelines of the French ECA, Coface, also refer to the Report and incorporate some of its recommendations including benefit-sharing and environmental flows.⁹

With many of these processes, NGOs have expressed concerns that the organizations have been too selective and not gone far enough in endorsing the principles contained in the WCD Report. There are also many commercial financial agencies whose policies are not disclosed and have not yet addressed the Report. Whatever one's perspective on this, in comparison with the situation of five years ago, it is evident that a process has started to substantially address social and environmental issues in a more comprehensive manner and that it is likely to gain further momentum and evolve over time.

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The regional development banks have generally responded by promising reviews of their existing policies. The Asian Development Bank, for example, published the preliminary results of its review in January 2002.¹⁰

Professional associations

Of the professional associations, the International Hydropower Association (IHA) has taken the most pro-active role in following up on the WCD Report. In contrast to the position of ICOLD and ICID, it engaged with the DDP as a Steering Committee member and Forum member in order that the position of its constituency on the future potential and direction of the industry is well represented. In parallel, IHA prepared Sustainability Guidelines that have embraced some of the WCD principles within a framework of promoting hydropower as a clean, renewable and sustainable technology.¹¹ They include, the concept of options assessment, informing and involving local communities in the decision-making process, benefit sharing and environmental flows.

Although not supportive as an international organization, individual national committees of ICOLD have been proactive in the DDP process, notably the British Dams Society that made a financial contribution and the South African National Committee on Large Dams that is a founding member of the SA Initiative on WCD.

WHERE TO FROM HERE?

The above responses and follow-up actions can be viewed in the light of the Commissioners own expectations. In the final chapter, Commissioners suggested that *'Nobody can of course simply pick up the report and implement it in full. It is not a blueprint'* (WCD, 2000, p311). Instead they proposed a series of entry points for different stakeholder groups among which are to include reviews of existing national procedures and regulations, encourage multi-stakeholder partnerships, address the legacy of past social and environmental problems, refer to the WCD principles in corporate policy documents, use the guidelines for screening and evaluating potential projects, and refine the tools proposed. Considerable progress is being made in these fields, but there are many other aspects still to be addressed.

Assessing the extent to which people have benefited as a result of the WCD Report is a long-term process and will gradually be informed by case by case experiences. The factors and influences are many and such a discussion will no doubt be as diverse as the debate on dams itself. However, there are signs that several of the principles espoused in the Report are beginning to enter into common usage. Many indeed entered the arena prior to the Commission as indicated in its broad knowledge base, albeit in limited

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cases. The endorsement of such innovations within the comprehensive framework of the Report has raised awareness and provided examples of good practice with an added impetus. But no doubt, as with a dam project, the true benefits and costs of the WCD Report will not be known for many years after its 'commissioning'.

In the meantime, where will the dialogue go? Business as usual seems increasingly to be an option of the past. In addressing the issues and recommendations in the WCD Report, government agencies, utilities, developers, financiers and others proposing dam projects require more certainty that their proposals are both effective and sustainable, minimizing the financial, social, environmental, technical and reputational risk. They question though whether advocacy NGOs will continue to insist on full endorsement of the WCD strategic priorities and guidelines as a pre-requisite. In practice, the national dialogues based on the framework provided by the Commission, demonstrate that polarized positions can be set aside and progress made towards a more common understanding of what is appropriate within the local context.

The examples of the Equator Principles and OECD harmonization process for ECAs point to the advantages in taking a common approach to policy development among finance agencies. This could be extended to the arena of dams. But bearing in mind on government responses to the WCD report, such policy statements should incorporate sufficient flexibility to reflect differing contexts and the results of the relevant national multi-stakeholder dialogue on dams and development.

The national dialogues have indicated a way forward. The synergy with broader processes that encourage sustainable development, greater accountability and corporate social responsibility all provide an enabling environment for these reforms to emerge. But the process is not an easy one. For those with an engineer's training like me, used to traveling a path from A to B in a direct line, the uncertainties, deviations and delays associated with what are essentially political dialogue processes takes some adjustment. The ongoing processes show considerable promise and there are signs that some groups vehemently opposed to the WCD report are prepared to enter into dialogue under the new institutional arrangements. These are encouraging signals given the inevitable increase in calls for dam projects that will come in a response to the UN Millennium Development Goals for water supply, renewable energy and food production. However, despite this momentum, there remains a considerable challenge ahead to translate the outcomes of national level dialogues into firm commitments in the legal and policy framework.

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A comment from the risk-averse private sector provides a fitting conclusion. In its Focus Report, Swiss Re makes a point about dams that is fundamental to all developers – private or public, ‘*For projects of this magnitude and complexity, risk mitigation and limitation must be a top priority*’. Failing to acknowledge and address the recommendations of the WCD Report is a strategy unlikely to minimize those risks.

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ENDNOTES

- ¹ The writer would like to acknowledge the assistance provided by the Dams and Development Project in compiling this paper and providing information on the various follow-up activities described.
- ² For example, the position of the Chinese delegation attending a regional workshop on the WCD report held in at ADB in Manila on 19-20 February 2001, see http://www.adb.org/Documents/Events/2001/Dams_Devt/Dams_devt.asp
- ³ For a reflection on the Brent Spar experience see <http://archive.greenpeace.org/pressreleases/oceandumping/1998nov25.htm>
1. There are parallels with the dams debate and interesting lessons learnt by Shell “*Dialogue should start as early as possible in decision-making 'Dialogue-Decide-Deliver' is better and less costly than 'Decide-Announce-Defend'*”.
- ⁴ See http://www.unep-dams.org/document.php?cat_id=16

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- ⁵ See *'An approach for Financial Institutions in Determining, Assessing and Managing Environmental and Social Risk in Project Financing'*
<http://www.equator-principles.com/index.html>
- ⁶ See <http://www.swissre.ch/INTERNET/pwswpspr.nsf/fmBookMarkFrameSet?Read Form&BM=../vwAllbyIDKeyLu/BMER-5HNHW9?OpenDocument>
- ⁷ See <http://www.jbic.go.jp/english/environ/guide/finance/index.php> and
<http://www.jbic.go.jp/english/environ/guide/finance/check/list02.php>
- ⁸ See http://www.opic.gov/EnvironASP/envbook_revisions.htm
- ⁹ See *Environmental Guidelines on Hydroelectric Power Stations and Large Dams*
http://66.102.11.104/search?q=cache:s8KkRk2nL9QJ:www.coface.com/_docs/barragesgb.pdf+coface+dams&hl=en&ie=UTF-8
- ¹⁰ See http://www.adb.org/NGOs/adb_responses.asp
- ¹¹ See http://www.hydropower.org/1_5.htm