

WCD Thematic Review 1.2

Dams, Indigenous Peoples and Ethnic Minorities

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Executive summaryⁱ

The objective of this paper is to assess the extent to which Indigenous Peoples and Ethnic Minorities have gained or lost from large dam projects.¹ Like many previous studies on the theme, it finds that indeed large dams have had very serious impacts on these peoples' lives, livelihoods, cultures and spiritual existence. Due to structural inequities, cultural dissonance, pervasive and institutional racism and discrimination, and political marginalisation, Indigenous Peoples and Ethnic Minorities have suffered disproportionately from the negative impacts of large dams, while often being among those who have been excluded from sharing the benefits.

On paper, measures to avoid or mitigate these negative impacts have been progressively improved over the past 50 years as international law and the policies of developers have been revised in response to growing voices of dissent. As this study shows, however, despite these advances and even where these policies are meant to apply, large dams continue to have serious, even devastating, effects on Indigenous Peoples and Ethnic Minorities. In large part this is because dam-building in particular, and development programmes in general, are driven by powerful interests and visions, which provide neither the incentives nor the time for developers to apply these new standards.

Encouragingly, substantial movement has already been achieved towards a consensus on 'Best Practice' options, including by leading hydro-power companies and multilateral development banks, which might lead to fundamental changes in the way future large dam-building schemes relate to Indigenous Peoples and Ethnic Minorities. In essence these changes reflect improvements in State recognition of the historical territorial rights of Indigenous Peoples and imply a reconsideration of the current doctrine of eminent domain – by which the properties of citizens can be expropriated in the 'national interest'. If, in future, dams could not be built without the free, prior and informed consent of affected peoples as expressed through their own representative institutions, much of the inherent inequity of dam-building today could be mitigated or removed and alternative development options would be given greater chance of proving themselves.

Indigenous Peoples, in particular, have long asserted the right to determine their own development, considering their right to accept or reject development proposals to be implicit in their inherent right to self-determination. The acceptance by national governments and the dam-building industry of the principle of free, prior and informed consent provides the main means by which the currently adversarial relationship between them and Indigenous Peoples and Ethnic Minorities could be transformed. Acceptance of the principle of free, prior and informed consent, would mean that, in future, dam-building would not go ahead without the affected communities being assured that they would benefit from the planned schemes and without them being first convinced that adequate mechanisms were in place to secure their development, compensation, resettlement and rehabilitation and their full involvement in legally enforceable monitoring procedures to ensure compliance.

¹ The findings and conclusions of this paper derive from an extensive but not exhaustive review of the available literature, the results of an email questionnaire sent out to several hundred individuals known to be involved in the issues of Indigenous Peoples, Ethnic Minorities and/or Dams, and telephone interviews with a number of legal experts, indigenous spokespersons and NGOs. The consultation embraced a wide range of actors, including industry, international development agencies, environment and development NGOs and representatives of Indigenous Peoples and Ethnic Minorities. The paper also draws on the findings of the WCD's joint consultation on '*Dams, Indigenous Peoples and Ethnic Minorities*', held in Geneva on 31 July – 1 August 1999. In addition, the draft paper was presented and discussed at two seminars held in Washington DC in early November at the World Bank and the Inter-American Development Bank to ensure that account was taken of their perspectives.

1. The report was synthesised from reports and reviews by the consultants and staff of the World Commission on Dams, and from submissions by interested professionals around the world.