

**WCD Thematic Review V.5**

**Institutional Processes**

# Participation, Negotiation and Conflict Management in Large Dams Projects

**DRAFT EXECUTIVE SUMMARY**

**March 2000**

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## Executive Summary

### Objectives

This thematic review focuses on the siting, construction, and operation of large dam facilities (or their alternatives) as sources of significant conflict, and as opportunities to involve many interested parties and groups in addressing local, regional, and national issues. The review is intended to improve understanding about large dam conflicts, identify essential principles and decision-making approaches for public involvement and conflict resolution, and provide a set of best practices in these areas for large dams or their alternatives.

### Methods

This review is the result of international co-operation between experts on public participation and conflict resolution from Southeast Asia, Africa, North and South America, and Eastern Europe. Co-ordinated by RESOLVE, the authors interviewed seventeen individuals significantly involved in dams, and conducted a review of the literature on dams, conflict resolution, public participation, and facility siting. As requested by the WCD, the review focuses on general principles and best practices; it is not a comprehensive study of the topic. For both public participation and conflict management, we place 'best practices' in a framework of principles for why best practices should be used, approaches to achieving the principles, and steps for developing high quality processes. The document lists, but does not replicate tools and skills detailed by other practitioners (although several 'tool boxes' are listed).

### There is a Need for Greater Adherence to Good Practices

The need for improvement in public involvement and dispute resolution for large dams may be one of the few things on which everyone involved in the building of large dams agrees. For the most part, however, the need is for a greater adherence to known principles and for a much more expanded and better use of existing approaches, processes, and tools. The literature and conversations with those involved in dam processes yield many deficiencies with the current process including: failure to complete (or make timely) public consultation prior to decision; not ensuring that the broadest spectrum of sectors of society is involved pro-actively; failure to deal with and resolve mistrust between stakeholders and government; entrenchment of centralised decision making; lack of access to and dissemination of full and good quality information; and lack of involvement by affected people in design and implementation of project monitoring.

The need for much more extensive use of existing approaches to public involvement and resolving conflicts stems primarily from the deficiencies in the process and several significant social trends about dam projects. Emerging international norms concerning public involvement in all types of development and facility siting greatly extend the formal requirements and the expectations of participants. Public scrutiny of large dam projects has grown in part due to increased understanding and interest by non-government organizations (NGOs). Rapid advances in communications technology also allow more stakeholders to interact. These trends and others mean that public participation programs will have to be more timely, greater in scope, better designed, and more diligent in identifying and involving the broadest possible cross-section of society. Most importantly, these improvements will have to produce programs that are more meaningful to all those who participate. If they are not, disputes and conflicts over dams will increase dramatically.

In addition, there are major concerns about the effects of dam development on the poor and indigenous peoples (and the differential impact on women), especially with regard to resettlement and the distribution of other costs and also benefits. Public participation methods may need to be developed that involve poor and indigenous people in cultural and gender appropriate and financially

feasible ways. Both new and existing techniques most certainly need to be consistently implemented, to increase these stakeholders' participation.

### **Sources of Conflict**

Conflicts are defined as interactions of interdependent people who see their goals as incompatible, and who believe the "other" people are interfering with their efforts to satisfy their interests or values. We emphasise that conflicts can be useful as a means of stimulating engagement and creativity. However, if conflict is handled ineffectively, it can become destructive. Conflicts around dams come from a number of sources; especially from the real and perceived distribution of costs and benefits, disparities in social and economic power, the roles of different institutions, and specifics of project location and design. In addition, the cultural and social differences of the participants in the processes, and general distrust of government make such conflicts more difficult to resolve.

### **Involvement and Conflict Dynamics**

A significant issue for public involvement programs is the need to assist groups that have traditionally had little voice in society. With limited voice and experience, such groups may either refrain from participation, or conversely, escalate rapidly the tactics they use to be heard. Both situations are detrimental to meaningful public involvement and to peaceful resolution of conflict. Another difficulty is the (often negative) effect of local communities having ineffective internal leadership. Finally, the dynamics of conflict can be significantly affected by the reactions participants have to their degree of access to resources and information – based on their gender, culture, values, and history. All these factors need to be taken into account when designing a meaningful participation or conflict resolution process.

### **Decision-Making**

We identify nine decision-making stages of the development process for large dams (or for many of their alternatives) for which there are opportunities and techniques for involving the public and for which conflict resolution approaches will be helpful: problem identification, alternatives proposal, site selection, project design, impact mitigation, construction, operations monitoring and evaluation, relicensing and decommissioning. At each stage, more extensive information dissemination and active involvement of essential stakeholders is necessary. For many of the stages, these activities are often not conducted early enough or adequately, especially after construction has begun. All participants need to be aware that disputes and conflicts are inevitable in such large projects, and that systems need to be pro-actively agreed upon and developed to manage these issues as they arise.

### **Stakeholders**

Stakeholders in dam-related processes are numerous and largely self selected. They include those who stand to benefit by building the dam (developers and some other stakeholders); those who are responsible for making, reviewing, or implementing specific decisions concerning dam siting and operations; those who will be negatively affected and those who seek to represent the underrepresented; those who can contribute local knowledge; and knowledgeable critics of the process. The reasons why some stakeholders do not become involved are complicated, but often closely related to difficulties with the public involvement process: not knowing they are stakeholders, not being informed of the opportunity to participate, not having power in the society, or not having access to the process (for any number of reasons).

Problems with representation are not generally major, except with less well-organised stakeholders, such as local populations (and perhaps particularly the women among them). Participants in these processes usually represent clearly defined stakeholder groups, but sometimes dam promoters and

governmental officials chafe at the involvement of national or international NGOs (a concern occasionally shared by local groups of stakeholders). For their part, these NGOs see their involvement as helping to address significant power imbalances between local groups and multi-national companies and national governments. It is not always clear who represents unorganised indigenous groups; this is a problem that needs attention to ensure meaningful public participation and conflict resolution.

Trust is low between many of the stakeholders concerned with the dams that we considered. Developers are seen by local groups as having low credibility, national and international NGOs as outsiders (sometimes), and government agencies as ineffective or biased. Two very common themes that cut across many sectors and views are: 1) concerns for effectively involving non-formal, poor, and indigenous groups, and 2) the importance of transparency in the process.

### **Institution Building**

Both intentional and unintentional capacity improvements for local and regional groups can be beneficial in the context of regional river planning and dam siting and construction. While there are sometimes concerns about the source of the assistance, overall, groups that are better organised with more training are able to participate more effectively in public involvement processes and negotiations. National governments and international organisations have experienced an evolution of international norms concerning public involvement in the last twenty years with many countries and institutions now requiring significant programs. This trend is significant and, if strengthened, could continue to produce approaches and processes that are more widely acceptable and protective of minority or less organized interests. Currently, the approaches and processes for handling conflicts tend to be ad hoc and vary greatly between countries, regions, and levels. A more universally recognized and utilized set of principles, approaches, and process steps for involving stakeholders and handling conflicts would improve decision making and the quality of the outcomes.

### **Best Practices**

The many approaches, process steps, and tools of public participation and conflict resolution are based on a set of principles which should be applied to all processes concerned with building dams or their alternatives. These practices stem from first principles that the public should have meaningful and continuous voice in decisions that affect their lives, and that their participation should have an impact on the decisions. For the resolution of conflicts decision-makers should take into account that differences and disputes are normal. Although every culture has its own ways of resolving disputes, better decisions emerge when diverse interests, knowledge, and expertise are brought to bear on complex problems such as watershed management and large dams or their alternatives. Public participation and conflict resolution processes should be evaluated regularly. Evaluation allows decision-makers to learn if both processes and outcomes are accomplishing the goals set out for them and to gather information to improve future projects.

These sections of the report discuss the ‘best practices’ of public participation and conflict resolution in a framework of principles for why best practices should be used, approaches to achieving the principles, and steps for developing high quality processes. The document lists, but does not replicate tools and skills detailed by other practitioners. These sections also list good representative practice elements for the stages of the dam building cycle. However, both public participation and conflict resolution processes must be sufficiently flexible to accommodate local needs, and appropriate to local circumstances, which are likely to differ from area to area and from project to project. There is no blueprint process. The challenge is to understand the local circumstances and to design a process that will enrich decision-making in each individual situation.