



**International Rivers Network**  
Linking Human Rights and Environmental Protection

## Turning the WCD into Action in South Africa

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Four years ago, the 12 commissioners of the World Commission on Dams (WCD) concluded their three-year effort to analyze the world's record of dams and development by stating: "We have told our story. What happens now is up to you." A group of dedicated South Africans boldly accepted this challenge. Representing varied interests on dams, they have been working together for nearly four years to incorporate the WCD's findings into South African national policies and laws.

Nearly 100 delegates representing government, the private sector, NGOs, affected communities, utilities and others came together on October 13-14 for the fourth and final forum of the South African Multi-Stakeholder Initiative on the World Commission on Dams in Johannesburg. The objectives of this Initiative were to broadly contextualize the WCD report and to make recommendations on its implementation in South Africa. The multi-stakeholder method promoted a collaborative and consensual response. The group's final report is expected to be ready for distribution in early 2005.

South Africa is the first country to move so far and so collaboratively on implementing the WCD. Said Brian Hollingsworth, the Initiative's facilitator, "It has been possible to finalize the report because of the work of people with many differing views of the issues but who are all dedicated to improving dam practice in South Africa."

The October meeting concluded with an emphasis on graduating to the next step: implementing the Initiative's recommendations. The report will provide a roadmap for South African institutions of how to adapt to WCD recommendations as prioritized by the Initiative. The report will recommend changes to existing water policy and energy planning – improvements that will likely carry over to South African dam projects outside of the country as well. Likewise, the outcomes of this multi-stakeholder process will serve as a model for other countries seeking to develop a national process on the WCD.

### **Reparations a Sticking Point**

For a process expected to be wrought with contention, some participants were surprised that only two issues were perceived as controversial during the final meeting – that of financial reparations for communities affected by past dams, and the issue of legally binding contracts between developers and affected communities.

Those affected by historic dams, like Gariep and Van Der Kloof, have lived for 30 years with the injustices of land taken without compensation and the drowning of ancestral graves. The issue of reparations was seen as the highest priority by those representing dam-affected communities. There was strong consensus in the forum that government promises were indeed broken and injustices done to many dam-affected communities in South Africa. There was little consensus, though, on how to rectify these outstanding issues.

In April 2003, two years into the South African Multi-Stakeholder Initiative, President Thabo Mbeki announced that action would be taken by the government of South Africa on the findings of the Truth & Reconciliation Commission (TRC). The TRC, which investigated apartheid-era atrocities, included written and oral testimonies

of about 20,000 individuals. The government agreed to compensate victims who participated in the TRC process with 30,000 Rand (about US\$5,000) each, and stated that no additional financial reparations for apartheid-era injustices would be provided.

All outstanding social issues with dams built prior to 1994 are considered by the South African government to fall under this condition. Government participants in the Initiative had to walk a fine line between acknowledging the importance of reparations for unresolved issues and the top-down message from government that no further financial reparations would be considered. Although dam-affected communities have been clear on the request for financial reparations, the government has indicated that it will investigate alternative forms of reparations, such as memorial plaques, provision of land and basic services, and sharing the benefits of the dams.

### **How They Did It**

In early 2001 preparations began for a multi-stakeholder process that would analyze how to apply the WCD report in South Africa. A working group was formed, representing government, IUCN, the private sector and local NGOs. Participants say it was during this time that an atmosphere of mutual respect emerged despite differences in perspective. The respect built here served as a foundation for collaborative work throughout the process.

Representatives of each of six key sectors – government, private sector, development finance and research, utilities, NGOs, and affected communities – sat on the Coordinating Committee to ensure that all perspectives would be given an equal voice throughout the process. The Coordinating Committee met every two months, and a broader stakeholder forum was held each year.

As a first step, the committee prepared a scoping report by canvassing opinions from all sides of the debate. According to Hollingsworth, “The scoping report brought all the issues into the debate from an early stage. So in this sense there were no surprises.”

Liane Greeff, a member of the Coordinating Committee, added, “The scoping report was a powerful tool for conflict resolution because it didn’t gloss over differences of opinion. Not only did it help people listen to other perspectives, but the report also provided a common platform upon which to base the analytical process.” The report also described trends and key issues, such as apartheid-era impacts and existing water stress in South Africa.

The stakeholders framed their process around the WCD’s seven Strategic Priorities. For each Strategic Priority, the group determined its relevance and desirability in South Africa. Next, they analyzed the extent to which it was already covered by existing policy, regulations, and legislation. Finally, they made recommendations for changes and identified outstanding research needs. Participants consciously used examples from Southern Africa to support their analysis.

With the report nearly complete, the October forum provided the opportunity to hammer out any remaining areas where consensus had not been developed, and to consider the appropriateness of the Initiative’s draft recommendations.

There was agreement on many things – including a need for a policy to address unresolved social concerns, and for an integrated national planning framework – but some key areas remained contentious. “We failed to reach consensus on whether there should be any form of moratorium on new dams until the legacy of social equity issues on existing dams had been resolved,” noted Hollingsworth. “We also spent a lot of time trying to formulate the need for options assessment to start at the macro level of planning in all sectors that require or impact on water resources.”

#### **Seven Strategic Priorities of the WCD**

- Gaining public acceptance
- Comprehensive options assessment
- Addressing existing dams
- Sustaining rivers and livelihoods
- Recognizing entitlements and sharing benefits
- Ensuring compliance
- Sharing rivers for peace, development and security

Although the facilitated discussion became tense at times, participants said it was not as tense as the dams debate in South Africa prior to the Initiative. One representative from South Africa's state utility, Eskom, affirmed that there is now "a better understanding of each viewpoint." The forum endorsed the changes recommended at the meeting and mandated the Coordinating Committee to finalize the report on their behalf. Once the report is published, a new committee elected at the October Forum will commence work to promote the report's recommendations. Government made a special request for more participants on this committee to ensure implementation is prioritized.

### **Secrets to Success**

Members of the Coordinating Committee identified several reasons for the Initiative's success. The South Africa process included reasonable and committed participants, who came to the table in good faith, believing that the WCD improves water- and energy- planning and can be implemented. They also acknowledged that South Africa, already water-stressed and on a course to be energy stressed, cannot afford to repeat the social and environmental mistakes it has made in the past. Participants say they were determined to consider each proposal carefully and to build consensus. The annual forums promoted open and constructive debates. Logistically, a clear process was set and ample time given for reflection. "I think the Initiative succeeded because of the atmosphere of mutual respect, because it took the time necessary to develop that respect," said Liane Greeff, whose work on the Coordinating Committee was informed by years of monitoring the WCD process for her organization, the Cape Town-based Environmental Monitoring Group. "Other key factors were the drafting of the scoping report, the equalizing of power relations and the role of the author in finding ways of drafting text to the satisfaction of everyone."

Another key to success was the importance of having all stakeholders engaged not only in the process, but in the determination of the process. In early 2001, two separate forums on the WCD were being planned – one by industry and one by NGOs. "We quickly recognized that the best way forward would be to plan together. If one sector is planning the meetings, it can give them more influence over the agenda and outcomes – exactly the situation we were trying to avoid," noted Greeff. The sectors began planning together, providing an opportunity for traditionally unequal power relations to share the floor with greater equity and enabling more voices to be heard.

For international observers, the process was an impressive example of democracy in action. "South Africa is a role model for the countries in the region, and from what I experienced, the WCD process in South Africa certainly reflects a new political space for civil society participation in development issues," observed Sandhya James of Basilwizi Trust in Zimbabwe, an NGO working with people affected by Kariba Dam. "Although it will be difficult for us at first, we would also like to initiate a similar multi-stakeholder process in Zimbabwe, as we have no national policies or guidelines on dams and development whatsoever."

### **Water Over the Dam**

South Africa's recent National Water Resource Strategy (NWRS), adopted in September, would have been a likely target for implementing recommendations of the Initiative's report. "Unfortunately the Initiative was not able to complete its work before the NWRS," noted Hollingsworth. "Nevertheless, we believe the WCD report and the discussions within the Initiative significantly influenced finalization of the NWRS. For example, between the discussion draft and the approved NWRS, the profile of water conservation and demand management was raised considerably, and the recognition by the water sector of its interdependent relationship with broader economic and social planning frameworks was more expressly stated."

Hollingsworth added, "The NWRS envisages 19 new dams over its 20-year period. Most participants in the initiative were disappointed that the plan did not demonstrate the same amount of thought and resources given to alternative water resource solutions as it did to dams. So it's a mixed bag." When asked about incorporating WCD recommendations into the NWRS, Mike Muller, director-general of the nation's water ministry, argued that the planning of water resources is much broader than the WCD. "We are not going to frame the NWRS on a process that narrowly focused on dams."

NGOs involved in both processes have been particularly frustrated that the NWRS largely ignores the WCD report, most notably its recommendation for comprehensive options and needs assessments. NGOs are wary that

South Africa is expected to build more dams, including one proposed for the Olifants River, which would primarily supply water to mines, without a proper needs assessment based on resource limits.

### **The Way Forward**

The goal is to implement the final report's findings and recommendations into national policy. Expectations are high that Forum participants like Eskom will adhere to the report's findings and recommendations even when conducting business outside of the country (it is Africa's biggest energy company, and has intentions to develop projects around the continent). Frans Louwinger of Eskom, a member of the Coordinating Committee, noted, "The WCD initiatives are very similar to [existing] South Africa's environmental legislation and guidelines. Eskom always strives to meet and even exceed national environmental requirements, both inside and outside South Africa. No substantial impacts to Eskom's business are therefore foreseen."

International parties will continue to observe the implementation of this precedent- setting WCD process. The Southern Africa Development Community (SADC) is encouraging all member countries to adopt a position on the WCD. Three other SADC countries – Namibia, Malawi and Zambia – have already held initial multi-stakeholder workshops on the WCD. Other countries in Africa are also taking interest. In Uganda, an all-day meeting to launch a national WCD process was held in October. Lessons learned from South Africa will likely inform and invigorate these countries' processes.



*Participants affected by South Africa's legacy of dams attending the October 2004 meeting.*