

**Challenging Goliath:
People, Dams, and the Paradoxes of Transnational
Critical Movements**

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INTRODUCTION

In the Western imagination, we are assumed to know fairly well what is happening in today's world. The high standard and the easy availability of communication technologies buttress this perception. Today, we share the strong impression that global connectivity is continuously growing, enhancing our knowledge bases and increasing the density of social interactions across the globe. Moreover, more and more people seem to believe that we currently face (and contribute to) the formation of a global public sphere. In this process, the powerful image of a well-informed world community has emerged, suggesting that discourses and norms constituting a common framework of reference converge (though dissident views abound as well). Disposing of such a plethora of information and communication channels, it is easy to assume that we all dwell in a common horizon, sharing the concerns that the world society faces. This powerful picture requires some reconsideration, notwithstanding its appeal.

Human rights abuses and struggles to realize human rights are a case in point. The mass media and alternative information platforms continuously disseminate shocking information on injustice and atrocities. Simultaneously, we learn about 'gains of terrain' by movements, networks, and organizations engaged in the protection of human rights. What emerges is a picture in which various dimensions of global flows come together: the spread of information, the transnationalization and

pluralization of law, as well as better and tighter means at civil society's disposal to protect and realize human rights. Despite this boost of information, connectivity, and action, several doubts remain, however, which I should like to address in this essay.

This essay seeks to highlight some hitherto little noticed difficulties faced by campaigns against human rights abuses and environmental damage at dam construction sites in South Asia. Rather than analysing the most obvious problems and obstacles that the victims and their supporters, the international human rights movements, face in their confrontation with powerful 'adversaries' such as state officials, lending agencies, and enterprises which ignore social and environmental standards, I shall concentrate instead upon some less striking, but nevertheless important problems. The existing literature and available internet sites provide accounts of successful struggles and they convey an idea of the magnitude of the social and environmental problems people at sites such as Narmada have faced. Such sources document the great significance, impact, and growth of these protest movement(s).¹ Yet they fail to acknowledge the movements' internal problems, and the assessments of their achievements are – I intend to show – too optimistic.

Thus, drawing on material from India and Nepal, I shall question the prevailing tendency in the existing literature to depict these protest movements as being well integrated and smoothly efficient. Taking this position may sound politically incorrect, but my intention is certainly not to belittle these movements or their impact. Rather, my aim is to highlight the highly complex and possibly fragmented character of those arenas where striking human rights abuses and everyday problems are contested and negotiated.² Against the backdrop of such ongoing struggles, it will therefore be my aim to address the limits of successful action in contexts characterized simultaneously by a striking variety of concerns and grievances, numerous and diverse stakeholders, and a multiplicity of sites of contestation. Viewed in this perspective, the accomplishments of previous struggles may appear even more conspicuous and impressive. Moreover, a proper grasp of some of the difficulties in carrying out protest movements may – I hope – contribute to strengthening them. I shall therefore consider the diverse logics of action and the internal conflicts within protest movements, the problem of an uneven distribution of resources at their disposal, as well as the problem of effectiveness

¹ See especially Khagram (2004), Baviskar (1995), and Sen (1999). For internet sites, see, for instance, <http://www.narmada.org/sardarsarovar.html>.

² Everyday issues such as working conditions and health can be seen as human rights problems, according to the First International Pact of Economic, Social and Cultural Rights.

due to the scattered character of sites of contestation. In this enquiry, I concur with the important observation by Johnson and Wilson (2000: 1891):

The current concern with the role of civil society in public action on development and social provisioning raises many conceptual questions. Among them is whether the concept of civil society inherently homogenizes social divisions which instead need actively to be confronted and negotiated.

At least since the Polish movement *Solidarnosc* gained global prominence and its logo captured our imaginations, the notion of 'civil society' has become a powerful image around the world. As is well known (and decried by many), this concept has been used with a great variety of connotations. Its success reflects the enhanced role of actors who neither belong to the state, nor to the economic sector, and who act outside the private domain in choosing, defining, and pursuing social goals.³ Besides having the capacity of self-organization, civil society is expected successfully to resist the state's domination (Taylor 1990: 98) as well as other 'colonization' attempts (Habermas 1988). In debates on so-called developing societies many observers and development agencies have invested great hopes in civil society's potential not only to strengthen their societies' institutional fabrics, but also to provide badly needed correctives to either weak and/or corrupt and inefficient states (Pfaff-Czarnecka 2004).

These expectations of efficiency have been so high that Western organizations, including the World Bank, USAID, and numerous other multi- and bilateral organizations have taken to providing economic support for non-governmental organizations and to sponsoring 'new social movements' in great numbers (and this development has been reflected in a tremendous boost for NGOs in the West as well). There is a far-reaching agreement that such non-state social forms⁴ tend to embody and reinforce democratic ideals through their dynamic character, their organizational potentials, as well as through their strong value stress on equality and partnership, and that they are likely to be more efficient because of their comparatively small size, specialization, and the high degree of legitimacy they enjoy.

³ Cohen & Arato (1989), Habermas (1988).

⁴ In fact, so far it has proved rather difficult to produce any satisfactory definition of these non-state social formations. The synonymous use of the terms 'NGO' and 'civil society' is extremely problematic for several reasons which, for lack of space, cannot be gone into here.

The high ethos of partnership and equality evinced by many movements and organizations became a staple in the public understanding of what civil society is about. But it is important to see that resistance networks can be contingent and are not always stable bodies, but may rather be prone to conflict and division. In view of the immense engagement in direct action, in advocacy and the dissemination of information, I do not mean to neglect the tremendous importance of these formations. The question is whether failures, shortcomings, and ongoing conflicts should be silenced in social analysis. The great diversity and inequality prevailing in civil society tends to be neglected in media depictions and in current academic research. Fragmentation, power differentials, and competition have not so far received much attention.

Simultaneously, over the last ten years, three assumptions about the dynamics of civil society have significantly buttressed the legitimacy of non-governmental organizations and social movements. The first assumption is that there have been continuous 'gains in terrain' in the battles against their adversaries; the second is a firm belief in their effectiveness; third, there is the image of civil society as well integrated and consistent. The first assumption is reflected, for instance, in the well-known elegant 'spiral model' presented by Risse, Ropp, and Sikkink in 1999 that purports to explain how transnationally organized civil society works towards the realization of human rights. Risse et al. discern several stages in the cooperation between national and international civil society actors: international actors help their national partners to pressurize governments to protect human rights while operating under severe conditions, characterized by denial and backlash against their cause. In the first stage, they achieve – after prolonged battles – tactical concessions made by government. In the second stage, prescriptive status is reached (incorporating human rights into the state's legislation). In the final step, governmental behaviour consistent with international norms is achieved. Obviously, the 'spiral model' conforms to what is desirable. Risse et al. very rightly stress the onerous process leading to the realization of human rights. Nevertheless, they concentrate on cases where international pressure has ultimately proved successful, whereas in many instances, as we shall see with the example of the Narmada project(s) in India, tactical concessions can go on forever, leaving space for discretion and room for manoeuvre, to the continuing advantage of resourceful stakeholders. It is an empirical question, then, whether a movement's losses are to be seen as a temporary backlash, or, alternatively, as a durable reversal of a process they have sought to influence.

The second assumption – that civil society organizations are always effective – is reflected in Khagram's (2004) assessment of the civil

society movement's decisive impact on the diminished volume of large dam constructions worldwide:

... I argue that the unprecedented emergence and unexpected strength of transnationally coordinated action – constituted primarily by nongovernmental organisations and social movements – has dramatically altered the dynamics surrounding big dams around the world from the local to the international levels. Critics and opponents of these projects have been strengthened by globally spreading norms and principles regarding human rights, indigenous peoples, and especially the environment, among others. The gradual institutionalisation of these norms and principles into the procedures and structures of states, international agencies, private sector companies, and other prominent organisations has partially been the result of the activities, and substantially contributed to the effectiveness, of these actors. (Khagram 2004: 3)

As a corrective to this view, a document prepared for the World Commission on Dams cites a number of alternative reasons why there has been a decrease in the number of large dam projects worldwide:

- Environmental and social ('safeguard') policies have become more explicit and comprehensive.
- Internal review processes have been strengthened ...
- Lending policies, especially in the power sector, seek to promote reform and encourage governments to bring in the private sector.
- Greater emphasis is being placed on sound macro-economic policies and reduction in poorly targeted subsidies ...
- Country strategies focus more on poverty alleviation and environmentally sustainable development, which has increased the emphasis on energy efficiency. (Ljung 2001: vi)

Ljung's explanation is not necessarily incompatible with an enthusiastic depiction of the role of human rights and environmental protest groups. In fact, it forcefully reflects the importance of their impact, but it attributes to them a smaller weight in assessing the overall causes of changing trends in power generation. Khagram's argument for the efficacy of the transnational protest movements may appear in a special light when we consider the serious setbacks to the movement that I discuss below.

Both Risse et al. (1999) and Khagram (2004) also illustrate the third assumption (civil society as being well integrated and consistent). Other authors, such as Manuel Castells (1996) who has worked on *spaces of*

flows, and Brysk (2000) who stresses the acceleration (see the first assumption) of international connections, tend to convey a picture of transnational protest movements as well structured and connected. By contrast, Radcliffe et al. (2002) draw our attention to such movements' unruly, complex, and partly contradictory character. On the basis of a study of indigenous and political transnationalism in the Andean region, they argue against a simple 'meeting of above and below' model, as reflected in the 'spiral model'. They suggest that the issue networks they have observed operate simultaneously at diverse levels, and are full of entanglements and contradictions: "In practice, the work on Andean indigenous transnational issue networks demonstrates that the interests, agendas and practices constitutive of transnational indigenous development are radically heterogeneous" (Radcliffe et al. 2002: 14; see also Singh 1997: 13). The same observation could be made of the South Asian data I am now going to present.

CONSTRUCTING DAMS AND THEIR CONTESTATIONS IN SOUTH ASIA

During the second half of the twentieth century, in South Asia as elsewhere, very ambitious energy programmes were initiated and partly implemented. Apart from nuclear power stations, large dams were among the largest projects undertaken in order to generate electricity. At the beginning of the state-guided modernizing era, coinciding with the period when India gained its independence, everything was subordinate to the ideology of development. Its advocates embraced the idea of technical progress and economic growth, according overwhelming priority to the common good (of the nation) as opposed to the private concerns of affected population groups. Subsequently, from the 1950s onwards, numerous damming projects were initiated in India. Many remained at the planning stage, however. Significant delays were due partly to a lack of funding and partly to problems of coordination and conflicts of interest within and between governmental agencies.

It is only during the last two decades that protest movements have gained momentum in India and in Nepal, and these have slowed the pace of implementation still further. Today, India looks back at an impressive trajectory of mobilization and protest involving more and more people, organizations, and movements within India and abroad. The success of the Indian protest movement has greatly contributed to policy changes in the world at large, instigating the adoption of new approaches within the World Bank as well as within several transnational corporations operat-

ing in this field. Successful protest at one particular construction site has usually spread to other sites, providing a model for how to organize efficiently, which course of action to adopt, and which style of leadership to follow (see Khagram 2004: 33-64). Indirectly, the Indian struggles have had a positive impact in Nepal as well, as I shall discuss below. Notwithstanding the many success stories and achievements, numerous drawbacks and problems have remained, as the following two examples reveal.

Case 1: India – The Narmada Project(s)

This short account can, of course, only provide a rough summary of developments surrounding the Narmada projects, their planning and implementation, the escalating protests, and the negotiations which resulted. This is partly due to the sheer magnitude of the protest against the construction work and accompanying activities, in particular the forced displacements. Furthermore, the sheer quantity of publications that document these processes complicates the matter further since the authors often follow one of the ideological positions among the competing factions within the anti-Narmada movement. It is precisely this size and complexity that are my point of departure.

Plans to establish dams in the Narmada River Valley go back to colonial times. Subsequently "... over 3,000 dam projects, including 165 big dams, were finally approved for construction along the Narmada river's course and tributaries in 1979, constituting part of the largest river basin scheme formulated in India since Independence" (Khagram 2004: 65). Before this region became the nexus of a strong protest movement, in the initial decades, it was already the arena for interdepartmental struggles and conflicts of interests between different arms of the state apparatus, especially at the federal level. These 'internal' struggles among and within governmental agencies provide a telling picture of the meagre chances to manage projects of this scale and size.

According to Khagram (2004: 67), who has provided the most recent, concise and well-documented analysis on this issue,⁵ the first proposal for the integrated development of the Narmada River Valley was made by Dr A.N. Khosla, the Chairman of the Federal Government of India's Central Waterways, Irrigation and Navigation Commission in 1946. Despite a scarcity of trained personnel and of financial resources, an ad hoc committee was formed by the Central Ministry of Works, Mines, and Power in 1947 in order to review the preliminary estimates and to formulate priorities since the government saw the generation of power as one

⁵ Unless stated otherwise, the information in this subsection is based on Khagram (2004).

of the key requirements for progress, for the sake of which individual interests had to be sacrificed:

Signalling that the displacement of people from the construction of big dams in the name of development would become a common feature in post-independence India, Prime Minister Jawaharlal Nehru told villagers while laying the foundation stone for the project [Hirakuru in Orissa] on April 12, 1948, "If you are to suffer, you should suffer in the interest of the country".⁶

In subsequent years conflicts were to escalate. The Ministry of Irrigation and Power argued for the expansion of wet rice production, an imperative that have partly collided with the task of optimizing energy generation. The federal states affected by the project embarked on prolonged negotiations regarding the location of important dams and over the losses of water needed for irrigation and for other dams.⁷ Initially, there existed no central authority which could successfully mediate the deepening inter-state conflicts. With the splitting of the state of Bombay on 1 May 1960 into the states of Maharashtra and Gujarat, new and inexperienced bureaucracies were put in charge of planning and implementation. Subsequently, no ecological impact assessment was conducted, nor – as in the case of the Broach project (the predecessor of the Sardar Sarovar major dam project) – was any economic analysis or comprehensive financial plan undertaken. The technical designs as well as the expected outputs repeatedly shifted in the course of negotiations between the states.

At the moment when the Broach project was inaugurated in 1961, the authorities gave no consideration to its social impact. As Khagram (2004: 71) very pointedly reports,

At that time, the first six villages (four completely, two partially) were commandeered for Kevadia Colony, the headquarters for construction of the project. The impacts on those displaced, who were mostly tribal peoples, were not examined. The people who were affected by the project were not informed in advance, nor was their participation considered necessary for successful exe-

⁶ Cited in Khagram (2004: 37) from the *Bombay Chronicle*, 12 April 1948, 5. In a similar vein, J. Nehru stated, "When I walked around the site, I thought these days, the biggest temple and mosque and gurdwara is the place where man works for the good of mankind. Which place can be greater than the Bhakra Nangal Project, where thousands of men have worked or shed their blood and sweat and laid down their lives as well? Where can be a holier place than this, which can we regard as higher?" (cited in Khagram 2004: 33).

⁷ After four major projects (Bargi, Tawa, Punasa and Broach) were approved initially, the states of Madhya Pradesh and of the then Bombay have agreed to expand the projects to the sites of Barwah, Harinphal and Keli.

cution of the projects. A policy of resettlement and rehabilitation was not formulated, nor was compensation awarded for the loss of lands and livelihoods. The 'outstees', as they were called, themselves were not organised, mobilised, or even aware of their rights enshrined in India's democratic constitution.

Only in 1969 did the Narmada Water Dispute Tribunal (NWDI) come into being. This can also be considered the defining moment when the diverse projects planned and under construction affecting the four Indian states of Gujarat, Madhya Pradesh, Maharashtra, and Rajasthan (Rajasthan not being considered a 'riparian' state, however) came into being as the single 'Narmada' – the largest river basin scheme the Indian state has ever sought to implement. In the course of the 1970s, this Tribunal was in charge of mediating between governmental actors, while a range of key non-state stakeholders, in particular the directly affected persons, were not involved in the NWDI's deliberations. Also, its establishment itself has instigated new conflicts (on its constitutionality as well as on its competencies and the finality of its judgements) – while still leaving many problems unresolved. In the course of the 1970s, its deliberations centred on key technical issues: the height of the dams, the designated areas for submersion, the priority of the individual projects, and the shares of water to be directed to the four states. It was only in the middle of the 1970s that the issue of rehabilitation measures for the displaced population appeared on the NWDI's agenda; environmental concerns continued to be left out (Dwevedi 1998). It was already realized that around 200,000 people would be evicted in the course of the construction of all the dams and channels (see narmada.org; Shihata 2000). The projects had grown significantly in scope and size. As of 31 March 2005, the construction agency gives the following striking data on the Sardar Sarovar Dam:

A concrete gravity dam, 1210 meters (3970 feet) in length and with a maximum height of 163 meters above the deepest foundation level, is under construction across river Narmada. The dam will be the third highest concrete dam (163 meters) in India, the first two being Bhakra (226 metres) in Himachal Pradesh and Lakhwar (192 meters) in Uttar Pradesh. In terms of the volume of concrete involved for gravity dams, this dam will be ranking as the second largest in the world with an aggregate volume of 6.82 million cu.m. The first is Grand Coule Dam in USA with a total volume of 8.0 million cu.m. This dam with its spillway discharging capacity of 87,000 cumecs (30.70 lac), will be the third in the world, Gazenba (1.13 lac cumecs) in China and Tucurri

(1.0 lac cumecs) in Brazil being the first two. As per the approval of Planning Commission of Government of India, the cost of SSP was estimated at Rs.64.06 billion based on the 1986-87 price level, out of which share of Gujarat was placed at Rs.49.04 billion and the share of other 3 States Madhya Pradesh, Maharashtra and Rajasthan at Rs.15.02 billion. The likely cost at 1991-92 price level works out to Rs.13,180 crores. There are two power houses for the Sardar Sarovar Project (SSP). (i) 1,200 MW River Bed Power House and (ii) 250 MW Canal Head Power House. Power benefits are shared among Madhya Pradesh, Maharashtra and Gujarat in the ratio of 57 : 27 : 16 respectively.⁸

Towards the end of the 1970s new actors entered the complex terrain of the Narmada. In 1978 the Indian authorities accepted foreign funds provided in the first place by the World Bank, the United Nations, and Japan. Almost at the same time the first domestic resistance against the Sardar Sarovar Project occurred in the state of Gujarat, but the protests were limited because of the weakness of the tribal population and their supporters. In Madhya Pradesh, a stronger protest movement formed almost simultaneously. Its strength can be attributed, first, to the fact that with the planned height of the Sardar Sarovar Dam of 455 feet, prime agricultural lands in Nirmar district were going to be submerged, affecting especially middle-class farmers who were affluent enough to generate substantial funds for the movement. Second, members of the then oppositional party of Congress hoped to make political capital by lending their support to the movement. Subsequently, leading politicians such as Dr Shankar Dayal Sharma (future President of India) and V.C. Shukla (future Union Minister of Water Resources) were detained by the police in the course of the protest movement (Khagram 2004: 85). However, once Congress came to power, local expectations were disappointed. The elected leaders agreed to proceed with planned construction works, while stressing that they would strive to explore "the possibility of reducing the distress of the displaced persons as much as possible".⁹ With the promise of compensation, resistance ended.

World Bank involvement has slowed the project implementation, in the first place due to the Bank's authorities having been compelled to conduct several studies in response to technical concerns. Also, upon its recommendation, planning groups and commissions were established in

⁸ Quoted from the homepage <http://www.sardarsarovardam.org/>, run by the consortium Sardar Sarovar Narmada Nigam Ltd.

⁹ Cited by Khagram (2004: 85) from the memorandum of understanding signed by the Chief Ministers of Gujarat and Madhya Pradesh on 8 August 1981.

order to coordinate the project. Increasingly, the modalities of resettlement and rehabilitation (R & R) have received more and more attention. Almost from the outset, the World Bank issued several statements and sent out several missions seeking to refine its policy with regard to R & R. However, the Bank's authorities have had little impact with regard to implementation. In the same vein, the governmental Narmada Water Dispute Tribunal ruled that the affected families were to be compensated not only in cash but also in land, that they were to be supported by additional grants and financial assistance, and that full communities as units were to be relocated to the new villages. In practice, the Tribunal lacked the authority to monitor the implementation of its recommendations. People without land titles, especially those ethnic groups that relied on common property resources and on living from forest and waste land, were not included in this planning. A further drawback was that the Tribunal designed these R & R packages for farmers in Madhya Pradesh and in Maharashtra, but not for those in Gujarat.

It should come as no surprise, therefore, that Gujarat developed into a site where, from the beginning of the 1980s onwards, a strong domestic protest movement started to gain momentum. For instance, on 8 March 1984, there was "a massive march to Kevadia Colony – the construction headquarters near the Sardar Sarovar Dam site – involving all outstees from all the villages to be submerged in Gujarat and joined by potentially affected villagers from Maharashtra" (Khagram 2004: 89); the marchers demanded compensation. Increasingly, they were supported by domestic non-governmental organizations such as the Social Services Society or Arch Vahini, which have taken upon themselves the task of organizing the project-affected people to improve their compensation packages, to monitor their delivery, and to disseminate their findings on injustices, for example, in relation to unequal treatment in the ongoing process of R & R.

While the R & R issue has remained the most prominent concern for the growing protest movement, other issues have started to be included in their agendas as well – in this they were increasingly influenced by international debates. So, for instance, the UK-based Oxfam (besides supporting the R & R issue) began to carry out and strengthen health-related work. By the mid 1980s environmental concerns were also receiving more and more attention. The Ministry of Environment and Forests (MOEF) of Gujarat issued a confidential note to Prime Minister Rajiv Gandhi expressing concern at the environmental impact of resettlement practices. Furthermore, "[t]his criticism with respect to resettlement was connected to the increasing divergences between the MOEF on the one hand, and the federal Government of India's Ministry of Water

resources and the state governments on the other, over the environmental impacts of the projects” (Khagram 2004: 97). Internationally endorsed norms of environmental protection were translated into national and state-level legislation, binding the various governments to introduce checks, balances, and standards.

The R & R issue was gaining momentum in India as well, with NGOs framing grievances in human rights terminology, and in particular adopting the language of indigenous peoples’ rights. Their efforts have been supported more and more by international movements and organizations which exerted pressure on the World Bank. The World Bank, in turn, has repeatedly “urged the various Indian Governments to improve their policies on resettlement” (Khagram 2004: 89). Having received unsatisfactory answers on several occasions,¹⁰ the Bank contracted a renowned specialist on resettlement who came up with a highly critical report, which still had little impact on actual practice. The international movement has been instrumental in pressurizing the World Bank as well as the Western governments that are involved in the dams’ construction either by providing loans or by issuing guarantees to Western enterprises active on the sites.

With this strong international support, domestic protest also grew in strength. Simultaneously, the (pressurized) World Bank exerted pressure upon the Indian government. After November 1987, when the newly appointed President of the World Bank, Barber Conable, visited India and met with numerous activists, the Government revised its course, affirming a two-hectare minimum for landed outstees:

Two weeks later, on December 14th and 17th, three more resolutions were passed ... The first resolution granted that landed outstees, who were eligible for a minimum of two hectares of land, would be given an *ex gratia* payment equal to the difference between the compensation received for a submerged land-holding and the market price of buying five acres of land. ... The second and third resolutions increased the subsistence allowances and grants to be given to the outstees during the process of relocation ... The final resolution – and by far the most unexpected – completely reformed the resettlement policy by adopting the same package for all landless outstees of Gujarat, not just those cultivating unauthorised lands, that was to be given to landholding outstees. (Khagram 2004: 99)

¹⁰ “Letters were sent to the Bank stating that ‘necessary steps are being taken to formulate a rehabilitation plan’ and that no Bank mission should be mounted specifically for this purpose” (Khagram 2004: 89).

This substantial victory of the movement was, however, soon revealed a faultline along which cracks within the movement began to emerge. For, under the new circumstances, those who objected to the dam construction as long as there was no policy for R & R and those who opposed all and any dam construction no longer stood side by side. The former, including the NGO Arch Vahini, began to cooperate with the project authorities in the implementation of policy reforms. The latter, who included the Narmada Dharanghast Samiti, claimed that, for environmental reasons a complete and comprehensive re-evaluation of the project was required. (To this they added scepticism both about the prospects for efficient implementation of resettlement policies and about the proposed economic benefits of the project.)

Subsequently, during the 1990s and thereafter, two very diverse dynamics coincided. On the one hand, the human rights regime, consisting of laws, the formal institutions for their enforcement, as well as civil society actors supporting human rights, has substantially grown in size and refined its tools. On the other hand, conflicts within the movement have intensified. The complex relationship between human rights and environmental activists is a case in point. The two movements can reinforce each other, as was the case on the occasion of the 1992 Rio UNCED Summit where the rights of indigenous peoples were brought into a direct relation with environmental concerns.¹¹ But they can also collide and clash – as has repeatedly been the case with national parks in many countries.¹² Again, action aiming at improving the working conditions of workers on the project sites may come into collision with both of these positions.

Activists and the immediately affected local people were able to join forces in stalling construction on the projects. To the great disappointment of the project's fundamental opponents, however, the movement has not been able to halt Narmada altogether. Nevertheless, environmental as well as human rights groups have been able to gain strong support from abroad in order not only to make the authorities acknowl-

¹¹ "Principle 22: Indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development" (Rio Declaration on Environment and Development formulated at The United Nations Conference on Environment and Development).

¹² Khagram (2004: 97) argues that with the transnationalization of the anti-Narmada movement "there was a progressive integration of human rights, indigenous peoples, and environmental concerns." This was certainly the case among the opponents of the entire Narmada project, but within the movement diverse opinions have been voiced.

edge and refine legal norms, but also to work towards their realization. Increasingly, Indian activists have been joining hands with a wide array of international actors, including Oxfam, Survival International, 'The Ecologist' group, and numerous other organizations and movements in the West.

With the support of their Western allies, the domestic opposition was able to cooperate with the newly established environmental departments in pursuing environmental protection. "During the period between 1985 and 1987, what by then had become the MOEF persisted in its refusal to grant environmental clearances to either the Narmada Sagar or Sardar Sarovar Projects" (Khagram 2004: 107). At that time the World Bank was clearly on the opposing side, having already approved a \$450 million loan and credit agreement for the Sardar Sarovar project in the year 1985, and exerting pressure upon the MOEF. The rapidly growing domestic opposition that came to be guided by such charismatic leaders as Medha Patkar has subsequently accused the World Bank, among other things, of ignoring and bypassing the MOEF's concerns and decisions. On the other hand, the authorities have established two subcommittees of the Narmada Control Authority in charge of environment and welfare respectively, involving members of domestic NGOs.

In May 1988, the domestic opposition managed to gather a huge protest rally after the governments of the three riparian states withdrew some of the previously given assurances regarding resettlement. This overwhelming protest forced the Government of Gujarat (GOG) to compromise, again regaining support from the pragmatist NGOs, which deepened the rift with their more fundamentalist opponents and sometime allies. The GOG's (and other states') tactics – manoeuvring between stakeholders, making 'strategic concessions' (see Risse et al. 1999), and co-opting protesters – contributed to this rift. Nonetheless, a strong front was formed, calling itself the 'Save-the-Narmada Movement', and it gained high visibility both in India and abroad. But state authorities were strengthening their tools as well. On 5 October 1988 the Government of India's Planning Commission granted an investment clearance of Rs.6,406 crores and the GOG imposed the Official Secrets Act, severely restricting access to information and forums for public protest (Khagram 2004: 115).

Subsequently battles and negotiations took place at diverse sites. Ever-shifting constellations of actors joined forces directly at the project's operational headquarters (Kevadia Colony), meeting at rallies and national conventions and acting abroad. Endeavours to influence the decision making within the World Bank have proved particularly effective. American activists have successfully accessed the US Senate,

Congress, and the World Bank's board of executive directors as well as its several key executives. In the same vein, in other Western countries, activists have lobbied their governments and organized concerned citizens' support. The 'gains of terrain' achieved by activists in Washington, where Congressmen and other politicians started to pressurize the World Bank, subsequently spread to other Western countries:

The Congressional hearings and Scheurer's interventions also began to shift the perceptions of other foreign donors. Congressman Scheurer himself went a step further and raised the issue at a Washington, D.C. meeting of Global Legislators for a Balanced Environment (GLOBE), a transgovernmental coalition, and subsequently sent letters to several European and Japanese funders to take the case up in their own countries. These included the OECF of Japan which was to fund turbines manufactures by the Sumitomo and Hitachi corporations, KfW of Germany which was involved in fisheries development, CIDA of Canada which had been approached on the issue of the environmental impact assessment, and ODA of the United Kingdom, which was called upon to conduct downstream impact studies on the projects. (Khagram 2004: 119)

Eventually, the Japanese activists were successful. In 1990 the Japanese Ministry of Foreign Affairs announced the suspension of any further payments for the projects; in addition, numerous Japanese politicians signed a letter to the World Bank's president, Barbara Conable, arguing for a suspension of its funding (*ibid.*: 120). Despite growing criticisms abroad, the Indian authorities did not alter their stance.

For the argument being advanced here the subsequent developments are of special importance. First, faced with the mounting pressure upon the World Bank, the Indian government announced on 26 March 1993 that India would forego the remaining \$170 million of the \$450 million credits and loans that had been allocated for the Sardar Sarovar Project by the World Bank. Second, no longer able to pressurize the Indian government through its external donors, activists intensified their pressure directly on the government, and in response increasingly faced repression at the project sites. Third, from 1994, the Indian Supreme Court became an important site of contest and negotiation. It considered several petitions handed in by the protest movement and in February 1997 it delivered a judgment, ordering an indefinite stay on implementation of the Sardar Sarovar Project. This judgment was celebrated by the Anti-Narmada Movement as a major victory. However,

Gujarat authorities ... continued to build the Sardar Sarovar Pro-

ject without complying with the Supreme Court's February 1997 judgment. By this time, moreover, Hindu fundamentalist groups had grown in strength and the right wing Bharatiya Janata Party (BJP) had been elected to numerous governments in India including in the State of Gujarat. ... the increasingly authoritarian nature of [the] Indian political system, along with mounting counter-mobilisation by big dam proponents, and growing attempts to privatize big dam projects began to curtail the effectiveness of big dam opponents, including the Narmada Bachao Andolan and its transnational allies. (Khagram 2004: 136)

Furthermore, in 2000, the Supreme Court made a very crucial decision which effectively reversed its 1997 ruling and supported the implementation of the damming project with little concession to the objections put forward by the Narmada Bachao Andolan (NBA). After six years of pending and deliberation, during which a stay order was issued over construction of the Sardar Sarovar Dam (Gujarat), the Court ruled in favour of the project's continuation, issuing an order that the construction works could be restarted immediately. The Supreme Court further made the point that the judiciary should have no role in deciding whether social justice was threatened through this project. Neither the objections regarding the project's environmental impact nor the shortcomings of the rehabilitation programmes were taken up.

It was a severe blow to the Indian Save the Narmada Movement that the Supreme Court questioned the legitimacy of social movements to act as public interest petitioners. Also, the Supreme Court's voicing a clear position in favour of large dam projects as beneficial to the entire nation was considered a severe affront to the movement. On the home front, therefore, the international campaigning has not proved as successful as it did in the West and especially at World Bank headquarters in Washington.

Before proceeding to the Nepalese example, I should like to identify three major sets of issues to be followed in the subsequent analysis. Of special interest are the logics of public communication. The population in the affected region and their allies carry on their battle in public social fields, and they have proved very successful in mobilizing support by successfully communicating their cause and grievances. Their public appeal has proven to be an important resource throughout the anti-Narmada struggle. Obviously, all those involved seek to communicate their truth. As a result, diverse and often conflicting definitions of the situation seek to dominate public forums. This diversity comes about as a consequence of divergent interests, drawing upon particular understand-

ings of a given situation and mobilized in order to shape the perceptions of potential audiences. Such differences are obvious when state officials and the outstees disagree on the form and amount of compensation; they may also show that within the protest movement diverse goals are embraced. So, among the 'fundamental' opponents of the movement, the outstees will be depicted as victims of eviction and of environmental degradation; the 'pragmatists' may rather concentrate upon the amount of remuneration as well as working conditions on the constructing sites, health problems, etc.

The diversity of public depictions comes to light when Maninder Gill (1995) goes so far as to speak of the 'reign of terror' unleashed by the Narmada Bachao Andolan (NBA) on government officials as well as on those outstees who preferred to negotiate with the government in the light of a revised resettlement policy.¹³ This accusation conflicts entirely with the NBA's self-promoted image as close allies of the outstees. Whereas the NBA has over and over again claimed that the indigenous people are anti-dam per se, this has been denied by other activists and scholars (see, for instance, Patel 1997 and Dhagamwar 1997). This example indicates that the victims may be depicted in differing ways, in accordance with the course of action a particular protest group is taking.

The second important set of issues is the question regarding the effectiveness of the civil society actors who face well-endowed opponents, be it state agencies, lending agencies, or transnational corporations (TNCs). The anti-globalization movements have been repeatedly depicted as David facing Goliath (Hannerz 1995; Wimmer 2001) in the literature. This discursive figure entails, of course, that the weak but resourceful protestors will win, eventually. Khagram (e.g. 2004: 137-8) is especially enthusiastic about the movement's success, pointing to its effectiveness in stalling the construction of the Sardar Sarovar, indicating how the international human rights and environmental norms have been acknowledged and incorporated into national law and highlighting the international effects of the movement. The evidence he provides substantiates these claims. However, viewed from another angle, different inferences can be drawn. For, during the period when the international protest movement was growing, the state and corporate actors were gaining strength as well. Withdrawals by Japan and the World Bank, rather than being a victory for the protest movement, can be interpreted as a loss to the cause of the outstees, because thereafter the Indian authorities faced less pressure – which has allowed them to go ahead with construction. While the World Bank proved to be a learning agency and

¹³ See also Singh (1997: 13).

withdrew from Narmada, the homepages of those organizations active in the protest movement have recently (spring 2005) been full of vivid accounts of environmental causes under threat and human rights abuses.

The third issue regards diverse entanglements coming about in the course of project implementation. This notion was introduced by Radcliffe, Laurie, and Andolina in 2002 into the growing research on transnational solidarity movements. While observing pro-indigenous movements in the Andean region, they have reached the conclusion that in the course of transnationally organized action, dynamics at diverse levels of social organization come to coincide and to impinge upon each other. Multiple scales of interaction are involved simultaneously in negotiations, and actors and practices are not confined to a fixed location. Furthermore, "political transnationalism represents the entanglements of diverse ethnic, class and geographically dispersed institutionalized and politicized social actors around the notion of indigenous needs, and the policy and political frameworks through which to address these needs. ... we find entanglements around gender hierarchies, political affiliations, notions of professionalism, and cultural authenticity" (Radcliffe et al. 2002: 3). Such entanglements come about because development interventions, just as much as protest movements, are embodied and embedded in social practices and discourses wherever they take place. In the same vein, Gandhi draws our attention to the deeply entangled nature of negotiations in the course of the Narmada project in Gujarat:

Resistance is a process of negotiation between actors who operate from particular positions along a spectrum of power relations. Complex, horizontal engagements of convergence and disengagement rather than static relations of dominance 'from above' and resistance 'from below' characterize the relationship between the state, adivasis and activists. (Gandhi 2003: 486)

These complexities come to light in the case of the Kali Gandaki 'A' project in Nepal as well.

Case 2: Nepal – The Kali Gandaki 'A' Project

This case needs to be seen as forming part of a larger trajectory of dam construction, the related protest, and subsequent policy reforms in Nepal, in South Asia, and worldwide. On the one hand, the design, the policies, and the modes of implementation of Kali Gandaki 'A' are to be seen in relation to the prolonged negotiations over the Arun III project in Nepal and the subsequent analyses and discussions that have occurred among experts and civil society members. The notorious Arun III was among the

most prestigious and largest projects the Nepalese authorities and their international partners had ever designed for the country. Only after very severe protests by Nepali experts and activists and their Western allies, was the decision taken to give up the plan. The World Bank's decision to pull out in 1993 brought the project to an end.¹⁴

While human rights, and especially environmental concerns, have formed part of the protest against the Arun III, the major argument stressed the economic and managerial aspects. The opponents argued that with the magnitude of this project, the implementation would have been in foreign hands to an unacceptable degree. Furthermore, it would have created an enormous foreign debt (in addition to the already existing debt). Additionally, the problem of India's dictating the price for electricity purchase remained unresolved; given the scope of the planned electricity production, this was seen as a crucial issue. Therefore, Arun III was deemed too large for the Nepalese political economy, and unfeasible with regard to the environmental situation in the fragile Himalayan region. Projects such as Kali Gandaki 'A', tiny in comparison to other projects abroad, were thought to be more appropriate in size, and were accordingly approved.

As Kavita Rai demonstrates in her doctoral thesis, the Kali Gandaki 'A' forms part of a South Asian and possibly global pattern of negotiations over dam construction: international experiences of protest over human rights and environmental concerns have induced the authorities to revise their policies with regard to nature protection, resettlement policies, working conditions, as well as to policies regarding the dissemination of information.¹⁵ In other words, on both sides the Kali Gandaki 'A' project has greatly benefited from the experience of previous protests and negotiations.

The 144 MW Kali Gandaki 'A' project was inaugurated in 2004 on 22 January.¹⁶ Construction started in 1993 at a total cost of almost US \$360 million which was put together by His Majesty's Government and the NEA (the Nepalese Electricity Authority), the Asian Development Bank, and Japan's Overseas Economic Cooperation Fund.¹⁷ The electric-

¹⁴ That is, for the time being, for the project has not been abandoned altogether.

¹⁵ Conducting her doctoral research under Prof. Wimmer's and my supervision, Rai has discovered that the local population failed to understand that eventually construction work would be terminated, that in general they were not able to plan any investments for the compensation they received, and that they were mostly unable to save the money they earned at the construction sites.

¹⁶ If not specified otherwise, all information on this case is drawn from Rai 2005.

¹⁷ For precise data, see, e.g. http://www.adb.org/Documents/PCRs/NEP/pcr_nep_26362.pdf.

ity generated from this project is fed to the national electricity grid. The Kali Gandaki region was found best suited for this kind of endeavour for technical, economic, and environmental reasons, as revealed in an assessment sponsored by the UNDP in 1979, as well as in an up-to-date feasibility study conducted by Norpower in 1991-2.

The Kali Gandaki area is situated in Nepal's Western Development Region, in an area comprising parts of the districts of Syangja, Palpa, Gulmi, and Parbat. The Project consists of the dam, a water reservoir, power plant, transmission lines, and a 28.5 km. access road. The 5.5 km. long water reservoir spreads over 65 hectares. The water is then diverted through a 6 km channel from the dam to a powerhouse. The area immediately affected consists of fertile lands, especially in Shri Krishna Gandaki VDC, the pilgrimage sites in Rudra Beni and Ridi Bazar as well as fishing and rafting sites. During construction, the NEA displaced eighteen Bote households. By 2002, there were 263 seriously project-affected families who had experienced a loss of income greater than 60 per cent, or loss of assets of more than 50 per cent. In addition, there were 1,205 project-affected families who had lost less than 50 per cent of assets. All eighteen households of the Bote ethnic group were relocated.¹⁸ Out of the sum of US \$540,000 set aside for relocations, 95 per cent was disbursed (Rai 2005: 112).

The Kali Gandaki 'A' project was among the first undertakings in Nepal for which the NEA contracted an environmental impact assessment, and it was completed in 1996. The authorities also drew up a 'Mitigation and Monitoring Plan' as well as an 'Acquisition, Compensation, and Resettlement Plan'. The results of the two plans were incorporated into the project's annual progress reports. Rai especially stresses that "for the first time in the history of hydropower project implementation, the NEA paid compensation for the acquisition of land for building an access road in addition to those in the main disturbance sites" (2005: 83). She also states that "the project-affected families received better compensation than in the past", without giving further details. Other benefits to the population consisted of a rural electrification scheme benefiting 2,671 households in 9 VDCs (Rai 2005: 85). In addition, a Micro-Credit Revolving Fund was established with US \$58,895 disbursed by the Agricultural Development Bank in 1993. Tree plantation programmes were funded and a series of training courses were held in technical subjects (including tailoring) and in micro enterprise generation. Literacy classes were also made available.

¹⁸ This process was closely monitored by the international social and environmental panel of experts.

According to Rai, the population in the region initially welcomed the project enthusiastically and was hardly worried by its possible negative outcomes. The NEA authorities promised the villagers jobs, electricity, schools, and roads. East Consult, a Kathmandu-based consulting firm, visited and studied twelve villages to discuss impacts and concerns. The NEA also conducted public hearings. For instance, in 1994 two public meetings were attended by 1,100 affected villagers, and they were continued in the subsequent years with the help of community-based NGOs. The villagers especially welcomed the opportunity to earn money by working on construction sites, and to benefit from road and electricity access. The families who lost land were compensated in cash. Furthermore, local politicians and contractors were expected to profit in manifold ways, including new access to external personal networks in politics and administration. Support for the dam was so strong at the beginning that the villagers, along with the project authorities, denied access to the area to the Kathmandu-based human rights activists of INHURED who were trying to organize protests against the project. The latter questioned the project's viability and benefits for rural folk, its environmental impacts, and the lack of participation by local residents. The villagers, on the contrary, were afraid that the authorities would give up on the construction plans, as happened with Arun III, thus depriving them of the expected benefits.

During the ten years of Kali Gandaki 'A's implementation the key issue of the negotiations, and what little local protest occurred, was over the availability of work and the working conditions, while environmental issues were largely in the background. From the point of view of the local population, it was essential to have the bulk of the work contracted within the region and not given to migrant labourers. Furthermore, the local population's concern was that members from each local family should be employed, if they so wished, and that certain minimum standards in payment be maintained. In the course of time, the security of the working conditions came up as an increasingly important issue after several workers were killed on the construction sites. Secure working conditions are an important concern expressed in the First International Pact of Human Rights (Art. 7), but this discourse seems to have been absent in the region.

Kavita Rai suggests that in the course of the dam construction a practical process of learning was initiated. Negotiations with the authorities were initiated, regarding the selection of workers, their wages, and the security conditions. Another issue was the perception that the richer families were receiving larger compensation. The abundant availability of cash, partly reflected in high salaries (by the local standards), raised

expectations, while causing opposition on the part of those lacking similar opportunities. At the same time the price of land rose rapidly. Increasingly, the villagers also began to recognize their bargaining power as workers and protesters, taking advantage of the freer political environment in the early post-1990 era. Labour unions supported them in this. At the same time villagers recognized that there were some deleterious social trends: increasing elopements, outmigration, and a growing sense of dependency on cash economy.

In the course of time, especially when construction work was nearing completion, criticisms and protests intensified significantly. More and more employees at the project sites, as well those who had received compensation, came to realize that their earning and saving opportunities would be greatly altered once the cash flow into the region came to a close. One of the most drastic lessons was the realization that they had made poor investments with the compensation money and that conspicuous consumption, especially by young people, was a mistake. Even the better-off and better-educated villagers came to realize that having traded the productive asset of land for cash, they had failed to invest their money in a sustainable way, expecting, among other things, that opportunities to earn cash would continue to be easily available. The growing protests were then increasingly geared towards the lack of preparation of the villagers to cope with drastically changed economic conditions and the lack of inputs on the part of the project implementers to develop local markets. However, the project authorities have learnt to incorporate local leaders within wider patron-client relations, thereby diminishing the force of their protest.

We can draw three inferences from this Nepalese case. First, it brings to light, once again, the importance of the international anti-dam movement. Some achievements of the international protest movement addressing dam construction have had a direct impact in the Nepalese context, even without any strong scrutiny or protest action on the spot. Apparently, the key agents, in this case the Nepalese authorities and the entrepreneurial consortium, had incorporated previous criticisms and concerns into their policies and action plans. They anticipated the likely problems of implementation and took steps to mitigate environmental risks as well as risks of major human rights abuses. To what extent the key implementers learnt their lesson as concerned governmental or corporate agents, and to what extent the learning process was in fact reduced to strategic considerations, remains an open question, however.¹⁹

¹⁹ In his comparative overview of dam projects in diverse political contexts, Khagram comes to the conclusion that the entrepreneurial willingness to adopt social and environ-

The second inference addresses precisely the learning effects. According to Rai, all the involved stakeholders continuously adjusted to new circumstances and they built upon the previous experiences. Most probably the Nepalese state agents, as well as the entrepreneurs, national and foreign, anticipated a high degree of publicity and close public scrutiny of their endeavours and therefore made sure to abide by standards set up elsewhere. Nepal's well-developed public sphere and the excellent international networks certainly aided this process. At the same time, experiences from other countries that are less democratized and with less external dependency for funds indicate that environmental and human rights concerns tend to be less prominent among the implementers (see Khagram 2004: 139-76). In another sense the villagers have learnt many lessons, not least that construction work does not last forever and cannot be relied on as a source of employment. Another lesson learned was the necessity to consult with people in other regions in order to anticipate problems. Moreover, Rai's ethnography indicates that in Nepal the role of intermediaries (e.g. NGOs and movements) in shaping the villagers' perceptions and in the villagers' pursuit of their interests was very limited, whereas the villagers displayed great eagerness to learn from villagers living in the other regions of Nepal where dam construction had caused similar problems.

Finally, this case reveals that diverse definitions of the situation obtain, and that diverse versions of the problems and their solutions are communicated by the involved parties. The bulk of the local population saw the dam as an economic boon, at least initially, and this perception suggests that the implementers adopted successful communication strategies, whereas the issues taken up by INHURED did not address local preoccupations. Rai's account is particularly interesting because it provides insights into people's perceptions and expectations, and demonstrates the diversity of people's concerns. While selected reports from India (e.g. Baviskar 1977; Hakim 1997; Joshi 1997) focus upon the villagers' perceptions as well, the bulk of the literature concentrates upon such 'large' issues as environmental degradation and replacement, and does not pay sufficient attention to other interests expressed by the local population. Working conditions and social security issues have failed to occupy sufficient space on political agendas. Also, the villagers have not been involved in designing the modalities of resettlement themselves. It seems that such concerns have been 'covered up' by the larger issue of fundamental opposition to dams.

mental standards coincides with high degree of democratization.

ON THE DIVERSITY OF 'STAKEHOLDERS' AND THEIR LOGICS OF ACTION

Both case studies taken together provide a complex picture. On the one hand, they reveal significant similarities and also commonalities. In fact, an interesting endeavour would be to follow the trajectories of negotiations around the world in order to establish precisely how experiences at one dam construction site come to impinge upon the planning, implementation, and incidence of protest at other dam construction project sites. On the other hand, the comparison has revealed significant differences. These came about not only because both cases differ in important respects (the size of the project, tackling the issue of social standards and of environmental protection by the authorities, the number of persons suffering forced displacement), but also because I have relied on authors pursuing diverse interests in their respective analyses. They adopted diverse perspectives and I have sought to reproduce them here in a multi-perspectival approach.

In this and in the following sections I shall pursue the issue of diversity and complexity even further, for constructing a dam entails a myriad of activities. To name just some of them; proving its feasibility in terms of technological and economic gains as well as future development potential, environmental and social impact assessments, creating a consortium to carry out the endeavour, attracting capital (be it from private investors, public agencies, international banks such as the World Bank and Asian Development Bank, multi- and bilateral donor agencies – often in combination), contracting firms to design and build the actual structure consisting not only of the dam, but also of channels (occasionally a discharge), access roads, devices to transport the generated energy, buildings, etc. Manifold standards need to be met and permits obtained. Overburdened with this complexity and seeking to reduce it, the responsible bodies and their representatives frequently fail to consult the persons most affected by, and involved in, the construction process, i.e. the local population – sometimes due to neglect, often for utilitarian reasons.

It is not only the case that the involved actors are diverse in their organization, function, and in their endowment of resources. They are furthermore situated at diverse sites in transnational space. They themselves are embedded in diverse societal contexts and underlie diverse types of logic. No discussion of either the Indian or the Nepalese case could possibly comprehensively convey the multiplicity of all those actors and organizations implicated in the construction even of a relatively modest dam (the Nepalese case). The discussion of the Narmada project(s) has, for instance, hardly touched upon the role of private

entrepreneurs who are involved in large numbers. In fact, much of the critical literature on dam construction in India ignores the stakes involved and the role these economic actors play, and instead concentrate on the state (often seen as one actor) and on the protest/solidarity movement. But the account of the Kali Gandaki 'A' project makes it clear that entrepreneurs can play a crucial role in mitigating the risk of social and environmental abuses. The concept of 'corporate citizens' that numerous transnational corporations have adopted in their self-depictions indicates an important shift in their attitude.²⁰ Rather than risking antagonism or face naming and shaming actions (as was, for instance, the case with the firms Shell and Nike), certain corporations have therefore started to pursue strategies which are socially and environmentally sensitive. Very little is known regarding the impact of these new strategies, however. For instance, it is largely unknown how entrepreneurs and state authorities have influenced and shaped each other's actions while designing and implementing the Narmada project(s).

Both accounts have revealed, furthermore, that categories of actors are diverse in themselves. The differentiated character of the state emerges clearly from the discussion of the Narmada project(s), where competing powers (executives vs. judiciary), layers of authority, and areas of responsibility between the ministries have confronted each other time and again. Similar diversity was detected within the social field known today as 'civil society', as well as among the affected population, including Adivasi groups such as the Bhils, Bhilalas, and Gongs (Baviskar 1997). Not only have sections of the population come to suffer from the projects in diverse ways; the benefits have also been diverse and uneven.

Additionally, the local populations are involved in project activities in their various roles and positions. The most crucial field is certainly coping with displacement – either resisting shifting of sites, or negotiating the terms of displacement, i.e. where to go,²¹ which types of compensation to accept, and which offers to reject as unsuitable or insufficient. (We know significantly more about instances of resistance, whether successful or not, than about instances of almost complete powerlessness of local populations. This situation may occur less frequently in India and

²⁰ See, for instance, the following homepage giving names of '100 Best Corporate Citizens': <http://www.business-ethics.com/100best.htm>

²¹ From the early 1980s onwards numerous cases of very detrimental displacements (on waterlogged or arid land) have been reported in the case on Narmada project. Another problem opened up because only those populations previously living in the catchment areas were to benefit from displacement provisions, whereas families forced to leave areas where canal infrastructure was built were initially ignored.

Nepal, but more so in countries with a lesser degree of development of democratic institutions where projects are implemented with a still higher degree of coercion.)

During the consultations regarding the modes of resettlements, employment, and benefits, the affected populations' freedom of information, freedom of speech, and freedom to organize are at stake, and these freedoms tend to be unequally distributed. Very often, in the process of dam construction in South Asia, people have been kept unaware of the magnitude of the changes that will occur in their life, their options, and the local benefits. Whereas the authorities have neglected to provide sufficient information, in many places, local 'power-holders' have striven to establish themselves in middlemen positions, thus monopolizing communication flows and brokering discourses.

Obviously local societies are in themselves highly diversified, and are divided by class, ethnicity, caste, and gender. Some people are significantly more entrepreneurial than others when it comes to relating to external stakeholders such as contractors or civil servants. Knowledge of external rationalities, future planning, available funds and other benefits, knowledge about how to avert external interventions considered harmful, all this can be used to one's own advantage. It has repeatedly happened, however, that local elites have used privileged knowledge to the detriment of their village co-fellows (Pfaff-Czarnecka 2000). There are significant differences in the amount of resources at the disposal of the villagers and their supporters. Reports from the Narmada area indicate that within villages and between them the support for the anti-Narmada movement is fractured. Villagers and village representatives continually debate among themselves whether to accept resettlement and rehabilitation provisions or not. As Gandhi argues:

Each adivasi's relationship to development is shaped by his or her position within the village hierarchy, and resultant relationship with state functionaries ... A village's geographical proximity to and cultural integration with government and market actors, and its status within state boundaries is also important. ... Higher ranking village leaders with patronage relationships to bureaucrats will often manage to obtain above-average resettlement terms while others in the same village cannot ... Given that such variegated experiences are present within villages, resettlement has produced pockets of compliance and resistance within adivasi communities in attitudes towards the Narmada project. This has found its clearest expression in adivasi communities that have distanced themselves from the (anti Narmada

movement), and instead become allies of those NGOs that support the Narmada project. (Gandhi 2003: 488)

The last sentence of the above quotation draws our attention to the very diverse and competitive character of civil society action. Visions regarding the well-being of societies differ a great deal. Many organizations have been co-opted by state agencies, to work, for instance, as middlemen or even contractors at the project sites (installing handpumps or building roads). Additionally, significant power differentials and differences in the financial base obtain. Some of the movements and organizations have acquired substantial funding and do not face the immediate problem of their 'survival' in the political field. Other groups, often those working close to the villages, may be considerably worse off. It is not uncommon for various civil society actors to vie with one another for money, access to international networks, and public attention. The chances of their clients being heard and helped depend on their success in this competition.

Kavita Rai's account demonstrates that persons directly involved at construction sites – with the usual diversity in wealth, power differentials, and value orientations most common in South Asian villages – tend to expand their knowledge bases and gain enhanced access to information in the course of time. Depending upon the internal constellations of power, more or fewer villagers benefit from the available information (that is a scarce resource), uniting in actions of protest or in concerted negotiations with state authorities and with providers of working contracts. What very often looks to outside observers as action against dam projects, appears at second (and third) glance as attempts to enhance working conditions, or as action oriented towards direct benefits such as immediate access to electricity.

This insight is important for at least two reasons. First, the rationalities and strategies deployed by local actors render construction sites arenas where negotiations occur in shifting power constellations, address very diverse issues, and underlie diverse logics. While, for instance, the villagers may strive for such material benefits as long-term employment, the authorities will be careful not to make conflicts escalate. Second, it is also worth noting that the villagers' goals may not go hand in hand with environmental concerns, as the Narmada case has amply revealed. Public representations of legal battles geared to broader international audiences tend to address big issues, while in their everyday life members of local societies are frequently engaged in more specialized negotiations. Therefore, a wide space for contestations opens up in the transnational realm where dam constructions are negotiated.

PLURALIZATION AND FRAGMENTATION IN THE TRANSNATIONAL MOVEMENT AGAINST DAMS

The global spread of the movement that critically scrutinizes dam constructions is truly impressive, but ambivalence surrounds it as well. Among its impressive features – besides the numerous success stories that have been mentioned above – are (a) the high degree of visibility of the movement, provided by excellent internet sites and well-publicized actions; (b) the establishment of the World Commission of Dams, which has become the key platform for the dissemination of information and for deliberations; and (c) the very wide and differentiated web of those sites where action is carried out. The example of the Narmada project(s) has forcefully demonstrated how multiple and diverse are the forums where negotiations take place. Protest and deliberations have been occurring directly at the construction sites, at governmental headquarters in the riparian states, in New Delhi, inside and outside (street demonstrations) the US Congress, inside and outside the World Bank, and within governmental and departmental organizations and commissions in Japan and in numerous Western countries – to name just some of the major arenas. Especially in the local sites of the Narmada project, *satyagraha* actions have been carried out repeatedly by Adivasi populations in the villages that would eventually be submerged (Gandhi 2003); officials were refused entry (*gaon bandhi*) and the roads blocked (*rasta roko*). Such actions geared at specified locales, and seeking to avert immediate atrocities, have been accompanied by large-scale international NGO movements and pressure politics at various spots of the globe (especially in the above-mentioned Western cities), deploying environmentalist and anti-globalization rhetoric and protesting against gigantic projects while advocating smaller-scale and more decentralized solutions.

Therefore, multiple scales of interaction have been involved, often simultaneously. At some sites specialized persons and specialized practices prevail, while in many others there is no fixed localization within which actors or practices are found (see also Radcliffe et al. 2002). The transnational support movement for the Narmada protestors has created spatial continuities (concerted action) as much as discontinuities ('lifting' concerns out of their immediate contexts), and it has created what Radcliffe et al. (2002: 2) call "relational spaces" in a double sense. On the one hand, Narmada-related actions carried out at such remote sites as the World Bank headquarters and the Japanese Ministry of Foreign Affairs have impinged upon each other as well as upon Indian decision making. On the other hand, the concerns of the Narmada movement have spread to Nepal where the planning and implementation of the Kali Gandaki 'A'

project were modified according to social and environmental standards drawn up elsewhere. Therefore, there have been manifold supra-local consequences of the anti-Narmada movement.

It is their world-spanning character and the multiplicity and diversity of negotiation sites that provide the transnational protest movements with the necessary strength and flexible infrastructure. By seeking to capitalize upon it, the popular (self) depictions of such movements disseminated by civil society actors actively seek to highlight the powerful, dispersed, differentiated, and supple character of this social field. This is what renders their actions successful. But there are limitations stemming from precisely this complex set-up. The World Bank's adoption of stronger standards on social and environmental issues and reforming its organization can certainly be seen as a success for transnational protest movements. However, the shift in orientation within the World Bank and within several Western governmental agencies has failed to provide guarantees that social and environmental abuses would stop at the Narmada construction sites. When the Indian government decided to do without further World Bank loans, the Western allies lost much of their capacity to exert external pressure. According to Singh:

The discontinuation of World Bank funding did not diminish the Gujarat's [sic] government's resolve to complete the project. If anything, the government's commitment to the speedy completion of the project was strengthened, in the absence of the World Bank's restraining influence. (Singh 1997: 12)

Hence, a 'gain in terrain' at one site of contestation does not necessarily translate into effects at other related sites. Also, while Nepal directly benefited from the learning process within the World Bank with the abandonment of Arun III, little impact of such refined policies can be so far observed in other parts of the world.²² More authoritarian governments seek nowadays to forgo World Bank funds and opt for other financial sources, in order to endure less pressure.

In fact, the notion of 'concerted action', which I have just used above, does not do justice to the contestations carried out at diverse sites. The term 'concerted' may mean 'collaborative', 'joint', or 'mutual' – that is, terms embracing the key civic values 'solidarity' and 'partnership'. I was trying to show, however, that crucial differences in their perceptions and goals obtain not only between such diverse stakeholders as state officials, entrepreneurs, and outstees. Among the affected population and between

²² For instance, huge damming projects with enormous numbers of displacements are currently going on in China on the Yangtse River.

the diverse advocacy groups substantial differences in grievances and priorities exist which have repeatedly been turned into rifts and bones of contention. We cannot therefore ignore the clashes of interests within the entire protest movement. Given the diverse nature of contemporary societies, it should not come as a surprise that individual persons and groups embrace divergent truths and act accordingly.

But the transnational audiences, for whom public discourses are geared, have hardly had the chance to grasp these complexities. For one of the major logics of the public sphere is to have messages to disseminate which are rather simple and which relate well to general concerns. It is easier to attract attention through such general notions as 'environmental deterioration' or 'human rights abuses' rather than the arguably smaller, but for those affected very important, concerns such as work conditions and social security. Issues that are strong enough to reach public forums become enlarged, as if transformed by a magnifying glass, whereas smaller concerns that have lacked public attraction at a given moment are silenced and fade away.

Thus one problem lies in the nature of the political communication that civil society actors engage in. There is 'popular noise' in the global system (borrowing the title of a conference held at the Institute for World Society Studies, at the University of Bielefeld, organized by Urs Staeheli and others) in the sense that attractive public images and discourses spread around through global mass media very fast, affecting the imaginations of those belonging to 'global audiences' (a substantial portion of humanity still does not participate in it, of course). In recent years, many narratives and discursive figures have developed and spread around the globe. Cases of dispute and patterns of legitimacy (legal language, legal representation) have been constructed according to prevailing modes in discursive fields. Human rights campaigns have been socially constructed in such a way as to attract the maximum of attention and support. Those persons reporting abuses cater – consciously or unconsciously – to public images of what a legitimate grievance is, and what a victim should look like.

Moreover, *grievances have been matched to recognized human rights abuses*. John Meyer²³ even goes so far as to talk of a coercive force of public opinion over individuals, forcing them into uniform patterns of expression, and socializing them according to recognized norms and depictions. Additionally, the capricious character of mass communication brings about a selection of particular cases acquiring

²³ In a lecture given at the conference 'World State' organized by the Institute for World Society Studies at the Centre for Interdisciplinary Studies, University of Bielefeld.

more visibility than others. While 'global audiences' may like to imagine that they have perfect access to information, many local victims lack access to transnational networks and to the public sphere. Jai Sen's (1999) excellent account of the conflicts accompanying the Narmada project draws a very sharp picture of the ways in which the dynamics of local resistance have been shaped by the agendas of global civil society. We should also not overlook practices of 'window-dressing' when foreign donors make it a point to have civil society's and Adivasis' voices heard. Such invocations tend to be of a rather sweeping character. Capturing public attention becomes therefore a very important communicative strategy, and public forums turn for this reason into embattled sites of contestation.²⁴

Arenas where rights are negotiated are equally contested, but these are structured by different mechanisms. With the proliferation of negotiation sites, and with the multiplicity of goals, grievances, and perspectives, it does not come as a surprise that diverse legal orders come into conflict with each other. Of course, diverse orientations are already inherent in any given legal system. A single legal system may need to incorporate and to combine diverse legal norms (for instance, environmental protection and minority rights). Opponents put forward conflicting arguments, and the courts may reach different judgments in the course of time (as was the case with the Indian Supreme Court's verdict on the Narmada projects during the 1990s). But in such complex undertakings as damming projects, diverse laws come to confront each other and disputes are carried out at diverse sites of contestations (see World Commission 2000).

Most of the involved stakeholders vary in their definition of the situation. Views diverge over the facts (e.g. the gravity of the environmental impact), over methods (e.g. labour intensive or technology intensive implementation), over goals (e.g. the common good created by the enhanced availability of energy vs. local losses), over values (e.g. progress vs. protection of livelihood and environment), as well as regarding the role to be played by the affected citizens.

²⁴ Here we can note yet another paradox. During the Narmada Bachao Andolan campaigns, national NGOs sought the support of international partners who – with the help of the US Congress – exerted pressure on the World Bank and on their own government! In Randeria's formulation:

As social movements and NGOs in the South link up with powerful northern and especially North American NGOs to use US Congressional hearings as a forum to put pressure on multilateral development banks in general, and the World Bank in particular, in order to change their policies and reform their structures, they not only reinforce existing asymmetries in power between the North and the South but also lend greater legitimacy to these institutions. (Randeria 2003: 315-16)

Given the variety of stakeholders – members of local societies, civil servants and politicians, bilateral and multilateral donor agencies, funding institutions as well as entrepreneurs – divergent constructions of social situations, cases, and rights obtain. Not only do values such as ‘progress’, ‘the common good’, ‘efficiency’, or ‘equity’ collide, but so does the stress put upon the priority of rights by individual persons and organizations. For instance, human rights standards do not necessarily go hand in hand with environmental standards. Furthermore, substantial conflicts erupt around the notion of property when parties to a dispute attempt to justify their claims to ownership by appeal to different rights.

The expansion of the human rights regime and the growing acceptance of human rights (even when grievances are not necessarily expressed in this terminology) worldwide have significantly contributed to the enhancement of people’s chances of fighting against the abuses they face. More and more legal and non-legal tools are at the disposal of people who were defenceless until recently. From what we know about the means deployed in recent cases, it is safe to infer that the transnationalization of law and the pluralization of means have opened up multiple channels of participation through which protest can be voiced. It seems, furthermore, that a multiplicity of forums makes it possible to find flexible solutions that fit the given circumstances. Such opportunities make it possible, among other things, to find decentralized solutions through immediate interaction such as the alternative dispute resolution as widely recommended by the World Commission on Dams.

On the other hand, we simply do not know to what extent this multiplicity opens up an avenue for the stronger stakeholders to diversify their means as well. The more various the interpretations of a situation and the more legal systems and forums available to the people, the greater insecurity and uncertainty are likely to be. All actors learn about the opening up of opportunities coming with the proliferation of laws and forums in which to negotiate. We know little about the chances of realizing rights and enforcing courts’ rulings, as for instance, when accused firms, governments, or persons take resort to tactical concessions (see Risse et al. 1999) of which a full range exists today.

Given their diverse rationalities and interests, most stakeholders have their reasons for invoking particular laws or for approaching particular courts.²⁵ However, with such strong and manifold stakeholders involved

²⁵ Guenther Teubner and Andreas Fischer-Lecanto (2004) inquire into changes in global legal pluralism concentrating on the ongoing fragmentation of global law. Two dimensions of this fragmentation are discerned: fragmentation along the lines of cognitive expectation (economy, science, technology), and fragmentation due to the substantial privatization of

in the implementation of dam projects as transnational corporations, public and private investors, as well as professional groups such as engineers, it cannot be ignored that with the multiplication of contestation sites their tools of enforcement tend to be strengthened. For while loss-suffering populations and their civil society allies find new room for manoeuvre in the pluralizing world of law and mitigation, new options open up for the other stakeholders as well.

CONCLUSION

The aim of this essay was to ask a few questions which have not yet received due attention in the ongoing debates on the realization of human rights and environmental protection. I have tried to suggest that the world audience may be too optimistic regarding current potentials to realize human rights. Individual persons, (non-governmental) organizations, movements, and networks – all those persons, networks, organizations and movements currently understood as ‘civil society’ – have played an immensely important role all over the world by enhancing connectivity and by continuously alerting the public to human rights abuses.

There is an ambivalence inherent in this formation, however, as I have attempted to demonstrate, lying in a variety of issues. One problem is the widespread perception that civil society will eventually manage all existing problems. Civil society actors themselves need to convey the impression of their efficiency in order to attract new supporters and to strengthen their legitimacy. Therefore, several convictions are nourished that may be illusory: regarding the easy access to information (on abuses), regarding the capacity to outwit powerful and scheming adversaries, and

law. They decry the weak normative compatibility as well as the breaking down of law hierarchies. In the context of dam construction both dimensions are important:

Standard contracts within the *lex mercatoria* reflecting the economic rationality of global markets collide with World Health Organisation norms that derive from fundamental principles of the health system. The *lex constructionis*, the worldwide professional code of construction engineers, collides with international environmental law. The World Trade Organisation Appellate Panel is confronted with colliding human rights regimes and environmental protection regimes. Indeed, the tempestuous character of rationality conflicts is such that they have even fragmented the very centre of global law, where courts and arbitration tribunals are located. ... Globally dispersed courts, tribunals, arbitration panels and alternative dispute resolution bodies are so closely coupled, both in terms of organisation and self-perception, with their own specialised regimes in the legal periphery [i.e. outside international and state courts] that they necessarily contribute to global fragmentation. (Teubner & Fischer-Lescano 2004: 3)

regarding the efficacy of means such as exerting pressure through lobbying and through 'naming and shaming'. While the discussions of dam construction in India and Nepal have indicated the organizational strength of civil society actors, it has also revealed some of their weaknesses and failures. The actual scope of this transnational protest movement's strength still remains unknown.

Moreover, the human rights regime – that is, the totality of legal and extra-legal norms, instruments of litigation and instruments at their disposal in order to achieve rule-consistent behaviour – is significantly more fragmented and more prone to contradictions and challenge than is usually acknowledged. Corresponding to such fractures, particular deficiencies in realizing human rights have come to light, such as mutual contestations of each other's truth, which are, however, well hidden from the public eye. I wonder, however, whether the substantial increase in litigation, civic action, and 'gains in terrain' we have witnessed over the last twenty years have not drawn our attention away from the fact that there persist very substantial gaps in our knowledge of persisting human rights abuses.

The underlying idea leading me to this question comes with the realization that our knowledge of human rights abuses is very selective. Uncountable examples of previously undiscovered crimes against human beings (such as the instances of torture in Iraq's prisons) provide a good example of how long the public is kept unaware of such occurrences – and the very fact that such atrocities are made public is no proof that all atrocities come to light. The substantial selectivity about what becomes 'hot news' and which human rights abuses fail to attract public attention is a further cause for doubts on this score.

How fragmented or, conversely, how integrated – and if so, by what means – the human rights regime is at present, remains an empirical question. In order to answer it, we need more collaborative exchange and more pooling of our information. Let us agree that we still know little in this very important field.

REFERENCES

- Baviskar, A. 1995. *In the Belly of the River: Tribal Conflicts over Development in the Narmada Valley*. Delhi: Oxford University Press.
- Baviskar, A. 1997. 'Displacement and the Bhilala Tribals of the Narmada Valley' in J. Drèze, M. Samson, & S. Singh (eds.), *The Dam and Nation: Displacement and Resettlement in the Narmada Valley*, pp. 103-

35. New York: Oxford University Press.
- von Benda-Beckmann, K. 2000. 'Transnationalisation of Legal Pluralism'. Unpublished conference manuscript.
- Brysk, A. 2000. *Democratising Civil Society in Latin America*. *Journal of Democracy* 11(3): 151-65.
- Castells, M. 1996. *The Rise of the Network Society*. Oxford: Blackwell.
- Cohen, J. & A. Arato 1989. 'Politics and the Reconstruction of the Concept of Civil Society' in A. Honneth et al. (ed.), *Zwischenbetrachtungen im Prozess der Aufklärung*, pp. 482-502. Frankfurt: Suhrkamp.
- Dhagamwar, V. 1997. 'The NGO Movements in the Narmada Valley: Some Reflections' in J. Drèze, M. Samson, & S. Singh (eds.), pp. 93-102.
- Drèze, J., M. Samson, & S. Singh (eds.). 1997. *The Dam and Nation: Displacement and Resettlement in the Narmada Valley*. New York: Oxford University Press.
- Dwevedi, R. 1998. 'Resisting Dams and "Development": Contemporary Significance of the Campaign against the Narmada Projects in India'. *European Journal of Development Research* 10: 135-83.
- Ferguson, J. 1999. *Expectations of Modernity: Myths and Meanings of Urban Life on the Zambian Copperbelt*. Berkeley: University of California Press.
- Gandhi, A. 2003. 'Developing Compliance and Resistance: The State, Transnational Social Movements and Tribal Peoples Contesting India's Narmada Project'. *Global Networks* 3(4): 481-95.
- Gill, M. 1995. 'Resettlement and Rehabilitation in Maharashtra for the Sardar Sarovar Project' in W.F. Fisher (ed.), *Working towards Sustainable Development: The Damming of the Narmada River in Western India*. New York: M.E. Sharpe.
- Gupta, A. 1995. 'Blurred Boundaries: The Discourse of Corruption, the Culture of Politics and the Imagined State'. *American Ethnologist* 22: 375-402.
- Gupta, A. 1998. *Postcolonial Development: Agriculture in the Making of Modern India*. Durham: Duke University Press.
- Gupta, A. & J. Ferguson (eds.). 1997. *Anthropological Locations: Boundaries and Grounds of a Field Science*. Berkeley: University of California Press.
- Gyawali, D. & A. Dixit. 2000. 'Mahakali Impasse: A Futile Paradigm's Bequested Travails' in D. Kumar (ed.), *Domestic Conflict and Crisis*

- of Governability*, pp. 236-304. Kathmandu: CNAS.
- Habermas, J. 1988 (1981). *Theorie des Kommunikativen Handelns*, I & II. Frankfurt: Suhrkamp.
- Hakim, R.P. 1997. 'Resettlement and Rehabilitation in the Context of "Vasava" Culture' in J. Drèze, M. Samson, & S. Singh (eds.), pp. 136-67.
- Hannerz, U. 1995. "'Kultur" in Einer Vernetzten Welt: Zur Revision Eines Ethnologischen Begriffs' in W. Kaschuba (ed.), *Kulturen – Identitäten – Diskurse*. Perspektiven Europäischer Ethnologie, pp.64-8. Berlin: Akademie Verlag.
- Jayal, N.G. 2001. *Democracy and the State*. New Delhi: Oxford University Press.
- Johnson, H. & G. Wilson. 2000. 'Biting the Bullet: Civil Society, Social Learning and the Transformation of Local Governance'. *World Development* 28 (11): 1891-1906.
- Joshi, V. 1997. 'Rehabilitation in the Narmada Valley: Human Rights and National Policy Issues' in J. Drèze, M. Samson & S. Singh (eds.), pp. 168-83.
- Khagram, S. 2004. *Dams and Development: Transnational Struggles for Water and Power*. New Delhi: Oxford University Press.
- Ljung, P. 2001. *Trends in the Financing of Water and Energy Resources Projects*. World Commission on Dams (<http://www.dams.org>), downloaded April 2005.
- Mosse, D. 2005. *Cultivating Development: An Ethnography of Aid Policy and Practice*. London: Pluto Press.
- Patel, A. 1997. 'Resettlement Politics and Tribal Interests' in J. Drèze, M. Samson, & S. Singh (eds.), pp. 66-92.
- Pawar, S.N., R.B. Patil, & S.A. Salunkhe (eds.). 1996. *Environmental Movements in India*. Jaipur and New Delhi: Rawat Publications.
- Pfaff-Czarnecka, J. 2000. 'Complex Communities in Nepal-Himalaya, or: Solidarity as a Way of Life and as a Global Category' in R.P. Thapa & J. Baaden (eds.), *Nepal – Myths & Realities*, pp. 457-77. Delhi: Book Faith India.
- Pfaff-Czarnecka, J. 2004. 'High Expectations, Deep Disappointment: Politics, State and Society in Nepal after 1990' in Michael Hutt (ed.), *People's War in a Hindu Kingdom: Maoism in Nepal*, pp. 166-91. London: Hurst.
- Radcliffe, S., N. Laurie, & R. Andolina. 2002. 'Indigenous People and

- Political Transnationalism: Globalisation from below Meets Globalisation from above'.
(Downloaded from the homepage <http://www.transcomm.ox.ac.uk/> in October 2003.)
- Rai, K. 2005. *Dam Development: The Dynamics of Social Inequality in a Hydropower Project in Nepal*. Göttingen: Cuvillier Verlag.
- Raina, V., A. Chowdhury, & S. Chowdhury (eds.). 1997. *The Dispossessed: Victims of Development in Asia*. Hong Kong: Arena.
- Randeria, S. 2003. 'Glocalization of Law: Environmental Justice, World Bank, NGOs and the Cunning State in India'. *Current Sociology* 51 (3/4): 305-28.
- Risse, T., S.C. Ropp, & K. Sikkink (eds.). 1999. *The Power of Human Rights*. Cambridge: Cambridge University Press.
- Sen, J. 1999. 'A World to Win: But Whose World Is It, Anyway?' in J. W. Foster & A. Anand (eds.), *Whose World Is It Anyway? Civil Society, the United Nations and the Multilateral Future*, pp. 337-90. Ottawa: United Nations Association in Canada.
- Shihata, I. 2000. *The World Bank Inspection Panel in Practice*. Washington DC: Oxford University Press.
- Singh, S. 1997. 'Introduction' in J. Drèze, M. Samson, & S. Singh (eds.), pp. 1-25.
- Subba, B. 2002. 'Water, Nepal and India' in K.M. Dixit & S. Ramachandran (eds.), *State of Nepal*, pp. 119-36. Patan Dhoka: Himal Books.
- Taylor, C. 1990. 'Modes of Civil Society'. *Public Culture* 3 (1): 95-118.
- Teubner, G. & A. Fischer-Lescano. 2004. 'Regime-Collision: How the Emergence of Private Governance Regimes Changes Global Legal Pluralism'. Unpublished conference manuscript.
- Wimmer, A. 2001. 'Globalisations *avant la lettre*: A Comparative View on Isomorphization and Heteromorphization in an Interconnecting World'. *Comparative Studies in Society and History* 43(3): 435-66.
- World Commission. 2000. 'Participation, Negotiation and Conflict Management in Large Dam Projects' (World Commission on Dams' Review Document V.5), see <http://www.dams.org/>