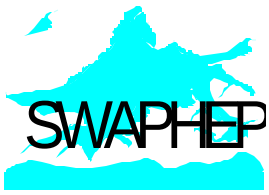
PEACE TABLE
over
BOILING WATERS

World Commission on Dams (WCD) Dialogue ***PROCEEDINGS***

NGO/Civil Society Dialogue on the Report of the World Commission on Dams in Nigeria

May 22, 2003



SOCIETY FOR WATER & PUBLIC HEALTH PROTECTION

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Ryan Hoover, Evan Jones, Danielle Morley, Pamela Wallace, Liane Greeff, Lori Pottinger, Dr. A.E. Ogbeibu, Dr. O. Adeleye, Dr. (Mrs.) M.O. Kadiri, Jaye Gaskia, Mercy Ogbeide, Rev. David Ugolor and Leo Atakpu.

The organizers are grateful to the Global Greengrants Funds that provided financial support to this dialogue.

The organizers would also like to thank the following:

Edo State Ministry of Environment, Edo State Ministry of Education, The Student Union Parliament of the Faculty of Engineering, University of Benin, The Nigerian Union of Teachers, The Nigerian Institute of Architects, the Nigerian Environmental Society, NGOs, CBOs and individuals for gracing the occasion.

Community leaders of dam-affected communities are also recognized for their presence and input to the dialogue process.

The dialogue was initiated and organized by the Society for Water & Public Health Protection (SWAPHEP).

In the course of the compilation of this reports, some inaccuracies, misquotes and misinterpretations may have occurred. We apologize for any such errors that may have occurred.

The views expressed by the authors and other participants of the dialogue may not necessarily be those of SWAPHEP or the financiers of this dialogue.

SWAPHEP will not accept any liability arising from use or damage of this report.

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GOODWILL MESSAGES

On behalf of International Rivers Network, I consider it an honor to extend this message of goodwill to you, the participants of the "NGO/Civil Society Dialogue on the Report of the World Commission on Dams in Nigeria". Your participation in the events demonstrates the importance you attach to good governance, equitable development, and environmental health.

The publication of the World Commission on Dams Report was a landmark event. After years of extensive research the commission revealed what affected people and activists had long known: world wide, large dams have failed to fulfill their promises and their negative impacts have been great and far-reaching. Quite simply, it found that radical changes in development-decision making are needed. Continuing to plan and build dams in the same way they have always been planned and built, the WCD says, is unacceptable.

Instead, the WCD lays out a new framework for decision-making – one built on the foundations of equity, participation, efficiency, and accountability. It calls for a thorough assessment of all available development options before a dam is built, and it calls for recognition of the right of full and informed participation of all potentially dam-affected people. It also calls for reparations to those who have suffered as a result of dam construction, and for the restoration of damaged eco-systems. Truly, it is an extremely important document.

All that the WCD is lacking is road-map directing how it recommendations are to be achieved. This is where you as Nigerian civil society representatives come in. You have the all-important task of transforming good policy into good practice – turning theory into reality. With your links to both Nigeria and to its government leaders, and with your first-hand knowledge of how development choices can

change the daily lives of ordinary citizens, you are uniquely positioned to provide a vision for how the WCD recommendations are best implemented in the Nigerian context. In this way, you help to bring forth a more fair, free, prosperous, and healthy nation.

I wish all the best in your important work and deliberations.

Ryan Hoover
Africa Campaigner
International Rivers Network

It's wonderful to see a local initiative such as this from SWAPHEP and ANEEJ. You have a valuable role to keep the WCD recommendations alive in Nigeria and to promote dialogue on their implementation with the government and stakeholders of Nigeria. As the WCD recommendations are relevant to all large scale water and energy infrastructure development, if Nigeria adopted best practice guideline, it could impact significantly.

We are working in the UK to try and keep pressure on the UK government, international banks and engineering companies to recognize and implement the recommendations when investing in large dams overseas.

Also WWF is doing a lot of work at the moment into guidelines for investors in dam building. They have an office in Nigeria.

Danielle Morley
Coordinator
Freshwater Action Network

INTRODUCTION

Dams have been built for centuries and in no doubt have contributed to the development of many nations. Studies and observations in the last 50 years have highlighted the performances and social and environmental impact of large dams leading to the evolution of two sets of people – the proponents of dams (i.e. those who support the building of dams) and the opponents. Debates and controversies surrounding dams were initially focused on specific dams and their localized impacts. Consequently, these locally driven conflicts gradually evolved

into a global debate, which led to the birth of the World Commission on Dams (WCD). The WCD was established in February 1998, with members chosen to reflect regional diversity, expertise and stakeholders stakeholder perspective and published their report *Dams and Development* in November 2000. The Commission's objectives were:

- To review the development effectiveness of large dams and assess alternatives for water resources and energy development.
- To develop internationally acceptable criteria, guidelines and standards, where appropriate, for the planning, design, appraisal, construction, operation, monitoring and decommissioning of dams.

The importance of the present dialogue is anchored on the premise that the WCD report must be subjected to a national dialogue in every nation to determine how best it can be effectively applied in every nation. In response to this, the Society for Water and Public Health Protection (SWAPHEP) initiated a bottom-top dialogue process in Nigeria beginning with the civil society. The *NGO/Civil Society Dialogue on the Report of the World Commission on Dams* as it was titled held in Benin City the capital of Edo State of southern Nigeria on 22nd May 2003 to cater for the southern part of Nigeria to:

- To catalyze the process leading to a multi-stakeholder dialogue on the WCD report in Nigeria.
- To ensure full and informed participation of the civil society in the national multi-stakeholder dialogue on the WCD report through a civil society-initiated bottom-top process.

The dialogue which was the first of it kind in Nigeria took place at the Banquet Hall of the University of Benin and attracted over 50 participants from civil society organization representatives, government officials, academics, students' representative, civil servants, professionals and representatives of communities hosting dams. During the dialogue process, papers, drawn from the WCD report were presented to intimate the audience who subsequently were given the opportunity to make inputs into the report. The proceedings from the dialogue are to be submitted to the Nigerian government to begin a consultation process and also to be used as policy and advocacy material.

Presentations were made by three speakers. Hope Ogbeide, the Director of SWAPHEP made an opening remark presented on his behalf by Etiosa Uyigue the Programmes Manager of SWAPHEP. Dr. Anthony E. Ogbeibu, a hydro biologist of the Department of Zoology, University of Benin made presentation on "The Environmental, Social and Economic Performances of Dams". David Ugolor, Director, African Network for Environmental and Economic Justice (ANEEJ) made presentation on "Enhancing Human Development: Rights, Risks and Negotiated Outcomes" and Hope Ogbeide spoke on **"**Strategic Priorities, Criteria and Guidelines".

The participants were made into four groups during the plenary session providing them the opportunity to discuss four dam related issues in the Nigerian context as follows:

Group A: Water and Energy Options
Group B: Gaining Public Acceptance
Group C: Rights and Risks Assessments
Group D: Sustaining Rivers and Livelihoods.

The dialogue session adopted the WCD report and made recommendations to the way forward in Nigeria. A follow-up coordination committee was set up which composed of representatives from the stakeholders.

SESSION I: OPENING AND PRESENTATIONS

The dialogue opened at 11:35am with the introduction of the special guests. The Edo State Commissioner for Environment, who was the Special Guest of Honour, was represented by Engr. W.E. Obakpolor; Mr. Nwabor F.M stood in for the Edo State Commissioner for Education as the Special Guest. The facilitator for this session was Dr. (Mrs.) M.O. Kadiri.

Dam-affected community leaders present were:

(i) Pa Omo-Igbinomwanhia Eddon Ediagbonya – the Odionwere of Okhoro and
(ii) Chief Akueka – the Odafe of Akuku.

Opening Remarks

After the introduction, the Director of SWAPHEP gave an opening remark delivered on his behalf by the Programme Manager of SWAPHEP, Mr. Etiosa Uyigue.

The remarks gave a brief account of how and why the World Commission on Dams (WCD) was established. It gave an account of how it came into being in February 1998 and the debates and issues that gave birth to it.

The facilitator Dr. (Mrs.) M.O. Kadiri then gave a background to the Report of the World Commission on Dams titled Dams and Development – A New Framework for Decision-Making. She gave the history behind the commissioning of the report and the stages which the report process went through. She noted that this meeting is the kicking off of the southern Nigerian part of the participatory processes needed to review the report before the WCD report can be adopted in Nigeria.

She advised SWAPHEP to visit affected communities and get a first hand feel of their plight. She also stressed the need for more publicity of the WCD report. Highlights of the report should be widely disseminated.

Next the representative of the Edo State Commissioner for Environment also made some remarks. He commented on the need to do Social and Health Impact Assessmet (SHIA) for existing dams and on the need to do proper Environmental Impact Assessment (EIA) before dams are constructed.

He opined that existing dams have already impacted heavily on the health, livelihoods and culture of surrounding communities.

PRESENTATIONS

Four papers were to be presented

The Environmental, Social and Economic Performances of Dams
Dr. A.E. Ogbeibu, Head of Department, Zoology Department, University of Benin, Nigeria

Paper opined that debate on dams has brought into focus the following among others.

(1) Dams have made important contribution to human development with considerable benefits derived.
(2) In many cases unacceptable price has been paid for these benefits
(3) Lack of equity in distribution of benefits

The paper then listed the performance of Dams at the different levels of impact. These included:

(1) Killing of terrestrial plants and forests and displacement of animals as a result of inundation of reservoir area.

(2) Emission of green house gases from reservoirs due to rotting vegetation. First estimate suggests that gross emission from reservoirs may account to between 1% and 28% of global warming potential of green house gases (GHG).

(3) It is dams that have been found to create beneficial environment for some species while adversely affecting others

(4) Dams frequently transform aquatic and terrestrial ecosystems, damaging ecological integrity.

(5) Environments are transformed e.g. transformation of riverine to lacustrine environment affecting the spawning of fishes.

(6) It leads often times to introduction of new species and loss of existing species.

(7) There is also a massive impact on flood plain ecosystems – changed hydrological regimes of dammed rivers have adversely affected flood plan agriculture, fisheries and forests.

At the social economic level; dams have impacted in the following ways:

a) Displacement of host communities and disruption of traditional livelihoods thus impoverishing local communities.
b) Often times social dislocation following displacements leads to loss of cultural heritage.

Among health problems caused by Dams are schistosomiasis, malaria and other diseases like sexually transmitted diseases as a result of tourism. Other problems include enhanced gender disparity and loss of cohesion. Distribution of costs and benefits has been unequal. Local communities have had to bear the burden while the benefits have been enjoyed by a few persons. Some of the benefits may include increased employment; economic benefits of tourism, hydro power, irrigation and fishing.

We need to do proper cost-benefit analysis in future before dams are constructed.

Enhancing Human Development: Rights, Risks and Negotiated Outcomes. Rev. David Ugolor, Director, African Network for Environmental and Economic Justice Represented by Leo Atakpu.

The paper opined that the WCD report shows that large scale activities like dams often have adverse impacts on the environment. It gave examples of the phenomena of destruction of local communities by overflowing dams and inundation of reservoir areas in the north of Nigeria.

The paper analysed the WCD process, its openness, the processes put in place to assure local and the most widespread participation in the debate on dams. The WCD report endorses many of the principles and guidelines of the United Nations.

The UN declaration of Human Rights and the UN Declaration form the foundation for rights-based framework for social economic developmental efforts. This framework recognises the critical role of the civil society. The paper then gave an overview of rights. It stated that the WCD recognises that rights and risks assessment is critical and important to the resolution of the issues raised by dams.

There are also involuntary risk takers, and their rights have to be taken into consideration. The rights-based approach must provide a framework for arbitration, and calls for the structuring of the negotiation process.

The WCD has thus come up with the principle that communities to be affected by dam projects must have an input in the decision making and decision implementation processes.

In conclusion, the paper posits along with the WCD that only inclusive dialogue processes can lay the bases for a conflict free resolution of issues raised by dam projects.

Strategic Priorities, Criteria and Guidelines
Hope Ogbeide, Director, Society for Water & Public Health Protection (SWAPHEP)

First, he gave a brief overview of SWAPHEP'S involvement in the WCD dialogue process. SWAPHEP felt the need for a national dialogue in Nigeria too. But this can't go on until government takes the initiative, which could be facilitated by this present move.

The WCD's new policy framework for development of water and energy resources

Key issues include:

?? First, Gaining public acceptance which include recognition of rights and assessment of rights; access to information, legal and other available support; demonstrate public acceptance of all key decisions; and guidance by prior and informed consent of the affected communities.

?? Secondly, there must also be a framework for a comprehensive options assessments; these recognises the need to research and study other alternative to dams and such options should be comprehensively assessed before deciding to proceeding with dams.

?? Thirdly there is a need to address existing dams as they are. These will include the following:

(a) Comprehensive post project monitoring and evaluation process.
(b) Remedial and mitigation measures to be put in places.
(c) Outstanding social issues to be identified and assessed. Need to develop processes and mechanisms for remedying these with the communities.

(d) Effectiveness of existing environmental mitigation measure need to be reviewed.

The next strategy is about sustaining rivers and livelihoods such that communities are not displaced and impoverished.

Another strategy is recognising entitlements and sharing of benefits by all the stakeholders such that all the issues affecting each one are adequately addressed.

The fourth strategy is how to ensure compliance. To ensure compliance there is a prior need for building public trusts. These require that all commitments to people must be met.

The final strategy is the sharing of rivers for peace, development and security. This in particular involves trans-boundary rivers, which may lead to conflict between countries. The paper concludes by discussing five key decision stages for criteria and guidelines on constructing dams. These include:

Stage 1: Comprehensive need assessments;

Stage 2: Selecting alternative and identifying preferred development plan;

Stage 3: Project preparation: verifying that commitments are in place before tender of construction contract;
Stage 4: project implementation; confirming compliance before commissioning and
Stage 5: project operation: adapting to changing contexts.

National Dialogue on the Report of the WCD: The Experience of South Africa.
Liane Greeff, Environmental Monitoring Group, South Africa.

Liane Greeff could not come to Nigeria to present her paper due to problem of finance. Her paper was really missed by the dialogue.

QUESTIONS AND COMMENTS

Mr. Abiola

- No talk of any links between construction of Dams and debts overhanging on poor countries.

- Are the problems associated to dams only peculiar to the third world?

Addressed by Mr. Leo:

(i) There is actually a link between dams and debts. The third world countries usually take loans to embark on projects of this nature. WCD also took cognisance of this hence the proposal for comprehensive options evaluation process.
(ii) The problem associated with dams is more pronounced in third world countries.

Comrade Wilfred, Nigerian Union of Teachers (NUT)

Are impact assessments conducted before these projects? The need to include enlightenment in the conscientization efforts to communities to avoid non-peaceful methods.

Response: It is not clear whether or not impact assessments were conducted.

Dr. O. Adeleye

(i) If this conference is accused of inciting affected communities, what would be our reactions?
(ii) Emphasis of WCD report is on large dams. Given this how do we categorise the dams in Nigeria. If local dams are small dams, then the problems associated with large dams cuts across all dams.

Response

The conference is about enlightenment and teaching inclusive negotiation skills.

Dr. Lawrence Ezomoye

- Assessments in Nigeria has now been saddled with mistrust so which way forward?
- Need for independent assessments by communities. He used the signing of the contract on the dredging of the River Niger to highlight this.
- The second issue is about options. Nigeria is blessed with many traditional water-harvesting methods. But this does not seem compatible with public health. So there is a need for a review of traditional water harvesting methods before their wholesale promotion.

Response

SWAPHEP Director: The WCD report is very comprehensive and if the recommendations are adopted then there will be a lot of improvements. He spoke on the need for more and more consultations.

Comrade Obamwonyi

Alluded of the self interests of personnel of government. He spoke of government neglect. He made an appeal to government representatives present to facilitate government's change of attitude.

Mr. A. Adogame, Nigerian Environmental Society (NES)

Nigeria Environmental Society (NES) identifies with what is happening. NES welcome the new focus on dams. NES is embarking on massive enlightenment campaigns particularly on fresh waters. The interest of NES is on the need for a Post Impact Assessments (PIA) of dam construction projects in Nigeria. There are visible and non visible EIA's

Comments by representative of Commissioner for Environment.

Government is aware of the need to consult communities, but the problem has always been implementation. There is also a need to focus on appropriate technology in terms of considering options.

Implication of this is the need to do proper geophysical surveys to determine what is appropriate for each locality. Feasibility reports are to precede projects but it is up to the government to accept or reject the recommendations of such feasibility surveys/reports.

TESTIMONIES FROM DAM-AFFECTED COMMUNITIES

Odafe of Akuku

Emphasized the need for SWAPHEP to go back to the affected communities. He went on to give a brief account of their experience. He mentioned the possibilities of conflicts even at the consultation phase, and the potential to set some communities against the others. He alluded to improper and non-inclusive consultation methods by government, and the dishonesty and betrayal of people claiming to represent the communities. The state government during the second republic refused Federal Government intervention in the issues surrounding the collapse of the dam. Even the construction of new houses for the people was rejected.

Calls for civil society to help facilitate the payment of compensation and the rebuilding of their homes.

For details on the testimony on Akuku, see reports on Okhoro and Ojirami dams on SWAPHEP's website; http://swaphep.virtualactivism.net.

The Odionwere of Okhoro
Gave testimony about a dam in his community. The dam was built without consultation with community. The only dialogue was when government representatives came to ask owners of economic trees to come and record for assessment what they possess.

No compensations were eventually paid. The Dam as at today is impacting adversely on the community causing a lot of social cultural dislocation. Also most of Okhoro have no pipe borne water. Appeals that government should extend the benefits of pipe borne water to local peoples. Also the weeds around the dam should be cleared regularly.

The compensation should also be revisited.

Comments

Dr. Adeleye admonished government representative to speak in the name of government and not as individual in order to make commitments to local peoples.

Response
The representative of Edo State Commissioner for Environment opined that as a civil servant he has not been directed to make any commitments. He however explained why communities living closed to dams for water and energy do not always get pipe borne water and light in time because of the high pressure of the water and high voltage of the power generated and the need to get high powered transformers to step down the voltage etc.

SESSION II: PLENARY
Started at 1:45pm

Facilitated by Dr. O. Adeleye

The participants were broken into 4 groups A to D
Group A: led by Leslie Adogame, the theme being "Water and Energy supply options"
Group B: led by Ugbini Blessing (Miss) with the theme: "Gaining Public Acceptance"
Group C: led by Leo Atakpo with the theme: "Rights and Risks Assessment"

Group D: led by Rosevelt Idehen with the theme “Sustaining Rivers and Livelihoods”.

Each of the group discussed for 15 to 20 minutes in greater details a set of issues around each theme. These issues for each group include:

GROUP A

(1) How would you describe the water and energy projects of the Nigerian government, would you say that they are:

(a) Equitably distributed? (b) Adequate? (c) Needs-based? and (d) Sustainable?

Give reasons for your answers.

(2) What are the water and energy supply options available to Nigeria? Do you think government adequately assesses all options before embarking on such projects? If not what is the way forward?
(3) What are the likely obstacles to the development of water and energy supply alternatives in Nigeria?
(4) Do you think that the WCD report addresses the peculiar problems of Nigeria and are the strategic priorities and guidelines of the report implementable in Nigeria? How could they be implemented?

GROUP B

(1) How transparent and participatory are the decisions making processes – through project design, implementation and monitoring stages leading to water and energy projects? Please give advice on how this could be achieved in Nigeria..

(2) What are the policy principles that enhance public acceptance of water and energy projects? Please give advice on how this could be achieved.

(3) Do you think that WCD report addresses the peculiar problems of Nigeria and are the strategic priorities and guidelines of the report implementable in Nigeria? How could they be implemented in Nigeria?

GROUP C

(1) How does recognition of rights and adequate risks assessment help to legitimise a water and energy project? Are the rights of Nigerians adequately considered before those projects are embarked upon?
(2) What are the common rights of Nigerians that are violated by water and energy projects in Nigeria?

(3) What are the involuntary risks imposed on Nigerians by these projects? Who are the most affected people or group and how do these risks impact on their economic, social, indigenous, cultural and religious rights?
(4) How does the WCD report address the rights at all risks questions in Nigeria? Do you think that the document is implementable in Nigeria?

GROUP D

(1) How do dams impact on the rivers and watershed and peoples livelihoods in Nigeria?
(2) Do you think that the authorities place value on ecosystem as an integral part of water and energy projects? Give reasons for your answer. Please give advice to the authorities concerned.
(3) Do you think that there is an urgent need for a multistakeholder dialogue on the WCD report in Nigeria, how could this be done?
(4) How would a national dialogue on the report of the WCD help to resolve the conflicts around river basin management and livelihood question in Nigeria?

GROUP REPORTS TO THE PLENARY

At 2:25pm the group began to make their report back to the plenary. Highlights of which include:

GROUP A
Group made up of about 5 persons well distributed among the stakeholders.

- Water and energy projects not equitably distributed, not adequate to a large extent they were not needs-based and they are mostly unsustainable.
- Identified boreholes, rain-harvesting etc an option to water and energy projects. Believes government does not adequately assess options. The group canvassed need to take other options seriously including use of solar energy.
- Identified poor funding of local alternative technology and the top to bottom approaches in project implementation as obstacles to development of water and energy supply alternatives.
- Group believes the WCD report addresses the peculiar problems of Nigeria, with a provision for good governance.

GROUP B

- Group appears not to believe that decision making processes are transparent and listed conditions that will make it transparent.
- Listed issues such as EIA, community participation etc as guiding principles to enhance public acceptance.

GROUP C

- Agreed that rights of local peoples are violated, opinion of Nigerians are not considered; recommended renaming of the Ojirami dam after the three communities. Suggested the name Ago Dam after the three communities.
- Listed rights to community development etc as part of rights violated.
- Economic activities, lives, properties etc are lost to the projects.
- WCD report is implementable in Nigeria, and all stakeholders should adopt it.
- Group thinks that all stakeholders should always come together to reach documentable agreements before water and energy projects are embarked upon.

GROUP D

- Group listed various impacts after agreeing first that dams do impact. Group identified both positive and negative impacts of dam projects. Positive impacts include provision of light and portable water while negative impacts include destruction of ecosystems, over flooding and many associated health problems.
- Group opines that the government most often because of ignorance is insensitive to the ecosystem and so places little or no value on the ecosystem and local peoples.
- Group advised the authorities to adopt the bottom-top approach. Local communities should be given priority in project design and implementation.
- Group agrees on the need for a thorough consultation with all stakeholders, from the grassroots communities to government personnel. This dialogue should form the basis of project design and implementation in Nigeria.
- Outcome of the dialogue if it forms the bases of government action will go a long way in helping to resolve the conflicts.

The facilitator Dr. Adeleye gave a quick summary of the group reports.

The full detailed reports of the groups are attached as appendix.

Facilitator called for comments on the whole process of the dialogue session. He also specially thanked the community representatives for coming and participating actively in the dialogue process.

FURTHER COMMENTS

Mr. Leo Atakpu
Opined that most dams in Nigeria are donor driven. They are built with loans. Gave a background to the Ikpoba Dam. The Tunde Ogbeha Military Administration approached the African Development Bank (ADB) for a $100m dollar loan for Bendel State. Wants the meeting to call for a probe of the finances of all the failed projects including Ikpoba Dam.

Mr. Abiola

Uncomfortable with listed options rain-harvesting; because of its associated problems.

Response by SWAPHEP Director
He explained that with appropriate technology rain can be healthily harvested through solar purification. The issue is to know how best to capture rainwater. Indiscriminate drilling of borehole may be dangerous and unsustainable as it may lead to land subsidence.

RIVER BASIN CONFLICT IDENTIFIED
Representatives of Akuku community complained about the naming of the dam after Ojirami- one of the three communities. Participants called for the three affected communities around Ojirami dam to come together and agree on a commonly acceptable name for the dam.

The issue of naming of dams (identity) is an excellent example of conflicts which may result around dam projects

FOLLOW-UP COORDINATION COMMITTEE (FCC)
At the end of the dialogue session a follow-up committee on the dialogue process was constituted.

Members include:

(1) Representatives of SWAPHEP
(2) Representative of Akuku community
(3) Representative of Okhoro community
(4) Representative of Nigeria Union of Teachers NUT
(5) Mr. Adogame, Secretary General, Nigerian Environmental Society.

(6) Representative of Edo State Ministry of Environment, and
(7) Mrs. Lilian Nwokobia, Asaba, Delta State.

RESOURCE PERSONS INCLUDE

(1) Dr. A.E. Ogbeibu – Paper 1
(2) Rev. David Ugolor represented by Leo Atakpu – Paper 2
(3) Mr. Hope Ogbeide – Paper 3
(4) Dr. Mrs. M.O. Kadiri – facilitator, session 1
(5) Dr. Adeleye – facilitator, session 2
(6) Jaye Gaskia - Rapporteur

WAY FORWARD: PLAN OF ACTION

The dialogue session elected a Follow-up Coordination Committee (FCC) with representatives of the dam-affected people, government, professional bodies, women, students and the NGO as members.

FCC's Mandate: The FCC's mandate includes meeting with government officials to intimate them with the position of the civil society in Nigeria on the report of the WCD; design and implementation of a plan of action on how a successful multi-stakeholders national dialogue on the WCD report can be held; Follow-up plan includes translation of IRN's Citizen's Guide on the WCD and the final report of the World Commission on Dams into local Nigerian languages.

First Meeting of the FCC

The newly elected Follow-up Coordination Committee (FCC) met briefly immediately after the dialogue session to set the agenda for a four-year follow-up activities of dialogue process.

Agenda: 0ctober 2003 – September 2007

As a starting point, the FCC will ensure that the reports from this first dialogue are widely circulated through every available medium. Visits are also scheduled to the Federal Ministry of Water Resources and Legislative Houses.

1. The FCC agreed on a larger multi-stakeholder dialogue in southern Nigeria. It also agreed that the dialogue will be held in Ibadan the host state for Ogunpa Dam that collapsed in 1980 to bring the dialogue close to the dam affected people of Ogunpa dam.

Purpose of Dialogue:

- Involve a wider multi-stakeholder participation in the civil society WCD dialogue process. Target audience is 100 persons.
- Select zonal and state coordinators who will work with the FCC for effective implementation of translation and widespread dissemination of the IRN's Citizens Guide to the WCD Report and the WCD report

2. Training of Trainers Workshops

Purpose of workshops:

- ?? To have a pool of trainers for subsequent training at the grassroots levels.
- ?? To prepare manuals for translation and education of the grassroots

3. The translation and education process

4. Onyami River Basin Management Dialogue:
In view of the issues of conflicts of identity among the host communities of Ojirami dam which came up during the dialogue and the issues of relocation and compensation between government and the affected communities, the FCC will embark on the above dialogue.

Purpose:

- ?? To broker peace among the communities.
- ?? To identify the best strategies for the sustainable management of Onyami River over which Ojirami dam is constructed
- ?? To bring government and the communities to a dialogue table on the river basin management, relocation and compensation issues.

5. Documentation and Dissemination:

- o Video documentaries in VHS and VCDs as well as CD-ROMs will be produced on the dialogue
- o Publications in local and international journals
- o Publication of books and reports
- o Presentations at international fora such as the Stockholm Water Week, 4th World Water Forum in Montreal etc
- o Publication of the reports on the internet and the mass media through press briefings, press statements etc.

PROBELEMS ENCOUNTERED

1. Late arrival of participants to the dialogue venue. This was because participants (except the two participants from Lagos and Port Harcourt) were not provided hotel accommodation due to limited funding. Hence, their early arrival could not be ensured.

2. Failure of power supply to the hall which distorted the proceedings. This could be avoided by use of hotel venues.

3. Scanty attendance (54 persons). Can be better with adequate funding

APPENDICES

Appendix I: Communiqué

COMMUNIQUE OF THE NGO/CIVIL SOCIETY DIALOGUE ON THE REPORT OF THE WORLD COMMISSION ON DAMS (WCD) IN SOUTHERN NIGERIA ORGANISED BY SOCIETY FOR WATER AND PUBLIC HEALTH PROTECTION (SWAPHEP) WITH THE SUPPORT OF GLOBAL GREEN GRANTS FUNDS ON THURSDAY 22ND MAY 2003. AT THE BANQUET HALL, UNIVERSITY OF BENIN, BENIN CITY.

PREAMBLE

The Society for Water and Public Health Protection (SWAPHEP), with the support of Global Green Grants Funds organised an NGO/Civil Society dialogue on the report of the World Commission on Dams (WCD)in southern Nigeria. The dialogue was held on Thursday 22nd of May 2003 at the Banquet Hall of the University of Benin, Benin City, Edo State, Nigeria.

The Edo State Commissioner for Environment and Natural Resources who was the Special Guest of Honour sent his representative.

The Edo State Commissioner for Education, who was a special quest, also sent a representative.

The dialogue session was attended by a cross section of Civil Society organisation representatives, academics, students' representatives, civil servants, professionals, representatives of communities hosting dams and the media.

Resource persons were drawn from the Environmental Movement in Nigeria as well as from the universities.

OBSERVATIONS AND RECOMMENDATIONS

?? The dialogue session considered in detail various aspects and highlights of the WCD report titled: "Dams and Development: A New Framework for Decision Making".

?? The dialogue session commended the work of the WCD, accepted it as sufficiently addressing the problems associated with Dams in Nigeria and the world at large, and called for its adoption by all stakeholders in particular governmental authorities, as a basis for designing and implementing water and energy projects among other projects in the country.

?? The dialogue session noted the immense potential of the strategic framework adopted by the WCD report for resolving conflicts which may arise with

respect to water and energy projects and calls on the governmental authorities to adopt these sets of principles and guidelines.

?? The dialogue session noted that though the WCD report dwelt on large/big dams and noted too that many of the dams in Nigeria are small dams; nevertheless the problems associated with big dams are equally found with small and medium scale dams; therefore the dialogue session called for the functioning of small and medium dams into the entire debate around dams and demands that all dams should be treated alike.

?? The dialogue session noted that the experience in Nigeria is that in virtually all the cases, no Environmental Impact Assessment (EIA) study was conducted before the existing dams; water and power projects were constructed.

In view of these the dialogue calls for the immediate conduct of comprehensive Post Impact Assessment (PIA) on all such existing projects;

?? The dialogue also insists that no future projects should be embarked upon without an EIA, and without issues raised in such EIA being provided for.

?? The dialogue demands that no water and energy projects should be commissioned if the claims of all the stakeholders and the issues raised in the EIA have not been fully complied with.

?? The dialogue session noting the link between Dams and Debts calls for a probe of all existing dams' water and energy projects for which loans were taken and which seemed to have failed in their execution. The dialogue particularly called for a probe of Ikpoba dam project.

?? The dialogue session noted the concerns of the communities around Ojirami Dam in Edo State and endorsed their call for a stakeholders meeting addressing their grievances and changing the name of the dam to reflect all the communities.

?? The dialogue call for the immediate settlement of all outstanding compensation claims arising from water, river basin, dams and energy projects in Nigeria.

CONCLUSION

Finally the dialogue session elected a follow-up coordination committee with representatives of the stakeholders as members.

Hope Ogbeide
Director, SWAPHEP Committee

Jaye Gaskia
Communiqué

Appendix II: Participants List

Name of Participant	Organisation/Institute/Community	Email/telephone
Edevbaro Agharese	Department of Pharmacy, University of Benin (UNIBEN)	agharusa@yahoo.com
Leo Atakpu	African Network for Environmental and Economic Justice (ANEEJ)	Aneej2000@yahoo.co.uk
PA Omon-Igbinomwanhia	Odionwere of Okhoro Community	

Ediagbonya		
Enohuwa F. Obamwonyi	Freedom Organisatiion of Nigeria	enohuwa@yahoo.com
Dr. A.E. Ogbeibu	Department of Zoology, UNIBEN	Ogbeibu@yahoo.com
Oshodin Solomon	SWAPHEP	oshodinsolomon@yahoo.com
S.O. Akao	Akuku Community	
Chief Akueka	Odafe of Akuku Community	
Uwabor F.M	Ministry of Education, Head Quarters, Benin City	
Dr. Omokhua Adeleye	Igbinedion University, Okada	doctoradeleye@yahoo.com
Ejetavbo A.G	Agriculture Watch Network of Nigeria, Ewu-Ughelli, Delta State	agriculturewatch@yahoo.com
Engr. W.E. Obakpolor	Ministry of Environment & Solid Minerals, Benin City	
Adetokunbo Abiola	The Hope Newspapers	Gbenga4real@yahoo.com
W.O. Idemudia	Nigerian Union of Teachers	
Henry Monye	National Trumpet Newspapers	
Dr. (Mrs.)M.O. Kadiri	Dept. of Botany, UNIBEN	mokadiri@hotmail.com
Dr. T.O.T. Imuobe	Dept. of Zoology, UNIBEN	timuobe@yahoo.com
Pastor Moses Odey	Living Church of Missions, Nigeria	Canath2003@yahoo.co.uk
Ekaete Umoh	Family-centered Initiative for Challenged Persons	ekajones@yahoo.com
Dr (Mrs.) F. Ogbe	Dept. of Botany, UNIBEN	foluogbe@yahoo.com
Festus Ogagah	The Comet Newspaper	234 802 337 4874 (mobile)
Asije Victor	The Nigerian Observer	234 52 257492
Blessing Ugbini	Women's Health Action Research Centre (WHARC), Benin City	234 52 600151
Ane Leslie Adogame	Nigerian Environmental Society (NES)	ane_adogame@hotmail.com
Dr. R. Uwameiye	Dept. of Technical Education, UNIBEN	234 52 601143
Dr. O.E. Osakue	Health Center, UNIBEN	234 803 3885998
Idele Iyobosa	SWAPHEP	swaphep@yahoo.com
Precious O. Obasuyi	Prestech Educational Centre	prestechsystems@yahoo.com
Mr. Henry Idiagbonya	Freedom Organisation of Nigeria	234 803 356 8628
Hon. D.O. Aluyah	Faculty of Engineering, UNIBEN (Speaker, Engineering Student Union)	aluyahbaba@yahoo.com

Anetor A. Elomose	Faculty of Engineering, UNIBEN (Engineering Student Parliament)	aikhuo@yahoo.com
Otorokin Goodluck	Faculty of Engineering, UNIBEN	glojotors@hotmail.com
Idehen Fred C.	ICTU, Vice Chancellor's Office, UNIBEN	fredidehen@yahoo.com
OLiomogbe Hendrix	The Guardian Newspapers	hendrixol@yahoo.com
Dr. Ezemonye Lawrence	Dept of Zoology, UNIBEN	ezemlaw@yahoo.com
Ojesebholo Nicholas	Dept. of Computer Science, UNIBEN	nikkycruise@yahoo.com
Philo Itamah	Committee on Vital Environmental Resources	cover@infoweb.abs.net
J.I. Odiase	Dept. of Mathematics, UNIBEN	justiceodiase@yahoo.com
Roosevelt O. Idehen	Centre for Environment and Development	roosevelti@yahoo.com
Femi Oladipo	Radio Nigeria, Government House Correspondent	
Arc. M.O. Adamoleki	Nigerian Institue of Architects, Edo State Chapter.	234 802 338 7432
Uyigue Johnson	UNIBEN	234 52 603051
Uyigue Frank	Ugbowo, Benin City	
Lilian Nwokobia	Centre for Rural Integration and Development, Asaba, Delta State	Lilian_big@yahoo.com
Mercy Ogbeide	Environmental Rights Action/Friends of the Earth, Nigeria	mercyogbeide@yahoo.com
Dr. Omon Alhoja L	University of Benin Teaching Hospital (UBITH)	eguono@yahoo.com
Jaye Gaskia	Environmental Rights Action, Port Harcourt	ogbegbe@yahoo.com
Osaumwen Uyigue	Student	
Edwin Usifo	Eddy Vidoes, Benin	
Amos Usifo	Eddy Vidoes, Benin	
Abdul James	Eddy Vidoes, Benin	
Solomon Ade	Eddy Vidoes, Benin	
Etiosa Uyigue	SWAPHEP	ask4etiosa@yahoo.com
Hope E. Ogbeide	SWAPHEP	swaphep@yahoo.com

Appendix III: Detailed Group Reports

Group A: Water and Energy Options
Presenter: Anne Leslie Adogame

How would you describe the water and energy projects of the Nigerian government, would you say that they are:
(a) Equitably distributed? (b) Adequate? (c) Needs-based? and (d) Sustainable?
Give reasons for your answers.

a) Not equitably distributed
Reasons:
(1) People who reside in such community don't have water

b) Not adequate
Reasons:
(1) People get electricity at different times
(2) Lack of energy to drive water initiative e.g. at times no diesel to put on generator to pump water

c) Provision of local needs is sometimes done wrongly thereby causing negative effects; Government policies are not implemented even though they are good

d) There is no sustainability – sustainability to a large extent depends on the people put in place to man the projects

What are the water and energy supply options available to Nigeria? Do you think government adequately assesses all options before embarking on such projects? If not what is the way forward?

Bore-hole
Rain Harvest
Solar energy

Way forward

a) Government should always take the above options into consideration before embarking on the projects
b) There should be assessment of priority needs of a community before giving them a particular project
c) All stake-holders should be involved in the projects for efficient management and sustainability
d) There should be sufficient funding

What are the likely obstacles to the development of water and energy supply alternatives in Nigeria?

i) money
ii) know-how (technology)
iii) top-bottom approach (people should be involved)

Do you think that the WCD report addresses the peculiar problems of Nigeria and are the strategic priorities and guidelines of the report implementable in Nigeria? How could they be implemented?

Yes. The approach is there

How to implement it

a) Good governance
b) All stake-holders participation

Group B: Gaining Public Acceptance

Presenter: Ugbini Blessing (Miss)

How transparent and participatory are the decisions making processes – through project design, implementation and monitoring stages leading to water and energy projects? Please give advice on how this could be achieved in Nigeria?

Creating awareness among members of the immediate community; Making members of the community know the objectives and goals of such projects; Educating community members on the benefits accruable from the projects to members of the communities, in form of infrastructure facilities; Creation of job opportunities and ensuring the promotion of the people's occupation; Enlightening them on the possible environmental hazards from these projects.

What are the policy principles that enhance public acceptance of water and energy projects? Please give advice on how this could be achieved.

Creating employment opportunities for both skilled and unskilled persons in the community; Conducting an Environmental Impact Assessment (EIA) before the commencement of the project; Need for community compensation and reparation when duty calls; Creation of awareness through traditional modes of communication; Project coordinators taking active part in community development; Recognising traditional institutions.

Do you think that WCD report addresses the peculiar problems of Nigeria and are the strategic priorities and guidelines of the report implementable in Nigeria? How could they be implemented in Nigeria?

WCD report to a large extent addresses the Nigerian problems and its strategic priorities and guidelines are implementable in Nigeria going by the situation on ground. The way forward to its implementation has to do with the coming together for dialogues of stakeholders- government and members of the immediate communities.

Group C: Rights and Risks Assessment

Presenter: Leo Atakpo

How does recognition of rights and adequate risks assessment help to legitimise a water and energy project? Are the rights of Nigerians adequately considered before those projects are embarked upon?

The Rights of affected communities are not considered/respected in Nigeria
The opinions of Nigerians are not considered, call for the renaming of Ojirami Dam to ASO Dam which comprises of 3 communities Akuku, Somorika and Ojirami.

What are the common rights of Nigerians that are violated by water and energy projects in Nigeria?

Right to community development, right of ownership, Rio Declaration, human rights are obviously violated.

What are the involuntary risks imposed on Nigerians by these projects? Who are the most affected people or group and how do these risks impact on their economic, social, indigenous, cultural and religious rights?

Economic, lives/property, cultural/religion etc loses to dams.

How does the WCD report address the rights at all risks questions in Nigeria? Do you think that the document is implementable in Nigeria?

The WCD report is implementable in Nigeria and should be endorsed by all stakeholders in totality.
All stakeholders must come together to reach documentable agreement before embarking on water and dam projects

Group D: Sustaining Rivers and Livelihoods.
Presenter: Roosevelt Idehen

How do dams impact on the rivers and watershed and peoples livelihoods in Nigeria?

Dams impact positively by:

- ?? Providing electricity
- ?? Portable water
- ?? Economic livelihood

Negatively

- ?? Disrupt ecosystem
- ?? Large dam failure
  - i) Over flooding

ii) Displacement of people
iii) Loss of cultural heritage
iv) Health problems

Do you think that the authorities place value on ecosystem as an integral part of water and energy projects? Give reasons for your answer. Please give advice to the authorities concerned.

No. Insensitivity and ignorance
Advice: there should be a bottom-up approach from design to implementation of project.

Do you think that there is an urgent need for a multistakeholder dialogue on the WCD report in Nigeria, how could this be done?

Yes: through consultation beginning from the grassroots, that is it should all be participatory.

How would a national dialogue on the report of the WCD help to resolve the conflicts around river basin management and livelihood question in Nigeria?

The national dialogue would be the voice of the stakeholders and should form the basis for an appreciation of the situation and should direct government policies.

ANNEX

Annex I

THE ENVIRONMENTAL, SOCIAL AND ECONOMIC PERFORMANCES OF DAMS

Dr. Anthony E. Ogbeibu
Department of Zoology
University of Benin

A PAPER PRESENTED AT THE NGO/CIVIL SOCIETY DIALOGUE ON THE REPORT OF THE WORLD COMMISSION ON DAMS ORGANISED BY SOCIETY FOR WATER & PUBLIC HEALTH PROTECTION
22ND MAY 2003

1.0 INTRODUCTION

Dams are man-made inventions with the primary purpose of cushioning some socio-economic maladies whether man-made or natural, plaguing and reducing the quality of human life. While dams have contributed in no small measure to the economic growth of many nations in the 20th century, the services they provide have come at a cost. This short discourse gives an overview of the environmental, social and economic performances of large dams (15 m high and above). According to the WCD report, 60% of the world rivers have been affected by dams and diversions

The global debate on large dams has brought into focus the following basic facts that are no longer contestable:

- Dams (over 45,000 built around the world) have made an important and significant contribution to human development, and the benefits derived from them have been considerable. Dams are constructed to provide water for irrigated agriculture, domestic or industrial use, to generate hydropower and help control flood. An estimated 30-40% of irrigated land worldwide now relies on dams and dams generate 19% of world electricity (World Commission on Dams, 2002).

- In too many cases an unacceptable and often unnecessary price has been paid to secure those benefits, especially in social and environmental terms, by people displaced, by communities downstream, by taxpayers and by the natural environment.

- Lack of equity in the distribution of benefits has called into question the value of many dams in meeting water and energy development needs when compared with the alternatives.

- ☞ By bringing to the table all those whose rights are involved and who bear the risks associated with different options for water and energy resources development, the conditions for a positive resolution of competing interests and conflicts are created.

- ☞ Negotiating outcomes will greatly improve the development effectiveness of water and energy projects by eliminating unfavourable projects at an early stage, and by offering as a choice only those options that key stakeholders agree represent the best ones to meet the needs in question.

The subject matter of this discourse is elaborate in scope, but I have tried to summarise my points within the confines of the allocated time for this lecture:

2.0 ENVIRONMENTAL PERFORMANCE

2.1 Terrestrial Ecosystems and Biodiversity

The construction of a storage dam and subsequent inundation of the reservoir area effectively kills terrestrial plants and forests and displaces animals. As many species prefer valley bottoms, large-scale impoundment may eliminate unique wildlife habitats and affect populations of endangered species. Construction of irrigation infrastructure may have similar impacts. Flooding a reservoir may lead to the occupation and clearing of upstream catchment areas as replacement for land lost to the reservoir. Land use change provoked in this manner not only has direct effects in terms of habitat loss, elimination of flora and fauna and, in many cases, land degradation, but also feedback effects on the reservoir through alterations in hydrologic function. The resulting loss of vegetative cover leads to increases in sedimentation, stormflow, and annual water yield; decreases in water quality; and variable changes in the seasonal timing of water yield.

2.2 Hydrogen sulphide and Greenhouse Gas Emissions

The emission of greenhouse gases (GHG) from reservoirs due to rotting vegetation and carbon inflows from the catchment is a recently identified ecosystem impact (on climate) of storage dams. A first estimate suggests that the gross emissions from reservoirs may account for between 1% and 28% of the global warming potential of GHG emissions. This challenges the conventional wisdom that hydropower produces only positive atmospheric effects, such as a reduction in emissions of carbon dioxide, nitrous oxides, sulphuric oxides and particulates when compared with power generation sources that burn fossil fuels. It also implies that all reservoirs – not only hydropower reservoirs – emit GHGs.

The rotting vegetation causes the formation of H_2S, which when released causes severe corrosion of copper works, both in the powerhouse and downstream.

2.3 Increased Habitat for Some Species

The Kariba lake environment was found to be beneficial to some species such as crocodiles and aquatic birds. In the early stages of the lake the number of hippos

and buffaloes declined, but rose considerably as a result of the development of *Panicum* grassland on the shore.

2.4 Riverine Ecosystem Impacts

Growing threats to the ecological integrity of the world's watersheds come from rising populations, water pollution, deforestation, withdrawals of water for irrigation and municipal water supply and the regulation of water flows resulting from the construction of large dams. Among the many factors leading to the degradation of watershed ecosystems, dams are the main physical threat, fragmenting and transforming aquatic and terrestrial ecosystems with a range of effects that vary in duration, scale and degree of reversibility.

2.5 Change from Riverine to Lacustrine Environment and Effect on Fish

Pre-impoundment studies on the mid-Zambezi identified 28 species in the area upstream of Kariba. The number of species rose to 42, including those in the reservoir. In the reservoir, cyprinids, which need flowing water, have almost completely disappeared, whereas Cichlids became the main fish in the littoral zones of the lake. Pelagic zone fish were absent before impoundment, but *Limnotrissa miodon* was introduced in 1976/77. Fish yield in Kariba reservoir rose from 5.6 kg/ha per annum to about 33kg/ha per annum in 1986. Fishery and fish farming became one of the most important secondary benefits of the Kariba project.

2.7 Downstream Effects on Fish

Eels were found in the mid-Zambezi. Adult eels live in fresh water for 20 years before migrating to the sea to spawn. The Kariba Dam has created a barrier for eels and their numbers have declined in the mid-Zambezi. The African lungfish, which lives in tropical pans and swamps perished, and this may be the direct result of building Kariba. It inundated some swamps in the area now covered by the reservoir, and it regulated releases to the downstream area so that Mana Pools downstream of Lake Kariba was no longer swampy.

Introduction of non-native species, modified water quality (temperature, oxygen, nutrients), loss of system dynamics, and loss of the ability to maintain continuity of an ecosystem result in ecologically modified river systems. The establishment of a new dynamic has positive effects on some species and negative effects on others

2.8 Impacts of changes in flow regimes

The modified habitats resulting from large dams often create environments that are more conducive to non-native and exotic plant, fish, snail, insect, and animal species.

Flow regimes are the key driving variable for downstream aquatic ecosystems. Flood timing, duration and frequency are all critical for the survival of communities of plants and animals living downstream. The natural variability of most river systems sustains complex biological communities that may be very

different from those adapted to the stable flows and conditions of a regulated river. Finally, water temperature and chemistry are altered as a consequence of water storage and the altered timing of downstream flows. Algal growth may occur in the reservoir and in the channel immediately downstream from dams because of the nutrient loading of the reservoir releases.
These changes in flow have dramatically altered the riverine environment, creating consistently colder temperatures due to release of water from the bottom of the reservoir. A general decline in native fish abundance in the Colorado River is attributed specifically to the cold-water release from large dams there.

As a physical barrier the dam disrupts the movement of species leading to changes in upstream and downstream species composition and even species loss.

2.9 Floodplain Ecosystems

Reduction in downstream annual flooding affects the natural productivity of riparian areas, floodplains and deltas. The characteristics of riparian plant communities are controlled by the dynamic interaction of flooding and sedimentation. Many riparian species depend on shallow floodplain aquifers that are recharged during regular flood events. Dams can have significant and complex impacts on downstream riparian plant communities. High discharges can retard the encroachment of true terrestrial species. Typically, riparian forest tree species are dependent on river flows and a shallow aquifer, and the community and population structure of riparian forests is related to the spatial and temporal patterns of flooding at a site. The control of floodwaters by large dams, which usually reduces flow during natural flood periods and increases flow during dry periods, leads to a discontinuity in the river system. The connection between the river and floodplain or backwater habitats is essential in the life history of many riverine fish that have evolved to take advantage of the seasonal floods and use the inundated areas for spawning and feeding. Loss of this connection can lead to a rapid decline in productivity of the local fishery and to extinction of some species.

In Africa, the changed hydrological regime of rivers has adversely affected floodplain agriculture, fisheries, pasture and forests that constituted the organising element of community livelihood and culture.

3.0 Socio-Economic Performance

While many have benefited from the services large dams provide, their construction and operation have led to many significant, negative social and human impacts.

3.1 Earthquake

The Kariba Reservoir is situated in a tectonically active area. Since 1960 when the dam was constructed, it has caused many earthquakes, 20 of which are in excess of magnitude 5 on richter scale! The socio-economic significance of this is better imagined than described!

3.2 Displacement of Host Communities and Livelihood

The adversely affected populations include directly displaced families, host communities where families are resettled, and riverine communities, especially those downstream of dams, whose livelihood and access to resources are affected in varying degrees by altered river flows and ecosystem fragmentation. More broadly, whole societies have lost access to natural resources and cultural heritage that were submerged by reservoirs or rivers transformed by dams. The construction of large dams has led to the displacement of some 40 to 80 million people worldwide. Many of them have not been resettled or received adequate compensation, if any. Between 1986 and 1993, an estimated 4 million people were displaced annually by an average of 300 large dams starting construction each year.

Empowering people, particularly the economically and socially marginalised, by respecting their rights and ensuring that resettlement with development becomes a process governed by negotiated agreements is critical to positive resettlement and rehabilitation

3.3 Loss of Cultural Heritage

Large dams have significant effects on cultural heritage through loss of local cultural resources, temples, shrines and sacred elements of the landscape, artifacts and buildings. The risk of submerging ancestral graves is the main reason the Himba people in Namibia opposed the planned Epupa Dam.

3.4 Health Problems

The adverse effects on the health of local peoples living around dams due to environmental changes such as increased breeding of mosquitoes and other insect vectors from dam reservoirs have been documented.

Schistosomiasis

Prior to construction intermediate host snails were not found at the dam site, but they were present north of the gorge where Kariba Dam site is located. The possibility for an outbreak of schistosomiasis once the reservoir filled up was forecast. Intermediate host snails were discovered in the lake, most frequently at places used by humans for domestic, recreational or occupational purposes. Dispersion of the snails seemed to be facilitated by drifting *Salvinia auriculat*a.

Malaria

Malaria was prevalent in the area before dam construction. The contribution of Kariba to the disease was restricted to the construction phase due to the creation of borrow pits, poor living conditions, lack of understanding the importance of prophylaxis and a high susceptibility among the immigrants. The reservoir does not in any way worsen the malaria situation, as the vector mosquito does not breed in large water bodies.

Other Diseases

During the construction period, a high number of sexually transmitted infections were observed. Of late, there is a steep increase in the number of HIV/AIDS cases in Kariba, as a result of tourism and the fishery industry (transport).

3.5 Loss of social cohesion

Exposed to the national economy, indigenous and vulnerable groups find their lands and livelihoods threatened by forces beyond their experience or control. Similarly, existing settlements at construction sites have found themselves subject to increased health problems (including malaria, sexually transmitted diseases, and HIV-AIDS) and a loss of social cohesion with the large influx of outsiders.

3.6 Gender Disparity

Gender relationships and power structures are all too often detrimental to women. Extensive research has documented gender inequalities in access to, and control of, economic and natural resources. In Asia and Africa for example, women may have use rights over land and forests, but are rarely allowed to own and/or inherit the land they use. Given the gender-blindness of the planning process large dam projects typically build on the imbalance in existing gender relations. For affected communities dams have widened gender disparities either by imposing a disproportionate share of social costs on women or through an inequitable allocation of the benefits generated.

3.7 Flood Problem

Dams may fail occasionally due to technical problems and negligence. The Ojirami Dam failed in August 30 1980 and two communities, Akuku and Enwan were inundated. These communities lost their houses and property worth millions of naira. It is on record that these people were not resettled or relocated by Government, although they were given foodstuff and mats two weeks after! Incredible!

3.8 Fishing

One major impact of Kariba Dam that was not mentioned in the project document is the fisheries industry that has developed on the lake. Unfortunately, the capital intensive nature of the fishing business makes it difficult for most of the local displaced people to easily participate, and the industry has therefore not significantly benefited the local people who were displaced by the dam.

3.9 Employment

During the construction period, dam projects require a large number of unskilled workers and smaller but significant amounts of skilled labour. New jobs are therefore created both for skilled and unskilled workers during the construction phase.

3.10 Tourism

A thriving tourism industry has developed around lake Kariba since the dam was built, based on water sport, wildlife resources of the area and infrastructure (e.g., airport and paved roads) provided by the Kariba project.

3.11 Hydropower

New energy services provided by dams have benefited urban populations and others connected to power distribution systems. Typically, in countries with low levels of energy services, even small energy inputs bring significant welfare improvements

3.12 Irrigation

The potential use of Kariba water for irrigation was not investigated as part of the project. A number of irrigation schemes have been established around the lake, and are drawing water from this lake. This has given boost to many agro-based industries.

4.0 Distribution of Costs and Benefits

It is clear that the main losers of the dam project are the local people who had to be resettled, although a few of them – who used the compensation money wisely – actually became better off. But for most of them the resettlement was a traumatic event, in which they lost access to their ancestral grounds, areas suitable for recession agriculture and easy access to their friends and relatives across the river. Losses were all encompassing: monetary, psychological, cultural and social.

Those who gained in the Kariba project for instance, were millions of electricity consumers, the copper mines and other industries, who could enjoy low prices for electricity. Other beneficiaries include employees of the national parks created as a result of Kariba, fishermen and workers in the fish industry, and those who found employment in the tourist industry. People living in the area also benefit from improved access roads to the area. Most of these opportunities (fisheries, tourism, irrigation and wildlife development) benefited people from outside the dam basin. The local people, especially those displaced by the dam generally failed to compete for these economic benefits for a number of reasons which include lack of capital or professional skills or education. Thus, although the displaced communities bore most of the social costs associated with Kariba Dam, people from outside the dam basin took up most of the benefits.

The people living in areas where, without Kariba, coal plants would have been built, enjoy cleaner air and less acid rain, and are indirect beneficiaries. The global population and environment gained from the project also, as Kariba offset coal-fired generation which has very high greenhouse gas (GHG) emissions.

This analysis calls for the need for Impact Assessment Studies for major projects like Dams so that the costs and benefits can be objectively analysed before decision on whether or not to embark on such projects.

Annex II

ENHANCING HUMAN DEVELOPMENT: RIGHTS RISKS AND NEGOTIATED

Being a Paper Presented by Mr. Leo Atakpu, Executive Director, Africa Network for Environmental and Economic Justice (ANEEJ)

At An Ngo/Civil Society Dialogue on the Report of the World Commission on Dams (For Southern Nigeria) Organised by SWAPHEP, Banquet Hall, University Of Benin, MAY 22, 2003

INTRODUCTION

The World Commission on Dams (WCD) as it were was born out of a necessity of having to confront the myriads of problems in the water and energy sector towards enhancing human development. As at the year 2000, over 45,000 large dams had been built the world over, which were trailed by growing controversy and conflicts.

The WCD is therefore, the product of series of global policy efforts to bring all stakeholders in one process and develop agenda of seven strategic priorities and corresponding criteria and guidelines for future decision-making.

It means we have to bring new voices, perspectives and criteria into decision-making. The Commission recognised that the dam's debate is rooted in the wider, ongoing debate on development.

The debate about dams is a debate about the very meaning, purpose and pathway of development as well as the role that the state plays in both protecting the rights of the citizens and responding to their needs through development policies and projects. The WCD review shows clearly that large-scale

infrastructure projects such as dams can have devastating impacts on the lives and livelihoods of affected communities and ecosystems, particularly in the absence of adequate assessments and provisions being agreed to address these impacts.

Improving the development process and its outcomes, according to the WCD report, must start with a clear understanding of the shared values, objectives and goals of development and their implications for institutional change. The commission grouped them under five main headings: equity, efficiency, participatory decision-making, sustainability and accountability. The commission believes that negotiated outcomes using rights-and-risks approach will deliver the most favourable development results.

GLOBAL FRAMEWORK FOR SUSTAINABLE DEVELOPMENT

The Commission also endorsed the foundation of the framework based on the United Nations Charter (1945) and the Universal Declaration of Human Rights (1947). In the last two decades, the United Nations reinforced this framework with UN Declaration on the Rights to Development (DRD) (1986) and Rio Declaration on Environment and Development (see details on web and Annex VI of Dams and Development, WCD report).

Essentially, the Human Rights and the right to development clarifies the role of the state in exercising its rights, responsibilities, duties and obligations in planning and implementing national development policies and programmes. They also include the right to self determination, right of peoples to exercise full and complete sovereignty over all their natural wealth and resources etcetera. The Rio declaration, similarly hold a number of principles which include Principle 1: That human beings are at the centre of concerns for sustainable development and Principle 13 states that States shall ensure compensation for victims of environmental damage and give priority to the further development of law regarding liability in such cases among others.

The UN Declaration on Human Rights, the Right to Development and the Rio Principles together make up an internationally acceptable framework of norms empowering a concept of development that is economically viable, socially equitable and environmentally friendly.

CHALLENGES OF THE NEW FRAMEWORK

The WCD recognized that the adoption of a rights based approach does not on its own resolve the practical challenge of meeting human needs. The commission received a wide range of views and reasoning on this matter and from the perspective of shared experience drew attention to a number of elements of the evolving development paradigm to include: that the world is set to move beyond the growth paradigm which judged progress largely in narrow

economic terms, putting a strong premium on activities that offered a clear economic return. It provides a new basis for governance and democratic decision-making. The role of civil society organizations has also expanded and their legitimacy in representing and defending interests is increasingly accepted among others.

RIGHTS AND RISKS

Various types of rights may be relevant in the context of large dam projects – constitutional rights, customary rights, rights codified through legislations property rights etc. The WCD also clarified that mechanism for conflict resolution; adjudication and independent arbitration must begin with the assessment of rights, entitlements and claims. This suggests an approach to water and energy policy that provides for negotiated processes within a legal and procedural framework.

The notion of risk adds an important dimension to understanding how and to what extent a project may impact on such rights. The WCD identified voluntary risk takers and involuntary risk bearers. It recognised that aside public and private developers, a far larger group often have risk imposed on them involuntarily managed by others. Typically they have no say in overall water and energy policy, the choice of specific projects or in their design and implementation. The risks they face directly affect individual well being, livelihood, quality of live and survival.

Patrick Mc Cully in his book, Silenced Rivers, gives fillip to this view when he posited, “To persuade Third World governments to abandon plans to build water development schemes…is very difficult."

NEGOTIATING AGREEMENTS

The Commission encountered considerable experience and good practice in implementing a rights-based approach from many countries. It stated that this framework must provide for arbitration, recourse and appeal mechanisms to ensure equitable adjudication in cases where negotiated settlements are not achievable. It provides for structuring a negotiation process that will provide for: who should participate in the decision-making process? What process should be followed? And what criteria can be applied to assess the process and its outcomes?

Those whose rights are most affected, or whose entitlements are most threatened have the greatest stake in the decision that are taken. The goal must be a process that gives all key stakeholders a voice and a full opportunity to participate in decision-making seeks the broadest reasonable consensus and ensures transparency.

CONCLUSION

We have looked at the commission's findings and the global development debate. The debate on large dams is located within the broader debate on human development situated within the framework relating to human rights, the right to development and the imperative of sustainability. It concluded that only decision-making process based on the pursuit of negotiated outcomes, conducted in an open and transparent manner and inclusive of all legitimate actors involved in the issue, are likely to resolve the many complex issues surrounding dams.

Annex III

WCD REPORT: STRATEGIC PRIORITIES, CRITERIA AND GUIDELINES

Hope E. Ogbeide
Director, Society for Water & Public Health Protection (SWAPHEP)
Presented to
"NGO/Civil Society Dialogue on the Report of the WCD"
Southern Nigeria
At the
Banquette Hall, University of Benin
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Introduction

Based on its findings, the WCD set strategic priorities and related policy principles for future decision-making on water & energy projects. The priorities are:

Gaining Public Acceptance

Public acceptance of water & energy projects is not only essential but legitimizes the processes leading to the implementation of such projects. The effectiveness of this strategy depends on the following principles.

1. Recognition of rights and assessments of risks, which are the basis for the identification and inclusion of stakeholders in the decision-making.
2. Access to information, legal and other support by all stakeholders – indigenous and tribal peoples, women, the elderly, children, disabled persons and so on. This will enhance their informed participation in the decision-making.
3. Key decisions are achieved through negotiated agreements in an open and transparent process

4. Decisions on projects affecting indigenous and tribal people are guided by their free, prior and informed consent achieved through formal and informal representative bodies.

Comprehensive Options Assessments

There are many alternatives to dams for water, food and energy supply. All alternatives should be assessed with clearly defined objectives prior to the implementation of a project. The approach or technology selected should be based on comprehensive and participatory assessment of the full range of policy, institutional and technical options. The assessments should accord equal attention and significance to social, environmental and economic aspects of the project and this should be throughout the planning, project development and operation stages.

Addressing Existing Dams.

The environmental, social and economic performs of large dams should be properly x-rayed with a view to determining their usefulness or otherwise. This step will form the basis and strengthen mitigation and restoration measures to be adopted. This is achievable through

1. The introduction of a comprehensive post-project monitoring and evaluation process
2. Programmes to restore, improve and optimize benefits from existing dams.
3. Outstanding social issues associated with existing large dams are identified and assessed.
4. The effectives of existing environmental mitigation measures is assessed and unanticipated impacts are identified.

Sustaining Rivers and Livelihoods

Rivers, watersheds and aquatic ecosystems are the biological engines of the planet and the basis for life and the livelihoods of local communities. Dams transform landscapes and create risks of irreversible impacts. Understanding, protecting and restoring ecosystems in river basin level is essential to foster equitable human development and the welfare of all species. Options assessment and decision-making around river development priorities the avoidance of impacts, followed by the minimization and mitigation of harm to the health and integrity of the river system. Avoiding impacts through good site selection and project design is a priority. Releasing tailor-made environmental flows can help maintain downstream ecosystems and the communities that depend on them.

Principles

1. A basin-wide understanding of the ecosystem's functions, values and requirements, and how community livelihoods depend on and influence them, is required before decisions on development options are made.

2. Decisions value systems, social and health issues as an integral part of project and river basin development and prioritize avoidance of impacts in accordance with a precautionary approach.
3. A national policy is developed for maintaining selected rivers with high ecosystems functions and values in their natural state. When reviewing alternative locations for dams on undeveloped rivers, priority is given to locations on tributaries.
4. Project options are selected that avoid significant impacts on threatened and endangered species. When impacts cannot be avoided viable compensation measures are put in place that will result in a net gain for the species within the region.
5. Large dams provide for releasing environmental flows to help maintain downstream ecosystem integrity and community livelihoods and are designed, modified and operated accordingly.

Recognizing entitlements and sharing benefits

Joint negotiations with adversely affected people result in mutually agreed and legally enforceable mitigation and development provisions. These provisions recognize entitlements that improve livelihoods and quality of life, and affected people are beneficiaries of the project. Successful mitigation, resettlement and development are fundamental commitments and responsibilities of the state and the developer. They bear the onus to satisfy all affected people that moving from their current context and resources will improve their livelihoods. Accountability of responsible parties to agreed mitigation, resettlement and development provisions is ensured through legal means, such as contracts and through accessible legal resources at national and international level.

Principles

1. Recognition of rights and assessment of risks is the basis for identification and inclusion of adversely affected stakeholders in joint negations on mitigation, resettlement and development related decision-making.
2. Impact assessment includes all people in the reservoir, upstream, downstream and in catchment areas whose properties, livelihoods and non-material resources are affected. It also includes those affected by dam related infrastructure such as canals, transmission lines and resettlement developments.
3. All recognized adversely affected people negotiate mutually agreed, formal and legally enforceable mitigation, resettlement and development entitlements.
4. Adversely affected people are recognized as first among the beneficiaries of the project. Mutually agreed and legally protected benefit sharing mechanisms are negotiated to ensure implementation.

Ensuring compliance

Ensuring public trust and confidence requires that governments, developers, regulators and operators meet all commitments made for the planning, implementation and operation of dams. Compliance with applicable regulations, criteria and guidelines, and project-specific negotiated agreements is secured at all critical states in project planning and implementation. A set of mutually reinforcing incentives and mechanisms is required for social, environmental and technical measures. These should involve an appropriate mix of regulatory and non-regulatory measures, incorporating incentives and sanctions. Regulatory and compliance frameworks use incentives and sanctions to ensure effectiveness where flexibility is needed to accommodate changing circumstances.

Principles

1. A clear, consistent and common set of criteria and guidelines to ensure compliance is adopted by sponsoring, contracting and financing institutions and compliance is subject to independent and transparent review.
2. A Compliance Plan is prepared for each project prior to commencement, spelling out how compliance will be achieved with relevant criteria and guidelines and specifying binding arrangements for project-specific technical, social and environmental commitments.
3. Costs for establishing compliance mechanisms and related institutional capacity, and their effective application, are built into the project budget.
4. Corrupt practices are avoided through enforcement of legislation, voluntary integrity pacts, debarment and other instruments.
5. Incentives that reward project proponents for abiding by criteria and guidelines are developed by public and private financial institutions.

Sharing Rivers for Peace, Development and Security

Storage and diversion of water on trans-boundary rivers 13 has been a source of considerable tension between countries and within countries. As specific interventions for diverting water, dams require constructive co-operation. Consequently, the use and management of resources increasingly becomes the subject of agreement between States to promote mutual self-interest for regional co-operation and peaceful collaboration. This leads to a shift in focus from the narrow approach of allocating a finite resource to the sharing of rivers and their associated benefits in which States are innovative in defining the scope of issues for discussion. External financing agencies support the principles of good faith negotiations between riparian States.

Principles

1. National water policies make specific for basin agreements in shared river basins. Agreements are negotiated on the basis of good faith among riparian States 14. they are based on principles of equitable

and reasonable utilization, no significant harm, prior information and the Commission's strategic priorities.

2. Riparian States go beyond looking at water as a finite commodity to be divided and embrace on approach that equitably allocates not the water, but the benefits that can be derived from it. Where appropriate, negotiations include benefits outside the river basin and other sectors of mutual interest.
3. Dams on shared rivers are not built in cases where riparian States raise an objection that is upheld by an independent panel. Intractable disputes between countries are resolved through various means of dispute resolution including, in the last instance, the International Court of Justice.
4. For the development of projects on rivers shared between political units within countries, the necessary legislative provision is made at national and sub-national levels to embody the Commission's strategic priorities of 'gaining public acceptance' 'entitlements' and 'sustaining rivers and livelihoods'.
5. Where a government agency plans or facilitates the construction of a dam on a shared river in contravention of the principle of good faith negotiations between riparians, external financing bodies withdraw their support for projects and programmes promoted by that agency.

Criteria and Guidelines – Applying the Strategic Priorities

The guidelines provided by the WCD for applying the above strategic include five key decision stages.

Stage 1: Needs Assessment

A clear statement of water and energy services needs at local, regional, and national levels that reflect decentralized assessments and broader national development goals. An assessment based on participatory methods appropriate to the local context resulting in a clear set of development objectives that guide the subsequent assessment of options.

Stage 2: Selecting alternatives: identifying the preferred development plan

The A mix of alternatives that reflects the needs and meets the development objectives has been selected through a multi-criteria assessment of the full range of policy, programme, and project alternatives and included in a preferred development plan.

Stage 3: Project preparation: verifying commitments are in place before tender of the construction contract.

Clearance to tender the construction contract is given by the relevant authority and includes conditions for the award of the contact and operations. Mitigation and monitoring measures are formalized into contracts between responsible parties, and compliance arrangements are in place.

Stage 4: Project implementation: confirming compliance before commissioning

Clearance to commission the project is given by the relevant authority after all commitments are met. Relevant elements of performance bond sureties are released. The operating license is confirmed, including specific requirements for monitoring, periodic review and adaptive management.

Stage 5: Project operation: adapting to changing contexts

Conditions for operating under the license are fulfilled and the license conditions modified as necessary to adapt to changing contexts. Monitoring programmes feed back into project operation. A process is initiated to decide on reparations, if necessary.

Annex IV

Opening Remarks

By

Etiosa Uyigue

Programmes Manager, Society for Water and Public Health Protection (SWAPHEP)

Presented during the

"NGO/Civil Society Dialogue on the Report of the World Commission on Dams" in Southern Nigeria.

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The provenance and practice of dam technology as water management technology dated back to several centuries. It is no doubt that dams have contributed to the economic growth of many nations. During the twentieth century, large dams emerged as one of the most significant and visible tools for the management of water resources. The over 45,000 dams build round the world have played important role in helping communities and economies harness water resources for several uses. Dams are constructed to provide water for irrigated agriculture, domestic or industrial use, to generate hydropower and help control flood. These services are being provided not without a cost being paid for them.

As experience accumulated and better information on the performance and consequence of dams became available, the full cost of large dams began to emerge as a serious public concern. Driven by information of the impacts of dams on people, river basins and ecosystems as well as their economic performance, opposition began to grow. Debate and controversies initially focused on specific dams and their local impacts. Gradually, these locally driven conflicts evolved into a global debate. The nature and magnitude of the impacts of dams on affected communities and on the environment have now become established as key issues in the debate.

The World Commission on Dams (WCD) was born from this debate. Established in February 1998 through an unprecedented process of dialogue and negotiation involving representatives of the public, private and civil society sectors. It began work in May, 1998 under the Chairmanship of Professor Kadar Asmal, then South African Minister of Water Affairs and Forestry. The WCD members were chosen to reflect regional diversity, expertise and stakeholders perspective. The

commission was created as an independent body, with each member serving in an individual capacity and none representing an institution or a country. The commission key objectives were:

- ?? To review the development effectiveness of large dams and assess alternatives for water resources and energy development.
- ?? To develop internationally acceptable criteria, guidelines and standards, where appropriate, for the planning, design, appraisal, construction, operation, monitoring and decommissioning of dams.

A large part of the Commission's work involved a broad and independent review of the experience with large dams. In reviewing this experience, the Commission has studied a broad spectrum of dams. This provided the basis for the assessment of the technical, financial, economic, environmental and social performances of large dams and review of their alternatives.

The WCD document suggests that by bringing to the table all those whose rights are involved and who bear the risks associated with different options for water and energy resources development, the condition for a positive resolution of competing interest and conflicts are created. And that negotiated outcomes will greatly improve the development effectiveness of water and energy projects by eliminating unfavourable projects at an early stage.

However, the WCD report must be subjected to national dialogues to determine how best it can be effectively applied in every nation. This is where this dialogue finds its importance. It is the beginning of a bottom-top process which will culminate in a national dialogue.