

Class 2: Multi-level planning and the Role of Law

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Multi-level Planning in a global age

- Planning is always multi-level with some exceptions
- In much of the Third World, it has always been global – colonialism to globalization
- Global discourses, Transnational fields and epistemic communities (Haas)
- The impact of ‘framing’ an issue as local, domestic or international - impact on actors, resources, strategies used in mobilization, and evaluation of results

Multi-level planning – actors and rules of the game

- Actors – not just the local state or a ‘planner’ in the abstract
- Includes donors, IO’s, state, private sector, civil society, PAFs (‘victims’) and media
- Rules of the game – 2 kinds – macro (rules which provide criteria for whether interventions are achieving their goals); and micro (rules that actually apply to the conduct of actors as they work towards the goals)
- Macro rules are derived from political philosophy and social theory – utilitarianism for instance
- Micro rules are laws – international and domestic – as well as institutions (in the sense of new institutionalists) which are multi-level

Multi-level planning

- Actors – donors, federal, state and local governments, NGOs, individuals, media, international organizations, foreign states, local and national state officials and agencies, epistemic communities (Haas), public opinion
- The importance of the State as a key actor in development and the increasing importance of hydroelectricity as a form of energy
- Discourses – development, nationalism, environment, security, culture, rights, democracy, legitimacy, accountability
- Resources – Donors/IO's, State, private (both market and NGO), media, law
- Goals – agriculture, water provision, FDI, industrial growth, cultural identity, livelihood, land, dignity
- Strategies – media, use of force, institutional process, protest, negotiations, alliance-building, litigation
- Evaluation – modernization paradigm v. justice & rights paradigm

The World Bank as a planning actor

- Bretton Woods – origins and its transformation and reinvention through ‘mission creep’
- Relationship to IMF, and other sources of finance/donors
- History of involvement in the Narmada project – from the Scudder mission to the Morse report in 1993
- Impact of the pull-out on the politics of dam construction
- Is the World Bank still relevant?
- Is it learning from its mistakes?

Nam Theun II dam

- <http://www.youtube.com/watch?v=8MegttFTBFU>

Role of Law in planning I

- Scale – territorial and subject-matter jurisdiction rules
- Framework – rules about organizations, Transnational, State and non-State
- Resource – access to courts, mobilization tools, accountability mechanisms
- Violence – structural violence (land deprivation, impoverishment, lack of rehabilitation rights), physical violence)
- Legitimation – Social contract rights based (democratic theory and law as a tool); Weberian process-based (administrative law state); `normalizing' domination
- Resistance – terrain of resistance; use of law in advocacy, negotiation and litigation

Role of law in planning II

- Is law simply institutional politics? Yes and No
- Global space of law: proliferation of global norms and institutions: human rights, environment
- Transnationalization of Mobilization in the valley: five stages: 1979-88 (R&R); 1988-91 (environment); 1991-94 (human rights); 1994-2000 (legalization/domestication); 2000-2007 (rearguard action, still domestic)
- Contestation through the law is a conscious strategy in mobilization of SMs: why did the NBA do it? What are the tradeoffs?

Role of law in planning III

- Resort to law can't be an escape from politics to a 'neutral' arena
- The 2000 judgment
 - PIL
 - Structural issues (like composition of the court)
 - Implementation
 - The different scripts – legal reasoning as an independent variable
- Domestic legal culture and nature of legal system as major variables in mobilization
- PIL, common law system helped NBA while proving to be a mixed blessing

Problems of implementation I

- Lack of implementation and monitoring of policy that exists on paper – CoM report
- Lack of land for resettlement - Madhya Pradesh government position and Gujarat policy
- Issue of migration and resettlement
- Keeping social capital intact - community dispersal and breaking up of social and economic ties
- Definition of PAF: 'oustees' in the Tribunal award and the various R&R policies
- differences in policies (table)

Problems of Implementation II

- Cash compensation for some despite the 1979 tribunal award - its impact on tribals who don't connect with a cash economy
- GRA mechanisms in the 2000 judgment
- Underperformance and failure to meet targets
- Bargi dam irrigates only 5% - WCD findings revisited
- Cost overruns
- Undercounting of displaced people
- Not a single dam in India has had a systematic post-project evaluation
- India has no R&R policy or law (Cabinet Note exists now).

Thank you!