

Can the subaltern file claims? The World Bank Inspection Panel and subaltern articulation

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Abstract

According to Gayatri Spivak, the problem with subaltern articulation is that the subaltern lack the 1) ability and 2) opportunity to articulate their interests, and that 3) their articulations are not 'heard', i.e. they have no political effect. Since its inception in 1994, the World Bank Inspection Panel has worked as a mechanism of accountability in this international organization. People negatively affected by World Bank projects are given the opportunity to file claims against the violation of social and environmental standards. While some scholars argue that the Inspection Panel has led to a democratization of global economic governance, this contribution employs an empirical case study to examine whether and to what extent it has actually provided an effective voice for the subaltern.

Keywords: World Bank, Inspection Panel, accountability, postcolonial studies, Uganda

Kann die Subalterne Klagen einreichen? Das Inspection Panel der Weltbank und subalterne Artikulation

Zusammenfassung

Gayatri Spivak zufolge ist das Problem subalternen Artikulation, dass den Subalternen 1. die Fähigkeit und 2. die Möglichkeit fehlt, ihre Interessen zu vertreten, sowie dass 3. ihre Artikulationen nicht „gehört werden“, d.h. keine politischen Konsequenzen haben. Seit seiner Etablierung 1994 dient das Inspection Panel der Weltbank als Rechenschaftsmechanismus in dieser internationalen Organisation. Von Weltbankprojekten negativ betroffene Menschen haben die Möglichkeit, dort eine Klage im Hinblick auf die Verletzung sozialer und ökologischer Standards einzureichen. Während einige WissenschaftlerInnen argumentieren, dass das Panel so zu einer Demokratisierung der global economic governance geführt hat, untersucht dieser Beitrag anhand einer empirischen Fallstudie, ob und inwiefern es tatsächlich Subalternen eine effektive Stimme verleiht.

Schlagwörter: Weltbank, Inspection Panel, Rechenschaftspflicht, postkoloniale Studien, Uganda

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I am grateful to the anonymous reviewers for their helpful comments.

In this article, Spivak's concept of subaltern articulation and representation is employed as an analytical tool for examining the World Bank Inspection Panel, a mechanism of accountability allowing people affected by World Bank projects to file claims against them. As an example the empirical case of the Bujagali dam project in Uganda is used. The question pursued in this article is how can Spivak's concepts be applied in this case and with what results. So instead of approaching the Bujagali dam with the classical tools of dependency theory and materialist analysis, I use postcolonial theory and link it to an empirical case study in order to arrive at conclusions regarding accountability in development cooperation.

1. Spivak and subaltern articulation

In what is probably the most famous text of postcolonial studies, Gayatri Chakravorty Spivak poses the question 'Can the Subaltern speak?' (Spivak 1988) and thus investigates the ability, respectively, the possibility, of the marginalised to speak for themselves. Contrary to a view not uncommon in social science (Drekonja-Kornat 2004), she does not assert the right and the ability of the oppressed to articulate themselves, but problematizes and even negates this possibility.

Spivak borrowed the term 'subaltern' from Gramsci who used it to refer to the oppressed classes. The Subaltern Studies Group, to which Spivak belonged, slightly shifted the meaning of the term. On the one hand, it placed the term in the context of colonialism and the international division of labour. Spivak thus uses 'subaltern' to denote those classes not integrated into the hegemonic order, i.e. not persuaded to support it by concessions, on either national, regional or local levels (1988: 79). Yet subalternity is also positional: 'The same class or element which was dominant in one area ... could be among the dominated in another' (Guha cited in Spivak 1988: 79). This positionality of the concept allows for the recognition of multidimensional relations of power, above all along the lines of race, class and gender. Persons may be oppressed according to their race in the context of colonialism while simultaneously being privileged in the other two dimensions. This oppression is accompanied by asymmetrical possibilities of representation, both in the sense of symbolic representation (*Darstellung*) and of political representation (*Vertretung*). Spivak now arrives at the following:

'According to Foucault and Deleuze... the oppressed, if given the chance ... can speak and know their conditions. We must now confront the following question: on the other side of the division of labor from socialized capital, inside and outside the circuit of epistemic violence of imperialist law and education supplementing an earlier economic text, *can the subaltern speak?*' (ibid.: 78, emphasis in the original)

Drawing on Marx, Spivak concludes that some groups have not yet acquired the ability of self-representation in the sense of lacking consciousness about their position in society and their interest as a class:

'For the 'true' subaltern group, whose identity is difference [towards those groups integrated into the hegemonic order], there is no unrepresentable subaltern subject that can know and speak itself; the intellectual's solution is not to abstain from representation.' (ibid.: 80)

Here, Spivak criticizes Foucault and Deleuze as representatives of a school of thought that – all too aware of the relations of power involved in this claim – rejects the claim to represent others and argues they could speak for themselves, ignoring what Spivak calls the 'critic's institutional responsibility' (ibid.: 75), forgetting about the critique of the 'sovereign subject' and disavowing the 'role of ideology' (ibid.: 69). Mindful of this and the multiple dimensions of oppression, Spivak postulates the following:

'If, in the context of colonial production, the subaltern has no history and cannot speak, the subaltern as females is even more deeply in shadow... On the other side of the international division of labor, the subject of exploitation cannot know and speak the text of female exploitation even if the absurdity of the nonrepresenting intellectual making space for her is achieved.' (ibid.: 82f, 84)

Spivak illustrates this claim with the example of the controversy surrounding the abolishment of the Indian ritual of widow burning by British colonial rule: The women themselves were hardly permitted a voice in this controversy, and if they were, their articulation was either appropriated by the imperialist side as evidence of the backwardness of Indian culture and the liberating role of colonial rule (if they were opposed to the practice) or (if they were not) by the patriarchal side as a commitment to the traditional role of women: 'Between patriarchy and imperialism, subject-constitution and object-formation, the figure of the woman disappears ... into a violent shuttling which is the displaced figuration of the 'third-world woman' caught between tradition and modernization' (ibid.: 102). That widow burning

was also a question of economic interests and inheritance rights (and not only one of tradition and culture) is ignored most of the time (ibid.: 96). Spivak further illustrates the power of ruling discourses and their ignorance towards dissenting articulations in the discussion of the suicide of a political activist, and concludes: ‘The subaltern as female cannot be heard or read. ... The subaltern cannot speak’ (ibid.: 104). It is important to note that there is no exclusive causal link between the two sentences, in particular in the light of the earlier argument against Foucault and Deleuze: the subaltern cannot speak according to Spivak not only because her voice is ignored or she is not given the opportunity to speak, but also because she lacks the ability to articulate her interest. Spivak afterwards relativized her sweeping statement, but without taking back any important elements of her argument (1996: 287-308).

How can we thus use Spivak’s concept of subaltern articulation and representation for political analysis? According to her, subalternity is positional and multi-dimensional. It is connected to the inadequate capacity and opportunity for self-representation in the political as well as the symbolic sense. Not only does this mean that we have to inquire into the positionality along the axis of race, class, and gender (amongst others) the subaltern positions in different contexts. It above all means we have to analyse the agency of the subaltern, or more precisely the conditions, practices and obstacles of subaltern articulation and representation. This must be done without either returning to sovereign authentic subjects or all-powerful manipulating discourses. Thus the question is not only who can be seen as subaltern in which dimension, the decisive questions are not only *whether* the subaltern speak, but *how* (i.e. under the influence of which discourses), whether and how (filtered by which patterns of perception and structures of public debate) they are heard, and whether and how (dependent on social relations of power) their articulation has political consequences.

In the remainder of the article, I use this concept to analyse the World Bank Inspection Panel. The question thus pursued is whether the Inspection Panel has helped subaltern articulations to be heard.

2. The World Bank Inspection Panel

First, it has to be noted that the sheer existence of the World Bank Inspection Panel (WB IP) is remarkable, at least from the perspective of the discipline of International Relations (IR). Most IR theories assume

that international organizations (IOs) are more or less accountable vis-à-vis their member states, as agents to their principal. There may be controversy over the extent to which this is the case: realists or Marxists would see them primarily as instruments of the powerful member states (or their ruling classes, respectively), while liberal institutionalists would allow for a certain independence and dynamic involvement, leading to spill-over effects and mission creep.¹ Yet none would hypothesize that international organizations would be accountable to the people affected by projects funded by them. IOs are neither financed nor governed by these people, but by their member states, i.e. in practice by representatives of the governments of these people. So these people could exert influence only by voting for a new government representing their interest within the IO. Traditionally, international law has given ‘little space for the voices of non-state actors’, which is why the introduction of the IP giving ‘local people access to an international accountability mechanism’ has been called ‘a remarkable advancement in international law’ (Clark 2003: 9). How did it come about?

In the World Bank, the most significant governing body is the Board of Directors, comprised of 24 representatives of the member state governments with legitimacy being derived from these sovereign states.² In 1993, the Board established the World Bank Inspection Panel. The IP’s establishment had a lot to do with what has been called the ‘Narmada disaster’ at the Bank. While infrastructure projects in the South financed by the World Bank have been subject to criticism for a long time – e.g. the Polonoroeste project designed to make rain forests in Brazil accessible or the Transmigration project in Indonesia designed to resettle millions of migrants in peripheral regions so far populated by

1 Spill-over effects refer to international cooperation in one area leading to increased cooperation in other areas, too – the classical example being the European Union. Mission creep refers to the tendency of international organisations to increase their mandate and scope (acquiring new ‘missions’).

2 It should be mentioned that the voting power of these member state governments is linked to the capital shares of the country and is distributed in a highly unequal way: while the USA holds over 15% of the votes and only the USA, Japan, Germany, China, the UK and France have an Executive Director of their own, the other countries share a director with others and possess only a fraction of the voting rights of the richer countries: the votes of all African states combined are fewer than those held by the German representative.

indigenous peoples – the one which gained most international attention was the Narmada Valley Development Project in India (see Rich 1994, Caufield 1996, Goldman 2005, for the following see Mehta 1994 and especially Roy 1999).

The Narmada Valley Development project is comprised of the impressive number of 3,200 dam projects, of which the vast majority are small, 135 are medium and 30 are major dams. The biggest of these is the Sardar Sarovar in Gujarat with a proposed height of 136.5 m. According to the government of India, this multi-purpose dam (irrigation, power production, flood-control) would irrigate more than 1.8 mio hectares and bring drinking water to drought-prone areas. Opponents claimed that these benefits were vastly exaggerated and that more than 300,000 people (60% of them indigenous) had to be displaced without adequate compensation. Between 1985 and 1993, the World Bank above all financed the project (with approx. 280 mio. USD).³

A grassroots movement, the Narmada Bachao Andolan (NBA), resisted the project utilizing Gandhian principles of nonviolence and noncooperation, and criticized its social impact as well as the lack of an environmental assessment. They were able to increasingly gain international support and media attention. As a result, in 1991 WB President Barber Conable, at the request of various Executive Directors, decided to establish an independent review commission for the case chaired by former United Nations Development Programme (UNDP) head and retired Republican US Congressman Bradford Morse. This was the first time in WB history that such a step was deemed necessary. To the surprise of most observers, the report of the Morse Commission sided with the critics and pointed out the Bank's failure to comply with its own rules on involuntary resettlement, environmental assessment, and indigenous peoples as well as its conscious tolerance of India's violation of loan agreements. In contrast to what WB management had expected, it did not recommend measures on how to improve the project but asked the institution to step back from it (Clark 2003: 3f, Shihata 2000: 5f).

³ Technically, it consisted of the Narmada River Development (Gujarat), Sardar Sarovar Dam and Power Project, and the Narmada River Development (Gujarat) Water Delivery and Drainage Project, financed by the International Bank for Reconstruction and Development (IBRD) and the International Development Association (IDA), and signed in 1985 (Shihata 2000: 5).

However, the WB was unwilling to heed the advice it had asked for and proposed a plan for tackling the problems while still moving forward with the project. International NGOs reacted with the threat of a campaign to cut off funding to the Bank published as a full-page advertisement in the Financial Times during the Bank's annual meeting in 1992. The Board of Directors was split: several EDs called for a suspension of loans, but a majority voted to continue financing the project authorizing the management to proceed with a six months action plan to address the environmental and resettlement problems. The next year, when it became clear that the problems persisted, the government of India announced that it would pursue the project without further WB financing. The NGOs, in the meantime, carried through on their threat and successfully lobbied US Congress to block contributions to the tenth replenishment of the International Development Association.⁴ And within the Board, EDs from the Netherlands, Germany, Malaysia and Chile, with support from the Swiss ED, proposed a new accountability mechanism, also citing problematic aspects of the Bank's internal culture, as mentioned in the Wapenhans report.⁵ WB management succumbed to these external and internal pressures and on September 22nd 1993 the Board of Directors issued a resolution on the creation of the Inspection Panel (Shihata 2000: ch. 1, Clark 2003: 4-9).⁶

According to this resolution, the IP consists of three Panel members who are appointed by the Board for non-renewable five-year terms and can afterwards never be employed by the WB again. And although its secretariat is located at the WB headquarters in Washington D.C., the IP is not part of the WB manage-

⁴ Congress did authorize IDA funds for the first two years but withheld funds for the third year until there was evidence of significant progress by the WB on the issue of accountability (Clark 2003: 9).

⁵ A central finding of the report *Effective Implementation: Key to Development Impact* prepared by a WB task force headed by senior manager Willi Wapenhans was the 'approval culture': 'Bank staff were often concerned about getting as many projects approved under the Bank's lending program... less attention had been given to the commitment of borrowers and their implementing agencies' (Shihata 2000: 3) – in other words, 'staff are rewarded for moving large amounts of money out the door' (Clark 2003: 5). Thus there is an incentive to neglect social and environmental concerns in this culture.

⁶ The resolution is reproduced in Shihata 2000: 271-277.

ment structure, but directly reports to the Board. These features are meant to ensure the independence of the IP from the management itself. The IP is 'activated' through complaints concerning harm caused by noncompliance to WB social and environmental policies and procedures: any two or more people affected negatively by WB projects may submit a complaint to the Panel, their identities can remain confidential on their request, and they can also act through representatives. The Panel then examines the eligibility of the complaint, contacts WB management for a response and often also visits the project site to talk to the affected people. The IP submits a report to the Board and recommends an investigation of the case – if the complaint is deemed eligible and further action considered appropriate. If the Board authorizes an investigation, IP members conduct a fact-finding visit to the project area and submit an investigation report to the Board and President of the WB. The management then has six weeks to submit its recommendations in response to the Panel's findings, and the Board decides on measures to be taken. Even though the IP cannot decide by itself, its investigations and recommendations should be able to suspend, ameliorate or stop projects that cause harm to affected persons.

So much for theory – how does it work in practice? Does the IP function as an effective mechanism of democratic accountability in the architecture of international governance? And does it allow for the voice of the subaltern to be heard? Applying Spivak's concept of subaltern articulation and representation, I examine one specific case study in the following section while considering 1) whether the NGOs act as representatives of the subaltern in the IP cases; 2) whether the subaltern in these cases are able to articulate their interests or are manipulated; and 3) whether the IP provides an effective mechanism to ensure that the voice of the subaltern is heard and acted upon.

3. Bujagali hydropower project, Uganda

The claim filed against the Bujagali hydropower project in Uganda is chosen as a case study because it has been decidedly disputed whether the NGOs calling on the Inspection Panel are legitimately able to act as representatives of the subaltern in this instance. According to the Government of Uganda, the planned dam near the source of the river Nile and the 250 megawatt power project should meet the country's medium and long-term power generation requirements and

'promote growth through developing least-cost power generation for domestic use in an environmentally sustainable and efficient manner' (Inspection Panel 2002: 3). The project's homepage⁷ cites a new supply of clean, reliable energy and lower electricity costs as economic and social benefits (among others). In 2001, the World Bank approved a 115 mio. USD Partial Risk Guarantee (PRG) from IDA funds for the project (project ID: 078024) (in addition to International Finance Cooperation [IFC] and African Development Bank [AfDB] loans). A Ugandan daughter company of the US-based AES corporation was to implement the project (Inspection Panel 2002: 3).

Two NGOs, the National Association of Professional Environmentalists (NAPE) and the Save Bujagali Crusade (SBC), filed a claim in 2001 against the project (and two other related projects) with the World Bank Inspection Panel (NAPE/SBC 2001). They argued it would 'lead to harm to all Ugandans' because it was 'likely to raise the electricity tariffs further again to rates that most Ugandans cannot afford' (ibid.: 2f). They also claimed that the Bujagali project appeared to be on a 'fast track' in which normal procedures (supervision of resettlement, protections for communal lands, assessment of costs and risks) were being neglected (ibid.: 3), and that the project would negatively affect fishing and tourism (ibid.: 4).

Based on field research in Uganda, Mallaby (2004) discusses the question of whether Western NGOs, like the Berkeley-based International Rivers Network (IRN), who coordinated the Bujagali campaign, were 'standing up for millions of poor people whose views the bank ignored' or whether they were 'retarding the battle against poverty by withholding electricity that would fuel economic growth, ultimately benefiting poor citizens' (Mallaby 2004: 51f). After finding out that the key NGO opposing the dam, NAPE, had a mere 25 members, and that all the villagers near the dam site were very much in favour of it, Mallaby sharply criticized the NGOs because they were not representing the views of the vast majority of affected people (ibid.: 52). The only ones objecting to the dam were those not affected by it and jealous of the compensation other people would be receiving. The author describes this as a 'tragedy for Uganda': 'Clinics and factories are being deprived of electricity by Californians whose idea of an electricity crisis is a handful of summer blackouts,' and

7 http://www.bujagali-energy.com/bujagali_economicSocialBenefits1.htm (Nov 4, 2016).

while the NGOs 'claim to campaign on behalf of poor people', their campaign would actually 'harm the poor' (ibid.: 52).

While Mallaby's passionate critique neglects the agency of Ugandan NGOs at least in the first sentence, other researchers agreed with his diagnosis concerning the opinions of locals about the dam. Linaweaver (2003: 288) agrees that most local residents supported the project and according to Luwa's survey (2007: 30), over 90% of the households were in favour of it.

So, are we confronted here with a classic case of Western NGOs claiming illegitimately to speak for the African subaltern in a paternalistic and undemocratic manner? To adopt Spivak's phrase, is this a case of 'white men and women saving brown men and women from the World Bank'? To a certain extent yes, but there is more to the story.

This 'more' comes to the fore if we turn to the next question posed by Spivak: Are the subaltern fully aware of their interest (and capable of articulating it) or are they perhaps being manipulated? At least all researchers agree that the widespread support for the project among locals in Junija and Mukono districts is based on the expected economic benefits of the dam they have been promised by project officials – benefits in the forms of direct compensation, employment opportunities, increased business activity and improved infrastructure which the majority of the people perceive as a possibility to raise their very low income (Mallaby 2004: 52, Luwa 2007: 31, Linaweaver 2003: 291). Whether these benefits will actually materialize is another matter altogether. Could it be that gullible villagers have been manipulated into supporting a project that will not bring them electricity and employment as promised? This is a significant question, and only a cautious answer can be given here: At least one study of a resettlement village concluded that the livelihoods of the affected people had deteriorated despite financial compensation (Hansen Heien 2007: 73-76), in particular in relation to agricultural status, food security and access to clean water. And after commissioning the dam the average cost of electricity in Uganda increased to the highest average cost of hydro in Africa, making it unaffordable for many Ugandans – just as NAPE and SBC predicted.⁸ There are, however, some improvements in the infrastructure as a consequence of the dam (NAPE 2014).

⁸ <http://www.internationalrivers.org/campaigns/bujagali-dam-uganda> (March 25, 2016).

What also needs to be mentioned in this context is the strong political pressure exerted by the government, the President and (less prominently) the US ambassador to support the project. There were attempts to intimidate dissenting MPs worried about project costs, and locals speaking out against the project were threatened with arrest (Pottinger 2000: 4, Linaweaver 2003: 293). However, as all opposition so far was primarily attributed to non-local environmentalist NGOs, this should give us pause. A closer look reveals that the minority of opposition came not only from the NGOs (NAPE and SBC), but also from the Busoga people. The Basoga living on the East Bank of the Nile were opposed to the dam because it would submerge Bujagali Falls which they claim as a cultural heritage, or more precisely, as a religious site where spirits reside (Linaweaver 2003: 290, Inspection Panel 2003: 84). And although AES had claimed that the high priest Jaja Bujagali had agreed to a relocation of the spirits, he himself decidedly rejected that claim:

'If they want to relocate [spirits] to another place, will they carry the whole river or falls to that place? [Do] they really think that a [spirit] is like a goat that can be transferred from place to place?' 'The spirits,' he added, 'would never allow the dam to be built.' (cited in Inspection Panel 2003: 84)

Here we are finally confronted with one crucial question we have evaded so far: who exactly are the subaltern? Taking Spivak seriously, we have to treat subalternity as a positional characteristic, take into account different relations of oppression, and open up the black box formerly referred to as 'the people'. Ideally, many of these relations need to be dealt with. In addition to those of class, those between progressive and 'backward' or 'underdeveloped' people seem most relevant in this context.⁹ The Basoga opposition to the construction of the dam on spiritual grounds was ridiculed and portrayed as 'backward' in the Ugandan press (Linaweaver 2003: 290). Especially in the context of the third question (whose voices are being heard?), it is noteworthy that this type of opposition is neither mentioned in the request for inspection (the claim filed at the IP, NAPE/SBC 2001), nor in two policy papers of IRN concerning the Bujagali dam (Pottinger 2000, Pottinger 2007). Mallaby (2004) also does not report on it. And while in earlier versions of the environmental impact assessment (EIA) as well as in the terms of

⁹ On the relations of power between 'developed' and 'less developed' people, see Escobar 1995 and Ziai 2015.

reference of AES the spiritual opposition is noted, in later versions it was no longer present (Linaweaver 2003: 290). Those whose opposition towards the dam was based on reasons not conforming to a 'modern', 'developed' world view clearly were those whose articulations were less noticed and taken less seriously in the public debate.

Indeed there are clear differences to be discerned in the priorities among the other groups as well. Apart from the Basoga, the other locals apparently did not have any spiritual reasons to oppose the dam and were more concerned with (and open to) the promises of material welfare made by project officials, the government and the company. And while both the international NGO IRN and the Ugandan NGO NAPE were collaborating in their secular opposition to the project, a different emphasis can be recognized here as well. IRN seems a little more interested in the general social and ecological impacts and in criticizing corporations, while NAPE is especially keen on promoting geothermal energy sources and preserving the tourist industry while also focusing on economic growth (Luwa 2007: 33, NAPE/SBC 2001, NAPE 2014, Pottinger 2000, Pottinger 2007).

However, despite minority opposition, construction of the dam began in 2000/2001, and with it came the resettlement of approx. 8,700 people (Inspection Panel 2003: 86, Hansen Heien 2007: 27). And while the World Bank did not wait for the investigation report of the Inspection Panel to agree with funding the dam project, the report did have some impact. It found some shortcomings (i.e. cases of partial or noncompliance with the Bank's operational policies) in the environmental assessment procedure, the resettlement action plan, the disclosure of information and processes of consultation, and the agreement on power purchase between the government and the private investor (AES Nile Power) (Inspection Panel 2002, Inspection Panel 2003: 85-88). In response to the report, the World Bank management agreed to provide support for remedies of the shortcoming (e.g. more comprehensive multistakeholder consultations), but the project's implementation was then delayed because of 'some issues identified by the Panel in its report' (Inspection Panel 2003: 88). Shortly after the report, the World Bank's Board of Directors voted to indefinitely delay the funding for the Bujagali project because of suspicions of fraud and bribery. In 2003, AES finally pulled out of the project, but the government was determined to continue (Pallister 2003, Linaweaver 2003: 292, NAPE 2014: 22). It

took over AES' assets and from 2007 to 2012 the Bujagali dam was built through a public-private partnership between the Government of Uganda, the Uganda Electricity Transmission Company and the privately owned Bujagali Energy Limited (BEL) (IRN n.d., NAPE 2014: 9, Harper 2015).

Again, the World Bank was involved with an IDA guarantee of 115 mio. USD. And again, NAPE filed a claim against the project in 2007, arguing that many of the problems identified in the IP report (2002) had not been adequately addressed, project costs had significantly risen, and that the Bujagali dam was still an economically risky project and the wrong answer to Uganda's energy needs (NAPE 2007).¹⁰ The second investigation report of the Inspection Panel (2008) recognized management's compliance regarding the policies on environmental assessment and dam safety as well as improvements in resettlement (land titles for project-affected people, better housing), but still found some deficiencies. These deficits concerned (among other issues) the high allocation of economic risk to the government and away from the private company, and the still contentious question of submerging the sacred site of the Busoga tribe (Inspection Panel 2008 and 2009: 141).

As of 2016, the Bujagali power project is up and running, but its power tariff is around 11 US-cents/kWh, ranking it among the highest in East Africa. Because it is set to rise to 13.5 cents in 2017, when a corporate income tax holiday expires, the Ugandan government has announced to again waive corporate income tax for the project, extend tenure of loans and inject new debt and equity in order to reduce the price to 7.2 cents (Kalinaki 2016).

4. Can the subaltern file claims?

So what has been the outcome of the claims filed by NGOs against the Bujagali dam on behalf of project-affected people? Has the Inspection Panel been a functional accountability mechanism of the World Bank and has it led to the organisation hearing the concerns of the subaltern and acting upon them? In other words: Can the subaltern file claims?

Let us first briefly look at the promises and expected benefits. Even the NGO that filed the claim agrees that

¹⁰ In contrast to the first request for inspection, it included a brief paragraph on indigenous peoples, and cultural and spiritual issues (NAPE 2007: 11).

some promises have in fact been kept (albeit not fully) and some benefits have materialized. A new school has been built by BEL, and three health centers have been upgraded. City water services have been extended to the resettlement area, although only in exchange for high fees, and while there are boreholes where the community can get water free of charge, there are not enough to serve all households. BEL also conducted community-based trainings for various vocational skills and implemented a micro-credit program, supporting other income-generating programs as well. Concerning electrification, households have to pay fees which the majority cannot afford (NAPE 2014: 10f). According to the latest World Bank management progress report, the electrification of households in the wake of the project has been successful and 491 (out of an initially envisaged number of 900) households are able to pay for the cost of connections, 24 of which belong to displaced people (WB 2015: 2, 9). This amounts to two thirds of the officially resettled 35 households (NAPE 2014: 9), while another study counts 85 displaced households and almost 1,300 households as being negatively affected by the project (Hansen Heien 2007: 85).¹¹

Although benefits for the affected people were far smaller than they had expected, in comparison to earlier and infamous dam and other infrastructure projects financed by the World Bank (many examples can be found in Rich 1994, Caufield 1996, Goldman 2005 and others), the social and environmental consequences of the project are *relatively* benign. It is difficult to prove this point, but in my opinion it is safe to assume that they would have been less so without the Inspection Panel whose investigative activity and reporting repeatedly pointed to instances of noncompliance with the Bank's social and environmental standards. The Panel's insistence thus created a level of accountability for the project to the affected people which was certainly improvable but equally certainly far higher than in previous decades.

Thus if the subalterns are identified as the local villagers who have been affected by the Bujagali dam, a preliminary answer to the question in the title would be: they did not file the claim at the Inspection Panel and were even opposed to the Kampala NGOs who did file

because they were very much in favour of the dam project. Whether they were 'right' in doing so because they in fact did get some benefits and the project thus was in their interest, or whether they were 'wrong' in doing so because they believed the promises of the government and the dam corporation which were kept at best partially (and the project thus was rather not in 'their' interest), is a delicate question. What seems clear is that the Inspection Panel claim did further the villager's interest although they were opposed to it – without it compliance with social and environmental standards certainly would have been lower. So while the NGOs supposedly acting in the name of the affected people at first glance clearly did not do so, they can with some degree of legitimacy claim that their action benefitted the affected people because social and environmental compliance was improved. This would have not been the case had they actually succeeded in preventing the project altogether.

But what if the subaltern are identified as the Basoga, i.e. those whose sacred resting place of the spirits was submerged by the dam in the name of progress, electrification and 'development', and as those whose spiritual opposition was widely regarded as 'backward'? On the one hand, they seem to have lost out: their position has been side-lined in the public debate, and although the priest Bujagali had assured that the spirits would never allow the dam to be built, it has been. But a closer look again reveals a more complex picture. The World Bank management response to the IP report details how between 1998 and 2002 various diviners and religious practitioners from the Busoga tribe carried out ceremonies to appease the spirits, accepting payments totalling 12.25 mio. Ugandan Shillings (according to current exchange rates around 3,300 €) from AES. In this context, Nabamba Budhagali signed an agreement for the mitigation of cultural impacts and appeasement of the Budhagali spirit in which the inundation of the site and construction of the dam were accepted (World Bank 2008: 22f). Luwa comments the following: 'Finally the differences were settled by compensation and the group [representing the Basoga tribe, especially those who have a very strong spiritual attachment to the Bujagali falls] gave their approval for the project and accepted that the shrine at Bujagali falls can be transferred elsewhere' (Luwa 2007: 33). And although as late as 2008 the 95-year-old traditional leader Nabamba Bujagali was warning of the powerful spirits who would bring destruction if the dam were to be constructed against their will, other elders such as Felix

¹¹ Actually, it would be useful to distinguish between different groups of affected people (resettled, directly and indirectly affected) as well as between those benefitting in different ways (employment, access to power). Unfortunately, the available data is not sufficiently precise for that.

Chinala were tired of the controversy. He asserts the following: ‘They are just fighting the development... The construction is starting. It is late for them now, they cannot succeed.’ (cited in Kane 2008)

Again, there are different possibilities to interpret the story: has the spiritual opposition simply been bought by the corporation, assuming (or pretending) that the spirits can be appeased by Ugandan Shillings? Or have the traditional leaders wisely realized that in the current constellation of forces resistance against ‘development’ would be futile – the dam would be built anyway – and decided that it would be in the best interest of their tribe to at least get some money as compensation for the damage wrought upon their community’s spiritual world view?

Here, we encounter the limits of an economic cost/benefit analysis: can damaged spirits be compensated for by money or access to power? And can a minority be condemned to bear the costs for the benefits accruing to society in a democratic society and be made to suffer in the name of the common good? The discourse of ‘development’ usually answers in the affirmative (Ziai 2015: 62).

In any case, it is important to note that the Inspection Panel reports have – in contrast to NGO briefings and media reports – taken seriously the spiritual concerns of the Busoga tribe and contributed significantly to strengthening their position in negotiations with the government and corporations. So even if the subalterns did not file the IP claims, such claims resulted in their voices being heard more than before.

No matter whether the subalterns are defined in one way or the other, it is clear that both groups received material benefits from the IP process and thus in this case were – adopting Gramsci’s view – co-opted into supporting the hegemonic order of ‘development’, dam building, mastery over nature, electrification and public-private partnerships. Strictly speaking, they therefore no longer belong to the subaltern.

5. Conclusion

In this article, Spivak’s concept of subaltern articulation and representation has been applied to an empirical case study by focusing on three questions: 1) whether the NGOs filing claims at the Inspection Panel act as representatives of the subaltern in the protest against World Bank sponsored development projects; 2) whether the subaltern in these cases are able to articulate their interest or are manipulated; and 3) whether

the IP provides an effective mechanism to ensure that the voice of the subaltern is heard and acted upon. Concerning the IP, it has to be stated that any judgment based on a singular case study can only lead to a limited assessment – taking into consideration other cases might have led to different conclusions. However, using the example of the Bujagali dam in Uganda, it can be said that a great deal of the answer depends on who is seen as belonging to subaltern groups. The NGOs filing claims were doing so neither as representatives of the local villagers (who were in favour of the dam) nor as representatives of the Basoga (whose opposition to the dam was based on entirely different reasons). Both groups were articulating their interest to the best of their knowledge, even though the support of the dam was based on the expectation of benefits that at best partially materialized. This could be interpreted as a form of manipulation. The IP process can be assumed to have had the effect that the concerns of both groups were taken into consideration significantly more than they would have otherwise. This seems to be the case in particular for the Basoga whose spiritual opposition to the project was not taken seriously in large parts of the debate. Filing claims at the Inspection Panel does seem to have the effect that the voice of the subaltern is at least amplified and acted upon, even if this action takes the form of symbolic material benefits to appease the opposition to projects undertaken in the name of ‘development’.

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