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Mega-Dams and Indigenous Human Rights

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BOOK REVIEW

Mega-Dams and Indigenous Human Rights

Mega-Dams and Indigenous Human Rights (“*Mega-Dams*”) is a 2020 monograph by Itzhak Kornfeld.¹ Kornfeld is a law professor with extensive experience working with governments and non-governmental organizations on the legal and geological aspects of water development, water sustainability, and sustainable development of land.² *Mega-Dams* reflects this expertise, as well as the author’s express opinions.

Mega-Dams lays out the benefits, like energy and manufacturing might, and costs, particularly the disproportionate effects on native populations, of mega-dam construction. Generally, those who benefit from such projects do not bear the costs and those who bear the costs are rarely considered, consulted, or compensated by the builders. Kornfeld portrays dams as another example of twentieth-century capitalism and growth barreling through natural resources and the lives of indigenous peoples.

Mega-Dams is organized as a series of chapters on various specific dams built across the world, with examples from North America, South America, Africa, and Asia. The chapters are heavily footnoted and the sources suggest that Kornfeld’s description and analysis of each dam vary according to available news and documentation, as well as the results of any corresponding controversy. Some dams are covered by news or historical sources; some are seen through the lens of resulting environmental protests, banking issues, or court rulings. No two chapters are sufficiently alike to draw effective comparisons between the dam projects.

The variety of sources may account for the variation in detail from chapter to chapter. The longest chapter, on the Yacyretá Dam of Argentina and Paraguay, is rife with documentation thanks to the involvement of the World Bank and Inter-American Development Bank.³ One of the shortest chapters, covering two dams on the Senegal River, is dependent on a smattering of scientific studies about the effect the dams on the water, wildlife, livestock, and other natural resources.⁴ In another chapter about a dam on the Mekong River in Southeast Asia, the focus is on the signing and breaking of treaties in dam development, and what happens when no one enforces treaty terms.⁵ The chapter on Canada’s Oldman Dam is a legal saga of lawsuits, court orders, and judicial opinions.⁶

The majority of the titular information about indigenous human rights is contained in the designated chapter “A brief survey of human rights law,” which closes with an appeal to the reader to “please keep in mind the concept of human dignity” as they read the rest of the book.⁷ As its name indicates, this chapter reviews several major human rights instruments and bodies. The human rights assertions in the chapters on specific dam projects are mostly broad conclusions drawn and allusions made by the author, while the meat of the text is legal, bureaucratic, and economic history of the dams.

The first edition appears to have some issues with copyediting. At least once an entire paragraph is repeated almost verbatim.⁸ In another section, the book states that India’s Damodar Valley Project (DVP) dams were designed

¹ Itzhak Kornfeld, *Mega-Dams and Indigenous Human Rights* (Northampton, Massachusetts: Edward Elgar Publishing, Inc., 2020).

² “Brief Bio of Itzhak Kornfeld, Ph.D.,” Sandra Day O’Connor College of Law, accessed January 27, 2021, https://law.asu.edu/sites/default/files/conferences/bio_of_itzhak_kornfeld.pdf

³ Kornfeld, 76–107.

⁴ *Id.*, 108–119.

⁵ *Id.*, 179–199.

⁶ *Id.*, 200–225.

⁷ *Id.*, 57.

⁸ *Id.*, 136 and 144.

54 “for renewable generation on behalf of the Tennessee Valley Authority (TVA),” which stands out as unlikely.⁹
55 Research reveals that the DVP was inspired by the TVA and leaders worked with TVA experts, but not on
56 behalf of them.¹⁰

57 These small indiscretions, together with the paucity of human rights discussion, make the monograph seem
58 unfinished. Nevertheless, this book would be a good starting place for those interested in the effect of major infra-
59 structure projects on minority native populations.

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104 ⁹ Id., 147.

105 ¹⁰ Sujit Choudhury, “Damodar Valley Corporation, the Missed Opportunity,” *Journal of Infrastructure Development* 3, no.
106 2 (2011): 117, <https://doi.org/10.1177%2F097493061100300202>