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The Concept of ‘Affectedness’ in International Development

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Abstract

The groups who experience direct impacts of development projects are generally known as ‘affected people’. This category is gaining traction in the governance of international financial institutions (IFIs) and is arguably becoming ubiquitous in contemporary development discourse. In this paper I investigate what ‘affectedness’ means, and also what it *should* mean in development context. The aim is to examine the grounds based on which the scope of affected people can be ascertained, and to underline the conceptual but also practical difficulties associated with this exercise. The proposed analysis is predominantly theoretical. It builds on the debate about the ‘all-affected principle’, as well as the theory of democratic inclusion by Iris Marion Young.

My main argument is that currently the idea of affectedness functions as a boundary of inclusion/exclusion in the governance of development projects. I therefore suggest that leaving this category entirely open-ended also leaves it exposed to arbitrariness of decision-makers. This is problematic, because generally consultations that include affected people are seen as conveying legitimacy and proving social support to development initiatives. Without principled approach to affectedness, this process of selecting who should be consulted and who should not, enables an unjustified exclusion of the most vulnerable communities. This paper suggests that in the context of international development the most plausible ground for inclusion is *vulnerability*, which can be articulated by using the notion of *structural social groups* developed by Iris Young. These two concepts combined offer a principled enough approach for decision-makers to identify the minimal scope of affected persons.

Key words: all-affected principle, democratic boundaries, participation, vulnerability, structural social groups, the World Bank

1. Introduction

International financial institutions (IFIs) deal predominantly with states and their central governments. Nonetheless, their founding documents also enable many of these institutions to communicate directly with specific territorial units, distinct ethnic or social groups within a state¹. Traditionally, the non-state groups in development finance was seen as project ‘beneficiaries’, ‘target groups’, or, if potentially negatively affected, as ‘risk groups’ of a given intervention. The idea of ‘affected people’, which is the focus of this paper, is a successor of these earlier analytical categories. However, the notable difference is that affectedness explicitly functions as a mode of *governance*. It is not invoked by the IFIs merely as means of analytical assessment, as in case of project beneficiaries or target groups. Instead, at least in theory, affected people are supposed to be the interested *agents*, able and willing to take an active part in forging their own development path, with a help and funding provided by development institutions.

This image of an affected person has made a powerful mark on development discourse. It is currently being upheld and perpetuated through a range of policies and accountability mechanisms in the context of IFI functioning². Arguably, the focus on affected people has a similar transformative function as politically less successful yet ideologically similar attempt to merge development and human rights (Alston & Robertson, 2015). That is because the focus on ‘affectedness’ (re)introduces the idea of people-centred approach to development, in a similar spirit as rights-based approach to development does. They are both meant to empower certain groups and to give them a degree of agency in development process. The differences, however, are also numerous, since affectedness is more focused on groups and less so on particular individuals, and also the governance entitlements that it currently creates are considerably more limited than they would be through a full endorsement of the rights-based approach.

Generally, emphasis on affectedness brings a certain presumption of legitimacy to the real-life development practices. Whilst in the past development institutions were above all concerned with getting the approval of the government in charge of a project (and, to be sure, they still do), now the legitimacy of that same project is no longer generated at the state level alone³. The lack of dissent from affected people is often as important for the project to have an international stamp of approval – political, moral and thus economic. However, as a governance category, affectedness is neither self-evident nor ‘innocent’, as I hope to illustrate in this paper. As it gains more recognition and purchase in development governance, it becomes important to ask – what does it actually mean ‘to be affected’? Based on what grounds should the affected people be identified, given the complex social and political reality of international development? This paper offers some possible answers to these questions by engaging in a theoretical analysis of the concept.

A difficulty of using affectedness as a governance category can be illustrated through a hypothetical example. Imagine that you live in a rural location, surrounded by fields and a nice landscape. One day you learn that in a close vicinity to your home someone started building a new factory. Firstly, it becomes clear that, once built, this factory will reshape the landscape that you enjoy so much. Secondly, imagine that in addition to the above, this factory will treat certain chemicals, spreading an unpleasant smell and being noisy at all times. Thirdly, imagine that the surrounding fields in which the factory is being built was previously used for sheep grazing, and that you, as one of the sheep owners in the area, will no longer be able to use it for your small farming business. This means that you will have to downsize your sheep herd, or to look for fields further away, and in either case your family income will be reduced significantly. Fourthly, imagine that your income is reduced to such an extent that you can no longer fulfil your basic needs. Since you live in a remote area far away from urban centres, you rely heavily - culturally and economically - on the fellow sheep farmers living in the same area. Hence, neither you, nor your fellow farmers have the necessary social links

or financial resources to relocate to the urban area. Finally, imagine that as the factory compound spreads, you are evicted from your house, effectively forcing you to relocate to a different area, and to come up with a radically new way of living.

From a descriptive perspective, you would be affected by this development project in all of the ways outlined above. In all of these instances, from visual encroachment that potentially reduces value of your property, to a need to change one's entire lifestyle and social affiliations, this development would cause affectedness of a sort. However, clearly some instances are graver and more life-altering than others⁴. In this paper I argue generally we cannot avoid having *some* 'line' that separate trivial and serious instances of affectedness. In fact, this delineation exercise is already done by the IFIs, although often without explicitly recognising it⁵. However, I wish to show that leaving this exercise of boundary-setting solely at discretion of IFIs is problematic, because without clear normative dimension that explains the a priori reasons for inclusion, such mode of governance is highly arbitrary.

Generally, the topic of inclusion in decision-making is not new to academics and practitioners in international development. In the academic literature inclusion is usually approached through a prism of *participation*, with affectedness receiving no specific scholarly attention to date.⁶ Participation on the other hand tends to be seen as a positive mode of governance that puts development planning in touch with the social reality (Burkey, 1993; Cornwall, 2008). Nonetheless, it appears that as an analytical category, participation is the catch-all term that lacks the necessary theoretical tools to advance a debate about identification of affected people. That is because every access to governance creates some ideological and institutional closure at the same time. Governance functions in a way that is not just descriptive, but also prescriptive and thus normative and thus exclusionary of competing governance frameworks. As a governance category, affectedness arguably raises a set of *normative* questions about the stakes in decision-making, the need for political

recognition, the authority to exclude, and the (re)distribution of resources. These issues in turn require a theoretical apparatus that displays sensitivity to the moral trade-offs and challenges of collective decision-making, which simply cannot be derived from approaching affectedness as an instance of participation.

As an alternative to the above, I suggest that it is better to recast affectedness as a ‘boundary question’ (Schaffer, 2012; Abizadeh, 2012; Song, 2012; Valentini, 2014; Leijssenaar, 2017), thus recognising that every strategy of inclusion is also a vehicle of exclusion. In this paper I argue that the idea of affectedness currently functions as such a boundary of inclusion/exclusion in international development. Thus, the ‘toolbox’ of democratic theory is required, for us to be able to appreciate the sort of boundaries that are being created through an increasing use of this concept by the IFIs. A debate about the so-called ‘all affected interests’ principle (Held, 2004; Goodin, 2007; Brighouse & Fleurbaey, 2010; Nasstrom, 2011; Owen, 2012; Valentini, 2014; Whitt, 2014; Lagerspetz, 2015; Koenig-Archibugi, 2017) appears to be particularly helpful in addressing the questions raised by this paper.

However, whilst engaging with all-affected principle and democratic theory more generally, it is important to keep in sight the fact that the concept of affected people in international development is a by-product of financial transactions between the IFIs and their recipients. Because of this institutional background, affectedness does not function as an independent device of self-governance, which tends to be the main concern of democratic theory (Dahl, 1999; Christiano, 2012). Rather, it is a governance category that is largely built on the IFIs’ perspective to inclusion⁷. Approaching affectedness from such IFIs-driven perspective, I argue that in using this term, IFIs should, above all, be concerned with making sure that they do not exclude the most vulnerable people from development governance. Put otherwise, I argue that *vulnerability* is the most plausible ground for inclusion in collective decision-making in the context of international development. Moreover, I

propose that using the notion of structural social groups by Iris Young provides a principled way of understanding vulnerability, which in turn may prevent arbitrariness in ascertaining the scope of affected people.

The argument in this paper proceeds in five parts. Firstly, I explain how the concept of ‘affected people’ is currently used by the IFIs, and the issues that stem for this use (Part 2). I then outline the most common grounds of grouping people as ‘affected’ (Part 3) and explain the concepts of vulnerability and structural social groups, which arguably can help us to conceptualise the *minimal* level affectedness (Part 4). Finally, I use this revised concept of affectedness to expose the arbitrary boundaries of inclusion/exclusion that are routinely used in decision-making about development interventions (Part 5). I conclude with some general remarks about the nature of this emerging affectedness paradigm in international development.

2. ‘Affected people’ in the practice of international financial institutions

It is difficult to ascertain where exactly and at what point in history of international development the idea of ‘affected people’ first emerged. Nonetheless, it can be observed that the notion of affectedness has been questioned with most rigour and visibility in the work of accountability mechanisms of various IFIs⁸. For instance, according to the mandate set by its Board of Directors, the World Bank Inspection Panel can only accept the complaints from the people who suffered ‘adverse material effects (harms)’ (The World Bank, 1993; 1996). Under this particular mandate of the Panel, affectedness functions as an admissibility criterion, i.e. as a rule of standing, to use a helpful analogy from domestic law. This criterion gives access to a compliance procedure, which in turn gives access to some remedy or reconciliation that possibly rectifies the negative effects caused by the intervention. Due to a mandate to only admit and investigate complaints by certain affected people but not others, accountability mechanisms such as Inspection Panel had to reflect upon the

question of affectedness in more or less all the cases that were submitted to them, at least in the context of the World Bank⁹. This means that the practice of accountability mechanisms provides much ground for further discussion about how affectedness is currently conceptualised.

By and large, the reasoning of accountability mechanisms has legalistic undertones. This means that the experts dealing with complaints observe a *particular situation of specific people* who wish to challenge a design or an execution of a *particular* development project¹⁰. The exact content of affectedness is thus determined by accountability mechanisms on a case by case basis. Accordingly, the content of this category, the way it evolved in a reasoning of accountability mechanisms, rests on the arguments of that same mechanism in its previous cases, and it follows closely the definition of affectedness that is set out in the mandate of each mechanism. There is a strong emphasis on the internal precedent, and also on the continuity and consistency. Given the above, accountability mechanisms treat this concept rather narrowly, using it as a ‘gate-keeping’ device that allows them to manage a number of complaints being heard.

Simultaneously, the idea of affectedness also found its way to internal policies of the IFIs. It became a helpful category for the institutions to name the people who ought to be consulted during the project deliberative stages, but also throughout its implementation. The policies of various IFIs referring to affected people differ significantly on this question, but they all tend to share the piecemeal approach of singling out and regulating certain issue areas (e.g. indigenous peoples, involuntary resettlement), rather than focusing on the category of ‘affected group’ *per se*. The newest of these policies, the World Bank Environmental and Social Framework, raised a lot of debate on this topic and the lack of clarity therein¹¹.

At this point it becomes noteworthy that the idea of ‘affected people’ shares its pedigree with the aforementioned analytical categories such as ‘risk groups’ or ‘project beneficiaries’. In practice this

means that the exact scope of affected people tends to be usually identified during the analytical appraisal of each project, in the process of Environmental Impact Assessment (EIA)¹². EIA is a procedure that is used by the IFIs and their recipients to identify potential risks of a given intervention. It is usually conducted by independent consultants hired by the borrower, under a close supervision of the relevant IFI. Once completed, EIA serves as a basis for the ‘stakeholder engagement plan’¹³, which sets out how affected people should be consulted in the process of development planning and implementation. Often, however, both, the identification of risks and the consultation plan, results from the same decision-making process, rather than being divided into two separate stages of decision-making. Moreover, it is common to view EIA as the first part of such stakeholder engagement process, since communication with potentially affected people is also one of the most effective tools for identifying the social risks of the project (The World Bank Inspection Panel (WBIP) 2002; 2006; 2015).

The issue with such merger of these two elements (identification of risks and consultation) is that it renders the planning of engagement activities merely as a consequence of facts identified during the EIA. In other words, a descriptive appraisal of affectedness leads to a decision about inclusion/exclusion, without recognising a strong normative dimension of identification process. In this exercise there is no analytical ‘filter’ that explains why some people are given greater voice than others. To use the terminology of democratic theory, the ‘membership criterion’ that constitutes an agent of ‘affected people’ in this exercise is not spelled out explicitly. My point is that this particular transition, from assessment of facts to governance entitlements, requires further scrutiny. There should be a more explicit understanding why certain people are included and/or excluded from the consultation process that follows from the EIA, and based on what grounds.

This point is best illustrated through another example. Consider a typical development intervention aimed at ‘greening the city’ (Eslava, 2015)¹⁴. Let us imagine that the intended development project

proposes to create several new parks in certain urban areas, which are currently predominantly inhabited by illegal settlers. Following the EIA, the borrower pledges to organise a consultation meeting and invite everyone who, according to EIA, will be affected by the project: the illegal settlers, and the potential park users. If such a public hearing was to take place in the centre of town, far away from illegal settlers' home, in a middle of a working day, and without any specific measures to involve them into this conversation (e.g. by providing child care facilities for the duration of a meeting, transportation costs, lost income), the views coming from such meeting are likely to represent the more affluent future park users and to be in favour of such initiative. That is because, despite formal consultation procedure being put in place, illegal settlers are *de facto* excluded from decision-making.

Arguably, such use of affectedness would be descriptively accurate, but normatively undesirable, because it would create further exclusion of the people who are likely to be most affected by the proposed project: the illegal settlers. Accordingly, in the following sections of this paper I will argue that *vulnerability* of illegal settlers constitutes the most plausible ground for inclusion, and can therefore justify why their views should be deliberately sought after and included into project negotiations. Overall, this example demonstrates why merging the factual assessment with prescription of governance entitlements can be problematic. More specifically, it shows the potential exclusionary effects of participatory processes based on description rather than judgement, and also why it might be dangerous to leave affectedness empty of any normative content.

Finally, it is important to understand that the idea of affected people used in development policies of IFIs as means of structuring the *consultation processes* differs from the idea of affectedness that evolved through the reasoning of *accountability mechanisms*. Affectedness as entitlement to governance through consultation determines who gets to take part in decision-making about a given development project. This notion of affectedness is, ultimately, a transformative category that has a

potential to redistribute the stakes in decision-making power. Affectedness developed by accountability mechanisms is narrower: it defines who gets a chance to complain *post-factum* about a particular decision and can therefore expect to have access to a limited range of remedies. There is a danger that the narrow(er), legalistic view of affectedness constructed by accountability mechanisms might restrict the understanding of affectedness at the deliberative stage. That is because ultimately, the people who are excluded from the consultation process can only complain about this exclusion if they are recognised as ‘affected’ by the relevant accountability mechanism. In practice, both procedures take place within the same institutional confines, and inevitably influence one another. This disparity between the two notions is one of the key reasons why it is necessary to debate where the boundary of inclusion/exclusion created by this category should be drawn.

The discussion thus far has shown that the IFIs use the concept of affected people in a rather open-ended manner. The meaning of the term depends on the project circumstances, the methodology of the EIA, the approach within a particular institution, and the stage of decision-making within the project cycle. Moreover, the description of facts and normative judgements often go hand in hand, without a clear separation between the two. This is problematic, because such eclectic approach can lead to arbitrary exclusion of the most oppressed voices in development process. In order to untangle some of these convoluted practices, I propose to examine some of the most common grounds of inclusion into the category of affected people, currently being used and accepted by the IFIs.

3. Common grounds for ascertaining affectedness

a. Theoretical challenges

Identification of ‘affected people’ is a challenging exercise not only in practice but also theoretically. Goodin, for instance, argues that there are at least three levels of affectedness: (a) *actually*, (b) *possibly* and (c) *probably* affected interests (Goodin, 2007). The ‘*actually* affected interests’ are

those that were *already* affected by a particular decision (Goodin, 2007). This understanding leads to a rather narrow understanding of affectedness, which removes from the picture the initial stages of policy-making. The approach by accountability mechanisms of IFIs described above adheres to the ‘actually affected interests’ principle; as most people who are able to submit a complaint can no longer change the course of development project, and are already experiencing the effects of a given intervention.

The ‘all *possibly* affected’ version of all-affected principle (Goodin 2007) is the broadest one of the three. It is based on a view that it is feasible to match the likely effects of a particular decision with the demos that will possibly be affected by such a decision. The practical challenge of this principle, however, is very difficult to overcome. Goodin admits that under this version of the principle ‘virtually everyone, regardless of special and indeed temporal location, should be included in the demos’ (Goodin 2007: 56). For example, if South African government decides to implement a development policy that results in a new network of coal power plants (WBIP, 2011), its decisions might possibly affect everyone for decades to come, as the CO₂ emissions from such energy policy are likely to accelerate the rate of global climate change. Goodin then argues that something like a ‘world government’ would be the only logical solution in applying this version of ‘all-affected principle’ (Goodin, 2007: 65); which he accepts is also practically impossible.

Goodin therefore posits a third version of a principle, according to which all the people with *probably* affected interests should have a say in the relevant process of decision-making. He suggests that this might serve as a pragmatic mid-way solution; an inferior yet plausible principle that bridges the two extreme versions outlined above. Nonetheless, this does not resolve the issue of what might be the content of such probability criteria. This is why his ‘third way’ idea is not really a solution in itself, but more so an invitation to try and work out the more plausible ways of dealing with the

challenges of *under-*, but also *over-*inclusiveness of affectedness paradigm in various regimes of global governance.

Other authors, for instance Koenig-Archibugi argues that the challenge of over-inclusiveness appears to be grave in theory, but it is actually less acute in practice (Koenig-Archibugi, 2017). He suggests that international institutional frameworks are already highly limited by a range of factors, such as a well-defined mandate of relevant institutions, functional differentiation and specialisation, the existence of different stages of decision-making. According to Koenig-Archibugi, these factors help to limit the notion of affectedness to something that is more practical, tangible and thus more plausible than the theoretical analysis would suggest (Koenig-Archibugi, 2017). In fact, such ‘institutionalised’ solution reflects precisely the logic that currently animates the understanding of affectedness within the IFIs. The scope of possibly affected people is confined by the modalities of decision-making within each institution, and thus the concept is not paralysed through over-inclusiveness, and can instead be used as a concrete tool of governance. Nonetheless, Koenig-Archibugi’s suggestion to delineate possibly affected people through institutional modalities does run into a set of issues described in a previous section, notably that institutional practice often evolves sporadically and thus can lead to endorsement of random and convoluted inclusionary criteria.

Finally, it is noteworthy that the all-affected interests’ principle proposed by Goodin is criticised at a more fundamental level for its suitability to draw boundaries of global governance. Several authors convincingly argued that all-affected principle by-passes one crucial characteristic of boundary-setting exercise, notably, its core function of constituting an *agency* for collective decision-making (List and Koenig-Archibugi, 2010; Song, 2012; Valentini, 2014; Leijssenaar, 2017). In the context of international development this means that affectedness potentially matters not only as mechanism to ensure a fair allocation of decision-making power, but also as means of recognising affected people as identifiable stakeholders in a given decision-making process. This line of thinking about

boundaries emphasises that there is a subjective element to collective decision-making, which requires internal cohesion within the group, and which cannot be based solely on an objective understanding of potential effects of a given decision. If taken seriously, this claim creates further conceptual challenge in the search for the normative criteria of affectedness. However, rather than trying to deal with these challenges in abstract theoretical terms, I will now proceed to the analysis of several concrete grounds for inclusion currently used in development governance.

b. Ad hoc v principled grounds of inclusion/exclusion

By and large, the grounds of affectedness commonly used by the IFIs can be divided into two groups¹⁵:

(a) Grounds that get activated *ad hoc*, i.e. they are ascertained on a case by case basis and depend exclusively on the aims and activities of a given development project. They can further be divided into affected *interests* and (potentially) induced *harms*.

(b) Grounds that are based on some *a priori principle* that can guide decision-making process. More specifically, I focus on the principled grounds that are based on a shared *essential identity* of group members.

My argument, in a nutshell, is the following: if we wish to conceive affectedness as a category that structures and guides development interventions in a clear and principled manner, then it cannot be ascertained entirely on an *ad hoc* basis. Instead, as a normative concept it requires *some a priori principle*, which would help us to scrutinise the boundary of inclusion/exclusion in each particular instance. Only by identifying such principled boundary can we discuss where exactly, and based on what criteria, this boundary currently *is* and also *should be* drawn. On the other hand, it should be recognised that principled grounds for inclusion, if too narrowly defined, can also lead to unjustified exclusion, due to their inability to accommodate the diversity of social situations that are activated by

development projects. Hence, a ground for delineating affectedness should be flexible enough to avoid such undue closure of governance.

In accordance to the above, I suggest that whilst it might not be possible to have a principled boundary that delineates *all* the possible scenarios of serious affectedness; it is nonetheless possible to define the *baseline* level of inclusion. In my view, it is plausible, on a theoretical level, to spell out what affected people should unquestionably be entitled to a ‘stake’ in a deliberative decision-making (MacDonald 2012). In that respect, I would argue that it is misleading to try and pin down the essential characteristics of affected groups. Instead – and this is my core argument in the rest of this paper – I would suggest that our point of departure in delineating affectedness should be the observation of social *structures* that render certain groups particularly vulnerable to development interventions. Vulnerability, if understood as susceptibility to structural oppression via the notion of *structural social groups*, can be a ground for inclusion that combines the strengths of both, ad hoc and principled grounds, whilst avoiding some of their weaknesses.

c. Ad hoc affectedness: interests and harms

There are several benefits to ascertaining who might be affected by development project on a case by case basis. Above all, it gives decision-makers a full flexibility to tailor the governance of a given project to its particular circumstances, that is, to identify the possible affects with a precision that cannot be achieved at a level of general principles. Some authors argue that the best policies in *any* area of governance work well precisely because they are tailored deliberately with specific interests and/or potential harms in mind (Kiss, 1999). Hence, since all governance processes are first and foremost concerned with addressing specific problems of specific people, the attempts to generalise and pre-load these particular situations with normative concepts are potentially disruptive to the most effective development solutions¹⁶.

The major problem with this view is that it leaves the realm of governance highly exposed to arbitrariness. One can advocate an entirely open-ended structure of governance if and only if one is also inclined to trust the willingness of the governing institutions to do the right thing, notwithstanding the material, political and ideological pressures involved. Moreover, the system of development governance in which the limits of affectedness are based entirely on the institutional discretion is bound to be unpredictable, because it depends solely on the facts and circumstances, rather than a priori entitlements. Crucially, from the perspective of affected people, such wide discretion and resulting unpredictability cannot be challenged or otherwise be put into question.

One might also argue that arbitrariness has little to do with discretion, but rather with the quality of rules that guide decision-making processes and thus the exercise of such discretion. Indeed, rules can limit discretion, and they can do so in a number of ways. They can posit some general principle of inclusion/exclusion; or they can also impose limitations without such principle in the background, purely because the political and/or executive leadership of the institution has authoritatively decided to regulate certain activities, but not others. For instance, in case of most IFIs the practice of involuntary resettlement is regulated rather carefully in their internal policies. There is usually a full range of rules that set out the governance arrangements that should be put in place in cases where project is likely to trigger involuntary resettlement (e.g, the World Bank 2016a)¹⁷.

Nonetheless, such a rule-induced understanding of affectedness too, can be arbitrary. Such rules as those recognising the gravity of involuntary resettlement are commendable as means of protecting the groups who are already caught up in the process of forced eviction; however, on a systemic level they do not apply to other people who are gravely affected through different means and types of developmental activities. Moreover, such boundary of inclusion/exclusion only gets activated once the process of involuntary resettlement has already started, which is when the consultation process can no longer shape a decision that caused involuntary resettlement in a first place. In that sense, the

regulation of involuntary resettlement in development policies still has a vast element of arbitrariness to it; because it only enables those who are already in a position of being forcefully evicted, and only if the specific project activities can be described as ‘involuntary resettlement’. The rules that are not based on some general principle of inclusion can therefore be arbitrary on their own right, notwithstanding the diminished discretion of decision-makers to choose who to include and who to exclude.

Of the two ad hoc grounds identified in this section, focus on interests is considerably more problematic. Firstly, conceptualising peoples’ experiences and aspirations under the common category of ‘interests’ implicitly position the *needs* and the *wants* at the same level of gravity, in terms of their standing in the participation processes. For instance, a wish by a wealthy citizen to have an access to a green urban area might be seen to have the same weight as a need by an illegal settler to have a place to live (Macdonald, 2003; Brighouse and Fleurbaey 2010). Understood as interests, they both appear to be equally valid. This therefore creates a possibility to demand from an illegal settler to recognise others’ ‘interest to healthy environment’ as being equal to his ‘interest’ to have a place to live.

In a similar manner, the idea of interests implies a *rational choice* that is supposedly available to all the agents taking part in a deliberative process. It presupposes the situation of a free exchange of views and opinions, in which all the agents must be prepared to lose something for the sake of the long-term benefits of a common good¹⁸. According to this account, everyone has certain interests – and everyone has to sacrifice some of these interests in the name of a community. Yet, it appears highly problematic, at least in the context of development governance, to assume that when faced with an idea of development project everyone stands on an equal footing, has a full range of choices, and is freely engaging in a deliberative exercise towards abstract common good (Young, 2000: 16–36). Instead, the category of ‘affected people’ emerged precisely because it has been proven that

some groups tend to be more exposed to the negative effects of developmental policies than others. Such exposure makes them particularly vulnerable to the *wants* of other members of the community, who might have more power and resources to push for their preferred developmental path.

The possibility of a harm as an ad hoc criterion of affectedness is less riddled with conceptual problems. Harms can be objectively defined, and it is generally possible to envision at least some of them in advance (Kiss, 1999), as is often done through development policies of the IFIs (again, involuntary resettlement being an example of a particular harm, which is managed in a fairly predictable manner). Yet, probably the greatest difficulty of conceptualising affectedness based on specific harm is that such focus lends itself predominantly to the negative impacts that are tangible, quantifiable and ultimately, *material*. It is much harder, conceptually but also in practice, to take into consideration the harms that are social, cultural or environmental, amongst others – and also to do it in a way that captures the intangible yet detrimental effects to the affected social values and goods.

Moreover, there still remains an issue that is attributable to harm as an ad hoc category: how do we differentiate which harms are serious enough to create entitlements to governance, and which are not? Whilst some harms can be set a priori in development policies (as is for instance the case with involuntary resettlement), how can we draw the boundary amongst all the tangible and intangible harms that are not currently reflected in development policies? For instance, going back to the example of sheep farming set out in the beginning of this paper – how do we know that the bad smell coming from a new factory would be an instance of a trivial harm, whereas the partial loss of economic income would be a harm that is serious enough to induce entitlements in a consultation process? Or are they both trivial and therefore neither group should be entitled to remedy and/or participation in a relevant decision-making? It seems that focus on harm alone cannot resolve this normative dilemma. Therefore, whilst there are certain advantages of using this category as means of

capturing negative effects of development interventions, on its own right such category does not suffice to delineate affectedness at a normative level.

d. Principled grounds: essential identities

In contrast to ad hoc criteria discussed thus far, affected people can also be delineated based on a particular characteristic of their identity, which for the sake of the present argument will be called ‘essential identity’ (Young, 2000: 81-92)¹⁹. Differently from the ad hoc grounds of affectedness, such identity would be less contingent on the developmental activity itself. This identity is principled and ‘essential’ because it can be grasped objectively and beyond particular individuals who happen to share such characteristic. For instance, we ascertain the essential characteristic of being ‘a mine worker’ even though we might not know the specific individuals who actually work in the mines. The identity is also ‘essential’ in a sense that it exists on an abstract level, notwithstanding the possible deviations from such a characteristic that inevitably occur in real-life. For instance, we might know that many indigenous peoples travel extensively and take part in a modern economy, but we can still ascertain a shared quality of ‘indigenous person’.

Essential identities can be assigned to affected people based on their ethnicity, nationality or religion. It can also be attached to a particular occupation that is in one way or another directly targeted by a given development project (for instance, sheep farmers, farm workers, primary school teachers, etc.). Under such a characterisation, affected people are, at least for duration of a project, solidified into a social group that has *some* shared essentialist quality. It is precisely the existence of such essential quality that serves as a boundary of inclusion/exclusion in a governance of a given development project.

A positive side of such identity-based approach to inclusion is that it can reinforce, or even help create an *agency* of affected people (List and Koenig-Archibugi, 2010). As explained previously, this

adds to a functional value of affectedness as a category that enables collective decision-making. From this functional perspective, clearly identifiable characteristics help to emphasise the sameness within a group. This in turn means that people with shared characteristic are more likely to hold a common position, and to be able to communicate it to the IFIs and/or their borrowers. Moreover, certain identities such as indigeneity might be important means of self-identification that provides a basis for solidarity within a group (WBIP 2014). Nonetheless, we should not mix up the *particular* indigenous identities with *abstract* essential characteristics discussed in this section. Arguably, only the former are socially and culturally constructed over time, and therefore have a deeper meaning and political value. The latter on the other hand represents a caricature of the former, and instead advances a limited, rigid and restrictive approach to indigeneity²⁰. I therefore suggest that the distilled, abstract representations of essential characteristics such as indigeneity, nationalism, occupation, are problematic as grounds for inclusion on a number of accounts.

First and foremost, a flip side of the above is that an emphasis on essential characteristics provides an easy ‘shortcut’ for the IFIs to ascertain who should be consulted in a particular project. By linking the notion of affectedness to a particular, objectively ascertainable and self-standing quality of social identity, IFIs are able to avoid the need to engage in a nitty-gritty social analysis of a population that gets affected, on a number of different levels and within various modes of complexity. Instead, affected people can be grouped into simple, neat and clear-cut categories, which are based on a single, supposedly most salient characteristic that they all share. Precisely for that reason, the essential identity as a ground for affectedness can be deeply exclusionary; as for instance, is the case with ethnic and rural communities that do not fall under the narrower and better established characteristic of ‘indigenous peoples’.

Moreover, many of the theoretical problems with collective agency based on essential characteristics have been noted by the critics of identity politics (Barnstein 2005, Young 2000). For instance, it is

generally accepted that personal identities are malleable, and that they shift depending on internal, but also the external factors and pressures. Therefore, whilst it is true that development project can trigger a creation (or at least a forceful assertion) of certain identities – it is also likely that such artificial ‘super-identity’ would diminish the importance of other social characteristics. For instance, a project design might drive a social group to assert its identity as sheep farmers, rather than their broader ethnic and/or cultural identity, which might be equally important to people on a personal and communal level. A closely related issue is that a strong focus on sameness can result in a grave misrepresentation of certain people whose position is more disadvantageous than that of others’ in the same social group (consider, for instance, the example of landless widows in a rural farming community). Similarly, the idea of intersectionality (Hill Collins and Bilge 2016) emphasises that most people have more than one identifiable characteristic (e.g. nationality, gender, age group, occupation, marital status). The *intersection* of various identities, rather than one particular identity *per se* renders certain groups more disadvantaged and disadvantaged than others (Wilson 2013).

On the whole, all such problems associated with an emphasis on a fixed identity of affected people points towards an enormous conceptual challenge involved in *any* attempt to group affected people into categories, and also to politicise their activities. Needless to say, such a challenge is amplified even further in such a contentious, multifaceted and politically loaded field as international development, where the stakes are extremely high, and the scope of interventions is so vast. That also explains why the category of affectedness in a normative sense cannot be too closed off and too prescriptive, as then it would run exactly into the conceptual problems as described in this section.

4. Affectedness as a normative category: vulnerability and structural social groups

As noted previously, it seems both theoretically impossible and normatively undesirable to posit a single, all-encompassing concept of affectedness that would include every single person possibly

affected by development finance. Nonetheless, this does not preclude the possibility of finding a plausible ground to ascertain those people who should *definitely not be excluded* from the governance of development projects. I construct this ‘minimal normativity’ of affectedness based on the notion of ‘structural social groups’ by Iris Marion Young (Young 2000: 92-101), which is built on a more general proposal to recognise *vulnerability* as the most plausible ground of inclusion in international development. I will firstly outline the normative appeal of both these ideas, to then show how they might provide normative guidance in the current development practice (Section 5).

a. Vulnerability: harm in a social context and beyond

Similar to affectedness, the concept of vulnerability is increasingly being used in a discourse of international development. Such ubiquitous use of a word might create suspicion that vulnerability means different things to different people, which in turn indicates a risk that instead of shedding light on the notion of affectedness, vulnerability could create further conceptual ambiguity. Whilst such concern appears to be valid, it can also be resolved through a fine-grained examination of the term and its meaning. The effort to do so seems worth the while, since there are good reasons to adopt vulnerability as a basis for inclusion into the category of affected people.

Arguably, the normative appeal of vulnerability stems from its capacity to reflect one’s negative relationship with power in a given society. In social and political terms, a person or a group is vulnerable because they are susceptible to arbitrary and/or coercive exercise of power upon them. Since development interventions are, ultimately, the expressions of power and/or political authority, such negative relationship captured by the notion of vulnerability appears to be particularly useful. That is because by definition, vulnerability approach offers an antidote against the abusive authoritative behaviour. Moreover, in development governance normative guidance based on vulnerability seems appropriate, because it fits well with the overall ethos of development enterprise,

which is to empower those who are most disadvantaged and who therefore require external assistance to improve their position. This, in turn justifies the appeal of vulnerability in international development and explains why affectedness based on vulnerability criterion would enhance the legitimacy of development interventions.

Up to a certain point vulnerability overlaps with the notion of *harm* analysed in the previous section. Indeed, people can be vulnerable because they are more susceptible to harm than others. However, arguably, vulnerability in development context has a wider meaning, which is broader than the instances of directly induced harm. It also captures the relative nature of vulnerable social condition, which is created in more complex ways than through a simple exposure to project activities. This means that certain groups can be vulnerable due to wider social injustices, political oppression, or other unfavourable circumstances, that have little to do with the existence of a project. Yet, by its very existence, development project can aggravate their situation and put them in an even more vulnerable position.

Consider, for instance, a project that aims to strengthen the institutional capacity of state authorities to collect tax from agricultural activities. The most vulnerable group in this instance could be the smallholder farmers, who would experience the low-level corruption of tax collectors most acutely. The project in itself would not cause direct harm to them; however in a long run it could impoverish them considerably. Such vulnerability is not the same as harm, because it is not directly created by the project. Looking at the project only from a perspective of induced harms, we would have to focus on direct ‘losers’ of such tax reform; for instance, the employees of tax authorities that are being restructured, or larger agricultural companies that would have to pay higher taxes and thus would be ‘harmed’ more directly. Similarly as with harms, vulnerability can be ascertained on an ad hoc basis, but differently than harm, it prescribes a principled and moral approach that prioritises the groups that are a priori disadvantaged and therefore more susceptible to the abusive exercise of power.

As mentioned previously, the concept of vulnerability already has a place in development governance. It is not uncommon for the IFIs and their borrowers to refer to vulnerable people as beneficiaries or stakeholders of a project. In fact, in its most recent policy reform the World Bank has actively recognised ‘vulnerable and disadvantaged individuals or groups’ (the World Bank 2016b) as a sub-category of affected people that should receive positively differentiated governance entitlements (the World Bank 2016a)²¹. Nonetheless, in defining this category, the Bank has chosen to fall back on the aforementioned essential identities, providing a non-exhaustive list of potentially relevant social groups in order to explain the meaning of the term (disabled people, women, youth, etc.) (the World Bank 2016b). This shows that in abstract terms vulnerability is indeed a relatively general ground for inclusion/exclusion and can be interpreted to mean different things to different people. Hence, the key challenge in this regard is to articulate the content of this term in a manner that is principled enough, and that also makes sense in the context of political decision-making. This brings us to the notion of structural social groups, which reframes vulnerability as a group quality that emanates from social external and internal structures.

b. Structural social groups

Young’s account on inclusion appears to be particularly relevant in development context, because she is predominantly interested in the politics of *difference* (Young, 2000). She sees the social difference as a political resource that should be channelled, rather than a problem that needs to be resolved through the governance framework. Her understanding of difference as a positive force goes well with my emphasis on affectedness as means to accommodate the diversity and the competing quests for political voice and recognition.

The normative core of vulnerability that I propose here relies on Young’s distinction between cultural and structural social groups. According to her, the difference between the two types of

groups is that the understanding of identity in the latter case is *relational*, rather than substantial. This relational character of the structural social group is both internally and externally defined (Young 2000, 81-108). On the one hand, internal relations amongst the group members are created because they might live in a close proximity, share common spaces and resources, speak the same language, have similar traditions, and the like. However, not all of the commonalities within a group stem from a shared background. Instead, on the other hand, a group can also be ‘bounded’ through its relationship with the rest of the society, i.e. the shared economic, political or spatial barriers and pressures that the members of such group have in common vis-a-vis the outside world.

For instance, if we return to the example of sheep farmers mentioned in the introduction, such group will have developed certain relations *within* a group, because they all might share similar lifestyle, common infrastructure of basic utilities, possibly also common appreciation of humour, outdoor leisure activities and so on. In addition to this set of internal bonds, such group of sheep farmers has a relational character as a group because of their common relation to the outside world – for instance, the pressure that they all face to grow their sheep efficiently, to sell the wool profitably under competitive market conditions, their reliance on the public provision of education and medical services, proper maintenance of roads, and the like.

Based on the above, an important characteristic of structural social groups is that they are often *unintentional*. Put otherwise, their existence as a group is predominantly defined by a shared environment (such as life in a remote rural location), common barriers (for instance, low income, limited access to education), or common pressures (for instance, the fluctuations in global wool prices). Yet, despite these shared relational qualities structural social groups do *not* necessarily share the same set of aims and objectives, as would be the case with associations or other civil society organisations (Young 2000: 81-98). Nor are structural social groups necessarily homogeneous in terms of their membership, their cultural affiliations, age, gender, race, etc. Instead, the main element

that binds them together as a group is their *shared vulnerability* to external factors²². This is precisely the feature that demands our careful attention to their exposure to development processes and should also ensure their status as ‘affected people’.

The emphasis on the *structures* becomes salient in explaining the meaning of such shared vulnerability, and also understanding how it comes about. In her analysis of structural disadvantages Young uses the metaphor of a bird cage (Young 2000: 81-98), which helps to explain the idea of an (oppressive) social structure with some visual and conceptual clarity (Young 2004)²³. If we try to understand the restrictive qualities of a bird cage one string at a time, argues Young, we would not be able to grasp why the bird remains locked in and is unable to fly free. If, however, we focus on the connections and interactions between the different strings – i.e. the unique constellation of social, political, economic, physical characteristics in which a given group lives and operates – we would be able to see the oppressiveness of a ‘structure’ that limits the realm of possibilities, upholds dependencies and keeps the ‘bird’ (i.e. an affected person) restrained. Groups who live under the pressures of social structures of this sort are particularly vulnerable to changes of their living situation through development projects, because they cannot readily readjust their lives according to the new demands, pressures and barriers that might be created because of development interventions.

The metaphor of a bird cage, when applied to a social realm, begs the question: is it not the case that structural pressures identified by Young are socially constructed? Accordingly, should they not be addressed and/or dismantled by development interventions, thus ignoring the shared vulnerabilities in order to eliminate them? For instance, if sheep farmers are a structural social group because they live in a remote rural location and rely heavily on the production of wool and a good maintenance of roads, then would it not make sense to implement a development ‘solution’ that reduces their dependence on sheep farming, for instance, by relocating them to a place where more diverse sources of income are available? Would this not be the most effective way of taking apart the bars of the

‘bird cage’? Many development projects, particularly those concerned with illegal settlers or sectors of informal economy, tend to be based on such a rationale of ‘solving’ the issue of vulnerability by ridding of the relevant social structures altogether. The general appropriateness of such development ‘solution’ is questionable, but ultimately beyond the scope of this paper.

At this point it is important to note that until now I spoke about affectedness and vulnerability mostly as objective notions, dependent predominantly on external assessment. Indeed, the ‘bird cage’ of social structures might be visible most clearly if and when one is able to step back and evaluate the position of a group and/or individual in an objective light. However, it must not be forgotten that above all, vulnerability is experienced subjectively, which means that the members of the affected group themselves are best placed to identify which social structures are most oppressive, and also, how they can be transformed in a manner that is least destructive to existing social patterns.

Moreover, as I have argued previously, any such group would inevitably be diverse and its members ought to have diverging views about the best ways of changing the status quo. For instance, the elderly might have different challenges than the young workers. People in a work force might have different views than those in charge of the child care at home. Each member of the group have a *situated knowledge* (Young 2000) about the structural oppression that they face. Only by appreciating such knowledge and its diversity the decision-makers would be fully including the affected people into the governance of development process.

The question that follows from this argument is how, then, is it possible for affected people to have a strong voice, if the analytical lens of affectedness is meant to emphasise diversity and potential disagreement, rather than similarities and potential unity? Does this not undermine the collective agency of affected groups, if we perceive them as random aggregates of individuals, rather than associations or communities bound by common identity and/or shared objectives? In my view there is indeed some tension between Young’s emphasis on structural oppression based on relational

qualities, and the claim that affected group require a collective agency to have a voice. Whilst the idea of a voice seems to be able to empower and foster political conversation, the emphasis on diversity can create a cacophony of views and diverging objectives that might undermine the possibility of constructive political conversation altogether.

In response to this concern, I would suggest following Young's views on social difference, seeing it as an asset that should be used, rather than a problem that is threatening to impede political dialogue. Theoretically, there seems to be no reason to presume that, given sufficient timeline, diverging opinions would not lead to a compromise that is acceptable to everyone involved in a conversation – provided, of course, that everyone taking part in this conversation is willing to listen, adjust and make concessions. In this, the key principle stemming from the concept of affectedness would be to prioritise the voice of those who are the most vulnerable, and to ensure that the abstract analytical arguments based on impersonal data, such as inclination towards 'national growth' or 'economic efficiency', are open enough to incorporate the input and preferences from affected people. Also, the fact that affected group was formed unintentionally and that it has no shared objectives at the outset, does not mean that it cannot have or acquire a collective agency altogether. It simply means that this agency requires more time to be consolidated.

All in all, the notion of structural social groups is meant to give a more concrete meaning to vulnerability, useful in the context of collective decision-making about development. If we go back to the example of the 'World Bank Directive on Vulnerable or Disadvantaged Individuals or Groups' (the World Bank 2016b), we can see that the lens of structural social groups provides a richer account of vulnerability, and that it enables to identify such groups with more precision than the open-ended framework that is currently put in place by the directive. Most importantly, the notion of structural social groups provides a framework of assessment, which would enable the affected people to challenge the lack of entitlement to consultation and/or the remedies from development processes.

5. Arbitrary boundaries of inclusion/exclusion: spatial and temporal dimensions of development projects

In this final section I set out to employ the concept of affectedness developed in this paper as a lens of assessing the decision-making in development projects. More specifically, I focus on the two issues that emerge repeatedly in the complaints and resulting investigation reports by accountability mechanisms, notably the spatial and temporal dimensions of project identification. These issues illustrate how certain (structural social) groups of affected people are often excluded during the consultation phase without sufficient justification or principled reasoning, which create arbitrary boundaries of inclusion/exclusion.

Each development project has certain temporal and spatial parameters. The existence of such parameters makes development project *a project*, rather than some long term aspirational policy of a given government or an institution. Whilst some projects might last for decades, they all have the beginning and the completion date. Similarly, depending on the project, some development interventions might cover but a small area, whereas others will extend to an entire territory of a borrowing state, or even several states. Either way, each project will cover a certain space (physical, functional, thematic) that absorbs the core developmental impacts. Such spatial and temporal parameters tend to define what governance framework is put in place (i.e. how vast, dynamic, institutionally embedded, etc. it should be), but also these parameters largely define who are the people affected by each intervention.

Nonetheless, these spatial or temporal parameters of a project only reflect one side of the conceptual structure that produces the category of affectedness. For instance, if someone moves into the project area at the time of project execution, and if because of that this person ends up experiencing some negative implications – such a person is unlikely fall into the category of affected people.

Affectedness usually entails a degree of permanence that pre-dates the existence of a project, and it also demands a degree of direct, ongoing exposure to project activities. In that regard, affectedness is a category that sits in-between the artificially created project boundaries, and the temporal and spatial social reality that exists prior as well as after the project. In deciding who ought to be included in the category of affected people, decision makers ought to align the two realities (the social, and the potential, project-induced reality), as they attempt to identify whose lives will probably be seriously affected by development intervention.

This particular task of aligning the pre-existing social structures and the potential spatial/temporal dimensions of a given project can be a truly challenging for decision-makers. Ultimately, in conducting this exercise they are faced with a challenge of over-inclusiveness, described in the previous sections. There are several most common moves that the pragmatically-minded IFIs tend to resort to, as they attempt to delineate the people who are only affected indirectly and on a temporary basis, from those who are going to encounter serious, life-altering harms.

In practice, the longer is the history of a given social group, the more likely this group is going to be recognised as affected by development governance. This is where the notion of indigeneity often becomes a point of reference. Because indigenous lifestyle presumes permanence, indigenous peoples are readily entitled to a certain level of protection and preferential treatment. The focus on indigenous traits as a substantial identity reinforces such presumption of permanence and the resulting need for recognition. Minority and ethnic groups on the other hand, have much lesser chances to be recognised. As their identities are more malleable, less locked onto a certain territory and cannot be pinned down in terms of exact historical narrative, their perspective and preferences tends to be less salient for the purpose of structuring development process (WBIP 2000).

Similarly, setting the spatial boundaries of affectedness can be problematic. Unless the project is local and has a well-defined element of infrastructure, it can be very difficult to draw an objective and a clear territorial line around the project. A telling example in this regard are the nation-wide development projects, such as the DRC's Transitional Support for Economic Recovery project (WBIP 2005), which was about the new regime of forestry concessions in the DRC at the national level. Because a great proportion of DRC's population live in forests and depend entirely on forest resources, affectedness in this case required some form of national representation, which was achieved by having one indigenous person representative in an advisory committee of twelve (WBIP 2005).

In practice, institutions tend to tackle this issue of sizeable territories and populations in a pragmatic way: the smaller is the territory in which the affected people live, the more likely such group is to be recognised as affected, and thus acquire some voice in development governance (WBIP 2002)²⁴. Put otherwise, a small indigenous group living in a well-defined project area is likely to be thoroughly consulted with (WBIP 2006)²⁵, whereas a vast number of indigenous communities spread across the forests DRC are unlikely to receive any such comparable level of inclusion. Hence, the size of a group, its spread across territory, and also its permanence – all create the invisible boundaries of inclusion/exclusion that ought to be put into question if we take seriously the idea of treating affectedness as a normative category.

If we take a step back and evaluate these boundaries through the lens of the structural social groups, we can see how and why the attempt to delineate affectedness based on such pragmatic considerations create arbitrary lines of governance. A social group might be settled in a given territory, even though it is not indigenous to that particular land. Equally, the negative effects of a given project do not diminish because the project is expansive and covers most of the national territory. In both cases shared vulnerability of affected structural social groups does not diminish

because of the perceived lack of history or a need for pragmatic governance solutions. Evaluated from this perspective, spatial and temporal boundaries show the need for their further politisation and revision. They call for a debate about how to best include the most vulnerable social groups, notwithstanding how vast of a territory they occupy, or how long they had been residing there.

All in all, this discussion on temporal and spatial boundaries is meant to show that if we were to treat affectedness as a normative and thus principled category, it should lead to some serious (re)thinking of decision-making process in international development. At the centre of this rethinking should be the question about considerations that are critical in decision-making about development. If we take the normativity of structural social groups and their voice seriously, then the key consideration in any development process should be to ascertain what are the views and priorities of the vulnerable people affected by the intervention, especially what they consider to be the best suited and the least harmful path for their development. Any questions about feasibility, price and scope of a given intervention should then follow from this conversation with affected people, rather than such conversation following an inverse (currently prevalent) logic, where the scope of an intervention is first set in the EIA, which then leads to a discussion about what level of consultation is feasible within the predetermined temporal and financial limits of a given project. Accordingly, such way of understanding decision-making process should frame the expectations about what is the realistic size and timeline of development projects. It should also shift the emphasis to social justifications, away from the analytical models that favour efficiency of sizable spending and/or the economy of scale.

6. Concluding remarks

In this paper I argued that since the notion of affectedness is already used extensively in the policies of the IFIs, then it must be taken seriously and discussed with conceptual rigour. I also argued that it is undesirable to leave the concept entirely open-ended and that, at the level of policy-making, it

should be made clearer where and how decision-makers draw the line between serious and trivial instances of affectedness. Making this line explicit would create some clarity and also legitimate expectations amongst local groups about whose views will be prioritized, heard and sought for in the governance of international development. In this paper I suggest that one way of understanding this 'core' of affectedness is to employ the notion of structural social groups. This would mean focusing on shared vulnerabilities of (potentially) affected people, which are caused by already existing social and physical structures, and also other common barriers that limit their life choices.

It should be noted that this paper has consciously engaged with the notion of affectedness at a *conceptual* level. It did not focus, at least not explicitly or sufficiently, on the attitudes or perceptions of affected peoples themselves towards what it means 'to be affected', which of course should play a crucial role in this debate. Such top-down theoretical analysis can be justified by a fact that the argument in this paper has followed the analytical reasoning of IFIs, rather than bottom-up struggles of affected groups. It should also be borne in mind that democratic theory is only partially relevant to this debate, and that its use in this paper is not meant to suggest that affectedness renders the governance of development inherently democratic.

For a number of reasons underlined in this paper, affectedness is indeed not an innocent category. Its precise value, content and transformative potential is going to be defined over time, through further contestation and debate. Incredibly important in this debate will be details about operational dimensions of affectedness: notably, who decides the boundary of inclusion/exclusion in each project? How? At what stage? Where should inclusionary criteria be set and by whom? This long list of questions is yet to be tackled in future research. My intention in this paper was to expose the theoretical tensions underpinning this concept and its increasing use in international development.

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Notes

¹ See for instance Art 3 s. 1(b) of IBRD Articles of Agreement (as amended June 2012).

² ‘Accountability mechanism’ is a general term used to describe the internal and independent bodies within development financing institutions, which has a role to oversee institution’s compliance with its own rules and/or policies. It might also have the so-called ‘problem solving function’ which means mediating the conflicts that arise between the affected people and the development institution. For a general overview of accountability mechanisms and their work, see Independent Accountability Mechanisms Network (2016) official website, available online at <http://independentaccountabilitymechanism.net/> (accessed 28 October 2018). It is noteworthy that not all IFIs have these policies; most notable exceptions being Islamic Development Bank and Eurasian Development Bank. Moreover, a number of IFIs use a blank term ‘stakeholder’ instead of affected people. However, all the newest IFIs, and those that adopted their new policies more recently, make some references to affected people.

³ For a general overview of this trend in global governance and international law see Von Bernstorff, Hasenclever & Saendig (forthcoming).

⁴ For instance, David Held (2004: 374) argues that people have urgent, secondary and lifestyle needs, and that recognising this enables us to distinguish the ‘significantly affected’ people from others.

⁵ See section three (Common grounds of ascertaining affectedness) for more detail on this.

⁶ Affectedness as a distinct topic received hardly any attention in the scholarship about international development; probably because it has been absorbed by a wider debate about participation and/or inclusion. However, it would be inaccurate to treat affectedness paradigm as a simple restatement of participation; for a number of reasons described in this paper. To my knowledge, on a systemic level affectedness has only been approach once, by the authors of the forthcoming special issue edited by Von Bernstorff, Hasenclever & Saendig (to which I also contributed a piece).

⁷ This claim should be qualified, since affectedness paradigm is also used by the grassroots organisations, and as such, it can be used as an emancipatory tool of bottom-up resistance. However, such use of affectedness by civil society is not within the scope of this paper. Instead, I have discussed the tensions between top-down and bottom-up understanding of affectedness in another paper; see ‘Tied Affectedness? Grassroots resistance and the World Bank’ (TWT, forthcoming).

⁸ For an overview of general trends and evolution of accountability mechanisms see Daniel *et al.* (eds.), *Glass Half Full? The State of Accountability in Development Finance* (2016, Amsterdam: SOMO)

⁹ For a full list of panel cases see WBIP website, <http://www.inspectionpanel.org/panel-cases> (accessed 28 October 2018).

¹⁰ There is nuanced difference between the terms ‘project’ and ‘intervention’, both used frequently in development cooperation. A project is a conceptual representation of a particular intervention; its scope might depend on pragmatic factors, such availability of funding from a given funder. A project is meant to demonstrate the coherence of a given set of activities, explaining how, if combined, they will achieve certain goals. ‘Intervention’ on the other hand is a set of real-life operations that are taking place in physical and concrete terms. Intervention can take place via several projects or be a part of a single large-scale project that has several components. In this paper the two terms are used interchangeably, to describe an exercise of planned authoritative decision-making for development purposes.

¹¹ See in particular ESS10. Stakeholder Engagement and Information Disclosure, The World Bank Social and Environmental Framework (2016); see also Bank’s explanatory guidelines that are meant to clarify some of the provisions of the ESF to the borrowers. The current draft on the Bank’s website:

<https://www.worldbank.org/en/programs/environmental-and-social-policies-for-projects/brief/environmental-social-framework-guidance-notes-borrowers> (accessed 28 October 2018).

¹² Ibid.

¹³ Ibid.

¹⁴ Based on Eslava who is observing the clashes between citizens with regards to the creation of a green belt around Bogota, Colombia.

¹⁵ Distinction based on the similar (principled and ad hoc) demarcation of democratic boundaries in Shapiro and Hacker-Cordon, ‘Outer Edges and Inner Edges’, in Shapiro and Hacker-Cordon (eds) *Democracy’s Edges* (CUP, 1999)

¹⁶ Kiss does not talk about development explicitly, but I think her argument could be paraphrased this way (see Kiss 1999)

¹⁷ See for instance ESS 5, ‘Environmental and Social Standard 5 Land Acquisition, Restrictions on Land Use and Involuntary Resettlement’ of the World Bank Social and Environmental Framework (2016).

¹⁸ I wish to emphasise that by setting out this caricature I do not suggest that the process of public deliberation is inherently flawed by its nature – far from it.

¹⁹ Young in her argument talks about cultural identities as having ‘substantial qualities’ (Young 2000).

²⁰ See for instance a debate about the definitional features of ‘indigenous peoples’, in *Honduras: Land Administration Project* (WBIP 2006), and also *China Western Poverty Reduction* (WBIP 2000)

²¹ See for instance ESS10 para 10 of the World Bank Social Environmental Framework which requires that ‘The Borrower will identify those project-affected parties (individuals or groups) who, because of their particular circumstances, may be disadvantaged or vulnerable’, and which defines vulnerability as

“those [individuals of groups] who may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project’s benefits. Such an individual/group is also more likely to be excluded from/unable to participate fully in the mainstream consultation process and as such may require specific measures and/or assistance to do so. This will take into account considerations relating to age, including the elderly and minors, and including in circumstances where they may be separated from their family, the community or other individuals upon which they depend.” (at 132, footnote).

Note that in this formulation of vulnerability the Bank combines essential characteristics with analysis of wider social structures.

²² This has also been demonstrated very well by Chatterjee in his ethnographic work in India, focusing on illegal settler communities living next to railway lines. Extremely diverse in terms of their religious and ethnic backgrounds, these communities share a threat of expulsion from their homes. See Chatterjee “Politics of the Governed”.

²³ See also her account on the structural reasons of injustice that Young terms the ‘Five Faces of Oppression’ (Young 2004).

²⁴ In the *Paraguayan/Argentine: Reform Project for the Water and Telecommunications Sectors, SEGBA V Power Distribution Project (Yacyretá)* the wider was the area to be flooded by the new power plant, the less it was expected for the Bank management to enter into a consultation process with the affected villages.

²⁵ In the *Honduras: Land Administration Project* a particular group was entitled to a consultation process because they were renamed to be indigenous; whereas other vulnerable groups affected by the same reform could not claim similar entitlements.