

Eight Steering Committee Meeting, Geneva, 18 -19 March 2005

Summary Minutes

Revised draft (15 September 05)

The eighth meeting of the DDP Steering Committee held deliberations during March 18- 19 2005, at the Varembe Conference Centre, Geneva, Switzerland.

Steering Committee Members:

Willie Croucamp, Department of Water Affairs and Forestry, South Africa.

Anne Schuster, GTZ (Alternate to Mr. Konukiewitz, BMZ)

Himanshu Takkhar, SANDPR (Alternate to Mr. S. Dharmadhikary, NBA)

Joji Carino, Tebtebba Foundation

Janak Karmacharya, NEA (Alternate to M. Truchon, Hydro-Quebec).

Refaat Abdel-Malek, Montgomery Watson Harza

Peter Bosshard, IRN (Alternate to Mr. P. McCully, IRN)

Alessandro Palmieri, World Bank

Richard Taylor, IHA

Bikash Pandey, Winrock International

Matthews MacCartney, IWMI (Alternate to L. Raschid-Sally, IWMI)

Svein Tveitdal, UNEP

Alternates and Observers:

Jean-Michel Devernay, EDF (alternate for Professional Associations)

Absent with apologies:

Mr. A Hussen , Ministry of Water and Energy, Zambia

L. Molapo, LHWC

M. Konukiewitz, BMZ

S. Dharmadhikary, NBA

M. Truchon, Hydro-Quebec

G. Berkampt, IUCN

Patrick McCully, IRN

Ms. L. Raschid-Sally (IWMI)

Facilitator

Donald Kaniaru, UNEP

DDP Secretariat:

Alberto T. Calcagno, DDP Co-ordinator

1. These summary minutes provide an outline of the discussions held during the Eighth Steering Committee meeting of the DDP, the decisions taken and the action points required for further follow up. They do not necessarily follow the sequence of the discussions.

Item 1: Welcome and Opening Remarks by Facilitator

2. The UNEP Facilitator called the meeting to order and in his welcome remarks referred to the successful effort carried out by UNEP securing funds for Phase 2 at a similar level as for Phase 1. He expressed appreciation to the donors for their support. He commended the job done by the Secretariat

reduced team in winding up Phase 1, planning Phase 2 and keeping the SC members informed. He welcomed the new persons joining the SC meetings for the first time and thanked those having been in the SC during the first seven meetings that might not continue in Phase 2 or will do so in a different capacity. He then invited DEPI Director to deliver his opening remarks on behalf of UNEP.

3. Mr. S. Tveitdal started his remarks by welcoming the new participants and wishing that a fruitful work will be done by this advisory body during Phase 2. He thanked the donors for pledging funds for almost the full budget. He remarked on the importance of participation of governments in the process, as realised by UNEP and requested by the external evaluation and the SC members. He referred to the approach taken by UNEP inviting a set of governments to participate in an advisory role integrating a different group, since it was not possible to incorporate all of them in the SC. UNEP will invite two or three of these countries to attend the SC meetings. He was happy to see South Africa in the meeting as a result of this process and indicated that it would be up to the countries in the advisory group to establish the representatives attending the next SC meeting. As regards the future after Phase 2 UNEP position was to invite organisations to partner in maintaining the continuity of relevant project activities and this should be discussed at an early stage of Phase 2. He emphasised the relevance of DD Forum meetings and the need to ensure that these meetings are attractive to the participants and provide a platform for open discussion of substantive issues concerning dams and development. The Phase 2 Secretariat will be reduced allowing for allocating more funds to activities though placing more burden on the staff. SC members will be kept informed about the recruiting process and their advice will be welcomed.

4. He referred to the GC23 held in February 2005. UNEP emerged strengthened and with a larger budget. There are seven divisions in UNEP and he is Director of two divisions. The two years he agreed to take over will end in next May and decision was taken by UNEP to advertise the director's position in both divisions. He agreed with the ED to remain on duty until both appointed directors took over and then return to Norway as a UNEP senior advisor on Arctic issues. He will not probably be participating in the next SC meeting. It has been a pleasure for him to be in the project for a period of two years. He commented that the ED also intends to focus the organisation and in this context the Division of Policy Implementation where the DDP is located will be strengthened to deal with natural resources and water issues and this is good for the project. He re affirmed that from a political point of view UNEP welcomes good or sustainable dams considering that they will do a contribution to sustainable development in the context of climate changes and renewable energy.

Item 2. Review and adoption of summary minutes of seventh meeting

5. The minutes of the Seventh Steering Committee meeting held in London were approved with some comments. It was pointed out the need to be cautious when using terminology that refers in qualitative terms to the number of SC members endorsing or opposing to some statement like "some", "most", "many", etc. It was suggested that in future minutes some kind of more precise quantitative indicator, like the number of members or a percentage, be used.

Item 3. Composition of the Steering Committee

6. DDP Secretariat introduced document C briefing the situation of the SC composition.

Categories 1 and 2: Government (policy) and Government (Basin/Project)

7. Reference was made in particular to the government (policy) stakeholder category by describing the approach adopted by UNEP inviting governments to participate in the project in an advisory capacity and the current status of the responses as a result of the follow up carried out. The floor was open for comments. The range of relevant issues addressed by the discussions is captured in the following paragraphs.

8. Referring to the particular situation of Nepal, Mr. Kamarcharya, indicated that his government required clarifications about the terms of reference of the expected participation and the role or position within the overall structure of the Project, before considering joining the group.

The Government Advisory Group (GAG)

9. The issue of opening the advisory group to countries with economies in transition (e.g. Poland) and developed countries as well was raised and discussed. The Coordinator commented that the initial set of invited countries aimed at developing countries involved in large dams planning, since they constituted the main focus of the project goal, in particular regarding the practical tools that will be developed to provide to developing countries needs. Notwithstanding, UNEP will be open to consider the incorporation of developed countries if the SC issued such a recommendation. The opinion was voiced that there is a lot to learn from the experience of developed countries and that the most important and fair lessons from developed countries would be to know how they went through the developing process. Though it was suggested that the most relevant contribution from developed countries would be achieved in the DD Forum, there was a generalised view that while the GAG should focus on developing countries and countries with economies in transition, developed countries should also be invited. Reasons argued dealt with the fact that the strategic priorities also involve developed countries, which also have relevant dams' issues to deal with like addressing existing dams, sustaining rivers and livelihoods, integrated water resources management and renewable energies. It was pointed out that a mixed government composition in the GAG would facilitate the consideration of the strategic priority 7 on transboundary waters.

10. The appropriate government representation into the GAG was addressed. One SC member indicated that the ministries of planning are taking a role in dam decision making in addition to the traditional water and irrigation areas. The example of Vietnam where the Ministry of Industry has a role as regards hydroelectricity was mentioned. DDP Secretariat clarified that letters of invitation were sent to the Ministry considered most relevant in each selected country with copy to the others, including Environment. It was advised to undertake research since it will be very difficult to identify just one Ministry or Department having full decision making on dams. It should be discussed on a case by case basis. The Facilitator requested SC members to share the information they might know regarding appropriate agencies and contact persons with the Coordinator. It was indicated that the issue of which ministry or area takes over the representation should be finally decided by the government and that clarity on what they have to do and its place within the structure of the DDP governance was essential.

11. The timeframe for GAG intervention and first meeting was tabled. September was considered too late to provide input to the project activities. Of utmost importance was considered to get their input at the start. It was advised to send a summary of the scope of work to all invited governments so they will know what the project is trying to do. UNEP committed to share such information with all governments as part of the efforts to get them involved.

12. The issue of the role of the government advisory group as regards the steering committee, which is also, an advisory group, and the linkages between both of them was raised. Clarification was sought from UNEP pointing out the need to share the terms of reference of such role with the SC members for clarification. The Coordinator explained that currently it was expected that representation from the GAG into the SC would convey to the SC meetings the views of the wider GAG. This representation will be consistent with the number of governments that the SC would be willing to accept without considering that its balance was affected. The SC members expressed diverse opinions on the GAG. Some supported the existence of only one advisory group to UNEP, the SC, with enlarged government participation. The issue of potential conflicting views between SC and the GAG, impacting negatively in the project's governance, was raised in this regard. Others viewed that the GAG seemed a reasonable compromise solution to fill the gap between the generalised aspiration of more government involvement and the reality that such representation at policy level had been vacant during most of Phase 1.

13. The question of what was better, an expanded SC with more governments or two separate advisory groups, was posed. While some members favoured the first approach others supported the second keeping the current SC representation. The opinion was voiced that the GAG might function as a sounding board, not as advisory to UNEP but going beyond the individual countries. One SC member suggested changing the name to Consultative Group, since Governments take advice, do not provide it.

14. The UNEP Facilitator clarified that the GAG was a decision of UNEP Executive Director and was not for discussion in the SC. UNEP will take decision on the GAG taking into consideration the SC discussions. The Coordinator and Director will raise the issue with the ED and the SC members will be informed on further developments on this matter.

Government representation in the SC

15. UNEP representative referred to the efforts done to involve governments and the time and difficulties that such an endeavour entails. He reassured that UNEP remains open to involve more governments in the SC and hence the steps taken so far with the GAG to benefit from Government views without breaking the multi-stakeholder balance. UNEP will be happy to include more governments in the group if this is the SC recommendation but if this is not the case, for the sake of the multi-stakeholder balance, as felt by the group UNEP will abide to the SC recommendation. This is why UNEP has opted for the GAG approach. This brought about the generalised feeling to settle out once and for all the issue of having more governments in the SC.

16. The issue of the multi-stakeholder balance in the SC was put up as a consideration. Opinions were issued as regards the nature of such balance. One SC member indicated that since the goal of the project is to promote good dams, such balance should not deal with pro and anti dam groups but about constructing sustainable vs non sustainable dams. Another opinion emphasised that reality is more complex and that in the decision making process of dams besides governments other groups like financiers and affected people have a say and this is why a multi-stakeholder approach has been adopted and is the essence as regards DDP. Balance is needed to counterweight the negative approaches of some groups concerning WCD. Some SC members highlighted the need to influence decision making in governments that are not taking the WCD CVs and SPs into consideration. And the need to involve these governments and interact with them to obtain practical results. Phase 2 was different from Phase 1 in this regard and the balance was therefore to be looked into in a different perspective.

17. The distinction between government (policy) and (river basin/project) categories was tabled. Reference was made to the representation of the latter category held by the Lesotho Highlands Water Commission (LHWC). The representative from South Africa informed that the person nominated by the Ministry of Natural Resources of Lesotho did not represent the Commission and that the LHWC had completed the Phase 1 of the Lesotho Highlands Water Project while the Phase 2 would not start in 5 – 10 years. It was generally agreed that, this being a government category, the situation provided the opportunity for bringing two other governments on board. Thus four government representatives would be integrated to the SC in the context of these two government categories as full members. It was clarified that a government cannot be an alternate of another government; she cannot express the views of other governments. It was considered that this solution would further allow for the four representatives, one from each region sought by UNEP.

18. The need to implement an aggressive approach to have these four governments on board with the help of the ED was underscored. It was suggested that to get practical views it was advisable to get nominated well informed individuals that might produce inputs of substance. To this effect, it was pointed out that they would not be representing their governments or region but bringing their experience in a personal capacity. It was agreed that wishing governments to sign off their opinions would be impractical and should be avoided. The issue of selecting the countries and the message to be conveyed to them in order to facilitate their positive approach was raised. As regards the selection the SC members provided UNEP a list of recommended countries (See Annex A). UNEP will make best efforts to materialise the four countries representation into the SC as soon as possible. In filling the positions UNEP will give due consideration to regional representation (Africa, Asia, Europe, LAC). In this regard an opinion indicated that it made sense that they be selected by the GAG. Concerning the nomination of Brazil in the government (policy) category DDP Secretariat explained that UNEP has made every effort to have Brazil back into the SC after their decision to step out. Currently Brazil has been invited to integrate the GAG and if the GAG agrees that Brazil participates in the SC meetings as one of the four representatives, it will be certainly welcomed, in particular, attending reasons of regional balance that should also be taken into consideration.

19. As regards the message to be conveyed to governments it was recommended to highlight that the tool is not prescriptive. It was suggested that in order to involve governments in the project, the Project and the SC members should deliver the message that it will not hinder development by opposing dams. That the project is to ensure that social and environmental issues are taken into account. The project is to provide answers and not questions. In order to get the views of the governments, the program of work should be shared with them and their views be requested particularly regarding the practical tool.

20. Urgency to brief the government representatives as soon as possible was voiced. UNEP will make every effort to speed the implementation as fast as possible. UNEP will organise a meeting with them and eventually members of the SC to brief the representatives on the Project well in advance of the 9th SC meeting, preferably no later than May 2005.

Category 3: Government (Bilaterals, Export Credit, regulators)

21. Mr. M. Konukiewitz and Ms. A. Schuster will continue as SC member and alternate in the category. A question was posed as to whether there might be an alternate from another donor country. The response was that Mr. Konukiewitz was indeed coordinating among donors and he needed Ms. Schuster to backstop him and provide for continuity of information.

Category 4: Affected People Groups

22. Mr. Takkhar indicated that Ms. Medha Paktar had revisited her nomination of Ms. Diptri and that she agreed that if the consensus of the group was Mr. G. Siwakoti, it would be acceptable to her. UNEP representative tabled at this point the need to consider gender balance when deciding nominations referring generically to all categories. It was agreed that the group would send to DDP Secretariat an official communication with the nomination of the SC member and alternate, perhaps through Mr. Dharmadhikary. The SC will go with the proposal of the group that will be circulated by DDP once notified.

Category 5: Indigenous People Groups

23. Ms Carino informed that she will continue as SC member with the support of the group expressed to her at the WWF3 and other relevant meetings. Ms Joan Carling will continue to be an alternate.

Category 6: Utilities, Operators

24. The SC endorsed the nomination of Mr. J. Karmacharya (NEA, Nepal) in substitution of Ms. Truchon (Hydro-Quebec). He proposes JM Devernay (EDF) as alternate. Consequently Mr. Devernay will cease as IHA alternate (Professional Associations category) which is more consistent with the situation of his representation of EDF in the DD Forum.

Category 7: Private Sector/Industry

25. Mr. Abdel-Malek continues as SC member. In consultation with the group he nominated Mr. Hans Peter Schieffer (HEA) as his alternate.

Category 8: International Non Governmental Organisations

26. DDP Secretariat explained that it has kept fluid correspondence with IUCN representatives. Mr. JY Pirot has stepped out as alternate due to his promotion to a higher position. Mr. G. Berkampt continues as SC member but due to his busy agenda he could not avail himself to participate in this meeting nor nominate an alternate to do it on his behalf. Mr. Bosshard offered to raise the issue in a forthcoming meeting with Mr. Steiner. Mr. S. Tveitdal informed that he met with Mr. Steiner during 23rd UNEP Governing Council Meeting on February 21-25 in Nairobi, and that a positive reaction as regards IUCN involvement in DDP emerged as they considered the activities within the UNEP-IUCN MoU. It is agreed that Mr. Bosshard will meet Mr. Steiner seeking improved engagement of IUCN. He will liaise with S. Tveitdal in this regard.

Category 9: Non Governmental Organisations (Advocacy)

27. Mr. P. Bosshard will continue as SC member representing IRN while Mr. McCully will continue as his alternate.

Category 10: Intergovernmental Organisations

28. Mr. A. Palmieri continues as SC member. The nominated alternates remained unchanged unless there is a communication to the contrary.

Category 11: Professional Associations

29. Mr. R. Taylor continues as SC member at the moment. An alternate will be nominated depending on UNEP decision regarding the support of travel expenses. Mr Palmieri reiterates his suggestion to contact ICOLD in this regard aiming at widening the scope from hydroelectricity to all dams. They might provide an alternate to IHA if IHA agrees. DDP Secretariat informed about the regular contacts kept with ICOLD President concerning the involvement of the organisation in DDP activities and its incorporation as DD Forum member. Mr. Taylor informed that he is in regular correspondence with Mr. Viotti and has no decision from him.

Category 12: Groups Working on Options

30. Mr. B. Pandey informed that changes are being discussed but could not be concluded before this meeting. Ms. Doig will continue as alternate and most likely there will be a change that will be communicated to DDP Secretariat and will be notified to the SC.

Category 13: Research Groups

31. Mr. Matthews MacCartney will take over as SC member on behalf of IWMI while Ms. L. Raschid-Sally will continue as his alternate.

32. It was agreed that all pending nominations will be informed to the DDP Secretariat and shared with all SC members. They will become effective at the time of the notification to DDP.

33. UNEP agrees to compensate travel and accommodation costs of one participant by category. DDP will support the costs of participation in the meetings of SC members that cannot be afforded by their organisations. The support will go to the main SC member or his alternate if the main member is not able to attend. UNEP-DDP will explore within the established rules to attend these costs in a way that their impact in the budget will be minimised. The Phase 2 budget allocation will be revised to take care of these additional costs without affecting the total budget.

Item 4. Progress report

34. The Facilitator introduced the Phase 1 Final report affirming that it was a very good compilation and full record of the past, very important especially for those joining the body at this time. He then opened the floor to comments and questions. DDP Secretariat clarified some issues raised by SC members concerning the finalisation of Phase 1, approval and launching of Phase 2. One SC member suggested that project translation efforts should be better devoted to translate this report into UN languages for wide dissemination. It was agreed that further comments would be channelled by SC members directly to the DDP Secretariat noting that the report was already in publication process.

Item 5. Phase 2 Objective, Work Programme and Budget

35. DDP Secretariat presented the two documents submitted to consideration of the SC making emphasis on the draft text summarising the goal, objectives and work programme of Phase 2 that is an update of a similar paper elaborated at the start of Phase 1 as a flyer or infosheet. The Coordinator indicated that the text reflects the position adopted by UNEP and reflected in the approved Phase 2 DDP Project Document. It constitutes a compromise solution between the diverging positions adopted by the SC members at the 7th SC meeting in Nairobi, in particular with reference to the linkages to the WCD Core Values and Strategic Priorities (WCD CVs and SPs). He drew the attention of the SC members in particular to the overarching general reference to WCD CVs and SPs highlighted in bold type placed on top of the text before the Goal and the exception to the exclusion in the mandate as regards specific projects or practices included in the last paragraph of the section on Objectives.

36. Long and at times passionate discussions followed the presentation when the floor was opened to comments by the facilitator. They involved matters of substance and of language. Well advanced the discussion on Friday 18 evening, the facilitator asked Ms. J Carino to lead a consultation process

aiming to get consensus on an agreed text. The discussion opened the following day with the language worked out by Ms. Carino in consultation with SC members leading to another piece of heated discussion that finally ended with an agreed text and a reservation requested by four SC members.

37. The substance of the discussion related to the referencing of the WCD CVs and SPs in the goal and/or the objectives. While some SC members argued that in order to ensure success of Phase 2 in attracting alienated governments to participate in the project there was a need to avoid any upfront explicit reference to the WCD CVs and SPs, other SC members sustained the opposite as a way of reaffirming the basic broad consensus on which the Phase 1 was built and the linkage to the WCD CVs and SPs that is distinctive of the DDP. Matter of discussion was also putting the WCD CVs and SPs at par with all other sources of similar information on which the practical tool will be built.

38. The agreements finally reached comprised:

- a) Eliminate the overarching general reference to WCD CVs and SPs highlighted in bold type placed on top of the text before the Goal
- b) Adopt the following language for the Goal: “To promote improved decision-making, planning and management of dams and their alternatives building on the WCD core values and strategic priorities and other relevant reference materials.”
- c) Eliminate the exception to the exclusion in the mandate as regards specific projects or practices included in the last paragraph of the section on Objectives
- d) Reword Section 2 Elaboration of practical tools taking into account the recommendations emerging from Agenda Item 6 Detailed Activity Plan concerning the elaboration of the “Compendium”
- e) Add as appropriate a box stating the WCD Cvs and SPs for general information.

39) The reservation requested by four SC members reads: “Continuing spotlighting on the WCD potentially compromises the success of Phase 2”

40) During discussions on the document some other issues were also raised by SC members in relation with the remaining contents of the draft infosheet. As regards dissemination, the importance of translating the WCD report into Hindi was reiterated and the translation the Phase 1 Final Report was suggested on the basis that it provides fresh information and provides an overview of what has happened from WCD up to now. One SC member referred to the simultaneous translation of the Spier Report and to the letter that is to be added to the WCD Final report when it is distributed. DDP Secretariat clarified this last issue and committed upon request of the SC member to distribute the letter to all SC members for their information. It was pointed out that the dissemination should be broader than the WCD CVs and SPs since these were the basis for Phase 1 activities and should comprise all materials elaborated by the project.

Item 6. Detailed activity plan

Document H. Non prescriptive practical tool

41) DDP Secretariat introduced Document H, a briefing note on the elaboration of the practical tool. The Coordinator indicated that such elaboration had been a difficult task drawing on an very schematic definition of the SC at the 6th meeting in London. The main difficulty arose with the language. The basic underlying ideas are that the tool should not be prescriptive and supported by a broad range of stakeholders. Annex B summarises the presentation.

42) A number of clarifications were requested of the Secretariat during the discussions after the floor was opened for comments. The Coordinator informed that although the tool focuses mainly on governments, it also contemplates to serve financiers and other relevant stakeholder groups. That the tool will also deal with new and existing dams as it was guaranteed by the fact that the SPs were to be used as a platform for organising and establishing the boundaries of the undertaking. The focus on governments through enhancing regulatory frameworks will address the existing weaknesses that

usually force stakeholder groups to put in place their own standards. The focus on regulatory frameworks has the advantage of positioning the approach in the context of the existing governance and institutional set up of the countries.

43) Suggestions from the SC members involved providing focus to the task by concentrating on a small number of relevant issues like trade offs and benefit sharing, for example, and making good use of what had been elaborated in Phase 1 like the issue based workshops, in order to be able to scale the task to the timeframe, budget and staff availability. The linkages between the objectives of the proposed elaboration and the current involvement of governments in water resource management policy and planning in the context of the CSD process aiming to the achievement of the MDG was pointed out. In this regard the challenge ahead was the mainstreaming of DDP findings into governments' discussions at relevant international meetings. It was suggested that DDP should be present there in May when discussions will take place. If DDP is able to enter into such discussion there was a possibility of entering this piece of work into the process. However it was affirmed that such a target might impose a time frame that would divert the focus from a sound definition of what was wanted through seeking comments from the governments.

44) Feedback from governments was raised as a relevant need in defining the nature and contents of the tool. It was considered premature to set up a process to prepare a tool before contacting the end users. Therefore UNEP should contact and ask the views of governments alerting that it will be a multistakeholder process. The views of the four governments should be sought sooner rather than later even if they have not formally accepted participation in the SC yet. DDP should review and share the proposal with SC before going to governments.

45) The nature of the checklist was a matter of discussion in relation to the establishment of boundaries to dimension the task within timeframe and budget. The core values and strategic priorities were suggested as the boundaries or frame for the checklist. It was felt that the implementation of the core values would raise a number of topics of difficult nature like the interpretation of "participatory decision making". A list of indicators to demonstrate core values was suggested. The Secretariat clarified that the proposed checklist was seen as a kind of disaggregating the Cvs and SPs in terms of topics. It will be elaborated building on all relevant sources including WCD. The check list will assist in assessing what topics are or are not included in national regulatory frameworks. A second step is how these topics have been incorporated into regulatory frameworks. The third step foresees that from the review of existing experiences some practices that are agreed by the majority of the stakeholders will show broader support than others. Here the SC might convene as a MS platform to make recommendations on specific issues or practices within the soft boundaries of a non-prescriptive tool. One SC member proposed that the tool should distil the good things that have been done in Phase 1 (e.g: outcomes from issue based workshops and case studies presented). So instead of a checklist it should be defined a kind of criteria or things that should be included in the publication that are useful to governments. In her view establishing criteria meant identifying issues/list/subject/topics that then look at practices that seem they have been successful around. Since some recommendation should be given that is why she calls it criteria. The target will be relevant policies and principles that have good acceptance or good case examples of things that governments and stakeholders are involved in around dams or their alternatives as well (i.e rainwater).

46) The issuing of recommendations on examples or practices raised the concern of the SC members, particularly in the context of building a non prescriptive tool. The role of DDP and the SC in this regard was considered. It was recommended to keep in mind the need of the end user, often the government. Decision makers take decisions in context specific situations so general recommendations are a delusion.

47) The role of the Forum in the process was highlighted. It should play a role in providing input to this document. The Forum was highlighted as the proper setting for the consultation. It should be done the earliest via correspondence with the Forum members.

48) The designation of the document was subjected to scrutiny. As the contents of the practical tool were elaborated the terminology used to identify the product became a matter of discussion. The Secretariat explained that the name in principle emerged as a reaction to guidelines. We are talking of

compilation of practices and this is where the concept of handbook seemed appropriate. The Facilitator clarified that the elaboration of guidelines requires a supporting mandate from the GC in the case of UNEP. He also illustrated that this kind of documents like a handbook are non negotiated texts. It is a soft document that you are not obliged to take into account. Nevertheless there are many examples of how soft documents transformed over time into international binding documents. Some SC members were not convinced that the terminology of handbook fit the contents, considering that a handbook goes beyond compilation of information. The proposed task is seen as a collection or compendium of practices throughout the world put together. The wording "Compendium" had the generalised support of the SC members.

49) With reference to the inventory of policy-normative frameworks presented as annex A of document H, SC members were encouraged to review and provide Secretariat an amended version, adding, deleting and correcting whatever might be necessary. The importance of the sources of information and the dates was highlighted. This elaboration might well constitute the core element of the Compendium. It was suggested that the document be uploaded onto the DDP website and the dams and development community be invited to contribute, thus not limiting the exercise to the SC members. This was considered an approach to facilitating the buy-in and wide ownership of the initiative.

50) In order to move forward it was realised the need to define a sort of relationship between checklist and how things will be attended. Benefit sharing might be an item of the checklist. What sort of policies and practices are available about benefit sharing. It would be possible to have 20-30 items in the checklist and a table of what guidelines are available as information to governments. While such approach to the compendium was supported it was recommended to avoid dealing with a huge amount of information. To focus on very relevant elements, like benefit sharing, was reiterated. What legislation is there on benefit sharing in given countries? How revenues should be correctly used? In order to be selective it was suggested to use a regional and/or sectoral approach by stakeholder group. It was proposed to research in a number of selected countries which gaps they have found when attempting to contextualise the SPs. In this same line, it was also proposed to survey which are the tricky issues in dealing with the CVs and SPs. It was suggested that this might attract governments to the Phase 2. There was a proposal to include a survey of the successes. Thus DDP could become a broker rather than an arbitrator between problems and solutions. The question of which countries would be addressed and which governments would avail to work along these lines was posed. It was opined that the umbrella of UNEP provided a platform of confidence to carry out this task. However, the UNEP Facilitator advised that in such an approach the problem is not what countries are addressed but which will be left out. The solution is to involve all countries and get responses from some subset, but the workload becomes too large. It was pointed out that the consultation on tricks, gaps and successes should go beyond governments and involve the various stakeholders, making the task even broader.

51) The DDP Secretariat explained the rationale underlying the proposal submitted to consideration of the SC members in Document H highlighting that there was a large degree of consistency with what had been discussed at the meeting. The Coordinator informed that at the start the analysis of gaps was in mind. Three countries had already done such analysis: South Africa, Vietnam and Nepal. However in order to generalise the analysis to a larger set of countries there is a need to identify the issues that are going to be surveyed. This is where the checklist comes in. It is needed to search in the selected regulatory frameworks where the gaps are. Some issues are more important than others and should be prioritised and devoted more effort. The DD Forum meeting in September was planned to make this specific consultation. A sample of countries needs to be identified to carry out the checking and the collection of examples to make a comparison between aspiration and reality. Here comes the issue of consultants to get the information more quickly. The way these issues have been considered at country level will lead to some cases of success or failure and when successes are considered this multistakeholder body can agree on certain practices that should be taken into consideration and inform them to the governments as such.

52) There was agreement on the need to establish a boundary to the checklist or the checklist be the boundary itself in order to have a project tailored to time and funds available. This should be done

on the basis of a consultation to the Forum that should be done the earliest, even before September. The Coordinator should decide perhaps with a consultant which are the priorities that can be attended in two years.

53) The representative of Nepal described the approach adopted in his country. After the analysis of gaps the issues that attracted the people were identified: benefit sharing, GPA, sustainable rivers and options assessment. Some will be addressed through national workshops with preparatory activities done before. Regarding benefit sharing, some groups had already been working on the issue. Therefore the compilation of these products was considered the first step. If DDP provides the ToR of what it is seeking, it is probable that they could provide the examples or case studies at a low cost. For example guidelines for replication, analysis of associated process issues, whether the local experience might fit larger countries. There is a list of 15 or so countries where something is happening and this might be a good way to start quickly with the process of collecting information. In order to elaborate the terms of reference it was recommended to examine the WCD studies on benefit sharing prepared by J. Milewski that though general they will help in the preparation. Countries to be contacted will be those that have put in place legislation on the subject. As regards benefit sharing Brazil, Colombia, Korea, China, India and Nepal were mentioned. It was clarified that in the Nepal case the approach adopted was to team government and non government people because of the different perspectives. The Facilitator requested Mr. Pandey to provide a short briefing note describing the approach adopted in Nepal. He extended the same request to other countries, like South Africa, to share how they have carried out the issues. He asked the WB representative to facilitate contacts or a focal point in the countries that have put legislation on benefit sharing.

54) As a result of the discussion the following issues were agreed as recommendations:

- The title of the practical tool is changed to “Compendium of” instead of Handbook.
- DDP will produce a revised draft version of the briefing note with the proposal for the elaboration of the Compendium (Document H) based on these recommendations that will be circulated to SC members for their comments.
- The Final draft of the briefing note will be submitted as soon as possible to consideration of the governments invited to participate in the GAG and, in particular, the four governments that will incorporate into the SC and the DD Forum members requesting their comments and inputs.
- DDP will post the inventory of policy/normative frameworks (Annex A Document H) in the website and request stakeholders to provide input.
- A list of key issues will be prepared using the CVs and SPs as boundaries with support of the SC acting as a team and inputs from the DD Forum members and the invited governments. The list will be elaborated drawing on existing bodies of policy and criteria as preliminarily depicted by Annex A in Doc H.
- The list will provide ground for prioritising certain key topics that will be developed further and constitute the core of the Compendium (e.g.. trade offs and benefit sharing). This prioritisation will be done in consultation with the SC and the DD Forum members. The work should be tailored to the Phase 2 timeframe and available resources focusing on obtaining a tangible output useful to government and stakeholders.
- The prioritised set of key issues will establish framework for identifying gaps and examples of integration in current national regulatory frameworks.
- The DD Forum meetings will be used as a relevant opportunity for multi-stakeholder consultation about the tool and its elaboration.

Document E. Detailed Activity Plan

55) DDP Secretariat made a brief presentation of the document. Comments were made by the SC members concerning the need to put boundaries and prioritise the activities in order to provide focus on the main goals of the project to achieving tangible outputs. The exit strategy would be thus facilitated as well. In this regard different views were tabled about the priorities. There was also reference to make an optimal use of meeting opportunities. In this regard one suggestion was to align

the Forum and workshop meetings with the elaboration of the compendium. Other members highlighted the importance of the Gaining Public Acceptance workshop. DDP Coordinator clarified that the expectations of supporting dialogue processes reflected in the current budget estimation had been limited to 5 initiatives. Resources had been also allocated for dialogue activities including the possibility of DDP supporting some meetings in key countries like China or India.

56) Upon request the Coordinator made some clarifications concerning the exit strategy, indicating that it involved two aspects: the identification of the activities that are relevant to be continued and the organisation that will be willing to host them. Activities refer to dialogues processes, the dissemination of the compendium, website and networking. UNEP is one of these organisations and it has already included some of them in the Program of Work 2006-7. There is a need to look for other organisations to take over activities as well. Reference was made to the importance of having this task in mind in the early stages of the project though its implementation will take place in the later ones.

Item 7. Dams and Development Forum. Programme for the 4th meeting

57) DDP Secretariat presented draft programme proposal referring to the preference for September date taking into account the interest in having inputs from the CSD13 and The Millennium Development Review meetings, the opportunity of convening a one day workshop on Gaining public Acceptance back to back and the full complement of professional staff that will be in place by that time. He clarified that the conference facilities in Nairobi were booked. The floor was then opened for comments.

58) It was recommended to eliminate the session on presentation of the GPA workshop concentrating the resources in the Compendium. A word of caution was issued about addressing many different activities and issues that lead to a loss of energy and concentration. It was therefore suggested to include the issue of public acceptance in the discussion of the Compendium as a relevant subject. Opinions were diverse as regards the convening of the GPA workshop. Some preferred to devote the effort in support of the Compendium considered as the main goal. Others favoured a one day workshop back to back with the DD Forum. The DDP Secretariat informed that the proposal to convene the GPA workshop took into account the existence of the background document elaborated during Phase 1 and included a preparatory virtual discussion with experts and DD forum members leading to a one day wrapping up workshop just before the 4th DD Forum meeting.

59) Responding to queries the Coordinator clarified that the session on improved decision making aimed at providing governments an opportunity to present their views concerning the need to improve decision making and the use of WCD CVs and SPs. Regarding the session on the findings of the CSD13 and MDR meetings he indicated that water policies leading to the achievement of the water MDGs would be agreed in CSD13 and immediately thereafter the CSD will start to work on energy policy issues. Thus the 4th DD Forum will take place in a transition period that closes the water discussion and opens the energy one. Thus the DD Forum meeting will be well positioned to discuss the implications of the findings in the dam debate and prepare for the next stage, CSD14. The WWF4 will take place in March 2006 and there is also the possibility of discussing the possible contribution of DDP to this meeting if still on time.

60) There was a proposal to modify the order of the sessions that was generally agreed. It involved carrying out the reporting of the other initiatives at the beginning of the meeting so that it gives a sense of what has been going on outside the Forum itself. Then the platform should be given to the governments. On the second day the compendium should be worked out as the last session. However the opinion was voiced that the compendium should be discussed first to then give the floor to governments. The GPA would be the third issue and the meeting should concentrate on these three.

61) The opinion of convening the Forum on an earlier date was tabled, arguing that much had already been done with GPA and it would not be a problem. That a key issue might emerge that deserves a workshop, i.e. benefit sharing. Moving the meeting earlier will help providing focus on the compendium. Concern was raised that the Secretariat was too thin to carry out the task and that much pressure was being put on it. The Coordinator confirmed that by September the Secretariat will have full complement of professional staff and will be able to do the job. It was concluded that the DDP

Secretariat will produce a revised version of the programme and a crosscheck of dates and will share the information with the SC members coming to a decision on the date.

Item 8. Staff recruitment

62) The Coordinator started his presentation recalling the situation following decision to streamline the Secretariat and a recommendation of the external evaluator, the termination of the two L-5 contracts in August 2004, and the advertising of the L-4 and L-2 posts in UNEP website and The Economist. The ToR had been circulated with the draft project document. The deadline for application was due on March 10 resulting in 110 applicants for the L-2 and 41 for the L-4. The review process to select 6-4 candidates has started. Candidates will be interviewed in order to arrive at a shortlist of three ranked candidates that will be submitted to the decision of the ED. Once the ED takes decision the process will be continued by UNON that will issue the offer of appointment, negotiate the conditions of contract with the candidate and the date of taking over. All in all this process will take certain time that DDP Secretariat is not in full control of. As regards timeframe it is assumed that the candidates will be short listed by the end of April. The ED will take some time to make his decision and then the appointment process conducted by UNON will take us to the end of July to have the staff on board. The Coordinator concluded indicating that in this planning some activities depend on DDP and they will do their best to do it as quickly as possible while trusting that others (UNON) will also do their best in this regard.

63) It was agreed that DDP Secretariat will share the information about the short listed candidates of the senior position with the SC and will expect comments and views. A ranking is not expected though it naturally will emerge from the comments. It was highlighted the importance of having 3 candidates pre-selected so in the case a candidate declines during the appointment process it is possible to resort to the second instead of reopening the whole process. It is expected that the short listing will be completed by the end of April and then DDP will appreciate a very quick response from the SC members.

64) Clarifications were also given by DDP Secretariat as regards various aspects of the staff recruitment process, the situation of the general service staff engaged in Phase 2 and about the budget allocation among the various budget lines for 2005 and 2006. As regards the latter the Coordinator indicated that some minor inconsistencies remaining in the budget will be fixed on the occasion of the first revision that will be done soon once the balance of unspent funds from 2004 is known. .

Item 9. Any other business

65) Richard Taylor voiced his concern about an article probably published in January 2005 in the ID21 webpage of the University of Sussex ¹ entitled "Global warming and the water cycle – what can be done?" that contains negative qualifications about hydropower. The article is signed by Constance Hunt identifying herself as a UNEP-DDP staff member. The Coordinator explained that action had been already taken clarifying the situation of Ms. Hunt as regards the DDP with the website manager and requesting the update of the information. DDP Secretariat will send to Mr. Taylor copy of the messages sent to the website requesting the amendment of the erroneous information.

66) Richard Taylor raised the issue of linkages between his organisation and the REN 21, a follow up of the 2004 Bonn International Conference concerning renewable energies. He expected to be able to get information from Mr. Konukiewitz who was absent with apologies. His alternate Ms. Schuster indicated that she was unable to provide information on this issue. Mr. Taylor expressed his concern that the REN21 interim committee had decided not to include a hydropower representative. The point was raised at a recent meeting in Morocco and the reason given was that hydropower is managed by the UNEP-DDP. Mr. Taylor considered that the SC should take position on this issue and that UNEP should clarify that it is not dealing specifically with hydropower in relation to renewable energy policy. The floor was open to discussions. Clarifications were sought and various views were expressed. The facilitator indicated that given the lack of information the SC cannot take a position

¹ www.id21.org

and the proper way would be to seek clarification from Mr. Konukiewitz. The representative of the WB stated that his understanding at that point was that UNEP has not received a request to undertake such role and wants it to be stated in the notes. A clarification from UNEP was requested that it is not the entity that will take care of the global policy framework of how to deal with hydro. The Facilitator explained that the responsibility of UNEP concerning energy is much broader than dams and the DDP has no responsibility for global energy issues. There is a need to have formal information about the facts that are considered relevant and then share the information. If a further position of UNEP, not DDP, is required, it should come from the relevant energy related units of the organisation. It was suggested that Mr. Konukiewitz should share his statement with the SC in order to take action either sharing the statement or clarifying through a position of the SC. Ms Schuster, BMZ alternate, was asked to convey the request. Ms Schuster committed to brief Mr. Konukiewitz on this issue upon her return and hoped that the information would be issued promptly. The facilitator requested Ms. Schuster to share the information directly with the SC members without necessarily first channelling it through Nairobi.

67) Ms. Carino informed that part of the money given to WCD as the Zhayed prize was applied to the elaboration of a scoping report looking at developing a tool for Rights, Risks and Responsibilities. In the WCD report it was only Rights and Risks and it has been expanded to include responsibility. The initiative aimed to see how the approach might develop as a possible tool for stakeholder identification and involvement in project preparation as well as in implementation and evaluation. The elaboration raises the question of partnership and the issue of developing a tool for decision making. She would like that the Report could be shared particularly in relation to GPA. Presently the report is in draft form. Once accepted it will become available and circulated through the Secretariat. It was prepared by Jeremy Bird, Larry Haas and Lyla Meta from IDS. The ToR given to them were to write a scoping report on what has already been done on the issue of RRR with the possibility of building on that a decision making tool. At present it is a draft scoping report and when approved any of us will be willing to make comments on it.

Item 10. Closure of meeting

68) The Facilitator expressed his appreciation to the Coordinator and UNEP Director for making the particular arrangements for the meeting. He made a brief reference to the outcomes of the meetings and the challenges ahead, in particular for the Secretariat. Wishing well to the SC members in their return to their places of origin he adjourned the meeting at 12.40 pm.

Annex A

List of Countries suggested by SC Members

AFRICA	ASIA	EUROPE and /USA/Canada	LAC
South Africa (DWAF)	Nepal (MWR)	India	Brazil
South Africa (DWAF)	China (SEPA)	Switzerland (FAWAQ)	
		Germany (BMU)	
South Africa (DWAF)	Vietnam	Norway	Brazil
	China (MWR)	USA (USBR)	
		Spain	
South Africa	Vietnam	Norway	Brazil
		Spain	
Ethiopia	China	Turkey	Brazil
Zambia	India	Spain	Mexico
Ethiopia (1)	China (1)	Turkey (1)	Brazil (1)
Zambia (2)	India (2)	Georgia (2)	Dominican
Uganda (3)	Vietnam (3)	Romania (3)	Republic (2)
			Mexico (3)
Uganda	Nepal	Turkey	Brazil
	China		
Ethiopia (MWR, Dams and Hydropower)	China (MWR)	Turkey (DSI)	Brazil (ANA)
	India (NHPC, MWR)		
	Iran (M Irrigation)		
Algeria	China	Turkey	Brazil
Ethiopia	India	Russia	
Mozambique	Iran	Romania	
Ethiopia			
Zambia			
Ghana			
South Africa			
Mozambique			
South Africa	India	Turkey	Brazil
	China	Norway	
	Vietnam		

Annex B

Presentation of Document H. Briefing note on the elaboration of the practical tool

RATIONALE

Non prescriptive tool useful for governments

- (i) Identifying the key issues to be dealt,
- (ii) Taking note of the strategies, policies, principles and guidelines proposed by the various stakeholder groups as acceptable/relevant/customary/recommended practices
- (iii) Informing how they have been/can be integrated in terms of policy, legal and regulatory frameworks at country/river basin level.

Reflects the perspectives of stakeholders

- (i) Taking into account the published views of all stakeholders and in particular the elaborations and advancements of the post WCD era
- (ii) Dissemination and consultation in the context of DDP national/regional/global dialogue activities

PROCESS TOWARDS A FIRST VERSION

	Activity	2005				2006			
		1	2	3	4	1	2	3	4
1	Outline								
2	Partnership								
3	Team								
4	Checklist								
5	Integration into national frameworks. Examples of relevant practices								
6	Consultation: In the context of national/regional dialogue activities								
7	Consultation: In the context of global dialogue activities			◆			◆		