

Scheduled Webinar Meeting Times for Participants:

5 am – Boulder, USA (David Harrison).
7 am – Washington DC & New York, USA (Daryl Fields, Courtney Lowrance)
11 am – Iceland (Gudni Johannesson)
12 noon – UK (Helen Locher, Kristin Schumann, André Abadie)
1 pm – Norway (Geir Hermansen), Germany (Joerg Hartmann, Kirsten Nyman),
Copenhagen (Richard Taylor)
2 pm - Zambia (Israel Phiri)
7 pm - Bangkok (Donal O’Leary),
8 pm – China (Zhou Shichun, Yu Xuezhong)
11 pm – Hobart & Melbourne Australia (Andrew Scanlon, Michael Simon)

Scheduled Webinar Agenda:

12:00 – 12:10 Connections, review webinar meeting technology and procedures
12:10 – 12:30 Review of issues summarised in Arup Briefing Note (Mtg Paper 1)
12:30 – 12:50 Review of issues raised by IHA Reference Group (Mtg Paper 2)
12:50 – 13:10 Forum member impressions from their own trialling and consultation
experiences
13:10 – 13:20 Consolidation of some of the consistent impressions about forward
directions for the Protocol
13:20 – 13:30 Role of IHA Reference Group
13:30 – 13:45 Discussion of Forum Meeting 8 – Preliminary Draft Agenda, attendance by
alternates, logistical issues (Mtg Paper 3)
13:45 – 14:00 Contingency, and any other issues

Minutes

The agenda items were not numbered, and discussion crossed between the different items. The minutes will be recorded under these headers:

1. Opening – Attendance, Objectives and Agenda
2. Review of IHA Reference Group Views
3. Review of Arup Summary of Issues
4. Discussion of Forum Meeting 8

1. Opening – Attendance, Objectives and Agenda

Present: Forum Members – Richard Taylor (IHA), David Harrison (TNC), Joerg Hartmann (WWF), Geir Hermansen (Norway), Gudni Johannesson (Iceland), Courtney Lowrance (Equator Banks), Kirsten Nyman (Germany), Donal O’Leary (Transparency International), Israel Phiri (Zambia), Andrew Scanlon (Hydro Tasmania), Michael Simon (Oxfam), Yu Xuezhong (China)
Meeting Chair - André Abadie
Coordination Team – Helen Locher (Forum Coordinator), Kristin Schumann (IHA Project Officer)

Apologies: Forum Members – Refaat Abdel-Malek (IHA), Daryl Fields (World Bank), Zhou Shichun (China)

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The purpose of the meeting was to share experiences and views from consultation and trialling of the Draft Protocol prior to February and Forum Meeting 8 to see if Forum members were developing common views. Additionally, an objective was to discuss any preparatory needs for Forum Meeting 8. The meeting was not aimed at reaching agreements or identifying actions. None of the proposals mentioned should be taken as agreements. All of the discussion points captured in these minutes will be focussed on during Forum Meeting 8 to reach agreements.

The Forum members first discussed the IHA Reference Group views because Richard Taylor was not able to stay on the call the whole time.

Agenda Item 2 – Review of IHA Reference Group Views

The Forum members reviewed Meeting Paper 2, which was a summary of views from the IHA Reference Group meeting in late November 2009. Some of the views highlighted were:

- A major condensation and simplification of the Draft Protocol is required;
- There are too many aspects and attributes; reducing these would be beneficial, and it is not essential to have the same number of attributes per aspect;
- The evaluation of existing projects cannot be done the same way as newly commissioned projects, as some projects have been operating more than 50 years and would not have the information commonly found with today's project approval requirements.

The Forum proceeded to talk about several specific issues:

Practicality. There was a strong view that the Draft Protocol is not practical to use. Such feedback is coming from professional auditors amongst a range of other stakeholders. IHA feels that the Protocol must fit in with the existing auditing industry and how third party audits are undertaken. It was discussed that not only do auditors need to know how to use the Protocol, but also auditees; businesses need to pick up and embed the Protocol components into their business processes. There was some discussion of the length of time that would be expected for a Protocol assessment, with opinions varying from 2-3 days to 2 weeks. It was noted that professional auditors could charge as much as £5,000 per day for an audit. IHA feels that costs must be factored into the Forum's thinking if the aspiration is for a Protocol that will be widely applied.

Assessment of Project Proponent or Overall Project. A view of the IHA Reference Group expressed in Meeting Paper 2 is that it is the project proponent and not the project that should be assessed. A view of the IHA Reference Group expressed in Meeting Paper 2 is that it is the sustainability performance of the project proponent with respect to the project that should be assessed. A number of examples were cited of different ways responsibilities are allocated in relation to project activities and commitments. The examples of resettlement plans or fish hatcheries often being implemented by government agencies were felt to be particularly relevant; these are considered core sustainability components of a project that should not be separated out of an assessment. The Forum's attention was called to the IFC Performance Standards, which address the responsibilities of the proponent in relation to government implemented functions and advise that it is the proponent's requirement to fill in any gaps. It was pointed out that the banks want information on investment risks which are present regardless of whose responsibilities they are. The Forum noted the concerns of IHA members that they may be fulfilling all their responsibilities but the project may still score poorly in some areas, and the request to explore ways in which proponent performance versus project performance can be identified in the assessment and communicated in the results.

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Consultation and Stakeholder Support. Based on a consistent finding that in practice it was difficult to assess consultation and stakeholder support on an aspect-by-aspect basis, in Meeting Paper 2 it was suggested that these be measured only for particularly relevant aspects. Forum members found that the concern about measuring stakeholder support repeatedly was lessened when it was explained that the stakeholders differ aspect-by-aspect; however it was recognised that it can still be problematic with respect to how one gives evidence and measures this. It was noted that the Draft Protocol does not create a space to have a general discussion about the general approaches to consultation and communications by the developer/owner/operator. There was some support from Forum members for the idea of having a specific Consultation and Communications aspect, and then also assess this for some particular aspects. Meeting Paper 2 suggested assessing it specifically for only resettlement, project-affected communities and indigenous peoples. It was raised in the webinar that environmental flows would also be very important for specifically assessing consultation and stakeholder support.

Existing Projects. The IHA informed the Forum that it was encountering difficulties in gaining support for the Draft Protocol from some of its members who have numerous existing projects and find that Section IV is too much oriented around present-day planning considerations. IHA would like to find some way for Section IV to give considerations to older projects in a different way to newly commissioned projects. IHA is not proposing to have a separate Section IV for older projects, but maybe to have some explicit guidance in Section IV on how to these older projects might be considered in an assessment. The Forum members recognise this as an issue, but felt that it was important not to “grandfather” older projects or reduce their considerations down to a compliance check. The Forum members noted the request of IHA to find ways to frame the assessment components so that older projects are not unfairly penalised as unsustainable when they have been operating for decades without any perceived problems.

Attribute Structure. Lots of concerns were expressed regarding the sub-attributes (multiple bullet points for a single attribute). Views included that the sub-attributes give a perception of precision that is not really there, because in many cases 2 out of 3 may not be relevant; that they create too high a degree of complexity; and that it was not possible to assess each and every bullet point within a reasonable time frame. Compliance assessed on an aspect-by-aspect basis was not thought to be essential. A proposal was to structure the logic of each aspect assessment around the aspect intent, and to identify three or four of the most substantive areas of insight to focus on and to provide more guidance on these. There seemed to be support that the intent statements for each aspect are very important and should be central to the aspect assessment focal areas.

Implementation Guidance – Target Audience. The IHA Reference Group in Meeting Paper 2 questioned whether the implementation guidance was oriented around auditing guidance or provision of an educational tool, and noted that the Draft Protocol does a bit of each. The aspect-specific guidance notes were identified by many as a strength, and the fact that they have an educational role as well was seen to add value. However it was noted that because the Forum has defined such a broad range of users, it is creating problems with inconsistency in how guidance notes are framed. A number of meeting participants supported the proposal that the Forum should be more specific and clearer about its target audience, and believed this would be auditors and auditees (businesses). If this is formally agreed at Forum Meeting 8, communications and responses to external stakeholders will need to be carefully thought out, and the Forum might want to think about some supplementary information or accompanying guidance or explanatory notes for other types of interested stakeholders.

Implementation Guidance – Auditing Questions. The idea of phrasing the bullet points as questions was discussed, as this was found helpful in some audits and consultation

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sessions; however it runs the risk of being too directive. An alternative approach could be providing guidance questions as accompanying information.

Ensuring Comparable and Replicable Results. This was discussed in the context of level of detail in the aspects' attributes, and the question of focusing on guiding questions as an alternative approach to the standardized attribute structure.

Environmental Flows. Meeting Paper 2 noted that "environmental flows should cover all parts of flow requirements and be named flow regime". Some questions were raised about what this meant. It was felt the issue was mostly about the title of the aspect, as the aspect content does make it clear it is about more than just environment. There is also some industry concern behind this about the implication that environmental flows, or flows to meet environmental objectives, would suddenly be expected for all existing operations.

Agenda Item 3 – Review of Arup Summary of Issues

Many of the specific issues that Forum members wanted to focus on were covered in the discussions around Meeting Paper 2. The format and style of the Arup report as represented by Meeting Paper 1 were seen to be fine. There was a question around some of the issues under the item on page 1 with the header "Conflicts with/duplicates other standards, regulation and evaluation processes" where it makes reference to World Bank standards. It was felt that this came from issues raised by resettlement experts believing that the World Bank standards should be taken as a minimum. This lack of clarity will be relayed back to Arup, so that it is clearer in their report. It was noted that there is an issue with stakeholder perception that the Forum needs to be able to respond to – the Protocol will not be able to be a "Resettlement Assessment Protocol", and it will always be limited in the degree of depth to which it can go.

Agenda Item 4 – Discussion of Forum Meeting 8

The attendance by alternates at Forum Meeting 8 received some discussion. The main driver for the proposal was to avoid a protracted period of organisational review and decision making on adoption/endorsement at the end of the Forum process, which it felt could be avoided if other organisational representatives were brought into the finalisation phase. It was recognised that this concern was most heavily present with respect to IHA, already demonstrated by difficulties in July 2009 with release of the Draft Protocol, and that it was in the Forum's interest to find ways to avoid such a situation with the final Protocol. The views represented in Meeting Paper 2 make it evident that IHA has some strong discomfort with the Draft Protocol, and if the Forum wants them to adopt and stand strongly behind the final Protocol there is some work to be done to increase their comfort. The need for balance amongst other organisations was discussed, and the advantages to other organisations of also increasing their organisational awareness and insight into what the Forum is doing. However it was recognised that this would be at the cost of a very large meeting with many attendees, and a risk of changed meeting dynamics hampering the degree of constructive and efficient dialogue that the Forum has been able to increasingly achieve over the past two years. The outcome of the discussions was support for inviting only the IHA alternates to Forum Meeting 8, but with the proviso that a clear meeting protocol needs to be developed and communicated beforehand. Andre Abadie and Helen Locher will take responsibility to develop this protocol.

Other comments on the preliminary draft agenda for Forum Meeting 8 (Meeting Paper 3) included requests to ensure there is time to talk about:

- Cross cutting issues, consultation responses, scoring, best practice

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- Requirements for undertaking an assessment, e.g. composition of an audit team
- The Protocol's target audience
- Closure of the Forum process
- The follow up to the Forum

The Forum Coordinator advised that the draft agenda will be sent out one month before Forum Meeting 8, and will try to make it clear where these different items will be discussed. The final agenda will be more fully informed by the issues raised in the Consultation and Trialling Outcomes reports, so may still undergo some revision before it is distributed in the Meeting 8 papers.

The webinar meeting closed at 2:15 pm UK time.