

HSAF Interim Meeting – August 2009 Webinar

Final Meeting Minutes

The HSAF Interim Meeting – August 2009 Webinar commenced at 5 a.m. UK time on Friday 7 August 2009. Not all items were discussed in the order in the agenda. These minutes present the items discussed in the order that they were discussed, in cases joining two agenda items together where the discussion was integrally inter-linked. The agenda item numbers are retained.

Scheduled Webinar Meeting Day / Times for Participants:

Thursday 6 August 2009 10 pm – Boulder, USA (David Harrison)
Thursday 6 August 2009 11 pm – Chicago, USA (Refaat Abdel-Malek)
Friday 7 August 2009 12 midnight – New York, USA (Courtney Lowrance)
Friday 7 August 2009 4 am – Iceland (Gudni Johanneson)
Friday 7 August 2009 5 am – UK (Helen Locher, Michael Fink)
Friday 7 August 2009 6 am – Norway (Geir Hermansen), Holland (André Abadie), Germany (Joerg Hartmann, Kirsten Nyman), Italy (Donal O’Leary), Zambia (Israel Phiri)
Friday 7 August 2009 10 am – Kazakhstan (Daryl Fields)
Friday 7 August 2009 12 noon – China (Zhou Shichun, Yu Xuezhong)
Friday 7 August 2009 2 pm – Hobart & Melbourne Australia (Andrew Scanlon, Michael Simon)

Agenda Item 1 – Opening - Confirmation of Webinar Objectives and Agenda

Present: Forum Members - Refaat Abdel-Malek (IHA), Daryl Fields (World Bank), David Harrison (TNC), Gudni Johanneson (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), Michael Fink (IHA), Kristin Schumann (IHA)

Apologies: Forum Members – Joerg Hartmann (WWF), Geir Hermansen (Norway), Zhou Shichun (China)

The Forum members reviewed the “HSAF Webinar August 2009 – Agenda”, and agreed to defer discussion of agenda items 3 and 4 until after agenda item 8. The highest meeting priorities were agreed to be to resolve the issues needed to be addressed to enable public release of the Draft Hydropower Sustainability Assessment Protocol in August 2009; and to discuss and agree on how we move forward with other issues that arise from the Forum email exchanges 10th-30th July 2009.

Agenda Item 2 – Review of Background Document

The Forum Coordinator briefly summarised the sequence of events relating to release of the Draft Protocol that had occurred since Forum Meeting 7, which were documented in the meeting paper entitled “HSAF Webinar August 2009 – Background Document”.

Agenda Item 5 – Scoring in the Draft Protocol

IHA raised concerns in correspondence dated 10 July 2009 with the scoring of sub-attributes, and had proposed that in the case of multiple sub-attributes (bullet points under an attribute), to use the average sub-attribute score to get the attribute score. This was to address the concern that in Section II there are 269 sub-attributes, and if each requires

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evidence and will determine the attribute score it is too much for a practical assessment tool. It was noted that this proposal with the sub-attributes was not seen by IHA to address the more fundamental issue that the Draft Protocol is too complicated and lengthy to be a practical assessment tool.

A proposal generated by a sub-group of Forum members on how to move forward to address IHA's concerns was circulated to Forum members on 24 July 2009. This was to provide no specific instruction in the text of the Draft Protocol on whether they take the lowest or average sub-attribute as the attribute score; to put a statement on scoring in each of the section introductions saying "*A scoring system is yet to be concluded; comments on scoring methodologies, especially on the basis of experience from trialling, would be most welcome.*"; and to ensure the language in the Introduction in relation to how to score and present results is not absolute, but talks about ways it could be done.

The discussion in the Interim Meeting was about whether the Forum is looking for comments on the scoring system as a whole, or specifically on the sub-attributes. There was comfort with some lack of clarity on how sub-attributes are aggregated, but not on opening up the entire system of scoring to being revisited.

HSAF Interim Mtg Aug 09 Agreement 1: *The Forum is comfortable with recommending the Protocol's scoring approach, but is seeking guidance on approaches to aggregating bullet points to get an attribute score.*

HSAF Interim Mtg Aug 09 Action 1: *Ensure the following text is in the Protocol document:*

The aspect score instructions for each section identify the requirements to be met to receive a particular score. Each attribute receives a score. For some attributes there are multiple bullet points, which will need to be aggregated to determine the attribute score. For some attributes it is indicated on the aspect scoring instructions that it is Not Relevant to that aspect in that particular section; in this case, the scores for that aspect would present the high and low aspect scores based on the relevant attributes.

Comments on approaches to aggregating bullet points within an attribute are sought, particularly based on experiences with trialling.

Agenda Item 6 –Definition of Resettlement

Agenda Item 7 – Use of the Word “Consent”

In the Interim Meeting, agenda items 6 and 7 were considered together.

Post-Forum Meeting 7, a social aspects sub-group of the Forum had recommended that the definition of resettlement include both economic and physical displacement, consistent with the scope of IFC Performance Standard 5 and World Bank Operational Policy 4.12 (both of which refer to land acquisition and involuntary resettlement). The proposed definition would read: "*Resettlement includes:*

- *physical displacements (relocation, loss of residential land or loss of shelter);*
- *economic displacements (loss of assets, access to assets, or income sources or means of livelihoods) as a result of (i) acquisition of land, (ii) changes in land use or access to land, (iii) restriction on land use or access to natural resources including water resources, legally designated parks, protected areas or restricted access areas such as reservoir catchments and (iv) changes in environment*

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leading to health concerns or impacts on livelihoods. It covers them whether such losses and restrictions are full or partial, and permanent or temporary.”

This was considered to significantly re-frame the aspect, and required full Forum understanding, discussion and agreement. The main concern was that consent was included in the score of 5 for the Resettlement aspect, and this was not understood to extend to economic displacement as well as physical displacement. The Forum noted that the World Commission on Dams considers consent in relation to indigenous and tribal peoples only.

In a lengthy discussion in this Interim Meeting, the Forum agreed that it is necessary to distinguish cases where land acquisition is triggering displacement (both physical and economic), versus other causes of economic displacement.

HSAF Interim Mtg Aug 09 Agreement 2: *The Resettlement aspect will be re-named Resettlement and Land Acquisition, and will retain the present wording for the Stakeholder Support attribute which includes “consent” in a score of 5. The only other changes will be those that make it clear the aspect addresses both resettlement and land acquisition.*

HSAF Interim Mtg Aug 09 Agreement 3: *The Project Affected Communities aspect will be extended to include both project affected communities and those experiencing economic displacement from the project, but will not be re-named. The only other changes would be those that make it clear the aspect addresses both considerations.*

Concern was expressed that the Draft Protocol definition of consent differs from that commonly used.

HSAF Interim Mtg Aug 09 Agreement 4: *The Forum members re-confirmed the definition of consent in the Draft Protocol to be that agreed at Forum Meeting 7, being:*

“Consent: Signed agreements with community leaders or representative bodies who have been authorised by the affected communities which they represent, through an independent and self-determined decision-making process undertaken with sufficient time and in accordance with cultural traditions, customs and practices”.

HSAF Interim Mtg Aug 09 Agreement 5: *In the Resettlement and Land Acquisition aspect, a court ruling on land acquisition would not be considered consent, but could score a 4.*

HSAF Interim Mtg Aug 09 Action 2: *The Forum Coordinator working with Michael Simon to prepare edits to the Project Affected Communities and the Resettlement and Land Acquisition aspects in line with the Forum agreements, and send to Forum members for review on Friday 7 August 2009, with comments to be submitted back to the Forum Coordinator by close of business Tuesday 11 August 2009.*

Agenda Item 8 – Other Edits to Social Aspects

In the week following Forum Meeting 7, a social aspects sub-group of the Forum continued to confer to edits to the social aspects, and provided a copy of their recommendations to the Forum Coordinator. Apart from the issue with the recommended definition of resettlement (discussed above), the Forum Coordinator made edits to these recommendations largely for reasons of formatting and consistency with approaches across the Protocol as a whole. The Forum Coordinator provided her edits to the recommendations and reasons for these in track changes mode in an email distribution to the Forum on 10 July 2009.

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One Forum member had submitted a list of specific issues with the Forum Coordinator's edits of the social aspects, including concerns about lumping consultation sub-attributes in social aspects; about the intent statement for Project Affected Communities; and about the location of reference to entitlements in the Resettlement aspect.

HSAF Interim Mtg Aug 09 Agreement 6: *The Forum agreed that any further editing issues with the social aspects could be addressed in the consultation process.*

Agenda Item 3 – Draft Protocol Report Cover

Agenda Item 4 – Introduction Text

Agenda Item 9 – Forum Work Plan

In the Interim Meeting, agenda items 3, 4 and 9 were discussed together.

IHA had proposed to the Forum members in correspondence dated 10 July 2009 to have wording on the front cover of the four Draft Protocol documents “*Trialling Draft: Published by International Hydropower Association [with IHA logo], following comprehensive review and modification by the Hydropower Sustainability Assessment Forum project.*” This was to recognise IHA's leadership and continuity with the Protocol, through its six previous versions and many years spent in its development.

This raised comment and discussion about the relationship between IHA and the Forum, on ownership of the Protocol and the Forum process, and on the Forum's objectives. In a further email circulated to Forum members dated 24 July 2009, a Forum sub-group proposed alternative wording for the front cover: “*Trialling draft issued after review and modification by the Hydropower Sustainability Assessment Forum. Published by the International Hydropower Association. [with IHA logo].*”

This 24 July 2009 proposal also included a proposal for text at the very introduction of the report reading: “*Through review of the sixth edition of the IHA Sustainability Assessment Protocol, which began in March 2008, including seven formal meetings of the Hydropower Sustainability Assessment Forum, this working draft of a new protocol has been prepared for a formal consultation and trialling period. It is recognized that the consultation and trialling may lead to significant revision before a final draft is prepared, with a focus on it being a succinct, practical tool for the assessment of sustainability in a hydropower context.*”

In the Interim Meeting, the Forum discussed the implications of calling the Draft Protocol a trialling or working draft, and making reference to a future final draft. It was understood that this implied that there are two rounds of drafts before a final Protocol. The meeting paper “HSAF Webinar August 2009 – Forum Work Plan” presented two alternative scenarios for the Forum Work Plan, both of which included these extra rounds of drafts before a final product.

Several Forum members expressed concerns about going an additional round, the consequences this would have on the Forum work plan, the fact that there is no available budget for an extended Forum process, and concerns about the availability of the Forum Coordinator to close out the process.

IHA concerns and needs were noted with respect to the Forum work plan. Some concerns had been expressed that the Draft Protocol might be seen as a consensus view of the Forum on what the final Protocol should look like, and that the Draft Protocol reflects what the IHA would adopt at the end of the process. The extended work plan scenarios also reflected IHA's interest in having the time for Forum members to review how agreements

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were implemented before a document goes public, and also to have adequate reference group consultation at each key stage.

HSAF Interim Mtg Aug 09 Agreement 7: *Resolution on the Forum's forward work plan would not be achieved within the Interim Forum Meeting Aug 09, and would have to be progressed out of session and in consultation with the Forum donors.*

HSAF Interim Mtg Aug 09 Agreement 8: *The document the Forum members are presently working on will be released as a Draft Protocol, on the understanding that the need for an additional round of draft review and consultation could be determined once the magnitude and significance of changes required to the Draft Protocol are apparent.*

The Forum members discussed the introductory text proposed in the 24 July 2009 email. The Forum Coordinator proposed that this is provided as part of a full page preamble to all four Protocol documents, that makes it clear this is an interim document of a staged process, includes reference to the trialling and consultation, and includes the consultation questions. She proposed that the four consultation questions agreed at Forum Meeting 7 were extended with four new questions to address issues that were being considered by the Forum in the past few weeks. These related to scoring, presentation, ease of use, and understanding of proven best practice. In the meeting, Forum members were generally supportive of this approach, and proposed additionally asking about good practice in the list of consultation questions.

HSAF Interim Mtg Aug 09 Agreement 9: *The Draft Protocol documents will each have a one-page Preamble which sets out clearly that this is an interim product of the Forum that is subject to trialling and consultation, and lists the consultation questions.*

HSAF Interim Mtg Aug 09 Action 3: *The Forum Coordinator will circulate the proposed Preamble text to Forum members for review on Friday 7 August 2009, with comments to be submitted back to the Forum Coordinator by close of business Tuesday 11 August 2009.*

Agenda Item 10 – Closing and Next Steps

The Forum Coordinator reviewed the meeting agreements and actions with the Forum members.

The Forum meeting closed at 08:30 UK time on 7 August 09. The next meeting of the Hydropower Sustainability Assessment Forum is Forum Meeting 8, with the date and location to be advised once the date of public release of the Draft Protocol can be determined.

HSAF Interim Meeting August 2009 - Summary of Agreements

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HSAF Interim Meeting August 2009 - Summary of Actions

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