

# WEBINAR 3 AGENDA ITEM 5 – HIGH PROFILE AND CROSS-CUTTING ISSUES

TEXT FROM DRAFT PROTOCOL:

## *High Profile and Cross-Cutting Issues*

Table 13 lists some high profile and cross-cutting issues that are not apparent in the names of the aspects and attributes, and identifies where they are addressed within the Protocol structure.

Issue	Where Addressed (Relevant Sections)
WRM	Integrated Water Resource Management is addressed most directly in the aspect called River Basin & Transboundary Issues (II, III, IV). It is also included in Regional & National Policies & Plans (I) as a type of policies and plans.
Climate Change	Climate Change is addressed in five aspects. Regional & National Policies & Plans (I) include climate-related policies and plans that might influence choices made to address water and energy needs. Options Assessment (I) and Project Siting & Design Optimisation (II) include consideration of a range of issues including the potential for greenhouse gas emissions generation. Financial Viability (II) includes options for finance, including carbon finance. Hydrological Resource Availability & Management (II, IV) includes understanding of hydrological trends and long-term availability which may be influenced by climate change, and the ability of the project to adapt. Reservoir Management (II) directly addresses reservoir greenhouse gas emissions.
Corruption	Corruption is addressed in Political Risk (I), Public Sector Governance (II, III), Regulatory Approvals (II, III), Corporate Governance (II, III, IV), and Procurement (II, III, IV).
Communication	Communication is addressed in every aspect through the attribute called Quality of the Consultation Process. Communication is directly addressed in Integrated Programme Management & Communications (II, III) with respect to internal and external communications about the programme and its major project streams (e.g. technical, construction, environmental, social).
Transparency	Transparency is addressed in many aspects through the attribute called Quality of the Consultation Process.
Human Rights	The attribute called Quality of the Consultation Process outlines identification of project stakeholders based on rights, risks and responsibilities. Human rights is most directly addressed through the aspect called Project Affected Communities (II, III, IV). Corporate Governance (II, III, IV), Indigenous Peoples (II, III, IV), Resettlement & Land Acquisition (II, III), Asset & Community Safety (II, III, IV) and Labour & Working Conditions (II, III, IV) also addresses many human rights considerations.
Gender	Gender is addressed to varying degrees in the aspects Social Impact Assessment & Management (II, III, IV), Project Affected Communities (II, III, IV), Resettlement & Land Acquisition (II, III), Labour & Working Conditions (II, III, IV), and Public Health (II, III, IV).
Complaints Mechanisms	Complaints and grievance mechanisms are addressed through the attribute called Quality of the Consultation Process. It is also singled out in a number of aspects including Procurement (II, III, IV), Project Affected Communities (II, III, IV), Indigenous Peoples (II, III, IV), Resettlement & Land Acquisition (II, III), and Labour & Working Conditions (II, III, IV).
Livelihoods	Livelihoods are addressed in Social Impact Assessment & Management (II, III, IV), Resettlement & Land Acquisition (II, III), and Benefit Sharing (II, III, IV).
Multi-Purpose Hydro	Multi-purpose hydro is most directly addressed in an aspect called Economic Viability including Additional Benefits (II, III, IV).
Legacy Issues	Legacy issues are addressed in Options Assessment (I); Economic Viability including Additional Benefits (II); Social Impact Assessment & Management (II, III, IV); and Environmental Impact Assessment & Management (II, III, IV).

*Table 13. High Profile and Cross Cutting Issues in the Protocol*

## WEBINAR 3 AGENDA ITEM 5 - GUIDANCE NOTES

### ISSUES FROM THE TRIALLING REPORT:

#### 3.7 Adequacy of Implementation Guidance

How were the introductory section and the auditing guidance notes perceived? Where would additional implementation guidance be helpful?

The implementation guidance in the introductory section as well as the aspect-by aspect guidance notes were perceived as very useful to inform scoring. Recommendations were to expand the examples of evidence, to make the language easier and to provide even more diagrams.

The following difficulties and issues were identified during the assessments:

##### 3.7.1 Draft Protocol Introduction – Make a Separate Document

While the introduction was seen as useful, it was recommended not to include it in front of every Draft Protocol section document, but rather as a stand-alone document to avoid bulky scoring sections.

##### 3.7.2 Draft Protocol Introduction – Remove Standardised Attributes

It was proposed to abandon the standardized attributes in order to avoid leafing through the document and to make the auditing questions more aspect and section relevant.

##### 3.7.3 Draft Protocol Introduction – Missing Checklists

It was frequently stated that the Draft Protocol introduction helped prepare the trials with regard to providing documentation and stakeholder interviews. Especially the choice, overview and description of the aspects were seen as helpful. It was proposed to extend this with two preparatory checklists: one checklist for relevant stakeholders per aspect, one checklist with relevant example of evidence and documentation needed per aspect.

##### 3.7.4 Draft Protocol Introduction – Missing Guidance on Composition of Auditing Team

It was noted that the protocol introduction should give more guidance on the composition of the trialling team, which should reflect expertise in the main relevant areas, and should reflect a range of perspectives.

##### 3.7.5 Draft Protocol Introduction – Missing Guidance on Length of a Typical Trial

At the Sinop trial it was felt that more guidance would also be needed for the length of a typical assessment. 5 days or less were not seen as sufficient for the assessment of a complex project.

##### 3.7.6 Draft Protocol Introduction – Missing Guidance on Potential Users

In the Section I trial in the Lower Mekong it was noted that a clarification on the potential users of the protocol would be helpful. It was felt that in order to be practical the tool needs to be more suited to developers, independent auditors, governments or NGOs.

##### 3.7.7 Draft Protocol Introduction – Missing Guidance on Hydropower in the Sustainability Context

In the Section I trial in the Lower Mekong it was noted that the protocol introduction should include some information on the sustainability concept and hydropower.

##### 3.7.8 Draft Protocol Introduction – Modifications Required to Stakeholder Figure (p.19)

There were modifications proposed to the stakeholder schematic (figure 6, page 19): (1) add Regulators and Developer/Operator as two key Directly Affected Stakeholders in addition to Resettlers; and (2) show Indigenous Peoples as wedge cutting across the circles, as not all Indigenous Peoples will be directly affected stakeholders.

### **3.7.9 Aspect-Specific Guidance Notes – Missing Guidance on Examples of Evidence**

In many trials, the examples of evidence were perceived as the most useful for objective aspect assessment. In some trialling reports it was requested to develop these more, in order to help auditors and project owners to prepare the assessment and to reach objective and comparable results. It was proposed that these should be complemented with examples of proven best practice in the aspect guidance notes (e.g. Waldeck).

### **3.7.10 Aspect-Specific Guidance Notes – Target More Clearly to Auditing Needs**

The Teesta V report suggests that the aspect-specific guidance notes are educational but do not clearly assist scoring. The report proposed to separate the educational parts into another document in order to keep the protocol more directly focussed on instructions for auditors/auditees.

For an auditor, more specific guidelines would be needed. It was advised that an experienced auditor edits and refines the protocol before finalisation.

## **ISSUES FROM THE CONSULTATION OUTCOMES REPORT:**

### **3a Guidance is generally helpful, but desire for it to be more clear, consistent and concise**

- Not enough guidance
- Inconsistent in level of detail
- Too lengthy
- Not focused enough on goals/outcomes

The question of guidance has raised a contrast of opinions. A considerable number of stakeholders are satisfied with the amount and level of detail; others are suggesting significant improvements to the existing suite of guidance material. In particular, there was an interest in having better explanation in the documents about how the guidance might be used, by whom, and how it relates to existing tools (e.g. SEA, EIA, due diligence, etc.). One stakeholder argued for improved guidance implementation to assist Civil Society Organisations and indigenous group.

Some stakeholder noted the Draft Protocol does not yet provide enough guidance. They noted since hydropower sustainability assessment covers a wide range of criteria, expertise in multiple disciplines is important. A multi-disciplinary team of experts, following the HSAP, could produce a credible assessment. In order to do so, they would need a methodology to incorporate the knowledge of marginalised and vulnerable people. Assessments could also make other key sources of knowledge (e.g., hydrologic simulations, economic and financial models) accessible for public review.

Guidance was criticised as being inconsistent - very specific and detailed on what is required to meet a standard for some issues (eg, environmental flows and downstream sustainability Aspect II-25) and too light for other issues (such as Options Assessment).

Stakeholders noted guidance and scoring should be more goal and outcome-oriented, not so prescriptive.

The introduction and auditing guidance were described as being helpful but lengthy. One stakeholder noted that if the guidance notes are meant to only support the auditing tool, they can be substantially shortened and limited to really relevant information (e.g. background information and table 1 may not really be necessary).

### **3b Repetition of introduction not necessary**

On more than one occasion, it was suggested the introduction to the guidance notes do not need repeating for each section. One stakeholder felt that it doesn't make sense to repeat this part four

times; it only makes the Protocol longer. Instead, it was recommended that pages 1-20 of each section should be in a separate guidance document.

### **3c Need to strengthen guidance in relation to:**

- Managing conflicting views
- Obtaining input from local communities
- Undertaking assessment if regulatory/legal framework is weak
- Review of data quality

Various stakeholders noted the guidance needs to be strengthened in various areas:

- Need for clearer guidance on how to manage conflicting views and perspectives when the factual basis for assessments is being established
- Need for guidance on how the auditor may secure representative input from local communities
- No guidance provided on how to assess a project if regulatory/legal framework is insufficient or non-existent.
- Several stakeholders raised the issue that the quality of data needs to be carefully reviewed by auditors, particularly as it relates to community consultation and support. It was recommended that civil society be allowed to participate in auditing process and facilitate interviews with communities.

### **3d Unclear how risks are considered**

Unclear how risks and uncertainties are being assessed. Links to risk management standard manuals should be included.

### **3 e Guidance needed on how developers should best to engage with stakeholders**

A number of stakeholders raised concerns with how best to engage with stakeholders in the process of Protocol Assessment. It was suggested that additional guidance might be useful for hydropower developers, especially for dealing with stakeholders involved in a project. For example, hydropower developers may have limited experience in engaging with stakeholders. Related to the above point, the same person wondered whether developing a Dispute Resolution Strategy before a project commences would be useful. This would be preferable to developing a resolution strategy once a project has started which may cause it to be rushed and ultimately less effective.

### **3f Need further guidance on measuring consent, stakeholder support and human rights issues, and defining stakeholders**

It was felt that guidance needed to be more specific about how to measure consent, stakeholder support and human right issues, and better explain how to define who are stakeholders.

### **3g Need for simplified auditing guidance**

One stakeholder suggested that following the final version of the Protocol, a simplified Auditing Guide should be created with checklists. The Protocol would be used as detailed guidelines and the Auditing Guide as a more practical tool.

### **3h Need for practical examples on application**

To help users of the protocol, it was recommended that examples be developed that (i) detail the step-by-step implementation of the protocol and (ii) present a final report detailing an auditor's findings. This would help to show what the "end game" is for those who have never considered such a process before. A number of stakeholders also argued for more case studies/practical examples to guide assessors when scoring.

### **3i Need to clarify purpose of guidance notes (educational or auditing tool)**

One stakeholder noted clarify is needed on whether the guidance notes are having an educational purpose or are meant to be an auditing tool.

### **3j Exclude issues outside proponent's responsibilities**

It was felt that guidance notes should not include issues that are beyond the responsibility of the proponent.

### **3k Lack of guidance with regards to the necessary level of detail and confidentiality**

Stakeholder noted the level of detail required for the information provided should be explicitly outlined; confidentiality issues should also be addressed.

### **3l Recommendation to use international auditing standard (ISO 19011)**

As the Protocol is going to cover the global scale, it was recommended that it be based upon the internationally approved standard ISO 19011 (the standard for Quality and Environmental Management Systems Auditing) which reflects all aspects of auditing procedure and is extensively used worldwide.

## **TEXT FROM FORUM MEETING 8 DRAFT 2 MINUTES:**

*Issue 3.7.2 – Draft Protocol Introduction – remove standardised attributes.*

The Forum recognises that the systematic approach represented in the Draft Protocol which uses standard attributes was very helpful in the Protocol developmental process, but that retaining such an approach in the final protocol carries with it many practical problems.

*Mtg 8 Agreement 13: The Forum members agreed on the removal of standard attributes in the Protocol Introduction.*

*Issue 3.7.10 – Aspect-specific guidance notes – target more clearly to auditing needs.*

*Mtg 8 Agreement 14: The Forum members agreed that auditing guidance notes will be tailored to the most likely users of the protocol, being those parties undertaking the assessment and the representatives of the project being assessed.*

*Mtg 8 Action 6: The Forum Coordinator to ensure opportunities in the forward work plan for Forum members to discuss guidance notes.*