

HSAF Webinar Meeting 3 – 2nd March 2010

Final Minutes

Webinar 3 Meeting Dates and Times

Monday 1 March 10 pm – Boulder, USA (David Harrison)

Monday 1 March 11 pm – Chicago, USA (Refaat Abdel-Malek)

Tuesday 2 March 12 midnight – Washington DC, USA (Daryl Fields), New York, USA (Courtney Lowrance), Boston (Donal O’Leary)

Tuesday 2 March 2 am – Brazil (Richard Taylor)

Tuesday 2 March 5 am – UK (André Abadie, Kristin Schumann), Iceland (Gudni Johanneson)

Tuesday 2 March 6 am – Norway (Geir Hermansen), Germany (Joerg Hartmann, Kirsten Nyman)

Tuesday 2 March 7 am - Zambia (Israel Phiri)

Tuesday 2 March 1 pm – China (Zhou Shichun, Yu Xuezhong)

Tuesday 2 March 4 pm – Hobart & Melbourne Australia (Andrew Scanlon, Michael Simon, Helen Locher)

AGENDA ITEM 1 – OPENING

Present: Forum Members/Alternates - Refaat Abdel-Malek (IHA), Daryl Fields (World Bank), David Harrison (TNC), Joerg Hartmann (WWF), Gudni Johanneson (Iceland), Kirsten Nyman (Germany), Donal O’Leary (Transparency International), Andrew Scanlon (Hydro Tasmania), Michael Simon (Oxfam) – *part of meeting only*, Richard Taylor (IHA), Gwen Terras (Equator Banks)
Meeting Chair - André Abadie
Coordination Team – Helen Locher (Forum Coordinator), Kristin Schumann (IHA)

Apologies: Forum Members – Geir Hermansen (Norway), Israel Phiri (Zambia), Zhou Shichun (China), Yu Xuezhong (China)

The Forum members reviewed and agreed on the meeting agenda provided as Meeting Paper 1.

AGENDA ITEM 2 – MINUTES FROM FORUM MEETING 8

The Forum members focussed on meeting paper 2, which was a second draft of the minutes from Forum Meeting 8.

Webinar 3 Agreement 1: *The Forum members agreed to accept the Draft2 minutes for Forum Meeting 8 as final.*

AGENDA ITEM 3 – ISSUES ARISING FROM FORUM MEETING 8

A number of issues were unable to be resolved during Forum Meeting 8, and the minutes contain actions for the Forum members to further discuss particular items. A number of these were listed in the webinar meeting paper 3, Proposals on Issues Arising from Forum Meeting 8.

3.1 Update of March 2009 Diagram

An action from Forum Meeting 8 was for the Forum Coordinator to ensure opportunities in the forward work plan for Forum members to clarify a unified view on Forum member expectations and ambitions for its work, expressed in a variation to Figure 1 in the Minutes to Forum Meeting 8. Figure 1 was a slide from Forum Meeting 6 that reflected that there was a diversity of expectations and ambitions by Forum members about the Forum process and outcomes.

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Webinar 3 Agreement 2: *The Forum members agreed that Figure 1 reflects a unified view of the work being undertaken by the Forum.*

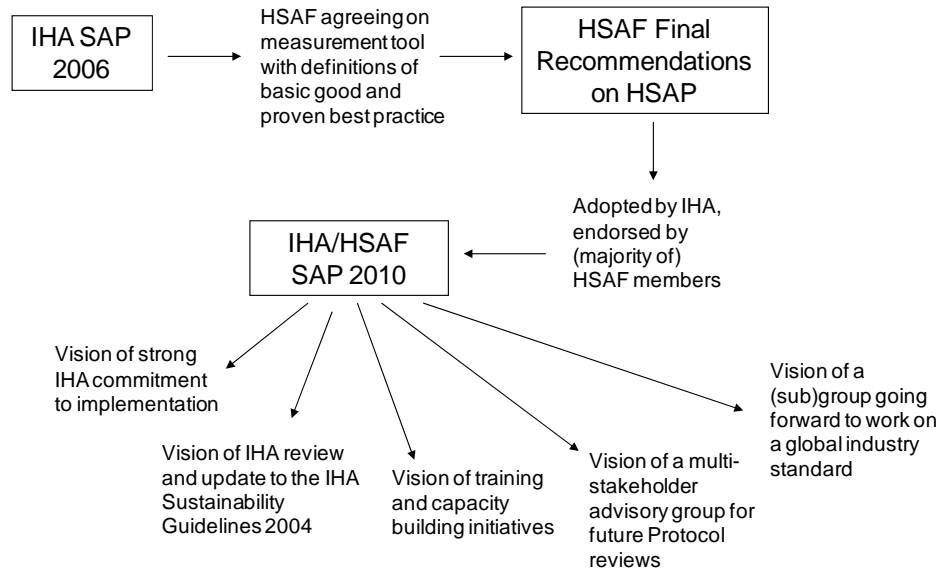


Figure 1 – Unified View by Forum Members of the Forum Process and Outcomes

3.2 Definition of proven best practice

At Forum Meeting 8, the Forum members discussed whether a score of 5 is just about hydropower, or about sustainability in a broader context across industries. The proposed definition for 5 is proven best practice on a particular sustainability issue that is demonstrable in multiple country contexts, but it was not agreed whether this was to be demonstrable in hydropower and/or relevant industries.

The Forum members felt that Clause 2 of the Memorandum of Understanding had some bearing on this discussion:

2. The Forum will also investigate mechanisms and incentives that would encourage good sustainability performance and give recognition to better practice. Input for this work will include reference to experience from previous processes relating to hydropower and dams, and the development of standards in other industry sectors.

At Webinar 3, the Forum members discussed adopting one of two options for the definition of a score of 5:

- Option 1: A score of 5 is an expression of proven best practice on a particular sustainability issues, demonstrable in multiple country contexts within the hydropower industry.
- Option 2: A score of 5 is an expression of proven best practice on a particular sustainability issues, demonstrable in multiple country contexts within the hydropower and other comparable industries.

Most of the Forum members favoured option 2, which they felt was consistent with the MoU, with the understanding that they had on the work they were doing by joining the Forum, and that it reflects how the Forum has worked in practice by different members bringing knowledge they have gained from experiences with other sectors. It was recognized that no formal research was undertaken by the Forum with respect to practices in comparable industries, but the banks noted that they have brought input from performance standards and safeguards policies that cut

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across industries. The argument in favor of Option 1 was that the industry reference group are very concerned about the Protocol introducing criteria to achieve the 5 score beyond the practical ability of the best achievers in the industry. If the Protocol uses Option 1, the criteria are established within what was achieved in practical terms and demonstrable in multiple country contexts in hydropower projects; on the other hand if option 2 is used, experiences outside the hydropower industry are used to establish the bench mark for a score of 5 which then will present a challenge for the industry to satisfy beyond any demonstrable experience within the hydropower industry.

In the absence of a consensus on either option, the default is to go with the definition that is common to both options, being “A score of 5 is an expression of proven best practice on a particular sustainability issue demonstrable in multiple country contexts”.

Webinar 3 Action 1: *The Forum Coordinator to see whether there is some potential to find consensus on a definition of a score of 5 that clarifies what best practice is with respect to, and to bring a proposal back to the Forum.*

3.3 Response to Issues in Consultation Outcomes Report

At Forum Meeting 8, the Forum members were able to review a number of the issues arising from the HSAF Phase 2 Consultation Outcomes Report but not all due to time constraints. It was felt that a formal response to Consultation Outcomes Report was not an immediate priority, but should be done to be provided with the Meeting 9 papers so that the Forum can show how issues were addressed in the Final Draft. The Forum members recognize the time constraints in having a formal discussion of all issues arising, and agreed that this should be attempted by email correspondence.

Webinar 3 Action 2: *The Forum Coordinator to draft responses to the issues raised in the HSAF Phase 2 Consultation Outcomes Report, and circulate for Forum member review.*

3.4 Relationship between Protocol and National Requirements

There was discussion but no resolution at Forum Meeting 8 about how the Protocol scoring statements relate to national requirements, and this discussion was resumed at Webinar 3. It was recognized that national requirements may be more or less stringent than the statements of 3 in the Protocol. The Forum members felt that compliance with national requirements is expected at a minimum as basic good practice, but they did not feel that this should automatically merit a score of 3 if national legislation was less stringent. Where an explicit conflict is identified in an assessment, it was felt that this should be recorded by the assessor and discussed, however this was not fully resolved within the webinar discussion and will need to be revisited.

Webinar 3 Action 3: *The Forum Coordinator to draft text for the Introduction to the Protocol about the relationship of the Protocol statements to national requirements, for review and further discussion by Forum members.*

3.5 Scoring of Non-Relevant Aspects

At Forum Meeting 8, the Forum members discussed but did not resolve how to score non-relevant aspects.

Webinar 3 Agreement 3: *The Forum members agreed that active avoidance of a negative impact should be rewarded with a high score, as distinct from recording an issue as not relevant because it is not an issue in the region of the hydropower project. In either*

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case, evidence of active avoidance or non-relevance is required to determine how it will be treated.

3.6 Presentation of Results

Webinar 3 Action 4: *The Forum Coordinator to develop a proposal for presentation of results for discussion at Webinar 4.*

3.7 Follow up to Forum Meeting 9

Webinar 3 Action 5: *The Forum Coordinator to ensure that discussion of Forum Meeting 9 follow up is on the agenda for discussion at Webinar 4.*

AGENDA ITEM 4 – HSAP SECTION II OUTLINE DOCUMENT

Meeting paper 4 was the HSAP Section II Outline Document, which had been circulated to Forum members for review by themselves and their reference groups on Monday 22nd February 2010. A general impression was that the work of the Forum is heading in the right direction and we are making good progress. Areas requiring particular attention identified in the very time-constrained webinar discussion included:

- Better clarification and separation between 3 and 5 scores, to assist in the ability to then spell out statements for 1, 2 and 4 scores.
- Need for statements to be evidence-oriented.
- Still some redundancy issues to be sorted out.
- Order of topics – suggestion to bring environmental and social impact assessment and management planning earlier.
- Work on definitions, e.g. directly versus indirectly affected stakeholders, adaptive management.
- How to manage loss of content by going with a leaner and more efficient document, with a proposal to produce a brief but more educationally-oriented appendix drawing from the Draft Protocol guidance notes and other sources of input already provided through the Forum process.
- Management of land acquisition and economic displacement between the Project Affected Communities & Livelihoods and the Resettlement topics.
- Work on Procurement and Governance topics.

This list was indicative and by no means comprehensive. Forum members advised that they are still reviewing and hearing from their reference groups.

Webinar 3 Action 6: *All Forum members to provide written comments on the Section II Outline Document to the Forum Coordinator, copied to all Forum members, by Friday 5th March 2010; if this date cannot be achieved to discuss with the Forum Coordinator when the comments can be submitted.*

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AGENDA ITEM 5 – HIGH PROFILE / CROSS-CUTTING ISSUES AND GUIDANCE NOTES

Webinar 3 Agreement 4: *The Forum members agreed on the following approaches to high profile/cross-cutting issues and guidance notes for the expanded Section II document, at which point they can be reviewed and evaluated:*

- High profile and cross-cutting issues will be indicated at the bottom of each topic page;
- Guidance notes on the topic pages will be limited to those required to clarify how to assign a score;
- More educational but brief guidance notes will be placed in an Appendix at the back of the Protocol, which includes high profile and cross-cutting issues.

Webinar 3 Action 7: *The Forum Coordinator to go through the comments relating to guidance in the trialling and consultation outcomes reports, and endeavour to address these in the expanded Section II document.*

AGENDA ITEM 6 – HSAP SECTIONS III AND IV

The Forum members discussed the following possible revisions to the Section III topics to align them with the topics in the Section II Outline Document:

DRAFT PROTOCOL SECTION III TOPICS:

POSSIBLE REVISIONS AS PER SECTION II:

III-1	River Basin & Transboundary Issues	—————>	Consultation and Communications
III-2	Economic Viability incl. Additional Benefits	—————>	Transboundary Rivers
III-3	Financial Viability	-----	Economic Viability
III-4	Public Sector Governance	—————>	Financial Viability
III-5	Corporate Governance	—————>	Governance
III-6	Regulatory Approvals	-----	
III-7	Integrated Project Mgmt & Communications	—————>	Integrated Project Management
III-8	Construction Management	—————>	
III-9	Procurement	-----	Procurement
III-10	Social Mgmt Plan	—————>	Environmental & Social Issues Management
III-11	Project Affected Communities	—————>	Project Affected Communities & Livelihoods
III-12	Indigenous Peoples	-----	Indigenous Peoples
III-13	Resettlement & Land Acquisition	—————>	Resettlement
III-14	Benefit Sharing	—————>	Project Benefits
III-15	Labour & Working Conditions	-----	Labour & Working Conditions
III-16	Cultural Heritage	-----	Cultural Heritage
III-17	Public Health	-----	Public Health
III-18	Asset & Community Safety	—————>	Infrastructure Safety
III-19	Environmental Mgmt Plan	-----	
III-20	Catchment Management	—————>	Land & Catchment Management
III-21	Reservoir Management	-----	Reservoir Management
III-22	Environmental Flows & Downstream Sustainability	—————>	Downstream Flow Regimes
III-23	Biodiversity & Invasive Species	-----	Biodiversity & Invasive Species
III-24	Erosion & Sedimentation	-----	Erosion & Sedimentation
III-25	Water Quality	-----	Water Quality
III-26	Waste, Noise & Air Quality	-----	Waste, Noise & Air Quality

(23 topics)

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Webinar 3 Agreement 5: *The list of Section III topics which the Forum will work with in creating its Section III Outline document are as follows:*

Consultation & Communications	Labour & Working Conditions
Transboundary Rivers	Cultural Heritage
Financial Viability	Public Health
Economic Viability	Infrastructure Safety
Governance	Land & Catchment Management
Integrated Project Management	Reservoir Management
Procurement	Downstream Flow Regimes
Environmental & Social Issues Management	Biodiversity & Invasive Species
Project Affected Communities & Livelihoods	Erosion & Sedimentation
Indigenous Peoples	Water Quality
Resettlement	Waste, Noise & Air Quality
Project Benefits	

The Forum members discussed the following possible revisions to the Section IV topics to align them with the topics in the Section II Outline Document:

DRAFT PROTOCOL SECTION IV TOPICS:

POSSIBLE REVISIONS AS PER SECTION II:

	—————>	Consultation and Communications
IV-1	River Basin & Transboundary Issues —————>	Transboundary Rivers
IV-2	Hydrological Resource Availability & Mgmt —————>	Hydrological Resource
IV-3	Economic Viability incl. Additional Benefits —————>	Economic Viability
IV-4	Financial Viability-----	Financial Viability
IV-5	Corporate Governance —————>	Governance
IV-6	Procurement -----	Procurement
IV-7	Markets, Innovation & Research -----	Markets, Innovation & Research
IV-8	Asset Reliability & Efficiency -----	Asset Reliability & Efficiency
IV-9	Social Mgmt Plan —————>	Environmental & Social Issues Management
IV-10	Project Affected Communities—————>	Project Affected Communities & Livelihoods
IV-11	Indigenous Peoples-----	Indigenous Peoples
IV-12	Benefit Sharing —————>	Project Benefits
IV-13	Labour & Working Conditions-----	Labour & Working Conditions
IV-14	Cultural Heritage -----	Cultural Heritage
IV-15	Public Health-----	Public Health
IV-16	Asset & Community Safety —————>	Infrastructure Safety
IV-17	Environmental Mgmt Plan	
IV-18	Catchment Management—————>	Land & Catchment Management
IV-19	Reservoir Management -----	Reservoir Management
IV-20	Environmental Flows & Downstream Sustainability>	Downstream Flow Regimes
IV-21	Biodiversity & Invasive Species -----	Biodiversity & Invasive Species
IV-22	Erosion & Sedimentation-----	Erosion & Sedimentation
IV-23	Water Quality -----	Water Quality

(23 topics)

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Webinar 3 Agreement 6: *The list of Section IV topics which the Forum will work with in creating its Section IV Outline document are as follows:*

Consultation & Communications	Resettlement
Transboundary Rivers	Project Benefits
Hydrological Resource	Labour & Working Conditions
Financial Viability	Cultural Heritage
Economic Viability	Public Health
Governance	Infrastructure Safety
Procurement	Land & Catchment Management
Markets, Innovation & Research	Reservoir Management
Asset Reliability & Efficiency	Downstream Flow Regimes
Environmental & Social Issues Management	Biodiversity & Invasive Species
Project Affected Communities & Livelihoods	Erosion & Sedimentation
Indigenous Peoples	Water Quality

AGENDA ITEM 7 – HSAP SECTION I CONCEPT NOTE

The Forum members discussed meeting paper 7, which was the HSAP Section I Concept Note developed by a sub-group of the Forum. The recommendations of this working group were:

- Retain Section I – Strategic Assessments in a four section Protocol.
- The purpose of Section I is to assess the strategic basis for a hydropower project. This section of the Protocol can be used prior to and to inform the decision that there is a strategic basis to move forward with project preparation.
- The focus of Section I is on the assessment of the fit of a potential hydropower project within the strategic environment.
- The target users for Section I are developers to assess risks and opportunities at the early project identification stage, to define the need to develop management responses in the case of a weak contextual environment, and to inform the decision whether to proceed with project preparation. Section I should be designed to be used at the point at which a decision is made to proceed with project preparation; then any earlier stage use of Section I will inform what measures need to still be undertaken or advanced to inform this decision.
- The same Section I topics as in the Draft Protocol will be used for development of a Section I Outline Document, at which point they can be re-evaluated.
- A 5 point scoring approach will be retained for Section I, and a Section I Outline Document will present draft statements of 3 and 5, at which point the 5 point scoring approach can be re-evaluated.

Discussion points around these recommendations included concerns about whether it would be used, whether a five point scoring scale would be workable for such an early stage assessment, and the need to be clear that industry should not be obliged to make such an assessment public. Other points were raised with respect to the interest and experience of M-Power trialling Section I in the Mekong region – these were that governments were showing an interest to undertake Section I assessments as per the Draft Protocol which would not be met with the direction proposed in the Section I Concept Note; and how to communicate to stakeholders such as AusAid and M-Power who have invested in the Draft Protocol Section I that we are proposing it goes in quite a different direction. The Forum members recognised that this proposed change for Section I is one of the biggest changes being proposed by the Forum. It was discussed that the change reflects the reality that the Forum cannot cover every need for assessment, that the Protocol may not be the best approach for assessing governments, and that others can carry on with endeavours in the contextual space that the HSAP is not able to address.

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Webinar 3 Agreement 7: *The Forum members agreed to the recommendations in the Section I Concept Note.*

AGENDA ITEM 8 – HSAF FORWARD SCHEDULE

Forum members noted the key milestones and dates set out in meeting paper 8 on the HSAF Forward Work Schedule:

- *Week 15/3 – Circulate expanded Section II; and outline documents for Sections I, III and IV*
- *Week 22/3 - Reference Group Meetings to review I, II, III, IV material to date*
- *Week 29/3 – Webinar 4*
- *Week 5/4 – Easter Week*
- *Week 12/4 – Next-to final drafts of Sections I, II, III, IV*
- *Week 19/4 – Auditor review, prepare final drafts for Forum Mtg 9 papers*
- *Week 26/4 – Mtg papers distributed for Forum Mtg 9, Forum member review*
- *Week 3/5 – Forum Mtg 9 (3-6 May 2010, Vientiane, Laos)*
- *Week 10/5 – Drafting of Forum Mtg 9 minutes*
- *Week 17/5 – Forum Mtg 9 Minutes Draft 1 reviewed by Forum members*

WEBINAR 4:

Webinar 3 Agreement 8: *The Forum members agreed to Wednesday 31st March 2010 for the date for Webinar 4, with the following times scheduled for the different Forum members:*

5 am – Boulder, USA (David Harrison)

6 am – Chicago, USA (Refaat Abdel-Malek)

7 am – Washington DC & New York, USA (Daryl Fields, Donal O’Leary, Courtney Lowrance)

11 am – Iceland (Gudni Johannesson)

12 noon – UK (Kristin Schumann, Richard Taylor, André Abadie)

1 pm – Norway (Geir Hermansen), Germany (Joerg Hartmann, Kirsten Nyman), Zambia (Israel Phiri)

7 pm – China (Zhou Shichun, Yu Xuezhong)

10 pm – Hobart & Melbourne Australia (Helen Locher, Andrew Scanlon, Michael Simon)

FORUM MEETING 9:

Forum members noted the following schedule being discussed for Forum Meeting 9:

Wed 28/4	Proposed date for Forum member/regional stakeholder meetings (e.g. MRC, WWF, M-Power)
Thu 29/4	AM – alternative or additional time slot for stakeholder meetings; PM - Forum members travel Vientiane to NT2 by coach
Fri 30/4	Forum member site tour of NT2
Sat 1/5	Forum member site tour of NT2, probably return afternoon or evening back to Vientiane, to be clarified
Sun 2/5	Free day; opportunity for Forum member pre-meeting discussions in Vientiane
Mon 3/5	Day 1 Forum Mtg 9
Tue 4/5	Day 2 Forum Mtg 9
Wed 5/5	Day 3 Forum Mtg 9
Thu 6/5	Day 4 Forum Mtg 9; Forum-IHA Board dinner
Fri 7/5	IHA Board Meeting

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Forum members discussed the option of commencing Forum Meeting 9 on Sunday 2nd May so that there was the potential for a 5th meeting day; this was no consensus to do so, and it was agreed the Sunday could be used for informal planning and preparatory meetings. Attendance by alternates was also discussed, and agreed not to include them because relationships with the alternates were not well developed, they would not have been party to previous discussions which would make meeting dynamics and ability to reach agreements slower and potentially more difficult; and there was no clear case for their inclusion that would justify the additional expense. Forum members recognised that Richard Taylor representing the IHA Central Office would provide a double-benefit of an IHA alternate being in attendance and closer ties with the IHA Reference Group, given that the Forum is aiming for IHA adoption.

Webinar 3 Agreement 9: *The Forum members agreed that alternates would not be included in addition to members at Forum Meeting 9, but that Richard Taylor as the representative of the IHA Central Office would be welcome.*

Webinar 3 Action 8: *All Forum members to indicate to the Forum Coordinator by Friday 5th March 2010 their interest and availability to attend the planned study tour of Nam Theun II as well as the stakeholder meetings proposed for the previous day.*

Webinar 3 closed at 7:30 am UK time.

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SUMMARY OF AGREEMENTS

Webinar 3 Agreement 1: *The Forum members agreed to accept the Draft2 minutes for Forum Meeting 8 as final.*

Webinar 3 Agreement 2: *The Forum members agreed that Figure 1 reflects a unified view of the work being undertaken by the Forum.*

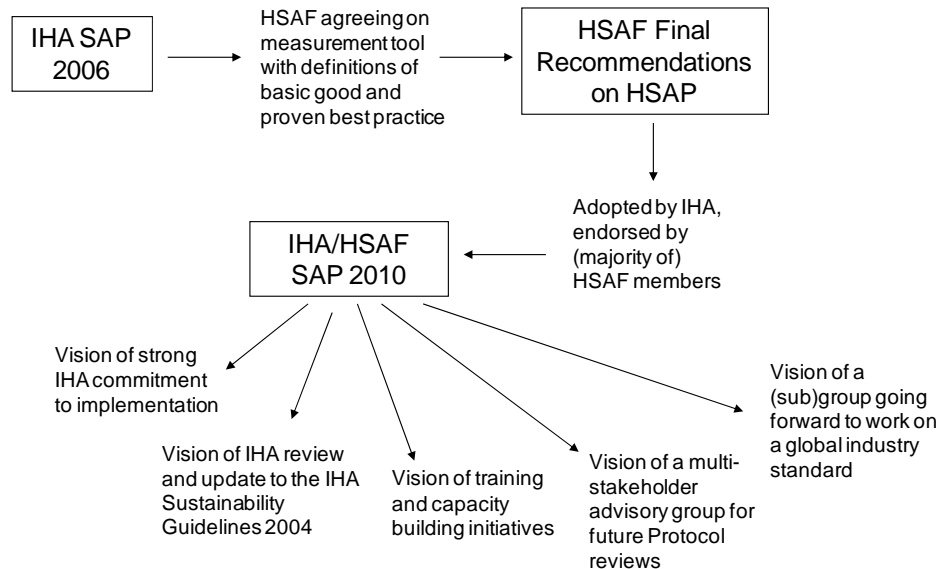


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Resettlement	
Project Benefits	
Labour & Working Conditions	

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SUMMARY OF ACTIONS

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- Webinar 3 Action 2:** *The Forum Coordinator to draft responses to the issues raised in the HSAF Phase 2 Consultation Outcomes Report, and circulate for Forum member review.*
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- Webinar 3 Action 4:** *The Forum Coordinator to develop a proposal for presentation of results for discussion at Webinar 4.*
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- Webinar 3 Action 6:** *All Forum members to provide written comments on the Section II Outline Document to the Forum Coordinator, copied to all Forum members, by Friday 5th March 2010; if this date cannot be achieved to discuss with the Forum Coordinator when the comments can be submitted.*
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