

HSAF Webinar Meeting 6 – July & August 2010

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Webinar 6 Meeting Dates and Times

Webinar 6 was in four installments on the following dates:

- Webinar 6a – 15th July 2010
- Webinar 6b – 25th July 2010
- Webinar 6c – 3rd August 2010
- Webinar 6d – 5th August 2010

In all cases, the webinars commenced at 12 noon UK time. Commencement times for Forum members varied between engagements due to daylight savings, Forum member availability, and where they were on the day, but an indicative listing is as follows:

5 am – Boulder, USA (David Harrison)

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

7 am – Washington, DC, USA (Daryl Fields); New York, USA (Courtney Lowrance)

11 am – Iceland (Gudni Johannesson)

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

1 pm – Germany (Joerg Hartmann, Kirsten Nyman); Norway (Geir Hermansen); Zambia (Israel Phiri); Italy (Donal O’Leary)

7 pm – China (Zhou Shichun, Yu Xuezhong)

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

Webinar 6 Agenda (based on UK times)

The following shows the Webinar 6 agenda that was distributed as Meeting Paper 1. In the webinar discussions, the order of these agenda items were changed, and some items were discussed in part in one webinar engagement and later discussed at another webinar engagement. These minutes will provide a record of the webinar proceedings using these agenda item numbers, with all discussion on that agenda item consolidated in these minutes even if the discussion were dispersed across several separate engagements. In these minutes, the agenda items are listed in which they were dealt with in Webinar 6a, 6b, 6c and 6d, which means that Agenda Item 3 is presented after Agenda Item 7.

Connections 11:45 – 12:00

Item 1	12:00 – 12:15	Confirmation of Agenda and Meeting Objectives
Item 2	12:15 – 12:20	Minutes and Actions from Previous Meetings
Item 3	12:20 – 12:50	HSAP Draft3 Final Background Document
Item 4	12:50 – 13:05	HSAP Draft3 Final Early Stage Assessment Tool
Item 5	13:05 – 13:35	HSAP Draft3 Final Preparation Assessment Tool
Item 6	13:35 – 13:50	HSAP Draft3 Final Implementation Assessment Tool
Item 7	13:50 – 14:05	HSAP Draft3 Final Operation Assessment Tool
Item 8	14:05 – 14:20	Forum Knowledge Base
Item 9	14:20 – 14:40	Next Steps
Item 10	14:40 – 14:50	Other Issues
Item 11	14:50 – 15:00	Consolidation of Further Actions

Meeting close 15:00

AGENDA ITEM 1 – CONFIRMATION OF AGENDA AND MEETING OBJECTIVES

Under this agenda item, for each of the four Webinar 6 engagements, was the confirmation of the agenda and meeting objectives for that particular engagement, plus a recording of attendees.

The primary purpose of Webinar 6 was to reach agreement on any issues with the proposed HSAP Draft3 Final documents distributed 28th June 2010. The HSAP Draft2 Final documents had been distributed to Forum members post Forum Meeting 9 (28th May 2010) for review and discussion with reference groups. A number of proposed edits had come back from reference groups and

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been incorporated into the HSAP Draft3 Final documents, which was the primary focus of this webinar.

Reordering of the discussion for the different agenda items was proposed. The four assessment tools were discussed prior to the Background Document (previously named Introduction), so that agenda item 3 is presented after agenda item 7 in these minutes. There was some discussion of rearranging or consolidating the last three agenda items (9, 10 and 11), but in practice none of these was addressed in Webinar 6.

The attendance at the four engagements was as follows:

Webinar 6a – 15th July 2010 (duration 3 hours)

Present: André Abadie (Forum Chair), Refaat Abdel-Malek (IHA), Daryl Fields (World Bank), Michael Fink (IHA), David Harrison (TNC), Joerg Hartmann (WWF), Gudni Johanneson (Iceland), Helen Locher (IHA Forum Coordinator), Courtney Lowrance (Equator Banks), Kirsten Nyman (Germany), Donal O’Leary (Transparency International), Israel Phiri (Zambia), Andrew Scanlon (Hydro Tasmania), Kristin Schumann (IHA), Michael Simon (Oxfam), Richard Taylor (IHA)

Apologies: Geir Hermansen (Norway), Zhou Shichun (China), Yu Xuezhong (China)

Webinar 6b – 25th July 2010 (duration 4 hours)

Present: Refaat Abdel-Malek (IHA), Michael Fink (IHA), David Harrison (TNC), Joerg Hartmann (WWF), Helen Locher (IHA Forum Coordinator, and chairperson for webinar 6b), Courtney Lowrance (Equator Banks), Kirsten Nyman (Germany), Donal O’Leary (Transparency International), Andrew Scanlon (Hydro Tasmania), Kristin Schumann (IHA), Michael Simon (Oxfam), Richard Taylor (IHA), Yu Xuezhong (China)

Apologies: André Abadie (Forum Chair), Daryl Fields (World Bank), Geir Hermansen (Norway), Gudni Johanneson (Iceland), Israel Phiri (Zambia), Zhou Shichun (China)

Webinar 6c – 3rd August 2010 (duration 4 hours)

Present: Refaat Abdel-Malek (IHA), Michael Fink (IHA), David Harrison (TNC), Joerg Hartmann (WWF), Helen Locher (IHA Forum Coordinator, and chairperson for webinar 6c), Kirsten Nyman (Germany), Donal O’Leary (Transparency International), Andrew Scanlon (Hydro Tasmania), Kristin Schumann (IHA), Michael Simon (Oxfam), Richard Taylor (IHA), Gwen Terras (Equator Banks)

Apologies: André Abadie (Forum Chair), Daryl Fields (World Bank), Geir Hermansen (Norway), Gudni Johanneson (Iceland), Israel Phiri (Zambia), Zhou Shichun (China), Yu Xuezhong (China)

Webinar 6d – 3rd August 2010 (duration 4 hours)

Present: Refaat Abdel-Malek (IHA), Michael Fink (IHA), Joerg Hartmann (WWF), Helen Locher (IHA Forum Coordinator, and chairperson for webinar 6d), Kirsten Nyman (Germany), Donal O’Leary (Transparency International), Andrew Scanlon (Hydro Tasmania), Kristin Schumann (IHA), Michael Simon (Oxfam), Richard Taylor (IHA), Gwen Terras (Equator Banks)

Apologies: André Abadie (Forum Chair), Daryl Fields (World Bank), David Harrison (TNC), Geir Hermansen (Norway), Gudni Johanneson (Iceland), Israel Phiri (Zambia), Zhou Shichun (China), Yu Xuezhong (China)

AGENDA ITEM 2 – MINUTES AND ACTIONS FROM PREVIOUS MEETINGS

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The minutes from Meeting 9 and Webinar 5 were provided as Webinar 6 Papers 2a and 2b but were not discussed, as they had already been accepted as final by agreement of Forum members out of session.

The status of actions from previous Forum meetings and webinars was provided as Webinar 6 Paper 2c. This paper lists those actions that were not listed as complete in the Forum Meeting 9 Paper 2d on Status of Actions, plus the status of actions arising from Forum Meeting 9 and from Webinar 5 (held post- Forum Meeting 9). As a summary for consideration at Forum Webinar 6, actions from this status report that remain incomplete as of Forum Webinar 6 were listed on the cover page, and it was noted where they would be discussed in the Webinar 6 agenda.

AGENDA ITEM 4 – HSAP DRAFT3 FINAL EARLY STAGE ASSESSMENT TOOL

There were five points of discussion with the Early Stage assessment tool.

Overview of the Early Stage Assessment Tool, in paragraph 4: Transparency International had requested modification to the proposed text to recognise that a highly competitive energy market may not be realised in some parts of the world for a long time. An agreed modification to the text is provided in Attachment 1 to these minutes.

ES-2 Options Assessment, under Basic Expectations: IHA requested clarification on what is meant under the Assessment criterion by “a range of alternatives”. This was text that had been proposed by TNC to be inserted at the end of the Assessment criterion statement. An agreed modification to the ES-2 text is provided in Attachment 1 to these minutes.

ES-4 Political Risks, under the Assessment Guidance: Transparency International requested an insertion to the Transboundary Issues assessment guidance note. The agreed insertion of text in the ES-4 assessment guidance is provided in Attachment 1 to these minutes.

ES-8 Environmental Issues & Risks, under Advanced Expectations: IHA requested a wording change for increased clarification. An agreed modification to the ES-4 text is provided in Attachment 1 to these minutes.

ES-9 Economic & Financial Issues & Risks: Transparency International requested retaining reference that was in the HSAP Draft2 Final about the project being commercially viable. Discussion points included that there are a range of potentially non-commercial projects, especially multi-purpose where hydropower generation might not be the main purpose, which may still be financially viable. The Equator Banks noted that they see very few multi-purpose projects that are commercially viable on the strength of the hydropower generation alone, and that often the hydropower supports another use. It was felt that financially viable was the important point, that the project must make financial sense. Agreed modifications to the intent statement, the Outcomes criterion, and the Assessment Guidance for ES-9 are provided in Attachment 1 to these minutes.

AGENDA ITEM 5 – HSAP DRAFT3 FINAL PREPARATION ASSESSMENT TOOL

P-1 Communications & Consultation: The Equator Banks requested to talk about incorporation of “good faith negotiations” into the Protocol. The Equator Banks had earlier proposed to incorporate good faith negotiations in P-13 and P-14 in the Level 3 Management criterion. There was a strong interest by Forum members to incorporate good faith negotiations in a logical way that fits the Protocol structure, without throwing the Protocol grading approach out of kilter and requiring a major recalibration. A discussion point was the ability to assess willingness to engage, which was a component of the definition of good faith negotiations provided by the Equator Banks. Another point of discussion was around the relationship of good faith negotiations to agreements; the Equator Banks felt it to be important that agreements are reached through good faith negotiations, and they saw that records of public consultation and public hearing resolutions fit in with this. The proposed way forward was to incorporate good faith negotiations only in P-1, I-1 and O-1 so that it is a cross-project consideration and there is no need to select topics in which it is in

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or out. The agreement was to introduce “good faith engagement” at Level 3 and “good faith negotiation” at Level 5, with associated guidance notes for both, so that it fits most smoothly with the Protocol’s gradational approach. The agreed modifications to the P-1 text are provided in Attachment 1 to these minutes.

P-2 Governance: Transparency International requested inclusion of reference to transboundary issues in this topic, to which the Forum members agreed. It was noted by the World Bank that a World Bank requirement is for riparian notifications with respect to transboundary projects, and that this requirement is not at present in the Protocol. The agreed modifications to the P-2 text are provided in Attachment 1 to these minutes.

P-5 Environmental & Social Impact Assessment & Management: A number of proposals were discussed. Many of these were to provide clarifications to earlier editing additions proposed by the Equator Banks, mostly through additions and refinements to the assessment guidance notes. The World Bank requested greater emphasis on internal capacity building in the scoring statement for the Management criterion and for an associated assessment guidance note; this was in response to the World Bank experience that gaps in the internal capacity of the developer to understand and address social and environmental issues was a significant problem that they face. Wording was proposed that was careful not to imply that every project in the world needs its own in-house specialist expertise in all disciplines. Additionally, modifications were agreed to the outcomes statements with respect to avoid, minimize, mitigate and compensate to bring this topic into alignment with agreements made on P17 Cultural Heritage and P-19 Biodiversity & Invasive Species (see notes below under P-17). The agreed modifications to the P-5 text are provided in Attachment 1 to these minutes.

P-6 Integrated Project Management: Modifications were agreed to the outcomes statements with respect to avoid, minimize, mitigate and compensate to bring this topic into alignment with agreements made on P17 Cultural Heritage and P-19 Biodiversity & Invasive Species. The agreed modifications to the P-6 text are provided in Attachment 1 to these minutes.

P-8 Infrastructure Safety: IHA requested inclusion of an assessment guidance note on communication of public safety measures, which was agreed. A modification was agreed to the Level 3 outcomes statement with respect to avoid, minimize, mitigate and compensate to bring this topic into alignment with agreements made on P17 Cultural Heritage and P-19 Biodiversity & Invasive Species. The agreed modifications to the P-8 text are provided in Attachment 1 to these minutes.

P-9 Financial Viability: Transparency International requested that reference in the previous draft about the project being commercially viable was retained. This was the same issue discussed under ES-9 Economic & Financial Issues & Risks in the Early Stage assessment tool. Agreed modifications to the Level 3 Outcomes statement and the Assessment Guidance in P-9 are provided in Attachment 1 to these minutes.

P-10 Project Benefits: Transparency International requested clarification on what types of project benefits might have a high degree of commercial sensitivity. IHA advised as an example that there may be social unrest created around who does and does not receive social benefits. It was not felt that this was a commercial reason for non-disclosure, and it was agreed to delete this assessment guidance note. This deletion can be seen in Attachment 1 to these minutes.

P-11 Economic Viability: Transparency International requested reinsertion of previous language that had referred to rate of return, plus the associated assessment guidance note. The previous Outcomes statement had read “From an economic perspective, the project shows a high rate of return compared to other energy sector investment options in the economy”. An issue had been that the Outcomes statements was not consistent with the Assessment statement that says the valuation can be in either qualitative or quantitative dimensions; rate of return for outcomes forces the analysis to only be quantitative. The agreed way forward was to retain text presently shown in the Outcomes statement referring to demonstration of net benefit, and provide a guidance note on “Demonstration of net benefit” that identifies rate of return as a potential indicator and then provides the explanation of rate of return. An additional agreement was, under the Stakeholder

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Engagement criterion, to move the statement “the results of the economic viability analysis are publicly disclosed” to Level 3 because this was effectively saying the same thing as the outcomes statement about net benefit is demonstrated; Level 5 would then be disclosure of the economic viability analysis. Agreed modifications to the P-11 text are provided in Attachment 1 to these minutes.

P-12 Procurement: Transparency International requested clarification on reasons for insertions of additional sentences to the “Procurement plans and processes” assessment guidance note, with concerns that it would weaken the requirement for a procurement plan. IHA advised that it was conscious of some country contexts (e.g. Brazil, Turkey) in which there might be turnkey projects, or planning done by a government agency and then the project put to auction, in which a project procurement plan may not be prepared by the developer at the end of the preparation stage. It was felt that commitment of the corporation was a safeguard in these circumstances, and if two of the sentences were linked it would ensure that the requirement for a procurement plan was not generally weakened. An agreed modification to the P-12 assessment guidance note is provided in Attachment 1 to these minutes.

P-13 Project Affected Communities & Livelihoods: IHA requested substitution of text for “in-kind” in the Level 3 Outcomes statement out of concerns that it would not translate well, and proposed an alternative formulation that was agreed. References to good faith negotiations were removed to be consistent with the agreement under P-1. There was some discussion around agreements, which in the end did not result in any edits to the existing text. Agreed modifications to the P-12 text are provided in Attachment 1 to these minutes. Oxfam requested that their lack of support for the text referring to stakeholder support at level 3 and level 5 is noted, as they feel support should be for the project and how issues of concern to project affected communities are addressed, rather than for plans.

P-14 Resettlement: The Equator Banks requested to insert “restored or” in front of “improved” in the statement of intent. This would have subsequent effects on the Level 3 Outcomes statement. It was noted that this was contrary to earlier agreements of the Forum, but it was recognised there may be practical problems with improving living standards for host communities if they are affluent urban communities. In the discussion it was raised that in the vast majority of cases the host communities would not be urban. The Forum recognised that there was some lack of alignment with some banks on emphasising improvement over restoration in the Protocol. In agreeing earlier on improvement, the Forum had accepted a point brought forward in Consultation Phase 1 that if restoration is aimed for then the consequence in many cases is at risk of being less than prior condition, whereas if improvement is aimed for no matter how marginal it has a higher chance of at least realising restoration. It was agreed not to proceed with insertion of “restored”. References to good faith negotiations were removed to be consistent with the agreement under P-1. Agreed modifications to the P-14 text are provided in Attachment 1 to these minutes. Oxfam requested that their lack of support for the text referring to stakeholder support at level 3 and level 5 is noted, as they feel support should be for the project and how issues of concern to resettlee and host communities are addressed, rather than for plans.

P-15 Indigenous Peoples: Forum members questioned the implications of a sentence in the “Indigenous peoples” assessment guidance note referring to individual countries having laws regarding indigenous peoples which must be complied with. IHA advised that in cases there are restrictions built into law on dialogue with indigenous peoples going through the appropriate government agency rather than the developer. The proposed way forward was to replace the sentence with more specific reference to the case cited. The agreed modification to the P-15 assessment guidance is provided in Attachment 1 to these minutes. Oxfam requested that their lack of support for the text referring to stakeholder support at level 3 and level 5 is noted, as they feel support should be for the project and how issues of concern to indigenous peoples are addressed, rather than for plans.

P-16 Labour & Working Conditions: IHA requested inclusion of an assessment guidance note with a definition of “intermediaries”. The Forum agreed to a definition used in the IFC Performance

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Standards. The agreed addition to the P-16 assessment guidance is provided in Attachment 1 to these minutes.

P-17 Cultural Heritage: The Forum discussed adjustment to the Outcomes criterion statements and assessment guidance to better reflect the concept of avoid, minimize, mitigate and compensate. This was in response to an earlier proposal from the Equator Banks to have “compensate” included in the Level 3 Outcomes statement for P-17 Cultural Heritage and P-19 Biodiversity & Invasive Species. The Equator Banks advised that the IFC Performance Standards refer to a mitigation hierarchy in which all impacts must be 1) avoided, 2) minimized, 3) restored, and 4) offset in that order. The Equator Banks was very uncomfortable with suggestions of using the word “or” instead of “and” in any string of words referring to this mitigation hierarchy. IHA were strongly concerned that a level of practicality is understood to be required with these words. It was noted that there was a qualification in the assessment guidance note saying “commensurate with the project’s risks and impacts”, and moving this to the scoring statement for greater emphasis was discussed but it made the sentence too unwieldy. The agreed approach involved edits to the Outcomes criterion statements, and development of an “avoid, minimize, mitigate, and compensate” assessment guidance note explaining the intent. This also required revisiting a number of other topics in the Protocol to ensure consistency of approach. The agreed modifications to the P-17 Outcomes statements and assessment guidance are provided in Attachment 1 to these minutes. IHA asked for its strong concerns about the need for a practical approach to be noted.

P-18 Public Health: Modifications were agreed to the Outcomes criterion statements with respect to avoid, minimize, mitigate and compensate to bring this topic into alignment with agreements made on P17 Cultural Heritage and P-19 Biodiversity & Invasive Species. The agreed modifications to the P-18 Outcomes statements, and addition of an assessment guidance note, are provided in Attachment 1 to these minutes.

P-19 Biodiversity & Invasive Species: As for P-17 Cultural Heritage, the Forum discussed adjustment to the Outcomes criterion statements and assessment guidance to better reflect the concept of avoid, minimize, mitigate and compensate. This was in response to the earlier proposal from the Equator Banks to have “compensate” included in the Level 3 Outcomes statement for P-17 Cultural Heritage and P-19 Biodiversity & Invasive Species. In the case of P-19, this also required consideration of how offsets were addressed. It was agreed not to list “offset” in the string of words in the mitigation hierarchy, because it is effectively the same as or a form of compensation. It was considered important to clarify that compensate does not have to be monetary. It was agreed to provide a guidance note on “compensate”, and a definition of offsets within this that is taken from the IFC Performance Standards. The agreed modifications to the P-19 Outcomes statements and assessment guidance are provided in Attachment 1 to these minutes.

P-20 Erosion & Sedimentation: Modifications were agreed to the Outcomes criterion statements with respect to avoid, minimize, mitigate and compensate to bring this topic into alignment with agreements made on P17 Cultural Heritage and P-19 Biodiversity & Invasive Species. The agreed modifications to the P-20 Outcomes statements, and addition of an assessment guidance note, are provided in Attachment 1 to these minutes.

P-21 Water Quality: IHA requested edits to the statement of intent to take into consideration cases in which water quality in the vicinity of a project may not be of good quality beyond any control the project has the capacity to exert, and it should not be expected that a project will make it good. The rewording proposed was agreed. Additionally, modifications were agreed to the Outcomes criterion statements with respect to avoid, minimize, mitigate and compensate to bring this topic into alignment with agreements made on P17 Cultural Heritage and P-19 Biodiversity & Invasive Species. The agreed modifications to the P-21 intent and Outcomes statements, and addition of an assessment guidance note, are provided in Attachment 1 to these minutes.

P-23 Downstream Flow Regimes: The Nature Conservancy proposed to delete a clause in the Level 3 Outcomes criterion statement referring to “within the framework of legal requirements”,

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because it is contrary to advice in the Background Document about how to handle relationship to regulatory obligations and also a potential source of confusion to the assessor. In addition, The Nature Conservancy questioned the sentence in the “Downstream flow regimes” assessment guidance note referring to individual countries having laws which must be complied with. In the discussion, it was noted that there are some places where there is a treaty or law requiring a minimum or set discharge, for example the Colorado River Treaty. Concerns in response were that every topic would have laws, and if reference to legal requirements is provided in one or two topics it is inconsistent and leads to confusion. Removal of the clause in the scoring statement was agreed. A variation to the sentence in the assessment guidance was agreed so that it would more clearly advise the assessor how to address this situation with respect to Protocol scoring. The agreed modifications to the P-23 Outcomes statement and assessment guidance are provided in Attachment 1 to these minutes.

AGENDA ITEM 6 – HSAP DRAFT3 FINAL IMPLEMENTATION ASSESSMENT TOOL

It was agreed that changes in the Preparation assessment tool would carry through to the Implementation assessment tool as appropriate. In addition to these, the following topics in the Implementation assessment tool were subject to discussion and agreements in Webinar 6:

I-2 Governance: Transparency International requested to include the same reference to independent review in I-2 as is found in P-2, in both the Level 3 Management criterion statement and the assessment guidance. This was agreed by the Forum. The agreed modifications to the I-2 Management statement and the insertion to the assessment guidance notes are provided in Attachment 1 to these minutes.

I-9 Project Affected Communities & Livelihoods: Oxfam raised the point that there was no stakeholder support as a criterion in the Implementation assessment tool, and that stakeholder engagement was underrepresented relative to the Preparation assessment tool. The Forum referred to the agreement arising from Forum Meeting 9 which said that stakeholder engagement and support in the Implementation assessment tool would follow that used in the Operation assessment tool. The Forum had agreed that the implementation tool should be lean, and not an amalgam of everything in preparation and operation. Concerns were expressed that, having now been able to view the Implementation assessment tool, this was not a good outcome with respect to stakeholder engagement and support, because in the Preparation assessment tool there are a number of relevant clauses that refer to the forward project life cycle phases. It was noted that the implementation phase was closer in nature to the preparation phase than to the operation phase, and that it needs to be a stand-alone assessment tool. It was also noted that a big message arising from the Phase 2 Consultation was that stakeholder engagement during implementation, once agreements had been reached and were being implemented, did not need to be as extensive as during preparation. The Forum members were conscious of the amount of time that had been dedicated to considering how stakeholder engagement and support would be expressed in the Protocol documents during Forum meetings 8 and 9, and were concerned about opening this up again and not being able to manage it within the remaining Forum process. In the end it was agreed that stakeholder engagement was adequately addressed in this assessment tool, but that it would be of benefit to add the Stakeholder Support criterion to this topic, with wording the same as that found in P-13. There was some discussion about tailoring the assessment guidance to identify whether evidence of support during the project preparation phase would be sufficient to enable scoring. Issues with this were that implementation can sometimes take a long time, and that support should also consider how plans are being implemented, and in the end there was no agreed change in this respect. The agreed insertions of the Stakeholder Support criterion and addition to the assessment guidance notes are provided in Attachment 1 to these minutes. Oxfam requested that their lack of support for the text referring to stakeholder support at level 3 and level 5 is noted, as they feel support should be for the project and how issues of concern to project affected communities are addressed, rather than for plans.

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I-10 Resettlement: As per the discussion documented for I-9, it was agreed to add the Stakeholder Support criterion to this topic, with wording the same as that found in P-14. The agreed insertions of the Stakeholder Support criterion and additions to the assessment guidance notes are provided in Attachment 1 to these minutes. Oxfam requested that their lack of support for the text referring to stakeholder support at level 3 and level 5 is noted, as they feel support should be for the project and how issues of concern to resettlee and host communities are addressed, rather than for plans.

I-11 Indigenous Peoples: As per the discussion documented for I-9, it was agreed to add the Stakeholder Support criterion to this topic, with wording the same as that found in P-15. The agreed insertions of the Stakeholder Support criterion and additions to the assessment guidance notes are provided in Attachment 1 to these minutes. Oxfam requested that their lack of support for the text referring to stakeholder support at level 3 and level 5 is noted, as they feel support should be for the project and how issues of concern to indigenous peoples are addressed, rather than for plans.

I-13 Cultural Heritage: As per the discussion documented for I-9, it was agreed to add the Stakeholder Support criterion to this topic, with wording the same as that found in P-17. The agreed insertions of the Stakeholder Support criterion and additions to the assessment guidance notes are provided in Attachment 1 to these minutes.

AGENDA ITEM 7 – HSAP DRAFT3 FINAL OPERATION ASSESSMENT TOOL

It was agreed that changes in the Preparation assessment tool would carry through to the Operation assessment tool as appropriate. In addition to these, the following topic in the Operation assessment tool was subject to discussion and agreements in Webinar 6:

O-2 Governance: Transparency International requested to include the same reference to independent review in O-2 as is found in P-2 and I-2. After some discussion about the particular context of operating hydropower facilities, it was agreed to modify this proposed insertion to emphasise management of project capacity shortfalls and contracting of appropriate expertise. The agreed addition to the Level 3 Management criterion statement is provided in Attachment 1 to these minutes.

AGENDA ITEM 3 – HSAP DRAFT3 FINAL BACKGROUND DOCUMENT

Figure 1 (section “Development of the Protocol”)

Transparency International requested that Figure 1, which was in the HSAP Draft2 Final and removed from the HSAP Draft3 Final, be restored. This was removed for several reasons, the primary ones being to shorten the background section on the development of the Protocol to essential information, and because the ways forward indicated in the diagram prescribe the next steps which have still to be finalized and agreed. IHA advised that with respect to the vision, IHA is strongly committed to try to do the things outlined in the figure, but order and priorities need to be determined. Forum members noted that commitments to IHA implementation are very important with respect to the strength of the follow-up phase, and wondered if there were other ways that this message of commitment could be conveyed within the Protocol documents. IHA advised that it first needs to adopt the Protocol, and the statement of adoption of IHA should make clear and firm commitments; however a common strategy needs to be collaboratively developed around priorities and order of roll-out of forward activities. The Forum members accepted that this figure did not need to be in the Recommended Final Draft Protocol, and agreed that it need not be restored.

Areas of Non-Consensus (section “Development of the Protocol”)

Transparency International requested to further explore how divergent views could be recorded. Item 6 of the HSAF Memorandum of Understanding for Forum Members states that: “The Forum will seek to operate with transparency, good will and by consensus. Where there is a lack of

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consensus, aspects will be recorded and noted in relevant documents”. At Forum webinar 6d, the participants agreed to the following understanding of what we are considering as “areas of non-consensus”:

- all Forum members have heard and respected the diversity of views on many topics;
- all have done their best to compromise on preferred positions in the interests of achieving consensus outcomes;
- there are numerous areas of wording in the Protocol that Forum members have indicated are of interest to pay close attention to in the forward process; these will be documented as “areas for further analysis and dialogue” to inform the forward governance, management and consultative entities and future Protocol reviews;
- in cases, specific language in topics reflects the majority view in the negotiation rather than unanimous support for the final text; and
- “areas of non-consensus” are specific wording in the Protocol for which an individual Forum member holds a view contrary to the majority and feels a strong need to list it as an “area of non-consensus” in addition to it being an “area for further analysis and dialogue”, for the reason of maintaining credibility with their constituencies.

As input into Webinar 6c, Oxfam indicated that it would like recorded as areas of non-consensus its preference that stakeholder support is assessed for the entire project and for issues of concern to the relevant stakeholders for the Project Affected Communities & Livelihoods; Resettlement; and Indigenous Peoples topics, rather than for plans governing issues that affect project affected communities resettles, and indigenous peoples. Oxfam indicated that there may be other areas that they will identify when they have had a chance to reflect on the final Protocol documents. Oxfam has requested that the non-consensus areas are recorded in three places: in the Background Document in a new section entitled “Areas of Non-Consensus”; in each Protocol assessment tool document on each relevant topic page in an inset box at the end of that topic; and in the Forum Statement of Conclusion. Oxfam expressed that this documentation is consistent with their expectations from the Forum MoU, and that it will enhance credibility of the process and product. An important point for Oxfam was the “horizon” associated with the graded spectrum of performance being highly visible on the topic page. Much of the guidance brought forward by Oxfam into the Forum process was drawn from international declarations and conventions (such as the UN Declaration on the Rights of Indigenous Peoples), and did not always make it into the Protocol content in the form contained in these documents unless the Forum was satisfied it could be considered proven best practice. Oxfam expressed concern that in the absence of containing such content in the score of 5 scoring statements, it is not found anywhere in the Protocol. This is particularly important to them with respect to consent by indigenous peoples for the project, rather than for “issues that specifically affect their group”. If it is not visible, on the topic page, that this is what should be aimed for, then the feeling is that no one will aim for it. In terms of where and how areas of non-consensus are documented, Oxfam does not want its strong human rights messages (which will be made in its expressions of non-consensus) buried in documents that are accessed through weblinks, but rather to be very immediate to anyone picking up the Protocol. Oxfam did not see that expressing areas of non-consensus on the topic page would cause a detraction in the value of the Protocol, because it is about continuous improvement.

The industry representatives expressed full support for documenting areas of non-consensus, and are committed to meeting the understanding in the MoU. It was emphasized that a divergent view for a level 5 scoring statement should only be recorded if it was the Forum member’s view that their proposal reflected proven practice, and was not an aspiration goal. In addition to the MoU calling for the recording of non-consensus in “relevant documents”, reference was made to the prior Forum commitment in the HSAF Communications & Operating Procedures determining that points of non-consensus would be recorded in the minutes [point 4.3] and final reports [point 6].

Consequently, the industry representatives expressed strong opposition to any specific documentation of areas of non-consensus within the Protocol itself. The concern was that any

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expression of alternative preferences included in the body of the Protocol would create ambiguity and reduce confidence in the Protocol. A further concern was that a solution to document non-consensus areas should not be limited to Oxfam; indeed, the industry reference group had strong reservations about the practicality and achievability of several Level 5 criteria, but had the expectation that these concerns would be recorded in the Statement of Conclusion or a Final Report covering “areas for further analysis and dialogue in the forward process”. The industry representatives indicated that their preference for documentation of areas of non-consensus is in the Forum Statement of Conclusion, and the letters of organisations in response to the request for them to consider endorsement from the list above. If necessary, the industry representatives said they would also support documenting them in a Forum report.

The other NGOs expressed that they want Oxfam (and similar minded organisations) to be involved in the follow-up phase, and that they would support a solution that will not deter such involvement. Underlying this view was that if IHA and the Forum want the continued input of organisations who have a strong focus on social issues, human rights and project affected communities in the forward process, it would be important to show that their views are heard, that the issues they bring to the table will be priority considerations in future processes of protocol development, and that the forward process will seek input from key stakeholders regarding these particular areas of high importance. The other NGOs acknowledged the need to ensure clarity for the auditor; they felt that in the interests of using the Protocol in the future, it would be preferred that assessors using the tool have as clear a view on how the tool should be used as possible. They also were willing to find compromise solutions that might sit between the preferences of Oxfam and industry so that the Forum can move forward on this issue and close the Protocol content. WWF posed a scenario of going back to the areas of divergent views in the Protocol wording and trying to find a consensus agreement, particularly with stakeholder support, but this approach was not supported by the other webinar participants. The other NGOs indicated that they would support documentation of areas of non-consensus in the Background Document. They expressed some hesitation about documenting areas of non-consensus in the assessment tools, and posed several variations on ways this might be able to be implemented for discussion without any clear alignment for any particular option.

Options that were raised with respect to documentation in the assessment tools included:

- On relevant topic pages, mark areas of non-consensus with an asterisk, and provide an associated asterisk in an inset box at bottom of that page, with the alternative positions outlined in that inset box
- On relevant topic pages, mark areas of non-consensus with a footnote, and list alternative position within the footnote on the page
- On relevant topic pages, mark areas of non-consensus with an asterisk, and provide the associated asterisk at the end of document in an Annex with a list of the alternative positions in a manner similar to that shown in the Background Document text under “Areas of Non-Consensus”
- On relevant topic pages, mark areas of non-consensus with a footnote, with the footnote at the bottom of the page having a simple statement saying this was an area of non-consensus in the Forum process and pointing back to the Background Document text under “Areas of Non-Consensus”
- No indication on topic pages; provide text in an Annex at the end of the assessment tool document identifying Areas of Non-Consensus in a manner similar to that presented in the Background Document

Industry expressed the view that like others they would like Oxfam and other organisations focused on social issues to be involved in the forward process. A compromise approach was agreed in Webinar 6d that would have a new section called “Areas of Non-Consensus” created in the Protocol Background Document, which would list these areas of request that Oxfam has emphasised are of high importance to their organisation. The industry representatives felt that this

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compromise responded to Oxfam's need to have areas of non-consensus in the Protocol documents rather than in other documents accessed by weblinks, and would have a lower risk of creating ambiguity and confusion for assessors by being in the Background Document and not on the topic pages. This agreement was considered a very strong compromise by industry, and was subject to review of the actual text and dialogue on this issue with the IHA Reference Group. IHA also wanted to emphasise that the consequence of any changes to the text in the Protocol assessment tools would cause further delay in that this would again need to be reviewed by reference groups.

The participants were unsure at the time as to how many areas were going to end up being identified as requests for areas of non-consensus. Oxfam advised that in their review they felt the statements captured in the HSAP Draft2 Final were on their list, and possibly something to do with Options Assessment in the Early Stage assessment tool and with the Downstream Flows topic in the other three assessment tools subject to their further consideration.

Webinar 6 Action 1: *The Forum Coordinator to draft text for the new section in the Background Document entitled “Areas of Non-Consensus” and provide this in HSAP Draft4 Final for consideration by Forum members; this text would be drafted in consultation with Oxfam so that it captures their complete list of issues it would like recorded as areas of non-consensus; Forum members will also be requested to provide their views on where areas of non-consensus are documented.*

Uses and Users (section “The Protocol Purpose and Target Users”)

Transparency International requested that the several paragraphs of text that were in the HSAP Draft2 Final but deleted in the HSAP Draft3 Final be restored. IHA advised that the reason for their removal was inconsistency and some redundancy with the paragraph insertions that immediately follow relating to licensing and commercial/non-commercial use of the Protocol. Several attempts were made between Protocol engagements to find text for this section that conveyed some of the messages from the deleted paragraphs that fit in well with the inserted paragraphs, and between Webinar 6b and 6c a re-write of the whole section was tabled so that the wording would flow better. These re-writes were in dialogue between IHA and some Forum NGOs.

Forum members indicated that the Protocol needs to be clear on terms of use, and that a number of words which were used in various drafts of this text created uncertainties with respect to how they would be interpreted, for example “formal”, “commercial”, “results”, “disclosure”, “training”, “replication”, “licence”. IHA advised that licensing was to ensure that users have been trained so that it is used properly. IHA advised that the language is meant to govern the use of the Protocol into the future, and ensure quality of the product and its application. IHA worked with its legal counsel on each iteration of this text. With progressive redrafting the references to commercial and non-commercial were removed, and instead formal and informal uses are referred to.

There were many questions in the discussion about what was required under certain scenarios, such as assessments by NGOs, facilitating dialogue, using consultants for third party reviews, etc. Questions (Q) and answers (A) included:

- Q: When are the terms and conditions of use going to be more specifically defined? A: As soon as possible, in dialogue with interested Forum members. They will be available to view by Forum members in sufficient time for them to be considered with respect to decisions about Protocol adoption and endorsement.
- Q: How will revenues be generated? A: Through license fees.
- Q: What are the charges going to be? A: They will be defined after evaluation of charges for other such processes.
- Q: Would IHA be vetting results? A: Users would be scrutinized through a process agreed by the future governance entity; a license could be revoked if a user was following bad process.

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Q: Multi-Stakeholder Dialogue is wanted and should be encouraged around the Protocol: e.g. directly affected people would need to be able to share assessment results on specific topics with other stakeholder groups in order to find solutions. Would this dialogue fall under disclosure? A: Yes, the same scrutiny would be applied for quality control on partial assessments as with full assessments; this would not preclude structured multi-stakeholder dialogue, but would call for a qualified assessor to pronounce a specific topic score.

The Equator Banks indicated that the IFC Performance Standards framework is working really well without licensing and limitation in use. They expressed their concerns that licensing would increase the prices of the consultants and might decrease the quality of their services, as the problems had already occurred with carbon auditing. The Equator Banks are not in favor of licensing at this stage and would prefer if it remains as planned: part of phase II after protocol endorsement. The Equator Banks would need to be able to mandate a third party consultant without them being submitted to licensing as their deliverables would only be for the banks' internal analysis of risks. IHA noted that the very reason for training and licensing is to increase the likelihood of quality.

WWF expressed support for a structure that has income and fee generating approaches, as it would not be possible to run to donors all the time into the future to support the Protocol. A concern was the absence of any mention with respect to copyright and intellectual property that the Protocol had been developed from the inputs of a multi-stakeholder process. A further concern was that all revenues generated appear to go to IHA as holder of the Intellectual Property (IP), and there is nothing in the text to indicate otherwise. IHA responded that IP cannot be held jointly and be enforceable, and that IHA is not looking to act unilaterally but rather is looking for partners to move forward into the next phase.

The NGOs and government representatives strongly conveyed the need to encourage people to use the Protocol. They expressed strong concerns that the language was making it too closed and unavailable, and that it will be overloaded with restrictions. They were most strongly concerned about constraints on disclosure of assessment results as a barrier to use of the Protocol to facilitate dialogue. IHA advised that they saw the Protocol as able to be used to structure dialogue around the topics and criteria, but producing a sustainability profile would be considered a formal use. Also if a third party is involved, it is considered disclosure of results. IHA emphasised their view that it is essential that results are achieved through trained assessors, for full or partial assessments.

IHA representatives advised that they are trying to avoid negative results being released based on bad assessments. They are not intending access to license to be a bottleneck to use. However a license requires users to know what they are doing with the Protocol, and training is a fundamental requirement. In response to a question about online training, IHA confirmed that there is the potential to develop distance learning approaches, and it was not intended to limit applications, but training and quality control are seen as fundamental to the future credibility of the Protocol and associated results. IHA advised that those with capacity to pay should help offset the costs of training those without capacity to pay. Building up training materials is seen as a critical next step.

One discussion point was whether the Early Stage assessment tool, which does not score or produce a sustainability profile, was subject to a licence and the same terms of use. The NGOs felt that a big distinction had been made to emphasise in the Protocol that the Early Stage assessment tool is different, and that because it is a guidance document, that its widespread use should be encouraged and it should not require a license. IHA felt that if it is used to produce results then it should have all the same restrictions as the other tools. In the interest of encouraging wide use the Protocol and because it does not score or produce a sustainability profile, Transparency International reiterated its strong view that the Early Stage assessment tool should not be licensed.

The question of whether an assessment using only a few Protocol topics from an assessment tool was a formal use of the Protocol and subject to the same license requirements was returned to several times. IHA advised that in principle the same scrutiny would be applied for quality control

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on partial assessments as with full assessments if scores were being determined. Forum members were interested if this applied even if only one or a very small number of topics was being considered. This was felt to be something that could be clarified within the details of the terms and conditions, and not necessary to resolve in this webinar.

Translation as a formal use was discussed, and it was proposed that informal translations should be allowed. Forum members were reminded of the experience of the Draft Protocol August 2009, and some of the inconsistencies in the translations of this document leading to a view at the time that translation should be tightly quality controlled with the final product.

Concerns were expressed in looking at some of the earlier drafts of the text for this section that controls on training might extend to internal training, particularly that done within Forum member organizations. In the final draft text, training is mentioned specifically with respect to training of assessors, which was of more comfort to the participants.

Some of the Webinar 6 participants advised that they were not in a position to form a view on this text without understanding more detail around scenarios of use. They wanted as much spelled out in the Protocol Background Document as possible. The strongest concerns were expressed around constraints on disclosure of assessment results, and the need to ensure that the details of the terms and conditions should not be such that restrictions on disclosure of results limits the potential of the Protocol to facilitate dialogue. In the end, participants agreed to close discussions on the text in the Protocol (see Attachment 1), recognizing that some of the key terms have gradations associated with them, and that these could be clarified in the details of the terms and conditions.

Transparency International requested that the following sentences be included in the section on Protocol Uses and Target Users: "The terms and conditions for obtaining a license to formally use the Protocol shall be made publicly available, as soon as they are finalized. Once an applicant meets the terms and conditions for obtaining a license, such a license shall not be unreasonably withheld". Transparency International clarified that they see this as different from terms and conditions of use, that it is not the print associated with the "I accept" box one sees before downloading the Protocol off the website, but rather it is about how to get a licence. IHA advised that they have no objection in principle, but would need to check with its legal counsel on these insertions.

Webinar 6 Action 2: *IHA to get legal advice on the sentences proposed to be included by Transparency International; if these are likely to be varied, they will confer with Donal O'Leary. These sentences or the agreed variation will be included in the HSAP Draft4 Final for review by Forum members.*

HSAF Knowledge Base

Transparency International requested to discuss the understanding amongst Forum members as to what this knowledge base is. IHA requested some edits to the first paragraph that appears in the HSAP Draft3 Final under the header HSAF Knowledge Base for clarity. Transparency International requested that the paragraph that follows this be rephrased in a more positive manner. Oxfam wanted some stronger reference in the text that support materials would be developed to accompany the Protocol application. The agreed modifications to this text are provided in Attachment 1 to these minutes.

Methodology for Assigning Scores

Transparency International requested an explanation of this new section inserted into the HSAP Draft3 Final. All Forum members seemed comfortable with the approach described in this section, but noted that it was something to monitor closely in the next phase. The Forum agreed to removal of one of the sentences in this section because on examination it did not prove correct. The agreed deletion to this text is provided in Attachment 1 to these minutes.

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AGENDA ITEM 8 – FORUM KNOWLEDGE BASE

The Forum did not discuss the Forum Knowledge Base beyond that documented under the Background Document text above under Agenda Item 7. Forum members have noted the process for development set out in Webinar 6 Paper 8.

AGENDA ITEM 9 – NEXT STEPS

AGENDA ITEM 10 – OTHER ISSUES

AGENDA ITEM 11 – CONSOLIDATION OF FURTHER ACTIONS

Agenda items 9, 10 and 11 were not discussed in Webinar 6. Webinar 6 Paper 11 was developed to identify immediate actions and an indicative timetable, but the dates in this paper are no longer relevant given the Protocol language is not yet completely closed.

Webinar 6 concluded on the understanding that closure had been reached on the Protocol language in all four assessment tools, and in the Background Document subject to Actions 1 and 2 in these minutes.

Forum members will have the chance to review the proposed text arising from Actions 1 and 2, and provide comment, prior to reconvening for Webinar 7. Webinar 7 will aim to confirm closure on all Protocol language, and clarify next steps.

Webinar 6 closed on 5th August 2010 at 4 pm UK time.

SUMMARY OF ACTIONS

Webinar 6 Action 1: *The Forum Coordinator to draft text for the new section in the Background Document entitled “Areas of Non-Consensus” and provide this in HSAP Draft4 Final for consideration by Forum members; this text would be drafted in consultation with Oxfam so that it captures their complete list of issues it would like recorded as areas of non-consensus; Forum members will also be requested to provide their views on where areas of non-consensus are documented.*

Webinar 6 Action 2: *IHA to get legal advice on the sentences proposed to be included by Transparency International; if these are likely to be varied, they will confer with Donal O’Leary. These sentences or the agreed variation will be included in the HSAP Draft4 Final for review by Forum members.*

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ATTACHMENT 1 - SUMMARY OF EDITING AGREEMENTS TO THE HSAP DRAFT3 FINAL

HSAP Draft3 Final Early Stage Assessment Tool

Overview of the Early Stage Assessment Tool – para 4:

“A further difference is that early investigations about potential project possibilities are often of confidential nature, given the highly competitive context of a liberalised energy market and the fact that especially in the case in which developers have not yet decided whether to invest in more detailed studies, or where there is a highly competitive context of a liberalised energy market. As long as no public announcement about project intentions has been made, this Early Stage assessment tool offers a means to encourage better early stage analysis and identification of knowledge gaps.”

ES-2 Options Assessment – Basic Expectations – Assessment Criterion:

- **Assessment:** An assessment has been undertaken of the options available to meet demonstrated energy and water needs that considers a range of planning approaches and a range of siting and design alternative options with respect to the project under consideration.

ES-4 Political Risks – Assessment Guidance:

Assessment Guidance:

Transboundary issues would take into account institutional arrangements upstream and downstream of the project and basin-wide sharing of resources

ES-8 Environmental Issues & Risks – Advanced Expectations:

- an accounting/identification of opportunities for environmental enhancement, and there is potential for some of these enhancements to be realised; or
- an accounting/identification of risk relating to legacy issues or cumulative impacts; or

ES-9 Economic & Financial Issues & Risks

This topic addresses early identification and analysis of economic and financial issues and risks that may influence decisions to invest in preparation of a hydropower project or system of projects. The intent is that economic and financial issues and risks have been evaluated at an early stage, the project will deliver a net economic benefit, that the project or the system within which it operates will be financially viable, and decisions to invest in project preparation are informed on these matters.

- **Outcomes:** The project or the corporate entity to which it belongs is likely to manage financial issues, attract finance, and deliver a net economic benefit within the sphere of influence of the given hydropower project.

Assessment Guidance:

- Financial viability is the ability of an entity to continue to achieve its operating objectives and fulfill its mission from a financial perspective over the long term. Some projects may be multi-purpose in which hydropower is not the primary purpose, in which case the financial objective of the hydropower component may be to support delivery of the other purposes of the scheme (e.g. water supply, irrigation water, etc). For some projects the financial contribution is measured from the perspective of the system within which it operates; for example, some pump storage projects may run at a loss but enable a greater profit to be made from other power stations within the system because of the greater efficiencies gained.

HSAP Draft3 Final Preparation Assessment Tool

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P-1 Communications & Consultation

(L3) Stakeholder Engagement: The project preparation stage has involved appropriately timed communications and engagement, often two-way, with directly affected stakeholders on topics of interest and relevance to them; [engagement is undertaken in good faith](#); ongoing processes are in place for stakeholders to raise issues and get feedback.

(L5) Stakeholder Engagement: In addition, engagement with directly affected stakeholders has been inclusive and participatory; [negotiations are undertaken in good faith](#); and feedback on how issues raised have been taken into consideration has been thorough and timely.

Assessment Guidance:

[Good faith engagement is engagement that is undertaken with an honest intent to reach a mutually satisfactory understanding on the issues of concern.](#)

[Good faith negotiation involves \(i\) willingness to engage in a process; \(ii\) provision of information necessary for informed negotiation; \(iii\) exploration of key areas of importance; \(iv\) mutually acceptable procedures for negotiation; \(v\) willingness to modify position; \(vi\) provision of sufficient time to both parties for decision-making; \(vii\) agreements on proposed compensation framework, mitigation measures, and development interventions.](#)

P-2 Governance

This topic addresses corporate and external governance considerations for the project. The intent is that the developer has sound corporate business structures, policies and practices; addresses transparency, integrity and accountability issues; can manage external governance issues (e.g. institutional capacity shortfalls, political risks [including transboundary issues](#), public sector corruption risks); and can ensure compliance.

Assessment Guidance:

[Transboundary issues would take into account institutional arrangements that could address the management of upstream and downstream impacts of the project and basin-wide sharing of resources.](#)

P-5 Environmental & Social Impact Assessment & Management

(L3) Assessment: Assessments of project environmental and social impacts have been undertaken for ~~the entire project life cycle~~ [project implementation and operation](#), including evaluation of associated facilities, scoping of cumulative impacts, role and capacity of third parties, and impacts associated with primary suppliers, using appropriate expertise and with no significant gaps; and a baseline has been established and well-documented for the pre-project condition against which post-project changes can be compared.

(L3) Management: Environmental and social issues management plans and processes have been developed with appropriate expertise [\(internal and external\)](#) for project implementation and operation with no significant gaps; in addition to key social and environmental issues relating to the hydropower project, plans address construction related waste, noise, air quality, land disturbance and rehabilitation; the environmental and social impact assessment and key associated management plans are publicly disclosed.

(L3) Outcomes: Environmental and social plans [avoid](#), minimise and mitigate negative impacts [with no significant gaps](#).

(L5) Outcomes: In addition, environmental and social plans avoid, minimise, mitigate and ~~fully~~ compensate negative project impacts [with no identified gaps](#); and plans provide for enhancements to pre-project environmental or social conditions or contribute to addressing issues beyond those impacts caused by the project.

Assessment Guidance:

Associated facilities are defined as those facilities that would not be constructed if the project did not exist, and where the project would not be viable without the other facility. These facilities may be funded, owned, constructed, and/or operated separately from the project, and in some cases, by third

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parties. [Examples pertinent to a hydropower project could include roads, transmission lines, buildings, etc.](#)

Cumulative impacts are [those that result from the incremental impact of the project when added to other past, present, and reasonably foreseeable future actions. Effects should be assessed in terms of the capacity of the water resource, ecosystem, and/or affected communities to accommodate such impacts. Analyses need to be defined within realistic boundaries](#)~~the combined effects of multiple existing or reasonably foreseen projects or activities; the extent of the assessment, including the area of influence and timeframe of future projects, will range from basic scoping or identification of future projects that could lead to potential cumulative impacts to full strategic environmental assessment.~~

Third parties are local and national governments, contractors, and suppliers; [an effective assessment should identify the different entities involved and the roles they play, and the corresponding risks they present to the client in order to help achieve environmental and social outcomes.](#)

Primary suppliers are those first-tier suppliers who are providing goods or materials essential for the project, [which may incur environmental and social impacts in this supply activity. An example pertinent to a hydropower project could be a quarry supplying construction materials.](#)

Non-physical cultural heritage refers to traditions, festivals, rituals, folklore, storytelling, drama, etc.

Land rehabilitation is the process of returning project-affected land to some degree of its former state after disturbance or damage associated with project implementation.

Appropriate expertise refers to specialists with experience in the key identifiable topical areas of the assessment and management plans, giving particular attention to the differences between environmental areas and social impact areas. [These specialists could be internal or external to the project developer; internal expertise in managing environmental and social issues is of particular importance with respect to this topic.](#)

Avoid, minimise, mitigate and compensate is [a concise expression for what is understood to be a sequential process. Measures to avoid or prevent negative or adverse impacts are always prioritised, and where avoidance is not practicable, then minimisation of adverse impacts is sought. Where avoidance and minimisation are not practicable, then mitigation and compensation measures are identified and undertaken commensurate with the project's risks and impacts.](#)

Broad considerations within the assessment might be exhibited by, for example: a broad view of the project affected area; consideration of the project catchment area; a broad view of relevant issues; a broad interpretation of important concepts such as livelihoods or living standards; a broad range of approaches considered; a broad view of stakeholder perspectives on the various issues; a focus on interrelationships amongst issues; sustainable river basin development considerations; integrated water resource management considerations; legacy issues; [and](#) more detailed [and expansive](#) analysis of cumulative impacts; etc.

P-6 Integrated Project Management

(L3) Outcomes: The project is likely to meet overall budget and timing objectives and targets, and plans [avoid](#), minimise and mitigate ~~identified~~ construction risks [with no significant gaps](#).

(L5) Outcomes: In addition, the project is highly likely to meet overall budget and timing objectives and targets; and plans avoid, minimise, mitigate and ~~fully~~ compensate ~~identified~~ construction risks [with no identified gaps](#).

Assessment Guidance:

Avoid, minimise, mitigate and compensate is [a concise expression for what is understood to be a sequential process. Measures to avoid or prevent negative or adverse impacts are always prioritised, and where avoidance is not practicable, then minimisation of adverse impacts is sought. Where avoidance and minimisation are not practicable, then mitigation and compensation measures are identified and undertaken commensurate with the project's risks and impacts.](#)

P-8 Infrastructure Safety

(L3) Outcomes: Plans [avoid](#), minimise and mitigate safety risks [with no significant gaps](#).

Assessment Guidance:

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Communication of public safety measures could be, for example, through public signage, documentation appropriately lodged with local authorities, awareness raising through various types of community engagements, verbal communication by on-site patrolmen or other similar mechanisms, etc.

Avoid, minimise, mitigate and compensate is a concise expression for what is understood to be a sequential process. Measures to avoid or prevent negative or adverse impacts are always prioritised, and where avoidance is not practicable, then minimisation of adverse impacts is sought. Where avoidance and minimisation are not practicable, then mitigation and compensation measures are identified and undertaken commensurate with the project's risks and impacts.

P-9 Financial Viability

(L3) Outcomes: The project can manage financial issues under a range of scenarios, can service its debt, can pay for all ~~social and environmental plans and~~ commitments including social and environmental plans, and access to capital can be demonstrated.

Assessment Guidance:

Financial viability is the ability of an entity to continue to achieve its operating objectives and fulfill its mission from a financial perspective over the long term. Some projects may be multi-purpose in which hydropower is not the primary purpose, in which case the financial objective of the hydropower component may be to support delivery of the other purposes of the scheme (e.g. water supply, irrigation water, etc). For some projects the financial contribution is measured from the perspective of the system within which it operates; for example, some pump storage projects may run at a loss but enable a greater profit to be made from other power stations within the system because of the greater efficiencies gained.

P-10 Project Benefits

Assessment Guidance:

~~Some information on project benefits may have a high degree of commercial sensitivity, and evidence for this topic may need to be viewed under a confidentiality agreement.~~

P-11 Economic Viability

(L3) Stakeholder Engagement: The results of the economic viability analysis are publicly disclosed.

(L5) Stakeholder Engagement: The ~~results of the~~ economic viability analysis are is publicly disclosed.

Assessment Guidance:

Cost-benefit analysis seeks to quantify all of the costs and benefits of a proposal in monetary terms, including items for which the market does not provide a satisfactory measure of economic value.

Demonstration of net benefits could be provided through qualitative or quantitative indicators. An example of a quantitative indicator is rate of return. Rate of return from an economic perspective is an indicator for the developmental impact of a project proposal, allowing comparisons with other energy sector investment options. Unlike the financial rate of return, which is mainly of interest to the organisations with commercial stakes in a proposal, the economic rate of return is of interest to society at large. Depending on the perspective of the evaluation, alternative indicators such as the net present value of the project, or the economic costs per unit of capacity installed or power generated, may be used.

P-12 Procurement

Assessment Guidance:

Procurement plans and processes should address provision of a procurement policy, pre-qualification screening, bidding, awarding of contracts, anti-corruption measures, and mechanisms to respond to bidder complaints. Development of procurements plans and processes for implementation and operation may not have been done during the project preparation stage in cases where the project is sent to a bidding process at the end of the preparation stage. In such cases, ~~the~~ the plan for procurement could consist of a commitment to utilize the corporate entity's procurement plans and processes which would then be required to meet the stated criteria.

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P-13 Project Affected Communities & Livelihoods

(L3) Outcomes: Plans provide for livelihoods that are impacted by the project to be restored, living standards impacted by the project to be improved, and economic displacement fairly compensated, preferably through provision of comparable goods, property or services, in-kind where possible.

(L5) Stakeholder Engagement: In addition, engagement with project affected communities has been inclusive and participatory; ~~good faith negotiations have been undertaken;~~ and feedback on how issues raised have been taken into consideration has been thorough and timely.

Assessment Guidance:

~~Good faith negotiation involves (i) willingness to engage in a process; (ii) provision of information necessary for informed negotiation; (iii) exploration of key areas of importance; (iv) mutually acceptable procedures for negotiation; (v) willingness to modify position; (vi) provision of sufficient time to both parties for decision-making; (vii) agreements on proposed compensation framework, mitigation measures, and development interventions.~~

P-14 Resettlement

(L5) Stakeholder Engagement: In addition, engagement with resettlees and host communities has been inclusive and participatory; ~~good faith negotiations have been undertaken;~~ and feedback on issues how raised have been taken into consideration has been thorough and timely.

Assessment Guidance:

~~Good faith negotiation involves (i) willingness to engage in a process; (ii) provision of information necessary for informed negotiation; (iii) exploration of key areas of importance; (iv) mutually acceptable procedures for negotiation; (v) willingness to modify position; (vi) provision of sufficient time to both parties for decision-making; (vii) agreements on proposed compensation framework, mitigation measures, and development interventions.~~

P-15 Indigenous Peoples

(L3) Outcomes: Plans provide for major negative impacts of the project to indigenous peoples and their associated culture, knowledge, access to land and resources, and practices to be avoided, minimised, mitigated or compensated with no significant gaps, and some practicable opportunities for positive impacts to be achieved.

Assessment Guidance:

Indigenous peoples refers to a distinct social and cultural group possessing the following characteristics in varying degrees: self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; customary cultural, economic, social or political institutions that are separate from those of the dominant society or culture; an indigenous language, often different from the official language of the country or part of the country within which they reside. In some countries, interactions with indigenous peoples may be required to be conducted through a specific government agency. Individual countries may have laws regarding indigenous peoples which must be complied with.

Avoid, minimise, mitigate and compensate is a concise expression for what is understood to be a sequential process. Measures to avoid or prevent negative or adverse impacts are always prioritised, and where avoidance is not practicable, then minimisation of adverse impacts is sought. Where avoidance and minimisation are not practicable, then mitigation and compensation measures are identified and undertaken commensurate with the project's risks and impacts.

P-16 Labour & Working Conditions

Assessment Guidance:

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Intermediaries are workers engaged through third parties who are either performing work directly related to the functions essential for the project for a substantial duration, or who are geographically working at the project location.

P-17 Cultural Heritage

(L3) Outcomes: Plans avoid, minimise, mitigate, and compensate negative impacts on cultural heritage arising from project activities with no significant gaps.

(L5) Outcomes: In addition, plans avoid, minimise, mitigate and fully compensate negative cultural heritage impacts with no identified gaps; and contribute to addressing cultural heritage issues beyond those impacts caused by the project.

Assessment Guidance:

Avoid, minimise, mitigate and compensate is a concise expression for what is understood to be a sequential process. Measures to avoid or prevent negative or adverse impacts are always prioritised, and where avoidance is not practicable, then minimisation of adverse impacts is sought. Where avoidance and minimisation are not practicable, then mitigation and compensation measures are identified and undertaken commensurate with the project's risks and impacts.

P-18 Public Health

(L3) Outcomes: Plans avoid, minimise and mitigate negative public health impacts arising from project activities with no significant gaps.

(L5) Outcomes: In addition, plans avoid, minimise, mitigate and fully compensate negative public health impacts with no identified gaps; and provide for enhancements to pre-project public health conditions or contribute to addressing public health issues beyond those impacts caused by the project.

Assessment Guidance:

Avoid, minimise, mitigate and compensate is a concise expression for what is understood to be a sequential process. Measures to avoid or prevent negative or adverse impacts are always prioritised, and where avoidance is not practicable, then minimisation of adverse impacts is sought. Where avoidance and minimisation are not practicable, then mitigation and compensation measures are identified and undertaken commensurate with the project's risks and impacts.

P-19 Biodiversity & Invasive Species

(L3) Outcomes: Plans avoid, minimise, mitigate, and compensate ~~or offset~~ negative biodiversity impacts arising from project activities with no significant gaps.

(L5) Outcomes: In addition, plans avoid, minimise, mitigate and compensate negative biodiversity impacts due to project activities with no identified gaps; and plans provide for enhancements to pre-project biodiversity conditions or contribute to addressing biodiversity issues beyond those impacts caused by the project.

Assessment Guidance:

Avoid, minimise, mitigate and compensate is a concise expression for what is understood to be a sequential process. Measures to avoid or prevent negative or adverse impacts are always prioritised, and where avoidance is not practicable, then minimisation of adverse impacts is sought. Where avoidance and minimisation are not practicable, then mitigation and compensation measures are identified and undertaken commensurate with the project's risks and impacts.

Compensate in the context of biodiversity impacts in cases may be in the form of establishing or supporting offset programs. Offsets are measurable conservation outcomes resulting from actions designed to compensate for significant adverse biodiversity impacts arising from project development and persisting after appropriate avoidance, minimization, and restoration measures have been taken. Generally, these are not within the project site.

P-20 Erosion & Sedimentation

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(L3) Outcomes: Plans [avoid](#), minimise and mitigate erosion and sedimentation issues arising from project activities and erosion and sedimentation issues that may impact on the project [with no significant gaps](#).

(L5) Outcomes: In addition, plans avoid, minimise, mitigate and ~~fully~~ compensate erosion and sedimentation issues due to project activities [with no identified gaps](#); and plans provide for enhancements to pre-project erosion and sedimentation conditions or contribute to addressing erosion and sedimentation issues beyond those impacts caused by the project.

Assessment Guidance:

[Avoid, minimise, mitigate and compensate](#) is a concise expression for what is understood to be a sequential process. Measures to avoid or prevent negative or adverse impacts are always prioritised, and where avoidance is not practicable, then minimisation of adverse impacts is sought. Where avoidance and minimisation are not practicable, then mitigation and compensation measures are identified and undertaken commensurate with the project's risks and impacts.

P-21 Water Quality

This topic addresses the management of water quality issues associated with the project. The intent is that water [quality](#) in the vicinity of the project is ~~of a high quality, and~~ not adversely impacted by project activities.

(L3) Outcomes: Plans [avoid](#), minimise and mitigate negative water quality impacts arising from project activities [with no significant gaps](#).

(L5) Outcomes: In addition, plans avoid, minimise, mitigate and ~~fully~~ compensate negative water quality impacts [with no identified gaps](#); and plans provide for enhancements to pre-project water quality conditions or contribute to addressing water quality issues beyond those impacts caused by the project.

Assessment Guidance:

[Avoid, minimise, mitigate and compensate](#) is a concise expression for what is understood to be a sequential process. Measures to avoid or prevent negative or adverse impacts are always prioritised, and where avoidance is not practicable, then minimisation of adverse impacts is sought. Where avoidance and minimisation are not practicable, then mitigation and compensation measures are identified and undertaken commensurate with the project's risks and impacts.

P-23 Downstream Flow Regimes

(L3) Outcomes: Plans for downstream flows take into account environmental, social and economic objectives ~~within the framework of legal requirements~~.

Assessment Guidance:

Downstream flow regimes might be specified for different components and stages of projects in a manner such as, for example: minimum flows in part of certain seasons, maximum flows in part of certain seasons, or specific flow events such as a flushing flow or a flood intended to inundate flood plains. Individual countries may have laws [regarding specifying](#) downstream flow ~~regulation which must be complied with requirements; in such circumstances it will be necessary to see how social, economic and environmental considerations can still be taken into account~~. In cases where the downstream impact of the project on flow regimes extends beyond the jurisdiction in which the project is found, any implications of this would need to be taken into consideration.

HSAP Draft3 Final Implementation Assessment Tool

I-2 Governance

(L3) Management: Processes are in place to manage corporate, political and public sector risks, compliance, social and environmental responsibility, procurement of goods and services, grievance mechanisms, ethical business practices, and transparency; policies and processes are communicated internally and externally as appropriate; [and independent review](#)

* Note that agreements reached at a meeting may be revisited and updated at a later meeting based on further information, discussion and analysis.

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mechanisms are utilised to address sustainability issues in cases of project capacity shortfalls, high sensitivity of particular issues, or the need for enhanced credibility.

Assessment Guidance:

Independent review refers to expert review by someone not employed by the project and with no financial interest in profits made by the project. An expert is a person with a high degree of skill in or knowledge of a certain subject, as a result of a high degree of experience or training in that subject. Forms of independent review may vary from contracting an expert consultant to provide a written review of a particular assessment, plan or report, to a panel of experts comprising a mix of expertise appropriate to the project and providing periodic assessment and written reports on issues identified to be within its scope of review.

I-9 Project Affected Communities & Livelihoods

(L3) Stakeholder Support: Affected communities generally support or have no major ongoing opposition to the plans for the issues that specifically affect their community.

(L5) Stakeholder Support: In addition, formal agreements with nearly all the directly affected communities have been reached for the mitigation, management and compensation measures relating to their communities.

Assessment Guidance:

Stakeholder support may be expressed through community members or their representatives, and may be evident through means such as surveys, signatures on plans, records of meetings, verbal advice, public hearing records, public statements, governmental license, court decisions, etc.

I-10 Resettlement

(L3) Stakeholder Support: Resettlees and host communities generally support or have no major on-going opposition to the Resettlement Action Plan.

(L5) Stakeholder Support: In addition, there is consent with legally binding agreements by the resettlees and host communities for the Resettlement Action Plan

Assessment Guidance:

Stakeholder support may be expressed through community members or their representatives, and may be evident through means such as surveys, signatures on plans, records of meetings, verbal advice, public hearing records, public statements, governmental license, court decisions, etc.

Consent means 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.

I-11 Indigenous Peoples

(L3) Stakeholder Support: Directly affected indigenous groups generally support or have no major on-going opposition to the plans for issues that specifically affect their group.

(L5) Stakeholder Support: In addition, consent has been sought and gained by directly affected indigenous groups for the management plans for issues that specifically affect their group.

Assessment Guidance:

Stakeholder support may be expressed through community members or their representatives, and may be evident through means such as surveys, signatures on plans, records of meetings, verbal advice, public hearing records, public statements, governmental license, court decisions, etc.

Consent means 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.

I-13 Cultural Heritage

** Note that agreements reached at a meeting may be revisited and updated at a later meeting based on further information, discussion and analysis.*

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(L3) Stakeholder Support: There is general support or no major ongoing opposition amongst directly affected stakeholder groups for the cultural heritage assessment, planning or implementation measures.

(L5) Stakeholder Support: In addition, formal agreements with the directly affected stakeholder groups have been reached for cultural heritage management measures.

Assessment Guidance:

Stakeholder support may be expressed through community members or their representatives, and may be evident through means such as surveys, signatures on plans, records of meetings, verbal advice, public hearing records, public statements, governmental license, court decisions, etc.

HSAF Draft3 Final Operation Assessment Tool

O-2 Governance

(L3) Management: Processes are in place to manage corporate, political and public sector risks, compliance, social and environmental responsibility, procurement of goods and services, grievance mechanisms, ethical business practices, and transparency; policies and processes are communicated internally and externally as appropriate; in case of capacity shortfalls, appropriate external expertise is contracted for additional support.

HSAF Draft3 Final Background Document

Section Entitled “The Protocol Purpose and Target Users”:

The Hydropower Sustainability Assessment Protocol is a sustainability assessment framework for hydropower development and operation. It enables the production of a sustainability profile for a project through the assessment of performance within important sustainability topics.

To reflect the different stages of hydropower development, the Protocol includes four sections, which have been designed to be used as standalone documents. Through an evaluation of basic and advanced expectations, the Early Stage tool may be used for risk assessment and for dialogue prior to advancing into detailed planning. The remaining three documents, Preparation, Implementation and Operation, set out a graded spectrum of practice calibrated against statements of basic good practice and proven best practice. The graded performance within each sustainability topic also provides the opportunity to promote structured, continuous improvement.

Assessments rely on objective evidence to support a score for each topic, which is factual, reproducible, objective and verifiable. The Protocol will be most effective when it is imbedded into business systems and processes. Assessment results may be used to inform decisions, to prioritize future work and/or to assist in external dialogue.

A wide application of the Protocol is desired; it should be applied in a collaborative way, to ensure the best availability of information and points of view. The development and evaluation of a hydropower project will involve many actors with different roles and responsibilities. It is recognized that both development and operation may involve public entities, private companies or combined partnerships, and responsibilities may change as the project progresses through its life cycle.

It is intended that the organisation with the primary responsibility for a project at its particular life-cycle stage will have a central role in any Protocol assessment. This organisation may not have the major responsibility for all sustainability topics. Roles and responsibilities for different topics will be discussed in a Protocol assessment and indicated in the assessment report.

The use of the Protocol is governed to protect its integrity, ensure appropriate qualification of trainers and assessors, provide quality control, consistency and comparability of training material, assessments and results, and revenue generation to sustain further development of the Protocol and associated activities.

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Subject to terms and conditions of use as generally indicated below, the Protocol is available to all parties, without charge, from the International Hydropower Association (IHA) website www.hydropower.org. The Protocol, with its previous drafts, is protected by IHA through international property law, including copyright¹.

The Protocol is free to be used without license for informal purposes, such as informing dialogue, guiding business systems and processes, and for in-house assessments.

Formal use of the Protocol, including translation, training of assessors, disclosure of assessment results and any income- and fee-generating activities relating to the Protocol, is controlled by license. The terms and conditions for obtaining a license to formally use the Protocol shall be made publicly available, as soon as they are finalized. Once an applicant meets the terms and conditions for obtaining a license, such a license shall not be unreasonably withheld.

IHA and the endorsing organizations seek feedback and suggestions for improvement of future versions of the Protocol. To gain further information on the use of the Protocol and/or to provide feedback, please contact the IHA Central Office².

~~The Hydropower Sustainability Assessment Protocol is a sustainability assessment framework for hydropower projects and operations. It outlines the important sustainability considerations for a hydropower project, and enables production of a sustainability profile for that project. The scoring is calibrated against statements of basic good practice and proven best practice. By setting out a graded spectrum of practice, the Protocol educates, promotes and fosters continuous improvement in hydropower development and operation. Four assessment tools are dedicated to different life cycle stages of a hydropower development, as the critical topics to evaluate performance differ in these different stages. A Protocol assessment relies on objective evidence to support a score, that is, evidence that is factual, reproducible, objective and verifiable.~~

~~Evaluations may be used to inform decisions and can assist in continuous improvement. Reasons for undertaking an assessment are not limited; they could for example be for risk assessment and industry planning, to assist in external dialogue, or to support a case for decision-making.~~

~~The identification, evaluation, preparation, implementation and operation of a hydropower project involves many different actors with different roles and responsibilities. In some cases, these may be public sector, private sector, or partnership projects. Roles and responsibilities can change as the project progresses through its life cycle. The organisation or partnership with the primary responsibility for a project at its particular life cycle stage will have a central role in any Protocol assessment. It is recognised this organisation may not have the major responsibility for all Protocol topics; roles and responsibilities for different sustainability topics will be discussed in a Protocol assessment and indicated in the assessment report.~~

~~IHA and the endorsing organisations encourage the Protocol to be used in support of advancing sustainable hydropower. It is available, without charge, to be downloaded from the IHA website by all interested parties. The Protocol is free to be used for non-commercial purposes, such as informing dialogue, guiding business systems and processes, and for in-house assessments.~~

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² IHA Central Office, Nine, Sutton Court Road, Sutton, London, SM1 4SZ, United Kingdom
Email: iha@hydropower.org Fax: +44 0208 643 5600

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~~IHA and the endorsing organizations seek feedback and suggestions for improvement of future versions of the Protocol.~~

Section Entitled “HSAF Knowledge Base”:

“The Hydropower Sustainability Assessment Forum (HSAF) developed an online HSAF Knowledge Base to capture ~~knowledge brought forward~~information considered by the Forum during development of the Protocol. This website can be accessed at [***web link to Forum part of IHA website***]. The HSAF Knowledge Base is a resource with a depth of information on Protocol topics and ~~high profile and~~ cross-cutting issues that can be accessed by those who are interested. The HSAF Knowledge Base identifies a number of the standards that were important reference points for the different topics and themes addressed in the Protocol, ~~and provides links to further information.~~ Important reference points have included the World Commission on Dams 2000 report, the UNEP Dams & Development Project, the IFC Performance Standards, the World Bank and other multi-lateral safeguards policies, ISO standards, and numerous UN declarations and conventions.” It will provide a valuable record for future development of support material to accompany the Protocol.

~~The HSAF Knowledge Base is not an essential reference for undertaking a Protocol assessment. All information that is essential for assigning scores is found in the assessment tool appropriate to that project life cycle stage. The information presented in the Knowledge Base has neither been the object of a consensus like the five Protocol documents, nor has it undergone a quality control. It will provide a valuable record for future development of knowledge-based support material to accompany the Protocol.~~

Section entitled “Methodology for Assigning Scores”:

There is the potential to assign scores for each of the topic criteria appearing on a topic page, in the interests of eliciting greater insights from the assessment. ~~If this approach is taken, the overall score for the topic must be the lowest of all the individual criterion scores for that topic, so that there is no difference in overall outcome between these approaches.~~