

# HSAF Webinar Meeting - 7 August 2009

## BACKGROUND DOCUMENT

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The Forum aimed to have the Draft Protocol released to the public on Monday 13 July 2009.

On Friday 10 July 2009, Forum member views were requested on several issues and proposals raised by IHA that they would like to have addressed in the Draft Protocol prior to its public release. These were, in summary:

1. **Wording on the front cover** – *“Trialling Draft: Published by International Hydropower Association [with IHA logo], following comprehensive review and modification by the Hydropower Sustainability Assessment Forum project.”* This was to recognise IHA’s leadership and continuity with the Protocol, through its six previous versions and many years spent in its development.
2. **Scoring of sub-attributes** – in the case of multiple sub-attributes (bullet points under an attribute), to use the average sub-attribute score to get the attribute score. This was to address the concern that in Section II there are 269 sub-attributes, and if each requires evidence and will determine the attribute score it is too much for a practical assessment tool. It should be noted that this proposal with the sub-attributes was not seen by IHA to address the more fundamental issue that the Draft Protocol is too complicated and lengthy to be a practical assessment tool.
3. **Use and definition of the word “consent”** – that the word “consent” does not appear in the document and is replaced with the word “agreement”. This reflects concerns that consent is not proven best practice, and that examples brought forward of FPIC were examples of negotiated agreements, not consent granted to the developer/owner/operator.
4. **Edits to the social aspects** – also provided in this email were a copy of the social aspects sub-group submission post- Forum Meeting 7, plus a copy of the Forum Coordinator’s edits on this submission and reasons for these in track changes mode.

Forum members submitted a diversity of views on these issues, ranging from agreement, partial agreement, disagreement, and proposal of alternatives. One Forum member submitted a list of specific issues with the Forum Coordinator’s edits of the social aspects (definition of resettlement; lumping consultation sub-attributes in social aspects; intent statement for Project Affected Communities; and location of reference to entitlements in the Resettlement aspect). Many side discussions took place during which Forum members aimed to find ways to progress forward with these issues and not significantly delay release of the Draft Protocol.

On Friday 24 July 2009, the Forum Coordinator circulated a proposal tabled by a sub-group of Forum members on how to move forward with the four major areas of focus. These were, in summary:

1. **Wording on the front cover** – *“Trialling draft issued after review and modification by the Hydropower Sustainability Assessment Forum. Published by the International Hydropower Association. [with IHA logo].”* Provide additional wording on first page of Introduction saying *“Through review of the sixth edition of the IHA Sustainability Assessment Protocol, which began in March 2008, including seven formal meetings of the Hydropower Sustainability Assessment Forum, this working draft of a new protocol has been prepared for a formal consultation and trialling period. It is recognized that the consultation and trialling may lead to significant revision before a final draft is prepared, with a focus on it being a succinct, practical tool for the assessment of sustainability in a hydropower context.”*
2. **Scoring of sub-attributes** – Provide no specific instruction in the text of the Draft Protocol on whether they take the lowest or average sub-attribute as the attribute score. Put a statement on scoring in each of the section introductions saying *“A scoring system is yet to be concluded; comments on scoring methodologies, especially on the basis of experience*

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*from trialling, would be most welcome.*” Ensure the language in the Introduction in relation to how to score and present results is not absolute, but talks about ways it could be done.

3. **Use and definition of the word “consent”** – Leave the reference to consent in level 5 performance for both the Indigenous Peoples and Resettlement aspects as agreed at Forum Meeting 7. Cite the agreed Glossary definition of consent on both of these aspect pages, in the auditing guidance notes.
4. **Edits to the social aspects** – Adopt the sub-group tabled approach: Revision of the definition of scores in the introduction table from “regular engagement with stakeholders, often one-way (for projects to inform)” to “regular engagement with stakeholders, often two-way”. Make no further changes to the social aspects (i.e. keep the Forum Coordinator’s edits) and see what arises in consultation and trialling.

One Forum member responded expressing a willingness to forego ongoing concerns particularly on the social issues edits, in the interests of not holding up public release of the Draft Protocol, and accept the recommendations for moving forward proposed above, with the exception of the **definition of resettlement**. The social aspects sub-group had recommended that the definition of resettlement include both economic and physical displacement, consistent with the scope of IFC Performance Standard 5 and World Bank Operational Policy 4.12 (both of which refer to land acquisition and involuntary resettlement). The Forum Coordinator had been concerned that this was not a minor edit and had not been discussed at Forum Meeting 7, and it has significant repercussions which should be understood and discussed by the Forum as a whole, so she did not feel she could accept this insertion by the social aspects sub-group. The proposed definition would read: “*Resettlement includes:*

- *physical displacements (relocation, loss of residential land or loss of shelter);*
- *economic displacements (loss of assets, access to assets, or income sources or means of livelihoods) as a result of (i) acquisition of land, (ii) changes in land use or access to land, (iii) restriction on land use or access to natural resources including water resources, legally designated parks, protected areas or restricted access areas such as reservoir catchments and (iv) changes in environment leading to health concerns or impacts on livelihoods. It covers them whether such losses and restrictions are full or partial, and permanent or temporary.”*

This email sparked a number of phone conversations, with the main concern being that the consent that was included in the Resettlement aspect was not understood to extend to all those with any economic interest in the project-affected area. The Forum Chair then stepped into the email correspondence (29/7), noting that “whilst the definition itself may be acceptable (good practice is indeed to include economic displacement) the attribution of “consent” to economic displacement (as an indicator of best practice) is a step that I don’t feel we have properly considered in the Forum. WCD currently considers consent in relation to indigenous and tribal peoples only. It therefore applies to economic displacement of indigenous peoples, but if we are intending to extend that to economic displacement in a broader sense, we need to be comfortable with what appears to be a fairly significant statement.”

The Forum Chair asked in his email that all Forum members advise him by email or by phone their views on including the social aspects sub-group’s proposed definition of resettlement in the resettlement aspect; on the proposed pathways forward (24/7); and on the need for a webinar discussion and/or moving Forum Meeting 8 forward. The outcome of this was a decision to hold a webinar on 7<sup>th</sup> August to see if the Forum can resolve the issues needed to be addressed to enable public release of the Draft Protocol in August, and to discuss and agree on how it moves forward with other issues that arise from these email exchanges.