

# **NGO Perspectives on Project Screening**

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# Set Questions

- How can different approaches be used in complimentary manner?
- How can dialogue between different parties be improved?

# Recent Reviews

- UN Development Assistance Framework
- International Energy Agency's Hydropower Agreement
- World Commission on Dams
- Extractive Industries Review
- World Water Council
- Industry reviews: ICOLD, IHA

# The Emerging Consensus in Hydropower Development

- **Respect for human rights**
- **Multi-stakeholder decision-making**
- **Strategic Review of Options Assessment**
- **Demonstrable Public Acceptance + FPIC**
- **Securing Entitlements and Ensuring Compliance**
- **Addressing legacy of Existing Dams**
- **Basin-wide + Participatory Environmental Assessment**

# Respect for Human Rights

- **World Commission on Dams**

- Firmly grounded in “rights based approach” based on “the framework of internationally accepted norms on human rights, the right to development, and sustainability”
- “Policies that deny the rights of some to fulfill those of others cannot be adopted”

- **International Energy Agency**

- “Sustainable development as a recognised principle of human activity requires that equal consideration be given to the protection of human rights, the right to economic development and the protection of the environment.”

# Securing Entitlements

## **International Energy Agency**

- “Proponents must ensure that hydropower projects result in improved standards of living for affected people”

## **International Hydropower Association**

- “Affected communities [to be provided] with improved living conditions”
- Accountability guarantees

## **ICOLD**

- “Resettlement must result in a clear improvement of their living standards”

## **WCD**

- “Adversely affected people [must be] recognised as first among the beneficiaries”
- Hearng and grievance mechanisms must be in place

# Gaining Public Acceptance

## **International Energy Agency Hydropower Agreement:**

- Local communities must be “willing partners”
- “Local communities must be given sufficient lead time . . . To define a consensual basis in which they would be prepared to proceed with the proposed development”

## **ICOLD**

- “All projects have to be planned, implemented and operated with the clear consent of the public concerned.”

## **WCD**

- “Ensure that dams enjoy demonstrable public acceptance and in the case of indigenous communities free prior informed consent

# Multistakeholder Decision-Making

## **The United Nations Development Assistance Framework**

“Supporting policies and legislation that protect the rights of local communities to participate in the processes are essential . . . Ensuring full participation of all groups in the development process are priorities.”

## **WCD**

Stakeholder forum with right “to participate fully and actively in the decision-making process and be party to all negotiated agreements throughout the process.”

## **IEA Hydropower Agreement**

Stakeholders must be treated in an equitable manner

Stakeholders should establish an equitable and credible and effective environmental assessment.

# World Bank is Not Enough

- World Bank standards have failed to date to secure public purpose goals and will not meet MDG criteria
- Non compliance reflects in large part failure to address “process issues”
- Industry guidelines on hydropower now further advanced than those of Multilateral Development Banks
- Bank has no formal written policy on human rights. Safeguard policies make no reference to human rights
- Consultation not participation. Company responsible for demonstrating acceptance
- No requirement for those affected to be better off

# Process Issues

- Secrecy vs Transparency
- Top down vs Participatory
- Self-referential vs Multistakeholder
- Discretionary vs Mandatory
- Paper Compliance vs Implementation

# Common Approaches – An Opportunity to bring ECAs in line with Good Practice

- Requiring multi-stakeholder consultation during assessment as input to due diligence
- Requiring involvement of affected communities
- Mandatory policies – no exemptions
- Accountability mechanisms, including administrative review

# Hydropower Questionnaire Checklist

- 1. Does the project have a multi-stakeholder forum empowered to participate fully and actively in the decision-making process and be party to all negotiated agreements throughout the project cycle, from options assessment to final implementation, operation and monitoring?
- 2. Does the multi-stakeholder forum include all those rights holders whose rights are at risk from the project?
- 3. Does the project enjoy the demonstrable public acceptance or, where indigenous peoples are affected, their free prior informed consent?
- 4. Has an Options Assessment been undertaken at a sectoral level and has a river basin approach been taken in the assessment of environmental and social impacts?

# Improving Dialogue

- Input from critics is as important as input from clients: improves risk assessment and policy
- Dialogue not the same as consultation
- Not a one-way process. Not enough to be “in listening mode”
- Dialogue part of a process
- Has to be a commitment to want to talk, to negotiate and to change
- Walking the walk, not just talking the talk

## **Best Practice from Community Perspective: Implications for Risk**

“In the case of water projects, both the literature and submissions of stakeholders make it clear that projects ‘succeed’ only where affected communities have been able to determine their design, operation and implementation . . . . Where gains have been made, they have been achieved largely through resistance to official proposals, rather than as a result of compliance with them – and were rarely intended outcomes of the planner’s plans.”

**The risk implications are clear**