

CEE

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# **FPIC FOR SELF-IDENTIFIED INDIGENOUS PEOPLES AND ETHNIC GROUPS IN GEORGIA CASE OF NENSKRA HPP**



**ECE/PP - Task Force on Public Participation in Decision Making**

**1-2 March, 2021**

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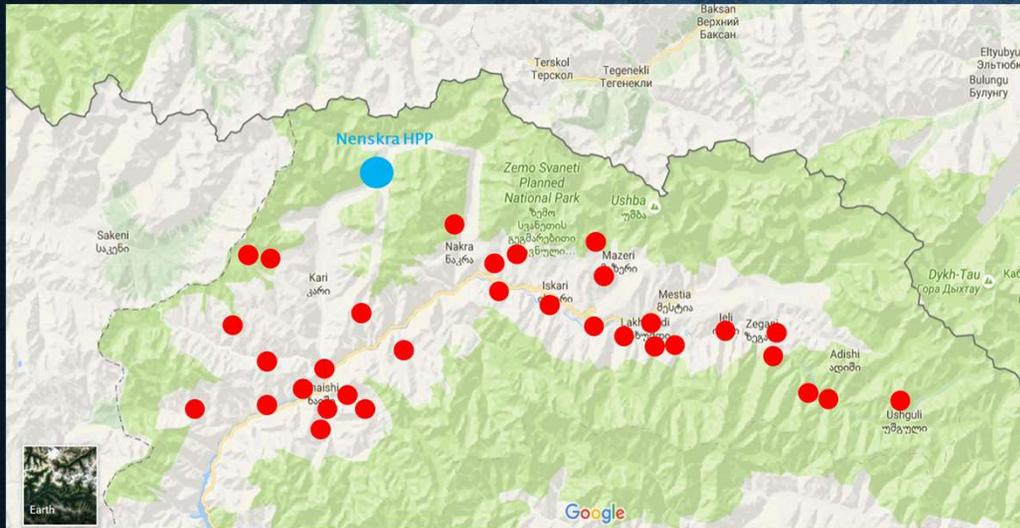
## PUBLIC PARTICIPATION CHALLENGES IN GEORGIA'S ENERGY SECTOR

The Nenskra project in Upper Svaneti was approved without public participation process in 2015

- The approval of energy project by authorities precede the environmental impact assessment and decision making
- There is no detailed, transparent procedures for decision-making on energy projects;
- the public have no opportunity to be involved in the decision-making process from the early stages.
- The rural communities often deprived right to land and water that leads to the fierce opposition to the projects;



# NENSKRA HPP

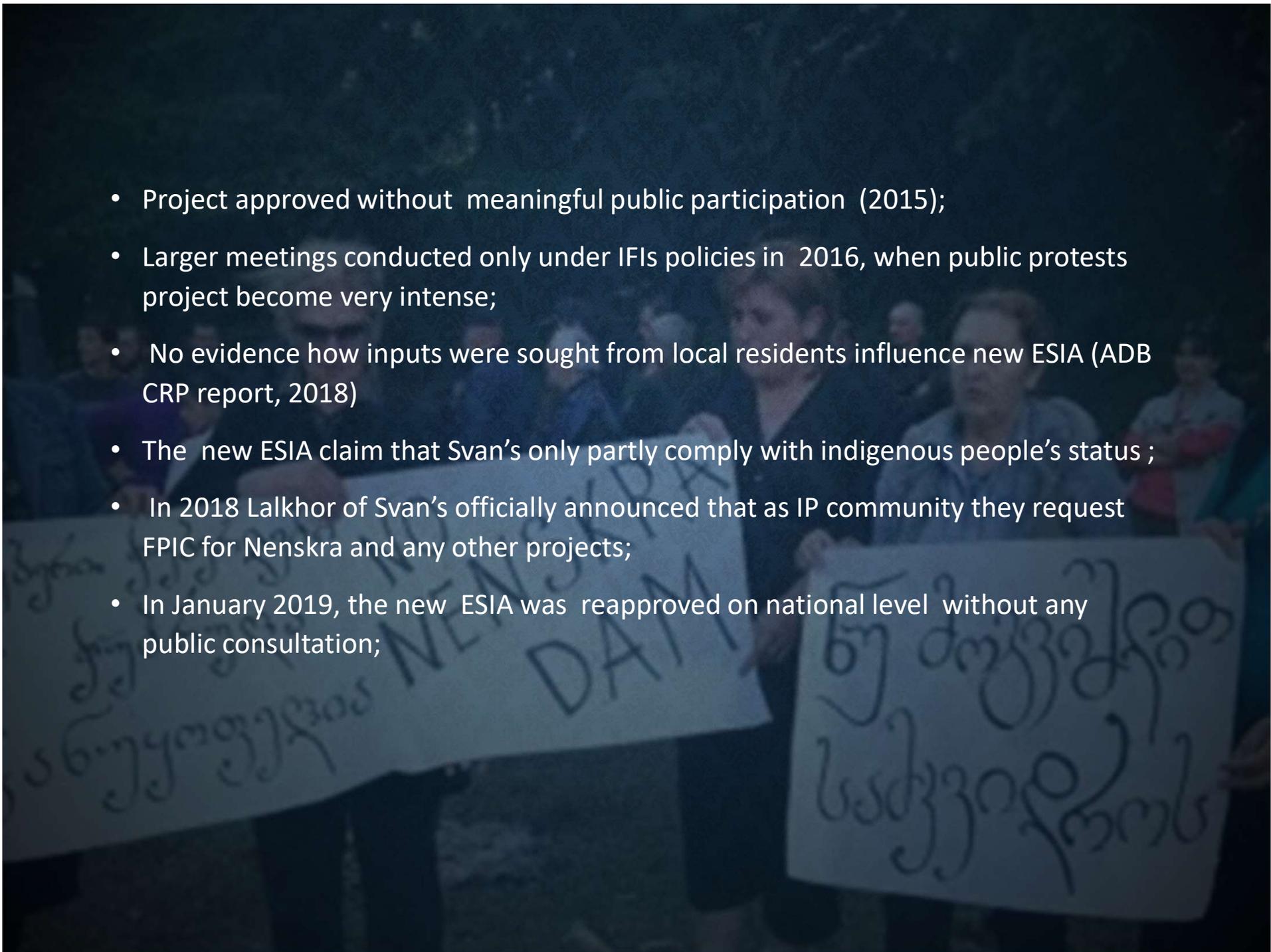


- 280 MW Nenskra HPP Located in Upper Svaneti
- In 2018 EIB and EBRD approved loan
- Pending loan approvals for ADB and AIIB

## Upper Svaneti

- Population: 14.500 Svans
- Candidate Emerald site
- Planned Upper Svaneti National Park and Protected Landscape
- **Planned 35 hydropower plants on various stages of planning**
- **Cumulative negative impacts on the Enguri river basin**

- Project approved without meaningful public participation (2015);
- Larger meetings conducted only under IFIs policies in 2016, when public protests project become very intense;
- No evidence how inputs were sought from local residents influence new ESIA (ADB CRP report, 2018)
- The new ESIA claim that Svan's only partly comply with indigenous people's status ;
- In 2018 Lalkhor of Svan's officially announced that as IP community they request FPIC for Nenskra and any other projects;
- In January 2019, the new ESIA was reapproved on national level without any public consultation;



# EBRD AND EIB FAILED TO ENSURE COMPLIANCE OF THE NENSKRA PROJECT WITH OWN SAFEGUARD POLICIES;



EBRD and EIB compliance mechanisms found non-compliance of the Nenskra project with own safeguards;

The Banks failed its application on Indigenous people's criteria under the Good International Practice, requiring Consultation with "a self-proclaimed indigenous community concerning the application of any eligibility criteria that will be used in the determination of whether the group constitutes an indigenous people."

EBRD IPAM also finds that Bank Management did not seek to ensure the requirements on gender as well as to undertake meaningful, gender inclusive engagement during stakeholder consultation,

# FPIC FOR INDIGENOUS AND LOCAL COMMUNITIES

- Free and Prior Informed consent should be used in investment projects that may have an impact on the land access and use rights of rural communities and projects targeting indigenous peoples or rural areas that are home to indigenous and tribal peoples and ethnic minorities.
- For non-indigenous communities, the case for FPIC is based on:
  - (a) the right to meaningful participation in environmental decision- making;
  - (b) the right to control access to their lands and resources;
  - (c) contemporary standards of public participation and legitimate governance;
  - (d) basic principles of equity and justice; and (e) the United Nations Declaration on the Right to Development “Everyone has the right to development.”



Pankisi Valley, Kist community against Khadori 3 HPP

**UNLESS THE GEORGIA'S ENERGY  
SECTOR WILL CONTINUE TO ASSOCIATE  
WITH THIS TYPE OF PICTURES**