



Independent
Project
Accountability
Mechanism

MAP Monitoring Report VII

Monitoring Period: August 2023 - January 2024

Nenskra Hydro Power Project
EBRD Project Number 46778
Case 2018/08

May 2024

Note: This case was received under the Project Complaint Mechanism (PCM) - the former accountability mechanism of the EBRD - in accordance with the [2014 PCM Rules of Procedure](#) and the Monitoring stage was initially conducted under PCM Rules and Procedures.

Effective 1 July 2020, the Project Complaint Mechanism was replaced with the [Independent Project Accountability Mechanism](#) (IPAM), brought into effect through the [2019 Project Accountability Policy](#). Under the Policy's provisions for case transition, monitoring of the Nenskra Hydro Power Project Management Action Plan from the date above is undertaken in alignment with the requirements of the [2019 Project Accountability Policy](#) and in accordance with the adopted [MAP Monitoring Plan](#).

IPAM is the independent accountability mechanism of the EBRD. It reviews environmental, social, and Project disclosure-related concerns raised by Project-affected people and civil society organisations. IPAM can address concerns through two avenues: i) Problem-solving, which supports dialogue between Complainants and Clients to resolve environmental, social, and public disclosure concerns without attributing blame or fault; or ii) Compliance Reviews, which determine whether the EBRD has complied with its Environmental and Social Policy and Access to Information Policy in relation to the Project.

For more information about IPAM, please contact us at ipam@ebrd.com or visit the [IPAM webpage](#).


<p>Contact information</p> <p>The Independent Project Accountability Mechanism (IPAM) European Bank for Reconstruction and Development 5 Bank Street London, E14 4BG Telephone: +44 (0)20 7338 6000 Email: ipam@ebrd.com</p>	<p>How to submit a complaint to the IPAM</p> <p>Concerns about the environmental and social performance of an EBRD Project can be submitted by email, in writing, or via the online form at:</p> <p> https://www.ebrd.com/project-finance/ipam.html</p>
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Unless otherwise indicated capitalised terms used in this report are those as set forth in the 2019 Project Accountability Policy.

List of Abbreviations

Abbreviation	Long Form
CSO	Civil Society Organisation
EBRD	European Bank for Reconstruction and Development
ESIA	Environmental and Social Impact Assessment
ESAP	Environmental and Social Action Plan
ESD	EBRD Environmental and Social Department
ESP	EBRD Environmental and Social Policy
GIA	Gender Impact Assessment
GN	Guidance Note
GoG	Government of Georgia
IPAM	Independent Project Accountability Mechanism
Lenders / Sponsors	Means the financiers of the Project, which include the European Bank for Reconstruction and Development (EBRD), European Investment Bank (EIB), the Asian Development Bank (ADB), the Asian Infrastructure Investment Bank (AIIB), the Korean Development Bank (KDB) and the Korea Trade Insurance Corporation (K-SURE)
MAP	Management Action Plan
PAP or Policy	IPAM Project Accountability Policy
PCM	Project Complaint Mechanism
Project	Nenskra Hydro Power Project (46778) in Georgia

Executive Summary

On 31 May 2018, the Project Complaint Mechanism (PCM) received a Complaint from community members of Chuberi, Georgia, co-submitted with CEE Bankwatch Network and Green Alternative (the Complainants), related to the [Nenskra HPP \(46778\)](#) Project in Georgia.

The PCM Expert responsible for the Compliance Review identified non-compliance across five (5) of the 2014 Environmental and Social Policy Performance Requirements and provided eleven (11) Project-level and systemic recommendations to address that non-compliance.

In accordance with the 2014 PCM Rules of Procedure, EBRD Management prepared a Management Action Plan (MAP) to respond to the Expert's findings and recommendations. Management sought Audit Committee endorsement of the draft MAP on 16 July 2020. Audit Committee members requested some minor modifications, after which the Board under the non-objection procedure approved a final version in August 2020 that includes eleven (11) actions to be implemented.

The Compliance Review Report and the approved MAP were disclosed on the [IPAM case registry](#) on 11 August 2020 and the [MAP Monitoring Plan](#) that provides information on the actions IPAM would undertake during the monitoring period was disclosed in November 2020.

The Board-approved MAP established that all actions would be completed by June 2022 and correspondingly, the IPAM monitoring stage for this case would run from September 2020 to July 2023. The MAP Monitoring Plan published by IPAM in November 2020 acknowledged that the timeline and the number of monitoring reports may vary depending on the date by which the loan is signed, as a number of the actions were dependent on this date.

The Project Accountability Policy establishes that IPAM will consider an action completed when the committed tasks are carried out within the indicated timeline.¹

For Case 2018/08, out of eleven actions proposed, four have been completed to this date (actions 1, 2, 3 and 9) and only one of them has fully complied with the criteria established.

In November 2021, Management informed IPAM that the Project was facing delays² and as a consequence the MAP would not meet the Board-approved timeframe. At IPAM's request, Management provided a revised timeframe on 22 March 2022 (See [MAP monitoring report III](#)), for actions 2, 4, 6, 7, 8, 9, and 10.

This report covers the **seventh monitoring period**, which runs from August 2023 to January 2024. IPAM has been monitoring MAP implementation for over three years and has issued six monitoring reports prior to this one (See [case registry](#) to access previous reports).

For the seventh monitoring period, IPAM monitoring referred to overdue actions 4 (iii), 5, 6, 7, 8, and 10); and one recurrent action (Action 11).

At the end of the period, **IPAM reports progress has been made on action 11 and only action 4 (iii) has been completed.** All other actions, which were already delayed, remain open and pending completion.

¹ As per para. 2.8 of the Project Accountability Policy, "Management Action Plans will be considered implemented if they fulfil the following criteria: i) the implementation plans and commitments set out thereunder [in the MAP] are being effectively carried out; and ii) implementation timetables are being met.

² The delays were caused by the Covid-19 pandemic and the subsequent decision about the replacement of an Engineering, Procurement, and Construction (EPC) contractor. As of November 2023, the new EPC contractor still has not been engaged.

The implementation of the Project-related actions (actions 5, 6, 7, 8, 10, and 11) have been pending due to project delays.

Below is the summary of the actions monitored in the sixth monitoring report:

Management Action 4.iii – This involved two sub-actions (guidance note on gender issues and training session for Bank staff). These were supposed to be completed by July 2021 according to their original timeline and by Q3 2022 according to the revised timeline. The training took place in April 2023 and the guidance note has been finalised and approved in November 2023. Action completed.

Management Action 5 – Management was to prepare an assessment of the applicability of PR7 in Svaneti. At the time of MAP approval Management anticipated that this item would be closed within 24 months (i.e. by August 2022), subject to cooperation by all Parties and Covid-19 restrictions imposed by national authorities. According to information provided by Management, no progress has taken place on this action since 2021 due to Project delays. Action not completed - Monitoring to continue but no timeframe for completion provided by Management.

Management Action 6 – an update to the Cumulative Impact Assessment (CIA) and its disclosure was to be completed by January 2022 according to the original timeframe and by Q1 2023 under the revised timeframe. IPAM has reviewed the Cumulative Impact Assessment Study and confirms it meets the Compliance Review recommendation. However, disclosure has not taken place. Action not completed - Monitoring to continue but no timeframe for completion provided by Management.

Management Action 7 – Management was to provide information on assessment of alternatives by September 2021 according to the original timeline and by Q1 2023 according to the revised timeline. The assessment was prepared and disclosed to interested International Financing Institutions but is still pending public disclosure. Action not completed - Monitoring to continue but no timeframe for completion provided by Management.

Management Action 8 – this action consisted of two sub-actions (preparation of the Gender Impact Assessment (GIA) and Action Plan and Technical Cooperation component which were to be completed by the end of 2021. Then the timeline for the GIA was revised to Q3 2022. IPAM reviewed the final version of the GIA and Action Plan and confirms that they address the Compliance Review recommendation but the document has not been disclosed. The second element of Action 8, the Technical Cooperation project is pending. Action not completed - Monitoring to continue but no timeframe for completion provided by Management.

Management Action 10 – Management was required to provide an update of the Cultural Heritage Impact Assessment report and Cultural Heritage Management Plan by January 2020 according to the original timeline and by Q3 2022 according to the revised timeline. IPAM reviewed the final version of the Cultural Heritage Impact Assessment Study and Cultural Heritage Management Plan and confirms they address the Compliance Review recommendations. However, plan disclosure and implementation still pending. Monitoring to continue but no timeframe for completion provided by Management.

Management Action 11 – this action required engagement with the Client to undertake an environmental and social governance review and assess the project capacity requirements against the various project commitments to ensure full uptake and implementation of the environmental and social requirements and provide an update to IPAM. As this is a recurrent action, there is no set timeframe for completion. Management provided an update. Monitoring to continue.

COMPLIANCE PROCESS OUTPUTS AND TIMELINE

S.No.	ACTIVITY	TIMELINE
1.	Compliance Review completion	July 2020
2.	Management Action Plan approval	August 2020
3.	MAP Monitoring Plan	November 2020
4.	1st monitoring report covering period September 2020 – January 2021	April 2021
5.	2nd monitoring report covering period February 2021- July 2021	November 2021
6.	3rd monitoring report covering August 2021- January 2022	May 2022
7.	4th monitoring report covering February – July 2022	November 2022
8.	5th monitoring report covering August 2022 - January 2023	May 2023
9.	6th monitoring report covering February – July 2023	November 2023
10.	7 th monitoring report covering August 2022 - January 2023	May 2024

For the eighth monitoring period, covering MAP implementation from February – July 2024, IPAM will monitor all outstanding actions. However, none of the remaining actions have specific timeframes for completion provided by Management.

The next monitoring report is scheduled for disclosure at the end of August 2024.

1. Introduction

On 31 May 2018, the PCM received a Complaint from community members of Chuberi, Georgia, co-submitted with CEE Bankwatch Network and Green Alternative (the Complainants), related to the [Nenskra HPP \(46778\)](#) in Georgia.

The PCM Expert responsible for the Compliance Review identified non-compliance across five (5) of the 2014 Environmental and Social Policy Performance Requirements and provided eleven (11) Project-level and systemic recommendations to address said non-compliance. The Expert found the Bank to be non-compliant with Performance Requirement 1, 5, 8, 7 and 10 of the 2014 ESP, which have been outlined in the [Compliance Review Report](#).

In accordance with the 2014 PCM Rules of Procedure, EBRD Management prepared a Management Action Plan (MAP) to respond to the Expert's findings and recommendations. Management sought Audit Committee endorsement of the draft MAP on 16 July 2020. Audit Committee members requested some minor modifications, after which the Board under the non-objection procedure approved a final version in August 2020.

The Compliance Review Report and the approved Management Action Plan (MAP) were disclosed on the [IPAM case registry](#) on 11 August 2020 thus initiating the MAP monitoring stage.

On 1 July 2020, the 2019 Project Accountability Policy (PAP) became effective thus superseding the 2014 Rules of Procedure. Consequently, as per the transitional provisions established in section V of the PAP, monitoring of the Nenskra MAP implementation fell under the responsibility of IPAM as per the PAP provisions for monitoring (paragraph 2.8 of the PAP).

IPAM produced and disclosed a [monitoring plan](#) for this case based on the approved MAP. Given persistent delays in implementation of both project and systemic actions during the first 18 months of monitoring, IPAM requested from Management a revised timeframe. Management submitted a revised timeframe in the [third monitoring period](#) and IPAM is currently monitoring implementation under that revised timeframe.

This document is the seventh monitoring report, covering IPAM monitoring activities in relation to relevant Management actions for the period from August 2023 to January 2024.

2. Monitoring Report

The current monitoring period includes actions that were not completed within the timeframe established and remained pending from previous periods (Actions 4 (iii), 5, 6, 7, 8, and 10); and one recurrent action (Action 11).

2.1. Monitoring Activities undertaken during the period

During the period, and based on the actions to be monitored, IPAM requested information from the Management on the progress of the actions, as well, as the situation of the Project.

As all Project-related actions are on hold, IPAM focused on monitoring of the systemic actions that can be implemented by the Bank without the progress of the Project.

Management updates

Management reported that the project remains on hold until the implementation agreement and EPC contractor selection process have been finalised. The remaining MAP action items are dependent on the restart of the project and will be actioned at the appropriate time in the project cycle.

The one remaining systemic action (Action 4(iii)) has been completed, as the internal guidance on wider gender considerations based on 2019 ESP and associated Performance Requirements has been developed and reviewed by IPAM.

2.2. Requesters' perspective

Requesters did not provide a comment in this monitoring period.

2.3. Monitoring Conclusions

This report covers the seventh monitoring period, August 2023 to January 2024 and reflects the status of MAP implementation at that time. Any actions implemented from February 2024 will be recorded in the next monitoring report.

As a result of the monitoring, IPAM considers that only Action 4 (iii) and 11 (a recurring action) can be considered completed in this monitoring period.

The Management completed one systemic action, by finalising the Internal guidance note on wider gender considerations based on 2019 ESP and associated Performance Requirements.

Below is the summary of the actions monitored in the sixth monitoring report:

Management Action 4.iii – This involved two sub-actions (guidance note on gender issues and training session for Bank staff). These were supposed to be completed by July 2021 according to their original timeline and by Q3 2022 according to the revised timeline. The training took place in April 2023 and the guidance note has been finalised and approved in November 2023. Action completed.

Management Action 5 – Management was to prepare an assessment of the applicability of PR7 (Indigenous Peoples) in Svaneti. At the time of MAP approval Management anticipated that this item would be closed within 24 months (i.e. by August 2022), subject to cooperation by all Parties and Covid-19 restrictions imposed by national authorities. According to information provided by Management, no progress has taken place on this action since 2021 due to Project delays. Action not completed - Monitoring to continue but no timeframe for completion provided by Management.

Management Action 6 – an update to the Cumulative Impact Assessment (CIA) and its disclosure was supposed to be completed by January 2022 according to the original timeframe and by Q1 2023 under the revised timeframe. IPAM has reviewed the Cumulative Impact Assessment Study and confirms it meets the Compliance Review recommendation. However disclosure has not taken place. Action not completed - Monitoring to continue but no timeframe for completion provided by Management.

Management Action 7 – Management was to provide information on assessment of alternatives by September 2021 according to the original timeline and by Q1 according to the revised timeline. The assessment was prepared and disclosed to interested International Financing Institutions but is still pending public disclosure. Action not completed - Monitoring to continue but no timeframe for completion provided by Management.

Management Action 8 – this action consisted of two sub-actions (preparation of the Gender Impact Assessment (GIA) and Action Plan and Technical Cooperation component which were to be completed by the end of 2021. Then the timeline for the GIA was revised to Q3 2022. IPAM reviewed the final version of the GIA and Action Plan and confirms that they address the Compliance Review recommendation, but the document has not been disclosed. The second element of Action 8, the Technical Cooperation project is pending. Action not completed - Monitoring to continue but no timeframe for completion provided by Management.

Management Action 10 – Management was required to provide an update of the Cultural Heritage Impact Assessment report and Cultural Heritage Management Plan by January 2020 according to the original timeline and by Q3 2022 according to the revised timeline. IPAM reviewed the final version of the Cultural Heritage Impact Assessment Study and Cultural Heritage Management Plan and confirms they address the Compliance Review recommendations. However, plan disclosure and implementation still pending. Monitoring to continue but no timeframe for completion provided by Management.

Management Action 11 –this action required engagement with the Client to undertake an environmental and social governance review and assess the project capacity requirements against the various project commitments to ensure full uptake and implementation of the environmental and social requirements and provide an update to IPAM. As this is a recurrent action, there is no set timeframe for completion. Management provided an update. Monitoring to continue.

Next Steps

For the eighth monitoring period IPAM will monitor Management Actions 5, 6, 7,8,10 and 11 (recurring action).

The next monitoring report is scheduled for disclosure at the end of August 2024.

Table 1: MAP Implementation Progress

Action No.	EBRD Management Action Plan Commitment and Proposed Deadline for Completion	IPAM Proposed Monitoring Activity	IPAM monitoring activity due date	IPAM Requirement for determining completion	Status of Management Action Plan Commitment	Monitoring outcomes and decisions
4.	<p>(iii) Internal guidance on wider gender considerations based on 2019 ESP and associated Performance Requirements will be developed and ESD will be trained to assist in addressing gender issues/risks in projects.</p> <p>Management Deadline: By end of first monitoring period</p>	<ul style="list-style-type: none"> - Review internal guidance note on inclusion of wider gender considerations - Request training records - One IPAM team member to participate in a training session 	<p>July 2021</p> <p>Revised timeframe provided: Q3 2022</p>	<ul style="list-style-type: none"> - Guidance note considered by IPAM - Receipt of training documents by IPAM - One IPAM team member participated in a training session 	Completed	<p>The representatives of the IPAM team participated in the training provided to the ESD team on 27 April 2023.</p> <p>The internal guidance note has been finalised in November 2023.</p> <p>IPAM has reviewed the note, but as it is an internal document, it is not subject to disclosure.</p>
5.	Consult with project stakeholders including the project sponsors, project lenders, relevant Department of the Government of Georgia and internationally and locally recognised experts in the field to define the appropriate next steps in the context of the project ESIA and the broader content of applicability of PR7 in Svaneti.	<ul style="list-style-type: none"> - Review of the ToR for Phase 2 - Review consultation reports - IPAM to participate as observer in the planned consultation meetings - Review the report on broader applicability of PR 7. 	June 2022	<ul style="list-style-type: none"> - Engagement with Project Affected Svan, Client, GoG and CSOs has taken place. - IPAM participation as observer - Report considered by IPAM 	Pending	<p>At the time of MAP approval Management anticipated that this item would be closed within 24 months (August 2022), subject to cooperation by all Parties and subject to Covid-19 restrictions imposed by national authorities.</p> <p>However, Management informed IPAM that the action is dependent on the Project status.</p> <p>IPAM confirmed that since 2021, works on the action have been on hold.</p>
6.	<p>Management will continue to engage with the project sponsors and their advisors to ensure that the Cumulative Impact Assessment (CIA) be updated, and disclosed, to incorporate the recommendations of the PCM Compliance Report.</p> <p>Management Deadline: 12 months from the loan</p>	Review updated CIA and evidence of disclosure	<p>January 2022</p> <p>Revised timeframe provided: Q1 2023</p>	<ul style="list-style-type: none"> - Updated CIA reviewed by IPAM - Updated CIA disclosed by the Management 	Not completed	<p>The action is not deemed completed as the assessment has not been disclosed.</p>

Action No.	EBRD Management Action Plan Commitment and Proposed Deadline for Completion	IPAM Proposed Monitoring Activity	IPAM monitoring activity due date	IPAM Requirement for determining completion	Status of Management Action Plan Commitment	Monitoring outcomes and decisions
	signing					
7.	Management will continue to engage with the project sponsors and their advisors to address the alternatives assessment in parallel with MAP Item #3. Management Deadline: August 2021	Review reported actions	September 2021 Revised timeframe provided: Q1 2023	Management reports considered by IPAM	Not completed	The action is not deemed completed as the assessment has not been disclosed.
8.	Implementation of the proposed Technical Cooperation Project is anticipated to address the findings as they pertain to gender and inclusion. The Terms of Reference for the TC project will be shared with the PCM office and will include a two-stage approach, the first being the additional layer of gender impact assessment and the second, the originally envisaged technical cooperation programme to go beyond compliance with the EBRD's ESP. Management Deadline: Phase I (Gender impact assessment) – August 2021 Phase II– TC project -24 months after loan signing	- Review the gender impact assessment report to assess gender impacts in relation to influx of migrant workers, potential introduction of trafficking and forced prostitution in accordance with GIP	End 2021 October 2021 Revised timeframe provided: Q3 2022 for GIA and no timeframe provided for TC project	- Gender impact assessment report and action plan considered by IPAM - TC program TOR received by IPAM	GIA and Action Plan completed TC component pending	IPAM reviewed the final version of the GIA and Action Plan and confirmed that it addresses the CR recommendation. The disclosure of the documents is pending due to the project cycle. The second element of Action 8, Technical Cooperation project is pending due to its dependence on Project cycle.
10.	Management will continue to engage with the Client and their advisors to ensure that the cultural heritage impact assessment is updated to incorporate the recommendations of the PCM Compliance Review. The updated assessment will form the basis of the EPC management plans, which will be further revised during the early project implementation period. Management Deadline: 12 months from MAP approval. (if travel restrictions are lifted)	- Review the updated cultural heritage impact assessment and Cultural Heritage Management Plan. - IPAM will also consider attending planned consultation meetings with project-affected people to observe their feedback. - Review progress update report on implementation of the Cultural Heritage Management Plan. IPAM to organise a meeting with Management if required.	End 2021 August 2021 January 2022	- Cultural heritage impact assessment report and Cultural Heritage Management Plan received - Monitoring report received confirming the implementation of the Cultural Heritage Management Plan requirements by the project team. - Community Investment Programme monitoring reports received confirming additional projects to support cultural heritage. - Stakeholder engagement records received.	Not completed	IPAM reviewed the final version of the Cultural Heritage Impact Assessment and Cultural Heritage Management Plan. The action is not deemed completed as the assessment has not been disclosed.

Action No.	EBRD Management Action Plan Commitment and Proposed Deadline for Completion	IPAM Proposed Monitoring Activity	IPAM monitoring activity due date	IPAM Requirement for determining completion	Status of Management Action Plan Commitment	Monitoring outcomes and decisions
		- Review of monitoring reports on Community Investment Projects designed to support Cultural Heritage beyond impact management	Revised timeframe provided: Q3 2022			
11.	<p>Management has engaged with the Client to undertake an environmental and social governance review and assess the project capacity requirements against the various project commitments to ensure full uptake and implementation of the environmental and social requirements. The results of this assessment will be shared with the PCM office as it progresses.</p> <p>Management Deadline: August 2021 and periodically until project closure</p>	Request a periodic update on outcomes and measures established.	From August 2021 and until last Monitoring Report	Update received	Completed for this monitoring period	Update received