



Independent
Project
Accountability
Mechanism

MAP Monitoring Plan
Nenskra Hydro Power Project (#46778)
Independent Project Accountability Mechanism
Case 2018/08
November 2020

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](#).

Effective 1 July 2020, the Project Complaint Mechanism was replaced with the [Independent Project Accountability Mechanism](#), brought into effect through the [2019 Project Accountability Policy](#). Under the Policy's provisions for case transition, monitoring of the Nenskra Management Action Plan will be undertaken in alignment with the requirements of the 2019 Project Accountability Policy.

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

Contact information	How to submit a complaint to the IPAM
<p>The Independent Project Accountability Mechanism (IPAM) European Bank for Reconstruction and Development One Exchange Square London EC2A 2JN</p> <p>Telephone: +44 (0)20 7338 6000 Email: ipam@ebrd.com</p>	<p>Concerns about the environmental and social performance of an EBRD Project can be submitted by email, telephone or in writing, or via the online form at:</p> <p>https://www.ebrd.com/project-finance/ipam.html</p>

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List of Abbreviations

CIA	Cumulative impact Assessment
CR	Compliance Review
CSO	Civil Society Organisation
EPC	Engineering, procurement and construction contract
ESIA	Environment and social impact assessment
ESP	EBRD Environmental and Social Policy
GBHV	Gender Based Harassment and Violence
GoG	Government of Georgia
HPP	Hydro Power Project
IPAM	Independent Project Accountability Mechanism
LALRP	Land acquisition and Livelihood Resettlement Plan
MAP	Management Action Plan
PAP	Project Accountability Policy
PCM	Project Complaint Mechanism
PIP	Public Information Policy
PR7	Performance Requirement 7
TC	Technical Cooperation
TOR	Terms of Reference

1. Background

In June 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), relating to the Nenskra HPP. The PCM conducted a Compliance Review of the Nenskra HPP in Georgia, following allegations of non-compliance with the 2014 EBRD Environmental and Social Policy (ESP). The external PCM CR Expert identified non-compliance across five (5) ESP Performance Requirements, and provided eleven (11) Project-level and systemic recommendations to address said non-compliance. In accordance with para. 45 and 46 of the 2014 PCM Rules of Procedure, EBRD Management prepared a MAP to respond to the Expert's findings and recommendations. Management sought Audit Committee endorsement of the draft MAP on 16 July 2020, where it was deemed that the Plan sufficiently addressed the findings and recommendations of the Compliance Review. However, following feedback from Audit Committee members, some minor modifications were made to the MAP and 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 public case registry on 11 August 2020 thus initiating the MAP monitoring stage.

Parallel to the processing of this case, on 1 July 2020, the 2019 Project Accountability Policy (PAP) became effective thus superseding the 2014 Project Complaint Mechanism Rules of Procedure.

As a consequence, per the transitional provisions established in section V of the Policy, monitoring of the Nenskra MAP implementation by IPAM will follow the PAP provisions.

2. IPAM Monitoring Approach

As per the 2019 PAP¹, IPAM will monitor the implementation of the approved MAP in the context of the findings of non-compliance identified in the Nenskra HPP Compliance Review Report. The approved MAP includes action items for the 11 recommendations and as per the (paragraph 2.8 (b)) of the PAP, it will be deemed implemented once it fulfils the following criteria:

- i. The implementation plans and commitments set out thereunder are being effectively carried out; and
- ii. Implementation timetables are met.

IPAM monitoring plan for the Nenskra MAP includes a combination of activities in line with the PAP approach to ensure that MAP commitments are effectively implemented and that they do so in the established timelines proposed by Management.

For the purpose of informing the Board, the President, Requesters, Management and the Client, as well as the general public through the IPAM case registry, IPAM will issue Monitoring Reports at least bi-annually until all actions are complete. The table below indicates the planned schedule for disclosure of the IPAM monitoring reports. As the Board approved the Nenskra MAP in August

¹ As per the 2019 Project Accountability Policy (PAP), Independent Project Accountability Mechanism (IPAM) will monitor the implementation of any Management Action Plan (MAP) produced to implement the recommendations to address findings of non-compliance once approved by the Board in accordance with Section III, Paragraphs 2.7 and 2.8 of the PAP.

2020, the first IPAM Monitoring Report is due for disclosure at the end of February 2021 and subsequent reports will be disclosed every six months until the MAP is effectively implemented.

IPAM Monitoring and Reporting Schedule

Report	Monitoring Period covered	IPAM Monitoring Report Disclosure Deadline
1 st Monitoring Report	September 2020 - January 2021	End of February 2021
2 nd Monitoring Report	February 2021 - July 2021	End of August 2021
3 rd Monitoring Report	August 2021 - January 2022	End of February 2022
4 th Monitoring Report	February 2022 - July 2022	End of August 2022
5 th Monitoring Report	August 2022 - January 2023	End of February 2023
6 th Monitoring Report ²	February 2023 - July 2023	End of August 2023

IPAM Monitoring Reports will focus on action items that the MAP had committed to undertaking and completing in the monitoring period covered by the specific report. Actions will be deemed effectively completed when Management provides IPAM with evidence of its completion and after due consideration IPAM confirms that the activity/product responds to the recommendation made.

Monitoring activities will focus on desk reviews by the IPAM team to consider documentation and information provided by Management as per the deadlines set in the MAP. It will actively consult relevant stakeholders before the issuance of each Monitoring Report. If deemed necessary, IPAM will hire experts and undertake project site visits.

3. Proposed IPAM Monitoring Plan

The 11 PCM Recommendations have been covered in the approved MAP through a combination of actions, some already undertaken or in progress and others specific to the Project. For all of them, the MAP includes estimated deadlines for completion. Based on those deadlines, IPAM Monitoring Plan has established monitoring activities that the IPAM team will undertake and the due date for those activities to be implemented.

In relation to MAP deadlines, Management has clarified the following:

1. For those actions where the MAP deadline is the first monitoring period, this is set as 12 months from the date of approval of the MAP.
2. The current COVID-19 ban on travel may affect the proposed timeline.

The Annex presents the IPAM Monitoring Plan for each of Management actions proposed to address the 11 recommendations presented in the Compliance Review Report. For each action item, the table shows the monitoring activity to be undertaken by IPAM, the date by which that proposed monitoring activity is expected to have taken place and how IPAM will determine that the action reflects the recommendation it is seeking to address.

The biannual IPAM Monitoring Reports will provide information on progress as per the activity schedule presented in the annex.

² This timeline and the number of monitoring reports may vary depending on the date in which the loan is signed, as a number of the actions are dependent on this date.

Annex: MAP Implementation Monitoring Plan

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
1.	Develop and implement a systemic tracking system for EBRD requests to clients, allowing the Bank to ensure that Project-specific requests regarding ESP adherence be implemented in a timely manner. This system will be included within ESD's Assurance Framework and will be used for all Category A projects to allow recording, tracking and closure of review Comments provided to clients. Management Deadline: With immediate effect	➤ Request meeting to become familiar with the tracking tool.	January 2021	➤ Operational tracking tool is in place and working
		➤ Identify a sample case to test usage. ➤ Verification on usage of sample case	January 2022	➤ Proof of use of tool by Management
2.	Undertake a gap analysis of the revised PR7 in the 2019 ESP and the new PR7 Guidance Note, currently under preparation, in light of this recommendation to ensure all elements are included. Finalise and publish the PR7 Guidance Note. Management Deadline: By end of first monitoring period (See above for Management clarification)	➤ Review gap analysis and verification of Board review and disclosure process	July 2021	➤ Gap analysis completed by the Management ➤ PR7 Guidance note reviewed by the Board ➤ PR7 Guidance note disclosed by Management
3.	(i) Define Good International Practice for the assessment of alternatives and adopt this as internal guidance as part of ESD's Assurance Framework. (ii) Prepare internal guidance for disclosing when the analysis of alternatives has already been undertaken prior to the Bank's involvement in the project and the outcomes of the Bank's review of such an analysis against GIP. Management Deadline: By end of first monitoring period (See above for Management clarification)	➤ Request meeting with Management to understand the process adopted and analysis conducted to define GIP for alternative assessment.	January 2021	➤ Meeting convened
		➤ Review the internal guidance note.	July 2021	➤ Guidance note considered by IPAM

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
4.	(i) Gender Based Violence and Harassment identification and management guidance is currently under finalisation and will be disclosed for use by EBRD and clients. Management Deadline: By end of first monitoring period (See above for Management clarification)	<ul style="list-style-type: none"> ➤ Review the GBHV identification and management guidance note 	January 2021	<ul style="list-style-type: none"> ➤ Guidance note considered by IPAM ➤ Guidance note disclosed by Management
	(ii) GBVH risk screening tools have been developed and training on gender based violence and harassment was delivered to ESD staff in 2019. Additional training on GBVH is planned after disclosure of the GBVH Guidance. Management Deadline: action completed and additional training to be conducted during second half of 2020	<ul style="list-style-type: none"> ➤ Request a meeting with the Management to familiarise with gender risk screening tools and its use in the projects. ➤ Revision of documentary evidence of trainings undertaken 	January 2021	<ul style="list-style-type: none"> ➤ Feedback received from Management on the usefulness of the tool ➤ Receipt of training documents by IPAM
	(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. Management Deadline: By end of first monitoring period (See above for Management clarification)	<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 	July 2021	<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
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. Management Deadline: Phase One (Desk Study): November 2020 Deadline for Phase Two (Field Study): 24 months from MAP approval - August 2022	<ul style="list-style-type: none"> ➤ Review of the phase I report 	December 2020	<ul style="list-style-type: none"> ➤ Report considered by IPAM
		<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

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
6.	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. Management Deadline: 12 months from the loan signing.	➤ Review updated CIA and evidence of disclosure	January 2022 (estimated)	➤ Updated CIA reviewed by IPAM ➤ Updated CIA disclosed by the Management
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	➤ Management reports considered by IPAM
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	➤ Request and review the TOR of gender impact assessment study(Phase I)	December 2020	➤ TOR considered by IPAM
		➤ 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	➤ Gender impact assessment report and action plan considered by IPAM
		➤ Review the scope, activities and TOR of the Phase 2- technical cooperation (TC) project. ➤ Receive update on implementation	October 2021 Before last Monitoring Report is due	➤ TC program TOR received by IPAM ➤ Update received
9.	Management will continue to engage with the borrower and their advisors to ensure that the LALRP is updated to incorporate the recommendations of the PCM Compliance Review including deletion of the references made to specific thresholds in the entitlement matrix.	➤ Review the LALRP implementation report to confirm removal of thresholds for all past and ongoing land acquisition activities. ➤ Review of stakeholder engagement records to see the feedback of affected people on the process undertaken.	July 2021	➤ LALRP implementation report considered and Project affected people feedback is retrofitted through stakeholder engagement records.

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
	Management Deadline: By end of first monitoring period (See above for Management clarification)	<ul style="list-style-type: none"> ➤ Review of updated LALRP that will be prepared based on the design changes to address all potentially affected land owners/users. 	End 2021	<ul style="list-style-type: none"> ➤ LALRP reviewed and confirmed that it incorporates CR recommendations
10.	<p>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.</p> <p>Management Deadline: 12 months from MAP approval. (if travel restrictions are lifted)</p>	<ul style="list-style-type: none"> ➤ Review of the TOR on Cultural Heritage Impact Assessment ➤ 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. 	<p>October 2020</p> <p>End 2021</p>	<ul style="list-style-type: none"> ➤ Cultural heritage impact assessment report and Cultural Heritage Management Plan received
		<ul style="list-style-type: none"> ➤ Review progress update report on implementation of the Cultural Heritage Management Plan. IPAM to organise a meeting with Management if required. ➤ Review of monitoring reports on Community Investment Projects designed to support Cultural Heritage beyond impact management 	<p>August 2021</p> <p>January 2022</p>	<ul style="list-style-type: none"> ➤ 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.
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 will assessment will be shared with the PCM office as it progresses.</p> <p>Management Deadline: August 2021 and periodically until project closure</p>	<ul style="list-style-type: none"> ➤ Request a periodic update on outcomes and measures established. 	From August 2021 and until last Monitoring Report	<ul style="list-style-type: none"> ➤ Update received