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SCAN ME

ABOUT THE COVER: IC Chair Hasan Mehedi from CLEAN (Coastal Livelihood and Environmental Action Network) presented ADB President Masatsugu Asakawa with a watercolor painting embodying the network's message urging the Bank to revisit the drawing board and overhaul the current draft of the proposed Environmental and Social Framework, which updates the 2009 Safeguards Policy. This occurred during the ADB Annual Meeting, specifically the meeting between Civil Society Organizations and ADB Senior Management. The watercolor painting, serving as a powerful symbol of advocacy, is also prominently featured as part of the Ripple Effect Exhibition launched at the Defenders in Development Campaign Gathering in Tbilisi, Georgia.



AIIB'S CLIMATE FINANCE: GENDER BLIND AND FOSSIL FRIENDLY

PETRA KJELL WRIGHT, RECOURSE AND PRITI DAROOKA, PROGRAMME ON WOMEN'S ECONOMIC, SOCIAL AND CULTURAL RIGHTS (PWESCR)

Efforts to address the climate crisis are intensifying and the multilateral development banks (MDBs) are being called upon to act. Significantly, the [outcome document](#) from the UN's latest climate conference, COP28, asked the MDBs to scale up investments in climate action, including "a continued increase in the scale, and effectiveness of, and simplified access to, climate finance".

The Asian Infrastructure Investment Bank (AIIB) came into operation in early 2016, just weeks after world leaders signed the Paris Agreement on climate change and a few months after the Sustainable Development Goals (SDGs) were born. In its first [Corporate Strategy](#), launched in 2020, the AIIB committed to enhance its contribution to SDG 5 on gender equality and introduced an ambitious new target - that by 2025 at least 50% of the AIIB's financing approvals would be for climate finance.

Only two years later, the AIIB announced that it had exceeded the climate finance target early - hitting 56% of total approved financing, up from 48% in the year before. On the surface, this looks like a major victory and a blueprint for how MDBs can shift their operating models towards greener goals within a very short timeframe. But it also raises questions how the AIIB could exceed its ambitious target so quickly, while at the same time continuing to invest in fossil fuels. In the same year as the AIIB claimed to have met its climate finance target, the bank approved investment

in a new [greenfield gas power project](#) in Bangladesh. It also reported a reduction in projects contributing to SDG 5 compared to the year before, indicating it was doing less, not more, on gender, despite the commitment in the Corporate Strategy.

The answer lies in how 'climate finance' is defined and accounted for. A group of MDBs, including the AIIB, has developed its own principles for how to assess and account for climate finance, one for [mitigation](#) and one for [adaptation](#). However, upon closer scrutiny these are highly problematic. Importantly, the principles fail to fully exclude financing for fossil fuels, and do not include any kind of rights-based considerations. Shockingly, language referring to gender or women is completely absent throughout.

AIIB's climate finance portfolio

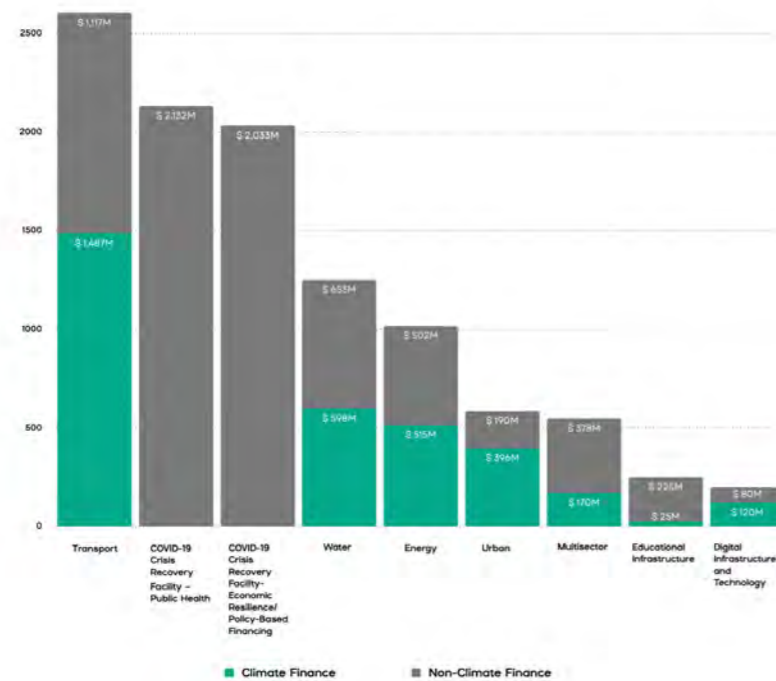
The AIIB's climate finance assessments build on the MDB principles, but with its own modification of what counts. Information on the AIIB's climate finance investments has been sparse, but it finally published climate finance data in an annex to its [Sustainable Development Bonds Impact Report 2022](#). However, the figures provided are for disbursed rather than approved projects, which is what the AIIB builds its 56% climate finance figure on. Despite our request, the AIIB has not yet shared the climate finance data for approved projects in 2022 and we are therefore building our analysis on the data available on disbursed projects.

The total value of the AIIB's disbursed projects for 2022 was \$6.5 billion for 35 projects. Out of these, 29 are listed as contributing towards climate finance. The AIIB counts eight of these as 100% climate finance, with the rest contributing varying percentage points, down to two projects with only one 1% each.

The AIIB's own climate finance methodology excludes projects funded under the AIIB's Covid-19 Crisis Response Facility (CRF). In

2022, CRF projects represented almost \$4 billion or 40% of disbursed financing. Out of the MDBs, only the AIIB makes this exception. Notably in the joint [MDB report on climate finance for 2022](#) the AIIB's climate finance calculation takes the CRF projects into account, reducing the percentage to 35%. This moves the AIIB down the MDB ranking, at sixth place out of ten, with the European Investment Bank leading at 59%.

The AIIB's 2022 portfolio of disbursed projects by sector, including climate finance



Gender blind

Men and women in all their diversities are affected differently by climate change because of differences in resource use and traditions, including gender specific roles and responsibilities. If gender is not taken into account, adaptation and mitigation action risks being ineffective and [exacerbating gender inequalities](#).

Climate finance has a critical role to play in addressing deep-rooted vulnerabilities and gender inequalities. It is therefore extremely disappointing that the MDB principles are completely gender blind. Ignoring women's needs can severely

impact the effectiveness and sustainability of projects. Conversely, adequate, well-designed and properly executed climate finance can address climate challenges, as well as socio-economic inequalities and injustices, to help build resilience and address gender gaps, ensuring women and girls benefit from climate action equally.

But women should not just be seen as a vulnerable group or victims, since they are also consumers, workers, borrowers, producers, entrepreneurs and community leaders who are critical for climate action to be effective and impactful. Women should

therefore be fully integrated as leaders with knowledge and skills in decision making for the whole planning, design, implementation, monitoring and evaluation of all projects, including climate finance.

[BRICS Feminist Watch](#) has developed a set of climate finance gender equality indicators and matched these against the projects that the AIIB classified as climate finance in 2022, based on the publicly available list of disbursed projects. Out of the 29 projects with climate finance, 75% of the projects in the climate finance portfolio either have no gender language or score less than five against our indicators. Almost a third have no mention of gender or women at all. The majority of these are financial intermediary projects, which already suffer from poor disclosure. Concerningly, half of the energy projects that include climate finance do not score against any of the 13 indicators, and those that do have a very low score. Less than a third of all the projects have Gender Action Plans. This is very disappointing, especially since the AIIB has committed to developing a more [systematic gender approach](#) to address gender gaps and enhance its contributions to gender equality as mentioned in Corporate Strategy.

AIIB 2022 CLIMATE FINANCE PROJECTS MATCHED AGAINST OUR GENDER INDICATORS



Fossil friendly

The MDB climate finance principles only fully rule out a few activities that cannot be counted: "activities in support of upstream and midstream activities in the fossil fuel industry, electricity generation from coal or peat, and those that lead to deforestation". There are also some additional restrictions in the list of climate mitigation activities, for example, "activities dedicated to transport of fossil fuels or blended fossil fuels ... are not eligible". This should in practice mean that, for example, projects involving transport of LNG cannot be counted as climate finance.

This is welcome, but the principles do not exclude all activities associated with GHG emissions. In fact, climate finance can, for example, include "negative- or very-low emission activities" and "transitional activities". As a result, the MDB principles include a plethora of eligible activities where elements of fossil fuels or other highly polluting activities are allowed. For example, joint use of renewable energy and fossil fuels can count as climate finance, as long as the fossil fuel consumption is "minimised".

All uses of coal are not explicitly excluded in the MDB principles either. For example, the section on eligible activities in the manufacturing section includes references to industrial processes. This could potentially include projects functionally related to coal, such as smelters powered by 'captive coal' units that produce transition minerals for renewable energy and electric vehicle supply chains. Controversial and often costly so-called 'false solutions' are also included in the principles, such as carbon capture of fossil fuel emissions for power generation is permitted, including for hydrogen produced from fossil gas.

Another eligible activity is energy transition programmes to support closure of fossil fuel plants. The joint climate mitigation principles include criteria that the decommissioning of a plant must take place "well before the end of its economic life", which is welcome. However, it does not explicitly exclude the possibility

of changing one fossil fuel system for another one – the only criterion is that “the replacement for the decommissioned fossil fuel plant is on a path to declining fossil fuel intensity.” This would in theory allow, for example, a coal power plant to be replaced by a fossil gas power plant or ammonia or fossil-based hydrogen co-firing, without any clear incentives to prioritise truly sustainable renewable energy options instead.

IDCOL – CLIMATE FINANCE WITH FOSSIL FUELS

In 2022, the AIIB approved a \$200 million loan to IDCOL, a Bangladeshi financial intermediary, to support infrastructure projects. The AIIB argued that the investment aligned with its thematic priority to finance “green” projects and listed it as 30% climate finance. But the AIIB’s financing agreement lacks clear restrictions to ensure it solely supports renewable energy, and the project documentation includes potential funding for gas power plants. Loans to gas and oil projects held the largest share of IDCOL’s portfolio in 2021. This puts the credibility of the AIIB’s climate finance claims into question and also risks reinforcing a reliance on fossil fuels in developing nations like Bangladesh.

No rights

The UN calls for a “human rights-based approach to climate finance” that would “guard against the risk of climate finance being used to support projects that result in human rights violations”. Despite this, the MDB principles do not mention any measures or restrictions to protect rights. For example, renewable energy is classified as climate finance, without any recognition of potential risks for project-affected communities, especially women and girls. “Mining for climate action”, meaning mining for minerals or ores critical for renewable energy technologies, also qualify as climate finance without any rights-based criteria,

despite a growing body of evidence of how rights-based approaches are essential to ensure that the environment is protected and no one is put at harm.

This is extremely concerning and relevant for the AIIB, too. High risk Category A projects represent almost half of the projects in the AIIB’s 2022 climate finance portfolio, based on disbursed projects. Climate finance must also go beyond ‘do no harm’ – everyone should benefit equally from climate finance, including women and girls, especially from marginalised communities.



CLIMATE FINANCE VIOLATING INDIGENOUS PEOPLES’ RIGHTS

The Nepal Upper Trishuli-1 hydroelectric project, classified as 100% climate finance by the AIIB, has marginalised and adversely affected Indigenous Peoples in several critical ways.

Firstly, the construction and associated land acquisition for the project resulted in physical and economic displacement of indigenous households, stripping them of their ancestral lands and traditional livelihoods without providing adequate compensation. Secondly, despite the requirement for Free, Prior, and Informed Consent (FPIC) for Indigenous Peoples under international standards, the consultations did not fully engage the affected communities in a meaningful way. Only Nepali was used in the consultations, which limited the community members’ ability to participate effectively. Thirdly, the project has contributed to environmental degradation, affecting the natural resources that the indigenous communities depend on for their livelihoods. For example, the diversion of water from the Trishuli River for hydroelectric power generation has damaged the aquatic habitats and reduced availability of water for agriculture, the primary source of livelihood.

Recommendations

For MDB climate finance to be aligned with the Paris Agreement’s 1.5°C goal and the SDGs, it must:

- ⊙ Exclude all financing for fossil fuels and other GHG intensive activities, including through loopholes, such as financing through financial intermediaries.
- ⊙ Exclude projects that would not be carried out without dedicated fossil fuel based power supply.
- ⊙ Stop promoting false and costly ‘solutions’, such as carbon capture and storage and fossil fuels-derived hydrogen.
- ⊙ Harmonise accounting and improve transparency and disclosure.
- ⊙ Balance funding for adaptation and mitigation.
- ⊙ Be grant based or highly concessional, to avoid adding to poor countries’ debt burden.
- ⊙ Ensure everyone benefits equally from climate finance, including women and girls in all their diversities, especially from marginalised communities.
- ⊙ Include a gender policy to ensure all projects are gender inclusive with gender equality as a core objective, and with gender analysis, tools, perspectives and principles integrated. All projects should have gender action plans, gender indicators, and budget lines for gender commitments.
- ⊙ Incorporate a human rights-based approach, that protects against the risk of climate finance being used to support projects that result in human rights violations and exacerbate social and economic inequalities.
- ⊙ Require inclusive planning, Free, Prior and Informed Consent (FPIC), and comprehensive impact mitigation strategies to protect and promote the rights and well-being of Indigenous Peoples.

Read the full report [here](#).



LEAVING MILLIONS BEHIND

MAYANG AZURIN, GLOBAL ALLIANCE FOR INCINERATOR ALTERNATIVES (GAIA)
AND HARSHAD BARDE, SWACH PUNE COOPERATIVE

It is official: The [United Nations](#) has announced that the Paris Agreement's long-term goal of limiting global warming to 1.5°C has not been met. Worse, this failure has been exacerbated by a [triple planetary crisis](#) of climate change, nature and biodiversity loss, and pollution. Our survival now hinges on two major imperatives from the Paris Agreement: to radically and swiftly transform how we operate our economy and to ensure that these transitions are fair, inclusive, and just for everyone.

In response, circular economy (CE), defined by the UN as “a sustainable system where resources are used efficiently and waste is reduced through a continuous cycle of reuse and regeneration”, But vulnerable people need to be at the heart of this shift to environmentally sustainable economies, A just transition is needed by making the process inclusive, creating decent work opportunities, reducing inequality and by leaving no one behind is critical in this process.

The Asian Development Bank (ADB) is a major convener and financier of climate action and circularity with a commitment to making [transitions just](#) for vulnerable sectors and to “leave no one behind” has a critical role and contribution in achieving a just circular economy. To date, however, its [draft Environmental and Social Framework \(ESF\)](#), the policy established to avoid and mitigate the negative impacts of its development projects remains mum about the rights of the informal workers which ILO estimates to be 1.3 billion in Asia or 65% of the world’s informally employed workforce yet billions of funds go to projects harmful for the informal waste sector.

Developing countries in the region heavily depend on the informal waste sector with wastepickers occupying the lowest and most impoverished rung of the value chain. Wastepickers are characterized as individuals who collect items and materials from public spaces, open dumpsites or landfills, and/or waste bags and bins on streets and sell recyclables to traders. Often unsung climate heroes, they reintroduce used resources back into the economy for human consumption, despite enduring harsh working conditions, health risks, social stigma, harassment, low income, and limited access to social services. Most waste pickers in the region hail from traditionally marginalized communities or minority groups.

Just how many of them are in the region to warrant attention? In India, nearly 3 million informal waste workers are responsible for recycling almost 20% of the country’s waste. In Vietnam, they carry out more than 90% of recycling activities. Indonesia has around 3.7 million organized waste pickers, who in Jakarta alone, contribute to the reduction of the volume of waste by 30%. Hordes of informal waste workers appear in various studies: In China (6 million), Thailand (1.5 million), and the Philippines (100,000) which are underestimated given the lack of government-led databases. A

development bank without an agenda for this sector is massively failing millions of poor people in the transition.

Four types of ADB projects are harming informal waste workers. First, the unabated promotion and financing of fossil-based waste-burning technologies such as waste-to-energy (WtE) incinerators and Refuse-Derived Fuel (RDF). These false solutions brazenly tagged as “zero emissions,” “clean energy,” or “recycling technologies,” not only steal the livelihoods of the informal waste sector, but it also wipes out emissions saving through wastepickers’ recycling efforts.

Second, waste infrastructure projects often requiring the closure of landfills or construction of new ones also pose long-term harm to this sector either through displacing them physically from their homes in landfills or economically disenfranchising them once these sites become inaccessible to them. It is common mistake in risk appraisals to say that these projects only have “limited” involuntary resettlement and “temporary” economic impacts”. In reality, wastepickers face permanent losses in income and social services when displaced including exposure to bribery, harassment, and violence just to regain access to the city’s waste.

Third, large-scale privatized recycling projects displace this sector on a massive scale. Recycling is often thought to yield only positive results but with new policies incentivizing initiatives for recycling, businesses are seeing a lucrative field in competition with the existing informal waste sector. The \$300 M loan for [Indorama Ventures](#) aimed at directly recycling 50 billion plastic bottles until 2025 did not assess the potential economic displacement of wastepickers in Thailand on top of the environmental breaches of the two recycling plants. Privatized recycling projects only target high-value materials, like PET bottles reducing

wastepickers’ incomes and leaving behind an unsustainable value chain of only low-value recyclables, which will eventually collapse as seen in developed economies.

Fourth, the introduction of waste collection models that are exclusionary of the existing systems that wastepickers have built. ADB has been hailing the use of digital technologies in the collection and sorting of plastic waste as “modernizing”, “efficient” and “innovative” — without fully assessing and creating spaces for dialogues with the sector on how and where innovations can assist instead of displacing them in the waste value chain.

ADB has the opportunity to improve millions of lives through the ongoing revision of its ESF policy by finally recognizing the fundamental human dignity, and protecting the rights of informal workers as leading agents in the circular economy. The ILO Recommendations [193](#), [204](#), and the [guidelines in ensuring a just transition](#) which include integration of workers involved in the waste sector,

recognition of cooperatives, improvements in jobs and incomes and addressing risks at work. Sustainable and inclusive waste management systems established by wastepickers in Vietnam, Philippines, and India. can provide insights on how a just transition can be realized.

The Bank must create consultation spaces for the informal waste sector in the formulation of its policies, programs, projects, and investment roadmaps in pursuit of hearing the voices of those who are at great risk of being left behind in the transition.

Finally, ADB should reinforce these efforts by phasing out false solutions, directly investing in upgrading and protecting livelihoods within the informal waste economy and in establishing transformative and equitable climate solutions, embracing zero waste alternatives.

Article originally published in [BusinessWorld Online](#).





WE LIVE TOGETHER, WE DIE TOGETHER:

THE MAGAR INDIGENOUS COMMUNITY ADVOCATES FOR LAND FOR LAND COMPENSATION IN NEPAL

VAISHNAVI VARADARAJAN, INTERNATIONAL ACCOUNTABILITY PROJECT (IAP)

*** This update follows the March 2023 [BANKWATCH](#) article on the Magar community in Nepal asserting their right to land compensation.

“Whatever benefit comes from the project, the company takes the cream from the milk and gives us the last remaining parts. We don’t want to settle for that, we want our equal share of the benefits and we won’t come to an agreement until our demands are respected,” shares Til Bahadur Thapa, president of the ‘Directly Inundation Affected Peoples Collective Rights Protection Committee as he expresses his frustration on the dispute resolution process of the complaints against the Tanahu Hydropower Project.



Paltyang village in Tanahu district where the 38 families from the Directly Inundation Affected Peoples Collective Rights Protection Committee reside.

The Magar indigenous community whose lands will be inundated by the [Tanahu Hydropower Project](#), funded by the Asian Development Bank (ADB), European Investment Bank (EIB), and Japanese Investment Corporation Agency (JICA) have been demanding for [land for land compensation](#) to be provided and their right to free, prior, and informed consent to be respected since 2018. It has been 6 years since the 38 Magar families organised themselves within the collective ‘Directly Inundation Affected Peoples Collective Rights Protection Committee (henceforth written as “Committee) and 4 years since they [filed their complaints](#) with the ADB’s dispute resolution mechanism, the Office of the Special Project Facilitator and the European Investment Bank’s Complaint Mechanism in 2020. Yet, they remain resolute and steadfast as they continue to advocate for their demands.

Til Bahadur Thapa and the Magar indigenous community in Tanahu are working hard towards settling a historical precedent for communities affected by “development” projects in Nepal to receive land for land compensation. According to [Nepal’s Land](#)

[Acquisition Act 2034 \(1977\)](#), compensation for land is paid in cash according to current market value. However, ADB’s Safeguard Policy Statement and EIB’s Social Safeguards both recognize that in case the livelihoods of the displaced persons are land-based then land-for-land compensation will be given preference. The Magar indigenous community has applied these ADB and EIB safeguard policies to get resolution from the complaint mechanisms for their demands to be implemented by the proponent of the project, Tanahu Hydropower Limited.

The Cultural and Spiritual Importance of Land for the Magar Community

The lands in question that will be inundated by the Tanahu Hydropower Project include titled and untitled land that belongs to the Magar indigenous community. These include their agricultural land where they grow their rice, maize, and other crops, and common lands used for grazing, fodder collection, minor forest produce, and for cultural and ceremonial purposes collectively by the community.



Sacred land of the Magar community in Paltyang village.

Sacred land of the Magar community in Paltyang village

The Magar indigenous community is the largest officially recognised indigenous group in Nepal that traces its ancestral lineage to the hills of Western Nepal. As guardians of the Magar culture, they have been preserving their rituals, traditions, and socio-cultural practices for generations. Hence, they assert that the inundation caused by the project will not only deprive them of their source of food and livelihood but could also be a threat to the extinction of the Magar culture and identity. "We don't know still what will happen to our land after inundation. Where will we go and what will happen to our religious and cultural practices?," asked Til Bahadur.

The socio-economic and cultural impact study by an independent consultant, Dr. Shyamu Thapa highlights the critical need to consider the Magar community's deep connection to the land that will be inundated by the project. This study, which is a part of the assessment by the Office of the Special Project Facilitator (OSPF) of the ADB, identifies 35 cultural sites

within the affected area. These sites serve as collective spaces for the Magar community to practice their culture, traditional belief system, and rituals.

Map indicating 35 cultural sites impacted by the Tanahu hydropower project, including cremation sites, sites for ritual and worship and water drinking points. Source: Socio-economic and cultural impact study by Dr. Shyamu Thapa.

According to their traditional belief system, the Magar community worships different local deities and their ancestors in different places which are known as thans. The study by Dr. Shyamu shares how these thans are maintained by keeping two-three stones erected on the same line after cleaning the area and worshipping once a year. They worship in particular thans by offering raw rice, flowers, red and yellow colors, incense sticks, and the blood of sacrificial animals or birds. The spirits of the local deities are worshipped before starting the cultivation of their land and after harvesting the crops in the form of offerings.



Map indicating 35 cultural sites impacted by the Tanahu hydropower project, including cremation sites, sites for ritual and worship and water drinking points. Source: Socio-economic and cultural impact study by Dr. Shyamu Thapa.

Another area that is of immense cultural significance to the Magars are the ghats which are the ceremonial cremation grounds where their ancestors are cremated next to the riverbank and their ashes are immersed in the riverwater. Members of the Magar community are concerned that they won't be able to perform their funeral rites after inundation occurs as they will lose access to these ghats. They worry that if this happens, it will also cut off their connection with their ancestors and the spiritual world.

Underlining the importance of preserving the cultural traditions of the Magar community, Ritu Thapa Magar, an advocate from the Indigenous Women Legal Awareness Group (INWOLAG) who is an advisor to the complainants in the Tanahu case shared, "Our ancestral lands and territory are related to our identity, culture, and our relationships. We get our land from our ancestors. It is our duty to hand it over to our new generation in a better way."

Titled vs Untitled Land: Challenges with Land Registration

A significant portion of the land used collectively by the community that will be impacted by the project is untitled. Due to legal complications and bureaucratic hassles, except for a few families who have titled land, most of the land that will be inundated hasn't been registered till now. Til Bahadur explained the challenges faced by the community because of which their land couldn't be registered, "In 2030 (Nepali calendar equivalent to 1978 in the Gregorian calendar) we had a land survey to get land titles but at that time we thought if we register more land, we will have to pay more tax because of which many of us didn't get our land registered to be titled. Then in 2038, (Gregorian calendar year 1981) the government attempted to capture our land in the name of land reform but we didn't let the government classify these lands as these are our ancestral lands which are important for our livelihoods and survival. Later we tried to get our lands registered through the unitary system but the government didn't support us."

Members of the committee walk through the farmlands that will be inundated by the Tanahu hydropower project.

Globally, the collective rights of indigenous communities are denied by non-recognition of land titles, complicated registration procedures, lack of legal implementation, and bureaucratic hurdles. The dispossession of their collective rights gets exacerbated when state or private actors undertake large infrastructure projects on their land without obtaining their Free, Prior, and Informed Consent (FPIC).

The Indigenous People's Safeguards in ADB's [Safeguard Policy Statement \(2009\)](#) specifically addresses customary land rights under Policy Principle No. 8. This principle requires the "preparation of an action plan for legal recognition of customary rights to lands and territories or ancestral domains in a project involving (i) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands."

Using this provision, the complainants from the Magar community have continued to demand that land for land compensation should be provided for both titled and untitled lands that will be inundated by the project.

Overcoming Challenges in the Advocacy for Land for Land Compensation

Initially, the project proponent Tanahu Hydropower Limited (THL) only provided the affected communities with the option of cash-based compensation and inadequate rates of compensation. However, the complainants disagreed with their proposal and used provisions from the ADB and EIB safeguards and international human rights treaties that Nepal is a signatory to such as ILO Convention 169, to assert their right to land-based compensation. Their claim rests as indigenous communities whose livelihoods and culture are inseparably linked to the land. It has been a long and challenging journey as the THL continuously delayed the actions needed to be taken for implementing land-based compensation and in many instances put pressure on the community to accept cash payments instead. Tej Bahadur Thapa shared,

"THL time and again visit us and what they say is, accept the money. They sometimes pressure us and threaten us, they come to us with newsletters which say a high percentage of work has been completed, but they don't conduct FPIC or get into an agreement with us."

The argument made by THL to deny land for land compensation for the longest time was that it is not compliant with the "law of the land". However, through the dispute resolution process, the complainants and Non-Governmental Organizations (NGO) advisors were successful in reminding THL of their obligations to comply with the Safeguards of ADB and EIB along with national laws and regulations.

The independent studies commissioned by OSPF, which include the socio-economic and cultural study by Dr. Shyamu Thapa and the land evaluation study conducted by Mr. Sandip Kumar Deb, both verified the demands of the community for land-based compensation and recognised the loss of cultural rights due to the environmental damage that will be caused by the project. While the complainants actively participated in the process of land evaluation, they expressed that their FPIC was not respected by OSPF with the visits being organised at the last minute and with less consultation with the community. Also, the results of the findings were provided to THL first who made their edits, denied the findings of the land evaluation, and then the edited version of the document along with THL's comments was shared with the community. Actions like these indicate how OSPF has often given priority to the needs of the company over respecting the rights and demands of the community.

In October 2022, THL then shared a proposal for exploring the option for land for land compensation for titled lands of the Committee members. They suggested that to determine if land for land compensation can be implemented is conditional on approval from Nepal's Cabinet of Ministers and to

explore land for land options, they proposed a timeline of 3.5 years. The committee members felt this was too long a time to just explore if land for land was possible when they had been addressing their grievances for more than 6 years by then and they were worried about the impacts they would face this time if the construction of the project will continue.

THL informed them that if the Cabinet doesn't agree to land for land compensation then they will be provided compensation at earlier rates of monetary compensation which were extremely low. They also offered to increase rates of cash compensation if the community doesn't proceed with land for land compensation but the rates they offered were also not equal to the replacement values of land that will be inundated. Moreso, they provided no guarantee for land-based compensation for untitled lands and only agreed to provide compensation for agricultural productivity for 5 years for these lands. The committee felt that this proposal was weak and left them in a worse-off position.

Thereafter, the committee wrote a letter to the board of directors of ADB along with the other financiers EIB, JICA, and the KfW Development Bank in December 2022 with the request to suspend financing of the project until THL makes concrete progress to resolve their grievances. Through the letter sent to ADB, they asked the board of directors to ensure that the OSPF is more respectful of FPIC of indigenous communities in its processes and is equal in its treatment of the complainants and the promoter/borrower in dispute resolution processes.

After a long period of deadlock with no progress or resolution on the concerns raised by the communities, the OSPF asked the Asian Development Bank's Office of Safeguards (OFSG) to analyze the compensation package proposed by THL and if it was compliant with ADB Safeguards. In December 2023, the committee and NGO advisors also wrote to the OFSG sharing how the proposal by



Members of the committee walk through the farmlands that will be inundated by the Tanahu hydropower project.

THL on land for land compensation and their actions in this regard have violated the ADB SPS 2009, especially the safeguards on Involuntary Resettlement and Rights of Indigenous People.

The analysis by the OFSG highlighted that the company has to comply with the ADB Safeguard Policy Statement 2009 and provide

land for land compensation for titled lands and implement an action plan for registration and compensation of untitled lands under Policy Principle No 8. This analysis reaffirmed what the communities had been demanding since the beginning of the campaign and proved that the communities were better aware of the ADB safeguards than the company.

Next Steps: Clear Demands for Land for Land and Halting of Construction



Complainants from Paltyang village and NGO advisors gather after a meeting.

The demands by the committee are clear: land for land compensation should be provided for all the titled and untitled lands that will be inundated by the project which includes agricultural lands, ceremonial lands, forest, and grazing lands. Also, the process to do so should include participation and meaningful consultations with the communities and respect for their free, prior, and informed consent at each stage of the process.

“We don’t want individual land plots in different places,” shared Bibha Devi Thapa Magar, a community elder. “We want collective land plots next to each other. If we live together, we die together.”

Meanwhile, the project’s construction is increasing at a quick pace, putting the communities at further risk. In response, the Committee also demands that the project’s construction be halted until the pending issues are resolved and they are provided with alternative land. The members of the Committee don’t feel very confident with the outcomes of the dispute resolution process till now but they resolve to continue their movement till their voices are heard and their demands fulfilled.

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NAVIGATING COMMUNICATION CHALLENGES: REFLECTIONS ON THE ADB ANNUAL MEETING IN TBILISI

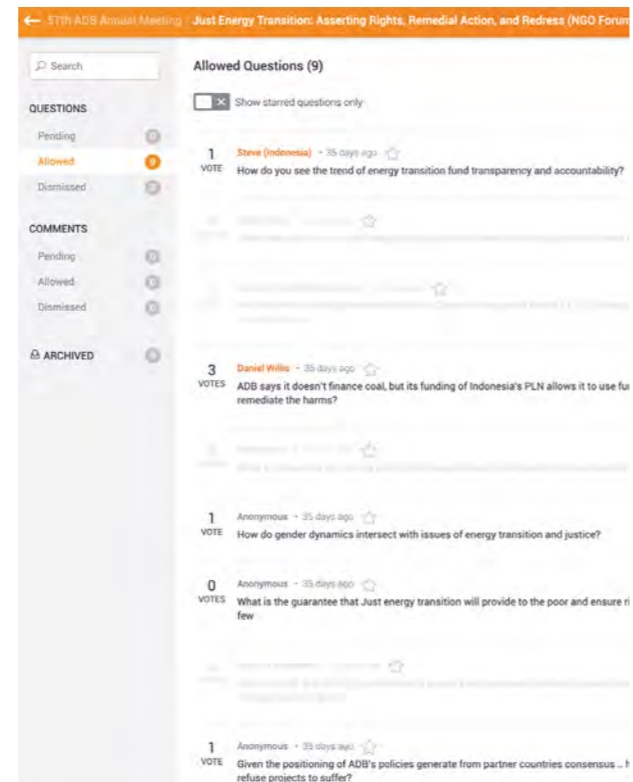
JEN DERILLO, NGO FORUM ON ADB

The recent Asian Development Bank (ADB) Annual Meeting in Tbilisi, Georgia, gathered stakeholders worldwide to address pressing issues in development finance and policy. Despite the event's significance, participants, particularly critical Civil Society Organizations (CSOs), faced significant hurdles in meaningful engagement due to the complex communication framework implemented by the Bank.

Central to this challenge was the necessity for participants to utilize Pigeonhole, a platform designated for submitting questions and comments during sessions. Unlike conventional Q&A formats, the utilization of Pigeonhole introduced an additional layer of complexity, which notably impacted engagement, particularly from critical CSOs. This limitation not only stifled the inclusion of diverse perspectives but also hindered the richness of dialogue by creating barriers to participation. Moreover, the requirement for administrative approval and upvoting introduced additional obstacles, posing a risk of marginalizing underrepresented voices. This dynamic perpetuated a cycle wherein mainstream opinions dominated discussions, while viewpoints from marginalized communities and critical CSOs were sidelined. Furthermore, given that sessions often comprised few representatives from affected communities and critical CSOs, the upvoting mechanism further disadvantaged them due to numerical factors. Consequently, the communication framework inadvertently worsened existing inequalities in dialogue participation, hindering the achievement of truly inclusive and meaningful discussions. Furthermore, while ADB introduced Zoom participation for certain sessions, the logistical complexity of navigating

between Zoom for viewing and Pigeonhole for interaction decreased accessibility, particularly for participants with limited technological proficiency. This unintentionally favored participants adept at promoting their questions or comments for upvoting, exacerbating existing inequalities and compromising the event's effectiveness in fostering meaningful dialogue and interaction.

During the "Just Energy Transition: Asserting Rights, Remedial Action, and Redress" panel, an ADB representative contributed remotely via Zoom. However, for participants attending the session via Zoom, the process of posing questions entailed an additional step. Rather than submitting inquiries directly through



Pigeonhole Admin Panel, where questions can be upvoted



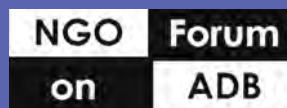
The Just Energy Transition: Asserting Rights, Remedial Action, and Redress panel at the ADB Annual Meeting 2024

the Zoom platform, participants were instructed to log in to Pigeonhole, a separate communication platform. This requirement added complexity to the interaction process, which could disproportionately impact participants from developing countries and Indigenous Peoples (IP). Those with limited access to technology or internet connectivity may encounter additional challenges navigating between platforms, potentially hindering their ability to fully engage in the discussion and effectively express their perspectives.

This setup also posed significant challenges for CSOs and other critical voices, including affected communities. They often travel from far-flung places with limited funds to personally engage with the management and board of the banks. This setup also posed significant challenges for CSOs and other critical voices, including affected communities. They often travel from far-flung places with limited funds to personally engage with the management and board of the banks.

The unintended consequences of these barriers underscored the critical need for inclusive and accessible dialogue at such events. It highlights the imperative for platforms to prioritize inclusivity and genuine engagement, ensuring that all stakeholders, regardless of their resources or background, have equal opportunities to participate meaningfully in discussions that directly impact their lives and communities.

In light of these significant challenges, it is imperative that the ADB Annual Meeting takes decisive action to overhaul its communication strategies during its annual meeting. This entails embracing more inclusive platforms, streamlining technological processes, and proactively seeking input from underrepresented groups. By dismantling these communication barriers, we can forge spaces where diverse voices are not just heard, but valued, empowering them to play a pivotal role in shaping a future that is truly equitable and sustainable.



NGO Forum on ADB

La Residencia Bldg, 114 Maginhawa, Diliman, Quezon City, 1100 Metro Manila
Philippines

www.forum-adb.org