UPROOTING RIPARIAN COMMUNITIES AND ECOLOGIES IN THE NAME OF A 'CLIMATE FRIENDLY' FUTURE:

THE ASIAN DEVELOPMENT BANK'S SUPPORT FOR LARGE HYDROPOWER DAMS 2009-2022

NGO Forum on ADB

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Uprooting Riparian Communities and Ecologies in the name of a 'Climate Friendly' Future: The Asian Development Bank's Support for Large Hydropower Dams 2009-2022

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ABBREVIATIONS

ADB - Asian Development Bank
ADB IED - ADB Independent Evaluation Department
ADB OED - ADB Operations Evaluation Department (now defunct)
CDM - Clean Development Mechanism (under the Kyoto Protocol)
CSO - Civil Society Organization
DMCs - Developing Member Countries
EIA - Environmental Impact Assessment
EIB - European Investment Bank
GHGs - Greenhouse gasses
HP / HPP - Hydropower Project
IAP - Independent Advisory Panel
IHA - International Hydropower Association
ILO - International Labor Organization
LNG - Liquefied Natural Gas
MW - Megawatt
NDCs - Nationally Determined Contributions (under the UN Framework Convention for Climate Change Paris Agreement)
NGO - Non-Governmental Organization
NNL - No Net Loss
NNP1PC - Nam Ngiep 1 Power Company
NT2 HP - Nam Theun 2 Hydropower Project
THL - Tanahu Hydropower Ltd.
UNFCCC - UN Framework Convention for Climate Change

SUMMARY & HIGHLIGHTS

The following briefing paper examines the policy-based and direct project support that the Asian Development Bank (ADB) has provided for large hydropower dams as part of its clean energy and climate finance portfolio between 2009-2022. It raises critical questions about claims made by proponents of hydropower that social and environmental impacts of dams can be simply mitigated, managed, offset and resolved through compensatory actions and/or payments, particularly in the context of the climate crisis. Examples of the climate-related claims integrated into ADB project documents for dams financed in Pakistan, Nepal, Laos and India reveal how context-specific social, economic and ecological implications are sidelined or altogether unaddressed when project plans are listed as climate adaptation and mitigation measures and labeled 'climate friendly'.

Based on the concerns raised by community-based groups and civil society allies working in areas affected by dam projects that are supported by the ADB, this briefing calls upon the ADB to:

Proactively respond to concerns about current financing of dams that have been raised by affected communities, engaging with project affected people, their representatives and allied civil society groups in good faith, ensuring resolutions are rights-based, context-specific and time-bound;

Remove the proposed large-scale hydropower dam developments that remain in the existing pipeline of yet-to-be approved projects;

Exclude (i) new large hydropower dam schemes, (ii) associated technical assistance, and (iii) private sector support for the hydropower companies to develop such projects from the future pipeline of proposed support for stand-alone and co-financed energy projects;

Place conditionalities on financial intermediary investments to exclude support for new large dams;

Incorporate recognition of "no go zones"[1], including but not limited to protected areas, free-flowing rivers and Indigenous Peoples' ancestral territories, into the language of any future Energy Policy revisions, as well as staff guidance notes associated with the Energy Policy;

Specifically exclude large hydropower dams from eligibility for support via the Clean Energy Facility of the Energy Transition Mechanism and other climate / sustainability linked financing options (e.g. blue and green bonds);

Support initiatives to decommission large dams with the consent and participation of local communities;

Prioritize financing for distributed, appropriately scaled renewable energy solutions that do not encroach on peoples' rights to land, territories and resources; and

Clearly articulate a zero-tolerance policy towards reprisals and retaliation against project affected people and allied civil society organizations throughout project lifecycles -- including in staff guidance notes associated with the 2021 Energy Policy and in any future Energy Policy revisions.

NOTE ON SOURCING AND METHODOLOGY

This briefing paper is written in response to the Asian Development Bank's ongoing support for hydropower projects under their climate financing portfolio and is being published at a time when the ADB is developing staff guidance notes associated with the 2021 Energy Policy. It is based on a desk review of ADB project data sheets and documents, press releases, ADB's Energy Policy texts, reports of the Independent Evaluation Department of the ADB as well as blogs, articles and reports of civil society organizations monitoring specific hydropower projects in respective national contexts, along with other relevant articles and reports published between 2009-2023. This paper is intended to contribute to broader efforts spearheaded by dam affected communities and their allies – within the region and beyond – to assert that further expansion of the hydropower industry has no place in a pivot towards just, inclusive, climate sound energy futures, but rather is a distraction with devastating consequences on peoples' livelihoods, ecosystems, and planetary health.

Though ADB's support for cross-border and cross-country transmission lines, including those associated with regional programs of the Greater Mekong Subregion, Central Asia Regional Economic Corridor and South Asia Subregional Economic Corridor, are a significant factor in enabling the expansion of dam developments and the profitability of associated industries across the region, identifying the investments and concerns raised in relation to this broader range of projects remains beyond the scope of this paper.

The NGO Forum on ADB released a first edition of this publication in January/February 2023, providing a copy to the ADB Board and Management. A formal response to the issues raised herein was provided by Mr. Priyantha Wijayatunga, Chief of the Energy Sector Group at ADB, signed on behalf of the Board and Management. A copy of this correspondence is appended as an annex at the end of this report. While we acknowledge the ADB's position on these matters, the concerns and recommendations outlined in this text have not been modified, remaining core to ongoing advocacy efforts of the Forum network and to our stance in solidarity with communities along with allies collectively opposing the imposition of the build-out of hydropower projects as well as with dam-affected communities that continue to seek remedy and demand accountability.

INTRODUCTION: ADB'S SUPPORT FOR LARGE-SCALE HYDROPOWER DAMS (2009-2022)

For decades, people across Asia and the Pacific have come together to oppose large-scale hydropower development projects proposed to be built on rivers they depend upon as a source of economic, social and cultural survival, including in India, Indonesia, Malaysia, Mongolia, Myanmar, Nepal, Pakistan, Philippines, Thailand and Vietnam, as well as Armenia, Georgia South Korea and Japan.[2] However, increasingly, riparian communities are finding themselves confronting the polished public relations rhetoric advanced by energy corporations, industry lobby groups, financiers and governments across the region that dam building is – and must be – a key part of the transition from fossil fuel dependency to renewable energy.[3] Notably, for example, recent publications, press releases and project-related documents of the Asian Development Bank (ADB) suggest the most recent dam-building projects they support in the region are part of a 'clean' energy future. [4]

Nevertheless, there is wide-ranging evidence that exposes a different reality: hydroelectric dams, whether built on mainstream or tributary rivers, have been consistently shown to impose incalculable losses and damage for the people and ecosystems around, upstream and downstream of project sites. For those who face the impacts of hydropower dams supported by the ADB, the loss of primary sources of water, food, land, as well as connections to territories and sacred sites that they and their ancestors before them relied upon, cannot be simply managed, mitigated and offset in the name of 'low-carbon' development. In reality, for example, concerns of communities impacted by dams supported by the ADB stretch back to the very first of such projects in the region – starting with the Nam Ngum 1 Hydropower Dam in Laos in 1973[5] – and continue to be underscored by ongoing grievances of people affected by dams yet to become operational, such as the Tanahu Hydropower Project in Nepal.[6]

The following briefing reviews ADB's policies and financing for dams between 2009-2022, taking into account approved investments following the introduction of the 2009 Energy Policy up until the implementation of the new 2021 Energy Policy. It is intended to bring attention to critical questions regarding the ADB's direct financing and technical assistance for large dams, specifically in light of the labeling of such support as contributions towards climate adaptation and mitigation.

ADB's two most recent strategic plans, "Agenda 2020: Working for an Asia and Pacific Free of Poverty"[7] and "Agenda 2030: Achieving a Prosperous, Inclusive, Resilient, and Sustainable Asia and the Pacific"[8] (approved in 2008 and 2018, respectively[9]), explicitly reference investing in energy infrastructure as part of financing low-greenhouse gas emitting development pathways, presumably to support countries to adapt to climate change and advance a transition towards greater reliance on renewable energy.

Over this time, the ADB has positioned itself as a key actor across the region in framing hydropower development as an environmentally sound investment that can support countries in meeting their nationally determined climate commitments (NDCs) under the Paris Climate Accord. For example, the ADB has continued to explicitly label several of their recent investments in hydropower and associated infrastructure as 'clean' or 'green,'

including in India (e.g. the *Himachal Pradesh Clean Energy Development Investment Multitranche Financing Facility*[10] from 2011 onwards), in Bhutan (the *Green Power Development Project*[11] between 2008-2018 and the *Second Green Power Development Project*[12] from 2014 onwards) as well as in Sri Lanka (the *Green Power Development and Energy Efficiency Improvement Investment Program*[13] from 2014 onwards), and has in some cases supported projects to receive carbon credits, including through the Clean Development Mechanism of the UNFCCC's Kyoto Protocol.[14]

ADB staff and consultants have consistently proposed that hydropower dams that are supported via either sovereign (public sector) or non-sovereign (private sector) loans will comply with the Bank's 2009 safeguard standards, generating 'clean' energy,[15] while helping to alleviate poverty (providing revenue to finance schools, clinics and road infrastructure)[16], bringing about greater 'empowerment' of women,[17] and offering satisfactory compensation to those dispossessed of land and livelihoods.[18] All environmental and social impacts are seen as possible to manage, mitigate, offset or compensate, including the inundation of sacred ancestral domains of Indigenous Peoples, vast expanses of land used for herding, cultivation and foraging by local communities, and complex biodiversity zones as well as the loss of vibrant wild-catch fisheries.[19]

The ADB also suggests the projects which they support will comply with the sustainable hydropower guidelines of the International Hydropower Association (IHA).[20] However, these voluntary standards have been widely denounced by civil society groups as undermining and negating more binding, clear rights-based language of UN Guiding Principles on Business and Human Rights, the UN Declaration on the Rights of Indigenous Peoples, and ILO Convention 169 (on the rights of Indigenous Peoples).[21] Meanwhile, financing and policy adjustments that would protect Asia's last free-flowing rivers and prioritize investments in renewable, non-extractive, locally-responsive technologies for energy generation have unfortunately not been reflected in either the 2009 or 2021 Energy Policies of the ADB.[22]

COMMUNITY-BASED REALITY CHECK: THE DAMMING CONSEQUENCES OF ADB'S INVESTMENTS

Since 2009, community members and allied rights advocates in India[23], Nepal[24], Pakistan[25], Laos[26] and Georgia[27], have witnessed how the dams that ADB has financed over this time consistently leave entire populations without access to redress or reparations when water, food, housing, land, irreplaceable cultural and sacred sites are lost. In addition, the ADB analysis in the planning stages of projects consistently leaves out documentation of realistic 'no project options' during early stages of project planning and development, in effect leaving few – if any – possibilities for local people to exercise their rights to give or withhold consent for the use of ancestral domains, lands, resources and territories.[28] The building of dams may also coincide with the opening up of surrounding areas for land-grabbing, mining, logging and militarization. Particularly in the context of constrained space for civil society advocacy, seeking access to information or grievance mechanisms for redress may come at the price of one's personal and family's physical safety due to the influential vested interests typically backing large dam developments.[29]

As the impacts of the climate crisis have become increasingly apparent, dams cannot be expected to provide reliable sources for power generation in Asia, as noted in research published in late 2021 by the International Energy Agency.[30] For instance, while long periods of drought or heat waves can lead to power outages due to dam reservoirs running dry, torrential rainfalls or flash floods can lead to technical failures with devastating consequences for people living downstream, such as structural collapse or overtopping of dam walls.[31] Downstream of dams, vast stretches of rivers are typically dewatered causing wetland and shallow river inlets to run dry – devoid of flows of rich nutrients and sediments – and no longer able to sustain healthy fisheries or to serve the vital function of recharging groundwater.[32] When dams are built on transboundary rivers, tensions between upstream and downstream nations may be further exacerbated in light of the unpredictable water levels resulting from climate change induced hydrological changes.[33] In addition, studies consistently show that dams emit potent volumes of greenhouse gasses (GHGs) – in particular methane – throughout the project lifecycle, including significant pulses of GHGs emitted in the first 10-20 years of dam operations, increasing surface emissions over time due to reservoir eutrophication, emission releases downstream (turbine degassing), and also decommissioning processes due to the exposure of accumulated debris.[34]

ADB'S 2009 ENERGY POLICY: PLACING (SOME) CONDITIONALITIES ON MEGA-DAMS

The ADB's 2009 Energy Policy[35] was developed with references to the conclusions of the World Commission on Dams (2000),[36] the International Hydropower Association's guidelines, as well as a sector-wide evaluation on the Bank's energy investments undertaken by the ADB's Operations Evaluation Department (OED, now known as the Independent Evaluation Department or IED).

At the time, over half of the ADB's hydropower project funds (between 2000-2006) were allocated to Pakistan, approximately 30% to Nepal and over 12% to Laos.[37] Significantly, in assessing investments prior to 2009 and considerations for the development of the Energy Policy at that time, ADB's OED report explained the following:

> *Some international NGOs lobby strongly against hydropower and coal-fired projects. Reports prepared by NGOs on dams identified many issues that are similar to OED findings. Several conclusions emerge about the application of safeguards… (i) future ADB involvement in projects with dams will be controversial; (ii) ADB will need to make special efforts to apply its safeguard policies during project preparation, implementation and operations; (iii) ADB needs to find a more constructive way to work with NGOs and affected people to ensure that the hydropower and coal-fired projects that it funds do not harm people and the environment.* [38]

It further noted that dams financed by the ADB in land-locked countries such as Laos, Bhutan, Nepal and Tajikistan risk disrupting cross-border water flows and could lead to ensuing intergovernmental disputes.[39] The ADB's Evaluation Department also reported

that nearly 90% of the dams financed with the support of the ADB had lower than expected financial returns due to "overoptimistic sales projections, failure to adjust tariffs to the required levels, cost overruns, and implementation delays" and that "lower than expected power generation was sometimes due to less than expected water flow".[40]

Ultimately, the conditions placed on support for hydropower dams in the ADB's 2009 Energy Policy not only were the result of this evaluation, but also reflected the advocacy, documentation and widespread opposition expressed by civil society and affected communities as well as the evidence-based conclusions of the World Commission on Dams. As an excerpt from the 2009 policy explains:

> "*Large hydropower projects, especially those based on reservoirs as opposed to run-of-river, are complex and environmentally and socially sensitive…. The projects' environmental impacts are interrelated with social impacts, and their combined effects can result in considerable attrition. Since inappropriate management of these issues can further exacerbate their impacts, implementation of large hydropower projects require (i) robust mitigation strategies; (ii) adequate disclosure and consultation with the affected people; (iii) enforcement of environmental safeguards, including policy dialogue; and (iv) proper resettlement and economic rehabilitation of the affected people. The applicable environmental and social safeguards must be implemented and monitored… ADB's current policies and guidelines respect the guidelines from the World Commission on Dams and International Hydropower Association."*[41]

Thai communities speak out in solidarity with Nam Theun 2 affected villagers. Source: International Rivers Credit: Towards Ecological Recovery and Regional Alliance (TERRA).

STILL FINANCING LARGE-SCALE DAMS: ADB'S 2021 ENERGY POLICY

In the lead up to the ADB's introduction of an updated 2021 Energy Policy, the Bank's Independent Evaluation Department (IED) conducted another sector-wide evaluation, reviewing energy sector financing from 2009 to the end of 2019.[42]

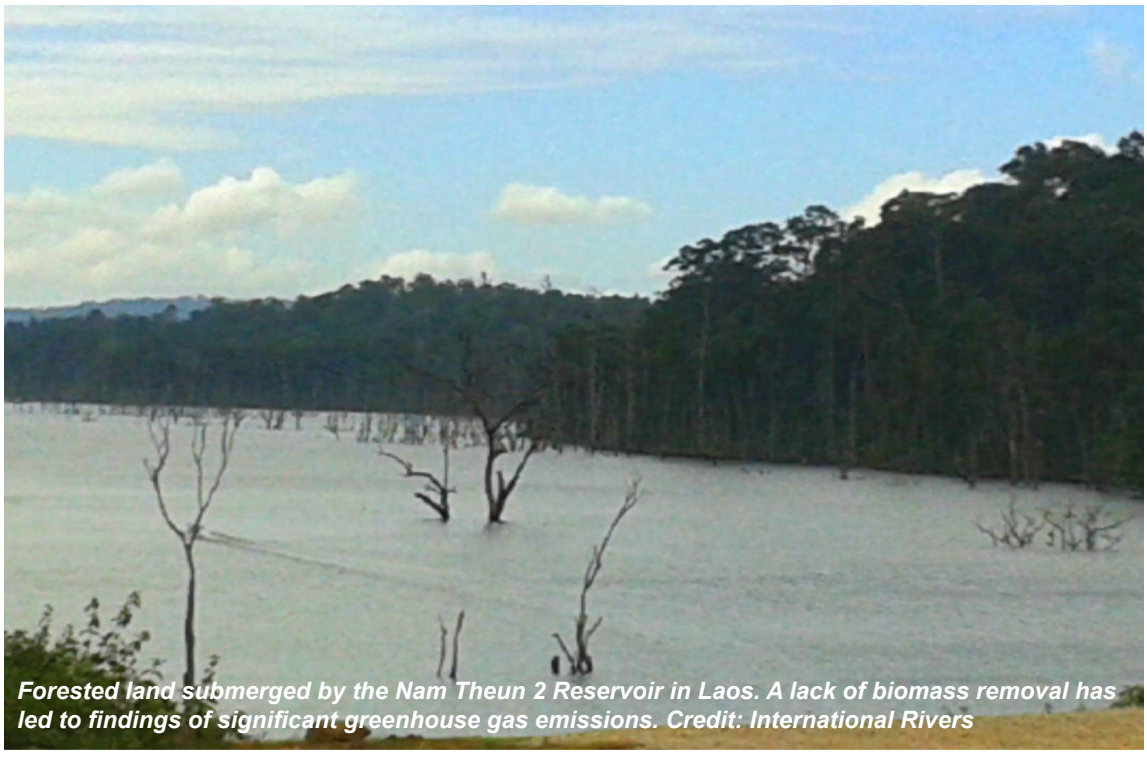
According to the calculations undertaken by ADB's IED, between 2009-19, 8% of the ADB's energy portfolio (inclusive of sovereign and private sector financing as well as Technical Assistance), was channeled towards supporting the development of hydropower projects.[43] In total, the IED found that the ADB provided USD 2.6 billion for large hydropower dams over that time[44], including for the development of impoundment and run-of-river dams as well as for repairing aging dam projects in the region. Investments were concentrated in India, Nepal, Pakistan, Sri Lanka and Laos. Although this evaluation did not explicitly reference civil society and NGO concerns about hydropower projects, the IED did note that "significant tensions persist in the region regarding the impact on water resources allocations of hydropower dams designed for power exports."[45]

In addition, at the time, ADB's IED published an overarching performance evaluation of the Nam Theun 2 Hydropower Project in Laos, which was also supported by the World Bank, the European Investment Bank (EIB), the Agence Française de Développement, European export credit agencies and several commercial banks. The financing for this project spanned between 2005-19, with the ADB contributing over 2.5 million USD for technical assistance, over USD 20 million in sovereign loans to the Government of Laos, a non-sovereign loan of USD 50 million to the implementing company, Nam Theun Power Company, and a political risk guarantee of up to USD 50 million. The ADB's IED performance evaluation of the institution's support for Nam Theun 2 concluded by recommending:

> *"It is essential to carefully study and consider less socially and environmentally disruptive options in investment decision making in hydropower.… The choice should be made through a participatory assessment that gives the same weight to social and environmental dimensions as to technical and economic aspects. The findings of this evaluation reconfirm how difficult it is to achieve all the social and environmental objectives in a large trans-basin diversion project like NT2 HP, even when the team has the highest level of competence and puts the most comprehensive efforts into safeguards management."*[46]

Unfortunately, it appears this conclusion was not reflected in the final wording of the ADB's 2021 Energy Policy. Following a ten-month long process of consultations, during which a range of international, regional and national level organizations spoke out on the devastating toll of ADB's financing for hydropower dams on communities and ecosystems across the region,[47] the ADB published the provisions of the new Energy Policy as follows:

> *"ADB will be selective in its support for storage hydropower plants, including pumped-storage hydro plants. Small hydro plants, such as run-of-river plants, will be subject to standard technical and safeguard assessments. ADB will support large hydropower schemes that have been evaluated in a robust environmental and social assessment, including an ecologically led e-flow assessment, and after consideration of alternative locations and designs. For all hydro plants, particular attention will be paid to ensuring an eco-sensitive design, compensation for land acquisition and resettlement, and livelihood restoration in accordance with ADB's safeguard policy as well as international good practice for large hydropower projects. In view of the number of aging hydropower plants in the Asia and Pacific region and the associated risks, ADB will assist DMCs [Developing Member Countries] in rehabilitating or replacing structures as well as electrical, mechanical, and electromechanical equipment."*[48]



Forested land submerged by the Nam Theun 2 Reservoir in Laos. A lack of biomass removal has led to findings of significant greenhouse gas emissions. Credit: International Rivers

The policy also affirmed that the "ADB's Energy Sector Group will prepare staff guidance elaborating upon the screening criteria for ADB operations," including for hydropower projects. However, no publicly available document regarding this additional text has been made available on the ADB's website as of January 2023.

ADB'S SUPPORT FOR DAMMING RIVERS: 2009 ONWARDS

The ADB's online project database and recent energy sector review by the Independent Evaluation Department in 2020 remain the most comprehensive sources of information publicly available enumerating the support provided for large-scale hydropower developments. Together, they reveal the following details.

- In India, between 2011-2021, the ADB approved:
  - A public sector loan of USD 257 million for the *Himachal Pradesh Clean Energy Development Investment -Tranche 4* to support the building of the 450MW Shongtong Karcham Hydroelectric Project,[49]
  - A public sector loan of USD 300 million for the *Assam Power Sector Investment Program Multitranche Financing Facility* (which included the building of the Lower Kopili Hydropower Project)[50] from 2014 onwards, and
  - A private sector equity investment of USD 30 million in NSL Renewable Power Private Ltd. to support the financing of the 100MW Tidong Hydropower Project (as a component under the *Hydro and Wind Development Project*) starting in 2013.[51]

- In Nepal, ADB has supported:
  - A public sector loan of USD 150 million for the 140 MW *Tanahu Hydropower Project* from February 2013 onwards[52], and
  - A private sector loan of USD 60 million for the 216MW *Upper Trishuli-1 Dam*[53] in 2019.

Construction of the Nenskra Hydropower Dam in Georgia has been suspended following sustained public outcry. Location: Nenskra Gorge (2021). Credit: CEE Bankwatch

- In Bhutan, ADB financing included:
  - USD 26.28 million in grants, USD 1.5 million in technical assistance and a USD 119 million public sector loan for the *Green Power Development Project*,[54] which led to the development of the 126MW Dagachhu Hydropower Plant, and
  - USD 25.25 million in grants, USD 1 million in technical assistance and a USD 95.25 million public sector loan for the *Second Green Power Development Project*,[55] which led to the development of the 118MW Nikachhu Hydropower Dam.
- In Pakistan, three new mega-dams were approved for financing since 2009, including
  - USD 97 million in private sector loans for the 147MW *Patrind Hydropower Project*[56] starting in 2011,
  - USD 65 million in private sector loans for the 102 MW *Gulpur Hydropower Project*[57] in 2015, and
  - USD 300 million in sovereign loans for the 300MW *Balakot Hydropower Development Project*[58] from mid-2021 onwards.

- In Georgia, an ADB private sector loan totaling USD 75 million has supported the development and operationalization of the 185MW *Adjaristsqali Hydropower Project*[59] since 2014 (co-financed with the World Bank Group).

- In Laos, the ADB's private sector loan of approximately USD 210 million has supported the construction of the 290MW *Nam Ngiep 1 Hydropower Project*[60] and associated programming from 2014 onwards.

- In Sri Lanka, the ADB approved a sovereign loan of USD 300 million in 2014 to support building the 30MW *Moragolla Hydropower Project* (under a project named the *Green Power Development and Energy Efficiency Improvement Investment Program*)[61].

- In the Solomon Islands, the ADB approved a loan of USD 18 million and a grant of USD 12 million to develop the 15MW *Tina Hydropower Project* from 2019 onward. Co-financiers include the World Bank and Green Climate Fund.

- Financing for dam rehabilitation included:
  - A USD 25 million private sector loan for the *Sevan-Hrazdan Cascade Hydropower System Rehabilitation Project*[62] in Armenia between 2013-2020,
  - A USD 136 million public sector loan for the *Golovnaya 240-MW Hydropower Plant Rehabilitation*[63] in Tajikistan from 2013 onwards,
  - A USD 65.5 million public sector loan and USD 44.5 million grant for the 1200MW *Toktogul Hydroelectric Power Plant* in the Kyrgyz Republic[64] starting in 2015, and
  - A USD 100 million public sector loan for the 180MW *Uch-Kurgan Hydropower Plant Modernization Program*[65] also in the Kyrgyz Republic from 2019 onwards.

Tanahu Dam Affected Villagers: Calling on ADB to Suspend Financing Until Concerns are Resolved

The 140MW Tanahu Hydropower Dam is being developed by Tanahu Hydropower Limited (THL), a subsidiary of the Nepal Electricity Authority, with financial backing primarily from the ADB, European Investment Bank (EIB) and the Japan International Cooperation Agency. The loan agreements were initially signed in 2013, but as of December 2022, major construction works have not proceeded.

Affected communities (made up of Magar, Newar and Dalit households) have been consistently raising concerns to the attention of the government, the developer and the financiers since as early as 2016. Formal submissions of grievances have been filed by groups of residents in 2018 and again in 2020, as well as in 2021 to both the ADB and EIB accountability mechanisms. Complaint procedures with the ADB and EIB are underway through a collaborative dispute resolution process. The key concerns of affected communities relate to ADB and EIB safeguards violations as well as clear lack of respect for international human rights of Indigenous Peoples as enshrined in international law, specifically including:

- The lack of adequate access to information, meaningful consultation, and participation about basic project processes and documentation;
- Fundamentally flawed environmental and social assessments that have consistently underestimated the number of people impacted and the implications for peoples' livelihoods as well as surrounding lands,
- Lack of fair and adequate compensation being offered;
- No accessible project level grievance redress mechanism; and
- Lack of consideration of Indigenous Peoples' cultural heritage, connections to the land and rights (including - but not limited to - free, prior and informed consent).[66]

However, at the time of writing, the community representatives feel that the ongoing processes with the ADB, EIB and the Tanahu Hydropower Ltd. company are not being undertaken in good faith, especially as there is no agreement from the company to:

- clearly follow a process of free, prior and informed consent in ongoing and future processes of project development,
- provide replacement lands/compensation at actual replacement value for lands that will be lost due to the project,
- identify suitable replacement lands equivalent to the lands of the affected families with meaningful participation in taking forward the land procurement process; and
- clearly demarcate the buffer zone of the project, engaging the impacted residents in a discussion on the actual impacts on the lands and settlements.

As a result, they are calling on the financiers to suspend remaining portions of the loans until and unless these issues are resolved.

The efforts of the community members themselves — alongside local, national, regional and international allies — to secure dignified livelihoods for all who will be impacted by the Tanahu Hydropower Dam — continue.

Site of planned Tanahu Hydropower Project Reservoir. Credit: INWOLAG

In addition, technical assistance (TA) grants were provided by the ADB during this time for expanding the hydropower sector and/or supporting specific hydropower projects in Bhutan, Laos, Indonesia, Kyrgyz Republic, Nepal, Pakistan, and Vietnam as well as a Southeast Asian Regional Study on hydropower (in 2015). This support has primarily bolstered programming associated with ongoing hydropower investments, as well as promotion of large-scale dam-building in specific borrowing member countries (regardless of local populations' livelihood connections to the rivers targeted for damming). For example, TAs during this time have included:

- USD 725,000 for the "Implementation and Monitoring of Song Bung 4 Hydropower Project Resettlement and Ethnic Minority Development Plan"[67] in Vietnam from 2011-17,
- USD 70,000 for completion of a "Workshop for Selection and Monitoring of Biodiversity Offset of Nam Ngiep 1 Hydropower Project"[68] in Laos from 2016-17, and more recently, from 2018 onwards, technical assistance grants totaling USD 2.85 million for "Facilitating Effective Biodiversity Offsets at Nam Ngiep 1",[69] and
- USD 4 million for preparatory studies related to the Tanahu Hydropower Project[70] in Nepal from 2010 onwards.

In some cases, support has been funneled into more sector-wide appraisals, such as:

- USD 2 million for "Preparing Hydropower Development for Energy Crisis"[71] in Nepal from 2010-14,
- USD 1 million for the "Acceleration of Hydropower Trading Development"[72] in Bhutan between 2014-18, and
- USD 2.8 million for the "Hydropower Development Investment Program"[73] in Pakistan between 2016-18.

RECENT SNAPSHOTS FROM ADB'S DAMMING TRACK RECORD

As outlined above, the majority of the ADB's financing for dams over the past decade has been incorporated into the institution's image of 'climate-friendly' development in borrowing member countries across the region. In effect, this means that the ADB has bolstered the case for hydropower development as opposed to considering investments in other options for generating power without destroying rivers and peoples' livelihoods. The following section provides a brief overview of some of the specific climate-related assumptions embedded in ADB project documents for four dams the ADB is currently supporting within its climate finance portfolio: the Upper Trishuli-1 Hydropower Project in Nepal, the Balakot Hydropower Development Project in Pakistan, Nam Ngiep-1 in Laos and the Lower Kopili Hydroelectric Power Plant in India. The concerns arising from the development of these four dams below act as an indicative but non-exhaustive listing of the nuanced range of issues faced by communities at these and other dam sites in the region that have received support from multilateral development banks such as the ADB.

Nepal: Upper Trishuli-1 Hydropower Project

In 2017, an urgent open letter to the Green Climate Fund signed by over 300 civil society organizations around the world called for the proposed 216 MW **Upper Trishuli-1 Hydropower Dam** – planned to be built on the remote reaches of the Trishuli River in the Rasuwa District of Nepal – to be 'expeditiously' removed from eligibility for climate-related financing,[74] stating:

> "*With more than 30 hydro projects either operating, in construction, or planned on the Trishuli River, the project would have no transformational impact. It faces severe climate and disaster risks, would deepen Nepal's overdependence on climate-vulnerable hydro, and would have significant impacts on indigenous communities and the environment that have not been adequately studied or addressed. There is also no assessment of the project's vulnerability to earthquakes, despite the area being highly seismic."*[75]

Nevertheless, in 2019, ADB approved a USD 60 million loan for this project, categorizing it as financing for climate adaptation.[76] While the project's Environmental and Social Impact Assessment suggests that the dam's operations will "reduce greenhouse gas emissions by up to 26,000 tons annually,"[77] there is no clarity on what baseline data was used, nor is there any indication whether estimated greenhouse gas emissions that will be produced during the project's operating lifespan were taken into account in any meaningful way. Accordingly, the ADB's project documents[78] suggest that the associated "climate change risk assessment concluded that the risks of climate change for the project are low,"[79] notably leaving aside consideration of the risks that the project itself may exacerbate the impacts of climate change on local peoples and surrounding ecosystems. Meanwhile, the original investigation of project alternatives contained in the project's Environmental Impact Assessment (EIA) report is primarily limited to a brief consideration of options for different locations of the dam and associated project facilities, its size and operating

regime (peaking vs run of river). [80] Other types of less resource intensive power systems, such as wind or solar projects with associated storage infrastructure are dismissed through a generic conclusion that "[n]o other form of renewable energy generation in the region can offer a baseload of 216 MW".[81] No rationale for this statement is provided, nor does it appear that any effort was made to explore whether practical wind or solar project models could effectively substitute the power generated by this dam.

The Upper Trishuli-1 dam wall is expected to span 100m across a narrow gorge of the Trishuli River, and to stand 29.5m high, reducing the river's flow by 90% along a 10.7 km stretch.[82] In order to mitigate the impacts on the surrounding ecologies, the ADB recommends putting in place a "biodiversity management plan and offsets to demonstrate no net loss."[83] In the context of this complex mountainous ecosystem where land and water are not only finite, but also considered the ancestral domain of the Indigenous Tamang Peoples that is integral for social, economic and cultural survival, it is simply not possible to clear the area to make way for a large dam without incurring deep ecological and social losses. In reality, the site straddles six community forests, land used for herding sheep and yak, sacred cultural sites, and areas that provide direct access to sources of clean water as well as fish.[84] The loss of the river's flowing waters and surrounding terrain cannot be simply 'offset' with a plan to protect an alternate area or mitigated by one-time cash compensation packages.[85] As affirmed in a field report conducted by Lawyers' Association for Human Rights of Nepalese Indigenous Peoples, "intangible losses and long-term consequences faced by indigenous communities are not easy to quantify in monetary terms and often overlooked by project developers".[86]

Pakistan: Balakot Hydropower Development Project

For the 300 MW **Balakot Hydropower Development Project** on the Kunhar River in Pakistan[87] approved in 2021, the ADB has suggested the USD 300 million loan they are providing will lead to: a "climate-resilient hydropower plant commissioned," "providing affordable, clean and sustainable energy," "meeting the country's climate change mitigation and adaptation priorities and objectives," as well as a "reduced carbon footprint," and an "energy sector made more renewable, efficient and reliable". The 30m high dam wall will span 130m across the river, and the reservoir will stretch 2.2km upstream. Alternative options for generating power considered in the initial EIA included the costs associated with a coal plant, LNG/combined cycle gas fired plant, diesel engine oil, other hydropower dam designs or solar and wind projects.[88] Solar and wind power options are simply dismissed as too expensive by project proponents[89], based on assumptions related to economic costs of operating projects, without taking into account such factors as levelized costs of energy, or associated social and environmental costs.

ADB's project documents also suggest that supporting training sessions on climate change for local government staff and project affected community members, including for "youth and mothers' groups to become leaders of climate change issues" and to kickstart "[tree] plantation campaigns,"[90] will enhance local authorities' "capacity for climate change risk management in hydropower production" and enable community members to engage in "building climate and disaster resilience". Meanwhile, no explicit efforts to incorporate peoples' experiential knowledge about local ecologies or current ways of

collectively coping with climate and development-induced change appear to be included in the project documents.

Though the ADB has categorized the Balakot Dam as a project which enables both climate change mitigation and adaptation,[91] the reality that several dams collapsed, were breached or were rendered non-functional during the recent monsoon season of 2022 – when torrential downpours submerged one-third of Pakistan's landmass – puts such broad claims into question.[92] In effect, the devastating toll of the 2022 floods, which impacted an estimated 33 million people, reveals not only the vulnerability, unreliability and inefficiency of mega-dam operations in the face of the climate crisis, but also directly illustrates the critical need for planning genuinely resilient, distributed power generating options that keep riparian ecosystems intact, are appropriately scaled to serve local needs, and harness renewable energy sources.

Laos: Nam Ngiep 1 Hydropower Project

The 290MW **Nam Ngiep 1 Hydropower Project** involves the development of a 148m high dam wall spanning across 530m of the Nam Ngiep River (a tributary of the Mekong River) in Laos, with a 66.9km^2 reservoir having an average depth of 70m.[93] The project's EIA report clearly states that from the outset, project alternatives explored were limited to considering producing power from a coal power plant, a combined cycle gas power plant, a nuclear plant or a pumped storage hydropower project. No apparent research was undertaken within the scope of the EIA into options for less resource intensive renewable power options that could have been built without having to submerge a vast area of land or dispossess thousands of villagers living in the surrounding areas.[94]

The ADB's online description suggests that "for Thailand [where power generated is being exported], the Project supports sustainable development through the provision of clean energy"[95]. In addition, project documents assert that based on information provided by Thailand's Ministry of Energy, the operations of Nam Ngiep 1 would lead to 500,000 tons of avoided CO_2 emissions.[96] Accordingly, the ADB has categorized the support provided for Nam Ngiep 1 as a contribution towards climate change mitigation. Yet, no evidence-based studies on actual greenhouse gas emissions from dams are referenced, nor is there any recognition that while the project's climate, ecological and social impacts may be avoided in Thailand, they cannot be ignored in neighboring Laos.

As outlined by International Rivers and Mekong Watch, "the significant depth of the reservoir and location in a steep valley gorge where thorough biomass clearance of primary forest will be nearly impossible" means resulting annual greenhouse gasses emissions produced at the Nam Ngiep 1 dam site and downstream can be expected to be relatively high.[97] Furthermore, the Nam Ngiep 1 biodiversity offset plan, which was proposed to make up for the destruction of critical habitats and forest areas through a 'no net loss' (NNL) framework has been beset by problems, with an agreed upon allocation of land, system for monitoring and implementation only being clarified in 2021, despite the project being completed and becoming operational in 2019. For example, as of early 2022, the Independent Advisory Panel (IAP) established by the ADB to monitor Nam Ngiep 1, concluded that due to planning and implementation delays as well as the lack of baseline biodiversity monitoring data, it could be necessary to "potentially soon rule

out a realistic chance of meeting NNL".[98] Concerningly, the IAP report at that time also suggested that going forward, "realistic consideration will be needed of the only two other alternatives: the abandonment of the NNL aim (which is presumably illegal, at least for the ADB) or the injection of substantial additional resources into the NNL programme." [99]

The development of the Nam Ngiep 1 site required over 3000 Indigenous Hmong and Khmu Peoples to involuntarily resettle into prefabricated homes away from the designated inundation zones. As indicated by quotes from villagers recorded during a site visit in 2014 by International Rivers and Mekong Watch,[100] local families never had the option to give or withhold their consent to move and surrender land to the project developers, instead being told they had to make way for the benefit of the country.

As of 2022, families resettled continue to raise unresolved grievances in relation to the inadequacy of the livelihood support and replacement infrastructure provided by the Nam Ngiep 1 Power Company (NNP1PC).[101] For example, according to the January 2022 report of the ADB's IAP for Nam Ngiep 1, "though NNP1PC had reported earlier to the IAP that all resettlement infrastructure had been completed, several components have failed apparently because of the poor quality of construction and technical supervision by NNP1PC technical staff," including a collapsed bridge that was supposed to enable villagers to access agricultural fields but has been non-functional since 2018, a lack of necessary upgrades to water provision for resettled households, and a failure to develop fully functioning irrigation infrastructure (despite this being a required obligation of NNP1PC under the concession agreement). [102]

Taken together, the ongoing unresolved social and environmental concerns in relation to Nam Ngiep 1 along with the legacy of harm inflicted during earlier project development stages, starkly contrast with the suggestion that this project will contribute towards sustainability, long-term climate resilience and mitigating climate change consequences in the Mekong region.

India: Assam Power Sector Investment Program

In India, Tranche 3 of the ADB's **Assam Power Sector Investment Program** (approved in 2020),[103] is allocated for the construction of the 120MW Lower Kopili Hydroelectric Power Plant on a tributary of the Brahmaputra River in the autonomous district of Dima Hasao, Karbi Anglong, Assam. The dam wall that is being constructed across the Kopili River is proposed to be 70m high. Nearly 16km^2 of land has been acquired for the project, 6.2km^2 of which will be occupied by the dam reservoir. Project documents suggest the dam will "sustain a healthy share of clean energy in the Assam grid,"[104] as it "[o]ffsets fossil power expansion with avoided GHG emissions estimated at 352,000 tCO_2e per year." While it is not clear what baseline information was used to come up with the estimate of avoided emissions, other less resource intensive practical options that could provide the same or greater installed capacity using less land, such as a solar powered system with associated storage infrastructure, appear to have been simply dismissed as "not a viable alternative" in the project's initial EIA.[105] Nevertheless, the loan provided is identified by the ADB as contributing to climate change mitigation and adaptation efforts.[106]

According to the ADB project documents, dewatering of a fourteen kilometer downstream stretch of the river – with the waterflow decreased by 70-80% – as well as inundation of forest lands directly relied upon by nearly 9000 people of Dimasa heritage (as their ancestral territories) can be expected to "be mitigated effectively and may be offset via constructed wetlands for water quality restoration, and compensatory afforestation, as well as monitoring and habitat management in the large contiguous forest patch south of the project areas".[107] Yet, this assumption that developing artificially conceived wetland habitats and planting trees would be sufficient as compensatory action to take by the project developer neither appears to have considered the actual complexity of the riparian habitats at stake, nor to have acknowledged the Dimasa Peoples' cultural and livelihood connections to the land and riparian ecologies – let alone to have first and foremost sought their free, prior and informed consent to move forward with such a development. In fact, the EIA concludes that: "The reduction in flow of the river … is not likely to have any adverse impact on the downstream users. This is mainly because of the fact that no settlement exists near this stretch; thus there will be no dependency on the water of river Kopili in the specific stretch."[108] However, such speculation appears to have completely overlooked the cumulative impacts of upstream dams as well as the reality that local people primarily practice shifting cultivation. Therefore, though local residents do not permanently live or harvest in one consistent location along the river, they nevertheless rely upon it for their livelihoods.[109]

The implications of dewatering on groundwater recharging also remains unaddressed by the project's initial EIA report. In addition, although the EIA notes that "backwater effects are expected upstream of the reservoir,"[110] given that the full reservoir level is considered to be 226.0m, whereas the maximum water level of the river at the reservoir is only 3.5m higher standing at 229.60m,[111] it similarly has left out any mention of the actual impacts of such consistent backwater flows. Additional issues that have been noted as concerning by both local rights advocacy groups and as requiring attention in the most recent Environment Monitoring Report posted on the ADB's website[112] include the absence of systems in place to monitor and address the seasonal changes in siltation (required to ensure adequate drainage and flushing of water during construction and operation stages), and absence of steps being taken to address the acid contamination of water (caused by opencast mining in surrounding areas) leading to significant and rapid deterioration of mechanical infrastructure. In addition, two quarries are identified by project proponents for development in the surrounding area, but only approximately USD 14,000 is described in the EIA as being allocated by project proponents for rehabilitation of both sites following construction stages,[113] raising serious questions about the lack of scope, sensitivity and longevity of remedial plans being put in place.

Taken together, these four cases provide specific instances when ADB project documents highlighting 'clean' carbon calculations based on offsets and mitigation plans effectively lack thorough consideration of the precautionary principle and fail to acknowledge the nuanced realities at, upstream, downstream and around, proposed project sites. In this context, it is worth recalling a joint statement that several UN Special Rapporteurs[114] issued in the lead up to the 2021 UN Framework Convention on Climate Change Conference of Parties (COP 26), in which they called for "Governments, the World Bank and other financial institutions to take into consideration the serious social and environmental impacts of large dams, with the corresponding risks of unsustainability and socio-

environmental inequity that they entail," urging against the "manipulated use of climate change as an argument to promote new large hydroelectric dams," and recommending that institutional support should instead be directed towards "the development of the many available alternative strategies and technologies that are truly sustainable and consistent with human rights-based approaches."[115]

Powerhouse site under construction at the Lower Kopili Dam (2022). Credit: Jiten Yumnam

LOOKING AHEAD: 2023 AND BEYOND

As of April 2023, large hydropower dams remain on the ADB's list of proposed new projects which are yet to be approved by the ADB's Board of Directors, while several of the hydropower projects enumerated in this report remain as active investments in the Bank's portfolio.[116] In addition, the ADB's Sustainable Development and Climate Change Department (SDCC) is in the process of finalizing the guidance note on hydropower project financing that is associated with the 2021 Energy Policy. [117] It is in this context that we urge the ADB to:

Proactively respond to concerns about current financing of dams that have been raised by affected communities, engaging with project affected people, their representatives and allied civil society groups in good faith, ensuring resolutions are rights-based, context-specific and time-bound;

Remove proposed new large hydropower dam developments from the current pipeline of projects;

Exclude (i) new large hydropower dam schemes, (ii) associated technical assistance, and (iii) private sector support for the hydropower companies to develop such projects from the future pipeline of proposed support for stand-alone and co-financed energy projects;

Place conditionalities on financial intermediary investments to exclude support for new large dams;

Incorporate recognition of "no go zones"[118], including but not limited to protected areas, free-flowing rivers and Indigenous Peoples' ancestral territories, into the language of any future Energy Policy revisions, as well as staff guidance notes associated with the Energy Policy;

Specifically exclude large hydropower dams from eligibility for support via the Clean Energy Facility of the Energy Transition Mechanism and other climate / sustainability linked financing options (e.g. blue and green bonds);

Support initiatives to decommission large dams with the consent and participation of local communities;

Prioritize financing for distributed, appropriately scaled renewable energy solutions that do not encroach on peoples' rights to land, territories and resources; and

Clearly articulate a zero-tolerance policy towards reprisals and retaliation against project affected people and allied civil society organizations throughout project lifecycles -- including in staff guidance notes associated with the 2021 Energy Policy and in any future Energy Policy revisions.

ANNEX I: FORMAL RESPONSE TO THIS REPORT FROM THE ADB

23 March 2023

The Secretariat
NGO Forum on ADB

Subject: **Asian Development Bank's Response to the NGO Forum's Report on ADB Support for Large Hydropower Dams in the Name of Climate-Friendly Development (2009-2022).**

Dear Secretariat of the NGO Forum on ADB,

On behalf of the Asian Development Bank's (ADB) Senior Management and Board, we would like to acknowledge the Report on "Uprooting Riparian Communities in the name of Climate Friendly Future – the Asian Development Bank's Support for Large Hydropower Dams in the Name of Climate-Friendly Development (2009-2022)". The report is timely as ADB's is currently finalizing the Staff Guidance Note on Large Hydropower Plants (Staff Guidance Note) and reviewing the Safeguards Policy Statement.

As part of ADB's Energy Policy 2021, ADB committed to preparing staff guidance to provide clear screening criteria for ADB operations on large hydropower plants. We conducted a consultation session with the NGO Forum on the staff guidance note on 10 February 2023 and subsequently made the Staff Guidance Note available for public consultation from 13 February to 13 March 2023. We received the inputs from the NGO Forum and other organizations, which will help us further improve the note and expand the compendium of international good practices. We believe the Staff Guidance Note already addresses several of the NGO Forum's concerns.

Please kindly note that the Staff Guidance Note is not an ADB operational policy or a mandatory procedure stemming from an ADB operational policy. It is primarily intended to provide technical guidance to ADB staff and is not subject to compliance review under ADB's Accountability Mechanism.

Following review of your report, please find below our responses to your requests for action:

1. In line with ADB policies, ADB has extensive procedures in place to proactively address and respond to concerns for all projects. We welcome the NGO Forum's support to communities to ensure any concerns are reported to ADB through the formal channels available.
2. All of ADB's proposed and future large hydropower projects will need to comply with ADB's Policies. An ADB exclusion for large hydropower projects would have to be agreed to by the ADB's Board and as part of the review of the ADB's Energy Policy. We note the important contribution of hydropower today and in the future, to help Developing Member Countries (DMCs) meet their climate goals.

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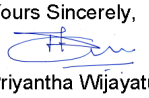
3. Financial intermediaries (FIs) are required to have in place or establish an appropriate environmental and social management system (ESMS) commensurate with the nature and risks of the FI's likely future portfolio to be maintained as part of the FI's overall management system.
4. It will be challenging to establish an overarching "no go zones" noting the different country contexts, national definitions for protected areas, free flowing rivers and Indigenous Peoples' ancestral territories. We will ensure all projects comply with ADB's Policies and align with international good practices. ADB has highlighted lessons learned from previous large hydropower projects in the Staff Guidance Note.
5. The Clean Energy Facility of the Energy Transition Mechanism is still under development and power generation options will be considered on a case-by-case basis, subject to meeting ADB's Policies, the needs of our DMCs and in line with their climate and Paris Agreement commitments. Other climate/sustainability linked financing options will be subject to ADB's Policies and alignment with international standards applicable to hydropower (e.g. Climate Bonds Initiative Hydropower Standards).
6. ADB is not considering any decommissioning of large hydropower projects at this stage.
7. ADB's Energy Policy 2021 prioritizes distributed renewable energy solutions. ADB is actively and increasingly financing both sovereign and non-sovereign projects for both on-grid and off-grid distributed solar photovoltaic systems across all DMCs.
8. ADB's Policies clearly articulate a zero-tolerance policy towards reprisal and retaliation against any people in its projects. We welcome the NGO Forum's support to communities to ensure any concerns are reported to ADB through the formal channels available.

Overall, ADB has been making efforts to engage with DMCs at early stage to ensure adoption of international good practices for large hydropower projects, irrespective of ADB financing, to improve and strengthen knowledge, institutional capacity and good governance.

We look forward to working closely with the NGO Forum to ensure ADB proactively responds to relevant concerns on large hydropower projects.

Yours Sincerely,



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18 Compensation often comes in the form of one-time payments to make up for these losses, based on set rates which are rarely negotiable but rather pre-determined by the government and proponent corporations.

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66 For instance, the Resettlement and Indigenous Peoples Plan (RIPP) did not identify any cultural assets, shrines, temples or other religious structures specific to the communities, nor did it identify any forest lands or watershed areas connected with their cultural and ancestral heritage or rituals, despite the land within the inundation and buffer zones in fact being considered ancestral domain for the Magar people living there with associated sacred places. As for access to information, although a formal hearing was held initially prior to the

project breaking ground, notice was only published in writing in a national daily (in Nepali) and a brief project brochure was provided to participants. No other outreach to project affected areas or efforts to reach local people was done, despite the fact that affected community members generally speak local languages, not Nepali. Subsequently, people were not informed of different options for compensation for losses of cultivated lands or housing (one-time cash payments as compared to full housing and land resettlement) and were told the company would plant 25 new trees for every tree felled. It is in this context that local community members who are facing imminent dispossession have felt their rights to access information, and more specifically, free, prior and informed consent as well as to meaningfully engage in the project's development from the early stages onwards, have been systematically violated.

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