

Stakeholder engagement (ESS10) concerns around *SUSTAINABLE FINANCING FOR ROGUN HYDROPOWER PROJECT (P181029)*

To: World Bank Executive Directors

Cc: World Bank President and Environment and Social Framework Global Director

16 July 2024

Dear Executive Directors,

We are writing to express our serious concerns around the [Rogun Hydropower Project](#) and for which the estimated board date according to the Project Information Document is July 31. With this letter we are calling on the World Bank to either cancel the project or at the very least postpone the vote until all concerns raised below are addressed and related risks are effectively mitigated.

As illustrated below, in the project under consideration - given its scale and nature and the current context in Tajikistan - the risk of harm and violations to basic human rights remains exceedingly high. Other civil society groups have repeatedly raised concerns about the project's environmental, social and economic impacts in Tajikistan and in the countries downstream, but in this letter we will focus in particular on civic space. The severe restrictions to civic space in Tajikistan pose operational risks for the project and create serious obstacles for the Bank to fulfill its ESS10 commitment for meaningful stakeholder engagement. The Stakeholder Engagement Plan fails to address these obstacles.

Tajikistan context

First and foremost, civic engagement can only take place in an environment in which any impacted person has the ability to voice their concerns and to do so without fear of retribution. Tajikistan is known to rank extremely low according to all known measures for freedom of expression:

- Article19's [2024 Global Expression Report](#), gave the country 3 points out of 100, ranking 151 out of 161 countries it looked at. The country's freedom of expression situation has been consistently getting worse every year.
- The latest [Civicus Monitor](#) classified Tajikistan civic space as closed, giving it 12 points out of 100 and putting it among the 10 lowest scoring countries on the planet in the area. Here too, year-on-year, Civicus has been observing a deterioration in the civic space situation.
- The Reporters Without Borders [Press Freedom Index](#) ranked Tajikistan 155 out of 180 countries and again observed a deterioration in the situation compared to previous years.
- In the analysis conducted by [Freedom House](#), Tajikistan scores 7 out of 100 in terms of political rights and civil liberties with its score consistently decreasing from year to year.

The risks associated with and controversies around hydropower projects financed by development banks are exceedingly well-documented and resettlement in particular is known to carry significant risks of human rights violations. Indeed in the first phase of the Rogun Dam development, in 2014, Human Rights Watch (HRW) [documented a number of rights violations](#) related to the project. One of the key recommendations of their report was that the World Bank and other potential investors should *"urge the government to allow civil society free access to areas from which residents are being*

relocated as well as to resettlement sites to enable them to independently monitor and report on the resettlement process and assist people in filing complaints". The situation, however, as explained earlier, has only further deteriorated, making the risks for human rights violations even greater and the scale of the project is also much greater, set to affect over 50000 individuals this time around. This amounts to a recipe for a human rights disaster.

Of particular concern with this project, given the civic space context outlined above, is the involvement of the military (see 4.4 on page 10 of the [Environmental and Social Commitment Plan](#) or ESCP). While the ESCP does clearly acknowledge that the military is a risk factor, there is no mention of the particular challenges the Tajikistan context poses. On the contrary, the suggestion is that the project's grievance mechanism handle grievances related to the military: a suggestion that seems to be completely oblivious to the prevailing power dynamics in the country and the risks associated with raising concerns about the behaviour of armed forces.

The Stakeholder Engagement Plan (SEP)

A revised [Stakeholder Engagement Plan](#) (SEP) was published on the World Bank project page in June. Prepared by the borrower, it acknowledges some of the HRW civic space and process concerns, referring in particular to HRW recommendations as follows: *"It is necessary to recommend transparency in the resettlement process and that the government provides NGOs, witnesses, civil society, and journalists with unhindered access to the areas from which persons will be resettled, as well as to the places of resettlement. Further, the ESIA's should include a recommendation that the Government of the Republic of Tajikistan publicly express its commitment to protect NGO members and journalists from reprisals by monitoring the resettlement process and acting on behalf of displaced persons."*

The response in the SEP was that *"All resettlement documents will be published and made available to interested persons. The PMP and PUU include an independent witness NGO as one of the measures to ensure transparency. It is the responsibility of the Government of the Republic of Tajikistan to ensure open, safe consultations, and it is the responsibility of the NGO Witness described in ECIA, Section 19.8.5 and included in the PMP and SPP, to monitor this process."*

This response is quite problematic from an accessibility point of view because of the use of obscure acronyms¹. Moreover, it suggests a solution (namely to appoint a single NGO or "NGO Witness" to monitor the process) that was already used during phase 1 (see 3.18.2 in the [Resettlement Policy Framework for phase 1](#)). As illustrated by the HRW report, this approach clearly failed for the much smaller phase 1 of this project. For a project of this nature, where the risk for human rights violations is so great, and in a context of worsening civic freedoms, the minimum standard should be to allow free and unhindered access of independent monitors, including independent journalists, to all affected persons.

On page 9 of the SEP, the document points to relevant legislation in Tajikistan pertaining to relevant rights and freedoms. By doing so, the SEP implicitly acknowledges the need for individuals to enjoy

¹ Three of the four acronyms, namely PMP, SPP and ECIA, could not be found in any other documents online related to the Rogun Hydropower project and there was no explanation for any of these acronyms in this document. Although we assumed the ECIA to be referring to the ESIA, there is no Section 19.8.5. in the current ESIA.

these rights in order for stakeholder engagement standards to be met. The SEP does not however make any mention of how abysmal Tajikistan's track record is with all these relevant rights, let alone how the situation has been continually getting worse since phase 1 of the Rogun HPP.

The document further makes no mention either of how much of an obstacle the prevailing climate of fear in Tajikistan is to proper stakeholder engagement. Indeed any contact we had in Tajikistan on the issue was only willing to speak on condition of anonymity and using encrypted means. Unfortunately they, too, tell us that it is impossible to independently look into the project for fear of retribution: we have therefore been *unable to find any independent civil society* contact willing to reach out to project affected persons in order to independently monitor the human rights impacts.

In addition, international civil society members were invited to participate online in a June 6 "Information-sharing and Consultation Meeting on the Resettlement and Livelihood Restoration Framework" (see page 149). The SEP fails however to mention that the presentation during the session was in Tajik only and interpretation from Tajik was only provided during the questions and answers. This very last comment from the consultation meeting from a member of the Association of Power Engineers of the Republic of Tajikistan is illustrative of the approach of "independence" of civil society and the power dynamics in the country (see page 142):

"At the end of this meeting, I would like to express the gratitude of the civil society to the Government of the Republic of Tajikistan and the Administration of the DFZ of Rogun HPP, which are carrying out significant work, both in construction and in the direction of population migration, in compliance with the requirements of the World Bank and respect for human rights at the highest level. Our mission in civil society is to create a healthy environment around the creation of the institution of the century."

Finally, with respect to involvement of the military, while the ESCP sets out on page 10 to "*Continue to ensure that the stakeholder engagement activities under the Stakeholder Engagement Plan (SEP) include communication on the involvement of the Tajikistan army in the Project.*" The SEP fails to make any mention of the military in this context. In fact the only mention of the military is related to it as a "stakeholder" that it characterises as a *Project Affected Party*, looking at how to engage with them, but not actually committing to discuss in any other stakeholder engagement what the involvement of the army means for the impacted civilian population.

Transboundary civic space issues

The Vakhsh river on which the Rogun Dam is to be built provides 25% of the water of the Amu Darya river, a significant water flow that livelihoods depend on downstream of the project in Afghanistan, Turkmenistan and Uzbekistan. A project of this scale poses a number of risks, including in terms of water shortage during the filling of the dam or risks associated with dam rupture. The SEP fails to cover transboundary consultations with potentially impacted communities. All three countries rank among lowest in the world using the four civic space ranking methodologies listed above (ie. Global Expression Report, Press Freedom Index, Civicus Monitor and Freedom House rankings). Indeed, alongside Tajikistan, Turkmenistan and Afghanistan also rank among the most restrictive countries on the planet in terms of civic freedoms. It is difficult to imagine that any stakeholder engagement for downstream project affected persons in any of these countries would be able to live up to World Bank ESS10 requirements.

Recommendations

Under the circumstances described above, the World Bank cannot live up to its requirements under ESS10 on Stakeholder Engagement. We therefore urge the Bank to:

1. Not engage in a project of this scale where the Bank or any independent civil society monitors cannot reach out directly and safely to every single affected individual, and without increasing the reprisal risk for the individuals concerned.
2. Ensure the civic space issue is surfaced and fully addressed in stakeholder engagement plans for all projects in Tajikistan, and other countries with similarly restrictive civic space (see 5), and mitigation measures are in place to effectively counter these restrictions.
3. Call on the Tajikistan authorities to allow for free and unhindered access for all relevant independent NGOs to all affected individuals of any World Bank project in the country.
4. Call on the Tajikistan authorities to take concrete and decisive measures in line with recommendations from independent NGOs (such as HRW or Civicus) to ensure that people are able to voice their concerns about any World Bank project without fear of reprisals.
5. In the case that the World Bank continues to pursue financing, prior to project approval, the SEP needs to be overhauled in line with current scientifically sound information, acknowledging there will inevitably be changes in water flow and quality downstream, which will accordingly affect populations in neighbouring riparian states (Afghanistan, Turkmenistan and Uzbekistan). Therefore, it is critical that these communities are considered as affected stakeholders who must not only be integrated into the SEP, but also have a safe and direct way to raise their concerns and potential grievances and access to compensatory measures.

We would very much welcome an opportunity to discuss the civic space aspects of this project and associated risks in the very near future. We are at your disposal for a discussion at your earliest convenience.

Signatory organizations:

Bank Information Center

CounterCurrent

Defenders in Development campaign

International Rivers

Recourse

Urgewald e.V.