

Nyamagasani I and II HPP Limited/FMO Financed Operation / # 20-001 and # 20-003

Complainant[s]: confidential

Date Filed: multiple complaints of 50 complainants, filed between May and November 2020

Last update: February 9, 2021

Case Status: open, Dispute Resolution

Complaint

Nyamagasani I and II HPP Ltd is a special purpose vehicle incorporated in Uganda to develop, construct and operate a 15MW and a 6MW run-of-river hydro power plant.

FMO received several complaints:

20-001: the complainant argues that, in September 2017, his property was damaged due to construction related to the Nyamagasani II HPP project. The complainant argues that no adequate compensation was received as compared to other landowners who were compensated for similar damages.

20-003: the complaint concerns issues of resettlement and damages to properties caused by the project's construction activities. The complainants argue that their properties were damaged or rendered unsuitable for living due to the construction of the FMO-financed project and that, nonetheless, adequate compensation or appropriate replacement housing were not delivered despite earlier commitments made by the client company.

Six additional complaints were received on 11 August 2020, 5 October 2020, 14 October 2020, 26 October 2020, 27 October 2020 and on 24 November 2020, as well as multiple communications from Complainants containing additional grounds for their complaints.

Overall, the Complaints received in this case encompass alleged harms affecting a total of 50 individual complainants. 36 of the complainants are represented by two members of the community who are also complainants themselves, and a couple of others are also represented by other complainants.

PROJECT INFORMATION

CLIENT

Nyamagasani I and II HPP Limited

COUNTRY

Uganda

SECTOR

Energy

TOTAL FMO FINANCING

USD 13.44 MLN

Action taken

The Independent Expert Panel (hereafter: the Panel) has assessed the complaints and determined they are admissible under the criteria of the Independent Complaints Mechanism. The Panel prepared a Notice of Admissibility on June 20, 2020 for the 1st complaint and on July 27, 2020 for the 2nd complaint. A Third Admissibility Note was published on November 12, 2020. The Panel handled all complaints as one case.

The Panel conducted a Preliminary Review, and the Preliminary Review Report was published on FMO's website on February 9, 2021. The complaints will proceed to the dispute resolution phase.

Status

Both the Complainants and the client company expressed an interest to participate in a collaborative dispute resolution process. Thus, the Panel has initiated a dispute resolution process.

