



მანქანაღება

**1 წელი შოვის ტრაგედიიდან: რა უნდა
გაეკეთებინა სახელმწიფოს ბუნებრივი
კატასტროფების რისკის მართვის
კანონმდებლობასა და პრაქტიკასთან
დაკავშირებით**

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**ONE YEAR SINCE THE SHOVI
TRAGEDY: WHAT THE STATE SHOULD
HAVE DONE ABOUT NATURAL**

DISASTER RISK MANAGEMENT LEGISLATION AND PRACTICE

One year has passed since the Shovi tragedy. The devastating events that occurred in Racha on August 3, 2023, highlighted significant issues in managing and responding to natural disasters, including challenges in law enforcement, policy development, public awareness, and effective investigation. It is concerning that the country still lacks early warning systems, which are essential for preventing or minimizing the threats posed by natural disasters. This gap represents a failure to fulfill obligations under both Georgian legislation and the Sendai Framework for Disaster Risk Reduction. [\[1\]](#)

Living in a healthy environment is a fundamental human right, recognized by Article 29 of the Constitution of Georgia. This right is crucial for the proper enjoyment of other basic human rights, such as the rights to life, health, and development. **To safeguard these rights, the state is obligated to implement appropriate preventive and mitigating measures to protect people from threats arising from environmental pollution, degradation, and natural disasters.**

It should be noted that according to the geological bulletin of 2021 prepared by the National Environmental Agency, "Shovi belongs to the particularly tense areas with natural geological processes". [\[2\]](#) The bulletin talks about the river. Regarding the threat to Shovi's infrastructure from the flood processes developed in Djiora and its bed, **it is clear that the Shovi resort belongs to a high-risk area, and here it was necessary to fully investigate, analyze and monitor possible risks and threats.** [\[3\]](#) It is not known what measures were taken by the responsible state agencies to adequately manage the mentioned risk.

In 2023, GYLA prepared an advocacy document addressing the legislation and practices of natural disaster risk management in Georgia, using the events that occurred in Racha and Guria as case studies. Many key questions raised regarding these issues remain unanswered. For a detailed examination of the study, please see the [link](#).

The advocacy document is based on an analysis of legislation related to natural

disaster risk management in Georgia. It examines the existing legal regulations at both the central and local levels, outlining the obligations of state bodies to ensure effective management of natural disaster risks. The document also details Georgia's international obligations under various agreements and action plans, emphasizing the need for prompt and efficient fulfillment of these commitments. Additionally, it reviews current policy documents, strategies, and action plans in the field of natural disaster risk management to highlight the challenges and needs facing the state. It assesses how well the goals and specific actions outlined in these documents are being met. Using publicly available official materials and media reports, the document analyzes the problems, challenges, and potential violations identified by state bodies during their activities related to natural disaster risk management in Racha and Guria. Furthermore, it reviews international standards for conducting effective investigations and highlights gaps in the current investigative processes.

According to current data, publicly available sources do not indicate that an assessment was conducted before the approval of the Shovi resort development plan on December 18, 2022. This plan allowed for the construction of hotel-type residences in a disaster-prone area, despite the risks identified in the geological bulletin. **One year after the Shovi tragedy, the promises made by the Prime Minister of Georgia, Irakli Kobakhidze,[4] at the site of the tragedy, including commitments regarding construction, are notable in light of the apparent indifference shown by those in authority toward the risks associated with dangerous constructions in the Shovi area. This raises several questions about potential neglect.**

Additionally, it is unclear whether the National Environment Agency collected and processed the necessary information before the occurrence of the natural disasters. **There are questions regarding why the threat was not identified in a timely manner, what systemic deficiencies exist in the information collection and processing procedures, and what challenges employees of the National Environment Agency face in this process.** Furthermore, it remains uncertain what steps have been taken in the past year to address and correct the existing deficiencies in this area.

Furthermore, over the years, the local population has frequently alerted the local authorities about the dangers posed by the Bubisskali River, urging the strengthening of the riverbanks and expressing concerns about the environment in Shovi.[5] Despite

these warnings, **it remains questionable why the self-governing bodies did not take an interest in addressing these risks.**

It should be noted that the Oni municipality did not develop a security passport as required by the Law of Georgia on "Civil Security." One year after the Shovi tragedy, it remains unclear whether all municipalities possess this document, at what stage their development is, and whether they are linked to the relevant risk-zoned maps. Additionally, if security passports do exist, it is questionable why they are not publicly available.

For example, according to the letter of Oni municipality's mayor's office dated December 4, 2023, there was no security passport in the municipality, and in cooperation with the emergency management service and the National Environment Agency, the procedure of preparing the municipality's security passport was underway.^[6]

In addition, the Emergency Situations Service did not explain to the public whether it would be possible to evacuate people from the disaster area in time if proper information was provided; whether there were necessary evacuation plans and the necessary technical, material and human capabilities for their implementation;

It is noteworthy that **even one year after the Shovi tragedy, not a single person responsible for the incident has been identified.**^[7] Despite numerous calls from the non-governmental sector, the qualification of the ongoing investigation into the case remains problematic, suggesting a lack of interest from the investigative body in conducting a thorough and comprehensive inquiry. Furthermore, the prosecutor's office has yet to recognize some of the individuals who survived the disaster in Shovi, including children who were trapped in the mudslide for several hours, as victims.^[8]

Given the scale of the tragedy, it is evident that public interest in the ongoing investigation remained high throughout the year. However, rather than providing updates to the public, the investigative agencies, including the lawyer from the civil society organization "Partnership for Human Rights" involved in the case, initially refused to hand over copies of the criminal case materials. In February 2024, restrictions were placed on discussing the contents of these materials publicly.^[9] This

suggests that the investigative body is more focused on avoiding pressing questions surrounding the investigation rather than conducting a thorough inquiry.

We call:

National Environment Agency

- to ensure the collection and processing of information to determine the risks of expected natural disasters; To inform the public what challenges exist in this regard and what steps have been taken in the last one year to eliminate them.

Municipalities

- To develop security passports. To provide the society with information about what has been done in this direction and at what stage is the process of their development.

The emergency management agency

- To provide the public with information on what has been done to develop an early warning system and at what stage the said process is at.

The prosecutor's office and investigative bodies

- To provide the public with complete information about the conducted investigative actions and their results, as well as about why the investigation is not being carried out in accordance with the qualifications provided for in Articles 128 and 342 of the Criminal Code.

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



[1] According to the letter MIA 0 23 03517356 dated November 30, 2023 of the Emergency Management Service, the creation of the early notification system began in 2019 and is planned to be completed by 2025.

[2] National Environment Agency, Geological Bulletin (2021), available at: <https://greenalt.org/mwvane-alternativas-ganckhadeba-shovshi-ganvitarebul-movlenebze/>

[3] ibid

[4] A temple will be built in Shov, there are requests to clean up the area, everything will be done - Prime Minister, Radio Liberty website, 03.08.2024, available: <https://shorturl.at/Wykdy>, updated: 04.08.2024.

[5] "National Environment Agency: The Shovi tragedy was caused by the convergence of many factors", Civil.ge,

Available: <https://civil.ge/ka/archives/554651>, updated: 05.08.2024

[6] Oni Municipality letter of December 4, 2023 number 28-7823333847.

[7] Human rights in the face of natural disasters, GYLA website, available, <https://shorturl.at/MnKZh>, updated: 04.08.2024

[8] One year after the Shovi case - how was the investigation into the Shovi case and what violations were revealed? 02.08.2024, PHR website, available: <https://shorturl.at/WPnz8>, updated: 04.08.2024.

[9] Ibid