



## **Statement on conducting a public discussion of Namakhvani HPP Cascade Project in violation of law**

On December 20th, 2019, the Ministry of Environmental Protection and Agriculture of Georgia held a public discussion on the Environmental Impact Assessment of the Project on two-step HPP cascade (Tvishi HPP with 100 MW installed capacity and Namakhvani HPP with 333 MW installed capacity) changes to the commissioning conditions (lower Namakhvani) in the “Tskaltubo Municipality” on the river Rioni. The project is a cascade of 433 MW Hydro Power Plant and includes two high-capacity reservoirs. Its implementation will result in the flooding of 610 ha territory and, along

with other threats to the environment, threatens with the disappearance of a unique grape variety - the micro-zone of Tvishi.

During the public discussion which was held on 20<sup>th</sup> December, that was of particular interest to the local population, the ministry grossly violated the requirements of the Georgian Law on Environmental Assessment Code [1], the Rule of Public Discussions [2] and the Aarhus Convention [3]. Violations were observed both during the organization of public discussions and during the hearings themselves.

The Ministry held a public discussion in the administrative building of the city hall of the Tskaltubo Municipality. The city of Tskaltubo is about 50 km away from the affected villages. According to Georgian legislation, "a public discussion shall be held at or near the premises of the appropriate administrative building, location of which is the closest to the planned activity." In order to reach Tskaltubo, most of the affected population of the project needs at least 2-3 hours. Public transportation to the place of discussion is limited for these villages.

It is inadmissible that the Ministry considers the City Hall of Tskaltubo municipality as the only place for public discussion when there are several administrative buildings in the villages' immediate vicinity of the project area, including a school and a kindergarten, and interest in attendance is high. It is noteworthy that this is not the first time that the affected population of the Namakhvani HPP Cascade Project has been denied the opportunity to attend the discussion. After reviewing the report scope of the same project, local residents filed an administrative complaint with the Ministry of Environmental Protection and Agriculture for violating the requirements of the Environmental Assessment Code.

Despite the fact that the deputy minister of Environmental Protection and Agriculture, as well as the deputy minister of Economy and Sustainable Development of Georgia, were present at the public discussion, violations continued in their presence. Specifically, artificial obstacles were encountered by those interested in attending the discussion, attendees had no possibility to ask questions, and critical questions have not been answered at the meeting.

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



The Ministry of Environmental Protection and Agriculture did not present its position on the project and could not answer specific questions raised by the public and experts regarding the socio-economic and environmental impacts of the project.

Our organizations have long talked about the shortcomings of the country's energy policy and procedural violations related to the construction of Hydro Power Plants, corruption risks, environmental law and disregard of human rights. There is also the problem of engaging the affected population or other stakeholders in the decision-making process.

Based on the above mentioned, we request from the Ministry of Environmental Protection and Agriculture of Georgia:

1. To abolish the public discussions which were held in gross violation of the requirements of applicable law;
2. To ensure that public discussions are re-conducted in the public space accessible to the affected population, in accordance with the Environmental Assessment Code and the Public Discussion Rule;
3. To ensure the proper engagement of affected populations and other stakeholders in the decision-making process in accordance with the requirements of the Environmental Assessment Code and the Aarhus Convention;
4. To consider also the European Parliament's resolution on the EU-Georgia Association Agreement<sup>[4]</sup>, where the European Parliament calls on Georgian authorities to "fully comply with EU standards and norms, especially when it comes to assessing the environmental impact of large hydropower plants"; Also, the Resolution of 14 November 2018<sup>[5]</sup>, where the European Parliament called on the Government of Georgia to increase the degree of public participation in environmental decision-making. To ensure compliance of hydropower projects with EU standards, securing the transparency of the Environmental Impact Assessment process and the engagement of all stakeholders in decision-making.

Green Alternative

Georgian Young Lawyer's Association

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Human Rights Education and Monitoring Center (EMC)

---

[1] Law of Georgia on Environmental Assessment Code, Article 12.

[2] Order # 2-94 of the Minister of Environmental Protection and Agriculture of Georgia on Approval of the Rule of Public Hearing, Article 8.

[3] Convention on Access to Environmental Information, Public Participation in Decision Making and Access to Justice in Environmental Matters, Aarhus, Denmark, June 23-25, 1998, Article 6.

[4] European Parliament non-legislative resolution of 18 December 2014 on the draft Council decision on the conclusion, on behalf of the European Union, of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part (09827/2014 - C8-0129/2014 - 2014/0086(NLE) - 2014/2816(INI)).

[5] European Parliament resolution of 14 November 2018 on the implementation of the EU Association Agreement with Georgia (2017/2282(INI)).