



## The signatory organizations respond to the dispersal of the protest rally of opponents of the construction of the Namakhvani hydropower plant using police force

On November 14, 2020, the State, using police force, [dispersed](#) a protest rally held by the local population against the construction of the cascade of the Namakhvani hydropower plants in the village of Zhoneti. The local residents are organizing against one of the largest energy projects in the country's history and protesting against the State's disregard for the hydropower plant's high environmental impact and for the local population's concerns, while the State uses police force to suppress the protest instead of holding a dialogue with locals, trying to overcome their just resistance with repressive methods.

Residents of the villages of the Rioni Gorge have been [protesting](#) against the construction of the cascade of the Namakhvani hydropower plants for 21 days now. The opponents of the hydropower plant are trying to stop the process of construction

by [keeping a watch on the ground](#) and are staying in tents at night. The population is demanding the stopping of construction works, which the contractor company is carrying out under the guise of preparatory works. The company has yet to submit essential documentation and expert studies on the environmental impact of the hydropower plant under construction, although the so-called preparatory works which it has started imply substantial intervention and are going to transform the local natural and social environment to a considerable extent. The local population is demanding an opportunity to meet with the responsible persons of the State and to share their concerns, though, according to the locals, instead of starting a dialogue, up to 100 police officers have mobilized in the gorge and moved the protesters, including the elderly, women, and children, from the carriageway using physical force. According to news reports and locals, several protesters were [injured](#) during the confrontation with the police.

The construction of the cascade of the Namakhvani hydropower plants is planned to be carried out on the Rioni River in the municipalities of Tskaltubo and Tsageri. The cascade is one of the largest energy projects, and its total installed capacity amounts to 433 MW. The cascade project envisages the construction of two dams in the Rioni Gorge. Due to the large scale of the project, its potential impact on the local social and natural environment, as well as the risks related to the impact, is high. According to the environmental impact assessment report prepared by the company,[\[1\]](#)

**the implementation of the Lower Namakhvani project alone will entail the loss of a considerable area of land, which will mainly be caused by the arrangement of a water reservoir with a mirror surface of 610 hectares.**[\[2\]](#)

**The report also says that the project is fraught with high risks in terms of physical and economic displacement; the water of the reservoir will flood 100 houses, and the families living there will be subjected to physical displacement.** Even more families will be subjected to the indirect impact of the project.[\[3\]](#) The project is also accompanied by a serious [seismic risk](#); according to [experts](#), the cascade of the Namakhvani and Tvishi dams will not even be able to withstand a magnitude 5 earthquake, whereas a magnitude 7 earthquake took place in Racha in 1991.

It is noteworthy that the company implementing the project has failed to ensure the conduct of studies required by the law and the scoping report to check against risks to the safety of human health and environment [\[4\]](#); accordingly, the State and the

company have not properly explored the character and scale of the environmental impact of the cascade of the Namakhvani hydropower plants. In spite of this, on February 28, 2020, the Ministry of Environmental Protection and Agriculture issued an environmental decision on the project [5] and tasked the owner of the permit with submitting critically important and mandatory information after the decision was taken, which has yet to be submitted.[6]

It should be noted that the construction permit issued by LEPL Technical and Construction Supervision Agency of the Ministry of Economy and Sustainable Development, [7] in its turn, also provides for a number of documents that the company must submit before the start of construction. Therefore, at this stage, we have a situation where the **company is effectively carrying out the construction works of the hydropower plant without having submitted the essential studies and documentation required by the construction permit and the environmental decision.**

In a situation where the local population, the public, and area specialists have a number of critical conclusions and questions about both the lawfulness of the construction of the hydropower plant and its extremely high impact and risks, the construction of the large energy project is proceeding in a non-transparent manner, with disregard for these questions and opinions, and without interruption.[8] The authorities respond to the local population's concerns and peaceful protest with repressive methods and try to suppress the protest using police force, by which they grossly violate the fundamental rights of the population impacted by the project.

Considering the foregoing,

### **We call upon the Government of Georgia to:**

- Stop using repressive methods against the peaceful and just protest of the local population and immediately create a format of continuous and real dialogue with the general public and area specialists;
- Ensure that the construction works of the Namakhvani hydropower plant is suspended until proper consultations are held with broad public groups, especially with the local population, and until the company submits essential documents and studies on the possible environmental impact of the hydropower plant;

**We call upon the judiciary to:**

- Ensure that the admitted claim is considered in a timely and impartial manner, so that the locals are given an opportunity to protect their rights by legal means in a timely manner.

**We call upon local and international organizations, diplomatic missions, and media organizations to:**

- Take an active interest in the issues of lawfulness of the project of the Namakhvani hydropower plant and its possible environmental impact and to use all resources at their disposal with the aim of supporting the concerns of the local population and putting the problematic nature of the construction of the Namakhvani hydropower plant on the agenda.

**Signatory organizations:**

Human Rights Education and Monitoring Center (EMC)

Green Alternative

Georgian Young Lawyers' Association

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[1] On the basis of a contract concluded with the Government of Georgia, the project is being implemented by Enka Renewables Ltd. It should be noted that the public also has questions regarding the company implementing the project; a tunnel of the Shuakhevi hydropower plant, which was built by the same company, collapsed soon after it was put into operation; the relevant information is accessible at:

<https://batumelebi.netgazeti.ge/news/108711/>.

[2] See the report on the assessment of the environmental impact of the Lower Namakhvani hydropower plant prepared by the company, p. 358, accessible at: <https://mepa.gov.ge/Ge/PublicInformation/17104>.

[3] Ibid.

[4] Green Alternative and GYLA Request the Declaration of the Environmental Decision as Null and Void Issued on the Project of Namakhvani Hydroelectric Power, April 6, 2020, accessible at: <https://gyla.ge/en/post/mtsvane-alternativa-da-saia-namakhvanis-hesebis-proeqtze-gacemuli-garemosdacviti-gadatsyvetilebis-batilad-cnobas-itkhoven#sthash.f69i9h8x.dpbs>. On April 6, 2020, a claim regarding the invalidation of the environmental decision issued in connection with changes to the project of the two-tier cascade of the Namakhvani hydropower plants planned to be constructed on the Rioni River in the municipalities of Tskaltubo and Tsageri was filed at the Tbilisi City Court on behalf of the local population. However, even an advance first hearing has not been scheduled on this case.

[5] The environmental decision is accessible at: <https://mepa.gov.ge/Ge/Files/ViewFile/28460>.

[6] Green Alternative demands the revocation of the environmental decision on the construction and operation of the cascade of the Namakhvani hydropower plants, April 8, 2020, accessible at: [http://greenalt.org/disputes\\_complaints/namakhvani\\_complaint/](http://greenalt.org/disputes_complaints/namakhvani_complaint/).

[7] Construction permit of the Lower Namakhvani hydropower plant, together with other materials of the proceedings requested from the Agency by Green Alternative, accessible at:

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



<https://drive.google.com/drive/folders/1o94Bb6oabiLP61DoSgKoGpEGTP7oBQuX>.

[8] According to the protesters, no one has contacted them during the 21-day protest.  
See the relevant information at: <https://publika.ge/gvaqvsdazianebebi/>.