



Statement on the Dispersal of the Protest Rally on the Namakhvani HPP Project and the Resumption of Construction Works by Enka

Almost a year ago, on February 28, 2020, the Minister of Environmental Protection and Agriculture of Georgia adopted a decision approving positively environmental decision on the modified project of the lower Namakhvani HPP with the installed capacity of the 333 MW.

In making its environmental decision, the Ministry grossly violated the procedural norms established by national and international law to ensure public awareness and participation. Besides, the company "Enka Renewables" did not conduct and did not

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submit to the Ministry the mandatory studies required by law. These studies were critical to the decision-making process, as they were the basis for determining the degree of threat to the environment, human life and/or health, cultural heritage and material valuables as a result of the project, and the ability to mitigate or avoid that threat.

Despite this serious non-compliance to the law, and based on insufficient and poor quality information submitted by the company, the Ministry of Environmental Protection and Agriculture still approved the project and issued an environmental decision. At the same time, the decision was issued on the condition that the company would still provide the information/ study to be submitted in the future before making a decision.

According to the terms of the environmental decision, the most important part of the information had to be submitted to the Ministry before the commencement of the construction; however, the company ignored the obligations here and started the construction before the conditions were met.

According to the information at our disposal, the company periodically submits the information required by the terms of the environmental decision, which the Ministry reviews without informing and involving the public and makes a decision on the agreement of these most important documents (the documents that should have been considered with the public involvement before the environmental decision).

It should be noted that according to Article 17 of the Code of Environmental Assessment, the Ministry is obliged to publish the documents submitted for compliance with the conditions within 3 days of their receipt; According to the Aarhus Convention on Access to Environmental Information, Public Participation in Decision-Making and Access to Justice, the Ministry should decide on the agreement of these documents based on adequate and timely information and effective involvement of the public concerned.

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Given all the above, the demands of the local population, who have been protesting in the Rioni gorge for almost 100 days against the illegal actions of the company "Enka" and the government, are fair and constructive. According to the Constitution of Georgia, they have the right to take care of the environment and to be involved in the decision-making process related to the environment.

Considering the growing nature of the conflict between the affected community impacted by the project, the company and government agencies, and the fact that there is still insufficient information on the threats associated with the project, we request the following:

1. The Ministry of Environmental Protection and Agriculture of Georgia and the LEPL Technical and Construction Supervision Agency shall not allow construction works (including preparatory works) to be carried out by Enka Renewables until the environment has been studied and evaluated for the project under the requirements of the law on threats it poses to human life and health, cultural heritage and material valuables.
2. The Ministry of Environmental Protection and Agriculture of Georgia shall return the process to the legal framework and ensure public participation in the project decision-making process: in accordance with Article 17 of the Code of Environmental Assessment, publish the documents submitted for fulfilment of the conditions; In accordance with the deadlines and procedures set forth in Article 12 of the Code of Environmental Assessment, ensure the reception of opinions and comments of stakeholders and organize public discussions at the project site.
3. The Government of Georgia shall ensure the protection and realization of the right guaranteed by the Constitution to participate in the decision-making process of living in a safe environment for the health of the citizens of the country.

Signatory organizations

Georgian Young Lawyers Association

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Green Alternative

Human Rights Education and Monitoring Center