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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

42nd meeting
Strasbourg, 29 November – 2 December 2022

Complaint on stand-by: 2020/04

**The Amulsar gold mine project and its impacts on
Emerald Network sites
(Armenia)**

- REPORT BY THE COMPLAINANT -

*Document prepared by the
“EcoLur” Informational NGO, Armenian Forests NGO, Green Armenia Environmental Education NGO,
CEE Bankwatch Network*

Ms. Ursula Sticker - Secretary of the Bern Convention
Mr. Eoghan Kelly - Project Assistant of the Bern Convention
Mr. Marc Hory - Project Manager - European Diploma for Protected Areas and Emerald Network
Ms. Véronique De Cussac - Administrative Assistant

Subject: Complaint No. 2020/04: The Amulsar gold mine project and its impacts on Emerald Network sites (Armenia)

DEAR MS STICKER,
DEAR MR KELLY,
DEAR MR HORY,
DEAR MS DE CUSSAC,

Hereby we send you an update by the complainants relevant to the Complaint No. 2020/04: The Amulsar gold mine project and its impacts on Emerald Network sites (Armenia) and we would like to ask the Bureau to instruct the authorities:

1. To involve NGOs and experts in the revision of the Emerald Network and to make the process transparent and participatory;
2. To cancel the current Environmental and Social Impact Assessment (ESIA) of the Amulsar Gold Project and to ask the investor to produce a new report taking in consideration the Bern Convention;
3. To inform about the current status of the declaration process of Jermuk National Park;
4. To make sure that the recommendation of the Bureau from September 2020 is followed: *“in the meantime, it recommended that the authorities halt any developments that can negatively affect the habitats and species protected under the Convention, whether it pertains to an Emerald Network site or not”*.

Obscure revision of the Emerald Network in Armenia

With letter No. 3/06.3.7/9754 from July 2021 the Government of Armenia informed the Bern Convention that: *“optimization of candidate sites of «Emerald Network» is currently being carried out”*. None of the complainant organisations, nor WWF Armenia, nor other NGOs who have participated in biogeographical seminars are informed about the process. The best Armenian experts in different animal groups aren't part of the process either. This obscure process worries us a lot as Armenia has achieved sufficiency for most of the habitats and species in the network. Maybe some urbanized areas around Sevan Lake could be excluded from the network if they don't support habitats from Resolution 4 or species from Resolution 6, but having in mind that Armenia is one of the most biodiverse Contracting Parties of the Bern Convention not many more areas could be excluded from the candidate sites. Moreover, many of these are already declared as Key Biodiversity Areas (KBAs), including the area around Jermuk and Amulsar¹. We would like to remind the authorities that economic activities are not forbidden in Emerald sites and, as long as they don't produce significant negative impacts to the protected habitats and species, could be fomented.

As far as we are aware, the Government hasn't submitted to the Bern Convention revised boundaries or data of the Emerald sites. Even if this happens, the revision would take years to be accepted, if it is accepted at all, because the sufficiency of the Emerald Network should be evaluated via biogeographical seminars with the participation of authorities, scientists, landowners, and non-governmental organizations. No biogeographical seminar for Armenia has been organized since 2019 and the boundaries of the sites² remain the same, as well as all obligations of the authorities to protect them.

¹ <https://www.keybiodiversityareas.org/site/factsheet/19757>

² <https://emerald.eea.europa.eu/>

Need for new ESIA of Amulsar Gold Mine

There is a need for new Environmental and Social Impact Assessment (ESIA) of the Amulsar Gold Project. The authors of the currently approved ESIA report³ should have informed the government that the Amulsar Project is located within one Emerald site and could have impacts on other sites. The Emerald Network, the Emerald sites (ASCIs) affected by the Amulsar Gold Project and the legal basis of the Bern Convention related to the Emerald Network were not mentioned, referred to or analysed in any part of the currently approved ESIA report. Only with a new ESIA report the government could take “*appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild flora and fauna species, especially those specified in Appendices I and II, and the conservation of endangered natural habitats*”, as required by Article 4 of the Bern Convention. According to the Recommendations of the Standing Committee of the Bern Convention the measures should be taken from the moment the Emerald sites have the first scientific proposal. At the time of preparation of the current report, there was publically available map and database - the Emerald Network Viewer. Moreover, the respondent for the Emerald sites⁴ is the Ministry of Nature Protection and as the authorities informed the Bern Convention with letter No. 4/08.8/8058 from July 2020: “*a number of experts and specialists who participated in the project for the development of the candidate sites were contractually engaged as experts in the development of the EIA of the Lydian Armenia's Amulsar Gold Mine Project*”.

Regarding the species and habitats we have mentioned in the complaint, we have based our comments on data mostly from the ESIA report, but also from the Standard Data Form of the “Djermuk Area” Emerald site, scientific articles and scientific reports as the one from Balkani Wildlife Society⁵. These are summarized in the table “Protected Habitats and Species with Possible Impacts from Amulsar Gold Project”.⁶ Out of 11 habitats and 76 species in the area protected according to Republic of Armenia Red Book, IUCN Red List, Bern Convention and/or EU Habitats and Birds Directives only 2 habitats and 8 species are with effective measures in the ESIA (the measures are on time, specific and planned in accordance with Bern Convention, Habitats Directive and Armenian Law). For additional 2 habitats and 12 species ineffective measures are proposed in the ESIA - either just like unspecified intentions (Ex.: tree planting to compensate loss of natural habitat of Northern goshawk, lesser-spotted eagle, booted eagle) or as measures not complying with Bern Convention, Habitats Directive and/or Armenian Law (Ex.: prescribed fire in planned national park to compensate loss of habitat for reptiles in the Heap Leach Facility). For 7 habitats and 56 species there are no measures at all proposed in the ESIA.

We don't claim that the ESIA baseline biodiversity data is completely incorrect – the authors have correctly described many of the species present in the area of the gold mine. What we claim is that the assessments on the direct and indirect impacts are incorrect and consequently the mitigation measures. We are very much surprised by the opinion of the authorities in letter No. 3/06.3.7/9754 from July 2021 that many of the species described in the ESIA (nesting birds, bats, brown bear, bezoar goat and so on) as present in the Amulsar Gold Mine area are not present anymore. Are these new finding based on new fieldwork surveys and could the changes in the populations be a result of the mine construction after 2016?

The process to declare Jermuk National Park is stopped

In the ESIA the main compensatory/offsetting measure proposed is the investor to support the establishment of Jermuk National Park. But the park was not declared before the start of construction of the mining facilities and since 2017 up to now the necessary steps for the declaration or for public consultations are stopped. The park will not be declared in the next years but the negative impacts on some biodiversity features of “Djermuk Area” Emerald site are already significant as the habitats are completely modified for the construction of the barren rock storage facility, some open pits, transportation facilities. This is a violation of the Habitats Directive and the Bern Convention. As described in Chapter 5 of the Balkani report, compensation measures

³ <https://www.ebrd.com/work-with-us/projects/esia/dif-lydian-amulsar-gold-mine-extension.html>

⁴ <https://natura2000.eea.europa.eu/Emerald/SDF.aspx?site=AM0000009&release=3>

⁵ <https://bankwatch.org/publication/biodiversity-offsetting-and-other-problems-of-the-esia-of-amulsar-gold-project-in-armenia>

⁶ <https://bankwatch.org/wp-content/uploads/2019/01/Annex-Protected-Species-and-Habitats-Amulsar-AR4.xls>

should be taken before the impacts appear in order to maintain effectively the coherence of the Emerald Network.

Moreover, the proposed boundaries of Jermuk National Park were changed after signing a memorandum between “Lydian Armenia” and the Ministry of Nature Protection to exclude all areas of Amulsar Gold Project. The initial boundaries proposed in 2012 by WWF⁷ in the feasibility study for the park were identical with “Djermuk Area” Emerald site and included significant part of Amulsar Gold Project (barren rock storage facility, Erato open pit mine, transportation line/facility). This biodiversity offsetting measure is unacceptable and inadequate, as it would prevent Armenia from fulfilling its obligations under the Bern Convention to legally protect the entire Emerald site.

Additionally, declaring Jermuk National Park with modified boundaries, will not have a significant added value to ecosystem conservation. 27375 hectares of the area of the planned park are currently protected in three protected areas according to Armenian law: Jermuk Hydrological Sanctuary (17371 hectares), Herher Open Woodland Sanctuary (6139 hectares), Jermuk Forest Sanctuary (3865 hectares).

Best regards,

Andrey Ralev

On behalf of the complainants “EcoLur” Informational NGO, Armenian Forests NGO, Green Armenia NGO, CEE Bankwatch Network.

⁷ <https://www.ecolur.org/files/uploads/pdf/jermuknationalpark.pdf>