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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

42<sup>nd</sup> meeting

Strasbourg, 28 November - 2 December 2022

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**New complaint: 2021/08**

**Possible threat to Rioni River from the  
Namakhvani Hydropower Project  
(Georgia)**

**- REPORT OF THE COMPLAINANT -**

*Document prepared by  
Association Green Alternative, Nature Conservation Georgia, CEE Bankwatch Network*

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- August 2022 -

We would like to share with you photos and drone footages of the Namakhvani HPP construction site and associated infrastructure after termination of the contract as an update. We conducted field trip on July 15-16, 2022, to update situation on the ground. It turns out that while the company withdrew from the project it has not conducted any conservation or/and restoration works on the ground as a result of which geological processes have been activated. According to locals rainwater is flushing existing roads and activate landslides making movement on existing roads dangerous.

Unfortunately, government is neither involve itself nor requesting Enka to restore safe conditions on the road.

In addition, negative impacts on environment due to massive cuttings of the forest and vegetation has not been assessed as well. Photos and drone footage can be found on the following link: [https://drive.google.com/drive/folders/1VY9k2ZA\\_1lrzLS3sQ8r74NssHm85wWA?usp=sharing](https://drive.google.com/drive/folders/1VY9k2ZA_1lrzLS3sQ8r74NssHm85wWA?usp=sharing)

- February 2022 -

Ms. Ursula Sticker - Secretary of the Bern Convention  
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. 2021/08 - Possible threat to Rioni River from the Namakhvani Hydropower Project (Georgia).**

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

Hereby we send an update by the complainant relevant to the Complaint No. 2021/08 - Possible threat to Rioni River from the Namakhvani Hydropower Project and we ask for an on-the-spot appraisal (OSA) mission of the Bern Convention to Georgia.

**Results from the biogeographical seminar:**

We are concerned that the recent biogeographical seminar for the Emerald Network in Georgia, organised in December 2021, still shows the insufficient protection of large rivers and their valleys. The river Rioni is specifically mentioned for several species and was discussed during the habitats assessment as the most important river to achieve the sufficiency of the network. The following river and riparian habitats and species are assessed as Insufficient Moderate (IN MOD) for the Black Sea region (BLS):

1. C2.19 Lime rich oligotrophic vegetation of spring brooks;
2. C3.4 Species-poor beds of low-growing waterfringing or amphibious vegetation;
3. C3.55 Sparsely vegetated river gravel banks;
4. C3.62 Unvegetated river gravel banks;
5. E2.2 Low and medium altitude hay meadows;
6. E2.3 Mountain hay meadows;
7. F9.3 Southern riparian galleries and thickets;
8. G1.11 Riverine *Salix* woodland;
9. G1.21 Riverine *Fraxinus - Alnus* woodland, wet at high but not at low water;
10. G1.22 Mixed *Quercus - Ulmus - Fraxinus* woodland of great rivers;
11. Eurasian otter (*Lutra lutra*);
12. European sea sturgeon (*Acipenser sturio*);
13. Asp (*Aspius aspius*);
14. Mediterranean gull (*Larus melanocephalus*, IN MOD: Rioni extension)
15. Eurasian kingfisher (*Alcedo atthis*, IN MOD: Rioni)
16. Non-Res. 6 migratory birds: 20000 waterfowl; 10000 pairs of seabirds (IN MOD: Rioni delta, Javakheti extension).

**Lack of legal protection of Rioni river:**

Meanwhile, the Rioni river and the sturgeons continue to be unprotected in violation of the obligations to the Bern Convention and the own documents Georgia has adopted - National Biodiversity Strategy

and Action Plan (NBSAP)<sup>1</sup> and Strategy and Action Plan of the Development of Protected areas of Georgia<sup>2</sup>.

According to the second NBSAP of Georgia adopted by the Prime Minister on May 8, 2014<sup>3</sup> as a commitment to the Convention on Biological Diversity, one of the National Targets (C.2.) is: "By 2020, the status of species - including 75% of "Red List" species - has been considerably improved through effective conservation measures and sustainable use". One of the actions to reach this target is: "C.2-o1.16. Develop and implement a Georgian sturgeon conservation management plan 2016-2020." with responsible/implementing agencies: Ministry of Environment and Natural Resources Protection (MoENRP), research organisations, NGOs, experts. The plan is still not approved.

According to the "Strategy and Action Plan of the Development of Protected areas of Georgia" adopted by the Minister of Environmental Protection and Agriculture of Georgia on January 4, 2019<sup>4</sup>, one of the objectives is: 1.1. Establishment of new protected areas and enlargement of existing protected areas. The action #1.1.11. under this objective is: "Establishment of Rioni Managed Reserve (IUCN Category IV) with implementing agency: Agency of Protected Areas, donors and timeframe: 2018-2019. WWF Caucasus Programme Office prepared a draft law on the establishment of the protected areas, but the government is so far blocking the process.

Additionally, the government is not taking into account the recommendations of UNESCO to expand the Kolkheti National Heritage site by including the Rioni river and the important areas for protection of sturgeons.

Moreover, as a party to the Energy Community Treaty, Georgia is obliged to implement Article 4.2. of the EU Birds Directive: "*Member States shall take similar measures for regularly occurring migratory species not listed in Annex I, bearing in mind their need for protection in the geographical sea and land area where this Directive applies, as regards their breeding, moulting and wintering areas and staging posts along their migration routes. To this end, Member States shall pay particular attention to the protection of wetlands and particularly to wetlands of international importance.*". In the Kolkheti Special Protected Area<sup>5</sup> for the protection of birds 294 (!) bird species are included, most of which covered by Article 4.2. The downstream impacts of the Namakhvani project will most probably deteriorate the conservation of the wetlands of the lower Rioni valley.

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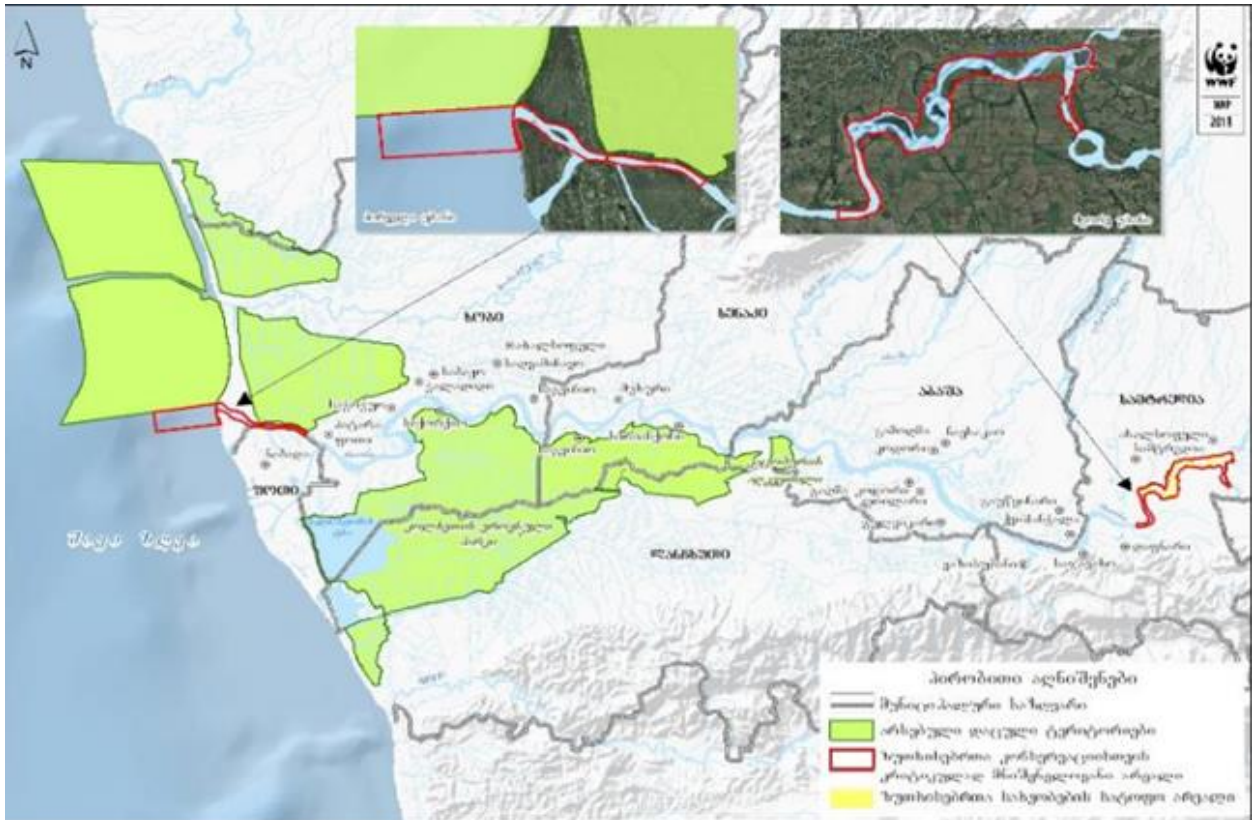
<sup>1</sup> <https://www.cbd.int/doc/world/ge/ge-nbsap-v2-en.pdf>

<sup>2</sup> <https://matsne.gov.ge/ka/document/view/4361355?publication=0>

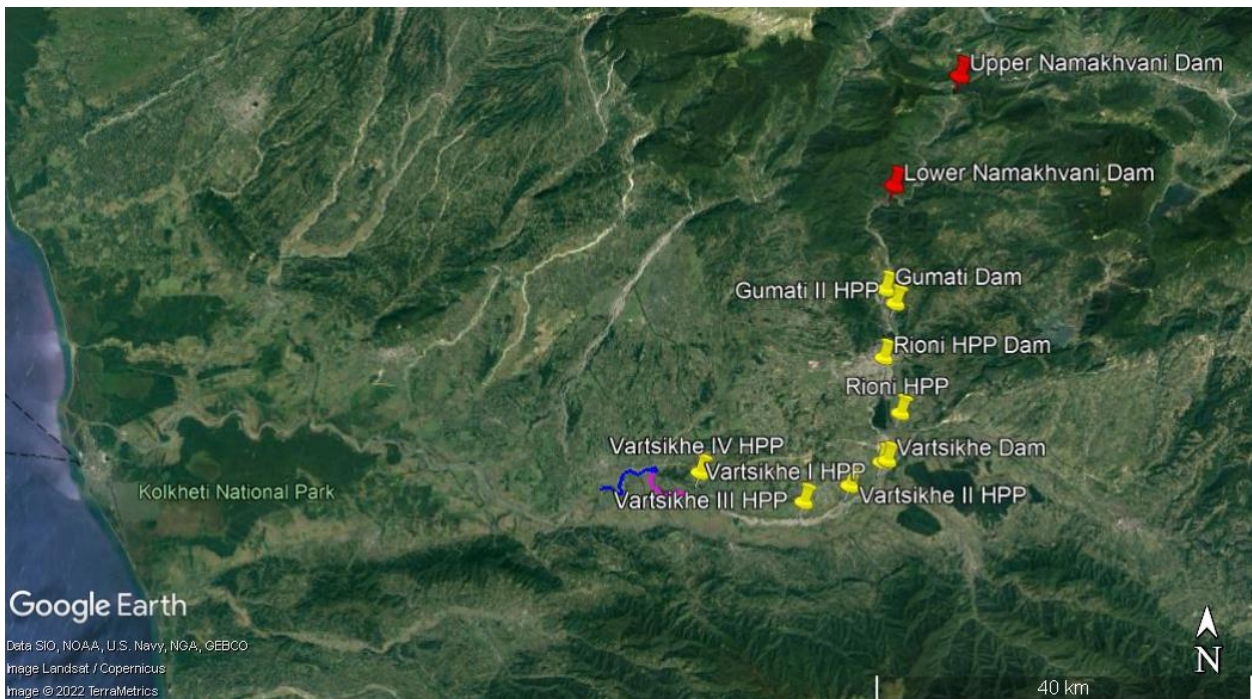
<sup>3</sup> Resolution #343, 08.05.2014

<sup>4</sup> Order #2-4, 04.01.2019

<sup>5</sup> <http://aves.biodiversity-georgia.net/spa-n-17>



Proposed addition to Kolkheti National park (IUCN category II) - Rioni Delta and part of Black Sea, as well as Proposed Nature Reserve (IUCN category IV) spawning site of sturgeons – RED LINES; Kolkheti National park - GREEN.



Map of the Rioni River with the spawning grounds of sturgeons (BLUE); historical spawning grounds that can be restored (PURPLE); existing HPPs (YELLOW); the 2 Namakhvani Dams (RED).

**Results from the mediation process:**

In November 2021 the concluding report was published in the mediation concerning the dispute related to the Namakhvani hydropower project between the Government of Georgia and the Greens Movement of Georgia/Friends of the Earth Georgia, Green Alternative, Centre of Innovative Development of Enterprises, Fair Energy Politics Collective, Research-Intellectual Club “Dialogue of Generations”

(RICDOG), Social Justice Center, Georgian Young Lawyers Association, Guardians of Rioni. The report summarises the process and the agreements made during the mediation. It was submitted six months after the start of the mediation, the originally envisaged timeframe. The report was drafted by the mediators from the Energy Community Secretariat. In July 2021, after a number of virtual meetings and extensive communication between the Parties, the Terms of Reference (ToR) for the environmental and commercial reviews of the project were defined and agreed upon. The environmental and the commercial review are on hold until there is clarity about the future of the Namakhvani HPP project, after the unilateral termination of the contract by the developer of the project, Enka Renewables.

**Concerned about continuing reduction of areas from the Emerald Network and the lack of protection of large rivers leading to insufficiency in the Alpine and Black Sea biogeographical regions, aware of the lack of strategic planning for hydropower development in Georgia, aware of the possibility to resume the construction of Namakhvani and Nenskra hydropower projects, we call for an on-the-spot appraisal (OSA) mission of the Bern Convention to Georgia to investigate the replicating situation of threats to rivers, as observed in case files 2016/9 and 2021/08 to the convention, as well as the Shuakhevi HPP (Request #2) case file to the EBRD.**

Best regards,

David Chipashvili – Complainant

On behalf of Green Alternative, Nature Conservation Georgia, CEE Bankwatch Network