

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. 2016/9 - Possible threat to “Svaneti 1” Candidate Emerald Site (GE0000012) from Nenskra Hydro Power Plant development (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. 2016/9 - Possible threat to “Svaneti 1” Candidate Emerald Site (GE0000012) and we ask for an on-the-spot appraisal (OSA) mission of the Bern Convention to Georgia.

Findings from our fact-finding mission in July 2021:

We visited the area of the complaint in July 2021 and found out several important changes. Although the construction of Nenskra dam and tunnels has stopped in the last two years, many new small hydropower plants are built on the tributaries of river Enguri and river Nenskra, as well as on the lowest stretch of river Nakra. Some of these plants are financed by EBRD¹. No Strategic Environmental Assessment has been carried out and we expect significant cumulative impacts in Svaneti Region on habitats from Resolution 4 and species from Resolution 6.



¹ <https://www.ebrd.com/work-with-us/projects/psd/rsf-tbc-bank-svaneti-hpps.html>



New small and medium-size hydropower plants in Svaneti, July 2021

Additionally, the transmission line for the Nenskra Hydro Power Plant all the way to the planned powerhouse is already built with financing from EBRD.² This would facilitate the connection of the controversial Nenskra project to the grid.



Transmission lines above the river Nenskra, July 2021

² <https://www.ebrd.com/work-with-us/projects/psd/51422.html>

We also found out that the floods from 2018 in the Nenskra valley³ had changed completely the landscape - the wet meadows were covered with stones, most of the riparian forest was taken by the floods, the fish communities were impacted. Thus the findings and conclusions from the 2017 Environmental and Social Impact Assessment are not relevant anymore. New field surveys should be done and new baseline biodiversity data should be collected if the Nenskra Hydro Power Plant is still planned.



The Nenskra valley has completely changed since 2018, July 2021

Results from the biogeographical seminar:

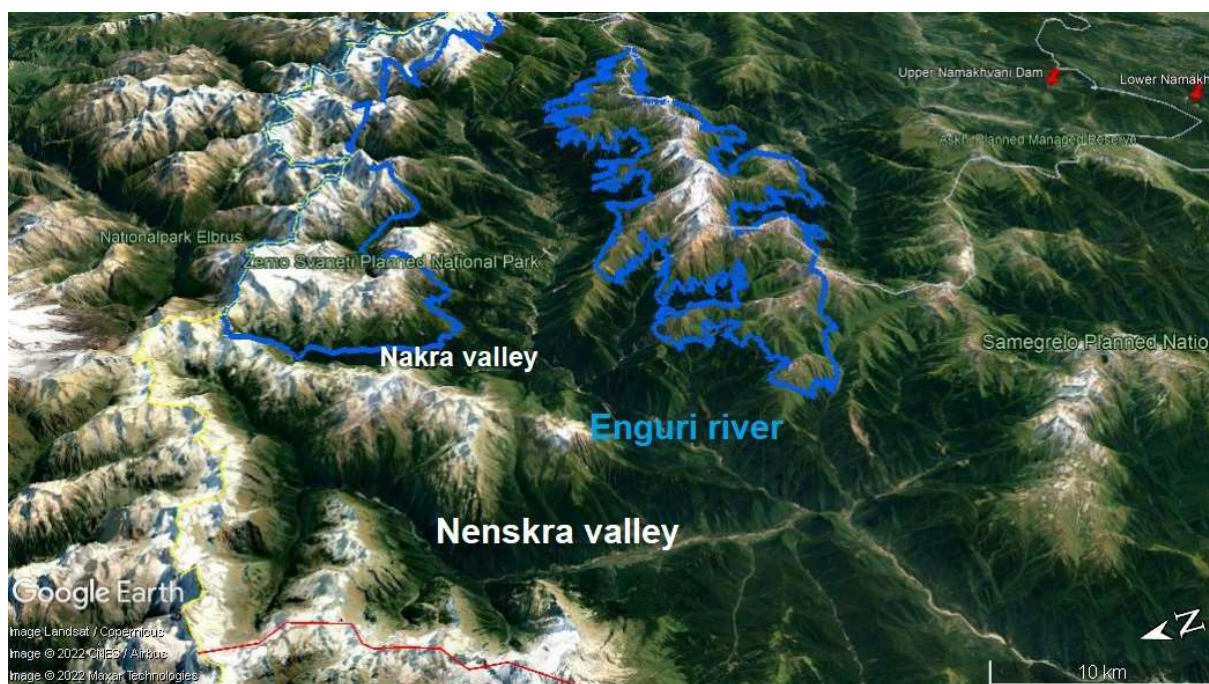
We are concerned that the recent biogeographical seminar for the Emerald Network in Georgia, organised in December 2021, still shows the insufficient protection of large rivers and their valleys. The following river and riparian habitats and species are assessed as Insufficient Moderate (IN MOD) for the Alpine region (ALP):

1. C2.18 Acid oligotrophic vegetation of spring brooks;
2. C2.19 Lime rich oligotrophic vegetation of spring brooks;
3. C2.1A Mesotrophic vegetation of spring brooks;
4. C2.25 Acid oligotrophic vegetation of fast flowing streams;
5. C2.27 Mesotrophic vegetation of fast flowing streams;
6. C3.55 Sparsely vegetated river gravel banks;
7. C3.62 Unvegetated river gravel banks;
8. E2.2 Low and medium altitude hay meadows;
9. E2.3 Mountain hay meadows;
10. E3.4 Moist or wet eutrophic and mesotrophic grassland;
11. E5.5 Subalpine moist or wet tall-herb and fern stands;
12. F9.1 Riverine scrub;
13. F9.3 Southern riparian galleries and thickets;
14. G1.11 Riverine *Salix* woodland;

³ <https://bankwatch.org/blog/devastating-floods-are-the-latest-warning-sign-about-controversial-nenskra-hydropower-project>

15. G1.21 Riverine *Fraxinus* - *Alnus* woodland, wet at high but not at low water;
16. G1.22 Mixed *Quercus* - *Ulmus* – *Fraxinus* woodland of great rivers;
17. Eurasian otter (*Lutra lutra*).

We would like to remind that Svaneti 1 and 2 sites, as modified by the Georgian Government and nominated as candidate sites in 2019, include only high mountains and exclude the river Enguri, all its tributaries, the whole Nenskra valley and all old-growth forests of Svaneti. Many of the species and habitats in the SDFs of the sites are not present in the high mountains as proven by Ilia State University research from 2019.⁴



Svaneti 1 and Svaneti 2 sites (in blue lines) and the Enguri, Nenskra and Nakra valleys

No progress by the government on protection of water courses:

According to the decision of the Bureau of the Bern Convention on Conservation of European Wildlife and Natural Habitats (T-PVS (2020)1), the Bureau invited Georgian authorities to envisage a national plan for the protection of water courses to avoid the situation replicating in other Emerald Network sites. The government of Georgia did not fulfil this decision.

The valleys of river Enguri and its tributaries Nenskra and Nakra were excluded from the borders of the “Svaneti 1” GE0000012 officially nominated candidate Emerald site as presented during the 39th Standing Committee meeting in December 2019⁵. Since then little to no progress has been made by the government to protect rivers in the Emerald Network and to plan strategically the hydropower development in Georgia.

Moreover, a new complaint will be assessed by the Bureau in April 2022 - **2021/08 Possible threat to Rioni River from the Namakhvani Hydropower Project (Georgia)**. Additionally, the EBRD

⁴ Natia Kopaliani et al., Survey of Emerald Network Candidate Areas for Final Approval (Svaneti 1 GE0000012 and Svaneti 2 GE0000045), Ilia State University, 2019

⁵ <https://rm.coe.int/updated-list-of-officially-adopted-emerald-sites-december-2019-/168098ef51>

Project Complaints Mechanism has investigated the Shuakhevi HPP, located in the "Goderdzi" Emerald site (GE0000026) which is still not officially nominated as candidate site.⁶ The borders of the site have been changed since the launch of the complaint in 2019 to exclude part of this hydropower project. A final report by the mechanism is expected soon.

In response letter of the Ministry to the Bern Convention (letter of the Ministry of the Environmental protection and Agriculture, signed by deputy minister Nino Tandilashvili N 946/01, 05/02/2021) is written that *“the draft law on “Water Resources Management” was elaborated and is planned to be submitted to the Georgian Parliament in 2021, the draft law establishes the regulations for the sustainable use of water resources. Three river basin management plans (Chorokhi-Adjaristkali; Khrami-Debeda and Alazani-Iori) are being developed at present under the projects “EU Water Initiative plus” (EUWI+). According to the Association agreement between EU and Georgia, abovementioned river basin management plans will be adopted in 2024. The issue of the Emerald network is envisaged in all of the management plans”*.

However, up to now the draft law on “Water Resources Management” was not submitted to the parliament. The elaboration of the draft law is not finalized as only recently public hearings were announced. The river basins mentioned in the letter (Chorokhi-Adjaristkali; Khrami-Debeda and Alazani-Iori) are far from Svaneti region and cover only a small area of the country. The adoption of these documents in 2024 can not substitute a “national plan for the protection of water courses”.

We would like to remind you a similar situation in 2018, when the ministry responded to the Bern Convention (Deputy Minister Solomon Pavliashvili, N 1201/01, 09/02/2018) that Georgia is finalising the elaboration of the draft Law on Biodiversity and the “Regulatory Impact Assessment” is being carried out for the draft law on Biodiversity. The law on Biodiversity still is not finalised, public hearing process and discussion between different governmental agencies (ministries) are still ongoing. According to the ministry, the recommendations of the “Regulatory Impact Assessment” (carried out by the International School of Economy – ISET) were not used during the preparation of the draft law because of the poor quality.

We ask 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,

Mr. David Chipashvili - Association Green Alternative – complainant

Mr. Andrey Ralev – CEE Bankwatch Network – biodiversity expert

⁶ <https://www.ebrd.com/work-with-us/projects/ipam/2019/01.html>