



Comments of Association “Green Alternative” and CEE Bankwatch Network on Adjara Bypass Roads Development Project

Introduction

The Asian Development Bank considers to finance the 48km road project construction that connects the Sarfi to port Poti, bypassing Kobuleti and Batumi cities, Georgia. The bank plans to allocate up to USD 118 million for the first phase of the project, The total cost of the project may go up to USD 324 million¹.

The project involves construction of a 2 lane road, except for 6km (Km28-34) where the existing two lane road will be widened to four lanes. In addition it will construct 25 bridges with total length of 3268 meters and 5 tunnels with total length of 1800 meters.

The project road will pass along the Ispani Marsh, a RAMSAR wetland site and IUCN protected area, and goes through 16 villages/towns in Adjara. The draft ESIA prepared by the project sponsor raises number of concerns related to the project design, its possible high level negative impact on environment and local communities².

General comment

According to the EIA it was prepared “on the basis of detailed review of proposed engineering works, field investigations, stakeholder consultation, primary and secondary data collection, screening of all baseline environmental parameters, environmental quality baseline monitoring, and review of other road project reports in Georgia. The study was taken up during February – May, 2009”³.

However, presented EIA covers only very general review of the proposed engineering works and route of the proposed road, without detailed analysis of environmental data, not to speak about absence of deep stakeholders preparation. The EIA does not present the clear justification of the project importance neither from economic point of view, nor from environmental and social one. While the document assesses the costs of environmental mitigation, it does not address costs of involuntarily resettlement that looks like very significant from the project design.

¹ Masud Karim Manager, Engconsult Ltd. Public Hearings in Batumi, June 25, 2009;

² Draft Environmental Impact Assessment of the project, page 2;

³ EIA of the project; Article I paragraph A(4): Extent of the EIA study;

Information disclosure and public participation

Accessibility of the project documents

According to the ADB's *Environmental Assessment Guidelines*, for the A category projects, in order to "facilitate the required consultations with the affected groups and local NGOs the project's environmental issues as well as technical data needs to be transferred into a form and language(s) accessible to those being consulted. The full EIA is also made available to interested parties upon request"⁴.

However, for Green Alternative it was quite challenging to receive the full EIA from the Roads Department of Georgia. The only available document was the summary of the EIA in English, while the department claims that it was the only document related to the project. The full draft EIA was received from project sponsor only a week prior to the public consultation meeting that could not be considered as the best practice case scenario.

Till now the project related documentation including the EIA and Non-technical summary is available in English that not only complicates the understanding of the project for local communities, but also represents violation of the Georgian Legislation, not to speak about ADB's own policies.

Public Participation

ADB's *Environmental Assessment Guidelines*⁵ state that public consultation and information disclosure for the A category project should be guided by the following principle: "Sufficient information should be provided in accessible and culturally appropriate ways. Providing information about benefits and disadvantages of the project at an early stage of the EA process allows people time to think about the issues, consider implications, and formulate their views. An informed public will understand the trade-offs; be able to contribute meaningfully to project design; and have greater trust with the project proponent".

The Adjara Bypass project is far away to comply with ADB policies in that regard. The field trips in affected villages clarify that villagers, as well as local authorities neither had any information about the project nor knew anything about the planned public consultation meeting around the project.

The ADB's Guidelines on the Best practices for Public Consultation and Information Disclosure⁶ underline that "Effective publication requires the provision sufficient information in a form that is readily understandable and meaningful to the project affected people. If needed, the technical information will need to be presented in a form to ensure that relevant project and environmental information is accessible to the local communities and other stakeholders".

During the public meeting presentation of the project and related environmental and social issues was made in English, without any proper translation that leads towards the

⁴ ADB Environmental Assessment Guidelines, "Requirements for Public Consultation and information disclosure" paragraph 2 "Information disclosure"; see:

http://www.adb.org/documents/guidelines/environmental_assessment/Public_Consultation_Information_Disclosure.pdf

⁵ ADB Environmental Assessment Guidelines, "Principles of Public Consultation "; see:

http://www.adb.org/documents/guidelines/environmental_assessment/Public_Consultation_Information_Disclosure.pdf

⁶ ADB Environmental Assessment Guidelines, "Best Practices for Public Consultation and Information Disclosure "; see: http://www.adb.org/documents/guidelines/environmental_assessment/Public_Consultation_Information_Disclosure.pdf

situation that majority of issues underlined within presentation stayed unclear for the participants.

Deficiencies of the EIA document

As was mentioned the EIA document does not represent the full exhaustive document that address all issues related to construction of the Adjara Bypass highway.

Kobuleti Managed Reserve

The EIA claims that the road will pass along the Ispani Mire, Ramsar Wetland site (number 894), around 100 meter from the so-called "Buffer zone" designed by the project sponsor. (According to the Ramsar list of sites the project road passes along the Ispani II marsh, not Ispani Mire as it is written in the document.) The EIA document claims that in April 5, 2009 Ministry of Environment extended the multiple use zone of the nature reserve⁷ and the road would be far away from the reserve. Unfortunately we could not find the relevant decree while the EIA misses the reference to the abovementioned decree.

According to the article 9(5) Georgian law on Kolkheti Nature reserve the east border of the Kobuleti Managed reserve passes along the west border of the village Ochkhauri. According to the director of Kobuleti Managed Reserve⁸ "the so-called buffer zone in reality is the territory of the Kobuleti Managed Reserve and it is quite vague why it was renamed as the Buffer Zone by the project consultants". According to the article 26 the list of permitted activities in Kobuleti multiple zones should be approved by the President of Georgia.

Land Acquisition and Resettlement

According to the EIA⁹ "A resettlement framework has been prepared under the Project with a compensation mechanism. This section will be updated in the final EIA report when the results of census survey are available." However, the EIA misses any discussion about the involuntary resettlement principles, while the framework is still inaccessible for public.

The international groups clearly recognize that "involuntary resettlement has always been an issue of particular difficulty for the Asian Development Bank (ADB). First and foremost, involuntary resettlement constitutes a *prima facie* violation of a range of internationally recognized human rights. As such, it can only be carried out in exceptional circumstances and in full accordance with relevant provisions of international human rights and humanitarian law. Secondly, the ADB recognizes that it has a particularly poor track record in this area, fraught with frequent failure to achieve desired outcomes for rehabilitation of affected people. Finally, the ADB Safeguard Policy on Involuntary Resettlement is one of the more challenging policies to properly implement, and has long been a point of contention among ADB staff and member countries¹⁰." Having above mentioned in mind, it is difficult to agree with the situation when the Resettlement Framework is prepared without any stakeholder and proper public consultation.

⁷ EIA of the project; B. Ecological resources; paragraph 111; page 30;

⁸ Revaz Moistrapishvili, Director of Kobuleti Managed Reserve;

⁹ EIA; Chapter III E(3) paragraph; page 49;

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Economic assessment and traffic volume

According to the EIA¹¹ the proposed bypass roads (Batumi and Kobuleti) will reduce the traffic congestion and accidents, increase the generated traffic in the existing road, and reduce travel time and vehicle operation costs.

According to the Annual Average Daily Traffic (AADT) carried out by the project consultants on Sarpi-Batumi-Poti road in 2009 the total amount of Heavy Goods Vehicles (HGV) is up to 62. It is expected that there would significant decrease from 62 to 12 by 2010 due to the Samtskhe-Javakheti road that would be finalized by 2010,¹² with slight increase in following years on the bypass road. In reality it means that one of the major objectives of the bypass project, reduction of the traffic congestion, is not more valid since Samtskhe-Javakheti road will become operational.

It should be also mentioned that AADT carried out by the project consultants is not reliable because study is not assuming seasonal variations¹³. According to the EIA Economic assessment of the project is also not finished and for this reason it is not described in the EIA thus showing that viability of the project is questionable.

The project actually misses any economic assessment and calculation of the costs for all alternatives presented within the EIA, the only known number is the costs for environmental mitigation that is around 6 million USD. While the costs for construction and resettlement is not even calculated preliminary. In situation like that, when there is no economic assessments, as well as the transport load is questionable, it is very difficult to argue that project is feasible and viable.

Cumulative impact of the project

The EIA of the project describes the social and environmental impacts of the project but there is nothing written about the possible cumulative impacts of the road project and Adjara Solid Waste Management project (It is going to be financed by the EBRD¹⁴) on the health of local community in Chakvi.

The proposed landfill site under the EBRD project is located directly next to the proposed route of the road project (30-35metres from the proposed landfill site¹⁵) in Chakvi.

Waste treatment issues

The waste treatment issues of the project are fully omitted in the EIA. The thing is that in Adjara currently there are two landfill sites from which only Batumi Landfill site exists which officially do not comply with any environmental standards. Another site in Kobuleti is temporary landfill because official landfill site in Kobuleti was closed¹⁶ so it is quite vague how will be treated waste and where will be sited from the road construction.

¹¹ EIA, Chapter II paragraph C(63), page 14;

¹² EIA, Chapter II paragraph 67, page 17;

¹³ EIA, Chapter II paragraph 67, page 17;

¹⁴ The date of public consultation meeting is 10-11 August, 2009 in Batumi, Kobuleti and Chakvi;

¹⁵ The information was provided the governor of Chakvi;

¹⁶ EIA of the Adjara Solid Waste Management Project;

Quarries and Borrow Pits

According to the EIA two major quarry sites in Chaqvistskali River and Chorokhi River¹⁷ will be used for the road construction from where around 3,240,000 m³ materials are applicable¹⁸. In addition EIA clearly defines how will be material extracted from the sites.

Unfortunately in the EIA nothing is mentioned about the fact that Chorokhi river already experiences problems with sediment because of Derineri Dam construction in Turkey that rises doubts that extraction of material from the river will be prohibited or limited in future by the government. Moreover it is not clear how much material is needed for the project at all and in case of lacking materials is there any alternative sites investigated for extraction.

It should be mentioned that extraction of the materials from Choroki river creates the threat from the Black Sea Coastal Zone, According to the Dutch Commission on environment Impact Assessment¹⁹, “during the inspection of the Batumi Coastline in February 2007, the Commission could clearly observe the effect of the coastal erosion, causing damage to several houses and buildings, especially in the area just north of the airport (village of Adlia).”

Due to the above mentioned “In 2006 licenses for about 600.000 m³ were issued, of which about 250.000 m³ were connected to the construction activities for the new airport. 400.000 m³ of the allowed sediment volumes were actually extracted. It was decided by the Government of the Autonomous Republic of Adjara that from the beginning of 2007 no new licenses for sediment mining will be issued. However, the Government is still considering to allow for extracting of the remaining 200.000 m³ because this part of the license could not be used due to discharge conditions on Chorokhi river in 2006”. Commission also recommends that “to maintain the policy to stop mining until the results of this EIA / feasibility study concerning the sediment loads from Chorokhi River are available. In case the remaining 200,000 m³ will be extracted it is recommended that part of this material is used for emergency coastline protection”.

Construction camps

According to the EIA²⁰ social-cultural conflicts arising from religious, cultural and behavioral discords between immigrants and local residents, and promotion of un-aesthetic practices will generally be short term and tolerable. And as mitigation measures “Local authorities responsible for health, religious and security shall be duly informed on the set up of temporary accommodation facilities so as to maintain effective surveillance over public health, social and security matters”²¹.

However, mitigation measures determined in the EIA is not sufficient to solve the problem. As an experience from other large infrastructure projects shows problems include: Increased rate of prostitution and criminal in the settlements, increased rate of diseases including sexually transmitted diseases such as HIV/AIDS etc. And just putting training of workers or appointing environment, health and safety manager actually is not an adequate mitigation measures for the problem.

¹⁷ Environmental Impact Assessment of the project; Chapter 3 “Description of the environment”, page 29;

¹⁸ Chaqvistskali river – 240,000m³ and Chorokhi river – 3,000,000m³;

¹⁹ Advisory Report ToR EIA /Feasibility Study – Chorokhi 17 April 2007, <http://eia.nl>

²⁰ EIA, Chapter V, paragraph 222, page 67;

²¹ EIA, Chapter V, paragraph 223, page 67;

Recommendations

The EIA of the project is too general and does not include either economic assessment, or resettlement issues. It is necessary for the project consultants to conduct detail analysis of the issues, carefully study economy of the project, its feasibility and viability.

In order to ensure that decision to proceed with the project done in participatory way, it is important that project sponsor organize meaningful public hearings in accordance with ADB's the best practices and international experience. For that purpose, it is necessary to:

- Post announcements in each affected areas in order to inform local population about the project (benefits and disadvantages) because not everyone reads newspapers or has access to Internet;
- Translate Project related documentation into Georgian and disseminate hard copies (at least non-technical summaries) to affected villages in order to make easy to understand the project for the local people.

In order to improve existing draft EIA the project consultants should:

- Disclose resettlement framework including relevant principles and ensure its public discussion with the affected communities and relevant stakeholders;
- Carry out detail AADT study including seasonal variations and come out with realistic scenario of future transport traffic in case of the road construction;
- Hire majority of the workforce from the local settlements and from Georgia in order to avoid increased rate of prostitution, criminal and diseases. In case of construction, project sponsor should organize relevant trainings for local workforce;
- Accommodate the local workers (not from Adjara region) the nearby settlements that will have positive impact on the income of the local communities of the area, while decrease social consequences of construction camps;
- Ensure preparation of the cumulative impact assessment of the project towards existing industry and planned activities, as well as on the health of local communities;
- Prepare proper assessment for the waste treatment issues during the construction and its impact on environment of Georgia;
- Ensure assessment of natural resources needed for the project, and possibilities of its extraction without further damaging of the Georgia's sensitive environment;

Determine exact boundaries of the protected area and re-design the project in order to avoid protected zone.

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