

Report on Environmental Human Rights Defenders 2021-2023

21st February 2023

To: Evija Kotan
EU Delegation to Georgia

Dear Sir/Madam,

In 2022, the government continued to use security and police forces on a large scale against environmental and land rights activists, as it did in the Namakhvani case (2020-2021). The gross violation of the rights of Georgian citizens continued in 2022 in numerous other projects, including the Kvesheti- Kobi Road, Racha and other places. There are ongoing defamation campaigns against local communities and civil society organisations working on the ground. Instead of engaging all stakeholders in a broader dialogue, government officials often accuse these people of being members of the opposition political party, Russian and foreign spies, enemies of the state, etc.

The human rights situation in the country has deteriorated. Yes, it may still be better than in neighbouring countries (such as Azerbaijan or Turkey), but the problems are increasing. The recently proposed amendments to the law introducing the Foreign Agents law will make the situation even more problematic, and we believe that the government is moving towards the Russian model by restricting freedom of speech, access to information, public participation and other rights that are essential for democratic governance

Moreover, there is no legislation in Georgia defining the official status of human rights defenders, let alone the status of environmental human rights defenders and land defenders. This not only makes the situation vulnerable, but also means that there are no sharp response and redress mechanisms at the national level.

The problem is also that the involuntary resettlement of people affected by development, both in the case of physical and economic resettlement, is done without any standards. If the projects are implemented by international financial institutions, there is a greater chance of getting adequate compensation, but even this is not so easy, as often the affected people have to make endless complaints to the projects' grievance redress mechanisms and later to the international financial institutions' compensation mechanisms. Local project implementers, both governmental and private, do not feel obliged to follow IFI standards, and in the case of private funding, they do not even bother. Under the COP, we asked the government to develop standards for involuntary

resettlement in the case of development projects and to designate a responsible body, but we received a negative response in January 2023.

The North Corridor Project, Kvesheti Kobi Road is financed by ADB, EBRD and the Government of Georgia. Due to the implementation of the Kvesheti-Kobi road section project, local communities are facing issues that could be considered as potential retaliation. At the end of 2022, the villagers of Zakatkari and other households from the Khada Valley will be asked to return the land compensation paid or the land itself to the state. They have had their land registered since the project started under the supervision of the Road Department through official procedures in 2020-2021. Now the Road Department is openly stating that the project has become expensive, and the villagers will have to return the compensation money or the land if they have not cultivated the compensated land for several years. Otherwise, they are threaten to investigated and arrested under the criminal law.

The communities feel very insecure considering that in December 2021, a number of arrests were made in neighbouring villages on the same issues. Some representatives of the local community Arkhveti , have openly expressed their concerns to the media, accusing the prosecution of intimidation. As a result, Shida Kartli and the Mtskheta-Mtianeti District Prosecutor's Office have launched investigations against 20 residents of Arakhveti and even arrested some people. While protesting against the arrest of their neighbours, the residents emphatically stated that these lands are part of their ancestral heritage.

It should be noted that the problems related to land registration have been raised with the ADB and the Georgian government several times in recent years by representatives of local communities, as well as by GA. The problems include inadequate compensation proposals, lack of feasibility and background studies and compensation mechanisms for traditional land, intimidation and inappropriate behaviour of the road authority staff in 2019-2020. As a result, with the support of ADB/EBRD, the compensation for 1 square metre of land was increased from 5 GEL to 22 GEL.

Cases of retaliation in Racha - In March 2022, 104,712 hectares of forest in the Racha-Lechkhumi and Kvemo Svaneti regions were handed over by the Georgian government for 49 years to an investor, David Khidasheli, to establish a hunting farm. [The decision-making process itself was non-transparent.](#) The investor is closely linked to the sanctioned Russian oligarch Evtushenko. The local communities are protesting and, together with Green Alternative and Mtis Ambebi, have appealed to the court. In July, the [prosecutor's office launched criminal investigation against 20 villagers for fraud.](#) As a result, people who wanted to register their land were denied registration in Utsera village.

This is not an isolated case either, as the same thing happened in the neighbouring village of Shkmeri in 2021. The residents protested against the mining company and [the public prosecutor's office then initiated an investigation against the villagers.](#) So it is clear that the government is using land issues as a means to punish communities.

In December 2022, the [TV Pirveli Saturday Show program "The Anatomy of Protest Suppression"](#) revealed that Georgian State Security service monitors all people that taking part in different actions or supporting the different movements. It also taking steps to deal with them in a way that they don't take part in street actions, and also using for that purpose's relatives and friends of the people. The Namakhvani case was most revealing. E.g. The hostel owner Sofo Chikelidze , that in her facebook post wrote that her hotel will introduce 50% of sale for activitst who want to participate in 23rd May action against Namakhvani suddenly

appears in Security Service files. In 2022 she lost the case against revenue service and her hostel was foreclosed.

The same program revealed that there was close monitoring of Green Alternative IFI program coordinator David Chipashvili from the security forces and there was clear order to “stop him” and neutralize his activities, because of his activities against hydropower plants.

The birdwatcher and conservationists working in field often carried out their work in field, often are threatened by poachers , however, neither environmental state inspectorate or ministry of environment , or police reacted adequately.

In December 2022, TV Pirveli Saturday [Show "The Anatomy of Protest Suppression"](#) revealed that the Georgian State Security Service monitors all people who participate in various actions or support the various movements. It also takes steps to prevent them from taking part in street actions and uses people's relatives and friends for this purpose. The Namakhvani case was very revealing. For example, the hostel owner Sofo Chikelidze, who wrote in her Facebook post that her hotel will introduce 50% of the turnover for activists who want to participate in the action against Namakhvani on 23 May, suddenly appears in the files of the security service. In 2022, she lost the case against the revenue department and her hotel was foreclosed.

The same show revealed that Green Alternative IFI's programme coordinator, David Chipashvili, was closely monitored by the security forces and that there was a clear order to "stop" him and neutralize his activities because he opposed hydropower plants.

[Birdwatchers and conservationists working in the field are often threatened by poachers](#), but neither the State Environmental Inspectorate nor the Ministry of Environment nor the police have responded adequately. There was also no response to the initiative to create a movement against the poachers, which is also very telling.

There is also quite a bit of pressure on the people who live in the regions and protect their environment. For example, Irma Gordeladze, an activist from Guria, is very active against hydros and gravel mining in the Guria rivers. For her "anti-hydro" stance, she was often ridiculed by hydro owners, including on TV, because she protected some unnecessary amphibians with her words. However, as she recounted a few times during the public meetings, she was directly threatened by gravel diggers to be killed and raped when she and her supporters stopped them from carrying out unauthorised gravel mining in Guria.

The policy employment against local communities has been used for almost a decade, including cases in Svaneti and Pankisi. The government didn't learn any lessons from the escalations. It continued the rough violation of the Georgian citizen's rights in numerous other projects, including the [Kvesheti-Kobi Road project](#) and [Shkmeri village](#). The government does not take any substantive measures to address the problems of local communities damaged by extensive mining and nature degradation processes. Often, communities, including the, are even threatened by different entities. In addition, the public participation process that was already problematic before the COVID 19 times becomes even more challenging and the Ministry of Environment Protection and Agriculture does not address the issues numerous times raised by different stakeholders.

Environmental impact assessment is still being carried out without proper public consultation and licences are being issued without any public scrutiny, as happened in the David Khidasheli case mentioned earlier. The Environmental Impact Assessment Act has been weakened by the 2022 amendments to the law, namely the transfer of the Environmental Impact Assessment Department of the Ministry of Environmental Protection and Agriculture to the National Environment Agency.

The transfer of powers from the Ministry of Environmental Protection and Agriculture to the National Environment Agency on issues directly related to the country's development, public security and the implementation of fundamental human rights sets a precedent to avoid the political responsibility of the Ministry. At the same time, delegating these powers to the National Environment Agency increases the conflict of interest and the risk of corruption as the agency pursues its commercial interests.

Till now the Environmental Impact Assessment process even with involvement of IFIs was been far from the best. E.g. the ADB Compliance Review Panel [recent report on Kvsheti-Kobi Road](#) is very telling how without proper assessments, public participation and neutralization of local concerns there could be irreversible damage given to Georgia's nature and cultural heritage.

In the spring of 2022, the Tbilisi City Council actually developed a scheme for the replacement of dilapidated houses.

Such a regulation was adopted in Batumi some time ago, in March 2022. The scheme provides for the municipality to allocate budgetary funds with which, after the dilapidated houses have been demolished, a private company will build a new house in their place, with part of the flats given to the dilapidated house owners and the other part sold commercially. There are many issues with the programme concerning the process of replacing the houses, including compensation for beneficiaries and protection of cultural heritage. In general, it is very negatively received by the citizens of Batumi and perceived as discriminatory. The amendments to the Building Code introduced in July 2022, which allow the City of Batumi to deviate from the existing building regulations (maximum height of the building, functional zone and their regulations (with the exception of the regulations of the Law on the Protection of Cultural Heritage)), are also a cause for concern. The Georgian Ombudsman filed a complaint with the Constitutional Court demanding that the temporary derogation be recognised as unconstitutional. According to them, the amendments allowed these building obligations not to be applied to the multitude of planned buildings in Batumi, ensuring the safety of the building, a safe environment for health and the realization of the right to accessibility for people with disabilities.

Please also find linked report "[Regulation of investments in Georgia: overview of interventions supporting land-related investments](#)", specifically focusing on the norms, directly or indirectly related to land issues and/or transparency and opportunities for public to participate in the decision-making processes.

Sincerely Yours
Manana Kochladze
Chairwoman