

The Dangers of Armenia's Metal Smelting Plant in Yeraskh

Transboundary Environmental Risks and Mitigation Mechanisms

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Topics of discussion

Metal smelting plant in Ararat province; transboundary environmental risks and mitigation mechanisms: current situation, scientific approach, and legal framework.

Introduction

This document summarizes a roundtable discussion organized by the Institute for Development and Diplomacy on 14 September 2023 concerning the environmental impact on Azerbaijan of the operations of a metal smelting plant located in the town of Yeraskh in the Armenian province of Ararat. Participants included representatives from the Ministry of Ecology and Natural Resources, the Ministry of Foreign Affairs, and the Water Resources Agency; scientists and experts in environmental law, members of civil society, and ADA University students also took part. The event was co-moderated by Nazrin Baghirova and Anar Gojayev, an Assistant Professor in Natural Science at ADA University.

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Current Situation

The discussion began with reference to an assessment released by Ministry of Ecology and Natural Resources: “Armenia’s mining industry has a significant detrimental impact on Azerbaijan’s ecological environment. For a long time, the high-chemical-content producing water of Armenia’s main mining enterprises—Gajaran copper-molybdenum plant and Gafan ore processing plant—has been heavily polluting the cross-border Okchuchay [river].”

Moreover, it was mentioned that a new and large Armenian-American metal smelting plant is being built in Yeraskh, with an investment of \$70 million, which has caused a new wave of protests not only by the Azerbaijani government, with around 100 NGOs based both in the country and abroad appealing to the Armenian authorities in various ways to take measures to suspend the construction of the new plant and disclose publicly all the necessary information. This plant is reportedly located some 800 meters from the border of Azerbaijan’s Nakhchivan exclave, which represents an ecological threat for Azerbaijan.

The discussion also referred to an official statement by the Ministry of Ecology and Natural Resources regarding the construction of this plant: “As a member of the Espoo Convention, Armenia should have ensured the participation of Azerbaijan and the public in the affected areas in the transboundary environmental impact assessment procedure before starting the said activity.” Also assessed was the contents of the public response by the Armenian Ministry of Environmental Protection of Armenia, which excludes a significant adverse transboundary impact: “The selection of the area, the applied modern technology, and the planned environmental measures will minimize the negative impact on human health and the environment.”

Participants also took note of reports that the location of the plant is being altered: it now appears that it will be built farther from the Azerbaijani border—that is, 15 kilometers up the Aras river and adjacent to the city of Ararat.

Current Legal State of Play: Armenia

An enumeration of Armenia’s obligations under international law was provided during the roundtable.

Yerevan has ratified the following documents: the Espoo Convention, the Protocol on Strategic Environmental Assessment to the Espoo Convention, the Aarhus Convention, the Convention on Long-Range Transboundary Air Pollution, and the Convention on the Transboundary Effects of Industrial Accidents. In addition, it has signed but not ratified the Convention on Wetlands of International Importance Especially as Waterfowl Habitat.

One of the participants noted a report that indicates that although Armenia's Law on Environmental Impact Expertise has an article on transboundary environmental impacts, it does not align with Yerevan's obligations under the Espoo Convention.

Moreover, there are other gaps in the Armenian legislation on environmental protection, such as those that prevent civil society and other affected parties to participate in the environmental assessment process for the construction of the sort of plants that we discussed during the roundtable.

Current Legal State of Play: Azerbaijan

Azerbaijan's conduct with respect to international legal commitments and domestic legislation was favorably compared with that of Armenia.

For example, Azerbaijan has ratified five cornerstone international documents in this area and harmonized its domestic legislation in accordance with the obligations derived therein. These documents are: the Espoo Convention, the Protocol on Strategic Environmental Assessment to the Espoo Convention, the Aarhus Convention, the Convention on Long-Range Transboundary Air Pollution, the Convention on the Transboundary Effects of Industrial Accidents, and the Convention on the Protection and Use of Transboundary Watercourses and International Lakes.

Participants' Recommendations:

1. Public participation in Armenian regulation should be properly reflected.
2. Armenia should ratify the Second Amendment of the Espoo Convention and subsequently modify Article 2, paragraph 11 of its Law on Environmental Protection.
3. Armenia should ensure that civil society representatives and independent ecologists get sufficient access to all relevant information and be allowed to fully participate in the environmental impact assessment process.
4. That the study over the induction furnace continues.

At the end of the event, the participants agreed to continue cooperation and discussion on the topic of transboundary environmental risks and their mitigation mechanisms.