



**Regional Environmental Centre for the Caucasus
REC Caucasus**

Updating of Georgia's Biodiversity Strategy and Action Plan

Thematic Field #8 - Management/Governance of Biodiversity

**Situation Analysis Report
(English Version)**

Tbilisi, July 2012

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Summary for thematic field of management/governance of biodiversity

Thematic direction 8 - Biodiversity Management, first of all pertains to biodiversity risks that directly depend on (and relate to) environmental management improvement issues (*pollution, environmental impact assessment, overuse of natural resources, habitat degradation, etc.*)

The theme studies the risks existing in Georgia and, to a certain extent, solutions based on application of mechanisms envisaged in the Convention on Biological Diversity (CBD).

The thematic direction involves the following issues:

1. Improvement of regulatory basis (legislation, including international commitments)
2. Management (existing institutions and functions)
3. Biodiversity monitoring issues
4. Biodiversity aspects in decision making process
5. Planning (*incorporation of biodiversity issues into intersectoral programmes, policy documents, strategies, etc.*)
6. Management tools (TEEB and others)
7. International, regional and transboundary cooperation.

1. Implementation of Georgia's Biodiversity Strategy and Action Plan of 2005-2010 in the field of management/governance of biodiversity

Georgia's National Biodiversity Strategy and Action Plan (NBSAP) was approved on February 19, 2005, by the Government's Resolution №27. The document features a 10-year strategy of conservation and sustainable use of biological diversity of Georgia and a 5-year plan of concrete actions. The document allows for the development of another action plan for the following five years taking account of concrete situation and results achieved by that time.

Considering the country's biodiversity status, problems and threats, the NBSAP identified the following priority directions for work: development of protected areas; protection and monitoring of species and habitats; conservation of agricultural biodiversity; support of sustainable fishing, hunting and forestry practices; promotion of biosafety. The Action Plan involves 140 actions aimed at achievement of the set goals. The Ministry of Environment Protection coordinates the efforts of governmental, non-governmental and scientific institutions, aimed at the implementation of the Plan.

Following are the main results, achieved through the implementation of the Biodiversity Conservation Action Plan:

- The system of protected areas has been updated and improved;
- An updated version of the Red List of Georgia prepared, based on international criteria and categories;
- Conservation management plans for endangered species and groups of species developed and initiated;
- National biodiversity monitoring system establishment initiated;
- Ex-situ and on-farm conservation of several endemic and endangered plant species and crops conducted;
- Legal and institutional environment for the sustainable management of biological resources improved;
- Georgian biodiversity resource center established.

The strategic objectives, goals and planned activities of the NBSAP for 2005-2010 involved activities directly related to biodiversity management issues. The table below (Table 1) shows the implementation status of the activities as of the first half of 2012.

Table 1

Implementation status of the activities directly related to strategic objectives, goals and biodiversity management issues of the NBSAP for 2005-2010 as of the first half of 2012

Strategic Goals	Targets (Specific Objectives)	Planned Actions related to Biodiversity Management/ Governance	Notes regarding Implementation
A. To develop a protected areas system to ensure conservation and sustainable use of biological resources.	<ul style="list-style-type: none"> • <i>To establish an effective protected areas network</i> • <i>To improve the process of protected areas planning and management</i> • <i>To improve and/or develop financial mechanisms for protected areas</i> • <i>To set up a data base of Georgia's protected areas</i> • <i>To increase the level of political support and develop cross sectoral cooperation within the Government</i> • <i>To increase international and transboundary cooperation</i> • <i>To improve education and</i> 	<p>A1 - Prepare a project to develop Georgia's protected area system</p> <p>A5-Reorganise existing reserves (including expansion and up-grading into national parks, as appropriate) to improve their effectiveness</p> <p>A6 - Improve the effectiveness and management of existing protected areas</p> <p>A8- Develop a list of potential Natural Monument Sites. Draft and adopt laws in</p>	<p>Not implemented</p> <p>Partially implemented</p> <p>Partially implemented</p> <p>Not implemented</p>

	<p><i>interpretation for visitors to protected area</i></p> <ul style="list-style-type: none"> • <i>To develop ecotourism potential within protected areas</i> • <i>To increase the involvement of local communities in the planning and management of protected areas</i> 	<p>support of these sites. Develop management plans for these sites</p> <p>A10-Compile a list of potential world heritage sites and prepare documentation for their submission to UNESCO</p> <p>A11- Identify potential transboundary protected areas and initiate their establishment</p> <p>A12-Set up biodiversity monitoring schemes in protected areas</p> <p>A13-Set up protected areas information centre and a database at the Department of Protected Areas</p> <p>A14-Prepare an action plan for the protection of large mammal migration corridors and birds flyways</p> <p>A16-Develop compensation schemes for local people living in or at protected areas</p> <p>A17-Improve funding of protected areas by ensuring any funds generated from fines and damage reimbursement are allocated to the protected area budget</p> <p>A18-Improve funding of protected areas by ensuring any funds generated from fines and damage reimbursement are allocated to the</p>	<p>In the process of implementation</p> <p>Implemented in (Javakheti National Park (Georgia)/Arpi Lake National Park (Armenia) and Machakhela National Park (Georgia)/Jamile Biosphere Reserve (Turkey)</p> <p>Not implemented</p> <p>Not implemented</p> <p>Not implemented</p> <p>Implemented at the level of development of draft mechanism</p> <p>Implemented at the level of development of draft mechanism</p> <p>Implemented at the level of development of draft mechanism</p>
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		protected area budget	
<p>B. To maintain and restore Georgia's habitats, species and genetic diversity through <i>in-situ</i>, <i>ex-situ</i> and <i>inter-situ</i> conservation measures, and through sustainable use of biological resources.</p>	<ul style="list-style-type: none"> <i>To assess the status of species and habitats</i> <i>To ensure the conservation of the most threatened species and reintroduce extinct species as appropriate and feasible</i> <i>To ensure conservation and sustainable use of biodiversity hot spots located outside protected areas</i> <i>To promote <i>ex-situ</i> and <i>inter-situ</i> conservation</i> 	B4-Implement conservation programmes for endangered, rare, endemic and relic species	Implemented for certain species at the level of conservation plan development
		B18-Identify biodiversity hot spots located outside protected areas and define tools for their conservation	Partially implemented
		B24-Conduct pastureland inventory and assessment relative to carrying capacity, and out in place measures to promote rehabilitation of degraded pastures.	Not implemented
		B25/26 - Assess the areas as a biological corridors and define management tools for their sustainable use.	In the process of implementation
		B29-Assess the plant species subject to international trade and define collection and export quotas for these species.	Partially implemented
		B30-Determine harvest quotas for non-game species of wild animals.	Not implemented
<p>C. To conserve Georgian agrobiodiversity through ensuring its sustainable use and by promoting of <i>ex-situ</i> and <i>in-situ</i> conservation measures.</p>	<ul style="list-style-type: none"> <i>To improve capacity for the recovery and preservation of, and research into, agrobiodiversity</i> <i>To create an agrobiodiversity inventory and a red list of Georgian domestic plants and animals</i> <i>To conduct research and conservation relating to the wild relatives of native domestic species and varieties</i> 	C2-Develop a legal basis for the conservation and wise use of agrobiodiversity	Not implemented
		C3-Strengthen the capacity of relevant governmental agencies through (among other mechanisms) provision of specialised training	Not implemented
		C6-Improve control of export and import of genetic resources, including through the strengthening the	Not implemented

	<ul style="list-style-type: none"> <i>To promote agrobiodiversity, its products and associated traditions, as well as national and international knowledge of the use of agrobiodiversity</i> <i>To evaluate Georgian agrobiodiversity as part of the national cultural heritage.</i> 	<p>capacity of relevant agencies.</p> <p>C13-Encourage traditional and organic agriculture especially in buffer (support) zones of protected areas and in high mountain areas</p> <p>C14-Establish a Georgian agrobiodiversity fund dedicated to the conservation of agrobiodiversity, related research and information exchange</p> <p>C15-Promote on-farm conservation of agrobiodiversity</p> <p>C16-Improve existing legislation to provide access to genetic agrobiodiversity resources in accordance to the provisions</p>	<p>Partially implemented</p> <p>Not implemented</p> <p>Partially implemented</p> <p>Not implemented</p>
<p>D. To promote sustainable <u>hunting</u> and <u>fishing</u> through adequate planning, restoration and protection of key biological resources.</p>	<ul style="list-style-type: none"> <i>To ensure the maintenance of genetic diversity of game species</i> <i>To maintain the populations of each game species at an optimal levels</i> <i>To develop effective tools for protection of wild animals and control of poaching.</i> 	<p>D1-Improve the licensing procedure for hunting of migratory birds</p> <p>D2-Define methodology hunting quotas for migratory birds and conduct studies on hunting (to identify sites where wildfowling will be permitted and those where all hunting should be banned, based on bird counts on these sites)</p> <p>D3-Define special (higher) fees for trophy kills</p> <p>D5-Restore the former Agency of Hunting Control and set up public inspection schemes.</p> <p>D8-Develop the concept of traditional hunting</p>	<p>Partially implemented</p> <p>Not implemented</p> <p>Not implemented</p> <p>Not implemented</p> <p>Not implemented</p>

		D10-Ensure that income generated from the use of biological resources may be used for conservation and renewal of these resources	Not implemented (impracticable as conflicting with fundamental principles of budgetary and financial legislation)
E. To develop a biodiversity monitoring system and an active and integrated biodiversity database to ensure sustainable use and conservation of biological resources.	<ul style="list-style-type: none"> • <i>To enhance the legal base for biodiversity monitoring</i> • <i>To strengthen the role of the Environmental Ministry in the field of biodiversity monitoring</i> • <i>To create a regularly updated biodiversity data base</i> • <i>To provide systematic reports to the general public about the status of biodiversity</i> • <i>To designate an independent entity responsible for biodiversity data analysis and for the development of recommendations from monitoring.</i> 	E1-Improve legislation to provide for clear distribution of functions and responsibilities among relevant institutions	Partially implemented
		E2-Designate governmental and non-governmental agencies responsible for the coordination and/or implementation of biodiversity monitoring	Implemented
		E3-Establish (or designate a special entity that will act as) a biodiversity monitoring information centre	Implemented
		E4-Develop methodological guidelines for biodiversity monitoring with (i) unified methods of data collection, storage and analysis and (ii) identified target components for monitoring	Implemented
		E5-Designate agency(s) with sufficient qualifications and capacity for analysing biodiversity data	Implemented
		E6-Strengthen the capacity of responsible agencies with an emphasis on improving the qualifications and skills of key personnel	Partially implemented
		E7-Compile and organise in a single database all existing	In the process of implementation

		<p>information on biodiversity gathered and stored by different agencies up to now</p> <p>E8-Ensure publicity of the results of biodiversity monitoring through systematic information exchange and reporting to the general public and interested parties</p> <p>E9-Begin monitoring of key components using official guidelines and methods</p>	<p>In the process of implementation</p> <p>In the process of implementation</p>
<p>F. To protect both the human population and biodiversity from potential threats from genetically modified organisms (biotechnology), through the strengthening the law and through increasing public involvement in decision making.</p>	<ul style="list-style-type: none"> <i>To create a sufficiently strong legal basis to address biosafety issues in the country</i> <i>To develop effective official and public control mechanisms</i> <i>To ensure the transparency of any initiatives involving GM organisms or products</i> 	<p>F1-Prepare for ratification of the Biosafety protocol</p> <p>F2-Prepare a draft law on biosafety and organise public hearings on this</p>	<p>Implemented</p> <p>In the process of implementation</p>
<p>G. To raise public awareness of biodiversity issues and to encourage public participation in the decision making process.</p>	<ul style="list-style-type: none"> <i>To include biodiversity and sustainable use principles into school curricula</i> <i>To increase the circulation of biodiversity information in rural areas</i> <i>To improve the use of international experience in environmental education</i> <i>To increase the role of the media in ecological education and strengthen conservation information dissemination</i> <i>To encourage the development of local NGOs focusing on conservation and environmental education</i> 	<p>G7-Improve cooperation between local authorities and the public sector</p> <p>G22-Introduce changes into the law on Advertisement of Georgia to facilitate greater allocation of TV and radio advertising time to biodiversity problems</p>	<p>Partially implemented</p> <p>Not implemented</p>
<p>H. To ensure appropriate financial and economic</p>	<ul style="list-style-type: none"> <i>To formulate an indicative economic plan for biodiversity conservation,</i> 	<p>H1-Collect data necessary for the economic valuation of</p>	<p>In the process of implementation</p>

<p>programmes are in place in order to support effective conservation of biodiversity, and to ensure the delivery of the BSAP.</p>	<p><i>based on international experience, and ensuring regional and local application</i></p> <ul style="list-style-type: none"> • <i>To bring the budget law and tax law in line with environmental legislation of Georgia, to ensure economic mechanisms such as environmental insurance and eco-labelling are introduced, and that environmentally friendly technologies are promoted.</i> • <i>To create additional financial mechanisms to promote biodiversity conservation (taking into account the risk factors facing protected areas, the need for insurance mechanisms to indemnify financial risks, and the opportunity for cross-sectoral debate between state crediting institutions and ministries.</i> • <i>To take into consideration the main aspects of biodiversity conservation when formulating economic policies. To assess and value biodiversity in protected areas using new methods and techniques.</i> • <i>To create sustainable economic mechanisms for the conservation of biodiversity.</i> • <i>To provide economic incentives for low-waste production methods and for waste treatment.</i> 	<p><i>biodiversity (including opinion surveys with key stakeholders, identification of primary risk factors and use of internationally accepted methods)</i></p> <p>H2-Evaluate the economic structure using macroeconomic and sector-specific strategies</p> <p>H3-Study the impact of economic policies and economic activities on biodiversity</p> <p>H4-Identify and estimate the benefit to major sectors of products and services derived from biodiversity and analyse its use</p> <p>H5-Conduct economic assessment of the consequences of the loss of biodiversity</p> <p>H6-Estimate financial needs for biodiversity conservation based on valuation assessments</p> <p>H7-Plan for biodiversity conservation management based on economic indicators</p>	<p>Not implemented</p> <p>Not implemented</p> <p>In the process of implementation</p> <p>Partially implemented</p> <p>In the process of implementation</p> <p>Not implemented</p>
<p>I. To further improve national legislation (and associated institutions) relating to biodiversity conservation, through</p>	<ul style="list-style-type: none"> • <i>To adopt new laws and regulations</i> • <i>To harmonise national legislation with international law</i> • <i>To improve the</i> 	<p>I1-Develop a new law on Vegetation</p> <p>I2-Develop a law on Agrobiodiversity</p>	<p>Not implemented</p> <p>Not implemented</p>

<p>the creation of new, and elaboration of existing laws and regulations, and through ensuring harmonisation to international legal responsibilities</p>	<p><i>effectiveness of institutional systems through further elaboration of legal mechanisms (including normative acts on institutional issues)</i></p>	<p>I3-Develop a law on Ecological Insurance</p> <p>I4-Develop law on Ecological Auditing</p> <p>I5-Develop law on Biodiversity Monitoring</p> <p>I6-Development of Biosafety legal instruments</p> <p>I7-Create legal mechanisms for economic incentives for sustainable use of biodiversity</p> <p>I8-Create legal framework for the establishment of the national Taxon Advisory Group</p> <p>I9-Create legal mechanisms for harmonisation of national legislation with international law</p> <p>I10- Development of a law determining the status and methods of drafting management plans of different categories</p> <p>I11- Adoption of corresponding subordinate legislation in the biodiversity sphere and improvement of the existing legislation</p>	<p>Not implemented</p> <p>Not implemented</p> <p>Partially implemented (adopted at the by-law level)</p> <p>In the process of implementation</p> <p>In the process of implementation</p> <p>Not implemented</p> <p>Partially implemented</p> <p>Partially implemented (adopted at the level of a by-law related to protected areas)</p> <p>Partially implemented</p>
<p>K. To conserve forest biodiversity through sustainable forest management</p>	<ul style="list-style-type: none"> • <i>To develop sustainable forest policies and management strategy, based on an ecosystem approach</i> • <i>To introduce forestry regulations and methodology that take into</i> 	<p>No concrete actions have been planned in the sphere of biodiversity protection and conservation.</p> <p>No strategic objectives</p>	<p>-</p>

	<p><i>consideration biodiversity issues and the principles of sustainable use</i></p> <ul style="list-style-type: none"> • <i>To develop indicators for sustainable forestry management that take into consideration the local biodiversity conditions</i> • <i>To establish a forest certification system for the sale of timber from sustainably managed sources</i> • <i>To simplify and improve the organisation of the timber licensing system, in order to increase the financial income from forests and to attract increased financial investments</i> • <i>To establish a moratorium of timber extraction from old growth forests, and those of high conservation value</i> • <i>To restore degraded forests, and re-establish forest on previously forested land</i> • <i>To establish managed plantations using native species</i> 	<p>related to forest biodiversity (see column 2) have been achieved.</p>	
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2. Existing legal mechanisms for biodiversity management/governance and ways for further development/improvement (Georgia's biodiversity related law including Conventions and Multilateral Treaties and Agreements)

Georgia's legislation in the sphere of biodiversity protection and conservation consists of the Constitution of Georgia, international agreements and treaties, signed by Georgia, legislative acts and subordinate legislation.

The basic principle of the current policy and legislation of Georgia in this sphere is the Constitution of Georgia (1995), in accordance with which (Art. 37): "Everyone shall have the right to enjoy health insurance as a means of accessible medical aid. In the cases determined in accordance with a procedure prescribed by law, free medical aid shall be provided. The state shall control all institutions of health protection and the production and trade of medicines. Everyone shall have the right to live in healthy environment and enjoy natural and cultural surroundings. Everyone shall be obliged to care for natural and cultural environment. With the view of ensuring safe environment, in accordance with ecological and economic interests of society, with due regard to the interests of the current and future generations the state shall guarantee the protection of environment and the rational use of nature. A person shall have the right to receive complete, objective and timely information as to a state of his/her working and living environment."

International commitments

International agreements and treaties of which Georgia is a party make up an important source of Georgia's legislation. The international agreements and treaties being in compliance with the Constitution of Georgia have priority over the national normative acts.

Georgia is a party to the following international agreements in biodiversity protection and conservation sphere:

- Convention on Biological Diversity
- Cartagena Protocol on Biosafety to the Convention on Biological Diversity
- United Nations Convention to Combat Desertification
- United Nations Framework Convention on Climate Change
- Kyoto Protocol to the United Nations Framework Convention on Climate Change

Convention on Biological Diversity (CBD)

Georgia acceded to the Convention on Biological Diversity in 1994. By joining the Convention the country admitted that biodiversity conservation is a global concern and integral part of the development process. The Convention establishes new approaches in biodiversity protection and conservation sphere.

The overall objectives of the Convention are:

- Protection and conservation of biological diversity;
- Sustainable use of biodiversity components;
- Fair and equitable distribution of benefits derived from the use of genetic resources.

The Convention sets general norms and principles and establishes no concrete binding norms for the Parties in relation to their biodiversity or any of its components. Consequently, the Convention imposes no restrictions on jurisdiction of the Parties in the sphere of use or management of biodiversity in their territories. At the same time, it makes the parties responsible for biodiversity protection and sustainable use of biological resources. The Parties shall ensure regulation of the use of biological resources and set strict rules for physical and legal entities using the resources. The Convention states that ecosystems, species and genetic resources shall be used for people's benefit in ways and rates that will not cause biodiversity reduction or irreversible loss in a long-term outlook. In this connection the parties shall be guided by the so-called "precautionary principle" while making serious decisions implying environmental impact.

The Convention defines biological diversity as "the variability among living organisms from all sources" and "all natural systems". This notion includes varieties of plants, animals and microorganisms, also genetic variations within species. Diversity of deserts, forests, wetlands, mountains, lakes and agroecosystems represents an important aspect of biodiversity. The Convention on Biological Diversity pertains to all biodiversity components - diversity within species, between species and of ecosystems. The Convention identifies biodiversity conservation and sustainable use problems, sets universal objectives and ways of their achievement. It defines general obligations of its Parties, technical and financial cooperation frameworks.

The Convention states that to ensure biodiversity conservation and sustainable use of biological resources, its Parties shall develop biodiversity protection and conservation strategies and corresponding action plans to be incorporated into more large-scale plans in the sphere of environmental protection and development, particularly in the spheres of forestry, agriculture, energy, transport, fishery and urban planning.

The Strategic Plan for Biodiversity was adopted at the 10th meeting of the Parties to the Convention (2010). The very important plan included the Aichi Biodiversity Targets and was binding upon the Parties¹. The main strategic goals of the Strategic Plan for Biodiversity 2011-2020 include 20 strategic targets.

¹ COP 10. Decision X/2. 18–29 October, 2010. Strategic Plan for Biodiversity 2011-2020 / Annex: STRATEGIC PLAN FOR BIODIVERSITY 2011-2020 AND THE AICHI BIODIVERSITY TARGETS "Living in harmony with nature". <https://www.cbd.int/decision/cop/?id=12268ix.aseve>, STRATEGIC PLAN FOR BIODIVERSITY 2011-2020 / PROVISIONAL TECHNICAL RATIONALE, POSSIBLE INDICATORS AND SUGGESTED MILESTONES FOR THE AICHI BIODIVERSITY TARGETS / Note by the Executive Secretary / CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY, Tenth meeting, Nagoya, Japan, 18–29 October / Distr. GENERAL, UNEP/CBD/COP/10/27/Add.1, 19 December 2010.

The main strategic goals of the Strategic Plan for Biodiversity 2011-2020 are:

- ✓ Strategic goal (A): Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society;
- ✓ Strategic goal (B): Reduce the direct pressures on biodiversity and promote sustainable use
- ✓ Strategic goal (C): To improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity
- ✓ Strategic goal (D): Enhance the benefits to all from biodiversity and ecosystem services
- ✓ Strategic goal (E): Enhance implementation through participatory planning, knowledge management and capacity building.

Cartagena Protocol on Biosafety to the Convention on Biological Diversity

Georgia joined the Cartagena Protocol on Biosafety to the Convention on Biological Diversity in 2008. The Cartagena Protocol sets a regulatory framework for:

- a) Constrained use of living modified organisms;
- b) Their introduction into the environment;
- c) Use as food and feed; and
- d) Placing on the market.

The existence of the regulatory framework for application of living modified organisms is of special importance for the protection of agrobiodiversity and biodiversity in general while introducing them into the environment.

The protocol states that each Party shall take necessary and appropriate legal, administrative and other measures to implement its obligations under this Protocol. The Parties shall ensure that the development, handling, transport, use, transfer and release of any living modified organisms are undertaken in a manner that prevents or reduces the risks to biological diversity, also taking into account risks to human health.

Work is currently underway to bring the normative acts of Georgia in compliance with the Protocol requirements.

United Nations Convention to Combat Desertification

Combating desertification was identified as one of the greatest challenges during the UN Conference on Environment and Development (Rio de Janeiro, 1992). The conference supported a new unified approach to this problem to ensure sustainable development at the community level. As a result, the Convention to Combat Desertification was developed and adopted on June 17, 1994 in Paris. Georgia became part to the Convention in 1999.

The Convention defines “desertification” as land degradation in arid, semi-arid and dry sub-humid areas resulting from various factors, including climatic variations and human activities; "combating desertification" includes activities which are part of the integrated development of land in arid, semi-arid and dry sub-humid areas for sustainable development which are aimed at:

- Prevention and/or reduction of land degradation;
- Rehabilitation of partly degraded land; and
- Reclamation of desertified land.

The objective of this Convention is to combat desertification and mitigate the effects of drought in countries experiencing serious drought and/or desertification through effective action at all levels, supported by international cooperation and partnership arrangements, in the framework of an integrated approach which is consistent with the Sustainable Development Principles.

Achieving this objective will involve long-term integrated strategies that focus simultaneously on improved productivity of land, and the rehabilitation, conservation and sustainable management of land and water resources.

One of the main obligations of the Parties to the Convention is development and implementation of national action programmes to combat desertification. The purpose of these programmes is to identify the factors contributing to desertification and practical measures necessary to combat desertification and mitigate the effects of drought. National action programmes shall:

- Incorporate long-term strategies to combat desertification and mitigate the effects of drought, emphasize implementation and be integrated with national policies for sustainable development;
- Allow for modifications to be made in response to changing circumstances and be sufficiently flexible at the local level to cope with different socio-economic, biological and geo-physical conditions;
- Give particular attention to the implementation of preventive measures for lands that are not yet degraded or which are only slightly degraded;
- Enhance national climatological, meteorological and hydrological capabilities and the means to provide for drought early warning;
- Promote policies and strengthen institutional frameworks which develop cooperation and coordination, in a spirit of partnership, between the donor community, governments at all levels, local populations and community groups, and facilitate access by local populations to appropriate information and technology;
- Provide for effective participation at the local, national and regional levels of non- governmental organizations and local populations, both women and men, particularly resource users, including farmers and pastoralists and their representative organizations, in policy planning, decision-making, and implementation and review of national action programmes.

National action programmes may include some or all of the following measures to prepare for and mitigate the effects of drought:

- Establishment and/or strengthening, as appropriate, of early warning systems, including local and national facilities and joint systems at the subregional and regional levels, and mechanisms for assisting environmentally displaced persons (ecological migrants);
- Strengthening of drought preparedness and management, including drought contingency plans at the local, national, subregional and regional levels, which take into consideration seasonal to interannual climate predictions;
- Establishment and/or strengthening, as appropriate, of food security systems, including storage and marketing facilities, particularly in rural areas;
- Establishment of alternative livelihood projects that could provide incomes in drought prone areas;
- Development of sustainable irrigation programmes for both crops and livestock, etc.

The Convention to Combat Desertification also obliges its Parties to identify and monitor plants and animals acting as desertification indicators.

United Nations Framework Convention on Climate Change

The ultimate objective of this Convention is stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

According to the Convention, "climate change" means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods. "Adverse effects of climate change" means changes in the physical environment or biota resulting from climate change which have significant deleterious effects on the composition, resilience or productivity of natural and managed ecosystems or on the operation of socio-economic systems or on human health and welfare.

The Parties shall take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost. To achieve this, such policies and measures should take into account different socio-economic contexts, be comprehensive, cover all relevant sources, sinks and reservoirs of greenhouse gases and adaptation, and comprise all

economic sectors. Efforts to address climate change may be carried out cooperatively by interested Parties.

In accordance with the Convention, for the purposes of the Convention, alongside with general responsibilities (promote and cooperate in sustainable use of emissions by sources and removals by sinks of greenhouse gases; take into consideration climate change issues while implementing social, economic and environmental policies and adopting corresponding measures) the Parties shall assume concrete responsibilities and periodically report on their implementation to the Secretariat.

A number of mechanisms, aimed at fulfilment of commitments, assumed under the Convention, have been established within the Convention's framework. One of the most noteworthy mechanisms is the recently approved Cancun Adaptation Framework, also the resolutions on establishment of Green Climate Fund, Work Programme on Loss and Damage, Land Use, Land-Use Change and Forestry and others.

International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)

It is noteworthy that Georgia is not a party to such an important international treaty in the sphere of agrobiodiversity as International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA). The Treaty entered into force on June 29, 2004. Its main objective is promotion of food security by applying mechanisms for conservation (protection) of plant genetic resources for food and agriculture, sustainable use of these resources and their placing on domestic and international markets. The concrete goal of the treaty is the protection of genetic resources (genetic material) of domesticated species and their wild varieties by creating banks of genetic resources (ex situ conservation), their protection and conservation in their natural surroundings (in situ conservation) and use of international mechanisms for exchange of genetic resources.

Not being a party to the Treaty, Georgia cannot benefit by its advantages and mechanisms.

Multilateral international agreements on protection of biodiversity components (species, habitats, ecosystems and landscapes)

The following multilateral international agreements are of importance in terms of protection of biodiversity components (species, habitats, ecosystems and landscapes):

- Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 1979)²;
- African-Eurasian Migratory Waterbird Agreement under the Bonn Convention on the Conservation of Migratory Species of Wild Animals³;

² Georgia joined the Convention by Resolution of the Parliament of Georgia of February 11, 2000 (Sakartvelos Sakanonmdeblo Matsne, III, 2000, #12, Art. 110) "On accession to the Convention on the Conservation of Migratory Species of Wild Animals

³ Ratified by Resolution of the Parliament of Georgia of March 2, 2001 (Sakartvelos Sakanonmdeblo Matsne, III, 2001, #21, Art. 185)

- Agreement on the Conservation of Cetaceans in the Black Sea Mediterranean Sea and Contiguous Atlantic Area under the Bonn Convention on the Conservation of Migratory Species of Wild Animals⁴;
- Agreement on the Conservation of Populations of European under the Bonn Convention on the Conservation of Migratory Species of Wild Animals⁵;
- Convention on Wetlands of International Importance, especially as Waterfowl Habitat (RAMSAR)⁶;
- Conservation of European Wildlife and Natural Habitats (Berne, 1979)⁷;
- European Landscape Convention (2000)⁸;
- Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES).

It is noteworthy that none of the above multilateral agreements is fully and consistently integrated into the national legislation except for the norms envisaged in the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES).

Consequently, it would be advisable to develop draft bills to promote adequate integration of norms of the multilateral agreements on biodiversity into the national legislation.

It is necessary to assess legal and economic expediency (feasibility study) of Georgia's accession to the agreements of which Georgia is not a party (International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) and the Nagoya Protocol to the Convention on Biological Diversity on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization).

National normative acts (*National legislation*)

The key normative acts of Georgia currently in force in the sphere of biodiversity are:

- Law of Georgia "On Environmental Protection" (1996)
- Law of Georgia "On the System of Protected Areas" (1996)
- Law of Georgia "On Fauna" (1996)
- Law of Georgia "On Water" (1999)
- Law of Georgia "On the Protection of Atmospheric Air" (1999)
- Law of Georgia "On the Red List and Red Book of Georgia" (2003)
- Law of Georgia "On Soil Conservation, Recovery and Improvement" (2003)
- Law of Georgia "On Basis of Spatial Organization and Urban Planning" (2005)
- Law of Georgia "On Protection of the Population and the Territory from the

⁴ Ratified by Resolution of the Parliament of Georgia of March 2, 2001 (*Sakartvelos Sakanonmdeblo Matsne, III, 2001, # 21, Art. 186*)

⁵ Ratified by Resolution of the Parliament of Georgia of December 21, 2001 (*Sakartvelos Sakanonmdeblo Matsne, III, 2002 #,3, Art. 24*)

⁶ Resolution of the Parliament of Georgia of April 30, 1996 "On Accession to the Convention"

⁷ Resolution of the Parliament of Georgia of December 30, 2008 "On Accession to the Convention on Conservation of European Wildlife and Natural Habitats"

⁸ Order of the President of Georgia #395 of June 9, 2010 "On Approval and Entry into Force of European Landscape Convention"

- Natural and Man-Caused States of Emergency” (2007)
- Law of Georgia “On Permission for the Impact on Environment” (2007)
- Law of Georgia “Ecological Expertise” (2007)
- Law of Georgia “On Forest Fund Management” (2010)

The Law of Georgia “On Environmental Protection”

The Law of Georgia “On Environmental Protection”, often mentioned as “the framework law”, is most important among the above listed laws. The norms and principles, established by this law, serve as the basis for different sectoral laws in the sphere of environmental protection.

The main aims of the law are to:

- a) define the principles and standards of legal relationships in the sphere of environmental protection;
- b) protect basic human rights, guaranteed the Constitution of Georgia in the sphere of environmental protection, namely, the right to live in safe and healthy environment and enjoy natural and cultural environment;
- c) ensure protection of the environment and sustainable use of nature by the state, to provide safe environment in accordance with ecological and economic interests of society, taking into consideration the interests of current and future generations;
- d) conserve biological diversity, rare, endemic and endangered species of flora and fauna typical for the country, to protect the sea and ensure ecological balance;
- e) ensure protection and conservation of endemic landscapes and ecosystems;
- f) ensure legal settlement of global and regional problems in the sphere of environmental protection;
- g) ensure conditions for the sustainable development of the country.

The law has provided a legal definition of the following terms: “biological diversity” (a variability of living organisms, terrestrial, marine and water ecosystems and ecological complexes, involving a variety of species and ecosystems); “integrated system for environmental pollution control”, “best technology”, “best technique”, ecologically clean products”, “cleaner production” and others.

The law defines the basic principles of environmental protection and stipulates that government bodies, physical and legal entities (irrespective of types of property, organizational and legal form) shall be guided by basic principles of environmental protection while planning and implementing their activities. (see. Box 1).

The law introduces an important public awareness mechanism - development and adoption of the National Environmental Status Report (initially on the annual basis and then once in three years, according to a subsequently adopted norm).

The law establishes a planning mechanism (system) for environmental protection, including a long- term strategic plan (National Strategy for Sustainable Development), a five-year plan (National Programme of Actions for the Protection of Environment) and

voluntary development of environmental management plans for economic entities. The law also allows for development of programmes of action for the protection of environment at regional, local and institutional levels.

Box 1.

Extract from the Law of Georgia “On Environmental Protection”

Basic Principles of Environmental Protection

- a) “Risk reduction principle” - while planning and implementing activities, the actor shall undertake corresponding measures to prevent and reduce risk of impact on environment and human health;
- b) “Sustainability principle” - use of environment and natural resources in a manner that does not affect social development and ensures protection of environment and natural resources against irreversible qualitative and quantitative change;
- c) “Priority principle” - an action that can have an adverse impact on environment and human health, can be replaced with another action that would contain less risk, even if more expensive. The latter should have the priority if its cost does not exceed the cost of compensation of environmental damage, caused by the less expensive action;
- d) “Principle of charging for use of natural resources” - use of soil, water, forest, flora and fauna resources and natural resources is chargeable for the actor;
- e) “Polluter pays principle” - the actor, also other physical and legal entities, shall pay compensation for environmental damage;
- f) “Principle of conservation of biological diversity” - activities shall not cause reversible degradation of biological diversity;
- g) “Waste minimization principle” - gives priority to activities utilizing waste minimization techniques;
- h) “Recyclability principle” - supports the use of recyclable or biologically degradable materials and chemical compounds;
- i) “Restitution principle” - environment degraded as a result of activities shall be restituted in a condition maximally close to its original condition (*restitution in integrum*);
- j) “Environmental impact assessment principle” - while planning activities, the actor shall consider and assess possible environmental impact in accordance with the law;
- k) “Participatory decision-making principle” - supports public participation in decision-making on most important issues;
- l) “Principle of accessibility of information” - information on environment conditions shall be open and publicly available.

Chapters 12 and 13 of the law are dedicated to biodiversity protection and conservation. In accordance with the law, natural ecosystems, landscapes and territories shall be protected against pollution, disturbance, destruction, degradation, depletion and disintegration. The systems subject to protection are: a) coastal zones;

b) wetlands, springs, water reservoirs, river heads, glaciers, and caves; c) subalpine and flood plain forests; d) precious woods; e) green zone forests; f) sanitary protection zones and territories.

The law focuses on global and regional management of environmental protection issues. It states that government bodies and physical and legal entities, within the scope of their competence and in compliance with Georgia's international commitments, shall undertake additional measures on the territory of Georgia to promote solution of environmental problems at the global and regional scale.

It is noteworthy that at the moment of its adoption the law enabled integration of European legislative norms into the Georgian legislation.

Laws of Georgia "On Fauna", "On the System of Protected Areas", "On the Red List and Red Book of Georgia", "On Water", "On Permission for the Impact on Environment", "On Ecological Expertise" and "On Forest Fund Management" and the Forest Code of Georgia

The Laws of Georgia "On Fauna", "On the System of Protected Areas", "On the Red List and Red Book of Georgia", "On Water", "On Permission for the Impact on Environment", "On Ecological Expertise" and "On Forest Fund Management" and the Forest Code of Georgia make part of Georgia's environmental legislation and regulate separate aspects of biodiversity use and conservation.

The Laws of Georgia "On Fauna" and "On the Red List and Red Book of Georgia" regulate the legal aspects of conservation and use of wild animals and plants (including endangered species).

Legal aspects of territorial protection and in situ conservation of biodiversity

Out of the above listed laws, the Law of Georgia "On the System of Protected Areas" deserves special mentioning in terms of conservation of biological diversity and in-situ conservation and sustainable use of agricultural biodiversity. In accordance with the law, the system of protected areas has the following purposes:

- a) Long-term guaranteed protection of biogeographic units for sustainable development of natural processes;
- b) Conservation and recovery of natural ecosystems, landscapes and living organisms;
- c) Protection of the gene pool of wild animals and plants included into the Red List of Georgia and conservation of biological diversity;
- d) Conservation of unique and rare organic and non-organic natural units;
- e) Protection of areas strongly affected by erosion, flood, mudflow, landslide and other processes, also protection of surface water and groundwater sources, flow and discharge areas against man's impact;
- f) Conservation and recovery of historical and cultural landscapes and original landscapes of architectural and archeological complexes;

- g) Creation of adequate field conditions for education and research on the territory of invaluable and invariable complexes;
- h) Creation of favorable conditions for recreation, health protection and tourism in historical and cultural environment;
- i) Protection, recovery and development of traditional farming practices and folk arts for the conservation of original historical and cultural environment;
- j) Provision of incentives for sustainable use of agricultural, industrial, transport and energy infrastructures and natural resources.

The law determines the following national categories of protected areas: state reserve, national park, natural monument, sanctuary, protected landscape, multipurpose area. These categories are directly related to the categories of the International Union for Conservation of Nature (IUCN) (see Annex 2).

State reserve, national park, natural monument and sanctuary include only the areas owned by the state. They are administered by the government agency responsible for protected area management, namely by the Agency for Protected Areas.

Protected landscapes and multipurpose areas have particular importance to agricultural biodiversity and sustainable agriculture.

In accordance with the law, a protected landscape can be established for conservation of natural and cultural landscapes of national importance and high aesthetic value, formed as a result of natural processes or harmonic interaction of the man and the nature, also for habitat conservation, promotion of recreation, tourism and traditional economic activities. Fishing, hunting and arrangement of hunting farms are permitted on the territory of protected landscapes. Protected landscapes include large land and (or) water areas of national importance, with original natural and cultural landscape of high historical and aesthetic value. Protected landscapes can be divided into different zones.

As for the multipurpose areas, the law states that they shall be created for economical activities, taking account of environmental protection needs and oriented at the use of renewable natural resources. Multipurpose areas involve comparatively large land and (or) water areas with natural conditions for water accumulation, forest and pasture productivity, hunting, fishing, game bird propagation and tourism. The areas shall not include unique natural units of national importance. Fishing and hunting are permitted in the multipurpose areas. Such areas can be divided into zones with different admissible proportions of nature protection and multipurpose use to ensure sustainability and guaranteed use of renewable natural resources.

Multipurpose areas can be used for creation of auxiliary zones (so-called buffer zones) around state reserves, national parks, natural monuments and sanctuaries. The buffer zones in their turn are intended for promoting balanced activities in the sphere of nature protection and sustainable development and income generation among local population.

The areas of both categories may also include territories that do not represent the state property, such as settlements, private agricultural lands, non-agricultural lands and others. Hence, under the law, the National Agency for Protected Areas, directly responsible for protected area management, can manage protected landscapes

together with other organizations (*local government bodies*). The Agency for Protected Areas has no authority to manage the multipurpose areas.

Agricultural lands and farms on the territory of protected landscapes and multipurpose areas can be used for in situ conservation of agricultural biological diversity and sustainable agriculture (including biological production).

Law of Georgia “On the Basis of Spatial Organization and Urban Planning”

The Law of Georgia “On the Basis of Spatial Organization and Urban Planning”, the key legal act regulating spatial organization, determines spatial organization subjects, principles, priorities, aims and objectives, spatial-territorial planning forms and documentation forms, and its role in territorial development. Under the this law (Article 2, Subparagraphs “a” and “b”), spatial organization represents a unity of laws regulating development of physical environment of territories and infrastructure, national and local policy in the sphere of spatial organization, spatial planning documents, physical conditions determined by activities of physical and legal entities; spatial-territorial planning is an activity that alongside with other issues regulates the use of territories and lands, spatial aspects of improvement of territories, environmental protection, spatial-territorial conditions for recreation, infrastructural and economic development.

According to the law, spatial-territorial planning is conducted at the national level, level of local self-government units and settlements. Consequently, special-territorial documents have different forms for different hierarchy levels. The spatial-territorial document at the national level is Spatial Organization Master Plan; at the self-government level it is the Spatial Organization Plan for Self-Government Unit (municipality), while for settlements it is the Land Use Master Plan of the Settlement (for types and hierarchy of spatial-territorial planning see Annex 1: Legal Mechanism of Spatial-Territorial Planning). Paragraph 4, Article 22 of the law states that municipality’s spatial organization plan (approved by a normative act of the Municipal Council (Sakrebulo)) first of all determines municipality’s spatial-territorial structure, namely, the following spatial categories: urbanized area, rural area, natural landscape area and special area (see Annex 3).

It should be noted that the auxiliary (buffer) zones and protected landscapes, to be created on the basis of the spatial category (natural landscape area), defined by the acting legislation in the sphere of spatial organization, and the protected area category (multipurpose area) determined by the acting legislation in the sphere of environmental protection, do not enter into legal and institutional collision, but are complimentary notions (see Annex 2: Correlation of protected area categories and spatial categories). Apart from the legal norms of spatial organization and environmental protection, the above postulate is substantiated by the fact that under Paragraph 4, Article 18 of the Law of Georgia “On Protected Areas”, the National Agency for Protected Areas is not responsible for managing protected landscapes and multipurpose areas.

Organic Law of Georgia “On Local Self-Government”

The Organic Law of Georgia “On Local Self-Government” determines the scope of exclusive responsibilities of self-government units that the units shall perform independently, according to the established order. In accordance with Article 16, subparagraph 3, paragraph 2, the responsibilities include land use planning, division of self-government unit’s territory into zones (green, recreational, industrial, commercial and others), demarcation and alteration of borders. Special norms pertaining to land use and zoning are reflected in the acting legislation in the spheres of spatial planning and environmental protection.

Legislation in the sphere of regional development

Georgia has no legislation in the sphere of regional development and no definite status of a region as an administrative-territorial.

The country’s regionalization is strongly impeded by paragraph 3, article 2 of the Constitution of Georgia, according to which “the territorial state structure of Georgia shall be determined by a Constitutional Law on the basis of the principle of circumscription of authorisation after the complete restoration of the jurisdiction of Georgia over the whole territory of the country”. Consequently, regionalization of Georgia requires profound legislative amendments. Determination of the main policy direction, development/adoption and implementation of a corresponding legislative initiative are within the jurisdiction of the President and Parliament of Georgia.

- Though there is no special legislation on this issue in Georgia, the acting laws partially manage to regulate it. Thus, Article 27-1, paragraph 2, subparagraph “b” of the Law of Georgia “On Structure, Powers and Procedures of the Government of Georgia” states: “By assignment from the Government, State Plenipotentiary Representative - Governor implements regional social-economic development programs in the administrative-territorial units”. Judging from the above, this provision of the law pertains to concrete regional programs, funded by the budget or other financial sources and aimed at improving local infrastructure and economic environment. Consequently, concrete regional programs can be developed on the basis of this provision.
- Article 27-1, paragraph 2, subparagraph “i” of the Law of Georgia “On Structure, Powers and Procedures of the Government of Georgia” reads: “State Plenipotentiary Representative - Governor exercises any other rights provided by the laws of Georgia.” Based on this provision, State Plenipotentiary Representative - Governor is authorised to develop, within the scope of his/her competence, any other development strategy for this territory (the conventional region), etc.

Associated legislation

Associated (auxiliary) legislation in the sphere of biodiversity:

- The Law of Georgia “On Protection of Soil” (1994)
- The Law of Georgia “On Agricultural Quarantine” (1997)
- The Law of Georgia “On Pesticides and Agrochemicals” (1998)
- The Law of Georgia “On Plants Protection from Hazardous Organisms” (1998)
- The Law of Georgia “On Vine and Wine” (1999)
- The Law of Georgia “On Soil Conservation and Melioration” (2003)
- The Law of Georgia “On New Animal and Plant Species” (2010)

The above listed laws regulate legal norms pertaining to agriculture and food products; however none of them directly applies to agricultural biodiversity, food security and climate change adaptation.

It is noteworthy that the National Wine Agency, a legal entity of public law within the system of the Ministry of Agriculture, is the only structure in the agriculture system with responsibilities in respect of agrobiodiversity (in farm) protection issues.

Namely, Chapter 3 of the Law of Georgia “On Vine and Wine” (*Chapter III. Genetic Resources of Vine / Protection. Classification of Standard Vine Varieties*) reads: “The genetic resources of the vine - the gene fund of aboriginal (local) varieties and wild vine forms are a national treasure protected by the State” (Article 4) and “The discovery, investigation, study and conservation of vine genetic resources are funded by the State. This activity may be carried out by natural and legal persons” (Article 5).

Although the law does not indicate directly that the National Wine Agency is responsible for “the discovery, investigation, study and conservation of vine genetic resources”, in accordance with it and with the National Wine Agency Charter, the Agency is responsible for the production and cultivation of vine mother plantations, grafting materials and engrafted seedlings, i.e. for technical and phytosanitary control necessary to identify whether industrial vineyards, mother plantations of rootstocks and scions were cultivated using pure varieties included into the standard range of vine varieties.

[Mechanisms of using biodiversity resources](#)

Georgia has developed the following mechanisms to prevent/reduce risks for biological diversity from the use of biological resources or other activities:

- Rules of using biological resources, determined by different normative acts and conditions of granting licenses and permits for the use of resources;
- Limitation of use of biological resources by setting quotas;
- Environmental impact assessment, ecological expertise and permission for the impact on environment for different activities;
- State control of environmental protection, including monitoring of implementation of environmental legislation, control of fulfillment of licensing

requirements and environmental management rules, identification, prevention and preclusion of violations in this sphere;

- System of liabilities for and reparation of damages caused to biological diversity.

Types of licenses and permits in the sphere of biological diversity

The types of licenses and permits, established by the law and regulating the use of biological diversity are:

Licenses for the use of resources:

- General forest use license, including special logging license and special license for the arrangement of hunting farms;
- Fishing license;
- License for exporting pinecones, snowdrop bulbs and/or cyclamen tubers, included into the annexes to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Permits:

- Permission for the impact on environment;
- Permit for export, import, re-export and introduction from the sea of species, included into the CITES annexes, their parts and derivatives.

Law of Georgia “On Licenses and Permits”

The mentioned types of licenses and permits are determined by the Law of Georgia “On Licenses and Permits”. The law establishes a complete list of licenses and permits, determines the procedures for their issuance and other related issues. The law prohibits the establishment of permits and licenses by other laws or by-laws, activities and actions not envisaged by this law.

Administrative bodies issuing licenses and permits in the sphere of use of biological resources; redistribution/change of their competences

In accordance with amendments, introduced into the Law of Georgia “On Structure, Powers and Procedures of the Government of Georgia” on March 11, 2011, the Ministry of Environment Protection and Natural Resources of Georgia was renamed into the Ministry of Environment Protection. The amendments also changed the ministry’s competences and functions in the sphere of environmental protection and natural resources, including biodiversity protection and use of biological resources. Part of the ministry’s competences and functions were transferred to the Ministry of Energy and Natural Resources of Georgia.

To ensure fulfillment of its new functions in the sphere of management of biological resources, the Ministry of Energy and Natural Resources also incorporated several

structural units of the Ministry of Environment Protection and Natural Resources. These were: Forestry Agency and Environmental Inspection.

Until March 11, 2011, the Ministry of Environment Protection and Natural Resources of Georgia had been authorized to participate in the process of issuing or to issue the above listed licenses and permits. Currently, the implementation of these procedures is the authority of the Ministry of Energy and Natural Resources. Below are described the procedures for issuing licenses and permits by the Ministry of Environment Protection and the Ministry of Energy and Natural Resources before and after the redistribution/change of their functions and competences.

Licenses and permits related to biodiversity before and after the change of the competences and functions of the Ministry of Environment Protection and Natural Resources:

Fishing license

The procedure of issuing the fishing license is determined by the Resolution of the Government of Georgia #138 of August 11, 2005 “On approval of the regulations on the rules and requirements of issuance of fishing licenses”.

In accordance with this resolution, fishing implied and implies fishing in the Black Sea and inland waters. The license covers fishing in the Black Sea at the minimum distance of 300 m off the shore and fishing in inland waters. Licensing is mandatory. Prior to the redistribution of competences between the ministries, the licenses had been issued by the Ministry of Economy and Sustainable Development based on information provided by and in coordination with the Ministry of Environment Protection and Natural Resources. Currently, this is the competence of the Ministry of Energy and Natural Resources. Fishing in the Black Sea at the distance of less than 300 m off the shore, amateur fishing, fishing for research purposes, fishing in the Lake Paliastomi are not subject to licensing. Setting the rules for these kinds of fishing was the competence of the Ministry of Environment Protection and Natural Resources. Currently, the ministry sets only the rules of fishing for research purposes in coordination with the Ministry of Energy and Natural Resources. The latter also sets the rules for fishing in the Black Sea at the distance of less than 300 m off the shore and for fishing in the Lake Paliastomi in coordination with the Ministry of Environment Protection.

The Ministry of Energy and Natural Resources is currently responsible for issuing fishing licenses (including fishing in the Black Sea), setting quotas on the use of resources and licensing requirements.

Licensing requirements for fishing in inland waters are equal for all licenses. The requirements are specified in the Resolution of the Government of Georgia #138 of August 11, 2005 “On approval of the regulations on the rules and requirements of issuance of fishing licenses”. The licensing requirements were developed by the

Ministry of Environment Protection and Natural Resources of Georgia prior to the change in ministerial competences.

Additional licensing requirements can be (and as a rule are) set for concrete water reservoirs.

One of the licensing requirements is development of water reservoir and fishery management plans. Prior to the change of ministerial functions, the Ministry of Environment Protection and Natural Resources determined the rules of development and approval of such plans. At present this function is performed by the Ministry of Energy and Natural Resources, which also approves self-management plans - a function, formerly performed by the Ministry of Environment Protection and Natural Resources.

General forest use license, special logging license and special license for the arrangement of hunting farms

In accordance with amendments to the Forest Code of Georgia of July 6, 2010, the following forest management activities were (and are) permitted on the territory of the Forest Fund of Georgia:

- a) Logging;
- b) Establishment of forest plantations;
- c) Production of wood and non-wood materials (seeds, fruit, logs, brushwood, etc.);
- d) Use of non-wood forest resources (mushrooms, medicinal herbs and raw materials, other herbs, shrubs and their products);
- e) Agricultural activities;
- f) Use of resources for special purposes;
- g) Scientific and educational activities;
- h) Recreation, health improvement, sport and other cultural and recreational activities;
- i) Establishment of hunting farms;
- j) Establishment of fish farms;
- k) Hunting;
- l) Removal of the fertile layer of soil;
- m) Non-agricultural activities;
- n) Establishment of shelters and nurseries for animals;
- o) Other activities envisaged by "Forest Management Rules".

In accordance with the Forest Code, forest management is regulated by the general forest management license (hereinafter - General License), the logging license and the special license for the arrangement of hunting farms (hereinafter - Special Licenses) and the license for exporting pinecones, snowdrop (*Galanthus woronowii*) bulbs and/or Cyclamen (*Cyclamen coum*) tubers, included into the annexes to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Other

kinds of forest management activities do not require licensing in compliance with the Law of Georgia “On Licenses and Permits”.

The procedure for issuing the general forest use license and the special licenses is defined by the Resolution of the Government of Georgia #132 of August 11, 2005, “On approval of the regulations on the rules and requirements of issuance of forest management licenses”.

Under the resolution, the general license is a document including the special license for the arrangement of hunting farms and the logging license. Issuance of the general license for any of these activities is not mandatory.

The licenses are sold by auction. Prior to the change in ministerial competences, the licenses were issued by the Ministry of Economy and Sustainable Development based on information provided by and in coordination with the Ministry of Environment Protection and Natural Resources. At present the licenses are issued by the Ministry of Energy and Natural Resources.

The basic licensing procedure has remained unchanged and it is the same for the general license and both special licenses. The procedure is described below.

Special logging license

Amendments to the above resolution stipulated that from January 1, 2010, the special logging license was required only for the State Forest Fund areas subject to forest husbandry activities (i.e. inventory, identification of number, kinds, location of trees subject to felling. Forest husbandry materials make the basis for the forest management plan - see below). Forest husbandry activities were to be conducted by corresponding agencies in charge with forest management, including the Forest Agency of the Ministry of Environment Protection and Natural Resources. The Agency was authorized to determine the size, location and number of forest resources subject to felling. The regulation, however, did not work and was first suspended until January 1, 2011, and later, under the amendment of January 21, 2011, until January 1, 2012. At present the function is within the competence of the Ministry of Energy and Natural Resources.

Hence, forest husbandry activities were and are conducted by holders of special logging license (or the general license), since these activities make the basis for development of forest management plans. Development of the plans and their submission for approval within a year’s period is one of the licensing requirements, stipulated by the above mentioned resolution. The forest management plan, based on forest husbandry materials, determines, among other issues, annual felling quotas. Prior to the change in ministerial functions, the procedures for the plan approval and plan approval itself were in the competence of the Ministry of Environment Protection and Natural Resources. At present, the procedures for plan approval are confirmed by the Ministry of Energy and Natural Resources, while the plan is approved by the Agency. As prior to the change in ministerial competences, license holders currently

have no right to conduct felling until the approval of forest management plan within one year period from the moment of license issuance.

It is noteworthy that prior to the change in ministerial competences, requirements and rules related to forest management were set and/or approved by the Ministry of Environment Protection and Natural Resources, whereas currently this function is performed by the Ministry of Energy and Natural Resources except for the part of protected areas pertaining only to this sphere.

Special license for the arrangement of hunting farms

In accordance with the Law of Georgia “On Fauna”, hunting is permitted only with the special license and only in the form of amateur and sport hunting.

The law allows hunting only in specially allotted areas - hunting grounds (except for migratory bird hunting), sanctuaries and special hunting zones within the protected areas of other categories.

In compliance with the amendments that were introduced into the Law of Georgia “On Fauna” on July 6, 2010, hunting was allowed only in specially allotted areas - hunting grounds (except for migratory bird hunting), sanctuaries, special hunting zones within the protected areas of other categories and in the areas managed by the Forestry Agency, a legal entity of public law within the ministry’s system. The amendment was to come into force on August 1, 2010. It authorized the Forestry Agency with issuing one-time hunting permit acting both inside and outside the hunting area. A corresponding amendment was also introduced into the Forest Code of Georgia. The provision, however, had no practical use, since the amendment of the Forest Code required corresponding legislative amendments concerning hunting quotas and other issues. As a result of the amendments, introduced into the Forest Code on November 8, 2011, after the change of ministerial competences, hunting (except for migratory bird hunting) is permitted only based on a special document, issued by the Agency of Natural Resources. The Minister of Energy and Natural Resources sets hunting quotas, objects, rules and terms. Prior to the changes, this function had been implemented by the Minister of Environment and Natural Resources. This kind of hunting just as the migratory bird hunting does not require licenses or permits under the law. As mentioned above, the license is required only for the arrangement of a hunting farm.

A hunting farm is an administered territory, established in order to ensure ecosystem and wildlife protection and sustainable use of resources (in this case game animals), including hunting. A hunting farm can be established based on the special license for the arrangement of hunting farms. Licensing requirements are set by the Ministry of Environment Protection and Natural Resources and specified in the Resolution of the Government of Georgia #132 of August 11, 2005, “On approval of the regulations on the rules and requirements of issuance of forest management licenses”. Most of the

licensing requirements oblige license holders to protect and restore species, including endangered varieties.

The licensing requirements also stipulate that:

The license holder shall conduct annual inventory/registration of animal species for the purpose of determining hunting quotas and shall submit the results to the corresponding agency. Hunting quotas shall not be determined in the first year of licensing. Prior to the change of ministerial competences, the license holder used to submit this information to the Ministry of Economy and Sustainable Development, which sent the materials to the Ministry of Environment Protection for consideration and determination of hunting quotas of which it in turn notified the Ministry of Economy. The latter approved the annual hunting quotas by species by passing an administrative legal act/order. It was up to the Ministry of Environment Protection and Natural Resources to approve the procedure for the inventory of animal species in a hunting farm prior to the change. At present, the license holder submits the inventory materials to the Agency that sets the quotas, while the Ministry of Energy and Natural Resources approves the inventory procedures and the quotas.

The license holder shall develop and submit the hunting farm management plan to the corresponding agency for approval within one year from the license issuance. Prior to the change of ministerial functions, the Ministry of Environment Protection and Natural Resources had approved the procedures for plan development and approval and the plan itself. At present, the Ministry of Energy and Natural Resources approves the procedures, while the Agency approves the plan (the mentioned rule was approved by the Ministry of Environment Protection and Natural Resources in April 2010 and by the Ministry of Energy and Natural Resources. It has not been approved once again since then).

Overview of compliance of the Georgian legislation on licenses and permits with the CITES requirements

In accordance with the Law of Georgia on “Licenses and Permits” of 2005, export, import, re-export and introduction from the sea of samples of species included into the CITES Annexes, require licensing. Concrete rules and requirements are determined by the Georgian Government Resolution #18 of February 6, 2007. Under the resolution, the Ministry of Environment Protection and Natural Resources acted and acts as CITES’ administrative body and is responsible for the issuance of licenses.

In compliance with the Convention, license issuance requires a confirmation from a research institution that the concrete species will not be endangered in case of license issuance. The Convention also stipulates the existence of such institutions in participating countries.

The procedures of the CITES’ national research institution in Georgia have been determined by the Order #143 of the Minister of Environment Protection and Natural Resources of Georgia of February 21, 2007. The Minister invites the institution to

develop recommendations to be taken as a basis for decision-making on license issuance.

In accordance with the Law of Georgia “On Licenses and Permits”, snowdrop and cyclamen harvesting for the purpose of export shall be subject to licensing. Georgia annually exports these species for commercial purposes. The license for harvesting snowdrop bulbs and cyclamen tubers is sold by auction in accordance with the predetermined production quotas based on the research institution’s recommendations. The permit for exporting snowdrops and cyclamen for commercial purposes shall be issued based on the production license.

Export license for pinecones and snowdrop bulbs and/or cyclamen tubers, included into the CITES Annexes

Export license for pinecones and snowdrop bulbs and/or cyclamen tubers, included into the CITES Annexes is issued in compliance with the Georgian Government Resolution #21 of February 6, 2007 “On approval of the regulations on the rules and requirements of issuance of the export license for pinecones and snowdrop bulbs and/or cyclamen tubers, included into the CITES Annexes”. The need for the license was conditioned by high demand for these resources for export purpose.

Unlike pinecones, snowdrops and cyclamen are included into the Annex 2 of CITES; hence, the use of these resources requires a different regulating mechanism. In compliance with CITES, export of species included into Annex 2 requires preliminary issuance of the export permit. The research body under the Ministry set annual quotas on harvesting of these plants. Based on the quotas the Ministry of Economic Development issued the harvesting license (the ministry was vested with this function in 2008; prior to this it was the competence of the Ministry of Environment Protection and Natural Resources. Currently the license is issued by the Ministry of Energy and Natural Resources), while based on the license the Ministry of Environment Protection and Natural Resources issued and issues the export permit as required by the Convention.

The introduction of the license was conditioned by the growing demand for snowdrop and cyclamen harvesting and export. The demand considerably exceeded the annual resource use quota, set by the research body. This situation significantly impeded the process of issuance of permits for snowdrop and cyclamen harvesting due to quota redistribution among stakeholders. Consequently, the first normative acts, regulating this issue, were adopted in 2005, while in 2007 the Government approved a regulation, which is still in force. In 2008, 10-year snowdrop harvesting licenses were granted to four stakeholders, who will proportionally redistribute the annual production quota during the validity of the license.

Pinecone harvesting quotas are also set on the annual basis.

The acting environmental legislation has the following shortcomings:

- Inadequate and inconsistent representation of international norms in the national legislation;
- The lack of concrete norms pertaining to conservation and sustainable use of biodiversity in the Law of Georgia “On the System of Protected Areas” and the absence of legal relationship between the protected area categories and spatial-territorial categories;
- The lack of the so-called *transition period (from the moment of protected area establishment till the moment of approval of its adequate management plan and administration forming)* necessary to fully activate the protection regimes of different protected area categories, which leads to the creation of formally existing protected areas (eg. Ktsia-Tabatskuri Sanctuary);
- Simultaneously acting and often conflicting legislative acts (particularly in the wildlife regulation sphere) and not less conflicting by-laws in the sphere of biodiversity protection and use of resources (see Annex 1);
- Lack of a unified systematized act in the forestry sphere, extremely weak legal status of forest fund lands, directly leading to forest fragmentation (see Annexes 9 and 10);
- Lack of species conservation plans and legal status of eco-corridors in the sphere of species and habitat conservation planning.

3. State control over the biodiversity protection, responsibilities related to biodiversity (existing institutions and their functions) and integration of biodiversity concerns in decision-making (EIA, environmental permitting) process

Existing institutions and their functions

Supreme legislative and executive authorities

The President and the Parliament of Georgia

The President of Georgia is the head of state, vested with vast powers by the Constitution of Georgia, under which the President shall lead and exercise the internal and foreign policy of the state, ensure the unity and integrity of the country and the activity of the state bodies in accordance with the Constitution. The President of Georgia shall be the higher representative of Georgia in foreign relations, shall conclude international agreements and treaties. The President of Georgia shall be authorized to suspend or abrogate acts of the Government and the bodies of the executive power, if they are in

contradiction with the Constitution of Georgia, international treaties and agreements, laws and the normative acts of the President. The President of Georgia shall be authorized to issue decrees and orders on the basis of the Constitution and law.

The Parliament of Georgia shall be the supreme representative body of the country, which shall exercise legislative power, determine the principle directions of domestic and foreign policy, exercise control over the activity of the Government within the framework determined by the Constitution and discharge other powers.

The Government of Georgia

Authorities and functions of the central bodies of the government of Georgia are determined by the Law of Georgia “On Structure, Powers and Procedures of the Government of Georgia”. Regulations of these bodies are based on and aimed at implementation of this law and other laws of Georgia.

The Government shall coordinate and control the activities of the Ministries. The Government shall exercise its authority based on the governmental program approved by the Parliament of Georgia.

If an issue, submitted to the executive authority for decision making, is beyond the scope of all the ministries, it is up to the government to make a decision on this issue.

The Government’s competences also include regulation of financial and budgetary relations. The Government shall submit to the Parliament the draft of the state budget, approved by the President, and shall ensure its implementation after its approval by the Parliament.

Besides, the Government shall approve state target programs in the social, economic, cultural and other fields and ensure their implementation.

The National Biodiversity Strategy and Action Plan (NBSAP), approved by the Government’s Resolution #27 of February 19, 2005, shall be regarded as one of such programs. The document features a 10-year strategy of conservation and sustainable use of biological diversity of Georgia and a 5-year plan of concrete actions. The Government approved the NBSAP based on Article 5, subparagraph “p” of the Law of Georgia “On Structure, Powers and Procedures of the Government of Georgia”, under which the government shall “ensure implementation of a common state policy in the fields of protection of the environment and natural resources and ecological safety of the population”. In accordance with subparagraph “q” of the same article, the Government shall also “organize protection and efficient use of natural resources”.

The mentioned law, however, fails to determine the government’s competences in the sphere of agriculture. The direct integration of government’s competences in the environmental protection sphere into the law is due to the influence of corresponding constitutional norms rather than to prioritization of environmental issues at the legislative level in relation to agriculture or any other sphere (not covered by this law).

Consequently, based on the above mentioned provisions (subparagraphs “p” and “q”) of the Law of Georgia “On Structure, Powers and Procedures of the Government of Georgia”, the Government is authorized to approve (adopt) policy documents in the fields of protection of the environment and natural resources and ecological safety of the population (eg. strategies, action plans, programs, concepts, etc.) except when approval of such documents/issues is the domain of a ministry.

Role of central authorities in the biodiversity sphere

The Ministry of Environment Protection and the Ministry of Energy and Natural Resources are the key government bodies with various competences in the biodiversity sphere. Besides, a number of departments and agencies have important auxiliary functions in this sphere.

The Ministry of Environment Protection of Georgia

The Ministry of Environment Protection is the key body of the executive authority in biodiversity protection sphere.

The ministry’s terms of reference and objectives in the sphere of environmental protection (including biodiversity) are determined by the ministry’s regulations, adopted by Resolution #132 of March 16, 2011 and based on legislative amendments, adopted in the beginning of 2011 for the purpose of implementation of the government’s institutional reform, namely, on the Law of Georgia “On Introduction of Amendments into the Law of Georgia on the Structure, Powers and Procedures of the Government of Georgia” of March 11, 2011. The Law outlines the functions that fell within the sphere of the Ministry of Environment Protection and Natural Resources before the adoption of the law and were redistributed after its adoption between the newly established Ministry of Environment Protection, the Ministry of Energy and Natural Resources and other bodies (the Ministry of Regional Development and Infrastructure, the Ministry of Agriculture and others).

The ministry’s regulations specify all the functions and authorities that the ministry has under the current law. The ministry’s objectives and terms of reference directly or indirectly relating to biodiversity issues are:

Biodiversity protection, restoration and monitoring

- Biodiversity monitoring;
- Determination of priority directions, planning, implementation and coordination of efforts for the the protection and recovery of wild animals and plants;
- Planning, implementation and coordination of efforts for the the protection and recovery of endangered species;
- Making decisions on removal of species, included into the Red List, from their habitats;
- Implementation of public policy on forming, operation and management of the protected area system, coordination and monitoring of efforts in this sphere.

Regulation of biodiversity components

- Regulation of animal species removal from their habitats for scientific purposes, regulation of population of wild animals;
- Issuing permits for export, import, re-export and introduction from the sea of species, included into the annexes to the Convention on International Trade in Threatened Species of Wild Flora and Fauna (CITES), their parts and derivatives;
- Participation in determination of rules and quotas of removing animal species from their habitats (including terms and places of capture, prohibited tools and methods, species subject to capture, sportfishing);
- Participation in setting quotas for the use of fauna resources;
- Participation in development of management planning regulations concerning hunting and fishery farms and coordination of the plans.

General environmental issues:

- Public management of environmental protection;
- Preservation of ecological balance on the territory of Georgia based on the principles of environmental requirements, sustainable nature management and development.

Environmental policy:

- Participation in development and implementation of the national policy on environmental protection and safety;
- Participation in elaboration of national economic and social development concepts, projects and task programs;
- Participation in development and implementation of European and Euro-Atlantic integration policy within its terms of reference;
- Coordination and monitoring of fulfillment of commitments assumed under international environmental treaties;
- Participation in drafting and approval (publication) of legislative acts and subordinate legislation within its terms of reference.

Control, monitoring, environmental education and awareness

- Implementation of state control in environmental protection sphere within its terms of reference and drawing up administrative offence reports in cases envisaged by the law;
- Implementation of ecological expertise and issuance of permission for the impact on the environment;
- Organization and the state environmental monitoring system;
- Enhancement of environmental education and awareness.

The Ministry is comprised of structural units and legal entities of public law, working under its control (See Annex 4 - Organizational Structure of the Ministry). The

ministry's territorial units were abolished as a result of institutional and structural reform, implemented in early 2010.

The Biodiversity Protection Service is the ministry's structural unit directly dealing with biodiversity issues.

The Agency for Protected Areas and the National Environmental Agency are other legal entities of public law, working in this sphere under the Ministry's authority.

The Biodiversity Protection Service

The Biodiversity Protection Service is a structural unit under the Ministry of Environment Protection. The Service deals with policy development and implementation of limited administrative functions and has no supervising functions.

The Service's functions, defined by the Order #29 of the Minister of Environment Protection of June 9, 2011, include all the functions and competences pertaining to biodiversity protection, restoration and monitoring as well as regulation of biodiversity components, falling within the sphere of the Ministry of Environment Protection, except for the establishment, operation and management of the protected area system.

Besides, the Regulations of the Biodiversity Protection Service include the following functions:

- Participation in development of biodiversity protection policy and ensuring its implementation;
- Development of Georgia's Biodiversity Strategy and Action Plan and coordination of its implementation;
- Organization and coordination of implementation of Georgia's international commitments in biodiversity protection sphere;
- Participation in consideration of environmental impact assessment report.

The Agency of Protected Areas

The Agency of Protected Areas (APA) is a legal entity of public law that is part of the MoE system. Unlike structural units of the Ministry, this agency has administrative and financial autonomy guaranteed to public agencies by law, and fulfills its activities independently, under the supervision of the State.

According to the Georgian law and to APA's Regulations, APA is responsible for in-situ conservation of biodiversity in protected areas. APA fulfills this function through its function of protected area management. The system of protected areas consists of the following PA categories: state reserve, national park, monument of nature, sanctuary, protected landscape, and multiple-use area.

State reserves, national parks, monuments of nature and sanctuaries include only territories owned by the state, so these are directly managed by APA as the authority responsible for protected area management.

Protected landscapes and multiple-use areas may include non-state lands, e.g. populated areas, private agricultural and non-agricultural lands, etc. Hence the law stipulates that the protected areas managing authority, i.e. APA may manage protected landscapes only jointly with other organizations (local self-governments), whereas multiple-use areas are managed exclusively by local self-governments.

Regardless of the management format, APA and MoE are responsible for development and approval of management plans for all the six categories of protected areas (including protected landscapes and multiple-use areas).

Biological resources may be used in some categories of the protected areas, i.e. protected landscapes, multiple-use areas, sanctuaries and traditional use zones of national parks.

In these PA categories, also in the traditional use zones, balanced activities promoting sustainable development and local income-generation are generally allowed. These include traditional resource use, limited grazing and haymaking to meet the needs of the local population. In protected landscapes and multiple-use areas, land cultivation, seeding and construction of agricultural facilities are also allowed.

Therefore, these categories of protected areas and their separate zones may be used for agrobiodiversity conservation as well as for sustainable agriculture (including biofarming).

In the same time, none of the protected areas has a management plan that regulates agricultural activities and/or agrobiodiversity conservation and rational use in these PA categories, also on agricultural lands located within the protected areas. Management plans do not specify any programs of allowed activities or action plans, which actually limits the rights of the local communities in adjacent areas for traditional resource use. It also limits some functional uses of the protected areas, such as traditional farming and crafts to maintain unique local historical and cultural environment and stimulate income-generation activities that would ensure sustainable agriculture and resource use.

Stimulation of such activities is a direct function and competence of the Agency of Protected Areas that APA should fulfill in respective protected areas (protected landscapes, multiple-use areas, sanctuaries and traditional use zones of national parks) through management of existing local resources there, i.e. by development and implementation of PA management plans.

The Integrated Environmental Management Department

The Integrated Environmental Management Department is a structural unit of the Ministry of Environment Protection (see Annex 4) that also consists of four divisions: Air Protection Unit, Water Management Unit, Waste and Chemical Substances Management Unit, and Hydrometeorology and Climate Change Unit.

The National Environmental Agency

The National Environmental Agency is a legal entity of public law that is also responsible for issues related to climate change, biodiversity and agriculture, acts under the authority of the Ministry of Environment Protection, also deals with climate issues. The agency's goals, objectives and functions, inter alia, include monitoring of biodiversity.

The Agency was established in 2008, merging together the functions of different former independent institutions, primarily the former State Department Hydrometeorology and Geology. Today the Agency consists of several structural units: the Hydrometeorology Department, Environmental Pollution Monitoring Department, Geological Hazard Management Department, and Environmental Information Service.

In the field of biodiversity monitoring, Environmental Pollution Monitoring Department's Black Sea Monitoring Center (former Black Sea Ecology and Fishery Research Institute) monitors biodiversity in the sea and seashore ecosystems, rivers and inland reservoirs, studies different components of the ecosystems (bacteria, zooplankton, macrozoobenthos, fish fauna, sea mammals, etc) and draws respective conclusions, recommendations and proposals.

In general, the National Environmental Agency has no direct legitimate obligation for systematic monitoring of biodiversity and/or systematic monitoring and analysis of climate change. In these fields, the functions of the National Environmental Agency are incomprehensive, fragmental and non-systematic.

The Ministry of Energy and Natural Resources of Georgia

The Ministry of Energy and Natural Resources of Georgia ensures implementation of the state policy on management and use of natural resources.

The Ministry monitors implementation of the state policy, strategy and programs in the field of management and use of natural resources, ensures their implementation, analyzes progress of implementation and prepares corresponding recommendations. The Ministry encourages investments in resource use and management and implements necessary activities within its terms of reference. The Ministry supports projects aimed at efficient resource use and management based on evaluation of potential resources and sustainable development.

The Ministry received the competencies of natural resource management and use after the institutional reform implemented early in 2011. Together with other issues, these competences also included establishment of quotas for wildlife and wild plant (biodiversity) use and determination of use methods. This fact still causes collision between functions and competences of the Ministry of Energy and Natural Resources and the Ministry of Environment Protection.

Generally, the Ministry of Energy and Natural Resources is oriented at wider resource use and liberalization of regulatory mechanisms and norms in this field.

In the sphere of resource management and use, the Ministry is represented by the legal entity of public law under its authority - the Agency of Natural Resources (See Annex 5), that in its turn has territorial offices.

The Agency of Natural Resources was established during the 2011 institutional reform, after the merger of the former Forestry Agency under the Ministry of Environment Protection and Natural Resources and the former Oil and Gas Agency under the Ministry of Energy. Re-organization of the Agency early in 2012 changed the roles and functions of its structural units and eliminated integrated territorial offices of the Agency (see Annex 5 Organizational Chart of Ministry of Energy and Natural Resources before and after April 2012).

Today the Agency has the Forest and Wildlife Department that has territorial offices. Through the Forest and Wildlife Department, the Agency implements forestry management and regulation of forest resources of the forest fund (wood, land, non-wood products, and wildlife) (see Box 2 overleaf).

Box 2. Abstract from the Regulation of the Agency of Natural Resources approved by Decree no. 01 of the Ministry of Energy and Natural Resources on March 18 2011

Agency's Goals and Tasks (Article 2) and Rules and Responsibilities (Article 3)

- Management and use of natural resources for the purpose of the country's sustainable development;
- Approval of natural resource use quotas and scopes;
- Management of the forest fund;
- Regulation of forest use;
- Forest maintenance and restoration;
- Sustainable use of biological diversity components on forest fund lands;
- Forest fund monitoring and creation of forest fund database;
- Distribution of forest fund lands for agricultural and non-agricultural uses;
- Preparation of forest fund areas for licensing;
- Control over the forest fund territories;
- Planning and implementation of measures to protect forest from illegal uses;
- Organization of hunting permit issuance;
- Planning for endangered species breeding in captivity, also implementation of activities for implementation of hunting farm management plans.

In terms of biodiversity, functions of the Agency of Natural Resources and the Forest and Wildlife Department in many cases are vague and non-specific (see box 2), e.g. “Sustainable use of biological diversity components on forest fund lands”. Such functions and/or their components are not reflected in any regulations or bylaws.

Consideration should be also given to the fact that the Agency of Natural Resources regulates the use of only those species that are subject to licensing under the Georgian Law On Licenses and Permits or to contracting under the Georgian Law On Forest Management. Today the list of such uses includes woody plants, species that are subject to hunting and arrangement of hunting farms, fishing, some plant species (e.g. pinecones) and use of the forest fund lands, including agricultural use.

Ministry of Agriculture of Georgia

The Ministry of Agriculture of Georgia (MoA) is the key agency for implementation of the state agricultural policy.

The Ministry’s terms of reference include agriculture, soil conservation and melioration, plants protection within its competence, cattle breeding, agricultural engineering and veterinary.

The Ministry of Agriculture is responsible for strategic agricultural policy-making and implementation. It has long-term obligations for disease control, food security, food safety, animal health, protection of plants, improvement of soil fertility, scientific research and sharing of experience. The MoA fulfills these obligations both directly or through subordinate agencies.

The Ministry system includes its structural units and the following legal entities of public law acting under the governmental supervision (see Annex 6):

- a) National Wine Agency;
- b) Laboratory of the Georgian Agriculture;
- c) National Food Agency.

The Ministry has no territorial units.

The MoA and its subordinate public agencies (except for the National Wine Agency) have no direct legitimate (i.e. stipulated by law or regulation) obligation for agrobiodiversity conservation and maintenance and/or sustainable genetic resource use.

The only legal act that mentions agrobiodiversity in relation with agriculture, hence with the Ministry of Agriculture, is the ‘National Agricultural Development Strategy for 2012-2022’ approved by the Georgian Government on March 28 2012 (by Governmental Regulation #566).

The National Agricultural Development Strategy includes the 'Environmental Protection' component that stresses the importance of agrobiodiversity. In its turn, this component includes a section on 'Sustainable use of Plant Genetic Resources' containing information on the importance of genetic resources of plants used for agriculture and food production, also on gene pools collected in some scientific research institutions of Georgia.

Namely, the 'Environmental Protection' component of the Strategy mentions that 'Georgia as a part of the Caucasus Ecoregion is an important biodiversity hotspot where conservation and sustainable use of agrobiodiversity has a particular role in agricultural development'.

The section on 'Sustainable use of Plant Genetic Resources; mentions that 'Genetic resources of plants used for food production and agriculture are products of the natural evolution and human intervention. Farmers, plant and animal breeders, also local communities play an important part in the conservation and improvement of the plant genetic resources. They make a significant contribution to the conservation and use of the genetic resources of agricultural plants and animals'. The Strategy also says that 'there is some progress in ex-situ and on-farm conservation of endangered and endemic species and agrobiodiversity'.

In the same time, the Environmental Protection component of the Strategy includes a description of existing environmental challenges in the field of agriculture and a list of activities to be implemented. The list includes the following climate change adaptation activities: establishment and modernization of early warning system for natural disasters, also a number of other activities for mitigation of the climate change impact on agriculture (e.g. planting and maintenance of windbreaks, rational use of fertilizers and chemicals, etc).

The Ministry of Economy and Sustainable Development of Georgia

The Georgian Ministry of Economy and Sustainable Development has a particular role in biodiversity and generally environmental protection, as this is the Ministry responsible for public property privatization and economic development.

One of the Ministry's structural units is the Department of Sustainable Development whose functions are to prepare the Sustainable Development Strategy and support national program of action; participate in implementation of activities to prepare the country for global challenges; identify, generate and analyze innovative sustainable development projects, assess their need and feasibility, and submit respective proposals to the Georgian Government; promote identification of the country's investment potential and resources in terms of sustainable development; prepare legal initiatives promoting sustainable and secure development, and submission of the initiatives to the Georgian Government for approval as envisaged by law.

Cooperation of the Ministry and the Department with other executive agencies and the society, business and international institutions is critical for achieving the above goals.

The National Statistical Service (GeoStat)

The National Statistical Service (GeoStat) is an independent body of the executive system acting on the basis of recognized principles of international statistics, the Georgian Law On Official Statistics and other regulations.

Accurate statistics are very important for the development of the environmental sector. The National Statistical Service collects and publishes important data related to environmental protection and natural resources.

Control Over Compliance with License and Permit Terms

Before the re-distribution of competences between the Ministries, control over License and Permit compliance was ensured by the Ministry of Environment Protection and Natural Resources. After the change, the Ministry of Energy and Natural Resources ensures license control, whereas the Ministry of Environment Protection controls permit compliance.

As mentioned above, resulting from amendments to the Georgian Law On the Structure, Competences and Activities of the Georgian Government made on March 11 2011, the Ministry of Environment Protection and Natural Resources changed its name for the Ministry of Environment Protection, also changing its competences and obligations in terms of environmental protection and natural resources in general and biodiversity conservation and use in particular. Some competences and obligations of the Ministry were transferred to the Georgian Ministry of Energy and Natural Resources. In order to fulfill its new functions of resource management, some units of the former Ministry of Environment Protection and Natural Resources - the Forestry Agency and the Environmental Inspectorate - were also transferred to the Ministry of Energy and Natural Resources.

Before March 11 2011, the competence of the Ministry of Environment Protection and Natural Resources included issuance or participation in issuance of licenses and permits. Today the Ministry of Energy and Natural Resources is responsible for most of the procedures.

In addition, the Ministry of Energy and Natural Resources now has the responsibility for approving most of bylaws/regulations in the field of biodiversity, namely for protection of animals and plants.

Most of the bylaws/regulations (norms and rules on licensing and resource use and protection) mention that the Ministry of Energy and Natural Resources is responsible

for issuing the licenses and approving norms and rules, yet they do not mention MoE's role (participation or approval) in these processes. Though, the MoE's statute says that the MoE's activities and tasks include governance of the environmental protection; identification, planning, implementation and coordination of priorities of wildlife protection and restoration; participation in establishing terms and quotas for wild animal use (including hunting terms, locations, prohibited arms and methods, species allowed for hunting and non-commercial fishing); participation in hunting and fishing farm management planning and approval within its competences. It seems from the above, that MoE's involvement in these issues depends on the will of the Ministry of Energy and Natural Resources. It is recommended to improve the situation, since the Ministry of Environment Protection is the agency that has rich experience and motivation in biodiversity conservation, as for years it was involved in, and later fully responsible for, regulation of the biodiversity conservation and bioresource use. Cutting down on MoE's competence in biodiversity would potentially have an adverse impact of the biodiversity status in Georgia.

Integration of Biodiversity in Decision-Making

The Environmental Impact Assessment and issuance of Environmental Impact Permits in Georgia are regulated by the Laws On Environmental Impact Permits and On Ecological Expertise. The Law on Environmental Impact Permits has not been recently amended, except for some technical changes reflected in the Regulation On Environmental Impact Assessment (the EIA Regulation) updated and approved by the MoE by decree no. 14 of October 14 2011. The Law On Environmental Impact Permits contains a complete list of activities that require an Environmental Impact Permit or Environmental Impact Assessment (a total of 21 types of businesses). The Law On Environmental Impact Permits also stipulates the need for public involvement into the permitting process.

According to the Law On Environmental Impact Permits, EIA should also assess the potential impact on biodiversity and identify prevention, mitigation and conservation measures.

General EIA requirements are set out in the Law On Environmental Protection of December 10 1996 that defines environmental requirements during project approval and implementation. According to the law, implementation of activities/projects on the territory of Georgia requires an Environmental Impact Permit in order to secure environmental, social and economic interests of the society and the state, also to protect public health, environment and cultural and material values. Environmental Impact Assessment must be conducted prior to issuing the Environmental Impact Permit.

As mentioned before, today the EIA system is regulated by the Laws On Environmental Impact Permit and On Ecological Expertise. According to the Law On Environmental Impact Permits, EIA is required for activities that are associated with a

hazard for human life or health. According to notes to the law, EIA is a planned procedure for examination of the planned activity that aims at protection of separate components of the environment, also protection of people, landscape and cultural heritage. EIA studies, identifies and describes direct and indirect impact on human health and safety, also on vegetation and wildlife, soils, air, water, climate, landscape, ecosystems, historical heritage, or combination of the above, also the impact on cultural values and socioeconomic factors.

The law specifies a complete list of activities that require an Environmental Impact Permit and Environmental Impact Assessment:

- a) extraction of mineral resources (except for building (also aggregate materials with the exception of those listed in c));
- b) any production using asbestos;
- c) manufacture of cement, asphalt, lime, plaster, gypsum and bricks;
- d) manufacture of glass and glass products;
- e) disposal of solid municipal waste (including construction of waste incinerators); and/or construction of landfills;
- f) disposal of toxic and other types of hazardous waste, arrangement of landfills and/or waste processing and neutralization;
- g) facilities of any capacity for gasification and liquefaction of coal; coal carbonization; briquetting of coal and lignite;
- h) construction of oil and gas pipelines;
- i) construction of storages and terminals for oil and petroleum products, also liquefied and natural gas, that have at least one reservoir of over 1000 cubic meters or that have the total capacity of over 1000 cubic meters;
- j) construction of motorways, railways of international and national importance, also vehicle and rail bridges, tunnels as well as engineering measures for the protection of the motorways, railways and their right-of-ways;
- k) construction high-voltage (35kW and more) aboveground and underground power transmission lines and substations (of 110kW and more)
- l) construction of hydropower plants (2MW and more) and thermal power plants (10MW and more);
- m) construction of subways;
- n) construction of water reservoirs of 10000 cubic meters and more)
- o) construction of wastewater treatment facilities (1000 cu m per day and more), also main sewage collectors;
- p) construction of airdromes, airports, railway stations and seaports; construction of dams, ports, piers and jetties;
- q) chemical production, including chemical treatment of semi-finished products (intermediate products) and production of chemicals; manufacture and processing of pesticides, mineral fertilizers, chemical, paints and varnishes, peroxides and elastic substances (rubber or plastic substances); manufacture and packaging of gunpowder and other explosives, production of accumulator batteries and graphite electrodes; production of refrigerators.

- r) oil and gas refineries (over 500 tons per day);
- s) metallurgical industry of any type (over 1 ton per hour), except for cold metal processing and jewelry;
- t) construction of toxic and other hazardous substance storages.

The law does not specify any procedure for scoping, i.e. determination of the EIA tasks and scopes. The EIA Regulation identifies EIA stages and mandatory issues to be included in an EIA report that cover all activities requiring an Environmental Impact Permit.

The EIA is organized and implemented by the project developer who is also responsible for covering any EIA-related costs.

An EIA report is submitted to MoE for issuing an Environmental Impact Permit. If a project requires a construction permit, the EIA report and other documents envisaged by law are submitted to a construction permit issuing authority that forwards them to the MoE. In this case, the MoE does not issue an Environmental Impact Permit but issues an Ecological Expert Opinion containing terms and conditions that are then reflected in the Construction Permission and must be fulfilled.

Necessary components of the permission issuance procedure include:

- ✓ Environmental impact assessment;
- ✓ Ecological expertise
- ✓ Public participation in the decision-making.

In order to obtain an Environmental Impact Permit or a Construction Permit for a project/activity, the law requires an Ecological Expertise that should inform objective and substantiated environmental decision-making about the project. Issues related to the Ecological Expertise are regulated by the Law On Ecological Expertise. In the process of the Ecological Expertise, the Expert Commission set up by MoE considers the submitted project document package and the EIA report and draws an Expert Opinion. Only a positive expert opinion is used as a basis for issuing an Environmental Impact Permit or a Construction Permit. The Permits define terms and conditions for the project/activity, including the need to implement measures for preventing/mitigating impact on biodiversity.

In compliance with the Georgian Law On Environmental Impact Permit, the project developers shall:

- Arrange for public disclosure of the EIA report prior to submitting it to the permit issuing authority, by publishing an announcement in central or local printed media.
- Submit the EIA report to the permit issuing authority within one week after publishing an announcement in the printed media.

- Receive and review comments and considerations from a representative of the public within 45 days after publishing the information about the planned project/activity;
- Arrange for public disclosure of the EIA report no earlier than 50 and no later than 60 days after publishing the information about the planned project/activity;
- Compile a report reflecting results of the public disclosure of the EIA report within 5 days after the public disclosure;

After the public disclosure of the EIA report, reporting and finalization of the EIA report, the project developer has the right to submit an application to obtain an Environmental Impact Permit/Construction Permit to the Permit Issuing Authority within one year.

The Permit Issuing Authority shall make a decision on permit issuing within 20 days after the application. If the Authority fails to make a decision about issuance/non-issuance of the permit within this term, the permit shall be deemed issued unless the issuance term is prolonged as envisaged by law.

Challenges related to the biodiversity component of the EIA reports⁹; their approval and further control of the issued permit compliance include the following:

- ✓ The Ecological Expertise and inspection methodology, e.g. inspection procedures and individual inspection plans (one a year for every site) for public control of persons holding Permits issued by the Ministry or involved in a business that is subject to ecological expertise, does not envisage biodiversity aspects.
- ✓ There are no approved guidelines for integrating biodiversity sections into Environmental Impact Assessments.

Generally, Environmental Impact Assessments for projects to be funded by international donors are conducted on the basis of EIA guidelines and principles elaborated by international financial institutions¹⁰.

⁹ See, for example:

Lajanuri Hydro Power Plant, EIA Report. / Scientific Research Company 'GAMA', president: V. Gvakharia. Tbilisi, 2007.
http://www.aarhus.ge/upb/aded_files/32654eadad6423b3ff574a79dccc68fb24edfbb3cb852c2281aa078b1fe25f8.pdf

Railways Modernization Project. EIA Report. Volume I, prepared by the Global Experience for Georgia Foundation, for the Consortium SYSRA Ltd / SPECTRUM/Georgian Railways Ltd. February 2011. / Rehabilitation and Construction of the Zestaponi-Khashuri Railway.

http://www.aarhus.ge/upb/aded_files/5268bdb71539b52ab145e6b3e4f988628ced69c1ae6b7d8bcc5b14b6bad43ca9.pdf

Namakhvani Hydropower Plant Cascades. ESIA Report, 2011. ENKON - Environmental Consultants. Project developer: "NS JV (Nurol and SK E&C).

http://www.aarhus.ge/upb/aded_files/f0016432eb11a2df115d4920ba9a3346d79d5d050bfca608cfb1f689c58b4842.pdf

¹⁰ Procedure for Environmental and Social Review of Projects. The International Finance Corporation (IFC)/ December 1998.

<http://www1.ifc.org/wps/wcm/connect/8b64370048855267ab74fb6a6515bb18/ESRP.pdf?MOD=AJPERES&CACHEID=8b64370048855267ab74fb6a6515bb18>

ENVIRONMENTAL AND SOCIAL PROCEDURES. EBRD, April 2010.

<http://www.ebrd.com/downloads/about/sustainability/esprocs10.pdf>

IFC Performance Standards on Environmental and Social Sustainability - Effective January 1, 2012.

http://www1.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/ifc+sustainability/publications/publications_handbook_pps

As a whole, in view of the specific Georgian biodiversity, it would be advisable to elaborate guidelines for evaluating biodiversity aspects during the Environmental Impact Assessments. The Guidelines would be based on guiding principles and guidelines generated as part of the CBD¹¹ and other multilateral agreements in the field of biodiversity¹².

4. Development of biodiversity monitoring system and application of ecosystem and biodiversity economics (TEEB)

Establishment of United Biodiversity Monitoring Network

In order to better evaluate the current biodiversity status, Georgia is now in the process of establishing the national biodiversity monitoring network supported by GIZ. Biodiversity monitoring indicators have been selected¹³, and guidelines are being elaborated on how to collect and analyze data against each indicator. After the guidelines are completed, the data collection and analysis will start for individual indicators.

The monitoring itself is scheduled for 2013.

The Economics of Ecosystems and Biodiversity (TEEB)

In 2011, the Government of Georgia joined the The Economics of Ecosystems and Biodiversity (TEEB) piloting process under the UNEP aegis, and started its implementation in 2012.

THE EQUATOR PRINCIPLES JUNE 2006. A financial industry benchmark for determining, assessing and managing social and environmental risk in project financing.

http://www.equator-principles.com/resources/equator_principles.pdf

¹¹ CBD Guidelines on Biodiversity and Tourism Development

<http://www.cbd.int/tourism/guidelines.shtml>

CBD - Impact assessment: Voluntary guidelines on biodiversity-inclusive impact assessment / COP 8 Decision VIII/28.

<http://www.cbd.int/decision/cop/?id=11042>

CBD Technical Series No. 26. Biodiversity in Impact Assessment /Background Document to CBD Decision VIII/28: Voluntary Guidelines on Biodiversity-Inclusive Impact Assessment

<http://www.cbd.int/doc/publications/cbd-ts-26-en.pdf>

¹² Resolution VIII.9: Guidelines for incorporating biodiversity-related issues into environmental impact assessment legislation and/or processes and in strategic environmental assessment' adopted by the Convention on Biological Diversity (CBD), and their relevance to the Ramsar Convention

http://www.ramsar.org/cda/en/ramsar-documents-resol-resolution-viii-9/main/ramsar/1-31-107%5E21514_4000_0__

RAMSAR Convention Resolution VIII.4: Principles and guidelines for incorporating wetland issues into Integrated Coastal Zone Management (ICZM)

http://www.ramsar.org/cda/en/ramsar-documents-resol-resolution-viii-4/main/ramsar/1-31-107%5E21494_4000_0__

RAMSAR Convention Resolution VIII.16: Principles and guidelines for wetland restoration

http://www.ramsar.org/cda/en/ramsar-documents-guidelines-principles-and-20878/main/ramsar/1-31-105%5E20878_4000_0__

IMPACT ASSESSMENT AND MIGRATORY SPECIES. Adopted by the Conference of the Parties at its Seventh Meeting (Bonn, 18-24 September 2002)

http://www.cn.s.int/bodies/COP/cop7/proceedings/pdf/en/part_I/Res_Rec/RES_7_02_Impact_Assessment.pdf

¹³ As part of the CBD, a list of biodiversity indicators for the national biodiversity monitoring networks was approved in 2009.

Today initial stage activities for the TEEB process are underway. Further use of the TEEB outcomes depends on the accuracy and practical value of the pilot research.

Also, works are in progress on the EU-Georgia Associated Agreement in the field of environmental protection. The agreement is expected to strengthen links with the European Union and promote sustainable development and the green economy.

A draft agreement envisages a number of environmental activities to promote creation of conditions not only for humans and ecosystems but also to improve environmental management and effective decision-making, which is very important for the country, the region, and occasionally also for the international community.

5. Integration of biodiversity issues into programme management (policies, strategies, sectoral plans and programmes including spatial/land use development)

National Security Concept

On December 23, 2011, the Parliament of Georgia approved the National Security Concept¹⁴, replacing the National Security Concept of July 2005¹⁵. The second Concept reflects the changes in the national security sphere that took place after the adoption of the previous concept, and their influence on threats, risks and challenges facing Georgia.

The National Security Concept of Georgia is the basic document that explains fundamental national values and interests, the vision of the nation's secure development, threats, risks and challenges, and establishes the main directions for national security policy. The Government of Georgia develops, and the Parliament of Georgia ratifies the National Security Concept. Non-governmental organizations and other representatives of the civil society have played an important role in drafting the Concept.

Based on the National Security Concept, the Government of Georgia implements measures to ensure the protection of fundamental national values and the advancement of national interests, and to respond adequately to the risks, threats, and challenges, facing the country. The National Security Concept creates a basis for the development of specific strategies and plans that are updated along with changes to the National Security Concept.

¹⁴ Resolution of the Parliament of Georgia №5589 of December 23, 2011 "On Approval of the National Security Concept".

¹⁵ Resolution of the Parliament of Georgia №1895 of July 8, 2005 "On Approval of the National Security Concept".

The Concept establishes national values of Georgia, national interests, threats, risks and challenges to the national security of Georgia. Among the fourteen national interests, the Concept mentions ensuring of environmental security of Georgia and the region, while among the twelve threats and challenges it mentions environmental challenges, stating that natural processes and man-made crises may threaten natural environment, its biodiversity, and the wellbeing of citizens of Georgia.

The Constitution of Georgia outlines eighteen priorities of the national security policy of Georgia, including environmental security.

The Concept states that the environmental security policy of Georgia protects people and the environment by reducing the use of natural resources and preventing environmental damage caused by natural and manmade crises. Special attention is paid to such disasters as floods, landslides, avalanches, and earthquakes, as well as industrial accidents, etc. The goal of Georgia's environmental policy is to develop and implement efficient measures to prevent pollution of all kinds—of air, water, and earth, to protect forest resources to manage radioactive and other hazardous materials on the territory of Georgia, to prevent pollution of the Black Sea, etc.

The Government of Georgia is aware that the country's environmental security demands close regional and international cooperation and that for this purpose Georgia cooperates on environmental security with countries in the region. Successful cooperation between Azerbaijan, Armenia, Turkey, and Georgia will contribute to the protection of the natural environment and the improvement of environmental security.

National Program of Action for the Protection of Environment

The Second National Program of Action for the Protection of Environment for 2012-2016 was adopted by Georgian government's decree N127 of January 24, 2012.

The Second National Program of Action for the Protection of Environment is an official document, outlining the country's plans in the sphere of environmental protection for 2012-2016. The program forms a solid basis for future environmental planning. Recognizing importance of country's economic development, the program focuses on sustainable development instead of prohibitive prospects.

One of the main aims of the program is to strengthen legislative, administrative and institutional frameworks at all levels thus promoting integration with the European Union. Program implementation will foster partnership between all economic entities (governmental, private and non-governmental sectors), promote healthy environment and public welfare, contribute to creation of favorable conditions for the long-term economic development of Georgia, and finally, support the participatory approach.

The program involves basic sectoral directions, including biological diversity and climate change directions. Alongside with sectoral directions, the program involves

general directions that include the overlapping issues of sectoral directions, so that their solution will be equally beneficial for all environmental sectors. Given the complex and inter-sectoral nature of environmental issues, the need for integrating environmental strategy and policy into development plans or policies of other sectors is analyzed in a separate section of the program.

In accordance with the program, general environmental measures are:

- Improvement of legislation;
- Raising stakeholders' awareness;
- Improvement of monitoring, inspection and law-enforcement systems;
- Enhancement of knowledge on policy-making issues.

The priorities in the sphere of biodiversity and protected areas include conservation of viable populations of endangered species and degradation of habitats; improvement of fishing and hunting practices and development of the protected area system; measures to fill in gaps in biodiversity conservation database and sustainable use of natural resources.

The program identifies habitat destruction and irrational use of natural resources as the main causes of climate change, endangering many animals and plants in Georgia. The program mentions poaching as the main cause of the reduction in the large mammal populations.

The program underlines that improvement of the status of large mammals is possible only through the implementation of special conservation measures. Such measures are underway to restore gazelle population in the Vashlovani National Park and Bezoar goat population in the Borjomi-Kharagauli National Park. Conservation management plans have been developed for the following species and groups of species: West Caucasian tur, leopard, bats, brown bear, Caucasian Grouse, water birds and land birds, Eastern Imperial Eagle, Lesser Kestrel, sturgeons, Caucasian Salamander. As regards ecosystems, forest ecosystems require conservation above of all. Logging and firewood production remain one of the main threats to biodiversity since firewood remains the main source of heating in some villages and towns. With certain measures at hand to restore the Chiaura and Ivri floodplains, there is a pressing need for planning and implementing complex measures to ensure rehabilitation of the Alazani and Ivri floodplains.

A focus also should be on protecting ecosystems against invasive species. Intensive research is necessary to better analyze impact of invasive species and develop both preventive (border control) and control measures (mechanic, chemical, biological) in order to restrain their spreading and minimize damage.

Modern and effective mechanisms of data collection, storage and analysis are necessary to effectively assess changes in the status of habitats and species, also impact of the existing threats on biodiversity. There is no sufficient data and capacities

at hand at present for effective and focused decision-making on biodiversity conservation issues.

The program acknowledges that global climate change also has an adverse impact on biodiversity status. Assessments, conducted in the process of preparation of the Second National Communication to the Climate Change Convention, showed that the sea coastline, arid and semi-arid zones and high mountains are the areas particularly susceptible to climate change in Georgia. In 2008, Georgia ratified the Cartagena Protocol on Biosafety and thus committed to develop a mechanism for the fulfillment of Protocol provisions.

The program identifies the long-term (20-year) goal of the national biodiversity policy in the sphere of biodiversity and protected areas as protection, recovery and conservation of Georgia's unique ecosystems, variety of species and genetic resources. The long-term goal can be attained through the effective management of protected areas and creation of a PA unified system, sustainable management of biological resources and equitable and fair sharing of benefits arising out of their use. To attain the long-term goals, the program identifies the following short-term (5-year) goals:

- Goal 1 - Rehabilitation, protection and conservation of viable populations and habitats of selected endangered species;
- Goal 2 - Enhancement of fishing and hunting management through sustainable use of fauna resources;
- Goal 3 - Creation of a unified effective system of protected areas;
- Goal 4 - Enhancement of protected areas management through establishment of administrative capacity building and financial sustainability mechanisms;
- Goal 5 - Provision of adequate data support for the sustainable management of biodiversity conservation and use of biological resources through the establishment of national biological monitoring system.

Territorial planning, protection and management of biodiversity/agricultural biodiversity and its integration into spatial/territorial development laws

Integration of territorial planning, protection and management of biodiversity and agricultural biodiversity into the current legislation in the field of spatial/territorial development is very important for in-situ conservation of biodiversity/agricultural biodiversity.

It should be noted that territorial biodiversity conservation has a long history in Georgia. In the 20th century, the protected areas system was mainly developing in the form of state reserves. By the end of the century, the total area of the protected areas system was 168.000 ha or 2.4% of the country's territory. A new stage of development of the protected areas system started after the restoration of Georgia's independence in 1991. The main goals of the protected areas system were:

- to ensure sustainable biodiversity conservation by integrating representative sections of all ecosystems into the protected areas;
- to ensure their interconnection within the protected areas system;
- to establish internationally recognized and tested categories of protected areas (see Annex 1. Correspondence of the national and international protected area categories) that would also meet the need of the local population.

The protected areas system witnessed a very dynamic development over the past decade, spreading to 7% of the country's territory. The protected areas include almost 8% of the total area of forests in Georgia.

It is noteworthy that no adequate attention was paid in the past or is paid today to the creation of protected areas of the 6th category - multipurpose area. Some protected areas face serious problems due to the lack (or only declared existence) of multipurpose areas. Local communities also have problems living in the vicinity of areas, where use of certain natural resources is prohibited or restricted.

In order to fulfill its basic functions, the territory itself should function steadily and its natural ecosystems should maintain stable structure, while use of agricultural lands should be in compliance with environmental safety norms. To attain this, it is necessary to introduce, on the one hand, sustainable resource use methods, and on the other hand, pay special attention to activities, oriented at local communities and promoting sustainable development and growth of alternative incomes. The multipurpose areas generally create good opportunities for successful development of tourism (namely, agrotourism and ecotourism).

As stated above, spatial organization issues are regulated in Georgia by legal acts, pertaining to spatial organization and associated spheres (environmental protection and others), involving internationally recognized norms and principles of special-territorial development.

The Law of Georgia "On the Basis of Spatial Organization and Urban Planning" is oriented at introduction and implementation of a decentralized, polycentric, diverse and balanced spatial development model. The law determines the main function of spatial organization (sustainable development of the country, its Caucasian, European and international integration) and identifies the following national spatial organization principles (planning and management of natural landscape area):

The spatial organization guidelines are used for attaining general goals of spatial-territorial planning concerning natural, anthropogenic and managerial processes. The goals are:

- Use of territorial development methods, implying reduction of adverse impacts of economic and other activities and sustainable use of territories and natural resources to ensure healthy and safe environment to the present and future generations;
- Creation of adequate, equal living and working conditions in the country (creation of "equal opportunities space");

- Decentralized, polycentric, diverse and balanced development of territories and settlements;
- Creation of spatial preconditions for socio-economic development;
- Interconsistency of interests of physical and legal entities, local, regional and national interests in the use and development of territories;
- Protection and development of cultural heritage;
- Protection and restoration of ecological balance;
- Sustainable use and protection of natural resources, including recreational resources;
- Creation of conditions for policy-making on development of inhabited areas and infrastructure;
- Integration of sectoral development programs and sectoral plans into the spatial development policies and plans.

The spatial organization guidelines and general goals of spatial-territorial planning are in full compliance with the goals and objectives of agricultural biodiversity protection and conservation, sustainable agriculture, food security and climate change adaptation.

Based on the above, it is necessary to introduce amendments and addenda into the Law of Georgia “On the System of Protected Areas” and Law of Georgia “On the Basis of Spatial Organization and Urban Planning” to ensure mutual integration of the issues of spatial planning, protection and management of biodiversity and agricultural biodiversity in terms of their in-situ conservation into the current legislation on protected areas and spatial-territorial development.

6. International and transboundary cooperation in the field of biodiversity

Regional and transboundary cooperation in the field of biodiversity is most perspective for creation of transboundary protected areas (the Javakheti Protected Areas, Georgia, and Arpi Lake National Parks, Armenia). Transboundary conservation of biodiversity helps countries in implementation of their CBD commitments. Recent improvements in the protected area system management have been possible only with collaboration and close partnership between stakeholders.

The integrated approach used in the South Caucasus in recent years has created a solid basis for further development of the system of protected areas. Such an approach can be used as a model for promoting international agreements at the national, regional and local level. Yet further development of cooperation between key stakeholders in the process remains a priority to address urgent challenges that would be otherwise unsolvable. There is a basis for strengthening cooperation between Georgia and Armenia, Georgia and Azerbaijan, and Georgia and Turkey with the purpose of implementing CBD goals in the years to come.

The following can be considered as priority actions in the field for the future:

- Develop an effective environmental network in the South Caucasus by planning and creating ecological corridors in view of climate change tendencies;
- Integrate protected areas and biodiversity into national development and funding strategies and programs;
- Identify economic and other benefits of ecosystems and protected areas and present these at the local and national level by evaluating the benefits and using other innovative methods;
- Promote effective international cooperation in the field of biodiversity conservation by setting up the Caucasus Biodiversity Council and implementing the Ecoregional Plan;
- Elaborate programs for raising public awareness about biodiversity and protected areas;
- Harmonize legal, institutional and judiciary environment by improving the legislation and strengthen stakeholder cooperation;
- Complete fault analysis and create new protected areas to ensure ecological representativeness of the protected area system;
- Use sustainable and adequate funding mechanisms by diversifying funding sources and develop innovative funding tools;
- Ensure adequate capacity of human and technical resources through long-term capacity-building programs;
- Improve effectiveness of protected area planning and management by using participatory approaches in order to prevent conflicts of interests, better conserve biodiversity, and incorporate interests of local communities;
- Create adequate protected area database and implement a monitoring system at the local level.

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Economics, Trade and Incentive Measures / Tools and Guidance / CBD Proposals for the Design and Implementation of Incentive Measures

Incentive Measures for the conservation and Sustainable Use of Biological Diversity

An Exploration of Tools and Methodologies for Valuation of Biodiversity and Biodiversity Resources and Functions

Valuing wetlands - Guidance for valuing the benefits derived from wetland ecosystem services

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(Note: texts of laws and other statutory instruments are consolidated as of July 01, 2012).

9. Meetings and Consultations with Stakeholders

Meetings at the Georgian Ministry of Energy and Natural Resources and at the Ministry's Agency of Natural Resources, March 14 2012

Meetings were held with Mr. Archil Adamia, Head of the Natural Resources Department of the Georgian Ministry of Energy and Natural Resources and with Ms. Neli Korkotadze, Head of the Monitoring Department of the Agency of Natural Resources.

The meetings were mainly dedicated to the role of the Ministry of Energy and Natural Resources and the Ministry's Agency of Natural Resources in biodiversity management comprising biodiversity conservation and sustainable resource use.

The meeting participants were briefed on the ongoing project to update Georgia's Biodiversity Conservation Strategy and Action Plan as well as on biodiversity management as a thematic direction of the project.

The meeting participants shared the following information and views on the issue:

At this stage, the immediate biodiversity conservation authority of the Georgian Ministry of Energy and Natural Resources and at the Ministry's Agency of Natural Resources is limited only to resources that may be used licenses for use under the Georgian Law On Licenses and Permits (use of forests, fauna, fish, some plant species, e.g. pinecones, etc).. Respectively, only those species requiring a license are subject to control and other kinds of supervision.

It would be better though, if the Agency of Natural Resources of the Georgian Ministry of Energy and Natural Resources would participate both in updating the Biodiversity Conservation Strategy and Action Plan and in the potential formal interdepartmental coordination (Inter-Agency Commission, Council, etc). of issues related to biodiversity conservation and sustainable use.

Also, there is a need to establish quotas for biodiversity harvesting (e.g. fishing, hunting). and to develop guidelines/manual for controlling factual harvested quantities and species, which would make it easier for the Natural Resources Agency to fulfill its functions.

Meeting at the Agency of Protected Areas of the Georgian Ministry of Environment Protection, March 16 2012

The team met with Ms. Tamar Pataridze, Deputy Chair of the Agency of Protected Areas of the Georgian Ministry c.

The meeting was dedicated to APA's role in managing biodiversity conservation and sustainable resource use in protected areas.

Ms. Tamar Pataridze was briefed on the ongoing project to update Georgia's Biodiversity Conservation Strategy and Action Plan as well as on biodiversity management as a thematic direction of the project.

Ms. Pataridze shared the following information and views on the issue:

The Agency of Protected Areas is interested in biodiversity management, especially in some protected area categories, such as protected landscapes, multiple use territories, sanctuaries as well as traditional use zones of national parks, i.e. areas where limited and sustainable resource use is allowed.

Generally, APA has no adequate staff that would have respective knowledge and/or experience in biodiversity conservation. One of the reasons is lack of qualified personnel and high levels of staff turnover.

Overall, APA is going to pilot some decentralization in the protected area management system, primarily in protected areas location on the Eastern Caucasus Range.

It is therefore advisable to do the following:

- Deliver a training in biodiversity conservation and sustainable resource use for APA staff (centrally, in the PA Planning Unit, and locally, in PA administrations)..
- Elaborate practical guidelines for protected areas (protected landscapes, multiple-use territories, sanctuaries, national park's traditional use zones); the guidelines would be dedicated to issues of traditional/sustainable agriculture, biodiversity conservation, as well as activity planning and activity implementation mechanisms.

[Meeting at the Georgian Ministry of Agriculture, March 21 2012](#)

The meeting was attended by Ms. Konstantine Kobakhidze, Deputy Minister of Agriculture, member of the State Commission on Agrarian Policy, Board member of the Georgian Agricultural Development Fund, coordinator of the drafting process of the Georgian Agricultural Development Strategy (2012-2022)..

The meeting was dedicated to the following key issues:

- Key directions of the Georgian Agricultural Development Strategy (2012-2022). to be approved by the Georgian Government as well as the Strategy versus biodiversity/agrobiodiversity;

- The role of the Georgian Ministry of Agriculture in biodiversity/agrobiodiversity conservation and sustainable use;
- Perspectives for improving inter-agency approaches and coordination in the field of biodiversity in general and agrobiodiversity in particular.

Mr. Konstantine Kobakhidze was briefed on the ongoing project to update Georgia's Biodiversity Conservation Strategy and Action Plan as well as on biodiversity management as a thematic direction of the project.

Mr. Kobakhidze shared the following information and views on the issue:

The draft of the Georgian Agricultural Development Strategy (2012-2022). to be approved by the Georgian Government is directly related to agrobiodiversity. Namely, the draft Strategy includes issues of environmental protection and sustainable use plant genetic resources. The draft says that Georgia is one of biodiversity hotspots with a particular role for agrobiodiversity conservation and sustainable resource use in agricultural development. The draft Strategy also includes some planned activities in this field, such as planting and maintenance of windbreaks; rational use of fertilizers and insecticides; waste monitoring; improving the irrigation system; bank reinforcement works; creating a database on areas requiring urgent rehabilitation in the river bank zone; completing/updating early warning system for expected natural disasters.

The draft Georgian Agricultural Development Strategy (2012-2022). shall be used as a basis for agricultural modernization that shall target the following goals:

- Provision of the following governmental services to the agricultural sector: agricultural infrastructure (up-to-date logistic centers, irrigation systems, etc.); market-oriented education system and provision of information;
- Growth of the country's food security;
- Development of external markets for agricultural products; growth of the export potential and revenues;
- Industrialization of agricultural production;
- Promoting production and selling of high-tech and cost-effective crops.

The Georgian Agricultural Development Strategy (2012-2022). shall be used as a basis for developing and approving a 3-4-year action plan that will integrate institutional development of the Ministry of Agriculture among its priorities.

The Ministry of Agriculture has no immediate legally stipulated obligation for protection and conservation of flora and/or fauna genetic resources used for food and agricultural or for management of their sustainable use. From regulation perspective, the only exclusion is the obligation to supervise compliance with requirements towards wine-making reflected in laws and regulations as well as to apply penalties for non-compliance. This function is fulfilled by the Ministry's National Wine Agency and implies supervision over production and growing of vine shoots, seedlings, technical

and phytosanitary control, and keeping a database for vinery areas, product flows, and waste management.

Generally, the Ministry of Agriculture does not have a legal obligation for implementing activities for collection and storage, scientific research or restoration of agricultural species of animals and plants.

Georgian agrobiodiversity (genetic resources necessary for agricultural production). are of no commercial interest as producers of commercial seeds (hybrids). mainly focus on growing genetic resources that can be later used to supply seeds (hybrids). to markets located in the same geographic area (country).. Respectively, the size of the sales market should meet the demand for seeds (hybrids). produced from initial genetic material from a specific location (in this case Georgia)., hence the need to cover the expenses for their growing. According to information available to the Ministry of Agriculture, a number of foreign seed producing companies is going to purchase such local genetic material of wheat and buckwheat in Georgia, produce seeds for Ukraine.

Hence there can be no governmental funding for creation and maintenance of agrobiodiversity gene pools or for collection and storage, scientific research or restoration of agricultural species of animals and plants. Currently this is the function of the Education and Research sector, mainly as part of projects funded by different donors.

In the same time, the Ministry of Agriculture understands the importance for maintaining the existing agricultural gene pools (Georgian wheat gene pool, collection of vine species, collection of fruit species, and collection of meadow species). that are managed by Land Farming, Viticulture and Wine-Making Research Institutes under the Georgian Agrarian University.

At present there can be no mechanisms for stimulating agrobiodiversity protection and conservation in Georgia, as today the goals of agrobiodiversity conservation and sustainable resource use contradict the main directions of the agrarian reform that include agricultural industrialization, entering into external agricultural sales markets, development of the agricultural potential, and revenue growth.

In consideration of the above, the following would be advisable:

- Establish links between biodiversity/agrobiodiversity and commercial interests of agricultural development, so-called 'commercialization of agrobiodiversity';
- As much as possible, offer a specialized agrobiodiversity training for staff of the agricultural service centers, also offering them demonstrations, i.e. pilot plots, etc supported by gene pools and donors.

The meeting was arranged with the team of employees from the Environmental Expertise and Inspection Department of the Georgian Ministry of Environment Protection.

The meeting participants were briefed on the ongoing project to update Georgia's Biodiversity Conservation Strategy and Action Plan as well as on biodiversity management as a thematic direction of the project.

The meeting focused on the following key issue:

The role of the Environmental Expertise and Inspection Department in biodiversity conservation and sustainable resource use aspects when issuing Environmental Impact Permits and compiling Environmental Expert Opinions, also when controlling Permit compliance.

The meeting participants shared the following information and views on the issue:

The Department consists of 19 full-time employees, including

7 employees in the Permits Unit

9 employees in the Inspection Unit

3 employees of the Analytical Unit.

The Inspection Department has no staff specializing on biodiversity issues.

The Inspection Unit's methodology (e.g. inspection plans). for public control of persons holding Permits issued by the Ministry or involved in a business that is subject to environmental expertise, as well as the inspection procedure and individual inspection plans (one a year for every site). do not envisage biodiversity aspects.

There are no approved guidelines for integrating biodiversity sections into Environmental Impact Assessments.

There are challenges in generating biodiversity-related expert opinions in the process of Environmental Expertise, as there are independent experts in this field.

There are only incomplete statistics on how many Environmental Impact Permits include biodiversity requirements. The statistics only reflects Permits issued to some major projects since May 2011.

The Commission approving changes in Environmental Expert Opinions does not include a biodiversity expert.

The existing general problems as well as problems related to biodiversity include inefficient EIA procedures and lack of qualified experts.

According to the Department, there is no need to have specialized biodiversity experts in the Department's staff.

In consideration of the above, the following would be advisable:

Elaborate practical guidelines for integrating and assessing biodiversity issues in the EIA process.

Meeting at the Biodiversity Conservation Service of the Georgian Ministry of Environment Protection, April 10 2012

The meeting was arranged with Mr. Ioseb Kartsivadze, Head of the Biodiversity Conservation Service of the Georgian Ministry of Environment Protection and Ms. Nona Khelaia, Lead Specialist of the same Service.

The meeting focused on the following key issues:

- The role of the Georgian Ministry of Agriculture and the Ministry's Biodiversity Conservation Service in biodiversity/agrobiodiversity conservation and sustainable use;
- Perspectives for improving inter-agency approaches and coordination in the field of biodiversity.

The meeting participants shared the following information and views on the issue:

One of the key functions of the Biodiversity Conservation Service is participation in biodiversity-related policy-making and policy implementation as well as organization and coordination of fulfillment of Georgia's commitments under international agreements.

In the same time, the Biodiversity Conservation Service has never had any direct authority or institutional capacities to control and supervise biodiversity conservation and sustainable resource use.

Immediate authorities of the Georgian Ministry of Environment Protection and the Ministry's Biodiversity Conservation Service as stipulated by law cover only wild plants and wild animals.

The Biodiversity Monitoring System is currently being established and its implementation is scheduled for the next year.

In 2012, the Service is going to coordinate the process of updating the National Biodiversity Strategy and Action Plan (NBSAP)..

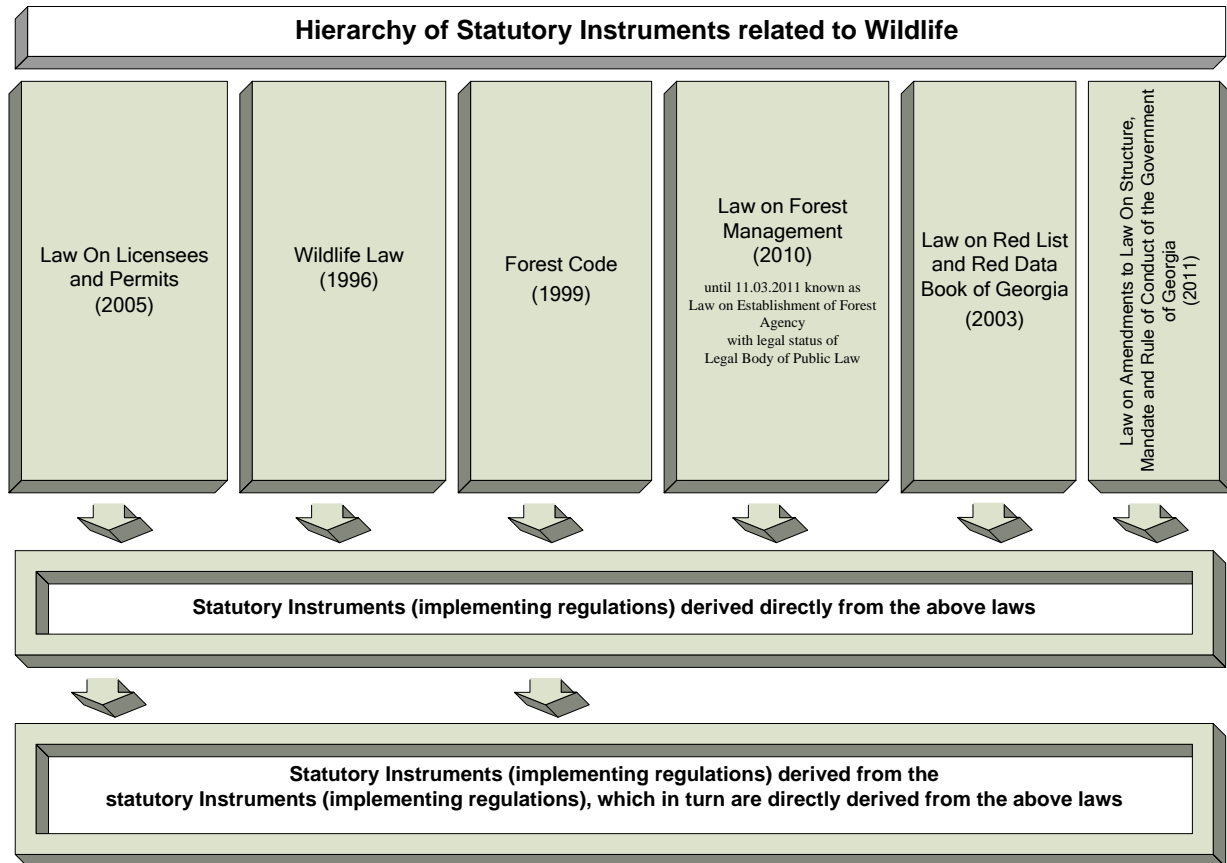
In addition, works are ongoing to get Georgia involved in The Economics of Ecosystems and Biodiversity (TEEB). research.

Following from the above, it would be advisable to do the following:

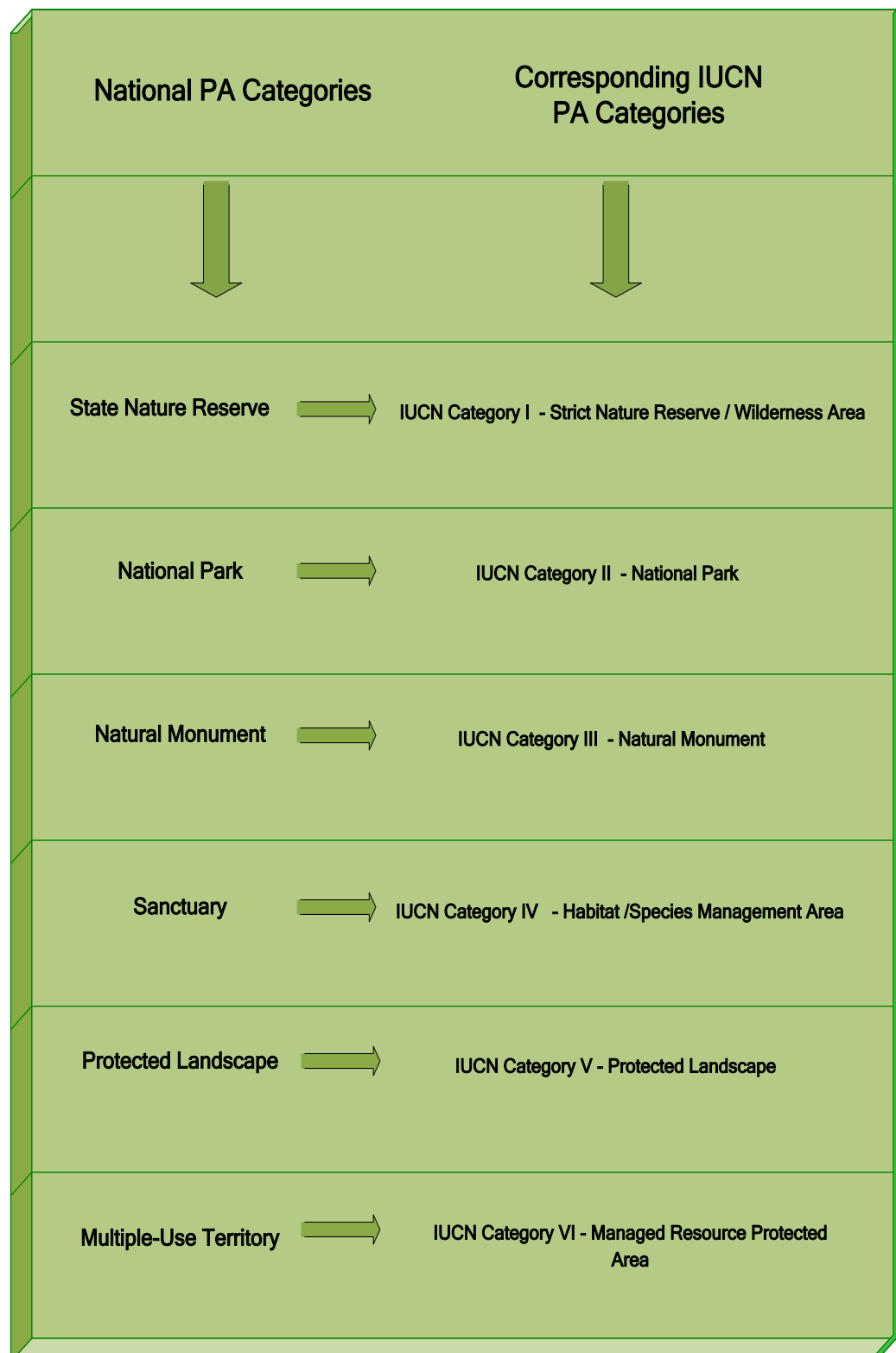
Set up a Biodiversity Stakeholder Commission to improve inter-agency approaches and coordination in the field of biodiversity conservation. The commission would involve all stakeholder agencies, NGOs, private sector and local self-governments. The Commission may be set up as an advisory body to the Georgian Ministry of Environment Protection that would generate opinions and proposals related to biodiversity conservation and sustainable resource use as would submit these to the Ministry of Environment Protection for consideration.

10. Annexes

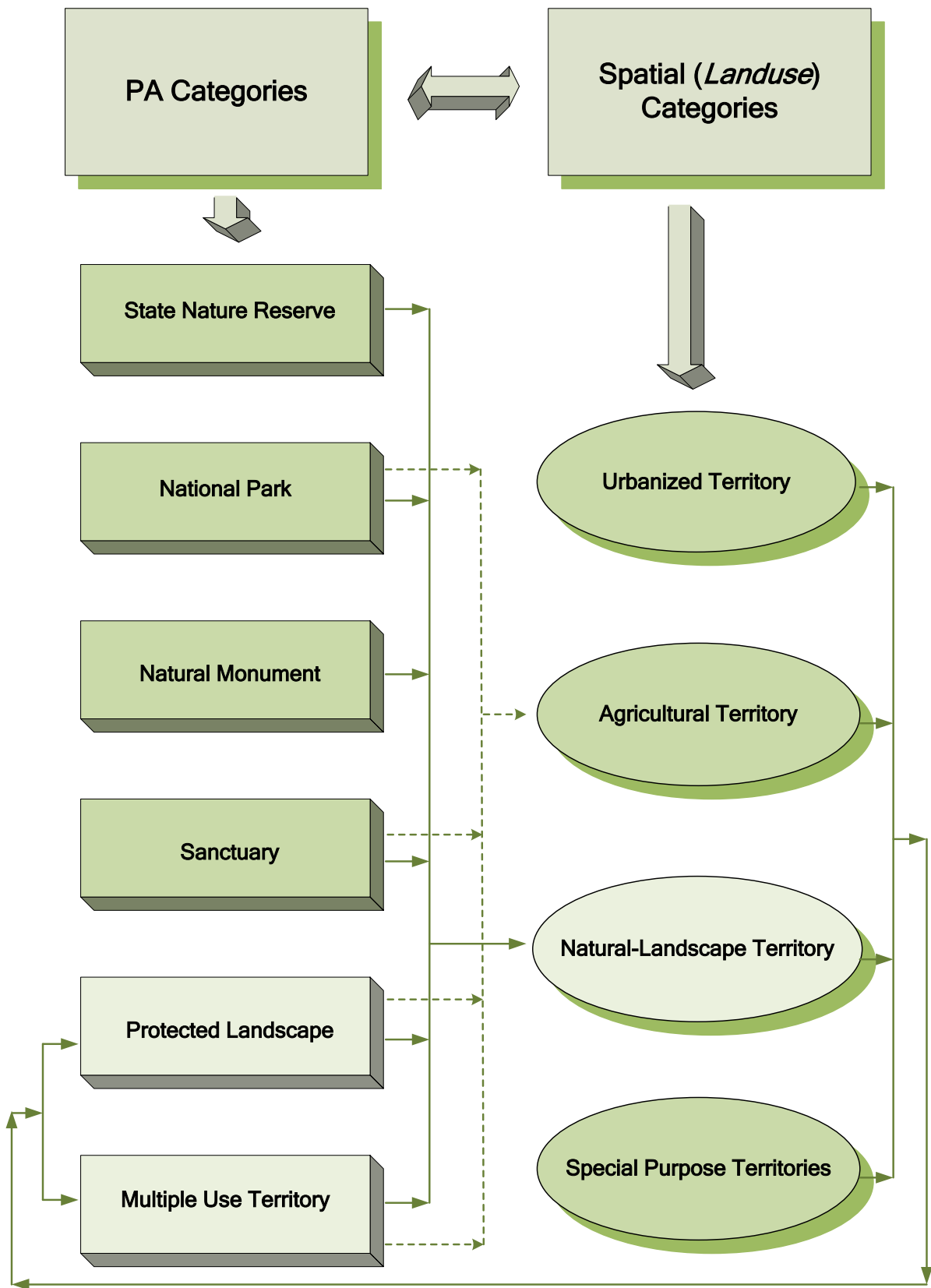
Annex 1. Legislation Chart in the field of Wildlife Management



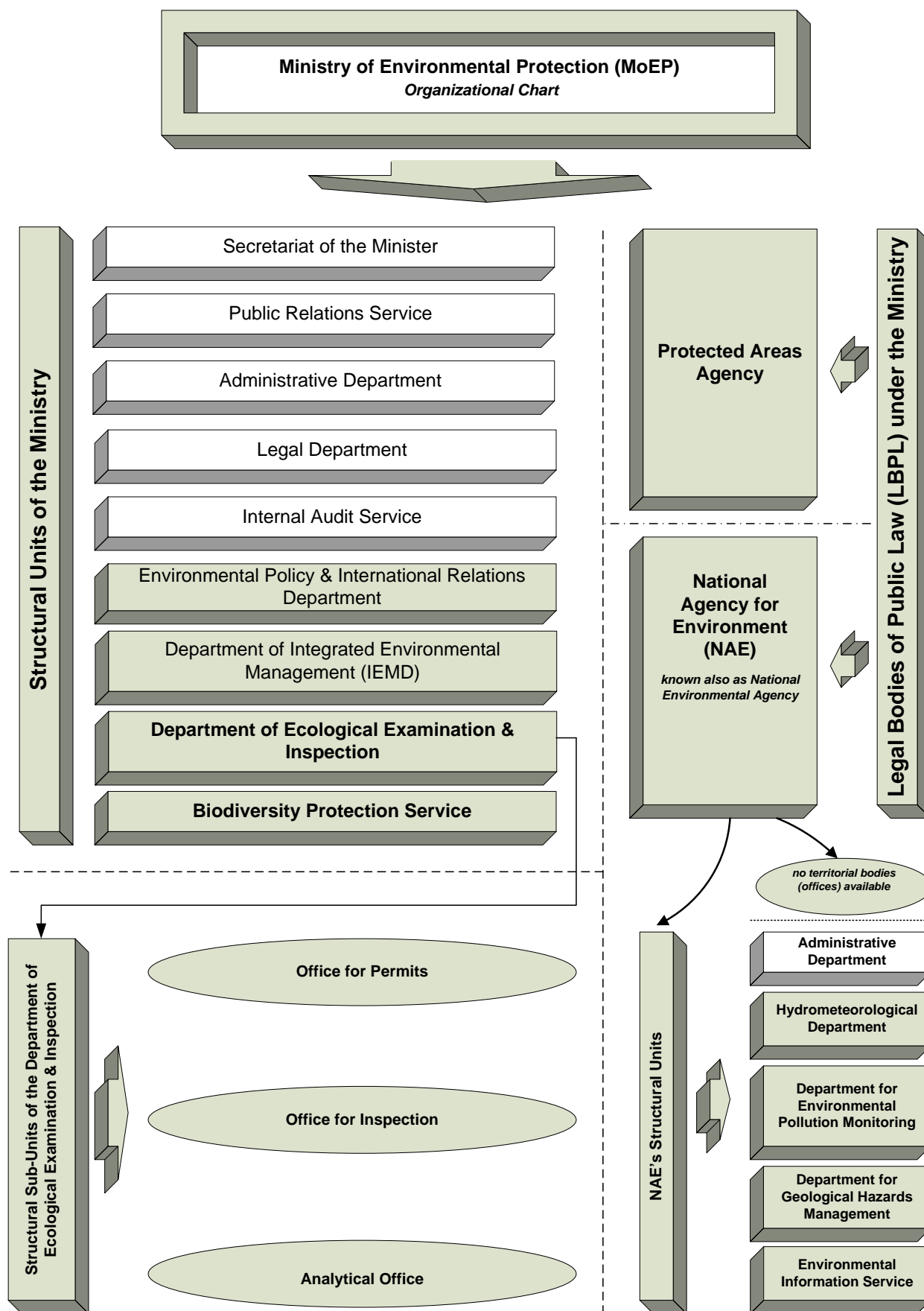
Annex 2. National PA Categories of Georgia and corresponding IUCN PA Categories



Annex 3. Comparative Scheme of National PA Categories and National Spatial Categories

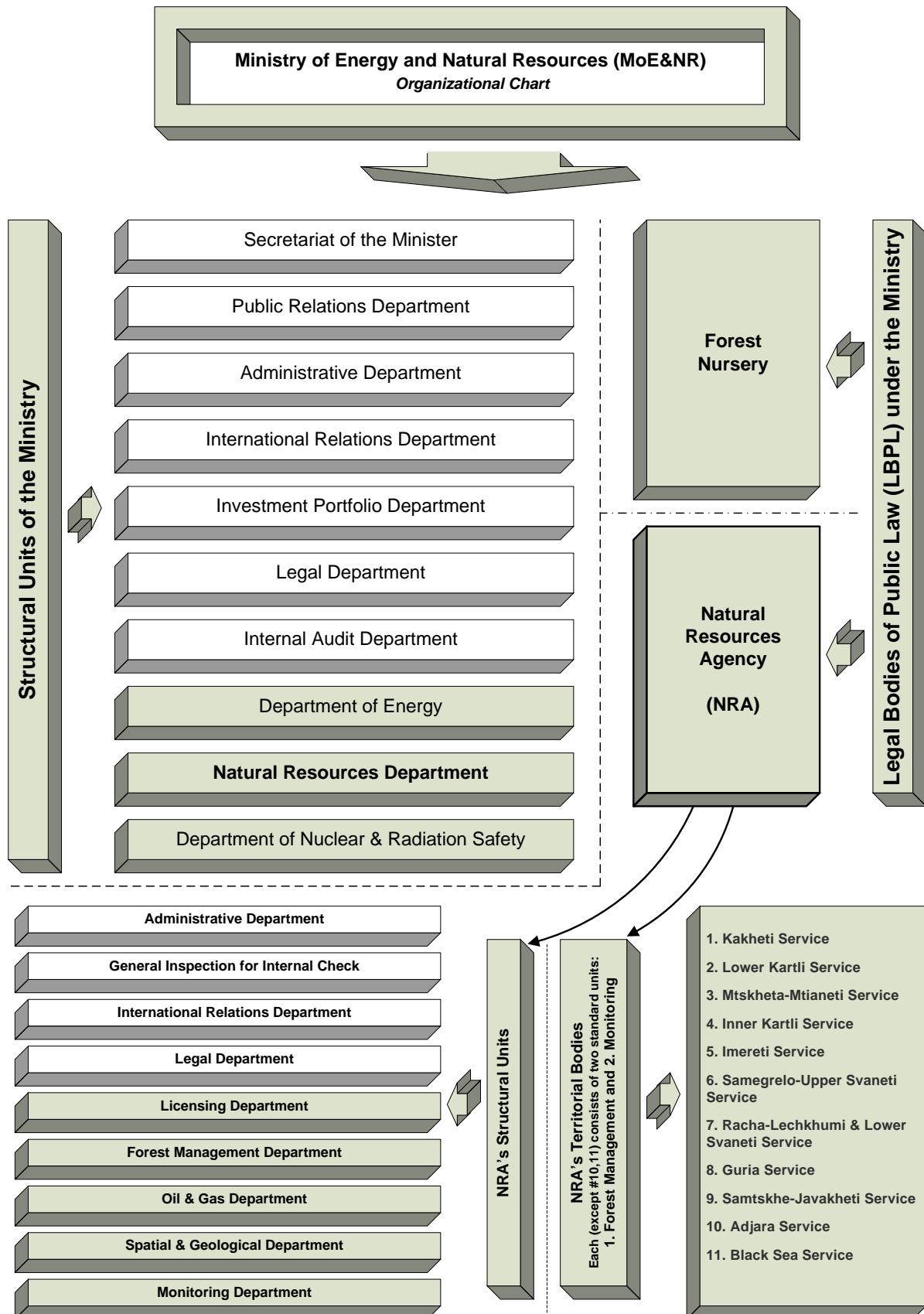


Annex 4. Organizational Structure of the Ministry of Environment Protection of Georgia

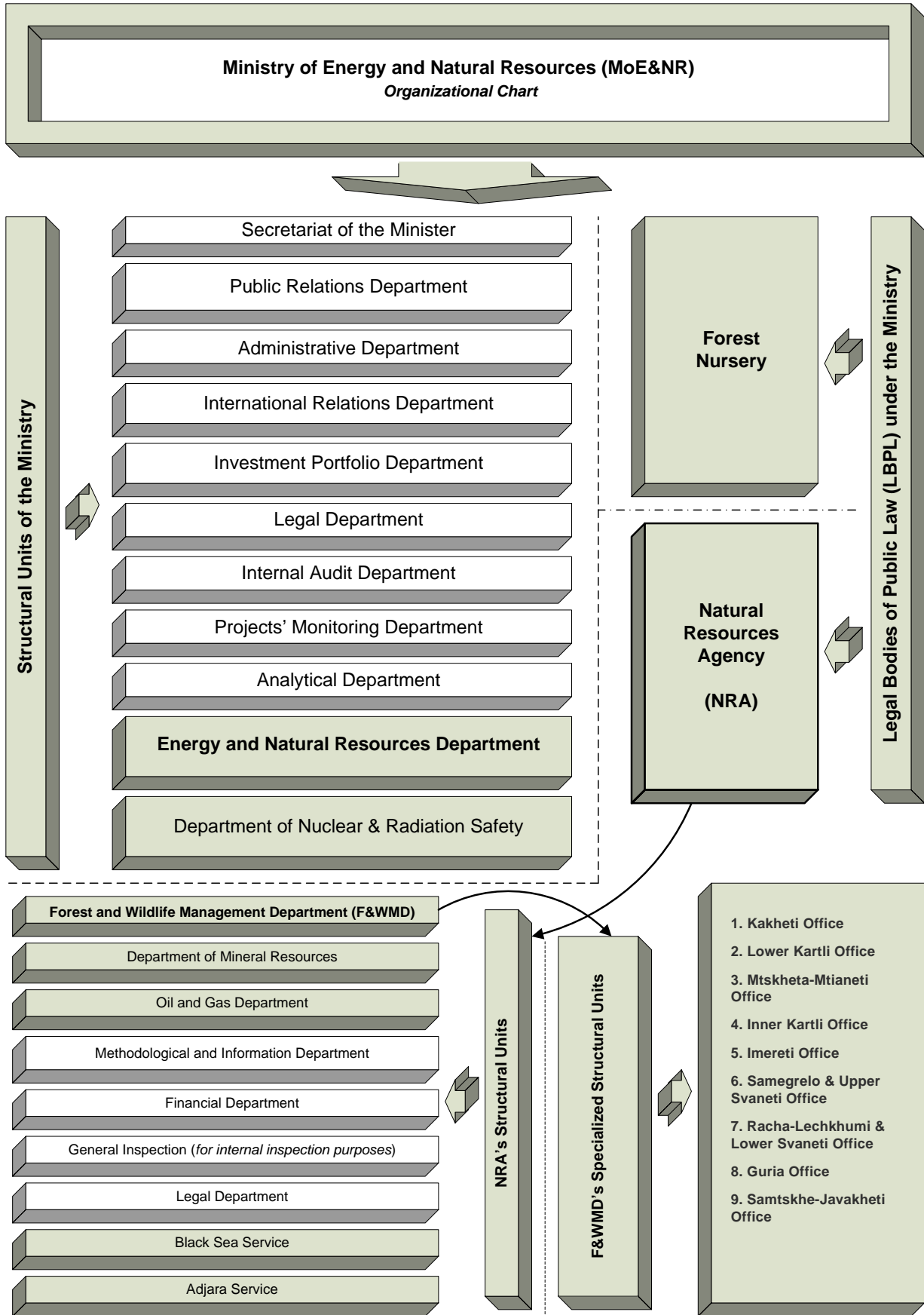


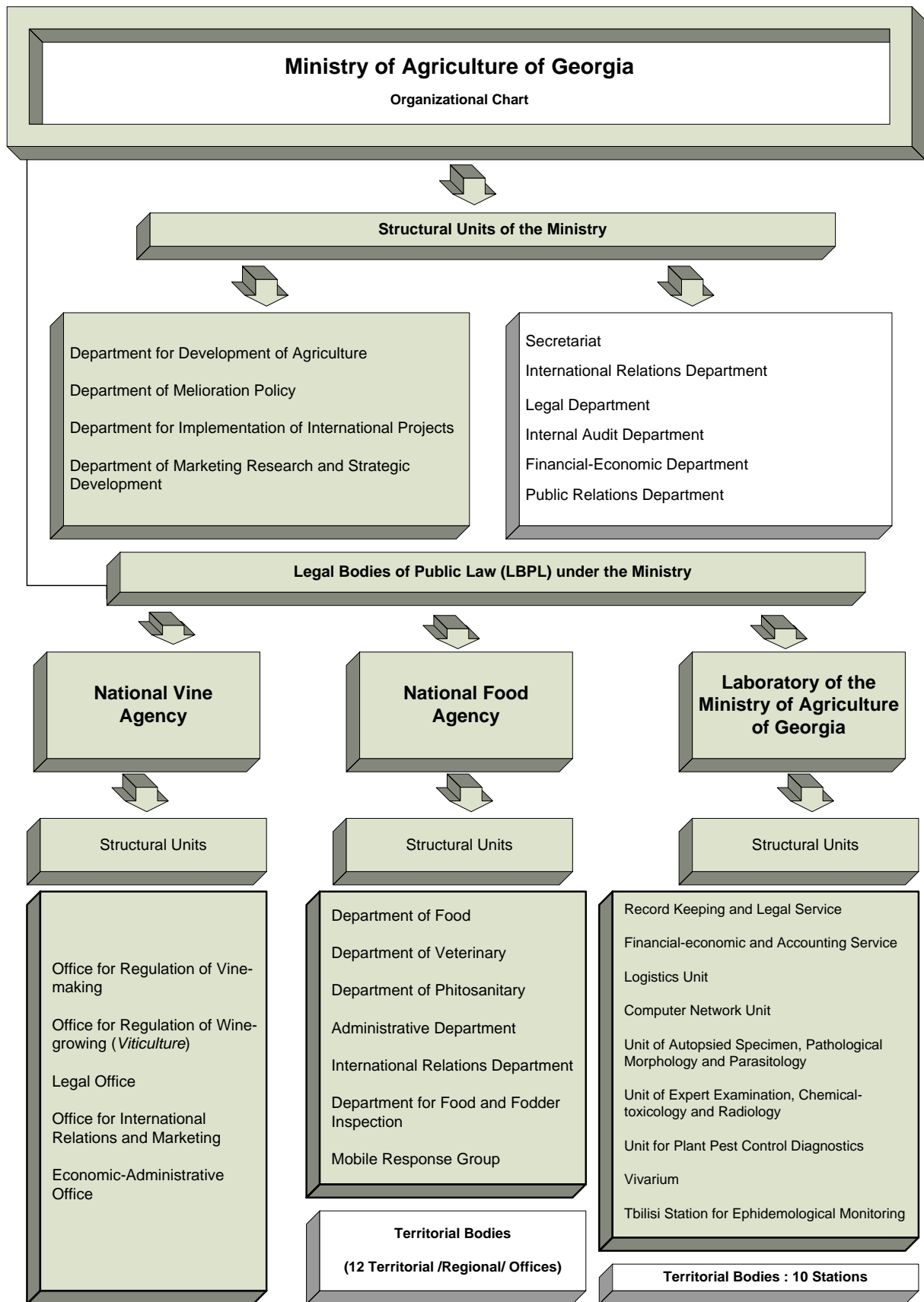
Annex 5. Organizational Structure of the Ministry of Energy and Natural Resources of Georgia

a). before 27 April, 2012



b). since 27 April, 2012

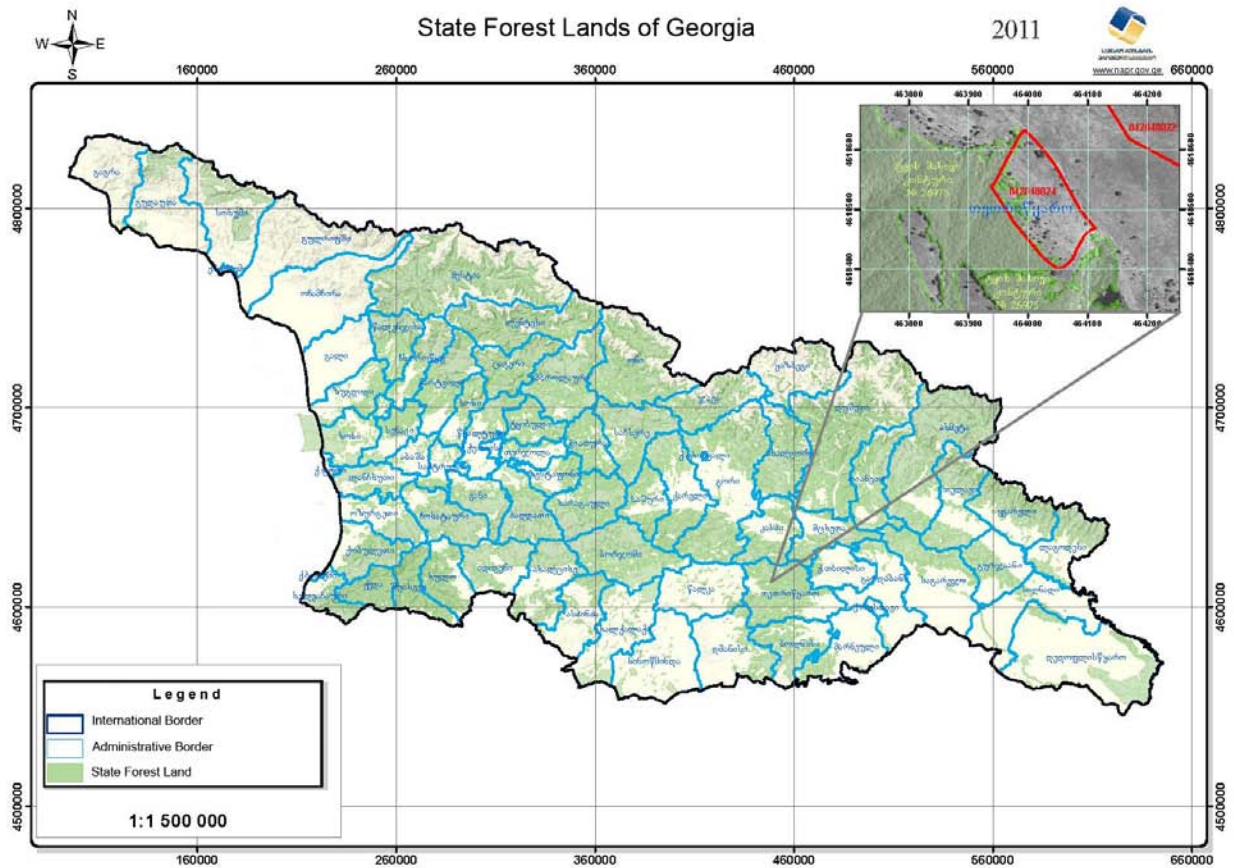




Annex 7. Breakdown of appropriated funds in the field of Environment Protection under the State Budget of 2012 (in thousand GEL). - source: Law of Georgia on 2012 State Budget of Georgia of Dec-09, 2011, #5509-IIs

Budget Code	Description	Planned for 2012			
		Total	of which		
			Budgetary expenses	Grants	Loans
38 00	Ministry of Environment Protection	23,877.0	16,881.0	6,996.0	0.0
	Number of Employees	841	841	0	0
	Expenses (operational expenses and in addition, expenses related to implementation of programmes - if any).	13,153.4	11,128.4	2,025.0	0.0
	Labour (Staff). Cost	5,658.5	5,658.5	0.0	0.0
	Non-financial assets (increase in capital assets = purchase of goods/supplies over 500 GEL).	10,723.6	5,752.6	4,971.0	0.0
38 01	Policy-making, regulation and management in the field of environmental protection <i>(=Central Office of the Ministry of Environment Protection).</i>	5,630.0	5,630.0	0.0	0.0
	Number of Employees	103	103	0	0
	Expenses (operational expenses and in addition, expenses related to implementation of programmes - if any).	5,566.4	5,566.4	0.0	0.0
	Labour (Staff). Cost	1,803.5	1,803.5	0.0	0.0
	Non-financial assets (increase in capital assets = purchase of goods/supplies over 500 GEL).	63.6	63.6	0.0	0.0
38 02	Establishment and Management of Protected Areas System <i>(=Protected Areas Agency).</i>	16,477.0	9,481.0	6,996.0	0.0
	Number of Employees	458	458	0	0
	Expenses (operational expenses and in addition, expenses related to implementation of programmes - if any).	5,845.0	3,820.0	2,025.0	0.0
	Labour (Staff). Cost	2,355.0	2,355.0	0.0	0.0
	Non-financial assets (increase in capital assets = purchase of goods/supplies over 500 GEL).	10,632.0	5,661.0	4,971.0	0.0
38 03	Monitoring, Forecasting and Prevention in the field of Environmental Protection <i>(=National Agency for Environment known also as National Environmental Agency – former Hydromet).</i>	1,770.0	1,770.0	0.0	0.0
	Number of Employees	280	280	0	0
	Expenses (operational expenses and in addition, expenses related to implementation of programmes - if any).	1,742.0	1,742.0	0.0	0.0
	Labour (Staff). Cost	1,500.0	1,500.0	0.0	0.0
	Non-financial assets (increase in capital assets = purchase of goods/supplies over 500 GEL).	28.0	28.0	0.0	0.0

Annex 10. Land title registration of state owned forest lands done by the National Agency of Public Register according to the Governmental Decree #299 of August 4, 2011 “On Identification/ Delimitation of State Forest Lands Boundaries”



Annex 10. Example of Forest Fragmentation : Results of Land title registration of state owned forest lands conducted by the National Agency of Public Register according to the Governmental Decree #299 of August 4, 2011 “On Identification/ Delimitation of State Forest Lands Boundaries” – Case of Tkibuli Municipality (Imereti Region). – in green are shown territories registered as forest lands, in yellow are shown territories taken out of the state forest lands, not registered as forests and therefore subject to potential land conversion

