

Integrated Biodiversity Management, South Caucasus

Inter-sectoral bodies - for integrated management of
biodiversity and ecosystem services in Georgia



Author Ketevan Bashinuridze

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Executive summary

This report seeks to identify integrated and intersectoral management of biodiversity and ecosystem services by competent authorities in Georgia at national, regional (Kakheti) and some of the municipal (Akhmeta and Depoplistkaro) level. In particular, it outlines the regulatory mechanisms and capacities in place for wildlife protection, forestry, pasture farming, agriculture lands, conservation of soil, hunting, fishing, nature conservation territories and spatial development.

To this end, we attempt to define terms ‘integrated approach/management’ and ‘intersectoral approach/management’ for the very purpose of this Report. With that regard, integrated approach means dealing with multidisciplinary issues on a simultaneous and concurrent basis in an attempt to arrive at the most optimal solution. In most situations, this requires undertaking a balancing exercise between conflicting or competing interests across various disciplines which is largely due to the eclectic (multifarious) nature of the subject-matter in question to be resolved. Integrated approach may be employed either by a single body, for instance, Agency of Protected Areas when dealing with issues within the designated territories, or several bodies jointly by means of different mechanisms discussed below. Intersectoral approach/management refers to the key players involved in decision-making who may or may not employ the integrated approach when dealing with issues, depending on the nature (multifarious or not) of issues at stake.

To put it simply, integrated approach is object-driven and intersectoral approach is subject-driven. Such classification is conditional and is done due to the certainty concerns within the Report context only. Clearly, these terms are overlapping which triggered the need for splitting them into tentative definitions. (Note: the term ‘cross-sector’ is used (if any) loosely in this report denoting various spheres, fields, sectors, industries and it needs to be understood in its plain meaning within the context).

Biodiversity and ecosystems services permeate the economic, social and environmental aspects of human life and activity. Due to their pervasive nature, it is indispensable to use ‘integrated approach/management’ when dealing with issues. Amongst those, there may well be a single distinct issue with multifaceted implications (e.g. felling in forests, construction of a factory) or multiple issues at a time (e.g. spatial development of a region).

Having identified the integrated approach as a vital method, the Report hereinafter considers intersectoral management bodies, i.e. key players from a range of different sectors who get together to solve issues. The means and mechanisms through which these actors get together are comprehensively prescribed in the legislation. It means that no other mechanism need to be devised outside the reach of legislation to the extent that administrative bodies (including Government bodies) are bound and obligated to carry out their functions based on the legislation exclusively. They have no right to exercise any activity that falls foul of requirements laid down in the legislation. Any activity undertaken beyond the power (*ultra vires*) has no effect and shall be rendered void. (GAC 5). This makes the Report task fairly straightforward in identifying the administrative bodies, more generally the bodies governed by public law, who are

engaged with the decision-making or advising on biodiversity and ecosystems services in Georgia.

Based on the analysis of the Georgian legislation, three distinct routes have been identified through which key actors make decisions or produce opinions by means of intersectoral (i.e. collective/coordinated) consideration of issues : 1. Collegial bodies which predominantly narrows down to the intersectoral advisory bodies; 2. Administrative procedure prescribed in the legislation to be employed by several distinct decision-makers; and 3. Real acts of administrative bodies generally authorized by the legislation to be exercised in the process of cooperation with other bodies of executive power.

Analysis further revealed three intersectoral advisory bodies that have closer standing at the relevant decision-makers. These are i) the Environment Ministry Council for Implementation, Supervision and Monitoring over the 2014-2020 Biodiversity Strategy and Action Plan of Georgia; ii) the Ministry of Economy and Sustainable Development Council for the regulatory issues on the utilization and planning of the populated territories and iii) Intersectoral workgroup across the line Ministries under the Land Degradation Neutrality (LDN) Target Setting Programme. These bodies are advising to the respective Ministers having a twofold effect: 1. Councils' opinions, in most occasions, are practically shaped into Ministry-level normative acts (Minister's Orders) and 2. Respective ministers, being equipped with qualified opinions from the Councils/Workgroup, have power and commitment to bring informed initiatives and proposals up to the Government for upper level regulation, i.e. Government resolutions or even legislative acts, on the premise that Government has a constitutional right to a legislative initiative.

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List of Abbreviations

Act – a legislative act of the Georgian Parliament, Parliament-made law. Legislative acts are normative acts.

Agriculture Ministry - Ministry of Agriculture and Rural Affairs.

APA – Agency of Protected Areas.

Biodiversity - “The variability among living organisms from all sources, including, inter alia, terrestrial, marine, and other aquatic ecosystems, and the ecological complexes of which they are part: this includes diversity within species, between species and of ecosystems”, the definition suggested by The 1992 United Nations Earth Summit in Rio de Janeiro.

Decision-making – refers to making of legally binding decisions as opposed to advising. Decision-making strictly denotes the making of normative or individual legal acts by administrative bodies.

Economics Ministry – Ministry of Economy and Sustainable Development.

Ecosystems services– Four main categories of services as suggested by the United Nations 2004 Millennium Ecosystem Assessment (MEA):

- provisioning services, for example, food, water, timber, wild foods and plant-derived services;
- regulatory services, for example, flood and disease control, filtration of pollutants, climate regulation through carbon storage and water cycling;
- cultural services, for example, spiritual and recreational benefits, aesthetic values and education; and
- supporting services, for example, soil formation and photosynthesis that maintain the conditions for life on Earth, primary production and nutrient cycling.

Environment Ministry – abbreviated from the Ministry of Protection of the Environment and Natural Resources of Georgia.

GAC – General Administrative Code; governs the administrative activities, including real acts of and decision-making process by most of the administrative bodies, including municipalities. The Code explicitly does not cover President’s or Prime-Minister’s advisory bodies along with some few other national authorities.

Government Act - A Legislative Act #3277, 11.02.2004 on the Structure, Power and Order of Activity of the Government of Georgia;

Government Sectoral Agencies at Ministry- Bodies of executive power set up either under a legislative act or a Government Resolution and subjected to the control of a respective Ministry. Agencies do not make up an internal structural unit of that or any of the Ministries. However,

Regulations for Government Sectoral Agencies and that of its territorial bodies are approved by the respective Minister.

Individual Legal Act – legal act (enabling or restricting) of singular application, addressed to one or limited number of persons.

Integrated management – as tentatively outlined in the executive summary.

Intersectoral management – as tentatively outlined in the executive summary.

Normative Act – legally binding act introducing the general rule of conduct of multiple application. Legislative acts are a category within a broad range of normative acts.

Statutory Instrument – also known as **By Laws** which generally comprise normative acts other than legislative acts, including Government resolutions, Minister's orders, Municipality Assembly's resolutions, etc.

LEPL – A legal entity of public law. LEPL is set up either under a legislative act, a Government Resolution or an administrative act of a national executive authority. LEPLs are separate and distinct from both legislative and executive powers and act independently generally under the state control. Such state control is exercised by a respective Minister who approves the regulations for LEPL and the territorial bodies of the LEPL. LEPLS do not make normative acts, unless in exceptional circumstances provided by a legislative act.

UNCCD – United Nations Convention for Combating Desertification.

1. Introduction

The Report identifies administrative bodies and advisory boards who are responsible for the management of Biodiversity and Ecosystems Services in Georgia. It ranges from single distinct decision-makers through to the collegial bodies addressing cross-sector issues. Importantly, the report outlines both the general legal framework and the more specific mechanisms through which these bodies direct their activities, collectively consider and/or decide on cross-sector issues.

Two main directions are evolved throughout the report.

- i) Specific areas where integrated approach is mandatory for all key actors (including advisers) as a requirement of law. This is due to the very specific nature of those areas, which are: a) system of protected areas and b) spatial planning and development system. In either system, there is a designated territory in place, with distinct boundaries, within which competent authorities are responsible and liable to manage the territories by way of solving cross-sector, at times, conflicting and competing interests.
- ii) Areas of more general and common regulation. For instance, regulation of wildlife, forestry, fishing, hunting, grazing, planning permissions (also known as construction permissions), etc. to the extent that they do not conflict with the two specific areas above. Where such controversy arises, the specialized legislation takes precedence (in the context of spatial planning and development, this will be true once the special status planning regions will be designated by the Government and approved by the Parliament (See below in greater detail).

Two methods were employed in developing this report. First is the research and analysis of the legislation in place. Legislation covers both: legislative acts and statutory instruments as is similarly defined in the Act on Normative Acts.

Second is the interview part with up to 6 officials from Economics Ministry and Environment Ministry. Interviews with three officials were especially conducive to the report as long as those interviewed gave factual information on the real acts of the Ministries which is not readily and publicly accessible information. The content of interviews is dispersed within the report text and the names and positions of the officials are listed in the Report text only (i.e. not in separate Annexes).

2. Key Actors

This report has identified the following key actors:

- The Parliament of Georgia;
- The Government of Georgia;
- Environment Ministry;
- Agriculture Ministry;
- Economics Ministry;
- LEPLs at the Ministries;
- Government Sectoral Agencies at the Ministries;
- Municipalities;
- Governor - the State Representative in Kakheti Region;
- Akhmeta Municipality including Assembly, Administration Office ('Gamgeoba') and Administrative Ruler ('Gamgebeli');
- Dedoplistkaro Municipality including Assembly, Administration Office and Administrative Ruler (gamgebeli);
- Intersectoral decision-making bodies – Government and Municipalities;
- Intersectoral advisory bodies at the Government, Minister, Governor, municipal level.

2.1 General Layout of Powers at National and Municipal Level

Section 12 of the Environment Protection Act of Georgia, #519, 10.12.1996 outlines the main criteria for distribution of competences among the national, regional and municipal authorities. These are:

- sources of funding whether it is central or municipal;
- significance of natural resources whether it is national or local;
- scale and extent of adverse impacts on the environment – trans-border, trans-regional, regional or local; and
- level of subordinated governance within the protected areas.

Criteria are suggested for the wider purpose of the environment protection.

2.1.1 Parliamentary Committees

The Constitution of Georgia and the Environment Protections Act provide that it is an exclusive power of the Parliament, as of the body of higher national authority, to legislate on the issues of land, natural resources and minerals.

Parliamentary Committees are set up within the Parliament for the duration of the Parliament validity under the Constitution of Georgia and Act on the Parliamentary Rules#6533 – IS, 22.06.2012. Committees are responsible for the preliminary development and structuring of legislative issues, furthering the delivery of the Parliament's decisions and exercising of control over such bodies as are accountable to the Parliament, including, amongst others,

the Government of Georgia. (Note: under the Constitution, municipal administrative bodies are accountable to the Municipality Assemblies).

There are respective workgroups within the Committees who are sustained by the Committee apparatus.

Alongside others, there are following Parliamentary Committees:

- Agrarian affairs Committee;
- Protection of the Environment and Natural Resources Committee;
- Committee of Sectoral Economics and Economic Policy;
- Committee of Regional Policy and Municipality
- Healthcare and Social Matters Committee.

Committees, within their remit:

- Make drafts and bills of legislative acts, that of Parliament's resolutions and other decisions;
- are engaged in review and consideration of legislative bills (drafts);
- produce conclusions and written notes in respect of the draft texts;
- exercise control over the execution of legislative acts, Parliament's resolutions and where necessary, present respective conclusions to the Parliament for consideration;
- Exercise control over the functioning of the Government of Georgia and where necessary, present respective conclusion to the Parliament for consideration;
- Within the pre-approved schedule or on the ground of a respective petition, make study of activities of an administrative body (a very wide range of public bodies, including LEPLs), call for the respective materials and present respective conclusion to the Parliament for consideration.

Legislative bills become subject to Committee's review once a legislative initiative is exercised by any of the eligible persons as provided by the Constitution. Legislative initiatives are dominantly exercised by the Government of Georgia (along with other eligible persons such as a member of Parliament, a committee itself, parliamentary fraction, 30 000 voters from electorate and the representative bodies of the Autonomous Republics).

Members of the Georgian Government (i.e. Ministers) and respective officials of other national authorities, who are accountable to the Parliament, are obligated, upon the Committee's request, to submit the inquired materials and conclusions to the Committee.

A member of Government (Minister) is authorized and if so requested, has a duty to attend the Committee session, answer questions and present the report on the activities undertaken. Committee is liable to listen to such official if such request is filed.

Committees make following acts:

- Recommendations;
- Conclusions;
- Proposals.

A joint session of various committees may be convened if the Parliament Speaker so requires, the Parliament Bureau makes such a decision or the chairmen of respective committees so resolve. At a joint session, each committee adopts its decision based on a separate voting.

A scientific-advisory council may be set up under a committee, which will comprise competent advisers from across a range of sectors. Sessions of the Committee and its scientific-advisory council may be convened on a joint basis.

2.1.2 Government of Georgia

Under the Government Act, respective Ministries act for the Georgian Government. In consequence, apart from the rule-setting and supervising powers of the Government, the following Ministries - Environment Ministry, Agriculture Ministry and Economics Ministry represent the Government of Georgia in the sectors and to such extent as outlined in this Report. Besides, amongst the key actors, Environment Ministry is taken separately and predominantly due to its field-specific competence.

Under the Government Act, the Government of Georgia, as the body of higher authority, approves the Regulations for the Ministry of Environment (by way of Government Resolution) and coordinates and controls its activities, delivers the entire national policy for the protection of environment and ecological safety, ensures the safeguarding and rational use of natural resources. Government resolutions are legally binding normative acts.

Environment Ministry is accountable to the Georgian Government and exercises its functions and objectives as imposed and prescribed by legislative acts and the Government (Prime-Minister) resolutions.

The Environment Protection Act provides that it is an exclusive power of the Government of Georgia, as of the body of higher national authority, to run the observation system on the condition of the environment.

2.1.3 Environment Ministry

Environment Ministry is the key national authority in conservation and sustainable management of biodiversity. In a similar fashion, its role in sustainable management of ecosystems is predominant.

Under the Environment Protection Act, The Environment Ministry guides with the following overarching principles:

- Risk minimization principle
- Sustainability principle
- Priority principle
- Reciprocity principle in relation to the uses of natural resources
- 'Polluter pays' principle
- Conservation and maintenance of biodiversity
- Waste minimization principle
- Recycling principle
- Restitution principle (restoration of the degraded environment as close to the initial condition as possible)

The Ministry is set up under the Government Act. The Ministry is a body of executive power, who in carrying out its functions, represents the State. The regulations for the Ministry are approved by the Resolution #98, 26.04.2013 of the Government.

The Ministry is made up of its internal structural units (subdivisions) known as Departments and Services. The Ministry, within the framework of its competence, oversees the operations of Government Sectoral Agencies and Legal Entities of Public Law (LEPLs) who do not make up the internal subdivisions of the Ministry but are subjected to its control. LEPLs are controlled by the Ministry subject to some limited exceptions as set out in legislative acts or the Government resolutions.

The Ministry is run by a one-man management principle and is headed by the Minister (meaning that the Minister appoints every head, the deputy head and officer in the ministry save his own deputies who are appointed by the Prime Ministry upon submission of the Minister).

Minister makes orders, manages the structural subdivisions (Departments and Services), controls Government Agencies and LPPLs and is authorized to set up commissions and councils as advisory bodies.

The territorial bodies of the Ministry are set up, transformed and terminated by the Government resolution if not otherwise provided by legislative acts.

Territorial bodies of the Ministry represent and act for the Ministry within the framework of their competence. The scope of governance, powers and obligations, and the main functional directions are set out in the regulations of that territorial body, as approved by the Minister's order.

With regard to the biodiversity conservation and management of ecosystem services, the following structural units (known as Departments and Services) are relevant within the Ministry:

- Department of the environment protection policy and international relations;
- Department of environmental impact permissions;
- Water Resources Management Service;
- Natural and anthropogenic pressures and risks management Service;
- Department of biodiversity and forestry policy;
- Land conservation and minerals Service
- Waste and chemical substances management Service

A Government Agency - 'Department of Supervision of the Environment Protection' bears the status of Government Sectoral Agency at the Ministry, i.e. it does not make up a structural unit of the Ministry (although is named as 'Department') and is subject to the state control which is carried out by the Ministry.

The relevant LEPLs (as per scope of this Report) within the system of the Ministry are:

- LEPL Agency of protected areas;
- LEPL National Agency of Environment;
- LEPL National Agency of Forestry'
- LEPL Centre for Environmental information and education;
- LEPL National Nursery;

Powers and competencies of the structural departments of the Ministry are set out in the Government Resolution (approving the Ministry Regulations) as well as in the Regulations of each of such unit as approved by the Minister.

2.1.4 Governor of Kakheti

Under the Government Act, Governor is a representative of executive power, i.e. the Government of Georgia in the respective administrative-territorial region. Governor is appointed and dismissed by the Government.

The governor coordinates the putting into practice of certain distinct reforms in the municipal self-government, takes part in the Government sessions holding a deliberative vote, adopts individual-legal acts by way of Rulings of the Governor and exercises such other powers as are prescribed by the legislation of Georgia.

The Kakheti Governor acts by way of the Governor's administrative office whose officers and staff schedule are approved by the Government of Georgia. The territorial boundaries under the Governor, the structure of the Governor's administrative office and order of its activities are determined by the regulations of the governor approved by the Government.

State representative - Governor, hereinafter also referred to Kakheti Governor, guides with the regulations approved by the Resolution #30, 29.11.2013 Government of Georgia. The regulations set out the status, powers and the territorial boundaries of the governor's authority.

In collaboration with municipality authorities, the Governor has an obligation to uphold the municipality rights as to exercise the municipal authority independently and under their own responsibility, and where delegated powers are concerned, - as to exercise such delegated authority with adjustments to local circumstances.

Governor is accountable to the Government of Georgia.

Out of 9 distinct governors throughout Georgia, the territorial boundaries of Kakheti Governor's authority cover the municipalities of Akhmeta, Gurjaani, Dedoplistkaro, Telavi, Lagodekhi, Sagarejo, Signaghi, Kvareli and the town Municipality of Telavi.

Amongst the Governor's powers are:

Under the direction of the Government,

- Coordination of delivery of the regional policy and distinct of reforms of the municipal authorities;
- Development and delivery of programmes for social-economic development;
- Facilitation and underpinning of development of agriculture, rural affairs, conservation of historical monuments and maintenance of culture;
- Within his remit, coordination of the relationship of the Government of Georgia and other national authorities with the municipalities;
- Coordination of activities of the territorial agencies of the Ministries.

- On the request of LEPL Food National Agency (at the Agriculture Ministry), establishes and lifts the veterinary and plant quarantine on more than one of the municipalities' territories;
- Coordination and exercise control over the enforcement of legislative acts and statutory instruments within the governor's territory.

Governor makes individual administrative legal acts known as Governor's directions.

Governor runs his activities through the Governor's administration which consists of three structural units:

- 1) Governor's Head Office (apparatus);
- 2) Office (Service) of Relations with the Municipal Authorities;
- 3) Coordination of Regional Projects Service.

Office of relations with the Municipalities consults the municipal authorities on a range of issues either at the direction of the Government or on approach of the relevant Ministry.

Coordination of Regional Projects Service is in charge of the development and delivery of regional projects of social-economic significance, as well as the drawing up of information and data on the technologies for production of agricultural and rural cultures and communicating of the same to the interested persons and entities.

Regional advisory council (board) at the Kakheti Governor's office:

Under the Government Act and the Regulations for Governors (approved by the Government Resolution), Governor is authorized, by issuing a Governor's Direction, to set up advisory boards of the Governor in the form of commissions and councils.

Such advisory boards may consist of staff of the governor's administration as well as the representatives of wider public and other persons, on the premise of their relevant consent. Advisory boards are chaired by the Governor.

Under the Government Resolution #30, 29.11.2013 approving the Regulations for Governor – a State Representative, the council is an advisory body at the Governor's office comprising the municipalities subsisting within the Governor's territory.

Council helps representation and achievement of interests of each municipality in the process of Governor's exercising its powers, planning and development of the respective territories.

The council comprises the Governor, each mayor or an administrative ruler (gamgebeli) of the municipality and each chairman and the deputy chairman of the municipality assembly.

The advisory council is competent for:

1. consideration and review of such projects, programmes and their respective cost-estimations as to be implemented within the respective territories by the state (Government) following the governor's application/submissions;
2. consideration and review of strategy for the social-economic development of the territory falling under the Governor's powers; and
3. providing recommendations to the governor with respect to the planning and development of the respective territory.

2.1.5 Municipalities as Self-Government Bodies

The Municipal self-government code, a legislative act# 1958-IIS, 05.02.2014;

(hereinafter the Municipality Code) lay out the relationship between the municipal bodies and the central (national) authorities, including LEPLs.

Self-governing units are known as municipalities and in terms of legal-organizational forms they hold out as legal entities of public law (LEPIs).

Municipalities have their own elective representative body - Assembly (sakrebulo) and an administrative ruler (gamgebeli) with its Administrative office, -both known as municipality bodies. Municipalities have their own registered population, own property, budget and revenue. Under the Constitution of Georgia, Municipality Administration Offices (Gamgeoba) are accountable to the Municipality Assemblies.

Safeguards for municipal Powers: Under the Municipality Code, relationship between the national (central) authorities and the municipalities are built on the principle of collaboration; It is the national authorities' duty to put in place the relevant legal, financial, economic and organizational premises necessary for the exercise of the municipal authority.

Municipalities exercise two kinds of authority: self-owned powers and delegated powers.

The self-owned authorities are set out in the Code and are exercised by the municipalities in an independent and self-liability manner. They make up the municipalities' exclusive powers, whose extent, scope and the rule of exercise and implementation are determined by a legislative act (the Municipality Code).

The delegated are such powers which belong to the national authorities and are transferred to the municipalities under a legislative act or an agreement between the national and municipal authorities in accordance with the requirements as prescribed by legislation.

Exclusive powers comprise:

- Management and disposal of the property subsisting into the Municipality's ownership;
- Management of natural resources of local significance, including, water resources, forests and woodland, as well as of the lands falling under the ownership of the municipality.
- Introduction and revocation of local taxes, levies and fees (royalties), collection and excise of local fees (royalties);
- Spatial planning of the municipality territory, introduction and imposition of the normative rules in the same area; approval of general plans for land management; approval of the planning programmes and the urban development rules.
- Granting a planning permission and overseeing the development and building process.

Delegated powers: National authorities may delegate such of their own powers to municipalities, the exercise of which are more efficient and effective locally. Where the powers are delegated under an agreement, the decision on such delegation shall be made

by the Government whilst the agreement shall respond to the requirements as prescribed by the legislative act (the code);

Upon each instance of delegation, the respective supervisor Ministry shall be designated who will oversee the exercise of the delegated powers in a field-specific manner.

Forms and mechanisms of the exercise of municipal authority

Municipal bodies, amongst others,

- adopt legal-administrative acts;
- Outline, develop, approve and deliver relevant programmes, strategies, action plans and projects;
- Make acquisitions, make contracts, acquire the property and create the municipality ownership;

Assembly (sakrebulo) is a representative collegiate body of the municipality elected for 4 years. It adopts a normative legal act known as a resolution and an individual legal-administrative act – ruling.

An administrative ruler (gamgebeli) or where relevant, the Mayor is an executive body of municipality and at the same time the highest official in the municipality, elected for 4 years. He/she represents the municipality and exercises the powers of municipality in accordance with the Code, other legislative acts and statutory instruments, and the normative acts of the municipality assembly. Administrative ruler /Mayor adopts an individual-legal act known as an order.

He/she is accountable to the municipality assembly and the municipality population.

The Municipality property: The following categories of property, amongst others, are owned by a municipality:

- Forest and water resources of local significance;
- Agricultural lands except for the agricultural lands registered under the private or state (national) ownership.

The following arable and pasture lands do not form part of the Municipality property (rather they are exclusively owned by the State):

- any unregistered agricultural lands within the territory of the municipality.
- cattle drive routes (also known as migration routes);
- grasslands and grazing areas.
- The lands pertaining to the strict nature reserves, wilderness areas, natural monuments, national parks and habitat/species management areas;
- Lands of the national forest estate (also known as a fund);
- Lands pertaining to the national water fund.

As a general rule, the municipality property is created, amongst other ways, by way of gratuitous delivery of the national property to the municipality;

Likewise, the municipality property, including the agricultural lands, is gratuitously delivered into the national property based on the well-grounded application filed by a state (national) property officer under the requirements as prescribed by the state (national) property act .

National supervision of municipal bodies: National bodies of higher executive authority (Government and Ministries) exercise national supervision over the activities of the municipal bodies aimed at ensuring lawfulness of activities and due implementation of the delegated powers.

National supervision is carried out in two ways:

1. by way of legal supervision exercised by the prime minister, to make sure the normative acts as adopted by the municipality assembly comply with the legislation of Georgia;
2. by way of a field-specific supervision, exercised by the respective Ministries whose powers have been delegated or made subject to the respective agreement, to make sure that individual administrative-legal acts are made and the delegated powers are exercised in a lawful and due manner.

The respective ministry is authorized to request the delivery of a respective document, written act or piece of information in question; give out instructions as of the recommendation value; cause suspension or revocation of an individual administrative-legal act of the municipal body/officer; takeover/replace the municipality as a one-off and temporary measure not exceeding one year period.

Towards the achievement of lawfulness and efficacy of municipal self-government, the national auditing, independent auditing and internal auditing are carried out in accordance with the legislation.

In general, national supervision is carried out in consideration of the principle of proportionality.

2.1.6 Intersectoral Bodies

Intersectoral bodies are collegial institutions where decisions or opinions on cross-sector issues are made by more than one person. Looked at from a broader perspective, intersectoral bodies form only a part of intersectoral management, whereas the remaining part is replenished by administrative procedure and real acts of administrative bodies. Due to the heterogeneous nature and structure of intersectoral management, it is discussed in a greater detail in a separate main chapter below.

3. Intersectoral Management

Coordinated consideration of cross-sector issues, whether they lead to legally binding decisions or not, may be exercised by means of the three routes below:

- i) Collegial bodies;
- ii) Administrative procedure (under Act on the Normative Acts or the Georgian Administrative Code (GAC), both legislative acts);
- iii) Real acts of administrative bodies (e.g. Ministries, etc).

The routes are not necessarily mutually exclusive in that they may be employed simultaneously as well as in a distinct manner.

3.1 Collegial Bodies

An intersectoral body always purports to be a collegial body, i.e. a body where decisions or opinions on cross-sector matters are made by more than one person. A collegial body, however, is a broader concept than an intersectoral one, as it may, in some occasions, be directed towards a single sector. It can be concluded that an intersectoral body is always a collegial body, whereas a collegial body may or may not necessarily be an intersectoral one. Collegial bodies (whether intersectoral or not) may either be decision-making or non-decision making, i.e. advisory bodies.

3.1.1 Decision-making Collegial Bodies (Non-Intersectoral)

Collegial bodies who make legally binding decisions, whether normative or individual administrative legal acts ***in a certain distinct sector***, are

- i) National Commission for Communications LEPL, ***and***
- ii) National Commission for Regulation of Energy and Water Supplies LEPL. This Commission, when granting licences in energy and water supply sector, shall make sure that Environment Impact Assessment is supported to the application of a licence-seeker.

Both the commissions are governed by legislative Act on National Regulatory Authorities and the General Administrative Code (GAC). *Regulatory authorities are completely exempt from the state control and are independent from any Governmental intervention. Members of both commissions are elected by Parliament upon submissions of the Government and the President. None of the above Commissions draws from the state budget but are rather funded from their own regulation fees.*

- iii) National Bank Council, ***and***
- iv) Agency for Finances Supervision at the National Bank are ***both*** governed by Organic Act on the National Bank of Georgia;
- v) Higher Council of Justice – independent body running the administrative issues within judiciary (appointment and dismissal of judges, etc.)
- vi) Land Commission is another example of a municipal collegial body who makes only individual administrative legal acts under GAC. Land commissions are competent for granting property rights over the lands that had been arbitrarily

- occupied. Commissions are set up by a legislative act at the administrative offices of Municipalities (Gargeobebi). The commissions' authority falls within a category of delegated power from the national to the municipal bodies under the Municipality Code. To this end, they are state-controlled and supervised by the Economics Ministry (the one whose power is purported to have been delegated);
- vii) Electoral commissions, etc.

3.1.2 Decision-making Intersectoral Bodies

- i) **The Government of Georgia** practically operates as a collegial, intersectoral body.

Nevertheless, for the purpose of this Report, collegial intersectoral bodies in this report purport to be any administrative or deliberative body other than the Government itself as it is the higher national body of the executive power and is of greater significance and weight than any other intersectoral body set up at whatsoever level.

- ii) **Municipality Assemblies**, governed by Organic Legislative Act – the Municipality Code and GAC, are collegial intersectoral bodies who adopt normative acts (resolutions) and individual acts (directions) on cross-sector matters at the municipal level.

3.1.3 Advisory Collegial Intersectoral Bodies

Advisory intersectoral bodies do not engage with decision-making process deriving legal effects. Rather, such bodies produce recommendations, proposals, conclusions and opinions of deliberative nature only. Advisory bodies are interchangeably referred to as Commissions, Councils or Boards and are governed either by legislative acts, Government Resolutions or Minister's orders, depending at what level they are actually set up (i.e. what level of decision-maker they advise to – Prime Minister, Government, Minister, Municipality Assembly, Governor, etc).

There are two main categories of advisory bodies:

- i) Those set up at a legislative level, hereinafter referred to as **statutory advisory bodies**;
- ii) Those set up at a **statutory instrument (By Laws) level**, hereinafter referred to as Government-made, Minister-made, etc. in accordance with the context.

It is a general rule that advisory bodies are bound by and shall guide themselves with the Georgian legislation as a whole, including Statutory Instruments.

3.1.4 Statutory Advisory Bodies

i) **National Safety and Crisis Management Council**

Council is set up under the legislative act on the Order of Planning and Coordination of the National Safety Policy, # 3126–II S, 04.03.2015 and is an advisory body to the Prime Minister. The same legislative act outlines the composition (membership), competence and order of activity of the Council which makes it clear that national safety, amongst others, means ecological, energetic and social-economic safety. Council is competent, amongst others, for the structuring of political decisions to be made by the Prime Minister in all types of crisis situations posing threats to the national interests.

Council has permanent and invited members whose positions and offices are determined by the Act. **The Environment Minister** is amongst the invited members only. In either case, any member shall be a person holding a public office. Prime Minister is also entitled to call for any other public official as an invited member.

Council is run by way of the Council Apparatus, which in its turn, is consisted of several, sector-specific departments. Apparatus is a special regime Service working on secret information. Within the Council Apparatus, distinct intersectoral advisory bodies/workgroups, whether permanent or temporary (commissions, councils, boards) may be set up by the Georgian Government. Membership, competence and functions of such sub-advisory bodies are laid down in the regulations approved at the Government level (i.e. not legislative), by way of Government resolutions. At this sub-level of commissions, Prime Minister-invited members are not necessarily required to hold public offices.

*(Note: There is also the second advisory council competent for the national security issues. It is the **National Security Council**, an advisory board to the President, is set up by a distinct legislative organic act on the National Security Council (other than above). National Security Council is outside the scope of this report).*

ii) **Economic Council**

Economic Council is an advisory body to the Prime Minister held accountable to the Prime Minister. Economic Council is set up by a legislative act (Government Act). However, its composition (membership) and regulations are approved by the Government (unlike the National Safety and Crisis Management Council who is completely structured and governed by a legislative act). Permanent Members of the Council are majority of Ministers, including **the Environment Minister**. Alongside the permanent members, PM is entitled to call for, as invited members, other Ministers and representatives from administrative bodies or private (commercial or non-commercial) entities, with deliberative vote or not.

Economic Council recommendations, opinions and conclusions, only if they are reached by a majority vote, are of a hybrid category in that they are binding to the members of the Council. These conclusions are documented in the minutes of the Council sessions, although, as a matter of law, these minutes are not legally binding acts. It means that Council conclusions and recommendations are the type of advice acceptance of which is obligatory for the members of the council (an advice which one must accept and cannot decline, once it has been adopted by a majority vote). Where the votes are divided equally, the chairman's vote prevails (i.e. that of Prime Minister's).

Please note that recommendations and proposals made by any other advisory body, whether Government-made or Minister-made, are not obligatory to the extent that they may be turned down or rejected by the relevant decision-maker. In practice, however, outcomes (i.e. proposals, recommendations, conclusions, etc.) of advisory bodies in general are usually endorsed by the respective decision-makers and so they become part of legally binding acts (Government resolutions, Minister's Orders). This means that intersectoral advisory bodies are practical, yet not legal, decision-makers, whose conclusions become legally binding decisions once the relevant decision-maker – Minister, Government – formally shapes them into a normative or individual legal act

3.1.5 Government-made Advisory Bodies (Statutory Instrument, i.e. By Laws Level)

Setting up Government-level boards draws on s.29 of the Government Act which empowers the Government to create advisory bodies.

1. Government Commission for the development of the spatial-planning general scheme of Georgia, known as *Georgia 2030*.

Commission is set up under the Georgian Government Resolution #89, 09.03.2015 (as amended on 11 January 2016) and the Spatial Planning and Urban Development Act sections 16 and 17.4.a.

The composition of the commissions is wide, spanning across all Ministers, a counselor from the Economic Development Service at the Economic Council, Chairman of the LELP National Agency of Public Registry, Representative from the National Statistics Service and is chaired by the Prime Minister. The principal task of the Commission is to develop the general scheme for the spatial planning 'Georgia 2030' and its submission to the Government.

Commission exercises its activities based on the Constitution, more generally on the Georgian legislation including the normative statutory acts. Commission is empowered to cooperate with governmental bodies of foreign countries and international organizations. Along with the draft scheme, commission comes up with the proposals, recommendations and conclusions. Decision-making within the Commission is limited to the drawing up of conclusions by the Commission which are ultimately of advisory, deliberative nature. Following the Spatial Planning and Urban Development Act (s. 17.4.a), General Scheme (the draft of which is to be proposed by the Commission) is approved by the Government Resolution.

2. National Intersectoral Commission for the Minerals Reserves.

Commission is created by a legislative act on the Minerals (Minerals Act) and its regulations, membership and order of activity is approved by the Government Resolution #110, 12.04.2015.

Commission is composed of members (whose names are identified within the resolution itself) from across various Government bodies and institutions: 15 members from the Environment Ministry, one member from Economics Ministry (deputy Economics Minister), three members from Tbilisi State University and research institutions. Commission is chaired by the Environment Minister.

The Commission regulations make it clear that the Commission is an advisory board at the Environment Ministry.

The key words used to describe the Commissions functions and capacity are – study, consider, analyze, examine, assess and come up with conclusions on the reserves of the minerals with the aim to submit the same to the Environment Minister for his approval (i.e. decision-making). The Regulations further provides that, the substantiated positive Conclusion proposed by the Commission is the sole ground, based on which Minister issues an individual administrative-legal act (legal decision) approving the minerals reserves, entering respective records on the national balance-sheet or writing off the same; Chairman of the Commission is entitled, in exceptional circumstances, to call for independent experts whose remuneration will be paid out by the Environment Ministry.

3.National intersectoral commission for the consideration of issues on granting the certain distinct minerals usage licences

Commission is set up by Government resolution (#247, 20.03.2014) on the ground of Government Act, s 29 which provides the Government power to create advisory bodies. The Commission is composed of officials from Environment Ministry including LEPLs (Deputy Environment Minister being the Commission chairman), through to officials from Economics Ministry, Finances Minister, Energy Ministry, Regional development and infrastructure Ministry, Interior Ministry, and representative from Economic Council.

The Commission has its regulations approved by the Government which provides that Commission is set up for the purpose of consideration of issues on extraction of minerals, use of underground areas, use of forests, fishing, use of fir (*abies*) cones for export purposes and that of endangered species of flora and fauna which areenlisted in the Annexes of CITES convention. In more particular, prior to the granting of respective licences, Commission is charged with studying the licence objects and producing respective proposals before the announcement of an auction.

Commission is authorized to hold meetings with interested parties, agencies, solicit for any necessary information from any respective Government agency, invite – with a deliberative vote, - representative from across various Ministries, Agencies, organizations, respective experts and other persons as Commission thinks fit.

4.Intersectoral Coordinating Commission for the law reform (legal treatment) of Land Management Issues

Commission is set up under the Government Resolution 253, 02.10.2013 as an advisory board to the Government as a whole and is charged with improving legislative and normative basis for the land management, making a comprehensive study of challenges in the geodesic coordination system and finally, drawing up respective **draft** normative acts. Commission members span across most of the Government Ministries (including up to 5 representatives from Environment Ministry), Parliamentary Committees, LEPLs under Environment Ministries (including APA Chief) and Government Agencies under Ministries. Chairman of the Commission has wide powers to call for independent experts, various organizations and any person he thinks fit. Organizational issues are charged upon Minister of Justice who chairs the Commission.

5. Intersectoral Coordinating Commission for Development of National Policy Document of Transport and Action Plan is set up under the Government Resolution #121, 19.03.2015. Commission membership spans across a range of Ministries (including **Environment Ministry**), Tbilisi Municipality, LEPLs and Government Agencies under Ministries, respective private companies, Georgian railway, etc. Chairman is the Deputy Economics Minister. One of the principal functions of the Commission is to ultimately devise and develop the draft document of transport, supported with the proposals and opinions of the Commission, to be ultimately submitted to the Government for its approval (approval is made by way of a normative act, a Government resolution).

6. Intersectoral Coordinating Commission on the studying of legal regulation issues of transportation, import, export, re-export and transit of materials of restricted turnover is set up under the Government resolution #131, 28.05.2013 chaired by the Environment Ministry in person of Head of waste and chemical substance management Service. Commission membership spans across a range of Ministries and is charged with developing of the draft texts of normative legal acts, for its ultimate approval/adoption by the Government.

3.1.6 Workgroups under Government Direction

Note: Direction (instruction) is an individual legal act as opposed to Resolution which is a normative act.

1. Government Direction 799, 11 May, 2016 on a Range of Necessary Arrangements for the development of Akhmeta Municipality and Tusheti charged the Economics Ministry with developing the spatial-territorial planning documentation within the boundaries of Akhmeta Municipality, including Tusheti. Along with the Economics Ministry, Government charged LEPL National Property Agency under the Economics Ministry and LEPL Public Registry National Agency under Ministry of Justice with setting up the cadastre of immovable property (real estate) and an entire system for the land tenure, thereby refining and improving the cadastral data of land parcels (plots of land).

Similar Direction (Instruction)#1182, 23.06.2016 was made by Government in June 2016 in relation to Telavi Municipality on a range of necessary arrangements for the development of Ikalto Valley.

Such Directions do not create intersectoral advisory bodies. Therefore, we do not have exact references to public officeholders who will be involved in the workgroups, nor any formal regulations for the workgroups. Rather, distinct Ministries are charged with producing the specific outcomes which in administrative law language denotes real acts.

In compliance with the Direction, Economics Minister calls for weekly meetings within workgroups which, along with the officials of Economics Ministry, include the invited members from Environment Ministry, e.g. chief of APA and other relevant Ministries. It also includes Kakheti Governor and representatives from Akhmeta Municipality.

Duty of these various bodies to cooperate under the aegis of Economics Ministry is rooted in the Government Direction which instructs those involved, in the framework of their

competence, to produce the draft document. In carrying out their day-to-day functions within the workgroups, these bodies exercise administrative real acts.

It is noteworthy that these Government Directions are not made based on the Spatial-planning and Urban Development Act (specialized legislative act) only but more generally they draw on the powers of the Government as laid down in the Government Act (section 5). Namely, section 5 enumerates the Government's role and functions, amongst others, in

- a) the entirety of the nation's economic space, freedom of economic activity;
- b) establishing the competitive and stable investment atmosphere;
- c) management of national property;
- d) protection of environment and natural resources;
- e) entire national policy for the ecological safety of population;
- f) conservation and rational use of natural resources (all of these dispersed in 4 subparagraphs of section 5 is made as the ground for the Government Direction).

The rationale behind it may well be a shortcut route for the national intervention in the regional spatial planning which as a rule, falls within the ambit of municipalities. In particular, had the Government relied on the spatial-planning act, it should have first determined **the planning regions (of special status)**, then have had it so approved by the Parliament and only afterwards start the drawing up of the documentation in tight cooperation with Municipalities. With the procedure above, Ministries involved do not make any binding legal acts but carry out their functions by way of real acts.

Interview with Ms Nino Gventsadze, Head of Department of Spatial Planning and Construction Policy gave us access to actual information (such as members and agenda of the workgroup) as long as the information of real acts is not publicly available. Namely, the following challenges, named as 'threats' are now being addressed at the Tusheti and Akhmeta workgroup meetings:

1. In the area of traditional sustainable use - overgrazing, erosion, use of grasslands (mowing), insufficient protection of forests; loss of traditional cultivation cultures on arable lands;
2. In the area of development of the populated areas - planning regulations, lack of infrastructure, absence or lack of electric power, shortage of potable water;
3. In the area of sustainable development of tourism –obsolete and insufficient infrastructure, poor management of the protected landscape in the tourism direction;
4. In Biodiversity - endangered species and habitats threatened with extinction, reduction in agri-biodiversity, scarcity in research activities and monitoring causing the insufficient data base on the biodiversity;
5. Landscape – absence of concept for landscape management;
6. In administration of protected landscape – lack of infrastructure in the administration; low skills in the administration staff; insufficient involvement from the public in decision-making and planning; inadequate involvement in the international system of the environment protection.
7. Other conservation objectives: absence of the cadastral data; low level in public awareness of the nature conservation and environment protection.

2. Intersectoral Workgroup under the Land Degradation Neutrality Target Setting Programme (LDN)

Following the **Land Degradation Neutrality (LDN) Target Setting Programme** (inception phase), which was proposed in May 2016 by way of the draft for consultation at the level of **UNCCD**, a respective intersectoral workgroup was set up in Georgia spanning Governmental bodies (agencies), national research institutions, civil society organizations (NGOs), land users and international development partners.

At the level of line Ministries, the workgroup comprises 14 members from across 4 Ministries. In particular, 8 members from the Environment Ministry, 2 members from Agriculture Ministry, one member from Finance, Foreign Affairs and Education & Sciences Ministries each. On part of the research institutions, there are overall 4 members from i) Vakhushti Bagrationi Institute of Geography, ii) Georgian National Academy of Sciences, iii) Agricultural University of Georgia and iv) National Environment Agency – each. Civil Society is represented by Non-Governmental organizations ranging from overall 6 members from i) CENN, ii) Green Alternative, iii) Green Movement of Georgia/Friends of Earth, iv) REC Caucasus, v) Nacres and vi) Elkana each. There are only two farmers enlisted in the workgroup representing the economic land users. At the international level, two development partners take the lead: UNDP in person of 2 members and GIZ in person of one member.

The workgroup was set up by way of exchange of correspondence amongst the respective stakeholders, which translates into real acts on the part of administrative bodies (i.e. government bodies) and consent-based cooperation– on the rest part. As we have been further informed by the Environment Ministry, there is no Government Direction lying in the basis of the workgroup, nor there is any formal regulations approved for the workgroup. Rather, the intersectoral workgroup follows the pattern laid down in the LDN Target setting in that it operates as opportunity for leverage and coordination across line ministries and civil society.

In general, the LDN target setting process is consistent with international policies (SDGs, UNCCD) and should be integrated into national policy processes. It should build on and leverage national initiatives and be integrated into national policy processes. It is imperative for LDN target setting to identify and involve representatives from key stakeholders in the process. In this regard, existing national-level coordination mechanisms can be screened in order to identify suitable mechanisms able to serve as LDN working groups, i.e. as a platform, where interested stakeholders can exchange information and views on the LDN target setting process. UNCCD or SLM coordination mechanisms exist in many countries and could serve as a basis for the LDN working groups.

Generic terms of reference (ToR) for national LDN working groups are proposed, which can be adapted as appropriate to the national context.

Objective: Steer the LDN target setting process and promote LDN mainstreaming into national policies and plans.

Tasks:

1. Provision of information to the stakeholders
2. Representation of stakeholders at national level

3. Provision of a platform for negotiation among stakeholders
 4. Review and endorsement of a national LDN target setting road map
 5. Identification of key stakeholders and resource persons relevant for the LDN target setting process
 6. Review and validation of national reports related to LDN target setting, including national LDN baselines, land degradation trends and drivers assessments, LDN targets and associated measures
 7. Support for the organisation of national stakeholder consultations related to LDN target setting
 8. Support for national outreach and communication activities related to LDN target setting
 9. Support for mainstreaming of LDN target setting in national policy processes, including Sustainable Development Goals
 10. Awareness creation among stakeholders on LDN
 11. Monitoring and evaluation of the LDN target setting process
 - Secretariat: Institution coordinating the national LDN TSP(e.g. UNCCD Focal Point Institution)
- Stakeholders should ideally be integrated into all stages of the LDN target setting process.

3.1.7 Advisory Bodies at Environment Ministry

Setting up Ministry-level boards, in general, draws on s.20.5 of Government Act which enables a Minister to create advisory bodies.

1. **Council for Implementation, Supervision and Monitoring over the 2014-2020 Biodiversity Strategy and Action Plan of Georgia.** Council was set up and had its regulations approved by the Minister's Order # 667, 04.11.2014 on the grounds of
 - i) the Government Act, section 20.5, enabling a Minister to create his advisory bodies; and most importantly
 - ii) Government Resolution # 343, 08.05.2014 approving the 2014-2020 National Biodiversity Strategy and Action Plan (**NBSAP**) of Georgia.

The principal purpose of the council is to ensure integration of biodiversity issues into various sectors, carry out monitoring over the implementation of NBSAP, as well as effective consideration and making of recommendations on the issues posed by Governmental and Non-governmental sectors, representatives of wider public and scientific circles.

Members of the Council comprises Environment Ministry officials from across different departments, officials from Agriculture Ministry, Energetics Ministry, Education Ministry, Regional Development and Infrastructure Ministry, Finance Ministry, National Archives Office, NGOs ranging from 'Ecovision' through to 'Georgian Green Movement', International Union for Nature Conservation (IUCN), Conservation of species Centre – NACRES, the Caucasus office of the World Wide Fund For Nature (WWF), Biological Farming Association Elkana.

Within two months of its inception, the Council membership was amended. It is obvious that the Ministry Officials (whose names are specified along with their offices in the Minister's Order) change from time to time. It seems that the Minister's Order needs to be updated at every relevant event of factual change in officials.

Government Resolution #343, 08 May 2014 approving **the 2014-2020 National Biodiversity Strategy and Action Plan** was adopted with the objective to comply with the requirements of the Convention on Biological Diversity, ratified by the Georgian Parliament by way of the Parliament Resolution # 471, 21.04.1994.

Under the Government Resolution of 08.05.2014, the Environment Ministry was charged with coordinating the implementation of the Action Plan.

The Government Resolution declares that in 2011 the Environment Ministry commenced a renewal process of the Biodiversity Strategy and Action Plan and with support from GIZ produced accounts in 11 various directions: species and habitats, protected areas, forests ecosystems, agrarian biodiversity and natural pasturelands and grasslands, inland water ecosystems, the Black Sea, Management and cross-cutting issues, public awareness, education and communication.

The Government Resolution identified 5 global strategic goals under which Government outlined national objectives and outcomes, indicators, tasks and necessary preconditions. Those Government Bodies who are responsible for the implementation of the Action Plan are scheduled and charged with their respective functions.

2. Advisory Council at the Environment Ministry set up by the Minister's Order #60, 27.08.2013. General scope of the Council is the collegiate consideration of issues (falling within the competence of the Ministry) that will enable (the Minister) to reach the legally correct and reasonable (optimal) solution of the matters.

The members include numerous officials from across the Ministry Departments and LEPLs under Ministry, independent experts, representatives of research institutions, NGOs, international projects, organizations for international cooperation. NB: such experts and representatives are specified and are respectively referred to by name in the Order.

Another Ministry-level Council is the Special Council for the Environment Impact issues. Minister Order #38, 03.06.2013. Council is set up under Government Act, s 20.5 which straightforward defines that the council is an advisory body. Another ground for the setting up of the council is the direct requirement of the specialized legislative act on Environment Impact permissions. The sole competence the Council is devolved with, is the consideration of exemptions of certain activities from obtaining (otherwise legally obligatory) environment impact assessment. The council ultimately makes assessment and recommendations whether Minister shall grant such exemption. The test for exemption is such national interests which require the commencement of activities and timely and expedient resolution of the matter.

3. Advisory Coordinating Commission for development of the draft forestry code set up by Environment Minister's Order #i-707, 08.09.2015. The Minister's Order is rooting itself on general clauses of Government Act, section 20.5 and the provisions of the Ministry Regulations (approved by the Government Resolution) which enable the Minister to set up advisory bodies.

The Commission is composed of the Ministry officials from across the Ministry departments and LEPLs, representatives from Tbilisi Municipality, Tbilisi City Service for ecology and greenery planting and other invited members (experts) upon informed consent.

Information on the Commission is not publicly accessible and was obtained from the Head of the Biodiversity and Forestry Policy Department, Mr. Karlo Amirgulashvili, during the interview process.

Once the forestry code draft is completed at the Ministry level, it is submitted to the Government who has a constitutional right to legislative initiative (Government's exclusive power within the executive power).

It is a general rule that where a Ministry works on the development of a draft legislative act, it can do so only by way of advisory bodies, whether intersectoral or not, thereby securing the necessary access to any other relevant sectors or experts by inviting them. This is due to the fact that Ministry has no right to a legislative initiative.

3.1.8 Advisory Bodies at Economics Ministry

1. Council for the regulatory issues on the utilization (putting into use) and planning of populated territories

Council is set up under the Economic Minister's Order # 1-1/196, 08.04.2016 drawing on number of normative grounds, inter alia, i) spatial planning and urban development act, ii) Government Resolution # 59, 15.01.2014 approving the principal regulations for the utilization and planning of populated areas and iii) Government resolution # 32, 24.03.2009 on the rules of granting planning permissions (also known as construction permissions) and the condition thereof.

Council, in its advising capacity, draws on the Georgian legislation and statutory normative acts. Council is entitled to call for experts and specialists as invited members to engage with the council's advising activity. Such authority is exercised by the Chairman (Deputy Minister) who may invite representatives from Government organizations, specialists and independent experts.

Scope of the council covers the consideration of regulatory issues at certain distinct regional level through to the national level.

- i) Regional level - consideration of architecture planning projects and coming up with respective recommendations prior to the granting of planning permissions in the recreational zones of Bakuriani, Bakhmaro, Gudauri, Ureki, as well as special planning regulation zones of Borjomi;
- ii) National level – drawing up of conclusions, assessments, recommendations and providing consultation on the matters of utilization and planning of populated territories, inter alia, on the issues of agreeing the documents of Municipalities' urban-development and that of special zoning.
- iii) Consideration of proposals on the regulation of utilization and planning of a territory (in question);
- iv) Drawing up of conclusions and providing recommendations for i) issuing the planning instructions of urban development documents; ii) approving the maps providing the zoning for the land management rights; iii) any other activity which is so instructed by the Economics Minister, falling within the scope of architecture and planning under the effective laws.

Members of the Council are approved by the Order and comprises 5 members from the Economics Ministry (including the LEPLs), officials from Municipalities of Borjomi, Ozurgeti, Chokhatauri, a private company specializing in mountainous resorts ('Company for the development of mountainous resorts' LTD) and invited experts.

3.2 Administrative Procedure

Administrative procedures are the prescribed procedures by legislative acts which are designed to enable the administrative bodies to i) make normative or individual legal acts (decisions) and/or ii) make administrative agreements.

3.2.1 Minister's Individual Acts on Cross-Sector Issues

Importantly, decision-making by more than one person on cross-sector issues may usually be exercised without formally setting up a collegial body. Rather, two or more decision-making bodies (e.g. Ministries) continue to act as distinct decision-makers, each on its respective matter, thereby engaging with the other Ministry in what is formally known as an administrative procedure (under GAC) to ultimately arrive at cross-sectoral solutions. This procedure exclusively applies to the making of individual (i.e. not the normative ones) administrative acts only (licences, permissions, administrative agreements). For instance, granting a planning permission on a hydro-electric station requires

- i) a planning permission by Economics Ministry,
- ii) ecological expertise and environment impact assessment by Environment Ministry, and
- iii) authorization by Energetics Ministry.

Section 84 of GAC makes it clear that administrative body has a duty to forward the copies of application (that of applicant's for the planning permission) and its supporting documents to such another administrative body or public expert, who are entitled (but not so obligated), under legislation, to be part of administrative procedure. As a general rule, administrative body or public expert, once being approached, provides its/his conclusion in two weeks' time if no other period is set by the relevant legislation. If not otherwise specified in legislation, it is a general rule that negative conclusion or non-submission of a conclusion shall not prevent the decision making by an administrative body.

In the scenario above, three of the Ministers make distinct orders as individual administrative legal acts by way of involving another respective Minister to decide on its part. In such occasions, one decision awaits another, as the latter (e.g. planning permission) is held to be conditional upon the securing of the former one (environment impact assessment).

There are three types of administrative procedures – simple, formal and public. For instance, minerals usage licences are granted by way of public administrative procedure (although, in this report, we do not go into greater detail on the administrative procedure types).

Formally, Minister's normative act and individual legal act are both named as Orders.

3.2.2 Minister's Normative Acts on Cross-Sector Issues

Where a Ministry is making its own normative act, the draft thereof is circulated to those Ministries whose authority governs some of the issues addressed in the draft act. This procedure is governed by Act on Normative Acts (and not GAC) and serves the purpose to obtain necessary conclusions and opinions (required by law) from other sectors. The same rule applies where a higher normative act makes it obligatory for another administrative body to provide its conclusion on the draft or where the draft must be agreed to another administrative body. At the end of the chain is Ministry of Justice who comes up with a legal assessment of the draft evaluating the compatibility of the draft with the Georgian legislation as a whole.

3.2.3 Key Aspects of Administrative Procedure

a) Duty to apply to Public Expert

Advisory bodies set up by administrative bodies in accordance with the legislation, as well as the natural (same as physical) and legal persons are deemed to be 'public experts' within the meaning of GAC. Where a legislative act so provides, administrative body has a duty to apply to an expert institution or public expert for an expert report (conclusion) before arriving at a legally binding decision.

b) Discretionary powers in decision-making process

Administrative bodies, in discharging their decision-making powers (including making administrative agreements) *may* have discretionary powers if this is so provided by a legislative act in question. Discretionary powers are to be exercised within the limits as laid down in laws and to such purpose for which discretionary power was conferred. When adopting an administrative legal act, discretionary powers shall be exercised by way of balancing public and private interests. Administrative legal acts shall not be made whereby damage to the lawful rights and interests of person outweighs the benefit that is purported to be received by making such administrative act.

c) Duty to provide legal assistance

Under s16 of GAC, administrative body has a duty to provide, within its competence, inevitable legal assistance (more generally, assistance of legal nature) to another administrative body on the ground of the written submission.

Approach for legal assistance is allowed only where an administrative body:

1. is unable to exercise an activity due to legal or factual circumstances;
2. has no sufficient knowledge of necessary facts in order to exercise activity and such knowledge is held at the administrative body who is so approached;
3. documents, materials or evidence, which is crucial for decision-making, lies in the respective administrative body;
4. costs of exercising an activity in question at the expense of an applicant administrative body exceeds the costs of another administrative body to render such assistance.

Administrative body may deny to provide legal assistance (assistance of legal nature) if it is beyond its powers which are laid out in legislative acts.

Importantly, discharging of legally imposed duties by an administrative body as well as compliance with requests from upper or lower officials within the same administrative body is not qualified as a legal assistance.

Where Environment Minister calls for officials from across various Ministries to be part of its advisory bodies, such invited members effectively exercise their duty to legal assistance if a duty to cooperate is not specified in their regulations.

In a similar fashion, general duty of Ministries to actively cooperate with other bodies of executive power (i.e. other Ministries) is rooted in the Government Act and each of the Regulations of the Ministries.

d) Decision-making by independent administrative bodies

Sections 158-160 GAC provide that an independent administrative body may be designated by way of open tender by such administrative body within whose competence the resolution of issues in question fall.

Independent administrative bodies may also be set up by President of Georgia and Prime Minister of Georgia for the purpose of resolution of an administrative appeal.

It is the exclusive authority of independent administrative body to adopt an individual administrative legal act on such matters as are:

- a) Granting concessions with values exceeding 250 000 Gel;
- b) Decision-making on privatization of the state or municipal property with value exceeding 100 000 Gel.

A legislative act may introduce other areas in which the adoption of individual administrative acts will be the exclusive authority of independent administrative body.

Independent administrative bodies are strictly bound by conflict of interest and un-bias rules as laid down by GAC (s 8 and 92). Independent administrative bodies **may be composed of one or more natural or legal persons** with requisite qualification and are capable of resolving the matter in an unbiased manner.

3.3 Real Acts

Carrying out of the day-to-day administrative functions by an administrative body (Ministry, Municipal bodies, LEPLs, etc.) that does not produce a legally binding decision is treated as **real acts**. These comprise activities such as the factual discharging of duties and obligations, complying with the instructions from higher officials or administrative bodies, running official correspondence, attending meetings and sessions, calling for discussions, cooperation with various governmental bodies and agencies, working in teams, etc.

In this report, real acts are considered in the circumstances where workgroups from across the various Ministries jointly consider cross-sector issues under the Direction of Government. Such workgroups are not formally created bodies in that they have no formal regulations approved, neither they produce any legal acts nor provide recommendations. What they actually do is the complying with the Government instruction to, for instance, develop the draft spatial-planning documents for a certain region, and thus produce actual results – a set of documents in question.

Table 1: Chart of Intersectoral Bodies

	Intersectoral Decision-Making Bodies	Intersectoral Advisory Bodies	Workgroups	Real Acts
Statutory-made (law-made)	Government	Safety and Crisis Management Council advising to the Prime Minister		Applies to all public officials (administrative staff) at all levels except for invited independent advisers (academicians, NGOs, etc.)
Statutory-made (law-made)	Municipality Assembly	Economic Council advising to the Prime Minister		
Statutory Instrument (Government Resolutions or Directions)		Councils, Commissions, Boards advising to the Government and the respective Ministers	Instructed under the Government Direction: Intersectoral workgroups across Ministries, Governors and Municipalities cooperating with one another under the Government Direction and by way of Real Acts	
Minister's Order (in most occasions – an individual administrative act)		Councils, Commissions, Boards advising to the respective Ministers		
Statutory Instrument (Municipality Resolution)		Municipality Assembly Advisory Bodies advising to the Municipal Bodies		
Statutory Instrument (Minister's Order)		Advisory Bodies at the APA territorial administrations advising to the Environment Minister		
Individual administrative legal act (Governor's Direction)		Governor's Advisory Bodies advising to the Governor		

4. General Framework for Management of Biodiversity and Ecosystems Services

Protection of the Environment Act underpins the conservation of natural ecosystems, landscapes and territories from pollution, damage, degradation, exhaustion, fracturing (fragmentation) and erosion.

The same Act declares that conservation of wild fauna and flora and the endangered species (those threatened with extinction) is provided by law (see references to Wildlife Act below).

Activities shall not be allowed to cause irretrievable quantitative and qualitative changes to Biodiversity and its degradation.

4.1 Preplanning and Scheduling System

The Protection of Environment act #519, 10.12.1996 introduces the system for planning and programming of the Environment protection activities. The system comprises:

1. a long term strategic plan, known as the strategy for sustainable development. The Strategic Plan is developed by the Environment Ministry along with other relevant authorities and is reviewed and approved by the Parliament; the Strategic Plan seeks to strike a balance between the economic development and interests of the environment protection;
2. a quinquennial (five-year) plan the National Environmental Action Plan NEAP (also known as the National Programme); the plan is approved by the Government and makes basis for the respective plans at the regional, local and agency level;
3. Particular Management Plans are set up with focus on distinct activity areas in the environment protection.

Preplanning within the system of protected areas is jointly exercised by the Environment Ministry, Ministry of Economic and sustainable development and the Agency of protected areas agency LEPL, as provided for in the System of Protected Areas Act #136, 07.03.1996.

Under section 14 of Protection of the Environment Act, National Report on the condition of the environment (also known as the 'State of Environment Report – SOE) is adopted by Environment Ministry in every 4 years in accordance with the standard as approved by the Government. Other national authorities and LEPLs are liable to submit to the Ministry, in two months from receipt of the relevant request, information on the environment as they appear in their hands. Access to the national report is available to the general public.

4.2 Plans and Programmes correlated with respective competences of Environment Ministry

The contents of plans and programmes are aligned with the principal objectives, functions and powers of the Environment Ministry as are vested in and charged on the Ministry under the Environment Protection Act and the Regulations of the Ministry approved by the Government of Georgia. With regard to the biodiversity conservation and management of ecosystem services, such tasks and functions of Environment Ministry comprise:

- Development of the national policy for protection of the environment;

- Monitoring the pollution of the environment;
- Development of national policy for establishment, functioning and management of protected areas, coordination and control of their activities;
- Monitoring of biodiversity;
- Regulation of extraction (taking) of wild animal species out of their habitats for the scientific-research purposes;
- Granting a permission for environmental impact;
- Carrying out an ecological expertise;
- Within the ambit of its competence, foreseeing and assessment of risks linked to the natural and anthropogenic pressures, mitigation of their consequences and development of an entire national policy for ensuring the environmental safety;
- Within the ambit of its competence, delivery of rational land management, prevention of soil erosion, maintenance and restoration of soil fertility;
- promoting education and raising public awareness in the environment protection;
- granting licences on environmental impact activities;
- produce the national report on the environment protection.
- ensuring access to information on the environment protection;

As recently as in August 2016, the Environment Minister approved, by way of the Minister Order #29, 22.08.2016, the Regulations of a newly set up **Department of Biodiversity and Forestry Policy**. In consequence, the Department has replaced the former Biodiversity Protection Service and Forestry Policy Service.

The regulations set out legal status, structure, capacity and accountability of the Department which makes up a structural unit (subdivision) of the Ministry. In carrying out its functions, Department represents and acts for the Ministry and is accountable to the deputy Minister.

It is amongst the Department functions

- to put measures in place for conservation and regulation of biodiversity components (animal and plant species, their habitats and ecosystems more generally), as well as to take active part in the same process;
- to develop measures for conservation and regulation of species of flora and fauna enlisted in the Red Book; plan, coordinate and within its capacity deliver the sustainable management of the same;

Within the framework of its capacity and competences, to facilitate:

- development and delivery of national policies for biodiversity conservation and maintenance, biological resources management and regulation;
- development and delivery of the national forestry policy;
- development of draft national report on the environment condition;
- review environmental impact assessment report and contribute to the carrying out of an ecological expertise;
- coordination of a biodiversity conservation strategy and action plan, as well as the development and delivery of a forestry strategy;
- make proposals for delivery of the strategic plan;
- to contribute to the compliance with the obligations arising from the international agreements of Georgia on the conservation of biodiversity;

- regulation and control of the taking of the animal species from habitats for the purpose of scientific research;
- regulation of quantity of wild animals;
- regulation and administration of international trade in the endangered species being at a risk of extinction as enlisted in the addendums to the Convention on the international trade in the endangered species of wild flora and fauna;
- with regard to the regulation of uses of animals and animal resources, contribute to the setting out of respective methods and quotas of uses;
- establish rules for development of management plans for hunting farms and fisheries;
- consideration of and submission for approval to the Minister of management plans for hunting farms and fisheries.;
- Submission for approval to the Minister of forest management plans and plans for uses of forest;
- formation and coordination of the national system for biodiversity monitoring;
- Make proposals for reforms in forestry and coordination of the reform process;
- Development of special programmes for sustainable management of forestry and reinforcement of capacities of responsible bodies in forest management;
- Development of strategic plans for a national forestry concept and monitoring over the implementation thereof;
- Consideration of the proposals for conversion/modification of a forest status and contribution to the respective decision-making;
- Come up with relevant recommendations based on the outcomes of monitoring over the condition of forests and woodlands;
- Development of draft legal acts within its competence;
- Furnish with the relevant information, copies of documents and reports on biodiversity and forestry management to the department of environment protection policy and international relations of the Ministry.

It is within the department's powers to:

- Make call for relevant information from Governmental agencies, institutions and other bodies on such issues as falling within the Department's competence and in such order as prescribed by the legislation;
- make proposals and suggestions on the harmonization of national legislation with the existent international agreements on biodiversity and forestry;
- engage with and contribute to the development and delivery of purpose-programmes for conservation of the biodiversity components, sustainable use of biological resources and forest management;

The Department is run by the department chief, being appointed and dismissed by the Minister and being accountable to the Minister and the deputy Minister;

There are two structural units within the Department: Biodiversity Division and the Forest Policy Division. Each office is run by a chief, being appointed and dismissed by the Minister. Along with the department's functions above, Biodiversity office is charged with the following functions:

- to set priorities for, plan and coordinate delivery of the measures of conservation, maintenance and restoration of the biodiversity components;
- to make proposals, recommendations and reviews of amendments and modifications to the Red List of the Red Book; organization of edition of the Red Book;
- to contribute to the development of draft normative acts on the rules for extracting (taking) of animal species from habitats;

Along with the department's functions above, the Forest Policy Division is charged with the following functions:

- Within the framework of its competence, coordinate the development of draft normative acts by other Agencies/Services within the Environment Ministry and the respective LPPLs on the forestry management;
- To make proposals for embedding the best practices in forest management;
- To cooperate on sustainable development of forests and woodlands with local and international donor organizations, scientific and non-governmental organizations;

4.3 National Property Rights

Ministry of Sustainable economic development is a competent authority to develop national policy for the management and dispose of the state property, including lands and other forms of immovable property. Management functions lie with a LEPL National Agency for the State Property within the system of the Economics Ministry.

The following state property is not subject to privatization:

Natural resources, water resources, territorial waters, national forestry estate (also known as Fund), grasslands (except for those conveyed on lease until 2005), grazing areas, cattle and sheep drive routes and the following categories of the protected areas: strict nature reserves/wilderness areas, national parks, natural monuments, managed nature reserves.

National Agency for the State Property has authority to manage and dispose of the state property consisted in the protected landscapes and multiple use protected areas, former soviet farming forestry (forests within the boundaries of the populated areas), agriculture and arable lands.

5. Integrated Approach within Designated Territories

5.1 Integrated Approach within the System of Protected Areas

Under the system of protected areas Act # 136, 07.03.1996, protected areas are established for protection and restoration of the nation's most significant heritage: unique and rare ecosystems, biodiversity, specimens of flora and fauna, formations of the nature and cultural areas; for the development of such economic enterprising that reserves its scientific, educational, recreation and natural resources.

5.1.1 Management of Protected Areas

The national policy for establishment, functioning and management of protected areas, as well as the coordination of steps and control over its activities are delivered by the Environment Ministry. Ministry, amongst its other competencies, is empowered to plan and coordinate steps for restoration of endemic specimens of flora and fauna, rare and endangered species (threatened with extinction) within the protected areas.

Management of the protected areas is exercised by the Agency of Protected Areas, LEPL. Agency exercises its competencies by way of its territorial administrations. At the administrations, there may be set up scientific-advisory councils.

Agency, alongside its other competencies, is empowered to manage the territories of strict nature reserves (wilderness areas), national parks, natural monuments, managed nature reserves, protected landscapes, multiple use protected areas, world heritage sites, wetlands and moorlands of international importance, biosphere reserves. Agency's management powers and functions within the protected landscapes and certain parts within managed nature reserves, biosphere reserves and world heritage sites are aligned with other respective organizations.

Under Water Act #936, 16.10.1997, certain zones and water resources are attributed the category of protected areas. Use of sources of water that i) bear the category of the protected area or ii) appear to fall within the protected area is highly regulated under the legislative acts.

5.1.2 Territorial Administrations of Agency of Protected Areas

The Environment Minister's Order #12, 20.05.2012 approves the typical regulations for the territorial administrations.

Administration represents and acts for the Agency in carrying out its functions and tasks, thus being accountable to the Agency.

There are overall 24 administrations including administrations of:

- Tusheti protected areas managing the Tusheti Strict Nature Reserve/Wilderness Area and the Tusheti National Park;
- Batsara-Babaneuri Protected areas managing the Batsara Strict Nature Reserve/wilderness area, Ilto Managed Nature Reserve and Babaneuri Strict Nature Reserve/wilderness area;

- Lagodekhi Protected areas managing the Lagodekhi Strict Nature Reserve/wilderness area and Lahodekhi Managed Nature Reserve/Habitat/Species Management Area;
- Vashlovani Protected Areas managing the Vashlovani Strict Nature Reserve/wilderness area, Vashlovani National Park, Natural Monument of Alazani valley (grove), the Natural Monument of Takhti-Tepa mud volcano.

Under the System of protected areas Act and the regulations approved by the Ministry, Administrations are charged with the following functions:

Conservation, attending to and restoration of protected areas and their ecosystems, flora and fauna and the extension areas thereof;

Prevention and averting of destruction, capture of and damaging the animals and plants;

Prevention of expansion of invasive species;

Cooperation with bodies of municipalities, governmental agencies and non-governmental organizations, with distinct interest groups from wider public;

Exercise control over the territories (protected territories and buffer zones), use of natural resources, transport vehicles and visitors;

Arresting of illicit intruders and means of transport on land, air and the sea;

Within the framework of their competence, prevention of administrative wrongs, taking of minutes (record-keeping of proceedings) and transmitting of the same to the relevant bodies for further proceeding;

Compliance with the management plan of the protected area;

Sustainable use of the protected areas;

Granting consent to the carrying out of scientific-research studies;

Record-keeping and monitoring of species of wild flora and fauna, existing ecosystems, natural processes and genetic resources, arrangement of scientific research and studies;

Carrying out the cadaster-related works in their territories;

Development of programmes and plans for the conservation and restoration of existing ecosystems, proposing of the same to the Agency chairman;

Administration is headed by a director who is appointed and dismissed by the Chairman of Agency on the premise of such appointment / dismissal to be agreed with the Environment Minister.

Administration has two divisions: Division of protection and administrative division. Alongside the division, there is a scientific and advisory board at the administration.

Division of protection is charged with the functions of (amongst others):

Deprivation of illicitly obtained natural resources;

Record-keeping of proceedings (taking of minutes) over an administrative wrong and its transmission to the relevant bodies;

Exercise of the forest conservation measures as set out in the legislation;

Identification, delineation and marking of forest plots and trees which are designed for use of forests;

Carrying out of annual research in forest pathologies in the period from 1 May to 1 July;

Delivery of education programmes in ecology;

Administrative offices of the agency are charged with functions of conservation and restoration of ecosystems, specimens of flora and fauna species and their habitats; prevention against destruction, seizure and damaging of plants and animals; combating invasive alien species of flora and fauna;

Within the protected areas, it is prohibited:

to cause the fracturing, loss or modification of natural ecosystems, damaging of ecosystems and wildlife species by reason of pollution;

to extract, captivate, destroy, incapacitate or fracture the natural resources and wildlife species by reason of exploitation or use;

to cause introduction and dissemination of alien and exotic specimens of live organisms;

Hunting, fishing, camping, commercial enterprising, planning and development of buildings and roads and/or modification of their historic image, use of any mode of transport within the protected areas are subject to regulation by the Agency, and where relevant, alongside other competent bodies.

5.1.3 Intersectoral Cooperation within the system of Protected Areas

The Agency maintains a tight cooperation with government authorities and municipality bodies in the process of planning, project implementation and management. Cooperation is supported by the establishing of scientific-advisory councils (boards) at territorial administrations of the Agency in each protected area. The Council (board) competences are set out in the typical Regulation for the administrations of the Agency approved by the Environment Minister and cover cooperation in two directions: 1. Protected landscapes, and in exceptional occasions, managed nature reserve/habitat/species management area, biosphere reserves and world heritage sites and 2. multiple use/managed resource protected area.

Importantly, these advisory boards are Minister-made and their advice and recommendations are directed to the Minister. As the APA Chief Lasha Moiscrapishvili explained it is a matter of concern because the members of these councils are almost always in Tbilisi (capital city) and not at the local administrations. It is a feature of Georgian legislation that LEPLs under the Ministry, as a rule, are not authorized to make normative act, i.e. to approve regulations for APA local administrations (where the board setting would also be regulated). This may be doable only if an exceptional allowance is made for APA LEPL in respective legislative acts.

The Board comprises 12 members and is competent for making recommendations in respect of:

Economic and farming activities to be organized in consideration of the environment conservation and use of renewable natural resources;

Control over the uses of natural resources, transport vehicles and visitors;

Development of special programmes for management, coordination and further improvement of the admissible activities;

The board meets once in a 6-month period

Government Direction #2205, 13.10.2015 authorized the transfer of a 1000 m² area on a long term enjoyment (including the right to build and develop) to an enterprise cooperative 'Alaznistavi' in Tusheti National Park. The Direction is made on the ground of Protected Areas System Act and that of the Government Resolution approving the technical rules for

Tusheti PA management plan. The purpose of granting the enjoyment right on the property for 49 consecutive years is the development of agro-tourism infrastructure (sheep farming areas for sheep milking, production and storage sites of traditional Tushetian cheese Guda, picnic areas, etc.) Under the Government direction, the LEPL APA under the Environment Ministry was charged to make contract, under the rule set down by laws, with the named enterprise cooperative. The contract must be registered at the Public Records (Registry) office by the cooperative itself.

5.2 Integrated Approach within the System of Planning and Urban Development (Designated Territories)

The Spatial Development and Urban Development Act #1506, 02.06.2005 is aimed at regulating the process of spatial planning and urban development, taking into consideration, amongst others, requirements for the environment protection and preservation of cultural heritage. The act defines the notion of recreational territories as the one covering both - populated or unpopulated areas, the main potential of which is tourism, recreation and which comprises interconnected natural and cultural complexes. Government makes resolution –a normative act - on the regulations and rules for the utilization and planning of recreational sites and the special construction zones.

The act provides for the main aspects of spatial development and urban construction spanning across, amongst others:

- providing healthy and safe environment for human life and activity;
- protection and development of cultural heritage and natural resources;
- competitiveness and economic growth of the nation.
- Providing an exemplary, complete and equal environment and conditions of life and activity for population, so called – equally opportunity space.
- Balanced, polycentric and diverse development.
- Correlation of national and municipal interests, as well as that of natural persons and legal entities in utilization and development of territories.
- Protection and restoration of ecological equilibrium;
- Effective use and conservation of natural resources and values, including the recreation resources.

The act introduces the hierarchy and conflict rules between the public and private interests in spatial planning and urban construction where the conservation and development of natural resources, and the cultural and natural heritage are clearly within the public ones. For instance, where any of the activities within the spatial planning or urban construction collides with or is in disagreement with public interests, an issue for its discontinuation shall be raised. As to the private interests, activities of natural persons and private entities may be restricted if they fall foul of the legislation, public interests, or trespass on others' rights.

Concurrence and concord between public and private interests is ensured by National bodies of executive power and municipal bodies. This is a classic example, where administrative bodies are authorized to exercise discretionary powers to make a balancing exercise between public and private interests.

Publicity of the process of spatial planning and urban development is ensured by the Act. Section 7 provides that spatial planning documents are public and accessible to natural persons and legal entities. Any interested person is entitled to take part in public discussions organized for formulating, development, consideration and agreement on the goals and purposes of planning documents.

Competent bodies, with relevant hierarchy between themselves and the types of planning:

1. Georgian Government, in person of the relevant competent body of executive power;
2. Municipal bodies, in person of competent services.

Types of planning: (autonomous republics are dispensed with in this report)

- i) National level spatial planning: the general scheme for the nation;
- ii) municipal level of spatial planning: spatial-territorial development plan for municipalities
- iii) urban development planning for settled areas – towns, boroughs, villages, - which in its turn splits into: 1. Planning for land management and land use – general plan for land management; 2. Planning regulation scheme.

It is a requirement of the act that concurrence and concord shall be achieved within the spatial-territorial planning documentation both at the level of 1) hierarchy of the planning within the same territory and 2) plans of different territories; the similar correlation is required with the field-specific, sectoral planning documents.

Thus, the spatial planning documents are a type of integrated documents which put together field-specific, sectoral plans and ensure that the latter is integrated into the spatial-territorial planning. Where the incompatibility transpires during the document forming process, such discrepancy and incompatibility shall be overcome by way of amendments.

Government is empowered to determine, by way of resolution, so called ‘planning regions’ which will be formed to respond to the special spatial-territorial objectives and tasks. It is noteworthy that spatial planning documentation for such regions are to be developed and organized in the same procedure as is required for national level planning.

Such planning regions may be attributed, by the Parliament resolution upon the Government submission, a status of **special** spatial-territorial regulation. The rationale behind such special status may vary from public through to humanitarian, economic, ecological, national defence-related, cultural factors and natural disasters. A special regime of spatial-territorial development shall be introduced and determined for such territories. Planning for municipality territories which have been attributed a status of special spatial regulation, shall be exercised by municipal assemblies in alignment with the national bodies of executive power, as long as the special status remains valid.

5.2.1 Hierarchy between National and Municipal Levels

Spatial-territorial planning is carried out for the whole territory of the nation and the parts of it. Government coordinates, in person of its respective competent body for planning, the sectoral (field-specific) planning and its integration into the national planning policy.

A respective planning body from the executive power is the one who sets forth an initiative for planning and ensures the planning is exercised. Such authority is exercised either by the body itself or by way of commissioning the planning works to natural persons and legal persons of private law and public law.

Publicity of the planning process is ensured and coordination with interested (stakeholder) government bodies is carried out by a competent planning body of executive power. The national planning documents are being agreed with the interested government bodies and agencies.

National spatial-territorial general scheme is approved by the Government.

The municipality spatial-territorial planning, as a rule, is exercised within the administrative boundaries of the municipality or within the boundaries of the adjacent municipalities, under the respective agreement between the municipal bodies.

Initiators for the municipal spatial-territorial planning are municipal bodies, however, where the planning covers several municipalities – government of Georgia.

At the municipal level, planning documents are approved by the Assembly i) upon submission of municipal administrative office (gamgeoba) **and** ii) on the basis of agreement with the respective competent body of executive power. At the municipal level, planning documents are put into practice and operation by administrative offices (gamgeoba).

6. Integrated Approach in General Spectrum of Biodiversity and Ecosystems Services

6.1 Wildlife Protection

Wildlife Act #540, 25.12.1996 sets out the requirements for rational use of wildlife species including maintenance of habitats and wildlife species; maintenance of diversity in species and populations; It is not allowed to cause deterioration of habitats, migration and water access routes and the propagation conditions; use of wildlife species shall be charged and paid for; upon granting an environmental impact permission, an environmental impact assessment shall be carried out based on ecological expertise.

6.1.1 National Governance of Conservation and Use of Wildlife

Under the Wildlife Act, Government and subsequently the Environment Ministry are the competent bodies of higher national authority with regard to the conservation (in-situ and ex-situ), propagation and use of wildlife species.

Government and where relevant, Environment Ministry determine the national policy, coordinate activities of state bodies, exercise national control and introduce regulations, set out rules for licensing on uses of wildlife and grant respective licences, set out rules for import and export of wildlife species, respective derivatives thereof and the licensing of such activities, introduces the charges for uses of wildlife species; deliver entire scientific-technical policy, develop a normative-methodological set of documents, organize and provide funding for scientific activities; ensure the restoration of habitats as being damaged by ecological disasters, epidemic or other causes; running of the Red Book, creation of the protected areas and sites, set up an entire national system for accounting (record-keeping), monitoring and cadaster, set up the specialized competent bodies of regulation and control, provide for the national standards, regulations, quotas and statistics; enters into international agreements.

There is an entire national system in place for conservation and use of wildlife. The national governance is exercised by the Environment Ministry, Forestry Agency within the framework of its competence and LEPL Agency of Protected areas.

NB: Department of Biodiversity and Forestry Policy was set up as recently as in August 2016 whereas the latest amendment to Wildlife Act was made in December 2014. With that regard, the Biodiversity Department falls to be among the key central authorities in wildlife management alongside the Forestry Agency (LEPL) and Agency of Protected Areas (LEPL) National management is delivered by way of physical conservation, record-keeping, monitoring, licensing, control and supervision of the wildlife species.

Ministry runs the national cadaster of animal species of wildlife.

The Ministry (or where relevant Forestry Agency or Agency of Protected Areas) controls and oversees the accuracy, propriety and timeliness of compliance with the conditions of use, quotas, terms, time constraints and other requirements, as well as compliance with the designation and conservation of the habitats, propagation areas, survival sites, migration and water access routes and freshwater sites.

The Ministry and where relevant, above Agencies are empowered to cause:

1. to terminate arbitrary uses of the wildlife as well uses in contravention of the use terms;

2. to suspend any development works or activities in violation of the above conservation rules until such time as the violations are undermined.

Liability for certain varieties of violations of the wildlife act is defined by way of criminal, administrative and civil legislation. A perpetrator/wrongdoer who has been charged with a liability is not exempt from paying damages (in such amount and manner as prescribed by law) for inflicting damage to the wildlife.

6.1.2 Competence of Municipal Authorities

Wildlife Act provides that on the matters of conservation, propagation and use of wildlife, as well as maintenance and restoration of their habitats, the municipal and local authorities exercise such authority as falls within their competence under the respective legislative acts (Municipality Code and Government Act)

6.1.3 Integrated Approach

Section 15 of Wildlife Act provides for the integrated approach to the conservation of wildlife and wild species in that it should be framed and delivered based on

- the national strategy for sustainable development;
- national programme for the environment protection activities;
- regional, sector-based and local (municipal) programmes for the environment protection activities; and
- management plans (schemes) for protection of the environment falling within the scope of licensed activities.

Namely, conservation of wildlife species are integrated into

1. Management plans (schemes) for the protected areas;
2. Forestry and woodland management plans;
3. Land management schemes of administrative-territorial units;
4. Development and urban plans and projects;
5. Infrastructure projects;
6. Planning and sectoral development plans;
7. Plans, projects and schemes for the conservation and uses of water, forests and woodland, land, minerals and other natural resources within the territory of Georgia.
8. Decade-long schemes and programmes for hunting.

Environment Ministry is empowered to prohibit or suspend any activity i) that may affect wildlife, natural habitats of wild species, propagation areas, survival sites, migration and water access routes, fresh water (drinking water) and ii) that are undertaken a) without permission on the environment impact or ii) is carried out in contravention of environmental laws (Wildlife Act, s 17).

Such activities predominantly comprise: planning and development of the populated areas, industrial edifice or other construction sites; development of new technologies; bringing of virgin lands, moorlands, coastal areas or shrubberies into the economically developed sites;

forestry and use of woodlands, melioration of lands, mining of minerals and natural resources; geological works; establishing the grazing areas for farmed animals, livestock and the cattle drive routes, development of touristic and recreational areas; planning and development of railway, highway, pipeline and other transport mains, power transmission and communication lines, hydro-technical buildings, canals and weirs (dams); designation of agricultural lands and grazing areas. Wildlife Act makes it obligatory that the above activities are undertaken so that maintenance of natural habitats for wild species, their propagation areas and survival sites, migration and water access routes, freshwater areas are considered and the respective measures undertaken.

6.1.4 General and Special Uses of Wildlife

Hunting

Under the Wildlife Act, hunting, fishing, whaling of marine mammals and harvesting of water invertebrates, as well as other use of wildlife species are banned within the areas of wilderness, natural monument and strict nature reserves of the national parks.

Section 28 of Wildlife Act provides that hunting is a variety of special uses of wildlife species. Hunting is allowed as a licensed activity, as prescribed by law or as a sporting or amateur hunting.

A list of species that are allowed for hunting is defined by the Environment Ministry order. Hunting is allowed only within such areas as are specially designed for it – i.e. within the hunting farms and sites. Hunting farms and sites may be designated within the following categories of the protected areas: habitat/species management areas- managed nature reserves, protected landscapes and multiple use protected areas. Hunting on migratory birds is also allowed outside the hunting farms.

It is prohibited to use any of the explosive or other devices that inflict torture to the wildlife species.

Fishing

Under section 30 of Wildlife act, fishing for water invertebrates, fish and marine mammals comes in a variety of categories and includes sporting and amateur fishing. Corporate entities and natural persons are allowed, by way of a special use, to fishing in fishery zones. Natural persons are also allowed to sporting and amateur fishing by way of a general use. In particular cases, sporting or amateur fishing for a certain variety of fish and invertebrates may be subject to a special use form by the Environment Ministry decision.

Whaling for small cetaceans are banned except for see article 34;

Submarine fishing (hunting) for marine mammals is banned;

In Habitat/Species Management areas and other zones within the protected areas specifically designated for fishing, Agency of Protected Areas develops and the Environment Ministry approves the regulations for fishing.

General use of wildlife species

Citizens of Georgia may make use of wildlife species for their personal (individual) consumption and to the satisfaction of their aesthetic, recreational, recovery and other needs, without a requirement of a licence. A form of general use involves obligation not to

damage the wildlife or take out (extract) the species from habitats, except for fishing as a sporting and amateur activity and extraction of species out of their natural habitats for the purpose of amateur zoo collections.

A form of special use is a licensed activity to be granted by the Environment Ministry. It encompasses all varieties of use of the wildlife, including the extraction (taking) of the species out of their habitats.

The Environment Ministry grants two types of licenses – General licence and one-off individual licence either by way of competition or an auction. Holders of general licence are also allowed to issue one-off individual licences within their territories under the rules as prescribed by the Ministry.

Trade in wildlife species, their derivatives and wildlife products (animal derived products)

The Environment Ministry is empowered to grant a licence (permission) for export, import, re-export and transit of any specimen of wildlife species, any readily recognizable part or derivative thereof and the wildlife products. Trade in wild fauna and flora is regulated by Wildlife Act and the convention on trade in endangered species of wild fauna and flora CITES, Washington, 1973.

6.1.5 Economic Regulation of Use of Wildlife

Tools and procedures in place are as follows:

Maintaining records of wildlife species and economic evaluation thereof;

Budget funding of the conservation and propagation of wildlife species;

Maintenance of economically valid fee-charging system (one-off licence fee and royalty charge for the duration of the licence);

Penalty system, including deprivation of gains out of illegal activities;

Under the Act on Fees for Use of Natural Resources, Government Sectoral Agency 'Department of Supervision on the Environment Protection' administers collection of fees and levies for shooting migratory birds prior to the commencement of such shooting.

The same act also provides that fees and levies for use of natural resources, as well as for use of wild animal and plant species being enrolled in the Red Book, may be used for estimation of damage inflicted as a result of illegal use of the resources.

6.1.6 Red Book and Red List

Under the Red List and Red Book Act # 2356, 06.06.2003 the Environment Ministry keeps the record of the Red Book and the Res List on endangered species who are inhabitants of the territory of Georgia and are threatened with extinction.

Under the same Act, adverse anthropogenic (human) impact on the endangered species shall be considered upon

1. granting permissions on the environmental impact, by way of an impact assessment to be contained in the ecological expertise act;

2. exercising of main and specific felling (including thinning, coppicing, pollarding) under the Forestry act; hereby, the cutting down of wild plants threatened with extinction is banned in forests and woodlands;
3. applying organic and chemical fertilizers and minerals to soil.

In carrying out the Red Book related tasks and objectives, competences are distributed between the bodies of higher national authority and municipal/local authorities.

Bodies of higher national authority (Government, the Environment Ministry) are entitled, amongst other respective powers, to develop the national policy for establishment and record-keeping of the red book; coordinate the functions and activities of distinct state authorities; approve the red book list; provide funding, planning and monitoring of activities aimed at the conservation, restoration and maintenance of the endangered species and their natural habitats.

Municipal authorities, to the extent of their competence, carry out the planning and delivery of conservation, restoration and maintenance of species threatened with extinction and their natural habitats.

The red book is published in every ten years.

Under the Red Book Act, the Environment Ministry of education and science is entitled, in cooperation with the Environment ministry and the national academy, to develop, publish and disseminate an adapted version of the Red Book for the preschool and primary school age children (this paragraph to become effective from 01 April, 2017).

Under the Protection of Environment Act #519, 10.12.1996, The Environment Ministry is charged with functions of furthering education in the environment protection, raising awareness in public, engaging and enthusing public about biodiversity and wider natural environment.

6.2 Conservation of Soil

There are two Acts in force on the soil conservation: one dates back to 1994 and is named as Conservation of Soil Act, #490, 12.05.1994. Based on this Act, a new act was adopted in 2003 on Conservation of Soils and Restoration and Increase of Fertility, #2260, 08.05.2003. For the ease of reference, the 1994 Act will be termed as Soil Conservation Act and the 2003 Act will be referred to as the Soil Fertility Act.

6.2.1 Conservation of Soil under 199R Act

Under the Soil Conservation Act #490, 12.05.1994, National authorities, who are specially empowered in the area of soil conservation, are charged with the delivery of the following objectives and functions:

- Securing the integrity of the soil cover and increase in fertility;
- Set out the duties and responsibilities of land managers, land owners and that of state in conservation of soil and providing conditions for production of ecologically clean products;

- Undermine the negative impacts, caused by uses of fertility risers, as they threaten the soil, human health, flora and fauna;
- Ensure the conservation of endemic vegetation (plants) and fertile cover of soils in high-mountainous regions by way of conservation of sub-alpine and alpine grassland;
- Help coordination in melioration activities with the purpose to achieve abundant and robust harvesting from the meliorated lands.
- Development of the national policy for soil conservation.

Soil conservation means employ:

- Soil passportisation within respective periods;
- Development and embedding of ecologically safe technologies aimed at increase in fertility;
- Melioration-related, microbiological, agro-chemical and geo-botanic research of the causes of soil exhaustion and running the respective cadaster;
- Integrated selection of measures against erosion, including agro-technical, forest and melioration, hydro-technical, soil-conservation course of actions;
- Correct selection of course of actions in agro-melioration and agro-technics with the aim to avoid nitrate leaching and sedimentation of soils;
- Protection of soils from natural calamities – flood, avalanche, landslide – within the framework national programmes.
- In conservation of grasslands and pasturelands and in securing the increase in fertility and improvement of vegetation of those lands, take the cultural and technical courses of action;
- In order to avoid erosion, to follow the vertical grazing norms for the livestock and cattle as well as prohibit grazing in the high-mountainous pasturelands over the established normatives; adherence to the rotation principle in grazing;
- Re-cultivation of lands damaged as a result of mining, extraction of minerals and of quarries;
- Compensation for damage caused to soil and freshwater in high-mountainous regions in accordance with the Georgian legislation;
- Protection of soils from contamination with radionuclides, toxic substances, dangerous and non-dangerous waste

For the purpose of the soil conservation, it is prohibited

- To make use of agricultural land for non-agricultural purposes;
- Any kind of non-agricultural activity without first removing the fertile layer of the soil, conservation and purpose-use thereof;
- Exploitation of territory in an open quarry treatment manner that does not take account of the re-cultivation of the affected land;
- To make removal of fertile cover of soil for self-interest or seeking the personal lucre;
- Terracing of hillsides and slopes without first selecting the soil and appropriate planning;
- Impoverishment of soils with disorderly grazing;
- Damaging the soil cover during the forest use;
- Making use of agro-chemicals and fertilizers which are not tested in Georgian conditions, duly inspected, expertized, registered and allowed.
- Any kind of contamination of soil;
- Grazing of livestock and cattle in high-mountainous regions in excess of the established norms, causing erosion.

National authorities who are specially entitled to the conservation of soils are – Agriculture Ministry, Environment Ministry and Healthcare Ministry.

An entire national policy for melioration is delivered by Agriculture Ministry

Locally, the soil conservation measures are carried out by respective municipalities and administrative offices, who are entitled to:

- Demand the necessary and obligatory compliance of statutory requirements by land managers and land owners;
- Put in place the soil conservation arrangements and exercise control over land managers and land owners in conservation of soils;

Funding

Soil conservation arrangements are funded from the national budget within the framework of the national programmes based on direct contracts made with land managers and land owners.

Authorities of Executive Power determine the array of works and activities to be undertaken within the national programmes and direct contracts and the source of respective funding.

6.2.2 Soil Fertility Act 2003

Following the declarative note of **Conservation of Soils and the Restoration and Improvement of Fertility Act # 2260, 08/05/2003, (hereinafter to the Soils Fertility Act)** , soil conservation is particularly problematic in a small size territory of Georgia, to the extent that erosion, contamination, nitrate leaching and sedimentation of soils, extraction of minerals (mining) and those of building materials from open quarries, as well as the improper on-farm activities including inappropriate cropping or livestock regimes, and bad management practices cause bigger losses of soil.

Under the Soil Fertility Act, national governance in the matters of soil conversation and the restoration of fertilization is exercised by the Ministry of Agriculture.

The Ministry of agriculture and rural affairs, amongst its other respective competences, is charged with functions of

- Development of an entire national policy and strategy, as well as the development and management of the target programmes for soil conservation and fertility restoration-improvement;
- Supervision of compliance with the conditions of land uses, land management practices, efficiency and effectiveness of the soil conservation and fertility improvement measures;
- Arrangement of the exploration, conservation and fertilization improvement steps, as well as the monitoring on their delivery.
- Examination of the facilities (chemical fertilizers) designed for the increase of fertility, registration and keeping the catalogue thereof and the respective monitoring;
- In agreement with the Environment ministry, examining the soil contamination with radionuclides, hard metals and toxic substances, bacterial and virus contamination and examining the efficiency of measures taken against such contamination.
- Environment Ministry and Agriculture Ministry, within their competences, carry out observation on the fertility of soils including over its following components: chemical melioration of soil, re-cultivation, complex measures against erosion, consistence of nutrient elements in soil, contamination and pollution of soils, qualitative indicators

(indices). Based on the observation and examination of the soil fertility, an annual as well as prospective target programs are developed.

Ministry of Agriculture, by way of its Order #2-93, 05.05.2014, approved the National Programme for the conservation of soils and increase of the soil fertility. Guided by the challenges of increased demand in agricultural products and anthropogenic impact upon biodiversity, the Order regards the spontaneous cultural attitudes to uses of soil, as opposed to those of rational and sustainable, as the one leaving deserts behind it.

Georgian territory comprises five climate zones and eight soil groups. The soil resources of Georgia, despite its diversity, are limited in terms of its use for rural and agricultural purposes.

National governance and monitoring of conservation and fertility of soils are delivered by the Ministry of Agriculture. Namely, it is within the ambit of the Ministry's competences to develop the national policy and strategy; outline and manage the national purpose-programmes; make normative acts; ensure the logistics are in place; report to the Georgian government once in two years; make inventory of soils suffering erosion, nitrate leaching, damage, heavily-stoned consistence, low fertility and storing the qualitative and economic features of soils in the national cadaster of land.

The Ministry identified the problems and the ways they can be solved.

Amongst others, the challenges consist in unprofessional rural practices (including use of nutrient fertilizers in an unqualified manner) which deepen erosion and reduce the soil fertility, thus leading to an ecological imbalance.

The National Programme is designed to respond to the identified challenges and covers the rural (agricultural, arable) land zones, grazing areas and grasslands of the country.

Ministry of Agriculture, by way of its Order #2-277, 25.11.2005, approved the complex measures and recommendations on preventing the land erosion. Under Soil Conservation Act, the Ministry set forth and approved the complex measures and recommendations on preventing the land erosion.

The recommendations identified causes of erosion on summer and winter grasslands, namely wind-caused and water-caused erosions in uplands, foothills and lowlands; causes of increased cropping and food production; overgrazing and over-mowing. Distinct solutions were outlined and documented in response to the respective challenges.

One of the targeted outcomes is said to predict a 20-25% increase in productivity as a result of improvement of soil cover on the surface.

Along with the Agriculture Ministry, conservation of soil and land resources is run by **Conservation of Land Resources and Minerals Service**, a structural unit of the Environment Ministry. The regulations of the Service were approved by order #15 of the Minister on 10 May 2013.

The Service is charged with the following functions:

- Engage with and contribute to the development of national policy for sustainable management and purpose-uses of land resources and minerals;

- Coordinate and plan the measures for mitigation of land degradation, including the degrading into wasteland;
- Receive from National Agency of Environment (LEPL) the outcomes of observation on chemical melioration of soils, re-cultivation, compound measures for prevention of erosion, consistence of nutrient substances in soils, pollution of soils, qualitative features and come up with relevant proposals;
- Establish data base of lands polluted by hazardous substances and waste;
- Within its remit, engage with the agreement process on pollution of soils with hard metals, radionuclides, toxic substances, bacterial, virus, entomologic and helminthologic content and examine the efficacy of the measures against such pollution.
- Establish the evaluation systems for the degradation and pollution of soils; within its remit, engage with and contribute to the development of national annual and prospective purpose-programmes based on the data of research and observation over the fertility of soils;

The Service is endowed with powers (amongst others):

- To engage with and contribute to the consideration of reports on the environmental impact assessment as well as to the producing of ecological expertise report;
- For the purpose of ecological expertise reports and setting out the respective permission conditions, establish the observation regime on every component of such soils as consist in the adjacent territories of developing railways, main roads and highways and other developing buildings;
- Within its competence, contribute to the development of the draft national environment report;
- Within its competence, initiate the international projects in the area of land management;
- Furnish the Ministerial Department of Environmental policy and international relations with all requested information;

The Service is run by a chief, being appointed and dismissed by the Minister.

6.2.3 Treatment of Agriculture Lands with Agro-chemicals

Minister of Agriculture approves (Order 2-235, 29.10.2013) the national catalogue of pesticides permitted for use in Georgia. The order is made in compliance with the Act on the Pesticides and Agro-chemicals, #1696, 25.11.1998

Pesticides and agro-chemicals Act introduces the legal framework for the effective use of agro-chemicals and biological substances (fertilizers) which is safe for humans and the environment.

The Act is correlated with the international agreements, FAO principles and international code for the distribution and use of pesticides, Georgian legislation including Soil Conservation Act, Protection of the Environment Act, Food safety, veterinary and vegetation protection act.

The Act provides that:

- import, distribution or export of pesticides not included in the National Catalogue is banned;
- Distribution of prohibited or highly restricted pesticides, which have been shown, as a result of the registration tests, to have high likelihood of negative impact on human health and the environment, may be carried out under a special permit. Permit issuance shall respond to the international standards of information dissemination and the principle of informed consent. Ministry of Agriculture is responsible, along with the Ministry of Environment for compliance with the legal requirements on special permits for pesticides.
- Import of strictly restricted pesticides in rural and agriculture emergency situations (involving threat to human health) may be permitted by the Agriculture Ministry along with the Healthcare Ministry.
- Natural persons and legal persons involved in the distribution and use of pesticides and agro-chemicals, shall account for their activity to the authorities of Executive Power.

National authorities, in general, exercise the following powers with regard to the pesticides and agro-chemicals: law making, delivery of the national policy; control over compliance with the legislation; licensing; running the registration tests and expertise, running the national register (catalogue); standardization and certification; dissemination of information within the country.

Agriculture Ministry is the statutory executive authority in charge of the national policy on the pesticides and agro-chemicals. Safe use of pesticides and agro-chemicals is also regulated by Ministry of Healthcare and Ministry of Environment, within their remit.

Supervision (overseeing) and state control powers on the effective use of pesticides and agro-chemicals lie with two Ministries – Agriculture and Healthcare. Control is exercised in compliance with the international requirements of FAO and the Georgian laws.

Control authorities are empowered to inspect, despite the forms and nature of the proprietary rights, the lands, stores, industrial edifice, transport vehicles.

Control powers of Agriculture Ministry extend to import, transportation, sale, marking, storage, use, production and quality of pesticides and agro-chemicals placed on markets.

6.2.4 Economic Regulation of Conversion of Agriculture Lands into Non-Agriculture Lands

Act on the Fees for cultivation of substitute land and compensation of damages on a conversion of agricultural land into a non-agricultural land# 900, 02.10.1997introduces two types of payment: 1. Conversion fee, i.e. a compensation fee for the cultivation of substitute land and 2. Compensation of damages (if any) caused to a land-owner by the conversion.

Compensation fees for exploitation of substitute lands are set out in consideration of the municipality territories and the recreation zones (which are designated by Georgian legislation).

Public Register under the Ministry of Justice is an authorized body in charge of the conversion arrangements.

Conversion is a paid-for service when it relates to the lands falling within the boundaries of the recreational zones of Georgia, fee being 100 000 Gel per 1 ha or the administrative boundaries of Tbilisi and Batumi, fee being 34 001 per ha.

Conversion is free in other occasions including the conversion of lands being in the ownership of state or municipal bodies. Compensation fees are to be paid to the accounts of the respective municipality budgets.

Apart from the conversion fees, a damage compensation system is employed where the owner of agricultural land suffers damage as a result of the deterioration of the converted land. Such compensation is to be calculated in accordance with the rates as introduced by the same Act and the method as set out by the respective Government Resolution. Damage compensation sums are to be paid to the account of the respective land owner of the damaged (converted) land.

6.2.5 Food Safety, Bio-production and Cattle-drive routes

The Georgian Government approves, by way of Resolution, veterinary and sanitary conditions for domesticated animals drive to the seasonal grazing areas. The respective Resolution #648, 02.12.2014 was adopted in compliance with the product safety and free movement act and provides that animal drive to the seasonal grazing areas is to be carried out within the terms set out by the LEPL National Food Agency under the Agriculture Ministry.

The Agency provides for the arrangement of veterinary control units on the drive routes which are designed for the supervision of livestock and sheep health.

Clinical examination per animal on the resistance to a contagious disease, diagnostic research and immunization of animals prior to the drive commencement; examination of adjacent territories to the drive routes in respect of their resistance to a contagious disease; It is prohibited to drive cattle (including flocks of sheep) without a health certificate; Likewise, it is prohibited to arrange a mixed drive of livestock and flocks of sheep.

Under Food/animal food safety, veterinary and the conservation of vegetation act # 6155-IS, 08.05.2012 the national policy for the food Safety, veterinary and vegetation safeguarding is developed and delivered by the Georgian Government and the Ministry of Agriculture within their respective competences.

Food Safety Agency is a legal person of public law (LEPL) at the Ministry of agriculture and rural affairs and is charged with the exercising of the national control on the safety of food/animal food, veterinary and conservation of vegetation (plants). Actions and steps by the Agency are controlled by the Agriculture Ministry.

Food Safety Agency, amongst its other respective competences, exercises supervision on the cattle drives, including across the seasonal grazing areas.

Agency in exercising the control, inspection and supervision on the production of food from animals and plants, takes into account the bio-production principle as an entire management system designed for striking proper balance between the biodiversity and ecology, protection of the environment and efficient use of the natural resources.

6.3 Forestry

6.3.1 Management of Forests

Forestry Code, a legislative act of Parliament # 2124, 22.08.1999 (hereinafter the Forestry Code) outlines the following forestry management authorities:

1. Management authorities as referred to in s 15 and 16 of the Forestry Code, which are:
 - 1.1. Agency of protected areas with respect to forests of protected areas;
 - 1.2. National Agency of Forestry with respect to the national forest estate (except for protected areas and forests of local importance); and
 - 1.3. municipalities with respect to forests of local importance;
2. There is a special provision in the Forestry Code on Tusheti, Batsara-Babaneuri, Lagodekhi and Vashlovani Protected Areas (a legislative act) providing that Akhmeta Municipality Administration (Gamgeoba) is the competent forest management authority over the named territories (sections 8 and 46 of Forestry Code);

Under the Government Resolution#242, 20.08.2010, adopted based on the Forestry Code, general forest management is exercised by the national agency of forestry LEPL within the system of the Environment Ministry.

LEPL National Forestry Agency is set up under the Structure, Powers and order of functioning of Government of Georgia, whose regulations are approved by the Order 25, 10.05.2013 of Environment Ministry.

Agency is charged with objectives and functions of:

Attending to and restoration of forests and woodlands;

Sustainable use of biodiversity components within the territory of the forestry estate;

Management of forest estate, regulation of use of forests and exercise of control and monitoring over the territories of the forest estate (except for that of licence conditions); keeping inventory and records of forests; correction and modification of forest boundaries; segmentation of forests and woodlands into plots and blocks and taxation plot; development of measures against illicit use of forests; keeping records of proceedings on administrative wrongs, or with uncovering of crime elements , transmitting the case to the respective authorities; estimation and evaluation of damage inflicted to the environment as a result of such wrongs and violations and setting forth claim for damages (alongside the minutes on administrative wrong) or filing a lawsuit at court;

Timber production and granting tickets (permission document) for timber production; granting use rights of the forest estate and arranging the respective paperwork, including the decision-making on special use rights and special felling rights up to a one-year period, amongst others of red book enlisted wild plants and their derivatives;

Engage with the agreement process on the compensatory and/or mitigation measures in respect of activities subject to ecological expertise where a special purpose use of forests is granted;

Cooperation with local and international scientific and non-governmental organizations; development of purpose programmes;

Setting up a legal person (entity) of private law at the consent of the authority of state-control, i.e. the Environment Ministry.

Agency is run by a chief, who is appointed and dismissed by the Minister.

Agency discharges its tasks and functions by way of its internal departments and territorial agencies:

Out of 8 departments, the relevant are the department of forest inventory, department of use of forests, department of forest attendance and restoration, department of internal control (split into analytical and inspection subdivisions) and department of timber production;

Out of 9 territorial bodies, the relevant is the Kakheti Forestry Service.

Each of territorial service agencies guides with the typical regulations as approved by the Environment Ministry, according to which the operational areas of Kakheti forestry service covers the administrative boundaries of Akhmeta, Gurjaani and Dedoplistkaro. Head of Service is appointed and dismissed by the Head of Agency. Where decision-making involves the carrying out of rural and economic operations of forestry, consent by a chief forester is required.

As the forests and woodlands are segmented into plots and blocks of forests, a head of forest plot or block manages the operations of forest rangers and guardians.

The environment Ministry also outlines and approves a list of green zones and resort zones within the national estate of forests and woodlands as being subject to the management of the national agency of forestry. The list was approved by the Ministry Order# 161, 29.12.2014.

6.3.2 Use of Forests

Government Resolution on use of forests #242, 20.08.2010 sets out the rules for use of forests within the territory of the National Forest Estate (fund) and defines the amount and order of payment of a compensation fee for uses (extraction of) from outside of the national forest estate territory of endangered wild plants or derivatives which are subject to conservation under the Red Book Act;

The Government Resolution on use of forests introduces:

1. types of use of forests and woods;
2. types of services offered by a LEPL National Forestry Agency and respective service fees;
3. Marking and designation of felling areas and timber production rules; delineation and marking of felling areas shall also outline the rules and norms for general felling (main use felling), special felling and thinning (also known as coppicing/pollarding); General felling shall not be designated and marked in i) Tusheti protected landscape, ii) forest areas subject to the management of such authorities as defined in s 15 and 16 of Forestry Code, i.e. Agency of protected areas, National Forestry Agency and municipalities in respect of forests with local significance.
4. order of issuance of a 'ticket' (permit form) for timber production and logging;
5. order of granting an entrusted (endowed) use of areas of the public forest estate (to the Patriarchate of Georgia).

Under the Resolution, use of forests comprises:

1. Timber production;
2. Granting an entrusted (endowed) use of forests;
3. Special purpose use;
4. Specialist use of the national forest estate by the Agency;
5. Production of wood plant products and second-rate wood materials;
6. Removal of fertile cover of forests and woods;
7. Use of non-wood resources of forest;
8. Plantation-based forest management;
9. Agricultural and rural use of forests ;
10. Resort, recreational, sporting and other cultural use of forests;
11. Setting up of Fisheries;
12. Arrangement of animal shelters and breeding farms;
13. Non-agricultural use of forests;
14. Complex (mixed) use of forests;
15. Deployment of communication buildings/edifices;

National Agency of Forestry provides the following services:

Granting a 'ticket' for timber production;

Arrangement of a plot area for the purpose of licensing;

Granting a right of use of forest estate and arrangement of necessary set of documents;

Granting a ticket for use of forest resources;

Providing information in respect of a parcel of land within forest estate (including cadaster of the land, taxa characteristics, delineation of use plots,ect.)

Delineation and marking of felling and timber production areas;

Issuance of a documented certificate on the origin of woods;

Issuance of a special marking facility known as a signboard;

Agency of Protected areas grants a timber production 'ticket' in accordance with the order prescribed by laws and on the condition of a fee payment as determined by the Resolution;

The Resolution defines the fees for use of forests which also is relevant to the services provided within the protected areas;

6.3.3 Social Felling

Social felling may be carried out for non-commercial purposes by population and state budget bodies and organizations.

Various categories of logs and wood resources can be granted as a result of social felling on the condition of fee payment and upon presentation of use tickets.

State Representative in the region - Governor (here Governor of Kakheti) approaches the Forest management authorities with a demand for 1st quality trees (logs/timber) to be granted to the population by way of social felling, such application to be made annually, until 1st of May, with reference to the volumes and types of logs and timber;

Forest Management authorities evaluate and determine the capacity of such types and volumes of timber/logs as contained in the demand and provides a feedback to the Governor until 1st of September;

A commission set up by Governor (here the Kakheti Governor) shall study and examine the validity and reasonableness of each particular resource as demanded by the population. No representative of forest management authorities shall be part of the commission's work. The Commission examines, on ground, the correspondence of the demand with factual circumstances and comes up with a conclusive opinion. Such conclusion shall be submitted to the Governor along with the respective photos who approaches the Forest Management authorities with adjusted (in terms of accuracy) application on the range of types and volumes of 1st quality trees (logs/timber). The application shall contain references to names, personal numbers and the types and volumes of 1st quality trees (logs/timber) to be granted to the citizens. The application shall be supported by the conclusive opinion of the Commission and the photos reflecting the factual conditions.

Forest Management authority comes up with an approval (where the sufficient wood resources are in fact available) or rejection of Governor's application for 1st quality trees in one month of such application by adopting an individual administrative-legal act.

Applications for social felling of I and II quality trees by LEPLs, state-budget organizations, the LEPL set up under the constitutional concord (Patriarchate of Georgia) and non-commercial entities founded by the municipalities shall be directly filed by such organizations at the forest management authorities. Approval or rejection of such applications for 1st quality trees are ultimately made by the Environment Ministry on the ground of the draft order submitted to the Ministry by the forest management authorities. Ministry order is adopted in the form of an individual administrative-legal act. Where such organizations need wood materials as a building material to be purchased within the state procurement, such an interested entity shall approach the Environment Ministry with an application and the respective planning (development) project with specific reference to the volume of the wood materials needed.

Timber production during the social felling are allowed on slopes and hillsides of 35 degree descent (slant). Social felling normatives are laid down in respect of the plots of forests where the felling is allowed, types and age of trees, felling methods including clear felling.

Social felling is not to be marked in the forests and woodlands subject to the management of forest authorities as referred to in s 15 and 16 of forestry code (Agency of protected areas, National forestry agency and municipalities), except for the national parks, protected landscape and habitat/species management areas. In protected areas, social felling is allowed only for the local population for meeting their social needs.

Types of felling for general uses: clear felling, gradual felling, bulk and selective felling. Felling normatives are laid down in consideration of age and types of trees, types and maximum sizes of felling areas, building and use of forest roads for the drawing of logged timber.

6.3.4 Special Felling

Special felling undertaken by the Agency for sustainable management of forests:

Permission for special felling, including the Red Book species of wild flora at a risk of extinction, is granted for one-year period by forest management authorities (s 15/16 forestry code) on the territories of the public forest estate and such plots of protected areas where special felling is allowed.

The Government of Georgia is the competent authority to take decisions on the matters

1. In relation to long-term uses of special felling, to decide on terms (duration) and extension of such terms;
2. Of granting permission for timber production during the special felling on slopes of 35 degree or more descent on sites of constructions of national significance;
3. Of granting permission for timber production during the special felling on slopes of 30-35 degree descent on sites of constructions of national significance, dispensing with standard requirements set for such slope areas.

Where cultural monuments form the purpose of special felling, a respective permission by the Ministry of culture and monument protection shall be supported to an application for special felling.

6.3.5 Special Use of Forests

Special uses of forest are carried out for the following purposes:

- Building of pipelines, roads, hydro-electric units, electric communications, canals and the related works;
- Firefight works and flood regulation; risks related to the emergency or hazardous fall down of trees;
- Reconstruction of monuments of cultural heritage;
- Oil and gas operations;
- National wide infrastructure projects;

Where special use of forests forms an activity for which an ecological expertise is required under the Environment Impact assessment rules, the permission for special use will be granted alongside the respective ecological expertise report. The special use of forests permission takes effect only after an approving ecological expertise report has been granted.

Where special use of forests, including that of special felling is carried out by the Agency, the respective permission is granted by the Environment Ministry. Logs, timber and woodfuel produced by the Agency through such special use are stored at the special warehouses of Agency and sold, including by means of electronic auctions.

Prior to the granting of permission on special use of forests, respective forest management authorities shall ensure that the respective territories for such special use are registered at the Public Registry; consequently, a special user of forests is liable to register his/her right to the special use /felling at the Public Registry.

Where special use of forests also comprises the necessary timber production, such felling area shall be designated and uploaded on an electronic system, in case of a natural person – by forest management authority and in case of a legal entity, by the entity itself;

A special user of forests is liable to pay a one-off compensatory remuneration prior to the commencement of the respective special use. An amount of remuneration is to be determined on the basis of the area of the woodland and the volume of wood plants subject to special felling, where felling is a necessary component of use.

Upon granting the use rights on the Red Book enlisted species of wild plants threatened with extinction outside the national forest estate area, applicant seeking the obtaining (taking) of

the plants out of the habitats shall pay a compensatory remuneration in accordance with the types of plants enlisted in the schedule of the Government resolution and in the fourfold amount of such remuneration as set out for each respective wood resource. The remuneration sums shall be paid towards the account of LEPL National Afforestation and Breeding Enterprise at the Environment Ministry; Remuneration is to be applied for the purpose of afforestation, restoration of forests and woodlands and conservation, keeping the record and inventory of forests and firefight activities.

6.3.6 Forests and Agriculture

Use of forests for agricultural purposes comprises harvesting or production of agricultural products, grazing and browsing, bee-keeping and honey production and arranging of temporary shelters for livestock in forest estate territories. Forest estate territories granted for agricultural use allows only the arrangement of temporary constructions.

Agricultural use shall be carried out in the way as to not cause erosion, and damage to wood plants and juvenile trees.

Use of forests for fisheries

The regulation requires that rivers, lakes and water sources and their adjacent areas uncovered of wood shall be designated for arrangement of fisheries. Designation shall fail if it requires felling of more than 50 cubic meter amount of trees per hectare.

It is banned to cause introduction and expansion aggressively invasive as well as adverse to the ecosystem species.

6.3.7 Use of Forests for Non-Agriculture Purposes

Uses of forests for non-agricultural purposes comprise the planning and building of constructions, including those of catering and of other objectives, on the areas uncovered with wood.

Complex (mixed) use of forests comprise such uses as are:

1. Plantation-based forest management;
2. Agricultural and rural use of forests;
3. Resort, recreational, sporting and other cultural use of forests;
4. Arrangement of Fisheries;
5. Arrangement of animal shelters and breeding farms;
6. Non-agricultural use of forests;

Complex use shall be enjoyed in the way as to not compromise forest restoration, afforestation and looking after the forests and woodland.

6.3.8 Licensing and Economic Regulation of Use of Forests

The Environment Ministry, under Licences and Permissions Act and the Regulations of the Ministry, approves the forms of licences for specialist timber production and logging, extraction and mining of natural resources, general uses of forests, specialist farming for

hunting, fishing, trade with the endangered species of flora and fauna threatened with extinction.

Act on Fees for Use of Natural Resources, establishes a paid-for use principle aimed at the rational use of natural resources, based on its potential capacity and sustainable management principles;

Amongst others, levies/fees for use of natural resources are payable by a person, who makes use of

1. wood resources from the national forest estate;
2. wood resources obtained as a result of specialized felling;
3. animal species and any of its respective objects as obtained from their natural habitats.
4. And more generally, a person whose use of natural resources is subject to licensing.

As a general rule, tax authorities administer collection of levies/fees subject to the following exceptions:

LEPL National forest agency and LEPL Agency of protected areas administer collection of fees/levies for uses of wood resources by local population, public (budget funded) organizations and the Georgian Patriarchate prior to such felling and obtaining of wood.

An authorized body for granting a licence administers levies for use of plant/vegetation resources (other than wood) and products from such plants, prior to the obtaining of the licence;

6.4 Safeguarding Biodiversity and Ecosystems Services from Environmental Impact

6.4.1 Environment Impact Permission

Environment impact permission Act # 5602, 14.12.2007, sets out a full list of activities that are subject to the environmental impact permission. Permission encompasses carrying out of an obligatory ecological expertise, environmental impact assessment and involvement of a wider public in the process of granting permissions.

Among the purposes of the Act is the protection of environment and natural resources from inconvertible quantitative and qualitative changes, as well as promotion of its rational and responsible use.

Permission is granted on a permanent (termless) basis and encompasses the following areas:

refinery treatment of natural resources (minerals), any industrial or manufacturing technologies using asbestos; refinery treatment of cement, asphalt, lime, alabaster and brick industry;

glass industry;

waste recycling and allocation;

dangerous waste recycling;

radioactive waste allocation;

coal industry;

oil and gas pipeline development;
deployment of oil and gas terminals;
road, bridge, railway and tunnel building;
development of high voltage power transmission lines and substations;
development of hydro-electric and thermo-electric power stations;
metropolitan building and development;
airport and aerodrome development;
harbor and seawall (weir) development;
chemical industry, any of the metallurgical industries, storages for toxic and other dangerous substances;

Where a planning permission is also required for any of the above activities, a competent authority on the planning and development, calls for involvement of the Environment Ministry, as of a distinct administrative body, in accordance with the Licences and Permissions Act of Georgia.

A competent authority for granting a planning permission submits to the environment ministry a set of documents based on which the Environment Ministry delivers an ecological expertise which must be approved by the Minister.

In the circumstances where no planning permission is required for any of the above activities, an ecological expertise carried out by the Environment Ministry, it turns out positive, is the ground for granting a permission by the same Ministry. Ecological expertise and its terms make up the permission terms.

The Ministry is a competent authority to deliver ecological expertise for the purpose of decision-making in granting an environment impact permission or a planning permission.

Under the ecological expertise Act, ecological expertise makes an assessment of potential ecological risks and threats arising out of activities subject to permission (licensing), possible environmental impact of the same; considers the compliance with the respective set of requirements, norms and quotas for the protection of environment. Under section 3 of the same Act, the Ministry competencies, amongst others, include appointment of independent experts with the requirement that they undergo registration at the Ministry and establishment of expertise boards (commissions).

To safeguard protected areas from heavy environmental impact, the Environment Protection Act underpins exclusive state ownership in most of the protected areas. Namely, Proprietary rights in the protected areas are highly regulated, property rights are predominantly and to a greater extent exclusively owned by the State.

Granting interests and rights of uses on lands (including lease, usufruct, etc.) and its incumbent natural resources are highly regulated.

6.4.2 Waste Management

Waste Management code, a legislative act # 2994 RS, 26.12.2014 amongst others, is aimed at protection of the environment and human health, providing that waste management shall be carried out without threatening and hazarding water, air, soil, flora and fauna.

Competent authorities in the area of waste management are the Environment Ministry, Agriculture Ministry and Ministry of sustainable economic development.

Environment Ministry along with the Agriculture ministry regulates and supervises the management of animal waste;

Ministry of sustainable economic development, through its internal agency, issues a certificate on a transport vehicle designed for the transportation of dangerous and hazardous waste.

7. Municipal Authorities

7.1.1 Akhmeta Municipality Level

By adopting Resolution **#24, 29.07.2014**, Akhmeta Municipality assembly approved the regulations of the Commission for Spatial-territorial Development, Infrastructure and Natural resources (hereinafter the Commission).

The powers, structure and order of functioning of the Commission are set out as follows:

Commission is a permanent body at the Akhmeta Municipality Assembly. Commission is set up in accordance with s28 of the municipality (self-government) code.

The commission is charged with functions of preliminary consideration of issues within the remit of the Resolution #24, 29.07.2014, contribution to the delivery of adopted decisions, exert control over activities of administrative office of the municipality and that of legal entities as established by the Akhmeta Municipality.

The following powers and functions of the Commission are likely to have implications for sustainable management of biodiversity and ecosystem services:

- Consideration of and submission to the Akhmeta municipality assembly proposals and opinions on the spatial-territorial development of the municipality;
- Designation of zones within the municipality territory for historical-cultural, greenery planting (trees and shrubs), recreational, industrial, commercial, agricultural and rural purposes;
- Engaging with general plans for land management and projects for the planning regulations and submission thereof to the Assembly for approval;
- Consideration of and submission to the Assembly proposals for:
 - i) approval of projects and programmes for conservation of natural resources;
 - ii) development of management rules on water resources and forests of local importance;
 - iii) produce plans (draw up plans) for water supply works and development of melioration systems of local importance;
 - iv) management of communal economy owned by the municipality.

The commission is run by a chairman, being elected and/or outvoted by the Assembly.

Commission is made up with three workgroups made up of the commission members;

1. spatial-territorial planning and development workgroup;
2. infrastructure workgroup;
3. natural resources and development of information systems workgroup.

Advisory councils may be set up at the Commission, comprising the competent and experienced experts as of invited members on 6-month contracts the longest. Among the invited members may well be the representatives of non-commercial legal entities. Advisory Councils come up with relevant recommendations and expert advice, as well as identify the problematic issues within the competence of the Commission and propose options for solutions.

Under the Act on Recognition of Private Ownership on lands in possession of natural and private legal persons # 5274, 11.07.2007, the Commission shall ensure that no recognition of private ownership, as of a statutory right, shall be granted on state-owned lands, arbitrarily occupied by natural persons (squatters) and/or legal entities of private law on the following agriculture or non-agriculture lands:

- Cattle-drive routes;
- Lands of national water estate (fund) subject to limited statutory exceptions;
- Lands of national forest estate (fund) subject to such statutory exceptions, application of which does not prevent the forest management and conservation;
- Protected areas except for protected landscape and managed nature reserve;
- Recreational parks, woodland parks, pleasure grounds and other territories of recreation value, except for the territories bearing the status of the Georgian resorts, resorts-related areas, skiing areas and the black sea shore recreational territories as defined by the resolution of the Georgian Government.

Akhmeta Municipality Assembly Resolution approving the regulations for the Akhmeta Municipality Administrative Service for property management, economic development, statistics, infrastructure, spatial planning, architecture and development.

Administrative Service is a structural unit at the Akhmeta Municipality Administration (hereinafter Service) and comprises two departments: 1) Property Management and economic development department and 2) infrastructure, spatial planning, development and architecture department.

Infrastructure, spatial planning, development and architecture department is responsible, amongst others, for development of municipal programmes and the related documents for spatial planning (including planning permissions), development works, infrastructure building, urban development, land management planning, designation of land zones per proprietary rights.

Georgian Government Direction #566, 31.03.2016 approved (gave its consent) the proposed draft contract to be made by and between the Environment Ministry and Akhmeta Municipality on the delegation of power to carry out regulating activities of numbers of wolfs within the territory of Akhmeta Municipality. The Government direction bases itself on the Municipality code, s17 which provides that National Government bodies may delegate such powers to municipalities, carrying out of which is more effective locally. Delegation is effectuated either by way of legislative act or an agreement to be made between the municipality in question and a relevant Ministry, If Government so decides and ultimately approves the draft agreement.

7.1.2 Dedoplistkaro Municipality Level

At Dedoplistkaro Municipal level, there is no such authority (office, service, department) that would be directly in charge of biodiversity conservation and management issues. (NB: Territorial administrations of the Agency of Protected Areas as well as the territorial bodies of a Government Agency - Department of the Environment Supervision do not make up regional or municipal authorities, but are rather central government represented in place, i.e. local branches of the Ministry).

However, due to the pervasive nature ecosystems services, distinct functions and tasks may be identified in the regulations of municipality bodies (Assembly and Administrative Ruler's Office) that would reflect attendance to the issues of biodiversity and ecosystems services.

Administrative Ruler of the Dedoplistkaro Municipality, by means of the Ruler's Order # 363, 17 June, 2017, set up a working group for the protection of biodiversity and crisis management in agriculture and rural affairs on the Municipality territory.

The Administrative Ruler's Order was made on the basis of the Organic Act – the Municipality Code and GAC and the workgroup is in fact an intersectoral team, chaired by the Administrative Ruler, comprising three members from the Administrative Ruler's Office, a member of the Dedoplistkaro Municipality Assembly, namely the chair of the commission of economics and property management, a private company Mekanizatori Ltd represented by its service centre manager, GIZ field coordinator in Kakheti and Dedoplistkaro, a farmer from the Municipality area, Director of the Vashlovani Protected Areas Administration, a representative from the Ministry of Agriculture, namely its Communications and Consulating Service for the Dedoplistkaro Municipality. The Workgroup meets once in a quarter and in carrying out its functions intensively cooperates with the Governmental and non-governmental bodies, farmers and specialists across the agricultural, farming and rural affairs.

By adopting Resolution **#27, 05.08.2016**, Dedoplistkaro municipality Assembly approved the regulations for the Dedoplistkaro Municipality Administration Service (hereinafter Service) for property and estate management, economic development, statistics, infrastructure, spatial development, architecture and planning (including building).

Service is a structural unit within the Municipality administrative office, run by a chief and is subdivided into two internal departments:

1. Department of property management and economic development; and
2. Department of infrastructure, spatial development, architecture and planning permissions (including building activities).

Department of Property management and economic development is responsible, to the extent of its competence, for economic development, investment projects, categorization and record-keeping of the municipality property, registration thereof same in the public registry, coordination of issues in relation to the agriculture and rural (arable) lands, record-keeping of shares owned by the Municipality in legal entities of private law (companies), producing recommendations on the management of such companies.

Department of infrastructure, spatial development, architecture and planning permissions (including building activities):

Produce proposals for land use and land management schemes and for zoning of the municipality territory, including proposals for setting and changing the boundaries thereof;
Developing general plan for land use and land management and of the plan for spatial development;

Engage with the agreement process (including giving consent to) on architectural and planning projects, on spatial-development documents;
Bringing into order of conditions and terms for the town-planning and development;
Produce the planning-permission documents;
Produce documents for rehabilitation and development of the municipality infrastructure;
Develop projects for amenities and public services in the populated areas of the municipality;
Develop projects for prevention of adverse effects of natural calamities and set forth the measures for rehabilitation.

8. National Supervision on the Environment Protection

8.1 Department of Supervision – Government Sectoral Agency

Department of Supervision is set up by the Environment Protection Act # 519, 10.12.1996 and is a Government Sectoral Agency, body of executive power subject to the state-control of the Environment Ministry.

Government of Georgia approved, by way of Resolution #61, 17.02.2015, order of exercise of national control on the environment protection by the Department. National control is applicable to such areas as are the protection of atmospheric air, water, land, minerals and biodiversity, use of natural resources and regeneration thereof, waste regulation, chemical safety, licenses and permissions for use of natural resources, including an ecological expertise.

Following persons are subject to the regulation and control by the Department (hereinafter 'persons subject to the regulation'): natural and legal persons, license/permission holders, bodies of national and municipal authorities, to whom the requirements of environment protection as imposed by laws and international agreements apply.

National control is exercised in collaboration with the bodies of national and municipal authorities, 'persons subject to the regulations', wider public and interested parties. Department cooperates with the respective Service offices, public and international organizations of other countries. Scope of the national control comprises control over the compliance with the conditions of licences, permissions, ecological expertise reports as well as requirements for the environment protection and use of natural resources in the national forest estate and protected areas.

The Environment Ministry and the LEPL National Agency of Environment provides the Department with all the relevant information and sets of documents of licences, permissions, expertise reports, forest management plans, hunting farms management plans and fisheries' management plans. Control mechanisms include prevention of violations and contravention of laws, prevention and detection of illegal use of natural resources, measures designed to undermine such wrongs, carrying out the patrolling, check-ups, examinations and inspections whether scheduled or not, and by serving a prior notice or not.

Department remedies to the detected violations and wrongs:

Measures in response to the wrongs and violations as detected in the process of inspection falls subject to civil, administrative and criminal law.

Department acts respectively in each scenario: evaluates the inflicted damage, claims the respective damages from a wrongdoer thereby attaching a record of minutes of administrative wrong; files a lawsuit at court and claims damages as inflicted to the state property; where appropriate, transmits the case materials to the prosecutors' office; deprives illegally obtained objects of animal species and if suitable, supplies the same to orphanages and elderly-care houses.

Department has its territorial bodies as established by the Order #204 of the Environment Minister, 30.06.2015. The Minister's order approves the regulations for such territorial bodies, according to which a territorial body is a regional office.

Regional Offices are liable to the head of Department.

There are overall 7 regional offices including the Kakheti regional office.

A regional office is headed by a chief, being appointed by the Environment Minister on the proposition of the Head of Department;

Each regional office has two structural subdivisions:

- Department of inspection of the environment protection; and
- Department of Patrolling and fast response.

8.2 National Agency of Environment – LEPL under Environment Ministry

LEPL National Agency of Environment is set up under a legislative act on the Structure, Powers and order of functioning of Government of Georgia, whose regulations are approved by the Order 27, 10.05.2013 of Environment Ministry.

Agency is a separate and distinct body from the national executive authority, who independently runs its activities under the state control, here the Environment Ministry. Head of Agency is appointed and dismissed by the Minister.

The Agency is charged with functions, tasks and objectives of (amongst others)

Collection and evaluation of surveillance and observation data on the condition of environment,

Contributing to the review and consideration of management plans (except for that of forest management and hunting farm/enterprise management) as developed by use licences of natural resources;

Arrangement of expeditions as required for licensing of use of natural resources and fisheries (except for that of oil and gas);

Granting licences for use of natural resources (except for oil and gas) and the coordination of activities of such uses;

Approval of quotas of use of natural resources for licence-holders;

Putting into place an entire national fund management in respect of minerals;

There are 7 structural departments within the Agency, amongst which, the relevant are:

1. Department of monitoring over the environment pollution;
2. Department of licences;
3. Fishery and Black Sea monitoring Service.

Department of monitoring over the environment pollution, alongside its various functions, determines the pollution levels caused by natural and anthropogenic pressures, as well as soil contamination caused by chemical, biological and microbiological impact;

Fishery and Black Sea monitoring Service carries out the hydro-biological research of Black Sea coastline, coast zone and inland water resources. The Service develops proposals, methodology and recommendations on the issues of fishery;

Contributes to the approving of the quotas of fish harvesting as suggested by licence-holders; contributes to the introduction and inculcation of sustainable fishing, rational use of water bio-resources; monitoring over the wetlands and moorlands of Georgia for the purpose of conservation and rehabilitation of water habitats and hydrobionts.

9. Conclusions

In consideration of the roles and structure of key players, following conclusions and likely recommendations are made for improving the capacities now being in place:

- i) Field expert opinion is crucial in shaping legally binding acts. Georgian legislation provides vast area in which engagement of public experts (including independent experts) is a must requirement for making legally binding acts. Advisory bodies are set up at different levels ranging from Government through to Ministry, Governor and Municipality. In all named situations, decision-makers draw on the qualified advice before making a legal (normative or individual) act. Engaging in an expert's role is not restricted in that any qualified expert is eligible to at least offer his/her service to an advisory board in question. Being part of advisory boards means to be part of shaping potential binding rules in the management of Biodiversity and Ecosystems Services.
- ii) Nevertheless, challenges come along despite the fact that expert opinions in distinct sectors may well be in place. This is due to the need of knowledge and skills, specific to biodiversity and ecosystems services, as to how balance the competing expert opinions in conflicting sectors in order to arrive at the optimal solution of an issue at stake. To identify the overarching objectives and thus enable the proper tipping of the balance is vital in every particular set of circumstances. Therefore, development of standards, e.g. methods of assessing the values of natural capital, setting out the overarching principles and learning skills as to how make balancing exercise seems crucial in shaping proper management.
- iii) Greater problem may lie in an inert attitude from key decision-makers (and advisory boards). In particular, their capacity may well be prescribed in the legislation along with further discretionary powers, however, they lack sufficient will power to effectively engage in balancing exercise with due care and interest towards the biodiversity significance. This is due to the lack of new knowledge and qualified skills mentioned above. With that regard, awareness and willingness need to be raised within the people involved in both decision making and advising.

10. References

Legislative acts (Statutes)

- i) The Constitution of Georgia # 786, 24.08.1995;
- ii) Act on the Structure, Power and Order of Activity of the Government of Georgia#3277, 11.02.2004;
- iii) General Administrative Code of Georgia # 2181, 25.06.1999;
- iv) Act on the Parliamentary Rules #6533 – IS, 22.06.2012;
- v) Act on Normative Acts - #1876, 22.10.2009;
- vi) Municipal Self-Government Code # 1958-IIS, 05.02.2014;
- vii) The Protection of Environment Act #519, 10.12.1996;
- viii) The System of Protected Areas Act # 136, 07.03.1996;
- ix) Water Act#936, 16.10.1997;
- x) Act on National Regulatory Authorities # 1666, 13.09.2002;
- xi) Act on the Minerals# 242, 17.05.1996;
- xii) Act on Environment Impact Permissions # 5602, 14.12.2007;
- xiii) Act on Fees for Use of Natural Resources# 946, 29.12.2004;
- xiv) Act on the Red List and Red Book # 2356, 06.06.2003;
- xv) Act on the Pesticides and Agro-chemicals, #1696, 25.11.1998;
- xvi) Wildlife Act #540, 25.12.1996;
- xvii) Act on the Fees for cultivation of substitute land and compensation of damages on a conversion of agricultural land into a non-agricultural land # 900, 02.10.1997
- xviii) Act on the recognition of private ownership on lands in possession of natural and private legal persons # 5274, 11.07.2007;
- xix) Act on the Order of Planning and Coordination of the National Safety Policy, # 3126–II S, 04.03.2015;
- xx) Spatial Planning and Urban Development Act # 1508, 02.06.2005;
- xxi) Waste Management Code # 2994 RS, 26.12.2014.

Statutory Instruments

- i) Parliament Resolution # 471, 21.04.1994 ratifying the requirements of the Convention on Biological Diversity;
- ii) Economic Minister's Order # 1-1/196, 08.04.2016 on the setting up of the Council for the regulatory issues on the utilization (putting into use) and planning of populated territories;
- iii) Government Resolution # 59, 15.01.2014 approving the principal regulations for the utilization and planning of populated areas;
- iv) Government Resolution # 32, 24.03.2009 on the rules of granting planning permissions and the condition thereof;
- v) Georgian Government Resolution #89, 09.03.2015 on the setting up of the Government Commission for the development of the spatial-planning general scheme of Georgia, known as *Georgia 2030*;
- vi) Spatial Planning and Urban DevelopmentAct;

- vii) Government Resolution#242, 20.08.2010 approving the regulations for LEPL National Agency of Forestry LEPL;
- viii) Government Resolution #110, 12.04.2015 on the setting up of the National Intersectoral Commission for the Minerals Reserves;
- ix) Government Resolution #30, 29.11.2013 approving the regulations for a State Representative – the Governor;
- x) Government resolution #247, 20.03.2014 on the setting up of the National intersectoral commission for consideration of issues on the granting of certain distinct minerals usage licences;
- xi) Government Resolution #121, 19.03.2015 on the setting up of the Intersectoral Coordinating Commission for the Development of National Policy Document of Transport and Action Plan;
- xii) Government Resolution # 343, 08.05.2014 approving the 2014-2020 National Biodiversity Strategy and Action Plan (**NBSAP**) of Georgia;
- xiii) Government resolution #131, 28.05.2013 on the setting up of the Intersectoral coordinating Commission on the studying of legal regulation issues of transportation, import, export, re-export and transit of materials of restricted turnover;
- xiv) Government Direction 799, 11 May, 2016 on a Range of Necessary Arrangements for the development of Akhmeta Municipality and Tusheti;
- xv) Government Resolution #61, 17.02.2015 approving the order of exercise of national control on the environment protection for the Department of Supervision;
- xvi) Environment Minister's Order # 667, 04.11.2014 on setting up of the Council for Implementation, Supervision and Monitoring over the 2014-2020 Biodiversity Strategy and Action Plan of Georgia;
- xvii) Environment Minister's Order #-707, 08.09.2015 on the setting up of the Advisory Coordinating Commission for development of the draft forestry code;
- xviii) Environment Minister Order #29, 22.08.2016 approving the regulations of Department of Biodiversity and Forestry Policy;
- xix) Environment Minister Order #27, 10.05.2013 approving the regulations for LEPL National Agency of Environment;
- xx) Government Direction #2205, 13.10.2015 authorizing the transfer of a 1000 m² area on a long term enjoyment to an enterprise cooperative 'the Alazani Head Water' in Tusheti National Park;
- xxi) Akhmeta Municipality Assembly Resolution #24, 29.07.2014 approving the regulations of the Commission for Spatial-territorial Development, Infrastructure and Natural resources;
- xxii) Dedoplistkaro Municipality Assembly Resolution#27, 05.08.2016 approving the regulations of the Dedoplistkaro Municipality Administration Service for property and estate management, economic development, statistics, infrastructure, spatial development, architecture, planning and construction;
- xxiii) Dedoplistkaro Municipality Administrative Ruler's Order # 363, 17.06.2016 on setting up the workgroup for the protection of biodiversity and crisis management in agriculture.

Interviews

1. **Nino Gventsadze** - Head of Department of Spatial development and Construction Policy at the Economics Ministry
2. **Karlo Amirgulashvili** – Head of Department of Biodiversity and Forestry Policy at the Environment Ministry
3. **Lasha Moiscrapishvili** – Chief of LEPL Agency of Protected Areas



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**Integrated Biodiversity Management
South Caucasus IBiS**

Programme office
Ministry of Environment and Natural Resources Protection of Georgia

6 Gulus str
0114 Tbilisi, Georgia
Tel: +995 322 201828
www.giz.de
www.biodivers-southcaucasus.org

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH