

Bio Brief

Georgian Draft Law on Biological Diversity

Authors: Anna Rukhadze, Albina Muzafarova, Giorgi Lebanidze



The Draft Law of Georgia on Biological Diversity, prepared by the Ministry of Environmental Protection and Agriculture of Georgia, creates a legal basis for the establishment of an effective nature conservation and management system and approximates Georgian legislation with the European nature protection policy. Harmonization of Georgian legislation with EU nature protection directives, such as EU Directive 92/43 / EEC on the Conserva-

tion of Natural Habitats and Wild Flora and Fauna, and EU Directive 2009/147 / EC on the Conservation of Birds is an obligation defined by the Association Agreement between the EU and Georgia.

Currently, nature conservation in Georgia is regulated by legislation that was adopted mainly in the 1990s, including Georgia's Laws on Environment (1996), On Wildlife (1996), on the System of Protected Areas (1996), "On the Red List and the Red Data Book" (2003). However, the shortcomings and collisions of these laws and bylaws with other legislation of the country significantly complicate their enforcement and control.

Development of the draft law on Biological Diversity started in 2013 with the aim to reform the national system of nature conservation and harmonize it with the EU requirements. In the frames of the German-Georgian cooperation programme "Integrated Biodiversity Management in the South





Caucasus” (IBiS), the *Deutsche Gesellschaft für Internationale Zusammenarbeit* (GIZ) GmbH provided technical assistance to the Ministry of Environmental Protection and Agriculture of Georgia for the development of this important legislative document.

The specific objectives of the Draft Law of Georgia on Biological Diversity are to provide:

- Long-term conservation of wild plants and animals;
- Habitat conservation and maintenance through development of the “Emerald Network” and designation of protected areas with international importance;
- Regulation of international trade in endangered species of wild fauna and flora at national level;
- Establishment of clear conditions for access to genetic resources and related traditional knowledge and equitable sharing of benefits arising from the utilization of these resources.

Climate change and biodiversity loss are among the most important challenges in today’s world. Every day more and more species and habitats are threatened with extinction worldwide, including in Georgia. Maintaining and restoring ecosystems is essential to provide a safe living environment for us and for future generations. Protecting biodiversity is vital to our well-being and our country’s sustainable



development. Therefore, although Goals 14 and 15 are directly related to the halt of biodiversity loss and conservation of marine and terrestrial ecosystems, biodiversity conservation and maintenance of ecosystems services are essential to achieve most of the UN’s Sustainable Development Goals (SDGs).



The adoption of the Law on Biological Diversity is important for the implementation of the national biodiversity strategy and the country's international commitments, as well as for integrating aspects of nature conservation into development. Protecting Georgia's biodiversity is important not only at the national, but also at the global level as one of the biodiversity hotspots¹ and priority biodiversity conservation sites². Georgia's biodiversity has a great value, given its ecological, social, economic, cultural and aesthetic significance. The new legislative initiative is especially important right now, when the international community is reviewing achievements and failures under the Convention on Biological Diversity and negotiating the post-2020 global biodiversity framework.

Species protection

Protection of endangered species is an essential measure of nature conservation. Extraction of plant and animal species, destruction of habitats and the distribution of invasive species poses a significant threat to country's biodiversity. The draft law on Biodiversity contains important provisions on protection of species and their habitats, on prohibition of encroachment and compensation of damage.

According to the law, the Red List of Georgia, similarly to the IUCN Red List of Threatened Species, will describe the conservation status of plant and animal species spread throughout Georgia. Special protection status - strictly protected or protected species - will be given to endangered or near-extinct animal and plant species, depending on the state of the species' population at national, regional or global level. The government takes responsibility to monitor strictly protected and protected species, as well as to develop and implement their conservation plans.

The draft law prohibits deliberate killing or capture of strictly protected or protected wild bird and other wild



¹ Conservation International has identified 36 globally most important nature conservation sites, including the Caucasus and Iran-Anatolia, part of which is Georgia, <https://www.conservation.org/>

² Georgia is included into the so called "Greater Black Sea Basin" site which is one of the 35 priority places identified by the WWF for nature conservation.



animal species, as well as destruction, damage or collection of their nests, lairs, burrows, eggs/spawns, deliberate destruction of migration and water access routes, or watering places. It is also forbidden to cut, dig out, damage, collect parts, own, trade or transport specimens of the strictly protected and protected species of plants, except for the exceptional cases provided by law.

The legal protection of vulnerable and endangered species will be provided through the inclusion theme in a list of

strictly protected or protected species that will be approved by the government of Georgia.

The draft law establishes the obligation of a land holder to tolerate restrictions imposed by species and habitat protection measures.

The draft law also establishes a framework for utilization of wild plants and animals that do not belong to the protected or strictly protected species. It allows utilization of the minimum number of specimens of such species for personal social needs. The list of (not-protected) species subject to hunting or fishing shall be defined by legislation.

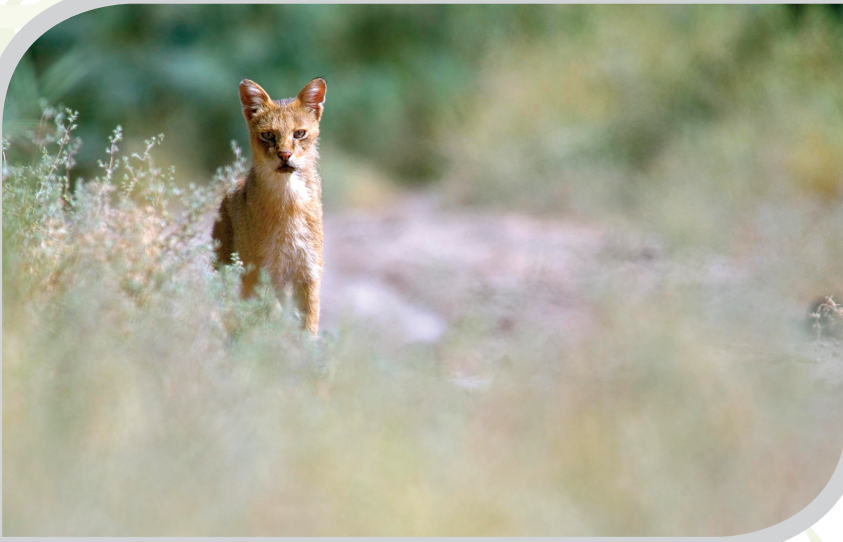
The draft law will prohibit introduction of invasive alien species, cultivation of invasive plant species in forests or protected areas, arbitrary reintroduction of wild animals into the environment in Georgia.

International wildlife trade also causes overexploitation of some animal and plant species. As a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Georgia is obliged to control export, re-export and import of endangered species (also their parts and derivatives)

common in the country as well as specimens originated in other countries, including species propagated artificially or bred in captivity. The draft law contains relevant provisions for regulation, control and monitoring of extraction and international trade of species protected by the CITES.



Habitat Conservation



Conservation of diversity of flora and fauna is impossible without maintenance of their habitat. Increasing modification and destruction of habitats is the main cause of biodiversity loss.

The draft law establishes the legal basis for development of the “Emerald Network” in Georgia. The “Emerald Network” is an ecological network of

special conservation areas designed to provide long-term survival of species by protecting and preserving their habitats. The draft law establishes and defines criteria for selection of the Emerald sites, procedures for their designation, and requirements for management and monitoring in accordance with the Convention on Conservation of European Wildlife and Natural Habitats (Bern Convention). Emerald areas may be state, municipal or privately owned. The Ministry of Environmental Protection and Agriculture will manage, coordinate and control the “Emerald Network” at the national level.

According to the draft law, any project that might, individually or in combination with other plans and projects, have a significant effect on protected species and habitats within the Emerald sites shall be subject to an appropriate assessment of its implications for the site. Implementation of the project with adverse impacts on the integrity of the Emerald site will be allowed only in the absence of alternative solutions and for imperative reasons of overriding public interest. Compensatory measures must be taken to ensure the overall coherence of the “Emerald Network”.

Protected Areas of International Importance

There are valuable ecosystems in Georgia, that meet the criteria set by international treaties for indication of areas of international importance. The draft law on Biological Diversity emphasizes the importance of protecting natural heritage in line with the requirements of the UNESCO Convention on the Protection of World Cultural and Natural Heritage. Recently, Colchis forests and wetland ecosystems, represented in





the Mtirala, Kollheti, Kintrishi and Kobuleti Protected Areas, were submitted for inclusion into the UNESCO World Heritage List. The Colchis peatlands and forests are also included into the list of Wetlands of International Importance in accordance with the Convention on Wetlands (Ramsar Convention).

The draft law provides legal basis for the establishment of Wetlands of International Importance and World Heritage Sites in Georgia, setting out detailed procedures for their identification, designation, management, protection and monitoring.

The draft law establishes the legal basis for the creation and management of Biosphere Reserves. Biosphere Reserve is an important tool for nature conservation and sustainable land use. The Global Network of Biosphere Reserves has been evolving under the UNESCO “Man and Biosphere” Programme since 1971. Based on the studies carried out in Georgia, Dedoplistskaro and Akhmeta, which are connected by traditional transhumance practice, have been identified as priority sites for development of biosphere reserves.

Genetic Resources

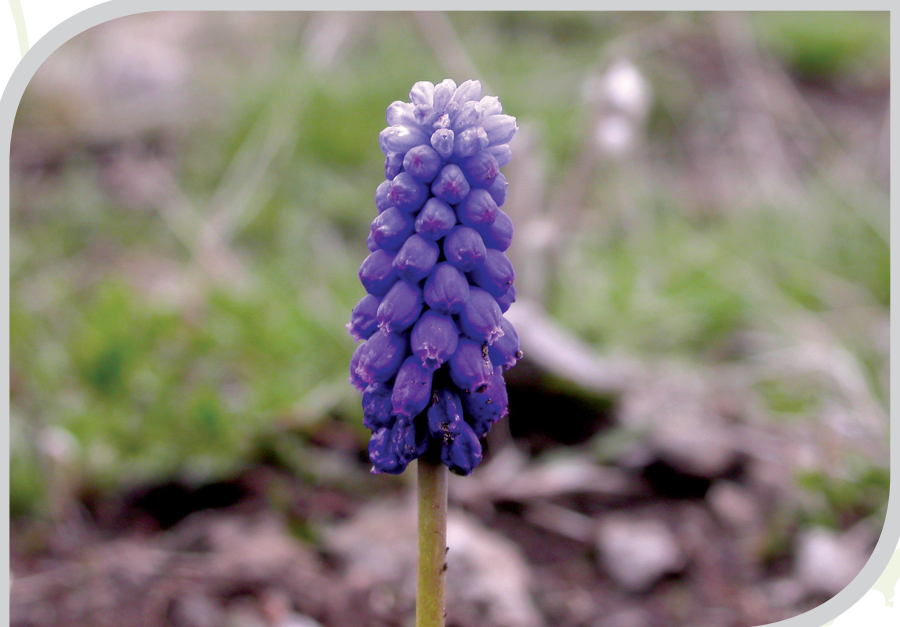
One of the aims of the Convention on Biological Diversity is to ensure fair and equitable sharing of benefits arising from utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies. Genetic resources are understood as any material of plant, animal, microbial



or other origin that contains functional units of heredity and has actual or potential value. They are utilized for a variety of purposes - from fundamental research to production of pharmaceuticals or cosmetics, and new agricultural varieties. Users of genetic resources include research and academic institutions, and private companies operating in various sectors. Benefits derived from the use of genetic resources may include sharing of the research results and development carried out on genetic resources, transfer of technologies which make use of those resources, and participation in biotechnological research activities.

According to the Convention, the right to access genetic resources, as well as the requirements for equitable sharing of benefits derived from their utilization, shall be determined by national law. The draft law establishes conditions for accessing genetic resources in Georgia, as well as require-

ments for the distribution of benefits arising from them. Genetic resources will be available only on the basis of a relevant permit. Additionally, an agreement on sharing of benefits from utilization of genetic resources with Georgia will be required. In turn, use of genetic resources originating from other countries in Georgia requires a permit from the relevant country and a prior notification. According to the draft law, the benefits arising from utilization of genetic resources and related traditional knowledge should be fairly distributed to members of the local community and traditional knowledge holders.





Redress

One of the goals of the draft law on Biodiversity is to prevent and eliminate significant damage to species and habitats. Implementation of projects that have a significant adverse effect on populations of strictly protected and protected species or cause irreversible negative changes of habitats, ecosystem services and functions will be carried out only for imperative reasons of overriding public interest and if there is no alternative to project implementation in another area or with less encroachment. The developer is required to either restore original condition of damaged nature or to recover an equivalent state on an alternative site. Monetary compensation for damage to nature shall be permitted only if it is impossible to recovery through replacement.

www.biodivers-southcaucasus.org
www.giz.de