

# HUNTING OF ENDANGERED ANIMALS



The report has been prepared by Green Alternative with the support of Open Society Georgia Foundation within the framework of the coalition project Detection of Cases of Elite Corruption and Governmental Pressure on Business. Partner organizations in the coalition project are: Economic Policy Research Centre, Green Alternative, Transparency International Georgia and Georgian Young Lawyers' Association.

The opinions expressed in the present publication represent the position of Green Alternative and do not necessarily reflect the positions of Open Society Georgia Foundation or partner organizations.

Author: Irakli Macharashvili  
Green Alternative, 2013

## Table of Contents

Introduction.....	2
Legislative Preconditions.....	3
New Hunting System and Related Threats .....	6
Environmental Organizations against New Legislation.....	7
Georgia at 2012 International Hunters’ Convention .....	9
Under the Cover of “Safari”.....	10
Failed Hunting .....	13
Afterword .....	15

## Introduction

Corruption is a well-documented and common feature of natural resource management in the developing world<sup>1</sup>. Corruption in the forestry sector has been thoroughly studied after example of Indonesia<sup>2</sup>. According to the report of the Corruption Eradication Commission<sup>3</sup>, corruption and money laundering in the forestry sector has cost Indonesia as much as USD 100 billion.

Georgia was no exception in this respect. In Georgia's recent history, forestry sector was one of the most corrupted sectors and along with those threats, which are traditionally posed to the counties by corruption; it also posed a threat to the environment and interests of future generations<sup>4</sup>.

After the Rose Revolution, the ruling political party declared its struggle against corruption as one of its priorities. In his inauguration speech on January 25, 2014, President Saakashvili focused on combating corruption as the key task of the country. *"We shall jointly rehabilitate our country; build Georgia that we and our ancestors dreamed of. Georgia was powerful, when it was united. We must unite in order to become stronger, we shall build strong democracy based on human rights and rule of law, we shall eliminate corruption. For me, every person, who is corrupted, at current stage, is traitor of national interests. We will eliminate corruption and destroy the system, which created vicious circle of corruption."* Relevant tasks were outlined in the National Security Concept of Georgia: Establishing a democratic system of governance is impossible without minimizing corruption in the public sector. Increasing the government's transparency and accountability and creation of a strong civil service with respective social guarantees will significantly downscale corruption<sup>5</sup>.

However, corruption had only a declared nature in separate spheres that, as expected, failed to yield tangible results. This issue was quite obvious with respect to utilization of natural resources, especially to the issues related to the forestry sector. The reality, traditionally, does not coincide with the plans eloquently described in various plans, and struggling corruption in Georgia is identified solely with taking repressive measures (displacing and/or detaining corrupted officials, for instance) and infinite restructuring of state authorities, which had nothing to do with "increasing transparency and accountability" principles. Furthermore, over the past years Georgian legislation and practice ensuring transparency of forest management and public participation in decision-making process have further aggravated<sup>6</sup>. The society remembers well several high-profile arrests connected to forestry sector over the past years. However, no reasons and mechanisms for emergence of corruption were identified and respectively, no particular actions were planned and implemented to eradicate them.

We can focus on several important reasons promoting corruption in the forestry sector, including social problems, flaws in legislation and law enforcement, incorrect, non-democratic governance, financial and political interests of various influential groups. Along with these issues, the following specific problems related to Georgian forestry sector should be highlighted: absence of national forestry policy and strategy; incompliance of the forestry sector legislation with the principles of sustainable forest management; absence of impartial and reliable information about the actual condition of forest fund (inventory has not been carried out in the most part of Georgian forest fund for over 10 years. The state has no information about the condition of the forests that makes about 40% of the entire territory of the country); unclear system of forest categorization, etc. Thus, current practice of forest utilization hampers the establishment of healthy competition between entrepreneurs engaged in the forestry sector; it creates problems to local population in terms of meeting their primary needs; environmental consequences are actually neglected that can cause degradation of forest ecosystems and ultimately lead to human-provoked natural disasters.

In a period between 2004 and 2011, the leadership of the ministry in charge of forestry sector was changed seven times. All of them were beginning their tenure with forest reform, but the content and direction of reforms launched by a new minister were always contradicting those of his predecessor. As a result, not only the forestry management has not improved, but it even worsened in some aspects that had its impact on the condition of forest ecosystems.

In late 2010 President Saakashvili voiced criticism over the fact of arresting several top officials employed in the forestry sector. He described as "failure" all those reforms carried out during previous years and acknowledged that there was systemic corruption in the forestry sector, while the control and monitoring system was absolutely useless<sup>7</sup>. Saakashvili also noted that the government failed to establish order in the forestry sphere, where systemic corruption still persisted<sup>8</sup>.

---

<sup>1</sup> Charles Palmer, The Nature of Corruption in Forest Management World Economics, Vol. 6, Number 2, 2005, p. 1 – 10.

<sup>2</sup> EIA International studies: [www.eia-international.org](http://www.eia-international.org)

<sup>3</sup> <http://www.eyesontheforest.or.id/?page=news&action=view&id=586>

<sup>4</sup> Problems of Forestry Sector of Georgia: Illegal Activities and Legislative Collisions, 2006, Association Green Alternative, Tbilisi, p. 52

<sup>5</sup> [http://www.parliament.ge/files/292\\_880\\_927746\\_concept\\_en.pdf](http://www.parliament.ge/files/292_880_927746_concept_en.pdf)

<sup>6</sup> I. Macharashvili, 2012. Problems and Challenges of Forest Governance in Georgia; Green Alternative, p. 58 [http://www.greenalt.org/webmill/data/file/publications/tyis\\_martva\\_saqartveloshi\\_problemebi\\_da\\_gamowvevebi.pdf](http://www.greenalt.org/webmill/data/file/publications/tyis_martva_saqartveloshi_problemebi_da_gamowvevebi.pdf)

<sup>7</sup> "Mikheil Saakashvili Instructs the Government to Reorganize the Ministry of Environment Protection", December 18 2010 11:12:22, <http://www.heretifm.com>

<sup>8</sup> Source: the official website of the President of Georgia <http://www.president.gov.ge>

He charged the government with presenting the reorganization plan of the Ministry of Environmental protection and Natural Resources. There he also outlined the reform and future structure of the Ministry: *“I have no doubt that forest sector is absolutely out of control. The fact that 110, out of 300 staff are arrested leads to concrete conclusions. One third of the staff is imprisoned and 100 more should be detained. I hate to insult anyone, but that is what I can see. Everyone in Georgia knows that Forest Department is the agency where we fail to introduce law and order. We managed to establish the order in the Police, at customs, and the only place where we are chronically unable to establish order is Forest Department. When it is about bribes of 30-40-100 GEL, it indicates that corruption is systemic phenomenon and covers everyone in forest sector, and not that the level of corruption is low. Please provide me with a plan of the Ministry reorganization, as there is overlap with some areas of other ministries. Forest sector should become a profitable business, but at the same time well controlled business. Lack of control is a sign of weakness and dementia. This should be the business, which feeds the country, foresters and serves to the public. I visited Sweden several times and there, forest department’s good work can be noticed already from the plane – forest in some places is carved, in other places – new, and still in other places old, but well maintained everywhere. These are strictly managed by the State, and never believe that there is another way to do it. Only in the Soviet Union nothing was managed. Under market economy everything is strictly managed and serves to people’s wellbeing. I want to state unequivocally that you just wrecked this sector. Everything should be changed in this Ministry. The Prime-Minister is in the know. Sit together and submit the reorganization plan not later than the end of year. Many will have to resign. Functions will be redistributed and, in general, many issues should be raised from structural point of view.”*<sup>9</sup>

After these remarks by the President, structural change was carried out in the government and the forestry sector moved to subordination of the new Ministry of Energy and Natural Resources.

Green Alternative and other organizations have described numerous cases in their studies and investigative journalism reports about the facts of conflict of interests related to Georgia’s forestry sector. Among them there are: licenses and contracts on cutting of chestnut – a species included in the Red List of Georgia; issuing multi-year licenses on timber production to the companies, which still employ the officials having granted these licenses; development of a new forest code by the company of former Environment Minister Davit Chantladze that was commissioned to carry out this work by the Agency of Natural Resources through direct purchase rule, etc.

Recently (since 2010) hunting was added to traditional forest utilization forms, such as wood extraction for firewood and timber production as well as pasturing (which cause a huge damage to the environment due to using illegal and unsustainable methods). Against the background of already existing institutional and legislative chaos, this novelty posed a serious potential risk to the country’s biodiversity. Rapid and non-transparent legislative amendments, which represented a continuation of a faulty practice existing in the forestry sector for years, have further increased the risks of environmental impacts.

## Legislative Preconditions

In 1996 Georgia adopted its key environmental laws (Law of Georgia on Environmental Protection; Law on Wildlife; Law on the System of Protected Areas, etc.). According to these laws, hunting was allowed only in hunting farms and some areas of managed reserves<sup>10</sup>. Only hunting of migratory birds was allowed outside these areas. Permit documents on hunting of migratory birds were issued by the state, while permits on hunting within hunting farms – by their owners (private persons). Although the legislation regulating hunting rules and the governmental structure have changed several times, this major scheme remained unchanged till 2010.

In summer 2010, on initiative of the Ministry of Environment Protection and Natural Resources, the Parliament made important amendments to Georgian environmental laws, including to the normative framework regulating hunting issues. As a result, besides the above mentioned cases, hunting, as one of the forms of forest use, was allowed in entire forest fund, while a newly created forestry agency was authorized to issue hunting permits. The main idea for amending hunting regulations was to provide as many sources of incomes for the forestry agency as possible. It should also be noted that during the existence of the forestry agency, the latter failed to issue hunting permits, because the country failed both to amend relevant bylaws and to allocate hunting quotas.

After transferring the function of natural resource management to the Ministry of Energy, state policy has further strengthened; it was oriented to gaining maximum and quick financial benefits through exploitation of natural resources, including hunting. In spring 2011 Georgian government underwent significant structural changes. Instead of Ministry of Environment Protection and Natural Resources and Ministry of Energy, two other ministries were established – Ministry of Environment Protection and Ministry of Energy and Natural resources. The following structural entities were

<sup>9</sup> Source: official web-page of Georgian President [http://www.president.gov.ge/index.php?lang\\_id=GEO&sec\\_id=228&info\\_id=5965](http://www.president.gov.ge/index.php?lang_id=GEO&sec_id=228&info_id=5965)

<sup>10</sup> Managed reserve is one of the categories of protected areas corresponding to category IV (managed reserve) of the International Union for Conservation of Nature (IUCN). Hunting is allowed in private hunting farms created on the areas of managed reserves; in particular, as of today, on the areas of Iori, Korugi and Gardabani managed reserves.

transferred to the latter: Environmental Inspection; Investigation Department and Forest Agency. Later these entities were disbanded and legal entity of public law, Agency of Natural Recourses was created within the new Ministry. Among the functions of this Agency were: defining quotas and terms of utilization; preparing license/rent facilities; sale of licenses; control of licenses; prevention of illegal utilization.

In September 2011 Georgian governmental members, particularly Interior Minister, as well as Minister of Environment Protection and Minister of Energy and Natural Resources<sup>11</sup> met with tourist companies and acquainted them with government decision on allowing hunting of endangered species, included in the National Red List. During the meeting that took place at the Ministry of Internal Affairs, the ministers offered tourist companies that they start attracting tourists – hunters from abroad. They promised that legislative amendments would be implemented as soon as the Parliament’s fall session opened. The ministers also specified the species subject to licensing and number of hunting licenses (in particular, mountain goat, deer and wild goat – 100 licenses per species)<sup>12</sup>.

In September 2011 draft law “On amendments to several legal acts of Georgia” was published. The draft law offered new regulations endangering Georgia’s biodiversity. Below are a number of problematic issues:

- Extraction of endangered species for commercial purposes (hunting, felling);
- Hunting within protected areas, including national parks;
- Legalization of the possibility of destruction of habitats of rare and endangered species;
- Cancellation of the fee for hunting of species listed in the “Red Book” and of reparation of damage to the nature as a result of illegal extraction.

After submitting principled and argued comments and active protest by non-governmental and international organizations, some problematic articles were removed from the draft law. In particular, the articles allowing hunting in national parks as well as imposing zero taxes on extraction of endangered species were removed<sup>13</sup>. During the hearing by the parliamentary committee, the governmental officials and the authors of the draft law, MPs Kakha Anjaparidze and Zviad Kukava failed to respond to experts’ arguments. Noteworthy that the proposed draft was disapproved by the representatives of environmental organizations as well as by Director of Safari Club Georgia, Gocha Koberidze and President of International Safari Club Caucasus, Teimuraz Tkemaladze. Finally, the governmental officials said that the presented amendments did not envisage hunting of species included in the Red List<sup>14</sup>. However, eventually quite an ambiguous provision was added to the Law of Georgia on the Red List and Red Book of Georgia. Before the amendments, article 22 of this law (“cases of extraction of endangered wild animals and wild plants (removal from the environment)” looked as follows: “Extraction (removal from the environment) of endangered wild animals and wild plants or their parts is allowed only in special cases defined by Georgian legislation, for saving, medical treatment, reproduction as well as scientific purposes.” Thus, the law allowed only four cases of extraction of endangered wild animals and wild plants: saving, medical treatment, reproduction and scientific purposes.

According to the amendments to the Law on the Red List and Red Book (8.11.2011, No5201), article 22 became more extensive, while paragraphs 1 and 2 include the following wording: “The decision on the number of endangered wild animals (except those reproduced in captivity) allowed for extraction (removal from natural environment) is made by the Minister of Environment through an individual-legal act. Except for the decision envisaged by paragraph 1 of this article, it is allowed to extract (remove from the natural environment) endangered wild animals for the purpose of their saving, treating, restoration of population as well as scientific purposes that can be carried out with a written consent of the Ministry of Environment Protection of Georgia (the mentioned consent may contain certain restrictions and/or conditions for the extraction (removal from natural environment) of endangered species).”

So, even in this wording of the law only the same four cases of production of endangered wild animals and plants are envisaged: securing, treatment and recovery, and scientific purposes. Para 1 of this Article does not provide for any other case/possibility of production of endangered species; it only defines the agency, responsible for establishing the allowable amount of species – Ministry of Environment. Though permissibility of hunting of endangered wild animals is not provided directly in Article 22, Georgian government interpreted it differently and issued several statutory acts to allow commercial hunting of animals, listed in the Red List.

Draft law contained a transitory commitment, according to which Minister of Energy and Natural Resources would pass the Order before 1 August 2012 “On the list of the objects of the animal world attributed for hunting”. The order was passed by Minister of Energy and Natural Recourses prior to publishing draft law (01.09.2011, No. 175). Along with other, species, those listed in the Red Book (brown bear, red deer, West Caucasus tur, East Caucasus tur, wild goat, Caucasus grouse, and Caspian snowcock) also were allowed for hunting.

---

<sup>11</sup> Information about the meeting was provided by the representatives of tourist companies attending the meeting and was confirmed by the representatives of governmental agencies.

<sup>12</sup> Source: information provided by the representatives of tourist companies and hunting farms attending the meeting

<sup>13</sup> The law entered into force on November 8, 2011 (N5201)

<sup>14</sup> Protocol N99 dated 27.10. 2011 of the session of the parliamentary committee for environment protection and natural resources [http://www.parliament.ge/index.php?option=com\\_content&view=article&id=1148%3A-99&catid=81%3Asittings&Itemid=413&lang=ge](http://www.parliament.ge/index.php?option=com_content&view=article&id=1148%3A-99&catid=81%3Asittings&Itemid=413&lang=ge)

On 29 December 2011 Georgian government Resolution No.513 "On amendments to Georgian government Resolution No.242 of 20 August 2010 "On approval of forest use rules" was passed. According to it species listed in the Red Book are allowed for hunting; besides, the sums to be paid by a hunter to MENR for hunting permit are fixed for each object (wild goat – 500 GEL, tur, red deer, brown bear – 300 GEL, Caucasus grouse and Caspian snowcock – 100 GEL).

Furthermore, order No 275 of the Minister of Energy and Natural Resources of Georgia dated December 27, 2011 amending order No 07 of the Minister of Energy and Natural Resources of Georgia dated April 6, 2011 "On approval of the provision on the rules and timeframes of extraction of wild animals, by their species, and the list of weapons and equipment allowed for hunting", along with other species, has determined certain conditions and prohibitions on the extraction of endangered wild animals. Order No. 276 of 27 December 2011 "On amendments to ministerial order No.30 of 10 May 2011 "On establishing the term of hunting season" establishes the season of hunting for endangered animals too.

On January 10, 2012 the MENR issued a statement on its official website, according to which "quotas on the extraction of the objects of the wildlife for 2012 hunting season were approved". Species mentioned in the statement did not include Red listed species, however, it named species and numbers only, without specifying hunting areas (Coypu – 194, Hare – 615, Badger – 168, Pine marten – 157, Stone marten – 157, Grey wolf – 120, Golden jackal – 1453, Red fox – 162, Wild cat – 77, Wild boar – 189, Roe deer 417, Raccoon – 96, Pheasant 416, Chukkar partridge – 713, Black francolin - 50. These quotas were approved by Order No 13/689 dated December 29, 2011 of the Head of Agency of Natural Resources "On approving the quotas for extraction of some wildlife species during 2011-2012 hunting season."<sup>15</sup> However, the order did not indicate in which particular regions this amount of animals could be hunted.

On January 24, 2012 the Georgian Government issued Decree No 120 "On removal of some species of endangered animals from the environment"<sup>16</sup>. It noted that an admissible number of removable western Caucasian and Dagestan aurochs during the 2011-2012 hunting season is 50. It also instructed to carry out the removal of mentioned species from the environment in accordance with Order No 07 dated April 6, 2011 of the Minister of Energy and Natural Resources. It was not specified how many animals of each species could be subject to removal. It was unclear from which populations (which regions) these hunting species could be removed.

Minister of Energy and Natural Resources on 30 January 2012 (following our lawsuit) issued two orders: Order No.35 on amendments to ministerial Order No.30 of 10 May 2011 "On approving starting and ending dates for fishing and hunting" and Order No.36 on amendments to ministerial Order No. 07 of 6 April 2011 "On approval of the provision on the rules and timeframes of extraction of wild animals, by their species, and the list of weapons and equipment allowed for hunting". In accordance with these amendments term for hunting of mountain goat and chamois was extended to 6 months (before hunting the duration of hunting season was only 2.5 month).

Thus, hunting seasons on some endangered species exceeded usual hunting seasons twice and more, including the hunting season on alien species (raccoon, raccoon dog, otter), which according to international and national regulations, pose a threat to the country's biological diversity and should be subject to regulation (gradual removal from the environment).

The Parliament introduced amendments to some other laws in order to cancel as much as possible bans on hunting: Law of Georgia "On amendments to the law of Georgia on creation and management of Tusheti, Batsara-babaneuri, Lagodekhi and Vashlovani protected areas" (24 November 2011; No.5298-III). In accordance to these amendments fishing, hunting and game-management were allowed in Tusheti protected landscape, Ilto and Lagodekhi managed reserves; Law of Georgia on amendments to the law of Georgia "On creation and management of Kolkhetti protected areas" (24 November 2011, No.5299-III), in accordance with which fishing, hunting and game-management were allowed in Kobuleti managed reserve.<sup>17</sup>

---

<sup>15</sup> During that period Minister of Energy and Natural Resources Alexander Khetaguri also held the position of the Head of the Agency of Natural Resources.

<sup>16</sup> This decree has not been published. Green Alternative had several administrative complaints and court disputes demanding publicizing the governmental decree. The government delivered unpublished decrees to the organization only after the October 2012 parliamentary elections, including decree N120 "On removal of some species of endangered animals from the environment."

<sup>17</sup> Marcharashvili I., 2012. Problems and Challenges of Forest Governance in Georgia, Tbilisi, Green Alternative, 47 p. [www.greenalt.org](http://www.greenalt.org).

## New Hunting System and Related Threats

Thus, as a result of the above mentioned amendments the following hunting system was established: the dates for hunting seasons - by species, as well as maximum number of species allowed to be removed during a day, was defined by the order of the Minister of Energy and Natural Resources. A potential hunter should have paid a tax on hunting of migratory birds amounting to GEL 10 during the whole season. One-time licenses on hunting in hunting farms were issued by the owners of hunting farms within the quotas defined by the Ministry specifically for them.

Besides this opportunity, a potential hunter could have applied to the Agency of Natural Resources. In case of positive decision on issuing hunting document, this document should have been granted on the basis of an individual administrative-legal act of the Head of the Agency. Afterwards, a potential hunter should have submitted a document verifying the payment of service fee within seven working days. In case of failure to submit the documents verifying the payment of service fee within these timeframes, the Head of Agency could have declared hunting document void.

Table: Fees for issuing hunting documents<sup>18</sup>

For issuing documents on hunting of wildlife species (except migratory birds) per unit	Service fee (including VAT) in Lari
Wild goat ( <i>Capra aegagrus</i> )	GEL 500
Tur, red deer, brown bear	GEL 300
Roe deer, wild boar	GEL 200
Caucasian grouse, Caspian snowcock	GEL 100
Black francolin	GEL 50
Gray wolf, fox, pine marten, stone marten, badger, coypu, raccoon, pheasant, partridge, grey partridge	GEL 30
Golden jackal, wild cat, hare	GEL 20

As already mentioned above, the Ministry of Environment Protection was in charge of making decisions on wild animal extraction quotas.

The new hunting system posed a threat to a number of wildlife species, including those included in the Red List; moreover, it created financial problems to the existing private hunting farms. It was basically caused by the following factors: under absence of real information about the condition of fauna species, including those included in the Red List, setting of hunting quotas might have become the reason for excess, unsustainable exploitation. For years, not a single governmental or scientific agency has carried out registration of animal species with the exception of episodic research in frames of some protected areas and/or private hunting farms.

The new legal/institutional framework failed to settle the issues of monitoring a hunting process and fighting against poaching. There was no state agency available to perform these functions. To justify the new hunting system, the government officials argued that the new legislation defined certain conditions and prohibitions on extraction of endangered wild animals: hunting of the following species is prohibited: a bear under one year, as well as a female bear, who has a cub under one year; female species of red deer, Capra, grouse and snowcock; male species of Capra with horn length less than 100 cm (along curve); male deer, whose antlers are not branched and/or are branched, but the length of the main axis is less than 90 cm.<sup>19</sup> However, it should be emphasized that these restrictions were formal, because there were no mechanisms to fight poaching as well as to control or monitor hunting process. There were no data about the number and population structure of the species included in the Red List. To specify this issue, Green Alternative applied to both the Ministry of Environment Protection and the Ministry of Energy and Natural Resources; however, their responses made it clear that the two ministries have no information about the issue.

Under conditions of absence of monitoring and law enforcement mechanisms, it was practically impossible to ascertain how legally was hunted an animal after obtaining a hunting permit (whether he was extracting that number of animals which was indicated in the permit; whether he was observing the rules set by legislation on gender, age and horn length

<sup>18</sup> According to decree No 513 of the Government of Georgia dated December 29, 2011 "On making amendments to decree No 242 of the Government of Georgia dated August 20, 2010 on approving the rule of forest utilization"

<sup>19</sup> Order No 275 of the Minister of Energy and Natural Resources of Georgia dated December 27, 2011 on making amendments to order No 07 of the Minister of Energy and Natural Resources of Georgia dated April 6, 2011 "On approval of the provision on the rules and timeframes of extraction of wild animals, by their species, and the list of weapons and equipment allowed for extraction"

of huntable animals; who was examining it and how). It appeared in the process of carrying out correspondence with relevant ministries as well as during private or public meetings that not only the governmental structures were not ready for such legislative amendments, but they failed to realize what particular needs and challenges they would have to face when legalizing hunting on the entire territory of Georgia (except nature reserves and national parks, that does not exceed about 4-5% of the entire territory of the country)<sup>20</sup>.

What would be the difference with the previous system, when hunting was allowed only in hunting farms? Hunting farm has a number of peculiarities that promotes the conservation and sustainable use of biodiversity:

- When hunting is taking place in a hunting farm, an employee of hunting farm necessarily accompanies a hunter and controls that license conditions and hunting rules are not violated: a hunter should not hunt more animals than defined by the license and should not extract those species, which are not defined by the license.
- According to legislation<sup>21</sup>, a hunting farm should be divided into zones including a hunting area, reserve, restoration area and breeding ground. Thus, hunting is allowed only in a definite part of hunting farm, while those areas, which are important for animals (reproduction, rest, water, etc.), are identified and protected against hunting and other disturbances.
- A part of hunting fee paid by a hunter is directed to implementation of various conservation measures: reproduction of hunting species, protection, biotechnical measures, restoration of habitats, etc.

According to the new rules, any private person or tourist company could purchase hunting quotas from the state and then sell them to any foreign or local hunter at a higher price, adding certain services and price. Theoretically, a hunter was also able to buy hunting permit directly, without any mediator. Since there were no restrictions or mechanisms for allocating hunting quotas, any private or legal person, who could outstrip others in submitting an application to the Agency of Natural Resources, could gain the right to sell a hunting permit. Regardless of who would purchase hunting right from the Agency of Natural Resources – tourist company or a hunter – a threat would still be posed to biodiversity; there would be no guarantees that the owner of hunting permit would extract those species and in those amounts, which were defined in the permit; the sum paid by a hunter would not be used for conservation measures (reproduction, protection, etc.), because it would be transferred to the state or local municipality budgets; habitats vital for animal survival would not be protected against hunting press. Those entrepreneurs, who had made serious investments in the development of hunting farms (owners of hunting farms), would suffer most of all as a result of new legislation. They would actually appear under unfair conditions with tourist companies, who had not made any investments before autumn 2011 in the development of hunting tourism.

## Environmental Organizations against New Legislation

The Georgian Government's decision on introduction of new hunting regulations triggered negative assessments from non-governmental and international environmental organizations, as well as scientific institutions and hunters.

According to the Center for Biodiversity Conservation and Research, NACRES, the quotas set by the Agency of Natural Resources lacked any scientific background, because there have been no nationwide assessments of these species in Georgia and their population numbers are not known. "On 10th January 2012 the Georgian Ministry of Energy and Natural Resources published the following annual hunting quotas: Coypu – 194, Hare – 615, Badger – 168, Pine marten – 157, Stone marten – 157, Grey wolf – 120, Golden jackal – 1453, Red fox – 162, Wild cat – 77, Wild boar – 189, Roe deer 417, Raccoon – 96, Pheasant 416, Chukkar partridge – 713, Black francolin - 50. In our opinion, the above hunting quotas lack any scientific background because there have been no nationwide assessments of these species in Georgia and their population numbers are not known. It is also unclear what methods have been used to calculate the above numbers with such a peculiar accuracy (e.g. Wild boar – 189). It is extremely difficult to see any logic in those numbers e.g. a very high level harvest quota is set on golden jackal (1453), while only 96 is set on the raccoon, an alien and highly invasive species in Georgia. Inadequate hunting quotas may be just as harmful to the wildlife as is illegal hunting especially in the situation where the quotas are not allocated by district. However with the recent governmental decision to lift the ban

---

<sup>20</sup> For example, on April 24, 2012 the Caucasus Cooperation Center of International Union for Conservation of Nature (IUCN) organized a meeting at the Ministry of Energy and Natural Resources, where IUCN Species Survival Commission expert, Dr. David Mallon presented information about IUCN regulations on sustainable hunting and assessed Georgia's new hunting regulations. He stressed that the new regulations created a risk of biodiversity loss as well as a risk of losing the economic value of species. The meeting made it clear that the Agency of Natural Resources was not ready to manage hunting process. When asked about how they would monitor hunting process, they answered that electronic chips would be attached to hunted animals. However, they failed to explain how they would register those hunted animals, which would not be declared by a hunter. For example, was it possible to unveil the fact of poaching, if a poacher obtained a license on extraction of one tur, but would hunt three and attach a chip only to one?

<sup>21</sup> Order No 192 of June 12, 2012 of the Minister of Energy and Natural Resources of Georgia "On the rule of development and approval of management plan of hunting farm"

on red list species hunting, should the hunting quotas be set in the same manner, the consequences will be far more devastating – certain species may simply go extinct in Georgia!”

Green Alternative decided that hunting quotas approved by the Agency of Natural Resources were based on false data, because no inventory of wildlife has been conducted in the country; hunting quotas were approved without distribution of species by hunting plots. In its statement Green Alternative also supposed that similar non-transparent regulations, created the possibilities of elite corruption, along with anticipated threat to biodiversity<sup>22</sup>.

The fact that the quotas approved by the Ministry of Energy and Natural Resources provided false information was confirmed in the Ministry’s letter to Green Alternative about the basis for the quota. In a letter sent on January 16, 2012, Green Alternative requested public information to ascertain the data by which the Agency of Natural Resources was guiding itself when approving the quotas as well as to clarify how realistic it would be to meet the requirements of newly approved regulations on the basis of these data. In particular, Green Alternative requested information about which methods were used, when and where the research of animal populations was conducted and which particular scientific organizations and experts participated in this research, as well as how much was allocated by the Ministry to carry out this registration. Green Alternative also requested that factual information, on which the approved quotas should have been based (for example, number of male deer, whose antlers are branched, total number of male pheasants and black francolins and their distribution by hunting plots). The Ministry of Energy and Natural Resources responded to Green Alternative, in violation of the terms established by law that “an intensive work was underway with the participation of experts” over the issues raised in the letter. Green Alternative also applied to the Ministry of Environment Protection and requested public information on the species included in the Red List. On February 1 the Ministry answered that unfortunately the requested information was not available to the Ministry adding that it planned to carry out registration of selected species in the near future<sup>23</sup>.

As already mentioned above, the interested society was not aware about the fact that the government approved the quotas on hunting of endangered endemic species – Eastern Caucasian tur and Western Caucasian tur, because the relevant decree has never been published. Accordingly, the public has not made any statements concerning the issuance or about this legal act.

Green Alternative filed a lawsuit against the above mentioned normative acts issued by the Ministry of Energy and Natural Resources and the Government. Although the defendant failed to provide any logical arguments, the court rejected the lawsuits filed by Green Alternative and the legal acts remained in force.

It became clear after discussing the case papers submitted by the defendant during the trial that the rule set by article 8 of the Aarhus Convention (the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters) was violated. The acts were issued non-transparently without public participation that provides the ground for their cancellation. In response, a representative of the Ministry of Energy and Natural Resources said at the hearing that consultations were held with some experts before issuing the acts and the terms of hunting were changed just in line with their recommendations. He, however, added that the consultations were held by top officials and he had no information about details. No documents reflecting these consultations were provided during the court hearing. Unfortunately, the court deemed unnecessary to study these circumstances<sup>24</sup>.

The Ministry of Energy and the Agency of Natural Resources did not react on these clear violations either in the period after the 2012 parliamentary elections, when new authorities came to power in the country (see below).

---

<sup>22</sup> [www.greenalt.org](http://www.greenalt.org)

<sup>23</sup> As it appeared later, on February 8, 2012 these two agencies issued a joint order on carrying out scientific research with the purpose of defining the number of hunting species.

<sup>24</sup> The documentary information is available in relevant court minutes.

## Georgia at 2012 International Hunters' Convention

Hunting tourism is quite a popular type of entertainment and simultaneously, an expensive business. Safari Club International (SCI) is a famous international organization composed of hunters. Safari Club International was founded in 1972 as a result of merger of various US-based Safari Clubs. SCI has more than 55,000 members and over 190 local chapters. SCI is headquartered in Tucson, Arizona. According to the information posted on its website, Safari Club International is a leading organization dedicated to protecting the hunters' rights and promoting wildlife conservation<sup>25</sup>. SCI has also set up Safari Club International Foundation, a non-profit organization dedicated to wildlife conservation, outdoor education and humanitarian services<sup>26</sup>.

Safari Club International annually hosts the so called SCI Convention. This is an event, which gathers tens of thousands of participants<sup>27</sup>. Different organizations have an opportunity to present their own products to the world hunters – such as hunting weapons and equipment, hunting farms, hunting-tourist tours, etc.

According to the information posted on the official website of the Ministry of Environment Protection<sup>28</sup>, “Kevin Anderson, President of Safari Club International (SCI) met with Minister of Environment Protection Goga Khachidze.” According to the same report, “the issues of sustainable development of hunting tourism were discussed at the meeting.” Norbert Ullmann, regional representative of SCI for Europe, also attended the meeting. The meeting was organized and attended by the heads of Safari Club Georgia: Gocha Koberidze (executive director) and Teimuraz Tkemaladze (chairman of the board). According to the information posted on the Ministry's website, “the board of the SCI has approved “Safari Club International Georgia, Caucasus Chapter” in Tucson, the USA, on August 27, 2011. Georgia cooperates with Safari Club since 2009.” According to the same report, “by decision of Safari Club International (SCI) President Mikhail Saakashvili is awarded with the title of Honorary Member together with the world's most influential people like George Herbert Walker Bush and George Walker Bush<sup>29</sup>.” The same information is posted on the website of Safari Club International Caucasus (former, Safari Club Georgia).

On December 14, 2011 a statement was posted on the website of Safari Club International Georgia, according to which “for the first time Georgia will be participating in Las Vegas Convention on February 1-4, 2012. Georgia will be represented by Safari Club International Georgia, Caucasus Chapter and Georgian National Tourism Agency. Participants will take the opportunity to introduce Georgia as a hunting destination to whole world<sup>30</sup>.”

According to media reports from February 8, 2012, Georgia was represented at the Las Vegas Convention not by the above mentioned Safari Club International Georgia, Caucasus Chapter<sup>31</sup> ([www.scicaucasus.com](http://www.scicaucasus.com)) along with the National Tourism Agency, but by another company – Caucasus Safari ([www.caucasiansafari.com](http://www.caucasiansafari.com)). Maia Sidamonidze, the head of the National Tourism Agency, said that “hunting tourism was absolutely new direction for Georgia; very flexible legislation was created to develop it that provided opportunities for popularization of hunting tourism and participation in international exhibitions.” During the TV story, comments were also made by Mr. Saba Kiknadze, who was referred to as the head of the Georgian Hospitality Group.<sup>32</sup> The website of the Ministry of Economy and Sustainable Development also confirms that during 2012, along with other events, the National Tourism Agency organized presentation of Georgia during the Las Vegas Hunting Convention<sup>33</sup>.

---

<sup>25</sup> <http://www.scifirstforhunters.org>

<sup>26</sup> <http://www.safariclubfoundation.org>

<sup>27</sup> The allure of SCI's 2013 Annual Convention attracted over 18,000 attendees. [http://www.showsci.org/content/index.cfm?content\\_id=104](http://www.showsci.org/content/index.cfm?content_id=104)

<sup>28</sup> [http://moe.gov.ge/index.php?lang\\_id=ENG&sec\\_id=40&info\\_id=1607](http://moe.gov.ge/index.php?lang_id=ENG&sec_id=40&info_id=1607)

<sup>29</sup> The information provided on the Ministry's website is not accurate. For example, a link belongs not to Safari Club International (SCI), but to Safari Club International Foundation. President of Safari Club International is not “Kevin Anderson”, as mentioned by the Ministry, but it is Craig L. Kauffman. Denis Anderson is one of the directors of Safari Club International Foundation.

<sup>30</sup> <http://www.scicaucasus.com/blog/las-vegas-convention/>

<sup>31</sup> The representatives of this organization faced some problems with obtaining U.S. visas.

<sup>32</sup> <https://www.facebook.com/photo.php?v=706150312719&set=vb.153105401406117&type=3&theater>

<sup>33</sup> <http://www.economy.ge/projects/tourism&type=print>

## Under the Cover of “Safari”

*The name “Safari” is extremely popular among the world farmers, while in Georgia, two organizations are affiliated with this name. One of them announced in advance that it would participate in the Annual Convention of Safari Club International on behalf of Georgia, together with the National Tourism Agency. However, it appeared that Georgia was represented by another “Safari.” Below we will present those organizations that are affiliated with the name Safari in Georgia.*

### **Safari Club International Causasus – SCI Causasus**

Safari Club Georgia underwent registration as a subsidiary of non-entrepreneurial (non-commercial) legal entity on July 10, 2008. Its founders were Safari Ltd and Georgian Travel Bureau Ltd. According to the data of the Register of Entrepreneurial and Non-Entrepreneurial (Non-Commercial) Legal Entities, the organization is involved in promoting the development of hunting tourism in Georgia. The organization’s constituent assembly was held on June 26, 2008. The assembly elected a seven-member board for a term of five years, among them Gocha Koberidze (Executive Director), Teimuraz Tkemaladze (Chairman of the Board), Giorgi Topadze, Irakli Babukhardia, Giorgi Kartoza, Simon Guntsadze and Givi Sabashvili.

On December 22, 2011 Safari Club Georgia’s registration certificate underwent certain changes. By decision of the organization’s general meeting held on December 19, Safari Club Georgia was renamed to Safari Club International Caucasus – SCI Caucasus. The statute of the organization and the composition of its board also underwent changes. Present members of the board are: Teimuraz Tkemaladze (President), Gocha Koberidze, Archil Tkemaladze, Amiran Burchuladze, and Giorgi Kartoza.

SCI Caucasus also owns a hunting farm in Chiauri area of Lagodekhi district. As far as the new hunting regulations are concerned, the representatives of SCI Caucasus have numerously voiced their negative position over this issue both through media outlets and during official meetings held at various governmental agencies.

### **Caucasian Safari**

According to the data of the National Agency of Public Registry, Caucasian Safari Ltd was registered on January 11, 2012. It happened after Saba Kiknadze applied to the Public Registry on behalf of Georgian Hospitality Group, as a 100% shareholder of Caucasus Tur Ltd, with the request to rename Caucasus Tur to Caucasian Safari. In its turn, Caucasus Tur underwent registration on September 20, 2011 as a subsidiary of Georgian Hospitality Group Ltd.

### **From Caucasus Travel to Caucasian Safari**

Saba Kiknadze and his partners established tourist company Caucasus Travel<sup>34</sup> as far back as the 1990s. This is one of the oldest and famous companies in Georgia’s tourism business. From the very beginning the company was specialized in attracting foreign tourists keen on adventure tourism, mountaineering, skating, and various types of ecotourism. On March 4, 1996 the Mtatsminda regional court registered limited liability company Caucasus Travel.

In 2007, Saba Kiknadze, Datuna Rakviashvili and Nikoloz Erkomaishvili established Georgian Hospitality Group Ltd, which also incorporated other companies set up by them since 1996. According to the data of the Register of Entrepreneurial and Non-Entrepreneurial (Non-Commercial) Legal Entities, limited liability company Georgian Hospitality Group (identification code 204544699) was registered on December 10, 2007 by the Tbilisi Tax Inspection at a legal address – 3, Lesya Ukrainka Str., Tbilisi, Georgia, ap. 4. According to the minutes of the Partners’ Assembly of November 28, 2007, Saba Kiknadze spoke with the management of Caucasus Travel<sup>35</sup> and persuaded it to allocate the area for Georgian Hospitality Group. By the period of its registration (10.12.2007), the authorized capital of Georgian Hospitality Group was GEL 10 000 (ten thousand) (cash deposits). The following persons became the company’s partners: Saba Kiknadze – 45%; Datuna Rakviashvili – 45%; Nikoloz Erkomaishvili – 10%. Saba Kiknadze was appointed the director of the company<sup>36</sup>. As of May 8, 2008, Saba Kiknadze sold 5% of his own 45% shares to British national, Michael Houdret, while Datuna Rakviashvili sold 5% of his own 45% to also British national, Henry Micken. In January 2011 Datuna Rakviashvili sold his share – 40% to his wife, Sopio Mamardashvili. Thus, shares in the capital were distributed as follows: Saba Kiknadze – 40%; Sopio Mamardashvili – 40%; Nikoloz Erkomaishvili – 10%; Henri Micken- 5%’ Michael Houdret – 5%.

<sup>34</sup> In 1991, according to the information posted on their website

<sup>35</sup> The management of these two organizations is represented by the same persons, including Saba Kiknadze.

<sup>36</sup> Statute of the organization: minutes No 1 of the Partners’ Assembly of limited liability company “Georgian Hospitality Group”, 28/11/2007

It should be noted that the same persons appear among the partners and managers of the companies united in Georgian Hospitality Group; only their shares in the capital and their positions were changing for years.

**Caucasus Travel Ltd** is a tourist company oriented to attracting tourists; the company is specialized in organizing cultural and adventure tours (photographing and filming, ecotourism, scientific expeditions, youth camps, agro-tourism, wine tours, business tours, etc.) in the South Caucasian countries (Azerbaijan, Georgia and Armenia). Saba Kiknadze (director), Nikoloz Erkomaishvili (director), and Maia Kiknadze (director)<sup>37</sup> are responsible for the management and representation of Caucasus Travel Ltd. Among the partners there are Henri Micken (2.5%), Georgian Hospitality Group (95%) and Michael Houdret (2.5%)<sup>38</sup>.

**Georgian Event Ltd** (registration date: 19/04/2006) is an event management company, which is specialized in arranging various events, such as corporate parties, management of conferences, open air events, etc. Marian Kubusidze (executive director) and Saba Kiknadze (director) are responsible for the management and representation of the company. Georgian Hospitality Group is a 100% shareholder of this company.

**Explore Georgia Ltd** (registration date: 31/05/2004) is a tour operator providing tourist products and services, such as adventure tours (mountaineering, skating, riding, camps, cave tours, rafting, extreme Jeep tours); cultural tours (archaeology, folklore and music, art, handicraft, pilgrimage, rural tourism); nature-oriented tours (botanical, bird-watching, wildlife watching, protected areas), combined tours in Azerbaijan, Armenia, and North Turkey.

**CT Auto Ltd** (registration number: 20/08/2007) is engaged in car rental services (with or without a driver). Its legal address is: 3, Lesya Ukrainka Str., Tbilisi, Georgia, ap. 4. Nikoloz Erkomaishvili (director) and Levan Erkomaishvili (director) are responsible for the management and representation of the company. Georgian Hospitality Group Ltd is a partner and 100% shareholder of the company.

**Caucasus Safari Ltd** (registration date: 20/09/2011) is completely focused on bringing hunter tourists from abroad. According to the information posted on its website ([www.caucasiansafari.ge](http://www.caucasiansafari.ge)), besides Georgia, Caucasus Safari organizes hunting tours in Azerbaijan and Armenia. Saba Kiknadze (director) is responsible for the management and representation, while Georgian Hospitality Group Ltd is a 100% shareholder of the company.

In the context of researching this problem, we should analyze the notion of so called “revolving door.” Transparency International Georgia also focused on this problem. According to its explanation, the term ‘revolving door’ refers to the movement of individuals between positions in the private and the public sectors. This phenomenon can be beneficial when it allows business and government to share experience, knowledge and practice. However, it is a problem wherever it leads to conflict of interest and corruption, and so compromises the integrity of public decision making, policy formation or contracting. These are some of the most common ways this may happen: Using Influence and Contacts; Using Insider Information; Representing Former Interests after Taking Office; Seeking Future Employment while in Office<sup>39</sup>.

The founders of Georgian Hospitality Group held top positions at various times. Saba Kiknadze was the chairman of the Department of Tourism and Resorts under the Ministry of Economic Development from May 24, 2004 to December 27, 2006<sup>40</sup>. After quitting public service he maintained close links with the authorities; this is confirmed by the following fact: after the Mtatsminda Park was seized from the Patarkatsishvili family, it was handed over to Rakeen Georgia<sup>41</sup>, while Saba Kiknadze was appointed the chief executive officer of the company International Amusement Park created by Rakeen Georgia to manage the park. After the Mtatsminda Park was returned to the Patarkatsishvili family, Saba Kiknadze was distanced from its management. It should also be noted that Datuna Rakviashvili’s wife also worked for Rakeen Georgia (according to asset declaration).

In 2008 (February) Datuna Rakviashvili was appointed as Deputy Minister for Reintegration Issues (Minister Temur Iakobashvili). In 2010 Temur Iakobashvili was appointed as Georgian ambassador to the United States<sup>42</sup>, while Datuna Rakviashvili was appointed as his deputy, where he still works<sup>43</sup>.

<sup>37</sup> Maia Kiknadze is Saba Kiknadze’s sister

<sup>38</sup> Date of preparation of a statement: 06/08/2012 12:02:25

<sup>39</sup> <http://transparency.ge/en/blog/intersection-business-and-politics-problem-revolving-door-georgia>

<sup>40</sup> Georgian Prime Minister’s decrees N 564 (23.04.2004) and N333 (27.12.2006)

<sup>41</sup> <http://www.civil.ge/eng/article.php?id=20507>

<sup>42</sup> Decree No 3848 of the Parliament of Georgia dated November 24, 2010

<sup>43</sup> [http://usa.mfa.gov.ge/index.php?lang\\_id=GEO&sec\\_id=138](http://usa.mfa.gov.ge/index.php?lang_id=GEO&sec_id=138)

According to the asset declaration for public officials dated April 15, 2008, Davit (Datuna) Rakviashvili was a partner of Georgian Hospitality Group Ltd, CTS Ltd, VIP Bills Ltd and ETS Ltd, as well as the director of Georgian Events Ltd. According to the same declaration, he entrusted the shares in these enterprises to his spouse - Sopio Mamardashvili (notary acts are attached to the declaration). According to the same declaration, she participated in the activities of these enterprises as a partner, also by the moment of filling out the declaration.

According to the asset declaration for public officials filled out in 2009, Datuna Rakviashvili still participated in the activities of the above mentioned enterprises as a partner. Incomes received from CTS Ltd from last January 1 to December 31 amounted to GEL 112 500, while incomes received from Georgian Invest Ltd during the same period amounted to GEL 50 000. During the same period, Rakviashvili received GEL 14 099 as the chief executive officer at Georgian Invest Ltd (GEL 65902.67 as the deputy minister).

According to the asset declaration for public officials filled out on May 12, 2010, there is another enterprise in the activities of which he participated during 1997-2008 – Betlemis Kokhi Ltd (which was not mentioned in previous declarations). The 2010 declaration also notes that he received GEL 97 500 from CTS Ltd from January 1 to December 31; however, it also notes that he has not participated in its activities since January 30, 2008. After moving to diplomatic service, Datuna Rakviashvili has not filled out any declarations. On January 6, 2011 he transferred his own 40% shares in Georgian Hospitality Group Ltd to his wife, Sopio Mamardashvili at GEL 918 924 with the right of postponement of payment.

It was not something new for the companies affiliated with Georgian Hospitality Group to participate in the implementation of the state-funded projects. For example, according to media reports, GEL 1.4 million was allocated to organize the World Wine Congress, which was held in Georgia in 2010. By relevant governmental decree, Samtrest, the vine and wine department, was entrusted to purchase services for the Congress through negotiations with one entity. Samtrest instructed the company Georgian Invest to organize the event and transferred GEL 1.4 million to the company<sup>44</sup>.

It should also be noted that besides the participation in Las Vegas, Saba Kiknadze has spoken for multiple times in favor of allowing hunting of species included in the Red List. By means of an advertisement brochure published on the website of Caucasian Safari specifically for this purpose, the company invited hunters from abroad willing to kill western Caucasian tur, Dagestan tur, Caucasian chamois, roe deer and other animals. Prolongation of the season for hunting aurochs and chamois during the summer months was immediately reflected in the content of the brochure (according to the information posted on the organization's website, the brochure was last updated in February 2012)<sup>45</sup>.

---

<sup>44</sup> <http://liberali.ge/ge/liberali/articles/108506/>

<sup>45</sup> <http://www.caucasiansafari.ge/brochure.pdf>

## Failed Hunting

The efforts made by civil society organizations have finally yielded particular results. Media, including international media<sup>46</sup>, was intensively covering the statements made by environmental organizations, proceedings carried out by Green Alternative, positions expressed by international experts and organizations, electronic petitions, protest rallies<sup>47</sup> organized by environmental organizations. Sharply negative public opinion was established in the country concerning hunting of rare and endangered species. As a result, the authorities were forced to reject the use of already approved hunting quotas (concerning the species included in the Red List as well as other species) and to start scientific research for setting real quotas.

On February 7, 2012 the Ministry of Environment Protection (Minister G. Khachidze) and the Agency of Natural Resources (A. Khetaguri) issued a joint order on announcing a joint tender for state procurement of research services to study wildlife species (inventory). An electronic tender was announced under this order. According to the same order, the procurement expenses were covered from own revenues of the Agency of Natural Resources, in accordance with the Agency's state procurement plan. A winner of the tender should have submitted its final conclusion to the Agency no later than December 1, 2012. According to the published tender documentation, the cost of procurement was set at GEL 186 500. According to the tender announcement, it was desirable that a scientific-research institution with relevant line and experience participated in the tender. The services included conducting a research on the territory of Georgia (except the occupied territories) aimed at registering and studying wildlife species. The research should have covered 19 species of mammals and 7 species of birds – those included in the Red List and other hunting species as well.

The Institute of Ecology at Ilia State University won the tender and started to conduct research throughout the country. Thus, because of such developments, the Ministry of Energy and Natural Resources failed to issue hunting licenses on the species included in the Red List in summer 2012 although legally it had prepared everything in advance (prolongation of hunting season by minister's order; setting quotas on hunting aurochs by governmental decree). The Institute submitted a research report to the Ministry by the end of 2012, in line with the tender conditions. As it appeared from the published report, because of the condition of huntable populations, it was not expedient/possible to hunt the following species included in the Red List: eastern Caucasian tur, western Caucasian tur, chamois, wild goat (*Capra aegagrus*), bear, Caucasian snowcock, Caspian snowcock, Caucasian black grouse – because of a small number and low density of populations.

Owing to broad public resonance, the issue of hunting the species included in the Red List was put on a political agenda. The coalition Georgian Dream declared environmental issues as one of its priorities during the election campaign in October 2012.

After Georgian Dream's victory in the 2012 parliamentary elections, people hoped that hunting of endangered species would be prohibited. The society also hoped that they would obtain any information related to this issue and clarify who was lobbying this issue and for whom. Such assumptions were based on the Government-declared decision according to which natural resource management would be returned to the Ministry of Environment Protection as well as on the Government Program for Strong, Democratic, United Georgia approved by the Parliament, which named environmental protection as one of its priorities.

Because of various objective and subjective reasons, the process of transfer of natural resource management competences from the Ministry of Energy to the Ministry of Environment Protection was significantly delayed. The Parliament approved relevant laws (total of about 50 laws) on March 25, 2013, while they went into force in May 2013. During eight months various experts and organizations had numerously applied to Minister of Energy Kakha Kaladze to abolish the minister's orders related to forest utilization, including hunting of endangered species but in vain. This issue was solved only after the environmental sphere returned to subordination of the Ministry of Environment Protection.

After the coalition Georgian Dream gained victory in the October 2012 parliamentary elections and the new Government was approved, Green Alternative applied to Minister of Energy Kakha Kaladze (31.10.2012) and requested information about experts and organizations participating in the consultations related to preparation of amendments to hunting regulations.

In response, the Ministry of Energy sent a letter No 08/3093 dated November 6, 2012 signed by Head of the Legal Department, Irakli Khmaladze, in which it refused to deliver requested information to Green Alternative. According to the letter, the consultations had an oral form and therefore, there were no documents (minutes) reflecting them. To substantiate its refusal to name the experts involved in the consultations, the Ministry cited Article 29 of the General Administrative Code of Georgia. According to this article (Article 29. Executive Privilege), "names of the public servants

---

<sup>46</sup> <http://www.tol.org/client/article/23001-georgia-says-come-kill-our-threatened-species.html>; <http://ens-newswire.com/2011/10/13/georgian-environmentalists-fear-hunting-free-for-all/>; <http://www.themoscowtimes.com/opinion/article/endangered-species-are-poached-not-protected/454080.html>;

<sup>47</sup> TV story from the rally of Greenpeace supporters <http://dfwatch.net/georgia-allows-hunting-of-endangered-species-57870>

(except for political officials) participating in the preparation of a decision by an official shall be protected from disclosure by means of the executive privilege.”

Thus, we have found ourselves in quite an absurd situation:

1. During the court hearing into Green Alternative’s lawsuit concerning the abolition of bylaws related to hunting of species included in the Red List, the Ministry of Energy said that external experts participated in the consultations related to preparation of amendments to hunting regulations and public consultations were held – thus, no violations of article 8 of the Aarhus Convention had taken place when issuing the minister’s orders.
2. In line with the Ministry’s allegations in court, we demanded information about experts participating in public consultations;
3. The Ministry responded that it would not provide the names of its employees participating in the preparation of a decision as the law entitled it to act so (however, it should be noted that nobody demanded such information. Green Alternative was requesting materials reflecting public consultations).

Hence, we can conclude that:

1. Either no consultation was held with external experts and public representatives in the process of preparation of hunting laws. Hence, they were issued with violation of the Aarhus Convention that served as the basis for their abolition. The Ministry, however, did not want to acknowledge it;
2. Or, we have to deal with yet another case of elite corruption: The Ministry of Energy did not want to disclose the names of those private persons and public servants affiliated with them, who were lobbying the introduction of legislation on hunting the species included in the Red List.

Thus, although the government’s plans on launching commercial hunting of endangered species have failed, many questions are still left unanswered.

## Afterword

Over the past years the Government of Georgia was pursuing the policy aimed at maximum utilization of natural resources. As a rule, “maximum utilization”, i.e. such scales of natural resource utilization, which bring maximum financial benefits, can be achieved at the expense of neglecting ecological and social issues. Such practice leads to the destruction of biological diversity that along with violation of the population’s social rights will ultimately put a heavy economic burden on the country (as a result of anthropogenic ecological cataclysms, involuntary resettlement, destruction of natural resources, loss of tourist-recreational potential, etc.). As a rule, the interests of particular financial groups are hiding behind such ungrounded decisions, which are portrayed by officials affiliated with them as the state interests. These private interests are being lobbied through various unrealistic promises such as “creation of new jobs”, “employment of local population”, increase of revenues to the state and local budgets, etc.

Traditionally, the policy of gaining maximum financial benefits at the expense of resource exploitation is pursued in the fields of timber production, HPP construction and mining industry. In 2011-2012 the government decided to pursue the same policy with respect to hunting, particularly, to legalize commercial hunting of rare and endangered species. With this purpose, a legislative package was developed in an accelerated and non-transparent manner. Protests and proposals made by the society and experts were taken into consideration at a minimum level. Shortly after adopting the legislation, the terms of hunting the species included in the Red List have further increased; moreover, extraction quotas were approved without any substantiation.

It was made possible to prohibit hunting of species included in the Red List only after the function of natural resource management was returned from the Energy Ministry to the Ministry of Environment Protection. Unfortunately, neither the Government, nor the Parliament made any political and legal assessments about this harmful, criminal legislation. Neither was the responsibility of any public servant raised concerning the adoption of the legislation, which was abolished after the new authorities came to power after the October 2012 parliamentary elections. Moreover, practically all of them retained their positions (only the minister and all his deputies were replaced at the Ministry of Environment Protection, as well as the minister and several deputies at the Ministry of Energy). All others continue their activities in “reformed” public agencies, while some were even promoted (i.e. Head of the Legal Department of the Ministry of Energy, Irakli Khmaladze was appointed as the Deputy Minister). The public agencies spared no efforts to conceal who were standing behind these decisions. Obtaining more information for making a substantiated conclusion is beyond the competence of non-governmental organizations. We express hope that the relevant competent bodies will show interest in this issue and it will be clarified whether public and state interests were infringed in favor of private interests, at the expense of creating certain risks of the destruction of nature. They should also show interest in the following issues related to the forestry sector, where it is quite obvious that unsubstantiated and non-transparent decisions were made which caused a huge damage to the country’s biological diversity and respectively, to the country’s interests:

- Concluded agreements/issued licenses on commercial utilization of chestnut included in the Red List for timber production purposes as well as the companies and public agencies related to this issue;
- Suspension of the project on restoration of Borjomi forests burnt as a result of Russian aggression in August 2008 by decision of top officials from the Ministry of Energy and Natural Resources;
- Termination of the project on the development of Kharagauli community forests by decision of top officials from the Ministry of Energy and Natural Resources;
- Development of a new forest code by the Ministry of Energy and Natural Resources and state procurements related to it;
- Issuing of long-term licenses on timber production and the related conflicts of interests;
- Simplification of the rules of timber production during the pre-election periods, weakening of law enforcement concerning illegal cuttings and determining the damage caused to the environment as a result of such activities.

We do not think that investigation of these issues should necessarily lead to bringing an action against someone. But it is crucial that each official or public servant feels personal responsibility for the adopted decisions. Moreover, studying of these issues is essential for eradicating elite corruption mechanisms and launching transparent, democratic procedures of decision making process. As the present study confirms, in our country the content of decisions is largely determined not by the system strengthened with administrative procedures, but by the persons, who lead the public agency at a particular time. Accordingly, there is a threat that next changes carried out by the heads of these agencies will automatically lead to revitalization of the idea about hunting of species included in the Red List, especially as “the policy of maximum utilization” of natural resources at the expense of neglecting environmental standards is still actual under the new government.

Association Green Alternative is a non-governmental, non-profit organization founded in 2000. The mission of Green Alternative is to protect the environment, biological and cultural heritage of Georgia through promoting economically sound and socially acceptable alternatives, establishing the principles of environmental and social justice and upholding public access to information and decision-making processes.

We organize our work around six thematic and five cross-cutting areas. Thematic priority areas include: energy – extractive industry – climate change; transport sector and environment; privatization and environment; biodiversity conservation; waste management; water management. Cross-cutting priority areas include: environmental governance; public access to information, decision-making and justice; instruments for environmental management and sustainable development; European Neighbourhood Policy, monitoring of the lending of the international financial institutions and international financial flow in Georgia.

Green Alternative cooperates with non-governmental organizations both inside and outside Georgia. In 2001 Green Alternative, along with other local and international non-governmental organizations, founded a network of observers devoted to monitoring of development of a poverty reduction strategy in Georgia. Since 2002 Green Alternative has been monitoring implementation of the Baku-Tbilisi-Ceyhan oil pipeline project, its compliance with the policies and guidelines of the international financial institutions, the project's impacts on the local population and the environment. Since 2005 the organization has been a member of the Monitoring Coalition of the ENP (European Neighbourhood Policy) Action Plan. In 2006 Green Alternative founded an independent forest monitoring network. Since establishment Green Alternative is a member of CEE Bankwatch Network - one of the strongest networks of environmental NGOs in Central and Eastern Europe. Green Alternative closely cooperates with various international and national organizations and networks working on environmental, social and human rights issues; Green Alternative is a member of the Coalition Transparent Foreign Aid to Georgia founded in 2008. In 2010 Georgian Green Network was established on the initiative of Green Alternative. This is informal association of civil society organizations and experts dedicated to protecting environment, promoting sustainable development and fostering principles of environmental and social justice in Georgia.

In 2004 Green Alternative received the Goldman Environmental Prize as the recognition of organization's incredible work for environmental protection, social justice and equity.

**ASSOCIATION GREEN ALTERNATIVE**

Address: 27/29, Paliashvili St., II floor, 0179 Tbilisi, Georgia

Tel.: +995 32 229 27 73; Fax: + 995 32 222 38 74

Web: [www.greenalt.org](http://www.greenalt.org)