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Proposed Draft Law Raises Concern

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Proposing legislation improvements and amendments to some legislative acts, including those of the Red List and Red Book, as well as the System of Protected Areas were made and submitted to the Parliament of Georgia. The draft law is scheduled to be heard and discussed in October of 2011 according to the announcement published on the Aarhus Georgia website.

The draft law suggests that the ban on hunting certain species must be lifted without prior assessment or monitoring and hunting in Georgia's national parks should be allowed.

Environmentalists predict that if the draft law is enacted, dire consequences are unavoidable since the draft law contradicts principles of sustainability and Georgia's international commitments and leaves some of the endangered species in jeopardy of extinction. Hunting in national parks will deprive red -listed species the prospects to thrive in a natural environment and the fundamental value of protected areas will be undermined. Apart from environmental damage, the new initiative will negatively affect the reputation of the country and undermine investments into Georgia's nature conservation allocated by the international community. It will also impede the development of sustainable hunting, eco-tourism and eco-education in Georgia, warns some in civil society.

The Center for Biodiversity Conservation and Research (NACRES) has disseminated its appeal, calling on the Parliament of Georgia to consider the draft law carefully before approving it. The organization requests that the Parliament must involve the appropriate parties and individual experts to review the proposed law.

The latter statement is supported by text in the draft law (available on www.aarhus.ge), stating that experts and representatives belonging to NGO's or international organizations were not invited to participate while the bill was being prepared.

In its address to the Parliament of Georgia, Green Alternative, a local NGO working on environmental

issues, tried to keep MP's abreast of the drastic outcomes in case the draft law is approved, adding that the organization acknowledges the need for improvements in legislation but denounces what is suggested in the draft version, since it opposes the interests of the country, its nature and communities that depend on it.

Regarding the draft law and forthcoming changes in environment related legislation, *Georgia Today* spoke to Dr. Irakli Macharashvili, Biodiversity Program Coordinator at Green Alternative, and professor of Ilia State University. He is also the National coordinator of the Transboundary Joint Secretariat (TJS) – one of the components of the Eco-regional Nature Protection Program for the Southern Caucasus, supported by the German Government.

In contrast, answers to our questions remained unanswered at the Ministry of Energy and Natural Resources of Georgia, the body who initiated the changes in legislation.

Q: How would you evaluate the proposed initiatives in the draft law concerning a range of changes in regulations? Does it pose a threat to the ecosystem of protected areas or endangered species? And where does it lead?

A: The draft law suggesting amendments in legislation states it: aims to rectify flaws in the current one, simplify procedures and offers quality services. In fact, it runs counter to its declared intentions and instead attempts to legalize hunting on endangered species in protected areas. Animals that are registered on the Red List are naturally scarce and mainly dwell in national parks. There is no reason why the proposed draft can be considered an improvement on the current legislation. Apart from hunting endangered animals, it also advocates the removal of restrictions on precious wood felling. Although it states felling in protected areas can be carried out solely for sanitary purposes, felling any variety of trees can be licensed if there is a commercial interest

is a commercial interest.

Another disagreeable point in the draft is that it validates The Ministry of Environment as the body who will control the population of red listed species. Through the reforms undertaken this spring, the inspection of environment protection was abolished, the investigation department liquidated and regional services closed. It is questionable how the monitoring or controlling by the ministry can serve as a proper force without the appropriate bodies. Furthermore, the draft law does not consider the creation of any additional structural entities or the expansion of the existing ones. What we get is hunting on endangered species in national parks without control.

The draft also states these reforms will not bring financial gains to the state budget. The essence of national parks is that they bring income to the state. One justifying argument of monetary gain we've heard so far is the prospect of hunting tourism development. One argument is being circulated that hunting deer in Europe is legal. True, but this is only because deer in Europe are not endangered. The deer population is so big there, that they pose a threat to the ecosystem, therefore the state has to intervene.

Q: Is there a practice of hunting on red-listed or endangered species anywhere in the world?

A: Yes, there is a precedent of hunting on red-listed animals in protected areas but it depends on the capacity of natural resources of a specific country. For instance, in Canada these activities are permitted but harsh limitations work there at the same time. First, Canada has protected areas larger than all of Georgia put together. Second, endangered species can be hunted there only in cases where the terms of the Biodiversity Convention are strictly followed.

The draft offered to Georgian parliament contradicts the whole idea of Red List species and protected areas. The essence of the draft is that any individual can hunt whichever animal they choose, only running the risk of a nominal fine if caught.

Q: Apart from identity or biodiversity values, do protected areas carry economic value?

A: The National parks and "red list" are tools for the protection of Georgia's biological, natural heritage which is in equal value as great cultural monuments. Natural and cultural heritage together determine national identity.

Approving the suggested legislative amendments would be tantamount to melting all the national treasures kept in the National Museum into gold ingots just because selling invaluable objects as gold would bring far more income than selling tickets to a national museum. National Parks and endangered species that are on the verge of extinction and reside only in Georgia are objects of national treasure too.

Most natural resources, including clean water, air, soil quality, rare species, and even scenic beauty, are considered to be common property resources – resources collectively owned by society at large.

In terms of economic gain, national parks can bring benefit through well-managed eco-tourism. Tusheti and Lagodekhi Park and their surrounding territories that are being developed and financed by international donors could also serve as examples of financial gain. Communities living in close proximity have set up business and taken loans from banks. National parks that host hundreds of tourists win bread for families residing nearby. Nobody has counted the expected losses from the deterioration of protected areas in the case that new laws are imposed.

Q: The draft states that amendments offered in legislation do not oppose the EU Directives and multi or bilateral agreements Georgia is signatory to. Is it so? Can it somehow have a negative impact on the image of Georgia?

A: Making decisions and amending legislation without any consultation with experts or all interested parties will not only affect the reputation of the country but cause material damage too.

The draft states it does not oppose EU Directives and environmental conventions and agreements but it is a misleading statement. Proposed changes in legislation contradict the EU Habitats Directive and several other international treaties such as the Convention on Biological

Diversity and the Ramsar, Bern and Bonn Conventions. These proposals, if approved will be negatively reflected on investment initiatives designed for our country.

The timing of proposal is also unfavorable. The draft law is submitted to parliament just before the Eastern Partnership Summit takes place. And from what we hear, significant announcements must be made about our country regarding EU integration. Approving regulations that contradict European legislation will create unnecessary barriers for Georgia.

By Salome Kobalava

29.09.2011



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