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Implementation of the Convention on Biological Diversity in Georgia

Institutional mapping

&

Assessment of capacity needs for monitoring and reporting

Tbilisi, 2016

The research was made under Green Alternative’s project “Promotion of implementation of the UN three conventions: Institutional mapping and assessment of capacity needs for monitoring and reporting under three Rio conventions”. The project was implemented with the financial assistance of the United Nations Development Programme (UNDP), and within the framework of the UNDP’s project “Enhancing Environmental Monitoring and Reporting in Georgia”.

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Introduction

The Convention was opened for signature on 5 June 1992 at the United Nations Conference on Environment and Development (the Rio "Earth Summit"). It remained open for signature until 4 June 1993, by which time it had received 168 signatures. The Convention entered into force on 29 December 1993. The first session of the Conference of the Parties was held on 28 November – 9 December 1994 in the Bahamas.

The three main objectives of the Convention on Biological Diversity are:

1. The conservation of biological diversity
2. The sustainable use of the components of biological diversity
3. The fair and equitable sharing of the benefits arising out of the utilization of genetic resources

196 countries are members (parties) to the Convention. The main Convention body is Conference of the Parties (COP). 12 Conferences of the Parties have been held since its adoption. The thirteenth meeting of the Conference of Parties will take place 4-17 December this year in Kanakuk, (Mexico).

According to Article 6 of the Convention each Contracting Party shall, in accordance with its particular conditions and capabilities, develop national strategies, plans or programs for the conservation and sustainable use of biological diversity or adapt for this purpose existing strategies, plans or programs which shall reflect, inter alia, the measures set out in this Convention relevant to the Contracting Party concerned; and integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programs and policies. In direct connection with Article 6 is Article 26, which commits the parties to present to the Conference of the Parties, at intervals to be determined by the Conference of the Parties, reports on measures which it has taken for the implementation of the provisions of this Convention and their effectiveness in meeting the objectives of this Convention. National biodiversity strategies and action plans (NBSAP), provided in Article 6, and national reports provided in Article 26 are main instruments to monitor the implementation of the Convention. Currently 185 countries out of 196 have prepared the NBSAP.¹

Pursuant to the decisions of Conference of the Parties the states were obliged to develop five national reports and present them, respectively, in 1997, 2001, 2005, 2009 and 2014² (See Table 1).

Georgian Parliament ratified the Convention on Biological Diversity on 21 April 1994 and on 31 August 1994 became a party to the Convention. On 2 February 2009 Georgia joined the Cartagena Protocol on Biosafety to the Convention on Biological Diversity.

The information on focal points for Georgia can be found on the Convention web-page (www.cbd.int). According to it, the national focal point (NFP) is the Department of biodiversity protection (Head of Department) of Ministry of Environment and Natural Resources Protection of Georgia. National focal point for the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA)³ is Zurab Gurielidze, and national focal point for Cartagena Protocol and its Biosafety Clearing-House is Teona Karchava (chief specialist of the Department). Focal point for Nagoya protocol on Access and Benefit-sharing is Ana Rukhadze. General information about Georgia on the Convention

¹ Source: www.cbd.int

² CBD COP Decisions II/17, V/19, VII/25, VIII/14 and X/10

³ Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA)

web-page is outdated⁴. (E.g. the number and area of protected territories, biodiversity hot points, development of biodiversity strategy and action plan etc.)

During the membership period Georgia has prepared the following basic documents:

1. Biodiversity study and assessment National Program (1996);
2. First National Report (1999)
3. The first National biodiversity strategy and action plan (NBSAP)⁵ (2005)
4. Review of the implementation of the Program of Work on Protected Areas⁶ (2009)
5. Second National Report (2010)
6. Third National Report (2010)
7. Fourth National Report (2010)
8. Second National biodiversity strategy and action plan⁷ (2014)
9. Fifth National Report (2015)

The structure of all the five National Reports, as well as of the first and second national biodiversity strategy and action plan differ. The guidelines on the structure and development of these documents were always defined under special decisions of the governing body of the Convention and proceeded from urgent global strategic objectives of the period.

Methodology

The following documents were analyzed during this study:

- Georgian reports to the Convention (5 national reports and the report on the Program of work on Protected areas), and both National biodiversity strategy and action plans (2005 and 2014); documents describing their development process, the report on biodiversity assessment program (1996); the analyzes allows to follow the change of the stakeholders in the Convention implementation on national level and reporting (Government agencies, NGOs, research and study institutions). Which problems are still topical, and which have been settled as a result of implementation of the Convention etc.
- Studies related to reporting to the Convention on Biodiversity;
- Studies by international organizations (Environmental Performance review,1,2,3)
- Legal acts on the approval of regulations and staff qualification requirements of the agencies/structural entities related to implementation of the Convention on Biodiversity (Annex 1: references).

Interviews were held with representatives of different stakeholders (Irakli Shavgulidze/NAKRESI; Kakha Artsivadze/NACRES; Zurab Gurielidze/Ilia State University; Teona Karchava/Department of biodiversity; Nona Khelaia/Department of Biodiversity; Natia Javakhishvili/Environmental Information Center; Ana Rukhadze/biodiversity expert). Questionnaires for interviews were drafted in advance (Annex 1).

Basic instruments for implementation of the Convention on national level are National strategies and action plans (Article 6 of the Convention) and National Reports of the Parties (Article 26 of the Convention). National Biodiversity Strategies and Action Plans (NBSAPs) are the principal instruments for planning and implementing the conservation and sustainable use of all biodiversity components (gens, species, habitats, ecosystems) and related activities

⁴ Visit: <https://www.cbd.int/countries/profile/default.shtml?country=ge#nbsap>

⁵ Approved by governmental resolution #27 of 19 February 2005

⁶ Review of the Implementation of the Protected Areas Work Programme

⁷ Approved by governmental resolution #343 of 8 May 2014

(sustainable management of protected areas and forests and other in-situ and ex-situ arrangements). This strategy shall be mainstreamed into the planning and activities of all those sectors whose activities can have an impact (positive and negative) on biodiversity (Agriculture, energy, economic development, spatial planning, building, infrastructure, lawmaking etc.). National reports are also important instrument to plan the biodiversity preservation activities on national level, to analyze and monitor the results of these activities, and finally it is an important communication means. National reports have global importance too, as they can assist the Conference of the Parties to follow the implementation at the national level. At the same time national reports contribute to the “Global Biodiversity Outlook” and Targets of the Millennium Development Goals⁸.

The questions were formulated, analyzes of the answers to which would allow to define: how do the documents (national strategies and action plans, and national reports) developed in Georgia meet the requirements of the Convention on Biological Diversity. Below are the questions:

1. Are biodiversity national strategies and action plans is mainstreamed into sectoral and inter-sectoral planning, programs and policies?
2. Are the issues provided under biodiversity national strategies and action plans taken into account in the activities related to environment protection and use of natural resources, and other related fields (in implementation of specific projects and activities)?
3. Are national reports an important/reliable source of information for reviewing the activities within the Convention and decision-making?
4. Are the national reports the instrument for planning the biodiversity conservation activities on national level?
5. Are the results of the activities provided in national strategies and action plans, and national reports analyzed and monitored properly?
6. Are the problems mentioned in the reports addressed in the next reporting period?
7. Are national reports an important means of communication?
8. Do national reports contribute to biodiversity conservation and protection on global level? Do they allow the Conference of the Parties to monitor the implementation of the Convention in Georgia?
9. Do Georgian national reports contribute the “Global Diversity Outlook” and/or Targets of the Millennium Development Goals?
10. Which are the government institutions participating the implementation of the Convention, including monitoring and reporting? Is this activity reflected in their regulations or the job descriptions? How essential is their participation? What are the reasons?

The purpose of the report is to identify strengths and weaknesses of reporting to the Convention in Georgia (including implementation and monitoring at the national level) and formulate recommendations to assist in the correction of deficiencies.

1. Implementation of the convention and reporting

1.1 National programme for the study and assessment of biodiversity of Georgia, 1996

By ratification of the “Convention on Biological Diversity” in 1994 Georgia undertook an international commitment to preserve and save for posterity the country’s unique biodiversity, which at the same time is an integral part of the world heritage. Thereafter the government started implementing the commitments under the Convention. The first

⁸ Visit: www.cbd.int

stage was National program for the study and Assessment of Biodiversity of Georgia (1996)⁹. This was a trilateral cooperation between the Ministry of Environment and Natural Resources Protection, UNEP and NACRES.¹⁰ The purpose of this program was the assessment of threats to biodiversity, and the state of common to Georgia species and their habitats; collection and collation of the existing information; identification of white spots and development of appropriate recommendations.

The report consists of the following parts: introduction, review of botanical diversity of Georgia (including bacteria, blue-green algae, fungi and mosses), review of zoological diversity of Georgia (including some groups of invertebrates, and vertebrates, review of the Black Sea biodiversity (including Paliastomi Lake) biodiversity and human activity, conclusion, Annexes.

The materials on biodiversity assessment for Georgia (Report) was published both in Georgian and in English. The report was developed by experts on the basis of voluminous assessment materials. Unfortunately the Report is not available in the Internet and is stored in the archives of implementing organizations. Hard copies were also distributed in the Ministry of Environment and Natural Resources Protection, other governmental agencies and libraries. Though some of the data are outdated and need updating, its making public and free accessibility would be important not only for decision-makers, but also for the NGOs, research, scientific and educational institutions (including primary and high schools and universities) working on preservation and sustainable use of biodiversity.

1.2 First national report to the Convention on Biological Diversity, 2003

After publication of the national report on “the Study and Assessment of Biodiversity of Georgia (1996)” the development of first national report to the Convention on biodiversity started. The purpose of the report was to review the situation regarding implementation of the Convention. It essentially had to be the narrative of initial phase of the Convention implementation activities. It describes the basic characteristics of Georgia’s biodiversity. In addition it refers to the projects/activities implemented after the Study and Assessment Report period (1996-2000) in terms conservation of biodiversity (foundation of protected areas, current projects, bilateral and multilateral agreements etc.) and the legislation. It should be mentioned that no measures had been taken to solve some of the problems raised in the report/or had been taken with a lag of stipulated deadlines. Among them is a draft law “On state regulation in the field of modern technologies”, which according to the Report had been developed jointly by Ministry of Environment and Natural Resources Protection and the NGO Association of Biological Farming “Elkana”. In reality this law has not been adopted (the development of draft law is not finished). National law on meeting the CITES requirements, which is mentioned in the first report has also not been developed. The report states that a draft law “On the Plant World (Flora) is under development. However, this law has never been drafted.

The first report to the Convention puts correct emphases on the problems, preventing the enforcement of obligations taken by the state and the implementation of the objectives of the Convention at the national level. The need for further improvement of the environmental legislation of Georgia and full implementation of existing laws shall be mentioned at the outset.

The report stresses that legislation in the sectors, related to biodiversity and influencing it, such as: agriculture, transport, land use etc. do not take into account the requirements of international environmental conventions and often comes into conflict with environmental legislation, which creates an obstacle to its full enforcement. The report states that considerable work shall be carried out to harmonize the existing legal acts and bring them into conformity with the requirements of international conventions.

⁹ Country study report, 1996

¹⁰ Biodiversity Strategy and Action Plan, 2005

The report addresses the issue of institutional structure related to conservation of biodiversity. At that time Ministry of Environment and Natural Resources Protection was key governmental body, responsible for the management of environment protection and sustainable use of natural resources. The ministry coordinated international relations and cooperation in this sector, and the activities of research and public organizations. Ministry approved quotas for use of natural resources; approved licensing rules and issued licenses; ensured creation of information data-base on the use of natural resources and the functioning of information systems; organized state cadaster of natural resources; the Ministry was entrusted with: administering “Red Book” and “Red List” of Georgia (though no respective law existed in that time); organizing environmental monitoring system (in fact the Ministry did not have appropriate capabilities); carried out state oversight in environmental and protection of natural resources.

Department of Biodiversity Protection of the Ministry was directly responsible for implementation of biodiversity protection and sustainable use state policy and implementation of international commitments in this field. Many other important functions had been assigned to the Department: issuance of licenses for: the use of wildlife, the creation of hunting leases and hunting, fishing in the Black Sea inland waters of Georgia; control over fulfillment of license terms, issuance of permits and certificates for the import, export and re-export of species, listed in CITES; coordination of the activities on reproduction of gene pool of rare and endangered species of flora and fauna, and creation of reserves; control the compliance with legally established regime; coordination of the plans of foundation and development of forestry. In order to carry out these tasks the following divisions were set up within the Department: protection of vegetation cover, forest protection, protection of fauna, fisheries management, and office of protected areas and conventional service.

Other organizations subordinate to Ministry of Environment and Natural Resources also participate in organizing conservation and sustainable use of biodiversity. These are: Department of permits and state ecological expertise, Sea ecology and fishery research Institute, Environmental monitoring Center, Conventional Inspection for the Protection of the Black Sea.

Organizations out of the Ministry system, also working in protection and conservation of biodiversity, and use of natural resources were: State Department of Forestry, State Department of protected areas, nature reserves and game farms, Ministry of Agriculture, Environmental Police Head Department of Ministry of Internal Affairs, the State Border Defense Department.

It is noteworthy that already the first national report to the Convention ((1999) stressed significant problems, which are relevant today too:

- Overlapping of functions of different governmental agencies and the existence of white spots (especially regarding the monitoring the use of bio-resources);
- Duplication of functions and overlapping of influence areas, leading to inefficient use of financial, technical and human resources;
- Absence of synergy of activities of different sectors.

Among the reasons of inefficiency of activities of state agencies are: lack of government funding, lack of skilled professionals, poor facilities and equipment.

The report refers to some important initiatives relating to conservation and sustainable use of biodiversity and the efforts and sums allocated (both, from the budget and by international institutions) for their implementation, which were lost without leaving a trace. Among these initiatives are “Sturgeon restocking procedures in Black Sea coastal

line and situation with natural reproduction” program, some of important components of the World Bank project on integrated management of Georgian Black Sea Coast.

The role of NGOs in preserving biodiversity is also underlined in the report, as well as their implemented projects in the study, monitoring and conservation of biodiversity. Among the NGOs that plaid most important role in meeting the Convention requirements are: “Georgian Protected Areas Program” (GRAP), World Wildlife Fund (WWF), Noah's Ark - Center for the Recovery of Endangered Species (NACRES), Georgian Center for Conservation of Wildlife (GCCW). Biological Farming Association “Elkana”, Cuna-Georgica, Agro-bio-diversity Conservation Society “DIKA”, “Poseidon” Association, Geographic Society, “Aieti” Association. Some of the listed organizations do not exist or are not active now, however, some of them are still important in this sector.

First national report was developed within the Program of “National Biodiversity Strategy and Action Plan of Georgia”. The program was funded by the World Bank/GEF, the donors’ decision on which was made in 1996. The Report on the Convention web-page (www.cbd.int) is dated 1999, and the date of uploading is 19 December 2002. It seems that belated uploading of the report happened due to communication problems between the Ministry structures on the one side, and between the Ministry and the Convention Secretariat on the other.

1.3 National biodiversity strategy and action plan of Georgia, 2005

As provided in Article 6 of the Convention, the development of national strategy and action plan started in 1998 with the support of the World Bank and Global Environmental Fund (GEF). The development process was coordinated by Ministry of Environment and Natural Resources Protection of Georgia. The first stage of activities were carried out by a group, consisting of representatives of the Center for the Recovery of Endangered Species (NACRES), Georgian Protected Areas Program (GPAP) and Forestry specialists. They held joint working meetings, workshops, collected and analyzed the existing materials. Specialist from scientific institutions, universities, and other governmental and nongovernmental organization also participated in the process. Ministry of Environment and Natural Resources Protection coordinated periodic debriefing, compilation and analyzes of collected materials, seminars and working meetings with participation of the groups participating in the process.

Due to many reasons (poor institutional and resource base, disagreement between different governmental agencies etc.) the finalization of the document took longer than anticipated. It should be mentioned that the Convention in 2002 adopted “the First Strategic Plan”. Under this document the Parties the Parties “Parties commit themselves to a more effective and coherent implementation of the three objectives of the Convention, to achieve by 2010 a significant reduction of the current rate of biodiversity loss at the global, regional and national level as a contribution to poverty alleviation and to the benefit of all life on earth”.

It was evident, that already drafted first “Biodiversity protection and action plan” needed significant updating. Hence, Ministry of Environment and Natural Resources Protection, on behalf of Georgian Government, requested the Scientific-research Center for conservation of species to develop a new quick plan of finalizing the document. At the same time the Ministry asked Fauna and Flora International (FFI UK) for the support in drafting the English version.

The Scientific-research Center for conservation of species, on its side, requested the UNDP and GEF to allow use part of the budget of funded by them project - “Conservation of arid and semi-arid ecosystems in South Caucasus”- for developing final version of the document.

The Scientific-research Center for conservation of species, in close cooperation with FFI UK, and with participation of other experts, developed draft updated document, which was distributed to all governmental, nongovernmental

and academic agencies for further consideration. On the basis of the latter's notes and comments the final document was developed and sent to Ministry of Environment and Natural Resources Protection for approval. Several meetings with parties concerned were held at the Ministry, after which the document was finalized.

To enforce the document the Ministry prepared the text of Governmental Resolution. Under this Resolution (Georgian Government Resolution No27 of 19 February 2005) the Biodiversity Strategy and Action Plan was adopted.

The document defined the country's (except Black Sea basin) strategy of biodiversity conservation and sustainable use for the next 10 years and plan of specific actions for 5-year period. It is a framework document for coordinated biodiversity conservation activities in Georgia. Biodiversity Strategy and Action Plan consisted of preamble and two chapters. The preamble listed strategic components of biodiversity protection and related problems. Based on the biodiversity situation, problems and affecting threats, nine basic issues were identified:

- Protected areas
- Species and habitats
- Agro-bio-diversity
- Hunting and fishing
- Biodiversity monitoring
- Biosecurity
- Environmental education, public awareness and public participation
- Financial and economic program
- Sustainable forestry
- Legal aspects.

As a result of analyses of historic aspects and current situation the main problems relating to each issue were identified. Their solving is also provided under the Strategy and Action Plan.

Chapter one of the document outlines general objective and future perspectives. Besides, the document contained basic strategic principles, as well as specific objectives and tasks with regard to each component.

Chapter two represents an action plan, reflecting specific activities to achieve the tasks and purposes of the document. The document provided for 140 different specific task-aimed activities, timeframes and presumable budget (scheme of the budget for each activity was as follows: small < 50 000 USD; medium – 50 000-500 000 USD; and high - > 500 000 USD), and respective Article of the Convention and implementation indicators.

Status of implementation of the first NBSAB was assessed in the second NBSAB, and the fifth national report.

1.4 Second and third national reports

The purpose of second report to the Convention was the assessment of implementation of the Convention by 2001. Its structure was approved under the Convention Resolution V/19. The deadline for presentation of the report to Secretariat was defined 15 May 2001.

On the basis of second national reports presented by the Parties to the Convention the implementation level in the world was assessed, and in 2002, 10 years after the Convention on Biological Diversity was opened for signature, the First Strategic Plan for the Convention on Biological Diversity was adopted at the sixth Conference of the Parties (COP 6) in the Hague, the Netherlands in 2002. The purpose was to effectively halt the loss of biodiversity so as to secure the continuity of its beneficial uses through the conservation and sustainable use of its components and the

fair and equitable sharing of benefits arising from the use of genetic resources. The Conference of the Parties urged Parties, States, intergovernmental organizations and other organizations to review their activities, especially their national biodiversity strategies and action plans in the light of the Strategic Plan for the Convention on Biological Diversity.

The purpose of the third report to the Convention on Biological Diversity was the assessment of implementation situation by 2005. Its structure was approved under VII/25 Resolution of the Convention¹¹. The deadline for presentation of the report to Secretariat was defined 15 May 2005.

The structure of the second and the third reports was designed so that the balance between full information about the Convention implementation on the one hand, and the reasonable body of information, on the other was observed. The information collected would help the Parties to the Convention to assess the efficiency of their efforts for implementation of the Convention in their respective countries. The form of the second and third report was a questionnaire with answer options, to be selected a correct one. The Parties to the Convention were requested to focus on actual results of implementation of the Convention policy/ the content aspect rather than its administrative aspects.

Georgia failed to comply with reporting deadlines both in terms of the second and third reports. As was mentioned above only in February 2005 Georgia was able to approve the first National Biodiversity Strategy and Action Plan. The reason for the late submission of the second and third reports was poor financial and technical capacities, lack of funding, and management problems at the Ministry, what is the most important – lack of political will in Georgian government (only the will of Ministry of Environment and Natural Resources Protection was not enough).

Georgia received funding for the development of second and third reports to the Convention on Biological Diversity in 2008 through the project “Assistance in Biodiversity Capacity Building, Participation in the Mechanism of Biodiversity Resource Centre, Preparation of the Second and Third National Reports for the Convention on Biological Diversity” supported by Global Environment Facility (GEF) and the UN Development Program (UNDP). The project has been implemented by the Centre for the Conservation of Species NACRES in close cooperation with the Ministry of Environment and Natural Resources Protection of Georgia.

The second report describes the implementation of the Convention up to 2001, **and the third report** – in 2002-2005. They describe actions and their results,, the background situation at that period and the problems in the field of biodiversity conservation and sustainable use.

Both reports were elaborated simultaneously and the process was coordinated by NACRES. The following experts were involved:

- Anna Rukhadze, biodiversity expert (in charge of the elaboration of the document);
- Irakli Macharashvili, Association “Green Alternative” (forest biodiversity);
- Gia Sofadze, Professor of Javakishvili Tbilisi State University (scientific research and cooperation, staff training, education);

In the process of elaborating the document consultations and interviews were held with representatives of the following departments, scientific research institutions and NGOs:

State Agencies:

- Ministry of Environmental Protection and Natural Resources;

¹¹ COP 7 - Seventh Ordinary Meeting of the Conference of the Parties to the Convention on Biological Diversity Kuala Lumpur, Malaysia, 9 - 20 February 2004

- Department of Integrated Management of the Environment;
- Inspection of Environmental Protection;
- Agency of Protected Areas;
- Forest Department;
- The Department of International Relations and Environmental Policy;
- Ministry of Agriculture;
- Ministry of Education and Science.

Scientific Research Institutes and Educational Institutions:

- Tbilisi Botanical Gardens and the Institute of Botany;
- Batumi Botanical Garden;
- The Institute of Zoology;
- Kanchaveli Institute of Plant Protection;
- Gulisashvili Forest Institute;
- Institute of Agriculture;
- Institute of Gardening, Vine-Growing and Wine-Production;
- Javakhishvili Tbilisi State University;
- Ilia Chavchavadze Tbilisi State University;
- Georgian Academy of Agricultural Sciences.

Non-Governmental Organizations:

- WWF Caucasian Representation;
- IUCN South Caucasian Office;
- Georgian Centre for the Conservation of Wildlife (GCCW);
- Association of Field Researchers CAMPESTER;
- Elkana: Association of Biological Farms;
- Centre for Sustainable Tourism;
- Caucasian Branch of the International Agricultural Research Consultation Group (CGIAR).

From data obtained through consultations and interviews, the first draft of the documents was elaborated in Georgian, which was submitted for discussion to the Ministry of Environment and Natural Resources Protection. The final version of the document reflected their comments and recommendations.

The quality of the National Report was evaluated by a special group formed at the Centre for the Conservation of Species (NACRES). Documents used in the process of the elaboration of second and third reports were, basically different reports and the policy documents developed by the Ministry or, with participation of the Ministry.

The second and third National Reports of Georgia were presented to the Convention Secretariat on 6 May 2010, whereas the Convention web-page indicates 20.06.2003 as the date of uploading the second report, and 07.09.2007 – as the date of uploading the third report.

Thus, as a result of delayed reporting the fact of the matter i.e. assessment of efficiency of the Convention implementation in Georgia as of 2001 and 2005, and timely elimination of deficiencies found during the reporting period, was lost.. At the same time Georgia lagged behind the processes under the auspices of the Convention, and there were problems with attracting financial resources for the Convention implementation purposes.

In preparing reports considerable shortcomings were identified in terms of complying with the Convention requirements and reporting. The key agencies, as Forestry Department, Department of Protected Areas, Department for issuing licenses and permits were not, or almost not informed about obligations under the Convention and were a kind of outside observers. Implementation of the Convention on Biological Diversity was understood as a task of solely the Department for Protection of Biodiversity and not the commitment made by the country.

Systemic problems of the first stage of implementation of the Convention are clearly indicated in the reports. Below are some of them that are relevant today too:

As of 2005 the problems were weaknesses in planning and implementation of biodiversity conservation arrangements, increased pressure on natural resources, Limited public participation and stakeholder involvement, lack of public education and awareness at all levels, lack of public participation in decision-making, lack of mainstreaming and integration of biodiversity issues into other sectors, lack of appropriate policies and laws. Despite the legal requirement, national system of monitoring biodiversity was not developed, different agencies carried out monitoring of certain biodiversity components but the collected information was not systematized to create a single database. This made it impossible to follow biodiversity dynamics and plan appropriate arrangements for timely interruption of degradation. Creation of protected areas was scattered (Central Caucasus –Svaneti and Racha-Lechkhumi; Javakheti, Tbilisi and Mtirala National parks, Imerety cave complex).

The reports show that almost nothing has been done in terms of meeting the requirements of the Convention on Conservation and Sustainable Use of Forests. Basic obstacles to the development of sustainable forestry were: lack of political will and support, institutional weaknesses, lack of effective partnerships between stakeholders, lack of knowledge and practice of ecosystem-based approaches to management, lack of appropriate legal, institutional and financial basis for sustainable management of forests. Forest management practices were not consistent with the principles of sustainable development and aimed basically at consumerist attitude to forest leading to biodiversity degradation.

Actions needed already in 2005 have not yet been conducted. These are: improving the licensing procedures on migratory birds, development of methods to establish quotas for the hunting of migratory birds; identification of sites where hunting is strictly prohibited or allowed; registration on these territories; development and introduction of trophy hunting concept; development and introduction of falconry regulations; study threats to basic invasive species and develop their management strategy etc.

Especially difficult was incorporation of biodiversity protection and sustainable development issues into end-to-end/horizontal regulations. The capacity of ecosystem-based approach was ignored, no technical or financial support was provided to improve capacity of ecosystem-based approach. The reports (especially the third one) stress the shortcomings in EIA system and is noted that certain projects are under implementation to improve it. It was also mentioned that public participation in environment impact assessment and decision-making would be monitored by Aarhus Center.

However, this note in the report was just a formality since by the time presentation of second and third reports (2010) it was already known that draft laws developed with participation of nongovernmental sector, and aimed at improvement of public participation practices were redesigned by the government in such a way, that actual situation worsened. In particular, the laws “On Environmental Permits” (1996) and “On State Ecological Expertize” (1996), and emanating from them regulations that had been criticized in the reports, were replaced by the laws “On Environmental Impact” (2007) and “On Ecological Expertize” which only degraded the legislation, especially in terms of reflecting conservation and public participation issues.

At the same time it should be mentioned that the problems raised in these reports allowed the experts to fully and adequately describe the problems and ways of their solution in the **Second Biodiversity Strategy and Action Plan**.

1.5 The fourth national report

By adopting the “First Strategic Plan” of 2002 the Parties committed themselves to achieving by 2010 a significant reduction of the current rate of biodiversity loss at the global, regional and national level. The purpose of the fourth national report was the assessment of the results of operations to achieve 2010 goals and determination of directions of future activities.

In the fourth national report the parties were supposed to assess the state of achieving the three objectives of the Convention at national level. Besides, the information gained from the fourth reports would contribute to the development of the third edition of the Global Biodiversity Outlook.

The Convention took into account that the format of the second and third reports, against expectations, were unsuitable for the analyses and assessment of the Convention processes as did not give the full picture of the Convention implementation at national level. The Parties to the Convention were supposed to present the fourth national reports by 30 March 2009¹².

The fourth report of Georgia was elaborated with support from the Global Environmental Facility (GEF) and United Nations Environment Programme (UNEP), within the framework of the project “Small-Scale Funding Agreement (SSFA) for the project, “Support to GEF Eligible CBD Parties for Carrying out 2010 Biodiversity Targets National Assessments- Phase III”. The project was implemented by NACRES – Centre for Biodiversity Conservation and Research in close cooperation with the Ministry of Environmental Protection and Natural Resources of Georgia.

The draft of the Forth National report was prepared by Ms. Ana Rukhadze, Chief Specialist of the Biodiversity Protection Service of The Ministry of Environmental Protection and Natural Resources of Georgia on the basis of the data obtained from consultations and interviews with various relevant national agencies, nongovernmental and research institutions as well as on the basis of existing reports and published information. The first draft of the document was elaborated in Georgian, which was submitted for discussion to the Ministry of Environmental Protection and Natural Resources. The final version of the document reflects their comments and recommendations. The quality of the National Report was evaluated by a special group formed at the Centre for the Conservation of Species (NACRES).

According to the report, interviews and consultations were held at the following departments, scientific research institutes and NGOs:

State Agencies:

- The Ministry of Environmental Protection and Natural Resources;
- The Department of Integrated Management of the Environment;
- Environmental Protection Inspection;
- Department of Protected Areas;
- Forest Department;
- The Department of International Relations and Policy;
- The Ministry of Agriculture;

¹² www.cbd.int guidelines for forth national report

Research Institutes and Educational Institutions:

- Tbilisi Botanical Garden and the Institute of Botany, Tbilisi;
- Batumi Botanical Gardens, Batumi;
- The Institute of Zoology, Tbilisi;
- Kanchaveli Institute of Plant Protection, Tbilisi;
- Gulisashvili Forest Institute, Tbilisi;
- The Institute of Agriculture, Tbilisi;
- Javakhishvili Tbilisi State University;
- Chavchavadze State University, Tbilisi;
- Georgian Academy of Agricultural Sciences, Tbilisi.

Non-Governmental Organizations:

- WWF Caucasus Program Office;
- IUCN South Caucasian Office;
- Georgian Centre for the Conservation of Wildlife (GCCW);
- The Association of Field Researchers CAMPESTER;
- Association of Organic Farmers Elkana;
- Centre for Sustainable Tourism;
- CGIAR Program for Central Asia and the Caucasus;

According to the report, in 2005-2009 the priority directions for biodiversity protection and sustainable use at national level were “further development of the protected areas system and forest sector reform”. Regrettably, this is true only partially, since nothing has been done for the reform of forest sector. As for the activities in forest sector, they directly contradicted the objectives under Biodiversity Strategy and Action Plan and the commitments under Expanded Program of Work on Forest Biological Diversity (e.g. issuance of 20 year licenses for logging in forests with high conservation value; issuance of licenses without proper forest inventory; reduced access of local population to forest products etc.)

According to the fourth report, main achievements in the implementation of NBSAP are the following:

- further development of the protected territories;
- creation of the Red List of Georgia using IUCN criteria and categories;
- preparation and implementation of species management plans;
- implementation of the national biodiversity monitoring system;
- Ex-situ and on-farm conservation of endemic and/or endangered species and crops of Georgian flora;
- improvement in the legal and institutional environment for the sustainable management of biological resources;
- creation of the Biodiversity Clearinghouse Mechanism of Georgia (www.chm.moe.gov.ge)

Among the impeding factors in the implementation of NBSAP, according to the report, are: insufficient funding, nonpreemptive scheduling of biodiversity protection at state and local levels, lack of environmental awareness amongst the general public and decision-makers, lack of staff, dealing with biodiversity protection and biological resources management in public sector. Though expenditures for the development of protected areas, biodiversity conservation and administration of use of natural resources, and biodiversity scientific research were provided in Georgian budget, the implementation of activities within NBSAP greatly depended on external resources – international financial institutions and donor countries. Of particular note is the role of Global Environmental Facility (GEF), Germany, Norway, USA, EU and CEPF.

During reporting period Ministry of Environment and Natural Resources Protection was responsible for implementation of the Convention at national level. The contribution of other sectoral ministries was insignificant. Biodiversity issues were reflected, to some extent in agricultural, forestry, fishing sectors and climate change strategies.

The report refers to current system of issuing EIA permits, part of which is environment assessment as the mechanism affecting biodiversity development projects. It is noted in the report that “this mechanism needs further development and improvement”. Regrettably this phrase does not reflect the gravity of real situation.

The Ministry sent the fourth report to the Convention Secretariat on 30 March 2010 (with exactly one year delay).

1.6 Second national biodiversity strategy and action plan, 2014

Analysis of the implementation of the “First Strategic Plan” showed that the global objectives set for 2010 have not been met. Reduction in both genetic, and species and ecosystem diversity continued. The level of negative human impact on biodiversity was consistently high or rising. According to expert opinion we will witness the loss of habitats and species degeneration if current negative trends are not changed; we may lose forever a wide range of biodiversity-based ecosystem services; the process will go beyond the critical point and mankind will face disaster; the degradation will have the most painful effect on the poor segments of the population (which will seriously strike the Millennium Development Goals), however no one will be able to avoid negative consequences. In order to stop these negative trends it was necessary to develop new comprehensive action plan.

In 2010 tenth meeting of the Conference of the Parties to the Convention on Biological Diversity adopted the Strategic Plan for Biodiversity 2011-2020, which is based on the views for the future and implies “living in harmony with nature”, and “By 2050, biodiversity is valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people.”

The mission of the updated Strategic Plan is to “take effective and urgent action to halt the loss of biodiversity in order to ensure that by 2020 ecosystems are resilient and continue to provide essential services, thereby securing the planet’s variety of life, and contributing to human well-being, and poverty eradication.” The Strategic Plan includes 20 headline targets for 2015 or 2020 (the “Aichi Biodiversity Targets”), organized under five strategic goals, which comprise both: aspirations for achievement at the global level, and a flexible framework for the establishment of national or regional targets. Pursuant to Aichi 17th target by 2015 each Party (country) shall have developed, adopted as a policy instrument, and has commenced implementing an effective, participatory and updated national biodiversity strategy and action plan”.

Based on the given target Ministry of Environment and Natural Resources protection of Georgia, in 2011, started updating the Biodiversity Strategy and Action plan so that global strategic plan and Aichi targets were adequately reflected in national strategy. Biodiversity Protection Service of the Ministry started the assessment of different biodiversity aspects of the country and the progress in implementation of national strategy through GIZ project called “Sustainable management of biodiversity in South Caucasus”. Different state, private sector and civil society actors participated in this process. As a result the reports on eleven basic areas were developed. These are: species and habitats, protected territories, agro-bio-diversity, assessment and use of biological resources, bio-security, public participation and education, climate change and biodiversity, biodiversity management and governance, forest biodiversity, biodiversity of inland waters, Black Sea biodiversity. All eleven reports were integrated into a single voluminous document. Later this document was edited to a short synthesized report in the form of “situation analysis”, which served as a basis of updated Strategy and Action Plan.

The Strategy and Action Plan comprises an overview of Georgia's biodiversity, strategic goals and national targets of biodiversity protection and conservation, situation analysis by following areas:

- species and habitats;
- protected areas;
- forest ecosystems;
- agricultural biodiversity and natural grasslands;
- inland water ecosystems;
- biodiversity of the Black Sea;
- governance and cross-cutting issues;
- communication, education, public awareness and public participation.

Then the Strategy and Action Plan is presented in tabular form. The tables outline national targets, indicators, objectives and necessary prerequisites. Besides, the Aichi target is indicated to which each national target corresponds. National targets and goals imply a complex of activities that will assist in the achievement of national, and ultimately global strategic goals. Timeframes for each activity are indicated, as well as responsible implementing agencies. Final part of the plan outlines implementation and resource mobilization issues. It should be mentioned that the document development process took into account the Convention working program "Gender and Biodiversity".

The following organizations worked on the development of thematic areas: Centre for Biodiversity Conservation and Research – NACRES, WWF Caucasus Program Office, REC Caucasus, Biological Farming Association ELKANA, Union for Sustainable Development ECOVISION, Green Alternative, and Ilia State University.

Different governmental agencies, NGOs, scientific-research institutions, private sector, international organizations, and the Patriarchy of Georgia participated in the discussions and consultation.

1.7 The fifth national report

In accordance with Article 26 of the Convention and the decision of X/10 Conference of the Parties, the deadline for the fifth national report was determined 31 March 2014. The fifth report was an important source of information for measurement of progress towards the implementation of the Strategic Plan for Biodiversity 2011-2020 to be discussed by the Conference of the Parties at its twelfth meeting. The Convention manual provides for, the fifth report be composed of three main parts:

1. An update on biodiversity status, trends, and threats and implications for human well-being.
2. The national biodiversity strategy and action plan (NBSAP), its implementation, and the mainstreaming of biodiversity.
3. Progress towards the 2015 and 2020 Aichi Biodiversity Targets and contributions to the relevant 2015 Targets of the Millennium Development Goals.

The fifth National Report of Georgia to the Convention on Biological Diversity was prepared by Ministry of Environment and Natural Resources Protection of Georgia, with technical assistance from the GIZ project – "Sustainable Management of Biodiversity – South Caucasus". Fifth National Report of Georgia to CBD were prepared

by Anna Rukhadze, consultant for the GIZ project ``Sustainable biodiversity management in the South Caucasus``. The preparation and editing of the text was carried out by Ana Rukhadze, Joseph Kartsivadze, (Head of Biodiversity Protection Service, the Convention contact officer, and Mariam Uridia (GIZ project ``Sustainable biodiversity management in the South Caucasus``). The fifth report is basically guided by different thematic reports on various aspects of biodiversity and their generalized analysis, which were prepared at the initial stage of the biodiversity strategy and action plan update process. (see Annex 1). The report was sent to the Convention secretariat on 10 June 2015.

The report describes the issues in second Strategy and Action Plan. The report stresses Georgia's achievements in establishing protected areas during the reporting period (protected areas make about 9% of the country's territory); the most endangered species. The reasons of Impoverishment of biodiversity, according to the report, are:

- Poverty of population, which drives them to unsustainable utilization of natural resources for obtaining energy, food and financial benefits;
- Unawareness of the population regarding values of biodiversity and significance of its preservation;
- Insufficient incorporation of the values of biodiversity in policy documents, strategies and programs;
- Legislative gaps in the sphere of regulation of biological resource utilization;
- Lack of resources for exercising biodiversity preservation laws and procedures.

The named reasons lead us towards factors directly affecting biodiversity, such as: degradation and fragmentation of natural habitats, excess utilization of natural resources, environmental pollution, introduction of alien invasive species and climate change.

The report also notes that the new law is under development (Environment Impact Assessment, Forest Code), which, according to the report would be finalized by the end of 2015.

Significant place in the report is given to information about TEEB scoping study, which was implemented jointly by Ministry of Environment and Natural Resources Protection, Government of Georgia, United Nations Environment Programme (UNEP), and WWF – Caucasus.¹³ The study identifies five core sectors of Georgian economy (Energy, Tourism, Agriculture, Mining, and Forestry) substantially depended on natural capital and ecosystem services. Under the scoping study, a guide was elaborated for comprehensive study of ecosystems and economy of biodiversity, which should serve as demonstration of tight links existing between economic development and biodiversity and integration of the values of natural capital into economic policy. Important directions of the Convention implementation at national level, according to the report, are:

- Development of the resource mobilization strategy for NBSAP implementation, which will provide for all of the existing sources of funding, including state budget, donor countries and organizations, and updated innovative means of funding, such as partnership with private sector;
- Assessment of economic values of biodiversity and ecosystem services and integration of their outcomes in development strategies of 5 core sectors of Georgian economy;
- Further development of protected area system and establishment of the protected areas' network, enhancement of its management efficacy and provision of its financial sustainability;
- Reformation of forestry sector, establishment of a system of sustainable forest management;

¹³ UNEP and WWF, 2013. TEEB Scoping Study for Georgia. United Nations Environment Programme, (UNEP), Geneva, Switzerland. Available at: www.teebweb.org

- Further development and upgrading of the biodiversity monitoring system, which will contribute to effective planning of biodiversity conservation measures;
- Raising the level of communication, education, public awareness and participation with respect to biodiversity, existing threats and ways of their solution, as well as economic value of biodiversity and ecosystem services.

2. An overview of Institutional framework

The following governmental agencies are (should be) competent bodies in respect of CBD implementation in Georgia:

- Ministry of Environment and Natural Resources Protection
- Ministry of Agriculture
- Ministry of Energy
- Ministry of Economics and Sustainable Development
- Ministry of Infrastructure and Regional Development
- Ministry of Education and Science

Within the areas of responsibility – appropriate agencies of Autonomous republics (e.g. LEPL Ajara Forest Agency¹⁴, Environment protection and natural resources department¹⁵ – an agency subordinate to the government of Ajara Autonomous Republic).

Below is a short review of the functions of these institutions under their regulations; besides, we will see how adequately is incorporated the role of these agencies in respect of implementation of CBD at national level in their respective regulations, and how much they meet the country's declared objectives.

2.1 Ministry of Environment and Natural Resources Protection

Out of the basic functions of the Ministry, the following are relating to implementation of the Convention at national level:

- Implementation of the state policy in environment protection;
- Public administration of environment protection and use of natural resources (except oil and gas)
- State control of environment protection and use of natural resources (except gas and oil)
- Development of national policy of establishment, functioning and governance of protected areas; coordination and control of activities
- Monitoring of biological diversity
- Regulation of withdrawal from environment of fauna species for scientific purposes
- Safeguarding accessibility of environmental information

¹⁴ See: Resolution #55 of 7 December 2010 of the Government of Adjara Autonomous Republic

¹⁵ See: Resolution #53 of 7 December 2010 of the Government of Adjara Autonomous Republic

- Support environmental education and environmental awareness raising
- Issuance of Environment Impact permits
- Ecological expertise
- Issuance of permits on import, export, re-export, and introduction from the sea of species, their parts and derivatives under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
- Determination of priority directions of cooperation with international organizations and foreign countries, and coordination and monitoring of the fulfillment of engagements under international environmental agreements
- Cooperation, within its competencies, with international institutions, governmental, non-governmental, academic and other institutions of other countries, and secretariats of international environmental agreements and processes on behalf of the Government.
- Participation, within its competencies, in European integration process and fulfillment of environmental commitments under the Association agreement (One of the commitments under the Association agreement is NBSAP full assessment, establishment of “Emerald Network” etc.).
- Biodiversity issues shall be included in execution of the following Ministry functions:
 - Development of National Report on the State of the Environment;
 - Development of National Environmental Action Program.

Structural entities of the Ministry and LEPLs under the Ministry

Different agencies and structural entities under the Ministry of Environment and Natural Resources Protection shall participate in the Convention implementation and preparation of the National Report.

Legal Entities of Public Law:

- LEPL National Forestry Agency (“forest fund” management, except the forests belonging to the Agency of protected areas and autonomous republics, and local self-governments; sustainable use of biodiversity components in these areas);
- LEPL National Environmental Agency (licensing natural resources);
- LEPL Agency for Protected Areas (management of protected areas, including on the territory of autonomous republics);
- LEPL Environmental Information and Education Center (Creation and administration of a single database of environmental information; making public the information on issuance of licenses and permits for the extraction and use of natural resources; introduction of principles of “green economy” and “green business”; ensuring accessibility of environmental information; support of public information and participation in decision-making process, etc.). In view of the establishment of the new center, the law “On environmental protection” was amended with the following text: “in order to support raising environmental awareness of the public, and to train and retrain appropriate specialists a LEPL “Environmental Information and Education Center” shall be established within the Ministry system”.¹⁶

¹⁶ 25.03.2013. #469

Structural entities within the Ministry:

- Biodiversity protection service (coordination of the Convention implementation at national level – see below more details);
- Forestry policy service (support in development and implementation of the forest management state policy, coordination and monitoring of appropriate arrangements; development of strategic plans for implementation of Georgian National Forest Concept and its monitoring; Coordination of the reform of Georgian forest sector);
- Department of Environment Impact permits (issuance of Environment Impact permit (hereinafter “permit”), organization of ecological expertize and expertize for the decision on extension of the terms of activities, preparation of ecological expertize conclusion.
- Department of Environmental policy and international relations (support of introduction sustainable development and green economy principles¹⁷; development of economic instruments and standards of governmental control over environmental protection and wildlife management; participation in identification of priority directions of cooperation with international organizations and foreign countries, and coordination and monitoring of the fulfillment of international environmental obligations; coordination of the Ministry’s participation in European integration process; coordination of activities of national focal points/contact persons for international environmental agreements; initiation of international environmental agreements and participation in organizational procedures)
- Public relations department (relations with wider public and the media; ensure public accessibility and transparency of environmental information and issuance of public information in this sector; support of environmental awareness raising, planning and organization of environmental activities and campaigns; inform the society about the Ministry’s activities and the decisions to be taken in environmental sector; arrange appropriate meetings with parties concerned if necessary; administration of the Ministry web page and social networks).
- Public institution under the Ministry – Department of Environmental Oversight (prevention and combat of environmental crime).

Thus, there may be overlapping of the functions of some departments (department of environmental policy and international relations – biodiversity service; LEPL Environmental information and education center – public relations department etc.), because these functions are not clearly set out in the regulations. Oft-repeated “within their competence” is a say-nothing and confusing phrase – it is not clear from the regulations where it starts and where it ends competence of each department.

2.2 Ministry of Agriculture

The activities of this Ministry are relating to agro-bio-diversity and bio-security issues. However, these functions of the Ministry are not clearly set out in its regulations. Only the following two phrases can be found in the Ministry regulations (Article 2. Ministry core functions and tasks): “Carry out agrarian reforms considering international experience as well as historical and national traditions of the country”, “support bio-agro-processing in the country”¹⁸. The greatest threats to biodiversity in Georgia are: amelioration systems planned without consideration of sustainable development and ecosystem approach, and unsystematic, excess grazing¹⁹.

¹⁷ One of the priorities of the convention and the NBSAP is TEEB

¹⁸ Governmental resolution #485, 28.12. 2012

¹⁹ Biodiversity Strategy and Action Plan for 2014-2020

2.3 Ministry of Energy

According to its regulations the Ministry ensures implementation of the state policy in energy sector, monitors the execution of state policy, state strategy and governmental programs in energy sector, coordinates them, examines the implementation process and develops appropriate recommendation; attracting investments to the energy sector and appropriate activities, within its competence; ensures implementation of projects in the energy sector.²⁰

The Ministry Regulations says nothing about the necessity to observe environmental standards and biodiversity conservation requirements in its activities. However, according to NBSAP, the activities in energy sector is a significant factor in the loss of biodiversity (Chapter 11. "Cross-cutting issues and Governance". As stated several times by Ministry officials (of both governments: "National Movement" and "Georgian dream"), basic policy implies the maximum development of resources. In the Ministry Regulations this idea is worded as following: "the Ministry enhances the search of resources, preferential development of renewable and alternative energy sources, energy-efficient arrangements relating to the increase of production efficiency". There is only one sentence in the Regulations indicating the environmental commitment of the Ministry: "In order to support the country's sustainable development the Ministry defines priority directions and organizes their implementation". In fact the Ministry, on behalf of the Government, signs the agreements and MOUs on construction of new hydro-power stations, where the location, the design and the main parameters of these stations are indicated with no EIA.²¹ In such circumstances, the EIA makes no sense. At the same time Ministry of Energy, in excess of its powers, often intervenes in the issuance of conclusion of ecological expertize and permits for building power stations. Actually, at early stage of each project, before starting the administrative procedure for issuing building permits, the Ministry leadership makes statement that it will definitely be implemented. Thus, the Ministry exerts pressure on local population, as well as the permits issuing agencies. The project design, offered by the Ministry to different investors (which is usually reflected in MOUs between the investor and the Ministry) is usually made in violation of environmental requirements (e.g. rated capacity is calculated for 10 % "sanitary release", which is gross violation of biodiversity conservation requirements and is contrary to many EU directives.). Unfortunately the Ministry representatives do not understand the importance and the essence of EIA. They think the EIA has to be positive, and Ministry of Environment and Natural Resources Protection should help the companies in drafting positive conclusion and receiving the desired permit, instead of acting as a neutral judge. The fact that EIA is a basic tool for decision-making, which is recognized by international and national law (including the Convention on Biodiversity) is unacceptable for Ministry of Energy.

2.4 Ministry of Economy and Sustainable Development

The activities and objectives of Ministry of Economy and Sustainable development cover the sectors directly affecting biodiversity and implementation of the Convention at national level: economic policy; sustainable development; tourism; urban development, and spatial and territorial structure; building; transport and logistics; development, implementation and coordination of the arrangements for the country's sustainable development; promotion of resource-conserving types of production; promotion and coordination of energy-efficient activities in the production, building, transport and services sectors; undertaking the arrangements to promote green economy; policy formulation and implementation of the development of tourism and resorts; spatial and territorial planning; organization and coordination of the development of construction and design regulations.²² Respectively these issues should be reflected in the reporting to the Convention and monitoring. The Ministry departments (Department of spatial planning and building policy; Department of sustainable development) and LEPLs

²⁰ Governmental resolution #97, 26.04.2013

²¹ Governmental resolution #214 21.08.2013

²² Governmental resolution #70, 11.02.2016

subordinate to the Ministry (LEPL National Agency of Public Property; LEPL “Tourism National Administration of Georgia”; LEPL Agency of Technical and Construction oversight).

Execution of one of the functions of the Ministry, which is indicated in its title – “sustainable development” – is entrusted with the Department of Sustainable Development, which currently is staffed by one person²³, and is practically unable to somehow promote the country’s sustainable development. LEPL Agency of Technical and Construction oversight, when issuing permits and monitoring their execution, does not take into account environmental (biodiversity) needs.

2.5 Ministry of Infrastructure and Regional Development

Ministry of Infrastructure and Regional Development is in charge of issues immediately relating to the use of natural resources and affect the environment (biodiversity): ensuring water supply, development and implementation of hard waste management policy; development and implementation of single national policy of improvement of international and internal roads network and design on the basis of scientific and technical progress.²⁴

2.6 Ministry of Education and Science

Ministry of Education and Science is the agency implementing single national policy in education and science sectors. The ministry coordinates and controls the activities of all subordinate bodies, ensures perfection of general, vocational and higher education, scientific progress and national language policy. The Ministry promotes harmonization of the curricula of Georgian educational institutions with international educational network²⁵.

According to the Law of Georgia on Environment Protection (Article 8), in order to bring the environmental cognition up to the higher standards and to train specialists, the general system of environmental education shall be established. It includes the network of educational institutions and schools for training and retraining personnel. Article 9 of the same law provides that “General system of environmental education includes the stages of pre-school, primary, secondary, professional and higher education. Acquiring minimum obligatory knowledge on environmental protection and on rational use of natural resources is ensured by the curriculum programs of educational institutions; the subjects of environmental protection management, ecological and environmental protection sciences shall be taught under the special courses at the secondary, professional and higher educational institutions. Hence, Ministry of Education and Sciences is an important actor in planning implementation of the Convention on Biodiversity at national level.

Pursuant to Article 16 of Local Self-government Code (“The Municipalities’ own powers”) the municipalities’ own powers include “management and disposal of the natural resources including water and forest resources, and land resources under the ownership of the self-governing unit, according to the Georgian legislation”. However, the resources of local importance are not practically identified and their role in implementing the Convention on Biodiversity is minimum. The exceptions are the following categories of protected areas: “protected landscape” and “multiple use areas”, which shall be managed by local self-government bodies. In particular these are: Tusheti Protected Landscape and buffer zones of Pshav-Khevsureti and Javakheti National Parks i.e. multiple use areas.

²³ As of February 2016

²⁴ Governmental resolution #10, 30.01.2009

²⁵ Governmental resolution #37, 21.05.2004

3. Assessment of capacity needs for monitoring and reporting

The efficiency of the fulfillment the Convention on Biodiversity requirements and its monitoring depend on the quality of the Convention implementation/reporting instruments (Biodiversity Strategy and Action plan, National Report). As mentioned above the report documents to the Convention, except Second Biodiversity Strategy and Action Plan, were prepared with significant delay (see table 1).

Table 1. Compliance of report documents to the Convention with established timelines and objectives of the Convention.

Name of the report document	Date of preparation of the document	Deadline established under the Convention	The Convention objective relating to preparation of national report document
First National Report	Prepared 1999 Made public 2003	30.06.1997	Assessment of implementation of the commitments under Article 6 of the Convention at national level
First Biodiversity Strategy and Action Plan	10.02.2005	2001	2002 the Convention "First Strategy Plan
Second National Report	06.05.2010	15.05. 2001	Review the extent to which the Convention provisions were successfully implemented by 2001. Approval of the Convention First Strategy Plan" 2002, COP6, (the Hague, Netherlands)
Third National Report	06.05.2010	15.05.2005	Review the extent to which the Convention provisions were successfully implemented by 2005. Preparation of second edition of Global Biodiversity Outlook (2006) to be presented before COP8 (March 2006)
Fourth National Report	30.03. 2010	30.03.2009	Nagoya, Japan, Development of Aichi biodiversity targets (October 2010). Strategic Plan 2011-2020 Preparation of third edition of Global Biodiversity Outlook (2010)
Second Biodiversity Strategy and Action Plan	08.05. 2014	Until 2015	Development of National Program corresponding to the Aichi targets (17 th target)
Fifth National Report	10.06.2015	31.03.2014.	2011-2020 Review the extent to which the Convention provisions were successfully implemented to be further discussed at COP 12 (6-17 October 2014) Preparation of the fourth

			edition of Global Biodiversity Outlook (2014)
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Due to the delayed submission of national report documents to the Conference,, they could not play important/appropriate role in the review of Georgia’s activities within the Convention and taking the decisions. For the same reason they did not allow the Conference of the Parties to follow the implementation of the Convention in Georgia. Because of provision of material to the Secretariat with breach of the terms, Georgian reports did not make a significant contribution to the protection and conservation of biodiversity at global level; Georgia’s national reports did not constitute a source for the development of documents for Global Biodiversity Outlook and/or identification of the Convention global targets.

The breach of the terms of submission of national reports is a significant, but not the only reason for the fact, that they did not become an important instrument for planning the activities of biodiversity conservation and sustainable use of natural resources at national level. More serious obstacle/problem is that the key decision-makers either are not aware of biodiversity conservation national targets and the commitments under the Convention on Biodiversity, or just ignore them. It is particularly true with respect to the Ministry of Energy, and Ministry of Economy and Sustainable Development. Agencies in charge of biodiversity management and use of natural resources (Agency for Protected Areas, National Forestry Agency, Ajara Forest Agency, National Environmental Agency etc.) in fact do not participate in the report preparation process; they are vaguely aware of biodiversity strategy and action plan and respectively are not guided by these documents in their activities. Appropriate agencies and structural entities do not pay attention to the progress, implementation and reporting of “the Protected Areas”, “Forests biodiversity”, “Sea and coastal strip biodiversity”, “Environment Impact Assessment” and other working thematic documents. Unfortunately, some of the Ministry structures show bystander attitude, meaning that compliance with the Convention provisions and the implementation is the obligation of merely Biodiversity service. There were times when the Ministry structural entities developed their priorities and action plans disregarding that these priorities had been already provided under Biodiversity Strategy and Action plans. (Prime examples are tens of forest reform documents developed in 1999-2013; priorities of development of protected areas²⁶).

Biodiversity national strategies and action plans are only partly integrated in sectoral and cross-sectoral plans, programs and policies. According to the fifth National Report to the Convention on Biodiversity the priorities identified under the second Biodiversity Strategy and Action Plan have been integrated in different sectoral strategies: "Rural - Agricultural Development Strategy for the years 2015-2020", "National Forest Concept for Georgia"²⁷ (2013), Socio-Economic Development Strategy „Georgia 2020“²⁸ and Regional Development Program of Georgia 2015-2017²⁹. Energy strategy for Georgia has not been developed as yet. Besides, biodiversity conservation issues are mentioned in government programs of different years, national security concept, National program for environmental protection etc.

However, the integration of biodiversity issues in cross-sectoral strategies, and often even in environmental policy documents, is formalistic, and they are not taken into account in decision-making on specific activities. For example, in 2007 long-term logging licenses were issued for the forests of high conservation value (Samegrelo mountains, Svaneti, Meskheti), though 2005 Biodiversity Strategy and Action Plan provided for completely opposite objectives. Ministerial orders on issuing the above mentioned licenses were challenged in court by Green Alternative, including

²⁶ Source: meetings of consultation committee for protected areas

²⁷ Resolution of the Parliament of Georgia #1742-Il, 11.12.2013

²⁸ Approved by governmental resolution #400 of 17 June 2014

²⁹ Approved by governmental resolution #1215 of 9 July 2014

for non-compliance to Government Resolution (No. 27 of 19.02.2005). The position of minister, expressed during the hearings was the following: the protection of forests with high conservation value was provided until 2010, and the licenses were issued in 2007, thus the law was not violated. Most problematic is the neglect of the objectives provided under the policy documents in decision-making on the construction of hydro-power stations or mineral extraction. For example, positive conclusion of ecological expertise for the construction of Nenskra HPS was granted in territories designed, under the documents submitted to the Convention, for the establishment of Svaneti National Park. The need to establish protected areas in the Central Caucasus (Zemo Svaneti, Qvemo Svaneti, Racha, Lechkhumi) is emphasized in all policy documents submitted to the Convention since 1999. However, the government abstains from decisive steps to establish protected areas in favor of the interests of logging and HPS construction in these areas. Regrettably, representatives of Biodiversity Service under the Ministry participate in issuance of positive conclusions of ecological expertise for the activities, causing irreparable damage to biodiversity, and are contrary to the state policy on biodiversity conservation (national legislation, appropriate documents of Thematic programs of CBD, Bern Convention, EU habitats and water framework directive etc).

The analyses and monitoring of the results of activities under National Strategy and Action plans, and national reports are insufficient. Often these documents state that certain activities have already been, or will be carried out shortly. In reality these activities are either not completed or just discontinued during the next reporting period. For example all the five reports refer to current forest reform, which never took place; many reports refer to the initiation of "Biodiversity Resource Center" as one of the achievements in CBD implementation (www.chm.moe.gov.ge). Unfortunately this web-page (which at one time was informative and well prepared) has been closed for more than two years. The latest news on Biodiversity monitoring web-page (<http://biomonitoring.moe.gov.ge>) are dated 2012. The biomonitoring link cannot be opened. The monitoring results (annual reports) are not uploaded. Basic problems move from National Report to National Report, especially those relating to: integration of biodiversity issues into related sectors, poaching and forest sustainable use, etc. National reports are not an important means of communication (as required under the Convention). The reports in Georgian were not made public on the Ministry web-page and only after the study process communications they were uploaded on the web-page of Environmental Information and Education Center. However, this information is not systematized. National Reports to Biodiversity Convention are available on the same web-page as working documents relating to other conventions (basically CITES) in "biodiversity-data" section. Reports to other biodiversity conventions (Bone convention and its three agreements, Ramsar convention, CITES, Bern convention) are not available on this web-page. The future of web-pages of biodiversity resource-center (www.chm.moe.gov.ge) and Biodiversity Monitoring (<http://biomonitoring.moe.gov.ge>) is unclear.

The agencies in charge of biodiversity management and use of resources, and the Ministry structural entities do not duly participate in the Convention implementation process. The Convention implementation/reporting issues are not incorporated in regulations of the Ministry structural entities and other agencies, and job descriptions of appropriate staff. The structuralized information on biodiversity conservation and use often is not available to them. E.g., the Environment National Agency, which is responsible for licensing natural resources, either does not possess full information on issuance of fishing licenses in inland waters and Black Sea by fish species, fishing quotas and actual fishing, or does not make it public. National Environmental Agency does not provide Ilia University – one of the Ministry's key partners in implementation of the Convention on Biological Diversity – with information on fishing quotas (approved fishing quotas, already licensed for 10 years). It is noteworthy that the NGSAP "the Black Sea Biodiversity" chapter was prepared by Ilia University, and under the said strategic document the University studies the conservation of sea mammals. It is for this study Ilia University needs the data which the Agency refuses to issue. The problem is that the Agency staff, alongside their public service, perform the orders by private persons interested in the licenses and EIAs (the establishment of quotas, development EIA reports etc.). Plans of hunting farm managements, and forest management plans of the owners of long-term logging licenses are not available on web-pages of the Ministry of the LEPLs under it. The compliance of different activities with the conclusions of

respective ecological expertise, or application of the law in case of violations are not monitored. (E.g., terms relating to biodiversity protection and compensatory measures in projects for the construction and operation of hydropower plants). These problems are the subject of sharp debate in ENVIRONMENTAL PERFORMANCE REVIEWS GEORGIA, Third Review, 2016.

Commitments under the Convention on Biodiversity were never taken into account in daily work plans of the Ministry's structural entities. The data for National Report was collected from each of these entities and then adapted to the form of the report. This led to inefficient report development process.

Qualification requirements for the staff of the Ministry and LEPLs are approved under the order by the Minister. Almost no position requires the knowledge of the state policy in respect of protection and sustainable use of biodiversity. The only exception is the position of Head of Forestry Policy Service, where the knowledge of the state environmental policy is required.

An important step forward to eliminate the above shortcomings was the development of second National Strategy and Action plan in a transparent, participatory manner and its approval within the time limits set by the Convention. Another important step is that the "Council for supervising and monitoring the implementation of 2014-2020 Biodiversity protection Strategy and Action plan (NBSAP) of Georgia" was set up under the Minister's order. The objective of the Council is to monitor NBSAP implementation, prompt consideration of the questions received from governmental and nongovernmental sectors, the public and academic community, and development of appropriate recommendations. The Council is chaired by first deputy minister of Environment and Natural Resources Protection; members to the Council are deputy ministers of: Energy, Economy and Sustainable Development, Agriculture, Education and Sciences, Regional Development and Infrastructure; senior officials of the Ministry of Environment and Natural Resources Protection, LEPL Environmental Information and Education Center and Ministry of Finances; representatives of Georgian and international NGOs. Besides, thematic working groups were set up in support of NBSAP implementation. For example, the working group for public participation, awareness raising and education is coordinated by Environmental information and Education Center. Regrettably, the orders by the Minister on establishment of the Council and the approval of its regulations³⁰, as well as the protocols of the Council meetings are not available on the ministry web-page.

The Ministry's different structural entities are required, within their competence, to provide the Department of environmental policy and international relations with information on: the projects funded by international donors, meetings within these projects, fulfillment of obligations under international agreements and activities, undertaken in Georgia under the aegis of international organizations/processes, as well as the copies of national reports submitted to respective Secretariats. However, this Department does not participate in the development of National Reports on Biodiversity, neither cooperates it with the Convention Secretariat. The tasks and functions of this Department are organization of hearings of the reports on the activities under national programs, regional and local environmental action plans, and sectoral environmental plans (including the biodiversity strategy and action plan), and the monitoring of implementation of programs and plans.

National Focal Point for the Convention since its ratification up to date was Biodiversity Department/Service. Regrettably, the capacities of this structure were not sufficient/conforming for the fulfillment of assigned duties, including the development of national reports.

At an early stage a conventions service was established with Biodiversity Department whose duties were: work on multilateral international agreements, coordination of their implementation in the country and relations with

³⁰ 04.11.2014, #667 and 02.12.2014, #745

appropriate secretariats (current issues and regular reporting). Georgia then was a party to the following multilateral international agreements:

- The Convention on Biological Diversity (since 1994);
- The Convention on International Trade in Endangered Species of Wild Fauna and Flora, CITES (since 1996);
- The Convention on Wetlands of International Importance, especially those suitable for waterfowl, Ramsar Convention (since 1997);
- Convention on the Conservation of Migratory Species of Wild Animals (since 2000);
- The African-Eurasian Migratory Waterbird Agreement (since 2001);
- Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and contiguous Atlantic area (since 2001);
- The Agreement on the Conservation of Populations of European Bats (since 2002).

In that period the capacities of the Ministry, the Department of Biodiversity Protection and its conventions service was very poor: monthly salary of an employee was 50-80 GEL (with no bonuses or increase to the salary); personal computers or any other office equipment were not available; one computer and one desktop was shared by several staff members of the Department; communication means (including international ones) were also limited.

Today the salaries of the Ministry employees are 10 – 15 times higher, no problems with personal computers or other office equipment and communication means. Several important international summits were organized by Biodiversity Service recently. It should be noted that many of the functions that the Service carried out until 2004, and required significant resources: issuance of licenses for fishing, establishment of hunting farms, hunting for migratory birds, and non-timber plant production; monitoring protected areas; coordination of forest management plans (and forest licensing until 1999) have been removed by present. However, the present capacity of the department is also not enough for meeting the commitments under the Convention on Biodiversity (and many other conventions).

In addition to the above mentioned international agreements, on which the conventions service worked, Georgia joined the following multilateral international agreements:

- The Cartagena Protocol on Biosafety (since 2009);
- The Convention on the Conservation of European Wildlife and Natural Habitats, Bern Convention (since 2008);
- European Landscape Convention (since 2011).

Ratification of Nagoya Protocol “On Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization” and “The “International Treaty on Plant Genetic Resources for Food and Agriculture” are planned.

Responsible for implementation and reporting on 10, out of 27 multilateral international agreements ratified by Georgia, is Biodiversity Service. The Service staff is only 5 people, whose responsibilities, in addition to the above include:

- Identification, planning and coordination of priority directions of protection, preservation and restoration of biodiversity components;

- Regulation of extraction of fauna species from natural environment for scientific purposes;
- Controlling the amount of wildlife;
- Controlling/administration of international trade in species listed in the attachments to “The Convention on International Trade in Endangered Species of Wild Fauna and Flora” (CITES)
- Consideration of proposals on changes/amendments to the “Red List” of Georgia, preparation of proposals and recommendations, organization of publication of “Georgia’s Red Book”, planning, implementation and coordination of the arrangements for protection and rehabilitation of endangered species and their habitats; participation in decision-making on extraction of species, listed in the “Red List” from natural environment;
- Participation in the development of draft regulations establishing the rules of extraction of fauna species from natural environment (including terms, places, prohibited weapons and methods, species allowed for hunting, sports and recreational fishing)
- Participation in definition of resource extraction techniques in the process of regulation of the use of wildlife resources and establishment of quotas
- Participation, within its competence, in establishment of hunting farms
- Consideration of hunting and fishing farms management plans in established manner and submitting them to the Minister for approval
- Organization and coordination of biodiversity monitoring state system
- Participation in the development of National Report on the state of environment
- Participation, within its competence, in the consideration of EIA reports and preparation of conclusions of ecological expertise
- The provision of information, within its competence, to the Department of International Relation on internationally funded biodiversity projects by filling out the approved questionnaire; notification on the planned meetings within current biodiversity projects; intermittently submit information on the fulfillment of international commitments and the activities carried out in Georgia under the aegis of international organizations/processes, and the copies of national reports sent to respective Secretariats;
- Ensure representation of the Ministry in relations with physical and legal entities;
- Fulfillment of other functions under Georgian law.

Clearly, such a workload requires much more resources. Besides, some of the listed functions should not be the responsibility of the department, for instance, participation in the EIA processes. The Service shall be responsible for implementation of biodiversity policy rather than the permits for specific projects. EIA requires highly specialized expertise (e.g. large mammals expert, ichthyologist, plants ecologist, etc.) that does not meet the job requirements of the staff. Respectively, their participation in the EIA/environmental expertise process is counterproductive. Absolutely inappropriate and inefficient for a policy implementing agency are the functions, like: “Consideration of hunting and fishing farms management plans in established manner and submitting them to the Minister for approval”, “controlling the amount of wildlife”, “Participation in establishment of hunting farms”.

* * *

Thus, summing up the country's capacities in respect of reporting to the Convention on Biological Diversity, following situation emerges:

- Biodiversity Strategy and Action Plans, and CBD National Reports are usually developed with the help/financing of different donor organizations;
- International donor organizations outsourced NGOs or independent experts to prepare documents for National Reports.
- Chief developer of all five National Reports is Ana Rukhadze, who worked at the conventions service of the Ministry's Biodiversity Department at the time writing the first National Report. During next reporting periods she participated as a chief specialist of Biodiversity Department/Service or an independent expert. This stresses again the importance of institutional memory in public service.
- A significant role in implementing the Convention played various local and international environmental NGOs, scientific-research and educational institutions (Table 2).
- There is overlapping of functions of the Ministry various departments. However, even given the situation, some of the issues relating to CBD reporting and monitoring remain unresolved.

Table 2. Organizations working in implementation of biodiversity thematic areas

Biodiversity thematic component	Organization working in NBSAP-2	Organizations working in biodiversity thematic components	
		NGOs	Scientific-research and educational
Species and habitats	NACRES, coordinator – Irakli Shavgulidze, experts Irakli Shavgulidze, Bezhan Lordkipanidze, Giorgi Gorgadze, Kakha Artsivadze (NACRES); Irakli Macharashvili (Green Alternative), Maya Akhalkatsi, Otar Abdaladze, Qetevan Batsatsashvili (Ilia State University)	<ul style="list-style-type: none"> • NACRES (research and monitoring of mammals), advocacy, capacity building; • WWF Caucasus Po – policy, policy study, the law, in-situ conservation arrangements) • Sabuco (bird research, conservation arrangements) • Campester (small mammal research) • Green Alternative – policy, policy study, the law, advocacy) • “Chaobi” (wetlands’ conservation) 	<p>In-situ conservation: Ilia State University, Tbilisi State University, Institute of Botany, Institute of Zoology</p> <p>Ex-situ conservation: Tbilisi ZOO, botanical gardens, LEPL National breeding farm</p>
Protected areas	WWF Caucasus Po Coordinator – Eka Kakabadze, experts Eka Kakabadze, Nugzar Zazanashvili	<ul style="list-style-type: none"> • NACRES (study, monitoring, advocacy, capacity building); • WWF Caucasus Po – (policy, the law, promotion of establishment and capacity building); • Green Alternative (policy, the law, advocacy, promotion of establishment) 	Ilia State University, Tbilisi State University, Institute of Botany, Institute of Zoology
Forest ecosystems	WWF Caucasus Po Ilia Osefashvili, Johan Noyer,	<ul style="list-style-type: none"> • WWF Caucasus Po – (study, rehabilitation and 	Ilia State University, Agrarian University,

	Levi Chochua, Zaliko Daushvili	<p>planting projects, capacity building, field study and analyses)</p> <ul style="list-style-type: none"> • Green Alternative (policy, policy study, the law, field study, advocacy, monitoring); • The Green Movement (the law, policy); • RECC (policy, study, rehabilitation projects) • CENN (capacity building, education, study, monitoring) 	Technical University
Agrarian biodiversity and natural pastures and meadows	Elkana – Coordinator Elene Shatberashvili; Experts: Mariam Jorjadze, Elene Shatberashvili, Maya Akhalkatsi, Giuli Gogoli, Nino Chanishvili, Tengiz Urushadze, Zaza Kilasonia	Elkana (Policy, study, conservation projects)	Agrarian University
Inland waters ecosystems	Ilia State University – coordinator Bela Japoshvili, experts: Levan Mumladze, Tamar Loladze, Zhaneta Shubitidze, Marina Bozhadze	“Chaobi” (study, education) “Flora and Fauna” (study) Green Alternative (policy, EIA, projects monitoring)	Ilia State University
The Black Sea	Ilia State University – coordinator Zurab Gurielidze, Experts: Zurab Gurielidze, Natia Kopaliani, Maya Shakarashvili, Nana Devidze, Zurab Javakhishvili	Flora and Fauna (study)	Ilia State University
Governance and cross-cutting issues	RECC Coordinator Malkhaz Dzneladze Experts: Malkhaz Dzneladze, Gia Zhorzholiani	Green Alternative (EIA, TEEB, Cost-benefit analysis, ENP, EU integration) RECC (TEEB) WWF Caucasus Po (TEEB)	
Climate Change and biodiversity	NACRES – coordinator Kakha Artsivadze Experts – Irakli Shavgulidze (NACRES), Irakli Macharashvili (Green Alternative)	NACRES RECC WWF Caucasus Po CENN Green Alternative NALA	
Evaluation and use of biological resources	NACRES – coordinator Irakli Macharashvili (Green Alternative) Experts: Irakli Shavgulidze (NACRES), Irakli Macharashvili (Green Alternative)	Green Alternative NACRES RECC WWF Caucasus Po	
Biosecurity	RECC – coordinator Ana Rukhadze, Experts Ana Rukhadze, Zurab Kuchukashvili, Gia Zhorzholiani	RECC Elcana	Agrarian University Tbilisi State University
Public participation, awareness	Ecovision – coordinator Nino	Ecovision	Ilia State University,

raising and education	Sul Khanishvili, Experts: Tea Siphashvili, Gia Sopadze, Ana Rukhadze, Rusudan Chochua	RECC Elcana WWF Caucasus Po Green Alternative NACRES	Agrarian University, Technical University, vocational schools
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The major weaknesses identified:

- Lack of coordination and cooperation between the Ministry structural entities; especially striking is the lack of coordination between LEPLs of the Services, immediately in charge of conservation and sustainable use of biodiversity component.
- Lack of biodiversity relating information; shortcomings in the quality and systematization of information in different structural entities of the Ministry;
- Insufficient understanding of liabilities under the Convention on Biological Diversity, and Biodiversity Strategy and Action plan by certain structural entities of the Ministry and low level of execution;
- Insufficient understanding of liabilities under the Convention on Biological Diversity, and Biodiversity Strategy and Action plan by other ministries;
- A mismatch between the human resources and the workload they have to perform;
- Imperfect public information (on the Ministry and the Convention web-pages) and lack of systematization, which reduces the communication possibilities.

The major strengths identified:

International and national NGOs play important role in the protection and conservation of Georgia’s biodiversity. Georgia has more than once displayed examples of successful cooperation between governmental and nongovernmental sectors in biodiversity protection³¹. Good and uninterrupted institutional memory in biodiversity service has been one of the strengths for years.

A number of strong organizations (nongovernmental, research, educational) in the country work in implementation of the Convention on Biodiversity. Each of them are well known and acknowledged (not only in the country, but also internationally) actors in a certain direction of conservation and sustainable use of biodiversity. They have good contacts (networks) with different stakeholders. The organizations, working in biodiversity in the country have good experience of fruitful cooperation with each-other, and, which is very important, with Biodiversity Service of the Ministry³².

Biodiversity Strategy and Action Plan updating process was a successful example of cooperation between different ministries and governmental agencies, NGOs and Universities. The process was coordinated by supervisory committee headed by Ministry of Environment and Natural Resources Protection. Leading conservation organizations were represented in the Committee (WWF Caucasus Po, IUCN Caucasus cooperation center, national nongovernmental organizations “Green Alternative’ and NACRES)³³.

The work, Georgia has been carrying out for years in conservation and sustainable use of biodiversity is acknowledged by CBD, CITES and other secretariats of multilateral agreements, and Georgia is one of the recognized regional leaders. More than one biodiversity summits held in Georgia; also, TEEB Scoping Study for Georgia, developed jointly by the Ministry, donor organizations, international organizations (UNEP, WWF) and local nongovernmental and research and educational institutions (Green Alternative, Ilia State University) has not only

³¹ The fifth national report

³² Shavgulidze, 2014.

³³ The fifth national report

become a policy document of the country, but made a significant contribution to the development of TEEB methodology globally. It should be stressed that in most difficult for environmental sector times (2009-2013) three National Reports were developed with immediate participation of Biodiversity Service of the Ministry, inventory of biodiversity components started, TEEB and NBSAP were initiated etc.

Recommendations

In order to overcome the weaknesses the inventory of the functions of Ministry of Environment and Natural Resources Protection and its structural entities shall be conducted on the basis of national legislation. This has to be done with active participation of Ministry staff. We already have a successful experience of such study: in 2006-2007 Green Alternative, with the Ministry participation and the OECD support, carried out such a study with regard to newly created Environmental Inspection. It promoted the establishment of a very strong Service, and the formation of a team of professionals. Regrettably in 2011, as a result of unjustified political decision, this successful institution was closed down. Though in 2013 the service was rehabilitated (under the new title of Department of Environmental Oversight), but these shake-ups led to the loss of human resources and the capacity, and decline of credibility and trust on the part of the public. Part of institutional memory was irretrievably lost, which is a very serious problem now³⁴.

For better implementation of the Convention in the country it is important to improve the coordination between different Ministerial structures, and between different ministries. It might promote better coordination, if all structural entities involved in conservation and sustainable use of biodiversity (LEPL Agency for Protected Areas, LEPL Forestry Agency, Forestry Policy Service, and Biodiversity Service) would be included in the scope of supervision of one deputy minister.

As mentioned above the tasks and functions of the Department of Environmental Policy and International Relations include organization of hearings of the reports on activities under Biodiversity Strategy and Action Plan, and monitoring of fulfillment of programs and plans. However, it is only Biodiversity Service that reports on the Convention. No monitoring of how the Department of Protected Areas performs the tasks set in CBD Program of Work on Protected Areas or in the chapter on protected areas of Biodiversity National Strategy and Action Plan; or how the Forestry Policy Service and National Forestry Agency perform the tasks set in CBD Forest Programs or in appropriate sections of Biodiversity National Strategy and Action Plan etc.

Among the tasks of Biodiversity Service is organization and coordination of the implementation of commitments under international agreements on biodiversity, signed by Georgia. To perform this function it would be advisable that the Service required from the Ministry structures, and from other ministries the activity reports every six months. This could be done within the framework of the "Council to oversee and monitor the implementation of 2014-2020 NBSAP". On the one hand this would guarantee that specific activities of different agencies do not contradict to the policy documents on conservation and sustainable use of biodiversity; and on the other hand the data-base created on the basis of such reports would facilitate timely, efficient and cost-effective development of Biodiversity National Reports. This requires the elaboration of questionnaires/forms that ensure collection of complete and objective information using both qualitative and quantitative indicators.

Certain information lay-out shall be developed for Environmental Information and Education Center web-page so that the information under "biodiversity" section" be sorted out by multilateral international agreements:

1. Convention "On Biological Diversity"

³⁴ Environmental Performance Review, 2016

- Cartagena Protocol “On Biological Security”
- 2. “The Convention on International Trade in Endangered Species of Wild Fauna and Flora” CITES
- 3. “The Convention on Wetlands of International Importance, especially those suitable for waterfowl” Ramsar Convention
- 4. The Convention “On the Conservation of Migratory Species of Wild Animals”
 - “The African-Eurasian Migratory Waterbird Agreement”
 - “Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and contiguous Atlantic area”
 - “The Agreement on the Conservation of Populations of European Bats”
- 5. The Convention ‘on the Conservation of European Wildlife and Natural Habitats’ Bern Convention
- 6. “European Landscape Convention”

Under each heading shall be placed: strategic documents, national reports, other important documents relating to the country; activities etc.

Besides, the following public information shall be placed: hunting farms management plans; management plans of licensees for logging; information about licenses and quotas issued for hunting, fishing and other bio-resources. Web-pages of “Biodiversity Resource Center” (www.chm.moe.gov.ge) and biodiversity monitoring (<http://biomonitoring.moe.gov.ge>) shall be updated regularly and function freely.

Biodiversity service shall be released from the functions not relating to implementation of biodiversity policy and monitoring, such as: participation in EIA process, “regulation of release of fauna species from natural environment for scientific purposes”, “controlling the amount of wildlife”.

To our knowledge, the Ministry plans the changes implying the merger of the Forestry Policy Service and the Biodiversity Protection Service. We deem this change a positive one, since it seems illogical that the functions of Biodiversity Protection service sidestep the management of timber varieties, and includes the management of non-timber species, plants protected under the Red Book of Georgia and international agreements, and issues of habitats and ecosystems. Biodiversity Protection Service does not participate in the development of new Forest Code, and the Forestry Policy Service does not participate in the development of the new law on biodiversity. In the event of merger, the Forest Europe initiative, and other forest agreements will be added to the above list of 10 Conventions and international agreements. Proceeding from the above it would be appropriate to create the conventions/international service at the new department, charged with the following functions: organization and coordination of the fulfillment of commitments under international agreements, prepare the conventions reporting documents (strategy and action plan, national report), communication with the Conventions governing bodies; organization of meetings and representation of the country in international forums; administration/controlling international trade in species listed in the annexes to the “Convention on International Trade in Endangered Species of Wild Fauna and Flora” (CITES) (including communication/coordination with customs department and experts council); preparation of information relating to international conventions/agreements and submission to LEPL Environmental Information and Education Center (for publication) and to the Department of Environmental Policy and International Relations; monitoring of the Ministry structural entities in terms of compliance to obligations assumed under different conventions.

It is also necessary that eligibility requirements for different positions included the knowledge of biodiversity national policy documents (especially those for positions in Forestry Agency, Agency for Protected Areas, and Biodiversity and forestry policy Department).

Literature

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3. Environmental Performance review, Third Review, 2015 UNITED NATIONS, New York and Geneva, 2016;
4. საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის მინისტრის 2013 წლის 10 მაისის №11 ბრძანება „საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის სამინისტროს ბიომრავალფეროვნების დაცვის სამსახურის დებულების დამტკიცების შესახებ“;
5. საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის მინისტრის 2013 წლის 19 სექტემბრის №70 ბრძანება საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის სამინისტროს ბიომრავალფეროვნების დაცვის სამსახურის მოხელეთა დამატებითი საკვალიფიკაციო მოთხოვნების დამტკიცების შესახებ;
6. საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის მინისტრის 2015 წლის 5 თებერვლის №175 ბრძანება „საჯარო სამართლის იურიდიული პირის - გარემოსდაცვითი ინფორმაციისა და განათლების ცენტრის დებულების დამტკიცების შესახებ“;
7. საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის მინისტრის 2015 წლის 10 სექტემბრის №220 ბრძანება „საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის სამინისტროს საჯარო სამართლის იურიდიული პირის – გარემოსდაცვითი ინფორმაციისა და განათლების ცენტრის დირექტორის ვაკანტური თანამდებობის დასაკავებლად კანდიდატებისათვის დამატებითი საკვალიფიკაციო მოთხოვნების დამტკიცების შესახებ“;
8. საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის მინისტრის 2013 წლის 10 მაისის №24 ბრძანება „საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის სამინისტროს გარემოზე ზემოქმედების ნებართვების დეპარტამენტის დებულების დამტკიცების შესახებ“;
9. საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის მინისტრის 2013 წლის 10 მაისის ბრძანება №25 „საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის სამინისტროს საჯარო სამართლის იურიდიული პირის - ეროვნული სატყეო სააგენტოს დებულების დამტკიცების შესახებ“;
10. საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის მინისტრის 2015 წლის 31 ივლისის №210 ბრძანება „საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის სამინისტროს საჯარო სამართლის იურიდიული პირის – ეროვნული სატყეო სააგენტოს უფროსის ვაკანტური თანამდებობის დასაკავებლად კანდიდატებისათვის დამატებითი საკვალიფიკაციო მოთხოვნების დამტკიცების შესახებ“;
11. საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის მინისტრის 2013 წლის 10 მაისის №18 ბრძანება „საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის სამინისტროს სატყეო პოლიტიკის სამსახურის დებულების დამტკიცების შესახებ“
12. საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის მინისტრის 2014 წლის 23 ივნისის №126 ბრძანება „საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის სამინისტროს სატყეო პოლიტიკის სამსახურის მოხელეთა დამატებითი საკვალიფიკაციო მოთხოვნების დამტკიცების შესახებ“;
13. საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის მინისტრის 2015 წლის 26 თებერვლის №183 ბრძანება „საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის სამინისტროს გარემოსდაცვითი პოლიტიკისა და საერთაშორისო ურთიერთობების დეპარტამენტის დებულების დამტკიცების შესახებ“;
14. საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის მინისტრის 2013 წლის 10 სექტემბრის №67 ბრძანება „საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის სამინისტროს გარემოსდაცვითი

პოლიტიკისა და საერთაშორისო ურთიერთობების დეპარტამენტის მოხელეთა დამატებითი საკვალიფიკაციო მოთხოვნების დამტკიცების შესახებ“

15. საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის მინისტრის 2013 წლის 10 მაისის №3 ბრძანება „საჯარო სამართლის იურიდიული პირის - დაცული ტერიტორიების სააგენტოს დებულების დამტკიცების შესახებ“
16. საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის მინისტრის 2015 წლის 30 ივნისის №204 ბრძანება „საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის სამინისტროს სახელმწიფო საქვეუწყებო დაწესებულება – გარემოსდაცვითი ზედამხედველობის დეპარტამენტის ტერიტორიული ორგანოების დებულების დამტკიცების შესახებ“
17. საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის მინისტრის 2015 წლის 28 ივლისის №208 ბრძანება „საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის სამინისტროს საჯარო სამართლის იურიდიული პირის – დაცული ტერიტორიების სააგენტოს თავმჯდომარის ვაკანტური თანამდებობის დასაკავებლად კანდიდატებისათვის დამატებითი საკვალიფიკაციო მოთხოვნების დამტკიცების შესახებ“.
18. საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის მინისტრის 2013 წლის 10 მაისის №27 ბრძანება „საჯარო სამართლის იურიდიული პირის - გარემოს ეროვნული სააგენტოს დებულების დამტკიცების შესახებ“
19. საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის მინისტრის 2015 წლის 5 აგვისტოს №213 ბრძანება „საქართველოს გარემოსა და ბუნებრივი რესურსების დაცვის სამინისტროს საჯარო სამართლის იურიდიული პირის – გარემოს ეროვნული სააგენტოს უფროსის ვაკანტური თანამდებობის დასაკავებლად კანდიდატებისათვის დამატებითი საკვალიფიკაციო მოთხოვნების დამტკიცების შესახებ“.
20. აჭარის ავტონომიური რესპუბლიკის მთავრობის დადგენილება №55 (07.12.2010) „საჯარო სამართლის იურიდიული პირის – აჭარის სატყეო სააგენტოს შექმნის შესახებ“.
21. აჭარის ავტონომიური რესპუბლიკის მთავრობის დადგენილება №53 (07.12.2010) „აჭარის ავტონომიური რესპუბლიკის მთავრობის საქვეუწყებო დაწესებულების – გარემოს დაცვისა და ბუნებრივი რესურსების სამმართველოს დებულების დამტკიცების შესახებ“.
22. საქართველოს მთავრობის დადგენილება №485, 28.12. 2012 „საქართველოს სოფლის მეურნეობის სამინისტროს დებულების დამტკიცების შესახებ“
23. საქართველოს მთავრობის დადგენილება №97, 26.04.2013 „საქართველოს ენერგეტიკის სამინისტროს დებულების დამტკიცების შესახებ“
24. საქართველოს მთავრობის დადგენილება №214 21.08.2013 „საქართველოში ელექტროსადგურების მშენებლობის ტექნიკურ-ეკონომიკური შესწავლის, მშენებლობის, ფლობის და ოპერირების შესახებ ინტერესთა გამოხატვის წესის დამტკიცების შესახებ“
25. საქართველოს მთავრობის დადგენილება N 10, 30.01.2009 „საქართველოს რეგიონული განვითარებისა და ინფრასტრუქტურის სამინისტროს დებულების დამტკიცების შესახებ“.
26. „ცოცხალი გენმოდულიზირებული ორგანიზმების შესახებ“ საქართველოს კანონი N2656-Il, 18.09.2014
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29. UNEP/CBD/WG-RI/3/6, 24 February 2010, national reporting: review of experience and proposals for the fifth national report

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31. Stakeholder Participation in the NBSAP Revision Process: Georgia. Prepared by: Irakli Shavgulidze www.iucn.org
32. საქართველოს მთავრობის 2014 წლის 8 მაისის №343 დადგენილება „2014-2020 წწ. საქართველოს ბიომრავალფეროვნების სტრატეგიისა და მოქმედებათა გეგმის დამტკიცების შესახებ“
33. საქართველოს მთავრობის 2005 წლის 19 თებერვლის №27 დადგენილებით „საქართველოს ბიომრავალფეროვნების დაცვის სტრატეგიისა და მოქმედებათა გეგმის დამტკიცების შესახებ“
34. ქვეყნის ბიომრავალფეროვნების შესწავლისა და შეფასების ეროვნული პროგრამა (1996).
35. პირველი ეროვნული მოხსენება (2003)
36. დაცული ტერიტორიების სამუშაო პროგრამის შესრულების მიმოხილვა Review of the Implementation of the Protected Areas Work Programme (2009)
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39. მეოთხე ეროვნული მოხსენება (2010)
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43. Guidelines for the Third National Report Cop Decisions VI/25 And VII/25
44. Guidelines for the Fourth National Report Cop Decision VIII/14
45. Guidelines for The Fifth National Report, Cop Decision X/10

Annex 1: Questions for the interviews

1. Who developed the first National Report?
2. Why the first report was not sent in a timely manner?
3. Who is responsible for updating and accuracy of information about Georgia on www.cbd.int ?
4. Who is responsible for updating and accuracy of information about the Convention on Biological Diversity on www.moe.gov.ge ?
5. Who is responsible for updating and accuracy of information about the Convention on Biological Diversity (generally about conventions) on www.eiec.gov.ge (Environmental Information and Education Center)?
6. What is legal mechanism for the approval of National Report to the Convention? How does the Ministry evaluate the quality and reliability of reports prior to their submission to the Conference?
7. Why the biodiversity sites: www.chm.moe.gov.ge and <http://biomonitoring.moe.gov.ge/> are not updated/recovered?
8. What are the functions of the following structural entities in terms of reporting and monitoring the compliance with liabilities under the Convention:
 - Biodiversity Service
 - LEPL National Forestry Agency
 - Environmental Impact permits Department
 - LEPL National Environmental Agency
 - Department of Environmental oversight
 - LEPL Environmental Information and Education Center
 - LEPL Forestry Policy Service
 - LEPL Agency for Protected Areas
 - Ajara Forestry Agency and Environment Protection Service
9. How and to what extent do the above agencies comply with, or are guided by liabilities under the Convention?
10. Which governmental organization (other ministries etc.) should participate in the implementation of commitments under the Convention?
11. To what extent do the above organization implement their commitments?
12. Which scientific-research and educational institutions participate in in the implementation of commitments under the Convention
13. What is the role of scientific-research and educational institutions in in the implementation of commitments under the Convention
14. What is the role of non-governmental organizations in the implementation of commitments under the Convention? In monitoring? In reporting?