

13 October 2011

Sheraton Metechi Palace Hotel, Tbilisi

**First Public Discussion of the Draft Law of Georgia on Forest
Minutes of the Meeting**

The meeting was chaired by Minister of Energy and Natural Resources Alexander Khetaguri. The draft law was presented by the main expert, Peter Herbst. If previously the draft law was called "Forest Code", now it is called the "Forest Law". The presentation was followed by questions & answers and discussion. Before opening the discussion, the Minister noted that the draft law was still at the stage of development and it would be useful to receive some recommendations and remarks on this issue.

Irakli Matcharashvili of Association Green Alternative made some remarks. He emphasized the necessity for carrying out comprehensive reforms in Georgia's forest sector; he welcomed the Minister's opinion according to which "it is essential to find the golden mean between economy and ecology"; however, noted that no such golden mean was observed in the submitted document. Out of other fundamental problems he pointed out: the issue of reflecting the national environmental legislation and international commitments regarding nature protection in the submitted draft law; the issue of lack of mechanisms for involving the society in the decision making process; the issue of discrepancy between leaseholder's rights and obligations.

In order to eradicate these shortcomings, he offered:

1. To carry out strategic zoning proposed by the draft law before launching the leasing process by the state that will be followed by classification of forests in the country under MCPFE categories. It will enable the state to define protected areas and commercial state forest fund as well as to balance forest legislation with environmental legislation, and to find the mean between the protection and use of forests.

In this regard Minister of Energy and Natural Resources A. Khetaguri said that it was possible to work over this issue jointly. The Minister Environment Protection G. Khachidze also supported such formulation.

2. After allocating the protected areas as a result of zoning, it will be possible to let out the forests assigned to MCPFE third class (forest fund for commercial use) on lease or other form of use; it is possible to restore traditional forms of property – private, church and communal ownership.

3. Approval of the inventory report and management plan shall be subject of the environmental impact assessment (EIA) procedure. Simultaneously, all stakeholders will have an opportunity to get involved in the decision making process.

The Minister agreed with the issue of introducing EIA procedure and added that the issues of public participation would be reflected in the law as a separate article.

Irakli Matcharashvili said that he deemed unjustified to allow clear-cutting in natural forests. This issue requires additional substantiation and additional study of Georgian forestry practice.

Other participants of the meeting also expressed their dissatisfaction with allowing clear-cutting in natural forests.

In response, the Minister noted that clear cutting is already allowed today and it will not be introduced by the new law, though it will be possible to carry out this process with certain restrictions in future.

In connection with clear-cutting Peter Herbst said: since clear-cutting was prohibited in Switzerland during 30-40 years, many species were destroyed. He added that the question is about cutting through using clean technologies, during which special machinery will be used. In this case, it is essential to give due consideration to the peculiarities of soil, forest cover, etc. As far as public involvement is concerned, he noted that the involvement of local population in these processes would definitely take place.

The participants of the meeting noted that a great part of Georgia's forests are untouched, virgin and this issue requires much attention and cautious approach. They also expressed their dissatisfaction about the English version of the forest law.

Nino Chkhobadze, a representative of the Greens' Movement of Georgia, said that there was no explanatory note attached to the draft law. The Minister of Energy and Natural Resources responded that the document, along with an explanatory note, would be printed in Georgian only after it was ready to be submitted to the Parliament.

Rezo Getiashvili (CENN) noted that the information about public discussion was disseminated a day before the planned event and therefore a great part of the society failed to get involved in the process. He also added that neither the society nor the document were ready for that meeting. Getiashvili also said that he had prepared questions on 104 slides and asked the Minister to let him demonstrate a slide show.

Irakli Shavgulidze (NACRES) said that many issues, which were discussed by the consultant during the presentation, were not reflected in the draft law. He also noted that the risks related to clear-cutting should be expressed more clearly. In order to reduce these risks, we need clear legislation, he said. He fully shared the remarks made by Irakli Matcharashvili (Green Alternative) and noted that it would be more constructive to pay more attention to these ecological issues and spend less time on others.

Despite this remark, Minister Khetaguri invited Getiashvili to present his slide-show. The latter submitted about 10 questions, including the comments on technical details of the draft law.

A discussion was held about the possibilities of creating protected areas and their significance. The Minister reiterated his earlier statement made at the September 15 advisory meeting according to which new protected areas should be created, but local population should be involved in this process, and added that he would not be against the creation of protected areas if it did not obstruct and hamper the economic development.

The participants also made remarks in connection with several articles, as their interpretation was different from that voiced by the representatives of the Ministry. The Minister noted that it was through the fault of a translation, that the draft law was in the process of development and all the existing shortcomings would be eradicated.

A question was asked whether the Ministry of Environment Protection was involved in the ongoing processes. Alexander Khetaguri answered that the Ministry of Environment Protection was involved in this process and noted that the function of the Environment Ministry was to enforce the environmental legislation. The representatives of the Ministry of Environment Protection did not actually participate in the debates and did not make even one comment publicly (Minister of Environment Protection, Chairman of the Agency of Protected Areas, Head of the Biodiversity Service were present).

Zaza Gagua from Ilia State University asked a question about who will manage the territory, if there is nobody willing to lease it. The Minister responded that in this case a special state-run enterprise will be set up which will provide management of this site.

In respect of protected areas Alexander Khetaguri also said that interference should be possible in any types of forests. He brought an example of Californian forests and noted that just because of non-interference a great part of those forests were destroyed. He also spoke about illegal cuttings and reiterated that if illegal materials are not sold, no illegal cutting will take place any more. The Minister said that the turnover of illegal money in forest sector constitutes GEL 300 million.

Natia Kobakhidze (GIZ) did not share the opinion that protected areas and national parks were being created only for animals and not for people. She said that the key function of protected areas was to preserve vital environment for humans. She brought an example of the Tusheti Protected Area and noted that owing to creation of this protected area, many people managed to improve their economic situation. She added that this should be taken into consideration while creating protected areas. She also did not share the Minister's claims that previously protected areas were created against the will of the population and brought several examples, when national parks (including the Tushetian one) were created in response to active demand from the local population.

Botanist Maia Akhalkatsi (Ilia State University) said that they carried out categorization of Georgia's forest habitats and allocated priority habitats. She noted that in order to protect special copses or rare species, their priority habitats and other data should be used during strategic zoning and inventory.

The Minister said that very frequently many representatives of foreign organizations/countries impose their own opinions citing that they had previously made mistakes and did not want Georgia to repeat the same. He also said that it is easy from their point of view, but our population also wants to live in such developed countries, as those,

whose representatives give us such recommendations. He reiterated that we should first feed our people and then take care of protecting our nature.

Zura Japaridze (Coalition for European Georgia) agreed with Green Alternative's remarks about the possibilities of privatization, the necessity of compliance of leaseholder's rights and obligations, and inadmissibility to delegate state obligations to private persons (leaseholders).

The Minister said that the local population would be able to freely use timber and non-timber forest products.

He also said that forest privatization was the best way out, but the society was not yet ready for it and that this stage needed certain time. However, Khetaguri added that the government was ready for it.

Lasha Meskhi (Safe Space) said: in order to make the article "Plan on Sustainable Development of Forest Areas" more perfect, it is essential to include the elements of responsibility for violating the requirements of this plan by forest users. He also offered to approve inventory report and management plan through public administrative procedures. In this respect the Minister noted that this issue had already been pushed by the representative of Green Alternative and that he had accepted this proposal.

Giorgi Kavtaradze (Forest Institute) said that the form of private property was acceptable for them and added that not the form of private property was disastrous, but the problem was how correctly the state would carry out administering, control and monitoring.

Irakli Matcharashvili of Green Alternative shared Giorgi Kavtaradze's opinions and reiterated his organization's position that it was urgent to separate the forests designed for usage and protection and only afterwards it would be possible to discuss various forms of ownership and management, including the possibility of restoration of the forms of private property. He also noted that private property should be inviolable, but at the same time, an owner should not have the right to do everything; forest use rules should be similar, regardless of property and management forms. He also asked a question about transitional provisions and required the development of draft bylaws along with finalization of the draft law. Otherwise, he continued, we will face the same situation that took place in 2005 when adopting the law on "Licenses and permits", when it was stated that harmonization of legislation should take place within 4 months. Although seven years have already passed since then, he said, no such harmonization has taken place so far and collision of laws is in place instead. The Minister agreed with this remark.

By the end of the meeting the Minister noted that he wanted the next meeting to be held in the Parliament and that he would take into consideration all the remarks made during the public discussion. It is also possible to continue individual consultations on particular issues, the Minister said. He added that the draft law had nothing to do with the lease agreement and that the issues related to the lease agreement would be discussed after the discussion of the draft law was over.