



COUNTRY REVIEW

Capacity Building Needs Assessment for the Implementation of the UN/ECE Strategic Environmental Assessment Protocol

Georgia

2004 (Version 1)

DISCLAIMER

This document was prepared by: Nona Khelaia, Ministry of Environment, Georgia

Edited by Henrieta Martonakova, UNDP and Ausra Jurkeviciute, REC

Elaboration of this document has been supported by the UNDP, the REC (implementing agency) and UNECE within a project “SEA Promotion and Capacity Development” sponsored within the framework of the Environment and Security Initiative by UNDP and CIDA.

The views expressed in this document are those of the authors and do not necessarily represent those of the United Nations, its Member States, UNDP or the REC.

Table of contents

Table of contents.....	3
Table of tables.....	3
I. Identification of plans and programs falling under the scope of the SEA Protocol.....	4
I.1. The notion of programs and plans in the Georgian legislation	4
I.2. National and regional plans and programs falling under SEA Protocol	4
II. Analysis of current environmental assessment provisions in Georgia.....	8
II.1. Overview of the existing environmental assessment procedures in the country	8
II.1.1. State Environmental Review	8
II.1.2. Assessment of Environmental Impacts.....	9
II.1.3. Public participation provisions	10
II.2. Possible future changes in the existing legal framework.....	12
II.3. Strengths and weaknesses of the current assessment system.....	12
III. Analysis of the priority issues for the effective implementation of the UNECE SEA Protocol..	13
IV. Key stakeholders and initiatives promoting EIA/SEA reform in Georgia	14
V. Recommendations for the most effective focus of the UNDP and REC project	15

Table of tables

Table 1: National and regional plans and programmes falling under the scope of the SEA Protocol.	4
Table 2. Public participation and consultations in accordance with current norms on environmental assessment.....	10
Table 3. Analysis of the priority issues for the effective implementation of the UNECE SEA Protocol	13

I. Identification of plans and programs falling under the scope of the SEA Protocol

I.1. The notion of programs and plans in the Georgian legislation

The terms ‘plans’ and ‘programs’ are mentioned in the Georgian *Law on Environmental Permits*. According to the law, ”implementation of infrastructure plans, projects and programs” falls into its list of the Category I. Activities, which prior to adopting or approving by legislative and executive authorities, have to be a subject to environmental permitting process. In other words, they have to undergo the process of ‘assessment of environmental impacts’ (OVOS) and State Environmental Review (SER) process.

I.2. National and regional plans and programs falling under SEA Protocol

The Table 1 below provides the list of strategic type of documents developed in Georgia within the last 5 years. In the column ‘Sectors’, the category ‘Other’ presents the national and regional documents related to the overall development, or to the sectors not included in the list prescribed in the ToR developed for preparation of this national review. In particular, it lists documents addressing nature protection, health issues, poverty reduction and the overall socio-economic development.

Table 1: National and regional plans and programmes falling under the scope of the SEA Protocol

Sector	Name of the Strategic Document	Main characteristics
Agriculture	Strategy for Agrarian Policies in Georgia	Forms a base for the Program on Social-Economic Recovery and Economic Growth in Georgia
	Strategy for Sustainable Development of Agriculture Sector	The strategy should foster cooperation at regional (including mountain regions), state and intersectoral levels, with aim to promote sustainable agriculture.
	State Program for Protection of Soils from Erosion, 1999-2005.	Sets concrete measures and actions
	State Program for Development of Viticulture and Winemaking (2000-2003)	
	State Program for Recovery of Tea-growing (2000-2003)	
	State Program for Protection of Soils and Improvement of their Fertility in Georgia	
Forestry	Presidential ordinance On the Current Status in the Georgian Forestry Sector and Urgent Improvement Steps	Envisages number of steps for improvement of situation in forestry sector
	Forestry Development Strategy	Purpose of strategy is to determine priority directions of forestry development in transition period

Country Review: Capacity Building Needs Assessment for the Implementation of the UNECE Strategic Environmental Assessment Protocol. Georgia

Sector	Name of the Strategic Document	Main characteristics
<i>Energy</i>	Programme for Preparing Potential of the Country for Technology Transfer Process	The goal of the project is evaluation of energetic efficiency of existing technologies applied in power and industrial sectors and development of project proposals
	Project – Elimination of Obstacles to Development of Small Hydropower Sector in Georgia, in order to Reduce Emission of Greenhouse Gases	The goal of the project is elaboration of plans for elimination of obstacles to development of small hydropower sector. The pilot projects for 7 small hydropower stations are already developed.
<i>Industry</i>	Concept of Industrial Policies of Georgia	Represents the basis for Program on Social-Economic Recovery and Economic Growth of Georgia. It approves strategic plans of development for industrial enterprises in 2000-2005 and ways of their implementation.
	Presidential ordinance on Approval of Plan for Restructuring of Coal Industry in Georgia and Urgent Measures for Acceleration of its Development	Schedules respective activities for development of the coal industry
	Presidential Program on Main Directions of Construction Materials Production Development in Georgia	Determines main directions and activities for development of construction materials production
<i>Mining</i>	State Program on Preparing Underground Sites for Licensing and Creating a By-Law Normative Base for Ensuring Rational Use of Mineral Resources	Covers studying of bowels, including oil and gas, ground waters; creating of by-law normative base is planned.
<i>Transport</i>	Concept of Transport Policies of Georgia Concept of Development of Traditional Transport Sectors (railway, automobile, air and marine) and Concepts of Developing Pipeline and Electric Transport	The respective legislative work is performed on basis of these concepts. 88 by-laws were adopted.
	Program on Transport Corridor Europe-Caucasus-Asia – TRACECA	Under the program, number of projects and actions are being implemented. For example, construction of optical-fibre cable system Trans-Asia-Europe, which have undergone EIA procedures. According to the presidential ordinance on Construction of Marine Terminal of Oil Products in Khobi, it was decided to start construction of the respective terminal. Documentation of this project has undergone EIA and SEE procedures.
	Presidential Program for Rehabilitation and Modernization of Roads in Georgia	Is being implemented Under TRACECA Program. EIA is planned.
	Concept for Development of Port Potential in Georgia	The measures for port development in Georgia are elaborated.
	Long-term State Program on International Car Tourism 2000-2005	Document covers transport and tourism sectors
<i>Water Management</i>	Project Initial Analyses for Development of Financial Strategies of Water Supply and Sewage Systems in Georgia	The main objective is to implement actual planning at the national (strategic) level and develop respective strategy.
	Support to Georgia in Implementation of programs on compliance with requirements of the Protocol on Water and Health Issues to the Convention on Protection and Use of Transboundary Watercourses and International Lakes, 1992.	The goal of the project is to: develop the strategy for quality of drinking water and its supply; implement pilot project in Rustavi; analyse of drinking water quality based on the EU Standards.
	Presidential Decree on Reform in Housing and Communal Services of Georgia and its Concept; the measures for improvement of sanitation-technical conditions of water supply and sewage systems	Approves concepts of development of housing and communal services and the program for improvement of sanitation-technical conditions of water supply and sewage systems
Tourism	National Concept on Tourism Development in Georgia and National Action Plan	The Presidential Decree defines detailed program of activities
Municipal	Presidential Order on Implementing Measures for the State	Envisages preparation of two by-laws

Country Review: Capacity Building Needs Assessment for the Implementation of the UNECE Strategic Environmental Assessment Protocol. Georgia

Sector	Name of the Strategic Document	Main characteristics
Planning and Local Land Use	<p>Urban Development Policies in the Densely Populated Areas of Georgia</p> <p>Plan for Reconstruction and Development of Poti</p> <p>Project on Implementation of Rehabilitation Policies in Old Tbilisi and Protection of Cultural and Natural Heritage in Consideration of Sustainable Social-Economic Development</p> <p>National Program for Municipal Development in Georgia</p>	<p>Went through EIA procedure</p> <p>Approves activities determined by the project</p> <p>Is being implemented in two stages, which are separately approved</p>
Other¹	<p>Project on Development of Protected Territories in Georgia</p> <p>Project related to the Concept of Rehabilitation and Modernization of Unified State Environmental Monitoring System in Georgia</p> <p>Project on Integrated Management of the Black Sea Coastal Zone</p> <p>Program for development of Borjomi-Kharagauli National Park.</p> <p>State Program 'Ionizing Radiation'</p> <p>The Long-term State Program for Forming of Environmentally Sound Fleet of Cars, 2001-2005</p> <p>National Healthcare Policy of Georgia</p> <p>Strategic Plan on Healthcare Development in Georgia for 2000-2009</p> <p>National Program for Combating Desertification</p>	<p>The goal is the preservation of biodiversity in forest ecosystems through creation of three protected territories</p> <p>The draft Presidential Ordinance on Rehabilitation and Modernization of Unified State Environmental Monitoring System in Georgia is prepared.</p> <p>The goal of the project: creation of coordination committee, which will be in charge of the coastal zone management; development of legislation covering integrated coastal zone management; institutional strengthening of central and local governmental bodies from the integrated coastal zone management point of view; study of coastal zone erosion problem; development of priority investment projects; creation and development of Kolkheti National Park; creation of water quality and cost monitoring systems; development and implementation of emergency oil pollution response plans.</p> <p>The goal of the project: creation of national park; programs on training and rising of environmental awareness; program for rehabilitation of municipal infrastructure and economic development of auxiliary zone; measures for providing employment options in auxiliary zone of Borjomi-Kharagauli National Park.</p> <p>The objective of the program is defining radioactive background in Georgia; revealing of anomalous regions; studying of health conditions of the population; elaboration and implementation of healthcare and preventive activities.</p> <p>Covers the issues of ensuring safe environment, fully covers the goals and objectives defined for 2000-2009, implementation strategies, activities and executors in charge, monitoring (main indicators concerned with achievement of the goals), as well as the financial analyses (specified by years and activities).</p> <p>Documents foster creation of safe environment, in terms of human health, as one of the priority directions. They fully reflect goals of health and environment protection spheres, implementation strategies and tactics, specific activities; the National Action Plan on Environmental Hygiene (NAPEH) – Environment and Health is elaborated</p> <p>Covers number of issues and activities in sectors of regional cooperation, agriculture, monitoring, rising of the population's awareness, rehabilitation of the</p>

¹ National or regional documents and documents relating to several sectors or the sectors not included in the prescribed list;

Country Review: Capacity Building Needs Assessment for the Implementation of the UNECE Strategic Environmental Assessment Protocol. Georgia

Sector	Name of the Strategic Document	Main characteristics
	Strategy (concept) for National Plan on Improvement of Vehicle Fuel Quality in Georgia	biodiversity, melioration, soils, etc. Program envisages creation of various strategic documents (nine altogether), and improvement of existing legislation. It will serve as a basis for creating program to regulate issues of car fuel quality improvement and establish control over not authorized fuel
	Program on Study of Possibilities for Elimination of Gasoline Containing Ethylene Consumption in Georgia	The objective is to develop detailed national program containing specific recommendations on actions and overall strategy for elimination of gasoline containing ethylene consumption. The main goal is creation of unified environmental education system
	National Program and Action Plan for Environmental Education of Population	Document includes several implementation stages and directions, plans for preparation of the respective legislative base.
	National Program and Action Plan for Elimination of Consumption of Ozone Depleting Substances	Document defines priority directions for investment projects (in sectors of hydropower development, waste processing, reducing of greenhouse gases emission, etc.). For these purposes, the National Agency for Climate Changes is created at the Ministry of Protection of Environment and Natural Resources.
	National Program and Action Plan on Climate Changes	The goal of the document is planning and implementation of respective preservation measures.
	Strategy and Plan of the Biodiversity Protection Programme	Program supported implementation of various activities and projects, including the project on Integrated Management of Coast in Georgia, Plan on Strategic Activities for Rehabilitation and Protection of Black Sea and consequent National Plan on Strategic Activities for Rehabilitation and Protection of Black Sea.
	Black Sea Environmental Program (BSEP)	The document defines strategy, objectives and main directions of social-economical development of the country and ways and methods of their implementation; it introduces basis for forming the state budget.
	Indicative Plan for Social-Economic Development of Georgia 2001-2005	Under this program, the National Program for Poverty Reduction and Economical Growth in Georgia is developed. The program integrates economical, social and environmental aspects of social-economical development in the country. The goal of the program is poverty reduction through sustainable economical development.
	Intermediate Document of the National Program for Poverty Reduction and Economical Growth in Georgia	The program integrates economical, social and environmental aspects, describes current transitional processes in sphere of social-economical development of the country. The program envisages complex and consistent implementation of reforms.
	Program for Social-Economic Recovery and Economic Growth in Georgia	The program describes short and long-term goals of state governance related to institutional development and other activities directed towards protection of the environment and sustainable nature management. The program includes list of concrete activities (plans, programs, projects) implemented, or to be implemented in 2000-2004 (altogether 48). The program also envisages development of new laws, bylaws and revisions to existing legislation.
	National Environmental Action Plan of Georgia (NEAP)	

Sector	Name of the Strategic Document	Main characteristics
	Presidential Decree on Creation of the State Commission for Sustainable Development of Georgia Strategy for Sustainable Development of Mountain Regions	The goal – to develop the strategy of sustainable development of Georgia The strategy defines respective measures and activities for sustainable development of mountain regions from economical, social and environmental aspects.

II. Analysis of current environmental assessment provisions in Georgia

II.1. Overview of the existing environmental assessment procedures in the country

II.1.1. State Environmental Review

Before any economic or other type of activity can be implemented, the related documentation has to be assessed in accordance with the stated procedures of OVOS (assessment of environmental impacts), and activity has to be approved by receiving the authorization from the Ministry of Environment (MoE), based on the positive conclusion of the State Environmental Review (SER).

Two laws regulating the process briefly described above, developed within the *Framework Law on Protection of the Environment*, are currently in force:

- *The Law on Environmental Permits*, which defines 4 categories of activities (Category 1 activities have to undergo OVOS), sets the requirements for the content and format of OVOS report, and the complexity (integrity) of environmental measures, and for public awareness and public participation in decision-making.
- *The Law on State Environmental Review*, which sets the procedures for evaluating project documents, OVOS report and State Environmental Review procedures resulting in final decision (permitting or not permitting implementation of a particular activity).

In order to transfer these laws into practice the following decrees were developed and approved: *Decree on Assessment of Environmental Impact; Decree on Rules for Carrying out State Environmental Review; Decree on Application for Receiving Environmental Permit and its Registration*. These provisions explain the norms established by the two laws mentioned above, and practically represent instructions for authorized bodies at various levels, for technical and research institutions and public, as stakeholders in the environmental decision-making process.

Provisions for regulating processes of issuing licenses or permits, such as license on use of mineral resources, water utilization and discharge, emission release to the atmosphere and permits on waste disposal and utilization are mostly included in the *Law on Environmental Permits*.

When applying for environmental permit, proponent shall, along with the project documentation, present approval from the Sanitary Inspectors' Service confirming compliance with sanitation-hygienic norms and requirements. Depending on the type of the planned activity, approvals and

permits issued by the range of state authorities might be required (e.g. right on the land use, approval from the state technological expertise, approval from the forestry department, etc.), despite the fact that Georgian legislation does not define this very clearly. Currently, due to a political transformation of the country, the new provisions and structures at the MoE are under development proposing changes in the executive power distribution. In practice it means type of approvals needed from some of the authorities mentioned above is issued by the MoE itself. This might lead to necessary revisions of the current legislation, including the environmental assessment related laws mentioned above.

State Ecological Review (SER) shall be conducted by independent experts. Criteria for experts' selection are defined in the *Provisions of the Rules for Conducting State Environmental Review*, which are designed in a way to avoid conflict of interests as much as possible.

II.1.2. Assessment of Environmental Impacts

As for the environmental assessment itself, proponent is obliged to prepare the project proposal, and carry out OVOS - prepare an OVOS report, in compliance with requirements of existing legislation, and submit it to the authorized bodies. The proponent usually hires consulting company to prepare OVOS documentation (for Category I activities) through tendering process or directly. Consulting company is selected by the proponent based on the qualification requirements and complexity of the project. The selection process is not covered by any normative regulations. The draft *Law on Licensing of Environmental Activities*, which will establish special criteria for consulting company's selection, is currently under development.

Content of OVOS report (environmental report) is determined in Georgian legislation mentioned above, and shall include:

- Analyses of the current status of environment, identification of sources and types of impact, identification of affected areas, estimation of future changes in quantitative and qualitative characteristics of environment, assessing the probability of possible emergency situations occurrence, and assessment of expected consequences;
- Assessment of environmental, social and economical impact of the planned activity;
- Identification of measures to reduce and prevent negative impact in environment and human health; Estimation of cumulative effects and identification of methods for their control and monitoring; Environmental - economic evaluation of the project;
- Analysis and selection of alternatives and proposing the implementation measures accordingly; in case of economic or other kind of activity termination, identification of the ways and means for restoring the environment to initial conditions;
- Provisions for public awareness and public participation;
- Development of management and monitoring plan for the implementation, and for the post-implementation stages.

Relevant state authorities (e.g. the MoE) do not interfere in the stage of elaboration of project documentation and OVOS report. But the proponent or consulting company representing proponent's interests, are entitled to receive free consultations at the MoE on the relevant issues and on the possibilities to perform specific activities. It means that in this case the analysis of proposed ideas already takes place. Georgian legislation does not require preliminary assessment – assessment during the development of project proposal. Respective authorized body (MoE) interferes only when the project proposal and OVOS report is completed. However, according to the *Law on Normative Regulations*, prior to approval and adoption of the document (laws, plans, programs, projects and other strategic) by legislative or executive bodies, the documents are subject

to approval of various concerned state bodies depending on the specific area covered by the document. This assessment and approval procedure could be considered as the form of preliminary assessment of the project proposal, thus presenting the element of SEA.

More than 100 strategic documents have been developed within the last 5 years. There was no case of applying OVOS and SER procedures in the process of their preparation or adoption, despite the fact that according to the *Law on Environmental Permits* “implementation of infrastructural plans, projects and programs” is included in to the list of activities falling under the Category I (activities that have to be subject to OVOS), and prior to adoption, approval or passing by legislative or executive bodies they are subject to issuance of environmental permit. In other words, they shall undergo OVOS and SER procedures. However, in practice, such documents are being approved without receiving environmental permit. (Currently it is planned to conduct OVOS and SER of the Kolkheti National Park Management Project, which is developed under the Project on Integrated Management of Black Sea Coastal Zone.)

II.1.3. Public participation provisions

According to the current legislation, NGOs and public shall be informed at the very early stage of SER process, meaning of the decision-making/permitting process addressing the implementation of a particular activity. Besides that, proponent is obliged to keep concerned public informed during the process of EIA documentation preparation, to provide an opportunity for public to comment, and to reflect comments, both positive and negative, in OVOS report. The public can also conduct independent public OVOS process and is entitled to get any necessary information from the proponent. Referring to the above, public hearings shall be conducted during the process of both State Environmental Review and OVOS.

Described provisions leads to increased transparency of decision-making process, and enable the proponent to use public opinion for selecting the optimal/feasible alternatives for project implementation before he submits proposal to the authorities issuing environmental permits.

It is necessary to mention that it is common practice in Georgia to publish draft laws addressing environmental issues and to arrange public hearings to discuss them. Moreover, according to the Georgian legislation, each draft law shall be accompanied by explanatory study containing brief explanation of the law, expected social-economic, political and other type of impact. Unfortunately, in practice such studies are of a considerable low quality and have a rather formal character. In order to support transparency, legislation also requires making the adopted normative acts (or their brief description), including those dealing with environmental permits, publicly available.

The analysis of the level of consultations with the environmental and health authorities and with the public during the environmental assessment process is presented in the Table 2 below:

Table 2. Public participation and consultations in accordance with current norms on environmental assessment

Development and planning stages	Environmental assessment stages	Consultations with environmental and health authorities		Access to information and public participation	
		Required by legislation	Applied in practice	Required by legislation	Applied in practice
Development of concept / objectives	Scoping		X		
	Preliminary assessment (approval at inter-sectoral level)	in some cases X	X	in some cases X	X
	Defining environmental objectives	X	X	X	X

Country Review: Capacity Building Needs Assessment for the Implementation of the UNECE Strategic Environmental Assessment Protocol. Georgia

OVOS report preparation	Defining the scope of the report		X		
	Conducting OVOS		X	X	X
Decision of environmental authority regarding environmental permit	SEE	X	X	X	X

II.2. Possible future changes in the existing legal framework

Draft *Law on Revisions and Amendments to the Law on Environmental Permits* is already developed and submitted to the government. The law shall address the gaps and deficiencies revealed during its application. For example, the list of activity categories requires optimization, i.e. dividing them into categories based on the production volumes, including new activities and activities not considered in the current list.

In the current process of the legislative framework improvement it is intended to implement the so-called 'One Stop principle'. This means that proponent, compared to the current multiple-stages permitting system, applies for and receives one environmental permit covering all the aspects related to the proposed activity implementation, from one body authorized to issue such a permit. In addition, the process of harmonization of regulations defining the rules for control and monitoring is being undertaken. This means that modernization of legislation is currently focused on the unified resolutions and integrated control of economic and other types of activities.

The legislation harmonization process, including the area of environmental permits, is also very much focused on transposing the requirements of the EU legislation into the national one. Based on that the draft law on environmental impact assessment is already under development. This law should also cover the SEE procedures. In the first stage of the harmonization process the aim is to achieve compliance of the national environmental assessment system with the requirements of the SEA protocol. This refers to the principal law development as well as to the supporting regulations.

II.3. Strengths and weaknesses of the current assessment system

The advantage of the currently functioning OVOS/SEE system is that it provides some provisions in terms of categorizing activities based on their potential negative impact on the environment (screening elements), assessment criteria, time framework for development and review of project documentation of the each type of activity, setting some provisions for public participation during the OVOS and decision making (SEE) processes and presence of some elements of preliminary assessment.

The weakness of the current system lies with the absence of the unified law regulating OVOS, SEA, as well SEE process. There are no clearly identified procedures for entitling the authorized body to decide whether certain activity or plan/programme preparation should be a subject for OVOS/SEA. The clear mechanism for screening, scooping and public participation is missing. Awareness of authorities at different levels as well as of the public is rather low.

III. Analysis of the priority issues for the effective implementation of the UNECE SEA Protocol

Table 3. Analysis of the priority issues for the effective implementation of the UNECE SEA Protocol

How to effectively:	2 – top priority 1 – important 0 – not relevant	Specific issues requiring assistance
Conduct SEA in process of preparing plans and programs in compliance with the definition of SEA in Article 2.6 (for instance, how to link SEA and decision making process, etc.)	1	No specific criteria, law, institutional scheme for decision-making by various state authorities
Conduct preliminary SEA in accordance with Articles 4 and 5 (for example, how to connect obligatory and additional lists and when to analyze each question separately, etc.)	2	Effective procedure scheme and differentiated approach for different project types required
Determine the spheres of coverage by SEA in accordance with Article 6 (for example, when it is necessary to determine the coverage area, how to select the appropriate methods of consulting with authorities and public discussion, how to prepare requirements specification for SEA, etc.)	1	System is not flexible enough. Methodological approaches require revision.
Develop basic scenarios of ecological development for SEA (according to the Appendix IV – paragraphs 2, 3 and 4)	1	Methodologies to be improved and institutional principles to be established
Use environmental goals in SEA (according to the Appendix IV – paragraph 5)	1	Special focus on nature conservation, creation of protected territories and preservation of natural resources
Analyze possible significant environmental consequences, including those concerned with the human health (according to the Appendix IV – paragraph 6)	2	Development of criteria and methodologies for analyzing possible environmental consequences
Compare alternative plans and programs (according to the Appendix IV – paragraph 8)	1	The existing procedures shall be revised and practically applied
Prepare monitoring plan for SEA results (according to the requirements of Article 12 and Appendix IV – paragraph 9)	0	Such activities are being performed
Analyze transboundary effects (according to the Appendix IV – paragraph 10)	1	Development of approach (including legal) for joint assessment
Organize public hearings of environmental report in accordance with Article 8 (for example, how to define public concerned, how to inform society and obtain the responses, how to analyze results of public discussion, etc)	1	Revision of the procedures
Organize consultations with nature and health protecting bodies in accordance with Article 9 (for instance, how to define interested bodies, how to effectively consult with them during the SEA process, etc.)	1	Revision of the procedures
Organize transboundary consultations in accordance with article 10 (for instance, when the information shall be presented, which documents shall be exchanged, how to organize effective transboundary consultations)	1	Development of approach (including legal) for mutual cooperation and joint activities
Explain to the authorized persons advantages of SEA and relevance of the expenses	2	The motivation and justification based on the analyses of specific cases shall be prepared
Apply SEA to strategies and legal norms in accordance with Article 13	1	Review and analyses of this type of information
Prepare draft law and/or administrative regulations on introduction of SEA Protocol	2	First of all the law enforcement mechanisms shall be created and then the draft law developed

IV. Key stakeholders and initiatives promoting EIA/SEA reform in Georgia

The Ministry of Environment of Georgia, responsible for the SEA Protocol implementation, has included preparation of the new law on environmental impact assessment in its action plan. It is linked to the fact that the government of Georgia has prepared and approved the National Environmental Action Plan (NEAP), which, among the other priorities, requires improvement of environmental, particularly EIA legislation (including the SEE procedures). The concept of the draft law has already been developed and reviewed by the MoE and NGOs. The law should be based on merging the two existing laws (*on Environmental Permits and State Environmental Review*), revision of the other related laws, and introduction of SEA procedures in accordance with international treaties and agreements. The whole package of documents related to environmental assessment will be submitted to the Parliament of Georgia, which shall decide on the ratification of the SEA Protocol. MoE cooperates with the Netherlands Commission for EIA on the new law preparation, and hopes to get further assistance (consultations, technical assistance) in implementation of plans for SEA capacity building and application.

Following the IPPC *Directive on Creation of Integrated Environmental Permits and Control*, MoE has developed the *Strategy on Integrated Environmental Pollution Control*. Though the strategy is not directly linked to SEA, aspect of the integrated system for environmental permits is taken into account in the process of the new EIA law preparation.

The fact that Georgia is the party to the *Aarhus Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters* will also contribute to introduction of the participatory EIA/SEA process in the country.

EIA elements are partially covered by the regional project *Environmental Information, Education and Rising of the Awareness in Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine*. The project, financed by the EU, focuses on the introduction of the Aarhus Convention, including the issues of public participation in EIA decision-making. Coordinator of the Georgian National Team is Ms. Lia Todua, address: 68a Kostava St., Tbilisi, Georgia, E-mail: aarhusgeo@gol.ge;

Caucasian Environmental NGO Network (CENN), together with the Netherlands Commission for EIA, implemented the project *Study of the EIA System Effectiveness in the South Caucasian Countries*, financed by the Netherlands government. CENN presented the draft study analysing the situation in Georgia, during the seminar conducted by the MoE, in February 2004. The executive director of CENN head office is Ms. Nana Janashia, address: 14b Chonkadze St., E-mail: info@cenn.org.

It would be desirable and beneficial to build awareness and knowledge of the other Georgian NGOs on the SEA concept and procedures, and involve them in promoting SEA application. Therefore it is necessary to conduct number of EIA/SEA specific seminars and training.

As for the education in the area of environmental assessment, Georgian academic institutions (state and commercial) cover environmental legislation in general in their curricula but not specifically EIA and SEA. The only exception is the Georgian Polytechnic University, which intends to start with EIA courses.

V. Recommendations for the most effective focus of the UNDP and REC project

Based on the gaps in the current environmental assessment system described above, the following SEA capacity building activities have been identified as the most needed:

- Pilot projects - SEA of a specific plan or programme; presumably, this will be the project addressing the creation of protected territories.
- Assistance with the legal environmental assessment reform (preparation of the law reflecting the requirements of the SEA protocol);
- Development of guidelines specific for the country (on SEA approaches and methodologies, etc.);
- Elaboration of training materials and methodologies and conducting training of the future trainers;