



## STATEMENT

### “On Changes and Amendments to Some Legal Acts of Georgia”

On March 30<sup>th</sup>, 2012, the President of Georgia signed the draft law “on Changes and Amendments to some Legal Acts of Georgia.” According to this draft law, changes have occurred in the Law on Environmental Protection dated 1996.

By the changes and amendments, based on the decision of the Prime-minister, the “person” who is interested in the sphere of environment protection and usage of natural resources and the Ministry of Energy and Natural Resources of Georgia can sign a contract *in perpetuity*. According to this contract, after paying certain compensation to the government, *all activities conducted by the contractor* (the ‘person’) *within the terms of the contract*, will be considered *legal*. It is notable, that it is possible to appeal this contract **only** in case, if the contract was signed by a person who was not authorized to do so (Article 57<sup>10</sup>, Paragraph 7 of the Law of Georgia on Environmental Protection).

In addition, starting from the contract signing day, the “person” will not be a subject to any civil and administrative responsibility caused by the “person’s” unreasonable activities in the sphere of environment and natural resource usage. This “person” is exempt from the responsibilities determined by the Administrative Code of Georgia (see Annex); the law very clearly defines that... *it is unacceptable to check activities of the “person” in the sphere of environment and natural resources’ use, based on the contract that was signed with the government...* which itself excludes any possibility to detect not only administrative but also criminal cases. This in its turn means that the government promises the “person” beforehand (or *a priori*) to assist in hiding a crime. The same Law exempts the “person” from any type of fines, damage compensation or any responsibilities.

The Greens Movement of Georgia/ Friends of the Earth, with the great sense of responsibility, declare that, this law:

- **contradicts** the Constitution of Georgia;
- **denies** universally recognized principles of sustainable development and “green economy”;
- **ignores** the obligations of Georgia before the EU and makes it almost impossible to harmonize the legislation of Georgia with the EU legislation;
- **contradicts** the obligations of Georgia under the international agreements;
- **recognizes** the preconditions for the establishment of the selective Justice;
- **creates a threat** of destruction of the intact eco-systems on the territory of Georgia;
- **creates** danger of man-caused and natural disasters;
- **limits** the rights of justice accessibility provided by Aarhus Convention (the right of the third party to appeal the contract);

The Greens Movement of Georgia / Friends of the Earth-Georgia

### **Requests**

1. The Government of Georgia and the Parliament of Georgia – to suspend the operation of the Law;
2. For copy editing and in order to prevent the initiation of irreversible processes in nature – to start consultations with NGOs, experts and interested parties.

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### **Calls**

All potential “persons” / investors, not to participate in adopting an agreement “shameful” for any civilized country, not to use the “indulgence” of the 21<sup>st</sup> century and to take into consideration the fact that such actions subvert not only our, but the interest of the future generations.

And finally ... the changes to the Law put under the doubt the main political message of the Government of Georgia – to become an EU member and to take worthy place in the commonwealth of the democratic countries.

**The Greens Movement of Georgia /  
Friends of the Earth-Georgia  
Tbilisi, 2012 April**

## Annex

According to the changes, the contract exempts the “person” from the responsibilities determined under the Administrative Code of Georgia.

In particular it is allowable to:

- Arbitrarily capture water objects, soils of the national forest fund and/or areas covered by forest;
- Not to comply with the requirements of the soil protection and remove the fertile layer of the land;
- Lead to the unsuitability of the soil on the area determined under the contract, by polluting it with industrial and other wastes as well as with waste water;
- Lead to the unsuitability of the soil and water in the mountainous areas, while using its fossil natural resources, also fossil natural resources use without obtaining an appropriate license or by violating the time limits of the license; violation of the norms and safety rules of the fossil natural resources usage;
- Violate the rules of water use and violation of water protection regime;
- Pollute the sea, including the pollution with poisonous chemicals and oil;
- Violate the rules and requirements of the forest use; violate the requirements to plan and conduct activities on fire prevention and protection of the forests from the fire;
- Violate the conditions of the license on usage of CITE convention protected tubers of *Cyclamen Vernum* and/or of bulbs of *Galanthus*, as well as cones of *Abies*, with the intention to export them abroad;
- Violate the norms of the environment protection; emit harmful substances into atmosphere, by abusing existing norms;
- Violate the standards of the use of chemicals in environment and violate the rules of its transportation, storage and use;
- Import and sell the lead containing gasoline;
- Conduct activities without holding an Environment Impact License, or with the violation of the conditions provided under the Environment Impact License or the conclusions of the ecological expertise; violate the requirements of environmental technical regulations;
- Violate the rules of the protection of the area representing habitats for wild animals and place of their pullulation, as well as arbitrarily resettle and hybridize the wild animals;
- Eliminate or arrest wild animals enlisted in the “Red List” of Georgia, without having any permission for such an action;
- Trade with the objects of animals, which were obtained illegally; violate the rules of hunting and fishing, treat the animals and birds cruelly;
- Violate the rules of the improvement of the territory possessed by the “person” by distorting it;
- Create obstructions to the state control and supervision, encroachment of cultural monuments, etc.

On the basis of an agreement with the Ministry of Environment Protection, it is also allowed:

- to use inappropriately protected areas and the soil of their territorial-functional zones and to illegally cut down / damage the wood plant within those zones and areas;
- to destroy boundary signs at the borders of the protected territories; to enter the territory of the state preserved territories with the fire-guns and any kind of fishing facilities.