



International Workshop on Transboundary Water Resources Management in the Caucasus

Legal and Institutional Basis for Cooperation between Georgia and Azerbaijan for Transboundary Water Resources Management

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Shared waters



Existing legal and institutional frameworks for bilateral cooperation

- **International agreements**
- **Bilateral agreements between Georgia and Azerbaijan**
- **National legislations**
- **International assistance projects**

International Agreements

- **Azerbaijan is a Party to the UNECE Water Convention**
- **Georgia is preparing itself to become a Party**
- **Georgia has signed but not ratified:**
 - **Protocol on Water and Health (London, 1999)**
 - **Protocol on Civil Liability and Compensation (Kiev, 2003)**
- **Azerbaijan has ratified the Protocol on Water and Health**

Bilateral agreements Georgia - Azerbaijan

- There is no water resources management agreement between the countries
- Agreement between Governments of Georgia and Azerbaijan on Cooperation in the Field of Environmental Protection. (signed in Baku, on 18-th February 1997)
- This agreement contains clauses which are relevant and provide some basis for cooperation on water resources management
- **Article 6:** “Mindful that Kura river and Jandar lake are of utmost importance for the population and economies of both countries, the parties will join efforts for the protection of the basins from pollution and for rational use of the water resources”

Bilateral agreements Georgia - Azerbaijan

- **Memorandum of Understanding between the Ministry of Environment of Ecology and Natural Resources of Azerbaijan and the Ministry of Environment Protection and Natural Resources of Georgia**

(signed in Baku on 21-th February 2007)

“To establish working groups with the objective to exchange monitoring information, to protect and use transboundary waters and develop a joint programme in this area”.

Implementation of the bilateral agreements

- **The level of implementation of these bilateral agreements, particularly, of their water management related clauses remains low**
- **No program or actions have been developed**
- **Activities are rather sporadic**
- **There has been no official working group or any intergovernmental body established that would regularly oversee or support implementation of these agreements**

EU Neighborhood Policy

- Commitment made to cooperate with neighboring countries for transboundary waters management

International Assistance Projects

- **Water Management in the South Caucasus. USAID. 2000-2004.**
- **Joint River Management Programme on Monitoring and Assessment of Water Quality on Transboundary Rivers. EU/TACIS. 2002-2003.**
- **Trans-boundary Cooperation for Hazard Prevention in the Kura-river Basin. Federal Environmental Agency of Germany (UBA). 2003-2006.**
- **Science for Peace Program - South Caucasus River Monitoring. NATO/OSCE. 2002-2008.**
- **South Caucasus Water Program. USAID. 2005-2008.**
- **Trans Boundary River Management Phase II for the Kura River. EU/TACIS. 2008-2011**
- **Water Governance project. EU/TACIS. 2008-2010**
- **Reducing Transboundary Degradation in the Kura-Aras Basin. UNDP/GEF. 2003-2007**
- **Reducing Transboundary Degradation in the Kura-Aras Basin. UNDP/GEF. Hopefully, will start in 2010**

International Assistance

- **These projects focus on developing:**
 - common methodologies for joint river monitoring and information sharing
 - water quality objectives and emission limit values
 - contingency plans, early warning and alarm systems
 - transboundary river management plans
 - etc.
- **Outputs of these projects could be used for the objectives of bilateral cooperation between Azerbaijan and Georgia**

UNECE-OSCE ENVSEC Project
**Technical Assistance To Georgia for Preparation
of the Ratification and the Implementation of the
UNECE Water Convention**

- **Objective** of this project is to support Georgia to ratify and implement the UNECE Water Convention and to strengthen transboundary water cooperation between Azerbaijan and Georgia.

- The project has been designed in response to Georgia's request

- **Activities:**
 - Legal and institutional gap analysis (done)
 - Cost analysis (done)
 - Series of experts technical meetings to discuss issues to be included in the draft agreement (planned for 2010)

Findings and conclusions

- A large number of provisions pertinent to the Water Convention's provisions can be found in Georgia's national legislation and GEO-AZ bilateral agreements
- Main principles of the UNECE convention such as “polluter pays” and “user pays” principles, also principles related to sustainable management and conservation of water resources and ecosystems are relatively well reflected in Georgian legislation
- If properly enforced, Georgia's national legislation provides a good legal basis for meeting main objectives and requirements of the Convention
- Discrepancies and gaps are found with respect to:
 - prior licensing of wastewater discharges
 - setting emission limit values
 - application of BAT
 - water quality objectives
 - water monitoring.

Findings and conclusions

- UNECE Water Convention should be seen as a guide for cooperation but not as an instrument that could be used by one party to impose legal sanctions or exert political pressure to other.
- Both upstream and downstream countries would be bound to the standards of the Convention made of integral obligations, reciprocity and equality principles.
- It is a basic principle of the Convention that downstream country can not request upstream country to implement measures does not implement itself.
- No immediate actions are required

Findings and conclusions

- Along with the costs, the countries can also find benefits in the implementation of the Water Convention.
- Some of these benefits are:
 - improved water resources management at national level;
 - international assistance for supporting bilateral cooperation and implementation of joint measures;
 - improved environmental and political relations with its downstream neighbor;
 - meeting its commitments made under the EU neighborhood and accession policies.

Next Steps

- Series of Georgia-Azerbaijan technical experts meetings are planned under the ENVSEC project to discuss issues for bilateral agreement