



**ENVSEC Programme  
UNECE-OSCE Project**

**Implementation of the UNECE Water Convention and Development of an  
Agreement on the Management of Transboundary Watercourses Shared by  
Georgia and Azerbaijan**

**Assessment of the Legal and Institutional Needs for Implementation  
of the UNECE Water Convention by Georgia**

March, 2009

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## **1. Report Context and Project Objectives**

This report has been prepared by Malkhaz Adeishvili, as a consultant to UNECE-OSCE for the ENVSEC project Implementation of the UNECE Water Convention<sup>1</sup> and Development of an Agreement on the Management of Transboundary Watercourses Shared by Georgia and Azerbaijan. The 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 the request of Georgia and Azerbaijan to establish a bilateral water agreement and Georgia's request for the preparation of the ratification and the implementation of the UNECE Water Convention. Azerbaijan is a Party to the UNECE Water Convention while Georgia is preparing itself to become a Party.

The project envisages the following components:

- Assessment of national water legislation including that relating to transboundary water resources and background information on bilateral and multilateral water agreements of Georgia with the specific aim to produce a report on the Assessment of the Legal and Institutional Needs for Implementation of the UNECE Water Convention by Georgia
- Preparation of a draft bilateral agreement between Azerbaijan and Georgia on shared transboundary water resources.
- Development of an action plan with defined objectives and timelines, including assessment of costs, for Georgia to ratify and comply with the obligations of the UNECE Water Convention.

This report has been prepared in the frame of the first component listed above and it provides information on: Georgia's national water legislation relating to the management of transboundary water resources; background information on bilateral and multilateral water agreements of which Georgia is a party; donor supported projects promoting introduction of IWRM and transboundary water management which have been or are being implemented with the participation of Georgia and Azerbaijan. The report also includes analysis of gaps between the requirements of the UNECE Water Convention and existing legal and institutional frameworks of Georgia, as well as practices and approaches applied in the country with respect to transboundary water resources management.

## **2. Multilateral agreements and bilateral agreements between Georgia and Azerbaijan**

### *Multilateral international waters agreements*

Georgia gained independence with the break up of the Soviet Union in 1992. Since then as a responsible member of the United Nations the country joined and became a party of a number of multilateral agreements on environmental protection. Among these are UNFCCC, UNCCD, Convention of Biodiversity, Aarhus Convention, etc. Detailed list of these multilateral agreements are listed in Annex 1.

With regard participation in international water agreements Georgia remains somehow reserved. It participates in the [Convention on the Protection of the Black Sea against Pollution](#) (Signed in Bucharest, 21 Apr. 1992 and ratified on 12 January, 1994) and [International Convention for the](#)

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<sup>1</sup> UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes. Helsinki. 1992.

[Prevention of Pollution from Ships](#) (MARPOL Convention. London, 1973. Signed by Georgia on 19 April 1994, ratified on 8 February, 1995).

The country has not signed or ratified the [UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes](#) (1992). Even though Georgia signed the convention's [Protocol on Water and Health](#) (London, 1999) and [Protocol on Civil Liability and Compensation](#) (Kiev, 2003) these have not been ratified yet by the Georgian Parliament.

### *Bilateral environmental agreements between Georgia and Azerbaijan*

There are two agreements between Georgia and Azerbaijan providing a legal framework for bilateral cooperation in the area of environmental protection and natural resources, including water resources management:

- a) Agreement between Governments of Georgia and Azerbaijan on Cooperation in the Field of Environmental Protection (signed in Baku, on 18-th February 1997).
- b) 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).

The governmental agreement from 1997 contains articles pertinent to the cooperation on transboundary management of water resources. Namely:

- Article 2 stipulates that “parties of the agreement establish interrelation (interconnection) between national systems of environmental monitoring and respective databases”;
- Article 3 states that “parties will strive for application of common approaches, criteria, methods and procedures for assessing the quality and undertake the control of the state of environment”;
- Article 5 stipulates that with the objective of ensuring sustainable socio-economic development the parties take responsibility to cooperate on transfer and adaptation of energy saving and environmentally clean technologies, undertake joint scientific works, develop and implement joint programmes of environmental protection;
- Article 6 directly relates to the protection of Kura river and Jandar lake which is a transboundary lake shared by Azerbaijan and Georgia. The article states: “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.”
- Article 9 – “In cases of emergency situations occurring due to industrial accidents or natural disasters the parties inform each other with the objective to prevent transboundary impact and take immediate measures for their elimination.
- Article 12: “The parties will coordinate their actions and exchange information in the area of environmental protection”;
- Article 14: The parties take responsibility to cooperate in the area of environmental education and awareness rising. With this objective the parties will share their experience, organize jointly seminars, conferences and trainings.

MoU between the ministries which is a one page document was developed and signed with the objective to strengthen cooperation, as stated, for “more effective management of biological resources, reclamation of ecosystems, protection of the environment and improvement of the state of environment in the region”. The MoU stipulates that the parties have agreed “to establish working groups with the objective to exchange monitoring information, to protect and use transboundary waters and develop a joint project in this area”.

Generally speaking, the level of implementation of the agreements and their water management related clauses remains low. There was no official working group or any institutional structure established that would oversee or support implementation of the agreements.

### **3. Overview of Georgian legislation and practices related to water resources management**

#### *Framework environmental laws*

Law on Environmental Protection (1996) is a framework law laying the ground for legislation and institutional arrangements in the area of environmental protection and management of natural resources in Georgia. The Law establishes basic principles to be applied in developing and implementing environmental policies, plans and measures in the country. These include “polluter pays” and “user pays” principles, “risk reduction”, “sustainability” and other principle defined in the law.

The Law on Environmental Protection covers a wide range of issues including: environmental standard setting, licensing of activities connected with natural resource use, environmental permitting, state registers of environmental information and monitoring, public participation, economic instruments, environmental education, etc. The Law contains framework rules on these and other issues that are further developed in specific laws and governmental regulations.

The Water Law of 1997 contains the main body of rules on water resources management. The Law on Mineral Resources (1996), the Law on Environment Protection (1996), the Law on Environmental Impact Permits (2007),<sup>2</sup> the Law on Ecological Expertise (2007)<sup>3</sup> and the Law on the System of Protected Areas (1996) also handle water management-related aspects. Government decisions and ministerial orders, rules and instructions detail the provisions of the main laws.

Even though there are the laws and regulations in force, many important aspects of water resources management still are not addressed properly or there are gaps and collisions in the legislation. This may be attributed to the lack of clear water strategy in the country and rather frequent changes in the legislation. There are also problems with the implementation or enforcement of many provisions of the legislation.

#### *Permits and licenses*

The Water Law (1996) provides details for the issuance of surface water use and wastewater discharge permits. However, the permits system was abolished in 2007 (with effect in January, 2008) within the framework of a process of institutional reforms and streamlining national legislation in order to create, as argued, a favorable legal ground for economic development. Environmental impact permit was introduced by a new law on Environmental Impact Permits in 2007 which replaced the Law on Environmental Permits (1996). The new law does not require a separate permit for water use. In idea, it integrates issues related to surface water abstraction and

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<sup>2</sup> Replaces the the Law on Environmental Permits of 1996.

<sup>3</sup> Replaced the Law on State Ecological Expertise of 1996.

wastewater discharges. However, the environmental impact permits are required only for limited number of economic activities which are listed in the law. As example, the list does not include food processing, while the later may have a substantial environmental impact depending on the size of the enterprise.

Environmental impact permits are issued by the MEPNR. The Ministry of Economic Development has recently become responsible for the issuance of groundwater abstraction licenses.

### *Planning of water resources management*

According to the Water Law (Articles 78 and 79), water balances and multipurpose water use and protection plans are to be drawn up by river basin and territorial subdivision. In reality, these plans correspond to the Soviet-style schemes for the complex use and protection of water resources, as the concept of IWRM plans is not fully understood, although river basin management is regarded as a priority. There is no indication in the Law as to how the planning process is to take place, nor is there a requirement for stakeholder participation in such process. In practice, no management plan has been developed for a river basin or a district level in Georgia since the introduction of the Water Law. Moreover, as mentioned before there is no national water management strategy developed or approved by the Georgian Government.

### *Pollution control*

As far as water pollution control is concerned, maximum permissible discharge limits are currently defined according to methods elaborated by the MEPNR. However, the maximum allowable concentration values in force are those elaborated by the Ministry of Health in 2001 on the basis of the Soviet *PDK*. Since they are too stringent, it is difficult to comply with them, let alone without a permit!

Even though the framework Law on Environmental Protection of Georgia (Article 4, Article 24) recognizes the need of applying the Best Available Technologies (BAT) in industrial and wastewater treatment processes, the concept is rarely implemented or enforced in practice. There is no special regulation or more detailed provisions related to BAT application in national legislation of Georgia.

For economic activities not included in the list for which environmental impact permits are required so called “technical reglaments” have been established. Technical reglaments for industrial and non-industrial effluents discharged into surface waters are established by the Order N 745 of the Minister of Environment from 13 November, 2008 on Environmental Technical Reglaments. This regulation contains basically a list of parameters and respective emission limit values which should be observed by polluters. This approach does not give due regard e.g. to the type or size of enterprises, technologies used or the state of receiving waters. Moreover, no system is in place for the classification of water bodies according to pollution levels.

Efforts are being made under the ongoing EU funded project Water Governance in the Western EECCA countries to shift to a system of water quality standards in Georgia which, although based on the principles enshrined in the EU WFD, takes into account the situation on the ground<sup>4</sup>. Emission limit values would then be designed in such a manner as to allow those

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<sup>4</sup> Water Governance in the Western EECCA Countries. TACIS/2008/137-153 (EC).

discharging wastewater to reduce the volume and polluting load of the effluent step by step. However, difficulties in implementation of the system would largely remain, due to the abolition of permits for numerous polluting activities.

### ***Economic Instruments for water management***

The framework Law on Environmental Protection (1996) refers to the “polluter pays” and “user pays” principles and provides for an obligation on nature users and polluters to pay environmental charges, and to insure against environmental risks. Provision is also made for establishing tax privileges to those who use best available techniques and low-waste technologies or produce ecologically friendly products.

Charges on water abstraction from ground and surface water bodies was in force in 1994-2004, as a type of nature use charge. Charges for water pollution and non-compliance fees for exceeding emission limit values were also in force in 1993-2004. Charges for water pollution and abstraction from surface water resources have been abolished since 2005. This limits the implementation of internationally recognised “polluter pays” and “user pays” principles stipulated also in Georgian Environmental Law.

### ***Monitoring of water resources and pollution***

Georgian Ministry of Environment Protection and Natural Resources has embarked upon rehabilitation and upgrading of water monitoring system which was nearly collapsed in 1990-ies due to political unrest, economic downturn in the country and drastic shrink of the state budget in that period. Environmental authorities responsible for water monitoring had no funds for maintaining the monitoring network and the essential analytical equipment. There were lack of samplers, means of transportation, laboratory equipment and chemicals for analyses. In many hydrological sites measurement devices were smuggled.

Rehabilitation and development of water monitoring system in Georgia started in 2000-ies again when Hydrometeorological Department, which later became a part of MEPNR, took first steps to rebuild surface water quality monitoring system by starting with water sampling in about 26 sites. This became possible through financial support provided by the donor countries and international organizations actively promoting regional cooperation between riparian countries for addressing transboundary water quality and quantity degradation processes in the South Caucasus region. Most significant assistance was provided through the following projects<sup>5</sup>:

- 1. *Water Management in the South Caucasus.*** (Armenia, Azerbaijan, Georgia). Funded by SAID. 2000-2004.
- 2. *Joint River Management Programme on Monitoring and Assessment of Water Quality on Transboundary Rivers.*** (Armenia, Azerbaijan, Georgia). Funded by EU/TACIS. 2002-2003.
- 3. *Trans-boundary cooperation for hazard prevention in the Kura-river basin. (Armenia, Azerbaijan, Georgia).*** Funded by the Federal Environmental Agency of Germany (UBA). 2003-2006.
- 4. *Science for Peace Program - South Caucasus River Monitoring.*** (Armenia, Azerbaijan, Georgia). NATO/ OSCE. 2002-2008.
- 5. *South Caucasus Water Program.*** (Armenia, Azerbaijan, Georgia). Funded by the USAID. 2005-2008.

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<sup>5</sup> This list is not exhaustive and yet more international assistance are expected to be provided for water monitoring in the coming years to Georgia.

6. *Development of Environmental Monitoring and Management Systems*. Funded by the Finnish Government. 2006-2008.

7. *Trans Boundary River Management Phase II for the Kura River*. EU/TACIS. 2008-2010.

A number of hydrological sites were rehabilitated and equipped, up-to-date analytical technique and training were provided to the environmental monitoring authorities by these projects. In addition to the international assistance, governmental allocation for financing water monitoring activities increased in the last three years in Georgia.

Despite these positive moves, however, the state of water monitoring in Georgia remains still very poor: coverage of the monitoring network is rather limited to provide a good picture of the state of water resources throughout the country; capacities of the laboratories to undertake sample analysis are low; data management and information sharing capacities of the monitoring authorities is still weak; approaches and practices established in Soviet time remain largely unchanged and legal basis of water monitoring remains weakly developed.

### *Accounting of water uses*

A Soviet-style accounting system for water uses is still in force in Georgia.<sup>6</sup> According to this system, water users and polluters must monitor at their own expenses, and on a regular basis, the quantity of water extracted and the quantity and quality of the wastewater discharged, record these data in forms approved by the State Department of Statistics and submit the forms to the MEPNR. The MEPNR summarizes the data and submits the summary to the Department of Statistics. The data contained in the forms are to be registered in the state water cadaster. Data relating to water resources (surface water, groundwater and water quality), which are collected in the course of monitoring activities, should also be fed into the state water cadastre. The work for updating the cadastre started with technical assistance provided through the USAID South Caucasus Water Programme and is being continued now with the assistance of the **EU/TACIS project Trans Boundary River Management Phase II for the Kura River**. When finished, the cadastre would consist of 5 databases on water use permits, wastewater discharge permits, actual water use, water quantity and water quality, respectively.

### *Water resources management policies*

A major problem in the area of water resources management for Georgia remains absence of a clear water policy or strategy. Despite some attempts for the last few years, no water policy was developed and approved by the Georgian government. This is largely due to the fact that there is no agreed or shared vision on the use and protection of water resources by different stakeholders in the government. However, it must be noted that the importance of introduction of IWRM and river basin management approaches has been widely recognized in the government.

Within the assistance of the USAID funded South Caucasus Waters Program a “Concept Paper for Water Resources Management Policy” was prepared by the Ministry of Environment Protection and Natural Resources in 2006 for submission to the Government. This paper has remained in draft form, but it is worth providing a brief description of its content, because it gives an insight of those which are priority policy directions according to the MEPNR, namely:

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<sup>6</sup> Order No. 65 of 5 July 1998 of the Minister of Environment and Natural Resources 'on the Approval of Forms of Initial Account of Water Use and Rule for their Application'.



- the introduction of a river basin management approach and strengthening of the relevant legal and institutional framework;
- stakeholder involvement in water resources management,
- implementation of IWRM at the national and local levels.

**Table 1. Policy actions according to draft policy concept paper**

<i>Guiding principle: The natural resources of Georgia are the patrimony of the nation and the Ministry of Environment Protection and Natural Resources is the steward of this national wealth which belongs to the people of Georgia</i>			
<b>1</b>	<b>Improvement of water quality and quantity</b>	1.1	Establishment of monitoring network for surface and underground water quality and quantity within the basin
		1.2	Surface and underground water quality and quantity database
		1.3	Introduction of modern water quality standards
		1.4	Inventory of information for IWRM
		1.5	River basin IWRM and planning
<b>2</b>	<b>Improvement of institutional and legal framework for river basin management</b>  Amongst other things, the draft paper recommends the following: <i>'Reorganize the permit system to address the new institutional and territorial structure of water management and decentralize water use permitting procedures to the identified river basin management entities.'</i>	2.1	Development of legal framework for river basin IWRM
		2.2	Capacity building of water-related institutions
		2.3	Definition of roles and responsibilities of local and central authorities
		2.4	Establishment of river basin management entities and definition of their main administrative and technical responsibilities
		2.5	Preparation of IWRM basin plans with public participation
		2.6	Plan implementation and periodical updating based on new data, changed conditions and new requirements
		2.7	Development of national action plan for water resources management
<b>3</b>	<b>Strengthening of economic tools for water resources management</b>	3.1	Private sector participation
		3.2	Introduction of best available technologies
		3.3	Development and introduction of private-public partnership

According to the draft policy concept paper, those summarized in Table 1 are the actions to be taken to implement the policy.

Another outstanding issue in the area of water resources management in Georgia is development of a new water law which would integrate IWRM and basin management approaches. A new draft law was prepared by the MEPNR to foster a river basin approach to resource management, but is still being discussed. Amongst other things, this draft law calls for the subdivision of the national territory into 2 to 4 basin areas<sup>7</sup> and for a definition of responsibilities for river basin planning and management. One of the views is that river basin management should be vested in financially autonomous semi-governmental authorities. Another view is that it should be left to the existing institutions, subject to an assessment of their capacity and to adjustment, as needed. Further development of a new water law is being supported for time being by the EU/TACIS Environmental Collaboration for the Black Sea (EuropeAid/120117/C/SV/Multi) and the EU/TACIS project Water Governance in the Western EECCA Countries.

<sup>7</sup> The two basin areas would correspond to the Caspian basin and the Black Sea, respectively.

#### **4. Institutional arrangements for water resources management**

Water resources management is mainly a responsibility of the Ministry of Environment Protection and Natural Resources (MEPNR) and of its 7 regional departments.<sup>8</sup> The MEPNR has an Integrated Environmental Management Department with a Water Resources Protection Division which is the focal point for water resources. A separate unit within the MEPNR, the Department of Permits and Licenses was responsible for issuing all permits and licenses relating to the use of natural resources. Thus, before the abolition of the permit system it issued water use and wastewater discharge permits subject to the agreement of the Water Resources Protection Division. The Department of Permits and Licenses recently became a service. Thus, it has acquired a lower status within the MEPNR.

The Environmental Agency of the MEPNR, of which the Hydrometeorological Department is a component, monitors the quantity and quality of surface water. Finally, the Environmental Service established in 2007 on the basis of former State Environmental Inspectorate is responsible for enforcing the environmental law. It has regional offices which do not coincide with the regional departments of the MEPNR.

The Ministry of Economic Development is playing an increasingly important role, on the ground that natural resources are presently being regarded as economic assets which may be used in production processes. The control of groundwater resources was recently vested in this ministry.

The Ministry of Labour, Health and Social Security is responsible for setting sanitary and hygienic standards, including drinking water quality standards and standards for water bodies for recreational purposes, as well as for the control of water-related diseases.

The Ministry of Agriculture is responsible for monitoring the quality of drinking water. However, it lacks the capacity and equipment needed to carry out this task.

No mechanisms are in place for the coordination of the activities of the institutions just mentioned. Recently, water was added to the scope of work of the National Energy Regulatory Commission – which is now a National Energy *and Water* Regulatory Commission – but this body is expected to deal with issues relating to the setting of tariffs only.

Water resources management is essentially centralised in Georgia and the role of local bodies is minimal here. There are no river basin organisations formally established and functioning in the country. Two basin councils were informally established for the Alazani and the Khrami river basins under the USAID funded project Water Management in the South Caucasus (2000-2004).<sup>9</sup> The two councils, which were composed of stakeholders within the basins, including representatives of water users and NGOs, played an advisory role with regard to the issues to be addressed by water-related institutions at the Government and local levels. However, these bodies have not formally recognised by the governments and stopped functioning after the project completion.

As was mentioned earlier, options for institutional entities to manage water resources by river basin are currently being studied.

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<sup>8</sup> The MEPNR has no regional department in the country's capital, Tbilisi.

<sup>9</sup> Both river basins are transboundary. The Alazani is shared between Georgia and Azerbaijan; the Khrami between Georgia and Armenia.

## 5. Gap analysis table

The table below outlines provisions of the UNECE water convention and attempts to identify respective provisions in Georgian national legislation, bilateral agreements between Georgia and Azerbaijan and international agreements of which Georgia is a party.

	<b>Provisions of the UNECE Water Convention</b>	<b>Provisions of Georgian legislation, bilateral agreements between Georgia-Azerbaijan and international agreements of which Georgia is a party</b>
1	<b>ARTICLE 2. GENERAL PROVISIONS</b> <b>Para. 2. The Parties shall, in particular, take all appropriate measures:</b>	
2	(a) To prevent, control and reduce pollution of waters causing or likely to cause transboundary impact.	<b>Environmental Law (1996), Article 5. Basic Principles of Environmental Protection:</b> “During planning and implementation activities, the governmental bodies and physical or legal entities (irrespective of property and legal status) must follow the basic principles of environmental protection: a) Risk reduction principle, by virtue of which during planning and implementation of activities, the operator is obliged to take appropriate measures in order to reduce or prevent all adverse effects on human health and environment. <b>GEO-AZ Bilateral Gov. Agreement (1997): Article 6:</b> “Mindful that Kura river and Jandar lake are important for economies and population of the both states, parties of the agreement will increase cooperate for protecting the basins from pollution, as well as for rational use of the water resources.”
3	(b) To ensure that transboundary waters are used with the aim of ecologically sound and rational water management, conservation of water resources and environmental protection.	<b>Water Law (1997). Article 54. Water Use in Trans-border Waters of Georgia:</b> 1. The water use on the trans-border water objects of Georgia is carried out on the basis of international treaties and agreements. 2. The water use, unless it is completely regulated in the part of trans-

		<p>border waters of Georgia by international treaties and agreements to which Georgia is a party, shall be exercised under the laws of Georgia.</p> <p><b>GEO-AZ Bilateral Gov. Agreement (1997): Article 6:</b>  “Mindful that Kura river and Jandar lake are important for economies and population of the both states, parties of the agreement will increase cooperate for protecting the basins from pollution, as well as for rational use of the water resources.”</p>
4	<p>(c) To ensure that transboundary waters are used in a reasonable and equitable way, taking into particular account their transboundary character, in the case of activities which cause or are likely to cause transboundary impact.</p>	<p><b>Water Law (1997). Article 54. Water Use in Trans-border Waters of Georgia</b></p> <ol style="list-style-type: none"> <li>1. The water use on the trans-border water objects of Georgia is carried out on the basis of international treaties and agreements.</li> <li>2. The water use, unless it is completely regulated in the part of trans-border waters of Georgia by international treaties and agreements to which Georgia is a party, shall be exercised under the laws of Georgia.</li> </ol> <p><b>GEO-AZ Bilateral Gov. Agreement (1997): Article 6:</b>  “Mindful that Kura river and Jandar lake are important for economies and population of the both states, parties of the agreement will increase cooperate for protecting the basins from pollution, as well as for rational use of the water resources.”</p>
5	<p>(d) To ensure conservation and, where necessary, restoration of ecosystems.</p>	<p><b>Environmental Law (1996), Article 5. Basic Principles of Environmental Protection:</b>  “During planning and implementation activities, the governmental bodies and physical or legal entities (irrespective of property and legal status) must follow the basic principles of environmental protection:</p> <ol style="list-style-type: none"> <li>b) “Biodiversity conservation principle”-activity shall not lead to irreversible degradation of biodiversity;</li> <li>c) “Principle of restitution”- the environment degraded as a result of the activity, shall be restored to the state close to initial conditions (restitution in integrum).</li> </ol>

		<p><b>Water Law (1997). Article 14. Planning of Water Protection Measures:</b></p> <p>1. The planning and implementation of water-protection measures shall be subject to ensuring of the following basic requirements:</p> <p>a) the protection of water bodies from pollution, depletion and other adverse impacts which may damage the health of population, reduce fish reserves, deteriorate water-supply conditions and cause the worsening of physical, chemical, biological properties of water, the determination of the natural self-cleaning capacity, the violation of the hydrological and hydrogeological regime and other undesirable effects.</p> <p><b>GEO-AZ Bilateral Gov. Agreement (1997): Article 6:</b>  “Mindful that Kura river and Jandar lake are important for economies and population of the both states, parties of the agreement will increase cooperate for protecting the basins from pollution, as well as for rational use of the water resources.”</p> <p><b>GEO-AZ Bilateral Gov. Agreement (1997): Article 8:</b>  Parties will cooperate on the issues related to the protection and regulation of transboundary ecosystems in the areas affected by unfavorable anthropogenic impact and will take measures for their restoration and viability.</p>
6	<p><b>Para. 3. Measures for the prevention, control and reduction of water pollution shall be taken, where possible, at source.</b></p>	<p><b>Environmental Law (1996), Article 5. Basic Principles of Environmental Protection:</b>  “During planning and implementation activities, the governmental bodies and physical or legal entities (irrespective of property and legal status) must follow the basic principles of environmental protection:</p> <p>d) Risk reduction principle, by virtue of which during planning and implementation of activities, the operator is obliged to take appropriate measures in order to reduce or prevent all adverse effects on human</p>

		health and environment.
7	<b>Para. 4. These measures shall not directly or indirectly result in a transfer of pollution to other parts of the environment.</b>	<b>No respective provision in GEO legislation found.</b>
8	<b>Para. 5. In taking the measures referred to in paragraphs 1 and 2 of this article, the Parties shall be guided by the following principles:</b>	
9	(a) The precautionary principle, by virtue of which action to avoid the potential transboundary impact of the release of hazardous substances shall not be postponed on the ground that scientific research has not fully proved a causal link between those substances, on the one hand, and the potential transboundary impact, on the other hand;	<b>No respective provision in GEO legislation found.</b>
10	(b) The polluter-pays principle, by virtue of which costs of pollution prevention, control and reduction measures shall be borne by the polluter;	<b>Environmental Law (1996), Article 5. Basic Principles of Environmental Protection:</b> “During planning and implementation activities, the governmental bodies and physical or legal entities (irrespective of property and legal status) must follow the basic principles of environmental protection: e) Polluter pays principle, by virtue of which polluter shall compensate for environmental damage.
11	(c) Water resources shall be managed so that the needs of the present generation are met without compromising the ability of future generations to meet their own needs.	<b>Environmental Law (1996), Article 5. Basic Principles of Environmental Protection:</b> “During planning and implementation activities, the governmental bodies and physical or legal entities (irrespective of property and legal status) must follow the basic principles of environmental protection: b) Sustainability principle, by virtue of which use of environment and natural resources should be used in a way that does not put at risk social development and environment and natural resources are protected from irreversible qualitative or quantitative changes.”

		<p><b>Water Law (1997). Article 4. Objectives of the Water Act of Georgia:</b> The main objectives of this Act are:</p> <ul style="list-style-type: none"> <li>b) protection of water bodies and the rational use of water resources with due regard for the interests of the present and future generations and the principles of sustainable development;</li> <li>c) meeting of population needs in drinking water as the priority task;</li> <li>d) water fauna sustainability and sustainable use.”</li> </ul>
12	<b>ARTICLE 3. PREVENTION, CONTROL AND REDUCTION</b>	
13	1. To prevent, control and reduce transboundary impact, the Parties shall develop, adopt, implement and, as far as possible, render compatible relevant legal, administrative, economic, financial and technical measures, in order to ensure, inter alia, that:	
14	(a) The emission of pollutants is prevented, controlled and reduced at source through the application of, inter alia, low- and non-waste technology;	<p><b>Environmental Law (1996), Article 5. Basic Principles of Environmental Protection:</b></p> <ul style="list-style-type: none"> <li>1. During planning and implementation activities, the governmental bodies and physical or legal entities (irrespective of property and legal status) must follow the basic principles of environmental protection.</li> <li>2. The basic principles of environmental protection are: <ul style="list-style-type: none"> <li>a) “Risk mitigation principle”- during planning and implementation activities, the operator is obliged to take appropriate measures in order to reduce or prevent all adverse effects on human health and environment;</li> <li>c) “Priority principle”- activity, which is likely to generate adverse effects on the environment and human health, can be replaced by another, less risky but more costly activity; the cost of the latter shall not exceed the value of compensatory measures required to reimburse</li> </ul> </li> </ul>

		<p>the ecological damage caused by less costly activity”.</p> <p><b>Water Law (1996), Article 18. Location, Design, Construction and Commission of an Enterprise, Structure and other Facility Affecting the State of Water:</b></p> <p>1. When locating, designing, constructing and commissioning a new or reconstructed enterprise, structure and other facility, as well as in introducing new technological process that affect the state of water, the rational water use shall be secured with due regard for population’s health care requirements and the first-priority satisfaction of drinking and household water needs. At the same time, due attention shall be given to the measures ensuring accounting of the water abstracted from and returned to water bodies, the protection of water from contamination, pollution and depletion, the avoidance of the unfavourable water impact, the restriction of land flooding up to the minimum necessary level, the protection of land from silting, swamping or drying up, as well as the environmental protection and landscape preservation.</p>
15	<p>(b) Transboundary waters are protected against pollution from point sources through the prior licensing of waste-water discharges by the competent national authorities, and that the authorized discharges are monitored and controlled;</p>	<p><b>Environmental Law (1996). Article 24. License for adverse environmental impact:</b></p> <p>“The Ministry issues license for adverse environmental impacts to the operator, if its activity is related to emission of hazardous substances, various physical effects and release of harmful microorganisms in the environment”.</p> <p>Licensing of waste-water discharges was introduced by the Water Law (1997), later the license was converted into the permit for waste-water discharges (2005). The later was abolished in end 2007 by introducing</p>



		<p>the Law on Environmental Impact Permit. There is no separate license or permit to be issued by environmental authority for waste-water discharges since 1 January 2008. However, environmental permit is required for a number of economic activities that may have significant adverse effect on the environment</p> <p>Inveronmental Service that was established under the Ministry of Environmental protection and Natural Resources in 2008 on the basis of Sate Ecological Inspectorate is responsible for monitoring and control of waste-water discharges. Polluters themselves must undertake monitoring and accounting of water uses, including of waste-water discharges, and submit the information to the Ministry on annual basis.</p>
16	(c) Limits for waste-water discharges stated in permits are based on the best available technology for discharges of hazardous substances;	<p><b>Environmental Law (1996).</b>  <b>Article 24. License for adverse environmental impact:</b>  The Minisrty issues license for adverse environmental impacts to the operator, if its activity is related to emission of hazardous substances, various physical effects and release of harmful microorganisms in the environment, with due consideration of exisitng technologic levels, possibilities of implementing the best available technologies, practices and cleaner production methods, and hazardous substances emmision limit values as defined by the environmental regulations.</p> <p><b>Article 4. Main Definitions:</b>  “Best available technologies”-environmentally best, usable and economically available technolgies deemed to be the most effective in preventing, mitigating or transforming adverse impacts on environment. They may not be widely used, but it can technically be possible to develop, install and utilise this technologies; although not being economically reasonable for achieving costly environmental benefits, it is available for subjects of activity</p>

	<p>(d) Stricter requirements, even leading to prohibition in individual cases, are imposed when the quality of the receiving water or the ecosystem so requires.</p>	<p><b>Water Law (1997). Article 15. Protection of Water from Contamination and Pollution:</b></p> <ol style="list-style-type: none"> <li>1. The dumping of industrial, household and other garbage and wastes in water bodies is prohibited.</li> <li>2. Any placement or burial of toxic, radioactive as well as other hazardous wastes in the sea, other water bodies and the areas of their protection is prohibited.</li> <li>3. Owners of water transport, pipelines, swimming and other facilities available on water bodies, timber-rafting organizations, as well as other natural and legal persons are obliged to prevent water contamination and pollution with oil, timber, chemical, petroleum, mineral and organic fertilizer, pesticide and other product wastes.</li> <li>4. Natural and legal persons are liable to prevent the pollution of catchment basins, water reservoirs, snow and ice covers, glaciers, the permanent snow cover with industrial, household and other garbage, wastes and emissions which discharge will cause the deterioration of underground waters' quality.</li> <li>5. The piling of industrial and household wastes near the public water headworks and in their sanitation zones, effluent irrigation, the construction of the facilities and other activity which may cause water pollution are prohibited.</li> </ol>
17	<p>(e) At least biological treatment or equivalent processes are applied to municipal waste water, where necessary in a step-by-step approach;</p>	<p>No respective legal requirement found in Georgian legislation.</p> <p>Georgian legislation requires that concentration of pollutants in wastewaters should not lead to excess pollution in receiving waters. Excess pollution means concentration in receiving waters does not meet water quality standards established by the order of Minister of Health (2001) on the Norms of the Qualitative State of the Environment.</p>
18	<p>(f) Appropriate measures are taken, such as the application of the best available technology, in order to reduce nutrient inputs from industrial and municipal sources.</p>	<p>No respective provision found in Georgian Legislation. However the following may apply:</p> <p><b>Environmental Law (1996). Article 24. License for adverse environmental impact:</b></p>

		The Ministry issues license for adverse environmental impacts to the operator, if its activity is related to emission of hazardous substances, various physical effects and release of harmful microorganisms in the environment, with due consideration of existing technologic levels, possibilities of implementing the best available technologies, practices and cleaner production methods, and hazardous substances emission limit values as defined by the environmental regulations.
19	(g) Appropriate measures and best environmental practices are developed and implemented for the reduction of inputs of nutrients and hazardous substances from diffuse sources, especially where the main sources are from agriculture (guidelines for developing best environmental practices are given in annex II to this Convention).	<b>Water Law (1997), Article 15. Protection of Water from Contamination and Pollution:</b> “Land owners and users are liable to prevent the pollution of water with mineral and organic fertilizers and pesticides”.
20	(h) Environmental impact assessment and other means of assessment are applied.	The Law on Environmental Impact Permits (2007) and the Law on Ecological Expertise (2007) require that environmental impact assessments (EIA) are carried out before issuing permits for planned activities.  The law on Environmental Impact Permits establishes a list of types of economic activities for which environmental permits and respectively “ecological expertise/examination” is required. The law stipulates that ecological examination of planned activities should be carried out by environmental authorities before the permit is issued. Permits can be issued only on the basis of positive outcome of the ecological examination. Ecological examination should be based on EIA which is to be carried out by the project planner. The law also requires that public hearings of EIA is organised and it establishes procedure of public hearings. More details on the procedure on ecological examination is provided in the law on Ecological Examination adopted in end 2007.
21	(i) Sustainable water-resources management, including the application of the ecosystems approach, is promoted;	<b>Water Law (1997). Article 4. Objectives of the Water Law of Georgia:</b> The main objectives of this law are:

		<p>b) protection of water bodies and the rational use of water resources with due regard for the interests of the present and future generations and the principles of sustainable development;</p> <p>d) water fauna sustainability and sustainable use.”</p>
22	(j) Contingency planning is developed;	<p>International Warning and Alert Plan for the Kura River Basin was prepared under the project Transboundary Cooperation for Hazard Prevention in the. Kura-river Basin (05/2003 – 12/2006). See row 36 below.</p> <p><a href="http://www.kura.iabg.de/hauptwarnzentralen_engl.htm">http://www.kura.iabg.de/hauptwarnzentralen_engl.htm</a></p>
23	(k) Additional specific measures are taken to prevent the pollution of groundwaters;	<p><b>Water Law (1997), Article 15. Protection of Water from Contamination and Pollution:</b></p> <p>5. Natural and legal persons are liable to prevent the pollution of catchment basins, water reservoirs, snow and ice covers, glaciers, the permanent snow cover with industrial, household and other garbage, wastes and emissions which discharge will cause the deterioration of underground waters’ quality.</p>
24	(l) The risk of accidental pollution is minimized	<p><b>Water Law (1997), Article 18. Location, Design, Construction and Commission of an Enterprise, Structure and other Facility Affecting the State of Water:</b></p> <p>2. The following may not be commissioned:</p> <p>g) oil pipeline and terminal - devoid of water-protecting, oil-leak detecting, control, measuring, oil trapping facilities and devices, the emergency (including information) service.</p> <p><b>GEO-AZ Bilateral Gov. Agreement (1997). Article 12:</b> In cases of emergency ecological situations occurring as results of</p>

		industrial accidents and natural disasters Parties will inform each-other immediately with the objective to prevent negative transboundary effects and to take immediate measures for their mitigation.
25	2. To this end, each Party shall set emission limits for discharges from point sources into surface waters based on the best available technology, which are specifically applicable to individual industrial sectors or industries from which hazardous substances derive. The appropriate measures mentioned in paragraph 1 of this article to prevent, control and reduce the input of hazardous substances from point and diffuse sources into waters, may, inter alia, include total or partial prohibition of the production or use of such substances. Existing lists of such industrial sectors or industries and of such hazardous substances in international conventions or regulations, which are applicable in the area covered by this Convention, shall be taken into account.	Applies same as in rows 16 and 18
26	3. In addition, each Party shall define, where appropriate, water-quality objectives and adopt water-quality criteria for the purpose of preventing, controlling and reducing transboundary impact. General guidance for developing such objectives and criteria is given in annex III to this Convention. When necessary, the Parties shall endeavour to update this annex.	<p>Water quality standards have been established by the order of Minister of Health (2001) on the Norms of the Qualitative State of the Environment. These are basically Soviet time sanitary-hygienic norms for water quality.</p> <p>Establishment of a new system of water quality standards and classification scheme is being promoted by the ongoing EU funded project Water Governance in Western EECCA Countries (2007-2009). Georgian, Azerbaijani and Armenian governments are beneficiaries of this project.</p>
27	<p><b>ARTICLE 4. MONITORING</b></p> <p>The Parties shall establish programmes for monitoring the conditions of transboundary waters.</p>	<p><b>GEO-AZ Bilateral Gov. Agreement (1997). Article 2:</b></p> <p>“Parties will establish inter-linkage between national systems of monitoring of the environment and respective databases.”</p> <p>Monitoring of transboundary rivers including Kura River and Alazani River is being carried out by Georgian and Azerbaijan authorities with</p>

		<p>support of a number of internationally funded projects. However, so far, there is no formally agreed programme for this.</p> <p><b>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 (2007):</b>  The parties have agreed “to establish working groups with the objective to exchange monitoring information, to protect and use transboundary waters and develop a joint project in this area”.</p> <p>No working group has been officially established or is functioning as of 1 April, 2009</p>
28	<p><b>ARTICLE 5. RESEARCH AND DEVELOPMENT</b></p> <p>The Parties shall cooperate in the conduct of research into and development of effective techniques for the prevention, control and reduction of transboundary impact. To this effect, the Parties shall, on a bilateral and/or multilateral basis, taking into account research activities pursued in relevant international forums, endeavour to initiate or intensify specific research programmes, where necessary, aimed, inter alia, at:</p> <p>(a) Methods for the assessment of the toxicity of hazardous substances and the noxiousness of pollutants;  (b) Improved knowledge on the occurrence, distribution and environmental effects of pollutants and the processes involved;  (c) The development and application of environmentally sound technologies, production and consumption patterns;  (d) The phasing out and/or substitution of substances likely to have transboundary impact;  (e) Environmentally sound methods of disposal of hazardous substances;</p>	<p><b>GEO-AZ Bilateral Gov. Agreement (1997). Article 5:</b></p> <p>“With the objective to ensure sustainable social-economic development the parties commit to cooperate in the field of development, implementation, transfer and adaptation of resource efficient and ecologically cleaner technologies, undertake joint scientific-research works, develop and implement joint short-term and long-term programmes of environmental protection”.</p> <p><b>Article 3:</b>  “Parties will strive for applying common approaches, criteria, methodologies and procedure for the assessment and control of environmental quality”.</p> <p><b>Article 14:</b>  “Parties commit to cooperate in the field of environmental education, awareness raising and public involvement. With this objective the parties will share their experience, undertake joint workshops, conferences, training”.</p>

	<p>(f) Special methods for improving the conditions of transboundary waters;</p> <p>(g) The development of environmentally sound water-construction works and water-regulation techniques;</p> <p>(h) The physical and financial assessment of damage resulting from transboundary impact. The results of these research programmes shall be exchanged among the Parties in accordance with article 6 of this Convention.</p>	
29	<p><b>ARTICLE 6. EXCHANGE OF INFORMATION</b></p> <p>The Parties shall provide for the widest exchange of information, as early as possible, on issues covered by the provisions of this Convention.</p>	<p><b>GEO-AZ Bilateral Gov. Agreement (1997). Article 12:</b></p> <p>“Parties will be coordinating their activities and exchange information in the field of environmental protection”.</p>
30	<p><b>PART II. PROVISIONS RELATING TO RIPARIAN PARTIES</b></p>	
31	<p><b>ARTICLE 9. BILATERAL AND MULTILATERAL COOPERATION</b></p> <p>1. The Riparian Parties shall on the basis of equality and reciprocity enter into bilateral or multilateral agreements or other arrangements, where these do not yet exist, or adapt existing ones, where necessary to eliminate the contradictions with the basic principles of this Convention, in order to define their mutual relations and conduct regarding the prevention, control and reduction of transboundary impact.</p>	<p><b>GEO-AZ Bilateral Gov. Agreement (1997). Article 13:</b></p> <p>“Parties organize regular meetings, joint experiments and consultations with the objective to make agreed decisions for organizing and implementing works stemming from this bilateral agreement, for implementing programmes and plans of cooperation...”</p> <p>There is no joint body between Georgia and Azerbaijan established or functioning officially for implementing the bilateral environmental agreement of 1997.</p> <p>There is no specific transboundary water agreement between Georgia and Azerbaijan either.</p> <p><b>MoU between the Ministry of Environment of Ecology and Natural</b></p>

		<p><b>Resources of Azerbaijan and the Ministry of Environment protection and natural Resources of Georgia (2007):</b></p> <p>The parties have agreed “to establish working groups with the objective to exchange monitoring information, to protect and use transboundary waters and develop a joint project in this area”.</p> <p>No working group has been officially established or is functioning as of 1 April, 2009.</p>
32	<p>2. The agreements or arrangements mentioned in paragraph 1 of this article shall provide for the establishment of joint bodies. The tasks of these joint bodies shall be, inter alia, and without prejudice to relevant existing agreements or arrangements, the following:</p> <p>(a) To collect, compile and evaluate data in order to identify pollution sources likely to cause transboundary impact;</p> <p>(b) To elaborate joint monitoring programmes concerning water quality and quantity;</p> <p>(c) To draw up inventories and exchange information on the pollution sources mentioned in paragraph 2 (a) of this article;</p> <p>(d) To elaborate emission limits for waste water and evaluate the effectiveness of control programmes;</p> <p>(e) To elaborate joint water-quality objectives and criteria having regard to the provisions of article 3, paragraph 3 of this Convention, and to propose relevant measures for maintaining and, where necessary, improving the existing water quality;</p> <p>(f) To develop concerted action programmes for the reduction of pollution loads from both point sources (e.g. municipal and industrial sources) and diffuse sources (particularly from agriculture);</p> <p>(g) To establish warning and alarm procedures;</p> <p>(h) To serve as a forum for the exchange of information on existing and planned uses of water and related installations that are likely to cause transboundary impact;</p>	<p>There is no joint body between Georgia and Azerbaijan established or functioning officially for implementing the bilateral environmental agreement of 1997.</p> <p>There is no specific transboundary water agreement between Georgia and Azerbaijan either.</p>



	<p>(i) To promote cooperation and exchange of information on the best available technology in accordance with the provisions of article 13 of this Convention, as well as to encourage cooperation in scientific research programmes;</p> <p>(j) To participate in the implementation of environmental impact assessments relating to transboundary waters, in accordance with appropriate international regulations.</p>	
33	<p><b>ARTICLE 11. JOINT MONITORING AND ASSESSMENT</b></p> <p>1. In the framework of general cooperation mentioned in article 9 of this Convention, or specific arrangements, the Riparian Parties shall establish and implement joint programmes for monitoring the conditions of transboundary waters, including floods and ice drifts, as well as transboundary impact.</p> <p>2. The Riparian Parties shall agree upon pollution parameters and pollutants whose discharges and concentration in transboundary waters shall be regularly monitored.</p> <p>3. The Riparian Parties shall, at regular intervals, carry out joint or coordinated assessments of the conditions of transboundary waters and the effectiveness of measures taken for the prevention, control and reduction of transboundary impact. The results of these assessments shall be made available to the public in accordance with the provisions set out in article 16 of this Convention.</p> <p>4. For these purposes, the Riparian Parties shall harmonize rules for the setting up and operation of monitoring programmes, measurement systems, devices, analytical techniques,</p>	<p><b>GEO-AZ Bilateral Gov. Agreement (1997). Article 2:</b></p> <p>“Parties will establish inter-linkage between national systems of monitoring of the environment and respective databases.”</p> <p><b>Article 3:</b></p> <p>“Parties will strive for applying common approaches, criteria, methodologies and procedure for the assessment and control of environmental quality”.</p> <p><b>MoU between the Ministry of Environment of Ecology and Natural Resources of Azerbaijan and the Ministry of Environment protection and natural Resources of Georgia (2007):</b></p> <p>The parties have agreed “to establish working groups with the objective to exchange monitoring information, to protect and use transboundary waters and develop a joint project in this area”.</p> <p>No working group has been officially established or is functioning as of 1 April, 2009.</p> <p>Monitoring of transboundary rivers including Kura River and Alazani River is being carried out by Georgian and Azerbaijan authorities with support of a number of internationally funded projects. Among these are</p> <p><b>1. Water Management in the South Caucasus.</b> (Armenia, Azerbaijan, Georgia). Funded by USAID. 2000-2004.</p> <p><b>2. Joint River Management Programme on Monitoring and</b></p>

		<p><b>Assessment of Water Quality on Transboundary Rivers.</b> (Armenia, Azerbaijan, Georgia). Funded by EU/TACIS. 2002-2003.</p> <p><b>3. Trans-boundary cooperation for hazard prevention in the Kura-river basin. (Armenia, Azerbaijan, Georgia).</b> Funded by the Federal Environmental Agency of Germany (UBA). 2003-2006.</p> <p><b>4. Science for Peace Program - South Caucasus River Monitoring.</b> (Armenia, Azerbaijan, Georgia). NATO/ OSCE. 2002-2008.</p> <p><b>5. South Caucasus Water Program.</b> (Armenia, Azerbaijan, Georgia). Funded by the USAID. 2005-2008.</p> <p><b>6. Development of Environmental Monitoring and Management Systems.</b> Funded by the Finnish Government. 2006-2008.</p> <p><b>7. Trans Boundary River Management Phase II for the Kura River.</b> EU/TACIS. 2008-2010.</p> <p>Many of the projects supported joint monitoring and harmonization of rules for the setting up and operation of monitoring programmes, measurement systems, devices, analytical techniques, information exchange, developing common databases, etc.</p> <p>Establishment of a new system of water quality standards and classification scheme is being promoted by the ongoing EU funded project Water Governance in Western EECCA Countries (2007-2009). Georgian, Azerbaijani and Armenian governments are beneficiaries of this project.</p> <p><b>Yet more needs to be done to make monitoring and information exchange more sustainable.</b></p>
34	<p><b>ARTICLE 12. COMMON RESEARCH AND DEVELOPMENT</b></p> <p>In the framework of general cooperation mentioned in article 9 of this Convention, or specific arrangements, the Riparian Parties shall undertake specific research and development activities in support of achieving and maintaining the water-quality objectives</p>	<p><b>GEO-AZ Bilateral Gov. Agreement (1997). Article 5:</b></p> <p>“With the objective to ensure sustainable social-economic development the parties commit to cooperate in the field of development, implementation, transfer and adaptation of resource-efficient and ecologically cleaner technologies, undertake joint scientific-research works, develop and implement joint short-term and long-term</p>

	<p>and criteria which they have agreed to set and adopt.</p>	<p>programmes of environmental protection”.</p> <p><b>Article 14:</b>  “Parties commit to cooperate in the field of environmental education, awareness raising and public involvement. With this objective the parties will share their experience, undertake joint workshops, conferences, training”.</p>
<p>35</p>	<p><b>ARTICLE 13. EXCHANGE OF INFORMATION BETWEEN RIPARIAN PARTIES</b></p> <p>1. The Riparian Parties shall, within the framework of relevant agreements or other arrangements according to article 9 of this Convention, exchange reasonably available data, inter alia, on:</p> <ul style="list-style-type: none"> <li>(a) Environmental conditions of transboundary waters;</li> <li>(b) Experience gained in the application and operation of best available technology and results of research and development;</li> <li>(c) Emission and monitoring data;</li> <li>(d) Measures taken and planned to be taken to prevent, control and reduce transboundary impact;</li> <li>(e) Permits or regulations for waste-water discharges issued by the competent authority or appropriate body.</li> </ul> <p>2. In order to harmonize emission limits, the Riparian Parties shall undertake the exchange of information on their national regulations.</p> <p>3. If a Riparian Party is requested by another Riparian Party to provide data or information that is not available, the former shall endeavour to comply with the request but may condition its compliance upon the payment, by the requesting Party, of reasonable charges for collecting and, where appropriate, processing such data or information.</p> <p>4. For the purposes of the implementation of this Convention, the Riparian Parties shall facilitate the exchange of best available</p>	

	<p>technology, particularly through the promotion of: the commercial exchange of available technology; direct industrial contacts and cooperation, including joint ventures; the exchange of information and experience; and the provision of technical assistance. The Riparian Parties shall also undertake joint training programmes and the organization of relevant seminars and meetings.</p>	
36	<p><b>Article 14. WARNING AND ALARM SYSTEMS</b></p> <p>The Riparian Parties shall without delay inform each other about any critical situation that may have transboundary impact. The Riparian Parties shall set up, where appropriate, and operate coordinated or joint communication, warning and alarm systems with the aim of obtaining and transmitting information. These systems shall operate on the basis of compatible data transmission and treatment procedures and facilities to be agreed upon by the Riparian Parties. The Riparian Parties shall inform each other about competent authorities or points of contact designated for this purpose.</p>	<p>International Warning and Alert Plan for the Kura River Basin was prepared under the project Transboundary Cooperation for Hazard Prevention in the Kura-river Basin (05/2003 – 12/2006). The project was Initiated by the German Federal Environmental Agency and supported by the German Federal Ministry for the Environment, Nature Protection and Nuclear Safety.</p> <p>The Kura river basin is subdivided into three reporting zones which correspond to the countries' respective shares of the river basin. A Main International Warning Centre (MIWC) operates in each of the reporting zones.</p> <p>The functions of the Main International Warning Centres include, in particular:</p> <ul style="list-style-type: none"> <li>- prompt acknowledgement of the receipt of reports</li> <li>- prompt transmission of the reports using the prescribed reporting model</li> <li>- transmission of the current status of the water pollution event based on continuous monitoring of its development by the national / regional competent authorities</li> <li>- reporting of identified damage or other impacts</li> </ul> <p>In the Republic of Azerbaijan, the function of Main International</p>

		<p>Warning Centre (MIWC) is fulfilled by the Caspian Complex Environmental Monitoring Administration of the Ministry of Ecology and Natural Resources of the Republic of Azerbaijan in Baku.</p> <p>In Georgia, the function of Main International Warning Centre (MIWC) is fulfilled by the Centre for Monitoring and Forecasting of the Ministry of Environment Protection and Natural Resources in Tbilisi.</p> <p>More details on the project and plan could be found at the following internet site: <a href="http://www.kura.iabg.de/hauptwarnzentralen_engl.htm">http://www.kura.iabg.de/hauptwarnzentralen_engl.htm</a></p>
37	<p><b>ARTICLE 15. MUTUAL ASSISTANCE</b></p> <p>1. If a critical situation should arise, the Riparian Parties shall provide mutual assistance upon request, following procedures to be established in accordance with paragraph 2 of this article.</p> <p>2. The Riparian Parties shall elaborate and agree upon procedures for mutual assistance addressing, inter alia, the following issues:</p> <ul style="list-style-type: none"> <li>(a) The direction, control, coordination and supervision of assistance;</li> <li>(b) Local facilities and services to be rendered by the Party requesting assistance, including, where necessary, the facilitation of border-crossing formalities;</li> <li>(c) Arrangements for holding harmless, indemnifying and/or compensating the assisting Party and/or its personnel, as well as for transit through territories of third Parties, where necessary;</li> <li>(d) Methods of reimbursing assistance services.</li> </ul>	
38	<p><b>ARTICLE 16. PUBLIC INFORMATION</b></p> <p>1. The Riparian Parties shall ensure that information on the conditions of transboundary waters, measures taken or planned to be taken to prevent, control and reduce transboundary impact, and</p>	<p>Georgia is a party of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention). 1998. This convention</p>

<p>the effectiveness of those measures, is made available to the public. For this purpose, the Riparian Parties shall ensure that the following information is made available to the public:</p> <ul style="list-style-type: none"><li>(a) Water-quality objectives;</li><li>(b) Permits issued and the conditions required to be met;</li><li>(c) Results of water and effluent sampling carried out for the purposes of monitoring and assessment, as well as results of checking compliance with the water-quality objectives or the permit conditions.</li></ul> <p>2. The Riparian Parties shall ensure that this information shall be available to the public at all reasonable times for inspection free of charge, and shall provide members of the public with reasonable facilities for obtaining from the Riparian Parties, on payment of reasonable charges, copies of such information.</p>	<p>also requires that many of the information listed in the Water Convention is publically available.</p>
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ANNEX 1.

**International environmental agreements of which Georgia is a party  
as of 1 January 2009**

#	Name of the convention	Place and date of adoption	Date of ratification/accession by Georgia	Date of entry into force for Georgia
1.	<b>Convention on Biological Diversity (CBD)</b> (source: <a href="http://www.biodiv.org">http://www.biodiv.org</a> )	Rio de Janeiro 1992	02/06/1994 acs.	31/08/1994
2.	<b>Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)</b> (source: <a href="http://www.cites.org">http://www.cites.org</a> )	Washington 1973	13/09/1996 acs.	12/01/1996
3.	<b>Ramsar Convention on Wetlands</b> (source: <a href="http://www.ramsar.org">http://www.ramsar.org</a> )	Ramsar, Iran 1971	30 April 1996	28/07/996
4.	<b>International Convention for the Prevention of Pollution from Ships, (MARPOL)</b> (Source: <a href="http://www.imo.org/Conventions/contents.asp?doc_id=678&amp;topic_id=258">http://www.imo.org/Conventions/contents.asp?doc_id=678&amp;topic_id=258</a> )	London 1973	19 April 1996	8/02/1995
5.	<b>The Vienna Convention for the Protection of the Ozone Layer</b> (Source: <a href="http://www.unescap.org/drrpad/vc/orientation/legal/3_vienna.htm#Vienna">http://www.unescap.org/drrpad/vc/orientation/legal/3_vienna.htm#Vienna</a> )	Vienna 1985	21 March, 1996	21 March, 1996
6.	<b>Convention on the Protection of the Black Sea Against Pollution</b> Source: <a href="http://www.blacksea-commission.org/main.htm">http://www.blacksea-commission.org/main.htm</a>	Bukharest 1992	21 April, 1992	12 January 1994
7.	<b>United Nations Framework Convention on Climate Change (UNFCC)</b> (source: <a href="http://unfccc.int">http://unfccc.int</a> )	1992	29/07/1994	27.10.1994
8.	<b>Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters</b>	Aarhus, Denmark	25 Jun 1998	11/04/2000 rtf.

	<b>(Aarhus Convention). 1998</b> (source: <a href="http://www.unece.org/env/pp/ctreaty.htm">http://www.unece.org/env/pp/ctreaty.htm</a> )	1998		
9.	<b>Convention on Long-range Transboundary Air Pollution</b> (source: <a href="http://www.unece.org/env/lrtap/lrtap_h1.htm">http://www.unece.org/env/lrtap/lrtap_h1.htm</a> )	Geneva 1979w.	11/02/1999 acs.	12/05/1999
10.	<b>United Nations Convention to Combat Desertification (UNCCD), 1994</b> (source: <a href="http://www.unccd.int/">http://www.unccd.int/</a> )	Paris 1994.	1997	23/07/1999 rtf.
11	<b>Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposals</b> (source: <a href="http://www.basel.int">http://www.basel.int</a> )	Basel Switzerland 1989	20/05/1999 acs.	18/08/1999 rtf
12	<b>Stockholm Convention on Persistent Organic Pollutants</b> (source: <a href="http://www.pops.int">http://www.pops.int</a> )	Stockholm 2001	23/05/2001	04/10/2006 rtf
13	<b>Convention on the Conservation of Migratory Species of Wild Animals</b>	Bonn 1979		01/06/2000