1. Status of the main human rights conventions & other relevant instruments

This checklist is to enable you to track and assess the status of the main global and regional Conventions on human rights with impacts on water management in your country.

	Signed	Ratified	Year
Conventions			
International Covenant on Economic, Social and Cultural Rights		✓	1994
Convention on the Rights of the Child		✓	1994
Convention on the Elimination of all forms of discrimination against Women		✓	1994
Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment		✓	1994
International Convention on the Elimination of all forms of Racial Discrimination		✓	1994
Regional Instruments (Europe)	Signed	Ratified	Year
Council of Europe (CoE) Convention for the Protection of Human Rights and Fundamental Freedoms	✓	✓	1999/1999
CoE Framework Convention for the Protection of National Minorities	✓	✓	2000/2005/entered into force 206
UNECE Convention of the Protection and Use of Transboundary Watercourses and International Lakes			
UNECE Protocol on Water and Health	✓		1999
UNECE Aarhus Convention	✓	✓	1998/2000
UNECE PRTR Protocol	✓		2003
Transboundary water courses agreements (if applicable)			

Several trilateral water management projects for the Kura-Arak river basin have been initiated with support from UNDP, Tacis and USAid.

Georgia has not signed nor ratified the UNECE Convention of the Protection and Use of Transboundary Watercourses and International Lakes, nor has it signed the CIS Agreement on rational management and protection of transboundary waterbodies which to a large extent is based on provisions from the UNECE Water Convention (Preamble of the Agreement).

(Armenia; Azerbaijan; Belarus; Georgia; Kazakhstan; Kyrgyzstan; Moldova, Republic of; Russian Federation; Tajikistan; Turkmenistan; Ukraine; Uzbekistan)

Date of text: 11 September 1998.

Entry into force notes: The Agreement entered into force for Belarus, Tajikistan and the Russian Federation on 6 June 2002.

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¹ FAO Waterlex, http://faolex.fao.org/waterlex/index.htm

2. Assessment of country context for effective implementation of a HRBA to water

This check list aims to facilitate the assessment of the enabling environment in the country as well as identify any socio-political problems in the country.

Priorities for human development in the country (development plan)

The Government of Georgia has set out the following two goals as priorities for the years 2008-2012:

- Wellbeing of the population Georgia without poverty.
- Ensuring national security and complete territorial and civil reintegration²

Integration of WSS in the development plan

Current Policy of the Government of Georgia:

One of the priorities set out in the priorities for the Government of Georgia is the reduction of poverty and improvement of wellbeing of the population, to this end the government has declared it will allocate 1/3 of the budget towards the social programs and furthermore that this indicator will be firmly maintained during the next 5 years. Effectiveness of expenditure and its goal-orientation will be increased. The practice of extending "plain" aid without any definite address will be substituted by the principle of goal-directed help. Consolidation of the society is also foreseen to take place.³

Support in the country for HRBA to WSS

- New legislation on water is under preparation, no indication of whether HRBA will be adopted.4
- "Strengthening Transboundary Cooperation and Community Involvement for Sustainable Water Resources Management". The project is being implemented within the framework of the South Caucasus Water Program run by PA consulting Group and funded by USAID.5
- Attempts to develop a city-specific strategy in Tiblisi for the achievement of the Millennium Development Goals.⁶

² Government of Georgia webpage, http://www.government.gov.ge/eng/mtavroba1172571820.php

³ Government of Georgia webpage, http://www.government.gov.ge/eng/mtavroba1172571820.php

⁴ Source: SEC (2008) 'Implementation of the ENP in 2007', Progress Report Georgia, available at http://ec.europa.eu/world/enp/pdf/progress2008/sec08_393_en.pdf
⁵ For more information on this http://water.cenn.org/

⁶ UNDP CT, http://www.ungeorgia.ge/userfiles/files/Rep.Eng.pdf; http://undp.org.ge/new/files/24 169 128789 MDGTbilisi-eng-small.pdf

Indicators (e.g., number of persons connected, development of disaggregate indicators)

Population size	Population	Population	Urban	Rural
	using	using	population	population
	"improved	"improved	connected to	connected to
	water source"	sanitation"	centralized water supply	centralized water supply
			systems	systems
4.5 ⁷	82% ⁸	94% ⁹	$84\%^{10}$	15.7% ¹¹

Figures taken from UNDP Human Development 2007/2008 Report. Note these figures should be considered with caution as there are some differences in the data for "improved access" and specific figures on "access". The discrepancies in the data put to the fore, the difficulty in assessing the situation on the ground.

Respect of rule of law in the country	Throughout the state apparatus of Georgia there is an incomplete separation of powers resulting in inadequate conditions to ensure fulfilment of international standards regarding rule of law. ¹²
Fight against corruption	The government adopted a new action plan as a part of the national anti-corruption strategy in May 2007 with a clear emphasis on transparency of public finances and harmonization with international norms. ¹³ Georgia has however, not yet signed the UN Convention against corruption. Georgia ranks 130/159 on the Corruption Perception Index. ¹⁴
Minority and vulnerable and marginalised groups in the country with regard to access WWS	A recent report made by the OECD indicates that around 80% of the urban population has access to centralized water supply. ¹⁵ This matches estimations made by UNDP. UNDP numbers also indicate only 15.7% of the rural population is centrally supplied with drinking water. ¹⁶ Therefore, rural areas are vulnerable areas where the level of drinking water supply is very low.
	Sanitary conditions in jails, orphans, psychiatric hospitals are poor, especially in relation to water supply and sanitation. Several cases were reported by the Ombusdman services ¹⁷ .
Any discriminatory practices identified and reasons for this	No information available.
Main water issues	The European Environmental Agency (EEA) has reported that up to 90% of nitrogen and phosphorus discharges into the Black and Caspian Seas originate from riverine inputs, which mostly transport municipal wastewaters. Both seas have been found in alarming environmental stress. Significant eutrophication problems in both seas.
Transboundary water courses/bodies problems	The importance of the Kura river basin for Georgia and its neighbours continues to be a critical regional issue. 18

⁷ http://hdrstats.undp.org/countries/data sheets/cty ds GEO.html

http://hdrstats.undp.org/countries/data sheets/cty ds GEO.html

⁹ http://hdrstats.undp.org/countries/data_sheets/cty_ds_GEO.html

http://www.undp.org.ge/new/files/24 136 229587 mdg.pr.eng.pdf

http://www.undp.org.ge/new/files/24 136 229587 mdg.pr.eng.pdf

http://www.undp.org.ge/new/files/24 136 229587 mdg.pr.eng.pdf

http://ec.europa.eu/europeaid/where/neighbourhood/regional-cooperation/enpi-

nup.//ec.europa.eu/europeaid/wnere/neighbournood/regional-cooperation/enpieast/documents/annual programmes/georgia tacis ap 2006 project fiche rule of law en.pdf

http://ec.europa.eu/world/enp/pdf/progress2008/sec08_393_en.pdf

http://doingbusiness.csera.org/georgia/businessenvironment/ti.htm

http://www.oecd.org/dataoecd/36/10/39174956.pdf

http://undp.org.ge/new/index.php?lang_id=ENG&sec_id=65

http://ombudgman.ge/index.php?coofion=1.6/logs_id=ENG

http://ombudsman.ge/index.php?section=1&lang_id=ENG

UNDP human development indicators – vulnerability and poverty in the country

Georgia ranks 96 out of 176 countries on the UNDP Human Development Index.¹⁹

National Human Development Report: In September 2007, UNDP initiated the National Human Development Report 2007 "Reforms in Georgia." The document will focus on the ongoing reforms and their impact on people's lives. ²⁰ The report will not be launched before May 2008. As soon as published, the electronic version will be available at the UNDP Georgia website: www.undp.org.ge

National resources (budget and programmes) – notice that according to UN, countries should spend 1% GDP for WSS

Public protests in 2007 prompted the government to revise its spending priorities, allocating more money to social programmes, salaries and pensions. Overall, the defence spending was cut to about 19% of total expenditures. Efforts are now focused on public services, delivery and public institutions. ²¹ Specific information on how much money is spent on WSS from budget not found.

Identification of programmes and projects in the country (national and international)

Control of eutrophication, hazardous substances and related measures for rehabilitating the Black Sea ecosystem (Tranche II) (GEF-IW FSP)

GEF, UNDP (Implementing Agency), UNOPS (Executing Agency) Grant total USD 11,332,106 2004-2007

The project (BSERP) supports regional aspects of nutrient control in the Black Sea coastal countries. It also aims to strengthen the role of the Black Sea Commission to ensure the formulation, adoption, and implementation of a suite of harmonized legal and policy instruments for tackling the problem of eutrophication and release of certain hazardous substances; and to facilitate ecosystem recovery, including through sustainable use of living marine resources.

Reducing Trans-boundary Degradation of the Kura-Aras River Basin –PDF phase 2004-2007

The overall objective of the Programme is that the quality and quantity of the water throughout the Kura-Aras river system meets the short and long-term needs of the ecosystem and of the communities using the ecosystem. Related to this, a second objective is to reduce pollution in the Caspian Sea. The immediate objectives of the programme are: to foster regional co-operation; to increase national and regional capacity to address water quality and quantity problems; and to promote changes in the economic sectors causing pollution, water shortages and habitat degradation.

Reducing Trans-boundary Degradation of the Kura-Aras River Basin The project UNDP Regional componen

tUNDP /Bratislava, Environment Governance programme
This project component is an integral part of the UNDP/GEF Project
entitled "Reducing Trans-boundary Degradation of the Kura-Aras
River Basin", focusing on i) Public involvement and Stakeholder
Participation, ii) Community-based demonstration projects, and iii)
Integration of transboundary aquifer aspects into the project activities.

Reducing Trans-boundary Degradation of the Kura-Aras River

¹⁸ Environmental Performance Review, http://unece.org/env/epr/epr_studies/georgia.pdf

¹⁹ To see full 2007 fact sheet go to http://hdrstats.undp.org/countries/country fact sheets/cty fs GEO.html

²⁰ http://www.ungeorgia.ge/userfiles/files/Rep.Eng.pdf

http://ec.europa.eu/world/enp/pdf/progress2008/sec08 393 en.pdf

Basin / SIDA-Component

UNDP (implemented through UNDP Georgia CO), SIDA USD 690,000

2003 - 2005

Sub-component of the UNDP/GEF umbrella project "Reducing Transboundary Degradation in the Kura/Aras River Basin"

Joint Management of the Kura-Aras River Basin

UNDP (ENVSEC Partnership)

USD 120,000

March-Dec 2007

Fostering Dialogue between Riparian States for Development and Establishment of Initial Legal and Institutional Frameworks for Increased Cooperation and Joint Management of the Kura-Aras River Basin

Towards transboundary cooperation in the Kura-Aras River Basin (ENVSEC)

GEF

USD 148,000.00

2007-2008

In coordination with the UNDP-GEF Kura-Aras River Basin Project, the project will explore with the countries possible options for development and establishment of legal and institutional frameworks for the joint management of the natural resources of the basin. Specifically the project will assist the countries to develop a preliminary legal and institutional framework for coordination of regional action for the protection of the Kura-Aras basin environment. It is hoped that this project provide the basis for future negotiations, supported by the GEF and other donors, for a lasting agreement and institution structure.

NATO Science for Peace Program SfP 977911 - South Caucassus River Monitoring

NATO / OSCE

To establish the social and technical infrastructure for an international, cooperative

Increase technical capabilities (monitoring, analytical and communications) among partner countries

Cooperatively establish standard sampling, analysis and data management techniques for all partner countries

Establish data, GIS and model sharing system accessible to all partners via WWW

Establish social framework (i.e., annual international meetings) for whole-watershed management.

Kobuleti Water

EBRD

EUR 1.5 million

2007

The objective is to rehabilitate water supply and wastewater treatment services in Kobuleti through an investment program comprising investments to rehabilitate the water network as well as to upgrade the

entwicklungsbank.de/EN_Home/Countries_and_Projects/Europe42/Georgia29/EPKD_21254_EN_Rehabilitieru_ng_von_Einrichtungen_der_kommunalen_Infrastruktur.pdf

²² http://www.kfw-

http://ec.europa.eu/environment/enlarg/dablas/news_en.htm

²⁴ Source: SEC (2008) 'Implementation of the ENP in 2007', Progress Report Georgia, available at http://ec.europa.eu/world/enp/pdf/progress2008/sec08 393 en.pdf

wastewater services. The project will install meters to all customers and will include a financial operational performance improvement programme for the company as well as support to the city.

Tbilisi water supply improvement project

EBRD

EUR 15.0 million

2007

Improving water services

Kutaisi Water Project

EBRD

EUR 11 million

2006

Rehabilitate well fields, transmission pumping stations and the water supply network; install water meters for 100 percent of households and assist the Company to improve its financial and operational performance.

Poti Water Supply Project

The Poti Water and Wastewater Company ERDB

EUR 3.5 million

2006

Finance improvements in the municipal water supply system by extending is pipeline to a more reliable source. The objective of the project is to enable the City water municipal Company to provide a 24/7 service to Poti inhabitants.

Environmental Collaboration for the Black Sea (Tacis)

EuropeAid EUR 2,200,000.00

2006 - 2009

The overall objective of the project is to contribute to the sustainable development of the Black Sea Basin by the prevention and reduction of input of pollutants and by the sustainable management and/or protection of natural resources.

Water Investment Support Facility (Tacis)

EuropeAid EUR 2,699,100 2005-2008

The overall objective of the project is to improve access to safe drinking water and adequate water services, as well as strengthening water governance and reducing water pollution.

The specific objective is to provide consultancy services in order to facilitate project finance in the WS&S and IWRM sectors, by means of supporting project preparation on request by IFIs.

Environmental Training for Financial Intermediaries

European Bank for Reconstruction and Development (EBRD) EUR 590,000 2005-2006 Technical Assistance

Water Governance in the Western EECCA countries (Tacis)

EuropeAid EUR 2.088.740,00 2008-2010

The Overall Objective of this action in the region is to contribute to

the reduction of pollution, to fair sharing and effective use of scarce water resources, to the improvement of the quality of shared water resources, such as trans-boundary rivers.

The specific objective is to have water legislation improved, implemented and enforced, approaching EU standards. Further to ensure fair distribution of water from resources available between beneficiary countries and consumers.

Support to the reform of the Ministry of Justice

EuropeAid EUR 1.496.200, 00 2005-2007

Establishment of a Centre for European Studies at Tbilisi State University Georgia – Tbilisi and regions

EuropeAid EUR 999.700,00 2005-2008

To contribute to the democratic process of Georgia.

GEII - Georgia Employment and Infrastructure Initiative USAid

2004-2009

The goal of the five-year Georgia Employment and Infrastructure Initiative (GEII) is to improve essential infrastructure services and generate income for an economically, socially, and democratically empowered citizenry in Georgia.

The South Caucasus Water Program

USAid implemented by PA Consulting Group

The program seeks to increase regional cooperation among Georgia, Armenia, and Azerbaijan in the management of shared water resources. Activities will concentrate two trans-boundary river basins: the **Alazani River** sub-basin between Georgia and Azerbaijan and the **Khrami-Debed River sub-basin** between Georgia and Armenia. The project will assist the countries to strengthen trans-boundary river basin management, develop the scientific and analytical capacity needed to turn data into information and promote its use for management, and involve civil society in monitoring and achieving lasting results.

Study on the Opportunities of Georgia's Water Supply Sector Strategy, Regulation and Private Sector Participation World Bank

Project was finalized in October 2004. The project conducted in-depth research of the water supply and sewage systems encompassing legislative, institutional, financial, managerial, human resource and sociological surveys, stocktaking as well as provisional analysis and recommendations on how to address the challenges.

Assistance to the Government of Georgia in Realisation of National Financing Strategy in the Urban Water Supply OECD

The scope of the project included: conducting an analysis of the current situation; assessing the technical conditions of the water supply and sewage systems; conducting opinion surveys; evaluating financial conditions; studying tariff issues; surveying water supply companies; elaborating different scenarios, as well as analysis and

recommendations.
Other important initiatives include: a joint project with German KfW to assess the Batumi water supply and sewage systems and negotiations with the Japanese International Cooperation Agency (JICA) on several projects to facilitate the development of water supply and sewage systems. ²²
Danube – Black Sea Task Force (DABLAS), two of the 50 top priorities concern Georgia (the Kobuleti, final stage of approval; Bojomi-Bakhurani, pre-feasibility stage). ²³
EUWI - a national policy dialogue is currently being considered. ²⁴
See section 3 "Policy and legislation to implement a HRBA to water" under "competent authorities" for a list of national authorities who will be important stakeholders. Also see discussion paper for a broad description of the main stakeholders and their functions in the region as a whole. In order to be useful this section should be filled in during a country mission as it is difficult to make this kind of assessment through a desktop study.
According to recent statistics from OECD ²⁵ , out of the total population 52.2% live in urban areas. Figures relating to freshwater withdrawal show that 20%/ is for domestic, 21% for industrial and 59% for agricultural purposes. ²⁶
See table above.

²⁵ OECD, EAP Task Force, 'Financing water supply and sanitation in EECCA countries and progress in achieving the water-related MDGs', http://www.oecd.org/dataoecd/36/10/39174956.pdf
https://www.cia.gov/library/publications/the-world-factbook/geos/gg.html

3. Policy and legislation to implement a HRBA to water

This section is for evaluating the adequacy and completeness of the legislation in place in a given country for implementing a HRBA to water. The checklists ask whether the specific requirements have been adequately established in the national legal order.

ъ.			. 27
Basic	water	manag	zement ²⁷

	No information	Nothing in place	Poor (framework only)	Adequate (basic regulations)	Excellent (detailed regulations)
A right to water and sanitation is formally recognised in the relevant laws/constitution	✓				
Competent authorities and responsibilities clearly identified			✓		
During the 1990 responsibility fo information available.	r water was dece	entralized in	many EECCA o	countries. ²⁸ Overa	ll, very little
Adequate regulatory system in place for private or public water and sanitation service providers – procurement and concession (to develop more in detail – accountability, etc)		✓			
The legal framework for private sector participation is limited. The existing concession law only refers to natural resource concessions but there is no general regime of public-service concession contracts in Georgia and no special concession law, applicable to public services. There is no provision in Georgian law to delegate the WSS service responsibility to a private company, but at the same time it is not prohibited. Tbilisi Water Supply system together with Mtskheta WSS and Gardabani WWT facility was privatized and Swiss company Multiplex Solutions became an owner of these assets for USD 85 million. http://www.tbilisi.gov.ge/print.php?gg=1&sec_id=344&info_id=3521⟨_id=ENG; http://www.privatization.ge/spp/spp/entities_closed.php?¶ms=S7QysqoutjKxUspJzEtXsi4G8pVS80AMQ xMQq6Q4Prm0qCi%2BIDE9Vck608rIzLoWAA%3D%3D					
Accessibility and Affordability					
Prioritisation for water access clearly established in legislation –differentiated by sector		✓			
In 2007, an amendment was made to Law on Georgian National Energy Regulatory Commission (GNERG) and GNERC became a National Energy and Water Regulatory Commission. Starting 2008, the commission together with energy tariffs will set water supply and sewerage tariffs. In the long-run it might also take over water licensing functions.					
Standards setting a minimum amount of water for personal and domestic uses per person or household	√				
Provision to extend WSS services to marginalised and			✓		

²⁷ More detailed check-list can be developed. This is a preliminary assessment sheet embodying main principles and requirements that as a minimum should be included in the legislation. It is not an exhaustive list.

²⁸ http://www.oecd.org/dataoecd/36/10/39174956.pdf

	No information	Nothing in place	Poor (framework only)	Adequate (basic regulations)	Excellent (detailed regulations)	
vulnerable areas and groups						
A recent report made by the OECD indicates that around 80% of the urban population has access to centralized water supply. ²⁹ This matches estimations made by UNDP. However, UNDP numbers also indicate only 15.7% of the rural population is centrally supplied with drinking water. ³⁰						
Access to traditional water sources in rural areas protected			✓			
Pricing policies transparent with flexibility and cross- subsidies –differences between different sectors		✓				
Regulation of tariffs for public or utility services. The LLSGG (law on local-governance) allows for local authorities to set the tariffs but provides no rules or guidance on how. In practice the WSS company proposes a tariff to the Sakrebulo (s a representative body in the cities) which takes the a decision. Currently a per capita tariff is charged for private households and a m3-tariff for commercial and institutional customers. ³¹						
Specific measures on disconnection to address poor and marginalised people concerns		✓				
Specific provisions on access to water in schools, hospitals, prisons and refugee camps	✓					
Water quality and availability						
Water quality standards established and realistic			✓			
Drinking water quality standards Standards are stipulated in the excessively detailed, while monit	Hygiene Requ	irements for	r Drinking Wa	ter Quality. Thes		
Priority substances identified and regulated (elimination)	✓					
Specific rules for drinking water catchment areas			✓			
Waste water treatment regulated in the legislation			✓			
Legislative documents regulating services provision W&WW utilities provide services based on the agreement, format of which is recommended in the following regulations: - Rules of water and wastewater services provision; (Order No. 81 of the Ministry of Municipal Economy and Construction of Georgia of 21 October 1998, agreed with the Ministry of Health of Georgia, the Ministry of Environment						

http://www.oecd.org/dataoecd/36/10/39174956.pdf
http://undp.org.ge/new/index.php?lang_id=ENG&sec_id=65
"The Study on the Opportunities of Georgia's Water Supply Sector Strategy, Regulation and Private Sector Participation", http://www.unescap.org/ttdw/ppp/reports/Georgia_6dec2005.pdf
"The Study on the Opportunities of Georgia's Water Supply Sector Strategy, Regulation and Private Sector Participation", http://www.unescap.org/ttdw/ppp/reports/Georgia_6dec2005.pdf
http://www.oecd.org/dataoecd/14/55/36472918.pdf

	No information	Nothing in place	Poor (framework only)	Adequate (basic regulations)	Excellent (detailed regulations)
and with Fire Protection Service - Technical Specifications for w (Order No. 05 of the Ministry o of 9 January 1999, agreed with of Nature Protection and Enviro The agreements stipulate mutua the agreements are settled accor Officially in Georgia the rules o and there are no privileged cons	astewater dischar f Municipal Econ- the Ministry of Honment). I obligations and ding to the acting f W&WW service	ges to sewer omy and Con ealth of Geon sanctions. The national leg es provision	age by industrianstruction of Gergia and with the issues not envisation.	l enterprises; orgia e Ministry visioned in	
Water discharges and extraction regulated in legislation (e.g., permits)			✓		
There are basic regulations on v It should be noted that permits f	•			0,	em is in place.
 Rules of technical operation of water and wastewater systems in settlements of Georgia, valid since 1 April 2001 (Order of the Ministry of Urbanization and Construction of Georgia No. 70 of 25 December 2001 agreed with the Chief Sanitary Doctor of Georgia, Ministry of Environment and registered by the Ministry of Justice of Georgia). Rules of use of communal water and wastewater systems (Order of the Ministry of Urbanization and Construction of Georgia No. 81 of 21 October 1998) Technical conditions of wastewater discharge to sewerage by industrial enterprises (Order of the Ministry of Urbanization and Construction of Georgia No. 05 of 9 February 1998) Water Law of Georgia.³⁵ 					
Integrated water management approach followed in legislation		✓			
River basin management approach			✓		
Governance					
Environmental impact assessment legislation including water projects		✓			
Some reports on the state-of-the as participation of the public in the Aarhus Convention in 200 Protection has created a pilot prissue. Public projects are exemp	decisions concert, the Georgian Coject at national 1	rning the envi Sovernment, level to creat	vironment is lim Ministry of En te an electronic	ited. Since the environment and Nanformation syste	ntry into force of atural Resources
Provisions requiring authorities or private companies to disseminate information on water issues (pollution and polluters)			√		
24					
http://www.oecd.org/dataoecd http://www.oecd.org/dataoecd	<u>/14/55/36472918.</u> <u>/14/55/36472918.</u>	<u>pdf</u> see p. 1 <u>pdf</u> p. 147.	155.		

³⁶ Source: SEC (2008) 'Implementation of the ENP in 2007', Progress Report Georgia, available at http://ec.europa.eu/world/enp/pdf/progress2008/sec08 393 en.pdf

	No information	Nothing in place	Poor (framework only)	Adequate (basic regulations)	Excellent (detailed regulations)
Provisions ensuring a right to access to information upon request on water information held by authorities or third parties			√		
Non-discriminatory right of participation in decision-making process regarding to water (management, services, projects, installations)			√		
Monitoring & enforcement					
Provisions to carry out monitoring of water status and de-pollution			✓		
Requirements to carry out inspections			✓		
New laws on environmental enforesponsibilities and powers in thi were established in Georgia. The 2006-2007. ³⁷	s field were enac	cted in Arme	nia, Georgia , ai	nd Kazakhstan. N	ew inspectorates
Penalties for breaches of the legislation			✓		
Some EECCA countries (Armer higher fines (although their strin low collection rates). Authorities law-making process and inform institutionalised mechanisms. ³⁸	gency is underm have become m	ined by a loore open to	w detection rate dialogue with th	e of violations and e regulated comm	d, in some cases, nunity during the
Redressing mechanisms (Access to justice)					
Effective right to access to justice on water claims against government and/or private parties (pollution, failure to provide services and so on)	√				
As regards to improving access t		f 2007. Publ	ic awareness of	its existence is sti	
aid service were opened in most and further efforts must be made	to encourage cit	izens to mak	te use of its reso	urces. 39	III HOWEVEI WEAK

Please use the space below to list the relevant laws and administrative regulations.

Law on Water (1997)

The Law regulates the protection and rational use of water resources. It includes the licensing process for abstraction of groundwater, use of surface water, discharge of effluent water, and for the uses of bodies of water

http://www.olis.oecd.org/olis/2007doc.nsf/ENGDATCORPLOOK/NT00000B5A/\$FILE/JT03222363.PDF http://www.olis.oecd.org/olis/2007doc.nsf/ENGDATCORPLOOK/NT00000B5A/\$FILE/JT03222363.PDF http://ec.europa.eu/world/enp/pdf/progress2008/sec08 393 en.pdf

(e.g. recreation). The licensing with respect to water bodies of "state importance" is carried out by the Min. of Environment Protection and Natural Recourses for water bodies of "local importance" by the local authorities. The fee for raw water to be paid by the licensees is split into a one-time license fee and a volumetric fee paid on monthly basis. In the case of wastewater discharges the variable fee, the monthly environmental pollution tax, is calculated according to type of pollutant, pollution load, and characteristics of the receiving body of water.

The Law of Georgia on Service of Environment Protection defines the status, responsibilities and obligations of the Service of Environment Protection (former Inspectorate of Environment Protection) in the process of implementation of state environmental control and inspecting. However, although the law is in force since January 1st 2008, reorganization of the Service of Environment Protection on the basis of which should have been formed the Service of Environment Protection which is required by this law, is postponed until January 1st 2009

Procedures of the permit for impact on the environment are defined by **The Law of Georgia on Permit for Impact on the Environment**. The law regulates activities posing significant risk to human life or health and subject to mandatory ecological expertise. The law establishes the full list of such activities; defines procedures of permit issuance, environmental impact assessment, public participation, public hearings, list of documentation needed for obtaining permit, and other. The law repealed the former sub-legal document defining EIA steps and compulsory issues having to be covered by EIA report. Namely, the ordinance № 59 of the minister of environment protection and natural resources of Georgia on legalization of the statute on environmental impact assessment and the enclosed instruction on trunk pipeline projects, May 16, 2002.5 New regulation "on environmental impact", that should have been adopted by January 1st 2008, has not yet been issued.

The Law of Georgia on Ecological Expertise sets general principles of ecological expertise, rules for carrying out expertise, rules for designating independent experts etc.

The General Administrative Code of Georgia establishes the rules of common administrative proceeding, which is the established procedure for issuance of the permit for impact on the environment according to the law of licenses and permits.

Strategies and plans developed at national, regional or local level

The implementation plans should establish specific targets, **indicators and time frames** and identify the national and international resources available. They should be realistic in terms of resources available and timing (prioritisation is needed).

	Unable to access information	Nothing in place	Poor	Adequate	Excellent
National strategy for equitable management and governance of water	✓				
A water governance reform is foreseen. ⁴⁰	✓				
Regional/local action plans on water and sanitation			✓		

No significant empowerment of local authorities in practice. The government maintains strict control over self-governing units and there seems to have been limited efforts to improve administrative and planning capacity at the local level. Efforts to improve the legislative framework regarding local governance has been made in cooperation with the CoE, including a draft decentralisation strategy and a work programme for better local self-governance.⁴¹

⁴⁰ http://ec.europa.eu/world/enp/pdf/progress2008/sec08_393_en.pdf

⁴¹ http://ec.europa.eu/world/enp/pdf/progress2008/sec08 393 en.pdf

Cooperation on transboundary waters		✓				
Georgia has not signed nor ratified the UNECE Convention of the Protection and Use of Transboundary Watercourses and International Lakes and for eg. as noted above the importance of the Kura river basin for Georgia and its neighbours continues to be a critical regional issue. ⁴²						
Adaptation to climate change plans				√		
Georgia has made progress on climate change. The country is preparing a second national communication that among others include greenhouse gas inventories, vulnerability studies and development of adaptation and mitigation measures and strategies. Several donor-financed projects support mitigation measures through promoting renewable energies. In addition, so far, one clean development mechanism (CDM) has been prepared and has been registered at UN level, while others are in the phase of elaboration ⁴³ Additionally, the European Union through its TACIS programme renders technical assistance to the Government of Georgia for introducing the Clean Development Mechanism, which will foster the implementation of the framework for the Climate Change Convention. ⁴⁴ Uncertain whether or not these programmes include measures on adaptation.						
Water infrastructure financing strategies				√ 45		
Other strategies [add lines as needed] e.g., IWRM plan, PRSPs, UNDAF, MDG etc				√		
Awareness raising and education	campaigns					
	Unable to access information	Nothing in place	Poor	Adequate	Excellent	
Education programmes on water	✓					
Dissemination of technologies			✓			
Gender and marginalised groups problems addressed			✓			
The mandate of the government commission on gender equality was renewed and an action plan on gender equality has been adopted for 2007-2009. However, while the Constitution provides for equality, women's participation in political life remains low, with only 9.5% women represented in Parliament. The government has also taken steps to ensure the rights of national minorities, through the implementation of a civic integration programme, investments in road and infrastructure in regions and offering trainings in public administration to persons belonging to minorities. However, the situation remains preoccupying for a number of national minorities, in particular gypsies 47. Hygiene promotion campaign						

⁴² Environmental Performance Review, http://unece.org/env/epr/epr_studies/georgia.pdf
43 http://ec.europa.eu/world/enp/pdf/progress2008/sec08_393_en.pdf
44 UNDP MDGs progress report 2004, http://ec.europa.eu/world/enp/pdf/progress2008/sec08_393_en.pdf
45 See OECD "Financing water supply and sanitation in EECCA countries..." available at http://www.oecd.org/dataoecd/36/10/39174956.pdf
46 http://ec.europa.eu/world/enp/pdf/progress2008/sec08_393_en.pdf
47 http://ec.europa.eu/world/enp/pdf/progress2008/sec08_393_en.pdf
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41 <a href="http://ec.europa.eu/world/enp/pdf/enp/p

4. Institutional and administrative structures and procedures

For legislation to be effective, adequate institutional and administrative structures and systems need to be in place to ensure that legal requirements are implemented and enforced. Evaluation of the adequacy of institutional and administrative structures needs a different approach towards the elements involved. A coordination structure that consists only of information exchange or that has been named on paper but never meets in fact would be scored as "poor". A coordination structure that meets on an ad hoc basis would be considered "adequate". A coordination structure that has the form of a committee or working group, has specific competences set forth in a regulation or memorandum of understanding and is fully operative (e.g. meets regularly) would be scored as "excellent".

	Unable to access information	Nothing in place	Poor	Adequate	Excellent
Institutional issues					
Decision making body for taking policy decisions (Ministries)			✓		
It should be noted that political inst obstacle to efficient decision-makin in relation to the Ministry of Enviro	g and contribut				
Structures for coordination among relevant government bodies			✓		
Staff in the relevant Ministries assigned responsibility for water issues			✓		
Regulatory body at national or regional level (different from policy decision)			✓		
River basin management authorities		✓			
Local authorities for service provision			✓		
Consultation bodies (national, regional or local) with equitable representation		✓			
Independent institutions in charge of monitoring the right to WSS (human right commission or regulatory agencies ensuring full transparency and accountability)		√			
The public defender (Ombudsman) status is defined in the 1995 Constitution. The Ombudsman is mainly responsible for monitoring human rights and report annually to the Parliament.					
Administrative structures					
Monitoring systems in place to spot water pollution and illegal abstractions (surface and groundwater)			√		
Inspectorates or other structures			✓		

for enforcement of basic requirements						
The Inspectorate is responsible for the chemical and microbiological safety of drinking water, maintains its monitoring program at water intakes and throughout distribution systems, where samples are taken from fixed sites in accordance with specified schedules. There are 64 laboratories (chemical and bacteriological) in the 67 units of the State Sanitary Supervision Inspectorates, out of which 53 laboratories are functioning. Most of the laboratories are located in badly maintained buildings that are not suitable for quality laboratory analysis - neither chemical nor microbiological. Much of the equipment and apparatus are old and worn out – 10 regional laboratories have extreme equipment shortage, the rest have just enough for low level functioning. Only the laboratories in Rustavi, Gori, Zugdidi, Tkibuli, Poti and Chiatura can do some kind of basic research work. Chemicals are often outdated. Electricity interruptions often occur. ⁴⁸						
Systems for regular reporting to Convention secretariats			✓			
Bodies for cooperation on Transboundary water courses				✓		
Information disclosure (right to kn	iow) & public	participation				
	Unable to access information	Nothing in place	Poor	Adequate	Excellent	
Access to information & dissemina	ation					
Systems for dissemination of information on water pollution (e.g., PRTR in place covering both intentional, unintentional & diffuse releases/transfers)			√			
'NGOs have complained about the lack of participation in the decision-making process related to the improvement of the Tbilisi Water Supply Infrastructure. ⁴⁹						
Administrative systems for prompt responses to requests for information from the general public			✓			
Guidelines on information held by authorities and how to request access to that information			√			
Secure data management systems to handle commercially sensitive information and personal data		✓				
Guidelines for authorities on how to apply commercial confidentiality requirements, including when to disclose because of public interest		√				
Public participation						
EIA process in Georgia is implemented through the national legislation. Namely, The Law of Georgia on Licenses and Permits establishes the permit for impact on the environment for activities imposing significant						

⁴⁸ http://www.oecd.org/dataoecd/14/55/36472918.pdf 49 http://www.bankwatch.org/project.shtml?w=147579&s=2072779

risks on human life or health, relate to especially important state or public interests or connect to use of country resources. ⁵⁰							
Good examples of our bottom-up approach are the Public Environmental Information Centers (PEIC) in Bolnisi and Bakuriani (Georgia). Overall however, public participation is limited due to the dispersion of responisibilites between different departments within the Ministries, communication and limited human resources allocated.							
Procedures for enabling public participation in decision making: river basin management plan; provision of water services; regulation and monitoring of service providers; infrastructure and development projects			✓				
Kura-Aras NGO forum & public involvement compound project is designed to enhance support for the public participation in environmental governance component of the GEF PDF-B project Reducing Trans-boundary Degradation of the Kura-Aras River Basin. ⁵¹ For more detailed information on EIA procedures in Georgia consult the 2008 report of the Aarhus Centre Georgia available at http://www.aarhus.dsl.ge/files/320_690_243806 EIAstudy ENG.pdf							
Equitable representation of minorities and marginalised groups		✓					
Access to justice							
Judicial or administrative body to solve water claims		✓					
Arbitration mechanisms		✓					

Observer Report on Environmental Impact Assessment Process in Georgia, prepared for the OSCE Mission to Georgia and the Ministry of Environment Protection and Natural Resources of Georgia, by the **Aarhus Centre** Georgia, February-March 2008 at http://www.aarhus.dsl.ge/files/320_690_243806_EIAstudy_ENG.pdf
http://europeandcis.undp.org/environment/show/7EC564CF-F203-1EE9-B5922E737667A35D

5. Technical capacity

This section is to be used for assessing the technical capacity of various stakeholders to implement a HRBA to WSS. The stakeholders have been divided into governmental officials at central level and local level; civil society, farmers and industry. It is intended to be a first step towards identifying needs for technical assistance, including training and investment in equipment and infrastructure.

Infrastructure

	Unable to access information	Non- exist ent	Poor conditions	Adequate	Excellent		
Waste water treatment plants			✓				
Water infrastructures to convey water to urban areas			✓				
The condition of the infrastructure has continued to deteriorate, due to insufficient maintenance – more than 60% of the infrastructure is totally depreciated, approx. double the figure considered acceptable internationally ⁵²							
Water infrastructure to convey water to rural or isolated areas			✓				
Water infrastructure coverage				✓			
Urban water supply systems are cur small municipalities.	rently under re	pair-rehabi	litation, includi	ng Tbilisi, Batumi,	Poti, other		
Private wells			✓				
Government officials at central le	Unable to access information	Nothing in place	Poor	Adequate	Excellent		
Central laboratory for testing of chemicals in water			✓				
Monitoring instruments for surface and groundwater			✓				
Computers and internet access for all officials responsible for water management				✓			
Databases of information on chemicals and priority substances, polluters.			✓				
Officials trained in HRBA (human rights standards) and water issues		✓					
Trained inspectorates and enforcement authorities			✓				

⁵² OECD, Financing Strategy for the Urban Water Supply and Sanitation Sector in Georgia, http://www.oecd.org/dataoecd/14/55/36472918.pdf

	Unable to access reliable information	Nothing in place	Poor	Adequate	Excellent		
Regional and Local authorities trained on HRBA to WSS		✓					
Databases of information on chemicals and priority substances, polluters.	✓						
Computers & internet access for local officials responsible for chemicals management			✓				
Local laboratories for testing drinking water		✓					
Most of the settlements of Georgia receive water with interruptions. There is no accurate registration of water produced and consumed. The situation is worsened by a lack of laboratory water control, which means that supplied water often does not comply with Gosstandart (State Standards) or sanitary and epidemiological requirements. Before 1990-1992 all municipal water supply utilities, as well as some (centralized) water supply utilities in rural area had own laboratory for drinking water quality control. Most of the laboratories (more than 50%) are out of order because of lack of finances, equipment. Most of the remaining ones operate at a very limited capacity. In some places they are assisted in their duties by the laboratories under the authority of the State Sanitary Supervision Inspectorate. ⁵³							
Transportation & communication equipment to enable monitoring/inspection/enforcement			✓				
CSO, NGOs and others							
	Unable to access reliable information	Nothing in place	Poor	Adequate	Excellent		
Civil society aware of their rights and how to exercise them			✓				
Civil society organised and active (providing training, participating, advocacy activities)			✓				
See especially the work of the Cau	casus Environr	nental NGO N	letwork <u>http:</u>	//www.cenn.org/			
Computers with internet access				✓			
Information on low cost technologies	✓						
Water services providers							

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⁵³ http://www.oecd.org/dataoecd/14/55/36472918.pdf p. 17.

	Unable to access reliable information	Nothing in place	Poor	Adequate	Excellent
Low cost technologies	✓				
Water treatment technologies (primary, secondary)	✓				
Monitoring equipment	✓				
Farmers & agricultural workers	S Unable to access reliable information	Nothing in place	Poor	Adequate	Excellent
Training on safe pesticide management, including waste management and access to information on alternative pest control methods			✓		
Awareness on impact of agricultural and farming practices in water (private wells)			√		
Industry (including industry wo	orkers)				
	Unable to access reliable information	Nothing in place	Poor	Adequate	Excellent
Training on impacts of industrial activities on water	✓				
Capacity (equipment, skills) to self-monitor releases of chemicals			√		
Wastewater treatment in place			✓		
Health practitioners	Unable to access reliable information	Nothing in place	Poor	Adequate	Excellent
Doctors & other health workers trained to identify cases of water born diseases			✓		
Monitoring of health issues related to poor access to WSS			✓		

and reporting					
Computers with internet access			✓		
Economic resources	Unable to access reliable information	Nothing in place	Poor	Adequate	Excellent
National (and local) budget sufficiently addresses WSS issues			✓		
International programmes					