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COMMITTEE ON ENVIRONMENTAL POLICY

Special session, 18-19 February 2003

Item 4 of the provisional agenda

**DRAFT ENVIRONMENTAL PERFORMANCE REVIEW OF GEORGIA
FIRST REVIEW**

Addendum

**Report on major policy issues emerging from the current
Environmental Performance Review of Georgia**

I. INTRODUCTION

1. The Committee on Environmental Policy will carry out its Peer Review of the environmental performance of Georgia on 18 February 2003, at its Special session.
2. On 17 February, the Ad Hoc Expert Group of the Environmental Performance Review Programme (EPR) will conduct a detailed expert review of Georgia's environmental performance. A list of all topics to be covered for the country is shown in the Annex. The Expert Group will present its findings to the Committee on Environmental Policy.
3. Georgia has been taking steps to protect its natural and cultural environment and promote the rational and sustainable use of natural resources. Prominent among environmental concerns facing the country today are a dangerous increase in air pollution, particularly in cities; water pollution, especially from untreated waste-water discharges, and degradation of the drinking-water-supply sources; waste caused by poor management of waste and hazardous chemicals; land degradation; and degradation of the Black Sea owing to pollution. Each of these issues (see Annex), and others, will be discussed in depth during the Expert Review. The full report, with recommendations, is also before the Committee (document CEP/2003/3).
4. During its session on 18 February, the Committee will discuss some of the broader policy issues emerging from the Environmental Performance Review of Georgia. This paper is intended to provide a basis for that discussion. The paper examines three of the most significant policy issues in Georgia, which include: (1) Access to information and public participation, (2) Inspection and enforcement, and (3) Transboundary water management in the Caucasus.

II. ACCESS TO INFORMATION AND PUBLIC PARTICIPATION

5. Protection of the environment depends upon public participation in environmental decision-making. To participate effectively, the public needs free access to environmental information and support from the government officials who have such information.

6. Since its independence, Georgia has adopted many democratic principles, including access to information and public participation in environmental decision-making. The Georgian Constitution, for example, provides individuals the right to access information, and the Law on Environmental Protection stipulates that citizens are entitled to obtain full, objective and timely information on the state of the environment where they live, to take part in decision-making and, through the courts, demand changes to decisions on projects deemed dangerous from an ecological point of view.

7. Georgian legislation contains clear provisions on public participation in EIA and environmental expertise. Since the 1990s, interested people have had a participatory role in EIA. NGOs and the Ministry of Environment have established channels of communication with the local population to make people aware of environmental problems that can have an impact on them. The process is slow, but local residents are beginning to participate in some EIA processes. However, the level of public environmental consciousness and awareness is still rather low because of the concern with economic issues, a lack of tradition of public participation in decision-making, and distrust of governmental bodies.

8. There is a strong will on the part of the Ministry of Environment to raise public awareness. Among other things, the Ministry has a Department of Public Relations and Environmental Education that provides information to the public; it meets regularly with representatives of civil society; it has taken several other initiatives to inform the public and to involve the mass media in environmental protection; and it works with NGOs to organize seminars and workshops on environmental issues and to implement projects.

Issues for Discussion

Countries are invited to share their experiences concerning public participation. In this regard, countries may wish to identify issues that need to be addressed:

- There is good cooperation between the Ministry of Environment and NGOs, in large part because of the strong initiative of the Minister. Georgia may wish to share its positive experience with other countries.
- Georgia ratified the Aarhus Convention, but lacks funding for implementation and enforcement. Which steps could be taken to facilitate the implementation and enforcement?
- The Ministry of Environment takes several initiatives to inform the public. The possibility to make environmental information available on the Internet would be welcomed by the public, but needs financing. How could more capacities for information exchange be developed? What could be possible sources of funding?
- In all these areas, what has been the experience of other countries that could be shared with Georgia?

III. INSPECTION AND ENFORCEMENT

9. The environmental enforcement institutions play an important role in ensuring compliance with environmental laws, regulations and the implementation of environmental policy. But the weak institutional framework and limited financial and human resources of these institutions are a major cause for ineffectiveness in environmental compliance and enforcement.

10. The institutions responsible for enforcement of environmental laws and regulations in Georgia are currently facing a number of difficulties. There is duplication of enforcement functions (e.g., for forestry inspections, the State Forestry Department, the State Ecological Police and the Ministry of Environment all have responsibilities), and all inspectorates are under-funded.

11. Most problematic, however, is the legal requirement that inspections may only be conducted after obtaining a court order. Although provision is made for such court orders to be issued within 24 hours, this procedural requirement, in fact, prevents enforcement officers from taking immediate action against offenders. In addition, the courts have wide discretionary powers in deciding whether or not to permit the inspection, and even a positive reply is likely to take longer than one day.

12. Conceptually, the Law was adopted as a measure to prevent corruption, avoid duplication of inspection competence and optimize the regime of inspections. However, it has also effectively stopped timely inspection.

Issues for Discussion

Countries are invited to share their experiences concerning the effectiveness of environmental enforcement. In this regard, countries may wish to identify issues that need to be addressed:

- Enforcement institutions are weak and largely ineffective. How could they best be strengthened? What is the most appropriate organization for permitting and control functions? What measures may be taken to protect the system of inspection against corruption?
- There are several different inspectorates (e.g., environment, health, water, forestry and agriculture) working in parallel, but seldom in tandem. How could cooperation and coordination among them be improved to avoid duplication and to improve both effectiveness and efficiency? Should there be one, unified, inspection service?
- In all of these areas, what has been the experience of other countries that could be shared with other member States?

IV. TRANSBOUNDARY WATER MANAGEMENT IN THE CAUCASUS

13. Water represents one of the most vital resources in the Caucasus. However, despite its significance, it still remains as one of the most poorly managed resources in this region. There is no system of river basin approach to water resources management nor is there a tradition of integrated resource management, which ensures that all water respective aspects such as social, economic, environmental are taken into consideration.

14. The Kura-Araks River that originates in Turkey and flows through Georgia, Armenia and Azerbaijan to the Caspian Sea is the major watercourse in the South Caucasus. The waters of the Kura-Araks river basin are of high significance for economic growth on both national and regional levels and could be the basis of future cooperation. All three countries are dependent on this water basin as a source of water for agriculture, urban population, industrial sectors and hydropower. Due to the absence of transboundary water management and monitoring, both Kura and Araks rivers are

heavily polluted from municipal and industrial wastes, as well as agricultural runoff and landfill discharges that cause not only environmental but also health problems to the region.

15. Georgia is the richest country in the South Caucasus in terms of available water resources. Water balance calculations suggest that, theoretically, Georgians have four times or more available water on a per-capita basis than their neighbours in Armenia and Azerbaijan. Distribution of water resources in Georgia is uneven, however, in large part due to the range in precipitation from the humid western part of the country to the semi-arid eastern part.

16. Georgian experts recognize that comprehensive and effective water sector improvements are best supported within an overall watershed-based framework. This has also been the conclusion from numerous international development policy meetings, such as the World Summit on Sustainable Development (September 2002). Article 79 of the Law on Water of Georgia (“Multipurpose Water Use and Protection Plans”) supports this approach.

17. The importance of the Kura River basin for Georgia and its neighbours is a critical regional issue. However, while there is a law, there are no effective regulations or incentives in Georgia to launch watershed-based plans, or administrative bodies to share information or manage watersheds. There has been considerable high-level attention on transboundary issues of the Kura River Basin, but no formal international commission at the government-to-government level has been formed.

18. Georgia is a party to the Black Sea Convention but not to the Convention on Protection and Use of Transboundary Waters and International Lakes. Armenia and Azerbaijan are party to the Convention on Protection and Use of Trans-boundary Watercourses and International Lakes.

Issues for Discussion

Countries are invited to share their experiences on transboundary water management. Particular attention may be given to the following issues:

- At the moment, legal and regulatory frameworks for transboundary water management are weak and not very effective. How could they be strengthened?
- How could a regional framework be provided for use of the hydrological information to promote better management practices in the Kura-Araks basin? How could data and information exchange between the countries be facilitated?
- Armenia and Azerbaijan are both party the Convention on Protection and Use of Trans-boundary Watercourses and International Lakes. What are the obstacles of Georgia to become a party to this Convention?

ANNEX

GEORGIA

PART I: THE FRAMEWORK FOR ENVIRONMENTAL POLICY AND MANAGEMENT

- Chapter 1: Policy, legal and institutional framework and sectoral integration
- Chapter 2: Economic instruments, financing and privatization
- Chapter 3: Environmental information and public participation in the decision-making process
- Chapter 4: International cooperation

PART II: MANAGEMENT OF POLLUTION AND OF NATURAL RESOURCES

- Chapter 5: Air Management
- Chapter 6: Waste, chemicals and contaminated sites
- Chapter 7: Water management
- Chapter 8: Biodiversity and forest management

PART III: ECONOMIC AND SECTORAL INTEGRATION

- Chapter 9: Mining, industry and environment
- Chapter 10: energy and environment
- Chapter 11: Agriculture and environment
- Chapter 12: Spatial planning and land use
- Chapter 13: Transport and environment
- Chapter 14: Human health and environment