

Legal Perspectives on Water Management Reform in Georgia

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Background

- Current water resources management and protection
 - Shortcomings in consistency, efficiency and integrity
 - Water Code has lost its validity and does not provide integrated approach to water management
 - EU European Neighborhood Policy and Eastern Partnership
 - Partnership and Co-operation Agreement
 - Harmonization of the Georgian legislation to the EU water legislation
- New Water Act based on the EU's water legislation
- Water Framework Directive



Objectives of legal reform

- Long-term goals
 - Ensure safe water quality and adequate water quantity for human health and aquatic ecosystems
 - Convergence with the EU water legislation
 - EU Water law principles: IWRM, polluter pays, sustainable use, recovery of costs, public participation, international cooperation
 - Fully address all water related issues
- Short-term targets
 - Effective water management system
 - Pollution prevention and water use control mechanisms
 - Reduction of water pollution from untreated municipal wastewater and diffuse sources
 - Development of water services



Possible legal measures

- Road map: steps, measures, priorities and resources
 - Law in books and law in action
- Clearly defined water rights
 - Use, ownership, permit system
 - Order of priority between different uses
 - Sustainable use, environmental flows
- Point-source pollution prevention
 - Permit system, BAT
- Access to safe water and wastewater services
 - Basic needs and recovery of costs
 - Maintenance of the infrastructure
- Agreements with the neighboring States



Outline for the new Water Act

- Wide-ranging framework act
 - Resources management, water uses, water protection, water services, water quality, flood risks, international cooperation
- Basic principles / precise legislation
 - Additional decrees/regulations
 - Clear scope, coverage and institutional arrangements
- Environmental legislation / water legislation
- Relationship to current legal system
 - Reconciliation of the new and current legislation
- Legislative timetable and transitional provisions



Conclusions

1. Legislation is one and very important tool for reaching national water sector objectives
2. Legislative reform requires strong political will
3. Successful implementation of new legislation is crucial
4. Different objectives require different transitional periods



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