

**RESPONSE OF THE GOVERNMENT OF ARMENIA ON THE QUESTIONNAIRE
PRESENTED BY MS. CATARINA DE ALBUQUERQUE, INDEPENDENT EXPERT ON
THE ISSUE OF HUMAN RIGHTS OBLIGATIONS RELATED TO ACCESS TO SAFE
DRINKING WATER AND SANITATION
31 March, 2010**

1. Which obligations do States bear in the context of private sector participation in the provision of water and sanitation services?

The provision of water and sanitation services in the Republic of Armenia (RA) is regulated by the Water Code of the Republic of Armenia, relevant laws and legal acts.

According to the RA Water Code, the provision of water supply and sewerage services is carried out through the state and community owned water systems.

Currently there are 5 water supply and sewerage agencies functioning in Armenia: “Yerevan water and sewerage” CJSC, “Armwater and sewerage” CJSC-SAUR, “Lori water and sewerage” CJSC (51% state property), “Shirak water and sewerage” CJSC (51% state property) and “Nor Akunq” CJSC which supply 445 communities. These agencies are privately managed, and the “Yerevan water and sewerage” CJSC is a private entity the water systems of which are granted on lease. Private sector involvement in the management of water systems is realized on the basis of competition through tenders, providing for transparency and public participation in the process. Prior to the transfer of management rights, the State Committee of Water System of the Ministry of Territorial Administration of the Republic of Armenia transfers permissions provided by the Ministry of Environment to the private sector managers for the utilization of water usage and water systems.

State Committee of Water System of the Ministry of Territorial Administration of the Republic of Armenia is responsible for monitoring the efficient use and preservation of water usage and sewerage systems, as well as compliance with environmental protection requirements and follows on sanitary norms set by the Government.

The transfer of water system management rights is regulated by the 49th article of the Water Code, and carried out by the following:

1. through trust management contract
2. concession agreement,
3. through the establishment of trade organization,
4. lease contract,

State obligations vis-à-vis private sector are realized while transferring state-owned water system exploitation rights. The obligations are spelled out not only in the laws and legal acts regulating the field, but also clarified in respective agreements.

2. What should the regulatory framework put into place by States provide for?

The State through its legislation ensures preservation of national water resources, addresses needs of citizens and economy, ensures environmental sustainability through effective management of usable water resources.

Legal relations in the sphere of water management are regulated by several legal normative acts, as follows:

- Water Code of the Republic of Armenia

- Land Code of the Republic of Armenia
- Civil Code of the Republic of Armenia
- Code of Administrative Offences of the Republic of Armenia
- The law of the Republic of Armenia on “Water user companies and water users’ companies”
- The law of the Republic of Armenia on “Institutions regulating public relations”
- The law of the Republic of Armenia on “Ensuring sanitary-epidemiologic security of the Population of the Republic of Armenia”
- The law of the Republic of Armenia on “State Registration of the Rights to Property”
- Other legal normative acts.

3. Apart from regulation, what additional measures, structures and institutions are necessary?

The Government of the Republic of Armenia through appropriate State bodies ensures the preservation of water resources and water sector, its protection from harmful effects, utilization to the benefit of the public taking into consideration the safety of the population.

NGOs and citizens can participate in discussions about the water sector issues and present suggestions. The appropriate State bodies while exercising measures to protect water sector have to take into consideration suggestions presented by NGOs and citizens.

Despite the existence of extensive legislative and regulatory basis, providing also for supervision mechanisms in Armenia, additional improvements are needed to solve all the existing issues in this sphere.

4. What are the responsibilities of the private sector when participating in the provision of water and sanitation services?

Within the provisions of the water-use agreement, the manager of the private water sector has the following responsibilities:

- 1 to provide the consumers with sufficient water quality and quantity, as stipulated in the water use agreement
2. to provide the registration of water intake and water consumption
3. to act in line with the environmental laws and regulations
4. to insure secure water supply.

The existing legal system provides for sufficient conditions for the protection of human rights, private sector rights, safety and security of the population and meeting the demands of the population in water related sphere. However, to address existent deficiencies additional financial recourses are required.

5. How can existing frameworks on private sector responsibility for human rights protection (including the work of the Special representative of the secretary General on human rights and transnational cooperation and other business enterprises, the OECD guidelines, the Global Compact, etc) be used to guide our understanding of private sector responsibility in water and sanitation service provision?

Drinking, communal, consuming water for the population needs should be in line with existing drinking water standards in Armenia. Water supply companies should ensure the correspondence of the quality of drinking water with those standards. The water supplying system is an important part of the social security system. For drinking, consumer service needs the water recourses can be used as a water source only if it is possible to provide sanitary zones and special reservation places in compliance with provisions of respective Government decrees.

The quality of drinking water is under permanent control by the water supply and sewerage companies, as well as relevant departments of the Ministry of Health. Population and non-governmental organizations are actively involved in water management activities in the country.