

INFORMATION

On the relevant issues included in the questionnaire for thematic reports submitted by the UN Special Rapporteur during the sessions of the UN Human Rights Council and the General Assembly

I General questions

1. Water relations in the Republic of Armenia are regulated by the Water Code of the Republic of Armenia, laws and other legal acts. The RA laws "On the Principles of National Water Policy" and "On the National Water Program of the Republic of Armenia", and the Water Supply and Sanitation Strategy for 2018-2030 need to be outlined. On November 30, 2016, the RA Public Services Regulatory Commission adopted the decision N 378-N "On defining the rules for the provision of drinking water supply and wastewater (wastewater treatment) services".

The governing body of water systems is the Water Committee of the Ministry of Territorial Administration and Infrastructure of the Republic of Armenia (hereinafter referred to as the "Water Committee").

The Water Committee is responsible for the management and safe use of state-owned water systems, including water supply and wastewater systems.

On November 21, 2016, a Lease Contract (term: 2017-2031) was signed between the Water Committee and "Veolia Djur" CJSC (which is a private company).

"Veolia Djur" CJSC is the Lessee of the state-owned water supply and wastewater (wastewater treatment) systems (hereinafter referred to as the "Lessee"). A service area (settlements) is defined for the Lessee, where about 75% of the total population of the Republic lives. The Water Committee possesses the information on the water supply and wastewater of the settlements serviced by the Lessee.

It should be noted that in the field of water supply and wastewater, the rights of residents of urban and rural areas are not differentiated; there are no classifications of "indigenous people", "poor rural areas".

2. Sanitary rules and norms N2-III-A2-1 (hereinafter referred to as sanitary rules and norms) on "Drinking water: Hygienic requirements for the quality of drinking water of centralized water

supply systems: Quality control" have been approved by the Ministry of Health of the Republic of Armenia for all settlements of the country.

Each year, the RA state budget envisages corresponding expenses for the capital repair of water supply and wastewater systems and the construction of new systems. The Lessee implements the Mandatory Capital Work Program (MCWP) each year. The works envisaged by the state budget and the MCWP are aimed at improving water supply and wastewater services, including improving people's water and sanitation services.

The settlements not serviced by the Lessee, where about 25% of the total population of the Republic lives, generally do not have efficient water supply and wastewater systems. The quality of services provided in some rural areas is low.

The vision for solving the problem is to have in the coming years a service of specialized organizations covering all non-serviced settlements, without exception; and to implement investment programs.

Tariffs for services are also different in these settlements, as opposed to settlements served by the Lessee, where there is a single tariff.

It should also be noted that from 2022 it is planned to apply tariff benefits for socially vulnerable families in the settlements served by the Lessee. In non-serviced settlements, the tariffs should not differ significantly from the tariff for the services provided by the Lessee.

Measurable quantities will be applied to the quality targets of services provided in these settlements, which should not be less than the level of services specified in the Lease Contract.

CES International Consulting Organization and local Jrtuk Company conducted a feasibility study for the improvement and development of water supply and sewerage systems in rural communities of Armenia. For the reconstruction of the water supply system of each settlement, the description of the existing infrastructure, capital investments, data on water availability and demand, as well as annual operating costs, cost coverage levels, etc. are conducted.

The current level of development of the IT sector in the country allows that during the reconstruction of water supply systems in the settlements, modern equipment be planned and installed, which will allow reading on-line customer meters, as well as volumetric water meter readings and data transfer, pressure monitoring, optimal operation Provision of modes.

According to OECD-funded report of 2014 on "Developing a National Strategy for Sustainable Drainage and Wastewater Treatment in Armenia" about 2.6-billion-euro investment will be required to meet Armenia's drainage and wastewater treatment needs. These investments will incur additional operating and maintenance costs. Large investments are also needed for the maintenance, operation and construction of new water supply and wastewater systems.

Given the complex terrain of individual rural settlements not included in the Lessee's service area, the dispersion of housing and the low population density, the construction of centralized wastewater systems in these settlements is not advisable and it is recommended to apply individual solutions in such settlements.

Appropriate allocations are made from the state budget of the Republic of Armenia every year. Appropriate allocations are also made from the budgets of local self-government bodies. As a result of these allocations, water supply and wastewater systems have been built and are being built in a number of settlements, and water supply and wastewater services provided to the population have been improved. Relevant credit, grant and subsidy programs are also aimed at these goals.

In order to overcome the relevant problems caused by the outbreak of COVID-19, the Lessee is taking measures, especially to provide reliable water supply and wastewater services to customers.

3. In the framework of international cooperation on water supply and wastewater, the cooperation with relevant organizations of different countries, including financial and consulting organizations, is continuous.

Reforms in the sector have been implemented since 2001, based on the principle of public-private partnership. Within this framework, cooperation was established with Italian, German and French organizations. The cooperation with the French company "Véolia Eau Compagnie Générale des Eaux" is currently continuing.

As a result of investment programs implemented and being implemented with the financing of international financial organizations and co-financed by the Government of the Republic of Armenia, water supply and wastewater systems in a number of urban and rural areas have been significantly improved. As a result of these investment projects, wastewater treatment plants (WWTPs) were constructed in Gavar, Vardenis and Martuni cities of the Lake Sevan basin, as well as in the cities of Jermuk and Dilijan, and the Yerevan Aeratsia WWTP was rehabilitated. These plants carry out mechanical wastewater treatment. At the same time, it should be noted that in

other cities and large rural areas there are no WWTPs and their construction is considered a priority.

4. The Lease Contract stipulates that "Veolia Djur" CJSC submits monthly, quarterly, semi-annual and annual reports to the Water Committee on its performance, in particular, the main performance indicators and internal comparative indicators defined by the Lease Contract. The main performance indicators are:

- Continuity of water supply in Yerevan, urban and rural areas,
- Quality of supplied water,
- Non-revenue water (including registered water consumption without meters)
- Customer satisfaction.

The reports submitted by the Lessee are reviewed by the Water Committee and submitted to the Independent Technical Auditor.

It should be noted that the continuity (average duration) of water supply in urban (except Yerevan) and rural settlements served by the Lessee is almost equal and is about 20 hours/day, and in Yerevan - about 23.2 hours/day.

The main performance indicators defined by the Lease Contract refer to all settlements of the serviced area (about 400 towns and villages).

The quality and continuity (duration) of the supplied drinking water are also taken into account for the evaluation of the customers' satisfaction indicator.

Customers served by the Lessee have equal access to information about the services provided, applications, complaints and suggestions. All people residing in the country can submit their applications, complaints and suggestions to the state administration, territorial administration, local self-government and other competent bodies. It should also be noted that there is a telephone hotline in the Water Committee. At the same time, people can get information about the process of their applications, complaints and suggestions.

The "Water Economy" section of the five-year program of the Government of the Republic of Armenia (2021-2026) approved by the decision of the Government of the Republic of Armenia 18.08.2021 N1363-N stipulates that the government's water economy policy is aimed at reliable

drinking water supply, the provision of sustainable, safe and affordable services, the development of reforms in the field. The programs of the Government of the Republic of Armenia also envisage complex measures aimed at solving the existing problems in the field of water supply and drainage (wastewater treatment), and improving the current situation.

5. Safe drinking water and mainly sanitation conditions are provided in the settlements served by the Lessee.

Most of the settlements not serviced by the Lessee do not have sewerage systems.

The main problems in the field of water supply and wastewater in the serviced settlements are related to the complete treatment of wastewater disposal and treatment of existing wastewater treatment plants (WWTPs), as well as the construction of new WWTPs, and in non-serviced settlements, first of all to the improvement of water supply.

6. The programs of the Government of the Republic of Armenia envisage appropriate measures aimed at providing and improving water supply and wastewater services in the settlements. The opinions and suggestions of the people are also taken into account in the development of programs related to the water supply and wastewater sector. Monitoring mechanisms are defined.

Relevant decisions of the Government of the Republic of Armenia on the water supply and wastewater sector, including the approved programs, indicate the responsible executors and set deadlines for the implementation of the works, on which the responsible executors submit reports.

The programs and other relevant decisions of the Government of the Republic of Armenia define the requirements for the development of the water supply and wastewater sector and the provision of effective services to the population and the measures aimed at its implementation.

Water supply and wastewater services in all settlements not serviced by the Lessee are planned to be provided by a specialized (licensed) organization (organizations).

The Water Committee, within its competence, oversees investment programs aimed at ensuring safe drinking water.

It should also be noted that the gender equality is ensured while taking recommendations and developing policy on water supply and wastewater, including water and sanitation.

II Special questions on indigenous peoples

9. The studies on the availability of water and wastewater in rural areas not served by the Lessee and the implemented and planned actions are also mentioned in point 2 of this information.

At the same time, please be informed that in order to ensure equal access to drinking water, with the support of the French Government and the UN EEC, in 2015-2016, the Equal Access Assessment (through a self-assessment card) was carried out in the Republic of Armenia by the Water Committee through the "Armenian Women for Health and Healthy Environment" NGO. An action plan was developed as a result of the self-assessment card analysis. Information on the Self-Assessment Card Action Plan is available on both the NGO (www.awhhe.am) and the UNECE (www.unece.org) websites.

Drinking water supply services to the residents of rural areas of the country are provided by the Lessee (in the settlements of its service area), as well as through local self-government bodies (in the settlements not served by the Lessee). It should be noted that the availability of drinking water in different rural areas is different and mainly depends on the availability and condition of water sources and water supply systems in the area. The policy implemented in the sphere is also aimed at regulating the problem of having water supply systems in all rural areas and ensuring their professional operation. This issue is considered a priority. Improving access to water supply and sanitation in vulnerable areas has been addressed in relevant programs.

10. Water supply and wastewater systems operate in all cities of the country, through which water supply and wastewater services are provided.

III Special questions on people living in impoverished rural areas

13. Water supply to rural areas is provided by the Lessee in its service area, and in other rural areas through local self-government bodies, which control and are responsible for providing water supply within their competence. The average duration of water supply in rural areas serviced by the Lessee is about 20 hours/day. In most rural areas, there are no wastewater networks and individual drainage solutions are mainly used, including through yard toilets and filtered wells.

The quality of drinking water supply services in the settlements served by the Lessee is assessed according to the methodology defined by the Lease Contract.

14. The programs of the Government of the Republic of Armenia define measures aimed at reducing the inequality of access to water supply and wastewater in the respective settlements of

the Republic. Allocations from the RA state budget and local self-government budgets, investment programs are also aimed at these goals (see also points 2, 3 and 9 of this information).

These approaches and the need for further investment will mainly ensure equal access to water supply and sanitation services, as well as the elimination of disparities between the settlements.

It should be noted that the numbering of this information corresponds to the numbering of the questions in the submitted questionnaire. For example, point 1 of this information refers to question 1 of the questionnaire (including sub-questions that fall within the competence of the Water Committee), point 2 refers to question 2 of questionnaire and so on.

Contribution of the Republic of Artsakh (Nagorno Karabakh Republic)

The right to water is essential to life and health. The 1966 Helsinki Rules on the Uses of the Waters of International Rivers¹ and the 2004 Berlin Rules on Water Resources² underline this axiomatic human right. Provided the right to live is secured, the right to water constitutes a necessary precondition for the enjoyment of all other human rights.

Until Azerbaijan's 27 September 2020 on the Republic of Artsakh, and the ensuing 44-day war where Azerbaijan was backed militarily by Turkey and terrorist fighters, the Republic of Artsakh had been able to secure its population's access to sufficient, safe and affordable water resources.

According to Artsakh Republic's VNR on Sustainable Development Goals 2030³, per capita water availability of safely managed water had improved significantly during the last decades. Since 2017, 90.7 percent of households had access to safely managed drinking water services (with centralized supply). Since 2011, the network of water-lines had been enlarged more than two-fold, from 30 water pipe networks in 2011 to 69 in 2017. There had been significant progress also in ensuring access to improved sanitation services for population. In urban areas, 98.2 percent of the population had access to safely-managed drinking water services, and more than 84.5 percent had access to safely-managed sanitation services. Regular solid waste collection and adequate discharge was available for 92.6 percent of urban households. To improve overall water management in the country, the Government of Artsakh initiated and implemented a comprehensive surface-water monitoring program in 2018.

There remained an urban-rural disparity with regard to access to water and sanitation services: 84.5 percent of urban population had access to improved sanitation services, compared to only 9.5 percent of rural households⁴. Similar urban-rural disparities existed in relation to water supply and solid waste management services. Overall, 24-hour water supply was available for 83.6 percent of households with access to centralized water supply.

In addition to physical infrastructure improvements, the Government of Artsakh had been working towards raising awareness concerning, and promoting wider use of,

¹ Helsinki Rules, International Law Association, at https://www.internationalwaterlaw.org/documents/intldocs/ILA/Helsinki_Rules-original_with_comments.pdf (accessed 9 April 2021).

² Water Resources Law, Berlin Conference 2004, International Law Association, https://unece.org/fileadmin/DAM/env/water/meetings/legal_board/2010/annexes_groundwater_paper/Annex_IV_Berlin_Rules_on_Water_Resources_ILA.pdf (accessed 9 April 2021).

³ National Review on Implementation of the Sustainable Development Goals, Republic of Artsakh (Nagorno-Karabakh Republic): transformation towards sustainable and resilient societies, July 2019, at <https://undocs.org/en/A/74/282>, (accessed 9 April 2021).

⁴ Most data is calculated in accordance with the pre-war situation (prior to September 2020) since, as a result of war, a large chunk of the territory of Artsakh (around 80%) is currently under occupation of Azerbaijan and more than half of its population is displaced.

efficient water technologies and practices such as drip irrigation, effective irrigation techniques, and crop management and rotation.

A robust regulatory framework also had been established. The Water Code of the Republic of Artsakh⁵, adopted on 26 November 2003, regulates the protection of waters from harmful contamination, the use of water for the public benefit, and the role of water protection in the security of the population. Water protection matters are under the oversight of the National Water Council, an advisory body established for the purposes of defining the national water policy, elaborating the national plan and setting legislative initiatives.

The Artsakh Ministry of Nature Conservancy and Natural Resources controls the use of water, mineral resources, emissions and wastes. It also manages water resources and biodiversity, and it is responsible for climate control.

The issue of water security has always been at the focus of the Government of the Republic of Artsakh. It managed to gradually ensure water management and security, from the precarious winter of 1991–92, when the three-year complete economic and transport blockade imposed by Azerbaijan had left the Republic of Artsakh without running water, functioning sanitation facilities, electricity, and other vital means of existence.

Throughout the years that followed the signing of the 1994 cease-fire, the Republic of Artsakh managed to recover and re-establish a sustainable water management and sanitation system. This system even allowed the country to combat and take preventive measures against the Covid19 pandemic without introducing additional water or sanitation management measures, as running water had been accessible and affordable to its all its citizens.

However, the military aggression unleashed by Azerbaijan on September 27, 2020, changed this. It not only shattered the existing water infrastructure, but it also put the water security of the Republic in serious peril. Water security is a fundamental component of the country's security system, particularly given Azerbaijan's blatant, continuous efforts to ethnically cleanse the Republic of Artsakh of its Armenian population. After the signing of the trilateral statement on secession of hostilities on November 9, 2020⁶, the Karvajar (Kelbajar) region—which is the principal water source of Artsakh, whence 85 percent of water resources for the Republic within the 1991 borders (the Khachen River and Tar-Tar River), originate—was ceded to Azerbaijan. Currently around 98 per cent of the water resources of the Republic of Artsakh, with the actual territories under its control, originate here. The Arpa River and Vorotan River—which provide water to Lake Sevan, where 80 percent of Armenia's water resources are concentrated, and without which Lake Sevan would dry up—originate in the Kelbajar region too.

⁵ The Water Code of the Republic of Artsakh, (in Armenian) at <http://www.arlexis.am/> (accessed April 9, 2021).

⁶ Statement by President of the Republic of Azerbaijan, Prime Minister of the Republic of Armenia and President of the Russian Federation, 10 November 2020, accessible at <http://en.kremlin.ru/events/president/news/64384> (accessed 9 April 2021).

Hence today, more than at any prior time in the history of Republic of Artsakh, it is of paramount importance to ensure the water security of the Republic. Considering the ever-existing danger of ethnic cleansing of Artsakh Armenians, along with the long-lasting state policy of Armenophobia and massive hate speech against ethnic Armenians which is coordinated and supported by Azerbaijani authorities⁷, it becomes evident why security measures are important. There are currently no security measures implemented to prevent Azerbaijan from contaminating the waters and jeopardizing the lives of Artsakh citizens. Without such measures, both Artsakh and Armenia will remain under a constant, existential threat of hydro-terror.

Those concerns become particularly troubling amid the recent extrajudicial execution of an Armenian civilian repairman by an Azerbaijani uniformed official – on 8 November 2021 at around 3:00pm, at the intersection near the city of Shushi (Nagorno-Karabakh), a man in the Azerbaijani military uniform approached the four employees of the Water and Sewerage CJSC, who were repairing the water pipes, and fired on them. One of the repairmen died on the spot as a result of the shooting. The three others were taken to the Republican Medical Centre in Stepanakert with gunshot wounds in the area of chest and neck for medical treatment. The official reaction of the Azerbaijani authorities to this incident is deeply concerning. Ms. Leyla Abdullayeva, spokesperson of Azerbaijani Ministry of Foreign Affairs, justified the killing by the necessity of security measures with the view of the visit of Azerbaijani President to Shushi”⁸. Such an egregious instance of extrajudicial execution should not go unnoticed and should be promptly addressed to prevent further deterioration of the situation and forthcoming violations of human rights on the ground.

The Republic of Artsakh firmly believes that unimpeded access to clean drinking water cannot be restricted by borders. It is a basic right, a cornerstone of strategic importance to every state, and it must be guaranteed to all human beings. Under no circumstances should any state be permitted to leverage the deliberate deprivation of water to harm innocent citizens. Under no circumstances should any state be allowed the opportunity to deliberately manufacture environmental and humanitarian crises, by water contamination or otherwise.

Accordingly, we find it necessary to call on all relevant international agencies to establish a permanent international monitoring mission in the area where the key rivers noted originate, in the occupied Karvachar region. Otherwise, the Artsakh people’s basic right to water—and, as such, their very existence—will be endangered, yet again.

The Republic of Artsakh maintains that this approach may contribute to the crucial realization by the people of Artsakh of the basic human rights to water and sanitation. It will also serve the United Nations’ commitments related to water, sanitation and hygiene under the 2030 Agenda—and ensure that no one, including the population of the Artsakh Republic, is left behind.

⁷ Artsakh ombudsman: “Interim public report on Armenophobia in Azerbaijan organized hate speech and animosity towards Armenians” 25 September, 2018, <https://artsakhombuds.am/hy/document/570> (accessed 9 April 2021).

⁸ <https://apa.az/en/xeber/foreign-news/azerbaijani-mfa-armenian-mfa-has-no-political-legal-and-moral-basis-to-make-any-statements-regarding-azerbaijani-territories-361575> (accessed 17 November 2021).