**Inputs for the thematic report on**

**“Fulfilling the human rights of those living in poverty and restoring the health of aquatic ecosystems: two converging challenges”**

* **On institutions and governance mechanisms:**

According to Article 39 of the Constitution of the Republic of Azerbaijan, everyone has the right to live in a healthy environment. Everyone has the right to gain information about true ecological situation and to get compensation for damage done to his/her health and property by violation of ecological requirements. No one may cause threat or damage to the environment and natural resources beyond the limits prescribed by law. The state guarantees the preservation of ecological balance.

According to Article 41 of the Constitution, the state guarantees sanitary-epidemiological safety.

The purpose of the Law “On Ecological Safety”, is to establish the legal basis for protection of life and health of the person, society, its material and moral values, the environment, including water objects, against the danger resulting from impact of natural and anthropogenous factors. According to Article 4 of this Law, damnification or creation of danger to life and human health as a result of violation of precepts of law in the field of ecological safety is considered human rights violation.

The juridical relations related to the usage and protection of the water objects are regulated by the Water Code in the Republic of Azerbaijan. According to Article 16 of the Water Code, management in usage and protection of water objects is based on the principles of environmental protection, provision of population with quality water and other principles.

In accordance with article 17 of the Water Code and paragraph 2.4 of the Decree No. 685 dated March 13,1998 on its implementation, management system over the usage and protection of water objects includes the Cabinet of Ministers, the Ministry of Environment and Natural Resources, the Ministry of Emergency Situations of the Republic of Azerbaijan, Azerbaijan Amelioration and Water Management OJSC, the Cabinet of Ministers of the Nakhchivan Autonomous Republic, and users of water objects authorized by the legislation and municipalities.

According to Article 47 of the Code, water objects, where quality of water complies with the established sanitary norms and state standards, are provided for drinking and domestic needs of population. Provision of population with drinking water is realized, as a rule, by the means of centralized water-supply constructions. In the absence of running water for satisfaction of drinking and domestic needs of the population the water taken directly from rivers, water wells, kahrizes (underground water-supply), springs and other water sources can be used only on condition that it corresponds the sanitary norms established by the legislation. The natural water sources of settlements, used with purpose of satisfaction of drinking and domestic needs of population, are set up by municipalities in correspondence with water resource legislation and upon agreement of the Ministry of Environment and Natural Resources, Ministry of Emergency Situations and Azerbaijan Amelioration and Water Management OJSC.

Article 78 of the Code states that it is categorically forbidden to discharge waste waters into the water reservoirs, used as sources of drinking water or which feed underground waters good suitable for drinking.

Section XIV of the Code (Articles 81-93) contains provisions concerning the protection of water objects. Control for protection of underground waters is realized by the Ministry of Ecology and Natural Resources in the order established by the legislation of the Republic of Azerbaijan.

According to Article 21 of the Law “On Sanitary and Epidemiological Safety” state bodies, public associations, enterprises, organizations, departments and citizens must ensure that the quality of water provided by centralized household drinking water supply systems meet hygiene requirements and state standards, and appropriate sanitary and safety standards are observed during decentralized water supply, as well as in water reservoirs and along the coastal areas, and in places used by the public for recreational purposes. The sanitary protection zones with a special regime, ensuring the good water quality should be defined for centralized household drinking water pipelines and their sources.

Discharge sewage are regulated with the Law “On Water Supply and Sewage”. According to Article 5 of that Law, the enterprises of water supply and sewerage at realization of the duties are guided by the principles of providing consumers with water of proper quality and in necessary quantity, first of all with potable water, the most efficient use of water resources. In accordance with the Law “On Environmental Impact Assessment” a strategic environmental assessment should be made when designing a complex of water supply and sewage systems of cities.

Law of the Republic of Azerbaijan “On Melioration and Irrigation” provides legal basis in the area of melioration and irrigation. According to Article 30-1 of the Law of the Republic of Azerbaijan “On Melioration and Irrigation”, the Water Users Union is established in order to manage the melioration and irrigation systems used in the areas it serves and to provide land users with water in an organized, efficient and equitable manner. The main directions of the Union's activities include the operation of existing melioration and irrigation systems, and the distribution of irrigation water among its members, purchase of water from the water supply company based on a long term agreement and annual contracts in order to provide irrigation water to landowners in the service area, protection of water in the service area, from pollution, contamination and exhaustion, restoration and operation of irrigation and melioration systems, carrying out construction and repair works in them, purchase, maintenance and operation of hydro technical facilities and etc. according to the plan approved by general assembly.

To date, 624 Unions of Water Users have been registered with the regional (municipal) records offices of the Ministry of Justice of the Republic of Azerbaijan.

The Presidential Order “On additional measures to provide the rational usage of water resources” was adopted on July 27 2020, in order to increase water resources and improve the provision of consumers with drinking and irrigation water. The "Action Plan for 2020–2022 to ensure the efficient use of water resources" was approved with this Order. The Action Plan has provided for the implementation of measures in the fields of the assessment, protection and sustainable use of water resources, digitalization of the water industry, improvement of accounting and information provision, improvement the efficiency of water resources management in the field of power engineering, ensuring rational and careful usage of water for irrigation, creating water resources, improving the provision of drinking water system, increasing efficiency in the area of financing of infrastructure projects, informing and enlightening, and improving the ameliorative state of lands and fighting against land degradation and desertification.

The Commission was created by the Presidential Order dated April 15, 2020 No.1986 to ensure the rational usage of water resources in the country, improving the management of water industry and coordinating activities in this area, was instructed to cooperate with scientific institutions (organizations), specialists, non-governmental organizations, international experts and international financial institutions in order to ensure the rational and careful usage of water resources in the fields of irrigation, provision of drinking water, energetics and industry, as well as to ensure the construction, reconstruction, restoration of waterworks objects, the provision of drinking water and irrigation water for the purpose of rational use of water resources of the liberated territories of the Republic of Azerbaijan, as well as the coordination of measures related to rainwater management together with the Coordination Headquarters, established by the Presidential Order No. 2303 dated November 24, 2020.

The "Regulation on the "Electronic water management" information system" was approved by the Presidential Decree dated February 13, 2021. According to the Regulation, the "Electronic water management" information system provides the digitalization of the annual water industrial balance of the Republic of Azerbaijan, the assessment of the main water and water resources of the country, conducts e-control of subartesian and artesian wells, as well as, including the control in real-time, increasing the efficiency of water resource use, improvement of accounting and management, the automation of data creation, collection, processing, storage and retrieval in order to ensure operational coordination in this area.

* **The global, regional and national court rulings:**

In recent years, 25 cases of administrative offences relating to violations of the regulations on the protection of water objects and the legislation on industrial and household waste have been considered by the courts of the Republic of Azerbaijan.

One of these cases was related to the resolution of disagreements regarding jurisdiction, and the remaining 24 cases were related to the consideration of merits. Cases considered on their merits were related to violations of Articles 233 (The amount of detrimental substances discharged, dumped or disposed into the environment, as well as the limits of harmful physical influence exceed the permissible norms), 262 (violation of rules on usage water objects and water), 264 (violation of rules on protection of water objects) and 266 (violation of rules on industrial and household wastes) of the Code of Administrative Offenses. In 14 of them, an administrative penalty was imposed by a court decision on natural and legal persons found guilty of committing the relevant administrative offence.

On January 18, 2023, Azerbaijan commenced the first known inter-state arbitration under the Bern Convention on the Conservation of European Wildlife and Natural Habitats. The case aims to hold Armenia accountable for its extensive destruction of Azerbaijan’s environment and biodiversity during its nearly thirty years of illegal occupation of internationally recognized territories of Azerbaijan. Upon liberating its territories in 2020, Azerbaijan collected evidences about Armenia’s destruction of the environment during illegal occupation. These activities while causing severe harm to the area’s natural habitats and species, depleted natural resources and destroyed biodiversity. Armenia’s actions have caused *inter alia* extraordinary levels of river pollution, including in transboundary rivers that run from Armenia into Azerbaijan’s territory.

The UN Environment Programme (UNEP) noted in 2022 that “specially protected and valuable forests” in areas of Azerbaijan occupied by Armenia were not spared. The UNEP also noted that Armenia’s mining development in the region caused “chemical pollution of water, soil and biota” in river habitats, with hundreds of fish found dead in the Okhchuchay River and several protected fish and amphibian species threatened.

Azerbaijan’s interstate legal action notes that Armenia has violated its legal obligations under the Bern Convention to maintain populations of all wild flora and fauna, especially in the area of ensuring conservation, restoration and improvements to the habitats of wild flora and fauna, among others.

In keeping with the United Nations’ Decade on Ecosystem Restoration, Azerbaijan calls on the international community to condemn Armenia’s appalling destruction during the occupation of one of the world’s most rich and biodiverse ecologies.