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Implemented by:  
**giz** Deutsche Gesellschaft  
für internationale  
Zusammenarbeit (GIZ) GmbH



***This document has been developed within the framework of the Project “Environmental Protection of Lake Sevan” co-implemented by UNDP***



## **DESCRIPTION OF THE LEGAL, POLICY AND INSTITUTIONAL FRAMEWORK ON THE LAKE SEVAN ECOSYSTEM MANAGEMENT**

Yerevan 2021

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## 1. BACKGROUND

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Description of the policy, legal and institutional framework on “the Lake Sevan ecosystem management” is regarded as a legal and analytical document that describes the policy developed and implemented by the Republic of Armenia aimed at the management of the Lake Sevan ecosystem, legal regulations establishing relations in this area, authorities/entities involved in the management of the Lake Sevan ecosystem, the scope of their powers and roles, legislative and practical tools that describe the relationship between those authorities/entities, etc.

The purpose of this research is not only to present in an orderly manner the scope of competencies of the key actors in the Lake Sevan ecosystem management processes and the resultant decisions in the context of the review of the legislation that establishes legal relations in the management of the Lake Sevan ecosystem, but also to identify existing legislative and law enforcement issues, gaps and contradictions in this area.

The description of the legal, policy and institutional framework on the “Lake Sevan Ecosystem Management” has been compiled and developed on the basis of Armenian statutory environmental, land, civil, local self-governance laws and regulations, as well as independent and complex sectoral regulations. At the same time, relevant high-value and significant strategic and conceptual documents developed over the years, scrutiny and assessments as a result of the cooperation between the State and international and public organizations were taken into account during the elaboration of this document.

The description of the legal, policy and institutional framework on the “Lake Sevan Ecosystem Management” aims to combine and present in an orderly manner the main and sectoral regulations that will provide an opportunity, when reviewing a single document, to be aware of the main actors of the processes related to this area, their powers assigned, the scope of the decisions taken, relationships, identified legal problems, etc.

The institutional recommendations stemming from the findings of this document are ambiguous from the point of view of their implementation, in particular, each recommendation, should be accompanied by in-depth research, with a clear outline of actions, steps and actors.

At the same time, the recommendations resulting from this document should be implemented in conjunction with the conceptual documents on the Lake Sevan ecosystem management, other institutional analyses and strategies developed so far, in particular, taking into account findings and recommendations contained in the following documents:

- ⇒ Draft Sevan Basin Management Plan,
- ⇒ Report on post-legislative monitoring of the enforcement of the Armenian Law on the Lake Sevan by the National Assembly of the Republic of Armenia,

- ⇒ The report entitled “Assessment of the compliance of Armenian legislation on biodiversity with international commitments”,
- ⇒ The draft project “Armenia’s water sector adaptation plan”,
- ⇒ The report entitled “Barriers to implementing SDG 6 in the Republic of Armenia and approaches to overcoming”,
- ⇒ The report on existing barriers to achieving SDG 6 targets,
- ⇒ Draft decision of the Government of the Republic of Armenia “On approving Strategy 2021-2030 for Achieving the Sustainable Development Goal 6, Action Plan of the Strategy 2021-2030 for Achieving the Sustainable Development Goal 6 and support programs for the implementation of the Strategy 2021-2030 for Achieving the Sustainable Development Goal 6 and the Action Plan”, etc.

***NOTE: As part of the development of this document, laws and legal acts establishing basic regulations in terms of relationships in the management of the Lake Sevan ecosystem became the subject of the review.***

## **2. THE POLICY DEVELOPED AND IMPLEMENTED BY THE STATE AIMED AT THE LAKE SEVAN ECOSYSTEM MANAGEMENT**

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This section provides the aspects, scopes, vision of the policy developed and pursued by the State aimed at organizing and implementing the Lake Sevan ecosystem management processes, documents of strategic and conceptual significance developed by the State in this respect, etc.

The analysis of the policy pursued by the State aimed at organizing and implementing the Lake Sevan ecosystem management processes has enabled to provide law enforcement and legal recommendations that can definitely improve the efficiency of the policy developed by the State in this area. The overview and the conclusions made in this chapter are based on the period of activity of the Government and the National Assembly of the Republic of Armenia, which starts from 2005 to the present day. During this period, the comprehensive scrutiny of the policy developed by the State gave an opportunity to understand more comprehensively the aspects of the policy adopted by the State in this area, the ways and methods to achieve them, and, in the practical sense, the failures and possible proposed solutions.

It is an irrefutable fact that Lake Sevan is critical not only for the Republic of Armenia, but also for the entire region, being the largest freshwater resource in the region. The Lake Sevan ecosystem conservation and management policy is considered to be one of the key and priority components of the environmental policy developed and implemented by the State.

The State, represented by the legislature and the executive, implements the Lake Sevan ecosystem conservation and management policy at several levels. First of all, it should be noted that the development of policy in this area is entrusted to the RA National Assembly, Government, competent state authority in charge of environment, as well as those agencies of the executive power of the Republic, the development of policies related to the activities of which concerns or is part of the Lake Sevan ecosystem conservation and management policy.

The Lake Sevan ecosystem conservation and management policy is developed in the context of the following laws and regulations:

- ⇒ Constitution of the Republic of Armenia
- ⇒ Relevant international treaties and conventions ratified by the Republic of Armenia
- ⇒ Laws
- ⇒ By-laws
- ⇒ Strategies, concepts, approaches, management plans developed for this purpose, etc.

Back in the Soviet years, it was the policy developed and pursued by the State for the Lake Sevan ecosystem management that led to the emergence of many problems, some of which could not be practically solved in the near future. As a result of such policy, the following problems arose:

- Disturbed ecological balance
- Lake pollution
- Reduced level of the lake
- Significant reduction of the fish stocks
- Increased average water temperature, etc.

Starting from 2000, the Republic of Armenia set the basic guidelines of the policy aimed at the management of the Lake Sevan ecosystem that occurred by the adoption and implementation of a number of laws, by-laws and national programs in this area.

The State, represented by the authorized state body – the Ministry of Environment of the Republic of Armenia, by its policy, establishes mandatory rules of conduct for the organization and implementation of ecosystem management processes, takes legislative environmental initiatives, triggers and supports environmental protection programs, cooperates with the business and public sectors. The Environmental and Mining Inspection Body of Armenian Government, in turn, monitors the implementation of relevant laws and by-laws, and is authorized to impose sanctions in case of non-compliance.

The Constitution of the Republic of Armenia, adopted by a national referendum on July 5, 1995, for the first time enshrined constitutional regulations on the environmental protection, which serves as the basis for the State to develop and implement a policy in this area in the coming years. It should be noted that three articles of the text of the RA Constitution adopted in 1995, addressed the environmental protection, in particular:

- ✓ Article 8 of the Constitution stipulated that the right to property should not be exercised so as to cause damage to the environment, infringe the rights and legitimate interests of other persons, the society and the State.
- ✓ Article 10 of the Constitution stipulated that the State shall ensure the protection and reproduction of the environment, sustainable use of natural resources.
- ✓ Under Article 89 of the Constitution, the Government was granted constitutional authority, according to which the Government shall ensure the implementation of the state policy for nature protection.

Noteworthy, at the constitutional level, in the context of amendments to the Constitution of the Republic of Armenia, the approaches of the state policy have changed. Thus, another new constitutional regulation was added or supplemented to the text of the Constitution by the amendments of 2005, which was envisaged by Article 33.2 of the Constitution “Everyone shall have the right to live in the environment favorable to his or her health and welfare, as well as shall be obliged to preserve and improve the environment individually and in community with others”.

The analysis of this regulation indicates that for the first time under the Constitution of the Republic of Armenia, protection and improvement of the environment were considered as one of the human rights. Prior to that, the existing constitutional regulations were mainly aimed at

considering the environmental protection as a matter of the Executive or a goal for implementation.

It is worth noting that a nationwide referendum was held in Armenia on December 6, 2015, to amend the Constitution. The results of that referendum are now a reality, and the whole legal system of Armenia is based or should be based on the amendments to the Constitution of the Republic of Armenia in 2015. As a result of the mentioned constitutional amendments, a separate Article 12 entitled “Environmental Protection and Sustainable Development” was devoted to environmental protection.

Before going into the content of the article, it should be noted that the corresponding article of the Constitution dedicated to environmental protection and sustainable development has found its place in Chapter 1 “Fundamentals of the Constitutional Order”, which indicates that the environmental protection and sustainable development should be considered by the State as a constitutional framework, and all its actions should be aimed at the implementation and safeguard of that framework.

Returning to the policy developed and pursued by the State for the management of the Lake Sevan ecosystem, it is necessary, first of all, to chronologically present the results of the legal policy implemented in this area, which, as an institutional framework, can be considered as a fundamental precondition for the conservation and management of the Lake Sevan ecosystem.

As a result of the implementation of the state policy aimed at the management of the Lake Sevan ecosystem, a number of laws and regulations were adopted, which have an important role in the context of settlement of legal relations in this area, in the implementation of the state policy goals. These legislative instruments are as follows:

- ⇒ Water Code of the Republic of Armenia
- ⇒ RA Law on the Fundamental Provisions of National Water Policy
- ⇒ RA Law on the National Water Program
- ⇒ RA Forest Code
- ⇒ RA Tax Code (in terms of environmental tax and fees for nature use)
- ⇒ RA Law on Lake Sevan
- ⇒ RA Law on approval of annual and integrated action plans for restoration, conservation, reproduction and use of the Lake Sevan ecosystem
- ⇒ RA Law on Specially Protected Nature Areas
- ⇒ RA Law on Flora
- ⇒ RA Law on Fauna
- ⇒ RA Law on Hunting and Management of Hunting Farms
- ⇒ RA Law on Environmental Impact Assessment and Expertise
- ⇒ RA Law on Targeted Use of Environmental Tax Paid by Companies
- ⇒ RA Law on Environmental Control

⇒ RA Law on Compensation Tariffs for Damage Caused to Fauna and Flora due to Environmental Offences, etc.

It should be noted that the legal policy in this area is also supported by a comprehensive legislative framework, especially through the decrees of the Government of the Republic of Armenia.

**The policy** on the management of the Lake Sevan ecosystem developed and pursued by the State in different years **can be classified according to the following aspects:**

- ✓ Regulations of urban development activities in the coastal areas of Lake Sevan
- ✓ Wastewater treatment in the impact zones located in the catchment basin of Lake Sevan
- ✓ Spatial planning of Lake Sevan catchment basin
- ✓ Water release (water intake) from Lake Sevan for irrigation purposes
- ✓ Identification of substances and elements that have negative impact on the ecosystem of Lake Sevan
- ✓ Conservation of Lake Sevan and regulation of the use of natural resources thereof
- ✓ Restoration, conservation, reproduction and use of the Lake Sevan ecosystem
- ✓ Development of topographic and cadastral plans in the coastal areas of Lake Sevan, up to 1905 meters
- ✓ Restoration of industrial and endemic fish species of Lake Sevan
- ✓ Zoning for construction in the central zone of Lake Sevan
- ✓ Organization and implementation of hydrological monitoring of the Lake Sevan ecosystem
- ✓ Afforestation and founding a new forest belt in the vicinity of Lake Sevan
- ✓ Creating a monitoring system for Lake Sevan and its catchment basin, etc.

It should also be noted that the State, represented by the Government and the Ministry of Environment, within the framework of its policy, has initiated, planned and implemented numerous Lake Sevan ecosystem monitoring measures stemming from the context of the Lake Sevan ecosystem management policy.

The policy developed and pursued by the State with regard to the State Non-Commercial Organization “Sevan National Park” is not left out of the processes of the Lake Sevan ecosystem management.

The most notable is the concept of reforms and development of the Sevan National Park, approved by Protocol Decision 54 of the Government as of December 28<sup>th</sup> 2017, which was developed by the Ministry of Environment of the Republic of Armenia. The main purpose of this concept is to present the principles and ideas of reforms and development towards the formation of a system of effective management of the Sevan National Park, which is based on the increased economic activity and the development of tourism in this area by attracting investments meanwhile balancing the economic and environmental interests.



The concept of reforms and development of the Sevan National Park is based on the following main goals:

- Preservation of the lake as a freshwater basin of national and regional significance,
- Restoring the ecological balance of the ecosystem of the lake's catchment basin, and ensuring normal harmonious development and sustainable use
- Conservation and improvement of the lake ecosystem
- Increased fish and crayfish stocks in the lake
- Creating and preserving more favorable environment for the public
- Forming a legal (tax) framework required for the development and investment prospects of the area as a recreation area
- Preventing and excluding the activities of the entities that have a negative impact on nature and the environment, including unauthorized buildings and illegal land users, and non-compliance with contractual obligations.

Pursuant to the obligation set for the Ministry of Environment of the Republic of Armenia by the Government's Protocol Decision 54 of December 28<sup>th</sup> 2017, the Ministry developed a strategy and action plan for the reforms and development of the Sevan National Park.

Of particular importance are the principles set out in Paragraph 3 of the Sevan National Park Reforms and Development Strategy elaborated by the Ministry of Environment of the Republic of Armenia, where it is noted:

The following three basic principles should be observed when elaborating and implementing any strategy, action and program related to Lake Sevan:

- The limited resource
- National security and strategic significance
- Restoration and maintenance of ecological balance.

In fact, these three principles have been set as guidelines for the development and implementation of the Lake Sevan ecosystem management policy. At the same time, according to this strategy, preservation of Sevan and handing on the lake as an ecologically balanced system to future generations have been treated as a nationwide problem.

Analyzing the conceptual and strategic documents adopted in this area, the following main problems related to the policy on the Lake Sevan ecosystem management could be presented:

- ✓ Implementing comprehensive measures to prevent lowering of the level of Lake Sevan and ensuring the raising of the level of the lake at the extent prescribed by law,
- ✓ Ensuring the preservation of the lake as a national and regional freshwater resource,

- ✓ Restoring the ecological balance of the ecosystem of the lake's catchment basin, and ensuring normal harmonious development and sustainable use
- ✓ Reduction of negative man-induced impacts (including pollution) on the lake's ecosystem and its individual components through rationing and regulation of the use of natural resources of Lake Sevan and its catchment basin, prevention of their further degradation
- ✓ Ensuring conservation, restoration and reproduction of landscape and biological diversity, rare, endemic and commercially valuable species (trout, Caucasian scraper, barbel)
- ✓ Increased commercial fish and crayfish stocks in the lake
- ✓ Prevention of importation, cultivation and breeding of alien plant and animal species
- ✓ Revision of commercial fishing procedure
- ✓ Implementation and control of sustainable commercial hunting
- ✓ Introducing responsible commercial fishing system
- ✓ Improving the effectiveness of the fight against illegal fishing
- ✓ Settling the issues of unauthorized buildings and structures, and illegally occupied lands located in the national park
- ✓ Demolition of the buildings and structures left under the water
- ✓ Clearance of flooded and floodable forest tracts
- ✓ Lack of a national park management plan
- ✓ Establishment of an effective water use system
- ✓ Effective development of recreational branch of economy
- ✓ Preventing and excluding the activities of the entities that have a negative impact on nature and the environment, including unauthorized buildings and illegal land users, and non-compliance with contractual obligations
- ✓ Creating and preserving more favorable environment for the public
- ✓ Introducing solid household waste management system, sustainable management of waste (including mining waste) and formation of well-maintained layout of the environment
- ✓ Reduction and rehabilitation of the areas disturbed because of mining<sup>1</sup>.

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<sup>1</sup> See section 3 of "Sevan National Park Reforms and Development Strategy"

### 3. NATIONAL LEGISLATION OF THE REPUBLIC OF ARMENIA REGULATING THE LAKE SEVAN ECOSYSTEM MANAGEMENT PROCESSES

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Laws and subordinate legislation, which, within the scope of their subject of legal regulation, provided for regulations on the organization and implementation of the Lake Sevan ecosystem management processes, were inventoried and presented in this section, on the basis of comprehensive review of the legislation. This chapter, first of all, refers to the regulations of Armenian Constitution related to the conservation and management of the ecosystem, analyzes the essence of the constitutional regulations and the scope of their implementation in the context of the national legislation.

The subject of the due diligence was the legislative regulations aimed at the organization and implementation of processes of the Lake Sevan ecosystem management under the codes, laws and by-laws, based on which results the legislative gaps, contradictions and problems were identified, conclusions were drawn, which were summarized in the section titled “Conclusions and Recommendations”.

The national legislation of the Republic of Armenia regulating the processes of the Lake Sevan ecosystem management is quite comprehensive and complex.

The review of the legal framework of this field indicates that legal relations in the the Lake Sevan ecosystem management are not regulated by one main regulatory act, but are defined by various laws and by-laws, which, in turn, leads to problematic outcomes both in terms of regulation of this field and application of institutional mechanisms.

In the context of the above, it should be noted that, among many other sectoral systems (subsystems) of the Republic of Armenia, the legislation regulating the processes of the Lake Sevan ecosystem management also has numerous gaps, ambiguities and contradictions, as well as there is a need for comprehensive legislative regulations.

***See APPENDIX 1 for the list of the key Lake Sevan ecosystem management process regulatory instruments.***

When analyzing the legal regulations established by the national legislation of the Republic of Armenia related to the Lake Sevan ecosystem management, first of all it is necessary to review the Constitution of the Republic of Armenia.

#### RA Constitution

The Constitution of the Republic of Armenia does not provide for direct regulations related to the management of the Lake Sevan ecosystem, however, the regulations contained therein refer, in general, to the environmental protection and management.

Thus, Article 12 entitled “Environmental Protection and Sustainable Development” has found its special place in Chapter 1 of the Constitution of the Republic of Armenia, which defines the “Fundamentals of the Constitutional Order”. This article defines as follows:

“1. The State shall promote the protection, improvement and restoration of the environment, sustainable use of natural resources, guided by the principle of sustainable development and taking into account the responsibility to future generations.

2. Everyone shall be obliged to take care of the environmental protection”.

The analysis of the above constitutional provision indicates that the Constitution has imposed the first obligation on the State, in particular, in terms of stimulating environmental protection, improvement and restoration, and then in terms of sustainable use of natural resources. At the same time, this provision of the Constitution establishes an obligation for anyone to take care of the environment. Hence, it appears that this constitutional provision presupposes at the same time both public and private legal relations that are targeted to the state power and the people who formed this power.

It is worth emphasizing that according to the Constitution, the legal provision on environmental protection and sustainable development is ranked by its nature and content among the principles of constitutional order and fundamentals, which in itself implies the mandatory implementation of this article. Since the environmental protection is considered a constitutional framework, therefore, there is a need to analyze Articles 86 and 87 of the Constitution, which define the main objectives of state policy and entities that ensure their implementation.

Article 86, which defines the objectives of state policy, enshrines 19 goals, which do not include the environmental protection and sustainable development.

Article 87.1 of the Constitution stipulates that within the scope of their competencies and capabilities, state and local self-governance bodies shall be obliged to achieve the goals prescribed by Article 86 of the Constitution. The analysis of this legal provision shows that in the field of environmental protection, the Constitution does not envisage a constitutional obligation for state and local self-governance bodies in terms of achieving the main goals of state policy, which makes it problematic at the political and institutional levels to properly fulfill the constitutional obligation to protect the vital environment which is one of the main components of the national security of the State.

Here, it is also necessary to refer to the law enforcement significance of the regulation defined by Article 87.2, according to which within the framework of the report provided for by Article 156 of the Constitution (for each year the Government submits a report to the National Assembly on the progress and outcomes of implementation of its program) shall provide information on the fulfillment of the objectives set forth in Article 86 of the Constitution. It follows from the above that the lack of the goal of environmental protection in the relevant article of the constitution

defining the main objectives of state policy does not allow the National Assembly even in a state with parliamentary system to hear the government's program report on achieving this goal.

***Based on the foregoing, it is suggested that the Ministry of Environment of the Republic of Armenia, the Government and the Parliamentary Standing Committee on Territorial Administration, Local Self-Governance, Agriculture and Environmental Protection, guided by the provisions of Article 202.3 of the Constitution, initiate the process of amending the Constitution, in particular, to supplement Section 1 of Article 86 of the Constitution with Item 17 to read as follows:***

***“promoting environmental protection, improvement, restoration and sustainable development”.***

A very important issue related to the environmental protection has been identified in the context of comparative legal analysis of the text of Armenian Constitution with the amendments of 2005 and the current Constitution, which concerns the right to live in an environment conducive to human health and well-being. In the text of the 2005 amendments to the RA Constitution, in particular, Article 33.2 provided the following: *“Everyone shall have the right to live in an environment favorable to his or her health and welfare, as well as shall be obliged to preserve and improve the environment individually and in community with others”.*

The analysis of this regulation indicates that for the first time under the Constitution of the Republic of Armenia, protection and improvement of the environment were considered as ***one of the human rights***.

However, this regulation on human rights was left out of the scope of the current Constitution, it was reworded as follows: “Everyone shall be obliged to take care of the environmental protection, and is included in Section 2 of Article 12 of the Constitution. It is obvious that in the context of the current regulation, there is an exclusive obligation for human beings to take care of the environment. Meanwhile, both under international rules and the European Convention on Human Rights and Fundamental Freedoms, living in an environment conducive to health is considered one of the human rights.

Not enshrining the right of everyone to live in a healthy and favorable environment resulted in the disappearance of the opportunity to protect this fundamental right at the level of constitutional justice, which is a serious setback and failure.

***Based on the foregoing, it is suggested that the Ministry of Environment of the Republic of Armenia, the Government and the Parliamentary Standing Committee on Territorial Administration, Local Self-Governance, Agriculture and Environmental Protection, guided by the provisions of Article 202.3 of the Constitution, initiate the process of amending the Constitution, in particular, to set out Section 2 of Article 12 of the Constitution in the following wording:***

***“Everyone shall have the right to live in the environment favorable to his or her health and welfare, as well as shall be obliged to preserve and improve the environment individually and in community with others”.***

Referring again to the comparative legal analysis of the texts of the Constitution of the Republic of Armenia and previous Constitutions, attention should be paid to the regulation defined by the 2<sup>nd</sup> sentence of Article 8 of the Constitution adopted in 1995. According to this constitutional provision, the right to property must not be exercised so as to cause damage to the environment or infringe the rights and legitimate interests of other persons, society, or the State.

In terms of law enforcement, this constitutional provision was of great importance, which clearly set a limit to all the cases and legal relations that presupposed the unconditional exercise of property rights with the outcome of damage to the environment. In practice, such cases and situations can often be encountered, mostly in the light of the privatization processes taken place over the years in the areas of the Lake Sevan basin.

Emphasizing the role and significance of the regulation defined by the 2<sup>nd</sup> sentence of Article 8 of the Constitution adopted in 1995, not only in the context of preserving the ecosystem of Lake Sevan, but also of the environmental protection in general, it should be noted that the current Constitution does not provide for such a constitutional requirement. Article 60 of the Constitution refers to the right to property, and the 3<sup>rd</sup> part thereof stipulates the following: “The right to property may be restricted only by law, for the purpose of protecting public interests or the fundamental rights and freedoms of others”.

Of course, the environmental protection can be described as a public interest, but the concept of “public interest” is not defined by the national legislation of the Republic of Armenia, therefore, in all the situations when there is a problem of protecting any public right, the question arises of interpreting the concept of “public interest” provided for in the Constitution, which is fraught with many biased risks.

Without underestimating all the advantages of property rights and the necessity and significance of establishing regulations aimed at guaranteeing thereof by the Constitution, it is worthy to consider enshrining in the restrictions on the exercise of property rights the principle of causing no damage to the environment.

Enshrining such a constitutional provision in the “basic law” can provide additional and key guarantees for the protection of the environment, especially for all the possible cases that involve damage to the environment in the context of sale of property by the owner and concealment of this damage in the light of property rights.

***Based on the foregoing, it is suggested that the Ministry of Environment of the Republic of Armenia, the Government and the Parliamentary Standing Committee on Territorial Administration, Local Self-Governance, Agriculture and Environmental Protection, guided by the provisions of Article 202.3 of the Constitution, initiate the process of amending the Constitution,***

***in particular, to supplement Section 3 of Article 60 of the Constitution with a new sentence to read as follows:***

***“The exercise of the right to property should not cause damage to the environment”.***

#### **RA Law on Lake Sevan**

Armenian Law on Lake Sevan adopted on May 15<sup>th</sup> 2001 is the fundamental and key legislative instrument for the Lake Sevan ecosystem management.

It should be noted that before the adoption of the Armenian Law on Lake Sevan, the issues on conservation of the Lake Sevan catchment basin were mainly regulated only by the Law of the Republic of Armenia on Specially Protected Nature Areas. Relations in the field of environmental protection and nature use of the territories of the central ecological zone of the Sevan catchment basin - Sevan National Park and the immediate impact zone, namely Jermuk and Jermuk Hydrological State Sanctuaries were regulated by certain articles (3, 5 6, 8-15).

After the adoption of the RA Law on Lake Sevan, the Law on Specially Protected Nature Areas is applicable to the conservation and use of the lake ecosystem insofar as it does not contradict the Armenian Law on Lake Sevan. As for the relations regarding the management of the Sevan National Park as an individual unit, the Law on Specially Protected Nature Areas applies in this regard. Moreover, in these two most important laws there is no mention of the relationship and interrelations between them, which may cause certain complications at the law enforcement level.

Below is the legal analysis of the scope of regulation of the Armenian Law on Lake Sevan and the standards defining the legal relations, and the legislative recommendations based on their outcomes.

Article 1 of the mentioned Law establishes the scope of regulation of the Law, according to which the law regulates relations regarding the conservation, restoration, reproduction, normal development, and use of the ecosystems of Lake Sevan, its catchment basin and the area of economic activities.

It should be noted that in the Law of the Republic of Armenia on Lake Sevan, there is a preamble before Article 1, which is about Lake Sevan and refers to the importance of the lake. However, it should be fairly stated that the preamble contains regulations that are relevant to the content and substance of Article 1, which is the scope of the law. Thus, the sentence in the preamble *“This Law establishes legal and economic basis of state policy on normal development, recovery, natural resources reproduction (hereinafter referred to as reproduction), conservation and use of Lake Sevan as a strategically important ecosystem having ecological, economic, social, scientific, historical and cultural, aesthetic, health, climatic, recreational and spiritual value for the Republic of Armenia”* does not describe Lake Sevan, but what the RA Law on Lake Sevan defines.

The following sentence “Lake Sevan is the strategic freshwater treasury of the Republic of Armenia” refers exclusively to the essence of the preamble of the law. However, taking into account the requirements of the current legislation on the development of laws and regulations, the rules of the legislative technique stemming from these requirements, it should be noted that the presence or definition of such preamble in the Law on Lake Sevan contradicts the requirement of Article 13.1 of the Armenian Law on Normative Legal Acts, according to which regulatory provisions are not established by the preamble.

***Based on the above, it is recommended making an amendment to the Armenian Law on Lake Sevan, in particular, the first sentence should be removed from the preamble of the law, instead the preamble of the law should be supplemented with a regulatory provision defining the vision of Lake Sevan, and the second sentence should be stated in the following wording: “Lake Sevan is the strategic freshwater treasury of the Republic. It is one of the natural wonders of Armenia, the national symbol of the Armenian people, which is of a unique national and regional economic and ecological significance”.***

***At the same time, it is recommended rewriting Article 1 of Armenian Law on Lake Sevan as follows: “This law governs the relations on the conservation, restoration, reproduction, normal development and use of the ecosystems of Lake Sevan, its catchment basin and economic activity zone, as well as the legal and economic basis of state policy on normal development, recovery, natural resources reproduction (hereinafter referred to as reproduction), conservation and use of Lake Sevan as a strategically important ecosystem having ecological, economic, social, scientific, historical and cultural, aesthetic, health, climatic, recreational and spiritual value for the Republic of Armenia”.***

Article 6 of RA Law on Lake Sevan defines the types of the ecological zones, and Section 2 of this Article specifies that for each ecological zone, within three months after this law enters into force, the Government shall establish appropriate regulations for the use of natural resources of the Lake Sevan ecosystem and natural environment protection. Given that the Armenian Law on Lake Sevan has been in force for already more than 20 years, this regulation is of a transitional nature. The regulations specified in the legal provision has been established by the Government, whereby this provision is subject to rewording.

***Based on the foregoing, it is recommended stating Section 2 of Article 6 of RA Law on Lake Sevan in the following wording: “The relevant regulations for the use of natural resources of the Lake Sevan ecosystem and natural environment protection shall be established by the Government”.***

Article 13 of RA Law on Lake Sevan defines the content of integrated and annual programs and the principles of their development. According to Section 3 of this Article, the Annual Program shall also include:

- Overview of the ongoing and expected performance of the works planned;



- Plans and current schedules of water releases and irreversible intakes that do not disturb the ecological stability of Lake Sevan and ensure positive water balance of the lake;
- Maximum annual limits for releases and intakes from Lake Sevan, on monthly basis;
- Maximum annual limits for harvesting and commercial fishing and commercial quality characteristics of bioresources (including fish and crayfish) of Lake Sevan and its catchment basin, on monthly basis.

It should be noted that the annual program is approved by a decree of the Government of the Republic of Armenia, whereas the requirements of the annual program specify such components, for which there is a need to propose urgent solutions in law enforcement practice. Such components include plans and current schedules of water releases and irreversible intakes that do not disturb the ecological stability of Lake Sevan and ensure positive water balance of the lake, or maximum annual limits for harvesting and commercial fishing and commercial quality characteristics of bioresources (including fish and crayfish) of Lake Sevan and its catchment basin, on monthly basis.

To amend the annual program, it is necessary to make changes in the relevant decision of the Government, which, both administratively and in terms of timing, makes it difficult to solve urgent problems in a short time.

Based on the above, ***it is advised to revoke subparagraphs (b) and (d) of Article 13.3 of Armenian Law on Lake Sevan. At the same time, it is suggested supplementing Article 16 of the law, which defines the mandates of the Ministry of Environment of the Republic of Armenia, with Section 2 in the following wording:***

***2. The Authorized Body shall approve:***

***a) the plans and current schedules of water releases and irreversible intakes that do not disturb the ecological stability of Lake Sevan and ensure positive water balance of the lake,***

***b) maximum annual limits for harvesting and commercial fishing and commercial quality characteristics of bioresources (including fish and crayfish) of Lake Sevan and its catchment basin, on monthly basis.***

Chapter 4 of Armenian Law on Lake Sevan defines the powers of the state and local self-governance bodies for restoration, conservation, reproduction, normal development, and use of the Lake Sevan ecosystem. A number of law-enforcement issues have been identified based on the results of the review and analysis of Articles 15-18 contained in this chapter.

Firstly, terms “competences” or “a competence” are used in the headings of Chapter 4 and respectively Articles 15-18 of the Law, which, in fact, contradict the requirements of the principle

of legality prescribed by Article 6 of the Constitution of the Republic of Armenia, which refers exclusively to authorizing norms. Therefore, the term “powers” should be used in the titles of Chapter 4 of the Law on Lake Sevan and the articles thereof.

***Based on the foregoing, it is recommended replacing words “competences” or “a competence” in the titles of Chapter 4 of the Armenian Law on Lake Sevan and Articles 15-18 thereof with the words “powers” or “a power”.***

Article 16 of RA Law on Lake Sevan defines the competences of the authorized government agency in charge of restoration, protection, reproduction, normal development, and use of the Lake Sevan ecosystem, namely the Ministry of Environment of the Republic of Armenia. According to Subparagraph (a) of Section 1 of this article, the authorized state body shall be engaged in the elaboration and implementation of the state policy for the Lake Sevan ecosystem conservation.

This regulation is quite problematic in terms of its application. First, it should be stated that the Ministry of Environment is not engaged in but elaborates the state policy for the Lake Sevan ecosystem conservation. This conclusion is further strengthened based on the regulations of Section 6 of the Annex to Armenia Law on the Structure and Functioning of the Government, within the framework of which the Ministry of Environment shall elaborate and implement the Government’s policy for the environmental protection in the Republic of Armenia.

Therefore, Articles 15 and 16 of Armenian Law on Lake Sevan are subject to revision, based on the provisions of Section 6 of the Annex to Armenian Law on the Structure and Functioning of the Government. From the content of the above rule of law, it becomes obvious that the Government has delegated the elaboration and implementation of its policy to RA Ministry of Environment, which indicates the need to invalidate some provisions of Article 15 of the RA Law on Lake Sevan. At the same time, the legal provisions specified in this article should be localized in Article 16 thereof, reading in a completely new wording the powers vested to the RA Ministry of Environment:

***Based on the foregoing, it is recommended stating Subparagraph (a) of Article 15.1 of the Armenian Law on Lake Sevan in the following wording:***

***“coordinate the implementation of the state policy for the restoration, conservation, reproduction, normal development and use of the Lake Sevan ecosystem”.***

***It is recommended rephrasing Article 16 of the Law as follows:***

***“Article 16. Powers of the government agency in charge of restoration, conservation, reproduction, normal development, and use of the Lake Sevan ecosystem***

- 1. The government agency in charge of restoration, conservation, reproduction, normal development, and use of the Lake Sevan ecosystem (hereinafter referred to as the Authorized Body)” shall***

- 1) coordinate the implementation of the state policy for the restoration, conservation, reproduction, normal development, and use of the Lake Sevan ecosystem,***
- 2) ensure the implementation of the state policy for the restoration, conservation, reproduction, normal development, and use of the Lake Sevan ecosystem,***
- 3) draft and submit to the Government of the Republic of Armenia recommendations for solving project-related problems,***
- 4) contract scientific and technical research and engineering works for the restoration, conservation, reproduction, and use of the Lake Sevan ecosystem,***
- 5) control the process of artificial reproduction of fish and crayfish species in Lake Sevan, as well as of terrestrial and aquatic plants and animals,***
- 6) have the right to request from economic and other entities the necessary information on the environmental protection and use of natural resources in the central, immediate and non-immediate impact zones, which they shall provide to the authorized body within ten days after the request,***
- 7) at the end of each quarter, report by public TV and radio broadcasting company or publish in the press information about the state of the ecological system of Lake Sevan,***
- 8) organize public hearings and discussions to consider issues within the scope of its powers,***
- 9) carry out monitoring activities,***
- 10) exercise other powers vested by this law, other laws and legal acts”.***

Article 17 of Armenian Law on Lake Sevan defines the competences of the territorial administration authorities (governors) in restoration, conservation, reproduction, normal development, and use of the Lake Sevan ecosystem. According to Article 160, Section 1 of the Constitution of the Republic of Armenia, the Government shall implement its territorial policy in the regions (marzes) through the governors.

In this context, the policy pursued by the State in the areas of restoration, conservation, reproduction, normal development, and use of the Lake Sevan ecosystem can also be described as a territorial policy, one of the implementers of which is the Institute of the Governor.

The powers defined by Article 17 of the RA Law on Lake Sevan do not include legal options for the governors to make suggestions for the development of a Lake Sevan ecosystem management policy, which, in fact, artificially excludes the governor from the scope of the policy, one of the implementers of which is himself.

The review of the RA Land Code, the RA Law on Urban Development and the RA Law on Territorial Administration indicates that the territorial administration authorities are provided with effective legislative tools in sectoral legal relations, which enable to comply with the requirements of Article 160.1 of the Constitution.

Therefore, the Armenian Law on Lake Sevan should also include or enshrine regulations that will enable territorial administration authorities to truly ensure compliance with the requirements of the legislation of the Republic of Armenia on the restoration, conservation, reproduction, and use of the Lake Sevan ecosystem.

***Based on the foregoing, it is recommended supplementing Article 17 Section 1 of the Law on Lake Sevan with new items in the following wording:***

***“Shall submit suggestions to the authorized body on the development of state policy for the conservation of the Lake Sevan ecosystem”.***

Article 18 of the Armenian Law on Lake Sevan defines the competencies of the local self-government bodies located in the immediate impact zone in restoration, conservation, reproduction, and use of the Lake Sevan ecosystem. First, it should be noted that the wording “local self-government bodies located in the immediate zone” are used in the title of this article.

Local self-government bodies are community governing bodies and cannot be located in the immediate impact zone. According to Article 121 of the Constitution, the marzes (regions) and the communities shall be the administrative territorial units of the Republic of Armenia. This constitutional provision is implemented in the Armenian Law on the Administrative Territorial Division of the Republic of Armenia and the RA Law on Local Self-Governance, which define the concept and the status of the community.

***Based on the above, it is recommended adding the word “communities” after (in the Armenian version, or “before” - in the English version of the law – translator’s note) the wording “located in the immediate impact zone” in the title of Article 18 of the RA Law on Lake Sevan.***

According to this article, the local self-government bodies of the communities located in the immediate impact zone exercise the following powers:

- ⇒ Contribute to the fulfillment of the requirements of the legislation of the Republic of Armenia on the restoration, conservation, reproduction, and use of the Lake Sevan ecosystem located in the territory of the community,
- ⇒ Ensure the participation of the community population in public discussions on the restoration, conservation, reproduction, and use of the Lake Sevan ecosystem,
- ⇒ Exercise other powers defined by the RA Law on Lake Sevan and other laws.

The analysis of the mentioned legal provision shows that the regulation provided for in Paragraph 1 of this article becomes quite problematic in law enforcement practice. Thus, ensuring

compliance with the requirements of the legislation of the Republic of Armenia on restoration, conservation, reproduction, and use of the Lake Sevan ecosystem in the community is a rather comprehensive and multifaceted process, therefore, the support of local self-government bodies in this process is not so realistic in terms of implementation.

The list of 41 communities located in the immediate impact zone of Lake Sevan has been approved by Annex 1 to RA Government Decree №1563-N dated December 18<sup>th</sup> 2008 “On the rental of land plots, granting a right for construction, and performance of urban development activities in Sevan National Park and adjacent areas”. Most of these communities merged as a result of the municipal consolidation process.

The review of the budgets of the communities of Sevan and Tsovaguyugh for 2016-2021 indicates that the budgets of the community of Sevan for 2016, 2017, 2018 and 2020 provided funds for environmental protection, however, only the budget for 2020 clearly states that the funds will be directed to the biodiversity and ecosystems conservation.

In other cases, the budget review does not provide a clear idea of the purpose of the expenditure. The budgets of Tsovaguyugh community for 2016, 2018, 2020 and 2021 provides only for garbage collection costs, and the budget for 2019 is not accessible. No data are available on the resources from the state budget or external sources to be spent on the conservation and restoration of the Lake Sevan ecosystem.

The report on the utilization of the budget of Sevan Community for 2019 contains certain data on the performed community cleanup and garbage collection services, but it is not clear how much money was spent for which service/event, to what extent they were performed, and what results were recorded. Reports on the utilization of the Sevan community budgets for 2016, 2017, 2018 and on the utilization of the budget of Tsovaguyugh community are not available.

First, it should be noted that for state and local self-governance bodies, Article 87 of the Constitution stipulates that they accomplish the main objectives of the state policy within the scope of their competencies and capabilities. When referring to the content of this constitutional provision, first of all it is necessary to assess the concept of the “scope of capabilities”. It should be objectively stated that in Armenia, the capabilities and the powers of the communities vested by law do not match, therefore, more than half of the 400 powers assigned to local self-government bodies by the laws of the Republic of Armenia are not exercised by them.

***Based on the foregoing, it is recommended revising Section 1 of Article 18 of the RA Law on Lake Sevan as follows:***

***“within the capabilities of the community and within the scope of the powers vested, they contribute to the fulfillment of the requirements of the legislation of the Republic of Armenia on the restoration, conservation, reproduction, and use of the Lake Sevan ecosystem in the territory of the community”.***

In the context of the above legislative recommendation, it is necessary to refer to the administrative and territorial reforms in Armenia, that is, the process of the municipal consolidation. At the institutional level, the municipal consolidation process can be considered completed, and starting from January 1, 2022, all communities in Armenia, except for 6 communities inhabited by national minorities, will be considered enlarged multi-settlement (cluster) municipalities.

The main purpose of the municipal consolidation is that the local governments of the communities are given the powers exercised by the state authorities, that is, the powers are decentralized. The communities located in the immediate impact zone for restoration, conservation, reproduction, and use of the Lake Sevan ecosystem have also been consolidated, and mainly in the former Soviet administrative-territorial model, namely in the format of districts.

As a result of these mergers, capable staffs will be formed in the municipalities of the communities, which will enable the communities to assume new more effective powers, and in terms of the State, they will increase the level of trust in the local self-government bodies, which will allow delegating many powers from the State to the local level.

Given that the municipal consolidation process in Armenia is completed, and taking into account the importance of the local self-government bodies of the communities located in the immediate impact zone in the Lake Sevan ecosystem processes, ***it is recommended supplementing Article 18 of the Armenian Law on Lake Sevan with Section 2 reading as follows:***

***“As an authority delegated by the State, shall be engaged in the implementation of the programs for the restoration, conservation, reproduction, and use of the Lake Sevan ecosystem”.***

Article 26 of the RA Law on Lake Sevan defines statutory regulations related to the prohibition of emissions that have a negative impact on the ecosystem of Lake Sevan. Section 2 of this Article defines the following: “The list of substances, biogenic elements, heavy metals or their compounds and other substances specified in Paragraph 1 of this article shall be established by the Government within three months after the entry into force of this law, upon submission by the competent authority”.

This legislative requirement is a transitional provision, in addition, it should be noted that this requirement had been enforced by the Government under the Decree 57 of January 24<sup>th</sup> 2002, therefore, there is no need to have such a definition.

***Based on the foregoing, it is recommended stating Section 2 of Article 26 of the RA Law on Lake Sevan in the following wording: “The Government shall approve the list of substances, biogenic elements, heavy metals or their compounds and other substances that have a negative impact on the ecosystem of Lake Sevan”.***

Article 28 of the Armenian Law on Lake Sevan is entitled as follows: “Control over emission of hazardous substances and biological pollution in the Lake Sevan ecosystem”.

Article 28 of the RA Law on Lake Sevan reads as follows:

- 1. Economic entities are required to comply with the guidelines established for the Lake Sevan ecosystem. In case of accidental or one-time spills of hazardous substances during the activity of these entities, they shall be obliged to take immediate measures to prevent environmental pollution and to promptly inform the relevant bodies (authorized body, regional administration, etc.).*
- 2. Costs related to the elimination of the damage caused to the Lake Sevan ecosystem due to prohibited discharges, harmful effects (emissions, spills, hazardous waste, etc.) shall be covered by the liable entities, in the manner prescribed by Armenian legislation.*

From the subject matter and purview of the regulations of the article quoted above, it becomes clear that this article does not provide for any legal regulation or authority for organizing and exercising control.

As a result, it turns out that the title and the purview of the article do not correspond to each other. In addition, it should be noted that the “control” is one of the components of the title of Chapter 7 of the RA Law on Lake Sevan, which suggests that it should have been expressed in Article 28 of the RA Law on Lake Sevan, but no regulation on the control procedure and the entities is established by this article.

***Based on the above, it is recommended reading the title of Article 28 of the RA Law on Lake Sevan as follows: “Preventing emissions of hazardous substances and biological pollutants into the Lake Sevan ecosystem, and compensation for damage”.***

***At the same time, it is suggested supplementing the same article with a new Section 1:***

***“Control over emissions of hazardous substances and biological pollutants into the Lake Sevan ecosystem shall be carried out by the Environmental and Mining Inspection Body, in the manner prescribed by the Armenian legislation.***

Armenian Law on Lake Sevan, in particular, Article 28 of the Law, does not provide clear regulations on the rights and especially responsibilities of the economic entities operating in the immediate impact zone of Lake Sevan related to the protection of the ecosystem, prevention of emissions and biological pollutions.

Taking into account the meaningful role and significance of the entities engaged in economic activities in the immediate impact zone of Lake Sevan, there is a need to make certain regulatory actions in this regard.

***Based on the foregoing, it is recommended supplementing Article 28 of the RA Law on Lake Sevan with Sections 3 and 4 as follows:***

***“3. Entities engaged in economic activity in the immediate impact zone of Lake Sevan shall be obliged to insure their liability in case of accidental or gradual pollution of the environment and its components caused by their activities.***

***4. The insurance requirement shall be mandatory for all those economic entities that perform specific hazardous activities defined by the Armenian Law on Environmental Impact Assessment and Expertise”.***

A special and crucial role in the management of the Lake Sevan ecosystem is played by the state non-profit organization “Sevan National Park”, which is a globally and nationally significant specially protected area of Lake Sevan representing ecological, scientific, historical and cultural, aesthetic and recreational values. It should be noted that legal arrangements related to both all specially protected nature areas and the Sevan National Park are regulated by the Armenian Law on Specially Protected Nature Areas.

However, it is noteworthy that in the legal relationship on the management of the Lake Sevan ecosystem, the state non-profit organization “Sevan National Park” is considered a specific entity entrusted with many functions aimed at preserving the Lake Sevan ecosystem. Not only the functions, but also the objectives of the national park are set by Government Decree №927-N of May 30, 2002 “On Approving the Charter of the Sevan National Park”.

Notably, the RA Law on Lake Sevan does not provide for any regulation on the Sevan National Park, which at the legislative level seemingly breaks the possible relationship that should have fairly been between the management processes of Lake Sevan and the Sevan National Park.

***Based on the foregoing, it is suggested making an addition to the Armenian Law on Lake Sevan, in particular, supplementing the law with Article 18.1 with the following title and content:***

***Article 18.1. Sevan National Park***

- 1. Sevan National Park is a specially protected nature area established for the purpose of conservation, restoration and reproduction of the Lake Sevan ecosystem.***
- 2. The activities of the Sevan National Park shall be aimed at ensuring the normal development of the aquatic and terrestrial natural ecosystems of the Lake Sevan basin, as well as conservation of the landscape and biological diversity, natural, historical and cultural monuments.***
- 3. The objectives and functions of the Sevan National Park shall be defined by the charter of the Sevan National Park, which shall be approved by the Government.***

Comprehensive review of the Armenian Law on Lake Sevan indicates that over the years, many legislative regulations do not comply with the related sectoral laws, in particular, in terms of terminology. In addition, the rules of the legislative technique used in the law can long be treated “outdated”, which can lead to problematic situations in terms of making amendments to that law,



based on the current legal regulations related to the legislative technique of the Armenian Law “On Normative Legal Acts” and the requirements arising therefrom.

Taking into account the scope of legislative recommendations in this document on making amendments to the RA Law on Lake Sevan, as well as not excluding the need for the implementation of the institutional recommendations made in other documents and analytical works, it is quite legitimate to consider the need for comprehensive amendments to the Armenian Law on Lake Sevan.

***Based on the above, it is suggested that the Ministry of Environment of the Republic of Armenia redrafts the Law on Lake Sevan with new wording.***

### **Water Code of the Republic of Armenia**

The next legislative instrument defining the legal relationship in the management of the Lake Sevan ecosystem is the Water Code of the Republic of Armenia adopted on June 4, 2002. Article 2 of the Code defines the regulations related to the water legislation of the Republic of Armenia, Section 2 of which stipulates that the issues of management and protection of Lake Sevan shall be regulated by law. That is, in terms of the legal relationship in management and protection of Lake Sevan, the RA Water Code has indirectly referred to the Armenian Law on Lake Sevan.

However, to identify the connection between the legal regulations set by the RA Water Code and the processes of the Lake Sevan management, in this context, several articles should be referred to that are directly and indirectly related to the Lake Sevan ecosystem management processes.

First of all, it is worth looking at Article 1 of the RA Water Code, which defines the basic concepts and their meanings used in the Code. Many of these concepts are applicable in the context of the Lake Sevan ecosystem management policy and create their own direct link between the processes of the Lake Sevan ecosystem management processes and the scope of regulation of the RA Water Code.

Article 30.1 of the RA Water Code defines the cases of refusal to issue a water use permit and the associated legal relations. According to Section 2 Item 2 of the mentioned article, small hydropower plants shall be built in the central and immediate direct impact zones of Lake Sevan.

Other regulations related to the Lake Sevan ecosystem management are not defined by the RA Water Code. Meanwhile, it should be noted that the RA Water Code is aimed at regulating complex relations of the water sector, that is, including specific relations regarding Lake Sevan as an object of water relations.

Sevan, being the lake with the largest water reserves of the Republic of Armenia, at the same time, as the strategic freshwater treasury of the Republic of Armenia, a separate article in the RA Water

Code should have been dedicated to water relations relevant to Lake Sevan, at least defining the basic provisions from which regulations defined or to be defined by Armenian national legislation would arise.

***Based on the foregoing, it is recommended supplementing the RA Water Code with Article 4.1 with the following title and content:***

***Fundamental provisions on the management of Lake Sevan***

- 1. Lake Sevan is a strategic object of the national water reserve of the Republic of Armenia.***
- 2. Issues related to the management and protection of Lake Sevan shall be regulated by the Law of the Republic of Armenia on Lake Sevan and other legal acts.***

<b>RA Law on the approval of the annual and integrated actions plan for the restoration, conservation, reproduction and use of the Lake Sevan ecosystem</b>
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The next legislative act defining the legal relationship in the management of the Lake Sevan ecosystem is the RA Law “On the approval of the annual and integrated actions plan for restoration, conservation, reproduction and use of the Lake Sevan ecosystem” approved on December 14, 2001. This law stems from the RA Law on Lake Sevan, in particular, from the provisions of Article 12 of that law.

In the Armenian Law “On the approval of the annual and integrated actions plan for the restoration, conservation, reproduction and use of the Lake Sevan ecosystem”, the Government and the National Assembly annually approve the annual and comprehensive programs of measures for the restoration, conservation, reproduction and use of the Lake Sevan ecosystem by making additions every year, as necessary. The latest additions in this regard were made in 2017, 2018 and 2021.

According to the annex to the RA Law “On the approval of the annual and integrated actions plan for the restoration, conservation, reproduction and use of the Lake Sevan ecosystem”, the integrated annual programs have the following structure:

- ✓ Introduction;
- ✓ Goals and objectives of the integrated plan for restoration, conservation, reproduction and use of the Lake Sevan ecosystem;
- ✓ Report on the water resources, fauna and flora, ecological subsystems of Lake Sevan and its catchment basin;
- ✓ Actions and measures of the program;
- ✓ Expected outcome;
- ✓ Setting of limits for the use of water resources and bioresources;

✓ Program monitoring and oversight.

The Ministry of Environment of the Republic of Armenia, as an authorized state body in the environmental sector, is in charge for the implementation of the integrated and annual actions plans for restoration, conservation, reproduction and use of the Lake Sevan ecosystem. At the same time, it is the Ministry that monitors the implementation of the integrated and annual programs.

Releases of water from Lake Sevan in the amount exceeding the maximum annual limits (170 million m<sup>3</sup>) set by Paragraph 6.1 of the program approved by the Armenian Law “On the approval of the annual and integrated actions plan for the restoration, conservation, reproduction and use of the Lake Sevan ecosystem” shall be carried out by relevant Government decrees, based on the forward-looking recommendations submitted by the authorized state body of water systems management.

At the same time, the RA Law “On the approval of the annual and integrated actions plan for the restoration, conservation, reproduction and use of the Lake Sevan ecosystem” stipulates that during the operation of complex annual programs the Lake Sevan conservation expert committee shall conduct expert surveys, the results of which shall be submitted to the Government and the National Assembly.

In the context of the above, the following can be stated that, in contrast to the interim program on changing the maximum annual limit for releases from Lake Sevan, which is provided for by Annex 6 to Armenian Law “On the approval of the annual and integrated actions plan for the restoration, conservation, reproduction and use of the Lake Sevan ecosystem”, the oversight in the annual and integrated programs is rather “weak”.

Section 7 of the Program defines the legal relationship in the monitoring and control. According to the regulations of this section, the implementation of the integrated annual programs shall be controlled by RA National Assembly, and the control and monitoring of the financial expenditure shall be exercised by the Armenian legislation, in accordance with the budgetary expenditure monitoring and control procedures.

The implementation of the integrated annual programs by the National Assembly can, in fact, be exercised by parliamentary oversight, which does not have all the possible tools that will create real preconditions for organizing and implementing proper control.

According to the constitutional law “On the Rules of Procedure of the National Assembly”, the parliamentary oversight is exercised by the standing committees, however, the review and analysis of Section 5 of this law indicates that there are no substantive and real legislative tools established for the National Assembly that will enable the legislator to really and objectively monitor, for example, the implementation of the annual and integrated actions plans for restoration, conservation, reproduction and use of the Lake Sevan ecosystem.

***Based on the foregoing and taking into account the fact that the RA Ministry of Environment is the programs monitoring body, it is recommended making an addition to Section 3 of Annex 7 entitled “Annual and Integrated Actions Plan for Restoration, Conservation, Reproduction and Use of the Lake Sevan ecosystem” to Armenian Law “On the approval of the annual and integrated actions plan for the restoration, conservation, reproduction and use of the Lake Sevan ecosystem”, in particular, adding the words “and “the Ministry of Environment” after the wording “the National Assembly”.***

It should also be noted that the monitoring mechanism established in Chapter 7 of the Armenian Law “On the approval of the annual and integrated actions plan for the restoration, conservation, reproduction and use of the Lake Sevan ecosystem” does not provide clear criteria for monitoring, as well as the need and procedure for making certain changes based on its findings.

***Based on the above, it is recommended making an addition to Section 2 of Annex 7 entitled “Annual and Integrated Actions Plan for Restoration, Conservation, Reproduction and Use of the Lake Sevan ecosystem” to Armenian Law “On the approval of the annual and integrated actions plan for the restoration, conservation, reproduction and use of the Lake Sevan ecosystem” reading as follows: “The monitoring procedure, terms and methodology shall be approved by a Government decree”.***

#### **RA Law on the Fundamental Provisions of National Water Policy**

The next legislative act defining the legal relationship in the management of the Lake Sevan ecosystem is the RA Law “On the Fundamental Provisions of the National Water Policy” adopted on May 3, 2005.

Article 2, which is the scope of the law, enshrines the fundamental provisions of the national water policy in the following areas:

- ⇒ Sustainable management of water resources;
- ⇒ Priorities for the use and conservation of water resources;
- ⇒ Water resources inventory and assessment;
- ⇒ Formation of demand and supply of water resources;
- ⇒ Basin management relations.

The above aspects of the fundamental provisions of the national water policy stem from the regulations of Article 15 of the RA Water Code.

Article 6 of RA Law “On Fundamental Provisions of National Water Policy” defining the principles of the national water policy is noteworthy in terms of the Lake Sevan ecosystem management processes. According to Section 1 Item 9 of this article, preservation and restoration of Lake Sevan

as a social, economic, ecological value and cultural heritage of nature shall be considered as a principle of ensuring national water policy.

The hypothesis that the Armenian Law “On the Fundamental Provisions of National Water Policy” sets out main guidelines that should be the basis for the elaboration of the Armenian water legislation, including laws and regulations related to the Lake Sevan ecosystem management, could be rightfully put forward. Yes, the Armenian Law on Lake Sevan has established the basic principles (which are six) of the state policy for restoration, conservation, reproduction, normal development and use of the Lake Sevan ecosystem, but the principle on Lake Sevan defined by Article 6 of RA Law “On Fundamental Provisions of National Water Policy” is missing from these principles.

It should be noted that the RA Law on Lake Sevan was adopted earlier than the RA Law “On the Fundamental Provisions of National Water Policy”, which may be one of the reasons for the inconsistency of these principles.

Emphasizing the role and significance of the RA Law “On Fundamental Provisions of National Water Policy” in water relations in general, as well as analyzing the entire logic of the principle of management of the Lake Sevan ecosystem established in this law, it can be stated that it could find its place in the law defining the fundamental relations of the Lake Sevan ecosystem management.

***Based on the foregoing, it is recommended, based on the regulation of Article 6 Section 1 Item 9 of the Armenian Law “On Fundamental Provisions of National Water Policy”, supplementing Article 11 Section 1 of the RA Law on Lake Sevan with Subparagraph (g) “Preservation and restoration of Lake Sevan as a social, economic, ecological value and cultural heritage of nature”.***

At the same time, making a comparative legal analysis between the RA Water Code and RA Law “On Fundamental Provisions of National Water Policy”, it can be stated that the fundamental provisions, in particular:

- Objectives of the national water policy;
- Principles of the national water policy;
- Principles of water resources management;
- Principles of national water program development;
- Priorities for the use and conservation of water resources;
- Principles of strategic management of water resources;

could be fully incorporated in the scope of the Armenian Water Code, further strengthening the principal basis of the legal relations defined by the Code. ***In this regard, it is recommended considering the expediency of invalidating the RA Law on Fundamental Provisions of National Water Policy and the legal necessity of defining under RA Water Code the legal regulations defined in this law.***

### RA Law “On National Water Program of the Republic of Armenia”

Legislative regulations on the management of the Lake Sevan ecosystem are also provided for by the RA Law “On the National Water Program of the Republic of Armenia”, adopted on November 27, 2006. This law regulates the relations on the definition and implementation of the national water program of the Republic of Armenia, including:

Assessments of the national water resources, strategic water resources, usable water resources, water supply and demand, main problems and prospects of conservation and development in water sector, national water program implementation arrangements based on the preconditions of water constraints, also waters being one of the main means for human life and health protection, wildlife conservation and ensuing its availability.

Article 7 of the Armenian Law “On the National Water Program of the Republic of Armenia” defines the concept of strategic water resources, according to which the strategic water resources is the quality and quantities of water required to meet the basic needs of people in emergency situations (drought, ecological disasters, energy crisis, etc.) and to ensure the conservation of aquatic ecosystems.

According to Section 2 of the above article, the strategic water resources can be increased by accumulating some of the usable water resources in Lake Sevan or in newly constructed reservoirs. At the same time, it should be noted that in this article the legislator has defined the framework of the strategic water resources, in particular defining the following:

“The strategic water resources ***include the increase in the volume of Lake Sevan after January 1, 2005***, the potentially usable portion of the dead-storage capacity of the reservoirs, the usable portion of the lakes (except for Lake Sevan), groundwater runoffs”. The analysis of this legal provision shows that any stable increase in the level of Lake Sevan shall be considered or viewed as strategic water resources.

Therefore, the policy pursued by the State for conservation, restoration and reproduction of the Lake Sevan ecosystem should be aimed at increasing the volume of the strategic water resources, which in turn will solve many tasks of the national water policy.

At the same time, besides being strategic water resources, Lake Sevan is considered a national water resource, as evidenced by Article 8 Section 3 of the RA Law “On National Water Program of the Republic of Armenia”, according to which the national water resource includes the volume of lakes (*including the volume of Lake Sevan as of January 1, 2005*), deep groundwater resources and glaciers before their melting.

The annex to the RA Law “On National Water Program of the Republic of Armenia” provides the phased action plan for the implementation of the national water program, where the column entitled “Implementation of the Lake Sevan action plan” contains the following actions:

- ⇒ Revision and improvement of the annual and integrated actions plan for the restoration, conservation, reproduction and use of the Lake Sevan ecosystem.
- ⇒ Implementation of the Lake Sevan action plan by a special interdepartmental commission.
- ⇒ Continuing implementation of the Lake Sevan action plan. Monitoring and assessment of the impact of the implementation of the plan on Lake Sevan to ensure the effectiveness of the implementation of the plan.
- ⇒ Finalizing the Lake Sevan management plan.

The conducted research does not, in any case, enable to demonstrate the findings and outcomes of the actions provided for in the annex to the RA Law “On National Water Program of the Republic of Armenia”.

***Based on the foregoing, it is suggested that the Ministry of Environment of the Republic of Armenia consider the expediency of finalizing, improving or amending the actions for Lake Sevan envisaged by the appendix to the Armenian Law “On National Water Program of the Republic of Armenia” in line with the tasks assigned to the Ministry, concerning the problems of Lake Sevan.***

#### RA Law “On Flora”

The next legislative act defining the legal relationship in the management of the Lake Sevan ecosystem is the Armenian Law “On Flora”, adopted on November 23, 1999. This law defines the concept of an ecosystem, in particular, Article 1 of the law stipulates that the ecosystem is the integrity of relationship between plants, animals, microorganisms and their living conditions.

The analysis of the scope of the RA Law “On Flora” allows to state that the objectives of the legislation on flora equally apply to the policy of conservation and management of the Lake Sevan ecosystem. Thus, the first paragraph of Article 3 of this law defines that the legislation regulating the conservation and use of flora in the Republic of Armenia provides for the prevention of the negative human impact on the diversity of plant species (flora) and their communities, habitats and the balance of the ecosystems.

At the same time, the second paragraph of Article 3 of the RA Law on Flora defines the objectives of the legislation on flora of the Republic of Armenia. They are as follows:

The objectives of the legislation on flora of the Republic of Armenia are: a) Provision of quality and quantity improvement of the flora, its gene pool and protection of the growing areas; b) The

scientifically motivated provision of contiguous use and reproduction; c) Regulation of relations concerning the use of flora; d) The protection of rights and enforcement of responsibilities of the flora users in the spheres of flora protection and use:

- Ensuring quantitative and qualitative support of flora, diversity of its gene pool, and habitats,
- Science-based support of contiguous use and reproduction of flora
- Protection of users' rights and fulfillment of obligations for conservation and use of flora.

Lake Sevan, along with its inherent ecosystem, is considered an object of conservation and use of flora, therefore, the legal regulations of the RA Law "On Flora" relating to the conservation, protection, use and reproduction of the flora apply also to the Lake Sevan ecosystem management processes and the legal relations arising therefrom.

The Armenian Law "On Flora" has set out powers for the Government, the authorized state body, territorial administrations and local self-governments in conservation, protection, use and reproduction of the flora.

Article 8 of the RA Law "On Flora" defines the competencies of local governments in conservation, protection, use and reproduction of the flora in the Republic of Armenia, according to which the competences of the local governments in this area shall be set out by the RA Law "On Local Self-Governance".

#### **RA Law "On Local Self-Governance"**

A comparative legal analysis was undertaken based on the above legislative regulation, in particular, in the articles specifying the mandatory objectives of the community set by the Armenian Law "On Local Self-Governance", and the powers of the community head in environmental protection. Important law enforcement issues were identified as a result of the analysis.

Thus, environmental protection in the community, including promotion of environmental education in the community, is considered one of the mandatory objectives of the community, based on the regulation of Article 12 Section 1 Item 14 of the RA Law "On Local Self-Governance". At the same time, Article 51 of the same law sets out the powers of the community head in environmental protection, which stipulates the following:

1. In environmental protection, the community head shall exercise the following powers:
  - 1) Organize conservation of the community-owned lands, and specially protected nature areas and community forests located on these lands.



2. In environmental protection, the community head shall exercise the following powers delegated by the State:

- 1) Exercise control over the implementation of environmental measures in the community-owned lands in the manner prescribed by law,
- 2) Ensure protection of lands against landslides, floods, swamping, pollution by chemical, radioactive substances, industrial and household waste.

The analysis of the relevant legal provisions of the Armenian Law “On Local Self-Governance” shows that the community head does not have any other power in conservation, protection, use and reproduction of the flora than the protection of the community forests (there aren’t any yet: the stands planted in individual communities are not yet classified as forest). Therefore, the question arises what the subject of Article 8 of the RA Law “On Flora” is, which directly refers to the Armenian Law “On Local Self-Governance”, according to which no powers are assigned to the municipal authorities in this area.

***Based on the above, it is recommended either invalidating Article 8 of the RA Law “On Flora” entitled “Competencies of local self-government bodies in conservation, protection, use and reproduction of the flora in the Republic of Armenia”, or making appropriate amendments to Article 51 of RA Law “On Local Self-Governance” in line with its current regulation, providing for power or powers in conservation, protection, use and reproduction of the flora.***

The ecosystem of Lake Sevan is also considered an object of state monitoring of the flora. According to Article 12 of the Armenian Law “On Flora”, state monitoring of flora is carried out for organizing the conservation and permanent use of the flora. Plant habitats and the state of ecosystem are monitored as well.

The state monitoring of the Lake Sevan ecosystem is carried out by the Ministry of Environment of the Republic of Armenia, based on the competence of the state body authorized by Subparagraph (g) of Section 1 of Article 6 of the RA Law on Flora.

#### **RA Law “On Fauna”**

The review of the RA Law “On Fauna” shows that the same problem exists between the RA Law “On Fauna” and the RA Law “On Local Self-Governance”. Thus, Article 8 of the RA Law “On Fauna” defines the competencies of local self-government bodies in conservation, protection, use and reproduction of the wildlife in the Republic of Armenia shall be set out by the RA Law “On Local Self-Governance”.

The analysis of the relevant legal provisions of the Armenian Law “On Local Self-Governance” shows that the community head does not have any other power in conservation, protection, use and reproduction of the fauna. Therefore, the reference stipulated in Article 8 of the RA Law “On Fauna” cannot lead to any legal consequences.

***Based on the above, it is recommended either invalidating Article 8 of the RA Law “On Fauna” entitled “Competencies of local self-government bodies in conservation, protection, use and reproduction of the wildlife in the Republic of Armenia”, or making appropriate amendments to Article 51 of RA Law “On Local Self-Governance” in line with its current regulation, providing for power or powers in conservation, protection, use and reproduction of the wildlife.***

#### **4. RULES OF INTERNATIONAL LAW ON THE LAKE SEVAN ECOSYSTEM MANAGEMENT PROCESSES. COMPARATIVE LEGAL ANALYSIS OF THE ARMENIAN LEGISLATION AND THE RULES OF INTERNATIONAL LAW ON THE LAKE SEVAN ECOSYSTEM MANAGEMENT**

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The elaboration of this chapter was based on the review of the rules of bilateral (in particular, the CEPA agreement) and multilateral international treaties ratified by the Republic of Armenia. The scope of the conventions and the protocols thereof, charters, international treaties, as well as other hard and soft norms of international law adopted in various domains have been thoroughly analyzed. The main regulations that should have been or should be laid down as a guideline in the basis of the policy pursued by the Republic of Armenia aimed at the management of the Lake Sevan ecosystem were inventoried and presented.

Emphasizing the objective of compliance with national and supranational laws as a fundamental principle for the document being developed, a comparative legal analysis was performed in this chapter, based on the reviews and analyses carried out in sections 2 and 3 thereof.

The comparative legal analysis between the Armenian legislation and the rules of international law regulating the processes of the Lake Sevan ecosystem management will allow to document the level of fulfillment of obligations institutionally undertaken by the Republic of Armenia, at the same time, it can become the basis for clear conclusions, which in turn led to drawing up recommendations for legislative amendments in this report.

The legal comparative analysis has identified legal regulations defined by national legislation or by-laws, which by their nature contradict or do not fully ensure the implementation of the international treaties ratified by the Republic of Armenia. At the same time, the analysis of this chapter has identified the regulations of international law that were not implemented within the framework of the national legislation.

The rules of international law are the set of rules of conduct adopted between states, nations and organizations. The rules of international law differ from national legal systems in that international law has nothing to do with individuals or legal entities, instead, it establishes mechanisms and, as a result, controls the relations between organizations and states.

The rules of international law are, in fact, aimed at ensuring the stability of government and public relations.

In addition to the national legislative regulations aimed at conservation and management of the ecosystem, including the ecosystem of Lake Sevan, there are also regulations established by rules of international law that have been ratified by the Republic of Armenia and have the highest legal force in the context of regulation of these relations.

The Republic of Armenia is a signatory to more than twenty global and regional international environmental agreements and protocols<sup>2</sup> that address the issues of environmental protection and sustainable nature use in various aspects. In addition to legally binding documents, “soft” rules of international law are also important, such as Agenda 21 and Sustainable Development Goals (SDGs), which together with the former have a significant impact on the formation and development of Armenian national policy and legislation in the areas under review.

The rules and sources of international law that have been ratified by the Parliament (National Assembly) of Armenia are part of the national policy on specially protected nature areas, ecosystem management, biodiversity conservation and environmental protection. Among the international treaties of the Republic of Armenia, the following should be mentioned in particular:

- United Nations Convention on Biological Diversity (Rio de Janeiro, 1992)
- Convention for the Protection of World Cultural and Natural Heritage (Paris, 1972)
- Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 1979)
- European Landscape Convention (Florence, 2000)
- Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 1979)
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (Washington, 1979)
- Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar, 1971)
- United Nations Convention to Combat Desertification (Paris, 1994)
- United Nations Framework Convention on Climate Change (New York, 1992)
- Paris Agreement (Paris, 2015)
- UNECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991)
- UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus, 1998)
- Protocol on Strategic Environmental Assessment (Kyiv, 2003)

The legal regulations provided for by the above-mentioned international treaties were partially or completely acceptable for the Republic of Armenia, as a result of which they were ratified and entered into force in accordance with our legislation.

The main objectives of the United Nations Convention on Biological Diversity (Rio de Janeiro, 1992) are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.

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<sup>2</sup> <http://env.am/storage/files/tab-arm-large.pdf>

Article 2 of the Convention defines the concepts, including the concept of biodiversity. According to this article, “Biological diversity” means the variability among living organisms, including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part”.

How the provisions of ratified international treaties are reflected in the national policy and legislation can be clearly seen in the example of the process of climate change adaptation. Thus, the conservation and sustainable use of the Lake Sevan ecosystem are particularly important in the context of climate change, as it is expected that as a result of increased annual average temperatures, Armenia’s water resources will be particularly vulnerable to these impacts, which, in turn, will inevitably affect human life, as well as different branches of economy.

Consequently, a process of national adaptation planning has been initiated under the UN Framework Convention on Climate to meet the medium- and long-term adaptation needs. The process was launched in 2010 under the Cancun Adaptation Framework at the 16<sup>th</sup> Conference of the Parties to the UNFCCC, and its targets were specified under the 2015 Paris Agreement.

Armenia ratified the Paris Agreement on February 8, 2017, and as a developing country it assumed quantified greenhouse gas emission limitation commitments Under the Paris Agreement, Armenia’s position is formulated by RA Government Decree №610-L of April 22<sup>nd</sup> 2021 “On Approval of the Nationally Determined Contribution 2021-2030 of the Republic of Armenia to Paris Agreement”, which sets clear targets for reducing GHG emission, including through afforestation and reforestation, stipulating that by 2030, forested areas should make up 12.9% of Armenia’s territory.

Both this decree and RA Government Decree №749-L of May 13<sup>th</sup> 2021 “On approval of the National Action Program of Adaptation to Climate Change and the List of Measures for 2021-2025”, taking into account the local specifics, define the following priority areas in terms of adaptation and mitigation of climate change: natural ecosystems, water management, agriculture, energy, healthcare, development of settlements and tourism. In this context, the action plan the mentioned decree provides for integration of climate change considerations into the Sevan National Park management plan and relevant adaptation measures by 2023.

At this stage, the Armenia-EU cooperation agenda is based on the Comprehensive and Enhanced Partnership Agreement signed between the Republic of Armenia and the EU and the European Atomic Energy Community and their member states (2017).

Chapter 3 of Comprehensive and Enhanced Partnership Agreement entirely refers to the environment. According to Article 46 Paragraph 1, the cooperation shall aim at:

- ⇒ environment conservation,
- ⇒ protection,
- ⇒ improvement and rehabilitation
- ⇒ human health protection

⇒ sustainable utilization of natural resources and promoting measures at international level to address regional or global environmental problems.

The Agreement specifies the areas of the actions taken at international level for sustainable use of natural resources and regional or global environmental problems. They are as follows:

- environmental governance and horizontal issues, including strategic planning, environmental impact assessment and strategic environmental assessment, education and training, monitoring and environmental information systems, inspection and enforcement, environmental liability, combating environmental crime, transboundary cooperation, public access to environmental information, decision-making processes, and effective administrative and judicial review procedures;
- air quality;
- water quality and resource management, including flood-risk management, water scarcity and droughts;
- nature protection, including forestry and conservation of biological diversity;
- industrial pollution and industrial hazards;
- chemicals management.

The Comprehensive and Enhanced Partnership Agreement, in fact, sets out the thematic priorities of actions that will contribute to or result from the implementation of the commitments undertaken by Armenia under this agreement. It is noteworthy that this agreement encourages the implementation of environmental protection policies also in the context of other sectoral policies, in particular, Section 2 of Article 46 stipulates that the cooperation shall also aim at integrating the environmental protection into other sectoral policies in addition to environmental policy.

In the context of the above, it can be stated that this institutional and practical culture has not yet been formed in Armenia, and there is always a tendency that the directions or approaches of the environmental policy should be implemented within the framework of the state environmental policy pursued by the state. A remarkable example of this is the analysis of Section 1.3 of this paper relating to local government policy. This provision of the Comprehensive and Enhanced Partnership Agreement suggests that a comprehensive policy should be developed and implemented in the areas of environmental protection, restoration and reproduction, which should include other sectoral policy components in addition to environmental policy, such as, for example, land policy, territorial administration policy, local governance policy, etc.

***Based on the foregoing, it is suggested that the Ministry of Environment of the Republic of Armenia develops a comprehensive policy on the environment, in general, including the policy of the Lake Sevan ecosystem management, involving all interested public administration, territorial administration and local self-government bodies in the implementation of this policy. At the***

***same time, during the development of this policy at the legislative level, also consider the definition of possible legislative mechanisms in other sectoral laws.***

Article 48 of the Comprehensive and Enhanced Partnership Agreement defines the objectives of the cooperation as follows:

- ✓ development of a general national environmental strategy for the Republic of Armenia, covering planned institutional reforms (with timetables) to enable ensuring implementation and enforcement of the environmental legislation;
- ✓ division of competences for environmental administration at national, regional and community levels;
- ✓ procedures for decision-making and execution of decisions;
- ✓ procedures for promoting the process of integration of the environmental protection into other sectoral policies;
- ✓ promoting green economy measures and eco-innovation, identification of necessary human and financial resources and oversight mechanisms.

The first of the above-listed objectives deserves attention, which directly provides for a commitment for the Republic of Armenia to develop a general national environmental strategy in Armenia, which should cover planned institutional reforms (with timetables) for ensuring implementation and enforcement of the environmental legislation.

In the list of the objectives mentioned above, the second objective can be considered separately, which provides for the division of competences for environmental administration at national, regional and community levels. The essence of this goal that, for example, many structures are involved in the Lake Sevan ecosystem management processes, for whom the national legislation of the Republic of Armenia defines powers or competences, however, as research shows, in many cases the powers granted to these bodies are repeated, they are identical. They either do not balance the realization of legal relations assumed by their implementation, or they are distributed in a manner that it is not possible to achieve the true objective of the policy.

***In the view of the above, it is recommended fully revising those articles of the laws regulating the legal relations of the Lake Sevan ecosystem management, which specify competence or powers for the Government, the authorized state body, its territorial subdivisions, regional administrations and local self-government bodies. In the case of such an initiative, it will be possible to ensure the principle of exclusivity of powers, as well as to increase the level of efficiency of the Lake Sevan ecosystem management.***

It should also be noted that Article 48 of the Comprehensive and Enhanced Partnership Agreement stipulates that the Republic of Armenia must develop sector-specific other strategies that must include clearly defined timetable and milestones for the actions, mechanisms of administrative responsibility, etc.

These sectoral strategies should be developed in the following thematic areas:

- ⇒ air quality
- ⇒ water quality and resource management
- ⇒ waste management
- ⇒ biodiversity conservation, nature protection and forestry
- ⇒ industrial pollution and industrial hazards, and chemicals

It should be noted that out of the mentioned sectoral strategies, only the waste management strategy has been developed and adopted recently, namely, Municipal Solid Waste Management System Development Strategy in the Republic of Armenia for 2017-2036, which was adopted by the Government Protocol Decision №49 of December 8<sup>th</sup> 2016. The other sector-specific strategies set out in Article 48 of the Comprehensive Enhanced Partnership Agreement have not been developed and adopted.

The roadmap for the enforcement of the Agreement (RA Prime Minister's Decision №666-L of June 1, 2019) provides for clearly defined actions aimed at developing policies and legal framework in line with EU legislation in energy cooperation (Annex 2, Chapter 2), environmental protection (Annex 2, Section 5), climate change mitigation and adaptation and in a number of related areas, and in some cases, at building appropriate infrastructure and capacity.

These activities are funded by the EU TAIEX (Technical Assistance and Information Exchange instrument), TWINNING (EU instrument for institutional cooperation between public administrations of EU member states and of beneficiary or partner countries), EU4Climate, EU4Environment, Horizon2020, and a number of other sources.

The implementation of the commitments defined in the mentioned areas involves both intensive law-making work and development of appropriate sector-specific and intersectoral policies and strategies that will guide the necessary developments. Currently, a number of projects have already been launched.

In the context of fulfillment of the obligations of the Republic of Armenia arising from environmental conventions and agreements, it should be noted that the transparency and publicity of the implementation of the obligations is not fully ensured. In particular, neither the Government (as the body coordinating the implementation of the Armenia-EU Agreement) nor the ME (Ministry of Environment) official websites contain reports in recent years on the fulfillment of the obligations arising from the CEPA agreement and ratified environmental agreements, respectively.

***Based on the foregoing, it is suggested that in the context of Article 48 of the Comprehensive and Enhanced Partnership Agreement, the RA Ministry of Environment considers the expediency of revision of the Government Protocol Decision of March 22, 2018 "On approving the Strategy and Action Plan for Environmental Protection and Utilization of Natural Resources".***



## **5. POWERS, HIERARCHY AND RELATIONSHIPS OF PUBLIC ADMINISTRATION, TERRITORIAL ADMINISTRATION AUTHORITIES AND OTHER ORGANIZATIONS INVOLVED IN THE LAKE SEVAN ECOSYSTEM MANAGEMENT PROCESSES**

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The scope of authorities and functions prescribed in laws and assigned to the government agencies, state administration, territorial administration authorities and organizations subordinated to or coordinated by these bodies involved in the processes of management of the Lake Sevan ecosystem were reviewed in this section.

The hierarchy of these bodies by powers was analyzed and inventoried. The scope of analogous or uniform authorities and functions assigned to various bodies that contradict the constitutional principle of exclusivity of powers, has been identified.

The legal regulations defining the relationships of government agencies, state administration, territorial administration authorities and organizations subordinated to or coordinated by these bodies involved in the Lake Sevan ecosystem management processes were analyzed. The above was done with a focus on the analysis of the powers involving cooperation, administrative, organization, monitoring and oversight relationships.

In the context of the above, the relevant conclusions were drawn up, based on which institutional recommendations will be made in the section entitled “Conclusions and Recommendations”.

The complex review of the national legislation of the Republic of Armenia that regulates the legal relations in the management of the Lake Sevan ecosystem shows that the following bodies and organizations are involved in the management of the Lake Sevan ecosystem:

- ⇒ RA Government
- ⇒ RA Ministry of Environment
- ⇒ RA Ministry of Territorial Administration and Infrastructure
- ⇒ State non-profit organization “Sevan National Park”
- ⇒ Environmental and Mining Inspection Body
- ⇒ Territorial administration authorities (governor and regional administration)
- ⇒ Local self-government bodies of the communities located in the immediate impact zone of Lake Sevan
- ⇒ Expert Commission for Protection of Lake Sevan

***For the summary about the bodies and organizations involved in the management of the Lake Sevan ecosystem, their powers and legal frameworks, see Appendix 2.***

From the contents of Appendix 2 it becomes clear that five agencies are endowed with different powers in this area, but in many cases they are not interconnected, which does not allow to legislatively and in practice ensure the effectiveness of the implementation of the objectives arising from these powers.

Sevan National Park SNCO is one of the main actors in the conservation of the Lake Sevan ecosystem, which, however, after the comprehensive review of the legislation, appears not to have substantive powers or functions. Thus, the Armenian Law on Specially Protected Nature Areas does not define the powers of organizations with different organizational and legal status of specially protected nature areas, it defines exclusively the objectives and goals set exclusively for these organization, as well as their specifics.

As already truly stated in this document, the Armenian Law on Lake Sevan does not specify any powers, competences or functions for the State non-profit organization “Sevan National Park”. The last source, which in fact was supposed to regulate this problem, is the Government Decree №927-N of May 30, 2002, which defines the charter of Sevan National Park SNCO.

However, based on the review of the above-mentioned by-law, it can be concluded that, unlike other similar case decisions, this Government decree does not set out functions for Sevan National Park, or at least for its executive board. In this context, the question arises, among several dozens of powers assigned to many other agencies by the laws of the Republic of Armenia, why the state non-profit organization “Sevan National Park”, as the main policy-making organization in the Lake Sevan ecosystem management, does not have legal powers and functions.

Based on this conclusion, it is possible to answer many questions related to the implementation of the state policy on the management of the Lake Sevan ecosystem. It turns out that the State, represented by the Government and the Ministry of Environment, is developing a policy in this area, and the territorial administration authorities, Sevan National Park and the local self-government bodies of the communities located in the immediate impact zone of Lake Sevan are the implementers of this policy.

In the context of the above statement, it should be noted that the national legislation of the Republic of Armenia regulating this sector does not assign effective powers to both territorial administration and local self-government bodies, and the Sevan National Park, as the main implementer of the policy of this sector, does not seem to have been given powers at all. The same problem exists in the process of specifying the hierarchy of the agencies involved in the processes of the Lake Sevan ecosystem management. At first glance, this hierarchy seems clear, but it is reflected only in the sequence of the articles of the laws that specify the relevant powers and competences for these agencies.

It is easier to specify the hierarchy of the agencies involved in the processes of the Lake Sevan ecosystem management, based on the status of these agencies, which results in the following picture of the hierarchy:

- ✓ Government
- ✓ RA Ministry of Environment
- ✓ Environmental and Mining Inspection Body subordinated to the Government
- ✓ Territorial administration authorities

- ✓ State non-profit organization “Sevan National Park” under RA Ministry of Environment
- ✓ Local self-government bodies

Returning to the issue of reserving powers or functions to the Sevan National Park by the legislation, it should be stated that without reservation of these powers, it will not be possible for a policy-making body to identify and understand the problems related to strengthening the effectiveness of the Lake Sevan ecosystem management.

Aiming to institutionalize the activities of the Sevan National Park, one of the main actors in the conservation of the Lake Sevan ecosystem, as well as taking into account the conclusions made in this section, ***it is recommended making an amendment to RA Government Decree №927-N of May 30, 2002 “On approving the charter of the Sevan National Park”, specifying the functions of the Sevan National Park. It is suggested defining these functions based on the legal content of the powers granted to the Government and RA Ministry of Environment by laws.***

At the same time, it is also worthy to consider the fact that in the Armenian laws defining legal relations on the management of the Lake Sevan ecosystem, the territorial administration authorities and municipal local self-government bodies are granted such powers, the nature of implementation of which is described as “supports”. It is difficult to predict the form, method, or the result of exercising of this authority, therefore, the fulfillment of the supposed obligation imposed on these bodies becomes uncertain.

The authority, the effect of which is manifested in the function “supports”, is not only uncertain, but also vulnerable for the performer. Thus, the policy-making body may characterize the power of support by performing various actions, while the implementer, in this case the regional administration or the head of the relevant community, may interpret it in a different way.

***Based on the foregoing and taking into consideration the principle of clarity of definition of legal regulations and rules in normative legal acts, it is recommended amending the relevant articles of the Armenian laws “On Lake Sevan”, “On Flora”, “On Fauna” and “On Specially Protected Nature Areas” that specify the powers of territorial administration authorities, as well as local self-government bodies. In particular, it is suggested clarifying these powers, excluding the use of the term “supports” within the framework of the definition of powers, as well as taking into account the reality of the exercise of the relevant powers by local self-government bodies.***

At the same time, in the context of the above, it should be stated that in practice there are no tools necessary for the exercise of the powers set out by law, and also there is a need to assess the capabilities of the territorial administration and local self-government bodies, whereby it will be possible to identify measures and tools aimed at improving the capacities of these bodies.

Referring to the relationship of the bodies involved in the Lake Sevan ecosystem management processes, it should be noted that the issue of clarification of the powers, sometimes reserving this authority by law to another not targeted body, granting powers to territorial administration and

local self-government bodies on the grounds of vague regulations, does not allow to reasonably determine the relationship of these bodies and the supposed directions thereof. The picture is somewhat different in terms of the Government and RA Ministry of Environment, since these bodies are in charge of policymaking in this area, therefore, they are interconnected and allow to determine both the object and the range of relationship of the executive body and the ministry.

The relationship of the Government's Environmental and Mining Inspection Body with other bodies involved in these processes is more clearly defined. The main reason for this clarity is that according to the RA Law on Inspection Bodies, the RA Law on Environmental Monitoring and RA Prime Minister's Decision №733-L of June 11, 2018 clearly define the status and objectives, powers and functions of the Government's Environmental and Mining Inspection Body, and, of course, the list or the range of the entities with which the inspection body can enter into relations. The relationship between regional administration, the Sevan National Park and the local self-government bodies of the communities located in the immediate impact zone of Lake Sevan is still problematic. The main reason is the imperfection of the relevant powers vested in these bodies by law, which does not allow for a clear understanding or identification of the object or the range of potential relationships between these bodies.

The water basin management authorities are also involved in the management of the Lake Sevan ecosystem. Article 11 of RA Water Code refers to the status and the powers of these authorities, according to which, water basin management authorities shall implement water basin management plans.

Water Basin Management Authorities have the following powers:

- ⇒ Develop water management plans based on national water program and by coordinating the sector and public interest,
- ⇒ Be the link between the Water Resources Management and Protection Body and the community served by the basin,
- ⇒ Inventory the water use permits issued by the Water Resources Management and Protection Body,
- ⇒ Ensure water resources protection,
- ⇒ Ensure that the water use levels do not exceed the permissible limit specified in the water use permit, and submit a report to the Water Resources Management and Protection Body,
- ⇒ Set the intake limits and the schedule upon the approval of the Water Resources Management and Protection Body, as well as implement and monitor the measurement of water intake,
- ⇒ Participate in preparation of long-term water distribution plans among users, setting maximum water supply limits and water supply regime
- ⇒ Draft long-term plans for the management, use and protection of water resources in the basin.

**The Expert Commission for Conservation of Lake Sevan** is among the bodies involved in the Lake Sevan ecosystem management processes.

Chapter 5 of the Armenian Law on Lake Sevan refers to the activities of the Expert Commission for Conservation of Lake Sevan, which defines:

- ⇒ Status of the Commission
- ⇒ Mandates of the Commission
- ⇒ Expert opinions of the Commission

In the context of the provisions of Article 19 of the RA Law on Lake Sevan, a unit called Expert Commission for Conservation of Lake Sevan is established within the structure of RA National Academy of Sciences for the purpose of independent and professional expertise of comprehensive and annual programs (reports), as well as documents prepared by authorized bodies that ensure their enforcement. The Commission shall comprise of 9 members appointed by the NAS President. At the same time, according to the regulation defined by law, an authorized person of the governor of Gegharkunik Region may participate in the activities of the Commission with the right of advisory vote.

The Commission acts according to its charter approved by the NAS Presidium as requested by the Chairman of the Commission. The expenses of the Commission, including the remuneration of the Commission members are financed from the state budget and reflected in the NAS maintenance costs.

***Mandates*** of the Commission:

- ✓ Initial and final expertise of the comprehensive and annual programs (reports), and their enforcement documents, and delivering opinions,
- ✓ Development of relevant recommendations based on the findings of the expertise, and their submission to authorized bodies,
- ✓ May be engaged in the events and discussions on Lake Sevan,
- ✓ Undertaking scientific and expert research,
- ✓ May involve additional experts,
- ✓ Exercising other mandates specified by the charter of the Commission and do not contradict to the applicable law.

According to provisions of Article 20 Section 2 of the RA Law on Lake Sevan, state and local self-government bodies assist the Commission in the activities performed within its powers. According to Article 21 of RA Law on Lake Sevan, the Commission shall give an expert opinion on the comprehensive and annual programs (reports), as well as documents compiled to ensure their enforcement, within one month upon their receipt.

The opinions of the Commission and the protocols shall be sent officially to the President of the Republic of Armenia, National Assembly and the Government within three days. The National Assembly shall discuss the comprehensive and annual programs (reports) if there is the opinion of

the Commission. The Commission's opinion shall be presented by the Chairman of the Commission at the session of the National Assembly. This opinion is discussed in the manner prescribed by the Armenian Law on the Rules of Procedure of the National Assembly of the Republic of Armenia.

The analysis of the existing legislative regulations on the Expert Commission for Conservation of Lake Sevan shows that the Commission is an entity performing professional or expert activities, which does not operate under the jurisdiction of either the Government or the Ministry of Environment of the Republic of Armenia. It is considered to be a unit operating within the National Academy of Sciences of the Republic of Armenia, all the legal relations on the formation or activity of which are defined by the NAS Presidium, within the framework of the charter of the structure.

It should be noted that the Commission apparently replaces the Commission for Lake Sevan Problems, which, however, had the status of an interdepartmental commission and was established by the relevant decree of the President of the Republic of Armenia (RA President's Decree NK-234-N dated December 25, 2008).

In the context of the constitutional amendments in Armenia, the RA President's Decree NK-234-N of December 25, 2008 was voided, in particular, by the RA President's Decree NK-49-N dated 05.04.18.

In fact, the acting Commission for Conservation of Lake Sevan does not include those key stakeholders, who, as policymakers, could and should have been part of the commission, contributing to the effective management of the Lake Sevan ecosystem. This commission can be described as a scientific and professional commission, while the former Commission for Lake Sevan Problems, having the status of an interdepartmental commission, allowed for taking more comprehensive approach to the political processes in this area.

In the context of relationship, the Commission for Conservation of Lake Sevan mainly interacts with the legislature, that is, with the National Assembly, based on the existing legislative requirements for comprehensive and annual programs.

In general, the regulatory mechanisms related to this commission do not create opportunities for ensuring direct connection between the Commission and the executive power, namely the Government and the Ministry of Environment of the Republic of Armenia. The lack of such a connection, or the unlikelihood of possible relationships, in turn, can lead to many negative consequences, particularly in the context of development and implementation of policies in this area.

Taking into account the above, ***it is recommended conducting in-depth review regarding the Expert Commission for Conservation of Lake Sevan, identifying issues related to legislation and by-laws, and trying to consider and, consequently, submitting a recommendation for the formation of a new unit at the interdepartmental level.***

## **6. RELATIONSHIP BETWEEN SEVAN NATIONAL PARK SNCO AND LOCAL SELF-GOVERNMENT BODIES OF THE COMMUNITIES LOCATED IN THE IMMEDIATE IMPACT ZONE OF LAKE SEVAN**

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The above-mentioned bipolar legal research identified the relationship between the state non-profit organization “Sevan National Park” and local self-government bodies of the communities adjacent to Sevan basin at the institutional level, and an attempt will be made to present as part of this the problems arising from law enforcement practice, including potential formats of cooperation.

This section presents the issues related to land relations between the state non-profit organization “Sevan National Park” and adjacent communities of Sevan basin, in particular, emphasizing the issues on the overlapping of lands and management of the lands, which are included in the community balance sheets but belong to Sevan National Park.

When analyzing the relationship between the Sevan National Park and local self-government bodies of the communities located in the immediate impact zone of Lake Sevan, it is first of all necessary to refer to the provisions of the national legislation of the Republic of Armenia specifying legal relations in the management of the Lake Sevan ecosystem, which provide for powers for the local self-government bodies of the communities in this area, and specified regulations presupposing relations between these two bodies.

Thus, Article 11 of the Armenian Law on Specially Protected Nature Areas defines the competences of local self-government bodies in preservation and use of specially protected nature areas in the Republic of Armenia, in which context local self-government bodies of the communities shall:

- ✓ Participate in the development of state programs and management plans related to the Sevan National Park, and implement them within their competence
- ✓ Assist in maintaining the regime of conservation of the Sevan National Park
- ✓ Contribute to raising public awareness of the Sevan National Park, as well as development and implementation of research and educational programs.

The other powers set out for local self-government bodies by Article 11 of the RA Law on Specially Protected Nature Areas relate to locally important specially protected nature areas, therefore they cannot be considered as an object of relationship between the Sevan National Park and local self-government bodies.

The analysis of the quoted provision of law suggests that from the perspective of exercise of powers in practice, there are quite problematic, in particular, in terms of the authority of the local governments to assist in maintaining the regime of conservation of the Sevan National Park. Firstly, it should be noted that there are three types of conservation regime in the territory of the Sevan National Park:

- Reserve zone conservation regime
- Sanctuary zone conservation regime
- Recreational zone conservation regime

According to Article 22 Section 1 of the RA Law on Specially Protected Nature Areas, the conservation of the specially protected areas in accordance with the conservation regimes defined by law in specially protected nature areas of international and national importance shall be undertaken by the **legal entity** that ensures the conservation regime of the given area. This regulation suggests that the state non-profit organization “Sevan National Park” is the legal entity maintaining the regime of conservation of the Sevan National Park.

In fact, it turns out that the local self-government bodies of the communities located in the immediate impact zone of Lake Sevan should assist the state non-profit organization “Sevan National Park” in maintaining the regime of conservation of the Sevan National Park.

From the above analysis, it becomes obvious that, first of all, the municipal government bodies and the Sevan National Park collaborate in organizing and implementing processes that maintain the regime of conservation of the Sevan National Park.

The picture is, of course, different in the law from the enforcement practice, in particular, some communities do not exercise this statutory authority, reasoning that the community’s support for maintaining the regime of conservation of the Sevan National Park is financially impossible due to the lack of appropriate actions or measures using the limited budgetary funds of the community.

Another problem is that from the definition of this authority, it is obvious that it is given to the local government as its own authority, while it could be as an authority delegated by the State, where the State, represented by the Government, would provide the relevant communities with financial resources to exercise the delegated authority.

***Based on the foregoing, it is recommended amending Article 11 Section 1 Item (b) of the RA Law on Specially Protected Nature Areas, in particular, adding the following words at the beginning of the sentence: “as an authority delegated by the State”.***

Regarding the definition of the relationships between the Sevan National Park and local self-government bodies of the communities located in the immediate impact zone of Lake Sevan, the RA Government Decree №205-N of January 18, 2007, which approved the Sevan National Park Management Plan for 2007-2011 (land use pattern), is noteworthy.

According to the annex to the above decree, back in 2007-2011, it was planned to sign cooperation agreements between the Sevan National Park and the communities, and to fulfill the obligations arising from these agreements. This annex also provided for adjustment, approval of the boundaries of the state-owned lands located in the administrative boundaries of the communities adjacent to the Sevan National Park, and changing their categories.



And now, in some communities, the issue of readjustment of state- and community-owned lands in a number of sites of the Sevan National Park remains problematic.

The status of the communities located in the immediate impact zone of Lake Sevan logically implies a special role for these communities: both engagement in the conservation of the ecosystem of the lake and potential benefits from the ecosystem of the lake. This logic should be the basis for specifying the powers of the communities and building cooperation with the National Park.

Under no circumstances should communities, local self-government bodies be excluded from the Lake Sevan ecosystem management processes and become observers, as it is now. Otherwise, having been alienated from the ecosystem that has been feeding them and has been their main livelihood for centuries, they will either resort to illegal utilization of the ecosystem and its components, or the emigration typical to the settlements of the Sevan basin will increase.

In this context, it is necessary to refer to the Armenian Law on Targeted Use of Environmental Tax Paid by Companies, the regulation of which allows for receiving a share of environmental fees paid by metal mining companies for the environmental projects in the communities, on the basis of environmental projects submitted by communities and in compliance with other conditions required by law. The opportunity provided by law should be unequivocally evaluated positively, however, the current regulations have some problematic areas, in particular:

1. Contributions to targeted environmental projects can only be made from environmental fees paid by metal mining companies, while companies operating in a number of other sectors of the economy are also a source of negative impacts. And although the law provides for the possibility of approving the list of other companies, such a decision has not been adopted.
2. Only those communities in whose territory the activities of these companies have a detrimental effect may take the opportunity provided by law. In this regard, it should be noted that the criteria for determining the communities with negative impacts are not specified by law, and the current practice has developed towards that mostly those communities become beneficiaries on whose territory a particular deposit or the processing facility is physically located. Therefore, the criteria for determining the range of beneficiary communities need to be clarified by legislation.
3. One of the requirements for environmental projects is the co-financing of the project. It is known that co-financing of additional projects may be impossible, especially in communities with small and limited resources, whereby urgent environmental issues will remain unresolved.
4. Most of the communities, especially comprised of rural areas, do not have sufficient capacities and skills to compile, present and implement the required programs. Therefore, it is important that the latter receive appropriate support to fill their

capacity gaps and develop programs to address current issues. Such support can be provided, for example, by the departments of agriculture and nature protection of the respective regional administrations, as well as environmental NGOs on a voluntary basis.

The solution of the above-mentioned problems is possible if appropriate amendments are made to the Armenia Law on Targeted Use of Environmental Tax Paid by Companies. It should be noted that the communities located in the immediate impact zone of Lake Sevan will receive significant opportunities to contribute to the efforts for conservation of the lake's ecosystem in the event of changes in these legal provisions.

The real representation of local municipal governments in the Lake Sevan ecosystem management processes can only be seen as a result of institutional changes in the legislation. If the legislative recommendations regarding the powers of the local municipal governments are adopted within the framework of this document, it will be possible not only to clarify the powers of local governments, but also to clearly assess the scope of the relationship between the communities and the Sevan National Park.

At the same time, it will allow to mutually understand the rights and responsibilities of the latter in the legal relations of the management of the Lake Sevan ecosystem.

In the context of this section, it should be noted that there are a number of institutional and practical issues that need further study. In particular, regarding the overlap or duplication of the powers of state non-profit organization "Sevan National Park" and "Hydrometeorology and Monitoring Center" SNCO of the Ministry of Environment. In fact, both institutions are monitoring the environment, which can cause many problems in practice. At the same time, notwithstanding that the legal relationship of allocating contributions to the budgets of the affected communities from the rented areas of the Sevan National Park is regulated by law, however, these contributions are either not done or done in part.

Based on the foregoing, ***it is recommended making in-depth study on both the relationships and the powers of the Sevan National Park, Hydrometeorology and Monitoring Center of RA Ministry of Environment and the local governments of the communities located in the immediate impact zone of Lake Sevan.***

## 7. CONCLUSIONS AND RECOMMENDATIONS

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Appropriate conclusions have been drawn in this section based on the legal research, legal and comparative analyses of Sections 2, 3, 4, 5 and 6 of this document that describes the political, legal and institutional framework “on the management of the Lake Sevan ecosystem”, as well as taking into account the institutional and law enforcement issues identified as a result of this research and analysis. The conclusions made in this section and the institutional recommendations enable to significantly increase the practical role and significance of the developed document.

The recommendations contained in this section involve rationale for the need for amending or supplementing the relevant legal acts, informative approaches, as well as the potential legal implications if the recommendations are accepted.

Taking into account the research, legal and comparative analyses carried out in this document, the conclusions and recommendations arising from this, the main ***conclusions and institutional recommendations*** are given below.

### CONSTITUTIONAL AMENDMENTS

1. The environmental protection is considered a constitutional framework. Articles 86 and 87 of the Constitution define the main objectives of state policy and entities that ensure their implementation. Article 86, which defines the objectives and goals of state policy, enshrines 19 goals, which do not include the environmental protection and sustainable development. Article 87.1 of the Constitution stipulates that within the scope of their competencies and capabilities, state and local self-governance bodies shall be obliged to achieve the goals prescribed by Article 86 of the Constitution. The analysis of this legal provision shows that in environmental protection, the Constitution does not envisage a constitutional obligation for state and local self-governance bodies in terms of achieving the main goals of state policy, which makes it problematic at the political and institutional levels to properly fulfill the constitutional obligation to protect the vital environment which is one of the main components of the national security of the State.

Here, it is also necessary to refer to the law enforcement significance of the regulation defined by Article 87.2, according to which within the framework of the report provided for by Article 156 of the Constitution (*for each year the Government submits a report to the National Assembly on the progress and outcomes of implementation of its program*) shall provide information on the fulfillment of the objectives set forth in Article 86 of the Constitution. It follows from the above that the lack of the goal of environmental protection in the relevant article of the constitution

defining the main objectives of state policy does not allow the National Assembly even in a state with parliamentary system to hear the government's program report on achieving this goal.

***Based on the foregoing, it is suggested that the Ministry of Environment of the Republic of Armenia, the Government and the Parliamentary Standing Committee on Territorial Administration, Local Self-Governance, Agriculture and Environmental Protection, guided by the provisions of Article 202.3 of the Constitution, initiate the process of amending the Constitution, in particular, to supplement Section 1 of Article 86 of the Constitution with Item 17 to read as follows: "promoting environmental protection, improvement, restoration and sustainable development".***

2. A very important issue related to the environmental protection has been identified in the context of comparative legal analysis of the text of Armenian Constitution with the amendments of 2005 and the current Constitution, which concerns the right to live in an environment conducive to human health and well-being. In the text of the 2005 amendments to the RA Constitution, in particular, Article 33.2 provided the following: *"Everyone shall have the right to live in an environment favorable to his or her health and welfare, as well as shall be obliged to preserve and improve the environment individually and in community with others"*. The analysis of this regulation indicates that for the first time under the Constitution of the Republic of Armenia, protection and improvement of the environment were considered as ***one of the human rights***. This regulation on human rights was left out of the scope of the current Constitution, it was reworded as follows: "Everyone shall be obliged to take care of the environmental protection, and is included in Section 2 of Article 12 of the Constitution. It is obvious that in the context of the current regulation, there is an exclusive obligation for human beings to take care of the environment. Meanwhile, both under international rules and the European Convention on Human Rights and Fundamental Freedoms, living in an environment conducive to health is considered one of the human rights.

***Based on the foregoing, it is suggested that the Ministry of Environment of the Republic of Armenia, the Government and the Parliamentary Standing Committee on Territorial Administration, Local Self-Governance, Agriculture and Environmental Protection, guided by the provisions of Article 202.3 of the Constitution, initiate the process of amending the Constitution, in particular, to set out Section 2 of Article 12 of the Constitution in the following wording:***

***"Everyone shall have the right to live in the environment favorable to his or her health and welfare, as well as shall be obliged to preserve and improve the environment individually and in community with others"***.

3. Emphasizing the role and significance of the regulation defined by the 2<sup>nd</sup> sentence of Article 8 of the Constitution adopted in 1995, not only in the context of preserving the ecosystem of Lake Sevan, but also of the environmental protection in general, it should be noted that the current Constitution does not provide for such a constitutional requirement. Article 60 of the Constitution refers to the right to property, and the 3<sup>rd</sup> section thereof stipulates the following:

“The right to property may be restricted only by law, for the purpose of protecting public interests or the fundamental rights and freedoms of others”. Of course, the environmental protection can be described as a public interest, but the concept of “public interest” is not defined by the national legislation of the Republic of Armenia, therefore, in all the situations when there is a problem of protecting any public right, the question arises of interpreting the concept of “public interest” provided for in the Constitution, which is fraught with many biased risks. Without underestimating all the advantages of property rights and the necessity and significance of establishing regulations aimed at guaranteeing thereof by the Constitution, it is worthy to consider enshrining in the restrictions on the exercise of property rights the principle of causing no damage to the environment. Enshrining such a constitutional provision in the “main law” can provide additional and key guarantees for the protection of the environment, especially for all the possible cases that involve damage to the environment in the context of sale of property by the owner and concealment of this damage in the light of property rights.

***Based on the foregoing, it is suggested that the Ministry of Environment of the Republic of Armenia, the Government and the Parliamentary Standing Committee on Territorial Administration, Local Self-Governance, Agriculture and Environmental Protection, guided by the provisions of Article 202.3 of the Constitution, initiate the process of amending the Constitution, in particular, to supplement Section 3 of Article 60 of the Constitution with a new sentence to read as follows:***

***“The exercise of the right to property should not cause damage to the environment”.***

#### **Amendments to the RA Law on Lake Sevan**

4. The following sentence “Lake Sevan is the strategic freshwater treasury of the Republic of Armenia” refers exclusively to the essence of the preamble of the Armenian Law on Lake Sevan. However, taking into account the requirements of the current legislation on the development of laws and regulations, the rules of the legislative technique stemming from these requirements, it should be noted that the presence or definition of such preamble in the Law on Lake Sevan contradicts the requirement of Article 13.1 of the Armenian Law on Normative Legal Acts, according to which regulatory provisions shall not be established by the preamble.

***Based on the foregoing, it is recommended making an amendment to the Armenian Law on Lake Sevan, in particular, the first sentence should be removed from the preamble of the law, instead the preamble of the law should be supplemented with a provision defining the vision of Lake Sevan, and the second sentence should be stated in the following wording: “Lake Sevan is the strategic freshwater treasury of the Republic. It is one of the natural wonders of Armenia, the national symbol of the Armenian people, which is of a unique national and regional economic and ecological significance”.***

***At the same time, it is recommended rewriting Article 1 of Armenian Law on Lake Sevan as follows: “This law governs the relations on the conservation, restoration, reproduction, normal development and use of the ecosystems of Lake Sevan, its catchment basin and economic activity zone, as well as the legal and economic basis of state policy on normal development, recovery, natural resources reproduction (hereinafter referred to as reproduction), conservation and use of Lake Sevan as a strategically important ecosystem having ecological, economic, social, scientific, historical and cultural, aesthetic, health, climatic, recreational and spiritual value for the Republic of Armenia”.***

5. Article 6 of RA Law on Lake Sevan defines the types of the ecological zones, and Section 2 of this Article specifies that for each ecological zone, within three months after this law enters into force, the Government shall establish appropriate regulations for the use of natural resources of the Lake Sevan ecosystem and natural environment protection. Given that the Armenian Law on Lake Sevan has been in force for already more than 20 years, this regulation is of a transitional nature. The regulations specified in the legal provision have been established by the Government, whereby this provision is subject to rewording.

***Based on the above, it is recommended stating Section 2 of Article 6 of RA Law on Lake Sevan in the following wording: “The relevant regulations for the use of natural resources of the Lake Sevan ecosystem and natural environment protection shall be established by the Government”.***

6. Terms “competences” or “a competence” are used in the headings of Chapter 4 and respectively Articles 15-18 of the RA Law on Lake Sevan, which, in fact, contradict the requirements of the principle of legality prescribed by Article 6 of the Constitution of the Republic of Armenia, which refers exclusively to authorizing norms. Therefore, the term “powers” should be used in the titles of Chapter 4 of the Law on Lake Sevan and the articles thereof.

***Based on the foregoing, it is recommended replacing words “competences” or “a competence” in the titles of Chapter 4 of the Armenian Law on Lake Sevan and Articles 15-18 thereof with the words “powers” or “a power”.***

7. It should be noted that the annual program is approved by a decree of the Government of the Republic of Armenia, whereas the requirements of the annual program specify such components, for which there is a need to propose urgent solutions in law enforcement practice. To amend the annual program, it is necessary to make changes in the relevant decision of the Government, which, both administratively and in terms of timing, makes it difficult to solve urgent problems in a short time.

***Based on the above, it is recommended revoking subparagraphs (b) and (d) of Article 13.3 of Armenian Law on Lake Sevan. At the same time, it is suggested supplementing Article 16 of the law, which defines the mandates of the Ministry of Environment of the Republic of Armenia, with Section 2 in the following wording:***

***2. The Authorized Body shall approve:***

- a) the plans and current schedules of water releases and unreturnable intakes that do not disturb the ecological stability of Lake Sevan and ensure positive water balance of the lake,***
- b) maximum annual limits for harvesting and commercial fishing and commercial quality characteristics of bioresources (including fish and crayfish) of Lake Sevan and its catchment basin, on monthly basis.***

8. The review of the RA Land Code, the RA Law “On Urban Development” and the RA Law “On Territorial Administration” indicates that the territorial administration authorities are provided with effective legislative tools in sectoral legal relations, which enable to comply with the requirements of Article 160.1 of the Constitution. Therefore, the Armenian Law “On Lake Sevan” should also include or enshrine regulations that will enable territorial administration authorities to truly ensure compliance with the requirements of the legislation of the Republic of Armenia on the restoration, conservation, reproduction, and use of the Lake Sevan ecosystem.

***Based on the foregoing, it is recommended supplementing Article 17 Section 1 of the Law “On Lake Sevan” with new items in the following wording:***

***“Shall submit suggestions to the authorized body on the development of state policy for the conservation of the Lake Sevan ecosystem”.***

9. Local self-government bodies are community governing bodies and cannot be located in the immediate impact zone. According to Article 121 of the Constitution, the marzes (regions) and the communities shall be the administrative territorial units of the Republic of Armenia. This constitutional provision is implemented in the Armenian Law “On the Administrative Territorial Division of the Republic of Armenia” and the RA Law “On Local Self-Governance”, which define the concept and the status of the community.

***Based on the above, it is recommended adding the word “communities” after (in the Armenian version, or “before” - in the English version of the law – translator’s note) the wording “located in the immediate impact zone” in the title of Article 18 of the RA Law “On Lake Sevan”.***

10. Given that the municipal consolidation process in Armenia is completed, and taking into account the importance of the local self-governance bodies of the communities located in the immediate impact zone in the Lake Sevan ecosystem management processes, ***it is recommended supplementing Article 18 of the Armenian Law “On Lake Sevan” with Section 2 reading as follows:***

***“As an authority delegated by the state, shall be engaged in the implementation of the programs for the restoration, conservation, reproduction, and use of the Lake Sevan ecosystem”.***

11. Article 26 of the RA Law “On Lake Sevan” defines statutory regulations related to the prohibition of emissions that have a negative impact on the ecosystem of Lake Sevan. Section 2 of this Article defines the following: “The list of substances, biogenic elements, heavy metals or their compounds and other substances specified in Paragraph 1 of this article shall be established by the

Government within three months after the entry into force of this law, upon submission by the competent authority". This legislative requirement is a transitional provision, in addition, it should be noted that this requirement had been enforced by the Government under the Decree 57 of January 24<sup>th</sup> 2002, therefore, there is no need to have such a definition.

***Based on the foregoing, it is recommended stating Section 2 of Article 26 of the RA Law "On Lake Sevan" in the following wording: "The Government shall approve the list of substances, biogenic elements, heavy metals or their compounds and other substances that have a negative impact on the ecosystem of Lake Sevan".***

12. Article 28 of the RA Law "On Lake Sevan" defines the control over emission of hazardous substances and biological pollution in the Lake Sevan ecosystem. From the subject matter and purview of the regulations of the article quoted above, it becomes clear that this article does not provide for any legal regulation or authority for organizing and exercising control. As a result, it turns out that the title and the purview of the article do not correspond to each other. In addition, it should be noted that the "control" is one of the components of the title of Chapter 7 of the RA Law "On Lake Sevan", which suggests that it should have been expressed in Article 28 of the RA Law "On Lake Sevan", but no regulation on the control process and the entities is established by this article.

***Based on the above, it is recommended reading the title of Article 28 of the RA Law "On Lake Sevan" as follows: "Preventing emissions of hazardous substances and biological pollutants in the Lake Sevan ecosystem, and compensation for damage".***

***At the same time, it is suggested supplementing the same article with a new Section 1:***

***"Control over emissions of hazardous substances and biological pollutants in the Lake Sevan ecosystem shall be carried out by the Environmental and Mining Inspection Body, in the manner prescribed by the legislation of RA.***

13. Armenian Law "On Lake Sevan", in particular, Article 28 of the Law, does not provide clear regulations on the rights and especially responsibilities of the economic entities operating in the immediate impact zone of Lake Sevan related to the protection of the ecosystem, prevention of emissions and biological pollutions. Taking into account the meaningful role and significance of the entities engaged in economic activities in the immediate impact zone of Lake Sevan, there is a need to make certain regulatory actions in this regard.

***Based on the foregoing, it is recommended supplementing Article 28 of the RA Law "On Lake Sevan" with Sections 3 and 4 as follows:***

***"3. Entities engaged in economic activity in the immediate impact zone of Lake Sevan shall be obliged to insure their liability in case of accidental or gradual pollution of the environment and its components caused by their activities.***



***4. The insurance requirement shall be mandatory for all those economic entities that perform specific hazardous activities defined by the Armenian Law on Environmental Impact Assessment and Expertise”.***

**14.** It should also be noted that the monitoring mechanism established in Chapter 7 of the Armenian Law “On the approval of the annual and integrated actions plan for the restoration, conservation, reproduction and use of the Lake Sevan ecosystem” does not provide clear criteria for monitoring, as well as the need and procedure for making certain changes based on its findings.

***Based on the above, it is recommended making an addition to Section 2 of Annex 7 entitled “Annual and Integrated Actions Plan for Restoration, Conservation, Reproduction and Use of the Lake Sevan ecosystem” to Armenian Law “On the approval of the annual and integrated actions plan for the restoration, conservation, reproduction and use of the Lake Sevan ecosystem” reading as follows: “The monitoring procedure, terms and methodology shall be approved by a Government decree”.***

**15.** Notably, the RA Law “On Lake Sevan” does not provide for any regulation on the Sevan National Park, which at the legislative level seemingly breaks the possible relationship that should have fairly been between the management processes of Lake Sevan and the Sevan National Park.

***Based on the foregoing, it is suggested making an addition to the Armenian Law “On Lake Sevan”, in particular, supplementing the law with Article 18.1 with the following title and content:***

***Article 18.1. Sevan National Park***

- 1. Sevan National Park is a specially protected nature area established for the purpose of conservation, restoration and reproduction of the Lake Sevan ecosystem.***
- 2. The activities of the Sevan National Park shall be aimed at ensuring the normal development of the aquatic and terrestrial natural ecosystems of the Lake Sevan basin, as well as conservation of the landscape and biological diversity, natural, historical and cultural monuments.***
- 3. The objectives and functions of the Sevan National Park shall be defined by the charter of the Sevan National Park, which shall be approved by the Government.***

**16.** Taking into account the scope of legislative recommendations in this document on making amendments to the RA Law “On Lake Sevan”, as well as not excluding the need for the implementation of the institutional recommendations made in other documents and analytical works, it is quite legitimate to consider the need for comprehensive amendments to the Armenian Law “On Lake Sevan”.

***Based on the above, it is suggested that the Ministry of Environment of the Republic of Armenia redrafts the Law “On Lake Sevan” with new wording.***

**17.** It should be stated that the Ministry of Environment is not engaged in but elaborates the state policy for the Lake Sevan ecosystem conservation. This conclusion is further strengthened based on the regulations of Section 6 of the Annex to Armenia Law “On the Structure and Activities of the Government”, within the framework of which the Ministry of Environment shall elaborate and implement the Government’s policy for the environmental protection in the Republic of Armenia. Therefore, Articles 15 and 16 of Armenian Law “On Lake Sevan” are subject to revision, based on the provisions of Section 6 of the Annex to Armenian Law “On the Structure and Activities of the Government”. From the content of the above provision of the law, it becomes obvious that the Government has delegated the elaboration and implementation of its policy to RA Ministry of Environment, which indicates the need to invalidate some provisions of Article 15 of the RA Law “On Lake Sevan”. At the same time, the legal provisions specified in this article should be localized in Article 16 thereof, reading in a completely new wording the powers vested to the RA Ministry of Environment:

***Based on the foregoing, it is recommended stating Subparagraph (a) of Article 15.1 of the Armenian Law “On Lake Sevan” in the following wording:***

***“coordinate the implementation of the state policy for the restoration, conservation, reproduction, normal development and use of the Lake Sevan ecosystem”.***

***It is recommended rephrasing Article 16 of the Law as follows:***

***“Article 16. Powers of the government agency in charge of restoration, conservation, reproduction, normal development, and use of the Lake Sevan ecosystem***

***2. The government agency in charge of restoration, conservation, reproduction, normal development, and use of the Lake Sevan ecosystem (hereinafter referred to as the Authorized Body)” shall:***

***11) coordinate the implementation of the state policy for the restoration, conservation, reproduction, normal development, and use of the Lake Sevan ecosystem,***

***12) ensure the implementation of the state policy for the restoration, conservation, reproduction, normal development, and use of the Lake Sevan ecosystem,***

***13) draft and submit to the Government of the Republic of Armenia recommendations for solving project-related problems,***

***14) contract scientific and technical research and engineering works for the restoration, conservation, reproduction, and use of the Lake Sevan ecosystem,***

- 15) control the process of artificial reproduction of fish and crayfish species in Lake Sevan, as well as of terrestrial and aquatic plants and animals,***
- 16) have the right to request from economic and other entities the necessary information on the environmental protection and use of natural resources in the central, immediate and non-immediate impact zones, which they shall provide to the authorized body within ten days after the request,***
- 17) at the end of each quarter, report by public TV and radio broadcasting company or publish in the press information about the state of the ecological system of Lake Sevan,***
- 18) organize public hearings and discussions to consider issues within the scope of its powers,***
- 19) carry out monitoring activities,***
- 20) exercise other powers vested by this law, other laws and legal instruments”.***

**18.** The Armenian Law “On the Fundamental Provisions of National Water Policy” sets out main guidelines that should be the basis for the elaboration of the Armenian water legislation, including laws and regulations related to the Lake Sevan ecosystem management. Yes, the Armenian Law “On Lake Sevan” has established the basic principles (which are six) of the state policy for restoration, conservation, reproduction, normal development and use of the Lake Sevan ecosystem, but the principle on Lake Sevan defined by Article 6 of RA Law “On Fundamental Provisions of National Water Policy” is missing from these principles. It should be noted that the RA Law “On Lake Sevan” was adopted earlier than the RA Law “On the Fundamental Provisions of National Water Policy”, which may be one of the reasons for the inconsistency of these principles. Emphasizing the role and significance of the RA Law “On Fundamental Provisions of National Water Policy” in water relations in general, as well as analyzing the entire logic of the principle of management of the Lake Sevan ecosystem established in this law, it can be stated that it could find its place in the law defining the fundamental relations of the Lake Sevan ecosystem management.

***Based on the foregoing, it is recommended, based on the regulation of Article 6 Section 1 Item 9 of the Armenian Law “On Fundamental Provisions of National Water Policy”, supplementing Article 11 Section 1 of the RA Law “On Lake Sevan” with Subparagraph (g) “Preservation and restoration of Lake Sevan as a social, economic, ecological value and cultural heritage of nature”.***

#### **Amendments to RA Water Code**

**19.** Sevan, being the lake with the largest water reserves of the Republic of Armenia, at the same time, as the strategic freshwater treasury of the Republic of Armenia, a separate article

in the RA Water Code should have been dedicated to water relations relevant to Lake Sevan, at least defining the basic provisions from which regulations defined or to be defined by Armenian national legislation would arise.

***Based on the foregoing, it is recommended supplementing the RA Water Code with Article 4.1 with the following title and content:***

***Fundamental provisions on the management of Lake Sevan***

- 1. Lake Sevan is a strategic object of the national water reserve of the Republic of Armenia.***
- 2. Issues related to the management and protection of Lake Sevan shall be regulated by the Law of the Republic of Armenia “On Lake Sevan” and other legal acts.***

**Amendments to the RA Law “On the approval of the annual and integrated actions plan for the restoration, conservation, reproduction and use of the Lake Sevan ecosystem”**

**20.** The implementation of the integrated annual programs by the National Assembly can, in fact, be exercised by parliamentary oversight, which does not have all the possible tools that will create real preconditions for organizing and implementing proper control. According to the constitutional law “On the Rules of Procedure of the National Assembly”, the parliamentary oversight is exercised by the standing committees, however, the review and analysis of Section 5 of this law indicates that there are no substantive and real legislative tools established for the National Assembly that will enable the legislator to really and objectively monitor, for example, the implementation of the annual and integrated actions plans for restoration, conservation, reproduction and use of the Lake Sevan ecosystem.

***Based on the foregoing and taking into account the fact that the RA Ministry of Environment is the program monitoring body, it is recommended making an addition to Section 3 of Annex 7 entitled “Annual and Integrated Actions Plan for Restoration, Conservation, Reproduction and Use of the Lake Sevan ecosystem” to Armenian Law “On the approval of the annual and integrated actions plan for the restoration, conservation, reproduction and use of the Lake Sevan ecosystem”, in particular, adding the words “and “the Ministry of Environment” after the wording “the National Assembly”.***

**Amendments to the RA Law “On the Fundamental Provisions of National Water Policy”**

21. Making a comparative legal analysis between the RA Water Code and RA Law “On Fundamental Provisions of National Water Policy”, it can be stated that the fundamental provisions, in particular:

- Objectives of the national water policy
- Principles of the national water policy
- Principles of water resources management
- Principles of a national water program development
- Priorities for the use and conservation of water resources
- Principles of strategic management of water resources

could be fully incorporated in the scope of the Armenian Water Code, further strengthening the principal basis of the legal relations defined by the Code. ***In this regard, it is recommended considering the expediency of invalidating the RA Law “On Fundamental Provisions of National Water Policy” and the legal necessity of defining under RA Water Code the legal regulations defined in this law.***

22. The conducted research does not, in any case, enable to demonstrate the findings and outcomes of the actions provided for in the annex to the RA Law “On National Water Program of the Republic of Armenia”.

***Based on the foregoing, it is suggested that the Ministry of Environment of the Republic of Armenia considers the expediency of finalizing, improving or amending the actions for Lake Sevan envisaged by the appendix to the Armenian Law “On National Water Program of the Republic of Armenia” in line with the tasks assigned to the Ministry, concerning the problems of Lake Sevan.***

<b>Amendments to Armenian Laws “On Local Self-Governance”, “On Flora” and “On Fauna”</b>
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23. The analysis of the relevant legal provisions of the Armenian Law “On Local Self-Governance” shows that the community head does not have any other power in conservation, protection, use and reproduction of the flora than the protection of the community forests (if any). Therefore, the question arises what the subject of Article 8 of the RA Law “On Flora” is, which directly refers to the Armenian Law “On Local Self-Governance”, according to which no powers are assigned to the municipal authorities in this area.

***Based on the above, it is recommended either invalidating Article 8 of the RA Law “On Flora” entitled “Competencies of local self-government bodies in conservation, protection, use and reproduction of the flora in the Republic of Armenia”, or making appropriate amendments to Article 51 of RA Law “On Local Self-Governance” in line with its current regulation, providing for power or powers in conservation, protection, use and reproduction of the flora.***

**24.** The analysis of the relevant legal provisions of the Armenian Law “On Local Self-Governance” shows that the community head does not have any other power in conservation, protection, use and reproduction of the fauna. Therefore, the reference stipulated in Article 8 of the RA Law “On Fauna” cannot lead to any legal consequences.

***Based on the above, it is recommended either invalidating Article 8 of the RA Law “On Fauna” entitled “Competencies of local self-government bodies in conservation, protection, use and reproduction of the wildlife in the Republic of Armenia”, or making appropriate amendments to Article 51 of RA Law “On Local Self-Governance” in line with its current regulation, providing for power or powers in conservation, protection, use and reproduction of the wildlife.***

<b>Legislative and practical changes aimed at implementing the international commitments of the Republic of Armenia</b>
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**25.** This provision of the EU-Armenia Comprehensive and Enhanced Partnership Agreement suggests that a comprehensive policy should be developed and implemented in the areas of environmental protection, restoration and reproduction, which should include other sectoral policy components in addition to environmental policy, such as, for example, land policy, territorial administration policy, local self-governance policy, etc.

***Based on the foregoing, it is suggested that the Ministry of Environment of the Republic of Armenia develops a comprehensive policy on the environment, in general, including the policy of the Lake Sevan ecosystem management, involving all interested public administration, territorial administration and local governments in the implementation of this policy. At the same time, during the development of this policy at the legislative level, also consider the definition of possible legislative mechanisms in other sectoral laws.***

**26.** In the context of fulfillment of the obligations of the Republic of Armenia arising from environmental conventions and agreements, it can be concluded that the transparency and publicity of the implementation of the obligations is not fully ensured. In particular, neither the Government (as the body coordinating the implementation of the Armenia-EU Agreement) nor the ME (Ministry of Environment) official websites contain reports in recent years on the fulfillment of the obligations arising from the CEPA agreement and ratified environmental agreements, respectively.

**27.** In the list of the objectives set forth in Article 48, the second objective (division of competence for environmental administration at national, regional and community levels), which provides for division of competence for environmental administration at national, regional and community levels can also be considered separately. The essence of this goal that, for example, many structures are involved in the Lake Sevan ecosystem management processes, for whom the

national legislation of the Republic of Armenia defines powers or competences, however, as research shows, in many cases the powers granted to these bodies are repeated, they are identical. They either do not balance the realization of legal relations assumed by their implementation, or they are distributed in a manner that it is not possible to achieve the true objective of the policy.

***In view of the above, it is recommended fully revising those articles of the laws regulating the legal relations of the Lake Sevan ecosystem management, which specify competence or powers for the Government, the authorized state body, its territorial subdivisions, regional administrations and local self-government bodies. In the case of such an initiative, it will be possible to ensure the principle of exclusivity of powers, as well as to increase the level of efficiency of the Lake Sevan ecosystem management.***

28. Of the strategies provided for in Article 48 of the Comprehensive and Enhanced Partnership Agreement, only the waste management strategy has been developed and adopted recently, namely, Municipal Solid Waste Management System Development Strategy in the Republic of Armenia for 2017-2036, which was adopted by the Government Protocol Decision №49 of December 8<sup>th</sup> 2016. Also, there is the RA Government's Protocol Decision of March 22, 2018 "On approving the Strategy and Action Plan for Environmental Protection and Utilization of Natural Resources".

***Based on the foregoing, it is suggested that in the context of Article 48 of the Comprehensive and Enhanced Partnership Agreement, the RA Ministry of Environment considers the expediency of revision of the Government Protocol Decision of March 22, 2018 "On approving the Strategy and Action Plan for Environmental Protection and Utilization of Natural Resources".***

**Amendments to RA Government Decree №927-N of May 30, 2002 "On Approving the Charter of the Sevan National Park"**

29. It turns out that the State, represented by the Government and the Ministry of Environment, is developing a policy in this area, and the territorial administration authorities, Sevan National Park and the local self-government bodies of the communities located in the immediate impact zone of Lake Sevan are the implementers of this policy. In the context of the quoted statement, it should be noted that the national legislation of the Republic of Armenia regulating this sector does not assign effective powers to both territorial administration and local self-government bodies, and the Sevan National Park, as the main implementer of the policy of this sector, does not seem to have been given powers at all. Aiming to institutionalize the activities of the Sevan National Park, one of the main actors in the conservation of the Lake Sevan ecosystem, as well as taking into account the conclusions made in this section, ***it is recommended making an amendment to RA Government Decree №927-N of May 30, 2002 "On approving the charter of the Sevan National Park", specifying the functions of the Sevan National Park. It is suggested defining these functions based on the legal content of the powers granted to the Government and RA Ministry of Environment by laws.***

### Complex Legislative Changes

**30.** The authority, the effect of which is manifested in the function “supports”, is not only uncertain, but also vulnerable for the performer. Thus, the policy-making body may characterize the power of support by performing various actions, while the implementer, in this case the regional administration or the head of the relevant community, may interpret it in a different way.

*Based on the foregoing and taking into the principle of clarity of formulation of legal regulations and provisions in legal acts, it is recommended amending the relevant articles of the Armenian laws “On Lake Sevan”, “On Flora”, “On Fauna” and “On Specially Protected Nature Areas” that specify the powers of territorial administration authorities, as well as local self-government bodies. In particular, it is suggested clarifying these powers, excluding the use of the term “supports” within the framework of the definition of powers, as well as taking into account the reality of the exercise of the relevant powers by local self-government bodies.*

### Amendments to the RA Law “On Specially Protected Nature Areas”

**31.** From the analyses made, it becomes obvious that, first of all, the municipal government bodies and the Sevan National Park collaborate in organizing and implementing processes that maintain the regime of conservation of the Sevan National Park. The picture is, of course, different in the law enforcement practice, in particular, some communities do not exercise this statutory authority, reasoning that the community’s support for maintaining the regime of conservation of the Sevan National Park is financially impossible due to the lack of appropriate actions or measures using the limited budgetary funds of the community. Another problem is that from the definition of this authority, it is obvious that it is given to the local government as its own authority, while it could be as an authority delegated by the state, where the state, represented by the Government, would provide the relevant communities with financial resources to exercise the delegated authority.

*Based on the foregoing, it is recommended amending Article 11 Section 1 Item (b) of the RA Law “On Specially Protected Nature Areas”, in particular, adding the following words at the beginning of the sentence: “as an authority delegated by the state”.*

### Conclusions and Recommendations on Law Enforcement

**32.** In addition to institutional issues, there is also the problem of evaluating the effectiveness of the key actors in the field, which in many cases fall outside the scope of policy objectives in this area. In order to increase the level of efficiency of the Lake Sevan ecosystem management, the Ministry of Environment of the Republic of Armenia should take appropriate measures aimed at assessing the functional framework of the entities operating in this area and the effectiveness of their activities.

*Based on the foregoing, it is recommended conducting in-depth research and analysis on the areas of activity of the Sevan National Park and the Expert Commission for Conservation of Lake*



***Sevan, the scope of their functions, the structure and efficiency of these entities, possible reorganizations and reforms, whereby it will be possible to identify the existing problems and recommendations regarding the policies of the RA Ministry of Environment aimed at their solution.***

**33.** The correlation between the conservation of Lake Sevan ecosystem and the energy interests, as well as the framework of legal relations in urban development remains problematic, which is not addressed in this paper, given its length and the quite comprehensive and complicated nature of the sector. In law enforcement practice, in many cases, the prospective energy interests from Lake Sevan prevail over the laws on conservation of Sevan, suggesting the need for comprehensive research of not only the practice of electricity generation using the water resources of Lake Sevan, but also the energy sector regulatory legislation. At the same time, the legal instruments of the current urban development legislation and the urban planning situation in immediate impact zone of Lake Sevan have created quite serious law enforcement problems, the solution of which requires also institutional reviews.

***Based on the foregoing, it is recommended conducting comprehensive review of the energy and urban development laws, conducting a comparative legal analysis with the national legislation of the Republic of Armenia regulating the processes of the Lake Sevan ecosystem management. As a result, identify existing legal and practical barriers, proposing sector-related policy recommendations and action plans to address them.***

**34.** In fact, the acting Expert Commission for conservation of Lake Sevan does not include those key stakeholders who, as policymakers, could and should have been part of this commission, contributing to the effective management of the Lake Sevan ecosystem. With regard to interrelationship, the Expert Commission for Conservation of Lake Sevan mainly interacts with the legislature, i.e., the National Assembly, based on the existing legislative requirements for comprehensive and annual programs. In general, the regulatory mechanisms related to this commission do not create opportunities for ensuring direct connection between the Commission and the executive power, namely the Government and the Ministry of Environment of the Republic of Armenia. The lack of such a connection, or the unlikeliness of possible relationships, in turn, can lead to many negative consequences, particularly in the context of development and implementation of policies in this area.

Taking into account the above, ***it is recommended conducting in-depth review regarding the Expert Commission for Conservation of Lake Sevan, identifying issues related to legislation and by-laws, and trying to consider and, consequently, submitting a recommendation for the formation of a new unit at the interdepartmental level.***

**35.** In the context of activity of the Sevan National Park, it should be noted that there are a number of institutional and practical issues that need further study. In particular, regarding the overlap or duplication of the powers of state non-profit organization “Sevan National Park” and “Hydrometeorology and Monitoring Center” SNCO of the Ministry of Environment. In fact, both

institutions are monitoring the environment, which can cause many problems in practice. At the same time, notwithstanding that the legal relationship of allocating contributions to the budgets of the affected communities from the rented areas of the Sevan National Park is regulated by law, however, these contributions are either not done or done in part.

Based on the foregoing, ***it is recommended making in-depth study on both the relationships and the powers of the Sevan National Park, Hydrometeorology and Monitoring Center of RA Ministry of Environment and the local self-government bodies of the communities located in the immediate impact zone of Lake Sevan. In the context of this research, it will be possible to suggest possible ways to address these issues in the form of certain recommendations.***

#### **APPENDIX 1. List of the key legal acts regulating Lake Sevan ecosystem management**

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<b>Laws</b>	<b>By-laws</b>
<i>RA Law on Lake Sevan</i>	<i>RA Government Decree №809 of September 5, 2001 "On vesting the RA Ministry of Environment with the authority of the government agency in charge of restoration, conservation, reproduction, normal development and use of the Lake Sevan ecosystem"</i>
<i>RA Water Code</i>	<i>RA Government Decree №261 of April 22, 1999 "On priority measures for the conservation of Lake Sevan and regulating the use of its natural resources"</i>
<i>RA Land Code</i>	<i>RA Government Protocol Decree №11 of March 22, 2018 "On approving the Strategy and Action Plan for Environmental Protection and Utilization of Natural Resources"</i>
<i>RA Forest Code</i>	<i>RA Government Decree №597-N of 03.05.2020 "On declaring shortage of water in the Northern and Sevan water basin management areas"</i>
<i>RA Tax Code (in terms of environmental tax and payments for the use of natural resources)</i>	
RA Law on the approval of the annual and integrated actions plan for the restoration, conservation, reproduction and use of the Lake Sevan ecosystem	<i>RA Government Protocol Decision №4 of 09.02.2011 "On approving the scope of the water basin management model plan"</i>
	<i>RA Government Decree №947-N of 04.09.2014 "On approving the procedure for creating a unified</i>

	<i>electronic database of the monitoring data of Lake Sevan and its catchment basin, data collection, recording, summary and provision”</i>
<i>RA Law on the Fundamental Provisions of National Water Policy</i>	<i>RA Government Decree №1386-N of 14.09.2006 “On regulatory measures for urban planning activities in the coastal areas of Lake Sevan”</i>
	<i>Decisions adopted by the Government annually “On approval of the annual action plans for restoration, conservation, reproduction and use of the Lake Sevan ecosystem”</i>
<i>RA Law on the National Water Program of the Republic of Armenia</i>	<i>RA Government Decree №123-N of 11.02.2010 “On drawing up 1:1000 scale topographic and cadastral plans of the coastal areas of Lake Sevan at the elevation of up to 1905.00m”</i>
<i>RA Law on Specially Protected Nature Areas</i>	<i>RA Government Protocol Decision №11 of March 22, 2018 “On approving the Strategy for Conservation, Protection, Reproduction and Utilization of the Biological Diversity of the Republic of Armenia”</i>
<i>RA Law on Environmental Impact Assessment and Expertise</i>	
<i>RA Law on Hunting and Management of Hunting Areas</i>	<i>RA Government Protocol Decision №54 of December 10, 2015 “On approving the 2016-2020 National Action Plan for Conservation, Protection, Reproduction and Utilization of the Biological Diversity of the Republic of Armenia”</i>
<i>RA Law on Targeted Use of Environmental Tax Paid by Companies</i>	
	<i>RA Government Decree №488-N of April 8, 2021 “On listing the rivers that are spawning sites for Armenian red-listed or endemic fish species, or 40 or more percent overloaded with diversion channels, where the application for the water use permit for newly built small hydropower plants shall be rejected”</i>
<i>RA Law on Flora</i>	<i>RA Government Decree №92 of February 2001 “On the concept of reforms in the water sector of Armenia”</i>
	<i>RA Government Decree №517-N “On establishing a fund for restoration, conservation and development of</i>

	<i>Lake Sevan”</i>
<i>RA Law on Fauna</i>	<i>RA Government Decree №1755-N of 09.12.2010 “On approving the Lake Sevan commercial and endemic fish species restoration plan”</i>
	<i>RA Government Decree №987-N of 14.07.2011 “On Approving the action plan for the Lake Sevan ecosystem and hydrological monitoring, prepared by the Commission on Lake Sevan Problems under the President of the Republic of Armenia”</i>
<i>RA Law on Environmental Monitoring</i>	<i>RA Government Decree №177-N of 03.03.2011 “On approving the project of zoning of the areas planned for development in the central zone of Lake Sevan”</i>
<i>RA Law on Local Self-Governance</i>	<i>RA Government Decree №218-N of March 7, 2003 “On approving the template and forms of water user permit, procedure for water permit issuance, extension, spring, well datasheet and the forms of the design geotechnical section of water wells”</i>
	<i>RA Government Decree №217-N of March 17, 2003 “On Approving the procedure for public notice and disclosure of the documents elaborated by the water resources management and protection authority”</i>
	<i>RA Government Decree №1563-N of December 18, 2008 “On the rental of land plots, granting a right for construction, and performance of urban development activities in Sevan National Park and adjacent areas”</i>
	<i>RA Government Decree №1441-N of 15.11.2012 “On a founding a new forest belt in the vicinity of Lake Sevan”</i>

## APPENDIX 2. Agencies and organizations involved in the Lake Sevan ecosystem management, their powers and legal framework

<i>NN</i>	<i>Legal Framework</i>	<i>Name of Authority or Organization</i>	<i>Competence or Power</i>
<b>1.</b>	<i>Article 15 of RA Law on Lake Sevan</i>	<i>RA Government</i>	<i>organizes, coordinates, develops and ensures the implementation of state policy for the Lake Sevan ecosystem restoration, conservation, reproduction, normal development and use</i>
			<i>approves the allowable limits of the use of natural resources, emissions, discharges and waste by economic entities</i>
			<i>establishes the procedure for restoration, preservation, reproduction of fish and crayfish stocks, estimate of their stocks in place, quantities, ways and organization of commercial fishing</i>
			<i>engages in development and implementation of state policy for conservation of the Lake Sevan ecosystem</i>
			<i>monitors compliance with the requirements of the environmental legislation</i>
			<i>drafts recommendations for solving project-related problems</i>
			<i>contracts scientific and technical research and engineering works for the restoration, conservation, reproduction and use of the</i>

2.	Article 16 of RA Law on Lake Sevan	RA Ministry of Environment	Lake Sevan ecosystem
			oversees the process of artificial reproduction of fish species and crayfish, as well as terrestrial and aquatic plants and animals in Lake Sevan
			at the end of each quarter, reports by public TV and radio broadcasting company or publishes in the press information about the state of the ecological system of Lake Sevan
			organizes public hearings on the issues within its mandate
3.	Article 17 of RA Law on Lake Sevan	RA Regional Administrations	organizes and coordinates monitoring activities
			ensure within their powers the compliance with the requirements of the RA legislation on restoration, conservation, reproduction and use of the Lake Sevan ecosystem
			engage in development and implementation of state policy for conservation of the Lake Sevan ecosystem
4.	Article 18 of RA Law on Lake Sevan	Local self-government bodies of the communities located in the immediate impact zone of Lake Sevan	coordinate joint and concerted actions of the relevant services and departments of the authorized body and local self-government bodies in restoration, conservation, reproduction and use of the Lake Sevan ecosystem
			contribute to compliance with the requirements of the RA legislation on restoration, conservation, reproduction and use of the Lake Sevan ecosystem
			ensure the participation of the residents of the community in public hearings on restoration, conservation, reproduction and use of the Lake Sevan ecosystem
			develops and submits recommendations to competent authorities based on the preliminary expertise
			can participate in the events and discussions

5.	Article 20 of RA Law on Lake Sevan	Expert Commission for Conservation of Lake Sevan	<i>of issues related to Lake Sevan</i>
			<i>performs scientific and expert research, draws up protocols</i>
			<i>provides expert opinion on comprehensive and annual programs (reports), as well as documents developed to ensure their implementation</i>
6.	Articles 1 and 2 of RA Law on approval of annual and integrated actions plan for restoration, conservation, reproduction and use of the Lake Sevan ecosystem	RA Government	<i>approves the actions plan for restoration, conservation, reproduction and use of the Lake Sevan ecosystem</i>
			<i>approves the integrated actions plan for restoration, conservation, reproduction and use of the Lake Sevan ecosystem</i>
			<i>approves the interim program on changing the maximum annual limit for releases from Lake Sevan and submits for the approval of the RA National Assembly</i>
			<i>establishes the procedure for calculation and payment of additional amounts arising from the sale of electricity generated at the expense of the water released from Lake Sevan in excess of the limit of 170 million cubic meters, as well as the estimate of budget expenditures at their expense</i>
		RA Ministry of Environment	<i>performs the management of the central zone of Lake Sevan through the Sevan National Park, as a specially protected nature area</i>
			<i>monitors the annual plan</i>
			<i>elaborates the annual action plan for restoration, conservation, reproduction and use of the Lake Sevan ecosystem</i>
	RA Law on approval of annual and integrated actions plan for restoration,	RA Ministry of Territorial Administration and	<i>Reports to the Government on the amount of electricity generated by using water released in excess of the maximum allowable limit (170M m<sup>3</sup>) for releases from Lake Sevan set by Paragraph 6.1 of the plan approved by the Law, and on the payments thereof</i>

7.	<i>conservation, reproduction and use of the Lake Sevan ecosystem</i>	<i>Infrastructure</i>	<i>submits a monthly report to the Government on the amount of electricity generated by using water released in excess of the maximum allowable limit (170M m<sup>3</sup>) for releases from Lake Sevan set by Paragraph 6.1 of Annual and Integrated Action Plan for Restoration, Conservation, Reproduction and Use of the Lake Sevan Ecosystem approved by the Law, and on the payments thereof</i>
		<i>RA MTAI Water Committee</i>	<i>Reports to the Government every ten days on the amount of water released from Lake Sevan in excess of the maximum allowable limit (170M m<sup>3</sup>) for releases from Lake Sevan set by Paragraph 6.1 of the plan approved by law</i>
		<i>Expert Commission for Conservation of Lake Sevan</i>	<i>performs expert research, the results of which are presented to the Government and National Assembly of the Republic of Armenia</i>
8.	<i>Article 5 of RA Law on Flora</i>	<i>RA Government</i>	<i>implements the state policy of conservation, protection, use and reproduction of flora</i>
			<i>approves the state programs for conservation, protection, use and reproduction of plant resources</i>
			<i>establishes the procedure for preservation and use of the resources of flora</i>
			<i>approves the list of objects of flora subject to use, amount of payment and procedure for charging</i>
			<i>establishes the procedure for organizing the monitoring of flora</i>
			<i>establishes the procedure for flora inventory management</i>
			<i>approves the list of the Red Book of Plants and the plant species listed in the Red Book</i>
			<i>establishes the requirements for the size and species composition of green zones of settlements</i>
			<i>elaborates state programs</i>



<b>9.</b>	<i>Article 6 of RA Law on Flora</i>	<i>RA Ministry of Environment</i>	<i>organizes inventory of flora</i>
			<i>approves the limits and rules for the use of plant resources</i>
			<i>issues licences for the use of state-owned plant resources</i>
			<i>exercises state control over conservation, protection and use of flora</i>
			<i>organizes a monitoring of flora</i>
			<i>carries out flora inventory management</i>
			<i>approves the guideline for the flora inventory management</i>
<b>10.</b>	<i>Article 7 of RA Law on Flora</i>	<i>RA Regional Administration</i>	<i>engaged in the development of state programs and implements them within its mandate</i>
			<i>assists in the maintenance of specially protected nature areas, as well as botanical gardens and dendrological parks</i>
			<i>contributes to preservation and use of forests and forest plantations</i>
			<i>implements measures for protection and reproduction of flora, coordinating with the RA Ministry of Environment</i>
<b>11.</b>	<i>Article 8 of RA Law on Flora</i>	<i>Local self-government bodies</i>	<i>the powers of local governments in conservation, protection, use and reproduction of flora are established by the RA Law on Local Self-Governance, which, however, does not define any authority in that regard</i>
	<i>Article 5 of RA Law on</i>		<i>ensures the implementation of the state policy for science-based conservation, protection, reproduction and use of wildlife</i>
			<i>approves the state programs for conservation, protection, use and reproduction of wildlife resources</i>
			<i>establishes the procedure for conservation, protection and use of wildlife resources</i>
			<i>establishes the procedure for collection</i>

12.	Fauna	RA Government	payments for the use of wildlife resources
			establishes the procedure for organizing and implementing a wildlife monitoring
			establishes the procedure for wildlife inventory management
			approves the list of the Red Book of animals and the animal species listed in the Red Book
13.	Article 6 of RA Law on Fauna	RA Ministry of Environment	elaborates state programs
			organizes and implements state inventory of wildlife
			carries out wildlife inventory management
			organizes and conducts wildlife monitoring
			establishes the procedures for running a Red Book of Animals and runs it
			signs contracts for the use of wildlife resources
			exercises state control over conservation, protection, reproduction and use of fauna
			approves the limits for the use of animal stock
			approves the guideline for wildlife inventory management
			approves the templates of the contract and the application for the agricultural and commercial use of wildlife resources
	Article 7 of RA Law on	RA Regional	approves the forms of the application and contract for the use of social use of wildlife (sport hunting and fishing, hunting of animals that are not objects of fishing and hunting) in the territory of the Republic of Armenia
			engages in the development of state programs and implements them within their mandate
			assists the territorial services of the relevant state agencies in wildlife conservation, protection, reproduction and use

<b>14.</b>	<i>Fauna</i>	<i>Administration</i>	<i>contributes to preservation and use of specially protected nature areas (state reserves, national parks, state sanctuaries, natural monuments)</i>
<b>15.</b>	<i>Article 8 of RA Law on Fauna</i>	<i>Local self-government bodies</i>	<i>the powers of local self-government bodies in wildlife conservation, protection, use and reproduction are established by the RA Law on Local Self-Governance, which, however, does not define any authority in that regard</i>
<b>16.</b>	<i>Article 8 of RA Law on Specially Protected Nature Areas</i>	<i>RA Government</i>	<i>formation of state policy of management of specially protected nature areas, approval of the strategy</i>
			<i>approving state programs for preservation and use of specially protected nature areas</i>
			<i>approving and revision of the globally and nationally important protected areas management plans</i>
			<i>defining the procedure for establishment of specially protected areas</i>
			<i>adopting decisions on establishment, categorization and zoning of specially protected nature areas, their change, as well as on the sizes and boundaries of these areas</i>
			<i>approving the charters of the specially protected nature areas</i>
			<i>establishing the procedure for specially protected nature areas inventory management</i>
			<i>establishing the procedure for organizing and conducting a monitoring of specially protected nature areas</i>
			<i>establishing the procedure for the use of specially protected nature areas</i>
			<i>approving the procedure for holding a tender for trust management of the relevant zones of specially protected nature areas</i>
			<i>approving the expenditures from the state budget for the conservation of specially protected nature areas, performing scientific</i>

			<i>research and other activities there</i>
			<i>approving the template of the contract of trust of specially protected nature areas</i>
			<i>determining the type, model and number of service weapons and ammunition provided to guards of specially protected nature areas, as well as the nomenclature of positions entitled to carry weapons</i>
<b>17.</b>	<b>Article 9 of RA Law on Specially Protected Nature Areas</b>	<b>RA Ministry of Environment</b>	<i>developing state policy and strategy for the preservation and use of specially protected nature areas</i>
			<i>developing state programs and management plans for preservation and use of specially protected nature areas</i>
			<i>management of specially protected nature areas of global and national significance</i>
			<i>creating and running an inventory of specially protected nature areas</i>
			<i>monitoring of specially protected nature areas of global and national significance</i>
			<i>exercising state control over compliance with the requirements of the RA legislation in the specially protected nature areas</i>
			<i>compiling the list of natural monuments, approval of passports</i>
			<i>developing and approving guidelines for preparing management plans for specially protected nature areas</i>
			<i>developing charters for the specially protected nature areas</i>
			<i>issuing permits for the use of specially protected nature areas in the manner prescribed by a government decree</i>
			<i>receiving reports from legal entities that regulate the preservation and use of specially protected nature areas</i>
			<i>submitting recommendations to the</i>

			<i>Government of the Republic of Armenia on the establishment, categorization and zoning of specially protected nature areas, their change, as well as on the sizes and boundaries of these areas</i>
			<i>Compiling expenditures made at the expense of transfer payments from the state budget for the preservation of specially protected nature areas, performing scientific research and other activities there</i>
			<i>raising public awareness, and developing and implementing scientific and educational programs on specially protected nature areas</i>
			<i>approving the uniform, conditions of wearing it by the guarding service of the legal entity in charge of guarding the specially protected nature areas</i>
<b>18.</b>	<b>Article 10 of RA Law on Specially Protected Nature Areas</b>	<b>RA Regional Administration</b>	<i>engagement in the development of state programs and management plans on specially protected nature areas</i>
			<i>supporting guarding services of specially protected nature areas</i>
<b>19.</b>	<b>Article 10 of RA Law on Specially Protected Nature Areas</b>	<b>Local governments</b>	<i>assistance in ensuring the regime of protection of specially protected nature areas of international and national importance within the administrative boundaries of the community</i>
			<i>submitting recommendations to the authorized state body on the establishment of specially protected nature areas of local significance within the administrative boundaries of the community</i>
			<i>management of specially protected nature areas of local significance within the administrative boundaries of the community</i>
			<i>organizing monitoring and scientific research, and developing plans on management of specially protected nature areas of local significance within the administrative boundaries of the community</i>
			<i>providing the authorized state body with</i>

			<i>necessary information on the specially protected nature areas of local significance within the administrative boundaries of the community</i>
			<i>contribution to raising public awareness, development and implementation of scientific and educational programs on specially protected nature areas</i>
<b>20.</b>	<i>Article 6 of RA Law on Inspection Bodies, RA Law on Environmental Control and Annex to RA Prime Minister's Decision №733-L of June 11, 2018</i>	<i>Environmental and Mining Inspection Body</i>	<i>upholding restrictions on unauthorized and inappropriate use of water resources</i>
			<i>compliance with the restrictions and standards established to protect water resources from pollution in excess of the allowable limits, and upholding the restrictions for the water regime in the catchment basins</i>
			<i>compliance with the requirements for placement of waste disposal sites, landfills and other facilities for waste that have indirect impact on water resources</i>
			<i>compliance with the requirements for the activities affecting the state of water resources</i>
			<i>compliance with the requirements for the protection and use of water resources (except for water system buffer zones and inalienable zones)</i>
			<i>observance of environmental restrictions and standards established for the use of the lands of specially protected nature areas, lands allotted for mining, forest and water lands</i>
			<i>compliance with the standards set by land management, forestry, urban planning documentation, land zoning and land use patterns for the targeted and functional use of ecological, water, forest lands, lands allotted for mining, as well as the buffer zones of these lands (except for the water system buffer zones and inalienable zones)</i>
			<i>compliance with the requirements for the conservation, protection, use and reproduction of wildlife resources</i>

			<i>compliance with the requirements for conservation of red-listed animal and plant species, as well as plant communities</i>
			<i>compliance with the wildlife hunting and fishing rules</i>
			<i>outreach on the enforcement of the provisions of the Armenian environmental and mining legislation, informing economic entities about their rights and responsibilities</i>
			<i>submitting motions to competent authorities for repeal or suspension of the licenses issues to individuals and legal entities, as well as for early termination of the contracts concluded with individuals</i>
			<i>commissioning, warning persons that perform activities in the areas of its control and obliging them to perform certain actions or refrain from performing certain actions</i>
			<i>calculating the amount of the damage caused to natural resources and ensuring their collection</i>
			<i>In the cases and manner prescribed by law, officials of the inspection body draw up protocols on offenses, as well as terminate, suspend or prohibit the actions of the offenders</i>
<b>21.</b>	<i>RA Law on Specially Protected Nature Areas and RA Government Decree №927 of May 30, 2002</i>	<i>State non-profit organization “Sevan National Park”</i>	<i>ensures protection of the national park</i>
			<i>ensures protection of nature and historical and cultural monuments</i>
			<i>prevents prohibited actions in the area of the economic zone</i>
			<i>monitors the compliance with the statutory rules for the use of specially protected nature areas</i>

### APPENDIX 3. SUMMARY OF INSTITUTIONAL REGULATIONS ON THE LAKE SEVAN ECOSYSTEM MANAGEMENT

The summary of institutional regulations related to the Lake Sevan ecosystem management is given below based on the legislative and law enforcement research, analysis, findings and recommendations made as part of the preparation of this paper. Regarding the implementation of each of the following recommendations, there will be a need for in-depth analysis accordingly, which, in turn, in the context of policy development, will enable to come up with more comprehensive and holistic solution.

NN	Applicable statutory regulations on the Lake Sevan ecosystem management	Existing legislative and law enforcement issues related to Lake Sevan ecosystem management processes	Legislative and law enforcement recommendations aimed at improving Lake Sevan ecosystem management processes
1.	According to Article 12 of the Constitution of the Republic of Armenia, the environmental protection is considered a constitutional framework. Article 87.1 of the Constitution stipulates that within the scope of their competencies and capabilities, state and local self-governance bodies shall be obliged to achieve the goals prescribed by Article 86 of the Constitution.	Articles 86 and 87 of the Constitution define the main objectives of state policy and entities that ensure their implementation. Article 86, which defines the objectives goals of state policy, enshrines 19 goals, which do not include the environmental protection and sustainable development. Article 87.1 of the Constitution stipulates that within the scope of their competencies and capabilities, state and local governance bodies shall be obliged to achieve the goals prescribed by Article 86 of the Constitution. It is also necessary to refer to the law enforcement significance of the regulation defined by Article 87.2, according to which within the framework of the report provided for by Article 156 of the Constitution (for each year the Government submits a report to the National Assembly on the progress and outcomes of implementation of its program) shall provide information on the fulfillment of the objectives set forth in Article 86 of the Constitution. It follows from the above that the lack of the goal of environmental protection in the relevant article of the constitution defining the main objectives of state policy does not allow the National Assembly even in a state with parliamentary system to hear the government's program report on achieving this goal.	It is suggested that the Ministry of Environment of the Republic of Armenia, the Government and the Parliamentary Standing Committee on Territorial Administration, Local Self-Governance, Agriculture and Environmental Protection, guided by the provisions of Article 202.3 of the Constitution, initiate the process of amending the Constitution, in particular, to supplement Section 1 of Article 86 of the Constitution with Item 17 to read as follows:  "promoting environmental protection, improvement, restoration and sustainable development".
2.	Article 12 Section 2 of the Constitution stipulates that "Everyone shall be obliged to take care of the environmental protection". It is obvious that in the context of the current regulation, there is an exclusive obligation for human beings to take care of the environment. Meanwhile, both under international rules and the European Convention on Human Rights and Fundamental Freedoms, living in an environment favorable to health is considered one of the human rights.	A very important issue related to the environmental protection has been identified in the context of comparative legal analysis of the text of Armenian Constitution with the amendments of 2005 and the current Constitution, which concerns the right to live in an environment favorable to human health and well-being. In the text of the 2005 amendments to the RA Constitution, in particular, Article 33.2 provided the following: "Everyone shall have the right to live in an environment favorable to his or her health and welfare, as well as shall be obliged to preserve and improve the environment individually and in community with others". The analysis of this regulation indicates that for the first time under the Constitution of the Republic of Armenia, protection and improvement of the environment were considered as one of the human rights. This regulation on human rights, however, was left out of the scope of the current Constitution.	It is suggested that the Ministry of Environment of the Republic of Armenia, the Government and the Parliamentary Standing Committee on Territorial Administration, Local Self-Governance, Agriculture and Environmental Protection, guided by the provisions of Article 202.3 of the Constitution, initiate the process of amending the Constitution, in particular, to set out Section 2 of Article 12 of the Constitution in the following wording:  "Everyone shall have the right to live in the environment favorable to his or her health and welfare, as well as shall be obliged to preserve and improve the environment individually and in community with others".



NN	Applicable statutory regulations on the Lake Sevan ecosystem management	Existing legislative and law enforcement issues related to Lake Sevan ecosystem management processes	Legislative and law enforcement recommendations aimed at improving Lake Sevan ecosystem management processes
3.	Article 60 of the Constitution refers to the right to property, and the 3 <sup>rd</sup> section thereof stipulates the following: “The right to property may be restricted only by law, for the purpose of protecting public interests or the fundamental rights and freedoms of others”.	The second sentence of Article 8 of the RA Constitution adopted in 1995 defined that the right to property must not be exercised in a manner to cause damage to the environment or infringe the rights and legitimate interests of other persons, society, or the State. Emphasizing the role and significance of the regulation defined by the 2 <sup>nd</sup> sentence of Article 8 of the Constitution adopted in 1995, not only in the context of preserving the ecosystem of Lake Sevan, but also of the environmental protection in general, it should be noted that the current Constitution does not provide for such a constitutional requirement. Of course, the environmental protection can be described as a public interest, but the concept of “public interest” is not defined by the national legislation of the Republic of Armenia, therefore, in all the situations when there is a problem of protecting any public right, the question arising of interpreting the concept of “public interest” provided for in the Constitution, which is fraught with many biased risks.	<p>It is suggested that the Ministry of Environment of the Republic of Armenia, the Government and the Parliamentary Standing Committee on Territorial Administration, Local Self-Governance, Agriculture and Environmental Protection, guided by the provisions of Article 202.3 of the Constitution, initiate the process of amending the Constitution, in particular, to supplement Section 3 of Article 60 of the Constitution with a new sentence to read as follows:</p> <p>“The exercise of the right to property should not cause damage to the environment”.</p> <p>Enshrining such a constitutional provision in the “basic law” can provide additional and key guarantees for the protection of the environment, especially for all the possible cases that involve damage to the environment in the context of sale of property by the owner and concealment of this damage in the light of property rights.</p>
4.	The preamble of the RA Law on Lake Sevan stipulates the following: “This Law establishes legal and economic basis of state policy on natural development, recovery, natural resources reproduction (hereinafter referred to as reproduction), conservation and use of Lake Sevan as a strategically important ecosystem having ecological, economic, social, scientific, historical and cultural, aesthetic, health, climatic, recreational and spiritual value for the Republic of Armenia”. Lake Sevan is the strategic freshwater treasury of the Republic of Armenia.	The following sentence “Lake Sevan is the strategic freshwater treasury of the Republic of Armenia” refers exclusively to the essence of the preamble of the RA Law on Lake Sevan. However, taking into account the requirements of the current legislation on the development of laws and regulations, the rules of the legislative technique stemming from these requirements, it should be noted that the presence or definition of such preamble in the Law on Lake Sevan contradicts the requirement of Article 13.1 of the Armenian Law on Normative Legal Acts, according to which regulatory provisions shall not be established by the preamble.	It is recommended making an amendment to the RA Law on Lake Sevan, in particular, the first sentence should be removed from the preamble of the law, instead the preamble of the law should be supplemented with a provision defining the vision of Lake Sevan, and the second sentence should be stated in the following wording: “Lake Sevan is the strategic freshwater treasury of the Republic. It is one of the natural wonders of Armenia, the national symbol of the Armenian people, which is of a unique national and regional economic and ecological significance”. At the same time, it is recommended rewriting Article 1 of Armenian Law on Lake Sevan as follows: “This law governs the relations on the conservation, restoration, reproduction, normal development and use of the ecosystems of Lake Sevan, its catchment basin and economic activity zone, as well as the legal and economic basis of state policy on normal development, recovery, natural resources reproduction (hereinafter referred to as reproduction), conservation and use of Lake Sevan as a strategically important ecosystem having ecological, economic, social, scientific, historical and cultural, aesthetic, health, climatic, recreational and spiritual value for the Republic of Armenia”.
5.	Article 6 of RA Law on Lake Sevan defines the types of the ecological zones, and Section 2 of this Article specifies that for each ecological zone, within three months after this law enters	Given that the Armenian Law on Lake Sevan has been used for already more than 20 years, this regulation is of a transitional nature. The regulations specified in the legal provision has been established by the Government, whereby this provision is	It is recommended stating Section 2 of Article 6 of RA Law on Lake Sevan in the following wording: “The relevant regulations for the use of natural resources of the Lake Sevan ecosystem and natural environment

NN	Applicable statutory regulations on the Lake Sevan ecosystem management	Existing legislative and law enforcement issues related to Lake Sevan ecosystem management processes	Legislative and law enforcement recommendations aimed at improving Lake Sevan ecosystem management processes
	into force, the Government shall establish appropriate regulations for the use of natural resources of the Lake Sevan ecosystem and natural environment protection.	subject to rewording.	protection shall be established by the Government”.
6.	It should be noted that the annual program is approved by a decree of the Government of the Republic of Armenia, whereas the requirements of the annual program specify such components, for which there is a need to propose urgent solutions in law enforcement practice.	To amend the annual program, it is necessary to make changes in the relevant decision of the Government, which, both administratively and in terms of timing, makes it difficult to solve urgent problems in a short time.	It is advised to revoke subparagraphs (b) and (d) of Article 13.3 of Armenian Law on Lake Sevan. At the same time, it is suggested supplementing Article 16 of the law, which defines the mandates of the Ministry of Environment of the Republic of Armenia, with Section 2 in the following wording: 2. The Authorized Body shall approve: a) the plans and current schedules of water releases and irreversible intakes that do not disturb the ecological stability of Lake Sevan and ensure positive water balance of the lake, b) maximum annual limits for harvesting and commercial fishing and commercial quality characteristics of bioresources (including fish and crayfish) of Lake Sevan and its catchment basin, on monthly basis.
7.	Terms “competences” or “a competence” are used in the headings of Chapter 4 and respectively Articles 15-18 of the Law	Using such terms in the RA Law on Lake Sevan, in fact, contradicts the requirements of the principle of legality prescribed by Article 6 of the Constitution of the Republic of Armenia, which refers exclusively to authorizing norms. Therefore, the term “powers” should be used in the titles of Chapter 4 of the Law on Lake Sevan and the articles thereof.	It is recommended replacing words “competences” or “a competence” in the titles of Chapter 4 of the Armenian Law on Lake Sevan and Articles 15-18 thereof with the words “powers” or “a power”.
8.	The review of the RA Land Code, the RA Law on Urban Development and the RA Law on Territorial Administration indicates that the territorial administration authorities are provided with effective legislative tools in sectoral legal relations, which enable to comply with the requirements of Article 160.1 of the Constitution, that is, implementation of the territorial policy of the government through governors.	In the RA Law on Lake Sevan, the powers vested to territorial administration authorities are not clear, and the outcome or consequences are uncertain in terms of implementation. The Armenian Law on Lake Sevan should also include or enshrine regulations that will enable territorial administration authorities to truly ensure compliance with the requirements of the legislation of the Republic of Armenia on the restoration, conservation, reproduction, and use of the Lake Sevan ecosystem.	It is recommended supplementing Article 17 Section 1 of the Law on Lake Sevan with new items in the following wording: “Shall submit suggestions to the authorized body on the development of state policy for the conservation of the Lake Sevan ecosystem”.
9.	Article 18 of the RA Law on Lake Sevan is entitled as follows:  The competence of the local self-government bodies located in the immediate impact zone of Lake Sevan.	Local self-government bodies are community governing bodies and cannot be located in the immediate impact zone. According to Article 121 of the Constitution, the marzes (regions) and the communities shall be the administrative territorial units of the Republic of Armenia. This constitutional provision is implemented in the Armenian Law on the Administrative Territorial Division of the Republic of Armenia and the RA Law on Local Self-Governance, which define the concept and the status of the community.	It is recommended adding the word “communities” after (in the Armenian version, or “before” - in the English version of the law – translator’s note) the wording “located in the immediate impact zone” in the title of Article 18 of the RA Law on Lake Sevan.

NN	Applicable statutory regulations on the Lake Sevan ecosystem management	Existing legislative and law enforcement issues related to Lake Sevan ecosystem management processes	Legislative and law enforcement recommendations aimed at improving Lake Sevan ecosystem management processes
10.	Article 18 of the RA Law on Lake Sevan provides for the powers of local self-government bodies.	Article 18 of the RA Law on Lake Sevan does not provide for any substantive and effective powers for local self-government bodies. Given that the municipal consolidation process in Armenia is completed, and taking into account the importance of the local self-governance bodies of the communities located in the immediate impact zone in the Lake Sevan ecosystem processes, it is necessary that the law vests the local governments with powers with a clear tools.	<p>It is recommended supplementing Article 18 of the Armenian Law on Lake Sevan with Section 2 reading as follows:</p> <p>“As an authority delegated by the State, shall be engaged in the implementation of the programs for the restoration, conservation, reproduction, and use of the Lake Sevan ecosystem”.</p>
11.	Article 26 of the RA Law on Lake Sevan defines statutory regulations related to the prohibition of emissions that have a negative impact on the ecosystem of Lake Sevan. Section 2 of this Article defines the following: “The list of substances, biogenic elements, heavy metals or their compounds and other substances specified in Paragraph 1 of this article shall be established by the Government within three months after the entry into force of this law, upon submission by the competent authority”.	This legislative requirement defined by Section 2 of Article 26 of the RA Law on Lake Sevan is a transitional provision, in addition, it should be noted that this requirement had been enforced by the Government under the Decree 57 of January 24 <sup>th</sup> 2002, therefore, there is no need to have such a definition.	It is recommended stating Section 2 of Article 26 of the RA Law on Lake Sevan in the following wording: “The Government shall approve the list of substances, biogenic elements, heavy metals or their compounds and other substances that have a negative impact on the ecosystem of Lake Sevan”.
12.	Article 28 of the RA Law on Lake Sevan defines the control over emission of hazardous substances and biological pollution in the Lake Sevan ecosystem.	From the subject matter and purview of the regulations of Article 28 of the RA Law on Lake Sevan, it becomes clear that this article does not provide for any legal regulation or authority for organizing and exercising control. The title and the purview of the article do not correspond to each other. In addition, it should be noted that the “control” is one of the components of the title of Chapter 7 of the RA Law on Lake Sevan, which suggests that it should have been expressed in Article 28 of the RA Law on Lake Sevan, but no regulation on the control process and the entities is established by this article.	<p>It is recommended reading the title of Article 28 of the RA Law on Lake Sevan as follows: “Preventing emissions of hazardous substances and biological pollutants into the Lake Sevan ecosystem, and compensation for damage”.</p> <p>At the same time, it is suggested supplementing the same article with a new Section 1:</p> <p>“Control over emissions of hazardous substances and biological pollutants into the Lake Sevan ecosystem shall be carried out by the Environmental and Mining Inspection Body, in the manner prescribed by the legislation of the Republic of Armenia”.</p>
13.	Armenian Law on Lake Sevan, in particular, Article 28 of the Law, does not provide clear regulations on the rights and especially responsibilities of the economic entities operating in the immediate impact of zone of Lake Sevan related to the protection of the ecosystem, prevention of emissions and biological pollutions.	Taking into account the meaningful role and significance of the entities engaged in economic activities in the immediate impact zone of Lake Sevan, there is a need to make certain regulatory actions in this regard.	<p>It is recommended supplementing Article 28 of the RA Law on Lake Sevan with Sections 3 and 4 as follows:</p> <p>“3. Entities engaged in economic activity in the immediate impact zone of Lake Sevan shall be obliged to insure their liability in case of accidental or gradual pollution of the environment and its components caused by their activities.</p> <p>4. The insurance requirement shall be mandatory for all those economic entities that perform specific hazardous activities defined by the Armenian</p>

NN	Applicable statutory regulations on the Lake Sevan ecosystem management	Existing legislative and law enforcement issues related to Lake Sevan ecosystem management processes	Legislative and law enforcement recommendations aimed at improving Lake Sevan ecosystem management processes
			Law on Environmental Impact Assessment and Expertise".
14.	The RA Law on Lake Sevan does not provide for any regulation on the Sevan National Park	The lack of any legal regulations on the Sevan National Park by the RA Law on Lake Sevan, at the legislative level seemingly breaks the possible relationship that should have fairly been between the management processes of Lake Sevan and the Sevan National Park.	<p>It is suggested making an addition to the Armenian Law on Lake Sevan, in particular, supplementing the law with Article 18.1 with the following heading and content:</p> <p>Article 18.1. Sevan National Park</p> <ol style="list-style-type: none"> <li>1. Sevan National Park is a specially protected nature area established for the purpose of conservation, restoration and reproduction of the Lake Sevan ecosystem.</li> <li>2. The activities of the Sevan National Park shall be aimed at ensuring the normal development of the aquatic and terrestrial natural ecosystems of the Lake Sevan basin, as well as conservation of the landscape and biological diversity, natural, historical and cultural monuments.</li> <li>3. The objectives and functions of the Sevan National Park shall be defined by the charter of the Sevan National Park, which shall be approved by the Government.</li> </ol>
15.	There is a need to rewrite the RA Law on Lake Sevan with completely new wording.	Taking into account the scope of legislative recommendations in this document on making amendments to the RA Law on Lake Sevan, as well as not excluding the need for the implementation of the institutional recommendations made in other documents and analytical works, it is quite legitimate to consider the need for comprehensive amendments to the Armenian Law on Lake Sevan.	It is suggested that the Ministry of Environment of the Republic of Armenia redrafts the Law on Lake Sevan with new wording.
16.	The RA Water Code does not provide for any provisions or regulations on water legal relations relevant to Lake Sevan.	Sevan, being the lake with the largest water reserves of the Republic of Armenia, at the same time, as the strategic freshwater treasury of the Republic of Armenia, a separate article in the RA Water Code should have been dedicated to water relations relevant to Lake Sevan, at least defining the basic provisions from which regulations defined or to be defined by Armenian national legislation would arise.	<p>It is recommended supplementing the RA Water Code with Article 4.1 with the following heading and content:</p> <p>Fundamental provisions on the management of Lake Sevan</p> <ol style="list-style-type: none"> <li>1. Lake Sevan is a strategic infrastructure of the national water reserve of the Republic of Armenia.</li> <li>2. Issues related to the management and protection of Lake Sevan shall be regulated by the Law of the Republic of Armenia on Lake Sevan and other legal instruments.</li> </ol>
17.	Article 7 Section 3 of the Law of the Republic of Armenia "On the approval of the annual and integrated actions plan for the restoration, conservation, reproduction and use of the Lake Sevan ecosystem" stipulates that the National Assembly shall monitor the implementation of the	<p>The implementation of the integrated annual programs by the National Assembly can, in fact, be exercised by parliamentary oversight, which does not have all the possible tools that will create real preconditions for organizing and implementing proper control.</p> <p>According to the constitutional law "On the Rules of Procedure of the National</p>	Given that the RA Ministry of Environment is the programs monitoring body, it is recommended making an addition to Section 3 of Annex 7 entitled "Annual and Integrated Actions Plan for Restoration, Conservation, Reproduction and Use of the Lake Sevan ecosystem" to Armenian Law "On the approval of the annual and integrated actions plan for the restoration, conservation, reproduction and use of the Lake Sevan

NN	Applicable statutory regulations on the Lake Sevan ecosystem management	Existing legislative and law enforcement issues related to Lake Sevan ecosystem management processes	Legislative and law enforcement recommendations aimed at improving Lake Sevan ecosystem management processes
	integrated and annual programs.	Assembly”, the parliamentary oversight is exercised by the standing committees, however, the review and analysis of Section 5 of this law indicates that there are no substantive and real legislative tools established for the National Assembly that will enable the legislator to really and objectively monitor, for example, the implementation of the annual and integrated action plans for restoration, conservation, reproduction and use of the Lake Sevan ecosystem.	ecosystem”, in particular, adding the words “and “the Ministry of Environment” after the wording “the National Assembly”.
18.	It should be stated that the Ministry of Environment is not engaged in but elaborates the state policy for the Lake Sevan ecosystem conservation. This conclusion is further strengthened based on the regulations of Section 6 of the Annex to Armenia Law on the Structure and Activities of the Government, within the framework of which the Ministry of Environment shall <u>elaborate and implement</u> the Government’s policy for the environmental protection in the Republic of Armenia.	Articles 15 and 16 of Armenian Law on Lake Sevan are subject to revision, based on the provisions of Section 6 of the Annex to Armenian Law on the Structure and Activities of the Government. From the content of the above rule of law, it becomes obvious that the Government has delegated the elaboration and implementation of its policy to RA Ministry of Environment, which indicates the need to invalidate some provisions of Article 15 of the RA Law on Lake Sevan. At the same time, the legal provisions specified in this article should be localized in Article 16 thereof, reading in a completely new wording the powers vested to the RA Ministry of Environment:	<p>It is recommended stating Subparagraph (a) of Article 15.1 of the Armenian Law on Lake Sevan in the following wording:  “coordinate the implementation of the state policy for the restoration, conservation, reproduction, normal development and use of the Lake Sevan ecosystem”.</p> <p>It is recommended rephrasing Article 16 of the Law as follows:</p> <p>“Article 16. Powers of the government agency in charge of restoration, conservation, reproduction, normal development, and use of the Lake Sevan ecosystem</p> <ol style="list-style-type: none"> <li>3. The government agency in charge of restoration, conservation, reproduction, normal development, and use of the Lake Sevan ecosystem (hereinafter referred to as the Authorized Body)” shall</li> <li>11) coordinate the implementation of the state policy for the restoration, conservation, reproduction, normal development, and use of the Lake Sevan ecosystem,</li> <li>12) ensure the implementation of the state policy for the restoration, conservation, reproduction, normal development, and use of the Lake Sevan ecosystem,</li> <li>13) draft and submit to the Government of the Republic of Armenia recommendations for solving project-related problems,</li> <li>14) contract scientific and technical research and engineering works for the restoration, conservation, reproduction, and use of the Lake Sevan ecosystem,</li> <li>15) control the process of artificial reproduction of fish and crayfish species in Lake Sevan, as well as of terrestrial and aquatic plants and animals,</li> <li>16) have the right to request from economic and other entities the necessary information on the environmental protection and use of natural resources in the central, immediate and non-immediate impact zones, which they shall provide to the authorized body within ten days after the request,</li> <li>17) at the end of each quarter, report by public TV and radio</li> </ol>

NN	Applicable statutory regulations on the Lake Sevan ecosystem management	Existing legislative and law enforcement issues related to Lake Sevan ecosystem management processes	Legislative and law enforcement recommendations aimed at improving Lake Sevan ecosystem management processes
			<p>broadcasting company or publish in the press information about the state of the ecological system of Lake Sevan,</p> <p>18) organize public hearings and discussions to consider issues within the scope of its powers,</p> <p>19) carry out monitoring activities,</p> <p>20) exercise other powers vested by this law, other laws and legal instruments”.</p>
19.	Article 11 Section 1 of the RA Law on Lake Sevan defines the fundamental provisions of the state policy for restoration, conservation, reproduction, normal development and use of the Lake Sevan ecosystem.	The Armenian Law on the Fundamental Provisions of National Water Policy sets out main guidelines that should be the basis for the elaboration of the Armenian water legislation, including laws and regulations related to the Lake Sevan ecosystem management. Yes, the Armenian Law on Lake Sevan has established the basic principles (which are six) of the state policy for restoration, conservation, reproduction, normal development and use of the Lake Sevan ecosystem, but the principle on Lake Sevan defined by Article 6 of RA Law on Fundamental Provisions of National Water Policy is missing from these principles. It should be noted that the RA Law on Lake Sevan was adopted earlier than the RA Law on the Fundamental Provisions of National Water Policy, which may be one of the reasons for the inconsistency of these principles. Emphasizing the role and significance of the RA Law on Fundamental Provisions of National Water Policy in water relations in general, as well as analyzing the entire logic of the principle of management of the Lake Sevan ecosystem established in this law, it can be stated that it could find its place in the law defining the fundamental relations of the Lake Sevan ecosystem management.	It is recommended, based on the regulation of Article 6 Section 1 Item 9 of the Armenian Law on Fundamental Provisions of National Water Policy, supplementing Article 11 Section 1 of the RA Law on Lake Sevan with Subparagraph (g) “Preservation and restoration of Lake Sevan as a social, economic, ecological value and cultural heritage of nature”.
20.	RA Law on the Fundamental Provisions of National Water Policy defines the fundamental provisions of the national water policy, in particular, objectives of the national water policy, principles of the national water policy, principles of water resources management, principles of development of a national water program, priorities for the use and conservation of water resources, principles of strategic management of water resources.	The fundamental provisions set out by the RA Law on the Fundamental Provisions of National Water Policy can be fully incorporated in the scope of the RA Water Code, as the main legal instrument defining the complex relations in the water sector, thus further strengthening the principal basis of the legal relations defined by this Code.	In this regard, it is recommended considering the expediency of invalidating the RA Law on Fundamental Provisions of National Water Policy and the legal necessity of defining under RA Water Code the legal regulations defined in this law.
21.	The Annex to the RA Law on National Water Program provides for actions for Lake Sevan, which have been planned for different years.	The conducted research does not, in any case, enable to demonstrate the findings and outcomes of the actions provided for in the appendix to the RA Law on National Water Program of the Republic of Armenia.	It is suggested that the Ministry of Environment of the Republic of Armenia to consider the expediency of finalizing, improving or amending the actions for Lake Sevan envisaged by the appendix to the Armenian Law on National Water Program of the Republic of Armenia in line with the tasks assigned to the Ministry, concerning the problems of Lake Sevan.

NN	Applicable statutory regulations on the Lake Sevan ecosystem management	Existing legislative and law enforcement issues related to Lake Sevan ecosystem management processes	Legislative and law enforcement recommendations aimed at improving Lake Sevan ecosystem management processes
22.	Article 8 of the RA Law on Flora defines that the competencies of local self-government bodies in conservation, protection, use and reproduction of the flora in the Republic of Armenia, shall be set out by the RA Law on Local Governance.	The analysis of the relevant legal provisions of the Armenian Law on Local Self-Governance shows that the community head does not have any other power in conservation, protection, use and reproduction of the flora than the protection of the community forests (if any). Therefore, the question arises what the subject of Article 8 of the RA Law on Flora is, which directly refers to the Armenian Law on Local Self-Governance, according to which no powers are assigned to the municipal authorities in this area.	It is recommended either invalidating Article 8 of the RA Law on Flora entitled “Competencies of local self-governments in conservation, protection, use and reproduction of the flora in the Republic of Armenia”, or making appropriate amendments to Article 51 of RA Law on Local Self-Governance in line with its current regulation, providing for power or powers in conservation, protection, use and reproduction of the flora.
23.	Article 8 of the RA Law on Fauna defines that the competencies of local self-government bodies in conservation, protection, use and reproduction of the wildlife in the Republic of Armenia, shall be set out by the RA Law on Local Self-Governance.	The analysis of the relevant legal provisions of the Armenian Law on Local Self-Governance shows that the community head does not have any other power in conservation, protection, use and reproduction of the fauna. Therefore, the reference stipulated in Article 8 of the RA Law on Fauna cannot lead to any legal consequences.	It is recommended either invalidating Article 8 of the RA Law on Fauna entitled “Competencies of local self-government bodies in conservation, protection, use and reproduction of the wildlife in the Republic of Armenia”, or making appropriate amendments to Article 51 of RA Law on Local Self-Governance in line with its current regulation, providing for power or powers in conservation, protection, use and reproduction of the wildlife.
24.	Article 48 of the Comprehensive and Enhanced Partnership Agreement signed between the European Union and Armenia stipulates that the policies on environmental protection, restoration and reproduction should also be included in the sector-specific policies.	This provision of the Comprehensive and Enhanced Partnership Agreement suggests that a comprehensive policy should be developed and implemented in the areas of environmental protection, restoration and reproduction, which should include other sectoral policy components in addition to environmental policy, such as, for example, land policy, territorial administration policy, local self-governance policy, etc.	The Ministry of Environment of the Republic of Armenia is suggested to develop a comprehensive policy on the environment, in general, including the policy of the Lake Sevan ecosystem management, involving all interested public administration, territorial administration and local self-government bodies in the implementation of this policy. At the same time, during the development of this policy at the legislative level, also consider the definition of possible legislative mechanisms in other sectoral laws.
25.	Information on the fulfillment of the obligations of the Republic of Armenia arising from environmental conventions and agreements is considered to be one of the factual bases that may indicate the proper compliance with international commitments.	In the context of fulfillment of the obligations of the Republic of Armenia arising from environmental conventions and agreements, it can be concluded that the transparency and publicity of the implementation of the obligations is not fully ensured. In particular, neither the Government (as the body coordinating the implementation of the Armenia-EU Agreement) nor the ME (Ministry of Environment) official websites contain reports in recent years on the fulfillment of the obligations arising from the CEPA agreement and ratified environmental agreements, respectively.	The RA Ministry of Environment is suggested to post on the official website of the Ministry the recent reports on the fulfillment of the obligations arising from the CEPA agreement and other ratified environmental agreements.
26.	Article 48 of the Comprehensive and Enhanced Partnership Agreement defines the following objective:  division of competence for environmental administration at national, regional and community levels.	This objective provides for the division of competence for environmental administration at national, regional and community levels. The essence of this goal is that, for example, many structures are involved in the Lake Sevan ecosystem management processes, for whom the national legislation of the Republic of Armenia defines powers or competences, however, as research shows, in many cases the powers granted to these bodies are repeated, they are identical. They either do not balance the realization of legal relations assumed by their	In view of the above, it is recommended fully revising those articles of the laws regulating the legal relations of the Lake Sevan ecosystem management, which specify competence or powers for the Government, the authorized state body, its territorial subdivisions, regional administrations and local self-government bodies. In the case of such an initiative, it will be possible to ensure the principle of exclusivity of powers, as well as to increase the level of efficiency of the Lake Sevan ecosystem



NN	Applicable statutory regulations on the Lake Sevan ecosystem management	Existing legislative and law enforcement issues related to Lake Sevan ecosystem management processes	Legislative and law enforcement recommendations aimed at improving Lake Sevan ecosystem management processes
		implementation, or they are distributed so that it is not possible to achieve the true objective of the policy.	management.
27.	Article 48 of the Comprehensive and Enhanced Partnership Agreement provides for the development and adoption of strategies for air quality, water quality and resource management, waste management, biodiversity conservation, nature protection and forestry, industrial pollution and industrial hazards, and chemicals.	Of the strategies provided for in Article 48 of the Comprehensive and Enhanced Partnership Agreement, only the waste management strategy has been developed and adopted recently, namely, Municipal Solid Waste Management System Development Strategy in the Republic of Armenia for 2017-2036, which was adopted by the Government Protocol Decision №49 of December 8 <sup>th</sup> 2016. Also, there is the RA Government's Protocol Decision of March 22, 2018 "On approving the Strategy and Action Plan for Environmental Protection and Utilization of Natural Resources".	It is suggested that in the context of Article 48 of the Comprehensive and Enhanced Partnership Agreement, the RA Ministry of Environment considers the expediency of revision of the Government Protocol Decision of March 22, 2018 "On approving the Strategy and Action Plan for Environmental Protection and Utilization of Natural Resources".
28.	RA Government Decree №927-N of May 30, 2002 "On approving the charter of the Sevan National Park" does not specify the functions of the Sevan National Park.	It turns out that the State, represented by the Government and the Ministry of Environment, is developing a policy in this area, and the territorial administration authorities, Sevan National Park and the local self-government bodies of the communities located in the immediate impact zone of Lake Sevan are the implementers of this policy. In the context of the quoted statement, it should be noted that the national legislation of the Republic of Armenia regulating this sector does not assign effective powers to both territorial administration and local self-governments, and the Sevan National Park, as the main implementer of the policy of this sector, does not seem to have been given powers at all.	Aiming to institutionalize the activities of the Sevan National Park, one of the main actors in the conservation of the Lake Sevan ecosystem, as well as taking into account the conclusions made in this section, it is recommended making an amendment to RA Government Decree №927-N of May 30, 2002 "On approving the charter of the Sevan National Park", specifying the functions of the Sevan National Park. It is suggested defining these functions based on the legal content of the powers granted to the Government and RA Ministry of Environment by laws.
29.	The term "supports" is used in the wording on the powers in the relevant articles of the Armenian Laws on Lake Sevan, Flora, Fauna, Specially Protected Nature Areas, which set out the powers of the territorial administration authorities, as well as local self-government-bodies.	The authority, the effect of which is manifested in the function "supports", is not only uncertain, but also vulnerable for the performer. Thus, the policy-making body may characterize the power of support by performing various actions, while the implementer, in this case the regional administration or the head of the relevant community, may interpret it in a different way.	Taking into account the principle of clarity of definition of legal regulations and rules of law "On Normative Legal Acts", it is recommended amending the relevant articles of the Armenian laws "On Lake Sevan", "On Flora", "On Fauna" and "On Specially Protected Nature Areas" that specify the powers of territorial administration bodies, as well as local self-government bodies. In particular, it is suggested clarifying these powers, excluding the use of the term "supports" within the framework of the definition of powers, as well as taking into account the reality of the exercise of the relevant powers by local self-government bodies.
30.	Article 11 Section 1 Item (b) of the RA Law on Specially Protected Nature Areas stipulates that local self-government bodies shall assist in ensuring the regime of protection of specially protected nature areas of international and national importance within the administrative boundaries of the community.	The picture is different in the law enforcement practice, in particular, some communities do not exercise this statutory authority, reasoning that the community's support for maintaining the regime of conservation of the Sevan National Park is financially impossible due to the lack of appropriate actions or measures using the limited budgetary funds of the community. Another problem is that from the definition of this authority, it is obvious that it is given to the local government as its own authority, while it could be as an authority delegated by the State, where the State, represented by the Government, would provide the relevant communities with financial resources to exercise the delegated authority.	It is recommended amending Article 11 Section 1 Item (b) of the RA Law on Specially Protected Nature Areas, in particular, adding the following words at the beginning of the sentence: "as an authority delegated by the State".
31.	The Law of the Republic of Armenia "On approval	It should also be noted that the monitoring mechanism established in Chapter 7 of	It is recommended making an addition to Section 2 of Annex 7 entitled



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	of the annual and integrated actions plan for the restoration, conservation, reproduction and use of the Lake Sevan ecosystem” should have set forth appropriate mechanisms for organizing and implementation of monitoring, which, however, are not implemented within the framework of the law.	the Armenian Law “On the approval of the annual and integrated actions plan for the restoration, conservation, reproduction and use of the Lake Sevan ecosystem” does not provide clear criteria for monitoring, as well as the need and procedure for making certain changes based on its findings.	“Annual and Integrated Actions Plan for Restoration, Conservation, Reproduction and Use of the Lake Sevan ecosystem” to Armenian Law “On the approval of the annual and integrated actions plan for the restoration, conservation, reproduction and use of the Lake Sevan ecosystem” reading as follows: “The monitoring procedure, terms and methodology shall be approved by a Government decree”.
32.	In addition to institutional issues, there is also the problem of evaluating the effectiveness of the key actors in the field, which in many cases fall outside the scope of policy objectives in this area.	To increase the level of efficiency of the Lake Sevan ecosystem management, the Ministry of Environment of the Republic of Armenia should take appropriate measures aimed at assessing the functional framework of the entities operating in this area and the effectiveness of their activities.	It is recommended conducting in-depth research and analysis on the areas of activity of the Sevan National Park and the Expert Commission for Conservation of Lake Sevan, the scope of their functions, the structure and efficiency of these entities, possible reorganizations and reforms, whereby it will be possible to identify the existing problems and recommendations regarding the policies of the RA Ministry of Environment aimed at their solution.
33.	The correlation between the conservation of Lake Sevan ecosystem and the energy interests, as well as the framework of legal relations in urban development remains problematic, which is not addressed in this paper, given its length and the quite comprehensive and complicated nature of the sector.	In law enforcement practice, in many cases, the prospective energy interests from Lake Sevan prevail over the laws on conservation of Sevan, suggesting the need for comprehensive research of not only the practice of electricity generation using the water resources of Lake Sevan, but also the energy sector regulatory legislation. At the same time, the legal instruments of the current urban development legislation and the urban planning situation in immediate impact zone of Lake Sevan have created quite serious law enforcement problems, the solution of which requires also institutional reviews.	It is recommended conducting comprehensive review of the energy and urban development laws, conducting a comparative legal analysis with the national legislation of the Republic of Armenia that regulate the processes of the Lake Sevan ecosystem management. As a result, identify existing legal and practical barriers, proposing sector-related policy recommendations and action plans to address them.
34.	In fact, the acting Expert Commission for conservation of Lake Sevan does not include those key stakeholders who, as policymakers, could and should have been part of this commission, contributing to the effective management of the Lake Sevan ecosystem.	In general, the regulatory mechanisms related to this commission do not create opportunities for ensuring direct connection between the Commission and the executive power, namely the Government and the Ministry of Environment of the Republic of Armenia. The lack of such a connection, or the unlikelihood of possible relationships, in turn, can lead to many negative consequences, particularly in the context of development and implementation of policies in this area.	It is recommended conducting in-depth review regarding the Expert Commission for Conservation of Lake Sevan, identifying issues related to legislation and by-laws, and trying to consider and, consequently, submitting a recommendation for the formation of a new link at the interdepartmental level.
35.	In the context of activity of the Sevan National Park, it should be noted that there are a number of institutional and practical issues that need further study.	Regarding the overlap or duplication of the powers of state non-profit organization “Sevan National Park” and “Hydrometeorology and Monitoring Center” SNCO of the Ministry of Environment. In fact, both institutions are monitoring the environment, which can cause many problems in practice. At the same time, notwithstanding that the legal relationship of allocating contributions to the budgets of the affected communities from the rented areas of the Sevan National Park is regulated by law, however, these contributions are either not done or done in part.	It is recommended making in-depth study on both the relationships and the powers of the Sevan National Park, Hydrometeorology and Monitoring Center of RA Ministry of Environment and the local governments of the communities located in the immediate impact zone of Lake Sevan. In the context of this research, it will be possible to suggest possible ways to address these issues in the form of certain recommendations.