

10 Years of Regional Collaboration in Shared Water Resources Management of Central Asia

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The basis for the successful 10-year collaboration between Central Asian republics countries in the efficient use and protection of water resources is the Interstate Agreement between Kazakhstan, Kyrgyz Republic, Tajikistan, Turkmenistan, and Uzbekistan “On cooperation in the sphere of water resources from international sources management, use and protection” signed in Almaty on 18 February 1992. According to the accords reached, the underlying principles of the former Soviet Union regulations governing shared water resources use in the Syrdarya and Amudarya rivers still remained in force. Therefore, settlement of water allocation issues on transboundary watercourses has a legal basis and the Parties must follow the interstate water allocation specified in this Agreement.

Another important document is the Nukus Declaration of the Aral Sea basin states, signed by the Heads of the five Central Asian republics on 20 September 1995, where they agreed “... that Central Asian states declare valid agreements, treaties and other legal enactments previously signed and currently in force, which regulate interrelations between them on water resources in the Aral Sea basin and accept them for strict implementation.” Within the framework of these documents, water resources limits are set by sources and water management districts, parts of the basin as well as the share of each country in the total volume of water resources of the Syrdarya River basin.

The federal Basin Water Organization (BWO) “Syrdarya”, which established in 1998, was entrusted with inter-republican and intersectoral allocation of water resources. In 1998, water intake facilities, hydro schemes and water reservoirs on the Syrdarya River as well as on its main tributaries exerting influence on formation of the flow were placed under control of this BWO. A similar basin water management organization was established on the Amudarya River.

To implement the agreed order of the Syrdarya River basin water-energy resources use to meet irrigation and energy demands, the Framework Agreement between the governments of Kazakhstan, Kyrgyz Republic, and Uzbekistan “On the Syrdarya River basin water-energy resources use” was signed in Bishkek on 17 March 1998.

As a follow-up to the accords reached, the Heads of States of Kazakhstan, Kyrgyz Republic, Tajikistan, and the Uzbekistan confirmed in the Tashkent Statement of 28 December 2001 their adherence to the understanding that coordinated and agreed actions in the sphere of efficient and mutually beneficial use of water bodies, water-energy resources and water management facilities in Central Asia on the basis of universally recognized principles and rules of International Law will lay the foundation for effective utilization of available agricultural and energy potential of the republics for the welfare of the people in the region. The Heads of states commissioned their governments to accelerate

the work on improving the mechanism of interstate transboundary water resources use.

The Heads of States of Kazakhstan, Kyrgyz Republic, Tajikistan, and Uzbekistan in a Joint Communiqué signed in Dushanbe on 5 October 2002 during the session of Organization for Central Asian Cooperation (CAC) underlined the necessity of further cooperation in protecting and improving the environment, preventing transboundary pollution, and emergency situations of natural and man-caused types, and their consequent elimination. The Heads of States, with the purpose of further improving the mechanism of interstate transboundary water resources use, corroborated once again on the necessity of coordinated and agreed actions in this sphere on the basis of universally recognized rules of International Law taking into consideration of peoples in the region.

The Heads of States in the Dushanbe Declaration that was adopted at the Summit of Heads of States—members of the CAC and the International Fund for Saving the Aral Sea (IFAS)—on 5-6 October 2002 declared, specifically, the expediency of strengthening the role played by the Interstate Commission for Water Coordination in managing and regulating transboundary rivers use; stressed the need for accelerating development of practical measures to augment volumes of collector-drainage water use and for improving the system of monitoring and information exchange between the countries on water and other natural resources conditions to make timely and correct decisions as to their efficient use.

Nevertheless, current relations in the field of transboundary river use and protection undoubtedly require improvement. In general, interstate water resources use in Central Asia should be based on conventions or framework agreements conventionally adopted on the international level, since they are as a rule of holistic nature, setting common guidelines for all member states commitments, and yet do not impose restrictions on contracting parties by enumerating prohibited actions. It is on the basis of such conventions as the “Convention on transboundary watercourses and international lakes protection and use” of 1992 and the “Convention on the right for non-navigational uses of international watercourses” of 1997 that the process of regulating interstate relations of shared water resources use in the region should develop.

These rules of International Law set general principles of the State’s behavior in shared transboundary water use and are of great importance for ensuring their equitable legal rights as shared water users.

Kazakhstan is the only country in Central Asia that became a party to the “Convention on transboundary watercourses and international lakes protection and use” by ratifying it on 23 October 2000. Acceptance of this Convention by the rest of the Central Asian republics should be considered as one of the significant stages in developing the system of interstate relations to regulate joint water resources use. In the future, this could also lead to a unified approach to matters involving International Law and could be used as a guide during negotiations between the Central Asian republics.

Even if the other Central Asian republics accept the “Convention on transboundary watercourses and international lakes protection and use,” it should by no means completely influence the pattern of interstate relations in the field of water resources and on bilateral and multilateral intergovernmental agreements on the joint use of water resources. But it would be legally substantiated if all the parties are guided by generally adopted rules of International Law in the field of joint use and protection of shared water resources.

To improve current relations between the Central Asia republics, it is also necessary to work out a uniform water strategy for the Aral Sea basin based on acknowledging the interest of every state in water resources development, protection, and use. The following principles of shared water resources use should proceed from the following preconditions:

- Available water resources are limited.
- Transition is necessary to water saving ways of developing economies.
- The Aral Sea and ecosystems in the Amudarya and Syrdarya river deltas, as well as the natural complex of Priaralya, should be considered as independent and eligible for shared water use.
- Augmentation of irrigated areas at the expense of developing new lands should not be stipulated.
- A package plan should be implemented to protect water and land resources against pollution and depletion, including improvement of economic mechanisms for water use.
- The provision of life support facilities including clean water for the people in the region should be a priority in water resource allocation.
- All parties must have uniform rights for water resources use—more advantageous natural hydrological conditions in the upstream transboundary watercourses should not be used as a tool for obtaining political and economic benefits.

On the basis of the above preconditions, priority regional activities on transboundary water resources management in the Aral Sea basin may be defined as follows:

- Improving the Amudarya and Syrdarya river basin water resources management system;
- Enhancing the role of the Interstate Commission for Water Coordination and its subordinate bodies in the sphere of the Aral Sea shared water resources management; and
- Developing a legal framework for shared water resources management in the Aral Sea basin.