

To: Mr. Gert SLUIMER,  
Team Leader HASKONING  
Tashkent, Uzbekistan

From: Guy Le Moigne,  
Water Resources Consultant,  
7109 Marbury Road  
Bethesda, MD 20187, USA

Subject: **ARAL SEA BASIN**  
**Draft Mission's Report on Visits to the CARs, July-August, 2001**

## **1 Introduction**

1.1 In accordance with your Terms of Reference dated June 7, 2001, I traveled to the five Central Asian Republics (CARs) to follow up on the transboundary water issues along the lines proposed in the June 2001 HASKONING's Regional Report No.1 (RR1). My Draft Notes on the Visit to each of the Republics (including a list of the people met) are attached as an Annex to this Draft Report. Copies of these Draft Notes were e-mailed to you immediately after the visits.

1.2 Mr. AZIMJAN A. ATEBEKOV of the Regional Working Group accompanied me during these visits and gave me very precious help in the organization of the various meetings and of the travel arrangements. I would also like to express my appreciation to HASKONING's Staff in Tashkent for their efficiency and kindness in obtaining the necessary visas to the various Republics, in arranging for car and airline transportation, and more generally in facilitating my work during this mission. Mr. Ulugbek RUZIEV was most helpful during my stay in Tashkent and in particular in arranging important meetings with Mr. A. JALALOV, First Deputy Minister of Agriculture and Water Management in Uzbekistan and with Mr. Umid V. ABDULLAEV, Coordinator of Uzbekistan National Working Group. Mr. Ulugbek RUZIEV joined me in these two meetings (Mr. Azimjan ATABEKOV also participated in the meeting with Mr. ABDULLAEV). Lastly, I would like to thank Messrs. Martin M. BOS, Peter J. HALLOWS, Mark NAYAR, Georg D. NIELSEN, and Ivo BASTINGS for their constructive comments and insight on the technical, economic, social, and environmental situation in the CARs.

1.3 At the end of this draft Report, I have made a number of suggestions for strengthening Regional Cooperation. These suggestions go perhaps beyond the scope of the present assignment (although the subject of "transboundary issue" is a rather broad one!). I hope you will find them useful but, more importantly, that this Draft Report meets most of your requirements. In any case, I look forward to receiving your comments.

## 2 Transboundary vs. National Waters

2.1 The mission's visit to the five riparian States confirms that, in the present circumstances, there is no possibility to "develop a methodology acceptable to all five States on how to define and delineate transboundary and national waters" (as mentioned in the TOR). The States advocate the well-known 1895 "Harmon Doctrine" that asserts the "unfettered right of a territorial sovereign to do as it pleases" (Re: 1997 "International Water Law" by Professor Charles B. Bourne). The recent (July 23, 2001) Water Law enacted by the Kyrgyz Republic stating that all the waters in the territory of the country belong to the State, as well as the existing Water Laws of the other CARs<sup>1</sup> support the conclusion reached on this subject in the Regional Report No.1 (RRR1). In December 2000, Tajikistan had already indicated however that it was not feasible to "separate all water resources into transboundary and national ones". In this connection, it is interesting to quote the "**National Sovereignty and International Watercourses Panel**" (appointed by the World Commission on Water for the 21<sup>st</sup> Century). In their Report (published by Green Cross in March 2000), the Panel states that "Instead of grappling from a restrictive middle ground between upstream and downstream riparian claims, and mutually unsatisfactory compromise, **the problem should** be reformulated and **directed away from questions of** different degrees of **sovereignty towards a vision of cooperation**. States should be presented with suggestions of how cooperating with their fellow basin States can provide mutually beneficial circumstances for the States, people and environments involved, rather than with arguments for policies of restricted sovereignty".

## 3 Reasonable and Equitable Share of the Waters.

3.1 Customary International Rules and Conventions, particularly:

- The 1966 Helsinki Rules on the uses of the Waters of International Rivers;
- The 1992 Helsinki Convention on the Protection and Use of Transboundary Watercourses and International Lakes; and
- The 1997 United Convention on the Law of the Non-Navigational Uses of International Watercourses,

state that: "Watercourses States shall participate in the use, development and protection of an international watercourse in an **equitable and reasonable manner**" (Article 5 of the UN Convention; actual wording varies between International Rules and Conventions but all refer to an "equitable and reasonable" share of transboundary watercourses).

3.2 Our July-August Mission confirms the assessment proposed in the June 2001 HASKONING Regional Report No.1, i.e. that it should be **possible to reach a consensus from the five CARs on the principle of reasonable and equitable share**. This assessment is based on the following evaluation of the countries' position on this subject. Kazakhstan has formally adhered to the 1992 Geneva Convention (the only CAR to have

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<sup>1</sup> Article 4 of the Water code of the Republic of Kazakhstan states: "Waters in the Republic of Kazakhstan are the exclusive property of the State". Article 4 of the Water Code of the Republic of Tajikistan states: "In conformity with the Constitution of the Republic of Tajikistan, internal waters of the Republic of Tajikistan are the exclusive property of the State. They are national wealth and can be provided only for use". Article 3 of the Law "On Water and Water Use" of the Republic of Uzbekistan states "Water is a State property, national wealth of the Republic of Uzbekistan. It is to be rationally used and is protected by the State".

signed it) and thus to HASKONING's proposed principle. Tajikistan (in the NWG notes of December 2000) has indicated that it considers "it is necessary to follow the principles of international law in new approach to water distribution". HASKONING's Regional Report No.1 (RR1) mentions that Uzbekistan had "expressed the opinion that transboundary waters should be assessed in the context of international water law" and that "in this connection the 1992 Helsinki Convention could serve as a basis for discussion". As mentioned above, the Kyrgyz Republic has just enacted a new Water Law (on July 23, 2001). Article 3 of this Law refers to "fair and reasonable basis in use of water resources" in interstate agreements. Lastly, during the Mission's visit to Turkmenistan on August 9, 2001, some uncertainty remained on the position of that Country as the proposed new Water Law has not yet been ratified by Parliament (and its Text is not available). However, in its comments on HASKONING's Draft Regional Report No. 1, Turkmenistan has not voiced objection to the proposed principle of "equitable and reasonable share".

#### **4 Relevant Factors in International Water Sharing**

4.1 The 1966 Helsinki Rules and, more importantly, Article 6 of the 1997 UN Convention on the Law of Non-Navigational Uses of International Watercourses, specifically refers to "**Factors relevant to equitable and reasonable utilization**" of an international watercourse. It is true - as pointed out by the SIC of the ICWC in its comments on the HASKONING Draft Regional Report No.1 (RR1) - that the 1992 Helsinki Convention does not specifically mention these "relevant factors". The reason is probably due to the fact that this Convention deals essentially with protection of the quality of European waters rather than with the sharing of these waters as this is not at present an issue among the European States. The 1992 Helsinki Convention does mention however the principle of equitable and reasonable share. I therefore consider that HASKONING's proposal to try obtaining a consensus of the five CARs on the "relevant factors" for utilization of the shared waters is justified.

4.2 **All the officials** I met during my July-August 2001 visit to the five CARs **agreed to complete their country's section of Appendix 3** of the June 2001 Revised RR1 dealing with the "factors relevant to assessing a reasonable and equitable share of international water use". In this connection, it is interesting to note that Tajikistan (in the NWG notes of December 2000) strongly supports HASKONING's recommendations to follow the principles of International Law in the "choice of criteria to distribute water between the countries of the Region". As a follow-up to these agreements, I suggest that letters be addressed by Mr. Gert Sluimer to the Chairmen of the National Working Groups to remind them to send their contribution to HASKONING in Tashkent. As recommended by the 1997 UN Convention and by the HASKONING's Report, once these documents are available, they should serve a useful role in the cooperation and negotiations between the riparian States for finalizing draft agreements (see paragraph 6.4) on sharing the waters of the Aral Sea Basin.

4.3 A number of reviewers of the Draft RR1 rightly pointed out that eventually **Afghanistan** will have to be consulted on this subject. At present the water sharing of the

Amu Darya Basin with that Country is ruled by an Agreement between the USSR and Afghanistan signed in 1946<sup>2</sup> and confirmed by Minutes of a Meeting held on June 25, 1958.<sup>3</sup> According to this Agreement, Afghanistan is entitled to 9 km<sup>3</sup>/year of the flow of the Amu Darya. The political and economic situation in that Country prevents it at the present time to make full use of this allocation. However, this situation is likely to change in the future and it will affect the flow conditions in the downstream riparian States.

4.4 It must also be recognized that the other major principle of International Water Law, i.e. the “**Obligation not to cause significant Harm**” (Article 7 of the 1997 UN Convention) is not acceptable to the Upstream riparian States. However, as mentioned below, the five CARs have shown the ability to negotiate among themselves with a view to arrive at a resolution of their water-related conflicts.

## **5 Other Principles Related to Transboundary Water Issues**

5.1 Customary International Rules and Conventions recognize the “**Principle of Compensation**” for harm done by a Watercourse State to other(s) riparian States. Article 7 of the 1997 UN Convention, for example, require “States whose use cause harm... to discuss the question of compensation”. Article 17 of that Convention requires States planning measures that may cause harm to other riparian States to “enter into consultations and, if necessary, negotiations with a view to arrive at an equitable resolution of the situation” while Article 25 mentions that “Watercourse States shall participate on an equitable basis in the construction and maintenance or defrayal of the costs of such regulation works as they may have agreed to undertake”.

5.2 The Five CARs have demonstrated their ability to apply this Principle for the Syr Darya Basin. This is illustrated by the March 17, 1998 “**Framework Agreement** between the Governments of the Republic of Kazakhstan, the Kyrgyz Republic, and the Republic of Uzbekistan on the use of water and Energy Resources of the Syr Darya Basin” (the Republic of Tajikistan became a Party to this Agreement on May 7, 1999). Article II of this Agreement **introduces the Principle of Compensation for the energy losses** caused by the agreed-upon operating regimes of the reservoirs of the Naryn-Syr Darya Cascade for irrigation water releases. Similarly, during my visit to Turkmenistan, Mr. Matkarin RAJAPOV, Minister for Nature Protection agreed that, in principle, Tajikistan could be entitled to payment for covering its expenses associated with the regulation of the Amu Darya to meet the irrigation needs of the downstream riparian States.

5.3 The **Principle of Responsibility for Rational Water Use and Protection of the Resources** was enunciated by the five New Independent States of Central Asia when they signed the 1993 Agreement “On Cooperation in the Sphere of Joint Management and Protection of Water Resources being of Interstate Origin”. As pointed out by the “National Sovereignty and International Watercourses Panel” in its March 2,000 Report, the Islamic world has introduced “the notion of the offence entailed in wasting water, a God-given resource which must be preserved.” The Panel Report adds: This implies a shared and universal responsibility for using and treating water resources sustainably; a

notion which could be applicable in all cultures, and used to promote and legitimate demand-management practices”. This notion is clearly stated in **Article 2 of the 1992 Helsinki Convention** that mentions: “The Parties shall take all appropriate measures to ensure that transboundary waters are used with the aim of ecologically sound and rational water management, conservation of water resources and environmental protection”. In this connection, it is interesting to note that significant progress has apparently been achieved by some of the CARs in saving water consumed for irrigation. However, as pointed out by Mr. Umid V. ABDULLAEV Coordinator of Uzbekistan National Working Group, much remains to be done to improve irrigation and drainage efficiency (the same could be said of the wastage of the potable water supply in most of the CARs since there is no measurement of water use and hence no incentive to save).

5.4 Another Principle related to Transboundary Issues mentioned in Article 9 of the 1997 UN Convention is the “**Regular Exchange of Data and Information**” (Article 11 of the 1992 Helsinki Convention refers to the “Joint Monitoring and Assessment”). This Principle is dealt with in Component D: “Trans-boundary Water Monitoring” of the GEF “Water and Environmental Management Program”. Although it is beyond the scope of this Mission, it is important to note that progress has been made in the implementation of this Component. An example of cooperation in this aspect was mentioned by Mr. Tilekbay KYSHTOBAEV, First Deputy Minister of Ecology of the Kyrgyz Republic, who told the Mission that his Ministry accepts joint monitoring with the other riparian States of the water quantity and quality measurements as well as sharing of the information available.

5.5 The **Principle of “Protection of the Environment of Transboundary Waters or the Environment influenced by such waters, including the Marine Environment”** mentioned in Article 2 of the 1992 Helsinki Convention appears to receive less attention (particularly for the Aral Sea Delta) than the overall Principle of Cooperation between the five CARs. This aspect was briefly mentioned during the mission visit to Uzbekistan and to Turkmenistan (Kazakhstan appears to be more involved on this issue by proposing to increase the responsibility of the BVO Syr Darya to include biological resources in the Aral Sea Delta). As mentioned in the June 13, 2001 Report of the Independent Panel of Experts appointed by the World Bank “it is not yet known whether there will be enough water of sufficient quality in the future to sustain a minimum environmental restoration program”. This is an area of concern that is addressed in Component E “Wetland Restoration” and Component B “Public Awareness” that are beyond the scope of this Mission.

## **6 Strengthening Regional and International Cooperation**

6.1 As mentioned in Section 2 of this Report, the issue of Transboundary vs. National Waters should be directed towards a “**Vision of Cooperation**”. In this connection, the strengthening and enlargement of existing Regional and International cooperation to achieve a more efficient use of waters of the Aral Sea Basin should be encouraged.

6.2 It is important however to recognize that the **existing regional cooperation is already impressive**. For example, the Heads of States of the five CARs have, on a number of occasions - since their Independence from the former Soviet Union - signed agreements to confirm their “Cooperation in the Management, Utilization and Protection of Water Resources in Interstate Sources” (1992) and to establish (or confirm existing) intergovernmental institutions for reinforcing this Cooperation (1993, 1995 and 1997). The most important institutions today are IFAS, the International Fund for the Aral Sea, ICWC, the Interstate Commission for Water Coordination, SIC-ICWC, the Scientific Information Center of the ICWC, BVOs, the River Basin Water Management Organizations, and SDC, the Sustainable Development Commission. More recently (2000?) – to regenerate regional cooperation - the five CARs formed the Power Council of Central Asia Republics<sup>4</sup>. There is also a number of agreements that concern only some of the five CARs such as the Agreement between Uzbekistan and Turkmenistan on the sharing of the Amu Darya Waters and the Framework Agreement between Kazakhstan, Uzbekistan, the Kyrgyz Republic and Tajikistan on the Use of Water and Energy Resources of the Syr Darya Basin.

6.3 Officials met during this Mission rightly pointed out that – thanks to these agreements and political will at the highest level of the Republics – the five CARs have managed their first 10 years without wars and have succeeded to resolve their water-related conflicts by direct negotiations. They consider that a number of international organizations often try to impose their views without having fully understood the economic and political conditions in the riparian States (sensitivity on this issue led one Head of State to reject an OSCE initiative to assist in resolving water-related issues). The political sensitivity on institutional aspects was also reflected in the comments given on HASKONING’s Draft Regional Report No.1 when the five CARs indicated it is preferable to **strengthen existing institutions** than creating new ones.

6.4 The differences in economic reforms and development among the five CARs, coupled with their national goals of food and electricity self-sufficiency create a challenge in obtaining a consensus on the formulation of regional development projects that meet political, economic, financial, social and environmental objectives acceptable to all the Republics. This challenge has prompted the World Bank Independent Panel of Experts to recommend in their June 13, 2001 Report that “the two river basins – **the Amu Darya and the Syr Darya – should be analyzed separately**” as “their linkage by a power transmission line is not sufficient basis for integrated modeling”. In fact, this difficulty had led most donors to concentrate their technical and financial support to projects related to one basin - as the USAID in assisting on the formulation of the Framework Agreement on the Use of Water and Energy Resources on the Syr Darya Basin - or one country - as the World Bank Group in financing technical assistance and infrastructure projects in each of Republics that were considered most urgent and beneficial for the whole Region. The European Union TACIS Program however provided technical and financial support (1995-1999) for a component on “Water Resources Management and Agricultural Production (WARMAP)” in the CARs. This Program provided legal support for international water resources utilization through the drafting of water sharing agreements. As mentioned in Annex 1 (Notes on Visit to Kazakhstan), one of the draft

agreements dealing with Informational Support for Transboundary Waters has apparently been agreed by the Parties and is ready for signature by the Heads of States. The other draft agreements, on the other hand, are still under significant revisions.

6.5 To provide additional incentives for Regional and Basin-Wide Programs and Projects, international and bilateral **donor organizations** (World Bank, European Union, Asian Development Bank, USAID, Netherlands, UK, etc.) **should improve their coordination** for technical and financial support to the IFAS and other regional organizations. The Nile Basin Initiative provides a useful example of recent donor coordination. In spite of serious potential conflicts among the ten riparian States, a multi-track diplomacy approach that started with a series of annual informal workshops among the key countries stakeholders has now reached an encouraging form of cooperation. According to the World Bank Development News of July 31, 2001, “ the 10 Nile countries have decided to rise above national differences and pursue a common social and economic vision by establishing in 1999 the **Nile Basin Initiative**. In June 2001, the international donor community pledged **\$140 million in grants** to implement a basin-wide program of research, capacity building and technical assistance, and begin detailed planning of **investment programs**, the first of which is **expected to amount to \$3 billion**”. The President of the World Bank is personally involved in that initiative. His planned visit to the CARs in the fall could perhaps be an opportunity to strengthen World Bank/GEF and other donor’s coordination and involvement in the Aral Sea Basin Initiative.

6.6 The short visits made by the Mission to the five CARs have highlighted the challenges in proposing new regional and/or basin-wide programs and projects (for example, the new water law of the Kyrgyz Republic requiring downstream riparian States to “pay for use of water resources of the Republic” - although it cannot be implemented – has not helped to reinforce the climate of mutual trust and understanding among the CARs). However, based on the limited information gathered during the Mission, the following **suggestions for strengthening regional cooperation** may be worth considering by HASKONING in its next Draft Report:

- Improving existing and developing new agreements in **trade between energy and water related services** could help alleviate the effects of uneven water supplies between riparian States and prevent water being used for purposes which can be provided more efficiently and sustainably elsewhere in the Basin. In this connection, the proposal for “funding technical enhancements and advisory **assistance to the Central Asia Regional Dispatch Center-Unified Dispatch Center Energiva**” within the framework of the Power Council of Central Asia Republics”<sup>4</sup> appears to deserve support. One of the objectives of this proposal is to develop a regional wholesale power market to “help resolve issues of water utilization by providing market price signals of the cost of hydro energy on a seasonal basis”.(The USAID originally provided assistance to this proposal but apparently this assistance is now discontinued);
- Providing assistance for **feasibility studies** of technical, institutional, social, environmental, and financial aspects of several water and power related projects including:

- Construction of **reservoirs (and associated water conveyance structures) in the middle streams of the Fergana Valley** (see Annex 1 Notes on Visit to Uzbekistan);
  - Completion of **Kambarata II Dam and Power Plant** in the Naryn-Syr Darya Cascade (see Annex 1 on Visit to Kazakhstan and the Kyrgyz Republic); and
  - Completion of the **Rogun Dam** and the first phase of its associated Power Plant (See Annex 1 on Visit to Tajikistan)
- **Strengthening** the institutional, technical, and financial capacity of the Regional Organizations including **the BVOs Syr Darya, Amu Darya, and Zerafshan and the SIC-ICWC**. In my December 15, 2000 Draft Report, I recommended that these regional organizations be “staffed with individuals having broad qualifications that allow them to show independence of judgment; - experience has shown that competitive selection of professional staff, with adequate consideration given to nationality mix, contributes significantly to the performance and efficiency of joint agencies”. Mr. A. JALALOV also proposed this recommendation (see Annex 1 on Visit to Uzbekistan). In addition, as proposed by Kazakhstan (see Notes in Appendix1), the **mandate of the BVO Syr-Darya** for example could be **extended to** include responsibility for the **development of biological resources** in the Northern Aral Sea Delta.

6.7 The above suggestions would address some of the medium to long-term issues of transboundary water sharing in the Aral Sea Basin. Some of **these suggestions** are briefly discussed in Appendix 1 in the Notes on Visit to the CARs. Their successful implementation would not be easy and **would require support from the donor community** and intense discussions **and cooperation among the riparian States** to achieve mutual trust and understanding. For example, the joint operation, maintenance and management of the Kambarata II Project (as proposed by Kazakhstan) may be necessary to provide assurance to the downstream riparian States that operation of the Naryn Syr Darya Cascade reservoirs would be carried out in accordance with the irrigation requirements. In the long term, Tajikistan and the Kyrgyz Republic would be instrumental in any regional solution for sustainable development as the larger part of the Aral Sea Basin annual flow is formed within their borders.

6.8 Another potential source of cooperation among the CARs (not discussed in this Report) is the development of **Tourism**. Uzbekistan and the Kyrgyz Republic, for example, have stated their objective to cash on their country’s rich cultural heritage and beautiful mountain sites. **Cooperation** among the Republics to develop tourism could bring significant additional increase in their GDP and have major **implications in** the employment situation and **future rural and urban water use**. Much remains to be done however to achieve such an objective as bureaucracy, poor quality service and inadequate infrastructure would have to be significantly improved to attract private investors that would in turn ensure a steady flow of visitors

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<sup>2</sup> “Frontier Agreement between Afghanistan and the USSR (with Protocol), June 13, 1946”

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<sup>3</sup> “Protocol between the USSR and Afghanistan concerning the joint execution of works for the integrated utilization of the water resources in the frontier section of the Amu Darya, June 25, 1958”

<sup>4</sup> Note on “Rational for funding technical enhancements and advisory assistance to the Central Asia Regional Dispatch Center , June 2000” given to the writer by Mr. Georg Nielsen in Tashkent

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## ANNEX 1

August 2, 2001

### **ARAL SEA BASIN PROGRAM Water and Environmental Management Project Sub-component A1 Mission to the CARs to discuss Transboundary Water Issues**

#### **NOTES ON VISIT TO KAZAKHSTAN (July 31-August 2, 2001)**

##### **1 Committee for Water Resources (CWR):**

1.1 Upon arrival in Astana on July 31<sup>st</sup>, we met with Mr. Amanbek RAMAZANOV, Chairman of Kazakhstan Committee for Water Resources. I was accompanied by Mr. Azimjan A. ATABEKOV, of HASKONING and by Mr. Tulegen Tadjibaevich SARSEMBEKOV, Chairman of Kazakhstan National Association of Water Resources and Environmental Protection.

##### **1.2 Factors Relevant to Assessing a Reasonable and Equitable Share of Water Use.**

I thanked Mr. Ramazanov for his comments on the Regional Report 1 and informed him that they had been taken into account by HASKONING in the June 2001 Version. I gave him a copy of Appendix 3 of that Report and asked him to kindly fill the columns dealing with Kazakhstan and to send the revised Appendix to the attention of Mr. Gert Sluimer of HASKONING in Tashkent. He agreed to do so before the end of August. (*I propose to draft a letter of thanks that could be sent by Gert to Mr. Ramazanov, reminding him to send the completed Appendix 3*).

1.3 **Agreement with Kyrgyz Republic.** Mr. Ramazanov informed the mission that the existing Power and Water Sharing Agreement between Kazakhstan, the Kyrgyz Republic, Tajikistan and Uzbekistan had worked well this year. Following the visit (last week) by the President of Kazakhstan to the Kyrgyz Republic, the establishment of a Water and Energy Consortium to build Dams and Power Plants at Kambarata (I and II), upstream of Toktogul, has apparently been agreed in principle by the two Heads of States. Uzbekistan and Tadjikistan have been invited to join this Consortium but have not yet taken a decision. Under this arrangement, flow through the Kambarata Power Plants would be regulated by the Toktogul Reservoir, thereby avoiding conflicts between power and water use during the cropping season. (The economic, financial and social aspects of this option obviously need to be studied in detail). Mr. Ramazanov also mentioned that, during his visit to the Kyrgyz Republic, President Nazarbayev stated that the payment for water from Kyrgystan to Kazakhstan was considered unacceptable. President Nazarbayev, however, indicated he understood the necessity of common financing the construction, operation and maintenance of reservoirs that accumulate water eventually flowing to Kazakhstan.

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**1.4 Transboundary Water Monitoring.** Mr. Ramazanov indicated that an agreement for sharing information on water quantity and quality was under preparation. In the meantime, the BVO Syr Darya provides Kazakhstan with some information but only sporadically. The issue of measuring water quality has not yet been seriously solved. The reorganization of the BVO to include more staff from Kazakhstan has not yet taken place. (An agreement would have been reached to alternate every 5-year the Executive Director of the BVO, but the Uzbek Director has now been in place more than 10 years and no firm plan has yet been put in place for his replacement). More generally the relationship with Uzbekistan, although better than last year, still needs to be improved.

**1.5 Capacity of the Committee for Water Resources (CWR).** The mission's impression of the weak resources and capacity of the CWR was confirmed by an assessment from the World Bank. (Mr. Sarsembekov gave me copy of a letter dated July 20, 2001 from Mr. Kadir Tanju Yurukoglu, Acting Director for Central Asia at the Bank to Mr. Uraz JANDOSOV, Deputy Prime Minister. In this letter, Mr. Yurukoglu states that "the institutional capacity of the Committee for Water Resources (CWR) has been allowed to deteriorate to a point that it no longer has the capacity to adequately manage and protect the water resources of the country"). This institutional aspect needs to be addressed also in the context of preparing water-sharing agreements with the other Syr Darya Riparian States.

## **2 Committee on CIS Affairs**

2.1 On August 1, 2001 we (Messrs. Sarsembekov, Atabekov and I) met with Mr. Asan E. KOZHAKOV, Chairman of the Committee on CIS Affairs at the Ministry of Foreign Affairs. Mr. Kozhakov (we had met him last December in Astana) is the chief negotiator for Kazakhstan on international water sharing agreements. He has not received a copy of the Regional Report 1 but he will obtain one from Mr. Ramazanov and will send his comments (particularly on Appendix 3) to Mr. G. Sluimer in Tashkent. In turn I agreed that we would send him a copy of the Report on "National Sovereignty and International Watercourses" prepared by Green Cross International in March 2000 for the World Commission on Water.

2.2 Mr. Kozhakov confirmed that a joint venture would be established between the Kyrgyz Republic and Kazakhstan to build and operate dams and power plants upstream of the Toktogul Reservoir. The formal agreement would be signed later this year during the visit of the Kyrgyz President to Kazakhstan. Mr. Kozhakov confirmed the information given by Mr. Ramazanov that Kazakhstan would not agree to pay for water coming from Kyrgystan as he considered there were no precedent for such a payment. I mentioned the case of the Lesotho Highland Water Project that transfers water to South Africa (RSA) and for which RSA pays royalties. (At his request, I agreed that we would try to provide him with a copy of the Agreement between RSA and Lesotho). The main difficulty encountered by Kazakhstan in solving water-sharing issues on the Syr-Darya is with Uzbekistan where the development of economic reforms is quite different from that of Kazakhstan. (Mr. Kozhakov indicated that his Country has no significant problems on

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water sharing with Tajikistan). President Karimov of Uzbekistan is due to visit Kazakhstan in November-December this year and Mr. Kozhakov hopes that this visit would enable progress to be made on these issues.

**2.3 October IFAS Summit.** Mr. Kozhakov informed us that Kazakhstan was preparing a new document concerning the institutional aspects of the Syr-Darya BVO that he hoped would be agreed at the October IFAS Summit Meeting in Turkmenistan. This document would apparently propose that the key staff for the BVO should be recruited in other neutral countries (such as Ukraine) in a similar way as had been done for the Mekong Secretariat. The BVO could also be responsible for a new Committee for the Development of Biological Resources in the Aral Sea Delta. Mr. Kozhakov also informed us that Kazakhstan would recommend to the other Heads of States that the World Bank and other donors for the ASBP be invited to take part in the Summit's Meeting.

**2.4 Water Strategy.** Mr. Kozhakov informed us that, next October, the President of Kazakhstan would preside a meeting of the Council of National Security to discuss the Country's Global Plan for dealing with its Water Resources at the National and International levels. (It was in this connection that the World Bank had expressed its concern about the weak capacity of the Committee for Water Resources).

### **3 IFAS Executive Board**

3.1 On August 2, 2001 Mr. Azimjan A. ATABEKOV and I met with Mr. Altymbek M. MEDELBEKOV, Deputy Executive Director of the International Aral Sea Rehabilitation Fund (IFAS) and with Mr. Abdugapirov ILASHBEK, National Coordinator of the GEF Project in Kazakhstan. (Mr. Almabek N. NURUSHEV, Executive Director of IFAS, was not available due to sickness).

3.2 Mr. Medelbekov informed us that the IFAS Summit Meeting might be advanced to September. However, no final decision has yet been taken. (In fact, Mr. Ilashbek told us privately that the meeting of the Heads of States might actually be postponed to the end of the year or early next year). Mr. Medelbekov confirmed that the institutional aspects of the BVOs would be discussed at that meeting on the basis of a draft document prepared by the riparian states.

3.3 Mr. Medelbekov expressed concern at the new July 23, 2001 Kyrgyz Water Law. In particular, he considered unacceptable the one-side approach to sell transboundary waters. He indicated that this subject would be discussed in October 2001 in Almaty during the next meeting of the UNDP Economic Commission for Support to Central Asia (SPECA?).

3.4 Mr. Ilashbek, in a separate meeting referred to two Draft Agreements prepared by The European Union under the TACIS Program. One of the Draft Agreements dealing with Informational Support for Transboundary Waters has been agreed by the parties and is now ready for signing by the Heads of States. The other Agreement dealing, among

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other subjects, with the revision of the BVOs' status has to be revised. It will be divided into two parts, one for the Syr Darya Basin and the other for the Amu Darya Basin.

Draft written by Guy Le Moigne, August 5, 2001

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August 4, 2001

**ARAL SEA BASIN PROGRAM**  
**Water and Environmental Management Project**  
**Sub-Component A-1**  
**Mission to the CARs to discuss Transboundary Water Issues**

**NOTES ON VISIT TO KYRGYZSTAN** (August 3-4, 2001)

**1 Department of Water Resources**

1.1 Mr. Azimjan A. ATABEKOV of HASKONING, Mr. Suyumbek EDWARD, Office Manager of Kyrgystan National Water Group and I, met with Mr. Baratali T. KOSHMATOV, Deputy Minister of Water Resources and Agriculture and Processing Industry and Director General of the Department of Water Resources. (We could not meet Mr. Beyshekeev KYDYKBEEK, the Deputy Director General of the Department of Water Resources and Team Leader of the National group because he was sick. The HASKONING Mission had met him on December 6, 2001).

1.2 **New Water Law.** We briefly discussed various aspects of the new Water Law (No. 76) of July 23, 2001 on “Interstate Use of Water Structures, Water Resources, and Water Facilities of Kyrgyz Republic”. (Mr. Edward had given me an English version of this Law). The Law confirms the information given last December to the HASKONING’s Mission, i.e. that water resources and water facilities within the Kyrgyz Republic are the property of the State. The Law also states that other States should pay for use of water resources of Kyrgyz Republic. (The President of Kazakhstan has already stated that such an approach was considered unacceptable and the other downstream Riparian States are likely to voice the same objection).

1.3 Article 3 of the Law however includes one of the key principles of the 1992 Helsinki Convention on the Protection and Use of Transboundary Watercourses and International Lakes and of the 1997 UN Convention on the Law of the Non-Navigable Uses of the International Watercourses concerning the “fair and reasonable basis in use of water resources ” in interstate agreements. (The Conventions refer to the “reasonable and equitable utilization”). Article 3 of the Law also refers to the “development, investment and joint implementation of programs and projects on conservation, protection, development and multipurpose use of water resources, water structures, and land adjoining them”. Article 4 indicates that temporary joint interstate commissions can be established for the preparation, investment and coordination of implementation of interstate agreements, programs and projects.

1.4 **Agreements on Sharing Water and Energy.** Mr. Koshmatov mentioned that Kazakhstan and Uzbekistan had only partially fulfilled their obligations under the 1998 Framework Agreement (and the subsequent yearly contracts to implement it). The Kyrgyz Republic therefore had to operate the Toktogul Power Plant during the winter to meet its power needs. Mr. Koshmatov also indicated that the Kyrgyz Republic was

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studying with Kazakhstan the possibility of a joint development, investment and operation of the Kambarata I and II dams and powerplants (upstream of Toktogul). He added however that President Akayev of the Kyrgyz Republic had proposed to work on a bilateral agreement instead of the consortium proposed by President Nazarbayev of Kazakhstan. Various alternatives will be studied before the visit by President Akayev to Kazakhstan later this year when this cooperation will be further discussed.

**1.5 Cost Sharing.** Mr. Koshmatov referred to his May 16, 2001 comments on the **Regional Report No.1** in which he indicated the need **to mention the principle of sharing the costs** incurred by the “countries of the runoff zone related to maintenance and protection of water objects and water resources, as well as protection from harmful effects from waters”. In this connection, he informed us that an Agreement had been signed with Kazakhstan in January 2000 for sharing the costs of operating and maintaining the water structures on the “Chu Talas” (spelling?) River that flows from the Kyrgyz Republic to Kazakhstan. The cost will be calculated as a function of the volume of water received by Kazakhstan. This Agreement has already been ratified by the Kyrgyz Parliament and will be ratified in the near future by the Parliament of Kazakhstan. A joint committee of the two countries will then be established to implement the Agreement.

## **2 Kyrgyzenergo**

2.1 On August 3, 2001 we also met with Mr. Alexey ZYRIANOV, Deputy Director General and Head of the Hydro-Technical Department of JSC Kyrgyzenergo. (I understand he is now also a member of Kyrgyz National Working Group).

2.2 Mr. Zyrianov gave us some details on the actual selling of hydropower and delivery of water to Uzbekistan and Kazakhstan so far this year. He indicated that, because of drought conditions, Kyrgyzenergo would not be able to deliver this year the planned quantity of 2.2 km<sup>3</sup> of water to the downstream states. On the other hand, he indicated that neither Uzbekistan nor Kazakhstan had fully met their contractual commitments for delivery of gas and oil to the Kyrgyz Republic.

2.3 Mr. Zyrianov provided us also with some details on the Karambata I and II Projects. He informed us that he had discussed these projects last month with Mr. Masood Ahmad of the World Bank. He also referred to a meeting he had with Mr. Gert Sluimer in Tashkent last June. The Karambata II Project would have a capacity of 360 MW. It is about 30% completed (it was originally planned for completion in 1992) and would now cost about US \$ 210 million and take two years for its completion. (The Project was updated by Harza Engineering Co. in 1993). The diversion tunnels and the spillway are completed, the equipment is already produced with one half on site and the other half in a Russian factory. The dam would be 60 m high (with a reservoir capacity of 70 million m<sup>3</sup>) and would be constructed by the explosion method.

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2.4 Mr. Zyrianov indicated that the Kyrgyz Republic had issued invitations for financing proposals for the completion and operation of the dam and its associated power plant through a concession. He mentioned however that the planned privatization of the power sector in the Central Asian Republics could significantly change the picture. Referring to the Kazakhstan's proposal to build and operate the Project through a consortium, Mr. Zyrianov mentioned that Kyrgyzenergo had originally proposed the idea of a consortium for operating the existing power stations in 1996. He mentioned however that Kyrgyzenergo lacked experience in establishing consortiums and would welcome foreign expertise to speed up the process.

2.5 The Karambata I Project (located upstream of Karambata II) is only 5% completed and, based on the present design, would cost about US\$1.7 billion to be completed. The dam height would be 250 m high with a reservoir capacity of 3.4 billion m<sup>3</sup>. (The Project was originally planned to be completed in 1997). Mr. Zyrianov mentioned that Mr. Masood Ahmad had proposed that an alternative to Karambata II and I should be studied with a view to reduced costs. Mr. Zyrianov however is concerned that studying such an alternative could delay the Project by 2 to 3 years and he believes that, to ensure operation of the Toktogul reservoir to meet the cropping requirements of Uzbekistan and Kazakhstan, there is an urgency to complete the Karambata II Project as soon as possible.

### **3 Ministry of Ecology and Emergency Situations**

3.1 On August 3, 2001 we met briefly with Mr. Tilekbay KYSHTOBAEV, First Deputy Minister of Ecology and Emergency Situations. He told us that his Ministry was open to joint monitoring with the other riparian states of the water quantity and quality measurements as well as sharing the information available. He informed us that in a recent case on arguments about the quality of water in a river shared with Kazakhstan, 15 samples had been taken jointly for measurement by both Kazakhs and Kyrgyz specialists and this had contributed to solve a dispute on this subject. Mr. Kyshtobaev concluded the meeting by indicating the need for more specialists to monitor the quality of water in the shared river basins.

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**NOTES ON VISIT TO TURKMENISTAN (August 9-11, 2001)**

**1 IFAS Executive Committee**

1.1 On August 9, 2001 Mr. ATABEKOV and I met with **Mr. Tekebai ALTYEV**, Chairman, Executive Committee of the International Fund for the Aral Sea. We explained to Mr. ALTYEV that our Mission was a follow-up to the June 2001 HASKONING Revised Regional Report No1 (RRR1). In particular, we requested him to kindly arrange for reviewing the Turkmenistan portion of Appendix 3 to the RRR1 dealing with the **relevant factors for assessing a “reasonable and equitable share of water use”**. Mr. ALTYEV agreed to this request and indicated that he would fax the completed Appendix to Mr. G. SLUIMER in Tashkent. (I will draft a letter from Mr. Sluimer to Mr. Altyev, to renew the request).

1.2 Mr. ALTYEV indicated that a new **Water Law** has been prepared but that its approval by Parliament has been delayed for over 1.5 year for “uncertain reasons”. The existing Water Law however is still in force. I asked for a copy of the existing Water Law and, if possible, for a copy of the draft of the new Law. Mr. ALTYEV said it will be possible to obtain a copy of the existing Law but not of the draft of the new Law as it is not yet in force.

1.3 Mr. ALTYEV explained that the existing situation on water sharing of the Amu Darya with **Afghanistan** was at present satisfactory. He indicated that, under an Agreement signed with the former Soviet Union, Afghanistan was entitled to use up to 9 km<sup>3</sup> per year from the Amu Darya. Sharing of the Amu Darya waters between **Turkmenistan and Uzbekistan** has been formally confirmed by an agreement signed by President Niyazov and President Karimov. The ICWC has clarified the crop water requirements objectives for each country and the BVO Amu Darya handles the construction, operation and maintenance of the joint works and allocates the balance of available water. Mr. ALTYEV indicated that he considers there is no problem on sharing the water of the Amu Darya and that the management of the system by the BVO Amu Darya is quite satisfactory. In this connection, he mentioned that, in his view, there was no need for rotating the Executive Director position of the BVO Syr Darya between Uzbekistan and Kazakhstan.

1.4 Mr. ALTYEV mentioned that there is no restriction on the production of hydroelectric power during the winter season at the **Nourek** Powerplant in **Tajikistan**. (Turkmenistan however provides electricity to Tajikistan from October to April). As a result, Mr. ALTYEV stated that, in his view, the completion of the **Rogun** Dam and

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Powerplant as a Regional Project was not a priority for Turkmenistan as electricity production is cheaper in Turkmenistan than in Tajikistan. He indicated that a significantly higher Regional priority was the works necessary to ensure the safety of **Lake Sarez**. (He is very concerned about the safety of this structure although he admits one does not know yet how to address the issue; Mr. Alessandro Palmieri is the World Bank Task Manger for this Project). Mr. ALTYEV also mentioned that he was opposed to Tajikistan's proposal (so far unofficial) to sell water to the downstream riparian States.

1.5 Mr. ALTYEV indicated that President NIYAZOV considers that the riparian States should rely on their own potential and work on a bilateral level to settle water-related issues. In this connection, Mr. ALTYEV mentioned that he participated last March in a meeting between President NIYAZOV and a mission of the OSCE (chaired by the Minister of Foreign Affairs of the UK) that was proposing to convene an international conference to discuss the water issues. It was at that occasion that **President NIYAZOV** had stated Turkmenistan position on solving water-related issues and **rejected** the **OSCE initiative**. Mr. ALTYEV clarified however that Turkmenistan would accept HASKONING's recommendations if it considered they would have a useful impact.

1.6 Mr. ALTYEV gave the mission a description of the main drainage canal works with particular attention to the "Canal of Turkmenistan Golden Epoch". He indicated that the collectors were planned to be completed within 8 years. He concluded the meeting by indicating that the date of the next meeting of the IFAS Heads of States has not yet been finalized but that he doubted it could be held in September this year.

## **2 Ministry of Nature Protection**

2.1 Mr. ATABEKOV and I met with Mr. **Matkarim RAJAPOV**, Minister for Nature Protection of Turkmenistan. Mr. RAJAPOV indicated that as a "neutral" country, Turkmenistan is trying not to interfere in other countries' affairs. However, he expressed strong disagreement with Tajikistan's proposal to sell water. He indicated that such an approach could be a source of conflict. He stated that: "Water is a grant of nature and its has been flowing down in its own way towards Turkmenistan for many centuries" and mutual understanding and trust could not be established with such a proposal. Mr. RAJAPOV agreed however that Tajikistan could be entitled to some payment for covering its expenses associated with the regulation of the Amu Darya. This payment should not cover the cost of producing hydropower as Turkmenistan produces its own power at a lower cost than Tajikistan.

## **3 National Working Group (NWG)**

3.1 Mr. ATABEKOV and I met with several members of the National Working Group (NWG), including Mr. Golubchenko Vladimir GRIGORYEVICH (Deputy Director), Mr. Nicholay Alekseyevich BUSLOV (chief Engineer, Karakum Canal), Mr. Victor D. KOCHETOV from the Ministry of Energy, Mr. Mikirtichev Robert MIKHAYLEVICH (soil and ecology specialist), Mrs. Khamedova ALTYN (ecology specialist?) and Mrs.

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OGULJAN (Interpreter). In addition Mrs. Rozyhal Kabulnovna HATAMOVA (Head of the English Language Department at Turkmen State University) was the Mission's Interpreter during our meetings with Messrs. ALTYEV and RAJAPOV. (The Director of the National Working Group was away from Turkmenistan during our meetings. We met him briefly however at his home on August 10, 2001).

3.2 The Members of the National Working Group provided the mission with a Russian version of the **Group's comments on the "relevant factors for assessing a reasonable and equitable share of the Amu Darya waters"** (I gave a copy of this version to Mr. Ulugbek RUZIEV). The Group also gave most useful information about the management of water and power in Turkmenistan. This information is obviously already known by HASKONING's Staff working on the Project and need not be repeated here. The overall impression of the Mission is that – while the working relationship between Turkmen and Uzbek water professionals is quite good – Staff of the NWG do not feel a commitment or a concern about the status of the Amu Darya Delta and of the Aral Sea. In fact, all drainage waters from the Amu Darya within Turkmenistan are conveyed outside the Basin. Although Turkmenistan uses half the waters of the Amu Darya, the "neutral" position of the Country vis-a-vis the other riparian States, may render more difficult a change in the environmental commitment to protect the Delta of the Aral Sea.

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**NOTES ON VISIT TO TAJIKISTAN (August 13-15,2001)**

**1 Meeting with the National Working Group**

1.1 On August 14, 2001, Mr. ATABEKOV and I met with **Mr. T. AVAZOV**, Coordinator of Tajikistan National Working Group (NWG) who arranged a subsequent meeting with members of his Group. We then had a two-hour meeting with the following members: Mr. AVAZOV, Mr. **M. NAZRIEV**, First Deputy Minister of Melioration and Water Management and Chairman of Tajikistan Committee for Improvement of Legislative Documents on Water Resources Management in the Aral Sea Basin; Mr. Viktor BOLTOV, First Deputy Minister of Economy and Trade, Mr. A. LATIFY, First Deputy Minister of Nature protection, Mr. G. PETROV, Adviser to the Energy Minister, Mr. Y. PULATOV, General Director of the Scientific-Industrial Association of the Ministry of Water Management, Mr. Anatoly KHOLMATOV, Chief of the Department of Science, Techniques and Water Resources of the Ministry of Melioration and Water Management, Mr. A. KAMOLITDINOV, Expert in International Water Law, Mr. A. SELANTIEV, Deputy Chairman, Tajik Energy Commission, and Mr. S. KAMALOV, Deputy Leader of the National Working Group.

1.2 At the opening of the meeting, I congratulated the members of NWG for the high quality and the richness of the comments they had provided on the Draft HASKONING Regional Report No.1 and I indicated that our mission's mandate was to follow up on the issues related to transboundary water issues. In welcoming our Mission, Mr. AVAZOV mentioned that the work of the NWG had indeed been a teamwork and that special efforts had been made to involve key Tajik Stakeholders in the formulation of Tajikistan's position on water resources development issues. In this connection, Mr. AVAZOV gave Mr. ATABEKOV and I a copy of a press article (in Tajik language) describing the contribution of the NWG and of other Stakeholders to address the water related issues in Tajikistan.

1.3 As could be expected from the comments given by the Tajikistan Working Group to the HASKONING Draft Regional Report No. 1, Mr. AVAZOV readily agreed to provide Tajikistan's analysis of the "**Relevant Factors for assessing a reasonable and equitable share of water use**" as proposed in Appendix 3 of the Report. (In their comments, Tajikistan had already proposed to use these same factors). Mr. AVAZOV will send Tajikistan's analysis to Mr. Sluimer in Tashkent.

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1.3 Although **Tajikistan** proposed to use the guidelines proposed in the 1997 UN Convention on the Law of the Non-Navigational Uses of International Watercourses for assessing the “relevant factors for a reasonable and equitable share of water use”, Mr. LATIFY indicated that his Country was **not prepared to ratify the existing Conventions on International watercourses sharing** (the 1992 Helsinki Convention on the Protection and Use of Transboundary Watercourses and International lakes and the 1997 UN Convention on the Law of the Non-Navigational Uses of International Watercourses) because it concluded it would not be in its best interest. (As an upstream country, it opposes the articles of these Conventions dealing with the “obligation not to cause significant harm”).

## **2 Interstate Cooperation**

2.1 Mr. G. PETROV indicated that Tajikistan had proposed to Uzbekistan and Turkmenistan to negotiate a **framework agreement on the use of water and energy resources on the Amu Darya Basin** comparable to the one signed on March 17, 1998 by Kazakhstan, the Kyrgyz Republic, and Uzbekistan for the Syr Darya Basin (Tajikistan became a party to that Agreement on May 7, 1999). Mr. PETROV added that Uzbekistan and Turkmenistan did not agree to the Tajikistan proposal. The reason is probably due in part to the low leverage that Tajikistan can exercise on the operation of the Nurek Dam and Powerplant (with a total installed capacity of 3,000 MW) because the live capacity of its reservoir is only 4.5 km<sup>3</sup> (the total capacity of the reservoir is 10 km<sup>3</sup>) i.e. a small portion of the Amu Darya flow into Uzbekistan). In comparison the live capacity of the Toktogul Reservoir on the Naryn Syr Darya Cascade represents a significantly higher proportion of the annual flow of the Syr Darya thus giving Uzbekistan and Kazakhstan a greater incentive to negotiate regulation of the Reservoir to ensure adequate releases during the irrigation season.

2.2 Mr. PETROV also indicated that the **Rogun Dam and associated Powerplant** (with a total capacity of 3,600 MW at full development) could be built in stages with the first stage having an estimated cost of about US\$ 200 million that would enable Tajikistan to sell power at 1c/kWh yielding an annual income of US\$100 million. While he did not provide justifications for these figures (US\$ 20 to 25 million would seem a more realistic figure), information given to me by Mr. George Nielsen confirms however that power produced at Rogun is likely to be cheaper than that produced at Kambarata II. (No mention was made of the Sangtudinskaya Power Plant also on the Vakhsh River, with a small reservoir live capacity of 12 million m<sup>3</sup> that apparently started operation this year). Mr. PETROV added that, in his view, hydropower development required a more wide discussion with the objective of finding a project that would address the needs of the whole Region (i.e. acceptable to the five CARs). Proposals for a Water and Energy Consortium should include the two Basins (Amu Darya and Syr Darya) that would study and compare all potential hydropower projects. (Mr. PETROV mentioned that Tajikistan is also considering the possibility to sell hydropower to other neighboring States such as China, Afghanistan as well as Iran and Turkey).

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2.3 Participants in the meeting expressed their concern at the lack of active participation of **IFAS Executive Committee**. They mentioned that, at a Regional meeting in Ksyl-Orda a few days ago, discussions had centered on problems of the North Aral Sea while not a single question had been addressed on the Amu Darya Basin issues. They expressed the hope that the President of Tajikistan will be the next Chairman of IFAS and that this would lead to an Executive Committee more involved in regional issues of common interest. They also hoped that the **International Organizations** would become more proactive in the water and energy sector. They felt that a new level of cooperation is needed that would elaborate economic mechanisms of water use reflecting changing conditions.

## **2 General Impressions**

2.1 During our relatively short meeting the members of the Tajikistan National Working Group gave me the impression of being both qualified but also somewhat frustrated by what they consider as a lack of support from both IFAS and the International Organizations for helping them address their water and energy issues. They also obviously suffer from the lack of leverage they apparently have in their negotiations (or lack thereof) with the two Amu Darya downstream riparian States.

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**NOTES ON VISIT TO UZBEKISTAN**

**1 Meeting with Mr. A. JALALOV**

1.1 On August 16, 2001 Mr. Ulugbek RUZIEV and I met with Mr. A. JALALOV, First Deputy Minister of Agriculture and Water Management and Uzbekistan National Coordinator of the GEF Project. I informed Mr. JALALOV that Mr. Gert SLUIMER had asked me to follow-up on the transboundary water aspects as discussed in HASKONING Regional Report No.1.

1.2 I summarized the key points raised by the officials met during my visits to Kazakhstan, the Kyrgyz Republic, Turkmenistan and Tajikistan. I also informed Mr. JALALOV that, in accordance with his request of last December, I had looked for examples of World Bank and other donors' contribution to support regional cooperation programs in international river basins. In this connection, I quoted a **World Bank** Press Review of July 31, 2001 indicating that the international donor community had pledged **\$140 million in grants** to implement a basin-wide program of technical assistance and to plan an investment program of about \$3 billion **in the Nile Basin**. I also mentioned that it was my understanding that President J. Wolfenshon of the World Bank would visit Uzbekistan in the near future and that this could be an opportunity for the President of Uzbekistan to request a stronger Bank involvement (at the highest level) in the Aral Sea Basin Program.

1.3 Mr. JALALOV then requested me to write a brief note about the World Bank's role in providing assistance to the development of international river basins as this would help him prepare for the Bank's President visit to Uzbekistan. He added however that, in his view, World Bank Staff were too often patronizing, ignoring the high professional expertise of the Uzbek's professionals and trying to impose their views without having fully understood the economic and political conditions in the riparian States. He indicated that the basic agreement signed at Nukus in 1994 by the Heads of States of the CARs mentioned that eventually a new water resources management strategy will be required but the agreement did not specified this had to be done "today or tomorrow". He added that, from his point of view, the existing agreements were convenient under current conditions. The CARs have managed their first 10 years of independence without wars and have succeeded to resolve their conflicts by direct negotiations. Having said this, his Country would **welcome a greater involvement of the World Bank** to support development **in the Aral Sea Basin**.

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1.4 Mr. JALALOV discussed issues on the Syr Darya Basin. He indicated that he did not agree with Kazakhstan reported proposal to appoint an Executive Director of the **BVO Syr Darya** who would be from a “Neutral Country”. Instead he proposed that the Executive Directors of the BVOs should be selected from the CARs by the ICWC on the basis of their qualifications (possibly on a competitive basis). On the other hand, he agreed with Kazakhstan’s proposal to increase the responsibility of the BVO Syr Darya by including in its mandate the management of the “Committee for Development of Biological Resources in the Aral Sea Delta”.

1.5 Mr. JALALOV mentioned that, in his view, the construction of the **Kambarata II** Project in the Kyrgyz Republic was **not necessarily the optimum solution**. He recommended that HASKONING should consider alternatives such as the ones now under study in Uzbekistan. In particular, he referred to the possibility of constructing **reservoirs in the middle streams of the Fergana Valley**. Water released in the winter by the Kyrgyz Republic from the Toktogul Reservoir for hydropower production could be stored in these reservoirs by using the Namanga and Fergana Canals as conveyance structures. The additional reservoir capacity thus developed downstream of the Naryn River (about 17% of the River’s annual flow) would enable the Kyrgyz Republic to produce power in the winter while Uzbekistan and Kazakhstan could irrigate their crops during the growing season in the Fergana Valley without having lost the water used for power in the winter. Such a scheme was likely to be significantly **less costly** than the construction of Kambarata II. In addition, Mr. JALALOV mentioned that Uzbekistan was also studying the possibility of constructing a reservoir in the Chirchiq Basin (North of Tashkent) to store winter waters that would then be conveyed from the Right Bank to the Left Bank of the Syr Darya. This would allow bringing water to an area that does not, at present, have enough water during the growing season. Mr. JALALOV indicated that he considers that the construction of Kambarata II Project would in fact lead the Kyrgyz Republic to use more water from Toktogul Reservoir in the winter when the electricity produced has more value than in the summer and therefore his Country would not support this Project at this stage. Uzbekistan depends on the Kyrgyz Republic for the water of the Toktogul Reservoir, from Tajikistan for the water of the Kayrakun Reservoir and while Kazakhstan can regulate the Syr Darya waters with the Chardara Reservoir, Uzbekistan has no reservoir in the Fergana Valley. It is therefore logical for Uzbekistan to build reservoir capacity within its territory to ensure a safe water supply for irrigation in the Fergana Valley. The proposed additional reservoir capacity would also be beneficial to the other riparian States. He hoped that the World Bank would eventually understand his Country point of view.

1.6 Mr. JALALOV indicated that the agreement between the Presidents of Uzbekistan and Turkmenistan to maintain the **Amu Darya water sharing** arrangements decided when the two Countries were part of the Former Soviet Union was a wise political decision that had enabled the two countries to continue to work in harmony to jointly manage the shared waters of the River. He was aware that this agreement diverted waters away from the Aral Sea and that the Turkmenistan collector bringing used water towards the “Golden Lake” also prevented return flows into the Amu Darya Delta. On the other

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hand the amount of water drained towards the Golden Lake was relatively small vis a vis the Aral Sea needs. More generally he felt that the Aral Sea is now more a political issue that brought the five CARs together to reach or confirm existing water sharing agreements rather than an ecological or economic issue.

## **2 Meeting with Mr. Umid V. ABDULLAEV**

2.1 On August 16, 2001, Mr. Ulugbek RUZIEV, Mr. Azimjan ATABEKOV and I met with Mr. Umid V. ABDULLAEV, Director of Institute UZGIP of the Ministry of Agriculture and Water Management and Coordinator of Uzbekistan National Working Group. Mr. ABDULLAEV agreed to send to HASKONING the completed section of Appendix 3 of the Regional Report No. 1 dealing with Uzbekistan's view of the "relevant factors for assessing **“a reasonable and equitable share of the Aral Sea Basin water use”**".

2.2 Mr. ABDULLAEV confirmed the information given by Mr. JALALOV on the study of potential reservoirs in the middle of the Fergana Valley. His Institute is at present carrying out the feasibility studies for these projects. The proposed completion date for these feasibility studies is the early part of 2002. His Institute is also studying all other alternatives including a more efficient water use by introducing modern irrigation technology. He pointed out that dry years can occur 3 to 4 years in a row and that during dry years the temperature is significantly higher requiring 30 to 40% more water for the crops. He also pointed out that, if and when the Kambarata I Project is built (the planned reservoir capacity is 3.4 km<sup>3</sup>), the Kyrgyz Republic would be in a position to store two years of the average annual flow of the Naryn River and that this situation would then require new negotiations between the two countries to ensure adequate releases during the growing season. He noted that during the last 10 years about 34 km<sup>3</sup> of water had been lost in the Arnasay Depression because there was not enough storage downstream of Toktogul. He indicated that pumping water from the Arnasay Depression into the Chardara Reservoir was not justified because the water salinity in the Depression was 9g/l. He also mentioned that, at present, his Institute is helping Tajikistan in the design and construction of rehabilitation works at the Kayrakun Reservoir to improve the regulation of water on the Syr Darya.