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Panel- The role of the OSCE: Follow up to  
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**PROMOTING REGIONAL COOPERATION  
ON CROSS-BORDER RIVERS MANAGEMENT –  
ONE OF THE MAIN OSCE OBJECTIVES  
IN THE CENTRAL ASIA**

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Gradual growth of temperature of our planet as a result of greenhouse effect caused by the human activity causes aridity of the Central Asia. Annually, glaciers are melting more than are being formed, the local climate is growing drier and hotter, the fact which once more has been confirmed by the summer 2000-2001 and 2006. Glaciologists have calculated that to the moment a 2°C increase in the temperature has been marked and if this tempo goes on like this, in 150-200 years all small and medium glaciers of Tien-Shan and Pamir will melt down that threaten the country and the entire region with a new ecological calamity. As a result, the rivers flow will sharply decrease, and particularly in a hot season, when the harvest ripens, some rivers will dry completely. These problems require deep analysis and research.

For many decades mutually dependent water and energy infrastructures have been formed in the Central Asia, consisting of a cascade of HPS dams, seasonal and multi-year regulation water reservoirs and other constructions and industries. The water sharing order was established during the Soviet period on the basis of seasonal exchange of water resources, electric energy, other resources, which was rather effective. The concerns of the region within one country consisted of the necessity to produce as much cotton, rice, fruit, vegetables and other products as possible. Issues of water management facilities maintenance, compensations, population's social security and other important issues were addressed at the regional level.

In fact, perspectives of sustainable social and economic development of the region as a whole substantially depend on the availability of water and energy resources. Main water supply sources are located in Tajikistan and Kyrgyzstan, therefore of tremendous importance is forming a constructive regional policy of water resources rational use and protection.

In the field of water relations of the region it is necessary to build on the necessity of providing sustainable development of the own economy, rational utilization and protection of water resources on the basis of enforcing the international water law principles, mutually beneficial and friendly cooperation with neighbour countries and foreign states in order to ensure general regional ecological security.

In the conditions of growing deficit of water resources, the construction of multi-annual and seasonal regulation water reservoirs, as well as their cleaning from silts and enlargement of existing water reservoirs is becoming a feasible option of its overcoming. Difficulties in the organization of shared management of the Syr-Darya water basin resources stem from the fact

that the constructions on this river were inherited in a ready form from the USSR by all states and therefore it is very difficult and painful for the CA states to give up a part of their sovereignty.

In the Amu-Darya basin, where the flow is less regulated, there is a unique option of organizing joint management of water resources through shared construction of water reservoirs.

Another object of regional significance is the Kairakkum water reservoir on the Sir-Darya River. For more than 40 years period of its use, according to various assessments the level of its silting constitutes 44 mln.  $m^3$  annually. Therefore, it's cleaning and raising the water level 1 meter higher has a vital importance for the improvement of water supply of Kazakhstan, Uzbekistan and Tajikistan. This is a good object to invest funds.

Silting of the Nurek seasonal regulation water reservoir constitutes 165 mln.  $m^3$ /year, therefore construction of regional water reservoirs is critical both in terms of water supply and protection from floods.

Peculiarities revised show that for all Central Asian countries the issue of mutual relations with other countries of the region is very important. In the present situation independence of each of them in all aspects, including power engineering, depends not only on the utilization of their own possibilities and resources that is doubtlessly very important, but also on establishing a system of stable, long-term and fair links with each other, including implementation of joint projects.

It is necessary to make steps towards comprehensive rehabilitation of irrigated lands, land reclamation conditions of which in the region significantly deteriorated and technical improvement of irrigation, collector and drainage systems, where refurbishment requires more than 50% of main funds. If no urgent remedies are taken the secondary aridity can emerge and hence there will be more ecological refugees, addressing the problems of which will be a more expensive undertaking for the region, than maintenance of irrigation systems. In addition, latest drip irrigation technologies are necessary, for the introduction of which the region needs financial support.

At a first glance this seems to be of low priority, but from the perspective of stable water supply through saving water resources, rehabilitation and technical updating of irrigation systems – is a regional objective. For instance, if each country of the region provides 10% economy of water, the regional figure of saved of water resources we all need so much will be expressed in 10-12  $km^3$ .

The Republic of Tajikistan is very interested in the expansion of new irrigated lands, as the population growth constitutes about 2% per annum. In perspective, the Government is intending to gradually develop all lands fit to irrigation, which amount to about 880 thousand hectares.

Political stability in Afghanistan will contribute to the economic development of this country. The Islamic Republic of Afghanistan is intended to irrigate about 1,0 mln. hectares of land by the Amu-Darya River water. Main cultivated crops here are orchards and vineyards, grain, fodder and technical crops. Even provided that the land irrigation is performed with the use of latest water saving technologies, 12,0  $km^3$  will be required for the irrigation of 1 mln. hectares of land.

Thus, the aggregate water utilization of Tajikistan and Afghanistan from Amu-Darya River can constitute about 26-28 km<sup>3</sup> (including 10 km<sup>3</sup> for Afghanistan).

Additional consumption of such a huge amount from the Amu-Darya flow requires coordination with the Amu-Darya river basin countries – Turkmenistan and Uzbekistan, which are the main water users of this river flow basin (60,3 km<sup>3</sup> or 77% of the entire flow), otherwise it can trigger an international water conflict.

Regulation of water relationships on the intergovernmental level is the most complicated task, which solution depends on the social and economic and political interests of several the so-called “riverside” states. Modern legal framework for water relations between the states of one basin has been developing over many centuries and has millennial roots. It has been corrected with due consideration of the human experience and the nations of the Central Asia, and this experience prompts that water relations can be regulated only on the basis of justice, equality and reasonability.

There are several international legal documents regulating utilization of cross-border water objects:

- Helsinki Rules of International Rivers Water Utilization – International Law Association. Helsinki, 1996;
- The Second Report on the Law on Non-navigable Utilization of International beds. International Law Commission, 1994;
- Geneva Convention on the Influence of Hydropower Production on other States. Geneva, 1923.
- Convention on the Protection and Utilization of Cross-border Water Flows and International Lakes. Helsinki, 1992.
- Convention on the Environmental Impact Assessment in the Cross-border Context, Espo, 1991.

In addition, there are also legal frameworks for the regulation and utilization of cross-border water objects of the Aral Sea basin:

- A Treaty between the United Kingdom and Russia on the freedom of river navigation and trade in internal waters, including the Amu-Darya River. The Treaty was signed on 11 January, 1873 in the Sent Petersburg.
- A Treaty between Russia and Hiva was signed 24 August, 1873. It established that navigation of Hiva and Bukhara river vessels is possible only on the basis of special permit of supreme Russian authorities in the Central Asia on the Bukhara section of the Amu-Darya (Oxus) River basin.
- A Treaty between Russia and Bukhara signed 10 October, 1873. It regulated the freedom of river navigation for Russian state and trade vessels on the Bukhara section of the Amu-Darya (Oxus) River.
- The Protocol between the United Kingdom (representing interests of Afghanistan) and Russia on demarcation of borders with Afghanistan on the Amu-Darya signed 10-12 July, 1887.
- A Treaty between Afghanistan and the USSR on stretching the border on the Amu-Darya section and using its water was signed 13 July, 1946 in Moscow. In accordance with this Treaty the border stretches through the bottom of the river valley or in case if it is not possible through the fairway middle line. The treaty also contains rules regarding border waters utilization. In this context, such issues tightly connected with water utilization, as export of waters, drainage and others were made dependent on the consent of the agreeing parties. The treaty also addressed the status of islands on the Amu-Darya River. A mixed commission was formed to manage these issues.

- Agreement between Afghanistan and the USSR on the Soviet-Afghan Border regime was signed 18 January, 1958 in Moscow. It governed issues of moving border adjacent river beds, including the Amu-Darya and set forth rules on cross-border river waters utilization. In accordance with basic principles of the international law, this agreement did not cover internal waters, which were protected by national laws of the agreeing parties, established rules of free navigation, cattle watering and information sharing on the level and protection of water quality.
- Protocol between the USSR and Afghanistan on the joint implementation of activities in the field of joint utilization of water resources in border districts of the Amu-Darya River signed 25 June, 1958. It regulated, in particular, issues of stretching the border, up to which the both states had the right to freely utilize water for their needs, set forth joint responsibility on the support of shorelines sustainability, information sharing and meteorological data and issues of the flow pollution.
- An agreement between the Republic of Kazakhstan, the Republic of Kyrgyzstan, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan on cooperation in the field of shared management of use and protection of intergovernmental water resources. It was concluded 18 February, 1992 in Almaty for the conservation and integrity of management of water resources of the Amu-Darya and Sir-Darya river basins during the Soviet period. This agreement was a basic document, on which all other later agreements, orders, regulations and other water management relationships have been built between the Central Asian countries.

Unfortunately, the mentioned Agreements are either outdated, either like the Agreement of 18 February, 1992 have the following drawbacks:

- Reference to water sharing normative documents, the validity term of which has expired;
- Lack of the agreement term of effect;
- Lack of implementation mechanisms, as well as the economic basis of the agreement;
- The agreement has a declarative nature;
- The agreement has been developed in 1992 without political and economic interests of newly independent Central Asia countries (new approaches to political and economic relations).
- Agreements between the Republic of Kazakhstan, the Republic of Kyrgyzstan, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan on the utilization of the Amu-Darya, the Sir-Darya, the Chu and the Talas River basin waters and on the order of utilization of hydro-technical constructions located on them. The agreement was concluded on 18 February, 1992 in the city of Almaty to regulate the use of the Amu-Darya, the Sir-Darya, the Chu and the Talas river basins water resources and on the order of exploitation of hydro-technical constructions of interstate relevance located in these river basins.
- An agreement between Azerbaijan, Armenia, Belarus, Kazakhstan, Moldavia, Russia, Tajikistan, Turkmenistan, Uzbekistan, Kyrgyzstan and Ukraine on joint actions on resolving the Aral Sea and Aral region problem. It was signed 15 May, 1992 in Tashkent, Uzbekistan. The agreement is aimed at the involvement of a number of CIS countries to collective mitigation of the Aral Sea crisis consequences.
- An agreement between the Republic of Kazakhstan, the Republic of Kyrgyzstan, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan on joint actions on tackling the Aral Sea and Aral region problem, ecological rehabilitation and ensuring social and economic development of the Aral district. The agreement was signed by the Republic of Kazakhstan, the Republic of Kyrgyzstan, the Republic of

Tajikistan, Turkmenistan and the Republic of Uzbekistan 26 March, 1993 in Kzyl-Orda City of Kazakhstan.

These Agreement weaknesses are:

- Declarative nature of intentions on the rescue of the Aral Sea, Aral region and the Syr-Darya and the Amu-Darya deltas;
- Unfeasibility of the objectives and tasks set forth (that time and presently) by the Agreement parties.
- An agreement between the Republic of Kazakhstan, the Republic of Kyrgyzstan, the Republic of Tajikistan, and the Republic of Uzbekistan on rational utilization of water and energy resources of the Syr-Darya River basin. The agreement was signed by Prime-Ministers of the parties 16 March, 1998 in the city of Bishkek of Kyrgyzstan. In 1998 the Republic of Tajikistan joined this agreement.
- The weakness of this agreement is the fact that it is a framework agreement and all modalities should be addressed on the basis of annual bilateral agreements.
- An agreement between the Governments of the Republic of Kazakhstan, the Republic of Kyrgyzstan, the Republic of Tajikistan, and the Republic of Uzbekistan on the creation of an international water and energy consortium. The agreement was signed 26 June, 1998 in the Bishkek City of Kyrgyzstan. In the conditions of sovereign states economic contradictions in the course of using the Syr-Darya water resources for irrigation and power engineering purposes grow acute and aggravate relationships between the river basin countries. Creation of the water and energy consortium on parity basis can resolve these contradictions.
- An agreement between the Governments of the Republic of Kazakhstan, the Republic of Kyrgyzstan, the Republic of Tajikistan, and the Republic of Uzbekistan on the use of fuel and energy and water resources and utilization of the Central Asia region gas pipelines. The Agreement was signed 5 April 1996 in the Tashkent City of Uzbekistan. Tajikistan joined this agreement 20 November, 1998. (Government Decree № 446).
- Agreement between the Government of the Republic of Uzbekistan and the Government of the Republic of Tajikistan on cooperation in the sphere of rational use of water and energy resources in 2000. The Agreement was signed 14 March, 2000 in Dushanbe, Tajikistan.
- Annual Agreement between Tajikistan and Uzbekistan, which has been regularly signed since 1997 in the field of water and energy cooperation. In line with it Tajikistan is obliged to accumulate water in the Kairakkum water reservoir for the irrigation needs of Uzbekistan in the middle flow of the Syr-Darya River. In exchange, Uzbekistan is obliged to supply Tajikistan with electric energy during springtime in the volume of 200-300 mln. KWT/HR. Such agreements can be considered first really mutually beneficial agreements between the countries of the region in the field of rational use of water and energy resources of the Syr-Darya River.

Weaknesses of this agreement can be as follow:

- somewhat discriminative conditions of electric energy exchange: in exchange for 1 KWT/H of the winter electric energy, in summer Tajikistan returns to Uzbekistan 1,75 KWT/H.
- insufficient volume of electric energy: 200 mln KWT/H instead of 300-350 mln. KWT/H.
- An agreement between the Governments of the Republic of Kazakhstan, the Republic of Kyrgyzstan, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan on the status of the International Aral Sea Rescue Fund (IASRF) and its organizations.

Unfortunately all listed agreements have proven to be inefficient by the situation of ecological and social and economic decline resulting from the Aral Sea waters disappearance. This certifies of irresponsible management of the region's natural resources, particularly of water and energy and necessitates the soonest replenishment of the damage caused. This ecological tragedy is already spreading on the river basins and areas of formation of the flow nourishing the Aral Sea. There is no hope to rescue of the Aral Sea and perspectives of improvement of living standards of the population living in the river basins unless this huge (but seeming insignificant) damage is rectified and specific joint steps are taken, and it is impossible to foresee economic, social, ecological and political implications of this damage.

Alas, separate efforts of the region countries and their insufficient financial possibilities make this task unachievable. Therefore, it is necessary to more actively involve international organizations and donors to this problem resolving, to develop projects aimed at the improvement of the ecological situation, monitoring and management of the industrial and agricultural environmental impact processes.

As a positive initiative in this sphere the efforts of the OSCE Centre in Dushanbe can be mentioned, which in 2007 is launching the project "Promoting regional cooperation in cross-border rivers management" focused on the analysis of water management and ecological problems of the Aral Sea basin and existing inter-government agreements and reasons for their poor implementation and preparation of recommendations for governments of all countries of the Central Asia and Afghanistan. This work requires a combined and integral approach, in which interests of the social and economic development of the states and all sections of water users, including the natural complex should be interlinked. At the same time, issues of minimizing inter-governmental contradictions, preparation of necessary normative and legal acts, rules, methodologies and economic mechanisms for the joint management of inter-government water resources should be tackled. To address this complicated issue, leading specialists of the entire region, including Afghanistan will be attracted.

But this project is only the first step in a grand and difficult path, to pass through which both international prestige, and the political weight of the OSCE, economic, technical and technological assistance of the OSCE participating States and international donors, as well as a good will of all countries of the region will be required.

OSCE may play very important role preventing regional water conflicts, namely:

1. removing political and economic antagonisms among transboundary rivers upstream and downstream countries;
2. supporting the development of regional legal bases for international water sharing and water consumption;
3. organizing technical, technological and economic support by OSCE member states and international multilateral and bilateral donors for the CA countries including Afghanistan;
4. establishing and strengthening institutional structures for rational water use, water sharing and combating desertification, and land degradation involving well-skilled international and local experts.

We also lay great hopes on the assistance and support of the present Spanish chairmanship, for which water problems have always been among top priorities.

Thank you for your attention.