



ICWC OF CENTRAL ASIA AS INSTITUTE OF REGIONAL WATER SECURITY

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ABSTRACT

As is known, water use from trans-boundary rivers of Central Asia (CA) has a huge conflict potential. Issues related to equitable water allocation between the regional states and their mutually beneficial use are kept in view of the Heads of CA States. In the beginning of 1990s the CA Governments have signed the Agreement about cooperation in area of regional water resources' use and protection (Alma-Ata, 1992). According to this Agreement, the Interstate Commission for Water Coordination (ICWC) of CA established, and earlier accepted legal acts regarding regional water management remain in force, in particularly – interstate water distribution is based on Water Use and Protection Master-Plans (WUPMP) developed in 1980s for the Amudarya and Syrdarya river basins. Establishment of ICWC was an important step towards keeping “status-quo” in regional water management. ICWC decisions are fulfilled through its executive authorities – Basin Water Organization (BWO) “Amudarya” and BWO “Syrdarya”. ICWC determines water policy in the region and its major direction. According to the Agreement 1992: a) ICWC is responsible for general governance of the regional water management system; b) high officials of main water departments of CA countries are the members of ICWC; c) ICWC meetings are held on the quarterly basis in one of the state-founders; d) ICWC Decisions are accepted on consensus' basis; e) ICWC member has a right of “veto”, thus ensuring high protection of national interests. ICWC acts as political institute of regional water safety, and its activity allowed avoid regional water conflicts predicted by western analysts.

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1. POST-SOVIET PERIOD: POLITICAL PROCESSES AND THEIR INFLUENCE ON REGIONAL WATER RELATIONS IN CENTRAL ASIA

1.1. NATIONAL INTERESTS OF THE CENTRAL ASIAN COUNTRIES IN THE INTERSTATE WATER RELATIONS' SPHERE AND REGIONAL WATER SECURITY

In the beginning of 1990s geopolitics has changed cardinally, and a system of the international relations became more unstable. The developing realities have caused not only choice's freedom of the further development ways by new subjects of world politics, but also exclusive complexity of this choice.

At the same time, the Cold War's ending has given mankind chance in another way to look at the world and occurring processes on the Earth. One of advantages of new international relations' system became by the majority of the states a fact's recognition that the safety depends as a whole on joint efforts. Said fairly concerning new independent states of Central Asia (CA) - Republic of Kazakhstan, Kyrgyz Republic, Republic of Tajikistan, Turkmenistan and Republic of Uzbekistan, each of which has the tasks on protection of national interests, external-politics aspects of which are closely bound with problems of regional and global security. The categories "national interests" and "national security" are closely connected, include various kinds (political, legal, economic and others, in their interrelation and dynamics) and carry system character. Though in general security system the national security is a subsystem of global and regional security, the concept "national security" is key concept in the security of various levels. The global and regional security does not exist in the abstract kind, and they are derivative of national safety - both in a historical context, and by way of stability and opportunities of its maintenance. Taking into account that the essence of national security is national interests' protection in various spheres of social-political life, problems of trans-boundary water resources (TWR) use in CA should be considered through a prism of national interests' protection.

Last years ecological security is included in the national security system of the states as one of its key components. In system of ecological security the problems, connected to the water factor, occupy the special place, among which fresh waters' deficiency is key. On the data of the World Water Council, to the 2050s about 2/3 world population will have a problem of fresh water's deficiency. According to the World Meteorological Organization/UNESCO estimation, 97.5% of World water resources are salty and 2.5% - fresh. From fresh waters 2.24% are inaccessible or are remote (polar ice, glaciers, and deep underground waters). Only 0.26% of total world waters are accessible fresh waters, which are a potential source of possible international and local conflicts.

As a consequence many analysts and experts count that correlation connection between ecological crisis situations in different areas of the World and conflicts on this basis is present, in XXI century the struggle for natural resources will become aggravated, and predict on the future specific wars – "water", "grain" and others "eco-wars" [2, 9, 11, 13, 15; etc]. "Nature resources' deficiency becomes... by reason of a confrontation, conflicts and wars.... A major kind of natural resources becomes water.... That we could buy for earlier money, it is necessary pay in blood" – so one of experts estimates the water relations' prospects in the world [12]. "If in XX century petroleum was called as liquid gold, in XXI century such definition will be given to fresh water. And the same

as the petroleum brought the limited prosperity to the certain areas last hundred years and caused wars and conflicts, its place will be occupied by freshwater” [10].

In these forecasts the growing value of the fresh water resources is truth, but their deficiency as the conflicts’ reason carries probable character and depends on decisive persons’ skill to develop compromise national and interstate water politics.

1.2. DEVELOPING WATER SITUATION IN CENTRAL ASIA

Water situation in the Aral Sea Basin (ASB) can be estimated as rather difficult. From beginning of the 1990s water problems of the ASB became as factors of regional, and sharpest problems (for example, Aral Sea accident) - and global security. The most part of ASB waters are formed in Kyrgyzstan, Tajikistan, Afghanistan (upstream countries), and Kazakhstan, Turkmenistan, Uzbekistan are the basic water consumers.

By different estimations, Afghanistan uses now 1.5-2.0km³/year, in North Afghanistan (Amu Darya upstream: Kokcha, Kunduz rivers etc.), is formed about 8-10km³/year of water. About 25% of the ASB river flow is formed in Kyrgyzstan, and 80% Amudarya flow and practically all flow of the Zeravshan river is formed in Tajikistan. Kyrgyzstan and Tajikistan are interested to develop water-power engineering.

On Turkmen territory there are more than half of Tuyamuyun reservoir, which delivers water for Republic of Karakalpakstan and Khorezm province (Uzbekistan), head constructions and other infrastructure of the Amu-Bukhara machine canal (ABMC) and Karshi main canal (KMC). ABMC and KMC submit water for Bukhara, Navoi, Kashkadarya provinces of Uzbekistan. In Kyrgyzstan there are basic water sources of the Syrdarya river basin, Sokh, Andizhan, Kassansai reservoirs, which are constructed for maintenance by water of the Uzbek irrigated lands. Water delivery for Dzhizak, Syrdarya (to lesser degree - Tashkent) provinces depends substantially from Kairakkum hydrounit’s work regime, which located in Tajikistan. Samarkand, Navoi, Kashkadarya and Dzhizak provinces of Uzbekistan use water from Zerafshan river, flow formation zone of which is in Tajikistan. More than 90% of water resources, used by Uzbekistan, are formed in Afghanistan, Kyrgyzstan, and Tajikistan.

Water delivery for Southern Kazakhstan (Shymkent province) carried out by interstate canals in Uzbekistan (located in Syrdarya and Tashkent provinces), for Syrdarya river downstream, including Northern Aral Sea, depends on work regime of the Toktogul (Kyrgyzstan), Kayrakkum (Tajikistan), Charvak (Uzbekistan) reservoirs.

As a whole, basic national interests of the upstream countries (Kyrgyzstan, Tajikistan) are connected to development of hydropower capacities, and downstream countries (Kazakhstan, Turkmenistan, Uzbekistan) - to water use for irrigation needs.

In opinion of many experts and analysts, in water use from trans-boundary rivers of CA the significant conflict potential is made, and water problems are occupied leading place among alarms’ hierarchy for the future of the Central Asian region (CAR). Depending on developing political situation the regional water problems can become the factors of union or reintegration of the Central Asian states.

1.3. POLITICAL AND LEGAL BASES OF TRANS-BOUNDARY WATER MANAGEMENT IN CENTRAL ASIA

Basic directions of regional water politics are determined by the decisions of the CA States' Heads. The basic political-legal documents, in which the key principles of the regional water relations are determined, are following:

- Interstate Agreement (ISA), 1992 [5],
- Decisions of the CA States' Heads, 1993, according to which the International Fund for Saving the Aral Sea (IFAS) is created. Within Independence IFAS has accepted a number of important political decisions in sphere of the regional water resources use.
- ISA, 1993 [6],
- Concept (1993) of the CA States on problems of Aral Sea Basin (ASB), which has incorporated rules, which are entered to IWRM theory in modern understanding [3],
- Decision (1994) of the CA States' Heads and Russia Government, by which the First ASB-Program (ASBP-1) is confirmed [4],
- ISA, 1996 [8],
- Declaration and Statement of the CA States' Heads (Nukus, 1995; Issykkul, 1995; Almaty, 1997; Tashkent, 1998, 2001; Ashgabat, 1999; Dushanbe, 2002; etc.), according which the politics of sustainable water-ecological management in CAR is determined,
- ISA, 1998 [7],
- ASBP-2, prepared on behalf of the CA States' Heads and approved by them, is accepted in Dushanbe (2002). ASBP-2 is the key political document, which reflects the basic problems of the ASB in water and nature protection spheres [14].

Among the listed above documents the Agreements 1992, 1993, 1996 and 1998 are international legal acts, according to which trans-boundary WRM (TWRM) is carried out. Agreement 1993 is the more political document, which establishes the general approaches to the joint management of water and other natural resources in CA for improvement of socio-economic and ecologic situation in CAR.

The questions of TWRM in CA are a subject of consideration of other regional political structures also, in particular, such as the "Organization for Central Asian Cooperation" – OCAC (Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, since 2004 - and Russia), the "Euro-Asian Economic Community" – EAEC (Belarus, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Uzbekistan) etc. For example, in frameworks of EAEC 26 Agreements should be accepted which are signed by the OCAC members, from them 8 Agreements concern to the water and hydropower regulation in CAR.

According to classification of Global Water Partnership, one of active and consecutive conductors of IWRM ideas, first two main elements of the favorable conditions for implementation of IWRM principles are: a) Political decisions ("water politics"); b) Legislative basis ("water politics in the law's form"). Analysis shows, that coordinated by the CA States' Heads the political support and decisions on realization of radical

reforms in water sector of CAR (“regional water politics”) are available. Business with development of international-legal bases of TWRM in CA is a little bit more difficultly.

In particular, last years the certain efforts on development new water legislation are undertaken, however this work goes rather slowly. For instance, the ASBP-2 has 14 Priorities, from which first is called "Development of the coordinated mechanisms of the water resources complex management in the Aral Sea Basin". More than 10 ISA-drafts should be prepared according to the Priority #1 of the ASBP-2.

2. ICWC OF CENTRAL ASIA: ROOTS, CREATION, ACTIVITY

2.1. TASHKENT STATEMENT 1991 AND ALMA-ATA AGREEMENT 1992

ICWC of Central Asia is created according to the Agreement 1992, and it all researches know practically. However history of this Agreement’s preparation and signing is less known for many experts, and for some reasons it not mentioned. Long terms of preparation of a line of the regional Agreements’ drafts are one of reasons of this phenomenon. As mentioned above, more than 10 regional ISA’s drafts should be prepared according to the Priority #1 of the ASBP-2, on much from them terms of preparation have expired in 2004, 2005. Some Agreements’ draft (on Syrdarya, Water quality, Databases etc.) have a history 7-8 years and began to prepare long before acceptance of the ASBP-2, but any of them is not ready for signing by Parties.

At the same time, history of ICWC creation is unique and instructive in many respects.

After self-liquidation of Union SSR, first persons of National Water Agencies of Central Asia and Kazakhstan¹ sign a Statement (Tashkent, October 12, 1991) [17].

It is represented very useful to result this Statement completely, which is a starting point and beginning a process of ICWC creation²:

STATEMENT

Of Chiefs of Water authorities of republics of Central Asia and Kazakhstan

(Tashkent, October 12, 1991)

We, Chiefs of Water authorities of Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan and Turkmenistan, as the professionals, estimating inevitability of a difficult situation in connection by increasing water deficiency and aggravation of ecological intensity in the Aral Sea Basin, were based on a historical generality of the peoples of Central Asia and Kazakhstan, their equal rights and responsibility for maintenance of rational water resources’ use in region, believe necessary:

1. To recognize exclusive feature of the closed water basin, what is the Aral Sea region, and necessity of acceptance by everything the measures for prevention of negative consequences connected from it drying.

1- In the Soviet special geopolitics territory of the present 5 posts-Soviet republics of Central Asia were called as Middle (Central) Asia and Kazakhstan

2- Translation is informal.

2. To recognize indissoluble dependence and interrelation of interests of all republics in the decision of questions of sharing water resources Aral Sea Basin as single unit on common for all republics principles and fair regulation of their consumption in view of interests of all peoples living in region.
3. To count expedient, in conditions of infringement of former economic connections, association of working and potential capacities for sharing use, to continue study of opportunities for long-term cooperation, prospects development programs' development, and creation of joint organizational structures for coordination.
4. To carry out development and correction of inter-republican water limits and water use on years and separate sources in view of guaranteed water maintenance of Prearalie and Aral Sea.
5. To recognize that a preservation of relative balance, water maintenance of the Amudarya and Syrdarya rivers' downstream through an establishment of the certain water share of each republic are a prime-turn task for Prearalye problems' decision.
6. To provide an exchange of the complete information about water use, water infrastructure, legal and other documents determining the status of water as a resource and the order established in republics on its use.
7. To not accept unilateral actions having a negative consequence for other republics.
8. All dispute questions to permit with participation of the Chiefs of the republics' interested organizations and representative of the disinterested party.

Only our incorporated and coordinated actions can promote the effective decision of regional water problems in conditions of growing ecological intensity.

State Committee on Water Resources of Kazakh SSR, Chairman	N.Kipshakbayev
Ministry of Water Resources of Kyrgyzstan, Minister	V.Melnichenko
Ministry of Water Resources of Tajikistan, Minister	A.Nurov
Ministry of Water Resources of Uzbekistan, Minister	R.Giniyatullin
Ministry of Water Resources of Turkmen SSR, First Deputy Minister	A.Awezov

1. Is printed in Russian, on two sheets, with the right of translation on state languages of all republics, which authorities have signed present Statement, and for publication.
2. First (original) copy with signatures is kept in Ministry of Water Resources of Republic of Uzbekistan, others participants have a photocopy.
3. Is signed in Ministry of Water Resources of Republic of Uzbekistan.

This Statement is a starting point of ICWC creation. The period from time of fastening of idea and its realization deserves the special attention, as on the question "why drafts of regional Agreements long prepare", in a number of cases the examples are resulted, when a process of preparation and conclusion of the international Agreements on water resources (India and Pakistan etc.) proceeded by decades. Only 130 days (From October

12, 1991 till February 18, 1992, less than 4 months) were required for preparation of the appropriate documents and realization of idea of ICWC creation, namely – for signing of the Agreement 1992 in Alma-Ata.

Agreement 1992 "About cooperation in sphere of a joint management of use and protection of water resources of interstate sources" was signed also by the first persons of National Water Agencies of CA republics, but already – on behalf of independent States as the Agreement's Parties. This historical Agreement was signed by Ministers: from Republic of Kazakhstan – N.Kipshakbayev, from Kyrgyz Republic – M.Zulpuyew, from Republic of Tajikistan – A.Nurov, from Turkmenistan – A.Illamanov, from Republic of Uzbekistan – R.Giniyatullin.

According to the Agreement 1992, the ICWC of CA established, and earlier accepted legal acts regarding regional water management remain in force. Establishment of ICWC was an important step towards keeping "status-quo" in regional water management. ICWC decisions are fulfilled through its executive authorities – Basin Water Organization (BWO) "Amudarya" and BWO "Syrdarya". ICWC determines water policy in the region and its major direction. According to the Agreement 1992: a) ICWC is responsible for general governance of the regional water management system; b) high officials of main water departments of CA countries are the members of ICWC; c) ICWC meetings are held on the quarterly basis in one of the state-founders; d) ICWC Decisions are accepted on consensus' basis; e) ICWC member has a right of "veto", thus ensuring high protection of national interests. Political importance of the Agreement 1992 is confirmed by the Interstate Agreement 1993, which was signed by the CA States' Presidents in Kyzyl-Orda. In particular, in the Agreement 1993 is said, that the Parties count necessary: "to form on a parity basis Interstate Council on problems of the Aral Sea Basin and at it: ... for Coordination Water Commission working according to the Agreement, signed February 18, 1992 in Alma-Ata".

2.2. ICWC OF CENTRAL ASIA: ACTIVITY AND SOME PROBLEMS

The Rules "About the Interstate Commission for Water Coordination of Central Asia" are accepted December 5, 1992 (Tashkent), according to which SIC ICWC [16]:

- Determines uniform water politics in region and develops its basic directions,
- Develops and confirms water limits for each State of CAR,
- Develops and carries out the regional ecological programs,
- Develops recommendations to Governments of the Parties on uniform price politics in sphere of regional water resources use,
- Promotes development of corporate communications,
- Coordinates water economic activity of regional scale,
- Creates uniform information system on water/land use, organizes their monitoring,
- Coordinates joint scientific-research activity etc.

ICWC decisions are carried out by its executive bodies:

- Basin Water Organization (BWO) “Amudarya” (basic tasks, as a whole: submission of established water limits to each state in Amudarya river basin, operation of hydraulic engineering structures of interstate importance, which are on its balance),
- BWO “Syrdarya” (basic tasks, as a whole: submission of established water limits to each state in Syrdarya river basin, operation of hydraulic engineering structures of interstate importance, which are on its balance),
- Secretariat (basic tasks, as a whole: maintenance of the ICWC decisions, financial control, international communications),
- Scientific-Information Centre (scientific-information maintenance of ICWC),
- Control-Metrological Centre (metrological devices and equipment).

ICWC executive bodies have status of the international organizations [1].

ICWC has wide rights and acts as institute of maintenance of regional water security in Central Asia. ICWC activity has allowed to save status-quo in TWRM and to avoid the water conflicts in Central Asia predicted by western analysts.

ICWC should act as the main political institute of maintenance of regional water security. As well as the national security, water security includes many aspects, in particular - political, legal, economic, social, educational, technological, personnel etc.

In this context the following existing problems require serious attention:

- Development of the regional Agreements’ drafts on water resources. The legal base stipulated ASBP-2 should be developed and this process should be sped up;
- Absence of monitoring of the signed Agreements’ performance. Last years a line of rules of the working Agreements (is especial - Agreement 1998) are not observed;
- Strengthening of potential and powers of the ICWC executive bodies. So, now both BWO do not supervise many water structure of interstate importance;
- Interchange of information on water resources. Now it is on unsatisfactory level, there is no close coordination with national hydro-meteorological bodies;
- Water quality management. While the ICWC activity is limited to management of trans-boundary water quantity;
- Absence of economic mechanisms of damage’s compensation caused other Party. Now they are not developed;
- Absence of public participation at preparation of the regional Agreements’ drafts and at acceptance of the ICWC decisions on water-ecological problems; etc.

CONCLUSION

Sustainable development of the CA States is impossible without solving the problems of regional TWRM, which boil down, if expressed in one phrase, to “mismatch of interests between upper and lower reaches of the trans-boundary rivers”, and the TWRM principles, reflected in agreements of the CA States’ Heads, may be formulated as “long-term mutually beneficial strategy of equitable and reasonable use of TWR”. For

realization of political will and decisions of the CA States' Heads in this sphere of the interstate relations, first of all, legal bases of TWRM of region should be necessarily developed. In regional scale IWRM introduction is possible at desire of the Parties to use voluntary mechanisms of the resolution of conflict interests, not resorting to legal tools. At the same time, the legal bases of conflicts resolution will allow carry out national actions within legal field's limits. Strong international-legal base of TWRM of region is also factor of restraint of emotions and excludes pointlessness of disputes.

As is known, acceptance of the responsible political decisions requires clearness and definiteness. There is a good expression: "to act professionally competently is, first of all, to remember constantly about political criteria". So the ICWC founders acted, so the ICWC members should act for maintenance of regional water security in Central Asia. And in this matter it is not necessary to follow always western samples.

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