

Transboundary water management in Central Asia and negotiation process: to be straight

Yu.Kh. Rysbekov

Scientific Information Center of the Interstate Commission for Water Coordination (SIC ICWC) of Central Asia, 11, Karasu-4, Tashkent, 100187, Republic of Uzbekistan

E-mail: yusuprysbekov@icwc-aral.uz , Yusuf.Bek.004@rambler.ru

“The whole art of government consists in the art of being honest”, said one of the founding fathers of the USA T. Jefferson in his time. That phrase is also true with respect to the transboundary water resources (TWR) management in Central Asia (CA) and the draft interstate agreements (ISA) preparation process in this area.

Recent years, representatives of the CA countries prepared a number of draft ISAs with the end to improve the contractual and legal basis of TWR management, which shows a certain positive picture of the negotiations process (NP). However, NP implementation has some omissions (unmentioned things), open and honest discussion of which as well as their elimination will allow building up trust between the Parties. Thus, at present there are 12 versions of the draft Agreement on the Syrdarya River Basin (DA SB) [1], the recent one of which is approved by all ICWC members, with the exception for one item (version № 12, April 2008, Tashkent) – (p. 9):

«The Parties shall jointly consider the following issues:

*- **construction of new hydropower facilities and reservoirs of over-year and seasonal storage in the region, ...development of vast areas of irrigated lands...**»*

At the same time, version № 6 of the DA SB text was approved and signed (in fact, initialed) by authorized representatives of the Parties in December of 2006 (Tashkent). As a rule, after initialing, the text of an international treaty (IT) should not be changed, except for editing corrections (misprints etc.), (see, e.g. [2]). How the deviation from the text of IT approved by the Parties has taken place is one of the unmentioned things related to DA SB.

Another issue has to do with Article 8. (Clause 8.9) of the DA SB project (version № 12, April 2008):

*«In average and above-the-average water availability years and in the face of potential emergency situation at the Shardara reservoir and lower reaches of the Syrdarya river caused by high inflow to those, water is **released** from the reservoir to the Aydar-Arnasay **depression** ...».*

Analysis of all DA SB versions has shown that the Arnasay system of lakes (ASL) has become a “depression” (has not water demands) and is not an ecosystem. Construction of KOKSARAY eliminates the “risk” mentioned in Clause 8.9 of DA SB. At the same time, DA SB specifies the releases for Small Aral (3.22 km³) and ASL which is less in size and volume. It is known that Arnasay for 40 years was a “sheet anchor”. Now it is become unneeded.

Detail: in April of 2006 (in Ashgabat), representatives of the parties completely agreed on the draft of a similar Agreement on the Amudarya river (for 6 hours and ... with no «fifth» party). This fact is not reflected in the reports. So, things are still where they started? No, there is a rollback, and the finish is not seen yet. This is another «X-factor». We can come to an agreement if we will be honest.

These issues need to be discussed, as well as the process of rule-making and making a number of similar decisions on the rotation of the ICWC bodies. However, the rotation issue is a separate topic.

Sources:

[1] Draft Agreement between Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan «On the use of water and energy resources of the Syrdarya river basin» (versions 1-12).

[2] Diplomatic Glossary on IT // http://dic.academic.ru/dic.nsf/dic_diplomatic/.