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**NATIONAL WATER LAW OF UZBEKISTAN; ITS COORDINATION WITH
INTERNATIONAL WATER LAW. PRIORITIES AND PROBLEMS. LINE OF
ACTIVITIES FOR IMPROVEMENT**

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I. INTRODUCTION

Saying “Water is life” reflects water importance in our region. What can be more valuable than life? Because of that water is for us priceless gift of nature.

For our people water during thousands of years served as mighty incentive both economic and spiritual development. Origin and flourishing of world civilizations like Khorezm, Ferghana, Bukhara, Samarkand, Baktria were linked, in first turn, with necessity of irrigation culture development in Maworaunahre (ancient name of the region).

States and peoples originated and disappeared, their names changed, one religions were replaced by others, people assimilation led to change of language and traditions, but respectful attitude to water remained unchanged. This attitude was transferred form one generation to another. Now we have lost many ancient traditions of Baktria, Khorezm, Ferghana and Bukhara, but this attitude to water from our people was kept untouched.

With states origin and establishing water relations developed as well. During several thousands of years these relations changed from primitive water reservoirs used by neighbors to complex interstate relations. In order to understand complexity of these relations and feel what negative consequences may be from wrong decisions, it is necessary to think about the fact, that the basin of two great rivers AmuDarya and SyrDarya always was common region and during thousands of years there was single state and its peoples were close relatives.

Creation of 5 independent states with different start economic conditions, directions of economic and political development has led to interstate water relations change. It is evident that previous relations were not interstate ones because role of the republic within the USSR in water management and allocation was negligible . It is no surprise that after the Soviet Union collapse in the water policy of the republics there are contradictions and wrong actions. Probably, it is bounded as well with economic reality which forces states to undertake certain actions being in contradiction with international water right but allowing to survive during some period of time.

That is why any civilized man, moreover water professional and leader, in our region should be very careful in any water related actions, especially relating to interstate water relations.

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II. PECULIARITIES OF WATER RESOURCES MANAGEMENT IN UZBEKISTAN ON LEGAL BASE

In the republic of Uzbekistan by work of many generations mighty water-economic system has been created and it is functioning allowing to provide water to all economic branches. This system includes:

- scientific-research part;
- design-survey institutions;
- customer function;
- construction and mounting units;
- industry and production;
- automobile transport service;
- operational block.

All these blocks performing specific function create single water-economic complex fulfilling two necessary tasks for the republic:

- water supply;
- irrigated lands reclamation state maintenance.

Water supply is performed to 4235 water consumers including 2739 agricultural and 1496 non-agricultural (municipal, power engineering, industrial) enterprises. Reclamation works are executed on the area of 4.270mln.ha.

From total water supply 87% is consumed by agriculture, 3.8%-by power engineering (taking into account return flow), 3%-by industry, 4.2%-by municipal enterprises and 2% by others.

For water resources distribution and control there is special state service consisting of the MAWR, republican associations, oblast and rayon agricultural - water administrations, inter-oblast and inter-rayon canals management administrations. In general, these functions are performed based on administrative-territorial principle as well as basin and system one.

All questions of water resources management, distribution and use within Uzbekistan are regulated by the following documents:

- Constitution of the Republic of Uzbekistan, 1992;
- Law of the Republic of Uzbekistan “About Water and Water Use”, 1993;
- “Land Code” of the Republic of Uzbekistan, 1998;
- Law of the Republic of Uzbekistan “About shirkat farm”, 1998;
- Law of the Republic of Uzbekistan “About farmers farm”, 1998;
- Law of the Republic of Uzbekistan “About dehqan farm”, 1998;
- Law of the Republic of Uzbekistan “About nature protection”, 1992;
- Cabinet of Ministers of the Republic of Uzbekistan Provision №385 of 03.08.1993 “About limited water use in the Republic of Uzbekistan”;
- Cabinet of Ministers of the Republic of Uzbekistan Provision №174 of 07.04.1992
- “About Provision approval on the water reservoirs and other water bodies, rivers, main canals and collectors as well as sources of potable water and municipal water supply, recreation in the Republic of Uzbekistan”;
- Provision on Ministry of Agriculture and Water Resources of the Republic of Uzbekistan, 2001;
- Other regulating documents.

In accordance with the Article 55 of the Constitution of the Republic of Uzbekistan: “Lands, depths, water, fauna, flora and wild life are common property and should be treated rationally and be protected by state”.

In accordance with the Article 1 of the Law “About water and water use” water legislation tasks are the following:

water relations regulation, rational water use for needs of population and economy, water protection from pollution and exhaustion, water harmful impact prevention and mitigation, water structures improvement, enterprises and organizations’ water rights protection.

Article 3 of the Law determines that “water is state property-common wealth of the Republic of Uzbekistan and should be rationally used and protected by state.”

Article 4 establishes “single state water fund of the Republic of Uzbekistan which includes rivers, lakes, water reservoirs, surface water bodies and water sources, canals and pools, ground water and glaciers”.

Simultaneously, law determines “right on water use from interstate rivers Amu Darya, Syr Darya, Zerafshan, Aral sea is set by interstate agreements”. That is , Law of the Republic of Uzbekistan “About Water and Water Use” recognizes relevant requirements to “Transboundary watercourses” which are called “interstate”.

This law also determines that the state performs (through authorized agencies) water use and protection management and control.

Article 30 of the Law introduces limited water use and permit full or partial paid water use.

Conditions and order of limited water use introduction are defined by the Cabinet of Ministers of the Republic of Uzbekistan (Provision №385 of 03.08.1993 “About limited water use in the Republic of Uzbekistan”).

In accordance with the Law of the Republic of Uzbekistan “About water and water use” (Article 8) special authorized agencies are defined on water use regulation: water bodies (surface water), State Committee of Geology (ground water) and Goskomnadzor (thermal and mineral water).

All interrelations in water area within the republic of Uzbekistan are performed based on above mentioned documents and agreements on water delivery. Water supply to all consumers has contractual base including water organizations at the boarder of oblasts, rayons and separate subdivisions. As a rule, water volume to be ran across the boarder of adjacent state is determined on base of interstate agreements.

III. INTERSTATE WATER RELATIONS OF THE REPUBLIC OF UZBEKISTAN

All interstate water relations of the Republic of Uzbekistan are based on its Constitution, Law “About Water and Water Use” and other legislative acts and regulated by relevant interstate, inter-government treaties, agreements and protocol decisions.

The Republic of Uzbekistan in water questions, in first turn, confirms all previously accepted documents, which were prepared with regard for existing real conditions in the region. Probably, that some documents do not meet new legislative acts of separate states but it necessary to take

into consideration, that in the beginning of 90-ies (where most of these documents were accepted) fact of water resources exhaustion in the region was confirmed; water resources were distributed both between republics and economic branches and all industrial and social infrastructure was based on this distribution. That is why, any deviation from agreed decisions will lead to imbalance in the region.

There are two documents, which are fundamental in water resources management:

The first document: Agreed with all states (before sovereignty gaining) basin schemes of complex water use and protection;

The second document: Agreement between the Republic of Kazakhstan, the Republic of Uzbekistan, the Republic of Tajikistan and Turkmenistan on collaboration in the sphere of common use and protection of water resources from interstate sources (after sovereignty gaining).

The first document, prepared by scientific-research and design-survey institutes, determines principles and physical volumes of water allocation in the region. Maybe, these principles or water volumes do not satisfy somebody at present time, nevertheless, they were grounded by calculations and passed proper expertise. All circumstances and conditions related to water resources were analyzed and various options of economic development were considered. Besides, demographic peculiarities were taken into account as well.

The second document (Agreement of 18.02.1992) confirms necessity of observance by all states of previously accepted documents on water resources distribution and use in existing conditions.

Beside these two documents, there are range of bilateral and multilateral agreements, treaties and protocol decisions: on the Syr Darya basin, small rivers of Ferghana valley, Amu Darya basin, etc. All these documents were accepted during long period of time after long negotiations and disputes.

It is necessary to note positive role of “Frame” “Agreement between the governments of Kazakhstan, Kyrgyz tan and Uzbekistan on Syr Darya basin water-power resources use” signed on March 17,1998 in softening tense situation linked with the Toktogul reservoir irrigation operation regime change for power one.

This document is far from ideal from the point of view of international water right and, maybe, contradicts to certain principles (or items) of internal legislative acts of each country participating in agreement, but in conditions of transition< when common principles are yet not developed satisfying all countries (it needs much time), this “Agreement” is one “working” interstate document.

Thanks to this agreement certain equilibrium has been reached in water relations of three states and all parties still try to fulfill its decisions with acceptance of annual “working agreements” indicating specific volumes, overflows, releases and deliveries.

One of main initial legal documents on the AmuDarya resources distribution (after “Basin scheme”) is the Protocol of Scientific-Technical Council of the Ministry of Reclamation and Water Resources of the USSR № 566 of September 10, 1987, where , with participation of the representatives of all states, water diversion limits were determined. Based on this document, bilateral agreements were prepared between Turkmenistan and Uzbekistan.

IV. CONCLUSIONS AND RECOMMENDATIONS ON INTERSTATE WATER RELATIONS IMPROVEMENT

1. Central-Asian region because of its climatic conditions, water systems closeness, crossing of irrigation-drainage systems of all countries, mutual dependence on separate irrigation systems, people mentality and thousands of years traditions in water relations requires peculiar approach to interstate water relations.
2. Being within single state with regard for economic forces location, climatic, soil, relief conditions, complex irrigation-drainage network in each country was developed, serving water consumers both in own country and adjacent one.
3. With respect to above mentioned factors and conditions interstate legal base has been created on the region's water resources management, protection, distribution and use, based on various agreed documents, and existing political-economic conditions allowed to fulfill their obligations.
4. After 5 independent states establishing under violation of existing economic links, change of state interests and appearance of different types of property in conditions of transition to the market fulfillment of countries' obligations on interstate water relations becomes more difficult.
5. "Frame Agreement", signed on March 17, 1998, and others documents does not determine interstate relations legal base, but is certain mechanism providing fulfillment of previously accepted legal documents in water questions under transition to the market. That is why, with sovereign states economic well-being strengthening and socio-political conditions improvement, probably, existing mechanisms of decisions fulfillment will be changed.