

# Summary Report

ICWC Training Centre for Water Resources Management

Seminar

## “International and National Water Law and Policy”

Organized by:



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## I. EXECUTIVE SUMMARY

This report follows a successful completion of the ICWC Water Resources Management Training Center's Seminar on "International and national law and policy" that held from September 24 to 29, 2001 in the ICWC Training Centre in Tashkent, Uzbekistan.

Central Asian countries recognized that water is a key natural resource for future prosperity and stability and it is important to identify mechanisms and instruments to support the use of water as a catalyst for regional cooperation rather than a source of potential conflict. This is especially important since the need for cooperative management of shared water resources will increase significantly with the demands from expanding populations and economic growth.

The new border situation in Central Asia created not only classical clear-cut upstream-downstream situations between different independent countries, but also between a whole series of now politically separated irrigation networks that withdraw water from the same source.

Realizing the importance of the issues involved, countries of the basin have been undertaking all necessary steps towards improving the current situation. One of the important events in recent times was the creation of the regional training centre to train water management personnel. From October 24 to 29, 2001, ICWC Training Centre hosted a long-awaited regional seminar on "International and National Water Law and Policy", which was organized together with University of Dundee, the UK, and SIC ICWC partner McGill University Brace Centre for Water Resources Management, Canada. The program of the seminar included all the relevant core disciplines of international and national water law, world practices and national, regional and international organizations involved in policy regulations related to the management of transboundary water resources. This seminar was coordinated by top international experts on water law from University of Dundee.

## II. INTRODUCTION

The cause for contradictions between up – and downstream riparians seems to be clear: "Measures taken by upstream countries influencing the river flow diminish the possibilities of

downstream countries to use the river for their development." Water storage for hydropower production or a deterioration of the water quality has severe consequences for water-dependent activities (agriculture, industry, fresh water supply) in the lower reaches of a river. Especially in arid regions, usable water in river flows is progressively scarce and rivalrous because drainage run-off degrades the quality and river diversion reduces the amount of water. While the upstream users may not be affected by poor water quality, the users downstream face a different set of constraints.

The disintegration of the Soviet Union in 1991 led to the collapse of the centralized planning and management of water resources in Central Asia. Two major rivers of the region, Amudarya and Syrdarya Rivers became international with subject to use and manage by cooperative actions of all five basin countries. This created specific problems related both to quantity allocation and quality standards of the transboundary water resources. It turned out that upstream and downstream countries have different priorities in utilization of these river water resources therefore creating conflicting situations between water users. In the post Soviet period, the needs of the downstream countries for the irrigated agriculture do not correspond to the needs of the upstream countries for generation of maximum energy. Several draft agreements were signed by the heads of the member countries where all declared that both rivers subject to joint management and each country accepted definite responsibilities for reasonable utilization of transboundary water resources for the benefit of their national interests. However, cooperation of the basin countries on this very important activity has not been successful to this time. There is no reliable mechanism that can be used for cooperation over management of transboundary water resources. Some argue that agreements do not cover all the aspects of transboundary water resources management and others point to the fact that a decade of work on these type work is not enough, usually it takes more to develop sound laws and reliable mechanisms.

For the Aral Sea basin countries where three out of five heavily depend on the external water resources it is very important to reach the consensus between upstream and downstream countries in joint utilization of the basin water resources. While available water resources in the region is fixed population growth is becoming one of the major concerns. The present population in the Aral Sea basin is about 39.5 million inhabitants and it is being forecasted that it will double in the next 25 years.

One of the goals for establishing the Training Centre for water resources management in the Aral Sea Basin was to improve a cooperation on water resources management in the basin. Since its creation the Centre has been successful in delivering training courses to water management personnel of Central Asia. Representatives from other sectors of economy, who directly or indirectly involved in management of water resources, also participated in trainings. To this date, Training Centre hosted training workshops on Integrated water resources management and Transboundary waters and more then 200 people received training. This time ICWC Training Centre together with University of Dundee and McGill University were successful in organization of very urgent training course on water law. University of Dundee with its worldwide reputation on international and national law and policy took the role of main organizers of the seminar on this training. First flow of training was intended to train the local trainers who would in turn take the roles of moderators in the next follow-up workshops on the same topic.

The current seminar gathered representatives of Ministries of Agriculture and Water Resources Management, Ministry of Foreign Affairs and Ministry of Justice. For the six-day period participants had a chance to go through the main principles of international water law, national, regional and international institutions working in this field, to meet their counterparts, to exchange opinions and discuss most related issues on water resources allocation in the basin and protection of transboundary water resources. Moderators of the Seminar repeatedly stated that only by cooperative efforts the problems related to water resources can be solved and regional cooperation stands as a key element for region's prosperity and stability. Moderators also

emphasized that the principles of integrated water resources management (IWRM) and international water law should be area of discussions for getting as much benefit as possible from these principles and utilize them into present conditions of the Aral Sea Basin countries.

This report outlines activities of the ICWC Training Centre Seminar on “International and National Water Law and Policy”.

## **II. ORGANIZING COMMITTEE OF THE SEMINAR**

International Water Law Research Institute (IWLRI) – The International Water Law Research Institute, Department of Law, University of Dundee, Scotland, promotes academic research, postgraduate teaching, advisory services, and professional training in the area of international and national law of water resources. As part of its international program, IWLRI convenes annual seminars on International and National Water Law and Policy. Past seminars have attracted internationally renowned experts to address current water law issues, including “Equitable and Sustainable Access to Water”, “Regulatory Issues”, and “Securing Water Rights and Managing Water Scarcity”. These topics have been considered in light of the UK international development policy of achieving poverty eradication through the effective management of water resources worldwide. A key research theme – operationalizing and interdisciplinary approach to water resources management including water law is central to all of the activities of the IWLRI. The University of Dundee offers postgraduate degrees, including water law and policy, and provides specialized LLM degrees in Environmental Regulation and Corporate Governance (for lawyers and non-lawyers). A flexible training program, coordinated with the postgraduate program, can be tailor- made for delivery in Dundee or elsewhere. Recent training has been conducted in Cambodia, China, Central and eastern Europe, Laos, Namibia, Riga, Russia, Thailand, Uganda and Vietnam.

McGill University – is the world renowned university with a long tradition of excellence in teaching and research. Chartered in 1821, McGill is among the oldest and most distinguished of North American universities. Today, McGill has 22 Faculties and Professional schools offering programs of study in some 300 areas. The University has particularly strong research in science, medicine, engineering and agriculture. Researches at McGill collaborate with colleagues at several Canadian inter-university research centers, as well as with more than 60 institutions worldwide, particularly in the field of international development. McGill University’s Brace Centre for Water Resources Management is a multidisciplinary and advanced research and training center. It brings together staff from several McGill faculties to undertake research, teaching, specialized training, and policy and strategic studies, both in Canada and internationally. Some of the main activities of the Centre include research and development of new technologies that can be used by people in rural and arid lands to enhance their quality of life, policy and strategic studies to enhance the sustainability of institutions and the water sector in general and provision and technical advise to institutions and governments, etc.

Scientific Information Center of the Interstate Commission for Water Coordination (SIC ICWC) of Central Asia - The five Central Asian States agreed in 1992 that the ICWC will coordinate the management of the limited water resources of the Aral Sea Basin, implement shared water allocations and attempt to solve all related disputes. The Scientific Information Center of the ICWC was commissioned with regional information exchange, creation of a single information network for water resources, introduction and forecasting of advanced world experiences, international exchange, preparation and implementation of scientific and technical projects on a regional level. SIC ICWC facilitates processes of inter-sectoral cooperation in the region, taking active part in inter-branchial commissions, conferences,

meetings on integrated water resources management in interest of hydropower generation, irrigation and environment. SIC ICWC took the initiative to establish a training center on water resources management to deliver courses to water management personnel. Since its creation, the ICWC Training Center organized training workshops on “Integrated Water Resources Management” and “Transboundary Waters: Strategies to Improve Regional Cooperation”, and is pleased to become in a team with the IWLRI in organization of the seminar on international and national water law.

### **III. SEMINAR ACTIVITIES**

#### **A. Seminar Objectives**

The overall goal of this seminar was to assist the ICWC in developing and implementing a water resources training program which will contribute to political stability, environmental sustainability, sustainable food production, poverty alleviation and improved rural quality of life by strengthening collaboration, consensus advisements in legal issues in the Aral Sea Basin. Contribution of the University of Dundee included preparation and delivery of lectures and written materials to a group of identified local experts from the five Aral Sea Basin States, to enhance their knowledge in national, regional and international legal issues related to the management of transboundary water resources. The specific goals of the training program are:

1. To train water policy and management experts of the Aral Sea region consistent with the best national and international practices in the following areas:
  - International water law and policy
  - National water law and policy
  - International and national environmental law and policy
  - International institutions and regional models of water resources management
  - Relevant legal and policy issues of the Aral Sea Region
2. To improve expertise and provide tools for local expert instructors to train in-country personnel on legal issues related to the Aral Sea and the international water resources of the region.

#### **B. Opening of the Seminar**

Prof., Viktor A. Dukhovny, the Director of the SIC ICWC, chaired the opening session of the Seminar. He said that it is a great success and at the same time a pleasure to work with experts from University of Dundee and expressed his gratitude to the sponsors of the seminar for making organization of the seminar possible. Although, he said, per capita consumption of water in CA Countries is higher than the world average, in the future it will always have a decreasing trend and water will be a major constraint in region’s development. He thanked all participants of the seminar and said that he hopes the seminar will reach its objectives.

Ambassador of the UK to Uzbekistan Christopher Ingham took the next floor. ICWC Training Centre was honored by his excellencies’ visit. In his speech he said that the British government is committed to help developing countries in improving management of natural resources. Therefore, the British Embassy will always support initiatives put towards enhancing cooperation in water resources management in Central Asia. His excellency noted that it is just the beginning of cooperation between British institutions such as University of Dundee and SIC ICWC, he will further encourage other organizations and intuitions in the UK to cooperate in the field of management of water resources.

Sergei Vinogradov, University of Dundee, spoke on behalf of Dr Patricia Wouters, who could not come to the seminar. In the letter addressed to the participants of the seminar Dr Wouters hoped that objectives will met and thanked all the sponsors and organizers of the event. Dr Vinogradov added that without clear understanding of the water legislation in each country it is very difficult to develop a common approaches in the region and therefore integrated regional water policy will play an increasingly vital role in relations among newly independent countries of Central Asia.

Mr. Amangelgy Ovezov, Executive Committee of the International Fund for saving the Aral Sea, delivered a letter speech of the Chairman of EC IFAS addressed to the seminar participants and organizers. In the letter, Mr. Chairman also thanked the organizers of the seminar and expressed his deep gratitude to the Department for International Development of the United Kingdom for supporting such activities in the region.

Mr. Alexander Kalashnikov, country representatives of the US Agency for International Development, stated that USAID have been working together with SIC ICWC and other regional and national organizations in Central Asia to pursuit a common goal – better management of water resources of the Aral Sea Basin. He wished the participants success in all discussions, critical challenges facing Central Asia regarding the establishment of international water resources laws and policies.

### **C. Seminar Training Manuals**

Three volumes of materials were prepared for the seminar. This included a collection of papers related to international water law and international documents:

1. International and national water law and policy – collection of papers:
  - 1.1. Wouters, P., The Role of Water Law in the Development of an Integrated Water Resources Management Strategy.
  - 1.2. Rogers, P., The Value of cooperation in resolving international river basin disputes.
  - 1.3. Hamilton, A., Freshwater as a catalyst for international cooperation: with particular reference to the international Joint Commission and the Great Lakes Quality Agreement.
  - 1.4. Wouters, P., Editor's Foreword to "International Water Law. Selected Writings of Professor Charles B. Bourne".
  - 1.5. Kellow, R., Apportionment and Protection of Inter-provincial Waters in Western Canada.
  - 1.6. Samson, P., and Charrier B., International Freshwater Conflict: Issues and Prevention Strategies.
  - 1.7. Priscoli, J., International Conflicts Related to Transboundary Water.
  - 1.8. Legault, L., The Roles of Law and Diplomacy in Dispute Resolution: the IJC as a Possible Model.
  - 1.9. Wolf, A., Transboundary Water Issues: Lessons Learnt.
  - 1.10. Lazerwitz, D., The Flow of International Water Law: The International Law Commission's Law of the Non-Navigational Uses of International Watercourses.
  - 1.11. Caflish, L., Regulation of types of use international watercourses.
  - 1.12. McCafrey, S., UN Convention on the Law of the Non-navigational Uses of International Watercourses: Perspectives and Shortcomings.
2. Training Manual: Volume 1 and 2 (see Attachment E for the Table of Content of the Manual)

## D. Seminar Moderators

Dr Sergei Vinogradov, Centre for Energy, Petroleum, Mineral Law and Policy at the University of Dundee, Scotland, and Ms Patricia A Jones, PhD Candidate of the Department of Law of the University of Dundee, Scotland, coordinated all seminar activities. The role of the moderator can be summarized as follows:

- To identify the important issues (subjects) to discuss.
- To keep the discussions focused on the issues (subjects) identified.
- To be sure that all participants have an equal input during the discussion periods.
- To organize the discussion periods such that:
  - Items (subjects) are clearly identified.
  - Each item (subject) is debated separately.
  - Conclusions are made.

## E. Seminar Participants

Participants (trainees) of the seminar included members of the ICWC, representatives from Ministries of water resources management and agriculture, Ministry of Foreign Affairs, Ministry of Justice, SIC ICWC staff. See full list of participants in Appendix B.

## F. Presentations

All of the presentation delivered during the seminar were in Power Point Format. See Attachment A for seminar program. After each presented topic the same amount of time was allocated for discussion of the topic.

## G. Gender Participation

McGill University and SIC ICWC are committed to the policy with respect to gender equality. Although the issues related to gender equality were not specifically addressed in this Seminar, the active participation of women was encouraged. SIC ICWC has been open to McGill's suggestions regarding the participation of women in all aspects of this project. Women were involved in all of the Seminar activities, and at varying capacities including:

- Seminar participants (presented paper, active during question period).
- Planning and logistics.
- Translations (Seminar documents and simultaneous translation of presentations)
- Assisted in the preparation of presentations.
- Accounting.
- Secretary services.

Table I illustrates the participatory role of women in the Seminar.

TABLE I  
WOMEN PARTICIPANTS

No	Name	Title	Participation
1	Patricia Jones	PhD Candidate, Department of Law, University of Dundee	Moderator of the seminar. Presented paper. Actively participated in discussions.
2	Irina Juravleva	Assistant to Director SIC ICWC	Actively participated during organization
3	Larisa Averina	SIC ICWC Specialist	Participated during discussions
4	Ludmila Muhina	Head Bookkeeper	Actively participated during organization
5	Alona Oskalina	ICWC Training Centre staff	Actively participated during organization
6	Gauhar Khalbaeva	MS Candidate, University of Nagoya, Japan	Actively participated during discussions

## H. Questionnaire results

The participants were encouraged to provide feedback to the ICWC Training Centre staff with respect to the overall organization and management of the Seminar. Information was obtained from informal discussions with the participants, and through the use of a questionnaire. The questionnaire was developed by ICWC Training Centre staff, and distributed after the completion of the Seminar activities.

Table II is a summary of the questionnaire results.

№	II. QUESTIONS		Yes	No	COMMENTS / SUGGESTIONS / RECOMMENDATIONS
1.	Has the workshop come up to your expectations?		12	-	<ul style="list-style-type: none"> <li>▪ Yet, it was very interesting (3)</li> <li>▪ Thank you for organizing this very important and urgent seminar</li> <li>▪ Special thanks to moderators from University of Dundee</li> </ul>
2	Did the seminar fulfilled its training objectives?		12	-	<ul style="list-style-type: none"> <li>▪ It would be appropriate to invite representatives of Ministries of Energy and Environmental Protection to the seminars on water law</li> <li>▪ I look forward to participating in the next seminars too</li> </ul>
3	Are you satisfied with the contents of the lectures and exercises?		12	-	<ul style="list-style-type: none"> <li>▪ It is necessary to involve in the seminars representatives from Ministries of Justice of the Central Asian Republics (CAR)</li> </ul>
	3.1	National Reports	11	1	<ul style="list-style-type: none"> <li>▪ It is desirable for unification the contents of the reports and possibility to compare analysis, it would be helpful to make up a list of questions, the answers to which could be found in the reports</li> <li>▪ There was no discussion on Kyrgyz Law</li> <li>▪ More examples and problem solving</li> <li>▪ Except the presentation of Kyrgyz tan</li> <li>▪ There were no coordination between the titles of the paper and presentations</li> </ul>
	3.2	Case Study №1: World Bank Project Proposal	12	-	<ul style="list-style-type: none"> <li>▪ To make it more specific and applicable to the conditions of the CAR</li> <li>▪ Exercise needs to be corrected, developed and coordinated with the themes of the papers</li> <li>▪ Interesting and instructive</li> <li>▪ Absence of data on water quality and water allocation between riparians make it difficult to solve the exercise</li> </ul>
	3.3	Case Study №2: Self-assessment of the principle equitable and reasonable utilization	12	-	<ul style="list-style-type: none"> <li>▪ Incorrect translation, uncertain requirements on the content – inconvenient to fill in. Exercise did not reach its objectives.</li> <li>▪ Positive, if an agreement is reached - then it is reasonable</li> </ul>
4	Are you satisfied with the contents of the given materials?		12	-	<ul style="list-style-type: none"> <li>▪ No comments</li> </ul>
5	<ul style="list-style-type: none"> <li>• Are you satisfied with trainers &amp; presenters?</li> </ul>		12	-	<ul style="list-style-type: none"> <li>▪ No comments</li> </ul>
	5.1	Sergei Vinogradov	12	-	<ul style="list-style-type: none"> <li>▪ I enjoyed all the presentations of Dr Vinogradov</li> </ul>



	5.2	Jitzchak Alster	12	-	<ul style="list-style-type: none"> <li>▪ No comments</li> </ul>
	5.3	Victor Dukhovny	12	-	<ul style="list-style-type: none"> <li>▪ No comments</li> </ul>
	5.4	Geoff Rothwell	11	1	<ul style="list-style-type: none"> <li>▪ The content of the lecture needs to be corrected subject to real life factors</li> <li>▪ Did not mention legal issues</li> <li>▪ Presentation of USAID should be excluded</li> </ul>
6	Are you satisfied with the equipping of the Training Center?		12	-	<ul style="list-style-type: none"> <li>▪ It is necessary to provide access to email for communication purposes with home counties for efficient inquiry and dissemination of interested materials</li> </ul>
8	Are you satisfied with the duration of the workshop?		12	-	<ul style="list-style-type: none"> <li>▪ It is desirable to shorten the duration of the seminar</li> </ul>
9	Are you satisfied with the agenda of training?		12	-	<ul style="list-style-type: none"> <li>▪ Lunch break could be shortened to 1 hour</li> <li>▪ It is necessary to keep records of attendance, and exclude absences</li> <li>▪ It would be better to include more homework assignments, course works and assignments on given materials</li> <li>▪</li> </ul>
10	Are you satisfied with your accommodation during the workshop?		11	1	<ul style="list-style-type: none"> <li>▪ We felt like home</li> <li>▪ No</li> </ul>
11	Are you satisfied with meals during the workshop?		12	-	<ul style="list-style-type: none"> <li>▪ Coffee and tea – nice!</li> </ul>
12	Are you satisfied with the administrative personal of the Training Center?		12	-	<ul style="list-style-type: none"> <li>▪ No comments</li> </ul>
13	Are the training/supporting materials you received sufficient?		12	-	<ul style="list-style-type: none"> <li>▪ It is necessary to have a collection of national water laws and comparative table</li> </ul>
14	What topics would you recommend to include in the follow-up training program?		12	-	<ul style="list-style-type: none"> <li>▪ It is necessary to include: water pricing in different parts of the world and in countries of Central Asia</li> <li>▪ Questions related to property rights in water law</li> <li>▪ Anti-monopolistic law in water sector</li> <li>▪ Law regulation for establishment of water pricing</li> <li>▪ Detailed discussion of the UN Watercourse Convention 1997 and its compliance with regional and national aspects of the CAR</li> <li>▪ More lectures on our problems</li> <li>▪ It would be more expedient to include materials with follow-up examples on agreements from arid zones</li> <li>▪ More exercises on equitable and reasonable utilization</li> <li>▪ National water laws: who is responsible for water delivery; primary and secondary users – relationships between them; forming of a price on water delivery; inter-disputes over water sharing – mechanisms of dispute resolution.</li> </ul>

15	What topics are uninteresting for you, and you would suggest deleting them?	12	-	<ul style="list-style-type: none"> <li>▪ All topics are urgent. They need for preparation of water lawyers</li> </ul>
16	What training is required for your organization and staff?	12	-	<ul style="list-style-type: none"> <li>▪ Rules, practices and order of implementation of legal norms in agricultural sectors (i.e., water sector)</li> <li>▪ For participants from interstate organizations – full course</li> <li>▪ For participants from water management organizations district level – more comprehensive course aimed at implementation of the water laws, interstate agreements, etc.</li> <li>▪ Almost all lectures, especially Dukhovny, Vinogradov, Alster, Jones, are needed for all water management personnel of Tajikistan</li> <li>▪ Islamic principles and water laws of Muslim Countries</li> <li>▪ Since our Feghana Canal is transboundary, the personnel of our organization is in need to take this course</li> <li>▪ International water law</li> <li>▪ Ownership rights on irrigation systems in national water laws, who can own, in our conditions, is there restrictions, rights related to public ownership, etc.</li> <li>▪ Legal aspects of establishment of association of water users in world practice</li> <li>▪ Public participation in water management and protection</li> </ul>

## V. CONCLUSIONS

The objectives of the “International and National Water Law and Policy” was to complete the following tasks:

1. To train water policy and management experts of the Aral Sea region consistent with the best national and international practices in the following areas:
  - a. International water law and policy
  - b. National water law and policy
  - c. International and national environmental law and policy
  - d. International institutions and regional models of water resources management
  - e. Relevant legal and policy issues of the Aral Sea Region
2. To improve expertise and provide tools for local expert instructors to train in-country personnel on legal issues related to the Aral Sea and the international water resources of the region.
3. Select the future trainers.
4. Agree on schedule of training for next two follow-up training seminars on the same topic.
5. Assemble technical materials.
6. Evaluate the papers, training manuals, training exercises; utilize comments received for the formulation of future workshops.

Items 1 through 5 were completed and included within this report. Local trainers were selected among participants to take the role of trainers in the future training workshops. These are Prof., Kipshakbaev N. K., from Kazakhstan, director of the Kazakh Branch of the SIC ICWC, former minister of water resources of Kazakhstan, Mr. Djaillobaev A. Sh., head of the Legal Office of the Department of Water Resources of the Kyrgyz Republic, Nosirov N. K., director of the Tajik

Branch of the SIC ICWC, and Berdyev A., and Ovezov A., from Turkmenistan, both from Executive Committee of the International Fund for saving the Aral Sea. The second and third follow-up seminars were agreed to organize in November 2001 and January 2002, respectively. Items 5 and 6 were intended as assignments for the selected future trainers to have it ready for the future seminars. University of Dundee staff and with SIC ICWC will work on these tasks in order to complete them.

The success of the seminar on “International and National Water Law and Policy” was in large part due to the participants themselves. All participants were actively involved and contributed to a lively and rewarding seminar. The successful completion of this seminar marks the first, and most important, step required in order to achieve the long-term objectives in water resources management of the Aral Sea basin.

**DAY 1: MONDAY, SEPTEMBER 24, 2001**  
**ICWC Training Centre Future Trainers Seminar on**  
**“International and National Water Law and Policy”**

10:00 – 10:40	<b><u>Opening Session</u></b> GREETINGS FROM: <b>Tekebay A. Altyev</b> , Executive Director of the International Fund for saving the Aral Sea (EC IFAS), Ashgabat, Turkmenistan <b>Christopher Ingham</b> , Ambassador of the United Kingdom to Uzbekistan, Tashkent <b>Glenn Anders</b> , Head of the USAID Regional Mission in Central Asia <b>Chandra A. Madramootoo</b> , Director, Brace Centre for Water Resources Management, McGill University, Montreal, Canada <b>Rim A. Giniyatullin</b> , Head, GEF Agency Project in Central Asia, Tashkent <b>Patricia K. Wouters</b> , Director, International Water Law Research Institute, Department of Law, University of Dundee, Scotland
10:40 - 10:50	Introduction of Workshop Participants
10:50 – 11:45	International Legal System: Introduction - <b>Moderators, University of Dundee (UoD)</b> , Dundee, Scotland, the UK
11:45 – 12:00	Coffee Break
12:00 – 13:00	Key Issues of Water Management in the Aral Sea Basin in the Light of International Water Law – <b>Victor A. Dukhovny</b> , Scientific Information Centre of Interstate Commission for Water Coordination (SIC ICWC) of the Central Asia
13:00 – 14:30	Lunch
14:30 – 15:15	Main Functions of Regional Water Management Organizations. Coordination of National Interests and Basin Constraints. Role of International Organizations and Donor States in Development of Regional Cooperation – <b>Tekebay A. Altyev</b> , Executive Director of the International Fund for saving the Aral Sea (EC IFAS)
15:15 – 16:00	International Law of Natural Resources – <b>Moderators, UoD</b>
16:00 – 16:15	Coffee Break
16:15 – 17:00	International Water Law (IWL): Overview and Evolution – <b>Moderators, UOD</b>
17:00 – 17:30	Questions & Group Discussions

**DAY 2: TUESDAY, SEPTEMBER 25, 2001**  
**ICWC Training Centre Future Trainers Seminar on**  
**“International and National Water Law and Policy”**

9:30 – 10:30	International Environmental Law (IEL) – <b>Moderators, UoD</b>
10:30 – 11:00	Questions & Group Discussions
11:00 – 11:15	Coffee Break
11:15 – 12:15	International Water Law: Substantive Rules – <b>Moderators, UoD</b>
12:15 – 13:00	Questions & Group Discussions
13:00 – 14:30	Lunch
14:30 – 15:15	National Water Law: Introduction – <b>Moderators, UoD</b>
15:15 – 15:30	Questions & Group Discussions
15:30 – 15:45	Coffee Break
15:45 – 16:45	Legal Aspects of Water Management in the Aral Sea Basin: View from the Outside – <b>Jitzchak Alster</b> , the Netherlands
16:45 – 17:30	Questions & Group Discussions

**DAY 3: WEDNESDAY, SEPTEMBER 26, 2001**  
**ICWC Training Centre Future Trainers Seminar on**  
**“International and National Water Law and Policy”**

9:30 – 10:00	<u>Introduction:</u> National Water Law of Kazakhstan; its coordination with International Water Law. Priorities and Problems. Line of Activities for Improvement – <b>Amanbek M. Ramazanov</b> , ICWC Member from Kazakhstan, Chairman, Committee for Water Resources, Kokshetau, Kazakhstan
10:00 – 10:30	Questions & Group Discussions
10:30 – 11:00	<u>Introduction:</u> National Water Law of the Kyrgyz Republic; its coordination with International Water Law. Priorities and Problems. Line of Activities for Improvement – <b>Baratali T. Koshmatov</b> , ICWC Member from Kyrgyz Republic, Deputy Minister, General Director, Department of Water Resources, Bishkek, Kyrgyz Republic
11:00 – 11:30	Questions & Group Discussions
11:30 – 11:45	Coffee Break
11:45 – 12:15	<u>Introduction:</u> National Water Law of Tajikistan; its coordination with International Water Law. Priorities and Problems. Line of Activities for Improvement – <b>Abdukokhir A. Nazirov</b> , ICWC Member from Tajikistan, Minister of Amelioration and Water Resources Management, Dushanbe, Tajikistan
12:15 – 13:00	Questions & Group Discussions

13:00 – 14:30	Lunch
14:30 – 15:00	<u>Introduction:</u> National Water Law of Turkmenistan; its coordination with International Water Law. Priorities and Problems. Line of Activities for Improvement – <b>Kurban M. Volmuradov</b> , ICWC Member from Turkmenistan, Minister of Water Resources, Ashgabat, Turkmenistan
15:00 – 15:30	Questions & Group Discussions
15:30 – 15:45	Coffee Break
15:30 – 16:00	<u>Introduction:</u> National Water Law of Uzbekistan; its coordination with International Water Law. Priorities and Problems. Line of Activities for Improvement – <b>Abdurakhim A. Djalalov</b> , ICWC Member from Uzbekistan, Deputy Minister of Agriculture and Water Resources, Tashkent, Uzbekistan
16:00 – 17:30	Questions & Group Discussions

**DAY 4: THURSDAY, SEPTEMBER 27, 2001**  
**ICWC Training Centre Future Trainers Seminar on**  
**“International and National Water Law and Policy”**

9:30 – 10:30	International Water Law: Procedural Rules – <b>Moderators, UoD</b>
10:30 – 11:00	Questions & Group Discussions
11:00 – 11:15	Coffee Break
11:15 – 12:15	International Water Law: Special Issues – Compliance, Dispute Avoidance and Resolution – <b>Moderators, UoD</b>
12:15 – 13:00	Questions & Group Discussions
13:00 – 14:30	Lunch
14:30 – 15:15	Water Rights, Permits and Concessions – <b>Moderators, UoD</b>
15:15 – 15:30	Questions & Group Discussions
15:30 – 15:45	Coffee Break
15:45 – 16:45	International Legal Drafting: Principles and Practice – <b>Moderators, UoD</b>
16:45 – 17:30	Questions & Group Discussions

**DAY 5: FRIDAY, SEPTEMBER 28, 2001**  
**ICWC Training Centre Future Trainers Seminar on**  
**“International and National Water Law and Policy”**

9:30 – 10:30	Regional Electricity Market as it relates to International Water Agreements, <b>Mike Biddison</b> , Central Asia Natural Resources Management Project/USAID, Tashkent, Uzbekistan
10:30 – 11:00	Questions & Group Discussions
11:00 – 11:15	Coffee Break

11:15 – 12:15	Transboundary Water Agreements NRMP's Perspective, <b>Jeffrey Fredericks</b> , Central Asia Natural Resources Management Project/USAID, Tashkent, Uzbekistan
12:15 – 13:00	Questions & Group Discussions
13:00 – 14:30	Lunch
14:30 – 15:30	Negotiation and conflict resolution in international drainage basins with particular reference to North America, Nepal, the Mekong and the Nile, <b>Richard K. Paisley</b> , University of British Columbia, Vancouver, Canada
15:30 – 16:00	Questions & Group Discussions
16:00 – 16:15	Coffee Break
16:15 – 17:00	International Water Law: Regional Models (state of the art) - <b>Moderators, UoD</b>
17:00 – 17:30	Questions & Group Discussions

<p><b>DAY 6: SATURDAY, SEPTEMBER 29, 2001</b>  <b>ICWC Training Centre Future Trainers Seminar on</b>  <b>"International and National Water Law and Policy"</b></p>
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9:30 – 10:00	Comparative Law: National, Regional and International Legal Mechanisms "Wrap-Up" – <b>Moderators, UoD</b>
10:00 – 11:00	Discussions and Presentations by Country Representatives
11:00 – 11:15	Coffee Break
11:15 – 13:00	Discussions and Presentations by Country Representatives
13:00 – 13:30	Adoption of the Final Document
13:30 – 14:30	Closing Session: Lunch

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**Aral Sea International Water Law Training Seminar  
Case Study 1: World Bank Project Proposal**

**Facts**

Three States on the **Zelenoya Darya - Verkhnestan** (upstream, least developed country), **Srednestan** (mid-stream country) and **Nijnestan** (downstream, most developed country) – are transboundary watercourse States of the Zelenoya Darya. Srednestan needs to develop hydro-electric power and irrigation. Srednestan has presented a project proposal to the **World Bank** for the development of a dam with the objectives of regulating the flow of the Zelenoya, providing irrigation and generating hydro power. Nijnestan uses 70% of water from the River for irrigation and domestic uses, and has energy resources. Nijnestan objects to the project. The World Bank operational directives contain procedures for transboundary watercourse States to object to a planned development. The operational directives are in your materials.

**III. GROUP ONE: SREDNESTAN**

- Review the Operational Directives and present your best case for project funding to the World Bank
- Prepare to Respond to the objections raised by Nijnestan

**IV. GROUP TWO: NIJNESTAN**

- Review the Operational Directives and present your position concerning Srednestan's project proposal using the procedure outlined by the Operational Directives.

**V. GROUP THREE: WORLD BANK**

- Review the Operational Directives and prepare to evaluate Srednestan's proposal, Nijnestan's position, and if necessary invite the Experts Panel to report, and give your decision at the end of the exercise.

**VI. GROUP FOUR: EXPERTS PANEL CONVENED BY WORLD BANK**

- Prepare your investigation of the proposal and objections and report your findings to the World Bank.

**Aral Sea International Water Law Training Seminar  
Case Study 2: Additional Protocol / Guidelines**

**1. Facts**

Three States on the **Zelenoya Darya - Verkhistan** (upstream, least developed country), **Srednestan** (mid-stream country) and **Nijnestan** (downstream, most developed country) - have signed a framework agreement (the - **Zelenoya Darya Agreement ZDA**) identical to the **Mekong River Agreement**.

**Verkhistan** wants to start developing hydro-electric power; **Srednestan** needs to develop hydro-electric power and irrigation; it receives some pollution coming downstream from Verkhistan; **Nijnestan** uses 70% of water from the River for irrigation and domestic uses, and has energy resources.

**2. Exercise**

You are Legal Advisors to the Government of Srednestan. The Premier has asked your advice on the following. The goal is to create a Protocol / Guidelines to the Successive River Agreement that will protect the State's interests and promote equitable and reasonable use of the River.

**Group 1: Information / Data Exchange**

- What information do you need from Verkhistan? From Nijnestan?
- What information should you share with Nijnestan? With Verkhistan?
- How should each State share their information? Details of mechanisms?

**Group 2: Procedural Rules for Planned Measures**

- Verkhistan plans to undertake planned measures: what mechanisms should be in place for notifying Srednestan (and Nijnestan?)
- What are the consequences if Nijnestan does not respond to notification from Srednestan?
- What mechanisms for urgent measures?

**Group 3: Limiting Transboundary Impact**

- Srednestan wants to ensure it has sufficient water for hydropower and irrigation and protection against pollution.
- Nijnestan insists on its "historic" right to use 90% of the River's water and is concerned that upstream development will cause it significant harm.
- How will the three States agree on limiting transboundary impact and guarantee equitable and reasonable use, given the changing needs of each State?

**Group 4: Ensuring Implementation / Dispute Avoidance**

- The three States have agreed on the pollution prevention measures with respect to point source pollution. How will Srednestan know that the other States are meeting their obligations under that agreement?
- Who should be responsible for monitoring the implementation of such measures?
- What should be the dispute avoidance / settlement mechanism if Verkhistan does not meet its commitments?

**3. Reporting**

Each group should refer to the Mekong Agreement as the governing treaty on the Zelenoya Darya Agreement. Refer to the UN Watercourses Convention and the 1992 Helsinki Transboundary Waters Agreement and the other documents in your collection as models. One

person from each group will report back to the Plenary Session on the recommendations of your group.

### Aral Sea Training Exercise

#### Factors: Equitable and Reasonable Utilization

Output	Data	Problems issues	Weight (1 most important – 5 not important)
<b>(a) Geographic, hydrographic, hydrologic, climatic ecological, and other factors of a natural character</b>			
Geographic	(general situation of territory of TWS*)		
Hydrographic	(General situation of drainage area in TWS – extent, description)		
Hydrologic (surface and groundwater availability)	(mean flows of TW, variability, spatially; quality; contribution of flow to TW)		
Climate (identify climate type)	(precipitation, evaporation, temperature; variability; trends)		
Ecological / Environmental (identify environmental services)	(baseline survey and assessment)		
<b>(b) Social and economic needs of TWS</b>			
Vital human needs	(temporal minimum per capital consumption)		
“Other” Direct Needs	(temporal data on economic activities served by TW: irrigation, power, navigation, fishing)		
Social Needs	(financial constraints; human development – literacy, mortality)		
Ecological needs	(water needed to maintain ecosystem integrity)		
<b>( c ) Population dependent on TW</b>			
Population	(current population, distribution in basin, growth rate, livestock)		
Degree of dependency	(detailed analyses of extent of economic activity dependent on TW)		
<b>(d) Effects on use in TWS on other TWSs</b>			
Effects (impacts) of existing use Transboundary effects National effects	(changes in flow regime, flow, quality, ecosystems, economic and social data)		
<b>(e) Existing and potential uses of TW</b>			
Existing uses	(reports – include operations)		
Potential uses	(planning studies, reports)		
<b>(f) Conservation, protection, development and economy of use, costs and measures taken to that effect</b>			
Conservation, protection, development, economy of	(problems and measures related to regulation of flow,		

use	quality, incidence of waste)		
Costs of conservation measures	(detail costs of measures taken/possible)		
(g) Availability of alternatives, of comparable value, to existing or planned use			
Available Alternatives to existing use	(other available water resources; other available resources)		
Available Alternatives to Planned use	(other available water resources; other available resources)		

TWS: Transboundary Watercourse State

TW: Transboundary Watercourse

**2001 Aral Sea Professional Training Manual**  
International and National Water Law and Policy  
Tashkent, September 24-30 2001

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**VOLUME I**

**PART I: GENERAL INSTRUMENTS**

1. Convention on the Law of the Non-Navigational Uses of International Watercourses, (21 May 1997, New York)
2. Statements of Understanding Pertaining to Certain Articles of the 1997 UN Watercourses Convention
3. UNGA Press Release (21 May 1997, GA/9248)
4. Recorded Vote of the UN Sixth Committee (Working Group of the Whole) (4 April 1997)
5. International Law Commission Resolution on Confined Transboundary Ground Water (1994)
6. UN Draft Articles on the Law of the Non-Navigational Uses of International Watercourses (1994)

**PART II: REGIONAL INSTRUMENTS**

7. Convention on the Protection and Use of Transboundary Watercourses and International Lakes (17 March 1992, Helsinki)
8. Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes (17 June 1999, London)
9. Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters (25 June 1998, Aarhus)
10. Convention on Environmental Impact Assessment in a Transboundary Context (25 February 1991, Espoo)
11. Convention on the Transboundary Effects of Industrial Accidents (17 March 1992, Helsinki)
12. SADC Shared Watercourse Systems Protocol (1995, South Africa)
13. SADC Shared Watercourse Systems Revised Protocol (7 August 2000, Windhoek, Namibia)

**VOLUME II**

**PART III: SPECIFIC WATERCOURSE AGREEMENTS**

14. Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin (5 April 1995, Chiang Rai)
15. Convention on the Protection of the Rhine (22 January 1998, Rotterdam)
16. The Indus Waters Treaty 1960 and Protocols (19 September 1960, Karachi)
17. Treaty Between the United States and Great Britain Relating to the Boundary Waters, and Questions Arising Between the United States and Canada (11 January 1909, Washington D.C.)

**PART IV: OTHER RELEVANT DOCUMENTS**

18. World Bank Operational Policies, Projects on International Waterways OP 750 (October 1994, Washington D.C.)

19. World Bank Operational Procedures, Projects on International Waterways BP 750 (October 1994, Washington D.C.)
20. World Bank Good Practices, Projects on International Waterways GP 750 (November 1994, Washington D.C.)
21. International Law Association Helsinki Rules on the Use of the Waters of International Rivers and Commentaries (August 1966, Helsinki)
22. International Law Association Campione Consolidation of the ILA Rules on International Water Resources, 1966-1999 (1999, Campione)
23. UN ECE Geneva Strategy and Framework Report for Monitoring Compliance with Agreements on Transboundary Waters, Dr Patricia Wouters, MP.WAT/2000/5 (17 December 1999, Geneva)
24. The Dublin Statement on Water and Sustainable Development (Dublin, 1992)
25. Berlin Recommendations on Transboundary Water Management (30 September 1998, Berlin)
26. Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 Establishing a Framework for Community Action in the Field of Water Policy, O.J. L237, 22/12/2000 P. 0001 (23 October 2000, Brussels)



