

Kazakh- German University in Almaty

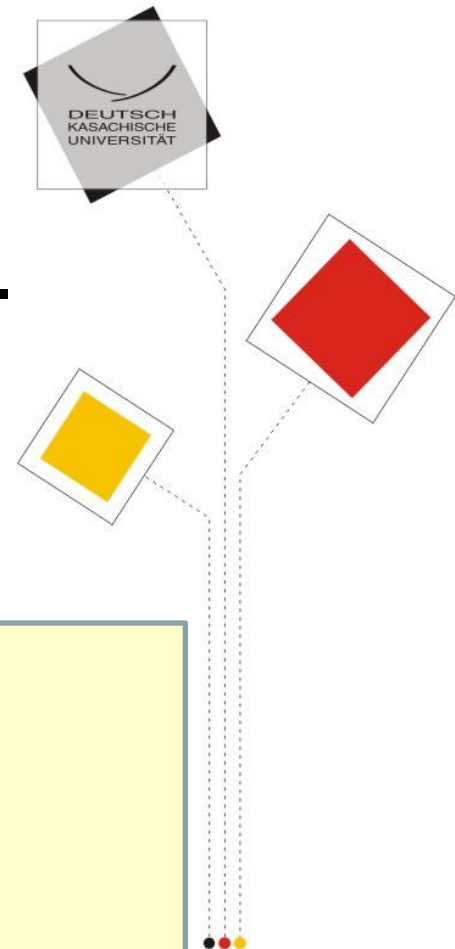


„Transboundary water management in Central Asia- legal aspects“

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Water and human dimension in Central Asia

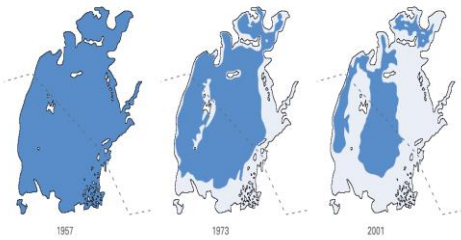
55 mln. – 5 states – 4 mln. км2

Lakes, rivers, glaciers



danger: scarcity of water?

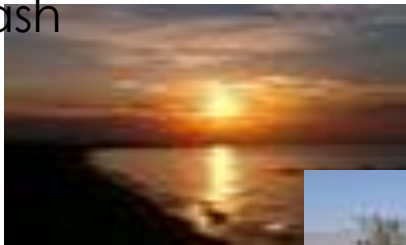
Aral Sea



Ала-Кол glaciers melting



Balkhash



Deserts

- poverty
- sanitary
- diseases

State level

regional level

Water Management

(Berlin Rules on Water law, 2004)



not in a narrow, technical sense but ...

WATER...

- development,
- use,
- protection,
- allocation,
- regulation,
- control of waters,
- quality and the quantity of waters

“The current water crisis is mainly a crisis of **water governance**”

(UNDP/GWP/ICLEI 2002: 2)



...process of coordination and regulation among different actors

impact

political
social
economic
administrative
systems
(organizations / institutions)

water:
development
use
management
services

Good water governance

(UNDP, World Bank, Asian Dev Bank)

Public sector management (successful implementation of public policy)

Accountability (Holding governments responsible)

Rule of law (Laws and regulations, process of operation, institutions)

Transparency and Information

Participation (of all citizens- freedom of association & speech)

Responsiveness (Institutions and processes try to serve all stakeholders)

Consensus orientation

Equity

Effectiveness and efficiency

Strategic vision

International water legal standards



Global:

The 1997 United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses

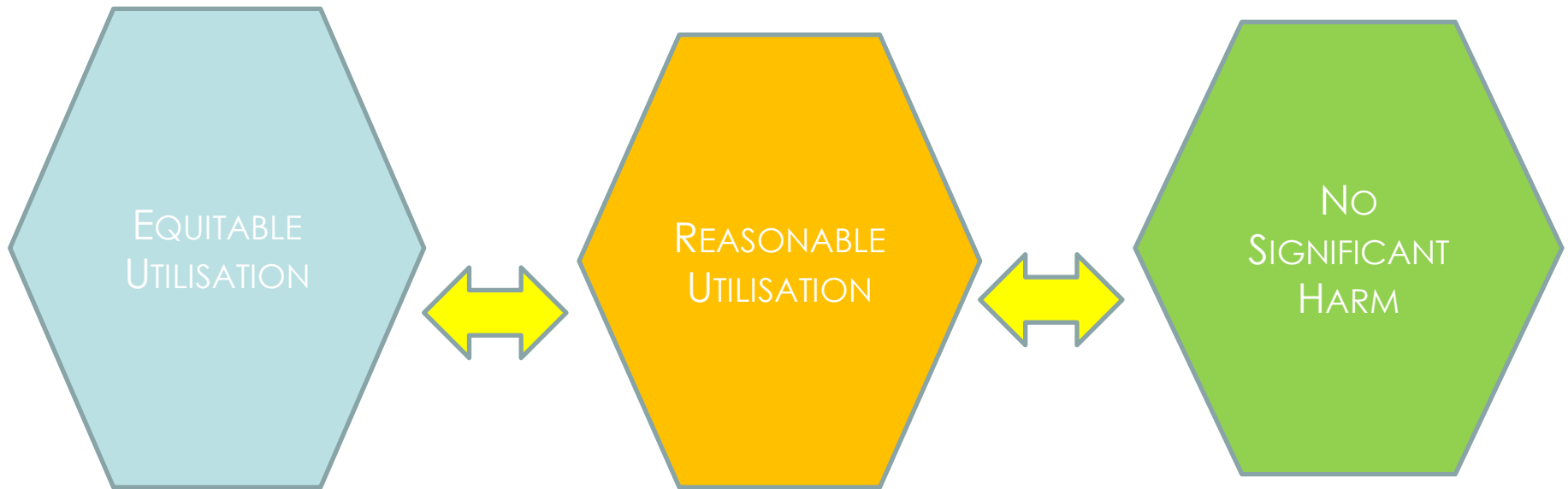
• Regional

- The UNECE Water Convention. *Helsinki*, 17 March 1992. The Convention on the Protection and Use of Transboundary Watercourses and International Lakes
- EU water Directive 2000

PRINCIPLES OF MANAGEMENT OF WATER RESOURCES...



LEGAL STANDARDS...of LIMITED TERRITORIAL SOUVEREIGNTY



DUTY TO COOPERATE...



(procedural obligations)



Why cooperating? for equitable allocation & functioning of procedures/mechanisms of shared water resources

must or
should?

Legal cooperation on water management in Central Asia

Agreement on “The cooperation in the field of joint management and conservation of interstate water resources” (Oct. 1991)

“Joint Activities for Addressing the Crisis of the Aral Sea and the Zone around the Sea, Improving the Environment and Ensuring the Social and Economic Development of the Aral Sea Region”; Establishment of Interstate Council for Aral Sea (ICAS) (1993)

Agreement on the cooperation in the field of joint management and conservation of interstate water resources (1992);

Agreement on collateral activity to solve problems of Aral Sea and surroundings, ecological treatment and ensuring socio-economical development of Aral region (1993);

Agreement between Kyrgyz, Kazakh and Uzbek Governments on environmental protection and rational nature management (1998);

Agreement between the Governments of Republic of Kazakhstan, the Kyrgyz Republic and the Republic of Uzbekistan on the Use of Water and Energy Resources of the Syr Darya Basin (1998);

Agreement between Uzbekistan and Turkmenistan on hydro-economic cooperation (1999);

Agreement between Governments of Kyrgyz Republic and Republic of Kazakhstan on use of water facilities of interstate exploitation on Chu and Talas Rivers (Astana, 2000).

Legal basis for transboundary water cooperation in Central Asia

- Created right after desolution of Sowiet Union
- Acts of both binding and non-binding character
- Creation of institutional structure of cooperation in the region
- No mach between authorities' competences
- Stable but not without fault

Some existing challenges in the current legal status

- deklarative provisions.
- no clear definition of the **objectives** and the **spatial scope**;
- no universally accepted legal **principles**
 - reasonable and equitable use of transboundary waters, precautionary principle, the principle of "polluter pays", ecosystem approach, basin management principle, etc.
- no **procedures** for notification and consultation in the planning of activities capable of causing **transboundary effects**;

Some existing challenges in the current legal status (2)

- no provisions for **access to information** on the status of water resources,
- no provisions on the **role of the public** in decision-making regarding their use;
- poorly designed institutional **mechanism of cooperation**
- weak procedure to resolve possible **differences**.
- no provisions for: **monitoring** natural disasters and emergencies, **protection** of water ecosystems, **biological resources**

Three-level management

best option

- **regional level** with the participation of all states of the Aral Sea – basic principles of cooperation, shared commitments and common institutional mechanisms;
- **basin level** with the participation of multinational basin transboundary watercourse – special rules, procedures and institutional mechanisms;
- **bilateral level** - specific mechanisms for cooperation on individual streams of interest to the two states.

German Central Asian Water Initiative



Since
2008
Berlin
Process

EU
Central
Asia
Strategy
for a
New
Partners
hip (2007)

Transboundary Water Management

- strengthening of regional dialogue & cooperation
- river basin approach for selected transboundary rivers
- national fast-track projects for IWRM
- By German Agency for International Cooperation (GIZ)

Data
management
by German
Research Center
for Geosciences in
Potsdam and the
German
Aerospace Centre

- for forecasting of water availability

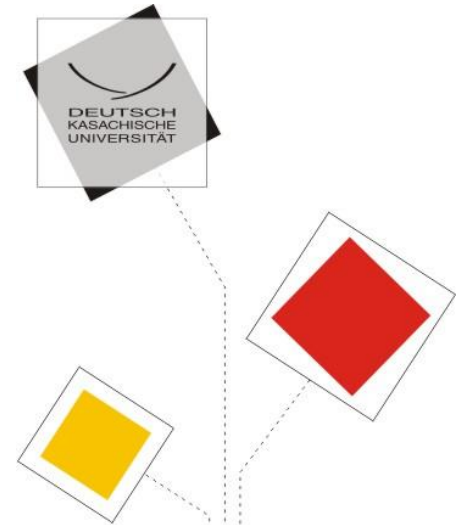
Master Program “IWRM in Central Asia”

- at the German-Kazakh-University in Almaty
- Cooperation with Free University Berlin

Kazakh- German University in Almaty



**Thank you for your
attention**



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