



Political and legal aspects of the water problem of central asia at the present stage

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Abstract

This article considers the political and legal aspects of water problems in Central Asia. In particular, it addresses the international legal status of transboundary water sources in Central Asia, the impact of non-regional countries and demographic and economic growth on the water problems of the region, as well as the role and place of Afghanistan in this. The methodological approach employed is a systematic comparative political, legal and historical analysis based on the principles of scientific objectivity and reliability. It is also based on the study of contemporary sources and chronicles of the events of the past three decades. This includes analytical materials released by domestic and international publishers. The article concludes that finding a consensus among the countries of the region on water management issues is a key factor for maintaining stability and security in the region. It also proposes several possible solutions to resolve the water problems in Central Asia.

Keywords

water problems, Central Asia, Afghanistan, geopolitics, international law, ICWC, hydropower facilities.

Origins of the water problem in Central Asia

In the modern world, there is a tendency for non-renewable natural sources including those necessary to maintain human life to be rapidly depleted. In the

second half of the twentieth century, one can observe a fierce struggle for the possession of natural resources of strategic importance. Among such natural resources, hydrocarbons (oil and gas fields) stand out, as do uranium, gold, silver, copper and other minerals for industrial use. Nonetheless, water, despite the fact that it is in theory a renewable natural resource (especially drinking water) that is increasingly considered a problem of international importance. Presently, due to rapid population growth, especially in Asia, and the growth of the economies of Asian countries, there has also been an increase in the consumption of fresh water. Consequently, water is increasingly competed over by states.

The effective functioning of the economy of any state requires the availability of sufficient water resources since water is an integral component of the modern system of industry and society. Its absence or lack of it leads to a slowdown or suspension of the processes of sustainable development of the state. Moreover, the rapid depletion of both non-renewable and renewable natural resources is an increasingly urgent problem, which can have the serious negative socio-economic and political consequences.

Until recently, the lack or absence of water sources and resources was not considered as a holistic political problem. However, due to increasing political consequences resulting from the lack or shortage of water this problem has been begun to be considered as an important political issue including in interstate relations and geopolitics. The geopolitical aspects of the water problem are clearly visible in modern interstate relations in a number of countries. We can note, for example, the water problem affecting relations between Turkey and its neighbours, those between Egypt and Ethiopia, China and India, and numerous other countries. To this list can be added the region of Central Asia.

The problem of water scarcity and the equitable allocation of water in Central Asia has existed since time immemorial. In ancient times, the owners of water sources could exert influence on those who needed water resources. The communities that lived in the upper reaches of rivers, having exceptional opportunities for the allocation of water resources, dictated terms to the communities living downstream.

For most of the twentieth century, during the period when the Central Asian republics were within the framework of a single Union State (the Soviet Union), there was a centralized coordinating governing body that militated against the occurrence of conflict situations. At that time, in the interstate relations of the Central Asian republics the costs of the shortage or absence of water and hydropower were addressed according to a special scheme of mutual settlements among the republics themselves and subsidies from the centre. Its essence was the rational and mutually beneficial exchange of the hydropower (renewable) resources of Kyrgyzstan and Tajikistan (located in the upper reaches of the rivers of the region) for the fuel (non-renewable) resources of Kazakhstan, Turkmenistan and Uzbekistan (located in the lower reaches of the rivers of the region).

After the collapse of the USSR and the independence of the republics of Central Asia in 1991, the water problem again acquired certain acuteness in the

relations of the countries of the region. This was due to the divergence of interests of the countries of Central Asia on water and energy issues. The essence of the problem was that upstream and downstream countries use water for different purposes, and this leads to inconsistencies in water use regimes. Upstream countries use water mainly for hydropower, while downstream countries use water for agricultural irrigation. This led to countries located downstream stopping supply of energy resources (oil, coal and gas) to states located upstream. Therefore, upstream countries were forced to accumulate water in the spring-summer period, when downstream countries needed it, and increase water discharge in winter to produce more hydroelectricity for their needs. The situation was aggravated by plans to build large hydroelectric power plants in Kyrgyzstan (Kambarata) and Tajikistan (Rogun). This situation could not but affect the interstate relations of the countries of the region.

At the initial stage of the formation of statehood countries of the region tried to use the practice of water allocation as is used in other regions of the world. Involved were the principles and recommendations enshrined in the The Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki, March 17, 1992), the UN Convention on the Law of Non-Navigational Uses of International Watercourses (New York, May 21, 1997), and other international agreements. However, these agreements do not contain provisions on the problems of international state water allocation, water use and environmental protection that are so important for regions with water scarcity, a characteristic feature of Central Asia.

In this regard, in order to address issues of management, rational use of water resources and environmental protection, in 1992 the Central Asian republics created the Interstate Commission for Water Coordination. This was designed to coordinate the even allocate water resources in the region, meeting the socio-economic needs of Uzbekistan, Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan. According to paragraph 1.5. of the Regulations "On the Interstate Commission for Water Coordination" of 2008, ICWC and its executive bodies implement a set of measures and procedures ensuring equitable water allocation along the interstate sources, taking into account nature needs and future development, and the paragraph 3.4. ICWC's decisions are made on consensus basis [9].

The main political and legal aspects of the problem of transboundary water resources of Central Asia may be listed as follows:

Firstly, it is the legal status of ownership of transboundary water sources that is a key point. After the collapse of the USSR, the transboundary water resources of the region instantly moved from the category of inland waters to the category of transboundary water sources and resources. From the point of view of international water law, transboundary water resources are used and allocated by states on the basis of the principles of uniformity and consensus. Despite the fact that the states of Central Asia in 1992 signed the Agreement "On Cooperation in

the Field of Joint Management on Utilization and Protection of Water Resources from Interstate Sources" [10], over the years since their independence there have been many cases of unilateral use allocation or management of transboundary water sources unilaterally, without taking into account the interests of other states;

Secondly, this is a question of the legitimacy of the construction of hydraulic structures on the routes of transboundary water sources in Central Asia. Tajikistan (Rogun HPP) and Kyrgyzstan (Kambarata HPP) are planning to complete the construction of hydraulic structures along the routes of transboundary water sources, with which Uzbekistan, Kazakhstan and Turkmenistan do not fully agree. Based on the norms of international water law, in particular, paragraph 3.4. of the Regulations "On ICWC", no Party has the right to build any structures on the paths of transboundary water sources without the consent of all Parties. In the early 2000s, there were cases of Tajikistan and Kyrgyzstan using hydraulic structures as a geopolitical instrument of influence in the region, through the periodic revival of the issue of their construction. Now, the use of water sources and resources to influence the countries of the region is becoming commonplace. This suggests that water sources are turning into new tools of geopolitics;

Thirdly, non-regional countries are influencing the water problem in Central Asia. It should be noted that against the background of the current global geopolitical transformations and the restructuring of the world order system from a unipolar to a multipolar system, Central Asia, located in the center of Eurasia at the junction of Western, South and East Asia and Europe, will retain an important geostrategic significance and role in these processes. Along with this, the interests of the three strongest military-political powers, such as the USA, China and Russia, clash in this region. Since the declaration of independence by Central Asian republics, they have exerted and continue to exert their influence on the development of political and socio-economic processes, including the water problem in the region;

Fourthly, demographic and economic growth in the region has consequences. Demographic and economic growth in the future will mean an increase in demand for additional water resources, which the current water sources in Central Asia cannot fully satisfy;

Fifthly, global warming will exacerbate the water problem in the region. It should be noted that global warming and the worsening of the environmental situation associated with water sources in Central Asia is also increasing the political costs of this problem. The fact is that the region's water reserves are based on renewable water sources, which in winter are accumulated by mountain glaciers, and in summer, due to the melting of these glaciers, water enters transboundary rivers. Global warming disrupts this cycle and in the summer there is an excessive melting of glaciers, and in winter their reserves are not replenished. In such circumstances, each state of the region will strive to protect its own national interests, which may aggravate interstate tensions in the region;

Sixth, Afghanistan may have an increased role in matters of transboundary water use in Central Asia. The current political and legal system for allocating the

resources of transboundary water sources does not take into account the interests of Afghanistan, despite the fact that its northern territories are irrigated at the expense of water resources of Central Asia.

Legal Status of Transboundary Water Sources in the Legislation of the Republics of Central Asia

The international legal status of transboundary water sources and resources of Central Asia is established, as noted above, by the UN Convention "On the Protection and Use of Transboundary Watercourses and International Lakes" of 1992 [28]. Article 1 of the Convention provides the following international legal definition of the concept of "transboundary waters":

"Transboundary waters" means any surface or ground waters which mark, cross or are located on boundaries between two or more States; wherever transboundary waters flow directly into the sea, these transboundary waters end at a straight line across their respective mouths between points on the low-water line of their banks".

On the basis of this, it can be argued that the water sources of Central Asia have a transboundary international legal status, as they cross the borders of several countries of the region at once. During the existence of the Soviet Union, the water sources of Central Asia were considered as the internal waters of the Union State. After its collapse and the republics of Central Asia gaining of independence not only did the international legal status of water sources and resources of the region change from internal to transboundary, but also the system of water management and allocation itself [31, p. 7]. To date, the international legal status of transboundary water resources is also established by multilateral interstate agreements between Central Asian countries and the Regulation "On ICWC". Despite the existence of such interstate precedents, there are still disputes about the ownership of water sources and resources in Central Asia. For example, researchers from the CIS countries A.V. Kukushkina and Sh.D. Sodikov note that in the constitutions of Kyrgyzstan, Tajikistan and Uzbekistan, water resources are defined as the exclusive and inalienable property of the state [14, p. 36]. In this regard, it is impossible to agree with the inclusion of the Republic of Uzbekistan in the above list, as according to article 55 of the Constitution of the Republic of Uzbekistan "The land, its minerals, fauna and flora, as well as other natural resources shall constitute the national wealth, and shall be rationally used and protected by the state". In accordance with the norms of international law, this does not directly establish water as state property where the state only fulfills the role of protecting natural resources. However, in the constitution of Turkmenistan [3], and in the constitutions of Kazakhstan [4], Tajikistan [5] and Kyrgyzstan [6], water sources and resources are established as state property. Consolidation of the status of transboundary water sources in the national legislation of individual countries of Central Asia as state property does not comply with the norms of international law and interstate agreements in the field of transboundary water use. Thus, the states of Central Asia face a difficult task to find a compromise in determining the legal status of transboundary water sources.

Possible challenges of the construction of hydropower facilities in Central Asia

The construction of hydropower facilities on the paths of transboundary water sources at the present stage is of the greatest relevance. The problem does not lie in the technical aspects, but rather in the geopolitical and legal aspects of this issue. As we know, the construction of such facilities as the Kambarata HPP in Kyrgyzstan and the Rogun HPP in Tajikistan began in the period of the former USSR [19, p. 5] and therefore this situation did not cause any serious geopolitical or legal consequences. However after the collapse of the Soviet Union, the construction of hydropower facilities along the paths of transboundary water sources in Central Asia lost its legitimacy due to the absence of consensus on this issue among the states of Central Asia. Moreover, hydroelectric facilities have begun to create new regional geopolitical threats. From a legal point of view (Articles 1 and 2 of the Convention "On the Protection and Use of Transboundary Watercourses and International Lakes", as well as paragraph 3.4. of the Regulations "On ICWC") the legitimization of the construction of hydropower facilities along the paths of transboundary water sources today requires a consensus of all countries of Central Asia, but so far this consensus has not been reached. The absence of consensus during the entire period of independence of the Central Asian states on the construction of hydropower facilities on the paths of transboundary water sources can be explained by the divergent national interests and the fact that their construction can create new geopolitical and economic problems for downstream states (Uzbekistan, Kazakhstan, Turkmenistan and to some extent Afghanistan). New geopolitical threats and challenges include the construction of hydropower facilities that can give a real opportunity to the upstream countries (Kyrgyzstan and Tajikistan) to control the watershed of transboundary water sources and resources, thereby influencing downstream countries. It should be noted that it will take about 3-5 years to fill only one turbine of the Rogun HPP with water, and 12-15 years to completely fill it [22]. This means a decrease in the volume of water flowing through the Amu Darya and Syr Darya, which can lead to historically unprecedented socio-economic problems for independent Central Asian countries.

A group of researchers, Haiyan Peng, Niels Thevs, Konrad Ott, studying the water problem around the Tarim River in China, come to the conclusion that when using water resources of one river for various purposes, for example, for irrigation, industry and energy, it would be more efficient to introduce not an annual, but a seasonal quota for the region's water resources [8, pp. 545-546]. This is due to the fact that when establishing annual quotas for the water resources of one river, its resources will not be enough to meet the needs of all parties with different purposes for using water. It should be noted that such ideas are interesting for finding acceptable solutions to the water problem in Central Asia, where seasonal water withdrawals are one of the main issues.

Another group of researchers, Spaniards Philipp Bagus, José Antonio Peña-Ramos and Daria Fursova note that the water problem of Central Asia has become one of the most acute regional conflicts after the collapse of the USSR. During thirty years of independence, approximately 20 conflict situations among Central Asian states can be counted due to the water problem. They also argue that the construction of hydroelectric facilities could create even more geopolitical problems in the region as they threaten desertification for downstream countries or lockdowns for upstream countries [20].

Thus, it should be emphasized that a feature of modern water conflicts is the dispute between the countries of the same region regarding the legitimacy of the construction of hydropower facilities along the paths of transboundary water sources. The main reason for this is the use of hydropower facilities by the upstream states to achieve their geopolitical goals and influence on other countries in the region.

Influence of non-regional countries on the water problem of Central Asia

Today, the confrontation between the leading countries for zones of influence in different parts of the world is intensifying. Central Asia, linking East and West, North and South, is a strategically important region in global geopolitical processes. The rivalry for influence in Central Asia between the Russian Federation, China and the United States, which began after the collapse of the USSR, has not subsided so far. The influence of non-regional countries is one of the important factors in the development of water issues in Central Asia. Scientific and expert circles of foreign countries predict that in the future, the rivalry between such countries as the Russian Federation, China and the United States in Central Asia will only intensify. To achieve their goals in the region, they can use any means of a geopolitical, economic or social nature. A Kyrgyz researcher, A.V. Tofan, notes the expansion of the zones of influence and interest of the PRC from the energy (oil and gas) resources of Kazakhstan and Turkmenistan, to the water resources of Uzbekistan, Kazakhstan, Tajikistan and Kyrgyzstan [26, p. 89]. In particular, it is noted that there is an increase in the share of China's investments in the water use industry of the region. Apparently, the fears of the Kyrgyz researcher are caused by the fact that in the future, the PRC may have a lever of influence on the countries of the region through control over the functioning of hydraulic structures and the water allocation system.

The Russian Federation also takes an active part in the development of water issues in Central Asia, in particular in 2004 an intergovernmental agreement was signed between the Russian Federation and Tajikistan on the construction of the Rogun HPP, and in 2012 between the Russian Federation and Kyrgyzstan on the construction of the Kambarata HPP [15, pp. 50-51]. In both cases, Kazakhstan, Turkmenistan and especially Uzbekistan expressed their disagreement with the signing of such agreements and the resumption of the construction of the Rogun

and Kambarata HPPs, due to the inconsistency of such actions by Kyrgyzstan and Tajikistan with paragraph 3.4. Regulations "On ICWC". Along with this, it should be noted that according to paragraph 2.18. of the Regulations "On ICWC", one of the main tasks of the ICWC is the investigation of notification by one of the Parties about construction of new water structures impacting water regimes in shared waterways, which was not done and led to tension in the relations of the mentioned states. As we can see, the participation of non-regional states in the construction of large hydropower facilities in Central Asia led to an aggravation of relations between the countries of the region and the destabilization of the regional situation.

The Afghan factor and water problems of the Central Asia

Afghanistan has been one of the most important factors in ensuring regional stability and security in Central Asia over the past four decades. The existing political and legal mechanisms for the allocation and management of water resources in Central Asia do not reflect the interests of Afghanistan, although the Afghanistan is de facto one of the main actors in this matter. Before independence, the republics of Central Asia via the former USSR signed agreements with Afghanistan in 1958 and 1961 on the use and management of transboundary water resources, in particular the water resources of the Amu Darya and Panj rivers. This provided to respect interests in the allocation of water resources and ban the unilateral construction of any structures on the routes of transboundary water resources without the consent of the second party [1, p. 108]. Nowadays, 14 percent of the water runoff of the northern regions of Afghanistan, where about 20 percent of its population lives, is formed by the water resources of the Amu Darya River. Experts from the CIS countries I.S.Zoni, S.S.Zhiltsov, A.V.Semenov and A.G.Kostyanoy [32, p. 54] note that after the establishment of internal political stability, Afghanistan will turn its attention to food security issues by increasing land irrigation, which will require even greater withdrawal of water resources from the Amu Darya. They predict that in future Afghanistan will try to participate in the allocation and management of transboundary water resources in Central Asia, and moreover, will defend its interests in the field of water use. It is impossible not to agree with this forecast, since Afghanistan is a neighboring state and its modern internal political processes have a direct impact on stability and security in Central Asia. However, the fact is that Afghanistan is not a party in interstate agreements on water use in Central Asia. The agreements signed between the former Soviet Union and Afghanistan in 1958 and 1961 became invalid with the collapse of the Union State in 1991.

The role of population growth in the water problems of Central Asia

The rapid growth of the world's population over the past several decades has also resulted in the need for additional water resources. Today, the absence of "water security" will lead to threats in the field of social, food and energy security.

M. Salehi, an American researcher from the University of Memphis, cites statistics that indicate that in the near future global demand for water will increase by 55 percent, and approximately 25 percent of major cities in the world will experience water shortages. She notes that today, some 2.2 billion of the world's population does not have access to safe drinking water. According to her, the "water security" of a modern state should include not only the necessary amount of water, but also the appropriate level of quality of water resources [24]. Official UN data shows that in 1950 the world's population was about 2.6 billion people, and by 2011 7 billion people. It is currently approximately 8 billion people and according to UN forecasts over the next 30 years the world's population will increase by two billion reaching 9.7 billion by 2050, and - 11 billion people by 2100 [29]. At the same time, population growth is expected to mainly be in the Asia-Pacific region. According to experts, the population of the Asia-Pacific region by 2030 will increase by 25 percent, and the demand for water during this period by 55 percent [21]. Based on this, it can be concluded that in ten years the demand for water will increase many times and the existing water resources and their management system will not be able to provide enough drinking water for the population.

Central Asia is also not immune to the challenges of increasing demand for water due to the growth of the region's population. According to an expert from Uzbekistan A. Nematov, by 2050 the population of Central Asia will grow to 90 million people and the water deficit will reach 25-30 percent, and the volume of water supply will reach a critical level - less than 1.7 thousand cubic meters per year [11]. Indeed, population growth in Central Asia creates new regional problems in the food and energy sectors. For example, if the population of Uzbekistan, the largest country in the region in terms of population, was about 20 million people at the end of the 20th century it is now almost 35 million people. This means a corresponding increase in the state's need for water resources from the region. In this regard, the statistics cited by A. Nematov indicate that over the past 40 years, the volume of water supply in Central Asia has decreased from 8.4 thousand to 2.5 thousand cubic meters per person, per year [2].

The impact of global warming on the water problem of Central Asia

Global warming not only accelerates the process of depletion of water resources in Central Asia, but it also creates new threats and challenges in the field of water use to the states of the region. The shortage of water resources in the long term can lead to the complication of water allocation issues between states. The President of Tajikistan, E. Rahmon, has remarked several times over the past few years and on official international platforms about the rapid melting of glaciers in the mountains of the region. Indeed, at the 72nd session of the UN General Assembly he emphasized that "over the past thirty years in Tajikistan, out of 13 thousand glaciers, more than one thousand have completely melted" [16]. Foreign and Central Asian experts have also remarked upon the negative impact of the melting of glaciers in Central Asia on the level of water flow of transboundary water

sources, mainly the Syrdarya and Amudarya rivers. The lowering of the level of transboundary rivers in the region negatively affects both the quality of life of the population and the economic growth of the states of the region [30].

A close assessment of the situation of the region's water resources was also given at an international conference held by the Institute for Strategic and Regional Studies under the President of the Republic of Uzbekistan on June 1, 2022, on the topic "The role of the strategic partnership between Uzbekistan and Tajikistan in ensuring sustainable development of Central Asia". At this it was noted that according to the UN the air temperature in the countries of Central Asia is warming much faster than the world average and by the end of this century it could warm by 7 degrees. As a result, according to forecasts of environmentalists, the two largest rivers – the Amu Darya and the Syr Darya – could become shallower by 10-15% by 2030 [12]. A group of researchers from Uzbekistan and Sweden R.Törnqvista, J.Jarsjöa, B.Karimov [27, pp. 435-442] point out that soil salinization and the pollution of both surface and underground water sources due to global climate change in the future will lead to threats to the health of the population of countries downstream of transboundary water sources Central Asia. According to them, the population downstream of the transboundary rivers of the region is most at risk, as these regions are arid and their populations are forced to use polluted underground water sources to obtain additional water resources. Ronny Berndtsson, a professor at Lund University in Sweden, also claims that increasing national water needs, water claims by neighboring countries, uncertainties in renewable water amounts, and climate change together with population increase will put increasing strain on future water use in Central Asia [23].

According to Uzsuvtaminot JSC of the Republic of Uzbekistan, Uzbekistan may become one of the "red" regions in terms of fresh water scarcity by 2050 [13]. In particular, it is noted that by 2050 in Uzbekistan the total volume of the water shortage may reach 2 billion cubic meters. From this it follows that the social and economic costs of the melting of glaciers in the region potentially pose a threat of exacerbation of interstate disputes and the struggle for the allocation of water resources in Central Asia, as well as evasion of the implementation of interstate agreements in the field of water use.

Prospects for the development of water and energy problems in Central Asia and the role of Uzbekistan in their resolution

Despite all the existing problems in the field of water use in Central Asia, in recent years there have been positive developments in the hydropower problems of the region. On March 10, 2018, the President of Uzbekistan Shavkat Mirziyoyev made an official visit to Tajikistan, and this event went down in history as the first state visit of the head of Uzbekistan to this republic in many years. A few months later, during the return visit of E. Rahmon to Uzbekistan on August 17-18, 2018, both leaders signed a Joint Statement, that emphasized: "the integrated use of water and energy resources, taking into account the interests of all states of the

region, plays a key role in achieving sustainable development , well-being and prosperity of Central Asia” [7]. The importance of an open dialogue, strengthening mutual understanding and developing constructive cooperation, finding mutually acceptable, fair and rational solutions in these areas was also noted. The parties agreed to work out “the issue of joint construction of two hydroelectric power plants with a total capacity of 320 megawatts in the territory of Tajikistan on the Zarafshan River” [7].

The parties positively assessed the results of the High-level International Conference on the International Decade for Action “Water for Sustainable Development” 2018-2028 (Dushanbe, 20-22 June 2018) and expressed readiness to take an active part in the implementation of the final declaration and other outcome documents of the Conference” [17].

Currently, work is underway between Uzbekistan and Tajikistan in a bilateral format on the joint construction of power units of the Rogun HPP with the further right of their joint use for Uzbekistan. A positive resolution of previous differences on the construction of hydraulic structures is also evidenced by the results of E. Rahmon’s visit to the Republic of Uzbekistan on June 2, 2022, during which the Presidents of Uzbekistan and Tajikistan launched the joint construction of the “Yavan HPP” with a capacity of 140 megawatts on the Zarafshan River [18].

Uzbek-Kyrgyz relations have also improved significantly. On September 6, 2017, the first visit of Shavkat Mirziyoyev to Kyrgyzstan ended. This radically changed bilateral relations between these neighbours. During this visit, the heads of state agreed on several joint infrastructure and trade projects with one of the most important joint platforms being the Kambarata HPP under construction in Kyrgyzstan. According to Mirziyoyev, this object is beneficial to both parties [25].

A little later, in December 2017 in Tashkent, following the talks between the Presidents of Uzbekistan and Kyrgyzstan Shavkat Mirziyoyev and Sooronbay Jeenbekov, the Presidents agreed to establish a joint water management commission. This is another proof that there is a real need to reform the activities of the ICWC.

An important stage in the relations between the countries of Central Asia was the consultative meetings of the regional heads of state. The first meeting of the heads of state of Central Asia was held in Astana on March 15, 2018 at the initiative of the President of the Republic of Uzbekistan. During the meeting, the need to expand cooperation within the region, not only in the economic sphere, but also in the development of transport links, was emphasized. Since the heads of state have decided to hold such meetings on a regular basis, this platform can play a big role in solving the remaining water problems in the region.

In general, it can be said that at the present stage in relations between the countries of Central Asia there is a positive tendency towards finding mutually beneficial and mutually acceptable solutions to the water problem in the region. Based on the analysis of the political and legal aspects of the water problem in Central Asia, the following conclusions and recommendations follow:

- Existing norms of the Regulation "On ICWC" do not fully correspond to modern realities and interests of the State-Founders in the field of water use, which leads to its incomplete implementation. Further improvement of this Regulation is required, taking into account the current realities and interests of all regional states in the field of transboundary water resources. As an example of one of the shortcomings of the current version of the Regulation, it is possible to cite the fact that it does not enshrine the definition of the concept of "interstate source". There is a need, on the basis of international law, to introduce into the Regulation a new clear definition of the basic concepts in the field of interstate water use;
- It is required to form mutually beneficial conditions and common interest in the construction of hydropower facilities along the routes of transboundary water sources in the region. At the moment, despite significant progress, a full consensus has not yet been reached between the states of Central Asia on the construction of the Rogun and Kambarata hydroelectric power plants, as well as other similar hydropower facilities. When solving the issues of the regime of water intake in hydropower facilities, one of the optimal solutions would be to establish not annual quotas of water for irrigation, but seasonal quotas, which would be a more optimal solution to the problems of regimes for the use of water resources in the region;
- Political and legal mechanisms for the management and allocation of water resources of transboundary water sources should be improved in such a way as to exclude interregional interference in water use issues in Central Asia;
- Already in the medium term, it will be necessary to take into account the negative impact of global warming on the water problem in Central Asia. International organizations and research centers have made forecasts regarding the depletion of water resources in Central Asia, which were given above, and they clearly show that in the future the current water use system and existing water reserves will not be able to meet the needs of states in water resources. It follows that the countries of the region will need to develop joint projects in the field of ensuring environmental and food security, the widespread introduction of water-saving technologies in industry and everyday life of the population, the formation of a rational approach and public attitude to water;
- Afghanistan is on the verge of active inclusion in water management in Central Asia. In the future, Afghanistan will undoubtedly raise the issue of its interests in the allocation of transboundary water resources in Central Asia. The right step in this direction could be the inclusion of Afghanistan in the list of ICWC participants and the preparation of a new version of the Regulations "On ICWC", taking into account the expansion of her participants at the expense of our southern neighbor

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