

Policy brief – February 2023

Strengthening transboundary water institutions in Central Asia

- Over the past 30 years, the countries of Central Asia established a sound institutional framework for governing their shared waters and are currently working on its improvement to address current challenges and future development needs.
- Strengthening joint institutions requires to make bold choices in terms of enhancing their effectiveness but also harnessing legitimacy, trust and equity.
- It is essential to build on home-grown institutions and regional values and practices that have proven to work; to foster basin-wide, cross-sectoral and inclusive coordination and strategic planning; to create a clear mandate with sufficient and sustainable capacity and funding for regional organisations; and to support research and innovation.

Introduction

Transboundary water cooperation is key for sustainable development and regional stability in Central Asia. The Interstate Commission for Water Coordination in Central Asia (ICWC or Commission), made up of heads of national water authorities of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, was established in 1992 to enable joint transboundary water management. The Commission elaborates and approves water use limits for each country, reservoirs operation regimes, and water releases for river deltas and the Aral Sea for a hydrological year (separately for growing and non-growing seasons). It also sets key directions of regional water policy. Its decisions are mandatory for all water consumers and users and are taken at quarterly meetings by consensus.

In 1993, ICWC became one out of two commissions operating under the newly established International Fund for Saving

the Aral Sea (IFAS) which was set up to coordinate the implementation of programs and projects and is headed by the President of the country that holds the rotating chairmanship.

The regular meetings of ICWC and the operations of its executive bodies (Basin Water Organisations, Scientific Information Center, Secretariat) have enabled riparian countries in Central Asia to build relative stability in transboundary water management and adapt the water allocation system, set up in the Soviet time, to new conditions. ICWC also facilitated the introduction of contemporary approaches to water management such as integrated water resources management, developing a regional information portal, introducing decision support systems and automation of head water facilities, elaborating new agreements, and conducting and coordinating research and joint projects.

However, it was challenging for ICWC to accommodate irrigation, hydropower and

ecosystem requirements given that these sectors are not fully represented in its decision-making structure. In a similar vein, ICWC lacks full jurisdiction over the rivers and only has limited control over national implementation. Non-compliance with ICWC decisions is not sanctioned and economic incentives for compliance are underdeveloped. Poor quality of flow forecasts, inadequate water accounting and insufficient information exchange are the main technical barriers for ICWC in matters of water management planning and monitoring.

The member countries finance the operation of the ICWC bodies located in their respective territories, with Uzbekistan—where most executive bodies are located—bearing the main costs. The funds, allocated on a regular basis, are not sufficient to cover all expenditures. Due to the unbalanced funding and staffing, the ICWC bodies are sometimes not fully seen as regional bodies by the other riparian countries.

Institutional reform

To address these and other challenges, at the 2009 IFAS Summit, the Central Asian presidents called for further improving the organizational and legal framework of IFAS. EC IFAS, aided by UNECE and GIZ, brought together regional and international experts to develop recommendations for ameliorating the institutional framework for cooperation. The recommendations included strengthening the existing mechanism through better coordination between interstate organizations, clarification of responsibilities, and introduction of integrated water resources management principles as well as fairer geographical distribution of seats of regional bodies. As an alternative, it was advised to transform IFAS into a regional organization dealing with sustainable

development, environmental protection and integrated water resources management and set up separate river basin commissions for the Amudarya and Syr Darya. These recommendations received a mixed response and remained subject to discussion for several years. However, the reform efforts faded away with the end of the Kazakh IFAS Chairmanship. As a consequence of its frustrations with the lack of reform process and perceived neglect of its interests, Kyrgyzstan officially froze its participation in IFAS in May 2016. Only under the Turkmen chairmanship, another IFAS Summit took place in August 2018 and the discussion about reforms was re-opened. Kyrgyzstan, attending the summit as a guest, announced to consider restoring its participation.

After the 2018 Summit, the countries resumed their work on improving the organizational structure and legal framework of IFAS. During the Turkmen chairmanship (2017-2019), three meetings of the working group were held, and six further meetings were held during the Tajik chairmanship in 2021-2023. As of January 2023, the members of the working group agreed on the geographic scope, thematic areas of cooperation, as well as the main goal of the improved IFAS. Currently the possible forms of updated commissions and their executive bodies discussed.

Policy recommendations

Strengthening joint water governance institutions requires difficult choices in terms of enhancing the effectiveness of joint institutions but also harnessing legitimacy, trust and equity. This policy brief highlights several aspects that needs to be consider in this important endeavor.

First, it is essential to **build on home-grown institutions and regional values and**

practices that have proven to work. New ‘ideal’ institutions may not function unless emerged from and embedded in the local institutional setup and culture. The ICWC and its executive bodies were established by the riparian countries based on pre-independence institutions, rules, practices and infrastructure. While unequitable and unsustainable arrangements require change, this can only be initiated by regional actors themselves; “global blueprints” are bound to fail. In the early 1990s, the heads of water authorities of the Central Asian countries signed an agreement establishing a legal and institutional foundation for transboundary water cooperation in a period of instability, which was later re-confirmed by the heads of states. This leadership serves as a remarkable illustration of personal responsibility of water professionals of the basin. Identifying and supporting agents for change is therefore a suitable approach for donors who want to support home-grown institutional reforms.

Second, basin-wide, cross-sectoral and inclusive coordination and strategic planning should be further fostered. Despite coordination efforts, so far policy planning has been taken place in isolated sectoral silos, not covering the full basin, and relied mainly on governmental actors. However, integrated policy frameworks and inclusive processes are a must to enable a long-term, cross-sectoral vision and stable water management. A constant dialogue is needed to align diverging water use priorities and identify trade-offs (agriculture, energy, land use, etc) as well as incentives to foster synergies on national and regional levels.

In this context, basin-wide long-term integrated water planning and management is critical in order to foster coherence between sectoral policies and enable more efficient, reliable and conflict-

free water management. Countries can decide whether they want to address the full range of water related issues in an integrated way or would prefer a stepwise approach focusing on priority water management areas (e.g. irrigation and hydropower). There are a number of ways to ensure cross-sectoral integration. For example, Tajikistan is represented in the ICWC by the Ministry of Energy and Water Resources, which covers both agriculture and hydropower sectors. It is also possible to establish a national mechanism for coordinating intersectoral interests, which will then represent all sectors at ICWC; the EUWI NPDs serve as good tools in this regard. To address this issue at regional scale, it may require expanding the ICWC membership to include main sectors such as agriculture, energy, environment or establishing an advisory basin council.

Basin-wide integrated water management requires all riparian countries and relevant stakeholders being involved in decision-making processes. Currently, Afghanistan is not yet a member in IFAS and Kyrgyzstan suspended its membership due to lack of attention to hydropower. The opening towards Afghanistan has been discussed for years, and first bilateral steps have been taken (e.g. cooperation on hydrological data between Afghanistan and Tajikistan). A nuanced and step-wise approach with specific joint activities and granting observer status might be the most politically feasible initial step.

Third, government negotiations are as important for successful hydrodiplomacy as informal exchanges and cooperation at technical, scientific or non-governmental levels. Beyond government officials, integrating experts and other stakeholders in form of an overall basin council or specific advisory committees to the different bodies can enhance the legitimacy and efficacy of IFAS and its

functions. International partners could target their programmes towards potential drivers for change for cooperation and multi-stakeholder dialogue. Special attention could be given to the younger generation as future decision-makers, for example through supporting student exchange programmes similar to the Erasmus programme and creating room for creative, interdisciplinary and innovative thinking.

Fourth, a clear, unambiguous mandate with adequate enforcement mechanism is needed to make transboundary water governance institutions in Central Asia work. This includes aspects like the legal status of the organizations, their financing, and the jurisdiction of the BWOs (over the entire river reaches, access to cross-border posts). It also implies that joint institutions need room to act as independent, international organizations, and not under tight control of national governments. Policy makers should help to secure hard (infrastructure) and soft (expertise) capacity to address operational difficulties as well as long-term transboundary water management challenges, especially those related to more reliable forecasts, better data and information exchange, and joint monitoring facilities. Addressing the funding and capacity mismatch would also significantly help to improve the governance system.

The current financial framework is not fit for the future and needs adjustments. A more equitable (not necessarily equal) contribution to regional cooperation by all basin countries will help to secure predictable and sustainable finance. Matters related to permanent location of joint bodies and rotation of its staff can be settled only if all countries will commit to providing support and funding.

Finally, policy-makers and donors should **support research, innovation and unconventional thinking** going beyond traditional approaches in water management and governance.

Advancing new technologies and creating innovative solutions demands multi-stakeholder engagement. It will also need investments in the education of the new generation of experts and policy-makers, and reforming curricula to equip students with a comprehensive and interdisciplinary understanding of water challenges and adequate analytical and applied skills to tackle them.

References

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