

UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE

REPORT OF THE INTERNATIONAL HIGH LEVEL CONFERENCE
“STRENGTHENING TRANSBOUNDARY WATER COOPERATION IN CENTRAL ASIA:
THE ROLE OF INTERNATIONAL WATER LAW AND THE UNECE WATER CONVENTION”
AND THE WORKSHOP ON THE PROTOCOL ON WATER AND HEALTH
Almaty, 25 – 27 October 2011

This report has been issued without formal editing by the Environment Division of the United Nations Economic Commission for Europe (UNECE).



ORGANIZATION OF WORK

1. The *International High Level Conference “Strengthening transboundary water cooperation in Central Asia: the role of international water law and the UNECE Water Convention”* and the *Workshop on the Protocol on Water and Health* took place in Almaty, Kazakhstan, on 25 October 2011 and on 26-27 October 2011 respectively. The conference and the workshop were organized by the United Nations Economic Commission for Europe (UNECE) and the Ministry of Environmental Protection of the Republic of Kazakhstan, in the framework of the programme “Regional Dialogue and Cooperation on Water Resources Management in Central Asia”. The programme is financed by the Government of Germany through *Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)* as part of the Berlin Water Process. The Executive Board of the International Fund for Saving the Aral Sea (EB-IFAS) assisted in organizational and logistical matters.

2. The international conference and workshop were attended by over 80 participants. These included delegations from Afghanistan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, as well as non-governmental organizations from these countries and representatives of international organisations working on water and environment in Central Asia. The UNECE secretariat, assisted by international experts, provided substantive inputs during the meeting. The list of participants is attached in Annex 2. The programme was developed together with the Ministry of Environmental Protection of the Republic of Kazakhstan and in consultation with international partners and experts to make sure that it responded to the needs and interests of the Central Asian region.

**International High Level Conference
“Strengthening transboundary water cooperation in Central Asia: the role of international water
law and the UNECE Water Convention”
25 October 2011**

A. SUMMARY OF DISCUSSION

Opening session

3. Mr. Andrey Vasilyev, UNECE Deputy Executive Secretary, and Mr. Alexander Braghin, Head of International Cooperation, Ministry of Environmental Protection of the Republic of Kazakhstan, co-chaired the meeting.

4. Mr. Alexander Braghin, Head of International Cooperation, Ministry of Environmental Protection of the Republic of Kazakhstan, welcomed participants on behalf of the host country. He stressed that Central Asian countries were confronted with many challenges to ensure the adequate quality and quantity of water for their population and economies. The situation may be further aggravated because of the demographic growth and the impacts of climate change. Mr. Braghin stressed the need to improve regional legal framework for use of water resources, taking into account international standards and

experience. According to Mr. Braghin, it is important that two Central Asian countries (Kazakhstan and Uzbekistan) are already Parties to the UNECE Water Convention.

5. Mr. Andrey Vasilyev, UNECE Deputy Executive Secretary, welcomed the participants on behalf of UNECE and described the major components of the UNECE-GIZ Programme, such as strengthening legal and institutional frameworks for water cooperation; capacity building on international water law, and strengthening exchange of information on water. He stressed that the conference was a concluding event after a series of capacity building activities in the countries of Central Asia in 2009-2011. He confirmed the commitment of UNECE to share the experience available under UNECE Water Convention. He stressed that the Water Convention enshrines a balanced approach to the obligations of riparians, based on equality and reciprocity. It does not offer ready-made solutions to specific problems. However, its implementation ensures the continuous cooperation of States under common legal frameworks. Such cooperation ultimately leads to finding solutions to specific problems at the local, national and transboundary levels.

6. His Excellency Ambassador Pierre Morel, EU Special Representative for Central Asia, stressed the importance of multilateral agreements such as the Water and Espoo Conventions, which provide tools and procedures, as well as guidance material, to foster cooperation on water resources. Water and environment issues are a priority in the EU-Central Asia Strategy for a new partnership (2007), whereas the National Policy Dialogues (NPDs) on integrated water resources management (IWRM) remain the main operational tool of the EU Water Initiative in the countries of Eastern Europe, Caucasus and Central Asia. The Ambassador underlined the importance of the ongoing review process for the EU-Central Asia Strategy, and highlighted the commitment of the European Union to continue supporting NPDs. The Ambassador also stressed the importance of the International Fund for Saving the Aral Sea (IFAS) as a regional organization which brings together all five countries.

7. Dr. Volker Frobarth, Director of the Transboundary Water Management Programme in Central Asia, GIZ, briefed the participants about the Berlin Water Process – the framework initiative by the Government of Germany for support of the Central Asian countries in the area of water resources management. He described the Programme “Transboundary Water Resources Management in Central Asia”, which consists of several components: (i) a regional component, including the UNECE Programme “Regional Dialogue and Cooperation in Water Resources Management in Central Asia”, (ii) transboundary cooperation for small rivers, (iii) pilot projects at the national level. He stressed that Germany, like Central Asian countries, is very dependent on transboundary waters, with rivers such as the Rhine, Danube, Elbe and Oder that Germany shares with its neighbouring countries. That is why the country understands the challenges and works towards promoting effective transboundary water cooperation also in Central Asia. He highlighted the importance of the upcoming Regional Workshop “Building a sustainable partnership on water resources management in Central Asia: The experience of the Transboundary Water Management Programme” (31 October – 1 November 2011, Almaty, Kazakhstan).

8. Mr. Saghit Ibatullin, Chairman, Executive Committee of IFAS, stressed the growing importance of UNECE Water Convention for the preparation on new transboundary water agreements. He noted that IFAS and its organizations are the regional platform for development and adoption of bilateral and multilateral agreements and for exploration of opportunities to apply international conventions for advancing IWRM and use and protection of transboundary waters. According to Mr. Ibatullin, the concepts and principles of international conventions are reflected in the Third Aral Sea Basin Programme, developed by EC IFAS together with Interstate Commission for Water Coordination and Interstate Commission for Sustainable Development.

Session 1: International water law: contemporary developments and the challenges for Central Asia

9. Mr. Sergei Vinogradov, University of Dundee, UNESCO Centre for Water Law, Policy and Science, in his presentation on “International water law – setting the scene for long term sustainable and mutually beneficial cooperation”, outlined origins and evolution, sources, instruments and principles of international water law. He introduced the two major treaties such as the UNECE Water Convention of 1992 and the UN Convention on the Law of Non-Navigational Uses of International Watercourses of 1997 and explained the notion of international customary law. He stressed that international law was the only instrument available to States to resolve their water disputes peacefully as it provided a legal framework to determine mutual legal rights and obligations and mechanisms for ensuring compliance and resolving disputes. In response to the questions posed by participants, Mr. Vinogradov clarified that the future entry into force of the amendments to the Water Convention would not decrease the importance of the UN Watercourses Convention as major provisions of the latter represent the international custom.

10. Mr. Alexandros Kolliopoulos, Ministry of Foreign Affairs of Greece, Deputy Chair of the Legal Board of UNECE Water Convention, speaking on the issues of balancing different water uses in a transboundary basin, described the two normative pillars of the UNECE Water Convention, i.e. the no-harm rule and the equitable and reasonable utilization principle, and stressed the customary origin of both principles, as well as mutual supportiveness and absence of priority between them. Cooperation between riparian States – being one of the key obligations of the Water Convention – was a prerequisite for achieving an equitable and reasonable utilization of transboundary waters. The Convention provided various forms available for cooperation to materialize (consultations, conclusion of relevant agreements etc.) Mr. Kolliopoulos stressed that the obligation to cooperate in good faith was essential even under difficult political circumstances.

11. Ms. Francesca Bernardini, Secretary to the Water Convention, UNECE, introduced to the participants the UNECE Water Convention. She described the obligations under this instrument, such as protection of transboundary waters by preventing, controlling and reducing significant transboundary impacts; reasonable and equitable use of transboundary waters; and obligation to cooperate through agreements and joint institutions. She clarified the due diligence nature of the obligation to prevent, control and reduce transboundary impacts. The Secretary also addressed the polluter pays principle present in the Convention, which has primarily domestic scope of application and cannot be a legal basis for claims of compensation for transboundary damage between Parties. In response to the question by participants what was done under the Convention to clarify the misunderstandings about interpretation of the Convention, Ms. Bernardini referred to the development of the Guide to Implementing the Convention (2009) and urged participants to use this document.

Discussion: Application of international water law in transboundary water cooperation of Central Asian States

12. The representative of Kazakhstan, a Party to UNECE Water Convention, stressed the continuous efforts of the country to improve the legal basis for cooperation on water. In September 2010, Kazakhstan signed a new agreement with the Russian Federation on the joint use and protection of transboundary watercourses, which replaced the previous agreement of 1992. In 2011, Kazakhstan signed two intergovernmental agreements with the People’s Republic of China – on water quality of transboundary rivers, and on the protection of transboundary rivers. Participation of all Central Asian countries in the UNECE Water Convention is a strategic priority for Kazakhstan. Kazakhstan also informed about the completion of the first phase of the project to regulate the river bed of Syrdarya and the Northern part of the Aral Sea. At the national level, the draft Programme for Modernization of Water Management until 2020, which includes many activities aimed at introduction of IWRM, was developed.

13. The representative of Kyrgyzstan described the efforts of the country to develop transboundary water cooperation. He mentioned as a positive example the Syrdarya Agreement of 1998, which includes, in addition to the principles of cooperation, a concrete scheme of water and energy exchange. The Agreement provides for the conclusion of annual protocols on the volumes of water supply and related energy supply; however the parties cannot agree upon these annual documents on time. The cooperation with Kazakhstan in the framework of 2000 Agreement on Chu and Talas is an example of dynamic cooperation. Kyrgyzstan also described the emerging cooperation with Tajikistan on the rivers Isfara and Hodzha-Bakirgan through the establishment of an interstate commission. Kyrgyzstan emphasized that the establishment of intergovernmental commissions on each river basin should be the priority for joint management of water resources in Central Asia.

14. The representative of Tajikistan noted that the legal basis for water resources management in Central Asia, which formed in early 1990s, has served its purpose for a transitional period. However, the social and economic development of Central Asian countries requires improvement of existing agreements and the adoption of new ones. As for the application of international conventions in Central Asia, Tajikistan is investigating the content of these instruments and their possible adaptation to Central Asian region. Tajikistan also welcomes the active role of UNECE and its readiness to support transboundary cooperation projects and activities in Central Asian region with both Parties and non-Parties. Continued capacity building in international water law, including the Water Convention is important for Tajikistan and for the whole Central Asian region. The International Year of Water Cooperation (2013) declared by the United Nations General Assembly upon the initiative of Tajikistan shall provide a new impetus for efforts to achieve sustainable management of water resources.

15. The representative of Turkmenistan stressed that the five Central Asian Heads of State at the IFAS Summit (2009) expressed their commitment to the strengthening of the institutional and legal frameworks of IFAS and reaffirmed their interests in the development of mutually acceptable mechanism for integrated water use and environment protection in Central Asia to the benefit of all the states in the region. According to Turkmenistan, the region needs common principles for cooperation in order to implement the decisions by the Heads of State. That is why Turkmenistan formed an expert group to analyze the national legislation and prepare proposals on accession to UNECE Water Convention. While the Convention may not be an ideal instrument, it is a step towards mutual understanding.

16. Uzbekistan, which participates in both UNECE Water Convention and 1997 UN Watercourses Convention, called for participation of all Central Asian countries in these instruments. The representative of Uzbekistan outlined the work on implementation of Water Convention in the country, including legislative measures, financial investment, management of water resources according to the basin approach, organization of water user associations in the basins, measures to improve water efficiency, etc. He acknowledged the work done by UNECE and international partners, in particular within the Transboundary Water Management in Central Asia Programme, and urged to strengthen activities in Central Asia aimed at accession by all Central Asian countries to the Water Convention.

17. The representative of Afghanistan, a riparian country to Amudarya, stressed that his country currently used only 20% of all waters which were formed on its territory. He recalled that Afghanistan had no treaties with Central Asian republics which would stipulate how much water the country is entitled to. Afghanistan's agreements with former USSR of 1946 and 1958 referred to border control and cooperation, and the agreement of 1958 included general provisions on the management of waters in Amudarya. There were many questions with regard to cooperation, as Afghanistan had no opportunity to participate in the cooperation with Central Asian region in the previous time. Presently Afghanistan wants to develop cooperation with the neighbouring countries. The representative of Afghanistan stressed that Afghanistan was part of the solution for water related issues in Central Asia. The country wishes to pursue actively cooperation with UNECE, including on water issues.

18. Summarizing the discussion, Bo Libert, UNECE Regional Adviser on Environment, was pleased to acknowledge that all Central Asian countries accepted and understood the challenges of IWRM and stressed their readiness to cooperate. Cooperation in Central Asia was based on 20 years experiences, and new cooperation frameworks were being developed in a dynamic way. It was important that Afghanistan expressed its willingness to join this work. It was also positive that all countries were ready to build their cooperation on the rules of international law. Therefore it was important to raise awareness on international law. Mr. Libert expressed the readiness of UNECE to assist in capacity building and awareness raising. While preserving national interests is important, it is essential to be ready to achieve compromises.

Session 2: UNECE Water and Espoo Conventions: key issues for proper understanding and implementation

19. In his presentation on the relationship between the 1992 UNECE Water Convention and the 1997 UN Watercourses Convention, Prof. Attila Tanzi, University of Bologna, Chair of the Legal Board of the UNECE Water Convention, stressed the synergies and mutual complementarity of the two instruments, which have only one major difference. The added value of the Water Convention lies in the institutional framework it set up in order to assist the Parties in complying with its provisions and in further developing them, on the one hand, and in the mandatory character of institutional cooperation between Riparian Parties, on the other. These features are not present in the 1997 UN Watercourses Convention. Prof. Tanzi described the substantive principles of the two Conventions, and stressed the integrated approach to the no-harm and the equitable utilization principle.

20. Ms. Iulia Trombitcaia, UNECE, speaking on the transboundary water cooperation through specific agreements and joint bodies, addressed the nature of the obligation of Riparian Parties to conclude specific agreements and establish joint bodies under the Convention. She described the concept and practice of joint bodies for transboundary water cooperation – the key cooperation mechanism provided for in the Water Convention. She explained the relevant provisions of the Convention and outlined the scope, competence, functions, tasks and organizational structure of joint bodies, as well as such issues as financing and public participation. She also addressed common problems of joint bodies in the region of Eastern Europe, Caucasus and Central Asia, such as the lack of adequate powers to implement IWRM; lack of financial means for implementation of joint programs; poor implementation of joint body's decisions; and underperformance of some functions by joint bodies, most commonly, the functions related to water quality and environmental protection. The presentation concluded with a UN TV film (2011) featuring the cooperation of Kazakhstan and Kyrgyzstan in the framework of the Chu-Talas Commission¹.

21. Planning new activities in transboundary basins was the topic of the joint presentation by Ms. Francesca Bernardini, Secretary to the Water Convention, and Mr. Nick Bonvoisin, Secretary to the Espoo Convention. While the Water Convention includes no specific procedures for planned activities, its provisions on joint bodies and consultations upon request provide the mechanisms for discussing planned measures. Such procedures can be found in the UNECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention). The Espoo Convention has 45 Parties, including two countries in Central Asia – Kazakhstan and Kyrgyzstan. As emphasized by Mr. Bonvoisin, the Espoo Convention is frequently applied in the water sector to the cases of hydropower stations, navigation channels and inland ports. There are also cases of application in many other sectors indirectly affecting transboundary waters. An important feature of the Espoo Convention procedure is that

¹ Commission of the Republic of Kazakhstan and the Kyrgyz Republic on the Use of Water Management Facilities of Intergovernmental Status on the Rivers Chu and Talas.

sovereignty is fully retained since the decision-making power remains in the country where the development was planned. The two secretaries stressed that the Water and Espoo Conventions require to consult on activities with ‘significant’ transboundary impact; however, it is the Party of origin which makes the final decision on the permitting. The procedures under the Conventions lead to better decisions and guide towards better development.

Session 3: International water law and the UNECE Water Convention: what is the way forward for Central Asia?

22. Ms. Francesca Bernardini, Secretary to the Water Convention, described the activities under the Convention with regard to support and mutual assistance. She explained that by becoming a Party, a country joins an institutional regime and can receive assistance to implementation and participate in the progressive development of the Convention. The Convention’s institutional framework offers a forum for bilateral and multilateral cooperation, sharing of experience and good practices and can address requests on clarifications of the Convention’s provisions. In other words, a Party is not left alone in its dealings with the other riparians. Ms. Bernardini described projects on the ground, implemented under the work programme of the Convention in Central Asia, such as Regional dialogue and cooperation on water resources in Central Asia, water quality, dam safety, Chu-Talas, new pilot project on climate change, CAREWIB, support to information management and exchange, and National Policy Dialogues on IWRM. She also outlined the future perspectives connected with the opening up of the Convention beyond the UNECE region.

Discussion: Lessons learned and the way ahead: discussion among Central Asian countries and partners

23. The discussion addressed the positive example of cooperation between Kazakhstan and Kyrgyzstan in the framework of Chu Talas Commission, where the challenges include expanding cooperation to other sectors (environment, energy) beyond water. Kyrgyzstan, a non-Party to the UNECE Water Convention, emphasized that it was cautious with regard to accession in the current political circumstances in the region. In response to the idea of negotiating a Central Asian Water Convention, international experts stressed it would be close to impossible for Central Asia to invent other principles than those already established in international water law, including the Water Convention. The representative of Scientific and Information Center of ICWC highlighted the lack of trust between countries of the region and the need for closer discussion of principles as well as development of analytical documents. Turkmenistan stressed that while accession to the Water Convention was a sovereign right of every Central Asian State and Turkmenistan was currently considering accession, it was important to apply the basic principles of the Convention in practice. Uzbekistan emphasized it was important for the Water Convention to cover the whole region. Tajikistan stressed that the country needs to carefully study all documentation and material available under the Water Convention. Mr. Libert, UNECE, voiced the idea of the establishment of a platform on international water law in Central Asia to provide for a more permanent forum for discussion and capacity building in this area.

B. CONCLUSIONS

24. Mr. Andrey Vasilyev, UNECE Deputy Executive Secretary, summarized the outcomes of the conference. The Central Asian countries positively demonstrate their will to cooperate and to look for mutually acceptable solutions for water management in the subregion. Mr. Vasilyev stressed that implementation of and compliance with international law should remain a precondition for all inter-state relations in the subregion. Cooperation on the basis of good faith, equality, reciprocity and good

neighborly relations should be key to implementation of the two substantive principles of international water law – no significant harm, and equitable and reasonable utilization. The UNECE Water Convention enshrines these principles. Its institutional setting based on the Meeting of the Parties, provides opportunities for mutual support and exchanger of experience. The Convention embodies a lot of experience, also in challenging political and economic conditions. This knowledge and experience are available to Central Asian subregion.

**Workshop on the Protocol on Water and Health,
26 – 27 October 2011**

A. SUMMARY OF DISCUSSION

Opening remarks

25. The workshop was chaired by Mr. Bo Libert, Regional Adviser on Environment, UNECE and Mr. Alexander Braghin, Head of International Cooperation, Ministry of Environmental Protection of the Republic of Kazakhstan.

26. Mr. Alexander Braghin, Head of International Cooperation, Ministry of Environmental Protection of the Republic of Kazakhstan, welcomed the participants of the workshop and emphasized the importance of the event for the countries of Central Asia and, in particular, for Kazakhstan, a country that is considering accession to the Protocol on Water and Health. Water quality related diseases remain among the most critical issues in the countries of Central Asia. Mr. Braghin underlined the need for strengthening inter-sectoral coordination and developing coherent targets aiming at improving health conditions and reduction of water related diseases. Mr. Braghin emphasized that the countries in Central Asia could benefit from the significant experience that was accumulated under the umbrella of the Protocol on Water and Health.

27. Ms. Francesca Bernardini, Co-secretary to the Protocol on Water and Health, UNECE, welcomed the participants of the workshop on behalf of the UNECE and introduced the main objectives of the workshop. The event, organized in response to the interest demonstrated by the Central Asian countries to the Protocol on Water and Health, aimed at (i) explaining the content of the key provisions of the Protocol; (ii) presenting the process of setting targets and target dates under the Protocol as a mean to develop integrated cross-sectoral strategies; (iii) exchanging experience gained by other countries in legal, administrative and technical aspects of implementation of the Protocol, in particular with regard to cooperation of water, environment and health sectors; and (iv) discussing opportunities for the use of the Protocol in the countries of Central Asia.

28. Ms. Enkhtsetseg Shinee, Technical Officer, WHO-Europe, welcomed the participants on behalf of the joint secretariat to the Protocol on Water and Health, WHO-Europe, and briefly outlined the distribution of responsibilities and the role that WHO-Europe is playing with regard to fostering implementation of and servicing the Protocol on Water and Health.

Session 1: Water and health – global, regional and subregional challenges

29. Following the opening remarks, Ms. Enkhtsetseg Shinee delivered a presentation on the ways of realizing the basic human rights to water and health. Ms. Shinee recalled the recognition of the right to water by the United Nations General Assembly (UNGA Resolution 64/292) and its subsequent assertion

by the Human Rights Council in its Resolution 15/9. The Sixty-Fourth World Health Assembly (Geneva, 16–24 May 2011) has, in response, adopted the Resolution 64.24 Drinking-Water, Sanitation and Health in which it called the WHO to strengthen its normative functions on water and health, to expand its monitoring of the progress towards access to safe water and sanitation, and increase efforts in the area of capacity building, as well as to continue supporting the Protocol on Water and Health, as an instrument of reference for safe water management and the protection of human health.

30. Ms. Shinee referred to the WHO Guidelines for Drinking Water Quality that constitute a scientific basis for regional and national legislation and are a useful tool to implement the WHO Framework for safe drinking water aimed at showing countries the way to ensure access to safe water. Ms. Shinee has also established the link between the Millennium Development Goal 7, target 7 c) “Sustainable access to safe drinking water and basic sanitation”, the WHO/UNICEF Joint Monitoring Programme for Water Supply and Sanitation (JMP) – the official United Nations mechanism to monitor progress towards meeting the MDG drinking water and sanitation targets – and the Global Analysis and Assessment of Sanitation and Drinking-Water (GLAAS). GLAAS is a UN-Water initiative implemented by the World Health Organization (WHO) that uses the information provided by the JMP and other data in order to provide policy makers with a reliable, easily accessible, comprehensive and global analysis of the evidence to make informed decisions in sanitation and drinking-water. Ms. Shinee also mentioned that WHO Europe is currently focusing its efforts on the capacity building in the area of these two instruments and referred to the stakeholder consultations, trainings, workshops and other related activities that were recently organized in different Central Asian countries. She invited the participants to consult the JMP Global Report 2010² and the GLAAS 2010 Report³.

31. Ms. Francesca Bernardini, Co-secretary to the Protocol on Water and Health, UNECE, made an introduction to the Protocol, its objectives, main obligations and institutional framework. She explained that a country can become a Party to the Protocol without being a Party to the Water Convention. Ms. Bernardini mentioned the technical and strategic guidelines available to assist the Parties in the implementation of the Protocol and the collective assistance framework that embodies different activities under the programme of work of the Protocol such as capacity buildings workshops aimed at transferring expertise from other parts of the UNECE region, as well as direct assistance projects, as the one recently implemented in Moldova. The Moldovan project will also serve as model to the assistance projects to be carried out soon in Kyrgyzstan and Tajikistan. Ms. Bernardini also emphasized the challenges that the implementation of the Protocol poses and advantages to work on the basis of the Protocol in order to achieve the objectives of this instrument.

32. When the floor was opened for questions and comments by the participants, some participants inquired about the nature of the Protocol. The secretariat explained that the Protocol, being a legally binding instrument, allows countries to build on the existing legislative and regulatory frameworks. In addition, the Protocol requires self-analysis and therefore strongly encourages countries to carry out monitoring and surveillance. With regard to the main obligation under the Protocol which is target setting, the delegates noted that the main challenge in this field would be finding the agreement of national actors on particular targets and agreeing on a common vision. In this connection, the secretariat suggested to make use of the experience of other countries and informed that the outcomes of the target setting process across the region are available on the UNECE website through the national reports submitted by the Parties to the Protocol. The format for reporting has been adopted by the Meeting of the Parties to the Protocol on Water and Health and is rather simple.

33. The secretariat also emphasized that although there are mechanisms for assistance in the framework of the Protocol, most of the resources would have to come from national funds. Additional

² http://www.who.int/water_sanitation_health/publications/9789241563956/en/

³ http://www.who.int/water_sanitation_health/publications/9789241599351/en/index.html

support under the Ad Hoc Project Facilitation Mechanism might also be provided to the countries that set targets in order to ensure their achievement. However, the whole process encourages countries to analyze their existing frameworks and institutions. Moreover, the establishment of concrete objectives may attract donor institutions that frequently consider assistance more efficient when clear priorities are set.

34. The delegates showed interest in the studies available on water and health situation in Central Asia as well as in the Parties to the Protocol from other regions, including the quality of water supply and the level of disease burden. Ms. Shinee informed that the related studies produced by WHO-Europe are available on the organization's website which also allows access to the two relevant databases. As an example of a target, she referred to the reduced use of beton asbestos pipelines in construction industry, where the WHO has produced a strategic policy paper.

Discussion: Water and health - challenges for Central Asia

35. The representative of Kazakhstan noted that the situation with water and health remains challenging due to the low water quality in the source, although the water is treated before supply. Nevertheless, significant progress has been achieved in the recent years due to a state programme aiming at providing sufficient supply of good quality drinking water to the population. The concrete objective is that 80% of urban population receives water from improved drinking water sources. At the same time, there were no registered outbreaks of infectious diseases since 2004.

36. As regards the situation in Kyrgyzstan, most of the problems with the drinking water supply occur in the Southern region of the country where 80% of the population is rural and uses water from unimproved sources such as rivers and channels. This region has the highest mortality rate and the highest percentage of infectious diseases detected among children under the age of 14. At the same time there are regular and continuous outbreaks of typhoid (100-130 cases per year). Non-infectious diseases, however, are difficult to link to the bad quality water supply. The main problems that the water and health sector encounters are: weak infrastructure of water and treatment management (technical and personnel capacity), ageing of the existing infrastructure and lack of financial resources for new developments due to the low income of the consumers.

37. At the same time, achieving the MDGs by 2015, as per the country's commitment, would require rationalizing the water uses and the urban water supply by minimizing the leakages of water, supplying water to the regions in need, carrying out awareness-raising and education campaigns and involving the population at the local level. The measures that have been taken in Kyrgyzstan so far entail the establishment of water tariffs and the development of various legal frameworks, such as the Law on Drinking Water, Technical Regulation on the Drinking Water Safety, as well as a Plan on water supply to agriculture. A range of programmes implemented by the World Bank and the Asian Development Bank also contributed to the improvement of the situation and the increase of the population provided with drinking water in Kyrgyzstan.

38. The representative of Tajikistan presented an overview of the historical development with regard to water and health in the country and the existing water bodies of Tajikistan. The water resources in the country are State-owned; therefore the government is responsible for guaranteeing their quality and adequate supply. Only 56% of the population uses water from improved drinking water sources despite the fact that water is generally available. The existing legal framework including two laws and different subsidiary acts allows addressing this situation and some steps in this direction are being taken.

39. The representative of Turkmenistan stated that the water and health issues represent a big concern for the Government, especially in the Aral Sea Region. The measures taken by the government of the country, such as supplying population with bottled drinking water, contributed to the improvement of the situation. Nowadays, the rate of water-related diseases, such as hepatitis, has significantly decreased.

Cholera has been totally eliminated. The new body in charge of the water management (including the drinking water issues and the wastewater treatment) is the Ministry of Communal Management that is in need of strengthening. In order to address these needs and prepare professional water experts, the Government has established new academic institutions. Moreover, water and energy are provided to the population free of charge. Furthermore, the new Water Code and the Law on Quality Drinking Water Supply containing specific indicators in accordance with the European standards are currently under development. The representative of Turkmenistan also expressed hope for joining the Water Convention and its Protocol on Water and Health in the nearest future.

40. The representative of Uzbekistan gave some examples of compliance with the provisions of the Protocol and, in particular, with its general principles (article 5) even though Uzbekistan is not a Party. In order to increase access to water and sanitation by 2020, both in urban and rural areas, measures are being taken with regard to the modernization of the water supply and wastewater treatment systems. The authorities also regularly undertake preventive action aimed at avoiding outbreaks and incidents of water-related disease and are currently in the process of determining water protection areas. Moreover, Uzbekistan has recently carried out a revision of regulation on the sanitation and water use. The presenter also emphasized that the country is working towards providing access to information and public participation in decision-making regarding water and health.

41. The delegate of Afghanistan gave a brief overview of the situation in his country. A limited percentage of the population has access to safe drinking water; however the authorities are working towards improving the situation with water supply and have made a significant progress. For instance, for the first time in history the Ministry of the Rural Development has been established and a higher percentage of rural population now receives clean drinking water. However, the delegate estimated that several decades would be needed in Afghanistan to reach comparable levels of development as in the Central Asian countries.

42. Mr. Bo Libert, UNECE, summarized the discussion by recognizing a few issues common for all the Central Asian States. Water was a critical element in the lives of Central Asia's population; however, the situation with water and health remains challenging in Central Asian countries. Water and sanitation infrastructure in Central Asia is largely in a critical state, often posing a threat to human health. There are some emerging issues such as the climate change and the personnel capacity which need to be taken into account and addressed when developing policies on water and health. Central Asian countries are aware of the linkages between water and health and make significant efforts in order to improve the situation with water and health at national and local levels. Relevant programs are being implemented. Most delegations recognized that some challenges cannot be solved only at national level. Thus, countries need to seek cooperation at subregional and international levels. The MDGs and, in particular, the water-related MDGs are considered as a priority in all Central Asian countries. Their implementation has significantly contributed to the improvement of situation with water and health.

43. In response to interventions made by several countries the secretariat clarified the concept of equitable access to water. Although the Protocol does not require countries to establish tariffs, it does require ensuring sustainability of the water management and that is where the affordability concept comes in. The secretariat mentioned the existing guidance materials developed by the UNECE. The new document on good practices in ensuring equitable access to water and sanitation is a source of information for the countries making it possible to benefit from others' experience. The secretariat suggested that this useful tool, once finalized, is tested and welcomed the potential interest of one of the Central Asian countries in this regard.

Session 2: Benefiting from others' experience: Implementation of the Protocol on Water and Health with focus on the target setting

44. The second session focused on the obligation of the Parties to the Protocol to set and achieve the targets. Ms. Nataliya Nikiforova, UNECE, made a detailed presentation on the phases and challenges of the process. In her presentation, Ms. Nikiforova followed the structure of the Guidelines on setting targets, evaluation of progress and reporting – a useful reference for the future Parties to the Protocol on Water and Health that provides a detailed explanation on the target setting process – and invited the participants to consult this publication, also available in Russian language⁴.

45. Ms. Valentina Tapis, Deputy Head, Ecological Inspectorate, the Republic of Moldova, delivered a presentation on the implementation of the Protocol and target setting in the Republic of Moldova, as well as the challenges and the lessons learned. While Moldova adopted the approach recommended in the above mentioned Guidelines and managed to succeed in the process, the lack of institutional stability was one of the main challenges during the process of target setting. Ms. Tapis also referred to the benefits of the target setting process in Moldova and in particular to the achievements in providing access to water in rural areas. However, according to the speaker, there was no progress in urban water supply and in particular in the area of water treatment. This is seen as a weakness and it is now being the highest priority for the next years.

46. The participants asked whether a country had to reach an agreement on targets with its neighbouring countries. The representative of Moldova responded that Moldova was quite active in its communication with the neighbouring countries as it receives water from two transboundary rivers: the Dniester and the Prut. The secretariat clarified that although Moldova felt the need to cooperate with the neighbouring countries on the basis of the article 13 of the Protocol, there was no obligation under the Protocol to agree on the targets beyond the borders because the targets are purely national. Such exchange, however, should be encouraged.

47. Mr. Erkin Orolbaev from the Kyrgyz Republic informed the meeting about the planned activities on target setting process in his country. Kyrgyzstan is not Party to the Protocol or to the Convention. The target setting process was conducted the framework of the National Policy Dialogues on IWRM. The activities of the Steering Committee for the National Policy Dialogue led to the recent establishment of a Working Group in charge of the development of the Chu River Basin Plan and the target setting in this basin. The Working Group launched the first phase of the pilot project in October 2011.

Session 3: Surveillance of and response to water-related disease

50. Ms. Enkhtsetseg Shinee, WHO-Europe, made an overview of the situation with the water-related diseases in the European region, emphasizing that the countries of Central and Eastern Europe and Central Asia have the most difficult situation.

51. The presenter introduced the obligations concerning the water-related disease surveillance under the Protocol and other legal instruments, such as the International Health Regulations adopted by the WHO in 2005. The Protocol in its article 6.2 requires Parties to set targets on the reduction of the scale of outbreaks and incidents of water-related diseases. In addition, its article 8 refers to the obligation of the Parties to ensure that comprehensive national and/or local surveillance and early-warning systems are established. On the other hand, the aim of the International Health Regulations is to prevent and respond to acute public health risks that have the potential to cross borders and threaten people worldwide by developing, strengthening and maintaining core public health capacities for surveillance and response. In

⁴ <http://www.unece.org/index.php?id=11644&L=2>

this connection, the WHO prepared Policy⁵ and Technical⁶ Guidance on water-related disease surveillance in order to support countries in their implementation. Ms. Shinee proposed two types of targets that can be established to comply with these obligations: general (related to strengthening of the water-related disease surveillance system to develop a solid evidence base for target setting) and specific (e.g. conducting direct health interventions in combination with improved water and sanitation and hygiene measures).

52. Ms. Irina Zastenskaya, Deputy Director of the Republican Scientific-Practical Centre of Hygiene of the Ministry of Health of Belarus, presented the situation in her country, the challenges and the lessons learned. The presenter informed that due to the actions taken by the authorities, the trends in surveillance in Belarus are reassuring, with no outbreaks of water-related diseases registered since 2003 and significant reduction of infectious diseases potentially related to water. However, challenges remain in the field of surface waters and the water supply in urban and rural areas. In implementing the Protocol the country relies on the already existing programmes, ensuring that all the necessary aspects to achieve the targets set are covered. During the next phase of the project that will take off in 2013, the programmes and the targets set will be revised and the new targets will be set in the areas that were not covered previously (for example, aquaculture). The added value of the Protocol was considered to be rationalization of the existing policies and focus on the inter-sectoral cooperation together with the holistic approach at all levels. In Belarus the targets were adopted by intersectoral committee on water issue and endorsed at the high level by a Chief State Sanitary Doctor of the Republic of Belarus. Ms. Zastenskaya underlined the importance of the strong political will within the country as well as of international support to the target setting process under the Protocol.

Session 4: Implementation of the Protocol – a cross-sectoral and multistakeholder approach

54. During the second day of the workshop the discussions focused on the implementation of the Protocol and the cross-sectoral and multistakeholder approach that it requires. Mr. Mihaly Kadar, Head of Department at the National Institute of Environmental Health, Hungary, made an overview of the ways for establishing cooperation at different levels. The speaker emphasized the role of a high level standing body responsible for the implementation to be established in the Ministry. The existence of such a body would facilitate the agreement and decision making process. The presenter also introduced the experience of the implementation of the Protocol in Hungary. The ministerial core group in Hungary is empowered to review reports and accept proposals submitted by the Inter-Agency Working Group and to entrust it with specific assignments.

55. Ms. Tatiana Siniava, representing the non-governmental organization Eco-TIRAS (the Republic of Moldova), addressed the role and modalities of public participation in the implementation of the Protocol and in setting targets. Ms. Siniava outlined both positive and negative aspects of the target setting process experienced by Moldova. While the legal framework for the public participation in Moldova is well established, the knowledge about the Protocol of the general public remains quite limited. The presenter encouraged the Central Asian countries to involve the public in the implementation of the Protocol and underlined the importance of engaging a professional NGO network which would simplify the process. Ms. Siniava reiterated the crucial role that the Steering Committee composed of different ministries concerned played in the target setting process in Moldova.

⁵ http://www.euro.who.int/__data/assets/pdf_file/0009/149184/e95620.pdf

⁶ http://www.euro.who.int/__data/assets/pdf_file/0011/149186/e95619.pdf

Session 5: Next steps to prepare for the accession and implementation of the Protocol (working groups)

56. In the working groups formed by national delegations, the participants exchanged experiences of different sectors (water, health, environment, etc.) and discussed the potential next steps on water and sanitation in the context of the Protocol. The rapporteurs presented the outcomes of discussions.

57. Representatives of Kazakhstan identified the main water and health related problems currently faced by the country. These include inadequate water supply and lack of operators and treatment facilities in the rural areas, as well as lack of centralized water supply in the recreational zones. As regards the water quality, the participants agreed that the high concentration of chlorides and sulfates identified is linked to the natural chemical quality of the water resources. In addition, there is no research on somatic diseases that are prevalent in some regions of the country, in particular in the Pavlodar region. The participants also discussed the existing policies as well as the recent revision of the water and health regulations and the subsequent harmonization with the international standards implemented prior to joining the WTO. It was emphasized that the involvement of the public in the implementation of the state programmes and monitoring remains quite low. The group also discussed the possible targets to be set in order to address the above mentioned challenges and emphasized that accession to the Protocol on Water and Health is the priority issue for the national authorities.

58. Kyrgyzstan's delegation focused their discussion on the main challenges in the area of water and health and on the next steps to address these challenges. The participants mentioned the low level of inter-sectoral cooperation and involvement of decision-makers as well as low public awareness in relation to the water and health, among other challenges. It was emphasized that strengthening of the existing legal framework, decentralization of policies at the local levels, better allocation of funds and technical capacity would further contribute to enhancing the access of population to the drinking water that has already been significantly improved in the last 15 years. The possible targets that would need to be set entail adaptation and harmonization of the national regulation with the international standards, creation of a specific body in charge of the operation of water and sanitation facilities, awareness raising among the public and capacity building of the personnel. The need to complement and enhance the measures taken with regard to strengthening the inter-sectoral approach was emphasized. The delegates also agreed on the need for further exploring the issue of the accession to the Protocol on Water and Health.

59. The representatives of Tajikistan identified key problems in the field of water and sanitation such as imperfect regulatory framework, ineffective water treatment technologies and subsequently lack of clean and safe drinking water available to the population, deterioration of water distribution systems, as well as poor financing of the water sector. It was agreed that low level of personnel capacity, inadequate equipment for carrying out monitoring and safety controls and weak inter-sectoral cooperation are among the challenges faced by the country. The members of the group formulated several targets whose implementation would allow addressing the existing problems. The participants agreed that the positive results achieved due to the adoption of the new water laws, launching of the National Policy Dialogues process and the cooperation with the non-governmental organizations should be complemented and continued with creating an efficient coordinating mechanism on the water and health related issues and an inter-agency working group of experts on water and health. Accession to the Protocol was considered to be a necessary step to improve the general situation in the country.

60. The rapporteur for Uzbekistan stated that although the situation with water and health in the country is currently under control, the challenges remain with regard to the increase of the population and the transboundary aspect of the water resources. In this connection, information exchange in case of outbreaks of water related diseases and water pollution were considered crucial for implementing adequate preventive measures. It was agreed that establishment of a flexible system of tariffs and efficient water reuse systems would also contribute to the rationalization of water resources management.

Strengthening the existing legal framework and updating national water quality standards as well as raising the awareness of the public were considered as priority issues. Regarding the possible targets, the representative of Uzbekistan considered necessary to analyze the experience of the Parties to the Protocol and adapt it to the country's conditions. The rapporteur also informed the meeting that a document concerning accession of the country to the Protocol on Water and Health is currently under review by the Cabinet of Ministers of Uzbekistan.

Session 6: Strengthening national, subregional and international cooperation

61. Ms. Yekaterina Strikeleva, Regional Environmental Centre for Central Asia (CAREC), briefed the participants on the outcomes of the project “Water Quality in Central Asia”. The project (2009-2011) financed through UN Development Account is implemented by UNECE in cooperation with CAREC. It included several stages. In stage 1, national systems for water quality were assessed in each Central Asian country, and respective national reports were prepared. In stage 2, a regional diagnostic study and a regional cooperation plan were developed and agreed upon. Stage 3 included pilot projects on implementation of water quality monitoring at selected transboundary rivers. The final stage consisted of development of a database on water quality and training on the use of this database. Ms. Strikeleva outlined the needs and perspectives of cooperation on water quality in Central Asian region and recommendations of the project in this regard, especially with regard to the possible continuation of work under the auspices of ICSD.

62. Ms. Natalia Alexeeva, Water Programme Coordinator for Central Asia, UNDP, Regional Centre for Europe and CIS, addressed the UNDP activities on access to water and sanitation. In particular, she presented the UNDP GoAL-WaSH Programme: Governance, Advocacy and Leadership for Water, Sanitation and Hygiene. Phase 1 of this programme (2009-11) included 12 programmes in ‘MDG-off-track countries’. In Central Asia, the programme is implemented in Tajikistan. It focuses on development of capacities of stakeholders, including stakeholder consultations, capacity building, and independent research. Although the project is in its first phase, it received a positive feedback and is being actively requested by other governments. Ms. Alexeeva informed that a gradual enlargement of the project activities is planned in 2012 in Kyrgyzstan and Uzbekistan, among other interested countries.

63. The role and experiences of the National Policy Dialogues on IWRM under EU Water Initiative, were described by Ms. Iulia Trombitcaia, UNECE. Ms. Trombitcaia addressed the development of National Policy Dialogues in Eastern Europe, Caucasus and Central Asia. She stressed that water and sanitation, and target setting in the context of the Protocol on Water and Health, have been among the major thematic issues in the National Policy Dialogues in such countries as Armenia, Georgia, Kyrgyzstan, Moldova, and Ukraine. She described the progress made with the National Policy Dialogues in Kyrgyzstan, Tajikistan, and Turkmenistan and current efforts to launch the dialogue process in Kazakhstan. The National Policy Dialogue is planned to start in Kazakhstan in 2012 and can become a platform for promoting knowledge, application of and accession to the Protocol. She concluded that the National Policy Dialogues are useful as an instrument for work on water and sanitation.

B. CONCLUSIONS

64. Ms. Francesca Bernardini, Co-Secretary to the Protocol, welcomed the interest towards the Protocol on Water and Health from Central Asian countries as well as their commitment to work towards the improvement of water supply and sanitation and decrease of the burden of water-related diseases. She stressed the readiness of the joint secretariat and Parties of the Protocol to assist Central Asian countries in learning more about the Protocol, and in pursuing activities towards achieving better water supply and

sanitation. She encouraged Central Asian countries to closely involve in the activities under the umbrella of the Protocol.