

AFGHANISTAN'S SHARE FROM AMU DARYA RIVER WATER ALLOCATION AGREEMENTS OVER THE YEARS

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Abstract

Afghanistan is a key Amu Darya riparian country which accounts for 27.5%¹ of the total generated annual water flow of Amu Darya and uses only 7% of the total. Although over the years, number of agreements and protocols were signed between Afghanistan and the former USSR, between Afghanistan and Tajikistan regarding the regulation and management of water resources of Amu Darya, but none of them specified any water allocation to any of the riparian states sharing the river basin in general, and Afghanistan in particular. In the last 20 years the new Afghanistan government also showed interest to settle the issues of its trans boundary rivers with its neighboring countries specially the issues of Amu Darya with the other four riparian, but due to political instabilities, economic challenges, lack of interest of the other riparian countries, and most importantly lack of enough trained specialists in this regard, the Afghan government couldn't reach into agreements with any of its neighboring countries sharing the same trans boundary rivers to address the water issues once and forever.

Key words: Transboundary, riparian countries, stakeholders, agreement, data collection, water allocation

ДОЛЯ АФГАНИСТАНА В СОГЛАШЕНИЯХ ПО РАСПРЕДЕЛЕНИЮ ВОДЫ РЕКИ АМУДАРЬЯ НА ПРОТЯЖЕНИИ ЛЕТ

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Аннотация

Афганистан является ключевой страной-приречной Амударьи, которая составляет 27,5%¹ от общего годового объема воды Амударьи и использует только 7% от общего объема. Хотя на протяжении много лет было подписано ряд соглашений и протоколов между Афганистаном и бывшим СССР, между Афганистаном и Таджикистаном относительно регулирования и управления водными ресурсами Амударьи, но ни одно из них не указывало на распределение воды между странами-приречными государствами в целом и Афганистаном в частности. За последние 20 лет новое правительство Афганистана также проявило интерес к урегулированию вопросов трансграничных рек с соседними странами,

особенно вопросов Амударьи с другими четырьмя странами-приречными, но из-за политической нестабильности, экономических проблем, отсутствия интереса со стороны других стран-приречных государств и, что самое важное, недостатка достаточно подготовленных специалистов в этой области, афганское правительство не смогло достичь соглашений с какой-либо из своих соседних стран чтобы решить вопросы воды однажды и навсегда.

Ключевые слова: трансграничные, прибрежные страны, заинтересованные стороны, соглашение, сбор данных, распределение воды

Introduction

Amu Darya is shared by four Central Asian countries and Afghanistan. In spite of the existing of agreements between the former USSR and Afghanistan which was signed in 1958, and the agreement among the other four Central Asian Countries which was signed in 1992 in Almaty meeting to regulate water allocation in the region in which Afghanistan was excluded, still the countries have not been able to specify the fair share, responsibilities and obligations of each state equally according to the international law of transboundary rivers. To be more specific, Afghanistan and Tajikistan account for 27.5 % and 62.5% of the total annual flow of the Amu Darya and use only 7% and 11% of the total flow, while Turkmenistan and Uzbekistan produces only 1.9% of the average annual flow each and use 33% and 47% of the total flow annually². Afghanistan has been in war and conflicts for decades and has had little opportunity to lay claim about its fair share from this river. The other riparian states also didn't show interest to resolve the issue, that's why it has remained unresolved for years and decades. Therefore, the purpose of this article is to explore the history of water allocation agreements of the Amu Darya river basin, and highlight some reasons of why Afghanistan has been either ignored or excluded from the water allocation agreements for years, while the country is one of the main riparian of the river and produces the second most annual flow of the river. Furthermore, this research also takes a look at the consequences of this exclusion for the future river, Afghanistan and the region.

The Amu Darya River is the longest international river (2540 km) shared by a part of five landlocked CA counties of Afghanistan, Tajikistan, Kyrgyzstan, Turkmenistan and Uzbekistan. Rising from the north of Hindu Kush and Whakhan in Afghanistan, and the headwaters in the snowfields of the high mountains of Tajikistan and Kyrgyzstan. The total length of the river is 2540 km from which 1250 km are within Afghanistan territory of along its border.³

The water of the Amu Darya is mostly used for agricultural purposes, and its allocation is a legacy of the policies of the former Soviet Union which was allocated among the four Central Asian Republics (CARs) namely, Tajikistan, Uzbekistan, Turkmenistan, and the Kyrgyz Republic through Protocol 566 adopted by the former USSR⁴. The downstream countries of Uzbekistan and Turkmenistan were supposed to produce cotton while Tajikistan which is an upstream country were using water for energy production. Afghanistan and Kyrgyzstan were simply considered the producers of water resources without having a real claim to it⁵.

Afghanistan is an upstream riparian of the river and has been at war and conflict for a couple of the last few decades, and as a result, the country has had little opportunity to lay claim to its legitimate share of Amu Darya water while based on some estimates and researches conducted by the MEW of Afghanistan, 14% of the water of the river basin is originated out of Afghanistan Mountains ⁶. Although since 2001 the new Afghan government has been tried to settle the issue of water sharing conflicts and reach into agreements with its neighboring countries in general, and with the riparian states of the Amu Darya in particular, but for any reason it somehow failed and today we have no signed agreements with any of our neighbors sharing the same river.

Since 1958 there has been only one signed agreements between the Ex-USSR and the Afghan ruler of that time regarding their mutual border along Amu Darya which also includes the regulation and governing the use of boundary water resources between Afghanistan and the CARs. In that agreement there are some articles concerning the use and share of water resources in the area of border line where there is no evidence of water allocation agreements among the riparian states, and I would like to briefly paraphrase here some of the articles for the better understanding of the issue ⁷.

In the seventh article of this agreement the definition of frontier(boundary) water has been clarified which refers to the water in the frontier line in accordance with the Soviet Afghan demarcation and re-demarcation of documents of 1957-1948. Moreover, it also articulates that both contracting parties should take the measures and steps to ensure that in the use of boundary water, and those waters that reach boundary water, the agreement is observed and the mutual rights and interest of both sides are respected ⁸.

In the next three articles it has been declared that both sides should be allowed to utilize the water of border line up to the border unconditionally and without any restriction, and if there is any question concerning the use of boundary waters it should be managed by both contracting sides. In addition, it states that authorities from both sides shall exchange information such the level and volume of water, the precipitation level in the interior territory of two parties, the danger of damage from flooding as regularly as possible, and agree on agree on a creating a mutual system of signals during the period of high water ⁹.

Furthermore, two other agreements were signed between the same parties in the years 1961 and 1964 regarding building hydraulic structures and using hydropower in Amu Darya river basin. Again this agreement between the two sides has since then neither be modified nor cancelled, and is hence still valid according to international laws of transboundary rivers. It is worth mentioning that this agreement as the previous one does not specify any water allocation to any of the riparian countries sharing water resources in the Amu Darya Basin.

In August 08, 2021 an article was published in the Chinese Journal of Environmental law by Ikramuddin Kamil and stated multiple reasons of why Afghanistan has been either excluded or ignored from the regional water-sharing agreements and organizations over the years.

In this article Afghanistan's practical situation has been said as the first reason of why it has been excluded from any treaties over the years. According to Mr. Kamil, Afghanistan's neighbors do not feel a sense of competition to incentivize the reaching of a water-sharing agreement with Afghanistan. And the need for Afghanistan

to be part of the existing agreements and organizations managing the water of Amu Darya water is not a priority for them.

The second reason of Afghanistan exclusion from any water-sharing agreements with the other four riparians has been believed Afghanistan's domestic situation, which has profoundly affected Afghanistan's relations with its neighbors. Afghanistan has been facing a war for the last 4 decades; its governments have been unstable and weak and either unable or uninterested in cooperating with the country's neighbors.

The issue of upstream and downstream differences has been considered another reason of why Afghanistan has not been able yet to solve the water-related issues with its neighbors. It is because Upstream Afghanistan and Tajikistan are planning to expand HEP production, and therefore, their plans may lead to disputes with downstream Turkmenistan and Uzbekistan ¹⁰.

In addition, Over the past 20 years, the Islamic Republic of Afghanistan and the government of Tajikistan have shown interest to settle the issues, specialists from both sides conducted consultation and cooperation meetings and signed a few protocols regarding the issue of integrated water resources management in general, and the installation of hydrological stations and bank protection measures in both sides of the border. Unfortunately, despite the good spirit prevailing from both sides during the meetings little concrete action has been taken in practice.

The protocols signed on August 3, 2007 and July 14, 2010 respectively. In these protocols both sides agreed to work cooperatively covering the following points: (i) formation of a joint working group, (ii) establishment of protocols to promote hydrological and related studies, (iii) exchange of information, (iv) creating a mechanism of data sharing and facilitation of data collection, (v) facilitation of know-how transfer and experience between the two countries, (vi) and most importantly training of specialists in water resources and energy management which is one of the main reasons why Afghanistan has not been able yet to reach into agreements with none of its neighboring countries over its Transboundary rivers ¹¹.

The current water distribution of Amu Darya is based on an agreement which was signed in 1987 to regulate the share of water use in Aral Sea and Amu Darya without considering any water allocation to Afghanistan while around 14% of the flow of Amu Darya annually originates in the territory of Afghanistan from the heart of Hindu Kush mountains in the northern part of Afghanistan. The following two tables show respectively the generated average annual flow of Amu Darya in million m³ and Share of total average water use in % in the territory of each riparian countries sharing Amu Darya.

Table 1 – Generated average annual flow, million m³, and share of total average annual flow %.

Riparian country	Generated average annual flow, million m ³	Share of Total Average Annual Flow, %
Tajikistan	50,000	62.5%
Afghanistan	22,000	27.5%
Uzbekistan	5,000	6.3%
Kyrgyzstan	1,500	1.9%
Turkmenistan	1,500	1.9%
Total	80,000	100%

Table 2 – Average annual water use in million m³, Share of the total average annual water use in %

Riparian country	Average annual water use in million m ³	Share of the total average annual water use in %
Tajikistan	7,500	11%
Afghanistan	5,000	7%
Uzbekistan	33,000	47%
Kyrgyzstan	1,500	2%
Turkmenistan	23,000	33%
Total	70,000	100%

As it is demonstrated in the tables, 22,000 million m³ water is generated out of Afghanistan Mountain annually, out of which only 5,000 million m³ is used inside Afghanistan for irrigation purpose which makes 7% of the total of 70,000 million m³ in a year. If we put Afghanistan aside for a minute and look at the first table, it is clearly visible that the modus of water distribution of Amu Darya among the other four riparians of this river is completely uneven. 50,000 million m³ water is generated in the territory of Tajikistan while this country only benefits 11% of the total, on the other hand Uzbekistan and Kyrgyzstan each respectively use 47% and 33% of the total generated water while only 6.3% and 1.9% of the water is originated in the territory of these two countries.

Conclusion:

Since 1873 onwards two kinds of agreements were signed concerning the regulation of the water of Amu Darya river basin. The first one was between the former USSR and Afghanistan mainly focused on the Amu Darya as an international boundary, which also includes the regulation and governing the use of boundary water resources between Afghanistan and the CARs. While the second one was signed between the CARs themselves, and due to the abovementioned reasons Afghanistan was excluded from that Agreement. But none of them specified any water allocation to any of the riparian countries sharing water resources in the Amu Darya Basin. Afghanistan's exclusion from regional water-sharing and management treaties and organizations makes it quite challenging for CARs to achieve sustainable management of transboundary water resources in the region, as effective transboundary management is dependent on the participation of all riparian states in the management of a basin.

Therefore, it can be concluded that the entire regional water management regime in Central Asia is incomplete without Afghanistan's inclusion.

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ВЫБОР ГИБРИДНЫХ ВИДОВ ТОПОЛЕЙ ДЛЯ ПОЛИВА СТОЧНОЙ ВОДОЙ В АЛМАТИНСКОМ РЕГИОНЕ

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Аннотация

В статье рассматривается использование сбросных вод из города Алматы для орошения насаждений и определение влияния этих вод на различные виды гибридных деревьев.