

Impact Factor:

ISRA (India) = 1.344	SIS (USA) = 0.912	ICV (Poland) = 6.630
ISI (Dubai, UAE) = 0.829	PIHHI (Russia) = 0.234	PIF (India) = 1.940
GIF (Australia) = 0.564	ESJI (KZ) = 1.042	IBI (India) = 4.260
JIF = 1.500	SJIF (Morocco) = 2.031	

SOI: [1.1/TAS](#) DOI: [10.15863/TAS](#)

International Scientific Journal Theoretical & Applied Science

p-ISSN: 2308-4944 (print) e-ISSN: 2409-0085 (online)

Year: 2016 Issue: 12 Volume: 44

Published: 30.12.2016 <http://T-Science.org>

Umid Murodovich Saydakhmedov
Teacher at the department of Business law
Tashkent state university of law
umidwisher@rambler.ru

SECTION 32. Jurisprudence.

INTERNATIONAL LEGAL INITIATIVES OF UZBEKISTAN IN THE DEVELOPMENT OF COOPERATION ON TRANSBOUNDARY WATERS IN CENTRAL ASIAN STATES

Abstract: This article highlights the initiatives of the Republic of Uzbekistan aimed at preventing the negative impact of construction of hydropower facilities on transboundary waters in Central Asia on the ecological system and the environment, the development of international cooperation in the rational and impartial use of transboundary waters. Also, the article analyzes the international legal instruments governing the structure of questions and use them at the moment.

Key words: transboundary waters, using impact, relations, hydropower facility.

Language: English

Citation: Saydakhmedov UM (2016) INTERNATIONAL LEGAL INITIATIVES OF UZBEKISTAN IN THE DEVELOPMENT OF COOPERATION ON TRANSBOUNDARY WATERS IN CENTRAL ASIAN STATES. ISJ Theoretical & Applied Science, 12 (44): 50-54.

Soi: <http://s-o-i.org/1.1/TAS-12-44-11> **Doi:**  <http://dx.doi.org/10.15863/TAS.2016.12.44.11>

Introduction

The Central Asia is the region of the Asian continents, with important geographical and geopolitical region, considering one of the first centres of the world civilization. These two great rivers such as trans - boundary rivers, the Amu Darya and the Syr Darya play role in the growth and development of this civilization. Today, both of these sources of water in the rivers flow of the countries in agriculture, play an important role in the industry and service sector. As we know, today in Central Asia, the transboundary water resources and their existing international legal aspects of the use of hydropower projects are still in the region's scientific community, the attention of experts.

Materials and Methods

The President of the Republic of Uzbekistan, Islam Karimov told on this issue on august 17, 2007, the Shanghai Cooperation Organization (SCO) Council of Heads of State meeting: "Related to the interests of this issue is now more than 50 million people living in the six countries of the region. Therefore, all decisions on the use of flows of these rivers should include the construction of hydropower facilities, these interests should be taken into account" he said. [1. Page-291]

In 60-70s of the XX century, these rivers flew into hydraulic structures (dams, hydroelectric power plants) to further improve their strategic importance. At that time the upper reaches of the rivers and the construction of large hydropower projects ever: the Rogun, Tajikistan (water capacity of 13.5 bln. Cubic meters) is a giant Kambarata - 1 in Kyrgyzstan (capacity 4.5 bln. Cubic/meters) and Kambarata- 2 and other hydropower projects were built.

The purpose of this building hydropower is to take facilities in low energy production and income. Unfortunately, this type of construction on the grounds of its income that came after the construction of new hydropower facilities may cause serious human losses, environmental damage and economic and geopolitical uncertainty, undermine the relations between the countries of the continents.

United Nations Secretary General, Pan Gi Moon admitted "Water scarcity will improve the socio - economic differences and consider a factor which can lead to conflict and war". [2. Page-13] The construction of trans-boundary rivers in the region's largest hydropower negative consequences for all countries in the region, especially in the lower reaches of a threat to state security and national interests is natural, of course.

Large hydro dams in the mountainous regions of Central Asia, human security point of view is clear



Impact Factor:

ISRA (India)	= 1.344	SIS (USA)	= 0.912	ICV (Poland)	= 6.630
ISI (Dubai, UAE)	= 0.829	PIHHI (Russia)	= 0.234	PIF (India)	= 1.940
GIF (Australia)	= 0.564	ESJI (KZ)	= 1.042	IBI (India)	= 4.260
JIF	= 1.500	SJIF (Morocco)	= 2.031		

that is a dangerous step because the area is considered to be an active seismic zone. Geological research and field studies carried out in the XIX century in the territory of Central Asia, the MSK-64 scale of 9-10 magnitude-point (7.6 points on the Richter scale) had already been defined constructions of Tajikistan's Nurek and Kyrgyzstan's Toktogul, in connection with the construction of large water reservoirs 50-60 years of the last century of the seismic investigation can be confirmed.

Uzbek seismologists said that the height of 5000-7000 meters South Tien Shan and Pamir - Alai mountain ridge Gissar - tetanus and Ilaksi the Vakhsh which which are growing in district of tectonic shifts in the construction of the Rogun "living seismogen zone", the Tian Shan and Pamir mountains of the natural decomposition of the mountain that divides the department. [3. Page-37] Located in the heart of the central and northern Toktogul water reservoir and adjacent areas, including the construction of the Kambarata - 2 district 7.7 - point active tectonic zone that was held in Davos in 2009, the European Commission Symposium on Seismology was confirmed by the experts of the Institute for Central Asian Studies. [4]

These giant structures are not only in the seismically active region, but also in rural areas built near large cities. For example, the Rogun 110 km from the city of Dushanbe, the world's tallest Nurek, 70 km away from being built.

Rogun's dam landslide caused flooding occurs, if the starting point around Nurek has an altitude of 245-280 meters, the last point around Nukus, will have 6-7 meter - high water flow around the water ring built in the style of cascade, structures will be destroyed, which could lead to an unprecedented calamities. As a result, in Tajikistan, Afghanistan, Uzbekistan and Turkmenistan's 700 settlements, a total of 1.5 thousand hectares, the lives of the population living in an area of 5 million population will be in danger. They include Nurek, Sarbon, Kurgontepa, Mukri Kerki, Turkmenbashi, Urgench, Nukus, such as large cities. Clearly, the disaster will affect both the neighboring countries in the region.

Disaster, in Kambarata HES-1 (hydro electric station) and in water reservoir, the lower part of the Toktogul that can cause human victims. In case of such a disaster, the population of the most populous Ferghana Valley and the entire Central Asian region, covering an area of 600 hectares, 476 settlements remains under water. [5. Page-32]

One of the adverse effects of the construction of large hydropower projects in Central Asia, resulting in a water shortage in the region.

Transboundary river water that gather for the largest hydropower upstream dams, of course, will cause water shortages downstream countries. This situation, on the one hand, exacerbates the condition around the Aral Sea, on the other hand, the national

economy and consumption will cause water deficits. "It is necessary to take into account the Aral Sea region has two main sources - the Amu Darya and Syr Darya water supply, the decrease of the flow of these rivers can change the region's already fragile ecological balance the entirely". [6. 1-page]

In high part of Tukhtagul, Kambarata construction of the Naryn river water reaches the top of the water in the reservoirs, 25.1 cubic meters/kilometers" he said. This is equal to the size of the annual water flow of the river Naryn. Construction on the Vakhsh River in Tajikistan Rogun, Sangtuda HES-1, Sangtuda HES-2 construction of artificial water reservoirs, water consumption, 10.5 cubic/metres 25 km/s, which makes it increase two and a half times. Planned construction of the Panj River Rush, Dashtijuma, High Amudarya will keep the amount of 39.0 cubic/km in artificial water reservoirs seasonally as a result of the construction of hydropower facilities.

Rogun and Dashtijuma's water reservoirs, power mode, the release of the countries in the lower reaches of the river water deficit and the 7129 million cu/m 12467 million cubic/meters out, sometimes it is the maximum 16210 million . cubic/meters a year. 80 per cent of the water shortage occurs during the growing season .

Upstream countries take a different approach. They are running out of water for commercial purposes or meeting the needs of the secondary. State monopoly giant industrial enterprises is the main consumer of electricity. For example, 43 percent of the country's total energy resources, including 40 percent of electricity is produced in the country, "Tajikistan aluminum State Unitary Enterprise" consumption. Nurek HES supplies only 70 percent of the country's electricity. [7] Electricity produced in the country, only 28% were directed to the social needs of the population. We believe that the main purpose of building large-scale hydropower facilities in Tajikistan and Kyrgyzstan is to produce electricity for commercial purposes, and to sell it to other countries. However, Tajikistan and Kyrgyzstan, stressing that the right to drinking water is a human person's primary natural influential documents [8. 85-page] of the International Bill of Human Rights and other international treaties signed by the participants.

Country's difficult economic situation, especially after the global financial and economic crisis and recession, the construction of large hydropower can lead to political and social instability in the country. Rogun HES is \$ 3.3 billion demands. We can say based on the experience of the world's in most cases largest hydropower facility construction costs significantly increase the cost of the proposed. For this reason, some experts marks construction prices as \$ 6 billion US dollars [9].

Impact Factor:

ISRA (India) = 1.344	SIS (USA) = 0.912	ICV (Poland) = 6.630
ISI (Dubai, UAE) = 0.829	PIHHI (Russia) = 0.234	PIF (India) = 1.940
GIF (Australia) = 0.564	ESJI (KZ) = 1.042	IBI (India) = 4.260
JIF = 1.500	SJIF (Morocco) = 2.031	

This means a significant portion of the gross domestic product of Tajikistan.

In 2009-2011, the Government of Tajikistan spent 420 million US dollars for the construction of the Rogun hydroelectric power. Budget for 2012 envisages expenditure of 223 million US dollars [10]. This means one - tenth of the money. According to the research group monitoring the European Union for Central Asia, the Government of Tajikistan, a Tajik family should give US \$ 700 compulsory share for the construction of the Rogun hydroelectric power [11]. So far \$ 200 million so the US dollar gained population due to forced sale of shares in Roghun dam. It is recalled that in the years 2004-2009 for the construction of the Sangtuda -1 hydropower these commitments were made for the population.

According to European researchers, today average 53 percent of Tajikistan's population live in poverty and 17 percent live in extreme poverty level. 1.2 million people live and work outside the country. External (Russia and Kazakhstan) into the country's financial revenue up 50 percent of the total domestic product, 30 per cent of the profits of the banks are brought to the transfer service. [12]

Today, these types of problems play the most important role in the process. not only to a certain state , but also for the region and the international community. In terms of the importance of water issues become a matter of life and death , one of the monopolization of the use of trans - boundary watercourses , water use without taking into account the needs of neighboring countries , the environmental problems in the region , as well as economic and social problems , the increase in seismic risks.

The President of Uzbekistan Islam Karimov emphasized on September 20 2010 the plenary session of the United Nations Summit on the Millennium Development Goals, "In this type of situation 30-40 years ago, developed in the Soviet period, at the top of river of any attempts built a huge hydro projects, moreover, building these structures takes into account the introduction of the seismicity is 8-9, all of the risk of irreparable cause damage to the environment and known to be cause of man-made catastrophes.

Many international ecological organizations and respected experts recommend, these rivers the same energy power is relatively safe, but it would be more rational to switch to more economical construction of small hydropower plants" he said. [13. Page-1]

In Tashkent on March 12, 2008, President Islam Karimov: "The problems of the Aral Sea, their gene pool of population, flora and fauna, and measures for international cooperation to mitigate the effects of the influence of "international conference "Transboundary River defines the basic principles of international law and the most important documents

including "Convention on the Protection and Use of Transboundary Watercourses and International Lakes" (1992) and Convention on the Law of the Non-navigational Uses of International Watercourses (1997), in accordance with the conventions, and all states of watercourse "within their respective areas of international watercourses are fair and reasonable use the "technique" was recognized. [14. page-284]

Now, however, in countries of the region, there are different approaches to the use of water and energy sources. For example, the Kyrgyz Republic unilaterally Tukhtagul water reservoir irrigational energy sector in the Syrdarya river basin as a result of changes to the operating mode of the middle and lower reaches of countries, agricultural and environmental problems. According to the project of construction of To'xtagul 918 thousand hectares of land is expected to provide the area with water, with 60% of the annual volume of water in the summer season, 40 percent of the coming winter . Therefore, Tukhtagul is more irrigational with the construction of the reservoir provided by the regime on the basis of performance.

The construction of trans-boundary rivers in the region 's largest hydropower negative consequences for all countries in the region , especially in the lower reaches of a threat to state security and national interests is natural, of course .

The republic of Uzbekistan emphasizes that in different international meetings these problems should be solved counting benefits of countries in the continent, having its own political strict position according to solving problems such as threat to the peace and safety of population of Uzbekistan. President of Uzbekistan Islam Karimov emphasized on September 20, 2010, the plenary session of the United Nations Summit on the Millennium Development Goals, "In this type of situation 30-40 years ago, developed in the Soviet period, at the top of river of any attempts built a huge hydro projects, moreover, building these structures takes into account the introduction of the seismicity is 8-9, all of the risk of irreparable cause damage to the environment and known to be cause of man-made catastrophes.

Seismic region, the construction of the state's largest giroenergetik negative relationships. Russia allyuminiy company (Rusal), the order of the district of the Rogun hydropower station seismic expertise on "Lahmeyer International" engineering and consulting company, as well as economic and technical expertise, "Coyne et Bellier" in accordance with the recommendation of an independent French company, based on the seismic conditions of the area, the 175-meter-high dam, this is enough for the construction of 1.2 cubic meters / km which allows you to keep the capacity of the water. The Government of Tajikistan, which has such a great



Impact Factor:

ISRA (India)	= 1.344	SIS (USA)	= 0.912	ICV (Poland)	= 6.630
ISI (Dubai, UAE)	= 0.829	PIHHI (Russia)	= 0.234	PIF (India)	= 1.940
GIF (Australia)	= 0.564	ESJI (KZ)	= 1.042	IBI (India)	= 4.260
JIF	= 1.500	SJIF (Morocco)	= 2.031		

experience it would be appropriate for considering the findings of the company.

In addition, the President of the Republic of Uzbekistan, Islam Karimov and the President of the Republic of Kazakhstan, Nursultan Nazarbayev joint statement about this issue on March 17, 2010, as follows:

“The presidents discussed the issues of water and energy in Central Asia and the problems in this area, including the construction of new hydropower projects in transboundary rivers in accordance with the universally recognized norms of international law and taking into account the interests of all countries in the region that need to be solved. Parties of all countries in the region, environmental and technological security, as well as cross-border impact on the volume of the flow of water, construction of a new hydropower and mode on the basis of independent international expertise that they need to reach an agreement” he said [15. Page-1]

Taking into account the rational use of transboundary watercourses of these international legal acts regulating relations in the “Convention on the protection and use of transboundary watercourses and international lakes” (March 17, 1992, Helsinki) and the “Convention on the Law of the Non-navigational Uses of International Watercourses” (May 21, 1997, in New York).

The environmental protection and the rational use of water resources directly and indirectly, more than 80 national laws and regulations are aimed at regulating the production of documents. In addition, the rational use of water is organized by the government, a number of targeted programs, in particular, on the use of water and energy resources in central Asia, bilateral and multilateral unqualified, signed.

Uzbekistan holds a significant position in the Central Asian region, based on the implementation of the cooperation in all areas of countries in the region and supports the development.

The President of Uzbekistan Islam Karimov has organized many international meetings, not only to improve the environmental situation in the international community, but for the life of future generations in order to create a favorable

environment and conditions to unite efforts, and called for comprehensive measures. Nukus, the President's initiative in this regard (1995) adopted the Declaration of the International Fund for Saving the Aral Sea has been established, as well as on the issue of a number of major international events and conferences have been held. The International Fund for Saving the Aral Sea was held in April 2009 in the framework of the meeting of the fund heads of states of the Aral Sea region in support of the third phase of the program for 2011-2015 Movements of the concept put forward by the President.

In Central Asia in Tashkent on 16-17 November 2010, the trans-boundary environmental problems “transboundary environmental problems in Central Asia: application of international legal mechanisms to solve them” international conference was held. This conference, the world's 30 developed and developing countries visiting experts, scientists, environmentalists, international organizations, the UN, the OSCE, the World Health Organization (WHO), the World Bank, the World Wildlife Fund, World Conservation Union, was attended by representatives of more than 60.

Conclusion

In conclusion, we can say that cross-border effects in the construction of large hydropower facilities in compliance with the principles of international legitimacy and legal examination of the consequences of accidents caused by legal boundary rivers in the context of growing energy shortages in energy use, the construction of large hydropower in their cross-border impact assessment and mitigation. To further enhance the international treaty instruments and to strengthen the mechanisms for their implementation and control of trans-boundary watercourses and the construction of large hydropower projects to strengthen the responsibility of the respective countries, delivered to calculate the direct and indirect damage making it financial, accountability and compensation criteria of international agreements clearly reflect to play an important role.

References:

1. Karimov IA (2007) Zhamiyatimizni erkinlashtirish, isloxtlarni chukurlashtirish, ma'naviyatimizni yuksaltirish va khalkimizning xaet darazhasini oshirish – barcha ishlarimizning mezonini va maksadidir. – T. 15. – T.: Uzbekiston, 2007. – 291 p.
2. Ismailov BI, Adilkhodzhaeva SM (2016) Mezhdunarodno-pravovoe sotrudnichestvo v sfere transgranichnogo vodopol'zovaniya: Uchebnoe posobie. – T.: TGYuI, RTsPKYu MYu RUz. – p. 291



Impact Factor:

ISRA (India) = 1.344	SIS (USA) = 0.912	ICV (Poland) = 6.630
ISI (Dubai, UAE) = 0.829	PPIHI (Russia) = 0.234	PIF (India) = 1.940
GIF (Australia) = 0.564	ESJI (KZ) = 1.042	IBI (India) = 4.260
JIF = 1.500	SJIF (Morocco) = 2.031	

- Ziyaudinov F (2010) «Seysmicheskiy risk, svyazanny so stroitel'stvom gigantskikh GES v Sredney Azii». Materialy mezhdunarodnoy konferentsii «Transgranichnye ekologicheskie problemy Sredney Azii: primeneniye mezhdunarodnykh pravovykh mekhanizmov dlya ikh resheniya» 16-17 nov. 2010. – Tashkent, 2010. – p.36-38.
- Mikolaychuk AV, Kal'met'eva ZA (2009) «Sozdanie karty seysmicheskogo riska na osnove pikovykh uskoreniy grunta», kotorye byli dolozhены na simpoziume Evropeyskoy Seysmologicheskoy Komissii v Davose vesnoy 2009. Available: <http://www.cawater-info.net/news/11-2010/22.htm> (Accessed: 10.12.2016).
- Zhigarev S (2010) «Stroitel'stvo GES na transgranichnykh vodotokakh Sredney Azii: problemy i riski». Materialy mezhdunarodnoy konferentsii «Transgranichnye ekologicheskie problemy Sredney Azii: primeneniye mezhdunarodnykh pravovykh mekhanizmov dlya ikh resheniya» 16-17 nov. 2010. – Tashkent, 2010. – p.31-33.
- (2010) Uzbekiston Respublikasi Prezidenti I.Karimovning BMT sammiti Ming yillik rivozhlanish maksadlariga barishlangan yalpi mazhlisdagi nutqi. “Adolat”. 2010, 24 sept.
- (2009) EUCAM EU-Central Asia Monitoring. December 2009. N 12. Anna Matveeva. Tajikistan: Revolutionary Situation or a Resilient State. Available: <http://www.eucentralasia.eu/publications/policy-briefs.html> (Accessed: 10.12.2016).
- (2002) Vseobshchaya deklaratsiya prav cheloveka (stat'ya 25); .Mezhdunarodnyy pakt ob ekonomicheskikh, sotsial'nykh i kul'turnykh pravakh (stat'ya 11 i 12) / Prava cheloveka: Sbornik mezhdunarodnykh dokumentov. Khel'sinskiy fond po pravam cheloveka. – Varshava, 2002. – p.85, 111.
- Trilling D (2016) Tajikistan: Rogun Dam a Hot Topic as Tajiks Make It Through Another Winter of Shortages.
- (2016) Available: <http://www.eurasianet.org/departments/insight/articles/eav031309f.shtml> (Accessed: 10.12.2016).
- (2012) SShA prizyvayut Tadjikistan ne predprinimat' deystviy poka ne zakonchatsya issledovaniya VB po Rogunskoy GES: CA-NEWS, 31.01.2012. Available: <http://www.cawater-info.net/news/01-2012/31.htm> (Accessed: 10.12.2016).
- (2016) Available: <http://www.eucentralasia.eu/publications/policy-briefs.html> (Accessed: 10.12.2016).
- Eshchanov B, Mona Grinwish, et al. (2016) Rogun Dam – Path to Energy Independence or Security Threat. Available: www.mdpi.com/journal/sustainability (Accessed: 10.12.2016).
- Karimov IA (2008) Mamlakatni modernizatsiya kilish va iktisodietimizni barkaror rivozhlantirish yulida. – T. 16. Uzbekiston, 2008. – 284-285 p.
- (2010) “Khalk syzi”, 2010 yil, 19 mart. 54-son (4959). 1 p.

