

Water agreements in Central Asia and their impact on human rights

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Summary

The right to water is expected to become crucial human right in 21th century. Its importance is going to be especially important in areas of the world lacking with water resources, such as Central Asia. The importance of the right to water is well recognized in Central Asia since the USSR. After the USSR dissolution, the water issue became the most important topic in that area due to the fact that the water resources are unequally distributed. Central Asian states decided to resolve this through several agreements aimed at the creation of specific legal framework for water cooperation in Central Asia. Today, water cooperation is in the hands of Interstate Commission for Water coordination, intergovernmental body dealing with water distribution, but lately also with the protection of water resources. This legal instruments have had huge impact on human rights in this area. First of all, this is the crucial element for states to ensure water rights to their people. Also, it affects the ecological and economic rights. But, the most area of impact is the interstate relations. This agreements presents key for good cooperation among this states, with the possibility to enhance this cooperation.

Keywords: water, Central Asia, human rights, interstate cooperation, legal framework

1. INTRODUCTION

Water is the essence of life. Safe drinking water and sanitation are indispensable to sustain life and health, and fundamental to the dignity of all. In less developed countries, water is crucial for developing agriculture, and by that, enabling the economic growth and reducing poverty.

The purpose of this essay is to present the importance of water agreements in Central Asia¹ and their impact on human rights, especially on water rights, economy and ecological rights and in a broader perspective, their impact on the relations between countries with remark to possible water conflicts.

¹ Central Asia consists of 5 independent states: the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Uzbekistan, the Republic of Tajikistan and Turkmenistan.

The Central Asia Region is fed by two rivers, the Amu Darya and the Syr Darya, forming the Aral Sea Basin. Because of that fact, this region does suffice with drinking water. The problem is not in the quantity of water, rather in the allocation of it. Water agreements between Central Asian states were necessity after the dissolution of USSR. Furthermore, several organizational structures were created by those agreements and the most important is Interstate Commission for Water Coordination of Central Asia.

This essay is divided into several minor subsections and it will present the most important water agreements between Central Asian states, with a remark on contracting parties, purpose of the agreement and special features. The aim is to present the development of water cooperation in this region. Therefore, the paper is going to present the water status in Central Asian countries and the accessibility of water to the nations of Central Asia, as an introduction to the part of the essay concerning the relations between the water agreements and human rights mentioned above. Although, at the first sight there is no special connection, this essay will present how the water agreements impacted lives of Central Asian nations and show why these agreements are crucial for peace in Central Asia.

2. WATER AGREEMENTS IN CENTRAL ASIA

Central Asia has had a long history regarding evolving water rights issues. Before the Soviet era, until about the early 1920s, the water rights in Central Asia were mainly based on *sharia* or Islamic law, which meant equal water rights for every human being. People of Central Asia used to be nomadic so the water distribution was not a problem in that time. But, when urbanization intensified and when the industry of some of the Central Asian countries started growing, water issues became more and more important. The Central Asian water-usage system was developed year by year, influenced by many different factors, such as economic development, democratic transition and the awareness that water agreements are crucial for regional cooperation.

2.1. Soviet control of water in Central Asia

During the Soviet era water rights seemed to be more a technical than a legal term. Annual and seasonal water use plans seemed to turn into a guarantee of water rights. Technical improvements to infrastructure together with strict water discipline led to improvements in equity of water supplies. However, the creation of collective and state farms dispersed again the right of common people for receiving water for their needs. Attention and priority was given to delivering water to those large production units, kolkhozes and sovkhozes. For a long time, until the mid 1980s the water rights of small water users were practically ignored. The problem with the Soviet model of water allocation in Central Asia was that it favored down-stream countries at the expense of up-stream countries. In practice, USSR government tried to make fair deal between countries by exchange of resources. For instance, water-rich states (Kyrgyzstan and Tajikistan) supplied states with more developed agriculture and industry (Kazakhstan, Uzbekistan and Turkmenistan). Those states, in exchange, supplied Kyrgyzstan and Tajikistan with electricity, gas and coal. Furthermore, Soviet model of water allocation in Central Asia, as any other part of the state economy, was centralized, which meant that the State covered all costs, such as maintenance of dams, reservoirs and irrigation system.

2.2. Post-independence water management

After the USSR dissolution, there were several severe disputes over water management due to the enormous costs of maintenance of reservoirs and dams. Reservoirs and

dams are located in the up-stream states, and therefore their financial obligation. Tajikistan and Kyrgyzstan could not bear the costs because of their poor financial status and lack of interest. On the other hand, this infrastructure mostly benefits down-stream states. The clash of interest between up-stream and down-stream states created a perfect opportunity for developing Central Asian water-usage system. The main idea of down-stream states was to reintroduce the system of Soviet allocation quotas. Up-stream states tried to use their negotiating position so they proposed, but the payment system which would benefit their financial system rather than the exchange of goods as it used to be. Between this conflict of interests, there were also several other factors that contributed to the present water usage system in this area, such as the tendentious of up-stream states to expand their agricultural resources by irrigation and their industrial capacities through electricity from hydropower production. Another major factor was lack of goods by the down-stream states. Subsequently, that caused major insecurities in Central Asia in 1991. On that behalf, Central Asian states decided that they had to develop water usage strategy fast, before the possible escalation of violence.

2.3. Agreement on cooperation in joint management, use and protection of water resources of inter-state sources (Almaty agreement, 1992)

Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan signed an agreement regulating water allocation in the region at the 1992 Almaty meeting, which left the existing water quotas largely intact despite the emergence of new national boundaries and new regional challenges. The Agreement outlined the main principles, which corresponded to international practice, among others: equality of rights to use and responsibility of the State for transboundary water resources²; obligation to respect the agreed procedure and rules for the use and protection of transboundary water resources³; obligation to avoid actions that would affect the interests of other Parties and would be able to harm them⁴, etc. The fact that the adoption of the Agreement followed immediately after the collapse of the Soviet Union explains its strengths and weaknesses. There are several shortcomings of the Agreement, such as: no clear definition of the territory domain of Agreement, no provisions regarding access to information on status of water resources, etc. But, these legal defects should be put a side, and the account must be taken of the fact that the Agreement was just a mechanism for maintaining the ex-Soviet system.

2.3.1. The Interstate Commission for Water Coordination (ICWC)

The main purpose of the Agreement was to create a legal framework for regional water cooperation through joint management of water distribution. This was achieved through the art.7 of the agreement, which stated: *“The Parties decided to establish on a parity basis Interstate Commission for Water Coordination to deal with the issues related to regulation, rational use and protection of water resources from interstate sources, which would be comprised of the heads of water agencies to meet quarterly and as the occasion requires—on the Parties’ initiative.”* The Interstate Commission for Water Coordination is a parity collective body of Central Asian States acting on the basis of equity, equality and consensus. According to the Decision by the Heads of State of March 23, 1993, ICWC

² Agreement on cooperation in joint management, use and protection of water resources of inter-state sources (Almaty agreement, 1992), art 2.

³ Ibid, art. 3

⁴ Ibid, art 4.

was included in the International Fund for saving the Aral Sea (IFAS) and has the status of an international organization.⁵ ICWC is authorized to determine water policy in the region, to elaborate key directions, taking into account all economic branches needs, integrated and rational use of water resources, and long-term regional water supply program and measures for implementation and to elaborate and approve annually water consumption quotas for each republic and the region as a whole.⁶ It is important to mention that decisions of ICWC regarding compliance with established water quotas, rational water use and protection are mandatory for all water consumers and users. Meetings of ICWS are held quarterly, chaired by the countries on rotational basis. All decisions are taken unanimously and they are obligatory for each country. Each member has the right of veto.⁷

2.4. Agreement on joint action to address the problem of the Aral Sea and surrounding areas, environmental improvement and ensuring socio-economic development of the Aral Sea region (1993)

Republic of Kazakhstan, Republic of Kyrgyzstan, Republic of Tajikistan, Turkmenistan, and Republic of Uzbekistan made a step further with this Agreement establishing joint Central Asian water-usage mechanism through developing the Interstate Council for the Aral Sea basin and the Commission on the Socio-Economic development, Scientific, Technic and Environmental cooperation, and by subordinating ICWC to the new organization. Contracting parties recognized as common objectives: ensuring rational usage of the limited land and water resources of the Aral Sea basin in order to ensure the necessary social and economic development and well-being of their people; maintaining the required water quality in the rivers, reservoirs, and springs, preventing the release into these bodies industrial and urban waste waters, polluted and mineralized collector and drainage waters; regulating the system and enhancing the discipline of water usage in the basin, and working out the required interstate legal and regulatory acts that will provide for the application, for the region, of unified principles of indemnifying for damages; improving the sanitary and medico-biological living conditions, especially for the sea zone residents, and addressing the urgent problem of a clean drinking water supply for the region; working out and implementing the coordinated social and economic development strategy that would meet the requirements of environmental safety for the people in the region.⁸ Also, The Russian Federation participates in activities of the Interstate Council as an observer, provides required technical and methodological assistance related to the implementation of this Agreement.⁹

2.5. Intergovernmental agreement on the use of water and energy resources in Syrdarya River basin

This agreement was concluded in Bishkek on March 17, 1998, Tajikistan joined in 1999 and Turkmenistan did not sign it. The Agreement underlined a coordinated order of water

⁵ Overview of regional transboundary water agreements, institutions and relevant legal policy activities in Central Asia; paragraph 3.4.1, page 5.

⁶ Agreement on cooperation in joint management, use and protection of water resources of inter-state sources (Almaty agreement, 1992), art. 8.

⁷ Overview of regional transboundary water agreements, institutions and relevant legal policy activities in Central Asia; paragraph 3.4.2, page 5.

⁸ Agreement on joint action to address the problem of the Aral Sea and surrounding areas, environmental improvement and ensuring socio-economic development of the Aral Sea region (1993), art.1.

⁹ Overview of regional transboundary water agreements, institutions and relevant legal policy activities in Central Asia; paragraph 3.3, page 4.

and energy resources use in the Syr Darya River basin, which is a prerequisite for further social-economic development of the countries and human welfare. Although technical in nature, it concerns the most significant conflict of interest, water and energy exchange between Contract parties. It does not contain positive principles, such as cooperation and good neighborliness, or, for instance, the obligation to comply with the agreed procedure for water use.

2.6. Framework Convention for the Protection of the Environment for Sustainable Development in Central Asia (2006)

The Convention provides the legal basis for long-term cooperation between Central Asian States on a wide range of issues: from the protection of air quality and biodiversity to water conservation and sustainable use of water resources. At the same time, objectives of the Convention are to be achieved through a combination of national measures and relevant regional projects and other bilateral and multilateral schemes and mechanisms for cooperation. The Convention established an independent institutional mechanism, a periodical Conference of the Parties and a permanent Secretariat, headed by the Executive Secretary, as well as other subsidiary bodies. It also provides for the establishment of a separate financial body in charge of the financial mechanism of the Convention, including collection, management and disbursement of financial resources. The purpose of this Convention is to ensure the effective protection of the environment for sustainable development in Central Asia, including the improvement of ecological environment, rational use of natural resources, as well as reduce and prevent transboundary environmental damage through the harmonization and coordination of environmental policies and actions of the Contracting Parties and by establishing reciprocal rights and responsibilities.¹⁰ In order to achieve the objectives of this Convention and to implement its provisions, the Contracting Parties must cooperate in a spirit of global and regional partnerships; adopt and implement appropriate national policies and actions; integrate the interests of environmental policies, plans and programs of economic and social development; fair and reasonable use of transboundary natural resources; cooperate in the development of protocols to this Convention, prescribing additional measures, procedures and standards for the implementation of the Convention; adopt and implement appropriate measures to improve the ecological situation in the Aral Sea Basin and particularly in the Aral Sea region.¹¹

3. WATER STATUS IN CETRAL ASIA

The Central Asia region covers 3.5 percent of the world's total land area and contains 1.3 percent of its population, but water resources are only about 0.7 percent of the world's TRWR (Total renewable water resources). Despite this fact, the region is reasonably endowed with water (3 320.5 m³/inhabitant/year).¹² Before 1960s, the level of rivers in region was stable, but the Soviet project of irrigation increased water-usage. That led, combined with the growth of the population, to the reduction of natural flow in the basin. Reconstructing long-term time series, the average annual renewable surface water resources in the Aral Sea Basin was estimated at 116 km³, of which 78 km³ in the Amu Darya Basin and 37

¹⁰ The Framework Convention for the Protection of the environment for sustainable development in Central Asia, art. 3.

¹¹ Ibid, art. 5.

¹² Water reports: Review of world water resources by country; Food and agricultural organization of the United nations; Region 8: Central Asia, page 59.

km³ in the Syr Darya Basin in 1980s. For a 20-year return period, the values are 47 km³ for the Amu Darya and 21 km³ for the Syr Darya.¹³

3.1. Water quality in Central Asia

The quality of water in the Central Asian rivers has declined dramatically over the history of large-scale irrigation. Huge amounts of salt, fertilizer herbicides, and pesticides found their way to the rivers as the return flow from the fields. Of 36-40 km³ of total annual return flow, about 50%, or 18-20 km³, bring to rivers about 115 million tons of salt and other harmful components, dramatically deteriorating water quality. In the Amu Darya Basin alone, a total of 84 million tons of salt is discharged into the river, transported with the water used for irrigation of fields. That means, approximately 7.5 million of the 28.9 million people in Uzbekistan and 4.8 million of the 8.05 million in Tajikistan lack adequate access to clean drinking water. Roughly two million of Kyrgyzstan's 5.6 million also lack such access. The World Health Organization notes some growth in "improved access to water" in Central Asia since 1990.¹⁴

3.2. Water supply for households

Although this region is reasonably endowed with water, water supply for domestic and drinking needs remains insufficient, water supplies cover 62-90% of needs in urban areas and 70-76% in rural areas.¹⁵ There are multiple reasons for this state of affairs. First of all, the ex-Soviet system based on the needs of large companies and big farms is still predominant. Just like it used to be in the old days, due to the poor economic status of Central Asian states (only Kazakhstan can be viewed as semi-developed state because of its natural resources), big economic subjects are favored by Central Asian governments and executive bodies. Second factor is the out-dated irrigation infrastructure in Central Asian states, inherited from the USSR. Due to the lack of funds, infrastructure is not developing, and because of that, each year water waste created through the old system is increasing. Today, researches are predicting that 60-80 per cent of water is wasted through out-dated irrigation system. All of this directly impacts water quality, and subsequent water supplies available for households.

4. WATER RIGHTS

The United Nations General Assembly recognized the human right to safe and clean water in 2010.¹⁶ As UN Secretary General Ban Ki-moon has said: "*Safe drinking water and adequate sanitation are crucial for poverty reduction, crucial for sustainable development and crucial for achieving any and every one of the Millennium Development Goals.*" It was recognized that water rights are essential for the full enjoyment of life and all human rights. Since Central Asian states are dominantly rural and peri-urban, there are two potential outcomes from a failure to account for the productive use of water in the design of rural and peri-urban services: (1) a higher than expected water demand may prevent the services from reaching all of the intended users, and cause unplanned stress on the water system, potentially undermining the technical and financial performance of the services,

¹³ Water reports: Review of world water resources by country; Food and agricultural organization of the United nations; Region 8: Central Asia, page 61.

¹⁴ Proportion of population using improved drinking-water sources; WHO.

¹⁵ Environment, water and security in Central Asia; paragraph 37, page 13.

¹⁶ Resolution adopted by the General Assembly on 28 July 2010.

and hence, their long-term sustainability; and (2) the households may have no choice but to reorient their domestic and productive uses of water so they live within the service design parameters.¹⁷

4.1. Legislative Framework in Central Asia

The Constitutions of Kyrgyzstan¹⁸, Tajikistan¹⁹, Uzbekistan²⁰ and Kazakhstan²¹ recognize water resources as exclusive and inalienable property of the State. Although there are differences in legal terms, all constitutional provisions can be summarized as follows: every person has the right to use water within the national borders in accordance with the provisions of each country's legislation, and the government guarantees its effective utilization in the interest of the people. Only Turkmenistan did not recognize water resources as property of the State by the Constitution. To elaborate this, we should focus again on the up-stream and down-stream states in Central Asia. Up-stream states (Kyrgyzstan and Tajikistan) protect water stream as the result of their concern over their natural wealth. It is also notable that these states have Water codes in their national legislation, which establish basic principles in managing water resources in those states.

5. HUMAN RIGHTS AND WATER AGREEMENTS

Central Asia is commonly known as the part of the world where human rights are often breached. There are several major facts that contribute to the breaches (violations) of the human rights, such as authoritarian governments, poverty, climate changes, etc. Kazakhstan heavily restricts freedom of assembly, speech, and religion.²² Discriminatory legislative proposals, including those related to "foreign agents" and "homosexual propaganda", persistent impunity for ill-treatment and torture, and shortcomings in law enforcement and the judiciary undermine and erode democratic progress that Kyrgyzstan has made in recent years.²³ Tajikistan's human rights record deteriorated in 2014, as authorities continued to crack down on the freedom of expression, imprisoned opposition leaders, pressured a leading independent news agency, etc.²⁴ The Turkmen government's abysmal human rights record saw no real improvements in 2014. The president, his relatives, and their associates maintain unlimited control over all aspects of public life. The government thoroughly denies freedoms of association, expression, and religion, and the country is closed to independent scrutiny.²⁵ Uzbekistan's atrocious rights record did not discernibly improve in 2014. Authoritarian President Islam Karimov, who entered his 27th year in power, continued to employ a widespread security apparatus to monitor and crack down on activities of real and perceived opponents. Authorities repress all forms of freedom of expression and do not allow any organized political opposition, independent media, free trade unions, independent civil society organizations, or religious freedom.²⁶

¹⁷ The human right to water: the importance of domestic and productive water rights; Ralp Hall, Barbara van Koppen, Emily von Houwelling.

¹⁸ Constitution of the Kyrgyz Republic, art.4.

¹⁹ Constitution of the Republic of Tajikistan, art.3.

²⁰ Constitution of the Republic of Uzbekistan, art.55.

²¹ Constitution of the Republic of Kazakhstan, art6,par.3.

²² World report 2015; Human rights watch, page 325.

²³ Ibid, page 341.

²⁴ Ibid, page 525.

²⁵ Ibid, page 555.

²⁶ Ibid, 599.

5.1. General considerations

Water agreements are crucial legal instrument for developing regional cooperation in Central Asia. Their importance is more and more recognized as a contributing factor of coexistence in that region. But, water agreements are not important just for inter-state relations, they also have great impact on human rights. They are mechanism for enabling state authorities to ensure water supplies to households, and even more important for the states, to industry and agriculture. The impact of water agreements can be viewed through three sections, the right to water, economic and ecological rights and in broader view, right to peaceful life.

5.2. Water agreements and water rights

It is obvious that water agreements are crucial in ensuring water supplies for households in Central Asia, especially in down-stream states. Nonetheless, we have to point out that, although this region is well-endowed with water, there are approximately 20 to 30 per cent of people incapable of ensuring enough water for everyday needs. This can be explained by the history of water cooperation between states in this region. Since 1920s, when the USSR and their legal framework took control over water resources, there was no more place for Islamic law, which guaranteed equal water supplies to all people. The Soviet system was based on the needs of the big cotton farms. That did not present any problem when there was a small number of big farms, and even more, when there were no industrial facilities. When industrial revolution took place in the 1960s and 1970s, water resources became more and more important in this region. Industrial needs, combined with those of big farms, were in the focus of Moscow. After the dissolution of the USSR, ex-Soviet system was replaced with water agreements, but they were mainly based on Soviet quotas, which were in accordance with industrial needs, but not in accordance with the needs of citizens. Central Asian states protect human right to clean water in their constitutional provisions. It is stated that water resources are in the domain of the state, but the state shall guarantee equal amount of water to every person. It is also notable that water agreements, through their development, paid more and more attention to the needs of the households. It is to be seen whether a better protection of citizens' right to water will be provided or the industrial needs will prevail.

5.3. Water agreements and economic and ecological rights

In development of the water agreements from 1990s, it is clear that their main purpose was to distribute water supplies between states, and by that mechanism to ensure the development of industrial facilities. Also, the Soviet exchange system was replaced with monetary system of fair trade deals between states. That was crucial for ensuring the right to private property and the right to form and join trade unions, etc, which are protected by constitutional provisions in Central Asian states. But, we must take into account that obligation of the state to ensure the right to work was directly impacted with water agreements. That is, when one of the Central Asian states would negotiate over water quotas, they would take into account the needs of the agriculture and industry. By that, they were ensuring citizens working places, and even more, they were ensuring survival of the people in rural areas. If there were no water agreements, the down-stream states would have to shut-down their industrial facilities, and up-stream states would be in huge problems due to lack of natural goods, such as coal, gas, and electricity. Complex mechanism of water distribution in this area is the sole guarantee of the economic rights because, if there were no water agreements, economic rights would be just a worthless legal norm.

Although all these factors contributed to the development of economic rights, they were crucial for the declining quality of environment in Central Asia, and in addition to, reducing importance of ecological rights. Central Asia is one of the most polluted areas in the world, especially concerning water. The decreasing level and quality of the Aral Basin water has had a variety of consequences. Fishing towns that were on the banks of the sea 20 years ago are now some 30 miles away from it. Fishing fleets are stranded, Central Asian fishermen unemployed. An increasing number of Central Asian farmers also found themselves out of work as the desert encroaches on lands devoted to cotton and rice. Water quality is declining due to the industrial pollution. All of this emerged in the 1990s and 2000s and it was soon recognized as one of the barriers in regional cooperation. The above mentioned Framework Convention for the Protection of the Environment for Sustainable Development in Central Asia is the basis for developing sustainable water-usage system through inter-governmental cooperation and even more, by the introduction of regional executive bodies which are established to ensure that Central Asian states abide by the obligations they signed.

5.4. Water conflicts in Central Asia and their impact on right to live in peace

Peace is crucial in enabling all other human rights. The state of peace is beneficial for all individuals. *Strictu sensu*, peace is the opposite of war or riot. But, peace is much more than that, it means cooperation between states and by that, it paves the way for the self-realization of individual. Water agreements are crucial instrument in preventing water conflicts in Central Asia. Water was, and still is a stumbling block in the regional cooperation. But, it is impossible to imagine peace between Central Asian states without water agreements. In 1991, there were huge tensions between states on the water issue, since there were no more legal obligation of the up-stream states to ensure enough water to down-stream states. This had to be solved quickly through regional agreements on water-usage. Water agreements fulfilled their mission, they are guarantee of the regional stability. But, their shortcomings are becoming more and more evident and they need to be improved so that they can become even stronger guarantee of permeant peace in region. States are ensuring enough space for the democratic progress and human rights protection, which are still fragile and questionable in many ways, throughout this agreements. NGOs and human rights activists are also noticing their importance and they are endorsing it as peace-contributing factor in region.

6. CONCLUSION

Central Asia is one of the world's oldest irrigated regions, its history going back for thousands of years. In the early 20th century Central Asians had a clear set of the rules for water distribution, recognized by the landowners. Each landowner had certain rights on water, mainly based on the size of the land. According to the Islamic law, water cannot be a private good and all infrastructure was owned by the public. After 1920s, the USSR started governing over water resources through a system of quotas based on the needs of the big farms. Since the mid-1960s in Central Asia water distribution approach has been based on water use plans, applying regulated normative principles as pattern for water distribution. That kind of water-usage regulation was carried out even after the dissolution of USSR. First water agreements signed between independent states in 1990s in Central Asia tried to solve water conflicts quickly. They were, in the legal perspective, simple and often just declaratory, with no possibility of sanctions for the breach of the contracting terms. As time passed, each agreement brought new elements to the water system, but,

furthermore, they started to pay attention to the environment. Today, water agreements are the basis of the cooperation in Central Asia. Water status in Central Asia is not in a good prospective. Every year, amount of water, and also the quality of it, are declining. There are multiple reasons for that, but main are industrial pollution of rivers and the growth of the population. All these affects human rights in Central Asia in many ways, but mainly through tree analyzed sections. Generally, these agreements provide the states with amount of water necessary to ensure citizens water rights to be protected, at least on the paper. But, amount and quality of water are often not satisfying, and consequently, the quality of life in Central Asia is not on the appropriate level. Second major domain of impact is effect on the economic and ecological rights. These two are in conflict in this region. Economic rights are guaranteed through water supply for industry and agriculture. But, these industries produce huge amount of pollution, which directly affects water sources in Central Asia. The last domain of impact can be viewed in a manner of inter-state relations, which are the main field of safeguarding that there will be no war conflicts concerning water. Subsequently, by water agreements, states are ensuring that people's right to live in peace will be protected. Water agreements are crucial for socio-economical development of this region, and as a result these agreements are one of the leading factors in democratic transition in this region. As the water status improves, human rights mentioned in this essay will be more and more protected. Central Asian states must find optimal solution for improvement of the water-usage system, not only because of the improvement of their nations, but also, they have to bear in mind the good of all Central Asian people.

Ugovori o raspolaganju vodenim resursima u središnjoj Aziji i njihov utjecaj na ljudska prava

Sažetak

Pravo na čistu i pitku vodu postat će najvažnije ljudsko pravo u 21. stoljeću. Njegova važnost će posebice biti istaknuta u dijelovima svijeta u kojima je već sad zamijećen manjak vodenih resursa, poput središnje Azije. Važnost prava na vodu je prepoznata u tom dijelu svijeta već od stvaranja SSSR-a, a posebice nakon njegova raspada kada je to postalo najvažnija tema u tom dijelu svijeta zbog nejednolike distribucije vodenih resursa. Države središnje Azije su odlučile riješiti ovaj problem pomoću više sporazuma koji predstavljaju specifičan pravni okvir za suradnju u pitanjima distribucije vode. Danas je ta suradnja osigurana kroz Međudržavnu komisiju za koordinaciju vodenim resursima, međuvladinim tijelom koje se bavi distribucijom, ali od nedavno i zaštitom vodenih resursa. Ovi pravni instrumenti imali su veliki utjecaj na ljudska prava u toj regiji. Prije svega, ono predstavlja ključni element u mogućnostima države da osiguraju dovoljno vode za potrebe svog stanovništva. Također, utječe na ekonomska i ekološka prava. Ali, najveći utjecaj zamijećen je u međudržavnim odnosima. Ovaj sporazum predstavlja ključ za suradnju između država središnje Azije, a isto tako i mogućnost za produblivanje tih odnosa.

Ključne riječi: voda, središnja Azija, ljudska prava, međudržavna suradnja, pravni okviri