

## **The usefulness of environmental water conventions for the CAR**

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Despite efforts spanning almost 50 years of discussions in various fora the community of nations has not been able to agree on a single document that regulates the management, use and protection of waters that traverse national boundaries. While the ILA in its epic works of Helsinki, Seoul and Berlin has developed principles of equitable and reasonable use, prevention of harm, notification and consultation and applied these to international waters, the 1997 UN Convention which was an attempt to formalize the Helsinki Rules, has, and most likely will, not enter into force. The reason is that the limited number of transboundary river basins does not allow rule making that can be acceptable to all. The practical solution will therefore continue to be the conclusion of specific agreements based on the unique circumstances of each river and basin, broadly drawing upon the Helsinki principles.

While the discussions on the drafting of a global convention on international waters took place, regional efforts focusing on the environmental protection of water resources developed. On the European continent these efforts found their expression both in the 1992 UNECE Convention on the Protection of Transboundary Water Resources as well in the EU Water Framework Directive.<sup>1</sup> These instruments regulate the protection of the aquatic environment rather than the use of the waters. Water resource protection is carried out through the formulation of rules that require each nation to clean up its waters and thereby improving the aquatic environment in a region as a whole.

This paper argues that while a global water use convention may not materialize transboundary water management will benefit from multilateral environmental conventions, especially in those regions of the world where environmental management is under development. The environmental conventions do not touch upon the difficult questions of allocating water resources, but focus on the protection thereof. Since these Conventions are regional in nature it is a joint regional effort in protecting water resources.

The application of the regional conventions to Central Asia is useful if done by all countries, if sufficient funds are allotted thereto by the countries and if, in parallel, the transboundary water use issues are resolved among them.

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<sup>1</sup> The protection of the aquatic environment appears also in the ILA documents as well as in the UN Convention. It contains however only very general principles.