

Water Diplomacy

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Topics of Discussion

Water diplomacy, transboundary surface waters, Caspian Sea basin, Caspian Sea level, Caspian Sea oscillation

Introduction

This document summarizes a roundtable discussion organized by the Institute for Development and Diplomacy at ADA University on 18 December 2023, with introductory remarks provided by IDD Research Fellow Nazrin Baghirova. Participants included high-level representatives from the Ministry of Ecology and Natural Resource, the Ministry of Agriculture, the Water Resources Agency, the World Bank, the Port of Baku, the Academy of Public Administration under the President of the Republic of Azerbaijan, Azerbaijan State Oil and Industry University, geologists, water irrigation experts, Temiz Sheher Joint Open Stock Company, and Azersu Joint open Stock Company.

The Current Situation

The event aimed to share research findings, discuss the legal framework, and engage in a practical discussion about the problems and effects of the fluctuation of the level of the Caspian Sea with such stakeholders as policymakers, private entities, and international and local development organizations.

Aliagha Azizov, a Senior Water Management Advisor at the Azerbaijan State Water Resources Agency, shared his research on “water diplomacy” conducted at the Delft Institute for Water Education (the largest international graduate water education

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facility in the world), located in the Netherlands. Azizov introduced the concept of water diplomacy and the legal mechanisms through which transboundary and internal water resources can be effectively managed, including the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (1992) (UNECE), the Convention on the Law of the Nonnavigational Uses of International Watercourses (1997) (UN Watercourses Conventions), and the non-legally binding Draft Articles on the Law of Transboundary Aquifers, which had been submitted by the International Law Commission in 2008. He informed the audience that water diplomacy, as a tool for the peaceful and effective management of water resources, holds great significance due to the Netherlands' unique geographical location and reliance on transboundary water resources. The country faces challenges related to water scarcity, pollution, and the equitable sharing of transboundary rivers.

Lessons can be drawn in water diplomacy in an issue that becomes vital for Azerbaijan, Azizov added, because it provides a framework for engaging in dialogue, negotiations, and cooperation with upstream and downstream countries that share the same water resources. By adopting a diplomatic approach, Azerbaijan can work towards ensuring water security, preventing conflicts, and fostering regional collaboration. Through water diplomacy, Azerbaijan can establish agreements and mechanisms to manage shared water resources effectively. This includes promoting sustainable water use, implementing conservation measures, and addressing issues such as pollution and climate change impacts. By actively engaging in water diplomacy—i.e., by nurturing dialogue, cooperation, and assistance with neighboring countries—just like many other countries, Azerbaijan can enhance its water management policies and practices and protect its ecosystems. This will also contribute to ensuring water availability for its population, regional economic development, and stability, as well as help to build trust with its neighbors and contribute to the peaceful resolution of disputes.

Azizov's remarks paved the way for a discussion on the emerging problems of the drop of the Caspian Sea level (CSL), which is approaching close to the lowest record of minus 29 meters median sea level (msl), as registered in 1977. IDD's Nazrin Baghirova shared the outcome of her interview with Shamil Huseynov, Legal Expert for Environmental Law at the Parliament of Azerbaijan. He mentioned that for the last 3,000 years, the CSL has been fluctuating within a variation of 15 meters. According to his observations, the highest level of the CSL was in 1837, when it stood at about 25.2m msl. In 1978-1995, the CSL increased by 2.5m.

Participants were also informed about the 2017 findings presented by the Advancing Earth and Space Sciences (AGU), which indicate that the latest CSL's decreasing trend of 7cm annually began back in 1996, reaching a total of 1.5m in 2015. Numerous sources have now spoken alarmingly of a regional environmental crisis due to a sharp decrease in CSL, with several even predicting the CSL is likely to drop 9-18m by the end of the twenty-first century, following a steady annual drop of 6-7cm, resulting in the disappearance of the Northern Caspian Sea.

The several causes affecting the CSL were presented and discussed, including water evaporation, not enough refill of the Caspian's waters, the building of dams in the rivers irrigating the Caspian, strong winds evaporating the Caspian waters, tectonic plate movement, and the exploitation of hydrocarbons (oil and gas). It was brought to the attention of the audience that irrespective of the causes, due to the Caspian Sea's characteristics, the Northern part will be initially—and drastically—felt in Kazakhstan and Russia before eventually being felt by the other three Caspian states.

Impacts of CSL Oscillation

CSL fluctuation will have a significant impact on the environment, the socio-economic mosaic, and regional (and local) geopolitics. On various CSL implications, including international legal and political, Rodrigo Labardini recalled that the Convention on the Legal Status of the Caspian Sea (CLSCS)—not yet ratified by Iran—made a strenuous effort not to legally define the Caspian Sea as a sea or a lake, while providing that it is the body of water identified in three charts in Saint Petersburg. CLSCS established the first legal regime for this body of water that had been mutually-agreed by all its five riparian States. According to CLSCS, each of them has full jurisdiction over 15 nautical miles of “territorial waters,” plus an additional 10 nautical miles of “fishery zones” where they may harvest aquatic biological resources. The rest of the body of water is considered a “common maritime space.” However, said three zones of the Caspian Sea are based on “normal baselines” at 28m below msl. With the desiccation of the Caspian Sea, will borders change, when oil and gas deposits may become physically closer to the “original” shore and baseline?

With the Caspian Sea—a significantly growing geographical point in the Silk Road region—the CSL implications will presumably encompass navigation issues, the exploitation of Caspian biological and subsoil resources, and transport corridors.

Labardini also alluded to benefits from international best practices and experiences on transboundary resources. He referred to the 1944 Mexico-U.S. Water Treaty and Mexico-U.S. negotiations under the International Border and Water Commission (IBWC) whereby both countries have managed wet and dry periods in the Colorado, Tijuana, and Grande rivers vying to attend to all the water needs of their respective populations, including drinking, agriculture, industry, population growth, and environment and subsoil ecology.

Recommendations

One, considering the impacts of climate change on the environment and the economy, and also on peace processes, one more platform for collaboration could be the joint drafting of National Adaptation Plans (NAP) to climate change. Although this process is usually led by a state itself, impacts of climate change are transboundary, thus

harmonized transboundary adaptation plans between neighbor states assessing the risks and suggesting joint steps would be a form of peacebuilding.

Two, set up a working group for developing joint approaches in national and international norms and water management principles, taking into account the EU Water Framework Directive and other sources.

Three, establish a regular discussion platform under the auspices of IDD where key stakeholders could gather to discuss the cause, problem, effects, and possible management of CSL decrease.

This last has already been implemented. IFF plans to host “Water Diplomacy” roundtables on the third Tuesday of every month, holidays excepted.