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HANDBOOK ESTABLISHMENT AND OPERATION OF SMALL RIVER BASIN COUNCILS IN CENTRAL ASIA AND AFGHANISTAN

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REVIEW

OF THE HANDBOOK: ESTABLISHMENT AND OPERATION OF SMALL RIVER BASIN COUNCILS IN CENTRAL ASIAN AND AFGHANISTAN

Establishment of an effective water management system is key for the future development and sustainability of the social system in Central Asian countries, especially considering the fundamental role water plays in the food and energy security of the entire region. The introduction of Integrated Water Resources Management (IWRM) principles is viewed as one of the ways via which Central Asia can ensure this. In addition, the practical implementation of these principles comprises one of sustainable development objectives (SDG Target 6.5) based on the national commitments within the UN framework.

Ensuring participation of all stakeholders in water management discussions and decision-making at different management system levels is deemed one of the primary IWRM principles. The experience of various regions throughout the world demonstrates that the most sustainable form of stakeholder engagement in management processes manifests itself in the establishment of specialized institutes allowing to formalize, streamline and ensure transparency of decision

making. Creation of Basin Councils (BCs) has proved itself as one of the most effective corresponding solutions.

This Handbook consistently describes the full process of establishing basin councils from the moment of initiation to the emergence of a sustainable framework. It pays special attention to small basin councils (SBCs). This fact determines the significance of this paper, since in certain Central Asian countries the process of creating basin institutes begins exactly with SBC establishment. The Handbook details each phase of the institute's creation, thus, allowing specialists to utilize various methods already tested in real life, including the most complicated process of stakeholder engagement. The paper also comprises the necessary review of the legal frameworks for BC establishment in each of the countries of the region. Likewise, the specifics of creating basin councils in the countries concerned as well as various opportunities for ensuring the financing of SBC operations receive a thorough review. This consistent description of SBC establishment creates a holistic picture of

the whole process, as well as allows developing the full BC life cycle, including its institutional and financial sustainability.

For experts involved in basin council establishment, the Handbook will become a comprehensive guide through all the steps along the way, each of which has already underwent practical testing and application in different countries of the region. Focusing on the establishment and operation of small basin

councils – which are, most certainly, associated with certain peculiarities – makes this Handbook unique. The close focus on SBC creation on transboundary rivers and initiation of joint actions, potentially on different sides of a border but within the same river watershed, is of particular interest. Overall, this is a rather interesting and robust account of proven methods which will certainly be solicited in the future by water management specialists in all Central Asian states and Afghanistan.

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REVIEW

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Since the moment the corresponding countries have gained independence, water management in the Central Asian Region has undergone a whole array of changes associated not only with institutional frameworks but also application of different water management models.

The Integrated Water Resources Management (IWRM) principles have become one of such models undergoing introduction in Central Asian countries. IWRM principles also contribute to the achievement of the Sustainable Development Goals (SDGs), in particular Goal 6 (Targets 6.5 and 6.B), to which all Central Asian countries and Afghanistan have committed themselves.

Despite the fact that the countries in question have endorsed the IWRM principles on the legislative level, their practical application in each country has been progressing with varying pace, and a uniform understanding of how to mainstream IWRM in daily water management practices is still lacking. Establishment of an institutional framework for putting these principles into service is the first step towards

their fully fledged implementation. This Handbook presents the complete schedule of establishing and operating basin councils under different institutional conditions and existing laws of each target country.

The handbook's logical structure builds on the experiences of the Regional Environmental Centre for Central Asia (CAREC) over the past 8 years. It will be useful both for water-management decision makers working in the region, as well as to all stakeholders willing and capable of participating in this process. In addition, the handbook can likewise be instrumental to business entities giving them a clearer understanding of how they can become a party to the process which, in its own turn, may lead to the emergence of water-management public-private partnerships (PPPs).

Although the Handbook focuses on small watersheds, the same principles equally suit the process of establishing basin councils on larger rivers. Likewise, the experience of transboundary cooperation between SBCs, as

well as different relationship schemes between small and large councils – also reflected herein – may serve foundation for more systemic changes in inter-country collaborations on shared WRM.

Summarizing, I believe this paper is a great piece of analytical work, the findings of which can be highly useful in enhancing water resources management in the countries of the region.

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FOREWORD

Integrated Water Resources Management (IWRM) constitutes one of the priority approaches to sustainable and effective management of natural resources. The implementation of IWRM principles is a long-term process of enhancing decision-making at all management tiers. IWRM principles are incorporated in the Sustainable Development Goals (SDGs) as one of the objectives (Target 6.5)¹. All Central Asian (CA) countries and Afghanistan have committed themselves to achieving SDGs, in particular, Goal 6 and Target 6.5.

The involvement of all key stakeholders involved in water resources management, including representatives of different water uses, and the availability of an effective coordination mechanism among all of them through the establishment of basin councils (BCs) or coordination groups represents the pivotal element of IWRM. This approach constitutes a core IWRM principle and allows clear steering and coherence at all levels of the management hierarchy.

Though to a varying degree and unfolding at a different rate, the process of establishing basin councils is taking place in all Central Asian states (CAS). In Kazakhstan, BC creation in all major river watersheds has been launched in 2005,

and at the moment all 8 main hydrographic basins in the country have them. Kyrgyzstan's Water Code (adopted in 2006) stipulates for the establishment of basin councils, but the process is still underway. In Afghanistan, Turkmenistan and Tajikistan, the corresponding changes to water legislation were introduced in 2009, 2016 and 2020, respectively. Uzbekistan is still reviewing the pertaining legal amendments.

It is possible to establish basin councils at different levels of water management, ranging from irrigation canals and small rivers to large inter-state catchments.

Some Central Asian countries have already established basin councils in major river watersheds governed by their national water codes. On small rivers and canals, so far such institutes have been created only under projects sponsored by international development partners. Since 2012, the efforts on establishing small basin councils (SBCs) on small transboundary rivers by the Regional Environmental Centre for Central Asia (CAREC) have proved them instrumental in territory development and mitigation of water-related conflicts.

This Handbook is a methodological paper suited for application in different countries

¹ SDG 6.5: By 2030, implement integrated water resources management at all levels, including through trans-boundary cooperation as appropriate <https://www.un.org/sustainabledevelopment/ru/water-and-sanitation/>

and at different levels of basin hierarchy, both nationwide and locally – in a separate small river basin or sub-basin. The Handbook stems from the analyses of global practices, the experiences of establishing basin councils on major rivers in Central Asia, as well as practical expertise of working in small transboundary watersheds. Along with theoretical materials, the Handbook comprises a wide spectrum of practical tools to assist in creating BCs on small rivers and canals. As its annexes, the Handbook includes examples of documents regulating BC establishment and operations, including basin agreements, as well as cases of BC composition in different countries. The Handbook renders special attention to the creation and functioning of basin councils in river basins and sub-basins, both from the national prospective and considering transboundary settings. The Handbook is intended for planners, basin council members, water user representatives, as well as anyone interested in this topic.

This Handbook supplements the Basin Planning

Handbook developed in 2014 within the framework of the European Union “Support to Water Management and Basin Organizations in Central Asia” (WMBOCA) Project under the “Transboundary Water Management in CA Programme” implemented by the German Society for International Co-operation (GIZ) in partnership with the Regional Environmental Centre for Central Asia.

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GLOSSARY

WATER USER ASSOCIATION (WUA)	- an organization whose members share resources and obligations for servicing, operating and monitoring a joint irrigational system.
BASIN (RIVER BASIN (WATERSHED))	- a river catchment area limited by its hydrographic boundaries.
BASIN PLANNING	- process of developing basin plans implemented on basin level for effective water resources management.
BASIN AGREEMENT	- an agreement signed by basin inspections, local executive authorities of provinces (including cities of national status, capitals) and other entities located within a water body basin with the aim of joining and coordinating interventions, as well as taking measures to rehabilitate and protect water bodies.
BASIN ORGANIZATION	- an organization uniting several agencies required for basin-level water management.
BASIN COUNCIL	- a consultative and advisory body comprising main river basin stakeholders; basin council members may represent various water management agencies and water use sectors, local authorities and communities, etc
LARGE BASIN COUNCIL	- a basin council established in a large river basin.
LARGE RIVER BASIN	- a basin with complete river channel water discharge exceeding 100 m ³ /s (conditional basin stratification used by CAREC within its projects)
UBLIN PRINCIPLES OR IWRM PRINCIPLE	- four main principles guiding in-country implementation of IWRM principles.

STAKEHOLDER	- a legal or natural person related to water use directly or indirectly
INTEGRATED WATER RESOURCES MANAGEMENT (IWRM)	- water resources management when all types of water use are considered together, and decisions are made jointly.
SMALL BASIN COUNCIL	- a basin council established in a small river basin
SMALL RIVER BASIN	- a basin with complete river channel water discharge up to 20 m ³ /s; such basin can be either independent or a part of a medium or large basin (conditional basin stratification used by CAREC within its projects).
MULTISECTOR COORDINATION	- a coordination mechanism among different economic sectors for achieving shared targets.
INFORMAL INSTITUTE	- non-formalized social relationships among stakeholders established and applied outside official rules.
MEDIUM RIVER BASIN	- a basin with complete river channel water discharge of 20-100 m ³ /s; such basin can be either independent or a part of large basin (conditional basin stratification used by CAREC within its projects).
TRANSBOUNDARY RIVER BASIN	- a river basin occupying the territory of two or more countries.
FINANCIAL INSTRUMENT(S)	- monetary and non-monetary (joint work, in-kind contribution) means of implementing measures on water resources management, use and protection.
HASHAR (ASHAR)	- voluntary collective public work.
WATER RESOURCES MANAGEMENT	- a decision-making process on water resources allocation, use and protection related to all types of use.

TABLE OF ACRONYMS AND ABBREVIATIONS

ASBC	- Aral-Syrdarya Basin Council
BABC	- Balkhash-Alakol Basin Council
BC	- Basin council
BISA	- Basin irrigation systems administration
BWMA	- Basin water management administration
CA	- Central Asia
CAR	- Central Asian Region
CAREC	- Regional Environmental Centre for Central Asia
CAS	- Central Asian States
ChTWMC	- Chu-Talas Water Management Commission
EU	- European Union
ICWC	- Interstate Commission for Water Coordination
IWRM	- Integrated water resources management
MFA	- Ministry of Foreign Affairs
NWARA	- National Water Affairs Regulation Authority (Afghanistan)
PPP	- Public-private partnership
RLRWRA	- Regional (province) land reclamation and water resources administration
SBC	- Small basin council
sBC	- Sub-basin council
SIRA	- State Irrigation and Reclamation Administration
SWMC	- State Water Management Committee (Turkmenistan)
UN	- United Nations
UNDP	- UN Development Programme
WMO	- Water management organization
WRIUPS	- Water resources integrated use and protection scheme
WRM	- Water resources management
WUA	- Water user association

BACKGROUND

The concept of Integrated Water Resources Management (IWRM) was proposed at the International Conference on Water and the Environment (1992) in Dublin and was included in Agenda XXI at the Rio Conference. Under Agenda XXI, the main aim of IWRM is to meet the freshwater needs of all countries for their sustainable development. IWRM is regarded as a process possessing peculiarities in each separate case.

The participatory approach², i.e. involving all stakeholders – including broad water user groups – in decision-making constitutes one of the core IWRM principles. The actual engagement mechanism should not be limited to consultations, surveys and informing water users (GWP, 2000). In order to maximize stakeholder

participation, institutional frameworks should be established ensuring broad representation, sustainability and long-term nature of decisions.

Since gaining independence, Central Asian countries have embarked on their water sector reforms to some extent associated with stakeholder engagement mechanisms. Broad public participation in decision-making, including by way of public consultations, makes it possible to account for the interests of all water users. Forming the public opinion on the need to preserve water resources and introduce incentives to improve water efficiency and productivity is of great importance. Institution building is one of the tools allowing stakeholder participation in decision-making.

² Dublin Principle No.2: Water development and management should be based on a participatory approach, involving users, planners and policy-makers at all levels (GWP, 2000)

CHAPTER1. BASIN COUNCILS

1.1. Basin organizations

Establishment of an appropriate organizational structure, i.e. basin council – allowing the involvement of a wide range of stakeholders in WRM decision-making, as well as drafting and executing basin plans – constitutes one of the main IWRM principles.

Water demand in the world is constantly growing, and the role of organizations involved in water resources management is increasing every year. The global experience demonstrates a

diversity of institutional frameworks aimed at bringing all stakeholders together to address emerging challenges in water management and distribution. In some cases, these can take form of informal structures with consultative and advisory functions, in others – formal basin organizations authorized to make legally binding decisions. In total, there are approximately 8 distinguished types of basin frameworks of local, national and transboundary status. This chapter reviews basin organizations in transboundary context.

TABLE 1. TYPES OF BASIN INSTITUTIONAL FRAMEWORKS³

TYPE OF BASIN FRAMEWORK	STATUS AND STRUCTURE	SCOPE	EXAMPLES IN CENTRAL ASIA
TYPE 1: Committee	Government officials meeting with established frequency; no formal staff	Consultative and advisory body tasked with reaching compromises on water resources allocation and advising government on decision-making	Not present in CA
TYPE 2: Water management organization/ administration (WMO/WMA)	An authorized body, organization or administration with permanent staff operating at the expense of state budget	Regulates the operations of all water users in the watershed, distributes water resources and monitors their condition. WMO/WMA decisions are binding for national authorities	Basin Inspections (BIs) in Kazakhstan; Basin Water Management Administrations (BWMA) in Kyrgyzstan; provincial (oblast) and zonal reclamation and irrigation administrations (state irrigation and reclamation administrations, SRIAs) in Tajikistan; provincial (oblast) WMOs in Turkmenistan; basin irrigation systems administrations (BISA) in Uzbekistan

³ Prepared based on Hooper, B. (2006). Key performance indicators for river basin management. Alexandria, VA, USA, Water Resources Institute, U.S. Army Corps of Engineers

TYPE 3: Association	A non-profit water user organization, as a rule, with small permanent staff not represented by public servants	Water distribution, operation and maintenance of water infrastructure in the serviced area, general information-sharing	Water user associations are operating in Kyrgyzstan, Tajikistan and Uzbekistan. In Kazakhstan, associations are represented in the form of Rural Water User Consumer Cooperatives (RWUCCs)
TYPE 4: Commission	An authorized body with members delegated by the parties, as a rule, with permanent staff and technical secretariat	Execution, coordination and monitoring of all activities in the basin, as well as monitoring of compliance with national obligations under international agreements	Interstate commissions in large transboundary basins, such as Chu-Talas (ChTWMC) and Aral (ICWC) Basins
TYPE 5: Council	A stakeholder representatives group which may have a secretariat with available funding	A consultative and advisory representative body under WMOs engaged in discussing and coordinating relevant basin-specific issues, developing and approving basin plans, as well as monitoring their execution	Basin councils on large rivers in Kazakhstan, such as Balkhash-Alakol Basin, Aral-Syrdarya Basin, etc. Basin councils on small transboundary rivers such as Aspara, Isfara, Kurkureu Su, Padshaata, etc.
TYPE 6: Corporation/ Joint stock company	Legal entity	Performing all works in the basin on a commercial basis	Not present in CA
TYPE 7: Tribunal/ Arbitration body	Arbitration body for settling disputes in the basin	Dispute resolution between water users and water consumers	Not present in CA
TYPE 8: Federation	Bringing together different stakeholder representatives	Alignment of positions, development of basin plans, execution and monitoring of works, exchange of information and promotion of best practices	WUA federations and unions in Kyrgyzstan and Tajikistan

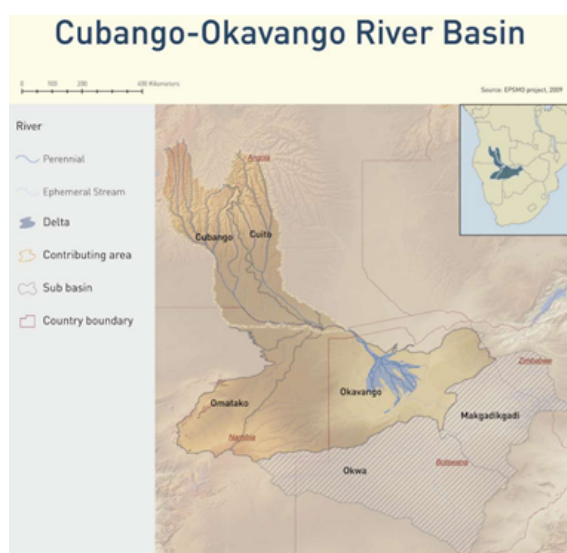
The decision on establishing a specific type of basin organization depends on its tasks. Thus, in a case when countries prefer to observe sovereignty on all issues and a more gradual approach to cooperation is required, Committees without a permanent structure and staff and, accordingly, only tasked with resolving issues through negotiations and reaching compromises represent a sensible model.

Commissions are usually established when

cooperation requires a more institutional grounding. Such organizations have a clear mandate, a secretariat and convene regularly. Decisions by commission are binding, as well as require greater harmonization and coordination among members. The international Okavango River Basin Commission (Insert 1.) and the commission of the Republic of Kazakhstan and the Kyrgyz Republic on the use of interstate water facilities on the Chu and Talas Rivers serve as corresponding examples.

INSERT 1

PERMANENT OKAVANGO RIVER BASIN WATER COMMISSION



The Cubango-Okavango River Basin is home to nearly 600,000 people, more than half of whom live in the Angolan part of the basin. About 160,000 people live in the basin's Namibian section, and the remaining share of the basin's population live in the river delta in Botswana. The two main sources of the Okavango River – the Cubango and Cuito Rivers – originate on the Bié Plateau in central Angola, where the average annual precipitation exceeds 1,000 mm, and then flow southwards to Namibia.

The Okavango does not flow into the sea but reaches the river delta area (average annual

precipitation amounts to about 400 mm), and then dissolves in the Kalahari Desert. The basin hosts 2 specially protected areas under the Ramsar Convention.

In 1994, all three riparian countries signed the agreement forming the Permanent Okavango River Basin Water Commission (OkaCom) intended to serve as a “technical adviser to the parties on the conservation, development and use of shared water resources”. The river is the last large watercourse in Africa that does not have any dams built on it yet. It is an extremely valuable resource for tourism development in downstream Botswana. The river is underdeveloped within the territory of Angola largely due to the lengthy civil war that had taken place in the country from the 1970s until 2002. The population residing in the river basin (southern part of the country) had moved north to escape the conflict. On the one hand, the absence of dams had a positive impact on the river's ecosystem. On the other hand, the region's population could not develop. Since the establishment of peace in Angola in 2002, discussions have been underway to construct dams in the river's upper reaches, which, in case of a positive decision, will affect the delta's environmental functions. In 2004, this issue led to a brief public debate between Angola and Botswana – it was successfully

resolved after Angola recognized the need to preserve the ecosystem in the river's lower reaches, and Botswana recognized Angola's right to development.

As of today, the riparians are using OkaCom as a communication and joint planning platform significantly reducing the likelihood of conflicts in the basin. The OkaCom member-states have conducted joint research and implemented small-scale infrastructure and agriculture projects, while simultaneously supporting ecotourism and rational basin planning. After several years of minimal coordination with the basin's local communities, OkaCom has built strong and mutually beneficial relationships with several local-level organizations represented at the Commission meetings through the Forum covering the entire basin. The representation of local communities at the Commission's meetings has yielded several benefits, including early information on potential basin problems causing discontent

among local communities, as well as improved recognition of the Commission's decisions at the local level (executed via corresponding national governments).

In the long term, OkaCom's operation manifests an ongoing process of striking balance between development interests and conservation of the basin's water resources and ecosystems. It stands to mention that in the future these efforts can assist in addressing more serious issues, under the condition that Angola succeeds in allocating funding to build dams in the watershed's upper part.

For several years in a row, Namibia promoted the plan to transfer a share of river discharge to its capital of Windhoek. Initial joint studies had demonstrated that the impact of such a transfer on the river delta would be minimal, since it was a question of only about 0.2% of the annual river discharge. However, this volume would add to the annual runoff reduction.

TABLE 2. CHARACTERISTICS OF THE OKACOM

TITLE OF BASIN ORGANIZATION	PERMANENT OKAVANGO RIVER BASIN WATER COMMISSION (OKACOM)
Parties/member-states	Angola, Botswana, Namibia
Established	1994
Type of basin organization	Commission
Legal capacity	High (intergovernmental organization acting as an advisory body with the secretariat (legal entity))
Type of instrument	Agreement
Type of mandate	Technical adviser to the parties on conservation, development and use of shared water resources
Duration of obligations	Adaptive
Scope of instrument	Long-term transboundary planning: sustainable development, equity, prevention, transboundary management

Dispute resolution mechanisms	Consensus-based decision-making, established dispute resolution mechanisms: direct negotiations between the parties; engagement of the South African Development Community in case of not settling a dispute in 6 months
Dispute factors in the basin	<ul style="list-style-type: none"> - Possibility of Angola building dams in the river's upper reaches; - Possibility of additional water intake by Namibia; - Negative impact on the river delta ecosystem – tourism revenue losses for Botswana
Factors fostering cooperation	All the parties recognizing that conservation of the river ecosystem (especially in its delta) can benefit all countries, mainly in the form of eco-tourism profits

COMMISSION OF THE REPUBLIC OF KAZAKHSTAN AND THE KYRGYZ REPUBLIC ON THE USE OF INTERSTATE WATER FACILITIES ON THE CHU AND TALAS RIVERS

The Chu-Talas Water Management Commission is a bilateral Commission established as per the Agreement between the Government of the Republic of Kazakhstan and the Government of the Kyrgyz Republic on the use of interstate water management facilities on the Chu and Talas Rivers. The agreement entered into force in April 2002. The main Commission's goal is to implement the Agreement's provisions, namely on the use of water resources, operation and maintenance of interstate water facilities on a mutually beneficial, equitable and rational basis. The Commission's authority covers the following facilities:

- Orto-Tokoi Reservoir on the Chu River;
- Chu Bypass Reinforced Concrete Canals on the Chu River from Bystrovskaya HPP to the city of Tok-mok;
- Western and Eastern Large Chu Canals with installations;
- Chumysh Hydropower Complex on the Chu River;
- Kirov Reservoir on the Talas River.

All of these facilities are located on the territory of the Kyrgyz Republic which receives compensation for ensuring their safe and reliable operation from the Republic of Kazakhstan.

Interestingly, the Parties share the reimbursement of costs associated with operation and maintenance of interstate water facilities and other agreed actions proportionally to the amount of received water. The Commission operates on a parity basis and is chaired by two Co-Chairs appointed by the Parties. The Commission's membership is determined on the basis of the principle of equal representation of the Parties. The Commission's decisions are consensus-based. The Commission has a permanent website containing legal documents governing the Commission's operation, the work of its thematic working groups, information on hydro-technical facilities and projects supporting the Commission's efforts (<http://www.chui.at.kg/ru/>).

Corporations, companies or joint-stock companies engaged in WRM are quite rare and are mainly established to manage a specific project/facility, for instance, a hydro power plant (HPP). This management model is generally utilized when a government wants to stimulate investment in a watershed.

Basin councils are numerous throughout the world, and are operating in various forms, compositions and thematic areas in multiple countries. In Central Asian countries, it is one of the main ways of stakeholder engagement in decision-making, but their creation and operation are still undergoing piloting in the CAR.

Each of the organizational framework types possesses peculiarities and is best suited for certain conditions. The same river watershed can have different basin organizations with varying functions and operating on different management tiers.

Basin organizations may also differ by the

number of parties (uni-, bi- or multilateral) involved; by representation of different domestic agencies (departmental or cross-departmental); as well as by purpose (single- and multi-purpose). As stated above, the choice of a particular institutional model is governed by case-specific goals and objectives.

Some of the aforementioned basin organizations – such as committees, commissions, and councils – can be transboundary; others – associations, federations, national and local councils – operate within one and the same country.

Progressively evolving, a basin organization may transform and move from one form to another. Such changes can be dictated by improved relations as a result of trust-building or improved economic situation or, on the contrary, by deteriorating relations between concerned countries or major actors in a given basin. The Limpopo Water-course Commission is a case demonstrating such positive evolution (Insert 2.).

INSERT 2

FROM THE LIMPOPO BASIN PERMANENT TECHNICAL COMMITTEE TO THE LIMPOPO WATERCOURSE COMMISSION

The positive trajectory of transboundary water cooperation is demonstrated by many watersheds across the world. Primarily, it is characterized by transition from limited and short-term forms of cooperation and low capacity to a higher legal capacity and a broad and long-term mandate accompanied by administrative and financial resources necessary to achieve the goals set.

Considering the standard changes emerging over the years of cooperation, the Limpopo River Basin represents a good example of how the

positive trajectory of changes in transboundary cooperation corresponds to the strengthening of institutional framework, agreement and mandate.

The transformation of the Limpopo Basin Permanent Technical Committee into the Limpopo Watercourse Commission (LimCom) was preceded by the two decades of cooperation. As in many other cases of improved transboundary cooperation, such factors as “joint projects, joint institutions, legislative frameworks at various levels, informal legislative and institutional mechanisms for cooperation, co-financing, technical collaborations, joint monitoring and information exchange” have contributed to the deepening cooperation during this time (UN-Water). Moreover, the progression of basin-level cooperation also had a positive impact on cooperation in general both among the four riparian countries and among other SADC members on various social, economic and political issues. The Limpopo Basin Permanent Technical Committee has retained its technical role and is providing information to LimCom as required.



TABLE 3.
COMPARISON OF CHARACTERISTICS OF THE TECHNICAL COMMITTEE AND LIMCOM

TITLE OF BASIN ORGANIZATION	LIMPOPO BASIN PERMANENT TECHNICAL COMMITTEE	LIMPOPO WATERCOURSE COMMISSION (LIMCOM)
Parties/member-states	Botswana, Mozambique, SAR, Zimbabwe	Botswana, Mozambique, SAR, Zimbabwe
Established	1986	2003
Type of basin Organization	Technical Committee	Commission
Legal capacity	Low	Low
Type of Instrument	Agreement	Agreement
Type of mandate	Cooperation-oriented, without secretariat	Cooperation- and execution-oriented, with secretariat
Duration of obligations	Initiative-based	Adaptive
Scope of instrument	Formalized technical cooperation on short-term needs related to shared management and use of water resources	Long-term transboundary cooperation, sustainable development, equity, prevention, transboundary management
Dispute resolution mechanisms	Consensus-based decision-making, no defined dispute-resolution mechanisms	Consensus decision-making, established dispute-resolution mechanisms: direct negotiations between the parties, engagement of SADC in case of not settling a dispute in 6 months
Dispute factors in the basin	<ul style="list-style-type: none"> - Large number of dams in the SAR's part of the basin causing recurrent water shortages in the basin's lower reaches; - Degradation of water quality, mainly due to SAR's agricultural and municipal sources; - Floods in Mozambique (lower basin) which can be avoided (disputed) by changing the dam regimes in the SAR. However, SAR has not yet expressed desire to change the regime of its dams to resolve the issue 	
Factors fostering cooperation	<ul style="list-style-type: none"> - Interdependence on shared water resources prompted the parties to consider various water transfer plans inside the watershed. For instance, in 1986 water transfer from SAR to the Bots Molatedi Dam was launched to supply Gaborone City. Other water transfer possibilities are undergoing investigation; - large number of refugees from Zimbabwe to SAR due to unstable economic situation domestically. Thus, Zimbabwe and SAR are currently working together on opportunities to develop the SAR's northern part which could have a positive impact on refugees 	

Decision-making mechanisms also hinge on the type of organizations and its specific functions. For example, while the consensus or “majority vote” principle is quite widely applied, the “right to veto” principle is used less often.

Depending on their capacities, different basin organizations likewise use different information and data exchange mechanisms, including separate corporate websites and/or regular printed bulletins. Some transboundary commissions publish real-time information on the state of water bodies.

Financing of different types of basin organizations can come from different sources. Whereas WMOs are generally fully funded from public sources, commissions, committees and councils mobilize money from diversified sources, including both budgetary and grant-based means. Public-private partnerships and the involvement of private business in sponsoring either basin organizations themselves or certain planned interventions are becoming increasingly popular. Chapter 2.3. of this Handbook details the financing opportunities for basin organizations.

Central Asia possesses the experience of

establishing transboundary institutional models. Interstate commissions operate in the majority of the largest transboundary CA basins. The Chu-Talas Water Management Commission (ChTWMC) is a notable example of such international cooperation. It was established in 2006 with the financial support of several international partners and is still operating based on the Agreement among its members. Inter alia, the Agreement stipulates for financial mechanisms to support ChTWMC operation and interventions. The Commission is considered one of the most successful in the CAR. It's worth mentioning that in this case the idea behind the financial mechanism is that the party receiving irrigation water (Kazakhstan) covers a share of costs for maintaining the infrastructure located on the territory of the upstream country (Kyrgyzstan).

Basin councils on large rivers in CAS still operate exclusively at the national level and are regulated by the national water codes. The first BCs in Central Asia were created in 8 large hydrographic basins in Kazakhstan. The process of establishing basin councils is underway in Kyrgyzstan and Tajikistan.

BALKHASH-ALAKOL BASIN COUNCIL (REPUBLIC OF KAZAKHSTAN)

The Balkhash-Alakol Basin Council (BABC) was initially established in Kazakhstan in 2005 as part of a UNDP project. As per the Water Code of the Republic of Kazakhstan, the head of the Balkhash-Alakol Basin Inspection chairs the BABC. According to the Provisions on Basin Council, BABC members include representatives of local executive authorities, local governance bodies, public associations and water users.

According to BABC Regulations, its meetings are deemed duly convened and decisions valid under the condition of present quorum, i.e. more than half of BABC members.

All BABC decisions are adopted by an open simple majority vote among those present and represented at its meetings.

In the course of its operation, BABC has held over 25 meetings. At the meetings, not only the representatives of local executive authorities and public organizations but also of large water users of the basin – such as the BalkhashTsvetmet Metallurgical Works – play an active role. The province (oblast) administration (akimat), Basin Inspection and BalkhashTsvetmet have signed several agreements aimed at preserving the basin's water resources. BABC is tasked with monitoring their implementation.

The aforementioned shows that Central Asia has not only the prerequisites for establishing such organizations, but also positive operational cases of various types of basin organizations. However, it is true only for large river watersheds

– small basins and sub-basins attract scant notice. For this reason, this Handbook focuses specifically on the establishment and functioning of basin councils in small transboundary river basins and sub-basins.

1.2. Basin councils: history and peculiarities of establishment and operations in Central Asian countries

Within the modern international practice, creation of basin councils is considered an important component of integrated water resources management. In many countries, BCs provide the necessary institutional framework to enhance the interface among various agents involved in water resources management, protection and use.

The constitutions of CAS and Afghanistan stipulate for the citizens' right to engage in decision-making. In the field of WRM, this right can be realized, including through basin councils.

BC establishment fits well into the democratic transformations and reforms taking place to a varying degree in the water sectors of CAS. Involvement in the process allows increasing the responsibility of basin council members for their decisions. The deployment of IWRM principles – embedded in all water sector reforms – implies a combination and consideration of private (water user), non-state and public interests, as well as enhancing partnerships between the parties involved and reducing the risk of conflicts. Therefore, basin councils can serve as rostrums for voicing interests and platforms for designing solutions with the account of the interests of not only all BC participants, but also future generations and river ecosystems.

FRENCH MODEL:

In France, basin councils (or committees) serve as local water management parliaments and formulate basic policies associated with the use and protection of basin water resources.

Altogether, 6 basin committees operate in the country based on the hydrographic principle.

The French water legislation regulates the decision-making procedures for basin council based on the idea of preserving river ecosystems and allowing local communities an advantage over the state and business. This norm manifests itself in the rules of basin council membership – at least 51% of BC members shall represent local community, and the remaining share is split equally between public authorities and business.

At the same time, technical management of water bodies is vested with basin agencies – state water resources management bodies.

In essence, under the French model basin council represents a local representative and, to a certain extent, legislative body specializing on water issues and exercising its power within a hydrographic basin.

A local community representative always takes the position of BC President and has the right to veto any anti-environment action. (Ibatullin, S.R., UNDP Handbook).

As practice shows, basin council legal status is quite different from their actual status. Let's look at basin council legal status first.

As a rule, basin council represents a consultative and advisory body lacking executive or administrative power, i.e. it cannot approve regulatory legal documents, issue permits (licenses), carry out control and inspection functions or manage state property. However, with representatives of various organizations responsible for key aspects of water management and protection as its members, basin council is entitled to review water-related issues, make

expert decisions and recommendations for improving the situation in a given basin. In the same vein, monitoring the implementation of assumed commitments (execution of basin plans and agreements) constitutes one of the elements of BC operations.

In theory, BCs can consider any relevant issues linked with water resources. In reality, though, the scope of issues within their competence is limited by the documents determining their status, in the first place, relevant legislation regulating basin council operations. As a rule, these are national water codes and/or water laws.

BASIN COUNCILS IN KAZAKHSTAN:

In Kazakhstan, basin councils were established in 2005-2006 and, as per the national Water Code, shall be deemed consultative and advisory bodies within their respective hydrographic basins. Basin councils are not independent legal entities.

In total, 8 basin councils were created equal to the number of main hydrographic basins in the country. Heads of basin inspections chair respective basin councils.

Basin councils in Kazakhstan include 30-45 members, including representatives of state agencies, main basin water users, non-governmental organizations, scientists and experts.

BC held regular (twice a year) meetings, and since 2008 are included in the state financing program.

Next, let's consider the potential benefits of establishing and operating BCs for various stakeholders: public authorities, water users and the public.

For competent public authorities:

- provision of a permanent organizational framework for engaging stakeholders in reviewing and deciding on the issues arising in a basin;
- better understanding of the needs of main water users, obtaining detailed information on emerging challenges and problems;
- establishing trust-based relations with water users;
- ability to find most effective solutions to issues based on comprehensive information and expertise of various stakeholders;
- additional opportunities for reaching consensus on contentious issues in water management and use;
- additional opportunities for attracting funding to address basin-specific issues thanks to diversification of funding sources.

Benefits of cooperation within basin councils directly related to water users and the general public:

- participation in decision-making on the use and protection of basin water resources;
- possibility of reducing conflict situations through dialogue and joint resolution of

complicated issues related to their activities;

- receiving support from state agencies in addressing pertinent basin challenges;
- opportunity to inform authorities on their interests and needs;
- access to information on the state of water bodies and measures taken to protect and rehabilitate (restore) them;
- possibility of attracting additional funding from various sources;
- opportunity for participating in monitoring water bodies and projects.

Basin councils are also responsible for developing, implementing, approving and monitoring the execution of basin plans. Please, find more detailed information on basin plan development in the Basin Planning Handbook developed under a joint CAREC-GIZ project ⁴.

The **participatory principle** constitutes one of the key principles to be observed while establishing and operating basin councils. Thus, involving the maximum number of stakeholders in drafting basin plans is fundamental to their subsequent effective execution.

In other words, a **common platform/deliberation body** is required to enable joint action. Forging such a platform is an essential precondition for introducing IWRM principles, basin planning and further basin plan implementation.

⁴ http://www.riverbp.net/library/publications/posobie_po_basseynovomu_planirovaniyu/

1.3. Small basin council establishment and operation in Central Asia and Afghanistan: legal framework

Development of local territories in Central Asia often depends on small rivers, including transboundary. The living standards of local communities rely on the effective management of these rivers' water resources. Thus, Small River Basin Councils or Small Basin Councils manifest a tool which enables involvement of various water users in decision-making and eliciting coherent and effective development. On the one hand, SBC decisions can form the basis for local development plans. On the other hand, they can be a way for resolving conflicts and detecting mutually acceptable trade-offs both among water users within one country and between countries sharing a watershed.

To a large extent, introduction, further

development and enhancement of any social institutes like basin councils depends on the availability of appropriate legal basis. It deserves mentioning that to a varying degree domestic legislations of CAS and Afghanistan contain all the necessary prerequisites for introducing and developing BCs, yet they lack specific reference to small basin councils (except Afghanistan – its water law specifically mentions sub-basins). In this regard, let's analyze domestic laws in target countries as to general possibilities for BC operation without emphasizing the aspect of basin council establishment.

No doubt, the legislations of concerned countries are still evolving. As the practice of establishing basin councils spreads, the corresponding legal frameworks will improve and receive appropriate reflection in national laws and regulations. To date, CAS and Afghanistan have the following legal frameworks in place.

TABLE 4.
LEGAL FRAMEWORKS FOR BC ESTABLISHMENT AND OPERATION
IN CA AND AFGHANISTAN

COUNTRY	TITLE OF BASIN ORGANIZATION	DEFINITION OF «BASIN COUNCIL»	LEGAL ACT
KAZAKHSTAN	Basin council	Consultative-advisory body established within the limits of a corresponding watershed	Water Code of the RK (Article 43)
KYRGYZSTAN	Basin council	Representative body for addressing issues in the main basin on the use, protection and development of water resources	Water Code of the KR (Article 10)
TAJIKISTAN	Basin water council	A body aimed to coordinate the activities of water-related state and non-state organizations. Basin water council consists of representatives of enterprises, institutions and other organizations whose activities are related to planning, use and protection of basin water resources. Top	Water Code of the RT (Article 24)

		manager of basin water management organization simultaneously heads corresponding basin water council.	
TURKMENISTAN	Territorial and state basin water management organizations	State body subordinate to the authorize agency (SWMC) with the main task of carrying out public administration and control in the field of water use and protection	Water Code of Turkmenistan (Article 15)
UZBEKISTAN	Basin irrigation systems administrations (BISA) and water user associations	The Law «On Water and Water Use» explicitly refers to «basin councils», but its Article 10 regulates participation of water user associations, other non-governmental non-profit organizations, as well as citizens in the implementation of measures aimed at	Law «On Water and Water Use» of the Republic of Uzbekistan
AFGHANISTAN	River basin and sub-basin councils	Afghanistan is using the French model - Basin Governing Bodies tasked with ensuring integrated strategic water planning and public (water users and other social groups) participation in water management decision-making	Law «On Water» of the Islamic Republic of Afghanistan (Articles 12 and 13)

It is necessary to point out that in Central Asia and Afghanistan basin councils on the level of large state watersheds were established only in

Kazakhstan. In Kyrgyzstan and Tajikistan, basin council establishment is in progress.

ARAL-SYRDARYA BASIN COUNCIL (ASBC) IN KAZAKHSTAN

ASBC was created in 2006 and covers the territory from the Shardara Reservoir on the border with Uzbekistan to the delta of the Syrdarya River and the Small Aral Sea. The basin is located in 2 provinces (oblasts) of Kazakhstan and covers 6 irrigation zones.

In 2013, the joint CAREC-GIZ project supported the development of the corresponding basin plan.

The ASBC Basin Plan includes a clause on enhancing the basin council's institutional framework considering the watershed's size and diversity of respective irrigation zones – i.e. creation of small basin councils (SBCs) within them. Since 2013, two SBCs have been created within the watershed whose representatives are ASBC members. The SBCs assist in resolving issues in their respective irrigation zones reducing tensions throughout the basin.

http://www.riverbp.net/library/publications/basseynovyy_plan_integrirovannogo_upravleniya_vodnymi_resursami_i_vodosberezheniya_aralo_syrdarinsko/

Small basin councils are not specifically referred to in the water legislations of concerned countries except Afghanistan – its water law provides for the creation of sub-basin councils (sBCs). However, being part of larger basins they represent units whose members can form large basin councils. While SBCs can address

challenges emerging on the local level, more sophisticated and larger-scale issues can be reviewed at the meetings of large basin council.

The Aral-Syrdarya Basin Council in Kazakhstan can illustrate such an interaction – this large basin council covering two constituencies includes two SBCs created within respective irrigation zones.

1.4. Goals and objectives of small basin councils

BCs are particularly important and attractive in the context of small transboundary rivers. Given the size and separation of rivers into adjacent sub-basins relative to national borders, it is more appropriate to call them small basin councils or SBCs. Establishing such SBCs on adjacent riversides allows addressing water management issues causing concern on either of the riparian sides and, likewise more sensitive and complicated transboundary problems. It can be done thanks to joint SBC meetings of the parties, mutual information exchange on each other's basin plans, as well as planning, adopting and executing joint interventions. At some point, such interaction may potentially lead to the merger of the management systems of the parties into a single system covering the entire river basin under a single all-basin organization.

Establishment and operations of small basin councils is governed by the same principles as large basin councils. However, there are certain nuances as to SBC functioning and stakeholder engagement.

In CA and Afghanistan, small rivers are usually located in mountainous and foothill areas with poorly developed industry and the majority of

local population involved in farming. On the local level – or on the small river basin level, putting it in other words – communities tend to entirely depend on available water resources. Thus, establishment of SBCs at this level can manifest a good institutional framework for resolving specific local issues.

The main goal of establishing SBCs is definitely to forge an institutional framework for dialogue and joint decision-making by all stakeholders involved in water resources management, use and protection in a given watershed.

Small basin councils have three main tasks:

- **Coordination of actions.** The ultimate SBC task is to ensure a local-level platform for coordinating all actions related to management, use and protection of water resources. Such coordination is essential for the effective development of a territory and improving the well-being of local residents. Insufficient coordination of water resources use will suscite conflicts between water users within the territory and may eventually lead to migration and declining living standards;
- **Joint development of basin development vision.** The overall development of a basin where population depends on available resources

should be determined jointly by the main water users. SBC is exactly the platform allowing to discuss and agree on the steps necessary for a territory's development, as well as forge a joint vision on the watershed development;

- **Joint planning and implementation of actions.** Involving all stakeholders in the planning

process, and therefore in decision-making, is another important SBC task. To this end, small basin council may analyze the current situation in the basin, prioritize identified problems and – based on that – design basin plans with the involvement of all stakeholders, as well as carry out planned actions and participate in mobilizing funding for their implementation.

1.5. Small basin council composition, and benefits of stakeholder engagement

As per one of the fundamental IWRM principles⁵, water development and management should be based on a holistic approach assuming the involvement of the full spectrum of stakeholders present in the basin, starting with various types of water users to representatives of authorities, planners, sectoral, environmental and other organizations, as well as policy makers.

Taking into account the compact size of small river territories and the dependency of local communities on the resources available in the basin, a detailed analysis of all stakeholders while forming a representative SBC composition (membership) becomes essential.

The stakeholder list in each basin will be different. In the course of putting together such a list, the first thing to do is to consider the local management specifics, as well as existing economic sectors, public organizations, environmental matters, potential emergencies, etc. Proximity of such territories to national borders imposes additional complications associated with robust national security and border control requirements.

In such circumstances, engaging with the representatives of local authorities ensuring proper border zone regimes and including them in the stakeholder pool manifests an important success factor.

A detailed stakeholder analysis allows seeing and understanding the diversity of inter-ests represented within a watershed, and thereby approaching the identified water challenges holistically, in the most flexible manner and based on mutually acceptable compromises.

It is important for each stakeholder involved in SBC establishment to clearly understand the benefits of SBC membership, as well as the role which different organizations will play in decision-making. It should be taken into account that the **views and interests of participating stakeholders do not always coincide and may even conflict**. Striking a compromise among SBC members, as well as identifying the benefits of decisions for each of the parties constitute the paramount tasks of small basin councils. This will allow making **agreed decisions** and addressing local-level challenges more efficiently.

In addition, the degree of awareness, engagement and ownership in what SBC is doing among the wide public are vital for success as well. The

⁵ Dublin (IWRM) Principles (1992)

forms of interaction may vary and depend on SBC institutional features and multiple other

factors. The levels of public involvement are reviewed in more detail in [Chapter 2.4](#). below.

1.6. Small basin council membership. Rights and obligations of SBC members

Basin council composition (membership) – both quantity wise and by the group interests represented in them – may differ from country to country and from watershed to watershed. Nevertheless, it always comprises representatives of local authorities and territorial (constituency) units of main line ministries, agencies and/or departments engaged in water resources management and protection (including water industry, environmental protection, emergency response, sanitary and epidemiological services, etc.), water users (on small rivers, these are usually WUAs and farmers), as well as non-governmental (civil society) organizations. Where appropriate, other stakeholders – such as border guards, representatives of universities and rural communities, media, aksakals (kaz. local elders' council representatives), etc. – may also sit on the council.

The involvement of local informal leaders, i.e. the aksakals and famous personalities originating from a particular area/basin or former heads of water organizations – may likewise have a significant positive impact on SBC performance. On the one hand, such persons can promote and popularize SBC decisions among the local community; on the other hand, they can provide expert assistance in problem-solving. As a rule, such leaders are included in SBCs as honorary members.

The size of small basin councils also varies from basin to basin. It's worth noting that the number of stakeholders in a watershed can reach 40-50 different organizations and/or individuals. However, it's impossible to include everybody in a basin council. Thus, it is necessary to conduct a stakeholder analysis to identify the most active and influential organizations involved in the management, use and protection of water resources.

MEMBERSHIP OF THE ISFARA RIVER SMALL BASIN COUNCIL (TAJIKISTAN) – 26 PERSONS:

SBC Chairperson, Head of Isfara SRIA (1 person)

SBC Deputy Chairperson, Head of Kanibadam SRIA (1 person)

SBC Secretary (1 person)

Deputy Chairperson on behalf of the town of Isfara/Kanibadam (2 persons total)

Representative of Isfara/Kanibadam SRIA (2 persons total)

Representative of Isfara/Kanibadam Department of Agriculture (2 persons total)

Director of Isfara/Kanibadam Civil Defense and Emergency Situations Office (2 persons total)
 Head of Isfara/Kanibadam Ecology Committee (2 persons total)
 Head of Isfara/Kanibadam Water Sewerage Office (2 persons total)
 Chief Doctor of Isfara/Kanibadam Sanitary-Epidemiological Service (2 persons total)
 Representative of Isfara/Kanibadam Land Committee (2 persons total)
 Representative of Isfara/Kanibadam State Unitary Enterprise for Water Supply of Villages and Pastures (obdikhot) (2 persons total)
 WUA representative (2 on behalf of Isfara and Kanibadam) (4 persons total)
 Elder (1 person)

On average, whereas a small basin council comprises 15-25 members, a large one can include up to 30-35 members. As a rule, the number of members depends on the watershed size and water use intensity. Based on the example of the Tajik part of the Isfara River, the basin covers two districts (Isfara and Kanibadam), there are 2 (two) representatives of the main organizations responsible WRM each representing their respective constituencies.

The total membership of this particular SBC is quite large – 26 people. In addition, it has become a practice to elect chairperson from one district and deputy chairperson – from another. Such SBC structure makes it possible to account for the interests of both districts to the maximum extent possible.

It is extremely important to observe parity (equal share principle) in small basin composition. The most difficult part is choosing farmers or WUAs for inclusion in SBC – there are too many of them even in small watersheds, and it is impossible to include everyone. Members may be selected based on different criteria. Yet, usually they represent the largest and/or most active farmers/WUAs, and/or persons selected

as their representatives in SBC at general WUA meetings. Other criteria for selecting farmers/WUAs to enter SBC may be adopted during the stakeholder analysis phase. In Tajikistan and Kyrgyzstan, there is a practice of establishing WUA federations and unions, which include several water user associations. Representatives of such federations/unions can become SBC members and communicate the shared vision of water users at SBC meetings, and, vice versa, inform all their members on SBC decisions.

SBC structure includes a chairperson and a secretary. As per the Water Code of Kazakhstan, head of basin inspection (authorized state water management department) shall be appointed chairperson of a large basin council. The same principle is observed in all large basin councils in Kazakhstan. Kyrgyzstan's Water Code contains a similar requirement. However, as the experience of small rivers shows, representatives of various other organizations, including water users, can also be elected SBC chairperson.

Thus, for instance, in the Kazakhstan part of the Aspara River Basin, an active farmer was chosen as SBC Chairperson. In the Murgab River SBC (Turkmenistan), a representative of

Khakimlik – local governance body – was elected as chairperson. In some cases, SBCs decide to have a chairperson, deputy chairperson(s) or co-chairperson(s) (case of the Tajik part of the Isfara River SBC).

The presence of a **secretary** in small basin council is not mandatory, but significantly increases the overall SBC performance. He/she can be chosen from among the most active SBC members representing various organizations. The main secretary's functions include constant

liaising with SBC members, collecting proposals in relation to the next SBC meeting agenda, and monitoring the execution of SBC decisions. The post of secretary can be assigned to one of the staff of a water agency (as it is done in Kazakhstan), or to an officer of local authorities. If a non-governmental organization plays the role of SBC secretariat, it may also be vested with responsibility for mobilizing funding to support SBC meetings, as well as implementing selected actions under the basin plan.

CHAPTER 2. SMALL BASIN COUNCIL OPERATION: PRACTICAL STEPS

2.1. Small basin council establishment and operations: practical steps

The establishment of small basin councils requires certain legal frameworks. As was mentioned in the previous sections of the Handbook, the corresponding prerequisites exist in all the countries in question. In particular, it was stated that the national water legislations in one way or another provide for SBC creation for the purpose of planning and coordinating joint actions within main domestic watersheds. Different projects offer different approaches to launching the process of establishing large basin councils. A target UNDP project in Kazakhstan

was one of the first attempts to operationalize the approach. Within the project's framework, the first standard (model) provision on basin councils was developed. However, the specific steps and procedures for launching and implementing the process of establishing SBCs, including on small transboundary rivers, have not yet received reflection in legislation. Implicitly, in the course of executing water reforms and acquiring practical experience, domestic water legislations of target countries will also progress and will be supplemented with by-laws stipulating for the actual mechanisms of SBC establishment and functioning.

THE FOLLOWING PRACTICAL STEPS ON ESTABLISHING BASIN COUNCILS IN KAZAKHSTAN WERE DEVELOPED WITHIN THE FRAMEWORK OF THE UNDP PROJECT (UNDP):

1.1. Formation of the initiative group –

- initiative should come from BWMA (Inspection);
- identification of the pool of potential participants;
- negotiations, distribution of written invitations to participate in basin council establishment.

2.2. Preparatory work by the initiative group –

- developing the list of potential BC members (considering the peculiarities of a particular basin; from 10 to 25 organizations);
- developing draft primary BC regulations necessary for its operation (provisions and procedures);
- developing preliminary BC work plan.

3.3. Preparation of the first BC meeting;

4.4. Conducting the first BC meeting.

launch the process of SBC establishment, a certain initiating mechanism is required. The first practical experience in this area in Central Asia was obtained in 2005-2007 with the support of the United Nations Development Programme (UNDP)⁶. It was then that the first large basin councils were created under the 8 (eight) main basin organizations of Kazakhstan. Building on this experience, CAREC later developed the full cycle of SBC establishment and operation, as well as expanded, fine-tuned and applied this approach in the context of small transboundary rivers and, likewise adapted it to the conditions and characteristics of all CAS and Afghanistan. The mechanism for establishing small basin councils consists of the following main steps:• process initiation;

- formation of small basin council and procedural issues;
- development of basin plan;
- operation of basin council.

Let's briefly review each of them.

PROCESS INITIATION

First of all, the creation of a small basin council requires the formation of an initiative group in order to begin the entire process. It can be initiated by the representatives of various organizations (state or non-governmental), as well as physical persons. Currently, in most cases international projects working in Central Asia initiate the process. However, in the future it should a systemic function of state WRM

agencies.

The competence of initiators may differ depending on a given watershed area and features. The main requirement is the knowledge of local conditions and cultural patterns.

The process initiator has to conduct a stakeholder analysis, and based on it forge a list of potential SBC members. After developing the list, it is possible to hold the first general meeting of stakeholders one of the main tasks of which will be finalizing the list of SBC members.

FORMATION OF SMALL BASIN COUNCIL AND PROCEDURAL ISSUES

After identifying all stakeholders, the list of SBC members is formed. The first stakeholder meeting allows determining the main agents in a basin, discussing which of them will join the small basin council, as well as formulating their respective roles. As a rule, the list is formed by a general vote among the stakeholders and, as described above in Chapter 1.5, consists of 15-35 persons.

SBC members may have/perform the following roles and functions:

- BC Chairperson or co-chairperson – initiates and chairs meetings, moderates decision-making;
- BC Secretary – drafts agenda, informs SBC members, organizes meetings, monitors implementation of BC decisions;
- BC members – take part in meetings, provide information on the state of watershed, participate

⁶ UNDP Project ... <http://www.caresd.net/iwrm>

in the implementation of activities and monitor their implementation;

- Monitoring Group (not mandatory) – is selected from among BC members and approved by the corresponding BC decision; the group's main aim is to monitor basin plan execution;
- Audit Commission (not mandatory) – may be established on the corresponding initiative, as required and/or depending on BC's financial capacity (special fund/foundation, membership fees, other options). Audit Commission members are selected from among BC members to audit

the spending of BC's financial means and report accordingly at BC meetings;

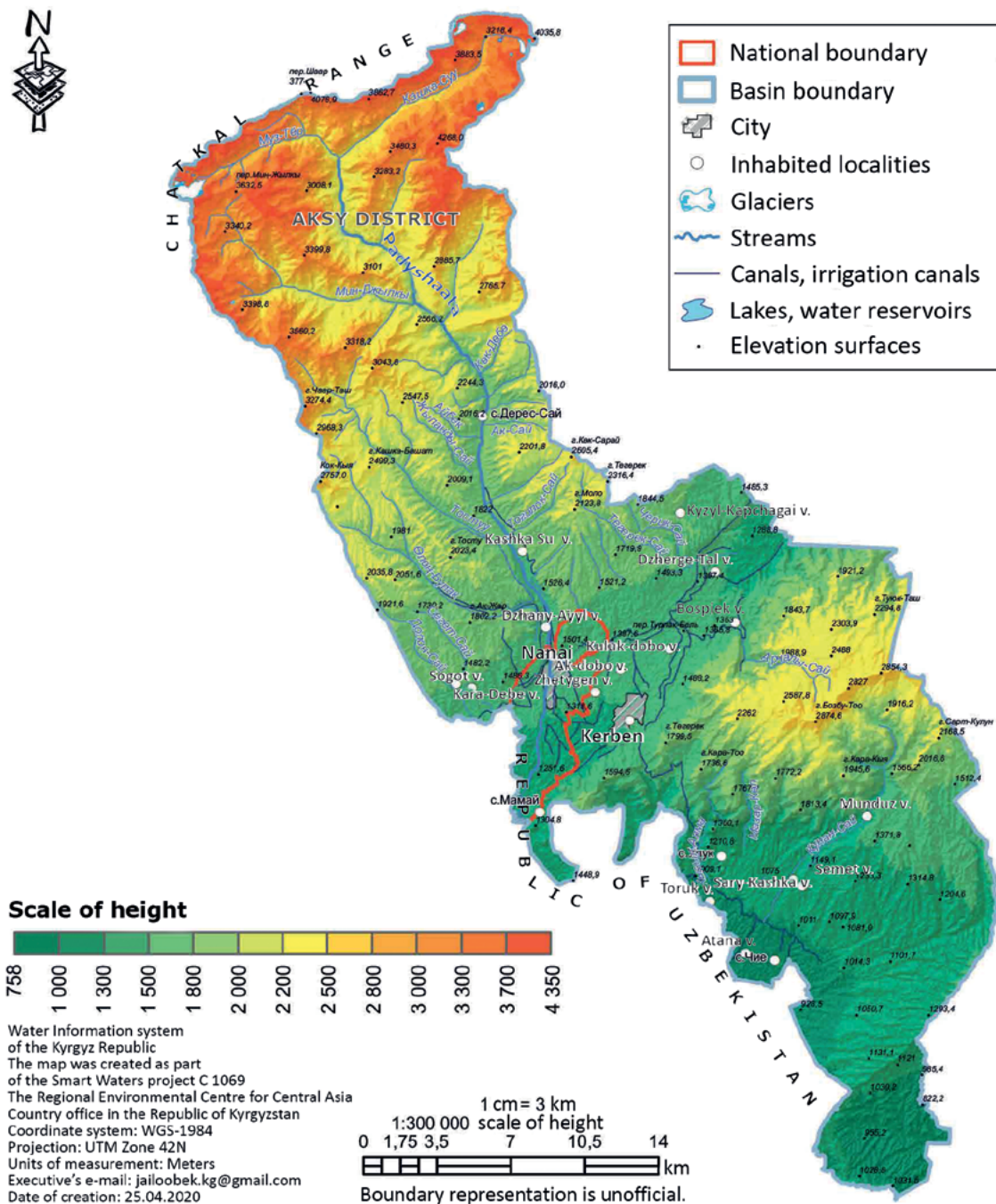
- Invited experts – if special case studies or expert opinion(s) (on issues reviewed at BC meetings) are required, independent experts may be involved on a short-term basis.

Informal leaders play a major role in small river watersheds, have a significant impact on decision-making and basin plan implementation locally, as well as exercise great influence over local population.

DIAGRAM OF THE PADYSHAATA RIVER



MAP OF THE PADYSHAATA RIVER BASIN (PHYSICAL-GEOGRAPHICAL)





GENERAL DESCRIPTION OF THE PADSHAATA (PADYSHA-ATA) RIVER BASIN

The Padshaata River originates in the Chatkal Ridge mountains (Kyrgyzstan), where it collects water from the ridge's southern slopes, specifically the highest ridge part with the average elevation of 4000-4300 m ASL.

The Padshaata belongs to the group of small transboundary mountain rivers of the Syrdarya River Basin within the Ferghana Valley. Its length is 130 km. The watershed area is approximately 875 km². The river's catchment is located in the southwestern part of the Tien Shan Mountain System. The river flows through two countries: the Kyrgyz Republic and the Republic of Uzbekistan.

Agriculture is Uzbekistan's main economic sector. The total irrigated area of the Padshaata River amounts to 29 154 ha, incl. 5 145 ha in Kyrgyzstan. The average long-term river runoff is 193 mln m³/year, and the average annual river discharge is 5.5 m³/s.

In 2018, the first in Uzbekistan Padshaata River SBC was established. The SBC includes representatives of khokimiyats (local administration), territorial divisions of the Ministry of Water Management and Ministry of Emergencies, public utilities and water supply organizations, large WUAs, makhalias (local community groups), environmentalists, etc. (17 SBC members total). Deputy Head of the Naryn-Syrdarya BISA serves as SBC Chairperson. SBC holds its meetings every 3 to 6 months as required.

A similar SBC was created on the river's Kyrgyz side. Since 2019, riparian SBCs started holding regular joint meetings. Agendas of joint meetings include items aimed at resolving controversial water-sharing issues.

Inter alia, joint meetings focus on the following issues:

- joint cleaning of the river bed;
- coast reinforcement works;
- joint works on the overhaul of hydro-technical installations;
- joint monitoring of water quality and quantity; and
- other issues related to the joint protection and use of the basin's water resources.

DEVELOPMENT OF BASIN PLAN

Planning constitutes one of the main components of SBC operations. Basin plan serves the basis for assessing performance of basin council itself, ensuring credibility of its actions among other stakeholders present in the basin, as well as promoting effective management of the territory.

Small basin council takes part in all stages of developing, implementing, monitoring and revising the basin plan. Depending on their professional responsibilities (affiliation), SBC members may function as basin plan executors and/or monitor its implementation. Please, see the more detailed description of the methodology

for developing basin plans in the **Basin Planning Handbook**.

OPERATIONS OF BASIN COUNCIL

At present, in most CA countries, basin councils (including SBCs) function as advisory bodies. Their status may change in case of corresponding legislative changes.

As a rule, SBCs convene every 3-6 months, which is decided by basin councils themselves. In essence, SBC meetings act as “reconciliation” of actions on the management, use and protection of water resources, as well as a decision-making mechanism.

2.2. Basin council establishment: peculiarities in different countries of the region

Since the legislations of Central Asian countries and Afghanistan contain no separate provisions regulating SBC establishment and operation, this chapter gives a general overview of peculiarities of establishing and running basin councils in target countries without differentiation of special characteristics associated with the creation of small basin councils.

ESTABLISHMENT OF BASIN COUNCILS IN THE REPUBLIC OF KAZAKHSTAN

In Kazakhstan, the establishment of basin councils has started in 2005 with the support of a UNDP project⁷. Under the national Water Code, eight basin administrations were established in large watersheds based on the hydrographic principle and were legally mandated to

engage more closely with the public and other stakeholders through basin councils for regular coordination, joint planning, decision-making, conflict resolution, as well as more efficient overall basin development. As per Kazakhstan’s Water Code, the heads of basin inspections fulfill the duties of basin council chairpersons. The functions of their secretariats are assigned to respective basin inspections.

ESTABLISHMENT OF BASIN COUNCILS IN THE KYRGYZ REPUBLIC

In Kyrgyzstan, basin councils are established in accordance with the provisions of the 2006 Water Code. First of all, it is necessary to create the National Water Council with the following main tasks:

- coordination of actions by ministries and departments responsible for management, use and protection of water resources;

⁷ UNDP Project ... <http://www.caresd.net/iwrm>

- drafting the National Water Strategy and monitoring its implementation.

The National Water Council (NWC) consists of heads of line ministries, departments and other public agencies related to water resources. NWC is headed by the Prime Minister of the Kyrgyz Republic. The country is currently in the process of establishing BCs in all major river watersheds. The provisions on basin council operations are approved by the government; basin plans are submitted to NWC for approval. As in Kazakhstan, heads of Basin Water Management Administrations (BWMA) serve as basin council chairpersons, and BWMA themselves act as basin council secretariats.

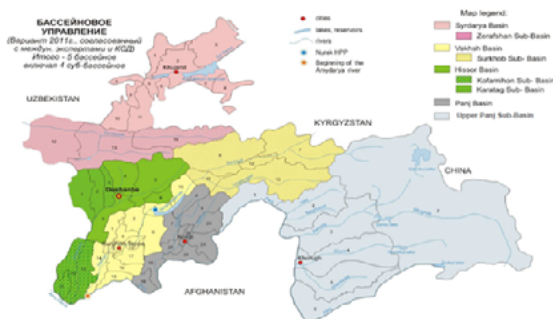
ESTABLISHMENT OF BASIN COUNCILS IN THE REPUBLIC OF TAJIKISTAN

Since 2012, Tajikistan has embarked on reforming

its water sector based on the separation of WRM functions into regulatory-production and economic. The new national Water Code is underpinned by IWRM principles and transition to basin water management based on hydrographic boundaries, including the establishment of basin and sub-basin organizations.

Thus, the country's territory was divided into four catchments, namely Syrdarya, Vakhsh, Gissar, and Pyandj, and five river sub-basins⁸.

The reforming of Tajikistan's water sector is still in progress. A pilot basin council and basin plan was developed for the Syrdarya Basin with the support of the project, as well as two small basin councils were established on the Isfara and Isfana Rivers under the GIZ/USAID project implemented by CAREC.



ESTABLISHMENT OF BASIN COUNCILS IN TURKMENISTAN

Turkmenistan was the last of CAS to introduce the concept of IWRM and basin planning in its legislation. In the early 2017, the country

adopted the new Water Code stipulating for water management based on the basin principle. It also stipulates for the establishment of territorial and basin councils the tasks of which shall be established by Turkmenistan legislation.

In 2018, the Murgab River Basin Council was created as a pilot within the framework of the USAID-CAREC Smart Waters Project. Model provisions on **basin council** were also drafted under this initiative.

ESTABLISHMENT OF BASIN COUNCILS IN THE ISLAMIC REPUBLIC OF AFGHANISTAN

In Afghanistan, the establishment of basin councils is regulated by the 2009 Water Act with amendments and additions of October 2019⁹.

⁸ Presentation by Mr. S. Rakhimzoda, First Deputy Minister of Ecology and Water Resources of the RT (2015).

⁹ Law on Water of the IRA of April 26, 2009.

According to this law, five national water basins and thirty five sub-basins were specified within the country. River Basin Agencies (state water management bodies) and basin councils were established in each of them. The main functions of River Basin Agencies include:

- water resources management and planning;
- execution of decisions by river basin councils;

2.3. Interaction between large and small basin councils

Large river basins cover tens and hundreds of thousands of square kilometers of territory, ranging from mountain sources to flat, steppe and desert zones at river mouths. Such basins usually comprise several tributaries and smaller rivers differing in their natural features, economic activities along them, as well as facing their own specific problems requiring solution. Thus, one large basin can not only include in itself several rivers, but can be also divided into irrigation zones with different natural characteristics and business activities. The already established large basin councils can only deal with large-scale issues shared by the entire large watershed without going down to specific smaller grassroots issues and challenges which its separate individual smaller parts – medium and small river basins, or the so-called sub-basins – face. Thus, the challenges of small watersheds are often left outside the scope of large basin council efforts.

In order to enhance management on the level

- coordination and monitoring the operations of sub-basin councils;
- coordination of river basin council's efforts on administrative issues.

The country's first river basin council was established in the Lower Harirud River Basin within the framework of the USAID-CAREC Smart Waters Project.

of medium, small and sub-basins, as well as to strengthen interactions and approximate sub-basins and large river basins, since 2011 the process of establishing SBCs in the CAR has been launched within the framework of CAREC projects supported by various international development partners (GIZ, USAID, Government of Norway).

For the first time, this model was tested in the Kazakhstan part of the Aral-Syrdarya Basin, where two SBCs were established in two irrigation zones within the framework of the large Aral-Syrdarya Basin Council (Box, Case of ASBS). This approach allowed closer and more detailed consideration of irrigation basin issues at the meetings of the large Aral-Syrdarya Basin Council.

The diagram below demonstrates the relationship between large, medium and small basin councils, the possibility of establishing medium and small BCs within large basins, as well as the fact that medium BCs can incorporate small BCs.

FIGURE 1. RELATIONSHIPS AMONG LARGE, MEDIUM AND SMALL BASIN COUNCILS

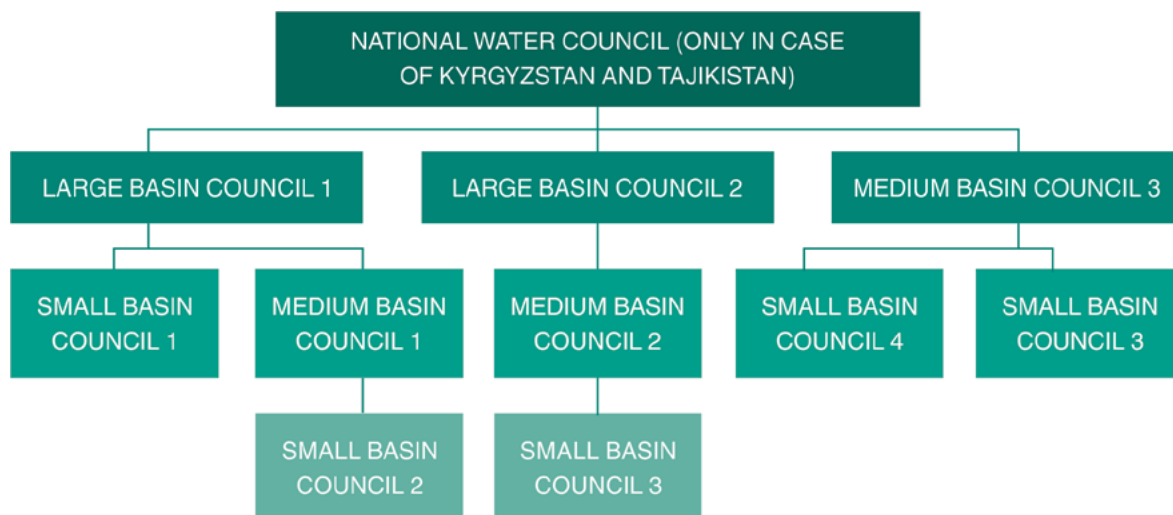


As the diagram above shows, in the region of Central Asia and Afghanistan the majority of watersheds are transboundary. Thus, medium and small basins can be both national and transboundary, further demonstrating the need for a WRM coordination mechanism among the riparians.

As part of large BCs, representatives of small (or SBC) as well as medium BCs (or MBC) should be

members of large basin councils and represent the interests of their respective watersheds at their large basin council meetings. Based on the actual number of tributaries and/or irrigation zones, anywhere from 5 to 10 small and/or medium basin councils can be created within a large watershed. Ideally, the interaction hierarchy among large, medium and small BCs at the country level should look as follows:

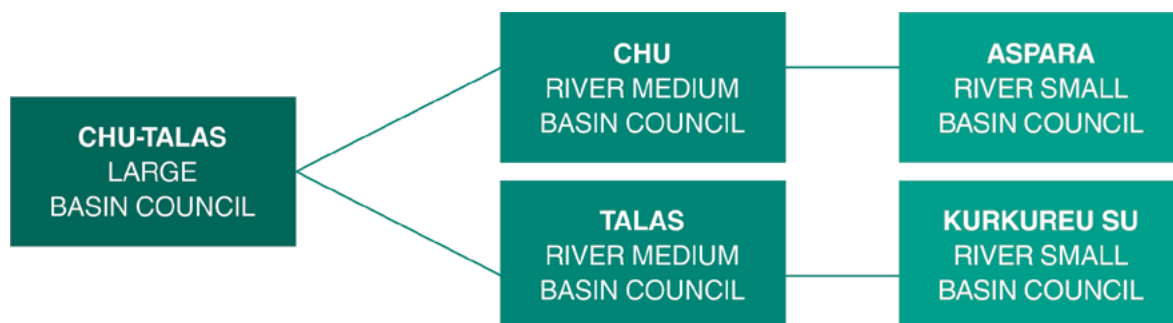
FIGURE 2. INTERACTION HIERARCHY AMONG LARGE, MEDIUM AND SMALL BASIN COUNCILS



As an example, let's consider a hypothetical scheme of basin councils within the Chu and Talas watersheds. A large basin council could be established in the combined Chu-Talas Basin.

As Figure 3 shows, two separate medium basin councils could be cre-ated on the Chu and Talas Rivers, respectively.

FIGURE 3. MODEL INTERACTION HIERARCHY AMONG BASIN COUNCILS IN THE CONSOLIDATED CHU-TALAS RIVER BASIN



Small basin councils could be established on the Aspara River (tributary of the Chu River) and on the Kurkureu Su River (tributary of the Talas River). Undoubtedly, this scheme can be much more complicated, as it neither includes all the tributaries of the Chu and Talas Rivers nor reflects the transboundary setting. Yet, it clearly shows how basin councils of various tiers can function.

A large basin council may include 1-2 representatives of each respective SBC – usually SBC Chairperson or his/her authorized representative, as well as the most active SBC member selected at SBC meeting. Representatives of small basin councils should be full-fledged members of large basin councils with the right to vote.

Small and medium BCs have their own agenda and develop their own basin plans. The main task of the representatives of SBCs and MBCs at the meetings of large basin councils is to

coordinate their actions and plans, as well as to find solutions to the issues which cannot be resolved at the level of small or medium basins.

Large basin councils should decide on establishing SBCs. However, currently the process of creating small basin councils is bottom-up, i.e. SBCs are established as pilots, and then they become part of large BCs (at least in the basins where they have already been created).

During 2011-2020, within the framework of its projects CAREC supported the establishment of nineteen fully operational small basin councils in the CAR. Some of them became affiliated with large basin councils (currently only in Kazakhstan, since the process of establishing SBCs in other CAS is still not completed). The table below illustrates the relationships between basin councils of different tiers¹⁰.

¹⁰ Based on the policy paper “Small Basin Councils: Relationship between Water Management, Water Diplomacy and Water Sector Reforms in CA and Afghanistan” executed under the USAID-CAREC Smart Waters Project.

FIGURE 5. INTERACTIONS BETWEEN BASIN COUNCILS OF DIFFERENT TIERS

#	SMALL RIVER BASIN OR IRRIGATIONS ZONE WITH ESTABLISHED SBC	#	COUNTRY	ESTABLISHED	LARGE RIVER BASIN WHICH INCLUDES SMALL RIVER BASIN	LARGE BASIN COUNCIL WHICH INCLUDES SMALL BASIN COUNCIL
1	Ugam-Keless	1	PK	2011	Syrdarya	ASBC
	Small Aral	2	PK	2012		
	Arys	3	PK	2015		
	Ugam	4	PK	2013		
2	Aspara	5	KP	2013	Shu (Chu)	Participate in ChTWMC
		6	PK	2013		
3	Isfara	7	KP	2013	Syrdarya	—
		8	PT	2013		—
4	Kirkureu Su	9	KP	2017	Talas	Participate in ChTWMC
		10	PK	2017		
5	Padshaata	11	KP	2017	Syrdarya	—
		12	PY	2018		—
6	Aksu	13	KP	2017	Syrdarya	—
7	Isfana	14	KP	2018	Syrdarya	—
8	Yomonjor (canal)	15	PY	2018	Amudarya	—
9	Shahrikhansai (canal)	16	PY	2018	Syrdarya	—
10	Aksu	17	PY	2018	Amudarya	—
11	Murgab	18	TM	2018	Murgab-Harirud	—
12	Lower Harirud	19	AFГ	2019		

2.4. Operation and functions of small basin councils

The operation of basin councils at various levels, including SBCs, primarily depends on the involvement of key stakeholders. BC members can be either organizations or individuals. Organizations are represented by physical persons officially nominated by their respective organization with the right to vote on their behalf. Participation of BC members in the work of basin councils is manifested in fulfilling

their professional duties and is not additionally remunerated.

Basin council operation is regulated by provisions on basin councils. The provisions are adopted as per the protocol (minutes) of one of the initial BC meetings for an indefinite duration. As a rule, the provisions on basin council is a model document approved at the level of a line ministry or agency responsible for water resources management. In different countries, they can have different formats. However, the model BC provisions contain several mandatory

sections determining the goals and objectives of establishing and operating a particular basin council, as well as its composition and decision-making procedures. The procedures pertaining to BC operation and meetings are stipulated by the basin council regulations/articles (modus

operandi) described below.

For instance, in Kazakhstan, the Provisions on Basin Council are approved by the order of chairperson of Water Resources Committee (Annex 1)¹¹.

The model provisions on basin council shall contain the following sections:

1. General provisions

- BC definition;
- Legal framework of BC operations.

2. Goals and objectives

- Clearly defined BC objectives not limited by time;
- BS tasks (designed for each individual watershed).

3. Documents and materials reviewed by council

- List of documents which council may consider.

4. Council composition

- Membership (initial and approved), quota for recognizing meetings valid;
- Rules and procedures for inviting additional participants;
- Rules and procedures for replacing BC members.

5. Operating procedures

- Chairperson, format of convening;
- Decision-making procedures (reference to regulations)

6. Meeting procedures

- Frequency of meetings;

- Meeting procedures.

7. Operation assurance

- Source of funding meetings;
- Role of organizer/secretariat (logistics, agenda).

In each specific case, basin council regulations govern the work of a particular BC and may be different depending on the decisions made. Each item of the regulations has to be approved by the joint decision of all BC members. The model basin council regulations presented below is based on the Kazakhstan's experience and may include the following sections:

1. General provisions

- Principles of BC operation

2. Procedures of preparing and conducting BC meetings

- Frequency of meetings, preparation procedure;
- Meeting procedures (facilitator, protocol, meeting materials).

3. Procedure for bringing matters before BC

- Deadline for submitting applications for consideration, drafting of agenda, extraordinary meetings.

4. Decision-making procedures

- Differentiation between decisions and recommendations;

¹¹ As per Order №71-P "On Approval of Model Provisions on Basin Council" of the Water Resources Committee under the Ministry of Agriculture of the RK

- Description of decision-making procedures (majority vote, quota of participants present for making decisions).

5. Subsidiary bodies

- Rationale for establishing secretariat and working groups, and their operating procedures.

6. Participation of observers and invited persons in BC meetings

- Procedures for inviting invited experts and ordinary observers to BC meetings.

7. Planning of future activities

- Procedures of drafting and adopting BC work

plans for subsequent year.

8. Final provisions

Similarly, so far there are no finalized mechanisms for regular funding of basin council secretariats in cases when they were established. In each case, the principles of their establishment and functioning are included in the relevant basin council provisions based on the general consensus of SBC members.

We have reviewed the legal framework for establishing basin councils in Chapter 1.3 above. In this chapter, let's look at the provisions regulating basin council operations (Table 4.).

**FIGURE 6. PROVISIONS IN NATIONAL LEGISLATIONS
REGULATING BASIN COUNCIL OPERATIONS**

COUNTRY	ARTICLE UNDER LAW	CLAUSE
KAZAKHSTAN	Article 37 of the Water Code	The authorized body (WRC) shall provide methodological support of activities by water management organizations (Order №71-P «On Approval of Model Provisions on BC» of April 21, 2004 of the Water Resources Committee under the Ministry of Agriculture of the RK)
KYRGYZSTAN	Article 8 of the Water Code	Government shall approve provisions on basin councils
TAJIKISTAN	Article 12 of the Water Code	Government shall determine and approve the powers of authorized body
TURKMENISTAN	Article 15 of the Water Code	Provisions on territorial and basin state water management organizations shall be approved by the authorized body (SWMC)
UZBEKISTAN	Absent in the law «On Water and Water Use»	No guidelines on operations of basin organizations
AFGHANISTAN	Law «On Water» (Chapter 3, Articles 12-17) on river basin agencies and river basin and sub-basin councils)	(1) National Water Affairs Regulation Authority (NWARA, formerly MEWR) shall establish river basin councils (RBCs) and river sub-basin councils (river sBCs) consisting of representatives of water users, relevant national and local departments of line ministries and other relevant stakeholders in the river basin; (2) If necessary, in accordance with the law NWARA may delegate some of its authority to RBCs after enhancing the required competencies and capacities through technical training; (3) The number of RBC and river sBC members, as well as the method of electing water user representatives shall be established in the charter.

2.5. Small basin council operation: financing opportunities

Funding for large basin councils and likewise small basin councils is the main driver behind the overall evolvement of these institutional frameworks in all countries of Central Asia and Afghanistan. However, the mechanisms for financing the work of councils, secretariats and basin plan implementation are legally defined neither in any of the CAS nor in Afghanistan. Only Kazakhstan possesses the experience of permanent funding of large basin councils – since 2008 regular meetings of large basin councils have been financed by the state.

The costs of supporting the activities of small as well as large basin councils can be divided into three main blocks:

1. Support of basin council meetings;
2. Support of permanent secretariats;
3. Support of the implementation of BC decisions through basin plan implementation.

The first two blocks do not require a lot of funds. It is possible to convene SBC meetings, for instance, on the premises of local administrations, and council members can come to meetings at the expense of business trip coverage allocated from the state budget. As described above, SBC secretariats may be established under corresponding water management organizations. In this case, secretary functions can be assigned as additional job functions to a

water administration employee and, thus, will not require additional funding as well.

The third block is the most costly, as it is associated with the actual execution of actions under basin plan. The mechanisms of financing basin plan implementation are described in more detail in the **Basin Planning Handbook**.

Legislation does not limit basin council funding opportunities. Hence, the work of SBCs, as well as the implementation of basin plans can be financed from various sources.

As evidenced in practice, currently the sustainability of covering the costs under the first two blocks can be ensured at the expense of state budget. However, it is necessary to take account of specific funding rules and procedures in force, and the way funds are allocated for such types of activities in a given country.

As stated earlier, state budget is not the only source of funding available. Private entities/organizations should play a significant role in the operation of basin councils of any tier and, likewise, implementation of their plans within the framework of executing their individual programs on social and corporate responsibility and public-private partnership. In Central Asian countries and Afghanistan, though, such mechanisms are still poorly developed. So far, there were no such examples on the level of SBCs in target countries. Next, let's consider various other alternative funding options for small basin councils in more detail.

KAZAKHSTAN

Kazakhstan already has a mechanism for financing meetings of large basin councils. To this end, the state budget contains a separate line specifically designated for supporting BC meetings.

In total, 16 BC meetings are funded per year – 2 for each of the 8 basin councils. The public services procurement procedure is utilized to obtain funds. Public foundations, NGOs and civil-society organizations are authorized to apply for designated tenders.

The Irtysh Basin was one of the first that utilized the instrument of basin agreement. Since 2006, the Kazzinc Company has been a member of the Irtysh Basin Council.

In 2007, Kazzinc, Akimat of Eastern Kazakhstan Region and water organizations operating in the oblast (province) signed the first Basin Agreement focusing on the aquatorium and water protection zone around the Bukhtarma Reservoir.

The parties agreed to preserve the chemical and ecological condition of the reservoir, protect it from pollution and any other environmental damage. In addition, the Agreement includes clauses on the development and implementation of a joint action programme to protect water bodies and ensure the rational use of water resources; on the creation of a joint system for monitoring water quality and quantity in the Bukhtarma Reservoir; and on the installation of water protection zone delimiters to prevent any use of water by existing industrial facilities, as well as construction of new facilities within such zones.

The Kazzinc Company assumed financial responsibility for executing necessary measures. The Irtysh Basin Council was appointed the body responsible for coordinating the parties and monitoring the implementation of the agreement.

(Basin Agreement between Kazzinc and Akimat of Eastern Kazakhstan Region)

In addition, the Water Code (Article 42, Clause 4) of Kazakhstan stipulates for the possibility of financing the implementation of basin agreements. Chapter 4. of this Handbook provides a more detailed review of basin agreements.

Interestingly, financing of basin council operation and basin plan implementation can be carried out based on investments by large water users.

Since 2006, based on the national Law “On State Social Order” Kazakhstan’s line ministries and local authorities have been administering programmes aimed at implementing various social and environmental projects. This is yet another possibility for financing basin councils and executing basin plans – utilizing the state programs’ support for NGOs and implementing certain interventions through them.

KYRGYZSTAN

Kyrgyzstan still lacks clear mechanisms for financing basin councils and basin plan

implementation. From the legal point of view, such funding is possible both from the state budget or local budgets, and by way of attracting financial resources from international development partners at the basin level.

TAJIKISTAN

The new Water Code of Tajikistan (2020) does not contain special articles regulating the financing of basin councils. For this reason, the actual funding mechanisms for basin council operations have not yet been determined. As practice shows, to date financing of pilot basin councils in Tajikistan is done at the expense of international development partners under corresponding projects. River basins are distributed among different organizations/projects to test different approaches.

TURKMENISTAN

According to Clause 1 of Article 15 of the Water Code of Turkmenistan, territorial and basin state water management organizations shall be subordinate to the authorized body, i.e. State Water Management Committee. The main task of this WMO is state administration and control in the field of water use and protection, and the financing of associated measures is done at the state's expense.

UZBEKISTAN

Uzbekistan's water sector is financed from the state budget, yet its water law lacks special provisions on funding basin councils or irrigation systems councils. At present, these organizations are operating in pilot mode and receive grant-based funding.

AFGHANISTAN

The creation of basin councils in Afghanistan has not yet been completed. However, Afghanistan's legislation does contain provisions on financing basin council activities.

Under **Clause 11 of Article 10 of the national Water Act**, the responsibility for financing basin organizations rests with several ministries and agencies: National Water Affairs Regulation Authority (NWARA, the former Ministry of Energy and Water) in coordination with the Ministry of Agriculture, Irrigation and Animal Husbandry, Ministry of Urban Development, Ministry of Rural Rehabilitation and Development, and National Environmental Protection Agency.

The procedure for obtaining funding in Afghanistan is legally established and fixed. The actual procedure includes the following steps:

- **Step 1.** River Basin Councils develop their work plans and submit them to NWARA;
- **Step 2.** NWARA collects basin plans from all

basins, and the minister approves funding for 1 year ahead; after this, the approved budget is referred to the Ministry of Finance;

- **Step 3.** Ministry of Finance directs money to River Basin Councils and agencies on a monthly basis (covering operational expenses like River BC meetings, small miscellaneous costs, and wages). Larger expenses require additional NWARA approval.

Thus, by providing for continued funding Afghanistan's legislation ensures more stable operation of basin councils.

ALTERNATIVE BASIN COUNCIL FINANCING MECHANISMS

As mentioned above, state programs or fees from water users – some of which can be used to maintain small basin councils – represent the most sustainable mechanisms for financing BC efforts.

At the moment, only 2 out of 6 countries in the region have adopted such models. In addition, the allocated funding covers only large basin councils excluding the level of small basin councils. Thus, during the roll-out phase it is necessary to identify other potential sources to financially support SBCs, including via the following:

- execution of projects with the support of international development partners;
- engaging private business in implementing basin plans and supporting BCs.

As SBC members, large water users, such as industrial enterprises, can also support the actions by basin councils by assisting them in holding BC meetings. One such example – the case of the Irtysh Basin Council – was described above.

Assistance by international development

partners includes annually allocated funds for various projects, including these related to basin-level institutional development. Currently, several large projects supporting the development of territories and, to an extent, basin councils are undergoing execution¹². For instance, the USAID-CAREC Smart Waters Project, has been supporting meetings of thirteen small basin councils in the course of 5 years.

The small basin councils of the Isfara River – actively engaged in mobilizing additional funding – also possess experience of collaborating with various international agencies. This allows Isfara River SBCs not only holding regular meetings, but also conducting River Day Celebrations and executing actions under their basin plans.

According to the legislations of the CAR, the development and implementation of state, interstate and regional-level water use and protection programs can be carried out at the expense of state and local budgets, as well as legal entities, extra-budgetary funds, and voluntary contributions of organizations and citizens.

Public-private partnership is a novel mechanism for Central Asian countries. So far, its application has been rather limited and, as a rule, aimed at addressing socially significant issues like construction of roads, schools, hospitals, etc. However, the practice of involving large enterprises both in supporting BCs and

implementing basin plans is obviously still poorly developed, and is observed only in Kazakhstan.

Basin agency is an agency which can be created as an executive agent to implement basin council decisions. Under basin agency, it is possible to establish a special fund to financially support the implementation of basin agreements. Basin council approves the composition, budget (where applicable), work plans and reports by basin agency.

Based on the approval of basin council, basin agency can be authorized to attract additional financial resources for the implementation of basin agreement and/or basin action plans. In Central Asia, so far no such agencies operate.

In Kyrgyzstan, one SBC was officially registered as a legal entity – Public Foundation under the Isfara River Basin Council – legally authorized to implement projects to execute the actions under the respective basin plan.

At present, it is not yet possible to assess the overall performance of this legal entity, since it was created just recently and is not fully operational. On the one hand, registration of a legal entity allows raising funds to back basin plan implementation. On the other hand, however, in case of sufficient funding there is a risk of lobbying the interests of this specific organization to the detriment of other SBC members, thus, threatening the very core of the institute of basin council – equal stakeholder participation.

¹² USAID-CAREC Smart Waters Project; World Bank project in Kyrgyzstan; Transboundary Water Resource Management in Central Asia by GIZ

PUBLIC FOUNDATION «BATKEN BASIN COOPERATION»

The Small Basin Council in the Kyrgyzstan part of the Isfara River was established in 2013 with the support of the USAID-CAREC Project*. The SBC became so successful that its members decided on the need to create a mechanism to ensure its sustainable operation. In order to attract additional funding to support SBC interventions, Batken Basin Cooperation Public Foundation was registered May 23, 2018.

The organization's founders include Batken Town Administration and Public Foundation "Batken Rural Advisory Service". SBC Chairperson, Mr. Doranbek Mamadiyev, was elected the Foundation Chairperson.

SBC members entered the Foundation's Steering Board and Audit Commission.

The Foundation's main goal is to comprehensively support SBC activities and integrated management of the water resources of the Batken River. To achieve its objectives, the Foundation shall be authorized to carry out the following actions:

- facilitate the execution of state programs;
- facilitate the development of basin plans;
- support the activities of basin councils;
- mobilize financing by way of developing and implementing various projects, etc.

The Public Foundation has just started its work, but has already attracted funding to execute several actions under the basin plan, for example, establishment of a demo site for training farmers on sustainable water use and best agricultural practices.

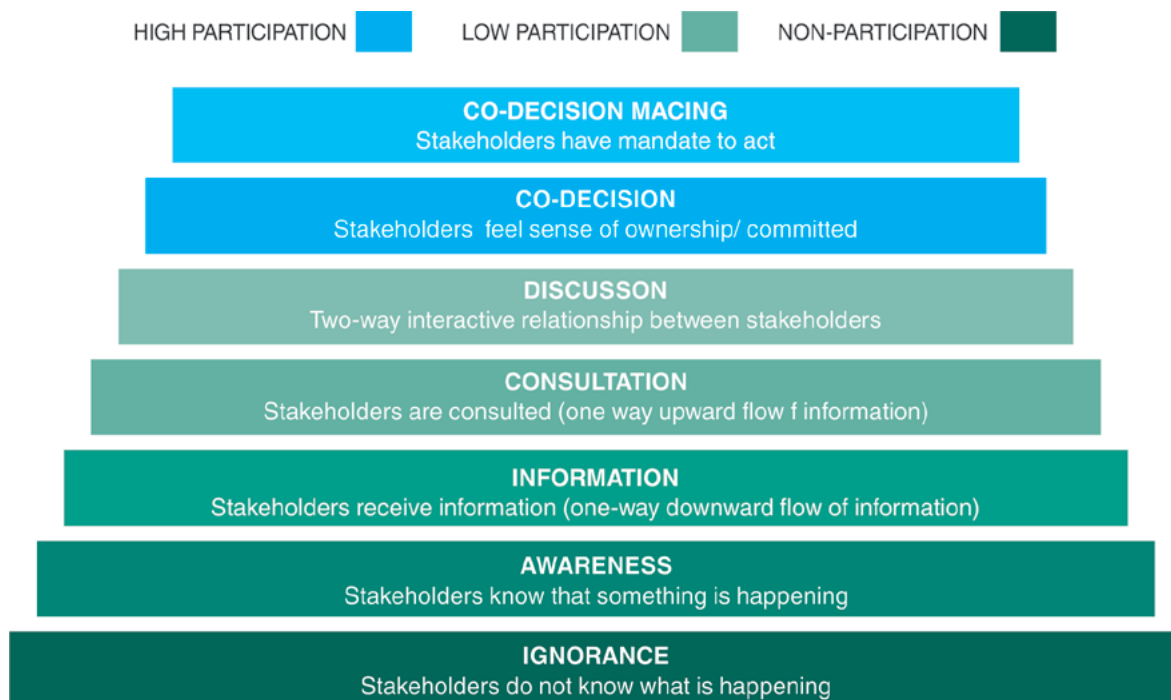
USAID-CAREC Project "Stakeholder Partnership in Joint Policy Development: Promoting Transboundary Cooperation in Small Watersheds in Central Asia" (2012-2016)

2.6. Small basin councils operations: promotion opportunities

The involvement of local communities in decision-making and shared water resources

management is an essential prerequisite for effective implementation of IWRM principles. Public participation can be conditionally divided into seven stages depending on the degree of involvement from low to medium and high¹³:

**FIGURE 4. DEGREES OF PUBLIC PARTICIPATION
IN DECISION-MAKING**



Public participation in basin councils, including small basin councils, is one of the mechanisms to improve the overall efficiency of basin plan implementation, as well as to promote and get a general buy-in on BC decisions.

Various mechanisms can be utilized to engage the public and promote SBC efforts. Overall, three main levels of interactions between SBC and the public can be distinguished:

- **Level 1** – informing the public via all available channels, such as websites, media, social

networks, etc. This level allows disseminating information about BC decisions among the general public. However, this level works unilaterally and does not allow collecting feedback from the population;

- **Level 2** – engaging the public through public hearings, hotlines, and social network communications. This level allows gathering information about ongoing issues, as well as observing the reaction to decisions associated with the development of a territory. Although this level does render an opportunity for influencing decisions by forming the public opinion, it still

¹³ Basco-Carrera et al. Joint or peer-to-peer modelling? Framework for water resources management. Environmental Modelling and Software, Issue 91 (2017). Fig. 3. Participation Ladder in Water Planning and Management (adapted from Arnstein (1969), Bruns (2003), and Mostert (2003)).

does not ensure participation of the general public in decision-making;

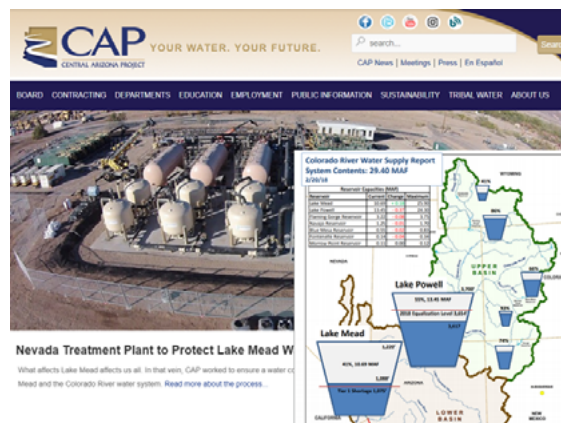
- **Level 3** – membership in basin council. This level allows different stakeholders to participate in decision-making. On this level, it is possible to form various thematic expert groups to address individual issues; decisions can be made by the entire council or undergo review at public hearings. Only this level allows making coordinated and agreed decisions on the development of a territory with the account of views of a wider range of stakeholders.

DISSEMINATION OF INFORMATION

Dissemination of information is the easiest way to communicate decisions and inform about initiatives and actions by basin council the maximum number of water users. Although this method does not allow them an opportunity to participate in decision-making, it does permit stakeholders adjusting their actions based on the awareness of actions planned in the basin.

Basin council can also communicate its decisions to the public through an information board located on the premises of local executive agencies (akimat, khokimiyat, khuku-mat, khakimlik, state administration) and through the media. Participation of media representatives in BC meetings or their membership in SBC allows constantly covering its activities and reaching out to the general public.

Having a basin council website or page in social networks is yet another opportunity for continual dissemination of information to both stakeholders and the general public. The Colorado River Basin in the US serves a good example of that – among other things it allows tracking water levels in various units of the basin's water infrastructure online.



So far, Central Asian countries do not demonstrate similar cases but, as world practice shows, it is such channels of disseminating information about the basin situation which allow water users making timely and viable decisions.

PARTICIPATION IN JOINT ACTIVITIES

As a rule, decisions on joint actions in the basin are made at BC meetings. Historically, in Central Asia the efforts on cleaning and minor repair of water canal networks have always been carried out collectively by the entire local community in the form of ashar (kashar, khashar, etc.).

Small basin councils have demonstrated their utmost efficiency in making decisions on executing such works and determining their sequence and schedule, as well as mobilizing collective actions.

River Day celebration represents another opportunity for engaging the public in water management. River Day is not only a shared holiday, but also an opportunity to unite water users and popularize SBC work.

THE ISFARA RIVER DAY

The Isfara is a small transboundary river flowing through the territory of 3 countries: Kyrgyzstan, Tajikistan and Uzbekistan. About 500,000 people live in the watershed. Agriculture is the main economic activity in the area. The residents of the Isfara River Basin are completely dependent on this river's water resources. Shared use of water resources, addressing most acute issues and finding consensus among riparian states constitute the main tasks of the Isfara River Small Basin Council established in 2015.



The Isfara River Day was first celebrated in 2016 on the river's Tajikistan side. The celebration included a series of events like the children's drawing competition, essay contest under the theme "The Isfara River – The River of Friendship", football and basketball matches, as well as the exhibition of agricultural achievements and many other cultural and social actions.

PARTICIPATION IN DECISION-MAKING

Public hearings represent a mechanism for involving the public in decision-making. The actions under basin plan developed by SBC can undergo discussion by the wider public in the form of public hearings. On the one hand, they provide an opportunity for presenting the developed basin plan and, on the other hand, this way local residents can also express their opinions and propose issues most relevant in

their view for inclusion in the plan.

Public involvement and dissemination of information about the outcomes of SBC efforts are not limited to the mechanisms presented in the Handbook. They can be much more numerous depending on specific conditions and situation. Each basin council has the right to choose the ones which they consider the most instrumental in a particular basin.

CHAPTER 3. SBC: OPERATION PECULIARITIES IN TRANSBOUNDARY CONTEXT

The majority of rivers in the Central Asian Region are transboundary, which is largely due to the natural landscape of the catchment area of the main region's rivers – the water from numerous streams and springs located high in the mountains flows down forming the beds of shallow and small rivers which, in their turn, converge descending even lower and giving life to increasingly larger rivers amidst the lowest elevation landscapes.

It is no coincidence that it is exactly here – in natural depressions along rivers – where for ages the majority of people have been settling, developing the adjacent lands, using them for farming, and where there emerged the ancient oasis centers with subsequent formation of cities, states and political borders between them. This is true for the main river valleys of the region – Ferghana, Chu (Shu), Zerafshan, Vakhsh, Murgab, and Herat.

This is exactly why joint management of water resources based on participation of all stakeholders in riparian countries is so crucial for the development of neighboring territories. The CAR's international transboundary context imposes additional complexities when it comes to dealing with purely economic issues, as they may appear at first glance. Whether it's so or not, primarily depends on the nature and level of relations between neighboring states and the need to undergo certain foreign policy

procedures – i.e. the foreign ministry of one country referring to the foreign ministry of another country – usually taking a long time. From this perspective, the establishment and adoption of a common legal framework and principles governing joint management of such small river watersheds could significantly facilitate this task, as well as contribute to sustainable development of target territories.

At the level of small transboundary watersheds, emerging issues in cross-border zones can be addressed through joint meetings of small basin councils. It manifests one of the most effective ways and mechanisms of preventing/mitigating conflicts and pinpointing joint water management solutions. Joint SBC meetings may decide on the following issues:

- water allocation;
- joint monitoring;
- joint operation of hydro-technical installations/facilities;
- joint cleaning of rivers and canals;
- water quality;
- etc.

As an example, let's consider the EcoPeace Program launched in the transboundary Lower Jordan Basin¹⁴.

¹⁴ Management frameworks for transboundary water resources management in the Jordan River Basin, SIWI, 2015

INSERT 3

LOWER JORDAN ENVIRONMENTAL COOPERATION PROGRAM

In the Lower Jordan, with support of the Stockholm International Water Institute (SIWI) and the Global Nature Fund (GNF) in 2012 EcoPeace (environmental peace/cooperation) Program was launched for Jordan, Is-rael, and

Palestine (on the border with Syria and Lebanon). The prerequisites for initiating the effort were the lack of a joint transboundary water agreement among all the riparians, limited resources and constant conflicts over water resources use, and the 50-year long confrontation between the countries sharing the basin.

The main Program's goals and objectives include the following:

- forge a common basin development vision endorsed by all the riparians;
- identify and agree on shared transboundary challenges;
- collect and exchange water data;
- jointly plan the implementation of common solutions.

The Program includes the development of projects attractive to investors and, at the same time, economically beneficial for several parties. The EcoPeace Program aims to create an investment-enabling environment through enhanced cooperation among the concerned countries, develop crisis management measures, mainstream environmental factors and climate change issues, and engage the public in water resources management. Significant attention is also rendered to the education of young people via special educational programmes, youth camps, joint research efforts, etc.



CHAPTER 4. BASIN AGREEMENTS AS AN OPERATIONAL BASIN COUNCIL MECHANISM¹⁵

4.1. What is basin agreement? Who can sign basin agreements?

Basin agreements represent another legal mechanism allowing water resources management in a basin. In particular, this mechanism facilitates engaging large water users in the work of basin councils, implementing basin plans and consolidating certain obligations of various water users. Of all the CAR countries, only Kazakhstan's law provides for basin agreements. The legislations of other countries of the region do not stipulate for such a mechanism but do not exclude it either.

Basin agreements can be internal in nature – in this case, representatives of various constituencies of the same country act as parties – or international – when two or more countries participate.

In case of internal basin agreements, executive authorities and any stakeholders (legal entities) can be agreement parties.

An international basin agreement can be concluded between the executive authorities of riparian states and stakeholders represented by special authorized management agencies involved in water resources use and protection. If countries are parties to international or regional agreements, executive bodies of such international/regional agreements may also

participate in basin agreements.

Basin agreements may address the following issues:

- restoration (rehabilitation) and protection of water bodies;
- repair and reconstruction of water infrastructure;
- prevention of harmful environmental effects;
- water resources management;
- establishment and operation of monitoring and/or data-exchange systems associated with shared water bodies;
- monitoring water resources quantity and quality;
- etc.

The process of signing a basin agreement consists of the following stages:

- **Step 1. Process initiation** – identification of stakeholders for concluding agreement; this step includes identification of mutual interests among BC members willing to enter into an agreement;
- **Step 2. Role definition** – identifying the roles of each agreement participant, including main agreement operator(s), beneficiaries, these supporting and allocating means for agreement implementation;

¹⁵ Based on materials by I.A. Petrakov (2015) and S.M. Mukatayev, BABC Chairperson (2018)

- **Step 3. Identification of agreement goals and objectives** – one of the most important steps of agreement conclusion;

- **Step 4. Development of action program** – formulating the work program for fulfilling obligations under the agreement with the involvement of all agreement parties. The action program should be supported by financing and obligations of each party;

- **Step 5. Signing of agreement** – as a rule, takes place during basin council meeting;

- **Step 6. Entry into force of agreement** – in case of international agreement, it shall be ratified by the authorized representatives of contracting parties. Agreement shall enter into full force upon signature and ratification by all parties;

- **Step 7. Monitoring of agreement implementation** – monitoring is carried out by basin council. The results of agreement implementation are presented at BC meetings.

The duration of basin agreement shall be determined by the parties hereto depending on the agreement progress (period of achieving agreed goals and objectives). Open-ended agreements are possible with annexes updated on a regular basis (e.g., every 5 years) specifying the objectives and actions of the contracting parties for the next period.

The agreement signed by the Balkhash-Alakol Basin Council in Kazakhstan¹⁶ manifests one of the most successful examples of signing basin agreements. The details of several basin agreements are presented below.

BASIN AGREEMENTS: CASE OF BALKHASH-ALAKOL BASIN COUNCIL

In 2006, BABC became the first basin council established in Kazakhstan and today represents one of the most successful BCs in the region. Since its inception, BABC has signed 17 (seventeen) basin agreements, including the two presented below.

The Agreement of October 9, 2009 between Balkhash City Akimat of Karaganda Region, Kazakhmys Corporation LLP and Balkhash-Alakol Basin Inspection. The agreement's aim is to ensure the implementation of water protection and water management measures in the northwestern part of Lake Balkhash within the limits of Balkhash City to improve the overall ecological sanitary condition of Lake Balkhash.

One of the main conditions under the Agreement is the implementation of 20 (twenty) interventions by the Kazakhmys Group subsidiaries, i.e. Balkhash Copper Plant, Balkhash Thermal Power Plant and Karagan-datsvetmet (Karaganda Non-Ferrous Metals) Production Enterprise. According to the Agreement, Kazakhmys Group allocated approx. 1.5 bln tenge (USD10 mln) for environmental protection measures.

¹⁶ Based on the report by BABC Chairperson (March 24, 2018) at the Basin Council Training under the USAID-CAREC Smart Waters Project

The 2015 Comprehensive Agreement regulates the development of the Bestyubinsk Reservoir. The corresponding water users include the akimats (local administrations) of Karaganda Region and Uighur District, Moynak Hydroelectric Power Station JSC, Sharyn Irrigation State Municipal Management Company, Sharyn State National Nature Park Public Organization.

While developing the agreement, the Basin Inspection took account of the interests of all the participants focusing on the preservation of the ecological state of the Sharyn River. The parties developed and approved the 2015-2018 Joint Environmental Action Plan indicating actions, specific deadlines and responsible organizations.

4.2. Legal framework for concluding basin agreements in Central Asia

Only Kazakhstan's legislation stipulates for signing basin agreements. The laws of other countries in the Central Asian Region do not refer to this tool.

As per Article 42 of the Water Code of the Republic of Kazakhstan, basin agreements on rehabilitating and protecting water bodies may be concluded between basin inspections, executive authorities of constituencies (administrative-territorial units) and economic entities.

WATER CODE OF THE REPUBLIC OF KAZAKHSTAN (WITH AMENDMENTS AND ADDITIONS AS OF OCTOBER 28, 2019)

Article 42. Basin agreements on rehabilitation and protection of water bodies

1. Basin agreements on rehabilitation and protection of water bodies (hereinafter, basin agreements) shall be concluded between basin inspections, local executive bodies of regions (cities of national status, capital) and other entities located within a water basin with the aim of joining and coordinating activities, as well as implementing measures to restore and protect water bodies.
2. Basin agreements shall state the obligations of the parties on joining forces and means necessary to execute specific water protection measures, and indicate deadlines for their implementation.
3. Basin agreements shall be developed based on water management balances, water resources integrated use and protection schemes, documents of the state planning system of the Republic of Kazakhstan, scientific and design documents.
4. To achieve the goals and objectives of basin agreements, physical and legal persons may establish foundations regulated by the requirements and in accordance with the procedures established by the legislation of the Republic of Kazakhstan, whose means shall be intended for executing measures on restoration and protection of water bodies.

However, the legislations of other target countries do not prohibit basin councils from signing such agreements. Basin agreements are essentially contracts establishing commitment of two or more parties to carry out certain works or services. Thus, in countries where conclusion of basin agreements is not stipulated by the water

law, other laws regulating usual contractual relationship between legal and physical persons can be used for this purpose.

In other words, conclusion of basin agreements is legitimate in Central Asian countries and Afghanistan.

4.3. Specifics of signing small transboundary river basin agreements

The mechanism for concluding basin agreements on small transboundary rivers is identical to the one associated with large basin councils. The steps described in Chapter 4.1. above are fully applicable to small rivers. Basin agreements on small rivers can be concluded both between legal entities and physical persons. In particular, such agreements can be extremely effective for organizing and taking certain joint actions on the level of local communities, for instance, conducting ashars (kashars, khashars).

In the intercountry context, signing of basin agreements between small basin councils and their members residing on the riparian river sides should, most certainly, be regulated and formalized through the foreign ministries of the countries concerned. It may take a long time and be a rather complicated process, especially for SBC members represent the state. However, SBC members may include non-

governmental (civil society) organizations and farmer associations and, thus, the conclusion of agreements between non-state actors and their approval at joint SBC meetings allows executing basin-level efforts outside the time-consuming bureaucratic procedure.

Basin agreements in a transboundary context may relate to the following types of work at transboundary sites:

- joint cleaning and repair of shared hydro-technical installations/facilities;
- joint actions and works involving local population;
- holding joint events such as River Days, joint youth competitions, etc.

This approach makes it possible not only to improve the management of water resources throughout a basin, but also to channel financial means for addressing the needs of the entire watershed, as well as to attract the highest public attention to the situation in the basin in all riparian countries.

CONCLUSION

The principle of public participation included in the IWRM concept is primary for achieving effective water management. It's impossible to manage water resources in an efficient manner without taking account of the interests of main water users, as well as not engaging them in the process. Small basin councils have proven themselves as institutions allowing full-fledged involvement of key water users in decision-making and joint actions on a sustainable and long-term basis. Thus, SBCs contribute to better use and management of water resources and, likewise, actualization of strategic national goals and objectives.

As a dialogue platform, SBCs aid in reaching consensus among water users on complex water distribution issues, looking at emerging challenges from various perspectives, reducing the conflict potential of water allocation and water use, as well as in pinpointing optimal solutions.

Small basin councils are agents of reforms and new approaches to the local-level water resources management and use. Participating in SBCs, water users receive not only the information on sector-specific novelties and amendments, but also opportunities to participate in the search for optimal on-the-ground solutions. Such an approach lays the foundation for sustainable development of local communities and their overall well-being.

Public involvement in SBC operations and creation of an information dissemination system make it possible to popularize the decisions made and to carry out the planned actions effectively. The more the public and other stakeholders are involved in the work of a small basin council, the better the local population understand the situation and the lower is the likelihood of conflicts and misinterpretations.

The efficiency of SBC interventions may vary. Decision-making in large watersheds is complicated by the corresponding bureaucracy. Small basin councils can make and implement their decisions faster because of their smaller size and availability of local-level organizational capacities. Only high-cost and transboundary issues require the involvement of national authorities.

Each watershed is unique and, accordingly, SBC composition, activities in the basin action plan, as well as approaches and mechanisms for drafting them may differ in each case – from basin to basin. Yet, the general algorithm and approach described in this Handbook can be successfully utilized in any basin and in any country.

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ANNEX 1

Approved
by order of the Chairperson
of the Water Resources Committee
of the Ministry of Agriculture
of the Republic of Kazakhstan
of “ ____ ” _____ 2004

Model Provisions on Basin Council

1. General provisions

1. Basin Council (hereinafter, Council) shall be deemed a consultative and advisory body on the management and protection of the water fund in the relevant basin.
2. The Council shall carry out its activities in accordance with the Constitution of the Republic of Kazakhstan, Water Code of the Republic of Kazakhstan and other regulations, as well as these Provisions and Basin Agreement.

2. Goal and objectives

3. The purpose of establishing the Council shall be to promote cooperation and consolidate the efforts of state and non-state actors in the management, use and protection of the basin's water resources.

4. The Council's main objectives shall include the following:

- joint review of relevant issues in the field of management and protection of the basin's water fund;
- preparation of proposals and recommendations on management, use and protection of the water fund for the Basin Water Management Administration (hereinafter, BWMA), legal and private persons engaged in water use and consumption;
- making proposals regarding plans, as well as economic and social programmes for the development of the relevant water basin;
- preparation of funding and tariff options for consideration by designated authorities and donors along with the preparation of investment project packages in the relevant basin;
- hearing reports by local executive top management on the state of water resources and water use, as well as their actions related to water resources management and protection;
- preparation of proposals to plans for integrated water resources management and public engagement in addressing water issues;
- strengthening water partnerships on integrated water resource planning and management, ensuring information exchange among public authorities, water users and the public;
- drafting of Basin Agreements for integration, coordination and implementation of joint actions to rehabilitate and protect water bodies.

3. Documents and materials for review by Council

5. As part of fulfilling its established goals and objectives, the Council shall review the following documents and materials:

- draft Water Resources Integrated Use and Protection Schemes;
- plans on the rational use of the basin's water bodies by local executive authorities;
- draft Basin Agreements and corresponding progress materials;
- other documents and materials significant from the point of view of management and protection of the basin's water resources, as well as these requiring joint review by various governmental and non-governmental organizations.

4. Council membership

The Council shall comprise heads of BWMA, local representative and executive bodies, other territorial state bodies carrying out management functions in the field of use and protection of the water fund of water management organizations, water user associations (unions), and non-governmental organizations involved in the management and protection of the basin's water resources.

7. The initial Council's composition shall be initiated by the BWMA head. Subsequent changes in the Council's composition shall be made based on proposals by its valid members and approved by the

Council's decision.

8. At the invitation of the Council members, representatives of state and non-state organizations, as well as non-member citizens may be invited for participation in its meetings.

9. While forming the Council's composition, at least a 20% quota shall be ensured for each of the following participant categories:

- territorial subdivisions of ministries, agencies and other national agencies carrying out management functions on the use and protection of the water fund;
- local executive and representative bodies;
- water users, their associations, water management organizations and non-governmental organizations.

5. Operating procedures

10. The BWMA head shall chair the Council.

11. The Council's work shall be carried out in the form of meetings.

12. The Council shall make decisions by a simple majority open vote among its members.

13. The Council shall ensure access to the protocols and other informational materials associated with its meetings for all its members and the public.

14. The BWMA shall serve as the depositary of protocols and other adopted documents and decisions.

15. The Council members shall establish the more detailed Council's operating procedures by way of approving special regulations.

6. Meeting procedures

16. The Council shall hold its meetings as necessary, but at least twice a year.

17. The Council chair shall determine the date of the regular meeting upon agreement with other Council members.

18. The date and the draft agenda of the Council's regular meeting shall be published in the local newspaper and website.

19. The meeting shall be deemed duly convened under the condition of more than half of the Council's valid members present.

20. The Council chair shall have the right to transfer the meeting chairing authority to other meeting participants.

21. The meeting chairperson shall inform the meeting participants of the meeting agenda and procedures, as well as shall chair the Council's meeting.

22. The BWMA head shall form the list of issues for inclusion in the agenda of the next meeting based on proposals by the Council members.

23. The person initiating the inclusion of an issue in the agenda of the next meeting shall submit to the Council chair all necessary materials (draft documents, statements, notes, etc.) not later than 14 (fourteen) days before the meeting date. The Council shall distribute materials for the next meeting to the Council members not later than 3 (three) days prior to the meeting.

24. During the meeting, it shall be required to maintain the protocol noting all decisions by the Council.

25. The Council shall publish the meeting protocol in the local newspaper and website not later than 7 (seven) days after the meeting date.

7. Operational support

26. The BWMA shall ensure informational, organizational and logistical support of the Council's activities.

27. Financing of costs associated with the Council's activities shall be covered at the expense and within the limits of the cost estimate allocated from the national budget for maintaining the corresponding BWMA.

28. The costs associated with the secondment of the Council members to meetings shall be covered by the seconding party regardless of the ownership form.

Model Basin Council Regulations

I. General provisions

1. The _____ Basin Council (hereinafter, Basin Council) shall be deemed a consultative and advisory body on the management and protection of the water fund within the _____ hydrographic basin (hereinafter, Basin).
2. These Regulations shall establish the terms and procedures of holding Basin Council Meetings, forming its subsidiary bodies and carrying out its activities, as well participation of observers in its activities.
3. The Basin Council shall operate based on the following principles:
 - collegial decision-making;
 - transparency and public engagement in the management and protection of the basin's water resources.

II. Procedures of preparing and holding Basin Council Meetings

4. Open meetings shall be deemed the main form of the Basin Council's operation.
5. It shall be possible to hold regular and extraordinary Basin Council meetings. Regular meetings shall be held at least _____ a year according to the approved Basin Council Annual Work Plan. Extraordinary meetings shall be convened by the Basin Council Chair based on proposals supported by at least _____ of the Basin Council members.
6. The tentative time and venue of regular Basin Council meetings shall be established in the Annual Work Plan and, as appropriate, shall be subject to adjustment by the Basin Council Chair in consultation with the Basin Council members. The Basin Council Chair shall determine the date and venue of extraordinary meetings based on preliminary consultations with Basin Council members.
7. The Council Secretariat shall ensure meeting preparation in accordance with the instructions of Basin Council Chair. Prior to forming the secretariat, Basin Water Management Administration shall perform its functions.
8. The Secretariat shall notify all Basin Council members and public representatives who have stated their interest to participate by distributing mail invitations on behalf of the Basin Council Chair not later than _____ days prior to the appointed meeting date.
9. The Secretariat shall ensure dissemination of the meeting materials among Basin Council members, as well as shall provide opportunities for familiarizing with them for the interested public representatives not later than _____ days prior to the appointed meeting date.

10. Basin Council meeting shall be deemed duly convened under the condition of more than ____ of its members present.
11. Basin Council Chair or a person elected based on his/her proposal shall chair the meeting.
12. The Meeting Chairperson shall open the meeting by establishing the quorum necessary for decision-making, approving procedures and Basin Council Meeting agenda.
13. The issues submitted for review at the Basin Council Meeting shall be considered in accordance with the approved meeting agenda. The meeting procedures shall establish the maximum duration of statements and reports by meeting participants.
14. The main outcomes and resolutions of the Basin Council Meeting shall be recorded in the protocol maintained by the Secretariat and signed by the Meeting Chairperson.

III. Procedures of submitting issues for Basin Council review

15. The issues reviewed at the Basin Council Meeting shall be proposed by its members in accordance with the goals and objectives of its operations established by law and Provisions on Basin Council.
16. For an issue to be accepted for review, it shall be supported by not less than ____ Basin Council Members. The issues approved for review shall be included in the agenda of the next Basin Council Meeting.
17. As a rule, the provisional agenda of the Basin Council regular meeting shall be drafted at the previous meeting. The provisional agenda of extraordinary meetings shall be drafted by the Secretariat based on the proposals of persons initiating its convening no later than ____ days prior to the scheduled meeting date.
18. Materials and draft documents for regular meetings shall be prepared by the Secretariat and special Basin Council working groups, and for extraordinary meetings – by their initiators jointly with the Basin Council Secretariat.

IV. Decision-making procedures

19. Within the framework of goals and objectives established by the legislation of the Republic of Kazakhstan and internal regulations, Basin Council shall have the right to make decisions on issues reviewed at its meetings in the form of proposals and recommendations.
20. Recommendations shall be accepted if they are addressed directly to a public body or organization whose representative has submitted the corresponding issue for consideration at the Basin Council meeting. In other cases, Basin Council shall make its decisions in the form of proposals.
21. For Basin Council to be able to make decisions, it shall be necessary for at least ____ of its members to participate in the meeting.
22. Decisions shall be made by a simple majority open vote by the Basin Council members present.

V. Subsidiary bodies

23. The Basin Council shall have the right to establish subsidiary bodies (Secretariat, working groups) to carry out organizational and other preparatory work between meetings. Sub-sidiary bodies may comprise the staff of state bodies and other organizations which are repre-sented in the Basin Council, but are not Basin Council members personally.

24. The Secretariat shall prepare materials and draft documents for regular meetings, provide relevant informational assistance to the initiators of extraordinary meetings, as well as shall ensure informational and reference support of and communications among Basin Council members between meetings.

25. The Basin Council shall have the right to establish ad hoc working groups for gathering additional information, conduct expert assessments, prepare draft resolutions and carry out other preparatory work related to the issues approved for review at the next meeting.

26. The materials and draft documents executed by working groups shall be consid-ered at the Basin Council meeting and, if necessary, a resolution shall be made on them as per the procedures by the Provisions and Regulations.

27. Working groups shall be established until the next meeting unless otherwise stated in the relevant Basin Council resolution.

28. Subsidiary bodies shall operate based on the applicable procedures established by the Provisions and Regulations on Basin Council.

VI. Participation of observers and invited persons in Basin Council Meetings

29. Basin Council meetings shall be open to members of the public. To participate in the meeting, representatives of the interested public shall submit the corresponding application to the Basin Council Secretariat in advance.

30. Based on suggestions by Basin Council members, experts may be invited to meet-ings to explain and provide assessment on the issues included in the meeting agenda. The Secre-tariat shall send invitations to experts to participate in the meeting on behalf of Basin Council Chair within the time limits specified in Clause 7 of these Regulations.

31. Members of the public and invited experts participating in Basin Council meetings shall have observer status and shall not have the right to vote on Basin Council resolutions.

32. Observers shall have the right to make statements at Basin Council meetings in accordance with the meeting procedures, as well as make proposals and recommendations on the substance of issues included in the meeting agenda.

VII. Planning future actions

33. Basin Council shall plan its activities by way of adopting annual and, if necessary, prospective action plans.

34. Basin Council annual action plans shall include the following:

- tentative time and venue of regular meetings;
- list of issues approved for review at regular meetings;
- preparation efforts for carrying out by subsidiary bodies and a tentative schedule of their implementation.

35. The annual action plan for the next calendar year shall be considered and approved at the last Basin Council regular meeting of the running year.

VIII. Final provisions

36. The Regulations shall come into force on the date of adoption.

37. Amendments and additions to the Regulations shall be approved at Basin Council meetings by the majority vote of the total number of Basin Council members.

ANNEX 2

STRUCTURE OF MODEL BASIN AGREEMENT

Preamble. The preamble describes the main factors serving basis and legal framework for concluding Basin Agreement;

Article 1. Agreement goals. This article describes the agreement's goals and objectives;

Article 2. Basin agreement coverage. The article states the river basin territory governed by the agreement and, as appropriate, may contain a description of the target river basin and existing problems;

Article 3. Agreement scope. This article lists issues regulated by the agreement;

Article 4. Obligations of the parties. The article states the mutual obligations of the Parties regarding water protection and water management efforts in relation to the target basin's water bodies;

Article 5. Main areas of cooperation. This article states the following:

- mutual obligations of the parties to monitor the state of water body(-ies) in border site(s);
- long- and short-term targets as to the state of target water body(-ies);
- environmental water release in border site(s); volume and regime of transit water release;
- flood and high water discharge regime;
- operating regime of basin reservoir(s);
- as appropriate, agreed water consumption limits and/or maximum permissible harmful

impacts on basin water body(-ies);

- any other issues as agreed by the parties.

Article 6. Basin Agreement coordination body. The article stipulates for the main provisions on the following:

- membership,
- structure,
- functions,
- and operating procedures of Basin Council.

Article 7. Economic mechanism for implementing basin agreement. This article specifies the economic mechanism adopted by the parties for the purpose of executing the agreement or the principles for developing it. The article also established the parties' financial obligations;

Article 8. Organizational mechanism for implementing basin agreement. The article specifies the organizational structure adopted by the parties for the purpose of executing the activities outlined in the agreement;

Article 9. Dispute resolution procedures. This article establishes the procedures for resolving disputes and conflicts which may arise between the parties in relation to the agreement scope;

Article 10. Verification of adherence to the agreement. The article establishes the interaction procedures between the parties to verify compliance;

Article 11. Agreement duration and procedure of withdrawal from agreement. This article states the agreement's limited or indefinite duration, as well as the procedure for either party withdrawing from the agreement;

Article 12. Accession to the agreement. The article stipulates for terms and procedures of

joining the agreement;

Article 13. Entry into force. This article establishes the agreement's effective date.

Article 14. Details of the parties to the agreement and signatures. The article contains full details of the parties to the agreement and signatures of authorized persons.

A large, stylized leaf graphic in a lighter shade of teal, positioned diagonally across the page. The leaf has a prominent central vein and several smaller veins branching off it. The background is a solid teal color.

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