

The Problem of Transboundary Rivers in Kazakh-Chinese Relations

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Abstract: Kazakhstan and China have about 20 transboundary rivers in common. The largest of them are the Ili and Irtysh, and Chinese increase of water withdrawal from these rivers has already put available waters under pressure, which could lead to an ecological disaster not only in Kazakhstan, but also in Russian Siberia. Nevertheless, Beijing prefers to negotiate on this problem bilaterally both with Moscow and Astana. Kazakhstan-Chinese interaction related to water use and management has become increasingly active recently, as there are a number of agreements and a joint institution established between Kazakhstan and China. However, this cannot be considered as a complete solution of the problem due to the fact that an agreement, which includes interests of both countries, is still to be signed.

This article is focused on analysis of co-operational basis between Kazakhstan and China, in particular, water-related existing agreements and work of joint bodies. The purpose of the article is to show whether activities of the existing framework on water management are effective in solving the problem.

Key words: China, Kazakhstan, Ili, Irtysh, transboundary rivers.

1. Introduction

Due to serious shortages of water, the question of water resources has emerged as an important topic of the day for Central Asia, as well as neighboring countries. One such example is the complicated relationship between the Republic of Kazakhstan (RK) and the People's Republic of China (PRC) concerning the use of transnational water sources by each country, such as the Ile and Irtysh rivers.

The authors of this article, through analysis of the dynamics of the Chinese-Kazakh relationship in usage of transboundary water resources, answer the question of whether water use regulation and environmental conservation will become a point of

contention or a new chance to deepen relations between the two countries.

China and Kazakhstan's geographical proximity dictates the necessity of co-operation between the two countries. Water disregards political and artificial boundaries, and as such, for the majority of countries, cross-border management of these resources is not only necessary, but unavoidable as well. Such conflicts can be solved via international agreements, but tensions may still exist. In discussions of transboundary water resources the topic of security often comes up. Securitization can be: maintaining the status quo and quality of water resources, the weakening of effective water management, or poor, unfair management of these resources

It is important to consider transboundary water collaboration as a security threat in the context of securitization, which, while not necessarily leading to serious problems, could attempt to maintain the status quo of water resource distribution.

The Kazakhs and Chinese do not agree on this issue- whereas Kazakh experts find that China's use of transboundary water resources presents a threat to Kazakhstan's security, Chinese analysts see in Kazakhstan's official statement an inability to properly manage its own water resources.

If water can become a problem or obstacle in regulating a conflict, then figuring out a mutual path to the question of transboundary rivers securitization could help to stabilize co-operation.

According to experts, Kazakhstan occupies the last place in terms of water resources in Central Asia, thus meaning that Kazakhstan's growing need for water is guaranteed.

A potential decrease in the water level of inter-border rivers, and consequently a disruption of the ecosystem due to irresponsible water usage by the local population, could lead to a poorer quality of life, a slowdown of the country's economic growth as well as new ecological catastrophes.

A lack of clearly defined international standards and criteria relating to the usage of water resources from transboundary rivers does not allow for a quick solution to this problem. Existing documents (such as the Convention on Environmental Impact

Assessment in a Transboundary Context and the Convention on Security and Usage of Transboundary Waterways and International Bodies of Water) mainly touch upon the environmental aspects of the problems, and only to a slight degree consider the usage of water therein as an issue. Similar in content are the conventions on "The Usage of Internationally Significant Waters" and additional protocols added to it (The London Protocol on Problems of Water and Health and The Kiev Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters).

The majority of Chinese experts tend to be of the opinion that current problems are related to the irresponsible usage of water for irrigation which in the past has led to environmental catastrophes such as the drying out of the Aral Sea (Deng Mingjiang et al. 2012; Deng Mingjiang 2012).

Kazakh experts are more likely to securitize this problem. They warn of an increasingly dire environmental situation and possible pollution contaminating water resources. Coupled with China's indecision on the resolution of water resource distribution questions, these issues could lead to a whole range of threats and provocations, and ultimately negatively affect the safety and security of Kazakhstan. T. Baimukhambetov sees in the overconsumption of water by China the possibility of a decrease in Lake Balkash's water level. N. Aidarov notes how a fall in the river Irtysh's

water level would negatively affect the output of hydroelectric stations located along the river. D. Rakhmetov concludes that a build-up in tensions between Kazakhstan and China could negatively affect the PRC's image in the eyes of Kazakhs (Aidarov 2000; Baimukhambetov 2008; Tusupbekova 2009; Rakhmetov 2009).

Consequently, Kazakh scientists link this problem to ecological security, which is considered a crucial part of national security- Kazakh experts tend to securitize the problem of water apportionment.

2. Negotiation Process on Water.

Negotiations on the issue of joint usage of trans-boundary rivers are handled through the framework of bilateral relations. There have been three steps in the process thus far.

Understanding the seriousness of the potential threat, the republic's leadership and the Kazakhstan public actively began to seek solutions to this problem (Zakon.kz 2012; Khalabuzar 2001).

As a result, the government of Kazakhstan gave priority to the issue of transboundary rivers in 1992, where after the Chinese side received a number of proposals relating to the consolidation of legal principles of joint and fair usage of transboundary water resources.

Several working group sessions and rounds of Chinese-Kazakh negotiations were dedicated to the questions of joint usage of transboundary water resources during which the participants were able

to align the positions of their respective countries. The parties were able to determine China's water usage, agree on water quality assessment and other aspects of the problem.

While the negotiation process did not fully achieve its goal, the conclusion of an agreement can be considered a tangible result for diplomatic relations since they determine further development in the relations of governments and will serve as a necessary foundation to resolve conflicts.

The main legal basis on transboundary water resources is the two-party "Agreement between the governments of the Republic of Kazakhstan and of the People's Republic of China on co-operation of the usage and protection of transboundary rivers" from September 12, 2001. The Kazakh-China joint commission was created in order to implement the two-party agreement, the results of which would be the signing of a series of documents since this issue is not only technical in character, but relates to international law as well.

On July 4th, 2005 China and Kazakhstan signed a joint declaration on strategic partnership which, among other points, also referred to the fair usage and protection of transboundary water resources of the two countries which imposes specific obligations on both sides (Buletten' 2005b). The Strategy of Co-operation between Kazakhstan and China in the 21st century (December, 2006) along with the Framework on Two-party Development of Economic

Co-operation became further evidence of the strengthening of two-party relations.

The third session of the Kazakh-Chinese joint commission on the usage and protection of transboundary rivers took place in October 2005 in Shanghai, China where discussions touched on expanding the legal framework in the field of transboundary rivers.

The Chinese leader's idea for the creation of the "Silk Road Economic Belt" provides potential plans for integration with the Eurasian Economic Union. If the Chinese leadership continues to push for the creation of this economic belt, then it will have to seriously re-consider its approach to the issue of transboundary rivers with Kazakhstan and Russia.

Envisioning a two-party solution. Due to the fact that China, from where these rivers flow, is not a partner in any multilateral international agreement on transboundary rivers, it is unlikely that there will be an opportunity to use international experience in collective water usage of international rivers. Beijing finds that "each instance requires its own specific approach," foot-dragging being a defining feature of traditional Chinese diplomacy.

In this case, according to experts, Beijing is using the existing circumstances as leverage on Kazakhstan in decisions of strategic importance for China.

The agreement about "Fair Usage and Protection of Transboundary Rivers" between Kazakhstan and China that stipulated a two-party solution limited

Russia's participation in the negotiation process as a concerned party.

The authors of this article hypothesize that the water from this reservoir could become an additional resource for Kazakhstan as well as China's Xinjiang Autonomous Region. The Chinese leadership has demonstrated its willingness to advance preparations and discussions of agreements proposed by the Kazakh side, and it is possible that in the near future would even sign the proposal (after adding its own amendments) "Charter on Intergovernmental Distribution of Transboundary Water Resources between the Republic of Kazakhstan and the People's Republic of China."

The main, deciding factor could become a change in the geopolitical landscape- the Customs Union. The creation of the Customs Union between Russia, Belarus and Kazakhstan, and then the Economic Union (as of January 1st, 2015) with the same three governments as well as the addition of Armenia and Kyrgyzstan, in the near future, will undoubtedly have an effect on Kazakh-Chinese relations. It would be difficult to say that China's position on "the fair usage and protection of transboundary rivers" has dramatically shifted, but slight changes in approach have been observed reflecting the interests of Kazakhstan as well as the new geopolitics of the region. These new approaches are a direct result of Beijing wanting to keep intact its economic interests in Kazakhstan. The securitization of economic and political

interests takes precedence over the securitization of transboundary rivers and consequently Beijing is ready to consider a multi-lateral approach to this problem.

3. Conclusion

The analysis shows that solving the problem of trans-boundary water usage of the rivers Ili and Irtysh is accompanied by complexities caused by the actions of China and Kazakhstan. Despite the existence of legal contracts which serve as a tool to solve a whole array of problems relating to water quality and usage, as well as environmental issues on transboundary rivers, the implementation is hindered by a whole set of difficulties: different approaches in securitization of the water problem, a lack of significant results in the negotiation process, Kazakhstan's dissatisfaction with the current status quo which does not fully take into consideration its interests (there are no restrictions to China's water usage); different stances on the management of transboundary water resources.

The success of dividing water resources from the river Khargos can only partially be used as a positive example since the water division of a border river is a different process than that of a transboundary river (Ili, Irtysh).

Regardless of the complexities of transboundary water usage between China and Kazakhstan, the new geopolitical realities of post-Soviet Eurasia will force Beijing to make a choice of whether or not to keep the status quo, which would lead the issue

open and consequently negatively effect two-party relations. The other option is to take into consideration all of Kazakhstan's interests and thereby ensure China's economic influence in Kazakhstan and Central Asia as a whole.

References

- [1]. *Bulleten'*. 2005a. 'Agreement between the Kazakhstan Ministry of Agriculture and the Chinese Ministry of Water Management on Emergency Notifications of the Parties in the case of Natural Disasters on Transboundary Rivers from 4 July 2005 (Astana, Kazakhstan)', *Bulleten' mezhdunarodnykh dogovorov Respubliki Kazakhstan*
- [2]. *Bulleten'*. 2005b. 'Joint Declaration from the Republic of Kazakhstan and the People's Republic of China on the Establishment and Development of a Strategic Partnership. Astana, Kazakhstan, 4 July, 2005, *Bulleten' mezhdunarodnykh dogovorov Respubliki Kazakhstan*, Vol 5, 111).
- [3]. *Bulleten'*. 2007a. 'Agreement between the Kazakh Ministry of Agriculture and the Chinese Ministry of Water Management on the Development of Research Co-operation of Transboundary Rivers from 20 December 2007 (Beijing, China)', *Bulleten' mezhdunarodnykh dogovorov Respubliki Kazakhstan* (Бюллетень международных договоров Республики Казахстан), Astana, Vol 1, 95-7
- [4]. *Bulleten'*. 2007b. 'Agreement between the Kazakh Ministry of Environmental Protection and the

- Chinese Ministry of Water Management on the Exchange of Hydrological and Hydro-chemical Information of Border Gauging Stations on Transboundary Rivers from 20 December 2006 (Beijing, China), *Bulleten' mezhdunarodnykh dogovorov Respubliki Kazakhstan* (Бюллетень международных договоров Республики Казахстан), Astana, Vol 1, 98-9
- [5]. Aidarov N. (Айдаров Н.). 2000. 'O kazhstano-kitajskom peregovornom processe po transgranichnym rekam' [About Kazakh-Chinese negotiations over transboundary rivers], *Diplomaticheski kur'er*, No. 2.
- [6]. Buzan, Barry and Ole Weaver. 2003. *Regions and Powers: The Structure of International Security*. Cambridge: Cambridge University Press.
- [7]. Buzan, Barry and Ole Weaver, De Wilde J. 1998. *Security: A New Framework for Analysis*. Colorado: Lynne Rienner.
- [8]. Deng Mingjiang (邓铭江). 2012. 'Ha sa ke si tan kua jie he liu guo ji he zuo wen ti' (哈萨克斯坦跨界河流国际合作问题) [International cooperation on transboundary river in Kazakhstan], *Ganhanqu Dili* (干旱区地理), Vol.35 No.3
- [9]. Deng Mingjiang, Long Aihua, Zhang Yi1, Li Xiangquan, Lei Yu (邓铭江, 龙爱华, 章毅, 李湘权, 雷雨). 2012. 'Zhong ya wu guo kua jie shui zi yuan kai fa li yong yu he zuo ji qi wen ti yan jiu' (中
- 亚五国跨界水资源开发利用与合作及其问题分析) [Five Central Asian countries and transboundary cooperation in water resources development and utilization and analysis of the problem], *Diqiu Kexue Jinzhan* (地球科学进展), Vol.25 No.12 Dec.
- [10]. Rakhmetov D. (Рахметов Д.) 2009. 'Besprosvetnyi vodozabor' (Беспросветный водозабор) [An impenetrable water withdrawal], *V[o]x Populi*, No. 9, 1-15 April, 41-42.