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**Bakhshiyeva Ye.,**  
junior researcher Caucasus Policy Department  
Caucasus Studies, Institute at the Azerbaijan  
National Academy of Sciences  
(Azerbaijan, Baku), yegane85@bk.ru

### **SOUTH CAUCASUS: HYDRO-SECURITY PROBLEMS IN HUMAN RIGHTS CONTEXT**

*The article mentions that as a result of social and environmental challenges in the late XX – early XXI centuries, the fresh water factor received a new legal character, and began to bear humanitarian importance along with economic and political characteristics. It is noted that today one of the urgent, global problems is providing water to the population and various areas of the economy. In connection with the increase in population growth and economic development, the use of natural water reserves is rapidly increasing, which will lead to a sharp deterioration in water supply in many regions and countries. In the end, author draws conclusions and offers his suggestions for solving these problems.*

**Keywords:** water resources, Kur–Aras basin, ecological security, contaminated transboundary rivers, humanitarian crisis, struggle with contamination.

*(стаття друкується мовою оригіналу)*

The main source of environmental degradation is the existence of various wastes in the South Caucasus. Some of the environmental problems that can not be solved in a timely manner and described as a small nature phenomenon, have now become a process that can end up with global and irreversible disasters. Ensuring environmental safety involves the creation and implementation of a national system of measures for the prevention of hazardous ecological situations in its territory and surrounding areas and the elimination of negative consequences for each state. Ecological security is not only a national activity, but a global geopolitical issue, its scope is not limited to the territory of a country, local structures and local level. Such a case is directly contrary to international law.

The Republic of Azerbaijan is behind the South Caucasian countries in terms of geographical coverage of hydropower resources. The water resources of Azerbaijan make up 15% of the region. The water resources of our republic are 7.7–8.3 times less than Georgia and 3 times less than Armenia. Azerbaijan is a relatively less water-rich region, with approximately 100,000 m<sup>3</sup> per km<sup>2</sup> and 950–1,000 m<sup>3</sup> per person per year. The total water reserves in our country are 28.5–30.5 km<sup>3</sup>, dropping to 27.0–22.6 km<sup>3</sup>. According to recent data, today Armenia's total water resources are about 9,169 billion m<sup>3</sup>. Its 4.8 billion m<sup>3</sup> surface area and 4.3 billion m<sup>3</sup> are underground water resources. According to the volume of water resources in South Caucasus, Armenia, which is second only after Georgia, per capita is 3000m<sup>3</sup> per year (about 3.5 times more than the average annual indicator for Azerbaijan).

Located and transmitted through the occupied territories, water sources (lakes, reservoirs, rivers, canals, etc.) play an important role in the ecology of the surrounding areas along with those areas. The aggression of Armenia on the unified ecosystem in the occupied territories and indifference of international organizations to this process has caused great disaster in the region. Studies conducted over the last half century show that the Kura, Araz rivers and their main sludge are polluted outside our republic – in Georgia and Armenia. So 100% of Armenia territory, 30% of Georgia territory, Turkey's 31 thousand, Iran's 40 thousand area, Azerbaijan's 37 thousand km<sup>2</sup> part belong to Kur– Aras rivers. So, industrial, agricultural and household waste

of these states is thrown into the Kura River and this contamination contains Kur's 188 thousand km<sup>2</sup> and Aras's 103 thousand km<sup>2</sup>. The Kura River is mainly used by industrial enterprises and municipal household waste at Borjom, Ahalbaba, Khashuri, Gori, Kareli, Kaspi, and other settlements located on the banks of the River. The Kur River, which cuts down the city of Tbilisi after 40 km, is subject to sharp contamination.

As a result, the Kura River is highly contaminated and penetrates as a dangerous river for human and water organisms. Khramchay, the right arm of Kura flowing along the border of the two republics, brings a lot of waste water. In the territory of Georgia, the river Khram is the most polluted river of Armenia – the Debed River. Vanadzor (Kirovakan), Alaverdi and Stepanavan, Armenia's non-ferrous metallurgy, chemical and light industry centers are located in this river basin. Industrial and domestic wastes of these cities are discharged to the river without purification. Kirovakan chemistry is the third river in Armenia after Razdan (Zangi) and Oxchuchay according to Degedi river pollution rate, which is discharged from Alaverdi metallurgical combines and Axtala ore–gourning plant [2].

Water sources in many villages in the region have been polluted. The beds of rivers passing through these villages are full of garbage. As they go astray, the dirty wastes of some of the toilets are dumped into these rivers. Therefore, local residents filter the water they take from both rivers in their own stoves, and use filtered water for cooking, drinking tea, and other uses. In addition, separate sections of these rivers are closed and river water is discharged into the countryside. As a result, these residents water their yards and livelihoods from these waters. Local residents state that subarachian wells are used for irrigation. However, it is not possible to benefit from their waters at all [4].

One of the most serious problems in Tartar is due to the fact that residents of some villages receive drinking water. The majority of the local population sees in the purchase of water from the springs and artesian wells in the district center to meet their drinking water needs. Currently, the price of 1 ton of water is at least 5–6 manat depending on distance from the district center. In this district, 2 tons of water brought for washing the dishwasher is even sold at 10–15 manat. However, local residents do not have enough money to buy 2–3 times a month.

Interestingly, the international law on the use and protection of fresh water resources contradicts water monopoly and emphasizes that it is a «social and cultural blessing» of all living things. The General Commentary on the International Covenant on Economic, Social and Cultural Rights (No.15), adopted at the 29th session of the UN Economic, Social and Cultural Rights Commission (November 2002), states: «The right of the person to use water requires the provision of adequate and unimpeded drinking water for everyone to meet their daily and economic needs. An adequate amount of harmless water is a necessary factor to reduce the risk of death from thirst, lowering the risk of ill illness from daily use, food preparation, personal hygiene and sanitation». In general, the Pact has for the first time regarded the right of everyone to use water as an integral part of human rights. The human right to water is a necessary condition for the protection of his life and dignity. This right is crucial in ensuring other human rights [5].

The United Nations Human Development Report (2006) states: «The right of the person to use the water allows everyone to access the water in a safe, safe compact and affordable price for himself and his family. These five key attributes form the basis of water security and are the cornerstone of people's right to use water everywhere and continuously». Geneva Conventions of 12 August 1949, the three Protocols Annexed to them in 1977 and 2005 are now recognized as fundamental documents aimed at protecting the rights of civilians during international conflicts in international humanitarian law. These documents contain provisions for the protection of the environment against harmful effects, and the inadmissibility of the use of conflict participants as a means of exposure to atmospheric, biosphere and hydrospheres. For example, under Article 35 (Basic Rules) of the Additional Protocol I («On Victims of International Arms Crimes», June 8, 1977), «the use of large-scale, long-term and serious damage to the environment during military operations, the use of methods and remedies that are available» is forbidden. The Article 55 of the document deals with environmental protection during military conflicts: «During military action, the protection of the environment from large-scale, long-term and serious damage should be taken care of, and use of environmentally-repressive (political and economic sanctions against one state)» is prohibited. Paragraphs 1 and 2 of the Geneva Convention of 18 May 1977 «On the Prohibition of the Use of Means of Intervention in the Field of Military Purposes or of Any Enmity» have also been deemed to be inconsistent with international law. In this document, the term «environment-friendly means» is interpreted as the means directed to the processes of purposeful change and management of the earth's dynamics, including the biota (historically formed organisms of living organisms in common area), lithosphere, hydrosphere, atmosphere. It is clear that the use of these methods against each other by the participating states of the military conflict is inadmissible.

From this point of view, the above-mentioned international legal instruments confirm that official Yerevan has also engaged in the ecological warfare, meaning the «genocide of the peoples», along with the policy of genocide and ethnic cleansing against Azerbaijanis during the Armenian-Azerbaijani Nagorno-Karabakh conflict [6].

International law is the only peaceful tool that regulates interstate disputes over conservation and use of transboundary sources of water, consensus, and establishes common ground on universally accepted principles. In many cases, although its effectiveness is doubtful, according to international documents, the basic principles of objective water law are to ensure that the use of water resources is coordinated by the fair parties, the establishment of mutually beneficial cooperation, the exchange of information and consultations, the loss of others, – inadmissibility of hydrotechnical measures that may have suggest economic, economic impact, etc. Unfortunately, these provisions, as well as the principle of «pecuniary damage» of international law, are not jus cogens norms and are of recommendation character as the provisions of other relevant United Nations conventions [8].

At the same time, interstate agreements on the use and management of transboundary waters until the middle of the twentieth century have not yet been widely

accepted and universal international legal acts that contain general principles and norms regulating the states' water policies. The conflicts around water resources, especially transboundary waters, have raised the need to create an «international water law» or «international water rights law».

The Government of the Republic of Azerbaijan has signed more than 15 international documents on transboundary water use, protection and environmental protection. The Republic of Azerbaijan is the first and only country in the South Caucasus to join the Helsinki Convention on the Protection and Use of Transboundary Watercourses and International Lakes in 1992. Azerbaijan ratified the convention on March 18, 2000. In 2002, by joining the Convention Protocol on Water and Health, the Stockholm Convention on Persistent Organic Pollutants, and others, Azerbaijan has begun to combine the conventional national legislation base to international standards [9].

However, Armenia and Georgia have a variety of groundless bases, mainly the fulfillment of their obligations under this document, such as the consideration of the interests and needs of neighbors in the use of transboundary waters, the introduction of savings regime, improving the sewage system, construction of water treatment plants and so on. These states delay accession to that convention by giving them an excuse for financial mismanagement. Occupation of Azerbaijani water basins by Armenia reaffirms Armenia's failure to comply with the Helsinki Convention. Official Yerevan has long been a legitimate successor to the Armenian SSR by delaying any contract with regional states on the management, use, protection and determination of transboundary water resources, while the USSR in the 1920s. But continues to lean on the provisions of the agreement on water distribution with Iran.

The occupation of the water basin has resulted in the violation of the following human rights in the region:

- Social rights;
- Economic rights;
- Education rights;
- Labor rights;
- Childrens rights;
- Rights of persons with disabilities;
- Woman rights;

On June 18, 1992, Azerbaijan joined the UN Convention on the Rights of the Child on 23 June 1993. Occupation of the Saryngun Reservoir causes direct violation of the Convention on the Rights of the Child. So, in the region covered by Sarsang, the Convention provides for the violation of the rights of children with regard to education, health, leisure. At the same time, Armenia does not implement the recommendations of the UN Committee on the Rights of the Child on the implementation of the Convention. The recommendations of the Convention are the statutory legal framework of the Convention on «Hydrometeorological Activity», «On Approval of the Water Code» and the Regulations on Environmental and Natural Resources Monitoring Procedures, which serve the implementation of these laws. Monitoring of composition and pollution of water resources is regularly monitored in the Azerbaijan Republic for the purpose of protection and rational utilization of water resources at the state level [11].

Moreover, the occupation of the Sarsang Reservoir by the Armenian Armed Forces caused widespread human

rights violations in six districts (Agjabadi, Aghdam, Barda, Yevlakh, Tartar and Goranboy), which entered the basin. Not supplying water to the population through water reservoir and non-irrigation of sown areas has led to a gross violation of social and economic rights of people. In particular, the disability of children and persons with disabilities is widespread disorder. Despite the fact that the Sarsang Basin is considered to be the territory of Azerbaijan, it is trying to implement the Convention, even under the occupation. Although Azerbaijan has joined the International Conventions, it has a commitment to guarantee that it is not responsible for the implementation of the Convention in occupied territories [3].

In doing so, Armenia violates the UN Convention on the Rights of Persons with Disabilities, thus making it difficult for children and the disabled to live.

Armenian political scientist Levon Melik-Shahnazaryan explains the essence of official Yerevan's hydro-state: «The Armenian state must limit the supply of water to Azerbaijan by all means, and should take the example of Turkey in transforming water resources into a political influence tool and should not ignore the complaints addressed to international organizations by Azerbaijan. Today, Armenia's activities should be directed against the food security of Azerbaijan and create serious water shortages in the country, social-political tensions, mass protests and clashes on the national ground. The sharp reduction of water resources flowing from the territory of Armenia will have a crushing blow to Azerbaijan's agriculture. At the same time, the population living in border areas (Aghstafa, Tovuz, Gazakh, Goranboy, Terter, Barda, Agjabadi, Beylagan, Agdam, Fuzuli) with Armenia and Nagorno-Karabakh will voluntarily leave these territories after the deprived lands and pastures. Moreover, Armenia should minimize the transboundary water supply to Azerbaijan by building new water reservoirs and hydroelectric power stations on transboundary rivers» [9].

The fate of mankind depends on the solution of global problems. Violation of balance between nature and society has created a danger for all living beings even for themselves. Human beings are part of nature. Therefore, the main purpose of environmental protection is to protect human beings as biological and social beings. This policy can be pursued at the global, regional and local levels and can achieve hydropower in the region.

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*Бахшієва Е., співробітник відділу «Політика в Кавказі», Інститут Кавказознавства Національної Академії Наук Азербайджану (Азербайджан, Баку), uegane85@bk.ru*

#### Південний Кавказ: проблеми гідробезопасності в контексті прав людини

*Говориться про те, що в результаті соціальних і екологічних прізвів в кінці ХХ – початку ХХІ століть фактор прісної води отримав новий правовий характер, і почав нести гуманітарне значення поряд з економіко-політичними особливостями. Відзначається, що сьогодні однією з актуальних, глобальних проблем є забезпечення водою населення і різних галузей господарства. У зв'язку з зростанням населення і розвитку економіки стрімко зростає використання природних запасів води, що призведе в багатьох регіонах і країнах до різкого погіршення забезпечення їх водою. В кінці, автор робить висновки і пропонує свої пропозиції для вирішення даних проблем.*

**Ключові слова:** водні ресурси, Кура-Аракська низовина, забруднені стоки трансграничних річок, екологічна безпека, гуманітарна криза, боротьба з викидами.

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**Мирбашир Э.,**

доктор философии по политическим наукам,  
доцент, заведующий отделом Института Права  
и Прав Человека Национальной Академии Наук  
Азербайджана (Азербайджан), matlabm@yandex.ru

#### СТРАТЕГИЯ ПРИВЛЕЧЕНИЯ МЕЖДУНАРОДНЫХ ОРГАНИЗАЦИЙ К СПРАВЕДЛИВОМУ РАЗРЕШЕНИЮ АРМЯНО-АЗЕРБАЙДЖАНСКОГО, НАГОРНО-КАРАБАХСКОГО КОНФЛИКТА

*Отмечается, что роль международных организаций особенно важна, так как Азербайджан всегда выступал за мирное урегулирование Армяно-Азербайджанского, Нагорно-Карабахского конфликта путем переговоров через международных посредников. Поправление важнейшего права государства на территориальную целостность приводит к трагическим последствиям, войне и разрушениям. Процесс урегулирования Армяно-Азербайджанского Нагорно-Карабахского конфликта в последнее время фиксирует определенный застой, отсутствие сколь-нибудь значимой динамики позитивного развития. В статье рассматривается роль стратегии общенационального лидера Гейдара Алиева в привлечении международных организаций к справедливому разрешению конфликта.*

**Ключевые слова:** Нагорный Карабах, конфликт, урегулирование, Азербайджан, Гейдар Алиев, международные организации.

(стаття друкується мовою оригіналу)

Общенациональный лидер Гейдар Алиев подчеркивал, что, к сожалению, долгие годы Армяно-Азербайджанский Нагорно-Карабахский конфликт остается неурегулированным, хотя мы надеемся, что в нам несмотря на недостойные армянской стороны удастся продвинуться вперед. Мы убеждены, что наша независимость незыблема, необратима и вечна» [2].

Именно на политическом регулировании настаивает Президент нашей страны Ильхам Алиев, хотя он не исключает военного разрешения конфликта. «Переговорный процесс не может быть бесконечным, хотя мы сторонники дипломатических средств урегулирования конфликта. Международное сообщество должно уважать свои решения и без урегулирования армяно-азербайджанского, нагорно-карабахского конфликта в регионе не может быть разрешена ни одна проблема. В мире нарушаются нормы международного права, и это негативно влияет на урегулирование конфликтов. Фактор силы остается решающим. Поэтому мы не исключаем и военный путь решения проблемы, если возможности мирного разрешения будут исчерпаны. В Азербайджане высокий уровень