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Written statement* submitted by Global Institute for Water, Environment and Health, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[6 February 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.

Water Pollution At The Transboundary Okhchuchay River Shows Dangerous Results For Human Health

Transnational pollution obviously poses international problems, It can take the form of contaminated water pollutants across national borders. It can also be caused by the creeping of industrial discharge that eventually has a measurable impact on adjacent countries. It is possible that pollution can cross state lines within a country and would indeed be referred to as transboundary pollution. This type of case is seldom held up as a serious policy problem since national controls can be brought to bear on the responsible parties and problems can be solved within national borders. Transnational pollution obviously poses international problems, It can take the form of contaminated water pollutants across national borders.

Integrated management of trans-boundary waters resources requires riparian countries to cooperate. This is not an easy task, since in many basins countries compete over scarce water. The main thrust of the management of shared river basins is to find ways of turning potential conflicts into constructive co-operation, and to turn what is often perceived as a zero-sum predicament - in which one party's gain is another's loss - into a win-win proposition.

The foundation for the sharing of international rivers is the recognition that the management of water resources should be done in a fully integrated fashion. Upon this foundation, three pillars support the “roof” of the temple: the sharing of international waters. The central pillar is that of technical co-operation, which may also be called the operational pillar. The two side pillars are: the political pillar, responsible for an enabling environment, and the institutional pillar responsible for laws and institutions. All three pillars are necessary to arrive at a balanced and equitable sharing of international waters.

Case study: Transboundary pollution of Okhchuchay River

Pollution of Okhchuchay has direct impact the quality of water resources of Araz river as well, considering that it flows into the Araz River - the second largest river in the South Caucasus. The Araz River, also is a shared transboundary river with Armenia which is the largest right tributary of the Kura River. It is playing a crucial role in irrigation of the farming lands of Azerbaijan. However, given the quality of the water in the river, its use for domestic and agricultural needs can lead to extremely negative impacts.

It is a common fact that a major number of the salts of heavy metals enter the environment as a result of the activities of mining and processing enterprises. This gives reason to believe that one of the largest mining enterprises in Armenia, located in the Syunik province at the head of the Okhchuchay River (called the Voghji River in Armenia), by dumping their production wastes directly into the river, without any preliminary treatment, does not comply at all with any environmental standards.

Excessive release of heavy metals into the river by Gajaran Copper-Molybdenum Plant and the Gafan Ore Refinery in Armenia ruins not only the fluvial fauna, but is also extremely dangerous for the human health. Usage of the contaminated water can bring to detrimental consequences - from the disorders of gastrointestinal tracts, destructive processes in kidneys and bone tissue up to the disorders of cardiovascular, nervous and hematopoietic systems of the body.

Results of monitoring in Oxchuchay until present (laboratory analysis of water samples and visual observations):

The liberation of the Azerbaijani lands previously occupied by Armenia has given an access for the International ecologists to the local rivers flowing, in particular, through the territories of the Zangilan district. GIWEH scientist team organized a visit to the river with the ministry of Ecology and Natural Resources of Azerbaijan to make a water analysis. The results of the water test portions from the Okhchuchay River taken within November 2021 have revealed a high content of heavy metals, specifically, a copper, a molybdenum, a manganese, an iron, a zinc and a chromium.

Latest river water and sedimentation sample analysis were conducted by GIWEH team. The results of tests of water samples taken from the river Okhchuchay, have revealed a high content of heavy metals, specifically, iron, copper, manganese, molybdenum, zinc, chromium, nickel and others in river surface waters, while the excessive concentration of hazardous substances in sediment sampling shows that contamination level the river is critical.

Excessive release of heavy metals into the river by Zangezur Copper Molybdenum Combine and Kapan Mining and Processing Plant in Armenia at the upper part of the Okhchuchay River, destroys not only the fluvial fauna, but is also extremely dangerous for the human health. Usage of the contaminated water can lead to detrimental diseases, such as gastrointestinal tracts disease, destruction of kidneys and bone tissue, as well as disorders of cardiovascular, nervous and hematopoietic systems. The acknowledgement of the fact of ignoring the world eco-standards by these two enterprises has been highlighted in the reports by the government agencies of Armenia, as well as the Armenian environmental activists.

Conclusion:

What is needed are workable monitoring provisions, enforcement mechanisms, and specific water protection provisions that address safety and changing needs. The 1997 United Nations Convention on Non-Navigational Uses of International Watercourses is one international instrument that specifically focuses on shared water resources. It established two key principles to guide the conduct of nations regarding shared watercourses: "equitable and reasonable use" and "the obligation not to cause significant harm" to neighbours. However, it is up to countries themselves to spell out precisely what these terms mean in their watersheds.

River basins do not respect village, district, provincial, and national boundaries. Too often, the attempts to fit the water into these administrative and institutional boundaries, rather than to design institutions that fit the (physical and spatial characteristics) of the resource. As a consequence, there often is an administrative/institutional void when dealing with the management of water resources. This is especially true at the transnational level

Addressing transnational pollution requires both international and domestic law. Transnational pollution is an international problem that demands and deserves the attention of international legal mechanisms such as treaties, agreements, arbitration, and international management and governance. At the same time, transnational pollution problems can often be addressed more effectively and efficiently through the domestic legal system. An ideal approach is to harmonize transnational pollution management and dispute resolution under international and domestic law.

There is a consensus among experts that international watercourse agreements need to be more concrete, setting out measures to enforce treaties made and incorporating detailed conflict resolution mechanisms in case disputes erupt. Better cooperation also entails identifying clear yet flexible water allocations and water quality standards, taking into account hydrological events, changing basin dynamics and societal values.

The general substance of transboundary pollution law provides a more balanced approach which requires "states to undertake due diligence to prevent significant (or substantial) transboundary environmental harm from activities within their jurisdiction or control. More recently, policy makers and scholars have advanced the principle of transboundary environmental impact assessment as a necessary and logical corollary to this basic transboundary pollution principle.

Recommendations:

Strategies and action plans should include a long-term view of development, use and protection of the water resources. GIWEH has appealed to the international organizations on the environmental hazards and critical situation of Okhchuchay River raising public awareness on environmental risks for the river and its ecosystem due to continuous pollution.

GIWEH strongly support the neighbouring countries to organize a Peace platform with concentration on youth to find solution for the water pollution problem and to be a source of cooperation and win- win situation. GIWEH draws the global attention to the importance of Facilitating funding and financing of transboundary water cooperation and basin development, as a tool for peace making and keeping,

We are calling for:

- UN technical support at the riparian countries to build a new projects partnerships to be able to move forward for a peace and security agenda.
- Facilitate knowledge sharing and peer learning (among national authorities, joint bodies and development partners) on funding options to enhance the sustainability of transboundary water management;
- Support national authorities and joint bodies in shaping their strategies and plans for mobilizing financial resources for transboundary water cooperation processes from different sources, including national budgets.
- Contribution to relevant global discussions and processes to raise awareness on the importance of sustaining financing for transboundary water cooperation and basin development;
- Exchange of experiences at global and regional levels to facilitate peer-leaning and knowledge sharing for transboundary water cooperation processes and basin development.

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1. WATER RESOURCES MANAGEMENT – Vol. I - Trans-Boundary Water Resources Management - H. H. G. Savenije and P. van der Zaag - IHE Delft, The Netherlands