

REPORT
**ANALYSIS OF
CHANGES AND
ADDITIONS TO THE
LEGISLATION
OF THE REPUBLIC OF
KAZAKHSTAN
PROVIDING LEGAL
FRAMEWORKS
FOR MANAGEMENT AND
USE OF WATER
RESOURCES**



***«Promoting Integrated Water Resources Management
and Fostering Transboundary Dialogue in Central Asia»***

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**Analyze of changes and additions to the legislation
of the Republic of Kazakhstan providing legal frameworks
for management and use of water resources**

Water Code of the Republic of Kazakhstan from June 9, 2003 (statement of the Parliament of the Republic of Kazakhstan)

2003 ., # 17, . 141;

2004 ., # 23, art. 142;

2006 ., # 1, art. 5; # 3, art. 22; # 15, art. 95;

2007 ., # 1, art. 4; # 2, art. 18; # 19, art. 147; # 24, art. 180;

2008 ., # 6-7, art. 27; # 23, art. 114; # 24, art. 129;

2009 ., # 2-3, art. 15; # 15-16, art. 76; # 18, art. 84;

2010 ., # 1-2, art. 5; # 5, art. 23):

1. Point 2. Article 32 to be expressed on the next release:

The control on safety providing for the owners of water facility constructions will be realized:

- 1) Authorized body for following of the regime of work of water facility constructions;
- 2) Authorized body in the sphere of industry safety for technical status of water facility constructions;

2. In the under point 28) point 1 article 37, second part of the point 4 article 48, under point 1) point 1 article 51 the words «On private enterprise» to change to words «On governmental control and supervision in the Republic of Kazakhstan».

Article 32. «Responsibilities of the owners of water facility constructions» the substantial changes were carried. The concrete functions are divided between the Committee on Water Resources under the Ministry of Agriculture and the Ministry of Emergencies – this was not the case in the earlier versions.

Thereafter these changes have been carried to the article 37 and 40 «Competencies of the authorized body in the sphere of use and protection of water fund», «Purposes and functions of the basin water facility management».

The changes were carried to the articles 48 and 51. If earlier the control on private enterprises was regulated by the law "On private enterprises", now the law on "On governmental control and supervision in the Republic of Kazakhstan" is regulating the legal base of the governmental control and supervision independent from the form of the property. The new law was introduced on 06.01.2011r. #377-IY.

2. **The Earth Code** of the Republic of Kazakhstan from June 20, 2003 (Statement of the Parliament of the republic of Kazakhstan),

2003 , # 13, art. 99;

2005 , # 9, art. 26;

2006 , # 1, art. 5; # 3, art. 22; #11, art. 55; # 12, art. 79, 83; # 16, art. 97;

2007 , # 1, art. 4; # 2, art. 18; # 14, art. 105; # 15, art. 106, 109; # 16, art. 129; # 17, art. 139; #18, art. 143; # 20, art. 152; # 24, art. 180;

2008 , # 6-7, art. 27; # 15-16, art. 64; # 21, art. 95; # 23, art. 114;

2009 , # 2-3, art. 18; #13-14, art. 62; # 15-16, art. 76; # 17, art. 79; # 18, art. 84, 86;

2010 ., # 5, art. 23):

In the under point 16) point 1 art. 14, in the part 3 art. 145 the words «On private enterprises» have been changed to the words "On governmental control and supervision in the Republic of Kazakhstan".

In this law the changes are connected only with the new law. Earlier the control of private enterprises was regulated by the law "On private enterprise" - now it is done by the law "On governmental control and supervision in the Republic of Kazakhstan" which gives the legal base for the governmental control and supervision independently from the form of the property. The new law is dated by 06.01.2011r. # 377-IY.

There are the lands of the water fund and the lands which were provided for water saving zones – their use is regulated by Water Code of RK.

3. **Environmental Code** of the RK from January 9, 2007 (Statement of the parliament of the RK)

2007 , # 1, art. 1;# 20, art. 152;

2008 , # 21, art. 97;# 23, art. 114;

2009 ,# 11-12, art. 55;# 18, art. 84; # 23, art. 100;

2010 ,# 1-2, art. 5;# 5, art. 23):

In the under point 38) art. 17, second part point 3 art. 119 the words «On private enterprises» has been changed to the words "On governmental control and supervision in the Republic of Kazakhstan".

In this law the changes are connected only with the new law. Earlier the control on private enterprise was regulated by the law "On private enterprise" - now it is the law "On governmental control and supervision in the Republic of Kazakhstan" which regulates the legal base of the governmental control and supervision independent from the form of the property. The new law ts dated by 06.01.2011r. # 377-IY.

The Environmental Code regulates all natural resources, including also water resources.

4. **The law** of the Republic of Kazakhstan from July 5, 1996 "On emergencies of natural or anthropogenic character" (Statement of the Parliament of the Republic of Kazakhstan)

1996, # 11-12, art. 263;

1998,# 23, art. 416;

1999,# 4, art. 101;

2000, # 6, art. 145;

2003,# 14, art. 112;

2004 , #11-12, art. 67; # 23, art. 142;

2006, # 1, art. 5; # 24, art. 148;
2007, # 2, art. 18; # 8, art. 52; # 20, art. 152;
2008, # 6-7, art. 27; # 21, art. 97;
2009, # 2-3, art. 9; # 18, art. 84;
2010, # 5, art. 23):

Paragraph 22, art. 11, point 2, art. 31 the words «On private enterprises» have been changed to the words "On governmental control and supervision in the Republic of Kazakhstan".

In this law the changes are connected only with the new law. Earlier the control on private enterprise was regulated by the law "On private enterprise" - now it is the law "On governmental control and supervision in the Republic of Kazakhstan" which regulates the legal base of the governmental control and supervision independent from the form of the property. The new law is dated by 06.01.2011г. # 377-IY.

The emergency situations of natural character as well as anthropogenic character could be related to water resources. Therefore the analyze of this law was done.

5. **The law** of Kazakhstan from 3-rd April, 2002 « About industry safety on dangerous industry objects" (Statement of the Parliament of Kazakhstan),

2002, # 7-8, art. 77;
2004, # 23, art. 142;
2006, # 3, art. 22; # 24, art. 148;
2007, # 20, art. 152;
2008, # 6-7, art. 27; # 21, art. 97;
2009, # 18, art. 84;
2010, # 5, art. 23; # 9, art. 44):

1) under point 2-1) art. 1, under point 4) point 1 art. 4, the title of the chapter 5, under point 1) art. 15-2, in the first paragraph point 1 art. 15-3 the word «control», to change to the word «supervision»;

2) In the article 7:

Under point 2) the word «control», to change to the word «supervision»;

Under point 28) the words «On private enterprises» change to the words "On governmental control and supervision in the Republic of Kazakhstan".

3) article 15:

point 1-1 art. 15 «On private enterprises» change to the words "On governmental control and supervision in the Republic of Kazakhstan".

The word «control», to change to the word «supervision»;

In this law the changes were carried to the article 7 "Competencies of the authorized body" – and they are connected with the changes of **the article 32** of Water Code of RK "Responsibilities of owners of water facility constructions". Where the functions are divided concrete between the Committee on water resources MA RK and

the Ministry on emergency situation of RK – that was not the case in the old release. The changes are connected with the new law.

The control on private enterprises was regulated by the law “On private enterprises”, now it is the law on “On governmental control and supervision in the Republic of Kazakhstan” which regulates the legal base of the governmental control and supervision not independent from the form of the property. The new law is dated by 06.01.2011г. #377-IY. The emergency situations of natural character as well as anthropogenic character could be also related to water resources. Therefore the analyze of this law was done.

6. **The Law** of the Republic of Kazakhstan from June 24, 2010, “On subsoil and subsoil use (Statement of the Parliament of The Republic of Kazakhstan, 2010, #12 art. 60) in the sentence of the first point 3, art. 118 the words “On private enterprises”, now the law on “On governmental control and supervision in the Republic of Kazakhstan”.

In this law the changes are connected only with the new law.

In this law the changes are connected only with the new law. Earlier the control on private enterprise was regulated by the law “On private enterprise” - now it is the law “On governmental control and supervision in the Republic of Kazakhstan” which regulates the legal base of the governmental control and supervision independent from the form of the property. The new law is dated by 06.01.2011г. # 377-IY.

Underground water is related to subsoil, and use of subsoil resources should be harmonized with water resources management, therefore this law needs analyzing.

7. **The Law** “On governmental control and supervision in the Republic of Kazakhstan” was carried on 06.01.2011г. №377-IY. This is a new law.

The law regulates consolidated legal base of the governmental control and supervision in the Republic of Kazakhstan and directed to the introduction of the integrated principles for controlling and supervised activities, and to the protection of rights and legal interests of governmental bodies, physical and juridical persons, engaged/or been exposed to the governmental control and supervision.

The aim of the abovementioned laws of RK is to support further implementation and application of integrated approaches in management of water resources of Ile-Balkhash Basin in transboundary context. This analyze is necessary for training activities for different water users and stakeholders. The interviews with water-users and specialists of local executive bodies have revealed the need in detailed explanation of updated legal frameworks and related changes.



United Nations
Development Programme
Regional Center
for Europe and Central Asia
Almaty office
67 Tole bi
050000 Almaty
Kazakhstan,
Tel. 7 727 2582643
Fax 7 727 2582645

www.centralasia.iwlearn.org