



CASE STUDY

Kazakhstan: Analysis of legal challenges to the water governance

Water management in Kazakhstan was previously characterised by a command and control approach. The Water Code was adopted in 2003 as an answer to these problems. Furthermore, a project was launched to evaluate the current state of the legal framework for IWRM and to identify the potential for improvements and propose amendments to the Water Code. IWRM is a complex approach and any amendments need to be done holistically.

Background

The National Component for Kazakhstan is focused on the Ili Balkhash Basin. The Component serves as the follow-up on implementation of IWRM practices in Kazakhstan and the development of an IWRM Plan for the Ili-Balkhash Basin.

The basin is located on the territories of Kazakhstan, China, and, partly, Kyrgyzstan. The Ili river basin provides about 80% of the total inflow to the Balkhash Lake. Agriculture, water-power engineering, growing population, and increased industrial pollution negatively affect the basin ecology and threaten the existence of the Balkhash Lake. Therefore it is essential for the Kazakh and Chinese sides to take joint measures for establishing the institutional and political foundation for a sustainable management of the river basin. The system of the water management in Kazakhstan has inherited an old command and control mechanism from the Soviet times. This system of water management was difficult to control and the water providers had no interest to implement any water efficiency improvements.

The Water Code was adopted in 2003 as an answer to these problems. The Water Code developed several innovations in the water management system as well as introduced new institutional water regime, responsible for the water management at the basin level. The legal role of these bodies as well as function of the complex legal structure is not totally clear which might be a barrier on effective implementation of the IWRM.

Actions taken

The project “Promoting IWRM and Fostering Transboundary Dialogue in Central Asia” financed by United Nations Development Project (UNDP), EU, Finland and ENVSEC was launched to analyse the current state of the legal framework for IWRM and to identify the potential for improvements. It is a regional project implemented in Kazakhstan, Kyrgyzstan, and Tajikistan.

The key issue for the region is a more efficient water resources management, rather than water deficiency. This Project is to provide further advancement of IWRM already initiated

in the partner countries that have been created by previous projects and other initiatives, and will in particular build on successful experiences at both national and transboundary levels. The project also identified weak points of the framework together with recommendations for improvement. As a result, the project developed recommendations to amend the Water Code.

Findings and the full assessment were published in five books that are publicly available (CDs, online) free of charge. They are in great demand since they give comprehensive explanations on the implementation of articles of the Kazakhstan Water Code.

The project managers expect the recommendations and explanations to be a significant contribution to the development of the water management system and to a promotion of IWRM and public involvement in the management of water resources.

Outcomes

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 IleBalkhash Basin in transboundary context. This analyze is necessary for training activities for different water used 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.

Lessons Learned

Introduction of new legal rules in the country with different legal traditions might not be a sufficient pre-requirement for IWRM development. Thus, further clarifications, explanations and analysis of the legal situation are needed.

IWRM is a complex approach and thus requires changes and improvement in a holistic way. Practically, this means synergy developments between different legislations and department (e.g agriculture, industrial regulations).

There is a need for clear and concrete norms, targets and limits in the regulation together with established monitoring system.

The establishment of enforcements and control measures is of the same importance as development of regulations itself.
Improvement of the information exchange system, as part of the regulation development is of enormous importance.

Corresponding Author

Petrakov, I.A.

Corresponding Author Contact

ipetrakov@bk.ru

Contributing Authors

[Kipshakbaev, Nariman](#)

Organisation

[Country Water Partnership Kazakhstan - CWP Kazakhstan](#)

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