



Environmental Laws of Kazakhstan and Uzbekistan

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ENVIRONMENTAL LAWS OF KAZAKHSTAN AND UZBEKISTAN

Environmental legislation did not significantly develop in either Kazakhstan and Uzbekistan during the last years. As a rule, existing laws were amended in order to meet current market and political conditions. Most of the norms dealing with the protection of air, water, land are included in the related national air, land, and water codes, which were adopted in the 1970s during the Soviet era. Significant changes in civil and investment legislation entailed amendments to the codes related to the industrial use of natural resources. However, the basic principles of environmental protection remained in both countries the same.

Kazakhstan

The Concept of the Ecological Security of the Republic of Kazakhstan, approved by the directive of the President of the Republic of Kazakhstan No. 2967 on April 30, 1996, is the main document pertaining to a system of state recognized principles and priorities, and serves as the basis for forming the foreign and domestic policy, the legal and economic mechanism, and, as well, the areas of activity that are necessary for guaranteeing and preserving a favorable environment and stable economic and human development in Kazakhstan.

The Law on Environmental Protection of the Republic of Kazakhstan was adopted by the Parliament of Kazakhstan on July 16, 1997. The Law superseded the Environmental Protection Act of 1991. This Law enunciates the general principles of environmental protection in the republic and formulates the rights and duties of Kazakh citizens and their associations with regard to the natural environment. It delineates the responsibility of state authorities and local governments in protecting the natural environment.

The Law declares that the land and its mineral deposits, water, plants, animals, and other natural resources are state property. It acknowledges, however, that land may also be owned privately subject to conditions, procedures, and limitations established by legislation. It establishes a regime based on licensing for users of public land and natural resources. State monitoring of environment and natural resources is effected by authorized agencies. Their powers are described in the Law.

Environmental issues are also regulated by the Law on Protection, Reproduction, and Use of Animals of October 21, 1993, the Law on Land Reform with amendments of 1992, and numerous decrees that have the power of a law issued by the President of Kazakhstan. Among them are: the Decree on Oil of 1995, the Decree on Land of 1995, and the Decree on Subsoil of 1996. In 1993, related provisions were included in the Water Code and Forest Code of Kazakhstan. With the purpose of protecting the population and environment and economic operation facilities from emergency situations and the consequences caused by them, the Law on Natural, Technogenic Emergencies was passed on July 12, 1996. This Law regulates public relations with respect to preventing and clearing up natural and technogenic emergency situations. The Law on Use of Atomic Energy of April 17, 1997, aims at protecting the environment and ensuring the radiation safety.

Particular issues are often resolved by Government executive regulations. In regard to environmental protection, the Regulation on Establishing of the Western Altai Wildlife Reserve (1992) and on Elaboration of the Comprehensive Ecological Program "Aral" (1991) were adopted.

Uzbekistan

All natural resources in Uzbekistan are exclusively owned by the state. Under the Constitution, it is a duty of the Republican Government to develop programs and measures on environmental protection. The President and the Cabinet have the exclusive power to decide on issues related to the exploration and exploitation of natural resources. Even though the Ministry of Natural Protection is the main state body in charge of environmental policy, functions of the state authorities in this field are deconcentrated. Environmental health studies are organized by the Ministry of health, and the main Directorate for Atmospheric Protection and Waste Reclamation was established under the President of Uzbekistan.

Uzbekistan has laws regulating the protection of the environment in particular fields. The Law on Protection of Water Resources was adopted by the Parliament in 1993, and the Law on Protection of Atmospheric Air on December 27, 1996. Environmental protection and security in regard to the use and producing of power is regulated by the Law on Rational Use of Power of April 25, 1997, several governmental and presidential decrees devoted to the irrigation problems, and acts on environmental problems in a particular region. Numerous decisions were passed in regard to the protection of the Aral Sea environment and the destruction of uranium mines. For instance, a Decree on Technical Radioactive Decontamination and Recultivation of Some Land in the Vicinity of the Town of Yangiabad in Tashkent Province was signed by the President of Uzbekistan on June 17, 1994.

Issues of environmental protection and safety measures are included in the Law on Mineral Resources of September 23, 1994. Even though the purpose of this Law is to promote foreign investments in the mining and oil and gas sector, the Law regulates rational utilization of mineral resources, safe work requirements, determines conditions for registration of environmental resources, and establishes procedures for creation of state reserves and natural monuments.

The Law on State Environmental Control is currently at the drafting stage.

In the Republic of Karakalpakstan, which is one of the constitutional components of Uzbekistan, environmental protection is regulated jointly by national legislation and by laws issued by the Karakalpakstan authorities.

In accordance with the Decree of the Kazakhstani President, the newspaper KAZAKHSTANSKAIA PRAVDA was determined in 1991, as the official newspaper of the Republican Government and Administration of the President. In Uzbekistan, the newspaper PRAVDA VOSTOKA is considered an official publication. In both countries, all legislative acts enter into force after publication in these newspapers. Despite the fact that these publications have the status of official gazettes, because of their newspaper format they are received in microform format by the Library of Congress Current Periodicals and Serials Division, where they may be requested.

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