



**PROGRAM OF THE EUROPEAN UNION**  
**«Sustainable management of water resources**  
**in rural areas of the Republic of Uzbekistan»**

# *Overview of water legislation of the Republic of Uzbekistan*



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**PROGRAM OF THE EUROPEAN UNION**  
**«Sustainable management of water resources in rural areas**  
**of the Republic of Uzbekistan»**

**COMPONENT 1**  
**“National Policy Framework for water governance**  
**and integrated water resources management”**

**Overview of water legislation of the Republic of Uzbekistan**

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## **CHAPTER 1**

### **Participation of Uzbekistan in the international treaties on water and water usage, along with the management of transboundary water resources**

The Law of the Republic of Uzbekistan «On international treaties of the Republic of Uzbekistan» stipulates that «international treaties of the Republic of Uzbekistan shall be concluded, executed, terminated, suspended and denounced in accordance with generally recognized principles and norms of international law, the Constitution of the Republic of Uzbekistan<sup>1</sup>, as well as this Law and the provisions of the treaty itself»<sup>2</sup>.

This Law determines that international treaties can be referred to as: treaty, agreement, convention, protocol, memorandum, declaration, exchange of letters and notes, and it also can have other names<sup>3</sup>.

Thus, the legislation of Uzbekistan provides ample opportunities for the conclusion of an equal and voluntary agreement of the Republic with one or more states, international organizations or with other subjects of international law concerning rights and obligations in the field of international relations, including international agreements on cooperation in the field of joint management, use and protection of transboundary water resources.

However, the law establishes certain procedures for the ratification of international treaties of the Republic of Uzbekistan on cooperation and mutual assistance, as well as contracts, the execution of which requires changing existing or adopting new laws<sup>4</sup>.

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1 The Constitution of the Republic of Uzbekistan. Adopted December 8, 1992 at the 11th session of the Supreme Council of the Republic of Uzbekistan 12 convocation. The Preamble of the Constitution of the Republic of Uzbekistan establishes the priority of generally recognized norms of international law over the norms of domestic law

2 Article 2 of the Law of the Republic of Uzbekistan No. 172-I of 22.12.1995 «On international treaties of the Republic of Uzbekistan». Gazette of the Oliy Majlis of the Republic of Uzbekistan, 1995, No. 12, Art. 262

3 Article 4 of the Law of the Republic of Uzbekistan No. 172-I of 22.12.1995 «On international treaties of the Republic of Uzbekistan». Gazette of the Oliy Majlis of the Republic of Uzbekistan, 1995, No. 12, Art. 262

4 Article 14 of the Law of the Republic of Uzbekistan No. 172-I of 22.12.1995 «On international treaties of the Republic of Uzbekistan». Gazette of the Oliy Majlis of the Republic of Uzbekistan, 1995, No. 12, Art. 262

International acts begin to operate within the framework of national legislation through their means of providing them in the relevant treaties, but in any case, the main mechanism for the implementation of international law in national legislation is the inclusion of universally recognized principles and norms of international law in the national legal system.

Recognizing the priority of the norms of international law, at the same time for the full implementation of international acts in the national legislation of the Republic of Uzbekistan, it is required to carry out a number of legislative procedures and approvals at the level of legislative and executive authorities, taking into account national interests.

The Cabinet of Ministers and the competent ministries and departments, through the adoption of appropriate measures, ensure the fulfillment of international obligations accepted by the Republic of Uzbekistan. At the same time, the fulfillment of obligations under international treaties is assigned to the relevant ministries and departments by a resolution of the Cabinet of Ministers, if the bodies responsible for the implementation of obligations are not specified in the text of the international treaty or to the national executive body appointed by the decision of the Government of the Republic of Uzbekistan<sup>5</sup>.

The expert study of draft international treaties and enforcement of obligations under international treaties of the Republic of Uzbekistan is entrusted to the responsible ministries and departments,<sup>6</sup> in particular: the Ministry of Agriculture and Water Management of the Republic of Uzbekistan- on cooperation in the field of agriculture and water management, the State Committee of the Republic of Uzbekistan on Ecology and Environmental Protection - on collaboration in the field of environmental (nature) protection and use of natural resources, etc. The legal basis for fulfilling Uzbekistan's obligations in the field of international regulation of transboundary water bodies under national legislation is the Law

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5 Paragraphs 7-8 of the procedure for the preparation of draft international treaties and the implementation of obligations of the Republic of Uzbekistan under international treaties, approved by Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 473 of December 12, 2000 « On the procedure for drafting international treaties and fulfilling the obligations of the Republic of Uzbekistan for International treaties ». Collection of legislation of the Republic of Uzbekistan, 2000, No. 11

6 The list of ministries and departments of the Republic of Uzbekistan entrusted with the expert study of draft international treaties and ensuring the fulfilment of obligations under international treaties was approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of December 12, 2000 No. 473 «On the procedure for drafting international treaties and fulfilling the obligations of the Republic of Uzbekistan for International treaties». Collection of legislation of the Republic of Uzbekistan, 2000, No. 11

of the Republic of Uzbekistan «On Water and Water Use»<sup>7</sup>, which contains the main provisions of the national legislation on transboundary water management issues, as well as the Regulation on the order of water use and water consumption in the Republic of Uzbekistan<sup>8</sup> And other regulatory legal acts of authorized state bodies adopted to ensure the implementation of legislative requirements in the water sector.

Provisions of the Law of the Republic of Uzbekistan «On Water and Water Use» define the concept of transboundary water facilities and transboundary waters, the procedure for utilization and protection of transboundary waters, the right to issue permits for the use of water from transboundary water bodies, the system of water management and water protection measures at transboundary water facilities, issues of resolving disputes on water use and water consumption in this area (Arts. 2-1, 4, 27, 83, 84, 91 of the Law).

Regulations on the water use and water consumption in the Republic of Uzbekistan - found that water use, water consumption and regulation of the use of transboundary water facilities of the rivers Amudarya, Syrdarya, Zarafshan, Aral Sea and others in the territory of the Republic of Uzbekistan and other states in the Aral Sea basin, is carried out in accordance with international treaties of the Republic of Uzbekistan, in the absence of which, the national legislation of the Republic of Uzbekistan attains the priority in resolving issues of the water sector (paragraph 6 of the Regulation).

The Regulation also defines the principle of determining the amount of water resources for setting water withdrawal limits from transboundary water facilities, the principle of accounting for contracts concluded with organizations, exploiting the water facilities of transboundary importance (paras 17, 24, 48 of the Regulation).

In the field of international water law, Uzbekistan signed/ratified a number of fundamental international legal instruments of a universal nature and regional cooperation agreements regulating water issues, water management, administration of transboundary water resources (this chapter is accompanied by a list of key international legal acts in the water sector, to which Uzbekistan is party).

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7 Law of the Republic of Uzbekistan of 06.05.1993 N 837-XII «On water and water use» (with the corresponding changes as of June 2016) Statement of the Supreme Council of the Republic of Uzbekistan, 1993., No 5, Art.221

8 Regulations on the order of water use and water consumption in the Republic of Uzbekistan approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of March 19, 2013, No. 82, Collection of Resolutions of the Government of the Republic of Uzbekistan, 2013, No. 3, Art. 20



Thus, Uzbekistan became the only country in the region that joined the Convention on the Law of the Non-Navigational Uses of International Watercourses (New York, May 21, 1997), which is one of the main tools for improving the legal framework for cooperation on transboundary water resources.

At the same time, consideration should be given to the need for the participation of the Republic of Uzbekistan in international legal instruments that are legal mechanisms in the resolution of water problems, such as the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus, 25 June 1998), the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 25 February 1991), the Convention on the Transboundary Effects of Industrial Accidents (Helsinki, 17 March 1992 .), the Stockholm Convention on Persistent Organic Pollutants (Stockholm, 22 May 2001).

Uzbekistan is also not a party to a number of environmental treaties within the CIS, such as the Agreement on Cooperation in the Field of Environmental Protection of the CIS Member States (Minsk, May 31, 2013), the Agreement on Basic Principles for Cooperation in the Field of Rational Use and the Protection of Transboundary Water Bodies (Moscow, September 11, 1998), the Agreement on Information Cooperation in the Field of Ecology and Environmental Protection (Moscow, September 11, 1998), the Agreement on the Procedure for Mutual Implementation on Decisions of Arbitration, Economic and Economic Courts in the Territories of the CIS Member States (Moscow, March 6, 1998) and other<sup>9</sup>.

The following are the international legal instruments, by which Uzbekistan is guided in the process of regulation of issues related to water, water utilization and use of transboundary water resources.

This chapter gives an assessment of the content and objectives of international instruments, which the Republic of Uzbekistan has joined, as they generate international legal norms and the rights and duties of the state arising from them.

It should be noted that the main issue is not in the diversity of international documents, but in their legal force, which is determined by the content of

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9 In particular, Uzbekistan disregarded the Model Water Code for the CIS member states was adopted on November 16, 2006 at the 27th plenary session of the Interparliamentary Assembly of the CIS Member States and the Model Law on Prevention and Integrated Control of Environmental Pollution adopted on November 25, 2008, at the 31st plenary meeting of the Interparliamentary Assembly of CIS Member States.

documents, by the clarity of the position of goals, objectives, obligations responsible for execution, measures of responsibility for execution, measures of responsibility for non-performance, etc.

The legal force of international acts depends first of all on the implementation of the necessary norms of international law in national legislation, without which it is impossible to implement legal regulation of the water sector from the standpoint of international law and for which a number of additional measures and important administrative decisions are required.

The main international acts of a universal nature recognized by Uzbekistan and directly related to water and water use are: the Convention on the Law of the Non-navigational Uses of International Watercourses (New York, May 21, 1997), the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki, 17 March 1992), the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (Geneva, 10 December 1976), the Convention on Wetlands, (Ramsar, 2 February 1971), the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and / or Desertification, Particularly in Africa (Paris, 17 June 1994). The Convention on Biological Diversity (Rio de Janeiro, 5 June 1992), the United Nations Framework Convention on Climate Change (New York, 9 May 1992), as well as regional and bilateral agreements between the countries of the region and the CIS.

The Convention on the Law of the Non-Navigational Uses of International Watercourses is a universal international treaty, which establishes a legal regime for water, provides the basis for the development of international legal regulation in the field of protection and use of shared water resources, including in the Central Asian region.

For example, the norms of this Convention may be applicable for the purpose of cooperation of all countries of the Central Asian region through the establishment of a regional economic integration organization, participation in negotiations for the conclusion of any watercourse agreement, joint mechanisms or commissions to facilitate cooperation on appropriate measures and procedures, etc.<sup>10</sup>

The Convention is primarily concerned with water distribution issues, including those affecting the activities of water user associations, which are important on today's agenda.

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10 Section «d» of Art 2, Arts.4, 8 of the Convention on the Law of the Non-Navigational Uses of International Watercourses (New York, 21 May 1997) Collection of international treaties of the Republic of Uzbekistan, 2007, No. 4, p.10

An important feature of the Convention is the possibility for cooperation between the countries concerned, based on the principles of equitable use, non-injury, exchange of data and information, consultations, negotiations, etc.

It is also vital to note the provision of Art. 1 (1) of the 1997 UN Convention, which states that this act applies to protection, conservation and management measures for the use of international watercourses and their waters. Consequently, these issues require appropriate modifications and harmonization of national legislations from the point of view of respecting the general principles of water law.

In the materials of the International Conference «Towards the 6th World Water Forum - Joint Actions towards Water Security» (May 12-13, 2011, Tashkent, Uzbekistan), the «Note for Discussion» “On two «Water» UN Conventions”<sup>11</sup> prepared by Yusup Rysbekov stated in particular:

«The 1997 UN Convention regulates a broader range of issues than the 1992 Water Convention, which is generally oriented towards maintaining an acceptable qualitative state of TWR (Transboundary Water Resources). The 1997 UN Convention is also important for the interpretation of the agreements already reached between the Parties in the management of TWR (page 8, Discussion Notes);

«Unlike the 1992 Water Convention, in the 1997 UN Convention, a number of basic principles of international water law (IWL) have been further developed and specified -> reasonable and equitable use «,» not causing significant harm «,» peaceful settlement of disputes «, etc.» (Page 11 Discussion notes).

Despite the discussion of this document as an essential basis for regional cooperation on transboundary water flows, as noted, none of the Central Asian countries except Uzbekistan has acceded to this convention, which complicates the harmonization of national legislation in the region.

The Convention on the Protection and Use of Transboundary Watercourses and International Lakes is a framework, since it explicitly states: «The implementation of the provisions of this Agreement is carried out through the conclusion of bilateral and multilateral agreements, treaties, as well as in other mutually agreed forms....»<sup>12</sup>

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11 [http://www.cawater-info.net/6wwf/conference\\_tashkent2011/files/discussion\\_note\\_2\\_wat\\_conv\\_rus.pdf](http://www.cawater-info.net/6wwf/conference_tashkent2011/files/discussion_note_2_wat_conv_rus.pdf)

12 Art. 11 of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki, 17 March 1992), Collection of International Treaties of the Republic of Uzbekistan, 2007, No. 4, p. 6

This Convention plays a vital role in the development of cooperation on transboundary waters, since it comprises a sufficient number of guidelines for their adoption by each country in the region. Nevertheless, this document is not the only unique way to resolve all the issues, as many problems falling within its scope are hard to resolve via negotiations, for instance, water consumption, drainage, landscape protection, flood protection, etc.

The Convention has significant provisions for the improvement of water cooperation in the region, namely bilateral and multilateral cooperation, consultations, joint monitoring, assessment, research and development, information exchange between riparian parties, warning and signaling systems, mutual assistance and public information. Thus, the Convention could also become a common platform for the countries of the region in negotiating processes for future agreements on transboundary water flows.

The ultimate goal of the United Nations Framework Convention on Climate Change is to achieve, in compliance with the relevant provisions of the Convention, the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent a dangerous anthropogenic impact on the climate system.

In turn, the goals and objectives of the Convention on Biological Diversity are directed to the conservation of biological diversity, the sustainable use of its components and the joint fair and equitable sharing of benefits arising from the use of genetic resources.

When signing a number of other conventions in the field of nature protection, which to some extent affect the relations on water resources, the Republic of Uzbekistan has undertaken certain obligations in the water sector, in particular:

- not to resort to any hostile use of means of influence on the natural environment, including the hydrosphere (Arts. 1 and 2 of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques);
- compensate the loss of wetland resources due to public interest (Art.4 of the Convention on Wetlands of International Importance especially as Waterfowl Habitat);

To strengthen sub regional, regional and international cooperation, to create long-term integrated strategies for affected areas that are simultaneously aimed at increasing land productivity, restoration, conservation and sustainable and rational use of land and water resources for improving living standards (Arts. 2,

4 of the UN Convention against Desertification in those countries experiencing severe drought and / or desertification, especially in Africa).

In addition, the provisions of these conventions deal with such important issues as public participation in the conservation of water resources, the assessment of harmful environmental impacts, the activities of joint institutional bodies, etc. Here, the EU Water Framework Directive<sup>13</sup> should be noted, which, while not having a direct legal value for water management in Central Asia, can serve as best practice for the development of integrated water resources management and water cooperation, including through projects financed and implemented by the EU in Central Asian countries.

It should be noted that the international legal regulation of transboundary water facilities in the Central Asian region is carried out mainly at the level of regional agreements, especially since the peculiarity of its hydrographic network is the extremely uneven distribution of water bodies. As for the effectiveness of such regional cooperation, this should be said in more detail, since Uzbekistan has become a party to important regional and bilateral agreements related to the regulation of the water sector.

It should be noted that a certain breakthrough in the development of water management in the entire region, which was the beginning of regional cooperation, was due to the agreement on cooperation in the field of joint management, use and protection of water resources of interstate sources concluded by all the governments of the Central Asian countries (the Multilateral Act on Transboundary Waters Alma-Ata, February 18, 1992). In accordance with this international agreement, the Aral Sea basin countries have established unified regional structures: the International Fund for Saving the Aral Sea (IFAS), which includes the Interstate Coordination Water Commission (ICWC) of Central Asia<sup>14</sup> and the Interstate Commission for Sustainable

13 Directive 2000/60 / EC of 23 October 2000, published in the Official Journal of the European Union (Official Journal L 327) of 22/12/2000

14 The Interstate Coordination Water Commission (ICWC) exercises full control of the water management complex of the region, determines the water management policy in the region and its main directions, develops and approves limits for water withdrawal for each republic and the region as a whole, adjusts them depending on the water availability of the year and the situation, Their executive and interdepartmental control bodies - Basin Water Organizations «Syrdarya» and «Amudarya», which are kept at the expense of allocations of water management bodies of the republics of Central Asia on terms of parity and equity participation. The ICWC members are the first heads of the main water departments of the member states, regular ICWC meetings are held quarterly in one of the founding states, extraordinary decisions, if necessary, on the initiative of the parties, ICWC decisions are made by consensus, each ICWC member has the right of «veto» that ensures high protection of the national interests of each country

Development (ICSD), as well as Scientific Information Centre (SIC) ICSD with branches in all countries of the region. The executive and operational bodies of ICWC are the two basin water organisations (BWO «Amudarya» and BWO «Syrdarya»), which are responsible for the activities on the use of transboundary water resources of these rivers.

Further, when speaking about the legal framework governing the distribution and water management of water resources, it should be considered that a sufficient number of regional and bilateral agreements have been adopted in this direction.

As already noted, Uzbekistan did not join a number of key environmental treaties within the CIS however, at the level of the Central Asian region, it signed several bilateral and multilateral agreements, according to which it committed itself to fulfil certain obligations in its territory with respect to water resources. It is necessary to note the following international acts among them:

- Agreement between the Government of the Republic of Kazakhstan, the Government of the Kyrgyz Republic and the Government of the Republic of Uzbekistan on the use of fuel, energy and water resources, construction and operation of gas pipelines of the Central Asian region (Tashkent, April 5, 1996)<sup>15</sup> on the most effective use of water resources of Syrdarya for the purposes of irrigation;
- Agreement between the Government of the Republic of Kazakhstan, the Government of the Kyrgyz Republic and the Government of the Republic of Uzbekistan on cooperation in the field of environmental protection and rational use of natural resources (Tashkent, December 24, 1996), envisaging the issues of rational use of water resources and their prevention from pollution, defining a mechanism for paid water use;
- Agreement between the Government of the Republic of Kazakhstan and the Government of the Republic of Uzbekistan on cooperation in the field of environmental protection and rational nature

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<sup>15</sup> In accordance with this Agreement, the parties pledged to: develop a program of cooperation in the field of fuel and energy complexes of the Central Asian states, in conjunction with the most effective use of hydro resources of the Syrdarya river basin for irrigation purposes, develop principles and procedures for equity participation in financing the costs of operation and maintenance of inter-republican water management facilities; to develop an order of mutual responsibility of the parties for non-compliance with the schedule for the supply of energy carriers and operating modes of the cascade of reservoirs, inform the parties about the occurrence or possibility of occurrence of emergency situations, jointly participate in their prevention and liquidation.



management (Almaty, June 2, 1997), which outlines cooperation in the field of environmental protection, environmental management, protection and rational use of water resources and prevention of their pollution;

- Agreement between the Government of the Republic of Kazakhstan, the Government of the Kyrgyz Republic and the Government of the Republic of Uzbekistan on cooperation in the field of environmental protection and environmental management (Bishkek, March 17, 1998), in which the parties undertake to cooperate in the protection, rational use and prevention of pollution of transboundary water resources.

The agreement between the State Committee of the Republic of Uzbekistan on Ecology and Environmental Protection and the State Committee for Environmental Protection and Land Resources of Turkmenistan «On Cooperation in the Field of Environmental Protection and Sustainable Development» (Turkmenbashi, May 20, 2017), aimed at expanding and developing cooperation between the states to address and respond to environmental challenges at the national, regional and global levels in the interests of States.

The Agreement between the Government of the Republic of Uzbekistan and the Government of the Republic of Kazakhstan «On Interregional Cooperation» (Astana, March 23, 2017), which determined that the competent authorities of the states interact in matters of environmental protection, rational use of natural resources and promote the introduction of progressive experience in the field of environmental management and develop cooperation in the field of water and energy supply, wastewater treatment, recycling of domestic and industrial waste, and in the field of energy-saving technologies.

The agreement between the Ministry of Agriculture and Water Resources of the Republic of Uzbekistan and the Ministry of Agriculture and Water Resources of Turkmenistan «On cooperation in water management issues» (Ashgabat, March 6, 2017), is intended at developing cooperation with a view to having collaboration and taking actions for sustainable management of transboundary water resources, improving water availability in the basin of the Amu Darya River, and take measures to ensure the effective implementation of international treaties to which the state parties are participant.

The parties shall engage in close cooperation in the field of joint management, rational use and accounting water resources of the Amudarya River. To this end, the Parties shall:

- a) take appropriate measures to ensure the distribution of water resources in accordance with the protocol decisions of the Interstate Commission for Water Coordination (ICWC);
- b) during low-water years, on a parity basis, limit water withdrawals in the middle reaches to prevent acute water shortage in the lower reaches of the Amudarya River;
- c) jointly determine and manage the water resources of the lower reaches of the Amudarya River;
- d) to increase the efficiency of the use of water resources of the Amudarya River, including the Tuyamuyun water reservoir, including Tuyamuyun reservoir in coordination with implementing measures for leaching of irrigated land in the lower reaches of the river;
- e) consistently implement measures aimed at improving the regulation of water resources in the middle and lower reaches of the Amudarya River and improving the water availability of irrigated lands of the States Parties;
- f) consider environmental requirements, to collectively solve the problems of using drainage water.

In general, these agreements regulate the general issues of cooperation, the harmonization of environmental legislation, the interstate regulatory legal regulation of environmental protection and nature management, the compensation of losses caused by parties, the development and implementation of joint targeted environmental programs and projects, the creation of a network of information support in the field of environmental protection and nature management and notification of emergency situations in the border areas and others.

In addition to general water issues, regional agreements also include regulation of individual river basins.

It should also be noted that on March 17, 1998 in Bishkek, a framework agreement was adopted between the Government of the Republic of Kazakhstan, the Government of the Kyrgyz Republic, the Government of the Republic of Uzbekistan on the use of water and energy resources in the Syrdarya river basin, which is aimed at streamlining water and energy exchange between these countries.



In addition, agreements were adopted regulating the release of water from reservoirs and canals, among which the Agreement between the Government of the Republic of Kazakhstan, the Government of the Kyrgyz Republic and the Government of the Republic of Uzbekistan on the joint and integrated use of the water and energy resources of the Naryn-Syrdarya cascade of reservoirs in 1998 (Bishkek, 17 March 1998), the Protocol on the introduction of amendments and additions to the Agreement between the Government of the Republic of Kazakhstan, the Government of the Kyrgyz Republic and the Government of the Republic of Uzbekistan on the use of water and energy resources of the Syrdarya River Basin (Bishkek, 17 March 1998).

It should be noted here that despite the existence of a sufficient number of agreements and the active work of the ICWC, in practice issues still remain to be resolved concerning water distribution at the Syrdarya and Amudarya rivers. Also, during the activities of the International Fund for Saving the Aral Sea, the Central Asian states adopted declarations aimed at creating a regional environmental monitoring system, including the use and distribution of transboundary watercourses, the organization of a system for exchange of information on environmental monitoring, the integrated solution of problems related to the improvement of the social and environmental situation in the Aral Sea basin, which regulate the issues.

Among such acts it is possible to note the Tashkent Declaration on the UN Special Program for the Economies of Central Asia (SPECA)<sup>16</sup>, Issyk-Kul Declaration on Regional Cooperation of the Central Asian States<sup>17</sup>, Nukus Declaration on

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16 The Tashkent Declaration on the UN Special Program for the Economies of Central Asia (SPECA) was signed in Tashkent on March 26, 1998 by the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, the Republic of Uzbekistan, on the one hand, and the United Nations Economic Commission for Europe And the United Nations Social Commission for Asia and the Pacific (ESCAP). The participants announced their intention to adopt the UN Special Program for the Economies of Central Asia (SPECA) and start implementing it. Rational and effective use of energy and water resources of Central Asia is recognized as priority areas of cooperation. [http://online.zakon.kz/Document/?doc\\_id=30019887](http://online.zakon.kz/Document/?doc_id=30019887)

17 The Issyk-Kul Declaration on Regional Cooperation of the Central Asian States (Issyk-Kul, 1995) proclaimed that in order to create conditions for the development of economic integration of the countries of the Central Asian region, an analysis of existing legislative and regulatory acts should be carried out and recommendations on their further elaboration, elaborate measures on agreed rules and procedures for joint use of transboundary water resources and water quality control and develop measures to improve the effectiveness of implementation of existing agreements between the Central Asian states on the problems of the Aral and Caspian seas. <http://www.old.carecnet.org/mp/scap/doscar/mfsa/>

the Problems of Sustainable Development of the Aral Sea Basin<sup>18</sup>.

Within the framework of these documents, the rational and effective use of Central Asian water resources, the harmonization of the order of joint use of transboundary water resources and water quality control, the development of measures to increase the effectiveness of the implementation of existing agreements between the countries of the region on the problems of the Aral and Caspian seas are recognized as priority areas of cooperation on the establishment of the International Convention on the Sustainable Development of the Aral Sea Basin and the Special Program for the Economies of Central Asia.

However, such a form of international treaty as a declaration, in essence, did not have a significant impact on the development of national legislation.

Uzbekistan has concluded a number of regional and bilateral agreements on the exchange of information and monitoring of the quantity and quality of water resources, in particular: the Agreement between the Government of the Republic of Kazakhstan, the Government of the Kyrgyz Republic, the Government of the Republic of Tajikistan and the Government of the Republic of Uzbekistan on cooperation in hydrometeorology (Bishkek, June 17 1999); the Agreement of the Council of the Heads of the Governments of the Republic of Armenia, the Republic of Belarus, Georgia, the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Moldova, the Republic of Tajikistan, the Republic of Uzbekistan on cooperation in the field of environmental monitoring (Saratov, January 13, 1999); the Decision on the Concept of Hydro meteorological Safety of the CIS Member States (Cholpon-Ata, April 16, 2004); the Protocol on the Introduction Changes in the Agreement on Cooperation in the Field of Hydrometeorology (Bishkek, October 9, 1997).

The main international document regulating the collection and exchange of meteorological data is the Convention of the World Meteorological Organization

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18 The Nukus Declaration on the Sustainable Development of the Aral Sea Basin, adopted at the United Nations International Conference on the Sustainable Development of the Aral Sea Basin States (Nukus, September 5, 1995), affirmed the commitment to full cooperation at the regional level on the basis of mutual respect, good neighborliness and determination to continue working for the sake of overcoming the consequences of the ecological crisis in the Aral Sea basin zone and its impact on nature and man. To improve the system of integrated management of the region's natural resources through the creation of a regional monitoring system for the state of especially water resources, the establishment of a system for the exchange of information on environmental monitoring, expressed its intention to establish an International Convention on the Sustainable Development of the Aral Sea Basin in which issues of joint water use and the unification of environmental standards and related legislation should take precedence. <http://www.old.carecnet.org/mp/scap/doscar/mfsa/>

(Washington, October 11, 1947), which established the World Meteorological Organization for the purposes of improving meteorological activities around the world and facilitate the efficient exchange of meteorological information amongst the states. The Republic of Uzbekistan is a member of this international organization since January 23, 1997.

Currently, there are certain practical difficulties existing in the implementation of the World Meteorological Organization, which require additional activities in this area.

Thus, as a result of the analysis of international treaties on water and water use, concluded on behalf of the Republic of Uzbekistan, it can be noted that in general they cover a rather wide range of issues on transboundary water bodies. However, bearing in mind the essence of the adopted international acts, it is evident that they are of a recommendatory character and depend on the development of an appropriate legal and regulatory framework at the national and regional levels.

Hence, under the terms agreed upon by the parties, set out in a number of international treaties, their participants are obliged to develop and implement a policy and strategy, to take legislative, administrative, financial measures to implement the established provisions.

Yet, since the development of the regulatory framework at the international level is not sufficiently coordinated between the countries of the region, and the agreements adopted are often imperfect in terms of their legal content, there are areas for further improvement in this field.

It should be noted that due to the creation and development of the legal framework and regional organizations, the water management system of the Republic of Uzbekistan has made a smooth transition from the practice of the USSR to the conditions of independence, which allowed the countries of the Central Asian region to be watered and water-saved without occurrence of serious conflicts.

Issues of coordinated exploitation of the region's water reserves are not only of technical but also internationally legal nature, but the process of convergence of states in solving the problems of joint use of hydropower resources in the Syrdarya and Amudarya basin requires further improvement aimed at increasing the economic efficiency of the decisions taken. In addition, the terms of the agreements reached on specific water management facilities are not always fulfilled.

All this occurs notwithstanding the fact that when signing the “Agreement on cooperation in the sphere of joint management, utilization and protection of transboundary water resources” in 1992, the parties thereby recognized the commonness of the hydro resources of the basin, the equal rights in their utilization, the responsibility for an adequate provision and rational use, and agreed to create conditions for strict compliance with the settled procedure and established rules for the exploitation and protection of water reserves as well.

Subsequently, the heads of state of the region repeatedly stated the need to accelerate the development of a strategy for water allocation and the formation of economic governance mechanisms in the use of water and energy resources, and the creation of a water and energy consortium.

Despite the fact that the process of regulating public relations in the use and protection of transboundary water resources of the region falls within the scope of international law, it must be borne in mind that it directly depends on the will of each state in the region and its approach to determining its sovereign rights over transboundary natural resources.

In particular, since the basin management system existed in the Central Asian region since 1927, when the administration of the Amudarya delta irrigation systems was structured to regulate the dissemination of water resources of the Amudarya River between Uzbekistan and Turkmenistan, it is comprehensible that the Republic of Uzbekistan intends to elaborate such a historically developed structure.

It can only be agreed with this since the creation of a transboundary water basin based on the norms of international law avails a clear distribution of responsibilities of neighbours in the region in terms of rational use of water resources; provides equal access to water for key water consumers, and establishes a unified legal regime for a transboundary water resource.

Thus, it can be avowed that, generally, international legal acts on the cooperation of the Central Asian states in the water sector do not solve the issue of transboundary water resources to the required extent.

Regardless of the fact, that efforts to resolve water problems in a multilateral format have led to certain progress, in general, there is a need for further improvement of activities aimed at solving difficulties in this direction because of uneven distribution of water potential and lack of water resources.

The main challenge in this area is the achievement of agreements on the development and signing of essential water agreements, due to the orientation of

the Central Asian countries to various legal models for regulating transboundary water resources.

In this case, it seems more expedient to conduct stage-by-stage agreements through the adoption of bilateral agreements on the stable regulation of the water regime of major waterways, bearing in mind the ecological and social aspects of regional development.

We understand that bilateral relations cannot constantly serve as a panacea for all existing issues in the water sector, yet, this is an actual opportunity for reaching agreements.

Therefore, the issues of convergence of the countries of Central Asia in solving the problems of mutual use of water resources, for the equitable and rational use of transboundary rivers require a fundamentally new approach to the signing of new agreements and the formation of a legal foundation for joint management and use of water resources at the national and regional levels.

It is obvious that the new approach should envisage adoption of the Concept for the Efficient Use of Water and Energy Resources of Central Asia, developed back and updated in 2007.<sup>19</sup>, where it is of use to consider the interests of all countries of the water basin, to cover the issues of guaranteeing the quality of water resources, monitoring of transboundary water facilities, use and distribution of water resources across transboundary basins.

In addition, despite the existence of a sufficient number of regional and bilateral water agreements, the following issues remain insufficiently developed:

- creation of a unified cadastre of Central Asia for water resources;
- development of a unified database on water quality, methods for assessing the quality of water resources and a list of priority groups of pollutants;

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<sup>19</sup> The draft Concept for the effective use of water and energy resources in the Central Asian region was developed in accordance with the Decision of the Interstate Council of the Eurasian Economic Community of 01.01.01 No. 000, taking into account the existing achievements of the Central Asian Cooperation Organization and international experience. Back in 2007, the text of the draft Concept was largely approved by the high level group on the development of an agreed mechanism for water and energy regulation in the Syrdarya and Amudarya river basins. In the improvement of this document, it was supposed to develop a draft Agreement on cooperation between the Eurasian Economic Community (EAEC, EEC) member states on the effective usage and protection water and energy resources of the region, to which the parties shall determine the interstate governing and executive structures for the implementation of the Concept, their functions and powers.

- organization of stationary sampling points for determining water quality at transboundary sites;
- interstate exchange of hydrological information on the quality of water resources;
- introduction of the principles of integrated water quality management in the work of state structures responsible for the water sector.

Simultaneously, it is a long overdue need to adopt an agreement on an institutional regulatory system that would determine the status, structure and the most optimal procedure for interaction and functioning of regional cooperation bodies.

For the purposes of managing the collector-drainage waters, it is vital to review existing basin agreements in Central Asia, as they pursue narrow-departmental interests, disregarding the primary tasks for improving water quality and protecting ecosystems.

Undoubtedly, all the basin water agreements of the region should: develop the relationship of transboundary states with regard to management of integrated water resources; establish the responsibilities of the parties with regard to water use; consolidate procedures for the assessment and allocation of responsibilities on transboundary environmental impact in case of emergencies; provide consultative arrangements and effective mechanisms to prevent, control and reduce transboundary impacts, etc.

Most of the regional multilateral treaties cannot exercise a due functioning, since, while they declare cooperation in the field of water protection, they do not encompass conditions on the direct legal regime of shared water resources, thus requiring serious further specification through amendments or changes in agreements.




It is essential to develop the enhancement of international water law in regard to the conditions of the region via involving other states and constantly improve a single work platform based on the Convention on the Protection and Use of Transboundary Watercourses and International Lakes of 1992 and the 1997 Convention on the Law of the Non-Navigational Uses of International Watercourses through the:

- development of a regional information system established in the Republic of Uzbekistan;




- improvement of a regional training system;
- full development of joint projects aimed at the introduction of IWRM;
- improvement of joint action plans to consider future socio-economic and climatic changes that will significantly influence the development of the water policy of states.

## CONCLUSIONS

-  1. The countries of the Central Asian region have reached a certain level in expanding the inter-relationships in water, water use and management of transboundary resources, the international legal framework for water sector regulation is continuing to be established, an institutional mechanism for interaction between states has been established, international programs are being actively implemented to improve the ecological and socio-economic situation in the region.
-  2. The Republic of Uzbekistan cooperates with other countries of the region via conclusion of bilateral and multilateral agreements, participating in the adoption of declarations, joint statements aimed at protecting and establishing a regime for the use of shared water resources, limiting economic activities on shared water resources.
-  3. Since the system of international acts has proved by the water sector to be insufficient for effective regulation, issues that hamper the development of cooperation in this field are preserved both at the regional and bilateral levels.

In this regard, most of the terms of the regional agreements need to specify the appropriate strategies and concepts for their implementation, unify international acts with the national legislation of all countries in the region, develop and consolidate the principles of a unified regional policy on transboundary water resources, develop an assessment procedure for the impact of economic activity on transboundary resources, etc.

-  4. Since, in their content, the issues of joint use of water resources in Central Asia are mainly intra-regional, a system is being implemented to regulate relations in the water sector, in which, firstly, framework norms are formed and secondly, the framework norms are continually improved by adopting specific conditions.

At present, in the sphere of providing information to the general public, there are areas that need further improvement. In addition, the exchange of information between countries can also be





improved taking into account the current legal needs in this area. In this regard, consideration should be given to further enhancing the promotion of mechanisms for the adoption and compliance of Uzbekistan with the Aarhus Convention, which plays an important role in the regulation of water problems, both within states and at the international level.

Furthermore, it is vital to consider the probability of activating the adoption of the necessary measures for the implementation of the Convention on the Law of the Non-Navigational Uses of International Watercourses (New York, 21 May 1997) into national law, especially concerning the insertion of principles essential for the development of international water law into water legislation: peaceful settlement of disputes, non-infliction of significant damage, reasonable equitable use, exchange of hydrogeological and other data, and others.



5. Cooperation on transboundary waters cannot be considered separately from other national and international tasks that the authorities responsible for water and the environment encounter. Besides, there is a need to further deepen the widespread use of integrated water resources management, and the use of basin principles as a basis for cooperation, mutual trust and prioritization of what the main efforts should be directed to within the available water resources.

All water basin agreements should provide for consultation arrangements and effective mechanisms to prevent, control and reduce transboundary impacts, including the identification of sources of pollution, reducing water pollution, monitoring water quality.

The recommendations and guidelines adopted by the parties on international agreements could serve as an additional basis for the preparation of sub regional agreements and the implementation of regional environmental conventions and protocols.

Cooperation should be aimed at harmonizing water policies, in particular, norms and standards for water in the national legislation of countries with a common water basin.

For the purposes of implementing the provisions of international legal acts in the Republic of Uzbekistan, it seems necessary:

- to analyze the legislation on water and water utilization for the conformity of its norms with the provisions of international legal instruments, which Uzbekistan joined;
- based on this analysis, to develop the necessary proposals for amending the national legislation, with a view of implementing international acts into the legal space of the Republic of Uzbekistan;
- to eliminate conflicts of norms of national law and norms of international law, develop drafts of normative and legal acts of the Republic of Uzbekistan for implementing the provisions of international conventions on water and water use, providing for coordination of actions of authorized state bodies and their officials;
- within the framework of the legislation on appeals of citizens and legal entities, on the openness of government bodies, and on the basis of the existing tradition in Uzbekistan to give each year a certain name, to involve public councils to promote the idea of declaring one of the next years the “Year of clean drinking water” and developing related proposals for the implementation of necessary measures to achieve this goal.



6. Consideration should be given to the possibility of activating the adoption of the necessary measures for the implementation of the Convention on the Law of the Non-Navigational Uses of International Watercourses in National Law (New York, 21 May 1997), particularly pertaining to the inclusion of principles vital for the development of international water law in water legislation: peaceful settlement of disputes, non-infliction of significant damage, reasonable equitable use, exchange of hydrogeological and other data, and others.

**List of main international legal acts regulating issues on water,  
its utilization and management of transboundary water resources  
to which the Republic of Uzbekistan is party**

International acts of a universal nature:

CONVENTION on the Law of the Non-navigational Uses of International Watercourses (New York, 21 May 1997). The Republic of Uzbekistan has acceded to this Convention in accordance with the Resolution of the President of the Republic of Uzbekistan of August 9, 2007 N PP-683.

CONVENTION on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki, 17 March 1992). The Republic of Uzbekistan has acceded to this Convention in accordance with the Resolution of the President of the Republic of Uzbekistan of August 9, 2007 N PP-683. Entered into force for the Republic of Uzbekistan from December 3, 2007.

CONVENTION on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar, 2 February 1971). The Republic of Uzbekistan acceded to this Convention in accordance with the Resolution of the Oliy Majlis of the Republic of Uzbekistan on August 30, 2001 No. 278-II. Entry into force for the Republic of Uzbekistan on February 8, 2002.

CONVENTION on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (Geneva, 10 December 1976). Adopted by Resolution 31/72 at the 96th plenary meeting of the United Nations General Assembly. Entry into force for the Republic of Uzbekistan since May 26, 1993. The United Nations Framework CONVENTION on Climate Change (New York, 9 May 1992). The Republic of Uzbekistan acceded to this Convention on June 20, 1993. Entry into force for the Republic of Uzbekistan on 21 March 1994.

The Kyoto PROTOCOL to the United Nations Framework Convention on Climate Change (Kyoto, 11 December 1997). Ratified by the Resolution of the Oliy Majlis of the Republic of Uzbekistan on August 20, 1999 No. 834-I.

The United Nations CONVENTION to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (Paris, 17 June 1994). Ratified by the Resolution of the Oliy Majlis of the

Republic of Uzbekistan of August 31, 1995 No. 125-I, Entry into force for the Republic of Uzbekistan on January 29, 1996.

CONVENTION on the Conservation of Migratory Species of Wild Animals (Bonn, 23 June 1979). The Republic of Uzbekistan acceded to this Convention in accordance with the Resolution of the Oliy Majlis of the Republic of Uzbekistan on May 1, 1998 No. 631-I. Entry into force for the Republic of Uzbekistan on September 1, 1998.

CONVENTION on Biological Diversity (Rio de Janeiro, 5 June 1992). The Republic of Uzbekistan acceded to this Convention in accordance with the Resolution of the Oliy Majlis of the Republic of Uzbekistan of May 6, 1995 No. 82-I. Entry into force for the Republic of Uzbekistan on October 17, 1995.

AGREEMENT on the Conservation of African-Eurasian Migratory Water birds (The Hague, 16 June 1995). The Republic of Uzbekistan acceded to this Agreement in accordance with the Resolution of the Oliy Majlis of the Republic of Uzbekistan of December 12, 2003 No. 577-II. Enforced in the Republic of Uzbekistan on April 1, 2004.

The Basel CONVENTION on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel, 22 March 1989). The Republic of Uzbekistan acceded to this Convention in accordance with the Resolution of the Oliy Majlis of the Republic of Uzbekistan of December 22, 1995 No. 188-I. Enforced in the Republic of Uzbekistan on May 7, 1996.

#### International acts of regional character and bilateral relations:

AGREEMENT between the Governments of the SCO Member States on scientific and technical cooperation (Bishkek, September 13, 2013). Approved by Resolution of the President of the Republic of Uzbekistan dated 17.12.2013 No. PP-2089. Entered into force on October 20, 2015.

AGREEMENT between the governments of the SCO member states on cooperation in the field of agriculture (Tashkent, June 11, 2010). Approved by the Resolution of the President of the Republic of Uzbekistan dated 29.10.2012 No. PP-1842. Entered into force on August 15, 2014 in accordance with Art. 11.

PROTOCOL on Amendments to the Agreement on Cooperation in the Field of Ecology and Environmental Protection of February 8, 1992 (Chisinau, October 7, 2002). Entry into force in accordance with the second and third paragraphs of paragraph 8. Entry into force for the Republic of Uzbekistan on October 1, 2007.

AGREEMENT on the control of transboundary movements of hazardous wastes and other wastes (Moscow, 12 April 1996). Entered into force on May 16, 1997 in accordance with Art. 12. Approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of August 28, 1997 No. 419. Entry into force for the Republic of Uzbekistan on November 21, 1997.

DECISION on the Concept of Hydro meteorological Safety of the CIS Member States (Cholpon-Ata, April 16, 2004). The entry into force on April 16, 2004 in accordance with paragraph 3. Entered into force for the Republic of Uzbekistan since April 16, 2004

PROTOCOL on Amendments to the Agreement on Cooperation in the Field of Hydrometeorology (Bishkek, October 9, 1997). Approved by Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of December 26, 1997 No. 570. Entry into force for the Republic of Uzbekistan since January 6, 1998.

AGREEMENT between the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Uzbekistan, the Republic of Tajikistan and Turkmenistan on cooperation in the joint management of the use and protection of water resources of interstate sources (Alma-Ata, February 18, 1992).

AGREEMENT on joint actions to address the problem of the Aral Sea and its region, ecological improvement and ensuring the social and economic development of the Aral region (Kzyl-Orda, March 26, 1993).

AGREEMENT between the Government of the Republic of Uzbekistan and the Government of the Kyrgyz Republic on cooperation in the field of environmental protection and rational nature management (Tashkent, December 25, 1996).

AGREEMENT between Turkmenistan and the Republic of Uzbekistan on cooperation in water management issues (Chardzhou, January 16, 1996).

Agreement between the Government of the Republic of Kazakhstan, the Government of Kyrgyz Republic, the Government of the Republic of Tajikistan, and the Government of the Republic of Uzbekistan concerning the Use of Water and Energy Resources in Syrdarya River Basin (Bishkek, March 17, 1998).

AGREEMENT between the Government of the Republic of Uzbekistan and the Government of the Republic of Kazakhstan on cooperation in the field of environmental protection and rational nature management (Almaty, June 2, 1997).

AGREEMENT between the Government of the Republic of Kazakhstan, the Government of the Kyrgyz Republic and the Government of the Republic of

Uzbekistan on Cooperation in the Area of Environment and Rational Nature Use (Bishkek, March 1998)

AGREEMENT between the Government of the Republic of Kazakhstan, the Government of the Kyrgyz Republic, the Government of the Republic of Tajikistan, the Government of Turkmenistan and the Government of the Republic of Uzbekistan on the Status of the International Fund for Saving the Aral Sea (IFAS) and its organizations (Ashgabat, 9 April 1999)

AGREEMENT between the Governments of the Republic of Armenia, the Republic of Belarus, Georgia, the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Moldova, the Russian Federation, the Republic of Tajikistan, the Republic of Uzbekistan on cooperation in the field of environmental monitoring (Saratov, January 13, 1999).

AGREEMENT between the Government of the Republic of Uzbekistan and the Government of the Republic of Tajikistan on joint activities and interaction on timely notification in the event of a breakthrough of Lake Sarez (Tashkent, May 30, 2000).

AGREEMENT between the governments of the member states of the Shanghai Cooperation Organization on cooperation in the field of agriculture (Tashkent, June 11, 2010), approved by the Re of the President of the Republic of Uzbekistan dated October 29, 2012, No. PP-1842, entered into force on August 15, 2014.

The Agreement between the Ministry of Agriculture and Water Resources of the Republic of Uzbekistan and the Ministry of Agriculture and Water Resources of Turkmenistan «On Cooperation in Water Management Issues» (Ashgabat, March 6, 2017).

The Agreement between the Government of the Republic of Uzbekistan and the Government of the Republic of Kazakhstan «On Interregional Cooperation» (Astana, March 23, 2017).

The Agreement between the State Committee of the Republic of Uzbekistan on Ecology and Environmental Protection and the State Committee of Turkmenistan on Environmental Protection and Land Resources «On Cooperation in the Field of Environmental Protection and Sustainable Development» (Turkmenbashi, May 20, 2017).



## CHAPTER 2

### State accounting and planning of water utilization

One of the key functions of public water management is the implementation of water accounting and planning, since the management of the use and protection of water - being an important natural resource - involves planning and obtaining information about the state of water by considering them.

Legal regulation of public accounting and planning of water usage is carried out by the norms of Art. 107-113 of the Law “on Water and Water use”, the Regulations on the procedure for water use and water consumption in the Republic of Uzbekistan<sup>20</sup>, the Regulation on the Procedure for the Development and Maintenance of the State Water Cadastre of the Republic of Uzbekistan<sup>21</sup>, the Regulation on State Environmental Monitoring in the Republic of Uzbekistan<sup>22</sup> (hereinafter referred to as the «Regulations on state monitoring»), Regulations on the procedure for monitoring the subsoil of the Republic of Uzbekistan<sup>23</sup>, the Regulations on State Monitoring of Groundwater<sup>24</sup> and other acts of the water sector.

It should be noted that all water that compose the water fund of the Republic of Uzbekistan, as well as water utilization for drinking, domestic, medical, health and other needs of the population are subject to state registration.

Art. 107 of the Law “on Water and Water use” determines that the state accounting of waters and their use has, by means of its objective, the establishment of the quantity and quality of waters constituting a single water fund and data on the use of water for the needs of the population and sectors of the economy as goal.

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20 Resolution of the Cabinet of Ministers of the Republic of Uzbekistan «On Approval of the Regulations on the Procedure for Water Use and Water Consumption in the Republic of Uzbekistan» of March 19, 2013 No. 82.

21 Approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan on January 7, 1998 No. 11

22 Approved by Resolution of the Cabinet of Ministers of the Republic of Uzbekistan on April 3, 2002 No. 111

23 Resolution of the Cabinet of Ministers of the Republic of Uzbekistan «On approval of the Regulation on the procedure for monitoring the subsoil of the Republic of Uzbekistan» of May 12, 2014 No. 119.

24 Resolution of the Cabinet of Ministers of the Republic of Uzbekistan «On measures to further streamline activities in the use of groundwater» of June 27, 2017 No. 430.

The planning of water use should ensure scientifically-based water distribution among water users, bearing in mind to prioritise the satisfaction of drinking and household needs of the population, protection and prevention of their harmful effects.

When planning the use of water, the data of the state water cadastre, water balance sheets, schemes for the integrated use and protection of water are taken into account (Art. 108 of the Law “on Water and Water use”).

This provision of the Law “on Water and Water use” is completely duplicated by paragraph 27 of the Regulations on the procedure for water use and water consumption, according to which the planning of water use and the establishment of water withdrawal limits should ensure scientifically based water distribution between water users and water consumers, taking into account the priority satisfaction of drinking and household needs of the population, the conditions for protection and prevention of their harmful effects.

The State Water Cadastre includes data on water accounting for quantitative and qualitative indicators, the procedure for registering water use, along with the data accounting of water use (Art. 109 of the Law “on Water and Water use”).

The State Water Cadastre is a systematic, constantly updated and, if necessary, a clarified set of information on water facilities that constitute a single state water fund, on water resources, regime, quality and use of water, as well as water users.

The objects of the State Water Cadastre are surface and groundwater bodies and their resources.

The State Water Cadastre is designed to provide government agencies, legal entities and individuals with the necessary data on water facilities, water resources, regime, quality and use of water, as well as water users.

The state water cadastre is maintained by:

1. the Centre of Hydrometeorological Service under the Ministry of Emergency Situations of the Republic of Uzbekistan (Uzhydromet) - on the division of surface waters,
2. the State Committee of the Republic of Uzbekistan on Geology and Mineral Resources - on the division of groundwater,
3. the Ministry of Agriculture and Water Resources of the Republic of Uzbekistan - on the division of water use.



Water management balances are compiled by specially authorized state authorities in the field of regulation of water use in river basins, basin irrigation systems and economic areas to assess the availability and extent of water use.

Data of the State Water Cadastre are intended for use for:

- current and prospective planning of water use and water security measures;
- placement of productive forces in the country;
- drawing up schemes for the integrated use and protection of water and its balance sheets;
- design of water management, transport, industrial and other enterprises and facilities associated with the use of water;
- forecasting changes in hydrological and hydrogeological conditions, river water content and water quality;
- development of measures to improve the efficiency of water management systems;
- rationing water consumption and discharge, along with indicators of water quality;
- development of measures to prevent and eliminate harmful impacts of water;
- the implementation of state control over the implementation of measures for the rational use and protection of waters;
- regulation of relationships between water users, as well as between water users and other interested legal and physical persons;
- addressing other issues related to the use and protection of water.

The State Water Cadastre includes all necessary data on the types of water and water management facilities.

General and basin (territorial) schemes for the integrated use and protection of water determine the main water management and other measures to be implemented to conform with the long-term needs in the water of the population and sectors of the economy, as well as to protect water and prevent their harmful impact (Art. 111 of the Law “on Water and Water use”).

State accounting of water and their use, maintaining the state water cadastre, drawing up water management balances, developing schemes for the integrated use and protection of water are carried out at the expense of the budget in the way established by the Cabinet of Ministers (Art. 112 of the Law “on Water and Water use”).

The data of the State Water Cadastre are systematized and published on the territory of the republic, regions, the Republic of Karakalpakstan, river basins, basin irrigation systems, and on the division of groundwater - and hydrogeological regions.

To increase the efficiency in providing users with the necessary data on water resources and their use, as well as improving the level of processing and generalization of data, bearing in mind the needs of consumers, Uzhydromet, the State Committee for Geology and the Ministry of Agriculture and Water Resources create an automated information system of water cadastre (AIS of the State Water Cadastre).

The AIS of the State Water Cadastre is designed and created on the basis of the sectoral information systems of Uzhydromet, the State Committee for Geology and the Ministry of Agriculture and Water Resources on the basis of a single technical task approved by Uzhydromet, the State Committee for Geology and the Ministry of Agriculture and Water Resources.

To maintain this system, the main interdepartmental center, the main departmental centers of the State Water Cadastre have been established for the sections of surface water, groundwater and water use.

The functions of the main interdepartmental centre of the State Water Cadastre (SWC) are performed by the Central Asian Hydro meteorological Research Institute (CAHMRI) of Uzhydromet.

The functions of the main departmental centers of the SWCs, territorial centers and local bodies of the SWC are determined by relevant normative documents (further outlined in the sections «Surface Waters», «Underground Waters» and «Use of Waters»). Monitoring of water, including underground water, represents a system for monitoring the state of water for timely detection of changes, their assessment, prevention and elimination of negative processes.

The structure, content and procedure for monitoring water are established by the Cabinet of Ministers of the Republic of Uzbekistan (Art. 113 of the Law “on Water and Water use”)<sup>25</sup>.

The Regulation on State Environmental Monitoring in the Republic of Uzbekistan is approved by Resolution No. 111 of the Cabinet of Ministers of the Republic of Uzbekistan on 03.04.2002.

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25 Regulation on state monitoring of the environment in the Republic of Uzbekistan, approved by Resolution of the Cabinet of Ministers of the Republic of Uzbekistan on April 3, 2002 No. 111

The main tasks of the state monitoring of the environment of the Republic of Uzbekistan are:

- organization and maintenance of observations of the level of environmental pollution, as well as the processes occurring in it under the influence of anthropogenic impact;
- assessment and forecast of the level of pollution of the environment;
- development of recommendations for the prevention and elimination of negative processes occurring in it;
- information support of state control in the field of environmental protection, rational use of natural resources, state cadastres of natural resources.

One of the directions of the State monitoring of the environment is monitoring pollution of surface and groundwater.

State monitoring is carried out at the following levels: republican monitoring (covering the entire territory of the Republic of Uzbekistan); regional monitoring (covering the territory limited by physical-geographical, administrative and other borders); local monitoring (covers the territory of certain natural-technogenic and landscape-ecological complexes).

State monitoring of the aquatic environment is carried out by the following institutions:

- State Committee of the Republic of Uzbekistan on Ecology and Environmental Protection- regarding monitoring of pollution sources and monitoring of terrestrial ecosystems;
- The Centre of Hydrometeorological Service under the Ministry of Emergency Situations of the Republic of Uzbekistan - in monitoring pollution of surface (natural waterways) waters, soils and background monitoring;
- Ministry of Agriculture and Water Resources - in the part of monitoring the quality (salinity) of collector-drainage waters of main watercourses;
- State Committee of the Republic of Uzbekistan on Geology and Mineral Resources - regarding monitoring of groundwater pollution;
- Ministry of Health - with regard to sanitary and hygienic monitoring of the natural environment.

Ministries, departments and economic management agencies (whose activities result or may lead to a deterioration of the state of the environment, conduct a departmental monitoring of the environment.

Coordination of activities of ministries, departments and bodies of economic management in the field of state monitoring of the environment is carried out by the State Committee of the Republic of Uzbekistan on Ecology and Environmental Protection.

Ministries, departments and economic management agencies that monitor the environmental condition in the system of state monitoring, gratuitously transmit generalized information on the state of the environment (reports, speaker papers, periodic ballots) to the relevant service of the State Committee of the Republic of Uzbekistan on Ecology and Environmental Protection.

Depending on the timing and periodicity of observations, information on the state of the environment is divided into:

- current information received regularly during the year and fixing the current changes in the objects of the natural environment;
- periodic, received regularly for years and periods of a natural character.

Current information obtained from observations of the state of the natural environment, technogenic ecosystems and the use of natural resources, is summarized by administrative-territorial entities and by individual natural complexes.

Periodic information is summarized by relevant information and analytical units (services) of ministries, departments and bodies of economic management of the Republic of Uzbekistan on the basis of current monitoring information.

Informational and analytical departments (services) of ministries, departments and bodies of economic management annually, not later than March 1, submit reports on the state of the regional natural environment to the State Committee of the Republic of Uzbekistan on Ecology and Environmental Protection and the state authorities in the field, and in circumstances of detection of extremely dangerous and maximum permissible processes are sent by operational (emergency) reports.

Annually by 15 April, the State information analytical center of the State Committee of the Republic of Uzbekistan on Ecology and Environmental Protection, on the basis of reports of ministries, departments and economic management bodies, compiles and publishes a national report on the state of the environment and the use of natural resources in the Republic of Uzbekistan.

The work on maintaining the system of state monitoring of the environment is carried out by the ministries and departments financed by the budget, within the limits of the total budgetary appropriations allocated to them for a calendar year.

Financing of interstate and international programs on environmental monitoring is carried out in accordance with the procedure and on terms determined by agreements and contracts concluded by the Republic of Uzbekistan with other state and international organizations.

In accordance with the norms of Arts. 38-42 of the Regulation on water use and water consumption in the Republic of Uzbekistan, water use and water consumption are realised on the basis of water use and water consumption plans, taking into account the annual actual water availability. Plans for water use and water consumption are compiled in accordance with approved regulatory documents within the allocated water withdrawal limits by water users and water consumers themselves.

Plans for water consumption of farms and dekhkan farms, citizens' self-government bodies and other water users are approved by their water user associations. Water User Associations summarize water use plans and draw up water use plans for associations.

Plans for water use by Water User Associations, as well as other water users and water consumers, are summarized by Basin Irrigation System Administrations and Irrigation System Administrations.

Compiled and summarized plans for water use and water consumption are approved:

- by the irrigation system management in agreement with the district department of agriculture and water management on associations of water users;
- by the basin management of irrigation systems in coordination with relevant territorial bodies of the Ministry of Agriculture and Water Resources on irrigation systems;
- by the the Main Water Management Department of the Ministry of Agriculture and Water Resources on the basin irrigation system, on large and especially important water management facilities.

Plans for water use and water consumption for the needs of communal households are compiled and approved in accordance with the procedure established by the Agency «Uzkommunkhizmat».

Plans for water use and water consumption are an integral part of the agreements on water use and water consumption.

The Resolution of the Cabinet of Ministers of the Republic of Uzbekistan «On measures to further streamline activities in the field of groundwater use» of June 27, 2017 No. 430 approved the Regulations on State Monitoring of Groundwater. According to the Regulations, the State monitoring of groundwater is an integral part of monitoring the subsurface and the surrounding environment.

The object of this monitoring is groundwater, irrespective of their quality, purpose and use, which are divided into:

- fresh and slightly saline groundwater;
- mineral, thermal and industrial groundwater;
- hydrogeodeformation field of the earth.





This monitoring is a system of regular monitoring of groundwater status, including mineral, thermal and industrial waters, data of which are used for state reports and official publications, information exchange at the interagency and international levels in the established order, as well as for the design and construction of facilities, state water cadaster and accounting for the use and protection of groundwater.

The main goal of monitoring is timely detection of changes in the qualitative and quantitative status of groundwater, their assessment and forecast, prevention and development of recommendations for eliminating negative processes and their consequences. State monitoring is intended to assess the groundwater by qualitative and quantitative indicators and forecast changes, including exploited groundwater deposits, accounting for predicted resources and groundwater resources and their use, preparation of information for inclusion in the groundwater section of the state water cadaster. This monitoring is carried out by the territorial hydrogeological stations of the State Committee of the Republic of Uzbekistan for Geology and Mineral Resources at the expense of the State Budget of the Republic of Uzbekistan.

It should be noted that there is no general state accounting and control over the use of water in the Republic of Uzbekistan, as well as an unsatisfactory situation with water forecasts, with analysis and calculations of their use for the future. It is necessary to have a water forecasting system (with analysis and calculations of their availability (receipts and expenditures)) for the future, for 5-10-25 years. Undoubtedly, having reasonable forecasts on water, the state could more objectively and accurately predict the development of agriculture and water supply needs of the population.



## CONCLUSIONS

-  It is necessary to investigate the existing system and methods of planning activities for the use of water resources and to develop a functional structure for water protection tasks that represents a model for the planning process.
-  State registration and planning schemes for the use and protection of water resources should be developed to identify water management and other activities to meet the society's long-term needs for water resources, ensure rational use and protection of water facilities, to prevent and eliminate harmful water impacts.
-  The results of the solution of the complex of tasks will allow the justification of water protection objectives, conduction of a general assessment of the pollution of water facilities, determination of the integral assessment of the influence of industries and individual enterprises on river pollution, formation of a sufficient system of water protection measures, establishment of the possibility of placing new enterprises on the territory of the considered water facilities taking into account the preservation of normative level of water quality.
-  We also consider it appropriate to establish norms regulating water accounting and their use, carried out by legal entities and individual entrepreneurs in the course of their economic and other activities into the Law on Water.



## CHAPTER 3

### Competence of state executive and administrative authorities in the field of regulation of water relations

Before analyzing the legislation that regulates the competence of public authorities and management in the field of water relations, it is necessary to present a general analysis of legislative acts that are directly related to the water law system.

Thus, the system of water legislation of the Republic of Uzbekistan includes normative legal acts aimed at the rational use, protection and reproduction of natural resources, and improvement of the quality of the environment.

Sources of water legislation of the Republic of Uzbekistan are the Constitution<sup>26</sup>, laws and other normative acts in the field of water use and environmental protection, decrees and resolutions of the President, resolutions of the Cabinet of Ministers, normative acts of ministries and departments, normative acts of local authorities.

The Constitution establishes the foundation of the public and state system, the basic rights and freedoms of citizens, the form of property and other basic provisions that are essential for the legal regulation of water relations. According to Art. 55 of this act, «the land, its subsoil, flora and fauna and other natural resources are national wealth, subject to rational use and protected by the state», which implies a close relationship between the careful attitude to natural resources and their rational use. The Constitution also defines the organizational and control functions of higher and local authorities on the rational use and protection of natural resources, which are developed in special legislation.

The Law “On Water and Water use” (hereinafter the Law on Water) is the foundation of water legislation, the purpose of which is to ensure the rational use of water for the needs of the population and economic sectors, to protect water from pollution, debris and depletion, prevent and eliminate harmful effects of water, improve the state of water facilities, and protect rights and legitimate interests of enterprises, institutions, organizations, farms, dekhkan farms and citizens in the field of water relations.

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26 The Constitution of the Republic of Uzbekistan. Adopted on December 8, 1992 at 11 sessions of the Supreme Council of the Republic of Uzbekistan 12 convocation // Gazette of the Supreme Council of the Republic of Uzbekistan, 1993, No. 1





The Law «On Nature Protection»<sup>27</sup> establishes the legal, economic and organizational basis for preserving the conditions of the natural environment and the rational use of natural resources.

The Law «On the Safety of Hydraulic Structures»<sup>28</sup> is designed to regulate the relations arising from the implementation of safety activities in the design, construction, commissioning, operation, reconstruction, restoration, conservation and liquidation of hydraulic structures. The specially authorized body exercising state supervision over the safety of hydraulic structures is the State Inspectorate for Control and Supervision over the Technical Condition and Safety of Large and Especially important Water Facilities under the Cabinet of Ministers (Gosvodkhoz nadzor).

The Law «On Sanitary and Epidemiological Well-Being of the Population»<sup>29</sup> contains requirements for domestic and drinking water supply, obliges legal entities and individuals to ensure the conformity of water in water bodies used for domestic and non-centralized water supply, sanitary rules, norms and hygienic standards.

The Law «On Environmental Control»<sup>30</sup> establishes a system of state and public measures aimed at preventing, identifying and suppressing violations of the requirements of legislation in the field of environmental protection and rational use of natural resources, increasing the effectiveness of environmental protection.

The Law «On Natural Monopolies» establishes a state regulation of the activities of natural monopolies in the field of water and sewerage.

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27 Law of the Republic of Uzbekistan of December 9, 1992 No. 754-XII «On Nature Protection» (with subsequent amendments). Gazette of the Supreme Council of the Republic of Uzbekistan, 1993, No. 1, Art. 38

28 Law of the Republic of Uzbekistan of August 20, 1999 No. 826-I «On the Safety of Hydraulic Structures» // Gazette of the Oliy Majlis of the Republic of Uzbekistan, 1999, No. 9, Art. 223

29 Law of the Republic of Uzbekistan of 26.08.2015 N ZRU-393 «On Sanitary and Epidemiological Well-Being of the Population», adopted by the Legislative Chamber on July 15, 2015, approved by the Senate on August 6, 2015. Gazette of the Chambers of the Oliy Majlis of the Republic of Uzbekistan, 2015, No. 8, Art. 314

30 Law of the Republic of Uzbekistan of December 27, 2013 No. ZRU-363 «On environmental control» Gazette of the chambers of the Oliy Majlis of the Republic of Uzbekistan», 2013, No. 12, Art. 352

The Land Code<sup>31</sup> regulates the issues of protection and improvement of the natural environment, creation of conditions for the equal development of all forms of management, provision of state and other support in implementing measures to improve the fertility of agricultural land, improve land reclamation and protect land.

The Law “On farming”<sup>32</sup> defines water use and water consumption in agricultural land and reserve lands, and the Law “On dekhkan farming”<sup>33</sup> addresses issues with respect to personal plots of land.

Norms of the Civil Code<sup>34</sup>, the Economic Procedural Code<sup>35</sup>, the Code of Administrative Responsibility<sup>36</sup>, the Criminal Code<sup>37</sup> regulate the liability of legal entities and individuals and resolve disputes in the field of water relations.

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31 The Land Code of the Republic of Uzbekistan (Gazette of the Oliy Majlis of the Republic of Uzbekistan, 1998, No. 5-6, Art. 82, 2003, No. 9-10, Art. 149. Collection of Legislation of the Republic of Uzbekistan, 2004, No. 25, Art. 287, No. 51, Art. 514, 2007, No. 52, Art. 533, 2009, No. 3, Art. 9, No. 52, Art. 555, 2011, No. 1-2, Art. 1, 2014, No. 4, Art. 45, No. 36, Art. 452, 2015, No. 33, Art. 439

32 Law of the Republic of Uzbekistan «On farming» (new edition) // Gazette of the Oliy Majlis of the Republic of Uzbekistan, 1998, No. 5-6, Art. 86; 2001, No. 1-2, Art. 23; № 5, Art. 89; 2004, No. 1-2, Art. 18

33 Law of the Republic of Uzbekistan « On dekhkan farming » // Gazette of the Supreme Council of the Republic of Uzbekistan, 1992, No. 10, Art. 403; Gazette of the Oliy Majlis of the Republic of Uzbekistan, 1997, No. 9, Art. 241

34 Civil Code of the Republic of Uzbekistan. Approved by the Law of the Republic of Uzbekistan of 21.12.1995 No. 163-I «On the approval of the first part of the Civil Code of the Republic of Uzbekistan» and the Law of the Republic of Uzbekistan of 29.08.1996 No. 256-I «On Approving Part Two of the Civil Code of the Republic of Uzbekistan». Effective from 01.03.1997 in accordance with the Resolution of the Oliy Majlis of the Republic of Uzbekistan of 29.08.1996 No. 257-I. 29.08.1996 No. 256-I // Bulletin of Oliy Majlis of the Republic of Uzbekistan, 1996, No. 11-12

35 Economic Procedural Code of the Republic of Uzbekistan/ Approved by the Law of the Republic of Uzbekistan of 30.08.1997 No. 478-I, entered into force from 01.01.1998 in accordance with the Resolution of the Oliy Majlis of the Republic of Uzbekistan of 30.08.1997 N 479-I. Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 1997, No. 9, Art. 234

36 Code of the Republic of Uzbekistan on administrative responsibility. Approved by the Law of the Republic of Uzbekistan of 22.09.1994 N 2015-XII, with subsequent amendments// Bulletin of the Supreme Council of the Republic of Uzbekistan, 1995, No. 3, Art. 6

37 Criminal Code of the Republic of Uzbekistan Approved by the Law of the Republic of Uzbekistan of September 22, 1994 No. 2012-XII (with subsequent amendments), effective from 01.04.1995 in accordance with the Resolution of the Supreme Council of the Republic «, 1994, No. 1, Art. 3



The Tax Code<sup>38</sup> regulates relations associated with the establishment, introduction, calculation and payment of taxes and other mandatory payments to the State budget and State trust funds, as well as relations related to the fulfillment of tax obligations.

The Urban Development Code<sup>39</sup> regulates the issues of providing the population of urban and rural settlements with favorable living conditions, preventing the harmful impact of economic and other activities on the environment, the development of engineering, transport and social infrastructure.

The Laws «On Electronic Government»<sup>40</sup>, «On Protection of Consumer Rights»<sup>41</sup>, «On Social Partnership»<sup>42</sup>, «On the Openness of the Activities of State Authorities and Management»<sup>43</sup>, «On applications of physical and legal entities»<sup>44</sup>, «On the legal basis of the activities of economic entities»<sup>45</sup>, and others, to some extent regulate the issues of securing contractual obligations, protecting the rights of citizens, legal persons and civil society organizations in the water sector.

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38 Tax Code of the Republic of Uzbekistan Approved by the Law of the Republic of Uzbekistan dated 25.12.2007 No. ZRU-136, effective from 01.01.2008 // Bulletin of the Chambers of Oliy Majlis of the Republic of Uzbekistan, 2007, Appendix 1 to N 12

39 Urban Development Code of the Republic of Uzbekistan. Approved by the Law of 04.04.2002 N 353-II. Entered into force on 07.05.2002 in accordance with the Resolution of the Oliy Majlis of the Republic of Uzbekistan of 04.04.2002 No. 354-II // Bulletin of Oliy Majlis of Uzbekistan, 2002, No. 4-5, art.63

40 Law of the Republic of Uzbekistan of 09.12.2015 No. ZRU-395 «On electronic government» Adopted by the Legislative Chamber on 18.11.2015, approved by the Senate on 03.12.2015// Bulletin of the Chambers of the Oliy Majlis of the Republic of Uzbekistan, 2015, No. 12, Art. 451

41 Law of the Republic of Uzbekistan No. 221-I of 26.04.1996 «On Protection of Consumer Rights» // Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 1996, No. 5-6, Art. 59

42 Law of the Republic of Uzbekistan of 25.09.2014 No. ZRU-376 «On Social Partnership» Adopted by the Legislative Chamber on June 18, 2014. Approved by the Senate on August 28, 2014 // Gazette of the Chambers of the Oliy Majlis of the Republic of Uzbekistan, 2014, No. 9, art. 247

43 Law of the Republic of Uzbekistan of 05.05.2014 No. ZRU-369 « On the Openness of the Activities of State Authorities and Management « // Gazette of the Chambers of the Oliy Majlis of the Republic of Uzbekistan, 2014, No. 5, Art. 127

44 Law of the Republic of Uzbekistan of 03.12.2014 No. ZRU-378 «On applications of individuals and legal entities» // Newspaper «Narodnoe slovo» of December 4, 2014.

45 Law of the Republic of Uzbekistan of 29.08.1998 No. 670-I «On the legal basis of the activities of economic entities « // Gazette of the Oliy Majlis of the Republic of Uzbekistan, 1998, No. 9, Art. 170

The system of legislation regulating legal relations in the sphere of drinking water supply and sanitation includes normative legal acts in the form of decrees and decisions of the President, resolutions of the Cabinet of Ministers, decisions of ministries, state committees, departments and public authorities in the field *(The list of normative legal acts of ministries and departments and state authorities on the ground in the sphere of water legislation is attached.)*.

In accordance with the provisions of the Law on Water and other regulations, state regulation, management and control in the use and protection of water are carried out by authorized bodies of general and special competence:

The state administration in the field of regulation of water relations is carried out by the Oliy Majlis, the Cabinet of Ministers, and local government bodies.

The Oliy Majlis in the field of regulation of water relations adopts, modifies and supplements legislative acts on water and water use; determines the main directions of state policy in the field of use and protection of water resources and adoption of strategic state water management programs; solves other issues related to its jurisdiction (Art. 5 of the Law on Water).

The following issues are subject to the Cabinet of Ministers in the field of regulation of water relations:

- Conducting a unified state policy in the field of integrated and rational use, management and protection of water resources;
- Coordination of activities of ministries, state committees, departments, other legal entities in the field of integrated and rational use, management and protection of water resources, as well as prevention and elimination of harmful impacts of water;
- Establishment of the procedure for the formation and use of a water fund, the procedure for approving water use standards, water consumption and water withdrawal limits from a water facility;
- Maintenance of the state water accounting and control over the use and protection of water, maintenance of the state water cadastre and water monitoring;
- Development of measures to prevent and eliminate major accidents, disasters, ecological crises and harmful effects of water;
- Setting the procedure for payment for the use of water resources, reimbursement for pollution and depletion of water bodies;
- Development of interstate relations;
- Implementation of other measures provided for by law (Art. 6 of the Law on Water).

The competence of local government bodies in the field of the regulation of water relations is subject to: determination of the main directions for the use and protection of water resources on its territory; provision of law and order in the sphere of regulating the usage and protection of water resources; accounting and assessment of the state of water facilities, monitoring the use and protection of water, compliance with established water withdrawal limits, management of water utilization by water users, implementation of measures for the conservation and improvement of water objects, prevention and elimination of harmful impacts and water pollution, restoration of objects damaged as a result of accidents, floods, mudflows and natural disasters; regulation of other issues provided for by law (Art. 7 of the Law on Water).

State administration in the field of water use is carried out by the Cabinet of Ministers, state authorities in the regions, specially authorized bodies of state administration for regulation of water usage directly or through the basin (territorial) administrations and other state entities.

Specially authorized bodies of state administration in the field of regulation of water use, within their competence, include: the Ministry of Agriculture and Water Resources (surface waters); State Committee on Geology and Mineral Resources (groundwater); the State Inspectorate for the Supervision of Geological Exploration of the Subsoil, Safe Work in Industry, Mining and the Public Utilities Sector under the Cabinet of Ministers (thermal and mineral waters) (Art. 8 of the Law on Water).

### **Ministry of Agriculture and Water Resources**

In the context of further improvement of the ministry's activities powers were expanded, according to the President's Decree of August 4, 2017<sup>46</sup>, the main tasks and directions of the Ministry's activities are currently:

- implementation of a unified agro technical and water management policy aimed at comprehensive modernization of the industry, introduction of science and technology achievements, modern resource and water saving agro technologies, advanced domestic and foreign experience in the agricultural and water sector;
- development of integrated targeted, sectoral and territorial programs aimed at ensuring dynamic and balanced development of agriculture, food security of the country, increasing the level of employment and income of the rural population, maintaining

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46 Decree of the President of the Republic of Uzbekistan of 04.08.2017. No. PP-3172 "On measures to further improve the organization of activities of the Ministry of Agriculture and Water Resources of the Republic of Uzbekistan"

- a stable level of prices for food products in the domestic market;
- attraction of foreign investments and technical assistance funds (grants) to the agricultural sector, ensuring their effective use in accordance with the principles of project management;
- improving the principles and system of water resources management, ensuring their careful and rational use, improving the reclamation state of irrigated lands, reconstruction and modernization of water management facilities, hydraulic structures;
- radical improvement of the activities of infrastructure facilities serving agricultural producers, based on market principles and mechanisms;
- ensuring, on a systematic basis, the close integration of education, science and agricultural production, training, retraining and advanced training of personnel, considering the current and future needs of the agriculture and water sector in highly qualified specialized specialists.

The State Committee for Geology and Mineral Resources is the authorized body in the hydrogeological survey of single and group water intake structures irrespective of the forms of their ownership. It takes care of controls and accounting for the rational use of groundwater in the established order which is determined by the Regulation approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of June 27, 2017 No. 430<sup>47</sup> and the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of July 13, 2017 No. 494<sup>48</sup>. Main tasks of the committee are:

- Implementation of a unified state policy in the field of geological study, use and conservation of mineral resources, as well as management of mining relations;
- advanced development of the Republic's mineral and raw materials base, primarily underground waters, precious, non-ferrous, rare, rare-earth metals and uranium, accelerated search for new types of mineral raw materials and their deposits;

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47 Resolution of the Cabinet of Ministers of the Republic of Uzbekistan «On measures to further streamline activities in the use of groundwater» of June 27, 2017 No. 430.

48 Resolution of the Cabinet of Ministers of the Republic of Uzbekistan «On approval of the updated Regulations on the State Committee of the Republic of Uzbekistan on Geology and Mineral Resources and Measures to Promote the Employees of the Geological Industry» of July 13, 2017 No. 494.

In accordance with the tasks assigned, the State Committee on Geology performs the following functions:

- Maintains the state water cadaster (groundwater);
- Compiles and presents information on zones of formation of fresh groundwater deposits on the state cadaster of protected natural areas;
- Provides, in cooperation with interested ministries and departments, state monitoring of subsoil, including groundwater monitoring;
- Ensures within its competence proper control and accounting of rational use of groundwater;
- Develops, in cooperation with ministries and departments, schemes for the use of water resources (groundwater) and protection of the territories of their spread from the impact of technogenic and dangerous geological processes;
- Identifies areas that are promising for the detection of groundwater deposits, provides control over the timely issuance of hydrogeological conclusions by subordinated hydrogeological organizations to drill wells for water;
- Issues permits for drilling wells for water and ensures control over timely approval by subordinated hydrogeological organizations of permits for special water use (groundwater).
- An additional task of the State Committee for Geology is also conducting state monitoring of groundwater in the territory of the Republic of Uzbekistan, which is an integral part of monitoring of the subsoil and the environment. The state monitoring of groundwater, irrespective of its quality, purpose and use, is further divided into:
  - Fresh and slightly saline groundwater;
  - Mineral, thermal and industrial groundwater;
  - Hydrogeodeformation field of the earth.
- The order and form of conducting state monitoring of groundwater is determined by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan «On measures to further streamline activities in the use of groundwater» of June 27, 2017

The State Committee for Ecology and Environmental Protection, the Ministry of Agriculture and Water Resources, the State Committee of the Republic of Uzbekistan for Geology and Mineral Resources, the State Sanoatgeoconotechnazorat Inspectorate, the Council of Ministers of the Republic

of Karakalpakstan, the regional, city and regional khokimiyats carry out systemic control over clearing operations river beds and strengthening of their shores, extraction of non-metallic minerals in accordance with the requirements of the Decree of the President of the Republic of Uzbekistan «On measures to further improve the protection of water bodies» of September 25, 2017 N PP-3286. This decree also regulates the issue of establishing permanent interdepartmental groups to identify and suppress violations of the order of clearing riverbeds and strengthen their banks, extraction of non-metallic minerals. The composition of interdepartmental groups includes:

1. The responsible employee of the territorial prosecutor's office (head of the group)
2. Responsible employee of the territorial unit of the State Committee of the Republic of Uzbekistan for Ecology and Environmental Protection (deputy head of the group)
3. The responsible employee of the territorial unit of the Committee for the Protection of the State Border of the National Security Service of the Republic of Uzbekistan
4. The responsible employee of the territorial body of internal affairs
5. The responsible officer of the territorial subdivision of the Ministry for Emergency Situations of the Republic of Uzbekistan
6. The responsible employee of the khokimiyat
7. The responsible employee of the territorial subdivision of the Ministry of Agriculture and Water Resources of the Republic of Uzbekistan
8. The responsible employee of the territorial unit of the State Committee of the Republic of Uzbekistan for Geology and Mineral Resources
9. The responsible employee of the territorial unit of the State Committee of the Republic of Uzbekistan for land resources, geodesy, cartography and state cadaster
10. The responsible employee of the territorial unit of the State Tax Committee of the Republic of Uzbekistan





11. The responsible employee of the territorial unit of the State Committee of the Republic of Uzbekistan for Architecture and Construction

12. The responsible employee of the regional inspection of the GI «Sanoatgeocontechnazorat».

In addition, attention must be paid to the activities of the Ministry of Emergency Situations. Measures must be taken to radically increase the effectiveness of the system for preventing and eliminating emergencies, one of which is the transfer of the Center of Hydrometeorological Service with its structural subdivisions and the State Inspectorate for the control and supervision of the technical condition and safety of operation of large and especially important water management facilities to the system of the Ministry of Emergency Situations of the Republic of Uzbekistan.<sup>49</sup> Previously, these departments were under the Cabinet of Ministers of the Republic of Uzbekistan.

The **Center of Hydrometeorological Service** under the Ministry for Emergency Situations of the Republic of Uzbekistan (hereinafter - Uzhydromet) is a body of state administration specially authorized to solve problems in the field of hydrometeorology in the Republic of Uzbekistan<sup>50</sup>. The main tasks of Uzhydromet are the following:

- Provision of information on actual and expected hydro meteorological conditions, climate change, pollution level of the environment to state and economic authorities, local executive authorities, other state bodies and organizations, and citizens;
- Carrying out systematic observations of air, soil and surface water pollution;

In accordance with the tasks assigned Uzhydromet performs the following functions:

- Provides within its competence the development and modernization

49 Decree of the President of the Republic of Uzbekistan «On measures to radically increase the effectiveness of the system of prevention and liquidation of emergency situations» of June 1, 2017 No. UP-5066.

50 Resolution of the Cabinet of Ministers of the Republic of Uzbekistan «On approval of the provisions on the Ministry of Emergency Situations of the Republic of Uzbekistan, the Center for Hydrometeorological Service under the Ministry of Emergency Situations of the Republic of Uzbekistan and the State Inspection for Control and Supervision over the Technical Condition and Safety of Large and Especially Important Water Facilities under the Ministry of Emergency Situations of the Republic of Uzbekistan» of August 9, 2017 No. 606.

of the system of hydro meteorological observations, collection, storage, processing, analysis and dissemination of hydro meteorological information, as well as information on pollution of the natural environment;

- Forms and maintains the State Hydro meteorological Data Foundation and the State Data Fund on Environmental Pollution;
- Conducts in accordance with the established procedure the State water cadaster in the part of surface waters;
- Creates a national database of climate data;
- Monitors the pollution of the atmosphere, surface (natural waterways) water, soil and background monitoring (collection, processing, and analysis of data and preparation of information), the forecast level of atmospheric pollution;

State inspection «Gosvodkhoznadzor» is a body of state administration, authorized in the field of state supervision over the safety of hydraulic structures<sup>51</sup>.

The main tasks of the State Inspection «Gosvodkhoznadzor» are the implementation of state control and supervision over:

- reliability of the technical condition of operation and ensuring the safety of large and especially important water management facilities;
- design, construction, commissioning, operation, reconstruction, repair, conservation and liquidation of large and particularly important water management facilities, including the organization of project appraisal, quality control of construction, reconstruction, commissioning, conservation and liquidation;
- organization of reliable protection of large and especially important water management facilities.

To fulfill the tasks assigned to it, the State Inspection «Gosvodkhoznadzor» performs the following functions:

- develops in cooperation with relevant ministries and departments proposals for the prevention of accidents related to the technical

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51 Resolution of the Cabinet of Ministers of the Republic of Uzbekistan «On approval of the provisions on the Ministry of Emergency Situations of the Republic of Uzbekistan, the Center for Hydrometeorological Service under the Ministry of Emergency Situations of the Republic of Uzbekistan and the State Inspection for Control and Supervision over the Technical Condition and Safety of Large and Especially Important Water Facilities under the Ministry of Emergency Situations of the Republic of Uzbekistan» of August 9, 2017 No. 606.



state and safe operation of hydraulic structures of the I, II and III capital class (hereinafter - hydraulic structures);

- conducts in cooperation with interested ministries and departments an examination of the reliability of the technical condition and safe operation of hydraulic structures;
- participates together with the relevant ministries and departments of the republic in the settlement with neighboring states of the issues of exploitation of interstate and water management facilities close to state borders;
- participates in the work of interdepartmental and interstate commissions related to the reliability of the technical and safe state of hydraulic structures;
- maintains a cadaster of hydraulic structures;
- participates in drafting regulatory and legal acts in the field of safety of hydraulic structures;
- coordinates the use of the territories of hydraulic structures, riverbeds and adjacent areas below and above the dam (except for the provision of land in water protection zones) for economic or other activities;
- assists the authorized bodies in the organization of works on the establishment of water protection zones, coastal strips of river reservoirs, canals and collectors and monitors compliance with the requirements for these zones and strips.

**State Inspectorate for Supervision of Safe Work in Industry, Mining and the Household Sector (State Inspection «Sanoatkontekhnazorat»):**

- supervises the thermal and mineral waters, in particular, registers gas supervision facilities, steam and hot water boilers, pressure vessels, steam and hot water pipelines and lifting facilities;
- coordinates the maintenance of the state cadastre of zones of increased man-caused danger, and also exercises state supervision in the development, design, manufacture, installation, repair and operation of lifting structures, steam and hot water boilers, pressure vessels, steam and hot water pipelines, and also other supervised objects.

The state control over the use and protection of water is carried out by local government bodies, the State Committee on Ecology and Environmental Protection, the State Inspectorate for the Supervision of Geological Exploration of the Subsoil, the Safe Work in Industry, Mining and the Household Sector

under the Cabinet of Ministers, the Ministry of Health, and the Ministry of Agriculture and Water Resources in accordance with the procedures established by law. Departmental control over the use of water is carried out by the bodies of the State Committee for Geology and Mineral Resources (Art. 9 of the Law on Water).

**The State Committee for Ecology and Environmental Protection (hereinafter - State Ecology Committee)** was established in April 2017 as a result of the transformation of the State Committee for Nature Protection<sup>52</sup>. The status of the State Ecology Committee is defined as a body of state administration in the sphere of ecology, environmental protection, rational use and reproduction of natural resources and in its activity is accountable to the Cabinet of Ministers of the Republic of Uzbekistan. The Regulation on the State Ecology Committee, approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of May 23, 2017, No. 310<sup>53</sup>, determined a wide range of tasks and activities of this agency, including of course, the protection of water bodies and water as the main natural resource of mankind and state administration in the field of ecology, protection environment, rational use and reproduction of natural resources;

To fulfill the tasks assigned to it, the State Committee for Ecology and Environmental Protection carries out a number of functions:

- carries out state ecological control over the state of ecosystems, natural gene pool, biological equilibrium, as well as sources of air pollution, surface and ground waters, soils, flora (including forests), fauna, their habitat and aquatic biological objects;
- performs state environmental control over the performance by legal entities and individuals of the requirements of legislation in the field of environmental protection and rational use of natural resources, including:
  - rules of fishing, protection of fish stocks, their use and reproduction, encouragement of fishing;
  - rules for the operation of water protection facilities, water management systems, reservoirs and other hydraulic structures;
  - on the implementation of the development and implementation

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<sup>52</sup> Decree of the President of the Republic of Uzbekistan «On improvement of public administration in the field of ecology and environmental protection» of April 21 2017. No. UP-5024.

<sup>53</sup> Resolution of the Cabinet of Ministers of the Republic of Uzbekistan «On approval of the Regulation on the State Committee of the Republic of Uzbekistan on Ecology and Environmental Protection» of May 23, 2017 No. 310.



of programs and action plans for the protection of the environment, the integrated use, conservation and reproduction of natural resources;

- on the use of water resources, compliance with established norms, rules and regime of use, protection of surface and groundwater from pollution, debris and depletion, as well as in the implementation of water protection measures in the coastal zones of water bodies;
- to ensure the conservation of water-protective, water-regulating, field-protective and other protective functions of afforestation;
- collects compensation payments for environmental pollution and waste disposal in the territory of the Republic of Uzbekistan;
- issues in accordance with the established procedure and keeps records of permits for nature use, subsoil use and environmental protection;
- issues in accordance with the established procedure conclusions of the State Ecological Expert Review.

#### Ministry of Health:

- ensures compliance with the sanitary and epidemiological welfare of the population;
- develops and approves sanitary norms, rules, hygienic standards, implements state sanitary supervision over their observance, as well as methodological guidance of the work of sanitary and epidemiological services.

Local authorities and administrations solve planning, budget, finance, accounting, property management issues in the region, the city, and interaction with enterprises, institutions, organizations of various forms of ownership, use of land and other natural resources, nature protection, public services.

Khokims of districts and cities on the presentation of public utilities providers or associations of private housing owners apply to the court for claims against owners and users of housing on collection of debts for payment of utilities and making mandatory contributions.

The Council of Ministers of the Republic of Karakalpakstan, the khokimiyats of the regions and the city of Tashkent in the field of public service organization of the population carry out:

- reforms in the system of public services in the region aimed at creating a competitive environment in the public services market,

the division of the function of managing the housing stock and other communal facilities and their services;

- Implementation of targeted state programs for the development of water supply networks in the subordinated territory to provide the population with clean drinking water and gas;
- the formation, in agreement with the Ministry of Finance of the Republic of Uzbekistan, of a tariff policy for utilities in the territory under its jurisdiction;
- Coordination of work on introduction of individual accounting devices and regulation of water, gas, heat and other energy resources consumption;
- organization of activity of the technical inventory bureau in the territory under its jurisdiction.

Under the jurisdiction of the Council of Ministers of the Republic of Karakalpakstan, the regional khokimiyats and the city of Tashkent are water management organizations.

The departmental control over the use of water is exercised by the bodies of the State Committee for Geology and Mineral Resources (Art. 9 of the Law on Water).

Regulation of the use of transboundary water bodies (Amudarya, Syrdarya, Zarafshan, Aral Sea and other transboundary water facilities) located on the territory of the Republic of Uzbekistan and other states within the Aral Sea Basin is carried out in accordance with international treaties of the Republic of Uzbekistan (Art. 83 of the Law on Water) .

Water use and water consumption, water management and water protection measures at transboundary water objects are carried out in accordance with international agreements, and in the absence of such regulation in accordance with the law (Art. 84 of the Law on Water).

Water quality control is carried out by:

- Chemical-bacteriological and chemical-technological laboratories of WSSS(Water Supply and Sanitation System) organizations<sup>54</sup>,

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54 WSSS- is an organization engaged in the release of water from the public water supply system and (or) reception of waste water into the system of municipal water disposal and exploitation of these systems. Paragraph 2 of the Rules for the provision of water supply and waste disposal services to consumers. Approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 15.07.2014 No. 194 «On Approval of the Rules for the provision of public services.» Collection of legislation of the Republic of Uzbekistan, July 29, 2014, No. 30, Art. 368



together with the State Sanitary and Epidemiological Service (Gossanepidnadzor)<sup>55</sup>.

Self-government bodies of citizens:

- promote environmental protection;
- assist homeowners associations in carrying out activities to ensure the collection of mandatory payments, the economical use of water;
- carry out measures aimed at economical use and reduction of water losses;
- assist in monitoring the sanitary and ecological status of settlements and sources of water supply.

In the implementation of measures for the rational use and protection of water, these public and public bodies are assisted and given suggestions by public associations, collectives and citizens.

It should be noted, however, that in general the public's rights in the sphere of water use are not clearly regulated by legislation.

Assistance to state authorities (agencies) in the implementation of measures for the rational use, protection of water and water facilities is provided by Water Users Associations, other non-governmental non-profit organizations in accordance with their charters, citizens.

A number of other state and public bodies are assigned tasks and functions for certain areas of the water sector.

The State Inspectorate for the Control of Drinking Water Use under the Cabinet of Ministers of the Republic of Uzbekistan (hereinafter - the State Water Inspection) has been established in the system of republican bodies of state administration with territorial inspectorates for monitoring the use of drinking water in the Republic of Karakalpakstan, in the regions and the city of Tashkent<sup>56</sup>. Gosvodinspektsiya and its territorial inspections to control the use of drinking water form a unified system of state control bodies of the Republic of Uzbekistan in the field of water supply and sanitation. The main task of the State Inspectorate for the Control of the Use of Drinking Water is to exercise state control over:

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55 Law of the Republic of Uzbekistan «On Sanitary and Epidemiological Welfare of the Population» of 15.07.2015.

56 Decree of the President of the Republic of Uzbekistan «On the formation of the State Inspectorate for the Control of the Use of Drinking Water under the Cabinet of Ministers of the Republic of Uzbekistan» of April 18, 2017 No. UP-5018.

- compliance with the requirements of legislation and regulatory documents in the field of technical regulation in the sphere of rational and efficient production, transportation and sale of drinking water, provision of sewage and sewage treatment services;
- carrying out by the organizations of water supply and sewerage of technical audit of objects of the water supply and sewerage system, directed on perfection of technological process and energy saving;
- compliance with the technical requirements for connection to the water supply and sewerage system, preventing unauthorized connections to the water supply and sewerage system;
- condition and operating conditions of water supply and sewerage system objects, implementation of measures for the prevention of damage and accidents in the water supply and sewerage system, and observance of the established norms for drinking water losses;
- condition and operating conditions of groundwater wells, regardless of their forms of ownership.

The State Water Inspection carries out its activities in cooperation with:

- Republican Commission for Coordination and Monitoring of the Implementation of the Program for the Integrated Development and Modernization of Drinking Water Supply and Sewerage Systems on the issues of rational and efficient production, transportation and sale of drinking water, monitoring the use of drinking water, providing sewerage and sewage treatment services;
- The Ministry of Housing and Communal Services of the Republic of Uzbekistan on the improvement of the regulatory and legal framework in the field of water supply and sanitation, as well as compliance with the technological process for the production of drinking water;
- The State Committee of the Republic of Uzbekistan on Geology and Mineral Resources on the implementation of system monitoring, analysis of hydrogeological information and ensuring the effective use of groundwater wells;
- Bodies of executive power on the ground, self-governing bodies of citizens on the rational use of drinking water, preventing unauthorized connection to the water supply and sewerage system.





In April 2017, a new department was created by the Ministry of Housing and Communal Services of the Republic of Uzbekistan<sup>57</sup>, which also has the authority to address issues related to water supply, sewerage and water use in the process of operating the housing stock. The main tasks and directions of activity of the Ministry in question, including in the field of water supply:

- implementation of a unified state policy and inter-sectoral coordination in the sphere of housing and communal services;
- ensuring the implementation of state programs for the construction of affordable apartment buildings, the functions of the customer for the construction of affordable apartment buildings, water supply, sewerage, heating, demolition of dilapidated housing;
- development and organization of high-quality implementation of programs for the development, modernization and reconstruction of water supply and sewerage facilities, heat supply systems in conjunction with development schemes and master plans for settlements, ensuring coordination and management of the activities of organizations in this field;
- the formation, in agreement with the Ministry of Finance of the Republic of Uzbekistan, of a tariff policy for the provision of water, sewerage, and heat supply services, and the implementation of comprehensive measures to strengthen the economic sustainability of housing and communal services organizations.

In connection with the formation of this ministry, the Uzbek agency «Uzkommunkhizmat», which was previously a government body specially authorized to solve problems in the field of public services, was transformed into the Kommunkhizmat Agency with its inclusion in the structure of the Ministry of Housing and Communal Services of the Republic of Uzbekistan and its tasks on the development and implementation of investment projects with the participation of international financial organizations in the sphere of housing and communal services<sup>58</sup>.

The authorities responsible for the accounting of water resources are obliged to report the volumes of used water without measuring devices to the state tax

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57 Decree of the President of the Republic of Uzbekistan «On measures to further improve the management of the system of housing and communal services» of 18 April 2017 No. UP-5017.

58 Decree of the President of the Republic of Uzbekistan «On measures to further improve the management of the system of housing and communal services» of 18 April 2017 No. UP-5017.

service at the place of water use or water consumption in the previous year<sup>59</sup>.

It should be noted that the state of the water supply and sanitation sector requires further improvement due to the current regulatory system, which will make it possible to realize fully the vertical hierarchy of the administrative authority.

One of the main directions for further improving the state control of the water sector is the unification of the objectives of the activities of environmental and water departments and those structures that represent them.

The principle of the multiplicity of authorities exercising public administration in the field of water use and protection is preserved in Uzbekistan however, such a distribution of management functions does not always facilitate the implementation of the concept of integrated management of water resources. Thus, it is necessary to strengthen the institutional framework for effective joint solution of existing problems, improve the existing system for eliminating the causes of pollution and depletion of water resources.

Institutional and structural transformations to expand the functions and powers, the coordination role of the structures and the institutional foundations of their activities, can positively affect the further improvement of the water sector.

Therefore, in the circumstances of amending the national legislation, it is necessary to clearly delineate the powers between the existing general and special bodies of water resources management, eliminating duplication of functions such as planning, licensing, control, monitoring, rationing, data collection and management and others.

Management of water resources in the international sphere requires, first of all, the availability of appropriate institutional systems and management mechanisms on the basis of national legislation.

It is proposed to form a coordinating body under the leadership of the Prime Minister or his first deputy, akin to the Council of the Land Reclamation Fund for Irrigated Lands, which is regulated by the Prime Minister and includes all leaders of key industries, or the Water Management Council of the Republic under the Ministry of Agriculture and Water Resources (currently the Council, to address the problems of rational use of land and water resources, the development of irrigation and improve the fertility of land), under the leadership of the Deputy Minister of Agriculture and Water Resources of the Republic, which in fact

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59 Art. 84 of the Tax Code of the Republic of Uzbekistan. Approved by the Law of the Republic of Uzbekistan dated 25.12.2007 No. LRU-136, entered into force on 01.01.2008 Gazette of the Oliy Majlis of the Republic of Uzbekistan, 2007, Annex 1 to the No. 12



ceased its operations several years ago.

It worth mentioning, that the mission of the state management of the water sector is, first of all, ensuring compliance with the procedure for the use of water resources established by the legislation, fulfilling the obligations for protecting water, preventing and eliminating their harmful impact, water accounting rules, and other rules by all ministries, state committees, enterprises, institutions, organizations, farming and dekhkan farms, as well as citizens.

A large number of regulatory acts of state power and control authorities were adopted preserving the development and improvement of water use and water consumption, through which various programs were implemented and complex measures were taken to improve the efficiency of water supply and sewerage organizations.

The normative acts of the water management ministries and agencies supplement and specify the existing regulations of the local authorities in the management of water utilization, aimed at regulating the use of water supply and sewage facilities, the implementation of a unified technical policy in the sphere of public services, which are mandatory for other ministries and departments, individuals and legal entities.

At the same time, reforms in the management of water supply and sewerage require additional activation. It is necessary to further strengthen the work on the transition to market standards of services, as well as measures to reduce costs, increase tariffs accompanied by an expansion of the list and quality of services provided, incentive mechanisms for employees.

Furthermore, it is essential to improve the activities related to the payment discipline of water consumers, providing the necessary level of accounting for resource consumption, timely repair and restoration works and the introduction of new technologies.

The results of the reorganization of the water supply and sewerage system that have already taken place indicate that institutional changes in the water sector have not sufficiently provided a complete, balanced solution to the socio-economic problems and problems of the restoration and preservation of water potential.

In practice however, the main objectives of reforming public services, namely, the implementation of institutional reforms aimed at ensuring the diversity of ownership patterns and market principles of the functioning of the industry, are still poorly implemented by the concept of deepening economic reforms in the

public service system of the population.

In addition, public administration in the water sector should be based on certain principles, such as sustainable development, the combination of rational use and protection of the entire basin of a water body and its part within the boundaries of the territories of individual entities, the delineation of management functions in the use and protection of water bodies and functions of their economic use. Indeed, the provision in the water law of the provision that the law itself and the legal acts issued on its basis should be based on certain principles that form an integral part of the system of environmental and general legal principles impose certain obligations.

This is significant for the reason that no normative legal act, no norm of related legislation can contradict the objectives of the principles of water legislation and violate them.

Nevertheless, there is no list of principles in the water legislation existing, and it seems that their basic principles cannot be used in the practical sphere.

The interpretation of the provisions of the Law on Water and other acts derives from them the principles of water law or water policy, by virtue of which the implementation of the rights of water users cannot violate the legitimate interests of third parties and hinder the protection of the environment.

These include, in particular, such principles as the importance of water bodies as the basis of human life and activity; target use of water facilities; priority of protection of water bodies before their use; priority use of water bodies for the purposes of drinking and domestic water supply before other purposes of their use; publicity of water use, participation of citizens, public associations in resolving issues related to rights to water facilities, as well as duties for protecting water facilities; equal access of physical and legal entities to the acquisition of ownership and use of water facilities, etc.

Since the provisions of the Water Law, akin to the mechanism for the legal regulation of water relations are based on these principles, this should be specified in the norms of the law itself in order to exclude such discrepancies.

The main point is that these principles fit into the system built in the Law on Water. The proposed formulations of the principles of water legislation should be assessed as potentially effective, that allow to ensure coherence of legal regulations and measures implemented in practice, corresponding to international

and European standards<sup>60</sup> in the field of determining the main principles and specific requirements for the protection of water, taking into account missions of realization of human and civil rights for a favorable environment, while ensuring the protection of the state's national interests in the exploitation of its water resources as a national asset.

Analysing the current practice of development of legislation and its enforcement, it can be argued that in order to achieve certain goals aimed at developing the water supply and sanitation sector, to consolidate all interested forces, attracting attention from the government and civil society to water supply problems, determining the tasks of financing the industry, State policy in the field of providing the population with clean drinking water, developing safe use of sewerage systems and wastewater treatment, it is necessary to develop and adopt a law on water supply and waste water (sewerage).

Among the latest documents of this nature is the 'State Program for Improving the Ameliorative Status of Irrigated Lands and Rational Use of Water Resources for the Period 2013-2017'<sup>61</sup>, developed by the Ministry of Agriculture and Water Resources, the Ministry of Economy, the Ministry of Finance, **State Committee for Land, Geodesy, Cartography and National Cadaster**, together with the Council of Ministers of the Republic of Karakalpakstan and regional khokimiyats.

This program included the adoption of comprehensive measures to improve the reclamation status of irrigated lands and ensure the rational use of water resources, as well as the establishment of forecast parameters for the improvement of irrigated lands, the construction and reconstruction of irrigation facilities, repair and rehabilitation of irrigation networks, and the introduction of a drip irrigation system.

Of course, for Uzbekistan with the leading agrarian sector, this State Program is an important practical tool for pushing land reclamation up to a new level.

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60 Message to the European Parliament and the Council «On the European Community's Water Policy» approved on February 21, 1996. Annex to, Directive 2000/60 / EC of October 23, 2000, Luxembourg, October 23, 2000 Published in the Official Journal EU (Official Journal 327) of 22/12/2000

61 Approved by the Decree of the President of the Republic of Uzbekistan of April 19, 2013 No. PD-1958 «On measures to further improve the ameliorative state of irrigated lands and the rational use of water resources for the period 2013-2017.» Collection of legislation of the Republic of Uzbekistan, April 29, 2013, No. 17, Art. 223

Yet, it should be noted that a new governmental act was adopted on additional measures for the rational use of water resources, with a view of the logical continuation of the State Program<sup>62</sup>.

Implementation of measures within the framework of the State Program allowed in 2013 to improve the reclamation state of 264 thousand hectares and increase the water availability of 163.7 thousand hectares of irrigated land; the Regulation on the procedure for introducing and financing the drip irrigation system and other water-saving irrigation technologies was adopted<sup>63</sup>.

However, on the other hand, it should be assumed that there is a need for further reforms on this issue.

Simultaneously, it should be noted that in any case, the sections on «Improving the regulatory framework for ameliorative improvement of the state of irrigated lands, irrigation and rational use of water resources» of the State Program itself and its supplementary activities mainly include issues related to the improvement of technical regulations (for instance, the approval of construction norms and regulations in the water sector), yet the question of adopting a comprehensive regulatory and legal act on the problems of ensuring the rational use of water resources has been missed.

It is advisable to fix the following recommendations in the water legislation: first, on giving the status of specially protected water facilities to water objects-sources of drinking water supply; secondly, the development of special rules for the implementation of special water use for enterprises of the water and sewage sector.

Thus, as follows from the analysis of regulatory legal acts of the water sector, state authorities constantly develop and improve legal means for regulating water relations, but this does not always correspond to the expectations.

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62 Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of February 24, 2014 No. 39 «On additional measures to ensure the unconditional implementation of the State Program to improve the ameliorative state of irrigated lands and the rational use of water resources for the period 2013-2017.» Collection of legislation of the Republic of Uzbekistan, March 3, 2014, No. 9, Art. 91

63 The Regulation on the procedure for introducing and financing the drip irrigation system and other water-saving irrigation technologies was approved by Resolution No. 176 of the Cabinet of Ministers of the Republic of Uzbekistan of June 21, 2013 «On Measures for the Effective Organization of the Implementation and Financing of the Drip Irrigation System and Other Water-saving Irrigation Technologies.» Collection of legislation of the Republic of Uzbekistan, July 1, 2013, No. 26, Art. 334



Among the shortcomings of the legislation on water and water use are:

- the lack of a single inter-departmental coordinating council for the management of reform, ensuring the full and permanent participation of members of the public in it;
- the availability of similar functions of different authorities in the sphere of drinking water supply and sewerage, which leads to unjustified expenses of the state budget;
- the absence of a unified state tariff policy and mechanisms for the formation of prices for water use and sanitation services;
- declarative nature, absence or weak development of legal norms related to water conservation, which should become a priority direction of water management policy
- insufficient regulation of property issues and other rights to water, the rights of legal entities and individuals who are not owners of water management facilities, including the right of limited use;
- the absence of provisions for the mandatory conclusion of a contract for the use of water, issues of normalization and water use limits, standards, norms and regulations for utilisation and protection of water;
- the absence of specific provisions on public expertise on the quality of drinking water and public activities to study complaints on the issues of drinking water supply;
- the absence of commitment and open access to information on the impact of contaminated water on public health.

Turning to editorial remarks, it worth noting that the Law on Water lacks some concepts that are vital for the legal regulation of the water sector, in particular, the concepts of water relations are unclear, the notions of «sewage», «surface water body», «surface watercourse», «drinking water», «water supply» and others are not elaborated.

Also, the Law on Water lacks such an important matter as water conservation, although it is a priority area of water management with the need for its further development.

There is no provision in the Law on Water for the obligatory conclusion of a contract for the use of water, and the provision on payment for their use does not disclose the basic principles of economic incentives and rational use, restoration and protection of water facilities, and there are no benefits associated with savings in the use of water.

In order to create a priority for satisfying the drinking and communal needs of water users, it is necessary to introduce the condition into the legislation stating that contracts concluded with users of water services should contain a requirement for sanctions against water users for the disruption of the planned water supply.

Water legislation does not provide for the possibility of reforming water relations, it does not allow resolving on a legal basis the problems of use, reproduction and protection of water bodies. At the same time, there is no clear mechanism for financing water management, in which payments for water resources are transferred to the budget for purposes related to the protection and reproduction of water resources.

In order to improve the situation, it is necessary to develop and adopt a concept on the transformation of the water management structure, the degree of state participation in its management and maintenance, the attraction of private and other forms of ownership to the management and operation of irrigation and collector-drainage systems, which will complete the transition to a real integrated basin-based water resources management.


It is necessary to amend the water legislation so as to limit the need to develop additional normative documents and to exclude the transformation of the norms of laws into departmental legal acts of direct effect, since the regulation of water relations should be carried out by the norms of law.

Bearing in mind the new conditions for the transition to market relations, it is vital to promote proposals to limit the state's participation in the management and maintenance of the water sector, the adoption of the concept of the partaking of private and other forms of ownership in the management and operation of water facilities.







## CONCLUSIONS




-  1. The state took certain measures to privatize, de-monopolise and reform the public service management system, form homeowners' associations, organize the production and installation of metering devices for utilities.

At the same time, the results of the reorganization of the water supply and sewerage system show that institutional changes in the water sector require special attention to the solution of the problems of restoration and preservation of water potential.

In particular, it is necessary to reform the water supply and sewerage management system, implement measures to transfer to market standards of service, reduce costs, improve the quality of services provided and expand their list, introduce incentive schemes for employees, increase the payment discipline of water users, ensure the required level of accounting for resource consumption, increase the possibility of timely fulfilment of repair and restoration works and the introduction of new technologies.

-  2. It is necessary to improve the systemic approach to the normative regulation of the water supply and sewerage sector, based on the objectives of the activities of environmental and water authorities, as well as those structures that represent them. It is necessary at the legislative level to transfer these coordination functions for water resources management to the Main Water Management Department of the Ministry of Agriculture and Water Resources, giving it the status of an independent special commissioner for the central agency for water management.

-  3. It is necessary to develop and adopt a concept on the transformation of the water management structure, strengthen state water resources management at the upper and middle level of the water hierarchy, attract private and other forms of ownership to the management and operation of irrigation and drainage systems, with a combination of public participation, without administrative allocation of water resources, which will allow completing the process of transition to real integrated basin based water resources management.

-  4. The water legislation should consolidate the provision that all legal acts of the water sector should be based on certain principles that form an integral part of the system of environmental and general legal principles and no regulatory act can contradict and violate the objectives of the principles of water legislation.
-  5. In order to attract the attention of government and civil society to the problems of water supply, to determine the tasks of financing the industry, to develop a state policy in the field of providing the population with clean drinking water, to develop safe use of sewerage and wastewater systems, it is necessary to develop and adopt a law “On water supply and sanitation (sewerage)”.
-  6. It is necessary to amend the water legislation so as to limit the need to develop additional normative documents and to exclude the transformation of the norms of laws into departmental legal acts of direct effect, since the regulation of water relations should be carried out on the basis of the norms of law.  
Priority should be given to the primary satisfaction of the drinking and communal needs of the population, health facilities and social security of the population, in connection with which it is required to restart the work on initiating the discussion of the draft laws of the Republic of Uzbekistan «On Drinking Water and Drinking Water Supply», «On the Association of Water Consumers», to decide issues on the adoption of the codified water law, or to make appropriate changes to the current water legislation.

**List of normative legal acts of ministries and departments,  
local government authorities in the field of water legislation**

Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of July 30, 1996 No. 271 «On the approval of regulatory acts in connection with the phased transition to self-sufficiency of housing and communal services.»

Regulations on the order of development and maintenance of the State Water Cadastre of the Republic of Uzbekistan. Approved by Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of January 7, 1998 No. 11.

Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of November 3, 1998 No. 461 «On the approval of the Concept of deepening economic reforms in the public service system of the population.»

Decree of the President of the Republic of Uzbekistan of December 19, 2000 No. PD-2791 «On Further Reforming the Public Utility Management System». Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of May 4, 2000 No. 177 «On measures to deepen the denationalization and privatization of water management construction enterprises».

Decree of the President of the Republic of Uzbekistan of April 17, 2001 No. PD-2832 «On a new stage of economic reforms in the sphere of public services». Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of April 18, 2001 No. 178 «On additional measures to improve the public services of the population.»

The order of regulation of water management relations in the territory of reorganized agricultural enterprises is approved by the Decision of the Cabinet of Ministers of the Republic of Uzbekistan of January 5, 2002 No. 8.

Regulation on the state monitoring of the environment in the Republic of Uzbekistan, approved by Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of April 3, 2002 No. 111.

Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of July 21, 2003 No. 320 «On improving the organization of water management». Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 24 December 2004 No. 607 «On measures for the accelerated development of farms in 2005-2007.»

Decree of the President of the Republic of Uzbekistan of 11 February 2005 No. PD-5 «On measures to prevent unjustified tariff increases and increase the responsibility of consumers for timely and complete settlements for utilities.»

Resolution of the President of the Republic of Uzbekistan of August 17, 2006 No. PD-445 «On measures to improve the activities of the Uzbek Agency» Uzkommunkhizmat «and financial rehabilitation of utilities.»

Decree of the President of the Republic of Uzbekistan of October 29, 2007 No. PD-3932 «On measures to radically improve the land reclamation (amelioration) system.»

Decree of the President of the Republic of Uzbekistan of October 31, 2007 No. PD-718 «On the organization of the Fund for Ameliorative Improvement of Irrigated Lands under the Ministry of Finance of the Republic of Uzbekistan.»

Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of May 7, 2008 No. 92 «On measures to create and organize the activities of state unitary enterprises, specialized on the implementation of ameliorative and other water management works.»

Resolution of the President of the Republic of Uzbekistan of June 12, 2008 No. 290 «On measures to further improve the provision of population in rural areas and cities with quality drinking water and economical use of natural gas.»

Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of November 28, 2008 No. 261 «On measures to improve the formation and implementation of programs for ameliorative improvement of irrigated lands.»

Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 9 March 2009 No. 59 «On Approval of the Rules for the organization of works on the improvement of settlements with consideration of modern architectural and town-planning requirements».

Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of February 3, 2010 No. 11 «On additional measures to improve environmental protection in the system of public utility».

Rules for the reception of industrial wastewater(sewage) and the procedure for calculating compensation payments for excessive discharges of pollutants into municipal sewerage networks of cities and other settlements of the Republic of Uzbekistan, approved by Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of February 3, 2010 No. 11.

Regulations on the procedure for the formation of tariffs and the introduction of a marginal level of profitability for utilities, approved by the Resolution of January 19, 2011 MF 1, ME 2 and Uzbek agency «Uzkommunkhizmat» No. 01-88, registered by the Ministry of Justice on February 19, 2011 No. 2198.

Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of November 30, 2012 No. 337 «On measures for the further integrated development and modernization of water supply and sewage systems of the Republic of Uzbekistan for the period 2013-2015.»

Decree of the President of the Republic of Uzbekistan dated April 19, 2013 No. PD-1958 «On measures to further improve the ameliorative status of irrigated lands and the rational use of water resources for the period 2013-2017.»

Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of November 6, 2013 No. 300 «On measures for the financial recovery of heat supply and water supply organizations of the Republic.»

The Regulation on the procedure for introducing and financing the drip irrigation system and other water-saving irrigation technologies was approved by Resolution No. 176 of the Cabinet of Ministers of the Republic of Uzbekistan of June 21, 2013 «On Measures for the effective organization of the implementation and financing of the drip irrigation system and other water-saving irrigation technologies.»

Regulation on the order of water use and water consumption in the Republic of Uzbekistan, approved by Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of March 19, 2013 No. 82.

Regulation on the procedure for issuing permits for special water use or water consumption. Approved by Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of June 14, 2013 No. 171.

Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of February 24, 2014 No. 39 «On additional measures to ensure the unconditional implementation of the State Program on the improvement of the ameliorative state of irrigated lands and the rational use of water resources for the period 2013-2017.»

Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of June 11, 2014 No. 188 «On measures for the implementation of programs - «road maps» for the financial recovery of loss-making and economically insolvent water supply organizations.»

Rules for the provision of services for the collection and removal of solid and liquid domestic waste, approved by Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of July 15, 2014. No. 194.

Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of December 15, 2015 No. 362 «On measures for the optimization of the size of land plots allocated for farming».

Regulation on the organization of construction and reconstruction of water supply and drainage systems in populated areas financed by state capital investments, approved by Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of February 3, 2015 No. 19.

Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of February 11, 2015 No. 21 «On measures for the improvement of the functioning of the irrigation-drainage system in Tashkent.»

Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 30 October 2015 No. 306 «On measures to implement the main directions of development of water supply and sewerage organizations.»

Regulation on the procedure for connecting business entities to water supply and sewerage networks on a «turnkey» basis, approved by Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 30 October 2015 No. 306.

Regulation on the order of equipment and operation of beaches, along with the protection of public health in the water areas of the Republic of Uzbekistan. Approved by Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of May 20, 2016 No. 164.



## CHAPTER 4

### Water utilization and water consumption

The order of water use and water consumption in the territory of the Republic of Uzbekistan is determined by the Law on Water, the Law «On the safety of hydraulic structures»<sup>64</sup>; the law «On farming»<sup>65</sup> and the law «On dekhkan farming»<sup>66</sup>; the Regulation on water use; the order of regulation of water management relations in the territory of reorganized agricultural enterprises;<sup>67</sup> the Decree of the President of April 17, 2013 N PD-1957 «On additional measures to accelerate the development of services in rural areas in 2013 - 2016»<sup>68</sup>; the Decree of the President of April 19, 2013 N PD-1958 «On measures to further improve the meliorative status of irrigated lands and the rational use of water resources for the period 2013-2017»<sup>69</sup>; the Resolution of the Cabinet of Ministers of December 15, 2015 N 362 «On measures to optimize the land size allocated for farming»<sup>70</sup>; Decree of the President of the Republic of Uzbekistan on 20.04.2017. No. IIII-2910 «On the program of integrated development and modernization of drinking water supply and

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64 Law of the Republic of Uzbekistan of 20.08.1999 No. 826-I «On the Safety of Hydraulic Structures» // Gazette of the Oliy Majlis of the Republic of Uzbekistan, 1999, No. 9, Art. 223

65 Law of the Republic of Uzbekistan «On farming» (New ed.) // Gazette of the Oliy Majlis of the Republic of Uzbekistan, 1998, No. 5-6, Art. 86; 2001, No. 1-2, Art. 23; № 5, Art. 89; 2004, No. 1-2, Art. 18

66 The Law of the Republic of Uzbekistan «On Dekhkan Farms» // Gazette of the Supreme Council of the Republic of Uzbekistan, 1992, No. 10, Art. 403; Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 1997, No. 9, Art. 241

67 The order of regulation of water management relations in the territory of reorganized agricultural enterprises is approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of January 5, 2002 No. 8 «Collection of Legislation of the Republic of Uzbekistan», 2002, No. 1

68 Decree of the President of the Republic of Uzbekistan «On additional measures to accelerate the development of services and services in rural areas in 2013 - 2016», April 17, 2013. No. PD-1957 // Collection of legislation of the Republic of Uzbekistan, April 22, 2013, No. 16, Art. 216

69 Decree of the President of the Republic of Uzbekistan on 19.04.2013 No. PD-1958 «On measures to further improve the ameliorative status of irrigated lands and rational use of water resources for the period 2013-2017» // Collection of Legislation of the Republic of Uzbekistan, April 29, 2013, No. 17, Art. 223

70 Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 15.12.2015 N 362 «On measures to optimize the land size allocated for farming» // Collection of legislation of the Republic of Uzbekistan, December 21, 2015, No. 50, Art. 627

sewerage systems for 2017-2021», Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 27.06.2017. No. 430 «On measures to further streamline activities in the use of groundwater», etc.

There are the following ways of using water: water use and water consumption. The regulation on water use defines water use as the use of water resources by legal and physical persons without withdrawing them from the water facility for their own needs, whereas water consumption is defined as the use of water resources by legal and physical persons with withdrawal from a water facility in accordance with the established procedure to meet their own needs.

Furthermore, the regulation provides the concept of a water user (a legal or physical person utilizing water resources without withdrawing them from a water facility for their own needs), as well as a water consumer (a legal or physical person receiving water resources with withdrawal from a water facility in the established order to meet their own needs).

According to Art. 18 of the Law on Water, water users may be either operating organizations of the water sector, water user associations, municipal enterprises, hydropower stations, other enterprises, institutions, organizations, citizens of the Republic of Uzbekistan, citizens of other states and stateless persons.

According to Art. 18-1, 18-2 of the Law on Water, water consumers can be either enterprises, institutions, organizations, farms and dekhkan farms, as well as citizens of the Republic of Uzbekistan, citizens of other states and stateless persons and associations of water users.

According to Art. 15 of the Law «On Farming» and Art. 11 of the Law «On dekhkan farming», water consumption of farms and dekhkan farms is carried out on the basis of water withdrawal limits from water facilities established by their water consumers' associations in the settled order.

As the world experience shows, one of the ways of rational use of water resources is the creation of associations of water users.

The Water Users' Associations (hereinafter referred to as «WUA») began to emerge in Uzbekistan in 1999-2000, when as a result of reforming unprofitable collective farms, the ones which merged into farmers associations were created. According to the Ministry of Agriculture and Water Resources, at present there are about 1500 WUAs and 101.000<sup>71</sup> farms.

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71 Report of the Ministry of Economy of the Republic of Uzbekistan and the State Committee of the Republic of Uzbekistan on Statistics «On the results of social and economic development of the Republic of Uzbekistan for the first half of 2016» // Newspaper «Narodnoe slovo» of July 27, 2016



Further development of the WUA formation process was achieved after the adoption of the Resolution of the Cabinet of Ministers of January 5, 2002 No. 8 «On measures for the reorganization of agricultural enterprises into farms», which approved the procedure for regulating water management relations in the territory of reorganized agricultural enterprises<sup>72</sup>. It should be noted that until December 25, 2009 there were no concepts of water consumption and water users in the legislation of the Republic of Uzbekistan, and only after the adoption of amendments to the Law on Water, new articles 18-1 «Water Consumers» and 18-2 «Association of Water Consumers» were incorporated.

WUA in the territory of reorganized agricultural enterprises is a non-governmental non-profit organization created by water consumers - legal entities on a voluntary basis to coordinate their activities in the field of water relations, as well as representing and protecting their common interests. WUAs should perform the management, operation and maintenance functions (MOMF) of the irrigation network on the lower level of water allocation in order to ensure a stable and uniform delivery of irrigation water from state water management organizations to the boundaries of water consumers (farms, owners of personal plots, etc.).

WUAs are created primarily on a hydrographic principle or other conditions that ensure the rational management and use of water resources. The founders of WUAs may be legal entities such as farms, dekhkan farms with the formation of a legal entity, and also other water consumers.

Members of WUAs can be farms and dekhkan farms, self-governing bodies of citizens, as well as other water users.

In order to improve and regulate water management relations, the Cabinet of Ministers adopted the Resolutions No. 320 of July 21, 2003 «On improving the organization of water management»<sup>73</sup>, of December 24, 2004 N 607 «On measures for the accelerated development of farms in 2005-2007»<sup>74</sup>, of June

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<sup>72</sup> The order of regulation of water management relations in the territory of reorganized agricultural enterprises Approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan on January 5, 2002 No. 8 // Collection of Legislation of the Republic of Uzbekistan, 2002, No. 1

<sup>73</sup> Resolution of the Cabinet of Ministers of the Republic of Uzbekistan «On Improving the Organization of Water Management» of 21.07.2003 No. 320 // Collection of resolutions of the Government of the Republic of Uzbekistan, 2003, No. 7, Art. 65

<sup>74</sup> Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 24.12.2004 No. 607 «On measures for the accelerated development of farms in 2005-2007» // Collection of legislation of the Republic of Uzbekistan, 2004, No. 52, Art. 521

21, 2013 N 176 «On measures for the effective organization of implementation and financing of the drip irrigation system and other water-saving irrigation technologies»<sup>75</sup>, the Decree of the President of April 19, 2013 No. PD-1958 «On measures to further improve the ameliorative status of irrigated lands and the rational use of water resources for the period 2013-2017»<sup>76</sup>, the Resolution of the Cabinet of Ministers of December 15, 2015 No. 362 «On measures to optimize the land size allocated for farming»<sup>77</sup>, Decree of the President of the Republic of Uzbekistan of 20.04.2017. No. PP-2910 «On the program of integrated development and modernization of drinking water supply and sanitation systems for 2017-2021», Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 27.06.2017. No. 430 «On measures to further streamline activities in the use of groundwater»<sup>78</sup>, etc. which serve as an important legal basis for the introduction of market mechanisms in water management.

WUAs carry out their activities, in accordance with the legislation, the constituent contract and the charter, at the expense of monetary and material contributions of their members, as well as attracted monetary and material resources and other sources in accordance with the procedure established by law.

WUAs for the targeted use are transferred to all water management facilities, as well as land ameliorative equipment, buildings and other property of the reorganized economy, which are necessary for normal functioning, on the basis of the constituent contract. It should be noted here that in due time many WUAs inherited the irrigation and drainage network and equipment in neglected condition from the shirkats, which affects the quality of irrigation services.

AWUA is established with the aim of preserving, using on-farm irrigation systems that are in joint and individual use for the fair, efficient, timely distribution of water between its members and other water users, for the collection of payment,

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75 Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of June 21, 2013 No. 176 «On measures to effectively implement the introduction and financing of the drip irrigation system and other water-saving irrigation technologies» of June 21, 2013 No. 176 // Collection of resolutions of the Government of the Republic of Uzbekistan, 2013 No. 6, Art. 41

76 Decree of the President of the Republic of Uzbekistan of 19.04.2013 No. PD-1958 «On measures to further improve the ameliorative status of irrigated lands and rational use of water resources for the period 2013-2017» // Collection of Legislation of the Republic of Uzbekistan, April 29, 2013, No. 17, Art. 223

77 Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 15.12.2015 N 362 «On measures to optimize the land size allocated for farming» // Collection of legislation of the Republic of Uzbekistan, December 21, 2015, No. 50, Art. 627

78 Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 27.06.2017. No. 430 «On measures to further streamline activities in the use of groundwater»

settling disputes between members and other water users in the distribution and use of water.

All WUA relations, including water relations between the association of water users and its members located in its service area, as well as other bodies of agriculture and water management and other legal and physical entities are regulated on a contractual basis in accordance with the constituent agreement and the charter.

Water users' services for the delivery of water, as well as other water services provided, are paid on a contractual basis.

The conditions and cases of charging for the services provided for the delivery of water by operational water management organizations of the Ministry of Agriculture and Water Resources are established by the Cabinet of Ministers.

The WUA concludes a contract with its management of the irrigation system for water withdrawal to provide water to all water users and water users on its territory, based on limited water use and water consumption plans.

In the concluded contract with the management of the irrigation system that manages it, the volume of the water withdrawal with indication of its source is indicated.

Typical forms of contracts for water use and water consumption are approved by the Ministry of Agriculture and Water Resources (with the exception of cases of water use and water consumption from the public water supply system) in agreement with the State Committee on Ecology and Environmental Protection (with water intake from natural water facilities), the State Committee for Geology and Mineral Resources (at water intake from groundwater), the State inspectorate for the supervision of geological exploration of the subsoil, the safe work in industry, mining and municipal sector under the Cabinet of Ministers (with water intake from thermal and mineral waters) and the Ministry of Justice. Typical forms of contracts for water use and water consumption from the public water supply system are approved in accordance with the procedure established by the Ministry of Housing and Communal Services.

Legal and physical entities conclude contracts on water use and water consumption with relevant operating organizations that serve them.

An obligatory requirement for concluding a contract for water use or water consumption is the availability of:

- an approved water use or water consumption plan based on water withdrawal limits (with the exception of citizens with municipal water consumption);
- permits for special water use or water consumption.

The contracts on water use and water consumption concluded in accordance with the established procedure are subject to accounting:

in the *Main department of water resources of the Ministry of Agriculture and Water Resources* - agreements concluded with individual organizations operating water objects of interregional and transboundary importance, as well as large and very important facilities;

in the *Basin Irrigation System Administrations* - agreements concluded with operational organizations that are part of the basin management;

in the *District departments of agriculture and water management* - contracts concluded by water user associations with farmer and dekhkan farms, citizens' self-government bodies and other water users and water consumers located in their service area.

The list of contracts to be registered in the Main water management department of the Ministry of Agriculture and Water Resources, Basin Irrigation System Administrations, in the district departments of agriculture and water management is approved by the Ministry of Agriculture and Water Resources.

The register of contracts for water use and water consumption is transferred to the Republican Water Inspectorate «Uzsuvnazorat» of the Ministry of Agriculture and Water Resources and its territorial subdivisions (for water use and water consumption from artificial water facilities) and relevant agencies of the State Committee on Ecology and Environmental Protection (for water use and water consumption from natural water facilities) to ensure control in the prescribed manner.

Agreements on water use and water consumption concluded by operating organizations of the public water supply system with water users and water consumers are subject to accounting in the order established by the Ministry of Housing and Communal Services.

The WUA is an important link in the system of water supply to agricultural producers, but due to the fact that it is created by law as a non-governmental non-commercial organization (hereinafter referred to as «NGO»), this creates certain difficulties in achieving financial independence and sustainability.

In addition to fulfilling its immediate statutory goals and objectives, the WUA

fulfils its function as NGO, taking part in solving state tasks as a representative of the non-state non-profit sector.

In practice, there are plenty of issues in the activities of WUA, especially since it is related to agriculture and the use of water resources, which in itself is tough, thus the state and financial stability of the WUA depends on the results of activities and the ability to solve issues and problems in the water sector. Achieving financial autonomy and sustainability is a big issue for a NGO however, such sources of funding as grants of public funds (including budget financing and social order) and private donations do not yet have a significant impact on the activities of NGOs in Uzbekistan; but at the same time, it should be noted that the state is doing certain work to provide state support to civil society.

In order to promote further development and active participation in the implementation of democratic reforms and liberalization of the society of independent civil society institutions, the creation of an independent system and objective conditions for the formation of sources of funding in the Oliy Majlis, the Public Fund for Support of Non-Governmental Non-profit Organizations and other Civil Society Institutions and the Parliamentary Commission for the Management of the Fund were formed.

These structures were established in accordance with the Laws «On Public Funds», «On Non-Governmental Non-Profit Organizations», «On Guarantees of Activities of Non-State Non-Profit Organizations» with the purpose of fair organization and distribution of funds allocated from the State budget, of supporting the activities of NGOs and other civil society institutions, of creating and implementing programs for their material and financial support in the form of subsidies, grants, social contracts based on their applications and in accordance with the decisions of the Parliamentary Commission. Yet, support for the activities of WUAs so far requires very significant resources exceeding the capacity of the fund.

One of the options for supporting WUA's activities in the form of NGOs is giving them more rights and opportunities to fulfill their functions in providing water services to farmers and other water consumers, members of associations through the implementation of the state order in the light of the Law «On social partnership»<sup>79</sup>.

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<sup>79</sup> Law of the Republic of Uzbekistan «On Social Partnership» of September 25, 2014 No. ZRU-376 Adopted by the Legislative Chamber on June 18, 2014. Approved by the Senate on August 28, 2014 // Gazette of the Chambers of the Oliy Majlis of the Republic of Uzbekistan, 2014, No. 9, Art. 247

According to Art. 21 of this law, the state social order is a state task for carrying out work or activities for the implementation of social and significant projects by concluding an agreement between a government agency and a non-governmental non-profit organization or another institution of civil society. A similar definition of state social order is also contained in part 1 of Art. 14 of the Law «On guarantees of activities of non-governmental non-profit organizations»<sup>80</sup>.

The peculiarity of WUAs is that they operate and provide water delivery services and other water management services in agriculture, which is a priority for the development of irrigated agriculture. Providing support to the development of the village, the state conducts systematic work in this direction.

Thus, by the Decree of the President of April 17, 2013, No. PP-1957 «On additional measures to accelerate the development of services and services in rural areas in 2013-2016,» in order to increase the access of rural residents to modern high-tech and market services, create on this basis of new jobs and increase income of the population the Program for the further accelerated development of services and services in rural areas for 2013-2016 was approved, that contains the target parameters for the accelerated development of facilities and services in rural areas by basic types of territorial services. The Decree of the President of the Republic of Uzbekistan of April 20, 2017. No. PP-2910 «On the program of integrated development and modernization of drinking water supply and sanitation systems for the years 2017-2021» approved a set of measures in the sphere of drinking water supply. To further develop the associations and ensure their financial sustainability, it is necessary to comprehend their role and significance; further improve the cooperation with local officials of water management agencies and khokimiyats to whom WUAs provide various data on their activities; develop special state structures that provide them with support from the state and responsible for the status and development of water user associations.

According to the standard ‘Provisions on the regional department of agriculture and water management’, approved by the Resolution of the Cabinet of Ministers of 28.06.2003 No. 290<sup>81</sup> (currently (October 2017), a new version of this

<sup>80</sup> Law of the Republic of Uzbekistan «On guarantees of the activities of non-governmental non-profit organizations» of 03.01.2007 No. ZRU-76 // Gazette of the Chambers of the Oliy Majlis of the Republic of Uzbekistan, 2007, No. 1, Art. 2

<sup>81</sup> Regulations on the regional department of agriculture and water management, approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 28.06.2003 No. 290, as amended on February 18, 2011 No. 40 // Collection of resolutions of the Government of the Republic of Uzbekistan 2003, No. 6, Art. 51

model provision is considered according to the Resolution of the President of the Republic of Uzbekistan of August 4, 2017<sup>82</sup>), among the main tasks of the department are:

- organization of stimulation of associations of water users, farms and dekhkan farms and other regional agricultural water users - for economical utilization of limited water;
- participation in monitoring the rational and targeted usage of water resources by WUAs, farms and dekhkan farms and other agricultural water users;
- provision of adopted programs for the development of water user associations, assistance in their organization and effective functioning.

The regional department of agriculture and water management also:

- facilitates and coordinates the activities of water user associations, farms and dekhkan farms, as well as other agricultural water users, based on regional water use agreements;
- participates in the development of proposals and organization of the introduction of market principles and mechanisms for water use and water consumption;
- analyses the use of irrigation water and makes proposals to the regional department of agriculture and water management on encouraging associations of water users, farmer and dekhkan farms, and other agricultural water users for the economical utilization of limited water;
- contributes to the implementation of adopted programs for the development of WUAs, monitors their implementation, provides methodological and practical assistance in their organization and functioning.

In addition, it is necessary to consider the issues of making membership fees and other payments to WUA funds, providing water services and ensuring a good quality of irrigation services, as well as the issues of timely cover the exploitation costs, maintenance and repair work to maintain and restore the hydro meliorative in-farm network in the coverage zone of WUAs. Also certain tax issues are waiting to be resolved.

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82 Decree of the President of the Republic of Uzbekistan of 04.08.2017. No. PP-3172 “On measures to further improve the organization of activities of the Ministry of Agriculture and Water Resources of the Republic of Uzbekistan”

According to the amendments made in the Law on Water in 2009, the organizational legal form of the WUA was established in the form of NGOs and, consequently, the corresponding state registration in the agencies of the Ministry of Justice (unlike the previous order when WUAs were commercial organizations and registered with the khokimiyats).

It should be noted that the independence of the WUA is protected by law. These provisions are contained in the norms of Part 2 of Art. 58 of the Constitution, Part 3, Art. 4 of the Law «On Non-Governmental Non-Profit Organizations»<sup>83</sup> (hereinafter referred to as the «Law on NGO»), Part 3, Art. 5 of the Law «On Public Associations in the Republic of Uzbekistan», which prohibits the interference of state authorities and their officials in the activities of a non-governmental non-profit organization, as well as the interference of non-state non-commercial organizations in the activities of state authorities and their officials.

However until now, the issue of determining the legal status of WUAs still remains, which by law are classified as non-governmental non-profit organizations, but in fact, by the nature of their activities and the tasks they resolve, they rather perform functions that to a certain extent relate to organizational-administrative activities.

Thus, although the WUA is not a State structure, it performs certain State functions resulting from the following provisions of the law:

According to Art. 44 of the Land Code, the agencies of agriculture and water management are obliged to provide irrigation water to landowners and land users who possess irrigated lands, in accordance with the established limits, taking into account the availability of water resources in accordance with the procedure determined by the water legislation. In accordance with the legislation, these functions are performed by WUAs with respect to farms and dekhkan farms, self-government bodies of citizens and other water consumers located in their service area.

Thus, according to para. 4, part 3 of Art. 27 of the Law on Water, a permit for special water use or water consumption from artificial water facilities is issued by WUAs to farms and dekhkan farms, self-governing bodies of citizens and other water consumers in their service area from water facilities for agricultural needs in agreement with the regional department of agriculture and water management.

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<sup>83</sup> Law of the Republic of Uzbekistan «On non-governmental non-commercial organizations» of April 14, 1999 No. 763-I // Gazette of the Oliy Majlis of the Republic of Uzbekistan 1999 No. 5, Art. 115





A similar norm is also envisaged by the Regulation on the procedure for issuing permits for special water use or water consumption.

In spite of the fact that WUAs provide services in the public interest, they are under an obligation for the effective management of water resources, in accordance with Art. 50 of the Law on Water. In particular, this norm of the law states that water users utilizing water facilities for agricultural needs, except for the duties provided for in Art. 35 of the Law, are obliged to manage water resources efficiently, avoid over-limit water intake and misuse of water.

According to Art. 49 of the Water Law land of the water fund, water objects, water management facilities and structures of water management operating organizations located within the framework of irrigated lands, are operated as a single water management system, are state property and are not subject to privatization, and the use of water facilities for the needs of irrigated agriculture is carried out in compliance with the established order of limited water use or water consumption.

WUAs also refer to this water management system (which is a state property) in the course of their activities.

Art. 30 of the Law on Water establishes a provision according to which water withdrawal limits for farms and dekhkan farms and other water users are established by the water users' cater associations serving them.

Similar rules are contained in paragraphs 21 and 22 of the Regulation on water use, which stipulate that water withdrawal limits on the territory of the Republic are established by authorized organizations and are mandatory for all water users and water consumers. In addition, it is clarified that water withdrawal limits are set by the rural and water authorities, except for farms, dekhkan farms and other water users served by WUAs, as well as enterprises and organizations of communal and household facilities serviced by their respective exploiting organizations.

Thus, the WUA's activities in providing services and performing work in the water sector serve the national interests, since they are responsible for the implementation of paid services for water distribution and operation of on-farm irrigation and drainage systems that were previously performed by the state.

Therefore, the establishment of the WUA in the organizational-legal form of the NGO, which is entrusted with the functions of water resources management, requires a more thoughtful mechanism for interaction between the WUA and the state, and strengthening of the state's financial support to the WUA. The

WUA's activities to create their in-time sustainability requires a number of other measures for streamlining their relationship with government agencies as well as a clearer and more rigid procedure for lending, a nation-wide procedure for determining the cost of services based on the profitability of land-water usage. It should be noted that in the course of the WUA's activities, legal issues related to the organizational and legal form of their creation began to arise, which include the following: the conflict of WUA's public and commercial functions and their status as a or non state non-commercial organization, membership in WUA, taxation of WUA, liability of khokimiyats and banks for the timely and full transfer of allocated funds to finance WUA water supply services, the problem of establishing control over WUA activities by the state agencies.

It is proposed to provide the WUA a special status as the executor of the social order in the light of the Law «On social partnership» or on the basis of the special status of NGO endowed with a number of government functions, in particular, managed on behalf of the state property - water, providing it with the end users: farmers, dekhkans, inhabitants of settlements.






One of the types of state support for non-profit sector organizations is preferential taxation, which is provided for by tax legislation and the Law on NGOs.

Art. 32 of the Law on NGO contains a provision according to which «a non-governmental non-profit organization pays taxes and other mandatory payments to the budget and state trust funds, and also enjoys benefits in accordance with the procedure established by law.»

In accordance with the Tax Code of the Republic of Uzbekistan, non-government non-profit organizations are exempt from income tax, property and value-added tax (VAT). In practice, difficulties arise with their implementation and as a result disagreements arise with the tax authorities in the calculation and payment of taxes, since the Water User Association is actually doing business, receiving money for providing water to consumers.



## CONCLUSIONS

-  1. In order to improve the activities of the WUA, it is vital to ensure an appropriate legal framework, develop the necessary normative-legal acts on the regulation of their activities, in particular, a package of regulatory documents on taxation and others.
-  2. Due to the fact that practical assistance is not provided to the WUA by the state in the form of developed methodological guidelines, regulations, rules, etc., it is necessary to develop methodological guides for specific areas of WUA activities, taking into consideration their positive work experience and problem solving in various regions of the Republic.
-  3. The issue of delineation of rights and responsibilities between WUAs and structures of the Ministry of Agriculture and Water Resources, as well as the Hokimiyats, to determine their rights and responsibilities, interaction and responsibility at the legislative level.
-  4. Develop and adopt a Regulation on the procedure for calculating the payment of water consumed by WUA members (farmers, dekhkan farms, inhabitants of settlements).
-  5. On the basis of the analysis of existing legal norms which regulate the activities of WUAs in Uzbekistan, it is necessary to initiate a discussion with a view to the subsequent adoption of the Law «On Water Users Associations» or alternatively to include a special chapter on WUAs in the Law on Water

It is necessary to mention in the draft law such issues as the establishment of a WUA in related corresponding organizational-legal form, the mutual rights and obligations of water users, water users and water management organizations, as well as state obligations to support WUAs, having devoted a number of articles to issues of their state support.



6. The Law on Water defines the WUA as an NGO created by water consumers - legal entities on a voluntary basis to coordinate their activities in the field of water relations, as well as representing and protecting their common interests.

This wording does not cover the breadth of tasks set for the WUA by the Water Law, such as water delivery services, the issuance of water use permits to farmers and dekhkan farms, self-government bodies of citizens and other water users being in their service area, from water facilities for agricultural needs, as well as other functions performed by them in practice, which requires revision of the legal status of the WUA.

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## CHAPTER 5

### Rights and duties of water users and water consumers

The rights and obligations of water users and water consumers are regulated by Chapter IX of the Law on Water, the Regulation on the procedure for issuing a permit for special water use or water consumption<sup>84</sup>, approved by the Resolution of the Cabinet of Ministers of 14.06.2013 N 171, Decree of the President of the Republic of Uzbekistan of 20.04.2017. No. IIII-2910 «On the program of integrated development and modernization of drinking water supply and sewerage systems for 2017-2021», Resolution of the President of the Republic of Uzbekistan dated 25.09.2017. No. PP-3286 «On measures to further improve the protection of water bodies», the laws «On Water and Water use», «On Protected Natural Territories»<sup>85</sup>; «On farming»<sup>86</sup>, «On Dekhkan farming»<sup>87</sup>, and the Land Code<sup>88</sup>.

Articles 32-35-1 of the Law on Water contain norms establishing the rights of water users and water users, protecting the rights of water users and water consumers, limiting the rights and obligations of water users and water consumers.

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84 Regulations on the procedure for issuing permits for special water use or water consumption. Approved by Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 14.06.2013 No. 171 «On approval of the Regulations on the procedure for issuing permits for special water use or water consumption.» Collection of legislation of the Republic of Uzbekistan, 2010, No. 25, Art. 325

85 The Law of the Republic of Uzbekistan of 03.12.2004 NO. 710-II «On Protected Natural Territories» enforced by the Resolution of the Oliy Majlis of the Republic of Uzbekistan of 03.12.2004 No. 711-II. Gazette of the Oliy Majlis of the Republic of Uzbekistan, 2005, No. 1, Art. 14

86 Law of the Republic of Uzbekistan «On farming» (New ed.) // Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 1998, No. 5-6, Art. 86; 2001, No. 1-2, Art. 23; № 5, Art. 89; 2004, No. 1-2, Art. 18

87 The Law of the Republic of Uzbekistan «On Dekhkan Farming» // Gazette of the Supreme Council of the Republic of Uzbekistan, 1992, No. 10, Art. 403; Gazette of the Oliy Majlis of the Republic of Uzbekistan, 1997, No. 9, Art. 241

88 Land Code of the Republic of Uzbekistan (Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 1998, No. 5-6, Art. 82; 2003, No. 9-10, Art. 149; Collection of Legislation of the Republic of Uzbekistan, 2004, No. 25, Art. 287, No. 51, Art. 514, 2007, No. 52, Art 533, 2009, No. 3, Art. 9, No. 52, Art. 555, 2011, No. 1-2, Art. 1, 2014, No. 4, Art. 45, No. 36, Art. 452, 2015, No. 33, Art.439)

According to Art. 32 of the Law on Water, water users have the right:

- to utilize water facilities only for the purposes for which they are provided;
- to build and reconstruct installations, devices and other facilities purposes for water use in accordance with the procedure established by law;
- to check the quantity and quality of provided water ;
- demand compensation for lost water under a contract for water use, except for cases stipulated by legislation;
- participate in decision-making on water resources management;
- make proposals on changing the withdrawal limits based on the forecast and the actual water availability of the source;
- demand compensation for damage caused by violations of their rights and legitimate interests, including the right to receive water in accordance with the established water withdrawal limits and the water supply regime in accordance with the procedure established by law.
- Water users may have other rights in accordance with the legislation.

In Art 32-1 of the Law on Water, the following rights of water consumers are fixed:

- to check the quantity and quality of water provided;
- demand compensation for lost water under a contract for water consumption, except for cases stipulated by legislation;
- participate in decision-making on water resources management;
- make proposals on changing the withdrawal limits based on their own needs;
- unite in associations (unions) and other associations to coordinate their activities in the field of water relations, as well as to represent and protect their common interests;
- demand compensation for damage caused by violations of their rights and legitimate interests, including the right to receive water in accordance with the established water withdrawal limits and the water supply regime in accordance with the procedure established by law.

Water consumers may also have other rights in accordance with the law.

According to Art. 33 of the Law on Water, the rights of water users and water consumers are protected by law, while the violated rights of water users and water consumers are subject to recovery.

The rights of water users and water consumers can be limited in order to protect public health, in other public interests, as well as in the interests of other water users and water consumers. At the same time, the conditions for using water objects for drinking and domestic needs of the population should not deteriorate. It should be noted that the Law on Water was amended both for water users and water consumers, and a significant provision was incorporated, stating that they may possess other rights in accordance with the law.

Thus, following the amendments to the legislation, the list of rights for water users and water consumers has an open, unrestricted nature.

It is disputable that the right of water users to utilize water facilities only for the purposes for which they are provided appears more as their duty.

It is also unclear how, and at what level of management, water users and water consumers will exercise their right to participate in decision-making on the management of water resources.

The demand for compensation for harm caused by violations of their rights and legitimate interests derives from the contractual obligations of the parties and is the right of the party to the treaty whose rights are violated, despite whether they are recorded in the rights of a water user and a water consumer or not and regulated by the norms of civil law.

Art. 35 of the Law on Water defines the responsibilities of water users: utilize water facilities, take care of economical water consumption, restore and improve water quality; observe established water withdrawal limits and water use regulations; take measures to completely stop the discharge of sewage containing pollutants into water facilities and a number of others. In addition, this provision of the Law on Water determines that water users can bear other duties in accordance with the legislation.

The same can be observed in another norm of Art. 35-1 of the Law on Water: it establishes the duties of water consumers, almost similar to the ones of water users, depending on activity.

It should be noted that in both cases, the list of obligations of water users and water consumers established by the Law on Water is wide enough; therefore, interested state bodies always have the opportunity for unlimited replenishment

of these articles with new responsibilities worsening the situation of participants in these legal relationships.

The procedure for issuing permits for special water use or water consumption is defined by the above Regulation on the procedure for issuing permits for special water use or water consumption.

Nominally, these responsibilities are assigned to any water users, but in practice they arise mainly in cases of special water use, as is evident from the very enumeration of duties.

The duty of rational use of water facilities in relation to special water users is to strictly observe the technical conditions and requirements that are stipulated in the water use permit. Special water users cannot decide the issues of how rationally a particular water facility is used as a whole. Such a duty rests with the state authorities for regulating the utilization and protection of water. Duties of water users on the economical use of water, the adoption of measures for the complete cessation of discharge of sewage-pollutants into water objects, monitoring the serviceable condition of sewage treatment and other water management structures, improving their operational characteristics, are mainly related to municipal, industrial and agricultural enterprises.

Thus, in the Program for the Comprehensive Development and Modernization of Drinking Water Supply and Sanitation Systems for 2017-2021<sup>89</sup>, it is stated that: «In order to create comfortable and favorable social living conditions for broad sections of the population, especially in rural areas, to achieve universal access for consumers of quality drinking water, increase of efficiency of rendering of services of water supply and the water drain in Republic:

1. Identify the main priorities for the further development and modernization of the drinking water supply and sanitation system for 2017-2021:
2. Implementation of integrated measures to improve the access of the population to clean drinking water, especially in rural areas;
3. Construction of new ones, rehabilitation and reconstruction of existing water intake, sewerage and water supply networks, as well as strengthening the material and technical base of water supply organizations, equipping them with modern equipment, machinery, maintenance and measuring equipment;

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<sup>89</sup> Decree of the President of the Republic of Uzbekistan «On the Program for the Comprehensive Development and Modernization of Drinking Water Supply and Sewerage Systems for the years 2017-2021» of April 20, 2017 No. PP-2910.





4. Introduction of modern information and communication technologies in the sphere of water supply, including automated systems for accounting for volumes of consumption and services provided;
5. Increasing the efficiency of production and technological processes of drinking water production, ensuring its quality in accordance with established requirements, the introduction of energy and water saving technologies and equipment into the production process;
6. Introduction of market-based mechanisms for managing water supply and sewerage systems, including based on public-private partnership;
7. Creating the necessary conditions for the financial and economic sustainability of water supply organizations, improving the pricing of their services.

The content of these duties is developed both in legislative and subordinate legislation, including departmental normative acts, as well as directly in permits for water use.

For instance Art.41 of the Law «On Protected Natural Territories»<sup>90</sup>, clauses 49-59 of the Regulation on water protection zones of reservoirs and other water objects, rivers, trunk canals, collectors, as well as sources of supply of drinking and domestic water, medical, cultural and health facilities in the Republic of Uzbekistan.<sup>91</sup> The regime of water protection zones, coastal strips and zones of sanitary protection of water facilities is established; within the water protection zones, limited economic activity is allowed.

The rights and duties of enterprises, institutions and organizations related to the use of waters in cases of isolated water use, in their content, tend to be similar to rights and responsibilities of land use.

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90 The Law of the Republic of Uzbekistan of 03.12.2004 N 710-II «On Protected Natural Territories» enforced by the Resolution of the Oliy Majlis of the Republic of Uzbekistan of 03.12.2004 N 711-II. Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 2005, No. 1, art. 14

91 Regulations «On water protection zones of reservoirs and other water facilities, rivers, trunk channels and collectors, as well as sources of drinking and domestic water supply, medical, cultural and recreational purposes in the Republic of Uzbekistan» (approved by Resolution of the CM of 07.04.1992 No. 174)

According to Art. 50 of the Law on Water, water users utilizing water facilities for agricultural needs, except for the duties provided for in Art. 35 of this law, are obliged to:

- effectively manage water resources, prevent over-limit water withdrawal and misuse of water;
- organize the implementation of new and reconstruction of existing water facilities, as well as complex reconstruction of irrigated lands in accordance with the established procedure of construction;
- promote water consumers in improving irrigation techniques and methods by introducing water-saving technologies and advanced irrigation techniques;
- eliminate the causes and effects of negative processes based on monitoring of waters used for agriculture.

For example, assistance to water consumers in improving irrigation methods and techniques through the introduction of water-saving technologies and progressive irrigation techniques can be expressed in rendering concrete assistance in implementing the Presidential Decree of April 19, 2013, No. PD-1958 «On measures to further improve the ameliorative state of irrigated lands and rational use of water resources for the period 2013-2017», which, in particular, prioritizes the introduction of a drip irrigation system for irrigated land with the average multi-year water deficit during the vegetation period, and on lands with pumping irrigation costly lifting irrigation water.

According to Art. 50-1 of the Law on Water, water consumers utilizing water resources for agricultural needs, in addition to their obligations, should:

- maintain a favorable regime for irrigation of crops and plantations, as well as watering pastures;
- improve methods of irrigation by introducing water-saving technologies and progressive irrigation techniques;
- implement agro-technical measures that contribute to water saving;
- implement ameliorative measures that promote the maintenance of soil fertility;
- prevent the discharge of water provided for irrigation into the collector-drainage network and other water objects;
- participate in the construction, reconstruction, repair and restoration of water management facilities in accordance with the procedure established by law.

Here also the strictly targeted direction of water use is put forward: domestic, drinking, medical, sports, ameliorative, industrial, transport, energy, and fishery. In the case of isolated water use, in most cases, water users are given the right to choose specific means of water utilization. But, if isolated water users intend to utilize water via structures and appliances that affect the water condition, then they must obtain permission from the state authorities (agencies) on regulating the usage and protection of water. In general, isolated water users do not have the right at their discretion to change the water regime of those reservoirs that are provided for use: build dams on small rivers and streams, fix river beds, drain lakes and marshes, etc.

The procedure for the use of reservoirs assigned to a separate utilization by an organization of voluntary societies of hunters and fishermen and other associations is determined by the rules issued by these societies in accordance with their charters and the current legislation.

Water users have the right to utilize water facilities: build constructions, appliances and other objects for water use; check and control the amount of provided water; demand compensation for the water not received under the contract. The rights of water users are protected by law.

It should be noted that the Law on Water establishes the rights and obligations of water users, but does not represent the rights and responsibilities of water management organizations, the legal securing of which, including the responsibility for their implementation by water authorities, would serve as a real guarantee for water users' rights.

Thus, the content of the right of water use covers a very wide range of specific rights and responsibilities of water users, which significantly vary depending on the types of water usage.

When regulating water relations, regardless of the form of ownership, departmental or citizenship equality of rights of all water users should be ensured.

The interrelations of drinking water supply and sanitation subjects should include the existence of certain obligations.

Water consumers need to use sufficient amount of safe water to meet basic needs, safe and affordable sanitary facilities, and act so as to protect water resources; pay for water supply and public services related to water; obtain a reliable data on water supply; create effective systems of legal protection for consumers.

The water authorities are obliged to guarantee the implementation of the legislation on water and water usage; organize the activities of the relevant water services at the appropriate level, based on the interests of consumers; determine the distribution of water costs; set targets for access to water; to exercise effective supervision over the management of water services and to monitor the gradual performance of the tasks of public utilities services; establish sustainable systems to ensure the quality, consistency of services and rationally cover the costs of these systems in a long-term perspective.

All interested groups operating in this field should organize an information campaign related to the reform in the water supply and sewerage sector; ensure that such activity is financed with the selection of performers on a competitive basis.

The obligation to rationally use water facilities in relation to special water users is a strict adherence to those conditions and requirements that are stipulated in the water use permit. Special water users cannot decide on the issue of how rationally a particular water facility is used as a whole. Such duty rests with the state bodies (authorities) for regulating the use and protection of water.

There are two restrictions in the utilization of water resources from various means: a permit for special water use and water withdrawal limits. These restrictions are established by different bodies (authorities) - the first by nature protection authorities, the second - the water withdrawal limits - by the Ministry of Agriculture and Water Resources for different time periods and different sources. Such ambiguity is further exacerbated by the lack of responsibility of the bodies (authorities) of the Ministry of Agriculture and Water Resources on ensuring the possibility of water received by its users in the amount of sustainable limits. Another feature is the relationship between the water limits at different levels, considering the directive size of the losses at each level of the water hierarchy. Taking into account the reality of this indicator allows determining to what extent the allocated limits are real.

The legislation should clearly itemize the obligations of the Water facilities on the provision of water within the framework of the contractual relations of the water user with an assessment of the permissible deviations from the established limits and liability for such deviations. Similarly, water users should bear the responsibility for violating schedules (rules) of water utilization and determining penalties.

The duties of water users, which are comprised of taking care of the economical use of water, adopting measures for an absolute stop of pollutants-containing

sewage discharge into water facilities, monitor the serviceable condition of treatment, other water management facilities and technical appliances that affect the state of water, improve their operational quality, are mainly related to utilities, industrial and agricultural enterprises. The content of these duties is developed both in legislative and departmental normative acts, and directly in permits for water use. Thus, the Decree of the Cabinet of Ministers of the Republic of Uzbekistan of 27.06.2017 № 430 «On measures to further streamline activities in the use of groundwater» establishes new additional rules for water use and water consumption of groundwater, in particular, it is not allowed to issue permits for special water use and water consumption from:

water sources which are unaccounted for in the established order;

operational reserves of groundwater for group water intakes (two or more wells) which are not approved in the established order.

Special water use and water use for use of groundwater is subject to the obligations of water users and water users for the rational use of water resources, keeping proper records of the volume of water taken, preventing water from pollution and depletion, and also reporting systematically to authorized state bodies in accordance with the established procedure. These regulations stem from the Resolution of the President of the Republic of Uzbekistan of 04.05.2017 No. PP-2954 «On measures to streamline monitoring and accounting for the rational use of groundwater resources for 2017-2021»


Ultimately, the content of the rights and duties of each of the special water users is determined in accordance with the law and those purposes for which they are allowed to utilize the waters.

In particular, Art. 16 of the Law «On environmental control»<sup>92</sup> envisages certain rights of non-governmental non-profit organizations in the field of environmental control, including participation in the preparation of decisions on environmental protection, rational use of natural resources, and in the development and implementation of state and other environmental programs.


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<sup>92</sup> Law of the Republic of Uzbekistan of December 27, 2013 NO. ZRU-363 «On Environmental Control // Gazette of the Chambers of the Oliy Majlis of the Republic of Uzbekistan», 2013, No. 12, Art. 352


## CONCLUSIONS

-  1. The Law on Water should provide for the mutual rights and obligations of water users and WUAs, as well as state obligations to support the latter ones.

In addition, the Law on Water needs to specify and indicate the mechanism for exercising the right of water consumers to participate in decisions on the management of water resources as well as to envisage the provision of equality of rights of all water users, regardless of forms of ownership, departmental or citizenship affiliation.

-  2. It is advisable to fix the norms on granting the status of specially protected water facilities to sources of drinking water supply in the water legislation and to develop particular rules for the implementation of special water use for the enterprises of the water-sewerage sector. Introduce the rights and duties of water users and water users established by the Law on Water, in accordance with the Law on Environmental Control.

-  3. It is required to introduce the respective rights and obligations of WUAs in the Law on Water, bearing in mind the rights granted to non-governmental non-profit organizations via the Laws «On Social Partnership», «On the Openness of the Activities of State Authorities and Management», «On Applications of Physical and Legal Entities» and others Acts.

-  4. Develop a mechanism for public participation in the management of water resources (including monitoring, debates, discussion, etc.) through the creation of public councils in the water sector, within the framework of Art. 18 of the Law «On Social Partnership».

Intensify activities in the comprehensive implementation of the Laws «On Social Partnership», «On the Openness of the Activities of State Authorities and Management», «On Applications of Physical and Legal Entities» in the sphere of water management.



5. When regulating water relations, equality of rights of all water users should be ensured, regardless of forms of ownership, departmental or citizenship affiliation.

Introduce into the legislation conditions envisaging the rights of water consumers: to utilize sufficient quantities of safe water to meet the basic needs as well as safe and affordable sanitary facilities; to pay for water supply and public actions related to water; to receive reliable data on water supply, etc.

It is indispensable to legislatively fix the following responsibilities of water authorities: to guarantee the implementation of the legislation on water and its utilization; to organize the activities of the relevant water supply services at an appropriate level, based on the interests of consumers; set targets for access to water; effectively monitor the management of water supply services and performance of the tasks of utilities services; establish sustainable systems to ensure quality, consistency of services, etc.

All interested groups operating in this area should organize a data campaign related to the reform in the water supply and sewerage sector ensuring that such activity is financed.





## CHAPTER 6

### Procedure and conditions for provision of water facilities for utilization

Procedure and conditions for provision of water facilities for utilization is regulated by the Law on Water, the Regulation on water use water consumption<sup>93</sup>, the Regulation on the procedure for issuing permits for special water use or water consumption<sup>94</sup>, Hygienic requirements for the protection of surface waters on the territory of the Republic of Uzbekistan<sup>95</sup> and other acts.

The concept of the water facility and the water fund lands is directly associated with the issue of their ownership, as well as the issue of the turnover of water facilities and water fund lands.

The water facility is perceived as natural (streams, sais, rivers, etc.) and artificial (open and closed channels, collector-drainage networks), natural (lakes, seas, underground aquifers) and artificial (reservoirs, mudflow tanks, ponds, etc.) as well as springs and other objects in which water is constantly or temporarily concentrated and there are characteristic forms and signs of the water regime (Art. 2-1 of the Law on Water).

In Art. 8 § 7 of the Land Code, the following definition is given for the water fund lands: «water fund lands are those occupied by water facilities, water management constructions and strip of diversion along the shores of water objects» In the water and land legislation at present both water objects and water fund lands are state property.

Water facilities or their parts may be objects of water use and water consumption and be provided for use or consumption.

Art. 20 of the Law on Water prohibits the usage of water facilities of special national importance or of particular scientific or cultural value.

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93 Resolution of the Cabinet of Ministers of the Republic of Uzbekistan «On Approval of the Regulations on the Procedure for Water Use and Water Consumption in the Republic of Uzbekistan» of March 19, 2013 No. 82.

94 Resolution of the Cabinet of Ministers of the Republic of Uzbekistan «On approval of the regulations on the procedure for issuing permits for special water use or water consumption» of June 14, 2013, No. 171.

95 Hygienic requirements for the protection of surface waters on the territory of the Republic of Uzbekistan (SanNandR (Sanitary Norms and Regulations) RUz N0172-04), approved by the Chief State Sanitary Doctor of the Republic of Uzbekistan on October 25, 2004.





Water objects can be provided for utilization simultaneously for one or several purposes (Art. 21 of the Law on Water).

A water facility of separate use is the one that has been wholly or partially transferred for utilization to legal entities or individuals in accordance with the procedure established by law.

The water facility of joint use is the one which is not provided for separate use. According to Art. 25 of the Law on Water, water facilities are provided for usage primarily to satisfy the drinking and domestic needs of the population.

The Art. 40 of this law states that for drinking, domestic water supply, as well as for other needs of the population, those water facilities are provided, the quality of which complies with the established sanitary and hygienic requirements and state standards.

In turn, the sanitary norms and regulations provide that in the complex utilization of water facilities, the primary satisfaction should involve the economic, drinking and cultural everyday needs of the population, encompassing the long-term water needs for specified purposes.

According to Art. 21 of the above-mentioned law, depending on the method of water abstraction from the water object, the impact on the state of water and water facilities, water utilization is divided into general and special.

General water use is the one utilized by physical entities to meet their own needs and other needs without application of special structures and appliances that affect the state of waters and water facilities. Special water use is the one carried out by physical and legal entities using special structures and appliances that affect the state of water and water facilities. Water use, in particular cases, implying the utilization of water without involving special constructions and appliances, but which affects the state of water and water facilities can be attributed for special water use.

The list of types of general and special water use is established by the Ministry of Agriculture and Water Resources, the Ministry of Health, the State Committee on Ecology and Environmental Protection, the State Committee for Geology and Mineral Resources, the State Inspectorate for the Supervision of Geological Exploration of the Subsoil, the Safe Work in Industry, Mining and Communal Services, household sector under the Cabinet of Ministers within their competence in accordance with the law.

Water facilities can consist in separate or joint use. A water facility of isolated use is the one which wholly or partially transferred for use to legal or physical entities. The water object of joint use is not provided for separate use.

Water facilities are provided for use in consultation with the agriculture and water management agencies, sanitary supervision, on ecology and environmental protection, geology and mineral resources in accordance with the procedure established by law.

Water objects are provided to water users to satisfy their agricultural, drinking, medical and domestic needs of water consumers, resort, recreational and other needs of the population, industrial, energy, transportation, fisheries and other state or public needs, while in compliance with the requirements and conditions provided by legislation.

Thus, according to point 4.1 of the Hygienic requirements for the protection of surface waters on the territory of the Republic of Uzbekistan, it is established that:

«Discharge of sewage into water facilities within the boundaries of populated areas is prohibited, it can be resolved in exceptional cases with the appropriate feasibility rationale and in agreement with the territorial centres of SSES (State Sanitary -Epidemiologic Supervision). In such case, the normative requirements established for the water composition and its features in water facilities should be attributed to the wastewater itself».

In addition, for the sake of regulating the circumstances of discharge of pollutants into water facilities and into the terrain, the Regulation on the order of application of compensation payments for pollution of the environment and the placement of waste on the territory of the Republic of Uzbekistan was approved<sup>96</sup>.

In clause 5 of the Regulation it is said that in cases of leakage of pollutants into water facilities or on the terrain, compensation payment for a mass of pollutants is initiated both for emergency discharge into water facilities and on the terrain. The objects that are not treated to be eligible for compensation payments are treated sewage, utilized in coordination with environmental authorities for

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96 Regulations on the application of compensation payments for pollution of the environment and waste disposal on the territory of the Republic of Uzbekistan, approved by Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 01.05.2003 No. 199 «On improving the system of payments for environmental pollution and waste disposal in the territory of the Republic of Uzbekistan «// Collection of resolutions of the Government of the Republic of Uzbekistan, 2003, No. 5, Art. 35

irrigation of industrial crops and forest plantations.

The water consumption for social and recreational purposes is referred to the general, if it is carried out from open water sources, i.e. from rivers, lakes, springs, reservoirs, etc. to satisfy own needs and without the use of structures or technical appliances, such as channels and pumps. The most common types of general water consumption are: water consumption for drinking needs of people and animals; for cooking food; for bathing and washing; for watering a moderate number of plants; other purposes.

Water resources are provided for consumption in compliance with the requirements and conditions provided by the legislation.

The procedure for issuing permits for special water use or water consumption is regulated by Art. 27 of the Law on Water and the Regulation on the procedure for issuing permits for special water use or water consumption<sup>97</sup>, approved Decree of the Cabinet of Ministers of the Republic of Uzbekistan of June 14, 2013 No. 171.

Authorization for special water use or water consumption from natural water bodies is issued by environmental bodies and environmental authorities in coordination with the agricultural and water management authorities - on surface waters, authorities for geology and mineral resources - on ground waters, authorities for the supervision of geological study of subsurface resources, safe conduct of industrial work, mining and public utility sector - for mineral and thermal waters.

**A permit for special water use or water consumption** from artificial water facilities is issued by:

*the Ministry of Agriculture and Water Resources* for the Basin Irrigation System Administrations, the management of the main channels (systems); the management of the operation of reservoirs; organizations exploiting transboundary water facilities, water objects of inter-regional significance, large and especially important water facilities, pumping station departments, energy and communications, reclamation expeditions, as well as other water users and water consumers - from water facilities of the republican or interregional significance;

*Basin Irrigation System Administrations*, irrigation system administrations, as

97 Resolution of the Cabinet of Ministers of the Republic of Uzbekistan «On approval of the regulations on the procedure for issuing permits for special water use or water consumption» of June 14, 2013, No. 171.

well as other water users and water consumers - from water facilities of regional or interregional significance (paragraph 6 of clause 5 of the Model Provision on Basin Irrigation System Administrations approved by the Cabinet of Ministers Resolution No. 320 of July 21, 2003);

*Management of irrigation systems* to WUAs, as well as other water users and water consumers - from water facilities of regional importance;

WUAs to farmers and dekhkan farms, self-governing bodies of citizens and other water consumers located in their service area - from water facilities for agricultural needs in coordination with the regional department of agriculture and water management.

Permits for special water use or water consumption, depending on the type of water use or water consumption, are executed and issued:

- for individuals and legal entities that use water objects for industrial, communal, transport and other non-agricultural purposes;
- for basin management of irrigation systems;
- for the management of the operation of reservoirs (hydroelectric facility);
- for the management of the irrigation system;
- for the management of pumping stations, energy and communications, as well as other pumping station managements for melioration expeditions;
- for water user associations;
- for farming and dekhkan farms, self-governing bodies of citizens and other water users served by water users' associations.

Since June 2017, a new rule has been established, according to which a permit for special water use and water consumption is not allowed for<sup>98</sup>:

- water wells, which are not considered in the established order;
- operational reserves of groundwater for group water intakes (two or more wells), which are not approved in accordance with the established procedure

General water use is carried out according to Art. 28 of the Law on Water without permits and time limits in the manner established by this law and other legislative acts. As observed, this article, as well as the Art. 26, which establishes

98 Resolution of the Cabinet of Ministers of the Republic of Uzbekistan «On measures to further streamline activities in the use of groundwater» of June 27, 2017 No. 430.



the procedure for providing water facilities for separate use, is referential.

According to Art. 26 of the Law on Water, separate use of water facilities is provided in full or in part by the Cabinet of Ministers or other authorized state body (agency). Water objects are provided for separate use with mandatory registration of permits for special water use or water consumption.

As for general water use and water consumption in water facilities granted for separate use, it is allowed under the conditions established by organizations operating these water facilities in accordance with Art. 29 of this Law, in agreement with the agricultural and water management authorities, on ecology and environmental protection and, if necessary, may be prohibited in accordance with the legislation. This position (provision) is duplicated.

Along with water use and water consumption in the water legislation there is the concept of «water intake».

Hence, Art. 7 of the law states that the Cabinet of Ministers in the field of regulation of water relations shall establish the procedure for the formation and use of a water fund, the procedure for approving water use standards, water consumption and water intake limits from a water facility, and Art. 30, entitled «Water intake limits», requires that all water users and water consumers establish water intake limits.

To the mandatory conditions of water use, the legislator refers to the establishment of water intake limits.

Limited water use is established for all water users. Surface water consumption limits are set according to the administrative-territorial principle on water basins and specifically on water users, and in relation to groundwater - in agreement with the agencies for geology and mineral resources and state mining supervision.

Limits of water consumption are established by the water management authorities and are mandatory for execution by all water users and water users, regardless of their departmental subordination.

Water withdrawal limits are set by the water and agriculture authorities for water sources, basin irrigation systems, main channels (systems), irrigation systems, economic sectors, territories, water users and water consumers, and in case of ground waters in agreement with the agencies for geology and mineral resources and on supervision of the safe workflow in industry, mining and the public utility sector.

Water withdrawal limits for farmer and dekhkan farms and other water consumers are established by the WUAs serving them.

The limits of water intake for communal and household facilities are established by the respective operating organizations.

Water withdrawal limits are set for water users and water consumers taking into consideration the forecast and actual water availability of the sources twice a year for agricultural needs and once a year for other needs and are mandatory.

Water users' services for the delivery of water, as well as other provided water services are paid on a contractual basis.

Water withdrawal limits are established in the following order of priority in accordance with para.18 of the Regulation on water use and water consumption:

- drinking, medical, communal, household;
- industry;
- agriculture.

It should be noted that Art. 31 of the Law on Water establishes that water facilities are provided for permanent or temporary use: permanent water use is recognized without a predetermined period, temporary water use can be short-term - up to three years and long-term - up to twenty years.

The right of special water use belongs to those entities that own (on the rights of ownership or operational management) the constructions and appliances via which they conduct water utilization.

These entities are issued permits of state agencies, on regulation of use and protection of water, for the right of water consumption or wastewater discharge, operation of dams, berths, floating facilities, etc. But if, for one or another reason, these entities lose the right to own or operative management of water management facilities, simultaneously they lose the rights of a special water user associated with the operation of these facilities. If water management facilities are transferred from the ownership or operational management of one entity to the ownership or operational management of another, then the right of special water use is transferred from one subject to another. The transfer of the right of water use must be re-registered in accordance with the established procedure.

As for the right of general water use, it is known to all citizens, enterprises, institutions and organizations directly by law for water utilization without the use of structures and appliances that affect the state of water and do not require any authorization from state bodies (agencies). The right of general water use is strictly personal.

The right of general water use in the process of its implementation is not subject to state registration, unlike the special one.

In the case of isolated water use, in most cases, water users are given the right to choose specific ways of using water. Yet, if isolated water users intend to utilize water with the help of structures and appliances that affect the water condition, then they must obtain permission from the state bodies (agencies) on regulation of use and protection of water. In general, isolated water users do not possess the right to change the water regime of those reservoirs that are provided for use at their own discretion: build dams on small rivers and streams, fix river beds, drain lakes and marshes, etc.

Water objects and, consequently, the water fund - the basis of life and human activities, necessary for the existence of society, therefore, based on this principle, water relations cannot be completely commercial.

That is why water relations are regulated by civil legislation only to the extent that they are not regulated by special water legislation.

The principle of equal access to the acquisition of rights for utilization water facilities complies with anti-corruption objectives. This provision is directed against dishonesty in the distribution of water resources. From this principle follows another: the priority of protecting water facilities before their usage.

This means that the use of water facilities, regardless of their species and varieties, must be subordinated to environmental interests. In order to environmentally orient and organize water usage, the legislator provides the requirements for the utilization of water facilities, set out in a separate chapter on the procedure and conditions for the provision of water facilities for use (Chapter 8 of the Law on Water).

Art. 55 of the Constitution covers the rational use of water as a natural resource, which is a national wealth and subject to rational utilization and protected by the state<sup>99</sup>. In addition, waters, according to Art. 7 of the Law «On Environmental Control»<sup>100</sup> are subject to environmental control.

Priority of protection of water facilities before their utilization has by its specific form of expression the priority of conservation of specially protected water

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99 The Constitution of the Republic of Uzbekistan adopted on December 8, 1992 at 11 session of the Supreme Council of the Republic of Uzbekistan 12 convocation // Gazette of the Supreme Council of the Republic of Uzbekistan, 1993, No. 1

100 The law of December 27, 2013 No. ZRU-363 «On Environmental Control” // Gazette of the Chambers of the Oliy Majlis of the Republic of Uzbekistan, 2013, No. 12, Art. 35

facilities (reservoirs, especially valuable wetlands etc.). In addition, land, water and other natural resources can be alienated and transferred from one person to another in another way, to the extent that their circulation is permitted by the laws on land and other natural resources. Thus, the application to natural resources (land, mineral wealth, forests, water, and fauna) of the institution of property rights has its own fundamental features.

In this regard, it is considered vital to introduce a provision in the Law on Water according to which physical and legal entities to whom water facilities are provided for use cannot dispose the right to use the water facility.

Thus, having presented water facilities for use, the state does not lose ownership rights to them, although water users get rather wide opportunities for economic exploitation of water objects or other use of them. The state constantly monitors the activities of water users, ensures that they comply with all requirements and conditions for granting them the right of utilization of water facilities.

Water users may enter into relations with third parties, but under the control of the state and with the preservation of all rights and obligations of water users in relation to the state. In the cases provided for by law, the state may dispose of the waters granted for use: withdraw them from the use of certain subjects and provide for the use to others.

Therefore, a specific feature of the right of water utilization is that its origin is due to the right of state ownership of water and that the use of a water facility is always carried out under the control of the state.





It should be noted that along with the often used terms and the most important in the regulation of water relations in connection with the use and protection of water for social, therapeutic-recreational purposes by the terms «water use», «water consumption», the term «water supply» which is not disclosed by legislation.

Thereby, Art-s 41 and 42 of the Law on Water refer to the centralized and non-centralized water supply of the population, but in Art. 2-1 of the Law on Water, which contains the basic concepts used in water legislation, the term «water supply» is absent, which indicates the need to define this concept.





## CONCLUSIONS

-  1. Define in Art. 2-1 of the Law on Water the definition of the concept of «water supply», as well as draft an article on the procedure for granting a water facility for use in cases when it is not required to obtain a permit for special water use.
-  2. Provide in the Law on Water an article which would envisage the provision stating that physical and legal entities to whom water facilities are provided for use cannot dispose that right.
-  3. Initiate the introduction of legislation on the easement (the right of limited use of a water facility) for the sake of creating the opportunities for water users for an unobstructed utilization of water resources.
-  4. Systematize all definitions and concepts contained in regulations on water legislation in one article of the Law on Water.



## CHAPTER 7

### Use of water facilities for drinking, household, treatment, resort and further necessities of the population

The right for clean water is among the absolute and inviolable human rights and is an integral part of the right to a favorable environment.

The norms of the Art-s 11-17, 20, 21, 21-1, 40-46, 85, 97-102, 105-106, 116-117 of the Law on Water, the Art-s 5, 8, 12, 26 of the Law «On Sanitary and Epidemiological Welfare of the Population» can be attributed to the legal regulation of the system of use of water facilities for drinking, domestic, medical, resort and other needs of the population.<sup>101</sup> Further important pieces of legislation are: Arts 2, 5, 6, 12, 19, 23, 28, 30 of the Law «On Nature Protection»<sup>102</sup>, Art-s 7,11, 15-17 of the Law «On Environmental Control»<sup>103</sup>, Regulation on water use, Regulation on the procedure for issuing permits for special water use or water consumption<sup>104</sup>, Regulations on water protection zones of water reservoirs and other water facilities, rivers and main channells and collectors, as well as sources of drinking and domestic water supply, medical, cultural and recreational purposes in the Republic of Uzbekistan<sup>105</sup>, Regulations on the order of the equipment and operation of beaches, as well as the protection

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101 Law of the Republic of Uzbekistan of August 26, 2015 No. ZRU-393 «On Sanitary and Epidemiological Welfare of the Population» Adopted by the Legislative Chamber on July 15, 2015, approved by the Senate on August 6, 2015 Collection of legislation of the Republic of Uzbekistan, September 2, 2015, No. 34, Art. 451

102 Law of the Republic of Uzbekistan of December 9, 1992 No. 754-XII «On Nature Protection» (with subsequent amendments) Bulletin of the Supreme Council of the Republic of Uzbekistan, 1993, No. 1, Art. 38

103 Law of the Republic of Uzbekistan of December 27, 2013 No. ZRU-363 «On Environmental Control» Adopted by the Legislative Chamber on November 12, 2013, approved by the Senate on December 12, 2013 Collection of legislation of the Republic of Uzbekistan, December 30, 2013, No. 52, Art. 688

104 Approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of June 14, 2013 No. 171 Collection of Resolutions of the Government of the Republic of Uzbekistan, 2013, No. 6, Art. 40

105 Approved by Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of April 7, 1992 No. 174 (with subsequent amendments) Collection of legislation of the Republic of Uzbekistan, 2003, No. 17-18, Art. 156

of public health in the water areas of the Republic of Uzbekistan<sup>106</sup>, Regulations on the procedure for the development and harmonization of draft environmental standards<sup>107</sup>, Regulations on the application of compensation payments for environmental pollution and waste disposal in the territory of the Republic of Uzbekistan<sup>108</sup> and other normative acts in the field of water use, among which it should be noted the Decree of the President of the Republic of Uzbekistan of 09.10.2017. No. UP-5199 «On measures to radically improve the system of protecting the rights and legitimate interests of farmers, dekhkan farms and landowners, efficient use of agricultural acreage»; the Decree of the President of Uzbekistan of 18.04.2017. No. UP-5018 «On the formation of the State Inspectorate for the Control of the Use of Drinking Water under the Cabinet of Ministers of the Republic of Uzbekistan»; the Resolution of the President of the Republic of Uzbekistan of 18.04.2017. No. PP-2899 «On the organization of the activity of the State Inspection for the Control of the Use of Drinking Water under the Cabinet of Ministers of the Republic of Uzbekistan»; the Decree of the President of the Republic of Uzbekistan of 20.04.2017. № PP-2910 «On the program of integrated development and modernization of drinking water supply and sewage systems for 2017-2021»; the Decree of the President of the Republic of Uzbekistan of 04.10.2017. No. PP-3273 «On measures to ensure population of the city of Namangan and the Pap District of the Namangan region with quality drinking water and sewage services».

The rather high degree of complexity of legal relations in this area should be mentioned, since many legal norms on the use of water facilities for drinking water supply are complex or referential in nature and are found in such sources of law as water, land, environmental, etc.

Technical standards set requirements in the field of sanitary-hygienic requirements for drinking water, approved by the Chief State Sanitary Doctor of the Republic of Uzbekistan and are mandatory for compliance by all citizens

106 Approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of May 20, 2016 No. 164 «On additional measures to ensure the safety of tourists on beach zones of the water areas of the Republic of Uzbekistan» Collection of resolutions of the Government of the Republic of Uzbekistan, 2016, No. 5, Art. 40

107 Approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of January 21, 2014 No. 14 «On approval of the Regulation on the procedure for the development and harmonization of draft environmental standards». Collection of resolutions of the Government of the Republic of Uzbekistan, 2014, No. 1, Art. 6

108 Approved Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 01.05.2003 No. 199 «On the improvement of the system of payments for environmental pollution and waste disposal in the territory of the Republic of Uzbekistan» Collection of resolutions of the Government of the Republic of Uzbekistan, 2003, No. 5, Art. 35

and legal entities regardless of the form of ownership.

These include: the main criteria for hygienic assessment of the degree of pollution of water facilities in terms of health hazards in Uzbekistan (SanNR RUz No. 0255-08, approved by the Chief State Sanitary Doctor on October 16, 2008); sanitary rules and norms of hygienic assessment, definition of surface and underground water source types, their choice for centralized domestic and drinking water supply to the population of Uzbekistan (SanNR RUz No. 0200-06, approved by the Chief State Sanitary Doctor of the Republic of Uzbekistan on May 15, 2006); hygienic requirements for water quality of non-centralized water supply and sanitary protection of sources in Uzbekistan (SanNR RU 0182-05, approved by the Chief State Sanitary Doctor of the Republic of Uzbekistan on January 10, 2005); hygienic requirements for protection of surface waters on the territory of the Republic of Uzbekistan (SanNR RUz 0172-04, approved by the Chief State Sanitary Doctor of the Republic of Uzbekistan on October 25, 2004); sanitary rules and norms for the supervision of the use of synthetic polyelectrolytes in the practice of drinking water supply to the population of Uzbekistan (SanNR RUz 0174-04, approved by the Chief State Sanitary Doctor on October 25, 2004); sanitary norms and rules for the design and operation of sanitary protection zones for water supply and drinking water supplies (SanNR RUz No. 0244 -07, approved by the Chief State Sanitary Doctor on December 29, 2006).

All these standards regulating the drinking water supply system should not duplicate each other and, if possible, contain a single terminology on the system and criteria for the assessment of water facilities.

In addition, one should not allow any discrepancies within the validity of such acts. For instance, in the Sanitary Requirements for the Development and Harmonization of Projects for Maximum Permissible Discharges of Substances Entering Water Facilities along with Sewage (SanNR RU No. 0088-99, approved by the Chief State Sanitary Doctor on October 12, 1999), it is indicated that they are effective for five years, but nevertheless they have not been revoked and they are used up to the present time.

Therefore, it is necessary to work on the development of a codified legislative act or to introduce appropriate changes to the water legislation regulating legal relations in the field of drinking water supply with a clear regulation of the rights and obligations of all subjects in this sphere, which will bring the norms of water legislation into line with modern international standards.

Alterations and amendments to the legislative acts of the Republic of Uzbekistan in connection with the deepening of economic reforms in agriculture and water management can be observed as positive changes in legislation regulating the water sector<sup>109</sup>, as an outcome of which such concepts as water, water body, water resources, water consumption, water consumption and many others were incorporated into the Water Act, although the concept of «drinking water» was never revealed. Certain positive changes were introduced by the laws of the Republic of Uzbekistan, in particular, the notions of the bodies of the State Sanitary Inspectorate, as well as environmental authorities and environmental protection in the sphere of water legislation, were clarified<sup>110</sup>. According to Art. 21-1 of the Law on Water, water consumption started to be subdivided both according to the criteria of an intended use and depending on the amount of water withdrawn from the water facility.

Water consumption for targeted use is divided into drinking, municipal, medical, resort, recreational and others.

In turn, all types of water consumption are divided into general and special, based on the amount of water withdrawn from the water facility.

The concept of general water consumption is applied only to individuals who utilize water to satisfy their personal drinking, domestic, recreational, medical and other needs, as well as watering animals, without the use of special constructions and appliances that affect the condition of water and water facilities.

Special water consumption is carried out by both physical and legal persons, both with the use of special constructions and appliances that affect the state of water and water facilities, and without the use of special structures and appliances, but with influencing the state of water and water facilities.

It should be borne in mind that the process of providing the population with drinking water starts with the choice of a source of drinking water supply for such purpose - a water facility in which water is constantly or temporarily concentrated and where are characteristic forms and signs of a water regime.

109 Art. 2-1 of the Law of the Republic of Uzbekistan of 25 December 2009 No. ZRU-240 «On introducing changes and amendments to certain legislative acts of the Republic of Uzbekistan in connection with the deepening the economic reforms in agriculture and water management» Collection of legislation of the Republic of Uzbekistan, 2009, No.52 Art. 555

110 Law of the Republic of Uzbekistan «On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan» of December 26, 2016 No. ZRU-416; Law of the Republic of Uzbekistan «On Amendments and Additions, as well as the Recognition of Certain Legislative Acts as Expired» of September 14, 2017 No. ZRU-446.

Since the water protection zones of water facilities are declared as specially protected areas, this regime should be extended to the water facilities themselves. Also, attention should be paid to the issue of regulation of legal relations on water withdrawal from water facilities for satisfying drinking and domestic needs of the population with special water use, involving constructions and appliances which has a real impact on the state of the water facility and on the health of citizens, since Art. 42 of the Law on Water contains quite vague wording.

Legislation defines the issues of the choice and suitability of a water facility for drinking water supply, considering its sanitary reliability and the possibility of organizing sanitary protection zones, the location of water intake facilities and other established characteristics.

The suitability of the source for drinking water supply is established by the (bodies) agencies of the State Sanitary and Epidemiological Service on the basis of a sanitary and epidemiological assessment of the conditions for the formation and deposition of water from an underground source of water supply, the assessment of the quality and quantity of water of a surface source of water supply, etc.

When installing, designing, constructing and commissioning new and reconstructed enterprises, structures and other facilities, as well as introducing new technological processes that affect the state of water, the rational use of water should be ensured with observance of health protection requirements and priority satisfaction of drinking and household needs of the population.

Enterprises, institutions, organizations, farmers and dekhkan farms, agricultural cooperatives whose economic activities have a negative impact on the status and regime of small rivers, are obliged to carry out activities to preserve water content, cleanliness and quality of water jointly with the agriculture, water management and nature protection agencies.

Legislation provides for legal responsibility for violations of the legislation on the use and protection of water, including drinking, domestic, medical, spa, wellness and other needs of the population, as well as the obligation to compensate for damages caused by violation of water legislation.

The establishment of the quantity and quality of waters of a single water fund and data on the use of water for the needs of the population and sectors of the economy are carried out through the system of state water accounting.

When planning the water utilization, the data of the state water cadastre, water balance sheets, integrated water use and protection schemes are taken into account.

In order to provide observation, accounting, assessment and forecast of the state of the environment, including water resources in the territory of the Republic of Uzbekistan, a system of state environmental monitoring has been established, which includes monitoring of surface and groundwater pollution<sup>111</sup>.

As in other spheres of water management, the state management of water utilization for drinking, domestic, medical, resort and other needs of the population is carried out by the Cabinet of Ministers, state authorities in the field, specially authorized bodies of state administration for regulation of water use and other state bodies (authorities).

Control over the use and protection of water plays an important role in regulating relations on the use and protection of waters for social, sanatorium-health purposes, which is divided into the following types: state, departmental, production and public.

The state control in this sphere is carried out by local government authorities, the State Committee on Ecology and Environmental Protection, the State Inspectorate for the Supervision of Safe Work in Industry, Mining and the Public Utilities Sector, the Ministry of Health, the Ministry of Agriculture and Water Resources in accordance with the procedures established by legislation. The procedure for implementing departmental, industrial and social-environmental control is determined in accordance with the model regulations on the procedure for the implementation of departmental, production and social-environmental control approved by the Cabinet of Ministers<sup>112</sup>.

Here, it worth to note the effectiveness of the participation of water users associations (WUAs) in the implementation of public environmental control over the implementation of activities aimed at the rational use of water bodies. In particular, Art. 10 of the Law on Water, establishes that WUAs, other NGOs and citizens assist the government agencies in implementing measures for the rational use, protection of waters and water facilities.

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111 Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of April 3, 2002 No.

111 «On approval of the Regulation on the state monitoring of the environment in the Republic of Uzbekistan» Collection of resolutions of the Government of the Republic of Uzbekistan, 2002, No. 4, Art. 19

112 Decree of the President of the Republic of Uzbekistan of 25.09.2017. No. PP-3286 «On measures to further improve the protection of water facilities»

It is further stated that the state bodies can take into account proposals of WUAs, other NGOs, as well as citizens, during such events.

However, since the Law on Water declares only the right, and not the duty of state bodies to take into account the proposals of the public when implementing measures for the use and protection of water, this legal norm requires amendments in the provision of more specified rights for representatives of the civil sector. Undoubtedly this rule also does not comply with Arts 15-17 of the Law «On Environmental Control»<sup>113</sup>, according to which non-profit organizations, citizens and their self-governing bodies possess the right to participate in the preparation of decisions on environmental protection, rational use of natural resources, as well as in the development and implementation of state and other environmental programs.

The existing system of surface and underground water bodies exerts a great influence on the quality of drinking water, since objects protected from pollution and contamination should be used for drinking and domestic water supply. However, it should be noted that such rules are not always observed by authorized state bodies.

For example, the existing state of the collector and irrigation network in the city of Tashkent with intense rainfall presents a constant threat to utilities, houses, buildings and structures in the flood zone, including underground ones (underground, pedestrian tunnels and others) that can lead to human casualties, damage existing constructions and facilities<sup>114</sup>.

The Cabinet of Ministers developed a concept and planned and implemented integrated measures for the functioning of underground and land-based watercourses in Tashkent for 2015-2017<sup>115</sup>, including in terms of improving the regulatory framework in this area. Continuation of this work but already in the scale of the Republic envisaged by the relevant resolutions of the President of

113 Law «On Environmental Control» of 27 December 2013 No. ZRU-363 // Gazette chambers of the Oliy Majlis of the Republic of Uzbekistan, 2013, No. 12, Art. 352

114 Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 11.02.2015 No. 21 «On measures to improve the functioning of the irrigation and drainage system in Tashkent» Collection of legislation of the Republic of Uzbekistan, February 16, 2015, No. 6, Art. 66

115 Concept for ensuring the sustainable functioning of underground and surface watercourses in the event of emergencies in Tashkent and Comprehensive measures for the effective organization of work on the prevention and elimination of emergencies associated with the intense precipitation, ensuring a trouble-free passage of storm sewage in Tashkent for 2015 - 2017, approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of February 11, 2015 N 21 «On measures to improve the functioning of irrigation drainage system of Tashkent city» «Collection of legislation of the Republic of Uzbekistan, February 16, 2015, No. 6, art. 66





Uzbekistan and the Cabinet Ministries of Uzbekistan in 2017<sup>116</sup>.

As already noted, legal entities that carry out activities in the sphere of domestic and drinking water supply are obliged to ensure that the quality of supplied water meets the sanitary rules, norms and hygienic standards, as well as state standards.

The Law on Water, Sanitary Rules and Norms repeatedly uses such terms as «pollution», «clogging up», «depletion» of water resources, but the concepts of these terms are not clearly disclosed.

Para 1.4. on hygienic requirements for the protection of surface waters on the territory of the Republic of Uzbekistan (SanNR RUz 0172-04), approved by the Chief State Sanitary Doctor on October 25, 2004, defines: «Water facilities for domestic, drinking and cultural purposes are considered as contaminated, if the composition and features of water have changed under direct or indirect influence of economic activity, household use and have become partially or completely unsuitable for utilization by the population».

Yet, if to assume that the composition and features of water have changed not as a result of economic activity or household use, but under the influence of a natural cataclysm, it appears that this definition of water pollution cannot be applied to such a case.

Especially, from the mentioned para. 1.4 it is unclear which aquatic area of the water facility is in question, although the pollution should be understood as the state of water in the officially established place of its use, in which there is a deviation from the norm in the direction of increasing the content of certain standardized components.

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116 Resolution of the President of Uzbekistan of 18.04.2017 No. PP-2899 «On the organization of the activity of the State Inspectorate on control over use of drinking water under the Cabinet of Ministers of the Republic of Uzbekistan»;

Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 09.08.2017. No. 2910 «On approval of the provisions on the Ministry of Emergency Situations of the Republic of Uzbekistan, the Center for Hydrometeorological Service under the Ministry of Emergency Situations of the Republic of Uzbekistan and the State Inspection for Control and Supervision over the Technical Condition and Safety of Large and Especially Important Water Facilities under the Ministry of Emergency Situations of the Republic of Uzbekistan»;

Decree of the President of the Republic of Uzbekistan of 04.10.2017. No. PP-3273 «On measures to provide the population of Namangan and the Pap District of the Namangan region with quality drinking water and sanitation services»

Decree of the President of the Republic of Uzbekistan of 18.04.2017. No. UP-5018 «On the Formation of the State Inspectorate on control over use of drinking water under the Cabinet of Ministers of the Republic of Uzbekistan»

Therefore, in order to avoid ambiguous interpretation of terminology in law-enforcement practice, it is vital to reveal the content and meaning of the indicated terms in Art. 2-1 of the Law on Water.

Particular attention should be paid to issues of compliance of drinking water quality with the necessary hygienic requirements and standards.

Guided by constitutional provisions on the right of citizens to life and health, first of all, it is necessary to put in place relevant national standards and technical regulations in the sphere of providing the population with the necessary quantity of drinking water of normative quality.

It is vital to expedite the adoption of a technical standard on sanitary and epidemiological safety to drinking water intended for human consumption, in accordance with the established procedure.

It is necessary to improve the normative base on the criterion of the physiological usefulness of water, especially with regard to bottled drinking water and further study of the mechanisms of interaction of chemical, physical and biological factors as one of the scientific and methodological foundations for the integrated regulation of drinking-water quality.

So far, only one standard can be named as sanitary-epidemiological requirements for the organization of catering for students in general education schools, institutions of secondary specialized vocational education (SanNR RUz 0288-10, approved by the Chief State Sanitary Doctor on 02.11.2010), where there is a notion of drinking water packaged in bottles: «Bottled water supplied to educational institutions must have documents confirming its origin, quality and safety.»

In the process of improving legislation, special attention should be paid to the issues of standardization and certification in the field of providing the population with the necessary quantity of drinking water of an appropriate normative quality.

It is necessary to ensure compliance with the provisions of the Law on Water, the Law «On Environmental Control»<sup>117</sup> and the Law «On Technical Regulation»<sup>118</sup> with the purposes of introducing sanitary-epidemiological safety requirements

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117 Law of December 27, 2013 No. ZRU-363 «On Environmental Control,» Gazette of the Chambers of the Oliy Majlis of the Republic of Uzbekistan, 2013, No. 12, Art. 352

118 Law of the Republic of Uzbekistan of 23 April 2009 No. ZRU-213 «On technical regulation» Adopted by the Legislative Chamber on November 11, 2008, approved by the Senate on March 27, 2009. Collection of Legislation of the Republic of Uzbekistan», 2009, No.17, Art. 21

for water intended for regular human consumption, especially with regard to national standards for bottled drinking water.

As for drinking quality of ground waters, in general, the water legislation does not allow the use of underground water of drinking quality for needs not related to drinking and domestic water supply. However, in areas where there are no necessary surface water sources and there are sufficient reserves of groundwater of drinking quality, nature protection, geology and mineral resources authorities can authorize the use of such waters for purposes not related to drinking and domestic water supply (Art. 43 of the Law on Water). The latest regulations (2017) on streamlining activities in the field of groundwater use establish strict rules for their use, restoration and control over their use. The Resolution of the Cabinet of Ministers of 27.06.2017 introduces a number of significant changes to the Regulation on the procedure for issuing permits for special water use and water consumption, and also enhances control over the use of groundwater<sup>119</sup>.

At the same time, the law made exceptions for water facilities classified as prescribed in the established order and which should be used primarily for medical and spa purposes. In exceptional cases, the agencies of agriculture, water management and nature protection, in agreement with the relevant authorized bodies, have the right to authorize the use of such water facilities for other purposes (Art. 44 of the Law on Water).

The use of water bodies for discharge of industrial, communal, household, drainage and other wastewater can be carried out in accordance with the legislation and with the permission of the agencies on nature protection, agriculture and water management after coordination with the authorities of state sanitary supervision, to oversee the safe workflow in industry, mining and public utilities, geology and mineral resources.

The procedure for the development and design of the draft standards for maximum permissible discharges of pollutants into water facilities and on the terrain is carried out considering the technically achievable indicators of wastewater treatment.

Although in Art. 45 of the Law on Water, there is a ban on the discharge of sewage into water facilities classified as medical, this requirement is violated by other regulatory enactments.

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119 Decree of the President of the Republic of Uzbekistan of 04.05.2017 No. PP-2954 «On measures to streamline monitoring and accounting for the rational use of groundwater resources for 2017-2021», Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 27.06.2017. No. 430 «On measures to further streamline activities in the use of groundwater»

In particular, para. 49 of the above mentioned Regulation on water protection zones of reservoirs and other water facilities, rivers and main canals, collectors, as well as sources of drinking and domestic water supply, medical and cultural and recreational purposes, among the prohibitions on water protection zones of reservoirs and other water facilities, rivers and sairs, main channels and collectors, there is a discharge of only untreated industrial and domestic wastewater.

In this case, it must be assumed that this act is not directly banned, and therefore the discharge of other types of wastewater, such as agricultural, storm water, drainage, etc., is permitted.

Undoubtedly this issue is subject to further analysis with a view to changing the norms of the law that do not conform with the international principles of water legislation.

Despite the existence of a large number of sanitary-hygienic norms and rules, according to which the legal regulation of the issues related to the provision of clean drinking water is carried out, many issues require more specific regulation. It should be noted that in 2017 a number of normative and legal acts were adopted to address these issues. Special measures are taken, including by regions of the Republic to solve the problems of providing the population with clean drinking water.

With order to improve the situation in the country, the government undertakes certain measures, develops activities aimed at improving drinking water supply and rational use of water resources, as well as projects on improving drinking water supply with the involvement of various international organizations and funds.

Due to such investments in the water sector of Uzbekistan, major projects have been implemented to restore irrigation and drainage systems, to re-equip pumping stations, water facilities and others, which are of great importance in the implementation of the activities to ensure access of the population to clean drinking water.



## CONCLUSIONS



1. In general, the norms of legislation regulating public relations in the sphere of providing the population with drinking water are extremely ramified, often bearing a referential character.

Therefore, the regulation of the use of water facilities for drinking, domestic and other needs of the population is to a large extent carried out at the level of state standards and by-laws that establish sanitary and hygienic requirements.

In Uzbekistan due to the rather high complexity of legal regulations of relations in the water sector, it is necessary to develop a draft Law on «Drinking Water and Water Supply», which regulates drinking water supply in accordance with international standards.



2. The legal nature of the sanitary-hygienic rules that have been established in relation to drinking and bottled water, basically represents the requirements for the quality of the waters of centralized drinking water supply systems, the protection of surface and groundwater from pollution.

It is necessary to study the issues of improving the regulatory base on the criteria of physiological water usefulness, first of all with regard to bottled drinking water, standardization and certification in the system of providing the population with the necessary quantity of drinking water of normative quality, taking into account the provisions of the Law on Water, the Laws «On Environmental Control» and «On technical regulation».



3. The content of subordinate normative-legal acts on the considered issues should reflect the priority tasks of rationing and quality control of drinking water, developed in accordance with the current achievements of medical science, and also consider the adoption of a technical standard on sanitary-epidemiological safety to drinking water intended for human consumption.



4. The adoption of a codified legislative act, or the introduction of appropriate amendments to the water legislation governing the legal relationship in the field of drinking water supply, will guide the norms of water legislation towards modern international standards.



5. It is necessary to eliminate existing gaps and contradictions in the legislation on the issues of ensuring the effectiveness of public environmental control, including those that are contrary to the principles of the EU Water Framework Directive on mandatory participation of the general public in the discussion and resolution of water issues.



## CHAPTER 8

### Production works on water facilities and in water protection areas

Issues related to the production of works on water facilities, water protection zones, coastal strips and sanitary protection zones for water facilities are regulated by the Law on Water, «On Nature Protection»<sup>120</sup>, «On Protected Natural Territories»<sup>121</sup>, «On Subsoil»<sup>122</sup>, «On the Protection and Use of Wildlife»<sup>123</sup>, «On Forest»<sup>124</sup>, Regulations on water protection zones of reservoirs and other water facilities, rivers, main canals and collectors, as well as sources of drinking and domestic water supply, medical, cultural and recreational purposes in the Republic of Uzbekistan<sup>125</sup> (Hereinafter referred to as the «Regulations on Water Protection Zones»), the Regulations on the procedure and conditions for granting the right to use subsoil blocks<sup>126</sup>, the Urban Development Code, and the Land Code<sup>127</sup>. Decree of the President of the Republic of Uzbekistan of 25.09.2017<sup>128</sup>.

120 Law of the Republic of Uzbekistan from 09.12.1992 N 754-XII «On Nature Protection», Gazette of the Supreme Council of the Republic of Uzbekistan, 1993, No.1, art. 38

121 Law of the Republic of Uzbekistan of 03.12.2004 N 710-II «On Protected Natural Territories» was enacted by the Decree of the Oliy Majlis of the Republic of Uzbekistan of 03.12.2004 N 711-II. Gazette of the Oliy Majlis of the Republic of Uzbekistan, 2005, No. 1, Art. 14

122 Law of the Republic of Uzbekistan of 23.09.1994. 2018-XII «On Subsoil». Approved by the Law of the Republic of Uzbekistan of 13.12.2002 No. 444-II Collection of Legislation of the Republic of Uzbekistan «, 2003, No. 1-2, Art. 1

123 Law of the Republic of Uzbekistan No. 545-I of 26.12.1997 «On the Protection and Use of Wildlife» Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 1998, No. 1, Art 14

124 Law of the Republic of Uzbekistan of 15.04.1999 No. 770-I «On the Forest» // Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 1999, No. 5, Art. 122

125 Regulations «On water protection zones of reservoirs and other water facilities, rivers, main channels and collectors, as well as sources of drinking and domestic water supply, medical, cultural and health purposes in the Republic of Uzbekistan», approved by Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 07.04.1992 No. 174

126 Regulations on the procedure and conditions for granting the right to use subsoil plots Approved by the Decree of the President of the Republic of Uzbekistan of 07.06.2007 No. PD-649 «Collection of Legislation of the Republic of Uzbekistan», 2007, No. 24, Art. 247

127 Land Code of the Republic of Uzbekistan (Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 1998, No. 5-6, Art. 82; 2003, No. 9-10, Art. 149; Collection of Legislation of the Republic of Uzbekistan, 2004, No. 25, Art. 287, No. 51, Art. 514, 2007, No. 52, Art. 533, 2009, No. 3, Art. 9, No. 52, Art. 555, 2011, No. 1-2, art. 1, 2014, No. 4, Art. 45, No. 36, Art. 452, 2015, No. 33, Art. 439)

128 Decree of the President of the Republic of Uzbekistan of 25.09.2017. No. PP-3286 «On measures to further improve the protection of water bodies».

According to Art. 17 of the Law on Water the procedure for the production of work on water facilities, water protection zones, coastal strips and zones for the sanitary protection of water facilities, construction, repair, restoration, dredging and blasting operations, extraction of minerals and aquatic plants, laying cables, pipelines and other communications, logging, drilling, agricultural and other work on water facilities, water protection zones, coastal strips and zones of sanitary protection of water facilities, in zones of groundwater formation, guides on the state of waters and water facilities, are held in accordance with the law. And the proceedings that influence the state of water and water facilities are carried out in accordance with the requirements of the Law on Water on the basis of scientifically substantiated norms and regulations, taking into account the interests of rural and aquatic, energy, fisheries, forestry, household and communal services. As can be observed from its content, current article has a referential character.

The concept of water protection zones, coastal strips, zones of sanitary protection of water facilities is given in Art. 40 of the Law «On Protected Natural Territories».

Water protection zones are safeguarded natural areas adjacent to river beds, lakes, reservoirs, channels, collectors and other water bodies.<sup>129</sup> These zones are formed in order to prevent pollution, contamination, depletion and siltation of water facilities by soil erosion products, as well as to maintain a favorable water regime. Coastal bands are protected natural areas within the water protection zone with a strict regime.

Areas of sanitary protection of water facilities are protected natural areas with a strict regime, adjacent to water facilities used for drinking, domestic, medical and health needs.

Water protection zones, coastal strips, sanitary protection zones of water facilities and surface-groundwater formation zones are made by decisions of the Cabinet of Ministers and local authorities on presentation of environmental protection, agriculture and water management agencies, sanitary supervision, and geological organizations respectively.

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129 Water body- natural (streams, sais, rivers, etc.) and artificial (open and closed channels, collector-drainage networks), natural (lakes, seas, underground aquifers) and artificial (reservoirs, mudflows, ponds, etc.), as well as springs and other objects in which water is constantly or temporarily concentrated and there are characteristic forms and signs of the water regime (paragraphs ninth, fifteenth of Art. 2-1 of the Law «On Water and Water Use»)



This issue is also not ignored in the Land Code (part2, Art.77), which stipulates that water protection zones and coastal strips are established along the banks of rivers, main channels and collectors, reservoirs and other water facilities, as well as sources of drinking and domestic water supply, medical, cultural and recreational needs of the population in the order determined by the legislation. In addition, in part 3 of the same article, it is noted that coastal strips of rivers, main channels, collectors, reservoirs and other water facilities can be seized from landowners and land users for environmental needs.

A similar circumstance was reflected in the Law on Water, in part 3 Art. 49, which states that coastal strips of water facilities, I and II zones of sanitary protection of water intake of groundwater for domestic drinking purposes can be seized from landowners and land users for environmental needs.

At the same time, according to para 8 of the Regulations on Water Protection Zones, decisions of the Councils of People's Deputies may seize and transfer water protection zones to enterprises, institutions, organizations by belonging to these facilities in order to provide environmental and other activities necessary for their normal operation.

The first zones (districts) of the sanitary protection of water supply sources and mineral waters, together with land plots for the construction of water intake and other structures, are provided in due course for use by enterprises, institutions and organizations exploiting these facilities.

The lands, included in the water protection zone, with the exception of coastal stripes of rivers, reservoirs and other water facilities, main channels and collectors, hydroelectric facilities, pump stations and the first zones (districts) of sanitary protection of water supply and mineral water sources, from land ownership and land use of agricultural cooperatives (Shirkats) and other enterprises, institutions and organizations, as well as citizens, are not seized but utilized in compliance with the requirements of this Regulation.

The purpose of creating water protection zones, coastal strips and zones of sanitary protection of water facilities is discussed in Art. 100 of the Law on Water, which states that water protection zones and coastal strips of water facilities are established in accordance with the legislation in order to warn and prevent pollution, debris, depletion and siltation of water facilities by soil erosion products, and to maintain a favorable water regime, create normal conditions for operation and carrying out of repair-restoration works. In this article, the concepts of «favorable water regime» and «creating normal conditions for operating and carrying out repair and restoration works» are not revealed.

Zones of sanitary protection of water facilities are also established in accordance with the legislation with a view to water protection utilized for drinking, domestic and medical-health needs of the population. Great importance in this context is the Decree of the Cabinet of Ministers of the Republic of Uzbekistan of 09.08.2017, which establishes additional measures to control and supervise water bodies<sup>130</sup>.

Based on the destination, location and technical parameters of water bodies in water protection zones, coastal strips and zones of sanitary protection of water facilities, a special regime of economic activity is established.

The order and conditions of protection and use of water safeguarding zones, coastal strips and areas of sanitary protection of water facilities are established by the Cabinet of Ministers.

In order to ensure sanitary-epidemiological reliability, sanitary protection zones are established on all operating, designed and reconstructed water pipelines, including the sanitary protection zone of water supply resources in the place of water intake zones and sanitary-protective strips of water supply facilities and sanitary-protective strips of reservoirs. The zone of sanitary protection of surface and underground sources of water supply in the place of water abstraction should consist of three zones: first - strict regime; second and third - regime of restriction of economic activity.

The zone of sanitary protection of water supply facilities (pumping stations, water treatment stations, tanks) should consist of the boundaries of the first belt and the surrounding sanitary protection zone (guard zone). The most detailed procedure for establishing water protection zones and districts for the sanitary protection of water facilities, as well as the regime of economic activity in these zones for prevention of pollution, contamination and depletion of water resources is set out in the Regulations on Water Protection Zones.

In accordance with Art. 41 of the Law «On Protected Natural Territories»<sup>131</sup>, Limited economic activity is allowed within the water protection zones where activities such as cutting of trees and shrubs, the use of pesticides, the installation

130 Resolution of the Cabinet of Ministers of the Republic of Uzbekistan «On approval of the provisions on the Ministry of Emergency Situations of the Republic of Uzbekistan, the Center for Hydrometeorological Service under the Ministry of Emergency Situations of the Republic of Uzbekistan and the State Inspection for Control and Supervision over the

131 The Law of the Republic of Uzbekistan of 03.12.2004 No. 710-II «On Protected Natural Territories» enforced by the Resolution of the Oliy Majlis of the Republic of Uzbekistan of 03.12.2004 No. 711-II. Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 2005, No. 1, Art. 14

of sewage treatment structures and wastewater storage facilities, parking, fueling, washing and repair of vehicles, any type of construction, except for the construction of water facilities, the installation of boat docks outside designated locations and others are prohibited.

At the same time, changes in river beds, mining and other operations affecting the condition of water facilities are allowed only with the permission of environmental protection agencies, agriculture and water management, as well as geological organizations.

- In addition to the above, paragraph 49 of the Regulations on Water Protection Zones prohibits the application of fertilizers on snow cover, the utilization of un-cleared manure containing sewage as fertilizers, as well as the discharge of untreated industrial and domestic wastewater;
- the unregulated grazing, especially on gullies and ravines;
- the application of aviation agricultural and forestry treatments with pesticides at a distance of two kilometres from the normal retaining level of water, reservoirs and other water facilities.

At the same time, construction, dredging and blasting operations, mining of mineral resources and water plants, laying of cables, pipelines and other communication means, drilling, agricultural and other works on water protection zones of reservoirs and other water facilities, rivers and seas that affect the state of water should be carried out only with the permission of the regional government authorities, coordinated with the state agencies of nature protection and sanitary supervision, as well as by the water management agencies.

In paragraph 49 of the Regulations on Water Protection Zones<sup>132</sup> it is necessary to make changes in accordance with the amendments of the Law of 30.04.2013 № ZRU-352<sup>133</sup>, having submitted it in the following edition: «Construction, repair, restoration, dredging and blasting operations, mining of mineral resources and water plants, laying of cables, pipelines and other communications, cutting of wood, drilling, agricultural and other operations on water facilities, water protection zones, coastal strips and sanitary protection zones of water facilities, in groundwater formation zones, affecting the state of water and water facilities,

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<sup>132</sup> Regulation «On water protection zones of reservoirs and other water facilities, rivers, main channels and collectors, as well as sources of drinking and domestic water supply, medical and cultural and recreational purposes in the Republic of Uzbekistan» (approved by Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 07.04.1992 No. 174)

<sup>133</sup> Law of the Republic of Uzbekistan of 30.04.2013 No. ZRU-352 // Gazette of the Chambers of the Oliy Majlis of the Republic of Uzbekistan, 2013, No. 4, Art. 98

are carried out in accordance with the legislation».

In this context, it is necessary to be guided by the provisions established by the Resolution of the President of the Republic of Uzbekistan of 25.09.2017. No. PP-3286<sup>134</sup> where the following requirements are particularly emphasized:

- work on clearing river beds and strengthening their banks are carried out by specialized engineering and technical units to conduct bank protection, defensive and restoration work in the mudflow, flood and landslide areas of the Ministry of Emergency Situations of the Republic of Uzbekistan (hereinafter - the specialized detachments of the Ministry of Emergency Situations) and other organizations on the basis of decisions of the Governmental Commission for ensuring the safe passage of flood waters and mud flows, reducing threats of snow and landslide phenomena, formed by the Resolution of the President of the Republic of Uzbekistan of February 19, 2007, No. PP-585 (hereinafter - the Commission), solely to prevent the negative consequences of the inability to pass flood waters and mudflows;
- the decisions of the Commission on the work on clearing river beds and strengthening their banks are made on the basis of joint conclusions of the Ministry of Emergency Situations, the Ministry of Agriculture and Water Resources and the State Committee of the Republic of Uzbekistan on the Ecology and Environmental Protection based on the results of a survey of river beds and the assessment of safe flood protection water and mudflows;
- project documentation for the work on clearing riverbeds and strengthening their banks is subject to state environmental review carried out by the bodies of the State Committee of the Republic of Uzbekistan for Ecology and Environmental Protection in accordance with the procedure established by law;
- financing of works on clearing river beds and strengthening their banks is carried out in accordance with the decisions of the President of the Republic of Uzbekistan of February 19, 2007 No. PP-585 and of the Cabinet of Ministers of May 29, 2014 No. 135;
- the extraction of non-metallic minerals in river beds is carried out strictly in accordance with the license for the right to use subsoil plots containing non-metallic minerals, subject to the availability of approved reserves and exclusion of negative impacts on the water regime;

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<sup>134</sup> Decree of the President of the Republic of Uzbekistan of 25.09.2017. No. PP-3286 «On measures to further improve the protection of water bodies»



- the development of a deposit of non-metallic minerals is carried out in accordance with the system of development that ensures rational use of mineral resources and protection of the environment, coordinated with the State Inspection «Sanoatgeocontechnazorat», the State Committee for Ecology and Environmental Protection, the Ministry of Emergency Situations of the Republic of Uzbekistan.

The first zones of sanitary protection of water supply sources and mineral waters together with land plots for the construction of water intake and other structures are provided in due course for utilization by enterprises, institutions and organizations that operate these facilities.

As for mining issues<sup>135</sup> from the bottom of reservoirs, laying and exploitation of pipelines, communication and power lines, other communications, although they are not considered as water use, it is obvious that such actions have a significant impact on the condition of water facilities, their utilization for various needs are creating a threat of pollution or depletion of water facilities, and therefore need legal regulation. The actions themselves are not considered as water use, since they do not involve the use of natural water reserves. Yet, water use is often perceived as a co-factor for them.

Hence, relations that concern mining, laying and exploitation of communications have a mingled, combined nature, which is a mixture of water use, land use, subsoil use or other water facilities, which is why it is respectively specified in part 2 of Art. 17 of the Law on Water, which lists all farms whose interests are affected in the course of works affecting the state of water and water facilities, and in particular, indicates that these works are carried out in accordance with the requirements of this law on the basis of scientifically based norms and rules, taking into account the interests of agriculture, aquatic, energy, fisheries, forestry, household and communal services.

Due to the significant impact of mining, laying and operation of communications, drilling, construction, blasting and other operations on water facilities, the legislation stipulates that all this activity can be carried out only in coordination with the authorities regulating the use and protection of waters and other agencies in accordance with the legislation.

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<sup>135</sup> Extraction of minerals - a complex of works connected with the extraction of minerals from the depths to the surface, minerals - natural mineral formations of inorganic and organic nature in a solid, liquid or gaseous state, including industrial groundwater, brines and salt brine lakes (art. 2 of the Law on Subsoil).

In addition to the prohibitions established by Art. 99 of the Law on Water, Art. 17 determines that construction, repair, restoration, dredging and blasting operations, extraction of minerals and aquatic plants, laying of cables, pipelines, other communications and other works affecting the condition of water and water objects are carried out in accordance with the legislation.

This provision of the Law on Water in general terms establishes the duties of subsoil users and other users of water facilities for their protection and has a referential character. Therefore, these responsibilities should be detailed in the legislation on nature protection and other branches of law.

For example, logging is carried out in accordance with the rules of felling and forest care of the Republic of Uzbekistan<sup>136</sup>, developed in accordance with the laws «On Forests», «On Nature Protection» and other normative acts of the Republic.

Relations concerning the design, construction, commissioning and operation of various facilities are regulated by the Urban Development Code. The state control over observance of the requirements of the legislation is carried out at all stages of construction when approving the necessary documentation for the construction of permits. The same issues are also solved by the Decree of the President of the Republic of Uzbekistan of 25.09.2017. PP-3286<sup>137</sup> and the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 09.08.2017. No. 606<sup>138</sup>, which establish inspections to control and supervise the technical condition and safety of large and especially important water-economic facilities.

Thus, Art. 34 of the Law on the Protection and Use of Wildlife establishes that when locating, designing and constructing settlements, enterprises, structures and other facilities, improving existing and introducing new technological processes, introducing marshy and shrubbery areas in the economic circulation,

136 Rules of felling and forest care (Annex 2 to the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 22.11.1999 No. 506. Approved by Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 22.11.1999 No. 506 Collection of resolutions of the Government of the Republic of Uzbekistan, 1999, No. 11, Art. 68

137 Decree of the President of the Republic of Uzbekistan of 25.09.2017. No. PP-3286 «On measures to further improve the protection of water bodies»

138 Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 09.08.2017. No. 606 «On approval of the regulations on the Ministry of Emergency Situations of the Republic of Uzbekistan, the Center for Hydrometeorological Service under the Ministry of Emergency Situations of the Republic of Uzbekistan and the State Inspection for Control and Supervision over the Technical Condition and Safety of Large and Especially Important Water Facilities under the Ministry for Emergency Situations of the Republic of Uzbekistan»

land amelioration, implementation of forest use, geological exploration, extraction of minerals, identification of grazing and running of livestock, development of tourist routes and organization of places of mass recreation of the population activities for the conservation of the habitat and conditions for animal reproduction as well as the inviolability of areas of special value as wildlife habitat should be envisaged, implemented and ensured.

According to Art. 31 of the Law «On Subsoil», landowners and land users within the limits of the land plots granted to them have the right - without obtaining a license - to carry out the extraction of common mineral resources, the reserves of which are not accounted for by the state balance of mineral resources; and they have the right to construction of underground facilities for their own economic and domestic needs without the use of blasting, on the conditions established by law. Among a number of other duties of users of the subsurface, Art. 33 of this law provides for the implementation of measures to protect the environment, as well as bringing land and other natural objects disturbed by the use of subsoil, into a condition suitable for their further utilization.

Art. 32 of the Law «On the Protection and Use of Wildlife» for the protection of wildlife establishes that the rights of land, forest and water users and consumers of mineral resources may be limited, and they may be assigned appropriate duties in accordance with the procedure established by law.

Article 19 of the Law «On Nature Protection»<sup>139</sup> establishes conditions for the use of waters and reservoirs.

Surface, underground and sea water on the territory of the Republic of Uzbekistan is used on the condition that the necessary quantity of water is preserved within the natural circulation, ensuring its normative purity, preserving water flora and fauna, preventing pollution of reservoirs, maintaining their ecological balance and causing no damage to the reservoir as an element of the landscape.

In all of the above laws, there are no precise formulations and concepts (such as the implementation of measures to protect the environment, a condition suitable for their further utilization, the corresponding responsibilities, economical use, the necessary amount of water), and they also have a referential character.

It is also worth to note the improvement of this article by the legislator, who twice in 2009 and 2013, made significant amendments to it. First, the repair and restoration works were added to the list of operations specified in this

<sup>139</sup> Law of the Republic of Uzbekistan from 09.12.1992 N 754-XII «On Nature Protection», Gazette of the Supreme Council of the Republic of Uzbekistan, 1993, No. 1, Art. 38

article, which complicated the activities of WUAs having the relevant facilities within the water protection zones, obliging them to coordinate these works «with state authorities in the field, nature protection agencies, rural and aquatic management, agencies on geology and mineral resources and other authorities». In 2013, the duty to coordinate these works with the above-mentioned agencies was removed from the article and only a reference to the legislation was left.

The analysis of Chapter V of the Law on Water, which deals with the production of works on water facilities, in water protection zones, coastal zones and the ones for the sanitary protection of water facilities, showed that it has a rather small-scale character.

For instance, part one of Art. 17 of the Law on Water is very laconic, limited to the transfer of works on water facilities, water protection zones, coastal strips and zones of sanitary protection of water facilities, in groundwater formation zones affecting the state of water and water facilities that are produced in accordance with the law. At the same time, it does not specify the nature of the work and to which branch of law they refer to and by which they are regulated. Partly these problems are resolved by the Decree of the President of the Republic of Uzbekistan of 25.09.2017. No. PP-3286 «On measures to further improve the protection of water bodies», according to which state agencies are obliged to create permanently operating inter-departmental groups to identify and suppress violations of the order of clearing river beds and strengthen their banks, extract non-metallic minerals (hereinafter inter-departmental groups) and approve their type composition according to the application.

To establish that inter-departmental groups of the Republic of Karakalpakstan and provinces are formed by a joint decision of the General Prosecutor's Office, the Ministry of Internal Affairs, the National Security Service, and the Ministry for Emergency Situations, the Ministry of Agriculture and Water Resources and the State Committee of the Republic of Uzbekistan on Ecology and Environmental Protection. Inter-departmental groups of regions and cities and their territorial subdivisions are taking into account the location of water bodies. The activities of the interdepartmental groups are managed by the Prosecutor's office.





## CONCLUSIONS



The Law on Water should comprise

- a separate chapter where to provide a special order on the provision of land in water protection zones and control over their use;
- in chapter XXIV include articles more accurately and in detail regulating relations in the field of use and protection of water resources, water supply and its disposal, regulated by water and other legislation.



In the Urban Planning Code envisage certain provisions regulating, the procedure for construction, repair, rehabilitation works on water facilities, water protection zones, coastal strips, zones of sanitary protection of water bodies and in zones of groundwater formation.



To include in the Law «On Subsoil» a special chapter on the protection of water facilities while mineral resources are used, in which to entrust subsoil users in the geological study of subsurface resources, exploration and production of minerals, construction and operation of underground structures not connected with the extraction of minerals, to prevent pollution, clogging and depletion of water facilities.

Amend Paragraph 49 of the Regulations on Water Protection Zones by setting it in the following wording:



«Construction, repair, restoration, dredging and blasting operations, mining of mineral resources and aquatic plants, laying of cables, pipelines and other communications, cutting of wood, drilling, agricultural and other works on water facilities, water protection zones, coastal strips, sanitary protection zones of water facilities, in groundwater formation zones, that affect the state of water and water facilities, are carried out in accordance with the legislation».



## CHAPTER 9

### Utilization of water facilities for agricultural needs

The most important priority direction of deepening economic reforms in Uzbekistan is the structural transformation in the agricultural sector, taking into account the effective use of the available potential of irrigated agriculture and water resources. President of the Republic of Uzbekistan Sh.M. Mirziyoyev in the Strategy of Action noted that one of the priority directions of modernization and intensive development of agriculture is further improvement of the reclamation state of irrigated lands, development of a network of reclamation and irrigation facilities, widespread introduction of intensive methods into agricultural production, especially modern water- and resource-saving agricultural technologies and the use of high-performance agricultural machinery<sup>140</sup>.

Over 85% of Uzbekistan's water resources are used for agricultural needs and 97% of crop production is produced on irrigated land. However, a serious limiting factor in the development of irrigated agriculture is the low water availability. In the medium and long term perspective, one of the main and most expedient directions for the further development of irrigated agriculture in view of growing water shortages is the rational zonal specialization, the introduction of modern technical means, irrigation and drainage technologies, and the development and improvement of water legislation aimed at creating a favourable legal environment in the field of water use and water consumption based on the latest water-saving technologies.

According to the report of the Ministry of Economy of the Republic of Uzbekistan for 2016, in order to further improve the reclamation status of irrigated lands, develop a network of reclamation and irrigation facilities, to improve the safety of their operation and reliability of operation, to guarantee rational and careful use of water resources, within the framework of the State Program for Land Reclamation and Rational use of water resources in 2013-2017 during the year 2016, construction and reconstruction works of 856.3 km of reservoirs, 322.6 km of closed drainage network, drainage wells 233, 12 pumping stations, 357.4 km channels 70.8 km irrigation network and others improvements were done.

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140 The strategy of actions on five priority directions of development of the Republic of Uzbekistan in 2017-2021 to the Decree of the President of the Republic of Uzbekistan of 07.02.2017 No. UP-4947.

An analysis of the legislation on utilization of water facilities for the needs of agriculture evidenced the following:

- Articles 47-55 of the Law on Water contain governing relations on the use of water facilities for the needs of agriculture.
- Article 47 of the Law on Water defines the general objectives of water use and water consumption for the needs of agriculture on irrigated lands. Here too, the concepts of general and special water use, and limited water consumption are introduced.
- Article 48 of the Law on Water establishes the procedure for planning water use and water consumption, taking into consideration the annual actual water availability.
- Article 49 of the Law on Water is one of the main norms, since proceeding from the fact that agriculture in Uzbekistan is based on artificial irrigation, it defines general concepts and establishes common principles for water use and water consumption.
- In particular, it is noted that the peculiarity of irrigated lands is their arrangement with channels, complex engineering structures, and a melioration network.
- Vital point in this rule is the indication that the water fund lands, water management facilities and structures of operating water management organizations that are within the framework of irrigated lands are exploited as a single water management system, are state property and are not subject to privatization.
- Coastal strips of water facilities, I and II zones of sanitary protection of groundwater intake for domestic and drinking purposes can be seized from landowners and land users for environmental needs.
- The utilization of water facilities for the needs of irrigated agriculture is carried out in compliance with the established procedure for limited water use or water consumption.
- The water intake is allowed only at the registered points of the water outlet (water intake channel structure, well, pump station (unit) and other water intake facilities) equipped with water regulation and accounting devices, on a contractual basis.

These provisions have been developed in the adopted by-laws aimed at creating a unified water management system, equipped with channels, hydraulic structures and ameliorative network. Great attention was and is given to the creation of an effective water management system.

In order to improve the management of irrigation systems was adopted Resolution of the Cabinet of Ministers No. 320 of July 21, 2003, «On Improving the Organization of Water Management», adopted in pursuance of the Presidential Decree of March 24, 2003 «On the most important directions for deepening agricultural reforms».

In accordance with this resolution, in order to shift from the outdated administrative-territorial to the basin management principle of irrigation systems, the Cabinet of Ministers formed 10 basin administrations for irrigation systems and separate management of the main channel systems in the Ferghana Valley.

With a view of improving the organization of land reclamation works of the Cabinet of Ministers, the Resolution No. 92 of 07.03.2008 «On Measures to Establish and Organize the Activity of State Unitary Enterprises Specialized in the Performance of Reclamation and Other Water Management Activities» was adopted, according to which the organization of reclamation works by state-supported specialized enterprises was streamlined.

These provisions have been developed in the adopted by-laws aimed at the creation of a unified water management system, equipped with canals, hydraulic structures and reclamation network. Great attention was paid and is given to the creation of an effective water management system.

New in this list of normative legal acts is Decree of the President of the Republic of Uzbekistan of 04.08.2017. No. PP-3172 «On measures to further improve the organization of activities of the Ministry of Agriculture and Water Resources of the Republic of Uzbekistan», according to which a new organizational structure of the Ministry of Agriculture and Water Resources was approved and an instruction was given to the Cabinet of Ministers to approve new model provisions:

- Regulations on the Ministry of Agriculture and Water Resources of the Republic of Uzbekistan;
- A model provision on the management of rural and water management areas;
- A model provision on the departments of rural and water management of the districts;
- Model provision on basin management of irrigation systems;
- Model provision on management of irrigation systems;
- A standard provision on the departments of irrigation areas.



The Presidential decree has updated the list of organizations which are supposed to be members of main administrations and irrigation systems (see Appendix No. 7 to the resolution).

The Decree of the President of 19.04.2013 No. PP-1958 «On measures to further improve the ameliorative status of irrigated lands and the rational use of water resources for the period 2013-2017» approved a set of measures:

- to improve the reclamation state of irrigated land and ensure the rational use of water resources for the period 2013-2017,
- projected work parameters on ameliorative improvement of irrigated lands for the period 2013-2017, financed by the Fund of the Ameliorative Improvement of Irrigated Lands under the Ministry of Finance,
- the forecast parameters for the construction and reconstruction of irrigation facilities for the period 2013-2017, financed by centralized investments from the State budget,
- the forecast parameters for the repair and rehabilitation of the irrigation network for the period 2013-2017, carried out at the expense of WUAs and farmers' associations, and
- forecast parameters of the introduction of drip irrigation system for the period 2013-2017.

At the expense of credit and own funds of agricultural commodity producers, the structure of the Department for the Management of the Fund of the Ameliorative Improvement of Irrigated Lands under the Ministry of Finance was affirmed.

The Regulation on the order of water use is one of the key normative legal acts in the field of agricultural water use and water consumption, which specifies such basic concepts as «water use», «water user», «water consumption», «water consumer» and others.

Moreover, this regulation determines the types of water use and water consumption, water use facilities and sources of water consumption, water withdrawal limits and the procedure for its establishment, water use and water consumption planning, water use and water consumption agreements, water abstraction procedures, accounting and reporting for water use and water consumption, and their monitoring, termination of the right to water usage or consumption, responsibility for violation of the order of water use and water consumption, usage of funds derived from penalties.

The establishment in the regulation of the procedure for determining and applying water withdrawal limits for the needs of agriculture is quite crucial, in particular, it is determined that water withdrawal limits are set:

1. by the Ministry of Agriculture and Water Resources to the Basin Irrigation System Administrations, the management of trunk canals (systems) of interregional and transboundary importance, to individual enterprises and organizations exploiting large and especially important water, energy and municipal facilities, by sources, territories and sectors of the economy;
2. by Basin Irrigation System Administrations - to Irrigation Systems Administrations, as well as to other water users and water consumers - from the water facilities of regional (Republic of Karakalpakstan) or inter-district importance by sources, territories and sectors of the economy;
3. by Irrigation Systems Administrations - to WUAs, as well as to other water users and water consumers - from water facilities of regional importance by sources, territories and sectors of the economy;
4. by WUA - to farmers and dekhkan farms, self-government bodies of citizens and other water users located in their service area.

Water withdrawal limits are set bearing in mind the forecast and actual water availability of sources twice a year - for agricultural needs and once a year - for other needs and are mandatory for water users and water consumers.

Accounting of water withdrawn by farmers and dekhkan farms, as well as the population, with agricultural water consumption prior to equipping their respective water intake points with accounting means can be carried out in bulk, calculated and other ways, considering the actual irrigation areas, irrigation amount, crop irrigation regime, and etc.

Water withdrawal limits for agricultural needs are established during certain seasonal periods set by the above-mentioned regulations, water withdrawal limits for non-agricultural water users and water consumers are established once a year - annually before October 1.

The limits of water intake to non-agricultural water users and water consumers from groundwater are established once for the period of validity of the special permit.



The limits of water intake are approved by:

1. order of the Ministry of Agriculture and Water Resources on the basis of the recommendation of the Council on the Rational Use of Land and Water Resources, the development of irrigation and the improvement of soil fertility;
2. order of the Basin Irrigation System Administrations - based on the recommendation of the Water Management Board;
3. order of the Irrigation System Administrations - based on the recommendation of the Water Management Commission;
4. the protocol of the general meeting of WUAs - in consultation with the regional department of agriculture and water management.

The regulations establish rules for drafting and approval of water use and water consumption contracts, maintaining water intake records and monitoring it, as well as responsibility for violation of the established order of water use and water consumption.

The duties of water users and water consumers utilizing water resources for agricultural needs are established by Art. 27, 35, 50 and 50-1 of the Law on Water, and are more specifically defined by the Regulation «On the Procedure for Issuing a Permit for Special Water Use or Water Consumption», Art. 41 of the Law «On Protected Natural Territories», the Regulation «On water protection zones of reservoirs and other water facilities, rivers, trunk channels, reservoirs, sources of drinking and domestic water supply, medical, cultural and wellness facilities in the Republic of Uzbekistan», Resolution of the Cabinet of Ministers of 28.11.2008 N 261 «On measures to improve the formation and implementation of programs for ameliorative improvement of irrigated lands» and others.

The President of Uzbekistan adopted a number of decisions in the field of water use and water consumption aimed at improving reclamation state of lands, where the order of rational allocation of agricultural crops is determined taking into account the soil-climatic conditions of the regions, the meliorative state of soils and water supply<sup>141</sup>.

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141 Decree of the President of the Republic of Uzbekistan of 25.09.2017. No. PP-3286 «On measures to further improve the protection of water bodies»; Decree of the President of the Republic of Uzbekistan of 15.09.2017. No. PP-3281 «On measures for rational allocation of agricultural crops and forecasted volumes of agricultural production in 2018»; Decree of the President of the Republic of Uzbekistan on 20.04.2017. No. PP-2910 «On the program of integrated development and modernization of drinking water supply and sewerage systems for the years 2017-2021».

The government undertakes vigorous measures to switch to modern water-saving technologies for irrigation, to organize effective management of water use and water consumption<sup>142</sup>.

Thus the Resolution of the Cabinet of Ministers of June 21, 2013 No. 176 «On measures for the effective organization of implementation and financing of the drip irrigation system and other water-saving irrigation technologies» approved the following:

- Regulation on the introduction and financing of a drip irrigation system and other water-saving irrigation technologies,
- Regulation on the procedure for the issuance of loans by commercial banks to agricultural producers for the introduction of a drip irrigation system in the period 2013-2014 due to the credit line of the Fund for Reclamation of Irrigated Lands under the Ministry of Finance as a trial,
- Interdepartmental Coordinating Commission for the implementation of drip irrigation systems and other water-saving irrigation technologies.

Article 50 of the Law on Water establishes the duties of water users utilizing water facilities for agricultural needs. Water users utilizing water facilities for agricultural needs, except for the duties provided for in Art. 35 of the Law on Water, are obliged to:

- effectively manage water resources, prevent over-limit water withdrawal and misuse of water;
- organize the implementation of construction of new and reconstruction of existing water facilities, as well as complex reconstruction of irrigated lands in accordance with the established procedure;
- facilitate water users in improving irrigation methods and means by introducing water-saving technologies and advanced irrigation techniques;
- eliminate the causes and effects of negative processes based on monitoring of waters used for agriculture.

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142 This provision of the Law on Water has found its development in Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of June 21, 2013 No. 176 «On measures to effectively implement the introduction and financing of drip irrigation and other water-saving irrigation technologies», which approved the Regulations on the procedure for introducing and financing the system drip irrigation and other water-saving irrigation technologies.



Art. 50 of the Law on Water establishes the duties of water users, whereas Art. 50-1 defines the responsibilities of water consumers, according to which they are obliged to:

- maintain a favourable regime for irrigation of crops and plantations, as well as watering pastures;
- improve means and methods of irrigation by introducing water-saving technologies and advanced irrigation techniques;
- implement agro-technical measures that contribute to water saving;
- exercise ameliorative measures that promote the maintenance of soil fertility;
- prevent the discharge of water provided for irrigation into the collector-drainage network and other water facilities;
- participate in the construction, reconstruction, repair and restoration of water management facilities in accordance with the procedure established by law.

The Law on Water provides for the procedure for irrigation by sewage, which is authorized by environmental authorities in consultation with the agencies that carry out state sanitary and veterinary supervision.

Industrial, communal and other enterprises, institutions, organizations and citizens are prohibited from supplying irrigation of agricultural land with water that has a harmful effect on soil fertility and agricultural production (Art. 51 of the Water Law).

Art. 2 of the Law on Water states that the provisions of Art. 48, 50 and 51 also apply to irrigation of lands occupied by forests, forest strips and forest nurseries. Article 53 of the Law on Water establishes the procedure for irrigation of collective gardens, vineyards, vegetable gardens and backyard plots, according to which the provision of water to collective gardens, vineyards, vegetable gardens and backyard plots is carried out by WUAs based on the water consumption contract in accordance with the established procedure.

The allocation of water resources for the irrigation of vegetable gardens and backyard plots of citizens is provided within the limits of water intake of self-governing bodies of citizens established by WUAs. Self-governing bodies of citizens generalize the citizens' needs for water for irrigation of vegetable gardens and backyard plots, conclude agreements on water consumption and establish the order of water consumption between them, and also organize repair and restoration works on irrigation networks.

Quite vital is the prohibition of unauthorized regulation of water supply (Article 54 of the Law on Water), where water consumers are prohibited from arbitrarily adjusting hydraulic structures on water facilities in order to increase or decrease the water flow, as well as the installation of temporary bridges, pumping stations (units) and other water-lifting and water intake facilities without coordination with the WUAs and exploiting organizations of the water management in accordance with the established procedure.

Unauthorized water intake from unregistered points of water is prohibited.

Also, the passage of tractors, agricultural machinery, cars and other vehicles through water facilities and hydraulic structures, as well as running and watering cattle in places not intended for such purposes is prohibited (Art. 55 of the Law on Water).

Relations on water use and water consumption in agriculture are also regulated by the Land Code, according to which the landowner, land user, tenant and owner of the land plot have the right to:

- use common mineral resources available on the land, forests, water facilities, and also to exploit other useful land features for economic needs in accordance with the established procedure;
- to conduct irrigation and drainage of lands, agro-technical and other reclamation works;
- to receive water for irrigation of crops, plantations and other purposes from sources of irrigation in accordance with the limits.

The specified subjects should bear the following duties:

- rationally use the land in accordance with its intended purpose, increase soil fertility, apply environmental protection technologies, prevent the deterioration of the ecological situation in the territory as a result of its economic activities;
- maintain the existing irrigation and ameliorative networks, engineering communications in good working condition;
- restore – at their own expenses - agricultural and forest lands which were granted for the development of mineral deposits, construction and other works, after their use, into a condition suitable for agriculture, forestry or fisheries and other uses.

Article 44 of the Land Code specifies that irrigated lands include those suitable for agricultural use and irrigation, where there is a permanent or temporary irrigation network associated with the source of irrigation, whose water



resources ensure the irrigation of these lands.

Agriculture and water management agencies are obliged to provide landowners and land users with irrigated land, irrigation water in accordance with the established limits, taking into consideration the water availability of sources in the manner determined by the water legislation.

The concept of “especially valuable productive irrigated lands” (Art. 45), which are subject to special protection and their transfer to a non-irrigated land is not allowed.

The most valuable productive irrigated lands include irrigated farmlands with a cadastral estimate exceeding an average district grade by more than 20 percent. Ibid, Art. 77 defines the «water fund land» which establishes that the lands of the water fund are those occupied by water facilities (rivers, lakes, reservoirs, etc.), hydro technical and other water management facilities, water reservoirs and other water facilities granted in accordance with the established procedure to enterprises, institutions and organizations for the needs of the water sector.

On the banks of rivers, main channels, collectors, reservoirs and other water facilities, as well as sources of drinking and domestic water supply, medical, cultural, recreational needs of the population, water protection zones and coastal strips are established in the manner determined by legislation.

Coastal bands of rivers, main channels, collectors, reservoirs and other water facilities can be seized from landowners and land users for environmental needs. It is forbidden to conduct economic activities and construction works on the water fund lands, which have a negative impact on water facilities. The procedure for the use of water fund land is determined by legislation.

It should be noted that Art. 11 of the Law «On Dekhkan Farming» determines the basis for water consumption for dekhkan farms, which is carried out on the basis of water withdrawal limits from water facilities established by their WUAs in accordance with the established procedure.

The procedure for accounting for the water flow supplied to the dekhkan farm, and a tax payment for the utilization of water resources, as well as benefits for this tax are determined by legislation.

This definition is correlated with the Regulation on Water Use, as well as Section X «The Tax on the Use of Water Resources» of the Tax Code.

According to Art 257 of the Tax Code taxpayers for the use of water resources include legal entities, individual entrepreneurs, dekhkan farms with and without

formation of a legal entity. For dekhkan farms, the taxable base is determined by state tax service agencies, based on the average for the whole economy amount of water utilized for watering a hectare of irrigated land for the tax period. (Art. 260 of the Tax Code).

Art. 14 of the law «On farming» establishes the procedure for determining the water consumption limits, the procedure for accounting the water flow supplied to the farm and the tax payment for the use of water resources. According to Art. 16 of the Law «On farming» the farm undertakes to:

- use the land plot strictly in accordance with its intended purpose;
- not to cause damage to the land as a natural object;
- bear the costs of maintaining the land, sustaining and improving its fertility;
- comply with agro technical requirements, established regimes, encumbrances and easements.

The Decree of the President of Uzbekistan of 15.09.2017. is about the duty of state bodies and farms to ensure the rational allocation of agricultural crops based on the soil and climatic conditions of the regions and the meliorative condition of soils, the fertility of the land for their provision with water, etc.<sup>143</sup>

Art. 1 of the Law «On the Protection of Nature» establishes that relations in the field of nature protection are regulated along with land, forest, etc. and by water legislation; in Art. 2 the law determines that water is an object of nature protection; Art.19 defines the conditions for the utilization of waters and water facilities, namely that surface, groundwater and sea water in the territory of the Republic of Uzbekistan is used provided that the necessary amount of water is maintained in the natural circulation, its normative purity is retained, the water flora and fauna are preserved, prevention of water pollution, preservation of ecological balance in them and not causing harm to reservoirs as a landscape element. Local authorities, forestry and water management agencies are obliged to carry out reforestation and afforestation in the zones of formation of river flow, coastal strips of water facilities and ensure their safety.

According to Art. 4 of the Law «On Protected Natural Territories», establishes that safeguarded areas include land and (or) aqua space (water areas) that has priority ecological, scientific, cultural, aesthetic, recreational and sanitary value, completely or partially, permanently or temporarily is exempt from economic exploitation.

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143 Resolution of the President of the Republic of Uzbekistan of 15.09.2017. No. PP-3281 «On measures for rational allocation of agricultural crops and forecasted volumes of agricultural production in 2018».

In order to preserve, reproduce and restore natural objects and complexes in protected natural areas, a regime of utilization and protection is established.

Protected natural territories constitute a single ecological system designed to ensure biological, landscape diversity and maintain ecological balance. These provisions are correlated with Art. 2 of the Law «On Nature Protection» and Art. 67 of the Law on Water.

Sufficiently detailed, Art. 41 of the Law «On Protected Natural Territories» regulates the regimes of water protection zones, coastal strips, sanitary zones and zones of surface and groundwater formation.

Additionally, the Law determines that changes in river beds, mining operations and other operations affecting the condition of water facilities are allowed only with the permission of environmental authorities, agriculture and water management, as well as geological organizations.

When conducting inter-farm land management and planning of the territory of settlements, the change in the boundaries of water protection zones, coastal strips and zones for sanitary protection of water facilities should be coordinated with the agencies for nature protection, agriculture, water management and sanitary supervision.

The regime of water protection zones and coastal strips extends to the zones of formation of surface and groundwater, while the order and conditions for the protection and use of water protection zones, coastal strips, zones for the sanitary protection of water facilities and zones for the formation of surface and ground waters are established by the Resolution of the Cabinet of Ministers on 07.04.1992. No. 174 and also by the Decree of the President of the Republic of Uzbekistan of 25.09.2017. No. PP-3286 and the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 09.08.2017. No. 606<sup>144</sup>.

Article 40 of the Law on Water defines the territories adjacent to the riverbeds, lakes, reservoirs, channels, collectors and other water facilities as the protected natural areas, which is directly related to the organization of water use and water

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144 Decree of the President of the Republic of Uzbekistan of 25.09.2017. No. PP-3286 «On measures to further improve the protection of water bodies»; Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 09.08.2017. No. 606 «On approval of the regulations on the Ministry of Emergency Situations of the Republic of Uzbekistan, the Center for Hydrometeorological Service under the Ministry of Emergency Situations of the Republic of Uzbekistan and the State Inspection for Control and Supervision over the Technical Condition and Safety of Large and Especially Important Water Facilities under the Ministry for Emergency Situations of the Republic of Uzbekistan».

consumption for agricultural needs.

At the same time, Art. 41 of the Law prohibits the use of pesticides in water-protected zones, the cutting of tree and shrub plantations, the construction of pesticide and mineral fertilizer warehouses, cattle cemeteries, the placement of livestock and poultry complexes, and liquid manure for irrigation. Videlicet, the subjects of water use and water consumption for agricultural needs must comply with the requirements of environmental legislation.



## CONCLUSIONS



1. Analysis of the legislation of the Republic of Uzbekistan regulating the use of water facilities for agricultural needs demonstrated the following: In general, the water legislation regulates relations developing in the sphere of water use and water consumption for the agricultural needs in a particular way.

The main normative-legal act in this area is the Law on Water, chapter XIII of which is devoted to the establishment of regulations governing the use of water facilities for agriculture (Articles 47-55 of the Law on Water). Separate provisions in the field of water use and water consumption for agricultural needs are contained in Art. 35 of the Land Code, Laws «On Farming», «On Dekhkan Farming», «On Nature Protection», «On Protected Natural Territories» and the Tax Code and other legislative acts..

The provisions listed in these codes and laws have been developed in by-laws that specify the rules for water use and water consumption, the rights and obligations of subjects of legal water relations, management in the use of water facilities for agriculture, etc.



2. At the same time, it should be noted that the water legislation in the field of agriculture, and primarily on irrigated lands, does not constitute a single and well-developed system, as a result of which laws and bylaws do not adequately ensure the effectiveness of the implementation of measures taken to provide water to producers of agricultural products, since a non-systematic approach generates gaps in legal regulation. Additionally, the system of sustainable water supply in agriculture requires further development. Moreover, there is no commitment to water conservation in water use, and a more efficient mechanism for submitting and paying for water supply services has not yet been developed.

We believe that the reasons for this situation are:

- unsettled relations on stimulating agricultural producers to introduce modern water-saving irrigation technologies;

- normative legal acts in the sphere of ensuring the rights and interests of water users and water consumers not sufficiently developed and therefore not always effective;
- the legal provisions of methods for calculating payment by water consumers (farmers, dekhkan farms) for the use of water resources have not been developed;
- the process of development of irrigation and drainage systems, taking into account the range of regional natural conditions, has not been sufficiently regulated.



3. The Decree of the President of April 19, 2013 «On measures to further improve the ameliorative status of irrigated lands and rational use of water resources for the period 2013-2017» in this respect is a very important document; therefore, we believe that it is absolutely necessary to develop a normative-legal act that defines a similar strategy for the development of the hydro technical melioration for the next 20 years.



4. Since water supply is a service of universal importance, its implementation should be regulated by the application of legislation on natural monopolies and civil legislation.



5. It is necessary to strengthen the legal regulation of insurance in agriculture, including in the sphere of water use and water consumption for agriculture.



6. The procedure for the work on water facilities, water protection zones and strips should be included in the Law on Water, and the protection of water facilities from pollution and exhaustion, legally providing for specific measures to prevent, eliminate harmful consequences and increase responsibility for these violations.



7. In order to improve the regulation of water relations in the agricultural sector, we consider it necessary to develop and adopt a system-forming Water Code, or a special Law on Agricultural Water Use and Water Consumption.





## CHAPTER 10

### Usage of water facilities for industrial purposes and energy needs

Industrial water supply, that ensures the functioning of technological processes, is the leading direction of water use. Industrial water supply systems include hydraulic structures for the collection of technical water and its delivery to enterprises, as well as water treatment systems.

The volume of water consumption depends on the structure of industrial enterprises, the level of technology, and the measures taken on water saving. The most water-intensive industries are thermal power engineering, ferrous and non-ferrous metallurgy, machine building, petrochemical and woodworking industries.

Since most industrial facilities are concentrated in large cities, the combined industrial and municipal water supply systems have been given a priority improvement, which in turn leads to unjustifiably high expenses for industrial needs of potable water.

Industrial enterprises are one of the major sources of pollution of surface water, annually discharging a large amount of sewage<sup>145</sup>. Particularly, sewage waters of chemical, petrochemical, oil refining, pulp-paper and coal industries are diverse in their features and chemical composition.

When using water for industrial purposes, enterprises are obliged to take measures to reduce the discharge of sewage by improving the production technology and water supply schemes (the use of anhydrous processes, air cooling, recycling water supply, etc.). Discharge of sewage, leading to the pollution of water facilities in excess of the established norms is prohibited until the termination of the activities of factories or enterprises.

Chapter XIV of the Law on Water (Articles 56-59) establishes the duties of water users utilizing water facilities for industrial purposes and the needs of HP (heat & power) engineering, determines the cases (circumstances) of limiting the use of drinking water for industrial purposes, and the procedure for utilizing groundwater for technical water supply and other industrial purposes of using water facilities for hydropower needs.

<sup>145</sup> According to the National Report of the State Committee for Nature Protection on the state of the environment for 2008-2011, the main source of water pollution in Uzbekistan is irrigated agriculture (78%).

Water consumers using water facilities for industrial purposes and needs of HP, except for the duties provided for in Art. 35-1 of the Law on Water are obliged to envisage measures aimed at reduction of water consumption and termination of sewage discharge via improving the production technology, introduction of recycled and recurred water supply systems for the reutilization of water resources.

For newly designed and commissioned industrial facilities, direct water supply systems are prohibited, except for enterprises and other facilities that cannot be converted to recycled water supply under production terms.

For operating enterprises that do not have recycled water supply, ecology and environmental protection committee authorities, in agreement with the agricultural and water management authorities and others, establish the time limits for transferring to recycled water supply (Art. 56 of the Law on Water).

Related local state authorities in the event of a natural disaster, accident and in other exceptional circumstances, as well as in an excessive water withdrawal from an aqueduct, have the right to reduce or prohibit consumption for industrial purposes of potable water from communal utilities and temporarily restrict them from departmental drinking water pipelines in the interests of priority satisfaction of drinking/household needs of the population (Art. 57 of the Law on Water).

Fresh groundwater, referred to the «drinking» category, is prohibited from being utilized for technical production purposes, except those cases where there are not available surface water sources.

Underground waters (fresh, mineral, thermal), not referring to the category of drinking or medicinal waters, can be used for technical water supply, extraction of chemical elements contained in them, generation of heat energy and other production needs in the established order in compliance with the requirements of rational use and protection of water in the presence of approved operational reserves (Art. 58 of the Law on Water).

Utilization of water facilities for HP needs is carried out in agreement with the agricultural and water management authorities, taking into account the interests of other sectors of the economy, as well as complying with the requirements of integrated and rational water use, unless otherwise provided by the decision of the Cabinet of Ministers and, where appropriate, by decision of the agencies on agriculture, water management and nature protection.

Water facilities provided for HP needs are also utilized for other needs, depending on natural conditions, economic and other needs.

HP enterprises, except for the duties provided for in Art. 35 of the above-mentioned Law on Water are obliged to observe the operating mode of water facilities established by the exploitation rules, including the regime of filling and drawdown of reservoirs, discharges from them and water level fluctuations in the upper and lower tunnels; they are also obliged to provide sanitary and environmental releases (Art. 59 of the Law «On Water and Water Use»).

The State Inspectorate for Control and Supervision over the Technical Condition and Safety of Large and Especially Important Water Facilities under the Ministry of Emergency Situations of the Republic of Uzbekistan (hereinafter referred to as the State Inspection «Gosvodkhoznadzor») is a public administration body authorized to oversee the safety of hydraulic structures<sup>146</sup>.

The main tasks of the State Inspection «Gosvodkhoznadzor» are the implementation of state control and supervision over:

- reliability of the technical condition of operation and ensuring the safety of large and especially important water management facilities;
- design, construction, commissioning, operation, reconstruction, repair, conservation and liquidation of large and particularly important water management facilities, including the organization of project appraisal, quality control of construction, reconstruction, commissioning, conservation and liquidation;
- organization of reliable protection of large and especially important water management facilities.

To fulfill the tasks assigned to it, the State Inspectorate «Gosvodkhoznadzor» performs the following functions:

- develops in cooperation with relevant ministries and departments proposals for the prevention of accidents related to the technical state and safe operation of hydraulic structures of the I, II and III capital class (hereinafter - hydraulic structures);

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<sup>146</sup> Resolution of the Cabinet of Ministers of the Republic of Uzbekistan «On approval of the provisions on the Ministry of Emergency Situations of the Republic of Uzbekistan, the Center for Hydrometeorological Service under the Ministry of Emergency Situations of the Republic of Uzbekistan and the State Inspection for Control and Supervision over the Technical Condition and Safety of Large and Especially Important Water Facilities under the Ministry of Emergency Situations of the Republic of Uzbekistan» of August 9, 2017 No. 606.

- conducts in cooperation with interested ministries and departments an examination of the reliability of the technical condition and safe operation of hydraulic structures;
- participates together with the relevant ministries and departments of the republic in the settlement with neighboring states of the issues of exploitation of interstate and water management facilities close to state borders;
- participates in the work of interdepartmental and interstate commissions related to the reliability of the technical and safe state of hydraulic structures;
- maintains a cadaster of hydraulic structures;
- participates in drafting regulatory and legal acts in the field of safety of hydraulic structures;
- coordinates the use of the territories of hydraulic structures, riverbeds and adjacent areas below and above the dam (except for the provision of land in water protection zones) for economic or other activities;
- assists the authorized bodies in the organization of works on the establishment of water protection zones, coastal strips of river reservoirs, canals and collectors and monitors compliance with the requirements for these zones and strips.

Enterprises, institutions and organizations operating dams, dikes, culverts, water intake facilities, HP complexes and other structures in reservoirs are obliged to comply with the regime of filling and drawdown of water reservoirs established in accordance with the rules of exploitation and interests of water users, water consumers, landowners and land users, located in the influence zones of reservoirs.

Reservoirs are created to regulate surface runoff to satisfy water needs of various water users and water consumers. The regime of filling and drawdown of reservoirs, water level fluctuations, water passage through the hydrounit, unimpeded and safe transit of vessels, passage of fish to spawning grounds are determined by the rules for the exploitation of reservoirs. (Art. 78 of the Law on Water).

The order of extrapolation of reservoirs is determined by the rules approved by the Ministry of Agriculture and Water Resources for each reservoir, its system or cascade in with the State Committee on Ecology and Environmental Protection, the State Inspectorate for Supervision and Supervision over the Technical

Condition and Safety of Large and Especially Important Water Facilities under the Ministry of Emergency Situations of the Republic of Uzbekistan and other interested agencies (Art. 79 of the Law on Water).

The rules of technical operation of power stations and networks of the Republic of Uzbekistan, approved by the order of the head of Uzgosenergonadzor on 02.09.2004 No. 295, registered by the Ministry of Justice on 10.09.2004, No. 1405 established the procedure for accepting equipment and facilities in which the normative sanitary-domestic conditions and safety for workers, protection from pollution of water facilities and air, fire safety should be provided in the amount envisaged by the project for this launch complex.

The underwater part of all hydraulic structures (with embedded measuring and control equipment), as well as navigational and fish-passing devices should be made in the volume of the launch complex and adopted by the working commission prior to flooding. The final acceptance in full design volume should be made at acceptance in operation of a whole power object. The permit for flooding the pit and the overlapping of the riverbed (for hydroelectric power stations) is given by the acceptance commission.

At all energy enterprises, in order to improve the final work result, a specific water discharge for the hydropower supplied and the utilization rate of the watercourse should be ensured.

Complex trial of power station equipment is considered as carried out provided that normal and continuous operation of the main equipment within 72 hours on the main fuel with nominal load and design parameters of steam for gas turbine units for a thermal power station, pressure and water flow for a HP station provided in the launch complex and constant or alternate operation of all auxiliary equipment included in the launch complex is maintained.

The results of the activities of energy companies to increase fuel efficiency and improve fuel utilization should be estimated by the volume of fuel (water, electric energy) saved compared to the flow rate specified in the regulatory specifications, taking into account the actual operating conditions of the equipment.

At each power facility there should be the following documents: primary acts of testing of internal and external water supply systems, fire water supply, sewerage, gas supply, heat supply, heating and ventilation.

In the operation of power installations, measures to prevent or limit the harmful effects on the environment of emissions of pollutants into the atmosphere

and discharges into water facilities, industrial wastes located on the territory of energy enterprises, noise, vibration, electric and magnetic fields and other harmful physical impacts, should be taken and irreversible losses and volumes of water consumption be reduced.

The amount of pollutant emissions into the atmosphere should not exceed the norms of maximum permissible (limits), discharges of pollutants into water facilities - the maximum permissible discharges established for each facility and approved by the State Committee on Ecology and Environmental Protection.

Energy facilities are obliged to monitor and consider emissions and discharges, water volumes taken and discharged to water resources, waste storage sites, electric and magnetic fields in the sanitary protection zone of overhead lines, and acoustic influence in accordance with the current legislation.

Installations for cleaning and treatment of contaminated sewage should be accepted for utilization prior to the start of the pre-start cleaning of the HP equipment.

In the absence or inability to use permanent automatic devices (which every power station is supposed to be equipped with) direct periodic measurements and calculation methods should be used to control emissions of pollutants into the environment as well as the volumes of water taken and discharged.

Electrical networks must be equipped with instruments for measuring the strength of electric and magnetic fields.

Regulations on the procedure for investigating and recording technological irregularities in the operation of the unified electric power system, approved by the Resolution of the Cabinet of Ministers of 06.03.2014 No. 54, determined that accidents are considered to be the following technological violations:

- technological disruption of the operating mode of dust-gas cleaning or other equipment of the power station, which caused the release of harmful substances into the environment in an amount exceeding the daily limit of twice or more;
- damage to ash dump, accompanied by the discharge of ash and slag wastes into natural water facilities;
- technological disruption of the efficiency of hydroelectric station structures, leading to water discharge from the reservoir exceeding the maximum estimated throughput of hydraulic unit.

Organization and coordination of measures ensuring proper technical condition

and improvement of reservoirs, as well as control over observance of the rules for their exploitation are carried out by agriculture and water management agencies and by those responsible for monitoring and supervising the technical condition and safety of large and especially important water management facilities (Art. 80 Law on Water).

The provisions of Arts. 78, 79 and 80 of the Law on Water also apply to the exploitation of lakes and other water facilities used as reservoirs (Art. 81 of the Law on Water).




Hydraulic units and other hydraulic structures on rivers, sais, channels and collectors used by agriculture and water authorities are state-owned and operated in accordance with the established procedure.

Hydraulic engineering structures on the hydro-ameliorative network of WUAs, as well as other water users, including irrigation channels and collector-drainage networks, are operated by water users according to their ownership.

Agriculture and water management agencies may take for maintenance the irrigation and drainage network and its constructions on a contractual basis with WUAs along with other water users (Art. 82 of the Law on Water).

In the field of water use for industrial purposes and for energy, the most difficult to resolve are issues of legal regulation of ensuring the protection of water facilities from sewage pollution. The Law on Water establishes the duties of water consumers utilizing water facilities for industrial purposes and the needs of HP engineering (Articles 56-59), which include measures to reduce water consumption and terminate sewage discharge.

## CONCLUSIONS

-  Adopt a special regulatory act to improve the operation of reservoirs, waterworks and other facilities located on rivers, sairs, channels, reservoirs in order to protect water facilities from pollution by sewage.
-  Develop new standards for the level of admissibility of water pollution that comply with international standards based on sanitary standards and safe for public health.
-  Strengthen the material, administrative and criminal liability for violation of water use regulations by industrial enterprises and hydraulic engineering structures.





## CHAPTER 11

### Right to use water facilities for the purposes of aquaculture and hunting farms

According to Art. 2-1 of the Law on Water a water facility is perceived as natural (streams, sais, rivers, etc.) and artificial (open and closed channels, collector-drainage networks), natural (lakes, seas, underground aquifers) and artificial (reservoirs, mudflow tanks, ponds, etc.) as well as springs and other objects in which water is constantly or temporarily concentrated and there are characteristic forms and signs of the water regime.

Water facilities, in accordance with the requirements of Art. 21 of the Law on Water are granted to water users for utilization to satisfy their agricultural, drinking, medical and domestic needs, resort, recreational and other needs of the population, industrial, energy, transportation, aquaculture and other state or public needs, while complying with the requirements and conditions provided by legislation. Water facilities may be provided for utilization simultaneously for one or more purposes.

In Uzbekistan, the use of water resources for catching and breeding fish stocks is given special attention.

In accordance with the requirements of Art. 60 of the Law on Water the rights of water users may be limited in the interests of fisheries in particular areas of special importance or fishery reservoirs for the conservation and reproduction of valuable fish and other water crafts.

The list of such reservoirs or their areas and types of water use restrictions are determined by nature protection, agriculture and water management agencies and approved by the Cabinet of Ministers of the Republic of Uzbekistan.

Enterprises and organizations that are granted the right to use aquaculture reservoirs or fishing areas are obliged to provide conditions for the reproduction of fish stocks, to perform necessary reclamation works, and also to keep the shore areas in the locations of these enterprises and organizations in a proper sanitary condition.

The right to utilize water facilities for aquaculture and hunting needs is regulated by Chapter XV-XVI of the Law on Water, as well as by the Regulations on the procedure for the use of objects of wildlife and the passage of licensing

procedures in the field of use of wildlife<sup>147</sup>.

In Chapter V of the Regulation, «Hunting and Fishing», it is determined that hunting and fishing grounds are defined as grounds for amateur sports, commercial hunting and fishing. All water facilities (seas, rivers, lakes, reservoirs, channels and other water facilities) that are used or can be used for commercial production of aquatic animals and plants or are important for the reproduction of fish are considered aquaculture.

Hunting and aquaculture are divided into:

- state - owned by state organizations and intended for production and harvesting of hunting and fishing products;
- forest/hunting - state farms in which hunting activities are combined with forestry;
- sports/amateur - for carrying out sports/amateur hunting and fishing by individuals in order to satisfy personal needs, formed by public associations and other non-state structures (entities);
- private – hunting/ pisciculture farms, which are established in accordance with the current legislation.

The right to conduct hunting is granted to hunters by the authorized bodies: on the lands of the forest fund at their disposal, in the case of providing information to the nature protection agencies - the State Committee on Forestry.

Granting the right to conduct hunting activities (fixing hunting areas) is formalized by an agreement between the organization leading the hunting and fishing industry and the authorized body.

The contract is the main document, according to which the use of wildlife and the management of hunting facilities are carried out. The contract is concluded for up to 10 years.

Along with the above regulations, the relations on the use of water resources for hunting and fishing are regulated by the Rules of hunting and fishing in the territory of the Republic of Uzbekistan, approved by the Order of the Chairman of the State Committee on Ecology and Environmental Protection<sup>148</sup>.

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147 Approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan «On the regulation of the use of biological resources and on the procedure for passing permits for environmental management» of October 20, 2014 No. 290.

148 Approved by the Order of the Chairman of the State Committee for Nature Protection of the Republic of Uzbekistan of March 22, 2006 No. 27, registered by the Ministry of Justice of the Republic of Uzbekistan of May 2, 2006 No. 1569

The effect of these rules applies to all rivers with their tributaries and ducts, lakes, reservoirs and other aquaculture water facilities located on the territory of the Republic of Uzbekistan, regardless of departmental subordination, with the exception of reserves, fish hatcheries, pond farms, and are obligatory for execution by all physical and legal persons, regardless of their departmental subordination.

The regulations govern commercial fishing, aquatic invertebrate aquaculture, sports/amateur fishing, as well as breeding, scientific research and other activities related to fishing. Fishery in aquaculture water facilities is carried out by organizations and enterprises under contracts concluded in accordance with the established procedure.

Fishing organizations, enterprises and firms must have a properly issued permit to conduct commercial fishing. Reservoirs that are or can be used for commercial fishing, or are important for the reproduction of fish stocks are considered a fishery.

With the purpose of rational use of natural and artificial reservoirs in the conditions of development of the fish industry, Association “Uzbekbalikksanoat” was established in accordance with the Decree of the President of the Republic of Uzbekistan No. PP-2939 dated May 1, 2017<sup>149</sup>, which defined the following tasks for achieving this goal:

- ensuring effective interaction with relevant executive authorities in the field in the provision of land for the creation of reservoirs;
- strengthening the fodder base of the fishing industry by creating new and modernizing existing production facilities for the production of balanced and high protein fodder for fish.

Natural water reservoirs to fisheries will be provided on a lease basis in accordance with the Regulations on the procedure for providing fishing facilities with natural water reservoirs, commercial fishing, charging and levying rent for the use of natural reservoirs by fishing enterprises<sup>150</sup>.

According to Art. 18 of the Law «On the Protection and Use of Fauna» hunting is defined as searching, stalking and chasing for the purpose of catching, attempting to catch (shooting, capture) wild animals that live in a state of natural

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149 Decree of the President of the Republic of Uzbekistan «On measures to improve the management system of the fishing industry» of May 1, 2017 No. PP-2939.

150 Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 07.08.2017. No. 593 «On measures to provide the fishing farms with leases of natural water reservoirs and the establishment of the Fish Culture Development Fund»

freedom. Hunting is divided into the following types: commercial, amateur and sports.

Enterprises, institutions, organizations and groups that have the right for hunting management are required to carry out activities for the reproduction, protection of wild animals, and their habitats on lands assigned to them, and to provide an annual report on the work done to Gosbiokontrol of the State Committee on Ecology and Environmental Protection. According to paragraph 13 of the Rules of Hunting and Fishing, hunting related to the use of water facilities is prohibited in certain cases, in particular, hunting is forbidden closer than 1 km from cities and towns, closer than 300 metres from other settlements, and closer than 150 metres from roads with bus connection; one cannot catch wild animals in a forbidden hunting time; it is forbidden to hunt in places not indicated in the permit (forestry, hunting, reserve hunting fund), in prohibited places that are not hunting lands, in reserves, national and natural parks, in reserves and nurseries, etc.

In addition, it should be noted that the absence of strict rules for the protection of fish stocks in reservoirs leads to the emergence of irrational and ineffective approaches to their reduction. For each pond, rules should be introduced for the application of electric current, networks and toxicology to reduce the unproductive losses of fish progeny. The right to utilize water facilities must comply with the rules of rational fish breeding, which we do not have as such.



## CONCLUSIONS

- ✓ 1. Analysis of legislation regulating the use of water facilities for the hunting and aquaculture needs, demonstrated that relations in this area are largely settled.

If Articles 60-66 of the Law on Water determine the basic provisions for regulating relations for the use of water facilities for hunting and aquaculture needs, then such regulations in this area, the Regulation «On the procedure for the use, import and export of objects of wildlife outside the Republic of Uzbekistan and the conduct of the hunting and aquaculture» concretize and develop these provisions.

- ✓ 2. The development of the fishing industry remains one of the priorities of government policy, as evidenced by the Resolution of the Cabinet of Ministers of 6 May 2016 «On measures for the further development of the fishing industry in the Republic of Karakalpakstan», which identified the key measures for the establishment and operation of hatcheries and incubation factories based on natural large reservoirs, increase in fishing volumes and production of competitive fish products and semi-finished products in the Republic of Karakalpakstan.

- ✓ 3. The issues of the legal regulation of the use of water facilities for the needs of the hunting and aquaculture should include: the absence of a single center for organizing work on the provision of water facilities for hunting and aquaculture; absence of a normative-legal act providing for the establishment of procedures for utilizing fish protection devices at pumping stations and other water supply devices and aggregates.

- ✓ 4. We believe that it is necessary to adopt a normative-legal act that provides for the mandatory implementation of technical-ameliorative activities that contribute to increasing the fish productivity of water facilities, the creation of fish hatcheries on a systemic basis, and the stocking of water facilities throughout the territory of the Republic of Uzbekistan.



We consider relevant the development and implementation of water use systems aimed at increasing the productive capacity of aquatic ecosystems.

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## CHAPTER 12

### Usage of water facilities for sewage discharge

Fundamental water protection, environmental and sanitary-hygienic requirements to sources of sewage pollution are stipulated by the provisions of the Law on Water, the Law «On Nature Protection»<sup>151</sup>, the Law «On Protected Natural Territories»<sup>152</sup>, the Law «On Sanitary and Epidemiological Wellbeing of the Population»<sup>153</sup> and other normative-legal acts of water legislation. Legislation directly regulating the use of water facilities for sewage discharge is primarily represented in the form of articles of the Law on Water, which are mainly of a referential nature:

«The procedure and conditions for the use of water facilities for sewage discharge are established by law» (Art. 75 of the Law on Water);

«Discharge of sewage into water facilities is allowed only in cases, if it does not lead to an increase in the content of pollutants above the established norms and under the condition that wastewaters are treated by water users and water consumers to the limits established by the nature protection and sanitary supervision authorities» (Art. 74 of the Law on Water).

Earlier, Art 73 of the Law on Water established a list of agencies authorizing the use of water facilities for sewage discharge, but at present this legislative norm has lost its force<sup>154</sup>.

151 Law of the Republic of Uzbekistan of 09.12.1992, No. 754-XII «On environmental protection» Gazette of the Supreme Council of the Republic of Uzbekistan, 1993, No. 1, p. 38

152 Law of the Republic of Uzbekistan of 03.12.2004, No. 710-II «On protected natural territories», entered into force by the Resolution of the Oliy Majlis of the Republic of Uzbekistan of 03.12.2004. N 711-II. Gazette of the Oliy Majlis of the Republic of Uzbekistan, 2005, No. 1, p. 14

153 Law of the Republic of Uzbekistan of 26.08.2015, N ZRU-393 «On sanitary-epidemiological welfare of the population», adopted by the Legislative Chamber on July 15, 2015, approved by the Senate on August 6, 2015. Gazette of Chambers of the Oliy Majlis of the Republic of Uzbekistan, 2015, No. 8, p. 314

154 Art. 73 «Authorities permitting the use of water facilities for sewage discharge» (repealed in accordance with the Law of the Republic of Uzbekistan of 30.04.2013 No. ZRU-352): «Use of water facilities for dumping industrial, communal-household, drainage and other sewage can be carried out in accordance with the legislation and with permission of nature protection, agriculture and water management authorities in coordination with the state sanitary supervision, on supervision of geological study of subsoil, conducting safe activities in industry, mining and communal-household sector. The permit is issued on the basis of documents proving the necessity and possibility of using water facilities for sewage discharge.

In addition, the Law on Water included a number of articles regulating the issues of the prohibition of sewage utilisation:

- «The use of water facilities for wastewater discharge may be permitted only in cases and acting in compliance with special requirements and conditions envisaged by legislation» (Art. 21 of the Law on Water);
- «Discharge of sewage into water facilities classified as therapeutic is prohibited» (Art. 45 of the Law on Water);
- «Irrigation of agricultural land with sewage is authorized by environmental authorities in agreement with the agencies responsible for state sanitary and veterinary supervision. Industrial, municipal and other enterprises, institutions, organisations and citizens are prohibited from supplying water for irrigation of agricultural lands that has a harmful effect on soil fertility and agricultural production» (p. 51 of the Law on Water).

The listed norms to a certain extent duplicate the provisions of Art. 74-75 of the Law on Water, in which there are in turn references to the legislation regarding the use of water facilities for sewage discharge.

For example, the law obliges water users to «take measures to completely stop sewage discharge containing pollutants into water facilities» (Art. 35 of the Law on Water) however, it is not clear what measures should be taken by water users, by what means and possibilities this would be accomplished, the degree of contamination of the substances in question, how effectively the control would be carried out by the authorised entities for the timely adoption of such measures, etc.

Further, the duty established by the Law on Water for the creation of a favourable regime for diversion of collector-drainage and sewage waters deserves attention: «When installing, designing, building, reconstructing, repairing, restoring and commissioning enterprises, structures and other facilities, when introducing new technological processes that affect the condition of water and its facilities, rational use of water should be ensured following health protection requirements and priority satisfaction of drinking/ household needs of the population, as well as a favourable regime for diversion of collector-drainage and sewage» (Art. 11 of the Law on Water).

In view of the vagueness of the presentation of this rule, such questions as the concept of a «favourable» regime for diversion of sewage, who is its executor, how and by what sources it should be created, with whom these issues should be agreed remain open.



In general, the problems of sewage discharge into water facilities are regulated not so much by the norms of the Law on Water as by subordinate legislation, amongst which the following should be noted:

- Rules for the reception of industrial sewage and the procedure for calculating compensation payments for excessive discharges of pollutants into municipal sewer networks of cities and other settlements of the Republic of Uzbekistan<sup>155</sup> (Hereinafter referred to as «Wastewater Reception Rules»);
- Regulations on the procedure for issuing permits for special water use or water consumption<sup>156</sup>;
- Rules for the provision of water supply and sanitation services to consumers<sup>157</sup>;
- Regulations on the order of water use and water consumption in the Republic of Uzbekistan<sup>158</sup>;
- Regulations on the application of compensation payments for environmental pollution and waste disposal in the territory of the Republic of Uzbekistan<sup>159</sup>;

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155 “Rules of admission of industrial wastewaters and the procedure for calculating compensation for the excessive emissions of pollutants into the communal sewer network of cities and other settlements of the Republic of Uzbekistan” Approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 03.02.2010, No. 11 «On additional measures of improving the environmental protection activities in the system of communal household». Collection of the legislation of the Republic of Uzbekistan, 2010, No. 5, Art. 40

156 “Regulations on the procedure for issuing permits for special use of water or water consumption” Approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 14.06.2013, No. 171 «On approval of the procedure of issuing permits for special use of water or water consumption». Collection of the legislation of the Republic of Uzbekistan, 2010, No. 25, Art. 325

157 “Rules for providing services of water supply and wastewater to consumers” Approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 07.15.2014, No. 194 «On approval of the Rules of communal services» Collection of the legislation of the Republic of Uzbekistan, July 29, 2014, No. 30, Art. 368

158 Regulations on the procedure of water use and water consumption in the Republic of Uzbekistan Approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 19.03.2013, No. 82 «On approval of the Regulations on the procedure for water use and water consumption in the Republic of Uzbekistan». Collection of the legislation of the Republic of Uzbekistan, March 25, 2013, No. 12, Art. 155

159 “Regulations on the procedure of applying compensation for environmental pollution and waste disposal in the territory of the Republic of Uzbekistan” Approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 01.05.2003, No. 199 «On improving the system of payments for environmental pollution and waste disposal in the territory of the Republic of Uzbekistan»

- Regulations on water protection zones of reservoirs and other water facilities, rivers, main channels and collectors, as well as sources of drinking and domestic water supply, medical, cultural and recreational purposes in the Republic of Uzbekistan<sup>160</sup>;
- Regulations on the order of the equipment and operation of beaches, as well as the protection of public health in the water areas of the Republic of Uzbekistan<sup>161</sup>.
- Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 09.08.2017. No. 606 «On approval of the regulations on the Ministry of Emergency Situations of the Republic of Uzbekistan, the Center for Hydrometeorological Service at the Ministry of Emergency Situations of the Republic of Uzbekistan and the State Inspection for Control and Supervision over the Technical Condition and Safety of Large and Especially Important Water Facilities under the Ministry for Emergency Situations of the Republic of Uzbekistan».

The most detailed regulation of the issues of the integrated use of water facilities is carried out by sanitary rules and norms that are aimed at preventing and eliminating existing contamination of water facilities - Hygienic requirements for the protection of surface waters on the territory of the Republic of Uzbekistan<sup>162</sup>. This document regulates the issues of diversion of sewage and surface runoff of all categories to watercourses and reservoirs.

It should be noted that the aforementioned acts contain certain norms for the regulation of sewage discharge, but there are instances of duplication or repetition of the same provisions, and sometimes the norms of one act contradict the other.

For instance, paragraph 3.2 of the Hygienic Requirements for the Protection of Surface Waters on the territory of the Republic of Uzbekistan stipulates

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160 “Regulations on water protection areas of water reservoirs and other water facilities, rivers and main channels and collectors, as well as sources of drinking and household water supply, medical, cultural and recreational purposes in the Republic of Uzbekistan” Approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 07.04.1992, No. 174

161 “Regulations on the procedure of equipment and operation of beaches, as well as protection of public health in water areas of the Republic of Uzbekistan” Approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 20.05.2016, No. 164. Collection of the legislation of the Republic of Uzbekistan, May 30, 2016, No. 21, Art. 231

162 SanRN RUzb No. 0172-04 “Hygienic requirements for surface water protection in the territory of the Republic of Uzbekistan” Approved by the Chief state sanitary physician of the Republic of Uzbekistan 25.10.2004

that industrial, agricultural and municipal sewage discharges are not allowed, along with the organized discharge of storm sewage in populated areas. Simultaneously, in clause 4.1 of this document it is indicated that discharge of sewage into water facilities within the boundaries of populated areas is prohibited, but it can be permitted in exceptional cases with the appropriate technical and economic justification and in agreement with the territorial centres of sanitary-epidemiological supervision service.

Thus, within the framework of only one normative act, on the one hand, there is a direct prohibition on committing actions to discharge municipal sewage and in the other parties - such a discharge can be permitted in exceptional cases if there is appropriate agreement.

Moreover, paragraph 49 of the Regulations on water protection zones of reservoirs and other water facilities, rivers, main channels, and collectors, as well as sources of drinking and domestic water supply, medical, cultural and recreational purposes in the Republic of Uzbekistan, prohibits the discharge of only untreated industrial and economic - domestic sewage.

In this case, we must assume that this act permits the discharge, for example, of such types of sewage as agricultural, storm water, drainage, etc. The Law on Water clarifies only certain concepts of terms applied in the field of water use, although, as we understand, the conceptual apparatus should be fully contained in the norms of the basic law on water and water use.

Nevertheless, a significant part of legal concepts with respect to the applied terms is indicated in other regulatory legal acts; in particular, the concept of two types of sewage is specified in clause 3 of the above Wastewater Management Regulations:

Industrial sewage - all types of industrial wastewater generated during the production activity of legal and physical entities engaged in entrepreneurial activities without the formation of a legal entity, in the production of any goods or services;

Domestic sewage - all types of sewage, formed in the process of people's livelihood (cooking, toilet, laundry).

In none of the normative acts, including the Law on Water, the legal concept of the term «sewage» exists<sup>163</sup>.

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163 «Sewage — used or received from a contaminated area of water discharged in the manner prescribed by the legislation for re-use in water facilities or lowering the relief» (paragraph 87 of the Art. 5 of the draft Water Code of the Republic of Uzbekistan, developed by the Joint project of MAWR and UNDP «Plan of integrated management of water resources and water conservation for Zarafshan river basin», August 2013)

Thus, in spite of the reference norm of Art 75 of the Law on Water that the procedure and conditions for the use of water facilities for sewage discharge are established by law, generally, the issues of using water facilities for sewage discharge are reflected in the legislation in fragments.

This is insufficient to regulate this system in a complex way, namely from the point of view of utilizing water facilities for sewage. A striking example of this issue is the provisions of Council of Europe Directive 96/61 / EC of 01 January 2001 on integrated pollution prevention and control and Council Directive 91/271 / EEC of 01.01.01 on sewage treatment in cities<sup>164</sup>.

It is also appropriate enough to note that in accordance with Art. 3.1. the UNECE 1992 Convention on Transboundary Waters stipulates that in order to prevent, limit and reduce transboundary impact, the Parties shall develop, approve, implement appropriate legal, administrative, economic, financial and technical measures and, if possible, seek their compatibility to ensure the protection of transboundary waters from pollution, minimizing the risk of accidental pollution, etc. These issues should also be taken into account when changing the legislation on water.

The existing system for regulating the procedure for the sewage discharge functions in such a way that the fulfilment of water protection requirements is mandatory from the stage of choosing the location of the source of pollution already during its design and construction.

For sources of pollution, the maximum permissible exposure standard for a water facility that it is obliged to comply with is established, it is not allowed to discharge sewage that does not comply with the established standards and requirements.

When operating sources of pollution, technical measures should be taken to prevent pollution of water facilities, sewage purification and their reuse, transition to anhydrous technological processes, elimination of industrial and domestic waste dumps, from which pollution is washed off by surface and drainage runoff, etc.

Owners of pollution sources are charged with keeping records of discharged waters, analysing them, informing state authorities about emergency and emergency situations affecting the state of water and others.

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164 Article 10 of the EU Directive and Council 200/60 / EC, which establishes a framework for Community action on water policy, Luxembourg, 23 October 2000.

Payments for the discharge of sewage and pollutants into the natural environment include the principles of accounting for the requirements of economic efficiency, social justice and environmental standards, according to the Regulations on the Application of Compensation Payments for Pollution of the Environment and the Placement of Waste on the Territory of the Republic of Uzbekistan.

The requirements and conditions complying with which the discharge of wastewater into both surface and groundwater facilities are allowed are diverse, relate to various aspects of the activities of water users and, above all, are aimed at preventing pollution of water facilities.

First of all, it should be noted that the law contains a complete ban on the sewage discharge into water facilities, even if they are highly purified or diluted with clean fresh water.

For example, it is completely forbidden to discharge sewage into water facilities classified as therapeutic (Art. 45 of the Law on Water), it is not allowed to discharge sewage in the first zone of sanitary protection zones of sources of domestic and drinking water supply, within the first and second districts of the sanitary protection of resorts, in places of tourism, sports and mass recreation of the population (paragraph 3.2 of the Hygienic requirements for the protection of surface waters on the territory of the Republic of Uzbekistan).

Thus, the total prohibition of sewage discharge into water facilities is established only for individual water facilities and mainly for sanitary and hygienic reasons. Other wastewater treatment objects or their sites allow the discharge of sewage, subject to a number of requirements and conditions, for instance, discharge of sewage into the waters of protected natural areas is allowed in compliance with the requirements established by law (Art. 68 of the Law on Water).

Mutual relations on the reception of wastewater in the sewerage systems of settlements between water supply and sewerage enterprises and consumers are governed by the Regulations on the Order of Water Use and Water Consumption in the Republic of Uzbekistan and Hygienic Requirements for the Protection of Surface Waters in the Territory of the Republic of Uzbekistan.

Centralized systems of municipal water disposal are focused on reception and removal of domestic sewage from consumers and their purification.

The order of industrial sewage discharges by consumers into the system of municipal water disposal is regulated by the Rules for the provision of water supply and water disposal services to consumers, the Rules for the reception of industrial sewage and the procedure for calculating compensation payments for

excessive discharges of pollutants into municipal sewerage networks of cities and other settlements of the Republic of Uzbekistan, and a contract concluded between the organization of the water supply and sewerage system and the consumer. Despite the presence of these acts of legal regulation in this area, an analysis of the existing regulatory framework and the practice of relations in the sphere of sewage reception has made it possible to single out a range of unresolved issues that require detailed study bearing in mind the specific local conditions for sewage reception into the sewage systems of regional settlements.

In addition, it seems vital to regulate in more detail the issues of restriction, suspension or prohibition of industrial facilities that carry out water flow. In particular, Art. 74 of the Law on Water determines that in case of violation of the requirements for increasing the content of pollutants, the discharge of sewage should be limited, suspended or banned by the nature protection and sanitary supervision authorities until the termination of the activity of individual industrial installations, factories, enterprises, organizations, institutions.

However, the detailed legal regulation of such actions with regard to owners of industrial facilities is not provided for by legislation; therefore, a regulation on the procedure for suspension or termination of operation of industrial facilities with an increase in the content of pollutants in the process of wastewater discharge is required.

In such a normative act, it is necessary to state the rights and obligations of the authorized agencies for the implementation of such actions, the obligations of water users that violated the conditions and requirements of the current legislation on wastewater discharge, to provide for cases in which water surveillance authorities can perform functions to suspend installations, factories, enterprises, organizations, institutions in conjunction with the state sanitary and epidemiological supervision and possibly with the involvement of representatives of the internal affairs agencies.

It is necessary to develop methodological recommendations for monitoring the sewage and pollutants discharge into the sewerage systems of settlements, with a detailed description of the procedure for charging fees for such actions that is used for economic impact on the consumer in order to prevent disruption of sewerage system operation and pollution of water facilities.

Attention should be paid to the lack of a unified approach of scientists to the issue of discharging sewage from enterprises, organizations and institutions, and citizens when introducing amendments to the water legislation of the Republic of Uzbekistan.

Firstly, this issue is regarded as a phenomenon that must be restricted or prohibited by law; secondly, the discharge of sewage is considered an act to implement the rights of water users with all the ensuing legal consequences; and thirdly, it is recognized as one of the types of water use that differs from others only by the fact that here water facilities are utilized as objects of nature, serving for the removal of industrial and household wastes of society in them.

In our opinion, the discharge of sewage in the Republic of Uzbekistan must be considered a type of water use, in relation to which it is necessary to ensure appropriate legal regulation, that is, to adopt a separate normative act with detailed reflecting the conditions and requirements that ensure appropriate regulation aimed at preventing and eliminating pollution of water facilities as a result of sewage discharge.

One of the main directions of work on the protection of Uzbekistan's water resources as a result of wastewater discharge is the introduction of new technological processes, the transition to closed water supply cycles, in which treated wastewater is not discarded but repeatedly used in technological processes.

In addition, attention should be paid to strengthening control over the protection of water bodies and control measures established by the Decree of the President of Uzbekistan of 25.09.2017. PP-3286, which solves the problems of cleaning riverbeds and strengthening their banks<sup>165</sup>.

The state of water resources in the country requires not only the accelerated development of effective measures for the rational use of natural resources, but also the solution of urgent scientific and legal problems of the introduction of such new technologies as water purification biotechnologies of hydrolysis and other industries through the cultivation of algae, aquatic and wetland plants.

In order to protect reservoirs from sewage pollution, the problem of biological cleaning of sewage by using the ability of treatment constructions to utilize organic and inorganic impurities becomes very important.

In addition, the utilization of sewage for irrigation of agricultural crops in conditions of limited water resources in the Republic of Uzbekistan is a powerful reserve for the further development of agriculture and water management that creates conditions for water used in ameliorative, ecological and sanitary-epidemiological conditions.

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165 Decree of the President of the Republic of Uzbekistan of 25.09.2017. No. PP-3286 «On measures to further improve the protection of water bodies»

Experience shows that when irrigation with sewage increases yields of crops due to the presence of biogenic substances in their composition, and based on the results of long-term field experimental studies, high-yield, ecologically safe yields of alfalfa and corn were obtained in irrigation by sewage of cattle breeding complexes.

There is no doubt that all modern developments in the near future will require a review of the current legislation on the regulation of sewage discharge from the point of view of modern innovative research.

In this sense, the development and adoption of the bill «On water supply and sanitation (sewerage)» is a priority necessity<sup>166</sup>, where these issues will be presented at the proper level.

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<sup>166</sup> But at the same time, in the scientific community and among practitioners there is an opinion that this issue requires more extensive regulation than the law «On water supply and sanitation (sewerage)»





## CONCLUSIONS



1. Basically, the issues of using water management facilities for sewage discharge are reflected in the legislation in a fragmented manner, despite the reference rule of Art. 75 of the Law on Water that the procedure and conditions for the use of water facilities for sewage discharge are established by law.


In the legislation regulating sewage discharge, there are cases of duplication or repetition of the same provisions besides, sometimes the norms of one act contradict those of others. For example, within the framework of a single normative act, there may be a direct ban on actions to discharge municipal wastewater, and simultaneously permit the discharge in exceptional cases, subject to appropriate harmonization, while discharging certain types of sewage, such as agricultural, storm water, drainage, etc. are not mentioned at all in normative acts.




2. The Law on Water clarifies only certain concepts of terms used in the field of water use, although the conceptual apparatus should be fully contained in the norms of the main legislative act on water and water use. At the same time, in none of the normative acts, including the Law on Water, the legal concept of the term «sewage» is given, which must be explained in the legislation.




3. Despite the existence of acts of legal regulation in this area nevertheless, an analysis of the existing regulatory framework and the practice of relations in the sphere of sewage reception have made it possible to single out a range of unresolved issues requiring detailed study bearing in mind the specific local conditions for sewage disposal into sewage systems of regional settlements. In this regard, it is necessary to develop methodological recommendations on monitoring the sewage and pollutants discharge into the sewage systems of settlements, with a detailed description of the procedure for charging fees for the sewage and pollutants discharge into the sewerage systems of settlements that is used for economic impact on the consumer in order to prevent disruption of the sewerage system and pollution of water facilities.

-  4. It seems vital to regulate in more detail the issues of restriction, suspension or prohibition of industrial facilities that carry out sewage discharge. With regard to the owners of industrial facilities, the law does not provide for detailed legal regulation of water discharge operations, and therefore requires the development of a regulation governing the procedure for the suspension or termination of exploitation of industrial facilities with an increase of the content of pollutants in the process of sewage discharge.

In such a normative act it is necessary to state the rights and obligations of the authorized agencies for the implementation of such actions, the obligations of water users that violated the conditions and requirements of the current legislation on wastewater discharge, to provide for cases in which water surveillance authorities can perform functions to suspend installations, factories, enterprises, organizations, institutions in conjunction with the state sanitary and epidemiological supervision and possibly with the involvement of representatives of the internal affairs agencies.

-  5. The discharge of sewage in the Republic of Uzbekistan should be considered a type of water use, in relation to which it is necessary to ensure the appropriate legal regulation, that is to adopt a separate regulatory act detailing the conditions and requirements ensuring appropriate regulation aimed at preventing and eliminating pollution of water facilities as a result of a sewage discharge.

-  6. One of the main areas of work to protect Uzbekistan's water resources as a result of sewage discharge should be the introduction of new production processes, the transition to closed water supply cycles, in which treated wastewater is reused and not discarded.



## CHAPTER 13

### Termination of rights of water utilization and water consumption

The issues of termination of the right for water use and water consumption are regulated by Chapter X of the Law on Water, the laws «On Farming»<sup>167</sup>, «On Dekhkan Farming»<sup>168</sup>, the Regulations on Water Use, the Civil Code, the Land Code and other normative acts. According to Art 36 of the Law on Water, the following conditions give reasons for the termination of the right to water use or water consumption:

- passage of the need for water use, water consumption or refusal;
- expiration of water use or water consumption period;
- liquidation (termination of activities) of the enterprise, institution, organization, farmers' and dekhkan farms;
- transfer of water management facilities to other water users;
- need to withdraw water facilities from separate use.

The right of water use or water consumption (except for the right to use drinking-domestic water) can be terminated also in case of violation of the rules of water use or water consumption and protection of water or inappropriate water use or water consumption and over-limit water withdrawal, in case of non-payment of water use fees, water supply services and other provided water services.

Legislation may provide for other grounds for the termination of the right of water use or water consumption. This provision of the Law on Water leaves open a rather wide list of grounds for the termination of the right to water use or consumption, each of which can be interpreted broadly and not in favour of the water user.

When reviewing the norms of paragraph 56 of the Regulations on Water Use, it can be observed that they duplicate points 1-4 of Art. 36 of the Law on Water. And the other paragraphs (§§ 7-11) presume that the right of water use or water consumption - except for the right to use drinking water and domestic water - may be terminated in the following cases:

167 Law of the Republic of Uzbekistan «On Farming» / / Gazette of the Oliy Majlis of the Republic of Uzbekistan, 1998, No. 5-6, Art. 86; 2001, No. 1-2, Art. 23; № 5, Art. 89; 2004, No. 1-2, Art. 18

168 The Law of the Republic of Uzbekistan «On Dehkan Farming» // Gazette of the Supreme Council of the Republic of Uzbekistan, 1992, No. 10, Art. 403; Gazette of the Oliy Majlis of the Republic of Uzbekistan, 1997, No. 9, Art. 241

- violation of the rules of water use or water consumption and water protection (water use and water consumption without concluding an appropriate contract, withdrawal of water resources without filing an application and permission for water abstraction, withdrawal of water from unregistered places, use of technically inadequate water management and accounting devices, damage to water management constructions and appliances, violation of their exploitation rules, systemic disruption of the water withdrawal accounting, and reporting on water utilization and water consumption, discharge of sewage into water facilities in excess of the established norm and low quality, etc.);
- unauthorized water use or water consumption (utilization of water for purposes not specified in contracts for water use and water consumption, discharge of irrigation water into collector-drainage networks, non-compliance with agro technical methods of rational use of water resources, etc.);
- over-limit water intake (abstraction of water over the water withdrawal limit established in the contract for water consumption);
- in case of non-payment for services rendered for the delivery of water and other water management services envisaged in the contract for water use and water consumption.

Thus, the Regulation on the procedure for water use and water consumption, on the one hand, duplicates the provisions of the Law on Water and on the other hand, provides for other basics not provided for in the Water Law. This discrepancy should be eliminated.




The procedure for the termination of the right of water use or water consumption is provided for in Art. 37 of the Law on Water, according to which the right of water use or water consumption is wound up by:

- termination and cancellation of permission for special water use or water consumption;
- the seizure of water facilities granted for separate use.
- the termination of special water use or water consumption is carried out in accordance with the procedure established by legislation by decision of the authority that issued the permit for it, is regulated by the norms of the Civil Code and other normative- legal acts on water.



The seizure of water facilities from separate use is regulated by Art. 38 of the Law on Water, but similarly to part 2 of Art. 37, it is of a referential character and calls for the necessity to improve these legal norms.

## CONCLUSIONS

-  1. Art. 37-38 of the Law on Water, which establish the procedure for the termination of the right of water use and the issues of seizure of water facilities from separate use, are of a referential nature and necessitate the introduction of appropriate changes in them.
-  2. The law leaves open an extensive list of reasons for the termination of the right of water use or water consumption.
-  3. On the one hand, the Regulation on the procedure of water use and water consumption duplicates the provisions of the Law on Water, and on the other hand, provides for other baselines not envisaged in the Law on Water. This discrepancy should be eliminated.



## CHAPTER 14

### Protection of water and water facilities

The rules for the protection of water resources are contained in many legislative and other normative legal acts of the Republic of Uzbekistan.

The term «protection» implies in this case the totality of the legal measures for protecting water facilities from the negative impact of anthropogenic and natural factors, increasing their ecologically valuable features, as well as means of ensuring the legitimate interests of water users.

The main role in the protection of water resources is assumed by the state represented by relevant competent authorities, as stated in Art. 55 of the Constitution: «Land, its subsoil, water, flora and fauna and other natural resources are national wealth, subject to rational use and protected by the state.» Waters subject to legal protection are the ones that are owned by the state and constitute in total a single state water fund. All waters in the water legislation constitute a single state fund.

Art. 1 of the Law on Water lists the following among the main objectives of water legislation: «protection of water from pollution, contamination and depletion, prevention and elimination of harmful effects of water, improving the state of water facilities.» Water «pollution» is conceived as a change primarily in their chemical composition, which worsens the quality of surface and groundwater, i.e. the ingress of petroleum products, various soluble dyes, agrochemicals, etc. into the water.

The Water Act governs these regulations in Chapter XXIV establishing not only general, but also special requirements.

The main organizational legal instruments for ensuring the rational use and protection of water and contemporaneously the functions of public administration in this area are: all waters (water facilities) are subject to protection from pollution, debris and depletion, which can cause damage to the health of the population, and may lead to a decrease in fish stocks, deterioration in water supply conditions and other adverse events due to changes in the physical, chemical, biological properties of water, natural cleansing, violations of the hydrological and hydrogeological regime of waters (Art. 97 of the Law on Water).

Enterprises, organizations and institutions whose activities affect the state of water and water facilities are obliged to conduct technological, forest-ameliorating, agro-technical, hydro technical, and sanitary technical measures coordinated with local state authorities on nature protection, agriculture and water management, sanitary supervision and other interested agencies (Art. 98 of the Law on Water).

Enterprises, organizations, institutions and citizens are prohibited from:

- discharge of industrial, domestic and other types of waste and garbage into water facilities;
- polluting and clogging of water and water facilities due to loss of oils, wood, chemical, oil and other products;
- polluting and contaminating of the surface of spillways, ice cover, reservoirs and the surface of glaciers by industrial, domestic waste, debris and emissions, as well as oil and chemical products, the washing of which will result in deterioration of surface and groundwater quality;
- polluting water with fertilizers, pesticides and other harmful substances. (Art. 99 of the Law on Water).

Surface, underground and lake water on the territory of the Republic of Uzbekistan is used given that the necessary quantity of water in the natural circulation is preserved, ensuring its normative purity, preserving water flora and fauna, preventing pollution of reservoirs, maintaining ecological balance in them and not damaging the reservoir as an element of the landscape. Local authorities, forestry and water management agencies are obliged to carry out reforestation and afforestation in the zones of formation of river flow, coastal strips of water facilities and ensure their safety (Art. 19 of the Law «On Nature Protection»).

Local authorities, forestry and water management agencies are obliged to carry out reforestation and afforestation in the zones of formation of river flow, coastal strips of water facilities and ensure their safety. According to Art. 99 of the Law on Water, sewage discharges are allowed only if in compliance with the requirements of Arts. 74 and 75 of the Law on Water. The discharge of sewage into water facilities is allowed only with the observance of the requirements envisaged by the norms of the Water Law and only, if it does not lead to an increase in the content of pollutants in them above the established norms and under the condition of treatment of sewage by the water user and water consumer to the limits established by the environmental protection and sanitary authorities.



If these requirements are violated, sewage discharge should be limited, suspended or banned by the environmental protection and sanitary authorities until the termination of the activities of individual industrial installations, factories, enterprises, organizations and institutions. In circumstances that threaten the health of the population, sewage discharge should be suspended until the termination of operation of production and other facilities (Art. 74 of the Water Law), Decree of the President of Uzbekistan of 18.04.2017 UP-5018<sup>169</sup>.

The Rules for the reception of industrial waste and the procedure for calculating compensation payments for excessive discharges of pollutants into municipal sewerage networks of cities and other settlements of the Republic of Uzbekistan, approved by the Resolution of the Cabinet of Ministers No. 11 of 03.02.2010, establish unified rules for the reception of industrial wastewater and the procedure for calculating compensation payments for excessive discharges of pollutants into municipal sewer networks of cities and other settlements of the Republic of Uzbekistan. These rules apply:

- when issuing technical conditions for industrial wastewater discharge into the municipal sewage system of cities and other settlements;
- when developing projects of communal and environmental standards for existing, projected and reconstructed enterprises;
- territorial agencies of the State Committee on Ecology and Environmental Protection in recovering compensation payments from subscribers for excessive discharges of pollutants into communal sewer networks;
- when receiving and cleaning industrial wastewater discharged into the sewage system of cities and other settlements.

The rules are aimed at ensuring:

- protection of surface water from pollution by industrial and domestic wastewater;
- effective operation of treatment facilities and their exploitation safety due to the correct organization of reception of industrial wastewater in a network of municipal sewerage of cities and other settlements.

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169 Decree of the President of Uzbekistan of 18.04.2017. No. UP-5018 «On the formation of the State Inspectorate for the Control of the Use of Drinking Water under the Cabinet of Ministers of the Republic of Uzbekistan».

Hygienic requirements for the protection of surface waters on the territory of the Republic of Uzbekistan (SanRN RUz No. 0172-04), approved by the Chief State Sanitary Doctor on October 25, 2004, established that it is forbidden to discharge into water facilities:

- wastewater containing substances or products of transformation of substances in water for which the maximum permissible concentrations are not established, as well as substances for which analytical methods are not available;
- wastewater that can be eliminated through the organization of non-waste production, rational technology, maximum use in recycling and re-supply systems after appropriate treatment and disinfection in industry, urban management and irrigation in agriculture;
- uncleaned or insufficiently purified industrial, domestic sewage and surface runoff from the territory of industrial sites and populated areas;
- wastewaters, containing agents of infectious diseases of bacterial, viral and parasitic nature that are dangerous in epidemiological terms can be discharged into water facilities only after appropriate treatment and disinfection to the number of thermos tolerant coliform bacteria CFU / 100 ml <100, the number of total coliform bacteria CFU / 100 ml <500 and the number of coliforms of PFU/ 100 ml <10;
- wastewater containing extremely hazardous substances for which the standards are marked «absence».

The discharge of industrial, agricultural, municipal wastewater is not allowed, as well as the organised discharge of storm sewage:

- within the first zone of the zone of sanitary protection sources of household and drinking water supply;
- in settlements;
- within the first and second district zones of sanitary protection of resorts, in places of tourism, sports and mass recreation of the population;
- in water facilities containing natural medicinal resources;
- within the second zone of the zone of sanitary protection of the sources of household and drinking water supply, if the content of pollutants and microorganisms in them exceeds hygienic standards established by these sanitary rules.

The discharge, disposal and neutralization of wastewater containing radionuclides should be carried out in accordance with the radiation safety standards in force in the country.

It is not allowed to wash vehicles and other mechanisms in water facilities and on their shores, as well as carry out work that may lead to water pollution.

Leakage of oil product pipelines, oilfields, as well as dumping of garbage, untreated sewage, sludge, ballast water and leakage of other substances from floating means of water transport are not allowed.

Sewage, which is technically impossible to use in the systems of repeated, recycled water supply and industry, urban management, irrigation in agriculture and for other purposes, can be discharged to water facilities after treatment in accordance with the requirements of these sanitary rules for the sanitary protection of water facilities and in compliance with water quality standards in water utilization areas.

In order to protect the waters used for domestic and drinking water supply, medical, resort and recreational needs of the population, zones and districts for their sanitary protection are established. The size of their borders and the implementation of a set of necessary sanitary and hygienic measures in such zones and districts of sanitary protection are regulated by special legislation of the Republic of Uzbekistan.

Requirements for the conditions for the sewage disposal into surface water facilities are distributed:

- on existing issues of all types of industrial, livestock, domestic sewage and surface runoff from the territories of populated areas and production facilities;
- wastewater from stand-alone buildings, communal, medical and preventive, transport and other facilities, regardless of the type of ownership;
- industrial enterprises, mine waters, water-cooling discharge systems, hydro soldering, oil extraction, hydro dry works, waste and drainage water from agricultural fields, including those treated with pesticides, and other wastewater of any objects, regardless of their departmental affiliation;
- for all projected wastewater discharges of newly constructed, reconstructed and expandable enterprises, buildings and structures, as well as enterprises where the technology of production changes,

for all projected wastewater discharges of populated areas and separately standing objects, regardless of their departmental affiliation and type ownership.

Based on the calculations for each waste water outlet and each pollutant, the maximum permissible discharges (MPD) of substances into water facilities are established, compliance of which must ensure the normative water quality in the calculation line (SanRN No. 0088-99 «Sanitary requirements for the development and harmonization of projects are extremely permissible discharges of substances entering water facilities with wastewater»).

Sewage discharges into water facilities are carried out on the basis of permits for special water use, issued in accordance with the established procedure after the coordination of the conditions of diversion with the territorial centres of sanitary and epidemiological supervision.

The coordination of the conditions for the diversion of sewage into water facilities should be carried out:

- when choosing a site for the construction of enterprises, buildings, structures and other objects affecting the state of water, when considering issues of reconstruction (expansion), the technical re-equipment of enterprises or changes in production technology;
- when considering sewerage projects, cleaning, decontamination and disinfection of waste waters of new and reconstructed (extensible) facilities;
- when considering materials of special water use and projects of the VCP of existing facilities.

Water protection zones and coastal strips of water facilities are established in accordance with the legislation for the sake of warning and preventing pollution, clogging, depletion and siltation of water facilities with soil erosion products; maintaining a favourable water regime, creating normal conditions for exploitation and conduct of repair and restoration works, and protecting the waters used for drinking, domestic, medical and sanitary needs of the population. Based on the destination, location and technical parameters of water facilities in water protection zones, coastal strips and zones of sanitary protection of water facilities, a special regime of economic activity is established<sup>170</sup>.

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170 Resolution of the President of Uzbekistan of 04.05.2017 No. PP-2954 «On measures to streamline control and accounting for the rational use of groundwater resources for 2017-2021 years»; Resolution of the President of Uzbekistan of 25.09.2017 No. PP-3286 «On measures to further improve the protection of water bodies»; Decree of the President of Uzbekistan of

The order and conditions of protection and use of water protection zones, coastal strips and zones of sanitary protection of water facilities are established by the Cabinet of Ministers of the Republic of Uzbekistan.

The location of wastewater production in non-current ponds and reservoirs should be determined by considering sanitary, meteorological and hydrological conditions in order to avoid a negative impact of sewage disposal on the conditions of water use of the population (Regulations on water protection zones of reservoirs and other water facilities, rivers, trunk channels and collectors, as well as sources of drinking and domestic water supply, medical, cultural recreational purpose in the Republic of Uzbekistan and the Resolution of the Cabinet of Ministers of 07.04.1992N 174).

Fishing zones are protected natural areas, including water facilities or parts thereof, used for conservation, reproduction and restoration of rare and endangered species of fish and other aquatic organisms, as well as for aquaculture.

Fishery zones are formed by the decision of the Cabinet of Ministers of the Republic of Uzbekistan on the proposal of the authorities on nature protection, agriculture and water management.

In aquaculture zones, any activity that threatens the conservation, reproduction and restoration of fish and other aquatic organisms is prohibited (Art 34).

The Law «On protected natural areas» stipulates that safeguarded areas are land and/or water zones having priority ecological, scientific, cultural, aesthetic, recreational and sanitary-health value, in whole or in part, permanently or temporarily withdrawn from economic exploitation.

Article 19 of the Law «On Nature Protection»<sup>171</sup> provides that surface, groundwater and sea water in the territory of the Republic of Uzbekistan are utilized provided that the necessary quantity of water is preserved in the natural circulation, its normative purity is maintained, ecological balance, the water flora and fauna are preserved, and non-damage of the reservoir as an element of the landscape.

In addition, an important aspect of water and water protection as a result of water

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18.04.2017. No. UP-5018 «On the formation of the State Inspectorate for the Control of the Use of Drinking Water under the Cabinet of Ministers of the Republic of Uzbekistan».

171 Law of the Republic of Uzbekistan of December 9, 1992 No. 754-XII «On Nature Protection» (with subsequent amendments). Gazette of the Supreme Council of the Republic of Uzbekistan, 1993, No. 1, Art. 38

intakes is indicated in the norms of Art. 19 of the Law «On Nature Protection»: «Surface, underground and sea water on the territory of the Republic of Uzbekistan is used provided that the necessary quantity of water is preserved in the natural circulation, its normative purity is maintained, the water flora and fauna are preserved, the water facilities are not polluted, the ecological balance is preserved and the reservoir as an element of the landscape is not damaged.»

Local authorities, forestry and water management agencies are obliged to carry out reforestation and afforestation in the zones of formation of river flow, coastal strips of water facilities and ensure their safety.

The authorities engaged in the extraction and use of groundwater are obliged to monitor their regime for the participation of the water intake and the adjacent territory, along with keeping records of the quantity and quality of the waters used<sup>172</sup>.

In the zone of formation of high-quality groundwater deposits, the device for the accumulation of solid and liquid wastes, dumps, the placement of industrial, agricultural and other facilities whose activities may be a source of pollution of groundwater are not allowed.

Enterprises, institutions, organizations, agricultural cooperatives (shirkats), farmer and dekhkan farms whose economic activities have a negative impact on the state and regime of small rivers, should carry out jointly with the agricultural and water management authorities and nature protection agencies measures to preserve water state, cleanliness and water quality.

Water protection strips of small rivers, the regime of economic activity of enterprises, organizations and institutions in these bands are established by law.

The Decree of the President on April 19, 2013 No. PD-1958 «On measures to further improve the ameliorative status of irrigated lands and the rational use of water resources for the period 2013-2017» and the State Program for Improving the Ameliorative Status of Irrigated Lands and Rational Use of Water Resources for the period 2013-2017 were approved and included the following:

- a set of measures to improve the reclamation state of irrigated lands and ensure the rational use of water resources;

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172 Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 09.08.2017. No. 606 «On approval of the provisions on the Ministry of Emergency Situations of the Republic of Uzbekistan, the Center for Hydrometeorological Service under the Ministry of Emergency Situations of the Republic of Uzbekistan and the State Inspection for Control and Supervision over the Technical Condition and Safety of Large and Especially Important Water Facilities under the Ministry for Emergency Situations of the Republic of Uzbekistan».



- predictive parameters of works on ameliorative improvement of irrigated lands;
- forecast parameters of construction and reconstruction of irrigation facilities;
- predictive parameters of repair and restoration of the irrigation network;
- forecast parameters of the introduction of drip irrigation system.

Simultaneously, enterprises and organizations did not create stations equipped with means for continuous monitoring of emissions (discharges) of pollutants into the environment, and also systems for automated control over emissions (discharges) were not introduced.

In addition, there is no approved state strategy in the field of waste management, including incentive mechanisms for enterprises involved in their processing and disposal.

Legislation on protected natural areas provides for the following:

- Water protection zones are protected natural areas adjacent to river beds, lakes, reservoirs, channels, collectors and other water facilities that are formed to prevent pollution, contamination, depletion and siltation of water facilities by soil erosion products, and to maintain a favourable water regime;
- Coastal zones are protected natural areas within a strict regime for water protection zones;
- zones of sanitary protection of water facilities are protected natural areas with a strict regime, adjacent to water facilities utilized for drinking, domestic, medical-recreational needs;
- zones for the formation of surface and groundwater are protected natural areas, formed in river valleys, cones of removal, foothill plumes.

Water protection zones, coastal strips, sanitary protection zones of water facilities, surface and groundwater formation zones are formed by decisions of the Cabinet of Ministers and local authorities on the submission of environmental, agricultural and water management agencies, sanitary supervision, and geological organizations respectively.

Limited water management is allowed within the water protection zones, but certain activities such as felling of wood and shrub plantations, the use of

pesticides, the installation of sewage treatment plants and waste water storage facilities and others are prohibited.

In the coastal zones, in addition to the above mentioned restrictions and prohibitions, the use of mineral and organic fertilizers, grazing, any type of construction, except for the construction of water facilities, the installation of boat docks outside designated areas are restricted.

Changes in river beds, mining and other operations affecting the condition of water facilities are allowed only with the permission of environmental authorities, agriculture and water management, as well as geological organizations<sup>173</sup>.

When conducting inter-farm land management and planning of the territory of settlements, the change in the boundaries of water protection zones, coastal strips and zones for the sanitary protection of water facilities should be coordinated with the agencies for nature protection, agriculture, water management and sanitary supervision.

The regime of water protection zones and coastal strips also extends to the zones of surface and groundwater formation.

The procedure and conditions for the protection and use of water protection zones, coastal strips, zones for the sanitary protection of water facilities and zones for the formation of surface and ground waters are established by the Cabinet of Ministers.





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173 Decree of the President of Uzbekistan of 25.09.2017 No. PP-3286 «On measures to further improve the protection of water bodies».





## CONCLUSIONS

-  The state takes certain measures to strengthen the protection of water and water bodies. Appropriate regulatory legal acts are adopted. However, the requirements of these acts to comply with the procedure and obligations for wastewater treatment, compliance with the rules of nature protection zones, etc. are not observed, and, first of all, by large industrial and agricultural enterprises, their actions remain unpunished.
-  This led to extremely negative environmental consequences in several regions of the Republic.
-  We consider it extremely necessary to develop and adopt a number of decisive political and legislative measures to curb violations in the water sector.
-  It is necessary to establish and unconditionally collect large fines from violators, and involve the managers of industrial and agricultural enterprises in the criminal responsibility of polluting the environment.



## **CHAPTER 15**

### **Dispute resolution on water utilization and water consumption**

Settlement of disputes and delineation of the responsibility of the parties to disputes relate to the most significant legal mechanisms for the implementation of water legal relations for the proper use and application of legislative norms by citizens, legal persons, administrative authorities, executive and judicial power. The legal framework, which directly regulates the resolution of disputes over water, water use and water consumption, includes Arts. 85-96 of the Law on Water and the normative legal acts of state agencies on liability for violation of water legislation that determine the procedure for resolving disputes on water use and water consumption adopted in its implementation.

Separate legislation regulates the activities of agencies, rules and procedures of state litigation. According to the Law of the Republic of Uzbekistan No. ZRU-428 of April 12, 2017, starting from June 1, 2017, a new judicial system operates in Uzbekistan, which consists of the following courts: the Constitutional Court of the Republic of Uzbekistan; the Supreme Court of the Republic of Uzbekistan; military courts; the court of the Republic of Karakalpakstan for civil cases, regional and Tashkent city courts for civil cases; the court of the Republic of Karakalpakstan for criminal cases, regional and Tashkent city courts for criminal cases; economic courts of the Republic of Karakalpakstan, oblasts and the city of Tashkent; administrative courts of the Republic of Karakalpakstan, oblasts and the city of Tashkent; inter-district, district (city) courts for civil cases; district (city) courts in criminal cases; inter-district, district (city) economic courts; district (city) administrative courts<sup>174</sup>.

Based on the jurisdiction of the disputes before the state courts, courts of general jurisdiction consider water disputes amongst citizens or if one of the parties to the dispute is a citizen. The Civil Court initiates a civil case at the request of a person seeking protection of his/her rights or interests protected by law, the prosecutor, as well as public authorities, organizations and individuals in cases

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174 The Law of the Republic of Uzbekistan «On Amendments and Additions to the Law of the Republic of Uzbekistan» On Courts «, Civil Procedural and Economic Procedural Codes of the Republic of Uzbekistan» dated April 12, 2017 No. ZRU-428.

where they by law are entitled to apply to the court for the protection of rights and protected by law interests of others<sup>175</sup>.

In turn, economic courts consider cases on disputes involving citizens who have lost the status of an individual entrepreneur, in cases where the relevant requirements stem from their previous business activities. The economic court has a jurisdiction over disputes involving legal entities and individual entrepreneurs and also cases involving disputes engaging citizens who have lost the status of an individual entrepreneur in cases where the relevant requirements stem from their previous entrepreneurial activities.

The system of non-governmental litigation includes arbitration courts that have the right to resolve disputes arising out of civil legal relations, including economic disputes arising between business entities, and consideration of such disputes is possible only on an agreement concluded between the parties to review the case in a specific arbitration court.

The resolution of disputes over water use in the administrative procedure provided for by the Water Law is somewhat different from the general system of judicial protection of civil rights provided for in Art. 10 Civil Code.

The right to review cases on a number of administrative offenses in the sphere of water management was granted to the agencies of the republican water inspection «Uzsuvnazorat» under the Ministry of Agriculture and Water Resources, the remaining cases are considered in the order of subordination by authorized state authorities within their competence.

By analogy with the consideration of disputes in court, those on water use are considered by the authorized state agency with the participation of interested parties, which are notified of the time and place of dispute resolution.

The decision on the dispute on water use can be appealed to a higher body within ten days from the day of its delivery, while the execution of the decision on the dispute can be suspended or delayed by the authority that issued the decision or by a higher instance.

Although the procedure for the resolution of water disputes is regulated by the Water Law and other regulations, they do not provide for a list of individual types of water disputes, therefore, in order to properly understand and apply the

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175 Art. 5 Civil Procedural Code of the Republic of Uzbekistan Approved by the Law of the Republic of Uzbekistan of 30.08.1997 No. 477-I, entered into force on 01.01.1998 in accordance with the Resolution of the Oliy Majlis of the Republic of Uzbekistan of 30.08.1997. No. 477 a-I Gazette of the Oliy Majlis of the Republic of Uzbekistan, 1997, No. 9.

dispute settlement system, water legislation should be considered in the context of other legislative acts.

The scope of the Water Act covers the following issues related to the resolution of disputes in the field of water use and water consumption: identification of authorities that resolve disputes on water use and water consumption; competence of public authorities and management, self-government bodies of citizens on resolving disputes on water usage; consideration of disputes on water use and water consumption and the order of their appeal; resolution of international disputes on water use and water consumption.

The Law on Water establishes that disputes on water use and water consumption are resolved by the Cabinet of Ministers, local government authorities, self-government bodies of citizens, as well as by the agriculture and water management agencies, authorities on ecology and environmental protection, geology and mineral resources and other authorized bodies and courts in accordance with the procedure established by law (Art. 85 of the Law on Water).

The norms of the Law on Water determine the competence of authorities for resolving disputes on water use and water consumption, in particular:

1. Self-government bodies of citizens resolve disputes on water use and water consumption amongst citizens on the issues of utilization of local water facilities, with the exception of disputes, the resolution of which is assigned to the competence of the agriculture and water management agencies, nature protection authorities and other competent state bodies (Art. 86 of the Law on Water);
2. Local authorities resolve disputes on water use and water consumption between enterprises, institutions, organizations and citizens on the usage of water facilities, with the exception of disputes, the resolution of which is within the competence of the agencies of agriculture and water management, on ecology and environmental protection and other authorized bodies (Art. 87 of the Law on Water);
3. The Cabinet of Ministers resolves disputes over water use and water consumption amongst enterprises, institutions, organizations located in different areas or in one region and the Republic of Karakalpakstan, with the exception of disputes of which the resolution is attributed to the competence of the agriculture



and water management agencies, authorities on ecology and environmental protection, geology and mineral resources and other authorized state agencies (Art. 90 of the Law on Water).

4. The resolution of international disputes on water use and water consumption from transboundary waters and transboundary water facilities between the Republic of Uzbekistan and other states is carried out in accordance with the procedure determined by international treaties signed by the Republic of Uzbekistan (Art. 91 of the Law on Water).

A number of articles of the Law on Water establish certain procedures for the consideration of disputes on water use and water consumption by authorized agencies:

- disputes are considered at the request of one of the parties, to which documents are attached proving the violation of the right of water use and water consumption (Art. 92 of the Law on Water);
- such category of disputes is considered with the participation of interested parties, who are notified of the time and place of dispute resolution (Art. 93 of the Water Law);
- -authorities resolving disputes over water use make decisions based on the results of the review and, where necessary, decisions may specify the procedure and deadlines for their implementation, as well as measures to restore the violated right (Art. 94 of the Law on Water);
- the decision on the dispute on water use and water consumption can be appealed to a higher authority within ten days from the date of its delivery; appealing the decision on the dispute does not suspend its execution, the execution of the decision may be suspended or delayed by the authority that issued the decision or by a higher instance (Art. 95 of the Law About water);
- property disputes related to water relations are resolved by the appropriate court in the manner prescribed by law (Art. 96 of the Law on Water).

The Law on Water provides that the rights of water users and water consumers are protected by law, and violated rights are subject to restoration in the manner prescribed by law (Art. 33 of the Law on Water).

It should be noted that in the consideration of disputes an important role is played by the existing mechanisms of their consideration in legal practice.

Among such mechanisms there can be formal, based on relevant regulatory and legal acts, and informal, but not inconsistent with the current legislation and customs of business turnover that has developed in the Republic of Uzbekistan. For instance, non-governmental, non-profit organizations working in the field of the environment, assisting in the analysis of critical water situations, their representatives act as independent arbitrators, many lawyers and public leaders reconcile the participants in disputes and try to distract people from complex litigation by persuasion.

Such examples raise grounds to suppose that in the sphere of civil law relations there are already prerequisites for creating an institution for alternative litigation of disputes that need to be developed and used in relation to water disputes.

When choosing an authority to deal with a disputable situation, it is important to bear in mind that acts of economic courts and courts in civil cases are binding on all state agencies, public associations, enterprises, institutions and organizations, officials, citizens and are subject to execution throughout the territory of the Republic of Uzbekistan (Art. 5 Law «On Courts»).

There are several differences from this provision related to the implementation of the decision of the arbitration courts, which depends solely on the willingness of the parties to the dispute, despite the fact that, in accordance with the provisions of the legislation on the enforcement of judicial acts, the decisions of the arbitration courts are binding, along with the decisions of state courts.

In the event that the decision of the arbitration court is not performed voluntarily within the established time limit, it is subject to compulsory execution, on the basis of the writ of execution issued by the competent court (Art. 50 of the Law «On Arbitration Courts»).

At the same time, during the proceedings for the enforcement of the decision of the arbitral tribunal, the economic court considers only the existence of procedural violations in the actions of the arbitral tribunal, which often take place in their practice, and therefore the refusal to satisfy the application for compulsory execution follows. Of course, under such circumstances there may be a failure to comply with the decision of the arbitral tribunal which may continue for a long time.

Further, analysing the norms of Arts 92-96 of the Water Law governing the procedures for the consideration of disputes over water, it is believed that they are rather related to the scope of administrative procedures related to the consideration of complaints and applications of citizens, since they do not

contain a detailed procedural order of dispute resolution inherent to judicial proceedings.

The administrative procedure for the protection of water users' rights is to a certain extent related to administrative coercion in favour of protecting the rights of water users, since often state authorities that have adopted unlawful decisions prefer to voluntarily resolve issues of their cancellation or correct their omissions.

Thus, the decisions of the authorized agencies and their officials on water disputes, as well as decisions of the judiciary, can be appealed in the courts in accordance with the established jurisdiction.

On the one hand, such a principle seems to be the most democratic measure of protection of water users' rights but, on the other hand, in case of appeal against the decision on administrative proceedings, the unresolved dispute will enter a new phase of the trial and thus, the time of its final resolution will be extended. Opportunities for the regulation of disputes related to the violation of water users' rights by state agencies and their officials represent the Law «On Appealing to Court Actions and Decisions Violating Citizens' Rights and Freedoms», according to which every citizen has the right to appeal to the court, if it considers that unlawful decisions of state authorities, local self-government bodies, institutions, enterprises and their associations, public associations or officials violated his rights and freedoms.

Any water user has the right to appeal to the court or to a higher instance in the order of subordination to a state or local government authority, institution, enterprise or association, public association or official. In case of refusal to satisfy the complaint or failing to receive it within the prescribed period, a citizen may apply to the court with a similar complaint.

This is also facilitated by a legislative act, such as the Law «On Applications of Legal Entities and Individuals,» which regulates the procedural order of applications, proposals and complaints sent to state authorities.

At the same time, it should be noted that the application of this Law does not pertain to appeals, the procedure for consideration of which is established by the legislation on administrative responsibility, civil procedural, criminal procedural, criminal executive, economic procedural and other legislative acts, and mutual correspondence of state bodies.

In addition to the mentioned mechanisms of appeals to state authorities, at present, individuals and legal entities have the opportunity to appeal actions of

state authorities through the e-government website at [www.mygov.uz](http://www.mygov.uz).

Moreover, through the virtual reception of the President of the Republic of Uzbekistan Shavkat Miromonovich Mirziyoyev on the website [www.pm.gov.uz](http://www.pm.gov.uz) At first glance, recourse to court would be more acceptable for the subjects of disputable legal relations on water and water utilization, since the processes of judicial proceedings are more streamlined and habitual for dispute considerations.

Yet here, amongst other, there is an issue of access to legal proceedings in remote settlements, inasmuch as regional economic courts are located in regional centres, and civil courts have moved to the territorial principle of inter-district courts, which also creates certain challenges in resolving disputable legal relations on water.

The creation of the possibilities for sending lawsuits to the economic courts through the electronic system by the Supreme Economic Court of the Republic of Uzbekistan (and now the Supreme Court of the Republic of Uzbekistan) positively affected the solution of this issue, though it does not completely solve the issues of water users in remote regions as well.

In this regard, the development of independent alternative systems for the settlement of disputes in the field of water use seems to be the most interesting direction, so that the parties can independently solve problems on mutually acceptable terms, which in the future will contribute to strengthening their reputation and maintaining partnership relations.

As a rule, disputes on water use are disagreements between subjects of legal relations in the water sector, when the parties to the dispute violate the norms of water legislation that appear at the end of the application of water, civil, economic, environmental and other types of legislation.

The subject of disputes may be relations arising from the rights and obligations of the subjects of land rights, the utilization of facilities of general and separate use, from the facts of non-compliance or violations of licenses, from relations relating to water pollution and from implementation and protection of rights to use water facilities, restrictions and termination of rights to use and protect water facilities and others.

In any case, the essence of legal relations on water management problems is contained in the water legislation, therefore law enforcement agencies should consider from this point of view all such disputes.



The main reasons for disputable situations on water issues have already been discussed several times.

Since there are various reasons for disputes between the participants in water relations, the methods for resolving such disputes can also be ambiguous.

At one time, the pilot project «IWRM-Fergana» analysed these issues in detail on the experience of water users in the Fergana Valley, and recommendations were made for improving work in this area.

In particular, the formation and organization of the work of arbitration commissions with the involvement of all participants in water management, aksakals (elderly community leaders), and women are considered to be the most relevant from the point of view of resolving and preventing disputes on water. We believe that this proposal should be supplemented by the fact that specialists with knowledge of the legislation and negotiating skills who are able to develop special mechanisms for resolving disputes between subjects of water relations in a single instance, should be involved in the work of such commissions on the resolution of regional water disputes.

One of the major reasons for the occurrence of disputes is the mutual settlements between WUAs.

Disputes about the volumes of water supply between the above mentioned structures are more or less streamlined; in particular, the water inspection agencies maintain water supply and transfer logs and, on the basis of this, conduct regular preventive talks with participants in contractual water relations.

According to the legislation, the authorized officials of the «Uzsuvnazorat» inspection of the Ministry of Agriculture and Water Resources have the right to impose sanctions for unlawful actions in the use of water resources by both non-profit and state organizations.

In the event that disputes related to the supply of water resources cannot be resolved in the arbitration commission or the council of the WUA, it is not complicated for the water inspection «Uzsuvnazorat» to deal with the issues arising between the parties on the basis of entries in the journals.

Thus, we believe that in the course of such activity and the results of ongoing conversations, one should professionally understand the real causes of the emergence of situations with the problem of increasing arrears between participants in water legal relations, which causes issues in the statutory activity of WUAs.

The report on the pilot project «IWRM-Fergana» also noted that practically all WUAs have a trial in the economic courts in the contracts, but this is unacceptable since the proceedings in the economic courts last for months and many WUAs are not able to handle court expenses.

In this regard, all WUAs in Andijan and Fergana Regions began to apply to arbitration courts to liquidate receivables and had positive experience in this, and most water users paid their debts without waiting for legal proceedings.

Here we would like to disagree with this point of view, since the advantages of trial in arbitration courts are somewhat exaggerated.

Water users, when concluding arbitration agreements or entering conditions for arbitration in contracts, should carefully examine the practice of the arbitration court in which they plan to initiate arbitration proceedings.

The matter is that the economic courts have the right to cancel the decisions of the arbitration courts in connection with their violation of the rules of procedural law and this can be repeated for each decision.

In addition, banks do not comply with payment requests for recovery of funds from the losing party, since the execution of the arbitration court's decision is possible only with the consent of the debtor.

The decision of the arbitration court is enforceable only when the recoverer appeals to the competent state court for the receipt of enforcement order for the enforcement of such a decision.

Therefore, despite the positive decision of the arbitration court on the dispute, the result of its execution may be negative.

In addition, arbitration courts, with all the independence of their activities, often attract administrative resources of the khokimiyats towards water users in order to exert pressure on the voluntary payment of arrears on water.

Thus, the legislation provides ample opportunities to choose the method of effective litigation, and water users themselves must decide what they prefer: proceedings in WUAs, at the level of basin administrations or trunk channels, handling applications and complaints to authorized state bodies, khokimiyats, mahalla committees or judicial authorities.

In any case, alternative systems of proceedings (mediation, conciliation of parties, etc.) are the most acceptable option for the consideration of disputes between participants in water management relations.

It is necessary to analyse the issues of resolving water disputes at the regional level and to prepare a special manual to help all subjects of water management. The right to guarantee equitable and sustainable access to safe water and sanitation at affordable prices and in physically accessible places, with universal security, must be respected in the rights and duties of both the water users themselves and the authorized government agencies responsible for the water supply and sanitation sector.

The existing distinction between the rights of participants in the water sector can be explained by the fact that standard contracts in the field of water supply are interconnection agreements that exclude the possibility of water users to participate in the formation of its conditions.

Thus, the model agreement (contract) for maintenance of common use places of an apartment house and provision of communal services, approved by governmental act, contains unequal relations between the customer and the performer.

In this situation, there may be a risk that enterprises occupying monopolistic positions in the market will absolve themselves of responsibility, thereby imposing their will upon water consumers, initially establishing unequal conditions for them that could violate the civil legal principles of freedom of contract and equality of parties.

The contract includes such obligations of the contractor as the correction of water supply equipment no later than 4 hours, the immediate elimination of the roof leakage during the day and malfunction of an emergency nature. At the same time, under the terms of the contract, the contractor is not responsible to the customer for failure to fulfil these obligations.

The performer's rights under the contract contain rather strict conditions in relation to the consumer: disconnection from sources of water and gas supply in case of non-payment for utilities, applying to local authorities for making proposals to revise the tariff for payment for maintenance in the event of an increase in prices for materials, energy and fuel.

In order to eliminate possible disputes between participants in the water supply sector, all contracts should be aimed at solving tasks to organise the rational use of water, ensuring compliance of contractors with environmental requirements and norms for the supply and use of water.

In this regard, it is required to revise the terms of the said model agreement, concluded with consumers of water services, in which, first of all, the equivalent

conditions and responsibilities of the parties would be provided.

Another example exists in which membership in WUA is mandatory, since through them state accounting of all types of water users and waters is carried out.

In this agreement, all types of services should be prescribed, the right of the water user not to pay in the event that the WUA does not provide water delivery services, etc.

The WUA should also have the right to temporarily stop the water supply and other types of services, in cases of late payment of membership fees by a water user.

In this area, it is necessary to reform the legislation and the management mechanism, since only an integrated approach to resolving issues in all the above-mentioned areas will bring the expected effect from the introduction of state programs in this direction.

As for the means and possibilities for resolving international water disputes in the Central Asian region, it should be recalled that in accordance with the UN Charter the member states of this organization are obliged to resolve their disputes peacefully through negotiations, investigations, appeals to mediators, conciliation procedures, arbitration, settlement in court, referring to regional agreements, or other peaceful means.

In addition to the peaceful principle of resolving water disputes, international instruments provide for various diplomatic and judicial mechanisms for resolving disputes, but the universal right to improve the legal basis for cooperation in this sense is the Convention on the Law of the Non-Navigational Uses of International Watercourses (New York, May 21, 1997).

Despite the fact that the Republic of Uzbekistan has become the only country in the region that has acceded to this convention, there is a need to adopt measures for its further implementation into national legislation.

Nevertheless, the convention has developed principles that are important for the improvement of international water law: peaceful settlement of disputes, the avoidance of significant damage, reasonable equitable use, the exchange of hydro-geological and other data, etc.

In order to untie the issues of resolving international disputes, it is necessary to intensify the use of regional means of addressing problematic issues within the framework of bilateral and multilateral agreements on cooperation in the field of nature protection and protection of the aquatic environment.



## CONCLUSIONS



1. Analysis of the norms of Arts. 92-96 of the Water Law, which regulate the procedural aspects of water disputes, demonstrates that they are more likely to fall under the scope of administrative procedures related to the consideration of complaints and applications of citizens, since they do not contain a detailed procedural order for the resolution of disputes inherent in judicial proceedings.

On the one hand, such a principle seems to be the most democratic measure of protection of water users' rights, but on the other hand, in case of appeal against a decision taken on administrative proceedings, the unresolved dispute will enter a new phase of the trial and thus, the time of its final resolution will be extended.



2. Among the mechanisms for resolving disputes in the field of water use, there can be formal mechanisms, based on relevant regulatory and legal acts, and informal mechanisms, not contradicting the current legislation and business customs that developed in the Republic of Uzbekistan. In the sphere of civil law relations, prerequisites have already been created for the establishment of an institution for alternative dispute resolution that need to be developed and used in relation to water disputes.

Thus, the legislation provides ample opportunities to choose the method of effective litigation, which includes proceedings in WUAs, at the level of basin administrations or trunk channels, the handling of applications and complaints to authorized state agencies, khokimiyats, mahalla committees or judicial bodies.



3. It is necessary to repeatedly analyse the questions on the priority role of arbitration courts for the consideration of disputes in the field of water use since, if the decision of the arbitral tribunal is not executed voluntarily within the established period, it is subject to enforcement, on the basis of a writ issued by the competent court.

At the same time, during the proceedings for the enforcement of the decision of the arbitral tribunal, the economic court considers only

the existence of procedural violations in the actions of the arbitral tribunal, which often take place in their practice and therefore, the refusal to satisfy the application for compulsory execution follows. In such circumstances, failure to comply with the decision of the arbitral tribunal may continue for a long time.



4. Alternative systems of proceedings (mediation, conciliation of parties, etc.) are the most acceptable option for the consideration of disputes between participants in water management relations.

In this regard, it is necessary to study the issues of resolving water disputes at the regional level and to prepare a special manual on resolving disputes in the field of water management in order to help all subjects of water management relations.



6. Adopt a normative legal act regulating the procedure for considering disputes between WUA members, between WUAs and its members, between WUAs and Irrigation System Administrations.



7. The typical agreement (contract) for the maintenance of public places of a residential house and the provision of public services, approved by a governmental act, contains unequal relations between the customer of services and the performer, the contractor's rights contain sufficiently stringent conditions in relation to the consumer, such as disconnection from sources of water and gas supply at non-payment for utilities. However, at the same time, under the terms of the contract, the performer does not bear responsibility for the failure of his obligations to the consumer.

In order to eliminate possible disputes between participants in the sphere of water supply, all contracts should be aimed at solving problems aimed at organizing the rational use of water, ensuring compliance of contractors with environmental requirements and norms for the supply and use of water.

In this regard, the revision of the conditions of the model agreement concluded with consumers of water services is required in which, first of all, the equivalent conditions and responsibilities of the parties would be provided.



## CHAPTER 16

### Warning and elimination of harmful water impact

Enterprises, institutions and organizations, in agreement with the environmental protection agencies, agriculture and water management, geology and mineral resources, state authorities in the field, other interested agencies or according to the instructions of competent state authorities are obliged to carry out measures for prevention and liquidation of:

- flooding, inundation and sub emersion;
- destruction of shores, protective dams and other structures;
- bogging and land salinization;
- erosion of soils, formation of gullies, landslides, mudflows and other harmful impacts of water (Art. 103 of the Law on Water).

The implementation of urgent measures to prevent and eliminate natural disasters caused by the harmful effects of water is regulated by law<sup>176</sup>. Implementation of works to prevent and eliminate emergencies during the passage of floods and mudflows on the territory of the administrative district is organized by the state authorities of the district.

For the prompt management of works on the prevention and liquidation of natural disasters caused by the harmful effects of water, the Cabinet of Ministers of the Republic of Uzbekistan, state authorities of regions, districts and cities, floods and other commissions are formed, where relevant representatives of relevant enterprises, organizations and institutions, as well as representatives of the agencies of agriculture, water management and nature protection (Art. 104 of the Law on Water).

The Regulation «On the order of organization of works on prevention and liquidation of consequences of emergency situations associated with dangerous hydro meteorological and geological phenomena»<sup>177</sup> determines the procedure

176 Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 09.08.2017. No. 606 «On approval of the provisions on the Ministry of Emergency Situations of the Republic of Uzbekistan, the Center for Hydrometeorological Service under the Ministry of Emergency Situations of the Republic of Uzbekistan and the State Inspection for Control and Supervision over the Technical Condition and Safety of Large and Especially Important Water Facilities under the Ministry for Emergency Situations of the Republic of Uzbekistan».

177 Regulations on the procedure of organization of activities on prevention and elimination of consequences of emergencies involving dangerous hydro-meteorological and geological phenomena Approved by the Decree of the President of the Republic of Uzbekistan of February 19, 2007 No. PP-585

for the organization of timely detection of possible threats to the emergence of hazardous hydro meteorological and geological processes, the effective implementation of measures to protect the population and territories from emergency situations associated with landslide, flood, mudflow and snow avalanche phenomena, as well as the rapid elimination of their possible consequences.

In order to coordinate the activities of the Council of Ministers of the Republic of Karakalpakstan, regional and Tashkent khokimiyats, ministries and departments for the prevention and liquidation of the consequences of emergency situations associated with dangerous hydro meteorological and geological processes, the Governmental Commission for ensuring safe passage of flood waters and mud flows, snow, avalanche and landslide phenomena (hereinafter - the Government flood control commission (GFCC)) was created. Its responsibilities are:

- the formation and implementation of a unified state policy in the field of preventing and eliminating emergencies caused by hydro meteorological and geological phenomena and increasing the level of protection of the population and territories from them;
- ensuring coordination of activities and effective interaction of state and local authorities, institutions and organizations, interested ministries and departments in implementing measures to protect the population and territories from emergencies associated with manifestations of dangerous hydro meteorological and geological processes;
- development and implementation of a set of measures for temporary evacuation (if necessary) and subsequent stage-by-stage resettlement of residents in safe places, whose farms are located in the mudflow, avalanche and landslide areas (based on the forecast data of the relevant services of Uzhydromet and Goskomgeology);
- management of works to eliminate the consequences of possible major emergencies associated with hazardous hydro meteorological and geological phenomena;
- Carrying out on-site inspections, in ministries and departments, of the state of work to prevent and eliminate the consequences of emergencies associated with hazardous natural phenomena, as well as hearing reports of officials on these issues.

In particular, the Ministry of Agriculture and Water Resources, Gosvodkhoznadzor:





- in the pre-seasonal floods period, check the readiness of hydraulic structures (channels, dams, mudflow reservoirs, mudflow tracks) to accident-free passage of mudflow and flood waters;
- Together with the Ministry of Emergency Situations, the Ministry of Internal Affairs and the State Joint Stock Company “Uzbekenergo”, they conduct a survey of river water reservoirs and monitor the provision of operating modes on them, guaranteeing a permanent readiness for safe reception and accident-free passage of mudflow and flood waters;
- during the passage of mudflows and floods, round-the-clock duty is provided from among the management personnel in all units in the field and control over the safe operation of water facilities.

Measures to protect, prevent and eliminate the harmful effects of water are carried out at the expense of water users, water consumers and the local budget, and for republican and regional programs - at the expense of the republican budget (Art. 105 of the Law «On Water and Water Use»). Economic measures to ensure rational water use, water consumption and water protection include:

- Collection of fees for the usage of water resources, water delivery services and other water services provided, for the pollution of water facilities and other harmful effects on them;
- Tax, credit and other benefits provided to legal and physical entities when introducing water-saving technologies, conduct of activities that give water conservation and water-saving effects;
- The application of a system of effective measures of legal, economic, social, organizational, environmental and other incentives.
- Non-governmental non-profit organizations in accordance with their charters can stimulate and encourage the introduction of effective measures for rational water use, water consumption and water protection in accordance with the procedure established by law (Art. 106 of the Law on Water).

Art. 33 of the Law «On Nature Protection» establishes an economic mechanism for ensuring the protection of nature, which includes the collection of fees for the special use of natural resources, pollution of the environment (including sewage disposal) and other harmful effects on it.

This article provides for other duties of polluters and users, as well as measures to encourage and stimulate the rational use of natural resources and environmental protection.

Art. 34 of the Law «On Nature Protection» specifies: the components of payments for special nature use; who determines the amount of payments; and where payments are received for the use of natural resources and for emissions and discharges of pollutants into the environment. For example, payment for the use of natural resources, their protection and reproduction goes to the budgets of local power and control authorities, and payments for emissions and discharges of pollutants into the environment and the placement of production and consumption wastes are done to nature protection funds.

The Regulation on Environmental Protection Funds, approved by the Cabinet of Ministers Resolution No. 246 of 24 May 1993, determines that local nature protection funds are established to finance territorial and cross-sectoral measures for the protection of the natural environment aimed at reducing emissions of harmful substances into the air, discharges of contaminated sewage into water facilities, reduction of soil pollution, reduction of waste and their utilization, conservation and reproduction of flora and fauna.





The Republican Fund for Nature Protection is formed with the aim of financing environmental protection measures (programs) of all-republican and interstate significance, work on environmental protection, liquidation of the negative impact of economic activities on the environment, not eliminated by carrying out nature protection measures at the expense of local environmental funds and enterprises' own funds and organizations (nature users).

40% of the amount of collected fines is paid to local funds for environmental protection after remuneration up to 15% to state inspectors and other persons who have revealed violations of land and water legislation, subsoil legislation, air protection. The Republican Fund for Nature Protection is formed from deductions in the amount of 25 % of the funds of local nature protection funds, including foreign currency earnings, as well as from other sources, which, by the way, include 40 % of fines and claims, including in foreign currency, recoverable from individuals and legal entities for violations of nature protection legislation and in order to compensate damage caused to environmental objects.

The procedure for levying taxes, fees for excessive discharges of pollutants into the environment and waste disposal establishes by the Cabinet of Ministers.



## CONCLUSIONS

-  One of the key aims of the tax and water legislation is to interest the water user in the observance of environmental norms in the implementation of economic activities.
-  In particular, when determining the payment for the usage of a water facility, the specific expenses of a particular physical or legal person for measures to protect water facilities are taken into account.
-  It is necessary to provide for a reasonable differentiation in the normative legal act for water use rates depending on the river basin, water volumes and levels, the presence or absence of a water deficit, the capacity of reservoirs or water facilities for self-purification.
-  In the event of emergency situations (floods, destruction of banks, dams, landslides, ravines, mudflows), envisage the restoration of destroyed structures, which should be prescribed in a special law on insurance in agriculture and be urgently developed and adopted.



## CHAPTER 17

### Responsibility for violation of water legislation

The legal responsibility of any subject of rights and duties cannot occur arbitrarily, since the conditions for its application are strictly defined by law. The question of liability can arise on the basis that a participant in water relations, acting freely and having the opportunity to choose the correct option specified in the law or the contract, commits unlawful actions that are offenses.

Persons guilty for violating water legislation are liable in accordance with the established procedure (Art. 115 of the Law on Water).

According to Art. 236 of the Civil Code, obligations must be fulfilled properly. WUA agreements with water consumers are regulated by civil legislation. The party that violated the agreement must compensate in full the other party for all losses incurred.

The Code on Administrative Liability establishes liability for the violation of water legislation, amongst which the following can be identified: pollution or clogging of waters, violation of the water protection regime in watersheds entails imposition of a fine on citizens from one third to one, and on officials - from one to three times the minimum wage (Art. 72 of the Code).

The legislation provides for a fairly insignificant amount of fines that must be paid for the commissioning of enterprises, communal and other facilities without constructions and appliances that prevent water contamination and clogging or their harmful effects, as well as other actions that violate the natural state of water facilities (fine on officials from one to three times the minimum wage).

Similar small sanctions are envisaged for violation of established rules and technology of drilling wells for water, destruction or damage of operational and observation wells, failure to take measures to equip self-draining wells with regulating devices, as well as conservation or liquidation of wells unfit for operation, placement of industrial, agricultural and other facilities in the zone of formation of high-quality groundwater, which may be a source of pollution or deterioration in the quality of sub-stations (fine for citizens from half to one, for officials from one to three times the minimum wage).

Violation of the rules of water use and water consumption from artificial watercourses, reservoirs and other artificial water facilities that is, the inefficient

use of water, unauthorized production of hydro technical and other works affecting the state of water and water facilities, violation of established water withdrawal limits from water facilities, water use and water consumption plans (fine on citizens from two third to one, on officials - from one to four times the minimum wage).

Similar sanctions are provided for violation of the rules of water use and water consumption, water withdrawal limits from natural (penalties for citizens from one to two, on officials from two to six times the minimum wage), violation of the rules for maintaining primary records of the quantity taken from water facilities and discharged waters into them and determining the quality of discharged waters, as well as a violation of the established procedure for maintaining the state water cadastre (a fine for officials from one to three minimum sizes for wages), damage to water management structures and devices, violation of the rules of their operation (fine from one third to one minimum wage), and so on. Undoubtedly, these penalties do not represent a serious danger and cannot lead to a serious sense of responsibility for officials and citizens guilty of violating water discipline.

The Regulations on the organization of construction and reconstruction of water supply and sanitation facilities in settlements funded by public capital investments approved by the Cabinet of Ministers Resolution No. 19 of 03.02.2015 provide for obligations and responsibilities of the parties involved in the implementation of projects in the construction of facilities water supply and sanitation.

The State Committee for Geology and Mineral Resources of the Republic of Uzbekistan is responsible for:

- timely inventorying, analysis of availability and volumes of underground sources of drinking water supply;
- providing, based on analysis, the implementation of the necessary hydrogeological research on the assessment and reassessment of groundwater resources;
- timely approval of permits to drill a well for water in accordance with design parameters, objectivity and reliability of the design parameters of the wells specified in the drilling permit for water, provided that the location of the well and the design of the drilled well are complied with.

The State Committee on Ecology and Environmental Protection is responsible for the timely and reasonable provision of:

- permits for special water use or water consumption;
- conclusion of the state environmental assessment of project EIS (environmental impact statement) for the choice of a land plot for the construction of water supply or sanitation facilities.

The Ministry of Agriculture and Water Resources is responsible for the timely and justified provision of permits for special water use or water consumption from artificial water bodies.

The Ministry of Health, territorial centres of state sanitary and epidemiological supervision are responsible for providing a justified and timely provision of a conclusion on the compliance of drinking water quality in existing and introduced water supply systems with established requirements.

Project organizations are responsible for the correct adoption of technical solutions for the project in connection with the technical conditions issued by the authorized bodies and the preparation of design estimates.

Agency «Uzkommunkhizmat» is responsible for:

- timely conduct of a continuous inventory of water supply and sanitation facilities (structures and networks) in the context of regions (districts, streets, mahallas);
- development of a scheme for the improvement of the water supply and sanitation system in the regions and the republic as a whole, in conjunction with the Master Plans for Human Settlements;
- timely and reasonable coordination of preliminary address lists of construction of water supply and sanitation facilities;
- monitoring the implementation of address lists of construction and reconstruction of water supply and disposal facilities through the creation of a single electronic database together with territorial commissions containing all water supply and sanitation facilities on the basis of continuous inventory encompassing from the time of approval of address lists of construction and reconstruction of facilities water supply and sanitation until the moment of transfer to water supply organizations and further operation during five years;
- periodical updating of a single electronic database, updates and additions in accordance with the decisions of the Republican Commission;



- organization of analysis, of functioning of constructed water supply and sanitation facilities on a permanent basis, based on the data of territorial commissions and water supply organizations, within five years from the date of putting them into operation;
- study the effectiveness of the existing technical parameters of water supply and water disposal facilities for the implementation of a long-term forecast of providing the population with drinking water and its disposal services, taking into account the Master Plans for Human Settlements;
- identification of the existing needs of settlements in drinking water and water disposal services.

The Chairman of the Council of Ministers of the Republic of Karakalpakstan and regional hokims, heads of customers are responsible for:

- the organization of activities of territorial commissions headed by the Deputy Chairman of the Council of Ministers of the Republic of Karakalpakstan and regional deputy khokims, as part of specialists of territorial subdivisions of ministries, state committees and departments;
- the formation of a constantly updated electronic database as the main source of information on the progress of the water supply and sanitation programs for further use in the work;
- implementation of system monitoring for provision of settlements with water supply and water disposal services;
- preparation, in agreement with territorial water supply organizations, of a quality technical design assignment, placing an order for the development of design estimates, preparation of design estimates in conjunction with the project organization in accordance with the terms of reference.

Territorial commissions are responsible for the qualitative preparation of the architectural and planning task by the customer and operating organization including:

- the conformity of the entered facility with the Master Plan of Human Settlements;
- availability of technical conditions issued by the relevant water supply and sanitation organizations;
- availability of a well-founded conclusion of hydrogeological services on the adequacy of the debit and the corresponding

pressure of drinking water at the point of connection to the distribution networks of the planned water supply facility, including confirmation of the required volumes of water for the long term;

- full-fledged results of the technical survey of the existing state of water supply and sewerage systems, issuance of an assessment of the technical suitability of water intake facilities and water distribution;
- the results of conclusions on the need to improve the quality of drinking water in existing water supply systems in accordance with established requirements (O`zDST 950: 2011 «Drinking water»);
- availability of a permit to drill wells for water according to project parameters;
- determination of the required volumes of new construction and reconstruction of existing water supply and sewerage networks and structures.

The territorial subdivisions of SJSC «Uzbekenergo» ensure mandatory servicing of territorial water supply organizations in accordance with the Law «On Natural Monopolies» and the Cabinet of Ministers Resolution No. 277 of December 24, 2008 «On streamlining the sale of goods, works and services by subjects of natural monopolies to consumers subject to mandatory servicing».

The Ministry of Finance of the Republic of Karakalpakstan, the finance departments of the regional khokimiyats are responsible for system monitoring of the construction and reconstruction of water supply and sanitation facilities, as well as ensuring proper and timely financing within the approved limits of state capital investments.

Indiscriminately seized water facilities are returned according to their ownership without reimbursement of costs incurred during the time of illegal use (Art. 116 of the Law on Water).

The Criminal Code<sup>178</sup> establishes liability for the violation of water legislation:

- Violation of the norms and requirements of environmental safety (Art. 193);
- Violation by the official of the norms and requirements of environmental safety in the design, placement, construction and commissioning of industrial, power, transportation, communal,

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<sup>178</sup> The Criminal Code of the Republic of Uzbekistan, approved by the Law of the Republic of Uzbekistan on September 22, 1994 No. 2012-II //



agro-industrial, scientific or other facilities or the commissioning by members of state commissions in violation of the rules established by regulatory enactments for the acceptance of these facilities, entailing death of a person, massive disease of people, changes in the natural environment, adversely affecting their condition, or other serious consequences are punishable by a fine from one hundred to two hundred times the minimum wage, or deprivation of a certain right up to three years, or corrective labor for two to three years, or arrest up to six months, or restriction of freedom from one to three years, or imprisonment up to three years.

*Pollution of the natural environment (Art. 196 Criminal Code).* Pollution or damage to land, pollution of water or atmospheric air, resulting in a mass disease of people, the death of animals, birds or fish or other serious consequences, is punishable by a fine of one hundred to two hundred times the minimum wage, or deprivation of a certain right up to five years, or correctional labor up to three years.

*Violation of the conditions of use of water or water facilities (Art. 203 Criminal Code).* Violation of the conditions for the use of water or water facilities, which entailed grave consequences, is punishable by a fine of fifty to one hundred times the minimum wage, or corrective labor up to three years, or arrest up to six months, or restriction of freedom from one to three years, or imprisonment up to three years.

For violation of the order of water use and water consumption, citizens and officials are brought to administrative responsibility in accordance with the Code of the Republic of Uzbekistan on Administrative Responsibility and the Regulation on Water Use.

With respect to water users and water consumers, if they violate the order of water abstraction for agricultural, fishery, industrial, energy and domestic needs, the following penalties apply:

- for overlimit water intake by water consumers - 10% of the established minimum wage for each one thousand cubic meters of excessively withdrawn water;
- for withdrawing water from unauthorized water intake sites, as well as unauthorized seizure of water by water users and water users - 20% of the established minimum wage for each one thousand cubic meters of water taken.

If the order of water use and water consumption is repeatedly violated within one year, the penalties specified in this clause are applied tenfold.

Penalties for excess water withdrawal for agricultural water users are applied twice a year (based on the results of the autumn-winter and vegetation periods), and for other water users - once per calendar year.

In contracts for water use and water consumption, in addition to the penalties specified in this paragraph, other additional measures of liability may be envisaged.

Penalties for excess water withdrawal for agricultural water users are applied twice a year, according to the results of the autumn-winter and vegetation periods, and for other water users - once per calendar year.

In contracts for water use and water consumption, in addition to the penalties specified in this paragraph, other additional measures of liability may be envisaged.

The specified penal sanctions are applied by the Republican Water Inspectorate «Uzsuvnazorat» of the Ministry of Agriculture and Water Resources and its divisions in the field (with water intake from artificial water facilities), as well as by the State Committee on Ecology and Environmental Protection and its territorial objects (with water intake from natural water facilities).

In the case of water users and water consumers who are business entities, in case of the refusal to voluntarily paying penalties, they are applied by the court in accordance with the established procedure.

Enterprises, institutions, organizations, agricultural cooperatives (shirkats), farmer and dekhkan farms and citizens are obliged to compensate losses caused by violation of water legislation in accordance with the procedure established by law.

The Rules for the reception of industrial wastewater and the procedure for calculating compensation payments for excessive discharges of pollutants into the municipal sewerage networks of cities and other settlements, approved by the Cabinet of Ministers Resolution No. 11 of 02.02.2010, established:

Subscribers are responsible for violations; the consequences of which is the discharge of insufficiently treated industrial wastewater into water facilities, as well as for accidents that have occurred at the sewage treatment facilities, for discharging reagents, other substances and materials used in the subscriber's technological process and not regulated by these rules.

Subscribers should ensure that measures are taken to prevent violations of the requirements established in municipal environmental standards for the discharge of industrial wastewater into the sewerage system of cities or settlements. In the event of such violations, the subscriber must immediately stop the discharge of contaminated industrial waste water into the sewerage system of the city and another settlement.

Connection of the new subscriber to the existing sewerage system of the city and the settlement without agreement with the water supply and sewerage enterprise is prohibited. If violations are detected by a subscriber of a water supply and sewerage enterprise, an act is issued and notifies the territorial bodies of the State Committee on Ecology and Environmental Protection about the detected violation.

The territorial bodies of the State Committee on Ecology and Environmental Protection issue an order to the subscriber to eliminate violations with an indication of the amount of compensation payments.

In case of evasion from performance or improper execution of the issued order, the materials are sent to the court.



Plumbing enterprises have the right to make claims in accordance with the established procedure to subscribers for compensation for damage to public sewage systems, facilities, as well as for violations of the technological regulations for the treatment of industrial wastewater.

According to the Law of the Republic of Uzbekistan of 13.06.2017 the Criminal Code is supplemented by Art. 185-2, «Violations of the rules for the use of electricity, heat, gas, water, which establishes criminal liability for violation of the rules for unauthorized connection to public water supply networks.» (up to 3 years imprisonment)<sup>179</sup>.

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179 Law of the Republic of Uzbekistan of 06.13.2017 № LRU-436 «On amendments and additions, as well as the Repeal of Certain Legislative Acts of the Republic of Uzbekistan».

## CONCLUSIONS

-  To ensure the full implementation of missions and functions on state control and inter-departmental coordination, it is necessary to develop and register a regulatory document in the Ministry of Justice of the Republic of Uzbekistan - Guidelines for the application of penalties for excessive water withdrawal by water consumers, for withdrawing water from unauthorized water intake sites, and also unauthorized water consumption by water users.
-  In order to increase the responsibility of officials and citizens, it is necessary to increase the amount of fines imposed in administrative and criminal legislation for violation of the order of water use and water consumption.



## CHAPTER 18

### Indemnification of damages caused by violation of water legislation

The issues of compensation for damages caused by violation of water legislation and liability of officials and other employees whose fault is caused by losses are generally regulated by Art. 117 and Art. 118 of the Law on Water, corresponding to the norms of the Civil Code of the Republic of Uzbekistan and the Labour Code of the Republic of Uzbekistan (hereinafter referred to as «LC»).

Enterprises, institutions, organizations, agricultural cooperatives (shirkats), farmer and dekhkan farms and citizens are obliged to compensate for damages caused by violation of water legislation in the amounts and in the order established by the legislation (Art. 117 of the Law on Water).

In accordance with the norms of Art. 985 of the Civil Code harm caused by illegal acts (omissions) of a person or property of a citizen, as well as harm caused to a legal entity, is subject to compensation in full by the person who caused harm including the lost profit. The law can be entrusted with the duty of compensation for harm to a person who is not the cause of harm.

Legislation or a contract may establish a duty to pay compensation to victims in excess of compensation for harm.

A party causing harm is released from the liability to compensate, if it can prove that the harm was not its fault. Damage caused by lawful actions is liable to compensation in cases provided for by law. Compensation for harm can be denied, if harm was caused at the request or with the consent of the victim, and the actions of the causer do not violate the moral principles of society. (Item 985 Civil Code)

Plumbing sewerage enterprises, which manage facilities for cleaning industrial sewage of cities and other settlements, approve communal and environmental standards for the discharge of industrial wastewater into the sewage network, bearing in mind the maximum allowable concentration of pollutants for subscribers engaged in business activities. In accordance with sanitary rules and regulations, as well as in coordination with the territorial agencies of the State Committee on Ecology and Environmental Protection they also approve the discharging of wastewater into municipal sewerage networks of cities and other settlements.

The validity of the communal-ecological standard is set for 5 years and is valid for the period of the water balance preservation, as well as the quantitative and qualitative composition of the discharged industrial wastewater.

The above Rules for the reception of industrial wastewater and the procedure for calculating compensation payments for excessive discharges of polluting substances into the municipal sewerage networks of cities and other settlements of the Republic of Uzbekistan determine the procedure for calculating compensation payments for excess pollutant discharges and waste disposal.

Quarterly until the 5th day of the month following the reporting period, specialized laboratories of water supply and sewerage enterprises send data to the territorial agencies of the State Committee on Ecology and Environmental Protection concerning the non-compliance by the subscribers with the rules for the reception of industrial wastewater into the municipal sewerage network.

The territorial agencies of the State Committee on Ecology and Environmental Protection on the submission of water supply and sewerage enterprises perform accrual and recovery from subscribers of payments for excessive discharges of pollutants into communal sewer networks in accordance with the established procedure.

As a result of the reporting period, the water supply and sewerage enterprises agree on the calculation of compensation payments for discharging pollutants into open reservoirs or on the terrain with the territorial agencies of the State Committee on Ecology and Environmental Protection make their payment, less the amount of payments made to their subscribers for excessive discharges of pollutants into communal sewer networks.

Specialized inspections of analytical control (hereinafter - SIAC) of territorial bodies of the State Committee on Ecology and Environmental Protection in order to coordinate and provide methodological assistance to water supply and sewerage enterprises have the right to monitor the quality of treatment of industrial wastewater from subscribers before discharging them into communal sewerage networks. This monitoring is carried out with frequency not more often than once a month without special coordination with the territorial commissions of the Republican Council for coordination of the activities of regulatory bodies.

In case of unauthorized discharge of storm water into the municipal sewerage system of cities and other settlements, a factor of three is applied to the current tariff for the discharge of industrial waste water. The calculation is based on the



area of the organization according to the cadastre and meteorological data.

When calculating the compensation fee for discharging industrial wastewater into communal sewer networks for subscribers discharging polluting substances into the communal sewer network above the permissible concentration, accrued compensation payments with an increasing coefficient are applied.

By regulations concerning compensation payments for environmental pollution and waste disposal in the territory of the Republic of Uzbekistan<sup>180</sup>, are as follows:

Payers of compensation fees for environmental pollution and waste disposal in the territory of the Republic of Uzbekistan are legal entities that carry out such emissions and discharges, as well as legal and physical entities engaged in entrepreneurial activities without the formation of a legal entity and carrying out excessive discharges of pollutants into communal sewerage networks of cities and other settlements.

Enterprises and organizations financed exclusively from the state budget are not payers of compensation fees for environmental pollution and waste disposal in the territory of the Republic of Uzbekistan. At the same time, according to other sources of income, these enterprises and organizations pay compensatory fees in accordance with the procedure established by law.

If the damage is caused by an employee of a legal entity or a citizen (private entrepreneur) in the performance of labour, official duties, in such a case, he is compensated by the said legal entity or citizen.

Employees are recognized as citizens who perform work on the basis of an employment contract, as well as citizens who perform work under a civil law contract, if at the same time they acted or should have acted on the instructions of the relevant legal person or citizen and under his supervision for the safe conduct of work.

Based on the provisions of the Civil Code, the court, in accordance with the circumstances of the case, obliges the person responsible for causing harm to compensate in kind (to provide a thing of the same type and quality, to repair the damaged thing, etc.) or to reimburse incurred losses.

Officials and other employees, through fault of those enterprises, organizations and institutions incurred costs associated with compensation for damages, bear

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180 Regulations on the procedure of applying compensation for environmental pollution and waste disposal in the territory of the Republic of Uzbekistan, approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of May 1, 2003 No. 199.

material liability in accordance with the established procedure (Art. 118 of the Law on Water).

The person who compensated for harm caused by another person (employee in the performance of his duties, by the person driving the vehicle, etc.) has the right of a reverse demand (recourse) to this person in the amount of the compensation paid, unless the other measure is established by law.

The damage causer who has reimbursed the harm caused in common, has the right to demand from each of the causers the part (percentage) of the compensation paid to the victim in the amount corresponding to the degree of fault of each causer. In circumstances of impossibility to determine the degree of guilt, the parts (percentage) are considered equal.

The state that reimbursed the harm caused by officials of the agencies of inquiry, preliminary investigation, prosecutor's office and court has the right of recourse to these persons in cases when the guilt of such persons is established by a court verdict that entered into legal force.

The state that reimbursed the damage caused as a result of an anti-terrorist operation has the right to demand (regress) the return to the person whose guilty actions were caused by the anti-terrorist operation in the amount of the compensation paid (Art. 1001 Civil Code).

Persons compensated the harm on the grounds specified in Arts. 993-996, 998 Civil Code, do not have the right of a reverse claim (recourse) to the person who caused the harm.

The party to the employment contract, both the employer and the employee who caused damage to the other party in connection with the performance of duties in the sphere of labour, reimburses according to the rules established by the Labour Code and other regulatory acts on labour.

An employment contract or a supplementary agreement concluded in writing, as well as a collective agreement can specify the material responsibility of the parties to the employment contract.

At the same time, it was established that the contractual responsibility of the employer to the employee should not be lower and the employee before the employer is higher than that stipulated by the Labour Code norms. Termination of employment after the injury does not entail the release of the parties to the employment contract from liability (Art. 185 Labour Code).



Certain deadlines are established for application to a court or commission on labor disputes, in case of missing which for valid reasons, they can be restored by the court or the labour dispute committee of the terms.

In disputes on compensation for harm caused to the health of the employee, the term of application to the court is not established (Art. 270 of the Labour Code). When analyzing the content of damage caused to water facilities, complex and unsolved legal problems arise that are of great theoretical and practical importance. The complexity of these issues is connected with the fact that the new legislative acts adopted in recent years on the protection of individual objects of nature and their rational use do not regulate all conditions and the procedure for compensation for harm in detail.

Significant harm is caused by misappropriation, destruction or damage to natural objects. Compensation for harm caused by violation of the legislation on nature protection has as its primary functions the protection of lands, its subsoil, waters, forests and other natural objects.

With regard to practice, the largest number of disputed and unresolved issues on damages relates to the concept of detriments caused by violation of legislation on nature protection, determination of their size and order of compensation.

For example, one of the most acute law enforcement practices is the problem of the organization's lack of funds to fully recover damages, which often leads to bankruptcy. Therefore, it seems advisable to fix in the Law on Water the provision according to which losses are subject to reimbursement from insurance funds, in order to improve the efficiency of the mechanism for damages caused to water facilities, if the water user is a member of such a fund.

In this regard, it is necessary to expand the scope of environmental insurance since it is not only a guarantor of compensation for losses caused to water objects, but also a means of ensuring financial stability of water users.

The calculation of the damage caused to water facilities should be carried out when revealing facts of violation of water legislation, the occurrence of which is established by the results of state control and supervision in the field of use and protection of water facilities on the basis of full-scale surveys, instrumental definitions, measurements and laboratory analyses.

However, in the event of damage to water facilities, compensation for harm in kind will only be practicable in rare cases (for example, when damaging the aquatic bio resources of a particular water facility). In exceptional cases, a court may reduce the amount of compensation for harm caused by a citizen, taking


into account his property status, except for cases when the harm is caused by acts committed intentionally.

In addition, the violation of water legislation can be established in accordance with the notification by the water management organization of the monitoring agencies on the discharge of sewage and/or drainage waters with exceeding the permissible concentrations of harmful (polluting) substances that are established by the permissible discharge standards or discharge limits, if available.

The calculation of the amount of damage is based on the compensation principle of assessment and compensation of the amount of harm by the amount of costs necessary to establish the fact of causing harm and to eliminate its causes and consequences, including costs associated with the development of design estimates and costs associated with the liquidation of the infringement and restoration of the state of the water body to the indicators observed before the detected violation, as well as to eliminate the consequences of the violation. In this regard, it is proposed to amend the Law on Water supplementing it with a new article «Responsibility of Citizens and Legal Entities for Damage to Water Objects».




## CONCLUSIONS


-  1. Compensation for harm caused by violation of the legislation on nature protection has as its primary functions the protection of lands, its subsoil, waters, forests and other natural objects.

Illegal appropriation, destruction or damage of natural objects a significant damage of water facilities occurs, when analysing the content of which there are complex, unsolved legal problems that are of great theoretical and practical importance.

The complexity of these problems is connected to the fact that the new legislative acts adopted in recent years on the protection of individual objects of nature and their rational use do not regulate all conditions and the procedure for compensation for harm in detail.

-  2. In practice, the largest number of disputed and unresolved issues encountered in detriment cases relates to the concept of damages caused by violation of legislation on nature protection, determination of their size and order of compensation.

In this regard, it is necessary to expand the scope of environmental insurance, since it is not only a guarantor of compensation for losses caused to water objects, but also a means of ensuring financial stability of water users.

-  3. The calculation of the damage caused to water facilities should be carried out in case of violation of water legislation. Violations are established by the results of state control and supervision in the field of use and protection of water facilities on the basis of full-scale surveys, instrumental definitions, measurements and laboratory analyses.

In this case, the calculation of the amount of harm is based on the compensation principle of assessment and compensation of the amount of harm by the amount of costs necessary to establish the fact of causing harm and to eliminate its causes and consequences, including costs associated with the development of

plans and estimates. And the costs associated with the liquidation of the violation committed and the restoration of the water body conditions to the indicators observed before detected violation, as well as to eliminate the consequences of the violation.



4. It is proposed to amend the Law on Water, supplementing it with a new article «Responsibility of Citizens and Legal Entities for Damage to Water Objects»: «Citizens and legal entities that have caused damage to water bodies shall reimburse it voluntarily or by court decision in accordance with methods of calculating damage caused to water facilities, and in their absence - at actual costs for the restoration of water facilities, taking into account the losses incurred, including lost profits. Amounts of compensation for damages, recovered by a court decision, are transferred to the state budget in accordance with the established procedure.»

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