

21 世紀初頭における環境・開発統合支援戦略策定 (国別調査)

カ ザ フ ス タ ン 共 和 国

資 料 編

資料－Ⅰ 環境基本法

資料－Ⅱ SURVEY: Issues of Environmental Protection in the
Republic of Kazakhstan
Environmental Situations Problems and Solutions

資料編は、本編を補足する情報、背景、調査データを示すものであり、資料編内における章、項、頁番号は本編と対比されない箇所もある。

環境基本法

1997年七月十五日号外法律

〔大統領署名〕

最終改正

1999年 五月十一日法律第三百八十一号第一条による改正
及び1999年 十一月二十九日法律第四百八十八第一条による改正

自然及び天然資源はカザフスタン国民の安定した経済的かつ社会的発展と福祉、並びに国民の生活及び活動の基礎である。

この法律が環境の保全について、法律的、経済的、社会的基本を定め、環境を保全するとともに、事業活動その他の人の活動に伴って生ずる環境への負荷を防止し、生態系の多様性の確保に寄与するとともに、天然資源・自然を合理的に使用することを目的とする。

第一章 総則

第一条 基本用語と定義

この法律には、次のような用語と定義が使用される

「**環境**」とは相互関係にある自然のもの、天然資源、空気、水、土壌、地下資源、動物界と植物界、並びに気候の総体をいう。

「**環境保全**」とは人間と自然の調和した相互作用、自然環境の改善、天然資源の合理的利用・再生資源を目的とする国家的かつ社会的体制をいう。

「**環境保全の対象**」とは法律で保護される環境の構成をいう。

「**天然資源**」とは社会の文化的・物質的な欲求の充足のために使用される自然のものをいう。

「**天然資源使用**」とは天然資源を使用することをいう。

「**環境の資質 (Ecological quality)**」とは環境の構成と特性を評することをいう。

「**環境の監視（モニタリング）**」とは人間の周りの環境状態を監視することであれば、人間と生物体が損なわれる恐れのある危険な状態について警報することをいう。

「**環境基準**」とは生態系の存続利用、人間の暮らしやすい豊かな生活環境及び生物的多様性の保全を維持する上で定められる基準をいう。

「**公害**」とは危険な化学物質、生物物質、放射性物質による大気の汚染、水質の汚濁、土壌の汚染、振動、磁場騒音その他の環境に損害をあたえる悪影響のことをいう。

「**環境保全規定**」とはカザフスタン共和国の法律にのっとり、環境へ悪影響を及ぼす事業活動の制限、並びに差し押さえなどの条例のことをいう。

「**環境安全（Ecology Security）**」というのは環境への悪影響を及ぼすによってさまざまな危険から社会的権利と人権を保護するということをいう。

「**生態系**」というのは生物体と無生物界の相互作用のことをいう

（目的）

第二条 カザフスタン共和国の環境法

1. カザフスタン共和国の環境法は法律秩序を強化するとともに、天然資源の合理的利用及び再生資源、環境の資質の向上（環境改善）をもとに、社会と自然の相互関係を調整することを目的とする。
2. カザフスタン共和国の環境法はカザフスタン共和国憲法に基づき、当法律、天然資源の保護、再生資源、利用に関する法律、その他の法律から成り立つ。

当法律が他の環境に関する法律と矛盾する場合は、当法律の改正ができた後、後者を適用することが可能である。

この法律に規制されない土壌、水、天然資源、空気、森林その他の植物、動物、エコロジー的科学的文化的に特別価値がある環境の対象、特定環境保護地域についての分野はその他のカザフスタン共和国の法律に規制される。

第三条 環境基本理念

環境の保全は次のような基本理念に基づく：

- 人間の健康と生活を保護する事の最大限の優先度；
- 一人の生活、労働、レジャーにいい環境を保全及び改善する；
- 現在及び将来の世代の人間が健全で恵み豊かな環境の恵沢を享受するとともに市場経済に移転しつつある条件で、カザフスタン共和国の存続発展のための社会的経済的問題かつ環境問題の均整の取れた解決方法；
- 環境の損なわれた地域の生態系の回復、環境保全の維持；
- 天然資源の合理的使用、再生資源；天然資源の使用の段階的に行われる有料化、環境保全の経済的活性化；
- 生態系の多様性及びエコロジー的、科学的、文化的に特別価値がある環境の対象の保護；
- 環境法律の適用の国家規制；
- 公害の防止対策、環境への可能な悪影響の予測；
- 環境保全について国民、社会団体、地方自治体の積極的参加；
- 国際法にのっとり、環境に関する国際協調；

第四条 環境保全の対象

破壊、墮落、減少、公害、汚染、損傷、破損、涸渇、不合理な使用、から保全される対象になるのは：

- 土壌、天然資源、水、空気、森林その他の植物、動物界；
- 生態系、気候、オゾン層。
- エコロジー的、科学的、文化的に価値がある対象及び特定環境保護地域が特別保全対象になる。

第二章 国民と公共団体の権利と責務

第五条 国民の権利と責務

1. 国民、国籍がない人、在かカザフスタン共和国外国人には健全で恵み豊かな環境の恵沢を享受する権利、環境の状態とその改善についての情報権利、環境法律違反上、健康と財産の損害補償の求める権利がある。
2. カザフスタン国民には次のような権利がある：
 - 天然資源使用・再生資源・保護の権利、環境保全と改善に参加する権利；

- 環境保全の公共団体、民間の財団を組織する権利；
 - 環境保全における会議、ミーティング、ピケ、行進、デモ、投票の参加権利；
 - 環境問題をめぐって、国の機関に提案と提訴する権利及びそれについての検討を求める権利；
 - 環境の公共団体の調査（以下「調査」という）の提案と参加権利；
 - ある施設が環境に損害を与える場合、その施設の設置、建設、再建停止及び人の健康の障害と環境保全上の支障の原因になっている個人及び法人の活動の一時停止あるいは完全停止を裁判的行政的に求める権利；
環境法律違反上、健康的財産的被害を受ける際、事業者、役人、一般の人に対して裁判へ訴える損害賠償の権利；
 - カザフスタンの法律にのっとり、その他の権利を有する；
3. 国民が環境法を守り、環境を保全する上、環境の保全についての理解を深めるとともに、環境に関しては若い世代の教育が推進されるよう努力しなければならない。

第六条 公共団体の権利と責務

1. 公共団体には次のような権利と責務がある：
- 団体のエコロジープログラムの開発、承認、宣伝の権利、国民を環境の保全に関して任意の積極的活動が促進するよう働きかける権利；
 - 環境の保全と改善のため適切な施策を行う権利、天然資源の合理的使用と再生資源の権利、エコロジー的、科学的、文化的になる対象及び特定環境保護地域の保全に参加する権利；
 - 環境の保全に関して、教育、研究を行う権利；
 - 国家鑑定を要求する権利、公共鑑定の権利；
 - 環境保全において公共団体をコントロールする権利；
 - 国家機関に環境の状況その他の環境保全と改善における必要な情報を適切に提供してもらう権利；
 - 環境の保全に関する国家機関と国際機関との協力権利及びこれらの事業にともなって、カザフスタン法律にのっとりこれらのため契約を結んで、様々な作業を行う権利；
 - 環境保全法案をめぐっての審議に参加する権利；

- 環境に損害を与える施設の設置、建設、再建停止及び人の健康の障害と環境保全上の支障の原因になっている個人活動及び法人活動の一時停止あるいは完全停止を裁判的行政的に求める権利；
- 環境法律違反上、健康的財産的被害を受ける際、事業者、役人、一般の人に対して裁判への損害賠償の訴えの権利；
- その他のカザフスタンの法律にのっとり、その他の権利を守る権利；

2. 共同体は環境法と公共団体法にのっとり、活動をしなければならない。

第三章 国と地方自治体の権限

第七条 カザフスタン共和国政府の権限：

環境の保全において、カザフスタン共和国政府は次のような権限を有する：

- 国家政策の基本方針を作成し、戦略的かつ総合的実施施策を策定する；
- 様々な国家的エコロジープログラム（共和国エコロジープログラム）及び自然利用プログラムを開発し、大統領の承認に提供する；
- 省、国家委員会、政府外の委員会、地方自治体を指導して、これらの法律、と大統領および政府の法令の履行をコントロールする；
- 国有財産を運営し、国有財産利用措置を講ずる；
- 環境基準と環境規定を定める措置を講ずる；
- 公害について罰金及び天然資源使用、再生資源に関する税金を徴収する措置を講ずる；
- 環境保全上の国家財産基金の措置を講ずる；
- 義務環境保険の措置を講ずる（ecological insurance）；
- 天然資源を使用するにあたって、許可を得なければならぬ天然資源の種類の一覧を作成し、その許可証を出す措置を講ずる；
- 法律上、天然資源使用の政令を發布し、契約を結び、天然資源使用の制限と割り当てを定める；
- 天然資源使用のあらゆる形の基本理念を定め、国がコントロールする天然資源の総合的使用、再生資源、保全の実行体制を定め、天然資源の登録及び台帳の体制を整備する；
- 環境と天然資源の国立モニタリング及びモニタングの構造、内容、基準を定める；

- 環境への負荷を生じさせる事業又は生じさせる原因となる事業（以下この法律において負荷事業という）のリストを作成すれば、義務的に国から許可を得なければならぬ同種事業のリストを作成する；
- エコロジー的、科学的、文化的に価値がある対象のリストを決め、国立公園、国立自然公園、縁地、自然保護区域その他の特定環境保護地域の整備において、関連業務を推進する；
- 環境の保全上の適切な情報提供の体制及び国家統計の体制を定める；
- 天然資源使用、環境保全、国家コントロールに関して特別全権機関を設置し、それらのコントロールを行う；
- 環境保全についての会計検査及び許可証の体制の整備をする；
- 国際協調を行う；
- カザフスタン法律にのっとり、その他の事業を行う。

第八条 環境保全の中央執行機関の権限：

環境保全の中央執行機関は環境保全と天然資源使用の管理に関するその他の中央執行機関の活動を調整し、上級の国家コントロールを行う。

環境保全の中央執行機関はつぎのような権限を有する：

- 国の基本環境保全政策（エコロジーポリシー）及び国家環境プログラムの実施を行う；
- 環境基準及び環境規定を定め、あるいはこれらを他の機関と調節する；
- 政府が定めた基準で共和国環境保全基金の管理を行う；
- 政府が定めた基準で負荷活動事業、廃棄物について許可を提供し、協定や契約を結び、限度と割当てを定め、天然資源利用の許可証を出す；
- 環境の国立モニタリングの作業を行い、環境保全及び天然資源の全国モニタリングシステムを管理する；
- 国家環境鑑定を行う；
- 自然保護区域の分野を管理し、特定環境保護地域の視察、これらの国立登録を行う；
- 動物界及び植物界の保全、再生産の国家コントロールを行い、レッドデータブックの出版を行う（国際自然保護同明の出版物で、世界の動植物の珍種に関する報告を集めたもの）；
- 権限内、環境保全の国家コントロールを行う；
- 国際協調に参加する；

—その他の環境保全の効果的政策を行う；

第九条 環境保全と天然資源利用の管理に関するその他の

中央執行機関

政府は法令にのっとり、環境保全と天然資源使用の管理に関するその他の中央執行機関の法規と権限を決める。

第十条 地方のその他の代表機関と執行機関と自治体の権限：

1. 地方代表機関は次のようなことをする：
 - 当地の環境保全と天然資源のプログラムを決める；
 - 当地予算の環境保全及び改善への支出を決める；
 - 地方執行機関の環境状況と天然資源についての報告を受け付ける；
 - 管轄内、環境保全と改善、天然資合理的源使用と再生資源の規則を定める。この規則が違反される場合、行政処分をあたえる。当規則が公表されてから遅くとも二週間後発効する；
2. 地方執行機関は次のような権限を有する；
 - 管轄内、環境保全及び天然資源使用の国家コントロールを行う；
 - 当地の環境保全及び天然資源使用のプログラムの開発と実施、環境鑑定を行い、環境保全に関する施設の建設及び再建をする；
 - 公害の罰金を決める；
 - 環境調査を行った上、禁止された事業、建設と再建について調査の書類を作成する；
 - 環境保全規定に違反した事業について、裁判へ提訴する；
 - エコロジー的科学的文化的に特別価値がある環境の対象、特定環境保護地域について保全政策を決め、あるいはそれについて上の機関へ提案する；
 - カザフスタン共和国の法律に則り、その他の事業を行う。
3. 地方自治体は、権限内、当地自民の環境保全の活動を指導し、当地の自民を環境問題の解決することに参加させる。

第四章 天然資源利用

第十一条 天然資源

土地、地下資源、水、動物界、植物界、その他の天然資源は国有であり、カザフスタン共和国の主権の基盤とする。法律に則り、土地は私有化されることもありえる。

第十二条 天然資源使用者

天然資源使用者は法人及び個人並びに国立及び私立並びに国内及び外国と言うように区別される。

国内天然資源使用者はカザフスタン国民及びカザフスタンの法人とする（外国企業の出資分担がある法人も含む）。外国天然資源使用者は外国人、外国人、外国、国際機関とする。

天然資源使用者は常時使用者（天然資源の永久使用権）及び臨時使用者並びに第一次使用者（天然資源使用権を国かその他の第一次利用者から収用する）及び第二次使用者（天然資源使用臨時権を契約上永久使用権の持つ第一次使用者から得る）に区別される（期限の天然資源使用権）；

第十三条 天然資源の一般使用と特別使用

カザフスタン共和国天然資源は一般使用もされれば特別使用もされる。

一般使用は国民の生活に必要なとすれば無料で行われる。ただし、この場合、天然資源は誰のものにもならず、国家財産で残る。カザフスタンの法律にのっとり、一般使用は制限されることが可能である。

一特別使用は規定する基準で行われる。特別使用権は常時及び臨時並びに収用及び譲渡不能並びに第一次及び第二次に区別される。

一特別使用権あるいは天然資源使用制限権（地役権）はカザフスタン共和国の法律で決定される。

第十四条 天然資源利用の根拠（書類）

天然資源は次のような根拠で提供される：
環境保全におけるある事業及び天然資源使用の許可証；
地方執行機関の決定及び政府の政令；
天然資源使用の契約；

第十五条 天然資源使用の限度及び割り当て

天然資源の限度及割り当てとは使用者に与えられる天然資源の最大限使用量及び一般廃棄物量と産業廃棄物量を制限する割り当てと限度とする。
天然資源の限度及割り当ては環境規定及び環境基準によって、政府に決定される。

第十六条 天然資源使用の許可証

天然資源使用の許可証は政府が決めた機関が出す書類である。この許可証は天然資源使用権を証明するものであって、天然資源使用の条件・期間・使用量技術及び廃棄物量などを説明する書類である。

第十七条 天然資源使用の国家調整

天然資源使用の国家調整のために天然資源使用の国家制度を作成し、天然資源保全、再生資源、使用総合プログラムを開発し、天然資源の国家登録と国家調査、国家モニタリングを国家プログラムに伴って国家予算で行う；

第十八条 天然資源使用の国家制度及び天然資源保全、再生資源

使用総合プログラム

天然資源使用の国家制度は天然資源の合理的使用・再生資源・天然資源保全を目的とする施策の制度である。

カザフスタン法律にのっとり、天然資源保全、再生資源使用総合プログラムを作成する。

第十九条 国家調査及び国家調査台帳

国民の要求を充足させる天然資源の質と使用量を決められるために天然資源の状況、使用、再生資源、保護についての情報を含む国家調査及び国家調査台帳を行う。

第二十条 天然資源使用者の責務と権利

使用者は次のような責務を有する：

- 有効の事業における環境基準、環境規定を守らなければならない；
- あたえられた天然資源を合理的使用する；
- 他の環境への負荷をしない
- 他の使用者の使用権に侵害しない；
- 指定された基準で天然資源保全及び再生資源の施策を行う；
- 天然資源保全・再生資源・使用・公害の定められる料金を定期的に支払う；
- 環境保全の国家コントロールを行う機関へ必要な情報を提供する；
- カザフスタン法律にのっとり、その他の責務を持つ；

使用者の権利はカザフスタンの法律で保護される。使用の制限は法律で決められるものである。

使用権は侵害される場合、カザフスタン法律にのっとり、復権される。

第五章 環境保全及び天然資源使用の事業のライセンス交付

第二十一条 義務づけられるライセンス交付の業種リスト

1. ライセンス交付すべき業種は次のようリストに入る：
 - 1) 天然資源使用；
 - 2) 廃棄物を扱う事業；

- 3) 生活環境に係る特別に重い被害を生ずるおそれがある性状を有する廃棄物を扱う事業；
 - 4) 環境会計の事業；
2. エコロジー的に特に危険性がある事業のライセンス交付が義務つけられている。

第二十二条 ライセンス交付の順番

ライセンス交付をするのは政府が決めるリストに入る特別全権機関のみである。ライセンス交付の条件と順番が法律で定められる。

第二十三条 天然資源使用の条約

天然資源使用の条約は法律にのっとり、政府並びに執行機関と使用者の間に結ばれる。

義務づけられるライセンス交付のリストに入るにもかかわらず、事前にライセンス交付されなかったとすると、天然資源使用の条約は無効になる。

条約の有効期間および条件は法律あるいはライセンスで定められる。

ライセンスの条件と条約の条件が矛盾する場合、条約の条件が向こうになる。

ちなみに、ライセンスが召還されれば、条約が無効になる。

条約は調印されるまえに環境保全の特別全権機関と打ち合わせるべきである。

第六章 モニタリング

第二十四条 環境および天然資源の国家モニタリング

1. 国家モニタリングは特別全権機関にされる。国家モニタリングは次のようなことをいう：

- 1) 規定されるプログラムで環境および天然資源の状態と人間の行動を観測する；
- 2) 観測対象の状態を評価する；

- 3) 観測対象の変化を予測する；
2. モタリングは環境保全において管理の役割を果たすべきものである。
3. カザフスタン共和国には統一国家モニタリングシステムが形成されつつあります。
4. モニタリングの体制は法律で定められる。
5. 統一国家モニタリングシステムで提供された情報は国家財産であり、執行機関に事業のため、あるいは国民の情報提供のために使用される。

第二十五条 事業モニタリング

1. 法人は事業モニタリングと環境への負荷について報告をしなければならない。
2. 業モニタリングのために使う道具は全部規格化に合致しなければならない
3. 事業モニタリングのデータは定期的に特別全権執行機関へ提出しなければならない

第七章 環境保全の経済的活性化

第二十六条 環境保全の経済的方法

- 環境保全の経済的方法は次のようなものとする：
- 環境保全計画および融資；
 - 天然資源使用金；
 - 公害の補償金；
 - 環境保全および最善のための支払い；
 - 環境保全の経済活性化；
 - 環境保険；
 - 環境保全基金の設立；

第二十七条 環境保全計画および融資

1. 環境保全の施策はカザフスタンのナショナルプランニングおよび国家社会発展計画並びにナショナルコンセプトの中に入る。

エコロジープログラムおよびコンセプトは法律で定められる。

2. 境保全施策およびエコロジープログラムの融資は次のような予算で行われる：

- 国家予算およびローカル予算；
- 環境保全基金の予算；
- 環境保険の予算；
- 使用者の資金の予算；
- 個人・法人の献金および納入金；
- その他の合法資金源；

第二十八条 天然資源使用金

天然資源使用金は使用者から国家税金とローカル税金と払込みと特別天然資源の使用金として集められる。

第二十九条 公害の補償金

公害の補償金は廃棄物および環境への負荷の補償として国民および法人から集められる。

公害の補償金は制限があるが、それ以上集められる場合は法律で定められる。

公害の保証金の率は中大執行機関と打ち合わせるべく、州の知事（州長）およびアルマテイ市長に決められる。

第三十条 環境保全および最善のための支払い

環境保全および最善のための支払いは予算支出の補償として使用者から集められる。

第三十一条 環境保全の経済活性化

1. 環境保全の経済活性化は積極的かつ効率的に環境保全に参加する法人の利用者のための手当てを用いて行われる。その他の活性施策も行われる。
2. 経済活性化施策は一切法律に矛盾しない。

第三十二条 環境保険 (Ecological Insurance)

1. 環境保険は公害や天然資源の不合理的使用の場合、法人および国民の保険料金の保険基金あるいはその他の合法資金源から成り立つ保険金を賠償として用いるものとする。
2. 環境的に特に危険性がある事業を行う法人及び個人が義務環境保険をかけるなければならない。保険契約は特別ライセンスを持った保険業者と結ばなければならない。
3. 自発的の環境保険が法人及び個人の意志によるものである。環境保険の種類と条件と形が保険業者及び被保険者の間で決められる。

第三十三条 環境保全基金

1. 環境保全の緊急課題、環境への負荷の補償、環境の復活その他の施策の出資のために設立される。
2. 環境保全基金は法人であって、国立基金でもあれば、私立基金でもある。国立基金は国家基金と地方基金に分けられる。
3. 国家基金は地方基金の控除から成り立つ。
4. 地方基金は使用者から集められた補償金、罰金、密猟及び密漁の没収された道具の処分の資金、その他の資金源から成り立つ。
5. 国立基金の事業は環境保全基金の規則で決められる。
6. 公共団体の環境保全基金の事業は公共団体環境保全基金規定できられる。

第三十四条 国家環境保全基金の使用

1. 国家環境保全基金の資金はその他の資金源と同時に次のようなことで使用される：
 - 1) 科学研究；リサイクル及び省資源の新技术の導入；
 - 2) 法人の天然資源使用者が環境保全のために立てる建物の建設及び再建経の参加；
 - 3) 再生資源の施策；
 - 4) 環境への負荷から生ずる国民の健康及び生活に悪影響を与える支障の補償金；
 - 5) 環境の改善への様々なプロジェクト、プログラムの開発及び実施の出資分担；
 - 6) 環境の教育及び養育；
 - 7) 特定環境保護地域の設置；
 - 8) 環境保全の執行機関の物質的技術的基盤の強制；
 - 9) 環境保全のその他の施策；
2. 環境保全基金の資金は環境保全に関連がない施策に一切使用されない。

第八章 環境規制

第三十五条 環境の規制の基本目的及び要件

環境の規制は大気汚染、水質汚濁、土壌汚染及び騒音に係る環境上の条件について、それぞれ、人の健康を保護し、及び生活環境を保全し、環境への負荷を防止し、再生資源及び合理的使用する上で維持されることが望ましい基準を定めるものとする。

環境規制は基本目的として次のようなものとする：

—環境の資質の類型を設け、環境の資質は人の健康、再生資源及び合理的使用にどのような関連があるかを定めるものとする；

—環境への負荷の最大の限度を決める；

決定された環境規制の不当に高くすること及び低くすることは一切してはならない。

場合によって、環境規制をもっと厳しくするために変更は可能である。

定められる環境規制は法人及び個人のために作られたものであって、守らなければならないものとする。環境規制についての情報を自由に報道しなければならない。

設備や機材などを調達する外国及び投資する外国の環境規制はカザフスタン共和国の環境規制より厳しくなければ、当国のプロジェクトは当国の環境規制で実施するのが可能であるが、その際カザフスタン政府が国家鑑定を行わなければならない。

第三十六条 環境規制の基本種類

環境規制の基本種類は次のようなものをいう：

—有害物質の濃度の限度；

—廃棄物の限度；

—騒音、振動、磁場などの限度；

—放射線の限度；

—農林産業で使用される農芸化学物質の使用量の限度；

—保護地域、衛生的地域の規制；

—カザフスタン法律にのっとり、その他の規制；

第三十七条 有害物質の濃度の限度

人間の健康、動物界・植物界の保全、それぞれ、遺伝子フォンド保護のため大気汚染、水質汚濁、土壌汚染の原因となる化学的・生物的有害物質の限度を定める。

第三十八条 廃棄物の限度

公害を防止するため人間の健康、動物界・植物界へ悪影響を及ぼす廃棄物を各地域の廃棄物量及び廃棄物を出す事業の種類に応じて、各種類の廃棄物の限度を決める。

第三十九条 騒音、振動、磁場などの限度

国民の健康、動物界・植物界の保護のため騒音、振動、磁場などの最大の許容される限度を定める。

第四十条 放射線の限度

人間の健康及び遺伝子フォンドへの悪影響を防止するため環境及び食料の放射線の限度を決める。

第四十一条 農林産業で使用される農芸化学物質の使用量の限度

国民の健康及び遺伝子フォンド、動物界・植物界の保護のため農林産業で使用される化学肥料及び殺虫剤の使用量の限度を定める。

第四十二条 保護地域、衛生的地域の基準

環境への負荷を防止及び特別に保護すべき地域の保全のため保護地域及び衛生地域が特定される。

カザフスタン法律にのっとり、保護地域及び衛生的地域の大きさ及び方式が決められる。

第九章 環境保全の規格化及び証明書化 (CERTIFICATION)

第四十三条 環境保全の規格化及び証明書化の対象

国民の健康及び天然資源の合理的使用・再生資源への悪影響を及ぼす恐れがあるカザフスタン国内で生産されるもの及びサービスが環境保全の規格化及び証明書化の対象となる。

第四十四条 環境保全の規格化

カザフスタン共和国の国家規格化及び規格化の技術条件がカザフスタン法律で定められる。

定められた規格を破るものの生産、調達、保存、輸送、使用、修理及びサービスが一切禁止される。

第四十五条 環境保全の証明所化

規格化のために義務的かつ自発的証明所化を行う (sertifikat sootvetstviya) 証明書化をしなければならない物を証明書なしで処分は一切禁止される。

第十章 事業における環境規格

第四十六条 環境への影響の評価

事業が原因となる環境への影響、環境保全施策、エコロジシステムと天然資源の破壊、損害、破損、枯渇の防止のために環境影響評価を行う。

環境影響評価の結果をプロジェクトの最重要の資料である文書にする。環境影響評価のないプロジェクトが一切開発されない。

悪影響を及ぼす事業の形態の変化、事業の解散、活動停止などが特別国家全権機関の同意を取り付ける上で行われる。

環境影響評価の規則がカザフスタン法律で定められる。

第四十七条 天然資源使用の環境規格

土壌、水、天然資源、大気、森林とその他の植物、動物界、エコロジー上、科学上、文化上の特別価値がある環境の対象、特別自然保護区域使用の場合の環境規格はカザフスタン法律、又は法令で定められる。

エコロジシステム、人間、動物界・植物界の遺伝子フォンドの破壊を及ぼす原因を生ずる恐れがある事業が一切禁止される。

第四十八条 建設プロジェクトの環境規格

居住区（市町村）、工場、建物及、又は産業・農業施設の建設、水供給設備、下水設備の建設、インフラの建設（電線敷設・通信ネットワークの敷設）、その他の事業が行われる場合に、廃棄物の再生産、リサイクル等、又は天然資源の合理的使用と再生資源を確保する上、環境の資質の規定を守らなければならない。

環境規定の肯定的判断がなければ、プロジェクトの署名及び融資は一切禁止される。

第四十九条 事業の配置の環境規格

環境への事業による負荷にかんがみ、施設、工場などを配置する場合、環境保全、天然資源の合理的使用及び再生資源の規則に従う。

施設・工場の配置する場合、保護、衛生ゾーンを設置する。

第五十条 施設建設・再建の環境規格

環境調査の肯定的判断がある限り施設建設・再建が環境の資質の規定にしたがって行われる。署名されたプロジェクトにおいて、環境への負荷を及ぼす原因となる変更は許容されない。

建設作業の時、土壌の再肥沃化、天然資源の合理的使用及び再生資源、環境の改善のため、適切な措置を取らなければならない。

第五十一条 民用化の環境規格・環境責務

1. 国家財産が民用化される場合、民用化全権執行機関が環境規格の履行のコントロールを行う。
2. 民用化が環境状況の評価の結果により、行われる。事業の環境状態の評価は民用化企画の一部であり、国家環境コントロールと協同で行われる。
3. 事業の修理及びクリーニング施策の融資は国家予算でおこなわれる。その他に新しい所有者の承諾がある限り、次のような資金で行われることができる：
 - 1) 所有者の自費である最新設備導入、再建への投資；
 - 2) 国の事業向けの特別貸付金、無償のローン、特別融資；
 - 3) 環境保険制度で集められる資金；
 - 4) 国の株の売買からの資金；
 - 5) その他の資金；

第五十二条 企業の倒産の環境規格・環境責務

1. 天然資源使用者である企業の倒産の場合は事業の環境状態がチェックされる；
2. 環境状態をチェックするのは倒産救済措置機関、あるいは担当者である；
3. チェックの対象となるのは倒産の原因になった活動及び法人の環境規格の履行である；
4. 倒産の場合、環境規格に基づき、貸手のほうが有利に決められる；

第五十三条 法人の閉鎖及びリストラの場合の環境規格・環境責務

1. 法人の閉鎖及びリストラが環境状態をチェックされる上で、環境調査の結果に基づき、行われる。環境調査の結果を当該企業の収支（LIQUIDATION BALANCE）にのせなければならない。
2. 閉鎖・リストラされる企業のチェックには国家調査機関が参加する；
3. 閉鎖・リストラの場合、環境責務が新しい所有者に移管する；
4. 閉鎖及びリストラの場合、環境責務に基づき、貸し手のほうが有利に決められる；

第五十四条 工場や建物などの施設導入の環境規格

工場や建物などの施設の導入が環境調査に基づき、特別国家全権機関と一緒に組織される受付委員会の法令で行われる。

フィルターや廃棄物利用設備や廃棄物の限度をコントロールする機材・設備などの整備されていない工場、又は建物等の導入は一切禁止される。

第五十五条 産業、エネルギー、輸送、通信、農業、灌漑施設の使用の環境規格

産業、エネルギー、輸送、通信、農業、灌漑施設の使用は環境規格に基づき、行われる。施設を使用する場合、環境への負荷を防止、並びに減少する特別なクリーニング機材、フィルター機材、廃棄物利用機材、その他の新しい技術方

法を導入した設備と機材の整備をしなければならない。また、省エネルギー方法を利用し、天然資源合理的使用及び再生資源の確保に最大限の努力をしなければならない。

人工密度の高い地域、活発な地震多発地域、保養地及びサナトリウムの地域には電子力発電所と水力発電所の建設は一切禁止される。

第五十六条 都市及び村の建設の環境規格

市町村の建設、並びに再建を行う企業・機関は環境保全及び健康的な生活のために一番良い条件を確保しなければならない。

建設プランニングをする場合、衛生クリーニング、廃棄物管理・処理、製品保存、廃棄物利用、ごみの処理のため、適切な措置をとらなければならない。大都市及び工業地帯を建設する場合、防風林、緑化、自然保護地域及び自然保護制限地域を設置しなければならない。

第五十七条 放射性物質使用の環境規格

国民及び企業は確定される放射性物質の製造、保存、輸送、放射性廃棄物のルールを守り、放射汚染を防止し、放射性が限度を超えないよう必要な努力をしなければならない。

放射汚染の場合、コントロール機関に緊急に知らせをしなければならない。

第五十八条 危険性が高い化学的・生物学的物質の製造・使用の環境規格

政府が規定する順番で、危険性が高い化学的・生物学的物質の製造・使用の場合はその物質の衛生規格・環境規格をさだめ、毒物に関する適切な科学的判断が加えられた上で、国家登録をしなければならない。

当該地域のエコロジーシステムに合致しない生物学的な物資の製造・使用は、適正な科学的判断が行われる上で、特別国家全権機関の許可のみで許容される。

第五十九条 振動、騒音、磁場、その他の物理的影響

国民が都会、居住地、産業施設、保養地、野生動物の棲息場所などの付近で、あるいはその中で、振動、騒音、磁場、その他の物理的影響を防ぐように最大限の努力をしなければならない。

市町村建設、産業施設の建設・再建プロジェクト、輸送・通信の新しい機材・設備導入の場合、振動、騒音、磁場、その他の物理的影響の限度規格を守らなければならない。

第六十条 産業廃棄物の環境規格

1. 廃棄物の保存・処理は地方執行機関が特別全権機関とその他の執行機関の同意を取り付ける上で特定される場所に行われる。
2. 処理及び保存のために海外からの廃棄物の持ち運び（輸入）は政府の特別許可がない限り一切禁止される。
3. 使用後、処理不可能な商品の輸入は一切禁止される。
4. 廃棄物処理の環境規格はこの法律、又はその他の法令で定められる。
5. 産業廃棄物及びゴミの処理方式及び使用方法は国家登録されなければならない。

第六十一条 軍事的施設の環境規格

カザフスタン法律にのっとり、この法律で定められる環境規格は軍事的施設にも完全に適用されることができる。

第六十二条 気候及びオゾン層の保護

カザフスタン法律および国際条約にのっとり、気候及びオゾン層の保護が行われる。

第十一章 環境責務

第六十三条 環境調査及び調査の形態

環境調査とは企業の活動が環境規格及び環境責務の合致、又は環境への負荷を防止するため事業実施の可能性を調べることをいう。

カザフスタンに国家環境調査及び公共団体環境調査がある。

第六十四条 国家環境調査

国家環境調査は特別国家全権機関に行われる。

国家環境調査の義務対象及び調査の順番のリストはカザフスタンの法律で定められる。

国家環境調査の肯定的結果がない限り、カザフスタンへの商品輸入が一切禁止される。

国家環境調査の文書は公式書類である。調査の結果に賛成しない場合は裁判へ提訴することができる。

第六十五条 公共団体環境調査

公共団体は公共団体環境調査を行う権利がある。

公共団体環境調査の法秩序がカザフスタン環境調査法で定められる。

公共団体環境調査書は情報上、相談上の文書とする。

第十二章 エコロジー上、科学上、文化上の価値がある

環境保全の対象

第六十六条 国家自然保護地域のファンド

国家自然保護地域ファンドはエコロジー上、科学上、文化上の価値がある環境保全の対象を科学研究上、遺伝子ファンド上、自然の標準上、教育及びレクリエーション上、保護されるものの総合体制をいう。

国家自然保護地域ファンドの保護はエコロジー上、科学上、文化上の価値がある環境保全の対象の使用制限及び使用禁止に基づき、行う。

第六十七条 特別自然保護地域

1. 特別自然保護地域は国家自然保護地域ファンドの保護及び改善を確保する特別保護体制（あるいは調整される保護体制）の土地、水、森林、天然資源の地域をいう。
2. 特別自然保護地域は次のような種類をいう：
 - 国家自然保護区域（生物圏保護地域を含む）；
 - ナショナル自然公園；
 - 国立自然公園；
 - 国家特定種類保護地域；
 - 国家エコロジー庭園；
 - 国家植物園；
 - 国家樹木公園；
 - 自然保護地域の森林；
 - 特別国家貯水池及び科学的価値がある貯水池；
 - 国際的なレベルの貯水池及び沼沢地；
 - エコロジー的科学的文化的価値がある天然資源の地域；その他の自然保護地域である。
それぞれ価値によって、特別自然保護地域は国家保護地域及び地方保護地域に区別される。

3. 特別保護地域の法秩序がカザフスタンの法律及び法令で定められる。

第十三章 環境の非常事態及び災難地域

第六十八条 非常事態

非常事態とは人間の活動及び天災により、生活環境と人間の健康と動物界・植物界に係わる被害を生じる環境の継続的变化の場合におきる環境状態をいう。非常事態の場合、ある国内地域の事業が禁止・制限されることができ、再生資源、改善、国民の社会的保護の緊急整備措置をとらなければならない。

第六十九条 災難地域

1. 生活環境の被害、生態系の破壊、壊滅の場合、非常事態の地域は災難地域とされる。
2. 災難地域はそれぞれ非難状態及びその要因の程度により、さらに環境危機地帯、環境非難地帯、環境前危機地帯に区別される。
3. 医療救護、再生資源・改善の施策は政府が定める国家意図的プログラムでそれぞれ各地帯毎に行われる。
4. 災難地帯には次のような措置を講ずる：
 - 1) 環境の非難の原因になった事業を停止する；
 - 2) 環境及び人間の健康へ影響を与える工場及び設備を停止する
 - 3) 天然資源の使用を制限する；
 - 4) 必要な場合、避難施策を行う；
5. 災難地帯で被害を受けた人々は被害補償金、手当て、その他の社会的保守の権利がある。被害者のリストが法律で決められる。

第七十条 環境の非常事態及び災難地帯の宣言

当地域の環境の非常事態は政府に宣言される。

災難地帯は法律で決められる。

災難地帯の境は環境保全・医療・科学の特別国家執行機関の適正な判断の上で、政府に定められる。

第十四章 環境保全の情報及び国家統計

第七十一条 情報

環境保全の情報は環境の状況、公害、改善、資金、出資、天然資源使用、再生資源、影響、環境規制、環境規定の情報をいう。

環境保全の情報は透明であり、マスコミで自由に報道されるべきものである。情報の提供を遅らせたり、隠したり、虚偽の報告したりする行為は一切禁止される。

第七十二条 国家統計

国際統計にあわせるべく、客観的統計データに基づき、特別国家執行機関が環境保全の国家統計をとる。

法人及び個人の環境保全の統計データの定期的提供の形は普通の国家統計データの形と一致する（提供する側が負担する）。

環境保全の国家統計の最低指数及び秩序が法令で定められる。

第十五章 環境保全の養育・教育及び科学研究

第七十三条 環境保全の持続的養育・教育

環境の保全に関する教育及び学習の振興並びに環境の保全に関する広報活動の充実により事業者及び国民が環境の保全についての理解を深めるとともにこれらの者の環境の保全に関する活動を行う意欲が増進されるようにするため、必要な教育が行われる。

教育及び教育の普及をマスコミとその他の方法を利用して行うのは国家機関及び公共団体である。

第七十四条 環境保全教育

すべての学校及び大学では環境保全に関する科目が教えられるべきである。環境へ影響を与える専門の専門家は十分な訓練を受けるうえで、環境保全の必要な知識を持たなければならない。ポストに二目にされる前に、適正な勉強をしなければならない。

第七十五条 科学研究

カザフスタン法律にのっとり、環境保全の基盤の作成及び開発のため、必要な科学研究を行う。環境の変化の機構の解明、環境への負荷の低減並びに環境が経済から受ける影響及び経済に与える恵沢を総合的に評価するための方法の開発に関する科学技術その他の環境の保全に関する科学技術の振興が図られる。科学研究は国家予算で出資される。

第十六章 環境保全のコントロール

第七十六条 コントロールの種類と目的

1. 環境保全のコントロールは環境の状況の把握、環境の変化の予測又は環境の変化による影響の予測に関する調査天然資源・再生資源その他の環境を保全するための施策の策定に必要な調査を実施するものをいう。
2. カザフスタン共和国には国家、機関、産業、公共団体の環境保全のコントロールがある。

第七十七条 国家コントロール

1. 国家コントロールは特別国家機関及び地方執行機関に行われる。
2. 特別国家施行機関のスタッフは次のような権限がある；
 - 証明書を提示するうえ、すべての施設（特別許可がある限り軍事施設を含む）を伺う権限；
 - 国家コントロールのために必要な情報を求める権限；
 - 環境保全、改善、天然資源使用・再生資源の施策の実施をチェックし、フィルター、清掃の設備をチェックする権限；
 - 天然資源使用ライセンスの条件の実行、様々な環境保全に関する条約・契約の条件の実行をチェックする権限；
 - 環境保全の関連のライセンス、条約、契約を破棄する権利及び破棄するよう提案の権限；
 - 環境鑑定提案の権利及び鑑定書の結果をチェックする権限；
 - 環境的に危険性がある商品、産業廃棄物の輸入（あるいはトランジット）の差し押さえの権限；
 - 法人及び個人への環境保全における環境法律違反の矯正を求める権限；
 - 環境規定を破った事業、施設の導入の停止、あるいは停止の提案の権限；
 - 環境保全における法律違反の場合、提訴の権限；
 - 環境へ悪影響を及ぼした事業に関して、その損害を監視する上で、損害賠償金を決めて（あるいは決めるのに参加する権利）、自発的に損害賠償を払うよう企業へ求める権限；
 - 環境へ悪影響を及ぼした事業について、当事業の金融機関に当事業の出資を停止するよう求める権限；
 - 産業コントロール及び機関コントロールの権；

3. 法人・個人が特別国家機関のスタッフの決定を実行しなければならない。事業の停止は裁判の判決の上で行われるものとする。

中小企業に対する提訴はカザフスタンの法律の順番で行われる。

判決がない場合、中小企業の活動の停止は可能であるが、三日以内で裁判へ提訴をしない限り、停止はキャンセルされるものとする。この際、事業の停止は裁判の判決まで続かれる。

第七十八条 機関及び産業コントロール

機関及び産業機関は特別国家機関と打ち合わせるべく、中央執行機関の制令で行われる。

第七十九条 公共団体コントロール

公共団体コントロールは自発的で使用者及び特別国家機関と打ち合わせる上で行われる。

公共団体コントロールは公共団体の規則に応じて行われる。

第八十条 国家コントロールを行うスタッフの保護対策

国家コントロールを行うスタッフが義務保険をかけなければならず、死亡及び障害の場合、損害賠償を求める権利がある。

カザフスタンの法律にのっとり、特別な場合、国家コントロールを行うスタッフが銃及び防御武器を持つ権利がある。

第十七章 環境会計検査

第八十一条 環境会計検査

環境会計は事業が天然資源使用及び再生資源の報告の会計の検査をいう。

第八十二条 環境会計検査事業

環境会計は会計検査される側と条約を結ぶ上で環境会計検査官及び環境会計検査機関に行われる。法律で定められる場合、環境会計は義務的のものである。

場合によって、外国環境会計検査官及び外国環境会計検査機関も参加できる

環境会計検査事業は国家ライセンス交付しなければならない。環境会計検査官になるには国家試験をうけ、会計検査事業の権利を与えるカザフスタン共和国証明書を受けなければならない。

第八十三条 環境会計検査の秩序

環境会計検査の秩序、条件、試験、権利と責務、会計検査官及び会計検査機関の責任は法律で定められる。

第十八章 争いの解決と環境法律違反の責任

第八十四条 争いの解決

争いの解決は裁判であるいはカザフスタンの法律で定められる順番で行われる。

第八十五条 環境法律違反の責任

カザフスタンの法律にのっとり、法人及び個人が環境法律を違反する場合、責任を負う。

第八十六条 環境法律違反でおきる損害の賠償

1. カザフスタン法律にのっとり、環境及び人間の健康へ悪影響を与え、環境法律違反を起こした法人及び個人が損害賠償を行わなければならない。賠償は自発的であるいは判決の上で決定されたレートで行われる。レートが確定されなければ、環境改善のための費用を会計する上で行われる。集められる賠償金は基本的に環境保全基金に移り、法律で定められるケースで被害者の法人及び個人に支払いされる。

2. 環境へ悪影響を及ぼす可能性が高い事業に係わる法人及び個人が環境の損害が自然に発生しない限り、損害賠償金を払わなければならない。
3. 被害者のリハビリ、医療、その他の費用の全額は賠償金として、損害の原因になった法人及び個人が払わなければならない。
被害の大きさ及び賠償金の支払いは法律で定められる。
精神的損害賠償はカザフスタン共和国民法にのっとり行われる。

第十九章 環境保全の国際協調

第八十七条 環境保全の国際協調

カザフスタン共和国は環境保全の国際協調を地球環境保全が人類共通の課題であるという基本理念にかんがみ行う。

第八十八条 環境保全に関するカザフスタン国内での外国事業

カザフスタンの法律にのっとり、国際条約に応じて国内で外国の事業が許容される。

第八十九条 国際条約

国際条約の条件はカザフスタンの法律と合致しない場合、国際条約の条件が効力を持つとされる。

カザフスタン共和国大統領
アルマテイ

ナザルバーエフ ヌルスルタン

1997. 07. 15.



C4 Climate
Change
Coordination
Centre
Kazakhstan

**SURVEY:
Issues of Environmental Protection
in the Republic of Kazakhstan.
Environmental Situations.
Problems and Solution.**



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INTRODUCTION

The present work is prepared in compliance with Memorandum of Agreement between Climate Change Coordination Centre, Kazakhstan and Overseas Environmental Cooperation Center, Japan.

Issues of Organization of the Ministry of Environmental Protection, finance of environmental activity are considered, environmental legislation is reviewed, interaction of territorial bodies on environmental protection with other local authority bodies (akimats), environmental situation of Kazakhstan, priority problems in environmental protection sphere, environmental development strategy of Kazakhstan and international cooperation issues in the work.

The Republic of Kazakhstan is included in the of environmental protection process as on an international and national level.

Kazakhstan ratified 19 international Conventions and Protocols and takes part in multilateral regional agreements on Central Asia level and in bilateral intergovernmental agreements.

As shown from researches in Kazakhstan for environmental protection objectives Kazakhstan provides more and more recourses and finance. If in 2003 form 2 mlrd tenge and in 2005 5,5 mlrd tenge were provided from Republican.

However, experience shows that these recourses are not sufficient. Nowadays, when Kazakhstan is formed economically and structurally as sustainable state with stable market economy and environmental protection finance, it does not obtain finance on permanent principle and from 2006 will obtain funds in whole necessary extent.

Important environmental problems for Kazakhstan are water quality deterioration, air pollution in cities and industrial centers, oil and industrial pollution, accompanying gas utilization in fields, biodiversity preservation and including uncommon and endemic animals, deforestation, enhance of national preserves potential, transboundary pollution transport, quality and joint use of transboundary waterway, ozone layer protection issues, global climate change problems, reduction of greenhouse gas emissions. Also historical pollution problems, which became not only national, but also regional problems – Aral sea shrinkage, Baikonur, Semipalatinsk nuclear ground and other military grounds.

Environmental threats have important significant for Kazakhstan and the most right for us is progressive technology assumption and environmental policy, adopted in other countries. The importance tasks are reformation and being legislation improvement, foundation of environmental thought, and introduction of environmental education among citizens of Republic. Kazakhstan has a great potential for environmental projects development, it has desire and possibility to implement all of them including jointly with the Government of Japan and companies.

1. GOVERNMENTAL ORGANIZATION

1.1. Organization of the Parliament

Parliament of the Republic of Kazakhstan

Constitution of the Republic of Kazakhstan of 1995 defines Parliament as higher state organ, which performs the legislative functions. People can express their political will not only directly but also through the Parliament.

The Parliament confirms republican budget and government report and Counting Committee on republican budget implementation control, makes alterations and additions in budget. The parliament can approve or decline the government program and express vote of censure to the government.

The Parliament of the Republic of Kazakhstan fulfills its job in sessional order. Session of the Parliament consists of joint and separate sittings of chamber, chamber office, permanent committees and joint commissions of the chambers.

Periodical sessions are held one time a year, beginning from the first working day of September and till the last workday of June. Parliament session opens and closes on the joint sittings of Senate and Mazhilis. Parliament session is opened by the President of the Republic, and in case of his absence by the Mazhilis Chairman.

The parliament of the Republic of Kazakhstan consists of two chambers of Upper (Senate) and Lower (Mazhilis)

38 deputies are in the session in the Senate of the Parliament by 5 committees, which are showed in picture 1.1

76 deputies are in the session in the mazhilis of the Parliament by 7 committees, which are showed in picture 1.2.

**Structure of the Mazhilis of the Parliament of the Republic of Kazakhstan
Picture 1.1.**

Chairman – Oral Mukhamedzhanov
Deputy -Sergey Diyachenko

Committee on legislation and judicial- and- legal reform

Committee on social-and- cultural development

Committee on international affairs, defense and security

Committee on agricultural issues

Committee on environmental and nature management issues

Committee on economic reform and regional development

Committee on finances and budget

- Members of Committee:**
1. **Sergey Zhalybin (chairman)**
 2. Kulyash Agataeva
 3. Valeryi Doskalov
 4. Sergey Kiselyuv
 5. Nurlan Itemgenov
 6. Mukhtar Tinekeev

- Members of Committee:**
1. **Zaure Kadyrova (chairman)**
 2. Onalbay Ayashev
 3. Valeryi Kotovich
 4. Beken Alimzhanov
 5. Amangeldy Duisekeev
 6. Dinar Nuketaeva
 7. Gadilbek Shalahmetov
 8. Bekbolat Tilekhan

- Members of Committee;**
1. **Serik Abdrahmanov (chairman)**
 2. Bagila BAigambetova
 3. ErasyI Abylkasymov
 4. Zeinolla Alshymbaev
 5. Sauyrbai Eszhanov
 6. Tokhtar Aubakirov
 7. Ualikhan Kalizhanov
 8. Murat Karimov
 9. Tolegen Muhamedzhanov
 10. Tokhtarhan Nurahmetov
 11. Muhtar Shahanov
 12. Amalbek Tshanov
 13. Amzebek Zholshibekov
 14. Ravil Cherdabaev

- Members of Committee**
1. **Romin Madinov (chairman)**
 2. Ivan Chirkalin
 3. Mikhail Troshihin
 4. Nurlan Zhylykyshev
 5. Askar Beisenbaev
 6. Bolat Abishev
 7. Uzakkali Eleubaev
 8. Amangeldi Aitaly
 9. Ermuhanbet Omarov
 10. Nurdaulet Sarsenov
 11. Erkin Ramazanov
 12. Nurbah Rustemov

- Members of Committee**
1. **Erlan Nigmatulin (chairman)**
 2. Serik Konakbaev
 3. Tanirbergen Berdongarov
 4. Sergey Boyarkin
 5. Raimbek Aiyashev
 6. Orynbasar Kalkabaev
 7. Uzakbay Karamanov
 8. Dariya Klebanova
 9. Vladimir Nehoroshev
 10. Baibol Utepbaev

- Members of Committee**
1. **Vera Suhorukova (chairman)**
 2. Shaimerden Yrazalinov
 3. Satybaldy Ibragimov
 4. Nurpeis Mahashev
 5. Rauan Shaeken
 6. Amangeldy Taspivov
 7. Elena Tarasenko
 8. Amangoss Utegenov
 9. Erzhan Rahmetov

- Members of Committee**
1. **Kenzhegali Sagadiev (chairman)**
 2. Victor Egorov
 3. ErmeK Abasov
 4. Vladimir Bobrov
 5. Turarbek Asanov
 6. Tuledek Kosmambetov
 7. Maral Itegulov
 8. Alexandor Ilutin
 9. Serik Ospanov
 10. Nurtai Sabiliyanov
 11. Tito Syzdykov
 12. Aldiyarbek Tusupov
 13. Oralbek Zhakiyanov
 14. Amanzhan Zhamalov



1.2. Organization of the Government

Government of the Republic of Kazakhstan realizes executive power of the Republic of Kazakhstan, heads system of executive powers and leads their activity.

Activity of the government is regulations by the Constitution of the Republic of Kazakhstan, the Constitutional law of the Republic of Kazakhstan "On the government of the Republic of Kazakhstan", other normative legal acts of the Republic of Kazakhstan and the present Order.

Government of the Republic of Kazakhstan is lead by the Prime-Minister, who has 2 deputies.

Informational-and-legal, documentation and other providing activities of the Prime-Minister of the Republic of Kazakhstan and government are fulfilled by the Prime-Minister Office of the Republic of Kazakhstan.

Structure of the government includes Ministry and Departments indicated in graph 1.2.:

Prime-Minister of RK

**Graph 1.2
Structure of the Government of
RK**

Prime-Minister's deputy (2)

Prime-Minister's office

The Ministry of Industry and Trade

The Ministry of Culture, Information and Sport

The Ministry of Education and Science

The Ministry of Transport and Communication

The Ministry of Finances

The Ministry of Economy and Budget Planning

The Ministry of Justice

The Ministry of Internal Affairs

Land Resources Management Agency

Natural Majors' Regulation Agency

The Ministry of Health

The Ministry of Foreign Affairs

The Ministry of Defense

The Ministry of Agriculture

The Ministry of Labour and Social Protection

The Ministry on Extraordinary Situations

The Ministry of Energy and Mineral Resources

The Ministry of Environmental Protection

Statistics Agency

Informatization and Connection Agency

2. THE MINISTRY OF ENVIRONMENTAL PROTECTION

2.1. The Laws for establishment of the Ministry

The Ministry of Environmental Protection of the Republic of Kazakhstan (MEP of RK) is the central authority power, which realizes inter-branch coordination on development and realization of state policy issues in environmental protection area and nature management as well.

Basic task of Ministry is improvement of environment quality and achievement of favorable level of environmentally society sustainable development.

Ministry carries out its activity in compliance with Constitution and laws of the Republic of Kazakhstan, deed of the President, government of the Republic of Kazakhstan, other normative and legal documents, also the present Regulation.

In 50-60 years separate conservancy services had existed, consisting of ministries and departments:

The Ministry of forestry – conservancy services

The Ministry of agriculture- conservancy services

The Ministry of health protection - conservancy services

The Ministry of water industry - conservancy services

State engineering supervision - conservancy services

In 1988 State Committee on environmental protection had been founded, which belonged to conservancy services of the following ministries and departments:

The Ministry of forestry - conservancy services

The Ministry of agriculture - conservancy services

The Ministry of fish industry - conservancy services

State factory-farm

The Ministry of geology

Kazhydromet

Lately of 10 years there were following changes:

State Committee had been founded on environmental protection then it was reformed to the Ministry of ecology and bioresource. Then the Ministry of ecology and natural resources had

been founded and lately the Ministry of natural resources and environmental protection and since 2002 Ministry of environmental protection has been functioning.

Now Ministry of environmental protection is functioning on the basis of N 1113 Resolution of the government of the Republic of Kazakhstan from October 28, 2004 «Issues of the Ministry of environmental protection of the Republic of Kazakhstan»

Text of the Resolution:

«Issues of the Ministry of environmental protection of the Republic of Kazakhstan»

N 1113 the Resolution of the Government of the Republic of Kazakhstan from October 28, 2004

The Resolution acts collection of the government (RACG) of the Republic of Kazakhstan, 2004, N 40, Article 524

With a view of the Degree of the President of the Republic of Kazakhstan from September 29, 2004 N 1449 "On measures on further state management system perfection of the Republic of Kazakhstan" Government of the Republic of Kazakhstan is decreeing:

1. To confirm attachments:

- 1) The Regulations of the Ministry of environmental protection of the Republic of Kazakhstan;
- 2) List of organizations, being under the jurisdiction of the Ministry of environmental protection of the Republic of Kazakhstan;
- 3) List of public institutions – territorial bodies of the Ministry of environmental protection of the Republic of Kazakhstan.

2. To found Committee on environmental control of the Ministry of environmental protection of the Republic of Kazakhstan.

3. To permit Minister of environmental protection to have three vice-ministers, including one first vice-minister.

4. To the Ministry of energy and mineral resources of the Republic of Kazakhstan in accordance with the established procedure of legislation to provide a transfer all necessary appropriate material and technical means to the Ministry of environmental protection of the Republic of Kazakhstan to the day of realizable the Decree signature.

5. To the Ministry of environmental protection of the Republic of Kazakhstan to take actions, following present resolution.

6. To declare stale followings:

- 1) The Resolution of the Government of the Republic of Kazakhstan from November 6, 2002 N 1173 "Issues of the Ministry of environmental protection of the Republic of Kazakhstan "(RACG Republic of Kazakhstan, 2002, N 39, article 398).
- 2) Subparagraph of article 3) The Resolution of the Government of the Republic of Kazakhstan from December 5, 2003 N 1240 "On reorganization of state branch establishment "Kazakh scientific and research institute of environmental and climate

monitoring " Republican public enterprise "Kazhydromet" Ministry of environmental protection of the Republic of Kazakhstan " (RACGof the RK, 2003, N 46, article 509).

7. The present resolution entries into force from day of signature.

Prime-Minister of RK

2.2. Organizational chart

The Ministry of environmental protection had been founded by the President of RK Decree with number 1449 from September 29, 2004 «On measures on further state management perfect system of RK».

Position of the Ministry of environmental protection of RK had been confirmed from October 28, 2004 No. 1113 «The Ministry of environmental protection of RK issues»

There are about 150 specialists in Central personnel of the ministry in 5 subdivisions.

Structure of the Ministry of environmental protection includes the following:

1. **Department of strategic planning and analysis**
2. **Department of ecologic expertise and nature management regulation**
3. **Department of normative-and-legal providing and international co-operation**
4. **Department of financial-and-organizational jobs**
5. **Committee on environmental protection control of the Ministry of environmental protection of RK**

Also several republican state enterprises (RSE):

6. **RSE «Informational and analytical centre»**
7. **RSE «Kazaviamet»**
8. **RSE «Kazhydromet»**
9. **RSE "Kazakh scientific and research institute of ecology and climate"**
10. **Regional (municipal) territorial management of environmental protection**

Each organization department of the ministry has its regulations, confirmed by the Order of the Ministry of environmental protection.

Structure of MEP is showed in diagram 2.2. and 2.3.

Structure had been confirmed by the Order of the MEP of RK from December « 10 », 2004 No. 323

Leadership:

Minister

Samakova Aitkul Baigazievna

First Vice-Minister

Kesikbaev Sultangali Kabdenovich

Vice-Minister

Uandykov Erik Kusmanovich

Vice-Minister

Bekzhanov Zhambul Lesbekovich

Leader of personnel

Kolesov Peter Petrovich,

Advisor

Kulmanova Nailya Kadyrovna

Advisor

Zharkenov Maidan Iskendyyrovich

Assistant

Kasymbekov Ulan Zholaushyuly

Assistant on regime

Sakabaev Kuanish Kokeevich

Ministry of Environmental Protection:

DEPARTMENT OF STRATEGIC PLANNING AND ANALYSIS

Director of the department

Bekniyazov Bolat Kabykenovich

tel. (3172) 59-19-74, e-mail: b_bekniyazov@nature.kz

Deputy of the department

Abdykarimova Saltanat Zhaksylykovna

tel. (3172) 59-19-61, e-mail: s_abdikarimova@nature.kz

Ecological assessment and planning division

Strategic planning subdivision

Ecological and economy assessment subdivision

Summary and analytical subdivision

Ecological monitoring and scientific and informational providing division

Head of the division

Bazarbaev Sapar Kanatbaevich tel. (3172) 59-19-52,
e-mail: s_bazarbaev@nature.kz

Ecological monitoring subdivision
Scientific accompany and informational subdivision

DEPARTMENT OF ECOLOGICAL EXPERTISE AND REGULATION OF NATURE USE

Director of the Department
Urmanova Indira Bektimirovna
tel. (3172) 59-19-63

Deputy of the director
Kospanov Abai Sambetovich
tel. (3172) 59-19-66, e-mail: a_kospanov@nature.kz

Ecological expertise Division

Head of the division
Mongarova Evgeniya Mihailovna
tel. (3172) 59-19-32 , e-mail: monogarova@nature.kz

Manufacturing projects expertise subdivision
Strategic ecological assessment subdivision
Ecological and expert activity coordination subdivision

Nature management regulation division

Head of the division
Bekeev Adletbek Tolendievich

Ecological audit and licensing subdivision

DEPARTMENT OF NORMATIVE AND LEGAL PROVIDING AND INTERNATIONAL CO-OPERATION

Director of the Department
Bragin Alexadr Gennadievich
tel./fax (3172) 59-19-39, e-mail: a_bragin@nature.kz
Deputy of the director
Ibraeva Elvira Baltabekovna
tel. (3172) 59-19-59, e-mail: ibraeva@nature.kz

Normative-and-legal providing division

Legal providing subdivision
Normative-and-methodical subdivision

International co-operation division

Division head's deputy
Aitkenov Ernur Mysyrovich

International agreements realization subdivision
International projects subdivision

DEPARTMENT OF ORGANIZATIONAL-AND-FINANCIAL ACTIVITY

Director of the department
Seitov Galymzhan Karakanovich
tel. (3172) 59-19-54 e-mail: g_seitov@nature.kz
Director's deputy

Sheriyazdanova Zhanar Yarhanovna
tel. (3172) 59-19-76, e-mail: shery@nature.kz

Budget planning and work with public enterprises subdivision
Public custom and internal control subdivision
Accounting subdivision

Organizational-and-personnel division

Personnel department and application of official language subdivision
Documentation providing subdivision

COMMITTEE OF ENVIRONMENTAL CONTROL OF THE MINISTRY OF ENVIRONMENTAL PROTECTION OF RK

Chairman
Suleimenov Nessipolla Zeinulovich
Chairman's deputy

Eleushov Bek-Bulat Saduahasovich

Division of efficient inspection response

Head of the division

Abishev Beibut Alimbaevich
tel. (3172) 59-19-51

Ambient air protection control and radiation situation subdivision

Interior protection, surface and groundwater control subdivision

Biological and land resources protection, waste and consumption residue control subdivision

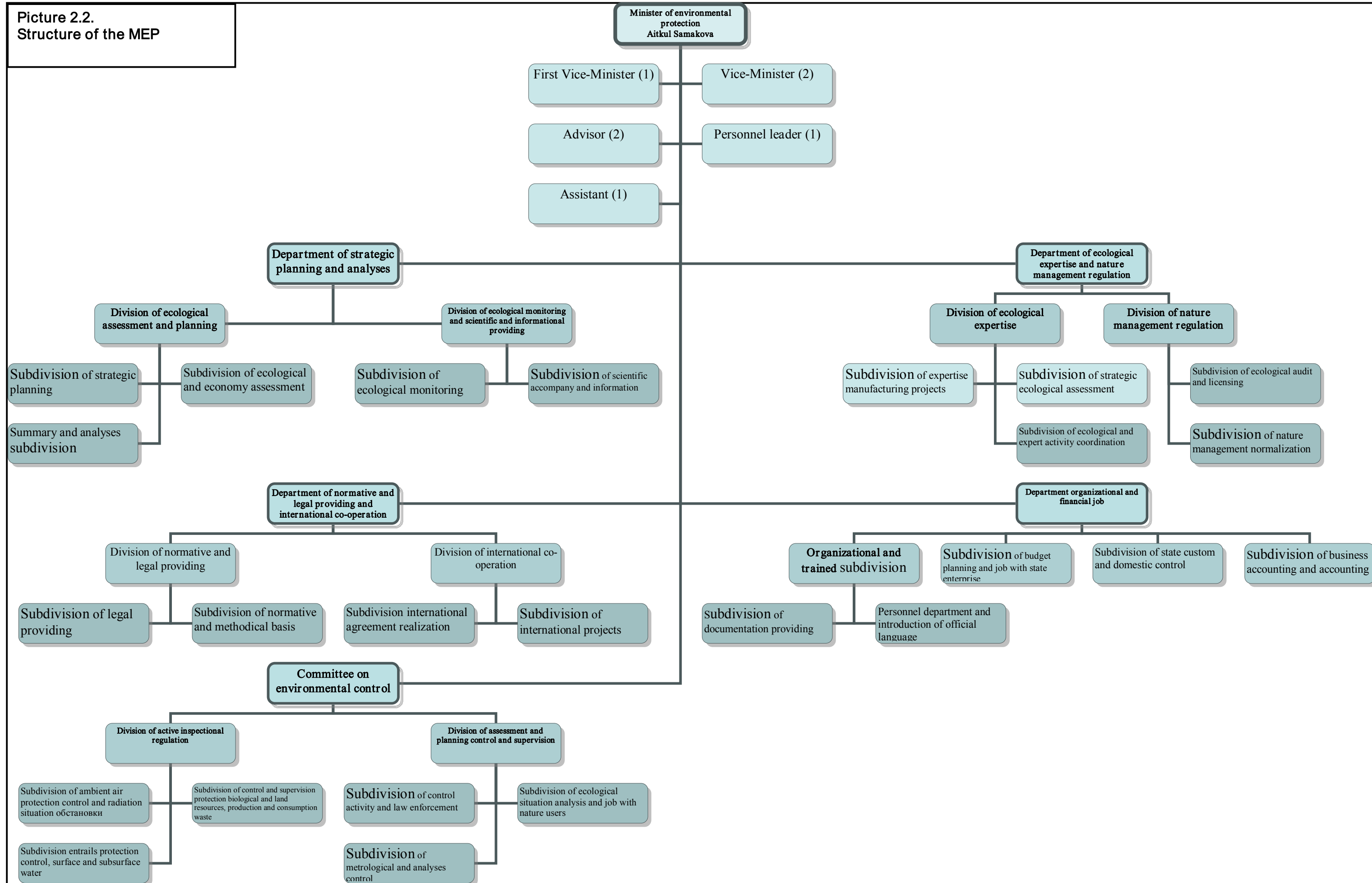
Control-and-supervision assessment and planning activity division

Head of the division

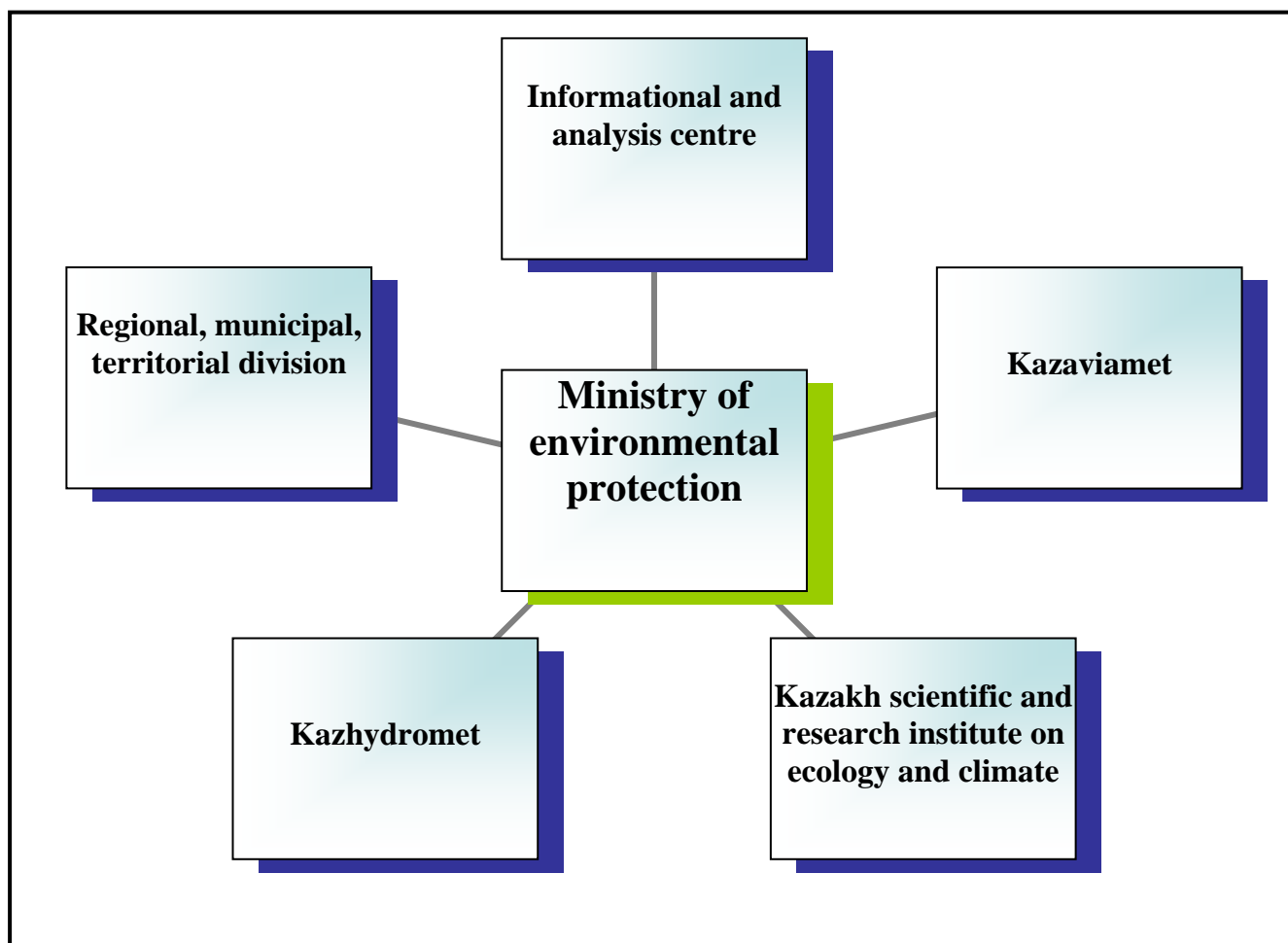
Zhamalova Vera Zhaksanovna

Planning control activity and law enforcement subdivision
Environmental situation and work with nature users analysis subdivision
Metrological-and-analytical control subdivision

Picture 2.2.
Structure of the MEP



Republican state enterprises and Territorial divisions of MEP under the MEP's supervision. Picture 2.3.



2.3. Functions and duties of the departments of Ministry

2.3.1. Basic tasks and functions of the Department of strategic planning and analysis

Basic tasks of the departments are the following:

1. elaboration of priorities and state policy strategy development in environmental protection sphere and sustainable development;
2. state management perfect system in environmental protection sphere in compliance with principles of sustainable development;
3. strategic ecological planning, concordance and construction of ecological assessment of republican, branch and regional plans and programs in environmental protection sphere and its' coordination;
4. economical mechanisms perfect in environmental protection sphere and nature management, nature-conservatives measures implementation control and determination its' economical effectiveness;
5. foundation of Uniform system monitoring of environmental protection and nature resources and prediction of influence on environment;
6. realizing of environmental protection monitoring control and prediction of influence on it, methodical leadership on hydro meteorological and aviameteorological services

- activities on issues, including in Department's competence in compliance with the present Regulations;
7. providing of informational and analysis job issues in environmental protection sphere, including in Department's competence;
 8. creation and uniform information system control in environmental protection sphere;
 9. systematization and definition priority directions of scientific researchers of ecology, scientific achievements consolidation and front experience;
 10. basic directions system elaboration continuous environmental education, methodical assistance in preparation of specialists and scientific personnel ;
 11. work with community, state and nongovernmental organizations in environment improvement sphere, organization of holding of propaganda environmentally favorable development.

In accordance with the basic tasks department carries out the following functions:

1. forming and realization program documents development (conceptions, strategies, plans development and others) and plans on its' realization, other action plans of the Government of RK on environmental protection issues and its implementation control;
2. analysis and development of suggestion on definition priorities and primary directions of public policy in environment and sustainable development sphere;
3. realizing of instruction on Uniform informational monitoring and prediction influence on environment system;
4. participation in preparation of public and branch programs on issues, fixed by Department;
5. realizing of suggestions development for including in strategic and indicate plans, public, branch programs and action plans of Government, controls its implementation;
6. realizing assessment and co-ordinate projects of public, branch and regional programs and plans;
7. participation in preparation suggestions on perfection of legislation in environment sphere;
8. development of suggestions on economic mechanisms nature management perfection;
9. carrying out elaboration of social and economic development of ecological indicators;
10. carrying out analysis on outgoing for environmental pollution, realizing of basic rates concordance for environmental pollution;
11. organization and control work within the jurisdiction of Ministry republic and public enterprises «Kazhydromet» and «Kazaviamet», «Informational and analysis Centre on environment»;
12. monitoring and analysis hydro meteorological situation organization;
13. analysis of monitoring results of environment and carrying out assessment of environmental situation, tends and its changes;
14. elaboration of normative and methodical documentations, programs in environment sphere, nature resources, standard rules of organization manufacturing monitoring as well;
15. participation in elaboration of budget programs on Department's issues;
16. work coordination on creation of Uniform informational environment system;
17. carrying out analysis informational data and on its basis it prepares national report on environment and sustainable development;
18. elaboration of programs scientific researches in environmental sphere;
19. realizing of preparation summary and analytical inquires to the Government of the RK and other public bodies on environmental activity issues;
20. organization informational and propaganda activity among population, meetings of Ministry's leadership with community;
21. realizing interaction with public and other organizations in environmental sphere;

22. realizing of administrative budget programs, fixed by Department;
23. conducting of analysis and data systematization on scientific achievements, leading experience, and innovations in environmental sphere;
24. organization and coordination work of scientific and technical Council of Ministers;
25. participation in international co-operation, realizing preparation and realization of international agreements, conventions and agreements within the their competition ;
26. carrying out of suggestions and coordination organization activity of department Ministry on realization of basic directions public policy in environmental sphere and sustainable development.

2.3.2. Primary functions and duties of the department of Ecological Expertise and nature management Adjustments

Department activity's aim is implementation of public ecological expertise, environmental design license and regulation, environmentally dangerous types of economical activity and environmental auditing activity and licensure on special nature management.

Present directions department's activity is allowed to take preventive actions on prevention of unfavorable environmental situations, carrying out maintenance requirements of legislation control in environmental sphere at assumption of legislation, normative and technical statements, normative and legal statements, programs, agreements, contracts, projects of planned economical activity at the stage of its realization decisions on previous.

Primary tasks of department are:

- 1) organization and conducting public environmental expertise in compliance with requirements of active legislation of RK;
- 2) organization, perfection, carrying out and coordination of environmental audit and licensed activity and in environmental sphere;
- 3) organization, coordination, regulation and carrying out permissive activity on nature management.

Department carries out the following functions:

- 1) providing organization and conducting public environmental expertise and carrying out coordination of ecological and expert activity;
- 2) interaction with ecological and expert bodies of other states and international organizations for the purpose of conducting consultations, organization of joint expertise, interchange experience, scientific and methodical elaboration, involving of foreign specialists and organizations to the work in environmental expertise and assessment influence on environment;
- 3) assertion personal staff of on conducting public environmental expertise preplanned, pre project and project documentation, involving for the part-time servants activity in it;
- 4) organization directive and methodical documentation development on conducting of assessment influence on environment and environmental expertise, including its conducting order;
- 5) coordination scientific researches on assessment influence problems on environment in environmental expertise sphere;
- 6) perfection and coordination of ecological and expert activity and carrying out methodical instruction on conducting of environmental expertise issues;
- 7) adjustment ecological normative and requirements to the economic and other activity;
- 8) granting a license in environmental sphere and adjustment decisions on granting a license on goods export and import and other types of activity;

- 9) participation in forming of legal license mechanism, preparation suggestions to taking legislative documents and normative documents on license issues in environmental sphere;
- 10) perfection mechanism of ecological auditing activity;
- 11) carrying out granting, stock-taking and annulment of licenses to nature management;
- 12) carrying out development of limits and quota on environmental pollution;
- 13) presentation interests of RK in international organizations, participation in preparation and project realization of international treaties and agreements within its competence;
- 14) participation within its competence in planning of arrangements on environment and nature resources, development program documents (conceptions, strategies, programs and plan for development);
- 15) participation in coordination of economic mechanism of nature management within its competence;
- 16) participation in concordance monitoring programs of environment within its competence;
- 17) participation in preparation and development of normative documents, ecological requirements, measurement data and standards in environmental and nature management sphere within its competence;
- 18) participation in realization budget programs within its competence;
- 19) carrying out Ministry leadership's commissions, including on consideration of letters and statements on issues, incoming in department's competence and the rest of citizens;
- 20) interaction with public associations in environmental sphere within its competence;
- 21) carrying out control and coordination appropriate ministries services, departments and organizations in providing part of implementation of requirements environmental regulations and rules on development preplanned, pre project and project documentation, at granting a license and license concordance;
- 22) receiving information and other materials necessary for conducting of public environmental expertise from ministries, public committees and other central and local executing agency and bodies;
- 23) carrying out methodical leadership activity of regional, municipal, territorial management of environment on issues, including in department's competence, assessment outcomes its activity and submit suggestions on its improvement to the ministry's leadership;
- 24) carrying out other functions, laid on it by the legislation.

2.3.3. Primary functions and duties of the department normative and legal providing and international co-operation

The main tasks of the department are the following:

- 1) realization legal reform in environmental sphere;
- 2) legislation perfection on providing of environmental safety;
- 3) providing conformity approving normative and legal document and other legal documents functioning legislation of RK;
- 4) international co-operation development;
- 5) providing preparation, summary and realization of international agreements of RK;
- 6) providing systematization and application of scientific and research-and-well-founded measurement data and standards of environmental safety.

In compliance with basic tasks of the Department implements the following functions:

- 1) realizing draft works, participation in development of normative and legal documents projects of the Government of RK, Ministries and international agreements;
- 2) conducting of legal expertise law, other normative and legal documents and international agreements (consents, conventions, other, memorandum and others), coming for concordance from other public bodies-formers;
- 3) organization and conducting intra-departmental legal expertise on requirements conformity of normative and legal document project legislation, international agreements and consents, developing by organization department of the Ministry as well;
- 4) within its competence normative and legal cooperation at realizing of public custom issue of environmental expertise decision, license and permissions for nature management;
- 5) organization work check-up on legal training in territorial bodies of Ministry, assistance in practical work in this area;
- 6) calculation and keeping custody systematization of standard and legal acts with current technology use;
- 7) development of environmental norms and standards, environmental requirements to economic and other activity, providing of control on its application;
- 8) analysis and planning of international cooperation, participation in conference and meetings;
- 9) analysis of necessary participation of Kazakhstan in international conventions and other agreements, participation in its harmonization, unification and realization;
- 10) basing of nature-conservative measures of international significance and organization project development and its realization;
- 11) planning, organization and control of development standard and legal acts, relating to environmental protection issues and rational nature management, international cooperation;
- 12) coordination activity organization department of Ministry on international cooperation by appropriate measurements and documents;
- 13) organization of international conferences, meetings, symposium and workshops for the purpose of Kazakhstan's participation in international cooperation in environmental protection area;
- 14) coordination of organization activity on regional cooperation for Central Asia, other international programs and projects;
- 15) analysis and use of international donor organizations involving practice for preparation and financing of projects.

2.3.4. Primary functions and duties of the Department on organizational-and-financial work

Basic tasks of Department are the following:

- 1) rational planning for the purpose of effective use of budget means;
- 2) providing authentic and well-founded data of accounting;
- 3) purposeful use of budget means control and observance of requirements of budget legislation;
- 4) organization personnel work of Central machinery and territorial bodies of Ministry in compliance with the Law of RK «On public service»;
- 5) inculcation of paper work in the Kazakh language in compliance with the Law of RK «On languages in RK»;
- 6) paper work system perfection and its implementation control.

In accordance with established legislation procedure department implements the following functions:

- 1) budget call forming of Ministry for predictable and planned period;
- 2) in accordance with established procedure confirmation of budget programs, financial plans;
- 3) staff scheduling of central machinery and territorial bodies of ministry;
- 4) planning of financial plans on liability and outgoings application of its changes;
- 5) providing of Central machinery finance, territorial bodies and departmental republican public enterprises of ministry;
- 6) implementation of development standard acts, regulating use of republican budget means order, appropriated for Ministry;
- 7) carrying out of audit and implementation of republican budget control in Central machinery, territorial bodies and departmental republican public enterprises of Ministry;
- 8) carrying out accounting conducting and submit accounting to authorized bodies;
- 9) coordination of organization department's activity of Ministry on implementation public custom on realization of budget programs;
- 10) carrying out of process public goods custom, works and services for providing of ministry's activity;
- 11) coordination and organization of work on information system of environmental protection creation;
- 12) carrying out of consideration and development work order of Ministry, standard and legal acts, regulating publican means budget use order, appropriated for ministry, paper work and documents circulation as well, personnel work and secrecy maintenance;
- 13) organization of Ministry's functions implementation departmental bodies of public management by public enterprises;
- 14) providing of conduct paper work and schedule time control of commissions on official documents;
- 15) carrying out of conduct paper work in official language in Ministry system control;
- 16) organization of personnel work in ministry system;
- 17) organization of economic service of Central machinery of Ministry;
- 18) organization of senior specialist activity, submitting to Minister, on public secret protection according to Instructions on regime secrecy providing, confirmed by the Resolution of the Government of RK from March 14, 2000 № 300-16 page.
- 19) realization of preparation standard and legal acts projects in accordance with established legislation procedure;
- 20) carrying out of governmental and directive documents.

2.3.5. Primary functions and duties of Department on organizational and financial work

Committee on environmental control of the Ministry of environmental protection of RK is specially authorized public organ, carrying out public control and control-and-supervision functions in environmental area and nature recourses. Main task of Committee is creation of ecologically safe environment.

Decisions of Committee, decided within its competence, are obligatory for implementation by all public bodies, enterprises and organizations, officials and citizens.

The main functions of Committee

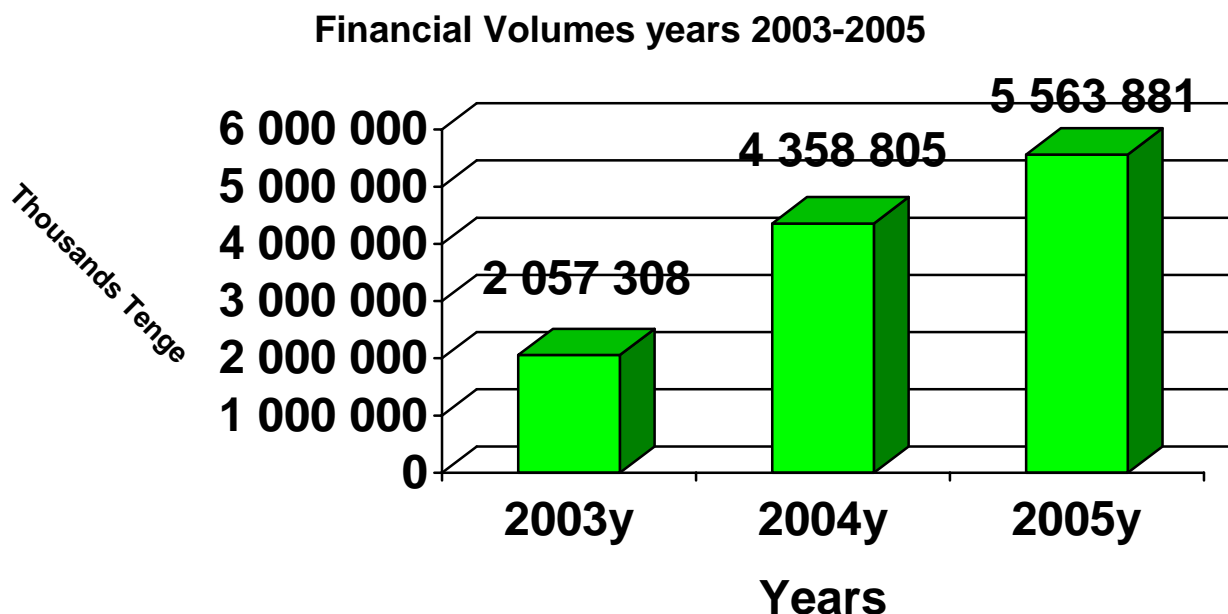
In accordance with established legislation procedure Committee implement functions in realization of public policy control sphere:

- 1) observance and implementation environmental protection legislation by public bodies, managing by subjects irrespective of property form; perfection system and effective methods of control and enforcement activity inculcation;
- 2) realization of public control in environmental protection and nature recourses area:
 - i) observance of environmental requirements during conduct public cadastres and nature recourses registration;
 - ii) carrying out environmental requirements on ambient air protection, emission norms from stationary and movable pollution sources, limits during action conduct on artificially atmosphere change;
 - iii) conduct established norms and rules on production, use, keeping, transport, utilization, sterilization and burial of plants protection means, chemical fertilizers and other chemical and biological substances, industrial, domestic and other waste as well;
 - iv) carrying out of production environmental programs by analytical services of enterprises and departments;
 - v) observance of environmental requirements in protection, reproduction and use area of animal and plant planet, keeping objects public natural-and-reserved fund;
 - vi) observance of environmental requirements to economic and other activity, influencing on land condition negatively;
 - vii) providing destroyed land reclamation, restoration its fertility and other useful land quality and timely involving it in economic revolution;
 - viii) taking down, keeping and use fruitful layer ground during conduct work, relating to land degradation ;
 - ix) providing environmental requirements during distribution and putting into operation of new and re constructible buildings, constructions and other installations;
 - x) putting into condition fit for further use of acres, releasing as excavation of recoverable reserves of minerals or other destroying process and works in compliance with end use;
 - xi) implementation of environmental requirements during use, keeping, transport, distribution production and consumption waste, transport toxic materials as well, including biological, dangerous waste and chemical means;
 - xii) conditions implementation, established by permissions on waste, harmful substances disposal and distribution production and consumption waste;
 - xiii) observance regime control area establishment, having waste stationary sources, harmful substances forming production and consumption waste;
 - xiv) observance limits (norms) and rules water consumption and drainage system, water use regime, order and conditions sewage disposal as well;
 - xv) observance environmental requirements on rational use and water protection from pollution, obstruction and exhaustion;
 - xvi) observance requirements established by legislation, rules and regulations on bosom protection, implementation contract conditions at all use of underground resources stages on environmental issues;
 - xvii)observance rules on liquidation and installation temporary closing-down of use bosom;
 - xviii) bosom use in compliance with environmental requirements and measurement data, guarding bosom from manifestation dangerous man-caused process during transportation, extraction, construction and exploitation buried structures, not concerned with extraction as well;
 - xix) observance project decisions on environmental protection issues during extraction and processing mineral;

- xx) prevention interior pollution during conduct operation on use of underground resources, especially during underground oil storing, gas, or other substances and materials, harmful substances burial and waste, waste discharge;
 - xxi) implementation project decisions on prevention installation pollution off environmental radioactive substances and conditions of action permissions;
 - xxii) observation technology orders of second working construction before emission radioactive nuclide disposal in environment;
 - xxiii) providing environmental requirements during warehousing and factory and domestic waste distribution with a view of prevention its accumulation in the place of columbine and groundwater deposition;
- 3) functions providing public policy realization:
- i) coordination Central and local authority bodies activity, implementing functions of public control on environmental issues;
 - ii) interaction with public associations on observance of legislation in environmental protection area;
 - iii) providing outcomes assessment of control-and-supervision and law enforcement activity;
 - iv) realization of analytical laboratory works in environmental protection area.

2.4. Budget in the past 3 years (2003, 2004, 2005 years)

Budget of ministry grows steadily, on diagram 2.4. Ministry's financing volume is shown.



Basic articles of expenses were:

2.4.1. Basic articles of expenses in 2003 were:

General budget made up 2 067 308 thousand tenge (2 milliard 57 mln 308 thousand) in 2003

1. "Increase qualification and personnel retraining" to 2003 year - 1, 353 thousand tenge (one mln three hundred and fifty three thousand tenge).

2. "Conduct of environmental monitoring and environmental protection" to 2003 year - 136.200 thousand tenge (one hundred and six mln two hundred tenge).
3. "Environmental research, standards development and norms in environmental protection area" to 2003 year - 40,000 thousand tenge (four mln tenge).
4. "Conduct of hydrometeorological monitoring" to 2003 year - 467, 145 thousand tenge (four hundred and sixty seven mln one hundred and forty five thousand tenge).
5. "Technical reequipment of hydrometeorological control service" to 2003 year - 43 000 thousand tenge (forty three mln tenge).
6. "Environmental situation monitoring territory of RK, exposed to rocket-and-cosmic activity influence" to 2003 year - 40, 000 thousand tenge (forty mln tenge).
7. "Rehabilitation project long-fallow land Shetskii area Karaganda region" to 2003 year - 12,320 thousand tenge (twelve mln three hundred and twenty thousand tenge).
8. "Forming of environmental post in special economic zone «Morport Aktau" to 2003 year – 40, 100 thousand tenge (forty mln thousand tenge).
9. "Material and technical providing of Ministry of environmental protection of RK" to 2003 year – 1, 210 thousand tenge (one mln two hundred and ten thousand tenge).
10. " Material and technical providing of environmental protection monitoring and people health centre of Kyzylorda city" to 2003 year - 4,300 thousand tenge (four mln three hundred thousand tenge).
11. "Station building of biological water treatment in Kyzylorda city" to 2003 year – 500, 000 thousand tenge (five hundred mln tenge).
12. "Purposeful transfer Pavlodar region to budget for continuous demercuration works in «Pavlodar chemical factory" to 2003 year - 242, 000 thousand tenge (two hundred and forty two mln tenge).
13. "Purposeful of investment transfer Eastern Kazakhstan region to budget for biological water treatment construction in Semipalatinsk city" to 2003 year – 500, 000 thousand tenge (five hundred mln tenge).
14. " Accompaniment information database "Public cadastres of nature resources" to 2003 year – 39, 680 thousand tenge (thirty nine mln six hundred and eighty mln tenge).

2.4.2. Basic articles of expenses in 2004 were:

General budget made up 4 358 805 tenge in 2004

1. "Providing activity of authority organ in environmental protection area" to 2004 year - Cost: 1042470 thousand tenge (one mlrd forty two mln four hundred and seventy thousand tenge).
2. "Conduct of public environmental expertise" to 2004 year - Cost: 10000 thousand tenge (ten mln tenge).

3. "Scientific research in environmental protection area" to 2004 year- Cost: 171175 thousand tenge (one hundred and seventy one mln one hundred and seventy five thousand tenge).
4. "Construction and reconstruction of environmental protection works" to 2004 year - Cost: 618000 thousand tenge (six hundred and eighteen mln tenge).
5. "Rehabilitation of environmental protection works" to 2004 year - Cost: 62196 thousand tenge (sixty two mln one hundred and ninety six thousand tenge).
6. "Conduct of hydrometeorological monitoring" to 2004 year - Cost: 1032627 thousand tenge (one mlrd thirty two mln six hundred and twenty seven thousand tenge).
7. "Forming and development of information system of environmental protection" to 2004 year – Cost: 41048 thousand tenge (forty one mln forty eight thousand tenge).
8. Holding environmental situation observations" to 2004 year - Cost: 522399 thousand tenge (five hundred and twenty two mln three hundred and ninety nine thousand tenge).
9. " Purposeful of investment transfer for regional budget, budget of Astana and Almaty city for environmental protection" to 2004 year - Cost: 858890 thousand tenge (eight hundred and fifty eight mln eight hundred and ninety thousand tenge).

2.4.3. Basic articles of expenses in 2005

General budget: 5 563 881 tenge

1. "Providing activity of authorized organ in environmental protection area" to 2005 year - Cost: 1606279 thousand tenge (one mlrd six hundred and six mln two hundred and seventy nine thousand tenge).
- 2 "Holding of public environmental expertise of strategic, transboundary and environmental dangerous constructions" to 2005 year - Cost: 10951 thousand tenge (ten mln nine hundred and fifty one thousand tenge).
3. "Scientific research in environmental protection area" to 2005 year - Cost: 250000 thousand tenge (two hundred and fifty thousand tenge).
- 4 "Construction and reconstruction works of environmental protection" to 2005 year - Cost: 676730 thousand tenge (six hundred and seventy six mln seven hundred and three thousand tenge).
- 5 "Rehabilitation of environmental protection works" to 2005 year - Cost: 164314 thousand tenge (one hundred and sixty four mln three hundred and fourteen thousand tenge).
- 6 "Holding of hydrometeorological monitoring" to 2005 year Cost: 1471271 thousand tenge (one mlrd four hundred and seventy one mln two hundred and seventy one thousand tenge).
- 7 "Forming and development of information system of environmental protection" to 2005 year - Cost: 41000 000 thousand tenge (forty one mln tenge).
- 8 "Holding of environmental situation control" to 2005 year - Cost: 489979 thousand tenge (four hundred and eighty nine mln nine hundred seventy nine thousand tenge).

9 "Purposeful transfer on development of regional budget, budget of Astana and Almaty city for construction and reconstruction works of environmental protection" to 2005 year - Cost: 853357 thousand tenge (eight hundred and fifty three mln three hundred and fifty seven thousand tenge).

3. LOCAL GOVERNMENTS

3.1. Functions of local governments and Responsibility in environmental protection issues

In compliance with article 10 of the Law of RK «On environmental protection, the local executive bodies competence includes (Akimats):

realizing of the public control in environmental protection area and regulation nature management in its competence;

organization of development and realization of programs on environmental protection and nature management in appropriated territory, environmental expertise, construction and reconstruction works on environmental protection;

confirmation of amount of payment for environmental pollution, preparation of conclusions on construction and reconstruction enterprises and other work constructions prohibition, which have negative environmental expertise decisions, stopping economic and other activity in case environmental requirements and taking appropriate measurements;

decision making or making a suggestion to superior body on works protection of environment, which have special environmental, scientific and culture value, and on organization of especially guarded nature territory; realization of other authorities in compliance with law.

According to Resolution of Akims departments of nature recourses and nature management regulation have been formed in Akimats, which in its competence occupies environmental protection issues.

At present functions of the department of nature recourses and nature management regulation include preparation of conclusion of public environmental expertise, with the exception of 3 activities: (1) strategic works, (2) transboundary and (3) ecologically dangerous types of economic activity. Territorial subdivision on environmental protection occupies with 3 mentioned activities.

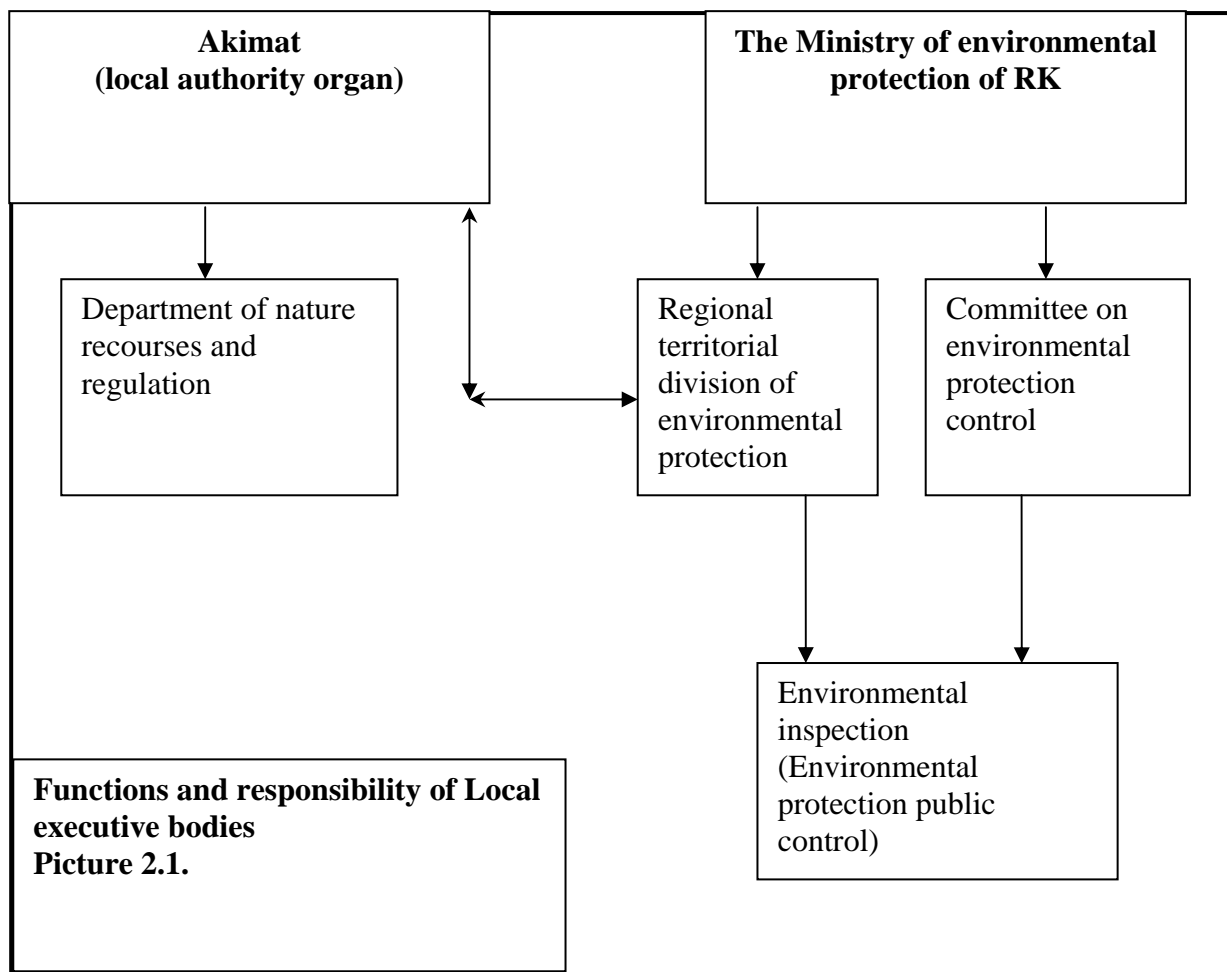
Functions of regional territorial division of environmental protection include public environmental protection control and Committee on environmental protection control, as central organ of MEP. Territorial administration of environmental protection consists of environmental inspection. Inspection implements public control and control-and-supervision functions in environmental protection and nature recourses area, interaction with other public bodies, carrying out control functions on environmental protection issues.

Main tasks of inspection are:

- 1) in its competence organization and realization public control in environmental protection and nature recourses area;

- 2) realizing observation and implementation of environmental protection legislation public control by public bodies, managing subjects, irrespective of property form;
- 3) perfection forms and methods of control and law enforcement activity

Functions and responsibility of the Local executive bodies are shown in picture 2.1.



3.2. Procedure for Inspection

Environmental inspection of region (capital, cities of the republican importance) (further - Inspection) is part of territorial administration of environmental protection and during implementation of functions are under the head of territorial administration of environmental protection and Committee on environmental control command in its competence.

Inspection's activity follows Constitution, legislative and other standard legal acts, orders, regulations of the Ministry of environmental protection and Committee on environmental control, present regulation as well.

Inspection implements public control and control-and-supervision functions of environmental protection and nature recourses, interaction with other public bodies, implementing control functions on environmental protection issues.

Decisions of officials of environmental inspection, taken within the limits of their authorities, obligatory for implementation by all juridical persons, officials and citizens irrespective of property form, can be appealed in subordination order.

Inspection is formed in compliance with structure and staff number of territorial organ, confirmed by ministry of environmental protection.

Basic tasks of inspection are:

Organization and realization of control in environmental protection and nature recourses in its competence;

Realization of observation and implementation of environmental legislation public control by public organ, managing by subjects, irrespective of property form;

Form and methods perfection of control and law enforcement activity.

4. ENVIRONMENTAL LAWS

4.1. Analysis of Legislation of the Republic of Kazakhstan regulating issues on emissions of pollutants into the ambient air

“Environmental Safety Concept of the Republic of Kazakhstan” was adopted by the Enactment of the President of the Republic of Kazakhstan on November 27, 2004. This document stipulates conceptual positions and long term plans of Kazakhstan for environmental safety issues. Climate change as the worldwide problem and as the potential threat for the environment is set up in this Concept.

As well the Concept supposes to hold thorough investigation of the Kyoto Protocol to the UN Convention on Climate Change (UNFCCC) with the follow up its ratification. Kazakhstan ratified the UNFCCC in 1995, issued the Initial National Communication in 1998 and signed the Kyoto Protocol in 1999. The status of Kazakhstan¹ related to these issues was identified on the seventh Conference of Parties in Marrakech. After ratification of the Kyoto Protocol the task in the Concept includes the development of a program of reducing GHG emissions in the Republic of Kazakhstan up to 2015 by detailed actions and projects. In other words, the program will contain a list of activities, documents to be adopted and actions addressed to implementation of commitments under the Kyoto Protocol.

At present regulative issues of emissions into atmosphere in the Republic of Kazakhstan are settled by the Law of the Republic of Kazakhstan “On Protection of the Ambient Air”.

It should be noted that the Law does not select greenhouse gases as the subject of regulation in the separate institution and does not take into account the features in regulation related to the provisions and mechanisms of the Kyoto Protocol.

This Law identifies fundamentals of the ambient air protection in the Republic of Kazakhstan.

¹ In accordance with Article 4, paragraph 2 (g) Kazakhstan had notified the Depository on the 23rd of March 2000 that it intends to be bound by Article 4, paragraph 2 (a) and (b) of the Convention. As a result of negotiations with countries of the 77 Group and China, in 2001, at the COP-7, in Morocco, a decision¹ on the status of the Republic of Kazakhstan has been taken in frames of the international negotiation process on global climate. The Conference further noted that the Depository had informed the other signatories and Parties of that notification, and that, upon ratification of the Kyoto Protocol by Kazakhstan and its entry into force, Kazakhstan becomes a Party included in Annex I for the purposes of this Protocol in accordance with Article 1, paragraph 7 of the Protocol. The Conference of the Parties recognized that Kazakhstan will continue to be a Party not included in Annex I for purposes of the Convention due to <http://unfccc.int/resource/docs/2001/sbi/109.pdf>.

The Law sets the following basic terms of references of the Government:

- forming an economic incentive system and introducing a mechanism of emissions reduction contaminating the ambient air;
- establishing a levy procedure and approval of a payment rate for contamination of the ambient air;
- approving a procedure of licenses issue to emit hazardous substances (contaminants) into the ambient air and harmful physical impacts to the ambient air;
- determining a procedure of licenses issue to emit hazardous substances (contaminants) into the ambient air at operating of transport and other mobile vehicles;
- setting a procedure of organization and conducting the governmental control in the ambient air protection;
- determining a procedure of information supply and recording the governmental statistics in the field of the ambient air protection;

As well this Law sets the terms of references for the central executive body:

- organizing the state monitoring of the ambient air and providing its implementation;
- organizing an application of economic incentive mechanisms to reduce emissions of hazardous substances (contaminants) into the ambient air;
- establishing a procedure of development and approval of hygienic and ecological standards of the ambient air quality, the maximum permissible levels of physical impacts to the ambient air and other environmental standards aimed to protect the ambient air;
- establishing a procedure of the state record of sources emitting hazardous substances (contaminants) into the ambient air and harmful physical impacts to it;
- establishing a procedure of development and approval of specific standards of emissions as well as lists of objects (cadastres) in respect of which they are being developed;
- establishing a procedure to conduct an inventory of hazardous substances emissions into the ambient air, harmful physical impacts to the ambient air and their sources;
- determining a list of contaminants, a list of harmful physical impacts to the ambient air subject to the state registration and measurement, fixed on the basis of data under the outcomes of the inventory of hazardous substances emissions into the ambient air, harmful physical impacts to the ambient air and their sources.

In accordance with the abovementioned terms of references for the governmental bodies, by nowadays the following legal acts have been adopted:

Rules on agreement and approval of standards on maximum permissible emissions (MPE) and maximum permissible discharges (MPD) approved by the Order of the RK Ministry of Natural Recourses and Environmental Protection dated March 21, No. 83;

Methodology to determine fees for contamination of the environment approved by the Minister for Ecology and Bioresources of the Republic of Kazakhstan dated August 9, 1994;

Rules on organizing and conducting the state control in the field of the ambient air protection approved by the Decree of the RK Government dated August 14, 2003 No. 815;

Rules on organizing the production control in the field of environmental protection approved by the Order of the Minister of Natural Resources and Environmental Protection dated March 11, 2001 No. 50 (registered in the Ministry of Justice 20.04.2001 No. 1472);

The Decree of the Government of the Republic of Kazakhstan “On approval of lists of formats on the state and departmental statistical statements of the Republic of Kazakhstan” dated January 5, 2004 No. 2;

Rules on organizing and maintaining the Unified state monitoring system of the environment and natural resources approved by the Decree of the Government of the Republic of Kazakhstan dated 27, 2001 No. 885;

Rules on assessing impacts under designing of economic and other activity to the environment when developing pre-planned, pre-project and project documentation approved by the Order of the Minister for the environmental protection of the Republic of Kazakhstan 28, 2004 No. 68 (registered in the MJ on March 31, 2004 No. 2779);

List of ecologically dangerous types of economic activity and Rules on their obligatory state licensing approved by the Decree of the Government dated January 8, 2004 No. 19.

Administrative and criminal responsibilities of the legislation breach in the field of the environmental protection are envisaged in the RK Code on administrative infringements (articles 40-249) and the Criminal Code (articles 277, 282).

Then let's review the completeness of realization of terms of references by comparing them due to adopted and acting legal acts.

As stated above the Government is authorized to form the system of economic incentives and introduce a mechanism to reduce emissions. Here the Law is restricted by the common norm and does not fix specific rights of the Government on economic incentives to reduce emissions to the ambient air. So far a special act of the RK Government on economic incentives to reduce emissions to the ambient air is not adopted.

This norm establishes incentives in the frames of detailed rights of the Government envisaged in the laws. Consequently, it's necessary to examine other legislative acts establishing authorization of the Government for economic incentives. Thus, the Law of the Republic of Kazakhstan «On investments» envisages investment preferences such as investment tax preferences and exemption from customs duty.

Economic incentives are granted to the priority activities which are determined according to the list adopted by the Government and corresponding to fixed volume of investments.

Such list is identified by the Decree of the Government of the Republic of Kazakhstan dated May 8, 2003 No. 436 «On some issues of realization of the Law of the Republic of Kazakhstan “On investments”».

At the same time this Law does not contain norms of the direct incentive of emissions reduction into the ambient air;

As to establish a levy procedure and approval of a payment rate for contamination of the ambient air the Government of the RK adopted the Rules on levy on contamination of the environment dated December 1, 1998 No. 1213. Also this issue is regulated by articles 461, 462 of the Code of the Republic Kazakhstan “On taxes and other obligatory fees to the

budget” according to them the rates are established annually by local authorities on the basis of calculations made by the authorized body in the field of environmental protection;

As to approve a procedure of licenses issue to emit hazardous substances (contaminants) into the ambient air and harmful physical impacts to the ambient air the Government of the Republic of Kazakhstan adopted the List of ecologically dangerous types of economic activity and Rules of their obligatory state licensing dated January 8, 2004 which identified the activity connected with emissions into atmosphere of hazardous substances (contaminants) bringing harmful impact to the environment with the excess of specific standards for stationery sources of emissions, technological processes and equipment. Moreover, this Decree adopted qualification requirements for such activity, which includes the obligatory ecological insurance;

As to set a procedure of organization and conducting the governmental control in the ambient air protection the Government of RK adopted the Rules on organization and conducting the state control in the field of the ambient air protection dated August 14, 2003 No. 815. According to the fixed procedure the state control can be done by the central executive body of the Republic of Kazakhstan in the field of environmental protection, its territorial branches and local executive authorities;

As to determine a procedure of information supply and recording the governmental statistics in the field of the ambient air protection on January 5, 2004 No. 2 the Government adopted the formats of the state and departmental statistical statements. In accordance with this Decree the report on the ambient air protection should be submitted by enterprises having stationary sources of contamination of ambient air under the format established by the authorized body on statistics. Therefore, enterprises fill in information in the statistical report as it is required by the content of the format adopted by the state body on statistics. Also the Government adopted the Rules of organization and conducting of the Unified state system of monitoring of the environment and natural resources dated June 27, 2001 No. 885. The aim of this system is information supply for adoption of management and economic decisions and control over use of natural resources, public awareness on the status of the environment to the health of population. The main function of this System is collection and registration of all ecological information, maintenance of informational databank and cadastres of on the environment and natural resources. Specially authorized state agencies and their territorial branches fulfill organization and maintenance of subsystems’ operation and information supply of the Unified State System of Monitoring of the Environment and Natural Resources (USSM of E&NR). Obligations to submit annual reports of the industrial monitoring of the environment from the influence of emissions (discharges) of contaminants and disposed wastes, calculations of standard volumes of emissions are fixed by the Rules of permits issue for contamination of the environment adopted by the Decree of the Government of the Republic of Kazakhstan dated September 6, 2001 No. 1154. At the same time it should be noted that the Government has insufficiently determined the mechanism to submit information (frequency is limited by a year, information is submitted by entities which received a permit for special nature management and etc.). Coordination of the state agencies’ work to monitor the environment and natural resources, as indicated above in the Decree, is under responsibility of the Central executive body and its territorial branches. The Unified document as the Guidelines on the Unified state system of monitoring of the environment and natural resources is not adopted by the Central executive body.

Thus, the authority of the Government to set a procedure of submitting information and maintenance of the state statistics in the field of the ambient air protection is used incompletely in order to regulate effectively this issue and the standards of the law have not obtained the further realization.

Due to the obligations adopted under the article 4 of the UN Framework Convention on Climate Change the Republic of Kazakhstan develops, regularly updates, publishes and submits to the Conference of Parties the National cadastres of anthropogenic emissions from sources and sinks of all greenhouse gases using the methodology adopted by the Conference of Parties. The Republic of Kazakhstan has adopted a number of legal acts mentioned above that comprise the basis for full forming of legislation and in case of their further development will provide realization of the named provisions of the Convention. The procedure to adopt legal acts, the procedure to interact and coordinate the activity of specially authorized bodies to maintain the state registration and the state cadastres are determined by the Decree of the Government of the Republic of Kazakhstan dated March 12, 2004 No. 311 «On approval of the List of specially authorized bodies implementing functions of the environment protection, management of nature and the state control in this field and Rules on organization of these activities». According to this Decree the coordination of specially authorized bodies' activities can be implemented by developing legal acts that would be approved by joint orders for different fields of nature use (recommendation).

According to authorization of the Central executive body:

As to organize the state monitoring of the ambient air and provide its implementation the Order of the Minister for the environment protection of the Republic of Kazakhstan dated February 28, 2004 No. 68 was approved. Registered in the Ministry of Justice dated March 31, 2004 No. 2779 “On approval of the Instructions to assess impacts of intended economic and other activities to the environment when developing pre planned, pre projected and projected documentation”. This document on intended economic activity considers elaboration of proposals how to organize monitoring and control over the ambient air for further submitting to authorized bodies.

As well the joint order of the Minister for Energy, Industry and Trade of the Republic of Kazakhstan dated July 9, 1999 No. 187 and of the Minister for Natural Resources and Environmental Protection dated July 9, 1999 No. 182 “On approval of the Rules to meet norms of ecological safety when designing and conducting oil operations in the water area and coastal zones of seas and inner reservoirs of the Republic of Kazakhstan” is adopted. This document sets commissions, functions and procedures on interaction of central and local executive bodies. In accordance with this Order and operator submits results of monitoring to the adequate state body.

Also indirect requirements for industrial monitoring, that is collection of information by an entity itself are mentioned in the Rules on organization of industrial control in the field of the environment approved by the Order of the Minister for the Natural Resources and Environment Protection of the Republic of Kazakhstan dated March 11, 2001 No. 50. However, it should be noted that the Rules don't contain standards for setting procedures for entities how to submit information regarding the results of monitoring to the state environmental bodies;

As to organize the application of mechanisms on economic incentives to reduce emissions of hazardous substances (contaminants) into the ambient air the analysis of legislation showed that none legal acts of the Republic of Kazakhstan envisage any economic incentives and correspondingly the legislative basis is lacking for adopting special legal acts specifying a mechanism and organization of economic incentives mechanisms to reduce emissions of hazardous substances into the ambient air;

As to fix the procedure on development and approval of hygiene and ecological quality standards for the ambient air, maximum permissible levels of physical impacts to the ambient air and other ecological standards aimed to protection of the ambient air it should be marked that the legal act regulating this issue is approved by the Order of the Minister for health of the Republic of Kazakhstan dated August 18, 2004 No. 629 «On approval of sanitary and epidemiological rules and standards on epidemiology and hygiene». In this case the authority is realized and it is envisaged in the article 7 of the Law of the Republic of Kazakhstan dated December 4, 2002 No. 361 «On sanitary and epidemiological prosperity of population». Also there exists the Decree of the Cabinet of Ministers of the Republic of Kazakhstan dated January 24, 1992 No. 70 «On procedure to develop quality standards for the environment in the Republic of Kazakhstan» adopted due to the lapsed Law of the Kazakh SSR «On protection of the environment nature in the Kazakh SSR».

Any legal acts of the central executive bodies in the field of environment protection concerning the procedure of developing and approving hygiene and ecological quality standards for the ambient air are not adopted.

- As to establish the procedure on the state registration of sources of emissions of hazardous substances (contaminants) into ambient air and harmful physical impacts to it the conducted analysis showed that the legal basis for adopting a document for this issue exists. The authority of the Central executive body in the field of the environment to approve a corresponding legal act is permitted by the article 7 of the Law of the Republic of Kazakhstan «On protection of the ambient air». However, the Central executive environmental body is not realizing this standard of the Law;

- As to establish the procedure of developing and approving specific standards of emissions as well as the list of objects (cadastres) in respect of which they are being developed.

The procedure for developing and approving specific standards of emissions is identified by the Order of the Minister for Natural Resources and Environmental Protection of the Republic of Kazakhstan dated March 21, 2002 N 83 «On approval of the Rules for agreeing and approving standards of maximum permissible emissions (MPE) and maximum permissible discharges (MPD)». According to this Order all organizations – nature users should follow this procedure for developing and approving standards of maximum permissible emissions and maximum permissible discharges. The Order does not contain distinct criteria regarding an activity of organizations to which this procedure extends by this Order;

- the authority of the central executive body in the field of the environment to **establish a procedure for conducting inventory of hazardous substances emissions into the ambient air, harmful physical impacts to the ambient air and their sources** is envisaged in the article 20 of the Law of the Republic of Kazakhstan «On protection of the ambient air». The central executive body has not adopted the legal act regulating these issues.

Thus, plenty of provisions of the Law of the Republic of Kazakhstan have not been realized on the subordinate legislation level.

Recommendations to improve the current legislation on the basis of analysis of legal acts of the Republic of Kazakhstan referring to issues on regulation of the Kyoto Protocol.

In case the Republic of Kazakhstan ratifies the Kyoto Protocol and obtains a number of obligations aimed to provide their implementation there will appear the need to improve the current legislation as a whole.

Implementation of provisions under the article 2 of the Kyoto Protocol supposes:

According to item 1), envisaging increase the effectiveness of energy use in corresponding sectors of the economy – perfection of normative – technical acts (standards) for toughening

technical requirements towards corresponding equipments, fuel etc., legal acts in the field of antimonopoly legislation in particular compilation of expenses when agreeing and approving tariffs;

According to item 3), envisaging incentive of sustainable forms of agriculture – perfection of tax legislation, legislation on investments and other legislation connected with formation of economic incentives;

According to item 4) envisaging reduction or elimination of market disproportion, fiscal incentives, exemptions from taxes and subsidies, contradicting the aim of the Convention – improvement of tax and customs legislation.

According to the article 5) of the Kyoto Protocol it is necessary to establish a national system for assessing anthropogenic emissions from sources. And national methodologies for assessment of anthropogenic emissions should be developed based on the methodology of the Conference of Parties. In this regard, according to the envisaged authority by the Law of the Republic of Kazakhstan “On protection of the ambient air” the Central executive environmental body should adopt a corresponding document taking into account provisions of the methodology of the Conference of Parties.

The article 7 of the Kyoto Protocol envisages the necessity to maintain an annual cadastre of anthropogenic emissions and submit annually National communications to the Conference of Parties for registering cadastres and assigned amounts (AA). The authority of the central executive body concerning cadastres is defined in the Law “On protection of the ambient air”. It is required to develop a departmental document determining maintenance of the national cadastre including the procedure on compilation of information on programs in sectors of the economy indicated in the article 10 of the Kyoto Protocol.

Also it is necessary to mark that earlier a draft Rules on sequence of preparation, agreement and approval of projects for reducing greenhouse gases emissions reduction in the Republic of Kazakhstan has been developed. This document meets the requirements defined by the Kyoto Protocol, corresponding to derived documents adopted by bodies and contains procedures and requirements for projects necessary inside the country.

This Rule was approved by the Ministry of the Environment Protection. It is also agreed with Interagency Commission created by the Decree of the Government of the Republic of Kazakhstan dated April 17, 2000 No. 590, which is the advisory body under the Government of the Republic for the Kyoto Protocol issues. As a whole the Government has not elaborated its position as for the ratification of the Kyoto Protocol. In this regard the level and form of adoption of the Rules are not determined. Taking into account the above mentioned this document anticipates the procedure of the overall consideration in the state bodies and further review.

As for the ratification of the Kyoto Protocol and adopting corresponding subordinate legal acts providing realization of the Kyoto Protocol provisions I suppose that it is useful to renew the activity of the above mentioned Commission with participation of stakeholders from the state agencies.

The analysis of legislation in relation to the Kyoto Protocol

As it was noted before, the Law of the Republic of Kazakhstan on Atmospheric Air Protection provides legal, economic and social basis for protection of atmospheric air, including as related to control and coordination of emissions into atmospheric air. The Law specifies competence of the Government, including with respect to creation of an economic incentives and implementation of market mechanisms; introduction of a GHG emissions reduction mechanism; establishment of procedure for setting rates of atmospheric air pollution payments, approval of procedure for issuance of licenses for controlled substances into the atmosphere; approval of procedure for organization and conduct of state control in the area of atmospheric air protection; establishment of procedures for reporting and state statistics in the area of atmospheric air protection (Article 6 of the Law).

Besides, Article 7 of the Kyoto Protocol to the UN Framework Convention on Climate Change (hereinafter – the Kyoto Protocol) provides for specific authorities of the central executive body in the area of environmental protection, including introduction of technology-based emission standards, licensing of emissions into atmospheric air, development of relevant legal acts, regulations and methodological documents regarding calculation of greenhouse gases emissions. This body is also responsible for monitoring of atmospheric air status (Article 21).

Additionally, it's worthy noting that many provisions of the Law still have no regulatory support.

Legal base of the Republic of Kazakhstan in this sphere includes only the above-mentioned Law; Instruction on Agreement and Approval of Standards of Maximum Permissible Emissions (MPE) and Maximum Permissible Discharges (MPD), approved by order #83-p of the Minister of Environmental Protection (dated March 21, 2002) and registered by the Ministry of Justice on May 3, 2002 (order #1843); Methodology for Calculation of Environmental Pollution Payments, approved by the Minister of Ecology and Biological Resources of the Republic of Kazakhstan on August 9, 1994.

Provisions on administrative and criminal responsibility for violation of the legislation in the area of atmospheric air protection are stated in the Code of Administrative Violations of the Republic of Kazakhstan (articles 240-249) and Criminal Code of the RK (articles 277, 282).

Thus, Kazakhstan's legislation does include provisions regulating emissions into atmospheric air. But many of these provisions are of reference character and they are not supported by adequate regulations. The existing Instruction on Approval of Emission Standards includes only general provisions, not giving information on specific character of the mechanism for emission standard setting, regulation and control.

If the Republic of Kazakhstan ratifies the Kyoto Protocol, our country will take a number of obligations that will entail the necessity to improve the existing legislation in the area of atmospheric air protection.

On ways to regulate emissions

Thus, according to Article 2 of the Kyoto Protocol, each Party shall also implement policies aimed at:

- 1) enhancement of energy efficiency in relevant sectors of national economy;
- 2) enhancement and protection of sinks and reservoirs of greenhouse gases;
- 3) promotion of sustainable forms of agriculture;
- 4) progressive reduction or phasing out of market imperfections, fiscal incentives, tax and duty exemptions and subsidies that run counter to the objectives of the Convention;
- 5) measures to limit emissions of greenhouse gases in the transport sector and in the production, transport and distribution of energy, etc.

Additionally, according to Article 10 of the Kyoto Protocol, each Party shall formulate national or regional programs, concerning the energy, transport and industry sectors, as well as agriculture, forestry and waste management and aimed at reduction of anthropogenic emissions.

In our opinion, for Kazakhstan it means adoption of certain regulations, including those aimed at taking measures stimulating legal entities and physical persons for emission reductions; introduction of corresponding corrections to sectoral economical development programs of Kazakhstan (for industry, agriculture, energy, transport); compiling

inventory of existing international treaties and agreements and Kazakhstan legislations in the area of taxation with the objective to eliminate or reduce exemptions from taxes and subsidies, running counter with the goals of the Kyoto Protocol; establishing measures aimed to ensure favorable conditions for development of private sector through promotion of their use of environmentally sound technologies and access to them.

Additionally, certain procedures for approval of technological projects in the sectors, emitting greenhouse gases, must be adopted at the national level, following the recommendations developed by the Conference of the Parties.

On functions of national bodies regulating emissions

Article 5 of the Kyoto Protocol provides for creation of a national system for the estimation of anthropogenic emissions by sources. This estimation system is already stipulated for in the Law of the Republic of Kazakhstan on Atmospheric Air Protection, and relevant authorities are given to competent central, territorial and local executive bodies.

According to this Article, guidelines for such national systems shall be developed based on the methodologies developed by the Conference of the Parties.

Under Article 7 of the Kyoto Protocol, each Party shall keep its annual inventory of anthropogenic emissions and submit annual national communications to the Conference of the Parties in order to consider emission inventory and assigned amounts. At the same time, according to Article 10 of the Kyoto Protocol, annual communications shall include information on intersectoral programs, which contain measures to reduce greenhouse gases and introduce environmentally sound technologies.

Under Article 12, paragraph 5 of the Kyoto Protocol, emission reductions shall be certified. The Law on Atmospheric Air Protection provides for certification of emissions. However, according to the above-mentioned paragraph of Article 12, in case of voluntary participation by the Party, certification on the territory of the country can be carried out by operational entities to be designated by the Conference of the Parties.

The Kyoto Protocol provides for the opportunity to sell and buy certified emission reductions (Article 3 of the Protocol), that's why in case Kazakhstan ratifies it, the Law will require adequate additions and a competent body responsible for sale and purchase of certified emission reductions will be needed.

On activity of the Conference of the Parties on the territory of Parties

If the Kyoto Protocol is ratified, Kazakhstan is to take obligations, including those related to ensuring access of the Conference of the Parties to control and coordination of emissions on the whole territory of Kazakhstan, and to acknowledgment of the decisions that could be made by the Conference of the Parties by means of amendments, according to Article 18 of the Kyoto Protocol.

The Conference of the Parties elaborates methodologies for national estimation of emissions, rules and guidelines for verification, reporting and accountability for emission trading, as stated in Article 17 of the Kyoto Protocol.

Under Article 3, each Party shall provide to the Conference of the Parties (to its Subsidiary Body) data to enable an estimate to be made of its changes in carbon stocks.

In accordance with paragraphs 7 and 8 of Article 12, the Conference of the Parties can carry out independent audit and verification of project activities in the country, including with the objective of

ensuring that a share of the proceeds from project activities is used to cover administrative expenses as well as to assist developing country Parties.

On liability of countries in case of non-compliance with the Protocol

Under paragraph 5 of Article 4 of the Kyoto Protocol, in the event of failure by the Party to achieve its total combined level of emission reductions together with another Party, with which it reached an agreement to fulfill their commitments resulting from trade in certified units jointly, every Party of this agreement shall be responsible for its own level of emissions set out in the agreement.

Following Article 18 of the Kyoto Protocol, the Conference of the Parties shall elaborate procedures and mechanisms to determine and to address cases of non-compliance with the provisions of the Protocol and develop an indicative list of consequences. These decisions of the Conference of the Parties entail binding consequences and shall be adopted by means of an amendment to the Protocol.

In our opinion, the latter can be classified as a restriction in perspective, when the country in advance undertakes obligations to comply with the provisions related to liability for non-compliance with the Protocol's provisions, which will be adopted in the future.

On financial obligations

In accordance with Article 11, paragraphs 2 and 3, of the Kyoto Protocol, the developed countries, included in Annex I or II, shall provide financial resources for developing countries. Following section 1.1 of the material «KAZAKHSTAN: CO2 EMISSIONS FORECASTING AND REGULATION MECHANISMS FOR REDUCING GREENHOUSE GASES» (page 8); prepared by the Climate Change Coordination Center, and the Kyoto Protocol, Annex 1 of the Kyoto Protocol includes developed countries and countries with economy in transition (East-European countries, Russia and Ukraine).

The above-mentioned material also states that in accordance with Resolution 7 of the Conference of the Parties held in Morocco, if Kazakhstan ratifies the Protocol and the Protocol enters into force, Kazakhstan can be included in the list of Annex I countries.

However, status of the countries with economy in transition is not identified in the Kyoto Protocol, that's why it's not clear how the provisions of Article 11 of the Protocol will be applied to such countries, namely to Kazakhstan.

Besides, according to Article 10, paragraph c) of the Protocol, developed environmentally sound technologies, know-how and programs that are publicly owned or in the public domain, shall be transferred to developing countries.

On the procedures of the Kyoto Protocol ratification

In accordance with Article 24 of the Kyoto Protocol, it shall be open for signature and subject to ratification, acceptance or approval by States and regional economic integration organizations. Consequently, there are three ways to express consent by States and organizations: ratification, approval and acceptance. In this context signature is a procedural requirement. On behalf of Kazakhstan, Resident Representative of Kazakhstan in the UN Arystanbekova A. signed the Kyoto Protocol on March 12, 1999.

According to Article 25 of the Kyoto Protocol, it will enter into force on the ninetieth day after the date on which not less than 55 Parties to the Framework Convention on Climate Change have deposited their instruments of ratification, acceptance, approval or accession.

Now when Russia has ratified the Protocol, it's expected that the Protocol will enter into force in February 2005.

Following the Delhi Ministerial Declaration on Climate Change and Sustainable Development, adopted at the 8th Session of the Conference of the Parties on October 23 – November 11 2002, as for October 23, 2002, 96 countries had ratified, approved or acceded to the Kyoto Protocol.

For Kazakhstan, who signed the Protocol, accession is not acceptable as a form of consent, as accession is designed for countries that haven't initially participated in signing the relevant international agreement (according to the Vienna Convention on International Agreements dated 1969).

At the same time, taking into consideration the above-listed obligations to be undertaken by Kazakhstan, and based on the ways of consent proposed in the Kyoto Protocol, ratification is the most acceptable (according to Article 11, paragraphs 1, 4, 5, of the President's Decree On the Procedures of Concluding, Complying with and Denouncing International Treaties, dated December 12, 1995, having power of a law).

If the Kyoto Protocol has not entered into force by the moment Kazakhstan ratifies the Kyoto Protocol, Kazakhstan shall undertake obligations to comply with the Protocol in accordance with Article 4 of the Constitution of the Republic of Kazakhstan and Vienna Convention on International Agreements. In this case any sanctions or other limitations for non-compliance with the Kyoto Protocol can be used against our country only after the Protocol enters into force.

The Kyoto Protocol must be ratified in accordance with the procedure, set forth by the President's Decree "On the Procedures of Concluding, Complying with and Denouncing International Treaties", dated December 12, 1995, having power of a law.

It should be noted that ratification, acceptance and approval of the Kyoto Protocol is not permissible with the reservations provided for in Article 26 of the Protocol.

On the procedures of withdrawal from the Kyoto Protocol

Any Party may withdraw from the Kyoto Protocol only after it has entered into force. For the withdrawal a Party must give a written notification to the Depositary one year prior to the withdrawal or on such later date as may be specified in the notification of withdrawal (Article 27 of the Kyoto Protocol).

Recommendations

Ratification of the Kyoto Protocol assumes a number of legislative and sub-legislative acts to be adopted. Project realization mechanisms in the Kyoto Protocol require identification of the ownership to carbon credits. In other words it is necessary to identify right of property of subjects of a carbon market (range of the state property, an organization, an operator of the market etc.) that should be set by a legislative act – special law. Besides, the Kyoto Protocol requires information collection, implementation of additional control functions, monitoring of emissions and so on) which are possible to be implemented by strengthening authority of state bodies. In this case such authority and regulation of relations should be reflected in the Law of the Republic of Kazakhstan "On protection of the ambient air" and correspondingly in Regulations on state agencies.

The Protocol envisages standards exempting equipment, goods, services imported within the projects being realized in accordance with the Protocol, from customs and taxes. In order

to provide realization of these standards it is necessary to bring to conformity with legal acts of authorized state agencies in the field of taxation and customs regulation.

As well it is required to develop and approve Rules on organization of the carbon market (the Government Ordinance), regulating interrelations of its subjects.

List of legal acts analyzed see below.

List of legal acts for the issues of protection of the ambient air.

1. The Order of the RK Ministry of Natural Resources and Environmental Protection dated March 21, No. 83 approves " Rules on agreement and approval of standards on maximum permissible emissions (MPE) and maximum permissible discharges (MPD);
2. The Decree of the RK Government dated August 14, 2003 No. 815 on "Rules on organizing and conducting the state control in the field of the ambient air protection";
3. The Order of the Minister for Natural Resources and Environmental Protection dated March 11, 2001 No. 50 on " Rules on organizing the production control in the field of environmental protection";
4. The Decree of the Government of the Republic of Kazakhstan dated January 5, 2004 No. 2 on "On approval of lists of formats on the state and departmental statistical statements of the Republic of Kazakhstan";
5. The Order of the Minister for the Environmental Protection of the Republic of Kazakhstan 28, 2004 No. 68 on " Rules on assessing impacts under designing of economic and other activity to the environment when developing pre-planned, pre-project and project documentation";
6. The Decree of the Government dated January 8, 2004 No. 19 on "On approval of the List of ecologically dangerous types of economic activity and Rules on their obligatory state licensing";
7. The Law of the Republic of Kazakhstan dated January 8, 2003 # 373 "On investments";
8. The Decree of the Government of the Republic of Kazakhstan dated May 8, 2003 No. 436 on "On some issues of realization of the Law of the Republic of Kazakhstan "On investments";
9. The Decree of the Republic of Kazakhstan dated December 1, 1998 No. 1213 on " On approval of the Rules on levy on contamination of the environment";
10. The Decree of the Government of the Republic of Kazakhstan dated September 6, 2001 No. 1154 on "On approval of the Rules of permits issue for contaminating the environment";
11. The Decree of the Government of the Republic of Kazakhstan dated March 12, 2004 No. 311 «On approval of the List of specially authorized bodies implementing functions of the environment protection, management of nature and the state control in this field and Rules on organization of these activities»;
12. The joint order of the Minister for Energy, Industry and Trade of the Republic of Kazakhstan dated July 9, 1999 No. 187 and of the Minister for Natural Resources and Environmental Protection dated July 9, 1999 No. 182 "On approval of the Rules to meet norms of ecological safety when designing and conducting oil operations in the water area and coastal zones of seas and inner reservoirs of the Republic of Kazakhstan";
13. The Order of the Minister for Health of the Republic of Kazakhstan dated August 18, 2004 No. 629 «On approval of sanitary and epidemiological rules and standards on epidemiology and hygiene»;
14. The Decree of the Cabinet of Ministers of the Republic of Kazakhstan dated January 24, 1992 No. 70 «On procedure to develop quality standards for the environment in the Republic of Kazakhstan»;

15. The Law of the Republic of Kazakhstan dated March 11, 2002 # 302 "On protection of the ambient air".

4.2. Signed or ratified international conventions and protocols

No.	Title of convention and agreement	On the basis of document on which Convention is considered to be ratified and date of ratification
1	The World meteorological organization Convention.	The Resolution of Supreme soviet of RK from 18.12.1992. Resolution of Ministry from 13.04.1993 It was ratified 13.04.1993.
2	International Convention on oil pollution damage civil commitment.	The Resolution of Ministry of RK from 04.03.1994 It was ratified 05.06.1994.
3	The Convention on security of living organisms in sea.	The Resolution of Ministry of RK from 04.03.1994. It was ratified 07.06.1994
4	The Convention on biodiversity.	The Resolution of Ministry of RK No. 918, from 19.08.94. It was ratified 06.09.1994.
5	The Convention on protection of World culture and nature heritage.	Joining and ratification 29.07.1994.
6	The United Nations Framework Convention on Climate Change.	The Decree of President of RK. It was ratified 17.05.95.
7	The United Nations Convention to Combat Desertification.	The Resolution of Senate 28.06.97. The Law of RK, July 7, 1997 No. 149-13 RK. It was ratified 9.07.97.
8	The Vienna Convention on ozone layer protection.	The Law of RK, October 30, 1997.
9	The Montreal Protocol on Substances that Deplete the Ozone Layer.	The Law of RK, October 30, 1997.
10	London amendment to Montreal Protocol on Substances that Deplete the Ozone Layer.	The Law of RK, May 23, 2001.
11	Agreement to Energy Charter and Protocol to Energy Charter on power effectiveness and appropriate ecological aspects	The Decree of President from 18.10.1995.
12	The Convention on International trade of Endangered Species of Wild Fauna and Flora	The Law of President from April 6, 1999. It was ratified April 19, 2000.

13	The Convention on prohibition of military or other hostile use of means of influence on environment	The Resolution of Supreme soviet of RK from 20.02.1995 from 13.04.1993.
14	Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.	The Law of RK on ratification 3RK No. 92-II from 23.10.2000
15	Convention on Environmental Impact Assessment in a Transboundary Context;	The Law of RK on joining 3RK No. 86-II from 21.10.2000
16	Convention on the Transboundary Effects of Industrial Accidents	The Law of RK on joining 3RK No. 91-II from 23.10.2000
17	Convention on the Protection and Use of Transboundary Watercourses and International Lakes;	The Law of RK on joining 3RK No. 94-II from 23.10.2000
18	Convention on Long-Range Transboundary Air Pollution	The Law of RK on joining 3RK No. 89-II from 23.10.2000
19	Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposall.	The Law of RK on joining 3RK No. 389 from 10.02.2003

4.3. Environmental standards

Environmental pollution charge (further - charge) imposing from bodies and personals for activity realizing in territory of RK in special nature management order (further –nature users).

Charge is imposed from nature users, carrying out the following types of influence on environment:

- Contaminants emission of stationary and movable sources in atmosphere;
- Contaminants emission in water body;
- Distribution of industrial and consumption waste.

Charge rates are fixed by local representative bodies, but not lower than environmental pollution charge.

Basic rates are under the annual indexation taking into account of annual rate of Inflation.

Bush correction factors for contaminants emission in atmosphere from stationary and movable sources, contaminants waste in water body are under the annual reconsideration.

4.4. Emission standards

Normative projects of maximum permitted emissions and maximum permitted discharges in environment are considered by environmental protection bodies of RK in compliance with

functioning legislation on environmental expertise (further – Normative projects MPE and MPD) for active enterprises, during its technological conditions changes as well.

Nature user carries providing of concordance and confirmation of project normative MPE and MPD, its reconsideration.

Necessity of reconsideration formed norms of maximum permitted emissions and waste can be appeared before termination of action:

- 1) Environmental and hydrological situation changes in region, water body;
- 2) Appearance of new or refinement operation factors of environmental pollution source;
- 3) Privatization structural and subdivisions, marked from enterprises in as independent objects.

Projects of standards submitting to consideration MPE and MPD must be contained statement (covering letter), explanatory note, assumption outcomes of maximum permitted emissions and maximum permitted discharges.

Terms of project norms of MPE and MPD consideration must not be exceed term, formed for holding state environmental expertise.

Discord of permissions, appearing during projects of standards MPE and MPD consideration is carried in compliance with active legislation of RK.

Permission on emission and contaminant discharges issued to organizations on the basic of adjusted, normative project MPE and MPD.

Normative projects of MPE and MPD are confirmed to terms formed normative documents of RK.

During determination quantity charges for emission and contaminant in atmosphere and water body counted in compliance with determination of charges for environmental pollution Method confirmed by the Ministry of ecology and bioresources of RK dated August 9,1994, registered in the Ministry of justice of RK, January 16,1996 N 142.

4.5. Law enforcement mechanism

4.5.1. Procedure for EIA (Environmental Impact Assessment)

Procedure for EIA is obligatory for realizing object lines on all planned structures. EIA is holding by organization which realizes construction or consulting firms, which have appropriate license for realizing EIA.

Instruction on realizing of influence planned economic and other activity on environment during development preplanned, pre project and project documentation assessment is in the attachment.

4.5.2. Environmental inspection system

(see 3.2.)

5. ENVIRONMENTAL POLICY AND PROGRAMS

5.1. Long-term policy

Foundations of public policy in environmental protection area were laid in the Conception on environmental security approved the Decree by President of RK, April 30, 1996 where environmental priorities of transition, in particular environmental problems of privatization, issues on necessity of environmental legislation foundation, public control and expertise, economic mechanisms of nature management, environmental monitoring are considered.

As a result of tasks implementation of the Conception, rate of environmental pollution rates was reduced greatly in comparison with 90 years due to enhance of public control in environmental protection area and obligatory environmental expertise introduction. However, state status with environmentally vulnerable territory and environmental challenges are still existed.

In new Conception approved by the Decree of President of RK from December 3, 2003, decision ways are proposed. Some of them: providing forward development of scientific research on important challenges of environmental security and sustainable nature management, including basic ones; leading uniform system environmental situation monitoring; environmental division into districts and special mapping of territory of RK.

World experience shows that basis of successful decision of environmental problems and prevention environmental disasters are introduction of environmental principles of social-and-economic system of any state.

The Conception on environmental security was developed started from priorities the Strategy of "Kazakhstan - 2030" in compliance with strategic development plan of RK till 2010 and from account of basic agenda regulations for XXI century and principles of Rio de Janeiro declaration on environment and development of 1992, decisions of the World summit on sustainable development in Johannesburg as well (2002).

Providing optimal level of environmental security with achievement of normative indices of environmental situation proposes phased realization regulations of the present Conception.

First phase (2004 - 2007 years) – reduce of environmental pollution level and development of action plan for its stabilization.

Second phase (2008 - 2010 years) – stabilization of environmental quality indices of environment and perfection of environmental requirements to nature management.

Third phase (2011 – 2015 years) – improvement of environmental quality and achievement of favorable level environmentally sustainable development of society.

The objective of public policy in environmental security is providing of nature systems protectability, vital interests of society and individual rights from aggression, appearing as a result of anthropogenic and nature influences on environment.

5.2. Mid-term policy

Information on realized activities in 2004 -2005 years and planned activities for 2006 is in Activities plan for 2004-2006 on the Conception realization of environmental security of RK for 2004-2015

5.3. Annual programs and budgets in 2002, 2003, 2004

(See 2.4)

6. ENVIRONMENTAL SITUATIONS

6.1. Nature including forest preservation, desertification prevention, biodiversity and natural disasters

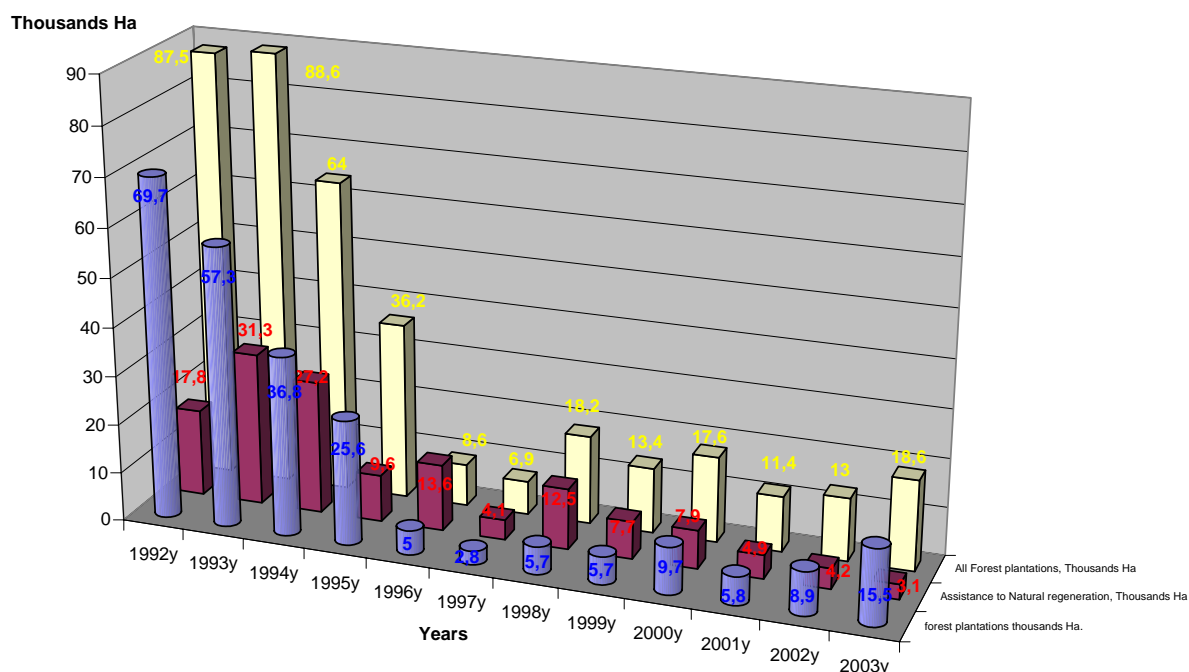
Flora variety in Kazakhstan varies on composition and quantity of types. There are more than 6000 types of high vascular plants, about 5000 - mushrooms, 485 - lichens, more than 2000 - algae in Kazakhstan. The most whole inventory types of mushrooms and high plants were exposed. Among the plants 14 % types are endemics. In the Red book of Kazakhstan 404 types of high and low plants had been included.

Forest of Kazakhstan taking into consideration saxaul forests and bushes are 4,6 % (11,5 mln. ha), without it – 2,3 % (5,75 mln. ha). Conifers forests takes about 1,8 mln. ha. Forest of Kazakhstan plays soil protection and water protection role.

Last 10 years almost to 0,16 mln. ha, or 20 %, area of band pineries were reduced in Western Kazakhstan. For regulation these problems the Resolution of RK had been adopted dated April 23, 2004 No. 460 «On prohibition chipping the main use in conifers and saxaul plantings in state forestry fund area and measures on its preservation».

If annual volume of forestry reconstruction works last years of last century over republic consists about 80 thousand ha, and in 1997 volume of forest reconstruction were reduced in 8 times and nowadays its situation is in the same situation (pic.1).

Pic. 1. Volumes of Reforestation in Kazakhstan



Nowadays by the Resolution of RK dated May 14, 2004 No. 542 Program «Forests of Kazakhstan» - 2004-2006 years had been confirmed. As a result of realization of this program forestry preservation is provided, improvement of forestry preservation from fire, its protection from pests and sicknesses, improvement of quality and composition and sanitary condition of forests.

By the Resolution of RK dated April 10, 2002 No. 408 list of rare types of animals – 40 types of mammals, 57 types of birds, 10 types of reptiles, 19 types of water animals had been confirmed. By the Resolution of RK dated June 19, 1998 No. 573 list of invertebrate types of animals had been confirmed for including them in the Red book. Total: 96 types.

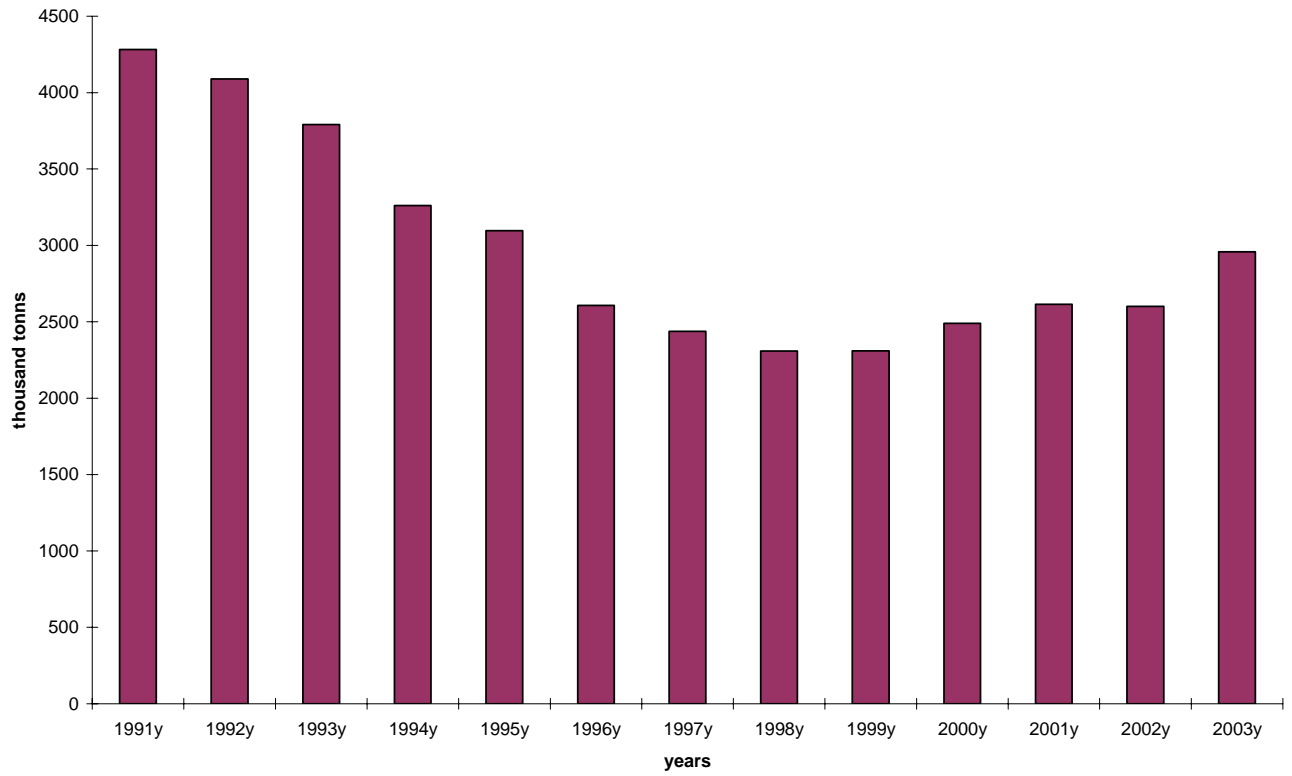
It is very important for Kazakhstan to develop the methods of active impact on characteristic of mudflows, and it is necessary to approve scientifically of prevention of lakes forming methods, water complexes.

As Almaty city is situated in seismic dangerous zone, it is very important to conduct researchers and assessment on dangerous geological processes in piedmont areas for activities development on prevention of earthquakes.

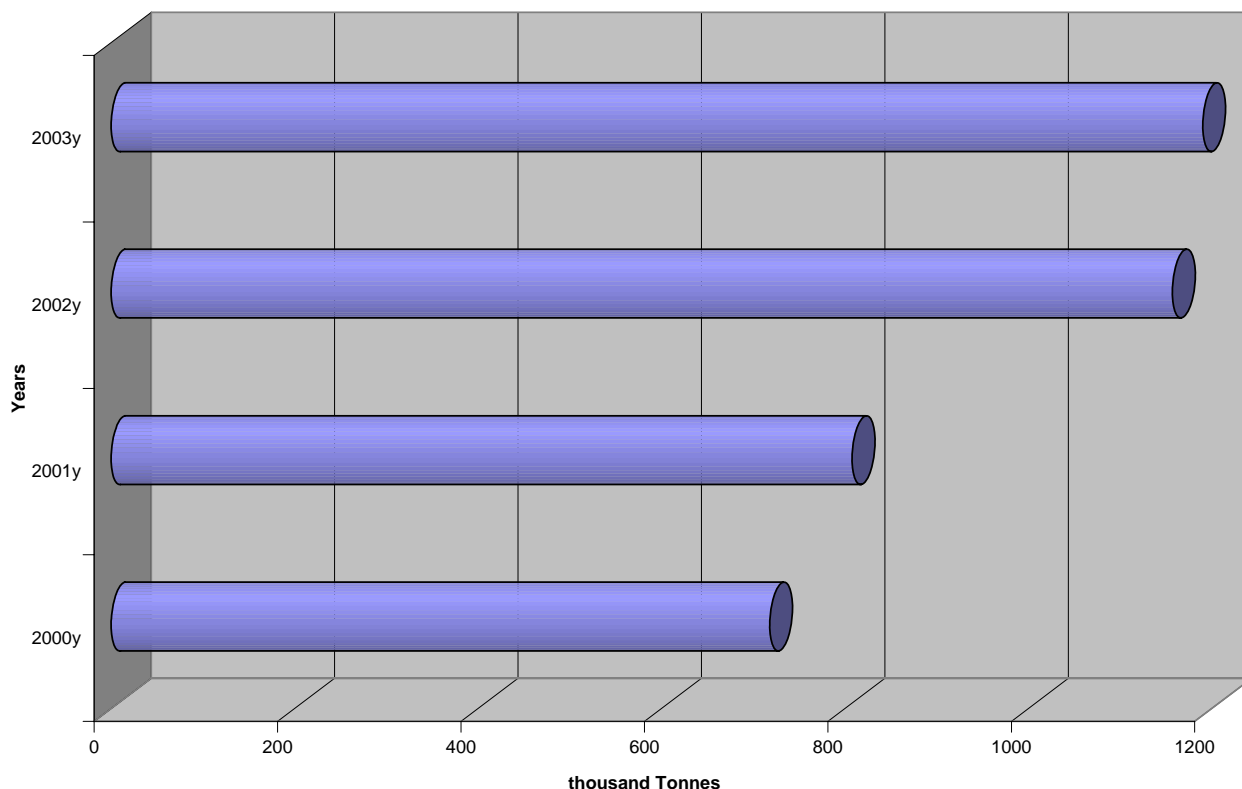
6.2. Ambient air

Pollution situations of ambient air observations are being conducted in 19 towns of Kazakhstan. The most level of pollution is fixed in Ridder, Shymkent, Ust-Kamenogorsk, Karaganda and Almaty cities. Sometimes maximum polluted substances concentrate exceed in 10-20 times (for example, in Balkhash, Ust-Kamenogorsk on dioxide sulfure).

Pic. 2. Emissions from the stationary sources.



Pic. 3. Dynamic of emissions from Auto transport.



Emission from removal sources in cities has tendency of exceeding of number of auto transport. Especially negatively impact of exploitable transport.

Activities on ambient air protection are directed on consideration of enterprises emission and payments contributions for environmental pollution by stationary and removal sources. However, there are no effective of harmful substances emission reduction, as cost of «environmental payments» of enterprises is included in product cost (heating, energy, services).

Mechanism of environmental payments use does not suggests cleaning technology implementation in industry and support of environmentally cleaning houses and circles.

About 5 million people of Kazakhstan live in polluted ambient air conditions and 2 mln. – in high level pollution conditions.

6.3 Water Resources

Surface Water Quality

Water quality in almost all Kazakhstan's water objects remains unsatisfactory, in spite of decreases in production and volumes of wastewater discharge. The principal pollutants occur in wastewater from chemical industries, petroleum processing, and machine building industries and non-ferrous metallurgy. The main damage to the environment, and in particular to water reservoirs, is caused by polluted wastewater discharged without prior treatment.

One of the hydrological features of Kazakhstan is that it has flow transit and dispersal zones, as well as delta zones of major river basins (Syrdarya, Irtys, Ural and Irtysh rivers).

As the flow of practically all Kazakhstan's rivers is regulated, the regime of flow formation on river sections below water reservoirs is altered significantly. As a result of the impact of the rivers and the areas of catchments and intensive water consumption, there are changes to the hydrological regime and water quality in the transit and dispersal zones. This mutual impact is characterized by intensive water intake from the rivers for industrial and irrigation purposes and discharge back into the rivers of wastes containing salt, chemicals and other pollutants.

Described below are the characteristics of surface water quality in the main water objects of Kazakhstan, based on data provided by RSE Kazhydromet Environment Pollution Monitoring Center / 57,70,71/.

Aral-Syrdarya Basin

The level of nitrite pollution of the surface water of the basin remains high. In 2001 nitrites exceeded the maximum permissible concentration (MFC) by in 46% of tested samples, and the maximum level of pollution reached 27 MFCs.

The chemical composition of the Syrdarya River forms within the Republic of Uzbekistan. The water enters Kazakhstan (Kokbulak border post) with an average content of nitrite nitrogen of about 4 MFCs. Maximum concentration- 16 MFCs, the average content of copper reaches 4 MFCs, phenols -3 MFCs, sulfates - 6.5 MFCs. The maximum level of pollution is observed in spring when the content of pollutants reaches: copper and nitrites 3 MFCs, sulfates - 7 MFCs, phenols - 6 MFCs, petroleum products - 4 MFCs. The water of the Syrdarya Water Reservoir is polluted mainly with sulfates, nitrites, phenol and copper.

The main tributaries of the Syrdarya River are also significantly polluted. The Keles River is characterized by a value of WPI (Water Pollution Index) corresponding to quality class 3, i.e. 'moderate pollution'. The principal pollutants are sulfates, copper, phenols, the content of which varies from 2 to 11 MFCs, The Arys River is polluted moderately (sulfates, copper, phenols and nitrites). The level of pollution of the Badam River is characterized by a WPI value of quality class 3, with the average concentration of sulfates, copper, phenols, nitrites and petroleum products exceeding MFC by 2-5 times.

Irtys Basin

The level of heavy metal pollution of the surface water of the basin remains high. In 2001 levels of copper exceeded MFC in 99.6% of samples, zinc in 57% of samples, with the content of zinc and copper exceeded 10 MFCs. The water quality class is level 4, i.e. the water is 'highly polluted'.

Water Pollution Index in the area of the village of Buran is 1.02, quality class is 3 - "moderately polluted" water. Down river in the city of Ust-Kamenogorsk the level of pollution due to wastewater discharges from the East Kazakhstan industrial complex increases significantly. The gate "0.5 km below TMC" located below the junction of the Irtys River and the Ulba River is the most polluted. In addition to the polluted Ulba River, the quality of surface water in this area is affected by wastewater from the treatment facilities of the right bank of the Irtys.

The quality of the surface water of the Irtys between the villages of Glubokoye and Predgornoye is affected by two right tributaries: the Glubochanka River and the Krasnoyarka

River. These waters are polluted by discharges from the Belousovsk, Irtysh and Berezovsk mines and transit waters from the above-situated sources of pollution in Ust-Kamenogorsk. The average annual concentration of copper and zinc in these rivers amounts to 40-50 MFCs, with maximum concentrations often exceeding 100 MFCs.

In the end gate of the village of Borovskoye, the pollution index for the Irtysh River equals 1.14, corresponding to "moderate pollution".

Ural-Caspian Basin

The principal pollutants of the surface waters of the basin are boron and organic substances. The content of nitrites, phenols and copper is 80%, 49% and 22% respectively in the selected samples.

The water of the Ural River is polluted on the territory of the Russian Federation. Within Kazakhstan, wastewater discharges into the riverbed are not observed.

The Ilek River remains the most polluted water body in the basin. The content of boron and chromium in the river is caused by the tailing ponds of the former Alga chemical plant and AZKhS JSC, via ground water. In the gate of Alga "0.5 km below ground water discharge" the content of boron in the water varies from 35 to 129 MFCs. Within the city of Aktobe the content of boron equals 13.8 MFCs, phenols -1 MFCs, nitrite nitrogen - 1.2 MFCs, chromium - 6.9 MFCs. The quality class of water in the Ilek River changes from 4 - "polluted water" to 6 - "very polluted water".

Balkhash-Alakol Basin

The principal pollutants of the surface water of the basin of the Hi River are petroleum products, the content of which in 83% of tested samples exceeded MFC (on the average 2.5 MFCs). According to the pollution index the basin is characterized as moderately polluted.

The chemical composition of the Hi River in Kazakhstan is created by pollutants from the People's Republic of China and the polluted surface flow and washout from agricultural lands adjacent to the basin. Within the area of the Dubun berth the concentration of copper reached 21.4 MFCs (maximum value -181 MFCs), the content of phenols, zinc and petroleum products in the water was 1 -3 MFCs. In this area the water of the river is estimated as 'dirty'. Down river the concentration of copper is a little lower. In the gate below the Kapshagai Hydropower Station the quality of water hardly changes and corresponds to class 4 on the WPI, i.e. "polluted water".

The principal pollutants of Balkhash Lake are heavy metals: copper and zinc, and petroleum products, phenols and fluorides. The content of copper exceeded MFC in all samples selected in Maly Sary-Shagan Bay and Bertys Bay.

Nura-Sarysu Basin

The area of the basin is characterized by a low level of water supply. Due to regulation of the lower part of the flow, it forms based on wastewater discharge from industrial enterprises.

The major polluted tributary of the Nura is the Sherabainura River. The rivers of this basin are characterized by nitrite pollution. The number of samples in which the content

of nitrites exceeds MFC comprises 56%, nitrogen ammonia and copper - 50%, phenols and petroleum products - 67%, fluorides - 80%, zinc - 58%.

The quality of water in the basin is estimated to correspond to WPI class 4 - "polluted water"

Ishim and Tobol-Torgai Basin

In comparison with other basins, the level of pollution of the surface waters of the basins of the rivers Ishim and Tobol is significantly lower, and water quality class corresponds to "moderate pollution".

Data given in Table 5.3 shows that recently in the territory of Kazakhstan WPI of the surface waters within the areas impacted by cities and industrial centers has in general decreased. However, increased WPI for some rivers (Krasnoyarka River, Ishim River and others) is observed.

Based on monitoring of the surface waters of Kazakhstan conducted by the subdivisions of RSE Kazhydromet in the 1st quarter of 2003, the most polluted is the basin of the Irtysh River. The most polluted rivers of the East Kazakhstan Oblast are: Breksa, Tikhaya, Glubochanka and Krasnoyarka. The content of nitrogen ammonia exceeds MFC by 2.29 times, copper- 3.1-25.7 times; zinc -17.5-40.1 MFC, petroleum products - up to 2.4 times and manganese - up to 8.6 MFC.

Table 5,3 Levels of Pollution of the Surface Water in Cities and Industrial Centers of Kazakhstan

Name of control station	WPI*		
	1997	2000	2001
<i>Ural River, the city of Uralsk</i>	2.96	1.28	1.76
<i>Ilek River, the city of Aktobe</i>	7.38	4.19	4.00
<i>Ilek River, the city of Alga</i>	4.86	5.81	4.98
<i>Syrdarya River, the city of Kyzylorda</i>		1.70	1.26
<i>Badam River, the city of Shymkent</i>	2.68	2.20	2.98
<i>Shardary Water Reservoir</i>	2.93	1.94	1,40
<i>Talas River, the city of Taraz</i>	1.38	0.88	1.24
<i>Malaya Almatinka River, the city of Almaty</i>	2.90	1.68	.2.44
<i>Bolshaya Alraatinka River, the city of Almaty</i>	1.95	0.81	1.78
<i>Balkhash Lake, Tarangalyk Bay</i>	2.38	3.70	3.96
<i>Balkhash Lake, M. Sary-Shagan Bay</i>	2.56	4.83	4.52
<i>Samarkand Water Reservoir</i>	3.35	2.64	•2.65
<i>Nura River, the city of Temirtau</i>	4.38	4.12	2.90
<i>Sherubamura River - Estuary</i>	3.94	10.45	3.53
<i>Kara-Kengir River, the city of Zhezkazgan</i>		5.95	6.42
<i>Kengir Water Reservoir</i>		4.50	3.39

<i>Name of control station</i>	<i>WPI*</i>		
	<i>1997</i>	<i>2000</i>	<i>2001</i>
<i>Irtysk River, the city of Ust-Kamenogorsk</i>	<i>1.43</i>	<i>1.57</i>	<i>1.54</i>
<i>Irtysk River, the city of Pavlodar</i>		<i>1.51</i>	<i>1.02</i>
<i>Irtysk River, the city of Aksu</i>		<i>1.17</i>	<i>1.14</i>
<i>Bukhtarma River, the city of Zyryanovsk</i>	<i>1.47</i>	<i>1.57</i>	<i>1.77</i>
<i>Ulba River, Tishinsky Mine</i>	<i>8.64</i>	<i>4.67</i>	<i>4.92</i>
<i>Ulba River, the city of Ust-Kamenogorsk</i>	<i>3.36</i>	<i>1.98</i>	<i>1.97</i>
<i>Tikhaya River, the city of Leninogorsk</i>	<i>9.46</i>	<i>5.80</i>	<i>5.00</i>
<i>Breksa River, the city of Leninogorsk</i>	<i>12.60</i>	<i>4.18</i>	<i>6.72</i>
<i>Krasnoyarka River, the village of Predgornove</i>	<i>3.33</i>	<i>7.60</i>	<i>7.13</i>
<i>Ulba River, the city of Shemonaikha</i>	<i>1.49</i>	<i>1.36</i>	<i>1.36</i>
<i>Ishim River, the city of Astana</i>	<i>1.32</i>	<i>1.22</i>	<i>1.51</i>
<i>Ishim River, the city of Petropavlovsk</i>	<i>1.46</i>	<i>0.60</i>	<i>0.36</i>
<i>Tobol River, the city of Kostanai</i>	<i>0.49</i>	<i>2.17</i>	<i>0.79</i>

*WPI - Water Pollution Index; Please see Technical Note

Source: State Water Cadastre of the Republic of Kazakhstan. Annual data on surface water quality. 1999- 2001. Almaty

Ground Water Quality

Based on data of the ground water monitoring service, about 700 potential sources of pollution have been discovered within the Republic /60/. These are industrial enterprises, solid and liquid wastes storages, stock breeding complexes, tailing ponds of industrial and agricultural facilities, irrigated farm lands, treated industrial wastes, urban agglomerations, oil fields and oil refineries, etc. Based on audit data, only 477 enterprises of the Republic had 762 industrial wastes collectors. However, not all enterprises with such collectors were covered by the audit. Unfortunately, more recently there has been no opportunity to make a comprehensive description of the amount of discharge and waste and the qualitative and quantitative composition of pollutants. Nevertheless it has been established that 241 enterprises in the Republic are polluters of surface waters, and at 158 sites pollution has been detected by regular observation, and on 83 sites by single samples.

The principal sources of pollution in the Republic are industrial and agricultural facilities, and to a lesser extent, utilities.

The highest number of polluted sites and areas were revealed in Almaty Oblast (40), Karaganda Oblast (33), and East Kazakhstan Oblast (22). Of the areas with polluted ground water, the majority (over 200), are characterized by higher salinity, water hardness, plus concentration of sulfates and chlorides exceeding MFC. Some 75 sites are characterized by the presence of nitrogen compounds in the ground water, 59 with heavy metals, 41 with phenols and 28 with organic compounds.

According to the degree of hazard caused by pollutants, ground water pollution at 127 sites can be described as dangerous and at 63 sites as moderately dangerous. There are 48 sites with highly dangerous groundwater pollution levels, while these levels are described as 'extremely' dangerous at three sites.

Throughout the country there are 272 water intakes in zones of ground water pollution, 92 of which are part of the regular observation network. Ground water pollution at other water intake sites was established by random observation. In most cases ground water pollution at water intake sites is connected with economic activities, and at 44 intakes it is determined by natural factors. 143 water intakes are characterized by high salinity of ground water, hardness, content of chlorides and sulfates. In a number of intakes ground waters are polluted by heavy metals (Aktobe Oblast - 12 water intakes, East Kazakhstan -15 water intakes, Kostanai Oblast - 17 water intakes). The maximum number of water intakes in zones of ground water pollution is in Karaganda Oblast - 77, East Kazakhstan Oblast - 28, North Kazakhstan Oblast - 25. At 180 water intakes where single observations revealed ground water pollution a regular observation network was required.

Water Resources Monitoring and Control in Kazakhstan

State management of hydro-meteorological and environmental monitoring in the Republic of Kazakhstan is conducted by RSE Kazhydromet.

A network of hydrologic observation stations is designed to collect data on the condition of water bodies and water resources of the Republic of Kazakhstan. The placement of hydrologic observation stations is based on the principle of obtaining accurate parameters of the regime - level and annual flow. The number and density of observation stations are determined by natural-climatic conditions and needs of the economy.

Regular hydrological observations on the surface water facilities of the republic of Kazakhstan are conducted at 3 hydro-meteorological stations, 180 level stations, 23 lake stations and 3 marine stations. Rivers longer than 100 km are sufficiently covered by observation. Recently there has been a decline in the number of stations on rivers of lengths from 10 to 100 km. Operating hydro-meteorological stations are located mainly at the elevations up to 2,000 m, with some located higher.

Water quality observations are made based on hydro-chemical and hydro-biological parameters in 53 water bodies, 101 surface water control stations and 142 gates.

Water sample analyses are conducted in the network laboratories of the Environment Pollution Monitoring Center of Kazhydromet in accordance with approved methods.

The significant reduction in observation stations on water bodies requires the optimization of the surface water resources monitoring network. The priority task is restoration and organization of the network of hydrological observations on cross-border water bodies.

Groundwater monitoring in the Republic of Kazakhstan is conducted by the Committee for Geology and Subsoil Protection of the Ministry of Energy and Mineral Resources. The main concern is ground and low-pressure ground waters in the zone of active water exchange and waters of feasible aquifers.

On the territory of Kazakhstan there are 6,838 observation stations of State Ground Water Monitoring, including 3,152 observation stations related to the regional network, 3,621 related to the local network and 65 wells relating to the proprietary network. The existing observation stations, their location and equipment can not fully monitor and account for the current hydro-

ecological situation in Kazakhstan and the extent of manmade impacts. The observation network is unevenly dispersed and in many cases is concentrated in more developed areas, while the major oil and gas provinces and regions of ecological disaster remain unstudied.

One key specific feature of Kazakhstan's groundwater regime is the decreasing average multi-year value of pre-spring and spring maximum water levels. In most ground water reservoirs, after stabilization of the water level, resulted from decreased water intake, there has been a decrease in water levels caused by low water years. Changes in the salinity and chemical composition of ground waters are not reported.

6.4. Land Degradation

The territory of the Republic of Kazakhstan occupies 2724, 9 thousand kilometers². The main using land resources of RK is systematized as land of agriculture importance, consisting 31,9 % of all available land. Regular and estuary irrigation are realized only on 15 % of all land of agriculture importance.

Table 5.4 – Distribution of Available Land by Land Category, Thousands Ha

(Source: Kazakh agency on management of Lands Sources)

Titles of land category	Year			Changes (+, -)	
	1991	2002	2003	2003 to 1991	2003 to 2002
Land of agricultural importance	218375,8	86218,8	83336,6	-135039,2	-2882,2
Land of settlement	3747,2	20505,2	20472,4	+16724,8	-33,2
including:					
cities and countries	2053,5	1963,1	1941,7	-111,8	-21,4
Country settlements	1693,7	18542,1	18530,7	+16836,6	-11,8
Land of industry, transport, connection, defense and other nonagricultural importance	18796,8	2334,9	2359,5	-16437,3	+24,6
Land especially guarded nature territory, земли sanitary, recreational and historical-and-cultural importance	775,1	1378,1	2659,9	+1884,8	+1281,8
Land forestry fund (without Natural Preserve)	10179,2	22432,4	22363,3	+12184,1	-69,1
Land water fund	819,9	3603,9	3612,1	+2792,2	+8,2
Land reserve	18952,3	124696,5	126368,0	+107415,7	+1671,5
<i>Total of land</i>	271646,3	261169,8	261171,8	-10474,9	+1,6
including land, using in other state territory	149,8	0,9	0,9	-148,9	
Land, using by other states	993,7	11321,3	11319,7	+10326,0	-1,6
Territory of Republic	272490,2	272490,2	272490,2		

One of the complicated problems of the present is land and plant degradation problem, and desertification. More than 60 % of Kazakhstan's area is exposed to desertification. From 215,9 mln ha of agriculture grounds and rocky ground consists 42,3 mln ha (20,0 %), greasy land –

58,9 mln ha (27,3 %), removed land – 4,99 mln. ha (2,3 %), deflate – 25,6 mln ha (11,9 %). Existence of plenty of soil easy mechanical composition, high carbonate, plough-land use with breach of the soil protection technology, feeble pasture leading to development of erosion processes. From the whole area irrigation of plough-land became devastated land because of degum - low extent – 4,5, moderate extent – 5,2 and high extent – 1,5 mln. ha. For irrigate land degum land consists 0,7 mln. ha.

From 182,6 mln. ha pasture-ground degradation reached 24,1 mln. ha. The whole desertification area of pasture-ground in desert zone came to 60 %, for mountains and knolls about - 30-40 %. Pasture-ground degradation process has a tendency to increasing.

6.5 Waste Management

From 22 mlrd. of tones industry wastes, existing in Kazakhstan, 5,2 mlrd. tones are toxic substances, that contain poison substances for living organisms. Annual volume of toxic industry wastes in Kazakhstan from 2000 increased to 38 %. If in 2000 it 102,5 mln. tones, in 2002 – 137,1 mln. tones, in 2003 volume increased to 141,9 mln. tones (table 1.3.12). Most of waste volumes mineral resources industry – 55% (from the common quantity of wastes) and process industry – 39 %, and 38 % of it are metallurgical industry wastes.

Last years, in spite of volume reduction of mineral and organic fertilizers are more than 10 times, land pollution by toxic and carcinogenic substances problem is being increased. The main sources of land pollution are enterprises wastes of mining industry (78052,7 thousand tones), metallurgical industry (54043,2 thousand tones) and energy industry (8997,0 thousand tones). Development of mining industry in Kazakhstan defines land conditions change: radioactive nuclide, heavy metals and etc. As a result of work of rock production there are 4 mlrd. tones of terraces, enriched ore - more than 1,1 mlrd. tones, activity of metallurgical enterprises – 105 mln tones.

Table 5.5 – Toxic emissions production volume (mln. ton)

Year	Toxic emissions appearance	Toxic emissions use in enterprises	Toxic emissions sterilization
1997	69,4	3,2	0,6
2000	102,5	16,6	3,9
2001	130,0	23,7	1,6
2002	137,1	34,8	0,1
2003	141,9	29,1	3,7

6.6 Energy saving and Utilization of Renewable energies

December 25, 1997 in the Republic of Kazakhstan the Law on Energy saving had been adopted.

The main principles of the state policy in the energy saving sector

The main principles of the state policy in the energy saving sector are:

- priority of rising the effectiveness of using fuel and energy resources over the increase of their production of heat and electrical energy;
- priority of ensuring of safety and human health, social and everyday conditions of people's life, environmental protection at production, processing, transportation and use fuel and energy resources and (or) energy;
- state regulation implementation in the energy saving sector;
- necessity of economical support of energy saving, renewable sources of energy use stimulation;
- obligatory reliable registration of the produced and expendable fuel and energy resources;
- combination of interests of producers, suppliers and users of fuel and energy resources;
- system approach in energy saving;
- information, educational and research activity implementation in the energy saving sector.

The main directions of energy saving

The main directions of energy saving are:

- stabilization of the production and use of energy, needed for intense national economy development;
- optimization of energy production and its use regimes, its registration and control organization;
- organization of inspection of energy effectiveness of companies and institutions;
- expertise of energy saving at production, working and reconstruction of objects, technologies and equipment ;
- renewable energy sources development;
- utilization of second energy resources and wastes;
- projects implementation on introducing energy effective technique and production, up-to-date technologies;
- introducing scientific researches and new ways of management in this sphere;
- reduction of losses of fuel and energy resources at their production, transformation, transportation, storing and use;
- ensuring the accuracy, reliability and unity of measurements at registration of supplied and used energy resources;
- introducing new and improvement of the current norms and rules of the construction that provides the energy sources saving.

6.7. Greenhouse Gas Emission Reduction

Kazakhstan, which had ratified the United Nations Framework Convention on Climate Change (1995) and signed the Kyoto protocol to this convention, joins the global movement on global warming preventing, which is conditioned by the permanent increase of greenhouse gases from carbon fuel combustion.

Annually in the Republic of Kazakhstan greenhouse gases emissions sources inventory is carried out and emissions of gases with direct and indirect greenhouse effect had been calculated, and forecasts of emission of the main greenhouse gas – carbon dioxide (CO₂) had been made. Carbon dioxide (CO₂) takes the first place in Central Asia countries on

specific indicator of greenhouse gases emissions on gross natural product (GNP) unit (3, 38 kg/USA dollar).

Energy makes the most input into carbon dioxide (CO₂) emissions, and from energy carriers – coal. According to the prognosis data, the part of the coal will increase in most intense rates and to 2010 will amount to 63 %, and to 2020 – 66 % in volume of gross emissions that appear from fuel combustion. Global climate change influences on economy and environmental condition of Kazakhstan needs the constant research and development of adequate measures on its reduction.

Nowadays on state basis it had been decided to 100% utilize the associated gas by oil-producing companies. Now gas is combusted in tongues, polluting the environment with the products of combustion. At that a lot of greenhouse gases, sulfur and nitric oxides are emitted to the atmosphere.

Also in the Republic of Kazakhstan several projects that aimed at greenhouse gases emissions are being realized. Also the projects on heating systems reconstruction and modernization in many cities are being realized, which would also lead to the heat saving and reduction of heat losses.

7. ENVIRONMENTAL MONITORING

7.1. Environmental Monitoring System

For the goals of Environmental monitoring the **Common State System of Environmental Monitoring (CSSEM)** had been adopted in Kazakhstan. The system had been approved by the governmental decree N885 dated 27 June, 2001

CSSEM is an information system with many goals, including monitoring of environment and natural resources condition, and analysis of the factual environment and natural resources state data for ecological safety, preserving, reproduction and rational use of the natural resources of the Republic of Kazakhstan.

Aims, goals, functions of the Common state system of environment monitoring

The aim of CSSEM is informational providing of administrative and economic decisions making and control over the natural resources use, population informing on environment state and influence of environmental factors on people's health.

The main goals of CSSEM are:

- 1) permanent monitoring of environment and natural resources state, and anthropogenic influence resources on them;
- 2) analysis, assessment of factual state of environment, natural resources on the whole territory of the republic and the territory of separate regions, and prognosis of its changes and influence on population's health;
- 3) preserving and accumulation of information on environment and natural resources state.

The main functions of CSSEM are:

- 1) carrying out the observations by instrumental, analytical and other methods on all parameters of environment with the periodicity, which is sufficient for their changes assessment;

- 2) collecting and registration of all ecological information, information data banks and environmental cadastres administration;
- 3) determination of the connection between characteristics of environment influence, change of pollution level and its consequences;
- 4) organization the information exchange on environment, natural resources state on regional, republic and international levels;
- 5) providing with one methodical and metrological monitoring base on environment and natural resources, which is made by central executive bodies, their territory parts, companies, institutions independently of ownership forms;
- 6) basing of carrying out the research and experimental-design works in the environment and natural resources monitoring sphere;
- 7) providing the state executive bodies, natural, juridical persons and population with information, gained in frameworks of CSSEM.

7.2. Results of Environmental Monitoring - 2003 and 2004

The observations on environment state of the Republic of Kazakhstan, carried out in 2004, allow making the following conclusions:

1. In 2004 9 cities had been considered to the polluted cities on the data of observations (Atmosphere pollution index - $API_5 \geq 5$), including those with high and very high level of air pollution (API_5 more 7) - 7 cities. The highest level of air pollution is observed ($API_5 \geq 15$) in Almaty and Shymkent.

In 16 cities of the republic middle for the year values of concentration of polluting substances at least by one admixture had exceeded the maximum permissible concentrations (MPC), and in 6 cities (Almaty, Karaganda, Ridder, Temirtau, Ust-Kamenogorsk, Shymkent) the MPC of concentrations of three and more substances were higher. The average annual concentrations of suspended matters (dust) in the range of 1,1-2,2 of MPC had been marked in 9 cities, nitrogen dioxide - 1,2- 2,0 of MPC – in 8 cities, sulphur dioxide - 1,1-1,9 of MPC - in 4 cities, formaldehyde - 1,8-5,6 of MPC - in 6 cities, freon - 1,7-3,0 of MPC in 4 cities.

The maximum one-time concentrations of polluting substances at least by one admixture had exceeded the MPC in all cities, where the observations are being carried out, at that 13 cities the exceeding of MPC had been marked for 3 and more substances. One-time concentrations of suspended matters higher than MPC had been marked in 13 cities, nitrogen dioxide – in 19 cities, carbon oxide – in 12 cities, phenol – in 8 cities, formaldehyde - in 4 cities.

During the year 26 cases of high pollution of atmospheric air had been registered: in Balkhash city the maximum concentrations of suspended matters in atmospheric air had exceeded the possible norm in 14-16 times, sulfur dioxide - in 10-16 times, nitrogen dioxide – in 10-12 times; in Shymkent city the maximum concentrations of nitrogen dioxide had exceeded the possible norm in 10-12 times.

In comparison with 2003 the condition of atmospheric air pollution in Aktobe, Astana, Atyrau, Jekazgan, Kostanai, Pavlodar, Petropavlovsk, Semipalatinsk, Temirtau, Uralsk and Ekibastuz hadn't fundamentally changed. In Aktau, Ridder, Ust-Kamenogorsk and Glubokoye village the reduction of air pollution level had been remarked, in Almaty, Balkhash, Karaganda, Taraz and Shymkent – increase. In comparison with 2002 the level of air pollution in cities Aktobe, Aktau, Atyrau, Kostanai, Pavlodar, Uralsk and Ekibastuz hadn't significantly changed, in Zhezkazgan, Ridder, Temirtau, Ust-kamenogorsk and Glubokoye village – had decreased, in cities Almaty, Astana, Balkhash, Karaganda, Petropavlovsk, Taraz and Shymkent had increased.

2. The value of general mineralization in atmospheric precipitation had been within 9, 40 (Essyk) to 296, 33 mg/l (Atyrau). In precipitation the sulphates (30-35%), hydrogen carbonates (20-25%), chlorides (15-20%), calcium ions (20-25%) and sodium ions (5-10%) prevailed. The highest level of pollution of atmospheric precipitation is being observed in Atyrau oblast, where mineralization amounts to 296, 33 mg/l. The least level of pollution is marked in Almaty oblast – 9,40 mg/l. Precipitation acidity that fall in Kazakhstan has the character of alkaline medium and amounts to 5,93 (Ust-Kamenogorsk) – 7,50 (Atyrau).

The highest level of pollution of blanket of snow is being observed in Western-Kazakhstan and Kostanai oblasts, where mineralization accordingly amounts to 58, 59 and 47, 6 mg/l. The least mineralization level of blanket of snow had been fixed on MS Petropavlovsk of Northern-Kazakhstan oblast, where the sum of ions was 10, 16 mg/l. Almost on all of the territory of the Republic of Kazakhstan the contents of sulfates (up to 29%), chloride ions (up to 18%), hydrogen carbonates (up to 17%) and calcium ions (up to 13%) prevails in blanket of snow.

Hydrogen ion exponent of the blanket of snow is in the range of 5, 27 (Aktobe) – 6, 87 (Shymkent). The acidity of tests of the blanket of snow has the neutral and weakly alkaline character.

All the determined admixtures, including the heavy metals salts in the blanket of snow, don't exceed the maximum permissible concentrations (MPC).

3. The data of monitoring of the surface waters pollution in 2004 are being treated on the basins of rivers Irtysh, Ural, Ilek, Tobol, Ishym, Nura, Ili, Talas, Shu, Syrdarya.

In all, from the quality of the observed water bodies to "clean" considered only 10 rivers, 4 lakes and 2 reservoirs, to "dirty" and "very dirty" 2 rivers, and to «extremely dirty» - 4 rivers. The most dignified class of "gently polluted" water bodies – 26 rivers, 6 reservoirs and 3 lakes. 2 rivers had been considered to the class of «polluted» water bodies.

In the list of the main polluting substances, which exceed the MPC level, are 12 ingredients, from which the most widely distributed are the nitrites, the compounds of copper and zinc, sulfates, oil products and phenols.

In comparison with 2003 the following changes of surface water are being observed:

On the Eastern-Kazakhstan rivers the water quality hadn't changed in rivers Irtysh, Bukhtarma, Ulba, Uba and Emel. The deterioration of the water quality had been noted for the rivers Breksa, Tikhaya, Glubochanka, and Krasnoyarka.

In the Western Kazakhstan the water quality in the rivers Ural and Chagan hadn't been changed, for the rivers Derkul and Ilek the one class quality improvement had been noted, and for the river Ubagan – one class quality decrease.

On the territory of the Northern and Central Kazakhstan the water quality had been one class improved for the river Sherubai-Nura and reservoir Kengirskoye (Karaganda oblast), and also for the lake Balkhash; had been one class decreased for the rivers Ak-Bulak and Sary-Bulak (Astana), and practically hadn't changed through the other water bodies.

In the Southern Kazakhstan the water state change had been noted on the river Bolshaya Almatinka (the one class improvement), for the other observed water bodies the water quality had remained on the former level.

For the same period the deterioration of water quality in the rivers influenced by settlements are being observed: Irtysh (Semipalatinsk), Ulba (Tishinskiy mine), Breksa (Ridder), Tikhaya (Ridder), Glubochanka (Belousovka and Glubokoye villages), Krasnoyarka (Predgornoye village) and Ak-Bulak (Astana). On the other water bodies observed that are influenced by the cities and industrial centres, the water quality hadn't changed or somewhat improved: rivers Ilek (Alga and Aktobe cities) and Bolshaya Almatinka (Almaty).

4. The tests selection in frameworks of monitoring of soil pollution by the heavy metals had been carried out in 10 cities of the Republic of Kazakhstan. The tests selection had been carried out in five city points in spring and autumn. The choice of points was conditioned on the more full city coverage, tacking into account the loaded highways, industrial objects, and also shcools and recreation zones.

The exceedings of MPC on cadmium, lead, cooper and chrome had been noted on the limits of the control areas of large industrial companies and in the regions of big highways. In Zhezkazgan the contents of cadmium, lead, chrome in soil tests was in the range of 0,9-3,7 MPC, cooper 1,1-36,7 MPC; in Karaganda - cadmium - 0,7-13,8 MPC, cooper and chrome 0,8-2,8 MPC, lead 0,9-5,6 MPC; in Ust-Kamenogorsk – cadmium 0,4-27,0 MPC, cooper 0,6-33,3 MPC, lead and chrome 0,8-10,3 MPC; in Balkhash cadmium 5,0-56,6 MPC, cooper 3,8-42,4 MPC, lead 2,0-10,7 MPC, chrome 1,6-3,4 MPC; in Temirtau - cadmium 1,7-18,2 MPC, cooper and lead 1,7-7,0 MPC, chrome 0,6-1,5 MPC; in Pavlodar - cadmium and chrome 0,4-2,8 MPC, cooper 1,2-7,2 MPC, lead 1,2-7,2 MPC; in Ridder - cadmium 1,2-29,0 MPC, cooper 1,7-44,2 MPC, lead 1,3-44,2 MPC, chrome 0,9-2,4 MPC; in Almaty - cooper 2,7-6,7 MPC, lead 1,1-4,1 MPC, cadmium and zinc 0,5-1,7 MPC; in Aktobe – cooper 1,6-12,3 MPC, lead 1,8-4,4 MPC, cadmium and zinc 1,0-1,7 MPC; in Shymkent – lead 3,1-28,3 MPC, cooper 1,8 – 6,1 MPC, cadmium 1,1-11,0 MPC, and zinc 1,0-1,6 MPC.

5. Observations of the level of gamma radiation on site (the power of gamma radiation dose) on the territory of the Republic of Kazkhstan had been made every day in 67 meteorological offices. The average annual indications of the power of gamma radiation dose on the RK oblasts is in the range of 0,11-0,16 mk3v/h. On average through the Republic of Kazakhstan the radiation gamma background in 2004 amounted to 0,13 mk3 v/h and is in the permissible limits.

6. Control over the radiation pollution of surface atmosphere during 9 months of the year of 2004 had been carried out in 14 oblasts of Kazakhstan in 39 meteorological offices by air tests selection by horizontal plane-tables. Average daily density of radiation fallings in the surface atmosphere on the territory of the RK had varied in the range of 0, 7-1, 4 Bk/m². The average density of fallings for 9 months 2004 amounted to 1, 1 Bk/m²

8. CHALLENGES OF THE GOVERNMENT

General principles of environmental protection

Fresh water protection

Water reservoir pollution is as a result of foul surface and subsurface water and air. Dangerous thermal pollutant is returned water to water basins, served for industrial hardware cooing. In metropolises common sphere and municipal economy is water retaining. For perspective it is necessary to turn to the separate drinking and economic water delivery system. It makes for reducing expenditures for its cleaning. Nature water has property of natural purification and self-healing. Fresh water preservation – conditions building for natural

purification and self-healing of polluted water, it means that effluent discharge must not exceed natural possibilities of reservoir.

Ways of its settlement:

- within the limits of water protection zone riverside protection are placed, where ground tilling, forest felling, place live farming, conducting other activity are prohibited (place of recreation, water supply objects, fish industry, diversion and hydraulic structure is permitted)
- conducting maintenance and regime of use and riverside protection state control
- projection place, building, reconstruction and place in operation of economic and other objects, including cleaner stores, waste disposal, city and other dumps, not supplied with equipments, sewage disposal plants, preventing pollution, obstruction, making depletion water objects,
- maintenance of surface and subsurface water in condition, meeting environmental requirements, it is provided by normative settings of maximum permitted harmful influence on water objects
- new industry technology development, planning use of minimum water quantity use, that is closed technology processes introduction, which under fresh water come backs production cycle again
- search new methods of polluted and poisoned water cleaning
- strong regime of economical spending drinking water, including timely water pipe repair

Air protection

Measurement on prevention and reduction of polluting substances emissions in ambient air is aimed to protect for people and environment from harmful impact, to reduce prejudice, damaging to stocks of materials and capital equipment. For it:

- quality standards of ambient air is being set – maximum permitted momentary and long duration content of polluting substances in atmosphere, which have not unfavorable impact on man health, animal and plant planet and other environmental components
- during projecting, city and settlement construction and reconstruction executive power bodies and local government must take into consideration existing ambient air pollution level and its change forecast
- during construction, putting into operation, reconstruction and technical re equipment of enterprises, during technological innovation implementation as well , measurements on collecting, sterilization of harmful substances, polluting emissions reduction in atmosphere must be stipulated
- place, construction, reconstruction and technical re equipment of enterprises and other objects are permitted only after realization of national environmental expertise and during receipting affirmative conclusion from state supervision structure
- use of gas-treating and dust retaining plants in enterprises, excepting gas emissions in atmosphere
- resource-saving technology and wasteless industry development, which contributes to drag secondary resources and co products and brings realization nature use principles – rational use of all nature resources complex
- organization transport movement for environmental situation improvement, taking into consideration the city structure
- making of computer-basis system management for city transport, which can reduce harmful substances emissions
- turn to transport use with environmental safety motor
- improvement of transport petrol quality and alternative types of fuel
- making and enlargement of control areas
- ambient air protection control

Emissions utilization

Dumps of hard industry and domestic waste occupy substantial areas in towns. Their volume is being redoubled every 10 years. Waste stores and dumps make environmental problems; every year sizeable land territory is estranged for range (no taking into consideration plenty of unauthorized dumps). They pollute atmosphere, surface and subsurface water, ground and plant.

1. Sustainable development program on emissions utilization suggests making of normative and technological basis for uniform public policy in waste management sphere; reduction and localization of negative emissions impacts on environment, making effective technology of processing and disinfection waste; organization of dumps condition control and its monitoring and its impact on environment.

Nowadays none of the technique in operation collecting and hard domestic waste disposal is not satisfactory not on hygiene and sanitary, technical and economic showings. For settlement of sustainable development program on HDW utilization, including manifold substances of organic and mineral origin, necessary:

- everywhere put in order garbage collection with its preliminary sorting;
- garbage removal to processing station or plants, where waste is sorted;
- crumble-up, compact, press, extract from them useful substances; remains are delivered to the dumps;
- waste use as secondary raw materials (plastic waste, mackle-paper, non-ferrous metals, glass package, transport covers, fluorescent lamp, building waste etc.);
- use of manure gas plant for HDW utilization;
- study of HDW utilization methods of Germany, USA and other countries. HDW vacuum system for collection and transport was worked up in Russia,

2. Possibility for minimization industry waste on the basis of law-waste and resource-saving technology.

3. Utilization and destruction of toxic waste, being pollution source for top-soil and underground water bearing stratum.

Making of natural saving

In connection with enhancement man's impact on environment necessity of special, careful separate nature zone, vanishing animals and plants habitats protection, being on the brink of disappearance, preservation of existed natural complexes, water sources, unique nature monuments for stable functioning of Land biosphere are being grown energetically.

Next to the towns the concentration of persons on leave in forest is especially large. It suggests high anthropogenic load, consequently for unique landscape saving, it is necessary for some territory with special regime on security, separately or completely from economic circulation and for saving of ecological balance.

9. BILATERAL AND MULTILATERAL COOPERATION

List of international agreements of the Republic of Kazakhstan in environmental protection sphere			
No.	Date	Place of making of agreement	Titles of agreements
1.	February 8, 1992	Moscow	Agreement between the Governments of member countries of ISC (Independent States Community) on interaction in ecology and environmental protection sphere
2.	February 8, 1992	Moscow	Agreement between the Governments of member country of ISC on interaction in hydrometeorological sphere
3.	26 March, 1993	Kyzylorda	Agreement between the Republic Of Kazakhstan, the Republic of Kyrgyzstan, the Republic of Tajikistan, Turkmenistan and Uzbekistan on joint actions for settlement problems of Aral sea and Aral shore, environmental enhancement and providing of social-and-economic development of Aral sea.
4.	September 9, 1994	Moscow	Agreement between the Governments of member countries of ISC on goods delivery for providing of national hydrometeorological services of member countries of ISC
5.	March 27, 1995	Washington	Agreement between the Government of the Republic of Kazakhstan and the United States of America on cooperation in the framework of the Program "Global researches and observations for environment "GLOBE",
6.	March 27, 1995	Washington	Agreement between the Government of the Republic of Kazakhstan and the United States of America on cooperation in environmental protection and nature resources sphere
7.	September 20, 1995	Nukus	Nukus declaration of Central Asia states and international organizations on problems of sustainable development of Aral sea basin
8.	December 27, 1995	Jerusalem	Agreement between the Government of the Republic of Kazakhstan and the Republic of Israel on cooperation in environmental protection sphere
9.	April 5, 1996	Tashkent	Agreement between the Government of the Republic of Kazakhstan, the Republic of Kyrgyzstan and the Republic of Uzbekistan on joint works on rehabilitation of area for waste storage and dump rocks, having transboundary influence
10.	April 12, 1996	Moscow	Agreement on transboundary transport of dangerous and other wastes control, confirmed by the Resolution of the Government of RK, dated on 28 April, 1997, N 670

List of international agreements of the Republic of Kazakhstan in environmental protection sphere			
No.	Date	Place of making of agreement	Titles of agreements
11.	September 17, 1996	Tbilisi	Memorandum between the Government of the Republic of Kazakhstan and the Government of Georgia on cooperation in environmental protection sphere, entered into force from the moment of signature
12.	March 4, 1997	Ankara	Agreement between the Republic of Kazakhstan and the Government of the Turkish Republic on cooperation in environmental protection sphere. It was confirmed by the Resolution of the Government of RK, dated on 11 June, 1997, N 947. It entered into force June 23, 1997.
13.	April 8, 1997	Almaty	Agreement between the Government of the Republic of Kazakhstan and the Government of the Republic of Kyrgyzstan on cooperation in environmental protection sphere, entered into force from the date of signature.
14.	June 2, 1997	Almaty	Agreement between the Government of the Republic of Kazakhstan and the Government of the Republic of Uzbekistan on cooperation in environmental protection and rational nature use sphere, entered into force from the date of signature
15.	June 10, 1997	Almaty	Agreement between the Government of the Republic of Kazakhstan and the Government of the Republic of Azerbaijan on cooperation in environmental protection sphere, entered into force June 10, 1997
16.	October 4, 1997	Almaty	Agreement between the Government of the Republic of Kazakhstan and the Russian Federation on ecology and nature use in territory of "Baikonur" complex on the conditions of its rent by the Russian Federation , entered into force from the date of signature.
17.	October 9, 1997	Bishkek	Protocol on alteration in Agreement on interaction in hydrometeorological sphere, dated on 8 February, 1992
18.	September 11, 1998	Moscow	Agreement on informational cooperation in ecology and environmental protection sphere, confirmed by the Government of RK, dated 05.08.99, N 1104
19.	March 12, 1998	Almaty	Agreement between the Republic of Kazakhstan and the Government of Mongolia on cooperation in environmental protection sphere. It entered into force on March 12, 1998

List of international agreements of the Republic of Kazakhstan in environmental protection sphere			
No.	Date	Place of making of agreement	Titles of agreements
20.	March 17, 1998	Bishkek	Agreement between the Governments of the Republic of Kazakhstan, the Republic of Kyrgyzstan and Uzbekistan on cooperation in environmental protection and rational nature use sphere
21.	September 11, 1998	Moscow	Agreement on informational cooperation in ecology and environmental protection sphere
22.	September 11, 1998	Moscow	Agreement on fundamental principles of interaction in rational use and transboundary water bodies protection of member states of ISC
23.	September 22, 1998	Tbilisi	Agreement between the Government of the Republic of Kazakhstan and the Executive power of Georgia on cooperation in environmentally clean automated special transport and infrastructure, confirmed by the Resolution of the Government of RK, dated 15.02.99, N 123
24.	June 17, 1999	Bishkek	Agreement between the Governments of the Republic of Kazakhstan, the Republic of Kyrgyzstan, the Republic of Tajikistan and Uzbekistan on cooperation in hydrometeorological sphere
25.	January 13, 1999	Saratov	On cooperation in environmental monitoring sphere.
26.	May 12, 2000	Almaty	Contract in exchange of notes form between the Republic of Kazakhstan, European communities Committee, UNDP on alteration in Agreement on regional environmental center for Central Asia
27.	November 30, 2000	Minsk	Agreement on cooperation of member states of ISC in preparation of specialists on radio-ecology, radio-safety, radio-biology and interdisciplinary sciences. It was confirmed in compliance with the Resolution of the Government of RK, dated 23.04.02, N 464
28.	September 12, 2001	Astana	Agreement between the Governments of the Republic of Kazakhstan and China on cooperation in transboundary rivers use and protection sphere
29.	March 16, 2001	Moscow	Agreement on intergovernmental hydrometeorological net of ISC, confirmed by the Resolution of the Government of RK, dated 23.08.02 N 944
30.	March 16, 2001	Moscow	On cooperation in active influence on meteorological and other geophysical processes sphere

List of international agreements of the Republic of Kazakhstan in environmental protection sphere			
No.	Date	Place of making of agreement	Titles of agreements
31.	April 4, 2001	Vilnius	Agreement between the Ministry of nature resources and environmental protection of RK and the Ministry of environmental protection of Lithuania in environmental protection sphere
32.	October 22, 2001	Astana	AGREEMENT ON LENDING (Project "Syrdarya river channel regulation and northern part of Aral sea preservation (phase 1)") between the Republic of Kazakhstan and International Reconstruction and development Bank
33.	June, 2002	Astana	Memorandum of understanding between the Ministry of energy and mineral resources of RK, the Ministry of nature resources and environmental protection of RK, Akimat of Eastern Kazakhstani region and Japanese organization on new types of energy and industry technology development (NEDO) on Model project of effective energy use development on the gas turbine generational system basis
34.	June 26, 2003	Almaty	Agreement between the Governments of RK and the Swiss Confederation on entry of the Government of RK into the Swiss election district of Global Environmental Fund Council. Project was confirmed by the Resolution of the Government of RK, dated on 26 June, 2003 N 607
35.	September 9, 2003	Astana	Letter consent to the deputy of Prime-minister of RK on grant of the Government of Japan for the Republic of Kazakhstan: Rehabilitation of environment project of Ust-Kamenogorsk Grant N TF 051352, ratified by the Law of RK, dated on 8 January, 2004 N 517
36.	September 12, 2003	Aktau	Aktau Caspian declaration
37.	September 26, 2003	Astana	Grant agreement of Trusting Fund (Project on droughty land management) between the Republic of Kazakhstan and International Reconstruction and development Bank, acting as the Authority agency of Global environmental fund. Agreement was ratified by the Law of RK, dated on 8 January, 2004 N 518
38.	December 17, 2003	Washington	Agreement on lending (Nura river cleaning project) between the Republic of Kazakhstan and International Reconstruction and Development Bank.