
Implementation of Multilateral Environmental Agreements in Kazakhstan

Said Tulibayev*

Contemporary environmental issues require the joint actions of the global community, which may assume many forms but always depend on developed and harmonized national legislations. States develop environmental law by implementing provisions of multilateral environmental agreements into national legislation. However, the implementation process sometimes prevents the effective adaptation of international legal norms. While the structure and mechanism of the implementation process have been frequently discussed from the relationship between international and municipal law, few studies have been dedicated to the implementation process of international environmental norms. Consequently, this study will analyze the implementation of multilateral environmental agreements with special references to the Republic of Kazakhstan. The article will present cases of implementation and the resulting issues in the national environmental legislation of the Republic of Kazakhstan. Moreover, it will examine national measures to solve these issues that will be relevant for all countries with similar ecological questions.

Keywords

Multilateral Environmental Agreements, Implementation, Ecology, Environmental law, Kazakhstan

* Ph.D. candidate at Suleyman Demirel University, Kazakhstan. LL.M. (Al-Farabi Kazakh Nat'l U.). ORCID: <https://orcid.org/0000-0002-1130-6086>. The author may be contacted at: said.tulibayev@gmail.com /Address: Suleyman Demirel University, Abylai khan street 1/1, Kaskelen 040900, Kazakhstan. All the websites cited in this article were last visited on October 31, 2022.

I. Introduction

Currently, the global environmental protection system is at risk given that desertification, pollution, and biodiversity issues are increasing in all regions of the globe.¹ Despite the geographical distance between Central and East Asia, particularly, both regions have similar ecological issues.² Evidently, how to solve regional and global environmental issues is up to harmonizing national legislations by adapting relevant international norms that successfully resolve ecological issues.³

The adaptation shapes international norms in accordance with the rules of the domestic legal system, as each state has its own background of unique historical development. Nevertheless, states share at least similar theories or doctrines of implementation. In common law or civil law systems, international law would be implemented within domestic jurisdiction through either incorporation or transformation doctrines.⁴ For example, as a civil law state, the Republic of Kazakhstan follows both incorporation and transformation methods.⁵ There is also implementation by reference method. However, it is still disputed whether implementation by reference is an independent method of implementation or part of the incorporation method through incorporation by reference.⁶

The primary goal of this research is to analyze the implementation of multilateral environmental agreements (MEAs) in the legislation of Kazakhstan.⁷ The doctrines of incorporation and transformation and their relevant issues have been discussed in detail by numerous legal scholars.⁸ This study will thus focus on specific MEA implementation issues in Kazakhstan.⁹ Some studies suggest that environmental law

¹ BRUCE JOHANSEN, *CLIMATE CHANGE: AN ENCYCLOPEDIA OF SCIENCE, SOCIETY, AND SOLUTIONS* 59 (2017).

² Ronny Berndtsson & Kamshat Tussupova, *The Future of Water Management in Central Asia*, 12 *WATER* 2241 (2020). See also Jin-Yong Lee, *Environmental issues of groundwater in Korea: implications for sustainable use*, 38 *ENVTL. CONSERVATION* 64-74 (2011); Hans Gåsemyr & Gørdil Heggelund, *China in the Sustainable Development Agenda: Key Environmental Issues and Responses*, NUPI POL'Y BRIEF (2020), https://www.nupi.no/en/content/download/21466/file/NUPI_Policy_Brief_4_2020_GasemyrHeggelund%28002%29.pdf?inLanguage=eng-GB&version=5.

³ JOSEPH DiMENTO, *THE GLOBAL ENVIRONMENT AND INTERNATIONAL LAW* 34 (2003).

⁴ *Id.*

⁵ MARAT SARSEMBAEV & KANAT SARSEMBAEV, *MEZDUNARODNOE PRAVO: UCHEBNIK [INTERNATIONAL LAW: TEXTBOOK]* 103 (2009).

⁶ *Incorporation by reference*, BLACK'S LAW DICTIONARY (9th ed. 2010).

⁷ UNEP, *Global Multilateral Environmental Agreements (MEAs)*, <https://www.unep.org/explore-topics/oceans-seas/what-we-do/working-regional-seas/partners/global-multilateral>.

⁸ INTERNATIONAL LAW AND DOMESTIC LEGAL SYSTEMS: INCORPORATION, TRANSFORMATION, AND PERSUASION 1-22 (Dinah Shelton ed., 2011).

⁹ List of International Conventions in the Field of Environmental Protection, Ratified, Signed by the Republic of

requires public awareness in order to be effective.¹⁰ Therefore, the article will address not only legal implementation methods, such as incorporation or transformation, but also organizational methods, such as support of environmental policy and development of environmental awareness. The author will discuss general approaches to implement MEA and examine if Kazakhstan's methods could be applied to other countries facing with similar ecological and implementation issues. This paper is composed of four parts including Introduction and Conclusion. Part two will discuss implementation methods of MEA in Kazakhstan. Part three will examine application of special legal acts to international legal norms in Kazakhstan.

II. Implementation Methods of MEA in Kazakhstan

This part will analyze the implementation methods of MEA such as incorporation, transformation, and implementation by reference methods. Each method has its purposes and characteristics. The Parliament of the Republic of Kazakhstan, as the law-making body, has applied implementation methods as part of ratification process when MEA requires amendments of current or adoption of new legal norms in national law.¹¹ The choice of method depends on the ratification status of the relevant treaty, the content of international legal norms, and the current conditions of national law.

Most international treaties on the environment are subject to ratification in most countries. In Kazakhstan, there are specific cases when international treaties that require legislative amendments has to be ratified.¹² Although there are some ratified MEAs which may be directly applied, their provisions cannot be integrated

Kazakhstan [Qazaqstan Respublikasymen Ratifikasialanğan, Qol Qoiylğan Qorşağan Ortany Qorǵau Salasyndaǵy Halyqaralyq Konvensialardyń Tızımı], <https://ecogofond.kz/orhusskaja-konvencija/dostup-k-jekologicheskoy-informacii/haly-araly-yntyma-tasty/aza-stan-respublikasymen-ratifikacijalan-an-ol-oyjl-an-orsha-an-ortany-or-au-salasynda-y-haly-araly-konvencijalardy-tizimi>.

¹⁰ Herman Gilissen et al., *The Climate Resilience of Critical Infrastructural Network Sectors: An Interdisciplinary Method for Assessing Formal Responsibilities for Climate Adaptation in Critical Infrastructural Network Sectors*, in *THE EFFECTIVENESS OF ENVIRONMENTAL LAW* 16-36 (S. Maljean-Dubois ed., 2017).

¹¹ Law of the Republic of Kazakhstan on International Treaties of the Republic of Kazakhstan [Qazaqstan Respublikasynyń Halyqaralyq Şarttary Turaly Zańy], Electronic Standard Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan May 30, 2005 (as amended and supplemented as of February 14, 2022), art. 11, ¶2. See Extended Session of the Committee On Constitutional Legislation, Judiciary and Law Enforcement Bodies of the Senate of the Parliament of the Republic of Kazakhstan (Dec. 8, 2020) [Qazaqstan Respublikasy Parlamenti Senaty Konstitusialyq Zańnama, Sot Júiesi Jáne Qúqyq Qorǵau Organdary Komitetiniń Keńeıtılgen Otyrısı 2020 jylǵy 8 jeltóqsan].

¹² *Id.* (Law of the Republic of Kazakhstan on International Treaties of the Republic of Kazakhstan) art. 11.

into the legislation of Kazakhstan.¹³ For example, the transformation would absolve international agreement into domestic legislation in its status.

A. Transformation

‘Transformation’ may be defined as the principle “that before any rule or principle of international law can have any effect within the domestic jurisdiction, it must be expressly and specifically ‘transformed’ into municipal law.”¹⁴ It is a method of implementation adopted when an international norm cannot be directly incorporated. Transformation is a highly topical question in both such common and civil law system.¹⁵ It is changing the form of an international norm while retaining its legal content. In some cases, a single norm can be transformed into several norms and implemented within different national laws. Moreover, framework conventions and agreements should be transformed because they used to contain broad wording which is difficult to application in itself.

There are numerous examples of the transformation of international legal norms in the national environmental law of Kazakhstan. In most of international treaties on the environment, national legislation is required to be amended for the creation of new norms or even separate legal acts. In Kazakhstan’s practice, international treaties and the global custom can be considered as major source for the creation of a new edition of the Environmental Code.¹⁶

The revised Environmental Code is merged with numerous international legal norms. For example, Article 4 of the United Nations Framework Convention on Climate Change (UNFCCC)¹⁷ was implemented through a transformation in the new Environmental Code.¹⁸ In such way, Kazakhstan creates legal ground for the execution of its international obligations, including maintaining and recognizing the inventory

¹³ Kazakhstan Const. art. 4.

¹⁴ MALCOLM SHAW, *INTERNATIONAL LAW* 139 (6th ed. 2008).

¹⁵ Shelton ed., *supra* note 8. See also Jon Birger Skjærseth, Olav Schram Stokke & Jørgen Wettestad, *Soft law, hard law, and effective implementation of international environmental norms*, 6 *GLOB. ENVTL POL.* 104-20 (2006); Pierre-Hugues Verdier & Mila Versteeg, *International Law in National Legal Systems: An Empirical Investigation*, 109 *AM. J. INT’L L.* 514-33 (2015); Cathrin Zengerling, *Multilevel Enforcement of International Environmental Law*, in *GREENING INTERNATIONAL JURISPRUDENCE* 43 (2013).

¹⁶ Environmental Code of the Republic of Kazakhstan [QAZAQSTAN RESPUBLIKASYNYNŃ EKOLOGIA KODEKSI].

¹⁷ United Nations Framework Convention on Climate Change (opened for signature June 4, 1992; entered into force Mar. 21, 1994) [hereinafter UNFCCC], 1771 *U.N.T.S.* 107.

¹⁸ Cf. UNFCCC, *supra* note 17, art. 4 with Environmental Code of the Republic of Kazakhstan, *supra* note 16, art. 25. It states: “...Sources of information of the state fund of environmental information are: ...national report of the Republic of Kazakhstan on the inventory of anthropogenic emissions from sources and absorption by sinks of greenhouse gases not regulated by the Montreal Protocol on Substances that Deplete the Ozone Layer...”

of anthropogenic emissions as a legitimate source of environmental information.¹⁹ In this regard, the Ministry of Ecology, Geology and Natural Resources is responsible for the inventory of greenhouse gases. State bodies annually submit initial data to the Ministry for the assessment of greenhouse gas emissions. JSC Zhasyl Damu is authorized by the Ministry to analyze annual anthropogenic emissions from sources and absorption by sinks of greenhouse gases not regulated by the Montreal Protocol.²⁰

Regarding adaptation to climate change, Kazakhstan has clearly developed Chapter 22 of the Environmental Code based on the UNFCCC and its Kyoto Protocol and Paris Agreement.²¹ Article 194 of the Environmental Code represents another set of implemented legal norms from the UNFCCC. For example, Kazakhstan supports environmental education and awareness through a long-term action plan. These activities are part of the sustainable development plan for Kazakhstan. Article 194 of the Environmental Code contains similar regulation to Article 6 of the UNFCCC, but Article 194 is more apparent than Article 6.²²

Environmental education is a cornerstone for developing a green economy. Also, a green economy requires improving environmental education with educational, methodological, and scientific foundations. The legal entities and relevant national bodies should form plans consistent with national laws and regulations. Furthermore, national agencies have to synchronize plans within the national capacities. In this regard, educational centers should provide training of specialists in environmental protection and promote the most innovative domestic and foreign pedagogical methods for the formation of environmental culture in general.

Kazakhstan helps to develop non-profit environmental school for younger generation by implementing programs in society which advise the public to recognize the anticipated impacts of anthropogenic emission, climate change, and the following human and environmental vulnerability in such conditions.²³

Transformation is tasked to save and highlight the power of international legal norms in domestic legislation. By way of transformation, international legal norms can be working as national legislation. For example, Article 5 of the UNFCCC imposes

¹⁹ Law of the Republic of Kazakhstan on International Treaties of the Republic of Kazakhstan, *supra* note 11; UNFCCC, *supra* note 17.

²⁰ Zhasyl Damu, <https://recycle.kz/kz>.

²¹ Environmental Code of the Republic of Kazakhstan, *supra* note 16, arts. 312-316; Kyoto Protocol to the United Nations Framework Convention on Climate Change (open for signature Dec. 11, 1997; entered into force Feb. 21, 2005) [hereinafter Kyoto Protocol], 2303 U.N.T.S. 162; Paris Agreement (open for signature Apr. 22, 2016; entered into force Nov. 4, 2016), 3156 U.N.T.S.

²² *Cf.* UNFCCC, *supra* note 17, art. 6, with Environmental Code of the Republic of Kazakhstan, *supra* note 16, art. 194.

²³ Environmental Code of the Republic of Kazakhstan, *supra* note 16, art. 194.

several obligations on contracting parties including Kazakhstan. This provision has been absolved in Article 3 of the Environmental Code, which aims to support the programs for national environmental legislation.²⁴

The Environmental Code contains examples of transforming international legal norms from other treaties. For example, Kazakhstan is a member of the regional treaty on the Caspian Sea—the Framework Convention for the Protection of the Marine Environment of the Caspian Sea and its protocol.²⁵ Several obligations from the framework are transformed into the Environmental Code, especially in Chapter 19.²⁶

The information on ecological issues and disasters should be open for public access. This norm or principle is valuable for establishing trust between local communities and the government. Trust is necessary for the effective implementation of legal norms because it facilitates public cooperation for establishing projects involving the local population. Therefore, system development for updated information is necessary to successfully solve the environmental threats and conditions including local issues. To solve these issues, the Aarhus Convention was signed on June 25, 1998. Kazakhstan ratified this Convention on January 11, 2001.²⁷ The provisions of this MEA were transformed and even developed further in the Environmental Code.

The Environmental Code has implemented the provisions of the Aarhus Convention. According to Article 18 of the Environmental Code, environmental information can be accessed if requested by individuals and legal entities. This can be considered a step forward compared with the original obligations of the Aarhus Convention.²⁸ Hence, this transformation shows an example that a state adopts

²⁴ Cf. UNFCCC, *supra* note 17, art. 5 (stating: “Support and further develop, as appropriate, international and intergovernmental programs and networks or organizations aimed at defining, conducting, assessing and financing research, data collection and systematic observation, taking into account the need to minimize duplication of effort,”) with Environmental Code of the Republic of Kazakhstan, *supra* note 16, art. 3 (stating: “ensuring the contribution of the Republic of Kazakhstan to strengthening the global response to the threat of climate change in the context of sustainable development, as well as to the implementation of international, regional and transboundary programs for environmental protection, adaptation to climate change and the transition to a “green” economy.”).

²⁵ The Framework Convention for the Protection of the Marine Environment of the Caspian Sea, Nov. 4, 2003 (entered into force Aug. 12, 2006) [Teheran Convention]; The Protocol concerning Regional Preparedness, Response and Co-operation in Combating Oil Pollution Incidents (open for signature Aug. 12, 2011; entered into force July 25, 2016).

²⁶ Environmental Code of the Republic of Kazakhstan, *supra* note 16, art. 268-80; Teheran Convention, *supra* note 25.

²⁷ Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (open for signature June 25, 1998; entered into force Oct. 30, 2001) [hereinafter Aarhus Convention], 2161 U.N.T.S. 447.

²⁸ Cf. Aarhus Convention, *supra* note 27, art. 4 (stating: “Each Party shall ensure that, subject to the following paragraphs of this article, public authorities, in response to a request for environmental information, make such information available to the public, within the framework of national legislation,”) with Environmental Code of the Republic of Kazakhstan, *supra* note 16, art. 18 (stating: “...The public has the right to access complete, reliable and timely environmental information held by government agencies, including those produced or received, or owned by any individual or legal

international norms with even more obligations than the original MEA.²⁹

The members of the Aarhus Convention are required to ensure that their authorities assist and guide people to access to information and allow participation in decision-making and justice in cases related to environmental issues.³⁰ Accordingly, Kazakhstan has to develop a system that will provide information in the form requested unless it is reasonable to make it available in another form. The international legal norm on the requested form has been implemented in Article 19 of the Environmental Code.³¹

Notably, even the provisions of the Aarhus Convention concerning the time limits and procedures for providing environmental information have been implemented in the Environmental Code. This implementation requires fast response from state authorities which plays a crucial role in analyzing possible threat to the health of citizens or mitigating consequences.³²

International legal norms transformed into Kazakhstan's domestic law also establish legal norms regarding the reasons to decline a request. A request may be declined if the publication of the data would negatively affect the proceedings of public authorities. In some cases, the publication of information may damage a country's interests in international relations or its defense.³³

Commercial information, when protected by national law in the form of relevant normative legal acts, should also be protected from disclosure for the economic interests of legal entities. Nevertheless, information on emissions cannot be protected as commercial information because emissions represent high risks to national ecological conditions.³⁴

However, IP law and legislation relevant to this field are under the threat of contravention if people request such information on the basis of environmental protection. Individuals or businesses have the right to decline the information request

entity acting on behalf of a government agency...).

²⁹ Global Multilateral Environmental Agreements (MEAs), *supra* note 7.

³⁰ Olivier Schutter, *Linking trade and climate change: What room for human rights?*, in CLIMATE CHANGE AND HUMAN RIGHTS: AN INTERNATIONAL AND COMPARATIVE LAW PERSPECTIVE 214 (O. Quirico & M. Boumghar eds., 2016).

³¹ Environmental Code of the Republic of Kazakhstan, *supra* note 16, art. 19. It states: "... Environmental information must be provided to the applicant in the form specified in the relevant request for the provision of environmental information, unless: 1) there are objective and reasonable grounds to provide it in a different form, indicating such grounds; 2) it was previously provided to the public in a different form..."

³² Aarhus Convention, *supra* note 27, art. 4, ¶ 2. It states: "...The environmental information ... shall be made available as soon as possible and at the latest within one month after the request has been submitted, unless the volume and the complexity of the information justify an extension of this period up to two months after the request. The applicant shall be informed of any extension and of the reasons justifying it."

³³ *Id.* art. 4, ¶ 4 (b). See also UNECE, THE AARHUS CONVENTION: AN IMPLEMENTATION GUIDE 86 (2d ed. 2014), https://unece.org/DAM/env/pp/Publications/Aarhus_Implementation_Guide_interactive_eng.pdf.

³⁴ *Id.*

if they consider it a violation of their copyright or related rights. Personal data cannot be published when a person has not agreed to the disclosure of the information. The information on the location of rare species and their breeding grounds may be another possible reason to decline the request for environmental information. The reason for this legal norm is the prevention of the illicit trading of rare species.³⁵

Ultimately, any ambiguous situation has to be resolved in the interests of the environment. If there is any reason to believe the information affects the health of population or the interests and rights of the people of Kazakhstan, for example, the information should be accessible to any interested person.³⁶ Evidently, the transformation method can be adopted when the domestic legal system cannot integrate international law due to different wordings. As a result, transformation is the most popular implementation method to effectively adapt international norms.³⁷

B. Incorporation

Another implementation method applied by Kazakhstan is ‘incorporation.’ Incorporation is the direct integration of international norms or MEA into the domestic legal system without changing the form.³⁸ In Kazakhstan, it is not a popular method for implementation as the majority of international legal norms require adaptation to national law.

C. Implementation by Reference

Implementation by reference or incorporation by reference integrates all the MEA provisions through adding a reference to an international agreement in the national legal norm. While this method may be considered a solution not to increase national legislation, the application of the referenced law would become the issue itself.³⁹

Part 22 of the Special Part of the Environmental Code is dedicated to international cooperation referring to international treaties and their provisions.⁴⁰ Part 22 allows numerous international legal norms to be integrated into national law. For example, paragraphs 1(g), 1(h), and 1(i) of Article 4 of the UNFCCC can be considered for

³⁵ *Id. supra* note 27, art. 4, ¶ 4 (h). See also UNECE, *id.* at 90.

³⁶ *Cf.* Aarhus Convention, *supra* note 27, art. 4, with Environmental Code of the Republic of Kazakhstan, *supra* note 16, art. 20.

³⁷ Shelton ed., *supra* note 8.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ Environmental Code of the Republic of Kazakhstan, *supra* note 16, arts. 412-13.

implementation by relevant official bodies without creating additional norms.⁴¹ Article 4 establishes the legal basis for promotion and cooperation in scientific, technological, technical, socio-economic, and other research. For example, Kazakhstan may be able to solve an issue with the assistance of foreign partners. In addition, Article 4 mentions the systematic observation and development of research on climate conditions.⁴² It supports necessary activities that reduce incomplete information regarding climate change's causes, effects, magnitude, timing, and the economic and social consequences of various response strategies.⁴³

A clear example of reference to a specific convention as the implementation method of international legal norm can be found in the Code of the Republic of Kazakhstan on Subsoil and Subsoil Use.⁴⁴ Article 155 concerning the national system for preparedness and response to oil spills at sea, inland water bodies, and in the safety zone in paragraphs 4.4 and 7 refers to the International Convention for the Prevention of Pollution from Ships.⁴⁵

It seems that the unification of plans created for this kind of emergency will be necessary for trade activities. For example, ship crews can be hired from any country worldwide, and services can be provided for any foreign legal entities. In such cases, it is advisable to have unified rulings and procedures for any emergency situation.

The MARPOL 73/78 is in the listed exemptions from the national legal obligations established by Articles 155 and 156 in the Code of the Republic of Kazakhstan on Subsoil and Subsoil Use.⁴⁶ It may seem that Kazakhstan has developed its national environmental law only by implementing international law. However, Kazakhstan also has its own norms that have yet to be developed in international agreements. For example, the definition of ecocide is not yet internationally recognized, but in the Criminal Code of the Republic of Kazakhstan, it has existed since 1998.

As mentioned above, the implementation methods of MEA into domestic legal

⁴¹ UNFCCC, *supra* note 17, art. 4.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Code of the Republic of Kazakhstan on Subsoil and Subsoil Use [Jer Qoinauy Jäne Jer Qoinauyn Paidalanu Turaly Qazaqstan Respublikasynyñ Kodeksi].

⁴⁵ *Id.* art. 155. It states: "...shipboard oil pollution emergency plans developed by the International Convention for the Prevention of Pollution from Ships, 1973, as amended by the 1978 Protocol (MARPOL 73/78)...; ..." *See also* The International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 (opened for signature Feb.17, 1973; entered into force Oct. 2, 1983) [hereinafter MARPOL 73/78].

⁴⁶ Code of the Republic of Kazakhstan on Subsoil and Subsoil Use, *supra* note 44, art. 155. It states: "...The requirements of this article also apply to individuals and legal entities carrying out activities associated with the risk of oil spills at sea, with the exception of persons whose facilities are subject to the International Convention for the Prevention of Pollution from Ships, 1973, as amended by the Protocol of 1978 (MARPOL 73/78)."

system in Kazakhstan are versatile. Although Kazakhstan has managed to address several issues, some MEAs are still considered to be ineffectively implemented in the national legislation.

III. Application of Special Legal Acts to International Legal Norms in Kazakhstan

Organizational methods are often developed through the application of special legal acts to the implementation of international legal norms. In many cases, they originate from the application of normative legal acts by the relevant government branches. In Kazakhstan, those normative legal acts are generally referred to the measures to ensure compliance with specific international agreements.

Organizational methods can take the form of national and private projects, research, or any activities initiated by an individual or legal entity to implement MEA. Possible organizational methods include seminars, forums, conferences, and workshops for collaboration with foreign specialists. Events for legal reforms, international norms, or necessary activities for applying norms to citizens, especially the local people, can be considered effective organizational methods. Awareness and acceptance of legal norms by citizens are part of the implementation process.⁴⁷

An example of organizational method is to create a Public Environmental Council on Issues of Ecology, Geology and Natural Resources under the Ministry of Ecology, Geology and Natural Resources of Kazakhstan on September 4, 2019.⁴⁸ The Public Environmental Council includes scientists and heads of the environmental services of large industrial enterprises. The work of scientists and activists in the Public Environmental Council on Issues of Ecology, Geology and Natural Resources introduce additional opportunities for the consideration of public opinion in decisions and recommendations. It further contributes to the timely and high-quality implementation of measures supported in environmental program documents, including the data sharing, obtaining public responses and finally increasing civic engagement. In addition, members of the Public Environmental Council on Issues of Ecology, Geology and Natural Resources participate in the administration and work

⁴⁷ Schutter, *supra* note 30; UNFCCC, *supra* note 17, arts. 4&6.

⁴⁸ Order On approval of the Public Council on Ecology, Geology and Natural Resources [Ekologia, Geologia Jäne Tabiği Resurstar Jönimdegi Qoғamdyq Keñestі Bekitu Turaly Būiryq (Sept. 4, 2019), <https://ecogofond.kz/wp-content/uploads/2020/04/4.-Polozhenie-OS-kaz.pdf>.

of the Ministry and in round tables, seminars and forums.⁴⁹

Projects for developing ecological awareness require the joint work of several government bodies. An example is the planning of activities for the organization of explanatory work among the population on waste management and the formation of environmental awareness and culture in society until 2022.⁵⁰ These activities plan to include the following separate actions:

1. researching an effective system for the separate collection of waste and developing technologies for the effective sorting, disposal, and recycling of the waste in administrative regions of Kazakhstan;
2. the development of video materials on developing environmental awareness and culture in society and their rotation on local TV channels; and
3. coverage of the waste management issue in the mass media.⁵¹

The governmental project includes providing lectures, drawing contests, presentations, cognitive and intellectual games, environmental actions and projects, quizzes, excursions, master classes, essays, open lessons, and other educational and cognitive activities in preschool, school, and higher education institutions on the management of natural resources and respect for the environment.⁵² Although mass media coverage is a quick way to inform the population about the drastic effect of improper waste management, environmental lessons on preservation and sustainability from the preschool level develop the consciousness of the new generation. Actually, ecological protection will be a part of their lives. Government efforts, however, will be in vain if the population does not support its activities.⁵³

The plan introduce training to teach volunteers how to explain the mechanisms and methods of the separate collections of certain types of solid household waste to the public. It also installs the containers in such places as educational institutions, universities, dormitories, and shopping centers, along with informing the public about the locations of the containers. Holding international conferences, round tables, seminars, and meetings on waste management are also part of the plan. The Ministry

⁴⁹ *Id.*

⁵⁰ Order on Approval of the Action Plan for the Organization of Explanatory Work Among the Population on the Issues of Waste Management, the Formation of Environmental Consciousness and Culture in Society Until 2022 [2022 Jylğa Deingi Qaldyqtarmen Jümys Isteu Boiynşa Halyq Arasynda Tüsindirü Jümısyn Üıymdastyru, Qoğamda Ekologıalyq Sana men Mädenıetti Qalyptastyru Boiynşa Is-Şaralar Josparyn Bekitu Turaly Būıryq] (Jan. 5, 2018), <https://ecogofond.kz/kz/2018/10/26/32452>.

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

of Energy of Kazakhstan is required to report on the results of the execution of this plan.⁵⁴

Kazakhstan has signed more than 30 universal agreements.⁵⁵ Most of these agreements promote to develop Kazakhstan's economic and technical resources for environmental protection. The government identifies all these sets of changes as supporting the development toward a green economy.

In 2013, the idea of a green economy began to be supported by the President and the Government of Kazakhstan.⁵⁶ The activities endorsing a green economy consist of organizational measures necessary for executing Kazakhstan's policy concerning ecology and executing international obligations from treaties accepted or ratified by Kazakhstan. Therefore, the plan of national activities fulfills obligations imposed by universal and regional conventions.⁵⁷

The plan for a green economy divided all the measures suggested for the implementation into the group of issues. The first group consists of the issues of water resources as crucial for the safety and security of the public.⁵⁸ Reducing water scarcity in Kazakhstan is the first priority, especially when the Central Asian region has droughts.⁵⁹ This issue involves the implementation of projects to ensure a stable water supply, in order to cover more urban population with wastewater treatment, and to reduce water losses during transportation in water supply networks.⁶⁰ To achieve these objectives, Kazakhstan not only finances effective irrigation methods and water-saving technologies, but also plans to shift to crops with higher added value that are less water-intensive.⁶¹

Water saving and water reuse technologies are noticeable measures for combating

⁵⁴ *Id.*

⁵⁵ List of International Conventions in the Field of Environmental Protection, Ratified, Signed by the Republic of Kazakhstan, *supra* note 9.

⁵⁶ Decree of the President of the Republic of Kazakhstan On the Concept for the Transition of the Republic of Kazakhstan to a "Green Economy" [Qazaqstan Respublikasynyñ "Jasyl Ekonomikağa" Köşu Jömindegi Tüjrymdama Turaly Qazaqstan Respublikasy Prezidentiniñ Jarlyғы] (May 30, 2013) (as amended and supplemented as of Sept. 10, 2019); Decree of the Government of the Republic of Kazakhstan On approval of the Action Plan for the implementation of the Concept for the transition of the Republic of Kazakhstan to a "green economy" for 2021-2030 [Qazaqstan Respublikasynyñ "Jasyl Ekonomikağa" Köşu Jömindegi Tüjrymdamany Iske Asyru Jömindegi 2021 – 2030 Jyldarğa Arnalğan Is-Şaralar Josparyn Bekitu Turaly Qazaqstan Respublikasy Ükmetiniñ Qaulysy]

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ Jie Zou et al., *Assessing the Response of Ecosystem Water Use Efficiency to Drought During and after Drought Events across Central Asia*, 20 SENSORS 581 (2020).

⁶⁰ Berndtsson & Tussupova, *supra* note 2.

⁶¹ Decree of the Government of the Republic of Kazakhstan On approval of the Action Plan for the implementation of the Concept for the transition of the Republic of Kazakhstan to a "green economy" for 2021-2030, *supra* note 56.

droughts. These organizational measures are necessary for the implementation of the United Nations Convention to Combat Desertification (UNCCD).⁶²

The approach to restore basin systems is complex. Local bodies need to plant new forests, rehabilitate river deltas, and protect the rational use of groundwater. In addition, environmental protection depends on national water quality monitoring and the ecological monitoring of the Caspian Sea.⁶³

For waste site issues, the plan advocates ensuring the disposal of solid household waste in accordance with environmental requirements, sanitary rules, and building codes. It not only promotes the construction of new landfills for solid household waste that meet the requirements and norms of legislation, but also develops special support measures for improving the waste management industry including recycling.⁶⁴

The disposal of waste is an issue that often appears in international agreements. For example, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention) depends on maintaining the relevant organizational activities in the country.⁶⁵ The plan of action in Kazakhstan includes the conservation and effective management of ecosystems; research work to determine the optimal permissible fish catches and approve catch limits; a national forest inventory report on completed works and implementing measures to increase the forest cover of the catchment basins of the Ural, Irtysh, Ile, and Syrdarya rivers; improving the mechanism to support the creation of private industrial plantations and forest tree nurseries; and the pilot projects for creating industrial plantations and forest nurseries on the basis of public-private partnerships.⁶⁶ These activities intended to develop the conservation system are also organizational methods designed for executing the obligations of the Convention on Biological Diversity, the Cartagena Protocol, and the Nagoya Protocol. The plan of activities further includes the formation of an ecological culture.⁶⁷ Developing ecological awareness, teaching local people to preserve nature, and recycling are organizational measures required

⁶² United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, (opened for signature Oct. 14, 1994; entered into force Dec. 26, 1996) [hereinafter UNCCD], 1954 U.N.T.S. 3.

⁶³ Tehran Convention, *supra* note 25.

⁶⁴ Decree of the Government of the Republic of Kazakhstan On approval of the Action Plan for the implementation of the Concept for the transition of the Republic of Kazakhstan to a “green economy” for 2021-2030, *supra* note 56.

⁶⁵ The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (*opened for signature* Mar. 22, 1989; entered into force May 5, 1992) [hereinafter Basel Convention], 1673 U.N.T.S. 57.

⁶⁶ Decree of the Government of the Republic of Kazakhstan On approval of the Action Plan for the implementation of the Concept for the transition of the Republic of Kazakhstan to a “green economy” for 2021-2030, *supra* note 56.

⁶⁷ *Id.*

to fulfill the obligations of the UNFCCC.

Other measures established by the plan of activities concern reducing carbon dioxide emissions and addressing air pollution. The measures include the gas infrastructure development of Nur-Sultan city and the Akmola and Karaganda regions; the installation of new boilers and the modernization of existing boilers at power plants; the conversion of thermal power stations from coal to gas in Nur-Sultan city, the Akmola and Karaganda regions, and other major cities and regions; and the construction of new thermal power stations by the best international technologies for fuel efficiency and the specific environment.⁶⁸

As the organizational methods demonstrate, the implementation of international legal norms can take different forms. However, it aims to support and promote the provisions of international treaty. Establishing of new facilities, monetary funds, or separate authorities would not fulfill the aims of international agreements by itself. They merely support the implementation of the obligations that are the real goals of any international agreement.

IV. Conclusion

Kazakhstan has successfully implemented numerous MEAs into its national environmental legislation. The UNFCCC, the UNCCD, the Basel Convention, the Tehran Convention, and others have introduced international principles and legal norms concerning biodiversity, climate change and environmental contamination. The implementation process of MEAs includes several issues that require different approaches to each agreement.

The implementation of the UNFCCC provisions into the national legal system of Kazakhstan may be an example of successfully addressing implementation issues such as the differences in wording and structure between national law and international legal norms, which do not allow straightforward implementation through incorporation. Another issue is the complex nature of implemented MEAs that cannot be transformed or incorporated into national legislation as they exist. An example is MARPOL 73/78. The law-making body in Kazakhstan carefully implements provisions of such MEAs by reference, thereby always noting the acting protocols of the referenced MEA.

⁶⁸ *Id.*

Those countries having similar ecological issues with Kazakhstan should implement MEAs into national legislation in a similar way to develop and synchronize with the global community, as environmental issues almost always require regional or global efforts together. While law-making implementation issues can be addressed, states should also support the application of implemented law through relevant organizational activities.

Received: August 1, 2022

Modified: September 30, 2022

Accepted: November 1, 2022

