



**Committee for Water Resources
Ministry of Agriculture
Republic of Kazakhstan**



Kazakhstan
UN Development Program in Kazakhstan

Methodological Guideline

Establishment of River Basin Councils in Kazakhstan

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UNDP Project
**“National Integrated Water Resources Management and Water Efficiency Plan in
Kazakhstan”**

Almaty city

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1. Introduction

Nowadays protection and rational use of water resources are recognized as priority issues in international and national policies. It is remarkable that the issue is placed in the MDGs being an important program document of the world community, as well as in the National Development Strategy 2030 as a long-term priority for Kazakhstan.

Achievement of priority goals shall require Republic of Kazakhstan to reconsider structure of existing water resources management and the transition to a new, flexible, dynamic and open management system for constant improvement that shall be based on the river basin principle. These conditions have been considered whilst preparing and adopting a new Water Code in 2003 and were introduced in a set of articles regulating state control over water resources. Key articles - 42 and 43 of the Water Code describe Basin Agreements on restoration and protection of water bodies and River Basin Councils, respectively.

The Basin Agreement is a legal instrument of water relations regulation that was not employed or at least has not have had wide application in Kazakhstan. The agreement is based on legal goodwill of various entities that take over liabilities on restoration and protection of water bodies. However the materialization of Basin Agreements is directly bound by River Basin Councils (RBCs), completely new institutions of state control. The outstanding feature of the RBCs is that they shall be organized and be operated based on the principle of direct and active participation of all stakeholders. There are some other no less important factors and conditions that shall be accounted for during its establishment and further development.

The guideline has been prepared to describe a set of common organizational and legal issues for RBCs establishment and further operation of RBCs in a simple for users way. In particular, it focuses on legal basis for establishment and operation of RBCs, their objectives and tasks, probable membership and organizational structure, approaches of public participation, rights and obligations of RBCs members, Procedures, information and financing issues. Also this edition provides recommendations on how to establish RBCs step by step. The guideline is useful for those who shall be engaged in realization of this task in future. It contains a set of Attachments: key legal documents, regulating operation of RBCs in Kazakhstan, informative material describing adequate world experience, samples of Basin Agreements and their possible appendixes.

2. What a River Basin Council is?

1. Before giving the RBC definition based on very brief provisions of the article 43 of the Water Code of the RK and conditions of Kazakhstan, it is very important to have a look at respective world experience. Such an approach enables not just to employ the existing legal frameworks but also to see possible ways for development of RBCs in future.
2. The establishment of RBCs is a key component of integrated water resources management (IWRM), which is considered as effective means to ensure fair, economically beneficial and environmentally sustainable water resources management and water services provision¹. This institution provides required organizational basis for activity coordination on management of water resources, land resources, environmental protection, good quality of drinking water,

¹ Piter Rogers, Allan U. Holl. Effective Water Management. Global Water Partnership, 2003

various water users, public organizations dealing with quality of water bodies and etc. However the actual and legal status of RBCs quite differs from country to country.

3. A well-known example of water management is a French model. In France, each of six hydrographic river basins has its own River Basin Committee. It acts as a kind of a local water management parliament, which regulates water policy in terms of water use and protection with respect to river basin area. However, there is also another organization called Basin Agency, which is responsible for technical management of water objects and for execution of programs developed by the Committee. Thus, it may be said that the Committee in French model is a local representative and to some extent a legislative body specializing in water related issues and exercising its authorities within respective hydrographical basin.
4. Another example is a Russian Federation (RF). There RBCs were established considering federal structure of the state. They play an important role in providing interaction and coordination of activity, regulation of interests at different levels such as of federal center, some sectors of economy and administrative units of federations located within river basin. On the other hand the Water Code of Russian Federation provides the possibility for involvement of water users representatives and public organizations in RBC. Also RBCs in Russia have a direct relation to the respective Basin Agreement signed between Ministry of Natural Resources and bodies of executive authorities of administrative units of RF located within water basin. Meanwhile the article 120 of the Water Code of the RF determines that River Basin Council is established within the framework of the Basin Agreement as the coordinative body for joint activity of entities aimed at restoration and protection of the particular water body. Thus, RBC is considerably concentrated on issues of inter-ministerial and inter-regional coordination of water related issues and is a body that ensures implementation of obligations taken by various entities as per the Basin Agreement.
5. In Thailand the analogue to RBCs are Basin Committees which are just on the way of formation. However, it shall be noted that Basin Committees (BCs) have authorities for technical management over water bodies; thus, these BCs actually combine features of executive as well as representative authorities on water resources management.
6. As for legal status of RBC in Kazakhstan, at first, one shall note that it is an advisory and consultative body. It means that RBC does not bear any authorities of command /power. It, for example, does not have a power to approve legislation documents (norms) or mandatory norms, issue any kind of permits (license), to conduct control and inspective activity, to dispose state property. The body basically intends to work out and adopt recommendations for parties of Basin Agreement. In many cases RBC may cover the range of members more widely than a Basin Agreement does; therefore its consultative and advisory functions are not limited to participants of Basin Agreement.
7. Basin Councils are institutions specialized on use and protection of water fund. In theory, they may consider any key issues in this area, though in practice, the number of issues to be under their competence is limited by the documents that determine the status of RBC, such as Regulation and the other setting documents of RBC. However, the Basin Agreement shall also influence on RBC competence as they formulate the activity in the paragraph "Subject of Agreement". After all, RBCs are meant to play a role of an organization which ensures implementation of respective Basin Agreements.

8. It shall be noted that though RBCs are chaired by the Directors of RBOs, they should not be considered as their supporting bodies. The Water Code indeed does not lessen the importance of Akimats and Maslikhats of regions and cities of Astana and Almaty, territorial departments of various ministries and agencies and water users representatives in RBC participation. In general, RBCs are structured with features of representative body that may encompass interests of water users, ecological NGOs, etc. From the other hand, to some extent RBC is considered as an inter-ministerial body which does not have a status of a separate legal entity.
9. Hence, RBC in Kazakhstan is a body of consultative and advisory nature in which state authorized bodies and water users representatives, water professionals and other stakeholders may express their interests, monitor the progress of Basin Agreements implementation and also participate in the issue of joint recommendation for their participants. Gradually, the status of the RBC in Kazakhstan may be strengthened with the help of respective amendments in legislation as well as with the strengthened role and gained influence in solving the issues on water use and protection. As for the future development of RBC, it is possible to delegate them some functions of legislative and executive bodies as well as to provide with the power to tackle disputable issues in water sector out of court.
10. As a whole, the establishment of RBCs is beneficial for state bodies, water users and civil society. RBCs provide the following advantages for state bodies:

- Provision of organizational base for integrated water resources management**
- Direct contact with water users**
- Efficiency improvement in determination of problems within the basin area and decision making to solve them**
- Establishment of more trustful relations with water users**
- Additional possibilities to solve disputable situations in water sector**
- Water use improvement**

11. For water users and society in general, there are following benefits :

- Direct expression of own interests and needs to the state management bodies**
- Involvement in decision making at the basin level including possibility to propose alternatives**
- Improved access to information on water bodies conditions and actions undertaken on their improvement and protection**
- Simplified solutions of disputable issues and possibility of alternatives choices**
- Public control over water sector**

3. Legal Basis for RBC' Establishment and Operation

1. Ordinary people may realize their constitutional rights through RBCs activity. Constitutional concepts of legal state shall be reflected through formulation of legislation based on the ideas of law, justice, and humanity; creation of effective base for law enforcement, guarantees of economic, political and legal rights and freedoms of every citizen. At the same time it is necessary to strengthen responsibility of governmental officers and other citizens who shall strictly fulfill their responsibilities.

The Constitution states on general principles of activity of society and the state, therefore social concord and political stability shall ensure both non-governmental and governmental institutions. For example, the major constitutional principle – economical development for welfare of all the population, shall be implemented also in both public and private sectors of economy, as the Constitution emphasizes on the importance of private sector being when the “property is obliged, its use shall serve to public welfare” as well.

The solving of most vital issues with the use of democratic approach, which is a basic constitutional principle of the country, can probably be carried based on the joint efforts of governmental institutions, political parties, NGOs and various social groups of the nation. At the same time, the activity of state bodies should not be assessed by mere statistics. Actual results of the activity on protection of constitutional rights and freedoms, legal interest of entities and the government shall be taken into account as a priority subject.

The establishment of RBCs in Kazakhstan is likely matching all those democratic transformations that are taking place in our society. The potential of constitutional rights of the citizens stated in the Constitution of the RK shall be realized basically via operation of the River basin Councils.

As per Constitution, basic principles of the activity of our country have been to some extent fixed in the legislation framework. The process shall go further by meeting the demand of new political, economic and social requirements inside the Kazakhstan as well as in relation with other countries.

Conformity of human rights with the interests of society and the state shall dominate the activity of RBCs. There will be establishment of variety of legal forms and political culture shall be actually ensured to population.

The civil law deeply concerns labour, family and other type of civil relations. This process takes place under the frame of global split of state law system into public law, protecting state and public interests; and private law, providing satisfaction and protection of private interests. In this regard there is a persistent requirement in reasonable match of private, public and state interests. RBCs indeed shall be a tribune where these interests will be heard and where adequate decisions be made considering interests of not only all parties involved but future generation as well. They shall work out clear legislative mechanisms to protect interests of all stakeholders.

The major source in pursuing the legislative policy of the RK is the Constitution of the Republic of Kazakhstan. In this regard its potential should be used at maximum. Considering that one of the main objectives of RBCs is to ensure public involvement in decision making process in water sector, the following constitutional rights shall be realized through the activity of RBCs:

Article 13

1. Any person has a right on recognition of its own legal identity and is eligible to protect its rights and freedoms by any means, which are legitimate, and [including necessary defense](#) .

Article 18

3. State bodies, public organizations, authorized officials and media should provide each citizen with a possibility to be aware of documents, decisions and [sources of information](#) pertaining to his rights and interests.

Article 20

1. The freedom of word and oeuvre is guaranteed. Censorship is prohibited.
2. Each citizen has a right to freely obtain and disseminate information by any means, which are not prohibited. The data and information constituting the state secrets of the Republic of Kazakhstan is stipulated by the [Law](#).

Article 31

1. The State places a goal [to protect environment favorable](#) for life and health of a human being.
2. Hiding facts and circumstances threatening life and health of people by assigned officials shall lead to responsibility in accordance with the [Law](#).

Article 33

1. The citizens of the Republic of Kazakhstan have a right to participate in the state management directly or through their representatives, to make personal approach to and send individual and collective applications to state bodies and bodies of local self-governance.

Article 38

The citizens of the Republic of Kazakhstan bear responsibility to preserve nature and have solicitous attitude to natural wealth.

2. RBCs have firstly been introduced in Kazakhstan by the provisions of a new Water Code. The article 43 of the Water Code dated 9 July 2003 regulates establishment and operation of RBCs in Kazakhstan. The Water Code ensured legal basis for RBCs establishment, their legal status, general requirements on membership and procedures, and defined future competence of RBCs in general. However, these provisions of the Water Code are stated very briefly.

More detailed information on RBCs legal aspects and instructions how to organize RBCs and conclude Basin Agreements has been specified in the Order of the CWR #71-P dated 21 April 2004. The standard form of RBC Regulation approved by CWR has also been attached to the

Order of CWR. In accordance with the Order, the River Basin Organizations (RBO) have been instructed to:

- 1) establish RBCs with prior approval of respective RBC Regulation prepared in accordance with the standard form;
- 2) arrange preparation of Basin Agreements on restoration and protection of water bodies and conclude them with local executive bodies and other entities located within the respective river basin.

The RBC standard Regulation shall be employed as a model in preparation of individual Regulation for each of eight hydrographic basins of Kazakhstan. However, the above-mentioned Order has not been registered as a normative legislation document, and hence the document has no capacity that a legal act normally has. Consequently, it is legally empowered to act within its own agency only, providing no mandatory for other state bodies and entities.

3. The provisions of the articles 42, Water Code of the RK on Basin Agreements have direct relation to the establishment and operation of RBC. The relationship is expressed in item 1, article 43 of the Water Code, stating that RBC shall be established “within the frame of Basin Agreement”. Basin Agreement may be established on multilateral and bilateral basis. This legal instrument enables to determine joint and voluntary actions of various entities in respect of rational water use. Multilateral Basin Agreement may be concluded between major water managers and water users while bilateral between, for example, RBO and particular water user. In case of trans-boundary basin, International Basin Agreement shall be concluded between state bodies or water users of respective states. Thus, Basin Agreement is a key legal document that determines activity or action plan/ program on achieving targeted indicators in quality and quantity of water, ensuring sustainable and secure development of water management system in particular river basin.
4. Another important document constituting organizational and legal basis for RBC activity is its respective Regulation. Regulation shall be drawn up based on the standard Regulation used as a model or recommendation. The standard Regulation has been worked out and approved by the CWR, MoA by an order dated 21 April 2004. The present legislation does not set approval procedure and therefore RBC’s Regulation may be approved by: the participants of the multilateral Basin Agreement or by RBOs; Oblast Akims; Akims of the cities of Almaty and Astana and other entities specified in item 2, article 43 of the Water Code. The following issues shall be recommended to be included in the individual Regulation:
 - legal status and basis for establishment and operation of RBC;
 - objective, tasks and main directions of RBC’s activity;
 - membership;
 - rights and liabilities of RBC’s members;
 - procedure for arrangement of RBC’s activity;
 - provision of RBC’s activity.
5. The detailed procedure of activity may be specified within special Procedures that shall be approved by RBC itself though, according to the current legislation its adoption is not a

mandatory requirement. However, considering meetings as main form of RBC's activity plus numerous participants, it is recommended to set clear procedure of meetings and procedure for furnishing decisions made at such meetings. Another factor in favor of setting Procedure is the principle of active public participation in RBC, which needs to be regulated.

4. Objective and Tasks

1. Provision of adequate organizational arrangement necessary to introduce integrated water resources management shall be deemed as the objective of RBC in broad understanding. The same approach has been employed in standard RBC Regulation, where objective is development and consolidation of cooperation between governmental and non-governmental organizations in respect of management, use and protection of water resources within respective river basin. However, to the limited extent, and referring to item 1, article 43 of the Water Code, the objective of the RBC is aimed at coordination of activity of Basin Agreement participants in terms of adequate action plan implementation.
2. The range of RBC's main tasks within standard Regulation shall include:
 - joint discussion of key issues on rational use and protection of water fund within river basin;
 - proposals and recommendations on management, use and protection of water resources;
 - proposals for socio-economic development plans and programs for respective water management basin;
 - proposals for investment project list in respective river basin, including alternatives in terms of financing and tariff setting for further consideration by authorized bodies and donors;
 - proposals to IWRM plan and public involvement program in decision making process on water related issues;
 - strengthening of water partnership under integrated water resources management and planning; exchange of information between state bodies, water users and non-governmental organizations;
 - preparation of Basin Agreement to consolidate and coordinate activity on restoration and protection of water bodies.
3. It shall be noted that tasks of RBCs may vary significantly from one river basin to another. For example, for trans-boundary river basins tasks shall relate to international cooperation on use and protection of trans-boundary watercourses. The water use structure prevailing in the river basin shall be a crucial factor in setting the tasks of RBC. In general, the tasks of RBC shall be determined by Basin Agreements participants or those bodies / organizations that approve Regulation of respective RBC.

5. Who shall be a Member of RBC?

1. It is recommended to follow item 2, article 43 of the Water Code of the RK in determining membership of RBC. According to above mentioned legal requirements, members may conventionally be classified as following:
 - 1) directors of RBOs, leaders of Akimats and Maslikhats of respective oblasts (cities of Astana and Almaty) located in respective hydrographical basins as directly stated in the Water Code;
 - 2) heads of territorial departments of central governmental bodies (ministries, committees, agencies) depending on their competence in terms of use and protection of water resources;
 - 3) representatives of water users;
 - 4) non-governmental sector representatives;
 - 5) other organizations representatives.

2. For the first category of RBC members, their activity in RBC is a liability set by the legislation. Executive bodies of oblasts (cities of Astana and Almaty) located within the respective hydrographical basin should participate in the work of RBC on mandatory basis and be presented by Akim or one of his deputies, while representative bodies of the same level shall be presented by Chairman of the session or Secretary of Maslikhat. The director of RBO shall personally participate as he chairs the work of RBC as stated by the Water Code.

3. As for the second category of members, it is necessary to determine the key sector-wised state bodies considering their competence in terms of use and protection of water resources. In general, it is recommended to formulate this group of members out the following state bodies:
 - Authorized body for environmental protection;
 - Authorized body for sanitary and epidemiological welfare of population;
 - Authorized body for use of sub-soil resources;
 - Authorized body for emergency situations;
 - Authorized body for hydropower;
 - Authorized body for forestry and hunting;
 - Authorized body for fishery;
 - Other central sector-wised organizations.

The above - mentioned sector-wised agencies and organizations shall be represented by heads of territorial departments of respective state bodies located within respective river basin, i.e. first heads or their deputies. It is important to remember, that this group may be numerous because area of river basin may cover territory of several provinces (cities of Astana and

Almaty). In this regard, it is essential to limit the number of representatives otherwise it may stultify the work of RBCs.

4. The Water Code specifies that water user's interests shall be represented in RBCs on a mandatory basis. At least there shall be one water user nonrandomly chosen. The ideal alternative is when most of water users are organized in the form of Water User Association. It shall be most useful for agricultural water use. RBC shall include major water users as in Kazakhstan the practice when one enterprise consumes water in quantity exceeding that of consumed by all others is common. Therefore it is crucial to ensure the balance of interests between various representatives, like between agriculture and hydropower, drinking water supply and natural areas under protection and etc. Thus, representatives of various categories of water users shall be members of RBCs.
5. The so-called 'parties concerned' may also participate in RBC, however not as water users but as public organizations. The participation of public organization is stipulated as possible but is not a mandatory provision. The initiators of RBCs shall consider a possibility to involve social community through NGOs. The Water Code does not specify orientation of public sector participants. Undoubtedly, this group shall cover NGOs that are oriented in environmental issues, or issues of rational use and protection of water resources in the respective river basin. Though it may also be other public organizations representing interests and rights of social groups. Same as in the case of water users, public organizations shall not be selected randomly but based on their capacity. They should represent various interest of the social sector or population of respective region.
6. In general, the range of participants in the RBCs is not limited to entities as specifically stated by article 43 of the Water Code. In practice, there is always a necessity to include other organizations as well. Thus, in case of trans-boundary river basins it is worthwhile to involve representatives of respective river basin administrations of neighboring countries. It is expected that local representative and executive bodies in many RBCs shall be represented by not only province level (cities of Astana and Almaty) but level of rayon and particular settlements. In this regard the initiators of RBCs shall self determine categories of participants in addition to those specified by the legislation.

Table: RBCs Membership

Category of potential members	Possible representative in RBC	Approach in selection of members
River Basin Organizations	Director of RBO	mandatory provision of the article 43 of the Water Code
Local representative and executive bodies of regions (cities of Astana and Almaty), located within river basin area	Akim (governor) or his deputy; Secretary of Maslikhat	mandatory provision of the article 43 of the Water Code
Authorized territorial state bodies	Directors of territorial bodies authorized by respective ministries, agencies, committees	Selection based on the competence, motivation, structure of water use and etc. out of potential members list
Water users	Leaders of water users associations; Leaders of major water uses	Delegation on behalf of water users; Selection considering value and importance of enterprise/organization
Public organizations	Leaders of Public organizations	Delegation on behalf of public organizations; Selection considering value and importance of enterprise/organization
Other participants	Representative of river basin administration of neighboring state, Akim or deputy Akim of rayon, representatives of particular settlements, leaders of rayon's Maslikhat	Independent selection considering importance/value of representative in the activity of RBC

6 . Implementation of Democratic Rights and Principles for River Basin Council Participation

1. One of the key principles of integrated water resources management is a stakeholders' involvement. In a set of international documents of the last decade the public involvement has been stated as an important and necessary principle for sustainable development. It ensures effective water resources management. This approach of management system development has been introduced in Kazakhstan through the new Water Code. The law constitutes the institutional basis for realization of this principle through public participation in establishment and further operation of River Basin Councils. The new Water Code strongly emphasizes on participation of water uses representatives and possible inclusion representatives of public organizations.
2. The proposed River Basin Councils are public councils, which recognized as effective and advanced mechanism providing consultation between government and social society. Kazakhstan has already gained an experience in establishment of similar councils at regional level, in particular, through implementation of the state youth policy, interaction of government with NGOs. However, in many respects the experience in RBCs establishment shall be unique because this body is directly integrated in the system of state management for use and protection of water resources and is constituted by the water legislation, though RBCs are not specifically established for interaction of the state with public organizations. Representatives of water users and NGOs shall become legitimate participants of one of the state bodies on water resources management; even this body is an advisory body by its status.
3. In general, realization of democratic principles and provision of rights for public participation shall be one of the basic elements of River Basin Councils activity, therefore RBCs can not be established as bodies of inter-ministerial coordination in water resources management, as it shall not match the concept on RBC stipulated in the Water Code of the Republic of Kazakhstan.
4. The question regarding public participation in the activity of proposed RBCs is very essential. Undoubtedly, successful approaches and methodologies may vary in terms of countries, regions and river basins though it is generally recognized that access to information shall be the necessary element for effective public participation in decision-making. As for Kazakhstan, this requirement is managed legislatively by the UN EC Convention on access to information, public participation in decision-making and access to justice in respect of environmental issues (Aarhus Convention)². In this connection it is vital that public shall be well aware of RBC's activity from the very beginning of their establishment. This approach shall enable non-governmental organizations to understand in depth RBC activity and the essence of decisions to be made by RBCs. It shall also provide NGOs with opportunity to participate in the activity of RBC. The requirements and procedures to ensure access to environmental information have already been set in Kazakh legislation, however in practice it is very important that initiators of RBCs and later on RBCs themselves shall ensure transparency and free access to information.
5. Secondly, the adequate selection approach shall be worked out, including interests of public organizations, particular water users, and non-governmental organizations. As it was mentioned in the previous section, it is very important the membership in RBC shall be widely

² Kazakhstan has ratified this Convention on 23 October 2000 though this international legislative document has entered into force on 30 October 2001

representative in respect of prevailing interests of water users. For example, interests of agricultural water users shall prevail in Shu-Talas and Aral-Syrdarya river basins while industry shall dominate in Irtysh and Nura-Sarysu river basins. Such kind of particular conditions shall be accounted in formation of potential membership. From the other side it is convenient when agricultural users are organized and can be represented on behalf of water users organizations (Associations) whilst this factor might not be essential for industry. Ideal shall be a case when water users or non-governmental organizations shall delegate their representatives in RBCs. However, it is difficult to do it in practice due to various factors, including organizational and financial issues. In this regard it is essentially important that interests of various groups of water users and non-governmental sector shall be presented in RBCs.

6. Thirdly, it is vital to remember that even RBCs membership is presented by water users and non-governmental organizations, the activity of RBCs shall be opened and transparent for all non-members concerned. This factor shall be considered while preparation of the Regulation, Procedures and other internal documents of RBCs, for example, through provisions ensuring openness of meetings, public access to documents under consideration and decisions to be made, proposals on inclusion particular issue for RBC consideration and etc. Such steps shall enable the public to trust RBCs activity and shall promote expansion of stakeholders participation in the work of RBCs. In general, it is important that competence, order of meetings, procedure for discussion and decision-making shall be clearly defined and set, and be understandable to public.
7. In general, the body like RBC creates good institutional basis for public participation in decision-making. For example, agenda of RBCs' meetings shall include consideration of draft decisions, normative /standard documents, programs and etc. relating to use and protection of water resources and these issues shall be considered under consultation with public. It ensures essential decrease in the cost provided for public participation stipulated by the national legislation and various international conventions ratified by the Republic of Kazakhstan. Discussion at RBCs meetings enables to consider various aspects of draft decisions from professional viewpoint, thus impacting or might impact on conditions of water resources.

7. Organizational Structure, Rights and Liabilities

1. The organizational structure of RBCs shall be determined by their members themselves, as acting legislation (article 43 of the Water Code) contains only two essential requirements. RBC shall be chaired by the Director of the respective RBO; RBO shall arrange the work of RBC; or actually shall fulfill the role of secretariat. Therefore, world experience in establishment of similar bodies or local experience in creation of public councils in Kazakhstan shall be considered and incorporated in determining organizational structure of RBCs.
2. The accumulated world experience has a set of examples on RBCs of relatively complicated organizational structure. In particular, in France the River Basin Committees consists of four categories of participants: water users; MPs; representatives of economic and social councils of provinces; representatives of state administration. However, the total number of members varies from 61 to 114 persons and as for their status, they actually play a role of "local water parliament". In Kazakhstan, probably it is not worthwhile to establish RBCs with rather complicated and strict organizational structure, considering their present status of advisory body,

otherwise the way of RBCs establishment may get complicated and require additional organizational efforts and financial cost. At least, to arrange permanent work for each category of RBC's participants similar to French model, shall be very difficult from the view point of getting quorum and possible disproportions in respect of representatives of parties involved.

3. In addition to the existing requirements to organizational structure mentioned above, it is recommended to introduce a position of a Secretary (secretaries), which shall be personally responsible for organizational function dealing with preparation and conduction of meetings. Considering the fact that the Water Code assigns RBO to be responsible for organization of RBC activity, the Secretary may be appointed out of RBO's staff. Though there may be other alternatives like the staff of Akimat or representative from WUA, NGO which shall actively participate in the work of RBC. The Secretary may be chosen at the first meeting of RBC.
4. At the initial stage the alternative in the RBCs capacity building shall be special working groups set out of RBC's members. They may fulfill some certain work on short-term basis, i.e. even for a period in between the meetings. For example, the working group may be instructed to prepare a report or collect additional information to support the draft document that planned for RBCs consideration in one of the coming up meetings.

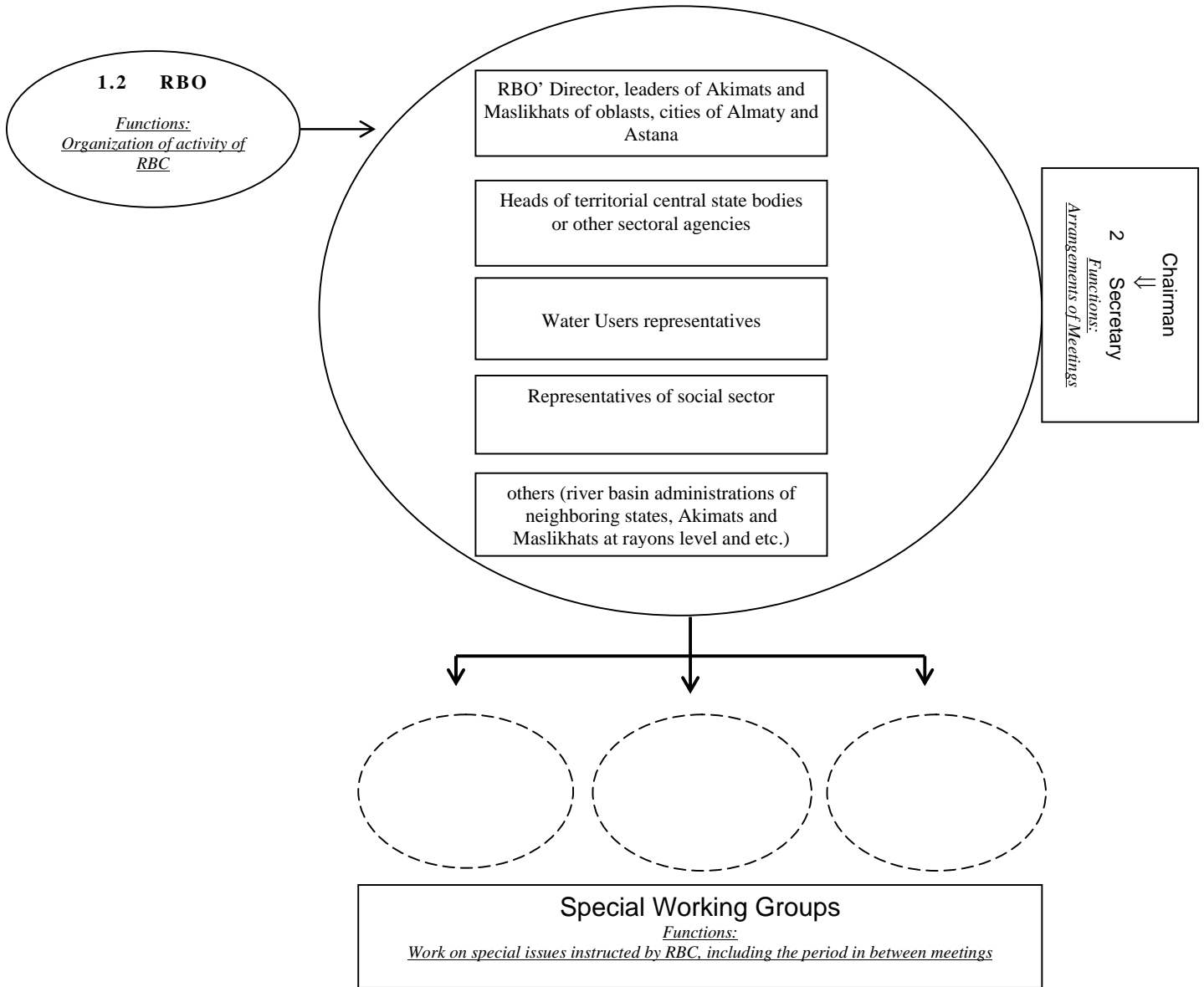
The previous practice in establishment and operation of advisory bodies in Kazakhstan, similar to RBC shows that their operation is effective when number of members varies from 10 to 25. If less then that it is impossible to ensure representation of various groups (local state authorities, central ministries or sector-wised agencies, water users and NGOs) while numerous membership does not ensure efficiency of meetings and may led to additional expenditures for RBCs operation. The issue on minimum and maximum quota of separate categories of RBCs participants shall be paid serious attention. It enables to keep the balance of interest between RBCs participants. In standard form of RBC Regulation it is recommended to determine the mandatory quota of 20% for certain categories of participants (territorial departments of central state bodies, local authorities, water users and NGOs). In practice even this quota cannot be afforded by RBC, therefore it may be reduced to, for example, 10%.

5. The current legislation does not specify any provisions in respect of the rights and liabilities of RBCs' members, thus the issue shall be considered as their internal aspect. Usually it shall be fixed in the Regulation of the particular river basin or other internal document. Considering voluntary character of participation in RBCs, the rights and obligations shall not be set too strictly. Most important that fixed rights and obligations enable to conduct effective and constructive activity.
6. Usually, members of, typical to RBC, council have the following rights:
 - participate in discussion and decision making in accordance with the set procedures;
 - propose issues for discussion and consideration;
 - get access to documents and information pertaining to the activity of the council;
 - get information regarding date and location of the coming meeting in proper time;
 - bring up comments and proposals in respect of activity of the council and conduction of meetings;
 - participate in working groups established by RBCs';

- submit proposals on invitation of experts, specialists, representatives of various state bodies, public organizations;
 - participate in planning of RBCs activity;
 - exercise other rights in accordance with the legislation and RBCs internal regulating documents.
7. As for obligations of members similar to RBCs councils, they are usually as those specified below; RBC member shall:
- participate in activity of the council in person;
 - facilitate fulfillment of objective and tasks;
 - actively participate in meetings, discussions of issues specified in agenda and decision making;
 - inform RBC on unavailability to participate prior to meeting;
 - enforce provisions of the Regulation, Procedures and other internal documents of RBCs;
 - ensure awareness of a body/organization it represents on RBC's activity and decision making;
 - enforce requirements on disputes.

Outline of Organizational Structure of River Basin Council

1.1 River Basin Council



8. RBCs Procedures

1. The main activity of RBCs shall be held in kind of meetings. It is therefore essential to set clear and detailed conditions to run the meetings thus making RBC's operation more transparent and understandable for public concerned. The conditions may be regulated under the frame of special procedures that shall be worked out and adopt by RBC itself.
2. The structure and content of the Procedures shall be defined by each RBC on self-basis and therefore may vary significantly one from another. However, based on the studied examples of Procedures set in similar bodies in Kazakhstan and other countries of the world, the following range of sections are recommended to be covered in RBC Procedures:
 - General provisions;
 - Order for preparation and conduction of meetings;
 - Order to raise questions for consideration;
 - Procedure of decision making;
 - Supporting bodies;
 - Participation of observers and visitors;
 - Future activity planning.
3. The General provisions of the Procedures shall define the legal status and basic principles of RBC's activity such as principle of openness for public and incorporated character of decision-making.
4. As for general order for preparation and running of meetings, it is important to determine language, form, date and frequency of regular meetings and other general conditions. Procedure setting approach in respect of arrangement and conduction of meetings, raising questions for consideration and decision-making is relatively common for such kind of a body. Therefore it is proposed to use a model form of Procedures, which is attached herewith.
5. In section pertaining to supporting bodies, the issues relating to contribution of RBOs shall be fixed in setting of RBC' secretariat in accordance with the article 43 of the Water Code. Here, the objective and tasks of RBOs on informational and organizational support are recommended to be well determined. Also it is essential to set main provisions regulating establishment and functioning of supporting bodies such as Special Working Groups.
6. As it was mentioned above, the participation of stakeholders shall not be limited to water users representatives and public organizations. Other entities may be involved in the activity of RBCs as observers or visitors. The provision regarding public involvement shall be understandable to all stakeholders therefore they shall be described in detail.
7. To ensure sustainable character of RBCs activity it is necessary to draw up detailed schedule of their activity and therefore this issue shall be emphasized in respective provisions of the Procedure. The working schedule shall periodically be reconsidered at meetings so the members of RBCs shall actively be involved in the planning of working process.

9. Practical Steps in RBC's Establishment

The process of RBCs establishment shall be divided into several steps specified below. However, the accumulation of the RBCs experience has just been started in our country, therefore the proposed below steps may be subject to amendments and revisions considering specific conditions of each of the eight hydrographical river basins of Kazakhstan. Notwithstanding the existing differences, each of the proposed councils shall be a body covering wide representation of all parties concerned in effective water resources management. In this regard, in the description of below given step-by-step recommendations the special attention has been paid to public awareness and public involvement in RBCs starting from the initial stage.

Setting of Initiative (Working) Group

1. The RBCs establishment process shall start from setting an Initiative (working) Group (IG). Its members shall actively be involved in all respective arrangements. The IG setting shall be initiated by RBOs because this task has actually been assigned on RBOs by the article 43 of the Water Code and Order of the CWR dated 21 April 2004. In this regard RBOs shall determine a list of potential supporters using the table and explanations presented in the section 5: "Who may be a member of RBCs?", and considering such issues as benefits and efficiency expected from each potential candidate. The Initiative Group shall be mobile and work efficiently therefore is recommended to consist of limited number of members. The IG shall require essential cost for its operation. In this connection, it is recommended to cooperate with organizations located in the same area as RBOs. Another option is international donor organizations, water users and NGOs that may provide informative and technical assistance due to their keen concern in establishment and promotion of River Basin Councils in your river basin.
2. The next step shall be talks initiated by RBOs with representatives of state bodies and other organizations that are decided to be involved in the Initiative Group. This work may be started from preparation of informative letters that shall include the following items:
 - information on legal basis and objective of RBCs establishment in respective hydrographical river basin and statement on commencing preparatory work;
 - justification on importance of invited organization; in case of various state bodies it is necessary to state their mandatory participation according to the article 43 of the Water Code;
 - particular official(s) assigned to represent the inviting organization and conditions under which the authorities may be delegated to another person;
 - invitation to participate in preparatory work and request to assign a responsible person to be involved in preparatory work on RBCs establishment.
3. The RBOs shall circulate prepared informative letters amongst relevant organizations that shall be involved in the Initiative Group. It is recommendable to attach supporting letters issued by CWR, if possible. Such an approach is important and useful in respect of province government (Akimats) (Akimats of the cities of Almaty and Astana), territorial state bodies responsible for water resources management and major industrial water users.
4. The RBOs efforts on IG setting shall not be limited to just official correspondence. After circulation of informative letters it is necessary to arrange appointment with managers of the respective organizations. The practice shows that at such appointment the discussion shall better

be started from the explanation of the provisions of the Water Code; general information on RBCs, status, objective and tasks of the proposed body, membership, and activity of the future RBCs. In this case, it is helpful if some supporting material is at hand like a copy of the Water Code or abstracts of the relevant articles, copy of the CWR's order dated 21 April 2004, various informative material on RBCs, including already set up in Kazakhstan. Such preliminary explanations ensure to get support from the managers of organizations to be involved in establishment and further activity of RBCs. After this the plan of mutual actions on establishment of RBCs and participation of particular representative(s) in preparatory work of the Initiative Group shall be discussed. RBOs shall get a support and encouragement from Oblast Akimat and Maslikhats located on the territory of the respective river basin and to involve their representatives in the work of the Initiative Group. The Initiative Group shall generally be set out of several candidates. The further activity on establishment of RBCs shall be done under the governance of the Initiative Group.

Preparatory Work of Initiative Group

5. The Initiative Group shall start its activity from determination of tasks to be fulfilled. In particular the Group shall determine the list of potential members of RBCs, work out basic legal documents (Regulation and Procedures of RBC), prepare preliminary plan of activity. The activity shall be arranged through joint meetings, consultations and discussion on particular questions, exchange of information and etc. between the Initiative Group and RBOs representatives.
6. Depending on availability of fund, the Initiative Group may conduct arrangements on public awareness in respect of establishment and future activity of RBC. The public awareness campaign may be organized through seminars, round tables meetings, on-site meeting in regions. The main purpose of such arrangements is to provide information to all stakeholders on objective and tasks of the proposed River Basin Council, opportunities and benefits, relevant international and local experience, legal issues of RBC' activity and etc. For public awareness campaign it is recommended to prepare special brochures and informative booklets similar to those that have been used in case of Balkhash-Alakol and Nura-Sarysu RBCs (special publications issued under UNDP IWRM project).
7. The draft Regulation on River Basin Council shall be elaborated based on the standard Regulation approved by the Order of the CWR dated 21 April 2004. The Sections on Objective and Tasks, documents and materials to be considered by RBCs, membership of the proposed advisory body shall further be reviewed and revised considering particular conditions and needs of respective river basin. As for the Sections regarding Procedures (order of meetings), the clarification may be required in respect of particular hydrographical river basin, including more detailed information in comparison with that of given in the standard Regulation. Comparing to the Regulation, the Procedures may work out more independently. The sample of the Procedures is given herewith as an attachment, thus to ease this job. A lawyer, if available, may be involved whilst preparation draft Regulation and Procedures. The preparation of the Regulation and Procedures shall be put in agenda of one of the informative seminars or round table meetings to be conducted with potential members of RBCs under public awareness campaign if such a campaign is a part of preparatory work
8. Under the preparatory work the Initiative Group shall determine the preliminary list of members of RBCs. It shall be specified that the following candidates shall be members on mandatory basis:

director of RBO, governors of Akimats and Maslikhats of oblast level (cities of Almaty and Astana) located on the area of the respective hydrographical river basins. As for heads of territorial departments of relevant ministries and agencies it is advised to prepare the full list in the respective hydrographical basin as a first step. Then this list, which surely is very huge, shall be cut to a reasonable number. As for key participants out of water users and social sector, it is also recommended to prepare at first the full list which again shall be too big because in general water users and non-governmental organizations are not combined to unions or associations that may delegate their representatives. Therefore selection criteria shall be determined first. The examples of criteria may be: representation; importance for the hydrographical river basin; competence and professionalism; social activity; presence of motivation for participation in RBC and etc. Such an approach enables to reduce the number of water users and non-governmental organizations up to a reasonable quantity.

In addition to the potential candidates directly specified by the article 43 of the Water Code, some other valuable candidates shall be considered. Thus, in case of trans-boundary waters it might be worthwhile to involve representatives of respective river basin administration of neighboring states. It is also proposed to consider the opportunity to engage representatives of local representative and executive bodies at rayon level or particular settlements located within the area of the river basin. In this regard it is better to pursue the recommendations of particular Akimats or Maslikhats, avoiding their summing up in relation to all rayons within the river basin.

The initial list shall be formulated by RBOs based on the table and explanatory notes given in Section 5 “Who shall be a Member of RBCs?” and above-mentioned recommendations. Then the list shall be revised and amended accounting proposals and comments of the Initiative Group, responses on first informative message of the RBO and results of talks with potential members. The final list of members shall consist some 10-25 organizations. If the number is less than the above mentioned, then it is difficult to ensure representation of RBCs while if vice versa, the RBCs activity shall be inefficient. The list shall include name of organizations, name and position of particular representatives, and contact details. Prior the first meeting the list of potential members may be amended and clarified.

9. The preliminary date and agenda of the first day meeting of RBCs shall be the next step. As for the date of the first meeting, it is important to conduct consultation with key participants of the future RBCs so it shall be suitable to the majority. The main issues to be considered at the first meeting usually shall include: approval of the final list of RBC’s members, discussion and approval of the Regulation and Procedures, selection of its bodies and discussion and approval of working plan. Though organizational aspects do not limit this set of issues, the agenda of the first meeting may include other issues related to the activity of RBCs.
10. The next step of the Initiative group shall be focused on preparation and approval of the annual and short-term plan for 2-3 years, if possible. The planning of the future activity shall be done through the discussion in the Initiative Group. However, if during the course of the preparatory work public awareness campaign is undertaken involving more wider coverage of potential members of RBCs, the respective plans may be worked out on the basis of proposals sounded at the special seminars or round table meetings. The working plan shall contain preliminary schedule of proposed meetings, list of issues to be considered at each meeting and necessary arrangements with indication of proposed organizations, officials and experts to be involved for implementation.

Preparation of the First River Basin Council Meeting

11. After completion of all the tasks placed for the Initiative group, the work on preparation of the first meeting of RBC shall be started. In this regard the invitation shall be drafted covering the following items:
 - Brief information on the main results of the preparatory work done by the Initiative Group;
 - Information on date and location, main issues of the agenda;
 - Request to consider draft Regulation, Procedures and working plan of RBCs with indication of deadline for comments and proposals and request to assign responsible person for submission of comments and proposals;
 - Request to send a confirmation on participation, if it has not been received yet;
 - Remind on which candidate may represent the organization invited.
12. The invitation letter shall be signed by the director of RBO and attached by draft agenda, Regulation, Procedures, working plan and list of invited attendants and circulated as per the list prepared by the Initiative Group. It is advised to send the invitation on behalf of the Committee for Water Resources too.
13. In general, the invitation shall be circulated no later than one month prior to the date of the first meeting thus giving some allowance to study the draft documents and prepare comments and proposals for discussion. In case of getting too many comments and proposals and necessity to insert vital amendments, it is recommended to make revision of the documents by the Initiative Group. The agenda, draft Regulation, Procedures and working plan incorporated based on the comments and proposals issued by future participants of RBCs shall be available at the first RBC meeting.

Conduction of the First Meeting

14. The director of RBO shall open the meeting and read out the agenda. He further shall chair and run the meeting. Once the agenda approved the discussion of issues of agenda shall start. The discussion may be conducted in the form of reports or speeches. The chairman shall read out the proposals received on particular questions and suggest to members of RBC to make the relevant decision based on the voting. In general, decisions made by integrated bodies as RBC are made in the form of resolutions. After completion of the meeting the Minutes shall be finalized and signed by the chairman and secretary of RBC. This step shall be deemed completed if the decision on establishment of the River Basin Council is made and the Regulation, Procedures and the working plan are approved.

Further Steps of RBCs Building

The further steps on organization of RBC activity shall be made in accordance with the approved Regulation, Procedures and working plan. The issue on preparation and approval of Basin Agreement (s) is advised as one of the first steps of RBCs activity. It shall be necessary to prepare respective inquiry material and to prepare draft of Basin Agreement. For this purpose RBC may set a special working group. The Guidelines herewith includes some methodological material on preparation and implementation of Basin Agreements as Attachments. It shall support and ease the implementation of this task.

Undoubtedly that sustainable activity of the RBC shall be encouraged financially. In this regard some recommendations are provided below.

10. Recommendation on Financing

At the initial stage the financial resources may be attracted from international donor organizations. However, immediately after RBC' establishment and its first meeting, serious consideration shall be given to the issue of stable financial sources for supporting the RBCs activity in future. Presently, there are several approaches for solving this issue on the cost of domestic sources, considered below.

Firstly, the cost of RBC operation shall be covered by fund allocated from the central government budget (republican budget). Here one shall note that according to the article 43 of the Water Code the operation of RBCs activity shall be imposed on RBOs. It means that adequate expenditures of the RBOs shall be covered by the central government budget allocated to ensure operation of the authorized water management body. For this purpose RBO shall prepare justification of respective expenditures to support operation of RBCs and submit them to the CWR for further inclusion in republican budget.

Secondly, starting from 2006 many sector-wised ministries in their budget application shall include fund aimed at NGOs programs support. The fund then distributed in accordance with the Law "On State Social Order" and the mechanism of the state procurement. Such an opportunity shall be employed in future to support participation of water users and public organizations in RBC's meetings. In this regard, it is necessary to initiate inclusion in the budget application of the Ministry of Agriculture a fund to support NGOs respective programs.

Thirdly, item 4, article 42 of the Water Code stipulates a possibility to set funds for implementation of objectives and tasks of Basin Agreements. The money of such funds shall be used for implementation of measures aimed at restoration and protection of water bodies. In Kazakhstan, Fund is recognized as a noncommercial organization established by individuals or legal entities based on voluntary pecuniary contributions. The organization (Fund) pursues social, charitable, cultural, educational and other socially beneficial purposes. Here, such Funds shall support implementation of objectives and tasks of RBCs and implementation of action plan specified by Basin Agreements. These Funds may be set by individuals and legal entities and later may attract grants, charity and non-repayable financing.

11. Recommendation on Information

Decision making in water management requires in-detailed justification, scientific and informative support and forecast of consequences due to implementation of made decisions. The essential part of decision-making deals with implementation of projects which consequences are almost cannot be eliminated. Therefore, the issue on establishment effective information support system for state water resources management and activity of River Basin Councils becomes very crucial. The water legislation of the Republic of Kazakhstan is also based on the principles of openness and public involvement in decision-making on use and protection of water resources.

The main function of RBCs is to ensure participation of water users themselves and social sector in decision making process in respect of use and protection of water resources in the respective river basins, and subsequently, to ensure openness of decision making process. Thus, the activity of the

RBCs should be supported by information and education on regular basis in order to improve system of communication and exchange of information between organizations and parties concerned.

The key forms of dissemination and exchange of information excluding regular communication means like telephone, fax and email, shall be: communication with media; public hearings; collection and exchange of research and development information; publication of informative material, designing of educating posters; meetings with population; dissemination of information via web-site.

1. Work with Media

To improve openness of decision-making process and to promote public awareness on vital water related issues the active work with media is of great importance. This work may cover design of press releases, invitation of media to RBCs meetings; dissemination of RBCs meetings result such as resolutions and recommendations, arrangement of press conferences. Important the fact, that the full and accurate issue of information follows accurate coverage in media. The experience of operating RBCs in other countries shows that active work with media enabled public sector to be widely aware of integrated water resources management. It ensured openness and legitimacy of RBCs activity.

2. Public Hearings

In general, public hearings are exercised when it is necessary to cause a social resonance on particular problem. It helps to get comments and proposals of all parties concerned. Such kind of social discussions makes the decision making process open and trustful.

3. Collection and Exchange of Information

Exchange of R&D information is a key function of RBC because in Kazakhstan the lack of exchange of information between main managing organizations remains to be a serious disadvantage for effective and sustainable water management. Very often RBOs do not have access or have limited access to required information thus recommendation or decision making process is almost impossible. River Basin Councils should become accumulation points of operational and adequate information. The exchange of scientific information with other foreign or local R&D institutions and public organizations may most effectively be conducted through Internet.

4. Internet

The river basin management system encompasses quite a few participants from various state institutions. In this regard it is planned to set a single information system covering all management bodies. Part of such a system shall be information portal of the CWR. RBC shall become a key “supplier” of prompt information on emerging problems at river basin level. Such kind of information enables the CWR more quickly to define emerging problems and take adequate decision on problem solving.

The essential value of the web site for RBCs shall be dissemination of information on gained experience of River Basin Councils in Kazakhstan amongst similar organizations in other countries. Internet shall considerably improve access to information on water resources and measures taken to improve them.

5. Publication of Materials

Posters may carry three types of information: educational, motivating and opened for interpretation and critics. The posters may be targeted at public awareness on main principles of integrated water resources management, for example, motivating water saving. Informative material may be prepared in the form of brochures, booklets, informative bulletins and even information on water bills.

6. Meeting with Water Users

Meetings with water users are one out of various methods of collection and dissemination of information. The main purpose of such meetings is assessment of requirements and needs of water users, improvement of informativeness, counting various opinions and involvement of water users in decision making process.

7. Telephone, Fax, Email

Information and/or interaction between other concerned bodies of state governance may be carried out by traditional communication means as telephone, fax and email. Provision of information to RBC on regular basis requires distribution of responsibilities between members of RBC. At the initial stage of RBC's establishment the assistance from international organization may serve as good support, like, for example, Guideline herewith is a result of UNDP technical assistance. In addition to the above, informative material on councils, informative bulletin covering theoretical issues of RBC establishment have been drawn up and disseminated in order to support the process of RBCs' establishment in Kazakhstan; web site www.voda.kz that further shall become a portal of the CWR has also been designed.

Thus, RBCs shall become an integrated part of the comprehensive information system in water management of Kazakhstan. Firstly, the activity of RBCs shall simplify the process of collection of information at river basin level. Secondly, RBCs shall ensure direct exchange of information between key organizations and parties involved in water resources management process. And, finally, RBCs shall improve efficiency of decision making through qualitative analysis of problems and drawing up recommendations in terms of problem solving methods.

***Water Code of the Republic of Kazakhstan dated 9 July 2003
(Abstract)***

Article 42. Basin Agreements on Restoration and Protection of Water Bodies

1. Basin agreements on rehabilitation and protection of water bodies (hereinafter referred to as basin agreements) shall be concluded between basin authorities, local executive bodies of oblast level (city of republican status, capital city) and other entities located within the basin of the water body in order to join and coordinate their activities and implement measures for rehabilitation and protection of water bodies.
2. Basin agreements shall contain obligations of the parties on cooperation of forces and means needed to implement specific water protection activities with indication of schedule time.
3. Basin agreements shall be developed on the basis of water balances, plans of complex use and protection of water bodies, state programs for use, rehabilitation and protection of water bodies, research and design developments, development forecasts and other programs.
4. In an effort to implement tasks and achieve goals of basin agreements, individuals and legal entities can establish foundations with their funds intended for implementation of measures for rehabilitation and protection of water bodies as established by the legislation of the Republic of Kazakhstan.

Article 43. Basin Council

1. A Basin Council shall be an advisory agency to be established within a basin agreement.
2. The Basin Council shall be chaired by the head of the relevant basin authority and comprise heads of local representative and executive bodies of oblast level (city of republican status, capital city) and territorial bodies of state authorities and representatives of water users. A basin council can also include representatives of non-government organizations. Organization of the activities of the basin council shall be a responsibility of the river basin authority.
3. The basin council shall examine topical issues of use and protection of the water fund and make suggestions and recommendations for participants of the basin agreement.

Attachment 2

***Order# 71-II of the Committee for Water Resources of the Ministry of Agriculture,
Republic of Kazakhstan dated 21 April 2004***

For implementation the articles 42 and 43 of the Water Code of the RK dated 9 July 2003 I hereby **ORDER**:

1. The standard Regulation on River Basin Council attached herewith is approved.
2. The River Basin organizations should:
 - 1) establish the River Basin Councils based on the approved respective Regulations on the River Basin Councils;
 - 2) arrange drawing up and signing of the Basin Agreements on restoration and protection of water bodies in cooperation with local executive bodies and other entities of the respective river basin;
 - 3) submit progress report on implementation of the Order hereby to the Department on Regulation Use and Protection of Water Resources on monthly basis by the 5th day of the month following the reporting period.
3. Supervision over the implementation of the Order hereby shall be assign on Mr. Kenshimov A.K., Deputy Chairman of the Committee for Water Resources.

Chairman

A. Ryabtsev

Attachment 3

“Approved”

by the Order of the Chairman of the
Committee for Water resources, Ministry of
Agriculture, Republic of Kazakhstan
dated _____ 2004

Standard Regulation of River Basin Council

1. General

1. The River Basin Council is an advisory body to the River Basin Organization on matters of water resources use and protection.
2. The activities of the River Basin Council are based on the Constitution of the Republic of Kazakhstan, the Water Code of the Republic of Kazakhstan and other normative legislative acts, this Regulation and the Basin Agreements on the rehabilitation and protection of the water bodies.

2. Objectives and Tasks

3. The objective of the River Basin Council is to establish and develop cooperation and consolidation of efforts of state bodies and non-governmental organizations on the use and protection of water resources in the river basin.
4. The main tasks of the River Basin Council are:
 - joint consideration of vital issues regarding the rational use and protection of water resources in the river basin;
 - preparation of proposals and recommendations on issues regarding management, use and protection of water resources for River Basin Organizations (here and after referred as RBO), individuals and legal entities involved in the field of water use and water consumption;
 - preparation of proposals to plans, socio-economic programs of the respective river basin;
 - preparation of alternatives for financing investment projects and tariff settings and compilation of investment project package of documents for the respective river basin for consideration by the authorized bodies and donors;
 - arrangement of public hearings of the reports prepared by the heads of the local executive bodies on the conditions of water resources and water use and their activity on rational use and protection of water resources;
 - preparation of proposals to plans on introduction integrated water resources management and public participation in decision making;
 - improvement water partnership under integrated planning and management of water resources, provision of exchange of information between governmental bodies, water users and public organizations;

- preparation of Basin Agreements on joint activities on rehabilitation and protection of water bodies.

3. *Documents and Material to be Considered by the RBCs*

5. Within the framework of the implementation of the objectives and tasks, the River Basin Council shall consider the following documents and materials:
 - proposals for River Basin Schemes for Comprehensive Use and Protection of the Water Resources;
 - plans of the local executive bodies on rational use of water bodies in the respective river basin;
 - draft Basin Agreements on the rehabilitation and protection of the water bodies and reports on implementation;
 - other documents and materials which are important from the point of view of rational use and protection of water resources of the basin and which need joint consideration by the various governmental and non-governmental organizations.

4. *Structure*

6. The participants of the River Basin Council are the heads of the River Basin Organization, the local representative and executive bodies, and other territorial bodies which carry out the functions of state management of the use and protection of water resources, the water users associations, as well as non-governmental organization which participate in activities for the use and protection of water resources of the river basin.
7. The director of the River Basin Organization shall decide the initial composition of the participants of the River Basin Council. Further changes in the membership of the RBC shall be approved by the decision of the RBC based on the proposals submitted by the valid members of the Council.
8. Representatives of public institutions and organization, private organizations and other individuals that are not members of the RBC, may be invited to participate in the meetings of the River Basin Council based on the proposal of the members of the RBC.
9. The participants of the River Basin Councils shall be composed ensuring no less than 20% quota of representatives from each of the following categories of the participants:
 - territorial departments of ministries, agencies and other state bodies carrying out management functions on use and protection of water resources;
 - local executive and representative bodies;
 - water users, their associations; water management organizations and non-governmental organizations.

5. Order of Performance

10. The River Basin Council shall be chaired by the director of the RBO.
11. The work of the RBC shall be conducted in the form of meetings.
12. The decisions of the River Basin Council are adopted by simple majority of the participants by open vote.
13. Access to the minutes and other information materials of the River Basin Council shall be provided for all its participants and public.
14. The minutes and other preparatory and final records of the River Basin Council shall be kept at the River Basin Organisation.
15. The River Basin Council may adopt a more detailed procedure for meetings by a decision of participants.

6. Order of Meetings

16. The River Basin Council shall meet when a majority of the participants decide, but not less than twice per calendar year.
17. The date of the regular meeting shall be set by the head of the River Basin Council in agreements with the participants.
18. The date of the regular meeting and preliminary agenda shall be published in the newspaper of oblast level and posted on the web site.
19. The meeting shall be considered to be authoritative if more than half of the RBC's participants are present.
20. The head of the River Basin Council has the right to delegate the role of chairman of the meeting to other participants.
21. The chairman of the River Basin Council shall inform the participants of the agenda, work schedule and run the meeting of the River Basin Council.
22. The list of issues to be included in the agenda of the following meeting shall be prepared by the Director of the River Basin Organization based on the proposals of the Participants of the River Basin Council.
23. The initiator for including a question in the agenda of a meeting shall submit to the head of the River Basin Council all the necessary information (draft documents, inquiries, explanations, etc.) at least 14 days before the meeting takes place. The River Basin Council shall distribute the materials for a regular meeting to the participants not less than three days before the meeting takes place.
24. During the meeting minutes shall be kept which contain all the decisions taken by the River Basin Council.
25. Within not less than seven days after the date of the meeting, the River Basin Council shall publish the minutes of the meeting in the newspaper of the oblast level and post on the web site.

7. Support

26. Information, organization, materials and technical support of the River Basin Council shall be provided by the River Basin Organization.
27. Costs related to the activity of the River Basin Council shall be borne by and within the funds of the budget allocated for the River Basin Organization from the budget of the central government.
28. Cost related to the trip of the participant of the RBC shall be borne by the dispatching organization, irrespectively on the form of the property of the organization.

Standard Procedures of River Basin Council

I. General

1. _____ River Basin Council (here and after referred as RBC) is an advisory body on issues regarding rational use and protection of water fund in _____ hydrographical river basin.
2. The Procedures hereby set the conditions and order for meetings of the RBC, the order for setting its supporting bodies and arrangements of their activity and the order for participation of observers in RBC activity.
3. RBC carries out its activity on the basis of the following principles:
 - join decision making;
 - openness and public involvement in decision making in solving issues related to the use and protection of water resources.

II. Procedure for Preparation and Conduction of Meetings

4. The main forms of RBC activity are public meetings of its participants.
5. The RBC meetings shall be conducted on regular as well as irregular basis. The regular meetings shall be conducted no less than _____ a year as per the approved annual working plan of the RBC. The irregular meetings may be called by the RBC' Chairman based on the proposals supported by no less than _____ of its members.
6. The preliminary date and location of the regular meetings shall be set within the framework of the annual working plan that may be amended, if necessary by the RBC Chairman in consultation with its participants. The Chairman based on prior consultations with the RBC members shall set the date and location of the irregular meeting.
7. The preparatory arrangements for RBC' meetings shall be done by the Secretariat in accordance with the instruction of the Chairman. The functions of the secretariat are performed by the RBO unless the Secretariat is set.
8. The Secretariat shall acknowledge all RBC participants and representatives of public organizations to express their interest to participate in the RBC meeting on the date and location of the meeting through sending invitations on behalf of the RBC Chairman no later than _____ days prior to the set date of the meeting.
9. The Secretariat shall ensure dissemination of material of the meeting amongst the members of the RBC and arrange an opportunity for interested public organizations to get information no later than _____ days prior the set date of the RBC meeting.

10. The meeting of RBC shall be deemed legitimate provided more than ___ of its participants attended the meeting.
11. The meeting shall be conducted by the Chairman of RBC or any other person selected on the basis of the proposal of the RBC's Chairman.
12. The meeting shall be opened by the chairman stating the availability of quorum for adopting decisions, order of meetings and agenda.
13. The questions included in agenda shall be considered in accordance with the adopted agenda. The maximum time for making speech or presenting a report shall be set by the order of the Meeting.
14. The main results and decisions made at RBC meeting shall be recorded in the minutes prepared by the Secretariat and signed by the chairman of the meeting.

III. Procedure for Initiation of Agenda's Questions

15. The issues proposed to the members of RBC shall be in compliance with the RBC's objectives and tasks set by the legislation and the RBC Regulation.
16. In order the issue to be adopted for consideration it shall be supported by no less than ___ of the participants of RBC. The adopted for consideration issues shall be included in the agenda of the next meeting.
17. The preliminary agenda of the next regular meeting shall be drafted at the last meeting prior to the coming meeting. The agenda of the irregular meeting shall be formed by the Secretariat based on the initiator's proposals no later than ___ days prior to the set date.
18. Materials and draft documents for regular meetings shall be prepared by the Secretariat and specially established working groups in RBC; whilst for irregular meetings – by initiators of the irregular meetings jointly with Secretariat.

IV. Procedure of Decision Making

19. RBC shall make the decision at its meetings in respect of issues considered at the meetings in the form of proposals and recommendations in accordance with the objectives and tasks set by the legislation of the Republic of Kazakhstan and internal Regulation.
20. The recommendations shall be adopted provided they are directly addressed to the state body or organization initiated the issue. In all other cases RBC shall adopt its decision in the form of proposals.
21. RBC shall make a decision provided the number of attendants is no less than ___ people.
22. The decisions shall be made by simple majority of attendants through open voting.

V. Supporting Bodies

23. To carry out organizational or other preparatory work RBC may, by its decision, set supporting bodies (secretariat, working groups) for a period in-between the meetings. The supporting bodies may be set out of governmental officials or staff of other organizations represented in RBC but who are RBC' nonmembers in person.
24. The Secretariat prepares material and draft documents necessary for the regular meeting; in case of the non-regular meeting it provides assistance in getting information necessary to initiators; and during the period in between the meetings it ensures information and inquiry data and communication for the members.
25. RBC may set special working groups for collection of additional information, project assessment, drafting decisions and other preparatory work in respect of issues included in agenda of the next regular meeting.
26. The material and draft documents prepared by the working group shall be considered at the meetings of the RBC and the decision is made, if necessary, in compliance with the Regulation and Procedures of the RBC.
27. The working group shall be set for a period until the date of the next regular meeting provided otherwise specified in the respective RBC decision.
28. The supporting bodies shall organize its activity based on the rules and procedures established by the Regulation and Procedures of the RBC.

VI. Participation of Observers and Visitors

29. The RBC meetings are opened for all representatives of public. In order to participate in the meeting the representative of the interested organization shall send a request to RBC Secretariat in advance.
30. In accordance with the proposal of RBC's participants some experts may be invited to the meeting in order to provide explanation and assessment of questions included in agenda. The invitation letter shall be sent by the Secretariat on behalf of the RBC Chairman within the period specified in the Item 7 of the Regulation herewith.
31. The public representatives and invited experts shall participate in the meetings as observers. They should not have the voting right in decision-making process.
32. The observers may give a speech at the meetings in accordance with the order of meeting; make proposals and recommendations in respect of issues included in the agenda.

VII. Planning of Future Activity

33. The planning of River Basin Council activity shall be carried out through adoption of annual plan and long-term plans, if necessary.
34. The annual working plan shall include:
 - preliminary date and location of the regular meetings;
 - list of questions to be considered at the regular meetings;

- preparatory work to be done by supporting organizations and proposed schedule of implementation.

35. The annual working plan for the next calendar year shall be considered and approved at the last regular meeting in the current year.

VIII. Conclusion

36. The Procedures herewith shall enter into force from the date of its adoption.

37. The voting majority at RBC meetings shall adopt amendments, if any, to the Procedures herewith.

***World Practice on RBC's Establishment,
Supporting Material***

According to the world practice, establishment of River Basin Councils is considered as an important component of the integrated approach to the water resources management at river basin level. They ensure necessary institutional basis for consolidation of various efforts in water resources management, land resources, environmental protection, provision of good quality of drinking water, various categories of water users, public organizations dealing with quality of water bodies.

European Union

In EU countries the significance of the river basin councils has especially become valuable due to adoption 2000 Water Framework Directive, because they play a key role in involvement of public in drawing up, consideration of issues regarding implementation and updating river basin management plans (once in 6 year).

As for the structure, the river basin councils differ one from the other. In some cases they include representatives of the state bodies only, in particular, regional administration, ministry of environmental protection and water agencies. However, establishment of river basin council with participation of water user and land users associations, agricultural associations, fishery and water management organizations, non-governmental organizations, local representative bodies is recognized as the best practice. In cases, when river basin councils are too huge by their structure, they are subdivided on sections as per sub-basin or separate category of participants (executive bodies, representative bodies, water users and etc.).

Below is given an example of France. In each of 6 hydrographical basins the Basin Committee play a role of a local parliament on water related issues. It works out main directives of the policy on use and protection of water resources. The members of the Committee are divided on four categories:

- Board of water users includes various categories of water users such as industries, farmers, fish farmers;
- Board of deputies includes representatives of provincial and municipal Unions, i.e. representative of population itself;
- Board of representatives of the economic and social unions at province levels;
- Board of representatives of state administration.

The total number of the members of the Committee in various basins is varying in the range between 61 and 114 persons, though the number of seats in respect of representatives of the state bodies does not exceed 20% of the total number of seats in the Committee. Other boards contain in average 4 seats out of 5 available.

River Basins	Deputies	Water Users	Social and economical unions	Executive bodies
Adour – Garona	30	30	6	18
Artua – Pikardia	25	25	2	14
Luara – Bretan	42	42	8	22
Rein – Mez	22	22	3	14
Rona – Mediterranean – Corsica	40	40	6	21
Seine – Normandy	38	38	7	20

The executive body of the Basin Committee is the Water Management Agency. It is a public institution under control of two ministries: Ministry of Environmental Protection and the Ministry of Finance, both in charge of technical and financial issues, respectively. The Executive Board with a Chairman assigned by the Prime Minister governs the Agency.

Russian Federation

The River Basin Councils in Russia have been given development in mid of 90s last century when the Volga river Basin was established. Presently, the main activity of the basin council is based on the governmental program “Environmental Improvement in Volga river and its Tributaries; Restoration and Natural Complexes Degradation Prevention in Volga river Basin for a period 2010”. The Volga River Basin Council has been assigned as a responsible body for development of Basin Agreements to implement the above-mentioned governmental program.

Under water legislation of the RF the RBC is considered as a coordinative body established for the purpose to realize Basin Agreement on rehabilitation and protection of water resources between Ministry of Natural Resources and Environmental Protection and executive bodies of administrative units located within the river basin. Presently, the question on necessity of clarification and strengthening the role and functions of the river basin councils is under consideration within the Water Code of the RF.

River Basin Councils in Russia are aimed at conflict solving in use and protection of water resources between regions and various sectors of economy. RBCs differ one from another in terms of structure. Some of them are composed of only state bodies, as, for example, Kuban River Basin Council. It comprises by 2 representatives from Adygeya Republic, Karachayevo-Cherkessky republic, Stavropol and Krasnodar areas (provinces) and Kuban River Basin Organization. However, there are some examples with participation of water users and public organizations, including those RBCs established on the initiative of public organizations.

*Basin Agreements in Russian Federation,
Supporting Material*

Abstract from Commentary to the Water Code of the Russian Federation

One of the innovations in the Water Code of the RF is conduction of independent research and development. Amongst the others are the new provisions, pertaining to: the property right on water bodies; detailed regulation of water permit; combination of administrative and marketing methods in legal regulation of water relations; legalization of present practice of water relations with the help of Basin Agreement (for major basins of surface water); the set of rules on economic regulation in respect to use, restoration and protection of water bodies.

Basin Agreements on Rehabilitation and Protection of water bodies may also serve as sources of the water legislation.

When the water body is located on the territory of two or more administrative units of the Russian Federation the use of this water body is regulated with consideration of the Basin Agreements (pl. see comment to the article 120, WC). In such a case the Agreement on Use of the Water Body shall be concluded with all executive bodies of the respective administrative units of the RF where the water body is located or with one of these bodies provided all other agreed upon.

In 1992 the joint commission on use and protection of trans-boundary waters has been set based on the initiative of water management bodies of Russia and Kazakhstan. By the same year the Commission has prepared an Agreement on regulation of relations on trans-boundary waters between Russian Federation and Kazakhstan, which effective till now.

The meetings of the Commission and its Working groups cover issues relating to interest of trans-boundary areas. They also set a list of tasks to be settled.

The both sides have specified preparation of Basin Bilateral and Multilateral Agreements on joint activity for implementation of the program on sustainable economic development of the river basin as one of the key tasks.

Provisions of the Basin Agreement pertaining to: (i) sustainability and improvement of the state monitoring network, (ii) adequacy in terms of standards and other means to ensure compliance of data are considered as mandatory by both parties.

Traditionally the Working group discusses the issue on flooding forecast, regimes of water reservoirs during the flooding to prevent and mitigate the expected damage. The coordination of actions in emergency situations is also a subject of the Agreement.

The both sides actively discuss the issue on analysis and exchange of data and information on water resources required for planning socio-economic development, design of particular projects related to exploitation of water resources. In spite of the available valuable world practice it is difficult to find a mechanism enabling to satisfy controversial interests of parties though situations around borders of

the most of the states are stable; the problem of water abstraction between Russian Federation and Kazakhstan can be settled through negotiations, public discussion and mutual compromising.

The negotiating parties recognize that economic activity within catchment area shall be based on the principle of protection of water ecosystem integrity from any types of degradation. The implementation of this principle under Basin Agreement shall take account of monitoring and control for quality of trans-boundary waters, control over occasional discharge to trans-boundary water bodies, conduction of joint environmental expertise.

Due to difficult economical situation in both countries it is problematic to discuss common problems, requiring huge and urgent investments. However, the sides understand that the price of today's inactivity may turn a financial burden for future generation in common basin implementation program.

*Commentary to the article 120;
The Basin Agreement on Rehabilitation and Protection of Water Resources*

The new management system of water resources shall be flexible, dynamic, opened for constant improvement and be based on the territorial –river basin principle (article 69 of the Code herewith).

The Basin Agreement between bodies of administrative units of the RF located within the district of one river basin and the federal body shall become a mechanism and legal basis for implementation of water resources management.

The Agreement shall be aimed at consolidating the efforts of the contracting parties on voluntary basis; the Agreement shall regulate interaction and coordination in terms of water resources use and rehabilitation ensuring sustainable supply of good quality of water for domestic, drinking and industrial needs.

The Basin Agreements shall be in compliance with the Constitution of the Russian Federation and in consistence with the main provisions of Helsinki Conventions on protection and use of trans-boundary watercourses and international lakes and trans-boundary impact caused by industrial pollution casualties. The Basin Agreement is a state act with shall be enforced in compliance with the environmental legislation.

The necessity of the Basin Agreement has two reasons. Waters as other environmental components are considered as resources for social and economic development of territories and the sovereign right to dispose the water resources belongs to respective territories. From the other hand water resources formation pertains to river basins while each river basin is a unique geo-ecological system covering a few administrative units of the Federation. Local and uncoordinated interests in respect of use and protection of water resources in the river basin may cause and, in some areas, already caused irreversible damage to the health of ecosystem, which is of great concern for overall population of the whole river basin.

The Basin Agreement shall be based on the following key principles:

- sovereign equality and territorial integrity of administrative units of the Russian Federation;
- mutual benefit from use of water resources;
- ban for damage;

- protection and conservation of river ecosystem;
- collaboration, consultation, exchange of information;
- legal and economic liability of the parties involved.

The joint actions on use and protection of water resources shall be exercised based on the priority of the human right for favorable aquatic environment along with conservation of aquatic ecosystem sustainability (please see article 3 of the Code herewith).

The step-by-step program on achieving of targeted level of water quality and adequate quantity under environmentally secure development of water management system shall be a subject of the Agreement.

Form, structure and content of the Basin Agreement shall be chosen by the contracting parties themselves: they may differ from one river basin to another and depend on environmental and economical conditions prevailed in the region and targeted parameters.

The Basin Agreement shall consist of main text and list of attachment, covering particular items and mechanism for implementation. During the process of attaining the targeted parameters, the attachments shall be updated in accordance with the aims of the next stage.

The list of attachments shall be recommended as follows:

1. Documentation revealing water sources conditions in the river basin and needs of the participants:
 - 1.1 Analysis of water management conditions; environmental problems
 - 1.2 River basin map
 - 1.3 Inventory list of boundary river gages and river monitoring cross-section stations
 - 1.4 Information on boundary river gages of joint control
 - 1.5 Allocation of water resources in boundary river gages
 - 1.6 Agreement on ecological discharge from boundary river gage
 - 1.7 Agreement on operational regime of water reservoirs
 - 1.8 Hydro-geological map
 - 1.9 River basin Water Management Program
 - 1.10 Current plan of engineering water protection measures and water management action plan
2. Methodological documentation ensuring sole control, matching of standards, emergency actions:
 - 2.1 Methodology for formulation and prioritization river basin water management program
 - 2.2 Methodology on ambient concentration of ingredients
 - 2.3 List of standards on environmental control
 - 2.4 Methodology on calculation of environmental discharge
 - 2.5 Agreement on actions under emergency situations
 - 2.6 Regulation on Basin Conciliatory Commission
 - 2.7 Regulation on intercrossing inspection
 - 2.8 Recommendation on exchange of information
 - 2.9 Regulation on safe discharge of flooding
 - 2.10 Regulation on allocation of transit discharge in case of low water
 - 2.11 Methodology on damage identification and compensation determination under transmission of trans-boundary pollution
 - 2.12 Regulation on economic responsibility of the parties involved

3. Documentation, supporting implementation of the agreement from organizational and economic view points
- 3.1 Regulation on fee and payment procedure in case of trans-boundary pollution of water bodies
- 3.2 Regulation on fee and penalty payment procedure for violation of water consumption and water discharge quota set by the Basin Agreement
- 3.3 Procedure for solution of disputable questions
- 3.4 Principles on determination of contribution to be made by administrative units of the Russian Federation to the river basin fund for joint activity on rehabilitation and protection of water resources

The public shall be aware on the Basin Agreement, water management program, planned and on-going river basin joint activity in time. The people should understand that welfare and health of each family, each citizen of the region depends on successful implementation of the Basin Agreement.

The Basin Water Management Program worked out based on the economic model of optimal development shall meet the demand of all water users and to attain environmentally safety quality of natural water. Such items as optimal water abstract limits, maximum permissible discharge limits, trans-boundary river flow conditions and pollution transmission shall be set in the Basin Agreement and clarified during signing procedure. It is supposed that implementation of all optimal water management measures shall ensure attaining of the main objective of the Basin Agreement.

Based on the targeted basin water management program action plan with detailed schedule shall be prepared for each participant of the Basin Agreement. All water protection measures are divided on four categories in respect of the source of financing: the federal budget, joint basin fund, budget of the participant of the Basin Agreement, budget of water user.

The integrated part of the Basin Agreement is the preparation of justification and supporting materials. The practice shows that there are various approaches in their structure, quantity of information and procedure to include them in the Basin Agreement. It depends on individual characteristics of the river basin, type of the agreement (bilateral, multilateral, international) and etc.

The mechanism for implementation of Basin Agreement is considered in four aspects: administrative, economic, social and environmental.

The River Basin Council, members of the Conciliatory Commission through the respective River Basin Organizations and their working groups shall conduct the regular activity on implementation of the Basin Agreement.

In case of dispute, the contracting parties shall solve the disputable issues through the River Basin Councils, Basin Conciliatory Commission and Arbitrage in accordance with the article pertaining to Basin Agreement. The RBC shall determine in detail the use of fund accumulated not only due to payment for water use but other sources as well, giving priority to the main objectives on use and protection of water resources.

The work on conclusion of the Basin Agreements covers big scope of works. Thus, RR 120 billion has been spent for implementation of measures specified in the Basin Agreements in 1995. More funding shall be required in future too.

The fund specified in the Item 5 of the commented herewith article is ensured by the article 118 of the Civil Code of the Russian Federation. The mentioned fund is noncommercial organization with no permanent members, set by individuals or legal entities based on the voluntary pecuniary contributions. It aimed at social, charitable and other socially beneficial objectives. The setting documents of the Fund as well as other legal entities are specified in the article 52 of the Civil Code of the Russian Federation.

In addition to the article herewith, the Basin Agreements are stipulated by the article 65 (authorities of the Russian Federation), the article 66 (authorities of administrative units of the Russian Federation), the article 74 (functions of the Russian Committee for Water Management) and others of the Code herewith; the components and basis for preparation of the Basin Agreements are stipulated through the articles 75-77 of the Code herewith.

Basin Agreements; Principles, Approaches, Recommendations

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Purpose of the Basin Agreement

The Basin Agreement shall be concluded in accordance with the article 9 of the Convention on Protection and Use of Trans-boundary Water Courses and International Lakes. The Basin Agreement is a legal form of voluntary commitment of efforts of the respective agreeable parties in order to coordinate and implement actions on rehabilitation and protection of water bodies with the purpose to attain a balance between demands of the economic development and possibilities to restore ecologically valuable water resources whilst keeping in mind a priority to ensure basic need of human beings.

The Basin Agreement may have either international (two or more states) or domestic form (various administrative units of one state).

The international Basin Agreement shall be concluded between bodies of executive power of the respective neighboring states (administrative units) and the parties concerned on behalf of specially authorized bodies for use and protection of water resources. In case when the states are participants of the Convention 92 or any other similar regional interstate agreements, the executive body of such regional agreement may participate in the Basin Agreement.

The domestic Basin Agreement shall be concluded between executive bodies of the administrative units with possible attraction of legal entities and individuals concerned.

The Basin Agreement is an interstate (domestic) legal document constituting mutual liabilities of the Parties of the Agreement in respect of the water protection and water management. The Agreement between the Parties shall be concluded on the basis of goodwill and equality of rights. The mandatory condition for signing the Agreement shall be the mutually beneficial cooperation of the Parties involved.

The task of the Basin Agreement is to legally bind the provisions ensuring regulation in water protection and water management activity. The Agreement shall be entitled to become a systematic basis within the set of the legal and normative documents enabling implementation of water protection and water management activity in the respective river basin area.

The following issues shall be subject to be solved systematically under the Agreement:

- the protection of water bodies against pollution; prevention of pollution transmission; restoration of water bodies to the maximum achievable good status (chemical, environmental and etc.);
- prevention of and compensation for damage caused to environment, facilities of the national economy, property, life and health of the people due to harmful impact on water bodies;

- joint preparation and implementation of action plans on protection and rational use of water resources;
- establishment of the water body monitoring system, including provision of its operation and maintenance; quality and quantity control in the boundary river gages and exchange of information on monitored data.

The Coordinative body (River Basin Council) shall be set under the Basin Agreement. The representatives of the contracting Parties under the CWR shall approve the Regulation on the River Basin Council. The participation of representatives of the state bodies, local self-governance bodies, NGOs and water users shall also be specified in the Regulation on the RBC.

Preparatory Work for Drafting Basin Agreement

The initiative to conclude the Basin Agreement shall be issued by one or several contracting parties, executive body of the regional agreement, representative of NGOs and WUAs. The CWR shall bear the responsibility to arrange and conduct the first meeting of contracting parties.

The authorized representatives of the contracting parties shall define objectives and tasks of the Basin Agreement, approve members of the working group on preparation the draft of the Basin Agreement, basic and supporting material.

The preparatory work shall include compilation of basic and supporting material. The approach to the content and quantity of information shall vary according to the conditions of the respective river basin and type of the agreement (bilateral, multilateral).

Generally, the basic material shall include information on current and targeted parameters of the water body conditions, water allocation in the boundary gages, operational regime of water reservoirs, major water users, standards and norms regulating their activity and etc., considering the type of the proposed agreement.

The supporting material shall ensure qualified operation of the River Basin Council. The structure of such material depends on the structure, qualification of the RBC's members, objectives of the agreement, the level of knowledge about the river basin.

During the implementation of the Basin Agreement the content of the basic and supporting material shall be updated and revised in compliance with the respective changes in legislation and water management conditions within the river basin.

Draft of the Basin Agreement

The Basin Agreement may have either a form of integrated agreement when the parties involved represent all administrative units located within the river basin or a form of bilateral/ multilateral agreements with focusing on specific issues of water management.

The Parties involved shall be free in selection of type of the agreement. The type of the agreement shall be most suitable to regulate relations between the parties. The Parties shall be free to determine terms and conditions of the agreement unless they do match to other agreements in force (i.e.

regional), do not worsen conditions in water bodies and domestic water supply system, do not limit interest of parties uninvolved in the agreement.

The conclusion of the Basin Agreement shall be subject to the principles specified in the item 5, article 2 of the Convention 1992 and the articles 5 –6 of the Convention 1997.

In addition to the multilateral basin agreement, bilateral agreements aimed at specific tasks for a certain period of time might be concluded provided they do not contradict the multilateral one.

Conclusion of the Basin Agreement; Order

Prior to conclude the Basin Agreement the contracting parties shall consider and approve the draft.

The Basin Agreement shall be signed by the authorized representatives. In case the Basin Agreement has a higher status (like Convention, etc.), it is recommended to involve a representative of the executive body to sign it.

The parties concerned shall determine the validity of the Basin Agreement, considering targeted period. The optional shall be unlimited agreements with attachments to be updated on regular basis (for example, once in five year) in compliance with particular tasks and actions specified for the next period of time.

The Agreement shall be ratified by the bodies of the representative power of the parties involved (where applicable). The Agreement shall enter into force after has been signed and ratified by the all parties involved.

Implementation of the Basin Agreement

The River Basin Council shall act as a coordinative body of the Agreement: it shall approve the budget no less than once a year (where applicable), plans and progress reports; amendments to attachments of the Basin Agreements, if necessary.

It is worthwhile to set an executive body for the Basin Agreement such as Basin Agency (the term is world widely applicable), which shall conduct routine activity (preparation of basic and supporting material, arrangements of works, supervision and etc.). Though these functions may be delegated to the RBOs. The structure, budget (where applicable), working plan and progress reports of the Basin Agency shall be approved by the River Basin Council.

In accordance with the responsibilities voluntary taken by the state, the participants of the Basin Agreement shall implement the activity specified in the Basin Agreement. The parties of the Basin Agreement may to hand over part of their authorities and responsibilities to the Basin Agency upon agreed with the River Basin Council (including respective financing).

The implementation of the Basin Agreement shall be subject to any form of financial resources acceptable by the parties.

The Basin Agency shall have a right to attract additional financial resources for implementation of the Basin Agreement's action plan.

The party which caused the damage to any other participant of the Agreement due to breach of the terms and conditions of the Agreement should pay a compensation in an amount and form stipulated by the Agreement, provided such a provision is an integrated part of the Agreement.

The representatives of the local self-governance bodies, NGOs and water users shall be involved in drawing up plans on implementation of the Basin Agreement. The Public shall be well aware on the Basin Agreement, the ongoing and planned actions in the respective river basin. The people living in the river basin district shall fully understand that the welfare and health of each family depend on the successful implementation of the Basin Agreement's objectives and tasks.

The unified information system of the river basin shall include the relevant database and mathematical models to support planning, operational control and decision-making.

In addition to the above mentioned, the provision pertaining to the dispute shall be accounted in the Basin Agreement.

Basin Agreement Model

Preamble

Key factors serving a legal basis.

Article 1. Objectives

Objectives and tasks of the Basin Agreement.

Article 2. Location

Territory of the river basin under the framework of the Basin Agreement.

Article 3. Subject

A set of issues to be regulated under the Basin Agreement.

Article 4. Liabilities

Liabilities of the parties in respect of water protection and water management activity within the river basin.

Article 5. Main activity

- mutual liabilities of the parties in respect of river monitoring in the boundary gages;
- short- and long-term targets in respect of the quality of water body;
- ecological discharge in the boundary gage;
- quantity and regime of the trans-boundary river flow;
- regime of flooding discharge;
- operational regime of reservoirs;
- jointly agreed water use limits and maximum permissible harmful effect on water bodies;
- others upon agreement of parties concerned.

Article 6. Coordinative Body

Key provisions on:

- structure;
- members;
- functions;
- the River Basin Council working procedure.

Article 7. Financial Issues

Financial mechanism or principles of its setting for implementation of the Basin Agreement.

Article 8. Organizational Issues

The organizational structure for implementation of the action plan.

Article 9. Disputes

Order for solving disputes and conflicts that may be arose between the parties due to the subject of the Agreement.

Article 10. Supervision

Order of supervision over implementation of entitled liabilities.

Article 11. Validity and Termination

Period of validity, procedure to terminate the Agreement by any party concerned.

Article 12. New Participants

Conditions and procedure for new parties to join the Agreement.

Article 13. Entering into Force

Date entering the Agreement into force.

References:

- material of the UN Economic Commission;
- material of meetings of the parties of the UN Convention on Use and Protection of Trans-boundary water courses and international lakes;
- material of the R&D Institute for Integrated Use and Protection of Water Resources of the Russian Federation;
- material of the Ministry of Natural Resources of the Russian Federation.