

IWRM PROMOTION & SUPPORT

DEVELOPING LAWS & REGULATIONS

COMPONENT 3



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ALEXANDR VLASIUK

Within the framework of the Smart Waters Project, specific focus is given to supporting national water sector reforms in the countries of Central Asia (CA) and the Islamic Republic of Afghanistan. One of the areas of such support is related to technical assistance in amending laws and enactments related to water resources management.

PROGRESS IN THE DEVELOPMENT OF THE WATER CODE AND THE LAW "ON WATER" OF THE KYRGYZ REPUBLIC

THE LAW "ON AMENDING CERTAIN LEGAL ACTS AND ENACTMENTS OF THE KYRGYZ REPUBLIC"

In order to harmonize some of the legal acts and enactments of the Kyrgyz Republic, the Department of Water Resources and Land Reclamation under the Ministry of Agriculture, Processing Industry and Land Reclamation submitted to the Smart Waters Project a request to support the development of an enactment aimed at amending the Water Code and the Law "On Water", where amendments will be covering aspects related to the economic mechanisms for water use.

The Project supports operations of the Task Force, which consists of 6 thematic experts in the field of water affairs, legal and environmental justification, governmental and public relations, as well as economic mechanisms for water use. During 2017, the Task Force, operating in accordance with the legislation of the Kyrgyz Republic, gradually developed a draft enactment on amending the Water Code and the Law on Water. Economics, Finance and Accounting specialists and experts from the National Water Resources Management Project, as well as representatives of Water User Associations (WUAs) were also involved in the activities of the Task Force.

The main goal of the draft Law is to eliminate conflicts and bridge the gaps within legal acts and enactments aimed at regulating economic mechanisms for water use. The proposed amendments are aimed at further promotion of rational use of water resources in all sectors of the economy and accumulation of the necessary financial resources for conservation and protection of water resources.

On February 27, 2018, the Government of the Kyrgyz Republic issued Resolution No. 114 regarding the draft Law of the Kyrgyz Republic "On amending certain legal acts and enactments of the Kyrgyz Republic (Water Code and Law "On Water"). By now, the draft law has been submitted to the Jogorku Kenesh (Supreme Assembly) of the Kyrgyz Republic.

As a result of this support by the Project, water users in the Kyrgyz Republic will be receiving economic incentives enacted by legislation.

PROGRESS IN THE DEVELOPMENT OF THE LAW “ON LAND RECLAMATION AND IRRIGATION” IN THE REPUBLIC OF TAJIKISTAN

At the moment, the Republic of Tajikistan is reforming its' water sector. Within the framework of water sector reform it is planned to update the existing Water Code. Water Code serves as the main legal document on regulating water resources management in the country. The Water Code is planned to be a framework document, while deep-seated private issues will be addressed through the sectorial laws. At the moment, relevant bodies carry out activities to update the National law on drinking water supply, including activities on enhancement of the Water Code.

At the request of the Agency for Land Reclamation and Irrigation (ALRI) under the Government of the Republic of Tajikistan, the "Smart Waters" Project also provides support to the country in this direction. The Project assists in the establishing and operating the National Commission on Irrigation and Drainage (NCID). Also, the Project supported a number of meetings of the National Commission on Irrigation and Drainage for the approval of the regulatory and legal aspects of the NCID's activities and also ensured communication with the International Commission on Irrigation and Drainage (ICID) to exchange experience and best practices from around the globe. In addition, the Project supports the development of the law of the Republic of Tajikistan "On Land Reclamation and Irrigation", which will form the foundation for the legal activities of the NCID, and will also provide legislative regulation of the irrigation and drainage sector which had not been the case in the past.

With the support of the Project, during 2017 a working group consisting of 9 people was formed. The working group consisted of experts from various water management sectors, such as WUA activities, institutional development of the land reclamation and irrigation sub-sector, water economy, agriculture, water resources protection, water quality, land reclamation and

hydraulic structures.

Since established, the working group has met 5 times to discuss issues related to drafting the Law. All meetings were conducted in accordance with the legislative procedures of the Republic of Tajikistan.

By now, the first version of the Law has been developed and translated into the state language. The text of the Law was presented at the meeting of the National Commission for Irrigation and Drainage (December 1, 2017) and during National Dialogue on Water Policy (February 13, 2018). The draft Law was submitted to the ALRI and is currently being reviewed by ALRI branches and subordinated agencies. Once agreed internally, the text of this draft Law will be shared for inter-ministerial finalization and approval. Ultimately, the Law should be endorsed by the Central Government of Tajikistan and submitted to the Majlisi Namoyandagon (Lower Chamber) and Majilisi Milli (Upper Chamber) of the Supreme Assembly of the Republic of Tajikistan. Presumably, all procedures will be completed within 6 months.

Once this process is completed, it is expected that with the support of Smart Waters Project the cluster responsible for irrigation and drainage will become operational in the Republic of Tajikistan. This cluster will be fully provided with all necessary means: legal framework for regulating its activities – which is the Law of the Republic of Tajikistan "On Land Reclamation and Irrigation", as well as the institutional body - the National Commission on Irrigation and Drainage which will be functioning under ALRI, based on the global experiences. The NCID will maintain regular communication with ICID for the exchange of experience and transfer of the best practices in this field.

Thus, the Project supports the introduction of IWRM principles and corresponding legal instruments in the Kyrgyz Republic and the Republic of Tajikistan, which in the long run are supposed to make all these fully operational. This intervention contributes to the achievement of the goals and objectives of the Project related to the formalization and completion of key reforms in the field of water management in CA and the Islamic Republic of Afghanistan, and also contribute to ensuring the introduction in the region of the best global practices related to IWRM application.