

Trends in the Development of Legislative Regulation of Water Use in Uzbekistan

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Abstract: The article is devoted to the analysis of the development trends of the legislation of the Republic of Uzbekistan in the field of water use. The processes of formation of the legal basis for water use in Uzbekistan and the main problems in this area are considered. The author proposes both legal and organizational solutions to water use problems in the country. Based on the results of the analysis, conclusions and recommendations for further improvement of legislation in the field of water use in Uzbekistan have been developed.

Keywords: water use, targeted use of water, water shortage, legislation, parliament, Uzbekistan, Central Asia.



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Introduction

According to scientists, more than 70 percent of the surface of our planet is covered with water, however, only 3 percent of this water is fresh water suitable for consumption. Also, most of the fresh water is in the form of glaciers and icebergs, about a third in underground reservoirs, and only less than 1 percent on the Earth's surface in the form of rivers, lakes, springs and other. Despite this small volume of fresh water, orbital observations by NASA satellites from 2015 to 2023 show that the average volume of fresh water, including rivers, lakes and underground springs, is 1,200 cubic kilometers lower than the same figure in 2002-2014. In addition, experts from the UN World Meteorological Organization, based on their observations, report a 50 percent shallowing of the world's rivers and the largest melting of glaciers in the last 50 years as a result of a severe drought in 2023. Such phenomena of global climate change are becoming a feature of the 21st century, during which, as many scientists and experts note, humanity will struggle with the consequences of water shortages.

The Republic of Uzbekistan is geographically located in the center of Central Asia. Since ancient times, this region has suffered from a lack of water resources. Throughout the history of Central Asia, water security issues have determined the prosperity and stability of the region. Extreme conditions of water use and the arid features of the local climate have formed a unique experience

of water use. In different periods of history, the conditions and rules for water use have changed. Today, Central Asia is considered one of the most water-stressed regions in the world. The average annual temperature increase in Central Asia is 2 degrees higher than in all other regions of the world. World Bank data show that currently almost 50 percent of the population of the region's countries live in areas with severe water shortages. Also, by 2050, water shortages are expected to reach 25-30 percent and the population to increase to 90 million people, of which more than half will live in areas with high water shortages.

In this regard, today in Uzbekistan the issues of legislative regulation of water use are more relevant than ever. Over the past 30 years, Uzbekistan has been gradually improving its legislation in the field of water use. However, some issues remain open and unresolved, such as specific restrictions on the types of water resource use, measures to punish individuals or legal entities for wasteful use of water, and holding employees of authorized state bodies in the field of water use accountable for their negligent attitude to their obligations, which results in huge amounts of water loss.

Metodology

In the framework of this study, methods of historical, statistical, comparative and legal analysis, content analysis were applied. Also, the methodological basis of the study is the Constitution of the Republic of Uzbekistan (updated in 2023), regulatory legal acts in the field of water use, speeches and speeches of the President of the Republic of Uzbekistan Sh. Mirziyoyev.

During the research, the works of national (B. Alikhonov, Zh. Kholmuminov, G. Yuldasheva, M. Ashirbaeva, O. Nazrullaev, Kh. Yunusov, U. Saidakhmedov, D. Ziganshina, A. Sorokin and others) and foreign (S. Zhiltsov, N. Kozhakmatova, Yu. Rysbekov, T. Ormysheva, A. Likhacheva, S. King, P. Claire and others) scientists were studied.

Results and discussion

After gaining independence in 1991, the Republic of Uzbekistan took a course towards comprehensive reform of its national legislation. In this regard, the formation of legal framework for water use in the country that meets new requirements and national interests of the country was one of the priority tasks of the state. In the 90s of the last century, in order to create a legal framework for the management, distribution, and use of inland waters of the Republic of Uzbekistan, several regulatory and legal acts were adopted:

1. Constitution of the Republic of Uzbekistan (1992);
2. Law of the Republic of Uzbekistan of December 9, 1992 "On Nature Protection" No. 754-XII;
3. Law of the Republic of Uzbekistan of May 6, 1993 "On Water and Water Use" No. 837-XII;
4. Land Code of the Republic of Uzbekistan;
5. Laws of the Republic of Uzbekistan of 1998 "On agricultural cooperative (shirkat)", "On farming", "On dehqan farming" (now repealed or adopted in a new edition);
6. Resolutions of the Cabinet of Ministers of the Republic of Uzbekistan dated August 3, 1993 "On limited water use in the Republic of Uzbekistan" No. 385 and many others.

The above-mentioned normative legal acts gave birth to the first legal basis for the management, distribution and use of internal waters of Uzbekistan. As many experts note, these legislative acts, on the one hand, determined the internal order of water use in the country, on the other, the relationship of Uzbekistan with its neighbors in the field of transboundary water use [1]. For example, Article 55 of the Constitution of the Republic of Uzbekistan as amended in 1992 defined:

«Land, subsoil, water, flora and fauna and other natural resources are a national treasure, are subject to rational use and are under state protection»

Article 4 of the Law of the Republic of Uzbekistan "On Water and Water Use" establishes a list of the "unified state water fund of the Republic of Uzbekistan", which includes streams, sais, rivers, reservoirs, lakes, seas, canal waters, collector-drainage networks, springs, ponds and other surface waters, groundwater, snow reserves and glaciers. Also, according to this article, "The right to use water from transboundary water bodies (the Amu Darya, Syr Darya, Zarafshan rivers, the Aral Sea and other transboundary water bodies) is established by international treaties of the Republic of Uzbekistan". This means that Uzbekistan recognizes its international obligations in the field of transboundary water use and takes them into account when building its internal water use system. One of the experts, A.A. Dzhahalov, noted that in the first edition of the Law of the Republic of Uzbekistan "On Water and Water Use," the term "interstate" was used instead of "transboundary" in order to indicate the international status of a water body, and subsequently, in order to align the norms of national legislation with the norms of international law, it was changed to the generally recognized term – "transboundary".

Of course, the adoption of the above-mentioned regulatory legal acts established the necessary rules and conditions for the use of water resources in our country. However, naturally, they could not solve all the problems in the field of water use. As one of the scientists U. Saidakhmedov notes, there is a need for a complete revision of the above-mentioned regulatory legal acts, taking into account the existing realities of the present time and future climate fluctuations [2]. He points out that numerous amendments and additions (more than 20) made to the Law of the Republic of Uzbekistan "On Water and Water Use" over the past decades have not brought the expected results and could not eliminate the repetition of norms in legislative acts regulating water use relations. In this regard, one can agree with his opinion, periodic improvement of individual norms of legislative acts in the field of water use cannot solve many problems and legal loopholes.

As a scientist who also proposes improvements to national legislation in the field of water use, one can note M.Kh. Ashirbaeva. The scientist's dissertation speaks about the need to strengthen the norms of the Law of the Republic of Uzbekistan "On Water and Water Use", which establish specific rules for the implementation of tasks and functions of state bodies and local government bodies and administration when using water from transboundary rivers [3]. As systemic shortcomings of national legislation, including the Law of the Republic of Uzbekistan "On Water and Water Use", the researcher points out that they do not reflect the concept and status of the subsystem of public administration. As one of the solutions, M.Kh. Ashirbaeva proposes to specify the powers and responsibilities of the authorized body in the field of water use, as well as specifically delineate the scope of responsibility of the republican and local government bodies. Indeed, it can be said that some loopholes in national legislation lead to problems in practice, for example, it is not always clear where the responsibility of national bodies ends and where the obligations of local bodies begin.

It should be emphasized separately that the above-mentioned scientists and experts in their studies point to the heterogeneity of national legislation in the field of water use and, as a solution to this problem, propose systematizing the norms of legislation in this area. In particular, it is proposed to unify several regulatory legal acts into a single Water Code of the country.

Today, the processes of global climate change, population growth and economic sectors, the annual increase in their demand for water, and the shortage of water resources are intensifying. Today, as in the late 90s, the average annual volume of water consumed in the Republic of Uzbekistan is 51-53 billion cubic meters. Meanwhile, the population of Uzbekistan today is twice as large as in 1991, and the country's GDP is almost 120 billion US dollars (in 1991, 13 billion US dollars) [4].

In order to ensure stable water supply to the population and all sectors of the economy of the republic in 2020-2030, improve the melioration state of irrigated lands, widely introduce market principles, mechanisms and digital technologies in water management, ensure reliable operation of water management facilities, as well as improve the efficiency of land and water resources use, the Decree of the President of the Republic of Uzbekistan "On approval of the concept of water management development in the Republic of Uzbekistan for 2020-2030" No. UP-6024 was adopted on July 10, 2020 [5]. This Decree approved the Concept for the Development of Water Management in the Republic of Uzbekistan for 2020–2030 and the Roadmap for the implementation in 2020–2022 of the tasks defined in the Concept for the Development of Water Management in the Republic of Uzbekistan for 2020–2030. Also, the Decree defines the priority areas of the Concept and indicators for the development of water management in Uzbekistan. Clause "5.9." of the Concept for the Development of Water Management of the Republic of Uzbekistan for 2020-2030 defines the task of developing a draft Water Code of the Republic of Uzbekistan taking into account the ongoing reforms.

In order to fulfill the tasks defined in the Decree of the President of the Republic of Uzbekistan dated 10.07.2020, No. UP-6024 and the Concept of Development of Water Management of the Republic of Uzbekistan for 2020-2030, at the beginning of 2023, a draft Water Code of the Republic of Uzbekistan, consisting of 199 articles, was developed and posted for public discussion on the portal for discussion of draft regulatory legal acts "regulation.gov.uz" [6]. After a nationwide discussion and revision of the draft Water Code, at the beginning of 2025, the draft Water Code was approved by both the Legislative Chamber and the Senate of the Oliy Majlis of the Republic of Uzbekistan [7]. As parliamentarians note, today social relations in the sphere of water resources management, their use and protection are regulated by about 10 laws - the Constitution of the Republic of Uzbekistan, the laws "On Water and Water Use", "On Nature Protection", as well as over 20 by-laws. Chairman of the Committee on Agrarian and Water Management Issues of the Legislative Chamber of the Oliy Majlis R. Mamutov during his speech at a meeting to discuss the draft law "On Approval of the Water Code of the Republic of Uzbekistan" noted that the Water Code reflects several important norms, such as rational use of water, effective management, water suppliers, specific powers, tasks and functions of authorized bodies in the field of regulation of water relations, expanded mechanisms for public-private partnership in the field of water management and much more [8].

However, despite the current legislation in the field of water use, there are legal conflicts and problematic situations in practice. Today, issues of irrational use of water resources remain in the center of attention of both scientists, experts and government officials, as well as representatives of the public.

Member of the Senate of the Oliy Majlis of the Republic of Uzbekistan B. Alikhanov during a meeting of the Senate stated that, in general, water use in Uzbekistan remains irrational and leads to a large amount of water loss [9]. As he noted, in Uzbekistan almost 90 percent of fresh water received in the country is used in agriculture, for example, in the world this figure is on average 65 percent. In addition, due to the low culture of water use in general, in Tashkent one person uses an average of 400 liters of water per day, and in such large cities of the world as Berlin (124 liters), Moscow (249 liters) and Beijing (about 200 liters) this figure is significantly lower.

Scientists such as J. Kholmuminov, O. Nazrullaev and D. Ziganshina pay special attention to the reasons that contribute to the aggravation of the water crisis and legal ways to solve these problems. Thus, according to D. Ziganshina, there are several reasons that increase the water deficit in Central Asia [10]:

firstly, the countries of Central Asia have a huge legal base consisting of legislative acts in the field of water use, however, despite the large number of regulatory legal acts, the norms within these acts are poorly expressed and cannot meet modern requirements;

secondly, many internal legislative acts and interstate agreements are not related to each other and sometimes repeat each other;

thirdly, the norms of legislation and interstate acts do not allow for the creation of an effective water resources management system.

On the other hand, scientists J. Kholmuminov and O. Nazrullaev point out that the increase in the population of Uzbekistan could lead to an annual deficit of water resources of up to 40 percent by 2030 [11]. In their opinion, one of the main problems of water use in Uzbekistan remains the ineffective system of water resources management in general, due to which almost all water is spent on irrigation of lands, especially cotton fields.

Indeed, one can agree that Uzbekistan has a large number of normative legal acts to regulate relations in the field of water use, but the quality of the norms of these legislative acts still needs further improvement, taking into account the realities of today and the future. Also, it is necessary to separately emphasize that the rules of law in themselves cannot be effective if the irrigation system itself is outdated or operates according to old principles.

Currently, representatives of the public are also paying attention to the problems of environmental protection and rational use of water resources. In particular, in recent years, the public has paid special attention to faulty irrigation systems in large cities of Uzbekistan [12]. As the public demonstrates, faulty irrigation systems lead to waste and misuse of water resources, and harm the environment. Thus, the public helps government agencies find hidden problems in the overall water management system in the country.

It can be said that the reforms undertaken in the area of further improvement of legislation on the use of water resources will undoubtedly contribute to improving the overall situation with water use in the country. However, despite the steps taken, there are several problems that must be resolved in the near future:

firstly, national legislation still does not provide a clear definition of such terms as “rational water use”, “irrational water use”, “use of water for domestic purposes”, “drinking water”, “fresh water” and many others;

secondly, national legislation (the Code on Administrative Responsibility, the Criminal Code, the Law of the Republic of Uzbekistan "On Water and Water Use", the Regulation on the Procedure for Water Use and Water Consumption in the Republic of Uzbekistan, approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated March 19, 2013, No. 82) does not provide a clear answer to the question in what cases and for what purposes (some sources provide information that water cannot be used for irrigating a garden, washing vehicles and carpets, watering a yard and filling reservoirs, cooling fruits, etc.) individuals or legal entities cannot use water resources, as well as penalties for irrational use of water. In particular, according to Article 74 of the Code on Administrative Responsibility, “Violation of the rules of water use and water consumption” entails the imposition of a fine on citizens from three to five, and on officials - from five to ten basic calculation units. However, it is not clear what specific actions or inactions of individuals or legal entities will be considered a violation of water use and water consumption rules. If we refer to the norms of the regulation on the procedure for water use and water consumption in the Republic of Uzbekistan, then in paragraphs 7-10 we can see the types of water use and water consumption, which are divided into general and special, as well as, according to the intended use, into drinking, communal, medical, resort, recreational, fishery, industrial, energy, agricultural and others. It should be noted that the norms of this regulation also lack specifics, that is, it is not clear from them what is meant by “drinking”, “municipal” and other types of water use. In paragraph 8 of this provision, attention should be paid to the very important reference norm “and others”, which essentially increases the types of water consumption to infinity. A rhetorical question arises: what is a violation of water use and water consumption rules

– washing dishes or washing a vehicle, or are both violations. Also, the regulation does not establish a requirement that individuals and legal entities may use water only within the limits of the types of water consumption and water use established in Chapter 2 of the same regulation. Such a provision may lead to inaccuracies or misunderstandings in law enforcement practice;

thirdly, in most cases, authorized state bodies also allow cases of improper use of water. For example, in various regions, large volumes of drinking water are wasted due to faulty and broken water pipes or inadequate public utilities, as well as due to the inability of state bodies to solve such problems in a timely manner. This leads to numerous well-founded complaints from the public;

fourthly, the still low culture of water use by the population leads to the loss and misuse of water resources.

Conclusion

In conclusion, it can be concluded that water use issues have always been of current importance for Uzbekistan. During the entire period of its independence, Uzbekistan has been able to form its own experience in legislative regulation of relations in the field of water use both within the country and with its neighbors. In recent years, numerous initiatives have been undertaken in the country to improve the legal framework for water use. However, it should be noted that new regulations and strategies adopted in recent years cannot solve all problems in the field of water use.

The situation with water shortage in the world, especially in Central Asia, is changing rapidly every day and in this case, the regulatory and legal acts on the use of water resources need constant improvement, taking into account the existing threats and future challenges to the country's water security.

Based on the materials studied, we can come to the following recommendations:

First, it is necessary to give a clear definition in national legislation to such terms as “rational water use”, “irrational water use”, “use of water for domestic purposes”, “drinking water”, “fresh water”;

secondly, in the Code of Administrative Responsibility and the Criminal Code of the Republic of Uzbekistan, clearly indicate cases of irrational use of water and penalties for committing such an offense;

thirdly, in the regulation on the procedure for water use and water consumption in the Republic of Uzbekistan, it is necessary to provide legal definitions for such types of water consumption as “drinking”, “municipal”, “medical”, “resort”, “recreational”, “fishery”, “industrial”, “energy”, “agricultural”, and also to remove reference norms such as “and others” and specifically indicate whether individuals and legal entities can use water in ways not provided for by law;

fourth, review and improve the management system in authorized state bodies in the field of water use so that problematic cases of inappropriate or wasteful use of water are quickly identified and eliminated;

fifth, increase the amount of media content about the need for targeted use of water resources and the legal consequences of irrational water use in both public and private media.

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