



THE PROBLEMS OF LEGAL REGULATIONS, PROTECTION AND USE GROUNDWATER (INTERNATIONAL EXPERIENCE AND PRACTICE KAZAKHSTAN)

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ABSTRACT

This paper explored the main features of the legal regulations regarding the protection and use of groundwater in modern Kazakhstan. Other nations experience on these laws in light of negative anthropogenic influences will also be brought forth in the discussion of Kazakhstan's water sources. These two topics along with related laws put forward by to improve subsoil, will be tied together to present a critical analysis of current water legislation within the Republic of Kazakhstan.

Keywords: Groundwater, Groundwater bodies, Legal regulation, Legislation, Ownership of water, Right to water usage, Water protection.

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Contribution/ Originality

This study is one of very few studies, which have investigated the problem of legal regulation and protection of groundwater in the Republic of Kazakhstan and foreign countries. The paper contributes the first logical analysis. This paper discusses problems relating to groundwater protection regulation at both the national and international levels.

1. INTRODUCTION

Legal regulation of the protection and use of groundwater in the world is gaining its relevance each year due to the gradually increasing shortage of drinking water in the world. Frequent natural disasters in many European and Asian countries, as well as numerous landslide earths' crust, caused the development of legal regulation of relations in the area of groundwater usage and protection in the face of future depletion. The crisis of energy resources was one of the reasons for the need to develop legislation in the field of legal regulation of renewable energy

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sources, including the important role belonging to groundwater. The research of legal regulation of the use and protection of groundwater is a relatively new trend in law, as noted current trends of national and foreign research literature.

Year by year legal regulation on preservation and groundwater use in the world is gaining its relevance due to the shortage of drinking water in the world. Frequent natural disasters in many European and Asian countries, as well as numerous collapses of the earth's crust caused the development of legal regulation of relations in the sphere of use and groundwater preservation from exhaustion. Energy resources crisis was one of the reasons for the development of legislation in the field of legal regulation on renewing source of energy; the important role among them belongs to the groundwater.

Research of legal regulation use and groundwater preservation is a relatively new direction in law, as noted in the national and foreign literature.

A lot of attention has been given to the legal problems of water relations in the juridical literature. Fundamental work of Baysalov (1996) In was devoted to this problem. Conceptual issues of water-legal science was covered in his monograph "Water law of the Kazakh the USSR", the study of the issue facilitated to the development of ecological and legal science in Kazakhstan.

Theoretical and methodological issues of water law in the Republic of Kazakhstan in modern condition were investigated by Mukashev A.A.

Douglas A. Yanggen and Bruce Webendorfer considered the problems related to groundwater protection through local land - use controls (Douglas and Webendorfer, 1991). Margaret Myszewski, Don R. Christy, and James E. Kundell conducted a comparative analysis of Groundwater Laws and Regulations from Southeastern States of the USA (Myszewski *et al.*, 2005)

Stefano and Kerstin MECHLEM. Groundwater in International Law: Compilation of Treaties and other Legal Instruments// FAO Legislative Study.- Rome/Paris, 2005.- No. 86.- P.67-75. 79.Mechlem Kerstin. International Groundwater Law: Towards Closing the Gaps.// 14 Yearbook of International Environmental Law.- 2003.- pp. 47-80.

2. THE MAIN RESULTS

Groundwater has become over the past few decades the main source of water for all the main uses of water, including in particular domestic uses and agriculture. This tremendous increase in the use of water has had significant impacts on water availability and on access to water (Cullet, 2010).

According to the National Report of the Ministry of Energy of the Republic of Kazakhstan in 2014; the main reserves of water resources of the republic are concentrated in surface and underground sources. In general, water resources of Kazakhstan are placed unequally across regions that the eastern region of Kazakhstan accounts for 34.5% of overall water resources, with the north holding 4.2%, central Kazakhstan at 2.6%, the southeast with 24.1%, the south at 21.2%,

and the west at 13.4%. Total fresh water reserves are estimated at 524 cubic meters km, including 80 cubic meters km stored as glaciers, 190 cubic meters km are concentrated in lakes, rivers resources contain 101 cubic meters km, and groundwater reserves are 58 cubic meters km. In terms of freshwater resources, Kazakhstan is among the poorest countries in the world. According to the article 13 of the Water Code of the Republic of Kazakhstan, to underground water objects belong:

- 1) Water-bearing zones, horizons and complexes of rocks;
- 2) Groundwater basin;
- 3) Deposits and of groundwater;
- 4) Natural groundwater on land or under water;
- 5) Flooded subsoil;

A number of conferences held in Stockholm in the 1972, in Mar del Plata in 1977 and Seoul in 1986 made it possible to consider groundwater resources across the whole of the hydrosphere, creating an international framework for a comprehensive approach to the legal regulation of the use and protection of groundwater. Problems of integrated use and management of surface and ground water and the need to reduce the human impact on water resources are the cause of the need for development at the legislative level for programs of integrated protection for water bodies in European countries. Such countries as France, the legislation of the Water Act established in 1992 the principle of joint management of surface water and groundwater. Late seventies, soviet scientists have been suggested that the quality of the groundwater depend on surface state particularly, from wastewater and their proper burial. (Dante, 1992)

The main issue is the legal status of groundwater resources at the internal level, in other word that have rights to them. When groundwater legally belongs to the government, or it is managed on behalf of the national community, essentially facilitated the introduction of legal measures regulating the management of such resources, limiting the possibilities of the individuals in the area of development and use of these resources. Until recently, groundwater belonged to privately owned in many countries, including the countries of those affected by the actions of the European civil law, such as France, Italy and Spain. The procedure is similar to the right to private ownership of water resources act in common law countries such as England, the United States and Australia. However, these countries have undertaken serious reforms in the field of legislation and the government currently owns groundwater, or the government has rights to use them.

In arid countries such as, North Africa and the Middle East underground water as all the water resources are belongs to the government or controlled by the government and necessary measures can be taken as soon as the need arises to manage them. In other words, the definition of the legal status of underground water resources is a natural starting point for the introduction of measures to manage them (Lux, 2010).

Kazakhstan's experience of legal regulation of property relations on groundwater has its own history and peculiarities. According to the item 3 of Article 6 of the Constitution of the Republic

of Kazakhstan: "The land and underground resources, waters, flora and fauna, and other natural resources are owned by the government" (Erofeev, 1998)

Groundwater is one of the sources of fresh water, which is representing a vital resource for humans. Recently, at the international level the shortage of fresh water is often discussed that the "drinking hunger" becomes a global problem, and not that of a single problem of the government. One of the challenging aspects is the fact that, it is not always very clear that a branch of the law regulates the right of ownership and the right to use groundwater. One major criticism of Moroz's work is that it seems quite controversial assertion that the ownership of all the objects, including land, minerals, forests and water are entirely the subject of civil law (Moroz, 2004)

According to the legislation of Kazakhstan relations in the field of usage and protection of groundwater is regulated as water and subsoil legislation. Therefore, all legislative activity in the field of legal regulation of protection and usage of the water resources in the future is based on these principles and repelled by them.

In addition, in the field of the right groundwater usage is complicated by the fact that groundwater is subordinated simultaneously to two branches of law - mountain and water. Water Code (WC) of the Republic of Kazakhstan attribute all the groundwater to the single national water resource, as indicated in the Article 5 and Article 4 of the (WC) of Kazakhstan. Also, in concordance with the Water Code of all relations on protection and usage of groundwater are water relations. As stated C.P.Moroz, classification of groundwater and subsoil and water does not meet the needs of the theory and practice. This situation undermines the unity of the government water resources; this eliminates the possibility of a single water inventory, increasing the competition of interests between the management of mining and water management, which is contrary to the principle of rational use and protection of water, proper regulation of the organization of emerging relationship Thereby, on the basis of the current law it seems appropriate to consider the right to use, as from the side of the law on subsoil and water legislation.

Ownership of the groundwater is fixed in legislation on subsoil and water legislation and has its own specifics. As emphasized earlier, in the Republic of Kazakhstan except the possibility of alienation of the subsoil and water to the property of other subjects. Thus, the right of government ownership in this field has its limits, regarding to the right. Therefore, according to the general rules the right of the government ownership applies to the natural resources as long as they are not commodities. For instance, a mineral water in bottles or plastic water pipe. In Kazakhstan thermal and radon waters have become the objective of commercialization, the procedure and conditions for the usage of which is not enough regulated in the legislation in recent years. Following this, needed to adopt the law or a separate section of the Water Code, which regulating the usage and protection of groundwater, including regulation of the use of thermal and radon waters for commercial purposes.

As mentioned earlier, in the Republic of Kazakhstan except the possibility of alienation of the subsoil and water to the property of other subjects. Based on this, the rules that contain the

general rules of ownership, use and management of groundwater coming from the state, not regulate the ownership of the various parties, and the right of use granted by the state groundwater. Thus, the government right ownership in this field has its limits, depending on what is right to regulate. According to the general, the right of government ownership extends to the nature of the objects only as long as they are not commodities. For instance, mineral water in bottles or plastic water pipe.

The government as the owner of natural resources is always in a different position than the other participants in legal relations. However, in the transition of the Republic of Kazakhstan to a market place and role of the state in the system of economic relations significantly changes. In an economy, market is legal based primarily on a clear delimitation of the state leadership and economic management of natural resources, which is fundamentally changing the economic role of the government (Moroz, 2004) Thus, the subsoil user always knows that the government as the owner determines the general rules of conduct and use of natural resources, providing them in law and defines the responsibilities of subsoil users on the efficient use and conservation of resources (Kultelev, 2007)

If government ownership of groundwater legislation provides clear definitions, namely, how the law on mineral resources and the Water Code has chapters defining the competence of state bodies in the conservation and management of these resources, the right to use groundwater is not inherent in such a certainty.

According to paragraph 19 of Article 1 of the Water Code of the Republic of Kazakhstan water use is the usage of water resources in accordance with the legislation of the Republic of Kazakhstan, to meet their own needs, and (or) the commercial interests of natural and legal persons. Under the water law, there are following types of water exist: general, special, isolated, joint, primary, secondary, permanent and temporary. Mode of protection and use of water depends on the type of water use. So, the general right to water is carried out to meet the needs of the population without securing water bodies for individual natural or legal persons, and without the use of structures or technical devices influencing the condition of water Special permit for general water use is not required. Total water use in the Republic of Kazakhstan are free.

The right to special use of water arises from the receipt of a license or permit issued in accordance with the legislation of the Republic of Kazakhstan.

In accordance with Article 66 EC of Kazakhstan to the special use of water refer to the usage of surface and underground water directly from the water body with withdrawal or without withdrawal for drinking and household needs of the population, the water needs of agriculture, industry, energy, fisheries and transport, as well as the discharge of industrial, municipal, drainage and other waste water. In accordance with Section 3 of the same article of the use of the subsoil drinking and production and technical groundwater withdrawal limits from fifty to two thousand cubic meters per day on the basis of permission for special water use.

The same article regulates the fact that does not require a permit for special use of water by using the following intake structures: mine and tubular filter wells to a depth of twenty meters, as

well as catchment facilities operating without forced lowering with the withdrawal of water in all cases not more than fifty cubic meters per day from the first from the surface aquifer is not used for centralized water supply. The right to special use of water in the Republic of Kazakhstan is based on payments in accordance with the tax laws of the Republic of Kazakhstan (Bekisheva and Baideldinov, 2004). It should be noted that all of the companies supplying the Kazakhstan market drinking water operate based on a permit for special use of water, extraction of groundwater.

The right to a separate provision of water occurs when water bodies or their parts for use by one person or entity. We consider it a major gap the lack of precise guidance for what needs given the right to separate water. As stated in the articles of the general and special water. A groundwater limits also make use of analogy with the special use of water.

In the articles, 70 and 71 of the Water Code of the Republic of Kazakhstan are the rights and responsibilities of users. However, we cannot ignore the fact that the right to water can be limited in the manner prescribed by the laws of the Republic of Kazakhstan 7. Despite the fact that the Water Code of the Republic of Kazakhstan contains the detailed content of the rules governing the granting of water rights, it does not regulate adequately the relations in the field of termination of water rights in cases of need for public purposes. According to A.A Mukasheva, the need of this kind offers the withdrawal of the water body, but in the sectoral legislation in a detailed form is not settled the question of how to be compensated the damage caused by such a withdrawal of water user in connection with which there is a need to introduce this provision in the VC of Kazakhstan (Mukasheva, 2010)

According to the article 22 o "On Subsoil and Subsoil Use" is a subsoil use right to possession and use of the subsoil user acquired in accordance with this Act.

Underground waters are still under the scrutiny of international organizations. Researchers FAO, UNESCO, UNEP, WHO and others, have published a number of reports on the legal regime of underground water. According to the World Program on Water Resources Assessment (VWAP) of the lack of quality, water affects about 10% of the population. According TGYER third of the world depends for its existence on groundwater resources. Problems of security and access to drinking water resources become the subject of discussion by the international community. According to WHO, more than 41 million. People do not have access to clean drinking water (mainly in Eastern Europe and Central Asia) (The Protocol on Water and Health, making a difference).

The consequences of this problem are the vulnerability of life and health of the most vulnerable citizens - children aged from birth to 14 years. As well as numerous diseases that are caused by lack of clean drinking water, such as trachoma (an eye infection that can lead to blindness), plague and typhus. At that time, as the number of international agreements and other legal instruments relating to groundwater, few of them are actually completely and exclusively devoted to this problem. In many cases, groundwater is only nominally included in the scope of its consideration of the legal document. As an international treaty and treaty law does not tend to develop more specific rules on groundwater (Mechlem, 2003).

At the bilateral level, the only exception is "1977 Arrangement relatif à la protection, à l'utilisation et à l'alimentation de la nappe souterraine franco-suisse du Genevois" (French) which adopted in 1977. (Agreement on protection, use and replenishment of the Franco-Swiss Geneva Aquifer) which sets underground water quality standards and their volume, ejection, and replenishment. This is a rare example of a treaty dedicated exclusively to transboundary aquifers and establishing a joint commission for aquifer resource management (Lux, 2010)

Other treaties address issues related to groundwater, among other subjects of discussion, such as the 1973 agreement between Mexico and the United States for permanent and final solution salinization of the Colorado River. The last problem mainly affects surface water, but also contains one provision, which limits the pumping of groundwater from the aquifer Yuma Mesa both countries in the immediate vicinity of the line of separation of Arizona-Sonora near St. Louis.

At the regional level, we should mention two framework agreements applicable to both surface and groundwater: Convention on the Protection and Use of Transboundary Watercourses and International Lakes, adopted by the UN ECE in 1992 and updated the Protocol on Shared Water flows in the Southern African Development.

Problems negative impact on the groundwater caused the adoption in 1979 of Directive number 80/68 / EEC "On the protection of groundwater against pollution by certain dangerous substances.

Water Framework Directive 2000 enshrined in its content a significant number of provisions dealing with the qualitative and quantitative state of groundwater (groundwater), emphasizing the collaborative nature of the protection of surface and groundwater. Special attention in the Framework Directive 2000 devoted to the provisions on the protection of groundwater against pollution and deterioration. The directive identifies the legal protection of soil and groundwater. In the field of groundwater Water Framework Directive in 2000 provides: identify objects groundwater within water resource areas, classifying them according to the pressure of water and the impact of human activity on groundwater quality (Mukhin, 2011). A special specific of legal regulation of use and protection of groundwater reflects the Groundwater Directive 2006/118 / EC the main requirement, which is the adoption of quality standards for groundwater, as well as trends in groundwater pollution.

Thus, the Water Framework Directive contains rules of a general nature on the protection of groundwater and other water bodies, and groundwater contains special provisions relating only to this natural site.

Recent research in the field of groundwater resources, saying that the bowels of the earth contain huge reservoirs of fresh groundwater. And under almost universal pollution of surface water, groundwater role becomes essential, especially given the fact that the quality of groundwater is much higher surface quality and requires much less manipulation for cleaning.

EU Directive 98/83 / EC "On the quality of drinking water" reflects the problem of drinking water supply.

Repeatedly attempts to develop a unified international standard for drinking water quality. However, these attempts to carry out extremely difficult because requirements for the quality of drinking water will vary depending on a variety of drinking resources of a country. Thus, for example cannot be set the same standards for drinking water in Switzerland and South Africa.

Today, the development and consolidation of quality standards for drinking water - the prerogative of individual countries. Of interest is the experience of rationing of drinking water quality in the United States. In accordance with the Law on Drinking Water Safety (Safe Drinking Water Act, 1974) the Agency for Environmental Protection in the United States (EPA) developed national standards for drinking water quality ("primary standards"). Additionally, state regulations may also be designed ("secondary"). Earlier, the American Society for Testing and Materials (ASTM), founded in 1898, develops its own standards, which have been recognized by national countries in North, Central and South America, Southeast Asia and the Middle East (Koldysheva and Mikhail, 2011) One of the international instruments to this problem is the Protocol on Water and Health on 04.08.2005 year, taken as a supplement to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes, 1992.

The Republic of Kazakhstan is a party to the Convention to ratify it; however, it plans to accede to the Protocol in 2014-2016, which is not very clear due to the latest trends in groundwater, which the President announced under the program "Kazakhstan-2050".

The most vulnerable to the negative effects of underground water are used in the centralized water supply. Thus, according to Global Consulting for Environmental Health (US), most waterborne outbreaks associated with the use for drinking water from the well. In 1994, Finland was recorded outbreak of acute gastroenteritis, which was caused by the use of well water. In the process of research and well water, it was concluded that the use of underground water from a mains water supply sources, increases the risk of the population and needs to develop special measures of legal protection. The general rule for many developed countries becomes a priority use of groundwater in the centralized water supply systems. Standalone or decentralized systems are used only in the absence of centralized systems, as well as compliance with sanitary requirements. Several studies conducted in the United States, Japan, Taiwan, Argentina, have established a direct relationship between the use for drinking of contaminated groundwater by chemicals and the growth of cancer (Zekster, 2001)

In many countries of Western and Eastern Europe the share of groundwater in drinking water supply is 50-75%, in Denmark this figure reaches 98%. Besides high rates of use of groundwater for drinking water supply are noted in countries such as Austria, Croatia, Hungary, Italy, Switzerland, Lithuania, Slovenia, Belarus (Kerstin, 2003) indicating that reducing the risk of diseases transmitted through unsafe drinking water to the public these countries.

It is necessary to focus on the problems of legal protection of underground drinking water in the former Soviet countries. This issue is regulated by the Model Law "On Drinking Water and Water Supply" and is a separate branch of legislation of the CIS countries (Belarus, Ukraine, Moldova, Turkmenistan, Tajikistan). For the legal regulation of drinking water data of the CIS

countries is characterized by a wide range of relations connected with the drinking water supply, which is not exactly the specifics of legal regulation of groundwater as a source of drinking water. At the same time, there were a number of CIS countries, which established the priority of the use of groundwater as a source of drinking water to surface water bodies. For example, in Kyrgyzstan Pespublik water legislation and the legislation on drinking water supply is fixed rate, according to which the use of fresh groundwater for needs not related to drinking and domestic water supply is prohibited. However, for those areas where groundwater resources are sufficient and prevail over the resources of surface water is allowed to use them for other purposes 16. A similar provision banning the use of drinking water for other purposes is available in Article 48 of the Water Code of the Azerbaijan Republic. The Uzbek legislation fixed rate, at which it is possible to provide any water body (including underground) to use for drinking and household needs of the population. In accordance with the Water Code of Ukraine, the underground drinking water must be produced primarily to meet the needs of drinking and household water supply, as well as for the food industry and animal husbandry. Thus, the traditional set for many of the CIS countries to limit the use of fresh groundwater, namely the prohibition to use underground drinking water for needs not related to drinking and domestic water supply. Certainly, Kazakhstan draws experience from more experienced countries in Europe and Asia. Since Article 120 EC imposes the requirement of Kazakhstan to conduct groundwater monitoring natural and legal persons, manufacturing activities may have an adverse impact on groundwater, as we mentioned above. Water codec Republic of Belarus contains a similar rule, which requires an arrangement regime network of observation wells to monitor groundwater conditions, this requirement applies not only to the subsoil user, but also to all persons who opened the underground aquifers. Thus we see that the legislation of the CIS countries in contact with each other and has a uniform law, what is important in international cooperation.

Restrictions on the use of catchment areas of groundwater bodies used for drinking water, and sanitary water supply, are a common measure of legal protection of water bodies stipulated by the water legislation of the CIS countries. Thus, in accordance with Art. 73 VC Belarus action rules prohibiting dumping and disposal of industrial and household waste in the catchment area and in situ groundwater used for drinking water, it is not limited to the catchment area of the groundwater used for drinking and household water supply, but also the entire area of finding groundwater deposits. This provision Belarus water legislation widespread, including in the field of medical and groundwater. This provision is very topical for Kazakhstan, as the results of studies that were conducted as part of the design of the replacement of pumping and cleaning of groundwater Ust-Kamenogorsk found that: "The high concentration of industrial enterprises in Ust-Kamenogorsk city and its surroundings, combined with insufficient means of pollution control, and improper storage of waste led to pollution of air, water and soil. The most significant factor is the presence of toxic substances in landfills for hazardous waste, contaminating groundwater and rivers in the Irtysh basin. " It was also found that within the Ust-Kamenogorsk pollution due to leachate from dumps and sumps steel plants, effluent plants and polluted runoff

from industrial plants. In Kazakhstan, there is a VC unit norm prohibiting dumping of household and industrial waste within the water protection zones, however, a specific reference to the area of finding deposits of underground water is absent, which is certainly a gap in the legislation.

Problems of groundwater depletion and groundwater lowering, along with pollution, acquired the character of the global problem. At the forefront of these issues put forward in such countries as Germany, Spain, Netherlands, France, Japan, China, and India. In America in 1985 to carry out state policy on conservation and restoration, soil cover, which is saturated by surface or groundwater. In the Netherlands, the draining of natural areas recognized environmental problem on a national scale, and therefore, differentiated legal regulation of the extraction of groundwater sources of drinking and industrial water supply (Zhorov, 2010) Depletion of groundwater aquifer followed by draining, which can lead to a collapse of the surface. In 1962, mining and pumping mine water has led to the collapse of the surface in Johannesburg. Low groundwater levels due to anthropogenic interference is a common problem in many cities, megacities in the world. Thus, the pumping of groundwater in Mexico has caused subsidence of the city by more than 8.5 m., In the coastal Japanese cities - Tokyo, Osaka, Niigata subsidence of up to 50 cm / year, and the area of subsidence of hundreds of square kilometers. In London, due to declining groundwater levels at 100 m., the area of surface subsidence was 2 thousand. M., And in different cities of Cali fornia surface subsidence was 3-4 meters (Bratkov, 2006) Clearly, this issue is also relevant for Kazakhstan, as the country is actively developing mineral extraction, the extraction of which is also used and affected groundwater. In China's water, legislation includes measures to regulate and reduce the groundwater level, strengthening the control, management and planning during pumping of groundwater in order to prevent subsidence. If the mine workings and underground work has led to the depletion of groundwater and soil subsidence, and thus damaging living and working conditions, leading development organizations must pay damages. Such measures are aimed at preventing the surface of the ground subsidence due to over-pumping of groundwater provided for in the legislation of Japan. So, the Law on water use in the industry in 1956, as well as the law on the use of water in buildings in 1962, established different procedures for groundwater and surface water in order to slow down somewhat settling earth's surface, which extends in a country with 70. Restrictions in the field of legal regulation of the process water supply to industrial facilities can reduce the load on the groundwater and slow, and in some cases to prevent the depletion of groundwater. Thus, analysis of the legislation of Kazakhstan, which regulates the process water supply to industrial facilities, allows us to formulate the following restrictions and highlight the extraction of groundwater for process water supply to industrial facilities: 1) limit the scope of the groundwater; 2) establishment of a special category of groundwater - production and industrial water; 3) definition of the objectives of extraction of groundwater: a) injecting into the reservoir in accordance with the technological scheme of minerals, b) for the purpose of dewatering in the mining operation; 4) consolidation of the legal basis for the production of a single permit for extraction of underground water used for process water supply to industrial facilities. Mukhin (2011) special attention should be legal protection

against the adverse effects on the springs. In particular, in accordance with US law, within the framework of state law on general socio-economic development of the state, regulates the relations in the sphere of use and protection of groundwater. Moreover, any activity related to the extraction of groundwater, including from springs and wells, with the permission of the state government. In Germany, the legal regulation of the protection of groundwater and springs under the jurisdiction of individual provinces. Thus, you can select the state in which the regional and municipal control over protection of groundwater and springs from the negative impact is a priority. In countries such as Italy, Spain, Netherlands, France, in the majority of countries of the CIS legal regulation of groundwater protection from the negative effects are managed centrally as part of water legislation. In accordance with Article. 59 VC Azerbaijan Republic, secured protection from the negative impact of sources and mineral springs. VC Republic of Belarus provides separate norms dedicated to the protection and use of springs. VC Republic of Belarus establishes multiple uses springs and establishes a ban on any activities that could lead to the destruction, damage, alteration preserved in its natural state springs. In accordance with Article 74 of the EC legal status of the Republic of Belarus springs equivalent to the legal status of small rivers. Springs with special environmental, scientific and (or) cultural and other value, declared natural monuments of national or local importance with the establishment of the regime of protection provided by the laws of the Republic of Belarus.

3. CONCLUSION

Analyzing the above, we can say that in international law and the rights of individual states designated acute problems of legal regulation of use and protection of groundwater due to a negative influence on them. Acute problem of drinking water quality, underground water sources, as well as problems of groundwater depletion, are the cause of numerous landslides and collapses of various cities in the world. At the state level in Kazakhstan, adopted several programs and concepts on the problems of protection and use of water bodies, which emphasize the importance of groundwater as a strategic resource. Legal regulation of protection and use of groundwater in the Republic of Kazakhstan has its own specifics and a number of features. National legislation in this area has made a major breakthrough because of the consolidation at the highest state level, principles of priority to use of natural resources and the rational use of natural resources. However, the current legislation in relation to groundwater is more "residual" character. This fact is due, so that the two branches of law and regulation regulate this natural resource is the central object in any of them, the groundwater general rules and laws, without emphasis on their specificity. This situation negatively affects the development of the institution of legal protection and use of groundwater.

Based on the foregoing, it is necessary to make changes and additions to a number of regulations governing the protection and use of groundwater, the main ones are:

- Adding to the CAO of such administrative sanctions as deprivation of the right to use the waters as an exceptional measure of punishment offenses compositions;

- The inclusion in the Criminal Code article covers the offense of unauthorized seizure of water, because the object of abuse in this case are not only social relations and the order of protection and use of water resources, and state ownership of natural resources.

Based on those areas of human life, which today are widely used underground water, we propose:

The use of groundwater for irrigation of soils, thereby reducing the risks of planting crops in regions with a limited amount of seasonal rainfall and increase the overall republican crop yields. Building a network of resort sanatoriums and rest homes with the characteristic use of groundwater in the medical and therapeutic purposes, which in turn will lead to the growth of tourism in the country and attract foreign capital the use of thermal waters for home heating. This method will reduce the cost of the population in the consumption of gas for heating. Groundwater in this capacity are used in some regions of our country, however, has not yet found its wide application.

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