

TRANSBOUNDARY ENVIRONMENTAL COOPERATION OF KAZAKHSTAN AND RUSSIA: PROBLEMS AND PROSPECTS

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ABSTRACT

The article examines interstate cooperation between Kazakhstan and Russia on transboundary environmental issues. An analysis of the environmental policy of Kazakhstan and Russia is carried out, and the key norms of the two countries' environmental legislation are examined to determine the foundations and mechanisms for

solving shared environmental problems. The role and ongoing policy of Kazakhstan's central state body in the environmental protection sphere as a tool for solving environmental problems is determined. The main reasons for the environmental problems of the Ural and Ishim river basins and the biological diversity of the border areas of Russia and

Kazakhstan are discussed. Priority prospects for environmental cooperation are highlighted in relation to the countries' common trans-boundary environmental problems, including cooperation potential within the framework of the Eurasian Economic Space.

KEYWORDS: *transboundary environmental cooperation, environmental policy, transboundary rivers, biological diversity, Kazakhstan, Russia, EAEU.*

Introduction

The natural environment cannot be divided along administrative, state or national boundaries. Any negative impact on the environment will sooner or later come back to us in the form of atmospheric pollution and associated climate change, water pollution and the resulting deterioration of human health. For this reason, it is important to study this problem with a systems approach based on a systemic analysis of environmental issues and relevant solutions.¹ It is important to understand that environmental issues, including those in transboundary areas, require systemic answers. Theoretical research and comparative analysis methods were also applied in the study of this topic.

Due to the existing environmental problems in the border area between Kazakhstan and Russia, efficient joint measures to resolve transboundary environmental issues on an ongoing basis are gaining significance. Since 2018, thanks to the efforts of the heads of both states, the annual Interregional Cooperation Forum, which is a new interaction format, has been functioning within the framework of a bilateral agreement.² The next forum is expected to focus on cooperation in the field of environment and green development.³ A number of joint environmental programs for 2021-2025 are slated to be signed at this forum. However, the forum has not been implemented since 2019 due to various associated difficulties.

The environmental issues of the two states are being discussed not only at the state level, but also among scientists, expert, media and business communities and public organizations. Expert clubs, where environmental issues of the two countries are often discussed, are operating on an ongoing basis in a number of border regions of both states. For example, the Siberia-Eurasia Expert Club has held five international round tables between 2018 and 2021. They were devoted to various aspects of environmental issues. The North-South Political Science Center, the Ural-Eurasia Expert Club, and others are successfully operating in this field.⁴ However, expert opinions regarding the issues in question do not go beyond these platforms; they are merely advisory and not binding.

It is important not only to comprehend environmental problems both at the state and expert levels of the two countries, but also to sit down at the negotiating table and take joint effective measures to preserve and protect the environment.

¹ See: A.G. Shmal, "Natsionalnaia sistema ekologicheskoy bezopasnosti (metodologiya sozdaniia)," MUP "IKTS BNTV", Bronnitsy, 2004, pp. 69, 101.

² See: "O Programme mezhregionalnogo i prigranichnogo sotrudnichestva mezhdru Rossiei i Kazakhstanom," 8 November, 2017, available at [<http://government.ru/docs/30069/>], 18 June, 2021.

³ See: "Glava gosudarstva Kassym-Zhomart Tokayev priniat uchastie v XVI Forume mezhregionalnogo sotrudnichestva Kazakhstana i Rossii," Official website of the President of the Republic of Kazakhstan, 7 November, 2019, available at [http://www.akorda.kz/ru/events/international_community/foreign_visits/glava-gosudarstva-kasym-zhomart-tokayev-prinyal-uchastie-v-xvi-forume-mezhregionalnogo-sotrudnichestva-kazakhstana-i-rossii#/upload/announces/5ca2674737c7ea0525e07a9e39e92c1c.jpg], 17 June, 2021.

⁴ See: "Ekspertnyi klub 'Sibir-Evrazia'," available at [<http://sibir-eurasia.ru/events?page=5/>], 26 June, 2021.

On the other hand, there was hardly any interregional environmental cooperation between Russia and Kazakhstan, specific mechanisms for the implementation of their obligations, a developed regulatory framework or an environmental cooperation system in the past. Since the establishment of Kazakhstan's independence, only a few agreements have been signed with the Russian Federation on environment and environmental management, including those on the Baikonur cosmodrome (2005), cooperation in the field of environmental protection (2004) and the joint use and protection of transboundary water bodies (2010).⁵

Moreover, a common strategic vision for transboundary environmental cooperation has not been generated by Kazakhstan and Russia to this day. Very few of the 300 treaties and agreements concluded by the countries are related to the environmental protection sphere.⁶

A review of literature (N.S. Musiraly, A.N. Porokh, G.S. Rosenberg, A.A. Chibilev, etc.) had revealed that the issue of pollution in the transboundary areas in Russia and Kazakhstan is relatively well-researched, yet researchers cannot provide specific reasons for the lack of functional cooperation mechanisms. Most of the studies reviewed are devoted to the problems of transboundary rivers, while the current issues of transboundary biological diversity of the two countries are not sufficiently discussed.⁷

The purpose of this article is to identify the existing environmental problems of border areas and determine the prospects for transboundary environmental cooperation for the sake of favorable life conditions and sustainable development of the Kazakhstani and Russian economies. The following tasks must be resolved for this purpose:

- analysis of the fundamental environmental legislation of both Kazakhstan and Russia;
- determination of the presence of state structures for the execution of environmental policy;
- examination of the transboundary environmental problems of the Ural and Irtysh river basins and the biological diversity of the border area;
- identification of the potential for transboundary environmental cooperation between the two countries.

Current State of Environmental Policy in Kazakhstan and Russia

Both Kazakhstan and Russia have signed the U.N. 2030 Agenda for Sustainable Development. Both states support the green economy principles that ensure sustainable development, and are con-

⁵ See: *International Treaties and Agreements with the Participation of the Ministry of Natural Resources of Russia*, available in Russian at [http://www.mnr.gov.ru/activity/international_agreements/], 18 June, 2021.

⁶ See: *Kazakhstan and Russia Adopted Programs of Joint Measures for the Preservation and Restoration of the Ecosystem Determination of the Basins of the Transboundary Rivers Ural and Irtysh*, 4 December, 2020, available in Russian at [<http://www.gov.kz/memleket/entities/mfa/kazan/press/news/details/131994?lang=ru>], 18 June, 2021.

⁷ See: "On the State of Cooperation on the Rational Use and Protection of Transboundary Rivers between Kazakhstan and Russia," available in Russian at [<http://cyberleninka.ru/article/n/o-sostoyanii-sotrudnichestva-po-ratsionalnomu-ispolzovaniyu-i-ohrane-transgranichnyh-tek-mezhdu-kazahstanom-i-rossiyei>], 26 June, 2021; "Rossia i Kazakhstan v reshenii transgranichnykh vodnykh problem," available at [<http://cyberleninka.ru/article/n/rossiya-i-kazahstan-v-reshenii-transgranichnykh-vodnykh-problem>], 26 June, 2021; *Rossiysko-kazahstanskiy transgranichnyi region: istoria, geoekologiya i ustoychivoe razvitie*, UrO Run, Ekaterinburg, 2011, 216 pp., available at [<http://cyberleninka.ru/article/n/rossiysko-kazahstanskiy-transgranichnyy-region-istoriya-geoekologiya-i-ustoychivoe-razvitie-ekaterinburg-uro-ran-2011-216-s>], 26 June, 2021; "Perspektivy razvitiya prirodno-zapovednogo fonda v stepnoy zone Severnoy Evrazii: novye formy zapovednykh rezervatov," available at [<http://cyberleninka.ru/article/n/perspektivy-razvitiya-prirodno-zapovednogo-fonda-v-stepnoy-zone-severnoy-evrazii-novye-formy-zapovednykh-rezervatov>], 26 June, 2021.

cerned with stimulating the motivation of both the business community and their populations to improve the state of the environment.⁸ The expansion of international cooperation in the environmental protection sphere is outlined in the Foreign Policy Concept of Kazakhstan as one of the key priorities of Kazakhstan's foreign policy (Para 3.16).⁹ The Foreign Policy Concept of Russia outlines the expansion of international cooperation for the sake of ensuring environmental safety and counteracting climate change on the planet (Para 41).¹⁰ These two concepts designate environmental issues as international cooperation priorities.

The main document in the sphere of environment in Kazakhstan is the Environmental Code, dated 2 January, 2021, No. 400-VI ZRK, which replaced the Environmental Code No. 212-III dated 9 January, 2007. In Russia, the main document that regulates the environmental sphere is the Federal Law No. 7-FZ On Environmental Protection dated 10 January, 2002. A wide range of principles is laid down in the legislative acts of both states, which form the basis for the activities of all entities that impact the environment. At the same time, the main goal of Kazakhstan's new code is to promote the country's sustainable development, and the transition to a green economy to ensure favorable life conditions. Meanwhile, Russia's environmental law mainly aims to ensure people's environmental safety.

Another distinctive feature of Kazakhstan's Code is the "polluter pays" principle. It toughens the liability of the polluting parties, and entails stricter sanctions for environmental violations. For example, the size of the fine for excess and unauthorized emissions into the environment has increased 10-fold, and for other offenses—2-fold on the average. However, it is important to note that the nature of this principle initially implies that the polluter, whether a legal entity or an individual, must reimburse all costs, rather than just a portion of the costs of prevention and elimination of environmental damage caused by them, as in the current code.¹¹

The fact that all the environment-related tax revenues to the local budget will now be fully allocated to environmental initiatives in the same region is an important economic lever. Previously, this mechanism had functioned at the discretion of the heads of the local administration and at times no more than 10% of all environmental tax revenues were spent on environmental issues. It is too early to examine the effectiveness of this mechanism, but it is a significant incentive for solving regional environmental issues.¹²

A brief summary of the two countries' key legislation reveals that the Russian legal norms are generally focused on the individual, as well as the interests of the state and society, environmental education, upbringing and culture, and ensuring general environmental safety. Meanwhile, Kazakhstan's environmental code is more focused on external factors—coordination of actions by authorities, observance of national interests and sustainable development.¹³

⁸ See: "Predvaritelnye rezultaty issledovaniy po r. Zhayyk (Ural)," Астана, 2017, available at [http://unece.org/fileadmin/DAM/env/water/meetings/Water_Convention/2016/Projects_in_Central_Asia/Transboundary_Rivers_Study_in_Kazakhstan_Ural_River_Feb_2017.pdf], 26 June, 2021.

⁹ See: "On the Concept of Foreign Policy of the Republic of Kazakhstan for 2020-2030 dated 9 March, 2020," available in Russian at [http://www.akorda.kz/ru/legal_acts/decrees/o-koncepcii-vneshnei-politiki-respubliki-kazahstan-na-020-2030-gody], 20 June, 2021.

¹⁰ See: *Decree of the President of the Russian Federation of 30 November, 2016 No. 640 On Approval of the Foreign Policy Concept of the Russian Federation*, available in Russian at [<https://www.kremlin.ru/acts/bank/41451/page/1>], 20 June, 2021.

¹¹ See: I. Malysheva, F. Anufriev, "Printsip "Zagryaznitel platit": pravovye aspekty," Voronezh, 2015, available at [<http://cyberleninka.ru/article/n/printsip-zagryaznitel-platit-pravovye-aspekty/viewer>], 22 June, 2021.

¹² See: "V Kazakhstane priniat novyi Ekologicheskii kodeks ot 2 ianvaria 2021," Kapital—tsentr delovoy informatsii, available at [<https://kapital.kz/gosudarstvo/92377/v-kazakhstane-prinyat-novyy-ekologicheskii-kodeks.html>], 20 June, 2021.

¹³ See: G. Artykbayeva, "Sravnitelnyi analiz normativno-pravovykh osnov v ekologicheskoy politike Rossiyskoy Federatsii i Respubliki Kazakhstan," *Bulletin of Omsk University, Series Historical Sciences*, No. 3 (7), 2015, pp. 110-114, available at [<http://cyberleninka.ru/article/n/sravnitelnyy-analiz-normativno-pravovykh-osnov-ekologicheskoy-politiki-v-rossiyskoy-federatsii-i-respublike-kazahstan/viewer>], 20 June, 2021.

Another new mechanism of resolving environmental issues in Russia was the adoption of an ambitious, expensive, and resounding national Ecology project. In 2018, by order of Russian President Vladimir Putin, the Ministry of Natural Resources and Environment has developed the Ecology national project with a budget of over 4 trillion rubles in order to improve the state of environmental protection. The project will be implemented until 2024, and encompass five key areas (water, air, waste, biodiversity and the best available technologies) within 11 federal projects. The project is expected to improve the country's environmental situation and positively affect the health of Russian population.¹⁴ Of course, this lays comprehensive groundwork in environmental policy; however, the term of its implementation is limited, and only time will show how effective this project is.

Apparently, there is a certain environmental regulatory framework in the countries being examined. However, environmental issues have not become any less poignant, and the mechanism for the implementation of legal norms is not efficient enough. In the Russian Federation, this is reflected in the weakly elaborated legislative framework in the environmental sphere, as well as the absence of an Environmental Code regulating important systemic environmental relations. In Kazakhstan, the new version of the environmental code was adopted relatively recently, and it is too early to assess its effectiveness. Also, the introduction of tougher punitive measures for environmental offenses is relevant today.

A new central state body was created in Kazakhstan in 2019 to resolve organizational issues. It is the Ministry of Ecology, Geology and Natural Resources, formerly the Ecology Committee. This transformation allowed to strengthen and empower the state body in the field of environmental protection, both in the domestic and foreign state policy. As a result, a new environmental code and a number of legal documents regulating the environmental sphere have been adopted; moreover, the work on transboundary environmental cooperation with neighboring states has intensified.¹⁵

Thus, a brief analysis of the environmental policy of Kazakhstan and Russia demonstrates that certain environmental institutions are present, pertinent national legislation has been adopted, environmental policy principles have been outlined, relevant state bodies are functioning, scientific and expert community are conducting certain appropriate activities, etc. However, environmental problems remain poignant both within the states and in the border areas of Russia and Kazakhstan.

Transboundary Environmental Problems of Kazakhstan and Russia

Ural River

Russia and Kazakhstan have the world's longest continuous land border that spans 7,500 km. Over the years, the transboundary area has faced a number of environmental problems. Hugely resonant issues are still present along the Ural and Irtysh rivers, including their basin zones; the biological diversity issues should be considered as a whole. These two areas will be examined in this section as the main transboundary environmental problems of Russia and Kazakhstan.

At the international level, the 1992 U.N. Economic Commission for Europe Convention on Transboundary Waters forms the legal basis for regional cooperation in the sphere of shared water resources. The convention's objective is to reinforce the local, national and regional measures aimed

¹⁴ See: "Passport of the National Project 'Ecology' dated 24 December, 2018, No. 16," Website of the Ministry of Natural Resources and Environment of the Russian Federation, available in Russian at [<http://www.mnr.gov.ru>],activity/directions/natsionalnyy_proekt_ekologiya/, 20 June, 2021.

¹⁵ See: M. Mirzagaliev, "Reshenie ekologicheskikh problem Kazakhstana: chto ostanetsia posle nas," The Eurasian, No. 30-31, 2019, pp. 58-64.

to protect and ensure the environmentally sustainable use of transboundary surface and ground waters. In order to implement this convention, in 2010 an agreement was reached between the governments of Russia and Kazakhstan on the joint use and protection of transboundary water bodies. The regulatory framework is clearly in place, yet over the past 10 years not only has the situation in the river and basin area not improved, it has actually resulted in serious environmental problems due to shallowing and pollution.

For several years, a number of scientists, experts and statesmen have noted the river's environmental problems, and moreover, the potential threats born by their consequences. Thus, for example, experts of one of the international expert platforms of the Siberia-Eurasia club noticed a negative trend affecting the ecosystem of the Ural River. During certain drought years, only 6-8% of water has reached Kazakhstan, with all the water being used up by agriculture and production in Russian territory. In addition, waste dumping in the Chelyabinsk industrial region results in the deterioration of the flora and fauna in the river basin. In 2019, an international geodetic organization assigned the river the 5th pollution level, which is the highest and designates water that is unsuitable for human use.¹⁶

Doctor of Geographical Sciences Alexander Chibilev, who has been studying the Ural basin for over 30 years, noted that negative consequences stem from the river's overregulation, that is, the construction of dams and reservoirs, which is beneficial to those in the upper reaches of the river, but creates a water deficit in the lower reaches. In addition, deputy of the Mazhilis of the Parliament of Kazakhstan Елена Tarasenko noted that the problems of the Ural River should be considered as part of the issue complex that plagues the entire ecosystem, rather than an isolated river. A joint interstate document with an appropriate mechanism is required.¹⁷

In addition to the scientific and expert community, the Minister of Ecology of Kazakhstan Magzum Mirzagaliyev notes his concern about the Ural River, namely, the fact that in recent years the decreased water flow has led to the degradation of floodplain spawning grounds, affecting the reproduction of sturgeon in the Caspian Sea. This situation had a negative impact on the flora and fauna in the river basin.¹⁸

In general, ineffective management of water resources is apparent. According to the results of a journalistic investigation in 2019, the mass death of fish in the Ural River at the end of 2018 resulted from the negligence of Atyrau Su Arnasy, a local communal enterprise that had discharged excessively concentrated chloride into the river. In addition, Galina Chernova, Director of the Globus Environmental and Legal Initiative Center, is concerned about the current lack of modern standards and regulations for determining the maximum permissible concentration of hazardous substances in the Ural River.¹⁹

Irtys River

The Irtys River is also a site of environmental problems for the neighboring states. Unlike the Ural River, due to its geographical trajectory, the Irtys River affects the interests of three states:

¹⁶ See: "Rol regionalnoy NPO v uluchshenii ekologicheskoy situatsii," Expert Club Siberia-Eurasia, Novosibirsk, 28 September, 2020, available at [<http://sibir-eurasia.ru/events/miezhdnarodnaia-ekspiertnaia-ploshchadka-ekologichieskaia-poviestka-tsentralno-aziatskogho-makrorieghiona-viektory-razvitiia>], 22 June, 2021.

¹⁷ See: "Dvazhdy v odnu reku. Povtorit li Ural sudbu Arala?" *Vlast*, Internet magazine with its own opinion, 19 January, 2016, available at [<http://vlast.kz/obsshestvo/15292-dvazdy-v-odnu-reku-povtorit-li-ural-sudbu-arala.html>], 20 June, 2021.

¹⁸ See: *Kazakhstan and Russia Adopted the Programs of Joint Measures for the Preservation and Restoration of the Ecosystem of the Basins of the Ural and Irtys Transboundary Rivers dated 4 December, 2021*. Consulate General of the Republic of Kazakhstan in Kazan (RF), available in Russian at [<http://www.gov.kz/memleket/entities/mfa-kazan/press/news/details/131994?lang=ru>], 22 June, 2021.

¹⁹ See: M. Melnikova, "Gibel ryby v Urale. Novye fakty i 'sporny' sud," 24 December, 2019, Environment, Azattyq Radio, available at [<http://rus.azattyq.org/a/kazakhstan-ural-atyrau-fish/30341746.html>], 22 June, 2021.

China, Kazakhstan and Russia. The difficulty lies in the fact that the three states are still unable to resolve the river division issues, thus, the shallowing of the Irtysh River both in Kazakhstan and Russia is only a matter of time. At present, the Chinese government is intensively pursuing a Go West resettlement policy, which aims to increase the population of Xinjiang Uyghur Autonomous Region 5-fold to about 40 million people.²⁰

Population growth in western China, the construction of various hydraulic facilities and the extraction of water to oil-bearing regions in this area will lead to an environmental disaster in the near future. For Russia, this is a question of the shallowing of the Irtysh and a water shortage in the Omsk region. For Kazakhstan, it is an issue of water vulnerability of its Eastern and Central regions. An analysis of the studies revealed that the runoff of the Irtysh has already decreased 3-fold in comparison with 1990.²¹

According to experts, an increase in China's water intake is already affecting the region's environment. In particular, the lack of water supply to Lake Zaisan, the resulting decrease in its level, the drop in the water level in the Irtysh-Karaganda canal, and shallowing is also noticeable in Russia's shipping and agricultural sector.²²

Kazakhstan's repeated attempts to resolve the issue of river division were unsuccessful. At a meeting of the Kazakh-Chinese joint commission on the use and protection of transboundary rivers, Kazakhstan had voiced a proposal to divide the water proportionally, with 30% allotted to Russia and 35% each—to Kazakhstan and China, but China did not extend its support. In addition, acting out of its own state interests, China has not signed the basic water convention of 1992 on the delimitation and use of waters, which is not beneficial to it. Despite the fact that China has recently tempered its water policy, partly due to the construction of the Belt and Road project, the Irtysh issue remains open.²³

Transboundary Biological Diversity

Sustainable conservation of flora and fauna, both globally and locally, is a prerequisite for preserving life on earth. It is very important to preserve biodiversity, which is very fragile. The characteristic that distinguishes biodiversity from other environmental issues is its lack of specific boundaries. Despite the fact that the state border between Russia and Kazakhstan has been recently closed, restricting the movement of the saigas, roe deer and various kinds of birds across the border is not the states' prerogative. Cooperation in the sphere of biological diversity in the transboundary areas of Kazakhstan and Russia is necessary.²⁴

In 1994, Kazakhstan signed the International Convention on Biological Diversity, taking on legal obligations to preserve the living environment. The number of national parks as of 2020 has

²⁰ See: "Zapadnyi vektor," *Forbes*, No. 13, March 2021, available at [http://forbes.kz/process/expertise/zapadnyiy_vektor], 22 June, 2021.

²¹ See: O. Boyarkina, "Rossiysko-kazakhsko-kitayskie vzaimootnosheniia na transgranichnykh rekakh," *Bulletin of Irkutsk State University*, Vol. 22, 2017, Series *Political Science. Religion Studies*, pp. 211-216, available at [<http://cyberleninka.ru/article/n/rossiysko-kazahsko-kitayskie-vzaimootnosheniya-na-transgranichnyh-rekah/viewer>], 22 June, 2021.

²² See: I. Zonn, "Transgranichnye reki Kazakhstana i Kitaia," *Bulletin of the S.Yu. Witte Moscow University*, Series 1, *Economics and Management*, No. 4 (27), 2018, available at [<http://ecogofond.kz/wp-content/uploads/2021/01/CA.D.366-Transgranichnye-reki-Kazahstana-i-Kitaja.pdf>], 22 June, 2021.

²³ See: O. Boyarkina, *op. cit.*

²⁴ See: "Chto skazal pro ekologii i zashchitu bioraznoobraziia Prezident Kazakhstana v poslanii narodu?" Website of the Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan, 2 September, 2020, available at [<http://www.gov.kz/memleket/entities/ecogeo/press/news/details/94322?lang=ru>], 22 June, 2021.

increased to 14, bringing the total number of natural areas of republican significance under special protection to over 25.²⁵ In comparison, there are over 50 national parks in Russia.²⁶

However, despite both states' success in adopting a legislative basis for the preservation of the living environment, the actual situation is rather ambiguous. In the global context, the 2020 environmental efficiency index places Kazakhstan in the 85th place, and Russia—in the 58th out of 180 countries. The biodiversity and habitat index rates Kazakhstan as #128, and Russia—#111.²⁷

Matters of current concern include the thinning forests in the northeast of Kazakhstan, illegal felling of unique pine forests in the Irtysh region, and forest fires in Kazakhstan's Kostanay region. Environmental threats in Russia's Orenburg region and Kazakhstan's Aktobe region include poaching, as well as forest and steppe fires, which impair and destroy biological diversity. The populations of elk, roe deer and numerous birds have significantly decreased.²⁸

In September 2020, at an expert meeting of the Siberia-Eurasia Expert Club, the director of the Institute of Biology and Biotechnology of Altai State University Marina Silantyeva noted a positive trend in regional environmental cooperation between the Orenburg region of the Russian Federation and the Aktobe region of the Republic of Kazakhstan. She emphasized the importance of the commission on bilateral cooperation, which makes joint decisions. On the other hand, she stated that the resolution of numerous environmental issues still remains theoretical. For instance, in the past, the two countries held expert interregional conferences biennially to discuss biological diversity, plants and fauna. However, there is currently no such consolidated joint action.²⁹

In addition, the Ministry of Natural Resources of the Altai Territory is not involved in cooperation on transboundary environmental issues related to steppe fires, forest protection, etc. There is an agreement on the conservation of saigas and steppe eagles, however, there are no scientific reports or analysis of the efficiency of this work or this type of agreements.³⁰

In 2015, Kazakhstan signed the Nagoya Protocol, while Russia did not. This precedent created a problem for the use of plant genetic resources by Russian scientists. In the past this work could be carried out in Kazakhstan, and the genetic material of plants and seeds could be subsequently exported to Russia for research, however, no such option is presently available.³¹ The international integration of one state, and lack of such integration in another, neighboring state creates a negative precedent for joint decisions regarding the scientific study of environmental issues in the adjacent territory.

The work within the framework of the UNDP GEF project on the steppe eagle, carried out between 2010 and 2015, has demonstrated its questionable effectiveness. Program funding has been

²⁵ See: *Resolution of the Government of the Republic of Kazakhstan dated 26 September, 2017 No. 593 On Approval of the List of Specially Protected Natural Areas of Republican Significance*, available in Russian at [<http://adilet.zan.kz/rus/docs/P1700000593>], 22 June, 2021.

²⁶ See: "Osobo okhraniayemye prirodnye territorii i ob'ekty Rossii," Website of the Ministry of Natural Resources and Ecology of the Russian Federation, available at [<http://www.mnr.gov.ru/activity/oopt/>], 22 June, 2021.

²⁷ See: "Environmental Performance Index," available at [<http://epi.yale.edu/epi-results/2020/component/bdh>], 22 June, 2021.

²⁸ See: V. Chibileva, "Ecological State of Border Natural Objects and the Solution of the Problem of Preserving Natural Diversity in the Zone of the Russian-Kazakhstani Subregion," *News of the Orenburg Agrarian University*, 2017, pp. 198-201, available in Russian at [<http://cyberleninka.ru/article/n/ekologicheskoe-sostoyanie-prigranichnyh-prirodnih-obektov-i-reshenie-problemy-sohraneniya-prirodnogo-raznoobraziya-v-zone-rossiysko/viewer>], 22 June, 2021.

²⁹ See: "International Expert Platform 'Environmental Agenda of the Central Asian Macroeconomy: Vectors of Development'," Expert Club Siberia-Eurasia, 28 September, 2020, available at [<http://sibir-eurasia.ru/events/miezhdunarodnaia-ekspertnaia-ploshchadka-ekologichieskaia-poviestka-tsentralno-aziatskogho-makrorieghiona-viektry-razvitiia>], 22 June, 2021.

³⁰ See: *Ibidem*.

³¹ See: "Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Application to the Convention on Biological Diversity," 2010, available in Russian at [https://online.zakon.kz/document/?doc_id=31501114#pos=3;-108/], 22 June, 2021.

terminated and, accordingly, the work in this area has been discontinued. The steppe eagle, listed in the Red Book of Russia, is a key species in the steppe biome of the Orenburg region of Russia and the northern regions of Kazakhstan. It is important that studies of this rare and endangered species are carried out systematically and continuously by the two states.³²

Another issue is the decreasing population of the Caspian seals, the only mammals in the Caspian Sea. According to the Ministry of Ecology of Kazakhstan, its population is currently under 100,000, and still declining. According to scientists from the Caspian countries, its decline may be caused by both anthropogenic and other factors. For this purpose, in 2021, Kazakhstan and Russia are planning to sign a joint action plan for the conservation of the Caspian seal population in 2021-2026.³³

The ecological problems of the rivers of the Ural and Irtysh basins, as well as the unresolved issues of border biodiversity are evident. Overregulated rivers, reduced water runoff and ineffective water management, insufficient measures in the biodiversity conservation sphere protection of rare species of birds, seals, etc. There are no specific mechanisms for systemic monitoring of environmental problems. However, common efforts in transboundary environmental cooperation both at the interstate and the expert level have recently intensified in Russia and Kazakhstan. If the cooperation trend does continue, there are ostensible prospects for joint environmental activities.

Prospects of Transboundary Environmental Cooperation between Kazakhstan and Russia

Historically, Kazakhstan and Russia have been reliable partners in the post-Soviet space. The fundamental document that forms the basis of partnership of the two states is the 1992 Treaty of Friendship, Cooperation and Mutual Assistance between Kazakhstan and Russia. Since that time, bilateral relations have stepped up to a new level. A specific step in the framework of environmental cooperation was the signing of the Agreement on Cooperation in the Field of Environmental Protection in 2004, and the Agreement on the Joint Use and Protection of Transboundary Water Bodies in 2010.³⁴

The basic principles of cooperation between the two countries in the environmental protection sphere have been distinctly outlined. However, the agreements do not delineate cooperation mechanisms with a specific algorithm of action. Moreover, due to the burden on the border rivers, which increased as a result of economic activities, joint decisions on the protection and use of the transboundary river basin are required. There is a platform for resolving such issues, namely, the Kazakh-Russian Commission on the joint use and protection of transboundary water bodies, as well as working groups on the Ural, Irtysh, Ishim, Tobol, Bolshoi Uzen and Maly Uzen river basins, etc. However, their work results in declarations and protocols, rather than real actions. There are no mechanisms for control and monitoring of joint actions.

³² See: I. Karyakin, "Modern Status of the Steppe Eagle Population in the Orenburg Region. Russia," 2016, available in Russian at [<http://cyberleninka.ru/article/n/sovremennoe-sostoyanie-populyatsii-stepnogo-orla-v-orenburgskoy-oblasti-rossiya/viewer>], 23 June, 2021.

³³ See: "Kaspiyskiy tyulen budet zanesen v Krasnuiu knigu Kazakhstana," 27 July, 2020, Site of the Office of Natural Resources and Environmental Management of the Mangystau Region, available at [<https://www.gov.kz/memleket/entities/mangystau-eco/press/news/details/kaspiyskiy-tyulen-budet-zanesen-v-krasnuyu-knigu-kazahstana?lang=ru>], 23 June, 2021.

³⁴ See: "International Treaties and Agreements with the Participation of the Ministry of Natural Resources of Russia," available at [http://www.mnr.gov.ru/activity/international_agreements/], 23 June, 2021.

The state leaders' level of involvement is vital for the prospects of bilateral relations. The First President of Kazakhstan Nursultan Nazarbayev made a significant contribution to the development of cooperation between the two countries in the environment sphere. Currently, the head of Kazakhstan Kassym-Jomart Tokayev heeds great attention to environmental issues, both at the national and interstate levels. The issues of transboundary environmental cooperation play a significant role in the policy pursued by the President. Thus, at the initiative of Tokayev, the next interregional cooperation forum of Russia and Kazakhstan will be devoted to the issues of environment and green growth.³⁵

After the establishment of a new department, the Ministry of Ecology, Geology and Natural Resources, on the Kazakh side, cooperation between the two countries has intensified. An intermediate indicator in the transboundary sphere was the signing of three joint environmental programs for 2021-2025, namely, on the Ural and Ishim rivers, and on biodiversity issues.

The Russian-Kazakh cooperation program for the preservation and restoration of the ecosystem of the transboundary Ural river basin for 2021-2024 includes a phased algorithm of specific measures for a four-year period aimed at improving the environment situation in river basins in the future. The document provides for an environmental assessment of the consequences of runoff regulation in the river basin, as well as measures for the development of science-based proposals for ecosystem restoration, reconstruction of culverts, cleaning and restoration of water bodies in the basin, etc.³⁶ Despite the algorithms of joint efforts outlined in the program, the parties should carry out environmental measures in their territories independently, without notifying each other. There is no unified approach to inventory and identification of pollution sources in the transboundary river basin. The program is a short-term project. A strategic concept for building a river-related transboundary water policy is required.

A similar approach is noted in the Program for the Conservation and Restoration of the Transboundary Irtysh River Basin Ecosystem for 2021-2024. The program envisages joint research activities aimed at the conservation and restoration of the river basin ecosystem, inventory and identification of pollution sources in the river basin, and provides for the joint work of experts from the two countries on the hydrochemical and hydrological status of the river basin, education, fostering volunteer work and other measures.³⁷ A mechanism has been laid down for joint implementation of environmental measures in the Ishim River basin between Russia and Kazakhstan. However, the potential effectiveness of its implementation also depends on agreements, including those with the People's Republic of China. The geography of the Ishim River should also be taken into account when solving joint environmental issues.

Another promising event in the resolution of wildlife protection issues was the signing by Russia and Kazakhstan of a bilateral cooperation program on the expansion of specially protected natural areas for 2021-2024. This mechanism includes the sharing of experience between specially protected natural areas of Russia and Kazakhstan to strengthen their potential and foster the development of partnerships and international cooperation. For example, the Markakolsky (Kazakhstan) and Katunsky (Russia) state nature reserves will cooperate as "sister reserves." The program includes annual field training on the theory and practice of nature reserve management in the Bolshoi Altai transboundary biosphere reserve. The program provides the basis for the signing of an agreement between the Altyn-Emel National Park and other Russian reserves.

³⁵ Head of State Kassym-Jomart Tokayev took part in the XVI Forum of Interregional Cooperation between Kazakhstan and Russia.

³⁶ See: Website of the Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan, 4 December, 2020, available at [<http://www.gov.kz/memleket/entities/ecogeo/press/news/details/131672?lang=ru>], 23 June, 2021.

³⁷ See: *Kazakhstan and Russia Adopted Programs of Joint Measures for the Preservation and Restoration of the Ecosystem of the Basins of the Ural and Irtysh Transboundary Rivers*, Website of the Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan, 4 December, 2020, available at [<http://www.gov.kz/memleket/entities/ecogeo/press/news/details/131672?lang=ru>], 22 June, 2021.

A positive trend offered by this program is the inherent mechanism of joint research and monitoring of migratory bird populations in the northern part of the Caspian Sea. There have been no such measures carried out jointly by the two states in the past. In addition, a mechanism for systemic environmental monitoring has been established, which implies a jointly conducted census of the number of migratory animal species within the Altai transboundary reserve. At the same time, the program provides for the development of cross-border environment tourism and environmental education. Thus, over the past year, three significant programs (on the Ural and Ishim rivers and on biological diversity) have been adopted in the context of transboundary environmental cooperation.³⁸

Currently, Kazakhstan and Russia have a large number of transboundary environmental issues to address. Thus, the Ministry of Ecology of Kazakhstan is negotiating the signing of a number of documents, including a new agreement on the protection, reproduction and use of transboundary saiga populations, a joint action plan for the conservation of the Caspian seal population for 2021-2026, and a number of other issues.³⁹

In order to address local cross-border issues, it is important to develop regional cooperation between countries. Each administrative unit on the border of Russia and Kazakhstan has its own regional administration specifics. Few regional leaders are aware of the importance of environmental problems and are making joint efforts to solve such problems. Thus, in 2020, the head of the Western Kazakhstan region of Kazakhstan and the governors of the Orenburg and Saratov regions of Russia outlined the importance of joint work to save the Ural River. The parties agreed to cooperate on an ongoing basis and provide access to the emission sensors at a gas field in the Tashlinsky district of Russia's Orenburg region⁴⁰ for specialists from the Western Kazakhstan region. In general, a number of Russian and Kazakhstani regions alike adhere to their states' respective general environmental policies that are based on common target and program indicators, but lack a clearly formulated regional environmental policy.

There is a number of gaps in addressing joint environmental issues. One of the weaknesses of interregional environmental cooperation is the lack of information and analytical support on the Ural and Ishim rivers, comprehensive systemic monitoring of environmental problems in the border area, and strategic environmental documents that propose an environmental risk management system. The adoption of joint agreements that delineate preventive measures, rather than situational response methods, is relevant for transboundary environmental issues. The implementation of existing agreements on environmental issues are delayed, the programs adopted are short- and medium-term. A more authoritative platform is required for addressing environmental issues by taking ambitious measures.

The supranational platform of the Eurasian Economic Union (EAEU) can give a completely new impetus to solving joint environmental issues. The participating countries, including Russia and Kazakhstan, are already aware of the synchronization of environmental issues with economic indicators. For instance, the plan of measures for the development of Eurasian integration until 2025 contains certain fragments regarding the interaction of member states in the spheres of energy conservation and efficiency, use of renewable energy sources and environmental protection, and exchange of

³⁸ See: *Kazakhstan and Russia signed the Program of Bilateral Cooperation in the Development of Specially Protected Natural Areas*, Embassy of the Republic of Kazakhstan in the Russian Federation, 31 March, 2021, available at [http://www.kazembassy.ru/rus/press_cent/novosti?cid=0&rid=4465], 21 June, 2021.

³⁹ See: "Rossia i Kazakhstan prodolzhat razvivat dvustoronnee sotrudnichestvo po voprosam okhrany okruzhaiushchey sredy," 8 October, 2020, available at [http://www.mnr.gov.ru/press/news/rossiya_i_kazakhstan_prodolzhat_razvivat_dvustoronnee_sotrudnichestvo_po_voprosam_okhrany_okruzhayushch/?sphrase_id=366835/], 18 June, 2021.

⁴⁰ See: "Videoconferences with the Governors of the Orenburg and Saratov Regions were Held by the Head of Western Kazakhstan Gali Iskaliev," Sputnik, 21 November, 2020, available in Russian at [<http://ru.sputnik.kz/regions/20201121/15533858/spasenie-reka-ural.html>], 18 June, 2021.

experience and information in these areas.⁴¹ A number of experts from both states also note the importance of the EAEU in the future in matters of environment and green economy. The environmental empowerment of the agreement will mark the beginning of cooperation in the field of environmental protection.⁴²

Conclusion

In order to determine the prospects for transboundary environmental cooperation, the article analyzes the main environmental legal acts of Russia and Kazakhstan, considers the organizational aspects for the implementation of environmental policy, and discusses the main transboundary environmental problems of the Ural and Ishim rivers and biological diversity issues.

An analysis of the environmental legislation of Russia and Kazakhstan demonstrated that the two states are pursuing similar environmental policies. At the same time, the goal of Kazakhstan's new code is to promote the country's sustainable development and the transition to a green economy to ensure a favorable living environment. Russia's environmental law aims mainly to ensure the people's environmental safety.

In Kazakhstan, with the formation of the Ministry of Ecology, Geology and Natural Resources, actions in interstate environmental cooperation between Russia and Kazakhstan have intensified, and a new environmental code, which contains the main measures of environmental responsibility both in the public and private sectors, has been adopted.

A review of the key transboundary environmental problems revealed that the economic activities of the two states damages transboundary rivers, forest plantations, and flora and fauna of the border areas of both states, and appropriate measures to solve these problems are needed. In practice, states begin to resolve environmental problems when the deterioration processes have already been launched, and halting or slowing them down requires significant financial costs and resources. It is important to focus the attention of transboundary states on prevention of potential environmental risks and threats, as well as to work out a mechanism of holding states responsible for non-compliance with environmental standards.

Despite a certain success achieved in signing of joint environmental agreements and programs related to the Ural and Irtysh river basins, a global strategic document with guidelines for ensuring environmental safety both at the state level and in the regional context is necessary. The importance of environmental issues is unambiguous, and in order to resolve them, states must work together on an ongoing and systematic basis, possibly within the EAEU.

⁴¹ See: Eurasian Economic Commission, 2021, available at [<http://www.eurasiancommission.org/ru/act/finpol/dobd/strategy-2025/Pages/default.aspx>], 23 June, 2021.

⁴² See: "Ekologicheskoe sotrudnichestvo na Evraziyskom prostranstve obeshchayet byt produktivnym (Internet-Portal SNG)," 4 October, 2020, available at [<http://e-cis.info/news/568/88832/>], 23 June, 2021.