

A Study on the Legal Guarantee for China-Kazakhstan Water Conservancy Project Cooperation under the "Belt and Road" Initiative——An Analysis Combined with the 2025 Treaty of Eternal Neighborliness, Friendship and Cooperation

Yangwan

Al-Farabi Kazakh National University, Almaty Kazakhstan, 050040;

Abstract: The "Belt and Road" Initiative has propelled China-Kazakhstan cooperation in water conservancy projects into a phase of in-depth development. Cooperative practices in areas such as cross-border water resource allocation and joint construction of water conservancy infrastructure have placed higher demands on the legal guarantee system. The entry into force of the 2025 Treaty of Eternal Neighborliness, Friendship and Cooperation has provided a new legal basis for bilateral cooperation. From a professional legal perspective, this paper sorts out the current status of China-Kazakhstan water conservancy cooperation and the limitations of the existing legal guarantee framework, focuses on analyzing the alignment between the core principles of the Treaty and water conservancy cooperation as well as their specific application scenarios, and explores the synergy path between the Treaty and existing mechanisms. The study proposes to build a more systematic legal guarantee system by refining the supporting implementation rules of the Treaty, optimizing the design of bilateral legal systems, and drawing on advanced international practices, so as to provide legal support for the sustainable advancement of China-Kazakhstan water conservancy project cooperation.

Keywords: Belt and Road; China-Kazakhstan Cooperation; Water Conservancy Projects; Legal Guarantee; Treaty of Eternal Neighborliness, Friendship and Cooperation

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Introduction

The uneven distribution of water resources and the fragility of the ecological environment in Central Asia have made cross-border water conservancy cooperation an important issue in regional cooperation. As core partners in the "Belt and Road" Initiative, China and Kazakhstan are geographically close and have strong complementarity in water resources. Cooperation in water conservancy projects is not only an important part of bilateral economic and trade cooperation but also a key means to ensure regional ecological security. In recent years, the two sides have carried out a series of practices in areas such as joint governance of cross-border rivers, interconnection of water conservancy facilities, and sharing of water-saving technologies, with the scale and depth of cooperation continuously expanding. However, water conservancy projects are characterized by long investment cycles, diverse involved entities, and prominent cross-border attributes, and their smooth advancement requires a sound legal system as support. Currently, China and Kazakhstan have formed a multi-level legal guarantee foundation, including bilateral agreements, domestic law alignment, and participation in international conventions. Nevertheless, there are still shortcomings in terms of the operability of clauses, the efficiency of dispute resolution, and the adaptability to new cooperation models. The signing and entry into force of the 2025 Treaty of Eternal Neighborliness, Friendship and Cooperation have provided a new opportunity to address the existing legal dilemmas. The core provisions of the Treaty regarding cross-border cooperation, resource sharing, and dispute resolution are highly

consistent with the legal needs of water conservancy project cooperation^[1]. Based on this, this paper takes the Treaty as an entry point for analysis, systematically explores the optimization path of the legal guarantee system for China-Kazakhstan water conservancy project cooperation, and provides theoretical references and practical suggestions for enhancing the legalization level of bilateral cooperation.

1 Current Status of China-Kazakhstan Water Conservancy Project Cooperation and the Foundation of Legal Guarantee

1.1 Practical Progress of China-Kazakhstan Water Conservancy Project Cooperation under the "Belt and Road" Initiative

Since the proposal of the "Belt and Road" Initiative, China and Kazakhstan have incorporated water conservancy project cooperation into the key areas of bilateral cooperation relying on the interconnection framework, forming a multi-dimensional and multi-level cooperation pattern. In the field of cross-border river governance, the two sides have carried out cooperation in hydrological monitoring data exchange and joint flood season dispatch for shared rivers such as the Ili River and the Irtysh River. By constructing cross-border hydrological observation stations and jointly formulating water resource allocation plans, they have effectively improved the water resource utilization efficiency and flood control and disaster mitigation capabilities in the river basins. In terms of water conservancy infrastructure construction, Chinese enterprises have participated in the investment and construction of multiple water conservancy projects in Kazakhstan, including irrigation system upgrades, reservoir danger removal and reinforcement, and drinking water purification projects. These projects have not only improved the local water conservancy facility conditions but also promoted the cross-border export of China's water conservancy technologies and standards.

1.2 Composition of the Existing Legal Guarantee System

The legal guarantee system for China-Kazakhstan water conservancy project cooperation is composed of bilateral legal documents, domestic laws of the two countries, and international conventions participated in, forming a multi-level legal framework^[2]. To clearly present the multi-level framework of legal guarantees for China-Kazakhstan water conservancy cooperation, the core legal documents are sorted out as Tabal 1. At the bilateral level, the two countries have signed a series of agreements related to water resource cooperation, covering core contents such as the utilization of cross-border rivers, water resource protection, and water conservancy project cooperation. These agreements clarify the basic rights and obligations of both sides in water conservancy cooperation and provide a fundamental legal basis for the development of cooperation. At the domestic law level, China has formulated laws and regulations such as the Water Law, the Flood Control Law, and the Law on Sino-Foreign Cooperative Operations, which make specific provisions on overseas water conservancy investment and cross-border water resource cooperation. Kazakhstan has also regulated the approval, construction, and operation of domestic water conservancy projects through laws such as the Water Resources Law and the Investment Law, providing legal guidance for foreign investment in its domestic water conservancy projects. At the international level, both China and Kazakhstan are contracting parties to international conventions such as the Charter of the United Nations and the Rules on the Use of International Rivers. The principles established by these conventions, such as the rational use of cross-border water resources and not harming the interests of other countries, provide supplementary guarantees for bilateral water conservancy cooperation at the international law level and serve as an important reference for coordinating bilateral interest conflicts.

Table 1 Sorting of Core Legal Documents for China-Kazakhstan Water Conservancy Project Cooperation

Legal Level	Specific Document Names	Core Contents
Bilateral Agreements	Agreement between China and Kazakhstan on Cooperation in the Utilization of Transboundary Rivers	Regulates cooperation matters such as cross-border river water resource allocation, hydrological monitoring, and flood control and disaster reduction
China's Domestic Laws	Water Law, Flood Control Law, Law on Sino-Foreign Cooperative Operations	Clarifies the approval of overseas water conservancy investment, norms for cross-border water resource cooperation, and qualification requirements for enterprises' foreign cooperative operations

Kazakhstan's Domestic Laws	Water Resources Law, Investment Law	Specifies the approval process for domestic water conservancy projects, foreign investment access conditions, and supervision responsibilities for the operation of water conservancy facilities
International Conventions	Charter of the United Nations, Rules on the Use of International Rivers	Establishes basic principles such as the rational use of cross-border water resources, non-harm to the interests of other countries, and priority to ecological protection

1.3 Limitations of the Existing Legal Guarantee System

Although the existing legal guarantee system provides basic support for China-Kazakhstan water conservancy project cooperation, it still reveals many shortcomings in practical operation, which cannot fully meet the needs of in-depth development of cooperation. From the perspective of bilateral legal documents, some agreement clauses are too principled and do not specify details such as the approval process, fund guarantee, risk sharing, and environmental liability of water conservancy projects. This leads to a lack of clear guidance in actual operation and increases the transaction costs of cooperation. In terms of the dispute resolution mechanism, the existing mechanism mainly relies on arbitration and litigation, which have cumbersome procedures and take a long time. It cannot meet the demand for rapid dispute resolution in water conservancy project cooperation, and there is a lack of a mediation mechanism for professional water conservancy issues, which cannot effectively address technical disputes. From the perspective of domestic law alignment, there are differences between the two countries in water conservancy technical standards, environmental assessment systems, and tax policies. Some domestic law clauses are not well aligned with bilateral agreements, which may expose enterprises to compliance risks in cross-border operations [3].

2 The Legal Guarantee Role of the 2025 Treaty of Eternal Neighborliness, Friendship and Cooperation in China-Kazakhstan Water Conservancy Project Cooperation

2.1 Alignment between the Core Legal Principles of the Treaty and Water Conservancy Cooperation

The core legal principles established by the 2025 Treaty of Eternal Neighborliness, Friendship and Cooperation are highly aligned with the inherent needs of China-Kazakhstan water conservancy project cooperation, providing a more solid legal basis for bilateral cooperation. The principle of sovereign equality and mutual benefit emphasized in the Treaty clarifies the equal status of both sides in the utilization of cross-border water resources. It not only respects the sovereign rights of each country over its own water resources but also advocates the realization of rational resource allocation through cooperation, effectively balancing the relationship between national sovereignty and cooperative interests. The inclusion of the principle of sustainable development is in line with the ecological attributes of water conservancy project cooperation. It requires both sides to balance economic development and ecological environmental protection in the construction and operation of water conservancy projects, focus on the economical use of water resources and the restoration of river basin ecology, and provide a legal orientation for the green development of cooperation.

2.2 Specific Application Scenarios of the Treaty in Water Conservancy Project Cooperation

As a fundamental legal document for China-Kazakhstan bilateral cooperation, the clauses of this Treaty have direct application value in multiple specific scenarios of water conservancy project cooperation. In the project approval stage, the provisions of the Treaty on simplifying the approval process for cross-border cooperation and promoting investment facilitation can be directly applied to procedures such as project approval and filing, reducing unnecessary administrative barriers and improving the efficiency of project advancement. In terms of fund guarantee, the bilateral financial cooperation mechanism established by the Treaty provides a diversified fund support path for water conservancy projects. It can promote the joint establishment of a special fund for water conservancy cooperation by financial institutions of both sides, providing long-term and stable fund supply for project construction. In terms of environmental compliance, the clauses of the Treaty on cross-border ecological environmental protection clarify the responsibilities of both sides in aspects such as environmental impact assessment of water conservancy projects, pollutant discharge control, and ecological restoration, providing a clear basis for regulating the environmental behavior of projects. In the field of technical cooperation, the principle of scientific and technological achievement sharing advocated by the Treaty can promote in-depth cooperation

between the two sides in advanced water conservancy technologies and equipment research and development, promote the mutual recognition and promotion of technical standards, and improve the technical level of cooperation.

2.3 Synergistic Effect between the Treaty and Existing Bilateral Legal Mechanisms

The 2025 Treaty of Eternal Neighborliness, Friendship and Cooperation is not a replacement for the existing bilateral legal mechanisms. Instead, through organic synergy with existing legal documents, it forms a more systematic legal guarantee force. As a top-level legal document for bilateral cooperation, the Treaty provides principled guidance for existing water conservancy cooperation agreements, which can make up for the deficiencies of existing agreements at the macro level and ensure that the formulation and implementation of various specific agreements are more in line with the overall strategic orientation of bilateral cooperation. At the same time, the provisions on specific operating rules in existing bilateral water conservancy agreements can refine and supplement the principled clauses of the Treaty, enhance the operability of the Treaty, and realize the organic connection between macro principles and specific rules^[4]. In terms of dispute resolution, the diversified dispute resolution mechanism established by the Treaty can complement the existing arbitration and litigation mechanisms. By introducing non-litigation methods such as mediation and good offices, it enriches the dispute resolution approaches and improves the efficiency and flexibility of dispute resolution.

3 Paths to Improve the Legal Guarantee System for China-Kazakhstan Water Conservancy Project Cooperation

3.1 Refine the Supporting Implementation Mechanisms of the 2025 Treaty

To give full play to the guarantee role of the 2025 Treaty of Eternal Neighborliness, Friendship and Cooperation, the key lies in building a sound supporting implementation mechanism and transforming principled clauses into operable specific rules. The two sides should promote the joint formulation of implementation rules for the Treaty regarding water conservancy cooperation, clarify specific matters such as the cooperation scope, access standards, approval process, fund management, and risk sharing of water conservancy projects, and provide clear behavioral guidance for cooperative entities. A special China-Kazakhstan water conservancy cooperation coordination agency should be established to coordinate the advancement of bilateral water conservancy projects, handle various issues arising in cooperation, and strengthen communication and collaboration between relevant departments of the two countries to enhance the overall coordination capacity of cooperation. A water conservancy cooperation information sharing platform should be built to integrate water conservancy resource data, technical standards, policies and regulations, and project information of both sides, providing comprehensive information services for enterprises and reducing cooperation risks caused by information asymmetry.

3.2 Optimize the Existing Bilateral Legal System

In response to the shortcomings of the existing bilateral legal system, efforts should be made to improve the adaptability and effectiveness of the legal system from the aspects of clause improvement, system alignment, and model innovation. In terms of clause content, existing bilateral water conservancy agreements should be revised and supplemented, and key clauses such as project financing, intellectual property protection, liability for breach of contract, and ecological compensation should be refined to clarify the rights and obligations of all parties and reduce ambiguous provisions. In terms of system alignment, the coordination between domestic laws of the two countries and bilateral agreements should be strengthened, and the mutual recognition and alignment of water conservancy technical standards, environmental assessment systems, and tax policies should be promoted to eliminate legal conflicts and create favorable conditions for enterprises' cross-border operations. In terms of cooperation model regulation, special legal norms should be formulated for new cooperation models such as PPP (Public-Private Partnership) and franchising, clarifying the qualification requirements of cooperative entities, cooperation duration, profit distribution, and risk bearing, so as to guide the healthy development of new cooperation models.

3.3 Draw on Advanced International Legal Practices

Mature international legal practices in cross-border water conservancy cooperation provide useful references for

improving the legal guarantee system for China-Kazakhstan water conservancy project cooperation. In the field of cross-border river governance, experience from the EU Water Framework Directive can be drawn upon to establish an integrated river basin management mechanism. The river basin should be taken as a whole for overall planning, and the interest relations between the upper and lower reaches as well as the left and right banks should be coordinated to realize the sustainable use of water resources. In terms of legal system design, the approach of the Mekong Agreement can be referred to build a multi-level cooperative governance structure, clarify the responsibilities and authorities of institutions at different levels, and form a governance pattern with clear division of labor and efficient coordination. In terms of dispute resolution, experience from the Permanent Court of Arbitration can be absorbed to improve arbitration rules, enhance the transparency and fairness of arbitration procedures, and at the same time strengthen the application of non-litigation dispute resolution methods to build a diversified dispute resolution system. In the process of drawing on international experience, full consideration should be given to the national conditions and cooperation reality of China and Kazakhstan, and international practices should be adaptively transformed to ensure that the introduced systems can be compatible with the national legal systems and cooperation needs of the two countries, and avoid blind copying.

4 Conclusion

China-Kazakhstan water conservancy project cooperation is an important part of bilateral practical cooperation under the "Belt and Road" Initiative, and its sustainable advancement is inseparable from a sound legal guarantee system. Currently, China and Kazakhstan have formed a multi-level legal guarantee foundation, but there are still shortcomings in the operability of clauses, the synergy of mechanisms, and the adaptability to models, which restrict the in-depth development of cooperation. The entry into force of the 2025 Treaty of Eternal Neighborliness, Friendship and Cooperation has provided an important opportunity to address these dilemmas. Its core principles and specific clauses are highly consistent with the legal needs of water conservancy cooperation, and it can form a synergistic effect with existing legal mechanisms to enhance the overall effectiveness of legal guarantees. To improve the legal guarantee system for China-Kazakhstan water conservancy project cooperation, it is necessary to take this Treaty as the core, refine the implementation mechanism by formulating supporting implementation rules, establishing a special coordination agency, and building an information sharing platform; optimize the bilateral legal system by revising existing agreements, strengthening domestic law alignment, and regulating new cooperation models; and improve the governance mechanism and dispute resolution path by reasonably drawing on advanced international practices and combining with the actual situation of China and Kazakhstan. Only in this way can a systematic, complete, practical, and efficient legal guarantee system be built, providing solid legal support for the continuous deepening of China-Kazakhstan water conservancy project cooperation and promoting the bilateral cooperation to achieve higher-quality development on the track of legalization.

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