

AGREEMENT

between the Government of the Republic of Kazakhstan and the Government of the Kyrgyz Republic on Utilization of the Water Facilities of Interstate Use on the Chu and Talas Rivers

The Government of the Republic of Kazakhstan and the Government of the Kyrgyz Republic, hereinafter referred to as “the Parties”,

Being guided by the Agreement Regarding Creation of the Single Economic Area of April 30, 1994;

Acknowledging social, economic and environmental value of water resources;

Attaching importance to mutual beneficial cooperation in use of water resources and reliability and safety in operation of the water facilities of interstate use;

Having the common desire to find the most perfect and fair decision in efficient use of water facilities pursuant to the admitted international water law;

Proceeding from the principles of neighborliness, equality, and mutual assistance;

Have agreed as follows:

ARTICLE 1

The Parties agree that use of water resources, operation and maintenance of the water facilities of interstate use shall be targeted at mutual benefits of the Parties on the fair and reasonable basis.

ARTICLE 2

The Parties subsume to the water facilities of interstate use the following water facilities owned by the Kyrgyz Republic:

- Orto-Tokoi Reservoir on the Chu River;
- Chu bypass reinforced concrete canals on the Chu River, from the Bystrovskaya hydroelectric power plant to the town of Tokmok;
- West and East Big Chu Canals with facilities;
- Chumysh water structure on the Chu River;
- Kirovskoye Reservoir on the Talas River.

ARTICLE 3

The Party-owner of the water facility of interstate use is entitled to receive compensation from the Party-user of the facility for the costs needed to provide safe and reliable operation.

ARTICLE 4

The Parties shall take shared part in the recovery of costs associated with operation and maintenance of the facilities of interstate use and other agreed efforts in proportion to the water received.

ARTICLE 5

For reliable and safe operation of the water facilities of interstate use, the Parties shall establish permanent commissions that set up the operation mode and define amounts of costs needed for operation and maintenance.

ARTICLE 6

The Parties shall annually appropriate funds needed to operate and maintain the water facilities of interstate use.

ARTICLE 7

The Parties shall undertake joint measures to protect the water facilities of interstate use and the territories within their areas of influence from adverse effects of floods, mudflows and other natural phenomena.

ARTICLE 8

In case of emergency at the water facilities of interstate use caused by natural phenomena and technical reasons, the Parties shall notify each other and undertake joint actions to prevent, mitigate and remove consequences of emergencies.

ARTICLE 9

For the purposes of prompt and efficient repairs and reconstruction at the water facilities of interstate use, the Parties shall acknowledge the necessity to use construction, repair, operation and industrial capacities of each other.

ARTICLE 10

The Parties agree to conduct research, design and exploration concerning the efficient use of water resources and water facilities jointly.

ARTICLE 11

The Parties shall implement the order of unimpeded and customs free movement

across the boundaries and territories thereof for staff, machines, mechanisms, raw stuff, and materials intended for operation and maintenance of the water facilities of interstate use.

ARTICLE 12

In the event of disputes or controversies related to the interpretation or application of the Agreement, the Parties shall resolve them by negotiations and consultations.

ARTICLE 13

Upon the consent of the Parties, addenda and amendments may be incorporated in the Agreement in the form of separate protocols. The addenda and amendments constitute an integral part of the Agreement.

ARTICLE 14

The Agreement shall come in force from the moment the last notification on the executed internal procedures provided in national legislations has been deposited by the Parties.

The Agreement shall be in effect for five years. It will be automatically prolonged for further five-year periods, unless either Party has delivered a written notice to the other Party of its intention to terminate the Agreement six months before the expiration date.

Done in duplicate, at Astana, this 21st day of January, 2000, in the Kyrgyz, Kazakh and Russian languages, each being equally authentic.

Should a controversy arise, the Parties shall be guided by the Russian text of the Agreement.

**For the Government of the Kyrgyz
Republic**

**For the Government of the Republic
of Kazakhstan**