

AGREEMENT

between the Government of the Republic of Kazakhstan and the Government of the Kyrgyz Republic on the Use of Water Management Facilities of Intergovernmental Status on the Rivers Chu and Talas

The Government of the Kazakh Republic and the Government of the Kyrgyz Republic, hereinafter referred to as Parties,

- guided by the Treaty on the Establishment of Common Economic Space, of April 30, 1994, signed by the Kazakh Republic, Kyrgyz Republic and Uzbek Republic in Cholpoi-Ata;
 - acknowledging the social, economic and environmental value of water resources;
 - attaching high importance to mutually beneficial cooperation in the use of water resources and to the reliability and safety of water management facilities of intergovernmental status;
 - mutually aspiring to find a more unassailable and fair solution to the efficient use of water management facilities in compliance with generally acknowledged norms of international law on water resources;
 - respecting the principles of good neighborly relations, equality and mutual assistance,
- have agreed on the following:

Article 1

The Parties declare that the use of water resources and exploitation of water management facilities of intergovernmental status shall be aimed at the achievement of mutual benefit on the fair and equitable basis.

Article 2

The Parties attribute to the water management facilities of intergovernmental status the following water management facilities owned by the Kyrgyz Republic: the *Orto-Tokoiskoye* Reservoir on the River Chu, the By-Pass Ferroconcrete *Chuiskie* Canals on the River Chu from the *Bystrovskaya* Hydroelectric Power Plant to the city of Tokmok, the Western and Eastern *Bolshie Chuiskie* Canals with the *Chumyshsky* Hydro-system on the River Chu and the *Kirovskoye* Reservoir on the River Talas.

Article 3

The Owning Party that possesses water management facilities of intergovernmental status has the right to compensation from the Utilizing Party that uses these facilities. The compensation shall cover necessary expenses to ensure their reliable and safe exploitation.

Article 4

The Parties shall share expenses connected with the exploitation and maintenance of water management facilities of intergovernmental status and with other mutually agreed activities pro rata according to the amount of water they receive.

Article 5

In order to ensure safe and reliable work of water management facilities of intergovernmental status, the Parties shall create permanent commissions to determine the working regimes and the range of necessary expenses for exploitation and maintenance.

Article 6

The Parties shall annually allocate necessary funds to the exploitation and maintenance of water management facilities of intergovernmental status.

Article 7

The Parties shall implement joint activities to protect water management facilities of intergovernmental status and adjacent territories from adverse effects of floods, mudflows and other natural disasters.

Article 8

In emergencies arising on water management facilities of intergovernmental status due to unexpected natural disasters or technical catastrophes, the Parties shall immediately notify each other and undertake joint activities to prevent, extenuate and eliminate their effects.

Article 9

In order to provide for the timely and efficient repair and restoration of water management facilities of intergovernmental status, the Parties acknowledge the need to use construction, repair, exploitation and industrial facilities of each other.

Article 10

The Parties shall implement joint research and development activities on the efficient use of water resources and water management facilities.

Article 11

The Parties shall create conditions for unimpeded and duty-free movement across their borders and territories of personnel, vehicles, equipment, raw materials and other objects necessary for the exploitation and maintenance of water management facilities of intergovernmental status.

Article 12

The Parties shall resolve disputes and disagreements regarding the interpretation or application of the current Agreement through negotiations and consultations.

Article 13

The Agreement may be altered or amended by the joint decision of the Parties in the form of separate protocols that shall become its integral parts.

Article 14

The Agreement shall become valid from the date of the last written notification about the completion of all domestic procedures prescribed by the national legislation. The Agreement shall be valid for five years and shall be automatically prolonged for the next five-year period unless one of the Parties notifies the other Party in writing about its intention to cancel the Agreement not later than six months before the termination of the current five-year period.

Signed in Astana on January 21, 2000 in two authentic copies, each in the Kazakh, Kyrgyz and Russian languages, all the texts equally valid. In case of disputes on the interpretation of the Agreement, the Parties shall use the text in the Russian language.