

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

1. General Provisions

1. The Commission of the Republic of Kazakhstan and the Kyrgyz Republic on the Use of Water Management Facilities of Intergovernmental Status on the Rivers Chu and Talas, hereinafter referred to as “the Commission”, is established according to Article 5 of the 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 signed on January 21, 2000 in the city of Astana, hereinafter referred to as “the Agreement”.

2. The Commission shall be established to implement the goals and objectives of the Agreement.

3. The Commission shall base its activities on the Agreement and shall be guided by this Statute of the Republic of Kazakhstan and Kyrgyz Republic Commission on the Use of Water Management Facilities of Intergovernmental Status on the Rivers Chu and Talas, hereinafter referred to as “the Statute”.

4. The Statute shall regulate the principles and procedures of the Commission’s activities aimed at organizing cooperation of the Parties to ensure efficient use of water management facilities of intergovernmental status on the Rivers Chu and Talas.

5. This Statute shall define the principal objectives and functions, rights and responsibilities of the Commission, as well as the major procedures for organizing cooperation of the Parties under the Agreement.

2. Scope of Commission’s Activity

6. The scope of the Commission shall cover the following water management facilities of intergovernmental status owned by the Kyrgyz Republic:

- 1) Orto-Tokoyskoye Water Reservoir on the Chu River;
- 2) By-Pass Ferroconcrete Chu Canals on the Chu River from Bystrovskaya HPP to Tokmok;
- 3) Western Bolshoi Chu Canal;
- 4) Eastern Bolshoi Chu Canal;
- 5) ChumyshHydrosystem on the Chu River;
- 6) Kirovskoye Water Reservoir on the Talas River.

3. General Principles for the Establishment of the Commission

7. The Commission shall be established on a parity basis and shall operate under the leadership of the two co-chairmen appointed by the Parties.

The membership of the Commission shall be defined based on the principle of equal representation of the Parties.

8. The Commission shall consist of the two parts: the Kazakh part of the Commission, consisting of a Chairman and its members appointed by the Government of the Republic of Kazakhstan, and the Kyrgyz part of the Commission, consisting of a Chairman and its members appointed by the Government of the Kyrgyz Republic.

9. The Commission Chairmen and members shall exercise equal rights and have equal responsibility.

10. The main form of the Commission’s activity shall be the sessions to be held at least twice a year.

4. Commission's Principal Objectives

11. The following shall be the Commission's principal objectives:
- 1) coordinate and consider the activities of the Parties related to the implementation of the Agreement;
 - 2) develop and implement joint activities to satisfy the Parties' public and business demand for water resources;
 - 3) provide a comprehensive assessment and forecast of the status of water bodies, regulate water resource use to ensure mutual equitable and reasonable benefit sharing;
 - 4) agree on the standard indicators of water consumption, water abstraction, water assessment and measurement;
 - 5) agree on the documents regulating the procedures of organizing operation of the interstate use water facilities and cost-sharing of repair, operations, maintenance, flood control and other efforts, ensuring safety of these facilities;
 - 6) agree on the operational regimes of water reservoirs and adjust the regimes and limits depending on the actual water content and water users' needs;
 - 7) establish a joint disaster response procedure, coordinate releases in the case of high water flows, flood control, mud slides control and other natural disaster control activities;
 - 8) organize an exchange of hydrological forecasts and data related to water management in the Chu and Talas basins and other up-to-date information;
 - 9) agree upon and coordinate the programs of monitoring water bodies, water and hydrotechnical facility assessment and water inventory in order to develop a common basin-based water monitoring and assessment system in the Chu and Talas basins;
 - 10) organize joint scientific research and development in the area of interstate water facilities operation, maintenance and safety, as well as regulation and efficient use of the Chu and Talas water resources;
 - 11) consider any other matters related to the Commission's activities.

5. Commission's Powers

12. In interaction with governmental and local authorities and agencies, local self-governments, public associations and citizens the Commission shall exercise the powers vested to it under the Agreement and this Statute.

13. In its activities the Commission shall also be guided by the previously approved documents on the interstate allocation of the Chu basin and the Talas basin water resources, including hydrofacilities, irrigation systems, canals and waterways, retaining the principles and structures of water allocation contained in them, and shall make them more detailed on an as-needed basis upon mutual agreement by the Parties.

6. Border Crossing Procedure

14. Pursuant to Article 11 of the Agreement, the Commission, in agreement with the border and customs services of the Republic of Kazakhstan and the Kyrgyz Republic, shall establish the procedure of unhindered and duty free movement of personnel, vehicles, mechanisms, raw materials, materials and equipment, etc., intended for operation and maintenance of the interstate use water facilities through the borders and within the territory of these states.

7. Commission's Operation Procedure

15. At its sessions held interchangeably in the Republic of Kazakhstan and the Kyrgyz Republic, the Commission shall consider the issues raised by the Kazakh and Kyrgyz Parties or initiated by the Commission.

16. The Commission shall approve the draft agenda for the next meeting and its work plan for the next calendar year. As proposed by the Chairmen, the Commission may make changes in the work plan.

The Chairmen of the Kazakh and Kyrgyz parts of the Commission shall preliminarily agree upon the issues to be included into the agenda of the session. The Chairmen may bring

up additional issues to be considered at the session in addition to the ones earlier included into the agenda. The Commission shall make decisions regarding inclusion of such issues into the agenda. The tentative agenda shall be agreed upon by correspondence.

If necessary, extraordinary sessions may be held upon a written request received from any of the Commission's Chairmen. The procedure and regulations of extraordinary sessions shall be approved by the Commission's Chairmen.

17. The venue and time of the next Commission session shall be decided upon at the previous session or in-between the sessions following a written proposal of one of the Chairmen. A response to the written proposal must be provided no later than 5 days after the receipt of the proposal.

If the proposed time or venue for the Commission to be convened appears to be unacceptable for some reason, the respective Party shall communicate that in its response, suggesting desirable time and venue for the session.

18. The Commission session shall be chaired by the Chairman of the hosting part of the Commission. The Chairman of the other Party shall act as the Deputy Chairman.

19. The Commission shall make consensus-based decisions. In case of any disagreement regarding any issue, the Parties shall conduct additional consultations and consider the issue at the next session of the Commission.

20. At its first session the Commission shall consider and reach a consensus-based decision to adopt the procedures and regulations for the session and shall be entitled to add details to its rules of procedure.

21. The official languages of the Commission shall be the Kazakh, Kyrgyz and Russian languages.

The working language at the sessions of the Commission shall be Russian.

22. The outcomes of the session shall be incorporated into the minutes, containing individual paragraphs covering individual issues. The minutes shall be done in two copies and shall record the course of discussion of the issues, the decisions made, as well as the implementers and deadlines. The Chairmen of the Kazakh and Kyrgyz Parties shall sign the minutes after it has been approved by the Commission.

Each of the Parties shall be provided with a copy of the minutes.

23. At the sessions, the Commission Chairmen shall present the activities undertaken by the Kazakh and Kyrgyz Parties to implement the decisions made at the previous sessions of the Commission.

24. The Commission can decide to establish a permanent Secretariat. The Commission can attract experts of specialized, scientific and research, design and exploitation organizations on temporary and permanent basis, establish temporary or permanent working groups.

25. The Commission may assign the experts of the Parties to develop proposals on various issues to be considered at the Commission's session.

26. The Commission members and engaged experts may, if required, familiarize themselves with the status of affairs on-site and are entitled to unhindered visits of organizations and facilities of the Parties regardless their affiliation and forms of ownership.

27. Each of the Parties shall archive the documents of the Commission.

28. Annually the Commission sums up the results of the previous year and adopts the plans of activities for the next year. Based on the results of a year's activity the Commission considers and adopts annual reports.

29. Any secondment, travel and maintenance expenses of the Commission members, working group representatives and experts shall be borne by the state of each of the Parties.

30. Any expenses related to organizing and conducting the sessions of the Commission or meetings of experts shall be borne by the state of the hosting Party.