

Agreement between the Government of the Republic of Kazakhstan and the Government of the People's Republic of China on Cooperation in the Use and Protection of Transboundary Rivers

The Government of the Republic of Kazakhstan and the Government of the People's Republic of China (the "Parties"),

with the goal of furthering the development of and strengthening the amicable and neighborly relations between the two States;

implementing cooperation in the use and protection of the water resources of the transboundary rivers of the two States;

governed by generally accepted principles and norms of international law on the basis of the principles of mutual respect for independence, sovereignty, and territorial integrity, non-interference in each other's internal affairs, equality and mutual benefit, and peaceful co-existence, in a spirit of mutual understanding, mutual amenability, and friendly consultation;

equitably and rationally resolving issues between the two States in the use and protection of the water resources of transboundary rivers;

have decided to conclude this Agreement and have agreed as follows below:

Article 1

In this Agreement, the term "transboundary river" means all rivers and river flows that cross state borders or are located along the border between the Republic of Kazakhstan and the People's Republic of China.

Article 2

In the use and protection of transboundary rivers, the Parties shall adhere to the principles of equity and rationality, as well as closely cooperate in a sincere, neighborly, and friendly manner.

Article 3

The Parties shall undertake appropriate measures and shall make efforts to prevent or mitigate serious harm caused to a State Party as a result of flooding disasters and man-made accidents.

Article 4

Taking into account mutual interests, no Party shall limit the other Party in the rational use and protection of the water resources of transboundary rivers.

Article 5 The Parties may cooperate in the following areas:

- agreeing the existence and placement of posts for monitoring and measuring the volume and quality of waters;
 - research into unified methods of monitoring, measuring, analysis, and assessment;
 - conducting analyses of and staffing related thereto of data generated from hydrological monitoring and measuring at the posts agreed by the Parties;
 - conducting possible joint research into the prevention of or mitigation of the consequences of flooding, freezing, and other natural disasters;
 - studying trends related to future changes in the volume and quality of water in transboundary rivers; and
 - when necessary, conducting joint research and sharing lessons learned in the use and protection of transboundary rivers.
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Article 6

The Parties shall agree and determine the content of, quantity of, and times for exchange of data and information. In the event that one Party demands that the other Party provide extraordinarily important hydrological information, which does not contravene Article 7 of this Agreement and which is not an item previously agreed to be exchanged, the latter should satisfy this demand when possible and in certain circumstances.

The Parties shall be obligated to preserve the confidentiality of any such information described above that is exchanged or provided and shall not transmit such to a third Party, except in the case of another Agreement between the Parties.

Article 7

No provisions of this Agreement may under any circumstances serve as the basis for the provision by a Party of extraordinarily important information or data related to that State's defense or security.

Article 8

The Parties shall create a Kazakhstan-China Joint Commission on the Use and Protection of Transboundary Rivers (the “Joint Commission”), which shall be responsible for the development of a Statute regulating its activities and for deciding issues relevant to the effectuation of this Agreement.

The Joint Commission shall be composed of one representative and two assistants appointed by each Party.

Article 9

Meetings of the Joint Commission shall be held once a year, shall alternate between the territories of the State Parties, and shall discuss issues related to the fulfillment of this Agreement, as well as issues related to the use and protection of transboundary rivers. Meetings shall be called by and chaired by the representative of the host Party. Representatives of the Parties may seek the assistance of experts and invite such to meetings of the Joint Commission.

When necessary, a Party may propose that a special meeting of the Joint Commission be held.

At the conclusion of and based on the results of each meeting, a Protocol shall be composed in both the Russian and Chinese languages.

Article 10

A Party responsible for holding a meeting of the Joint Commission shall provide both facilities and means of transport. Each Party shall independently bear all costs for food and lodging. Other costs, not connected to the holding of meetings, shall be allocated in accordance with agreements between the Parties.

Article 11

This Agreement shall not impact the rights and obligations of the Parties arising under other treaties to which they are bound.

Article 12

In the event that any disagreements arise over the interpretation and application of the provisions of this Agreement, the Parties shall resolve such disagreements through consultations.

Article 13

On the mutual agreement of the Parties, this Agreement may be amended, and such amendments shall be formalized through separate Protocols, which shall be integral parts of this Agreement.

Article 14

This Agreement is concluded for a term of 8 years and shall enter into force as of the date of the last written notification by a Party that all internal governmental procedures necessary for its entry into force have been fulfilled.

If one of the Parties, within 6 months prior to the end of the term of this Agreement, does not notify the other Party in writing of its desire to terminate the Agreement, then this Agreement shall automatically be extended for an additional four years, and its termination shall be effected in a consistent manner.

Concluded on September 12, 2001 in Astana in two counterparts, each in the Kazakh, Chinese, and Russian languages, with each text having equal legal force.

In the event of a disagreement over interpretation of the provisions of this Agreement, the Parties shall be governed by the Russian and Chinese texts.

For the Government of the Republic of Kazakhstan For the Government of the People's Republic of China