

The Law of Kyrgyz Republic

ON INTERSTATE USE OF WATER BODIES, WATER RESOURCES AND WATER STRUCTURES OF KYRGYZ REPUBLIC

Adopted by the Legislative Assembly
Zhogorku Kenesh of Kyrgyz Republic
June 29, 2001

Water Resources of Kyrgyzstan are its national heritage.

The present Law defines the principles and regulations of the state policy of Kyrgyz Republic on interstate use of water bodies, water resources and water structures of Kyrgyz Republic.

ARTICLE 1. KEY OBJECTIVES OF THE PRESENT LAW

The key objectives of the present Law are as follows:

- conservation, protection and development of water resources of Kyrgyz Republic, as a principle source of water supply for Central Asian States;
- control and regulation of the principles for providing the concerned sovereign states with water resources of Kyrgyz Republic in a reasonable and mutually beneficial manner taking into account the market economic relations.

ARTICLE 2. LAWS OF KYRGYZ REPUBLIC ON THE USE OF WATER BODIES, WATER RESOURCES AND WATER STRUCTURES OF KYRGYZ REPUBLIC

Activities in the field of use of water bodies, water resources and water infrastructure of Kyrgyz Republic are regulated by the present Law and other legal documents of Kyrgyz Republic.

If any international agreement signed by Kyrgyz Republic defines the terms different from the legislature of Kyrgyz Republic, the terms of this agreement are applied.

ARTICLE 3. FUNDAMENTAL PRINCIPLES OF COOPERATION IN THE FIELD OF INTERSTATE WATER RELATIONS

Implementing the state policy on the use of water resources of the rivers originating in Kyrgyz Republic and flowing outside its borders, and participating in any interstate negotiations on water issues, Kyrgyz Republic acts on the basis of the following principles and terms:

- recognized right of the state for the ownership of water bodies, water resources and water structures within its state borders;
- recognized nature of water as a natural resource and economic good which has its economic value with all competing water uses;
- payment for water use in interstate water relations;
- interstate use of water resources of Kyrgyz Republic on the basis of two or more agreements and treaties signed by concerned states and ratified in accordance with the legal regulations of the parties;
- seeking mutual economic benefit on the equitable and reasonable basis in the use of water resources of Kyrgyz Republic is declared by interstate agreements and treaties;

- the issues of river water supply, water charges and redistribution of profit from the use of water storage reservoirs and other irrigation structures of Kyrgyz Republic by other states are regulated by interstate agreements and treaties;
- rules and amounts of payments for interstate use of water resources of Kyrgyz Republic are regulated by the agreed rates considering the world prices and water demands;
- the right of Kyrgyz Republic regulating the flow of its rivers and water supply to water using states for sharing by riparian states of costs and damage caused by construction, rehabilitation, operation and maintenance of the water structures of interstate importance;
- relations with international partners in implementation of interstate water agreements and projects on the market economic basis;
- relations of Kyrgyz Republic with riparian and other concerned states in development, investment and joint implementation of programs and projects for conservation, protection, development and integrated use of water resources, water bodies and lands adjacent to them;
- relations with international partners in development and introduction of technical means and technologies for economic use of water resources;
- cooperation with international partners in coordination and investment of research, design and technological activities for development and introduction of mechanization and automation devices, computers, equipment and instrumentation for water systems, structures and facilities on the mutually benefit basis.

ARTICLE 4. INTERSTATE BODIES FOR REGULATION OF WATER RELATIONS

To prepare proposals on planning, investment and coordination of performance of interstate agreements, programs and projects in the field of water relations, interim joint interstate commissions can be established by the mutual agreement between parties.

ARTICLE 5. FINANCING OF JOINT INTERSTATE WATER PROGRAMS AND PROJECTS

Joint interstate water programs and projects with participation of riparian and other concerned states can be financed on the basis of parity or share financing by the parties. The terms of interstate agreements and treaties can define other forms of financing of water projects and programs considering mutual interests.

ARTICLE 6. PAYMENTS IN INTERSTATE WATER RELATIONS

Mutual payments in joint water programs and projects are regulated by the terms of agreements and treaties signed by Kyrgyz Republic and other states.

ARTICLE 7. SETTLEMENT OF DISPUTES CONCERNING INTERSTATE USE OF WATER BODIES, WATER RESOURCES AND WATER STRUCTURES

Disputes concerning interstate use of water bodies, water resources and water structures between Kyrgyz Republic and other states are regulated in accordance with the terms of international law, unless the parties otherwise agree.

For compromise settlement of disputes concerning interstate use of water bodies, water resources and water infrastructure, the interim conciliatory commissions can be established, on the parity basis or with participation of independent experts, unless the parties otherwise agree.

ARTICLE 8. CONSERVATION OF WATER BODIES OF INTERSTATE STATISTIC IMPORTANCE

To ensure safety of Central Asian States and prevent potential disastrous consequences and sabotage, Toktogul, Kurpsay, Tash-Kumyr, Shamaldy-Say and Uch-Kurgan hydrostructures, Kirov, Ort-Tokoy and Papan storage reservoirs, Chumysh dam, Big Chu Canal and other irrigation structures of Kyrgyz Republic being its property and having the interstate strategic significance, shall be guarded by Kyrgyz Republic on terms of sharing of costs by the states using the water structures.

ARTICLE 9. COMING INTO EFFECT

The present Law comes into effect since its official publication.

The Government of Kyrgyz Republic shall bring its legal regulations into accord with the present Law.

A.Akaev
The President of Kyrgyz Republic

Bishkek, House of Government
July 23, 2001