

On approval of the Agreement between the Government of the Republic of Kazakhstan и the Government of the People's Republic of China on the reconstruction of Kazakh-Chinese joint water intake facility on the Sumbe River

Unofficial translation

Decree of the Government of the Republic of Kazakhstan dated October 5, 2018 No. 615

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The Government of the Republic of Kazakhstan HEREBY DECREES:

1. To approve the attached Agreement between the Government of the Republic of Kazakhstan и the Government of the People's Republic of China on the reconstruction of Kazakh-Chinese joint water intake facility on the Sumbe River, made in Beijing on November 15, 2017.

2. This decree shall be put into effect upon the date of its signing.

*Prime Minister
of the Republic of Kazakhstan*

B. Sagintayev

Approved
by decree no.615 of the
Government
of the Republic of Kazakhstan
dated October 5, 2018

**Agreement between the Government of the Republic of Kazakhstan
the Government of the People's Republic of China on the reconstruction of
Kazakh-Chinese joint water intake facility on the Sumbe River**

The Government of the Republic of Kazakhstan и The Government of the People's Republic of China, hereinafter jointly referred to as the "Parties", being governed by the Agreement between the Government of the Republic of Kazakhstan и the Government of the People's Republic of China on cooperation in the area of use and protection of the transboundary rivers dated September 12, 2001, have agreed as follows:

Article 1

1. The Parties shall jointly perform the reconstruction of joint water intake facility on the Sumbe River (hereinafter referred to as the joint water intake facility).

2. The joint water intake facility shall be the common property of the States of the Parties, owning equal shares.

3. Issues of management and operation of a joint water intake facility shall be governed by a separate international treaty concluded between the Parties.

Article 2

1. The reconstruction project of joint water intake facility shall include:
 - 1) raising the threshold of the Chinese water intake gate by 30 cm;
 - 2) raising the main spillway threshold by 30 cm;
 - 3) restoration of the convex water separation wall "tongue" 30 cm high;
 - 4) expansion of the Kazakhstan water intake gateway to the size of the Chinese water intake gateway;
 - 5) reconstruction of interfacing with reconstructed structures of main canals, bank pitching, control buildings, power supply, outdoor lighting, video surveillance, automation of water accounting and water distribution with the possibility of prompt data transmission.

2. Each Party shall independently perform construction of maintenance facilities (an administrative building in the territory of the state of each Party with electricity supply and communications), which are not a part of the joint water intake facility.

Article 3

Financing of the reconstruction of common part of the joint water intake facility shall be carried out jointly by the Parties, with 50% of the total value of construction works.

Article 4

In the process of reconstruction of a joint water intake facility, the Parties shall be guided by the following principles:

- 1) the reconstruction of a joint water intake facility must not change the position of the river bed and the passage of the state border line, cause coastal destruction and adversely affect the condition of the environment of the Parties;
- 2) the reconstruction of a joint water intake facility shall be carried out in accordance with the national laws of the States of the Parties, project estimates and other documentation approved by the authorized bodies of the Parties, international and national standards for the construction and operation of similar facilities.

Article 5

1. For the purposes of coordination of the reconstruction of a joint water intake facility, a Kazakhstan - China Committee on the reconstruction of joint water intake facility on the Sumbe River (hereinafter referred to as the Committee).

2. The Committee shall consist of Kazakh and Chinese parts, each of which shall include representatives of authorized bodies and interested state bodies, as well as representatives of organizations and experts from each of the Parties.

3. Each Party shall appoint a chairperson and a deputy chairperson of its part of the Committee.

4. The regulations on the Committee shall be approved by the chairpersons of both parts of the Committee.

5. The objectives of the Committee shall include coordination of engineering and construction work in the territory of the state of each of the Parties and the resolution of

organizational and other issues related to reconstruction, requiring a joint decision of the Parties.

6. The Committee shall hold its meetings in turn in the territory of the state of each of the Parties. At the initiative of any Party, extraordinary meetings of the Committee may be held.

Article 6

1. The authorized bodies on implementation of this Agreement shall be:

On behalf of the Kazakhstan Party – Committee on Water Resources of the Ministry of Agriculture of the Republic of Kazakhstan;

On behalf of the Chinese Party – the Xinjiang Production and Construction Corps of the People's Republic of China.

2. In the event of a change in the name or functions of the authorized body, each Party shall immediately notify the other Party through diplomatic channels.

Article 7

1. For the purposes of efficient reconstruction of a joint water intake facility:

1) drawing up working drawings and reconstruction of the joint water intake structure shall be carried out by the engineering and design organization and the construction organization determined by the Parties jointly;

2) the authorized bodies of the Parties shall enter into a joint independent contractor agreement on the reconstruction of the joint water intake structure with a construction organization.

2. Approval documents and/or licenses for the construction and reconstruction of a joint diversion structure, required in accordance with the national legislation of the States of the Parties, should also be attached to the working drawings.

Article 8

Acceptance of the work performed shall be carried out on a phased basis by the authorized body of each Party in the territory of its state in coordination with the Committee in accordance with the national legislation of its state and according to a schedule jointly approved by the authorized bodies of the Parties.

Article 9

The border bodies of the States of the Parties shall guarantee to ensure in the established area of the reconstruction of the joint intake facility conditions at the intersection of the State Border with the employed personnel, vehicles, equipment, raw materials and materials necessary for the reconstruction, shall carry out control in accordance with the Agreement between the Government of the Republic of Kazakhstan and The Government of the Republic of China on the regime of the Kazakh-Chinese state border of December 20, 2006 and the national legislation of states of each of the Parties.

Article 10

All disagreements arising between the Parties in the interpretation and application of the provisions of this Agreement shall be resolved through consultations.

Article 11

This Agreement by mutual agreement of the Parties may be entered amendments or supplements, beings its integral parts and executed by separate protocols.

Article 12

This Agreement shall be concluded for the period of works on reconstruction of the joint water intake facility and shall enter into force from the date of receipt vial diplomatic channels of the last written notice on performance by the Parties of domestic procedures, required for its entrance into force.

Made in Beijing (PRC) on November 15, 2017 in two copies, each in Kazakh, Chinese and Russian languages, and all texts have equal force.

In the event of any disagreement in the interpretation of the provisions of this Agreement, the Parties shall refer to the texts in Chinese and Russian languages.

*For the Government
of the Republic of Kazakhstan*

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