

*The Embassy of the Union of Soviet Socialist Republics
Ankara*

“The Soviet side, which has taken into consideration Turkey’s desire to prevent any disputes on the equal sharing of the water, hereby officially gives its concurrence on the principle of using the water equally all along the Soviet-Turkish border up to the Iranian border after the construction of the reservoir on the River Ahuryan.”

“Concurrence is given on all the other articles of the protocol on which agreement has been reached by the Soviet-Turkish Joint Commission in connection with the joint construction of a dam on River Ahuryan (Arpacay).”

“Thus, the Soviet authorities having taken into consideration the benefits of developing good neighbourly relations and the cooperation between USSR and the Republic of Turkey have concurred with the Turkish side’s requests. This action shall be ratified with the final approved version of the said Protocol and has lifted the obstacles for the initiation of the works on the joint construction of a reservoir on river Ahuryan.”

“On this occasion the Embassy of the USSR confirms its deepest respects to the Ministry of Foreign Affairs of the Republic of Turkey.”

This said Note conveys the concurrence of the Soviet officials on the issues of contention which were contained in articles 16,17, 18, 32, 34 and 35 of the Turkish-Soviet Protocol, dated 25 April 1963 in connection with the dam contemplated to be built on Arpacay river and which are listed below:

- a) Equal sharing of all the waters of the rivers along the Turkish-Soviet border between the two countries,
- b) The laws that shall be enforced in case of a violation of laws at the dam construction site,
- c) Preparation of photogrametric maps of the Turkish territory from Lake Cildir up to the Iranian border within a 30km belt from the border,

And the Ministry of Foreign Affairs, with the memorandum, dated 6 May 1984, submitted to the Embassy of the USSR confirms that these are the view of the Turkish authorities.

The Turkish officials who have expressed their pleasure for the acceptance of all their proposals and views by the Soviet officials have initiated immediate action for the ratification of the said protocol instantly.

The Ministry of Foreign Affairs shall immediately inform the Embassy upon the completion of the approval of the said protocol.

On this occasion, the Ministry of Foreign Affairs of the Republic Turkey expresses its deepest respects to the Embassy of the USSR.

Ankara, 8 July 1964

Annex 9**Cooperation Agreement between the Government of the Republic of Turkey and the Government of the Union of the Soviet Socialist Republics on the Construction of a Dam on the Boundary River Arpacay (Ahuryan) and the Constitution of a Dam Lake [own translation]**

The government of the Republic of Turkey and the government of the Union of Soviet Socialist Republics have agreed on the following issues by taking into consideration the good neighbourly relations existing between the countries and the provisions of the Agreement "On The Use of the Border Waters" signed in Kars on 8 January 1927, and based on the desire to further develop their economic and technical cooperation which will benefit the government of the Republic of Turkey and the government of the Union of Soviet Socialist Republics:

ARTICLE 1

The Government of the Republic of Turkey and the Government of the Union of Soviet Socialist Republics have decided to construct a dam on the Arpacay (Ahuryan) river which is at the common border of the two countries, and to constitute a dam lake with a volume of 525 million m³.

ARTICLE 2

For the realization of the cooperation envisioned in article 1 of this agreement, the Soviet organizations, shall prepare the drawings of the work in keeping with the technical drawing approved by the official agencies of both parties, to include the delivery of equipment and materials necessary for the construction, and shall construct a dam on the bordering Arpacay (Ahuryan) river and constitute a dam lake with a volume of 525 million m³.

ARTICLE 3

For the realization of the cooperation envisioned in article 1 of this agreement, the Turkish organizations, as half partners, shall fully participate in the technical control of the dam construction.

ARTICLE 4

The lump sum expenses of the dam according to the technical project prepared by the Soviet organization was found to be 16,6 million Ruble and this amount shall be equally financed by the parties, that is each party shall bear 50 percent of the expenses.

ARTICLE 5

Because the irrigation facilities on the Turkish side will not be completed on time, therefore, in order to preclude Turkey from incurring losses in the usage of half of the dam water in the initial stages, the Soviet side shall bear 4.4 million ruble of Turkey's share of the construction costs.

However, this implementation shall not prejudice the principles of providing half the expenses by Turkey and the Soviets of the dam construction and benefiting equally from the dam waters.

ARTICLE 6

With the balance remaining after the deduction of the 4.4 million Ruble from Turkey's 50 percent participation share in the construction of the dam, as stated in article 5 above, Turkey shall perform construction works on lump sum basis, preferably on the Turkish side, at the point to be mutually agreed.

The enumeration of this construction to be performed by the Turkey, preferably on the Turkish side, has been specified in Enclosure I which is an integral part of this agreement.

ARTICLE 7

All the necessary assistance, within the framework of the laws in effect, shall be rendered to the members of the Soviet agencies involved with the construction for their entry into and exit from the area determined and fenced off by Turkey and for them to lodge during the performance of the works.

Members of the Turkish agencies tasked with the construction and control of the dam shall be accorded the same kind of assistance from the Soviet side and shall be allowed to enter and exit.

Following the completion of the construction of the dam, the Turkish and Soviet personnel tasked with the operation of the facility shall be entitled to enter freely into the identified Soviet and the Turkish facilities.

All these issues shall be fulfilled in accordance with the guidelines outlined in Enclosure-II and Enclosure-III.

ARTICLE 8

The equipment and material to be shipped to the construction site in accordance with this agreement shall be mutually kept exempt from taxes, and customs duties.

The leftover equipment and material that will be taken into the Soviet and Turkish sides exempt from taxes and without any limitations because of the joint construction of the dam shall be removed in the same manner upon the completion of the construction as these material and equipment will no longer be required.

ARTICLE 9

The parties in an effort to provide services on the basis of equal shares, may jointly perform major and minor repair works on the dam and the dam lake through mutual consent.

ARTICLE 10

The joint operation of the dam on Arpacay (Ahuryan) river and the dam lake shall be performed in accordance with the Instructions given in Enclosure-III.

ARTICLE 11

For the cooperation related with the construction of a dam on the Arpacay (Ahuryan) boundary river and the constitution of the dam lake shall be prepared by the Turkish and Soviet agencies within 3 months pursuant to the signing of this Agreement and shall be signed after the Agreement enters into effect.

ARTICLE 12

No matter what the extent and the capacity of the dam lake which is created with the construction of the dam on Arpacay (Ahuryan) river will be, there shall be no change in the border existing between the two countries today.

When the dam lake is constituted, the existing border today shall be reflected on the surface of the water by means of buoys.

ARTICLE 13

This Agreement shall enter into effect on the date of exchange of the ratification document(s) after the completion of the approval process in accordance with the current laws in effect in both countries.

ARTICLE 14

This Agreement has been prepared in duplicate copies in Turkish, Russian and French.

In case of inconsistencies between the Turkish and Russian versions the French version shall prevail.

In witness hereof, the following fully authorized officials, whose names are written below, have signed this Agreement.

Signed in Ankara on 26 October 1973.

/S/ Oguz GOKMEN
Government of the
Republic of Turkey

/S/ V.A.SERGEYEV
Government of the
Union of Soviet Socialist Republics

ENCLOSURE-I

The enumeration of the construction works to be performed by the Turkish side in accordance with article 6 of this Agreement signed between the government of the Republic of Turkey and the government of the Union of Soviet Socialist Republics on 26 October 1973, for the joint construction of a dam on Arpacay (Ahuryan) River:

1. Make the dam foundation leak-proof
2. Upstream and downstream Cofferdams
3. Operation buildings
4. Conference buildings
5. Service road leading to the irrigation water output (left shore)
6. Right bank operating road
7. Development of the dam site

GUIDELINES PERTAINING TO THE PROVISION OF TEMPORARY ASSISTANCE IN CROSSING THE TURKISH-SOVIET BORDER AND FOR THE TURKISH AND SOVIET CITIZENS WORKING ON THE CONSTRUCTION AND CONTROL OF THE DAM ON ARPACAY (AHURYAN) DAM AND TEMPORARILY REMAINING AT THIS SITE.

The guidelines to which the pedestrians (or vehicles) will be subject to in temporarily crossing the Turkish-Soviet border at the Arpacay (Ahuryan) river:

1. In order to facilitate the crossing of the border for the Turkish and Soviet experts, workers, vehicles, equipment, technical equipment, materials, foodstuff, medicine and other cargos to be delivered to the construction site of water facilities in connection with the dam to be constructed on Arpacay dam and the related parts of this dam, a simplified process (for pedestrians or vehicles) for crossing the border is introduced with this agreement.

[...]

ENCLOSURE-II

PASSAGE NR: _____

For crossing the Turkish-Soviet Border by vehicle:

Driver: (Name, Surname) (Father's name)

Identification Card Nr:

Shall cross the border with the vehicle (Plate nr) _____

(Make) model (machine, engine number) and

follow _____ road.

The crossing shall be valid until/.../197...

Individual in charge

Signature (Name, Surname)

Seal _____ 197...

(Turkish text) (Russian Text)

Encl-3

LIST NR:.....and the identification card nr belonging to the service letters sent from the Turkish Border to the Soviet border with the surnames, names and the names of fathers.

Sender:.....
(Name of the organization)

Line Nr. Nr of the place where the package is sent to

Names of (Receivers)

-Individual in charge
(Signature) _____ (Name, Surname)

Seal..... 197...

(Turkish text) (Russian (text))

ENCLSOURE III

INSTRUCTIONS ON THE JOINT OPERATION OF THE DAM AND RESERVOIR ON ARPACAY (AHURYAN) RIVER

After the construction of the dam on Arpacay (Ahuryan) river, the parties reserve the right to use the amount of water that is allotted to them, from the dam lake and the downstream of the dam up to the Iranian border via the border rivers of Arpacay (Ahuryan) and Aras, without violating the rights of the other party, from any point they want, at any time they want and in any quantities they want.

These instructions outline the rules of technical operation of all the hydrometric equipment used for observation and measuring and facilities of the dam and the reservoir.

A Permanent Working Commission, comprised of three representatives from each side, these being a head engineer, operation expert, and a hydraulic engineer, for the solution of matters related with the joint use of the water and the technical operation of the dam's facilities is established.

Both parties shall notify each other of the names, surnames and duties of their own representatives in the Permanent Working Commission through the border commissar.

The Permanent Commission shall operate within the framework of these regulations and act according to the principles of obtaining water not only from the regulated waters in the reservoir, but from the water flowing in Aras river, and from Arpacay (Ahuryan) corresponding to the half of the share of the party, and from any point from the Aras river on the border.

A sub-commission, with the participation of three representatives from the operation services of both parties, shall be established in order to execute the decisions of the Permanent Working Commission.

If a change needs to be made in composition of both commissions, the border commissars of the parties shall notify each other.

During the joint operation of the dam, all matters related with the maintenance of the state border regime and the place, time, and the manner of the meeting of Turkish and Soviet experts shall be arranged by the border commissars.

Both parties undertake to let the experts and members of the Permanent Working Commission and the sub-commission who carry the access documents showing the border crossing point, and the date (time), enter their soils in order to perform the works outlined in these regulations.

Duties of the Permanent Working Commission:

1. The primary duty of the commission is to prepare the annual operating schedule of the dam and to check the implementation of this schedule.
2. The commission shall decide on the following issues at the meetings held once a month:
 - a) Matters related with the operation of the dam and the facilities,
 - b) Use of the water by the parties according to the water usage schedule,
 - c) Sanitation of the reservoir,
 - d) Fish production in the dam lake.
 - e) Disputes between the operating personnel of the two sides,
3. Upon the request of one of the parties, the Permanent Working commission shall make corrections on the water usage graphics and the maintenance and repair schedules of the facilities.
4. The Permanent Working Commission shall check once a month the conformity of the amount of water actually drawn by the parties with the water usage schedule in effect. A balancing shall be made in the waters from the Arpacay (Ahuryan) River and the reservoir waters according to Form 2 enclosed in the instructions.

In order to do balancing between the water released from the dam and the water coming from the downstream of the reservoir and from other sources, new measuring devices equipped with automatic indicators shall be installed on the existing hydrometric equipment on the Arpacay and Aras rivers. The observation data evaluated by the operating services of both parties shall be submitted to the Commission in the form given in enclosure 3 of the Instructions.

5. Throughout the operation period, the dam and other facilities shall be systematically reviewed and any cracks, loose and deformed parts, and damages shall be entered in a report by the Permanent Working Commission.
The Commission shall render decisions to correct the results of these deformations and take measures for them not to occur more frequently or in greater amounts, and shall check to see if these measures are being implemented.
6. The Permanent Commission retains the right to apply to the authorized agencies of the parties for the modification of any element of the facilities.
7. Commission's work will be performed on the basis of equality. Disputes that may arise during the operation of the Commission shall be referred to the authorized officials of the parties for solution.
8. The Commission shall hold meetings on rotational basis in Turkey and the Soviet Union.
9. Upon the request of either one of the parties, the meetings of the commission shall be held every month. The place and date of the meeting shall be determined through mutual agreement beforehand.
One of the rooms shall be allocated for the meeting.

Maintenance and Repair:

11. The parties shall perform the maintenance of the reservoir and repair of the facilities on their part.
12. The dam shall systematically kept under surveillance by the operation services of both parties.
13. With the inspections conducted from time to time all the deformations and damages shall be noted.
In order to determine the vertical and horizontal movements of the dam and other facilities shall be tied to the permanent ropes. The levels of the facilities and elements shall be checked by the operating personnel from time to time.
14. The expansion joints of the dam and the facilities shall constantly be checked and when necessary the joints shall be repaired to prevent any leaks.
15. Deformations and damages that occur for various reasons shall be eliminated as soon as possible.
16. The metal sections of the facilities (according to the rules of maintenance) shall be oiled, painted and shall be kept operational at all times.
17. Leaks from the dam and the reservoir shall be subject to special control.
18. During winter the mobility of lifting devices and other equipment shall be systematically checked and shall be protected from freezing.
19. The dam and its facilities shall be thoroughly inspected by a commission comprised of the responsible experts of both parties once every 3 to 5 years.
The decisions taken by the said commission shall be implemented by the Permanent Working Commission.
20. The parties use their own personnel, materials and equipment during the operation of the facility.
The parties shall mutually agree if additional operational facilities are to be built and each party shall build its own facility.

Water Distribution Arrangement:

21. The parties shall withdraw water from the reservoir according to the water usage schedule.
22. The parties may obtain their half share of water either from the regulated waters made in the reservoir or from the water flowing in the river Aras, at any point on the Arpacay (Ahuryan) river and Aras River that constitute the border.
23. Every year, at the end of the irrigation season, the Permanent Working Commission shall check to see if the amount of water used by the parties is in accordance with the water usage schedule.
24. In accordance with the water withdrawals graphic, the parties shall use their share of the water from the reservoir at any place and at any time they want. In order to determine the amount of water taken by both parties from the reservoir and from the rivers both parties shall install the necessary automatic recording apparatus.
25. The water usage programs prepared in advance shall be adjusted according to the actual weather conditions of the year and the changes in the hydrological regime of the rivers.
The water distribution guidelines envisioned in the Protocol dated 25 April 1963 shall be observed in the adjustment of the water usage programs.
26. In the annual water usage program, the total volume of the water obtained by both parties should be equal. In the monthly meetings of the Permanent Working Commission, the amount of water they will take and the places where they will withdraw water are determined for the duration of the following month.
Extraordinary meetings shall be held upon the request of one of the parties to solve the matters related with the water usage and to make changes in the monthly water usage graphics.
27. The parties shall be entitled to use their share (half each) of the water from the weirs at any place and at any time they want.
28. In case the parties construct a hydropower plant, water withdrawals for that purpose should not make any changes in the height of the dam and in the volume of the reservoir that are determined in the advance drawings. Additionally, this matter should not prejudice the other party's right to use its share of the water according to the water usage graphic as determined in the advance drawing.
29. The operation services of the parties have the mutual right to check each other's actual water drawing.
Upon mutual consent, the parties shall conduct measuring to control the water and make corrections on the consumption curves, and the authority to control shall rest with all the water measuring facilities.
30. The party that has not used its share of water according to the water usage graphic by the end of the year shall not be entitled to claim the amount of water it has not used in the following year(s).

Operation Services:

31. Both parties shall perform operation services of the dam throughout the year.
32. Both parties shall have technicians and workers in sufficient numbers for the operation of the dam and the facilities.
33. Office buildings shall be constructed on both sides for the operation personnel to work and shall be maintained.
34. The operation service shall perform the following works:
 - a) Maintenance, repair and renovation works of the dam and the facilities,
 - b) The works envisioned in the water usage program
 - c) Works related with establishment and maintenance of water measuring facilities,
 - d) Calculation of the water inflowing and out flowing from the reservoir,
 - e) Raising and lowering the lids to release water from the dam,
 - f) Manipulation of the lifting device to eliminate to possibility of its freezing,
 - g) To let the flood waters pass without causing any damage,
 - h) Execute decisions of the Permanent Working Commission.
35. The chief engineer of the dam and the reservoir is a member of the Permanent Working Commission.
36. The operating service of each party shall have telephone connections to its own administrative centre and the dam facilities.

Miscellaneous Issues:

37. The parties shall withdraw water from the reservoir at the dam weirs envisioned by Turkey and the Soviet Union in accordance with the water usage program. In order to alleviate the load of the weirs in the transfer of large amounts of water, excess water shall be released from the weirs at the same time. The amount of released water shall not be considered in the water usage account.
38. In order to monitor the dynamics of the groundwater flows that may occur during the filtration of the reservoir, dam body and the nearby facilities, observation wells shall be opened during the construction. The cost of opening these wells shall be incorporated into the cost of the dam construction. The level of the groundwater shall be constantly monitored from these wells. This observation data should be exchanged between the parties every month.
39. The machinery and equipment shall be operated in accordance with the instructions given by the factory or specially written instruction.
40. In accordance with paragraph "I" of article 14 of the Protocol dated 25 April 1963, the regulators of Guven (Talin) and Serdarabat (Oktemberyan) may be modified according to the operating plan prepared in order to allow the intake of necessary water. These shall be equipped with water measuring devices. The modification shall be accomplished according to the project to be mutually agreed.
The party that cannot use its share of water for any reason whatsoever, may not object to the other party's utilization of its share of water.

41. The dam and its facilities and their environs shall be lit up at night.
42. Each side will keep construction materials, equipment, etc. for possible emergency failures that may occur unexpectedly.
The list of materials and equipment and their quantities shall be maintained by the Permanent Working Commission.
43. The Arpacay (Ahuryan) reservoir may be used for fishery. The conditions for fish production shall be determined between the parties with a special agreement.
44. Forms 1, 2 and 3 have been attached to these instructions to be used as guides during the operation of the dam. The Permanent Working Commission has the right to make additions and changes on these forms.