



LEGAL ANALYSIS OF THE DELIMITATION AND DEMARCATON OF THE STATE BORDERS OF THE REPUBLIC OF UZBEKISTAN WITH CENTRAL ASIAN STATES

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ABSTRACT

This research provides a comprehensive international legal analysis of the policy and practice surrounding the delimitation and demarcation of the state borders of the Republic of Uzbekistan with neighboring Central Asian nations (Turkmenistan, Kazakhstan, Tajikistan, and the Kyrgyz Republic).

The research concludes that effective legal boundary demarcation serves as an indispensable tool for securing regional stability, fostering good-neighborly relations, and facilitating sustainable cross-border resource management.

The precise definition of state borders from the point of view of international law is essential for ensuring the sovereignty, territorial integrity and national security of the state. It is also important for the development of stable and good-neighborly relations with neighboring states. Therefore, special attention is paid to the process of delimitation of state borders in international law. The demarcation of the state border is usually carried out in two stages: delimitation and demarcation. Delimitation is the process of negotiations between neighboring states that determine the state border in an international agreement and on the maps attached to it. Demarcation is the process of implementing the border on the ground on the basis of this agreement using special border markers and other signs. These two stages are closely related to each other. Delimitation is carried out first, and only then can demarcation be carried out. This is because demarcation serves to formalize the border established as a result of delimitation.

The legal basis for the delimitation of state borders in modern international law is the principles of sovereign equality of States, territorial integrity and inviolability of borders, enshrined in Article 2 of the Charter of the United Nations. In addition, the principle of uti possidetis juris (inviolability of borders) is of great importance in the delimitation of borders between former Soviet republics. According to this principle, the borders between newly independent states are recognized on the basis of their previous administrative-territorial borders, without changing them. This principle served as the starting point for resolving border issues between Central Asian states, including the Republic of Uzbekistan, and

neighboring states, since all borders in the region were initially formed as administrative lines during the Soviet era.

The Republic of Uzbekistan is located in the geographical center of Central Asia and shares land borders with all the countries of the region: the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan, and the Islamic Emirate of Afghanistan. The total length of the state border is approximately seven thousand kilometers. In the early years of independence, most of the state borders of Uzbekistan were not yet formalized in international law. They remained administrative borders established during the Soviet era and did not have the status of international borders between independent states.

As a result, various disagreements arose in the border areas. In particular, disputes arose over the use of land and water resources, pastures and transport routes. In some cases, such disagreements even led to local conflicts. Since 2016, Uzbekistan has consistently pursued a policy of resolving border issues with neighboring countries through negotiations, taking into account mutual respect and interests. As a result, work on the legal registration of state borders has accelerated, and many issues have been resolved on the basis of mutual agreement¹. In particular, from August 2016 to August 2018, the Uzbek government delegation held a total of sixty-five meetings with delegations of neighboring countries, including eighteen with Kazakhstan, twenty-eight with Kyrgyzstan, and nine with Tajikistan².

The state border of the Republic of Uzbekistan with Turkmenistan is the first in the region to be fully delimited. On September 21, 2000, the two states signed an Agreement on the Delimitation of the State Border, in which the two sides reached a single agreement along the entire length of the border line³. This agreement was ratified by the Oliy Majlis of the Republic of Uzbekistan on December 15, 2000⁴.

The process of delimiting the state border with Turkmenistan has been relatively easy compared to other neighboring countries. The main reason for this is that the border line passes mainly through the sparsely populated steppe areas of the Ustyurt Plateau and there are no territorial disputes between the two states. Nevertheless, border demarcation work is progressing step by step. This situation shows that although delimitation and demarcation are interrelated, they are two different processes. That is, even after delimitation is completed, demarcation work continues in a separate order.

The legal formalization of the state border with the Republic of Kazakhstan was carried out in two stages. In the first stage, on November 16, 2001, the heads of the two states signed the Agreement on the State Border of Kazakhstan and Uzbekistan in Astana, which

¹ Ўзбекистон Республикасининг 2017–2021 йилларда ривожланишнинг бешта устувор йўналиши бўйича Ҳаракатлар стратегияси тўғрисида: Ўзбекистон Республикаси Президентининг 2017 йил 7 февралдаги ПФ-4947-сон Фармони // Ўзбекистон Республикаси қонун ҳужжатлари тўплами. – 2017. – № 6. – 70-модда.

² Ускорение завершения правового оформления государственной границы со странами Центральной Азии – важный приоритет внешней политики Узбекистана // Народное слово. – Ташкент, 2018.

³ Договор между Республикой Узбекистан и Туркменистаном о делимитации Государственной границы: [заключен в г. Ташкенте 21 сентября 2000 г.] // Сборник законодательства Республики Узбекистан. – Ташкент, 2000. – № 11. – С. 165.

⁴ О ратификации Договора между Республикой Узбекистан и Туркменистаном о делимитации Государственной границы: Постановление Олий Мажлиси Республики Узбекистан от 15 декабря 2000 г., № 176-II // Собрание законодательства Республики Узбекистан. – Ташкент, 2000. – № 11. – С. 167.

demarcated ninety-six percent of the border line, or two thousand one hundred and fifty-nine kilometers⁵. During the negotiations, an agreement was not reached on the territories of Baghiz, Arnasoy and Turkistanets. In the second stage, on September 9, 2002, the Agreement on Certain Territories of the Kazakh-Uzbek State Border was signed in Astana, and a final agreement was reached on the remaining four percent, including the disputed territories mentioned above⁶. As a result, the delimitation process between the two states was fully completed, and both treaties entered into force on September 5, 2003. After delimitation, the demarcation process began in 2003 and continued for more than twenty years. As the final stage of this process, the Agreement on the demarcation of the Kazakh-Uzbek state border was signed in Tashkent on December 22, 2022⁷.

According to this agreement, the total length of the demarcated border line is two thousand three hundred fifty-six kilometers six hundred sixty-six meters, which is slightly different from the length specified in the delimitation agreements of 2001 and 2002, which is explained by natural factors, in particular the changes in the course of the Syrdarya and Keles rivers over time⁸. The results of the demarcation are reflected in more than eight thousand pages of documents, which form an integral part of the agreement⁹. The Kazakh side ratified this agreement on March 28, 2023, and the Uzbek side ratified it on June 30, 2023, as a result of which the international legal formalization of the border between the two states was completed¹⁰.

The process of delimiting the state border between Uzbekistan and Tajikistan has its own complexities. The main reason for this is that the border line passes through densely populated areas with active use of land and water resources, including part of the Fergana Valley. In 2000, an Intergovernmental Commission was established between the two states to delimit and demarcate the State Border¹¹. On October 5, 2002, during the state visit of the President of the Republic of Uzbekistan to Dushanbe, the Agreement on the Tajikistan-Uzbekistan State Border was signed, which demarcated eighty-six percent of the border, or approximately one thousand one hundred kilometers¹². After that, negotiations continued for

⁵Договор между Республикой Казахстан и Республикой Узбекистан о казахстанско-узбекской Государственной границе: [совершен в г. Астане 16 ноября 2001 г.] // Информационно-правовая система «Әділет». – : <https://adilet.zan.kz/rus/docs/Z030000453>

⁶О ратификации Договора между Республикой Казахстан и Республикой Узбекистан о казахстанско-узбекской государственной границе // Информационно-правовая система «Әділет». – : <https://adilet.zan.kz/rus/docs/Z030000453>

⁷О ратификации Договора между Республикой Казахстан и Республикой Узбекистан о демаркации казахстанско-узбекской государственной границы: Закон Республики Казахстан от 28 марта 2023 г., № 217-VII // Информационно-правовая система «Әділет». – : <https://adilet.zan.kz/rus/docs/Z2300000217>

⁸Казахстан ратифицировал договор о демаркации границы с Узбекистаном // Gazeta.uz. – Ташкент, 2023. – 28 марта.

⁹Там же.

¹⁰Узбекистан ратифицировал договор о демаркации границы с Казахстаном // Gazeta.uz. – Ташкент, 2023. – 4 июля.

¹¹Как происходят переговоры по границе между Таджикистаном и Узбекистаном? // CABAR.asia. – 2021. – 25 июня. – : <https://cabar.asia/ru/kak-proishodyat-peregovory-po-granitse-mezhdu-tadzhikistanom-i-uzbekistanom>

¹²Соглашение о Государственной границе между Республикой Таджикистан и Республикой Узбекистан: [подписано в г. Душанбе 5 октября 2002 г.] // Таджикиско-узбекская Государственная граница / Министерство

many years on the issue of ownership of the remaining territories, especially the Farkhod hydroelectric power station located on the Syrdarya River, since this facility was of strategic importance for both states. A new impetus to the negotiation process was given after 2016, with the renewal of Uzbekistan's foreign policy. At the meeting of the Intergovernmental Commission held in Dushanbe on January 10, 2018, the parties reached an agreement on the Farkhod HPP issue¹³.

Then, on March 9-10, 2018, within the framework of the state visit of the President of the Republic of Uzbekistan to Tajikistan, an Agreement was signed on certain areas of the Tajikistan-Uzbekistan state border, which put an end to all existing disputes¹⁴. As a result, the state border between the two states, with a total length of one thousand three hundred and thirty-two points and ninety-nine kilometers, was fully delimited by 2019¹⁵. Currently, cooperation between the two states continues at the democratic stage, with the involvement of geodesists and cartographers, as well as representatives of the foreign affairs and border services.

It should be noted that, simultaneously with the delimitation of the border with Tajikistan, Uzbekistan, starting in the late 2000s, also carried out consistent work to clear previously placed minefields in this border area. This mining was implemented in the late 1990s to ensure border security, but later it became a factor hindering cross-border communication between citizens of the two states¹⁶. Cooperation in mine clearance is one of the important practical indicators of strengthening trust between the two states, which has served to resolve border issues not only from a legal but also from a humanitarian point of view.

The state border issue with the Kyrgyz Republic occupies a special place as one of the most complex and long-standing border disputes in the Central Asian region. This is due, firstly, to the fact that certain parts of the border line pass through the densely populated Fergana Valley, and secondly, to the existence of enclaves belonging to each other on the territory of the two states, in particular, the Uzbek enclaves of Shohimardon, Sokh, Chongara and Jangail located on the territory of Kyrgyzstan, as well as the Kyrgyz enclave of Borgondi (Barak) located on the territory of Uzbekistan¹⁷.

As a result of long-term negotiations, on September 5, 2017, during the state visit of the President of the Republic of Uzbekistan to Bishkek, the Agreement on the Kyrgyz-Uzbek State

иностранных дел Республики Таджикистан. – : <https://mfa.tj/ru/main/view/152/tadzhiksko-uzbekskaya-gosudarstvennaya-granitsa>

¹³Таджикистан и Узбекистан приступят к демаркации общей госграницы // Fergana.Agency. – 2019. – 23 января. – : <https://fergana.agency/news/104554/>

¹⁴Договор между Республикой Таджикистан и Республикой Узбекистан об отдельных участках государственной границы: [подписан в г. Душанбе 9–10 марта 2018 г.] // Таджикско-узбекская Государственная граница / Министерство иностранных дел Республики Таджикистан. – : <https://mfa.tj/ru/main/view/152/tadzhiksko-uzbekskaya-gosudarstvennaya-granitsa>

¹⁵Как происходят переговоры по границе между Таджикистаном и Узбекистаном? // CABAR.asia. – 2021. – 25 июня. – : <https://cabar.asia/ru/kak-proishodyat-peregovory-po-granitse-mezhdu-tadzhikistanom-i-uzbekistanom>

¹⁶Таджикистан и Узбекистан приступят к демаркации общей госграницы // Fergana.Agency. – 2019. – 23 января. – : <https://fergana.agency/news/104554/>

¹⁷Канатова Ж.К. Пограничные проблемы Кыргызской Республики с Республикой Узбекистан и Республикой Таджикистан // Молодой ученый. – 2018. – № 16. – С. 45–48.

Border was signed, which demarcated eighty-five percent of the border line, or one thousand one hundred seventy kilometers of the total border of one thousand three hundred seventy-eight kilometers¹⁸. Negotiations over the remaining fifteen percent continued for more than five years, as reaching an agreement on the Andijan (Kempir-Abad) reservoir and the Unkurtov area, which are of particular importance to these territories, was a particularly challenging process. Finally, on November 3, 2022, an Agreement on the cooperation in the use of water resources of the Andijan (Kempir-Abad) reservoir was signed in Bishkek¹⁹. These two documents were approved by the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan on November 14, 2022²⁰. Unlike the examples of Kazakhstan and Turkmenistan, within the framework of this agreement, certain territorial exchanges were also implemented between the two states, in particular, Uzbekistan exchanged more than one thousand hectares of land located between certain border points in the Andijan region with Kyrgyzstan²¹. Such a territorial exchange is widespread in international law, and it is carried out based on the mutual consent of the two parties and does not contradict the principles of state sovereignty and territorial integrity. In early 2023, the two states officially announced the completion of the delimitation process, after which the demarcation process began²².

Another important legal and technical issue in the region is defining the points of intersection of the borders of the three countries. Since bilateral border agreements regulate only the border line between two countries, it is necessary to clarify the point of connection with a third country through a separate tripartite agreement. In this regard, a separate Agreement was drawn up between the Republic of Kazakhstan, Turkmenistan and the Republic of Uzbekistan on the junction of the borders of the three countries, and it was signed in the framework of the high-level international conference on Central Asia held in Samarkand in November 2017²³. According to this agreement, the point of contact of the three state borders was determined on the basis of precise geographical coordinates in the Ustyurt Plateau, which will allow preventing any territorial disputes that may arise in the future around this area²⁴. Similarly, a separate agreement is in force between Kazakhstan, Kyrgyzstan, and Uzbekistan on the point of contact of the three state borders, which is an

¹⁸ Договор между Кыргызской Республикой и Республикой Узбекистан о кыргызско-узбекской Государственной границе: [подписан в г. Бишкеке 5 сентября 2017 г.] // Киргизия, Узбекистан и Таджикистан подписали протокол о демаркации границ // Интерфакс. – 2021. – 4 июля. – : <https://www.interfax.ru/world/776226>

¹⁹ Договор между Кыргызской Республикой и Республикой Узбекистан об отдельных участках кыргызско-узбекской государственной границы: [подписан в г. Бишкеке 3 ноября 2022 г.] // Депутаты приняли законы по границе с Кыргызстаном. Какие земли Узбекистан отдаёт и получает // Gazeta.uz. 2022. 14 ноября. : <https://www.gazeta.uz/ru/2022/11/14/borders/>

²⁰ Там же.

²¹ Там же.

²² Кыргызстан и Узбекистан начали переговоры по демаркации границы // Gazeta.uz. – 2023. – 7 февраля. – : <https://www.gazeta.uz/ru/2023/02/07/kg-border/>

²³ Договор между Республикой Казахстан, Туркменистаном и Республикой Узбекистан о районе точки стыка государственных границ трех государств: [подписан в г. Самарканде, ноябрь 2017 г.] // Информационно-правовая система «Әділет». – : <https://adilet.zan.kz/rus/docs/Z1800000190>

²⁴ Полностью завершена делимитация государственной границы Казахстана // Казинформ. – 2018. – 25 октября. – : https://www.inform.kz/ru/polnost-yu-zavershena-delimitaciya-gosudarstvennoy-granicy-kazahstana_a3435589

example of a consistent policy in the region to shape state borders as a holistic and continuous legal system.

Based on the above historical and legal analysis, several important conclusions can be drawn. First, the practice of the Republic of Uzbekistan in delimiting its state borders with neighboring states is consistent with the principles of delimitation recognized in international law. Such an approach is based on the principle of international law, the *pacta sunt servanda*.

According to this principle, states are required to fulfill their treaty obligations in good faith, and border agreements, as a rule, cannot be unilaterally revoked or revised. Secondly, the analysis shows that the success of delimitation and demarcation processes depends, first of all, on the political will and mutual trust between states. For example, while border issues with Turkmenistan were resolved in a short period of time, negotiations with Tajikistan and Kyrgyzstan took many years. This was due to the dense population of the border areas, the shared use of land and water resources, and complex socio-economic factors. Thirdly, Uzbekistan's practice shows that it is important to resolve border issues in close connection with the use of transboundary natural resources. In particular, the signing of an agreement with Kyrgyzstan on the joint use of the Andijan (Kempir-Abad) reservoir at the same time as the border agreement is a vivid example of this.

This shows that in modern international law, the state border is considered not only as a line separating territories, but also as a legal mechanism ensuring the rational and sustainable use of transboundary resources. This experience can also serve as an important legal basis for the development of cooperation in the Amu Darya and Syr Darya basins in the future. However, the completion of the delimitation process does not mean that the demarcation process has been fully completed. In the case of the border with Kazakhstan, it took more than twenty years to fully complete the demarcation process after the completion of delimitation. For this reason, it remains an urgent task for Uzbekistan to consistently continue its demarcation work with Tajikistan and Kyrgyzstan, establish border markers, and complete modern geodetic and cartographic work. Uzbekistan's experience in legalizing state borders based on international law contributes to strengthening peace, security, and stability in the region. In the future, further harmonization of national legislation with the requirements of international treaties, as well as improvement of bilateral legal documents regulating the state border regime, will remain one of the important factors in the development of regional cooperation.