

# **The Agreement about the status of IFAS and its organizations**

The Government of Republic of Kazakhstan, the Government of the Kirghiz Republic, the Government of Republic of Tajikistan, the Government of Turkmenistan and the Government of the Republics Uzbekistan called further "Sides", proceeding from the purposes specified in points a) and b) of the article 55 of the Charter of the United Nations Organization, demanding the decision for people living in ecologically crisis region of pool of Aral sea;

Considering:

The agreement between Republic of Kazakhstan, the Kirghiz Republic, Republic of Tajikistan, Turkmenistan and Republic of Uzbekistan « About cooperation in sphere of a joint management of use and protection of water resources of interstate sources » signed in Almaty on February, 18, 1992;

The decision of Heads of the Central Asia states «About creation of the International Fund for saving the Aral Sea», accepted in Tashkent on January, 4, 1993;

The agreement of Heads of the Central Asia states « About joint actions under the decision of a problem of Aral sea and Pryaralye, to ecological improvement and maintenance of social and economic development of Aral sea », signed in the city of Kzyl-Orda on March, 26, 1993;

The decision of Heads of the Central Asia states on reorganization of structure of the International Fund for saving the Aral Sea, signed in Almaty on February, 28, 1997;

And admitting that fact, that the Heads of the Central Asia states of the «Nukus Declaration», signed in Nukus on September, 20, 1995, have confirmed readiness to render the all-round help and trust to organizations of the IFAS;

Having united efforts for the further decision of crisis problems in pool of Aral sea,

The sides have agreed as follows:

## **CHAPTER 1. STRUCTURE OF THE INTERNATIONAL FUND FOR SAVING THE ARAL SEA**

### **Article 1**

The International Fund for saving the Aral Sea which are hereinafter referred to as "IFAS", includes:

- Board of IFAS;
- A revision committee;
- Executive Committee of IFAS (EC IFAS);
- Branches of Executive Committee of the IFAS in the states of Central Asia;
- Interstate Coordination Water-economic Commission (ICWC), Secretary of the ICWC, Scientific - Information Centre (SIC ICWC), Basin Water-economic Organizations - BWO "Amudarya" and "Syr-Darya";
- The Commission on Sustainable Development (CSD), Secretary, Scientific - Information Centre at Institute of deserts of Turkmenistan (SIC CSD).

## **CHAPTER II. LEGAL STATUS OF IFAS**

### **Article 2**

Organizations of the IFAS are legal persons, have the status of the international organizations and are competent:

- to conclude contracts, to define structure and number of employees as agreed with IFAS;
- to be claimants and respondents in court;
- to get and dispose of property, as agreed with IFAS, to receive grants, loans and bounty for the purposes connected to problems of Aral and to carry out the activity according to charters and regulations.

## **CHAPTER III. PRIVILEGES AND IMMUNITIES OF ORGANIZATIONS OF THE IFAS**

### **Article 3**

The sides take necessary measures on protection of premises and property of the IFAS against criminal encroachments and drawing of damage.

Organizations of IFAS, their property within the limits of territory of the Sides are exempted from all direct taxes. All sponsor's payments of the international donors and the organizations are exempted from taxes and tax collections.

### **Article 4**

Organizations of IFAS as agreed with IFAS can create branches and representations, to open settlement and currency accounts with the purpose of performance of functions assigned on them constituent documents and corresponding regulations. They can transfer means

for accounts in establishments of bank, make transactions and other legal acts.

Organizations of IFAS can transfer means from currency accounts with the purpose of purchase of the equipment and materials, and also to carry out other functions on the financial activity which do not contradict authorized documents, to regulations and legislations of the sides.

#### **Article 5**

Organizations of IFAS are exempted from the customs at import and export of the subjects intended for service using, not representing historical, cultural value and not connected with the state secret host country. However it is supposed, that the subjects imported according to such withdrawals, will not be on sale in the country into which they are imported, otherwise, as on the conditions produced with the government of this country.

#### **Article 6**

Organizations of IFAS can send and receive the Correspondence on the conditions not less favorable, than what the governmental organizations of a host country use.

### **CHAPTER 4. PRIVILEGES AND IMMUNITIES OF THE PERSONNEL**

#### **Article 7**

Organizations of IFAS have the right to employ local and foreign experts, advisers (experts) and to define conditions and positions of hiring of employees staff (the basic and support personnel).

Works under contracts with the international organizations should be carried out, basically, forces of the local organizations and experts. Foreign experts are involved only in case of emergency. Staff and the persons employed by establishment, will be working under the direction of Chairman or Director of this establishment or their first assistants.

To workers of IFAS, leaving in official journeys:

- a. Exit documents make out competent bodies in the order and the terms established by the legislation of the Sides;
- b. The sides take appropriate measures for preservation of pensions and grants of the social security, got to employees before receipt for work in organization of IFAS.

#### **Article 8**

Members of Board and Revision Committee of IFAS, representatives of the Sides in EC IFAS - members of EC IFAS, and also heads of

branches and their assistants for maintenance of independent performance of the functions with them, use the following privileges and immunities;

- a. immunity from personal arrest or detention and from imposing arrest on personal luggage, and also any sort of judicial - remedial immunity concerning all told, written or accomplished by them as officials;
- b. inviolability of all papers and documents;
- c. the right to receive papers or the correspondence by means of couriers ;
- d. their withdrawal and their wives from restrictions on immigration, registration of foreigners and the state service duty in the country in which they temporarily stay or through which they pass at performance of the duties;
- e. the same privileges concerning currency restrictions and restrictions of an exchange of money what are given representatives of the foreign governments which are during the official journeys.

#### **Article 9**

Organizations of IFAS, have the right to carry out payments to the workers (to the basic and support personnel) and to experts in the order and the sizes established by estimates of charges and authorized by the Sides;

All kinds of payments by organizations of IFAS, to the personnel and experts are conducted in the order established by the legislation of a host country.

#### **Article 10**

Each regional organization will define categories of officials, under the attitude which positions of present article should be applied.

Officials of the regional organizations:

- are exempted, together with wives and the relatives who are taking place on their expense, from restrictions on immigration and from registration of foreigners;
- use the same privileges concerning exchange, which are given to the officials of a corresponding rank included in diplomatic missions;
- have the right to import duty-free the furniture and property at the initial introduction into a post into the corresponding country;

- regulation of the above-stated points is not distributed to the citizens being citizens of a host country.

### **Article 11**

The regional organizations officials have the right to use identification cards of the sample coordinated by the Sides.

The sides recognize and accept certificates of persons of the regional organizations, as lawful documents.

Statements for issue of visa, where those are required, from officials of the regional organizations having the identification cards of the regional organization, are considered in the urgent order when these statements are accompanied by notices that these persons follow on affairs of the regional organizations. Besides this for such persons are given the privileges for fast movement.

### **Article 12**

Privileges and immunities to Members of Board, the Revision Committee and EC IFAS, (heads of branches and their assistants) are given not for personal benefit of separate persons and to provide independent performance of the functions connected to work in these establishments by them. Therefore the Sides not only have the right, but also are obliged to refuse immunity of the representatives in each case when immunity, in their opinion, interferes with departure of justice and when refusal of him does not cause damage of that purpose for the sake of which immunity has been given.

## **CHAPTER 5. FINAL REGULATION**

### **Article 13**

All changes of the present Agreement are entered under the consent of the Sides.

### **Article 14**

All disputes and disagreements between organizations of IFAS with the Sides, arisen during realization of the present Agreement, will be resolved by negotiations and consultations.

### **Article 15**

Each of the Sides has the right to leave from the present Agreement by the notice in writing about this depositary not less than for six months.

Above-stated is certified by the authorized representatives, that put signatures under the present Agreement.

It is accomplished in Tashkent on May, 29, 1997 in one original copy in Russian.

The original copy is kept in archive of Executive Committee of the International Fund for saving the Aral Sea, in Tashkent which will direct to each state-participant of the present Agreement, its certified copy.

**April, 9, 1999, Ashgabat**