

Resolution
of the heads of states of Central Asia on approval of the Statute of the International Aral
Sea Fund and Agreement on the status of IASF and its organizations

Heads of the states of Central Asia have resolved:

1. To approve the Agreement on the status of IASF and charge the Governments of the Republic of Kazakhstan, Kyrgyz Republic, Republic of Tajikistan, Turkmenistan and Republic of Uzbekistan with the task to fulfil the Agreement on the territories of the states of Central Asia.

Made in the city of Ashgabat on 9 April 1999 in one authentic copy in Russian.

The authentic copy is deposited with the Government of Turkmenistan, which shall send the other parties to the Agreement a a certified copy.

For the Republic of Kazakhstan

For Kyrgyz Republic

For the Republic of Tajikistan

For Turkmenistan

For the Republic of Uzbekistan

approved by the resolution of heads of states of Central Asia in the city of Ashgabat on 9 April 1999

AGREEMENT

Between the Governments of the Republic of Kazakhstan, Kyrgyz Republic, Republic of Tajikistan, Turkmenistan and Republic of Uzbekistan on the

STATUS

of the International Aral Sea Fund and its organizations

The Governments of the Republic of Kazakhstan, Kyrgyz Republic, Republic of Tajikistan, Turkmenistan and Republic of Uzbekistan, further referred to as “Parties”,

based on the goals, indicated in paragraphs a) and c) of the Article 55 of the United Nations Charter, demanding a solution of the problems faced by the peoples living in the areas of environmental crisis of the Aral Sea region;

taking into account:

The Agreement between the Republic of Kazakhstan, Kyrgyz Republic, Republic of Tajikistan, Turkmenistan and Republic of Uzbekistan, “On cooperation in the sphere of joint management of use and protection of water resources of the trans-border water sources” signed in the city of Almaty on 18 February 1992;

Agreement of the heads of states of Central Asia “On joint activities to solve the problem of the Aral Sea and Priaralya (adjoining regions), environmental rehabilitation and socio-economic development of the Aral Sea region”, signed in the city of Kzyl-Orda on 26 March, 1993;

Decision of the heads of states of Central Asia about the reorganization of the International Aral Sea Fund signed in Almaty on 28 February 1997;

and recognizing that the heads of states of Central Asia in their “Nukus Declaration”, signed in Nukus on 20 September 1995, have reconfirmed their willingness to provide all possible assistance and extend trust to the organizations of IASF;

Having united the efforts for the further solution of crises in the Aral Sea basin

The Parties agreed on the following:

Chapter 1. Composition of the International Aral Sea Fund,, further referred to as IASF, is as follows:

- * Managing Board of IASF
- * Revision Commission
- * Executive Committee of IASF (EC of IASF);
- * Branches of the EC IASF in the countries of Central Asia
- * Inter-state Coordinating Water Management Commission (ICWMC), Secretariat of ICWMC, Scientific Information Center (SIC of ICWMC), Basin Organizations: BVO Amudarya and BVO Syrdarya;
- * Commission for Sustainable Development (CSD), Secretariat, Scientific Information Center under the Institute of Deserts of Turkmenistan

Chapter 2. LEGAL STATUS OF IASF

Article 2

Organizations of IASF are legal entities and have a status of international organizations, with the following authorities:

- * to conclude contracts, determine their structure and manning table in coordination with IASF
- * be plaintiffs and defendants in courts
- * purchase and dispose of property, in coordination with IASF, receive subsidies, grants, loans and donations for the purposes connected with the issues of the Aral Sea, and implement their activities in accordance with Charters and Statutes.

Chapter 3.

Privileges and Immunities of the IASF organizations

Article 3

Parties take required measures to protect property and premises of IASF from criminal assaults and damages.

Organizations of IASF, their property on the territory of Parties are exempt from all direct taxes. All donations from international donors and organizations are exempt from taxes and fees.

Article 4

Organizations of IASF, in coordination with IASF, may create their branches and representative offices, open current and foreign exchange accounts to perform functions as stated by their statutory documents and appropriate provisions. They can transfer their funds to accounts in bank institutions, draw transactions and make other legal acts.

IASF organizations may dispose of funds in their foreign exchange accounts in order to purchase equipment and materials as well as implement other functions within their financial activities, which are not contradictory to statutory documents, provisions and legislation of the Parties.

Article 5

IASF organizations are exempt from customs fees while importing and exporting items which are used for their authorized activities and which have neither historical or cultural value nor any pertinence to local state secrets. It is anticipated, however, that the items being imported under such privileges, will not be sold in the country of import, otherwise than based on the conditions elaborated by the government of that country.

Article 6

IASF organizations may send and receive correspondence on conditions not less favorable than those enjoyed by the government agencies of the country of stay.

Chapter 4. Privileges and immunities of the staff

Article 7.

Organizations of IASF have the right to hire local and foreign specialists, consultants (experts) and determine conditions and provisions for the recruitment of the staff (core and support staff)

Contractual activities with international organizations shall be implemented, as a rule, by the staff of local organizations and specialists. Foreign experts are only recruited in cases of urgent need. The staff and persons, hired by the organization, are reporting to the Chair person or Director of that organization or their first deputies.

For the staff members of IASF, during their business trips

- a) exit documents are processed within the time limits and under procedures as specified by the legislation of the Parties
- b) The Parties take appropriate measures to secure pensions and social welfare benefits for their staff members which were earned before the recruitment by the IASF organizations.

Members of the Managing Board and Revision Commission of the IASF, representatives of the Parties in the EC IASF, i.e. members of EC IASF, and managers of branches and

their deputies shall enjoy the following immunities to be able to independently perform their functions:

- a) immunities from personal arrest or detention and from arrest of personal baggage, as well as all kinds of judicial immunities with regard to anything being said, written or done by them as the officials;
- b) inviolability of all papers and documents
- c) right to receive papers or correspondence through messengers or valises
- d) exemption of them and their spouses from immigration limitations, requirements for registration of foreigners and government civil duties in the country of temporary stay or transit in performing their official duties;
- e) same privileges with regard to foreign exchange constraints which are granted to representatives of foreign governments being on temporary business trips.

Article 9

IASF organizations have the right to make payments to their staff (core and support staff) and experts in the order and amounts as specified by budgets and approved by the Parties.

All types of payments to the staff and experts by the organizations of IASF shall be made in accordance with the legislation of the country of stay.

Article 10

Every regional organization shall define the categories of officials who are eligible to the provisions of the present Article.

Officials of regional organizations

- * are exempt (together with their spouses and relatives dependants) from immigration limitations and rules for registration of foreigners;
- * enjoy same privileges with regard to foreign currency exchange which are enjoyed by officials of the appropriate rank of diplomatic missions;
- * have the right to a duty-free import of their own furniture and personal effects upon inauguration to the office in the country of stay;
- * the above paragraphs are not applicable to persons who are citizens of the country of stay.

Article 11.

Officials of regional organizations are entitled to use ID documents as per the sample approved by Parties.

The Parties recognize and accept the IDs of the regional organizations as legal documents. Applications for visas, where appropriate, from officials of regional organizations possessing the ID of the regional organization, shall be processed in an expedited order whenever such applications contain notices that the officials are performing activities of the regional organizations. Besides, such officials are entitled to privileges for expedited movement.

Article 12

Privileges and immunities of the Members of the Managing Board, Revision Commission and EC IASF (heads and deputies of branches) are granted to them to enable an independent performance of their functions in the organizations, rather than personal profit. Therefore, the Parties not only have the right, but also an obligation, to denounce immunities of their representatives in cases, when the immunities impede enforcement of justice or when the denunciation of the immunities does not affect the goals for which the immunity was granted.

Conclusions

Article 13

All amendments to the present Agreement are to be made upon consent of all Parties.

Article 14

All disputes and arguments between the IASF organizations and the Parties, emerging under the present Agreement, shall be settled through negotiations and consultations.

Article 15

The present agreement comes in force on the date of its approval by heads of states of Central Asia, i.e. 9 April 1999.

Each of the Parties may denounce the Agreement by a written notice to the depositary at least six months prior.

Hereby certify that the attached texts on 12 pages are authentic copies of the Statute of the International Aral Sea Fund and Agreement on the status of the International Aral Sea Fund and its organizations, approved by the resolution of the heads of states of Central Asia in Ashgabat on 9 April 1999.

Head of
International Legal Department
MFA of Turkmenistan

Y. Kochumov

