

APPROVED
By Decision of the Heads of State
of Central Asia
in Ashgabat on 9 April 1999

AGREEMENT

Between the Government of the Republic of Kazakhstan, the Government of the Kyrgyz Republic, the Government of the Republic of Tajikistan, the Government of Turkmenistan and the Government of the Republic of Uzbekistan on the Status of the International Fund for Saving the Aral Sea (IFAS) and its Organizations

The Government of the Republic of Kazakhstan, the Government of the Kyrgyz Republic, the Government of the Republic of Tajikistan, the Government of Turkmenistan and the Government of the Republic of Uzbekistan, hereinafter referred to as “*the Parties*,” guided by the purposes set out in subparagraphs (a) and (c) of Article 55 of the Charter of the United Nations, which require resolution for the peoples residing in the environmentally crisis-affected region of the Aral Sea Basin;

taking into account:

The Agreement between the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan “*On Cooperation in the Field of Joint Management, Use and Protection of Water Resources of Interstate Sources*,” signed in Almaty on 18 February 1992;

The Decision of the Heads of State of Central Asia “*On the Establishment of the International Fund for Saving the Aral Sea*,” adopted in Tashkent on 4 January 1993;

The Agreement of the Heads of State of Central Asia “*On Joint Actions to Address the Problem of the Aral Sea and the Aral Sea Region, on Environmental Rehabilitation and on Ensuring Socio-Economic Development of the Aral Sea Region*,” signed in Kyzyl-Orda on 26 March 1993;

The Decision of the Heads of State of Central Asia on the Reorganization of the Structure of the International Fund for Saving the Aral Sea, signed in Almaty on 28 February 1997;

and *recognizing* the fact that the Heads of State of Central Asia, by the Nukus Declaration signed in Nukus on 20 September 1995, confirmed their readiness to provide every possible support to, and confidence in, the organizations of IFAS;

having united their efforts for the further resolution of crisis-related problems in the Aral Sea Basin, the Parties have agreed as follows:

CHAPTER I. STRUCTURE OF THE INTERNATIONAL FUND FOR SAVING THE ARAL SEA

Article 1

The International Fund for Saving the Aral Sea, hereinafter referred to as “IFAS,” shall include:

- The Board of IFAS;
- The Revision Commission;
- The Executive Committee of IFAS (EC IFAS);
- Branches of the Executive Committee of IFAS in the States of Central Asia;
- The Interstate Commission for Water Coordination (ICWC), the Secretariat of ICWC, the Scientific-Information Center (SIC ICWC), the Basin Water Management Organizations – BWO “Amudarya” and BWO “Syrdarya”;
- The Commission on Sustainable Development (CSD), its Secretariat, and the Scientific-Information Center under the Desert Institute of Turkmenistan (SIC).

CHAPTER II. LEGAL STATUS OF IFAS

Article 2

The organizations of IFAS are legal entities, have the status of international organizations and are authorized to:

- conclude contracts, determine the structure and staffing, in agreement with IFAS;
- act as plaintiffs and defendants in court;
- acquire and dispose of property, in agreement with IFAS, and receive subsidies, grants, loans and subventions for purposes related to the problems of the Aral Sea;
- carry out their activities in accordance with their statutes and regulations.

CHAPTER III. PRIVILEGES AND IMMUNITIES OF IFAS ORGANIZATIONS

Article 3

The Parties shall take the necessary measures to protect the premises and property of IFAS from criminal encroachments and damage.

The organizations of IFAS and their property, within the territories of the Parties, shall be exempt from all direct taxes. All sponsorship contributions of international donors and organizations shall be exempt from taxes and duties.

Article 4

The organizations of IFAS, in agreement with IFAS, may establish branches and representative offices, open settlement and foreign currency accounts for the purpose of carrying out the functions assigned to them by their founding documents and the relevant regulations.

They may transfer funds to bank accounts, conclude transactions and other legal acts.

Article 5

The organizations of IFAS shall be exempt from customs duties in respect of the import and export of items intended for official use, not representing historical or cultural value and not connected with the State secrets of the host country. However, it is understood that items imported under such exemptions shall not be sold in the country into which they have been imported except under conditions agreed with the Government of that country.

Article 6

The organizations of IFAS may send and receive correspondence on terms no less favorable than those enjoyed by governmental organizations of the host country.

CHAPTER IV. PRIVILEGES AND IMMUNITIES OF PERSONNEL

Article 7

The organizations of IFAS shall have the right to employ local and foreign specialists, consultants (experts) and to determine the terms and conditions of employment of staff (principal and auxiliary personnel).

Contracts with international organizations shall be executed primarily by local organizations and specialists. Foreign experts shall be engaged only in cases of extreme necessity. Staff and persons employed by an institution shall be under the authority of the Chairperson or Director of that institution or their first deputies. Employees of IFAS traveling on official missions shall enjoy the following:

- a) competent authorities shall issue travel documents in the manner and within the time limits established by the legislation of the Parties;
- b) the Parties shall take appropriate measures to preserve pensions and social security benefits acquired by employees prior to their employment with IFAS organizations.

Article 8

Members of the Board and the Revision Commission of IFAS, representatives of the Parties in the EC IFAS – members of the EC IFAS, as well as heads of branches and

their deputies, in order to ensure the independent performance of their functions, shall enjoy the following privileges and immunities:

- a) immunity from personal arrest or detention and from seizure of personal baggage, as well as immunity from any legal process in respect of all acts performed, words spoken or written in their official capacity;
- b) inviolability of all papers and documents;
- c) the right to receive papers or correspondence by courier or diplomatic pouch;
- c) exemption, for themselves and their spouses, from immigration restrictions, alien registration requirements and national service obligations in the country of their temporary residence or through which they transit in the performance of their duties;
- d) the same privileges in respect of currency and exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions.

Article 9

The organizations of IFAS shall have the right to make payments to their employees (principal and auxiliary staff) and to experts in the manner and amounts established by the approved budgets of expenditures of the Parties.

All types of payments by IFAS organizations to personnel and experts shall be made in accordance with the legislation of the host country.

Article 10

Each regional organization shall determine the categories of officials to whom the provisions of this article shall apply.

Officials of regional organizations:

- shall be exempt, together with their wives and dependents, from immigration restrictions and alien registration requirements;
- shall enjoy the same privileges in respect of currency exchange as are accorded to officials of corresponding rank forming part of diplomatic missions;
- shall have the right to import furniture and personal effects duty-free upon first taking up their post in the host country;

- the provisions of the above subparagraphs shall not apply to nationals of the host country.

Article 11

Officials of regional organizations shall have the right to use identity cards of a standard form agreed by the Parties.

The Parties shall recognize and accept the identity cards of regional organizations as valid documents.

Applications for visas, where required, by officials of regional organizations holding such identity cards shall be considered expeditiously, provided that such applications are accompanied by notifications that the individuals are traveling on official business of the regional organizations. Such persons shall also be granted facilities for rapid travel.

Article 12

The privileges and immunities accorded to members of the Board, the Revision Commission and the EC IFAS (including heads of branches and their deputies) are not for the personal benefit of the individuals themselves but are accorded in order to ensure the independent performance of their functions in connection with their work in these institutions. Therefore, the Parties not only have the right but are also under the obligation to waive the immunity of their representatives in any case where, in their opinion, the immunity would impede the course of justice and where waiver would not prejudice the purpose for which the immunity was accorded.

CHAPTER V. FINAL PROVISIONS

Article 13

All amendments to this Agreement shall be introduced by agreement of the Parties.

Article 14

All disputes and disagreements between IFAS organizations and the Parties arising in the course of the implementation of this Agreement shall be settled through negotiations and consultations.

Article 15

This Agreement shall enter into force as of the date of its approval by the Heads of State of Central Asia, that is, **9 April 1999**.

Each Party shall have the right to withdraw from this Agreement by giving written notification thereof to the depositary at least six months in advance.