

Agreement
between the Cabinet of Ministers of the Kyrgyz Republic
and the International Civil Defence Organization
on the establishment in the Kyrgyz Republic
of the Regional Humanitarian Office of the International
Civil Defence Organization for Central Asia and Asia

The Cabinet of Ministers of the Kyrgyz Republic, represented by the Minister of Emergency Situations of the Kyrgyz Republic and the International Civil Defense Organization (hereinafter referred to as the Organization), represented by the Secretary-General, hereinafter collectively referred to as the "Parties" and individually as the "Party";

Recalling that International Civil Defense Organization is an intergovernmental organization whose objective is to contribute to the development by States of structures ensuring the protection and assistance of populations, as well as safe-guarding property and the environment in the face of natural disasters and related phenomena;

Referring the Statute of the International Civil Defense Organization adopted on 17 October 1966 and entered into force on 1 March 1972, in particular its chapter XII;

Noting to the Law of the Kyrgyz Republic "On accession of the Kyrgyz Republic to the Constitution of the International Civil Defense Organization signed on October 17, 1966 in Monaco" dated July 08, 2011 year No. 83;

Desiring to regulate their relations in the Agreement;

Have agreed as follows:

CHAPTER I. GENERAL PROVISIONS

Article 1. Definitions

For the purposes of this Agreement, the following terms and expressions shall be understood as follows:

- a) "**Agreement**" – this Agreement;
- b) "**activities**" – the activities carried out by the Regional Humanitarian Office of the International Civil Defense Organization for Central Asia and Asia (hereinafter referred to as the Office) on the basis of the Agreement, the Constitution of the Organization and the constituent documents of the Office in accordance with its official tasks;
- c) "**Archives of the Office**" – means books, correspondence, documents and all other items, including manuscripts, images and recordings of films, computer programs, videotapes and disks, including magnetic tapes

or disks containing data owned or possessed by or created on behalf of or for the Office;

d) "**competent authorities**" – the competent authorities of the Kyrgyz Republic;

e) "**and property and assets**" – all property, management and/or use of which contributes to the activities of the Office/Organization ;

f) "**Office**" – office / representative office / branch Organization established in the city of Bishkek (Kyrgyz Republic) and engaged in the development of operations and projects of the Organization at the regional level in Central Asia and Asia;

g) "**Head of Office**" – means a person designated in that position in the Kyrgyz Republic and duly authorized to perform on behalf of the Organization the functions described in this Agreement;

h) "**connection**" – data transfer process used by the Office to import or export information;

i) "**official correspondence**" – any correspondence / files or other official documents of the Office, including in the form of data carriers;

j) "**officials of the Office**" – means officials, including the head of the Office, experts, consultants, and other staff employed or seconded by the Organization in accordance with the provisions of the Constitution of the Organization and other official documents in force, applicable also to locally recruited staff of the Organization, except for technical and service staff paid on an hourly basis or persons hired to perform certain temporary services or works;

k) "**Cabinet of Ministers**" – Cabinet of Ministers of the Kyrgyz Republic;

l) "**office infrastructure**" – buildings, outbuildings and areas used for official purposes of the Office;

m) "**legislation of the Kyrgyz Republic**" – legislative acts/ decisions of executive authorities or local government, any other the competent authority of the Kyrgyz Republic, including the Constitution of the Kyrgyz Republic and international conventions duly ratified by the Kyrgyz Republic;

n) "**Organization**" – International Civil Defense Organization;

o) "**Parties**" – the Cabinet of Ministers and the Organization;

p) "**foreign personnel**" – employees of the Office (Organization) from among persons **who** are not citizens of the Kyrgyz Republic ;

q) "**dependents**" – persons who are in the care or dependency of officials of the Office, including spouses and minor children, as well as children studying in higher educational institutions of the Kyrgyz Republic under the age of twenty-one (21) years, persons with disabilities and persons in need of care;

r) "**publications**" – means publications, documents, plans, engravings, drawings and sketches, filmstrips and films, video and sound recordings, as well as magazines, books and other archival media ;

s) "**local recruitment**" – means the recruitment process by the Organization or the Office in accordance with specific provisions relating to the recruitment of personnel;

t) "**Secretary General**" – General Secretary of the Organization.

Article 2. Objective

This Agreement establishes the terms and conditions governing the establishment and operation of the Office as a representative office of the Organization in the Kyrgyz Republic.

Article 3. Legal personality of the office

The Cabinet of Ministers recognizes the international legal personality of the Office and, in particular, its ability to:

- a) conclude contracts;
- b) acquire and dispose movable or immovable property in accordance with the legislation of the Kyrgyz Republic;
- c) apply to the court and law enforcement agencies of the Kyrgyz Republic for the protection of their rights and the rights of employees of the Office .

Article 4. Freedom of action and scope of the office

1. The Office can freely carry out on the territory of the Kyrgyz Republic the activities necessary to fulfill its mission to provide material, technical and humanitarian assistance in accordance with its constituent documents and the principles of international humanitarian law, to the extent permitted by the legislation of the Kyrgyz Republic.

2. The Organization may hold meetings on issues within the competence of the Office at the premises of the Office and in other places on the territory of the Kyrgyz Republic.

3. The organization informs the Cabinet of Ministers of these meetings, which undertakes to guarantee freedom of expression and discussion.

CHAPTER II. OFFICE INFRASTRUCTURE

Article 5. Office location

1. The office may be transferred to any other place on the territory of the Kyrgyz Republic by decision of the competent officials of the Organization and with the prior consent of the Cabinet of Ministers.

2. The infrastructure of the Office includes the premises that it occupies or may occupy for the purposes of its activities, with the exception of residential premises.

3. The Organization may open other offices on the territory of the Kyrgyz Republic subject to separate and prior permission from the Cabinet of Ministers.

4. The Cabinet of Ministers facilitates the acquisition by the Organization of premises for use as an Office.

5. Subject to compliance with the legislation of the Kyrgyz Republic, the Organization may establish internal rules for its administrative activities.

6. The Office and officials of the Office have the right to use the symbols and name of the Organization at any time.

Article 6. Office premises

1. The Office shall have the privileges, immunities, and facilities provided for in this Agreement on the territory of the Kyrgyz Republic.

2. The office enjoys immunity from jurisdiction over any form of legal action. Furthermore, no form of arrest, detention or execution may be imposed on the Office.

3. The premises of the Office are inviolable and are under the authority and control of the Organization.

4. In all cases, the Office must refrain from any direct or indirect interference in matters unrelated to the purpose of its mission.

5. Officials or agents of the Kyrgyz Republic, regardless of whether they are representatives of administrative, judicial, military or law enforcement, as well as any other bodies, or a competent person representing the Cabinet of Ministers, may not enter the premises of the Office to perform their official functions, except at the request or with the consent of the Head of Office or his deputy.

6. Consent is presumed to have been given in the event of a serious disaster, force majeure, or risk of harm to public order or safety requiring immediate intervention.

7. Without prejudice to the provisions of the Agreement, the premises of the Office shall in no circumstances serve as a refuge for any person wanted for the enforcement of a court judgment or prosecuted for crimes, or

against whom a judicial warrant or expulsion order issued by the competent authorities has been issued.

8. Also, the Office may not contain extraneous materials and objects of a nature that jeopardizes the security of the state or public order.

9. The Cabinet of Ministers takes appropriate measures to prevent illegal entry into the Office in accordance with the legislation of the Kyrgyz Republic and separate agreements.

10. The Cabinet of Ministers takes all necessary measures to ensure that the Organization is not deprived of its rights in the premises of the Office and is not deprived of the opportunity to exercise these rights, except with the consent of the Head of the Office.

Article 7. Office documents and archives

The correspondence and archives of the Office, and in general all documents belonging to it or held by it, are inviolable, wherever located.

Article 8. Property and assets of the office

The property and assets of the Office, wherever located and by whomsoever held, shall not be subject to requisition, confiscation, expropriation or any other form of executive, administrative, judicial or legislative coercion.

An exception to this rule are cases of violation by the Office employees who operate (drive) vehicles registered to the Office (Organization) of the traffic rules of the Kyrgyz Republic, determined by the Cabinet of Ministers.

CHAPTER III. PRIVILEGES AND BENEFITS

Article 9. Financial resources

As part of its official activities and in strict accordance with the current rules of exchange and transfer, the Organization may:

- keep funds in local currency or have bank accounts in foreign currencies;
- transfer his funds or currency, or convert any currency in his possession into any currency.

Article 10. Tax and customs preferences

1. When carrying out its official missions in the Kyrgyz Republic, the Organization, as an international organization that has signed the Agreement, receives tax and customs preferences provided for by the legislation of the

Kyrgyz Republic, including on the basis of separate agreements that have entered into force in accordance with the legislation of the Kyrgyz Republic.

2. The Cabinet of Ministers reserves the right to control the use of assets, funds, and other property intended for the Office.

3. The Cabinet of Ministers reserves the right to reasonably restrict or object to the import of goods and equipment that are not within the scope of the Office in the Kyrgyz Republic or that are considered invalid / unacceptable.

Article 11. Privileges for travel and residence

1. The Cabinet of Ministers shall facilitate, on conditions separately negotiated by the Parties and upon notification within a reasonable time, the entry, exit and stay in the Kyrgyz Republic for the duration of their functions or mission in the Office of the following persons:

- a) officials of the Permanent Secretariat of the Organization;
- b) experts, consultants or any other person working or on a mission on behalf of the Organization or the Office;
- c) other persons officially invited by the Organization or the Office as part of the activities carried out by the Office in the Kyrgyz Republic.

2. The persons referred to in paragraph 1 of this article shall have the right to move freely in the territory of the Kyrgyz Republic provided that the legislation of the Kyrgyz Republic is observed.

3. The Office undertakes to cooperate with the Cabinet of Ministers in order to avoid any infringement on the national security of the Kyrgyz Republic or any other state.

4. The employment of dependents of officials of the Office in the territory of the Kyrgyz Republic is carried out on the general basis provided for foreign citizens.

In this case, the accreditation card confirming the availability of immunities and privileges for the dependents of the officials of the Office is returned to the authorized body of the Kyrgyz Republic .

5. The Cabinet of Ministers undertakes to issue, free of charge and within the framework of its functions, visas to officials of the Office, their dependents and officials of the Organization in accordance with the legislation of the Kyrgyz Republic.

6. The Organization shall notify the Cabinet of Ministers of a complete list of its personnel prior to the opening of the Office, indicating the categories to which the provisions of this chapter apply.

7. The Office undertakes to inform the Cabinet of Ministers of the arrival of any new employee hired by the Office, in the context of carrying out its activities, by providing information about the identity, functions and date of arrival of the employee.

8. The Organization undertakes to periodically (quarterly) and as necessary provide the Cabinet of Ministers with an updated list of employees of the Office and dependents.

CHAPTER IV. COMMUNICATION

Article 12. Access to postal and communication services

1. Within the framework of its mission, the Office enjoys access to postal and communication services in accordance with the Legislation of the Kyrgyz Republic.

2. The costs associated with the supply, installation, commissioning and maintenance of communication equipment shall be borne by the Office.

Article 13. Protection of communications

1. In accordance with the legislation of the Kyrgyz Republic, all messages received from the Office or to the Office, regardless of the method of their transmission and the form in which they are sent, are exempt from any censorship and unlawful interception.

The office may use for its communication and official correspondence codes, sealed suitcases, which enjoy the same privileges and immunities as diplomatic mail, and the Cabinet of Ministers undertakes to guarantee their inviolability.

2. The Office may install and operate electronic means of communication in its premises provided that it complies with the regulations of the International Telecommunication Union, as well as the legislation of the Kyrgyz Republic.

3. The Cabinet of Ministers monitors the allocation of appropriate frequencies in accordance with the frequency allocation table of the International Telecommunication Union Radio Regulations.

4. The office may also use other modern means of communication. In this regard, the Cabinet of Ministers can provide support in obtaining a license and (or) permission required for the operation of technical means of communication in the territory of the Kyrgyz Republic in accordance with the legislation of the Kyrgyz Republic.

The acquisition, installation and operation of these facilities will be carried out by suppliers and installers selected by the Office and agreed with the Cabinet of Ministers.

CHAPTER V. IMMUNITY OF OFFICE OFFICIALS

Article 14. Privileges and immunities of office officials

1. In accordance with the legislation of the Kyrgyz Republic and this Agreement, officials of the Office enjoy the following immunities and privileges in the territory of the Kyrgyz Republic as part of the effective performance of their functions:

(a) immunity from jurisdiction in respect of words, letters or any act done by them in their official capacity. This immunity will continue to be granted to them by the same acts, words or written documents after they cease to be officers of the Organization;

(b) personal immunity from arrest and detention;

(c) inviolability of all papers and documents;

(d) immunity from confiscation of their official baggage;

(e) exemption from contributions to the social security system or to other public bodies if they are connected with the Organization's social security system;

(f) exemption of himself and his dependants from all immigration restrictions and foreigner registration formalities in accordance with the provisions of Article 17 of this Agreement;

(g) the ability to hold foreign accounts in local currency in the Kyrgyz Republic and foreign currency accounts elsewhere in accordance with applicable national and international legislation;

(h) the ability to own foreign securities and other movable property in the Kyrgyz Republic;

(i) in strict compliance with applicable exchange and remittance regulations, to transfer funds in a currency other than the currency of the Kyrgyz Republic from the Kyrgyz Republic to a foreign country, provided that the validity of the right of ownership is established.

(k) the same possibilities of repatriation for themselves and their dependents, as well as the same right to protection from the authorities of the Kyrgyz Republic in times of international or national tension, as other international organizations.

2. During the term of his functions and regardless of his citizenship, the Head of the Office enjoys privileges, immunities and benefits similar to those granted to the heads of other diplomatic missions located in the Kyrgyz Republic.

3. An accreditation card is not issued to employees of the Office who have citizenship of the Kyrgyz Republic. Privileges, immunities and benefits provided for by this Agreement are not granted to employees of the Office who have a permanent place of residence in the territory of the Kyrgyz Republic.

Article 15. Identification cards

The Cabinet of Ministers issues accreditation cards to all Office officials and dependents, which serve as their identification documents and certify that they enjoy the privileges and immunities provided for in the Agreement.

Article 16. Waiver of immunity

1. The privileges, immunities and facilities provided for in this chapter are for the benefit of the Organization and the Office, and not for individuals who benefit individually.

2. The Organization can and should waive the immunity granted to a staff member in all cases where, in its opinion, such immunity precludes the course of justice and where the immunity can be waived without prejudice to the interests of the Organization.

Article 17. Prevention violations

1. The Organization and the Office shall cooperate at all times with the competent authorities in order to promote the proper administration of justice, ensure compliance with the laws of the Kyrgyz Republic and prevent any abuse that may be caused by the privileges, immunities and benefits listed in the Agreement.

2. The Organization and the Office will make every effort to ensure that the privileges, immunities and benefits are not used for the purpose of abuse or obstruction of justice, and will include the necessary provisions in their internal rules to prevent the said abuses provided for in paragraph 1 of this article.

3. If the Cabinet of Ministers considers that there is abuse, it will invite the Office to consult with the competent authorities without delay.

At the same time, the Office needs to take immediate measures to eliminate conflict situations with the competent authorities.

CHAPTER VI. FINAL PROVISIONS

Article 18. Additional agreements

As part of the performance of its tasks, the Office may enter into agreements

with other entities involved in its activities, in cooperation with the competent authorities in the field of foreign policy and civil protection.

Article 19. Performance of the contract

1. The Ministry of Emergency Situations of the Kyrgyz Republic is the competent authority responsible for the implementation of the Agreement by the Kyrgyz Republic.

It ensures compliance with the terms of the Agreement by all competent authorities responsible for its practical application.

2. On the part of the Organization, the Head of the Office is responsible for the implementation of the terms of the agreement.

Article 20. Settlement of disputes

Disputes and disagreements between the Parties arising in connection with the interpretation or application of this Agreement shall be resolved through negotiations.

Article 21. Disputes on the right to confidentiality

1. The Organization will take appropriate measures to address:

(a) disputes arising out of contracts to which the Office is a party and other disputes relating to matters of private law;

(b) disputes involving officials of the Office enjoying immunities .

2. At the request of one Party or another, the Ministry of Emergency Situations of the Kyrgyz Republic shall assist in the peaceful resolution of the above disputes.

Article 22. Non-responsibility of the Kyrgyz Republic

The Kyrgyz Republic does not bear any international responsibility for the actions/inaction of the Office and its employees.

Article 23. Security of the Kyrgyz republic

Nothing in this Agreement affects the rights of the Cabinet of Ministers take all necessary precautions in the interests of the security of the Kyrgyz Republic.

At the same time, the Cabinet of Ministers contacts the Office as soon as possible in order to take the necessary measures by mutual agreement to protect its interests.

Article 24. Revision

Each Party may request in writing a revision of this Agreement. This Agreement may be revised or amended by a separate annex signed by the Parties.

Article 25. Languages

This Agreement is made in the kyrgyz, russian and english languages and signed in three (3) copies for each of the languages.

When interpreting the provisions, the Russian version is considered to prevail.

Article 26. Entry into force and termination

1. This Agreement shall enter into force on the date on which the Organization receives a notification to the Kyrgyz party on the completion of the internal procedures necessary for its entry into force.

2. Termination of the Agreement on the basis of a notice of the will to terminate the Agreement unilaterally occurs six (6) months after receipt of such notice.

Termination of the Agreement on the basis of a decision by the Organization to terminate the activities of the Office shall take place on the basis of terms to be negotiated separately in such a case, in order to ensure the safe termination of the activities of the Organization and to avoid causing damage to the Parties.

The termination of the Agreement by a joint decision shall be subject to the conditions laid down in that joint decision.

Done in Bishkek " 27 " October 2023

For the Cabinet of Ministers
of the Kyrgyz Republic:


B. Azhikeev

For the International
Civil Defense Organization:


A. Kudinov