

The Agreement
between the Government of the Republic of Kazakhstan and the
Government of the Kyrgyz Republic on the establishment of the Center for
Emergency Situations and Disaster Risk Reduction

The Government of the Republic of Kazakhstan and the Kyrgyz Republic, hereinafter referred to as Parties,

being aware of the danger posed by emergency situations,

taking into account the need for concerted action in the prevention and elimination of emergencies and their consequences,

recognizing that cooperation in the field of prevention and elimination of emergencies will contribute to the welfare and safety of the region's states,

desiring to extend the principles of cooperation on assistance in case of emergency, and make concerted efforts to ensure an effective and coordinated assistance to affected populations,

guided by the purposes of the Agreement between the Government of the Republic of Kazakhstan and the Government of the Kyrgyz Republic on cooperation in the field of civil defense (protection), emergency management as of June 16, 2009,

supporting the efforts of the United Nations and other international organizations to provide international assistance in emergency situations,

based on the principles of the Hyogo Framework for Action 2005 - 2015: Building the Resilience of Nations and Communities,

have agreed as follows:

Article 1. Definitions

The following definitions are used for purposes of this Agreement:

“host state” - territory of the Party where the Center is located;

“official” – a representative of the competent body sent by one of the Parties and assigned to the relevant full-time position;

“competent body” – a body appointed by the State of each Party for management and coordination of activities related to the implementation of this Agreement;

"confiscation"— uncompensated seizure of the property from the owner by the court as a sanction for committing a crime or other offense;

“crisis center” – body designated by a Party to coordinate interactions and information exchange between the Center and other competent governmental bodies of the Parties;

“liquidation of emergency situations” – rescue and other urgent works carried out at occurrence of an emergency situation and directed at saving lives and preservation

of public health, reduction of environmental damage and material losses, as well as localization of the emergency situation area, termination of its typical hazards;

"observer" - relevant international organizations, the State that is not a Party to this Agreement, which is granted observer status at the Center;

"Sending State" – a State Party that send its representative to work at the Center;

"information exchange" - obtaining and presenting information to and by the Parties, the Center and the third party;

"Center's personnel" - officials and employees of the Center;

"premises of Center" - buildings or parts of buildings used for the purposes of the Center regardless of the form of ownership, and affiliation to them, including service building or part of building area;

"prevention of emergency situations" - a set of activities carried out in advance and directed at the greatest possible reduction of risk of occurrence of emergency situations, as well as the preservation of public health, reduce damage to the environment and size of material loss in the event of their occurrence;

"Emergency situation obviation" — a complex of legal, organizational, economic, engineering, environmental, sanitary, epidemiological and special activities directed to organize monitoring and supervision over the conditions of the environment and potentially dangerous objects, forecast and prevention of emergency situation sources as well as to prepare for emergencies;

"center's employee" – a full-time employee of the Center that performs administrative work and technical support of the Center;

"requisition"- withdrawal of property from owner during natural and man-made emergency situations, in exceptional cases of absence or insufficiency of state material and technical reserves, food, medical and other resources established to ensure guaranteed protection of population, environment and facilities from man-made and natural emergency situations according to the decision of state bodies, in the manner and on terms, established by the legislation of the Parties, with payment of the market value of the property;

"management of the Center" – Director of the Center, Deputy Director;

"third party" — an international organization, a state that is not a Party by the Agreement and does not have the status of an observer;

"disaster" – various natural phenomena that cause sudden disruption of normal live activities of the population, as well as violations and destruction material assets;

"Center" – Center for emergency situations and disaster risk reduction;

"family members" – a spouse, minor children and persons dependent on officials and permanently residing with them;

"emergency situation" – a situation in particular territory created as the result accident, a dangerous natural phenomenon, a catastrophe, a natural or other manmade

disaster that may entail or entailed human losses, harm to public health or environment, significant material damage and violations of people's living environment;

“expropriation” – turning property owned by citizens and legal entities into state property through nationalization in a manner permitted by the legislation of the Parties on the nationalization of the property and reimbursement of the cost of this property and other expenses caused by its withdrawal.

Article 2. Purpose

The purpose of this Agreement is establishment of the Center to provide effective mechanisms for mitigations of the risk of emergency situations and reduction of consequences, collaborative response by Parties agreed measures, stimulation regional and international cooperation.

Article 3. Establishment of the Center

The Parties establish the Center in Almaty, the Republic of Kazakhstan, as a permanent intergovernmental body.

Functions and rights of the Center are defined by the Regulation of the Center, which is an integral part of this Agreement.

Article 4. Principles

While implementing the conditions of this Agreement the Parties are guided by the following principles:

- compliance with the universally recognized norms and principles of international law;
- cooperation in accordance with the national legislation of the State Parties;
- cooperation in solidarity and equal partnership.

Article 5. Objectives of the Center

Main objectives of the Center:

- implement regional and international cooperation in the area of prevention and liquidation of emergency situations;
- increase the level of safety fundamentals of lives of population of State Parties from natural and man-made emergency situations;
- attract grants from international and non-governmental/non-profit organizations for disaster risk reduction, development and implementation of joint international projects;
- implement cooperation with the competent bodies of the Parties;

promote the development of national system for prevention and liquidation of emergency situations in the countries of Parties;

assist in creation of latest information and communication systems for collecting, processing and analyzing information from the Parties;

implement international and other programs in prevention and liquidation of emergency situations;

assist in strengthening the national capacity of Parties emergency management;

implement international systems and networks to monitor natural and man-made emergencies;

create unified register of forces and means of State Parties to carry out rescue operations in their territories;

cooperate with third parties in order to explore the latest achievements and exchange of experience in the field of prevention and liquidation of emergency situations;

increase the qualifications of experts and specialists of the Parties through special exercises, workshops, training courses and other relevant activities;

develop standard procedures for emergency response, conducting response operations, and use of common reserve capacity of the Parties;

methodological materials for the harmonization of national legislations of State Parties, the introduction and use of common terminology to work with the competent bodies of the Parties;

support scientific and technical programs of Parties for prevention and investigation of the causes and consequences of emergency situations;

assist in achieving harmonization of national legislation of the Parties in the field of emergency situations and civil defense (protection);

implement other tasks in the prevention and liquidation of emergency situations.

Article 6. Center's status and funding of its activities

Center has the status of legal entity and in this status has rights and performs its functions in accordance with this Agreement, the Regulation on the Center and the national legislation of the host State without the prejudice to the privileges and immunities of the Center.

Terms of Center's operation is determined by a separate international pact between the Government of the Republic of Kazakhstan and the Center.

The Center is funded through the contributions of the Parties, donor funds, grants of international organizations, voluntary contributions of individuals and legal entities, as well as other sources that do not contradict the national legislation of the State Parties.

The order of execution of the budget of the Center, reporting on budget and financial audit is determined by the Regulation on the Center.

Article 7. Information exchange

Information exchange is carried out in compliance with the requirements for the information protection provided by the national laws of the Parties between:

- Parties;
- Parties and the Center;
- the Center and observers;
- the Center and third parties.

The Parties themselves determine the level of access to the information sent to the Center, as well as the order of its presentation to observers and third parties.

As part of the information exchange the Center performs:

the collection, processing, classification, storage and protection of the incoming information;

- preparation of reference, analytical, statistical material;
- presentation of the information to the Parties.

Request to present information as well as the information itself is channeled through technical or other means of communication.

In order to fulfil the objectives of this Agreement, the Parties may create information and communication networks and systems to transmit digitally info resources.

Article 8. Interaction with the Center

The Center interacts with competent bodies of the State Parties.

Competent bodies determine the crisis centers that interact with the Center.

In the event of changes on the list of competent bodies Center shall be informed about it by the competent authorities of the Parties.

The Parties shall take all necessary measures to ensure conditions to enable the competent bodies to perform their objectives, especially in accessing to relevant information.

The Center interacts with the third parties.

Article 9. Council of the Center

Parties supervise the operation of the Center through the Council. The Council includes heads of competent bodies of each State. The Council determines the strategic directions of the Center.

The Center's functions include:

determination the main directions of the Center's operations and cooperation in addressing the issues related to prevention and liquidation of emergency situations;
review and approval of a candidate for the appointment of head of the Center that meets the set requirements and is approved by the chiefs of the Governments;
approval of Center's structure and staffing;
control over the operation of the Center;
determination of resources needed to achieve the objectives and tasks of the Center;
formation, approval and control over budget;
study of financial and audit reports on the activities of the Center;
consideration of disputes between the Center and the competent bodies of the Parties;
other functions deriving from regulatory and legal acts governing the Center's operation.

Council meetings are held as needed, but at least twice a year at the Center, in Almaty, or by mutual agreement on territory of the other Party. The Council meeting is chaired by the head of the competent body of the Party who is elected for a period of 1 year in order of Russian alphabetical.

Decisions at meetings of the Council are adopted by consensus.

Article 10. Work of the Center's staff

The procedure for sending officials to work at the Center is determined by the national legislation of the sending Party.

Terms, conditions and procedures of the Center personnel's employment is determined by the Regulation on the Center.

Salaries for staff of the Center is provided from the budget of the Center.

Officials of the Center are international officials.

In the performance of their duties they shall not seek or receive instructions from any Party, as well as legal entities and individuals.

The Parties undertake to respect the international nature of the functions of Center's officials and not to influence them in the performance of their duties.

Article 11. Observers

International organization, the State that is not a Party by this Agreement, may be granted observer status.

Terms of granting the observer status are determined by the Regulation on the Center.

Article 12. Status of the officials and their family members

Officials of the Center enjoy freedom of movements in the territories of State Parties to the extent necessary to perform their official functions if it doesn't contradict to national legislation of State Parties on the territories, entry into which is prohibited or regulated for reasons of national security.

Officials of Center on the territories of the Parties use official IDs that are recognized by the Parties as documents proving the status of these persons.

For officials as well as for the members of their families for the period of stay in the county and return to the State of their citizenship are granted all the benefits, guarantees and compensations, established by the national legislation of the sending State Party.

Pension of the Center's officials is provided in accordance with the national legislation of the State Parties. Working period of Center's officials shall be included in the persons' seniority in accordance with the national legislation of the sending State Parties.

Article 13. Center's Property

Center uses the right of inviolability of its property, archives and documents, including official correspondence, regardless of their location, they are subject to immunity from any form of legal proceedings, including the expropriation, requisition and confiscation.

Premises and vehicles of the Center, regardless of their location, are not subject to search, requisition, confiscation and any other form of interference, hindering the Center's operation.

The inviolability of premises and vehicles of the Center does not give the right to use them for purposes inconsistent with the objectives and functions of the Center or detrimental to the security of State Parties the interests of individuals and legal entities.

Center enforces fire safety rules and sanitary norms established in the host State.

Article 14. Symbols and working language of the Center

The center has a flag, emblem and other symbols approved by the Council, and can place it in its official documents, its premises and vehicles of the Center.

The Parties recognize official documents, seals, stamps and symbols of Center.

Official and working language of the Center is Russian.

Article 15. Regarding other international agreements

This Agreement shall not affect the rights and obligations of State Parties arising from other international agreements in which they participate.

Article 16. Amendments and additions, resolution of disputes

With the consent of the Parties this agreement may have amendments and supplements that are reflected in protocols that are an integral part of this Agreement.

This Agreement shall not limit the right of the Parties to conclude other international treaties on subject matters of this Agreement and do not contradict its purposes and object.

Issues of interpretation or application of this Agreement shall be resolved through consultations and negotiations.

Article 17. Enforcement, validity, joining to and withdrawal from the Agreement

This Agreement is concluded for an indefinite period and shall be enforced on the date when Parties receive the last written notification on ratification of this Agreement through diplomatic channels.

This Agreement is open for other states to join. Decision about joining to the Agreement is made through joint consensus of the Parties. In the case of other states joining to this Agreement, the Republic of Kazakhstan performs depositary functions of this Agreement. For the acceding state, this Agreement shall be enforced on the thirtieth day after the date depositary receives notification of its accession.

Each Party may withdraw from this Agreement by sending through diplomatic channels a written notification to the depositary not later than 6 months before the intended date of withdrawal. Acceding State may withdraw from this Agreement by giving a written notice through diplomatic channels to the depositary no later than 6 months before the intended date of withdrawal.

Done in Almaty, May, 17 2013 in two original copies in Kazakh, Kyrgyz and Russian languages, all texts are equally valid. In case of divergence of interpretation of this Agreement Parties refer to the text in Russian.

*For the Government of
The Republic of Kazakhstan*

*For the Government of
The Kyrgyz Republic*

ANNEX
to Agreement between the
Government of the Republic of
Kazakhstan and the Government of
the Kyrgyz Republic on the
Establishment of the Center for
Emergency Situations and Disaster
Risk Reduction

**Regulation
on the Center for Emergency Situations and
Disaster Risk Reduction**

1. General Provisions

The Center for emergency situations and disaster risk reduction is established in order to:

- develop cooperation in prevention and liquidation of emergency situations;
- ensure an integrated approach to the obviation of emergency situations;
- mitigate risk factors of emergencies, identification, assessment and monitoring of the emergency situation hazards and their forecast;
- establish an early warning and mutual notification systems of the risk of emergency situations;
- coordinate joint efforts and strengthen preparedness for effective and timely response to emergency situations;
- orderly mutual exchange of information.

In its operation the Center is guided by the objectives of the Agreement between the Government of the Republic of Kazakhstan and the Government of Kyrgyz Republic on cooperation in civil defense (protection), prevention and liquidation of emergency situations of June, 16 2009, the Agreement between the Government of Republic of Kazakhstan and the Government of the Kyrgyz Republic on establishment of the Center for emergency situations and disaster risk reduction (hereinafter – the Agreement on establishment of the Center) and this Regulation, as well as it takes into account the international treaties to which the participating states are the State Parties.

The competent bodies of State Parties that are exercising official contacts with the Center are central government authorities in the field of prevention and liquidation of emergency situations of the Parties.

The Center operates:

using the capacity, resources and database of governmental bodies that are responsible for prevention and liquidation of emergency situations (hereinafter – competent bodies) of the Parties;

interacting with governmental, international and non-government organizations.

The Center is a permanent intergovernmental body of the Parties for assistance in organizing, conducting and coordinating agreed collaborative activities in the field of prevention and liquidation of emergency situations and it annually shall inform the competent authorities of the Parties on its activities.

The general management of the Center is performed by the Council of heads of competent bodies of the Parties in the field of prevention and liquidation of emergency situations (hereinafter – the Council).

2. Main function

The main functions of the Center include:

interacting with the competent bodies of the State Parties, cooperation with governmental authorities of other countries and international organizations;

presenting information due to requests of the competent bodies of the State Parties;

conducting events to implement joint international and intergovernmental projects in the field of emergency situations and disaster risk reduction;

taking joint measures with local and national executive bodies of the Parties to strengthen the capacity of emergency management;

conducting special exercises, training, education courses and other events to enhance the qualifications of the experts and specialists of the Parties:

studying the latest achievements of international authorities and governmental bodies of foreign countries;

implementing the exchange of experience and adoption of best practices on emergency management and disaster risk reduction in the practice of the competent bodies of the Parties;

establishing a unified register of forces and means of the Parties;

implementing measures to harmonize national legislation of the Parties in the field of emergency situations and civil defense (protection);

conducting timely reception, collection, processing, storage, protection and analysis of information in the field of prevention and liquidation of emergency situations;

ensuring mutual exchange of information between the competent bodies of the Parties and other interested parties;

analysis of incoming information and development of appropriate recommendations;

development of procedures for systematic storing of information, formation and replenishment of the Center's data base;

facilitate the measures to unify the information systems including the databases of the competent bodies of the Parties;

introduction of the standardized forms and systems of information exchange, implementation and improvement of data analysis programs;

participation in the development and implementation of international and other programs in the field of prevention and liquidation of emergency situations;

establishment and maintenance of working contacts with the governmental bodies of the Parties, international and non-governmental organizations for constant mutual exchange of information in the field of emergency situations;

participation in the preparation and conducting international exercises, rescue and humanitarian operations in the territories of the Parties and in other foreign countries, assisting to ensure participation of the forces and means of the Parties;

other activities in the field of prevention and liquidation of emergency situations.

3. Rights

To perform its functions, the Center has the rights:

to request from competent bodies and to present them information necessary for the activities reflected in this Regulation, to create a database;

according to established order to make proposals to the Council on financing of its operation;

to develop within its competence proposals, recommendations and drafts of documents in the field of prevention and liquidation of emergency situations;

to participate in international and other events, related to its competence.

4. Organization of the operation

The Center is managed by the Director of the Center, appointed and dismissed by the Council's decision.

Operation of the Center is organized by the personnel which was approved by the Council's decision.

The director of the Center is appointed by a Party on a rotational basis in the Russian alphabetical order of the names of the State Parties for three years.

The director and the deputy director cannot be the citizens of the same country.

5. The procedures of selection, appointment and withdrawal of staff

Appointment of the officials to work at the Center is made among the representatives of the competent bodies and in accordance with the national legislation of State Parties.

The other employees when hired must meet the following requirements:

must be citizens of the host state;

meet the qualification requirements (appropriate education and professional experience), established by the applicable qualification characteristics for managers, professionals and other employees.

Officials are hired for a period of 3 years by the proposal of the Parties. The hiring period may be extended, but no longer than for 3 years.

6. Personnel

The Center's personnel include officials and employees as well as the employees that ensure constant operation of hardware and software.

The Director of the Center:

organizes the work of the Center;

provides overall management of the Center and is personally responsible for completion of the tasks assigned to the Center;

submits to the Council structure and staffing of the Center for approval, participates in the formation of the staff of the Center;

defines the functions, rights and responsibilities of staff of the Center and supervises their employment;

represents the Center in relations with public authorities and third parties;

participates in events that are conducted in the countries of the Parties;

submits for the Council's approval the Budget of the Center and the report on its execution;

manages the Center's budget;

annually submits to the Council a report on the work done.

For each Party there is a quota of positions that are filled by the officials, in an amount of 5 units from the Republic of Kazakhstan and 5 units from the Kyrgyz Republic. The officials are sent (sent on an official business trip) to the Center in accordance with the national legislation of the sending state.

Appointment to positions at the Center, hire at the Center is done by the director of the Center in agreement with the Council and competent bodies that are sending their representatives to work at the Center.

During their work at the Center officials and their family members retain the rights, privileges, guarantees and compensations established by the national law of the sending state.

Officials of the Center do not have rights to engage in activities incompatible with the status of international officials.

The Center's staff should avoid actions and public statements, written or oral, that may be detrimental to the Center or to the national interests of the Parties.

Officials and employees of the Center are granted annual leave.

Personnel of the Center is given an identification of an established form approved by the Board.

7. Observer

The status of an observer can be granted to international organizations or a country that is not a State Party by the Agreement on establishment of the Center. Decision on granting and pausing or cancellation of the observer status is made by the Council in agreement with the Parties.

The procedure for granting observer status at the Center include:

written motivated appeal of the state, the competent international organizations to the director of the Center;

submission of this appeal by the Director for the Council's consideration;

consideration of appeals by the Council and the decision on the granting observer status is carried out in agreement with Parties and based on consensus.

Country, international organizations with the observer status at the Center communicate with the Center via their representatives.

8. Funding and property

Center's operation is funded by the budget of the center; the budget is formed from:

- 1) contributions of the State Parties;
- 2) donor funds;
- 3) grants of international organizations;
- 4) voluntary donations of individuals and legal entities;
- 5) other sources that do not contradict with the legislation of the State Parties.

Contributions can be made in national currency of State Parties and in freely convertible currencies.

Each of the Parties can give the Center equipment, other assets, intellectual and other property free of charge.

The funds allocated for the Center's operation are in the client accounts in accordance with the procedures of conducting the client accounts approved in the Republic of Kazakhstan.

For the effective operation the Center can be given on temporary basis facility, equipment, communication devices and other material assets.

Any actions of the decisions made by relevant authorities and country's management bodies can be executed in the premises of the Center only with the agreement of the Director or his deputy.

The host state takes appropriate measures to protect the premises of the Center against any intrusion or damage.

The facilities of the Center cannot serve as a refuge for persons persecuted by the national legislation of the State Parties or who are subjected to extradition of any of the Parties or third country.

9. Budget, audit and financial management

The auditors sent by State Parties control all the obligations and expense payments as well as the revenue collections.

Each half-year director of the Center presents to the Council, also to the international organizations and donor countries a financial report on finances provided by them.

Audit reports are submitted to the Director, the Council, international organizations and donor countries engaged in the financing the Center on the funding provided by them.

The Director shall inform the Council about the actions taken on the results of the auditors' report.

10. Final provisions

The Center has the status of the legal entity, necessary requisites for its operation in accordance with the national legislation of the host state.