



**CONFERENCE ON INTERACTION AND
CONFIDENCE BUILDING MEASURES IN ASIA**

**СОВЕЩАНИЕ ПО ВЗАИМОДЕЙСТВИЮ И
МЕРАМ ДОВЕРИЯ В АЗИИ**

Adopted by the CICA Senior Officials Committee

Signed in Astana on 26 June 2007

**HOST COUNTRY AGREEMENT
between the Secretariat of the Conference
on Interaction and Confidence Building Measures in Asia
and the Government of the Republic of Kazakhstan
regarding the Terms and Conditions of the Secretariat's Location
in the Territory of the Republic of Kazakhstan**

The Secretariat of the Conference on Interaction and Confidence Building Measures in Asia and the Government of the Republic of Kazakhstan, hereinafter referred to as "the Parties",

Being guided by universally recognized principles and rules of international law,

Aiming at implementation of provisions of the Almaty Act and the Statute of the Secretariat of the Conference on Interaction and Confidence Building Measures in Asia determining the Republic Kazakhstan as the Host Country of the Secretariat of the Conference on Interaction and Confidence Building Measures in Asia, and also

Wishing to provide in the territory of the Republic Kazakhstan necessary terms and conditions for the Secretariat of Conference on Interaction and Confidence Building Measures in Asia for its proper functioning,

Have agreed as follows:

**Article 1
General Provisions**

1. The present Agreement shall regulate the issues, concerning Seat of residence of the Secretariat of the Conference on Interaction and Confidence Building Measures in Asia in the Republic of Kazakhstan.

2. For the purpose of the present Agreement, the following expressions shall have the meanings hereunder assigned to them:

(a) The "Government" is the Government of the Republic of Kazakhstan;

(b) The "CICA" is the Conference on Interaction and Confidence Building Measures in Asia;

(c) The "Secretariat" is the Secretariat of the Conference on Interaction and Confidence Building Measures in Asia;

(d) The "Headquarters of the CICA" is the Secretariat premises, allocated to the CICA by the Government (buildings or parts of buildings and the land ancillary thereto in the Host Country, irrespective of ownership used for the purposes of the CICA);

(e) The "Member State" is the CICA Member State;

(f) The "Sending State" is the Member State, which second its nationals to work in the Secretariat;

(g) The "Chairman" is the Member State, chairing the CICA;

(h) The "Host Country" is the Republic of Kazakhstan;

(i) The "Executive Director" is the CICA Executive Director;

(j) The "members of the professional personnel" are the members of the professional personnel of the Secretariat, seconded to the Secretariat by the Member States;

(k) The "members of the family" are the members of the family of the Executive Director, the Deputy Executive Director and the members of the professional personnel of the Secretariat (spouse and children under 18) forming part of their household.

Article 2

Legal capacity of the Secretariat

The Secretariat shall enjoy the rights and responsibilities of a legal entity and, inter alia, may:

1. Conclude contracts and acquire the rights, take obligations on them.
2. Have its seal with its full name, and other essential elements of independent establishment for all official purposes.
3. Own, get, rent, alienate movable and immovable property and administer/dispose of it.
4. Open bank accounts and operate financial transactions.
5. Act in courts as a claimant or respondent.
6. The rights envisaged/stipulated by the present article are exercised on behalf of the Secretariat by the Executive Director or, during his/her absence, by the Deputy Executive Director.

Article 3

Privileges and Immunities of the Secretariat

1. The premises and means of transport of the Secretariat as well as its archives and documents, including the official correspondence, shall not be subject to search, requisition, confiscation, arrest or execution in any circumstances.
2. The Host Country is under a special duty to take all the necessary measures to protect the premises of the CICA Secretariat against any intrusion, damage or unlawful entry.
3. The Secretariat, its assets, income and other property shall be:
 - I. Exempt from all the direct taxes and duties, value added tax (VAT) (including returns according to the laws and regulations of the Host Country), which are levied on the territory of the Host Country, except those

which are, in fact, no more than charges for public utility services.

II. Exempt from customs payments and duties, import and export restrictions and prohibitions, while importing and exporting by the Secretariat of the items for official use. The items, which are exempt, shall not be sold in the Host Country, except on the conditions agreed on with the Government.

III. Exempt from the customs payments and duties, import and export restrictions and prohibitions, while importing and exporting printed products, issued by the Secretariat.

4. The Secretariat shall:

I. Enjoy for its official communications treatment not less favourable than that accorded by the Host Country to diplomatic missions of foreign states.

II. Have the right to use codes, courier and other types of communication, that ensure confidentiality of conveying information, and dispatch and receive correspondence through courier or in pouch, which shall have the same immunities and privileges as diplomatic couriers and pouch. Herewith the packages constituting official correspondence must bear visible external marks of their character and may contain only diplomatic documents or articles intended for official use.

III. Have the right to use the flag and emblem of the CICA on the Secretariat's premises and means of transport, which are used for official purposes.

IV. Have the right, consistent with the purposes and principles of the CICA, to issue and disseminate printed products.

5. The premises, property and assets of the Secretariat shall be immune from any form of administrative or judicial interference except for the cases when the Senior Officials Committee upon the proposal of the Executive Director takes a decision on waiving the immunity.

6. The representatives of the appropriate bodies of local authorities of the Host Country may not enter the premises of the Secretariat except with the consent and on conditions approved by the Executive Director or, during his

absence, by the Deputy Executive Director.

7. The representatives of authorized state agencies may not enter premises of the Secretariat, except during force-majeure situations only with the consent of the Executive Director or, during his absence, the Deputy Executive Director.

8. The premises and means of transport of the Secretariat shall not serve a refuge for the persons, which are persecuted by the law of any Member State or liable to extradition to any of the Member States or a third country.

9. The premises and means of transport of the Secretariat shall not be used for the purposes that are not consistent with the objectives and principles of the CICA or inflicting damage to security and interests of the Member States.

Article 4

The Headquarters of the CICA

1. The Host Country ensures on a gratis basis payment of the rent of the premises to be used as the location of the CICA Headquarters.

2. In future a new CICA Headquarters building may be constructed in Almaty or Astana by the Host Country.

Article 5

Interaction between the Secretariat and Authorized State Agencies of the Host Country

1. The authorized state agencies of the Host Country on the request of the Executive Director or, in his absence, Deputy Executive Director ensure provision of utility services, which are necessary for the Secretariat, on the conditions not less favourable than those accorded by the Host Country to diplomatic missions of foreign states.

2. In cases when such services are provided by the authorized state agencies of the Host Country, or when the prices of them are controlled by the

said authorities, the tariffs for such services should not exceed the tariffs that are applied with respect to the diplomatic missions.

3. During a force-majeure situation, which may lead to complete or partial disruption in providing such services, the Secretariat with the purpose of carrying out its functions enjoys priority that is accorded by the authorized state agencies of the Host Country to the diplomatic missions.

4. On the request of the authorized state agencies of the Host Country the Secretariat has to take all necessary measures so as the authorized representatives of appropriate utility services of the Host Country have the opportunity to carry out properly necessary work on conditions, which do not create disruptions to the activities of the Secretariat.

5. The Secretariat shall cooperate with the appropriate authorities of the Host Country to facilitate the proper administration of justice, secure the observance of police regulations, and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this Agreement.

Article 6

Privileges and Immunities of the Executive Director, Deputy Executive Director and members of the professional personnel

1. The Executive Director, Deputy Executive Director and members of the professional personnel shall be independent and free from influence from any Member State and/or a government, organization or a private person. Therefore, they shall not receive instructions from them.

2. The Host Country shall treat with due respect the international nature of the functions of the Executive Director, Deputy Executive Director and members of the professional personnel and not to exert influence while exercising their official functions.

3. The Executive Director, Deputy Executive Director and members of the professional personnel in the territory of the Host Country shall:

I. Be immune from criminal, civil and administrative jurisdiction in respect of words spoken or written and all acts done by them in the capacity of the

Executive Director, Deputy Executive Director and members of the professional personnel, except in the case of:

a. Lawsuits with regard to compensation of damage in connection with accidents, caused by any means of transport belonging to the Secretariat or the Executive Director, Deputy Executive Director and members of the professional personnel or means of transport, which have been driven by them.

b. Lawsuits with regard to compensation of damage in connection with the death or body injury, caused by the actions on the part of the Executive Director, Deputy Executive Director and members of the professional personnel or means of transport, which have been driven by them.

II. Be exempt from taxation on salaries/emoluments and remuneration.

III. Be immune from national service obligations of the Host Country.

IV. Be immune, together with the members of their families, from immigration restriction and alien restriction.

V. Be accorded same privileges in respect of exchange facilities as are accorded to the diplomatic agents in the territory of the Host country.

VI. Be given, together with the members of their families, the same repatriation facilities in time of international crisis as diplomatic envoys.

VII. At the time of posting in and departure from the Host Country in connection with the termination of their tenures shall have the right without payment of customs duties, taxes and other payments import/export personnel effects, including an automobile transport meant for personnel use, subject to the legislation of the Host Country, with the exception of those, which are payments for certain types of services.

VIII. The Executive Director, Deputy Executive Director and members of the professional personnel should not be engaged in professional or commercial activities in the interests of personnel benefit or benefit of other persons, with the exception of scientific, intellectual and teaching activities.

4. The provisions of the subparagraphs i, ii, iii, v, vi and vii of the paragraph 3 of this article are not applicable to the Executive Director, Deputy Executive Director and members of the professional personnel, who are the nationals of the Republic of Kazakhstan.

5. Apart from privileges and immunities, stipulated in the paragraph 3 of this article the Executive Director, Deputy Executive Director and members of the professional personnel as well as the members of their families shall enjoy other privileges and immunities, which according to the international law are granted to the diplomatic agents and members of their families. Herewith if the persons, mentioned in this article, are the citizens of the Host Country, then they shall enjoy the privileges and immunities, mentioned in this article, in the territory of the Host Country only in discharging their official duties.

6. Means of transport of the Secretariat and official vehicles of the Executive Director, Deputy Executive Director and members of the professional personnel shall be insured against damage, which may be inflicted to the third persons in connection with the use of these vehicles by the sending states. Personal means of transport of the Executive Director, Deputy Executive Director, members of the professional personnel and members of their families shall be insured against damage, which may be inflicted to the third persons in connection with the use of these vehicles by their owners.

7. The Executive Director, Deputy Executive Director, members of the professional personnel and members of their families shall enjoy the privileges and immunities, envisaged in this Agreement, from the moment of their arrival in the territory of the Host Country on proceeding to take up their posts or, if they are already in the territory of the Host Country from the time when the Executive Director, Deputy Executive Director and members of the professional personnel assumed their duties.

8. When the functions of the Executive Director, Deputy Executive* Director and members of the professional personnel have come to an end their privileges and immunities as well as the privileges and immunities of the members of their families, who are not the nationals of the Host Country, shall cease at the moment when the Executive Director, Deputy Executive Director and members of the professional personnel accordingly leave the Host Country or after the

expiry of one month after they leave their posts.

9. In case of the death of the Executive Director, Deputy Executive Director and a member of the professional personnel, the members of their families shall continue to enjoy the privileges and immunities to which they are entitled until they leave the Host Country, however during not more than two months after the death of the Executive Director, Deputy Executive Director and a member of the professional personnel.

10. Privileges and immunities are accorded to the Executive Director, Deputy Executive Director and members of the professional personnel not for the personnel benefit of the individuals themselves, but in order to safeguard the efficient, independent exercise of their official functions in the interests of the CICA.

11. Waiver of immunity:

I. The right to waive the immunity with respect to the Executive Director and Deputy Executive Director belongs to Meeting of Foreign Ministers on the submission of the Senior Officials Committee.

II. The right to waive the immunity with respect to the members of the professional personnel belongs to the Executive Director on the consent of the Senior Officials Committee.

III. Waiver must always be express.

12. Without prejudice to their privileges and immunities, envisaged in this Agreement, the Executive Director, Deputy Executive Director, members of the professional personnel and their family members must respect the laws and regulations of the Host Country. They also have the duty not to interfere in the internal affairs of the Host Country.

13. The Executive Director, Deputy Executive Director and members of the professional personnel have the right:

I. to have their visas processed as speedily as possible and free of charge if they have invitations to take up their positions or during their official travels.

II. in cases, when necessary for the events of the CICA and if it is consistent with the legislation of the receiving state, to move freely on its territory.

14. The Secretariat shall notify the Government in the person of the Ministry of Foreign Affairs of the Republic of Kazakhstan the names and categories of the members of its personnel and of any change of their status.

15. Accreditation cards.

I. The Ministry of Foreign Affairs of the Republic of Kazakhstan on behalf of its Government and on the request of the official request of the Secretariat issues to the Executive Director, Deputy Executive Director, members of the professional personnel and their family members appropriate accreditation cards.

II. On demand of an authorized representative of the Government the persons, mentioned in the subparagraph i of this paragraph, must produce their accreditation cards.

III. The Secretariat on completion of the tenure of the Executive Director, Deputy Executive Director and members of the professional personnel or during their posting to other posts/positions ensures timely return to the Government represented by the Ministry of Foreign Affairs of the Republic of Kazakhstan all the respective accreditation cards.

Article 7

Final Provisions

1. This Agreement:

I. Shall be provisionally applied from the date of its signature.

II. Is subject to ratification by the Republic of Kazakhstan and shall enter into force from the date of receipt by the Secretariat the instrument of ratification.

2. Any difference concerning with the application or interpretation of this Agreement shall be settled through consultations and negotiations between the Parties.

3. The provisions of this Agreement can be modified only by agreement between the Parties, which shall be recorded in separate protocols, being integral parts of this Agreement, and shall enter into force in the order, envisaged by the subparagraph ii of the paragraph 1 of this article.

Done in Astana on the "26" June, 2007 in two original copies each in the Kazakh, English and Russian languages and which are being equally authentic.

The Secretariat shall forward to each Member State certified copies of this Agreement.