

Approved by the Chairman of the
Executive Committee of the International
Fund for saving the Aral Sea
(signed) Sagit Ibatullin
19 February 2010

PROVISIONS
**on the Executive Board of the International Fund for saving the Aral Sea in
the Republic of Kazakhstan**

I. General provisions.

- 1.1. The Executive Board of the International Fund for saving the Aral Sea (EB IFAS) in the Republic of Kazakhstan is a territorial body of the Executive Committee of IFAS (hereafter – EC IFAS) and its permanent working body in the Republic of Kazakhstan.
- 1.2. The Executive Board in the Republic of Kazakhstan has its branch in Kyzylorda city.
- 1.3. The Executive Board in its work is guided by the Provision on the International Fund for saving the Aral Sea and the Executive Committee of IFAS, the Agreement on the Status of IFAS and its organizations, this Provisions, decisions of IFAS President and the Governance of IFAS, orders of EC IFAS, the legislation of the Republic of Kazakhstan.
- 1.4. The Executive Board is a legal entity in organizational and legal form of public foundation, has a status of international organization and corresponding immunity and privileges, has a bank accounts, stamp and blanks with its name on Russian and English languages and uses symbols of IFAS.
- 1.5. Funding activities of Executive Board is being implemented by the means of donations of the Republic of Kazakhstan, donor funds and other contributions.
- 1.6. Legal address: 050012, Almaty city, 109 Tole Bi street
- 1.7. Official name in Russian language: **Общественный фонд «Исполнительная Дирекция Международного Фонда спасения Арала в Республике Казахстан»**
in English language: **Executive Board of the International Fund for saving the Aral Sea in Republic of Kazakhstan.**

II. Tasks.

- 2.1. The main tasks of the Executive Board are:
 - providing practical implementation of the decision of the Council of the Heads of States of Central Asia, President of the Fund and the Governance

of IFAS on the issues of the Aral Sea basin related to the Republic of Kazakhstan and in accordance with orders of EC IFAS:

- implementation of projects and programmes of the Aral Sea basin;
- accumulation of financial and other means and providing their targeted use;
- assisting activities of Interstate Commission for Water Coordination (ICWC) and Commission on Sustainable Development (CSD);
- preparation of materials to organize meetings of the Governance of the Fund and EC IFAS.

2.2. To implement indicated tasks, the Executive Board:

- participates in organization, development and implementation of projects and programmes of the Aral Sea basin;
- identifies interaction with international organizations, donor countries, funds, ministries, departments, public, environmental and other organizations of the Republic of Kazakhstan and as agreed with EC IFAS, provides representation in corresponding international organizations and institutions;
- provides information to the Government of the Republic of Kazakhstan, EC IFAS on their activities according to the law.

III. Rights.

3.1. The Executive Board is entitled:

- as agreed with the Government of the Republic of Kazakhstan and EC IFAS, to sign contracts, agreements;
- acquire and dispose property and non-property rights, to institute and participate in legal procedures in any state or arbitration courts;
- to obtain in accordance with the law, from local and territorial government bodies any statistics data necessary to fulfil its mandate;
- to hire experts, sign contracts with organizations, institutes, independent legal entities and individuals;
- to provide direction and use of its funds within the framework of implementation of environmental, water economy and social programmes and projects;
- to put temporary free assets on deposits, revenue should be directed to resolve internal issues and financing programmes and projects to rehabilitate the Aral Sea;
- financial resources, attracted independently from the state entities and enterprises, as well as international organizations, donor states and individuals should be used by the Executive Board independently on the Aral Sea basin issues.

IV. Governance bodies

- 4.1. Governing of the Executive Board is being implemented by:
- 1) the highest body – founder – EC IFAS;
 - 2) collegial governing body – the Board of Trustees;
 - 3) executive body – Director;
 - 4) control body – Audit Commission.
- 4.2. EC IFAS is the highest governing body of the Executive Board and is entitled to make decisions on any issues about activities of the Executive Board. Decisions made by EC IFAS are binding and subject to steady execution.
- The following issues are under exceptional competency of EC IFAS:
- approvals, amendments and addendums to constituent documents of the Executive Board;
 - reorganization and elimination of the Executive Board;
 - identification of competency, organizational structure, procedures of forming and discontinuation of mandates of governing bodies of the Executive Board;
 - identifying order and frequency of presenting financial reports of the executive body; order and frequency of check by the Audit Commission and approval of their results;
 - decision on participation of the Executive Board in establishing other legal entities and its branches.
- 4.3. The Board of Trustees is a supervisory body of the Fund and implements control over activities of the Executive Board, made decisions and providing their implementation, compliance of the law of the Republic of Kazakhstan. EC IFAS as agreed with the Governance of IFAS are forming the Board of Trustees.
- 4.4. Director is a sole executive governing body and implements ongoing management of the Executive Board. Director is being appointed and dismissed from the position by EC IFAS according to an advice from the Government of the Republic of Kazakhstan.
- Director of the Executive Board:
- arranges work of the Executive Board of IFAS and bears personal responsibility for implementation of his/her duties, identifies mandates and activity of employees of the Executive Board and its branches;
 - issues orders within the framework of his/her competencies based on decisions of the Government of the Republic of Kazakhstan, EC IFAS, arranges checks of their implementation, takes measures on expanding activities of the Executive Board;

- hires and dismisses employees, approves remuneration system and incentives for personnel, imposes disciplinary sanctions.
- 4.5. Control over financial and economy activities of the Executive Board is being implemented by the Audit Commission of IFAS.

V. Arranging activity.

- 5.1. EC IFAS are approving staffing and cost estimation of expenses on upkeep of the Executive Board.
- 5.2. The Government of the Republic of Kazakhstan and EC IFAS do not carry responsibility on duties of the Executive Board, and the Executive Board does not carry any responsibility on duties of the Republic of Kazakhstan and EC IFAS.
- 5.3. Unused assets in the reporting year of the Executive Board are subject to be transferred on to the next financial year, and should not be seized.
- 5.4. Property of the Executive Board form non-current and currents assets reflected in its balance. Property transferred to the Executive Board by the founders of IFAS is an ownership of the Executive Board. The founders of IFAS do not have property rights on the property of the Executive Board. In case of elimination of the Executive Board, remaining property should be directed to the objectives provided by these Provisions.
- 5.5. The Executive Board carries out accounting and reporting according to the law of the Republic of Kazakhstan. EC IFAS should carry out general management of activities of the Executive Board. Financial year set from 1 January up until 31 December of calendar year.
- 5.6. Activity of the Executive Board is eliminated by the decision made by EC IFAS according to an advice from the Government of the Republic of Kazakhstan or due to changes of management structure.
- 5.7. Audit work to check reliability of made financial and economy operations of the Executive Board should be carried out in accordance to the current law of the Republic of Kazakhstan and upon its results, a report should be provided to EC IFAS.

VI. Project implementation Branches and Agencies.

- 6.1. The Executive Board is entitled to establish branches, as well as Agencies to implement projects (hereafter – Agencies) according to proposals of local executive authorities and as agreed with EC IFAS.
- 6.2. Branches of the Executive Board are acting on behalf of the Executive Board in regions.
- 6.3. Branches are being led by Heads, appointed and dismissed by a Director of the Executive Board as agreed with executive authorities in a region.

- 6.4. Agencies are legal entities and being created to implement specific projects of the Aral Sea basin upon the agreement with a financing organization.
- 6.5. Agencies should be led by heads, appointed and dismissed by a Director of the Executive Board as agreed with a funding organization.
- 6.6. Branches and Agencies have bank accounts, stamp and blanks with the name and symbols of IFAS.
- 6.7. Branches and Agencies are being financed by the means of contributions from the Republic of Kazakhstan, donor funds and other receipts.
- 6.8. Branches and Agencies interact with government and social organizations, legal entities and individuals and facilitate expansion of cooperation on issues related to the Aral Sea basin.
- 6.9. Branches and Agencies in their activities adhere the Provisions on the International Fund for saving the Aral Sea and on EC IFAS and its organizations, these Provisions, decisions made by the President of IFAS and the Governance of IFAS, orders of EC IFAS and the Executive Board, the law of the Republic of Kazakhstan.
- 6.10. Staffing, cost estimation of expenses, provisions and other normative texts, identifying rights and duties of officials of Branches and Agencies subject to approval by the Executive Board, and in relation to Agencies – upon the agreement with a funding organization.
- 6.11. Branches and Agencies carry out accounting and reporting in accordance to the legislation of the Republic of Kazakhstan.
The Executive Board should implement control over their activity. Financial year is set from 1 January up until 31 December of calendar year.
- 6.12. Activity of Branches and Agencies could be eliminated by a decision of the Executive Board upon a proposal of local authorities and as agreed with EC IFAS, and in relation to Agencies – as agreed with a funding organization.