

Unofficial translation

Approved by
Decision of the Board of Trustees
No.4 dated 9 December 2020

CHARTER
OF THE PUBLIC FOUNDATION
OSCE Academy in Bishkek

**CHARTER
OF THE PUBLIC FOUNDATION**

OSCE Academy in Bishkek

1. GENERAL PROVISIONS

1.1. The Public Foundation "OSCE Academy in Bishkek", hereinafter referred to as the "Academy", is a non-profit organization founded on the basis of voluntary property contributions of its founders, pursuing educational, charitable and other socially useful goals.

1.2. The Academy shall have the status of a legal entity from the moment of its state registration and shall carry out its activities in strict accordance with the applicable legislation of the Kyrgyz Republic, international law and the Charter.

1.3. In accordance with the Memorandum between the Government of the Kyrgyz Republic and the OSCE on promoting activities of the OSCE Academy in Bishkek signed on 22 July 2004, the founders of the OSCE Academy in Bishkek are the following citizens of the Kyrgyz Republic:

-Kakeyev Askar Chukutaevich, a citizen of the Kyrgyz Republic, born in 1935, passport No. A 1301515 issued on 08.11.99 by MIA 50-20, residing at the address: 238 Panfilov Street, Bishkek

-Orolbaeva Irina Abdyevna, a citizen of the Kyrgyz Republic, born in 1954, passport No. A 366607 issued on 17.06.97 by MIA 50-02, residing at the address: 45 Erkindik Boulevard, apt. 4, Bishkek

1.4. Location of the Academy:

1A Botanichesky pereulok, Bishkek 720044, Kyrgyz Republic

tel.: 542301, fax: 542313

1.5. Validity period: unlimited

1.6. The Foundation has an official name:

-Name of the Academy in Kyrgyz:

«Бишкектеги ЕККУ Академиясы» коомдук фонду

-Name of the Academy in Russian:

Общественный Фонд «Академия ОБСЕ в Бишкеке»

-Name of the Academy in English:

Public Foundation «OSCE Academy in Bishkek».

2. LEGAL STATUS OF THE ACADEMY

2.1. Organizational and legal form -Public Foundation.

2.2. The Academy as a foundation has separate property, independent balance, settlement and other bank accounts, including currency account, a seal and standard letterheads as well as the emblem (logo), samples of which shall be registered in the prescribed manner.

The Academy shall determine at its own discretion the scope of its activities, the strategy of economic, technical and social development.

The Academy shall at its own discretion own, use and dispose of its property, may sue and be sued, enter agreements and make other transactions not prohibited by the legislation of the Kyrgyz Republic. The Academy shall be liable for its obligations with all its property which may be levied in accordance with the current legislation of the Kyrgyz Republic.

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2.4. The Academy shall not be liable for the obligations of the Kyrgyz Republic and the Government of the Kyrgyz Republic, and the Kyrgyz Republic and its Government shall not be liable for the obligations of the Academy. The intervention of public authorities or officials in the activities of the Academy is not allowed,

except for cases stipulated by the legislation of the Kyrgyz Republic and the Memorandum on mutual understanding between the Government of the Kyrgyz Republic and the OSCE on promoting activities of the OSCE Academy in Bishkek signed on 22 July 2004.

2.5. The Academy shall not be liable for the obligations of its founders, and the founders of the Academy shall not be liable for its obligations.

2.6. The Academy has the right to maintain direct international contacts and may enter into agreements, contracts or arrangements with any governments, organizations, institutions, companies and private individuals in order to carry out its activities.

2.7. The Academy may determine at its own discretion the procedure for using its income, as well as the types and size of wage and incentive for its employees.

2.8. The Academy may carry out production and other economic activities necessary to achieve socially useful goals for which the Academy has been created, as well as corresponding to these goals.

2.9. The Academy may establish branches and open representative offices on the territory of the Kyrgyz Republic and abroad in accordance with the legislation. Branches and representative offices that are not legal entities shall act on the basis of the regulations on them approved by the Academy. The property of a branch or representative office shall be accounted on their separate balance sheet and on the separate balance sheet of the Academy.

2.10. Rights of the founders may not be transferred to successors of the founders. A person who transfers property and other assets of the Academy after its establishment, shall not acquire the rights of the founder.

2.11. The Academy may acquire and dispose of real and personal property, act as a plaintiff and defendant in all court and/or arbitration bodies, enter into agreements and contracts, as well as take any other legal actions in order to perform the functions of the Academy not prohibited by the current legislation of the Kyrgyz Republic.

3. GOALS AND ACTIVITIES OF THE ACADEMY

3.1. The main goal of the Academy is to provide the OSCE and its participating States with an academic institution - partner with expertise in teaching and research in the field of integrated security and economic management and development in Central Asia. In accordance with the principles of the OSCE, the Academy will contribute to the promotion and strengthening of peace and stability in Central Asia. The Academy aims to become the center for focusing efforts of regional and international experts. The goal of the Academy is to promote the strengthening of security and regional/international cooperation and expertise in Central Asia.

3.2. The activities of the Academy are aimed at addressing the following specific objectives:

- Implement postgraduate educational programmes, programmes of additional professional education and training of young professionals in the area of the OSCE's activities in Central Asia;
- Conduct research on building an integrated security and cooperation in Central Asia;
- Facilitate the transfer of knowledge, networking and work related to public information among OSCE Centers in Central Asia, the OSCE headquarters, other OSCE institutions, regional and international partner institutions.

3.3. The Academy will definitely follow the principle of demand orientation. It is aimed at integrating specific expertise in the field of education and research, human and financial resources of regional and international partners in its activities.

3.4. The Academy supports the planning, financing and implementation of the Master's programme in Political Science (Central Asia) exclusively for the implementation of the objectives of its Charter and in accordance with the legislation of the Kyrgyz Republic.

3.5. The Academy has the right to enter into working relationships and cooperation with national and international organizations to implement the goals and objectives set forth in the Charter.

3.6. Financial and operational resources of the Academy may only be used for the implementation of the goals and objectives set forth in the Charter.

3.7. The Academy is free to disseminate information about its goals and activities in order to implement the goals and objectives set forth in the Charter, programme documents, agreements and other instruments.

3.8. The Academy may carry out other activities not prohibited by the current legislation of the Kyrgyz Republic, which are not contrary to the goals of the Academy set forth in the Charter.

- 3.9.** Activities requiring a special permit (license) to be issued by the relevant ministry and agency shall be carried out by the Academy after obtaining a license.

4. PROCEDURE FOR ADMISSION AND EXPULSION

- 4.1.** Admission to the programmes of higher professional and additional professional education shall be carried out on a competitive basis in accordance with the Rules of admission to the Academy approved annually by the Director of the Academy.
- 4.2.** An international selection committee consisting of experts, specialists, representatives of the OSCE and other international organizations, as well as faculty and staff of the Academy shall be created to conduct entrance tests and admit to the Academy.
- 4.3.** Candidates selected by the results of applications (documents) shall pass entrance examinations in the form of English language testing, specialization testing and interview.
- 4.4.** The plan of admission to the Academy shall be established in accordance with the license for educational activities, the structure of admission shall be determined by the Academy annually taking into account the country, regional and gender balance. The deadlines for receiving documents from applicants shall be established according to the Rules of admission to the Academy.
- 4.5.** Candidates shall be admitted to the Master's programme of the OSCE Academy by the order of the Director on the basis of the Protocol of the international selection committee's decision.
- 4.6.** Educational programmes of the Academy shall be carried out on a grant basis. The form of education is full-time. In addition to free tuition, financial support will be given to students admitted to the Academy.
- 4.7.** Expulsion of students of the Master's programme of the OSCE Academy shall be carried out by the order of the Director based on the decision of the department meetings. Students may be expelled from the programmes of the OSCE Academy in the following cases:
- at own request;
 - due to academic failure by results of the session (if there are any unsatisfactory grades, as well as unsatisfactory results of retaking a test or exam when a student has used two attempts to retake a test or exam or the retesting period has expired);
 - in case of violation of academic discipline and/or systematic non-attendance without a valid reason;
 - in case of committing antisocial acts and/or systematic violation of internal regulations of the Academy by a student;
 - in connection with the violation of the terms of the grant agreement.

5. EDUCATIONAL ACTIVITIES

- 5.1.** The courses at the Academy shall be taught in Russian and English languages. If necessary, the Academy also promotes the study of the state language. Teaching mode at the OSCE Academy shall be established in accordance with the Charter and the current legislation of the Kyrgyz Republic.
- 5.2.** The academic year shall usually start on September 1 and end according to the curriculum of particular field of study and the schedule of the educational process. In case of exceptional need the start and end dates of the academic year may change.
- 5.3.** Teaching at the Academy shall be carried out in accordance with the curricula of higher professional and additional professional education.
- 5.4.** The academic load for students shall be established in accordance with the requirements of state educational standards for higher professional education and additional professional education.
- 5.5.** Learning sessions at the Academy shall be held in the form of lectures, tutorials, seminars, modules, workshops, examinations, colloquiums, independent work, scientific research, tests, internship, as well as by performing qualification paper (diploma project or paper, Master's thesis). Learning sessions shall be held according to the schedule drawn up for a semester. If necessary, the Academy may hold other types of learning sessions.
- 5.6.** The academic hour at the Academy for all types of classroom sessions shall be 45 minutes.
- 5.7.** The organization of educational process at the Academy shall be regulated by the curricula for the

relevant areas of study approved by the Advisory Council of the Academy, the annual calendar educational schedule and the schedule of activities approved by the Director of the Academy.

5.8. Assessment shall be carried out in accordance with the curricula of educational programmes in the form of tests and examinations. The form of tests and examinations (oral or written) shall be set by the department. The results of the examinations shall be assessed as "excellent", "good", "satisfactory", "unsatisfactory". The results of the tests shall be assessed as "pass" and "fail".

5.9. For non-performance of curriculum, violation of rules and regulations stipulated by the legislation of the Kyrgyz Republic, the Charter, as well as for violation of the terms of the grant agreement and the Internal Regulations of the Academy, students may be applied disciplinary measures, including expulsion from the Academy.

5.10. Students who meet all the requirements of the curriculum shall be admitted on the basis of the director's order to the mandatory final state certification, by results of which there will be made a decision to confer an appropriate academic degree and award qualification on the basis of their educational programme.

5.11. Persons who have successfully passed the final state certification shall be conferred a state-recognized degree.

5.12. Students who have achieved much success in their studies and research activities shall be conferred a state-recognized degree with distinction.

5.13. The Academy provides possible assistance in employment of graduates.

6. PROPERTY AND BUSINESS ACTIVITIES

6.1. The property of the Academy shall include financial resources and tangible assets being on its balance sheet and owned by the Academy. The Academy may have its own buildings, facilities, equipment, vehicles, cash and other assets.

6.2. The Academy shall define the value of assets, movable and immovable property, including working capital as recommended by an independent auditor. The cost of such assets will be shown in the balance sheet.

6.3. The property of the Academy shall be formed out of:

- property contributions of its founders;
- revenues from foreign donors and other sources, as well as contributions from the service users of the institution;
- income from production and business activities carried out in accordance with the statutory goals of the Academy;
- income from activities carried out by the Academy;
- gratuitous and charitable contributions, donations, technical and sponsor support from individuals and legal entities;
- grants and humanitarian assistance from individuals, organizations and institutions of all forms of ownership, international public foundations, non-governmental and governmental organizations of foreign countries;
- other income not prohibited by legislation of the Kyrgyz Republic.

6.4. To ensure the statutory activities of the Academy, the founders shall transfer tangible, intellectual or other assets as a voluntary contribution.

6.5. The property transferred to the Academy by its founders, other organizations and being on the balance sheet of the Academy shall be the property of the Academy.

6.6. Contributions, donations of founders and other individuals and legal entities may be made in cash or in another form, in the form of property contributions, in the form of "know-how", in the form of services and other intellectual property, as well as the rights to use them.

6.7. The property and assets of the Academy shall be used for:

- implementation of charter goals and objectives of the Academy;
- remuneration of employees of the Academy;
- charitable and educational purposes, social development of the Academy required for the activities of the Academy;
- other expenses necessary for the activities of the Academy and not prohibited by the legislation of the Kyrgyz Republic.

The financial system of the Academy will be established at the expense of capital and funds provided by the governments of Tajikistan, Uzbekistan, Kazakhstan, Kyrgyzstan, Turkmenistan, foreign donors, foreign and international educational institutions, payment for services, donations, proceeds from lectures, exhibitions and other events, proceeds from publications and other activities not prohibited by legislation.

The Academy, in agreement with the founders, may create a special fund to improve its services, facilities and provide financial incentives for its employees.

6.8. The Academy shall use the property for the purposes specified in its Charter.

6.9. Income, fixed assets of the organization may not be used by its founders, officials or other persons for their own benefit and shall be used only for the fulfillment of charter goals and objectives of the Foundation.

7. GOVERNING BOSIED OF THE ACADEMY

7.1. Governing bodies of the Academy are:

The supreme governing body is the Supervisory Board (hereinafter referred to as the Board of Trustees)

The executive body is the Administration of the Academy represented by the Director of the Academy.

7.2. Procedure for the formation and recall, as well as the activities of the governing bodies of the Academy shall be determined by the current legislation of the Kyrgyz Republic, the Charter and other local regulations of the Academy.

7.3. The Board of Trustees composed of 18 members is the supreme governing body of the Academy entitled to take decisions on its operations.

One official representative appointed by the Government of each Central Asian OSCE participating State who wishes to participate in the activities of the Academy (1 - Kyrgyzstan, 1 - Kazakhstan, 1 - Uzbekistan, 1 - Tajikistan, 1 - Turkmenistan);

- 8 representatives of the donor community of the Academy;

- 2 representatives of the international academic community;

- 1 representative of the state presiding in the OSCE;

- 1 representative of the OSCE Secretariat in Vienna / Conflict Prevention Center;

- 1 representative of the OSCE Program Office in Bishkek.

7.4. All the Central Asian participating States wishing to take part in the Academy's activities will be represented by one official member in the Board of Trustees. In the absence of such a member, the participating State may appoint a representative on an alternative basis. This rule also applies to all other members of the Board of Trustees.

7.5. The term of members of the Board of Trustees and the procedures for their replacement

The powers of the members of the Board of Trustees shall last until the end of the activities of the OSCE Academy. Replacement of a member of the Board of Trustees shall be made at the request of the body appointed member to the Board of Trustees and shall be approved by a majority vote of the Board of Trustees.

The Board of Trustees shall:

- Identify the main activities of the Academy;
- Make amendments to the Charter of the Academy and other local regulations of the Academy;
- Elect the Chairperson of the Board of Trustees;
- Develop and adopt provisions for the operation of the Board of Trustees;
- Approve local regulations of the Academy's Director as the executive body of the Academy;
- Approve the general budget and work plans of the Academy;
- Approve the fund-raising strategy;
- Establish types, sizes and directions of using the funds and property of the Academy;
- Approve, make changes and additions to the Academy's annual curricula (programs);
- Appoint and recall the Director whose powers are defined by this Charter;
- Approve TORs, set objectives for the Director of the Academy;
- Approve agreements of the Academy with other institutions;
- Organize an audit of activities of the Academy with the subsequent approval of the balance and the annual report on the state of affairs of the Academy;
- Make decision on reorganization of the Academy;

- Approve charters and regulations of branches, representative offices and other legal entities created by the Academy;
 - Approve decisions of the Director of the Academy on the transactions which involve conflict of interest;
 - Solve other issues related to the activities of the Academy.
- 7.6.** The Board of Trustees of the Academy shall be considered to be competent if it is attended by all the members of the Board of Trustees.
- 7.7.** All decisions of the Board of Trustees shall be taken by achieving the consent of all its members, i.e. unanimously. If it is impossible to take a unanimous decision, the decision shall be taken by a simple majority vote. The Chairperson has the right to a second vote in a tie of votes "for" and "against".
- 7.8.** Meetings of the Board of Trustees shall be held at least twice a year. If necessary, the Chairperson of the Board of Trustees shall convene an extraordinary meeting of the Board of Trustees.
- 7.9.** In case of unavoidable absence, a member of the Board of Trustees may be replaced by another authorized person representing the appropriate public body in the Board of Trustees.
- 7.10.** Director of the Academy shall take part in the meetings of the Board of Trustees without the right to vote.
- 7.11.** The Board of Trustees shall elect and appoint its Chairperson from among 18 members. In case of loss of confidence, the Chairperson may be relieved from office by a simple majority. The new Chairperson must immediately be elected from among the other members of the Board of Trustees.
- 7.12. Administration of the Academy in the person of the Director is the executive body of the Academy. The Administration shall:**
- approve the organizational structure of the Academy, the number of employees of the Academy, internal regulations of the Academy;
 - participate in any legal relations, enter on behalf of the Academy into any civil transactions and employment agreements (contracts);
 - act without power of attorney in the name and on behalf of the Academy representing it in all organizations, institutions, enterprises and associations both in the Kyrgyz Republic and abroad;
 - participate in any legal relations, conclude transactions, including foreign economic ones;
 - open settlement and other accounts with banks, issue powers of attorney;
 - issue orders and instructions binding on all employees of the Academy;
 - hire and dismiss employees of the Academy;
 - determine the terms of payment and bonuses for the Academy staff;
 - perform other actions related to his competence.
- 7.13.** The objectives of the Administration include:
- Development of regulations governing the efficient use of funds provided to the Academy;
 - Administration of funds of the Academy in accordance with internationally recognized practices of effective financial and operational management;
 - Support to the Board of Trustees in fundraising activities.
- 7.14.** Chairperson of the Board of Trustees shall sign an agreement with the Director upon approval by the Board of Trustees.
- 7.15.** Director shall be responsible for the implementation of the Academy's Educational Programme and guide the Academy's academic activities, including the organization, implementation and evaluation of educational, training and research programs.
- 7.16.** Director shall administer the day-to-day operations of the Academy, except for the issues relating to the competence of the Board of Trustees.
- 7.17.** Director shall sign contracts with the academic staff and administrative personnel of the Academy.

8. ADVISORY COUNCIL OF THE ACADEMY

- 8.1.** The Advisory Council is open to the partner institutions cooperating with the Academy during the

initial phase (Geneva Centre for Security Policy (GCSP), Centre for OSCE Research (CORE), Austrian Study Center for Peace and Conflict Resolution (ASPR)/Schleining and "Clingendael") as well as to institutions in Central Asia and other OSCE participating States.

8.2. The composition of the Advisory Council shall be determined by the Board of Trustees. Meetings of the Advisory Council shall be convened and chaired by the Director of the Academy.

The Advisory Council shall:

- Develop curricula and syllabi, research and training programs of the Academy;
- Assist the Director of the Academy in preparing the work plan for all areas of academic activities;
- Contribute to the Academy's annual report.
- Make proposals on publishing activities of the Academy;
- Prepare a list of lecturers and submit it to the Board of Trustees for approval;
- Maintain relationships with other regional and international academic institutions.

9. RIGHTS AND RESPONSIBILITIES OF THE ACADEMY STAFF

9.1. Rights and obligations of the Academy staff shall be determined in accordance with the legislation of the Kyrgyz Republic and related employment contracts of the Academy.

9.2. The Academy staff shall always strive to maintain the highest standards of professional conduct in accordance with the rules and regulations of the Academy developed and approved by the Board of Trustees.

9.3. The Academy shall provide its employees with training, support, resources and information required to carry out their activities.

10. CONFLICT OF INTEREST

10.1. Transactions between the Academy and interested parties related to disposal of property, financial and other resources of the Academy assume the presence of a conflict of interest.

10.2. Interested parties are officials, members of the governing bodies of the Academy, as well as persons who by virtue of their relations with the organization can influence the organization's management of its property, financial and other resources, that enter into transactions with the Academy personally or through a representative.

10.3. A conflict of interest is also assumed if the Academy implements its goals through relatives of interested parties or in the regions recommended by them, as well as their creditors.

11. SETTLEMENT OF A CONFLICT OF INTEREST

11.1. The implementation of goals assuming a conflict of interest must be approved by the authorized body of the Academy, as well as strictly conform to the requirements of the Academy. The interested party shall inform the authorized body of the Academy about entering into such a transaction before entering into it.

11.2. The interested party shall be liable for the reimbursement of all losses incurred by the Academy as a result of a transaction entered into in the presence of a conflict of interest, if the transaction has not been approved by the authorized body.

12. AMENDING THE CHARTER OF THE ACADEMY

12.1. Only the Board of Trustees can amend the Charter of the Academy. The consent of all members is required to amend the Charter, i.e. unanimously. If it is impossible to take a unanimous decision, the decision shall be taken by a simple majority vote.

The Chairperson has the right to a second vote in a tie of votes "for" and "against". Amendments made shall be registered in the Ministry of Justice in accordance with the legislation of the Kyrgyz Republic.

12.2. If the implementation of the Charter leads to consequences that may not be stipulated at the time the creation of the Academy, and the Charter is not amended as stated above, the amendments may be made through the courts on the basis of an application submitted by a member of the Board of Trustees.

13. ACCOUNTING, REPORTING AND CONTROL

13.1. The Academy shall keep the operational and accounting records of the results of its activities, prepare and submit in the prescribed manner reports on all activities of the Academy to the relevant authorities and be solely responsible for the timeliness and reliability of reporting.

13.2. State control over the legitimacy of the Academy's activities shall be carried out by state authorities (financial, law enforcement, tax authorities, etc.) in accordance with the law.

13.3. Control over the legality and effectiveness of the use of funds and reliability of financial statements shall be carried out by an auditing firm at least once a year by decision of the Board of Trustees of the Academy. If necessary, the Chairperson of the Board of Trustees has the right to appoint an unscheduled audit of the activities of the Academy.

14. LIQUIDATION AND REORGANIZATION OF THE ACADEMY

14.1. The activities of the Academy shall be completed through its reorganization (other than conversion) or liquidation in accordance with the legislation of the Kyrgyz Republic.

14.2. The decision on reorganization or liquidation of the Academy may be taken by the Board of Trustees.

14.3. Forced liquidation of the Academy as a public foundation may be exercised only in court.

14.4. The Academy may be liquidated in the following cases:

- If the property of the Academy is not enough for the implementation of its goals and the likelihood of obtaining the necessary property is unrealistic;
- If the goals of the Academy may not be achieved, and the necessary changes to the goals of the foundation may not be made;
- If the Academy deviates in its activities from the goals set forth in the Charter;
- In other cases envisaged by legislation of the Kyrgyz Republic.

14.5. The Academy shall be liquidated according to the legislation of the Kyrgyz Republic. After the liquidation and satisfaction of all claims of creditors, the remaining assets of the Academy will be directed with the consent of the Board of Trustees of the Academy to the goals and objectives specified in the Charter of the Foundation.

14.6. The Foundation shall be deemed liquidated from the moment a corresponding entry is made in the Unified State Register of Legal Entities.

14.7. Documents that have arisen in the course of the activities of the Foundation in the event of its liquidation shall be stored and used in accordance with the Law of the Kyrgyz Republic "On the National Archive of the Kyrgyz Republic".

Director

/signature/

Wolters Alexander Franz