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THE LAW OF THE KYRGYZ REPUBLIC

On jaamats (community organizations) and their associations

Part I. General provisions

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organization

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This Law determines the procedure, principles of establishment and activity of community organizations and their associations, set up in villages, settlements and cities. It also regulates their relations with the state government and local self-governance bodies, legal entities and individuals and is targeted at developing legal and organizational basis for social mobilization in the Kyrgyz Republic, providing state guarantees to community organizations and their associations regarding self-governance.

Part I General provisions

Article 1. Basic notions and terms

The following notions and terms are applied in this Law:

community organization is a voluntary self-governed organization, making part of the local self-governance system, established by individuals on the basis of common interests for the purpose of meeting spiritual, social and other requirements of community organization and local community members;

community organization associations are voluntary formations established by community organizations in the form of associations (unions), for coordination of their activity, protection and representation of common interests, implementation of joint projects and resolving other common tasks and problems;

community organization chairman is a person elected by community organization members in accordance with the community organization Charter;

community organization manager is a person appointed by the community organization chairman by approbation of the general meeting of community organization members for the purpose of managing its financial and economic activity;

community organization Charter is the main legal document of the community, regulating community organization activity, developed and adopted by its members and registered in ayil, village, city kenesh;

general meeting of community organization members is the supreme managing body of community organization;

community property is the property of a community (in monetary form and in kind), owned, used and disposed by a community organization. It is the source of gaining income and meeting the spiritual, social and other needs of community organization members and local community;

local development fund is a public fund established by community organizations and formed by contributions of community organizations and their associations, contributions of ayil okmotu, sponsors, organizations and international donors on voluntary basis.

Article 2. Main goals of community organization activity

The main goals of a community organization activity are:

- meeting social, spiritual and other needs of community organization and local community members;
- involving community organization members in its activity management;
- rendering mutual aid to community organization members;
- raising the population activity with regards to social mobilization.

Article 3. Principles of community organization establishment and activity

Community organization activity is based on the following principles:

- legality and social justice;
- voluntary membership;
- democracy, publicity, and taking public opinion into account;
- collective leadership, free discussion when resolving appropriate issues;
- self-determination, self-regulation and self-financing based on economic and business activity;
- facilitating household representation;
- common interests of community organization members.

Article 4. Community organization autonomy

1. A community organization is autonomous in organizing and carrying on its activity within the limits of its competence established by this Law, the Kyrgyz Republic legislation, other normative and legal instruments and a community organization Charter.

2. The state government and local self-governance bodies are not allowed to interfere in any way in resolving the issues related to a community organization activity, except for cases stipulated in the Kyrgyz Republic Laws.

3. Community organization does not bear responsibility with regards to the Kyrgyz Republic state government liabilities as well as those of local self-government bodies. Neither do they bear responsibility with regards to the liabilities of a community organization and association of community organizations, except for cases where the parties assume such liabilities voluntarily.

Article 5. Legal status of community organization

1. A community organization legal regulation is based on the Kyrgyz Republic Constitution, the Kyrgyz Republic Law "On local self-governance and local state administration", this Law, local community and community organization charters and other normative and legal instruments of the Kyrgyz Republic.

2. A community organization is a separate legal and organization form of a legal entity.

3. A community organization is a non-commercial organization.

4. A community organization is provided a legal entity status at its registration in ayil, village, city kenesh on the grounds of the minutes of a general meeting of community organization members and other foundation documents.

5. A community organization owns, utilizes and disposes of financial assets, movable and immovable assets, owned by it under the Charter of a community organization that is not in conflict with this Law and the Kyrgyz Republic legislation.

6. A community organization is entitled to purchase, lease, utilize, negotiate, pledge, and sell the assets owned by this community organization. It is entitled to render consultative and information services, arrange and hold workshops and training events, related to the community organization activity and exercise other authorities, necessary for implementing its goals and objectives, unless they are in conflict with this Law and the Kyrgyz Republic legislation.

Part II
Establishment, membership and activity
of community organization

Article 6. Community organization founders

1. Community organization founders are representatives of at least ten households that unite on a voluntary basis.
2. At a general meeting a community organization founders:
 - adopt the Charter regulating the community organization activity;
 - elect the Chairman of the community organization.
3. Community organization founders develop the foundation documents of the community organization and have them registered in ayil, village, city kenesh.

Article 7. Community organization Charter

1. The basic legal document of a community organization is its Charter.
2. The Charter of a community organization must include:
 - full and abbreviated names of a community organization;
 - confirmation of the fact that a community organization is established by the representatives of at least ten households, characterized by common interests;
 - provisions regarding the rights and duties of community organization members;
 - procedure and terms of member admission and walkout (exclusion) from a community organization;
 - determined minimal amount of community organization entrance and membership fees, procedure and terms of paying them;
 - provision on the authority and functions of the chairman and manager of a community organization;
 - procedure of decision making by a community organization administration body;
 - community organization activity regulations;
 - procedure of electing a chairman and appointing a manager of a community organization;
 - procedure of establishing and spending a community organization savings funds;
 - procedure of introducing amendments and additions to a community organization Charter;
 - procedure book keeping and auditing of a community organization activity;
 - other provisions related to a community organization activity peculiar features, that are in compliance with the Kyrgyz Republic Laws.
2. The Administration of a community organization is obliged to notify each member of this community organization of all the amendments and additions to the community organization Charter a month prior to their adoption.
3. A community organization Charter is adopted at a general meeting by a majority vote of the founders attending the meeting.

Article 8. Community organization name

1. Under the Kyrgyz Republic Laws the only name used by a community organization is the name indicated in this community organization Charter.
2. It is not permitted to use symbols, identical or similar (to the extent of confusion) to the names of community organizations previously established on the appropriate territory, as a name of a community organization.

Article 9. Community organization members and their rights

1. Under the Charter of a community organization, a member of a community organization may be an individual who has come of age and is permanently residing on the appropriate territory of a local community, who pays membership fees, is characterized by common interests with the community organization, and represents the interests of one household.

2. Under the Charter of a community organization, membership of a community organization and walkout from it are voluntary.

3. A community organization members enjoy equal rights regarding community property utilization.

4. A community organization member has the right to elect and be elected to its administrative body.

Article 10. Expulsion from a community organization membership

1. A community organization member may be expelled for a failure to comply with and/or improper compliance with the Charter provisions and norms.

2. Expulsion of a member from a community organization may take place only upon its notification 30 days prior to expulsion and given it is granted the right to have its say at the community organization general meeting.

Where a community organization member disagrees with the decision taken by the general meeting regarding its expulsion, the decision may be appealed from in the order stipulated by the Law.

Article 11. Support of community organizations by state government and local self-governance bodies

1. State government and local self-governance bodies provide support in:

- establishing legal, organizational, material and financial conditions required for the formation and development of community organizations;
- attracting investments, grants and micro-credits for the formation and development of community organizations, exercising by them the right to self-governance.

2. When developing and taking decisions on the issues related to the interests of community organizations, state government and local self-governance bodies hold consultations with community organizations.

3. Official applications of community organizations to state government and local self-governance bodies, related to their interests, are to be considered under the Kyrgyz Republic Laws.

4. Local self-governance bodies exercise control of community organizations' activity in compliance with the Kyrgyz Republic Laws.

Article 12. Functions and competence of community organizations

1. Community organizations:

- represent the interests of their members in state government and local self-governance bodies;
- participate in local kenesh activity, where issues under discussion deal with a community organization activity. They have the right of deliberative vote;
- promote implementation of decisions, taken by local keneshes, their executive and administrative bodies and local state administrations, regarding community organizations' activity;
- exercise public control of how the norms and rights of building up, residential premises usage, maintenance of residential buildings and community owned household plots, fire protection and sanitary norms are observed; exercise control of rational utilization of land, water and other natural resources; historical, architectural and cultural monument protection; submit proposals to the appropriate bodies on correcting the detected deficiencies;
- perform other functions under the Kyrgyz Republic Laws in accordance with

the goals and objectives of a community organization Charter.

Article 13. Rights and responsibilities of community organization

1. A community organization has the right to:

- open accounts in banking institutions;
- carry on economic activity targeted at social and economic development of the territory, establish self-financing units for this purpose;
- interact on contract basis with appropriate local keneshes, their executive and administrative bodies, local state administration and enterprises, institutions, organizations, cooperatives and other economic entities;
- act both as a customer and a contractor regarding performance of works of dealing with improvement of its territory, construction and repairs of residential buildings, social, economic and cultural objects, as well those of every-day use. It spends its own funds intended for such purposes and other source funding;
- provide buildings, constructions, non-residential premises, owned by the community, on lease terms;
- attract international donor organizations' funds and investments to implement a community organization goals and objectives.

2. A community organization is responsible for the legal character of its decisions.

Article 14. Community organization activity

1. A community organization carries on its activity in compliance with the Charter adopted at a general meeting of the community organization members.

2. A community organization is entitled to carry on any type of activity that is in compliance with the Kyrgyz Republic Laws and meets the goals and objectives of a community organization, determined in its Charter.

3. Community organizations take an active part in the activities of ayil okmotu and local keheshe (planning, territory improvement, nature protection, etc.).

Article 15. Community organization meetings

1. A community organization activity form is a meeting. The order and frequency of holding meetings is determined by a community organization Charter.

2. The first meeting of a newly established community organization is opened by a member of the initiative group set up for the purpose of establishing a community organization.

3. The agenda of the first meeting of a community organization includes such issues as electing the Chairman, developing and adopting the Charter of a community organization, other issues related to a community organization activity.

4. At the general meeting decisions are taken by simple majority, where the meeting is attended by no less than two thirds of the community organization members.

5. At the general meeting decisions on adopting the Charter, introducing amendments and additions to it, reorganization and/or liquidation of a community organization are taken, given no less than fifty per cent of the total number of the community organization members have voted in favor of these decisions.

Article 16. Community organization general meeting authority

The following issues are within a general meeting authority:

- introducing amendments and additions to a community organization Charter;
- determining the priority areas of a community organization activity, procedure of its assets utilization;

- admittance and expulsion of community organization members (unless otherwise established by the Charter);
- election and removal of a community organization Chairman;
- approval of an annual report on a community organization activity and its annual balance sheet;
- issues related to a community organization participation in other legal entity activity;
- reorganization and liquidation of a community organization;
- other issues, except for those determined by the Charter as being within the authority of other organizations.

Article 17. Chairman and manager of a community organization

1. The Chairman of a community organization is elected at its first meeting from the members of this community organization by open or secret vote, given the decision is taken by the majority of the members attending the general meeting. A community organization manager is appointed by the Chairman on contract basis by approbation of the general meeting.

2. The community organization Chairman's term of office is determined by the Charter of this community organization.

Article 18. Community property

1. The following refers to community property:

- movable and immovable property;
- community organization own assets and savings and those characterized by the same status.

2. The procedure of usage and disposal of community property is determined by a community organization Charter.

Article 19. Financial basis of a community organization

1. The financial basis of community organizations is made up of savings, entrance and membership fees, revenue gained from community organization property utilization, sponsors' contributions, voluntary contributions by legal entities and individuals both of the Kyrgyz Republic and foreign ones, grants, loans as well as credit and other financial resources.

2. A fee amount is determined by the decision taken by the general meeting of community organization members.

3. Financial accounting is based on the general accounting standards and forms.

4. State government and local self government interference in the financial issues of community organizations is prohibited, unless otherwise provided by the Kyrgyz Republic Laws.

Article 20. Economic basis of a community organization

1. The economic basis and property of a community organization consists of objects constructed or purchased by a community organization and those assigned to it by legal entities and individuals.

2. Community organization's savings are used by the community organization members for the purpose of improving social and economic conditions of low income population and for charity purposes.

Part III

Associations of community organizations

Article 21. Associations (unions) of community organizations

1. Community organizations may voluntarily unite in order to form associations (unions) of such organizations for the purpose of activity coordination, interest presentation and protection, joint project implementation and other task and problem solution.

Community organization associations (unions) are non commercial organizations.

2. Associations (unions) are legal entities.

Members of associations (unions) preserve their autonomy and legal entity rights.

3. Associations (unions) do not bear responsibility regarding their members' liabilities. Members of an association (union) bear subsidiary responsibility with regards to its liability at the amount and in the order determined by the foundation documents of the association.

4. The procedure of association (union) establishment, activity, membership and walkout is regulated by its Charter, adopted in compliance with the Kyrgyz Republic Laws.

5. Associations (unions) of community organizations may use funds provided by international donor organizations, banks and financing and crediting institutions, budget funds and voluntary contributions and donations by legal entities and individuals.

6. Associations (unions) of community organizations may be assigned the authorities of community organizations, related to the issues within their competence, as is determined by community organizations' Charters, given a simple majority of a community organization members agree to it.

Article 22. Establishment and activity of a local development foundation

1. Community organizations united for the purpose of solving social and economic objectives, improving the wellbeing of the local community members, establish a noncommercial organization on a voluntary basis - a local development foundation, having the status of a legal entity.

2. Local development foundation activity, terms of establishing and paying out its funds are determined by the Charter of a local development foundation, which is registered in justice bodies.

3. The Foundation Board is elected at the founders' general meeting in accordance with the Charter of a local development foundation.

4. Voluntary contributions of community organizations, contributions by individuals and legal entities, local self-governance and state government bodies, sponsorship funds of international donor organizations, nongovernment and other organizations may be used as contributions to the local development foundation.

5. Local development foundation funds are provided by the Board of the local development foundation in order of priority, proceeding from the principles of transparency and publicity.

6. Local development foundation funds are owned by the foundation and are not subject to seizure.

7. Any external interference in the activity of a local development foundation that results in a change of its legal status, its goals and nature is prohibited, except for cases provided by the Charter and stipulated by the Kyrgyz Republic Laws.

Part IV Concluding provisions

Article 23. Procedure of this Law enactment

1. This Law is enacted from the day of its publication.

2. Within a three months' period the Kyrgyz Republic Government shall submit

its proposals to the Kyrgyz Republic Jogorku Kenesh on introducing amendments and additions to the laws and other normative and legal instruments of the Kyrgyz Republic, proceeding from this Law.

3. The Kyrgyz Republic Government, local state administrations and local self-governance bodies shall bring their resolutions in compliance with this Law.

4. Within a month's period the Minister of the Kyrgyz Republic on local self-governance and regional development shall develop a model Charter of a community organization and a model Regulation on local development foundations.

President of the Kyrgyz Republic A.Akaev

Adopted by the Legislative Assembly
of the Jogorku Kenesh of the Kyrgyz Republic Desember 27, 2004