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## **Subsidiary Body for Implementation**

**Thirty-sixth session**

**Bonn, 14–25 May 2012**

Agenda item 19(e)

**Administrative, financial and institutional matters**

**Privileges and immunities for individuals serving on  
constituted bodies established under the Kyoto Protocol**

## **Privileges and immunities for individuals serving on constituted bodies established under the Kyoto Protocol**

### **Draft conclusions proposed by the Chair**

1. The Subsidiary Body for Implementation (SBI) took note of the views of Parties on privileges and immunities for individuals serving on constituted bodies established under the Kyoto Protocol.
2. The SBI agreed to conclude its consideration of this issue and to forward the draft text contained in the annex for consideration by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP) at its eighth session.
3. The SBI recommended that the CMP, at its eighth session, consider the way forward on this matter, in particular the form of the forum for further discussions and the scope of the discussions.

## Annex

### **Privileges and immunities for individuals serving on constituted bodies established under the Kyoto Protocol**

#### **Draft treaty arrangements**

1. Individuals serving on constituted bodies and other entities [established under the Kyoto Protocol] [established under the United Nations Framework Convention on Climate Change and its related legal instruments] listed in [annex] [appendix] [x] shall be accorded such [privileges and] immunities as are necessary for the independent exercise of their official functions. They shall, while exercising their official functions, including the time spent on journeys in connection with their official functions, be accorded:

(a) [Immunity from personal arrest or detention;<sup>1</sup>

(b) Immunity from legal process of every kind in respect of words spoken or written and acts done by them in the course of the performance of their official functions. This immunity from legal process shall continue to be accorded to the individuals referred to in this paragraph notwithstanding that they have ceased to exercise their official functions;

(c) Inviolability for all papers and documents;

(d) [For the purpose of their communication with the constituted bodies and other entities listed in [annex] [appendix] [x] and with the secretariat, the right to use codes and to receive and send papers and documents in whatever form and materials relating to their official functions by courier or in sealed bags or electronic means;]

(e) Processing of visa applications, when accompanied by a document from the secretariat confirming that the travel is on business for the constituted bodies and other entities listed in [annex] [appendix] [x], as speedily as possible, in accordance with national legislation.]

2. The individuals referred to in paragraph [1] above are those individuals elected, selected or appointed to serve on the constituted bodies and other entities [established under the Kyoto Protocol] [established under the United Nations Framework Convention on Climate Change and its related legal instruments] listed in [appendix] [annex] [x].

3. [Privileges and] immunities are granted to the individuals referred to in paragraph [1] above as are necessary for the independent exercise of their official functions and not for the personal benefit of the individuals themselves. The Executive Secretary of the secretariat shall have the right and the duty to waive the immunity of any individual referred to in paragraph [1] above in any case where, in his or her opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the [operation and implementation of [the Kyoto Protocol] [this agreement]] [operation and implementation of the United Nations Framework Convention on Climate Change and its related legal instruments].

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<sup>1</sup> Subject to the provisions of paragraph 3.

**[Appendix] [Annex] [X]**

1. Executive Board of the clean development mechanism.
2. [Compliance Committee.]
3. Joint Implementation Supervisory Committee.
4. [Adaptation Fund Board.]
5. Expert review teams established under Article 8 of this Protocol.
6. [Committees, panels or groups established by the entities listed in 1–4 above.]

*[And other relevant constituted bodies and entities agreed through the post-2012 process].*

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