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SUBSIDIARY BODY FOR IMPLEMENTATION

Twenty-fifth session

Nairobi, 6–14 November 2006

Agenda item 14 (d)

Administrative, financial and institutional matters

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

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constituted bodies established under the Kyoto Protocol**

Draft conclusions proposed by the Chair

Recommendation of the Subsidiary Body for Implementation

The Subsidiary Body for Implementation, at its twenty-fifth session, decided to recommend the following draft decision for adoption by the Conference of the Parties serving as meeting of the Parties to the Kyoto Protocol at its second session:

Draft decision -/CMP.2

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

The Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol,

Recalling Articles 6, 8, 12, 13, 17 and 18 of the Kyoto Protocol,

Recalling also decisions 3/CMP.1, 9/CMP.1, 11/CMP.1, 22/CMP.1, 27/CMP.1 and 33/CMP.1,

Recognizing that Parties have the sovereign authority to establish arrangements relating to privileges and immunities according to their respective national legislation,

Taking note of the Agreement, as amended,¹ among the United Nations, the Government of the Federal Republic of Germany and the Secretariat of the United Nations Framework Convention on Climate Change concerning the Headquarters of the Convention Secretariat,²

Recalling further the Convention on the Privileges and Immunities of the United Nations,³

1. *Recognizes* the need for individuals serving on constituted bodies⁴ established under the Kyoto Protocol to be able to perform their official functions independently and effectively;
2. *Requests* the Executive Secretary to take action, including through his good offices, where practicable, especially in response to concerns or issues raised by private or public legal entities involved in the mechanisms established pursuant to Articles 6, 12 and 17 of the Kyoto Protocol, to minimize the risks of disputes, complaints and claims against individuals serving on constituted bodies established under the Kyoto Protocol;
3. *Requests* the Executive Secretary to provide advice and assistance to any individual serving on a constituted body established under the Kyoto Protocol with regard to any concerns or issues raised in connection with the exercise of his or her official functions;
4. *Requests* the Executive Secretary to consult, as appropriate, the chair of the relevant constituted body on any concerns or issues referred to in paragraph 3 above;
5. *Requests* the Executive Secretary to contact, as appropriate, the national focal point and the competent authorities of the Party or Parties concerned to discuss the concerns or issues referred to in paragraph 3 above;
6. *Authorizes* the Executive Secretary to incur necessary expenses, subject to the availability of resources, and within his overall budgetary authority, to cover the activities outlined in this decision;
7. *Requests* the Executive Secretary to include the resource requirements for the activities outlined in this decision in the proposed programme budget for the biennium 2008–2009;
8. *Requests* the Executive Secretary to provide reports to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, as deemed necessary, in particular in the light of any concerns or issues that may arise in relation to constituted bodies established under the Kyoto Protocol;
9. *Invites* Parties to submit to the secretariat, by 23 February 2007, their views on this item for compilation;
10. *Requests* the Subsidiary Body for Implementation to continue consideration of this matter, including the options outlined in document FCCC/SBI/2006/21 and the views of Parties to be submitted in accordance with paragraph 9 above, at its twenty-sixth session, with a view to forwarding a draft decision for adoption by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at a future session.

¹ Signed on 5 December 2005 at Montreal, Canada.

² See decision 15/CP.2 and document FCCC/CP/1996/MISC.1.

³ United Nations Treaty Series, volume 1, page 15, 13 February 1946.

⁴ Constituted bodies in this context includes members, alternates and experts of the Executive Board of the clean development mechanism, the Joint Implementation Supervisory Committee and the Compliance Committee, and members and experts of the Article 8 expert review teams.