

4 June 2009

ENGLISH ONLY

UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

SUBSIDIARY BODY FOR IMPLEMENTATION

Thirtieth session

Bonn, 1–10 June 2009

Agenda item 14 (d)

Administrative, financial and institutional matters

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

**Appropriate treaty arrangements relating to privileges
and immunities for individuals serving on constituted bodies
established under the Kyoto Protocol**

Submissions from Parties

Addendum

1. In addition to the four submissions contained in document FCCC/SBI/2009/MISC.5 and Add.1 and 2, one further submission was received on 3 June 2009.
2. In accordance with the procedure for miscellaneous documents, this submission is attached and reproduced* in the language in which it was received and without final editing.

* This submission has been electronically imported in order to make it available on electronic systems, including the World Wide Web. The secretariat has made every effort to ensure the correct reproduction of the text as submitted.

FCCC/SBI/2009/MISC.5/Add.3

GE.09-70196

SUBMISSION FROM AUSTRALIA

SUBMISSION BY AUSTRALIA TO THE CONTACT GROUP ON ITEM SBI 14(d)

1. Individuals serving as members or alternate members of bodies constituted under this Agreement shall enjoy the following immunities to the extent necessary for the carrying out of their functions, including during travel undertaken in carrying out their functions:

(a) immunity from suit and from other legal process in respect of acts done in the exercise of their functions, including words written or spoken; and;

(b) inviolability for all their papers and documents.

2. For the purposes of paragraph 1, “constituted bodies” shall mean those bodies listed in Annex [X] to this Agreement.

3. Individuals shall continue to enjoy the immunity in paragraph 1(a) of this Article after ceasing to serve as members or alternate members of a constituted body.

4. Immunities are accorded under this Article to safeguard the independence of the individuals to whom they are accorded in the exercise of their functions to achieve the purposes of this Agreement, and not for the personal benefit of the individuals themselves. The Executive Secretary to this Agreement shall have the right and duty to waive the immunity accorded to any individual pursuant to paragraphs 1 to 3 where, in the opinion of the Executive Secretary, the immunity would impede the course of justice and could be waived without prejudice to the purposes for which the immunity was accorded.

Annex [X]

Executive Board of the Clean Development Mechanism
Joint Implementation Supervisory Committee,
Compliance Committee
[Adaptation Fund Board],
Expert Review Teams
[relevant bodies agreed through the post-2012 process]

The provisions for amendment of Annex [X] to add new bodies could follow the “adjustment with opt-out” approach as set out in Article 16 of the Convention and Article 21 of the Protocol.
