

### **XIII. Administrative, financial and institutional matters**

(Agenda item 13)

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

(Agenda item 13 (c))

123. The SBI considered that it was essential that individuals serving on constituted bodies established under the Kyoto Protocol and individuals serving on expert review teams under the Kyoto Protocol be able to perform their official functions effectively. The considerations on this item centred on ensuring the necessary immunities for individuals serving on constituted bodies established under the Kyoto Protocol and individuals serving on expert review teams under the Kyoto Protocol.

124. The SBI requested the Executive Secretary to continue to consult the United Nations Secretary-General with a view to determining:

- (a) Taking into account the recent practice, resolutions and decisions of the United Nations General Assembly and opinions of the International Court of Justice, how best to ensure that the immunities afforded by the Convention on the Privileges and Immunities of the United Nations, adopted on 13 February 1946 (hereinafter referred to as the 1946 Convention), may be enjoyed by individuals serving on constituted bodies established under the Kyoto Protocol and individuals serving on expert review teams under the Kyoto Protocol, for example:
  - (i) by considering them “Experts on missions for the United Nations” pursuant to Article VI of the 1946 Convention;
  - (ii) by other ways;
- (b) Whether the COP/MOP could invite the United Nations General Assembly to adopt a resolution that recognizes individuals serving on constituted bodies established under the Kyoto Protocol and individuals serving on expert review teams under the Kyoto Protocol as experts on missions for the United Nations within the context of the 1946 Convention, or a resolution that applies the 1946 Convention to such individuals in some other way.

125. The SBI requested the Executive Secretary to report on the outcome of the consultations with the United Nations Secretary-General, referred to in paragraph 124 above, to the SBI at its twenty-fifth session (November 2006).

126. The SBI further requested the Executive Secretary to prepare a note for consideration at its twenty-fifth session that analyses:

- (a) The issues at the international and national levels, including practical and legal implications, and concerning decisions of the COP/MOP, as well as the resource implications for the secretariat, of obtaining written agreement from private or national entities seeking to participate in the

mechanisms pursuant to the Kyoto Protocol that any complaints, claims or disputes against constituted bodies or individuals serving on constituted bodies established under the Kyoto Protocol and individuals serving on expert review teams under the Kyoto Protocol shall be brought in accordance with the decisions of the COP/MOP and be made at the headquarters of the secretariat;

- (b) The legal and practical issues, including the resource implications for the secretariat, of providing assistance upon request to individuals serving on constituted bodies established under the Kyoto Protocol and individuals serving on expert review teams under the Kyoto Protocol who are faced with complaints, claims or disputes concerning their official functions and, in such cases, the options for the Executive Secretary to contact, as appropriate, the competent authorities of the country or countries in question to discuss the issues further.

127. The SBI decided to continue consideration of this matter at its twenty-fifth session on the basis of the report and the note by the Executive Secretary referred to in paragraphs 125 and 126 above and taking into account views expressed by Parties, with a view to preparing a draft decision on this matter for adoption by the COP/MOP at its second session.