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SUBSIDIARY BODY FOR IMPLEMENTATION

Twenty-fourth session

Bonn, 18–26 May 2006

Item 13 (c) of the provisional agenda

Administrative, financial and institutional matters

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

Views on privileges and immunities for individuals serving on constituted bodies established under the Kyoto Protocol

Submission from Parties

Addendum

1. In addition to the five submissions contained in document FCCC/SBI/2006/MISC.6, one further submission has been received (on 14 February 2006).
2. In accordance with the procedure for miscellaneous documents, this submission is reproduced* in the language in which it was received and without formal 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/2006/MISC.6/Add.1

GE.06-61128

SUBMISSION FROM BRAZIL

Brazil would like to present this submission, according to Decision 33/CMP.1 *Privileges and immunities for individual serving on constituted bodies established under the Kyoto Protocol*.

Brazil would like to endorse the following alternatives suggested in paragraph 38 of document FCCC/KP/CMP/2005/6 and reinforce the issue to be discussed at the next Subsidiary Body for Implementation, at its twenty-fourth session:

- (a) Parties agreeing on the elements of an umbrella agreement, which contains provisions for privileges and immunities, that could be used by States that want to host meetings of constituted bodies and visits by expert review teams;
- (b) Requesting that all third party claims against members, alternates and experts of constituted bodies under the Kyoto Protocol be handled by the Executive Secretary;
- (c) Agreement from national and private entities that any claims must be made in accordance with the Kyoto Protocol mechanisms and made to the Executive Secretary at the headquarters of the Secretariat;
- (d) Adopting a decision to confer privileges and immunities on representatives and members of its organs when performing official functions under the Protocol;
- (e) Adopting a decision, supported by unilateral declarations by Parties, to confer privileges and immunities on representatives and members of its organs when performing official functions under the Protocol.

In addition to these alternatives, Brazil strongly supports the idea of ensuring necessary privileges and immunities for individuals serving on the constituted bodies established under the Kyoto Protocol by United Nations Secretary-General as proposed in document Decision 33/CMP.1. As indicated in the cited document, the United Nations system can extend privileges and immunities to cover the work of individuals that are not formal representatives of United Nations officials, as an example, the judges of the Law of the Sea Tribunal and inspectors for the International Energy Agency.

Therefore, it is crucial to continue this discussion within the SBI to establish an appropriate and legally binding regime of privileges and immunities for the Kyoto Protocol.
