



**CONFERENCE ON INTERACTION AND
CONFIDENCE BUILDING MEASURES IN ASIA**

**СОВЕЩАНИЕ ПО ВЗАИМОДЕЙСТВИЮ И
МЕРАМ ДОВЕРИЯ В АЗИИ**

Signed at the CICA Summit

Istanbul, 8 June 2010

**Convention on the Privileges and Immunities
of the Secretariat, its Personnel and Representatives of Members
of the Conference on Interaction and
Confidence Building Measures in Asia**

Member States of the Conference on Interaction and Confidence Building Measures in Asia, which concluded the present Convention, Being guided by the generally recognised principles and norms of international law and the Almaty Act of 4 June 2002, Aiming at the implementation of paragraph 2 of Article 5 of the Statute of the Secretariat of the Conference on Interaction and Confidence Building Measures in Asia of 17 June 2006, have agreed as follows:

**Article 1
Definitions**

For the purposes of the present Convention, the following definitions shall be used:

- a) "CICA" shall mean the Conference on Interaction and Confidence Building Measures in Asia;
- b) "Secretariat" shall mean Secretariat of the CICA;
- c) "Parties" shall mean the CICA Members, which have ratified, accepted, approved or acceded to the present Convention;
- d) "Executive Director" shall mean Chief Executive Officer of Secretariat;
- e) "Deputy Executive Director" shall mean deputy Chief Executive Officer of Secretariat;
- f) "Members of the professional personnel" shall mean officers of the Secretariat, seconded by the CICA Members and appointed by the Executive Director, after approval by the CICA Senior Officials Committee;

g) “The members of family” shall mean spouse and dependent children under 18 years of age, of the Executive Director, the Deputy Executive Director and the Members of the professional personnel of the Secretariat residing together with them;

h) “Representatives of the Parties” shall mean the persons, designated by the respective Parties to participate in CICA meetings.

Article 2

Legal Capacity of the Secretariat

The Secretariat shall enjoy in the territory of each Party such legal capacity as is necessary for the exercise of its functions.

Article 3

Privileges and Immunities: General Provisions

1. The privileges and immunities under the present Convention are not for the personal benefit of the individuals concerned, but to ensure the independent execution of their official functions.

2. Immunity shall be waived where the immunity would impede the course of justice and without prejudice to the purpose for which the immunity is accorded. The waiver must always be express. The decision to waive the immunity shall be taken:

a) With respect to the Executive Director and the Deputy Executive Director, by Ministers of Foreign Affairs or their officially authorized representatives upon the recommendation of the CICA Senior Officials Committee, by consensus at ministerial meetings or unanimously through diplomatic channels during the period between such meetings;

b) With respect to the Members of the professional personnel, by the CICA Senior Officials Committee upon the recommendation of the Executive Director;

c) With respect to representatives of the Parties, by the sending Party.

3. Individuals who enjoy privileges and immunities shall respect the legislation of the Parties without prejudice to their above mentioned privileges and immunities.

Article 4

Privileges and Immunities of the Secretariat

1. The Secretariat, its property and assets, wherever located and by whomsoever held, shall be immune from any form of administrative actions or legal processes, except in so far as in any particular case the immunity has been expressly waived. In exceptional cases, the CICA Senior Officials Committee, upon the proposal of the Executive Director, shall take a decision on waiving the immunity. No waiver of immunity shall extend to the measure of execution.

2. The archives and other documents of the Secretariat shall be inviolable.

3. Without being restricted by financial controls, regulations or moratoria of any kind the Secretariat has the right, to hold funds and maintain accounts, to the extent necessary, for the exercise of operations corresponding to its objectives in the territories of the Parties, as agreed with the Party concerned.

4. The Secretariat, its assets, income and other property shall be exempt from all direct taxes, except the charges for certain types of services.

Article 5

Privileges and Immunities of the Executive Director, Deputy Executive Director and Members of the Professional Personnel

1. The Executive Director, Deputy Executive Director and Members of the professional personnel shall enjoy the following privileges and immunities:

a) Immunity from personal arrest or detention as well as immunity from legal processes in respect of words spoken and written and for all actions performed by them in their official capacity, except for:

I. lawsuits regarding the reimbursement of damage in connection with road accidents that were caused by a vehicle, belonging to the Secretariat or one of above mentioned persons or being driven by them;

II. Lawsuits regarding the reimbursement of damage in connection with the death or bodily injury, that were caused by the actions of above persons.

b) Exemption from immigration restrictions and obligatory aliens' registration on the territory of the Party, where they are temporarily residing, or in transit during the course of their official duties.

c) The same privileges in the sphere of currency operations as are accorded to diplomatic agents in the territory of the Party concerned.

d) The same repatriation facilities in time of international crises as diplomatic agents.

e) Provisions of sub-clauses (b) and (d) of clause 1 of the present Article shall also apply to the members of family.

2. A Party shall not be obliged to accord the privileges and immunities referred to in paragraph 1 of the present Article to:

a) Its own nationals or permanent residents;

b) Nationals of a Party with which it does not have diplomatic relations.

Article 6

Privileges and Immunities of the Representatives of the Parties

1. Representatives of the Parties shall, while exercising their functions, and during their journey to and from the place of the meeting, enjoy the following privileges and immunities:

a) Immunity from the personal arrest or detention and in respect of words spoken or written and all acts done by them in the capacity of representatives, immunity from legal processes of every kind of the Parties in which the CICA meetings are being held.

b) Inviolability of all papers, documents and electronic data medium.

c) Exemption in respect of themselves and their accompanying spouses from immigration restrictions and aliens registration in the Parties they are visiting or through whose territory they are passing in the exercise of their functions.

d) The same facilities in respect of currency and exchange restrictions as are accorded to representatives of foreign governments on temporary official missions.

e) The same immunities and facilities in respect of their personal baggage as are accorded to diplomatic agents.

2. A Party shall not be obliged to accord the privileges and immunities referred to in paragraph 1 of present Article to:

- a) its own nationals or permanent residents;
- b) nationals of a Party with which it does not have diplomatic relations.

Article 7

Visas

1. The Parties shall render full assistance in issuance of visas for the Executive Director, Deputy Executive Director and Members of the professional personnel of the Secretariat and Representatives of the CICA Members to participate in CICA meetings.

2. A Party shall not be obliged to issue visas to nationals of a Party with which it does not have diplomatic relations.

Article 8

Affecting the Rights and Obligations under other International Treaties

The present Convention shall not affect and shall not be interpreted as affecting the rights and obligations of the Parties arising from other international agreements to which they are parties.

Article 9

Final Provisions

1. The present Convention shall be open for signature by the CICA Members.

2. The present Convention shall be subject to ratification, acceptance, and approval by the signatory states. The present Convention shall be open for accession by the CICA Members. The present Convention shall enter into force on the thirtieth day following the date of receiving by Depository of fourteenth instrument of ratification, acceptance, approval or accession. In regard to that CICA Member ratifying, accepting, approving or acceding to the present Convention after its entry into force the present Convention shall enter into force on the thirtieth day after the deposit of its instrument of ratification, acceptance, approval or accession.

3. The Secretariat shall serve as the Depository of the present Convention. The Depository shall notify the Parties about the date of entry into force of the present Convention, as well as about receiving instruments of ratification, acceptance, approval or accession from relevant Parties.

4. By mutual consent of the Parties, the present Convention may be amended by a Protocol. The Protocol shall enter into force as prescribed in paragraph 2 of this Article.

5. Any Party may at any time withdraw from the present Convention by forwarding a written notification to the Depository. The present Convention shall terminate with regard to that Party after the expiry of 6 months from the date of receipt by the Depository of such a notification.

Done at Istanbul on 8 June 2010, in a single original in the English language.

Istanbul, 8 June 2010