



**SECRETARIAT OF THE CONFERENCE ON INTERACTION
AND CONFIDENCE BUILDING MEASURES IN ASIA**

**СЕКРЕТАРИАТ СОВЕЩАНИЯ ПО ВЗАИМОДЕЙСТВИЮ
И МЕРАМ ДОВЕРИЯ В АЗИИ**

№ RTF/254

The Secretariat of the Conference on Interaction and Confidence Building Measures in Asia (CICA) presents its compliments to the CICA Member States and, as the depositary of the 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 of 2010 (hereinafter “*the Convention*”), has the honour to inform the following.

The People's Republic of China conveyed that the internal procedures for the ratification of the Convention had been finalized. The ratification instrument will be submitted to the Secretariat shortly. The Secretariat expresses its deep appreciation to the People's Republic of China for yet another valuable contribution to the CICA process.

*Enclosure:
as stated,
on 25 p.*

The Secretariat kindly requests the Member States, who have not yet done so, to sign and ratify the Convention as soon as possible, in accordance with the decisions of the heads of state/government adopted at the Fourth and Fifth Summits and the decisions of the foreign ministers adopted at the Fourth and Fifth Ministerial Meetings.

In this regard, the Secretariat has also the honour to send a presentation about the Convention and an updated table on its signing and ratification status.

The Secretariat avails itself of this opportunity to renew to the CICA Member States the assurances of its highest consideration.

Astana, 28 February 2024

**MEMBER STATES
OF THE CONFERENCE ON INTERACTION
AND CONFIDENCE BUILDING MEASURES IN
ASIA**





**SECRETARIAT OF THE CONFERENCE ON INTERACTION
AND CONFIDENCE BUILDING MEASURES IN ASIA**

**СЕКРЕТАРИАТ СОВЕЩАНИЯ ПО ВЗАИМОДЕЙСТВИЮ
И МЕРАМ ДОВЕРИЯ В АЗИИ**

№ RTF/254

Секретариат Совещания по взаимодействию и мерам доверия в Азии (СВМДА) свидетельствует свое уважение государствам-членам СВМДА и, в качестве депозитария Конвенции о привилегиях и иммунитетах Секретариата, его персонала и представителей государств-членов Совещания по взаимодействию и мерам доверия в Азии от 2010 года (*далее – «Конвенция»*), имеет честь сообщить следующее.

Китайская Народная Республика сообщила о завершении внутригосударственных процедур по ратификации Конвенции. Ратификационная грамота будет направлена в Секретариат в ближайшее время. Секретариат выражает глубокую признательность Китайской Народной Республике за еще один ценный вклад в процесс СВМДА.

Секретариат любезно просит государства-члены, которые этого еще не сделали, как можно скорее подписать и ратифицировать Конвенцию в соответствии с решениями глав государств/правительств, принятыми в ходе четвертого и пятого Саммита, и решениями министров иностранных дел, принятыми в ходе четвертой и пятой Министерской встречи.

В этой связи Секретариат также имеет честь направить презентацию о Конвенции и обновленную таблицу о статусе ее подписания и ратификации.

Секретариат пользуется случаем, чтобы возобновить государствам-членам СВМДА уверения в своем весьма высоком уважении.

город Астана, 28 февраля 2024 г.

**ГОСУДАРСТВА-ЧЛЕНЫ
СОВЕЩАНИЯ ПО ВЗАИМОДЕЙСТВИЮ И
МЕРАМ ДОВЕРИЯ В АЗИИ**



Азиядағы өзара іс-қимыл және сенім шаралары кеңесінің (Азия Кеңесінің) Хатшылығы Азия Кеңесіне мүше мемлекеттерге өзінің зор ілтипатын білдіре отырып, 2010 жылғы Азиядағы өзара іс-қимыл және сенім шаралары кеңесінің Хатшылығының, оның персоналының және Кеңеске мүше мемлекеттер өкілдерінің артықшылықтары мен иммунитеттері туралы конвенцияның (*бұдан әрі – Конвенция*) депозитарийі ретінде келесіні хабарлауды өзіне мәртебе санайды.

Қосымша:
аталған,
25 п.

Қытай Халық Республикасы Конвенцияны ратификациялау жөніндегі мемлекетішілік рәсімдердің аяқталғаны туралы хабарлады. Ратификациялау құралы жақын арада Хатшылыққа жіберілетін болады. Хатшылық Қытай Халық Республикасына Азия Кеңесі процесіне қосқан тағы бір құнды үлесі үшін зор ризашылығын білдіреді.

Хатшылық мүше мемлекеттерден төртінші және бесінші Саммиттер барысында қабылданған мемлекет/үкімет басшыларының шешімдеріне және төртінші және бесінші Министрлік кездесулер барысында қабылданған сыртқы істер министрлерінің шешімдеріне сәйкес Конвенцияға тез арада қол қоюды және ратификациялауды сұрайды.

Осыған байланысты Хатшылық Конвенция туралы презентацияны және Конвенцияға қол қою және оны ратификациялау мәртебесі туралы жаңартылған кестені жолдауды өзіне мәртебе санайды.

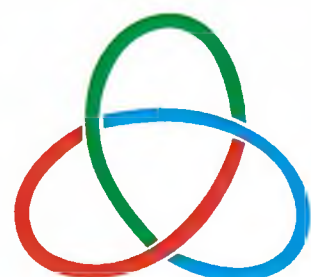
Хатшылық осы мүмкіндікті пайдалана отырып, Азия Кеңесіне мүше мемлекеттерге өзінің зор ілтипатын тағы да растайды.

Астана қаласы, 2024 жылғы 28 ақпан

**АЗИЯДАҒЫ ӨЗАРА ІС-ҚИМЫЛ ЖӘНЕ
СЕНІМ ШАРАЛАРЫ КЕҢЕСІНЕ
МҮШЕ МЕМЛЕКЕТТЕР**

**CICA Member-States that have signed/ratified
the 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**

Nº	Member-state	Signed	Ratified
1	Afghanistan		
2	Azerbaijan	+	+
3	Bahrain		
4	Bangladesh	+	+
5	Cambodia	+	
6	China	+	+ <i>(instrument of ratification to be deposited)</i>
7	Egypt		
8	India	+	+
9	Iran	+	
10	Iraq		
11	Israel	+	
12	Jordan	+	
13	Kazakhstan	+	+
14	Kuwait		
15	Kyrgyzstan	+	+
16	Mongolia	+	+
17	Pakistan	+	
18	Palestine	+	
19	Qatar		
20	Republic of Korea	+	
21	Russia	+	+
22	Sri Lanka		
23	Tajikistan	+	
24	Thailand	+	
25	Türkiye	+	+
26	United Arab Emirates		
27	Uzbekistan		
28	Viet Nam		



CICA

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:

- 57
- 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.



**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
(Convention)**

The Convention is one of the key CICA documents, which grants immunities and privileges to the Secretariat, its personnel, and representatives of the Member States in the exercise of their functions.

The Convention was adopted and signed by the Heads of State/Government at the Third CICA Summit on **8 June 2010 in Istanbul**.



Immunities of the Secretariat

The Convention grants the Secretariat the necessary legal capacity, as well as:

Inviolability of the budget and property, which are set and acquired from voluntary contributions made by Member States;

Without being restricted by financial controls, regulations or moratoria of any kind, **the ability to have accounts and funds** to carry out its activity in the territory of the Member States and upon agreement with the Member State concerned;

Inviolability of documents and archives, which allows the Secretariat to fully perform its functions as a clearing house for information among the Member States;

Exemption from all direct taxes, which allows to optimize the funds received from Member States.

Immunities of the Executive Director, Deputy Executive Director and members of the professional personnel

The Convention grants the Executive Director, Deputy Executive Director, and members of the professional personnel the immunity necessary for the proper discharge of their functions:

- Immunity from personal arrest or detention, as well as immunity from legal processes in respect of all actions performed by them in their official capacity;
- The same privileges in respect of currency operations as are accorded to diplomatic agents in the territory of the State concerned;
- Exemption from immigration restrictions in the exercise of their functions;
- The same repatriation facilities in time of international crises as diplomatic agents.

The State is **not** obliged to accord immunities to:

- Its own nationals or permanent residents;
- Nationals of a State with which it does not have diplomatic relations.

Representatives of the Member States

A large number of CICA events are held each year, which have different themes and, therefore, require the participation of relevant experts from the Member States. The Convention grants the following immunities to representatives of the Member States in the exercise of their duties and for the purpose of participation in CICA events:



Immunity from personal arrest or detention, as well as immunity from legal processes;

Inviolability of all documents and electronic data medium;

Exemption in respect of themselves and their accompanying spouses from immigration restrictions;

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

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

However, the State is not obliged to accord immunities to:

- Its own nationals or permanent residents, and to
- Nationals of a Party with which it does not have diplomatic relations.

Visas

The Convention ensures that all Member States facilitate the issuance of visas for the Executive Director, Deputy Executive Director, and members of the professional personnel of the Secretariat, as well as for representatives of the CICA Member States participating in CICA meetings.

However, a Party is not be obliged to issue visas to nationals of a Party with which it does not have diplomatic relations.



THE EFFECT OF THE CONVENTION ON OTHER INTERNATIONAL TREATIES



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

ENTRY INTO FORCE OF THE CONVENTION

To date, the Convention has not entered into force due to an insufficient number of ratifying Member States *(the Convention shall enter into force on the thirtieth day following the date of receiving by the Depository of the fourteenth instrument of ratification, acceptance, approval or accession).*

To date, the Convention has been ratified by **9 Member States:**



Instrument of
ratification
to be deposited

CONCLUSION

Entry into force of the Convention will:

- Give significant impetus to the cooperation of the CICA Member States;
- Strengthen the Secretariat and its personnel, allowing it to operate more effectively for the benefit of all Member States;
- Facilitate the widest possible representation of the Member States in CICA events.

The Secretariat and the Chairmanship kindly request the Member States who have not done so **to ratify the Convention as soon as possible and submit the instrument of ratification to the Depository (CICA Secretariat).**



**Конвенция о привилегиях
и иммунитетах Секретариата,
его персонала и представителей
государств-членов Совещания
по взаимодействию и мерам
доверия в Азии (Конвенция)**

Конвенция – один из ключевых документов в рамках СВМДА, который предоставляет иммунитеты и привилегии Секретариату, его персоналу и представителям государств-членов во время исполнения их функций.

Конвенция была принята и подписана главами государств/правительств в рамках третьего Саммита СВМДА
8 июня 2010 года в г. Стамбул.



Иммунитет Секретариата

03

Конвенция предоставляет Секретариату необходимую юридическую правоспособность, а также:

Неприкосновенность бюджета и имущества, которые формируются и приобретаются из добровольных взносов государств-членов;

Не будучи ограниченным финансовым контролем, правилами или мораториями, **возможность располагать счетами и фондами** для осуществления своей деятельности на территории государств-членов и при согласовании с соответствующим государством-членом;

Неприкосновенность документов и архива, что позволяет Секретариату в полной мере выполнять свои функции в качестве центра обмена информацией среди государств-членов;

Освобождение от всех прямых налогов, что позволяет оптимизировать средства, получаемые от государств-членов.

Иммунитеты Исполнительного директора, заместителя Исполнительного директора и членов профессионального персонала

04

Конвенция предоставляет Исполнительному директору, заместителю Исполнительного директора и членам профессионального персонала иммунитет, необходимый для надлежащего выполнения ими своих функций:

- иммунитет от личного ареста, задержания и от судебных актов в отношении действий, совершенных ими в официальном качестве;

- те же привилегии в сфере валютных операций, которые предоставляются дипломатическим агентам на территории соответствующего государства;

При этом государство **не** обязано предоставлять иммунитеты:

- своим гражданам или постоянным резидентам;

- освобождение от иммиграционных ограничений при исполнении служебных обязанностей;

- те же льготы по репатриации во время международных кризисов, что и дипломатическим агентам.

- гражданам государства, с которым у него не установлены дипломатические отношения.

Представители государств-членов

Ежегодно в рамках СВМДА проводится большое количество мероприятий, имеющих различную тематику и, следовательно, требующих участия соответствующих специалистов государств-членов. Конвенция предоставляет представителям государств-членов, при исполнении ими своих обязанностей и в целях участия на мероприятиях СВМДА, следующие иммунитеты:



иммунитет от личного ареста или задержания, а также иммунитет от судебной ответственности;

неприкосновенность всех документов и носителей электронных данных;

освобождение их самих и сопровождающих их супругов от ограничений по иммиграции;

те же льготы в отношении валютных ограничений или обмена валюты, какие предоставляются представителям иностранных государств, находящимся во временных служебных командировках;

те же иммунитеты в отношении их личного багажа, какие предоставляются дипломатическим агентам.

При этом государство не обязано предоставлять иммунитеты:

- своим гражданам или постоянным резидентам и
- гражданам Стороны, с которой у него не установлены дипломатические отношения.

Визы

Конвенция обеспечивает содействие всех государств-членов при выдаче виз для **Исполнительного директора, заместителя Исполнительного директора и членов профессионального персонала Секретариата**, а также для **представителей государств-членов СВМДА**, участвующих на заседаниях СВМДА.

При этом Сторона не обязана выдавать визы гражданам Стороны, с которой у нее не установлены дипломатические отношения.



ВЛИЯНИЕ КОНВЕНЦИИ НА ДРУГИЕ МЕЖДУНАРОДНЫЕ ДОГОВОРЫ



Конвенция **не затрагивает и не толкуется** в качестве затрагивающей права и обязательства государств, вытекающие из других международных договоров, участниками которых они являются.

ВСТУПЛЕНИЕ КОНВЕНЦИИ В СИЛУ

На сегодняшний день Конвенция не вступила в силу ввиду недостаточного количества ратифицировавших ее государств-членов *(Конвенция вступает в силу на тридцатый день со дня получения депозитарием четырнадцатого инструмента ратификации, принятия, утверждения или присоединения).*

На сегодняшний день Конвенцию ратифицировали **9 государств-членов:**



Ратификационная
грамота будет
сдана на хранение

ЗАКЛЮЧЕНИЕ

Вступление Конвенции в силу:

- придаст значительный импульс сотрудничеству государств-членов в рамках СВМДА;
- усилит Секретариат и его персонал, что позволит эффективнее работать на благо всех государств-членов;
- окажет содействие наиболее широкой представленности государств-членов в мероприятиях СВМДА.

Секретариат и Председательство просят государства-члены, которые этого еще не сделали, **ратифицировать Конвенцию в максимально возможные сроки и направить инструмент ратификации Депозитарию (Секретариату СВМДА).**