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Item 9 of the provisional agenda

ARRANGEMENTS FOR INTERGOVERNMENTAL MEETINGS

Note by the secretariat

I. INTRODUCTION

1. The purpose of this note is to provide information to the Subsidiary Body for Implementation (SBI), and seek guidance from it, on the following matters:
 - (a) Arrangements for the next sessions of the Conference of the Parties (COP);
 - (b) The calendar of meetings for 1998-1999.

2. The SBI may wish to give guidance to the secretariat on the points raised below regarding:
 - (a) The provisional agenda of COP 3 (paragraphs 6 - 11);
 - (b) The organization of work of COP 3 (paragraph 12);
 - (c) The date and place of COP 4 (paragraphs 13 - 19); and
 - (d) The calendar of meetings for 1998-1999 (paragraphs 20 - 21).

II. ARRANGEMENTS FOR SESSIONS OF THE CONFERENCE OF THE PARTIES

A. Third session of the Conference of the Parties (COP 3)

1. Host country arrangements

3. In accordance with decision 1/CP.2 of the Conference of the Parties, the third session of the COP is to take place in Kyoto, Japan, hosted by the Government of Japan, during the period 1 to 12 December 1997. The Executive Secretary is to make "satisfactory arrangements" with the Government of Japan for it to host the session and meet the related costs.

4. The host Government has informed the Convention secretariat that COP 3 will take place at the Kyoto International Conference Hall (KICH). A mission from the United Nations Office at Geneva (UNOG) and the Convention secretariat visited the KICH in November 1996. It confirmed that the KICH offers adequate facilities for the meetings of the COP and, in addition, for informal meetings, side events, offices and other working areas, as well as for media operations. A presentation on arrangements for the session will be made by the delegation of Japan during the forthcoming sessions of the subsidiary bodies. Additional information will be provided as preparations for COP 3 advance.

5. Discussions are underway with the host Government on a memorandum of understanding that will cover the usual matters dealt with by a host country agreement.

2. Provisional agenda

6. According to Rule 9 of the draft rules of procedure as applied, the provisional agenda of COP 3 is to be drawn up by the secretariat, in agreement with the President.

7. At its second session, the COP noted the recommendation of the Bureau that "the Subsidiary Body for Scientific and Technological Advice (SBSTA), the SBI and the Ad Hoc Group on Article 13 (AG13) should not meet concurrently with the third session of the Conference of the Parties" (FCCC/CP/1996/15, para. 25). The aim of this recommendation is to focus the work of COP 3 on the main task at hand, namely completing the Berlin Mandate process and adopting the results. This would, therefore, be the main item of outstanding business on the provisional agenda for COP 3.

8. Following this approach, the provisional agenda would provide for the COP to take note of the reports of the subsidiary bodies and to adopt decisions recommended by those bodies, without further discussion of their substance and without modification of their content. The last occasion for substantive consideration of such decisions would be the

sessions of subsidiary bodies to be held in the second half of October 1997. Among the issues to be dealt with in this way would be any "appropriate measures" arising from the review of the financial mechanism in accordance with Article 11.4, "including a determination of the definitive status of the GEF in the context of the Convention" (decision 9/CP.1). As regards the programme budget for 1998-1999, while it is proposed that the SBI should complete its work thereon at its sixth session in July 1997, it may be necessary for the budget recommended by the SBI to be modified as a result of other decisions of COP 3 or of the General Assembly (see FCCC/SBI/1997/3, para.10 (a) and (e)).

9. As at COP 2, the provisional agenda could contain a general item on the review of the implementation of the Convention. This would be derived from Article 7.2 and its subparagraphs (a) and (e). The provisional agenda would also contain the normal organizational and procedural items, among which the most important one outstanding is the adoption of the rules of procedure.

10. Two possible agenda items call for special consideration by Parties and guidance from the SBI. They relate to action that the COP is required to take not later than 31 December 1998. The first concerns the second review of subparagraphs (a) and (b) of Article 4.2, called for by Article 4.2 (d). The second concerns the review and possible amendment of the lists in Annexes I and II to the Convention, called for by Article 4.2 (f). The inclusion of both of these items in the provisional agenda for COP 3 would be necessary if COP 4 were to be held in 1999, as recommended by the Bureau (see paragraphs 13-15 below). If COP 4 were to take place in 1998, their inclusion in the COP 3 agenda would be optional. Apart from this question of scheduling, a relevant factor is the possible linkage between these items and other matters on the provisional agenda for COP 3.

11. This linkage may be particularly relevant to the timing of action called for by Article 4.2 (d), on the second review of subparagraphs (a) and (b) of Article 4.2. The general intent of Article 4.2 (d) appears to be to ensure that the adequacy of commitments by

Annex I Parties is kept under regular review "until the objective of the Convention is met". The first such review, by COP 1, concluded that subparagraphs 4.2 (a) and (b) are not adequate and accordingly launched the Berlin Mandate process aimed, inter alia, at strengthening them (decision 1/CP.1). It is expected that the commitments in those subparagraphs will be substantially superseded by the results of the Berlin Mandate process, which may also contain some provision for future reviews of adequacy of commitments. This raises doubts about the relevance of a second review of those subparagraphs at COP 3, or indeed at COP 4. It suggests that future reviews of adequacy of commitments by Annex I Parties may be based on the new yardstick that will emerge from the Berlin Mandate process, rather than on the subparagraphs in question. In any case, without prejudice to the possible review of those subparagraphs at COP 4, it may be wise to clarify the review process through an appropriate agenda item at COP 3.

3. Organization of work

12. The following suggestions on the organization of work of COP 3 are based on the Bureau's approach to focus the work of the session and on the assumption that the Ad Hoc Group on the Berlin Mandate would wind up its work at its eighth session in October 1997, leaving it to COP 3 to adopt the results of the Berlin Mandate process. They are advanced to obtain reactions from Parties and the SBI:

- (a) COP 3 would be held from Monday, 1 to Wednesday, 10 December 1997, saving two days;
- (b) In order to maximize the negotiating capacity of COP 3, there would be no general statements in plenary by Parties and observer States, nor by heads of United Nations agencies and programmes, IGOs and NGOs;
- (c) The COP would get down to business immediately after disposing of the opening organizational matters. It would allocate the completion of decisions on the Berlin Mandate process to a sessional committee of the whole, open to all delegations. Other matters would be dealt with directly in plenary meetings. Drafting groups may be set up as needed by the President of the COP or the Chairperson of the committee of the whole. No more than two open-ended meetings would take place simultaneously;
- (d) Ministers would be invited to attend COP 3 and participate in political negotiations on the outcome of the Berlin Mandate from Wednesday, 3 December. These negotiations would be completed by Friday, 5 December;
- (e) The outcome of these negotiations, principally the text of a protocol or another legal instrument, would be compiled, translated and distributed by Monday, 8 December;
- (f) On 8 and 9 December, the text would be subject to detailed review by the Parties, to ensure internal consistency, editing and linguistic conformity; and
- (g) The final text would be initialled by heads of delegations of Parties on 10 December.

B. Fourth session of the Conference of the Parties (COP 4)

1. Date

13. According to Article 7.4, ordinary sessions of the COP shall be held every year unless otherwise decided by the COP. This provision is reflected in Rule 4, paragraph 1, of the draft rules of procedure as applied. Paragraph 2 of that rule states that, "at each ordinary session, the COP shall decide on the date and duration of the next ordinary session" (FCCC/CP/1996/2).

14. The Bureau has recommended that, given the timing of COP 3 late in 1997, COP 4 could be held early in 1999. This recommendation was made known during the December 1996 sessions of the subsidiary bodies in document FCCC/1996/INF.4 and is hereby brought to the attention of the SBI.

15. At the close of the fifth session of SBSTA, a statement was made on behalf of the Group of 77 and China expressing concern over this recommendation, *inter alia* in relation to the scheduling of the second review of Article 4.2. (a) and (b) not later than 31 December 1998. (The nature of this review is explained in paragraphs 10-11 above). The Executive Secretary, commenting on that statement, emphasized that the scheduling of COP 4 would be considered by SBI 5.

16. The SBI may wish to consider this matter, so that the Bureau of the COP may take its views into account when it next reviews questions concerning the calendar. This is expected to be at the next Bureau meeting on 1 March 1997.

2. Place

17. Rule 3 of the draft rules of procedure, as applied, states that "sessions of the Conference of the Parties shall take place at the seat of the secretariat, unless the Conference of the Parties decides otherwise or other appropriate arrangements are made by the secretariat in consultation with the Parties" (FCCC/CP/1996/2).

18. Since the office of President is normally subject to rotation among the five regional groups and since the hosting of a session of the COP away from the secretariat's headquarters traditionally confers the presidency upon the host Government, it is relevant to point out that the presidencies of COP 4 and COP 5 should normally be taken up by representatives of Parties from the Eastern European Group of States and the Latin American and Caribbean Group of States and, thus, could be hosted in those regions.

19. Since the planning of sessions away from headquarters takes time, both for the host Government and for the secretariat, the SBI may wish to encourage any potential host Government for COP 4 and/or COP 5 to come forward with an offer that could be considered by COP 3. For a decision to be taken by COP 3, such an offer would have to include an assurance that the host Government would cover the incremental costs of meeting away from Bonn. The SBI may also consider setting a deadline for any offers to host COP 4, for example, by its sixth session in July 1997.

III. CALENDAR OF SESSIONS OF CONVENTION BODIES

A. 1997

20. The next sessions of subsidiary bodies are scheduled to take place in Bonn from 28 July to 7 August 1997 (at the Hotel Maritim, Bonn) and from 20 to 31 October 1997 (at a conference facility in Bonn to be determined). At present, all four subsidiary bodies are scheduled to meet in the July/August period and all except AG13 are to meet in the October period, with no more than two subsidiary bodies meeting in parallel at any one time. A tentative schedule of meetings for the July/August period follows:

28 July - 7 August, Bonn (AGBM-7, SBSTA-6, SBI-5, AG13-5)

Mon. 28 July		Tues. 29 July		Wed. 30 July		Thurs. 31 July		Fri. 1 August	
a.m.	p.m.	a.m.	p.m.	a.m.	p.m.	a.m.	p.m.	a.m.	p.m.
SBSTA	SBSTA	SBI	SBI	SBSTA	SBSTA	SBSTA	SBI	AGBM	AGBM
AG13	SBI	AG13	AG13	AG13	SBI	SBI	SBSTA	AGBM	AGBM

Mon. 4		Tues. 5 August		Wed. 6 August		Thurs. 7 August		Fri. 8 August	
a.m.	p.m.	a.m.	p.m.	a.m.	p.m.	a.m.	p.m.	a.m.	p.m.
AGBM	AGBM	AGBM	AGBM	AGBM	AGBM	AGBM	AGBM	---	---
AGBM	AGBM	AGBM	AGBM	AGBM	AGBM	AGBM	AGBM	---	---

B. 1998-1999

21. As a result of the establishment of the Convention secretariat in Bonn, it is faced with new and different challenges when organizing meetings. Among these is the need to seek adequate facilities which are commercially available and which need to be booked a year or more in advance. As a result, it has become necessary to have a long-term predictable calendar of meetings. In order to move toward such a calendar, the secretariat presents two options to the SBI for its guidance.

1. Option 1: 2 + 2

22. In the case of option 1, two blocks of sessions of the Convention bodies would be held each year.

- (a) The first block would comprise two weeks of subsidiary body meetings. This block would be held in Bonn, early in the second quarter of the year.
- (b) The second block would consist of one week of subsidiary body meetings, followed by a one-week session of the COP. This block would be held late in the third quarter of the year. It would be held in Bonn, unless a Government offered to host the COP and the meetings preceding it.

2. Option 2: 2+1+2

23. In the case of Option 2, three blocks of sessions of the bodies of the Convention would be held each year.

- (a) The first block would comprise two weeks of subsidiary body meetings. These would be held in Bonn, late in the first quarter of the year.
- (b) The second block would consist of a one-week session of the COP in the June/July period. This would be held in Bonn, unless a government offered to host it.
- (c) The third block would again comprise two weeks of subsidiary body meetings, held in Bonn, in the fourth quarter of the year.

24. One advantage of Option 1 is that it allows more time between the blocks of sessions for Parties and the secretariat to evaluate the results of one block and prepare for the next. In addition, it is less costly, in terms of conference facilities, documentation and funding for participants.

25. The main advantage of Option 2 would be to have a short, focused session of the COP, on the lines proposed above for COP 3

26. Exceptionally in 1998, the uncertainty of the source of funding for conference services suggests that the first block of meetings should not be held until well into the second quarter of that year (See FCCC/SBI/1997/3, paras. 58-60).

27. Based on initial guidance received from the SBI, and from the Bureau of the COP,

and taking into account the calendar of other, relevant meetings and the availability of conference services, the secretariat will develop a two-year plan for the sessions of the Convention bodies, for presentation to the SBI at its sixth session.
