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**SUBSIDIARY BODY FOR IMPLEMENTATION**

**Twentieth session**

**Bonn, 16–25 June 2004**

**Item 9 (a–c) of the provisional agenda**

**Arrangements for intergovernmental meetings**

**Tenth session of the Conference of the Parties**

**Future sessional periods**

**Organization of the intergovernmental process**

**Arrangements for intergovernmental meetings**

**Note by the Executive Secretary**

*Summary*

The tenth session of the Conference of the Parties (COP) will be held from 6 to 17 December 2004. This note contains a list of possible elements of the provisional agenda, suggestions concerning the organization of work for the COP and subsidiary bodies, and options for the organization of a high-level segment. Parties may wish to provide the secretariat with further guidance on these matters. This note also proposes dates for the two sessional periods in 2009, which Parties may wish to consider and recommend to the COP at its tenth session. It also highlights issues relating to the organization of future sessional periods, and time management concerns.

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## **I. Introduction**

### **A. Mandate**

1. Article 8, paragraph 2, of the Convention provides that the functions of the secretariat shall be, inter alia, to “make arrangements for sessions of the Conference of the Parties and its subsidiary bodies ... and to provide them with services as required”. In order to make the necessary arrangements for intergovernmental meetings, the secretariat periodically seeks guidance from Parties.

### **B. Scope of the note**

2. This note contains information on arrangements for the tenth session of the Conference of the Parties (COP 10), including possible elements of a provisional agenda. It does not address arrangements for the first session of the Conference of the Parties serving as meeting of the Parties to the Kyoto Protocol (COP/MOP 1), which were agreed by the Subsidiary Body for Implementation (SBI) at its eighteenth session<sup>1</sup> and are subject to decision 17/CP.9.<sup>2</sup> The note also makes proposals concerning the eleventh session of the Conference of the Parties (COP 11) and the calendar of meetings for Convention bodies, and raises issues relating to the organization of the intergovernmental process.

### **C. Possible action by the Subsidiary Body for Implementation**

3. Guidance is invited from the SBI on the matters raised in this note, in particular on:
- (a) Possible elements of a provisional agenda for COP 10;
  - (b) The organization of the work at COP 10, including the sessions of the subsidiary bodies and arrangements for a high-level segment with participation by ministers and other heads of delegation;
  - (c) The dates for the sessional periods in 2009;
  - (d) Possible improvements in the intergovernmental process under the Convention.

## **II. Tenth session of the Conference of the Parties**

### **A. Date and venue of the tenth session of the Conference of the Parties**

4. The COP, by its decision 14/CP.9, decided that COP 10 would be held from 29 November to 10 December 2004.<sup>3</sup> It also noted with appreciation the expression of interest of the Government of Argentina in hosting COP 10, and requested the Bureau to decide on the venue for COP 10. Following a secretariat fact-finding mission to assess the proposed facilities, the members of the Bureau accepted the generous offer of the Government of Argentina to host COP 10 in Buenos Aires and, taking into account the availability of “La Rural” exhibition centre, agreed to a proposal by the Government of Argentina to change the dates by one week to 6–17 December 2004. This acceptance was communicated to all Parties in an information note dated 2 March 2004. The secretariat and the Government of Argentina are concluding a host country agreement.

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<sup>1</sup> FCCC/SBI/2003/8, paragraph 44.

<sup>2</sup> FCCC/CP/2003/6/Add.2.

<sup>3</sup> FCCC/CP/2003/6/Add.1.

## B. Possible elements of a provisional agenda

5. Rule 9 of the draft rules of procedure being applied provides: "In agreement with the President, the secretariat shall draft the provisional agenda of each session".<sup>4</sup> A **list of possible elements of a provisional agenda for COP 10** has been prepared by the secretariat, after consulting with the Bureau, and is contained in annex I to this document. This list has been modelled closely on the provisional agendas of COP 8 and COP 9 and most items from those sessions have been retained. Items on which the COP adopted decisions and concluded its work at its ninth session are not proposed for inclusion in the agenda for COP 10. Some items, such as those on land use, land-use change and forestry, have been added because previous decisions called for their consideration at COP 10. An item relating to Article 6 of the Kyoto Protocol has been included to allow the secretariat to report on preparatory work. To reduce complexity, the use of sub-sub-items has been minimized.

6. The year 2004 will mark the **10<sup>th</sup> anniversary of the entry into force of the Convention**. The Executive Secretary seeks views from Parties on whether this occasion should be addressed at COP 10 in plenary, at side events or as an agenda item. The anniversary could also provide a focus for the high-level segment.

## C. Organizational matters

### 1. Overview of the sessional period

7. The sessional period would be organized as follows, depending upon the dates recommended for the high-level segment (see also annex II):

- (a) The President of COP 9 would open COP 10 on Monday, 6 December at 10 a.m. The **opening meeting** would take up item 1 of the provisional agenda, including the election of the President of COP 10. The COP would also take up some procedural sub-items under agenda item 2, including the adoption of the agenda for the session.
- (b) The **subsidiary bodies** would be convened after the opening plenary meeting of the COP and meet for their twenty-first sessions until Tuesday, 14 December, or Thursday, 16 December. They would finalize as many matters as possible, and transmit their results to the COP;
- (c) The **President of COP 10** would hold bilateral and group consultations on key issues during the first week. He/she would also chair regular meetings of the Bureau;
- (d) The COP would convene in plenary as needed to review the progress of the work of the subsidiary bodies, address items relating to the clean development mechanism and Article 6 of the Kyoto Protocol, and review the results of the President's consultations;
- (e) **Statements** would be made by the heads of United Nations bodies and programmes, specialized agencies and related organizations, as well as by representatives of intergovernmental and non-governmental organizations.

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<sup>4</sup> FCCC/CP/1996/2.

8. The SBI may wish to provide advice on the organization of the **high-level segment** for ministers and other heads of delegation:

- (a) Depending on whether ministers have already blocked dates in their calendars, based on the original dates of the session, or prefer to come at the end of the session, **dates** for the high level segment could be:
  - (i) 9–10/11 December (first week) or
  - (ii) 15–16/17 December (second week).
- (b) Modalities or approaches could include:
  - (i) A traditional ‘general debate’ with brief policy statements and a speaker’s list;
  - (ii) Round-table discussions such as those at COP 8 and COP 9, with co-chairs and an interactive dialogue among participants. The round-table format could be varied to enhance dialogue by employing smaller parallel meetings;
  - (iii) Panel discussions with a balanced representation of invited speakers and substantive background papers. This approach could broaden participation by encouraging interaction between panel members, ministers and other heads of delegation.
- (c) Suggested **topics or themes**, following an informal exchange of views among members of the Bureau, in the context of the 10<sup>th</sup> anniversary of the entry into force of the Convention, could include:<sup>5</sup>
  - (i) The Convention after 10 years: accomplishments and future challenges;
  - (ii) Impacts and risks of, and adaptation to, climate change;
  - (iii) Energy and climate change;
  - (iv) Investing in climate change.

9. The SBI is invited to give guidance on the list of possible elements of a provisional agenda for COP 10 and the proposed scenario for the session, as well as the arrangements for the high-level segment, including dates, modalities and topics.

## 2. Rules of procedure

10. As the COP has not been able to adopt its rules of procedure, the draft rules of procedure will continue to be applied, with the exception of draft rule 42, until the rules are adopted by the COP. At COP 9, the President stated he would undertake further consultations with Parties on this issue and report back at COP 10.

## 3. Officers

11. Rule 22 of the draft rules of procedure being applied provides: “At the commencement of the first meeting of each ordinary session, a President, seven Vice-Presidents, the Chairmen of the subsidiary bodies established by Articles 9 and 10 of the Convention, and a Rapporteur shall be elected from among

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<sup>5</sup> It may be preferable to avoid duplication with existing agenda items.

the representatives of the Parties present at the session. They will serve as the Bureau of the session. Each of the five regional groups shall be represented by two Bureau members and one Bureau member shall represent the small island developing states. The offices of President and Rapporteur shall normally be subject to rotation among the five regional groups.” This rule further states: “No officer may serve on the Bureau for more than two consecutive terms of one year.”

12. Consultations will be required to determine the officers of the Bureau of COP 10, as well as the officers of the subsidiary bodies, as appropriate. **Informal consultations** on the nomination of officers of the Bureau of COP 10 will be held during the twentieth sessions of the subsidiary bodies.

13. At the first meeting at COP 10, the President of COP 9 will call for the election of the President of COP 10. The elected President of COP 10 will invite the COP to elect the remainder of its officers and the chairs of the subsidiary bodies. This election will take place at the beginning of the session, provided that consultations on the nominations to the Bureau of COP 10 have been completed. If further consultations are needed, the election of the other officers could be deferred, with the existing chairs of the subsidiary bodies continuing in office until their successors are elected. Rule 27 of the draft rules of procedure being applied provides: “Each subsidiary body shall elect its own Vice-Chairman and Rapporteur”.

#### 4. Participation

14. Rule 5 of the draft rules of procedure being applied provides: “The secretariat shall notify all Parties of the dates and venue of a session at least two months before the session is held.” Formal notification of the tenth session of the COP will be communicated in due course to all Parties through their national focal points, diplomatic missions in Germany, permanent missions in Geneva and other diplomatic channels. The notification will advise Parties that the representatives of Parties should be provided by their governments with full powers to participate in the session, including the possibility to vote and serve as officers of the tenth session and of any sessional bodies, and as officers of the subsidiary bodies and other bodies established under the Convention.

15. Decision 16/CP.9, paragraph 18, invites Parties to contribute generously to the Trust Fund for Participation in the UNFCCC Process so that at least one participant from all eligible Parties and two participants from eligible least developed countries and small island developing States shall be provided with financial support to participate in the Convention process. However, as at 31 March 2004, funds available do not allow the secretariat to confirm this level of support for the twentieth sessions of the subsidiary bodies or the tenth session of the COP. It is hoped that substantial contributions to the Trust Fund will be forthcoming in the next few months.

### **III. Future sessional periods**

#### **A. Date and venue of the eleventh session of the Conference of the Parties**

16. Article 7, paragraph 4, of the Convention provides that ordinary sessions of the COP shall be held every year unless otherwise decided by the COP. Accordingly, COP 11 should take place in 2005, unless otherwise decided by the Parties. The calendar of meetings includes a sessional period from 7 to 18 November 2005, so COP 11 could be convened during that period.

17. Rule 3 of the draft rules of procedure being 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”.

18. Because the planning of sessions away from the secretariat's headquarters takes time for both the host government and the secretariat, any potential host governments of COP 11 are encouraged to come forward with an offer that could be considered by the SBI at its twenty-first session and by the COP at its tenth session. Such offers should be made on the understanding that the host government would cover the incremental costs of meeting away from Bonn. A decision on the venue of COP 11 must be adopted at COP 10.

#### **B. Calendar of meetings**

19. The COP, at its ninth session, adopted the dates for the 2008 sessional periods. The calendar of meetings of Convention bodies for 2005–2008 is follows:

- First sessional period in 2005: 16–27 May
- Second sessional period in 2005: 7–18 November
- First sessional period in 2006: 15–26 May
- Second sessional period in 2006: 6–17 November
- First sessional period in 2007: 7–18 May
- Second sessional period in 2007: 5–16 November
- First sessional period in 2008: 2–13 June
- Second sessional period in 2008: 1–12 December

20. Because of the need to book United Nations conference services well in advance, and to assist Parties and the secretariat in their planning, the SBI may wish to consider the following dates proposed for the two sessional periods in 2009 and recommend them for adoption by the COP at its tenth session:

- First sessional period in 2009: 1–12 June
- Second sessional period in 2009: 30 November to 11 December

### **IV. Organization of the intergovernmental process**

21. The SBI periodically considers the state of the intergovernmental climate change process with a view to identifying possible improvements and assessing the level of satisfaction among Parties with regard to the process.

22. The SBI, at its eighteenth session, noted that the Convention process faces increasing difficulties with regard to **agenda management**, and that the entry into force of the Kyoto Protocol would further intensify the schedule of formal and informal meetings. The SBI invited the chairs of the SBI and the SBSTA to initiate further consideration of the organization of future sessional periods, with a view to ensuring that the workload of the subsidiary bodies can be handled as efficiently and effectively as possible within the time available at a session, while assuring a coherent and responsive approach to issues.

23. The large number of agenda items considered by each body at any one session makes it difficult for small delegations to attend all meetings and consultations. Parties may wish to consider whether some items should be considered only once a year or once every two years, or whether a

multi-year programme of work or an 'agenda plan' could provide a more manageable approach to organizing the Convention process.

24. To make the process more efficient and effective, Parties may wish to consider:
- (a) The adoption and content of agendas
    - (i) Do the agendas adequately cover the issues important to Parties?
    - (ii) Should limits be agreed for continuing to hold items in abeyance?
  - (b) The periodicity of COP sessions
    - (i) Should the period between COP sessions be extended to allow subsidiary bodies more time to complete detailed work?
    - (ii) Should the need for annual sessions of the COP be considered on the basis of the state of the negotiating process?
  - (c) The organization of the high-level segment beyond COP 10
    - (i) Is a high-level segment, with the participation of ministers, needed for every COP session?
    - (ii) Do ministers find the round-table discussions as currently structured to be the most effective use of their time at a COP session?
    - (iii) Would alternative approaches be welcome (panel discussions, smaller parallel meetings, etc.)
25. The SBI is invited to provide guidance on the organization of the intergovernmental process and identify possible improvements.



Annex I

**Possible elements of the provisional agenda for COP 10<sup>1</sup>**

1. Opening of the session:
  - (a) Statement by the President of the Conference at its ninth session
  - (b) Election of the President of the Conference at its tenth session
  - (c) Statement by the President
  - (d) Addresses of welcome
  - (e) Statement by the Executive Secretary
2. Organizational matters:
  - (a) Status of ratification of the Convention and its Kyoto Protocol
  - (b) Adoption of the rules of procedure
  - (c) Adoption of the agenda
  - (d) Election of officers other than the President
  - (e) Admission of organizations as observers
  - (f) Organization of work, including the sessions of the subsidiary bodies
  - (g) Date and venue of the eleventh session of the Conference of the Parties
  - (h) Calendar of meetings of Convention bodies, 2005–2009
  - (i) Adoption of the report on credentials
3. Reports of the subsidiary bodies and decisions and conclusions arising therefrom:
  - (a) Report of the Subsidiary Body for Scientific and Technological Advice
  - (b) Report of the Subsidiary Body for Implementation
4. Review of implementation of commitments and of other provisions of the Convention:
  - (a) Financial mechanism of the Convention
  - (b) National communications
    - (i) National communications from Parties included in Annex I to the Convention
    - (ii) National communications from Parties not included in Annex I to the Convention
  - (c) Capacity-building
  - (b) Development and transfer of technologies

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<sup>1</sup> This list includes possible elements of the provisional agenda of COP 10 in the event that the Kyoto Protocol has not entered into force.

- (c) Implementation of Article 4, paragraph 8, of the Convention
  - (d) Matters relating to the least developed countries
  - (e) Issues relating to land use, land-use change and forestry
  - (f) Other matters referred to the Conference of the Parties by the subsidiary bodies
5. Second review of the adequacy of Article 4, paragraph 2 (a) and (b), of the Convention<sup>2</sup>
6. Preparations for the first session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol:
  - (a) Matters relating to Article 2, paragraph 3, of the Kyoto Protocol<sup>3</sup>
  - (b) “Proposal by Canada for a decision on modalities for the accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol in relation to cleaner energy exports”<sup>4</sup>
  - (c) Matters relating to Article 6 of the Kyoto Protocol: preparatory work
  - (d) Issues relating to land use, land-use change and forestry
  - (e) Other matters referred to the Conference of the Parties by the subsidiary bodies
7. Report of the Executive Board of the clean development mechanism
8. Administrative and financial matters:
  - (a) Budget performance in the biennium 2004–2005
  - (b) Audited financial statements for the biennium 2002–2003
  - (c) Implementation of paragraph 7 (c) of the financial procedures of the Convention concerning the financial support for participation in the UNFCCC process
9. The 10<sup>th</sup> anniversary of the entry into force of the Convention: participation by ministers and other heads of delegation;
10. Statements by observer organizations:
  - (a) Statements by United Nations bodies and specialized agencies
  - (b) Statements by intergovernmental organizations
  - (c) Statements by non-governmental organizations
11. Other matters
12. Conclusion of the session:
  - (a) Adoption of the report of the Conference on its tenth session
  - (b) Closure of the session.

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<sup>2</sup> This item has been included on the basis of the discussion at COP 9 (FCCC/CP/2003/6, paras. 25–26).

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<sup>4</sup> This item has been included on the basis of the discussion at COP 9 (FCCC/CP/2003/6, paras. 25–26).

Annex II

**Options for the organization of the sessional period**

**Option 1**

Monday 6 December	Tuesday 7 December	Wednesday 8 December	Thursday 9 December	Friday 10 December	Saturday 11 December
Opening of COP 10  Opening of SBSTA 21 and SBI 21	SBSTA 21 and SBI 21		Opening of high-level segment	High-level segment continues	SBSTA 21 and SBI 21
Monday 13 December	Tuesday 14 December	Wednesday 15 December	Thursday 16 December	Friday 17 December	Saturday 18 December
SBSTA 21 and SBI 21			Closure of SBSTA 21 and SBI 21	COP 10: adoption of decisions and conclusions  Closure of COP 10	/

**Option 2**

Monday 6 December	Tuesday 7 December	Wednesday 8 December	Thursday 9 December	Friday 10 December	Saturday 11 December
Opening of COP 10  Opening of SBSTA 21 and SBI 21	SBSTA 21 and SBI 21			COP 10 plenary	
Monday 13 December	Tuesday 14 December	Wednesday 15 December	Thursday 16 December	Friday 17 December	Saturday 18 December
SBSTA 21 and SBI 21	Closure of SBSTA 21 and SBI 21	Opening of high-level segment	High-level segment continues	COP 10: adoption of decisions and conclusions  Closure of COP 10	/