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Arrangements for intergovernmental meetings

Note by the Executive Secretary*

Summary

This document addresses three main topics:

(a) The seventeenth session of the Conference of the Parties (COP) and the seventh session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP): information on the sessions is presented, including an organizational scenario;

(b) Future sessional periods: information is provided on arrangements for additional sessions of the ad hoc working groups in 2011, as well as preparations for the eighteenth session of the COP and eighth session of the CMP. Guidance by the Subsidiary Body for Implementation (SBI) is also invited regarding the dates for the six regular sessional periods in 2014, 2015 and 2016;

(c) Organization of the intergovernmental process: information is presented on the organization of the intergovernmental process, particularly related to the calendar of meetings in the UNFCCC process. Information on ways to enhance the engagement of observer organizations, including good practices relating to observer organizations in the United Nations system, is also presented to facilitate the discussion under this item, including at an in-session workshop to be held during SBI 34.

* This document was submitted after the due date in order to take into account the outcomes of the meeting of the Bureau, held on 8 April 2011, as well as of the sixteenth session of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol and the fourteenth session of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, held on 3–8 April 2011.

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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 established under the Convention 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. Possible action by the Subsidiary Body for Implementation

2. The Subsidiary Body for Implementation (SBI) is invited:

(a) To provide advice or recommendations to the Conference of the Parties (COP) and the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP) on the organization of their work during the 2011 United Nations Climate Change Conference to be held in Durban, South Africa, as well as the organization of the work of the subsidiary bodies and the ad hoc working groups, and of the high-level segment;

(b) To provide advice to the secretariat on possible elements of the provisional agendas for the seventeenth session of the COP and the seventh session of the CMP, based on lists of possible elements of the provisional agendas for COP 17 and CMP 7 to be presented during the June sessions;

(c) To consider any issues arising from the scheduling of additional sessions in 2011;

(d) To recommend dates for the six regular sessional periods for 2014, 2015 and 2016 for adoption by the COP at its seventeenth session;

(e) To exchange views and provide guidance on the organization of the intergovernmental process;

(f) To continue discussions on ways to enhance the engagement of observer organizations, including the outcome of an in-session workshop to be held at the thirty-fourth session of the SBI, with a view to adopting conclusions or recommending a draft decision for adoption by the COP at its seventeenth session.

II. Seventeenth session of the Conference of the Parties and seventh session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

A. Introduction

3. The COP, by its decision 9/CP.14, decided that the United Nations Climate Change Conference will be held in Durban, South Africa, from 28 November to 9 December 2011. The Durban conference will include the sessions of the COP, the CMP, the SBI, the Subsidiary Body for Scientific and Technological Advice (SBSTA), the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP)

and the Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA) during the two-week sessional period.

4. The Durban conference will also include a joint high-level segment of the COP and the CMP during the two-week sessional period.

5. The Durban conference is expected to attract a high level of public interest in the light of the discussions that will take place and the importance of the outcomes. Parties are expected to make efforts to further advance work under the Bali Road Map and to take forward and build upon the key outcomes of the 2010 United Nations Climate Change Conference, held in Cancun, Mexico, including the Cancun Agreements.

B. Preparations for the sessions

6. The COP, at its fourteenth session, accepted with appreciation the offer by the Government of South Africa to host COP 17 and CMP 7 from 28 November to 9 December 2011.¹ In accordance with this decision, the Executive Secretary is continuing consultations with the Government of South Africa to conclude and sign a Host Country Agreement not later than the thirty-fourth sessions of the SBI and the SBSTA. Preparations for the sessions are under way and further information will be provided during SBI 34.

7. Following up on the outcomes of COP 16 and CMP 6, the Mexican Presidency has conducted consultations with Parties to facilitate continued progress. In addition, decision 1/CP.16 mandated the host country of the next session of the COP to undertake inclusive and transparent consultations in order to facilitate the work towards the success of that session. In this context, informal consultations with Parties have been started by the Government of South Africa in order to facilitate progress at the Durban conference. Further information on the results of these consultations will be provided during SBI 34.

C. Organization of the Conference of the Parties and the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

8. Arrangements for the opening of the Durban conference on Monday, 28 November, are expected to follow recent practice. In the opening meeting of the COP, the President of COP 16 and CMP 6 would open COP 17 and proceed to the agenda item on the election of the President of COP 17 and CMP 7. The COP would then take up some of the organizational and procedural agenda items, including the adoption of the agenda for the session. The COP would refer items of its agenda to subsidiary bodies as appropriate. Statements are not envisaged, except those made on behalf of groups. The opening meeting of the COP would then be adjourned.

9. CMP 7 would then be opened and the CMP would take up consideration of organizational and procedural items on its agenda, including the adoption of the agenda and the organization of work. The CMP would refer items of its agenda to subsidiary bodies as appropriate. Again, statements are not envisaged, except those made on behalf of groups. The opening meeting of the CMP would then be adjourned.

10. The COP and the CMP would convene later in the week, to take up the items on their agendas not referred to the subsidiary bodies.

11. The organization of the two-week Durban conference will be influenced by the progress of the work under the four subsidiary bodies during the sessions leading up to the

¹ Decision 9/CP.14.

conference. They would finalize as many matters as possible and transmit the results to the COP and the CMP.

12. The AWG-LCA and the AWG-KP will report to COP 17 and CMP 7, respectively. The COP, by its decision 1/CP.13 (Bali Action Plan), launched a comprehensive process, to be conducted under the AWG-LCA, to enable the full, effective and sustained implementation of the Convention through long-term cooperative action now, up to and beyond 2012, in order to reach an agreed outcome. At its sixteenth session, the COP extended the AWG-LCA for one year, in order for it to continue its work with a view to carrying out the undertakings contained in decision 1/CP.16 and present the results to the COP for consideration at its seventeenth session; it requested the AWG-LCA to continue its work drawing on the documents under its consideration.² Decision 1/CP.16 also requested the AWG-LCA to continue discussing legal options with the aim of completing an agreed outcome based on decision 1/CP.13 (Bali Action Plan), the work done at COP 16 and proposals made by Parties under Article 17 of the Convention.³ Similarly, under decision 1/CMP.6, Parties agreed that the AWG-KP shall aim to complete its work pursuant to decision 1/CMP.1 and have its results adopted by the CMP as early as possible and in time to ensure that there is no gap between the first and second commitment periods.

13. The SBI and the SBSTA are expected to finalize some outstanding issues, including those relating to ongoing work and mandates arising from the sixteenth session of the COP and the sixth session of the CMP and forward the results to the COP and the CMP for adoption at their seventeenth and seventh sessions, respectively, in accordance with decisions made at earlier COP and CMP sessions.

D. High-level segment

14. The SBI has traditionally made recommendations on the dates of the high-level segment for ministers and other heads of delegation, and on any particular arrangements. Given the political importance of COP 17 and CMP 7 and for planning purposes, it will be important for the SBI to decide on the duration of the high-level segment.

15. The high-level segment of COP 17 and CMP 7 would be organized in line with the positive experience in Cancun, where statements did not run beyond the scheduled time frame, due to an earlier start than at previous sessions. The inauguration of the high-level segment would take place in the afternoon of Tuesday, 6 December and would include the participation of high-level representatives of the host country. Statements would also be made by high-level dignitaries and on behalf of groups, as appropriate.

16. The COP and the CMP would convene in joint meetings on 7–8 December to hear national statements by ministers and other heads of delegation. There would be one speakers' list and each Party, including Parties to both the Convention and its Kyoto Protocol, would speak only once. No decisions would be taken in these joint meetings.

17. Given the number of Parties, it is necessary to limit the duration of each statement. The recommended time limit, used at previous sessions, is three minutes. Based on this format, statements by ministers and other heads of delegation would be completed on Thursday, 9 December, in line with the SBI conclusions on time management.⁴

18. A further joint COP and CMP meeting would be convened in the morning of Friday, 9 December, to hear statements from observer organizations. The high-level segment would

² Decision 1/CP.16, paragraphs 143 and 144.

³ Decision 1/CP.16, paragraph 145.

⁴ FCCC/SBI/2010/10, paragraph 165.

conclude in the afternoon of 9 December. Separate meetings of the COP and the CMP would be held to adopt decisions and conclusions emerging from the sessions.

19. Parties may wish to confirm the dates for the high-level segment and to provide any relevant advice, including on the modalities for national statements.

E. Views on the provisional agendas for the Conference of the Parties and the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol

20. Rule 9 of the draft rules of procedure being applied provides that: "In agreement with the President, the secretariat shall draft the provisional agenda of each session".⁵ The SBI traditionally provides guidance on lists of possible elements of the provisional agendas for the COP and the CMP. These lists include recurring agenda items and any new procedural mandates from previous sessions. Parties will be provided with the possible elements of the provisional agendas for COP 17 and CMP 7 based on the adoption of the agendas in the SBI, SBSTA, AWG-KP and AWG-LCA in 2011. Parties will be invited to present their views on the possible elements of the provisional agendas for COP 17 and CMP 7 based on lists of possible elements to be presented during the June sessions. The possible elements will be issued once the agendas have been adopted under the SBI, SBSTA, AWG-KP and AWG-LCA.⁶

21. Taking into account views expressed at SBI 34, the secretariat will finalize the provisional agendas, in agreement with the President, and make them available in the official languages at least six weeks before the opening of the sessions, in accordance with Rule 11 of the draft rules of procedure being applied.⁷

III. Future sessional periods

A. Scheduling of the sessions of the ad hoc working groups and the subsidiary bodies in the second half of 2011

22. The Bureau, at its meeting on 8 April, agreed on the need for an additional session of the ad hoc working groups, to be scheduled if possible in the September or October time frame, to continue the work of these bodies. Arrangements for these sessions will include pre-sessional meetings for group consultations and workshops where appropriate. The Bureau also recognized the need for additional sessions of the SBI and the SBSTA, which might be held before the Durban conference.

23. The secretariat was requested by the Bureau to follow up with Parties interested in hosting these sessions. In light of the fact that the secretariat has not received adequate funding to cover the costs associated with an additional session, the Executive Secretary was also requested to engage with Parties to raise funds to organize these sessions. It is important to note that in the absence of sufficient contributions or firm pledges, the secretariat cannot enter contractual arrangements which would put the organization of the sessions at risk. Any further details on the arrangements for the additional sessions will be provided in due course.

⁵ FCCC/CP/1996/2.

⁶ Agendas for the AWG-KP and AWG-LCA have been adopted as contained in documents FCCC/KP/AWG/2011/1 and FCCC/AWGLCA/2011/L.1, respectively.

⁷ As footnote 6 above.

24. The SBI may wish to take note of the information provided on additional sessions in 2011 and take decisions as appropriate.

B. Future sessional periods of the Conference of the Parties and the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

25. Decision 12/CP.16 took note of the offers of the Governments of Qatar and the Republic of Korea to host COP 18 and CMP 8, which will be held from 26 November to 7 December 2012, and invited Parties to consult further, with a view to concluding these consultations not later than SBI 34. It also requested the SBI to recommend a draft decision on this matter to the COP for adoption at its seventeenth session.

26. The COP also invited Parties to come forward with offers to host COP 19 and CMP 9, which is scheduled from 11 to 22 November 2013. In keeping with the principle of rotation among regional groups, the President of COP 19 and CMP 9 would come from the Eastern European Group.

C. Calendar of meetings: dates for the six regular sessional periods in 2014, 2015 and 2016

27. The SBI, at its thirty-second session, was invited to recommend dates for the sessional periods in 2014 and 2015. At that session, the SBI agreed to defer consideration of these dates to its thirty-fourth session.⁸ The SBI is therefore invited to recommend dates for the sessional periods in 2014, 2015 and 2016, as follows:⁹

- (a) First sessional period in 2014: Wednesday, 4 June to Sunday, 15 June;
- (b) Second sessional period in 2014: Wednesday, 3 December to Sunday, 14 December;
- (c) First sessional period in 2015: Wednesday, 3 June to Sunday, 14 June;
- (d) Second sessional period in 2015: Wednesday, 2 December to Sunday, 13 December;
- (e) First sessional period in 2016: Wednesday, 18 May to Sunday, 29 May;
- (f) Second sessional period in 2016: Wednesday, 30 November to Sunday, 11 December.

28. The SBI may wish to consider the proposed dates for the six regular sessional periods in 2014, 2015 and 2016 and recommend them for adoption by the COP at its seventeenth session. The SBI may also wish to consider any offers to host future sessions of the COP and the CMP and invite interested Parties to present offers as soon as possible.

D. Organization of the intergovernmental process

29. The May/June session of the SBI has traditionally provided Parties with an opportunity to consider how their intergovernmental process is functioning and to exchange views and take decisions on relevant matters, including providing guidance to presiding

⁸ FCCC/SBI/2010/10, paragraph 159.

⁹ The dates for the future sessional periods in 2014, 2015 and 2016 implies that the high-level segment for these periods will take place from Thursday to Sunday of the second week of the conference.

officers and the secretariat. The guiding principles of openness, transparency and inclusiveness will continue to influence the organization of work and the work of presidents and other presiding officers.

30. The SBI may wish to take stock of certain elements of the intergovernmental process, consider options for improvements and provide relevant guidance. In particular, the calendar of meetings is becoming increasingly complex and Parties may wish to begin a process of reflection and decision on any changes that may be appropriate.

31. The last year in which there were only two sessional periods was 2006. In recent years the number of sessional periods in one year has increased from four (2007, 2008) to five (2010) and even six (2009). This matter is being discussed from a budgetary perspective in the context of the consideration of the proposed programme budget for the biennium 2012–2013. However, some consideration of Parties' expectations for the future in terms of the number and timing of sessions from a substantive and negotiating perspective could also be useful.

32. In addition to the formal sessional periods, the work of a number of constituted bodies and expert groups has been woven into the calendar. How, and when, these bodies report to their parent bodies is also a matter that may merit some reflection. In the context of the Cancun Agreements, Parties can now look ahead to the addition to the UNFCCC calendar of meetings of a number of additional bodies.

IV. Observer organizations in the intergovernmental process

33. The SBI, at its thirty-third session, considered submissions from Parties and observer organizations¹⁰ and information provided in a synthesis report¹¹ prepared by the secretariat on ways to enhance the engagement of observer organizations.¹² A number of submissions from Parties and observer organizations emphasized the value of participation by and dialogue with observer organizations, and called for improved measures to enhance information exchange between observer organizations and the Parties. The SBI recognized that the range and value of observer organization engagement is diverse, broad and rich, and that the role and contributions of observer organizations should be enhanced in the UNFCCC intergovernmental process.

34. In addition, the SBI recognized the need to take into account best practices from other processes within the United Nations system. It requested the secretariat to keep under review good practices relating to observer organizations in the United Nations system, with a view to benefiting from the experiences of other forums to further enhance the participation of observer organizations in the UNFCCC process. The SBI also requested the secretariat to report back to it on these practices at its thirty-fourth session.

35. The SBI also agreed to convene an in-session workshop in 2011 to further develop ways to enhance the engagement of observers in accordance with Article 7, paragraph 6, of the Convention, including ideas for enhancing their existing means of participation, taking note of the discussions that took place during SBI 33, and requested that the report on the

¹⁰ The submissions from Parties are contained in document FCCC/SBI/2010/MISC.8; the submissions from intergovernmental organizations are available at <http://unfccc.int/parties_observers/igo/submissions/items/3714.php>; and the submissions from non-governmental organizations are available at <http://unfccc.int/parties_observers/ngo/submissions/items/3689.php>.

¹¹ FCCC/SBI/2010/16.

¹² FCCC/SBI/2010/27, paragraphs 139–152.

workshop be presented to it at its thirty-fourth session. Information on the in-session workshop will be made available on the UNFCCC website before SBI 34.

36. The SBI may wish to provide guidance on ways to enhance the engagement of observer organizations in the intergovernmental process, with a view to adopting conclusions or a draft decision for adoption by the COP at its seventeenth session. The SBI may also wish to consider ways to enable observer organizations to participate more formally in the process such as through advisory panels or channels similar to practices in other processes in the United Nations system.

Observer organizations in the UNFCCC process

37. Since the last report on observer organizations in the intergovernmental process,¹³ interest from civil society in the climate change process has continued to grow and diversify. A total of 359 new observer organizations were admitted at COP 15/CMP 5 and 93 at COP 16/CMP 6. The current number of intergovernmental organizations and non-governmental organizations (NGOs) with observer status with the UNFCCC is 1,495, which is a 45 per cent increase from 2008. In 2009, the secretariat granted provisional status to three additional constituencies, namely, farmers, women and gender, and youth. With these three additional constituencies, the nine UNFCCC constituencies would correspond to the nine major groups recognized by Agenda 21.

38. Attendance in the last five years has steadily increased from 2,933 observer participants at COP 12/CMP 2 to 13,482 at COP 15/CMP 5. In August 2010 the secretariat introduced an online registration system to facilitate and better manage the participation of observer participants at UNFCCC sessions. All organizations that requested to participate at COP 16/CMP 6 were able to do so. Taking into consideration the total capacity of the premises and the safety and security of all participants, the number of observer participants was set at 6,758, of which 4,911 attended the conference.

39. During sessions, observer organizations continue to make use of opportunities to intervene in formal meetings and to meet the COP/CMP President and the Chairs of the Convention bodies in order to directly feed inputs into the process. Dialogue between the secretariat and constituency focal points has become institutionalized.

40. Side events, exhibits and press briefings are organized free of charge to inform the process of the views and work of observer organizations. The Climate Change Studio¹⁴ was established at COP 15/CMP 5 to provide an alternative to the side events and exhibits slots that are in high demand. The number of applications to hold side events increased by 73 per cent in 2009 and by 39 per cent in 2010 compared with 2008. To maximize the use of limited resources and the number of observers holding side events at COP/CMP sessions, all applicants have been encouraged to hold joint side events, including United Nations organizations.¹⁵ Media actions and demonstrations provide another avenue for expressing views. Such activities have also increased, peaking at COP 15/CMP 5, when about 140 media events and actions took place within 11 conference days.

41. Between and in preparation for sessions, observer organizations show continued interest in attending workshops and making submissions. Observer organizations,

¹³ FCCC/SBI/2009/7, paragraphs 31–37.

¹⁴ The Climate Change Studio is a platform where participants are interviewed by a journalist on actions, solutions, observations and issues that have an impact on climate change. All interviews are broadcast through the UNFCCC website.

¹⁵ United Nations System Chief Executives Board for Coordination “Report of the High-Level Committee on Programmes on its twentieth session”. Available at <http://www.unsceb.org/ceb/rep/hlcp/20th%20session_HLCP.pdf/view?searchterm=CEB/2010/6>.

separately and jointly, made 109 submissions in 2009, 51 in 2010 and 90 so far in 2011,¹⁶ including those reflected in the synthesis report referred to in paragraph 33 above.

42. In order to enhance communication and transparency, draft negotiating texts are now generally made available to observers. The secretariat has also continued to incorporate into its practices innovative media tools that are used widely by conference participants, including Parties and civil society.

Review of good practices within the United Nations system

43. Since 2009, there have been no formal institutional changes within the United Nations system on this subject. The secretariat has continued to monitor and keep under review relevant policies and good practices of other United Nations agencies. Paragraphs 44–49 below provide a summary of relevant good practices.

44. The United Nations Environment Programme (UNEP) allows accredited civil society organizations to submit written comments on unedited working documents. Several environmental conventions of the United Nations Economic Commission for Europe make all non-official documents publicly available on their websites.

45. The Human Rights Council provides a text message service to inform participants registered for the service of forthcoming agenda items.

46. A number of United Nations processes permit civil society observers to participate in meetings of their governing bodies. Examples can be found in the rules of procedure of the Aarhus Convention,¹⁷ the Codex Alimentarius Commission, the Convention on Biological Diversity (CBD), the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Stockholm Convention on Persistent Organic Pollutants and UNEP. Observer organizations to CBD on occasion have been invited to take part in ‘friends of the chair’ meetings. The CBD has also developed mechanisms to enable the participation of indigenous and local communities in formal and informal meetings, and their representation on an Advisory Committee. The Aarhus Convention, the European Environment and Health Committee and International Conference on Chemicals Management (ICCM)¹⁸ provide for civil society representation in the structure of their decision-making bodies, such as bureau meetings.

47. Funding for civil society participation is provided by the Aarhus Convention, CBD, the United Nations Convention to Combat Desertification (UNCCD), the United Nations Forum on Forests (UNFF), the United Nations Commission on Sustainable Development (CSD) and UNEP to attend their respective meetings.

48. A growing number of United Nations processes, including CSD, UNCCD,¹⁹ UNEP and UNFF, host multi-stakeholder dialogues or round tables with governments and civil society/major groups as a regular item of the sessions of their governing bodies.

¹⁶ As at 6 April 2011.

¹⁷ The Aarhus Convention’s full name is the United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. It entered into force on 30 October 2001, has 44 Parties and meets approximately every three years.

¹⁸ The ICCM is a multi-stakeholder, global process to implement the Strategic Approach to International Chemicals Management policy framework. It meets approximately every three years. Its last session (ICCM2, 11–15 May 2009) was attended by approximately 125 governmental, 25 intergovernmental and 65 non-governmental participants and 25 governmental participants as observers.

¹⁹ “Revised procedures for the participation of civil society organizations in meetings and processes of the United Nations Convention to Combat Desertification”. Available at <[http://www.unccd.int/php/document2.php?ref=ICCD/COP\(9\)/18/Add.1](http://www.unccd.int/php/document2.php?ref=ICCD/COP(9)/18/Add.1)>.

49. Some United Nations processes, which have specific mandates to enhance observer participation, grant observers similar speaking rights to those of government participants, for example, in the rules of procedure of the ICCM and the Aarhus Convention. At the ICCM, NGO participants may speak, request the inclusion of specific agenda items, make proposals and raise and appeal points of order, in the same manner as governmental participants.
