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SUBSIDIARY BODY FOR IMPLEMENTATION

Fifth session

Bonn, 25-28 February 1997

Item 2 (b) of the provisional agenda

PROVISIONAL AGENDA AND ANNOTATIONS

Note by the Executive Secretary

I. INTRODUCTION

1. Arrangements have been made for the fifth session of the Subsidiary Body for Implementation (SBI) to be held at the Stadthalle Bad Godesberg, Koblenzer Strasse 80, Bonn, from 25 to 28 February 1997. The session will be opened by the Chairman at 3 p.m. on Tuesday, 25 February 1997.

II. PROVISIONAL AGENDA

2. The provisional agenda for the fifth session of the SBI, proposed after consultation with the Chairman, is as follows:

1. Opening of the session.
2. Organizational matters:
 - (a) Adoption of the report of the fourth session;
 - (b) Adoption of the agenda;
 - (c) Election of officers other than the Chairman;
 - (d) Organization of the work of the session.

3. National communications:
 - (a) Communications from Parties included in Annex I to the Convention;
 - (b) Communications from Parties not included in Annex I to the Convention.
4. Financial and technical cooperation:
 - (a) Financial mechanism: review process referred to in decision 9/CP.1;
 - (b) Information on relevant action by the Council of the Global Environment Facility.
5. Development and transfer of technologies.
6. Administrative and financial matters:
 - (a) Programme budget for 1998-1999: perspectives on financial requirements;
 - (b) Volume of documentation.
7. Legal matters:
 - (a) Implementation of the Headquarters Agreement;
 - (b) Action by the depositary of the Convention.
8. Matters arising from the United Nations General Assembly:
 - (a) Special session on Agenda 21: Inputs from UNFCCC;
 - (b) Action by the General Assembly at its 51st session.
9. Arrangements for intergovernmental meetings:
 - (a) The third session of the Conference of the Parties (COP 3);
 - (b) Calendar of meetings for 1997-1999.
10. Report on the session.

III. ANNOTATIONS TO THE PROVISIONAL AGENDA

1. Opening of the session

3. The fifth session of the SBI will be opened by the Chairman at 3 p.m. on Tuesday, 25 February 1997.

2. Organizational matters

(a) Adoption of the report of the fourth session

4. The report of the fourth session of the SBI is presented for adoption. Since the fourth session was rather brief, the report could not be completed in time for adoption and the Chairman proposed that it be adopted at the beginning of the fifth session.

(b) Adoption of the agenda

5. The provisional agenda for the fifth session of the SBI is presented for adoption (see paragraph 2 above). The advance text of the provisional agenda issued in December 1996 has been modified by the deletion of the item on secretariat activities relating to technical and financial support to Parties, the inclusion of other items and some rearrangement of items under new headings.

(c) Election of officers other than the Chairman

6. At its fourth session, the Chairman informed the SBI that consultations on the election of the Vice Chairmen and Rapporteurs of the SBI, the Subsidiary Body for Scientific and Technological Advice (SBSTA) and the Ad hoc Group on Article 13 (AG13) were being conducted by the Chairman of the Ad hoc Group on the Berlin Mandate (AGBM) at the request of the Conference of the Parties (COP). In view of the continuing lack of agreement, the SBI agreed to consider the issue at its fifth session.

(d) Organization of the work of the session

(i) Documentation

7. A list of documents relating to the provisional agenda, as well as other documents available at the session, is contained in annex I below.

(ii) Schedule

8. The scheduling of meetings for the SBI session will be based on the availability of facilities during normal working hours, when services are available for a single meeting with

interpretation from 10 a.m. to 1 p.m. and 3 p.m. to 6 p.m. There will also be some facilities for informal meetings without interpretation. Delegations are urged to use these facilities fully by attending all meetings promptly at the scheduled time. Meetings of the SBSTA and the AG13 will be held in parallel with meetings of the SBI on some days during the session. A suggested approach to the organization of work is contained in annex II below.

3. National communications

(a) Communications from Parties included in Annex I to the Convention

9. The Conference of the Parties (COP), at its second session (COP 2), by its decision 9/CP.2, paragraph 8, decided that the review process should be continued in accordance with the relevant decisions of the COP. The secretariat will make a short report on the progress achieved in the process of reviewing communications from Parties included in Annex I to the Convention.

10. Parties may also wish to note that, as requested by the SBI at its second session (FCCC/SBI/1996/9, para. 21), the secretariat is organizing an informal workshop on the implementation aspects of specific policies and measures taken by Parties included in Annex I to the Convention, with a view to exploring mechanisms to facilitate the exchange of experience in carrying out national programmes to implement the Convention. This workshop is scheduled to take place on Wednesday, 26 February 1997 from 10 a.m. to 1 p.m., and from 3 p.m. to 6 p.m. The chairperson of the SBSTA has agreed to make the SBSTA facilities available for the afternoon meeting of the workshop when the topic is "Transfer of Technology". The chairperson of the workshop will give a verbal report. The SBI may wish to comment on the outcome and consider whether it would request the secretariat to continue organizing such workshops.

(b) Communications from Parties not included in Annex 1 to the Convention

11. The COP, at its first session (COP 1), by its decision 8/CP.1, paragraph 1, requested the subsidiary bodies to develop recommendations, for consideration by the COP at its second session, on guidelines for the preparation of national communications from non-Annex I Parties and proposals for the process to consider these communications in accordance with Article 10 of the Convention; furthermore, the secretariat was requested to provide a compilation of any views transmitted by Parties (FCCC/CP/1995/7/Add.1).

12. The COP, at its second session (COP 2), by its decision 10/CP.2, paragraph 2(a), adopted guidelines to be used by non-Annex I parties when preparing their initial communications under the Convention (FCCC/CP/1996/15/Add.1).

13. In order to prepare for further discussions, the SBI may wish to request the secretariat to provide a compilation of views on the process for consideration of the communications transmitted by Parties to the secretariat by 15 April 1997. All documents submitted to the secretariat may, upon request by the submitting Party, be issued by the secretariat in the original language only and be distributed to all delegations.

14. By its decision 10/CP.2, paragraph 1(a), with regard to communications from Parties not included in Annex I to the Convention, the COP requested the secretariat to provide a report to the SBI and the SBSTA at each of their sessions on the facilitation of assistance to the Parties in the preparation of their initial communications. In response to this request, the secretariat will provide a report on recent developments. It will also report on the responses from Parties not included in Annex I to the Convention regarding the expected date for submission of their communications (see notification of the Executive Secretary of 28 October 1996).

4. Financial and technical cooperation

(a) Financial mechanism: review process referred to in decision 9/CP.1

15. In accordance with Article 11, paragraph 4 of the Convention, the COP at its first session (COP 1), by its decision 9/CP.1, paragraph 2, decided to review the financial mechanism within four years and take appropriate measures including a determination of the definitive status of the Global Environment Facility (GEF) vis-à-vis the Convention. The Council of the GEF, in its report to the COP at its second session, invited the Conference of the Parties to consider using the preparation of the assessment of needs as an opportunity to review the financial mechanism in accordance with decision 9/CP.1, paragraph 2, and to consider making, at the earliest opportunity, a determination of the definitive status of the financial mechanism in the context of the Convention.

16. The COP, at its second session (COP 2), by its decision 11/CP.2, paragraph 4, requested the SBI at its fifth session to undertake the review process referred to in decision 9/CP.1 and to report on the outcome to the COP at its third session. The SBI is therefore invited to commence its review of the financial mechanism with the view to reporting to the COP at its third session in December 1997. In this regard, the SBI will have before it document FCCC/SBI/1997/2 containing information provided by the GEF to assist the SBI in its review of the financial mechanism.

(b) Information on relevant action by the Council of the Global Environment Facility (GEF)

17. The COP, at its second session (COP 2), by its decision 10/CP.2, paragraph 1(b), requested the Convention secretariat to make available to the SBI, at each of its sessions, details of financial support made available to Parties not included in Annex I to the Convention (non-Annex I Parties) from the interim operating entity of the financial

mechanism for the preparation of their initial communications, including projects in this regard proposed by each Party; those details should include the funding decision and the date and amount of funds made available to Parties. The GEF has provided the information requested to the secretariat. It is contained in document FCCC/SBI/1997/Misc.1. The document also contains information on relevant action by the Council of the GEF at its meeting held from 8 to 10 October 1996.

5. Development and transfer of technologies

18. The COP, at its second session (COP 2), by its decision 7/CP.2, paragraph 2(b), requested the secretariat to give high priority to the development and completion of a survey of the initial technology needs, as well as technology information needs, of Parties not included in Annex I to the Convention. The COP also requested the secretariat to expedite the preparation of reports on adaptation technologies and the terms of transfer of technology and know-how conducive to mitigating and adapting to climate change, and, in preparing these reports, to draw on nominees from Parties with expertise in these fields. The secretariat has prepared a progress report on technology and technology transfer (FCCC/SB/1997/1). The report provides information on the survey of technology needs, plans for a report on adaptation and technology information centres and networks, and other activities. Submissions from Parties are also available regarding technologies and the know-how required to address climate change and its adverse effects (FCCC/SBSTA/1997/Misc.1 and Add.1). The SBSTA will discuss the issue further at its fifth session and refer to the SBI any matter that may require its consideration.

6. Administrative and financial matters

(a) Programme budget for 1998-1999: perspectives on financial requirements

19. The COP, at its second session (COP 2), by its decision 16/CP. 2, paragraph 15, requested the Executive Secretary to provide to the SBI, at its fifth session in February/March 1997, some perspectives of estimated financial requirements for the biennium 1998/1999. In response to the above request the Executive Secretary has prepared document FCCC/SBI/1997/3. This document contains initial information on the proposed approach to the programme budget for the biennium 1998-1999, including a revised programme structure, initial estimates of aggregate financial requirements and proposals regarding the timetable for decisions. The SBI is invited to endorse the timetable and to ask the Executive Secretary to submit to its next session a programme budget for 1998-1999 taking into account the views expressed by delegations.

(b) Volume of documentation

20. The COP, at its second session (COP 2), by its decision 17/CP. 2, paragraph 1, called on the Parties to limit, to the extent possible, requests for additional documentation,

and also the volume of comments submitted for consideration by the COP and its subsidiary bodies. It also requested the Executive Secretary to limit, to the extent possible, the number and length of documents produced by the secretariat (see paragraph 2). The Executive Secretary was also requested to submit to the SBI, at its fifth session, further options for reducing the costs of documentation for the meetings of the COP and of subsidiary bodies (see paragraph 3). The secretariat has consistently tried to limit the costs of documentation, but will not be able to propose options for reducing the costs until after the present meeting, when the necessary information and statistics will be completed. This information will be compiled to obtain a baseline for comparison of costs. In the meantime, the secretariat is ready to provide information in response to questions. A secretariat paper on the subject will be available for consideration by the SBI at its sixth session.

7. Legal matters

(a) Implementation of the Headquarters Agreement

21. The Conference of the Parties, at its second session (COP 2), by its decision 15/CP.2, paragraph 1, approved the Agreement signed in Bonn on 20 June 1996 concerning the headquarters of the Convention secretariat. Article 6, paragraph 6 of the Agreement provides that the Agreement shall enter into force on the day following the date of the receipt of the last of the notifications by which the Parties will have informed each other of the completion of their respective formal requirements. The SBI may wish to note that formal requirements for the entry into force of the Agreement among the United Nations, the Government of the Federal Republic of Germany and the secretariat of the United Nations Framework Convention on Climate Change concerning the headquarters of the Convention secretariat were completed by the United Nations in December 1996. The Agreement will enter into force as soon as the German Parliament has adopted the required legislation; this is expected to be enacted by July 1996. Meanwhile, in December 1996, the Government of Germany issued an ordinance on the provisional application of the Agreement in accordance with Article 6, paragraph 5. This ordinance provisionally applies those articles of the Agreement which are derived, *mutatis mutandis*, from the Agreement concerning the headquarters of the United Nations Volunteers Programme. Certain elements of the former Agreement are specific to it and are not covered by the application of the UNV Agreement: these elements are Article 3, paragraph 3, on visas, entry permits or licenses where required for persons entering the host country on official business of the Convention; Article 4 on legal capacity; and Article 5 on immunity of persons on official business of the Convention. These will eventually be covered by the legislation which is being enacted. The secretariat is in consultation with its counterparts in the Government of Germany on issues arising from the provisional application of the Agreement.

(b) Action by the depositary of the Convention

22. The COP, at its second session (COP 2), requested the secretariat to report in due course to the Parties to the Convention, through the SBI, on the results of its consultations

with the United Nations Office of Legal Affairs and on any action taken by the depositary in response to the request from the Czech Republic and the Slovak Republic that the name of Czechoslovakia be deleted from Annex I to the Convention, and that the names of the Czech Republic and the Slovak Republic be included in Annex I.

(See Part II, Section III of FCCC/CP/1996/15/Add.1, para.1). In an opinion provided by the

Treaty Office of the United Nations Office of Legal Affairs the depositary discounts the use of the correction procedure, as not applicable for the inclusion of the two countries in Annex I of the Convention. The use of an amendment procedure under Article 16 of the Convention is considered possible but rather cumbersome for the envisaged change. The SBI may wish to note that Article 4, paragraph 2 (f) of the Convention provides that "... the Conference of the Parties shall review, not later than 31 December 1998, available information with a view to taking decisions regarding such amendments to the lists in Annexes I and II as may be appropriate, with the approval of the Party concerned". In this regard, the SBI may wish to recommend to the COP that the Czech and Slovak Republics be included in Annex I to the Convention when it comes to review the lists in Annexes I and II to the Convention.

8. Matters arising from the United Nations General Assembly

(a) Special session on Agenda 21: Inputs from UNFCCC

23. The COP, at its second session (COP 2), decided in response to the invitation by the General Assembly in its resolution 50/113 to provide an input to the special session of the General Assembly on Agenda 21. The COP requested the SBI to consider the matter at its fifth session in February 1997, and provide an input to the special session of the General Assembly on behalf of the COP.

24. The COP further requested the Convention secretariat to submit a brief report to the SBI to facilitate its work on such an input (see FCCC/CP/1996/15/Add.1, para. 3). Consequently, the secretariat has prepared document FCCC/SBI/1997/4 containing material that the SBI could use in preparing its input to the special session of the General Assembly on behalf of the COP.

(b) Action by the General Assembly at its 51st session

25. The COP, at its second session (COP 2), by its decision 14/CP.2, paragraph 7, requested the Executive Secretary to report to the SBI at its fifth session on the results of the 1996 review of administrative support and of the Secretary-General's report to the fifty-first session of the General Assembly on the implementation of resolution 50/115. The review of the administrative arrangements has been postponed until later in 1997 when the secretariat's administrative capacities will have been consolidated. In the meantime, additional resources are being sought from the overhead funds paid to the United Nations to strengthen the

secretariat's administrative unit. The Secretary-General's report and the General Assembly resolution are available to Parties as information documents.

9. Arrangements for intergovernmental meetings

(a) The third session of the Conference of the Parties

26. The COP, at its second session (COP 2), by its decision 1/CP.2, paragraph 2, on the date and venue of the third session of the COP decided that the third session of the COP shall be held in Kyoto, Japan, from 1 to 12 December 1997. The COP also requested the Executive Secretary to make satisfactory arrangements with the Government of Japan for it to host the conference in Kyoto and to meet the related costs. Accordingly, the SBI will have before it document FCCC/SBI/1997/5 containing information on arrangements being made by the secretariat in connection with COP 3, including the preparation of the provisional agenda for the session, suggestions concerning the organization of the work of the session and possible items to be included in the agenda. The SBI may wish to give guidance on these matters and in particular advise whether there should be a high level or ministerial segment during COP 3, and if so when.

(b) Calendar of meetings for 1997-1999

27. The COP, at its second session (COP 2), took note of the recommendation of the Bureau that the SBSTA, the SBI and the AG13 should not meet concurrently with the third session of the COP and agreed to the calendar of meetings proposed by the Executive Secretary on the basis of discussion in the Bureau (see FCCC/CP/1996/15/Add.1, Section III, para.6). The COP also agreed that the Bureau would keep the calendar under review.

28. The Bureau at the same meeting agreed on a calendar of meetings for 1997 that provided for four blocks of meetings. The Bureau also recommended that given the timing of COP 3, the fourth session of the COP (COP 4) could be held in early 1999. In that context, at the fourth session of the SBSTA in December 1996, the representative of the Group of 77 and China called for COP 4 to be held in 1998. The Executive Secretary has commented on this proposal (see FCCC/SBSTA/1996/20, para. 86). The issue will be considered further by the Bureau at its next meeting, taking into account the views expressed by the SBI.

10. Report on the session

29. The relatively short duration of the session may mean that a complete draft text of the report on its work might not be available at the end of the session. The SBI may wish to adopt decisions or texts of substantive conclusions and authorize the Chairman to complete the report after the session, with the assistance of the secretariat. While every effort will be

made to have conclusions available in all languages, this will only be possible if sufficient time is available for translation.

Annex I

**DOCUMENTS BEFORE THE SUBSIDIARY BODY FOR IMPLEMENTATION
AT ITS FIFTH SESSION**

Documents prepared for the session

FCCC/SBI/1997/1	Provisional agenda and annotations
FCCC/SBI/1997/2	Financial and technical cooperation: Financial Mechanism: review process referred to in decision 9/CP.1
FCCC/SBI/1997/3	Administrative and financial matters: Programme Budget for 1998-1999: perspectives on financial requirements
FCCC/SBI/1997/4	Matters arising from the United Nations General Assembly: Special session on Agenda 21: Inputs from UNFCCC
FCCC/SBI/1997/5	Arrangements for intergovernmental meetings: The third session of the Conference of the Parties (COP 3)
FCCC/SBI/1997/Misc.1	Financial and technical cooperation: Information on relevant action by the Council of the Global Environment Facility

Other documents for the session

FCCC/SBI/1996/14	Report of the Subsidiary Body for Implementation on the work of its fourth session held at Geneva from 10-11 December 1996
FCCC/SB/1997/1	Progress report on technology and technology transfer
FCCC/SBSTA/1997/Misc.1	Technology and technology information needs Comments from a Party
FCCC/SBSTA/1997/Misc.1/Add.1	Technology and technology information needs Comments from Parties

Annex II

**PROPOSED SCHEDULE OF WORK FOR THE FIFTH SESSION
 OF THE SUBSIDIARY BODY FOR IMPLEMENTATION**

	Tuesday 25 February	Wednesday 26 February	Thursday 27 February	Friday 28 February
10 a.m. to 1 p.m.		Items 4(a) and 4(b)	Items 6 and 7	Informal Consultations
3 p.m. to 6 p.m.	Items 1, 2, 3, 5 and 6		Items 8 and 9	Item 10

Items from the provisional agenda:

1. Opening of the session
2. Organizational matters:
 - (a) Adoption of the report of the fourth session;
 - (b) Adoption of the agenda;
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 - (d) Organization of the work of the session
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 - (b) Action by the General Assembly at its 51st session.
9. Arrangements for intergovernmental meetings:
 - (a) The third session of the Conference of the Parties;
 - (b) Calendar of meetings for 1997-1999.
10. Report on the session.

Other meetings relevant to the work of the SBI:

- . The AG13 and the SBSTA will hold their meetings in parallel with meetings of the SBI.
