



Operationalizing rule 9 of the rules of procedure

Note by the secretariat

I. Introduction

A. Mandate

1. Rule 9, paragraph 1, of the “Rules of procedure of the Compliance Committee of the Kyoto Protocol”¹ provides in part that:

“[s]ubject to paragraph 2, meetings of the plenary and the branches shall be held in public, unless the plenary or branch of its own accord or at the request of the Party concerned decides, for overriding reasons, that part or all of the meeting shall be held in private”.

2. Paragraph 2 of the same rule adds that only members and alternate members of the Committee and secretariat officials may be present during the elaboration and adoption of a decision of a branch.

3. At its fourth meeting, the plenary agreed on working arrangements to operationalize rule 9 of the rules of procedure. The plenary agreed to revisit these working arrangements after more experience is gained, but no later than 2009.²

B. Scope of the note

4. This note describes the working arrangements referred to in paragraph 3 above and how they have been implemented. The note also provides information on the numbers of observers that have attended meetings of the Compliance Committee as well as statistics concerning the webcasting of meetings of the Committee, following the introduction of the working arrangements.

C. Possible action by the plenary of the Compliance Committee

5. The plenary may wish to review the working arrangements and take any action it deems appropriate.

¹ This and subsequent references to rules, as well as to rules of procedure, refer to those contained in the annex to decision 4/CMP.2 as amended by decision 4/CMP.4.

² CC/4/2007/5, paragraph 10.



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II. The working arrangements to operationalize rule 9 and their implementation

A. The working arrangements

6. At its fourth meeting, the plenary agreed that meetings of the plenary and the branches that are to be held in public will continue to be recorded and broadcast on the Internet through the United Nations Framework Convention on Climate Change (UNFCCC) website.
7. At the same meeting, the plenary requested the secretariat to:
- (a) Announce the dates and venue of each meeting of the plenary and the branches on the UNFCCC website in advance of the meeting and provide information on how those who would like to observe can register as observers for the meeting or follow it on the Internet;
 - (b) Establish a simple system of registration for observers on a first-come, first-served basis;
 - (c) Accommodate a limited number of observers in the room where the meeting of the plenary or the branches is being held and, in the event of space constraints, in an adjacent room that will have a live video feed of the parts of a meeting that are held in public.
8. The plenary agreed that observers will be required not to interfere in any way with the conduct of the meeting, not to make contact with members and alternate members of the Committee while the session is ongoing, and to leave the room when the plenary or the facilitative or enforcement branch decides to hold the meeting in private.
9. The plenary also agreed to maintain flexibility in deciding when meetings are to be held in public or in private, to report on the working arrangements set out above to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP), and to revisit these working arrangements after more experience is gained, but not later than in 2009.

B. Implementation of the working arrangements

10. The secretariat has implemented these working arrangements by:
- (a) Announcing the dates and venues of each meeting of the plenary and the branches on the UNFCCC website³ on the same day that the provisional agenda and annotations for the relevant meeting are posted on the UNFCCC website;
 - (b) Establishing a simple system for registration of observers on a first-come, first-served basis, using a simple registration form that provides information on how to register as an observer for the meeting and sets a deadline to register of between one to two weeks before the start of a meeting. The registration form

³ For an example of a meeting announcement, visit the following page of the UNFCCC website: <http://unfccc.int/kyoto_protocol/compliance/items/2875.php>.



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for each meeting is linked to the meeting announcement. Once filled out, the form can be submitted by e-mail or by fax;

- (c) Establishing a single contact point in the secretariat for the registration of observers;
- (d) Ensuring sufficient space for observers in the meeting room and, where necessary, in an adjacent room with live video feed of parts of the meeting that are held in public;⁴
- (e) Providing webcasting facilities for all meetings of the Compliance Committee, announcing on the UNFCCC website that any part of the meeting that is held in public will be webcast, providing a link to the relevant page of the website and activating this webcast link the day before the meeting.

11. To ensure that persons seeking to register as observers are aware of the conditions described in paragraph 8 above, the meeting announcement provides a link to the “Guidelines for the participation of observers at meetings of the plenary and the branches of the Compliance Committee of the Kyoto Protocol”.⁵ In submitting a registration form, persons who wish to observe the meetings of the Compliance Committee undertake to observe these guidelines and acknowledge that violation of these guidelines will constitute grounds for physical removal from the venue of the meeting and refusal by the secretariat to accept subsequent requests for registration.

12. The secretariat has not received any complaints or concerns from members or alternate members of the Committee about the conduct of observers during meetings. Furthermore, no comments or complaints have been received by the secretariat from observers about the arrangements for and access to meetings of the Committee, apart from informal feedback from persons who were refused registration as observers that the secretariat has been unduly strict in imposing deadlines for the registration of observers. In this instance, the secretariat had rejected the registration of a person who submitted her form two days after the deadline set out in the announcement for the sixth meeting of the plenary, the seventh meeting of the enforcement branch and the seventh meeting of the facilitative branch. This decision was taken for purposes of consistency, since in a previous meeting the request for registration of a person who had submitted her form three days after the deadline set out in the announcement for the fifth meeting of the plenary, the sixth meeting of the enforcement branch and the sixth meeting of the facilitative branch was not entertained. Deadlines for registration have been observed by the secretariat in the interest of operational efficiency.

⁴ To date, it has not been necessary to have an ‘overspill’ room as all observers have been accommodated in the meeting room.

⁵ These guidelines are available at
<http://svmcms01.unfccc.int/files/kyoto_protocol/compliance/application/pdf/guidelines.pdf>.



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C. Information on observers and webcasting

13. The table below provides available information on the number of observers that have been registered and the number of viewers on webcast for each meeting since the fourth meeting of the plenary, which adopted the working arrangements. Footnotes describing the highlights of discussions are provided for meetings with more than 500 webcast viewers.

<i>Meeting</i>			<i>Number of registered observers</i>	<i>Number of webcast viewers</i>
<i>Number</i>	<i>Date</i>	<i>Venue</i>		
Plenary				
4 th	5 to 7 September 2007	Bonn	0*	192
5 th	8 to 9 October 2008	Bonn	4	1365 ⁶
6 th	12 to 13 October 2009	Bangkok	1	528 ^{**7}
7 th	30 June 2010	Bonn	0	831 ^{***8}
Enforcement Branch				
2 nd	5 to 6 September 2007	Bonn	0*	not available
3 rd	4 to 6 March 2008	Bonn	0	472
4 th	16 to 17 April 2008	Bonn	1	251
5 th	14 to 15 June 2008	Bonn	0	4385 ⁹
6 th	6 to 7 October 2008	Bonn	4	not available
7 th	11 to 13 October 2009	Bangkok	1	not available
8 th	23 to 24 November 2010	Bonn	0	not available
9 th	10 to 12 May 2010	Bonn	0	154
10 th	28 June 2010	Bonn	0	831 ^{***10}
Facilitative Branch				
5 th	6 September 2007	Bonn	0*	not available
6 th	7 October 2008	Bonn	4	not available
7 th	12 October 2009	Bangkok	1	not available
8 th	1 July 2010	Bonn	0	831 ^{***11}

⁶ At its fifth meeting, the plenary agreed to forward proposed amendments to the Committee's rules of procedure on the basis of a stocktaking exercise undertaken by the enforcement branch. The plenary also discussed the matter of consistency of reviews under Article 8.

⁷ At its sixth meeting, the plenary agreed to request the CMP to clarify any action that the Committee could take with respect to continuing delays in the submission of national communications and continued to discuss the matter of consistency of reviews.

⁸ At its seventh meeting, the plenary had a preliminary discussion of conflict of interest as it relates to the work of the Committee.

⁹ At its fifth meeting, the enforcement branch considered a question of implementation with respect to Canada and adopted a decision not to proceed further.

¹⁰ At its tenth meeting, the enforcement branch considered a question of implementation with respect to Bulgaria and adopted a final decision.

¹¹ At its eighth meeting, the facilitative branch had a discussion on provisions related to facilitation. No decision could be taken due to lack of quorum.



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- * It was during this period that the working arrangements were adopted. Therefore, no observers could have registered for these meetings.
- ** Note this is the only statistic that is differentiated between live and delayed views (90 views live, 438 delayed).
- *** Note the statistics for the seventh meeting of the plenary, the tenth meeting of the enforcement branch and eighth meeting of the facilitative branch were provided as a combined figure.
