



**UNITED
NATIONS**



**Framework Convention
on Climate Change**

Distr.
GENERAL

FCCC/SBI/2005/2
25 February 2005

Original: ENGLISH

SUBSIDIARY BODY FOR IMPLEMENTATION

**Twenty-second session
Bonn, 20–27 May 2005**

**Item 6 (d) of the provisional agenda
Arrangements for intergovernmental meetings
Organization of the intergovernmental process**

**Report on the in-session workshop on organization
of the intergovernmental process**

Note by the secretariat

Summary

A workshop on the organization of the intergovernmental process was held in conjunction with the twenty-first session of the Subsidiary Body for Implementation (SBI) in Buenos Aires, Argentina, on 11 December 2004. Its purpose was to provide an opportunity for participants to exchange views informally and as an input to the discussion at SBI 22 on the intergovernmental process. Numerous problems and challenges were identified, as were many ideas for possible improvements.

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I. Introduction

A. Mandate

1. The Subsidiary Body for Implementation (SBI), at its twentieth session, reviewed the general state of the organization of the Convention process.¹ It recognized the challenges arising from the large number of items under consideration by the subsidiary bodies, especially in terms of developing workable agendas and the pressures placed on small delegations. It agreed to continue its discussion on the organization of future sessional periods with a view to ensuring that the Convention bodies can work as efficiently and effectively as possible within the time available at a session, while ensuring a coherent and responsive approach to issues. It requested the secretariat to convene a workshop on the organization of the intergovernmental process in conjunction with the twenty-first session of the SBI and to prepare a background paper taking into account relevant experience in other multilateral processes.²

B. Possible action by the Subsidiary Body for Implementation

2. The SBI may wish to consider the suggestions for improvement discussed in the workshop, and reported in this note, in the context of its ongoing deliberations on the organization of the intergovernmental process.

II. Proceedings

3. The workshop was held in Buenos Aires, Argentina, on 11 December 2004 and chaired by Mr. Karsten Sach (Germany). Its purpose was to provide an opportunity for participants to exchange views informally and to make suggestions for improvements to the intergovernmental process.

4. At the opening of the workshop, welcome addresses were given by Ms. Daniela Stoycheva, Chair of the SBI, and Ms. Joke Waller-Hunter, Executive Secretary. The Chair of the SBI noted that the first session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (COP/MOP 1) would be held in 2005 in conjunction with the eleventh session of the Conference of the Parties (COP). This was, therefore, a good time to consider the overall functioning of the negotiation process. Referring to her personal experience as Chair, she underlined that the process had reached a critical point. Extensive agendas and the large number of meetings made it increasingly difficult to manage negotiations efficiently in the limited time available at sessions. She therefore urged participants to come forward with practical suggestions which would help improve the process. The Executive Secretary concurred with the Chair of the SBI that the process faced a serious problem which needed to be addressed urgently. Process issues had become increasingly difficult over the years and had now reached a point of "dangerous interference with the substance". Stressing the need to ensure that the process is driven by Parties and reflects their requirements, the Executive Secretary expressed hope that the workshop would send a clear signal that action was needed now.

5. The remainder of the workshop was organized into the following two main parts:³

- (a) Agendas – content, timing and adoption
- (b) Building blocks – sessions of the COP and the subsidiary bodies, workshops and constituted bodies.

¹ FCCC/SBI/2004/10, paragraphs 93 and 94.

² FCCC/TP/2004/5.

³ The agenda of the workshop is available on the UNFCCC web site:
<http://unfccc.int/meetings/cop_10/in_session_workshops/items/3312.php>.

6. Each part was introduced by the Chair. This was followed by remarks by three commentators who had been invited by the Chair, and a discussion among participants. Initial remarks on the first part were provided by Mr. Gao Feng (China), Ms. Outi Berghäll (Finland) and Ms. Farhana Yamin (Institute of Development Studies, University of Sussex, United Kingdom). Initial remarks on the second part of the agenda were provided by Mr. Taha Balafrej (Morocco), Mr. Howard Bamsey (Australia), and Mr. Tom Jacob (International Climate Change Partnership). Panelists provided remarks in their personal capacity as experts and not on behalf of their member governments or organizations. The workshop concluded with a summing up by the Chair. The discussions are summarized in the section below.

III. Summary of discussions

A. General concerns raised by participants

7. In their interventions throughout the workshop, participants agreed that while the Convention process had made considerable progress over the years, its effectiveness and efficiency had come under increased pressure. Referring to the extensive agendas and the large number of activities, inside and outside the formal process, many participants stressed that delegations were overloaded. More specifically, many stressed that the proliferation of contact groups and informal consultations resulted from a fragmentation of agenda items. Resources were being overstretched and there was insufficient time for in-depth consideration of issues. Due to growing pressure on financial and human resources, smaller and developing country delegations in particular were unable to prepare effectively for meetings and ensure the desired level of participation. It was noted that these developments had a negative impact on the transparency and manageability of the process and that under current arrangements it was becoming impossible to cope with the workload. Many participants underlined the urgency of reviewing the overall functioning of the process and developing options for improvements where feasible.

B. Agendas – content, timing and adoption

8. The Chair drew attention to a number of questions raised in the background document⁴ and suggested that participants discuss possible alternative approaches or adjustments in the following areas:

- (a) The structure and content of the agendas
- (b) The frequency of consideration of agenda items and the programme of work
- (c) Approaches for dealing with controversial items, in particular items held in abeyance.

9. In relation to the **structure and content of agendas**, participants underscored the need to re-visit agendas with the aim of:

- (a) Reducing complexity and duplication
- (b) Providing a stronger focus on practical outcomes.

10. Although it was acknowledged that the structure and content of current agendas broadly responded to provisions of the Convention and the Kyoto Protocol, and to previous COP decisions, participants considered that agenda structures were difficult for newcomers and outsiders to understand and that they did not allow an efficient consideration of items. In particular, the current agendas contributed to a fragmentation of issues and to a proliferation of contact groups and informal consultations. Comments were also made on the relevance of agenda items and the desirability of tailoring agendas so that more time was available to focus on practical outcomes. Many participants

⁴ FCCC/TP/2004/5, paragraphs 34–39.

noted that, given the current structure of agendas, there was a risk of spreading scarce financial and human resources too thin, which would lead to superficial and ineffective results.

11. Some participants suggested that agendas could be streamlined by reorganizing them around clusters based on thematic issues or domains of work, rather than treaty articles, and/or by combining certain agenda items. In discussing the proposals made, participants acknowledged that any clustering or combining of items would need to take into account the diverse interests of Parties and that changes would need to be introduced carefully. It was suggested that possible criteria for prioritizing could include: items based on a binding stipulation in the Convention or Protocol or other compelling reason, without which the process cannot move forward; items that would improve Parties' actions or serve part of a longer-term process; items that provide interesting information but do not result in immediate action; and items that are not necessary to advance the process. Moreover, participants agreed that it would be difficult to establish criteria for prioritizing items. It was noted, however, that certain adjustments in the setting of agendas were possible within the Executive Secretary's mandate to draft the agendas of the COP and the subsidiary bodies.

12. On the **frequency of consideration of agenda items and the programme of work**, some participants commented that current agendas tended to contain a number of items that were useful or "nice to know", but did not warrant annual or biannual consideration. Some participants cautioned that "permanent" agenda items prevented the process from dealing flexibly with new, emerging issues and did not allow enough time for in-depth discussion of issues. Several participants referred to the practice of other United Nations bodies, where items are taken up cyclically or in multi-year programmes of work. Such an approach could help streamline and simplify agendas and should be explored in more detail. At the same time, some participants expressed concern that it would take time to negotiate and agree on a multi-year programme of work, as Parties may have different views regarding the priority and urgency of issues.

13. In this connection, it was suggested to review, as a first step, the agendas of the subsidiary bodies and identify items which could be taken up only annually instead of biannually. Some participants noted that considering items in longer-term cycles would not diminish their importance but would allow more time between sessions to implement decisions and make progress on issues (for example, through the work of expert groups). This would increase the prospect of a more fruitful consideration of items at sessions and, as a result, of more substantive results.

14. On possible **approaches to controversial items**, several participants expressed their concern at stalemates over agenda items and items held in abeyance. It was noted that negotiations were often unnecessarily drawn out and that disagreements over "small matters" led Parties to lose track of the goal of the Convention. It was also noted that further items in abeyance could be avoided in the future by precisely applying the draft rules of procedure as applied, in particular rules 10 and 16. At the same time, participants generally agreed that there was no clear-cut solution and it would be difficult to impose limits on how long agenda items should remain in abeyance. A number of participants stressed that controversies over items held in abeyance reflected real differences of views among Parties that needed to be resolved. However, it was also noted that items continually held in abeyance had little prospect of serious consideration.

C. Building blocks – sessions of the Conference of the Parties and the subsidiary bodies, workshops and constituted bodies

15. The Chair asked participants to discuss a number of questions relating to the following areas:⁵
- (a) The effectiveness and efficiency of the Convention “building blocks” and of in-session arrangements
 - (b) The periodicity and duration of sessions of Convention bodies
 - (c) The structure of, and ministerial participation in, high-level segments.
16. In connection with the **effectiveness and efficiency of the building blocks and of in-session arrangements**, participants addressed the issue of whether the current organization of the various elements and the division of labour between them were the most appropriate way of organizing the process. As for the organization of COP sessions, it was noted that their current set-up did not provide sufficient space for reflection and in-depth discussion of all issues at any one session. More particularly, some participants stated that the large number of informal consultations and contact groups, often taking place in parallel, made it difficult to effectively participate in the process. Questions were also raised on the role and effectiveness of the subsidiary bodies. One suggestion was to separate more clearly, in time, the consideration of scientific/technical issues from those relating to policy-making and implementation.
17. It was suggested that a separate committee be established to deal with process and administrative matters. Such a committee could take up process issues with the aim of resolving controversial matters and proposing solutions to the COP, thereby freeing time during sessions for substantive negotiations.
18. Some participants noted that **workshops** were increasingly used to follow-up on issues that could not be resolved within the formal negotiation process. Participants acknowledged that they provided useful forums for discussion and often helped to move matters forward, but noted that they also posed an increasing burden on the financial and human resources of developing countries, which made effective participation of those Parties more difficult. Similarly, the increasing number of **expert groups** created a growing need for additional resources on the part of developing country Parties, in particular, as they lacked sufficient experts to guarantee a balanced representation in these groups.
19. Participants also discussed the involvement of **Observers** in the climate change process. Although Observers were important in addressing climate change as a global challenge, Parties are the main actors in the process. It was argued that environmental and business groups generally adopted an approach that was not constrained by the national interests represented by Party delegations. Many participants pointed to the vital role played by **side events** and other activities outside the formal process. They argued that the growing number of such events was indicative of deficiencies in the formal process. To better integrate views of Observers, an informal forum of experienced representatives from Parties and major Observer groups could work with the President, the Bureau and the secretariat with the aim of offering views on the agenda and working arrangements.
20. On the **periodicity and duration of sessions**, participants expressed diverging views on whether it was necessary to hold sessions of the COP every year and sessions of the subsidiary bodies twice a year. The discussion also touched upon the usefulness of holding sessions for two full weeks.
21. With regard to **the work of the President of the COP**, it was suggested that the timing of the elections of the President and the Bureau be reviewed, as it might be more effective for the President to organize the session of the COP he/she presides over.

⁵ See also FCCC/TP/2004/5, paragraphs 40–46.

22. Discussing the **structure of, and ministerial participation in, high-level segments**, participants agreed that ministerial attendance was important to raise the public profile of the process, underline Parties' political commitment and provide the necessary momentum to make policy decisions. At the same time, questions were raised regarding the necessity of ministerial attendance at each session and the most appropriate format and duration of the high-level segment.

D. Other comments and suggestions made

23. Participants stressed the need to enhance effective preparation of delegates before sessions, which could be facilitated by making documents available in a timely fashion and reducing the complexity of documents. It was suggested that intersessional periods could be better used to resolve issues between specific parties, possibly with the assistance of the chairs of the subsidiary bodies.

E. Summing up by the Chair

24. In concluding the workshop, the Chair noted broad agreement among participants that the intergovernmental process faced serious problems that needed to be addressed urgently. Among the issues raised by participants, the Chair highlighted the problem of extensive and complicated agendas leading to busy schedules of meetings that were unfair to smaller delegations from developing countries. Extensive agendas at every session also potentially impaired progress by not allowing for in-depth discussion of issues. At the same time, he noted the suggestion that adjustments might be possible within the Executive Secretary's mandate to draft the agenda in consultation with the President of the COP. The Chair further observed that participants made a number of points regarding the frequency of agenda items, but that they showed reluctance to introduce changes to current practice for items in abeyance.

25. With regard to the functioning of the main components of the process, the Chair remarked that participants did not seem to see a need for major changes but that they felt it would be useful to explore possibilities for improvements in some areas. He highlighted particularly the suggestion to create opportunities for increased effectiveness of participation of Observers. Regarding high-level segments, the Chair noted broad agreement that these were necessary to help maintain the high profile of the issue of climate. The Chair also noted concerns raised by participants about the high number of contact groups and informal consultations during sessions and the problems these posed for effective participation.

26. The Chair observed that participants had expressed wariness about introducing adjustments to the system and that they noted the need to avoid rushing to conclusions. He noted, however, that participants put forward and supported a number of suggestions and potential solutions that warranted further exploration. These proposals included the following:

- (a) Clustering or combining agenda items with a view to streamlining agendas and reducing the number of contact groups and informal consultations
- (b) Considering the possibility of developing longer-term cycles for agenda items or multi-year programmes
- (c) Considering ways of increasing the effectiveness of participation of non-Party stakeholders in the process
- (d) Considering options for improving preparations for meetings, including making better use of intersessional periods, more funding for participation and ensuring timely availability of documents.
