



SUBSIDIARY BODY FOR IMPLEMENTATION

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Item 16 (a–d) of the provisional agenda

Arrangements for intergovernmental meetings

Sixteenth session of the Conference of the Parties

Sixth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

Future sessional periods

Organization of the intergovernmental process

Arrangements for intergovernmental meetings

Note by the Executive Secretary*

Summary

This document addresses three main topics:

- (a) The sixteenth session of the Conference of the Parties (COP) and the sixth 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 and possible elements of the provisional agendas;
- (b) Future sessional periods: information is provided on arrangements for additional sessions of the Ad Hoc Working Groups in 2010, as well as preparations for COP 17 and CMP 7. Guidance by the Subsidiary Body for Implementation is also invited regarding the dates for the four regular sessional periods in 2014 and 2015;
- (c) Organization of the intergovernmental process, including engagement of observer organizations.

* 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 and 11 April 2010, as well as of the eleventh session of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol and the ninth session of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, held on 9–11 April 2010.

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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. Possible action by the Subsidiary Body for Implementation

2. The Subsidiary Body for Implementation (SBI) is invited:
- (a) To provide guidance 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) for the organization of their work during the Cancun conference, 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 sixteenth session of the COP and the sixth session of the CMP;
 - (c) To take note of the dates and venues for the two additional sessions of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA) and the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) in 2010, as well as the proposal for the SBI to consider the option that a high-level session be held between the thirty-second sessions of the SBI and the Subsidiary Body for Scientific and Technological Advice (SBSTA) and the sixteenth session of the COP and the sixth session of the CMP;
 - (d) To take note of the proposed dates and venues for the two regular sessional periods for 2014 and 2015;
 - (e) To exchange views and provide guidance on possible improvements to the organization of the intergovernmental process, including the engagement of observer organizations.

II. Sixteenth session of the Conference of the Parties and sixth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

A. Introduction

3. It is currently foreseen that the United Nations Climate Change Conference will be held in Cancun, Mexico, from 29 November to 10 December 2010. The Cancun conference will include the following sessions during a two-week sessional period:

- (a) Sixteenth session of the COP;
- (b) Sixth session of the CMP;
- (c) Thirty-third sessions of the SBI and the SBSTA;
- (d) Fifteenth session of the AWG-KP;¹

¹ FCCC/KP/AWG/2010/3, para. 21.

- (e) Thirteenth session of the AWG-LCA.²

The Cancun conference will also include a joint high-level segment during the two-week sessional period.

4. The Cancun conference is expected to attract a high level of public interest. This arises from the agreement by the COP (decision 1/CP.15) to extend the mandate of the AWG-LCA to enable it to continue its work with a view to presenting the outcome of its work to the COP for adoption at its sixteenth session and the agreement by the CMP (decision 1/CMP.5) to request the AWG-KP to deliver the results of its work pursuant to decision 1/CMP.1 for adoption by the CMP at its sixth session.

B. Preparations for the sessions

5. The COP, by its decision 13/CP.15, accepted with appreciation the offer by the Government of Mexico to host COP 16 and CMP 6 from 29 November to 10 December 2010. In accordance with this decision, the Executive Secretary is continuing consultations with the Government of Mexico to conclude and sign a Host Country Agreement by the thirty-second sessions of the SBSTA and the SBI. Preparations for the sessions are under way and further information will be provided during SBI 32.

6. In addition, decisions 1/CP.15 and 1/CMP.5 mandated the host country of the next sessions of the COP and the CMP to make the necessary arrangements in order to facilitate the work towards the success of those sessions. The Government of Mexico has since undertaken informal consultations with Parties in order to facilitate progress at the Cancun conference. Further information will be provided during SBI 32.

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

7. Arrangements for the opening of the Cancun conference on Monday, 29 November, are expected to follow recent practice. The President of COP 15 and CMP 5 would open COP 16, and in the opening meeting Parties would take up some of the organizational and procedural agenda items, including the election of the President of COP 16 and CMP 6 and the adoption of the agenda for the session. Statements are not envisaged, except those made on behalf of groups. The opening meeting of the COP would then be adjourned.

8. CMP 6 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. Again, statements are not envisaged, except those made on behalf of groups. The opening meeting of the CMP would then be adjourned.

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

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

10. The AWG-LCA and AWG-KP are mandated to report to COP 16 and CMP 6, respectively. Decision 1/CP.15 requests the AWG-LCA to continue its work with a view to presenting the outcome of its work to the COP for adoption at its sixteenth session. At its ninth session, the AWG-LCA agreed that its thirteenth session would be held in conjunction with the sixteenth session of the COP for as long as necessary. The AWG-LCA further agreed that its sessions would be held in conjunction with those of the AWG-KP.³ Similarly, decision 1/CMP.5 requests the AWG-KP to deliver the results of its work pursuant to decision 1/CMP.1 to the CMP for adoption at its sixth session. At its eleventh session, the

² FCCC/AWGLCA/2010/3, para. 25.

³ FCCC/AWGLCA/2010/3, para. 25.

AWG-KP agreed to hold its fifteenth session in conjunction with the sixth session of the CMP for as long as necessary. The AWG-KP further agreed that its sessions would be held in conjunction with those of the AWG-LCA.⁴

11. In accordance with current practice, and unless otherwise decided, the SBSTA and the SBI are expected to convene during the December 2010 sessional period. There are some outstanding issues to be finalized by these subsidiary bodies and forwarded to the COP and the CMP for adoption at their sixteenth and sixth sessions, respectively, in accordance with decisions made at earlier COP and CMP sessions.

12. Various scenarios for the organization of the Cancun conference may be envisaged. It is expected that the work of the SBI, SBSTA, AWG-KP and AWG-LCA would be completed before the high-level segment.

E. High-level segment

13. The SBI has traditionally made recommendations on the dates of the high-level segment, and on any particular arrangements. Given the political importance of COP 16 and CMP 6 and for planning purposes, it will be important for the SBI to decide on the duration of the high-level segment.

14. It is expected that the high-level segment would conclude on Friday, 10 December, with separate meetings of the COP and the CMP to adopt decisions and conclusions resulting from the sessions. Parties may wish to confirm the dates for the high-level segment, and also to provide any other advice related to the segment, including on the modalities for national statements.

15. As at previous conferences, it is expected that joint meetings of the COP and the CMP will be convened during the high-level segment in order to hear statements. Ministers and other heads of delegation would attend the high-level segment and deliver national statements, on the understanding that there would be one speakers' list and that 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. Statements would also be made by representatives of intergovernmental organizations and non-governmental organizations (NGOs).

F. Possible elements of the provisional agendas

16. 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 Possible elements of the provisional agendas for COP 16 and CMP 6 have been prepared by the secretariat, following consultations with the President of COP 15 and CMP 5 and the Bureau, and are contained in annexes I and II to this document.

17. The possible elements have been modeled on the provisional agendas for previous sessions. They also reflect issues arising from decisions and conclusions adopted at the most recent sessions. In addition, they address organizational and procedural matters, as well as the high-level segment for ministers and other heads of delegation.

18. For element 6 of the provisional agenda for COP 16 (see annex I), "Second review of the adequacy of Article 4.2 (a) and (b) of the Convention", Parties will recall that, at COP 4, it "proved impossible to reach any agreed conclusions or decisions" on this matter (FCCC/CP/1998/16, para. 64). The item was therefore included in the provisional agenda for COP 5, in accordance with rule 10 (c) and rule 16 of the draft rules of procedure being applied. At its fifth session, the COP could not reach a conclusion on this matter (FCCC/CP/1999/6, para. 18) and the item was therefore included in the

⁴ FCCC/KP/AWG/2010/3, para. 21.

⁵ FCCC/CP/1996/2.

provisional agenda for its sixth session, with a footnote reflecting a proposal made by the Group of 77 and China to amend the item to read "Review of the adequacy of implementation of Article 4, para. 2 (a) and (b), of the Convention".

19. From COP 6 until COP 14, the item was included in the provisional agenda with a footnote reflecting the proposal made by the Group of 77 and China. Agendas have been adopted with the item held in abeyance, and Presidents of the COP and the CMP have undertaken consultations on the matter and reported back to the COP later in each session. On a proposal by the President and on the basis of the recommendation made by the SBI, it was decided at COP 14 to defer consideration of this item to COP 16 (FCCC/CP/2008/7, para. 10).

20. The SBI may wish to consider the issue in the light of decision 1/CP.15, which extended the mandate of the AWG-LCA to enable it to continue its work with a view to presenting the outcome of its work to the COP for adoption at its sixteenth session. The SBI may also wish to consider whether to recommend that the COP at its sixteenth session defer consideration of this item to COP 17 or COP 18, pursuant to rule 13 of the draft rules of procedure being applied. Depending on other developments, including the outcome of discussions relating to the Bali Road Map, the COP may at that time decide how to proceed.

21. The SBI is invited to provide advice on the lists of possible elements of the provisional agendas for COP 16 and CMP 6. On the basis of this advice, and of relevant conclusions reached at SBI 32, the provisional agendas for COP 16 and CMP 6 will then be completed.

III. Future sessional periods

A. Scheduling of sessions for the Ad Hoc Working Groups in the second half of 2010

22. The AWG-LCA, at its ninth session, agreed that in order to conclude its work it would need to hold two sessions between its tenth session and the sixteenth session of the COP, of a duration of at least one week each.⁶ Similarly, the AWG-KP, at its eleventh session, agreed that in order to conclude its work it would need to hold two sessions between its twelfth session and the sixth session of the CMP, of a duration of at least one week each.⁷ The SBI may wish to take note of these additional sessions, as well as of any updates on their dates and venues.

23. The AWG-LCA and the AWG-KP also agreed on the need for sufficient time between sessions to enable Parties to consult and prepare, and to enable them to continue their work with a view to presenting the outcome of their work for adoption by the COP at its sixteenth session and the CMP at its sixth session, respectively.

24. The AWG-LCA and the AWG-KP took note of a proposal for the SBI to consider the option that a high-level session be held between the thirty-second sessions of the SBI and the SBSTA and the sixteenth session of the COP and the sixth session of the CMP to provide guidance. The SBI may wish to invite Parties to provide their views on this proposal.

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

25. Decision 13/CP.15 recalled that COP 17 and CMP 7 shall be held in South Africa from 28 November to 9 December 2011. The Executive Secretary, as requested by this decision, is continuing consultations with the Government of South Africa to complete a Host Country Agreement.

⁶ FCCC/AWGLCA/2010/3, para. 26.

⁷ FCCC/KP/AWG/2010/3, para. 22.

26. Decision 13/CP.15 invited Parties to come forward with offers to host COP 18 and CMP 8, scheduled to be held from 26 November to 7 December 2012. In keeping with the principle of rotation among regional groups, and in the light of recent consultations among the groups, the President of COP 18 and CMP 8 would come from the Asian Group. To date, the secretariat has received two related offers from the Asian Group.

27. The SBI is invited to discuss this issue of the hosting of COP 18 and CMP 8, with a view to a decision being adopted in Cancun. In this context, the SBI may wish to encourage the Asian Group to reach consensus on a single offer for consideration by the SBI and the COP.

C. Dates for the four sessional periods in 2014 and 2015

28. The COP, by its decision 9/CP.14, adopted dates for the sessional periods for 2013 for inclusion in the calendar of meetings of Convention bodies for 2009–2013. At its thirty-second session, the SBI will be invited to recommend dates for the sessional periods in 2014 and 2015, as follows:

- | | | |
|-----|----------------------------------|--|
| (a) | First sessional period in 2014: | Tuesday, 10 June to Saturday, 21 June |
| (b) | Second sessional period in 2014: | Tuesday, 11 November to
Saturday, 22 November |
| (c) | First sessional period in 2015: | Tuesday, 2 June to Saturday, 13 June |
| (d) | Second sessional period in 2015: | Tuesday, 10 November to
Saturday, 21 November |

29. The SBI may wish to consider the proposed dates for the four sessional periods in 2014 and 2015 and recommend them for adoption by the COP at its sixteenth 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.

IV. Organization of the intergovernmental process

30. The 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 officers and the secretariat. Bearing in mind recent experiences, Parties may wish to take stock of certain elements of the intergovernmental process, consider options for improvements and provide relevant guidance. For the long-term evolution of the process, possible issues for discussion relate to methods and practices of negotiation, including transparency, inclusiveness and ministerial engagement. In this context, the Bureau, at its first meeting in 2010, agreed on the importance of improving methods of negotiation.

31. Improvements in working methods, based on the principles of the Convention and its Kyoto Protocol, as well as models within the United Nations system, could also help to advance the negotiations. The secretariat has initiated a project to identify best practices with the United Nations system, with any methods identified to be presented to the SBI.

32. The SBI is invited to advise on any particular issues or options that could be made to strengthen the UNFCCC intergovernmental process for the long term. The SBI may wish to encourage presiding officers of the various bodies to continue to develop practices aimed at improving the effectiveness of the working methods of the intergovernmental process.

V. Observer organizations in the intergovernmental process

33. SBI 32 will provide an opportunity to take stock of developments and provide guidance on any adjustments to the practices pertaining to the engagement of observer organizations.

Article 7, paragraph 2 (l), of the Convention recognizes the value of the engagement of NGOs, and Parties have acknowledged the important role of civil society representation in the process. Interest from civil society reached unprecedented levels during the COP and CMP sessions in Copenhagen, and this involvement is expected to continue. As this engagement from civil society in the UNFCCC process grows, it will also present challenges for the process. Applications for admission in 2009 alone were nearly seven times the average annual number of applications received between 2003 and 2008, taking the total cumulative number of NGOs admitted by 2009 to 1,372.

34. Observer organizations continue to make use of the opportunity to make interventions at sessions and to meet officials of the Convention bodies in order to provide inputs to the process. Numerous side events, exhibits and press briefings are organized in order to inform those involved in the process of their views and works. The number of applications to hold side events at COP 14 was 351; at COP 15 this figure rose to 517, an increase of 47 per cent.

35. The SBI, at its thirtieth session, took note of the positive developments over recent years in the practices for the engagement of representatives from observer organizations in the UNFCCC process.⁸ A further development among the NGOs admitted is the provisional recognition of three additional constituencies, namely Farmers, Women and Gender, and Youth. This was done in accordance with current practice upon request by the organizations concerned and in order to facilitate their contributions within the UNFCCC process. This means that there are now nine constituencies, following the categories of the nine major groups in Agenda 21.⁹

36. With regard to logistics, registration and access, and taking into account the Copenhagen conference, the secretariat is undertaking an assessment of these issues, with a view to avoiding, in collaboration with the host country, repetition at future conferences of the problems faced in Copenhagen. The secretariat has also initiated a dialogue with observer organizations on issues relating to their engagement and role in the UNFCCC process. While recognizing that the process is an intergovernmental one, it has always been important to Parties that observer organizations play an appropriate role.

37. Parties may wish to exchange views on: modes of engagement of observer organizations in the UNFCCC process; the role of statements by these organizations in plenary meetings; the importance of side events and exhibits as a major vehicle for the engagement of observer organizations; the need to take measures to ensure that unauthorized demonstrations do not hamper the smooth flow of the process; and the implications of the trend to include large numbers of representatives from NGOs and media in national delegations (which gives them access to all “closed” meetings).

38. In the light of the unprecedented increase in the engagement of observer organizations at the Copenhagen conference, and the consequences thereof, the SBI may wish to reflect on policy issues relating to the engagement of observer organizations in the UNFCCC process.

⁸ FCCC/SBI/2009/8, paragraph 121.

⁹ Agenda 21 is a comprehensive plan of action adopted by governments at the United Nations Conference on Environment and Development in 1992. Its implementation is closely monitored and reported by the Commission of Sustainable Development of the United Nations Department of Economic and Social Affairs.

Annex I

Possible elements of the provisional agenda for the sixteenth session of the Conference of the Parties

1. Opening of the session.
2. Organizational matters:
 - (a) Election of the President of the Conference of the Parties at its sixteenth session;
 - (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) Dates and venues of future sessions;
 - (h) 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. Report of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention.
5. Consideration of proposals by Parties under Article 17 of the Convention.
6. Second review of the adequacy of Article 4.2 (a) and (b) of the Convention.¹
7. Review of implementation of commitments and of other provisions of the Convention:
 - (a) Financial mechanism of the Convention;
 - (i) Review of the financial mechanism;
 - (ii) Report of the Global Environment Facility to the Conference of the Parties and guidance to the Global Environment Facility;
 - (iii) Assessment of the Special Climate Change Fund;
 - (iv) Assessment of the Least Developed Countries Fund;
 - (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;

¹ See chapter II F of this document.

- (c) Development and transfer of technologies;
 - (d) Capacity-building under the Convention;
 - (e) Implementation of Article 4, paragraphs 8 and 9, of the Convention:
 - (i) Implementation of the Buenos Aires programme of work on adaptation and response measures (decision 1/CP.10);
 - (ii) Matters relating to the least developed countries;
 - (f) Article 6 of the Convention;
 - (g) Other matters referred to the Conference of the Parties by the subsidiary bodies.
8. Administrative, financial and institutional matters:
- (a) Audited financial statements for the biennium 2008–2009;
 - (b) Budget performance in the biennium 2008–2009.
9. High-level segment.
10. Statements by observer organizations.
11. Other matters.
12. Conclusion of the session:
- (a) Adoption of the report of the Conference of the Parties on its sixteenth session;
 - (b) Closure of the session.

Annex II

**Possible elements of the provisional agenda for the sixth session of the
Conference of the Parties serving as the meeting of the Parties
to the Kyoto Protocol**

1. Opening of the session.
2. Organizational matters:
 - (a) Adoption of the agenda;
 - (b) Election of replacement officers;
 - (c) Organization of work, including the sessions of the subsidiary bodies;
 - (d) Approval 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. Report of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol.
5. Consideration of proposals by Parties for amendments to the Kyoto Protocol.
6. Issues relating to the clean development mechanism.
7. Issues relating to joint implementation.
8. Matters relating to compliance under the Kyoto Protocol:
 - (a) Report of the Compliance Committee;
 - (b) Appeal by Croatia against a final decision of the enforcement branch of the Compliance Committee;
 - (c) Amendment of the Kyoto Protocol in respect of procedures and mechanisms relating to compliance.
9. Adaptation Fund:
 - (a) Report of the Adaptation Fund Board;
 - (b) Review of the Adaptation Fund.
10. Review of implementation of commitments and of other provisions of the Kyoto Protocol:
 - (a) Report of the administrator of the international transaction log under the Kyoto Protocol;
 - (b) National communications from Parties included in Annex I to the Convention: reporting and review;
 - (c) Annual compilation and accounting report for Annex B Parties under the Kyoto Protocol;
 - (d) Capacity-building under the Kyoto Protocol;
 - (e) Matters relating to Article 3, paragraph 14, of the Kyoto Protocol;
 - (f) Matters relating to Article 2, paragraph 3, of the Kyoto Protocol.

11. Proposal from Kazakhstan to amend Annex B to the Kyoto Protocol.
12. Administrative, financial and institutional matters:
 - (a) Audited financial statements for the biennium 2008–2009;
 - (b) Budget performance in the biennium 2008–2009;
 - (c) Privileges and immunities for individuals serving on constituted bodies under the Kyoto Protocol.
13. Other matters referred to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol by the subsidiary bodies.
14. High-level segment.
15. Statements by observer organizations.
16. Other matters.
17. Conclusion of the session:
 - (a) Adoption of the report of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol on its sixth session;
 - (b) Closure of the session.
