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Bonn, 4–13 June 2003

Item 9 (a) and (c) of the provisional agenda

ARRANGEMENTS FOR INTERGOVERNMENTAL MEETINGS

NINTH SESSION OF THE CONFERENCE OF THE PARTIES

FUTURE SESSIONAL PERIODS

Note by the Executive Secretary

Summary

The ninth session of the Conference of the Parties (COP 9) will be held from 1 to 12 December 2003. This note considers organizational arrangements for COP 9 **in the event that the Kyoto Protocol has not entered into force**. It includes a list of possible elements for a provisional agenda, suggestions concerning the organization of work for the COP and the subsidiary bodies, and a proposal for the organization of a high-level segment.

Parties may wish to consider the possible elements for the provisional agenda of COP 9, as well as the organization of the session, and provide the secretariat with further guidance.

This note also contains proposed dates for the two sessional periods in 2008, which Parties may wish to consider and recommend to the COP at its ninth session. It also highlights issues relating to the organization of future sessional periods, and time management concerns.

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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. Scope of the note

2. Section II of this note contains information on organizational arrangements for the ninth session of the Conference of the Parties (COP 9) **in the event the Kyoto Protocol has not entered into force**. Document FCCC/SBI/2003/3 addresses arrangements for COP 9 if held in conjunction with the first session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (COP/MOP 1). An overview of the possible elements of a provisional agenda for COP 9 is contained in annex I below.

3. Section III of this note addresses future sessional periods, including the date and venue for the tenth session of the Conference of the Parties (COP 10), and issues relating to possible improvements in the intergovernmental process.

### C. Possible action by the Subsidiary Body for Implementation

4. Guidance is invited from the Subsidiary Body for Implementation (SBI) on the matters raised in this note, in particular on:

- (a) Possible elements of a provisional agenda for COP 9;
- (b) The organization of the work of COP 9, including meetings of the subsidiary bodies and participation by ministers and senior officials;
- (c) The programme for future sessions of Convention bodies, including a recommendation to the COP at its ninth session on the date and venue of COP 10;
- (d) Possible improvements in the intergovernmental process under the Convention.

## II. NINTH SESSION OF THE CONFERENCE OF THE PARTIES

### A. Host country agreement

5. The COP, by its decision 15/CP.8, decided that COP 9 would be held from 1 to 12 December 2003.<sup>1</sup> In this decision, the COP also noted with appreciation the expression of interest of the Government of Italy in hosting COP 9, and requested the Bureau to decide on the venue for COP 9. Following a secretariat fact-finding mission to assess the proposed facilities, the members of the Bureau accepted the generous offer of the Government of Italy to host COP 9 in Milan. This acceptance was communicated to all Parties in an information note dated 3 February 2003.

6. Decision 15/CP.8 also requested the secretariat to conclude a host country agreement with the Government of Italy on arrangements for COP 9. The session will be held at the Fiera Milano Congress Centre in Milan. Discussions are under way between the secretariat and the host government on

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<sup>1</sup> FCCC/CP/2002/7/Add.1

arrangements for the session, including the host country agreement. Further consultations will be held with the Government of Italy and additional information will be conveyed orally to the SBI at its eighteenth session.

### **B. Possible elements of a provisional agenda**

7. Rule 9 of the draft rules of procedure being applied provides, "In agreement with the President, the secretariat shall draft the provisional agenda of each session".<sup>2</sup> **A list of possible elements of a provisional agenda** for COP 9, in the event that the Kyoto Protocol has not entered into force, has been prepared by the secretariat, after consulting the Bureau, and is contained in annex I to this document. The list has been modelled closely on the provisional agenda of COP 8.

8. The item entitled "Second review of the adequacy of Article 4, paragraph 2 (a) and (b), of the Convention" has been included, accompanied by an explanatory note, as agreed by the COP at its eighth session (COP 8).<sup>3</sup> In addition, the sub-items "Matters relating to Article 2, paragraph 3, of the Kyoto Protocol" and "Proposal by Canada for a decision on modalities for the accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol in relation to cleaner energy exports" have been included as agreed at COP 8.<sup>4</sup>

### **C. Organizational matters**

#### **1. Overview of the sessional period**

9. The sessional period would be organized as follows:

(a) COP 9 could open on Monday, 1 December at 10 a.m. The **opening meeting** would go through item 1 of the provisional agenda, including the election of the President. The COP would also take up some procedural sub-items under agenda item 2, including the adoption of the agenda for the session. The President of COP 8 will open and preside over COP 9 until the election of the President for the session (see rules 23 and 26 of the draft rules of procedures being applied). The President of COP 8 will call for the election of the President of COP 9;

(b) The **subsidiary bodies** would be convened after the opening plenary meeting of the COP and meet until Tuesday, 9 December for their nineteenth sessions. They would attempt to finalize as many matters as possible, and transmit their results to the COP;

(c) The **President** of COP 9 would be able to hold bilateral and group consultations on key issues during the first week. He/she would also chair regular meetings of the Bureau;

(d) The COP could convene in plenary as needed to review the progress of the work of the subsidiary bodies, address other agenda items, and review the results of the President's consultations;

(e) **Statements** by the heads of United Nations bodies and programmes, specialized agencies and related organizations, as well as by representatives of intergovernmental and non-governmental organizations, could be made.

(f) The **high-level segment** of COP 9 could open on Wednesday, 10 December. Ministers and/or senior officials could attend from then until Friday, 12 December. They could deliver brief policy

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<sup>2</sup> FCCC/CP/1996/2

<sup>3</sup> FCCC/CP/2002/7, paragraphs 24–25

<sup>4</sup> FCCC/CP/2002/7, paragraphs 24–25

statements or participate in round-table discussions. A combination of these two approaches is not envisaged.

10. A tentative overview of the proposed scenario for the sessional period is contained in annex II.

11. The SBI is invited to give guidance on:

- (a) The proposed scenario, especially on arrangements for the high-level segment;
- (b) Whether the high-level segment should be held at the ministerial or senior official level;
- (c) Whether policy statements or round-table discussions are the preferred mode of exchanges during the high-level segment;
- (d) What should be the modalities of any round-table discussions and what subjects might they address.

## 2. Rules of procedure

12. As the COP has not been able to adopt its rules of procedure, the draft rules of procedure will continue to be applied, with the exception of draft rule 42, until the rules are adopted by the Conference. At COP 8, the President stated he would undertake further consultations with Parties on this issue and report back to the COP 9.

## 3. Officers

13. Rule 22 of the draft rules of procedure being applied provides, "At the commencement of the first meeting of each ordinary session, a President, seven Vice-Presidents, the Chairmen of the subsidiary bodies established by Articles 9 and 10 of the Convention, and a Rapporteur shall be elected from among the representatives of the Parties present at the session. They will serve as the Bureau of the session. Each of the five regional groups shall be represented by two Bureau members and one Bureau member shall represent the small island developing States. The offices of President and Rapporteur shall normally be subject to rotation among the five regional groups." This rule further states, "No officer may serve on the Bureau for more than two consecutive terms of one year."

14. Consultations will be required to determine the officers of the Bureau of COP 9, as well as the officers of the subsidiary bodies, as appropriate. **Informal consultations** on the nomination of officers of the Bureau of COP 9 will be held during the eighteenth sessions of the subsidiary bodies. Consultations may also be undertaken on which regional group will provide the presidency of COP 9.

15. At the first meeting of COP 9, the President of COP 8 will call for the election of the President of COP 9 (see paragraph 9 (a) above). The elected President of COP 9 will invite the COP to elect the remainder of its officers and the chairs of the subsidiary bodies. This election will take place at the beginning of the session, if consultations on the nominations to the Bureau of COP 9 have been completed. If further consultations are needed, the election of the other officers could be deferred, with the existing chairs of the subsidiary bodies continuing in office until their successors are elected. Rule 27 provides, "Each subsidiary body shall elect its own Vice-Chairman and Rapporteur".

## 4. Participation

(a) Notification and attendance

16. Rule 5 of the draft rules of procedure being applied provides, "The secretariat shall notify all Parties of the dates and venue of a session at least two months before the session is held." Formal

notification of the ninth session of the COP will be communicated in due course to all Parties through their national focal points, diplomatic missions in Germany, permanent missions in Geneva and other diplomatic channels. The notification will advise Parties that the representatives of Parties be provided by their governments with full powers to participate in the session, including the possibility to vote and serve as officers of the ninth session and of any sessional bodies, and as officers of the subsidiary bodies and other bodies established under the Convention.

(b) Financial support for participation

17. As at previous COP sessions, and subject to the availability of funds, the secretariat hopes to extend funding to all eligible Parties. All funds available under the Trust Fund for Participation in the UNFCCC Process were used to support participation in COP 8. No funds are available to finance the participation of eligible Parties in COP 9. It is hoped that contributions to the Trust Fund will be forthcoming in the next few months so that funding will be available for each eligible Party to attend COP 9.

### III. FUTURE SESSIONAL PERIODS

#### A. Date and venue of the tenth session of the Conference of the Parties

18. Article 7, paragraph 4, of the Convention provides that ordinary sessions of the COP shall be held every year unless otherwise decided by the COP. Accordingly, COP 10 should take place in 2004, unless otherwise decided by the Parties. The calendar of meetings adopted at COP 7 includes a sessional period from 29 November to 10 December 2004, so COP 10 could be convened during that period.

19. Rule 3 of the draft rules of procedure being applied states that “sessions of the Conference of the Parties shall take place at the seat of the secretariat, unless the Conference of the Parties decides otherwise or other appropriate arrangements are made by the secretariat in consultation with the Parties.”

20. Because the planning of sessions away from the secretariat’s headquarters takes time for both the host government and the secretariat, any potential host governments of COP 10 are encouraged to come forward with an offer that could be considered by the SBI at its eighteenth session and by the COP at its ninth session. Such offers should be made on the understanding that the host government would cover the incremental costs of meeting away from Bonn. A decision on the venue of COP 10 must be adopted at COP 9.

#### B. Calendar of meetings

21. The calendar of meetings of Convention bodies for the period 2002–2007 was adopted by the COP at its seventh session<sup>5</sup> and noted by the COP at its eighth session<sup>6</sup> as follows:

2004

- First sessional period: 14–25 June 2004
- Second sessional period: 29 November to 10 December 2004

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<sup>5</sup> FCCC/CP/2001/13/Add.4, section V

<sup>6</sup> FCCC/CP/2002/7, paragraph 43

2005

- First sessional period: 16–27 May 2005
- Second sessional period: 7–18 November 2005

2006

- First sessional period: 15–26 May 2006
- Second sessional period: 6–17 November 2006

2007

- First sessional period: 7–18 May 2007
- Second sessional period: 5–16 November 2007

22. Because of the need to book United Nations conference services well in advance, and of the usefulness to Parties and the secretariat of planning the calendar of meetings, the SBI may wish to consider the following dates proposed for the two sessional periods in 2008 and recommend them for adoption by the COP at its ninth session:

2008

- First sessional period: 2–13 June 2008
- Second sessional period: 1–12 December 2008

### **C. Organization of future sessional periods**

23. At recent sessions, Parties have noted that the Convention process faced difficulties with regard to time management. The agendas for the sessions of the COP and the subsidiary bodies can be extensive, so the time available for discussion on each item is limited. This situation also leads to an intensive schedule of formal and informal meetings, as well as regional and other group meetings, and limits the amount of time available between sessions for advancement of the issues. Parties do not appear to support an extension of the sessional period beyond two weeks. The entry into force of the Kyoto Protocol will exacerbate this problem because additional meeting time will be needed for sessions of the COP/MOP and its subsidiary bodies.

24. This leads to a number of issues concerning the organization of future two-week sessional periods, particularly the number of agenda items considered by each body at any one session. Parties may wish to consider:

(a) Streamlining the agendas for future sessions, which could include considering some items only once a year, or once every two years, or the establishment of a multi-year work programme;

(b) Extending the period between COP sessions to 18 months or two years, to allow the subsidiary bodies more time to complete detailed work;

(c) Whether to hold a high-level segment, with participation by ministers, at every COP.

Annex I

**Ninth session of the Conference of the Parties:  
possible elements of a provisional agenda<sup>1</sup>**

1. Opening of the session:
  - (a) Statement by the President of the Conference at its eighth session;
  - (b) Election of the President of the Conference at its ninth session;
  - (c) Statement by the President;
  - (d) Addresses of welcome;
  - (e) Statement by the Executive Secretary.
2. Organizational matters:
  - (a) Status of ratification of the Convention and its Kyoto Protocol;
  - (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) Date and venue of the tenth session of the Conference of the Parties;
  - (h) Calendar of meetings of Convention bodies, 2004–2008;
  - (i) 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. Review of implementation of commitments and of other provisions of the Convention:
  - (a) Financial mechanism:
    - (i) Report of the Global Environment Facility;
    - (ii) Funding under the Convention;
    - (iii) Additional guidance
  - (b) National communications:
    - (i) National communications from Parties included in Annex I to the Convention;
    - (ii) Greenhouse gas inventories from Parties included in Annex I to the Convention;
    - (iii) National communications from Parties not included in Annex I to the Convention.

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<sup>1</sup> This list includes possible elements for the provisional agenda of COP 9 in the event that the Kyoto Protocol has not entered into force.



- (c) Capacity-building;
  - (d) Development and transfer of technologies;
  - (e) Land-use, land-use change and forestry;
  - (f) Implementation of Article 4, paragraph 8, of the Convention;
  - (g) Matters relating to the least developed countries.
5. Second review of the adequacy of Article 4, paragraph 2 (a) and (b), of the Convention.<sup>2</sup>
  6. Request from a group of countries of Central Asia and the Caucasus, Albania and the Republic of Moldova regarding their status under the Convention.
  7. Preparations for the first session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol:
    - (a) Arrangements for the first session of the Conference of the Parties serving as the meeting of the Parties;
    - (b) Matters relating to Article 2, paragraph 3, of the Kyoto Protocol;<sup>3</sup>
    - (c) “Proposal by Canada for a decision on modalities for the accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol in relation to cleaner energy exports”;<sup>4</sup>
    - (d) Other matters referred to the Conference of the Parties by the subsidiary bodies.
  8. Report of the Executive Board of the clean development mechanism.
  9. Administrative and financial matters:
    - (a) Programme budget for the biennium, 2004–2005;
    - (b) Income and budget performance in the biennium, 2002–2003;
  10. High-level segment.
  11. Other matters.
  12. Conclusion of the session:
    - (a) Adoption of the report of the Conference of the Parties on its ninth session;
    - (b) Closure of the session.

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<sup>2</sup> Following the inability of the COP at its fifth session to reach any conclusion on this matter (FCCC/CP/1999/6, para. 18), and following rule 10 (c) and rule 16 of the draft rules of procedure being applied, an item entitled “Second review of the adequacy of Article 4.2 (a) and (b) of the Convention” was included in the provisional agenda for the sixth and seventh sessions. Attached to this item was a footnote reflecting a proposal made at the fifth session by the Group of 77 and China to amend this item to read “Review of the adequacy of implementation of Article 4, paragraph 2 (a) and (b) of the Convention”. At its eighth session, the COP decided to include this item in the provisional agenda for its ninth session, accompanied by an appropriate explanatory footnote (FCCC/CP/2002/7, paras. 24–25).

<sup>3</sup> At the request of Saudi Arabia, this item was included in the provisional agenda for the COP at its eighth session. Following the inability of the COP at its eighth session to reach any conclusion on this matter, the COP decided to include this item in the provisional agenda for its ninth session, accompanied by an appropriate explanatory footnote (FCCC/CP/2002/7, paras. 24–25).

<sup>4</sup> At the request of Canada, this item was included in the provisional agenda for the COP at its eighth session. Following the inability of the COP at its eighth session to reach any conclusion on this matter, the COP decided to include this item in the provisional agenda for its ninth session, accompanied by an appropriate explanatory footnote (FCCC/CP/2002/7, paras. 24–25).

Annex II

**Ninth session of the Conference of the Parties:**  
**tentative overview of the sessional period**

Monday 1 December	Tuesday 2 December	Wednesday 3 December	Thursday 4 December	Friday 5 December	Saturday 6 December
Opening plenary of ninth session of the Conference of the Parties				<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <i>COP 9 Plenary</i> </div>	
	<div style="border: 1px solid black; padding: 5px; width: 80%; margin: 0 auto;">                     Nineteenth sessions of the subsidiary bodies                 </div>				
Opening of the nineteenth sessions of the subsidiary bodies					
Monday 8 December	Tuesday 9 December	Wednesday 10 December	Thursday 11 December	Friday 12 December	Saturday 13 December
<div style="border: 1px solid black; padding: 5px; width: 80%; margin: 0 auto;">                     Nineteenth sessions of the subsidiary bodies                 </div>		Opening of high-level segment	High-level segment continues	COP 9 concludes: Adoption of decisions and conclusions	

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