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Navigating the **COP/MOP**



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Navigating the COP/MOP

A Guide to the COP/MOP process

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Foreword

**The Honorable Stéphane Dion,
Environment Minister, Government
of Canada**



Canada is honoured to host the United Nations Climate Change Conference in Montreal.

The Conference comes at a crucial juncture in the global effort to address climate change. Climate change is an issue that transcends most others in terms of its complexity and potential impact – a profound yet unquantified effect on ecosystems, species, air and water quality, agriculture, fisheries, forestry and human health.

This Conference will be the first meeting of the 156 Members to the Kyoto Protocol since it came into effect on February 16 of this year. As such, Montreal 2005 will stand as a milestone in the history of international climate change negotiations. This will also be the 11th conference of all 189 Parties to the United Nations Framework Convention on Climate Change (UNFCCC) and, with as many as 10,000 participants expected, is set to be the largest intergovernmental climate conference since the Kyoto Protocol was adopted in 1997.

It is Canada's hope that the Montreal Conference will launch a constructive dialogue towards agreement on effective, more inclusive, longer-term international action to reduce the causes of climate change, and establish a new tone of mutual respect and determination in global discussions about on this critical issue.

The Conference of the Parties / Meeting of the Parties is the central forum of the UNFCCC where the world coordinates its efforts to address climate change. Discussions among the Parties to the Convention, and the Members of the Protocol, are conducted within the process established by the UNFCCC.

Navigating the COP/MOP

This document offers a wealth of information about the process and procedures. It will be a key reference tool for all those who seek a fuller understanding of the global community's efforts to achieve its objective with respect to climate change.

I wish to thank the Helios Centre and ÉcoRessources Consultants for undertaking this significant initiative and for their contribution to engaging people in the fight against climate change – the most pressing environmental issue in the world today.

A handwritten signature in black ink, appearing to read "Alfred De" followed by a stylized flourish.

Acknowledgements

This guide was made possible thanks to the financial support of the Canadian International Development Agency. It is our modest hope that this Guide will make the COP/MOP process more accessible to participants and observers.

We are grateful to our expert colleagues who provided constructive criticism and insights: Marcos Castro, John Drexhage, Erik Haites, Marcela Main Sancha, Jonathan Pershing, Jose Eduardo Sanhueza and Farhana Yamin. Needless to say, any errors or misjudgements remain our own.

We would also like to express our appreciation to Alexandra Coelho, Maxime Rivet, and Richard Sanchez for their work on figures and data. Finally, we would like to thank Philip Raphals for his sound counsel and sharp eye, Jean Nolet for his guidance, H el ene Gaudry Seni for editing and Sophie Geffroy for the graphic design.

Introduction

The February 2005 entry into force of the Kyoto Protocol has added one more layer of complexity to the already multifaceted international climate negotiations. Until then, climate negotiations were held exclusively under the auspices of the Conference of the Parties (COP) to the United Nations Framework Convention on Climate Change (UNFCCC). With the entry into force of the Kyoto Protocol, negotiations will now be held in parallel sessions under both the COP and the *Conference of the Parties serving as the meeting of the Parties (COP/MOP)*.¹ The COP/MOP is the supreme body of the Kyoto Protocol and carries the responsibility for its implementation. The COP/MOP is to be scheduled during the same two-week period, in the same venue, and with almost the same participants as the COP. Yet the COP/MOP must deliberate separately, as it is a distinct governing body.

The first COP/MOP will be held in Montreal, Canada, from November 28 to December 9, 2005. This is a historical event marking an important threshold in the evolution of the climate change regime. The Kyoto Protocol is the first instrument in the history of the UNFCCC to set quantified commitments to Parties, and COP/MOP 1 is the first time high-ranking government representatives from all over the world meet as the governing body of the Protocol and with the single explicit purpose of ensuring its implementation.

At the same time however, the COP/MOP embodies the most critical weakness of the current regime. Non-Parties to the Kyoto Protocol cannot actively participate in its governing body except as observers. Therefore, given the fact that the United States and Australia chose to withdraw from the Kyoto Protocol, the COP/MOP demarcates a political division previously non-existent within the group of industrialized countries. This schism is one of the main challenges to the further evolution of the regime.

From an organizational perspective, the initiation of annual COP/MOP meetings is understandably challenging to all participants. The novelty of this binary process – COP and COP/MOP – deserves careful consideration by all Parties

Navigating the COP/MOP

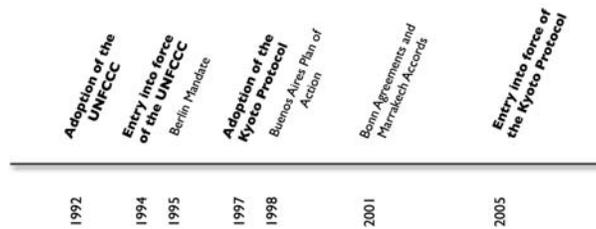
and observers. Participants will need to evaluate how their strategies might need to be adapted to this new reality, examine how the relative leverage of different coalitions may be affected under the COP/MOP process, and assess new lobbying techniques to adapt to these changes. Helping participants understand these variations is the rationale behind this guide.

Navigating COP/MOP is meant to be a user-friendly guide to this new governing body.² The guide focuses solely on process and does not analyze issues to be negotiated at COP/MOP.³ Readers are led first through the procedures of the meeting itself and then through the structure of the COP/MOP process. Finally the guide presents a forward-looking perspective on the COP/MOP. Offering this guide as a compass for navigating the new challenges, the authors wish all participants a productive and creative inaugural session in Montreal.

1. Context

The Kyoto Protocol was adopted at COP 3 in 1997 to strengthen the UNFCCC. The Kyoto Protocol rests on the UNFCCC institutional structure and aims to contribute to the achievement of the Convention's ultimate objective. The Kyoto Protocol is a legally binding instrument that sets quantified reduction or limitation targets of greenhouse gas (GHG)⁴ emissions for developed countries and countries undergoing an economic transition. These targets are to be achieved over the first commitment period, 2008-2012. Figure 1 summarizes the milestones that led to the entry into force of the Kyoto Protocol on February 16, 2005.

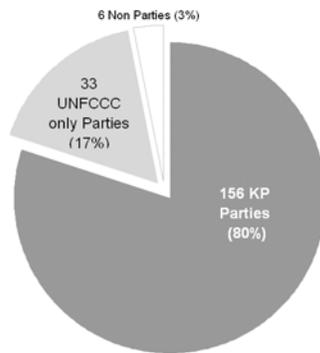
Figure 1. Key landmarks of the climate negotiations



As of October 31, 2005, 194 countries had ratified the UNFCCC (see Figure 2). Only 6 countries in the world have not ratified the Convention: Andorra, Brunei Darussalam, Holy See, Iraq, Somalia and Timor Leste. Of the countries that are Parties to the Convention, 156 (or 80%) are Parties to the Kyoto Protocol to the UNFCCC.

Navigating the COP/MOP

Figure 2. Countries participating in the UNFCCC



Source : Based on Kyoto Protocol Status of Ratification and UNFCCC Status of Ratification.

2. COP/MOP in action

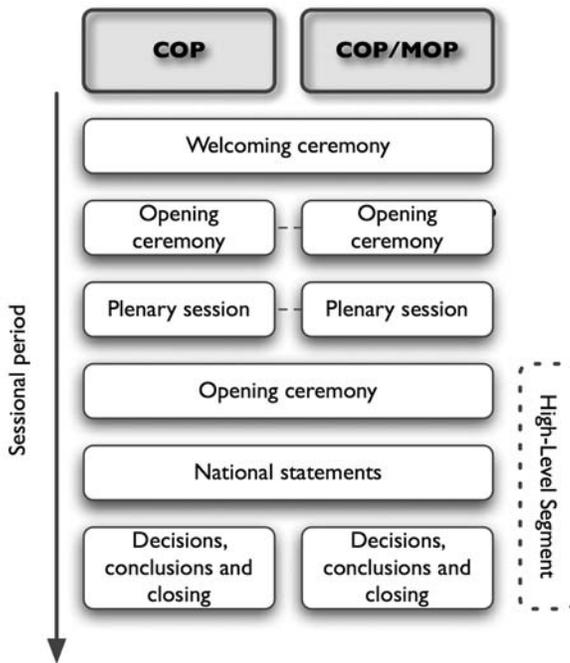
2.1 Organization of the COP/MOP

The COP and the COP/MOP are legally distinct and therefore follow separate agendas provided by the Secretariat.⁵ COP and COP/MOP will meet separately during the sessional period, except for a few joint sessions, such as the Welcoming Ceremony and part of the High-Level Segment (see Figure 3).⁶ Neither the COP nor the COP/MOP will take decisions during joint sessions.⁷ Box 1 (page 9) sets out other similarities and differences between COP and COP/MOP.

The COP and COP/MOP sessions will be organized so that related items can be dealt with in proximity. If Parties decide to consider related UNFCCC and Kyoto Protocol items jointly, this will also be possible.

The two Subsidiary Bodies (see page 14) will address UNFCCC and Kyoto Protocol items within their usual sessions.⁸ Only one provisional agenda will be prepared for each body. However, UNFCCC and Kyoto Protocol items will be clearly identified in the Subsidiary Bodies agendas, as only Parties to the Kyoto Protocol can participate in decisions on COP/MOP related issues. In Subsidiary Body meetings, Parties will also be allowed to decide if some UNFCCC and Kyoto Protocol items should be considered jointly. For practical reasons, Parties may express a preference for joint consideration of items that are common to both UNFCCC and the Protocol.

Figure 3. COP, COP/MOP and Joint Sessions*



Notes:

--- : Parties may decide to deal with some items jointly.

* : COP and COP/MOP sessions will not be held simultaneously

Source: Based on information in FCCC/KP/CMP/2005/1.

2.2 Who can participate in the COP/MOP?

2.2.1 *States*

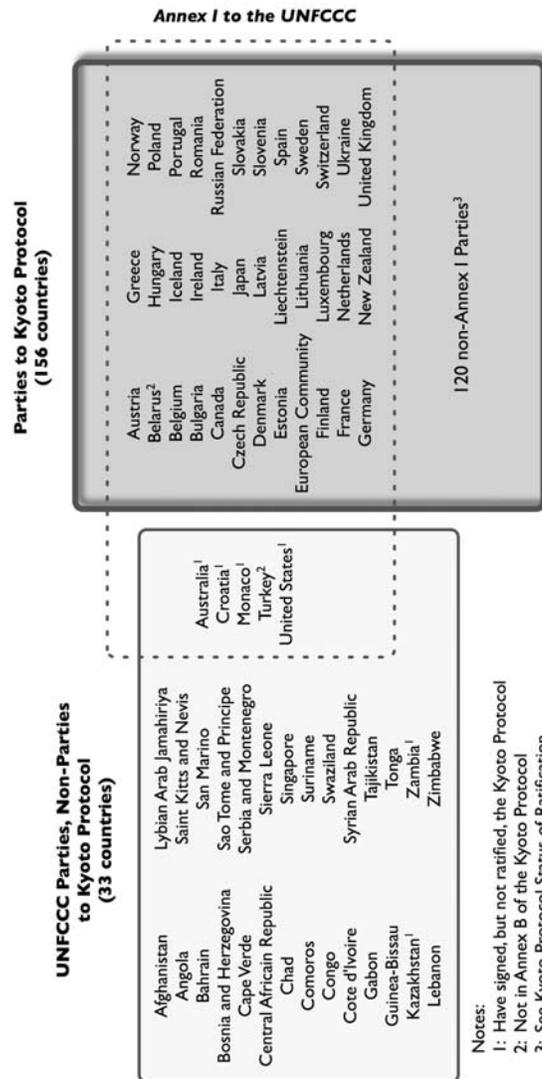
Only States that have ratified the Kyoto Protocol and thus are Parties to it can participate in the decision-making processes at COP/MOP. However States that are not Parties to the Kyoto Protocol can participate as observers and therefore speak during the plenary negotiating sessions.⁹

In a similar manner, only States that are Parties to the Kyoto Protocol participate in the Subsidiary Body deliberations on matters related to the Kyoto Protocol; other States can participate as observers.¹⁰

The Kyoto Protocol commits developed countries – those included in the Annex I of the Convention – to individual, legally-binding targets to limit or reduce their GHG emissions, as listed in the Kyoto Protocol's Annex B. However, there are three exceptions to this rule. Two Annex I countries – Belarus and Turkey – are not listed in the Kyoto Protocol's Annex B as they did not take on an emission limitation or reduction commitment. This is because they were not Parties to the Convention when the Protocol was adopted. Belarus has now ratified the Kyoto Protocol, but Turkey has not. Belarus has requested to be assigned an emission target and be included in Annex B of the Protocol.

Furthermore, Kazakhstan, although a Non-Annex I country, had declared that it wished to be bound by the commitments of Annex I Parties under the Convention and the Protocol upon its entry into force.¹¹ Kazakhstan will not be added to Annex B, since it did not request to be included; to do so now would require an amendment to the Protocol, as no specific provisions exist within the agreement to add countries to the list in the Annex. These relationships are illustrated in Figure 4.

Figure 4. UNFCCC Parties and their participation in the Kyoto Protocol¹²



Source: Based on Kyoto Protocol Status of Ratification and UNFCCC Status of Ratification.

2.2.2 Observers

Any country not a Party to the Kyoto Protocol and non-state actors – environmental non-governmental organizations (NGOs), research NGOs, industry and business NGOs, other type of NGOs as well as intergovernmental organizations – can attend the COP/MOP as observers, unless it is decided otherwise by the COP/MOP. Observers are allowed to speak in formal meetings and can submit written proposals, but cannot vote. The possibility for observers to intervene throughout the sessions has varied over time depending on the preference of the presiding officer.¹³ Observers are not allowed to attend closed meetings and may be excluded from certain other meetings. Their admission and participation are subject to the Rules of Procedure (see Box 1).

Box 1. Getting your bearings

Seating:

Seating arrangements for parties will remain the same for the COP, the COP/MOP and the High-Level Segment.

COP and COP/MOP sessions:

COP sessions are not to be held simultaneously to COP/MOP sessions.

New nomenclature:

COP/MOP documents use the prefix FCCC/KP/CMP, whereas COP documents use FCCC/CP. Other abbreviations used in the nomenclature, such as INF, Misc., Add. and Corr., will continue to be used for COP/MOP documents.

Accreditation:

Accreditation to participate in COPs will automatically apply to the COP/MOP for the Parties to the Kyoto Protocol. For observers, a single process will be used for their admission to both the COP and the COP/MOP. The COP will be responsible for decisions regarding the admission of observers. Observers admitted to previous COPs will be admitted automatically to COP/MOP 1.¹⁴

3. The role and workings of COP/MOP and related bodies

3.1 What are the COP/MOP Responsibilities?

The COP/MOP, as the supreme body of the Kyoto Protocol, has the responsibility for ensuring its the successful implementation. The Kyoto Protocol assigns the following functions to the COP/MOP:¹⁵

- evaluate all information available on the actual implementation of the Kyoto Protocol;
- review obligations that Parties have under the Protocol and ensure that these are implemented;
- promote the exchange of information and experience among Parties as well as collaboration on implementation measures;
- provide guidance and make recommendations to develop and improve methodologies that assist the implementation process;
- assist the COP in promoting technology transfer and seek funding to help developing countries cover the costs of implementing the objectives of the Convention;
- establish subsidiary bodies to ensure implementation; and
- when appropriate, cooperate, use services and/or use information provided by international and inter-governmental organizations and by NGOs.

The Kyoto Protocol allows the COP/MOP to enact other functions to ensure its successful implementation.

Accordingly, decisions forwarded by the COP will, if adopted by COP/MOP 1, assign several new functions, such as:¹⁶

- providing guidance for the implementation of the CDM (Clean Development Mechanism) and JI (Joint Implementation), and exercising authority over the CDM Executive Board and the Article 6 Supervisory Committee; and
- adopting the Compliance Committee and providing guidance for the successful implementation of its mandate.

3.2 Rules of procedure

It is standard practice to adopt rules of procedure to provide structure and direction to the formal negotiations and decision-making process. Rules usually secure the right of all Parties to have a voice. Respecting these rules is important for the smooth proceeding of the negotiations.

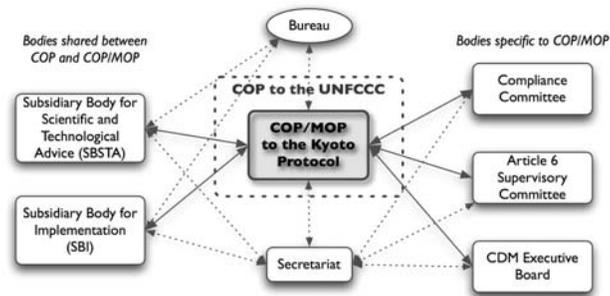
The Kyoto Protocol states that the rules of procedure of the COP should also apply to the COP/MOP, unless Parties to the Kyoto Protocol decide otherwise at COP/MOP 1.¹⁷ However, the COP has not yet adopted the rules of procedure. Two rules still cause disagreement. The first relates to regional representation at the Bureau and how to make it equitable (Rule 22, paragraph 1), and the second concerns the voting arrangements for decisions on matters of substance (Rule 42, paragraph 1).¹⁸

The COP has been applying draft Rule 22, but not draft Rule 42. In the absence of a final rule on decision-making, all decisions are taken by consensus, meaning that a decision is adopted unless one or more Parties explicitly object to it. In 2002, Parties have expressed the view that the draft rules of procedure of the COP should also be applied by the COP/MOP, with the exception of draft Rule 42.¹⁹ As a result, all decisions at COP/MOP will be taken by consensus until Rule 42, or an alternative, is adopted.

3.3 Bodies serving the COP/MOP

Figure 5 illustrates the bodies involved in ensuring the efficient and successful implementation of the Kyoto Protocol. Some serve both the UNFCCC and the Kyoto Protocol, while others are specific to the latter. Other bodies only serve the UNFCCC and are therefore not described in this section, namely the Expert Group on Technology Transfer, the Least Developed Country Expert Group, and the Non-Annex I Consultative Group of Experts.

Figure 5. Bodies serving the COP/MOP



Source: Based on information in FCCC/SBI/2005/4, Decision 24/CP.7, Decision 17/CP.7, and FCCC/KP/CMP/2005/3/Add.3

3.3.1 Bureau

The Bureau is the body responsible for advising the President of the COP and COP/MOP and for making decisions on how the UNFCCC intergovernmental process should be managed. Although members of the Bureau may consult with negotiators from their region, these consultations are restricted to process issues. The Bureau is also responsible for examining the credentials of Parties, intergovernmental organizations and NGOs seeking accreditation to participate in the COP, the COP/MOP, and the meetings of the Subsidiary Bodies, namely the Subsidiary Body for Implementation (SBI), and the Subsidiary Body for Scientific and Technological Advice (SBSTA).

The Bureau of the COP is composed of 11 members inclu-

ding the President, seven Vice-Presidents, the Chairs of the two Subsidiary Bodies and the Rapporteur. The 11 members comprise two members from each of the five United Nations (UN) regional groups²⁰ and one member from the Small Island Developing States (SIDS). Members are elected for an initial term of one year and may serve for not more than two consecutive terms of one year. A representative of the host country of the next COP is usually invited to attend meetings of the Bureau if that Party is not already represented in it.

The Bureau for the COP/MOP is composed of the same members as those of the COP Bureau, with one exception. Only members of the Bureau whose State is a Party to the Kyoto Protocol can act as members when the Bureau is serving the COP/MOP. For the COP/MOP negotiations, Kyoto Protocol Party members will replace non-Kyoto Protocol Party members that are part of the COP Bureau.²¹ The COP Bureau will be responsible for processes related to both COP and COP/MOP, but the COP/MOP Bureau will come into play strictly for COP/MOP issues. This will also apply to the SBI and SBSTA.²²

As of October 2005, only one member of the current COP Bureau is from a country – Libyan Arab Jamahinya – that is not a Party to the Kyoto Protocol.

3.3.2 Formal bodies established under the UNFCCC, also serving the Kyoto Protocol

A number of bodies created to facilitate the implementation of the Convention will also assist the carrying out the Kyoto Protocol. These include:

The Conference of the Parties

The COP is the supreme body responsible for reviewing and making decisions on the implementation of the Convention, including any related legal instruments that the COP adopts such as the Kyoto Protocol.²³ Therefore, the COP will serve as the meeting of the Parties (COP/MOP) to the Kyoto Protocol and fulfill the same type of functions as those prescribed to the COP under the Convention.

The UNFCCC Secretariat

The UNFCCC Secretariat is responsible for coordinating and organizing the annual meetings of the COP, the COP/MOP and bodies involved in the intergovernmental process (such as SBSTA, SBI, Article 6 Supervisory Committee, CDM Executive Board, Compliance Committee).²⁴ Some of the Secretariat's services include: preparing meeting agendas, organizing the multiple events during meetings, providing interpretation and translation services, reproduction and distribution of documents, recording of meetings, providing the COP and COP/MOP Bureaus with recommendations, etc.

The Subsidiary Body for Scientific and Technological Advice (SBSTA)

The SBSTA was established to review progress made in science and technology and provide policy recommendations based on its analysis to the COP.²⁵ The SBSTA will provide the same functions to the COP/MOP on issues directly related to the implementation of the Kyoto Protocol.²⁶ The COP Bureau guides SBSTA on procedural issues related to the Convention, while the COP/MOP Bureau guides it primarily on process matters related to the Protocol.

The Subsidiary Bodies for Implementation (SBI)

The SBI is responsible for providing assistance in evaluating and reviewing the implementation of the Convention.²⁷ The SBI will serve the COP/MOP with this same function for issues specific to implementation of the Kyoto Protocol.²⁸ Like the SBSTA, the SBI is guided by both the COP and COP/MOP Bureaus, depending on the issues being negotiated during the meeting.

3.3.3 Formal bodies specific to the KP

The CDM Executive Board

The CDM Executive Board is responsible for supervising the operation of the Clean Development Mechanism (CDM), reviewing and preparing detailed CDM decisions presented to the COP/MOP, and ensuring its successful operation.²⁹ In this context the CDM Executive Board will make further

recommendations on modalities and procedures to the COP/MOP, report on its activities at each COP/MOP session, and report on regional and sub-regional distribution of CDM project activities to the COP/MOP in view of ensuring equal distribution. The COP/MOP will assist the Executive Board in arranging for funding of CDM activities, as necessary. The CDM Executive Board has been operational since 2001, under a mandate from the COP.^{30,31,32}

The Article 6 Supervisory Committee

The responsibility of the Article 6 Supervisory Committee (A6SC), established through the Marrakech Accords, is to supervise the verification of emission reduction units (ERUs) from track 2 JI projects,³³ to report on JI activities to the COP/MOP, and to ensure successful implementation of the mechanism.³⁴

At the end of the first commitment period, the Committee will review and make recommendations to the COP/MOP on JI implementation procedures. The A6SC is to be established at COP/MOP 1, where further procedural rules for the A6SC will be determined.

The Compliance Committee

The Compliance Committee and its operations represent one of the strongest and most sophisticated mechanisms established in any Multilateral Environmental Agreement to date.³⁵

The main responsibility of the Compliance Committee is to ensure that Parties are respecting their commitments under the Kyoto Protocol.³⁶ The Compliance Committee is made up of two branches. The Facilitative Branch is accountable for providing advice and assistance to Parties that may be in danger of not complying with the Kyoto Protocol. It therefore promotes compliance and plays an early warning role. The Enforcement Branch is responsible for ensuring that Parties meet their commitments, which may mean applying consequences for failing to meet commitments. The Enforcement Branch will operate with a limited degree of discretion in order to maximize legal certainty and will make public the consequences to be applied.

The work of the Compliance Committee is overseen by a Committee Plenary and facilitated by a Committee Bureau.

These are specific to the Compliance Committee and are in no way related to the Bureau and the Plenary of the COP/MOP. All members of both branches meet in the Plenary, whose main role is to communicate decisions taken by the Committee to COP/MOP and receive guidance from COP/MOP. The Bureau is mainly responsible for coordinating the work of the two branches and ensuring they interact and cooperate effectively. It is composed of the Chair and Vice-Chair of each branch.

The Compliance Committee is to be established at COP/MOP 1 and will operate beyond the first commitment period irrespective of the future of the Kyoto Protocol. Compliance will be assessed in part on the basis of a report provided by the Parties that is due after the grace period for fulfilling commitments — 100 days following the completion of the expert review process, which is to be decided on by the COP/MOP.³⁷ Therefore, the Compliance Committee will have to operate until it can ascertain the degree to which each country has met its Kyoto Protocol target, and until it has taken a position on the consequences of any non-compliance — probably well into 2015.³⁸

3.3.4 The workings of the Bodies specific to the Kyoto Protocol

The three bodies described in section 3.3.3 were specifically designed to facilitate the implementation of the Kyoto Protocol. These bodies have ten members and ten alternate members each, and their decision-making processes are all based primarily on consensus. However, they differ from each other in their composition, last-resort decision-making processes, meeting frequency and openness (see Table 1).

Since the Marrakech Accords stress the need for the A6SC process to draw on the experience of the CDM Executive Board, it can be expected that the workings of the CDM Executive Board will inspire that of the A6SC. On the other hand, as the Compliance Committee was designed to serve a significantly different purpose from that of the CDM Executive Board and the A6SC, the workings of its two branches may be quite different.

Table I. Characteristics of the bodies serving the COP/MOP

	CDM Executive Board	Article 6 Supervisory Committee	Compliance Committee	
			Facilitative Branch	Enforcement Branch
Membership				
Number of Members	10 members and 10 alternate members			
Composition	1 from each of the 5 UN regional groups; 2 from Annex I; 2 from Non-Annex I; 1 from SIDS ¹	3 Annex I Parties undergoing a transition to a market economy; 3 Annex I Parties not undergoing a transition to a market economy; 3 Non-Annex I Parties; 1 from SIDS ¹	1 from each of the 5 UN regional groups; 2 from Annex I; 2 from Non-Annex I; 1 from SIDS ¹	
Term of Members	2 years for 5 members, 3 years 5 members. Subsequent terms always 2 years.		2 years for 5 members, 4 years 5 members. Subsequent terms always 4 years.	
Maximum consecutive terms	2			
Chairperson and vice-chairperson	One has to be from an Annex I Party and the other from a Non-Annex I Party. Elected annually by members.			

¹ Small Island Developing States (SIDS)

	CDM Executive Board	Article 6 Supervisory Committee	Compliance Committee
			Facilitative Branch Enforcement Branch
Decision-making			
Decision-making		Consensus	
Last resort decision-making		3/4 majority of members present and voting	3/4 majority of members present and voting plus a majority of both Annex I and Non-Annex I Parties
Quorum	2/3 of the Members representing a majority of the Annex I and non-Annex I Members		3/4 of the Members
Language of decisions	All 6 official languages of the UN ²		To be addressed by COP/MOP
Meetings			
Frequency	As needed, but not less than 3 times per year		Twice a year, unless decided otherwise
Open to observers	Yes		To be addressed by COP/MOP

Sources: Based on Decision 16/CP.7, Decision 24/CP.7 and Decision 21/CP.8

²The CDM Executive Board's working language is English (Decision 21/CP.8).

4. Navigating a COP and a COP/MOP

With the entry into force of the Kyoto Protocol, the already challenging intergovernmental process will have a new layer of complexity due to the initiation of the COP/MOP process. At a 2004 workshop held in conjunction to SBI 21,³⁹ Parties met to discuss the organization of the intergovernmental process. A number of issues were flagged by negotiators in relation to the challenges they face. Some of the main issues identified include extensive and complicated agendas leading to busy meeting schedules and a large number of contact groups and informal consultations during sessions. In addition, the COP/MOP will likely raise new substantive concerns for negotiators and other participants.

Additional challenges in a nutshell:

- **Decision-making under COP versus COP/MOP.** A number of issues related to the Kyoto Protocol are still under negotiation. Parties to the Kyoto Protocol can decide to address these under the COP or the COP/MOP. In such cases, negotiators will need to understand the consequences of this choice. If the matter is dealt with under the COP, it will allow non-Kyoto Protocol Parties to block decision-making on an issue that may be related to the Kyoto Protocol. This can present benefits or drawbacks, depending on what the Party seeks to achieve on the issue. It is therefore imperative to understand the consequences prior to deciding under which body the matter should be addressed.
- **Impacts on coalitions.** The COP/MOP is also likely to have an influence on existing coalitions. Countries that are not a Party to the Kyoto Protocol will not participate in the deliberation at the COP/MOP. This may impact the relative leverage of the existing coalitions under the COP/MOP as compared to those formed under the COP. Parties to the Kyoto Protocol will need to assess how coalitions may be affected and gauge how the balance of power among coalitions may change. Subsequently, some coun-

tries may decide to join forces with different coalitions or form new ones to enhance their voice.

- **Hefty schedules.** The number of formal and informal meetings will likely increase significantly. It will become ever more important for negotiators to clearly establish their priorities, as their agendas and schedules become more demanding. This will be even more problematic for small delegations, which are already stretched to cover the large number of issues before the COP. Differentiating between formal meetings, informal meetings and side events can help negotiators and observers to better manage the challenge of complex scheduling and heavy agendas. Furthermore, delegations that find the scheduling challenging may gain from collaborating or seeking assistance from like-minded Parties and observer organizations willing to provide guidance and support.
- **Role of observers at the COP/MOP.** For observers, the large number of sessions, side events, and additional meetings will create a challenge in ensuring that their message is not lost. They will be challenged in balancing their participation in the different meetings, in learning about issues being negotiated, and in sharing their views with increasingly busy negotiators. To be effective, they will also need to closely follow the development of new coalitions that may form as a result of the COP/MOP process.

5. Future Prospects

The inception of the COP/MOP process constitutes a milestone in the climate regime as it allows negotiators to focus on ensuring the efficient implementation of the Kyoto Protocol. It will unavoidably create challenges for negotiators and other participants. Starting in November 2005, it is intended for the COP/MOP to meet once yearly to adopt decisions being brought forth by the relevant bodies of the Kyoto Protocol. As 2008 approaches, it is foreseeable that the work agenda of the COP/MOP will increase further in preparation for the beginning of the first commitment period.

The long-term fate of the COP/MOP is obviously predicated on the future of the Kyoto Protocol. According to the Protocol, consideration of the next generation of commitments must be initiated at least seven years before the end of the first commitment period in 2012.⁴⁰ Those commitments are a hotly debated issue, and observers and negotiators hold diverging positions.

In our view, two scenarios are relevant for the COP/MOP. If Parties negotiate a second commitment period for the Kyoto Protocol, the COP/MOP will remain operational with the responsibilities it has been assigned already, plus any further functions that may be allocated to it. Another possibility is that Parties choose to adopt a different instrument to further the advancement of the climate regime. In this case, the COP/MOP would continue dealing only with the Kyoto Protocol issues that are still relevant in the post-2012 period. The COP/MOP may then also be called upon to collaborate with the COP to ensure a harmonious transition from the Kyoto Protocol to that new instrument.

The climate regime cannot draw an impermeable line at the end of the year 2012 and start a completely new architecture in 2013, in particular because the work of the Compliance Committee may well extend to 2015. At least two main aspects will have to be considered. First, decisions would need to be made about how the new instrument would account for under- or over-compliance with Kyoto Protocol targets. Second, a decision would need to be taken

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with respect to whether the flexibility mechanisms (CDM, JI and Emissions Trading) will continue to exist, and if so in what form. Both of these carry-over issues would need to be addressed should Parties contemplate adopting another instrument after 2012.

The healthy evolution of the climate regime therefore depends to a great extent on ensuring an appropriate transition beyond the first commitment period. Thus, the COP/MOP has an important role to play not only in the successful implementation of the Protocol itself, but, perhaps more importantly, in demonstrating that the regime can continue to evolve, building on each step to constitute a stronger successive period.

Appendix 1

Schedule of future sessions

The COP/MOP will be held in conjunction with the COP unless it is decided otherwise by the COP/MOP (see Figure 6).⁴¹ Extraordinary sessions of the COP/MOP can also be convened if Parties judge it necessary for the timely implementation of the Protocol. The decision to hold an extraordinary session can be taken by the COP/MOP or on the request of any Party, if supported by at least one third of the Parties.⁴²

Figure 6. Provisional dates for future sessions

	COP	COP/MOP	SB	
	11	1	22	28 Nov. - 9 Dec.*
2006			23	15-26 May*
	12	2	24	6-17 Nov.*
2007			25	7-18 May
	13	3	26	5-16 Nov.
2008			27	2-13 June
	14	4	28	1-12 Dec
2009			29	1-12 June
	15	5	30	30 Nov. - 11 Dec
2010			31	1-11 June
	16	6	32	15-26 Nov.

* Dates for sessions to be held in 2006 have already been confirmed

Note: There has been a request from IPCC to consider postponing COP 13 by 3-4 weeks to provide more time for the preparation of the IPCC Fourth Assessment Report Synthesis. This request will be considered at SBI 22.

Source: Based on FCCC/SBI/2005/4

Appendix 2

Tips and tricks for new participants

WHERE can I find information?

UNFCCC Information

- UNFCCC essential background pages offer an overview of the Convention and Kyoto Protocol. http://unfccc.int/essential_background/items/2877.php
- **Daily Agenda*** provides information on all the events being held, including official and closed meetings as well as side events.

News

- **Earth Negotiations Bulletin*** – a daily record of ongoing negotiations. http://www.iisd.ca/process/climate_atm.htm
- **ENB on the Side*** – a daily bulletin that covers issues discussed at side events. http://www.iisd.ca/process/climate_atm.htm
- **ECO*** – a newsletter of the Climate Action Network (CAN). <http://www.climateactionnetwork.org/eco/>

On the monitors

- On site, watch monitors for changes to the daily agenda.

* Printed copies are also available at the documentation desk during sessions.

WHO attends the intergovernmental meetings?

*Types of groups participating:*¹

- **Parties** - official country negotiators
- **Observers**
 - **Environmental non-governmental organizations (ENGOs)** – They participate in many ways through, among others, pro-

viding information, intervening in discussions, lobbying negotiators, monitoring conference developments and organizing side events. Almost all ENGOs are members of the Climate Action Network.

- **Business and industry non-governmental organizations (BINGOs)** – This group includes representatives both of industries concerned with climate change the problem and of those that are concerned with the negative impacts on industry of reducing GHG emissions.
 - **Local governments and municipal authorities (LGMA)** – They are primarily represented by the International Council for Local Environmental Initiatives (ICLEI).
 - **Indigenous peoples organizations (IPO)** – This is a small yet vocal group which participates by organizing side events and intervening in discussions.
 - **Research and independent non-governmental organizations (RINGOs)** – organizations engaged in independent research and analysis aimed at developing sound strategies to address the causes and consequences of global climate change.
 - **Intergovernmental organizations** (e.g. World Bank, Organization for Economic Cooperation and Development, United Nations Environment Program).
- **Media/Press**

WHERE can I go?

It is important to know which sessions all participants can attend, and which ones are specific to a particular group.

- **Open plenary** – official, open to everyone, unless otherwise decided by the COP or COP/MOP.
- **Coalition meetings** – open only to members of that coalition (these are usually marked by the name of the coalition such as G-77, GRULAC, Umbrella Group, etc.).
- **Side events** – usually open to all participants unless otherwise indicated.

HOW to communicate and meet up with people?

A number of facilities are available to facilitate communications between participants:

- “Meeting points” are clearly identified
- A message board is set up at the conference site
- Cell phone rentals are available on-site
- Computer rooms are available and open to all participants. They are equipped with internet and printers.
- Negotiators’ pigeonholes. These are the best places to leave special messages for specific negotiators, but they are not to be used for generic information.

¹ http://unfccc.int/files/parties_and_observers/ngo/application/pdf/const.pdf

Endnotes

- 1 The COP/MOP is commonly, but incorrectly, referred to as the “MOP”.
- 2 The UNFCCC Glossary may also be helpful to understand more technical terms: http://unfccc.int/essential_background/glossary/items/2639.php.
- 3 For information on issues to be negotiated at COP/MOP 1, see FCCC/KP/CMP/2005/3.
- 4 The six greenhouse gases (GHG) addressed under the Kyoto Protocol are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFC), perfluorocarbons (PFC) and sulfur hexafluoride (SF₆).
- 5 For more details, see FCCC/KP/SBI/2005/4.
- 6 For more details, see FCCC/KP/CMP/2005/1.
- 7 These arrangements have been decided specifically for COP/MOP 1 by the SBI (FCCC/SBI/2003/8) and the COP (Decision 17/CP.9). While the SBI will review these arrangements, it is unlikely that they will change significantly for future sessions.
- 8 For more details, see FCCC/KP/SBI/2005/4.
- 9 Article 13 of the Kyoto Protocol.
- 10 Article 15.2 of the Kyoto Protocol.
- 11 For more information see FCCC/CP/1999/2.
- 12 As of October 31, 2005.
- 13 Yamin and Depledge 2004.
- 14 These procedures will be confirmed by the adoption of the rules of procedure by COP/MOP 1 (Decision 17/CP.9).
- 15 Article 13 of the Kyoto Protocol.
- 16 For more details, see FCCC/KP/CMP/2005/3/Add.3 and FCCC/KP/CMP/2005/3/Add.4.
- 17 Article 13.5 of the Kyoto Protocol.
- 18 See Gupta 2000 and Yamin and Depledge 2004, for an explanation of these contentious issues.
- 19 FCCC/SBI/2002/17, annex 1.
- 20 The five UN regional groups include: African States, Asian States, Eastern European States, Latin American and Caribbean States, and the Western European and Other States (the “Other States” include Australia, Canada, Iceland, New Zealand, Norway, Switzerland and the United States of America, but not Japan, which is in the Asian Group). For more information, refer to http://unfccc.int/parties_and_observers/parties/negotiating_groups/items/2714.php.
- 21 Article 13.3 of the Kyoto Protocol.
- 22 Article 15.3 of the Kyoto Protocol.
- 23 Article 7.1 of the UNFCCC.

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- ²⁴ Article 8 of the UNFCCC and Article 14 of the Kyoto Protocol.
- ²⁵ Article 9 of the UNFCCC.
- ²⁶ Article 15 of the Kyoto Protocol.
- ²⁷ Article 10 of UNFCCC.
- ²⁸ Article 15 of the Kyoto Protocol.
- ²⁹ Decision 17/CP.7.
- ³⁰ For more information please see FCCC/KP/CMP/2005/3/Add.4
- ³¹ For detailed information on the CDM Executive Board and the CDM process, visit <http://cdm.unfccc.int/>.
- ³² Decision 17/CP.7.
- ³³ Two “tracks” for JI projects were established to ensure environmental integrity if and when the host Annex 1 country fails to meet its reporting and reviewing requirements. When the host country meets its reporting and reviewing commitments, the zero-sum nature of the Kyoto commitments means that additionality is not critical. Under such scenario, countries will be able to use track 1 JI projects and will not be subject to the scrutiny of the A6SC. On the other hand, when a host country fails to meet its reporting and reviewing commitments, it could easily underestimate its emissions and thus oversell its assigned amount units through JI. Track 2 JI projects are those hosted by such countries. Such projects therefore will follow a more rigorous system that will require third party review and approval from the A6SC.
- ³⁴ Decision 16/CP.7.
- ³⁵ Yamin and Depledge 2004.
- ³⁶ Decision 24/CP.7.
- ³⁷ Decision 24/CP.7.
- ³⁸ Yamin and Depledge 2004: 352.
- ³⁹ For more details, see FCCC/SBI/2005/2.
- ⁴⁰ Article 3.9 of the Kyoto Protocol.
- ⁴¹ Article 13.6 of the Kyoto Protocol.
- ⁴² Article 13.7 of the Kyoto Protocol.

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