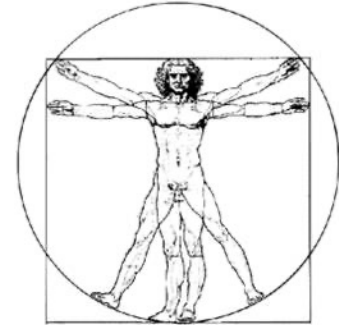


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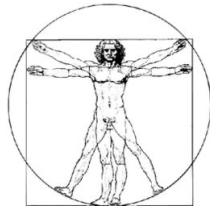


Mechanics of negotiations - Part I

Kishan Kumarsingh

for sustained capacity building in support of international climate change negotiations
pour un renforcement durable des capacités en appui aux négociations internationales
sur les changements climatiques

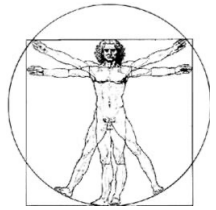
Institutional Arrangements



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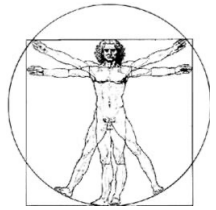
- Conference of the Parties (COP)
- CMA
- CMP
- SBSTA
- SBI

Official Documents - Guide



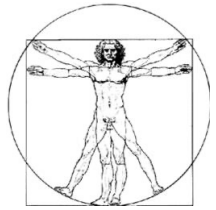
- Official documents are issued under a masthead bearing the UN and UNFCCC logos and with a UNFCCC document symbol.
- Pre-session documents are available before the meeting, usually in all six official UN languages (Arabic, Chinese, English, French, Russian, Spanish).
- Post-session documents, normally the reports of a session, are also available in all six official UN languages.

Official Documents - Guide



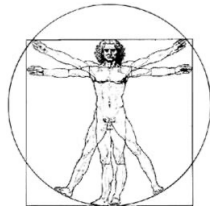
- In-session documents are available only during meetings (CRPs, Ls, MISCs).
- L documents are normally translated.
- CRPs and MISCs are available only in the original language of issue.
- UNFCCC documents document symbols include designators for the relevant Convention Body ("CP" for the COP, "SBI" or "SBSTA" for one of the subsidiary bodies, or "SB" for documents prepared for both subsidiary bodies), and the year in which the document was prepared.

Official Documents - Guide



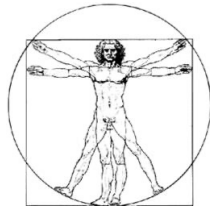
- /INF.- This suffix denotes the Information series. These documents are not translated and are available in the original language of issue for general distribution. Often prepared by the Secretariat
- /MISC. - This suffix denotes Miscellaneous documents. These documents are not translated and are issued on plain paper with no UN masthead and are available for general distribution. In the UNFCCC process, submissions by Parties are normally issued as miscellaneous documents. are normally translated.
- Add. - This suffix indicates an addition of text to the main document. The distribution category depends on the parent document.
- /Rev. - This indicates a new text (Revision) superseding and replacing that of a previously issued document.
- /Corr.- This suffix denotes corrigendum documents. It indicates modification of any specific part of an existing document to correct errors, revise wording or reorganise text, whether for substantive or technical reasons. The language of availability and scope of circulation depends on the parent document..

Official Documents - Guide



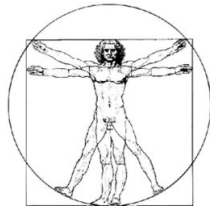
- /TP/: This denotes technical papers.
- /L: - This suffix denotes limited distribution documents. They are usually translated. The distribution in hard copy is limited to those likely to be immediately interested in the work of the body concerned (however these documents are usually available on the secretariat web site).
- Conference Room Papers (CRPs) - A category of in-session documents containing new proposals or outcomes of in-session work for use only during the session. The distribution in hard copy is limited to those likely to be immediately interested in the work of the body concerned (however these documents are usually available on the secretariat web site).

Official Documents - Guide



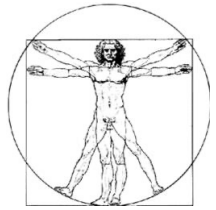
- nonpapers - Unofficial papers. Often used as proposals by parties as compromise. In-session documents made available informally to facilitate negotiations. Decisions, recommendations and resolutions of the Conference of the Parties (COP) are contained in the second part of the COP reports. The first part of the report contains the report of the proceedings the session.
- FCCC/SBI/2023/L.6/Add.1

Process - Rules of Procedure



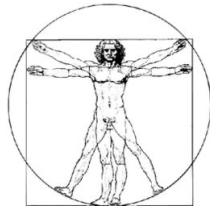
- Draft rules of procedure being applied -The draft rules of procedure address a number of important issues for the conduct of business: the agenda, quorum, the functions of the presiding officer, submission of proposals, motions, and decision-making.
- The Parties to the UNFCCC have agreed to apply the draft rules of procedure contained in document FCCC/CP/1996/2, with the exception of rule 42, in meetings held under the climate change process.

Process - Rules of Procedure



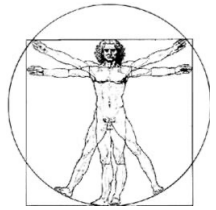
- Adoption of the agenda -the provisional agenda of each session of COP/CMP is prepared by the secretariat in agreement with the President. The provisional agenda of each session of the subsidiary bodies is similarly prepared in agreement with the chairs of those bodies.
- When adopting its agenda, each body may decide to add, delete, defer or amend items

Process - Rules of Procedure



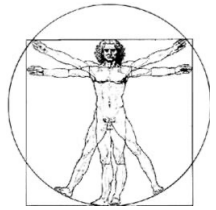
- Sometimes during the adoption of the agenda Parties disagree on the inclusion of an item in the agenda. Such disagreements often lead to procedural blockage. In the UNFCCC practice, such an item is normally held in abeyance pending further consultations.
- This allows the work to continue while the presiding officer holds consultations
- If by the final plenary meeting the presiding officer has been unable to find consensus on the item, the common practice is for the presiding officer to propose to the session that the item be included in the provisional agenda of the next session in accordance with rules 10(c) and 16 of the draft rules of procedure being applied. The item is subsequently included in the provisional agenda of the next session with an appropriate footnote.

Institutional Structure



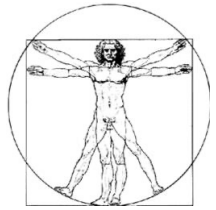
- The Convention, the Kyoto Protocol, and the Paris Agreement establish the standard institutional arrangements for the climate change intergovernmental process:
- A supreme governing body the COP for the Convention, the CMP for the Kyoto Protocol, and the CMA for the Paris Agreement;
- Subsidiary bodies: two standing subsidiary bodies the Subsidiary Body for Implementation (SBI) and the Subsidiary Body for Scientific and Technological Advice (SBSTA) as well as other subsidiary bodies established by the COP, the CMP or the CMA as deemed necessary to address specific issues;
- Process management body: the bureau of the COP, CMP and CMA;
- A secretariat.
- Collectively, these institutions participate in the process of development of policies and guidance to support Parties on implementation of the Convention and the Protocol.

Organisation of Work - Negotiating Forums



- Plenary - The plenary meetings of the COP, CMP, CMA and the subsidiary bodies are the formal forums for discussion and decision-making by Parties to the Convention, the Kyoto Protocol, and the Paris Agreement.
- Plenary meetings are open to participation by all Parties, observer States and organizations, the media and other participants registered for the climate change sessions.
- Negotiations on key issues rarely take place in plenary meetings. These are conducted in smaller, less formal forums, such as contact groups and informal consultations. Plenary meetings provide Parties with the forum to make general statements on items on the agenda of the meeting.

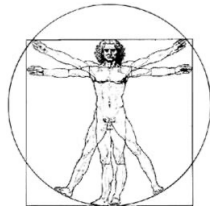
Organisation of Work - Negotiating Forums



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- Contact Groups - Contact groups are established to conduct negotiations on specific agenda items, with the aim of achieving an agreed outcome. They are established through a decision by the COP, CMP, CMA or subsidiary bodies, based on a proposal by the President, Chair of the subsidiary body or a Party. Contact groups are open-ended, that is, open to participation by all Parties.

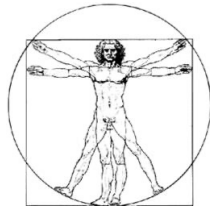
Organisation of Work - Negotiating Forums



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- Contact Groups - Representatives of observer organizations may be invited to attend any open-ended contact group unless one third of the Parties present at the session object, and on the understanding that the presiding officer of the contact group may determine at any time that the contact group should be closed to observer organizations

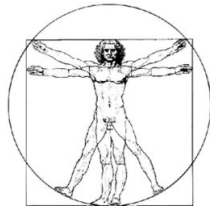
Organisation of Work - Negotiating Forums



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- Informal Consultations - Informal consultations are convened by the President or Chair of a subsidiary body or contact group, with the approval of the body. The presiding officer normally invites a delegate to undertake consultations on a particular issue and report to him or her on the outcome of these consultations, which may take the form of bilateral consultations, open ended meetings or a combination of both.

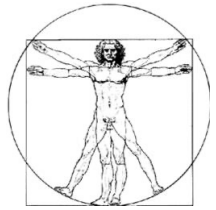
Organisation of Work - Negotiating Forums



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- The discussions in both contact groups and informal consultations are conducted, and documents are available, only in English.

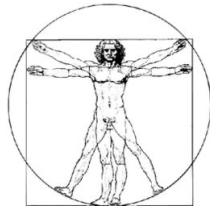
Organisation of Work - Negotiating Forums



Smaller settings

- Friends of the Chair - convened by presiding officers to advance negotiations on particularly difficult and politically sensitive issues. A limited number of Parties are invited to participate in these closed meetings usually chaired by the presiding officer. Only invited delegates attend, no formal rules are applied, and the conduct of business is entirely at the discretion of the chair.

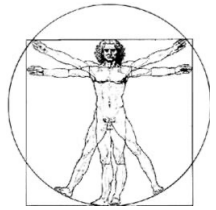
Organisation of Work - Negotiating Forums



Smaller settings

- Informal informal - Informal informals (also referred to as drafting groups or spin off groups) have been used to troubleshoot a specific problematic issue or advance negotiations on contentious issues, e.g. to draft a specific section of text or resolve a specific problem.
- These informal informals are established with the agreement of the group or under presiding officers own responsibility. The presiding officer may request a delegate to facilitate such meetings, which may be open ended or limited to only those delegates invited to participate. Smaller group meetings are not advertised and observers are not permitted to attend.

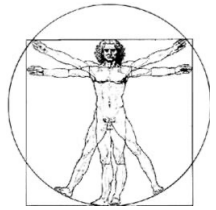
Organisation of Work - Negotiating Forums



Points of order - is an intervention directed to the presiding officer, requesting him or her to use certain powers inherent in his or her office or vested in him or her by the rules of procedure. A point of order may relate to:

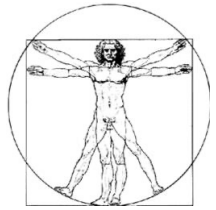
- The manner in which debate is being conducted;
- The maintenance of order in the meeting;
- The compliance with the rules of procedure;
- The manner in which the presiding officer is exercising the powers conferred on him by the rules of procedure.

Organisation of Work - Negotiating Forums



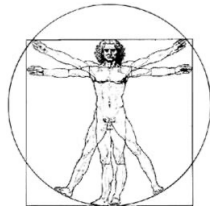
- Rule 34 of the draft rules of procedure being applied provide that a representative may at any time raise a point order during the discussion of any matter.
- The presiding officer is required to decide immediately on the point of order.
- A representative may appeal against the ruling of the presiding officer. Such an appeal shall be put to the vote immediately and the presiding officers ruling shall stand unless overruled by the majority of the Parties present and voting.

Organisation of Work - Negotiating Forums



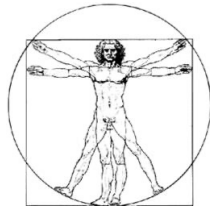
- A point of order has precedence over any other matter including the procedural motions specified in rule 38 of the draft rules of procedure being applied.
- Points of order are also distinct from procedural motions in one important respect: they involve issues requiring an immediate ruling by the presiding officer, subject to possible appeal to the meeting.

Paper trail



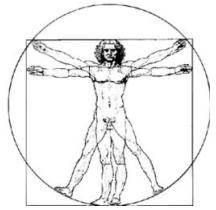
The text of a decision or conclusions evolves through various versions and revisions during a negotiation process. A draft outcome text (draft decision/conclusions) is normally prepared by the secretariat and forms the basis on which Parties negotiate. Once a text enters negotiations, individual Parties or negotiating groups offer their proposed revisions. Much of this takes place through oral interventions by delegations from the floor. More complex amendments or proposals by negotiating groups are often submitted in writing.

Paper trail



Sometimes, in order to bridge differences, the President, Chair or facilitator prepares and presents a compromise text, using his or her political authority to persuade delegates to accept the text without much revision and move forward. This is known as the President's or Chairs text and may include brackets.

Brackets are used to denote text that are proposals from parties for which there is no agreement, but remains on the table.



Source: Guide for Presiding Officers

https://unfccc.int/resource/docs/publications/guide_presiding_officers.pdf