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UNFCCC decision-making process

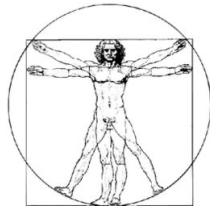
Sub-title

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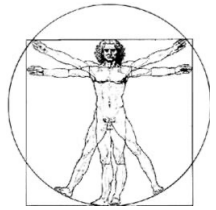
Overview



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- Rules of Procedure
- Agenda setting
- Role of the President
- Possible outcomes of COP and SB meetings
- Legal nature of COP decisions and conclusions
- Legal and procedural issues at COP29

Rules of Procedure



- Negotiations are conducted on the basis of the Draft Rules of Procedure (RoP) being applied, except for Rule 42 on voting
- In practice, decisions are taken by consensus: no objection made, but does not necessarily mean unanimity
- No decision: Rule 16 is applied - item is carried over “as is” to next meeting

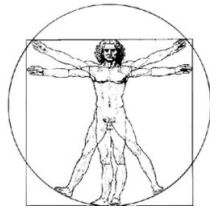
RoP covers main aspects of **ecbi** negotiation process including agenda, quorum, decision-making, functions of the Presiding officer, etc.

Apply to CMP, CMA, SBs
'mutatis mutandis'



bit.ly/RoProcedure

Agenda setting (rules 9-16, RoP)

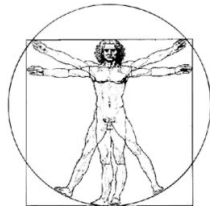


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- Agenda serves to structure UNFCCC meeting process and negotiations of a session
- Adoption of provisional agenda at opening plenary but beware ‘agenda fight’!
- Supplementary agenda
- Each governing and subsidiary body has its own agenda
- Joint agendas: cross-cutting issues, reports by constituted bodies accountable to more than one governing body, matters covered under both Convention and PA
- Annotated agenda: background, expected outcomes, related documents

Subsidiary Body for Scientific and Technological Advice

Sixtieth session
Bonn, 3–13 June 2024

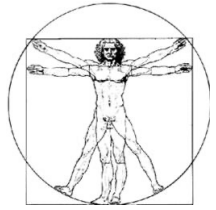


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Agenda as adopted^{1 2}

1. Opening of the session.
2. Organizational matters:
 - (a) Adoption of the agenda;
 - (b) Election of officers other than the Chair;
 - (c) Organization of the work of the session;
 - (d) Mandated events.
3. Matters relating to the global stocktake: procedural and logistical elements of the overall global stocktake process.*
4. Research and systematic observation.
5. Matters relating to adaptation:
 - (a) Matters relating to the global goal on adaptation;*
 - (b) Report of the Adaptation Committee and review of the progress, effectiveness and performance of the Adaptation Committee;*
 - (c) Nairobi work programme on impacts, vulnerability and adaptation to climate change.
6. Terms of reference for the 2024 review of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts.*
7. Local Communities and Indigenous Peoples Platform.
8. Sharm el-Sheikh mitigation ambition and implementation work programme.*
9. United Arab Emirates just transition work programme.*
10. Matters relating to the forum on the impact of the implementation of response measures serving the Convention, the Kyoto Protocol and the Paris Agreement.*
11. Sharm el-Sheikh joint work on implementation of climate action on agriculture and food security.*
12. Matters relating to the operation of the clean development mechanism.
13. Matters relating to Article 6 of the Paris Agreement:

Role of the President (rule 23, RoP)



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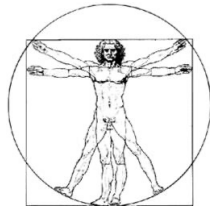
- Controls proceedings but remains under the authority of COP/CMP/CMA
- Provides political leadership
- Ensures observance of rules
- Gives right to speak
- Announces decisions
- Rules on points of order



Photo by IISD/ENB | Mike Muzurakis



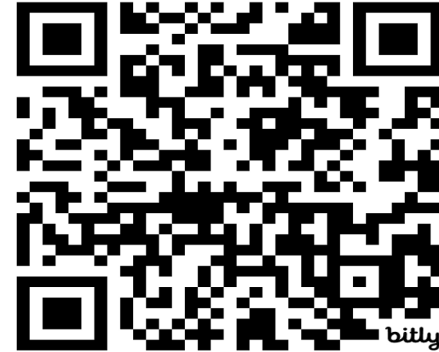
Possible outcomes of COP and SB meetings



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Outcomes of a COP

- COP decisions
- Political declarations
- Accord
- Agreement
- Work Programme



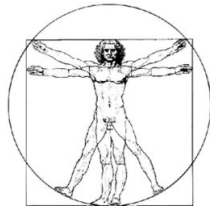
bit.ly/COPoutcomes

Outcomes of SBs: conclusions

Secretariat: reports, summary reports.

Constituted bodies: reports, recommendations for the COP

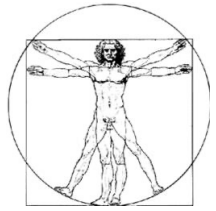
Legal nature of COP decisions



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- COP decisions follow treaty structure: **preamble** ('*recalling*', '*welcoming*') provides context and guides interpretation of **operative part** = core of what parties have to agreed to do
- Negotiated **language**, open to interpretation
- COP decisions in the UNFCCC are generally not considered legally binding on the parties
- They indicate a political commitment
- They have a normative aspect all the same
- Language matters!

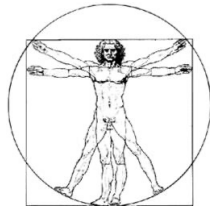
Legal nature of conclusions



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- Give recommendations to COP/CMP/CMA and, in some cases, include draft decision text which SBI or SBSTA recommends for consideration and adoption
- Not legally binding but have normative effect
- Language matters !

Legal and procedural issues at COP29



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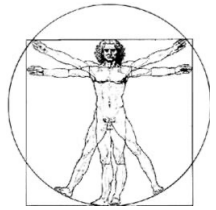
I) Adoption of the NCQG decision

President did not scan the room/
some countries intervened
afterwards objecting to the adoption

Were these points of order?

LRI advice on process of adoption of
the goal

Legal and procedural issues at COP29 (contd.)



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2) Agenda adoption

Dialogue on implementing the GST under finance/
compromise with a footnote

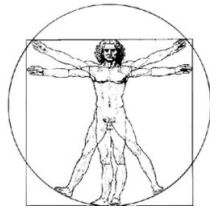
- Supplementary agenda to be addressed in Presidential consultation
- What if the agenda is not adopted?: LRI advice

3) Just Transition and MWP

‘Mutiny’ of the Parties as they were being rushed to conclude negotiations at SBs and the SB conclusions agreed to continue at the next SBs (in 2025). COP is the governing body, as such SBs cannot stop COP taking up the matter if parties agree to continue discussions

➔ Highlights party-driven nature of the process

Legal and procedural issues at COP29 (contd.)



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4) Developing indicators for the GGA

Some parties in the negotiations in Bonn were hoping to request the Adaptation Committee to take some action towards the development of indicators, plus creating an expert body. SBs cannot mandate or create bodies.

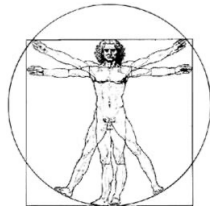
5) Gender

US and EU proposal to add gender to the CMA rejected by the G77.

Refusal to include any reference to the PA in the gender decision.

What is the relationship between the UNFCCC and the PA?

LRI provided advice on all of these issues (and more!)

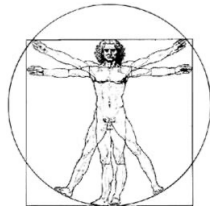


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We provide support on the ground in the sessions (SBs and COPs) and throughout the year to prepare for the negotiations.

Support includes clarifying legal issues (legal queries), briefings, more complex legal analysis, drafting text, submissions, etc.





Thank you

Any questions?

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