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INTERGOVERNMENTAL NEGOTIATING COMMITTEE  
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE  
Third session  
Nairobi, 9 - 20 September 1991

### PROVISIONAL AGENDA AND ANNOTATIONS TO THE PROVISIONAL AGENDA, INCLUDING SUGGESTIONS FOR THE ORGANIZATION OF WORK

#### Note by the Executive Secretary

#### I. PROVISIONAL AGENDA

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  - (b) Organization of work;
  - (c) Dates and venues of subsequent sessions;
  - (d) Provisional agenda for the fourth session.
2. Preparation of a framework convention on climate change:
  - (a) Elements related to commitments: draft text to be prepared by Working Group I;
  - (b) Elements related to mechanisms: draft text to be prepared by Working Group II;
  - (c) Consideration by the plenary of progress reports submitted by the Working Groups.
3. Review of extrabudgetary funds:
  - (a) Special voluntary fund to support the participation of developing countries;
  - (b) Trust fund for the negotiating process.
4. Adoption of the report.

## II. ANNOTATIONS TO THE PROVISIONAL AGENDA

By its resolution 45/212 of 21 December 1990, the General Assembly decided "to establish a single intergovernmental negotiating process under the auspices of the General Assembly, supported by the United Nations Environment Programme and the World Meteorological Organization, for the preparation by an Intergovernmental Negotiating Committee of an effective framework convention on climate change, containing appropriate commitments, and any related instruments as might be agreed upon."

The first session of the Committee was held in Washington, D.C., from 4 to 14 February 1991. The report on that session, including its decisions, is contained in document A/AC.237/6 and Corr.1. The second session of the Committee was held in Geneva from 19 to 28 June 1991; the report on that session is contained in document A/AC.237/9.

The third session of the Intergovernmental Negotiating Committee will be held at the United Nations Office at Nairobi (Gigiri), Kenya, from 9 to 20 September 1991. The session will be opened by the Chairman of the Committee on 9 September 1991, at 11 a.m., in Conference Room 2. The earlier part of the morning could be used for meetings of the Bureau and of regional groups.

### 1. Organizational matters:

#### (a) Adoption of the agenda

The Committee took note of the provisional agenda for its third session at its 8th plenary meeting on 28 June 1991. It is presented for adoption.

Before the adoption of the agenda of its third session, the Executive Secretary will bring to the attention of the Committee any other items which it may need to consider.

#### (b) Organization of work

##### (i) Participation

By paragraph 2 of its resolution 45/212, the General Assembly decided that "the Intergovernmental Negotiating Committee should be open to all States Members of the United Nations or members of the specialized agencies, with the participation of observers in accordance with the established practice of the General Assembly."

Notification of the date and venue of the third session has been communicated to the Permanent Missions of all participating States in Geneva and New York, as well as to observers. Efforts are being made to disseminate this information and the documentation for the session as widely as possible to facilitate full and effective participation (see Committee decision 1/2, para. 6).

By paragraph 19 of its resolution 45/212, the General Assembly invited "relevant non-governmental organizations to make contributions to the negotiating process, as appropriate, on the understanding that these organizations shall not have any negotiating role during the process, and taking into account decision 1/1 concerning the participation of non-governmental organizations adopted by the Preparatory Committee for the United Nations Conference on Environment and Development at its first session".<sup>1/</sup>

In this connection, the attention of the Committee is drawn to decision 2/1 adopted by the Preparatory Committee for the United Nations Conference on Environment and Development at its second session, held at Geneva from 18 March to 5 April 1991<sup>2/</sup>, and its subsequent accreditation of non-governmental organizations.

(ii) Schedule of meetings

The tentative schedule of meetings contained in annex I to the present document is based on the availability of facilities during normal working hours, Monday to Friday, when services are available for up to two simultaneous meetings from 10 a.m. - 1 p.m. and 3 p.m. - 6 p.m. Delegations are urged to use these services fully by starting all meetings promptly at the scheduled time.

(iii) Subsidiary organs

At its first session, by its decision 1/1, the Committee established two Working Groups and determined their tasks.

It decided in this context that, if and when it is deemed necessary, the Working Groups, subject to the approval of the Committee, may establish ad hoc subgroups to deal with specific issues, with due respect to the understanding that no more than two meetings may be held at any one time within the Committee (decision 1/1, annex, para.11).

The Working Groups started their work at the second session of the Committee after the Committee had elected two Co-Chairmen and a Vice-Chairman for each Working Group.<sup>3/</sup> The Committee agreed that work on principles and definitions would be addressed by the two Working Groups, as necessary, but that the bulk of the consideration of these aspects of the framework convention was expected to take place in Working Group I.

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<sup>1/</sup> Official records of the General Assembly, Forty-fifth Session, Supplement No.46 (A/45/46), annex I, decision 1/1.

<sup>2/</sup> Official records of the General Assembly, Forty-sixth Session, Supplement No.48 (A/46/48), annex I, decision 2/1 and 2/2.

<sup>3/</sup> See document A/AC.237/9, Chapter II, section E and Chapter III, sections C - E.

(c) Dates and venues of subsequent sessions

At its 6th and 7th plenary meetings, the Committee considered and adopted the programme of its future sessions in 1991. The fourth session of the Committee will be held from 9 to 20 December 1991 in Geneva.

The Committee decided to include a session between January and June 1992 in its plans. Information concerning possible dates and venues of such a session was presented to the Committee by the secretariat. The Committee requested the Executive Secretary to continue to explore possibilities of date and venue and to report thereon to the third session.

(e) Provisional agenda for the fourth session

The Executive Secretary will propose a provisional agenda for the fourth session for consideration and approval by the Committee at the end of the third session.

2. Preparation of a framework convention on climate change

General Assembly resolution 45/212 and part I of the annex to Committee decision 1/1 provide general guidelines for the negotiation of a framework convention.

At the first session of the Committee, the secretariat circulated informal papers submitted by delegations in order to facilitate work on the convention (A/AC.237/Misc.1 and Add. 1 - 9). Subsequent submissions by delegations are contained in A/AC.237/Misc.1/Add.4/Rev.1 and A/AC.237/Misc.1/Addenda 10 and 11. Any future papers from delegations will be included in further addenda in this series.

The General Assembly, by paragraph 17 of its resolution 45/212, requested "the Intergovernmental Negotiating Committee to take into account, as appropriate, any relevant developments in the preparations for the United Nations Conference on Environment and Development that the Preparatory Committee may bring to its attention." The Preparatory Committee of the United Nations Conference on Environment and Development will be holding its third session in Geneva from 12 August to 4 September 1991. Any documents relevant to the work of the Intergovernmental Negotiating Committee at its third session will be brought to the attention of the Committee.

It is expected that general statements on this item will be made by the Executive Director of the United Nations Environment Programme, the Secretary-General of the United Nations Conference on Environment and Development, the Secretary-General of the World Meteorological Organization, and the Chairman of the Intergovernmental Panel on Climate Change.

(i) Elements related to commitments: draft text to be prepared by Working Group I

In order to facilitate its work during the third session of the Committee, Working Group I agreed that:

- a) the Bureau of the Working Group should circulate as an informal document a new compilation of principles organized in appropriate groupings (A/AC.237/Misc.6);

- 11) proposals related to commitments should be reflected in a new compilation, to be prepared under the authority of the Co-Chairmen, covering proposals contained in document A/AC.237/Misc.1 and Add.1-9, new proposals made during the proceedings of the Working Group and any further proposals communicated to the secretariat no later than 15 July 1991 (to be issued as A/AC.237/Misc.7).

It was left to the judgement of the Co-Chairmen to decide how they might further facilitate discussion at the third session of the Committee. Any further documents which they may submit will be available at the session.

- (b) Elements related to mechanisms: draft text to be prepared by Working Group II

As agreed at the second session of the Committee, the Co-Chairmen of Working Group II will submit a single text (A/AC.237/Misc.8) on the elements relating to mechanisms under the mandate of Working Group II, which could serve as a possible basis for consideration and discussion by the Working Group during the third session of the Committee. It was agreed that this text would be based on the various submissions already before the Working Group and those submitted by delegations to the secretariat in writing on or before 15 July 1991, as well as on the discussions held by the Working Group during the second session of the Committee and would include areas of convergence and, where necessary, present alternative versions where there was no convergence.

- (c) Consideration by the plenary of progress reports submitted by the Working Groups

In accordance with Committee decision 1/1 (annex, para. 2), the work of the Working Groups must be interrelated and will be integrated by the plenary. To this end, the two Working Groups will report regularly to the plenary on progress made. In this context, paragraph 10 of the annex to the same decision foresees the need for harmonizing the drafting done by the Working Groups.

Provision is made in the tentative schedule of meetings (Annex I) for the plenary to receive progress reports from the Working Groups on 13 and 20 September. Other plenary meetings could be scheduled for this purpose, if needed.

In the light of the progress of work at its third session, the Committee may wish to give guidance to the Executive Secretary on the preparation of documentation for its fourth session.

### 3. Review of extrabudgetary funds:

- (a) Special voluntary fund to support the participation of developing countries

By its resolution 45/212, paragraph 10, the General Assembly established "a special voluntary fund, administered by the head of the ad hoc secretariat under the authority of the Secretary-General of the United Nations, to ensure that developing countries, in particular the least developed among them, as well as small island developing countries, are able to participate fully and effectively in the negotiating process". Governments, regional economic integration organizations and the relevant bodies of the United Nations system, in particular the United Nations Development Programme, the United Nations Environment Programme and the World Meteorological Organization, have been called upon by the General Assembly and/or the Committee to contribute generously to the special voluntary fund.

The Executive Secretary is making arrangements to finance participation in the third session of the Committee from the special voluntary fund, following the same lines as for the second session. For this to be done, all outstanding pledges to the fund need to be paid up. Furthermore, an additional \$ US 1 million would need to be contributed to the fund in the near future, beyond amounts already pledged, if the arrangements made for the second session are to be extended to cover the fourth and fifth sessions.

(b) Trust fund for the negotiating process

The General Assembly, by its resolution 45/212, paragraph 20, decided "that the negotiating process shall be funded through existing United Nations budgetary resources, without negatively affecting its programmed activities, and through voluntary contributions to a trust fund established specifically for that purpose for the duration of the negotiations". It also invited "the World Meteorological Organization and the United Nations Environment Programme and other relevant bodies of the United Nations system, including those in the field of development, to make contributions to the negotiating process, including its funding;" Governments, regional economic integration organizations and other interested organizations were similarly invited "to contribute generously to the trust fund" (paras. 21 and 22).

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Under this item, the Executive Secretary will submit a report (A/AC.237/11) on the state of the two extrabudgetary funds, the use being made of them and the estimated funding needs for both purposes. The Committee may wish to express its views on these matters and call for the required contributions to both funds.

4. Adoption of the report

By paragraph 16 of its resolution 45/212, the General Assembly requested "the Intergovernmental Negotiating Committee, through the ad hoc secretariat and taking into account the relevance of the negotiations to the United Nations Conference on Environment and Development, to keep the Preparatory Committee for the Conference and the Secretary-General of the Conference, as well as the Secretary-General of the United Nations, regularly informed in a timely manner, through regular progress reports, of the progress of the negotiations".

The Vice-Chairman acting as Rapporteur will prepare a draft report for consideration by the Committee, following consultations in accordance with usual practice, on the model of the report on the second session.

Annex I  
Tentative schedule of meetings

Monday, 9 September 1991

- 11.00 a.m. Opening of the session by the Chairman of the Committee
- Item 1 (a) Adoption of the agenda  
Item 2 Preparation of a framework convention on climate change
- statements by Executive Director of UNEP, Secretary-General of UNCED, Secretary-General of WMO, and Chairman of IPCC (to be confirmed)
  - reports by the Chairman of the Committee and by the Co-Chairmen of the Working Groups on pre-sessional preparations

Item 1 (b) Organization of work

3 p.m. Meetings of Working Groups I and II

Tuesday, 10 - Thursday, 12 September 1991

10 a.m. and 3 p.m. daily Meetings of Working Groups I and II

Friday, 13 September 1991

- 10 a.m.<sup>a/</sup> Item 2 (c) Consideration by the plenary of progress reports submitted by the Working Groups
- Item 3 Review of extrabudgetary funds:
- (a) Special voluntary fund to support the participation of developing countries
  - (b) Trust fund for the negotiating process

3 p.m. Meetings of Working Groups I and II

Monday, 16 - Wednesday, 18 September 1991

10 a.m. and 3 p.m. daily Meetings of Working Groups I and II

Thursday, 19 September 1991

10 a.m. (and p.m. if needed) Meetings of Working Groups I and II  
(conclusion of work for the session)

Friday, 20 September 1991

- 10 a.m. Item 2 (c) Consideration by the plenary of progress reports submitted by the Working Groups
- 3 p.m. Item 1 (c) Dates and venues of subsequent sessions  
Item 1 (d) Provisional agenda for the fourth session  
Item 4 Adoption of the report

CLOSURE OF THE SESSION

<sup>a/</sup> Facilities would be available for one Working Group to meet simultaneously with plenary, as required.

ANNEX II

Preliminary list of documents for the third session of the  
Intergovernmental Negotiating Committee

Documents for the session

- A/AC.237/9 Report of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change on the work of its second session, held at Geneva, from 19 to 28 June 1991
- A/AC.237/10 Provisional agenda and annotations to the provisional agenda including suggestions for the organization of work
- A/AC.237/11 Review of extrabudgetary funds established under General Assembly resolution 45/212
- A/AC.237/Misc.1 Set of informal papers provided by delegations, and Addenda<sup>a/</sup> including "non-papers", related to the preparation of a (English only) framework convention on climate change
- A/AC.237/Misc.6 Compilation of texts related to principles: submitted by the Bureau of Working Group I
- A/AC.237/Misc.7 Compilation of texts related to commitments: submitted by the Co-Chairmen of Working Group I
- A/AC.237/Misc.8 Single text on elements related to mechanisms: submitted by the Co-Chairmen of Working Group II
- INC/FCCC/INF.5 Practical information for participants

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Other documents available at the session

- A/AC.237/5 Rules of procedure
- A/AC.237/6 Report of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change on the work of its first session, held at Washington D.C., from 4 to 14 February 1991
- A/AC.237/Misc.5 Compilation of possible elements for a framework convention on climate change submitted by delegations, contained in document and Add.1-3 A/AC.237/Misc.1, Addenda 1 - 9

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Relevant documents from the Preparatory Committee of the United Nations Conference on Environment and Development at its third session

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<sup>a/</sup>

To date: Addenda 1 - 11 (including Add.4/Rev.1)



Available for reference purposes:

General Assembly resolutions

- 45/212                    Protection of global climate for present and future generations of mankind (21 December 1990)
- 45/211                    United Nations Conference on Environment and Development (21 December 1990)
- 44/228                    United Nations Conference on Environment and Development (22 December 1989)
- 44/207                    Protection of global climate for present and future generations of mankind (22 December 1989)

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- A/45/696/Add.1        Progress achieved in the implementation of resolution 44/207 on protection of global climate for present and future generations of mankind - Report by the Secretary-General (Final statement of the Scientific/Technical session of the Second World Climate Conference and Ministerial Declaration of the Conference)
- INC/FCCC/None 9        Extracts of decisions adopted by the Governing Council of UNEP at its sixteenth session relating to climate change, May 1991
- INC/FCCC/None 12      Relevant decisions adopted by the World Meteorological Congress at its eleventh session

Regional intergovernmental meetings

- A/CONF.151/PC/10      Action for a common future. Report of the Economic Commission for Europe on the Bergen Conference (8 - 16 May 1990)
- A/CONF.151/PC/38      Report of the Economic and Social Commission for Asia and the Pacific on the Ministerial-level Conference on Environment and Development in Asia and the Pacific (Bangkok, 15- 16 October 1990)
- A/CONF.151/PC/L.30    Tlatelolco Platform on Environment and Development, adopted by ministers of the Latin American and Caribbean countries at the end of the Regional Preparatory Meeting of the United Nations Conference on Environment and Development (Mexico City, 7 March 1991)
- A/CONF.151/PC/85      Beijing Ministerial Declaration on Environment and Development adopted at the Ministerial Conference of Developing Countries on Environment and Development on 19 June 1991.