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Twelfth session
Nairobi, 6–17 November 2006

Item 2 (c) of the provisional agenda
Organizational matters
Adoption of the agenda

Provisional agenda and annotations

Note by the Executive Secretary

I. Provisional agenda

1. Opening of the session.
2. Organizational matters:
 - (a) Election of the President of the Conference at its twelfth session;
 - (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 thirteenth session of the Conference of the Parties and the calendar of meetings of Convention bodies;
 - (h) 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. Report of the co-facilitators of the dialogue on long-term cooperative action to address climate change by enhancing implementation of the Convention.

5. Review of implementation of commitments and of other provisions of the Convention:
 - (a) Financial mechanism of the Convention;
 - (b) National communications;
 - (i) National communications from Parties included in Annex I to the Convention;
 - (ii) National communications from Parties not included in Annex I to the Convention;
 - (c) Development and transfer of technologies;
 - (d) Capacity-building under the Convention;
 - (e) Implementation of Article 4, paragraphs 8 and 9, of the Convention;
 - (i) Implementation of the Buenos Aires programme of work on adaptation and response measures (decision 1/CP.10);
 - (ii) Matters relating to the least developed countries;
 - (f) Other matters referred to the Conference of the Parties by the subsidiary bodies.
6. Second review of the adequacy of Article 4, paragraph 2 (a) and (b), of the Convention.¹
7. Information about the base year of Kazakhstan.²
8. Administrative, financial and institutional matters:
 - (a) Audited financial statements for the biennium 2004–2005;
 - (b) Budget performance in the biennium 2006–2007;
 - (c) Continuing review of the functions and operations of the secretariat.
9. High-level segment.
10. Statements by observer organizations.
11. Other matters.
12. Conclusion of the session:
 - (a) Adoption of the report of the Conference on its twelfth session;
 - (b) Closure of the session.

¹ At the fourth session of the Conference of the Parties (COP), it “proved impossible to reach any agreed conclusions or decisions” on this matter (FCCC/CP/1998/16, para. 64) and the item was therefore included in the provisional agenda for the COP at its fifth session in accordance with rule 10 (c) and rule 16 of the draft rules of procedure being applied. The COP, at its fifth session, could not reach a 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 the item was included in the provisional agenda for the sixth, seventh, eighth, ninth, tenth and eleventh sessions with a footnote reflecting a proposal made by the Group of 77 and China to amend the item to read “Review of the adequacy of implementation of Article 4, paragraph 2 (a) and (b), of the Convention”. At its eleventh session, the COP decided to include the item in the provisional agenda for its twelfth session, with an appropriate explanatory footnote (FCCC/CP/2005/5, para. 24).

² At the request of Kazakhstan, this item was included in the provisional agenda.

II. Proposed organization of the sessions: overview³

1. A **welcoming ceremony** will be held to mark the opening of the Nairobi Conference on Monday, 6 November. Following the ceremony, the President of the Conference of the Parties (COP) at its eleventh session will open COP 12.
2. The **opening meeting of COP 12** will take up item 1 of the provisional agenda. The COP will also take up some procedural matters under item 2 of the provisional agenda, including the election of the President of COP 12, the adoption of the agenda and the organization of work. Statements are not envisaged, except those on behalf of groups. The COP will refer items of its agenda to the subsidiary bodies as appropriate. The COP will then take up item 7 of the provisional agenda. The opening meeting will then be adjourned.
3. **The second session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (COP/MOP) will then be opened** and the COP/MOP will take up item 1 of its provisional agenda, as well as some procedural matters under item 2, including the adoption of its agenda and the organization of work. Statements are not envisaged, except those on behalf of groups. The COP/MOP will refer items of its agenda to the subsidiary bodies as appropriate. The opening meeting will then be adjourned.
4. The **twenty-fifth sessions of the Subsidiary Body for Scientific and Technological Advice (SBSTA) and the Subsidiary Body for Implementation (SBI)** are scheduled to convene on Monday, 6 November. They will continue in plenary on Tuesday, 7 November, and Wednesday, 8 November, as necessary.
5. The **second session of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG)** is also scheduled to convene on Monday, 6 November, to hold its opening meeting. On Tuesday, 7 November, the AWG will hold an in-session workshop. The AWG will convene in plenary on Wednesday, 8 November, to consider the results of the in-session workshop and establish a contact group.
6. The **COP/MOP** will convene in plenary on Thursday, 9 November, to take up items 5, 6, 7, 11 and 17 of its provisional agenda (see the COP/MOP provisional agenda and annotations contained in document FCCC/KP/CMP/2006/1). The COP/MOP will continue on Friday, 10 November, if needed.
7. **SBSTA 25 and SBI 25** will finish on Tuesday, 14 November. They will finalize as many matters as possible, and transmit their results to the COP or the COP/MOP. **AWG 2** will also finish on Tuesday, 14 November.
8. The **second workshop under the Dialogue on long-term cooperative action to address climate change by enhancing implementation of the Convention will be held from 15 to 16 November**, in parallel with the joint meetings of the COP and COP/MOP during the high-level segment.
9. **Joint meetings of the COP and the COP/MOP will be convened during the high-level segment from 15 to 17 November.** The high-level segment will be attended by ministers and other heads of delegation, who will deliver national statements from 15 to 16 November. A joint COP and COP/MOP meeting will be convened during the morning of 17 November to hear statements from intergovernmental and non-governmental organizations.

³ As COP 12 and COP/MOP 2 will be held during the same sessional period, this overview addresses both meetings. For ease of reference for Parties and observers, the text of this overview is also contained in the annotations to the provisional agenda for COP/MOP 2 (FCCC/KP/CMP/2006/1). Further details may be made available in an addendum to this document and via the secretariat website.

10. **Separate meetings of the COP and the COP/MOP** will be convened during the afternoon of Friday, 17 November, to adopt decisions and conclusions emerging from the current sessions.

11. An overview of the scenario for the sessions in Nairobi is contained in Annex I.

12. The SBI, at its twenty-fourth session, recommended that meetings should normally end by 6 p.m. but may, in exceptional circumstances, continue no later than 9 p.m.⁴ The increased pressure on meeting time arising from the new processes established under the Convention and the Kyoto Protocol was also noted with concern. The SBI endorsed the principle that measures to use meeting time more efficiently should be introduced and noted with appreciation the willingness of Parties to be flexible and disciplined in this regard. The SBI also encouraged limiting the time for statements in plenary.

13. To maximize the use of meeting time, the President of the COP and the COP/MOP or the chairs of the subsidiary bodies may, where possible and appropriate, propose that negotiating group co-chairs facilitate agreement by tabling initial draft conclusions at the first meeting of the negotiating groups to be established, based on relevant submissions and statements made during plenary meetings, taking into account any previous negotiations and/or consultations. Representatives of Parties and international organizations are requested to keep their oral statements as brief as possible. Those representatives wishing to make a written statement available should bring copies for distribution.

14. In addition, the facilities in Nairobi, in particular the number of available meeting rooms, will also have an impact on the scenario for the conference. In the event of unexpected limitations on facilities, the above organizational scenario may need to be adjusted.

III. Annotations to the provisional agenda

1. Opening of the session

15. COP 12 will be opened by the President of the COP at its eleventh session, Ms. Rona Ambrose, Minister of the Environment of Canada.

2. Organizational matters

(a) Election of the President of the Conference at its twelfth session

16. The President of COP 11 will call for the election of Mr. Kivutha Kibwana, Minister for the Environment and Natural Resources of Kenya, as the President of COP 12. Mr. Kibwana was nominated by the African Group, in accordance with the rotation of the Presidency among regional groups. He will also serve as the President of COP/MOP 2.

(b) Adoption of the rules of procedure

17. *Background:* At COP 11, Parties decided that, as at previous sessions, the draft rules of procedure as contained in document FCCC/CP/1996/2 should continue to be applied, with the exception of draft rule 42.

18. *Action:* The COP may wish to decide to continue applying the draft rules of procedure and invite the President of COP 12 to undertake consultations to try and achieve adoption of the rules.

FCCC/CP/1996/2	<i>Organizational matters. Adoption of the rules of procedure. Note by the secretariat</i>
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⁴ FCCC/SBI/2006/11, paragraph 102.

(c) Adoption of the agenda

19. *Background:* The secretariat, in agreement with the President of COP 11, has drafted the provisional agenda for COP 12, taking into account views expressed by Parties during SBI 24 and by members of the Bureau, as well as requests received from Parties.

20. *Action:* The COP will be invited to adopt the provisional agenda.

<i>FCCC/CP/2006/1</i>	<i>Provisional agenda and annotations. Note by the secretariat</i>
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(d) Election of officers other than the President

21. *Background:* At the request of the President of COP 11, consultations on nominations to the Bureau of COP 12 were initiated at SBI 24 with regional group coordinators. There will be an oral report on these consultations. If necessary, further consultations will be held during the session. Parties are invited to recall decision 36/CP.7 and to give active consideration to the nomination of women for elective posts in any body established under the Convention.

22. *Action:* The President of COP 12 will undertake consultations on nominations to the Bureau of COP 12, as well as other elections. The COP will be invited to elect the members of the Bureau of COP 12 at the earliest opportunity following completion of consultations.

(e) Admission of organizations as observers

23. *Background:* The COP will have before it a document containing the list of organizations seeking admission as observers, following review and consideration by the Bureau.⁵

24. *Action:* The COP will be invited to consider the list and admit the organizations as observers.

<i>FCCC/CP/2006/2</i>	<i>Admission of observers: intergovernmental and non-governmental organizations. Note by the secretariat</i>
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(f) Organization of work, including the sessions of the subsidiary bodies

25. *Action:* The COP will be invited to agree upon the organization of the work of the session, including the proposed schedule of meetings (see paragraphs 1–15 above, and annex I).

<i>FCCC/CP/2006/1</i>	<i>Provisional agenda and annotations. Note by the Executive Secretary</i>
<i>FCCC/SBSTA/2006/6</i>	<i>Provisional agenda and annotations. Note by the Executive Secretary</i>
<i>FCCC/SBI/2006/12</i>	<i>Provisional agenda and annotations. Note by the Executive Secretary</i>
<i>FCCC/KP/AWG/2006/3</i>	<i>Provisional agenda and annotations. Note by the Executive Secretary</i>

(g) Date and venue of the thirteenth session of the Conference of the Parties and the calendar of meetings of Convention bodies

26. *Background:* At COP 12, a decision will be required on the date and venue of COP 13, which will be held in conjunction with COP/MOP 3 (3–14 December 2007). The SBI, at its twenty-fourth session, urged Parties to come forward with offers to host COP 13 and COP/MOP 3. At the time of writing, no offer has been received. If no offer to host is made, COP 13 and COP/MOP 3 will be held in Bonn, Germany. In keeping with the rotation among regional groups, the President of COP 13 will

⁵ Under decision 36/CMP.1, a single process will be used for the admission of observer organizations to sessions of the COP and the COP/MOP, with decisions on admission of observer organizations being taken by the COP.

come from the Asian Group. The SBI, at its twenty-fourth session, also recommended the dates of 6–17 June and 28 November to 9 December for the sessional periods in 2011.

27. *Action:* The COP may wish to invite the President to undertake consultations on the issue of the date and venue of COP 13 and COP/MOP 13. The COP may also wish to adopt the dates recommended by the SBI for the sessional periods in 2011, which are 6–17 June and 28 November to 9 December.

(h) Adoption of the report on credentials

28. *Background:* The Bureau will examine the credentials submitted by Parties to the Convention and submit its report on credentials before the end of the session for adoption by the COP.⁶

29. *Action:* The COP will be invited to adopt the report on credentials of the representatives of Parties attending COP 12. Representatives may participate provisionally, pending this action.

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

30. The COP will be invited to take note of the reports of SBSTA 24 and SBI 24, held in May 2006, and the oral reports by the chairs of the SBSTA and the SBI on the twenty-fifth sessions.

<i>FCCC/SBSTA/2006/5 and Add.1</i>	<i>Report of the Subsidiary Body for Scientific and Technological Advice on its twenty-fourth session, held at Bonn from 18 to 26 May 2006</i>
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<i>FCCC/SBI/2006/11</i>	<i>Report of the Subsidiary Body for Implementation on its twenty-fourth session, held at Bonn from 18 to 25 May 2006</i>
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4. Report of the co-facilitators of the dialogue on long-term cooperative action to address climate change by enhancing implementation of the Convention

31. *Background:* The COP, by its decision 1/CP.11, resolved to engage in a dialogue, without prejudice to any future negotiations, commitments, process, framework or mandate under the Convention, to exchange experiences and analyse strategic approaches for long-term cooperative action to address climate change that includes, inter alia, the following areas:

- (a) Advancing development goals in a sustainable way
- (b) Addressing action on adaptation
- (c) Realizing the full potential of technology
- (d) Realizing the full potential of market-based opportunities.

32. The dialogue will be conducted under the guidance of the COP and will take place in up to four workshops, where possible pre-sessional workshops, open to all Parties, to be organized by the secretariat, subject to availability of resources. The first workshop under the dialogue was held from 15 to 16 May 2006 in Bonn. The second workshop is scheduled from 15 to 16 November in Nairobi.

33. *Action:* The COP will take up this item on Friday, 17 November, to hear an oral report on both workshops from the co-facilitators of the dialogue.

⁶ Under decision 36/CMP.1, credentials from Parties to the Kyoto Protocol will apply for the participation of their representatives in sessions of the COP and the COP/MOP, and a single report on credentials will be submitted for approval, following established procedures, by the Bureau of the COP to the COP and to the COP/MOP.

5. Review of implementation of commitments and of other provisions of the Convention

(a) Financial mechanism of the Convention

34. *Background:* See the SBI 25 provisional agenda and annotations (FCCC/SBI/2006/12).

35. *Action:* The COP will be invited to refer this item to the SBI for its consideration and for recommendation of draft decisions or conclusions for adoption by the COP at its twelfth session.

(b) National communications

(i) National communications from Parties included in Annex I to the Convention

36. *Background:* See the SBI 25 provisional agenda and annotations (FCCC/SBI/2006/12).

37. *Action:* The COP will be invited to refer this item to the SBI for its consideration and for recommendation of draft decisions or conclusions for adoption by the COP at its twelfth session.

(ii) National communications from Parties not included in Annex I to the Convention

38. *Background:* See the SBI 25 provisional agenda and annotations (FCCC/SBI/2006/12).

39. *Action:* The COP will be invited to refer this item to the SBI for its consideration and for recommendation of draft decisions or conclusions for adoption by the COP at its twelfth session.

(c) Development and transfer of technologies

40. *Background:* See the SBSTA 25 provisional agenda and annotations (FCCC/SBSTA/2006/6).

41. *Action:* The COP will be invited to refer this item to the SBSTA for its consideration and for recommendation of draft decisions or conclusions for adoption by the COP at its twelfth session.

(d) Capacity-building under the Convention

42. *Background:* See the SBI 25 provisional agenda and annotations (FCCC/SBI/2006/12).

43. *Action:* The COP will be invited to refer this item to the SBI for its consideration and for recommendation of draft decisions or conclusions for adoption by the COP at its twelfth session.

(e) Implementation of Article 4, paragraphs 8 and 9, of the Convention

(i) Implementation of the Buenos Aires programme of work on adaptation and response measures (decision 1/CP.10)

44. *Background:* See the SBSTA 25 provisional agenda and annotations (FCCC/SBSTA/2006/6) and the SBI provisional agenda and annotations (FCCC/SBI/2006/12).

45. *Action:* The COP will be invited to refer this item to the SBSTA and the SBI for their consideration and for recommendation of draft decisions or conclusions for adoption by the COP at its twelfth session. The SBSTA, pursuant to paragraph 23 of decision 1/CP.10, will address issues relating to the five-year programme of work of the SBSTA on the scientific, technical and socio-economic aspects of impacts, vulnerability and adaptation to climate change. The SBI may wish to address issues relating to expert meetings and workshops.

(ii) Matters relating to the least developed countries

46. *Background:* See the SBI 25 provisional agenda and annotations (FCCC/SBI/2006/12).

47. *Action:* The COP will be invited to refer this item to the SBI for its consideration and for recommendation of draft decisions or conclusions for adoption by the COP at its twelfth session.

(f) Other matters referred to the Conference of the Parties by the subsidiary bodies

48. *Background:* Any matters concerning the Convention referred by the subsidiary bodies for the attention of the COP may be taken up under this item, including draft decisions and conclusions completed at the twenty-fourth and twenty-fifth sessions of the subsidiary bodies.

49. *Action:* The COP will be invited to adopt draft decisions or conclusions pertaining to the Convention forwarded by the SBSTA or the SBI at their twenty-fifth sessions.

6. Second review of the adequacy of Article 4, paragraph 2 (a) and (b), of the Convention

50. *Background:* Article 4, paragraph 2 (d), of the Convention provides that a second review of the adequacy of Article 4, paragraph 2 (a) and (b), shall take place not later than 31 December 1998. At COP 4, it “proved impossible to reach any agreed conclusions or decisions” on this matter.⁷ During the consideration of the provisional agenda of COP 5, the Group of 77 and China proposed amending the item to: “Review of the adequacy of implementation of Article 4, paragraph 2 (a) and (b), of the Convention”. There was no agreement, and the COP adopted the agenda of the session with the item held in abeyance. At every subsequent COP session, the item has been included in the provisional agenda with a footnote reflecting the amendment proposed by the Group of 77 and China at COP 5, the agenda has been adopted with the item held in abeyance, and the President has undertaken consultations on the matter and reported back at a later meeting.

51. *Action:* The COP may wish to invite the President to conduct informal consultations with a view to concluding this matter at this session.

7. Information about the base year of Kazakhstan

52. *Background:* A request was received from Kazakhstan to include this item in the provisional agenda of the COP at its twelfth session in order to provide information about its base year.

53. *Action:* The COP may wish to invite the President to conduct informal consultations with a view to concluding this matter at this session.

8. Administrative, financial and institutional matters

(a) Audited financial statements for the biennium 2004–2005

54. *Background:* See the SBI 25 provisional agenda and annotations (FCCC/SBI/2006/12).

55. *Action:* The COP will be invited to refer this item to the SBI for its consideration and for recommendation of draft decisions or conclusions for adoption by the COP at its twelfth session.

(b) Budget performance in the biennium 2006–2007

56. *Background:* See the SBI 25 provisional agenda and annotations (FCCC/SBI/2006/12).

57. *Action:* The COP will be invited to refer this item to the SBI for its consideration and for recommendation of draft decisions or conclusions for adoption by the COP at its twelfth session.

⁷ FCCC/CP/1998/16, paragraph 64.

(c) Continuing review of the functions and operations of the secretariat

58. *Background:* See the SBI 25 provisional agenda and annotations (FCCC/SBI/2006/12).

59. *Action:* The COP will be invited to refer this item to the SBI for its consideration and for recommendation of draft decisions or conclusions for adoption by the COP at its twelfth session.

9. High-level segment

60. National statements by ministers and other heads of delegation will be heard in joint meetings of the COP and COP/MOP during the high-level segment from 15 to 17 November 2006. Full texts of the official statements will be circulated if sufficient numbers of copies are provided to the secretariat in the course of the session.

61. Given the number of Parties and the limited amount of time available for statements, it will be necessary to limit the duration of each statement. The recommended time limit is three minutes. Statements on behalf of groups, where the other members of the group do not speak, are strongly encouraged and additional time will be provided.

62. The list of speakers will be open from Monday, 18 September, to Wednesday, 18 October 2006.⁸ Information on the speakers' list will be sent to Parties in the notification for the sessions, which will include the registration form.

63. Further information on the high-level segment may be made available in an addendum to this document, after consideration by the Bureau and the Host Government. Information on participation by heads of United Nations bodies and specialized agencies will also be made available.

10. Statements by observer organizations

64. Representatives of intergovernmental organizations and non-governmental organizations will be invited to address the COP. Further information will be made available.

11. Other matters

65. Any other matters for the attention of the COP will be taken up under this item.

12. Conclusion of the session

(a) Adoption of the report of the Conference on its twelfth session

66. *Background:* A draft report on the work of the session will be prepared for adoption by the COP at the end of the session.

67. *Action:* The COP will be invited to adopt the draft report and authorize the Rapporteur to complete the report after the session under the guidance of the President and with the assistance of the secretariat.

(b) Closure of the session

68. The President will declare the session closed.

⁸ Enquiries regarding this list may be directed to the Office of the Secretary of the Conference at the UNFCCC secretariat by telephone (+49 228 815 1520 or 1426) fax (+49 228 815 1999) or e-mail <secretariat@unfccc.int>.

Annex I

Overview of the sessional period

Monday 6 November		Tuesday 7 November		Wednesday 8 November		Thursday 9 November		Friday 10 November		Saturday 11 November			
Welcoming ceremony		AWG in-session workshop	SBSTA	SBI	Informal groups	COP/ MOP	Informal groups	COP/ MOP	Informal groups	Informal groups			
COP opening			SBI opening	SBI				AWG	Informal groups		COP/ MOP	Informal groups	Informal groups
COP/MOP opening													
SBSTA opening	AWG opening												
Monday 13 November		Tuesday 14 November		Wednesday 15 November		Thursday 16 November		Friday 17 November		Saturday 18 November			
Informal groups		SBSTA, SBI and AWG closing		<i>High-level segment</i> National statements	Dialogue	<i>High-level segment</i> National statements	Dialogue	<i>High-level segment</i> IGO/NGO statements COP closing COP/MOP closing					

Annex II**Documents before the Conference of the Parties at its twelfth session****Documents prepared for the session**

FCCC/CP/2006/1	Provisional agenda and annotations. Note by the Executive Secretary
FCCC/CP/2006/2	Admission of observers: intergovernmental and non-governmental organizations. Note by the secretariat
FCCC/CP/2006/3	Report of the Global Environment Facility to the Conference of the Parties. Note by the secretariat

Other documents before the session

FCCC/CP/1996/2	Organizational matters. Adoption of the rules of procedure. Note by the secretariat
FCCC/SBSTA/2006/5 and Add.1	Report of the Subsidiary Body for Scientific and Technological Advice on its twenty-fourth session, held at Bonn from 18 to 26 May 2006
FCCC/SBSTA/2006/6	Provisional agenda and annotations. Note by the Executive Secretary
FCCC/SBI/2006/11	Report of the Subsidiary Body for Implementation on its twenty-fourth session, held at Bonn from 18 to 25 May 2006
FCCC/SBI/2006/12	Provisional agenda and annotations. Note by the Executive Secretary
FCCC/KP/AWG/2006/3	Provisional agenda and annotations. Note by the Executive Secretary
