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Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

Sixth session

Cancun, 29 November to 10 December 2010

Agenda item 17 (a)

Conclusion of the session

Adoption of the report of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol on its sixth session

Draft report of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol on its sixth session

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Part one: Proceedings

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Part two: Action taken by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol on its sixth session

I. Opening of the session

(Agenda item 1)

- 1. The sixth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP), convened pursuant to Article 13, paragraph 6, of the Kyoto Protocol, was opened at the Moon Palace Hotel, Cancun, Mexico, on 29 November 2010, by the Secretary of Foreign Affairs for Mexico, Ms. Patricia Espinosa, President of the CMP at its sixth session.¹
- 2. General statements were made by the representatives of Grenada (on behalf of the Alliance of Small Island States (AOSIS)), Yemen (on behalf of the Group of 77 and China), Egypt (on behalf of the Arab States), Belgium (on behalf of the European Union and its member States), Australia (on behalf of the Umbrella Group), Switzerland (on behalf of the Environmental Integrity Group), Lesotho (on behalf of the least developed countries), the Democratic Republic of the Congo (on behalf of the African Group), the Plurinational State of Bolivia (on behalf of the Bolivarian Alliance for the Peoples of our Americas Peoples' Trade Treaty), Vanuatu (on behalf of the Pacific Islands Group), Belize (on behalf of the Central American Integration System), and Tuvalu.

II. Organizational matters

(Agenda item 2)

A. Adoption of the agenda

(Agenda item 2 (a))

- 3. For its consideration of this sub-item at its 1st meeting² on 29 November, the CMP had before it a note by the Executive Secretary containing the provisional agenda and annotations (FCCC/KP/CMP/2010/1). The provisional agenda was prepared in agreement with the President of the CMP at its fifth session, taking into account views expressed by Parties during the thirty-second session of the Subsidiary Body for Implementation (SBI) and by members of the Bureau of the Conference of the Parties (COP).
- 4. Following the proposal of the President of the CMP at its sixth session, the CMP adopted the agenda as follows:
 - 1. Opening of the session
 - 2. Organizational matters:
 - (a) Adoption of the agenda;
 - (b) Election of replacement officers;
 - (c) Organization of work, including the sessions of the subsidiary bodies;
 - (d) Approval of the report on credentials.

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The sixth session of the CMP was held in conjunction with the sixteenth session of the Conference of the Parties (COP). The proceedings of the COP are contained in a separate report. References to statements and an address of welcome made at the opening of the United Nations Climate Change Conference are contained in the report of the COP. The proceedings of the joint meetings of the COP and the CMP convened during the high-level segment of the sessions are reproduced in both reports.

² Meetings of the CMP referred to in this report are plenary meetings.

- 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 Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol.
- 5. Consideration of proposals by Parties for amendments to the Kyoto Protocol.
- 6. Issues relating to the clean development mechanism.
- 7. Issues relating to joint implementation.
- 8. Matters relating to compliance under the Kyoto Protocol.
 - (a) Report of the Compliance Committee;
- (b) Appeal by Croatia against a final decision of the enforcement branch of the Compliance Committee in relation to the implementation of decision 7/CP.12;
- (c) Amendment of the Kyoto Protocol in respect of procedures and mechanisms relating to compliance.
- 9. Adaptation Fund:
 - (a) Report of the Adaptation Fund Board;
 - (b) Review of the Adaptation Fund.
- 10. Review of implementation of commitments and of other provisions of the Kyoto Protocol:
 - (a) Issues relating to the international transactional log;
- (b) National communications from Parties included in Annex I to the Convention that are also Parties to the Kyoto Protocol;
- (c) Annual compilation and accounting reports for Annex B Parties under the Kyoto Protocol;
 - (d) Capacity-building under the Kyoto Protocol;
 - (e) Matters relating to Article 3, paragraph 14, of the Kyoto Protocol;
 - (f) Matters relating to Article 2, paragraph 3, of the Kyoto Protocol.
- 11. Proposal from Kazakhstan to amend Annex B to the Kyoto Protocol.
- 12. Administrative, financial and institutional matters:
 - (a) Audited financial statements for the biennium 2008–2009;
 - (b) Budget performance for the biennium 2010–2011;
- (c) Privileges and immunities for individuals serving on constituted bodies under the Kyoto Protocol.
- 13. Other matters referred to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol by the subsidiary bodies.
- 14. High-level segment.
- 15. Statements by observer organizations.

- 16. Other matters.
- 17. Conclusion of the session:
- (a) Adoption of the report of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol on its sixth session;
 - (b) Closure of the session.

B. Election of replacement officers

(Agenda item 2 (b))

5. At its 1st meeting, on 29 November, the President recalled that, under the Kyoto Protocol, any member of the Bureau representing a Party to the Convention but, at that time, not a Party to the Kyoto Protocol, shall be replaced by an additional member to be elected by and from among the Parties to the Kyoto Protocol. The elections to the Bureau of the COP at its sixteenth session had not yet been completed. Therefore this sub-item would be taken up at a later meeting.

(To be completed)

C. Organization of work, including the sessions of the subsidiary bodies

(Agenda item 2 (c))

- 6. In introducing this sub-item at the 1st meeting, on 29 November, the President drew the attention of the CMP to the annotations to the provisional agenda contained in document FCCC/KP/CMP/2010/1. She noted that subsidiary bodies would be convened with the aim of developing, before their sessions ended on 4 December, draft decisions and conclusions for submission to the CMP.
- 7. On a proposal by the President, the CMP decided to refer items to the subsidiary bodies for consideration and the submission of appropriate draft decisions or conclusions, as follows:

Subsidiary Body for Implementation

- Item 8 (c) Amendment of the Kyoto Protocol in respect of procedures and mechanisms relating to compliance
- Item 10 (a) Issues relating to the international transaction log
- Item 10 (b) National communications from Parties included in Annex I to the Convention that are also Parties to the Kyoto Protocol
- Item 10 (c) Annual compilation and accounting reports for Annex B Parties under the Kyoto Protocol
- Item 10 (d) Capacity-building under the Kyoto Protocol
- Item 10 (e) Matters relating to Article 3, paragraph 14, of the Kyoto Protocol
- Item 12 (a) Audited financial statements for the biennium 2008–2009
- Item 12 (b) Budget performance for the biennium 2010–2011
- Item 12 (c) Privileges and immunities for individuals serving on constituted bodies under the Kyoto Protocol

Subsidiary Body for Scientific and Technological Advice

Item 10 (f) Matters relating to Article 2, paragraph 3, of the Kyoto Protocol

- 8. With regard to agenda item 4, "Report of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol," the President informed delegates that the Chair of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP), Mr. John Ashe (Antigua and Barbuda), would report to the CMP on the work of the group upon its completion.
- The CMP agreed to proceed on the basis of the proposals made by the President.
 (To be completed)

D. Approval of the report on credentials

(Agenda item 2 (d))

(To be completed)

III. Reports of the subsidiary bodies and decisions and conclusions arising therefrom

(Agenda item 3)

A. Report of the Subsidiary Body for Scientific and Technological Advice

(Agenda item 3 (a))

(To be completed)

B. Report of the Subsidiary Body for Implementation

(Agenda item 3 (b))

(To be completed)

IV. Report of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol

(Agenda item 4)

(To be completed)

V. Consideration of proposals by Parties for amendments to the Kyoto Protocol

(Agenda item 5)

10. At its 3^{rd} , and x meetings, on 1, and x December, respectively, the CMP had before it documents FCCC/KP/CMP/2009/2, FCCC/KP/CMP/2009/3, FCCC/KP/CMP/2009/4, FCCC/KP/CMP/2009/5, FCCC/KP/CMP/2009/6, FCCC/KP/CMP/2009/7, FCCC/KP/CMP/2009/8, FCCC/KP/CMP/2009/9, FCCC/KP/CMP/2009/10, FCCC/KP/CMP/2009/11, FCCC/KP/CMP/2009/12, FCCC/KP/CMP/2009/13 and FCCC/KP/CMP/2010/3.

- 11. In introducing this item at the 3rd meeting, the President recalled that 13 proposals to amend the Kyoto Protocol had been made by Parties (as contained in the documents listed in para. 14 above).
- 12. The secretariat received 12 proposals for amendments to the Kyoto Protocol in 2009. In accordance with Articles 20 and 21 of the Kyoto Protocol, the secretariat communicated the text of each of the proposed amendments to Parties to the Kyoto Protocol and to Parties and signatories to the Convention six months before the fifth session. However, as Parties were not able to reach consensus on how to proceed with these proposals at the fifth session of the CMP, the agenda item was included in the provisional agenda for the sixth session of the CMP.
- 13. In addition, on 28 May 2010, Grenada submitted proposed amendments to the Kyoto Protocol. In accordance with Articles 20 and 21, the secretariat communicated the text of this proposed amendment to Parties to the Kyoto Protocol and to Parties and signatories to the Convention on 28 May 2010.
- 14. Representatives of six Parties made statements, including one speaking on behalf of AOSIS. Statements were also made by representatives of non-governmental organizations from the following constituencies: environmental non-governmental organizations, and youth.

(To be completed)

VI. Issues relating to the clean development mechanism

(Agenda item 6)

- 15. At its 2nd meeting, on 1 December, the CMP had before it document FCCC/KP/CMP/2010/10 containing the annual report of the clean development mechanism (CDM) Executive Board to the CMP. The report covers activities in the period from 17 October 2009 to 14 October 2010.
- 16. In introducing this item, the President recalled that the CDM is a unique mechanism that has played a crucial role in supporting the contribution of Parties included in Annex I to the Convention (Annex I Parties) that are also Parties to the Kyoto Protocol towards mitigation efforts and has also contributed to the sustainable development goals of developing countries that host CDM projects.
- 17. At the invitation of the President, the Chair of the Executive Board of the CDM, Mr. Clifford Mahlung (Jamaica), provided an overview of the Board's annual report, which contains a number of recommendations for decisions to be adopted by the CMP at its sixth session. He highlighted several important milestones achieved in 2010, including in particular the development and adoption of new registration, issuance and review procedures. Mr. Mahlung also called upon Parties to provide clarity to the Board and to all CDM stakeholders by restating their desire that the CDM continue and by beginning consideration of bridging decisions to carry the CDM to a future commitment period.
- 18. Following the report by the Chair of the Executive Board of the CDM, representatives of 26 Parties made statements, including one speaking on behalf of the European Union and its member states, one on behalf of the Umbrella Group, one on behalf of AOSIS and one observer entity. Statements were also made by an intergovernmental organization and by representatives of the following non-governmental organizations constituencies: business and industry groups, environmental non-governmental organizations, local governments and municipal authorities, and women and gender.

- 19. The President noted that, in order to acknowledge the work of the Executive Board and to guide it further, the CMP would need to adopt a decision under this agenda item at its sixth session. Following her proposal, the CMP decided to establish a contact group on this agenda item, co-chaired by Mr. Eduardo Calvo (Peru) and Mr. Kunihiko Shimada (Japan).
- 20. The President also noted a divergence of views on the issue of carbon capture and storage in the CDM. Following her proposal, the CMP agreed to consider this issue in informal consultations facilitated by a high-ranking member of the Mexican delegation.
- 21. The President reminded Parties that several members and alternate members of the CDM Executive Board needed to be elected by the CDM at the session. She noted that she had requested a representative to undertake consultations on the matter. The President informed Parties that nominations should be submitted in writing by those constituencies that had not already done so.

(To be completed)

VII. Issues relating to joint implementation

(Agenda item 7)

- 22. At its 2nd meeting, on 1 December, the CMP had before it document FCCC/KP/CMP/2010/9 containing the annual report of the Joint Implementation Supervisory Committee (JISC), which covers the activities of the JISC during the period from 24 October 2009 to 23 October 2010.
- 23. In introducing this item, the President recalled that joint implementation under Article 6 of the Kyoto Protocol provides an opportunity for Annex I Parties with a commitment inscribed in Annex B to the Protocol to acquire emission reduction units resulting from projects hosted by any other such Party aimed at reducing emissions of greenhouse gases or enhancing removals by sinks. The JISC was established by decision 10/CMP.1.
- 24. At the invitation of the President, the Chair of the JISC, Mr. Benoît Leguet, provided an overview of the fifth report of the JISC to the CMP. He highlighted the tasks and achievements of the JISC during the past year and the challenges ahead, including the need for fundamental changes to joint implementation and for financial support.
- 25. Following the report of the Chair of the JISC, representatives of three Parties made statements, including one speaking on behalf of the European Union and its member States.
- 26. The President noted that, in order to acknowledge the work accomplished and to provide further guidance on joint implementation, the CMP would need to adopt a decision under this agenda item at its sixth session. Following her proposal, the CMP decided to establish a contact group on this agenda item, co-chaired by Mr. Washington Zhakata (Zimbabwe) and Mr. Helmut Hojesky (Austria).
- 27. The President also reminded Parties that several members and alternate members of the JISC needed to be elected by the CMP at the session. The President noted that she had requested a representative to undertake consultations on the matter. The President informed Parties that nominations should be submitted in writing by those constituencies that had not already done so.

VIII. Matters relating to compliance under the Kyoto Protocol

(Agenda item 8)

A. Report of the Compliance Committee

(Agenda item 8 (a))

- 28. At its 2nd meeting, on 1 December, the CMP had before it document FCCC/KP/CMP/2010/6 containing the fifth annual report of the Compliance Committee, which provides information on the activities of the committee during its fifth year of operation, from 14 October 2009 to 18 September 2010.
- 29. On being invited to do so by the President, the co-chairperson of the plenary of the Compliance Committee, Mr. Shimada, introduced the fifth annual report of the Compliance Committee. He summarized the work of the enforcement and facilitative branches of the committee over the past year. He noted that the enforcement branch had considered questions of implementation with respect to Bulgaria and Croatia. He also noted that the facilitative branch was exploring how it could effectively exercise its functions in relation to continuing delays in the submission of national communications. He underscored the need for privileges and immunities for members and alternate members of the Compliance Committee.
- 30. Following the Report by Mr. Shimada, the President noted that a decision would need to be adopted by the CMP under this agenda item at its sixth session. Following her proposal, the CMP agreed to consider this item in a contact group facilitated by Mr. Pornchai Danvivathana (Thailand) and Mr. Richard Tarasofsky (Canada). This contact group will also consider, following the President's proposal, the appeal by Croatia against a final decision of the enforcement branch of the Compliance Committee in relation to the implementation of decision 7/CP.12.
- 31. The President also reminded Parties that several members and alternate members of the Compliance Committee needed to be elected by the CMP at the session. The President noted that she had requested a representative to undertake consultations on the matter. The President informed Parties that nominations should be submitted in writing by those constituencies that had not already done so.

(To be completed)

B. Appeal by Croatia against a final decision of the enforcement branch of the Compliance Committee in relation to the implementation of decision 7/CP.12

(Agenda item 8 (b))

- 32. At its 2nd meeting, on 1 December, the CMP had before it document FCCC/KP/CMP/2010/2 containing an appeal by Croatia against a final decision of the enforcement branch of the Compliance Committee in relation to the implementation of decision 7/CP.12.
- 33. On 26 November 2009, the enforcement branch of the Compliance Committee had adopted a final decision, confirming that Croatia was not in compliance with Article 3, paragraphs 7 and 8, of the Kyoto Protocol and the modalities for the accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol (decision 13/CMP.1). On 14 January 2010, the secretariat received an appeal by Croatia against the final decision of the enforcement branch. In accordance with section XI, paragraph 2, of the procedures and

mechanisms, the CMP is to consider the appeal at its first session after the lodging of the appeal.

- 34. Following the introduction by the secretariat, the President invited Croatia to make a statement. Thereafter, representatives of three Parties made statements, including one speaking on behalf of AOSIS.
- 35. The President noted that in order to provide further guidance a decision would need to be adopted by the CMP under this agenda item at its sixth session. Following her proposal, the CMP agreed to consider this item in a contact group facilitated by Mr. Danvivathana and Mr. Tarasofsky. This contact group will also consider, following the President's proposal, the report of the Compliance Committee.

(To be completed)

C. Amendment of the Kyoto Protocol in respect of procedures and mechanisms relating to compliance

(Agenda item 8 (c))

(To be completed)

IX. Adaptation Fund

(Agenda item 9)

A. Report of the Adaptation Fund Board

(Agenda item 9 (a))

- 36. At its 2nd meeting, on 1 December, the CMP had before it document FCCC/KP/CMP/2010/7 containing the report of the Adaptation Fund Board, which covers activities in the period from December 2009 to September 2010.
- 37. In introducing this item, the President recalled that the creation of the Adaptation Fund Board was one of the landmark achievements of the United Nations Climate Change Conference in Bali, Indonesia, in 2007. The Adaptation Fund Board is the operating entity of the Adaptation Fund, which is serviced by a secretariat and a trustee.
- 38. At the invitation of the President, the Chair of the Adaptation Fund Board, Mr. Farrukh Khan (Pakistan), provided an overview of the Board's activities in the year, noting that the Board is fully operational and that direct access is a reality. He stressed the need for a substantial increase in the resources of the Fund. Mr. Khan concluded by inviting Parties to consider ways to enable the Adaptation Fund to play a role in the future architecture of the financial mechanism for climate change.
- 39. Following the report by Mr. Khan, representatives of 22 Parties made statements, including one speaking on behalf of the European Union and its member States, one on behalf of AOSIS and one on behalf of landlocked mountainous developing countries. A statement was also made by an observer entity.
- 40. The President noted that, in order to acknowledge the work accomplished by the Adaptation Fund Board and to guide it further, the CMP would need to adopt a decision under this agenda item at its sixth session. On her proposal, the CMP decided to establish a contact group on this agenda item, co-chaired by Ms. Ruleta Camacho (Antigua and Barbuda) and Mr. Jukka Uosukainen (Finland). This contact group will also consider, following the President's proposal, the review of the Adaptation Fund.

(To be completed)

B. Review of the Adaptation Fund

(Agenda item 9 (b))

- 41. At its 2nd meeting, on 1 December, the President reminded delegates that the SBI, at its thirty-second session, had recommended that the CMP, at its sixth session, consider undertaking a review of the Adaptation Fund at the seventh session of the CMP, and that the CMP take measures at its sixth session to facilitate this process, including adoption of the terms of reference and initiation of the review. The President referred Parties to the draft terms of reference for the initial review contained in document FCCC/SBI/2010/10, annex VII.
- 42. A statement was made by a representative of indigenous peoples organizations.
- 43. The President noted that, in order to acknowledge the work done and to guide it further, the CMP would need to adopt a decision under this agenda item at its sixth session. On her proposal, the CMP decided to establish a contact group on this agenda item, co-chaired by Ms. Camacho and Mr. Uosukainen. This contact group will also consider, following the President's proposal, the report of the Adaptation Fund Board.

X. Review of implementation of commitments and of other provisions of the Kyoto Protocol

(Agenda item 10)

(To be completed)

A. Issues relating to the international transaction log

(Agenda item 10 (a))

(To be completed)

B. National communications from Parties included in Annex I to the Convention that are also Parties to the Kyoto Protocol

(Agenda item 10 (b))

(To be completed)

C. Annual compilation and accounting reports for Annex B Parties under the Kyoto Protocol

(Agenda item 10 (c))

(To be completed)

D. Capacity-building under the Kyoto Protocol

(Agenda item 10 (d))

E. Matters relating to Article 3, paragraph 14, of the Kyoto Protocol

(Agenda item 10 (e))

(To be completed)

F. Matters relating to Article 2, paragraph 3, of the Kyoto Protocol

(Agenda item 10 (f))

(To be completed)

XI. Proposal from Kazakhstan to amend Annex B to the Kyoto Protocol

(Agenda item 11)

- 44. At its 2nd meeting, on 1 December, the CMP considered this item, which was included in the agenda pursuant to a proposal from Kazakhstan, made on 18 September 2009, to amend Annex B to the Kyoto Protocol to include the name of Kazakhstan with a quantified greenhouse gas emission limitation or reduction commitment of 100 per cent of the 1992 level. At its fifth session, the CMP noted the proposal and agreed to place it on the provisional agenda for its sixth session. The CMP also requested the SBI to consider the proposal at its thirty-second session and to report on the outcome to the CMP at its sixth session.
- 45. The SBI, at its thirty-second session, considered the matter and concluded that that the CMP, in its consideration of the proposal at its sixth session, may wish to focus on the legal and technical implications of this proposal, particularly in relation to the quantified greenhouse gas emission limitation or reduction commitment and base year proposed by Kazakhstan, as well as the assumption of a quantified emission limitation and reduction commitment during the first commitment period.
- 46. In accordance with Article 21, paragraph 3, of the Kyoto Protocol, the secretariat communicated the proposal to the Parties to the Kyoto Protocol, and to the Parties and signatories to the Convention, in a note verbale dated 21 January 2010 and, for information, to the Depositary by a letter dated 6 January 2010.
- 47. At the invitation of the President, a representative of Kazakhstan made a statement. Statements were also made by representatives of two Parties, including one speaking on behalf of AOSIS.
- 48. On a proposal by the President, the CMP agreed to consider this matter in informal consultations facilitated by Mr. Mark Berman (Canada).

(To be completed)

XII. Administrative, financial and institutional matters

(Agenda item 12)

A. Audited financial statements for the biennium 2008–2009

(Agenda item 12 (a))

B. Budget performance for the biennium 2010–2011

(Agenda item 12 (b))

(To be completed)

C. Privileges and immunities for individuals serving on constituted bodies under the Kyoto Protocol

(Agenda item 12 (c))

(To be completed)

XIII. Other matters referred to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol by the subsidiary bodies

(Agenda item 13)

(To be completed)

XIV. High-level segment

(Agenda item 14)

A. Welcoming ceremony and opening of the high-level segment

49. The joint high-level segment of the COP at its sixteenth session and the CMP at its sixth session was opened by the President of the COP and the CMP at the 3^{rd} meeting of the COP and the 4^{th} meeting of the CMP, on 7 December.

B. Statements by Parties

(To be completed)

C. Statements by United Nations officials

50. The Secretary-General, Mr. BAN Ki-moon, made a statement during the high-level segment. The Executive Secretary of the UNFCCC also made a statement.

(To be completed)

XV. Statements by observer organizations

(Agenda item 15)

XVI. Other matters

(Agenda item 16)

(To be completed)

XVII. Conclusion of the session

(Agenda item 17)

A. Adoption of the report of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol on its sixth session

(Agenda item 17 (a))

51. At its x meeting, on 10 December, the CMP considered the draft report on its sixteenth session. At the same meeting, on a proposal by the President, the CMP authorized the Rapporteur to complete the report on the session, under the guidance of the President and with the assistance of the Secretariat.

(To be completed)

B. Closure of the session

(Agenda item 17 (b))

(To be completed)

Annexes