

Developing countries raise concerns over the participation of the US at climate talks

Madrid, 6 Dec (TWN) – Concerns have arisen among developing countries over the participation of the United States (US) in deliberations happening under the Kyoto Protocol as well as under the Paris Agreement at the Madrid climate talks.

The US is not a Party to the Kyoto Protocol (KP) and has also begun the process to withdraw from the Paris Agreement (PA) which will take effect Nov next year.

Deliberations over the composition of the Adaptation Fund (AF) have been contentious over the involvement of the US in the discussions.

The AF is under Kyoto Protocol (KP) and the US, having withdrawn from it in 2001, is not a Party to the KP, and only has an observer status at the Conference of the Parties to the meeting of the Parties to the KP (CMP), which is the governing body of the KP.

During an informal consultation held on the issue of membership of the AF Board (on 3 Dec), co-facilitators **Amjad Abdulla (Maldives)** and **Fiona Gilbert (Australia)** had clarified at the outset that any decision would only be taken by Parties to the KP and asked the views of Parties regarding keeping the informal consultations open to observers.

In response, **Palestine** for the **G77/China** informed the co-facilitators that they would keep the process open, but that the rules of procedure must be respected and applied.

Co-facilitator Abdulla further clarified that observers would get a chance to speak after Parties had made their interventions. Following Parties' interventions, the US raised its flag to intervene.

The **Africa Group** raised a point of order and said that their understanding was that observers were meant to observe and not speak. "The US is not a member of the AF Board," said **South Africa** for the **Africa Group**.

In response, Abdulla said that the co-facilitators' understanding was that they "could listen and take note" of the views and asked if that was okay. South Africa clarified that it was not okay and requested the co-facilitators to move to formal consultations open to only Parties.

(During the June session of climate talks in Bonn this year, the issue of the AF membership had become contentious, following proposals by developed countries, including the US, to change the composition of the AF Board. Some developing countries had noted then that the US was an observer in the KP and had sought legal clarification of whether the US's views could be included in a compilation of submissions by Parties to the KP).

(According to the rules of procedure, observer States may participate in the proceedings of the CMP only upon invitation of the presiding officers but they cannot participate in decision-making. They can also make their interventions after all Parties have made their interventions during the proceedings of a meeting).

According to a developing country delegate, the role of the US was discussed within the G77 and China, and a letter was sent by the Group's Chair to the COP 25 President and the Executive Secretary of the Convention.

It seems that the letter expressed the G77's concern regarding the US's involvement in the

CMP negotiations, and called for some action to be taken.

A developing country delegate informed TWN that the COP President had responded to the G77 later, saying that the co-chairs and co-facilitators would be requested to reiterate the rules on observer participation before a session begins.

More generally, there appears to be wide dissatisfaction among developing countries regarding the US's involvement in the negotiations overall, including in matters related to the PA.

During a meeting on Article 6 of the PA (on cooperative approaches involving market and non-market mechanisms), **Tuvalu** stressed clearly that those who do not intend to be part of PA should refrain from engaging in the Article 6 negotiations, a developing country delegate told TWN.

Tuvalu's intervention was in response to a recent press statement of 4 Nov by the US Secretary of State, Mike Pompeo that the US has begun the process to withdraw from the PA, which will take effect one year from the delivery of the notification to the UN, i.e. on Nov 3, 2020.

However, a [media note](#) issued by the US Department of State said that "Per the terms of the Paris Agreement, the United States will remain party to the Agreement until Nov 4, 2020. The US will continue to participate in ongoing climate change negotiations and meetings—such as

COP25—to ensure a level playing field that protects U.S. interests".

"The US is not Party to the KP and does not have the same rights as a Party," lamented a negotiator from a developing country, adding that "now, the US has started the process to leave the PA as well. There is no restraining them though, as they are negotiating as if they intend to fulfil the obligations, which they will not of course."

"The US wants to move important tracks such as the long-term finance under the Convention to the PA governance regime, failing to admit that the PA is to enhance the implementation of the Convention. In discussions on the periodic review over the long-term goal of the Convention, the US wants to talk about global stocktake under the PA. The US does not want to fulfil any of its obligations under the Convention. In the Green Climate Fund, despite not fulfilling its pledge of USD 3 billion, the US sits on the Board deciding on its policies and speaks about which developing country can receive funds or not. This is unfortunate," said a senior developing country negotiator.

Another developing country negotiator said that the US is trying to secure its interests given that it is possible that under a different regime, it may join the PA again. "However, such conduct is in extreme bad faith, even disruptive," said the negotiator further.