

Developing countries question lack of balance in treatment of issues at SBSTA

Madrid, 10 Dec (TWN) — The 51st Session of the UNFCCC's Subsidiary Body for Scientific and Technological Advice (SBSTA) closed at 2.20 am on 10 Dec following an intense exchange among Parties over the lack of balance in the treatment of issues, particularly of importance to developing countries.

Developing countries led by **Like-Minded Developing Countries (LMDC)**, the **Africa Group** and **China** expressed their unhappiness over how matters related to the 'transparency framework' under the Paris Agreement (PA) were given more importance and attention than other issues such as pre-2020 implementation and ambition, long-term finance, adaptation and loss and damage.

When the SBSTA convened in plenary, it dealt with various agenda items, and left the 'transparency framework' related agenda to be dealt with last. With Parties wanting more time to iron out issues on the matter, the SBSTA Chair allowed discussions to be held in huddles, with developing and developed countries having their own discussions separately, and then with each other that lasted over an hour.

When there seemed to be no consensus among Parties, **SBSTA Chair Paul Watkinson (France)** resumed the plenary and said that Parties had not reached consensus and that having heard the informal consultations in the room (referring to the huddles), he did not see a way to resolve the disagreements among Parties. He said that the results were "regrettable" unless there was "new flexibility".

In response, the **United States (US)** intervened to say that Parties could use a little more time and asked Watkinson to either keep the session open

or ask the COP 25 Presidency to deal with the matter.

The **European Union (EU)** joined to say that "with a little more time", Parties could find solutions and that it wanted to conclude the matter in Madrid in a manner that helps them to get to COP 26. The EU wanted the plenary to be suspended and sought more time for further consultations.

Australia, Canada, Norway, Japan, Switzerland, Belize for the **Alliance of Small Island States (AOSIS)**, **Costa Rica** for **Independent Alliance of the Latin America and Caribbean (AILAC)**, **Bhutan** for the **Least Developed Countries** echoed the US and the EU.

India spoke for the **Like Minded Developing Countries (LMDC)** and said that it was clear that equal treatment was not being given to all the items. "Transparency" is important, but who decides which issue is more important, asked India. "There are other items which we think are important, such as transparency under the Convention, pre-2020 issues, loss and damage, periodic review, finance etc." it said further. Reflecting on the amount of time spent on transparency discussions, India said, "We have gone beyond time and days to settle this. We believe in a process where all agenda items are important and which takes a balanced view so that there is confidence in all to engage in a meaningful manner."

China also echoed similar sentiments, saying that while the issue of transparency was a very important topic, it observed that as regards other items which did not see any consensus among Parties, these matters were either submitted to the

COP or subjected to the application of Rule 16 of the Rules of Procedure. It said further that when it came to the transparency issue, the same treatment is not being applied and questioned why a different treatment was being accorded and whether this issue was more important or more urgent than the other items. China wanted the same importance and approach to be given to every item, including that of long-term finance.

(Rule 16 of the UNFCCC Rules of Procedure provides that “Any item of the agenda of an ordinary session, consideration of which has not been completed at the session, shall be included automatically in the agenda of the next ordinary session, unless otherwise decided by the COP”).

Egypt for the **Africa Group** said that after hours of deliberations, it was obvious that there were major issues on the transparency matter. Agreeing with China and India, it said that the transparency issue was just as important as the ‘global goal on adaptation’, the ‘report of the Adaptation Committee’, ‘periodic review, and ‘long-term finance’, but these issues were not given the same importance. “We are happy that the COP Presidency is in the room and listening to the concerns of developing countries. There is a need for a balanced outcome,” said Egypt, adding that if they decided to give one item more time, then the same needs to be extended to other items such as adaptation.

Malaysia said that issues such as ‘pre-2020 implementation and ambition’, ‘periodic review’, ‘long-term finance’, the ‘Adaptation Committee report’, and ‘response measures’ were all equally important as the issue of transparency, adding that if give extra time is given to one item, the same should be given to all equally critical items.

Following these interventions, the **SBSTSA Chair** noted that there was no progress on the matter and that he had no choice but to report to the Presidency and for the Presidency to decide how to take forward the matter in the CMA.

China responded that it did not agree on the proposed way forward of reporting back to the Presidency and wanted to know if the item was being closed or not. China wanted the item on transparency closed, in the same manner as how other items had been closed at the session and wanted to know if Rule 16 was being applied or not.

Following further exchanges with the SBSTA Chair, **China** wanted confirmation from the Chair

that as per its understanding, the agenda-item was closed, with Rule 16 being applied and that Parties will discuss the issue at the body’s next session and that there would be no further arrangements to discuss transparency at COP 25.

“We have completed our consideration without a result. The secretariat would have to apply Rule 16, which means to include it in the agenda (for the next session). It is unfortunate we have not completed the work. SBSTA will be closed now. Work will start at SBSTA 52,” concluded the SBSTA Chair.

The disagreements over the proposed conclusions as regards the transparency framework were essentially two-fold: one was over capturing the views of all Parties faithfully in the informal note prepared by the co-facilitators from the discussions over the course of the past week and the second was over the intersessional work.

In the draft conclusions presented by SBSTA Chair, the following two paragraphs concerned were in brackets -

“2. [The SBSTA welcomed further submissions from Parties...and took note of the views expressed by Parties at the session. Informal notes were prepared by the co-facilitators of the relevant informal consultations under their own responsibility; these notes have no status and do not reflect the consensus views of Parties. The SBSTA noted the divergent views among Parties on the inclusion of their views on certain elements in the informal notes.]

9. [The SBSTA requested the secretariat to:

(a) Prepare a technical paper on a proposal for a set of “common reporting tables for the electronic reporting of the information in the national inventory reports of anthropogenic emissions by sources and removals by sinks of greenhouse gases”, ...; and the approaches for operationalizing the flexibility provisions, ...;

(b) Prepare, with relevant technical input...a technical paper on the possible content of the training modules titled “Overview of reporting and review under the enhanced transparency framework of the Paris Agreement” and “Technical review of national inventory report of anthropogenic emissions by sources and removals by sinks of greenhouse gases” for further consideration at SBSTA 52 (June 2020);

(c) Organize an intersessional workshop prior to SBSTA 52(relating to information to track progress made in implementing and achieving nationally determined contributions (NDCs)

(d) *Organize an intersessional workshop prior to SBSTA 52 ... (relating to information on finance, technology transfer and capacity-building support provided, needed and received);*

(e) *Organize a pre-sessional expert dialogue (in relation to the national inventory report of emissions and sinks)”]*

(In Poland last year, the rules for the enhanced transparency framework were adopted, which provide comprehensive requirements regarding the information that must be reported by Parties in relation to their NDC implementation and how this information would be considered.

The task of the SBSTA was to produce the operational tools for Parties to be able to implement the agreed ETF, which comprises of common reporting tables and common tabular formats).

SBI closing plenary

Earlier in the evening of Dec 9, the 51st Session of the Subsidiary Body for Implementation (SBI) held its closing plenary, prior to the SBSTA session.

While some of the issues were sent to the COP Presidency for further consultations this week, others which not be resolved will be taken up at the next session of the SBI next year.

In relation to the item on ‘Report and terms of reference of the Consultative Group of Experts (CGE)’, the SBI Chair informed Parties that there was no agreed outcome and that the COP 25 Presidency would inform on how to close the item. The **Africa Group** intervened to stress the need to have an agreed outcome on the CGE and expressed concerns over the lack of will on the part of developed countries to make sure support is provided to developing countries for reporting and building their capacities to do so.

On the matter of ‘common time-frames’ for national determined contributions under the PA and the ‘report of the Adaptation Committee’, Rule 16 was applied, as the informal consultations did not result in any conclusion due to a lack of consensus among Parties. The **Africa Group** said that it was very disappointed not to have conclusions on the Adaptation Committee report and that it had become clear that there was need for a political space to take the adaptation agenda forward.

On the ‘periodic review’, it was decided that the text of 7 Dec from the informal consultations would be the starting point for further discussions on the matter. **China** spoke for **G77 and China** and expressed deep concern over the lack of progress on the item. “We are disappointed that some developed countries are not in favour of this mechanism (to review) established by the Convention and do not want to take action as mandated by the COP. We cannot allow the multilateral process to go this way. We would like to urge Parties to work on this. We have been engaging consistently providing bridging proposals,” said China and added that developed countries had failed to show a constructive spirit and did not respect past COP decisions.

In relation to review of the WIM, the SBI Chair informed Parties that COP 25 President would inform Parties on how they intend to move forward on the issue, given that there was no resolution in the consultations.

Palestine spoke for **G77 and China** and said that “while the proposed decision adopted reflects as options that the text put forward by the Group, additional work needs to be done for WIM review”. “We need to see a call to developed countries for new and scaled-up financing for loss and damage, establishment of an expert group, and establishment of the ‘Santiago Network’, and to support resources and assist developing countries in the implementation of loss and damage on the ground. We see the WIM as being under the authority of the COP and CMA,” said Palestine.

Another issue on which developing countries expressed deep disappointment over was on the ‘reporting from and review of Parties included in Annex I to the Convention’. The SBI Chair said that there had not been enough time for substantive discussions on the issue. **Palestine** spoke for **G77 and China** and said that it was disappointed to see the lack of progress on the issue and had hoped for more consultations and time to be given to the issue. “The item relates to reporting and review of Annex I Parties to the Convention. The G77 and China sees with great concern that countries have still not submitted their 7th National Communications and their 3rd Biennial Reports under the Convention. This does not generate trust among Parties. This creates great difficulties. We understand that this goes to the next session. A contact group should be appointed to deal with this important matter,” said Palestine.

Egypt for the **Africa Group** also expressed its disappointment, especially in relation to the item on 'Reports on national greenhouse gas inventory data from Parties included in Annex I to the Convention for the periods 1990–2016 and 1990–2017'. The Group said that these "reports highlight that based on the national communications and inventory data, excluding Economies in Transition, the total greenhouse gas emissions decreased only by 1.6 per cent over the period 1990 to 2017. Further, some Annex 1 Parties have not communicated their Biennial Reports since 2015. If there is no agreement on the matter by the next COP, we should initiate Article 13 of the Convention," said Egypt.

(Article 13 of the Convention provides that the COP shall...consider the establishment of a

multilateral consultative process, available to Parties on their request, for the resolution of

questions regarding the implementation of the Convention).

China also expressed its disappointment and linked it to the failure of fulfilment of pre-2020 commitments of developed countries. "We are worried about their emissions pre-2020. Some of them have not submitted their reports. This undermines the trust between the Parties and creates considerable difficulties in the post-2020 period," it said further, and hoped that developed countries would engage in the discussions and resolve the matter.