

Submission of the South Centre with regard to the call for Parties and observer organisations to submit views, based on the discussion and the reflections note, on concrete elements of the modalities, work programme and functions under the Paris Agreement of the forum on the impact of the implementation of response measures. FCCC/SB/2017/L.3, paragraph 2

Introduction

Under its core provisions¹, the UNFCCC requires Parties to take into full consideration, in the implementation of the commitments of the Convention, the specific needs and concerns of developing country Parties arising from the impacts of implementation of measures designed to address climate change—response measures. As a result, discussions on how to address the adverse economic and social consequences of the implementation of response measures has been a long-standing agenda item for both the SB's and the Conference of the Parties of the UNFCCC, with many conclusions and decisions having been taken by these bodies since the entry into force of the UNFCCC.² The legal basis for the work undertaken in the UNFCCC with respect to response measures can be traced back to its Preamble, its principles³, the commitments of Parties thereunder⁴, and the work of the Subsidiary Body on Implementation (SBI)⁵. This work has carried through to the most recent undertaking to further the implementation of the Convention, the Paris Agreement in 2015.

Article 4, paragraph 15 of Paris Agreement states that *(p)arties shall take into consideration in the implementation of this Agreement the concerns of Parties with economies most affected by the impacts of response measures, particularly developing country Parties*. The decision adopting the Paris Agreement, 1/CP.21 paragraph 33, *(a)lso decides that the forum on the impact of the implementation of response measures, under the subsidiary bodies, shall continue, and shall serve the Agreement*. Additionally, in paragraph 34, the Parties further decided that the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation *shall recommend, for consideration and adoption by the Conference of the Parties, the modalities, work programme and functions of the forum on the impact of the implementation of response measures, by enhancing cooperation, exchange of information, experiences, and best practices amongst Parties to understand the impacts of mitigation actions and raise their resilience to these impacts*.

¹ Particularly in this case, such as articles 4.8, 4.9, 3.1, 3.4, 3.5)and of its Kyoto Protocol (such as articles 2.3 and 3.14).

² See UNFCCC, at http://unfccc.int/cooperation_support/response_measures/items/7475.php

³ UNFCCC, Art. 3.4 and 3.5

⁴ UNFCCC, Art. 4.8 and 4.10

⁵ UNFCCC, Art. 10. Please also see Annex 2: UNFCCC Provisions Relevant to Response Measures.

Institutionally and implementation wise, the work on response measures have been increasing over the years, growing from a simple forum, to the current Improved Forum, with a three year work programme (2016-2018). In 2016, as agreed in 11/CP.21, para 4, an ad hoc technical Expert Group (TEGs) was set up under the SBs, in order to elaborate on the technical work under the Improved Forum. The Improved Forum, with the support of the TEG, is expected to ‘provide a platform allowing Parties to share, in an interactive manner, information, experiences, case studies, best practices and views, and to facilitate assessment and analysis of the impact of the implementation of response measures, with a view to recommending specific actions’.

With the seal of approval of the Paris Agreement, there is the Forum serving the Paris Agreement (hereafter, the FPA—Forum under the Paris Agreement), also operating under the SBs. The question hence, is what is the value-added of the FPA and how will it differ from or otherwise enhance the work on response measures of the Improved Forum?

The obvious answer would seem to be that after years of discussions, dialogues, sharing of experiences on the different and multiple dimensions of response measures, the FPA, like the NDCs, to which it must also be linked, should further implement in very concrete ways programmatic actions on response measures. Such actions should include the rigorous examination and fostering development, where possible, of tools, techniques, models, and frameworks to support developing countries in assessing and analysing the impacts of response measures as well as further enhance cooperation around measures, both mitigation and adaptation, that will help developing countries deal with direct climate change impacts and those adverse impacts created by measures designed to address climate change.

The FPA should approach its work in similar manner as the Nairobi Work Programme or the Standing Committee on Finance, utilising the appropriate mode for the different aspects and components of its work programme.

It is from this perspective that the South Centre shares its view on the modalities, work programme and functioning of the Forum on the impact of the implementation of response measures under the Paris Agreement.

I. Modalities

Principles & Processes

First, the principles guiding the FPA must perforce be inclusive of the concerns and national circumstances of all developing countries in the context of sustainable development, equity and CBDR.

The FPA must be interactive, involving key stakeholders from capitals and regional institutions, including universities and southern based think-tanks. It should integrate as much as possible into its deliberations the experiences of vulnerable communities and the men and women at risk in those communities, taking into account the gender and other socially mediated risks and challenges. Such considerations should also incorporate the concerns and challenges face by other marginalised sectors in the economies of the countries.

The FPA's modus operandi must be grounded in scientific basis and the experiences of the Developing countries in when examining relevant modelling and analytical frameworks and research inputs and outputs.

The process and mode of work of the FPA should include engaging with practitioners, analysts and policy makers from different regions and sub regions. It should seek, as much as possible, to foster collaborative linkages with the TEC, CTCN, the AC and the financial mechanisms. Thus in addition to in-session activities the FPA should also consider parallel and joint events with other bodies and forums of the UNFCCC. It is unquestioned that the forum and any activity it decides to engage in should allow for maximum participation of parties, practitioners, experts (balanced in their orientation, knowledge and experiences in the practice of economic/sustainable development in a variety of developing countries) and a wide range of observers and stakeholders from both developed and developing countries.

The key methodologies will likely be the conventional workshops, and meetings, technical papers and assessment reports, tracking inventories and webinars, resources repository, targeted-submissions, questionnaires and surveys, while maintaining scope for other innovative modalities. All analyses and assessments undertaken should be grounded in and work in accordance with the specificity of regional and nationally defined priorities.

II. The Work Programme

Currently, developing countries are challenged to respond to the outstanding issues around the areas of response measures which include:

- Inadequate and limited understanding of the impact of the implementation of response measures in developing countries;
- Issue of capacity building and equipping developing Countries to deal with negative impacts of response measures given their national circumstances and according to the impact of response measures;
- Effective data collection and analyses of the economic development issues related to response measures;
- Lack of databases for modelling;
- Lack of monitoring and surveillance system for helping to deal with the ex ante and ex post impact assessment of existing and proposed response measures; and
- Guidelines, frameworks and support for mitigating the impacts of response measures.

The Work Programme of the FPA hence should have element that include:

- Developing a better understanding of, and building knowledge Platform-cum-observatory on response measures and their impacts:
 - on adaptation
 - food security
 - on-going efforts to promote resilience in the context of sustainable development and actions to achieving agenda 2030;
 - mitigation actions particularly around renewable energy for households and the economy in developing countries

- economic diversification efforts in developing countries
 - trade and climate interface
- Capacity Building, in particular of developing countries, to work on the issues related to the of analysing and taking actions to remedy the impacts of response measures;
 - Develop and expand the work of the TEG as a technical arm to provide ongoing technical analysis, studies and reports

It is important also to address the imbalances in the ability to undertake systematic analyses and evaluations, both ex ante and ex post, of both implemented and proposed response measures, especially in countries that lack safeguard mechanisms for dealing with exogenous shocks to economic and social systems.

III. Functions

The FPA is expected to build on the three-year detailed work programme for the Improved Forum. Thus, there will be some continuity of that process including, promoting the exchange of information, experiences, and best practices amongst Parties. But this cannot be its primary activity. It must do more. It must also seek to increase and enhance Parties ability and capacity to address response measures and take defensive and offensive actions with regard to such measures so as to ensure and promote sustainable development. Hence, a key function of the forum must be move beyond basic discussions and introductory dialogues towards accelerating the technical analysis and action-oriented programming with regard to response measures. This could potentially include frameworks for consideration by the COP, CMP and CMA and the SBs with regard to definition, measurement and assessment tools in the response measures area.

Like the Standing Committee on Finance, the FPA should seek to develop the knowledge and consolidate the information on the nature and impacts of different types of response measures for developing countries' economies and trade. It should seek to undertake, comprehensively and accountably, assessments and documentation of the gaps in knowledge, capacity and political commitments in the UNFCCC as well as make recommendations on how to address these over time. In this regard, the forum could benefit from the continuation of the work of the TEG, which could be rebranded as a permanent body under the forum.

The FPA must function broadly covering the full gamut of impacts and measures including clean energy pathway but also implications for adaptation and resilience of different sectors and groups of men and women in the impacted economies.

The FPA should have two other functions:- it should examine response measures issues in the context of the SDG (2030 agenda) and NDCs, and it must also work to explore the trade dimensions of response measures. (It is becoming increasingly clear that responses measures, i.e., carbon border taxes, subsidies for renewable energies, etc., will be the more likely area of contention between the trade regime and the climate regime.) The FPA, hence can function as a bridge exploring also the interconnection to the trade system in the context of response measures.

Ultimately, the functions of the Forum on response measure serving the Paris agreement will be linked to the output of the review of the work of the improved forum and any gaps or needs that that review may point towards.