

**Submission by the Republic of Mali on behalf of the African Group of
Negotiators on
The Modalities and Procedures for the Effective Operation of the
Compliance Committee to Facilitate Implementation and Promote
Compliance referred to in Article 15, paragraph 2 of the Paris
Agreement**

The African Group welcomes the opportunity to share its views on the modalities and procedures for the effective operation of the committee to facilitate implementation and promote compliance referred to in Article 15 of the Paris Agreement, and paragraphs 102 and 103 of Decision 1/CP.21. It also welcomes the opportunity to present targeted submissions in accordance with paragraph 15 of the conclusions of the Ad Hoc Working Group on the Paris Agreement (APA) on the third part of its first session (FCCC/APA/2017/2).

I. Context

The African Group calls for an effective compliance mechanism, including its committee, to facilitate implementation and promote compliance for ensuring the implementation of the Paris Agreement.

The African Group is of the view that the defined scope of the compliance mechanism, including its committee, under Article 15, paragraph 1 of the Paris Agreement should be the basis for developing modalities and procedures for the effective operation of the compliance committee. It is therefore important to continue the discussion in accordance with Article 15, paragraph 1 rather than re-negotiating its defined scope. The elaboration of the provisions of the Paris Agreement is continuous through forthcoming decisions of the Conferences of Parties (COP) and the Conferences of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA) to further elaborate legally binding obligations of Parties. Therefore, the scope of the committee and the modalities and procedures of the committee should take into account the further elaborations of collective differentiated obligations of Parties, including in Article 9, as provided in Article 9.5 of the Agreement, and in accordance with the principles and provisions of the UNFCCC.

The scope of the compliance mechanism should be in line with Article 4.3, Article 4.4, Article 7.10, Article 7.13, Article 9.1, Article 9.5, Article 9.7, Article 10, Article 12 and Article 13, as Parties have obligations under these provisions and have to deliver on their obligations.

In addition to the clearly defined differentiated obligations of Parties under the Paris Agreement, Article 15, paragraph 2 provides for additional differentiation of Parties by requiring the compliance committee to take into account the respective national capabilities and circumstances of Parties. The African Group strongly calls for the application of these principles to guide the development of the modalities and procedures of the compliance committee.

The Paris Agreement under Article 15, paragraph 1 provides that the mechanism, including the committee, has a dual role of facilitating the implementation and promoting compliance with the provisions of the Agreement. These functions should be on the basis of the differentiated obligations Parties have under the Paris Agreement. The development of the modalities and procedures for effective operation of the compliance committee should be on the basis of these dual functions.

The African Group will continue engaging and contributing to the compliance mechanism negotiations to ensure an effective regime. However, it should be noted that progress on the Paris Agreement work programme is critical for developing detailed modalities and procedures for the compliance committee. The development of the modalities and procedures should also take into account lessons learned from the compliance mechanism under the Kyoto Protocol and other multilateral environment agreements.

II. African Group views on targeted questions of the APA conclusions

The African Group is pleased to share its views on the questions posed in paragraph 15 of the APA conclusions in light of the general context provided above.

1. How can potential linkages to other arrangements under the PA be designed to ensure that the Committee operates effectively while still preserving the independence of these arrangements?

The African Group is of the view that the compliance committee linkages to other arrangements and bodies under the Convention will contribute to its effective operation. Among these key linkages, the African Group highlights; linkages for initiating the work of the compliance committee, linkages for its function of facilitating implementation and promoting compliance, and linkages to the CMA on the basis of the committee's scope defined by Article 15, paragraph 1 of the Paris Agreement.

a) Linkages to initiation procedures

The Paris Agreement established a compliance mechanism, including a committee. To ensure its effective operationalization Parties need to define procedures to initiate its work. If the compliance committee does not have clearly defined procedures to initiate its work, the committee will not deliver on its functions. Therefore, initiation procedure is key for the effective operation of the compliance committee.

The African Group is of the view that the different arrangements under the COP and the Paris Agreement could initiate the work of the compliance committee. As the compliance mechanism, including its committee, links to the transparency arrangements provided under Article 13 of the Paris Agreement, it can initiate its work through this linkage. In fact, the work of the compliance committee could be initiated through a procedure consistent with the existing obligations, reporting and verification processes for developed countries, as its function of promoting compliance. And additional initiation procedure for developing countries can emanate from the transparency (as provided in Article 13.2) consistent with their capabilities and the support provided to implement their Nationally Determined Contributions (NDCs), as its function of facilitating implementation.

b) Linkages to its functions of facilitating implementation and promoting compliance

The compliance mechanism, including its committee, can effectively deliver on its functions through provisions of legal/technical support to facilitate implementation and promote compliance. The African Group is of the view that the compliance committee can make recommendations to the Financial Mechanism of the Convention – the Green Environment Facility (GEF) and the Green Climate Fund (GCF) – in line with their mandates to support and facilitate implementation. Furthermore, the Technology Mechanism under the Convention is another mechanism to support countries with the implementation of their NDCs. Therefore, the compliance committee could make recommendations to this Mechanism in line with its mandate to facilitate implementation.

c) Linkages to the CMA

The compliance committee should report annually on its activities to the CMA as provided in Article 15, paragraph 3. The report of the compliance committee to the CMA could include its findings with respect to cases of non-compliance, including procedural communication of information as provided under the Paris Agreement (i.e. Article 4.2, Article 7.10 and Article 9.5) and may also include requests received from countries for provision of support from the Convention bodies, operating entities and mechanisms to facilitate implementation.

2. What kind of outputs of the Committee's activity would effectively facilitate implementation and promote compliance, and how?

The output of the compliance mechanism, including its committee, should be in line with its dual function of facilitating implementation and promoting compliance.

The output of the committee in its function of facilitation of implementation for developing countries, should include, consultations with the Party concerned to address causes of non-compliance, by identifying causes and challenges. The committee could, as appropriate and upon the Party's request, then assist the Party concerned, with the preparation of an action plan, to facilitate implementation through provisions of technical support (capacity-building and technology support) and financial support needed for implementation.

The output of the committee in its function to promote compliance for developed countries should seek clarification from the Party concerned on issues of non-compliance. The committee should consult with the Party by requesting reasons and proposals for subsequent measures and action to be taken by the Party to address its non-compliance.

3. How would the consideration of national capabilities and circumstances of Parties be operationalized in the modalities for the operation of the Art. 15 Committee?

The provisions of the Paris Agreement have defined differentiated obligations of Parties. In addition, Article 15, paragraph 2 provides that the committee shall take into account the respective national capabilities and circumstances of Parties. Therefore, the compliance committee should have procedures, modalities and measures in place that reflect differentiation of Parties. Such procedures should provide differentiated processes for addressing the Party concerned, as well as the actions and outcomes by the committee. In addition, the development of the modalities and procedures of the committee in relation to developing countries should also take into account the flexibilities provided in the Paris Agreement and its subsequent decisions.

The respective national capabilities and circumstances of Parties should be operationalized in accordance with the provisions of the Paris Agreement. The Agreement provides differentiated obligations in the different Articles, including in Article 2, Article 4.4, Article 4.5, Article 7.10, Article 9.1, Article 9.3, Article 9.5 Article 10.6, Article 11.3, Article 13.2, Article 13.12 and Article 13.15. The African Group stresses the elaboration of these Articles under the different agenda items is key for developing modalities and procedures and operationalizing the differentiation provided under Article 15, paragraph 2.

4. The African Group would like to propose the following questions for the roundtable discussion to be held on Monday, 6 November 2017, and to facilitate discussion under APA agenda 7, in accordance with the call for additional questions from Parties under the paragraph 15 of the APA conclusion.

- a) How can Parties ensure the development of modalities and procedures for the compliance committee, taking into account the durable and dynamic nature of the Paris Agreement?
- b) What are the key considerations for the development of modalities and procedures of the compliance committee consistent with its dual function of facilitating implementation and promoting compliance?
- c) What arrangement should be considered for the developing modalities and procedures for the compliance committee in accordance with its expert-based, facilitative and transparent nature, and thereby avoiding arbitrary treatment of Parties and ensuring effective operation of the committee?