Virtual MEA negotiations

17th Course on Multilateral Environmental Agreements
University of Eastern Finland – UNEP

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Agenda

• Learning objectives

• Introduction

• Operating Procedures for Virtual Meetings

• Best Practices for Virtual Meetings
Learning objectives
By the end of this Lesson, you will be able to:

• Describe some of the challenges and opportunities of virtual intergovernmental meetings;
• Identify some of the operating procedures that can be adapted for participation in virtual meetings;
• Understand some of the best practices MEAs have adopted to hold virtual meetings during the COVID-19 pandemic
Introduction

• As COVID-19 restrictions have made in-person meetings impossible, many UN and MEA meetings have been conducted virtually since 2020. Some have been shortened and took place with a more limited agenda.

• Prior to March 2020, the UN, MEAs and regional conventions had already developed a significant amount of practice in this area, especially with respect to their subsidiary and intersessional bodies.

• Use of online tools: draft decisions/resolutions have been made available online and/or have been discussed in advance through a secure web portal or regional preparatory meetings; remote connection for some participants; bureaus and subsidiary bodies have met virtually.

• In addition, the ROP of certain scientific and technical bodies have authorized electronic means of communication for conducting informal consultations as well as for certain limited decision-making.

• Many MEAs continued to rely upon this practice, moving an increasing number of their meetings online, including COPs.

• The best practices indicate that the virtual meetings are here to stay.
Operating Procedures for Virtual Meetings
(A) General Guidance

- MS/Parties need to be assured that an inter-governmental meeting that meets virtually will be conducted in accordance with its ROP and grant them the same rights, privileges and protections that they are afforded in an in-person meeting.

- The following general guidance can be followed in a virtual setting to ensure compliance with ROP. However, it needs to be tailored to the specific ROP that apply to a meeting:

  1. The requirement of “presence” can be met through online participation in a virtual meeting. An in-person meeting, after a consultative process with Parties or presiding officer(s), can be moved to a virtual meeting.

  2. Parties or the presiding officer(s) of the relevant body may wish to agree in advance to meet virtually/allow virtual participation when required or authorize their subsidiary bodies to do so.

  3. Circulate in advance operating procedures for virtual meetings, which should follow the relevant ROP as closely as possible.

  4. Parties should register in advance, credentials need to be submitted if the meeting requires them.

  5. Virtual meetings are deemed to be held at HQ/seat of the secretariat.

  6. Presiding officer(s) & secretariat need to consider the different time zones when deciding on the time of the meeting.

  7. Presiding officer(s) or secretariat should at the outset make clear the “ground rules” for requesting and giving the floor, also being communicated in advance.
Example of good practice: circulate in advance operating procedures for virtual meetings.

Guidelines on the use of cameras and audio/video recording devices by participants at meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions (BRS) and their subsidiary bodies

1. The present BRS guidelines apply to participants using cameras and/or audio/video recording devices within a BRS-designated meeting venue. As required, other guidance or instructions may apply when deemed necessary by the BRS Secretariat or United Nations (UN) Security, in conformity with UN and United Nations Environment Programme (UNEP) and Food and Agriculture Organization (FAO)’s rules and regulations.

A. Still Photographs

2. Still photographs may be taken by meeting participants within the BRS-designated conference venue’s public areas, such as lobbies and corridors, and in meeting rooms provided that such activities are carried out unobtrusively and do not disrupt the activities or movements of other participants or the security provisions of that area.
(A) General Guidance (Cont.)

(8) The ground rules may also mention the time limit for the interventions/statements.

(9) It may be useful to clarify the use of the “chat function”. **Not to be used to record the official positions.**

(10) The good moderation of virtual meetings is crucial. Presiding officer(s) must establish firm protocols on how to request the floor. Delegations when taking the floor must identified themselves.

(11) The duration of a virtual meeting may differ from an in-person meeting.

(12) Important to have a clear understanding of the nature of the decisions to be taken (procedural, organization, or substantive).
• A sound internet connection to which all MS/Parties have access is crucial. Lack of it can undermine confidence of MS/Parties in the virtual meeting.

• Guideline for internet connections:

(1) The internet connection & video conference link should be secure.

(2) Only those individuals who have had their registration approved pursuant to a credential or letter of accreditation can participate.

(3) A separate “viewing channel” has sometimes been established. Ex: UNEA 5.1

(4) In certain locations, a local UN office may provide a place and connection for virtual meetings. Alternatively, a local hotel could be booked.

(5) The link should allow for live interactive discussions.

(6) Presiding officer(s) are familiar with the technology and meeting platform. Brief in advance.

(7) Quorum. If quorum is met, it is up to the presiding officer(s) to decide whether to proceed or suspend/postpone. Factors to consider.

(8) The interpretation services will depend on the quality of the internet connection. Speeches will be interpreted (or not) on a case-by-case basis.

(9) If connection fails for certain participants, the presiding officer(s) may decide to suspend the meeting until all participants are back online/ enough to make a quorum.
Operating Procedures for Virtual Meetings

(B) Internet Connection: The Digital Divide (Cont.)

(10) The secretariat should have a way to communicate with participants outside the meeting platform to resolve connection problems.

(11) Prior to the meeting, participants can be required or invited to join a test video call. Training should be offered days before.

(12) The virtual meeting room should be opened at least 30 minutes before (depending on the size of the meeting)

(13) For developing and least developing countries, consideration can be made for sponsorship of internet connectivity costs.

(14) Dedicated online platforms may also be developed for such meetings where processes, procedures specific to those meetings are made easier and secure.

We provide information below on how to join the Test Call of the Meeting, which is held on Webex.

The Test Call aims to familiarize participants with the arrangement of the virtual meeting by using Webex software. The Test Call is optional and only for participants who are not familiar with Webex or those who would like to test their internet connection. For your information, the Meeting itself will be held virtually from 3:00 PM to 5:00 PM.

Please click the link below to join the Test Call:

- Link: JOIN THE TEST CALL
- Meeting number (access code): 
- Meeting password: 

The Secretariat suggests the participants to:

- Read the attached file containing the information as guidance on how to use Webex for this meeting.
- On the day of the Test Call on Wednesday (18/11), kindly join the call at least 15 minutes before the meeting starts to ensure that participants can connect smoothly.
- Use a computer/laptop instead of a mobile phone for better software stability and ease of use and install Webex Meetings on their computer.
- Use a headset for better voice quality.
Example of an intranet site for a COP

Announcements

Welcome to the intranet site of the fourth meeting of the Conference of the Parties to the Minamata Convention on Mercury.

Please send electronic copies of your credentials to minamata@un.org no later than 18:00 CET, Tuesday, 2 November 2021.

If you require technical support, please click on "IT support" in the left-hand menu and you will be guided on how to proceed. General IT support will be provided from 10:00 - 19:00 CET.

Please submit Conference Room Papers to the following address: un.org.

For statements and interventions, please submit to un.org. Sending statements and interventions will greatly facilitate the work of interpreters and report writers.

If you would like your statement to be uploaded on the intranet, please send it to un.org.

Dedicated online platforms may also be developed for such meetings where processes, procedures specific to those meetings are made easier and secure.
Operating Procedures for Virtual Meetings

(C) Quorum and decision-making, including voting

(1) During the discussion phase, agreement on substance may require several rounds of discussions, which can be held through virtual live discussions, negotiation of proposals via an online platform, and virtual discussion among subsets of members. Greater use may have to be made of off-line tools, ‘chair’s text’ and summaries.

(2) Once views have been synthesized and consensus reached, a final virtual meeting may need to be held for decision-making only:

(3) Decisions can be taken either by consensus or by a majority of those present and voting. Important that no decision be challenged after its adoption at a virtual meeting.

(4) Proposals and final texts are communicated to all participants. Following relevant ROP, the presiding office(s) should clearly introduce each proposal, announce which proposals have been adopted, and the results of any votes.

(5) Practice of “proxy” is applicable to online meetings.
(D) Report writing and interpretation

(1) The report should indicate that MS/Parties met virtually, provide a record of the online discussions and clearly indicate which decisions have been adopted.

(2) To improve the accuracy of the official records, all formal interventions should be provided in written to the secretariat.

(3) It is advisable to have a written record of all incoming votes either through the virtual platform or by mail.

(4) ROP usually provide for interpretation into 6 official UN languages. Simultaneous interpretation can be provided through online platforms.

(5) In the case of regional meetings, it can be provided into 2 or 3 working languages, depending on their ROP.

(6) Failure to comply with the rule on interpretation can place certain Parties at a disadvantage.

(7) Alternatively, MS/Parties could decide to (i) suspend the rule on interpretation; (ii) conduct business only in 1, 2 or 3 working languages.
(E) Participation of Observers

- Depending on the ROP, a decision may need to be taken whether to grant observers access to the live interactive discussion or whether to allow them only to listen in to the broadcast of the meeting.
- If providing for all observer and stakeholder participation is too complicated, or if there is insufficient time during the virtual meeting, options:
  1. Observers could post their statements online and be allowed access through ‘listening mode’ only.
  2. Alternatively, distinguish between those who can speak and those who can participate through providing questions and/or comments through the chat online, and/or having their statements posted.
Best Practices for Virtual Meetings
Best Practices for Virtual Meetings

(A) Legal status

- MS/Parties have agreed that virtual meetings formally convened have the same legal status as in-person formal meetings.
- The secretariats and presiding officer(s) have also provided them with the assurance that meetings will be conducted in accordance with ROP and in such a manner that Parties have the same rights, privileges and protections that they are afforded in a face-to-face meeting.
- As treaty provisions and ROP do not address virtual meetings by expressly prohibiting or authorizing them, Parties have agreed that they can be convened in accordance with their ROP.
- Virtual meetings have followed the format of an in-person meeting.

(B) Quorum

- “presence” for the purpose of determining quorum for the beginning of a meeting and decision-making under the ROP is not physical presence but remote presence, via a secure internet or telephone/video link.
- Quorum can be determined by the secretariat by doing a roll call of members online or using the technology of the online system to determine the number of participants online (at the beginning of the meeting or at the time of decision-making)
(C) Authority to convene virtual meetings

- Parties or the presiding officer(s) of the relevant body need to agree in advance to meet virtually and authorize their subsidiary bodies to do so, except in cases where those subsidiary bodies already meet virtually pursuant to their ROP.

(D) Postponement

- In certain cases, bureaus of intergovernmental meetings postponed meeting dates.
- Many ROP set out a procedure for the changing of the date of an intergovernmental meeting, that usually requires the support of the majority of MS/Parties.
- Postponement has been usually addressed by a bureau.

(E) Time Zones & meeting duration

- The different time zones from which participants will connect need to be taken into consideration before deciding on the time and duration of the meeting.
- In many cases, it was impossible to meet the whole day or beyond 3-4 hours.
- In many cases, time was not allowed for off-line consultations, contact groups, or regional group meetings.
- In some cases, more emphasis on written input in preparation for virtual meetings

(F) Meetings of Regional & Political Groups

- Can play a crucial role in the preparation and facilitation of virtual meetings. Their meetings should be facilitated by secretariats.
Best Practices for Virtual Meetings

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(G) Registration & Credentials

• Parties duly register in advance and submit credentials/formal letters through the online registration pages. For virtual meetings, Parties were invited to submit scanned copies of their credentials via email or online.

• In accordance with the practice of certain bodies, such credentials had to be signed by the Head of State or Government or Minister of Foreign Affairs. Parties were also invited to submit other formal communications containing the names of their representatives.

• The meeting link would only be sent to those who had registered.

(H) Documentation

• Technical arrangements for the provision of documentation for online meetings did not materially differ from in-person meetings as online platforms already exist for posting doc.

• Documents were also circulated via email.

• Timelines for the submission of comments on doc. were sometimes longer for virtual meetings.

• In certain cases, Parties were invited to raise questions and concerns on Secretariat doc prior to a virtual meeting.

• Meetings have been recorded and uploaded.
Best Practices for Virtual Meetings

(I) Explanations at the beginning of a meeting

- The presiding officer(s) and the secretariat made clear the “ground rules” for requesting & giving the floor. Participants use the ‘chat function’ or ‘raise hand’ function.
- Delegations are informed of the time limit for their intervention/statements.
- Delegations are informed that they have to identify themselves every time before taking the floor.

(M) Online platforms used

- Include: Interprefy, Webex, GotoMeeting, Teams, Interactio and Zoom
- There was a need to (i) limit the chat function to avoid disruptive messages (ii) limit the number of participants to avoid overloading the system (iii) encourage participants to participate in training/technical trial sessions in advance, and (iv) it is important that all participants can be recognized by the platform’s registration system.

(N) Concurrent meetings

- During the COVID-19 pandemic, few intergovernmental meetings conducted meetings of subsidiary bodies or informal meetings such as contact groups concurrently/simultaneously with the plenary.
Example of good practice: explanation opening at the 73rd meeting of the CITES Standing Committee, held virtually on 5-7 May 2021.
(O) Decision-making

- While no limitations exist in ROP, Parties often wanted to limit them to decisions essential and mainly of a procedural nature: elections, budget, PoW, organization and dates of future meetings.

- Accordingly, provisional agendas and other doc were often revised. There are some cases of bodies that retained the same agenda.

- Almost all decisions taken by consensus. No agreed practice for voting online. There could be a roll call

(P) Civil Society

- In certain cases, their participation increased.

- In certain cases, training sessions were open to civil society

- Loss of side events, where they typically engage

(Q) The digital divide

- Action taken by secretariats included: (a) technical trials/training/testing; (b) provision of internet & technical support; (c) display short instructional videos & making them available online; (d) guidance through emails & chat; (e) pre-meetings/briefings; (f) online forums; (g) communication allowance & data bundles; (h) invited to access UN premises to join the meeting
(R) No Objection/Silence Procedure

- Certain UN bodies, while not meeting in person or virtually, have adopted decisions through this procedure.
- Where a plenary meeting is not practical, a draft decision is circulated in writing by the secretariat on behalf of the presiding officer(s) to all members under a silence procedure, usually lasting 48-72 hours.
- If the silence is not broken, the decision is adopted.
- Adopted by UNGA
(R) No Objection/Silence Procedure (Cont.)

- Example: SAICM

- **Step 1:** Circulation of a self-explanatory cover letter from the President of the fifth session of the International Conference on Chemicals Management (ICCM5) regarding a draft decision to authorize the President of the ICCM5 in consultation with the Bureau, to circulate draft decision of ICCM to all SAICM focal points under a silence procedure and allow at least 20 working days for a response.

Dear Focal Points,

As you will recall, I have decided as President of the fifth session of the International Conference on Chemicals Management (ICCM 5) in consultation with the Bureau to postpone ICCM5, which had been scheduled to take place between 5 to 9 October 2020. Due to the coronavirus disease (COVID-19) ICCM5 is now rescheduled for 5 to 9 July 2021 in Bonn, Germany.

However, it is essential prior to the convening of ICCM5 in July 2021 for ICCM to take a limited number of procedural decisions on organizational, administrative and budgetary matters in order to ensure the continuation of its mandated activities and those of the Secretariat.

To that end and after consultation with the Bureau and the Secretariat, I am submitting the attached draft decision for your review that will authorize me as President of ICCM 5, after consultation with the Bureau, to circulate draft decisions of ICCM to all SAICM focal points under a silence procedure and allow at least 20 working days for a response.

As the attached draft decision indicates, the formal communication from the President shall be in the form of a signed letter that shall include the text of the draft decision and an indication of the specific time frame by which any formal objections should be raised by the SAICM national focal points through their respective Bureau members with a copy to the SAICM Secretariat.

Should the silence not be broken by national focal points and no formal objection be received, the decision shall be considered as adopted and I will circulate a letter confirming its adoption. This process is all comprehensively explained in the attached draft decision.
In this connection, while all SAICM focal points will receive the draft decision recommended for adoption, only national focal points, i.e. the representatives from Governments will be able to formally object as only Governments formally participate in decision-making under the ICCM rules of procedure.

In line with the provisions contained in the draft, I am placing the attached draft decision under a silence procedure. SAICM stakeholders wishing to comment can do so through their Bureau members. In the absence of any formal objection by the SAICM national focal points communicated to the President, the decision shall be considered as adopted effective 30 November 2020.

I would also recall that this is in line with the practice of the General Assembly whereby General Assembly Decision 74/544, authorized the President of the General Assembly, where, in his view a plenary meeting of the General Assembly is not practicable due to the coronavirus pandemic, to circulate, after consultation with the General Committee, draft decisions of the General Assembly to all Member States under a silence procedure of at least 72 hours; and decided “that, if the silence is not broken, the decision shall be considered adopted, and the General Assembly shall take note of the decision at its first plenary meeting held after the cessation of the precautionary measures as soon as the circumstances allow.”

Once the attached decision is adopted authorizing the taking of decisions by ICCM by silence procedure, I may, after consultation with the Bureau, forward a limited number of procedural decisions on organizational, administrative and budgetary matters to SAICM focal points that the Bureau and I deem essential for the functioning of the activities of ICCM until ICCM convenes again.

Yours sincerely,

Ms. Gertrud Sahler
President of ICCM
Proposal enabling the ICCM to adopt decisions during the Coronavirus disease 2019 (COVID-19) pandemic via the silent procedure

Draft decision 1: Adoption of procedural decisions on organizational, administrative and budgetary matters during the Coronavirus disease 2019 (COVID-19) pandemic via a silent procedure when the International Conference on Chemicals Management (ICCM) is not in session

The International Conference on Chemicals Management

1. Takes note with concern of the situation concerning the coronavirus disease 2019 (COVID-19);

2. Takes note of the decision by the President of the fifth session of the International Conference on Chemicals Management in consultation with the Bureau of the fifth session of the International Conference on Chemicals Management to postpone the fifth International Conference on Chemicals Management (ICCM5), which had been planned to take place on 5 to 9 October 2020, and has been rescheduled to 5 to 9 July 2021 in Bonn, Germany;

Decides as follows:

3. ICCM may take a limited number of procedural decisions on organizational, administrative and budgetary matters via a silent procedure in order to ensure the continuation of the mandated activities of ICCM and its Secretariat until ICCM convenes again.

4. The President of ICCM 5 may circulate, after consultation with the Bureau, draft decisions of the International Conference on Chemicals Management to all SAICM focal points under a silence procedure and allow at least 20 working days for response;

5. The formal communication from the President of ICCM5 shall be in the form of a signed letter that shall include the text of the draft decision and an indication of the specific time (Central Europe Africa time) by which any objections should be raised by the SAICM national focal points;

6. Should the silence not be broken and no formal objections be received from SAICM national focal points, the decision shall be considered adopted. The President of ICCM5 shall circulate a letter confirming adoption and the ICCM shall note of the decision at its next session. SAICM government representatives shall be able to make written explanations of vote or position as set out in the Annex to this decision, without prejudice to such rights under the rules of procedure of the International Conference on Chemicals Management.
7. Should a SAICM national focal point formally object to the draft decision as set out in the annex to this decision, it shall be considered as not adopted. Should there be an amended or revised draft that the President of ICCM5 may wish to put to another silence procedure then the same procedure for the circulation of the first draft as set out in paragraph 4 above shall apply; and

8. The procedure for taking decisions under silence procedure shall be in effect until the next session of ICCM is convened.

ANNEX: Procedures for the consideration and adoption of draft decisions and the communication of objections

The draft decision should be made available on the SAICM website at the same time the letter is sent.

SAICM national focal points may explain their position without prejudice to the delegations’ rights under the rules of procedure to explain their position at a session of the International Conference on Chemicals Management, in the following way: electronic versions of the statements explaining the position received within two weeks after the end of the silence procedure will be posted on the SAICM webpage. The title of the draft decision should be indicated in the subject line of the e-mail to be sent to the SAICM Secretariat at: saicm.chemicals@un.org.

SAICM national focal point(s) wishing to formally object to the draft decision may do so via an official letter or Note Verbale addressed to the respective Bureau members of the fifth session of the International Conference on Chemicals Management (full list is available here) with a copy to the SAICM Secretariat: saicm.chemicals@un.org, expressing their formal objection. The respective Bureau member will attempt to address the concern raised by the SAICM national focal point(s) and this correspondence should be sent via email to the SAICM Secretariat: saicm.chemicals@un.org, clearly indicating the title of the draft decision in the subject line of the communication.

As a rule, any objection shall be provided through their respective Bureau Members, while preserving flexibility that a SAICM national focal point might exceptionally choose the option to communicate directly to the ICCM President with a copy to the responsible Bureau Member and the SAICM secretariat. The ICCM President and responsible Bureau Member will attempt to address the concern raised by the national focal point(s) and this correspondence should, consistent with the arrangements set out above, also be sent via email to the SAICM Secretariat: saicm.chemicals@un.org, clearly indicating the title of the draft decision in the subject line of the communication.

In the event the ICCM President and responsible Bureau member is unable to resolve the objection and upon recommendation by the Legal Counsel of the United Nations Environment Programme, the President of ICCM5 shall circulate a letter to all SAICM focal points informing that the silence has been broken.
(R) No Objection/Silence Procedure (Cont.)

Step 2: Circulation of a letter from the President of the fifth session of the International Conference on Chemicals Management (ICCM5) informing that the decision has been adopted.

Dear Focal Points,

I am pleased to inform you that following the submission on 10 November 2020 of the draft decision on the adoption of procedural decisions on organizational, administrative and budgetary matters during the Coronavirus disease 2019 (COVID-19) pandemic via a silent procedure when the International Conference on Chemicals Management (ICCM) is not in session, this decision is hereby adopted with technical revisions. Please find attached a copy of the decision for your records. The adopted decision will be submitted to the next session of the International Conference where the International Conference will take note of that decision.

This decision has now authorized me as President of the fifth session of the International Conference on Chemicals Management, after consultation with the Bureau, to forward a limited number of procedural decisions on organizational, administrative and budgetary matters to SAICM focal points that the Bureau and I deem essential for the functioning of the activities of ICCM until ICCM convenes again.

Should the silence not be broken by national focal points and no formal objection be received, the decision shall be considered as adopted and I will circulate a letter confirming its adoption.

In this connection, while all SAICM focal points will receive the draft decision recommended for adoption, only national focal points, i.e. the representatives from Governments will be able to formally object as only Governments formally participate in decision-making under the ICCM rules of procedure.

In line with the provisions contained in the adopted draft, I am placing the attached draft decision on the proposed 2021 budget under a silence procedure for a 20 day period. SAICM stakeholders wishing to comment can do so through their Bureau members. In the absence of any formal objection by the SAICM national focal points communicated to the President, the decision shall be considered as adopted effective 20 December 2020.

Yours sincerely,

Ms. Gertrud Sahler
President of ICCM5
Thank you