

Online Negotiations

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Lesson 1

Introduction

Learning Objectives

- Understand the backdrop against which negotiations have moved online.
- Explain some existing practice of virtual meetings among MEAs prior to COVID-19.

Introduction



BRS COP in April-May 2019. Source: [BRS](#)



Online segment of the BRS COPs in July 2021. Source: [BRS](#)

As COVID-19 restrictions made in-person meetings impossible, many United Nations and Multilateral Environmental Agreement (MEA) meetings have been conducted virtually since 2020. Some meetings were shortened and took place with a more limited agenda, while others were postponed to a later date. However, the majority of meetings that had been planned for 2020 and 2021 took place at least in part virtually.

While virtual meetings remain fairly new within the United Nations, MEAs and regional environmental conventions had, prior to March 2020, already developed a significant amount of practice in this area, especially with respect to their subsidiary and intersessional bodies. Many MEAs continued to rely upon this practice in order to move an increasing number of meetings online/virtually, including the meetings of their Conferences of the Parties (COPs).

As a result of the successful conduct of virtual meetings over the last year, Member States and Parties to MEAs have come to see virtual meetings as an indispensable part and a permanent feature of the inter-governmental process as it relates to the environment. The best practices especially over the last year indicate that virtual meetings are here to stay.

The following Lessons take a closer look at how MEA and other UN body negotiation processes are dealt with in a virtual context.

The Practices of Virtual Meetings: Before and After March 2020

In recent years, some UN subsidiary bodies, including within MEAs, have used online tools to enhance participation in a number of ways, for instance:

- Draft decisions/resolutions submitted by Member States/Parties have been made available online and/or have been discussed in advance of intergovernmental meetings through a secure web portal or regional preparatory meetings;
- Member States/Parties, observers, and stakeholders not physically present have been able to connect remotely by telephone or video to an intergovernmental meeting held in person; and
- Bureaus of UN bodies and the subsidiary organs of certain treaty bodies have met virtually – i.e. where the presiding officer, participants, and the Secretariat connected remotely from different locations.

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

Example: CBD

Under the Convention on Biological Diversity (CBD), the Rules of Procedure for the meetings of the Compliance Committee under the 2003 Cartagena Protocol on Biosafety provide that “electronic means of communication may be used for the purpose of conducting informal consultations on issues under consideration. Electronic means shall not be used for making decisions on matters of substance.” ([COP-MOP decision BS-II/1](#), Rule 15)

Online discussion forums have been held in recent years under the Cartagena Protocol process as a precursor or in preparation for in-person meetings. In November 2018, the COP of the CBD serving as the meeting of the Parties to the Cartagena Protocol decided to convene open-ended online discussions of Parties and other stakeholders on the draft of the implementation plan for the Cartagena Protocol on biosafety post-2020 before convening a face-to-face meeting of the Liaison Group on the Cartagena Protocol on Biosafety, which was mandated to prepare a draft of the biosafety component in the post-2020 global biodiversity framework and to review the draft of the implementation plan for the Cartagena Protocol on biosafety post-2020 ([Decision CP-9/7](#)).

Since March 2020 (when in-person meetings were temporarily suspended) many meetings have proceeded in a virtual format, including meetings of the UN Environment Assembly, COPs, Meetings of the Parties (MOPs), extraordinary meetings of the COPs, Working Groups, Expert Groups, Compliance Committees, Review Committees, Liaison Groups, and Governing Boards, as well as scientific and technical bodies. Some meetings were shortened and took place with a more limited agenda and some meetings took place but were adjourned to a later date. However, the recent practice shows that virtual meetings have become a regular and indispensable feature of inter-governmental processes that deal with the environment. The next Lessons will look at practical guidance on operating procedures for virtual meetings, followed by best practices that can be derived from the meetings that have taken place since March 2020.

Knowledge Refresher

This section is intended to consolidate the knowledge you have gained throughout the lesson. The answer key can be found at the end of this workbook.

Question 1: True or false? 2020 marked the first time an MEA conducted an online inter-governmental meeting.

- ☐ True
- ☐ False

Question 2: Which of the following represent existing use of online tools in MEA negotiations (select all that apply):

- ☐ Draft decisions made available through a web portal
- ☐ Connecting remotely by telephone or video to an in-person meeting
- ☐ The presiding officer, participants, and Secretariat of a subsidiary organ connecting remotely

Additional Resources

- [COP-MOP decision BS-II/1](#), Rule 15 (on electronic means of communication)
- [CBD/CP/MOP/DEC/9/7](#) (Preparation for the follow-up to the Strategic Plan for Biodiversity 2011-2020 and the Strategic Plan for the Cartagena Protocol on Biosafety 2011-2020)

Lesson 2

Operating Procedures for Virtual Meetings

Learning Objectives

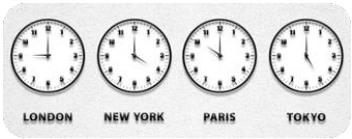
- Describe general guidance on complying with Rules of Procedure.
- Give examples of operating procedures that can be adapted for participation in a virtual meeting.

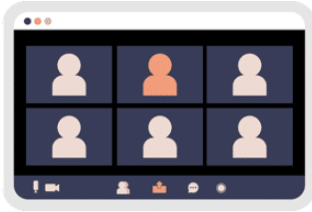
Introduction

United Nations Member States and MEA Parties need to be assured that an inter-governmental meeting that meets virtually will be conducted in accordance with its Rules of Procedure and grant Member States and Parties the same rights, privileges, and protections that they are afforded in an in-person meeting. The following practical guidance can, as appropriate, be followed for a virtual inter-governmental meeting in order to ensure compliance with Rules of Procedure. The guidance is general in nature and will need to be tailored to the specific Rules of Procedure that apply to a meeting

General Guidance

<i>Presence</i> Rules of Procedure do not expressly require that meetings be held face to face or in person, although they have been written with that understanding. The requirement of “presence” can be met through online participation in a virtual meeting. A meeting that has been arranged in person can, after a consultative process with Parties, a Bureau, or its Co-Chairs, be moved to a virtual meeting.	
<i>Virtual Participation</i> Parties, the Bureau, or the Co-Chairs 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. This step may not apply in instances where the convening of an inter-governmental body meeting by electronic means is already envisioned by a governing body, its relevant decisions, and Rules of Procedure.	
<i>Operating Procedures</i> It may be necessary to circulate in advance, operating procedures for virtual meetings that have been agreed on by the presiding officer(s) and Secretariat. These operating procedures should follow the relevant Rules of Procedure as closely as possible. It should be agreed that “presence” for the purpose of determining quorum and decision-making under the rules is not physical presence but remote presence, via a secure internet, telephone, or video link.	
<i>Registration</i> Parties should register in advance of the meeting and a registration page online can facilitate the registration, allowing Parties to indicate who will represent them. Credentials from Parties would still be needed to be submitted for meetings requiring them. Given the virtual nature of the	

meeting, scanned copies of credentials would suffice ahead of the meeting or another official communication, such as a note verbale or letter from a Government Ministry or Permanent Mission. Depending on the circumstances of Parties and the Secretariat, physical credentials could be required to follow those submitted online, by post or by hand, as soon as COVID restrictions allow.	
Location Virtual meetings are deemed to be held at the Headquarters/seat of the Secretariat.	
Time Zones Presiding officer(s) and the Secretariat need to consider the different time zones from which participants will connect before deciding on the time of the meeting. Given the different time zones, it may be impossible to meet the whole day – as would have been the case for an in-person meeting.	
Interventions The presiding officer(s) or the Secretariat should at the outset make clear the “ground rules” for requesting and giving the floor, something that should have also been communicated in advance. In most cases participants use the “chat function” (or its equivalent) to indicate to the Secretary or presiding officer(s) their desire to make an intervention. Sometimes the “raise hand” function is used, which then is visible to both the presiding officer and the Secretariat.	
Time Limits The ground rules may also mention the time limit for the interventions/statements.	
Chat Function It may also be useful to clarify the use of the “chat function” and that it is used for the purpose of the conduct of the meeting, such as requesting the floor. However, it should not be used to record the official positions of delegations. No record is usually kept of interventions made through the “chat function”. It is for the virtual meeting only. For this reason some	

Secretariats disabled the chat and relied solely on the “raised hand” function and prior-arranged speakers lists.	
Statements Participants can be requested to submit planned statements in advance of meetings to facilitate translation and time management.	
Moderating Good moderation of virtual meetings is crucial. The presiding officer(s) of the meeting must, following Rules of Procedure, establish firm protocols on how to request the floor and be sure that he/she identifies who is taking the floor at every single occasion. Delegations need to be informed that they may also need to identify themselves every time they take the floor to facilitate the work of note takers and interpreters, as well as other participants.	
Duration The duration of a virtual meeting may differ from an in-person meeting. A virtual meeting may have to be spread out over a longer period to allow for off-line consultations, contact groups, regional group meetings, for preparing and revising documentation, and for collecting written input from participants. At plenaries, COPs, and MOPs, several meetings are conducted simultaneously, i.e. plenaries, subsidiary bodies, and informal meetings. This would be difficult to organize in a virtual setting.	
Outcomes It is important to have a clear understanding of the nature of the decisions to be taken, i.e. whether they be of a procedural and organizational nature or will also be of a substantive nature. This helps to keep the meeting focused and mitigates the risk of getting side-tracked and not achieving its intended outcomes.	

Example: Basel Convention

The COP of the Basel Convention has decided that a subsidiary body may meet face-to-face or by electronic means, depending on the availability of financial resources, and that it may work by electronic means, i.e. by email correspondence. This is for instance the case for the Partnership on Plastic Waste working group, the Basel Convention Partnership on Household Waste working group, the various Basel Convention intersessional working

groups on the development or updating of technical guidelines, and the Implementation and Compliance Committee, which has held online sessions of its meetings since 2013.

Internet Connection: The Digital Divide

A sound internet connection for an inter-governmental meeting to which all Member States/Parties have access is crucial. The lack of a secure and stable internet connection in the territory of a Member State/Party may limit or even eliminate their ability to participate in a meeting. It will also undermine the confidence of Member States/Parties in the virtual meeting. Questions may arise as to how UN and treaty bodies will support participants who participate in virtual meetings for any additional costs associated with “dial-in” or the upgrade of online facilities.

Support to Member States/Parties could include providing technical support/upgrades, data bundles, or payments in order to enable them to participate in virtual meetings and avoid a “digital divide”. The following guidance can be followed for internet connections:

- The internet connection and video conference link should be secure in order to ensure that only the representatives of Member States/Parties, observers, and stakeholders that have registered for the meeting have access.
- Only those individuals who have had their registration approved pursuant to a credential or letter of accreditation can participate in a virtual meeting.
- In certain cases, given the high volume of participants and observers, a separate “viewing channel” has been established that allows the viewing of proceedings, but without the ability to make interventions.
- In certain locations, there may be unstable internet connection and/or limited bandwidth. The internet application that is used may even be prohibited and blocked. A local UN office may provide a place and connection for virtual meetings if there is unstable internet connection and/or limited bandwidth from where participants are seeking to connect. Alternatively, a local hotel with internet connection could be booked to ensure participation. This may be especially relevant where there are no local UN offices in the participant’s location.
- The platform for virtual meetings should allow for live interactive discussions.
- It is important to ensure that the meeting’s Chair or presiding officer is very familiar with the technology and meeting platform. Time may need to be set aside to brief the Chair in advance of the meeting.
- If in spite of all preparations certain Member States/Parties are not connected, then from a procedural point of view, this raises a question of quorum. If quorum is met, it would be up to the presiding officer(s) to decide whether to proceed or suspend/postpone the meeting, even if some participants are not connected. Factors to consider would include, for example, whether, as a result of some participants not being able to connect, there is underrepresentation from a particular region or from developed or developing countries. However, the Chair or presiding officer may see this as a technical question as some Member States/Parties cannot connect to or use virtual meeting facilities due to a limitation or prohibition of technology. Importantly, such a scenario and how it could be handled should be addressed ahead of a virtual meeting.
- Where provided, the consistency and quality of interpretation services will depend on the quality of the internet connection, and speeches will be interpreted (or not) on a case-by case basis. The decision will be made at the time by the team leader of the interpreters.
- If the connection fails for certain participants, the meeting may, depending on the decision of the presiding officer(s), be suspended until all participants are back online or at least enough to make a quorum.
- The Secretariat should have a way to communicate with participants outside the virtual meeting platform, for example by phone or email in order to resolve connection failures. It is thus important to have a direct channel for communication outside of the meeting. Such information should be provided during the registration phase.

- Before a virtual meeting, participants can be required or invited to join a test video call to confirm the adequacy of the connection and to familiarize themselves with the link that will be used for the meeting. Importantly, training sessions should be offered to Member States/Parties a few days before official sessions. Training materials in video animation format can be produced for them to learn to use the virtual meeting platform.
- The “virtual meeting room” should be opened at least 30 minutes before the start of the official proceedings to ensure that connection problems can be resolved in good time. However, it may be important to distinguish between smaller meetings of about 50 to 100 people and bigger meetings for which a longer testing period may be needed.
- For developing and least developed countries, consideration can be made for sponsorship of internet connectivity costs.
- Dedicated online platforms may also be developed for such meetings where processes and procedures specific to those meetings are made easier and secure.

Quorum and Decision-Making, including Voting

United Nations and treaty body meetings require that there be a quorum of Members present in order for a meeting to begin (i.e. the discussion phase), which is usually a third of the members, and a quorum for decisions to be taken (i.e. the decision-making phase), which is usually a majority of the members who are required to be present. The requirement of “presence” can be met through on-line participation in a virtual meeting.

Virtual meetings take decisions either by consensus or a majority of Members present and voting. The Rules of Procedure and practices of the body should apply with respect to quorum and decision-making. Set out below is guidance on how this can be achieved:

Discussion Phase A virtual meeting should follow the format of an in-person meeting and, in accordance with Rules of Procedure, be split between a “discussion phase” and a “decision-making phase”. During the discussion phase, agreement on substance, including on substantive proposals, may require several rounds of discussions, which can be held through virtual live discussions, negotiation of proposals via an online platform, and virtual discussions among subsets of members, such as regional or political groups. Greater use may have to be made of off-line tools such as questionnaires, “Chair’s texts” that synthesize input from participants, and summaries provided by the Secretariat.
Decision Phase Once views have been synthesized and consensus reached, a final virtual meeting may need to be held for decision-making only, whether by confirming consensus or by voting.
Voting Decisions can be taken either by consensus or by a majority of those present and voting, in accordance with the body’s Rules of Procedure, with voting proceeding in alphabetical order and representatives indicating “yes”, “no”, or “abstention.” This would be done verbally but could also be done in writing in the chat function. Quorum may need to be checked immediately prior to decision-making. In this regard it is very important that no decision be challenged after its adoption at a virtual meeting.

Adoption and Final Texts

It is important to ensure that proposals and final texts on which the body takes a decision are communicated to all those participating remotely, including by making all subsequent versions of a document available as it is negotiated, and including clear references to the version of each document. Following the relevant Rule of Procedure, the presiding officer(s) should clearly introduce each proposal, announce which proposals have been adopted, and announce the results of any votes.

Proxy Representation

In cases where Member States/Parties are unable to participate due to an unstable connection, then they can authorize the representative of another Member State/Party to vote/participate in the consensus on their behalf, provided that this authorisation has been communicated to the Secretariat in writing. This is the practice of “proxy” that is used for in person meetings. However, a representative would not be able to simultaneously represent his own Member State/Party as well as another Member State/Party at the same meeting.

Example: UNECE Convention on the Transboundary Effects of Industrial Accidents

The COP to the Industrial Accidents Convention is required by its Rules of Procedure to “make every effort to reach its decisions by consensus”. For its eleventh meeting, held December 2020, the COP adopted and applied [Operating Procedures](#) to facilitate remote participation and decision-making, which had hybrid – primarily virtual but also some in-person – participation.

The Operating Procedures introduced the Advance Circulation Procedure to foster consensus-building in advance of the meeting. The Advance Circulation Procedure includes the following steps:

1. **Circulation:** The Secretariat, in agreement with the Convention’s Bureau and respective subsidiary bodies, circulates draft decisions and documents (i.e. those planned to be adopted) to Parties.
2. **Review:** Parties review the drafts and propose revisions or comments four weeks in advance of the meeting.
3. **Informal Discussions:** The Secretariat processes comments received and the Bureau’s Chair holds informal discussions with the Parties that submitted comments (if no comments were received, consensus was expected).
4. **Updates and Re-Circulation:** On this basis, the Secretariat, in cooperation with the Bureau, updated the drafts and re-circulated them to Parties one week before the COP (i.e. official versions with translations and track change versions with the comments received from the Parties).

At COP-11, Parties adopted all decisions and documents in-session within a very limited timeframe (3 2-hour sessions), without any further revisions or objections.

Report Writing

The report of the meeting should indicate that Member States/Parties met virtually, provide a record of the on-line discussions, and clearly indicate which decisions have been adopted.

To improve the accuracy of the official records of a virtual meeting, in cases where such records are required, all formal interventions should be provided in writing to the Secretariat. It is advisable to have a written record of all in-coming votes either through the virtual platform or by email to avoid uncertainty and misunderstanding.

Interpretation

The Rules of Procedure of inter-governmental meetings usually provide that there should be interpretation into the six official languages of the United Nations, i.e. Arabic, Chinese, English, French, Spanish, and Russian. Simultaneous interpretation into the six official UN languages can be provided through online platforms. In the case of regional meetings interpretation can be provided into two or three working languages, depending on their Rules of Procedure. It is important that inter-governmental meetings comply with the rule on interpretation, as failure to do so can place certain Member States/Parties at a disadvantage.

Alternatively, Member States/Parties could decide to:

1. Suspend the rule in the Rules of Procedure on interpretation; or
2. Conduct business only in one, two, or three UN working languages.

Participation of Observers

Generally, the participation by observers should, as far as possible, not change due to the online nature of a meeting. Depending on the Rules of Procedure, a decision may need to be taken whether to grant observers access to the live interactive discussion and thus allow them to participate virtually or whether to allow them only to listen in to the broadcast of the meeting. In the case of treaty bodies that have UN Member States participating as observers, this consideration is particularly important.

If providing for all observer and stakeholder participation is too complicated, or if there is insufficient time during the virtual meeting, observers could post their statements online and be allowed access to the meeting through “listening mode” only. Alternatively, a distinction could be made between those who are entitled to speak during the meeting on the one hand and on the other, those who can participate through:

1. Providing questions; and/or
2. Submitting comments through the chat online; and/or
3. Having their statements posted.

Alternatives for observer participation may have to be considered to ensure an appropriate level of transparency and inclusivity.

Revisions to Rules of Procedure and the Development of Operating Procedures

Virtual meetings should seek to follow the Rules of Procedure. Thus, the intention of operating procedures for virtual meetings should not be to revise the Rules of Procedure but rather to ensure that they can be applied in the context of a virtual meeting, with supplements to the rules as appropriate.

Consequently, operating procedures for virtual meetings should not deviate but rather elaborate or, where necessary, interpret the Rules of Procedure, but still be consistent with them. One course of action would be to ask a UN meeting, Conference or Meeting of the Parties, or Bureau to adopt the operating procedures of the virtual meetings and annex them to the Rules of Procedure or keep them as a standing document in parallel with the Rules of Procedure. Should an inter-governmental body wish to develop a practice of convening virtual meetings, it may be advisable to provide for virtual meetings in their Rules or as a supplement to their Rules.

Knowledge Refresher

This section is intended to consolidate the knowledge you have gained throughout the lesson. The answer key can be found at the end of this workbook.

Question 1: True or false? Most MEA Rules of Procedure need to be amended for virtual meetings, as they expressly require that meetings be held face-to-face.

- ☐ True
- ☐ False

Question 2: The disparity among participants' ability to connect virtually and fully engage in online negotiations is sometimes termed the digital _____.

Question 3: Proxy voting refers to:

- ☐ Casting a vote electronically
- ☐ Voting on behalf of another Member State/Party
- ☐ Abstaining due to poor connection

Question 4: Which of the following elements should be included in the report of the meeting (select all that apply):

- ☐ That the participants met virtually
- ☐ A record of on-line discussions
- ☐ Which decisions were adopted

Additional Resources

- UNECE Industrial Accidents Convention Operation Procedures ([ECE/CP.TEIA/42/Add.1](#))

Lesson 3

Best Practices for Virtual Meetings

Learning Objectives

- Understand some of the best practices MEAs have adopted to hold virtual meetings during COVID-19.
- Identify challenges and opportunities of virtual inter-governmental meetings.

Legal Status

Member States/Parties have agreed that virtual meetings formally convened have the same legal status as in-person formal meetings. The Secretariats and presiding officers have also provided Member States and Parties with the assurance that meetings would be conducted in accordance with Rules of Procedure and in such a manner that Parties have the same rights, privileges, and protections that they are afforded in a face-to-face meeting.

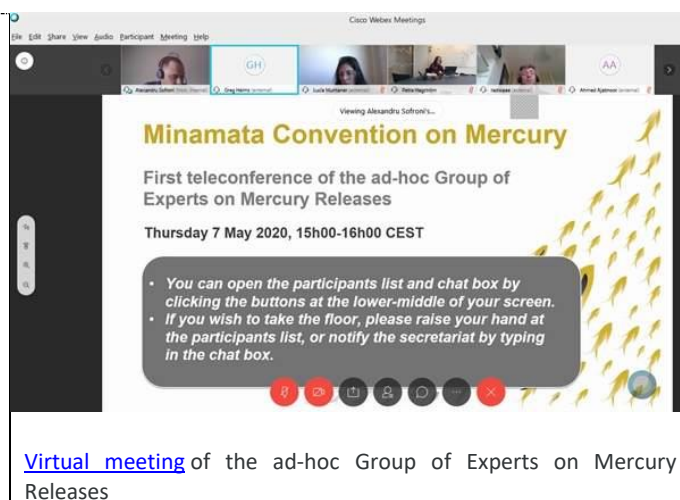
As the treaty provisions and Rules of Procedure of UN Bodies and MEAs do not address virtual meetings by expressly prohibiting or authorizing them, Parties have agreed that formal inter-governmental meetings can be convened virtually in accordance with their Rules of Procedure. Finally, virtual meetings have followed the format of an in-person meeting.

Quorum

“Presence”, for the purpose of determining quorum for the beginning of a meeting and decision-making under the Rules of Procedure, is not physical presence but includes remote presence, via a secure internet, telephone, or video link. Quorum can be determined by the Secretariat by doing a roll call of members online or using the technology of the on-line system to determine the number of participants on-line, either for the purposes of beginning the meeting or at the time of decision-making. Depending on the Rules of Procedure, quorum may also be determined by the Chair or presiding officer for certain matters, such as a report on credentials.

Example: Minamata Convention

The possibility of virtual meetings is expressly provided for in the Rule 2, paragraph (i), of the [Rules of Procedure](#) of the Minamata Convention’s Implementation and Compliance Committee. For meetings through electronic means, “‘present’ means participation through teleconference, videoconference or other electronic means as decided.”



[Virtual meeting](#) of the ad-hoc Group of Experts on Mercury Releases

Authority to Convene Virtual Meetings

Member States/Parties or the Bureau or the Co-Chairs of the relevant body need to agree in advance to meet virtually and authorize their subsidiary bodies to do so, except in cases where subsidiary bodies already meet virtually pursuant to their Rules of Procedure. In many cases, the dates for inter-governmental meetings had already been decided upon prior to the COVID-19 pandemic through inter-governmental decisions. In certain cases, decisions by inter-governmental bodies have been respected and their Bureaus agreed that the meeting be moved to the virtual space. In other cases, Bureaus postponed meeting dates.

Where dates for inter-governmental meetings had not been decided upon, they were decided through a consultative process that included Members of the inter-governmental body itself and its Bureau, which subsequently communicated by the Secretariat. Finally, many Rules of Procedure of UN and treaty bodies set

out a procedure for changing the date of an inter-governmental meeting, which usually requires the support of the majority of Member States/Parties.

Postponement

When the COPs or Governing Bodies have reviewed the dates of their meetings, then the postponement of a meeting has usually been addressed by a Bureau. In cases where subsidiary bodies have postponed their meetings, this has also been addressed by a Bureau, often in consultation with members of the subsidiary body itself. Initially, postponements were agreed upon in order to arrange for in-person meetings. However, as restrictions related to the pandemic remained in place, many bodies have decided to proceed with online sessions or divide their meeting between the on-line session and a future in-person session.

Example: Basel Convention

The 14th session of the Basel Convention's Implementation and Compliance Committee ("ICC") took place at the same time as initially scheduled for the face to face meeting. As the work could not be completed online, subsequent sessions were convened online, and a face to face segment is anticipated in 2022. The ICC has a long-standing practice of meeting online to complete its work.



[Virtual meeting](#) of the ad-hoc Group of Experts on Mercury Releases

Time Zones and Meeting Duration

Presiding officer(s) and the Secretariats of United Nations bodies and MEAs have considered the different time zones from which participants will connect before deciding on the time and duration of a meeting. There was also discussion and agreement on the duration of the meeting in a specific day. In many cases, given the different time zones, it has been impossible to meet the whole day or beyond 3-4 hours (in cases where participants joined the meeting from around the globe), as would have been the case for an in-person meeting. In many cases, time was not allowed for off-line consultations, contact groups, or regional group meetings. In some instances, there was a greater emphasis on written input from participants in preparation for virtual meetings. In certain cases, virtual meetings were of a shorter duration than in-person meetings and were not spread out over longer periods than in-person meetings.

Example: Paris Agreement

The third session of the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement (CMA) [adopted](#) a set of Rules of Procedure for the Paris Agreement's Implementation and Compliance Committee. Rule 5 allows that the Committee "may consider holding meetings virtually on an exceptional basis..." In arranging virtual meetings, the Committee "shall pay particular attention to the working modalities of such meetings, including the fair and balanced choice of time zones of members and alternates members, with the aim of ensuring inclusive and effective participation ..."

Meetings of Regional and Political Groups

Regional and Political Groups can play a crucial role in the preparation and facilitation of virtual meetings. Thus, virtual meetings before a plenary should also be facilitated by Secretariats as appropriate.



The Convention ▾ Decision-making ▾ Parties ▾ Implementation ▾ Resources ▾ News

Regional preparatory meeting for the online segment of COP-4: Asia and the Pacific

27 September 2021 | Regional Meetings | Virtual

Regional preparatory meeting for the online segment of COP-4: Africa

04 October 2021 | Regional Meetings | Virtual

Regional preparatory meeting for the online segment of COP-4: Latin America and the Caribbean

08 October 2021 | Regional Meetings | Virtual

Regional preparatory meeting for the online segment of COP-4: Eastern European States

11 October 2021 | Regional Meetings | Virtual

[Regional preparatory meetings](#) for the online segment of Minamata COP-4

Registration and Submission of Credentials

Credentials from Member States/Parties were still required for online meetings and registration remained crucial in order to ensure the success of a virtual meeting. Parties duly registered in advance of virtual meetings and also submitted credentials or formal letters of participation through the online registration pages developed by the Secretariats. In accordance with the Rules of Procedure of the COPs/MOPs, each Party is represented by accredited representatives and/or advisers who are required to submit credentials.

For the purpose of virtual meetings, Parties were invited to submit scanned copies of their credentials by email or online. In accordance with the practice of certain bodies, such credentials had to be signed by either 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, such as letters and notes verbales from their Permanent Missions. Delegations were invited to register on a website dedicated to that purpose. The meeting link would only be sent to those who had registered.

Interpretation

The Secretariats of United Nations bodies and the MEAs have made every effort to ensure that meetings were convened in accordance with the applicable Rules of Procedure on interpretation, that requires interpretation into the six official languages of the United Nations. In cases of regional conventions, interpretation is usually into three languages. When interpretation became available online, the meetings of plenary bodies were held in the six official UN languages, with simultaneous interpretation, when required by the Rules of Procedure. However for subsidiary, intersessional, and compliance bodies this was not always the case.

Informal meetings operated in English only, including contact groups, drafting groups, and informal consultations. In certain cases, meetings were held in only three or four UN languages based on the

membership of the body concerned. This usually applied to bodies of limited membership, including regional meetings.

Documentation

Technical arrangements for the provision of documentation for on-line meetings have not materially differed from in-person meetings as online platforms already exist for the posting of documents for inter-governmental meetings, including the websites for the MEAs. Documents have also been circulated via email. However, in certain cases there have been adjustments to the documents for online meetings to reflect agreements reached about the objective of the online segment where this differed from what was envisaged for the in-person meeting. In addition, timelines for the submission of comments on documents were sometimes longer for virtual than for in-person meetings. In certain cases, Parties were invited to raise questions and concerns on Secretariat documents prior to a virtual meeting. These were then addressed in a Secretariat document that responded to the points raised, which assisted in a smooth negotiation process. Summaries of some virtual meetings have been more substantive to inform those who could not participate at the meeting. In addition, some meetings have been recorded and uploaded.

Convention on Biological Diversity

BIODIVERSITY CONVENTION CARTAGENA PROTOCOL NAGOYA PROTOCOL COUNTRIES PROGRAMMES

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COP 15 CP MOP 10 NP MOP 4

CBD // CONFERENCES // 2021-2022 // COP-15 // DOCUMENTS

IN-SESSION IN-SESSION

Outcomes (2) Plenary (2) Statements (17) Official (15) Info links Sort By No document selected

Information (1) Notifications (4) Other (3)

Final Report

CBD/COP/15/4
Report of the Conference of the Parties to the Convention on Biological Diversity on its fifteenth meeting (Part I)

العربية English Español Français Русский 中文 العربية English Español Français Русский 中文

Decisions

1. **Decision 15/1**
Proposed interim budget for the programme of work of the Convention on Biological Diversity, the Cartagena Protocol on Biosafety and the Nagoya Protocol on Access and Benefit-sharing for the year 2022

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[Documents](#) navigation from the webpage for CBD COP-15 Part 1

Explanations by the Chair/Secretariat at the Beginning of a Meeting

The presiding officer(s) and the Secretariat at the outset have made clear the “ground rules” for requesting and giving the floor. Participants used the “chat function” or “raised hand” function (or its equivalent) to indicate to the Secretariat or presiding officer(s) their desire to make an intervention. Delegations were also informed of the time limit for their interventions/statements, and that they had to identify themselves every time they take the floor.

Online Platforms Used for Virtual Meetings

Platforms used by the UNEP Governing Bodies and the MEAs for their meetings include: Interprefy, Webex, GoTo Meeting, MS Teams, Interactio, and Zoom.

There was a need to:

- Limit the chat box function to avoid disruptive messages;
- Sometimes limit the number of participants in order to avoid overloading the system;
- Encourage as many participants as possible to participate in the training/technical trial sessions in advance of the meetings; and
- Ensure all participants can be recognized by the platform's registration system.

Concurrent Meetings

When in-person inter-governmental meetings are held there are frequently subsidiary bodies, such as a Main Committee, as well as informal meetings such as contact groups that are held concurrently with the plenary. However, during COVID-19 very few inter-governmental meetings have conducted such meetings concurrently/simultaneously with the plenary. Where subsidiary bodies or contact groups were established, they usually met at a different time.

Example: Basel Convention

The online segment of the twelfth meeting of the Open Ended Working Group (OEWG-12) consisted of two online sessions held over two days. The sessions consisted of technical briefings and ran through the entire OEWG-12 agenda in a consecutive manner. No contact groups were convened during the meeting.

Decision-making

There have been discussions among Member States/Parties on the types of decisions that would be taken at virtual meetings. While no limitations exist in Rules of Procedure, Parties often wanted to limit the decisions taken to decisions that were essential and that were mainly of a procedural nature, it being understood that this included decisions on elections, budget, programmes of work, and the organization and dates of future meetings.

The main reason was that Parties did not want to engage in substantive negotiations online. Accordingly, provisional agendas and the other documentation of virtual meetings were often revised to reflect the limited nature of the discussions and decision-making. There are, however, examples of MEA bodies that, while meeting virtually, retained the same agenda and proceeded with the same decision-making as if the meeting had been held face to face.

The practice indicates that almost all decisions taken by inter-governmental bodies meeting virtually were taken by consensus. There continues to be no agreed practice for voting on-line. *In extremis*, there could be a roll call vote whereby Parties are called in alphabetical order to vote either, "yes", "no", or "abstain".

Example: Vienna Convention for the Protection of the Ozone Layer

At the 12th COP, Part I, of the Vienna Convention and the 32nd MOP of the Montreal Protocol, the Parties agreed to address several procedural and administrative matters. They also agreed to address substantive

matters that were extremely urgent like critical use exemptions of a controlled substance, compliance related issues, and an interim budget for the Multilateral Fund. Other items were deferred.

Example: Stockholm Convention

As far as the sixteenth meeting of the Persistent Organic Pollutant Review Committee (POPRC-16) is concerned, the Committee considered all items under the provisional agenda originally prepared for a face-to-face meeting and adopted its decisions, including those of a substantive nature, online.

Civil Society

Information communicated to representatives of civil society has been done in a similar way as with in-person meetings. Representatives of civil society received invitations to register and participated as observers in accordance with the Rules of Procedure. In certain meetings, the participation of academia, industry/business, and non-governmental organizations increased. In certain cases, training sessions that were conducted for delegations from Member States were opened to representatives of civil society, ahead of the meetings. However, in many cases, there was a loss of side events, which is where the wider community typically engages during in-person Conferences and meetings.



AGENDA

NAP guidance document update
relation to ASGM tailings management
Kenneth Davis

Global Mercury Partnership lead

Best practices and recommendations
for management of ASGM tailings
Malgorzata Stylo, UNEP

Managing ASGM tailings in **Zimbabwe**
national experience sharing
**Christopher Mushava, Environmental
Management Agency of Zimbabwe**

Removing mercury from tailings
experience from **Colombia**
**Alfonso Rodriguez, Pure Earth
Colombia**

Moderated by Kenneth Davis, UNEP



+8

The Digital Divide

Action have been taken by Secretariats to address the digital divide and to ensure that all Parties participated on an equal basis.

Actions taken by Secretariats included the following:

- Technical trials/training/testing prior to the meeting, and the provision of internet and technical support during the meeting to ensure ease of platform use;

- Displaying short instructional videos and making these available online prior to the meetings;
- Guidance provided through emails and chat messages;
- Pre-meetings and/or briefings organized in advance of the online meetings, to help with preparations;
- On-line forums to allow those with connection problems to share their views in writing through the forum, with respect to specific meetings;
- Certain Secretariats planned for the provision of a communication allowance, data bundles, and the coverage of costs for dial-in, if necessary;
- Some Secretariats received financial contributions to support one representative per developing Member State/Party, on a request-basis, to cover the costs related to securing a reliable and good quality internet connection for the online segment; and
- Secretariats invited representatives to consider seeking access to UN premises in their country to join the meeting.

No Objection/Silence Procedure

Certain UN bodies, while not meeting in person or virtually have adopted decisions through a “no objection procedure” or “silence procedure”. In accordance with this procedure, where a plenary meeting is not practical, a draft decision is circulated in writing by the Secretariat on behalf of a presiding officer to all members of the inter-governmental body under a silence procedure, usually lasting 48-72 hours. If the silence is not broken, the decision is formally adopted. This process of adopting decisions has recently been [adopted](#) by the United Nations General Assembly, even though it is not foreseen in either the UN Charter or the rules of procedure of UN bodies.

Example: SAICM

The Strategic Approach to International Chemicals Management (SAICM) was able to adopt two procedural decisions via silence procedure. The first was an enabling decision, namely 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”. Approval of this decision allows the ICCM5 President to table any procedural decisions via a silent procedure. The decision on the budget for the Strategic Approach Secretariat for the period 2021 was adopted via silence procedure.

Knowledge Refresher

This section is intended to consolidate the knowledge you have gained throughout the lesson. The answer key can be found at the end of this workbook.

Question 1: True or False? Virtual meetings formally convened have the same legal status as in-person formal meetings.

- True
- False

Question 2: True or false? "Presence" for the purpose of determining quorum refers to physical presence, meaning virtual meetings cannot meet quorum, and can therefore only adopt procedural decisions.

- True
- False

Question 3: Which of the following are best practices regarding time scheduling of virtual meetings (select all that apply)?

- The time zone of formal meetings should always follow the place in which they are held, for virtual meetings the Headquarters/seat of the Secretariat
- To maximize Secretariat and planning resources, virtual meetings should be organized with longer days, over a shorter period of time
- Greater emphasis on written input in preparation for virtual meetings can enable them to stay on track with time

Question 4: The practice of circulating a draft decision to all members of an inter-governmental body, which is then considered formally adopted if there are no objections within a specified time period, is known as a _____ procedure.

Question 5: Match the best practice with the issue it addresses with respect to virtual meetings.

Digital divide	Supporting delegates from developing countries to connect from UN offices
Documentation	Allowing delegates to submit scanned copies of their credentials by email or online
Registration	Making meeting documents available online well in advance

Additional Resources

- [Rules of Procedure](#) of the Minamata Convention's Implementation and Compliance Committee (Rule 2)
- [Library](#) of CBD COP-15 Part 1 meetings and press conferences
- [Library](#) of sessions of the CITES 73rd Standing Committee meeting
- General Assembly [Decision](#) 74/544 of 27 March 2020 (on silence procedure)
- SAICM [Draft Decision](#) on Silence Procedure

Answer Key

Lesson 1

Question 1: True or false? 2020 marked the first time an MEA conducted an online inter-governmental meeting.

- ☐ True
- ☒ **False**

(While this was new practice in many instances for COPs, MEAs already had significant practice in online meetings, especially with their subsidiary and intersessional bodies.)

Question 2: Which of the following represent existing use of online tools in MEA negotiations (select all that apply):

- ☒ **Draft decisions made available through a web portal**
- ☒ **Connecting remotely by telephone or video to an in-person meeting**
- ☒ **The presiding officer, participants, and Secretariat of a subsidiary organ connecting remotely**

Lesson 2

Question 1: True or false? Most MEA Rules of Procedure need to be amended for virtual meetings, as they expressly require that meetings be held face-to-face.

- ☐ True
- ☒ **False**

(While many have been written with this understanding, it is not true that most MEA ROPs expressly require in-person presence.)

Question 2: The disparity among participants' ability to connect virtually and fully engage in online negotiations is sometimes termed the digital divide.

Question 3: Proxy voting refers to:

- ☐ Casting a vote electronically
- ☒ **Voting on behalf of another Member State/Party**
- ☐ Abstaining due to poor connection

Question 4: Which of the following elements should be included in the report of the meeting (select all that apply):

- ☒ **That the participants met virtually**
- ☒ **A record of on-line discussions**
- ☒ **Which decisions were adopted**

Lesson 3

Question 1: True or False? Virtual meetings formally convened have the same legal status as in-person formal meetings.

- ☒ **True**
- ☐ False

Question 2: True or false? "Presence" for the purpose of determining quorum refers to physical presence, meaning virtual meetings cannot meet quorum, and can therefore only adopt procedural decisions.

- ☐ True

- **False**

(While the specifics vary between MEAs according to their Rules of Procedure, "presence" has been understood in the context of virtual meetings as remote presence, via a secure internet, telephone, or video link.)

Question 3: Which of the following are best practices regarding time scheduling of virtual meetings (select all that apply)?

- The time zone of formal meetings should always follow the place in which they are held, for virtual meetings the Headquarters/seat of the Secretariat
- To maximize Secretariat and planning resources, virtual meetings should be organized with longer days, over a shorter period of time
- **Greater emphasis on written input in preparation for virtual meetings can enable them to stay on track with time**

(While virtual meetings are deemed as held in the Headquarters/seat of the Secretariat, they need not follow the same time zone. On the contrary, consideration should be given to the wider array of time zones from which participants will be joining. Given the different time zones, the duration of meetings on an individual day has been typically shorter.)

Question 4: The practice of circulating a draft decision to all members of an inter-governmental body, which is then considered formally adopted if there are no objections within a specified time period, is known as a silence/no objection procedure.

Question 5: Match the best practice with the issue it addresses with respect to virtual meetings.

