

Economic Commission for Europe

Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Seventh session

Geneva, 18–20 October 2021

Item 2 of the provisional agenda

Adoption of the agenda and of operating procedures to facilitate remote participation and decision-making

Draft ~~o~~Operating procedures to facilitate remote participation and decision-making in the seventh session of the Meeting of the Parties to the Convention due to extraordinary circumstances

Prepared by the Bureau Adopted, as amended at the meeting

Summary

In the light of the coronavirus disease (COVID-19) pandemic, the rules governing the holding of meetings at the United Nations Office at Geneva and infection control measures and travel restrictions preventing or limiting Parties from physically participating in meetings may change at short notice. In response to this, the Bureau prepared the procedures outlined in the present note in order to facilitate participation and decision-making in the seventh session of the Meeting of the Parties to the Convention, including the joint High-level Segment under the Meetings of the Parties to the Convention and its Protocol on Pollutant Release and Transfer Registers (Geneva, 18–21 October 2021) under COVID-19 measures and restrictions.

The proposed procedures were prepared on the basis of similar procedures (AC/WGP-25/CRP.1) adopted by the Convention's Working Group of the Parties at its twenty-fifth meeting (Geneva, 3 May and 7 and 8 June 2021) and taking into consideration: relevant established practice and procedures under the Convention; consultations held with the Office of Legal Affairs; and experiences of other United Nations Economic Commission for Europe multilateral environmental agreements in taking decisions remotely due to the extraordinary circumstances related to the COVID-19 pandemic.

Parties are invited to communicate any comments they may have on the proposed procedures to the secretariat as soon as possible and by no later than 30 September 2021 (via email to public.participation@un.org). This will enable the Chair to hold any consultations required prior to the adoption of the procedures at the seventh session.

I. Introduction

1. The purpose of the proposed procedures set out in the present note is to facilitate remote participation and decision-making at the seventh session of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), including the joint High-level Segment under the Meetings of the Parties to the Convention and its Protocol on Pollutant Release and Transfer Registers (Geneva, 18-21 October 2021), in the current extraordinary circumstances linked to the coronavirus disease (COVID-19) pandemic.
2. The Bureau agreed that the procedures should be circulated to Parties and stakeholders, with a recommendation that they be adopted at the meeting.
3. “Remote participation and decision-making” means participation and decision-making in meetings through an Internet connection to a virtual meeting platform, whereby representatives can remotely hear and see other participants and address the meetings; “Meeting with remote participation” means a hybrid meeting, with the option of in-person or remote participation, or a virtual meeting.¹

II. Guiding principles

4. The procedures outlined in the present note are limited to the seventh session of the Meeting of the Parties to the Convention only owing to the current extraordinary circumstances linked to the COVID-19 pandemic. The procedures outlined in the present note shall supplement the Rules of procedure adopted by the Convention’s Meeting of the Parties² to ensure that Parties retain the same rights, privileges and protections afforded them in meetings with only in-person participation.
5. The Rules of procedure adopted by the Meeting of the Parties shall continue to apply in full and take precedence over any procedures contained in the present document.
6. Parties should make use of the “advance circulation procedure” provided for in paragraph 14 below to ensure that all efforts are pursued to achieve a consensus at the meeting with remote participation and decision-making.

III. Registration for remote participants

7. All participants in meetings with remote participation shall pre-register through a form sent to them by the secretariat and, in the case of hybrid meetings, therein indicate their intent to participate either remotely or in-person. The email address provided on the registration form will be that used by the secretariat for communications related to meetings in advance of and during meetings.
8. The secretariat shall communicate information on remote participation in advance of the meeting, including logistical and practical information on the means of connecting to the virtual platform and remotely hearing other participants and addressing the meetings, to all pre-registered representatives.
9. All pre-registered participants intending to participate remotely should test their audio and video connections in advance of meetings in accordance with the instructions sent by the secretariat, to ensure that they are able to participate remotely.

¹ Including a meeting where the Chair and the secretariat participate in-person, possibly in addition to one or both Vice-Chairs.

² See ECE/MP.PP/2/Add.2, decision I/1, annex.

IV. Conduct of business for determining a quorum with remote participation

10. In accordance with rule 26 of the Rules of procedure, the presence of a majority of the Parties shall be required for any decision to be taken. Subject to the rules governing the holding of meetings at the United Nations Office at Geneva, including as to the number of delegates allowed in the meeting room, each Party is requested to ensure the physical presence in the meeting room of its representative for the purpose of determining a quorum prior to the decision-making, for example, including through representatives of Permanent Missions to the United Nations Office and other international organizations in Geneva. Due to the ongoing restrictions linked to the COVID-19 pandemic, ~~The presence of a majority of the Parties shall only be established through both in-person and remote participation if the rules governing the holding of meetings at the United Nations Office at Geneva prevent the physical attendance of the required number of Parties' representatives~~ for the purpose of determining a quorum.

11. For Parties represented through remote participation, the Chair shall establish Party presence through the Party representative's Internet connection to the virtual meeting platform during the meeting and through a roll call to check attendance through an audio and video connection prior to taking the decisions at the end of the meeting.

12. Representatives of the Parties shall ensure that they possess the necessary equipment indicated by the secretariat and that their Internet connection to the virtual meeting platform is secure and stable throughout the meeting.

13. Where a quorum has not been secured or there is a connection failure on the part of the virtual platform provider, the secretariat or the Chair, the meeting may, depending on the decision of the Chair, be suspended until an Internet connection to the virtual platform of the meeting is re-established for participants facing connection difficulties. The secretariat may communicate between the Chair and remote participants through their pre-registered email addresses on matters regarding connection failure.

V. Decision-making in the meeting with remote participation

14. In accordance with rule 35 of the Rules of procedure, every effort shall be made to reach decisions by consensus. For this meeting, efforts should comprise the following "advance circulation procedure", of which Parties should make use in advance of meetings:

(a) Parties should consider the circulated documents that are subject to decision-making (with all such documents having already been made available to Parties and stakeholders well in advance through the meeting's web page) and communicate clearly any proposed revisions, using track changes and/or comments, by email to the secretariat as soon as possible by the deadline set. Interested stakeholders are also requested to submit comments by the deadline set;

(b) If no proposed revisions or comments are made by Parties regarding the draft documents circulated for approval by the deadline set, it shall be expected that consensus will be reached on the respective documents during meetings and that these documents will be approved without significant changes. In line with subparagraph (d) of the present paragraph, this does not preclude Parties or stakeholders from commenting on the documents, in particular, taking into account new developments, during the seventh session of the Meeting of the Parties;

(c) Following receipt of proposed revisions and/or comments, the Chair, in consultation with the Vice-Chairs and with the support of the secretariat, may arrange for informal discussions with Parties and stakeholders in advance of meetings, with a view to better understanding the proposed revisions and/or comments received and to reaching a consensus. Parties and stakeholders may, during this period, modify and/or withdraw any of the proposed revisions and/or comments made;

(d) All documents circulated for decision-making or, in cases where revisions have been proposed, their respective circulated updated versions, will be reviewed and open for deliberation during the meeting. If no proposed revisions or comments are made by Parties or stakeholders while the Meeting of the Parties is reviewing documents during the meeting, the Chair shall communicate that any respective documents or updated versions are approved by consensus.

15. The Chair, in consultation with the Vice-Chairs and the secretariat, may invite Parties or stakeholders to participate in-person and/or remotely in informal side meetings held on the margins of the meeting with the intention of reaching a consensus, if so required in view of the proposed revisions or comments received. Use of this option will depend on the availability of additional meeting space (virtual and/or physical) and interpretation time. If the Chair invites Parties or stakeholders to informal side meetings, this should be announced to the Meeting of the Parties. Parties or stakeholders not initially included in the invitation may request to participate or observe. The Chair, in consultation with the Vice-Chairs and the secretariat, will decide and announce who will participate or observe.

16. The major outcomes and decisions of the session will be adopted at the High-level segment as per established practice. To facilitate their consideration, the Chair, with the support of the secretariat, will strive to make the draft outcomes of different sessions available gradually through the meeting's web page during the meeting (at breaks and in the evenings).

VI. Voting in meetings with remote participation

17. In accordance with rule 35 of the Rules of procedure, if all efforts to reach a consensus have been exhausted and no agreement has been reached during meetings, the Chair may, as a last resort, put the matter to the vote. For meetings with remote participation, efforts to reach consensus through the advance circulation procedure and possible informal side meetings shall be fully exhausted prior to the Chair putting any matters to the vote.

18. Voting during meetings with remote participation shall comprise the following procedures:

(a) Voting shall normally be carried out through the taking of a roll call, announced by the Chair, in the following manner:

(i) The voting process shall be organized on camera;

(ii) In accordance with rule 40 of the Rules of procedure, the Chair shall call on participants in the English alphabetical order of the names of the Parties participating in the meeting, beginning with the Party whose name is drawn by lots by the Chair;

(iii) The heads of delegations of Parties shall indicate "yes", "no" or "abstention" in-person or, if participating remotely, verbally by speaking on camera through the virtual platform;

(iv) Should any head of delegation of a Party fail to cast a vote during the roll call for any reason, including possible remote connection failure, that head of delegation will be called upon during a second, final roll call after the conclusion of the initial roll call;

(v) In accordance with rule 15 of the Rules of procedure, an alternate representative or an adviser may act as a representative upon designation by the head of delegation; this designation should be communicated to the Chair and the secretariat;

(vi) The Chair will announce the results of the vote during the meeting;

(b) In accordance with rule 43 of the Rules of procedure, if a secret ballot is necessary for the elections referred to in rules 18, 22 and 23 of the Rules of procedure due to the absence of consensus, such voting could take place through Party representatives, such as from Permanent Missions to the United Nations Office and other international organizations in Geneva, participating in hybrid meetings in person. Should no presence of

Permanent Missions or other Party representatives be granted, and in the case of a predominantly virtual meeting, a short in-person meeting solely for the purpose of conducting a secret ballot can be organized at the United Nations Office at Geneva with the participation of Geneva-based or other Party representatives only;

(c) If, for any reason, any Party does not indicate either “yes”, “no” or “abstention” during a roll call in accordance with subparagraph (a) (iii) of the present article, or by secret ballot in accordance with subparagraph (b) of the present article, that Party will be considered as not voting under Article 35 (5) of Decision I/1~~being absent from the voting process~~.
