

Textual Proposal of the Republic of Indonesia
Rules of Procedure of the Conference of the Parties (Cluster I: Issue 1)

Rule 3bis (In-Person/Virtual Participation)

Textual Proposal

1. Meetings of the Conference of the Parties should be held in person, unless extraordinary circumstances, as indicated in paragraph 2 of this rule, **or situations requiring emergency measures in accordance with Article 24 of the Agreement,** render the holding of in-person meetings **impractical** ~~unfeasible for an extended period or~~ otherwise necessitate a hybrid format.
2. In the event of extraordinary circumstances **or situations requiring emergency measures** that render the holding of in-person meetings **impractical** ~~unfeasible~~ or that otherwise necessitate a hybrid format, sessions of the meetings of the Conference of the Parties could be held virtually through modalities that allow for online interactive participation, following consultations among Parties and a decision of the Bureau of the Conference of the Parties. **Conference of the Parties shall** As long as no substantive decisions are taken online, with the exception of decisions on budgetary and procedural matters to allow the secretariat of the Agreement to function.
3. **The Conference of the Parties, in consultation with the Bureau and the relevant subsidiary bodies under the Agreement, when necessary, shall assess, on a case-by-case basis, that the holding of in-person meetings is unfeasible, thus requires a hybrid format. The Secretariat shall promptly circulate the decision to the Parties and the proposed date and agenda of the meeting. If no objection is received [xx days before the proposed meeting], the Secretariat shall arrange for a virtual participation.**
4. **The Conference of the Parties shall adopt a decision concerning the modalities of virtual participation.**
5. ~~In the event of extraordinary circumstances as indicated in paragraph 2, urgent decisions, such as those on budgetary matters, may be taken by the Conference of the Parties under a silence procedure [in line with United Nations practice ⁶] and a decision of the Bureau of the Conference of the Parties, following consultations by the Bureau members with their respective regions, and applying the procedures set out in rule 4 of the present rules of procedure for the convening of an extraordinary meeting.~~
6. ~~The secretariat shall ensure that arrangements for meetings referred to in paragraph 1 of the present rule always include a provision for streaming the proceedings online to enable all duly registered delegates to follow the proceedings in real time.~~

- ~~7. Subsidiary bodies with limited membership may meet in person, online or in a hybrid format, in line with their respective mandates and, as applicable, their respective rules of procedure.~~
- ~~8. During the intersessional period, the Bureau can meet online to provide continued guidance to the secretariat with regard to the preparation for, and conduct of, the meetings of the Conference of the Parties and relevant subsidiary bodies.~~
- ~~9. The operational modalities of any meeting held online or with hybrid modalities pursuant to the present rule should be clearly set out in a scenario note prepared by the secretariat in consultation with the relevant Bureau and made available to all Parties in advance of the meeting.~~
- ~~10. When scheduling online sessions of meetings, the secretariat shall take into consideration the significant burden on the health and well-being of participants arising from time differences across time zones and aim to enable equitable participation of Parties across all regions, including by rotating time zones.~~
- ~~11. The duration of online sessions should preferably be limited to [two] consecutive hours per day.~~
- ~~12. The secretariat should implement measures to facilitate effective virtual participation by all participants in any online or hybrid sessions of meetings pursuant to this rule, and in particular to support Parties in overcoming network and connectivity difficulties, including by providing opportunities for prior training and testing convenient for all time zones, [facilitating the use of meeting facilities at the relevant United Nations country office,] where possible and by prior arrangement following a request from the Party concerned, and providing all reasonable measures to assist Parties that encounter difficulties with connectivity and the use of the interactive platform.]~~

Comments:

- Ordinary meetings of the COP should be conducted in-person.
- The in-person/virtual participation can be the modalities for emergency/extraordinary sessions, especially in considering the decision on emergency measures.

Rule 14

Textual Proposal

Adding a new sentence at the end of paragraph:

“When an extraordinary meeting is convened to consider a circumstance requiring emergency measures under article 24 of the Agreement, the provisional agenda shall be sent as early as possible.”

Comments:

Taken from the wording of the “Special Session” of the ISA Council ROP.

Rule 27

Textual Proposal:

Adding para. 3:

3. To ensure transparency and accountability, meetings of the subsidiary bodies shall be reported to the Conference of the Parties and shared through the Clearing House Mechanism.

Comments:

Subject to further adjustments, depending on the early operationalization of the Clearing House Mechanism.

Rule 28

Textual Proposal:

The Conference of the Parties, in consultation with the Chairman of the subsidiary body/bodies, shall decide on the dates of the meetings of the [respective] subsidiary [body] [bodies]

Comments:

Will be adjusted if countries agree that the dates of the meetings of subsidiary bodies coincide with the COP.

Rule 30bis

Textual Proposal:

The Conference of the Parties ~~and the Chair of each subsidiary body~~ may make arrangements for regular consultations to enhance cooperation and coordination with and among subsidiary bodies.~~–The modalities of the regular consultations shall be jointly decided by the Conference of the Parties and the Chair of subsidiary bodies.~~

Rule 39

Textual Proposal

The Conference of the Parties shall ~~take a decision on~~ put into a vote any motion calling for a decision on the competence of the Conference of the Parties to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it before the matter is discussed or a decision is taken on the proposal or amendment in question.

Comments:

Consistent with the practice of other international frameworks, despite of consensus as the main decision-making tool.

Examples:

ROP COP UNFCCC, Rule 35

Any motion calling for a decision on the competence of the Conference of the Parties to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before the matter is discussed or a vote taken on the proposal or amendment in question.

ROP COP Basel Convention, Rule 34

Any motion calling for a decision on the competence of the meeting to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

Textual Proposal**Add: Rule 40bis (Amendments to the Agreement)**

1. A Party may, by written communication addressed to the secretariat, propose amendments to this Agreement. The secretariat shall circulate such a communication to all Parties. If, within six months from the date of the circulation of the communication, not less than one half of the Parties reply favourably to the request, the proposed amendment shall be included in the agenda of the following meeting of the Conference of the Parties.
2. Copies of the proposed amendments to the Agreement and any written response from the Parties shall be communicated to the Parties by the secretariat at least six months before the session at which it is proposed for adoption.
3. If the Conference of the Parties is unable to reach decision in the current meeting, the proposed amendment and its written response shall be included in the agenda of the following meeting of the Conference of the Parties.

Comments: Wording taken from Article 72 of the BBNJ Agreement, and adjusted to fit the ROP from Rule 37 of the Rules of Procedure of the COP of UNFCCC. Rule 37 says, "The text of any proposed amendment, annex or protocol to the Convention and of any proposed amendment to an annex, shall be communicated to the Parties by the secretariat at least six months before the session at which it is proposed for adoption."