

AEWA National Focal Points

Date: 1 October 2021

Ref.: 21-107-cl

Subject: Adoption of Resolutions via silence procedure

Dear National Focal Points to AEWA,

As you may recall the Standing Committee, in consultation with the Secretariat, decided to postpone MOP8, which had been scheduled for 5 – 9 October 2021, to the second half of 2022 due to the situation caused by the COVID-19 pandemic.

As a consequence, there is need for organizational, administrative and financial arrangements to be made so that the Secretariat can continue to function in 2022 until a new triennial budget will be adopted at MOP8 for 2023-2025.

The Standing Committee has considered the matter at its 19th Meeting (StC19) on 27 September 2021, after consultation with the UNEP Law Division through the Secretariat. It is proposed that, on an exceptional basis, the Parties consider and adopt the postponement of MOP8 as well as an interim budget for 2022 by Resolution and through employing a written silence procedure, also known as a “no objection” procedure.

This procedure, for adopting resolutions, first needs to be specifically authorised by a written procedure itself. Therefore, there is need for a two-step process, i.e (i) a decision authorising the taking of decisions by written procedure and (ii) the circulation, consideration and adoption of the decision itself. This procedure is in line with [UN General Assembly Decision 74/544](#) that is being applied *mutatis mutandis* in lack of a relevant regulation in the Agreement text.¹

To that end, I am submitting a draft Resolution Ex. 1 establishing a procedure for Contracting Parties to AEWA to adopt Resolutions during the COVID-19 pandemic (see Annex 1 to this letter). The proposed Resolution will enable me, in my capacity of Chair of the Standing Committee, after consultation with the Secretariat, to submit to you two further draft Resolutions on organizational, administrative and financial matters under a silence procedure.

In line with its provisions, I am placing this draft Resolution Ex.1 under a silence procedure. Comments on draft Resolution Ex. 1 should be sent to me and the Secretariat until **15 October 2021**. In the absence of any formal objection by National Focal Points to AEWA, the Resolution shall be considered as adopted effective 16 October 2021. In the event of an objection, I will try to resolve the problem with the National Focal Point and in close consultation with the Secretariat, and, if required, circulate a new draft Resolution.

¹ [UN Bodies Formalize Silence Procedure for Decision-making during Pandemic | News | SDG Knowledge Hub | IISD](#)

Please direct any objection to the annexed draft Resolution Ex. 1 through official letter or Note Verbale to both:

Mr. Simon Mackown, simon.mackown@defra.gov.uk and
Mr. Jacques Trouvilliez, aewa.secretariat@unep-aewa.org

On basis of the procedure established through Resolution Ex. 1, I will, once authorised by the Contracting Parties, further circulate a Draft Resolution on the postponement of MOP8 and a Draft Resolution on Financial and Administrative Matters for your consideration with a new deadline of six weeks. Both draft Resolutions have been approved by the Standing Committee at StC19 and I attach them to this correspondence **for your information only** at this stage. This is in order to enable National Focal Points to already prepare for the official national consultation processes.

Correspondence	Deadline	If no objection
1 st letter from the StC Chair on the procedure of adopting Resolutions	15 October 2021	Adopted on 16 October 2021
2 nd letter from the StC Chair on the adoption of two Resolutions (postponement MOP8; budget for 2022)	30 November 2021	Adopted on 1 December 2021

I wish to point out that it will be crucial for the further work of the Agreement and its Secretariat to have a budget in place for 2022 by the end of this year. As a consequence, it will not be possible to consider an extension to the deadlines.

Finally, I wish to thank you for your understanding and willingness to consider these unusual arrangements in this exceptional situation.

Please do not hesitate to contact me or the Secretariat in case you have a question or require additional information.

Best regards



Simon Mackown
Chair of the AEWA Standing Committee

Annex 1

DRAFT RESOLUTION EX. 1

ADOPTION OF RESOLUTIONS ON ORGANIZATIONAL, ADMINISTRATIVE AND FINANCIAL MATTERS DURING THE COVID-19 PANDEMIC AND BETWEEN REGULAR SESSIONS OF THE MEETING OF THE PARTIES TO AEWA VIA A SILENCE PROCEDURE

Recalling the decision of the Contracting Parties through Resolution 7.13 to hold the 8th Session of the Meeting of the Parties in 2021,

Noting the decision made by the Standing Committee which concluded that an in-person meeting in October 2021 would prevent most of the African delegates and others from attending the MOP,

Taking note of UN General Assembly Decision 74/544 on the (silence) procedure for taking decisions of the General Assembly during the Corona virus disease 2019 (COVID-19) pandemic,

Acknowledging that MOP8 cannot take place in 2021 as planned due to the situation caused by the COVID-19 pandemic,

The Meeting of the Parties:

1. *Decides* that the Meeting of the Parties may take a limited number of procedural decisions on organizational, administrative and financial matters via a silence procedure in order to ensure the continuation of the mandated activities under AEWA and its Secretariat until the Meeting of the Parties convenes again;
2. *Authorizes* the Chair of the Standing Committee to circulate, after consultation with the Secretariat, draft Resolutions of the MOP to all National Focal Points under a silence procedure and allow at least two weeks, in case of budgetary decisions six weeks, for response;
3. *Requests* the Chair of the Standing Committee to circulate the draft Resolutions in form of a signed letter that shall include the text of the draft Resolutions and an indication of the specific date by which National Focal Points shall raise any objections;
4. *Decides* that the Resolution shall be considered adopted, should the silence not be broken and no objection be raised;
5. *Further decides* that in case of an objection raised by any National Focal Point the Chair of the Standing Committee may circulate a new draft Resolution under the same silence procedure, after consultation with the National Focal Point having raised the objection and the Secretariat and in case the problem could not be resolved;
6. *Requests* the Chair of the Standing Committee, after consultation with the Secretariat, to circulate a letter to all National Focal Points after the deadline confirming the adoption;

7. Decides that the procedure for taking decisions under silence procedure shall be in effect until the 8th Session of the Meeting of the Parties.