REMARKS ON THE ISSUE OF MODALITIES FOR THE PARTICIPATION OF STAKEHOLDERS BY OEWG CHAIR, AMBASSADOR BURHAN GAFOOR, PERMANENT REPRESENTATIVE OF THE REPUBLIC OF SINGAPORE TO THE UNITED NATIONS, AT THE FIRST SUBSTANTIVE SESSION OF THE OEWG, 17 DECEMBER 2021

1 Distinguished delegates, I would like to give all Member States an update on the issue of modalities for the participation of stakeholders in the OEWG.

2 First, I would like to inform you that I have been engaged in intensive informal consultations throughout this week to try and find a consensus solution on modalities for the participation of stakeholders.

- Since the beginning of the week, I have had informal meetings every day with all interested delegations. The informal consultations were held in the morning before our formal meetings, at lunch time, and also in the evenings.

- After extensive consultation with member states, I sent a letter to all delegations on Monday 13 December, to convey a seven-point proposal on modalities for stakeholder participation. My impression was that my seven-point proposal was well received by some delegations, but the text was not satisfactory for other delegations. Accordingly, I came to the conclusion that my seven-point proposal, as I outlined in the letter of Monday, 13 December, was not sufficient to command consensus support from all delegations.

- On Wednesday 15 December, after several more rounds of informal consultations, I wrote another letter to all delegations to circulate a revised proposal on modalities for stakeholder participation. I put forward the revised proposal as a compromise formulation to find a consensus solution and move the process forward. Since I put forward the revised proposal on Wednesday, I have continued to engage in further informal consultations with all interested delegations. I wish to say that I am encouraged by the reactions I have heard to my revised proposal.

3 Secondly, my revised proposal of 15 December remains on the table as a potential compromise to find a consensus solution. I should also say that no member state has objected to my revised proposal of 15 December. I find this
situation encouraging. I know that my revised proposal does not entirely satisfy the preferences of delegations. There are some delegations that want more and there are some delegations that want less.

4 I want to take this opportunity to recognise that many delegations have shown a lot of flexibility. For some delegations, my revised proposal is the minimum necessary to achieve consensus and I thank these delegations for their flexibility and spirit of compromise. For other delegations, my revised proposal goes a little too far, but they have not rejected my proposal outright and I thank them for continuing to reflect on my proposal.

5 As a compromise proposal from the chair, it is possible that my revised proposal may make everyone unhappy. But it is my view that my revised proposal offers a potential path forward to a consensus solution. And I urge and invite all delegations to keep an open mind and to consider it positively.

6 Thirdly, my assessment is that my revised proposal brings us closer to consensus, but we are not yet in a position to adopt a consensus decision at this session of the OEWG. It is also my assessment that more time is needed to reach a consensus decision. As you know, in the OEWG, we are required to make all decisions on the basis of consensus. I am therefore reluctant to force a decision at this stage in the OEWG. It is my conclusion that we need additional time to reach consensus.

7 Fourthly, I wish to share my assessment from all my informal consultations that my sense is that all member states recognise the need for stakeholder engagement in the OEWG process. It is also my clear sense that all member states understand the need to build on our experience from the last OEWG and all member states recognise the need to improve and enhance stakeholder engagement in the context of the OEWG. I am encouraged by the fact that no delegation has opposed stakeholder engagement in the OEWG process. The discussion has focussed mainly on defining the modalities for stakeholder engagement in the formal meetings of the OEWG. The discussions have been about finding the right balance between on the one hand, the need for enhanced stakeholder participation in the OEWG process and on the other hand, the need to respect the inter-governmental nature of the OEWG process.

8 Fifth, I wish to share my own assessment that if the OEWG is to be a credible and viable process, then we must have in place modalities for the meaningful participation of stakeholders. In fact, as Chair, I have been saying right from the beginning that it is important to have systematic, sustained and substantive stakeholder engagement in the context of the OEWG process. Yesterday, I held a virtual dialogue with more than one hundred stakeholders to
discuss the work of the OEWG. The community of stakeholders I met are excited and very much committed to contributing their ideas, expertise and resources to support the work of the OEWG. As I said in my opening statement on Monday, it is important that we find ways to engage with stakeholders so that they can support member states to implement the many agreements we have already reached in the previous OEWG. There is much we stand to gain by working in partnership with stakeholders.

6 Sixth, my sense from the informal consultations is that all delegations agree on the need for stakeholder engagement at the second substantive session which will begin on 28 March 2022. In order to make this possible, it will be necessary to agree on modalities as early as possible, so that we can begin the process of inviting and accrediting relevant stakeholders. From the informal consultations, I sense a commitment to reach agreement on modalities for stakeholder engagement as soon as possible. I have been advised by the Secretariat that two months will be needed to process the invitations and accreditation for stakeholder consultations. Accordingly, I wish to put forward the following timeline for the adoption of a decision on stakeholder modalities:

- I will continue my informal consultations intersessionally between now and mid-January 2022.

- I will write to all delegations no later than 18 January 2022 to convey my proposal for modalities for stakeholder participation and place it under a silence procedure for one week. The silence procedure will expire on 25 January 2022.

- If the silence process passes successfully, then I will work with the UNODA to immediately begin the process of inviting and accrediting stakeholders. If the silence is broken, then we will have to start our discussions on the modalities again quickly.

- As the Chair, I intend to send a letter at the conclusion of our meeting today to inform all delegations formally of my timeline for adopting modalities for stakeholder participation as I have just outlined to you. As the Chair, I am committed to keeping to this timeline as it offers us a viable path to complete all the formalities required to invite and accredit stakeholders for the second substantive session.

7 My seventh and my final point is that I am cautiously optimistic that we can find a consensus solution on the issue of stakeholder participation. It is true that there are still differences on this issue, but I believe that these differences are not insurmountable. I do see a path forward for us. During this week, it has
been my sense that member states have come to a better understanding of each other’s positions, especially in the context of the decision-making modalities of this OEWG which requires us to work on the basis of consensus. In that sense, the time we have spent this week in informal consultations discussing the stakeholder issue has not been unproductive. On the contrary, I think it has been productive and my sense is that we have been able to better understand each other’s positions. It is also my sense that there is good faith and political commitment on all sides to resolve this issue. That is why I am cautiously optimistic. As the Chair of this process, I will continue to do my best to find a consensus solution. And I will continue to work in a spirit of inclusivity and transparency. But ultimately, the Chair cannot produce consensus from thin air. As I said in my opening statement on Monday, there is no shortcut to consensus. We need to build consensus slowly and patiently, piece by piece and step by step. We need to build bridges before we can build consensus, we need to build trust before we can build bridges. This is a process that takes time. As Chair of the process, I will constantly look to the member states for their support and for their guidance. So, I continue to count on your support and guidance in the weeks and months ahead on this and many other important issues.

11 At this stage, I will open the floor for comments from all interested delegations on stakeholder modalities.