

 <p>Agreement on the Conservation of Albatrosses and Petrels</p>	<p style="text-align: center;">Seventh Meeting of the Advisory Committee <i>La Rochelle, France, 6 - 10 May 2013</i></p> <p style="text-align: center;">Report of Intersessional Committee established by Resolution 4.8</p> <p style="text-align: center;"><i>Intersessional Committee established by Resolution 4.8</i></p>
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SUMMARY

The intersessional committee established by Resolution 4.8 has begun its work. The committee is examining which options are available to enable APEC member economies to participate, including as observers, in sessions of the Meeting of the Parties and in meetings of its subsidiary bodies. The committee continues to work expeditiously on the task it has been set and looks forward to providing its report to Parties at the earliest opportunity.

RECOMMENDATIONS

No action is required by the Advisory Committee.

1. PROGRESS OF WORK OF INTERSESSIONAL COMMITTEE

The Secretariat contacted National Contact Points on 19 November 2012 concerning establishment of an intersessional committee in accordance with the terms of reference of Resolution 4.8 (ACAP-ANCP Circular 2012-07 refers). Nominations were invited from among the Parties to participate on the committee, either as members or observers.

Nominations were received from Australia, Brazil (observer), France, New Zealand, Peru and the United Kingdom to participate in the work of the committee. Dr Marco Favero, Chair of Advisory Committee also participates in an ex officio capacity.

With these preliminary matters settled the intersessional committee commenced its work from 12 December 2012. The committee appointed Mr Jonathon Barrington of Australia as its Chair.

The Chair circulated a memorandum to the committee in January 2013. This memorandum:

- confirms the modalities for the work of the committee, indicating that the committee's work is being undertaken on a without prejudice basis, and noting that this approach enables the committee to consider options and how they may be given effect to without necessarily giving precedence to or dismissing particular options;
- identifies APEC member economies and the framework established by the Agreement for the Conservation of Albatrosses and Petrels ('the Agreement') for APEC member economies to participate in the Meeting of the Parties and its subsidiary bodies;
- identifies, as a first step, provisional suggested options for the participation of APEC member economies in the Meeting of the Parties and its subsidiary bodies as observers; and
- asks the members of the committee to consider the provisional suggested options and, as appropriate, to also identify any further options that the committee should examine.

1.1. Preliminary suggested options

Presently, no option is ruled in or out. The intersessional committee is presently identifying options. The preliminary suggested options outlined in the memorandum are set out below. Whether any individual option is considered further, and whether additional options are forthcoming, will depend on the views of the members of the intersessional committee.

The preliminary suggested options are:

1. OPTION A – Amending Rule 4(1) of the rules of procedure

This option would consider the effect of amending Rule 4(1) of the rules of procedure. This option is identified in [2.2.2] of the final report for MoP-4. It is based on Australia's proposal that the Meeting of the Parties agree to the draft Resolution at Annex 1 of MoP4 Doc 06 and amend Rule 4(1) of the rules of procedure.

2. OPTION B – Status Quo

This option would consider the effect of the status quo. This option is identified in [2.2.3] of the final report for MoP-4. It considers whether APEC member economies may participate as observers under the existing Rules of Procedure.

3. OPTION C – Adopting provisions pursuant to art VIII(15) to enable participation by any APEC member economy as observers

This option recognises that it may not be feasible to resolve the differing the views of Parties about the present rules of procedure. Such an impasse would not however prevent the Parties from adopting provisions for participation by any APEC member economy as observers pursuant to art VIII(15) of the Agreement. This option has the advantage of providing a distinct foundation for further provisions on participation by any APEC member economy in the Meeting of the Parties and its subsidiary bodies. This option would likely require consequential amendments to the existing rules of procedure to align the rules of procedure with provisions adopted under art VIII(15).

2. NEXT STEPS

The above seeks to facilitate agreement among intersessional committee members on the range of feasible options, allowing the committee to move expeditiously to consider how the options can be given effect to and the specific modalities for obtaining observer status.

The intersessional committee is communicating by email. As appropriate, members of the committee who are available will convene in the margins of other meetings, for example the Seventh Meeting of the Advisory Committee.

Parties are welcome at any time to participate in the work of this intersessional committee.