

 <p>Agreement on the Conservation of Albatrosses and Petrels</p>	<p style="text-align: center;">Seventh Meeting of the Parties <i>Virtual meeting, 9 - 13 May 2022 (UTC+10)</i></p> <p style="text-align: center;">Amendment to the Rules of Procedure for the Meeting of the Parties</p> <p style="text-align: center;"><i>Australia, United Kingdom</i></p>
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SUMMARY

Rule 24 of the Rules of Procedure for the Meeting of the Parties provides a mechanism for intersessional voting in exceptional circumstances. This procedure is not expeditious, particularly when electronic communication channels are now ordinarily commonplace between Parties. Circumstances, like the ongoing COVID-19 pandemic, and its effect on the planning for the Seventh Session of the Meeting of the Parties, also highlight the benefit of more flexible decision-making by the Meeting of the Parties intersessionally. Amendments are proposed to Rule 24.

RECOMMENDATION

That the Meeting of the Parties decides to amend Rule 24 of the Rules of Procedure for the Meeting of the Parties.

1. CONTEXT

The Rules of Procedure for the Meeting of the Parties to the Agreement on the Conservation of Albatrosses and Petrels are established by Article VIII(11)(a) of the Agreement. The Rules of Procedure may be amended by the Meeting of the Parties, under Article VIII(13)(a). The current Rules of Procedure are set out in Appendix A to [Resolution 6.5](#).

Rule 24 of the Rules of Procedure provides a mechanism for intersessional voting. It establishes a 52-day time frame for intersessional decision-making, with 7 days allowed for the ACAP Secretariat to translate and circulate a proposed decision, and 45 days allowed for Parties to respond to the proposal. This procedure is not expeditious, particularly when electronic communication channels are now ordinarily commonplace between Parties. Circumstances, like the ongoing COVID-19 pandemic, and its effect on the planning for the Seventh Session of the Meeting of the Parties, also highlight the benefit of more flexible decision-making by the Meeting of the Parties intersessionally.

Amendments are proposed to Rule 24 that would facilitate expeditious decision-making intersessionally (see **ANNEX 1**). The procedure would update the intersessional voting mechanism to establish a 28-day time frame for intersessional decision-making, with 7 days allowed for the ACAP Secretariat to translate and circulate a proposed decision, and 21 days allowed for Parties to respond to the proposal.

The amended Rule 24 would provide a more flexible mechanism for intersessional decision-making between Meetings of the Parties.

ANNEX 1. PROPOSED AMENDMENT TO RULE 24

Rule 24 – Intersessional Voting

- (1) This Rule applies between Sessions of the Meeting of the Parties.
- (2) Where, in the view of any Party, the Executive Secretary or the Chair of the Advisory Committee there are exceptional circumstances that require a decision to be taken in advance of the next ordinary Session of the Meeting of the Parties, any one of them may submit a proposal for such a decision to the Executive Secretary. This proposal for decision may be submitted electronically. Within 7 days, the Executive Secretary shall communicate the proposal to all Parties, together with any additional information that may assist Parties.
- (3) Parties shall respond to the Secretariat's communication as soon as possible, but within ~~45~~ 21 days of the date of distribution of the proposal, indicating whether they wish to support it, reject it, abstain on it, require additional time to consider it, or whether they consider it is not necessary for the vote to be taken during the period between Sessions of the Meeting of the Parties.
- (4) If more than two-thirds of Parties consider it is not necessary for the vote to be taken during the period between Sessions, the Secretariat shall inform all Parties and shall include the proposal on the agenda of the next Session.
- (5) Notwithstanding Rule 20, the adoption of any decision between Sessions of the Meeting of the Parties shall be by consensus. For the purposes of this Rule, consensus shall mean that all the responses received by the Secretariat within the time frame specified in paragraph 3 of this Rule either support the decision or abstain. The result shall be promptly communicated by the Secretariat to all Parties. If consensus is not obtained, the matter will be placed on the agenda of the next Session of the Meeting of the Parties.
- (6) In so far as they are applicable, these Rules of Procedure shall apply *mutatis mutandis* to any intersessional voting held within the framework of the Agreement on the Conservation of Albatrosses and Petrels.