
AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS

Resolution 4.8

Resolution outlining a process towards implementation of Article VIII.15 of the Agreement on the Conservation of Albatrosses and Petrels

Adopted by the Fourth Session of the Meeting of the Parties, Lima, 23 - 27 April 2012

Recognising that the conservation status of albatrosses and petrels is threatened by incidental mortality associated with commercial fishing activities, including those of distant water fishing fleets;

Further recognising the importance of ensuring that the threats posed to albatrosses and petrels are effectively mitigated throughout their range;

Aware that such protection can be greatly enhanced by cooperation with APEC member economies whose vessels fish within the range of albatrosses and petrels listed in Annex I to ACAP and particularly those with a high incidence of bycatch of albatross and petrel species;

Recalling that Article VIII.15 ACAP provides that the Meeting of the Parties may adopt by consensus provisions for the relationship to ACAP by any member economy of the Asia Pacific Economic Cooperation Forum (APEC) whose vessels fish within the range of albatrosses and petrels; and that those provisions, once adopted, shall enable the member economy to participate in the work of the Meeting of the Parties and its subsidiary bodies, including decision-making and to comply with all obligations under ACAP;

Conscious of the need to provide the Meeting of the Parties with options to enable the participation of APEC member economies in sessions of the Meeting of the Parties and its subsidiary bodies;

Further conscious of the benefit to ACAP of the participation in the Meeting of the Parties and its subsidiary bodies by APEC member economies, including as observers:

The Meeting of the Parties to the Agreement on the Conservation of Albatrosses and Petrels

1. *Welcomes* the interest shown by APEC member economies in the work of ACAP;
2. *Decides* to establish an intersessional committee to develop options for the participation, including as observers, in the Meeting of the Parties and its subsidiary bodies, of APEC member economies, without prejudging any decision by the Meeting of the Parties;

3. *Further decides* that the intersessional committee will present the outcome of its work to the Parties at the earliest opportunity intersessionally, for consideration and adoption by consensus in accordance with the relevant Rules of Procedure, or at the 5th Session of the Meeting of the Parties at the latest;

4. *Further decides* that terms of reference for the intersessional committee established by paragraph 2 are annexed to this Resolution.

RESOLUTION 4.8 – ANNEX

Terms of Reference for the Intersessional Committee

1. The intersessional committee will be open for participation of any Party at any time. The intersessional committee will consist of representatives nominated by Parties, and the Chair of the Advisory Committee.
2. The intersessional committee will nominate its own chair from amongst the appointed representatives of Parties.
3. The intersessional committee will conduct its work as a matter of urgency, making maximum use of electronic means. Should physical meetings be required, these will, to the extent practical, take place in the margins of other meetings.
4. The specific options to be considered and developed by the intersessional committee are those that would, taking account of relevant considerations (including legal and political), enable APEC member economies to participate, including as observers, in Sessions of the Meeting of the Parties and in meetings of its subsidiary bodies.
5. The intersessional committee will conduct informal consultation with APEC, relevant APEC member economies and non-Party Range States in conducting its work.
6. The intersessional committee may receive and consider submissions from observers.
7. The intersessional committee will present to the Parties a report setting out the available options, the basis for each option and the modalities by which each option could be achieved. This report will be circulated to the Parties at least 90 days before 7th Meeting of the Advisory Committee.
8. If no subsequent consensus decision is taken in accordance with the relevant Rules of Procedure, the intersessional committee will continue its work and will present updated reports to the 8th Meeting of the Advisory Committee and, if necessary to the 5th Session of the Meeting of the Parties.