

 <p>Agreement on the Conservation of Albatrosses and Petrels</p>	<p style="text-align: right;">Sixth Meeting of the Parties <i>Skukuza, South Africa, 7 - 11 May 2018</i></p> <p style="text-align: center;">Resolution on implementation of Article VIII(15) of the Agreement on the Conservation of Albatrosses and Petrels concerning any member economy of the Asia Pacific Economic Co-operation forum whose vessels fish within the range of albatrosses and petrels</p> <p style="text-align: center;"><i>Australia</i></p>
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RECOMMENDATION

That the Meeting of the Parties agrees, pursuant to Article VIII(15) of the Agreement, to the participation by any member economy of the Asia Pacific Economic Co-operation forum whose vessels fish within the range of albatrosses and petrels, as an observer in the work of the Meeting of the Parties and its subsidiary bodies in accordance with Rules of Procedure adopted by the Parties from time to time.

1. CONTEXT

[Resolution 5.8](#) has continued work on implementing Article VIII(15) of the Agreement on the Conservation of Albatrosses and Petrels (the **Agreement**). This work has been focused on developing options for the participation by any member economy of the Asia Pacific Economic Co-operation forum whose vessels fish within the range of albatrosses and petrels (**relevant APEC member economy**) in the work of the Agreement, including as observers (see [AC9 Doc 16](#); [AC9 Report](#), paragraphs 8.8 to 8.10).

Prior work under [Resolution 4.8](#) on this topic led to consideration intersessionally, and by the Fifth Meeting of the Parties: Santa Cruz de Tenerife, Spain, 4-8 May 2015, of provisions concerning observership, without arriving at a consensus ([MoP5 Doc 06](#); [MoP5 Doc 29](#); [MoP5 Report](#), paragraphs 2.2.1 to 2.2.6).

Given the urgency Parties attach to this topic, it is appropriate that the Sixth Meeting of the Parties consider agreeing to provisions for participation by relevant APEC member economies in the work of the Agreement, in the first instance as observers.

2. IMPLEMENTING ARTICLE VIII(15) OF THE AGREEMENT

Article VIII(15) enables provisions to be adopted by consensus concerning participation by any relevant APEC member economy in the work of the Agreement. Participation may include, among other things: observership. Implementation of Article VIII(15) may occur by way of a resolution of the Meeting of the Parties. This would enable the provisions to remain under review, and for amendments to be made in light of changing circumstances. The resolution would require a consensus decision of the Meeting of the Parties.

3. OBSERVER STATUS

A proposed Resolution is provided at Annex 1 that would enable any relevant APEC member economy to participate in Meetings of the Parties and its subsidiary bodies as an observer.

When implemented, any relevant APEC member economy would be able to participate as an observer by sending representatives to sessions of the Meeting of the Parties and its subsidiary bodies. The representatives would have the right to participate, but not vote, pursuant to Rule 4(1) of the [Rules of Procedure](#) for Meetings of the Parties. Participation by the representatives would be subject to Rules of Procedure adopted by the Parties from time to time.

ANNEX 1

AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS

Draft Resolution 6.x

Resolution on implementation of Article VIII(15) of the Agreement on the Conservation of Albatrosses and Petrels concerning any member economy of the Asia Pacific Economic Co-operation forum whose vessels fish within the range of albatrosses and petrels

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 member economies of the Asia Pacific Economic Co-operation forum whose vessels fish within the range of albatrosses and petrels listed in Annex I to the Agreement, particularly those with a high incidence of bycatch of albatross and petrel species;

Conscious of the benefit to the Agreement of the participation in the Meeting of the Parties and its subsidiary bodies by member economies of the Asia Pacific Economic Co-operation forum whose vessels fish within the range of albatrosses and petrels, including as observers;

Recalling that Article VIII(15) of the Agreement provides that the Meeting of the Parties may adopt by consensus provisions for the relationship to the Agreement by any member economy of the Asia Pacific Economic Co-operation forum 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 the Agreement;

Recalling also that Article VIII(4) of the Agreement provides that the Meeting of the Parties shall make provision in its rules of procedure for governing the attendance and participation of observers; and that such rules shall not be unduly restrictive;

Noting that pursuant to Article VIII(11)(a) and Article VIII(13)(a) the Meeting of the Parties has adopted Rules of Procedure for the Meeting of the Parties to the Agreement including, among other things, concerning observership by any member economy of the Asia Pacific Economic Co-operation forum whose vessels fish within the range of albatrosses and petrels;

Desiring to encourage co-operation with member economies of the Asia Pacific Economic Co-operation forum whose vessels fish within the range of albatrosses and petrels, in order to advance the objective and fundamental principles of the Agreement, set out in Article II of the Agreement;

Recognising that any decision on the participation by any member economy of the Asia Pacific Economic Co-operation forum whose vessels fish within the range of albatrosses and petrels, in no way affects the respective views of Parties about the status of any member economy.

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

1. *Agrees* pursuant to Article VIII(15) of the Agreement, to the participation by any member economy of the Asia Pacific Economic Co-operation forum whose vessels fish within the range of albatrosses and petrels, as an observer in the work of the Meeting of the Parties and its subsidiary bodies in accordance with Rules of Procedure adopted by the Parties from time to time. Participation by any member economy, as an observer, does not include the right to vote in the course of decision-making.