



**Agreement on the Conservation of Albatrosses and Petrels**

**Second Meeting of the Parties**

*Christchurch, New Zealand, 13 – 17 November 2006*

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**Intersessional Consultation Process between the  
Parties, the Agreement Secretariat and the Advisory  
Committee**

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## **Intersessional Consultation Process between the Parties, the Agreement Secretariat and the Advisory Committee**

### **Background**

During the intersessional period an issue arose that was of sufficient importance that the Secretariat and Advisory Committee felt it necessary to consult the Parties. This concerned applications for observership of Regional Fisheries Management Organisations. Regardless of the precise issue, this raised the problem of how intersessional consultation should occur. Article X e) of the Agreement requires the Secretariat “to invite the attention of the Meeting of the Parties (MoP) to matters pertaining to the objectives of this Agreement”. However, neither the Agreement nor the ‘Rules of Procedure for the Meeting of the Parties’ provide a formal process for the Secretariat or the Advisory Committee to consult with the Parties during the intersessional period. In order that both bodies may continue to drive forward the Agreement it is recommended that a process for both formal and informal consultations during the intersessional period be agreed to by the Parties.

### **Consultation**

#### **Decision on whether to consult or not**

Two forms of consultation might be anticipated between the Secretariat and the Parties during the intersessional period. The first is where a decision is required to be voted upon formally by the Parties in accordance with Rule 24 of MoP’s Rules of Procedure. The second form would be where no voting is required and either the Secretariat or the Advisory Committee seeks advice or direction from the Parties. In this case, consultation will occur only after discussion between the Secretariat and the Chair of the Advisory Committee. A suggested process for these two situations follows. In general it is not expected that these processes will be used often at all. Both the Secretariat and the Advisory Committee ought to be delegated sufficient authority to take decisions to move the agreement forward under most normal circumstances. If exceptional circumstances arise, consultation would be appropriate. It is also proposed that the Secretariat further improves the flow of information on progress of the Agreement to the Parties.

#### **Formal Consultation**

In order that the Secretariat may refer a matter to the Parties for a decision it is proposed to amend Rule 24 of MoP’s Rules of Procedure. A separate paper (MoP2 Doc 6) has been prepared by the Secretariat to aid the Parties’ consideration of this issue.

#### **Consultations Seeking Direction or Advice**

In situations where the Secretariat and the Chair of the Advisory Committee consider it necessary and appropriate to seek direction from the Parties, it is proposed that the Executive Secretary consult with the Parties’ Representatives by email. It will be important that Parties keep the Secretariat updated in the case that Representatives change during the intersessional period.

**Provision of Information to Parties**

The process for the exchange of information between the Secretariat and the Parties was discussed at the Second meeting of the Advisory Committee. The Advisory Committee recommended that the Secretariat provide quarterly reports to the Parties on budgetary and other issues. It is proposed that the Secretariat provides this information via email to the Parties' Representatives on the first day of each quarter (e.g. 1<sup>st</sup> day of January, April, July and October). Where such information is not sensitive, reports may also be published on the Agreement's website.

**Action required:**

The Parties are

- requested to ensure that clear guidance is given to the Secretariat and the Advisory Committee as to when consultation is appropriate; and
- give consideration to the three processes proposed for intersessional consultations between the Parties and the Agreement Secretariat and the Advisory Committee.