

 <p>Agreement on the Conservation of Albatrosses and Petrels</p>	<p style="text-align: right;"><b>Sixth Meeting of the Parties</b> <i>Skukuza, South Africa, 7 - 11 May 2018</i></p> <p style="text-align: center;"><b>Amendment to Rule 24 of the Rules of Procedure for the Meeting of the Parties</b></p> <p style="text-align: center;"><b><i>Australia</i></b></p>
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### RECOMMENDATION

That the Meeting of the Parties agrees 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 are established by Article VIII(11)(a) of the Agreement. The Rules of Procedure may be amended by the Meeting of the Parties from time to time, pursuant to Article VIII(13)(a). The current Rules of Procedure for the Meeting of the Parties are set out in Appendix A to [Resolution 3.8](#).

## 2. ERROR WITHIN THE RULES OF PROCEDURE

Rule 24 of the Rules of Procedure for the Meeting of the Parties concerns intersessional voting. Paragraph 5 of Rule 24 contains an error.

Rule 24 of the Rules of Procedure for the Meeting of the Parties is as follows:

### **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 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 1 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.

Paragraph 5 of Rule 24 of the Rules of Procedure for the Meeting of the Parties contains an error. The paragraph refers to a 'time frame' for responses received by the Secretariat that refers to the time frame specified in 'paragraph 1' of Rule 24. This is erroneous, as the relevant 'time frame' for responses is provided in 'paragraph 3' of Rule 24.

### **3. PROPOSED AMENDMENT TO THE RULES OF PROCEDURE**

It is proposed that paragraph 5 of Rule 24 of the Rules of Procedure for the Meeting of the Parties be amended to correct the identified error. The proposed amendment to the content of paragraph 5 of Rule 24 is as follows (text in red):

(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.

To give effect to this proposal, the Meeting of the Parties is invited to agree to adopt amended Rules of Procedure for the Meeting of the Parties, pursuant to Article VIII(13)(a) of the Agreement.