



**Agreement on the Conservation of Albatrosses and Petrels**  
**Report of the First Session of the Meeting of the Parties**

**Hobart, Australia  
10-12 November 2004**



## **AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS**

### **REPORT OF THE FIRST SESSION OF THE MEETING OF THE PARTIES** (Hobart, Australia, 10 to 12 November 2004)

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#### **1. OPENING OF THE MEETING**

1.1. The first Session of the Meeting of the Parties to the Agreement on the Conservation of Albatrosses and Petrels (ACAP) was held in Hobart, Tasmania, Australia, from 10 to 12 November 2004, under the chairmanship of Dr Tony Press (Australia).

1.2. Five Parties were represented: Australia, New Zealand, South Africa, Spain and the United Kingdom of Great Britain and Northern Ireland (UK). Three Signatory States were represented: Argentina, Brazil and France.

1.3. Three Range States were represented: Namibia, Norway and the United States of America (USA).

1.4. The Antarctic Treaty Secretariat, Antarctic and Southern Ocean Coalition (ASOC), the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the Convention on the Conservation Migratory Species of Wild Animals (CMS), BirdLife International, the Institute of Antarctic and Southern Ocean Studies (IASOS), the Scientific Committee on Antarctic Research (SCAR), Southern Seabird Solutions Trust (SSS) and Prof. R Doughty (University of Texas at Austin) attended the meeting as observers.

1.5. Apologies were received from Canada, Chile, China, Ecuador, the European Commission, Germany, Indonesia, Japan, Korea, Portugal, Russia, Ukraine, Uruguay and the United Nations Food and Agricultural Organisation (FAO). The Chair noted that while the FAO was unable to send a representative to the first session of the Meeting of the Parties, it had extended its best wishes for a successful outcome of the meeting.

1.6. The List of Participants (MOP1/Doc. 5 Rev 3) is given at Annex 1. The List of Documents (MOP1/Doc. 4 Rev 3) is given at Annex 2.

1.7. The Hon. Greg Hunt MP, Parliamentary Secretary to the Australian Minister for the Environment and Heritage, welcomed all participants to the first session of the Meeting of the Parties for ACAP. Mr Hunt acknowledged the importance of the Agreement, symbolic both in terms of its role in addressing a ‘tragedy of the commons’, with the need for many

States to work cooperatively to conserve albatrosses, petrels and their environment; and in terms of the nature of these seabirds. He announced Australia's intention to offer to host the permanent Secretariat in Hobart, Australia. He wished all participants a productive meeting and officially opened the inaugural ACAP meeting.

1.8. The Chair (Tony Press) thanked the Hon. Greg Hunt for his remarks and opened the floor for opening comments.

1.9. The Head of the interim Secretariat (Mr Ian Hay) read a message from His Royal Highness, The Prince of Wales. In his letter, His Royal Highness emphasised his support for ACAP as a demonstration of the growing international commitment to protect these unique seabirds and a recognition that this problem is beyond the capacity of any one nation to solve. He expressed his wishes for a successful outcome for the first session of the Meeting of Parties, in particular with respect to the identification of key priorities for practical conservation action and agreement of criteria for emergency situations.

1.10. Australia stated it has long been a strong advocate for an international agreement that provides a holistic approach to the protection of southern hemisphere albatross and petrel species and their habitats. The Agreement on the Conservation of Albatrosses and Petrels has developed quickly and the fact that only two meetings were required to produce and adopt the Agreement text, and that the Agreement has now entered into force, attests to the desire of all Parties and participating States to conserve these seabirds.

1.11. Australia congratulated all Parties that have ratified this important Agreement and looked forward to the valuable work yet to be achieved under its auspices. The protection of albatrosses, petrels and their habitats cannot be achieved through the actions of one country alone. Australia encouraged Signatory and Range States to consider early ratification of ACAP. Australia stated it was especially encouraged by the presence of Signatory and Range States, distant water fishing nation representatives and representatives from organisations such as the Antarctic Treaty Secretariat, ASOC, CCAMLR, CCSBT, CMS, BirdLife International, SCAR and SSS.

1.12. Australia looked forward to reaching consensus through discussions on the important issues of establishing the Agreement Secretariat and agreeing to the financial, advisory and environmental mechanisms that will drive this important Agreement forward. Australia welcomed all participants to Tasmania, and expressed the hope that everyone would enjoy their stay in Hobart.

1.13. New Zealand joined other delegations in saying how pleased they were to be in Hobart to participate in the first session of the Meeting of Parties of ACAP.

1.14. New Zealand was grateful that the Australian Government had agreed to host the meeting, and expressed its appreciation of the work of the Interim Secretariat, and others, in organising the first session of the Meeting of the Parties, and the preceding informal Scientific Meeting. New Zealand congratulated and thanked all of those involved.

1.15. New Zealand has been a strong supporter of ACAP since the concept first evolved. New Zealand was among the first countries to sign and ratify the Agreement. One of New Zealand's main priorities for this meeting will be to promote agreement on cost-effective and efficient administrative procedures, including the establishment of the Advisory Committee and the Agreement Secretariat, to ensure ACAP's long-term viability.

1.16. New Zealand hoped that other countries would be encouraged to join the Agreement by what they saw and heard at the Meeting. New Zealand had much to gain from effective implementation of ACAP. Of the 28 species listed under the Agreement, 12 are endemic to New Zealand, and six are native. These species migrate to other countries' waters where they are vulnerable to incidental capture by longline fleets. New Zealand expressed its desire to make a valuable contribution to helping other ACAP participants, for example by sharing expertise relating to fishing practices and pest eradication.

1.17. New Zealand looked forward to talking to participants about Southern Seabird Solutions. This is a New Zealand initiated alliance of government, fishing industry and environment groups set up to promote the adoption of fishing practices that avoid seabird capture. Southern Seabird Solutions had recently become a Trust. New Zealand hoped that other countries will use Southern Seabird Solutions as a model for establishing similar organisations.

1.18. New Zealand stated that they looked forward to the days ahead and the collective deliberations to advance ACAP.

1.19. South Africa expressed its satisfaction that the first session of the Meeting of the Parties to the Agreement on the Conservation of Albatrosses and Petrels is being held in Hobart, the capital city of Tasmania, hosted by the Government of Australia. It thanked Australia for hosting the meeting.

1.20. South Africa indicated that it was a Range State for 19 of the 24 species of albatrosses and petrels listed within ACAP. Conservation of these species was being

accorded high priority by way of South Africa's recently adopted National Environmental Management Biodiversity Act. South Africa also reported their support for a number of research projects that sought to improve the conservation status of ACAP species within its territory.

1.21. South Africa noted its involvement with the development of ACAP since its early days. It participated in the first round of negotiations, held in Hobart in 2000, and in early 2001 hosted the successful second and final round of negotiations in Cape Town. This meeting was opened by the then Minister of Environmental Affairs & Tourism, Mr Mohamed Valli Moosa. Financial support towards the hosting of the meeting in Cape Town had been received from the Governments of Australia, New Zealand and the United Kingdom, and was gratefully acknowledged.

1.22. South Africa signed and ratified ACAP on 6 November 2003. As the fifth Party to ratify the Agreement this action had allowed ACAP to enter into force on 1 February 2004. South Africa wished to be an active Party to ACAP, and looked forward to working closely with other Parties to further the aims of the Agreement and to improve the conservation status of albatrosses and petrels.

1.23. Argentina announced that a draft law enabling ratification of the Agreement had been submitted on 9 October 2004 to the Argentine Parliament for its approval. Argentina expressed its intention to ratify the Agreement immediately after such a law is approved.

1.24. Argentina thanked Australia for hosting the meeting. Argentina also thanked the meeting for considering the letter from the Argentine Embassy which requested that Argentina's participation in the meeting should be on an equal basis with Parties ("Letter from Argentinean Embassy", MOP1/Doc. 7). Argentina accepted the decision of the meeting that, as a Signatory, it could participate in decisions by consensus, but if a decision was put to a vote then only Parties to the Agreement could participate.

1.25. Brazil extended its thanks to the Government of Australia for hosting the first session of the Meeting of the Parties to the Agreement on the Conservation of Albatrosses and Petrels. Brazil signed ACAP on 19 June 2001 and ratification was currently under discussion in Parliament. Brazil attached great importance to ACAP. Several species of albatrosses and petrels are found along the Brazilian coastal area and Atlantic islands. Brazil had recently created a national plan for the protection of these seabirds and the conservation of their habitat. Brazil looked forward to joining ACAP and contributing to its success.

1.26. Brazil also provided a letter from the Brazilian Embassy supporting the request from Argentina (“Letter from Brazilian Embassy”, MOP1/Inf. 9).

1.27. France informed the meeting of the introduction of legislation in the French Parliament, as part of France’s actions to ratify ACAP. The law for ratification was adopted by the French Senate, the upper Chamber of the Parliament, on 12 October 2004 and will be proposed for adoption in the Assemblée Nationale, the lower Chamber of the Parliament, in early 2005, most likely in January. Once adopted by the Assemblée Nationale, it is expected to take only a few weeks before the instrument of ratification is signed by the Président de la République (Head of State) and then published in the Journal Officiel de la République Française (Official Journal of the French Republic). France would then be pleased to join the Parties of ACAP and will continue to be a very active stakeholder in the conservation of albatross and petrels.

## 2. ADOPTION OF AGENDA

2.1 The provisional agenda was adopted by the meeting without change (Annex 3, MOP1/Doc.1 Rev 3).

## 3.1 REPORT OF THE INTERIM SECRETARIAT AND DEPOSITORY

3.1.1 The meeting thanked the Interim Secretariat and Depositary for their report (MOP1/ Doc. 6) and noted the contents.

## 3.2 REPORT OF THE CREDENTIALS COMMITTEE

3.2.1 A Credentials Committee was formed comprising representatives from New Zealand, Spain and the United Kingdom.

3.2.2 The meeting noted the advice of the Credentials Committee that credentials had been received from all Parties present – Australia, New Zealand, South Africa, Spain and the UK – and been accepted.

#### 4.1 ESTABLISHMENT OF AGREEMENT SECRETARIAT

4.1.1 The meeting considered papers on the “Establishment of the Agreement Secretariat” (MOP1/Doc. 8), the “Location of the Agreement Secretariat” (MOP1/Doc. 9) and “Financial Arrangements” (MOP1/Doc.10).

##### *Secretariat Activities*

4.1.2 There was general acceptance of the list of Secretariat activities described in MOP1/Doc. 8 (Attachment A).

##### *Establishment of the Agreement Secretariat*

4.1.3 The meeting considered the issues identified in MOP1/ Doc. 8 and agreed that:

- a) the Agreement Secretariat should be subordinate to the Meeting of the Parties;
- b) the Agreement should have a permanently located Secretariat;
- c) the Agreement Secretariat should have a legal identity established through a ‘Headquarters Agreement’ with the Secretariat host country;
- d) privileges and immunities are desirable for Secretariat Staff, but further consideration is required as to whether all of those listed in MOP1/Doc. 8 should apply.

4.1.4 Agreement on issues a) to d) above is included in Resolution 1.1 on the “Secretariat of the Agreement on the Conservation of Albatrosses and Petrels”.

##### *Location of Agreement Secretariat*

4.1.5 The interim Secretariat confirmed that one substantive offer to host the Agreement Secretariat had been received from Australia (MoP1/Doc. 9, Attachment A). Ecuador had also expressed interest in hosting the Secretariat in the Galapagos Islands, however details of an offer had not been provided. Both of these bids were welcomed by the first session of the Meeting of the Parties.

4.1.6 In the absence of further information from Ecuador, the first session of the Meeting of the Parties agreed to accept the offer from Australia to host the Agreement Secretariat in Hobart, Australia. Of the two options offered by Australia, there was agreement that co-

locating the ACAP Secretariat with Antarctic Tasmania (Option 1 in paper MOP1/Doc. 9) was the preferred mechanism.

4.1.7 Noting that ACAP is an Agreement under the auspices of the CMS, the meeting supported close liaison between the Secretariats of ACAP and CMS. The first session of the Meeting of the Parties welcomed the opportunity to benefit from CMS' experience of establishing and operating Secretariats.

4.1.8 The first session of the Meeting of the Parties welcomed the in-principle offer from the CCAMLR Secretariat that future ACAP meetings in Hobart could use the CCAMLR headquarters meeting facilities, provided they were not in use for CCAMLR meetings. This offer was accepted, pending consideration of financial and other arrangements.

4.1.9 The meeting adopted Resolution 1.1 on "The Secretariat of the Agreement on the Conservation of Albatrosses and Petrels".

## 4.2 RECRUITMENT PROCEDURES FOR THE AGREEMENT SECRETARIAT

4.2.1 The meeting considered the paper by the interim Secretariat on "Recruitment Procedures for the Agreement Secretariat" (MOP1/Doc. 10).

4.2.2 The meeting agreed to the recruitment procedures for the Executive Secretary and support staff set out in Resolution 1.1 on "The Secretariat of the Agreement on the Conservation of Albatrosses and Petrels".

## 5. RULES OF PROCEDURE

5.1 The meeting agreed that to maintain momentum in respect of the Agreement in its formative years, the second and third sessions of meetings of the Parties should be held at two year intervals (i.e. in 2006 and 2008). Thereafter, unless there was consensus to do otherwise, sessions of the Meeting of the Parties will be held every three years.

5.2 The Meeting of the Parties considered the paper by the interim Secretariat proposing draft rules of procedure for Sessions of the Meeting of the Parties. The meeting agreed to adopt the rules of procedure as set out in Annex 4.

5.3 There was some discussion over rule 4 relating to attendance by observers at sessions of Meetings of the Parties. The meeting agreed to adopt this rule with different conditions relating to applications for observer status from international bodies concerned with the conservation and management of marine living resources or albatrosses and petrels; and other such bodies (Annex 4, Rule 4, paragraphs (2) – (5) refer). BirdLife International stated its belief that it was an international organisation of the type referred to in Rule 4, paragraph 2. The UK stated that it also considered BirdLife International to be an international organisation of the type referred to in Rule 4, paragraph 2. The Chair sought the views of other delegates on this point. There were no further interventions and the Chair took this as agreement.

## 6.1 AGREEMENT BUDGET

6.1.1 The Meeting of the Parties adopted Resolution 1.2 on the “Budget for the Agreement on the Conservation of Albatrosses and Petrels”. This applies to the years 2005 and 2006.

## 6.2 SCALE OF CONTRIBUTIONS

6.2.1 The Meeting of the Parties adopted Resolution 1.3 on the “Scale of Contributions for the Agreement on the Conservation of Albatrosses and Petrels”.

## 6.3 FINANCIAL ARRANGEMENTS

6.3.1 The Meeting of the Parties adopted the financial regulations in Annex 5.

## 7. REPORT OF THE SCIENTIFIC MEETING

7.1 Prof. John Croxall, the Chair of the Informal Scientific Meeting held in Hobart on 8-9 November 2004, presented a report of this meeting (MOP1/Doc. 15). This included a number of recommendations for consideration by the Meeting of the Parties.

7.2 In respect of proposals for the formation of Advisory Committee working groups, the first session of the Meeting of the Parties agreed to recommend to the Advisory Committee the proposals in relation to taxonomic issues (MOP1/Doc. 15, paragraph 4.5) and to population status, trends and demography (MOP1/Doc. 15, paragraph 5.5) (Resolution 1.5, Annex 2).

7.3 The first session of the Meeting of the Parties endorsed the need to work closely with other organisations with experience in synthesising the results of population monitoring programs. This will ensure that collective efforts are complementary, efficient, and mutually beneficial; and that duplication is minimised.

7.4 In respect of the comments and recommendations concerning the Action Plan (Annex 2 of the Agreement) the first session of the Meeting of the Parties endorsed the proposed main focus of the initial work of the Advisory Committee (MOP1/Doc. 15, paragraph 6.1).

7.5 The meeting also endorsed priority work on:

- a) fisheries interactions (MoP1/Doc. 15, paragraphs 6.3-6.4) especially the potential strategy for interaction and collaboration with RFMOs (MOP1/Doc. 15, paragraphs 6.5-6.7);
- b) reporting and review of data relating to eradication of non-native species injurious to albatrosses and petrels (MOP1/Doc. 15, paragraphs 6.10-6.11); and
- c) the management and protection status of breeding sites and identification of “internationally important breeding sites” (MOP1/Doc. 15, paragraph 6.12).

7.6 The meeting endorsed the requests for a variety of reports from Parties, and others as appropriate, concerning use and trade (MOP1/Doc. 15, paragraph 6.14), re-establishment schemes (MOP1/Doc. 15, paragraph 6.15), codes of conduct to minimise disturbance by tourists and scientists (MOP1/Doc. 15, paragraph 6.18), the FAO international plan of action for seabirds (MOP1/Doc. 15, paragraph 6.9) and education and communication initiatives (MOP1/Doc. 15 paragraph 6.33).

7.7 The first session of the Meeting of the Parties endorsed an interim plan to guide the work of the Advisory Committee (Resolution 1.5, Annex 2), particularly in relation to initiatives to be started prior to the first formal meeting. It noted that the interim work plan would need also to include tasks relating to administrative and financial matters.

7.8 The Meeting of the Parties noted the discussion of report formats (MOP1/Doc. 15, paragraphs 6.34-6.36) and issues concerning simplification and identification of the most appropriate formats for different elements of any report (MOP1/Doc. 15, paragraph 6.37).

7.9 A resolution relating to these topics was adopted under Agenda Item 9 (Resolution 1.5).

7.10 In respect of the requirement to develop indicators to measure the collective success of Parties in implementing the objectives of the Agreement (MOP1/Doc. 15, paragraph 6.27), the meeting requested Parties to provide the Advisory Committee with suggestions as to how this requirement might be progressed most efficiently.

7.11 The first session of the Meeting of the Parties noted the discussion of procedures for considering potential changes to species listed in Annex 1 of the Agreement (MOP1/Doc. 15, paragraphs 7.1 - 7.3).

7.12 The first session of the Meeting of the Parties endorsed the need to maintain close links with relevant work on northern hemisphere albatrosses, welcomed the role of the USA in facilitating this and encouraged the USA to continue to participate in ACAP as an observer.

## 8. EMERGENCY CRITERIA

8.1 The meeting considered the requirement of Article VIII, paragraph 11(e) of the Agreement that the first session of the Meeting of the Parties "adopt criteria to define emergency situations that require urgent conservation measures and determine the modalities for assigning responsibility for action to be taken".

8.2 The first session of the Meeting of Parties noted the advice of the informal Scientific Meeting (MOP1/Doc.15, paragraphs 3.2 - 3.11). In particular it agreed to adopt, with some modifications, paragraph 3.2. Accordingly, Resolution 1.4 was adopted.

## 9.1 ESTABLISHMENT OF ADVISORY COMMITTEE

9.1.1 The Meeting of the Parties agreed to the establishment of an Advisory Committee and a work programme for this Committee as set out in Resolution 1.5.

9.1.2 Parties were asked to nominate members to the Advisory Committee. Nominations received during the course of the meeting are included in Annex 6.

## 9.2 ADOPTION OF ADVISORY COMMITTEE RULES OF PROCEDURE

9.2.1 The first session of the Meeting of the Parties noted the paper by the interim Secretariat proposing draft rules of procedure for the Advisory Committee (MOP1/Doc. 17). The meeting referred these to the Advisory Committee for further consideration and agreement as appropriate. In the interim, it was agreed that the Rules of Procedure for the sessions of the Meeting of the Parties would apply to the Advisory Committee.

## 9.3 FORMAT OF REPORTS OF THE ADVISORY COMMITTEE

9.3.1 The Meeting of the Parties agreed to proposals relating to the format of reports as set out in Resolution 1.5.

## 10. COLLABORATION WITH OTHER INTER-GOVERNMENTAL AND NON GOVERNMENTAL ORGANISATIONS

10.1. BirdLife International introduced a paper which provided background information on BirdLife's global seabird program (MoP1/Inf. 3). BirdLife International noted that the paper contained details of regional initiatives, perhaps most noteworthy being the recent international albatross and petrel conference, held in Uruguay in August 2004, and organised by BirdLife. Among the initiatives of BirdLife of key interest to the Agreement is the global Procellariiform tracking database, launched on 9 November 2004. BirdLife also noted that the document contains contact details of the BirdLife partnership.

10.2. In introducing "CCAMLR and Seabirds in the Antarctic Marine ecosystem" (MOP1/Inf 1), the observer from Commission for the Conservation of Antarctic Marine Living Resources outlined the organisation's historical initiatives over the past 15 years aimed at dealing with the problem of incidental seabird mortality in longline fisheries within CCAMLR's Convention Area. Such mortality has impacted many of the species of concern to ACAP, but CCAMLR has enjoyed considerable success in reducing its effects in the fisheries which it regulates.

Consequently, CCAMLR has assumed international pre-eminence in developing seabird mortality mitigating measures.

10.3. CCAMLR also highlighted its concern that illegal, unreported and unregulated (IUU) fishing, both in the Convention Area and adjacent areas, inflicts high levels of incidental mortality on seabirds to the extent that the sustainability of certain populations is being threatened. Therefore, CCAMLR has come to recognise the importance of ensuring a close exchange of information on seabird mortality between itself and other RFMOs managing fishing in areas where seabirds breeding in the Convention Area are likely to forage. These concerns were clearly manifest at the CCAMLR Commission meeting in November 2004 and culminated in a resolution (CCAMLR Resolution 22/XXIII) to enhance co-operation between CCAMLR and relevant RFMOs on seabird bycatch issues. It also resulted in CCAMLR calling for support within its own membership to provide for the rapid and effective implementation of ACAP.

10.4. The Southern Seabird Solutions Trust briefly introduced the aims of the group and its possible role within the context of ACAP. The Trust is an alliance of government, fishing industry and environmental groups, based in New Zealand, which promotes fishing practices that avoid the incidental capture of seabirds in Southern Ocean fisheries. The Trust works under the premise that fishers need to be involved in initiatives to create lasting changes in fishing practices. It undertakes projects that involve the exchange of information and expertise between fishers to build their commitment to responsible fishing practices that avoid seabird capture.

10.5. The Southern Seabird Solutions Trust highlighted that fishing is the key threat to the species listed in the Agreement, and noted that the activities of the Trust would contribute to addressing this. The Trust looked forward to collaborating with ACAP Parties.

10.6. The Executive Secretary of the Commission for the Conservation of Southern Bluefin Tuna indicated that the CCSBT was pleased to be able to participate in the first session of the Meeting of the Parties to ACAP. He advised that the CCSBT recognised its responsibilities to ecologically related species and had put practical responses in place to manage the interaction of the SBT fishery with seabirds. The CCSBT will cooperate with ACAP wherever possible.

10.7. The Scientific Committee on Antarctic Research welcomed the opportunity to introduce itself and its activities to first session of the Meeting of Parties; in particular, those activities where it believes it can assist ACAP in its efforts to conserve albatrosses and

petrels (“The SCAR Group of Experts on Birds: support for the Agreement on the Conservation of Albatrosses and Petrels”, MoP1/Inf. 7).

10.8. The first session of the Meeting of the Parties welcomed the reports from observers and noted that effective collaboration with appropriate inter-governmental and non-governmental organisations would be essential if the objectives of ACAP were to be met. The first session of the Meeting of the Parties particularly welcomed input from and attendance by Regional Fisheries Management Organisations and commended CCAMLR and CCSBT for their work in addressing mitigation of seabird bycatch.

10.9. The first session of the Meeting of the Parties noted the content of CCAMLR Resolution 22/XXII (ScM1/ Inf. 4), relating to detailed information and activities desired as part of collaboration between Regional Fisheries Management Organisations to address issues relating to incidental mortality of seabirds associated with fishing. The Meeting of the Parties recognised that such intentions were relevant to agreed priority activities of the Advisory Committee and requested the Committee to maintain close liaison with CCAMLR and RFMOs in this regard.

10.10. To assist ACAP in establishing contact with relevant international initiatives and organisations, the Meeting of the Parties agreed to request observer status at appropriate meetings; and that ACAP observers should, where appropriate, give presentations on the Agreement and report back to the Meeting of the Parties. Parties, Signatories and others were asked to assist in this regard.

10.11. The first session of the Meeting of the Parties agreed to request observer status or reports as appropriate on meetings listed at Annex 7.

10.12. The United Kingdom offered to compile a draft list of other meetings, particularly those related to Biodiversity, for circulation to all participants by the interim Secretariat. The interim Secretariat will seek nominations for representatives to attend those meetings on behalf of ACAP.

10.13. In particular it was agreed that the Meeting of the Parties should seek to arrange presentations on ACAP to:

- (a) the Ministerial-level meeting associated with the Food and Agriculture Organisation of the United Nations (FAO) International Fisheries Committee (COFI).

(b) United National Interim Consultative Process on the Law of the Sea (UNICPOLOS). Australia agreed to undertake this.

## 11. PROVISIONAL DATE AND VENUE OF THE SECOND MEETING

11.1 The UK offered to consult with its authorities with a view to making an offer to host the second session of the Meeting of the Parties in late 2006. The Meeting of the Parties thanked the UK for its offer which was accepted in principle.

## 12. OTHER BUSINESS

12.1 Argentina tabled two statements relating to the United Kingdom Delegation which are included in Annex 8.

12.2 The UK delegation responded with the statement in Annex 9.

## 13. CLOSING REMARKS

13.1 In closing the meeting, the Chair (Dr Tony Press) thanked all participants for attending the inaugural session of the Meeting of Parties for ACAP. He noted that a range of Parties, Signatories, Range States and Observers had attended the meeting and that there had been sound discussions on a wide variety of issues. Discussions had covered administrative, financial, scientific and other matters, including the future work of both the Advisory Committee and sessions of the Meetings of the Parties. The Chair thanked all delegates for their constructive and fruitful participation, noting that a very cordial atmosphere had prevailed throughout.

13.2 On behalf of the meeting, Dr Press extended thanks to the interim Secretariat for hosting the meeting and facilitating the work of ACAP.

13.3 The Chair also thanked the interpreters and translators for their valuable services during the meeting.

13.4 He wished all delegates a safe journey home.

13.5 The participants thanked the Chairman, Dr Press, for his efforts to ensure the meeting was productive and well-focused.

13.6 The participants also thanked Australia for hosting the meeting and fulfilling the role of interim Secretariat prior to, and during, the meeting.

14. ADOPTION OF THE REPORT OF THE FIRST SESSION OF THE MEETING OF THE PARTIES

The report of the meeting was adopted as a draft, noting that the interim Secretariat had been tasked with producing a final report, in consultation with participants.

15. CLOSURE OF MEETING

16. The meeting closed at 18:00 on 12 November 2004.

**ANNEX 1**  
(ACAP/MOP1/Doc.5 Rev 3)

**LIST OF PARTICIPANTS IN THE FIRST SESSION OF THE MEETING OF PARTIES TO  
ACAP**

MOP1 Chair	Dr Tony PRESS Director Australian Antarctic Division Hobart, Australia
Informal Scientific Meeting Chair	Professor John CROXALL British Antarctic Survey Cambridge, United Kingdom

**AUSTRALIA**

Representative:	Mr Barry BAKER Australian Antarctic Division Hobart, Australia
Alternative Representative:	Mr Owen WALSH Australian Antarctic Division Hobart, Australia
Advisors:	Ms Nicola BEYNON Humane Society International Sydney, Australia
	Mr Simon CLAYTON Department of Foreign Affairs and Trade Canberra, Australia
	Mr Ben GALBRAITH Antarctic Tasmania Hobart, Australia
	Dr Rosemary GALES Department of Primary Industries Water and Environment Hobart, Australia
	Ms Tara HEWITT Australian Antarctic Division Hobart, Australia
	Mr Michael JOHNSON Department of the Attorney General Canberra, Australia
	Mr Andrew MCNEE Australian Fisheries Management Authority Canberra, Australia

## **NEW ZEALAND**

Representative:

Ms Chris ANDERSON  
Ministry of Foreign Affairs and Trade  
Wellington, New Zealand

Advisors:

Mr Spencer CLUBB  
Ministry of Fisheries  
Wellington, New Zealand

Ms Janice MOLLOY  
Department of Conservation  
Wellington, New Zealand

Mr Neville SMITH  
Ministry of Fisheries  
Wellington, New Zealand

## **REPUBLIC OF SOUTH AFRICA**

Representative:

Dr Robert CRAWFORD  
Chief Specialist Scientist  
Department of Environmental Affairs and  
Tourism  
Rogge Bay, South Africa

Advisors:

Mr Christian BADENHORST  
Department of Foreign Affairs  
Pretoria, South Africa

Mr John COOPER  
University of Cape Town  
Randebosch, South Africa

Ms Samantha PETERSEN  
Birdlife South Africa  
Cape Town, South Africa

## **SPAIN**

Representative:

Dr Carmen-Paz MARTI  
Secretaría General de Pesca Marítima  
Madrid, Spain

Advisor:

Mr Carles CARBONERAS MALET  
Sociedad Espanola de Ornitología  
Madrid, Spain

## **UNITED KINGDOM**

Representative: Mr Martin BRASHER  
Head of Global Wildlife Division  
Department for Environment, Food and Rural  
Affairs  
Bristol, United Kingdom

Alternative Representative: Dr Michael RICHARDSON  
Polar Regions Unit  
Foreign and Commonwealth Office  
London, United Kingdom

Advisors: Professor John CROXALL  
British Antarctic Survey  
Cambridge, United Kingdom

Dr Andrew DOUSE  
Government Advisor  
United Kingdom

Ms Harriet HALL  
Foreign and Commonwealth Office  
United Kingdom

Mr Mark TASKER  
Joint Nature Conservation Committee  
Aberdeen, Scotland, United Kingdom

## SIGNATORIES

### ARGENTINA

Mr Leopoldo FRANCISCO SAHORES  
Embassy of the Argentine Republic  
Canberra, Australia

### BRAZIL

Dr Onildo João MARINI FILHO  
Brazilian Institute of Environment - IBAMA  
Brasilia, Brazil

Mr Roberto PARENTE  
Embassy of Brazil  
Canberra, Australia

### FRANCE

Mr Jean-Claude MIZZI  
Ministry of Foreign Affairs – French Embassy  
Canberra, Australia

## RANGE STATES

### NAMIBIA

Dr Ben VAN ZYL  
Ministry of Fisheries and Marine Resources  
Swakopmund, Namibia

### NORWAY

Mr Øystein STØRKERSEN  
Directorate for Nature Management  
Trondheim, Norway

### UNITED STATES

Mr Hunter CASHDOLLAR  
US Department of State  
Arlington, USA

Ms Kim RIVERA  
Seabird Coordinator  
NOAA Fisheries  
Juneau, Alaska, USA

## OBSERVERS

### ANTARCTIC TREATY

Mr Johannes HUBER  
Antarctic Treaty Executive Secretary

### ANTARCTIC AND SOUTHERN OCEAN COALITION (ASOC)

Ms Estelle VAN DER MERWE  
ASOC  
Claremont, South Africa

### BIRDLIFE INTERNATIONAL

Mr John O'SULLIVAN  
BirdLife International  
Bedfordshire, United Kingdom

Dr Ben SULLIVAN  
BirdLife International  
Bedfordshire, United Kingdom

<b>CONVENTION ON THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES (CCAMLR)</b>	Dr Denzil MILLER CCAMLR Executive Secretary
<b>COMMISSION FOR THE CONSERVATION OF SOUTHERN BLUEFIN TUNA (CCSBT)</b>	Mr Brian MACDONALD CCSBT Executive Secretary Canberra, Australia
<b>CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS (CMS)</b>	Mr Douglas HYKLE CMS Bangkok, Thailand
<b>INSTITUTE OF ANTARCTIC AND SOUTHERN OCEAN STUDIES (IASOS)</b>	Dr Robert HALL IASOS Hobart, Australia
	Dr Marcus HAWARD IASOS Hobart, Australia
<b>SCIENTIFIC COMMITTEE ON ANTARCTIC RESEARCH (SCAR)</b>	Dr Eric WOEHLER c/o Australian Antarctic Division Hobart, Australia
<b>SOUTHERN SEABIRD SOLUTIONS TRUST</b>	Ms Janice MOLLOY Department of Conservation Wellington, New Zealand
<b>UNIVERSITY OF TEXAS</b>	Professor Robin DOUGHTY University of Texas at Austin Austin, USA

## **INTERIM SECRETARIAT**

### **INTERIM SECRETARIAT**

Mr Ian HAY  
Australian Antarctic Division  
Hobart, Australia

### **STAFF**

Ms Rachael ALDERMAN  
Department of Primary Industries Water and  
Environment  
Hobart, Australia

Mr Steve CAMPBELL  
Australian Antarctic Division  
Hobart, Australia

Dr Helen RILEY  
Scottish Natural Heritage  
Edinburgh, Scotland, United Kingdom

## **INTERPRETERS**

### **PACIFIC LANGUAGE SERVICES**

Mr Demetrio PADILLA  
Language Coordinator  
Pacific Language Services

Ms Sandra HALE  
Spanish Interpreter  
Pacific Language Services

## **TRANSLATORS**

### **CONFERENCE INTERPRETERS INTERNATIONAL**

Ms Peps DEMIREL  
Language Coordinator  
Conference Interpreters International

Mr J. C. LLOYD-SOUTHWELL  
Spanish Translator  
Conference Interpreters International

**ANNEX 2**  
(ACAP/MOP1/Doc.4 Rev 3)

**LIST OF DOCUMENTS FOR THE FIRST SESSION OF THE MEETING OF THE PARTIES  
TO ACAP**

ACAP/MOP1/Doc.1 Rev 3	Provisional Agenda for the First Meeting of Parties to the Agreement on the Conservation of Albatrosses and Petrels	Interim Secretariat
ACAP/MOP1/Doc.2 Rev 3	Provisional Annotated Agenda for the First Meeting of Parties to the Agreement on the Conservation of Albatrosses and Petrels	Interim Secretariat
ACAP/MOP1/Doc.3 Rev 3	Provisional Schedule for the First Meeting of Parties to the Agreement on the Conservation of Albatrosses and Petrels	Interim Secretariat
ACAP/MOP1/Doc.4 Rev 3	List of Meeting Documents	Interim Secretariat
ACAP/MOP1/Doc.5 Rev 3	List of Meeting Participants	Interim Secretariat
ACAP/MOP1/Doc.6	Report of the interim Secretariat and Depository	Interim Secretariat
ACAP/MOP1/Doc.7	Letter from the Argentinean Embassy	
ACAP/MOP1/Doc.8 Rev 2	Establishment of the Agreement Secretariat	Interim Secretariat
ACAP/MOP1/Doc.9	Agreement Secretariat Location	Australia
ACAP/MOP1/Doc.10	Recruitment procedures for the Agreement Secretariat	Interim Secretariat
ACAP/MOP1/Doc.11	Rules of Procedure for the Meeting of Parties	Interim Secretariat
ACAP/MOP1/Doc.12	Indicative Budget for the Meeting of Parties	Interim Secretariat
ACAP/MOP1/Doc.13	Scale of Contributions for the Meeting of Parties	Interim Secretariat
ACAP/MOP1/Doc.14	Provisional ACAP Financial Arrangements	Interim Secretariat
ACAP/MOP1/Doc.15 ACAP/ScM1/Doc.7	Report of Scientific Meeting	Science Meeting Chair
ACAP/MOP1/Doc.16	Establishment of Criteria for	Interim Secretariat

ACAP/ScM1/Doc.6	Emergency Conservation Measures	
ACAP/MOP1/Doc.17	Establishment and Reporting of Advisory Committee	Interim Secretariat
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ACAP/MOP1/Inf.1	CCAMLR and Seabirds in the Antarctic Marine ecosystem	CCAMLR Secretariat
ACAP/MOP1/Inf.2	Southern Seabird Solutions Trust	Southern Seabird Solutions Trust
ACAP/MOP1/Inf.3 ACAP/ScM1/Inf.6	BirdLife International Global Seabird Programme: its relevance to the Agreement on the Conservation of Albatrosses and Petrels	BirdLife International
ACAP/MOP1/Inf.4 ACAP/ScM1/Inf.2	Assessment of role and responsibilities of the Advisory Committee	BirdLife International
ACAP/MOP1/Inf.5	Report to ACAP from the Commission for the Conservation of Southern Bluefin Tuna (CCSBT)	Commission for the Conservation of Southern Bluefin Tuna (CCSBT)
ACAP/MOP1/Inf.6 ACAP/ScM1/Inf.5	Regional Fisheries Monitoring Organisations: Their duties and performance in reducing incidental mortality of albatrosses	BirdLife International
ACAP/MOP1/Inf.7	The SCAR Group of Experts on Birds: support for the Agreement on the Conservation of Albatrosses and Petrels	Scientific Committee on Antarctic Research
ACAP/MOP1/Inf.8	ACAP Scale of Contributions - Reference Tables	Brazil
ACAP/MOP1/Inf.9	Letter from Brazilian Embassy	Brazil

## ANNEX 3

(ACAP/MOP1/Doc.1 Rev 3)

### AGENDA FOR THE FIRST SESSION OF THE MEETING OF PARTIES

<b>Agenda item</b>	<b>Documents</b>
1. Official opening and opening remarks (interim Secretariat, Parliamentary Secretary, Chair)	ACAP/MOP1/Doc.1
2. Adoption of the agenda	ACAP/MOP1/Doc.2
	ACAP/MOP1/Doc.3
	ACAP/MOP1/Doc.4
	ACAP/MOP1/Doc.5
	ACAP/MOP1/Doc.7
	ACAP/MOP1/Inf.9
	ACAP/MOP1/Doc.6
3.1. Report of the interim Secretariat and Depository	
3.2. Report of Credentials	ACAP/MOP1/Doc.8
4.1. Establishment of Agreement Secretariat	ACAP/MOP1/Doc.9
4.2. Recruitment procedures for the Agreement Secretariat	ACAP/MOP1/Doc.10
5. Rules of Procedure	ACAP/MOP1/Doc.11
6.1. Agreement budget	ACAP/MOP1/Doc.12
6.2. Scale of contributions	ACAP/MOP1/Doc.13
6.3. Financial arrangements	ACAP/MOP1/Inf.8
7. Report of Scientific Meeting	ACAP/MOP1/Doc.14
8. Emergency criteria	ACAP/MOP1/Doc.15
9.1. Establishment of Advisory Committee	ACAP/ScM1/Doc.7
9.2. Adoption of Advisory Committee Rules of Procedure	ACAP/MOP1/Doc.16
10. Collaboration with other intergovernmental and non-governmental organisations	ACAP/MOP1/Doc.17
11. Provisional date and venue of the Second Meeting	ACAP/MOP1/Inf.1
12. Other business	ACAP/MOP1/Inf.2
13. Closing remarks	ACAP/MOP1/Inf.3 / ACAP/ScM1/Inf.6
14. Adoption of MOP1 Report	ACAP/MOP1/Inf.4 / ACAP/ScM1/Inf.2
15. Closure of the Meeting	ACAP/MOP1/Inf.5 ACAP/MOP1/Inf.6 / ACAP/ScM1/Inf.5 ACAP/MOP1/Inf.7

## ANNEX 4

(ACAP/MOP1/Doc.11 Rev 6)

# RULES OF PROCEDURE FOR THE SESSIONS OF THE MEETING OF THE PARTIES TO THE AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS

## Part I

### ADMINISTRATION

#### Rule 1 – Purpose

- (1) These rules of procedure shall apply to any session of the Meeting of the Parties to the Agreement on the Conservation of Albatrosses and Petrels, convened in accordance with Article VIII of the Agreement.
- (2) Unless specified to the contrary in a relevant instrument, these rules shall apply *mutatis mutandis* to any other meeting held within the framework of the Agreement on the Conservation of Albatrosses and Petrels, including the Advisory Committee until such time as it has established its own rules of procedure.

#### Rule 2 – Date and Place of Meetings

- (1) Ordinary sessions of the Meeting of the Parties shall be at intervals of not more than three years, unless the Meeting of the Parties decides otherwise.
- (2) Each ordinary session of the Meeting of the Parties shall decide by consensus on the date, location and the duration of the next ordinary meeting. The Secretariat shall notify Parties of these details not less than 120 days before the meeting.
- (3) Any extraordinary session of the Meeting of the Parties shall be convened not more than ninety days after the date at which the request is made to the Secretariat. The Secretariat shall notify Parties of the date, location and duration of the meeting not more than 30 days after such a request.

#### Rule 3 – Representation

- (1) A Party to the Agreement (hereafter referred to as a "Party") shall be entitled to be represented at the meeting by a delegation consisting of a Representative and such other accredited Alternative Representatives and Advisers as the Party may deem necessary.
- (2) Subject to the provisions of Rule 20 paragraph 2, the Representative of a Party shall exercise the voting rights of that Party. In the Representative's absence, an Alternative Representative of that Party shall act in the Representative's place over the full range of functions.

## **Rule 4 – Observers**

- (1) All signatories to the Agreement, other States which are not Parties, any member economy of the Asia Pacific Economic Co-operation Forum in respect of Article VIII, paragraph 15 of the Agreement, the United Nations, any specialised agency of the United Nations, any regional economic integration organisation, any Secretariat of a relevant international convention, particularly regional fisheries management organisations, may send observers to the sessions of the Meeting of the Parties , who shall have the right to participate but not vote.
- (2) Any international scientific, environmental, cultural or technical body concerned with the conservation and management of marine living resources or the conservation of albatrosses and petrels may request admittance to sessions of the Meeting of the Parties and its subsidiary bodies. Such participation may include submitting documents to the Secretariat for distribution to the Parties as information documents and addressing the sessions of the Meeting of the Parties.
- (3) Written applications for attendance from such international bodies (described in paragraph 2) should be received by the Secretariat at least 90 days before the relevant meeting, and circulated forthwith by the Secretariat to Parties. Parties shall inform the Secretariat of their acceptance or rejection of all applications no less than 60 days before the meeting. An applicant shall be permitted to attend as a non-voting observer unless one third of the Parties that respond object to their application.
- (4) Any other scientific, environmental, cultural or technical body concerned with the conservation and management of marine living resources or the conservation of albatrosses and petrels may request admittance to sessions of the Meeting of the Parties and its subsidiary bodies. Such participation may include submitting documents to the Secretariat for distribution to the Parties as information documents and addressing the sessions of the Meeting of the Parties.
- (5) Written applications for attendance from such other bodies (described in para 4) should be received by the Secretariat at least 60 days before the relevant meeting, and circulated forthwith by the Secretariat to Parties. Parties shall inform the Secretariat of their acceptance or rejection of all applications no less than 30 days before the meeting. An applicant shall be permitted to attend as a non-voting observer provided no objection is received.
- (6) Prior to the meeting, the names of representatives of observers shall be submitted to the Secretariat by the State, agency, organisation or body invited to attend.
- (7) In relation to Article XI of the Agreement, the Secretariat shall be bound by the above procedures.

## **Rule 5 – Credentials**

- (1) The Representative and any Alternative Representative of a Party shall have been granted powers by, or on behalf of, the Head of State, the Head of Government or the Minister of Foreign Affairs, the head of a relevant government department or the head of an executive body of any regional economic organisation, enabling them to represent the Party at the meeting and to vote.

- (2) Such credentials shall be submitted to the Secretariat no later than 24 hours after the meeting commences. Any later change in the composition of the delegation affecting voting rights shall also be contingent on submission of revised credentials to the Secretariat.
- (3) A Credentials Committee of three Representatives of Parties shall examine the credentials and shall report thereon to the meeting. Pending a decision by the Parties on their credentials, representatives may participate in the meeting.
- (4) If credentials are submitted in a language other than one of the working languages of the meeting, they shall be accompanied by a suitable translation into one of these languages to permit efficient validations of the credentials by the Credentials Committee.

## **Part II**

### ***LANGUAGES, DOCUMENTS AND RECORDS***

#### **Rule 6 – Official and Working Languages**

- (1) English, French and Spanish shall be the official and working languages of the meeting.
- (2) Speeches made in any of the working languages shall be interpreted into the other working languages.
- (3) The official documents of the meeting shall be distributed in the working languages. Information papers will not normally be translated.

## **Rule 7 – Other Languages**

- (1) A speech may be made in a language other than a working language if the speaker provides for interpretation into a working language. Interpretation by the Secretariat into the other working languages may be based upon the first interpretation.
- (2) Any document submitted to the Secretariat in any language other than a working language shall be accompanied by an accurate translation into one of the working languages.

## **Rule 8 – Documents**

- (1) The documents for each ordinary session of the Meeting of the Parties, and proposals received from the Parties, subject to Rule 18 of the Rules of Procedure, shall be distributed to the Parties in the working languages by the Secretariat at least sixty days before the opening of the meeting.
- (2) At the discretion of the Chairperson, and only under exceptional circumstances, documents may be accepted after this deadline but shall be submitted by the Party in all working languages.
- (3) Wherever practicable, documents shall be circulated electronically.

## **Rule 9 – Records**

- (1) Summary records of the sessions of the Meeting of the Parties shall be circulated to all Parties in the official languages of the meeting within 60 days.
- (2) Committees and working groups shall decide upon the form in which their records shall be prepared.
- (3) Sound recordings of the sessions of the Meetings of the Parties, and whenever possible its subsidiary bodies, shall be kept by the Secretariat. Such recordings shall be kept by the Secretariat for the purposes of verification and shall not be retained beyond the end of the next meeting. Access to recordings shall be limited to the Secretariat and the representatives of those delegations present at the meeting, and shall be subject to a written request.

## **PART III**

### **OFFICERS**

## **Rule 10 – Secretariat**

- (1) The Head of the Agreement Secretariat (the Executive Secretary) shall be the Secretary at the sessions of the Meeting of the Parties.
- (2) The Executive Secretary shall provide and direct the staff of the Secretariat as required by the Meeting of the Parties.

## **Rule 11 – Responsibilities of Secretariat**

- (1) In addition to the functions specified in Article X of the Agreement, the Secretariat shall:
  - a) arrange for interpretation at the sessions of the Meeting of the Parties;
  - b) prepare, receive, translate, reproduce and distribute the documents of the Meeting of the Parties;
  - c) draft the report of the meeting, for consideration by the Meeting of the Parties;

- d) arrange for the custody and preservation of the documents of the Meeting of the Parties; and
- e) perform such other duties as the Meeting of the Parties may require.

### **Rule 12 – Chairpersons**

- (1) Prior to the commencement of the first session of each ordinary meeting a Chairperson shall be elected from among the Representatives of the Parties. The Chairperson of the Advisory Committee shall serve as Vice-Chairperson of the Meeting of the Parties. The term of office of the Chairperson shall commence straight away.
- (2) The Chairperson shall remain in office until a new Chairperson is elected prior to the commencement of the next ordinary meeting.

### **Rule 13 – Presiding Officer**

- (1) The Chairperson shall preside at all sessions of the Meeting of the Parties.
- (2) If the Chairperson is absent or is unable to discharge the duties of Presiding Officer, the Chairperson of the Advisory Committee shall deputise.
- (3) The Presiding Officer shall not vote but may designate an Alternative Representative from their delegation.
- (4) The term of the Chairperson shall be limited to a maximum of two meetings.

## **PART IV**

### **AGENDA, COMMITTEES AND WORKING GROUPS**

#### **Rule 14 – Agenda**

- (1) The Secretariat shall prepare the provisional agenda of each meeting, in consultation with the Chairperson of the Meeting of the Parties and the Chairperson of the Advisory Committee.
- (2) The provisional agenda of each ordinary session of the Meeting of the Parties shall include, as appropriate:
  - a) items arising from the articles or the Annexes of the Agreement;
  - b) items, the inclusion of which has been decided at a previous meeting or which emanate from decisions taken at a previous meeting;
  - c) items referred to in paragraph 6 of this Rule; and
  - d) any item proposed by a Party, the Advisory Committee or the Secretariat.  
Requests for additional items shall be made in writing, giving the rationale for the request.
- (3) The Secretariat shall, in consultation with the Chairperson of the Meeting of the Parties and the Chairperson of the Advisory Committee, include any item that has been proposed by a Party and has been received by the Secretariat after the provisional agenda has been produced, but before the opening of the meeting, in a supplementary provisional agenda.
- (4) The Meeting of the Parties shall examine the provisional agenda together with any supplementary provisional agenda. When adopting the agenda, it may add, delete, defer or amend items. Only items which are considered by the Meeting of the Parties to be urgent and important may be added to the agenda at this stage.

- (5) The provisional Agenda for an extraordinary session of the Meeting of the Parties shall consist only of those items proposed for consideration in the request for this session. The provisional agenda and any necessary supporting documents shall be distributed to the Parties at the same time as the invitation to the extraordinary session, at least 60 days before the session.
- (6) Any item of the agenda of an extraordinary session of the Meeting of the Parties, consideration of which has not been completed at the session, shall be included automatically in the agenda of the next session, unless otherwise decided by the meeting.

### **Rule 15 – Establishment of Committees and Working Groups**

- (1) The Meeting of the Parties may establish such working groups as may be necessary for it to carry out its functions. The Meeting of the Parties shall define the terms of reference and composition of each working group. The Meeting of the Parties may decide that any such working group may meet in the period between ordinary meetings.
- (2) The Credentials Committee and each working group shall elect their own officers.

## *Part V*

### **RULES OF ORDER AND DEBATE**

#### **Rule 16 – Powers of Presiding Officer**

- (1) In addition to exercising powers conferred elsewhere in these Rules, the Presiding Officer shall at each session of the Meeting of the Parties:
  - (a) open and close the session;
  - (b) direct the discussions;
  - (c) ensure the observance of these Rules;
  - (d) accord the right to speak;
  - (e) put questions to the vote and announce decisions;
  - (f) rule on points of order; and
  - (g) subject to these Rules, have complete control of the proceedings of the meeting and the maintenance of order.
- (2) The Presiding Officer may, in the course of discussion at each session of the Meeting of the Parties, propose to the meeting:
  - (a) time limits for speakers;
  - (b) limitation of the number of times the members of a delegation or an observer may speak on any question;
  - (c) the closure of the list of speakers;
  - (d) the adjournment or the closure of the debate on the particular subject or question under discussion; and
  - (e) the suspension or adjournment of the session.
- (3) The Presiding Officer shall exercise their powers of office in accordance with customary practice and, in the exercise of that office, remain under the authority of the Meeting of the Parties.

#### **Rule 17 – Seating, Quorum**

- (1) Delegations shall be seated in accordance with the alphabetical order of the names of the Parties in the language of the meeting host.

- (2) No session of the Meeting of the Parties shall take place in the absence of a quorum. A quorum for sessions of the Meeting of the Parties shall consist of four Parties or one-half of the Parties having delegations at the meeting, whichever is the greater.

**Rule 18 – Submission of Proposals for Amendment of the Agreement and its Appendices**

- (1) In accordance with Article XII of the Agreement:
- a) proposed amendments shall be communicated to the Secretariat at least 150 days before the opening of a session of the Meeting of the Parties, which shall transmit them forthwith to all Parties in the working languages of the meeting;
  - b) any comments on the proposed amendment by the Parties shall be communicated to the Secretariat no less than 60 days before the opening of the session. The Secretariat shall, as soon as possible after the last day for submission of comments, communicate to the Parties all comments submitted by that day.
- (2) In exceptional circumstances, the Presiding Officer may also permit the discussion and consideration of proposals arising after the period prescribed in subparagraph 1b) of Rule 18 provided that they relate to proposed amendments which have been circulated in accordance with paragraph 1a) of Rule 18 and that their consideration will not unduly inhibit the proceedings of the meeting. The Presiding Officer may also permit the discussion of motions as to procedures, even though such motions have not been circulated previously.
- (3) After a proposal has been adopted or rejected by the Meeting in accordance with Article XII, it shall not be reconsidered unless a two-thirds majority of the Parties participating in the meeting so decides.

**Rule 19 – Procedural Motions**

- (1) During the discussion of any matter, a representative may rise to a point of order, and the Presiding Officer, in accordance with these Rules, shall immediately decide the point of order. A Representative may appeal against any ruling of the Presiding Officer. The appeal shall immediately be put to the vote, and the Presiding Officer's ruling shall stand unless a simple majority of the Parties present and voting otherwise decides. A representative rising to a point of order may not speak on the substance of the matter under discussion.
- (2) The following motions shall have precedence in the following order over all other proposals or motions before the Meeting:
- (a) to suspend the session;
  - (b) to adjourn the session;
  - (c) to adjourn the debate on the particular subject or question under discussion; and
  - (d) to close the debate on the particular subject or question under discussion.

**Part VI**

**VOTING**

**Rule 20 – Voting**

- (1) Without prejudice to the provisions of Rule 3, paragraph 2, each accredited Party shall have one vote.

- (2) Parties which are one year behind in paying their budget contributions on the date of the opening session of the Meeting of the Parties shall not be eligible to vote. However, the Meeting of the Parties may allow such Parties to continue to exercise their right to vote if it is satisfied that the delay in payment arises from exceptional and unavoidable circumstances, and shall receive advice in this regard from the Secretariat.
- (3) The Meeting of the Parties shall normally vote by a roll-call vote. The first voter shall be drawn by lot; voting will then proceed in English alphabetical order. A Party may request voting to be conducted by secret ballot. Such a request shall require support from at least one-third of Parties present and voting.
- (4) Voting by roll-call shall be expressed by "Yes", "No" or "Abstain". Only affirmative and negative votes shall be counted in calculating the number of votes cast.
- (5) In cases where the Meeting of the Parties decides a simple majority is required, if votes are equal, a second vote shall be taken. If the vote is also equal, the motion or amendment shall not be carried.
- (6) The Presiding Officer shall be responsible for the counting of the votes and shall announce the result. Tellers appointed by the Secretariat may assist the Presiding Officer.
- (7) After the Presiding Officer has announced the beginning of the vote, it shall not be interrupted except by a Representative on a point of order in connection with the actual conduct of the voting. The Presiding Officer may permit Representatives to explain their votes either before or after the voting, and may limit the time to be allowed for such explanations.

### **Rule 21 – Taking of Decisions**

- (1) The Chairperson shall put to all Parties, all questions, proposals and actions requiring decisions. In accordance with Article VIII (9), unless provided otherwise in the Agreement or in Rules 4(5), 20, 21, 22, 25 and 26, decisions of Parties shall be adopted by consensus or, if consensus cannot be achieved, by a two-thirds majority of the Parties present and voting.
- (2) In accordance with Article VIII(11)(a), (11)(b), (12)(d) and (15), decisions about rules of procedure, financial matters, and 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, shall be adopted by consensus.

### **Rule 22 – Procedure for Voting on Motions and Amendments**

- (1) A representative may move that parts of a proposal or of an amendment be voted on separately. If objection is made to the request for such division, the motion for division shall be voted upon first. Permission to speak on the motion for division shall be accorded only to a representative from each of two Parties wishing to speak in favour of and a representative from each of two Parties wishing to speak against the motion. If the motion for division is carried, those parts of the proposal or amendment, which are subsequently approved, shall be put to the vote as a whole. If all operative parts of the proposal or the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

- (2) When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the meeting shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed, and so on until all amendments have been put to the vote. When, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes or revises part of that proposal.
- (3) If two or more proposals relate to the same question, the Meeting shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The meeting may, after voting on a proposal, decide whether to vote on the next proposal.

### **Rule 23 – Elections**

- (1) Elections to office shall be by secret ballot. If, when one person or one delegation is to be elected to a position, no candidate obtains the required majority in the first ballot, a second ballot shall be taken between the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the Presiding Officer shall decide between the candidates by drawing lots.
- (2) If in the first ballot there is a tie amongst candidates obtaining the second largest number of votes, a special ballot shall be held amongst them to reduce the number of candidates to two.
- (3) In the case of a tie amongst three or more candidates obtaining the largest number of votes in the first ballot, a special ballot shall be held amongst them to reduce the number of candidates to two. If a tie then results amongst two or more candidates, the Presiding Officer shall reduce the number to two by drawing lots, and a further ballot shall be held in accordance with paragraph 1 of this Rule.

### **Rule 24 – Intersessional voting**

- (1) Any Party may submit a proposal, including electronically, to the Chairperson for a decision. Within 7 days, the Chairperson shall send the proposal to the Secretariat for communication to all Parties within a further 7 days, together with any additional information that it considers may assist Parties.
- (2) Parties shall respond to the Secretariat's communication as soon as possible, but within 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 meetings.
- (3) If more than two-third of Parties consider it is not necessary for the vote to be taken during the period between meetings, the Secretariat shall inform all Parties and shall include the proposal on the agenda of the next meeting.
- (4) The result of each intersessional vote shall be determined in accordance with Rule 20 and shall be promptly communicated by the Secretariat to all Parties.
- (5) 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.

**Part VII**  
**PUBLICITY OF DEBATES**

**Rule 25 – Plenary Sessions**

All plenary sessions of the Meeting of the Parties shall be open to the public unless two thirds of the Parties present and voting at the meeting decide that a session be closed to the public.

**Rule 26 – Sessions of Committees and Working Groups**

All sessions of committees and working groups shall, in the absence of separate rules for those bodies, be open to the public unless two-thirds of the Parties present and voting at the meeting decide that a session be closed to the public.

**Part VIII**

**AMENDMENT**

**Rule 27 – Amendment**

As provided in Article VIII(13)(a), these rules may be amended by the Meeting of the Parties.

## ANNEX 5

(ACAP/MOP1 / Doc.14 Rev 2)

### **FINANCIAL REGULATIONS FOR THE AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS**

#### **REGULATION 1 – APPLICABILITY**

1.1 These regulations shall govern the financial administration of the Secretariat of the Agreement for the Conservation of the Albatrosses and Petrels ('the Secretariat') and the Advisory Committee to the Agreement on the Conservation of Albatrosses and Petrels ('the Advisory Committee') established under Articles VIII (11c) and VIII (11d) of the Agreement on the Conservation of Albatrosses and Petrels ('ACAP'). The Executive Secretary is the head of the Secretariat.

#### **REGULATION 2 – FINANCIAL YEAR**

2.1 The financial year shall be for 12 months commencing 1 January and ending 31 December, both dates inclusive.

#### **REGULATION 3 – THE BUDGET**

3.1 A draft budget comprising estimates of receipts by the Secretariat and of expenditures by the Secretariat and the Advisory Committee and any subsidiary bodies shall be prepared by the Executive Secretary for the ensuing financial period. This period shall comprise three financial years apportioned into three annual budgets.

3.2 The Executive Secretary shall submit the draft budget to all Parties to the Agreement by the first of September each year or 60 days before a session of the Meeting of Parties in years where such a meeting takes place.

3.3 The draft budget shall include a statement of the significant financial implications for the subsequent financial period in respect of any proposed work programs presented in terms of administrative, recurrent and capital expenditure.

3.4 The draft budget shall be divided by functions into items and, where necessary or appropriate, into sub-items.

3.5 The draft budget shall be accompanied by details both of the appropriations made for the previous year and estimated expenditure against those appropriations, together with such information annexes as may be required by Parties to the Agreement or deemed necessary or desirable by the Executive Secretary. The precise form in which the draft budget is to be presented shall be prescribed by the Parties.

3.6 The draft budget and the forecast budget shall be presented in US dollars.

3.7 The Parties shall adopt the budget by consensus on an annual basis. This adoption shall comprise approval of the budget for the ensuing financial year and approval in principle for the budget for the following two financial years.

3.8 In years where a session of the Meeting of the Parties takes place, the budget shall be adopted at the meeting. In years where there is no session of the Meeting of the Parties, the Parties shall agree the budget using the procedures for intersessional decision making (ACAP Rules of Procedure 24).

#### **REGULATION 4 – APPROPRIATIONS**

4.1 The appropriations adopted by the Parties shall constitute an authorisation for the Executive Secretary to incur obligations and make payments for the purposes for which the appropriations were adopted.

4.2 Unless the Parties decide to restrict this power, the Executive Secretary may also incur obligations against future years before appropriations are adopted when such obligations are necessary for the continued effective functioning of the Agreement, provided such obligations are restricted to administrative requirements of a continuing nature not exceeding the scale of such requirements as authorised in the budget of the current financial year. In other circumstances the Executive Secretary may incur obligations against future years only as authorised by the Parties.

4.3 Appropriations shall be available for the financial year to which they relate. At the end of the financial year all appropriations for that financial year shall lapse. Commitments remaining undischarged against previous appropriations at the end of a financial year shall be carried over and be included in the budget for the next financial year, unless the Parties decide otherwise.

4.4 The Executive Secretary may make transfers of up to 10 per cent of appropriations between items. All transfers must be reported by the Executive Secretary on an annual basis to the next meeting of the Parties.

4.5 Should the Executive Secretary anticipate a shortfall in resources over the financial period as a whole, the Executive Secretary shall consult the Parties as to its priorities for expenditure.

4.6 The Parties shall prescribe the conditions under which unforeseen and extraordinary expenses may be incurred.

#### REGULATION 5 – PROVISION OF FUNDS

5.1 Each Party to the Agreement shall contribute to the budget in accordance with the scale of contributions agreed by the Meeting of the Parties.

5.2 On approval of the budget for a financial year, the Executive Secretary shall send a copy thereof to all Parties to the Agreement notifying them of their contributions and requesting them to remit their contributions due.

5.3 All contributions shall be made in US dollars.

5.4 When a new Party joins the Agreement, a revised scale of contributions for all Parties shall be produced by the Secretariat for agreement by the Parties according to the principles agreed by the Meeting of Parties. This shall be produced by 1 November of the year preceding that to which the new scale of contributions applies.

5.5 A new Party to the Agreement shall be liable to pay annual contributions pro rated in proportion to the time lapsed within the financial year in question from the beginning of the financial year after the one during which membership becomes effective.  
A new Party may make a voluntary contribution during the financial year in which its membership becomes effective.

5.6 In the first financial year of the Agreement, contributions shall be paid within 90 days of the end of the first Meeting of the Parties, or at such time as a fund for the Agreement is established if this takes longer than 90 days.

5.7 Thereafter contributions shall be due for payment on the first day of the financial year and shall be paid not later than 60 days after that date. The Parties have the authority to permit extensions to the due date of up to 60 days for individual Parties who are unable to comply with this regulation due to the timing of the financial years of their governments.

5.8 A Party to the Agreement that is 1 year behind in paying budget contributions, shall not, during the period of its default, have the right to participate in the taking of decisions of the Parties, unless other Parties to the Agreement are satisfied that the delay in payment arises from exceptional and unavoidable circumstances.

5.9 The Executive Secretary shall report to the Parties on the positions of any arrears and any decisions taken in response to this.

#### **REGULATION 6 – FUNDS**

6.1(a) A General Fund shall be established for the purpose of accounting for the income and expenditure of the Secretariat and the Advisory Committee and any subsidiary bodies established pursuant to the Agreement;

(b) Contributions paid by Parties under Regulation 5.1 and miscellaneous income to finance general expenditure shall be credited to the General Fund;

6.2 Other Special Funds may be established for the purpose of receiving funds and making payments for purposes not covered by the regular budget of the Secretariat and Advisory Committee.

#### **REGULATION 7 – OTHER INCOME**

7.1 All income other than contributions to the budget under Regulation 5 and that referred to in Regulation 7.3 below, shall be classified as Miscellaneous Income and credited to the General Fund. The use of Miscellaneous Income shall be subject to the same financial controls as activities financed from regular budget appropriations.

7.2 Voluntary contributions above and beyond Parties' budget contributions may be accepted by the Executive Secretary provided that the purposes for which the contributions are made are consistent with the policies, aims and activities of the Parties. Voluntary contributions offered by other bodies may be accepted, subject to agreement by the Parties that the purposes of the contribution are consistent with the policies, aims and activities of the Agreement.

7.3 Voluntary contributions shall be treated as Special Funds under Regulation 6.2.

#### **REGULATION 8 – CUSTODY OF FUNDS**

8.1 The Executive Secretary shall designate a bank or banks in the country in which the Secretariat is located in which the funds of the Agreement shall be kept and shall report the identity of the bank or banks so designated to the Parties.

8.2(a) The Executive Secretary may make short-term investments of moneys not needed for the immediate requirements of the Agreement. Such investments shall be restricted to securities and other investments issued by "host country" institutions or Government bodies with current ratings, provided by a rating body approved by the auditor, indicating a strong capacity to pay. The details of investment transactions and income derived shall be reported in the documents supporting the budget.

(b) With regard to moneys held in Special Funds for which use is not required for at least 12 months, longer-term investments may be authorised by the Parties provided such action is consistent with the terms under which the moneys were lodged with the Secretariat. Such

investments shall be restricted to securities and other investments issued by “host country” institutions or Government bodies with current rating, provided by a rating body approved by the auditor, indicating a strong capacity to pay.

8.3 Income derived from investments shall be credited to the Fund from which the investment was made.

## REGULATION 9 – INTERNAL CONTROL

9.1 The Executive Secretary shall:

- (a) establish detailed financial rules and procedures after consultation with an external auditor (Regulation 11) to ensure effective financial administration and the exercise of economy in the use of funds;
- (b) cause all payments to be made on the basis of supporting vouchers and other documents which ensure that the goods or services have been received and that payment has not been previously made;
- (c) designate officers who may receive moneys, incur obligations and make payments on behalf of the Secretariat; and
- (d) maintain and be responsible for internal financial control to ensure:
  - (i) the regularity of the receipt, custody and disposal of all funds and other financial resources of the Secretariat and Advisory Committee;
  - (ii) the conformity of obligations and expenditures with the appropriations adopted by the Meeting of Parties; and
  - (iii) the economic use of the resources of the Secretariat and the Advisory Committee.

9.2 No obligations shall be incurred until the annual budget has been approved.

9.3 The Executive Secretary may propose to the Meeting of Parties the writing off of losses of assets, provided that the external auditor so recommends. Such losses shall be included in the annual accounts.

9.4 For purchases or contracts exceeding \$5,000 (US dollars), written tenders for equipment, supplies and other requirements shall be invited by advertisement, or by direct requests for quotation from at least three persons or firms able to supply the equipment, supplies, or other requirements, if such exist. For amounts exceeding \$500, but less than \$5,000, competition shall be obtained either by the above means or by telephone or personal enquiry. The foregoing rules, shall, however, not apply in the following cases:

- (a) where it has been ascertained that only a single supplier exists and that fact is so certified by the Executive Secretary;
- (b) in case of emergency, or where, for any other reason, these rules would not be in the best financial interests of the Agreement, and that fact is so certified by the Executive Secretary.
- (c) The Executive Secretary shall report in writing the circumstances of such exceptions to the Parties on an annual basis.

## REGULATION 10 – THE ACCOUNTS

10.1 The Executive Secretary shall ensure that appropriate records and accounts are kept of transactions and affairs of the Secretariat and the Advisory Committee and shall do all things necessary to ensure that all payments out of the Agreement's moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Agreement and over the incurring of liabilities by the Secretariat and the Advisory Committee.

10.2 The Executive Secretary shall submit to the Parties to the Agreement, not later than 31 March each year, annual financial statements showing, for the previous financial year:

- (a) the income and expenditure relating to all funds and accounts;
- (b) the situation with regard to budget provisions, including:
  - (i) the original budget provisions;
  - (ii) the approved expenditure in excess of the original budget provisions;
  - (iii) any other income;
  - (iv) the amounts charged against these provisions and other income;
- (c) the financial assets and liabilities of the Secretariat and Advisory Committee;
- (d) details of investments;
- (e) losses of assets proposed in accordance with Regulation 9.3.

10.3 The Executive Secretary shall also give such other information as may be appropriate to indicate the financial position of the Agreement. These financial statements shall be prepared in a form approved by the Parties after consultation with the external auditor.

10.34 The accounting transactions of the Secretariat and Advisory Committee shall be recorded in the currency in which they took place but the annual financial statements shall record all transactions in US dollars.

10.54 Appropriate separate accounts shall be kept for all Special Funds.

10.65 The annual financial statements shall be submitted by the Executive Secretary to the external auditor at the same time as they are submitted to the Parties to the Agreement under paragraph 2 of this Regulation.

#### **REGULATION 11 – EXTERNAL AUDIT**

11.1 The Parties shall appoint an external auditor at each session of the Meeting of the Parties. The Secretariat will ensure respect for the external auditor's independence of the Secretariat, the Advisory Committee, their subsidiary bodies and the Secretariat's staff; fix the terms of contract; appropriate funds to the external auditor; and provide them with the facilities they may require for the purposes of the audit..

11.2 The Executive Secretary may consult an external auditor on the introduction or amendment of any financial regulations or detailed accounting methods as well as on all matters affecting auditing procedures and methodology.

11.3 The Executive Secretary shall provide to the Parties to the Agreement a copy of any audit report and the audited financial statements within 60 days of their receipt. He/she shall also report to the Parties on the outcome of consultations pursued in accordance with regulation 11.2.

#### **REGULATION 12 – ACCEPTANCE OF ANNUAL FINANCIAL STATEMENTS**

12.1 The Parties shall, following consideration of financial statements and any audit report submitted to the Parties under Regulation 11, and within 60 days signify their acceptance of the annual financial statements and audit report or take such other action as they may consider appropriate.

#### **REGULATION 13 – INSURANCE**

13.1 The Secretariat should ensure may take out suitable insurances with a reputable financial institution against normal risks to the assets of the Agreement Secretariat and Advisory Committee is in place.

#### **REGULATION 14 – GENERAL PROVISION**

14.1 Subject to the provisions of the Agreement, these Regulations may be amended as required by decisions of the Meeting.

14.2 Where the Meeting of Parties or the Advisory Committee is considering matters which may lead to a decision which has financial or administrative implications, it shall have before it an evaluation of those implications from the Executive Secretary.

## **GUIDELINES FOR ACCEPTING VOLUNTARY FINANCIAL CONTRIBUTIONS**

### **1. General Principle**

No voluntary contribution, gift or donation for any specific purpose may be accepted if incompatible with the policies and aims of the Agreement.

### **2. Acceptance of extraordinary contributions**

2.1 No voluntary contributions shall have an immediate or ultimate financial liability for the Agreement Trust Fund without the prior consent of the Meeting of the Parties or the Secretariat.

2.2 All monetary contributions shall be paid in freely convertible currency; exceptions may, however, be made for special projects if the currency in question can effectively be used.

2.3 Voluntary contributions in kind may be accepted, provided that they are used to cover activities approved by the Meeting of the Parties. These may include *inter alia*, direct or indirect involvement in a joint project, free office accommodation, equipment, or the secondment of staff.

## ANNEX 6

### MEMBERSHIP OF THE ADVISORY COMMITTEE

The first session of the Meetings of Parties to ACAP was advised of the following nominations by Parties for membership of the Advisory Committee:

Australia	Barry Baker
Ecuador	<i>to be advised</i>
New Zealand	Janice Molloy (alternate Neville Smith)
South Africa	Rob Crawford (alternate John Cooper)
Spain	<i>to be advised</i>
UK	Mark Tasker (alternate John Croxall)

ANNEX 7

**NOMINATIONS OF ACAP REPRESENTATIVES TO MEETINGS OF INTERNATIONAL ORGANISATIONS IN 2004/2005:**

<i>Meeting</i>	<i>Nominated ACAP observer</i>
14 <sup>th</sup> Annual Meeting of International Commission for the Conservation of Atlantic Tunas (ICCAT), 15 to 21 November 2004, New Orleans, USA	USA
3 <sup>rd</sup> IUCN World Conservation Congress, 17 <sup>th</sup> to 25 November 2004, Bangkok, Thailand	Australia
Southern African Development Community (SADC) Regional Symposium in Monitoring Control and Surveillance (MCS), 1 and 2 February 2005, Cape Town, South Africa	South Africa
Twenty-sixth Session of the Food and Agriculture Organisation of the United Nations (FAO) Committee on Fisheries (COFI), 7 to 11 March 2005, Rome, Italy	Australia [to coordinate]
FAO Ministerial Meeting on Fisheries, 12 March 2005, Rome Italy	Australia [to coordinate]
Fourth Meeting of FAO Regional Fisheries Bodies, 14 and 15 March 2005, Rome, Italy	Australia [to coordinate]
Antarctic Treaty Consultative Meeting (ATCM) XXVIII, 6 to 17 June 2005, Stockholm, Sweden	Australia
Antarctic Treaty Committee for Environmental Protection (CEP) VIII – Antarctic Treaty, 6 to 17 June , Stockholm, Sweden	Australia
73 <sup>rd</sup> Annual Meeting of the Inter-American Tropical Tuna Commission (IATTC), 13 to 24 June 2005, Spain	Spain
57 <sup>th</sup> Annual Meeting of the International Whaling Commission (IWC), 30 May to 24 June 2005, Ulsan, Republic of Korea	New Zealand

<i>Meeting</i>	<i>Nominated ACAP observer</i>
SCAR International Biology Symposium, 25 to 29 July 2005, Curitiba, Brazil	Brazil
96 <sup>th</sup> Session of the Organisation for Economic Co-operation and Development (OECD) Committee on Fisheries, 10 to 22 October 2005, Paris, France	Spain
<i>Commission for the Conservation of Southern Bluefin Tuna (CCSBT) XII Annual Commission Meeting, 11-15 October 2005, Taipei, Taiwan and Narita, Japan</i>	New Zealand.

## **ANNEX 8**

### **Statement from Argentina in relation to the credentials of members of the British Delegation to the First Meeting of the Parties to the Agreement on the Conservation of Albatrosses and Petrels**

“The Argentine Delegation has identified that in the official List of Participants (ACAP/MOP1/Doc. 5 Rev2) to the First Meeting of the Parties to the Agreement on the Conservation of Albatrosses and Petrels, held in Hobart, Australia, 10-12 November 2004, members of the United Kingdom Delegation have been identified as belonging to an alleged government of the Malvinas, South Georgia and/or South Sandwich islands and/or as originating from them”.

“The Government of the Argentine Republic, having already initiated the process of legislative approval of the Agreement on the Conservation of Albatross and Petrels, with a view to its prompt ratification, rejects all such references and recalls that the Malvinas, South Georgia and South Sandwich islands and the surrounding maritime spaces are an integral part of the territory of the Argentine Republic and that they have been illegitimately occupied by the United Kingdom of Great Britain and Northern Ireland, this being the subject of a sovereignty dispute between both countries”

“This dispute has been recognised by the United Nations and the Organisation of American States which, through numerous resolutions and declarations, have requested the parties to resume negotiations in order to find, as soon as possible, a peaceful and final solution to the controversy”

“Furthermore, in relation to the Nomenclature of the Malvinas Islands, Argentina recalls the guidelines promulgated by Editorial Directive ST/CS/SER.A/42 used by the UN Secretariat and it will be greatly appreciated if these are taken into consideration”.

### **Statement from Argentina rejecting the territorial extension declared by the United Kingdom when ratifying the Agreement on the Conservation of Albatrosses and Petrels**

“The Argentine Government rejects the territorial extension declared by the United Kingdom when ratifying the Agreement, in respect of the Malvinas, South Georgia and South Sandwich islands and Antarctic territories. The Argentine Government recalls that the Malvinas, South Georgia and South Sandwich islands and the surrounding maritime spaces are an integral part of the territory of the Argentine Republic and that they have been illegitimately occupied by the United Kingdom of Great Britain and Northern Ireland, this being the subject of a sovereignty dispute”.

“The illegitimate occupation exercised by the United Kingdom of Great Britain and Northern Ireland led the General Assembly of the United Nations to adopt Resolutions 2065 (XX), 3169 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, in which it recognises the existence of the sovereignty dispute in relation to the “Question of the Falkland Islands (Malvinas)” urging the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to resume their negotiations in order to find as soon as possible a peaceful, just and lasting solution to the sovereignty dispute”.

"The extension declared by the United Kingdom in respect of the Antarctic territories does not affect the rights of the Argentine Republic in the Argentine Antarctic sector and said mention is included in Article IV of the Antarctic Treaty signed on 1 December 1959, to which the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland are Parties".

## ANNEX 9

### **Statement by the Delegation of the United Kingdom**

In response to statements made by Argentina the UK indicated that it has no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and their respective surrounding maritime areas. The UK stated that the extension of its ratification of the Agreement to the Falkland Islands, South Georgia and the South Sandwich Islands and its Antarctic Territories was wholly in accord with its well-known position.

The UK reminded Argentina that both Governments' positions in respect of the Agreement and any acts or activities taking place under it, are held under the provisions of Article XIII of the Agreement.

The UK rejected Argentina's assertion as to the legitimacy of the status of representatives on the UK delegation. The UK stated that it will maintain the right to decide upon the composition of its delegation to any future Meeting of the Parties or subsidiary body.

Furthermore, noting that one of the statements made by Argentina (relating to the UK's ratification of the Agreement) appeared to have the status of a formal diplomatic Note, the UK reserved its right to respond subsequent to the meeting.

## **AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS**

### **Resolution 1.1**

#### **Secretariat of the Agreement on the Conservation of Albatrosses and Petrels (ACAP)**

Adopted at the first session of the Meeting of the Parties (Hobart, 10-12 November 2004)

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*Recalling Article VIII 11 c) requiring the first session of the Meeting of the Parties to establish a Secretariat to perform secretariat functions, including those listed in Article X of the Agreement;*

*Thanking Australia for hosting the Interim Secretariat since the signing of the Agreement; and*

*Noting that Australia has offered to host the Agreement Secretariat;*

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

*Agrees:*

1. to establish an Agreement Secretariat in Hobart;
2. to request the Interim Secretariat, working with the host country, Australia, to negotiate a headquarters agreement providing for:
  - (a) legal personality;
  - (b) employment terms and conditions for Secretariat staff; and
  - (c) the privileges and immunities to be enjoyed by the Secretariat and staff to be presented to Parties for their agreement;
3. to request that Australia continue the Interim Secretariat arrangements until the proposal is agreed by Parties and implemented;
4. that the Agreement Secretariat staff should comprise, initially, an Executive Secretary and an Administrative Assistant; and
5. that the recruitment and selection procedures outlined in Annex 1 to this resolution should be followed as far as possible.

## **Annex 1**

### **Recruitment procedure for Executive Secretary**

When the position of Executive Secretary is or becomes vacant, it is recommended that the following procedures be implemented.

1. The Parties shall appoint three members, from a list nominated by the Chair of the Advisory Committee, as a recruitment sub-committee to address the matters associated with the advertising and recruitment processes entailed in the appointment of a new Executive Secretary.
2. The meetings of the recruitment sub-committee will be closed. All information obtained by the recruitment sub-committee and their deliberations will be treated confidentially.
3. An advertisement in each of the official languages, establishing the selection criteria, shall be placed on the ACAP website and in appropriate media of each Party, with the purpose of attracting applications for the post of Executive Secretary. In addition, Parties may advertise the post nationally within appropriate media. Any such national advertisements shall be similar in form to that placed on the website.
4. The Chair of the Advisory Committee shall, in consideration of the time available, determine the deadline for applications and other processes leading to the short listing of candidates.
5. After the deadline for receipt of applications all curricula vitae, references and other documents submitted by applicants shall be examined by the recruitment sub-committee, who shall draw up a short list of the five most suitable candidates.
6. The recruitment sub-committee will arrange telephone or other interviews with the five candidates and will ensure that at least one of the interviewers is from an impartial professional recruiting agency. This individual will advise the sub-committee during the interview and final selection process.
7. The recruitment sub-committee will request the two most suitable candidates to attend a face-to-face interview.
8. All expenses related to the selection process, including travel and per diem for recruitment sub-committee members and potential candidates (see paragraph 12) and advice from the recruiting agency (see paragraph 11) will be reimbursed from the ACAP general fund.
9. The successful candidate will be notified to Parties along with a confidential summary of the selection process and a rationale for the appointment of the selected candidate.
10. The chosen candidate shall be notified at the earliest opportunity.
11. The successful candidate will be subject to a year's probation period during which the appointee's performance will be assessed by the recruitment sub-committee taking into account the views of Parties. The post will be confirmed subject to a satisfactory performance assessment.
12. The Executive Secretary will be required to give six months notice of resignation.

13. Following the resignation of the Executive Secretary, the most senior member of the professional staff of the Secretariat shall be designated Acting Executive Secretary pending the appointment of a new incumbent.
14. If appropriate, the Advisory Committee shall nominate a suitable temporary replacement, who must be approved by at least a two-thirds majority of the Parties to the Agreement.
15. Any person designated Acting Executive Secretary shall enjoy the salary, allowances and other privileges appropriate to the post of Executive Secretary for such time as the person occupies the post.

### **Suggested Selection Criteria for the Appointment of the Executive Secretary to ACAP**

The recruitment sub-committee shall be guided by, but not necessarily limited to, the following criteria in the selection of an Executive Secretary:

#### *Essential criteria*

1. national of an ACAP Party;
2. experience or detailed knowledge of the operations of international intergovernmental organisations;
3. representational and promotional skills;
4. fluency in one of the ACAP languages;
5. demonstration of an appropriate level of managerial experience and proven competence, including:
  - a. the preparation of financial budgets and the management of expenditures; and
  - b. the organisation of meetings and provision of Secretariat support for high level committees;

#### *Desirable criteria*

6. familiarity with the conservation of albatrosses and petrels;
7. relevant university qualifications; and
8. proficiency in the ACAP languages

### **Recruitment procedure for Support staff**

The procedure for the recruitment of the support staff will follow that used to recruit the Executive Secretary, but with the Executive Secretary taking the leading role.

1. Advertisements shall be placed on the ACAP website and in appropriate media of each Party, with the purpose of attracting applications for the vacant post. Any advertisements placed shall be similar in form, detailing the selection criteria.
2. The Executive Secretary shall, in consideration of the time available, determine the deadline for applications and other processes leading to the short listing of candidates.
3. The Parties shall agree to three members, from a list nominated by the Chair of the Advisory Committee, as a recruitment sub-committee.
4. The meetings of the recruitment sub-committee will be closed. All information obtained by the recruitment sub-committee and their deliberations will be treated confidentially.

5. From applications received, the Executive Secretary, in consultation with the recruitment sub-committee, will identify the most suitable candidates and perform a preliminary interview by telephone.
6. The Executive Secretary, in consultation with the recruitment sub-committee, will then determine the most appropriate method for the final selection. Possible measures include:
  - a) requesting Parties to follow up references for the candidate resident in their country;
  - b) requesting additional information on candidates; and
  - c) performing face-to-face interviews.
7. Face-to-face interviews will be conducted by the Executive Secretary, a representative of the recruitment sub-committee, and some other person competent to assess and convey the suitability of the individual to the position.
8. The Executive Secretary will offer the position to the best candidate. If the interview conducted under paragraph 6 has been performed by another person, the Executive Secretary will interview the preferred candidate before offering the position.
9. Upon receiving notice of resignation from a staff member, the Executive Secretary will immediately advise Parties and provide a provisional timetable for the implementation of these procedures.
10. The Executive Secretary may make arrangements to cover any work requirements on the Secretariat if such absences occur. These could include temporary promotion, temporary employment or hiring of contractual support.

## **AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS**

### **Resolution 1.2**

#### **Budget for the Agreement on the Conservation of Albatrosses and Petrels (ACAP)**

Adopted at the first session of the Meeting of the Parties (Hobart, 10-12 November 2004)

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*Recalling Article VIII(11)(b) of the Agreement requiring that the first session of the Meeting of Parties determine a budget for the Agreement;*

*Recalling that Article (VII)(2)(a) of the Agreement requires decisions relating to the budget to be adopted by the Meeting of the Parties by consensus;*

*Noting that some activities within the scope of the Agreement, whilst desirable, may not be initially achievable with a small number of parties contributing to the budget; and*

*Noting that there are currently only six Parties to the Agreement;*

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

*Agrees:*

1. that the core budget for the financial year 2005 and the financial year 2006 shall be set at \$200,000 per annum, subject to paragraph 2 below;
2. that contributions arising from new Parties ratifying the agreement, and any voluntary contributions, be added to the amount budgeted in paragraph 1 above, having the effect of increasing the annual budget to an amount greater than \$200,000 per annum;
3. that the budget be based on the following components:
  - a) the second session of the Meeting of the Parties to be held in 2006;
  - b) the Advisory Committee to meet in 2005 and in 2006;
  - c) the Secretariat to migrate from the Interim Arrangements to a permanent arrangement, in accordance with Resolution 1.1, and that the budget may be used to offset the cost incurred in operating the secretariat during the Interim Arrangements; and,
4. that the budget be split into the various components outlined in Annex 1.

ANNEX 1

LINE ITEM	EXPENDITURE (US \$)	2005	2006
	<b>SECRETARIAT COMPONENT</b>		
	<b>Staff salaries</b>		
1	Executive Secretary (UN P3 - half time)	65,000	65,000
2	Support staff (UN L7)	nil	nil
3	Sub-total	65,000	65,000
	<b>Travel for Executive Secretary</b>		
4	Misc. travel for Exec Secretary to attend other fora	10,000	10,000
5	Travel allowance	5,000	5,000
6	Sub-total	15,000	15,000
	<b>Lease / Purchase</b>		
7	Office equipment	2,500	2,500
8	Maintenance of equipment	2,000	2,000
9	Staff training	1,500	1,500
10	Sub-total	6,000	6,000
	<b>Support costs</b>		
11	Lease of office accommodation	0	0
12	Auditor and accountant	4,000	4,000
13	Insurance	3,000	3,000
14	Light and power	2,500	2,500
15	Printing and copying	6,500	6,500
16	Stationery	2,000	2,000
17	Miscellaneous	2,500	2,500
18	Translation	10,000	10,000
19	Sub-total	30,500	30,500
	<b>Communication</b>		
20	Telephone, fax, internet	10,000	10,000
21	Postage and miscellaneous	7,500	7,500
22	Sub-total	17,500	17,500
23	<b>Component Total One</b>	<b>134,000</b>	<b>134,000</b>

LINE ITEM	EXPENDITURE (US \$)	2005	2006
	<b>MEETING COMPONENT</b>		
	<b>ACAP translation and interpretation</b>		
24	Simultaneous interpretation	6,000	6,000
25	Translation of meeting documents	4,000	4,000
26	Translation/preparation of final report	4,000	4,000
27	Hire of interpretation equipment	3,000	3,000
28	Sub-total	17,000	17,000
	<b>Venue and support staff</b>		
29	Hire of venue	1,500	1,500
30	Support staff	4,000	4,000
31	Sub-total	5,500	5,500
	<b>Sponsorship</b>		
32	Sponsorship of Experts	nil	nil
33	Sponsorship of Delegates	nil	nil
34	Sub-total	0	0
35	<b>Component Total Two #</b>	<b>22,500</b>	<b>22,500</b>
	<b>FUNDS</b>		
	<b>Funds</b>		
36	Advisory Committee Fund	43,500	43,500
37	Capacity Building Fund	0	0
38	Contingency Fund	0	0
39	Sub-total	43,500	43,500
40	<b>Component Total Three</b>	<b>43,500</b>	<b>43,500</b>
41	<b>GRAND TOTAL</b>	<b>200,000</b>	<b>200,000</b>

## **AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS**

### **Resolution 1.3**

#### **Scale of Contributions for the Agreement on the Conservation of Albatrosses and Petrels**

Adopted at the first session of the Meeting of the Parties (Hobart, 10-12 November 2004)

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*Recalling Article VIII(11)(b) of the Agreement requiring that the first session of the Meeting of Parties determine a Scale of Contributions for the Agreement;*

*Recalling that Article VII(2)(a) of the Agreement requires decisions relating to any scale of contributions to be adopted by the Meeting of the Parties by consensus, having regard to the differing resources of the differing parties;*

*Noting that models to determine contributions of the Parties that are sustainable in the longer term may not be initially workable with a small number of Parties; and*

*Noting that there are currently only six Parties to the Agreement;*

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

*Agrees:*

1. that the Scale of Contributions of Parties shall be fully related to Gross Domestic Product (GDP), with no Party contributing more than 22% of the total annual budget, subject to Paragraphs 2 and 3 below. In order to encourage developing countries to join the Agreement, the second session of the Meeting of the Parties will give consideration to amending the Scale of Contributions outlined in paragraph 1 to a combination of 50% GDP based and 50% GDP per capita based, with no Party contributing more than 22% of the total annual budget;
2. that the Scale of Contributions outlined in Paragraph 1 above shall apply from the 2007 financial year onwards;
3. that in the financial years 2005 and 2006 the core budget shall be based on fixed annual payments from the Parties as follows:

	<i>US Dollars</i>
Australia	\$50,000
Ecuador	\$2,000
New Zealand	\$38,000
Republic of South Africa	\$20,000
Spain	\$25,000
United Kingdom	<u>\$65,000</u>
TOTAL ANNUAL CORE BUDGET	\$200,000

In accordance with Regulation 5 of the Financial Arrangements, contributions shall be paid within 90 days of the end of the first Meeting of the Parties (10 February 2005), or at such time as a fund for the Agreement is established if this takes longer than 90 days;

4. that any Party subsequently ratifying the Agreement before the next session of the Meeting of the Parties shall contribute a fixed annual amount for each of the years of 2005 and 2006 that they are a Party, in accordance with the scale outlined below:

UN percentage contribution based on GDP	Annual payment (US\$)
Less than or equal to 0.25 %	\$2,000
Greater than 0.25 but less than or equal to 5.0 %	\$20,000
Greater than 5.0 %	\$50,000

In relation to the above table, contributions based on GDP shall be based on UN Resolution A/58/11 (June 2003). The Scale of Contributions outlined in paragraph 1 above shall apply from the 2007 financial year onwards.

In accordance with Regulation 5 of the Financial Arrangements, a new Party to the agreement shall be liable to pay a contribution pro rated in proportion to the time lapsed within the financial year in question.

5. that any Party may make voluntary contributions to supplement the budget at any time; and
6. that this resolution will enter into effect within 30 days of the closing of the first Meeting of Parties (12 December 2004) unless a Party/Parties submit an objection in writing to the interim Secretariat within this period.

## **AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS**

### **Resolution 1.4**

#### **Criteria to define emergency situations and assign responsibility for action for the Agreement on the Conservation of Albatrosses and Petrels**

Adopted at the first session of the Meeting of the Parties (Hobart, 10-12 November 2004)

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*Recalling Article VIII (11)(e) requiring the first session of the Meeting of the Parties to adopt criteria to define emergency situations that require urgent conservation measures and determine the modalities for assigning responsibility for action to be taken;*

*Noting that, in general, preventative actions are the most effective means of avoiding emergency situations and that contingency plans should be used to minimise the effects of any incidents, should they occur;*

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

*Agrees:*

1. to define an emergency situation that requires urgent conservation measures as one where all of the following conditions are met:
  - a) an unexpected event that threatens albatrosses and petrels at the population level; and
  - b) requires urgent conservation measures; and
  - c) is of such a magnitude that it exceeds a Party's immediate capacity adequately to respond;
  - d) for which international resources and/or assistance are required and have been requested by the relevant Party or Parties; and
2. that the following geographical criteria be used to determine the assignment of responsibility for action:
  - a) within a Party's terrestrial and maritime boundaries – the Party;
  - b) in trans-boundary incidents or areas – the Parties involved should negotiate; and
  - c) in international waters (high seas) – the Parties involved, coordinated by the Secretariat.

## **AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS**

### **Resolution 1.5**

#### **Establishment of the Advisory Committee for the Agreement on the Conservation of Albatrosses and Petrels**

Adopted at the first session of the Meeting of the Parties (Hobart, 10-12 November 2004)

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*Recalling Article VIII(11)(d) of the Agreement requiring that the first session of the Meeting of Parties establish the Advisory Committee provided for in Article IX of the Agreement;*

*Recalling that Article IX(6)(d)(i) of the Agreement requires the format of reports from the Advisory Committee to the Meeting of the Parties to be determined by the first session of the Meeting of the Parties; and*

*Noting the report of the informal Science Meeting (ScM1/Doc. 7) prior to the first session of the Meeting of Parties;*

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

*Agrees:*

1. to establish the Advisory Committee to provide expert advice and information to Parties, the Secretariat and others;
2. that the Work Programme for the Advisory Committee for 2005-2007 shall include that detailed in Annex 2;
3. that the Work Programme shall be subject to revision after each meeting of the Advisory Committee and any amendments adopted by the Parties (via the Secretariat) using the intersessional voting procedures of the Meeting of the Parties;
4. that each Party shall provide relevant information to each meeting of the Advisory Committee in a format to be advised by the Secretariat based on the Work Programme in Annex 2 [This refers to information from Parties for Advisory Committee reporting requirements under Article IX 6 (d) on implementation of the Agreement];
5. that the Advisory Committee provides its report to each session of the Meeting of Parties in the format detailed in Annex 1 to this Resolution [This applies to the requirement for the Advisory Committee to report on its own activities under Article IX 6 (e)];
6. that the Advisory Committee review the reporting format detailed in Annex 1 during the intersessional period and if required submits a revised report format for adoption by the Meeting of Parties using the intersessional voting procedures of the Meeting of the Parties.

## **ANNEX 1**

### **ADVISORY COMMITTEE REPORT FORMAT**

#### **1. Introduction**

Establishment of the Committee  
Election of Chair and Vice-Chair  
Members, Alternates and Observers  
Experts  
Establishment / review of rules of procedure  
Meetings and other correspondence since MOP1

#### **2. Overview of activities and meetings of the Advisory Committee**

##### **2.1 Activities of the Chair**

- 2.1.1 Recruitment
- 2.1.2 Budgets
- 2.1.3 Consultations with the Agreement Secretariat
- 2.1.4 Other activities

##### **2.2 Progress with Actions under Article IX of the Agreement**

- 2.2.1 Provision of scientific, technical and other advice
- 2.2.2 Progress with standard reference text on taxonomy of species covered by the Agreement
- 2.2.3 Recommendations concerning the Action Plan and further research
- 2.2.4 Development of indicators to assess progress towards achieving and maintaining a favourable conservation status for albatrosses and petrels
- 2.2.5 Progress with collation of information under section 5 of the Action Plan and identification of gaps in knowledge
- 2.2.6 Other Activities

##### **2.3 Meetings of the Advisory Committee**

Report from meeting/s of Advisory Committee including summaries of any intersessional work

#### **3. Conclusion**

Summary of recommendations to the Meeting of Parties

**ANNEX: 2: WORK PROGRAMME FOR THE ADVISORY COMMITTEE FOR 2005 TO 2007**

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Task/Topic	Paragraphs of ACAP/MoP1/ Doc. 15	Responsible group	Timeframe	Action
<b>1. Taxonomy Review</b>				
1.1 Establishment of a working group to review the taxonomy of albatrosses	4.5	Interim Secretariat and Advisory Com.	By Jan 2005	AC to establish Working Group.
1.2 Development of terms of reference		AC	By Nov 2004	Chair of WG to develop terms of reference in conjunction with Secretariat and circulate to Advisory Committee
1.3 Develop draft report			By July 2005	WG Chair send draft report to Secretariat for circulation to AC. AC prepare its final report for MOP2. Report includes a standard reference text listing the taxonomy.
<b>2. Review of Status and Trends</b>				
2.1 Establishment of a working group to review the status and trends of species in ACAP Annex 1	See Section 5	Interim Secretariat and AC	By March 2005	AC members to submit nominations and establish working group.
2.2 Development of terms of reference		AC	By Nov 2004	Chair of working group to develop terms of reference and circulate to AC for agreement.
2.3 Development of data proforma and database format	5.4	Australia	By August 2005	Proforma reviewed by WG.

	Task/Topic	Paragraphs of ACAP/MoP1/ Doc. 15	Responsible group	Timeframe	Action
2.4	Identify national coordinators to compile and submit data			By August 2005	Parties and Signatories to notify Sec. of national coordinators
2.5	Data collation and submission	5.8-5.10	National Coord. and Australia	By Sept. 2005	Compiled data from Parties, Signatories, SCAR, BirdLife etc. to be submitted to Sec.
2.6	Populate database		Australia	Prior to 1 <sup>st</sup> AC meeting	Data entry.
2.7	Undertake initial gap analysis	5.2	WG	Prior first AC meeting	WG review data and identify gaps and priorities
2.8	Population data collection		Parties and Signatories	2006/07	Encourage and support parties to initiate collection of priority data as identified and recommended by the Adv. Comm.
<b>3.</b>	<b>Protection of Breeding Sites and Status on Non-Native Species</b>				
3.1	Development of data proforma and database format	6.8-6.10	Secretariat	June 2005	Sec. finalise proforma and distribute to parties. Proforma includes data on protection status of sites, presence/absence of non-native species, and associated impacts on Annex 1 species. Also include plans for eradication or protection status change.
3.2	Identify national coordinators to compile and submit information			July 2005	Parties and Signatories to notify Sec. of national coordinators.
3.3	Data submission		National coordinators	Prior to 1 <sup>st</sup> meeting	Submit completed proforma to Sec.

Task/Topic	Paragraphs of ACAP/MoP1/ Doc. 15	Responsible group	Timeframe	Action
3.4 Assess breeding sites.		AC	At 1 <sup>st</sup> meeting	Identify breeding sites that may require additional protection. Prioritise sites for eradication programs. Agree upon criteria for identification of sites that may require additional protection.
3.5 Identify additional breeding sites requiring protection.				Apply criteria to identify additional sites.
3.6 Undertake protection measures for breeding sites.		Parties & Signatories	2006/07	Encourage and support Parties & Signatories to enhance protection status of breeding sites where required. Plan and secure funding for eradication of non-natives at priority sites.
<b>4. Foraging Ranges and Overlap with Fisheries</b>				
4.1 Accessing existing remote tracking data.	5.11, 6.24	Secretariat		Request BirdLife International to identify holders of remote tracking data and analyse the distribution data for all Annex 1 species.
4.2 Additional data sources.				Consider potential for inclusion of at-sea and banding data.
4.3 Continued data collection.	5.11, 6.24	Parties		Support and encourage data collections for Annex 1 species as identified by existing gap analysis.
4.4 Access fishing effort data.	6.2	Parties	Year 1	Identify sources and strategies for accessing fishing effort data. In particular, mechanisms for RFMO provision of data that indicates areas of overlap with foraging areas.

Task/Topic	Paragraphs of ACAP/MoP1/ Doc. 15	Responsible group	Timeframe	Action
4.5 Convene workshop.			Year 2	Convene workshop with RFMOs to identify areas of key overlap with foraging areas. Workshop report produced by Year 3.
<b>5. Assessment of Impacts of Threats</b>				
5.1 Access bycatch data.	6.25	Secretariat	Prior to 2 <sup>nd</sup> AC meeting.	Requests Parties and relevant non-Parties to submit fishery-specific data on bycatch rates and estimates.
5.2 Plan a workshop.		AC	Year 3	Conduct a workshop to assess the nature and extent of threats (marine and terrestrial) to Annex 1 species at the population level; additionally identify gaps and prioritize action items. Analyse potential level of threat based on foraging range distribution, fishing effort, and associated bycatch rates.
<b>6. Mitigation of Threats</b>				
6.1 Review of programs that address identified priority threats.	6.3	AC & Secretariat	Year 1	Identify and access information from current and planned programs that address fishery and land-based threats.
6.2 Identify and promote adoption of current best practices.		AC	Start Year 2	Encourage and support adoption of existing and appropriate mitigation measures and/or eradication programs.
6.3 Develop fishery-specific mitigation measures.	6.5	AC	Start Year 3	Encourage and support mitigation research programs for those fisheries where they are not currently in place.

Task/Topic	Paragraphs of ACAP/MoP1/ Doc. 15	Responsible group	Timeframe	Action
<b>Criteria Development</b>				
7.1 Identification of Internationally Important Breeding Sites	6.10	IASOS	For 1 <sup>st</sup> AC meeting.	Preparation of discussion paper based on review of existing criteria that may assist in development of new criteria to identify Internationally Important Breeding Sites critical for Annex 1 species
7.2 Addition of species to Annex 1	7.3	South Africa & Spain	By AC3	Prepare discussion paper.
<b>8. Cross-Cutting Themes</b>				
8.1 Capacity Building			Ongoing	Seek advice from Parties & Signatories on obstacles preventing implementation of priority Work program items. Identify opportunities for assisting Parties & Signatories through exchange of skills, knowledge, training, and other resources.
8.2 Education and Information Programs			By Year 2	Develop strategies to assist in the implementation of the Work Program. Identify existing strategies by Parties and mechanisms to synergise with non-Parties.
<b>9. Reporting for MOP</b>				
9.1 System of indicators		AC	For MOP2	Develop a system of indicators to measure the collective success of the Parties to the Agreement [ACAP IX(6)(f)]
9.2 Additional reporting items.		AC	For MOP2	Additional reporting items from Action Plan paragraph 5.1.

