



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

**Third Meeting of the Parties**

**Bergen, Norway, 27 April – 1 May 2009**

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**Title: Report of the Secretariat**

**Author: Secretariat**

## Report of the Secretariat

The following report provides the Meeting of the Parties with information on the operation of the Secretariat since the last Meeting of the Parties (MoP2) and makes a number of recommendations on actions that may be taken to improve its efficiency. A report on progress achieved on the Secretariat's Work Programme for 2007 - 2009 is provided in Attachment A.

### Overview of Operations

Following the ratification of the Headquarters Agreement by the Government of Australia in December 2008 the Agreement's Secretariat is now formally established. The Secretariat is currently undertaking the action required to implement the provisions of the Headquarters Agreement.

There has been a significant growth in both the work-load and outputs of the Secretariat since MoP2, which reflects the increased capacity and outputs of the Agreement itself. The Secretariat has worked closely with the Chair and Vice-chair of the Advisory Committee and the Convenors of the Working Groups on activities associated with implementation of the Action Plan and has contributed to a range of noteworthy achievements, including the adoption of seabird bycatch mitigation measures in a number of Regional Fisheries Management Organisations (RFMOs), the development of the species assessments and ACAP database and data portal, and the development of capacity building initiatives involving both Parties and intergovernmental organisations.

In addition to maintaining the operation of the Secretariat's office and managing the Agreement's budget the major activities of the Secretariat since MoP2 have included:

- co-ordinating the development and implementation of the ACAP database and data portal;
- the development of species assessments for ACAP listed species;
- providing support to the Advisory Committee's Working Groups with implementation of the Action Plan;
- supporting the work of the Advisory Committee's Officials;
- representing the Agreement at relevant international fora, and in particular advancing the Agreement's objective at regional fisheries management organizations (RFMOs);
- engaging with Range States who are not yet ACAP Parties to encourage their accession to the Agreement;
- contributing to the development of supporting documentation for the possible listing of additional species under the Agreement;
- the examination of potential capacity building initiatives in South America;
- entering into arrangements with other organizations, specifically a Memorandum of Understanding with the Government of Tasmania and a formal arrangement with the Western and Central Pacific Fisheries Commission (WCPFC), and initiating

discussions for a similar arrangement with the Indian Ocean Tuna Commission (IOTC) ;

- furthering development of the ACAP website to promote the objectives of the Agreement and facilitate its implementation;
- providing support for two workshops on the Waved Albatross, one held in Lima, Peru, the other in Guayaquil, Ecuador;
- coordinating the Agreement's activities with a wide range of governmental and non-governmental organisations dealing with the conservation of albatrosses and petrels; and
- organizing the third and fourth meetings of the Advisory Committee and the meetings of the Breeding Sites, Seabird Bycatch and Status and Trends Working Groups.

### **Human Resources**

The Agreement's budget provides funding for approximately one and a half positions within the Secretariat, but due to the contributions of consultants, the Advisory Committee Officials, Parties and volunteers , the Secretariat has achieved a work programme commensurate with a much larger organization.

The Executive Secretary remains the only full-time employee in the Secretariat.

Mr Barry Baker continued to be engaged on a consultancy basis to undertake the work of ACAP Technical/ Officer in a part-time capacity. Mr Baker's appointments as Scientific Councillor on Bycatch with the Convention on Migratory Species (CMS) and as Convener of ACAP's Seabird Bycatch Working Group, provide a high level of synergy with the work of this position and offers potential budgetary savings in travel costs, where these can be shared with the CMS.

Dr Wieslawa Misiak has been engaged on a consultancy basis to draft and coordinate the development of the species assessments. Dr Misiak has also provided significant input into the development of the ACAP database and an image library.

Ms Tatiana Neves (Brazil) undertook a three-month secondment to the Secretariat in 2008 to examine potential capacity building initiatives in South America. The support of the New Zealand Government in providing a voluntary financial contribution for this secondment is appreciated.

Mr Ken Morgan (Canada) undertook a three month placement in the Secretariat in 2008 to assist with the preparation of supporting documentation for the possible listing of the three northern hemisphere species of albatrosses under the Agreement.

Mr Marcelo Garcia from the Subsecretaria de Pesca, Chile undertook a three month secondment to the Secretariat in 2007 to assist with preparations for the waved albatross workshops and AC 3, as well as developing capacity building initiatives of benefit to Chile.

Dr John Cooper continued in his role as ACAP's honorary news editor and information officer. Dr Cooper visited the Secretariat's offices in June 2008 and made substantial progress with the development of a News Section on the website, as well as developing

promotional material and setting up an archive of important documents relating to the establishment of the Agreement.

Elgin Associates (Dr Luke Finley) has been engaged on a contract basis to develop and maintain the ACAP Website.

The Language Group (Mr JC Lloyd-Southwell) has been engaged on a contract basis to provide translation and interpretation services for the Agreement.

Etaz was engaged on a contract basis to develop the ACAP database and web portal.

Dr Heidi Auman has been working for the past nine months on a voluntary, part-time, basis with the Secretariat. In addition to assisting with the general operations of the Secretariat Dr Auman prepared a number of information papers for AC4 as well other papers in support of the Agreement's work. Most recently she has produced a poster and publicity material which will be on display at MoP3. The mix of permanent staff, consultancies, secondments, and volunteers provides the Secretariat with access to a wide range of expertise, as well as providing flexibility with which to respond to changing work priorities. Secondments from Parties provide the Secretariat with an important resource with which to undertake project work as well as directly facilitating capacity building within the Agreement and support is sought from Parties for the continuance and expansion of this programme.

There are however gaps in the level and type of services that the Secretariat is able to provide with the current level of resources and consideration is required on the need for additional staff, either contract or permanent, to fill these gaps. The growth in the work undertaken by the Agreement is reflected in the requests received by the Secretariat for specialist advice and the need to prepare papers and reports for the many meetings that are attended by ACAP representatives. The increased outputs of the Advisory Committee and its Working Groups also necessitate an increased level of support from the Secretariat. To meet these needs it is proposed that funding for the Scientific Officer be increased from half to full-time (refer MoP3 Doc 24 'Agreement Budget 2010-2012').

### **Legal Advice**

Over the past year a number of countries interested in joining the Agreement have sought advice on the interpretation of the Agreement's text. As well, the Secretariat has been involved in the preparation and negotiation of formal arrangements and Memorandum of Understandings that have benefitted from the provision of legal advice. There is also an occasional requirement for legal advice in the development of contracts for goods and services. It is proposed that an indicative amount be included in future budgets for the purpose of seeking legal advice.

### **Formal Arrangements and MoUs**

Since the last Meeting of the Parties the Secretariat signed a Memorandum of Understanding with the Government of Tasmania for the provision of office accommodation and other support; and also entered into a formal arrangement with the Western and Central Pacific Fisheries Commission (WCPFC), to facilitate cooperation between the two organisations. A number of Regional Fisheries Management Organisations (RFMOs) have expressed interest in entering into 'arrangements' similar to the one entered into between

the WCPFC and the Agreement Secretariat. The Meeting of the Parties' approval is sought for the Secretariat to enter into similar arrangements with other RFMOs, as well as with CCAMLR (refer MoP3 Doc 19, 'Development of Arrangements with International Organisations'.

### **Financial Management**

The Agreement's finances are currently managed on a calendar year basis in accordance with the requirements of Finance Regulation 2.1. However the State of Tasmania, which holds the Agreement's funds and provides it with financial services, uses the period 1 July to 31 June as the basis for its financial year. This inconsistency generates a significant additional work-load for the Secretariat, as well as making management of the Agreement's funds more difficult. It is proposed that the Agreement use the same calendar year as the State of Tasmania. The main impact of this would be to change the financial reporting period. It would not be necessary to change the timing or amount of Parties contributions to the Agreement. A proposal to amend the Financial Regulations to implement this change is provided in MoP3 Doc 15, 'Amendment to Financial Regulations'.

### **Amendment of the Agreement**

The Secretariat has communicated with the Parties on a proposal to amend the text of Annex 1 to the Agreement. This proposal is to be considered at the current session of the Meeting of the Parties (refer MoP3 Doc 26, 'Proposed Amendment to Annex 1').

### **Liaison and Coordination**

In accordance with Article X d) of the Agreement the Secretariat has established working relationships with a large number of other organisations and institutions with the purpose of advancing the objectives of the Agreement. These include the Secretariats of relevant regional fisheries management organisations and other international instruments/conventions, such as FAO, CCAMLR and the Antarctic Treaty.

### **Action:**

The Meeting of the Parties is requested to

- note the Report of the Secretariat and in particular the actions recommended to improve the Secretariat's operation; and
- give consideration to the adoption/authorisation of these actions.

**Secretariat Work Programme 2007-2009**

Progress Against Secretariat Work Programme for 2007-2009 approved by MoP2

<b>Task No.</b>	<b>Topic/Task</b>	<b>MoP or other mandate</b>	<b>Timeframe</b>	<b>Detail</b>
<b>1</b>	<b>ADVISORY COMMITTEE MEETING 3</b>			
1.1	Undertake meeting arrangements.	Article X.a	2007	Completed
1.2	Prepare papers to assist the Advisory Committee as required		2007	Completed
1.3	Prepare meeting report and distribute to all Parties	Article X.a	Within 6 weeks of end of meeting	Completed
<b>2</b>	<b>ADVISORY COMMITTEE MEETING 4</b>			
2.1	Undertake meeting arrangements.	Article X.a	2008	Completed
2.2	Prepare papers to assist the Advisory Committee as required		2008	Completed
2.3	Prepare meeting report and distribute to all Parties	Article X.a	Within 6 weeks of end of meeting	Completed
<b>3</b>	<b>MEETING OF PARTIES 3</b>			
3.1	Undertake meeting arrangements	Article X.a	November 2009	Consultations held with Norway re hosting of MoP3..

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3.2	Prepare papers to assist the meeting of parties as required		Ongoing	Completed
3.3	Prepare meeting report and distribute to all Parties	Article X.a	Within 60 days of end of meeting	Not yet commenced
<b>5</b>	<b>MANAGEMENT OF SECRETARIAT</b>			
5.1	Administer the budget for the Agreement and, if established, the Special Fund provided for in Article VII (3);	Article X.g	Ongoing	The Agreement's budget has been managed in accordance with the Financial Regulations. Refer MoP3 Doc 10 '2008 Financial Report' and MoP3 Doc 9, 'Interim Financial Report 2009' for further information.
5.2	Prepare quarterly financial reports for the information of the Parties and the Chair of the Advisory Committee	AC2, MoP2	March, June, September and December each year	Financial reports have been included with quarterly reports provided to Parties and as meeting documents provided to Advisory Committee meetings.
5.3	Provide information to the general public concerning the Agreement and its objectives, and promote the objectives of this Agreement	Article X.h	Ongoing	The redesign of the ACAP website in the three languages of the Agreement has been completed and new information is being added as it becomes available.

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5.4	Redevelop the ACAP website to improve utility of the site in informing Parties and others of developments in the implementation of the Agreement	Article X.h	June 2007	Redevelopment of the website is complete. Translation of documents for the Spanish and French sites is continuing.
5.5	Continuously update and maintain the ACAP website	Article X.h	Ongoing	The new website has been available continuously, with a high level of reliability.
5.6	Report to the 3rd session of the Meeting of the Parties on the effectiveness and efficiency of the Secretariat in terms of the performance indicators developed at MOP2 (MoP 2 Doc. 17)	Article X.i	November 2009	Completed
5.7	Collate as appropriate synthesized information provided by Parties on the implementation and effective functioning of the Agreement with particular reference to the conservation measures undertaken,	Article X.j; Article VII (1) c); Article VIII (10)	Ongoing October 2008	Completed
5.8	Represent the Agreement at meetings of other intergovernmental agreements, as appropriate	Article X.d Article XI	As required	The Secretariat has represented the Agreement at the following meetings: Joint Tuna RFMO Meeting, COFI, Fisheries Secretariat Network, CCSBT-ERSWG, IOTC-Bycatch, WCPFC-SC, CCAMLR-IMAF/SC/Comm, WCPFC-CM, and IOTC-Commission.



<b>Task No.</b>	<b>Topic/Task</b>	<b>MoP or other mandate</b>	<b>Timeframe</b>	<b>Detail</b>
5.9	Prepare a report on Secretariat activities for AC 3		May 2007	Completed
5.10	Prepare a report on Secretariat activities for AC 4		May 2008	Completed
5.12	Prepare a report on Secretariat activities for MOP 3	Article X f)	February 2009	Completed
5.13	Finalise Headquarters Agreement with Australian Government as directed by the Meeting of the Parties	MoP2	June 2007	Completed
5.14	Recruit staff to Executive Secretary and Technical Officer positions on entry into force of Headquarters Agreement	MoP2	November 2007	It is expected that interviews for the Executive Secretary's position will be held in conjunction with MoP3. A Scientific Officer has been appointed on a contract basis.
<b>6</b>	<b>FACILITATE THE WORK OF THE ADVISORY COMMITTEE</b>			
6.1	Assist the Chair of the Advisory Committee as required to facilitate the work of the Advisory Committee	Article X k)	Ongoing	Assistance provided with organisation of waved albatross workshop in Ecuador in 2008. Ongoing support provided with implementation of Advisory Committee's work programme.

<b>Task No.</b>	<b>Topic/Task</b>	<b>MoP or other mandate</b>	<b>Timeframe</b>	<b>Detail</b>
6.2	Assist the Chair of the Advisory Committee in preparing a report to the MOP on the activities of the Advisory Committee	Article IX 6.e)	February 2009	Completed
6.3	Assist the Chair of the Seabird Bycatch Working Group in coordinating the work of the Group	Article X k)	Ongoing	Briefing material prepared for Observers at RFMO meetings and extensive consultation undertaken with relevant stakeholders.
6.4	Assist the Chair of the Status and Trends Working Group in coordinating the work of the Group	Article X k)	Ongoing	Assistance provided with engagement of a contractor for development of the species assessments. There is ongoing participation in the work of the group coordinating the development of the species assessments.
6.5	Assist the Chair of the Taxonomy Working Group in coordinating the work of the Group	Article X k)	Ongoing	Assistance provided, when requested.
6.6	Assist the Chair of the Breeding Sites Working Group in coordinating the work of the Group	Article X k)	Ongoing	Liaison undertaken with Parties concerning nomination of members to participate on this working group and assistance provided by Scientific Officer with coordination of the work programme.

<b>Task No.</b>	<b>Topic/Task</b>	<b>MoP or other mandate</b>	<b>Timeframe</b>	<b>Detail</b>
6.7	Develop and maintain databases essential for the work of the Agreements four working groups		Ongoing	Input provided to Australia on the preparation of the scoping document for development of the database. Consultation undertaken with Advisory Committee Officials on the reports/outputs to be generated from the database. Tender process undertaken for engagement of a contractor. Ongoing supervision and coordination of the work of the contractor provided. Database established and now operational.
6.8	As directed by the Advisory Committee, develop and maintain a database of relevant scientific literature	AC	AC3, AC4	Development of database completed. Information on relevant scientific literature is added to the database as it becomes available.
6.9	As directed by the Advisory Committee, develop and maintain a directory of relevant legislation	AC	AC4	.A directory of relevant legislation has been compiled and relevant information included in species assessments.
6.10	As directed by the Advisory Committee, develop a list of authorities, research centres, scientists and non-government organisations relevant to ACAP	AC	AC3, AC4, AC5	Agreed at AC3 that the Chair of the Advisory Committee would consult with Parties at MoP3 on the implementation of this task.
<b>7</b>	<b>IMPLEMENTATION OF THE AGREEMENT</b>			

Task No.	Topic/Task	MoP or other mandate	Timeframe	Detail
7.1	Review performance indicators to assist the MOP in conducting prescribed review of the Secretariat's performance in achieving the objectives of this Agreement.	MoP2 Article VIII 14	2008	First performance review yet to be undertaken.
7.2	Assist Parties in providing training, technical and financial support to other Parties on a multilateral or bilateral basis to facilitate implementation of the Agreement.	Article VII 4	Ongoing	Support provided for secondment of Tatiana Neves from Brazil to identify capacity building initiatives of relevance to South American Parties. Support provided to Advisory Committee on numerous issues associated with this task.
7.3	Assist the participation of Parties at Agreement meetings	Article VII 5	Ongoing	Assistance has been provided to assist the participation of Parties at all Agreement meetings held since MoP2.
7.4	Promote and coordinate activities under the Agreement, including the Action Plan, in accordance with decisions of the Meeting of the Parties	Article X c)	Ongoing	Assistance provided to the Governments of Peru and Ecuador in the organisation and conduct of waved albatross workshops. The new ACAP website has been designed to promote the activities of the Agreement by providing better access to information e.g, meeting documents and reports, species assessments, and news articles. Assistance was provided to Advisory Committee Officials in the coordination of activities related to implementation of the Action Plan.

Task No.	Topic/Task	MoP or other mandate	Timeframe	Detail
7.5	Liaise with non-Party Range States and regional economic integration organisations to facilitate coordination between Parties and non-Party Range States, and international and national organisations and institutions whose activities are directly or indirectly relevant to the conservation of albatrosses and petrels.	Article X d)	Ongoing	The Secretariat liaises regularly with non-Party Range States such as the USA to coordinate action with ACAP Parties at relevant RFMO meetings. Regular liaison also occurs with NGOs such as BirdLife International and WWF on issues relevant to the objectives of the Agreement and with RFMOs on seabird conservation issues.
7.6	Identify and resolve inconsistencies in the Agreement text and Agreement instruments and bring to the attention of the Advisory Committee and Meeting of Parties		May 2007 January 2009 Ongoing	The Secretariat has identified a number of inconsistencies within the Agreement text and between the Agreement Articles and instruments such as the Financial Regulations and Rules of Procedures. Relevant amendments have been put forward for consideration by the Advisory Committee and the Meeting of the Parties.
<b>8.</b>	<b>Capacity Building</b>			
8.1	Assist the Advisory Committee and Parties with technical cooperation and capacity building	Article IV 2	AC3 Ongoing	A questionnaire was sent to Parties and Range States seeking to identify opportunities for assisting Parties and Range States with capacity building through the exchange of skills, knowledge, training, and other resources. The results of this questionnaire were presented to AC3 and action taken to improve cooperation and capacity building.

