

 <p>Agreement on the Conservation of Albatrosses and Petrels</p>	<p style="text-align: center;">Sixth Meeting of the Parties Skukuza, South Africa, 7 - 11 May 2018</p> <p style="text-align: center;">Implementation of Resolution 2.9</p> <p style="text-align: center;">Secretariat</p>
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SUMMARY

The Review of the Effectiveness of the Secretariat (**MoP6 Doc 10**) has identified a difficulty facing the Secretariat in ensuring all decisions of the Meeting of the Parties are executed, as required, in such a manner that is consistent with the Parties' intent. This difficulty concerns the implementation of [Resolution 2.9](#) due to inconsistencies in text between the three official languages of the Agreement, which affects the meaning of the resolution. This paper was prepared to facilitate the visualization of those discrepancies in meaning in two operative paragraphs of Resolution 2.9, and to support discussions during the Sixth Session of the Meeting of the Parties on this matter.

RECOMMENDATION

That the Meeting of the Parties:

1. Discusses the discrepancies in the meaning of two operative paragraphs in Resolution 2.9 between the versions in English, French and Spanish.
2. Provides guidance to the Secretariat to facilitate the effective implementation of Resolution 2.9.

1. BACKGROUND

Article XIII(1)(c) of the Agreement protects the position of any Party concerning any right or claim or basis of claim to territorial sovereignty, or its recognition or non-recognition thereof within the area to which the Agreement applies. Nevertheless, issues relating to nomenclature concerning certain territories have led to exchanges between the Parties. Consequently, the Second Session of the Meeting of the Parties (MoP2) adopted [Resolution 2.9](#) on nomenclature in relation to disputed territories. The resolution stipulates the way that double nomenclature

should be used concerning the Falkland Islands (Islas Malvinas), and South Georgia and the South Sandwich Islands (Islas Georgias del Sur e Islas Sandwich del Sur).¹

The report on the effectiveness of the Secretariat (**MoP6 Doc 10**) has identified a difficulty facing the Secretariat in ensuring all decisions of the Meeting of the Parties are executed, as required, in such a manner that is consistent with the Parties' intent. This difficulty concerns the implementation of [Resolution 2.9](#), and in particular with two operative paragraphs which affects the meaning of the resolution in the three official languages. The Review Body has noted the increasing number of exchanges about nomenclature concerning the disputed territories and the implementation of Resolution 2.9, and considered that such inconsistencies put the Secretariat (both during meetings and intersessional periods) in a difficult position when applying Resolution 2.9, due to differing interpretations of the resolution among Parties. The Review Body recommended that the Meeting of the Parties develop a mechanism for dealing expeditiously with matters concerning the disputed territories.

2. IMPLEMENTATION OF RESOLUTION 2.9

The shared understandings of the Parties concerning nomenclature in relation to disputed territories were set out in [MoP2 Final Report](#) (Section 2.5, Nomenclature). However, two of the operative paragraphs/ subparagraphs of Resolution 2.9 show inconsistencies between the ACAP languages, affecting their meaning and the ability of the Secretariat to effectively implement the resolution, because the text may be subject to different interpretations in the three languages. **ANNEX 1** shows the discrepancy that is present in the first (main) paragraph in the operative section of the resolution, which refers to documents where Resolution 2.9 should be used. **ANNEX 2** explains the discrepancy that is present in subparagraph 4 in the operative section of the resolution, which refers to exceptions to the implementation of Resolution 2.9. These annexes aim to assist Parties, not familiar with all three languages of the Agreement, by comparing the original versions of the operative paragraphs, with those back-translated from the other two official languages.

3. GUIDANCE

The Meeting of the Parties is invited to discuss the above referred discrepancies in the meaning of two operative paragraphs in Resolution 2.9 between the versions in English, French and Spanish, and provide guidance to the Secretariat to facilitate the effective implementation of Resolution 2.9.

¹ A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Islas Malvinas), South Georgia and the South Sandwich Islands (Islas Georgias del Sur e Islas Sandwich del Sur) and the surrounding maritime areas.

ANNEX 1. First (main) paragraph in the operative section of Resolution 2.9 (main differences in text underlined in bold).

<p><i>Current Text in English</i></p> <p>Decides that, in respect of the Falkland Islands, South Georgia and the South Sandwich Islands, the Secretariat of ACAP should use the following double nomenclature in all documents <u>authored by the Secretariat or other organs of the Agreement.</u></p>	<p><i>Text in English back-translated from French</i></p> <p>Agrees that, with regard to the Falkland Islands (Islas Malvinas), South Georgia and the South Sandwich Islands, the ACAP Secretariat must use the double nomenclature given below in all documents that are <u>created by the Secretariat or other Agreement bodies.</u></p>	<p><i>Text in English back-translated from Spanish</i></p> <p>Decides that, with respect to the Falkland Islands, South Georgia and the South Sandwich Islands, the ACAP Secretariat shall follow the following double nomenclature in the documentation <u>issued by the Secretariat or other Agreement-related bodies.</u></p>
<p><i>Current Text in French</i></p> <p>Décide que, en ce qui concerne les îles Malouines [Falkland], la Géorgie du Sud et les îles Sandwich du Sud, le Secrétariat de l'ACAP doit utiliser la nomenclature double ci-dessous dans tous les documents <u>créés par le Secrétariat ou d'autres organes de l'Accord.</u></p>	<p><i>Text in French back-translated from English</i></p> <p>Décide que, en ce qui concerne les îles Malouines [Falkland], Géorgie du Sud et les îles Sandwich du Sud, le Secrétariat de l'ACAP doit utiliser la double nomenclature ci-dessous dans tous les documents <u>rédigés par le Secrétariat ou d'autres organes de l'Accord.</u></p>	<p><i>Text in French back-translated from Spanish</i></p> <p>Décide en ce qui concerne les îles Falkland (Malvinas), Géorgie du Sud et Sandwich du Sud, que le Secrétariat de l'ACAP sera tenu d'utiliser la double nomenclature détaillée ci-dessous dans les documents <u>publiés par le Secrétariat ou par d'autres organes liés à l'Accord.</u></p>
<p><i>Current Text in Spanish</i></p> <p>Decide que, respecto a las Islas Malvinas y las Islas Georgias del Sur y Sándwich del Sur, la Secretaría del ACAP use la siguiente nomenclatura doble en la documentación <u>emitida por la Secretaría u otros órganos del Acuerdo.</u></p>	<p><i>Text in Spanish back-translated from French</i></p> <p>Acuerda que la Secretaría del ACAP deberá utilizar la doble nomenclatura detallada a continuación en todos los documentos <u>elaborados por la Secretaría u otros órganos del Acuerdo</u> para referirse a las islas Malvinas (Falkland Islands) y las islas Georgias del Sur y Sándwich del Sur.</p>	<p><i>Text in Spanish back-translated from English</i></p> <p>Decide que, al referirse a las islas Malvinas, Georgias del Sur y Sándwich del Sur, la Secretaría del ACAP deberá utilizar la siguiente nomenclatura doble en todos los documentos <u>producidos por la Secretaría u otros órganos del Acuerdo.</u></p>

ANNEX 2. Subparagraph 4 in the operative section of Resolution 2.9 (main differences in text underlined in bold).

<p><i>Current Text in English</i></p> <p>4. The only exceptions to the above to be permitted would be in the <u>verbatim reproduction of a speech or text</u> in which the speaker or author has used a different terminology.</p>	<p><i>Text in English back-translated from French</i></p> <p>4. The only permissible exceptions to the above guidelines apply to the <u>verbatim copy of a speech or to a document</u> in which the speaker or the author has used different terminology.</p>	<p><i>Text in English back-translated from Spanish</i></p> <p>4. The only exceptions to the previous comments are allowed in the <u>verbal reproduction of speeches or texts</u> in which the lecturer or author has used different terminology.</p>
<p><i>Current Text in French</i></p> <p>4. Les seules exceptions permises aux directives qui précèdent s'appliquent à la <u>reproduction textuelle d'une allocution ou d'un texte</u>, dans lesquels l'intervenant ou l'auteur utilise une terminologie différente.</p>	<p><i>Text in French back-translated from English</i></p> <p>4. Les seules exceptions permises aux directives qui précèdent s'appliquent à la <u>reproduction textuelle d'une allocution ou d'un texte</u>, dans lesquels l'intervenant ou l'auteur utilise une terminologie différente.</p>	<p><i>Text in French back-translated from Spanish</i></p> <p>4. Les seules exceptions aux commentaires susmentionnés qui soient autorisées concernent la <u>reproduction des discours ou textes</u> dans lesquels le conférencier ou l'auteur a employé une autre terminologie.</p>
<p><i>Current Text in Spanish</i></p> <p>4. Las únicas excepciones a lo antedicho se permiten en la <u>reproducción verbal de discursos o textos</u> en los que el disertante o autor haya usado distinta terminología</p>	<p><i>Text in Spanish back-translated from French</i></p> <p>4. Las únicas excepciones permitidas a las pautas anteriores son en caso de la <u>reproducción textual de un discurso o un documento</u> en el cual el orador o el autor haya utilizado una terminología distinta.</p>	<p><i>Text in Spanish back-translated from English</i></p> <p>4. Únicamente quedarán exceptuadas de lo antedicho las <u>reproducciones textuales de discursos o escritos</u> en los que el orador o autor haya utilizado una terminología distinta.</p>