 <p>Agreement on the Conservation of Albatrosses and Petrels</p>	<p style="text-align: center;"><b>Sixth Meeting of the Parties</b> <i>Skukuza, South Africa, 7 – 11 May 2018</i></p> <p style="text-align: center;"><b>Review of the effectiveness of the Secretariat</b></p> <p style="text-align: center;"><b><i>Review Body</i></b></p>
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### **SUMMARY**

A report on the effectiveness of the Secretariat is provided for the consideration of the Meeting of the Parties. Article VIII (14) of the Agreement requires every third session of the Meeting of the Parties to review the effectiveness of the Secretariat in facilitating the achievement of the objectives of the Agreement. A review has been conducted by the Review Body established under terms of reference agreed by the Fifth Meeting of the Parties ([Resolution 5.5](#)). In undertaking the review, the Review Body has sought the views of all Parties, and conducted interviews with the Chair of the Advisory Committee, Executive Secretary and Science Officer. This report provides recommendations for enhancing the effectiveness of the Secretariat in achieving the Agreement's objectives, and revised performance indicators to allow for quantifiable assessment of the Secretariat's performance.

### **RECOMMENDATIONS**

The following recommendations are provided for consideration of the Meeting of the Parties.

1. That Parties consider and finalise the report on the effectiveness of the Secretariat in facilitating the achievement of the objectives of the Agreement.
2. That Parties consider the recommendations within the report for enhancing the effectiveness of the Secretariat in achieving the Agreement's objectives.
3. That Parties consider the revised performance indicators to allow for quantifiable assessment of the Secretariat's performance.

## 1. INTRODUCTION

### 1.1. Requirements under the Agreement

Article VIII (14) of the Agreement requires the Meeting of the Parties to review the effectiveness of the Secretariat in facilitating the achievement of the objectives of the Agreement at every third session of the Meeting of the Parties. The terms of reference for this review are to be agreed to at the previous Meeting of the Parties.

Article X (i) of the Agreement requires the Secretariat to develop a system of performance indicators to measure the effectiveness and efficiency of the Secretariat and to report to each ordinary session of the Meeting of the Parties in terms of these.

### 1.2. Previous review of the effectiveness of the Agreement

The Secretariat developed a system of performance indicators for the consideration of the Parties at MoP2 (**MoP2 Doc 17**). MoP2 initiated a first review of the effectiveness of the Secretariat in facilitating the achievement of the objectives of the Agreement by adopting [Resolution 2.7](#). Resolution 2.7 set out terms of reference for the review, and performance indicators for measuring the effectiveness of the Secretariat.

MoP3 reviewed a report on the effectiveness of the Secretariat in facilitating the achievement of the objectives of the Agreement (**MoP3 Doc 17**). A number of Parties commented on the excellent performance of the Secretariat, and all comments by Parties were considered and accepted (**MoP3 Final Report**, paragraph 4.3.1). MoP3 made recommendations about the form and content of reporting by the Secretariat, and the Secretariat suggested an additional performance indicator concerning activities that the Secretariat had been unable to carry out due to limitations in resources (**MoP3 Final Report**, paragraphs 4.3.2 - 4.3.3).

### 1.3. Terms of reference for reviewing the effectiveness of the Secretariat

The Secretariat provided MoP5 with draft terms of reference for a second review of the effectiveness of the Secretariat in facilitating the achievement of the objectives of the Agreement (**MoP5 Doc 08**). MoP5 considered and approved [Resolution 5.5](#) that initiated the second review of the effectiveness of the Secretariat, including establishing a Review Body with regional representation, and the inclusion of an indicator concerning activities that the Secretariat had been unable to carry out due to limitations in resources (**MoP5 Final Report**, paragraphs 4.5.4 - 4.5.6).

[Resolution 5.5](#) established a Review Body comprising no less than two-thirds of Parties to undertake the review. The Review Body included regional representation from: (i) Europe/Africa—Norway (Mr Øystein Størkersen), South Africa (Dr Azwianewi Makhado), Spain (Mr Roberto Sarralde), and United Kingdom (Mr Mark Tasker), (ii) Asia/Australasia—Australia (Mr Jonathon Barrington, Chair), and New Zealand (Dr Igor Debski), and (iii) South America—Chile (Mr Marcelo Garcia), Ecuador (Ms Caroline Icaza Galarza), and Uruguay (Mr Andres Domingo). Parties participating in the review were not bound by the findings of the Review Body.

The terms of reference for the Review Body were to:

1. undertake a review of the effectiveness of the Secretariat in facilitating the achievement of the Agreement's objectives
2. seek the views of all Parties and interview the Chair of the Advisory Committee and the Executive Secretary
3. prepare a report for MoP6 with recommendations, as appropriate, for enhancing the effectiveness of the Secretariat in achieving the Agreement's objectives
4. prepare, as necessary, revised performance indicators to allow for quantifiable assessment of the Secretariat's performance.

The Review Body considered each of the 13 performance indicators for measuring the effectiveness of the Secretariat in conducting the review. The Review Body has prepared this report for the consideration of Parties that includes recommendations for enhancing the effectiveness of the Secretariat, and revised performance indicators to allow for quantifiable assessment of the Secretariat's performance.

The Review Body expresses its considerable appreciation to Dr Nathan Walker, Chair of the Advisory Committee, Dr Marco Favero, Executive Secretary, and Dr Wieslawa Misiak, Science Officer, for their participation in the interviews undertaken as part of the review process. Their individual insights greatly assisted the Review Body in its work.

## **2. REVIEW OF THE EFFECTIVENESS OF THE SECRETARIAT**

The following information is provided to assist Parties to review the effectiveness of the Secretariat in facilitating the achievement of the objectives of the Agreement.

### **1. All relevant information and meeting documents will be provided to the Parties within the timeframes specified by the Agreement.**

Parties indicated that this performance indicator has been met as far as is possible. Relevant information and meeting documents have been consistently and reliably provided to Parties in accordance with the timelines specified in the Agreement. This includes provision of papers to the Meetings of the Parties, Advisory Committee, and Working Groups, preparation of draft and final meeting reports, and proposals requiring an intersessional decision by the Parties to the Agreement. This also includes, pursuant to Article VII (1)(c), the preparation of a synthesised report on the implementation of the Agreement, with particular reference to the conservation measures undertaken, in accordance with Article IX (6)(d). The Secretariat is mindful of the required timelines, and deals flexibly and well with instances where there may be delays in obtaining inputs from others.

**2. All necessary staffing, logistics, interpretation, and other administrative arrangements required by the Parties will be carried out in coordination and consultation with the host governments of meetings.**

Feedback received from Parties who have hosted meetings under the Agreement indicate that the coordination of meeting arrangements by the Secretariat, including ensuring that the host government is kept informed of developments, has been excellent. The Executive Secretary has met with representatives of host governments for Meetings of the Parties, Advisory Committee, and Working Groups, and workshops, to finalise venue and other matters. Consultations before each meeting are also pursued by email and other forms of communication on logistics, staffing and other administrative arrangements. The Executive Secretary also observed that meetings under the Agreement offer a great opportunity for greater engagement with local organisations, institutions and the fishing industry, and Parties may wish to consider ways to extend this highly valuable engagement with other stakeholders.

**3. All decisions will be executed, as required, in such a manner that is consistent with the Meeting of the Parties' intent, prioritising as appropriate within the limited available resources.**

Parties have indicated that the Secretariat has ensured, within available resources, the timely and effective execution of all decisions of Meetings of the Parties since the last review that concern the Secretariat's responsibilities including:

- a. Effective implementation of Secretariat Work Programmes: Resolution 3.2, Resolution 4.2, and Resolution 5.2.
- b. Implementation of Staff Regulations: Resolution 3.3, Resolution 4.3, and Resolution 5.3.
- c. Implementation of Financial Regulations: Resolution 3.5, and Resolution 4.5.
- d. Effective implementation and efficient management of the Agreement Budget for successive triennium: Resolution 3.6, Resolution 4.6, and Resolution 5.6.
- e. Entering into mutually beneficial arrangements with relevant international organisations: Resolution 3.7, Resolution 4.7, and Resolution 5.7.
- f. Effective implementation of the Rules of Procedure for Meetings of the Parties: Resolution 3.8.

Parties noted that the Secretariat continued to ensure, within available resources, the timely and effective execution of all previous decisions of Meetings of the Parties that concern the Secretariat's responsibilities including:

- a. Effective and collaborative implementation of the Headquarters Agreement with the Government of Australia: Resolution 2.1, and Memorandum of Understanding with the Government of Tasmania.
- b. Consistent application of the agreed nomenclature in relation to disputed territories, and prompt remedial action as necessary, e.g. Seabird Bycatch Identification Guide: Resolution 2.9.
- c. Facilitating intersessional decision-making under Rule 24 of the MoP Rules of Procedure.

Parties consider that the Secretariat's work is well-aligned to priorities agreed by the Meeting of the Parties and that the Secretariat has made excellent progress on these priorities within the limited resources available. The Executive Secretary advised that the Secretariat also continues to implement the other decisions of, and guidelines adopted by, Meetings of the Parties, e.g. guidelines for sponsorship of delegates and experts (**MoP5 Doc 27 Rev 1**).

The Review Body expressed concern about the increasing number of exchanges between Argentina and United Kingdom about nomenclature in relation to the disputed territories pursuant to [Resolution 2.9](#). The Review Body noted with concern that [Resolution 2.9](#) had been translated differently in the three official languages of the Agreement which affected the meaning of the resolution, and were inconsistent with the shared understandings of the Meeting of the Parties about Resolution 2.9 ([MoP2 Final Report](#), paragraph 2.5.1 – 2.5.6). The Review Body noted that the inconsistency generated delay and interventions in meetings under the Agreement that could be avoided. The Review Body considered that the inconsistency also put the Secretariat in a difficult position where the Secretariat is not able to implement Resolution 2.9, due to differing views among Parties about interpretation of the resolution. This difficulty affected the Secretariat during meetings and in intersessional periods. The Review Body recommended that the Meeting of the Parties develop a mechanism for dealing expeditiously with matters concerning the disputed territories during meetings under the Agreement including by updating the translations of Resolution 2.9 and considering, for example, following approaches used by other international organisations for resolving disputes.

The Executive Secretary made special mention of the significant benefit to the Agreement from the Memorandum of Understanding with the Government of Tasmania, in particular the provision of office facilities; communications and IT support; human resource, accounting and financial and auditing services. The Review Body shared this view and recommended that the Meeting of the Parties consider writing to the Government of Tasmania, to express the ongoing appreciation of Parties for the support provided to the Agreement.

**4. Facilitation and coordination activities, in accordance with the directions of the Meeting of the Parties or the Advisory Committee, will be carried out, as required, to fulfil the objectives of the Agreement.**

The Secretariat is held in high regard by Parties concerning the effective facilitation and coordination of activities assigned to it by the Meeting of the Parties and Advisory Committee. These activities function well including the assistance provided by the Secretariat to Advisory Committee officials in implementing the Advisory Committee Work Programme for each triennium, consultations with Parties including concerning implementing the Action Plan, and coordination of the exchange of information between Parties and with other international organisations. A highlight of this work has been the preparation of a [booklet](#) outlining the achievements of ACAP in the first 10 years since entry into force of the Agreement.

**5. Other international and national organisations and institutions are contacted, as appropriate, on matters related to achieving the objectives of the Agreement.**

Parties noted that the Secretariat had made considerable efforts to maintain mutually beneficial links with other international organisations and institutions on behalf of the Agreement, and has taken advantage of this extension work to build the international reputation of ACAP. The Secretariat maintains substantial ongoing liaison and consultation with other international and national organisations and institutions about matters of importance to the Agreement, within the constraints of time and resources. A focus of this work has been the engagement between ACAP and regional fisheries management organisations (RFMOs), and conservation bodies including the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) and Secretariat to the Convention on the Conservation of Migratory Species of Wild Animals (CMS Secretariat). This work extends to presentations and engagement in a range of forums where there is a focus on seabird conservation including, but not limited to, the World Seabird Conferences and International Albatross and Petrel Conferences. This work has significantly contributed to the high regard that ACAP is held internationally concerning ACAP's best practice advice about reducing threats to albatrosses and petrels on land and at sea. To ensure the timely flow of the outcomes of this engagement, the Review Body recommended developing a meeting outcomes report template and reporting mechanism for use by ACAP representatives attending international meetings.

**6. Other organisations are informed of the activities of the Agreement in order to facilitate information and technology exchange and to maintain a favourable conservation status for albatrosses and petrels.**

The Secretariat continues to facilitate information and technology exchanges with other international organisations. Parties noted that the Secretariat has entered into memoranda of understanding (or similar arrangements) with the Secretariats of seven RFMOs, two conservation bodies, and one academic institution:

- a. Commission for the Conservation of Antarctic Marine Living Resources (2010, renewed 2015)
- b. Commission for the Conservation of Southern Bluefin Tuna (2015)
- c. Indian Ocean Tuna Commission (2009, renewed 2015)
- d. Inter-American Convention for the Protection and Conservation of Sea Turtles (2016)
- e. Inter-American Tropical Tuna Commission (2011, renewed 2017)
- f. International Commission for the Conservation of Atlantic Tunas (2016)
- g. Karen C Drayer Wildlife Health Center, School of Veterinary Medicine, University of California, Davis (2017)
- h. Latin American Organization for Fisheries Development (2009)
- i. South Pacific Regional Fisheries Management Organisation (2014)
- j. Western and Central Pacific Fisheries Commission (2007)

Parties have indicated that they highly value this important aspect of the Secretariat's international engagement work. The Review Body noted that while this performance indicator has been met as far as is possible, not all albatrosses and petrels may be described as being in a favourable conservation status. The performance indicator is proposed to be reworded to better align with the objectives of the Agreement, as follows:

6. *Other organisations are informed of the activities of the Agreement in order to facilitate information and technology exchange about approaches that contribute to achieving and maintaining a favourable conservation status for albatrosses and petrels.*

**7. A report on the status of the budget for the implementation of the Agreement is prepared and provided in accordance with timescales set by the Meeting of the Parties.**

Parties indicated that they appreciated receiving information about financial matters. The Secretariat has prepared detailed Financial Statements, and accompanying Auditor's Reports as required by Financial Regulation 10.2. Annual Financial Statements and Auditor's Reports are provided to Parties on or before 30 September each year. Preliminary financial reports are provided by Circular to Parties about the status of the Agreement Budget, ordinarily in February and August each year, and updated financial reports are provided to each Advisory Committee meeting and Meeting of the Parties. The Review Body observed that there may be scope for efficiencies in financial reporting provided to Meetings of the Parties, which ordinarily occur in May, and meetings of the Advisory Committee, which ordinarily occur in May and September. The Review Body recommended that the financial reporting arrangements be reviewed by the Meeting of the Parties, and noted that the Secretariat would refer to this topic in the Secretariat Report to the Sixth Meeting of the Parties.

**8. The Agreement's budget is executed in a responsible, efficient, and accountable manner and in accordance with the financial regulations for the Agreement.**


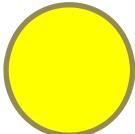
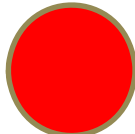
Parties commended the Secretariat for its financial controls, and the Government of Tasmania for its ongoing support in facilitating the work of the Secretariat. The Secretariat has ensured the ongoing efficient and effective administration of the Agreement's Budget, in accordance with the Financial Regulations. The Executive Secretary has strictly adhered to authorisations to incur obligations and make payments against each appropriation under the Agreement Budget. Agreement funds, including voluntary contributions by Parties under Financial Regulation 7.2, are held by the Department of State Growth of the Government of Tasmania. The Department receives income and maintains appropriate accounting records, and makes payments following indications provided by the Secretariat. The Secretariat also maintains registers for asset control, consultancies and translation services. Parties noted that the Secretariat has provided detailed explanations to address any queries about the Agreement Budget.

**9. Assistance is provided to Parties, through the website, in their efforts to educate the general public about the Agreement and its objectives.**

The Parties considered that the ACAP website provides an excellent and highly regarded platform for educating the public about the Agreement. A specific education section of the webpage is available for this purpose that has been established in the three official languages of the Agreement, through an internship program in collaboration with Monash University and University of New South Wales in Australia. The Secretariat maintains, within the constraints of time and resources, an easily navigable website on behalf of Parties, and is always ready to assist Parties in accessing relevant information about the Agreement and its objectives. Parties greatly appreciate the ongoing contributions by Dr John Cooper, ACAP Information Officer, and others who have made voluntary contributions, in maintaining the Latest News section of the website, and Facebook page. The Review Body considered that the webpage, Latest News section and Facebook page are very intuitive for the public and information is regularly updated and presented in an accessible fashion. The Review Body noted that future public education efforts will likely be best made through appropriate social media technologies, as these develop over time. The Review Body supported a recommendation by the Executive Secretary that Parties encourage PhD students to contribute to Latest News to help expand the scope and range of articles posted on the ACAP webpage and other social media.

**10. A system of performance indicators is provided to measure the effectiveness and efficiency of the Secretariat in facilitating the achievement of the objectives of the Agreement.**

Parties noted that in accordance with Article X (i) of the Agreement, the Secretariat has provided a system of performance indications to measure the effectiveness and efficiency of the Secretariat in facilitating the achievement of the objectives of the Agreement for the consideration of Parties at MoP2 (**MoP2 Doc 17**) and MoP5 (**MoP5 Doc 08**). The system of performance indicators has been used as the foundation of reviews of the effectiveness of the Secretariat under [Resolution 2.7](#) and [Resolution 5.5](#). The Review Body recommended identifying some metrics that may be easily reported by the Secretariat in a standard way to help in tracking ongoing performance. One option that was considered by the Review Body was to introduce 'traffic light' indicators for each performance indicator, as follows. The Review Body recommended that the Meeting of the Parties consider this approach and alternative metrics, as appropriate.

 Achieved	 Achieved within available resources	 Action required
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**11. The Meeting of the Parties is provided with all information relevant to the effective functioning of the Agreement in accordance with Article VIII (10).**

Parties indicated that this performance indicator has been met as far as is possible. The Secretariat continues to assist Meetings of the Parties by ensuring that any required information relevant to the effective functioning of the Agreement is supplied to Parties pursuant to Article VIII (10), in addition to information about the implementation of the Agreement pursuant to Article VII (1)(c) of the Agreement. This information is included in the Report on Progress with the Implementation of the Agreement prepared each triennium by the Advisory Committee and the Secretariat (see **MoP4 Doc 11 Rev 1**, **MoP5 Doc 11**, and **MoP6 Doc 13**). The Review Body recommended amending this performance indicator to clarify that the Secretariat's role, pursuant to Article VIII (10), is to supply Parties with any information identified by the Meeting of the Parties as relevant to effective functioning of the Agreement. The Review Body noted that preparation of a report by the Secretariat on the implementation of the Agreement was relevant to performance indicator 1 (above).

*11. The Secretariat will supply to Parties all information identified by the Meeting of the Parties as relevant to the effective functioning of the Agreement.*

**12. A report is provided to each Meeting of the Parties and meetings of the Advisory Committee identifying activities that the Secretariat has been unable to carry out, providing reasons for any inaction, for example limitations in resources, and options for rectification.**

Parties recognised the high quality and significant outputs achieved by the small Secretariat. Parties commended the Secretariat's ongoing prioritisation of its workload within its resource limitations, and efforts through collaborations to expand its capacities. Parties noted that the report on progress with the implementation of the Agreement, prepared by the Advisory Committee and the Secretariat, identified those activities that the Secretariat had been unable to carry out (**MoP6 Doc 13**). The report provided reasons for any inaction, as well as options for rectification.

The Review Body was concerned about whether the level of resourcing for the Secretariat was adequate, and whether the workload of the Secretariat would be better managed if additional administration/science skills were available to support the work of the Secretariat. The Review Body noted that the Advisory Committee had expressed similar concerns. The Review Body recommended that the Meeting of the Parties consider providing additional resources to the Secretariat to allow for the employment of an additional person with administration skills to support the work of the Secretariat.

**13. The staff of the Secretariat follows the directions of the Executive Secretary, as required by the Meeting of the Parties.**

The Executive Secretary expressed high praise for the work undertaken by the staff of the Secretariat: Dr Wieslawa Misiak, Science Officer, and the voluntary contributions of Dr John Cooper ACAP Information Officer, as well as Dr Juan Pablo Seco Pon who has assisted the Secretariat at several meetings under the Agreement, and the interpreters who are contracted to provide translation services at Meetings of the Parties, meetings of the Advisory Committee, and its Working Groups. The Executive Secretary confirmed that all staff follow his directions in their work.

### **3. RECOMMENDATIONS**

#### **3.1. Recommendations for enhancing the effectiveness of the Secretariat in achieving the Agreement's objectives**

The Review Body has identified a range of recommendations for enhancing the effectiveness of the Secretariat in achieving the Agreement's objectives. These recommendations emerge from the assessment of individual performance indicators, and interviews with the Advisory Committee Chair, and the Executive Secretary and Science Officer.

1. That the Meeting of Parties develop a mechanism for dealing expeditiously with matters concerning the disputed territories during meetings under the Agreement including by updating the translations of Resolution 2.9 and considering, for example, following approaches used by other international organisations for resolving disputes. (Performance Indicator 3 refers).
2. That the Meeting of the Parties consider writing to the Government of Tasmania expressing the ongoing appreciation of Parties for the support provided to the Agreement (Performance Indicator 3 refers).
3. That the Meeting of the Parties develop a meeting outcomes report template and reporting mechanism for use by ACAP representatives attending international meetings (Performance Indicator 5 refers).
4. That the Meeting of the Parties review the financial reporting arrangements (Performance Indicator 7 refers).
5. That Parties encourage PhD students to contribute to Latest News to help expand the scope and range of articles posted on the ACAP webpage (Performance Indicator 9 refers).
6. That the Meeting of Parties identify some metrics that may be easily reported by the Secretariat in a standard way to help in tracking ongoing performance (Performance Indicator 10 refers).
7. That the Meeting of the Parties consider providing additional resources to the Secretariat to allow for the employment of an additional person with administration skills to support the work of the Secretariat (Performance Indicator 12 refers).

#### **3.2. Revisions to performance indicators to allow for quantifiable assessment of the Secretariat's performance**

The Review Body recommended revising the following performance indicators to allow for quantifiable assessment of the Secretariat's performance:

6. *Other organisations are informed of the activities of the Agreement in order to facilitate information and technology exchange about approaches that contribute to achieving and maintaining a favourable conservation status for albatrosses and petrels.*
11. *The Secretariat will supply to Parties all information identified by the Meeting of the Parties as relevant to the effective functioning of the Agreement.*