

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

Parties have provided Implementation Reports to the MoP in 2011, 2014 and 2017. Feedback from Parties indicates that some of the questions posed in the triennial report may benefit from clarification. Suggested amendments to the questions are presented for consideration by the MoP.

RECOMMENDATION

That the Meeting of the Parties approves amendments to questions in the Implementation Reports of Parties.

1. BACKGROUND

The ACAP web-based implementation reporting system has been in place since 2010: it was first introduced for AC6 and MoP4 ([MoP4 Inf 05](#)). The reporting templates enable Parties to submit two report types. Firstly, an Advisory Committee Report that provides information on each Parties' progress in implementing the Action Plan under the Agreement. Secondly, an Implementation Report that provides information about each Parties' progress in implementing the Agreement. This report is completed prior to the AC preceding each MoP. Feedback from Parties indicates that some of the questions posed in the triennial report may benefit from clarification (see **MoP6 Doc 13**).

A review has identified that Parties may be taking differing approaches in responding to the questions. Certain questions appear to be interpreted differently by Parties in each reporting period and between reporting periods. For example, Parties may not always restrict reporting to the current time period; Parties may not limit reporting to new information concerning, among

other things, policy arrangements and applicable legislation; and Parties may leave certain questions unanswered. The differing approaches may hinder interpretation of the Implementation Report of Parties, as well as the ability to discern trends. The report questions are reviewed below. Where relevant, suggested amendments are proposed to help clarify a question. Parties are invited to provide further insights or ideas for enhancements to improve the ease and precision of triennial reporting.

2. REVIEW OF REPORT QUESTIONS

1. Overview of implementation of Agreement and Action Plan

Question 1.1 *Has action been taken to implement the decisions of previous MoPs?*

Clarification proposed.

There is some uncertainty about what ‘decisions’ are being referred to in this question. The ‘decisions’ of previous MoPs are provided in meeting reports, generally in the form of Resolutions or other decisions, e.g. to incorporate/amend tasks in the Advisory Committee Work Programme. There are also MoP intersessional decisions approved by Parties following formal consultations under Rule 24 of the MoP Rules of Procedure on intersessional voting. To help clarify this question, the Secretariat has prepared a list of relevant decisions that Parties should consider when responding to this question (see **ANNEX 1**). These include decisions, Resolutions, recommendations, strategies and policies adopted or endorsed by the MoP.

- a. *Resolutions*: The list of current resolutions changes over time. A response to this question should be limited to only current Resolutions requiring implementation actions by Parties.
- b. *Recommendations*: The relevant recommendations are those from the preceding MoP that are not already covered by questions 2 to 9, and intersessional ‘decisions’ approved by the MoP under Rule 24.

Cross-referencing to questions that address any recommendations from the preceding MoP could be provided, e.g. questions 7 and 8 address high priority land-based and at-sea threats, and question 2.4 addresses emergency measures.

- c. *Strategies and policies*: The list of current strategies and policies change over time. A response to this question should be limited to only current strategies and policies requiring implementation actions by Parties.

Question 1.2 *Is action for national implementation planned to occur in the next three years?*

Clarification proposed.

A majority of Parties usually answer ‘yes’ to this question. However, there are instances where this question is left ‘not answered’ or answered as ‘no’. This question may be clarified by providing examples of where implementation action is likely to occur, either in broad areas

such as fisheries, breeding sites, and education, or as per particular topics raised in questions 2 to 9: species conservation, habitat conservation, management of human activities, research programmes, education and public awareness, land-based priority conservation actions, at-sea priority conservation actions, and climate change.

2. Species conservation

Question 2.1. *Has the Party provided any exemptions to prohibitions on the taking or harmful interference with albatrosses and petrels?*

Clarification proposed.

A Party has provided reports of exemptions, as part of scientific research, as well as for museums and research institutions. Other Parties may also have similar programmes in place, but may either have not reported about them, or may have provided the information when responding to question 2.2 (about the use or trade in albatrosses or petrels). 'Not answered' was also recorded on one occasion. This question may be clarified to qualify the circumstances for exemptions so that exemptions 'do not include those for scientific research purposes'. The reference in the question to 'taking or harmful interference' suggests that those purposes are not the intent of the question.

Question 2.2. *Has any use or trade in albatrosses or petrels occurred?*

Clarification proposed.

A Party consistently reports that bycaught albatrosses and petrels are made available (free of charge) to Indigenous people for traditional uses, as well as to museums and universities. Another Party reports that fishery bycaught birds are examined to gain insight into the demographics of incidental catch. The question addresses actions 1.1.1 and 1.1.2 of the Action Plan, as well as Article III(2)-(5) of the Agreement. These provisions establish a general prohibition on the use or trade of albatrosses and petrels, while allowing Parties to 'authorise' an exemption for purposes including, but not limited to: accommodating the traditional needs and practices of Indigenous peoples, and for scientific, educational or similar purposes.

The responses suggest that Parties view this question as concerning use and trade that is 'authorised', as distinct from any illegal, unreported and unregulated use or trade in albatrosses and petrels. This question may be clarified by rewording to:

'Has any authorised use or trade in albatrosses and petrels occurred?'

and by providing examples of 'authorised' use and trade of albatrosses, with examples as above.

Question 2.3. *Has the Party implemented any new single or multi-species conservation strategies / Action Plans?*

Clarification proposed.

The number of Parties reporting 'yes' is increasing with each reporting year. It may be that Parties are not limiting the response to only 'new' plans. Parties are also responding by reporting on action plans for non-ACAP species. The question may be clarified by providing a list of albatross and petrel species that could be selected, and requesting that the Party indicate the year when the action plan came into force or was updated/revised, limiting the year field to the past triennium.

Question 2.4. *Has the Party taken any emergency measures involving albatrosses or petrels?*

Clarification proposed.

A majority of Parties do not need to take emergency measures. A Party consistently reports each year about the signing and publishing of a law to enforce the use of mitigation measures. This question may be clarified by including a reference to Resolution 1.4 to read:

'Has the Party taken any emergency measures, as defined in Resolution 1.4, involving albatrosses or petrels?'

Question 2.5. *Has the Party conducted any re-establishment schemes?*

A Party consistently responds each year with 'not answered'. No clarification or amendment proposed.

Question 2.6. *Has the Party introduced any new legal or policy instruments for species protection of albatrosses and petrels?*

Some Parties occasionally respond with 'not answered'. No clarification or amendment proposed.

Question 2.7. *Has the Party implemented any legal or policy instruments for environmental impact assessments?*

Clarification proposed.

Some Parties occasionally respond with 'not answered'. The focus on implementation of legal or policy instruments may be highlighted through cross reference to question 4.1 (regarding the completion of environmental impact assessments).

Question 2.8. *Does the Party have any species it would like to submit for addition to Annex 1?*

Clarification proposed.

Parties have established a comprehensive process for developing proposals to include additional albatross and petrel species on Annex 1 to the Agreement. This question may be clarified by asking Parties to focus responses on the coming triennium, and to provide an

indication about which species may be proposed to be added to Annex 1 of the Agreement by rewording to:

'Does the Party intend to submit any albatross and/or petrel species for addition to Annex 1 during the next triennium (please indicate which species)?'

Alternatively, as the report is concerned with implementation which occurred in the past triennium, the question could solicit information about actions already taken towards a nomination:

'Has the Party taken action to submit any albatross and/or petrel species for addition to Annex 1 (please indicate which species)?'

There may also be value in tracking both, nominations underway, as well as intent to nominate species.

Question 2.9. Are there any other conservation projects for ACAP species not already mentioned?

Clarification proposed.

'Not already mentioned' is somewhat imprecise. This question may be clarified by including a cross-reference to specific questions in the report, i.e.

'Are there any other conservation projects for ACAP species not already mentioned in questions 2.3 to 2.6'

3. Habitat conservation

Question 3.1. Has the Party introduced any legal or policy instruments or actions to implement protection and management of breeding sites, including habitat restoration?

A Party responded in 2017 with 'not answered'. No clarification or amendment proposed.

Question 3.2. Has the Party implemented any sustainable management measures for marine living resources which provide food for albatrosses and petrels?

Clarification proposed.

Some Parties occasionally respond with 'not answered'. This question may be clarified by including some examples of the range of measures that could be reported here, such as: temporal or spatial area closures, adjustment to a fishing quota for a species known to be eaten by an albatross or petrel, size limits, issue of licences, observer programmes/reporting, research/surveys.

Question 3.3. Has the Party implemented any management or protection of important marine areas for albatrosses and petrels?

Some Parties occasionally respond with 'not answered'. No clarification or amendment proposed.

4. Management of human activities

Question 4.1. Has the Party completed any new environmental impact assessments related to albatrosses and petrels?

Clarification proposed.

Some actions here already noted in question 2.7. This question may be clarified by emphasising that the response should refer only to the 'completion of any new environmental impact assessments' during the reporting period. This question should also include a cross reference to question 2.7 with 'c.f. legal and policy instruments'.

Question 4.2. Has the Party implemented any new measures to minimise discharge of pollutants and marine debris (MARPOL)?

Clarification proposed.

Many Parties respond with 'not answered'. This may indicate that Parties are uncertain about how to respond to the question, and it is unclear whether all of the initiatives reported by Parties refer to new measures. This question may be clarified by providing a link to the International Maritime Organisation (IMO) website and emphasising that responses should focus on 'new measures'.

Question 4.3. Has the Party introduced any new measures to minimise the disturbance to albatrosses and petrels in marine and terrestrial habitats?

Clarification proposed.

Many Parties respond with 'not answered'. Answers included actions already noted in previous questions and also included existing rather than new measures. This question may be clarified by emphasising that responses should focus on 'any other new measures', and cross referencing to questions 3.1 to 4.2:

'Has the Party introduced any other new measures to minimise the disturbance to albatrosses and petrels in marine and terrestrial habitats not already reported in questions 3.1 to 4.2?'

5. Research programmes

Question 5.1. Does the Party have any ongoing research programmes relating to the conservation of albatrosses and petrels not already reported on?

Clarification proposed.

A Party consistently responds with 'not answered'. This question may be clarified by providing a cross-reference to specific questions in the report to assist Parties in avoiding double reporting: i.e. 'not already reported on in Section 2, 3, and 4.'

Question 5.2. Does the Party have any additional national institutions (authorities or research centres), or NGOs involved in albatross and petrel conservation?

Clarification proposed.

Over time, the institutional arrangements of Parties concerning the conservation of albatrosses and petrels, and those of environmental non-governmental organisations may change. Accordingly, responses to this question may not necessarily indicate that the institutional arrangements are improving for the affected species. The current question may be clarified if the term 'additional' were to refer to 'new' institutions, rather than a re-organisation of existing institutions:

Does the Party have any new national institutions (authorities or research centres), or NGOs involved in albatross and petrel conservation?

Alternatively, the question may be deleted.

1.6. Education and public awareness

Question 6.1. Has the Party conducted training or provided information for user audiences (e.g. scientists, fishers, etc)?

A Party responded in 2011 with 'not answered'. No clarification or amendment proposed.

Question 6.2. Has the Party conducted training or provided information to the general public?

Some Parties occasionally respond with 'not answered'. No clarification or amendment proposed.

1.7. Reporting against priorities for land-based conservation actions

No clarification or amendment proposed.

1.8. Reporting against priorities for at-sea conservation actions

No clarification or amendment proposed.

1.9. Other

Question 9.1 *Does the Party have any new information to report on research into observed impacts, or mitigation of, climate change on albatrosses and petrels?*

Most Parties respond with 'not answered'. This may indicate that Parties might lack current knowledge about research underway, rather than the question not being clear. No clarification or amendment proposed.

1.10. Additional Comments

The text box for any additional comments or observations is rarely used. No clarification or amendment proposed.

3. CONCLUSIONS

This review has identified a range of question-specific clarifications, and proposals to amend the triennial report (see above). Structural amendments to the online forms may also refine the reporting outputs. For example, the default pre-selected answer for most questions when a Party first initiates a report is 'not answered'. It is then up to the report editor to choose the alternative options of 'yes', 'no' or 'not applicable'. Given the mostly sporadic occurrence of unanswered questions, it is likely that the default option is left selected unintentionally. To address this potential oversight, an alert can be added during report submission about questions that have been left 'not answered'. The report editor would be required to edit or confirm that those were the intended answers. More detailed instructions for completing the report could also be provided in addition to those already identified above. For example, although report editors are advised at the start of the form that 'The questions below refer to new actions taken since the last triennial report preceding a MoP', specifying the exact period for which information is sought would be helpful.

ANNEX 1. LIST OF ACAP DECISIONS¹, RESOLUTIONS, RECOMMENDATIONS, STRATEGIES AND POLICIES.

 <p style="text-align: center;">AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS</p> <p style="text-align: center;">Decisions, Resolutions, Recommendations, Strategies and Policies</p>			
RESOLUTIONS		Adopted	Status
<u>Resolution 1.1</u>	Secretariat of the Agreement	MoP1	Current
<u>Resolution 1.2</u>	Budget for the Agreement 2005 and 2006	MoP1	Expired
<u>Resolution 1.3</u>	Scale of Contributions for the Agreement	MoP1	Expired
<u>Resolution 1.4</u>	Criteria to Define Emergency Situations and Assign Responsibility for Action	MoP1	Current
<u>Resolution 1.5</u>	Establishment of the Advisory Committee for the Agreement	MoP1	Current
<u>Resolution 2.1</u>	Headquarters Agreement	MoP2	Current
<u>Resolution 2.2</u>	Adoption of Staff Regulations for ACAP Secretariat	MoP2	Repealed
<u>Resolution 2.3</u>	Agreement Budget 2007 - 2009	MoP2	Expired
<u>Resolution 2.4</u>	Amendments to Financial Regulations	MoP2	Repealed
<u>Resolution 2.5</u>	Proposal to Amend Annex 1 of the Agreement	MoP2	Current
<u>Resolution 2.6</u>	Advisory Committee Work Programme 2007 - 2009	MoP2	Expired
<u>Resolution 2.7</u>	Terms of Reference for Reviewing the Effectiveness of the Secretariat	MoP2	Expired
<u>Resolution 2.8</u>	Adoption of IUCN Red List of Threatened Species as Interim Headline Indicator	MoP2	Expired
<u>Resolution 2.9</u>	Nomenclature in Relation to Disputed Territories	MoP2	Current
<u>Resolution 3.1</u>	Proposal to amend Annex 1 of the Agreement	MoP3	Current
<u>Resolution 3.2</u>	Secretariat Work Programme 2010 - 2012	MoP3	Expired
<u>Resolution 3.3</u>	Adoption of Staff Regulations for ACAP Secretariat	MoP3	Repealed
<u>Resolution 3.4</u>	Advisory Committee Work Programme 2010 - 2012	MoP3	Expired
<u>Resolution 3.5</u>	Amendments to the Financial Regulations	MoP3	Repealed
<u>Resolution 3.6</u>	Agreement Budget 2010-2012	MoP3	Expired
<u>Resolution 3.7</u>	Authority to Enter into Arrangements with International Organisations	MoP3	Current
<u>Resolution 3.8</u>	Amendments to MoP Rules of Procedure	MoP3	Current

¹ **Decisions** of previous MoPs are provided in meeting reports, generally in the form of Resolutions or other decisions, e.g. to incorporate/amend tasks in the Advisory Committee work programme. There are also MoP intersessional decisions approved by Parties following formal consultations under Rule 24 of the MoP Rules of Procedure on intersessional voting.

Resolution 4.1	Amendment to Annex 1 of the Agreement	MoP4	Current
Resolution 4.2	Secretariat Work Programme 2013-2015	MoP4	Expired
Resolution 4.3	Adoption of Staff Regulations for ACAP Secretariat	MoP4	Repealed
Resolution 4.4	Advisory Committee Work Programme 2013 - 2015	MoP4	Expired
Resolution 4.5	Financial Regulations	MoP4	Current
Resolution 4.6	Agreement Budget 2013-2015	MoP4	Expired
Resolution 4.7	Authority to Enter into Arrangements with International Organisations	MoP4	Current
Resolution 4.8	Resolution outlining a process towards implementation of Article VIII.15	MoP4	Expired
Resolution 5.1	Amendment to Annex 1 of the Agreement	MoP5	Current
Resolution 5.2	Secretariat Work Programme 2016 – 2018	MoP5	Current
Resolution 5.3	Staff Regulations for ACAP Secretariat	MoP5	Current
Resolution 5.4	Advisory Committee Work Programme 2016 – 2018	MoP5	Current
Resolution 5.5	Terms of Reference for reviewing the effectiveness of the Secretariat	MoP5	Current
Resolution 5.6	Agreement Budget 2016 – 2018	MoP5	Current
Resolution 5.7	Authority to Enter into Arrangements with International Organisations	MoP5	Current
Resolution 5.8	Resolution progressing implementation of Article VIII.15	MoP5	Current
RECOMMENDATIONS FROM THE MEETING OF THE PARTIES (MoP5)		Adopted	Status
Adopted in 2015 by MoP5 (Implementation Report, MoP5 Doc 11)	(1) to address high priority at-sea threats in accordance with the conservation priorities	MoP5	Current
	(2) to address high priority land-based threats in accordance with the conservation priorities	MoP5	Current
	(3) to ensure that appropriate mechanisms are established/maintained to identify seabird bycatch in relevant fisheries and to monitor the implementation of effective bycatch mitigation	MoP5	Current
	(4) to review the efficacy of seabird bycatch mitigation measures used in the fisheries that they manage on the basis of the information provided by the SBWG and explore the performance of new mitigation technologies and related safety and other operational issues	MoP5	Current
STRATEGIES AND POLICIES		Adopted	Status
AC10 Doc 13 Rev 1	RFMO Engagement Strategy (last update at AC10)	MoP3	Current
MoP5 Doc 27 Rev 1	Agreement Sponsorship Policy	MoP5	Current
MoP5 Doc 24 Rev 1	Strategy for the Accession of Non-Party Range States	MoP5	Current
MoP5 Doc 26 Rev 1	Interim Principles Concerning Lethal Experimentation	MoP5	Current
MoP6 Doc 22	Capacity Building Strategy (final version endorsed by AC10)	[MoP6]	