



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

**REPORT OF THE FOURTH SESSION OF
THE MEETING OF THE PARTIES**

*Lima, Peru
23 – 27 April 2012*

LIST OF ACRONYMS

AC	Advisory Committee (AC1, AC2 etc refer to the first, second, etc meetings of the Advisory Committee)
ACAP	Agreement on the Conservation of Albatrosses and Petrels
APEC	Asia Pacific Economic Cooperation forum
CCMLR	Commission for the Conservation of Antarctic Marine Living Resources
CMS	Convention on Conservation of Migratory Species of Wild Animals
CONICET	Consejo Nacional de Investigaciones Científicas y Técnicas
CWBF	Chinese Wild Bird Federation
DEDTA	Department of Economic Development, Tourism and the Arts
FAO	Food and Agriculture Organization of the United Nations
IAC	Inter-American Convention for the Protection and Conservation of Sea Turtles
ICCAT	International Commission for the Conservation of Atlantic Tunas
IOTC	Indian Ocean Tuna Commission
IPOA-Seabirds	International Plan of Action-Seabirds
IUCN	International Union for the Conservation of Nature and Natural Resources
MoP	Meeting of the Parties (MoP1, MoP2 etc refer to the first, second etc Session of the Meeting of Parties)
MoU	Memorandum of Understanding
MPA	Marine Protected Area
NGO	Non-governmental Organisation
NPOA-S	National Plan of Action – Seabirds
OLDEPESCA	Organizacion Latinoamericana de Desarrollo Pesquero
PaCSWG	Population and Conservation Status Working Group
RFMO	Regional Fisheries Management Organisation
RLI	Red List Indices
RoP	Rules of Procedure
SBWG	Seabird Bycatch Working Group
UK	United Kingdom of Great Britain and Northern Ireland
UN	United Nations
USA	United States of America
WWF	World Wide Fund for Nature

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1 OFFICIAL OPENING AND OPENING REMARKS

- 1.1 The Fourth Session of the Meeting of the Parties (MoP4) to the Agreement on the Conservation of Albatrosses and Petrels (ACAP) was held in Lima, Peru, from 23 - 27 April 2012. The meeting was officially opened by Dr Marco Favero as acting Chair of the meeting in accordance with Rule 12(2) of the Rules of Procedure.
- 1.2 All thirteen Parties to the Agreement were represented: Argentina, Australia, Brazil, Chile, Ecuador, France, New Zealand, Norway, Peru, South Africa, Spain, the United Kingdom of Great Britain and Northern Ireland (UK) and Uruguay.
- 1.3 Two Range States were represented: Canada and the United States of America (USA).
- 1.4 Relevant RFMOs, inter-governmental and non-governmental organisations were invited to attend the meeting as observers. The Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC), Organizacion Latinoamericana de Desarrollo Pesquero (OLDEPESCA), BirdLife International, Chinese Wild Bird Federation (CWBF), and the World Wide Fund for Nature (WWF-New Zealand) were present.
- 1.5 The List of Participants (MoP4 Doc 5 Rev 7) is provided in [Annex 9](#). The List of Documents (MoP4 Doc 4 Rev 4) is given in [Annex 11](#).
- 1.6 Vice-Minister of Fisheries, Patricia Majluf Chiok, on behalf of the Government of Peru formally welcomed delegates to the Fourth Session of the Meeting of the Parties. Vice-Minister Majluf Chiok noted that as both a conservationist and as Head of the fisheries management authority for Peruvian fisheries, she took great interest in the discussions taking place, knowing that fisheries are one of the main threats to the viability of albatrosses' and petrels' populations globally.
- 1.7 Vice-Minister Majluf Chiok noted the profound effect of humans on marine ecosystems and their species; and, emphasised the importance of working toward fishery policies that are sustainable and that incorporate ecosystem management principles aimed at reducing and mitigating the impacts caused by exploiting natural resources. She wished all participants a successful and productive meeting.
- 1.8 The acting Chair called for nominations for the position of Chairperson of the meeting. Norway proposed the election of Ambassador Nicolas Roncagliolo Higuera (Peru) as Chairperson (Chair) of the Meeting of the Parties. This was accepted by acclamation of the Meeting. Under Rule 12 (2) of the MoP Rules of Procedure the Chair of the Advisory Committee became the Vice-Chairperson (Vice-chair) of the Meeting of the Parties.

- 1.9 The Chair, on behalf of all delegations, thanked Vice-Minister Majluf Chiok for her welcoming remarks.

2 PROCEDURAL ISSUES

2.1 Adoption of Agenda

- 2.1.1 The provisional agenda (MoP4 Doc 01) was adopted by the meeting and is provided in [Annex 10](#).

- 2.1.2 Norway proposed to alter the agenda relating to the Rules of Procedure and list of observers, requesting that there should be a standing agenda item for “Rules of Procedure”, and also a special heading for “List of Observers”. The Secretariat was asked to include this on the agenda for the next MoP.

2.2 Proposed Amendments to the MoP Rules of Procedure

- 2.2.1 Australia presented MoP4 Doc 06 noting that, if ACAP is to achieve its conservation objective, it is essential that ACAP promptly develop a close and co-operative relationship with all States and APEC member economies whose vessels fish within the range of albatrosses and petrels listed under Annex 1 of the Agreement. In particular, improved relationships with those States and economies with distant water longlining fleets are a high priority. To this end, Australia welcomed the approach of ACAP Parties to facilitating the participation of a wide range of observers. This is consistent with the provisions of the Agreement which encourage those concerned with the conservation and management of albatrosses and petrels to participate as observers in sessions of the MoP and its subsidiary bodies.

- 2.2.2 Australia noted that discussions during AC6 highlighted that, for some Parties, there was ambiguity in the provisions of the AC Rules of Procedure (RoP). As the AC RoP are similar to those for the MoP, similar difficulties might arise at the MoP. Australia did not consider an amendment to the MoP RoP was necessary for an APEC member economy to participate in the MoP. However, to avoid any potential difficulties, Australia proposed that the meeting agree to the draft Resolution at Annex 1 of MoP4 Doc 06 and amend Rule 4(1) of the RoP.

- 2.2.3 All Parties agreed that ACAP needed to develop a close and co-operative relationship with all States and APEC member economies whose vessels fish within the range of albatrosses and petrels listed under Annex 1 of the Agreement. The meeting discussed whether APEC member economies could participate as observers under the existing MoP Rules of Procedure without provision for any Party to object. Some Parties, including Australia, Norway, the UK, and, subject to consensus, South Africa and New Zealand considered that this could occur. The USA, participating as an observer also agreed that this could occur. Some other Parties, including Argentina,

Uruguay, Ecuador, Peru, Spain and Chile, considered that this could not occur. There was extensive discussion in an effort to reach consensus on this issue. However, as a result of several uncertainties, including a possible inconsistency between the provisions of the Agreement – including Article VIII sub-paragraphs 5 and 15 – and the Rules of Procedure – including rules 1(3), 4(1), 4(6) and rule 21(2) – no consensus on whether APEC member economies could participate as observers could be reached.

- 2.2.4 Australia and the UK expressed their disappointment and frustration that it had not been possible to permit Chinese Taipei, as an APEC member economy, to participate in the meeting as an observer. It had been and remained their understanding that the purpose of rule 4(1) specifically allowed this without further requirements, and that the attendance of observers in accordance with that rule did not require consensus and no Party could block this. However, in light of what appeared to be inconsistencies between this, and rule 21(2) and Article VIII.5 and 15, they reluctantly accepted that further consideration of these apparent inconsistencies needed to occur before any decision could be taken. They further recognised that it was unlikely that resolution to these issues could be achieved at the meeting and, therefore, they urged the meeting to establish an urgent intersessional process to establish procedures to enable member economies of APEC, and specifically, Chinese Taipei, to participate in Advisory Committee meetings and sessions of the Meeting of Parties. They recognised, and appreciated that all Parties wished to see Chinese Taipei participating in the work of the Agreement and hoped that there would be a swift resolution of any uncertainties so that this could be facilitated and Chinese Taipei could attend future meetings as a full observer and not an NGO. The UK proposed a Resolution to establish and guide the intersessional process towards facilitating the participation of Chinese Taipei at future meetings of the Agreement.
- 2.2.5 Peru expressed that apparent inconsistencies identified between the Rules of Procedures and the Agreement do not allow this Meeting to continue considering the participation of the APEC member economies in ACAP. The cooperation between all actors in order to achieve the objectives of the Agreement is desirable. However, first it is necessary to clarify the apparent inconsistencies, and to take decisions based on consensus as established in the Agreement.
- 2.2.6 The United States supported Australia's proposal in MoP4 Doc 06 and noted that Rule 4(1) currently expressly provides for the participation as observers in ACAP meeting of all APEC member economies, including Chinese Taipei. The United States disagreed that inconsistencies exist between Article VIII (5) and (15) of the Agreement and Rules 4(1) and 21(2) of the MoP Rules of Procedure. Agreement Article VIII (4) provides that the MoP shall make provision in its rules of procedure to govern the attendance and participation of observers. The Parties did so in relation to Chinese Taipei, as an APEC

member economy, when they adopted MoP Rule of Procedure 4(1), which provides that all APEC member economies can participate in ACAP as observers. The United States noted that the reference in MoP Rule of Procedure 4(1) to Agreement Article VIII (15) provides information only and does not make Rule 4(1) vague or create inconsistencies between Rule 4(1) and other provisions of the Agreement and MoP Rules of Procedure. The United States stressed that ACAP does not require APEC member economies to obtain the consent of any state or organization prior to their participation in ACAP as a Rule 4(1) observer, and voiced its concern that ACAP Parties were permitting political debates outside the scope of and inconsistent with the Agreement to distract from ACAP's objective to achieve a favorable conservation status for albatrosses and petrels. The United States emphasized that the adoption of best practice seabird conservation in pelagic longline fisheries is a high priority for ACAP. The United States recalled that Chinese Taipei has a large distant water fishing fleet and has recognized the impact its fishing can have on seabirds, including ACAP listed seabirds, and has taken major steps to support seabird bycatch research. In the United States' view, the importance of the scientific and technical information Chinese Taipei has to offer, and ultimately the potential conservation benefit of their participation in ACAP, cannot be understated. The United States noted that the interest Chinese Taipei has shown in attending the meetings of ACAP should be seen as a sign of the successful impact of ACAP's outreach with international fishery management organizations and should be encouraged, the same as that of other members of international fishery management organizations. In the United States' view, ACAP needs all RFMO members to fully support ACAP efforts if ACAP is to be successful.

2.2.7 The meeting decided that this situation needed prompt resolution via an intersessional process, in order to achieve legal certainty and transparency, and to avoid it arising again at a future session of the MoP or its subsidiary bodies. The meeting decided it was highly desirable that this occur in advance of AC7. The meeting adopted Resolution 4.8 ([Annex 8](#)).

2.2.8 In light of the above discussion, Australia withdrew MoP4 Doc 06.

2.3 Establishment of Credentials Committee

2.3.1 A Credentials Committee was established in accordance with Rule 5(3) of the Rules of Procedure, consisting of representatives from Argentina, Norway and the United Kingdom.

3 REPORTS

3.1 Report of Credentials Committee

3.1.1 The Credentials Committee reported that, by the deadline set out in Rule 5(2) of the Rules of Procedure, the credentials of 11 Parties had been

received. Of the credentials received, eight were in order. Three of the credentials received were copies of the original.

3.1.2 To enable the five Parties that did not have proper credentials to regularise the situation and participate fully in the session, the Meeting of the Parties accepted the proposal of the Credentials Committee that the local embassy in Lima provide an official note to the effect that either the credentials were being prepared and the original would be sent to Hobart within 28 days of the closure of the meeting; or that the copy that had been submitted was a true copy of the original and the original would be sent to Hobart within 28 days of the closure of the meeting.

3.1.3 By the end of the meeting two of the five Parties whose credentials had not been in order had provided an official note in accordance with paragraph 3.1.2 above and two Parties presented the original credentials. The credentials of one Party remained outstanding, meaning that, in accordance with Rule 5(1) of the Rules of Procedure, this Party was not eligible to vote.

3.1.4 The Committee's report was accepted by MoP4.

3.2 Report of Depositary

3.2.1 Australia, in its role as Depositary, presented its report ([MoP4 Doc 07](#)), noting that there had been no new accessions to the Agreement since MoP3. The meeting noted that efforts to encourage the accession of non-Party Range States would be discussed further under agenda item 7.12.

3.3 Reports of Observers

3.3.1 BirdLife International thanked Parties for the invitation to attend MoP4. In respect of progress since MoP3 in implementing ACAP, BirdLife congratulated Parties, Range States and the ACAP Secretariat for excellent progress through effective collaboration. In this regard, BirdLife's contribution was well summarised in [MoP4 Doc 11 Rev 1](#) and [MoP4 Inf 04 Rev 1](#) (Part 1); important parts of BirdLife's intended contribution to the AC Work Plan 2013 – 2015 are set out in [MoP4 Doc 19](#).

3.3.2 BirdLife indicated its continuing commitment to ACAP, particularly in terms of:

- a) providing advice in respect of matters relevant to or arising from the IUCN Red List of threatened species;
- b) managing the Global Procellariiform Tracking Database, for which it encourages Parties and Range States to continue to support acquisition and submission of data relevant to ACAP priorities;
- c) maintaining the work of the Albatross Task Force, currently operating in the jurisdictions of Parties/Range States of Argentina, Brazil, Chile, Ecuador, Namibia, Peru, South Africa and Uruguay. BirdLife expressed its gratitude to the governments of these countries for this support; and
- d) maintaining the collaboration of BirdLife Partner organisations, as specifically acknowledged in the Implementation Reports by Argentina,

New Zealand and United Kingdom and extending formal collaborations to other BirdLife Partners as feasible.

- 3.3.3 The Secretariat, the Chair of the Advisory Committee and several Parties recorded their appreciation for BirdLife's support and cooperation in the Agreement.
- 3.3.4 WWF thanked ACAP Parties for inviting the participation of non-Government Observers in the Fourth Session of the Meeting of Parties. WWF noted its support for the Agreement and outlined some examples of conservation work undertaken by WWF on Albatrosses and Petrels. [MoP4 Inf 07](#) reports on the initiatives of the Southern Seabird Solutions Trust, of which WWF is a founding member. WWF also reported on its involvement in a new Partnership established by the Morgan Foundation of New Zealand to support the Department of Conservation to undertake work to eradicate mice from the Antipodes Island in 2013.
- 3.3.5 WWF acknowledged the contribution and commitment of all Parties, Range States and Observers to the ACAP agenda and noted the significant progress made by all to implement the Agreement.
- 3.3.6 The Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC) Secretariat thanked ACAP for the invitation to MoP4. The Convention was aware that incidental capture in fisheries, particularly longlines, is a threat faced by sea turtles as well as by albatrosses and petrels, and recognized the opportunity to work collaboratively on bycatch mitigation measures, given that some ACAP member countries are also IAC Parties. IAC stated that it looks forward to exploring the ways in which joint efforts can be made to address these issues for the benefit of IAC and ACAP species.
- 3.3.7 Chinese Wild Bird Federation (CWBF) stated that it appreciated the opportunity to formally observe the fourth meeting of the Parties to ACAP, and congratulated Parties and non-Parties engaged in the Agreement on achievements to date to improve the conservation status of ACAP species.
- 3.3.8 As a partner of BirdLife International and an ally of WWF, CWBF urged those States whose vessels fish within the range of albatrosses and petrels, which are not yet Party to the agreement, to join and ratify it as a matter of priority.
- 3.3.9 CWBF re-affirmed its commitment to supporting the agreement to help further its role in the conservation of albatrosses and petrels regionally and globally.
- 3.3.10 The Executive Secretary reported that CMS was not able to attend MoP4 but had provided a statement to the Secretariat (see [Annex 18](#)). The meeting noted that the taxonomy used by ACAP has been adopted by the CMS as its standard nomenclature reference for albatrosses and large petrels and that a

wide range of activities are undertaken by the CMS of relevance to and in support of the Agreement's work. The meeting expressed its appreciation for the statement from the CMS and welcomed the offer to work together and collaborate in support of each other's work.

3.3.11 The United States of America thanked the Secretariat for organising the meeting and Peru for hosting it, and highlighted some events in the North Pacific relevant to species breeding within its jurisdiction. It reported to the meeting that it was still actively pursuing accession to ACAP.

3.3.12 Parties thanked observers for their reports and for their commitment to working with ACAP to achieve the objectives of the Agreement.

4 OPERATION OF THE SECRETARIAT

4.1 Report of the Secretariat

4.1.1 The Executive Secretary reported on the operation of the Secretariat since the last Meeting of the Parties ([MoP4 Doc 08](#)). The work of the Secretariat is currently performed by two full-time positions, with the support of consultants and contractors who perform fixed tasks on a needs basis e.g. translations and interpretation, maintenance of the Agreement's website and the provision of technical support. Further support is provided by secondments and volunteers undertaking project type activities.

4.1.2 The Executive Secretary advised the meeting that Mr Barry Baker's contract for the provision of Technical Support had finished and that a selected tender exercise was currently being undertaken for a replacement service provider. Appreciation was expressed for the valuable contribution Mr Baker had made to the Agreement's work in this capacity.

4.1.3 It was noted that MoP3 agreed to the engagement of the Science Officer on a full-time basis for a four-year fixed term, which will conclude in 2013. In the period since MoP3, the Science Officer had overseen the development and implementation of a new database and web-based operating system for the submission of Parties' implementation reports, and had provided critical support for the Advisory Committee's Working Groups. As the loss of this position would seriously undermine the work of both the Secretariat and the Advisory Committee, MoP4 was requested to give consideration to making this an on-going position.

4.1.4 The Meeting of the Parties noted the considerable outcomes achieved by Dr Wiesława Misiak in this position over the past triennium and decided that her appointment should be changed from a fixed term contractual position to an ongoing full-time position.

- 4.1.5 It was also noted that the current contract for the Executive Secretary would finish in May 2013 and that consideration was required on whether the Parties wished to extend this contract for a further four years, or to re-advertise the position. The Meeting of the Parties decided by acclamation to re-appoint Mr Warren Papworth to the position of Executive Secretary for a second four year term in accordance with Staff Regulation 6.3(e).
- 4.1.6 The Executive Secretary recalled that at MoP3 Parties decided to establish a list of legal experts from Governments that might be called upon purely in their legal expert capacity as an ad-hoc group of experts to address matters of a legal nature. Parties were asked to review their current nominations to undertake this work and to provide the Secretariat with an update on the current status of such nominations. The UK and Australia confirmed that they would be prepared to continue to provide this support. The Meeting of the Parties gratefully accepted the offers of legal support when necessary and invited other Parties to provide similar support.
- 4.1.7 The Executive Secretary noted that the provision of quarterly reports is time consuming and is difficult to achieve given the Secretariat's limited staff resources and extensive work programme. This requirement impedes its ability to undertake other tasks of potentially greater benefit to achieving the Agreement's conservation objective and Parties were requested to consider less frequent reporting requirements. While acknowledging the benefits of more frequent reporting, The Meeting of the Parties decided to reduce the frequency of reporting to the submission of reports every six months.
- 4.1.8 It was noted that the Government of Tasmania continues to provide administrative and financial support for the operation of the Secretariat in Hobart. All Parties acknowledged with appreciation the extensive support provided by the Government of Tasmania to the Secretariat. It was decided that the Chair would write to the Government of Tasmania to express the Parties' appreciation for its support of the Secretariat's operations. It was also noted that the current memorandum of understanding (MoU) with the Tasmanian Government concludes in 2013. This issue was considered further under agenda item 7.7.
- 4.1.9 Argentina made a statement regarding its national position on RFMOs. This statement is included in [Annex 12](#).
- 4.1.10 The meeting expressed its appreciation for the work conducted in the last triennium by the Secretariat and in particular the leadership of the Executive Secretary.
- 4.2 Secretariat Work Programme 2013-15**
- 4.2.1 The Secretariat introduced [MoP4 Doc 20](#) detailing the proposed Work Programme for the Secretariat during the 2013 – 2015 triennium. It was noted that the Work Programme is based on the functions assigned to the

Secretariat under the Agreement and on specific tasks allocated to it by the Meeting of the Parties and the Advisory Committee. A number of additional tasks resulting from discussions at MoP4 were included in the work programme.

- 4.2.2 The Meeting of the Parties adopted Resolution 4.2 on the Secretariat Work Programme ([Annex 2](#)) acknowledging that budgetary restrictions might prevent complete implementation of the work programme.

4.3 Amendments to Staff Regulations

- 4.3.1 The Meeting of the Parties considered a number of amendments proposed for the Secretariat's Staff Regulations, specifically to amend out of date salary scales relevant to Regulation 5; and to incorporate amendments to Annex A to improve the process for the selection of the Executive Secretary (refer [MoP4 Doc 24](#)).

- 4.3.2 Discussions in the ad hoc Budget and Scale of Contributions working group formed at the meeting resulted in a number of further amendments to Regulation 5.

- 4.3.3 The Vice-chair introduced [MoP4 Doc 24](#) outlining the process followed for the recruitment of the Executive Secretary, which was concluded following MoP3. A number of recommendations were made to refine the process, including revising the schedule, the interview process and funding requirements. Refinements were also recommended to Annex A of Resolution 2.2.

- 4.3.4 The Meeting of the Parties decided that the Executive Secretary's salary would not be determined by the Tasmanian Government Award previously used. The revised arrangements for determining the Executive Secretary's salary are reflected in the amended Staff Regulations.

- 4.3.5 It was decided to amend Regulation 5 of the Staff Regulations and its Annex A. The Meeting of the Parties adopted Resolution 4.3 on the Staff Regulations ([Annex 3](#)).

4.4 Amendments to the Financial Regulations

- 4.4.1 The Meeting of the Parties considered an amendment proposed by the Secretariat to Financial Regulation 9(3) to establish an asset recognition threshold. The purpose of this is to provide for the more efficient management of the Agreement's assets in accordance with Australian Accounting Standards Board (AASB) Standard 116 and guidance provided by the Australian National Audit Office.

- 4.4.2 Following discussion of the merits of this proposal the Meeting of the Parties adopted Resolution 4.5 on the Financial Regulations ([Annex 5](#)), which also included provisions resulting from discussions under agenda item 7.8 to set a

threshold below which certain arrears would not result in the loss of voting rights at MoPs.

5 OPERATION OF THE MEETING OF THE PARTIES

5.1 No issues were raised for discussion under this agenda item.

6 OPERATION OF THE ADVISORY COMMITTEE

6.1 Report of the Advisory Committee

6.1.1 The Vice-chair (Chair of the Advisory Committee) introduced the Report of the Advisory Committee for the past triennium ([MoP4 Doc 09](#)).

6.1.2 The Vice-chair reported that since MoP3 the AC agenda has grown substantially in the size and complexity of tasks addressed. This has increased the workload for AC Officials, AC members and the Secretariat, including through the provision of assistance to the Advisory Committee and its Working Groups.

6.1.3 The evolution of the Advisory Committee's working agenda and the need to strategically address key conservation issues, in particular for land-based threats, resulted in the merging of the Breeding Sites Working Group and the Status and Trends Working Group into a single Population and Conservation Status Working Group (PaCSWG).

6.1.4 The report summarised key achievements in providing scientific and technical advice, such as the completion of the species assessments for all species in Annex 1 in all ACAP languages, the development of biosecurity and quarantine guidelines, progress in the standardisation of stored data and improving the functionality of the online database, the review of mitigation measures and the development and updating of best practice advice for pelagic and demersal longline as well as trawl fisheries, the elaboration of mitigation fact sheets in collaboration with BirdLife international, the review of the RFMO engagement strategy, and the finalisation of the process for the identification of conservation priorities.

6.1.5 The development of indicators to measure the success of the Agreement was addressed by the Advisory Committee during the AC meetings in the triennium. The Committee decided that such indicators should follow the State-Pressure-Response approach (see 7.5).

6.1.6 The report highlighted the value of the database and the implementation of a more efficient electronic reporting system in providing ACAP Parties and other users with access to essential information for the effective

implementation of the Agreement's Action Plan. This database will allow the Agreement to evaluate its performance, the progress achieved and the information gaps.

- 6.1.7 The report identified several significant challenges facing the Advisory Committee in 2012-2015 for it to successfully progress implementation of the Action Plan. The addition of new species in Annex 1 increased the number of potential Parties and Range States with currently limited engagement in ACAP. Their engagement in ACAP, and engagement with non-Parties' major distant water fishing fleets, is essential for minimising the impact of these fisheries on ACAP species. There was important progress for a number of Parties in the adoption of NPOA-S, Conservation Measures and other regulations. However, it is critical that those plans be effectively implemented and monitored in a quantitative manner to assess and monitor their performance.
- 6.1.8 A major challenge of 2010-2012 that is expected to continue during 2013-2015 is the increasing size and complexity of the Agreement's agenda and its asymmetry with the growth of capacities (both financial and human) within the Agreement. In this regard, further active engagement of individuals and Parties is needed.
- 6.1.9 The report highlighted some expected outcomes for the Advisory Committee and its Working Groups for the next triennium, including: (1) improvement in the collation of data from Parties and other fisheries managers, (2) refinement and use of a suite of indicators of the performance of the Agreement; (3) periodical review and update of the best practice mitigation measures as well as their implementation in both domestic and high seas fisheries; and (4) significant reduction in the data gaps on the status and trends of ACAP species.
- 6.1.10 The Vice-chair also introduced a report on the process followed for the allocation of funds to the AC Work Programme ([MoP4 Doc 12 Rev 2](#)) and how this had been refined during the past triennium. The Parties acknowledged the work conducted and endorsed the current process to be used in the next triennium.
- 6.1.11 The MoP congratulated the Advisory Committee on the progress it had achieved in implementing the Agreement.
- 6.1.12 France advised that it will provide a voluntary contribution of EUR 17,000 in 2012 for the implementation of ACAP's RFMO strategy. This offer was warmly welcomed by the Parties, who noted the significant conservation benefits of this work.
- 6.1.13 In reference to the increasing size and complexity of the AC Work Programme, the US suggested that some guidance from the AC about the need for human resources for specific tasks may help in finding and

allocating resources. New Zealand noted that lack of resources is a problem and would welcome further engagement with other Range States. Australia also noted that ACAP should consider seeking additional resources, external to Parties, and what the Agreement could do to encourage greater participation by non-Party Range States.

- 6.1.14 Some Parties and observers referred to the mitigation fact sheets and the need to define priorities for their periodical update, particularly addressing the recently updated best practice advice developed for pelagic longline fisheries, which has great relevance to high priority domestic and RFMO fisheries.
- 6.1.15 The Parties and observers discussed the merits of prioritising the countries which they and the Executive Secretary should approach or enter into dialogue with to encourage their accession to the Agreement, notwithstanding that all parties should take all opportunities to do so. It was decided to request advice from the Advisory Committee at AC7 about which non-Parties were the highest priority for engagement.
- 6.1.16 The Vice-chair thanked the Parties for their for their comments which would be taken into account as the Advisory Committee and its working groups further developed their work programmes. He also thanked the Advisory Committee, the AC Officials, RFMO Coordinators, the Secretariat and other Organisations and States that have supported the work of the Advisory Committee. The Vice-chair especially thanked the Argentine Republic, as his work as Chair of the Advisory Committee and the research he conducts in Argentina within the ACAP framework are possible thanks to the support and funds provided by the Argentine State, through the National Research Council (Consejo Nacional de Investigaciones Científicas y Técnicas – CONICET) and the National Agency for the Promotion of Science and Technology (Agencia Nacional de Promoción Científica y Tecnológica).
- 6.1.17 Parties thanked the AC Chair for his leadership and the considerable time and effort he spent supporting the implementation of the Agreement.

6.2 Advisory Committee Work Programme 2013-2015

- 6.2.1 The Vice-chair presented the Advisory Committee's Work Programme 2013-2015 ([MoP4 Doc 19](#)) for adoption by the Parties. The Work Programme had been drafted by the Advisory Committee during its Sixth Meeting (AC6).
- 6.2.2 The AC Work Programme identifies the key actions and outputs required to implement the Agreement's Action Plan over the next triennium. The programme also provides indicative costs for each task to facilitate discussion on the allocation of funding for the work programme under agenda item 7.9.

- 6.2.3 It was stressed that a significant level of financial and in kind contributions will be required to undertake the work programme, primarily from the Secretariat and the Advisory Committee Officials, but also from Parties, Ranges States, NGOs and other organisations.
- 6.2.4 The Meeting noted the considerable workload of the Advisory Committee and the resources necessary for its implementation. MoP4 endorsed the Work Programme and adopted Resolution 4.4 ([Annex 4](#)).
- 6.2.5 Argentina thanked the Advisory Committee and its Working Groups for the work they had done. It requested that in future Advisory Committee Meetings, the documents presented to the Working Group Meetings should be less, both in number and volume, and that they should be presented in due time to Parties (as established by Rules of Procedure 17(1) and 17(2), at least 30 days before the opening of the Meeting and in exceptional circumstances not later than two weeks before the Meeting).
- 6.2.6 Argentina noted the difficulty that all Parties face when confronted with a large amount of documents in their non-native language. It highlighted the value of having relevant Working Group documents containing significant proposals translated into the Agreement languages. This should be done in due time, to enable national delegates to analyse those documents beforehand.
- 6.2.7 Australia thanked those Parties that contributed to the development of actions in the AC Work Programme by providing voluntary contributions. Noting the limited funding available to the AC Work Programme, Australia also suggested that in future AC meetings, the Committee should consider the need to re-prioritise tasks in the work programme. Australia also encouraged the AC to explore the availability of external funds for the AC Work Programme.

7 OPERATION OF THE AGREEMENT

7.1 Report on the Implementation of the Agreement

- 7.1.1 The Vice-chair presented the Advisory Committee's Report on Implementation of the Agreement. The summary report ([MoP4 Doc 11 Rev 1](#)) was compiled by the Advisory Committee and the Secretariat to provide the Parties with an overview of progress that has been made with implementation of the Agreement since MoP3 and to recommend a set of actions that should be undertaken in the next triennium to further the Agreement's objective.
- 7.1.2 The paper was introduced along with supporting documentation ([MoP4 Inf 04 Rev 1](#)) consisting of the full report drafted by the Secretariat and the AC Officials for consideration by the Advisory Committee at AC6.

- 7.1.3 The report had been compiled to assess progress in implementing the Agreement. It synthesised information from Parties, Range States and Observers as well as from ACAP's subsidiary bodies. It included information on changes in the conservation status of ACAP species and a review of difficulties encountered in the implementation of the Agreement.
- 7.1.4 The Vice-chair highlighted the significant achievements in seabird conservation during the triennium, including the adoption and/or implementation of a number of NPOA-S, recovery plans, strategic documents, MPAs and feral pest eradication programmes.
- 7.1.5 Of particular significance is the large body of research that has been undertaken in recent years on seabird bycatch mitigation by researchers from a number of ACAP Parties, Range States and BirdLife International's Albatross Task Force teams. The development and implementation of the RFMO engagement strategy, completion of a framework for identifying conservation priorities and the development of the ACAP web portal and database are other major achievements.
- 7.1.6 Section 2 of the document reported on items in Section 5.1 of the Action Plan regarding the conservation status of ACAP species and changes that occurred since MoP3, population sizes and trends, identification of important breeding sites, review of at-sea distribution, and the identification and assessment of known and suspected threats affecting albatrosses and petrels.
- 7.1.7 The following species showed a decline in the number of breeding pairs over the past decade (2001-2011): (1) Tristan Albatross (CE), breeding almost exclusively on Gough Island, and declining at 3.7 % a year; (2) Black-browed Albatross (EN), declined between 2.8-4.2% per year at South Georgia Islands (Islas Georgias del Sur)¹, (3) Sooty Albatross (EN) declined by 2.8 % per year at Ile de la Possession, Crozet archipelago.
- 7.1.8 Based on information held in the ACAP database, the population trend over the last decade is currently unknown for 100% of the global population of the Critically Endangered Waved Albatross (endemic to Ecuador) and the Endangered Atlantic Yellow-nosed Albatross (endemic to UK), Indian Yellow-nosed Albatross (Amsterdam Island, Crozet archipelago, Kerguelen archipelago and Prince Edward Island), and Northern Royal Albatross (endemic to NZ).

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".

- 7.1.9 The recent trend is unknown for >99% of the global population for 15 species of albatross and petrels listed by the Agreement. For eight species, the trend is unknown for more than 50% of the population, while for the remaining six species trend is unknown for less than 20% of the population.
- 7.1.10 Argentina read out a statement to the meeting and requested that it be attached as an annex to the Meeting Report (see [Annex 13](#)).
- 7.1.11 The UK responded to the Argentine statement and requested that such response also be included as an annex to the Meeting Report (see [Annex 14](#)).
- 7.1.12 Argentina responded to the UK statement which is included in [Annex 15](#) of this report.
- 7.1.13 Brazil, Ecuador, Chile, Peru and Uruguay expressed their support for the Argentinean statement. The statements made by Chile, Ecuador, Peru and Uruguay are included in [Annex 16](#).
- 7.1.14 During report adoption, Argentina made an additional intervention related to this agenda item. The statement is included in [Annex 17](#) of this report.
- 7.1.15 The UK commended the Secretariat, Parties, Range States and NGOs on the work done to date to implement the Agreement. The UK welcomed the recommendations contained in the report of the AC, and suggested the inclusion of an additional recommendation (see 7.1.17 recommendation (n)).
- 7.1.16 Section 3 of the document indicated that during the last triennium all impediments to the implementation of the Agreement identified at MoP3 were substantially addressed. This section identified as well the following key outcomes for the next triennium: (1) improvement in the quality of seabird by-catch data and fishing effort provided by the Parties; (2) implementation of best practice mitigation measures for domestic and high-seas fisheries; and (3) filling data gaps on population status and trends.
- 7.1.17 Parties endorsed the recommendations in [MoP4 Doc 11 Rev 1](#), subject to the future availability of resources, as set out below:
- (a) endorse the continued allocation of funds for a science support position in the Secretariat;
 - (b) approve a budget for the operation of the Advisory Committee to enable its effective operation, taking into account the growth in the complexity and number of matters it now addresses;
 - (c) Parties and Range States to provide relevant data on seabird bycatch to the Secretariat; and establish, where necessary, bycatch observer programmes to collect this data; and support the collection and provision of this data by RFMOs that they are members of;

- (d) establish effective domestic consultation processes to facilitate implementation of the Agreement;
- (e) review the efficacy of seabird bycatch mitigation measures used in the fisheries that they manage on the basis of the information provided by the Seabird Bycatch Working Group (SBWG);
- (f) provide the necessary resources to conduct the research programme identified by the Advisory Committee's Working Groups;
- (g) continue their current long-term population monitoring programmes (see [AC6 Doc 11 Rev 4](#) p. 10-14);
- (h) implement the priority population monitoring programmes ([AC 6 Report Annex 9](#)) in order to increase current knowledge of population size, trends and demography of ACAP listed species falling within their jurisdiction;
- (i) adopt best practice monitoring practices that include censuses of breeding sites conducted at a minimum of 10 year intervals; and annual monitoring of the population trend and demographic parameters at a minimum for one representative site for each island group;
- (j) conduct priority tracking programmes to enable a better understanding of at-sea distribution (see [AC6 Doc 11 Rev 4](#) p. 4);
- (k) address High Priority at-sea threats in accordance with the conservation priorities;
- (l) address High Priority land-based threats in accordance with the conservation priorities;
- (m) update the ACAP database on an ongoing basis to maintain the currency of analyses; and
- (n) to remind Parties that they shall individually or collectively seek to develop management plans for the most important foraging and migratory habitats of albatrosses and petrels, as outlined in paragraph 2.3.2 of the Agreement's Action Plan.

7.2 Amendments to Reporting Format for the Report on the Implementation of the Agreement

7.2.1 The Secretariat presented [MoP4 Inf 05](#) which summarises progress with the web-based system for Parties' Implementation Reports. The new process was successfully introduced for the AC6 round of reporting. AC6 endorsed the new process, with some minor modifications to be applied to the format in the next round of reporting. The Secretariat confirmed that this work will be implemented prior to the call for AC7 reports, and thanked Parties for their patience with the process and for their provision of data. The Secretariat also thanked Australia, who led the intersessional work.

7.2.2 Argentina re-iterated its request regarding item 2 of the document that only one AC report per Party needs to be submitted to the Secretariat.

7.2.3 Argentina also requested, in relation to item 6, as stated at AC6, that the “new format” for the NGOs mentioned in the document shall be submitted in advance for intersessional approval by Parties, before its possible implementation. In addition, Argentina understands that NGO reports shall fully comply with the guidelines agreed in ACAP, for example Resolution 2.9.

7.2.4 The UK responded that Resolution 2.9 relates only to documents authored by the Secretariat or other organs of the Agreement, and does not therefore apply to documents authored by NGOs.

7.3 Proposed Amendments to Annex 1 — Balearic Shearwater

7.3.1 Spain presented [MoP4 Doc 16](#), proposing to amend Annex 1 of the Agreement under Article XII, in order to include the Balearic Shearwater (*Puffinus mauretanicus*) in Annex 1. This proposal was considered and supported by the Sixth Meeting of the Advisory Committee held in Guayaquil (Ecuador) in 2011.

7.3.2 The proposal was accompanied by two documents: the species assessment document, prepared by Spain with the support of the Secretariat of the Agreement ([MoP4 Inf 01 Rev 1](#)) and the International Species Action Plan for the Balearic shearwater developed by SEO/BirdLife and BirdLife International on behalf of the European Commission ([MoP4 Inf 02](#)).

7.3.3 The Balearic Shearwater is a procellariiform bird considered to be a global “Critically Endangered” species according to the criteria of IUCN (International Union for Conservation of Nature), due to the rapid decline of its population and its small population size, which could bring it to extinction within three generations.

7.3.4 The delicate state of conservation of this shearwater has motivated its inclusion in the lists of protected species of numerous international conventions and agreements, including Appendix I of the Convention on the Conservation of Migratory Species of Wild Animals (CMS).

7.3.5 Spain thanked Argentina, France, Uruguay, the CMS, and BirdLife International for the support given to the proposal. It also thanked the AC Working Groups, which discussed the nomination of the Balearic Shearwater during its last meeting and advised that the species was a strong candidate for inclusion in the list of ACAP species. Spain also acknowledged the assistance provided at all times by the Secretariat of the Agreement to facilitate its proposal.

7.3.6 Argentina reiterated its support for this proposal, given the Critically Endangered conservation status of this species, and given that the threats identified for the species are those the AC Work Programme is also concerned with.

7.3.7 The Meeting of the Parties decided by consensus to adopt Resolution 4.1 ([Annex 1](#)), adding the species at the end of the existing list of petrels covered by the Agreement.

7.4 Identification of Priority Actions for Conservation Measures

7.4.1 New Zealand introduced [MoP4 Doc 17](#) ACAP Conservation Priorities. NZ noted that the Fourth Meeting of the ACAP Advisory Committee (AC4) agreed that there was considerable merit in developing a framework for prioritising conservation actions to help Parties to implement the Agreement more effectively and efficiently. AC4 established an ad-hoc Working Group on Priorities, convened by New Zealand.

7.4.2 Following considerable input from the Advisory Committee, Working Groups, the Secretariat and significant work done through expert workshops, NZ noted that the final framework for land-based threats was agreed by the Advisory Committee at AC6. The framework for at-sea threats was agreed intersessionally by the Advisory Committee following completion shortly after AC6. On the basis of expert opinion, an interim list of priority populations with respect to at-sea threats was identified to guide work prior to the finalisation of the at-sea prioritisation process.

7.4.3 New Zealand noted that the results from the at-sea framework should be considered as preliminary and encouraged Parties to review data relating to their fisheries, to improve the accuracy of the priorities.

7.4.4 Australia noted that it intended to do this and anticipated that one or two priorities for one of its populations may be revised downwards as a result of the expected change in the accuracy of data inputs, rather than a move in the status and threats of the concerned populations.

7.4.5 The USA inquired about the absence of the Short-tailed Albatross from the list of conservation priorities, and welcomed offers from New Zealand and the Secretariat to review the assessment and determine why the Short-tailed Albatross was absent.

7.4.6 The Meeting of Parties:

- 1) noted that a framework for identifying conservation priorities has been completed for both land-based and at-sea threats;
- 2) noted that the framework has generated a set of preliminary priority conservation actions;
- 3) noted that the framework can also be used to assist with other Advisory Committee work programmes including research priorities, reporting obligations, and the development of indicators of success of the Agreement and capacity building;

- 4) decided that the results of the framework should be used, together with other appropriate information, as a tool to guide the future work of ACAP and Parties to prioritise actions to achieve the objectives of the Agreement in the most effective way;
- 5) requested Parties, supported by the Advisory Committee at AC7 and at AC8, to assess the highest priority threats, determine what conservation actions are necessary to address them and to report back to MoP5 on progress made towards addressing these conservation priorities; and
- 6) noted that conservation priorities will be reviewed at the last Advisory Committee meeting before each session of the Meeting of Parties.

7.4.7 The Meeting commended New Zealand and the other Parties involved on the work presented, and thanked Mr Spencer Clubb for his leadership on this project.

7.5 Proposed Indicators to Measure the Success of the Agreement

7.5.1 The UK introduced [MoP4 Doc 23](#), which is authored by the Secretariat, and presents the outputs of work conducted by Parties, BirdLife International, the Advisory Committee and its Working Groups since AC5 to identify suitable indicators to measure the effectiveness of the Agreement. It was agreed early in the process that the suite of indicators should as far as possible conform to the State-Pressure-Response approach. Some indicators, including those proposed for breeding sites and population status and trends, can be constructed immediately with data available from the ACAP database. A number of candidate indicators relating to seabird bycatch were proposed, but it was noted that there is currently inadequate baseline information to populate these indicators, either because the data do not yet exist, or they are not yet available to the Secretariat.

7.5.2 It is recommended that those indicators for which data and information are readily available should be employed immediately, and further work should be done to develop the remaining indicators, especially those relating to seabird bycatch. It was also recommended that updates to the existing ACAP indicator, the IUCN Red List Status of ACAP species, continue to be presented at each ACAP Meeting of Parties.

7.5.3 In respect of developing indicators to measure the success of ACAP, MoP2 (2006) agreed that relevant IUCN Red List Indices (RLI) would be used as an interim indicator. At AC6 (2011) BirdLife International was asked to provide the latest version of these indices to MoP4.

7.5.4 [MoP4 Inf 03](#) provides such information for all birds, all seabirds, and all ACAP-listed species from 1998 to 2010. This shows that the seabird index is lower than and decreased faster than the index for all birds. The index for ACAP-listed species shows that this group is substantially more threatened than other seabirds and has deteriorated particularly rapidly over most of the

last decades. However, the RLI for ACAP species projected for 2012 has not changed relative to the 2004 and 2008 assessments.

7.5.5 While this may represent a moderately encouraging signal possibly reflecting the substantial efforts over the last decades, including by ACAP, to improve the conservation status of ACAP-listed species, the analysis currently under way of population trends in ACAP-listed species will be vital for confirming this.

7.5.6 In respect of MoP4 Doc 23 BirdLife International noted with appreciation the provision by the Secretariat of data from the ACAP database relevant to proposed ACAP indicators. It urged Parties to encourage the AC to develop further this work for AC7, including deriving baselines at the establishment of ACAP, where possible. BirdLife also observed that the identification of priority actions for conservation measures (MoP4 Doc 17) may provide the basis for additional performance indicators, especially for bycatch-related actions.

7.5.7 The Meeting of the Parties approved the use and further development of the set of indicators, as recommended by AC6 in MoP4 Doc 23.

7.6 Capacity Building

7.6.1 The MoP4 Vice-chair presented [MoP4 Doc 18](#) which briefly outlines the actions on capacity building conducted and resources allocated during the last triennium. The paper also defines the objective of the capacity building strategy, the interim principles, funding and outcomes of capacity building.

7.6.2 Although to date, actions on capacity building have not been conducted according to a specific strategy, it was noted that a significant amount of human and financial resources have been spent by the Agreement to address capacity building matters. Since 2008, a total of 23 conservation projects were funded by the Advisory Committee, 13 of which comprised capacity building aspects in research, education, training and outreach. From a total of AUD 363,063 granted, almost 60% of the funds were allocated to some form of capacity building activity.

7.6.3 Norway highlighted the importance of playing a more proactive role in seeking external funding for capacity building. The USA also proposed mechanisms to facilitate and optimise the search for external funds.

7.6.4 Argentina proposed some minor amendments to MoP4 Doc 18 related to the objective of the Capacity Building strategy, the identification of Capacity Building needs and capacities, suggesting the adoption of a procedure similar to the one followed for the allocation of funds to the AC work programme. It also suggested the selection of secondments could be assessed in relation to the AC Work Programme. These changes will be incorporated into a revised version of the document.

7.6.5 The MoP endorsed the components of the strategy outlined in sections 2, 3 and 4 of the paper, and the completion of the strategy during the next triennium. The Meeting also endorsed the proposed changes in section 4 for the development of the Agreement's secondment programme, including the joint coordination of these activities between the Secretariat and the Advisory Committee; and the possibility of also conducting secondments outside the Secretariat in Hobart.

7.7 Development of Arrangements with Other International Organisations

7.7.1 The Executive Secretary introduced [MoP4 Doc 15 Rev 1](#) providing a report on the current status of Memoranda of Understanding (MoU) with other organisations. It was noted that MoUs with the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the Indian Ocean Tuna Commission (IOTC) and the Tasmanian Department of Economic Development, Tourism and the Arts (DEDTA) will expire in the intersessional period between MOP4 and MoP5. The authorisation of MoP was sought for the Secretariat to enter into new MoUs with these organisations, using the template approved at MoP3.

7.7.2 The Meeting of the Parties endorsed the Secretariat's proposal to enter into new Memoranda of Understanding with CCAMLR, IOTC and DEDTA as set out in Annex A to Resolution 4.7 ([Annex 7](#)). It also encouraged the finalisation of the MoU with the International Commission for the Conservation of Atlantic Tuna (ICCAT), authorised at MoP3.

7.7.3 The United States recalled concerns about over-tasking of the Secretariat and recommended prioritization of the MOU negotiations, taking into consideration which MOUs have the greatest impact on the work of the Agreement.

7.7.4 The Meeting of the Parties gave consideration to a proposal from the CMS for ACAP to participate in Partnership Agreements it arranges with other organisations. In light of some uncertainties about the implications of participating in these agreements it was decided to not consider this proposal until further information was available on which to base decisions.

7.7.5 In relation to the Secretariat's proposal to commence negotiations for a new Memorandum of Understanding with CCAMLR, Argentina noted that it has no objections to this occurring, on the understanding that the MoU will be developed on the same basis and with similar terms to the existing one. Argentina noted that, should any substantive changes be introduced to the MoU, they would need to be submitted for the consideration and approval of ACAP Parties, in accordance with item 4 of Resolution 3.7, adopted at MOP3.

7.8 Financial and Auditor's Reports

- 7.8.1 The Secretariat presented the 2011 Financial Statements and Auditor's Report ([MoP4 Doc 10 Rev 2](#)). The paper made a number of recommendations to improve the financial management of the Agreement's funds. These recommendations were addressed under relevant agenda items.
- 7.8.2 Concern was expressed by a number of Parties at the low level of income received, resulting from the non-payment of contributions by some Parties. It was noted that this could have resulted in significant cash flow issues if the level of voluntary contributions had not been as high as it was. Parties were strongly encouraged to pay their contributions in the time specified.
- 7.8.3 The Meeting of Parties noted that Financial Regulation 11.1 requires the Parties to appoint an external auditor at each ordinary session of the Meeting of the Parties. The MoP decided to appoint the Government of Tasmania as the Agreement's external auditor.
- 7.8.4 In relation to the write-off of minor debts, several Parties expressed concern at the proposal to write-off debts resulting from exchange rate variations. The Meeting of the Parties decided that where a Party has made all reasonable efforts to pay its annual contribution in full within the year in question in accordance with Rule 5.6 of the Financial Regulations but, as a result of currency fluctuations an under-payment results, the sum under-paid will be added to the Party's contribution due for the following year and the underpayment will not result in the loss of voting rights. The Executive Secretary shall add the amount of the under-payment to that Party's next annual invoice for their national contribution fee or deduct the amount of any overpayment.
- 7.8.5 The Meeting decided to amend the financial regulations as above and to set a threshold for assets that could be written off (see [Annex 5](#)).
- 7.8.6 Argentina noted that, given national financial regulations, the payment authorizations are made in the national currency, which could result in currency differences at the moment of transferring contributions to an account in another currency. It remarked that a great effort had been made to pay the currency difference experienced in the 2009 contribution.
- 7.8.7 Argentina requested that an additional note be included in MoP4 Doc 10 to clarify the allocation of funds under item 3.2 of the financial report.
- 7.9 Agreement Budget 2013 – 2015**
- 7.9.1 The Secretariat presented a proposed Agreement budget for the 2013-2015 triennium ([MoP4 Doc 21](#)) and a series of options for determining the scales of contributions to be provided by Parties ([MoP4 Doc 22](#)).

- 7.9.2 MoP4 Doc 22 summarised intersessional work that had been conducted to investigate and establish criteria to be used to evaluate the Scale of Contribution by Parties.
- 7.9.3 An informal budget group, chaired by New Zealand, was formed to consider these documents. The informal group made a number of revisions to the proposed budget and deliberated extensively on various options for the scale of contributions before presenting their recommended options (A and B) to the Meeting.
- 7.9.4 It was noted that the cost of translating documents was a significant component of the budget. The Meeting requested the Secretariat to prepare a policy on the translation of documents, with a view to reducing the cost of this item to the Agreement's budget (refer also to comments in paragraphs 6.2.5 and 6.2.6 above).
- 7.9.5 Several delegations expressed the desire to have a policy developed to provide transparent guidance on the sponsorship of delegates and experts to meetings, to include an application procedure as well as criteria for qualification and selection. The Meeting requested the Secretariat to develop a policy in the intersessional period for consideration at MoP5.
- 7.9.6 Whilst none of the proposed scale of contributions options received unanimous support, the informal group considered Option 5 of MoP4 Doc 22 in greater detail to assess whether it provided a more desirable and fair approach, once revisions to the proposed budget had been incorporated. However, ultimately, the existing formula, which it was acknowledged was excessively complex, was the one that best met the current constraints of most Parties.
- 7.9.7 The Meeting of the Parties, therefore, decided to use the existing formula for the 2013-15 triennium. Nevertheless, while accepting this as the best available option, all Parties considered that there was a need for a new formula for future budgets that took better regard of the differing resources of the different Parties. It was also noted that the UN values from 2004 and 2007 had been used and that it would be appropriate to update these in future triennial budgets to the most recent available values.
- 7.9.8 Argentina remarked that it is important that, in the amendment of the scale of contributions, the formula should reflect the capacity of payment of the Parties. In this sense, Argentina believes that the United Nations' scale of contributions, adapted to ACAP membership, is a legitimate indicator of the capacity of payment of its Member States, as it is based in reliable, verifiable and comparable data of the gross national product, adjusted to reduce contributions of countries whose income per capita is under the average and of the countries whose external debt is burdensome.
- 7.9.9 Chile and Brazil supported the approach elaborated by Argentina.

- 7.9.10 The Meeting also deliberated on whether or not to transfer savings achieved from revisions to the budget into the Advisory Committee Conservation Programme Appropriation (Appropriation 4) or whether to reduce the budget by a commensurate amount.
- 7.9.11 The overwhelming majority of Parties expressed a preference for transferring the savings achieved from revisions to the budget to the Advisory Committee Conservation Programme (Appropriation 4). The Meeting of the Parties decided to do this.
- 7.9.12 A minor amendment to the final budget and scale of contributions formula was necessary to accommodate the exceptional circumstances of France. While making a generous voluntary contribution to the Advisory Committee Work Programme and kindly offering to host the next Advisory Committee meeting, due to budgetary constraints, France was unable to commit to increasing its formal contributions above 2012 levels.
- 7.9.13 Australia noted that Parties' preferred option was option A as the AC Work Program budget is AUD 35,000 higher than in option B developed by the ad-hoc budget group. The proposal to reduce France's contributions in option A and fix them to the 2012 level would result in an annual saving for France of about AUD 6,000 in 2013-15. Australia acknowledged France's voluntary contribution of EUR 17,000 in 2012 for future RFMO engagement activities. However, the proposal also causes France's contributions for 2014-15 to be lower than Australia's contributions highlighting again that the current approach does not fairly ensure Parties' contributions are set with proper regard to their differing capacities to pay. Australia recalled its remarks at MoP3 on this matter and requested that MoP4 give the strongest possible advice to MoP5 to adopt an improved method for setting national contributions. Australia advised it will not accept the current approach again at MoP5. Thus all Parties should come to MoP5 accepting that, if the 2016-18 budget remains at a similar level to 2013-15 budget, some Parties will need to accept increases beyond those for inflation.
- 7.9.14 All Parties committed to redouble efforts to find a fair and equitable scale of contributions formula that better reflected the different resources of each Party and their subsequent ability to contribute to the Agreement budget. The Meeting urged MoP5 to not satisfy itself with the current scale of contributions formula.
- 7.9.15 These decisions are reflected in Resolution 4.6 ([Annex 6](#)).
- 7.9.16 The Meeting noted that the present formula for calculating the scale of contributions for Parties was incorrectly reported in the report of MoP3 (a revision is presented at Annex 6) and the corrected version would be applied to calculate the scale of contributions for any new Parties that may ratify the Agreement before the next MoP.

7.9.17 Mr Spencer Clubb (New Zealand) was thanked for his assistance in leading informal group discussions on the scale of contributions and in relation to the budget.

7.10 Scale of Contributions

7.10.1 The scale of contributions was discussed in conjunction with agenda item 7.9; relevant discussions and decisions are reported under 7.9 above.

7.11 National Plans of Action

7.11.1 Peru reported that it continues its efforts to consolidate a National Plan of Action for Seabird Conservation. In accordance with the recommendations mentioned in the Report on the Implementation of the Agreement, Peru has initiated a domestic consultation process in order to achieve a document agreed by all stakeholders to enable effective implementation of the Agreement. It is hoped that this process will be completed in the coming months.

7.11.2 New Zealand reported that it intends to release a draft revised National Plan of Action for Reducing Incidental Catch of Seabirds (NPOA-Seabirds) for formal consultation during 2012. The NZ Government is committed to ensuring that the revised NPOA will be consistent with the FAO Best Practice Technical Guidelines. It will establish national goals and time-bound objectives relating to reducing the risk to seabird populations from fishing impacts.

7.11.3 Australia noted that it has endorsed the UN FAO IPOA Seabirds and the revised FAO Best Practice Technical Guidelines. Australia supports the development and implementation of an NPOA as one step in a range of actions for the conservation of seabirds. Since 1998, Australia has had a National Threat Abatement Plan for seabird bycatch in its longline fisheries in order to avoid or reduce seabird bycatch during longline fishing operations. The plan has been very successful at reducing seabird bycatch. In response to the FAO Best Practice Guidelines extending the scope of IPOA/NPOA to additional fishing methods, Australia is presently assessing its trawl, gillnet and purse-seine fisheries to determine the extent and potential significance of seabird bycatch in these fisheries. Once complete, the information gained will be used to develop an NPOA which will bring together fisheries' plans and actions for seabird conservation. In addition, in 2011, Australia adopted a National Recovery Plan for Albatrosses and Giant Petrels which details the range of actions needed to restore these species to a favourable conservation status. A copy of the plan and the associated background document can be downloaded at: www.environment.gov.au/biodiversity/threatened/publications/recovery/albatrosses-and-giant-petrels.html

- 7.11.4 Argentina informed the meeting that, under the framework of the “National Plan of Action to Reduce the Interaction of Seabirds with Fisheries”, the Federal Fisheries Council has recently approved the project “Reducing the bycatch of seabirds in trawling fisheries”. The objective of this project is to raise awareness in the stakeholders (skippers and crew) about the conservation status of albatrosses and petrels and the need of implementing mitigation measures. Even though this is a pilot project that will be initially implemented within the trawling fleet whose target species is Patagonian grenadier, it is expected that the lessons learnt will be transferred to a wider scale. This project will be executed by CONICET, Fundación Vida Silvestre and Aves Argentinas.
- 7.11.5 The Brazilian NPOA-Seabirds was adopted in June 2006 and has been implemented by both governmental and non-governmental efforts. In 2011 the Instituto Chico Mendes for Biodiversity Conservation carried out a monitoring process and consulted all institutions and experts engaged in or relevant to albatross and petrel conservation in order to compile information on actions regarding the NPOA implementation. There were a number of actions addressing the reduction of the incidental catch of seabirds by longline fisheries, including research on the improvement of mitigation measures, design of new technologies to avoid seabird captures, development of studies on the interaction of seabirds and fishing gears, educational activities for fishermen, capacity building of observers on board for seabird data collection and the publication of a national regulation enforcing the use of tori lines and establishing line weighting regimes for all longline vessels fishing south of 20°S. In March 2012, a national committee for the implementation of the Brazilian NPOA-Seabirds was created with the main aim of monitoring and facilitating the implementation of the NPOA-S process. A national workshop for the revision of the Brazilian NPOA-Seabirds is foreseen for late 2012, when the goals and objectives of the NPOA shall be rearranged in order to include, as much as possible, all objectives of the ACAP Plan of Action.
- 7.11.6 Chile continues with actions on the implementation of its NPOA-Seabirds. During 2011, a National Committee on Seabirds was established, a technical forum dedicated to the gathering of data and knowledge for the refinement of seabird conservation measures. Improvement in the implementation of the action plan for trawl and other fisheries is expected in the short term, following current and ongoing investigations.
- 7.11.7 WWF acknowledged the extensive work undertaken by ACAP Parties, Range States and Observers to implement the Agreement, noting in particular the development of a number of effective, best-practice NPOAs. WWF encouraged all Parties to undertake to review, update and/or develop effective NPOAs with clear conservation objectives and time bound actions that adhere to the FAO Technical Guidelines, and noted the collective statement made by NGOs on this issue at AC6 as contained in Annex 22 of the [AC6 Final Report](#). In addition, WWF welcomed New Zealand’s timely

announcement concerning the review of its NPOA Seabirds and welcomed involvement in a robust, inclusive NPOA revision process in the coming months.

- 7.11.8 Birdlife International wished to add its support to the statement made by WWF and, in addition, expressed interest in involvement in the process to review NPOAs.

7.12 Accession of Non-Party Range States

- 7.12.1 The Executive Secretary introduced this agenda item, noting that there had been no new accessions of non-Party Range States to the Agreement during the past triennium. During this period the number of non-Party Range States had increased significantly, due to the listing of the northern hemisphere species of albatrosses at MoP3 and the increasing use of flags of convenience by fishing vessels.

- 7.12.2 It was recommended that a strategic approach be taken to encouraging the accession of non-Party Range States, with priorities identified in order to make the most efficient use of available resources, both within Parties and by the Secretariat and the Advisory Committee. It was decided that the Secretariat would prepare a paper for consideration of this issue at AC7, making use of the prioritisation process to help identify the highest priority non-Party Range States on which to focus outreach efforts.

- 7.12.3 The Secretariat noted that it did not have a clear mandate to seek the accession of non-Party Range States. The Meeting of the Parties decided to include this task in its Work Programme.

8 PROVISIONAL DATE AND VENUE OF THE FIFTH MEETING

- 8.1 A provisional date and venue for the Fifth Session of the Meeting of the Parties will be advised by the Secretariat closer to the date of the meeting. France advised that it expected to be able to host the Seventh Meeting of the Advisory Committee next year. The date and venue for the meeting will be advised following consultations with the Secretariat.

9 OTHER BUSINESS

9.1 Media Release

- 9.1.1 The Meeting decided that the Secretariat, the Government of Peru and other interested Parties could, if they so wish, prepare a press release for use in highlighting the work of the Agreement.

9.2 Participation at 5th International Albatross and Petrel Conference

- 9.2.1 The Vice-chair provided the meeting with a brief overview of the proposed participation of Advisory Committee Officials at the Fifth International Albatross and Petrel Conference to be held in Wellington, New Zealand in August 2012. This participation will primarily consist of a presentation on progress made with implementation of the ACAP Action Plan, based on the latest National Reports submitted by ACAP Parties.

10 CLOSING REMARKS

- 10.1 The Chair thanked the interpreters, translators and the Secretariat for their efforts and acknowledged the contributions of delegates to a successful meeting.
- 10.2 Parties expressed their thanks to the Chair, Vice-chair, Secretariat and interpreters for steering the meeting through some complex and detailed issues. In addition, several Parties showed their appreciation for the financial support provided to them by the Secretariat which enabled them to attend the meeting.
- 10.3 Sincere thanks were extended to the Government of Peru for hosting the meeting.

11 ADOPTION OF THE MOP4 REPORT

- 11.1 The meeting adopted the final report of the Fourth Session of the Meeting of the Parties.

12 CLOSE OF MEETING

- 12.1 The Chair closed the Fourth Session of the Meeting of the Parties.

ANNEX 1: RESOLUTION 4.1 - AMENDMENT TO ANNEX 1

AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS**Resolution 4.1****Amendment to Annex 1
of the Agreement on the Conservation of Albatrosses and Petrels**

Recalling that the Balearic Shearwater (*Puffinus mauretanicus*) is included in Appendix I of the Convention on the Conservation of Migratory Species of Wild Animals;

Considering that the Balearic Shearwater will possibly benefit from its inclusion under the Agreement, with a view to promoting coordinated conservation actions amongst Range States;

Conscious of national and international efforts to address existing concerns regarding the Balearic Shearwater;

Recognising that this species faces serious threats, particularly in relation to predation at breeding colonies and bycatch with fishing gear;

Considering the recommendation of the Advisory Committee (AC6) to include the Balearic Shearwater in Annex 1 of the Agreement.

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

Pursuant to Article XII (5) of the Agreement, to adopt the following amendment to Annex 1 of the Agreement on the Conservation of Albatrosses and Petrels:

The Balearic Shearwater (*Puffinus mauretanicus*) shall be added at the end of the current list of petrel species in Annex 1.

ANNEX 2: RESOLUTION 4.2 - SECRETARIAT WORK PROGRAMME 2013 - 2015

AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS

Resolution 4.2

Secretariat Work Programme 2013 - 2015

Recalling Article VIII(11)(c) of the Agreement, which required that the first Session of the Meeting of the Parties establish the Secretariat to perform the functions listed in Article X of the Agreement;

Further recalling that Article X of the Agreement notes that a function of the Secretariat shall be to execute the decisions addressed to it by the Meeting of the Parties;

Further recalling Resolution 1.1, on the Secretariat of ACAP, which established an Interim Secretariat pending the negotiation of a Headquarters Agreement with the Government of Australia;

Noting that the Headquarters Agreement entered into force in 2 December 2008 and that the Secretariat is thereby established;

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

Decides:

to approve the Secretariat Work Programme in Appendix A.

RESOLUTION 4.2 APPENDIX A

SECRETARIAT WORK PROGRAMME 2013-2015

Task No.	Topic/Task	Mandate	Officer	2013		2014		2015		Action/Detail
				Time (days)	Funds	Time (days)	Funds	Time (days)	Funds	
1	SUPPORT FOR MOP, ADVISORY COMMITTEE & WORKING GROUP MEETINGS			AC 7	+ WG	AC 8	+ WG	MoP 5		
1.1	Undertake meeting arrangements.	Article X.a								
	- selection of venue		Exec Sec	2	500	2	500	2	500	Travel costs
	- organise contracts, venue/equip		Exec Sec	2		2		2		
	- liaison with host government		Exec Sec	2		2		2		
1.2	Preparation of meeting papers	Article X.a								Within 60 days of meeting
	- writing of meeting documents		Exec Sec	5		5		5		
	- writing of meeting documents		Sci Officer	5		5		5		
	- writing of meeting documents		Tech Advisor	5		5		1		
	- co-ordination of meeting documents		Exec Sec	5		5		5		
	- co-ordination of meeting documents		Sci Officer	5		5		5		
	- co-ordination of meeting documents		Tech Advisor	5		5		1		
	- drafting of implementation report		Exec Sec			5		1		
	- drafting of implementation report		Sci Officer			15		2		
	- drafting of implementation report		Tech Advisor			5		1		
1.3	Support the attendance of sponsored experts and delegates	Article VII 5	Exec Sec	5		5		5		Correspondence, organise travel, acquittal of accounts
1.4	Organise the translation and posting of meeting documents and provision of interpretation services	AC RoP 17 (1)								Within 30 days of meeting

Task No.	Topic/Task	Mandate	Officer	2013		2014		2015		Action/Detail
				Time (days)	Funds	Time (days)	Funds	Time (days)	Funds	
	- Coordination with service provider		Exec Sec	2		2		2		
	- posting of documents		Contract	20	12,000	20	12,000	7	4,200	
1.5	Support & operation of meetings	Article X.a								
	- travel for meetings		Sec. staff x 2	8	6,000	8	6,000	8	6,000	4 days per meeting, airfares
	- travel for meetings		Contract x 2	8	10,800	8	10,800		9,360	airfares, contract costs
	- attendance at meeting		Sec. staff x 2	11	4,400	11	4,400	12	4,400	accomm/allowances x 2
	- attendance at meeting		Contract x 2	22	17,600	22	17,600	14	14,900	contract costs, accomm
1.6	Prepare meeting report and distribute to all Parties	Article X.a	Sec. staff x 1	3		3		3		
2	MANAGEMENT OF SECRETARIAT									
2.1	Administer the budget for the Agreement and the Special Fund provided for in Article VII (3) in accordance with the Agreement's Financial Regulations;	Article X.g								Ongoing
	- payment of accounts		Exec Sec	12		12		12		
	- preparation of invoices and receipts		Exec Sec	4		4		4		
	- preparation of financial statements		Exec Sec	2		2		2		
	- maintain advance & assets registers		Exec Sec	1		1		1		
2.2	Prepare quarterly financial reports for the information of the Parties and the Chair of the Advisory Committee	AC2, MoP2	Exec Sec	8		8		8		
2.3	Provide information to the general public concerning the Agreement and its objectives, and promote the objectives of this Agreement	Article X.h								
	- preparation of <i>ACAP Latest News</i> for website		Info Officer	60		60		60		

Task No.	Topic/Task	Mandate	Officer	2013		2014		2015		Action/Detail
				Time (days)	Funds	Time (days)	Funds	Time (days)	Funds	
	- maintain/update website links, management plans and publications		Info Officer	5		5		5		
	- management of ACAP Facebook page		Info Officer	2		2		2		
	- preparation of scientific material		Sci Officer	5		5		5		
2.5	Update and maintain the ACAP website	Article X.h	Contract	20	11,200	20	11,200	20	11,200	
2.6	Report to the 5th session of the Meeting of the Parties on the effectiveness and efficiency of the Secretariat in terms of the agreed performance indicators	Article X.i	Exec Sec					1		
2.7	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;	Exec Sec			5				
	- review data, liaise with stakeholders, amend database, collate information and draft consolidated reports	Article VII (1) c); Article VIII (10)	Science off			15				
2.8	Represent the Agreement at meetings of other intergovernmental agreements, as appropriate to facilitate achievement of the Agreement's objective	Article X.d								
	- attendance at CMS, FAO etc meetings	Article XI	Exec Sec	5	4,000	5	4,000	5	4,000	Accomm, fares and allowances
	- attendance at other IGO meetings		Exec Sec	5	3,500	5	3,500	5	3,500	- as above
2.9	Prepare a report on Secretariat activities for AC and MoP meetings	Article X f)	Exec Sec	1		1		1		
2.14	Recruit and manage the Secretariat's staff in accordance with the Staff Regulations and the directions of the Meeting of the Parties	Staff Regs	Exec Sec	6		6		6		

Task No.	Topic/Task	Mandate	Officer	2013		2014		2015		Action/Detail
				Time (days)	Funds	Time (days)	Funds	Time (days)	Funds	
3	FACILITATE THE WORK OF THE ADVISORY COMMITTEE									
3.1	Assist the Chair of the Advisory Committee as required to facilitate the work of the Advisory Committee	Article X k)								
	- Weekly liaison, assist with co-ordination of AC officials meetings etc		Exec Sec	25		25		25		
3.2	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)	Exec Sec			1				
3.3	Assist the Convenors of the Population and Conservation Status Working Group as required to facilitate the work of the Group	Article X k)								
	- Consider gaps in population, tracking, breeding site management, threats and regulatory protection data submitted to ACAP; request any outstanding data and incorporate changes	AC WP Task 2.2	Sci Officer	25		25		25		
	- Improve data portal structure and queries	AC WP Task 2.3	Sci Officer & Contract	20	5,000	20	5,000	20	5,000	Consultant data programmer / developer
	- Review and refine standardised queries and outputs for analysis and interpretation	AC WP Task 2.4	Sci Officer & Contract	5	2,000	5	2,000	5	1,000	Consultant data programmer / developer
	- Update ACAP Species Assessments	AC WP Task 2.6	Sci Officer	20		20		20		
	- Translate updates to Species Assessments and ACAP guidelines into Spanish and French	AC WP Task 2.7	Sci Officer & Contract		3,000		3,000		3,000	

Task No.	Topic/Task	Mandate	Officer	2013		2014		2015		Action/Detail
				Time (days)	Funds	Time (days)	Funds	Time (days)	Funds	
	- Identity priority species or populations for monitoring of numbers, trends and demography	AC WP Task 2.8	Sci Officer	10		10		10		
	- Review availability of albatross and petrel tracking/distribution data to ensure representativeness of species/age classes. Prioritise gaps and encourage studies to fill gaps	AC WP Task 2.9	Sci Officer	5		5		5		
	- Identity priority species or populations for conservation actions	AC WP Task 2.10	Sci Officer	5		5		5		
	- Review and prioritise the threats to breeding sites and identify gaps in knowledge	AC WP Task 2.11	Sci Officer	5		5		5		
	- Develop, review and update best-practice guidelines to mitigate selected threats to breeding sites	AC WP Task 2.12	Sci Officer	15		15		15		
	- Develop best-practice guidelines for monitoring of numbers and trends	AC WP Task 2.13	Sci Officer	5						
	- Review evidence for impacts of pathogens and parasites on ACAP species and effectiveness of mitigation measures	AC WP Task 2.14	Sci Officer	5						
3.4	Assist the Convenor of the Seabird Bycatch Working Group as required to facilitate the work of the Group	Article X k)								Ongoing
3.5	Continue to implement the RFMO interaction plan for ACAP (AC5 Doc 29) and relevant Parties to engage and assist RFMOs and other relevant international bodies in assessing and minimising bycatch of albatrosses and petrels	AC WP Task 3.1	Exec Sec, Technical Advisor	20	15,000	20	15,000	20	15,000	Airfares, accomm, allowances

Task No.	Topic/Task	Mandate	Officer	2013		2014		2015		Action/Detail
				Time (days)	Funds	Time (days)	Funds	Time (days)	Funds	
	- as above	AC WP Task 3.1	Technical Advisory/ contract	20	15,000	20	15,000	20	15,000	
	- Continue to develop materials (both generic and specific) to assist RFMOs and other relevant international and national bodies in reducing seabird bycatch and to maximise effective participation and consideration of issues relevant to ACAP	AC WP Task 3.4	Sci Officer	5		5		5		
	- Maintain bibliography of relevant bycatch information	AC WP Task 3.6	Sci Officer	5		5		5		
3.6	Assist the Convenor of the Taxonomy Working Group as required to facilitate the work of the Group	Article X k)								Ongoing
	- Continue the establishment of a morphometric and plumage database	AC WP Task 1.2	Sci Officer	10						
3.7	Develop and harmonise conservation strategies or plans for particular species or groups of species of albatrosses and petrels	AC WP Task 5.2	Sci Officer	5		5		5		Ongoing
3.8	Implement system of indicators for the success of the ACAP Agreement	AC WP Task 5.2	Sci Officer	5		5		5		
3.9	Continue to develop and maintain the ACAP database and web portal so that it provides effective support for the work of the Agreement.	AC WP Task 2.3, 2.4, 5.2	Sci Officer & contract	10	10,000	10	10,000	10	10,000	Ongoing
3.10	Work with the Advisory Committee to develop and maintain a database of relevant scientific literature	AC WP Task 5.5	Sci Officer	5		5		5		Ongoing
3.11	Work with the Advisory Committee to develop and maintain a directory of relevant legislation	AC WP Task 5.7	Sci Officer	3		3		3		

Task No.	Topic/Task	Mandate	Officer	2013		2014		2015		Action/Detail
				Time (days)	Funds	Time (days)	Funds	Time (days)	Funds	
3.12	Work with the Advisory Committee to develop a list of authorities, research centres, scientists and non-government organisations relevant to ACAP	AC WP Task 5.8	Sci Officer & Info Officer	3		3		3		
4	IMPLEMENTATION OF THE AGREEMENT									
4.1	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 VIII (14)	Sci Officer & Exec Sec	5		5		5		Ongoing
4.2	Promote and coordinate activities under the Agreement, including the Action Plan, in accordance with decisions of the Meeting of the Parties	Article X c)	Exec Sec	2		2		2		Ongoing
4.3	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)	Exec Sec	10	5,000	10	5,000	10	5,000	Airfares, accomm, allowances
4.4	Consult with and enter into arrangements, with the approval of the Meeting of Parties, with other organisations and institutions, and as appropriate exchange information and data.	Article XI 2c), 3 & 4	Exec Sec	1		1		1		Ongoing
4.5	Facilitate the accession of non-Party Range States to the Agreement		Exec Sec	2		2		2		
4.6	Liaise with and encourage the participation and accession of non-Party Range States	Article X d), k)	Exec Sec	3		3		3		

Task No.	Topic/Task	Mandate	Officer	2013		2014		2015		Action/Detail
				Time (days)	Funds	Time (days)	Funds	Time (days)	Funds	
5	CAPACITY BUILDING									
5.1	Assist the Advisory Committee and Parties with technical cooperation and capacity building	Article IV (2)								
	- Liaise with relevant stakeholders, facilitate capacity building initiatives	AC Work Programme 5.1	Exec Sec & Sci Officer	5		5		5		
5.2	Support secondments to the Secretariat to aid capacity building	MoP2	Exec Sec & Sci Officer	5	22,000	5	22,000	5	22,000	Airfares, accomm, allowances for secondees

**ANNEX 3: RESOLUTION 4.3 - STAFF REGULATIONS FOR ACAP
SECRETARIAT**

AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS

Resolution 4.3

Adoption of Staff Regulations for ACAP Secretariat

Recalling Article VIII 11(c) of the Agreement, which required 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;

Noting paragraph 7 of Resolution 2.1 adopted at the second Session of the Meeting of the Parties on the Headquarters Agreement;

Further recalling Resolution 3.3 adopted at the third Session of the Meeting of the Parties on the Adoption of Staff Regulations for ACAP Secretariat;

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

Decides:

1. to repeal Resolution 3.3 of the third Session of the Meeting of the Parties;
2. to adopt the Staff Regulations set out in Appendix A.

RESOLUTION 4.3 - APPENDIX A**AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS
SECRETARIAT STAFF REGULATIONS****REGULATION 1 – PREAMBLE**

These staff regulations establish the fundamental principles of employment, regulate the working relationships and establish the rights and duties of staff members of the Secretariat for the Agreement on the Conservation of Albatrosses and Petrels (the Secretariat), which includes the staff members who render their services in and receive remuneration from the Secretariat.

REGULATION 2 – DUTIES, OBLIGATIONS AND PRIVILEGES

- 2.1 Staff members, upon accepting their appointments, shall pledge themselves to discharge their duties faithfully and to conduct themselves solely with the interests of the Secretariat in mind. Their responsibilities as staff members are not national but are exclusively owed to achieving the functions of the Secretariat.
- 2.2 Staff members shall at all times conduct themselves in a manner in keeping with the functions of the Secretariat. They shall always bear in mind the loyalty, discretion and tact imposed on them by their responsibilities in the performance of their duties. They shall avoid all actions, statements or public activities which might be detrimental to the Secretariat and its aims.
- 2.3 Staff members are not required to renounce either their national feelings or their political or religious convictions, but must ensure that such views or convictions do not adversely affect their official duties or the interests of the Secretariat. Staff members shall uphold the highest standards of efficiency, competence, and integrity. The concept of integrity includes, but is not limited to, probity, impartiality, fairness, honesty, and truthfulness in all matters affecting their work and status.
- 2.4 In the performance of their duties, staff members shall only accept instructions from the Meeting of the Parties, bodies created by it, or the Executive Secretary.
- 2.5 Staff members shall observe maximum discretion regarding official matters and shall abstain from making private use of information they possess by reason of their position. Authorisation for the release of information for official purposes shall lie with the Meeting of the Parties or the Executive Secretary, as the case may require.
- 2.6 Staff members shall, in general, have no employment other than with the Secretariat. In special cases, staff members may accept other employment, provided that it does not interfere with their duties in the Secretariat, and that prior authorisation by the Executive Secretary has been obtained. The Meeting of the Parties prior authorisation shall be obtained in respect of the Executive Secretary.
- 2.7 No staff member may be associated with a business, industry or other enterprise, or have a financial interest therein if, as a result of the official position held in the Secretariat, they may benefit from such association or interest. Ownership of non-controlling stock in a company shall not be considered to constitute a financial interest within the meaning of this Regulation.
- 2.8 Staff members shall enjoy the privileges and immunities as referred to under the Headquarters Agreement for the Secretariat.

REGULATION 3 - HOURS OF WORK

- 3.1 The normal working day shall be eight hours, Monday to Friday, for a total of forty hours per week. These hours do not include breaks for meals.
- 3.2 The Executive Secretary shall establish the working hours, and may alter them for the benefit of the Secretariat, as circumstances may require.

REGULATION 4 - CLASSIFICATION OF STAFF

- 4.1 Staff members shall be classified as follows:

- (a) Executive Secretary

- This post will be filled by a person possessing appropriate qualifications and experience for the position. The Executive Secretary shall be recruited internationally only from among nationals of Parties.

- (b) General Staff

- This category shall include all other staff, including technical, scientific, administrative and auxiliary positions. Such staff members shall be recruited only from among nationals of Parties.

- 4.2 Persons employed under Regulation 12 shall not be classified as staff members.

REGULATION 5 - SALARIES AND OTHER REMUNERATION

- 5.1 The salary scale for the Executive Secretary shall approximate SES 2 classification of the Tasmanian Public Service. The salary of the Executive Secretary shall be the amount agreed in the tri-ennial Agreement budget and shall be paid in Australian dollars. All associated allowances for the Executive Secretary shall be in accordance with the Senior Executive Service (SES) category of the Tasmanian Public Service, with the exception of those relating to the purchase or lease of a motor vehicle beyond 2012.
- 5.2 The salary scale for the general staff shall be those used for Professional Officers in the Tasmanian Public Service, noting that these figures may be revised from time to time by the Tasmanian Public Service. The Level of appointment for general staff shall be determined by the Executive Secretary. All allowances for each general staff members shall be in accordance with the appropriate category of the Tasmanian Public Service. The salaries of general staff members shall be paid in Australian dollars.
- 5.3 The salaries of staff members shall normally begin at Step 1 of the Level at which they are appointed. However, under exceptional circumstances:
 - (a) general staff may be appointed at a higher salary Step at the discretion of the Executive Secretary,
 - (b) the Executive Secretary may be appointed at a higher salary Step upon the approval of the Meeting of the Parties.

All staff shall remain at the Step at which they are appointed for at least the first year of employment.

- 5.4 Staff members shall receive annual step increases, subject to satisfactory performance of their duties. Step increases shall cease once the staff member has reached the highest step in the Level in which they are serving. Performance shall be assessed annually against a competency framework. Performance by the Executive Secretary shall be assessed by the Chair of the Advisory Committee.
- 5.5 The promotion of the Executive Secretary and other staff members from one Level to another shall require the prior approval of the Meeting of the Parties.
- 5.6 The Executive Secretary is not entitled to overtime pay or compensatory leave.
- 5.7 General staff members required to work more than 40 hours during one week will be compensated with compensatory leave equivalent to hours of overtime performed. Where the Executive Secretary deems it is appropriate for the efficient operation of the Secretariat, compensation may be paid by remuneration per overtime hour, to be calculated at the rate of time and a half, or if the additional time is worked on a Sunday, or on holidays listed in Regulation 7.8, at the rate of double time.
- 5.8 Expenses incurred by Secretariat staff in the performance of their duties shall be paid from the General Fund within the limits prescribed annually in the budget. The approval of the Executive Secretary is required before such expenses are incurred.

REGULATION 6 - RECRUITMENT AND APPOINTMENT

- 6.1 Recruitment of the Executive Secretary and support staff shall be in accordance with the procedures set out in Annex A of these Regulations. The Meeting of the Parties shall establish the remuneration and such other entitlements as it deems appropriate for the Secretariat's staff. The Executive Secretary's term of office shall be for four years unless otherwise decided by the Meeting of the Parties, subject to a satisfactory performance evaluation to be conducted by the Chair of the Advisory Committee at the end of the first year of employment. The Executive Secretary shall be eligible for reappointment for one additional term. The total length of employment may not exceed eight years.
- 6.2 The Executive Secretary shall appoint (in accordance with Annex A of these Regulations), direct and supervise other staff members.
- 6.3 Upon selection, each staff member shall receive an offer of appointment stating:
 - (a) that the appointment is subject to these regulations and to changes which may be made to them from time to time;
 - (b) the nature of the appointment including a description of the duties of the position;
 - (c) the date on which the staff member is required to commence duty;
 - (d) the period of appointment, the notice required to terminate it and the period of probation;
 - (e) for the Executive Secretary, the period of appointment, which shall not exceed four years, and which may be renewed once in consultation with the Meeting of the Parties;
 - (f) the category, Level, commencing rate of salary and the scale of step increases and the maximum salary attainable;
 - (g) the allowances attached to the appointment;
 - (h) any special terms and conditions which may be applicable.

- 6.4 Together with the offer of appointment, staff members shall be provided with a copy of these Regulations. Upon acceptance of the offer staff members shall state in writing that they are familiar with and accept the conditions set out in these Regulations.

REGULATION 7 – LEAVE

- 7.1 Staff members shall be entitled to 20 working days annual leave during each working year of service, or for periods of less than a full calendar year on a pro rata basis for each completed month of service. Annual leave is cumulative, but at the end of each calendar year, not more than 15 working days may be carried over to the following year.
- 7.2 The taking of leave shall not cause undue disruption to normal Secretariat operations. In accordance with this principle, leave dates shall be subject to the needs of the Secretariat. Leave dates shall be approved by the Executive Secretary who shall, as far as possible, bear in mind the personal circumstances, needs and preferences of staff members. The Executive Secretary shall notify in advance the Chair of the Advisory Committee their periods of leave.
- 7.3 Annual leave may be taken in one or more periods.
- 7.4 Any absence not approved within the terms of these Regulations shall be deducted from annual leave. Where no leave allowance remains, a commensurate deduction in pay will be made for the period of absence.
- 7.5 Staff members who, upon termination of their appointment, have accumulated annual leave which has not been taken shall receive the cash equivalent estimated based on the last salary received to a limit of 30 days.
- 7.6 After 18 months of service the Secretariat shall, in accordance with Regulation 9 pay fares to the staff member's home country on annual leave for internationally recruited staff members, their partners and their dependents (see Regulation 10). The time taken to travel on a direct flight from Hobart to the staff member's home country shall be treated as work time, not annual leave. Following this, home leave fares shall be granted at two-year intervals provided that:
- (a) dependants who benefit from this grant have resided in Tasmania for at least 6 months prior to travel; and
 - (b) it is expected that staff members will return to the Secretariat to continue rendering their services for a minimum additional period of 6 months.
- 7.7 The possibility of combining travel to home country on leave with official travel in Secretariat service may also be considered, provided the functions of the Secretariat are not disadvantaged.
- 7.8 Staff shall be entitled to the public holidays gazetted in relation to Hobart:
- 7.9 If under special circumstances members of the staff are required to work on one of the aforementioned days, or if any one of the above holidays falls on a Saturday or Sunday, the holiday shall be observed on another day to be set by the Executive Secretary, who shall take into account the efficient functioning of the Secretariat.

REGULATION 8 – SUPERANNUATION, INSURANCE AND SPECIAL LEAVE

- 8.1 It is a condition of employment that each staff member will contribute to a recognised retirement fund and have medical and hospital insurance cover. Staff members shall be responsible for the payment of contributions to their retirement fund and insurance premiums.
- 8.2 Staff members shall not be granted sick leave for a period of more than 3 consecutive days and more than a total of 7 working days in any calendar year without producing a medical certificate.
- 8.3 (a) Staff members shall be granted certified sick leave not exceeding 12 months in any 4 consecutive years. The first 6 months shall be on full salary and the second 6 months on half salary, except that no more than 4 months on full salary shall normally be granted in any period of 12 consecutive months.
- (b) In the event of medically certified long term or life threatening sickness, which prevents the Executive Secretary from continuing in their position, the Executive Secretary and their partner and dependents (see Regulation 10) shall be entitled to return travel and removal expenses to country of origin or former residence at the expense of the Secretariat.
- 8.4 After 12 months of employment in the Secretariat female staff members shall be entitled to maternity leave associated with the birth or adoption of a child. On the basis of medical advice that the birth will probably take place within 6 weeks, staff members shall be entitled to be absent from duty until eight weeks after the birth. During this period staff members shall receive full pay and corresponding allowances.
- 8.5 After 12 months of employment in the Secretariat a staff member shall be entitled to parental leave, upon either their partner giving birth or their adoption of a child. In such an event, staff members shall be entitled to be absent from duty for a period of up to three weeks. During this period, staff members shall receive full pay and corresponding allowances.
- 8.6 Staff members are entitled to up to 5 working days of compassionate paid leave in any one year, subject to the approval of the Executive Secretary. In the case of the Executive Secretary compassionate paid leave will be subject to the approval of the Chair of the Advisory Committee. Compassionate leave may not be accumulated.
- 8.7 In the event of death of a staff member, the right to salary, allowances and other corresponding benefits shall cease on the day on which death occurs, unless the deceased is the Executive Secretary and leaves a partner and/or dependents (see Regulation 10), in which case these shall be entitled to mortality allowances and return travel and removal expenses to their country of origin or former residence at the expense of the Secretariat.
- 8.8 Eligibility of the partner and/or dependents (see Regulation 10) of a deceased staff member for the payment of return travel and removal expenses shall lapse if the travel is not undertaken within 6 months of the date of the staff member's death.
- 8.9 The above mortality allowance for death shall be the equivalent of 4 months gross salary.

- 8.10 The Secretariat shall pay for customary and reasonable expenses for shipment of an Executive Secretary's body from the place of death to the place designated by the next of kin.

REGULATION 9 – TRAVEL

- 9.1 Staff members may be required to undertake travel, including international travel, on behalf of the Secretariat. All official travel shall be authorised by the Executive Secretary in advance within the limits of the budget, and the itinerary and travelling conditions shall be those best suited for maximum effectiveness in the fulfilment of duties assigned.
- 9.2 The Secretariat shall pay for adequate travel insurance for all official travel by staff members.
- 9.3 With regard to official travel, a reasonable travel allowance shall be paid in advance for accommodation and daily living expenses.
- 9.4 Economy class shall be utilised, wherever feasible, for air travel. For economy class journeys over 9 hours in flying time, staff will be entitled to one rest day.
- 9.5 Following completion of a journey for official purposes, staff members shall repay any travel allowances to which, in the event, they were not entitled. Where staff members have incurred expenses above and beyond those for which travel allowances have been paid, they shall be reimbursed, against receipts and vouchers, as long as such expenses were necessarily incurred in pursuit of their official duties.
- 9.6 On taking up an appointment, the Executive Secretary shall be eligible for:
- (a) payment of air fares (or equivalent) and travel allowance for themselves, their partners and dependents (see Regulation 10) to Hobart;
 - (b) payment of removal costs, including the shipment of personal effects and household goods from place of residence to Hobart, subject to a maximum volume of 30 cubic metres, or one international standard shipping container; and
 - (c) payment or reimbursement of sundry other reasonable expenses related to relocation, including insurance of goods in transit and excess baggage charges. Such payments shall be subject to prior approval by the Chair of the Advisory Committee.
- 9.7 Staff members who, in the course of their duty, are required to use private motor vehicles for official travel purposes shall, with the prior authorisation of the Executive Secretary, be entitled to receive a reimbursement of the reasonable costs involved. The costs associated with normal daily travel to and from the place of work shall not be reimbursed.

REGULATION 10 – DEPENDENTS

- 10.1 For the purposes of these regulations the term 'dependent' means any:
- (a) child, who is born of, or adopted by, a staff member, their partner, or their children, who is below the age of eighteen years and who is dependent on a staff member for main and continuing support;

- (b) child fulfilling the conditions laid down in paragraph (a) above, but who is between eighteen and twenty-five years of age and is receiving school or university education or vocational training;
- (c) handicapped child who is dependent on a staff member for main and continuing support;
- (d) other child who is given a home by and is dependent on a staff member for main and continuing support;
- (e) member of the family forming part of the household of the staff member, for whose main and continuing support a staff member is legally responsible.

REGULATION 11 - SEPARATION FROM SERVICE

- 11.1 Staff members, with the exception of the Executive Secretary, may resign at any time upon giving 4 weeks notice or such lesser period as may be approved by the Executive Secretary. The Executive Secretary may resign at any time upon giving six months notice, or such lesser period as may be approved by the Meeting of the Parties.
- 11.2 In the event of a staff member resigning without giving the required notice the Executive Secretary (in the case of staff members other than the Executive Secretary) or the Meeting of the Parties (in the case of the Executive Secretary) reserves the right to decide whether repatriation expenses or any other allowance shall be paid.
- 11.3 Appointment of staff members may be terminated upon prior written notice at least three months in advance, by the Executive Secretary (and in the case of the Executive Secretary, by the Meeting of the Parties) when this is deemed to be for the benefit of the efficient functioning of the Secretariat, due to restructuring of the Secretariat, or if it is considered that the staff member does not give satisfactory service, as assessed by annual reviews, or fails to comply with the duties and obligations set out in these Regulations, or is incapacitated for service.
- 11.4 In the event of involuntary termination from service, the Executive Secretary shall be compensated at a rate of one month base pay for each year of service, beginning the second year, unless the cause of termination has been gross dereliction of the duties imposed in Regulation 2.
- 11.5 In the event of involuntary termination of the appointment of a general staff member, they shall be compensated at a rate of one month base pay for each year of service, except when the Executive Secretary considers that the staff member has not given satisfactory service, fails to comply with the duties and obligations set out in these Regulations, or is incapacitated for service.
- 11.6 On separation from service, the Executive Secretary shall, except in the case of gross dereliction of duties, be entitled to the following:
- (a) payment of economy class air fares (or equivalent) to the staff member's country of origin or former residence, for the staff member, partners and dependents; and
 - (b) payment of removal costs, including the shipment of personal effects and household goods from place of residence in Tasmania to the country of origin

or former residence, subject to a maximum volume of 30 cubic metres or one international shipping container.

REGULATION 12 - TEMPORARY PERSONNEL UNDER CONTRACT

- 12.1 The Executive Secretary may contract temporary personnel to discharge special duties of a short or fixed term nature. Such personnel shall be classified as contractors and may be paid on either an hourly or contract basis. Persons in this category shall not be covered under the provisions of these staff regulations, but by the provisions contained in the contract entered into with the Secretariat.
- 12.2 Persons in this category may include translators, interpreters and other persons contracted for meetings, as well as those whom the Executive Secretary contracts for a specific task.

REGULATION 13 - APPLICATION AND AMENDMENT OF REGULATIONS

- 13.1 Any issues arising from application of these Regulations shall be resolved by the Executive Secretary following consultation with the Chair of the Advisory Committee.
- 13.2 Matters not foreseen in these Regulations may be brought to the attention of the Meeting of the Parties by the Executive Secretary.
- 13.3 These Regulations including the schedules may be amended by a decision of the Meeting of the Parties.

REGULATION 14 - APPLICATION OF AUSTRALIAN LAW TO EMPLOYMENT CONTRACTS

- 14.1 The governing law of employment contracts between staff members and the Secretariat shall be that of Tasmania and, where relevant, the Commonwealth of Australia.
- 14.2 To the extent that any privileges and immunities applicable under Australian law to a staff member or the Secretariat prevent the laws of Tasmania or the Commonwealth of Australia being the governing law of such contracts, such privileges and immunities are expressly waived by the Meeting of the Parties.
- 14.3 To the extent that such laws would impose rights to either a staff member or the Secretariat by virtue of the employment relationship between them, the laws of Tasmania and, where relevant, the Commonwealth of Australia, shall apply to such relationship, and any relevant privileges and immunities are expressly waived by the Meeting of the Parties. If there is any inconsistency between these Staff Regulations and the rights referred to in the previous sentence, these Staff Regulations shall be deemed as modified to the extent necessary to ensure consistency.
- 14.4 The substance of the foregoing paragraphs of this Regulation shall be included in all employment contracts between a staff member and the Secretariat.

Annex A - Recruitment Procedure for Secretariat Staff

When the position of Executive Secretary or other post is or becomes vacant, the following recommended procedures should be used to recruit staff.

Executive Secretary

1. The Meeting of the Parties shall appoint three members of the Advisory Committee as a recruitment sub-committee to address all matters associated with the recruitment and appointment of a new Executive Secretary. The recruitment sub-committee shall consist of one representative from each of the following regions, Americas, Europe and Australasia/Africa.
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 provided to each Party for advertising as they consider appropriate, with the purpose of attracting applications for the post of Executive Secretary. Any such national advertisements shall be similar in form to that placed on the website.
4. The Chair of the recruitment sub-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. In drawing up the short-list, the recruitment sub-committee will consult with the Parties of which the candidates are nationals to ensure that there are no known reasons why the individuals should not be selected for interview.
6. The recruitment sub-committee will arrange telephone or other interviews with the five candidates.
7. The recruitment sub-committee will request the two most suitable candidates to attend a face-to-face interview at a date and location considered most practical and cost efficient by the recruitment sub-committee. Subject to the availability of funds, travel and per diem expenses of the members of the sub-committee for attending the interviews will be covered by the ACAP general fund.
8. All expenses related to the selection process, including travel and per diem for potential candidates 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 formally appointed by the Chairperson of the Meeting of the Parties and 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 Chair of the Advisory Committee taking into account the views of Parties. The post will be confirmed subject to a satisfactory performance assessment.

12. If the Executive Secretary resigns, 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.

13. 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 experience and qualifications; and
8. proficiency in the languages of ACAP Parties and Range States

Recruitment Procedure for General staff

The following recommended procedures for the recruitment of the general staff will be used, with the Executive Secretary taking the leading role.

1. Advertisements shall be placed on the ACAP website and in relevant Australian media with the purpose of attracting applications for the vacant post.
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 Executive Secretary shall convene a recruitment sub-committee consisting of three relevant people.
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.
7. The Executive Secretary may make arrangements to cover any work requirements on the Secretariat if absences occur.

ANNEX 4: RESOLUTION 4.4 - ADVISORY COMMITTEE WORK PROGRAMME

AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS

Resolution 4.4

Advisory Committee Work Programme

Recalling Article VIII(11)(d) of the Agreement, which required that the first Session of the Meeting of the Parties establish the Advisory Committee provided for in Article IX of the Agreement;

Further recalling Resolution 1.5 of the Meeting of the Parties on the establishment of the Advisory Committee which included a work programme for this Committee;

Noting that the sixth meeting of the Advisory Committee developed a work programme for the period 2013 - 2015 (AC6 Final Report – Annex 6) taking into consideration the outcomes of its meeting and the preceding meetings of the Breeding Sites, Seabird Bycatch and Status and Trends Working Groups;

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

Decides:

to approve the Advisory Committee Work Programme in Appendix A, subject to available funding.

RESOLUTION 4.4 - APPENDIX A

ADVISORY COMMITTEE WORK PROGRAMME 2013-2015

Tasks shown in an *italicized* font are ongoing tasks from the current work programme that are due to be completed by 2012. Some of these actions may not be completed, in which case they could be rolled forwards.

	Topic/Task	Responsible group	Timeframe	Resources		Action detail
				Time	Funds for AC	
1. Taxonomy and Annex 1 review						
1.1	Keep the Taxonomy Working Group's bibliographic database updated	TWG led by Convenor	2013-2015	0.5 week p.a. (per annum)	AUD 0	
1.2	Continue the establishment of a morphometric and plumage database	TWG led by Convenor, Science Officer	2013-2015	2 weeks	AUD 0	This will facilitate the taxonomic process, the identification of bycatch specimens, and the long-term storage of valuable data
1.3	Consider taxonomic issues relating to species proposed for addition to Annex 1 of the Agreement	Parties and AC	2013-2015	0.5 week p.a.	AUD 0	Development of papers as required, using species assessment template. <i>Spain to develop document on Balearic shearwater for AC5</i>
1.4	Respond to queries on taxonomic issues relating to ACAP species	TWG led by Convenor	2013-2015	1-2 weeks p.a.	AUD 0	<i>In 2011-2012, consider status of possible Black-footed albatross sub-species</i>
2. Information on status, trends and breeding sites						
2.1	<i>Establish Population and Conservation Status Working Group membership</i>	<i>Parties with assistance of Convenors</i>	<i>2012</i>			

	Topic/Task	Responsible group	Timeframe	Resources		Action detail
				Time	Funds for AC	
2.2	Consider gaps in population, tracking, breeding site management, threats and regulatory protection data submitted to ACAP; request any outstanding data and incorporate changes	PaCSWG, Science Officer	2013-2015	10 weeks p.a.	AUD 0	Parties to provide new or outstanding data
2.3	Improve data portal structure and queries	Science Officer, Convenors	2013-2015	8 weeks p.a.	AUD 15,000	Science Officer to facilitate modification of database as required
2.4	Review and refine standardised queries and outputs for analysis and interpretation	Science Officer, Convenors	2013-2015	2 weeks p.a.	AUD 5,000	
2.5	<i>Trial approaches accurately to categorise global population trends</i>	<i>PaCSWG Convenors, Science Officer and BirdLife International</i>	<i>By end 2011</i>	<i>2 weeks</i>	<i>AUD 5,000</i>	<i>May require further data portal updates</i>
2.6	Update ACAP Species Assessments	PaCSWG Convenors, Science Officer	2013-2015	4 weeks p.a.	AUD 0	
2.7	Translate updates to Species Assessments and ACAP guidelines into Spanish and French	Science Officer, Spanish and French speaking Parties	2013-2015		AUD 8,000	No costs if translation can be undertaken in kind by Spanish and French speaking Parties
2.8	Identify priority species or populations for monitoring of numbers, trends and demography	PaCSWG, Science Officer	2013-2015	2 weeks p.a.	AUD 0	
2.9	Review availability of albatross and petrel tracking/distribution data to ensure representativeness of species/age classes. Prioritise gaps and encourage studies to fill gaps.	PaCSWG, AC, Science Officer and BirdLife International	2013-2015	1 week p.a.	AUD 5,000	Review status at AC8
2.10	Identify priority species or populations for conservation actions	PaCSWG, Science Officer	2013-2015	1 week p.a.	AUD 0	

	Topic/Task	Responsible group	Timeframe	Resources		Action detail
				Time	Funds for AC	
2.11	Review and prioritise the threats to breeding sites and identify gaps in knowledge	PaCSWG, Science Officer	2013-2015	1 week p.a.	AUD 0	
2.12	Develop, review and update best-practice guidelines to mitigate selected threats to breeding sites	PaCSWG, Science Officer	2013-2015	3 weeks p.a.	AUD 0	
2.13	Develop best-practice guidelines for monitoring of numbers and trends	PaCSWG, Lead UK, Science Officer	By MoP4, AC7	4 weeks	AUD 0	Production of two documents (<i>one by MoP4, other by AC7</i>)
2.14	Review evidence for impacts of pathogens and parasites on ACAP species and effectiveness of mitigation measures	PaCSWG, Science Officer, Lead Argentina	By AC7	4 weeks	AUD 0	Update review of pathogens and parasites. May need input from pathologists
2.15	Post web links on biological sampling guidelines following disease outbreaks	Science Officer, PaCSWG	2013-2015	1 day	AUD 0	
2.16	<i>Produce centralised catalogue of plastic rings used on ACAP species and email contact list, and addresses of ringing authorities</i>	<i>Science Officer, PaCSWG, Lead France.</i>	<i>By 2012</i>	<i>1 week</i>	<i>AUD 0</i>	
2.17	Provide reports on activities to AC meetings	PaCSWG, Science Officer	As needed	12 weeks	AUD 0	
3. Seabird Bycatch						
3.1	Continue to implement the RFMO interaction plan for ACAP (AC5 Doc 29) and relevant Parties to engage and assist RFMOs and other relevant international bodies in assessing and minimising bycatch of albatrosses and petrels	Individual RFMO co-ordinators, Secretariat, SBWG and AC	2013-2015	a) 18 weeks p.a. b) 18 week p.a. c) 2 week p.a.	a+b) AUD 30,000 each pa AUD 0	a) Travel etc costs for attendance at selected RFMO meetings (less if Party can contribute directly) b) RFMO co-ordinator activities c) Review of process and recommend changes (SBWG)

	Topic/Task	Responsible group	Timeframe	Resources		Action detail
				Time	Funds for AC	
3.2	Update analysis of overlaps of distributions and albatrosses and petrels with fisheries managed by RFMOs	BirdLife / ACAP	2013	4 weeks	AUD 20,000	
3.3	Continue to develop materials (both generic and specific) to assist RFMOs and other relevant international and national bodies in reducing seabird bycatch and to maximise effective participation and consideration of issues relevant to ACAP	SBWG Convenor with other SBWG consultation to review needs (Secretariat)	2013-2015	1) 1 week p.a. 2) 8 weeks	<more detail needed>	1) <i>Observer programme designs including protocols for the collection of seabird bycatch data, with consideration of analytical methods for assessing seabird bycatch to be examined first.</i> ID guide for drowned birds, including protocol for photographing dead birds Guidance on handling of hooked live birds – may be available from non-ACAP sources
3.4	Continue to review and utilise available information on foraging distribution, fisheries and seabird bycatch to aid prioritisation of actions to reduce the risk of fishing operations to ACAP species in waters subject to national jurisdiction.	SBWG and Parties	2013-2015	1) 8 weeks 2) 2 weeks	AUD 0	1) Commission initial report on knowledge of fisheries, status of any bycatch mitigation, knowledge of relevant seabird distribution for AC5. Note overlap with 4.4. NPOA seabirds also can be used. (AUD \$0) 2) Assess needs for waters subject to national jurisdiction and any capacity building requirements
3.5	Maintain bibliography of relevant bycatch information	BirdLife/SBWG Science Officer	2013-2015	1 week pa	AUD 0	Includes both published and unpublished literature

	Topic/Task	Responsible group	Timeframe	Resources		Action detail
				Time	Funds for AC	
3.6	Based on new information, update ACAP/BirdLife fact sheets on mitigation measures for fishing methods known to impact albatrosses and petrels (trawl, pelagic longline, demersal longline)	SBWG/BirdLife	2013-2015	1 week per fact sheet	AUD 5,000	Costs are for translation. Leads - Trawl: New Zealand Pelagic longline: Australia Demersal longline: UK General: BirdLife
3.7	<i>Produce report on lessons from mitigation success stories in commercial fisheries</i>	<i>BirdLife/ Australia/ Convenor SBWG/WWF</i>	<i>2010-2012</i>	<i>3 weeks</i>	<i>AUD 0</i>	<i>Should be completed within current triennium – target audience is fisheries managers</i>
3.8	<i>Prepare review of knowledge on deliberate take/killing of ACAP species at sea</i>	<i>Australia/ Brazil/ New Zealand/ Peru/ UK/ WWF/ SBWG</i>	<i>2010</i>	<i>4 weeks</i>	<i>AUD 0</i>	<i>Review to describe current knowledge (much from unpublished literature) and causes of any deliberate take and to consider possible take reduction strategies. Should be completed within current triennium using secondees to Secretariat</i>
3.9	Review results of any research on seabird bycatch issues, particularly that funded by ACAP	SBWG	2013-2015	2 weeks pa	AUD 0	Draw conclusions and make recommendations to AC as appropriate
3.10	Maintain review of research needs and priorities for bycatch research and mitigation development	SBWG	2013-2015	2 weeks	AUD 0	
3.11	Provide recommendations to the AC on measures to address at-sea threats identified as conservation priorities	SBWG	2013-2015	1 week	AUD 0	
3.12	Review and update the prioritisation framework for at-sea threats	SBWG	2014	1 week	AUD 10,000	One workshop and some analysis and update of data relating to threats and mitigation

	Topic/Task	Responsible group	Timeframe	Resources		Action detail
				Time	Funds for AC	
3.13	Review and consider seabird bycatch issues as they relate to smaller vessels (including issues of defining “smaller vessels”)	SBWG	at SBWG-5	1 week	AUD 0	
3.14	Consider which data would be appropriate as baselines for assessing trends in bycatch levels and rates and formulate suitable indicators	SBWG	2012-2013	1 week	AUD 0	Data is described in the global review of seabird bycatch in longline fisheries (AC6 Doc 30)
3.15	Estimate mortality in previously unobserved fisheries in range of Waved albatross	Ecuador and Peru, BirdLife, AC, American Bird Conservancy	2013-2015	4 weeks	AUD 30,000 over triennium	Part of implementation from Waved Albatross Action Plan
3.16	Improve access to relevant data (e.g. from observers) held by others	SBWG	2013-2015			Need compilation of meta-data e.g. observer data
3.17	Analyse bycatch data in collaboration with Japanese researchers	SBWG	2013-2015	6 months	AUD 50,000	Might be best done by an appropriate experienced secondee. Costings difficult to estimate accurately
3.18	Analyse bycatch data from other fishing nations as information becomes available	SBWG	2013-2015	6 months	AUD 50,000	This is a contingency cost; we are not yet sure how much and when data might become available
3.19	Identify hot spots for temporal/spatial management	RFMO coordinators/ Canada/ BirdLife/ SBWG	2013-2014	Post-doctorate for 2 years	AUD 10,000 AUD 50,000	AUD \$10,000 is a contribution to a potential Canadian/BirdLife/ACAP project in the North Pacific that could be done in the 2010-12 triennium. A total global cost might be in the order of AUD \$50,000
3.20	Provide draft advice on suitable analyses of bycatch data	SBWG	2013-2015	3 months	AUD 20,000	Statistical advice may be required

	Topic/Task	Responsible group	Timeframe	Resources		Action detail
				Time	Funds for AC	
3.21	Provide reports on activities to AC meetings	SBWG and AC	2013-2015	1 week	AUD 0	
4. Capacity building						
4.1	Provide assistance and capacity building to ensure drafting and implementation of NPOA-Seabirds	AC ,Parties and BirdLife to consider	2013-2015	10 weeks	AUD 0	Capacity building in accordance with the needs identified by interested Parties in order to encourage implementation, particularly in Ecuador, France, Peru, South Africa, (Mozambique, Madagascar), Tristan da Cunha (UK), and EC external fisheries
5. Indicators, priorities, reviews and collective conservation action						
5.1	Identify and prioritise conservation measures required for each species and by each Party to the Agreement	WG Convenors and ad-hoc group, lead New Zealand	2013-2015	4 weeks 2013	AUD 10,000	Better integrate information with ACAP database and reporting structure
5.2	Develop and harmonise conservation strategies or plans for particular species or groups of species of albatrosses and petrels	WGs, AC (Secretariat)	2013-2015	2 weeks p.a.	AUD 0	Precise definition of what is needed difficult at this stage
5.3	Implement conservation strategies for particular species or groups of species of albatrosses and petrels	Parties, AC	2013-2015	unknown weeks	AUD 0	Precise definition of what needed is difficult at this stage
5.4	Implement system of indicators for the success of the ACAP Agreement	Parties, Secretariat, BirdLife and AC	2013-2015	1 week pa	AUD 0	Review in time for MoP5
5.5	Support database of relevant scientific literature	AC, lead: Argentina, UK (Secretariat)	2013-2015	12 weeks	AUD 0	Much exists already in various places. Also relevant for several other actions.
5.6	<i>Develop a directory of relevant legislation</i>	<i>Argentina, UK (Secretariat)</i>	<i>2013-2015</i>	<i>12 weeks</i>	<i>AUD 0</i>	<i>Parties will need to supply information</i>

	Topic/Task	Responsible group	Timeframe	Resources		Action detail
				Time	Funds for AC	
5.7	Develop a list of authorities, research centres, scientists and non-governmental organisations relevant to ACAP	Argentina, UK (Secretariat)	2013-2015	12 weeks	AUD 0	Requires input from AC and Parties
6. Management of AC work, secretariat oversight and liaison, and interaction of ACAP bodies						
6.1	Consider and advise on budget matters as needed	AC	2013-2015	2 weeks pa	AUD 0	Shorter-term advice provided by the AC Chair
6.2	Consider and advise on Staff matters as needed	AC	2013-2015	1 week pa	AUD 0	Shorter-term advice provided by the AC Chair
6.3	Oversee, advise and guide Secretariat in relation to database, web portal	Convenors, Chair and Vice-chair	2013-2015	6 weeks pa	AUD 0	
6.4	Manage work of Advisory Committee	Chair, Vice-chair and Convenors	2013-2015	18 weeks pa	AUD 0	Regular teleconferences and email conversations

ANNEX 5: RESOLUTION 4.5 - FINANCIAL REGULATIONS

AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS

Resolution 4.5

Financial Regulations

Recalling that, in accordance with Article VIII(11)(b) of the Agreement, the first Session of the Meeting of the Parties developed financial regulations for the Agreement Secretariat, contained in Annex 5 of the report of that Session;

Further recalling Resolution 3.5 of the third Session of the Meeting of the Parties on Amendments to the Financial Regulations;

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

Decides:

1. to repeal Resolution 3.5 of the third Session of the Meeting of the Parties
2. to adopt the Financial Regulations set out in Appendix A.

RESOLUTION 4.5 - APPENDIX A

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 July and ending 30 June, 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 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 programmes 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. Appropriations shall be allocated at the function level.
- 3.5 The draft budget shall be accompanied by details of the appropriations made for the previous triennium. Details of expenditure for the first two years of the triennium and estimated expenditure for the final year against these appropriations should also be provided together with such information annexes as may be required by Parties to the Agreement or deemed necessary or desirable by the Executive Secretary. The draft budget shall be presented in the format prescribed in Attachment 1 to these regulations.
- 3.6 The draft budget shall be presented in Australian dollars (AUD).
- 3.7 The Parties shall adopt the budget by consensus at each ordinary Session of the Meeting of the Parties.
- 3.8 The budget shall retain a working capital provision of AUD 100,000.

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 between appropriations. All transfers must be reported by the Executive Secretary in the annual financial report provided to 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 Unforeseen and extraordinary expenses may be incurred from within existing budget appropriations, or from voluntary contributions. Approval to incur such expenses must be obtained from the Advisory Committee or from the Chair of the Advisory Committee after consultation with the Parties during the intersessional period. All approvals must be reported to meetings of the Advisory Committee and Meeting of the Parties.

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 Australian dollars (AUD).
- 5.4 When a new Party joins the Agreement, the contribution of that Party will be added to the Special Fund.
- 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. Payment shall be made at the beginning of the financial year after the one during which membership becomes effective.

- 5.6 Contributions shall be due for payment on the first day of each calendar year and shall be paid not later than 90 days after that date. The Meeting of the Parties may permit an extension 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.
- 5.7 The Executive Secretary shall issue invoices for contributions between 1 October and 1 December each year.
- 5.8 In accordance with Rule 20(2) of the Rules of Procedure, and other than in the circumstances set out in paragraph 5.10, Parties which are more than one year behind in paying their budget contributions on the date of the opening of any Session of the Meeting of the Parties shall not be eligible to vote at that Session. 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. The Meeting of the Parties shall receive advice in this regard from the Secretariat.
- 5.9 On or about 1 June each year, the Executive Secretary shall report to the Parties on any arrears and any actions taken in response to them.
- 5.10 Where a Party has made all reasonable efforts to pay its annual contribution in full within the year in question in accordance paragraph 5.6, but as a result of currency fluctuations an under-payment results, the sum under-paid will be added to the Party's contribution due for the following year and the under-payment will not result in the loss of voting rights. The Executive Secretary shall add the amount of the under-payment to that Party's next annual invoice for their national contribution fee or deduct the amount of any over payment.

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 Agreement. Voluntary contributions offered by other bodies may be accepted, subject to agreement by the Meeting of the Parties that the purposes of the

contribution are consistent with the policies, aims and activities of the Agreement. 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.

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

REGULATION 8 – MONETARY CUSTODY

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 monies not needed for the immediate requirements of the Agreement. Such investments shall be restricted to securities and other investments in Institutions or Government bodies of the country in which the Secretariat is located with current rating, 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 monies 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 monies were lodged with the Secretariat. Such investments shall be restricted to securities and other investments issued by Institutions or Government bodies of the country in which the Secretariat is located and 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 General Fund.

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 monies, 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, including those of the 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, including those of the Advisory Committee.
- 9.2 No obligations shall be incurred until the triennial budget has been approved, unless the Meeting of the Parties has otherwise approved.
- 9.3 The Executive Secretary may propose to the Meeting of Parties the writing off of losses of assets and bad debts, provided that the external auditor so recommends. Such losses shall be included in the annual accounts. An item of property, plant or equipment shall be recognised as an asset if its value is more than AUD 2,000.
- 9.4 For purchases or contracts exceeding AUD 10,000, 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 AUD 5000, but less than AUD 10,000, 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) where voluntary contributions have been provided, specifying a particular project and/or supplier;
 - (c) where, on the advice of the Advisory Committee or the Chair of the Advisory Committee, there are determined to be exceptional circumstances that require such deviation;
 - (d) 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.
- 9.5 The Executive Secretary shall report in writing the circumstances of exceptions under 9.4 to the Parties on at least 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 of the Advisory Committee and shall do all things necessary to ensure that all payments out of the Agreement's monies 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 by the Advisory Committee.
- 10.2 The Executive Secretary shall submit to the Parties to the Agreement, not later than 30 September each year, annual financial statements showing, for the previous financial year:
- (a) the income and expenditure relating to all funds and accounts;
 - (b) 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, including those related to the Advisory Committee;
 - (d) details of investments;
 - (e) losses of assets and the writing off of bad debts 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 Meeting of the Parties after consultation with the external auditor.
- 10.4 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 Australian dollars (AUD).
- 10.5 Appropriate separate accounts shall be kept for all Special Funds.
- 10.6 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 An external auditor shall be appointed at each ordinary Session of the Meeting of the Parties. The Secretariat will:
- (a) respect the external auditor's independence from the Secretariat, the Advisory Committee, their subsidiary bodies and the Secretariat's staff;
 - (b) establish the terms of contract;
 - (c) arrange for the payment of the external auditor; and
 - (d) provide them with the facilities and documentation that they may require for the purposes of the audit.
- 11.2 The Executive Secretary may consult an external auditor on the possible need for an introduction or amendment of any financial regulations or detailed accounting methods as well as on all matters affecting auditing procedures.
- 11.3 The Executive Secretary shall provide to the Meeting of the Parties a copy of any audit report and the audited financial statements within 60 days of their receipt. The Executive Secretary 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 shall ensure suitable insurances with a reputable financial institution against normal risks to the assets of the Agreement Secretariat and Advisory Committee are 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 of the Parties.
- 14.2 Where the Meeting of the Parties or the Advisory Committee is considering matters which may lead to a decision which has financial or administrative implications, it may seek advice from the Executive Secretary.

Attachment 1 - Format for Presentation of Draft Budget

Ref. No	Description	Allocation 2008/09	Actual 2008/09	2010	2011	2012
APPROPRIATION 1 - SECRETARIAT						
	Employee Expenditure					
1.1.1	Salaries - Permanent					
1.1.4	RBF Superannuation					
1.1.5	Payroll tax					
	Total Employee Expenditure					
	Tactical Expenditure					
1.2.3	Accommodation					
1.2.4	Airfares					
1.2.5	Travel Allowances					
1.2.6	Travel Insurance					
1.2.7	Consultants					
1.2.8	Relocation expense (staff)					
1.2.9	Legal expenses					
1.2.10	General insurance					
1.2.11	Representation expenses					
	Total tactical expenditure					
	Operational costs					
1.3.1	Office equipment /furniture					
1.3.2	Office equipment maintenance					
1.3.3	Office requisites - stationery					
1.3.4	Publications /books					
1.3.5	Corporate memberships					
1.3.6	Printing and copying (PR material)					
1.3.7	Telephones - telecommunications					
1.3.8	Translations - website, correspondence					
1.3.9	Postage					
1.3.10	Freight/couriers					
1.3.11	Light and power					
1.3.12	Insurance property					
1.3.13	Rent (flat for secondments)					
1.3.14	Car hire - long term					
1.3.15	Cab charge - taxis					
1.3.16	Parking					

- 1.3.18 Support for secondments – relocation expense
- 1.3.19 Staff training
- 1.3.20 Staff conferences / seminars
- 1.3.21 Bank charges
- 1.3.22 Bad and doubtful debts
- 1.3.23 Software purchase
- 1.3.24 Server lease
- 1.3.25 Outsourced IT services
- 1.3.26 Modifications to database
- 1.3.27 WAN Wireless network

Office operational costs

Total Secretariat

APPROPRIATION 2 - MEETINGS OF THE PARTIES

Interpretation / Translation Costs

- 2.1.1 Simultaneous interpretation
- 2.1.2 Hire of interpretation equipment
- 2.1.3 Translation of documents

Meeting support costs

- 2.2.1 Hire of venue (including catering)
- 2.2.2 Hire of equipment (photocopiers)
- 2.2.3 Support staff
- 2.2.4 Printing of meeting documents/report

Meeting Support

Sponsorship

- 2.3.1 Sponsorship - delegates

Sponsorship costs

Total Meeting of Parties

APPROPRIATION 3 - ADVISORY COMMITTEE

Interpretation/translation

- 3.1.1 Simultaneous interpretation
- 3.1.2 Hire of interpretation equipment
- 3.1.3 Translation of meeting documents

Interpretation/translation

Venue and meeting support costs

- 3.2.1 Hire of venue (including catering)
- 3.2.2 Hire of meeting equipment (photocopiers, etc)
- 3.2.3 Printing of meeting documents/report
- 3.2.4 Support staff

Meeting Support**Sponsorship**

- 3.3.1 Sponsorship - Experts
- 3.3.2 Sponsorship - delegates

Sponsorship costs**Total Advisory Committee****APPROPRIATION 4 - AGREEMENT CONSERVATION PROGRAMME**

- 2008-1 Science Officer
- 2008-2 Bait pod development - BirdLife
- 2008-3 House mice eradication - Tristan Albatross
- 2008-4 Implementation Waved Albatross Action Plan -APECO
- 2008-5 Impl'n Waved Albatross Action Plan - Pro Delphinus
- 2008-6 Update of BLI tracking database
- 2008-7 Capacity building Ecuador-Argentina-BLI
- 2009-1 Translation of species assessments
- 2009-2 Maps for species assessments
- 2009-3 Attendance at RFMO meetings
- 2009-4 Development of materials for RFMO/fisheries managers
- 2009-5 Estimate mortality in range of waved albatross
- 2009-5 Observer program - Peru
- 2010-1 Salaries - Fixed term
- 2010-2 Superannuation – Science Officer
- 2010-3 Translation of species assessments
- 2010-4 Review of RFMO maps
- 2010-5 Attendance at RFMO meetings
- 2010-6 Review of tracking distribution data
- 2010-7 Analyse overlap of RFMO with trawl fisheries

2010-8 Estimate WAL mortality in
unobserved fisheries

2010-9 Develop observer program in
Peru

2010-10 Improve data collection from
observer programs in South.
America

Unallocated

Total Conservation Programme

TOTAL AGREEMENT BUDGET

ANNEX 6: RESOLUTION 4.6 - AGREEMENT BUDGET 2013 - 2015

AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS**Resolution 4.6****Agreement Budget 2013 - 2015**

Recalling that Article VIII(8) of the Agreement requires the Meeting of the Parties, at each of its ordinary Sessions, to adopt a budget for the next financial period;

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

Noting that Resolution 1.1 adopted at the first Session of the Meeting of the Parties agreed to give consideration to amending the Scale of Contributions;

Noting that Parties at MOP3 committed to find a simpler formula that better dealt with the different capacity of Parties to pay

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

1. to adopt the 2013-2015 Budget in Appendix A;
2. notwithstanding Regulation 5.1 of the Staff Regulations, that in the financial years 2013, 2014 and 2015, the salary of the Executive Secretary shall be fixed at 2012 levels plus an annual inflator of 3%;
3. to adopt the scale of contributions formula in Appendix B to calculate the contributions for existing Parties;
4. that in the financial years 2013, 2014 and 2015, the core budget shall be based on fixed annual payments from the Parties as set out in Appendix C;
5. to apply the formula in Appendix B to calculate annual contributions for Range States that accede to the agreement in 2013, 2014 or 2015, using the total annual payments shown in Appendix C as the input amount when performing the calculation, and

- basing the calculation on there being a total of 14 Parties — the 13 existing Parties at the time of MoP4, plus the new Party that is the subject of the calculation;
6. that the accession of any Party to the Agreement during an intersessional period will not result in the recalculation of the fixed annual payments for any other Party prior to the next MoP;
 7. that the budget is to be allocated on a functional basis into four appropriations as follows:

Appropriation 1 – Operation of the Secretariat
Appropriation 2 – Meetings of the Parties
Appropriation 3 – Meetings of the Advisory Committee
Appropriation 4 – Advisory Committee Conservation Programme;
 8. that Parties should pay any outstanding contributions as soon as possible;
 9. that all contributions shall be paid in Australian dollars (AUD);
 10. that a working capital shall be maintained at a constant level of AUD 100,000;
 11. that the Advisory Committee shall keep the status of the General Fund and other funds drawn up in accordance with the Agreement under regular review;
 12. that additional funds which become available should other States accede to the Agreement during the 2013-2015 triennium will be allocated toward Appropriation No 4 to support the implementation of the Agreement.
 13. *Urges* Parties not to rely on the formula set out in Appendix B when adopting a scale of contributions at MoP5 but to agree a new formula by consensus having regard to the differing resources of the different Parties, in accordance with Article VII.2(a), and following the criteria set out section 2.1 of MoP4 Doc 22;
 14. *Urges* all Parties to consider making voluntary contributions to the Special Fund to support the activities of the Agreement;
 15. *Invites* non-Party Range States, governmental, inter-governmental and non-governmental organisations and other agencies to consider contributing to the Special Fund or to specific activities;
 16. *Requests* the Secretariat to make best endeavours to seek external funding to support the Advisory Committee Work Programme; and to identify innovative mechanisms to reduce costs.

RESOLUTION 4.6 - APPENDIX A

AGREEMENT BUDGET 2013 – 2015

Ref. No	Description	2013	2014	2015
1. INCOME				
	Contributions from Parties	673,650	690,641	708,141
	Interest on funds	22,660	23,340	24,040
	Total Income	696,310	713,981	732,181
2. EXPENDITURE				
APPROPRIATION 1 - SECRETARIAT				
Employee salaries				
1.1.1	Salaries – Permanent	143,906	148,223	152,670
1.1.2	RBF Superannuation	12,952	13,340	13,740
1.1.3	Recruitment Costs	0	0	0
1.1.4	Salaries-Fixed term	82,267	84,735	87,277
1.1.5	RBF Superannuation	7,033	7,244	7,461
1.1.6	Workers Compensation	1,565	1,612	1,660
	Total Salaries	247,722	255,154	262,808
Employee expenses				
1.2.1	Accommodation	8,913	9,180	9,455
1.2.2	Airfares	22,281	22,949	23,638
1.2.3	Travel Allowances	9,500	9,785	10,079
1.2.4	Travel Insurance	1,671	1,721	1,772
1.2.5	Consultants	27,851	28,687	29,547
1.2.6	Relocation expense (staff)	0	0	0
1.2.7	Legal expenses	0	0	0
1.2.8	General insurance	1,000	1,030	1,061
1.2.9	Representation expenses	2,000	2,060	2,122
1.2.10	Other travel costs - visas	1,228	1,265	1,303
	Total Employee expenses	74,443	76,677	78,977
Operational costs				
1.3.1	Office equipment /furniture	5,570	5,737	5,909
1.3.2	Office equipment maintenance	1,000	1,030	1,061
1.3.3	Office requisites - stationery	5,250	5,408	5,570
1.3.4	Publications /books	200	206	212
1.3.5	Corporate memberships	0	0	0
1.3.6	Printing and copying (PR material)	2,000	2,060	2,122
1.3.7	Telephones - telecommunications	5,047	5,198	5,354
1.3.8	Translations - website, correspondence	5,570	5,737	5,909
1.3.9	Postage	200	206	212

Ref. No	Description	2013	2014	2015
1.3.10	Freight/couriers	200	206	212
1.3.11	Light and power	2,300	2,369	2,440
1.3.12	Insurance property	1,133	1,167	1,202
1.3.13	(Transferred to Appropriation 4)	-	-	-
1.3.14	Vehicle running costs	5,000	5,150	5,305
1.3.15	Cab charge - taxis	446	459	473
1.3.16	Parking	2,117	2,180	2,246
1.3.17	(Transferred to Appropriation 4)	-	-	-
1.3.18	Staff training	2,000	2,060	2,122
1.3.19	Staff conferences / seminars	1,114	1,148	1,182
1.3.20	Bank charges	250	258	265
1.3.21	Bad and doubtful debts	557	574	591
1.3.22	Software purchase	2,228	2,295	2,364
1.3.23	Server lease	2,200	2,266	2,334
1.3.24	Outsourced IT services	16,583	17,080	17,593
1.3.25	Modifications to database	9,500	9,785	10,079
1.3.26	WAN Wireless network	800	824	849
1.3.27	Rent - ACAP office	24,797	25,541	26,307
1.3.28	Rates and water	2,064	2,126	2,190
1.3.29	Preventative maintenance	450	464	477
1.3.30	Office cleaning	2,062	2,124	2,188
1.3.31	Vehicle purchase	0	0	0
1.3.32	Accountancy services	0	0	0
1.3.33	Refund of GST	-15,000	-15,450	-15,914
	Total Office operational costs	85,639	88,208	90,855
	TOTAL APPROPRIATION NO. 1: SECRETARIAT	407,804	420,039	432,640

APPROPRIATION 2 - MEETINGS OF THE PARTIES

Interpretation / Translation Costs

2.1.1	Simultaneous interpretation	0	0	36,060
2.1.2	Hire of interpretation equipment	0	0	12,020
2.1.3	Translation of documents	0	0	40,534
	Total Interpretation/Translation	0	0	88,614

Meeting support costs

2.2.1	Hire of venue (including catering)	0	0	13,113
2.2.2	Hire/purchase of equipment (photocopiers)	0	0	8,742
2.2.3	Support staff	0	0	18,030
2.2.4	Printing of meeting documents/report	0	0	6,010
	Total Meeting support costs	0	0	45,895

Sponsorship

2.3.1	Sponsorship - experts ¹	0	0	20,000
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Ref. No	Description	2013	2014	2015
	Total Sponsorship costs	0	0	20,000
	TOTAL APPROPRIATION NO. 2: MEETING OF THE PARTIES	0	0	154,509
APPROPRIATION 3 - ADVISORY COMMITTEE				
	Interpretation			
3.1.1	Simultaneous interpretation	44,133	45,457	0
3.1.2	Hire of interpretation equipment	11,458	11,802	0
3.1.3	Translation of meeting documents	40,000	41,200	0
	Total Interpretation	95,591	98,459	0
	Venue and meeting support costs			
3.2.1	Hire of venue (including catering)	23,359	24,060	0
3.2.2	Hire/purchase of meeting equipment	2,122	2,186	0
3.2.3	Support staff	22,993	23,682	0
	Total Venue and meeting support costs	48,474	49,928	0
	Sponsorship			
3.3.1	Sponsorship of experts ¹	16,550	17,047	0
	Total sponsorship	16,550	17,047	0
	Support for Advisory Committee Officials			
3.4.1	Support for AC Officials	22,351	23,022	23,712
	Total support	22,351	23,022	23,712
	TOTAL APPROPRIATION NO. 3: ADVISORY COMMITTEE	182,966	188,455	23,712
APPROPRIATION 4 - AGREEMENT CONSERVATION PROGRAMME				
	Support for secondments (transferred from Appropriation 1 item 1.3.13 and 1.3.17)	20,392	21,004	21,633
	Advisory Committee Work Programme	85,149	84,482	99,687
2.3	Improve data portal structure			
2.7	Translate updates to species assessments			
2.9	Review availability of tracking distribution data			
3.1	Implement RFMO interaction strategy			
3.3	Update analysis of overlaps of distribution with RFMO fisheries			
3.7	Update fact sheets - translation costs			
3.13	Review and update prioritisation framework - at sea threats			
3.16	Estimate WAL mortality in unobserved fisheries			
3.19	Analyse bycatch data from other nations, when			

Ref. No	Description	2013	2014	2015
	available			
3.21	Draft advice on suitable analyses of bycatch data			
5.1	Identify and prioritise conservation measures by species/Party			
TOTAL APPROPRIATION NO. 4: CONSERVATION PROGRAMME		105,541	105,486	121,320
TOTAL AGREEMENT BUDGET		696,310	713,981	732,181

¹ Funds under these two budget lines may be allocated to support the participation of suitably qualified experts in sessions of the MoP and meetings of the AC and its WGs where such participation would help to achieve the objectives of the Agreement. Sponsored participants could be either delegates or observers. Any such experts must either be nominated by a Party, the MoP, or the AC and invited by the Secretariat. Priority should be given to experts from developing countries.

RESOLUTION 4.6 - APPENDIX B**Scale of Contributions Formulae**

1. For Parties whose scale of assessment under the United Nations Scale of Assessment for the UN Budget (currently Resolution 61/237, February 2007) is less than or equal to 0.15%, annual contributions shall be calculated on the UN Scale of Assessment.

$$Contribution1 = \frac{UN\%}{\sum UN\% ACAP} * ACAPBudget$$

(Equation 1)

where: UN % is the calculated UN Scale of Assessment for a Party outlined in the United Nations Scale of Assessment for payment of annual contributions to the UN Budget (currently Resolution 58/1 B, March 2004);

$\sum UN\% ACAP$ is the sum of the UN Scale of Assessment for all ACAP Parties outlined in UN Resolution 58/1 B; and

$ACAPBudget$ is the annual budget approved by the Meeting of the Parties.

2. For Parties whose scale of assessment under the United Nations Scale of Assessment for the UN Budget (Resolution 61/237, February 2007) is greater than 0.15%, annual contributions shall be calculated based on 50% GNI, and 50% GNI per capita, with no party paying more than 20% of the total ACAP Budget. It is calculated using the following equations:

$$Contribution2 = \left[\sum \left(\frac{GNI\%}{\sum GNI\% ACAP} \cdot 0.5 \right), \left(\frac{GNIpc\%}{\sum GNIpc\% ACAP} \cdot 0.5 \right) \right] \cdot (1 - \sum \% Contribution1) \\ * ACAPBudget$$

(Equation 2)

where: GNI % is the Gross National Income for a Party that has a Scale of Assessment under the United Nations Scale of Assessment that is greater than 0.15%;

$\sum GNI\% ACAP$ is the sum of the Gross National Incomes for all ACAP Parties that have a Scale of Assessment under the United Nations Scale of Assessment that is greater than 0.15%;

GNIpc% is the Gross National Income per capita for a Party that has a Scale of Assessment under the United Nations Scale of Assessment that is greater than 0.15%;

$\sum GNIpc\% ACAP$ is the sum of the Gross National Incomes per capita for all ACAP Parties that have a Scale of Assessment under the United Nations Scale of Assessment that is greater than 0.15%; and

$\sum \% Contribution_1$ is the total assessed contributions for Parties whose scale of assessment under the United Nations Scale of Assessment for the UN Budget is less than or equal to 0.15%: it is expressed as a percentage of the ACAP budget.

3. If the calculated percentage contribution for one or more parties resulting from Equation 2 exceeds 20%, the contribution for the Party/Parties is set at 20% of the annual budget, and the contribution for the residual Parties recalculated in one or more subsequent iterations of the following formula:

$$Contribution = \left[\sum \left(\frac{GNI\%}{\sum GNI\% ACAP < 20\%} \cdot 0.5 \right), \left(\frac{GNIpc\%}{\sum GNIpc\% ACAP < 20\%} \cdot 0.5 \right) \right] \cdot \left(1 - [(0.20 \cdot Parties > 20\%) + (\sum \% Contribution_1)] \right) \cdot ACAPBudget$$

(Equation 3)

where: $\sum GNI\% ACAP Parties < 20\%$ is the sum of the Gross National Incomes for all ACAP Parties that have an assessed annual ACAP contribution < 20% in Equation 2;

$\sum GNIpc\% ACAP Parties < 20\%$ is the sum of the Gross National Incomes per capita for all ACAP Parties that have an assessed annual ACAP contribution < 20% in Equation 2;

$Parties > 20\%$ is the number of Parties that have an assessed contribution from Equation 2 or subsequent iterations of this equation that is >20% of the ACAP Budget.

4. That the contribution of France be set at AUD 107,306 per annum.

RESOLUTION 4.6 - APPENDIX C

Party	2013	2014	2015
Argentina	20,933	21,561	22,207
Australia	106,238	109,425	112,708
Brazil	47,731	49,163	50,638
Chile	18,296	18,845	19,410
Ecuador	565	582	600
France	107,306	107,306	107,306
New Zealand	44,544	45,881	47,257
Norway	80,654	83,074	85,566
Peru	2,767	2,850	2,935
South Africa	23,985	24,704	25,445
Spain	108,667	111,927	115,285
UK	110,525	113,841	117,256
Uruguay	1,439	1,482	1,527
TOTAL	673,650	690,641	708,141

ANNEX 7: RESOLUTION 4.7 - ARRANGEMENTS WITH INTERNATIONAL ORGANISATIONS

AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS

Resolution 4.7

Authority of the Secretariat to Enter into Arrangements with Relevant International Organisations

Recalling that Article X (d) of the Agreement calls upon the Secretariat to, *inter alia*, liaise with international organisations and institutions whose activities are directly or indirectly relevant to the conservation, including the protection and management, of albatrosses and petrels;

Aware that Article XI (1) of the Agreement calls upon Parties to, *inter alia*, promote the objectives of this Agreement and develop and maintain coordinated and complementary working relationships with all relevant international, regional and sub-regional bodies, including those concerned with the conservation and management of seabirds and their habitats and other marine living resources;

Further recalling that Article XI (3) authorises the Secretariat enter into arrangements, with the approval of the Meeting of Parties, with other organisations and institutions as may be appropriate;

Further recalling Resolution 3.7 of the Third Session of the Meeting of the Parties on the Authority of the Secretariat to Enter into Arrangements with Relevant International Organisations, which includes a template and modalities for such arrangements;

Further recalling that Resolution 3.7 states that any substantive derogation from the template that is more than merely editorial must be approved by the Parties; and

Further recalling that Resolution 3.7 states that any proposed amendments of a substantive nature must be approved by the Parties.

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

Decides that:

1. The Secretariat may renew the Memoranda of Understanding between ACAP and the following bodies and organisations:

- a) the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), to facilitate cooperation to minimise the incidental bycatch of albatrosses and petrels;
 - b) the Indian Ocean Tuna Commission (IOTC), to facilitate cooperation to minimise the incidental bycatch of albatrosses and petrels; and the
 - c) the Department of Economic Development, Tourism and the Arts (DEDTA), for the provision of office facilities and support for the Agreement's Secretariat.
2. The template set out in Annex B to resolution 3.7 will be used in respect of the arrangements referred to in paragraph 1 above.

ANNEX 8: RESOLUTION 4.8 - IMPLEMENTATION OF ARTICLE VIII.15

AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS**Resolution 4.8****Resolution outlining a process towards implementation of Article VIII.15 of the Agreement on the Conservation of Albatrosses and Petrels**

Recognising that the conservation status of albatrosses and petrels is threatened by incidental mortality associated with commercial fishing activities, including those of distant water fishing fleets;

Further recognising the importance of ensuring that the threats posed to albatrosses and petrels are effectively mitigated throughout their range;

Aware that such protection can be greatly enhanced by cooperation with APEC member economies whose vessels fish within the range of albatrosses and petrels listed in Annex I to ACAP and particularly those with a high incidence of bycatch of albatross and petrel species;

Recalling that Article VIII.15 ACAP provides that the Meeting of the Parties may adopt by consensus provisions for the relationship to ACAP by any member economy of the Asia Pacific Economic Cooperation Forum (APEC) whose vessels fish within the range of albatrosses and petrels; and that those provisions, once adopted, shall enable the member economy to participate in the work of the Meeting of the Parties and its subsidiary bodies, including decision-making and to comply with all obligations under ACAP;

Conscious of the need to provide the Meeting of the Parties with options to enable the participation of APEC member economies in sessions of the Meeting of the Parties and its subsidiary bodies;

Further conscious of the benefit to ACAP of the participation in the Meeting of the Parties and its subsidiary bodies by APEC member economies, including as observers:

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

1. *Welcomes* the interest shown by APEC member economies in the work of ACAP;
2. *Decides* to establish an intersessional committee to develop options for the participation, including as observers, in the Meeting of the Parties and its subsidiary

bodies, of APEC member economies, without prejudging any decision by the Meeting of the Parties;

3. *Further decides* that the intersessional committee will present the outcome of its work to the Parties at the earliest opportunity intersessionally, for consideration and adoption by consensus in accordance with the relevant Rules of Procedure, or at the 5th Session of the Meeting of the Parties at the latest;
4. *Further decides* that terms of reference for the intersessional committee established by paragraph 2 are annexed to this Resolution.

RESOLUTION 4.8 – ANNEX

Terms of Reference for the Intersessional Committee

1. The intersessional committee will be open for participation of any Party at any time. The intersessional committee will consist of representatives nominated by Parties, and the Chair of the Advisory Committee.
2. The intersessional committee will nominate its own chair from amongst the appointed representatives of Parties.
3. The intersessional committee will conduct its work as a matter of urgency, making maximum use of electronic means. Should physical meetings be required, these will, to the extent practical, take place in the margins of other meetings.
4. The specific options to be considered and developed by the intersessional committee are those that would, taking account of relevant considerations (including legal and political), enable APEC member economies to participate, including as observers, in Sessions of the Meeting of the Parties and in meetings of its subsidiary bodies.
5. The intersessional committee will conduct informal consultation with APEC, relevant APEC member economies and non-Party Range States in conducting its work.
6. The intersessional committee may receive and consider submissions from observers.
7. The intersessional committee will present to the Parties a report setting out the available options, the basis for each option and the modalities by which each option could be achieved. This report will be circulated to the Parties at least 90 days before 7th Meeting of the Advisory Committee.
8. If no subsequent consensus decision is taken in accordance with the relevant Rules of Procedure, the intersessional committee will continue its work and will present updated reports to the 8th Meeting of the Advisory Committee and, if necessary to the 5th Session of the Meeting of the Parties.

ANNEX 9: LIST OF PARTICIPANTS

LIST OF PARTICIPANTS
FOURTH SESSION OF THE MEETING OF THE PARTIES TO ACAP

CHAIR:	Ambassador Nicolas RONCAGLIOLO HIGUERAS Ministry of Foreign Affairs, Directorate-General of Sovereignty, Boundaries and Antarctic Affairs Jr. Lampa 545, Lima 1, Peru Phone: +51 1 204 3231 Email: nroncagliolo@ree.gob.pe
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VICE-CHAIR:	Dr Marco FAVERO Instituto de Investigaciones Marinas y Costeras CONICET - Universidad Nacional de Mar del Plata Funes 3250 (B7602AYJ) Mar del Plata, Argentina Phone: +54 9 23 520 9754 Email: marco.favero@acap.aq
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PARTIES	
ARGENTINA	
Representative:	Mr Leandro Federico FÉRNANDEZ SUÁRÉZ Embajada de la República Argentina en Perú
Alternate Representative:	Ms Victoria GOBBI Ministerio de Relaciones Exteriores y Culto Esmeralda 1212 piso 14, Buenos Aires, Argentina Phone: +54 11 4819 7407 Email: gvt@mrecic.gov.ar
Alternate Representative:	Ms Daniela JAITE Ministerio de Relaciones Exteriores y Culto Esmeralda 1212 piso 14, Buenos Aires, Argentina Phone: +54 11 4819 7425 Email: dbj@mrecic.gov.ar
Alternate Representative:	Ms Maria Laura TOMBESI Secretaría de Ambiente y Desarrollo Sustentable San Martin 451, Ciudad Autónoma de Buenos Aires 1004, Argentina Phone: +54 11 4348 8462 Email: mtombesi@ambiente.gob.ar

AUSTRALIA	
Representative:	Mr Ian HAY Australian Antarctic Division, Department of Sustainability, Environment, Water, Population and Communities 203 Channel Highway, Kingston, Tasmania 7050, Australia Phone: +61 3 6232 3509 Email: Ian.Hay@aad.gov.au
BRAZIL	
Representative:	Mr Thiago MEDEIROS DA CUNHA CAVALCANTI Ministério das Relações Exteriores Palácio Itamaraty, Esplanada dos Ministérios, Bloco H, Anexo I, Sala 439, Brasília/DF - CEP: 70.170-900, Brazil Phone: +55 61 2030 8453 Email: thiago.cavalcanti@itamaraty.gov.br
Alternate Representative:	Mr Rodrigo WANDERLEY LIMA Ministério das Relações Exteriores Palácio Itamaraty, Esplanada dos Ministérios, Bloco H, Anexo I, Sala 439, Brasília/DF - CEP: 70.170-900, Brazil Phone: +55 61 2030 8449 Email: rodrigo.lima@itamaraty.gov.br
CHILE	
Representative:	Mr Marcelo GARCIA ALVARADO Subsecretaria de Pesca Bellavista 166, Piso 16, Valparaiso, Chile Phone: +56 32 2502776 Email: mgarcia@subpesca.cl
ECUADOR	
Representative:	Mr Nelson ZAMBRANO Director de Gestión y Coordinación Marina y Costera, Ministerio del Ambiente Av. Francisco de Orellana y Justino Cornejo. Piso 8. Guayaquil, Ecuador Phone: +593 0 42683991 Email : nzambrano@ambiente.gov.ec
Expert:	Mr Marco HERRERA CABRERA Instituto Nacional de Pesca Letamendi 102 y La Ria/ P.O.Box: 09-01-15131, Guayaquil, Ecuador Phone: +593 4 240 1773/1776 Email: mherrera@inp.gob.ec
Advisor:	Mrs Maria Eugenia REYES BAQUERIZO Embajada del Ecuador en Peru Las Palmeras 356, San Isidro, Lima, Peru Phone: +51 1 212 4161 Email: mreyes@mmrree.gob.ec

FRANCE	
Alternate Representative:	Mr Olivier RAMADOUR Embajada de Francia en el Peru Av Arequipa 3415, Lima 27, Peru Phone: +51 1 21 58415 Email: olivier.ramadour@diplomatie.gouv.fr
NEW ZEALAND	
Representative:	Mr Ian ANGUS New Zealand Department of Conservation 18-22 Manners St, Wellington, New Zealand Phone: +64 4 471 3081 Email: iangus@doc.govt.nz
Expert:	Mr Spencer CLUBB New Zealand Department of Conservation PO Box 10420, Wellington 6143, New Zealand Phone: +64 4 496 1960 Email: sclubb@doc.govt.nz
NORWAY	
Representative:	Mr Øystein STØRKERSEN Direktoratet for Naturforvaltning 7485 Trondheim, Besoksadresse, Tungasletta 2, Norway Phone: +47 73 58 0500 Email: oystein.storkersen@dirnat.no
PERU	
Representative:	Ministra Elvira VELÁSQUEZ Directora de Asuntos Marítimos, Ministerio de Relaciones Exteriores Lampa 545 Lima 1, Peru Phone: +51 1 204 3234/3245 Email : evelasquez@rree.gob.pe
Alternate Representative:	Ms Alejandra PAZ RAMOS Dirección de Asuntos Marítimos, de la Dirección General de Soberanía, Límites y Asuntos Antárticos, Ministerio de Relaciones Exteriores Lampa 545 Lima 1, Peru Phone: +51 1 204 3249 Email: apaz@rree.gob.pe
Advisor:	Dr Rogelio VILLANUEVA FLORES Dirección de Asuntos Antárticos, de la Dirección General de Soberanía, Límites y Asuntos Antárticos, Ministerio de Relaciones Exteriores
Advisor:	Mr Raúl FLORES ROMANI Ministerio de la Producción

Advisor:	Ms Delia VEGA VALENCIA Ministerio de la Producción
Advisor:	Ms Elisa GOYA Instituto del Mar del Perú
SPAIN	
Alternate Representative:	Mr Juan LOPEZ-HERRERA SANCHEZ Embajada de España Jorge Basadre 498, San Isidro, Lima 27, Peru Phone : +51 1 212 5155 Email : juan.lopez@maec.es
SOUTH AFRICA	
Representative:	Dr Robert CRAWFORD Department of Environmental Affairs Branch Oceans and Coasts PO Box 52126, Cape Town 8002, South Africa Phone: +27 21 402 3140 Email: crawford@environment.gov.za
UNITED KINGDOM	
Representative:	Mr Trevor SALMON Department for Environment, Food and Rural Affairs (DEFRA) Zone 1/14, Templequay House, 2 The Square, Bristol, BS1 6EB, United Kingdom Phone: +44 117 372 3591 Email: trevor.salmon@defra.gsi.gov.uk
Alternate Representative:	Mrs Clare HAMILTON Department for Environment, Food and Rural Affairs (DEFRA) Area 3A Ergon House, Horseferry Road, London SW1P 2AL, United Kingdom Phone: +44 207 238 0533 Email: Clare.Hamilton@defra.gsi.gov.uk
Advisor:	Dr Anton WOLFAARDT Joint Nature Conservation Committee (JNCC) c/o Inverdee House, Baxter Street, Aberdeen, AB11 9QA, Scotland, United Kingdom Phone: +500 54068 Email: anton.wolfaardt@jncc.gov.uk

URUGUAY	
Representative:	Dr Gerardo Ariel RUSIÑOL SALLÚA Embajada de La Republica Oriental del Uruguay en Peru Calle José Dionisio de Anchorena N° 084, San Isidro-Lima 27, Peru Phone: +51 1 719 2550 Email: uruinca@americatelnet.com.pe
Alternate Representative:	Ms María Noel BERETTA TASSANO Embajada de La Republica Oriental del Uruguay en Peru Calle José Dionisio de Anchorena N° 084, San Isidro-Lima 27, Peru Phone: +51 1 719 2550 Email: uruinca@americatelnet.com.pe
Alternate Representative:	Dr Marcel CALVAR AGRELO Departamento de Fauna Dirección General de Recursos Naturales Renovables, Ministerio de Ganadería, Agricultura y Pesca Cerrito 318, Piso 1 – 11000 Montevideo, Uruguay Phone: +598 291 55874 - 291 56452/53 Ext. 235 Email: mcalvar@mgap.gub.uy

OBSERVERS - RANGE STATES	
CANADA	
Observer:	Mr Ken MORGAN Canadian Wildlife Service, Environment Canada Institute of Ocean Sciences, 9860 West Saanich Road, Sidney, British Columbia, V8L 4B2, Canada Phone: +1 250 363-6537 Email: ken.morgan@ec.gc.ca
UNITED STATES OF AMERICA	
Observer:	Ms Pamela TOSCHIK National Oceanic and Atmospheric Administration 14 th and Constitution Ave, NW, Washington, DC 20230, USA Phone: +1 202 482 4347 Email: Pamela.toschik@noaa.gov
Observer:	Ms Marlene MENARD US Department of State, Office of Marine Conservation 2201 C St., NW, HST – Room 2758, Washington, DC 20520, USA Phone: +1 202 647 5827 Email: menardmm@state.gov

OBSERVERS - INTER-GOVERNMENTAL ORGANISATIONS	
INTER-AMERICAN CONVENTION FOR THE PROTECTION AND CONSERVATION OF SEA TURTLES	
Observer:	Ms Verónica CÁCERES 4401 North Fairfax Drive, Arlington Virginia 22203, USA Phone: +1 703 358 1828 Email: secretario@iacseaturtle.org
ORGANIZACION LATINOAMERICANA DE DESARROLLO PESQUERO (OLDEPESCA)	
Observer:	Dr Angel RIVERA Av. Petit Thouars 115, Lima 1, Peru Phone: +51 1 330 8741 / 332 2480 Email: direc@oldepesca.com asist@oldepesca.com
Observer:	Mr José Luis AGUILAR Av. Petit Thouars 115, Lima 1, Peru Phone: +51 1 330 8741 / 332 2480 Email: jagUILAR@oldepesca.com asist@oldepesca.com

OBSERVERS – NON-GOVERNMENT ORGANISATIONS	
BIRDLIFE INTERNATIONAL	
Observer:	Prof John CROXALL Wellbrook Court, Girton Road, Cambridge, CB3 0NA, United Kingdom Phone: +44 1223 234 287 Email: john.croxall@birdlife.org
CHINESE WILD BIRD FEDERATION	
Observer:	Dr Charles CHENG c/o CWBF, Department of Biology, Kaohsiung Medical University, Kaohsiung 80708, TAIWAN (ROC) Phone: +886 7 312 4572 Mobile: +886 937 835 100 Email: charlescwbf@gmail.com president@bird.org.tw
WWF - NEW ZEALAND	
Observer:	Ms Rebecca BIRD WWF-NZ, Davis Langdon House, Level 6, Boulcott St, Wellington, New Zealand

	Phone: +64 27 212 3121 Email: RBird@wwf.org.nz
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SECRETARIAT	
Executive Secretary:	Mr Warren PAPWORTH Phone: +61 3 6233 3123 Mobile: +61 439 323 505 Email: warren.papworth@acap.aq
Science Officer:	Dr Wiesława MISIAK Phone: +61 3 6233 5695 Email: wieslawa.misiak@acap.aq
Address:	ACAP Secretariat 27 Salamanca Square, Battery Point, Tasmania 7004, Australia Fax: +61 3 6233 5497 www.acap.aq
MoP4 Staff:	Mr Juan Pablo SECO PON Universidad Nacional de Mar del Plata, Argentina
MoP4 Secretariat Assistance:	Ms Sara DUEÑAS Ms Sandra RODRÍGUEZ SÁNCHEZ Ministerio de Relaciones Exteriores del Perú
INTERPRETERS	
Spanish/English/French:	Mr JC LLOYD-SOUTHWELL (Chief Interpreter)
Spanish/English:	Ms Adriana CAMINITI DE PEREZ
French/English:	Ms Gabriela ROVEDA DE PELUFFO Ms Nuria DE PALOL
	The Language Group 1120/422 Collins Street, Melbourne, Victoria 3000, Australia Phone: +61 3 9642 3002 Email: info@thelanguagegroup.com.au

ANNEX 10: AGENDA**AGENDA****FOURTH SESSION OF THE MEETING OF THE PARTIES TO ACAP**

<p>1. Official Opening</p> <p>1.1 Official Opening and Opening Statements</p>
<p>2. Procedural Issues</p> <p>2.1 Adoption of Agenda</p> <p>2.2 Amendments to the MoP Rules of Procedure</p> <p>2.3 Establishment of Credentials Committee</p>
<p>3. Reports</p> <p>3.1 Report of Credentials Committee</p> <p>3.2 Report of the Depository</p> <p>3.3 Reports of Observers</p>
<p>4. Operation of the Secretariat</p> <p>4.1 Report of the Secretariat</p> <p>4.2 Secretariat Work Programme 2013-15</p> <p>4.3 Review of Staff Regulations</p> <p>4.4 Review of Financial Regulations</p>
<p>5. Operation of the Meeting of the Parties</p>
<p>6. Operation of the Advisory Committee</p> <p>6.1 Report of the Advisory Committee</p> <p>6.2 Advisory Committee Work Programme 2013-2015</p>
<p>7. Operation of the Agreement</p> <p>7.1 Report on Implementation of the Agreement</p> <p>7.2 Amendment to Reporting Format for the Report on the Implementation of the Agreement</p> <p>7.3 Proposed Amendment to Annex 1 - listing of Balearic shearwater</p> <p>7.4 Identification of Priority Actions for Conservation Measures</p> <p>7.5 Proposed Indicators to Measure the Success of the Agreement</p> <p>7.6 Capacity Building</p> <p>7.7 Development of Arrangements with Other International Organisations</p> <p>7.8 Financial and Auditor's Reports</p> <p>7.9 Agreement Budget 2013-2015</p> <p>7.10 Scale of Contributions</p> <p>7.11 National Plans of Action</p>

7.12	Accession of non-Party Range States to the Agreement
8.	Provisional Date and Venue of the Fifth Meeting
9.	Other Business
9.1	Media Release
9.2	Participation at 5 th International Albatross and Petrel Conference
10.	Closing Remarks
11.	Adoption of MoP4 Report
12.	Close of Meeting

ANNEX 11: LIST OF MEETING DOCUMENTS

LIST OF MEETING DOCUMENTS
FOURTH SESSION OF THE MEETING OF THE PARTIES TO ACAP

WORKING DOCUMENTS			
Doc No.	Title	Agenda Item	Author
MoP4 Doc 01	Provisional Agenda	2.1	Secretariat
MoP4 Doc 02	Annotated Agenda	2.1	Secretariat
MoP4 Doc 03 Rev 2	Meeting Schedule	2	Secretariat
MoP4 Doc 04 Rev 4	List of Meeting Documents	-	Secretariat
MoP4 Doc 05 Rev 7	List of Meeting Participants	-	Secretariat
MoP4 Doc 06	Amendments to Rules of Procedure	2.2	Australia
MoP4 Doc 07	Report of the Depositary	3.2	Australia
MoP4 Doc 08	Report of the Secretariat	4.1	Secretariat
MoP4 Doc 09	Report of the Advisory Committee	6.1	Advisory Committee
MoP4 Doc 10 Rev 2	2011 Financial Report and Auditor's Report	7.8	Secretariat
MoP4 Doc 11	Summary Report on Implementation of the Agreement 2010-2012	7.1	Advisory Committee, Secretariat
MoP4 Doc 12 Rev 2	Report on Allocation of Funds to the Advisory Committee Work Programme	6.1	Advisory Committee
MoP4 Doc 13	Amendments to Financial Regulations	4.4	Secretariat
MoP4 Doc 14	Amendments to the Staff Regulations	4.3	Secretariat
MoP4 Doc 15 Rev 1	Development of Arrangements with Other Organisations	7.7	Secretariat
MoP4 Doc 16	Proposed Amendment to Annex 1	7.3	Spain
MoP4 Doc 17	ACAP Conservation Priorities	7.4	Secretariat, WG Convenors, New Zealand
MoP4 Doc 18	ACAP Capacity Building Strategy	7.6	Advisory Committee, Secretariat
MoP4 Doc 19	Advisory Committee Work Programme 2013-2015	6.2	Advisory Committee
MoP4 Doc 20	Secretariat Work Programme 2013-2015	4.2	Secretariat
MoP4 Doc 21	Agreement Budget 2013-2015	7.9	Secretariat

MoP4 Doc 22	Scale of Contributions	7.10	Secretariat
MoP4 Doc 23	Proposed Indicators to Measure the Success of ACAP	7.5	Secretariat
MoP4 Doc 24	Report on Recruitment Process – Executive Secretary	4.3	Advisory Committee
INFORMATION PAPERS			
Doc No.	Title	Agenda Item	Author
MoP4 Inf 01 Rev 1	Balearic Shearwater – Species Information	7.3	Spain
MoP4 Inf 02	International Species Action Plan for the Balearic shearwater, <i>Puffinus mauretanicus</i>	7.3	Submitted by Spain
MoP4 Inf 03	The Red List Index for species covered by the Agreement on the Conservation of Albatrosses and Petrels	7.5	BirdLife International
MoP4 Inf 04 Rev 1	Initial Report on the Implementation of the Agreement 2008-2011	7.1	AC Officials, Secretariat
MoP4 Inf 05	Amendment to Reporting Format for the Report on the Implementation of the Agreement	7.2	Secretariat, Advisory Committee
MoP4 Inf 06	Completion of the ACAP At-Sea Prioritisation Framework - Advisory Committee Intersessional Paper November 2011	7.4	Submitted by New Zealand
MoP4 Inf 07	Initiatives of Southern Seabird Solutions Trust	3.3	Southern Seabird Solutions Trust

ANNEX 12: STATEMENT BY ARGENTINA REGARDING RFMOs

“Si bien las OROPs preceden al Acuerdo de Nueva York de 1995, ese instrumento regula desde entonces, para los Estados que son parte en él, la creación y funcionamiento de tales organizaciones. La Argentina no es parte de ese Acuerdo, al que niega además el alcance del derecho consuetudinario.

El establecimiento de esas organizaciones en las áreas de alta mar en que no existan no es un fin en sí mismo, ni son esas organizaciones el único medio existente para la conservación de recursos en ese espacio marítimo. Además, sólo son concebibles en la medida en que la situación política y jurídica de las áreas a las que se pretenda aplicarlas así lo permita.

Además, estas organizaciones no pueden ser concebidas como el único medio disponible para la conservación de tales recursos porque enfrentan una limitación inherente a la circunstancia de estar conformadas por un grupo de Estados que no representan a la comunidad internacional en su conjunto, ni necesariamente a los intereses de ésta. En efecto, las OROP carecen de capacidad para establecer regulaciones en relación con los Estados que no forman parte de ellas; los Estados que las conforman tampoco pueden arrogarse la representación del resto de la comunidad internacional ni pretender el establecimiento de medidas aplicables “erga omnes”

Estas organizaciones tienen un mandato claramente definido en razón de la materia de su competencia, que es la conservación y explotación pesquera. Por lo tanto, no pueden tener por objeto “la gobernanza” de áreas de alta mar, sino exclusivamente la conservación y ordenación de los recursos pesqueros a los que específicamente se dedican.

Asimismo, dadas las repetidas referencias en varios documentos a una estrategia de colaboración (Engagement Strategy) entre ACAP y las OROPs, cabe señalar que en tanto las OROPs deben tener en cuenta las recomendaciones de ACAP en materia de conservación de albatros y petreles, no ocurre a la inversa, toda vez que ACAP no debería permitir que su objetivo de conservación se viera de alguna forma afectado por la interacción con las OROPs que esencialmente persiguen objetivos económicos. En este sentido, el límite de la interacción de ACAP con organizaciones que tienen objetivos diferentes está dado por la posibilidad de que como consecuencia de dichas circunstancias ACAP pudiera verse desviado de su finalidad conservacionista.”

ANNEX 13: FIRST STATEMENT BY ARGENTINA

Unofficial translation

First intervention of the Argentine Delegation

"In relation to the document MoP4 Inf. 04, Argentina recalls that upon its ratification of the Agreement on the Conservation of Albatross and Petrels, Argentina rejected the United Kingdom's pretended territorial extension of the Agreement to the Malvinas Islands, South Georgias and South Sandwich Islands, since those archipelagoes and the surrounding maritime areas are an integral part of the Argentine national territory.

The Argentine Government rejects the references made to alleged illegitimate authorities of the Malvinas Islands, South Georgias and South Sandwich Islands and the presentation of these archipelagoes detesting an international status that they do not have.

The British presence in those archipelagoes and the surrounding maritime areas constitutes an illegitimate occupation, which is rejected by the Argentine Republic, as so are any unilateral acts from it emanated.

The Argentine Republic reaffirms its sovereignty rights over the Malvinas Islands, South Georgias and South Sandwich Islands, and the surrounding maritime areas, which are an integral part of the Argentine national territory and that, being illegitimately occupied by the United Kingdom, are object of a sovereignty dispute, recognized by the United Nations.

In conformity with the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) and the Statement by the Chairman of the Conference on 19 May 1980, with regard to conservation of Antarctic marine living resources, only the Commission for the Conservation of Antarctic Marine Living Resources is legally enabled to adopt legislation applicable to waters around the South Georgias Islands (CCAMLR Statistical Subareas 48.2 and 48.3) and the South Sandwich Islands (CCAMLR Statistical Subareas 48.4)."

ANNEX 14: STATEMENT BY THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

“Thank you, Mr Vice-Chair. The United Kingdom regrets the need to take up valuable time in the meeting to respond to the statement made by Argentina and notes that ACAP is not the appropriate forum in which to discuss such issues.

The United Kingdom has no doubt about its sovereignty over the Falkland Islands and South Georgia and of the South Sandwich Islands and the surrounding maritime areas of both Territories.

The British Government attaches great importance to the principle of self-determination as set out in Article 1.2 of the Charter of the United Nations and Article 1 of the International Covenant on Civil and Political Rights. That principle underlies our position on the Falkland Islands. There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the islanders so wish.

The democratically elected representatives of the Falkland Islands once again expressed their own views clearly when they visited the United Nations for the 2010 Decolonisation Committee. They asked the Committee to recognise that they, like any other people, were entitled to exercise the right of self-determination. They reiterated the historical facts that the Falkland Islands had no indigenous people, and that no civilian population was removed prior to their people settling on the islands over eight generations ago. They confirmed that they are and have been the only people of the Falkland Islands and they did not wish for any change in the status of the Islands.

The United Kingdom has no doubt about its sovereignty over South Georgia and the South Sandwich Islands and their surrounding maritime areas. In that regard, the UK has no doubt about our ability to manage our maritime areas. In addition, it remains wholly committed to the principles and objectives of the Convention for the Conservation of Antarctic Marine Living Resources - CCAMLR. The UK intends to ensure that the highest standards of fisheries management as well as appropriate spatial and temporal marine protection will be implemented in its jurisdictional waters – through licensing and inspections, and also through the imposition of legislation and tough management measures that are in line with, and back up, the provisions of CCAMLR. In that respect the sustainable-use Marine Protected Area designated by the Government of South Georgia and the South Sandwich Islands on 27 February 2012 builds on those management measures already in place to further underpin the sustainable management and environmental stewardship of the islands, and contributes to the United Kingdom’s wider commitment to the conservation of the Southern Ocean through its leading role within CCAMLR. The Marine Protected Area covers over one million square kilometres of the Territory’s maritime zone, and is now one of the largest sustainably managed areas of ocean in the world.

South Georgia and the South Sandwich Islands is a separate British Overseas Territory that is not considered under the Falkland Islands at the United Nations. It has no permanent settled population, and thus no people with a right of self-determination, and it is not a listed

territory within the United Nations Decolonisation Committee. The United Kingdom rejects any and all claims or references within documents of ACAP that suggest South Georgia and the South Sandwich Islands are considered by the United Nations as part of the Falkland Islands. As a non-political international body ACAP has no competence on this issue and should remove all references to a sovereignty dispute over South Georgia and the South Sandwich Islands.

Mr Vice-Chair, the United Kingdom would request that this statement be reflected in full in the report of the meeting.”

ANNEX 15: SECOND STATEMENT BY ARGENTINA

"The Argentine Republic expresses its concerns regarding the content of Great Britain's intervention, as Resolution 2.9 was adopted by consensus of the Parties to the Agreement in 2006 and was endorsed by practice since then, without any objections from Great Britain, which constitutes the Resolution as part of the *acquis* of the Agreement.

The Argentine Republic reaffirms its sovereignty rights over the Malvinas Islands, South Georgias and South Sandwich Islands and the surrounding maritime areas which are an integral part of its national territory. Due to the fact that the mentioned archipelagoes are illegally occupied by the United Kingdom of Great Britain and Northern Ireland, they are subject to a sovereignty dispute which has been recognized by the United Nations and other international organizations and fora.

As for the supposed right of self-determination claimed by the UK delegation, the Argentine delegation recalls that the General Assembly of the United Nations through the Resolution 2065 (XX) and nine subsequent resolutions recognizes the existence of a sovereignty dispute between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland and requests both governments to resume negotiations on sovereignty in order to find, as soon as possible, a just, peaceful, and lasting solution to the dispute, framing the Question of the Malvinas Islands as a special and particular colonial case.

In addition, Argentina rejects any unilateral British act in the area under sovereignty dispute and reserves its right to make reservations at the time deemed appropriate."

ANNEX 16: STATEMENTS BY CHILE, ECUADOR, PERU AND URUGUAY

DECLARACIÓN DE LA DELEGACIÓN CHILENA

Sr. Presidente,

En relación con lo expresado por la Honorable Delegación de la Argentina, mi Delegación desea reiterar el irrestricto apoyo del Gobierno de Chile a los legítimos derechos de soberanía de la República Argentina sobre las Islas Malvinas, Georgias del Sur, Sandwich del Sur y los espacios marítimos circundantes.

Lima, 26 de abril de 2012

DECLARACIÓN DE LA DELEGACIÓN ECUADOR

La delegación del Ecuador reafirma el apoyo ecuatoriano a los legítimos reclamos de soberanía de Argentina sobre las Islas Malvinas, Georgias del Sur y Sandwich del Sur, y los espacios marítimos circundantes.

Asimismo, insta a Argentina y Reino Unido a que se reanuden las negociaciones a fin de encontrar a la mayor brevedad una solución justa, pacífica y definitiva de la disputa de soberanía sobre las Islas Malvinas, Georgias del Sur y Sandwich del Sur, y los espacios marítimos circundantes.

Lima, 26 de abril de 2012

DECLARACIÓN DE LA DELEGACIÓN PERUANA

La delegación del Perú ha escuchado con suma atención la exposición del Jefe de la Delegación de la República Argentina, en la que expresa con claridad los fundamentos jurídicos que asisten a su país con relación a la disputa de soberanía de las Islas Malvinas.

La delegación del Perú formula sus votos para que se reanuden las negociaciones entre la República Argentina y el Reino Unido de Gran Bretaña e Irlanda del Norte, a la mayor brevedad posible, con el fin que se encuentre una solución pacífica, constructiva y duradera a la controversia entre ambos países, de acuerdo con las Resoluciones de las Naciones Unidas y de la Organización de los Estados Americanos.

En ese sentido, el Perú ratifica la importancia que las dos partes se abstengan de adoptar decisiones que entrañen la introducción de modificaciones unilaterales en la situación mientras las islas estén atravesando por el proceso recomendado por la Asamblea General de las Naciones Unidas.

En este marco, la delegación del Perú reitera el invariable apoyo del Gobierno del Perú a los legítimos derechos de soberanía que le asisten a la hermana República Argentina sobre las Islas Malvinas, Georgias del Sur, Sándwich del Sur y los espacios marítimos circundantes.

PERUVIAN DELEGATION STATEMENT

Unofficial English Translation

The Peruvian Delegation has listened carefully to the statements made by the Head of the Argentine Republic Delegation with respect to the legal basis for attending to their country in relation to the dispute over sovereignty of the Malvinas Islands.

The Peruvian Delegation formulates its votes for the resumption of negotiations between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland as soon as possible, so that is a peaceful, constructive and lasting solution to the dispute between the two countries, according to United Nations resolutions and the Organization of American States.

In this regard, Peru confirms the importance that both parties refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands are going through the process recommended by the General Assembly of the United Nations.

In this context, the delegation of Peru reiterates the unwavering support of the Government of Peru to the legitimate sovereign rights of that person to the Argentine Republic over the Malvinas, Georgias del Sur, Sandwich del Sur and the surrounding maritime areas.

DELEGACIÓN DE LA REPÚBLICA ORIENTAL DEL URUGUAY

Nuestra delegación manifestó: “el apoyo del Uruguay al reclamo de la República Argentina respecto a la soberanía de las Islas Malvinas y sus aguas adyacentes”.

25 de abril de 2012

ANNEX 17: THIRD STATEMENT BY ARGENTINA

“Mi Delegación en adición a lo manifestado el pasado martes en relación a la declaración que oportunamente hiciera el delegado británico, desea agregar lo siguiente:

La Argentina subraya que la disputa de soberanía sobre las Islas Malvinas, Georgias del Sur y Sandwich del Sur y los espacios marítimos circundantes, denominada como "Cuestión de las Islas Malvinas" es reconocida en las resoluciones (2065 (XX), 3160 (XXVIII), 31/49,37/9, 38/12, 39/6,40/21,41/40,42/19 Y 43/25) de la Asamblea General de las Naciones Unidas, así como en las resoluciones adoptadas anualmente por el Comité Especial de Descolonización, siendo la última la del 21 de junio de 2011. En ellas las Naciones Unidas piden a los Gobiernos de la República Argentina y del Reino Unido de Gran Bretaña e Irlanda del Norte que reanuden las negociaciones a fin de encontrar, a la mayor brevedad posible, una solución pacífica a la disputa, e instan a las dos partes a que se abstengan de adoptar decisiones que entrañen la introducción de modificaciones unilaterales en la situación mientras las islas están atravesando por el proceso recomendado en dichas resoluciones, llamamientos que son continuamente desoídos por el Reino Unido.

El Gobierno de la República Argentina rechaza categóricamente toda pretensión del Reino Unido de adoptar o aplicar normas en relación con territorios y espacios marítimos argentinos, incluyendo a las Islas Malvinas, Georgias del Sur y Sandwich del Sur y los espacios marítimos circundantes. Tal rechazo es extensivo a toda norma que el Reino Unido haya pretendido adoptar en el pasado, incluida la alegada Área Marítima Protegida, mencionada en la intervención del delegado británico.

La Argentina desea recordar que el ámbito espacial de la disputa de soberanía comprende las Islas Malvinas, Georgias del Sur y Sandwich del Sur y los espacios marítimos circundantes, tal como lo indican las múltiples declaraciones conjuntas firmadas por ambos países, incluyendo aquellas acordadas en Madrid en 1989 y en 1990. Asimismo, desea resaltar que dicho ámbito no se ve afectado por las medidas administrativas que ilegalmente el Gobierno británico ha adoptado con respecto a dichos archipiélagos.

Por último, mi Delegación desea resaltar el apoyo regional a la posición argentina en la Cuestión de las Islas Malvinas, reflejado en múltiples pronunciamientos del Mercosur, Unasur y Celac, los cuales incluyen compromisos concretos de acciones tendientes a evitar la consolidación de la ilegítima presencia británica en el área en disputa. Asimismo, organismos regionales como la OEA, bi-regionales como ASA, ASPA, Cumbre Iberoamericana, e internacionales como el G77 y China, se han manifestado a favor de la reanudación de las negociaciones sobre soberanía conforme al mandato de las Naciones Unidas.”

Unofficial Translation

“In addition to what I expressed last Tuesday regarding agenda item 7.1, document MoP4 Inf. 4, in relation to the British Delegation declaration made that same day, my Delegation wants to make the following statement:

The Argentine Government emphasizes that the sovereignty dispute over the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas, known as “The Question of the Malvinas Islands” is recognized by United Nations General Assembly resolutions (2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25), as well as by resolutions adopted every year by the Special Committee on Decolonization, being the most recent one the one of 21st June, 2011. In those resolutions the United Nations calls on both governments, the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find, as soon as possible, a peaceful solution to the dispute, and urges both parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands are going through the process recommended in the above-mentioned resolutions; calls that are still being ignored by the United Kingdom.

The Government of the Argentine Republic rejects categorically any attempt of the United Kingdom to adopt or apply regulations in relation to Argentine territories or maritime areas, including Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas. Such a rejection includes any regulation that the United Kingdom had attempted to adopt in the past, including the alleged Maritime Protected Area, aforementioned at the speech of the British Delegate.

The Argentine wants to recall that the geographical scope of the sovereignty dispute includes the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas, as it is stated in many joint declarations signed by both countries, including those agreed in Madrid in 1989 and in 1990. I also would like to remark that such scope is not being affected by illegal administrative measures adopted by the British government regarding such archipelagos.

Finally, my Delegation would like to point out the regional support given to the Argentine position on the Question of Malvinas Islands, reflected in many Mercosur, UNASUR and CELAC pronouncements, which include specific commitments towards avoiding the consolidation of the illegitimate British presence in the area under dispute. Furthermore, regional organizations as the Organization of American States, and bi-regional fora such as the South America – Africa Summit, the Summit of South America – Arab Countries and the Ibero-American Summit, as well as G77 and China, express their support to the resumption of the sovereignty negotiations according to the United Nations mandate.”

ANNEX 18: STATEMENT FROM CONVENTION ON MIGRATORY SPECIES OF WILD ANIMALS (CMS)

“On behalf of the Secretariat of the Convention on Migratory Species, I would like to extend my greetings to this 4th Meeting of the Parties which will review achievements since the last meeting and lay the ground for an even better future for the Agreement.

As you will be aware, the CMS Secretariat has recently concluded a successful 10th Conference of the Parties (COP10). Below I list some of the key outcomes from COP10 of relevance to ACAP:

- It was decided that the taxonomy used by ACAP be adopted as the CMS standard nomenclatural reference for albatrosses and large petrels. CMS will therefore continue to take keen interest and follow up on the work of the ACAP Taxonomy Working Group.
- CMS has recently established a Working Group on Minimizing Risk of Poisoning to Migratory Birds which will deal with poisons (including aquatic poisons) affecting wildlife, which may be relevant to some ACAP species.
- A review of invasive alien species will be undertaken, with a special emphasis on islands and the impact of rats, cats and other introduced mammals. The involvement of the ACAP Parties and the Secretariat would be welcome, given the impact of invasive alien species on seabirds.
- Bycatch, one of the most significant threats to seabirds, was also the subject of a resolution requiring additional efforts to ensure that bycatch is reduced or controlled to levels that do not threaten the conservation status of these species. This resolution importantly encourages Parties to implement the Food and Agriculture Organization International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries, strengthening synergies on the conservation of seabirds. There is excellent cooperation between ACAP and CMS on bycatch issues, and we look forward to making it even better in the near future.
- Marine debris, which threatens seabirds through ingestion, entanglement and habitat degradation, is another issue which the CMS Secretariat is pursuing to further the protection and preservation of the marine environment and its living resources.
- Our COP theme on “Ecological Networks” and the need to recognize the link between species and their habitats and, in particular, protect stopover sites and migratory corridors have been recognized. Good publicity was generated by the launch of the publication entitled: [Living Planet, Connected Planet: Preventing the End of the World's Wildlife Migrations through Ecological Networks](#), prepared by the Secretariat and UNEP Grid Arendal.

- There was also recognition of the increasing need to consider climate change, and ensuring the on-going debates on mitigating climate change do not leave behind migratory species.
- Last but not least, CMS is funding a part time staff member located in Washington DC, who is raising awareness about ACAP along with other Agreements, as part of her duties as the CMS Focal Point for North America.

This ACAP MOP falls at a time when the international community is readying for the Rio+20 Conference in June. World leaders, along with thousands of participants from governments, the private sector, NGOs and other groups, will come together to shape how we can reduce poverty, advance social equity and ensure environmental protection on an ever more crowded planet to get to the future we want.

In the face of such daunting challenges, it is gratifying to see that the work of ACAP is producing such positive results. It is clear that the Parties and non-party range states have undertaken a substantial amount of work to implement the Agreement.

Further, the dedicated individuals and NGOs, in particular BirdLife International, are to be thanked for their support of ACAP and their significant seabird conservation actions – both at the international level and on-the-ground.

Within the wider CMS Family and beyond, ACAP is perceived as an effective instrument that works on solid scientific grounds and applies the results of research to management and policy options to prevent the mortality of seabirds due to bycatch in fishing gear. ACAP is to be congratulated for this outstanding work in the science-policy interface, which is contributing to alleviating this significant source of mortality.

The implementation of numerous National Plans of Action and other recovery and action plans, the Albatross Task Force, capacity building and research, are but a few of the other areas of significant progress.

I would like to convey my thanks to the Government of Australia for the continued hosting of the ACAP Secretariat in Tasmania.

You have before you this week proposals, including for the continued allocation of funds for a science support position in the Secretariat, a budget for the operation of the Advisory Committee, and for many other activities. These proposals are important for running this lean but effective conservation agreement, and I fully support them and encourage Parties to endorse them.

I wish you a productive and successful meeting, and please be assured that the CMS Secretariat is on hand to work and collaborate with you as required and as necessary throughout the next triennium.”

Elizabeth Mrema, Executive Secretary