



Interim Secretariat provided by the Australian Government

First Meeting of the Parties

Hobart, Australia, 10-12 November 2004

Agenda Item No. 9
ACAP/MOP1/Doc.17
Interim Secretariat

Establishment and Reporting of Advisory Committee

Background

Establishment of Advisory Committee

The Agreement on the Conservation of Albatrosses and Petrels (ACAP) calls for the establishment of an Advisory Committee (Article IX paragraph 1). The terms of reference for the establishment of such a Committee are laid down in Article IX of the Agreement which also describes the responsibilities and tasks of the Advisory Committee.

Between 29 January and 2 February 2001, 12 Range States met in Cape Town, South Africa, to negotiate an Agreement on the Conservation of Albatrosses and Petrels. In accordance with the Final Agreement, the Meeting invited the Interim Agreement Secretariat to prepare a proposal concerning the establishment of an Advisory Committee, for submission to the Meeting of the Parties at its first Session.

This paper invites actions and presents proposals relating to the following components of Article IX of the Agreement:

1. The entitlement of each Party to appoint one member to the Advisory Committee (IX 2.)
2. The election of a Chair and Vice-Chair for the Advisory Committee (IX 5.)
3. The establishment of rules of procedure for the Advisory Committee (IX 5.)
4. The format of reports from the Advisory Committee to each ordinary Meeting of Parties (after the first) on the implementation of the Agreement (with particular reference to the Action Plan and conservation measures undertaken) (IX 6. d))
5. The format of reports from the Advisory Committee to the Parties on its own Activities (IX 6. e))
6. Identifying a date for the first meeting of the Advisory Committee.

Draft Rules of Procedure for Advisory Committee

The proposal in Attachment 1 is based on the rules of procedure of similar CMS bodies; in particular the African-Eurasian Migratory Waterbird Agreement (AEWA) - http://www.unep-aewa.org/eng/Meeting%20of%20Parties/MOP1docs/1_11.pdf. Rule 12 proposes that meetings of the Committee shall be convened in conjunction with each ordinary session of the Meeting of the Parties and at least once between ordinary sessions of the Meeting of the Parties. In preparing draft budgets for the First

Meeting of Parties it has been assumed that, initially at least, the Advisory Committee shall meet annually (ACAP/MOP1/Doc.12, Indicative Budget for the Meeting of Parties).

Report from the Advisory Committee on the implementation of the Agreement

The draft report format in Attachment 2 is based on the Action Plan in Annex 2 of the Agreement. It is envisaged that this format could also be used by Parties to the Convention in their reports to the Advisory Committee under Article VII (1) c).

Report on Activities of Advisory Committee

Attachment 3 provides a draft format for the Advisory Committee to report on its activities.

First meeting of the Advisory Committee

In addition to the selection of a chair and vice-chair and adoption of rules of procedure, key actions for the Committee, at its first Meeting, are to progress:

- any outstanding issues relating to criteria for defining emergency situations requiring urgent conservation measures and the procedures for dealing with them (ACAP/MOP1/Doc.16, Establishment of Criteria for Emergency Conservation Measures)
- the development of a system of indicators to measure the collective success of the Parties in addressing the objective of the Agreement (Article II (1)) to achieve and maintain a favourable conservation status for albatrosses and petrels (Article IX (6) f))
- the development and maintenance of a standard reference text on the taxonomy of species covered by the Agreement (IX (6) b)).

Under section 5 of the Action Plan (Annex 2) the Committee is required to collate information on the status and trends of albatrosses and petrels; their breeding sites, foraging ranges and migration routes; threats; current research; legislation; education and information; and taxonomy.

Action Required

Parties are asked to:

1. nominate their representative (member) to the Advisory Committee (Article IX (1)) of the Agreement);
2. elect a provisional Chair and Vice-chair for the Advisory Committee; noting that the Advisory Committee will elect officials at its first meeting (IX (5));

Parties are further asked to agree:

3. on a set of draft rules of procedure for the Advisory Committee (Attachment 1), noting that the Advisory Committee will consider and adopt rules at its first meeting (Article IX (5));
4. report formats for the Committee to inform the Meeting of the Parties on the implementation of the Agreement and for Parties to report on the implementation of the Agreement (Attachment 2) (IX (6) d))
5. a provisional report format for the Advisory Committee to inform the Meeting of the Parties of it's activities (Attachment 3) (IX (6) e)); noting that the final format will be decided by the Advisory Committee; and
6. a date and venue for the first meeting of the Advisory Committee.

**ATTACHMENT 1: (DRAFT) RULES OF PROCEDURE FOR MEETINGS OF
THE ADVISORY COMMITTEE OF THE AGREEMENT ON THE
CONSERVATION OF ALBATROSSES AND PETRELS (ACAP)**

Definitions

The “Agreement” means the Agreement on the Conservation of Albatrosses and Petrels;

a “Party” means a Party to the Agreement;

a “Member” is a member of the Advisory Committee;

the “Meeting of Parties” is the decision-making body referred to in Article VIII of the Agreement;

the “Secretariat” is the Agreement Secretariat established under Article X of the agreement.

General Functions

Rule 1

The Advisory Committee (hereafter known as “the Committee”), established in accordance with Article IX of the Agreement, provides scientific, technical and other advice and information, to the Meeting of the Parties, or through the Secretariat to the Parties. Its functions are defined in Article IX paragraph 6.

Rule 2

In particular, it makes recommendations to the Meeting of the Parties concerning the Action Plan, implementation of the Agreement and further research to be carried out.

Rule 3

In the event of an emergency the Committee may request the Agreement Secretariat to urgently convene a Meeting of the Parties involved to avoid deterioration of the conservation status of one or more albatross or petrel species.

Representation and Attendance

Rule 4

The Committee shall, in accordance with Article IX paragraph 2 of the Agreement, comprise one Member appointed by each Party. Each Committee Member may be accompanied by one or more advisers. Each Party shall name an Alternate Member. Parties shall provide to the Secretariat, the names of each Committee Member and Alternate, in writing.

Rule 5

Except as provided for in Rule 7, attendance at meetings of the Committee shall be limited to members of the Advisory Committee or their Alternates and their advisers.

Rule 6

In so far as they are applicable, the rules of procedure for the Meetings of the Parties to the Agreement shall apply *mutatis mutandis* to the Advisory Committee.

Rule 7

Only Members shall exercise voting rights. Alternate Members shall act if a Member is absent.

Rule 8

The Committee may invite other experts to attend its meetings.

Officers

Rule 9

The Members of the Committee shall elect a Chair and Vice-Chair.

Rule 10

The Chair shall preside at meetings of the Committee, approve the provisional agenda prepared by the Secretariat for circulation, and liaise with working groups and subsidiary bodies between meetings of the Committee. The Chair may represent the Committee as required within the limits of the Committee mandate, and shall carry out such other functions as may be entrusted to them by the Committee.

Rule 11

The Vice-Chair shall assist in the execution of the Chair's duties, and shall preside at meetings in the absence of the Chair.

Rule 12

The Secretariat shall serve the meetings of the Committee.

Meetings

Rule 13

Meetings of the Committee shall be convened by the Secretariat in conjunction with each ordinary session of the Meeting of the Parties and at least once between ordinary sessions of the Meeting of the Parties.

Rule 14

Where, in the opinion of the Committee, an emergency has arisen which requires the immediate adoption of measures to avoid deterioration of the conservation status of one or more albatross or petrel species, the Chair may request the Agreement Secretariat to urgently convene a meeting of the Parties concerned.

Rule 15

Notice of meetings of the Committee, including date and venue, shall be sent to all Members by the Secretariat at least 45 days in advance and, in the case of extraordinary meetings, at least 14 days in advance.

Rule 16

No decision shall be taken at a meeting in the absence of a quorum. A quorum for a meeting shall consist of half of the members of the Committee.

Rule 17

Decisions of the Committee shall be taken by consensus unless a vote is requested by the Chair or by three members.

Rule 18

Decisions of the Committee by voting shall be passed by a simple majority vote of the members present. In the case of a tie, the motion shall be considered rejected.

Rule 19

A summary record of each meeting shall be prepared by the Secretariat as soon as possible and shall be communicated to all Members and experts.

Working Groups

Rule 20

The Committee may establish such ad hoc working groups as may be necessary to deal with specific tasks. The Committee shall define the terms of reference and composition of each working group.

Rule 21

Insofar as they are applicable, these Rules shall apply *mutatis mutandis* to the proceedings of working groups.

Rule 22

The Committee shall receive reports from other committees and working groups established under the Agreement, as necessary.

Communication procedure

Rule 23

Any Member or the Secretariat may submit a proposal to the Chair for a decision by e-mail or postal procedure. The Secretariat shall communicate the proposal to the members for comments within 60 days of the date of communication. Any comments received within these limits shall also be so communicated.

Rule 24

If, by the date on which comments on a proposal were due to be communicated, the Secretariat has not received any objection from a Member, the proposal shall be adopted, and notice of the adoption shall be given to all members.

Rule 25

If any Member objects to a proposal within the applicable time limit, the proposal shall be referred to the next meeting of the Committee.

Other functions

Rule 26

The Chair shall submit a written report on the Committee's work since the previous ordinary meeting to each ordinary Meeting of the Parties.

Rule 27

The Chair shall submit a written report on implementation of the Agreement, with particular reference to the Action Plan and the conservation measures undertaken, to each ordinary Meeting of the Parties.

Final provisions

Rule 28

These Rules shall be applied at the first meeting of the Committee, following their approval by the Committee, and may be amended by the Committee as required.

**ATTACHMENT 2: (DRAFT) REPORT FORMAT FOR THE ADVISORY
COMMITTEE (AND PARTIES) TO REPORT ON THE
IMPLEMENTATION OF THE AGREEMENT ON THE
CONSERVATION OF ALBATROSSES AND PETRELS (ACAP)**

AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS

Implementation during the period.....to.....

1. Status and trends of Albatrosses and Petrels

- 1.1 Assessment of the status and trends of populations of albatrosses and petrels, especially those species and areas for which few data are available
- 1.2 Identification of internationally important breeding sites
- 1.3 Review of foraging ranges, foraging areas, migration routes and migration patterns.
- 1.4 Identification and assessment of known and suspected threats.
- 1.5 Identification of existing and new methods to avoid or mitigate threats
- 1.6 Review of data on the fishery-related mortality of albatrosses and petrels
- 1.7 Review of data on distribution and seasonality of effort in fisheries affecting albatrosses and petrels
- 1.8 Review of the status at breeding sites of introduced animals, plants and disease-causing organisms
- 1.9 Reviews of the nature of, coverage by and effectiveness of, protection arrangements for albatrosses and petrels
- 1.10 Review of recent and current research on albatrosses and petrels with relevance to their conservation status
- 1.11 Lists of authorities, research centres, scientists and non-governmental organisations concerned with albatrosses and petrels
 - 1.1.2 Directory of legislation concerning albatrosses and petrels
 - 1.1.3 Review of education and information programmes aimed at conserving albatrosses and petrels
 - 1.1.4 Review of current taxonomy in relation to albatrosses in petrels

2. Overview of Action Plan implementation

- 2.1 Summary of progress to date
- 2.2 Outline of planned actions for national implementation over the next three years
- 2.3 Outline of priorities for international cooperation over the next three years

3. Species conservation

- 3.1 Use and trade
Report on any exemptions
- 3.2 Multi-species strategies
Report on any relevant actions
- 3.3 Single species strategies
Report on any relevant actions
- 3.4 Re-establishments
Have any new policies on re-establishments been developed? Review main features of any new policies.

3.5 Non-natives

Preventative measures

— Have any new measures been implemented to prohibit the introduction of non-native species?

Eradication measures / plans

— Have any new measures been implemented for the eradication non-native species?

3.6 Legal measures

Report on any new or planned legal or policy measures including the main features of the policy / legislation; which organisations are responsible for implementation and how does it relate to other national initiatives (such as national Biodiversity Action Plans).

Report on legal measures or practices that each country has developed to prohibit or regulate taking, trading, methods of taking, setting of take limits, etc.

3.7 Emergency measures

Describe any bilateral or multilateral cooperative action that countries have undertaken to develop and implement emergency measures to conserve species in response to unfavourable or endangering conditions.

4. Habitat conservation

4.1 Habitat inventories

- Review of status and trends
- Internationally important sites
- Foraging range / migration routes review
- Threats review

4.2 Conservation / protection of areas

— Land-based

Protection of breeding sites – review status of breeding sites and management plans or legal measures through which sites including those of international importance gain practical protection.

Are management planning processes in place for protected sites?

How many sites have formal management plans of other formal protection measures in place?

— Marine

Sustainability of marine resources required by albatrosses and petrels

Avoidance of pollution – review how Parties are implementing MARPOL and other relevant instruments

Management plans for most important foraging and migratory habitats – review / report on any plans

Conservation of critical marine areas – review / report on any initiatives to conserve critical areas

4.3 Rehabilitation and restoration

Review policies for the identification, rehabilitation and restoration of important habitats for species covered by the Agreement.

5. Management of human activities

5.1 Environmental impact assessments

Report on any relevant EIA processes and procedures.

5.2 Incidental mortality in fisheries

Status of implementation of mitigation measures

Status of mitigation measures currently recommended

5.3 IUU

Review undertakings with respect to measures to combat IUU

5.4 Pollutants and marine debris

Review measures which implement or exceed MARPOL

Review procedures and practices relevant to mineral exploration and exploitation

5.5 Disturbance

Review existing or proposed tourism management measures

Review practices for scientific research activities

5.6 Other human activities

6. Research and monitoring

Review status of research and monitoring programs for species including how priorities for research are identified.

7. Education and public awareness

7.1 Training and development programs

Describe the status of current and proposed training and development programs which support albatross and petrel conservation and implement the ACAP Action Plan.

Is there any bilateral or multilateral cooperative action to develop training programs and share examples of good practice being undertaken?

7.2 Raising public awareness

Describe activities to raise public awareness of the objectives of the ACAP Action Plan.

8. Implementation

8.1 General comments on implementation of the ACAP Action Plan

8.2 Resources

Overview of known or potential international funding mechanisms and any funding provided to Parties through the Agreement to assist implementation

9. Progress to implement Resolutions and Recommendations of the Meeting of the Parties

Summarise progress to implement decisions of previous Meetings of the Parties.

10. Final comments

11. References

Appendices

Appendix 1: Status of single- and multi- species Action Plans

Appendix 2: List of sites of international importance

Appendix 3: Status or management plans for sites of international importance

Appendix 4: List of research and monitoring programs and projects

Appendix 5: List of national institutions involved in albatross and petrel conservation

Appendix 6: List of relevant World Wide Web addresses for national institutions involved in albatross and petrel conservation

Appendix 7: List of relevant albatross and petrel and habitat conservation projects initiated, ongoing or completed in the last three years

ATTACHMENT 3: (DRAFT) ADVISORY COMMITTEE REPORT FORMAT TO REPORT ON THE COMMITTEE'S ACTIVITIES

1. Introduction

Establishment of the Committee
Election of Chair and Vice-Chair
Other members and Alternates
Experts
Establishment / review of rules of procedure
Meetings and other correspondence since MOP1

2. Overview of activities and meetings of the Advisory Committee

2.1 Activities of the Chair

- 2.1.1 Recruitment
- 2.1.2 Budgets
- 2.1.3 Consultations with the Agreement Secretariat
- 2.1.4 Other activities

2.2 Progress with Actions under Article IX of the Agreement

- 2.2.1 Provision of scientific, technical and other advice
- 2.2.2 Progress with standard reference text on taxonomy of species covered by the Agreement
- 2.2.3 Recommendations concerning the Action Plan and further research
- 2.2.4 Development of indicators to assess progress towards achieving and maintaining a favourable conservation status for albatrosses and petrels
- 2.2.5 Progress with collation of information under section 5 of the Action Plan and identification of gaps in knowledge
- 2.2.6 Other Activities

2.3 Meetings of the Advisory Committee

Report from meeting/s of Advisory Committee including summaries of any intersessional work

3. Conclusion

Summary of recommendations to the Meeting of Parties