



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

**Report of the Fourth Meeting  
of the Advisory Committee**

*CAPE TOWN, SOUTH AFRICA*

*22 - 25 AUGUST 2008*

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## 1. OPENING REMARKS

- 1.1 The Fourth Meeting of the Advisory Committee to the Agreement on the Conservation of Albatrosses and Petrels (ACAP) was held in Cape Town, South Africa from 22 - 25 August 2008, with Dr Marco Favero as Chair and Mr Mark Tasker as Vice-chair.
- 1.2 Ten Parties were represented: Argentina, Australia, Chile, Ecuador, France, New Zealand, Peru, South Africa, Spain and the United Kingdom (UK). Norway notified its apologies for not being able to attend.
- 1.3 In addition one Signatory State: Brazil; and four Range States: Canada, Namibia, the United States of America (USA) and Uruguay, were represented.
- 1.4 The Scientific Committee on Antarctic Research (SCAR), Antarctic and Southern Ocean Coalition (ASOC), BirdLife International, Humane Society International (HIS) Sand Projeto Albatroz (Brazil) attended the meeting as Observers.
- 1.5 The list of participants is provided at Annex 1. The list of meeting documents and information papers is provided at Annex 2.
- 1.6 Dr Johan Augustyn, Head Chief Directorate: Research Antarctica and Islands, Marine and Coastal Management, Department of Environmental Affairs and Tourism, opened the meeting on behalf of the Government of South Africa. In his speech he noted that South Africa has large and important populations of albatrosses and petrels breeding on its territory and that its waters are an important feeding ground for many species.
- 1.7 He also noted that many of the larger species of albatrosses are listed as Threatened under IUCN criteria and that their conservation requires international co-operation, which is why South Africa hosted the meeting in 2000 at which the text of the Agreement was finalised and was prompt in ratifying it, thereby bringing it into force in 2004.
- 1.8 The hard work and generosity of the States and organisations involved in ensuring the success of the Agreement was acknowledged. States that had not yet acceded to the Agreement were encouraged to do so, and all States participating in Regional Fisheries Management Organisations were asked to promote the adoption of appropriate seabird conservation measures in these forums. The recent signing of a memorandum of understanding with the Western and Central Pacific Fisheries Commission was welcomed.
- 1.9 The pressures on seabirds from a rapidly changing environment were acknowledged, as was South Africa's commitment to applying the Ecosystem Approach in management of its fisheries to arrest decreases in their populations. The gazetting in 2007 of a Policy on the Management of Seals, Seabirds and Shorebirds, reflects South Africa's commitment to these principles.
- 1.10 Dr Augustyn was pleased to announce the adoption by South Africa of a National Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries and wished delegates every success with their meeting.

- 1.11 The Chair expressed his sincere appreciation to Dr Augustyn for his generous words. He noted that the adoption of the National Plan of Action for Reducing the Incidental Catch of Seabirds by South Africa provided an excellent example of its commitment to improve the conservation status of albatrosses and petrels and expressed his confidence that the outcomes of this meeting would lead to an improvement in the conservation status of albatrosses and petrels.
- 1.12 On behalf of the Advisory Committee the Chair thanked the Government of South Africa for its generous hospitality and support for the work of the Agreement.

## **2. ADOPTION OF THE AGENDA**

- 2.1 The provisional agenda was adopted by the meeting (Annex 3).

## **3. RULES OF PROCEDURE**

- 3.1 The meeting considered a proposal to amend Rule 5 to clarify that this rule applies to all appointments made by the Advisory Committee. The Committee agreed to this amendment.
- 3.2 Argentina proposed that the title for this rule be amended to reflect this change by including the words 'and other Officers' after Chair. The Committee agreed to this amendment.
- 3.3 The revised rules of procedure for the Advisory Committee are provided at Annex 11.

## **4. REPORT OF THE INTERIM SECRETARIAT**

### **4.1 Activities Undertaken in 2007-2008**

- 4.1.1 The Executive Secretary presented a report on the operations of the Interim Secretariat since the last meeting of the Advisory Committee. The Secretariat continues to operate in an interim capacity pending implementation of the Headquarters Agreement by the Australian Government.
- 4.1.2 The report highlighted a significant growth in the work-load and outputs of the Secretariat. The Secretariat had worked closely with the Chair and Vice-chair of the Advisory Committee and the Convenors of the Working Groups on activities associated with implementation of the Action Plan and contributed to a range of noteworthy achievements, including the adoption of seabird bycatch mitigation measures in a number of Regional Fisheries Management Organisations (RFMOs); the development of the species assessments and ACAP database; participating in the development of supporting documentation for candidate species; and the development of capacity building initiatives involving both Parties and intergovernmental organisations.

- 4.1.3 Since the last meeting of the Advisory Committee the Secretariat had signed a Memorandum of Understanding with the Government of Tasmania for the provision of office accommodation and other support; and entered into a formal arrangement with the Western and Central Pacific Fisheries Commission (WCPFC), to facilitate cooperation between the two organisations. This last arrangement grants ACAP observer status at all WCPFC meetings, and will facilitate access to data relevant to seabird bycatch.
- 4.1.4 Several Regional Fisheries Management Organisations (RFMOs) have expressed interest in entering into ‘arrangements’ similar to the one entered into between the WCPFC and the Agreement Secretariat. The Secretariat sought the Advisory Committee’s endorsement that it be authorised by the MoP to enter into similar arrangements with other RFMOs. The Committee gave its endorsement for this approach.
- 4.1.5 The Executive Secretary noted that the Secretariat occasionally requires expert legal advice. Over the past year several countries have expressed interest in joining the Agreement and have sought advice on the interpretation of the Agreement’s text, which the Secretariat has not been able to provide and has had to refer these enquiries to Parties for advice. As well, the Secretariat has been involved in the preparation and negotiation of formal arrangements and Memoranda of Understanding that have benefitted from the provision of legal advice. There is also an occasional requirement for legal advice in the development of contracts for goods and services. Australia offered to provide legal advice on simple, less complex issues, in cases where this would not compromise the integrity or independence of the Secretariat. This offer was gratefully accepted by the Committee.
- 4.1.6 The Agreement’s finances are currently managed on a calendar year basis in accordance with the requirements of Finance Regulation 2.1. However the State of Tasmania, which holds the Agreement’s funds and provides it with financial services uses the period 1 July to 31 June as the basis for its financial year. This inconsistency generates a significant additional work-load for the Secretariat, as well as making management of the Agreement’s funds more difficult. It is proposed that the Agreement use the same financial year as the State of Tasmania. The main impact of this would be to change the financial reporting period. It was noted that it would not be necessary to change the timing or amount of Parties contributions to the Agreement. The Committee’s endorsement of this proposal was sought, prior to a request being made to MoP for an amendment to the Financial Regulations. The Committee acknowledged the benefits of this approach to the efficient management of the Agreement’s finances and endorsed this proposal.
- 4.1.7 It was noted that there are gaps in the level and type of services that the Secretariat is able to provide and consideration was required on the need for additional staff, either contract or permanent, to fill these gaps. The growth in the work undertaken by the Agreement is reflected in the requests received by the Secretariat for specialist advice and the need to prepare papers and reports for the many meetings that are attended by ACAP representatives. The increased outputs of the Advisory Committee and its Working Groups also necessitate an increased level of support from the Secretariat. It was agreed to consider this issue further when developing the Advisory Committee’s work programme.

- 4.1.8 The Committee noted with pleasure the contributions of many Parties and individuals in supporting the work of the Secretariat, and particularly recognised the very valuable contributions made by those seconded to the Secretariat; Ms Tatiana Neves for her work on capacity building; Mr Ken Morgan for his contribution to work on the listing of candidate species; and Mr John Cooper, ACAP's honorary Information Officer for his extensive news articles promoting the work of the Agreement.
- 4.1.9 The Committee also expressed its gratitude to the Governments of Australia, and Tasmania in particular for their support in hosting the Secretariat Headquarters and providing administrative support to the Secretariat and to the Government of New Zealand for its financial support for Ms Neves' secondment to the Secretariat.
- 4.1.10 The Committee thanked the Secretariat for its report (AC4 Doc 6) and noted its contents.

#### **4.2 Financial Report and Agreement Budget 2008 - 2009**

- 4.2.1 The Executive Secretary presented the financial report (AC4 Doc 9) in relation to the 2007-2009 budget period. This was presented on a cash basis and included a summary of the current status of commitments and expenditure against the Advisory Committee Work Programme.
- 4.2.2 The Executive Secretary reported that there is likely to be significant over-runs in expenditure on travel and airfares associated with the attendance of representatives at RFMO meetings. As no allocation had been made in the Advisory Committee's appropriation (#3) for this expenditure it was being met from the Secretariat's appropriation (#1). A significant over-run in expenditure on translation costs was also anticipated due to the increase in the number of meeting documents that were submitted for this meeting. To contain this over-run approximately forty-five documents for Working Group meetings were not translated. .
- 4.2.3 As a result of new accessions and the carry-over of funds from previous years it was estimated that AUD 150,000 would be available in Appropriation #4 for allocation to the Advisory Committee's Work Programme at this time. For the 2009 financial year it was estimated that approximately AUD 160,000 would be available for allocation from Appropriation #4. It was agreed to give consideration to the allocation of these funds under agenda item 15.

#### **4.3 Secretariat Work Programme 2007 - 2009**

- 4.3.1 The Executive Secretary reported on the work programme for the Secretariat approved by MoP2 and subsequently amended at AC3. It was noted that this may require further amendment if additional tasks were identified for the Secretariat at this meeting.
- 4.3.2 The Secretariat Work Programme 2007-2009 was subsequently amended and is attached in Annex 12.

#### **4.4 Performance Indicators**

- 4.4.1 The Chair noted that MoP2 had adopted terms of reference for a review of the Secretariat's performance using indicators that had been adopted at MoP2. It was also noted that AC3 had decided that it would not be possible to undertake the review until the Secretariat was established.
- 4.4.2 As the Secretariat was still not established it was agreed to defer consideration of this issue until AC5.

#### **4.5 Recruitment of Executive Secretary**

- 4.5.1 The Chair noted that MoP2 had agreed on a process for the recruitment of the Executive Secretary (Annex A to the Staff Regulations) and that a process for determining the composition of the selection panel had been established at AC3. The Secretariat was subsequently advised that Argentina would provide a representative on the interview panel for the South American region and that New Zealand would provide a representative for the Africa/Australasia region. The Chair requested the European region to nominate a representative in the near future so as not to delay the recruitment process.
- 4.5.2 The Committee noted that recruitment action would need to commence by early to mid-November if interviews were to be held at MoP3. New Zealand requested that a description of the process to be followed and indicative timeline be circulated to Advisory Committee Members. The Chair agreed to circulate a written proposal describing the steps in the recruitment process including a timetable and breakdown of any budgetary implications.

### **5. REPORT OF THE DEPOSITORY**

#### **5.1 Depository Status List**

- 5.1.1 Australia, as Depository for the Agreement, tabled its report (AC4 Doc 7) noting that there had been no new accessions to the Agreement since the last meeting.
- 5.1.2 Brazil and Uruguay announced that their documents for ratification/accession to the Agreement were in the process of being forwarded to the Depository. Australia advised that these had not yet been received by the Depository.
- 5.1.3 Australia advised that it had withdrawn its reservation to the entry into force of the Amendment to Annex 1 of ACAP on 14 February 2007. The Committee welcomed this advice and noted the report of the Depository.

#### **5.2 Report on Implementation of Headquarters Agreement**

- 5.2.1 Australia reported on progress towards ratification of the Headquarters Agreement (AC4 Doc 8). It was noted that the treaty-making process in Australia requires formal parliamentary and regulatory approvals prior to Australia being able to sign the Headquarters Agreement. It is expected that this process will be completed by late 2008. Australia will keep Parties informed of progress.

## **6. REPORTS FROM ACAP OBSERVERS AT NON-FISHERY RELATED INTERNATIONAL MEETINGS**

- 6.1.1 Dr Flavio Quintana reported on the outcomes of the SCAR Southern Giant Petrel (SGP) Workshop (AC4 Doc 27). The workshop noted that there were many gaps in data for some Antarctic populations of SGPs and that standard protocols were required to ensure that reliable data was collected on these populations. This issue was considered by the Status and Trends Working Group and is addressed in its report under agenda item 10.
- 6.1.2 The Chair thanked Dr Quintana for his efforts in progressing the work of the Agreement at this meeting and for providing his report.

## **7. REPORT FROM ACAP PARTIES ON IMPLEMENTATION OF THE AGREEMENT**

### **7.1 Reports from Parties, Signatories and Organisations**

- 7.1.1 The Chair noted that the Secretariat had consolidated reports from Parties, Range States and organisations on actions taken relevant to the Agreement's Action Plan and that this information had been summarised in the two tables presented in AC4 Doc 16. It was proposed that this summary be supplemented with a short 200 word statement from each Party/Range State/Organisation highlighting a key achievement, or alternatively identifying problems encountered in implementing the Agreement. This was agreed. Parties were requested to provide their supplementary text to the Secretariat by 31 October 2008.
- 7.1.2 Parties who had not yet submitted their reports to the Secretariat were encouraged to do so, as were those who had yet to submit their 200 word statement.
- 7.1.3 The Chair noted that the Committee was also required to report to MoP on the status of albatross and petrel populations listed under the Agreement. It was agreed that this information would be summarised from information contained in the reports of the STWG and BSWG meetings and included in the report.
- 7.1.4 Argentina expressed that AC4 Doc 40 made references to parts of its national territory and reaffirmed its sovereignty over the Falkland Islands (Islas Malvinas), South Georgia

and the South Sandwich Islands (Islas Georgias del Sur e Islas Sandwich del Sur)<sup>1</sup> and the surrounding maritime areas and made a statement included in Attachment 1.

- 7.1.5 The United Kingdom responded to the intervention by Argentina and made a statement included in Attachment 2.
- 7.1.6 Australia suggested that the current format for Parties' implementation reports be amended so that actions to implement the Agreement and the effectiveness of these actions could be more easily assessed. It was also noted that the current format will need to be amended to accommodate status and trend data and seabird bycatch data collected by the Working Groups. There was some discussion about the type and frequency of information Parties needed to provide in order to facilitate such an assessment. The Committee agreed that further development of the format and content of Parties implementation reports was required and accepted offers by Australia, Chile and the United Kingdom to work intersessionally to develop a revised reporting process for further discussion at MoP3.

## **8. ADVISORY COMMITTEE REPORT TO THE MEETING OF THE PARTIES**

- 8.1 The Chair and Vice-Chair of the Advisory Committee presented a draft framework for a report from the Advisory Committee to the Third Session of the Meeting of the Parties on the Implementation of the Agreement (AC4 Doc 25), for consideration by the meeting. The report to MoP3 will be prepared by the Chair and Vice-Chair of the Advisory Committee after the conclusion of the Fourth Meeting of the ACAP Advisory Committee (AC4), to include reflection of the actions and decisions taken during AC4.
- 8.2 The document will be circulated intersessionally among the Members of the Advisory Committee for review and approval prior to MoP3.

## **9. PRIORITIES FOR ACAP**

- 9.1 New Zealand gave a brief presentation on work to date on the development of a framework to guide ACAP and Parties in setting priorities for management actions to address threats to albatrosses and petrels. New Zealand noted that two meeting papers had been developed in this area (AC4 Doc 48, AC4 Doc 15) and that these papers had been discussed at both the recent Status and Trends and the Breeding Sites Working Group meetings. The papers encompassed concepts such as the vulnerability of a particular seabird population, the severity of the threat faced by that population and the benefits of taking management action, including the likelihood that this action would be successful.
- 9.2 New Zealand explained that following discussion at these Working Group meetings, a small group consisting of the authors of the two papers, and other members of the

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<sup>1</sup> 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 y Islas Sandwich del Sur) and the surrounding maritime areas.

working groups, met on several occasions to develop a prioritisation framework for both land and sea based threats that brought together the best components of each paper. The framework also sought to identify data gaps that would most benefit from being addressed.

- 9.3 In the margins of AC4 the group had been successful in developing a basic framework for prioritising management tasks. However, considerable work remained to be done. To further this work, the group would require the assistance of a number of experts in populating the database with real data and in testing and refining the prioritisation framework.
- 9.4 The Advisory Committee agreed to support the continuation of this work, with many Parties offering to provide assistance to the process. The Advisory Committee gratefully accepted the offer from New Zealand to continue to lead the process and noted that a paper would be developed for presentation to MOP3. New Zealand thanked the members of the small working group for their participation in the process to date and invited any other members of the Advisory Committee to participate in the working group in the future.

## **10. REPORT OF THE STATUS AND TRENDS WORKING GROUP MEETING**

- 10.1 The Convenor of the Status and Trends Working Group (STWG), Dr Rosemary Gales, introduced the Group's Report (AC4 Doc. 11) and thanked other members of the STWG and observers who attended the Working Group meeting for their contributions. The Report documented the intersessional work of the group and the discussions at the STWG that was held in Hermanus, South Africa on 17 August 2008. The meeting was attended by Members of the STWG from Argentina, Australia, France, New Zealand, South Africa, United Kingdom and experts from Birdlife International and the Scientific Committee on Antarctic Research (SCAR). Observers from Canada and the United States of America and members of the Interim Secretariat also attended the STWG.
- 10.2 The Committee recognised that considerable progress has been achieved by the STWG since AC3. A Species Assessments Project Coordinator, Dr Wieslawa Misiak, was contracted by the ACAP Secretariat to facilitate the development and compilation of the ACAP species assessments. To review the draft assessments and appoint external reviewers a Species Assessments Coordinating Group was also established. To date nine species assessments have been completed, three assessments are currently under review and the remaining 14 drafts are being progressed. Through the invaluable assistance from members from Argentina, Chile and France, four assessments have been translated into Spanish and one into French.
- 10.3 During the inter-sessional period the data and information presented in the species assessments have been incorporated within the web based ACAP database framework that harmonises Status and Trends, Breeding Sites and Taxonomy data. This has facilitated search and data querying options across multiple species or breeding sites and allows analysis to be undertaken of the status of each species based on the most up to date information currently available to ACAP. There has also been extensive liaison

with BirdLife International to facilitate the provision of amended distribution and satellite tracking maps for all 26 ACAP species in the species assessments.

- 10.4 The Committee noted that since AC3, all National Representatives on the STWG (Argentina, Australia, Chile, Ecuador, France, New Zealand, South Africa and UK) were approached with a request for updated demographic and annual population data. All parties, with the exception of Chile, Ecuador and New Zealand, provided data which have been incorporated into the ACAP database. During the WG meeting, Chile and New Zealand committed themselves to providing all outstanding population data by the end of 2008. The Committee agreed that there was a need to undertake further engagement with Ecuador in order to update population data for the species breeding in their territory.
- 10.5 Using the Species Assessment templates during the inter-sessional period, Canadian and United States observers, guided by the Species Assessment coordinator, developed three information papers that provided comprehensive data on the population status and trends of the three North Pacific albatrosses, the Short-tailed Albatross *Phoebastria albatrus* (Vulnerable), Laysan Albatross *P. immutabilis* (Vulnerable), and Black-footed Albatross *P. nigripes* (Endangered), ( AC4 Docs 44, 45, 46). These papers were presented to the Committee, who congratulated the Canadian and US observers on their comprehensive drafts and recognised that these information papers greatly assisted the Advisory Committee in consideration of the listing of these threatened albatross species on Annex 1 of the Agreement.
- 10.6 The US observers suggested that translation of these information papers into Japanese would assist in communicating and progressing conservation actions for these species. The Working Group agreed that this proposal should be considered by the Advisory Committee with priority for translation being highest for the Short-tailed albatross, followed by Black-footed albatross and then Laysan albatross. It was agreed that funds external to ACAP should be sought to achieve this.
- 10.7 Significant progress has been made in the development, data input and application of the relational database to curate and coordinate data from the ACAP Working Groups. This has required significant engagement with Convenors of all four ACAP Working Groups. A demonstration of the interactive database was presented to the Committee. It was recognised that the capacity to store and manage the data is important in facilitating the implementation of the Action Plan of the Agreement. The Committee also recognised that this development greatly assists the collation of information by ACAP as well as contributing to education and public awareness, as required in the Action Plan of the Agreement. Further, this database is fundamental to the development of conservation strategies for particular species or groups of species of albatrosses and petrels.
- 10.8 The Committee considered the nature of the data available to the public and other stakeholders and agreed that such availability must be consistent with agreed conditions of data use and access. The Committee considered and accepted a draft of revised rules that provide more comprehensive and transparent guidance for data contributors with respect to levels of data use and access (Annex 13).
- 10.9 The Committee noted the 2008 update of the IUCN Red List that has resulted in three changes to the status of ACAP listed species (AC4 Doc 51), Tristan albatross, was uplisted from Endangered to Critically Endangered, Waved albatross uplisted from

Vulnerable to Critically Endangered, and Buller's albatross downlisted from Vulnerable to Near Threatened. Of the 19 species of albatrosses currently listed in Annex 1 of the Agreement, four (21%) are listed as Critically Endangered, five (26%) are listed as Endangered, six (32%) are Vulnerable and four (21%) are Near Threatened. For the seven petrel species, four (57%) are currently listed as Vulnerable and three (43%) as Near Threatened, (AC4 Doc 48, Attachment A). The Committee again recognised the significance of fisheries bycatch, invasive species and disease as threats influencing the survival of these species.

- 10.10 The Committee agreed that, to reduce potential confusion and ensure appropriate interpretation of trends, the ACAP analyses of population trends be restricted to a single method (TRIM) and that interpretations of trends over specified time series should be modified as agreed by the STWG.
- 10.11 At AC3 the Committee noted the request from the Committee for Environmental Protection (CEP) of the Antarctic Treaty for advice from ACAP on current conservation measures and population monitoring of Southern giant petrels *Macronectes giganteus* at Antarctic breeding sites. The STWG member from Argentina represented ACAP at the SCAR meeting and led the consideration and revision of the monitoring methods that shall be provided to CEP. The Committee agreed that ACAP should approach SCAR for the population data for Southern giant petrels breeding at Antarctic sites for inclusion in the ACAP database.
- 10.12 The Committee recalled that the objective of the ACAP agreement is to achieve and maintain a favourable conservation status for albatrosses and petrels. To assist in the process of identification and prioritisation, two papers were considered by the Committee following a presentation from the STWG (AC4 Doc48 and AC4 Doc15).
- 10.13 A small *ad hoc* Working Group was formed to consider prioritisation options and agreed that considerations should be based upon the conservation status of the populations, as well as the level of threats that they face at sea and on land. The Committee supported the STWG conclusion that it is essential that the prioritisation assessment is based upon objective criteria and validated by expert opinion and agreement. This issue was progressed further under agenda item 9.
- 10.14 The existing terms of reference (ToR) for the STWG described the work program, the membership and the timetable for progress of the Working Group. The progress of the STWG has now exceeded the actions identified in the current ToR and consequently, the Working Group prepared an updated ToR. The Committee welcomed the initiative of the STWG and the BSWG Convenors in working together to develop revised ToR's that provide a more consistent approach between ACAP WG's and approved the revised document.
- 10.15 The Committee agreed that the last 12 months has seen unprecedented progress with the STWG in consolidating and analysing information on the status and trends of the ACAP listed species. This work is fundamental to identifying, prioritising, developing and implementing conservation strategies for the 26 ACAP species, 19 (73%) of which are threatened. This work has considerably progressed many of the responsibilities that are identified in the Action Plan of the Agreement. The Committee also noted the importance of maintaining a focus on the conservation status and trends of ACAP species, and the

synthesis of these data with information on threats at breeding sites and at sea in the conservation prioritisation process.

- 10.16 The Committee endorsed the Status and Trends Working Group's work plan (Section 2 of the Advisory Committee's work plan, see Agenda Item 15). The Committee recognised that additional Secretariat support will be required if the actions are to be achieved. The Committee also endorsed the revised Terms of Reference, and rules for access and use of data for the STWG.
- 10.17 The Committee thanked the STWG Members, Observers and Convenor for the progress that has been achieved and for their guidance and assistance in developing the Advisory Committee Work Programme.

## **11. TAXONOMY OF ALBATROSSES AND PETRELS**

### **11.1 Report of the Taxonomy Working Group**

- 11.1.1 The Convenor of the Taxonomy Working Group (TWG) Dr Michael Double introduced the TWG report (AC3 Doc 12). The TWG applied their decision-making guidelines to three pairs of taxa currently listed under Annex 1 (AC3 Doc 12, Attachment 1) of the ACAP Agreement:
  1. Amsterdam and Wandering Albatrosses  
*Diomedea amsterdamensis/exulans*)
  2. Black and Westland petrels *Procellaria parkinsoni /westlandica*
  3. Campbell and Black-browed albatrosses  
*Thalassarche impavida melanophrys*
- 11.1.2 The TWG concluded that available data for these taxa do not call for an amendment to the species currently listed under Annex 1 of the ACAP Agreement.
- 11.1.3 The TWG report also assessed the listing of subspecies within Annex 1 of the Agreement. The TWG reviewed this issue and concluded that currently the conservation and understanding of the ACAP listed taxa would not be enhanced greatly by listing subspecific forms.
- 11.1.4 The TWG also reported on the development of a plumage and morphometric database for the identification and classification of bycatch specimens. This database will be incorporated into the ACAP Data Portal. The TWG report also noted that the TWG's website had been moved to the Secretariat's web server, and the associated bibliography updated.
- 11.1.5 The TWG report noted Case 3449 to be assessed by the International Commission on Zoological Nomenclature (<http://www.iczn.org/>). This case proposes that *Thalassarche melanophris* is the correct spelling for the scientific name of the Black-browed albatross (rather than *Thalassarche melanophrys*).

## 11.2 Future Work Programme

- 11.2.1 The Committee endorsed the Taxonomic Working Group's work plan (Section 1 of the Advisory Committee's work plan, see Agenda Item 15) and noted that no funds had been requested.

## 12. BREEDING SITES

### 12.1 Report of the Breeding Sites Working Group

- 12.1.1 The BSWG Convenor Dr Richard Phillips introduced the report (AC4 Doc 13), which outlined the work that had taken place during the intersessional period, and discussions that took place at the BSWG meeting on 19 August 2008 at Hermanus, South Africa. Substantial progress had been made on all elements of the BSWG Work Plan and the Recommendations from AC3, with all either completed or ongoing.
- 12.1.2 The Committee recognised the efforts during the intersessional period to re-organise the existing data (previously stored in Microsoft Access) and work undertaken with the developers of the new ACAP web portal to facilitate its transfer to the new ACAP database. The new database framework will integrate data submitted to the Secretariat on breeding sites, status and trends, demography and taxonomy. One of the first steps that is required (and is near completion) is the production of a definitive list of ACAP breeding sites that can be matched at the appropriate level with population status and trends data.
- 12.1.3 Management and threats data from breeding sites in Chile, Ecuador and Tristan da Cunha (UK) have been added to the database during the intersessional period. Breeding site data are now only outstanding for some Southern giant petrel sites in Antarctica, and the Committee agreed that this information should be requested from SCAR.
- 12.1.4 The Committee agreed that the BSWG should collate data on the occurrence at ACAP breeding sites of alien mammals, on past and proposed eradications of these species, and on the compilation of a list of islands (and their characteristics) from which ACAP species are known to have been extirpated in historical times.
- 12.1.5 The Committee accepted the restructuring of threat categories and revision of the threat criteria that had taken place in the last intersessional period. The revised criteria stipulate that threats only be included if documented, and are likely to cause declines or affect population growth in the next decade. The BSWG report provides an analysis of these threats to breeding sites (site-species combinations), but notes that the Southern giant petrel sites in Antarctica were not included because the site list is incomplete, and that parts of some islands are listed as separate sites, tending to inflate the importance of those particular populations. Those threats affecting the most breeding sites were predation by domestic cats *Felis catus* and ship rats *Rattus rattus*, and habitat destruction by reindeer *Rangifer tarandus*, which affected 26, 16 and eight breeding sites, respectively. All other threats affected four or fewer breeding sites. Most threats were of a Low magnitude, and those of Medium or High magnitude are listed in the

report. In most cases where the threat is predation by alien species or habitat destruction by alien species, eradication is already under consideration. The two ACAP species with the most threats listed are the burrow-nesting Grey petrel *Procellaria cinerea* and White-chinned petrel *P. aequinoctialis*, mainly because of the effects of introduced mammals.

- 12.1.6 The Committee endorsed a revised set of rules and conditions for access to data submitted to ACAP on breeding sites, and population status and trends, that had been agreed by both the BSWG and STWG during their meetings in Hermanus (Annex 13). With respect to breeding sites, this includes the option to Parties of making all data available, or of restricting public access. If the latter, data would remain in the database but viewing, reviewing and updating would be limited to a password-protected area of the ACAP website. The Committee also endorsed revised Terms of Reference for the BSWG (Annex 14).

## **12.2 Future Work Programme**

- 12.2.1 The Committee endorsed the Breeding Sites Working Group's work plan (Section 3 of the Advisory Committee's work plan, see Agenda Item 15).
- 12.2.2 The Committee also endorsed the following recommendations: that the Advisory Committee support the continued maintenance and update of the breeding sites and status and trends databases, and ACAP web portal; that it approve the revised Terms of References of the BSWG, and the revised rules for access and use of status and trends, and breeding sites data submitted to, and maintained by, ACAP; and that it encourage further research on the potential impacts of introduced vertebrates at breeding sites of ACAP species where the effect is unknown.
- 12.2.3 The Committee accepted offers by (i) the UK to lead, with assistance from other members of the BSWG, in the production of conservation guidelines relating to biosecurity and quarantine measures at ACAP breeding sites, and (ii) by Argentina, Ecuador and France to start to review the impacts, and potential mitigation of pathogens and parasites on ACAP species.

## **12.3 Application of Criteria for Identifying Internationally Important Breeding Sites**

- 12.3.1 The Chair recalled that under the Agreement Parties are required to develop and apply criteria for identifying internationally important breeding sites. As a first step towards exploring options and approaches, AC3 invited BirdLife International: a) to provide information on breeding sites for ACAP-listed species already identified through the BirdLife Important Bird Areas (IBA) programme; and b) to indicate the potential effect that varying the numerical thresholds would have on the number of sites identified.
- 12.3.2 Prof. John Croxall (BirdLife) presented AC4 Doc 19 Rev 1, addressing these topics. He emphasized that the present analysis is necessarily preliminary and indicative, because although the BirdLife IBA programme has identified 10,000+ sites in 170+ countries, the inventory for seabird sites is incomplete (although under active development), in particular gaps relating to New Zealand, Antarctica and parts of North and South America.

- 12.3.3 In essence the IBA criteria applicable to seabirds relate to IUCN global conservation status (especially Critically Endangered and Endangered categories) and to sites holding  $\geq 1\%$  of global population or aggregations of 10,000+ breeding pairs. For ACAP-listed species, applying BirdLife IBA criteria resulted in 122 species-specific triggers for 57 sites (full listings of these by species and site/ jurisdiction are set out in the appendices to AC4 Doc19 Rev1). These sites included 16 of the 26 ACAP species (the other 10 being confined to New Zealand, where BirdLife has not yet identified IBAs).
- 12.3.4 In relation to the effects of modifying the BirdLife criteria: a) if IUCN conservation status is not included, 22 of the 57 sites are eliminated, as these qualify solely on such criteria (i.e. do not reach the required level of breeding population); b) increasing the proportion of global population (to 2%, 5%, 10%) needed to qualify a site further reduces the number of sites (from 35 to 33, 26 and 17 respectively) and, at the 10% level, eliminating all sites for the Grey petrel.
- 12.3.5 The AC thanked BirdLife for its detailed input and analysis. It recognized that the approaches outlined might contain elements appropriate for ACAP identifying its internationally important breeding sites. The AC noted that similar sentiments were expressed in the report of the BSWG (Section 8). It was agreed that the appropriate next step would be to undertake an analogous analysis to be implemented on the relevant data on breeding sites and populations in the ACAP database, once the appropriate data fields are complete. This would be organized and undertaken by the Conveners of the BSWG and the STWG, in collaboration with BirdLife International.

### **13. SEABIRD BYCATCH WORKING GROUP**

- 13.1 The Convenor of the Seabird Bycatch Working Group (SBWG), Mr Barry Baker presented the report of the Second Meeting of the SBWG to the Committee (AC4 Doc 14 Rev 2). The report covered most of the Items relevant to Agenda item 13 (Agenda Items 13.2, 13.3, 13.4, 13.5, 13.6 and 13.7) and discussions on these items were not dealt with further at the meeting.
- 13.2 The meeting commenced with an exchange of information on the work of SBWG members and others in the development of new seabird bycatch mitigation technologies. Since the Working Group last met there has been good progress made in development of bait pods, smart hooks, safe leads, improved streamer lines and an underwater setting capsule for the pelagic longline method, with extensive trialing for many of these devices planned over the next 18 months. New information on offal treatment for trawl fisheries concluded that fish waste retention is a more effective management strategy than mincing and ad hoc discharge of fish waste.
- 13.3 Current research on the effect of line-setters on hook sink rate has revealed that baited hooks attached to a mainline set loose (with the line shooter) sank significantly slower than baited hooks attached to a mainline set without a line shooter that entered the water 30-40 m astern and outside the worst of the propeller turbulence. Deploying mainlines into propeller turbulence is likely to increase exposure of baited hooks to seabirds.

### Trawl mitigation

- 13.4 Mitigation of seabird bycatch in trawl fisheries was identified as a key focus of the second meeting of the Working Group. SBWG 2 Doc 5 (AC4 Document 55) reviewed methods used to reduce seabird bycatch in trawl fisheries. The body of work investigating and documenting methods to mitigate seabird bycatch in trawl fisheries is significantly less advanced than for longline fisheries. Consequently, there have been few new developments in this field in recent years.
- 13.5 Seabird interactions with trawl vessels fall into two broad categories: those focused on the trawl warps (the thick cables that link the net to the vessel), and those focused around trawl nets. For reducing seabird strikes on trawl warps, the use of bird-scaring lines has been proven the most effective mitigation device in the trawl fisheries in which comparative studies have been undertaken. However, the retention or strategic management of fish waste (offal and discards) is recommended as the most effective primary measure for bycatch reduction, and as such should be viewed as the best long-term solution to reducing seabird bycatch in trawl fisheries.
- 13.6 Coincident with effective fish waste management, operational measures such as cleaning the net prior to shooting and reducing the time the net is on the surface at shooting and hauling should be viewed as best practice measures and incorporated into routine fishing activities. Whereas a number of methods has been trialed to reduce the incidence of warp strikes, there continues to be the need for more work on effective measures for reducing seabird interactions with trawl nets.
- 13.7 The Working Group agreed to produce a table intersessionally that was analogous to that produced at SBWG-1 for pelagic longline gear (AC3 Doc 14 Rev 4, Appendix 4, Table 2), including descriptions of measures, current knowledge (described in SBWG Doc 5), implementation guidance and research needs.
- 13.8 The WG discussed research needs and priorities in trawl fisheries in detail (SBWG-2 Doc 32). Four research areas were identified as the highest priority to reduce seabird bycatch in trawl fisheries:
  - offal discharge management (e.g. meal plant, batching, discharge in areas not adjacent to warp cables);
  - methods to reduce seabird entanglements during hauling;
  - improving the performance of streamer lines (e.g. towed devices that perform better in cross winds, flexibility in attachment point to account for wind variation); and
  - the effectiveness of net binding and net weighting.
- 13.9 The SBWG requested the Advisory Committee to encourage Parties and others to prioritise these areas of research and to keep the SBWG informed of developments in this area.
- 13.10 ASOC advised that Southern Seabird Solutions and WWF-New Zealand have a project to develop a process that can be followed by people with new mitigation ideas. The project will include peer review of the concept, as well as advice and support on applying for funding for research and development. WWF-NZ and Southern Seabird Solutions

would like to ensure ACAP Parties are aware of the project and invited interested parties to contact them intersessionally for additional information.

### **Demersal longline bycatch mitigation**

- 13.11 The Working Group considered SBWG 2 Doc 6, which reviewed demersal longline mitigation methods. Key mitigation techniques relate to a) avoiding peak times/places of seabird feeding activity; b) getting the baited hooks to sink to a sufficient depth as quickly as possible; c) deterring seabirds from interacting with hooks, and d) reducing the visibility of hooks and the attractiveness of vessels.
- 13.12 Two tables (AC4 Doc 14 Rev 2, Annex 3 and Annex 4) summarise seabird bycatch mitigation measures for demersal longline fishing, and identify knowledge gaps and research priorities for this gear type. The Advisory Committee endorsed these tables (Annex 4 and Annex 5) as representing the current best scientific advice of ACAP's Seabird Bycatch Working Group, and encouraged Parties to use these materials to guide the development of policy and practice within the fisheries under their jurisdiction.

### **Pelagic longline bycatch mitigation**

- 13.13 The Working Group reviewed and updated the information on pelagic longline mitigation and knowledge gaps (AC3 Report Annex 5). The revised table is attached as Annex 6. The Advisory Committee endorsed this table as representing the current best scientific advice of ACAP's Seabird Bycatch Working Group, and encouraged Parties to use this information to guide the development of policy and practice within the fisheries under their jurisdiction.
- 13.14 A list of key research questions to reduce seabird mortality in Southern Hemisphere pelagic longline fisheries was also developed (Annex 7).
- 13.15 A review of the limited literature on light bird-scaring tori lines was carried out. The evidence for their widespread adoption at this stage is equivocal. It was concluded that thorough comparative experimental assessment of light and conventional bird scaring lines is urgently needed to be undertaken against Southern Ocean assemblages of diving seabirds and albatrosses.

### **Bycatch data provision by Parties**

- 13.16 The SBWG engaged in extensive discussion regarding the Advisory Committee's collection of seabird bycatch data from the Parties. Key areas of interest regarding the data collection included: purpose of the collection, identifying clear objectives of how the data would be used by the Advisory Committee, what specific data elements would be collected, and at what level of detail, and a possible timeframe for developing and implementing this information collection.
- 13.17 The Advisory Committee discussed the step-wise approach and tasks to be undertaken in the intersessional period to progress the incorporation of bycatch data provision into the reporting required of Parties under the implementation of the Agreement. All Parties agreed on the importance of the bycatch data collection and agreed to work together intersessionally to advance this initiative. Ms Kim Rivera (USA) was asked to lead this process during the intersessional period.

- 13.18 Dr Keith Reid from the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) Secretariat introduced SBWG-2 Doc 31 Rev1. This paper described the CCAMLR data submission and management system, which provides data on catches of both target and by-catch species, permitting fine scale analysis at the level of the fishery, by area, gear type and by vessel. This analysis is conducted by the Secretariat and in CCAMLR Working Groups of the Scientific Committee, including its *ad hoc* Working Group on Incidental Mortality Associated with Fisheries (WG-IMAF).
- 13.19 The SBWG noted the comprehensive nature of the data collection and assessment process that has been developed by CCAMLR and agreed that it formed a useful model for ACAP. An observer programme with high levels of coverage has been critical to understanding bycatch problems and has been key to CCAMLR's success in reducing bycatch in its fisheries. The model was entirely relevant to other RFMOs but could also be adopted by the SBWG for assessment of summary bycatch information provided by ACAP Parties.

### **Coordination of activities relating to RFMOs**

- 13.20 There was considerable work undertaken intersessionally to develop a strategy for the Agreement and Parties to engage and assist Regional Fisheries Management Organisations (RFMOs) and other relevant bodies to assess and minimise bycatch of albatrosses and petrels. SBWG-2 Doc 14 / AC4 Doc 56 summarises the current status of RFMOs overlapping spatially with ACAP-listed species, and outlines a process for strategic engagement with these organisations.
- 13.21 It is suggested that coordination of ACAP engagement with each RFMO could be best achieved through nominating a RFMO Coordinator for each RFMO. The Working Group recognised that RFMO Coordinators would succeed best when able to act as stand-alone ACAP representatives, rather than also being part of national delegations. This was particularly relevant with respect to attendance and participation at meetings. While stand-alone ACAP representation was highly desirable, the Working Group recognised that this would not always be possible. For this reason a combination approach of RFMO Coordinators acting as stand-alone representatives of ACAP, and Coordinators who were part of national delegations, would be the required approach.
- 13.22 RFMO Coordinators would work with Parties and AC officials to develop an ACAP-agreed approach to relevant RFMO meetings. The approach to each RFMO meeting would be different and engagement strategies should be considered on an RFMO by RFMO basis. Whereas ACAP could produce some products that would be usefully deployed across RFMOs, there would also be the need for specifically tailored products to maximize the efficacy of ACAP engagement.
- 13.23 The Working Group agreed that priority products for ACAP to produce and deploy in RFMO meetings were:
- ACAP's Species Assessments;
  - information on management measures and strategies for reducing seabird bycatch, including new information on mitigation measures;
  - summary of risk assessment methods and key contacts in this area; and
  - guidance on observer requirements for effective seabird bycatch monitoring.

- 13.24 The Advisory Committee discussed the selection of RFMOs in which to test the proposed RFMO Coordinator approach. Three things were central to this consideration: known distributions of ACAP species, seabird-related work to date conducted within RFMOs, which RFMOs ACAP Parties were members of, and potential opportunities within RFMOs for progressing albatross and petrel conservation. For trialing the Coordinator approach, the Committee agreed to prioritise IATTC, ICCAT, IOTC and WCPFC. New Zealand will coordinate amongst Parties to identify Coordinators for upcoming meetings of these RFMOs. However, the Committee welcomed offers from Parties attending other RFMOs to trial the Coordinator approach as well.
- 13.25 BirdLife International looked forward to continuing to work alongside ACAP at RFMOs, and expressed interest in keeping in touch with developments in the Coordinator process.
- 13.26 The Advisory Committee adopted the goals and processes for engagement with RFMOs as proposed in SBWG 2 Doc 14 Rev1 / AC4 Doc 56 Rev 1; agreed to the development of RFMO-specific engagement strategies; and agreed to consider priority products identified above for inclusion in the AC Work Programme. It was also agreed that the SBWG should review RFMO progress and priority areas for work at AC5. Projeto Albatroz (Brazil) advised that it had offered to provide Portuguese translation services for the fact sheets (see 13.27 below).

#### **Mitigation fact sheets**

- 13.27 The Advisory Committee gratefully accepted the invitation by BirdLife (SBWG-2 Doc 9) to collaborate on an initiative to distribute and maintain a suite of fact sheets to assist in reducing bycatch in longline and trawl fisheries (AC4 Doc 14 Rev 2). A co-branding arrangement and reciprocal website downloads will be established intersessionally by the Secretariat.

#### **NPOA Guidelines and FAO expert consultation**

- 13.28 BirdLife International provided an update of progress on the planning for an Expert Consultation to develop Best Practice Technical Guidelines supporting the implementation of IPOA-Seabirds and elaboration of NPOA-Seabirds (SBWG-2 Doc 10) to be held in Bergen, Norway in September 2008. Bird life would endeavour to provide an interim report on this meeting for MoP3.

#### **Future Work Programme**

- 13.29 The Committee endorsed the Seabird Bycatch Working Group's work plan (Section 4 of the Advisory Committee's work plan, see Agenda Item 15).

### **14. CAPACITY BUILDING**

- 14.1.1 Brazil presented AC4 Doc. 26 which was prepared during a three month secondment of Ms Tatiana Neves to the Interim Secretariat in Hobart. The document contained four project proposals for Capacity Building in South America. In a side meeting all South

American delegations prioritized two of the four presented projects. The first one (Project 1 in AC4 Doc. 26) aims to improve data collection from observer programmes in South America. This project was identified as the highest priority by all delegates. The second project (Project 2 in AC4 Doc. 26) proposes to hold the 2nd South American Fisheries Forum. It was agreed by the Advisory Committee that for development of Project 2, the funds shall be raised from external sources and can be supported partially with the ACAP budget. ASOC offered the support of Southern Seabird Solutions and WWF-NZ to help support the project. The Advisory Committee accepted and thanked ASOC for the offer.

- 14.1.2 The Chair proposed developing a strategy for capacity building to be presented at the next meeting of the Advisory Committee. Argentina, Brazil, Chile, Ecuador and New Zealand indicated their support for assisting with this initiative.
- 14.1.3 The Committee also noted that “capacity building” was not well defined in the Agreement and further discussion on the definition was suggested, to ensure it takes account of, and is consistent with, other related international definitions of the term.

## **15. ADVISORY COMMITTEE WORK PROGRAMME**

### **15.1 Review of Work Programme 2007-2009**

- 15.1.1 The Committee developed a costed work programme for the period 2009/2012 (Annex 8) taking into consideration the achievements against the 2007-2009 Work Programme, the outcomes of this meeting and the preceding workshops.

### **15.2 Funding of 2009-2012 Work Programme**

- 15.2.1 The costings of the work programme were developed for Appropriation No. 4 (Advisory Committee Work Programme) but substantial amounts of support are also required from the Secretariat. Work programme items agreed for 2009 would be allocated in agreement with the Parties in a manner to be resolved intersessionally. The Advisory Committee strongly supported the creation of an additional science support position in the Secretariat. The Advisory Committee agreed that without this post it would be impossible for the Advisory Committee to achieve the necessary work to ensure the implementation of the Agreement.

### **15.3 Assessment of project applications and funding recommendations**

- 15.3.1 The Advisory Committee considered the project applications and funding recommendations contained in document AC4 Doc 24 that had been assessed by the various Advisory Committee Working Groups. It was agreed to fund all of the projects with a high priority recommendation with the exception of Project 6 which related to the Waved albatross *Phoebastria irrorata*. Because two Waved Albatross projects were so similar, the proposers of both projects agreed to work with Ecuador and Peru to develop a single project proposal. The Advisory Committee agreed to set aside AUD \$40,000 in

anticipation of funding a revised project proposal that would address high priority items from the Waved Albatross Action Plan.

- 15.3.2 The Advisory Committee considered how the funding application process (AC4 Doc 53) could be improved for future years and agreed to work on this issue intersessionally. New Zealand recommended that consideration should be given to a two step process whereby the AC Work Programme was developed and then funding bids were encouraged for items that specifically delivered on these work items. A small pool of the available funds could be kept for innovative ideas not included on the Work Programme. The Advisory Committee agreed to consider this approach.

#### **15.4 Development of Conservation Guidelines**

- 15.4.1 A document drafted by the BSWG Convenor outlining background, guidelines, useful further reading and a list of online resources relating to the eradication of alien mammals from breeding sites (AC4 Doc 52) was discussed. The document highlights key issues to consider before and during the design of an alien mammal eradication programme and provides a means of obtaining further information. The Committee endorsed a recommendation from the BSWG that this document be made available from the ACAP website in a similar (readily updateable) format to the Species Assessments. The Secretariat agreed to undertake this.
- 15.4.2 The Committee accepted an offer by the UK to lead, with assistance from other members of the BSWG, in the production of conservation guidelines relating to biosecurity and quarantine measures at ACAP breeding sites.
- 15.4.3 The Chair, Vice Chair and Working Group Conveners agreed to draft a document for the MoP that would highlight progress by the Committee and WGs in developing a range of conservation guidelines and advice, and look forward to including possible future guidelines, including those on seabird bycatch data collection by fishery observer programmes.

#### **16. DEVELOPING INDICATORS TO MEASURE THE SUCCESS OF ACAP**

- 16.1 It was noted that the development of indicators to measure the collective success of Parties in implementing the Agreement was of high importance. The United Kingdom offered to build on the work undertaken by New Zealand and others at AC3. New Zealand offered to assist with this work.
- 16.2 South Africa recollected the agreement at MoP2 to use the relevant IUCN Red List indices as an interim indicator. BirdLife agreed to provide the latest version of these IUCN indices to MoP3. BirdLife also noted that a suite of potentially relevant indicators should emerge for the analysis, by ACAP Working Groups, of data available in the ACAP database. Additional indicators, measuring collective success in complementary aspects of the ACAP work, would also be most valuable.

- 16.3 The United Kingdom indicated it would work towards the preparation of a draft document by the end of the year for circulation to Advisory Committee members intersessionally, so that this issue could be considered at MoP3.

## 17. LISTING OF NEW SPECIES

- 17.1 The Advisory Committee at its Third Meeting (Valdivia, Chile June 2007) agreed to consider the addition of the three North Pacific albatrosses, the Short-tailed Albatross, Laysan Albatross, and Black-footed Albatross, to Annex 1 of the Agreement, and requested that information regarding the species' conservation status be presented to the Fourth Meeting of the AC in 2008. John Cooper summarized the history and rationale for including these species (AC4 Doc18, AC3 Doc 18, AC2 Doc 21) and highlighted the mutual benefits to both ACAP and existing domestic and international efforts to conserve these three species. The USA presented information on the conservation status, threats, and conservation actions for these three species (AC4 Docs 44, 45, 46). The USA thanked Ken Morgan (Canada), BirdLife International, and the ACAP Secretariat for its assistance in the preparation of these species information documents.
- 17.2 The Chair proposed that a resolution be provided to the Third Session of the Meeting of Parties in 2009 for the addition of these three species to Annex 1. This was supported by the Advisory Committee. Australia and the UK offered to assist in drafting a resolution that will be circulated among Parties intersessionally and a final draft will be submitted for consideration by MoP3. The Committee agreed that appropriate supporting documentation can be included or appended to the resolution. The resolution may also include a proposed amendment to Annex 1 to correct the nomenclature of the species name of *Thalassarche melanophrys/melanophris*.
- 17.3 The United States supported the preparation of a resolution by the Advisory Committee that the Laysan, Black-footed, and Short-tailed albatrosses be proposed for inclusion in Annex 1 of ACAP. The USA concurred with the findings set forth in AC4 Doc 18 that the species would benefit from listing in Annex 1. It was noted that these species would specifically benefit from enhanced cooperation towards the reduction of albatross bycatch mortality, especially through the interaction of ACAP with the RFMOs. Furthermore, the USA welcomed the increased communication and coordination of international conservation efforts among ACAP members' to conserve these species. The USA will continue to provide assistance as requested, for any part of ACAP's activities and deliberations towards the inclusion of these species.
- 17.4 Dr Greg Balogh, leader of the Short-tailed Albatross Recovery Team, conveyed the team's unanimous support that the Short-tailed Albatross be included under Annex 1 of the ACAP Agreement, believing that doing so will further benefit the conservation of the species. The Recovery Team is convened under the U.S. Endangered Species Act and is comprised of experts from Australia, Canada, Japan, and the United States.
- 17.5 In response to a query made on the status of the USA's interest in joining ACAP, the USA responded that its Administration is actively considering accession to ACAP. This is a deliberative, comprehensive process that takes some time. Currently, the US Department of State has approved and will transmit a recommendation to its President

to seek Senate advice and consent to accession to ACAP. The US Administration is also developing domestic implementing legislation that, once approved by the Administration, will be submitted to Congress. Progress in these two fronts has been significant. However, it is not possible for the USA to predict whether, and when, its Administration will submit the treaty and implementing legislation to Congress, nor whether and how quickly its Congress will act once it receives these materials.

- 17.6 Spain advised the Advisory Committee that it would be giving consideration to proposing that the Balearic shearwater *Puffinus mauretanicus* also be added to Annex 1. It agreed that appropriate supporting documentation would be prepared and circulated intersessionally for the consideration of Advisory Committee members. The Advisory Committee welcomed this advice and looked forward to receiving the documentation.

## **18. THIRD MEETING OF PARTIES**

### **18.1 Timing and venue**

- 18.1.1 The next Session of the Meeting of Parties (MoP3) will take place in Bergen, Norway. The third or fourth week of April 2009 was suggested for this meeting. Uruguay expressed concern that this might overlap with the CITES Animal Committee meeting in Switzerland. Further details, including confirmation of the venue and meeting schedule, will be communicated to Parties and other ACAP participants in the near future.

### **18.2 Draft Agenda**

- 18.2.1 The issues identified as possible agenda items for MoP3 are at Annex 9.

### **18.3 Identification of Resolutions to be addressed at MoP 3.**

- 18.3.1 The Committee agreed to draft resolutions on the following issues for consideration at the next Meeting of Parties:

1. Agreement Budget 2010-2012
2. Amendments to the Financial Regulations
3. Revision of Annex 1 – addition of new species
4. Advisory Committee Work Programme
5. Authority to enter into arrangements with RFMOs

- 18.3.2 Draft resolutions on items 3 and 4 are attached as Annexes 15 and 16. The remainder will be prepared intersessionally.

## **19. FUTURE MEETINGS OF THE ADVISORY COMMITTEE**

### **19.1 Timing and Location**

- 19.1.1 Argentina offered to host the next meeting of the Advisory Committee. The Committee gratefully accepted this offer.
- 19.1.2 It was noted that there were budgetary considerations if the meeting were to take place in 2009, as no provisions have been made to fund a major ACAP meeting other than MoP3 in that year. Funding would have to come from voluntary contributions or other sources. The merit of yearly meetings was discussed by the Committee and a provisional time frame of holding the next Advisory Committee in early 2010 was suggested. A decision on the timing of AC5 will be made intersessionally in consultation with the host Government, taking into account possible deliberations at MoP3.
- 19.1.3 Ecuador provisionally offered to host the sixth meeting of the Advisory Committee.

### **19.2 Agenda**

- 19.2.1 A draft agenda for AC5 was adopted by the Committee (Annex 10).

## **20. ELECTION AND APPOINTMENT OF OFFICERS**

- 20.1 The Chair noted that several Vice-convenor positions were vacant on the Working Groups and that these positions were important to relieve the work-load of Convenors, both at meetings and during the intersessional period.
- 20.2 The Convenor of the Taxonomy Working Group advised the meeting that Dr Diego Montalti (Argentina) was prepared to take on the position of Vice-convenor for this group. The meeting welcomed this nomination and unanimously appointed Dr Montalti to this position.

## **21. ILLEGAL, UNREGULATED AND UNREPORTED FISHING AND ITS RELEVANCE TO SEABIRD CONSERVATION**

- 21.1 AC4 Doc 22 by Australia presented information on the potential impact of global Illegal, Unreported and Unregulated (IUU) fishing on seabird species listed under Annex 1 of the Agreement. While acknowledging the difficulty in acquiring accurate estimates of the level and spatial distribution of IUU fishing effort, the document provided compelling evidence for the potentially large number of ACAP listed seabirds killed in IUU fisheries operating in waters under national jurisdiction and on the high seas. The document recommended that the Advisory Committee, as part of its regular interactions with regional and global organisations and States, highlight the likely severity of threats posed by IUU fishing to ACAP-listed seabird populations, encourage strong and urgent

actions to combat IUU fishing, encourage the preparation of regular estimates of the level, nature and distribution of IUU fishing and impact on seabirds, and request that such estimates be provided promptly to the ACAP Secretariat for use by ACAP in its work.

- 21.2. The United States endorsed the concerns of Australia on the impacts of IUU fishing on seabirds, and welcomed Australia's recommendations to ACAP. The US also drew the Parties' attention to the International Monitoring Control and Surveillance Network. The US noted that many ACAP Parties are members of this network, and encouraged other Parties to join it, and MCS network members to continue to support this valuable tool to coordinate fisheries enforcement efforts to address IUU fishing. The US offered to provide additional information to interested Parties.
- 21.3 The Advisory Committee acknowledged the importance of AC4 Doc 22 to the objectives of the Agreement and generally supported the recommendations.

## **22. WAVED ALBATROSS ACTION PLAN**

### **22.1 Report of Workshop**

- 22.1.1 The Chair provided a summary of the second Waved Albatross Plan of Action Workshop (AC4 Doc 20) held in Guayaquil, Ecuador, on 5-6 May 2008. The Workshop was attended by representatives of the Agreement, the governments of Ecuador and Peru , the Ecuadorean fishing community and industry, the scientific community of Ecuador, Peru and the U.S.A, Inter-American Tropical Tuna Commission (IATTC) and local and international NGOs. The main aim of the workshop was to inform the debate and to reach consensus on the Action Plan, with special emphasis on the 'Recommended Actions', and how they could be implemented.
- 22.1.2 The workshop agreed upon the necessary actions, and defined the ensuing steps to be taken following the conclusion of the current stage of development of the Action Plan. The Government of Ecuador and the Government of Peru agreed to adopt the Action Plan in order to commence its implementation in accordance with the timelines established.
- 22.1.3 Peru welcomed ACAP's support for the meeting and noted the second workshop has been very useful for all stakeholders within their country.

### **22.2 Action Plan**

- 22.2.1 The Chair noted that the current and now updated Action Plan (AC4 Doc 50) is a comprehensive document which includes information on the species' biology and the threats it faces, and is a thorough compilation of data and published literature. It also presents a list of recommended actions. Of the key actions considered in the Plan, 90% were identified as being of very high priority. The Chair advised that contact has been established with some stakeholders to refine those priorities. Ecuador reported that progress regarding some actions has already been made, including eradication efforts

as a result of collaboration between the two national parks which administer the breeding sites of this species. Ecuador also advised that the NGO Aves y Conservacion will help to collect seabird bycatch data and that contact has been established with the Ministry of Fisheries to implement an observer programme in industrial fisheries. However, the issue of seabird bycatch in artisanal fisheries is more complex and, although anecdotal data have been collected by NGOs, there is a need to coordinate these efforts at a regional level.

### **23. IMPACTS OF GLOBAL CLIMATE CHANGE**

- 23.1 Dr Henri Weimerskirch (France) gave a presentation to the Advisory Committee on the impacts of global climate change.
- 23.2 It was noted that worldwide ecosystems are affected by human activities and climate change. An important issue is thus to understand the responses of species to these factors, and in particular their respective roles to be able to predict future changes and to implement management actions. In the marine ecosystems, top predators such albatrosses and petrels have been shown to be convenient indicators of climatic variability, because they integrate the various levels of the trophic webs. ACAP species are well known to be affected by fisheries within their range, but the consequences of environmental variation and climate change are still poorly known.
- 23.3 Based on long-term demographic studies (1960-2006) conducted in the French sub-Antarctic territories on seven ACAP species an examination has been undertaken of our present knowledge on the respective role of fisheries (long line and trawling) and climatic factors. Responses of populations to climatic variation and to fisheries efforts are extremely variable according to the species, sites and type of fishery considered. Some species such as Crozet sooty albatrosses *Phoebetria* spp and Wandering albatrosses *Diomedea exulans* have been affected negatively by tuna long lining in sub tropical waters. Other species, such as Kerguelen Black browed albatrosses appear to be favoured by present climate change around the breeding grounds, but negatively by tuna fisheries in the wintering grounds in Australia, leading to the stability of the population through compensatory effects. White-chinned and Grey petrels are strongly negatively affected by demersal long line fisheries, with climatic factors having an additive negative affects. Whereas climate change mainly affects breeding success of populations and translates into a high variability of this parameter, adult survival, especially in the longer lived species, was not affected by climate, probably as a result of canalisation against climatic variations, but was mainly negatively affected by tuna longlining. Differences in demographic responses of the species are due to differences in the life history traits, and especially depend on the foraging zone of the different age classes throughout the year.
- 23.4 In order to understand the causes of population variability and especially the causes of decline of several threatened ACAP species and to predict future population trajectories, it is important to take into account in models the role of climate on their demography, as an important covariate when examining fisheries effects. This requires long term demographic and monitoring studies on land, as well as a good knowledge of the foraging distribution of the entire populations at sea. Comparative studies between sites

through international scientific collaboration would further help understand why trends in population can be so different between sites of the same species.

- 23.5 The Advisory Committee noted that this was a complex issue, with both climate and fishing having both positive and negative impacts on populations. Further studies on the potential impact of climate change were generally supported by Parties, and it was agreed to include this in the Advisory Committee Work Programme (see Annex 8 Item 6.5). In addition, the Advisory Committee suggested that the presentation by France should be developed into a paper for consideration at the Ninth Session of the CMS Conference of Parties to be held in December 2008. Finally, the discussions stressed the importance of long-term studies that allow examination of the interactions between fisheries and climate change in determining population trajectories.
- 23.6 The United States supported the comments of the Parties, and noted that the vulnerability of low-lying islands and atolls that support globally significant seabird colonies should be considered by ACAP Parties in prioritizing actions to support long-term conservation of albatrosses and petrels.

## **24. OTHER BUSINESS**

- 24.1.1 Argentina informed the Advisory Committee about new developments that had taken place after the presentation of its national Report. On 17 July 2008, the Federal Fisheries Council adopted Resolution No. 8 which establishes a series of measures for mitigating the incidental catch of seabirds in demersal long-line fisheries, including the use of tori-lines, the integration of weights to the hookline, night setting, and the obligation to ensure that birds captured alive during longlining are released alive. The competent authority will adopt regulations for the effective implementation of these provisions in the light of international practice and taking into account the realities of the Argentine fishing fleet.
- 24.1.2 Argentina advised the meeting about the availability of funding from the Argentine Cooperation Funds (FOAR), that could be used for the development of projects relating to the conservation of albatrosses and petrels in "developing countries".

## **25. CLOSING REMARKS**

- 25.1 The Chair concluded the meeting by thanking all participants for their contributions to the meeting, noting that significant progress had been achieved on a range of issues that were essential for the effective implementation of the Agreement. He extended special thanks to the Vice-Chair and to the other delegates who had led components of the meeting and to the Secretariat for its assistance.
- 25.2 Thanks were extended to the Government of South Africa for hosting the meeting. The interpreters, technical staff and staff from Erinvale Resort were thanked for their excellent support.

**26. ADOPTION OF THE REPORT**

26.1 The meeting adopted the final report of AC4.

## ANNEXES

### ANNEX 1

#### 1. LIST OF PARTICIPANTS AT THE FOURTH MEETING OF THE PARTIES TO THE AGREEMENT ON ALBATROSSES AND PETRELS

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**ANNEX 2****2. LIST OF MEETING DOCUMENTS****FOURTH MEETING OF ADVISORY COMMITTEE**

<b>WORKING DOCUMENTS</b>			
<b>Paper</b>	<b>Title</b>	<b>Agenda Item</b>	<b>Author</b>
AC4 Doc 1 Rev2	Agenda	2	Secretariat
AC4 Doc 2	Annotated Agenda	2	Secretariat
AC4 Doc 3 Rev3	Schedule	2	Secretariat
AC4 Doc 4	Participant List		Secretariat
AC4 Doc 5 Rev5	List of Papers		Secretariat
AC4 Doc 6	Interim Secretariat Report	4.1	Secretariat
AC4 Doc 7	Depository Report	5.1	Australia
AC4 Doc 8	Implementation of Headquarters Agreement	5.2	Australia
AC4 Doc 9 Rev1	Financial Report	4.2	Secretariat
AC4 Doc 10	Rules of Procedure	3	Secretariat
AC4 Doc 11 Rev3	Report of Status and Trends Working Group	10.1	Convenor STWG
AC4 Doc 12	Report of Taxonomy Working Group	11.1	Convenor Taxonomy WG
AC4 Doc 13 Rev1	Report of Breeding Sites Working Group	12.1	Convenor BSWG
AC4 Doc 14	Report of Seabird Bycatch Working Group	13.1	Convenor SBWG
AC4 Doc 15	Prioritising ACAP Actions	9	New Zealand
AC4 Doc 16 Rev1	Advisory Committee's Report on Implementation of the Agreement	7.1	Secretariat
AC4 Doc 17	Advisory Committee Work Programme	15.1	Chair Advisory Committee
AC4 Doc 18	Listing of New Species	17	South Africa
AC4 Doc 19 Rev1	Important Breeding Areas	12.3	BirdLife International
AC4 Doc 20	Report from Waved Albatross Workshop, Guayaquil, Ecuador	22.1	Ecuador, Chair Advisory Committee
AC4 Doc 21	Secretariat Work Programme	4.3	Secretariat
AC4 Doc 22	IUU Fishing and its Relevance for Seabird Conservation	21	Australia
AC4 Doc 23	Provision of Legal Advice	4	NOT SUBMITTED
AC4 Doc 24	Summary of Project	15.2	WG Convenors

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	Applications		
AC4 Doc 25	Advisory Committee's Report to MoP 3	8	Advisory Committee Chair
AC4 Doc 26	Capacity Building in South America	14	Brazil, NZ
AC4 Doc 27	Observer Report – SCAR SGP Workshop	6	Argentina
AC4 Doc 28	Observer Report - ATCM	6	NOT SUBMITTED
AC4 Doc 29	Implementation Report- Argentina	7.1	Argentina
AC4 Doc 30	Implementation Report Australia	7.1	Australia
AC4 Doc 31	Implementation Report - Brazil	7.1	Brazil
AC4 Doc 32	Implementation Report - Chile	7.1	Chile
AC4 Doc 33	Implementation Report - Ecuador	7.1	NOT SUBMITTED
AC4 Doc 34	Implementation Report - France	7.1	France
AC4 Doc 35	Implementation Report – New Zealand	7.1	New Zealand
AC4 Doc 36	Implementation Report - Norway	7.1	NOT SUBMITTED
AC4 Doc 37	Implementation Report - Peru	7.1	Peru
AC4 Doc 38	Implementation Report – South Africa	7.1	South Africa
AC4 Doc 39	Implementation Report - Spain	7.1	NOT SUBMITTED
AC4 Doc 40	Implementation Report - UK	7.1	United Kingdom
AC4 Doc 41 Rev1	Implementation Report – United States of America	7.1	United States
AC4 Doc 42	Implementation Report – BirdLife International	7.1	Birdlife International
AC4 Doc 43	Implementation Report – Uruguay	7.1	Uruguay
AC4 Doc 44	Species Information - Short-tailed Albatross	17	USA
AC4 Doc 45	Species Information - Laysan Albatross	17	USA
AC4 Doc 46	Species Information - Black-footed Albatross	17	USA
AC4 Doc 47 Rev1	Agreement Budget 2010-2012	4.2	Secretariat
AC4 Doc 48	Process for Identification of ACAP Priorities	9	Various
AC4 Doc 49	Performance Indicators to Measure Success of Agreement	16	NOT SUBMITTED

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AC4 Doc 50 Rev2	Waved Albatross Action Plan	23.2	Ecuador, Peru, Advisory Committee
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**ANNEX 3****3. FINAL AGENDA****FOURTH MEETING OF ADVISORY COMMITTEE**

<b>1. Opening Remarks</b>
<b>2. Adoption of the Agenda</b>
<b>3. Rules of Procedure</b>
<b>4. ACAP Secretariat</b> <ul style="list-style-type: none"> <li>4.1 Activities undertaken in 2007/8 intersessional period</li> <li>4.2 Financial Report and Agreement Budget</li> <li>4.3 Secretariat Work Programme 2007-2009</li> <li>4.4 Performance Indicators</li> <li>4.5 Recruitment of Executive Secretary</li> </ul>
<b>5. Report of Depository</b> <ul style="list-style-type: none"> <li>5.1 Depository Status List</li> <li>5.2 Headquarters Agreement</li> </ul>
<b>6. Reports from ACAP Observers at non fishery-related International Meetings</b>
<b>7. Parties' Reports on Implementation of the Action Plan</b> <ul style="list-style-type: none"> <li>7.1 Collation of reports from Parties, Signatories and Organisations</li> </ul>
<b>8. Advisory Committee Report to the Meeting of Parties</b>
<b>9. Priorities for ACAP</b>
<b>10. Status and Trends of Albatrosses and Petrels</b> <ul style="list-style-type: none"> <li>10.1 Report of Working Group</li> <li>10.2 Future Work Programme</li> </ul>
<b>11. Taxonomy of Albatrosses and Petrels</b> <ul style="list-style-type: none"> <li>11.1 Report of Working Group</li> <li>11.2 Future Work Programme</li> </ul>
<b>12. Breeding Sites</b> <ul style="list-style-type: none"> <li>12.1 Report of Working Group</li> <li>12.2 Future Work Programme</li> <li>12.3 Identifying Internationally Important Breeding Sites</li> </ul>
<b>13. Seabird Bycatch</b> <ul style="list-style-type: none"> <li>13.1 Report of Working Group</li> <li>13.2 Future Work Programme</li> <li>13.3 Foraging Ranges and Overlap with Fisheries</li> <li>13.4 Standards for Bycatch Data Collection</li> </ul>

13.5 Estimation of Bycatch 13.6 Bycatch mitigation 13.7 Engagement with RFMOs and other relevant international bodies 13.8 National Plans of Action and other National Initiatives
<b>14. Capacity Building</b>
<b>15. Advisory Committee Work Programme</b> 15.1 Review Work Programme 2007 - 2009 15.2 Funding of 2009 Work Programme 15.3 Development of Conservation Guidelines
<b>16. Developing Indicators to Measure the Success of ACAP</b>
<b>17. Listing of New Species</b>
<b>18. Third Meeting of Parties</b> 18.1 Timing and Venue 18.2 Agenda
<b>19. Fifth Meeting of the Advisory Committee</b> 19.1 Timing and Venue 19.2 Agenda
<b>20. Election and appointment of Officers</b>
<b>21. Illegal, Unregulated and Unreported Fishing and its Relevance to the Conservation of Seabirds</b>
<b>22. Waved Albatross Action Plan</b> 22.1 Report of Workshop 22.2 Action Plan
<b>23. Impacts of Global Climate Change</b>
<b>24. Other Business</b>
<b>25. Closing remarks</b>
<b>26. Adoption of report</b>

**ANNEX 4**

**4. SUMMARY OF SEABIRD BYCATCH MITIGATION MEASURES FOR DEMERSAL LONGLINE FISHING AND IDENTIFICATION OF KNOWLEDGE GAPS**

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
<b>1. Avoiding peak areas and periods of seabird foraging activity</b>					
<b>Night setting</b>	(Ashford et al. 1995; Cherel et al. 1996; Moreno et al. 1996; Barnes et al. 1997; Ashford & Croxall 1998; Weimerskirch et al. 2000; Belda & Sánchez 2001; Nel et al. 2002; Ryan & Watkins 2002; Sánchez & Belda 2003; Reid et al. 2004)	Bright moonlight and decklights reduce the effectiveness of this mitigation measure (Cherel et al. 1996). Not as effective for crepuscular/nocturnal foragers such as the White-chinned petrel, but even for these species night setting is more effective than setting during the day (Ashford et al. 1995; Gómez Laich et al. 2006; Weimerskirch et al. 2000; Nel et al. 2002). In order to maximise effectiveness of this mitigation measure, decklights should be off or kept to an absolute minimum, and used in combination with additional mitigation measures, especially when setting in bright moonlight conditions. Night setting is not a practical option for fisheries operating	Recommend combination with bird scaring lines and/or weighted lines, especially to reduce incidental mortality of birds that forage at night	Effect of night setting on catch rates of target species for different fisheries.	Night defined as the period between the times of nautical twilight (nautical dark to nautical dawn)

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
		at high latitudes during summer. Setting should be completed at least 3 hours before sunrise to avoid the predawn activity White-chinned petrels (Barnes et al. 1997)			
<b>Area and seasonal closures</b>	A number of studies have reported marked seasonality in seabird bycatch rates, with the majority of deaths taking place during the breeding season (Moreno et al. 1996; Ryan et al. 1997; Ashford & Croxall 1998; Ryan & Purves 1998; Ryan & Watkins 1999; Ryan & Watkins 2000; Weimerskirch et al. 2000; Kock 2001; Nel et al. 2002; Ryan & Watkins 2002; Croxall & Nicol 2004; Reid et al. 2004; Delord et al. 2005). In some studies, mortality has been almost exclusively within	It's difficult to separate the temporal closure from the increased uptake/implementation of other mitigation measures, but it is clearly an important and effective management response, especially for high risk areas, and when other measures prove ineffective. There is a risk that temporal/spatial closures could displace fishing effort into neighbouring or other areas which may not be as well regulated, thus leading to increased incidental mortality elsewhere.	Must be combined with other measures, both in the specific areas when the fishing season is opened, and also in adjacent areas to ensure displacement of fishing effort does not merely lead to a spatial shift in the incidental mortality.	Further information about the seasonal variability in patterns of species abundance around demersal longline fisheries. If closed areas are to be considered, determine the impact of closures on catches of target species.	Currently, the area around South Georgia (Isla Georgias del Sur y Islas Sandwich del Sur) (CCAMLR Subarea 48.3) is open from May 1 <sup>st</sup> to Aug. 31 <sup>st</sup> or till established catch limit is reached, as provided for by CCAMLR Conservation Measures in force. (41-02/2007).

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
	<p>the breeding season. Several studies have also shown that proximity to breeding colonies is an important determinant of seabird bycatch rates (Moreno et al. 1996; Nel et al. 2002). The much higher rate of seabird bycatch during the breeding period led to the temporal closure of the fishery in CCAMLR sub-area 48.3 from 1998, which contributed to a ten-fold reduction in seabird bycatch (Croxall &amp; Nicol 2004). Movement of fishing effort away from the Prince Edward Islands coincided with a reduction in seabird bycatch in the sanctioned Prince Edward Island fishery.</p>				

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
<b>2. Reducing the time baited hooks are near or on the surface and thus available to birds</b>					
<b>Externally weighted lines</b>	(Agnew et al. 2000; Robertson 2000; Melvin et al. 2001; Moreno et al. 2006)	<p>It is important that tension astern is minimised to optimise the sink rate of the line weighting regime. This can be done by preventing hooks snagging on baskets/boxes and by ensuring that weights are released from the vessel before line tension occurs (Robertson et al. 2008).</p> <p>Various methods are used to ensure smooth flow of hooks and avoid entanglements. On autoliners, this is achieved by ensuring the correct looping of the line on racks and oiling the line. For the Spanish system it is achieved by correct packing of the lines and hooks and using boxes with smooth edges. Externally attached weights must be attached and removed for each set-haul cycle, which is onerous and potentially hazardous for crew members.</p> <p>Weights made up of rocks enclosed in netting bags and concrete blocks deteriorate and require ongoing maintenance/replacement and monitoring to ensure the</p>	Must be combined with other measures, especially bird scaring lines, judicious offal management and/or night setting.	<p>Improving understanding of sink rate relationships of different line weighting regimes for particular fisheries (or fishery method) and testing the effectiveness of the line weighting regime and the sink profile in reducing seabird mortality.</p>	<p>Global minimum standards not established.</p> <p>Requirements vary by fishery and vessel type. For example, CCAMLR minimum requirements for vessels using the Spanish method of longline fishing are 8.5kg mass at 40m intervals (if rocks are used), 6kg mass at 20m intervals for traditional (concrete) weights, and 5 kg weights at 40m intervals for solid steel weights. For autoliners, CCAMLR requires as a minimum 5kg weight at intervals no more than 40m. It is also required that weights be released before line tension occurs.</p> <p>In the New Zealand fisheries, a minimum of 4kg (metal weight) or 5kg (non-metal weight) be attached every 60m if the hook bearing line is 3.5mm or greater in diameter, and a minimum of 0.7kg of weight every 60m when the line is less than 3.5mm diameter. The New</p>

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
		required mass is made up (Otley 2005); standard mass weights of steel are better in this respect, both from a handling and compliance perspective (Robertson et al. in press). Longlines with externally added weights sink unevenly, faster at the weights than at the midpoint between weights. Gear configuration and setting speed influence the sink rate profiles of the hook lines (Seco Pon et al. 2007). See later section on the Chilean Mixed System			Zealand minimum standards also include requirements relating to the use of floats.
<b>Integrated weighting of lines</b>	Apart from the practical advantages of integrated weight (IW) longlines – superior handling qualities and practically inviolable – the IW longlines sink more quickly and uniformly out of reach of most seabirds compared with externally weighted lines. IW longlines have been shown to reduce substantially	Restricted to autoline vessels. The sink rate of IW longlines can vary depending on vessel type, setting speed and deployment of line relative to propeller wash (Melvin & Wainstein 2006; Dietrich et al. 2008). Setting speed influences the extent of the seabird access window – the area in which most seabirds are still able to access the baited hooks in the absence of bird scaring lines (Dietrich et al. 2008)	Recommended combination with bird scaring lines, judicious offal management and/or night setting	Improving understanding of sink rate relationships of different line weighting regimes for particular fisheries (or fishery method) and testing the effectiveness of the line weighting regime and the sink profile in reducing seabird mortality.	Global minimum standards not in place. CCAMLR currently requires as a minimum IW lines with a lead core of 50 g/m, which is also required in the New Zealand demersal longline fishery.

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
	mortality rates of surface foragers and diving seabirds, while not affecting catch rates of target species (Robertson et al. 2002; Robertson et al. 2003; Robertson et al. 2006; Dietrich et al. 2008)				
<b>Side setting</b>	Has not been widely tested in demersal longline fisheries. In trials in the New Zealand ling fishery, side setting appeared to reduce seabird bycatch; however, the results were not convincing and there were practical/operational difficulties, with the line becoming entangled in the propeller (Bull 2007). Sullivan (2004) reported that side setting has been used in some demersal fisheries (e.g. shark fisheries) which have	Practical difficulties, especially in difficult weather/sea conditions. In many cases it may be difficult and expensive converting the vessel's deck design to employ a side setting system.	Must be used in combination with other mitigation measures, especially the use of a bird curtain (Gilman et al. 2007), and bird scaring lines.	Side setting is largely untested in demersal fisheries, especially in the Southern Ocean, where the seabird assemblages include proficient diving seabirds.	Only in Hawaii for the pelagic longline fisheries, where it is used in conjunction with a bird curtain and weighted branch lines (45 g within 1m of hook); side setting is defined as a minimum of 1m forward of the stern.

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
	experienced negligible incidental mortality.				
<b>Underwater setting funnel</b>	An underwater setting funnel has been tested in demersal longline fisheries in Alaska USA, Norway and South Africa, with all studies showing a reduction in the mortality rate, although the extent of the reduction varied between studies (Løkkeborg 1998, 2001; Melvin et al. 2001; Ryan & Watkins 2002).	Present design is mainly for a single line system. Results from studies to date have been inconsistent, likely due to the depth at which the device delivers the baited hooks and the diving ability of the seabirds in the fishing area studied. The pitch angles of the vessel, which are influenced by the loading of weight and sea conditions, affect the performance of the funnel (Løkkeborg 2001).	Must be used in conjunction with other mitigation measures – bird scaring lines, weighted lines, night setting and judicious offal management.	Improvements to the current design of shooting tube to increase the depth at which the line is set, especially during rough seas. Also need to investigate optimal use of device together with other mitigation measures (bird scaring lines and weighted lines).	Not yet established
<b>Line shooter</b>	Less used in demersal longline fisheries; variation in the precise method of operation is cause of variation in efficacy. Reduced bycatch of Northern fulmars <i>Fulmarus</i>	A significant reduction in seabird bycatch when setting with a line shooter has not yet been demonstrated. At this stage it should be seen as a supplementary measure in need of further refinement.	Must be combined with other measures, such as bird scaring lines, night setting, weighted lines and judicious offal management.	Investigation to refine/modify line shooters to overcome the problem of propeller wash and ensure consistently rapid sink rates.	Not yet established

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
	<i>glacialis</i> relative to sets with no mitigation measures in trials conducted in Norway, but not significantly (Løkkeborg & Robertson 2002; Løkkeborg 2003). However, seabird bycatch in Alaska increased when a line shooter was used (Melvin et al. 2001).				
<b>Thawing bait</b>	The need to thaw baits is not as beneficial to improving sink rates as it is with pelagic longliningFor autoliners, the bait must be at least partially thawed before it can be sliced by the automated baiting system. In the Spanish system, the interval between manually baiting the hooks and setting the lines is sufficiently long to	Supplementary measure. Must be combined with the range of other measures already described. Well thawed bait comes off the hooks more easily when deployed from the vessel than half-thawed or frozen bait (Brothers et al. 1999).		Investigation of the effects of frozen/thawed bait.	

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
	allow for thawing (except in very low ambient temperatures); and the line-weighting regime overcomes most of the problems with frozen bait (Brothers et al. 1999).				
<b>3. Actively deterring birds from baited hooks</b>					
<b>Single bird scaring line</b>	The use of a single bird scaring line has been shown to be an effective mitigation measure in a range of demersal longline fisheries, especially when used properly (Moreno et al. 1996; Løkkeborg 1998, 2001; Melvin et al. 2001; Smith 2001; Løkkeborg & Robertson 2002; Løkkeborg 2003)	Effective only when streamers are positioned over sinking hooks. Single bird scaring lines can be less effective in strong crosswinds (Løkkeborg 1998; Brothers et al. 1999; Agnew et al. 2000; Melvin et al. 2001; Melvin et al. 2004). In the event of strong crosswinds, bird scaring lines should be deployed from the windward side. This problem can also be overcome by using paired bird scaring lines (see below). The effectiveness of bird scaring lines is also dependent on the design, the aerial coverage, seabird species present during line setting (proficient divers being more difficult to deter from baits than surface feeding birds) and the proper	Effectiveness is increased when used in combination with other measures – e.g. night setting, appropriate weighting of line and judicious offal management.	Further improvement in the effectiveness and practical use of bird scaring lines on individual vessels or vessel type.	Current minimum standards vary. CCAMLR was the first conservation body that required all longline vessels in its area of application to use bird scaring lines (Conservation Measure 29/X adopted in 1991). The bird scaring line has gone on to become the most commonly applied mitigation measure in longline fisheries worldwide (Melvin et al. 2004). CCAMLR currently prescribes a range of specifications relating to the design and use of bird scaring lines. These include the minimum length of the line (150 m), the height of the

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
		deployment. The aerial coverage and the position of the bird scaring line relative to the sinking hooks are the most important factors influencing their performance. There have been a few incidents of birds becoming entangled in bird scaring lines (Otley et al. 2007). However it must be stressed that the numbers are minuscule, especially when compared with the number of mortalities recorded in the absence of bird scaring lines. Bird scaring lines remain a highly effective mitigation measure, and efforts should be directed to improving further their design and use to improve their effectiveness.			attachment point on the vessel (7 m above the water), and details about streamer lengths and intervals between streamers. Other fisheries have adapted these measures. Some, such as those in New Zealand and Alaska (USA) have set explicit standards for the aerial coverage of bird scaring lines, which varies according to the size of the vessel.
<b>Paired or multiple bird scaring lines</b>	Several studies have shown that the use of two or more bird scaring lines is more effective at deterring birds from baited hooks than a single line (Melvin et al. 2001; Sullivan & Reid 2002; Melvin 2003; Melvin et al. 2004; Reid et al.	Potentially increased likelihood of entanglement with other gear. Use of an effective towed device that keeps lines from crossing surface gear essential to improve adoption and compliance. See also above comment about bird entanglements in bird scaring lines. Manually attached and operated paired or multiple	Effectiveness is increased when used in combination with other measures – e.g. night setting, appropriate weighting of line and judicious offal management.	Further trialling of paired (or more) streamer-lines in fisheries which currently only use single streamer lines.	Paired bird scaring lines required in Alaskan fisheries and encouraged/recommended by CCAMLR, except in the French Exclusive Economic Zone (CCAMLR Subarea 58.6 and Division 58.5.1), where paired lines have been compulsory since 2005. Paired streamer lines have also

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
	2004). The combination of paired bird scaring lines and IW longlines is considered the most effective mitigation measure in demersal longline fisheries using autoline systems (Dietrich et al. 2008).	bird scaring lines requires some effort to operate (a 150m double line takes about 8-10 persons to retrieve). One way of overcoming this is to make use of electronic winches.			been required in the Australian longline fisheries off Heard Island since 2003 (Dietrich et al. 2008)
<b>Brickle curtain</b>	Anecdotal evidence indicates that the use of a Brickle curtain can effectively reduce the incidence of birds becoming foul hooked when the line is being hauled (Brothers et al. 1999; Sullivan 2004; Otley et al. 2007).	Some species, such as the Black-browed albatross and Cape petrels <i>Daption capense</i> , can become habituated to the curtain, so it is important to use it strategically – when there are high densities of birds around the hauling bay (Sullivan 2004).	Must be used in combination with other mitigation measures – bird scaring lines at setting, line weighting, night setting and judicious offal management.		A device designed to discourage birds from accessing baits during hauling operations is required in high risk CCAMLR areas (exact design not specified). Also required in the Falkland Islands (Islas Malvinas) longline fishery, where the Brickle Curtain is recommended.
<b>Olfactory deterrents</b>	Dripping shark liver oil on the sea surface behind vessels has been shown effectively reduce to the numbers of seabirds (restricted to burrow-nesting birds) attending vessels	The shark liver oil did not deter albatrosses, giant petrels <i>Macronectes</i> spp, or Cape Petrels from boats (Norden & Pierre 2007). The potential impact of releasing large amounts of concentrated fish oil into the marine environment is unknown, as is the potential	Must be used in combination with other mitigation measures – bird scaring lines at setting, line weighting, night setting and judicious offal management –	Testing of olfactory deterrence should be extended to White-chinned petrels. Research is also required to identify the key ingredients in the shark oil that are responsible for	None as yet.

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
	and diving for bait in New Zealand (Pierre & Norden 2006; Norden & Pierre 2007).	for contaminating seabirds attending vessels and the potential of seabirds to become habituated to the deterrent (Pierre & Norden 2006).	especially until further testing has been conducted.	deterring seabirds, and the mechanism by which the birds are deterred. The potential “pollution” effects also need to be investigated.	
<b>4. Reducing attractiveness and visibility of baited hooks and attractiveness of vessel to birds</b>					
<b>Strategic management of offal discharge</b>	Some studies have shown that dumping homogenised offal (which is generally more easily available and thus more attractive to seabirds than bait) during setting attracts birds away from the baited line to the side of the vessel where the offal is being discharged, and thus reduces bycatch of seabirds on the baited hooks (Cherel et al. 1996; Weimerskirch et al. 2000).	Although strategic offal discharge has been shown to be effective at reducing seabird bycatch around Kerguelen Island, there are many risks associated with the practice. Offal discharge needs to be continued throughout the setting operation to ensure the birds do not move on to the baited hooks. This will only be possible in fisheries where line setting is short, and there is sufficient offal to sustain the line-setting period. This measure also has the potential to foul hook birds if offal is discharged with hooks. It is crucial, then, that all offal is checked for hooks before being discharged. Given these risks, and the fact that the presence of offal is a critical factor affecting seabird	Must be used in combination with other mitigation measures – bird scaring lines, line weighting, and night setting.	Improved ways to manage offal more effectively in the short and long term.	In CCAMLR demersal fisheries, discharge of offal is prohibited during line setting. During line hauling, storage of waste is encouraged, and if discharged must be from the opposite side of the vessel to the hauling bay. A system to remove fish hooks from offal and fish heads prior to discharge is required. Similar requirements are prescribed by other demersal longline fisheries (e.g. Falkland Islands (Islas Malvinas), South Africa and New Zealand)

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
		numbers attending vessels, most fisheries management regimes require that no offal can be discharged during line setting, and that if discarding is necessary at other times it should take place on the side of the vessel opposite to where the lines are being hauled.			
<b>Blue dyed bait</b>	The performance of this measure has only been tested in the pelagic longline fishery (Boggs 2001; Minami & Kiyota 2004; Gilman et al. 2007; Cocking et al. 2008), and with mixed success.	New data suggests that this measure is only effective with squid bait (Cocking et al. 2008). It has not been tested in demersal fisheries, possibly due to the larger number of hooks deployed and thus the need for considerably more bait (Bull 2007). There is no commercially available dye. Onboard dyeing is physically onerous, especially in inclement weather.	Must be used in combination with other mitigation measures – bird scaring lines, line weighting, night setting and judicious offal management	Test the efficacy and practical feasibility of using dyed bait in demersal longline fisheries. Research would also need to determine the effect of dyed bait on catches of target species.	Mix to standardized colour placard or specify (e.g. use 'Brilliant Blue' food dye (Colour Index 42090, also known as food additive number E133) mixed at 0.5% for a minimum of 20 minutes).
<b>5. Other</b>					
<b>Hook size and shape</b>	Hook size was found to be an important determinant in seabird bycatch rates of Argentinean and Chilean longline vessels fishing in Subarea 48.3 in the 1995 season, with smaller hooks killing	Other than the finding in Moreno et al (1996), little or no work has been conducted to investigate the impact of hood design and shape on seabird bycatch levels.	Must be used in combination with other mitigation measures – bird scaring lines, line weighting, night setting and judicious offal management	Determine the impact of hook size/shape on seabird bycatch and on catch of target species.	No global standard

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
	significantly more seabirds than did larger hooks (Moreno et al. 1996)				
<b>Gear configuration – Chilean method (linked with the sink rates)</b>	A new method of demersal longline fishing, called the Chilean or Mixed System, developed from the Chilean artisanal toothfish fishery, has been shown to reduce significantly seabird bycatch as a consequence of significantly faster sink rates compared with traditional longline systems (Moreno et al. 2006; Moreno et al. in press; Robertson et al. in press). This system makes use of net sleeves or 'cachaloteras' which slide down over the hooks and captured fish during hauling and thus protect fish from toothed whales. The configuration of	This is a new system and should be monitored and possibly refined further. An issue with excessive discard of unwanted hooks may exist.	One of the few techniques that may work on its own. Preferably use in combination with bird scaring lines.	Test broader applicability of Cachaloteras and test impact on fish catch.	No global standards yet

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
	the Chilean system is such that all the hooks are directly above the weights ensuring a rapid sink rate. This system was first tested on large vessels in 2005, and because of the effectiveness of the system in reducing impacts of toothed whales, it is currently used in many South American waters (Moreno et al. in press).				

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**ANNEX 5****5. GENERIC RESEARCH PRIORITIES FOR DEMERSAL LONG-LINE FISHERIES IN THE SOUTHERN HEMISPHERE**

<b>Mitigation research</b>	<b>Priority</b>	<b>Caveats</b>
1. Effect of night setting on catch rates of target species for different fisheries	Low	
2. Further information about the seasonal variability in patterns of species abundance around demersal long-line fisheries	Low for coastal fisheries, high for areas beyond national jurisdiction.	More tracking information on all life stages and seasons
3. If closed areas are to be considered, determine the impact of closures on catches of target species	Low	Closed areas not currently proposed
4. Improve understanding of sink rate relationships of different line weighting regimes for particular fisheries (or fishery method) and testing the effectiveness of the line weighting regime and the sink profile in reducing seabird mortality	Medium in fisheries with recent and in press papers. High in riskiest fisheries.	
5. Side setting is largely untested in demersal fisheries, especially in the Southern Ocean, where the seabird assemblages include proficient diving seabirds.	Medium-High	Technique most applicable only for new vessels.
6. Improvements to the current design of shooting tube to increase the depth at which the line is set, especially during rough seas. Also need to investigate optimal use of device together with other mitigation measures (e.g., bird scaring lines and weighted lines).	High	Provided device can be retrofitted.
7. Investigation to refine/modify line shooters to overcome the problem of propeller wash and ensure consistently rapid sink rates.	Low	Not very applicable to demersal long-lines.
8. Investigation of the effects of frozen/thawed bait.	Low	Not so relevant for higher sink rates in demersal fisheries.
9. Further improvement in the effectiveness and practical use of bird-scaring lines on individual vessels or vessel type.	Low	Technique well established
10. Further trialing of paired (or more) streamer-lines in fisheries which currently only use single streamer lines.	High	Need way to reduce effects of side winds

<b>Mitigation research</b>	<b>Priority</b>	<b>Caveats</b>
11. Testing of olfactory deterrence should be extended to White-chinned petrels. Research is also required to identify the key ingredients in the shark oil that are responsible for deterring seabirds, and the mechanism by which the birds are deterred. The potential "pollution" effects also need to be investigated.	Low	Not very effective on ACAP species and not so applicable to demersal.
12. Improved ways to manage offal more effectively in the short and long term.	Medium	Main issue is making operational.
13. Test the efficacy and practical feasibility of using dyed bait in demersal longline fisheries. Research would also need to determine the effect of dyed bait on catches of target species.	Low	Not so relevant in demersal fisheries.
14. Determine the impact of hook size/shape on seabird bycatch and on catch of target species.	Medium	
15. Test broader applicability of Cachaloteras and test impact on fish catch.	High	Overall technique appears effective and fishers like it.

## ANNEX 6

## 6. REVIEW OF SEABIRD BYCATCH MITIGATION MEASURES FOR PELAGIC LONGLINE FISHERIES.

<b>Measure</b>	<b>Scientific evidence for effectiveness in pelagic fisheries</b>	<b>Caveats /Notes</b>	<b>Need for combination</b>	<b>Research needs</b>	<b>Minimum standards</b>
<b>Night setting</b>	Duckworth 1995; Brothers et al. 1999; Gales et al 1998; Klaer & Polacheck 1998; Brothers et al. 1999; McNamara et al. 1999; Gilman et al. 2005; Baker & Wise 2005.	Less effective during full moon, under intensive deck lighting or in high latitude fisheries in summer. Less effective on nocturnal foragers e.g. White-chinned Petrels (Brothers et al. 1999; Cherel et al. 1996).	Recommend combination with bird scaring lines and/or weighted branch lines	Data on current time of sets by WCPFC fisheries. Effect of night sets on target catch for different fisheries.	Night defined as nautical dark to nautical dawn
<b>Side setting</b>	Brothers & Gilman 2006; Yokota & Kiyota 2006.	Only effective if hooks are sufficiently below the surface by the time they reach the stern of the vessel. In Hawaii, side-setting trials were conducted with bird curtain and 45-60g weighted swivels placed within 0.5m of hooks. Japanese research concludes must be used with other measures (Yokota & Kiyota 2006).	Must be combined with other measures. Successful Hawaii trials use bird curtain plus weighted branch lines. In Southern Hemisphere, strongly recommend use wth bird scaring lines until side-setting is tested in the region.	Currently untested in the Southern Ocean against seabird assemblages <b>of</b> diving seabirds and albatrosses - urgent need for research. In Japan, NRIFSF will continue testing in 2007.	In Hawaii, side setting is used in conjunction with a bird curtain and 45 weighted swivel within 1m of the baited hook. Clear definition of side setting is required. Hawaiian definition is a minimum of 1 m forward of the stern.

<b>Measure</b>	<b>Scientific evidence for effectiveness in pelagic fisheries</b>	<b>Caveats /Notes</b>	<b>Need for combination</b>	<b>Research needs</b>	<b>Minimum standards</b>
<b>Single bird scaring lines - conventional configuration</b>	Imber 1994; Uozomi & Takeuchi 1998; Brothers et al. 1999; Klaer & Polacheck 1998; McNamara et al. 1999; Boggs 2001; CCAMLR 2002; Minami & Kiyota 2004. Melvin 2003.	Effective only when streamers are positioned over sinking baits. In pelagic fisheries, baited hooks are unlikely to sink beyond the diving depths of diving seabirds within the 150 m zone of the bird scaring line, unless combined with other measures such as line weighting or underwater setting. Entanglement with fishing gear can lead to poor compliance by fishers and design issues need to be addressed. In crosswinds, bird scaring line must be deployed from the windward side to be effective.	Effectiveness increased when combined with other measures e.g. weighted branch lines and/or night setting	Optimal design for pelagic fisheries under development: refine to minimise tangling, optimise aerial extent and positioning, and ease hauling/retrieval. Two studies in progress developing optimal bird scaring line for pelagic fisheries including Washington Sea Grant and Global Guardian Trust in Japan. Controlled studies demonstrating their effectiveness in pelagic fisheries remain very limited.	Current minimum standards for pelagic fisheries are based on CCAMLR Conservation Measure 25-02
<b>Single bird scaring line - Light configuration</b>	Yokota et al. 2008 compared conventional and light bird scaring lines against Laysan albatrosses and considered light lines to be more effective in reducing bait take. A similar study conducted by Brouwer et al. 2008 in New Zealand contained	Evidence for effectiveness in Yokota et al (2008) is unconvincing because of small number of sets (18), no seabirds were caught in one experiment, and although a significant difference was detected in a second experiment, the confidence limits around the mean values of both treatments overlapped extensively.		Thorough comparative experimental assessment of light and conventional bird scaring lines against Southern Ocean seabird assemblages of diving seabirds and albatrosses urgently needed. Research needs to be based on larger sample sizes and more transparent	Use of this measure is not recommended at this time.

<b>Measure</b>	<b>Scientific evidence for effectiveness in pelagic fisheries</b>	<b>Caveats /Notes</b>	<b>Need for combination</b>	<b>Research needs</b>	<b>Minimum standards</b>
	confounding effects and inadequate description of methodologies; these concerns preclude confident conclusions to be drawn from this study. Neves et al. 2008 showed light BSLS significantly reduced seabird mortality in the absence of any other mitigation measures.			methodologies.	
<b>Paired bird scaring line – conventional configuration</b>	Two bird scaring lines best in crosswinds to maximise protection of baited hooks (Melvin et al. 2004).	Potentially increased likelihood of entanglement - see above. Development of a towed device that keeps gear from crossing surface gear essential to improve adoption and compliance.	Effectiveness will be increased when combined with other measures. Recommend use with weighted branch lines and/or night setting	Development and trialling of paired bird scaring line systems for pelagic fisheries.	Current minimum standards for pelagic fisheries are based on CCAMLR Conservation Measure 25-02
<b>Weighted branch lines</b>	Brothers 1991; Boggs 2001; Sakai et al. 2001; Brothers et al. 2001; Anderson & McArdle 2002; Gilman et al. 2003a; Robertson 2003; Lokkeborg & Robertson 2002, Hu et al. 2005.	Supplementary measure. Weights will shorten but not eliminate the zone behind the vessel in which birds can be caught. Even in demersal fisheries where weights are much heavier, weights must be combined with other mitigation measures (e.g. CCAMLR Conservation Measure 25-	Must be combined with other measures e.g. bird scaring lines and/or night setting	Mass and position of weight both affect sink rate. Further research on weighting regimes needed. Testing of safe-leads in progress. Where possible, effect on target catch as well as seabird bycatch should be evaluated. Factors such as swivel	Global minimum standards not yet established. Requirements now vary by fishery and vessel. Hawaii minimum requirements are 45g less than 1 m from hook. Australia requires 60 or 90g located 3.5 or 4 m from the hook,

<b>Measure</b>	<b>Scientific evidence for effectiveness in pelagic fisheries</b>	<b>Caveats /Notes</b>	<b>Need for combination</b>	<b>Research needs</b>	<b>Minimum standards</b>
		02).		weights, mainline tension, bait hooking position, bait size and life status, deployment position (effect of propeller turbulence) all affect sink rate and need to be quantified.	respectively, which is a compromise specification recognising that live bait is used extensively in fishery.
<b>Blue dyed bait</b>	Boggs 2001; Brothers 1991; Gilman et al. 2003a; Minami & Kiyota 2001; Minami & Kiyota 2004; Lydon & Starr 2005. Cocking et al. 2008.	New data suggests only effective with squid bait (Cocking et al. 2008). Onboard dyeing requires labour and is difficult under stormy conditions. Results inconsistent across studies.	Must be combined with bird scaring lines or night setting	Need for tests in the Southern Ocean.	Mix to standardized colour placard or specify (e.g. use 'Brilliant Blue' food dye (Colour Index 42090, also known as Food Additive number E133) mixed at 0.5% for minimum of 20 minutes)
<b>Line shooter effect on mainline tension</b>	Reduced bycatch of Northern Fulmar in trials of mitigation measures in North Sea, Løkkeborg & Robertson 2002; Løkkeborg 2003. Increased seabird bycatch in Alaska (Melvin et al. 2001). Robertson et al (2008) found no effect on sink rates in	Supplementary measure. No published data for pelagic fisheries. May enhance hook sink rates in some situations but unlikely to eliminate the zone behind the vessel in which birds can be caught. More data needed. Found ineffective in trials in North Pacific demersal longline fishery (Melvin et al. 2001).	Must be combined with other measures such as night setting and/or bird scaring lines or weighted branch lines	Data needed on effects on hook sink rates in pelagic fisheries.	Not established

<b>Measure</b>	<b>Scientific evidence for effectiveness in pelagic fisheries</b>	<b>Caveats /Notes</b>	<b>Need for combination</b>	<b>Research needs</b>	<b>Minimum standards</b>
	demersal IWL gear. Robertson et al (In Prep) indicates that use of a line shooter in pelagic longline fisheries to reduce mainline tension (e.g., for deep setting) slows significantly the sink rates of hooks.				
<b>Bait caster</b>	Duckworth 1995; Klaer & Polacheck 1998.	Not a mitigation measure unless casting machines are available with the capability to control the distance at which baits are cast. This is necessary to allow accurate delivery of baits under a bird scaring line. Needs more development. Few commercially-available machines have this capability.	Not recommended as a mitigation measure.		
<b>Underwater setting chute</b>	Brothers 1991; Boggs 2001; Gilman et al. 2003a; Gilman et al. 2003b; Sakai et al. 2004; Lawrence et al. 2006.	For pelagic fisheries, existing equipment not yet sturdy enough for large vessels in rough seas. Problems with malfunctions and performance inconsistent (e.g. Gilman et al. 2003a and Australian trials cited in Baker & Wise 2005)	Not recommended for general application	Design problems to overcome	Not yet established

<b>Measure</b>	<b>Scientific evidence for effectiveness in pelagic fisheries</b>	<b>Caveats /Notes</b>	<b>Need for combination</b>	<b>Research needs</b>	<b>Minimum standards</b>
<b>Management of offal discharge</b>	McNamara et al. 1999; Cherel et al. 1996.	Supplementary measure. Definition essential. Offal attracts birds to vessels and where practical should be eliminated or restricted to discharge when not setting or hauling. Strategic discharge during line setting can increase interactions and should be discouraged. Offal retention and/or incineration may be impractical on small vessels.	Must be combined with other measures.	Further information needed on opportunities and constraints in pelagic fisheries (long and short term).	Not yet established for pelagic fisheries. In CCAMLR demersal fisheries, discharge of offal is prohibited during line setting. During line hauling, storage of waste is encouraged, and if discharged must be discharged on the opposite side of the vessel to the hauling bay.
<b>Thawing bait</b>	Brothers 1991; Duckworth 1995; Klaer & Polacheck; Brothers et al 1999.	Supplementary measure. If lines are set early morning, full thawing of all bait may create practical difficulties.	Must be combined with other measures.	Evaluate sink rate of partially thawed bait.	

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**7. KEY RESEARCH QUESTIONS TO REDUCE SEABIRD MORTALITY IN SOUTHERN HEMISPHERE PELAGIC LONGLINE FISHERIES**

Country	Fishery	Research questions and intentions
Brazil	Tunas, swordfish and sharks	<p>1. What is the effect of bird scaring line design (light line versus 'normal' line) and aerial extent (short versus long) on seabird capture rates and incidence of mainline entanglement?</p> <p>2. What is the effect of blue-dyed bait (blue squid baits versus natural squid baits) on the catch rates of seabirds and target and non-target fish?</p> <p>3. Are there behavioral differences between seabird species towards blue dyed and control/natural baits?</p>
	Dolphin fish (longline at or near the surface)	<p>1. What are the seabird capture rates and species affected in the fishery?</p> <p>2. What are the potential conservation actions to avoid seabird by-catch in the fishery?</p>
Uruguay	Tunas, swordfish and sharks	<p>1. What is the effect of swivel weight (heavy versus light) and leader length (existing length versus 'new' length) on baited hook sink rate and seabird mortality?</p> <p>2. What is the effect of bird scaring line configuration (attachment height on vessel and bird scaring line aerial extent*) on mainline entanglement rate and the incidental capture of seabirds?</p> <p>*achieved by presence and absence of a towed device.</p>
Chile	Artisanal swordfish fishery	<p>1. What is the relationship between baited hook sink rate and seabird mortality?</p> <p>2. What is best practice regarding the use of bird scaring lines?</p>
	Industrial fishery	<p>1. What are the factors affecting hook sink rates in heavy (storm) sea states (addresses the problem if increased capture rates in stormy weather?)</p> <p>2. What is the best design and operation of a bird scaring line for industrial pelagic vessels?</p>
Peru	Dolphin fish	<p>Opportunities will be investigated in Peru to develop practical and effective methods to reduce seabird by-catch in the dolphin fish longline fishery. Initial efforts will focus on testing the operational aspects of line weighting and explore the practicality of bird scaring line use in the fishery. Investigations will also involve an initial assessment of the nature and extent of</p>

Country	Fishery	Research questions and intentions
		seabird by-catch in the Peruvian coastal gill net fishery.
Ecuador	Tunas and dolphin fish	<p>Ecuador intends to conduct initial assessments of the incidence and levels of seabird by-catch in the dorado (dolphin fish) and tuna longline fisheries. The assessments will be preceded by a training programme for at-sea observers conducted by specialists from the national observer programme in Argentina and Birdlife International's Albatross Task Force. The training program is a first step in the development of a seabird by-catch component in the national observer programme, and will involve the development of seabird by-catch data recording protocols and training in seabird identification. It is intended that the initial assessments of seabird by-catch levels will commence following the completion of the training programme.</p>
South Africa	Foreign fleet	<p><i>Line weighting</i></p> <p>Phase 1</p> <ol style="list-style-type: none"> <li>1. What line weighting regime (weight and placement in relation to hook) will effectively reduce seabird by-catch at night?</li> <li>2. What is the effect of this weighting regime on target and other non-target catches (especially other vulnerable species e.g. sharks)?</li> <li>3. What are the safety implications of this weighting regime?</li> </ol> <p>Phase 2</p> <ol style="list-style-type: none"> <li>4. In the event that the above experiment result in the identification of an effective weighting regime to reduce seabird by-catch at night, then these three questions will be tested during the day.</li> </ol> <p><i>Tori line</i></p> <ol style="list-style-type: none"> <li>1. What are the dimensions and streamer design of an effective bird-scaring line (i.e. reducing seabird interactions measured by a by-catch rate, but also minimizing gear entanglement and ease of deployment/retrieval)?</li> <li>2. What is the relative advantage of using a paired tori line as apposed to a single bird-scaring line and relative positioning?</li> <li>3. Are surface scaring devices effective in reducing by-catch of diving birds that sit on the water behind the aerial coverage?</li> </ol>

<b>Country</b>	<b>Fishery</b>	<b>Research questions and intentions</b>
	Domestic fleet	<p><i>Longline sink rate</i></p> <p>1. What weighting regime will achieve an “optimal” line sinking rate (focusing on distance of weight from hook)?</p> <p>2. What is the effect of this weighting regime on the target (swordfish) and other non-target catches (especially other vulnerable species e.g. sharks and turtles)?</p>
New Zealand	Tunas and swordfish	<p>Aside from continuing observer coverage to monitor seabird by-catch in pelagic longline fisheries, and possible joint work with the Washington Sea Grant program (USA, see below), New Zealand does not have concrete plans for research in this field in the next year. However, current areas of interest include line weighting and improvements in bird scaring line design. There has also been considerable interest from operators of small pelagic longline vessels in the efficacy of dyed bait. Government and industry representatives have collaborated on preliminary work investigating dyed bait and this work may be continued and expanded. It is possible that research commenced in 2008 by Washington Sea Grant in the Japanese tuna fishery will continue in 2009 and involve experiments designed to improve bird scaring line performance and longline sink rates.</p>
Australia	Tunas and swordfish	<p>Research in Australia will mainly focus on completion of the research and development of the underwater bait setting capsule, testing the hook retention of baits deployed with the capsule and determining the operational effectiveness, and fish capture success, of the underwater setter. In the event that the underwater setter proves to be an effective device with which to fish for tuna and swordfish, it is intended that an experiment will be conducted in collaboration with colleagues from Uruguay to determine the seabird deterrent effectiveness of the underwater setter compared to surface setting from the stern and surface setting from the side of vessels.</p>

**ANNEX 8****8. ADVISORY COMMITTEE WORK PROGRAMME 2009 – 2012****Indicative costs (in AUD \$) are for central budget only**

	<b>Topic/Task</b>	<b>Responsible group</b>	<b>Timeframe</b>	<b>Action detail</b>
<b>1.</b>	<b>Taxonomy and Annex 1 review</b>			
1.1	Review the evidence supporting the specific status of the Wandering Albatross complex	TWG led by Convenor	AC5	This will conclude the assessment process for all closely related sister taxa listed currently on Annex 1 of the Agreement (AUD\$0)
1.2	Keep the Taxonomy Working Group's bibliographic database updated	TWG led by Convenor	ongoing	(AUD \$0)
1.3	Continue the establishment of a morphometric and plumage database	TWG led by Convenor (Secretariat)	ongoing	This will facilitate the taxonomic process, the identification of bycatch specimens, and the long-term storage of valuable data (AUD \$0)
1.4	Consider preparing a paper for peer-reviewed publication on albatross taxonomy	TWG led by Convenor	AC5	A scientifically accepted paper would state ACAP's position in the clearest possible way to the scientific community, but other ways might be easier (AUD \$0)
1.5	Consider additional species for addition to Annex 1 of the Agreement	Parties and AC	AC5 and ongoing	Development of papers as required, using species assessment template. Spain to develop document on Balearic shearwater for AC5 (AUD \$0)
<b>2.</b>	<b>Status and trends</b>			
2.1	Consider gaps in status and trends data submitted to ACAP and request any outstanding data (including from SCAR). Continue to update population data	STWG (Secretariat)	a) End 2008 b) Ongoing, annual	a) All outstanding existing data to be incorporated into database. b) Parties to provide new population data (AUD \$0)
2.2	Incorporate all feedback received into the draft species assessments, and incorporate missing data	STWG Convenor (with species authors) (Secretariat)	By MoP3 (April 2009)	Feedback from AC4 and incorporate data that are currently missing (AU\$0)

2.3	Provide advice to CEP regarding census methods for Antarctic southern giant petrels	STWG, (Secretariat)	End 2008	CEP requested review and advice on census methods prior to their 2009 meeting (AUD \$0)
2.4	Supply data and validate ACAP database	STWG Convenor and members (with data holders)	ongoing	(AUD \$0)
2.5	Finalise Species Assessments for all ACAP species	Species Assessment Coordinating Group, STWG Convenor, (Secretariat)	End 2009	This to include updating population trends with 2008 data and any new species added to Annex 1 (AUD \$0)
2.6	Translation of Species Assessments into Spanish and French	STWG (Secretariat)	Ongoing	Includes contributions in kind from Spanish and French speaking Parties (AUD \$8,000)
2.7	Reconsider selection of RFMOs whose boundaries are included on distribution maps in Species Assessments	SBWG STWG	2009	Further maps, if required, would need to be commissioned from BirdLife (AUD \$5,000)
2.8	Provide and consider annual reports to AC on STWG activities	STWG and AC	AC5 and ongoing	(AUD \$0)
<b>3. Protection of Breeding Sites and Status of Non-Native Species</b>				
3.1	Revise the database lists and structures	BSWG (Secretariat)	Ongoing	This needed to ensure compatibility with other databases and enable update of Species Assessments (AUD \$0)
3.2	Complete, review and update data submission from Parties	BSWG	Ongoing	(AUD \$0)
3.3	Compile and help maintain list of introduced mammals and eradications from ACAP breeding sites	BSWG (Secretariat)	By AC5 and ongoing	This will inform analysis of past and current risks (AUD \$0)
3.4	Compile and maintain list of former (recent) breeding sites of ACAP species and their characteristics	BSWG (Secretariat)	By AC5 and ongoing	This will enable consideration of further mitigation of land-based pressures and potentially restoration of range (AUD \$0)
3.5	Assess the threats to breeding sites and identify gaps in knowledge	BSWG (Secretariat)	By AC5 and ongoing	(AUD \$0)

	<b>Topic/Task</b>	<b>Responsible group</b>	<b>Timeframe</b>	<b>Action detail</b>
3.6	Develop, review and update best-practice guidelines to mitigate selected threats to breeding sites, including biosecurity	BSWG Biosecurity lead UK	By AC5 and ongoing	(AUD \$0)
3.7	Review evidence for impacts of pathogens and parasites on ACAP species and effectiveness of mitigation measures	BSWG, lead France, Ecuador, Argentina	AC5	Initial colony threats analysis indicates this to be an issue at some colonies (AUD \$0)
3.8	Consider criteria for prioritisation of internationally important breeding sites	BSWG	By AC5 and ongoing	BirdLife International to progress analysis of IBAs for later consideration by WG (AUD \$0)
3.9	Provide and consider annual reports to AC on BSWG activities	BSWG and AC	AC5	N/A (AUD \$0)
<b>4.</b>	<b>Seabird Bycatch</b>			
4.1	To consolidate Seabird Bycatch Working Group	Parties with assistance of Convenor of SBWG	End of September 2008	Brazil, Ecuador, France, Norway, Peru, Spain, Uruguay and further interested Range States to nominate working group members (AUD \$0)
4.2	Continue to develop and implement the interaction plan for ACAP and relevant Parties to engage and assist RFMOs and other relevant international bodies to assess and minimise bycatch of albatrosses and petrels	SBWG and AC	1) End Aug 2008 2) End March 2009 3) 2008/09 and onwards 4) 3 months before AC5 5) AC5 and ongoing	1) Agree initial plan (AC4) and nominate first RFMO coordinators (AC) 2) Analysis of needs, coordination of work and report back on initial RFMOs (RFMO coordinators intersessionally with SBWG, AC and Parties, as described in AC4 Doc 56 Rev 1) 3) Attendance at selected RFMO meetings (AU\$30 per year) 4) Review of process and suggest any changes (SBWG) 5) RFMO by RFMO development of strategies for engagement (commenced by AC5) (AUD \$0)

	<b>Topic/Task</b>	<b>Responsible group</b>	<b>Timeframe</b>	<b>Action detail</b>
4.3	Continue to review availability of albatross and petrel tracking/distribution data to ensure representativeness of species/age classes. Prioritise gaps and encourage studies to fill gaps.	SBWG, AC, Parties and BirdLife International	AC5 and on-going	Review status at AC5, AC7, AC9 (\$AUD 10,000)
4.4	Complete reports on analysis of overlaps of distributions and albatrosses and petrels with fisheries managed by RFMOs	BirdLife / ACAP	1) October 2008 2) AC6 3) 2011	1) Complete last of initial five reports (already funded) 2) Analysis of information for remaining RFMOs including those managing trawl fisheries (by AC6) (AUD \$10,000) 3) Review if updated overlap analyses required (AC6) (AUD \$5,000)
4.5	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	NZ / SBWG Convenor with other SBWG consultation to review needs (Secretariat)	1) By AC5  2) Defined by RFMO coordinators	1) 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. 2) Summary of risk assessment methods and key contacts in this area.  Priority decided inside the RFMO interaction plan. (AUD \$40,000).
4.6	Review and utilise available information on foraging distribution, fisheries and seabird bycatch to assess and prioritise the risk of fishing operations on ACAP species in waters subject to national jurisdiction.  Link to broader prioritisation process	SBWG and Parties	1) For AC5  2) by AC6	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 (AUD \$0)

	<b>Topic/Task</b>	<b>Responsible group</b>	<b>Timeframe</b>	<b>Action detail</b>
4.7	Define bycatch data requirements from Parties	SBWG (lead USA)	AC5	Requires a clear objective statement of purpose, terms of reference and timeline for the collection of bycatch data (AUD \$0)
4.8	Collate information (metadata) on bycatch monitoring schemes and data held by each Party	SBWG (lead USA)	Prior to MoP 3	Requires development of a metadata survey form (AUD \$0)
4.9	Develop a prototype bycatch data collection form with comprehensive instructions for completing the form.	SBWG (lead USA)	See 4.7	(AUD \$0)
4.10	Test and develop bycatch data collection form	SBWG (lead USA)	See 4.7	A sample of Parties to test and evaluate the utility of the form and appropriateness of its questions based on the sample completed forms and revise as necessary (AUD \$0)
4.11	Incorporate bycatch data collection form into standard Party reports	AC	See 4.7	(AUD \$0)
4.12	Create and maintain a bibliography of relevant bycatch information	BirdLife/SBWG (Secretariat)	AC5 to consider, ongoing	BirdLife producing report /database by end of 2008. To include both published and unpublished literature (AUD \$0)
4.13	Maintain information fact sheets on mitigation measures for fishing methods known to impact albatrosses and petrels (demersal longline, pelagic longline, trawl)  Maintain individual mitigation fact sheets (BirdLife/ACAP)	Leads: New Zealand (trawl), Australia (Pelagic LL), UK (Demersal LL), BirdLife (individual)	Ongoing review by SBWG at each meeting	Initial versions of each gear review completed by AC5  Individual mitigation fact sheets by AC5  (AUD \$0)
4.14	Produce report on lessons from mitigation success stories in commercial fisheries	BirdLife/ Australia/ Convenor SBWG	?	(AUD \$0)

	<b>Topic/Task</b>	<b>Responsible group</b>	<b>Timeframe</b>	<b>Action detail</b>
4.15	Assist in the preparation, adoption and implementation of FAO NPOA-Seabirds or equivalent	SBWG and Parties/ Range States	Review progress at AC5	FAO expert consultation including ACAP input scheduled for September 2008 (AUD \$ paid already)
4.16	Prepare review of knowledge on deliberate take/killing of ACAP species at sea	Australia/ Brazil/ New Zealand/ Peru/ UK/ WWF/ SBWG	By AC5	Review to describe current knowledge (much from unpublished literature) and causes of any deliberate take and to consider possible take reduction strategies (AUD \$0)
4.17	Review results of any research funded by ACAP on seabird bycatch issues	SBWG	At each meeting	Draw conclusions and make recommendations to AC as appropriate (AUD \$0)
4.18	Maintain review of research needs and priorities for bycatch research and mitigation development	SBWG	At each meeting	(AUD \$0)
4.19	Provide and consider annual reports to AC on WG activities	SBWG and AC	At each meeting	(AUD \$0)
4.20	Estimate mortality in previously unobserved fisheries in range of Waved albatross	Ecuador and Peru, BirdLife, AC, American Bird Conservancy	End 2009	Part of implementation from Waved Albatross Action Plan (AUD \$20,000)
<b>5.</b>	<b>Capacity building</b>			
5.1	Develop strategy for capacity building	AC Chair, Brazil, Argentina, New Zealand, Ecuador, Chile	AC5	Utilising work on potential projects by Brazil and AC and including potential sources of funding (AUD \$0)
5.2	Improve seabird data collection from observer programmes in South America	All South American Parties	AC5 and ongoing	Development of a South American seabird observers course, development of standard methodology (see also 4.5) and exchange of observers between Parties (AUD \$50,000 per year)

	<b>Topic/Task</b>	<b>Responsible group</b>	<b>Timeframe</b>	<b>Action detail</b>
5.3	2 <sup>nd</sup> South American Fishers Forum	All South American Parties, Southern Seabird Solutions, WWF	December 2009	Some support would be welcome (AUD \$0)
5.4	Provide assistance and capacity building to ensure drafting and implementation of NPOA-Seabirds	AC and Parties to consider	AC5	Capacity building in accordance with the needs identified by interested Parties in order to encourage implementation, particularly in Argentina, , Ecuador France, Peru, South Africa, (Mozambique, Madagascar), Tristan da Cunha (UK), and EC external fisheries (AUD \$0)
5.5	Technical Cooperation to train observers and develop an observers programme in Ecuador	Argentina, Ecuador, BirdLife International, American Bird Conservancy	2008 - 09	Part of Waved Albatross Action Plan implementation (AUD \$0)
5.6	Development of an observers programme in Peru	Peru, BirdLife International, American Bird Conservancy	2009	Part of Waved Albatross Action Plan implementation (AUD \$10,000)
<b>6. Indicators, priorities, reviews and collective conservation action</b>				
6.1	Identify and prioritise conservation measures required for each species and by each Party to the Agreement	WG Convenors and <i>ad-hoc</i> group, lead New Zealand	Example species 2008 in time for MoP3	An analysis of threats, data/knowledge gaps and population trends will be reported (AUD \$0)
6.2	Develop and harmonise conservation strategies for particular species or groups of species of albatrosses and petrels	WGs, AC (Secretariat)	2010 onwards	Precise definition of what is needed difficult at this range (AUD \$ ?)
6.3	Implement conservation strategies for particular species or groups of species of albatrosses and petrels	Parties, AC	2010 onwards	Precise definition of what needed is difficult at this range (AUD \$ ?)

6.4	Develop a system of indicators for the success of the ACAP Agreement	New Zealand, UK	If possible by end 2008 for MoP3, if not by AC5	Drawing on the prioritisation exercise information, considerations within Working Groups and earlier work for the AC, these are required to assess the effectiveness of the Agreement (AUD \$0)
6.5	Review the effects of climate change on ACAP species	France, UK	AC6	This may need updating at regular intervals (AUD \$0)
6.6	Support database of relevant scientific literature	AC, lead: Argentina, UK (Secretariat)	Progress reports at each AC	Much exists already in various places. Also relevant for several other actions e.g. 4.12, 4.13.
6.7	Develop a directory of relevant legislation	Argentina, UK (Secretariat)	Progress reports at each AC	Parties will need to supply information
6.8	Develop a list of authorities, research centres, scientists and non-governmental organisations relevant to ACAP	Argentina, UK (Secretariat)	Progress reports at each AC	Requires input from AC and Parties
7.	<b>Management of AC work, secretariat oversight and liaison, and interaction of ACAP bodies</b>			
7.1	Budget matters	AC	Ongoing	Shorter-term advice provided by the AC Chair (AUD \$0)
7.2	Staff matters	AC	Ongoing	Shorter-term advice provided by the AC Chair (AUD \$0)
7.4	Oversight, advice and guidance of Secretariat in relation to database, web portal.	Convenors, chair and vice-chair	Ongoing	(AUD \$0)
7.5	Management of Advisory Committee work	Chair, Vice-chair and Convenors	Ongoing	Regular teleconferences and email conversations (AUD \$0)

**ANNEX 9****9. DRAFT AGENDA — THIRD SESSION OF THE MEETING OF THE PARTIES**

<b>1. Official Opening</b>
1.1. Official Opening and Opening Statements
<b>2. Procedural Issues</b>
2.1. Adoption of Agenda
2.2. Proposed Amendments to the MoP Rules of Procedure
2.3. Establishment of Credentials Committee
<b>3. Reports</b>
3.1. Report of Credentials Committee
3.2. Report of the Depository
3.3. Report of the Interim Secretariat
3.4. Financial and Auditor's Reports
3.5. Report on Implementation of the Agreement
3.6. Report of the Advisory Committee
3.7. Reports of Observers
<b>4. Operation of the Secretariat</b>
4.1. Amendments to Financial Regulations
4.2. Secretariat Work Programme 2010-12
4.3. Review of the Effectiveness of the Secretariat
<b>5. Operation of the Meeting of the Parties</b>
5.1. Intersessional Consultation Process
5.1.1. Secretariat
5.1.2. Advisory Committee
5.2. Representation at International Bodies
5.3. Timing of Meetings
<b>6. Operation of the Advisory Committee</b>
6.1. Advisory Committee Work Programme 2010-12
<b>7. Operation of the Agreement</b>
7.1. Agreement Budget 2010-2012
7.2. Scale of Contributions
7.3. Changes in the Conservation Status of Albatrosses and Petrels
7.4. Amendments to the Action Plan
7.5. Proposed Indicators to Measure the Success of ACAP
7.6. Amendment to Reporting Format for the Report on the Implementation of the A
7.7. Proposed Amendment to Annex 1 - listing of the three north Pacific species

**10. DRAFT AGENDA — FIFTH MEETING OF THE ADVISORY COMMITTEE**

<b>AGENDA ITEM</b>
<b>1. Opening Remarks</b>
<b>2. Adoption of the Agenda</b>
<b>3. Rules of Procedure</b>
<b>4. ACAP Secretariat</b> <ul style="list-style-type: none"> <li>4.1 Activities undertaken in 2008/09 intersessional period</li> <li>4.2 Financial Report and Agreement Budget</li> <li>4.3 Secretariat Work Programme 2009-2012</li> <li>4.4 Performance Indicators</li> <li>4.5 Recruitment of Executive Secretary</li> </ul>
<b>5. Report of Depository .</b>
<b>6. Reports from ACAP Observers At Other International Meetings</b>
<b>7. Parties' Reports on Implementation of the Action Plan.</b>
<b>8. Advisory Committee Report to the Meeting of Parties</b>
<b>9. Priorities for ACAP</b>
<b>10. Status and Trends of Albatrosses and Petrels</b> <ul style="list-style-type: none"> <li>10.1 Report of Working Group Meeting</li> <li>10.2 Future Work Programme</li> </ul>
<b>11. Taxonomy of Albatrosses and Petrels</b> <ul style="list-style-type: none"> <li>11.1 Report of Working Group Meeting</li> <li>11.2 Future Work Programme</li> </ul>
<b>12. Breeding Sites</b> <ul style="list-style-type: none"> <li>12.1 Report of Working Group</li> <li>12.2 Future Work Programme</li> <li>12.3 Application of Criteria for Identifying Internationally Important Breeding Sites</li> </ul>
<b>13. Seabird Bycatch</b> <ul style="list-style-type: none"> <li>13.1 Report of Working Group</li> <li>13.2 Future Work Programme</li> <li>13.3 Engagement with RFMOs and other relevant international bodies</li> </ul>
<b>14. Capacity Building</b>
<b>15. Advisory Committee Work Programme</b> <ul style="list-style-type: none"> <li>15.1 Review Work Programme 2009-2012</li> <li>15.2 Develop Work Programme 2013-2015</li> </ul>

15.3 Development of Conservation Guidelines
<b>16. Developing Indicators to Measure the Success of ACAP</b>
<b>17. Listing of New Species</b>
<b>18. Fourth Session of the Meeting of Parties</b>
18.1 Timing and venue
18.2 Draft Agenda
<b>19. Sixth Meeting of the Advisory Committee</b>
19.1 Timing and Venue
19.2 Agenda
<b>20. Election and appointment of Officers</b>
<b>21. Illegal, Unreported and Unregulated Fishing and its Relevance to the Conservation of Seabirds</b>
<b>22. Waved Albatross Action Plan</b>
<b>23. Impacts of Global Climate Change</b>
<b>24. Other Business</b>
<b>25. Closing remarks</b>
<b>26. Adoption of report</b>

**11. RULES OF PROCEDURE FOR THE ADVISORY COMMITTEE****PART I****MEETINGS, DELEGATES, OBSERVERS, SECRETARIAT****Rule 1: Meetings**

1. The Advisory Committee (hereafter referred to as the 'Committee') shall meet annually, unless decided otherwise by the Committee or instructed by the Meeting of Parties, preferably in association with another event that would reduce the travelling costs of participants.
2. At each Meeting, the Committee shall decide on the date, location and duration of the next Meeting. The Secretariat shall notify Parties of these details not less than 120 days before the next Meeting.

**Rule 2: Delegates**

1. A Party to the Agreement (hereafter referred to as a "Party") shall be entitled to appoint one member to the Committee (hereafter referred to as the Committee Member) and such other Alternative Representatives and Advisers as the Party may deem necessary. Parties shall submit the names of their Committee Member and Alternate Committee Members and Advisers to the Secretariat through their coordinating authorities prior to the start of each Meeting.
2. Subject to the provisions of Rule 13 paragraph 1, the Committee Member shall exercise the voting rights of that Party. In the Committee Member's absence, an Alternate Committee Member of that Party shall act in the Committee Member's place over the full range of functions.
3. The appointed Committee Member or Alternate Committee Member shall be available for consultation between Meetings.

**Rule 3: Observers**

1. All signatories to the Agreement, other States which are not Parties, any member economy of the Asia Pacific Economic Co-operation Forum in respect of Article VIII, paragraph 15 of the Agreement, the United Nations, any specialised Agency of the United Nations, any regional economic integration organisation, any secretariat of a relevant international convention, particularly regional fisheries management organisations, may send observers to Committee meetings, who shall have the right to participate but not vote.
2. Any international scientific, environmental, cultural or technical body concerned with the conservation and management of marine living resources or the conservation of albatrosses and petrels may request admittance to Committee meetings. Such participation may include submitting documents to the Secretariat for distribution at meetings as information documents and addressing the Committee.

3. Written applications for attendance from such international bodies (described in paragraph 2) should be received by the Secretariat at least 90 days before the relevant meeting, and circulated forthwith by the Secretariat to Parties. Parties shall inform the Secretariat of their acceptance or rejection of all applications no less than 60 days before the meeting. An applicant shall be permitted to attend as a non-voting observer unless one third of the Parties that respond object to their application.
4. Any other scientific, environmental, cultural or technical body concerned with the conservation and management of marine living resources or the conservation of albatrosses and petrels may request admittance to Committee meetings. Such participation may include submitting documents to the Secretariat for distribution to the meeting as information documents and addressing the Committee.
5. Written applications for attendance from such other bodies (described in paragraph 4) should be received by the Secretariat at least 60 days before the relevant meeting, and circulated forthwith by the Secretariat to Parties. Parties shall inform the Secretariat of their acceptance or rejection of all applications no less than 30 days before the meeting. An applicant shall be permitted to attend as a non-voting observer provided no objection is received.
6. Prior to the meeting, the names of representatives of observers shall be submitted to the Secretariat by the State, agency, organisation or body invited to attend.
7. Seating limitations and the financial capacity of the Secretariat may require that no more than two observers from any non-Party State or organisation be present at Meetings.

#### **Rule 4: Secretariat**

1. Unless otherwise instructed by the Parties, the Secretariat shall service the Committee.

### **PART II**

### **OFFICERS**

#### **Rule 5: Chair**

1. The Committee shall elect a Chair and a Vice-chair from among the Committee Members or their Alternate Committee Members in accordance with Rule 12.
2. After election, the Chair and Vice-chair of the Committee shall hold office until the end of the first Meeting of the Committee following the next session of the Meeting of Parties.
3. The Chair and Vice-chair may be nominated for re-election at the end of a term of office. The Chair and Vice-chair shall not normally hold office for more than three consecutive terms.

#### **Rule 6: Presiding Officer**

1. The Chair shall preside at all Meetings of the Committee.
2. If the Chair is absent or is unable to discharge the duties of Presiding Officer, the Vice-chair shall deputise.

3. In the event that both the Chair and the Vice-chair are absent or unable to discharge the duties of Presiding Officer, the appointed members present shall elect a Chair from amongst the Committee Members and their Alternate Committee Members for the duration of that Meeting.
4. If the Presiding Officer is a member of the Committee for whom no alternate has been appointed or an appointed alternate is not present, the Presiding Officer may vote.

## PART III

### RULES OF ORDER AND DEBATE

#### **Rule 7: Powers of presiding officer**

1. In addition to exercising powers conferred elsewhere in these Rules, the Presiding Officer shall at Meetings:
  - a) open and close the Meeting;
  - b) direct the discussions;
  - c) ensure the observance of these Rules;
  - d) accord the right to speak;
  - e) put questions to the vote and announce decisions;
  - f) rule on points of order; and
  - g) subject to these Rules, have complete control of the proceedings of the Meeting and the maintenance of order.
2. The Presiding Officer may, in the course of discussion at a Meeting, propose:
  - a) time limits for speakers;
  - b) limitation of the number of times the members of a delegation or an observer may speak on any question;
  - c) the closure of the list of speakers;
  - d) the adjournment or the closure of the debate on the particular subject or question under discussion;
  - e) the suspension or adjournment of any Meeting; and
  - f) the establishment of discussion and drafting groups on specific issues.

#### **Rule 8: Seating, Quorum**

1. No Committee meetings shall take place in the absence of a quorum. A quorum for Committee meetings shall consist of four Committee Members or one-half of the Committee Members present at the meeting, whichever is the greater.

#### **Rule 9: Right to speak**

1. The Presiding Officer shall call upon speakers in the order in which they signify their desire to speak, with precedence given to the Committee Members.
2. A Committee Member, advisor or observer may speak only if called upon by the Presiding Officer, who may call a speaker to order if the remarks are not relevant to the subject under discussion.
3. A speaker shall not be interrupted, except on a point of order. The speaker may, however, with the permission of the Presiding Officer, give way during his speech to allow any participant or observer to request elucidation on a particular point in that speech.

### **Rule 10: Procedural motions**

1. During the discussion of any matter, a Committee Member may call a point of order, and the point of order shall be immediately, where possible, decided by the Presiding Officer in accordance with these Rules. A Committee Member may appeal against any ruling of the Presiding Officer. The appeal shall immediately be put to the vote, and the Presiding Officer's ruling, shall stand unless a majority of the Parties present and voting decides otherwise. A delegate calling a point of order may not speak on the substance of the matter under discussion.
2. The following motions shall have precedence in the following order over all other proposals or motions before the Meeting:
  - a) to suspend the Meeting;
  - b) to adjourn the Meeting;
  - c) to adjourn the debate on the particular subject or question under discussion;
  - d) to close the debate on the particular subject or question under discussion.

### **Rule 11: Arrangements for debate**

1. The Meeting may, on a proposal by the Presiding Officer or by a Committee Member, limit the time to be allowed to each speaker and the number of times anyone may speak on any question. When the debate is subject to such limits, and a speaker has spoken for the allotted time, the Presiding Officer shall call the speaker to order without delay.
2. During the course of a debate the Presiding Officer may announce the list of speakers, and, with the consent of the Committee, declare the list closed. The Presiding Officer may, however, accord the right of reply to any individual if a speech delivered after the list has been declared closed makes this desirable.
3. During the discussion of any matter, a Committee Member may move the adjournment of the debate on the particular subject or question under discussion. In addition to the proposer of the motion, a Committee Member may speak in favour of, and a Committee Member of each of two Parties may speak against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.
4. A Committee Member may at any time move the closure of the debate on the particular subject or question under discussion, whether or not any other individual has signified the wish to speak. Permission to speak on the motion for closure of the debate shall be accorded only to a Committee Member from each of two Parties wishing to speak against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.
5. During the discussion of any matter a Committee Member may move the suspension or the adjournment of the Meeting. Such motions shall not be debated but shall immediately be put to the vote. The Presiding Officer may limit the time allowed to the speaker moving the suspension or adjournment of the Meeting.

### **Rule 12: Taking of Decisions**

1. The Presiding Officer shall put to all Committee Members all questions, proposals and actions requiring decisions. Decisions shall be adopted by consensus or, if consensus cannot be achieved, by voting.

**PART IV**

**VOTING**

**Rule 13: Voting**

1. Without prejudice to the provisions of Rule 2, Paragraph 2, each Committee Member shall have one vote.
2. Parties which are one year behind in paying their budget contributions on the date of the first day of the Committee meeting shall not be eligible to vote unless the Meeting of Parties have agreed to allow those Parties to exercise their vote in accordance with Rule 20 (paragraph 2) of the Rules of Procedure for the Meeting of Parties.
3. The Committee shall normally vote by show of hands at a meeting, but any Committee Member may request a roll-call vote. In the event of a vote between Meetings, there will be a postal or email ballot. Voting by email or postal voting shall be coordinated by the Secretariat.
4. At the election of officers, any Committee Member may request a secret ballot. If seconded, the question of whether a secret ballot should be held shall immediately be voted upon. The motion for a secret ballot may not be conducted by secret ballot.
5. Voting by roll-call or by secret ballot shall be expressed by "Yes", "No" or "Abstain". Only affirmative and negative votes shall be counted in calculating the number of votes cast by Committee Members present and voting.
6. If, during the course of a person being elected to a position, no candidate obtains the support of more than half of the Parties present and voting in the first ballot, a second ballot shall be taken between the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the Presiding Officer shall decide between the candidates by drawing lots.
7. The Presiding Officer shall be responsible for the counting of the votes and shall announce the result. The Presiding Officer may be assisted by the Secretariat. Voting by email or postal ballot shall be co-ordinated by the Secretariat.
8. After the Presiding Officer has announced the beginning of the vote, it shall not be interrupted except by a Committee Member on a point of order in connection with the actual conduct of the voting. The Presiding Officer may permit Committee Members to explain their votes either before or after the voting, and may limit the time to be allowed for such explanations.

**Rule 14: Majority and voting procedures on motions and amendments**

1. Decisions, within the limit of the power available to the AC, relating to rules of procedure and financial matters shall be adopted by consensus.
2. Any other decision taken by the AC shall be decided by a two thirds majority of the Committee Members present and voting with the exception of the election of officers which shall be undertaken in accordance with Rule 13.
3. If an amendment is moved to a proposal, the amendment shall be voted on first. If the amendment is adopted, the amended proposal shall then be voted upon.

## **PART V**

### **LANGUAGES AND RECORDS**

#### **Rule 15: Working languages**

1. English, French and Spanish shall be the working languages of any Committee meeting and working groups.
2. If requested by any Party, speeches made in any of the working languages shall, as feasible, be interpreted into another working language.
3. The official documents of the meeting shall be distributed in the working languages. Information papers will not normally be translated.
4. Interpretation services in a working language shall be provided at a Committee meeting where requested by a Party through the submission of a delegate registration form at least one month prior to the commencement of a Committee meeting.

#### **Rule 16: Other languages**

1. A speech may be made in a language other than a working language if the speaker provides for interpretation into a working language. Interpretation by the Secretariat into another working language may be based upon the first interpretation.
2. Any document submitted to the Secretariat in any language other than a working language shall be accompanied by a translation into one of the working languages, this translation being trustworthy.

#### **Rule 17: Documents**

1. The documents for each meeting of the Committee shall be distributed to the Parties in the working languages by the Secretariat at least 30 days before the opening of the Meeting. If documents are to be translated by the Secretariat, they shall be sent to the Secretariat by those submitting them at least 60 days in advance of the Meeting. Information papers will not normally be translated.
2. At the discretion of the Chair, in exceptional circumstances documents may be accepted after these deadlines, but not later than two weeks before the Meeting. Such documents shall be submitted in all working languages.
3. Wherever practicable, documents will be distributed electronically.
4. A draft agenda shall be adopted by the Advisory Committee for the next meeting. This shall be circulated by the Secretariat 120 days prior to the meeting with a request that any new items for the agenda be notified within 30 days. The Secretariat shall circulate the revised draft agenda at least 60 days prior to the meeting.

#### **Rule 18: Record of the Meeting**

1. Records of the Meeting shall be circulated to all Parties in the working languages of the Meeting.
2. Once adopted, amendments to the Records of the Meeting shall not be made without the approval of all Parties attending the meeting. Typographical and minor editorial changes may be made by the Secretariat. A record of any changes made must be maintained by the Secretariat.
3. The Committee and working groups shall decide upon the form in which their records shall be prepared.

## PART VI

### OPENNESS OF DEBATES

#### **Rule 19: Committee meetings**

1. Subject to seating availability, all Meetings shall be open to the public unless two thirds of the Parties present and voting at the Meeting decide that a session be closed to the public.

## PART VII

### WORKING GROUPS

#### **Rule 20: Establishment of working groups**

1. The Committee may establish such working groups as may be necessary to enable it to carry out its functions. It shall appoint a Convenor and Vice-Convenor of each working group and define its terms of reference. The Committee shall reconsider appointments at the first Meeting of the Committee following each session of the Meeting of Parties. It may also define the composition of each working group. The Convenor may co-opt members to the working group.
2. As a general rule, meetings of working groups shall be limited to the Committee Members, Alternate Committee Members, their advisors, members appointed by the Committee and to members co-opted by the Convenor of the working group.

#### **Rule 21: Procedure**

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

**ANNEX 12****12 SECRETARIAT WORK PROGRAMME 2007-2009**

## Revised AC 4

	<b>Topic/Task</b>	<b>MoP or other mandate</b>	<b>Timeframe</b>	<b>Detail</b>
<b>1</b>	<b>ADVISORY COMMITTEE MEETING 3</b>			
1.1	Undertake meeting arrangements.	Article X.a	2007	Completed
1.2	Prepare papers to assist the Advisory Committee as required		2007	Completed
1.3	Prepare meeting report and distribute to all Parties	Article X.a	Within 6 weeks of end of meeting	Completed
<b>2</b>	<b>ADVISORY COMMITTEE MEETING 4</b>			
2.1	Undertake meeting arrangements.	Article X.a	2008	Venue organised and contracts for meeting support finalised. First meeting circular issued.
2.2	Prepare papers to assist the Advisory Committee as required		2008	Not yet commenced
2.3	Prepare meeting report and distribute to all Parties	Article X.a	Within 6 weeks of end of meeting	Not yet commenced
<b>3</b>	<b>MEETING OF PARTIES 3</b>			
3.1	Undertake meeting arrangements	Article X.a	November 2008	Consultations held with Norway re hosting of MoP3..
3.2	Prepare papers to assist the meeting of parties as required		Ongoing	Planning commenced for papers to be presented.

	<b>Topic/Task</b>	<b>MoP or other mandate</b>	<b>Timeframe</b>	<b>Detail</b>
3.3	Prepare meeting report and distribute to all Parties	Article X.a	Within 60 days of end of meeting	Not yet commenced
<b>5</b>	<b>MANAGEMENT OF SECRETARIAT</b>			
5.1	Administer the budget for the Agreement and, if established, the Special Fund provided for in Article VII (3);	Article X.g	Ongoing	All expenditure is within budget allocations – refer attached financial report
5.2	Prepare quarterly financial reports for the information of the Parties and the Chair of the Advisory Committee	AC2, MoP2	March, June, September and December each year	Attached
5.3	Provide information to the general public concerning the Agreement and its objectives, and promote the objectives of this Agreement	Article X.h	Ongoing	The redesign of the ACAP website in the three languages of the Agreement is being progressively implemented.
5.4	Redevelop the ACAP website to improve utility of the site in informing Parties and others of developments in the implementation of the Agreement	Article X.h	June 2007	Redevelopment of the website is complete. Translation of documents for the Spanish and French sites is continuing.
5.5	Continuously update and maintain the ACAP website	Article X.h	Ongoing	The new website has been available continuously, with a high level of reliability.

	<b>Topic/Task</b>	<b>MoP or other mandate</b>	<b>Timeframe</b>	<b>Detail</b>
5.6	Report to the 3rd session of the Meeting of the Parties on the effectiveness and efficiency of the Secretariat in terms of the performance indicators developed at MOP2 (MoP 2 Doc. 17)	Article X.i	November 2009	Not yet commenced.
5.7	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; Article VII (1) c); Article VIII (10)	Ongoing October 2008	Not yet commenced
5.8	Represent the Agreement at meetings of other intergovernmental agreements, as appropriate	Article X.d Article XI	As required	The Secretariat has represented the Agreement at the following meetings: Joint Tuna RFMO Meeting, COFI, Fisheries Secretariat Network, CCSBT-ERSWG, IOTC-Bycatch, WCPFC-SC, CCAMLR-IMAF/SC/Comm, WCPFC-CM, IOTC-Commission.
5.9	Prepare a report on Secretariat activities for AC 3		May 2007	Completed
5.10	Prepare a report on Secretariat activities for AC 4		May 2008	Not yet commenced
5.12	Prepare a report on Secretariat activities for MOP 3	Article X f)	February 2009	Not yet commenced
5.13	Finalise Headquarters Agreement with Australian Government as directed by the Meeting of the Parties	MoP2	June 2007	The Secretariat's action on this task is completed with the exception of signing the HQA. This will be undertaken when Australia has undertaken the domestic actions required to give effect to the HQA.

	<b>Topic/Task</b>	<b>MoP or other mandate</b>	<b>Timeframe</b>	<b>Detail</b>
5.14	Recruit staff to Executive Secretary and Technical Officer positions on entry into force of Headquarters Agreement (HQA)	MoP2	November 2007	Action pending formal implementation of the HQA. It is expected that interviews for the Executive Secretary's position will be held in conjunction with MoP3.
<b>6</b>	<b>FACILITATE THE WORK OF THE ADVISORY COMMITTEE</b>			
6.1	Assist the Chair of the Advisory Committee as required to facilitate the work of the Advisory Committee	Article X k)	Ongoing	Assistance provided with organisation of Waved Albatross workshop in Ecuador in 2008. Ongoing support provided with implementation of Advisory Committee's work programme.
6.2	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)	February 2009	Not yet commenced
6.3	Assist the Chair of the Seabird Bycatch Working Group in coordinating the work of the Group	Article X k)	Ongoing	Briefing material prepared for Observers at RFMO meetings and extensive consultation undertaken with relevant stakeholders.
6.4	Assist the Chair of the Status and Trends Working Group in coordinating the work of the Group	Article X k)	Ongoing	Assistance provided with engagement of a contractor for development of the species assessments. There is ongoing participation in the work of the group coordinating the development of the species assessments.
6.5	Assist the Chair of the Taxonomy Working Group in coordinating the work of the Group	Article X k)	Ongoing	Assistance provided, when requested.
6.6	Assist the Chair of the Breeding Sites Working Group in coordinating the work of the Group	Article X k)	Ongoing	Liaison undertaken with Parties concerning nomination of members to participate on this working group.

	<b>Topic/Task</b>	<b>MoP or other mandate</b>	<b>Timeframe</b>	<b>Detail</b>
6.7	Develop and maintain databases essential for the work of the Agreements four working groups.  Support and maintain database and web portal to enable updates of species assessments	Advisory Committee Work Programme Item 8.1	Ongoing	Input provided to Australia on the preparation of the scoping document for development of the database. Consultation undertaken with Advisory Committee Officials on the reports/outputs to be generated from the database. Tender process undertaken for engagement of a contractor. Ongoing supervision and coordination of the work of the contractor provided.
6.8	As directed by the Advisory Committee, develop and maintain a database of relevant scientific literature	AC	AC3, AC4	Development of database completed. Information on relevant scientific literature is added to the database as it becomes available.
6.9	As directed by the Advisory Committee, develop and maintain a directory of relevant legislation	AC	AC4	.A directory of relevant legislation has been compiled.
6.10	As directed by the Advisory Committee, develop a list of authorities, research centres, scientists and non-government organisations relevant to ACAP	AC	AC3, AC4, AC5	Agreed at AC3 that the Chair of the Advisory Committee would consult with Parties at MoP3 on the implementation of this task.
6.11	Update online species assessments as needed	AC WP Item 8.2		
6.12	Provide administrative support in implementation of AC and WG programmes	AC WP Item 8.6		
7	<b>IMPLEMENTATION OF THE AGREEMENT</b>			

	<b>Topic/Task</b>	<b>MoP or other mandate</b>	<b>Timeframe</b>	<b>Detail</b>
7.1	Review performance indicators to assist the MOP in conducting prescribed review of the Secretariat's performance in achieving the objectives of this Agreement.	MoP2 Article VIII 14	2008	To be undertaken upon permanent establishment of the Secretariat.
7.2	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 VII 4	Ongoing	Support provided for secondment of Tatiana Neves from Brazil to identify capacity building initiatives of relevance to South American Parties.
7.3	Assist the participation of Parties at Agreement meetings	Article VII 5	Ongoing	Parties have been asked for advise on whether they require assistance to attend AC4.
7.4	Promote and coordinate activities under the Agreement, including the Action Plan, in accordance with decisions of the Meeting of the Parties	Article X c)	Ongoing	Assistance provided to the Governments of Peru and Ecuador in the organisation and conduct of waved albatross workshops. The new ACAP website has been designed to promote the activities of the Agreement by providing better access to information e.g, meeting documents and reports, species assessments, and news articles. Assistance was provided to Advisory Committee Officials in the coordination of activities related to implementation of the Action Plan.

	<b>Topic/Task</b>	<b>MoP or other mandate</b>	<b>Timeframe</b>	<b>Detail</b>
7.5	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.  Provide assistance with the development of materials for use at RFMO meetings	Article X d)  AC WP item 8.3	Ongoing	The Secretariat liaises regularly with non-Party Range States such as the USA to coordinate action with ACAP Parties at relevant RFMO meetings. Regular liaison also occurs with NGOs such as BirdLife International and WWF on issues relevant to the objectives of the Agreement and with RFMOs on seabird conservation issues.
7.6	Identify and resolve inconsistencies in the Agreement text and Agreement instruments and bring to the attention of the Advisory Committee and Meeting of Parties		May 2007 January 2009 Ongoing	The Secretariat has identified a number of inconsistencies within the Agreement text and between the Agreement Articles and instruments such as the Financial Regulations and Rules of Procedures. A consolidated list of these is being maintained for review by the Meeting of the Parties.
8.	<b>Capacity Building</b>			
8.1	Assist the Advisory Committee and Parties with technical cooperation and capacity building	Article IV 2	AC3 Ongoing	A questionnaire was sent to Parties and Range States seeking to identify opportunities for assisting Parties and Range States with capacity building through the exchange of skills, knowledge, training, and other resources. The results of this questionnaire were presented to AC3.
8.2	Support secondments to the Secretariat to aid capacity building	AC WP item 8.5	Ongoing	

AC4 Final Report

**ANNEX 13****13. RULES FOR ACCESS AND USE OF STATUS AND TRENDS, AND BREEDING SITES DATA SUBMITTED TO, AND MAINTAINED BY, ACAP**

The following revised Rules for Access and Use of data submitted to, and maintained by, ACAP pertaining to population status and trends, and breeding sites management and threats, were adopted by the fourth meeting of the Advisory Committee in August 2008.

It is recognised that:

1. All status and trends, and breeding sites data submitted to, and maintained by, the ACAP Secretariat, shall be available to ACAP officials (Secretariat, Advisory Committee Chair, Advisory Committee Vice-chair, Working Group Convenors and Vice-convenors) for analysis and preparation of documents for the Agreement.
2. Inclusion of data, analyses or results from data held by the ACAP Secretariat into working papers, information papers, reports and any other documents tabled at meetings of the Advisory Committee or Working Groups, or circulated inter-sessionally to members of the Secretariat, ACAP officials, Working Group members or invited experts does not constitute publication.
3. Data included in any published reports or scientific papers outside ACAP will be considered to be in the public domain and so may be included in databases maintained by the ACAP Secretariat, and may be released by the ACAP Secretariat to other parties on request without the need to obtain permission from the data holders (owners/originators). Release to other parties will include making the data available through the ACAP web portal.
4. Unless indicated otherwise by the relevant member of the Breeding Sites Working Group, all data, analyses or results concerning breeding site threats and management may be released by the ACAP Secretariat to other parties on request without the need to obtain permission from the data holders. Release to other parties will include making the data available through the ACAP web portal. Other parties will be advised of the source of the original data and will be asked to consult the original data holder (including on assignation of authorship) before proceeding with publication of documents describing analyses and interpretation of these data.
5. Unless indicated otherwise by the relevant member of the Status and Trends Working Group, the most recent count from each breeding site, summary statistics (mean, statistical errors, range) of population trend, productivity, survival rates and breeding frequency, and trend graphs generated for ACAP Species Assessments may be released by the ACAP Secretariat to other parties on request without the need to obtain permission from the data holders. Release to other parties will include making the data available through the ACAP web portal. Other parties will be advised of the source of the original data and will be asked to cite the data contributor and, if required, to consult the original data contributor for further information before proceeding with publication of documents describing analyses and interpretation of these data.
6. No data user shall hold ACAP or the original data provider(s) liable for errors in the data. While every effort has been made to ensure the integrity and quality of the database, ACAP (or whomever maintains the database) cannot guarantee the accuracy of the

datasets contained herein.

7. The following statement shall be placed on the cover page of working papers, information papers, reports and any other documents tabled at meetings of the Advisory Committee or Working Groups, or circulated inter-sessionally to members of the Secretariat, ACAP officials, Working Group members or invited experts:

'This paper is presented for consideration by ACAP and may contain unpublished data, analyses, and/or conclusions subject to change. Data in this paper shall not be cited or used for purposes other than the work of the ACAP Secretariat, ACAP Advisory Committee or their subsidiary Working Groups without the permission of the original data holders.'

**ANNEX 14****14. REVISED TERMS OF REFERENCE FOR THE BREEDING SITES WORKING GROUP**

The ACAP Advisory Committee established a Working Group on Breeding Sites at its first meeting.

The aims of this group are:

- to oversee the collection, collation and maintenance of the most up to date information on management of, and threats to, the breeding sites of albatrosses and petrels listed on Annex 1 of the ACAP Agreement
- to assess the threats to breeding sites of the listed species and identify gaps in knowledge
- to consider and apply criteria for the identification of internationally important breeding sites
- to work with other groups in identifying those threats to breeding sites that are priorities for management
- to develop, review and maintain best-practice guidelines to mitigate selected threats to breeding sites

## 15. FINANCIAL SUMMARY OF ADVISORY COMMITTEE WORK PROGRAMME

### Summary of Financial Decisions Taken at AC4 Appropriation No 4 – Advisory Committee Work Programme

#### **Funding available for allocation in 2008 (AUD\$)**

Funds carried forward from 2007	\$ 346,000
Commitments carried forward <sup>2</sup>	\$ (283,000)
Balance carried forward to 2008	\$ 63,000
Interest on ACAP funds	\$ 18,362
Norway's 2008 contribution <sup>3</sup>	\$ 68,211
<b>Balance available</b>	<b>\$ 149,573</b>

#### **Summary of 2008 ACAP Project Funding assessed and allocated at AC4**

Following a review of project applications by relevant Working Groups the Advisory Committee decided to allocate funding to the following proposals.

<b>Project title</b>	<b>Requested</b>	<b>Funded</b>
Secretariat Capacity	46,000	46,000
Bait Pod Development - BirdLife International	20,000	20,000
Effects of House mice on Tristan albatross - J. Cooper/CORE Initiatives	4,750	4,750
Implementation Waved Albatross Action Plan – APEC/Pro Delphinus <sup>4</sup>	66,715	40,000
Update of Tracking Database – BirdLife International	10,000	10,000
Capacity Building Ecuador – Argentina – BirdLife International	5,000	5,000
<b>Total</b>	<b>152,465</b>	<b>125,750</b>

<sup>2</sup> Reflects balance of outstanding projects funded at previous Advisory Committee meetings (refer AC4 doc 9).

<sup>3</sup> Parties decided at MoP2 that the Advisory Committee's Work Programme would be funded from contributions made by new Parties joining the Agreement.

<sup>4</sup> Discussions to be held with proponents to determine if this project can be undertaken collaboratively.

### **Indicative<sup>5</sup> Funding for 2009 Work Programme and 2010-12 Work Programme**

Following a review of the Advisory Committee's Work Programme, taking into account the revised work programmes of the Working Committees, the Advisory Committee identified indicative funding requirements for next year's work programme and for the next triennium budget period (2010-12).

<b>Work Programme Task</b>	<b>Indicative Funding 2009</b>	<b>Indicative Funding 2010-12<sup>6</sup></b>
AC Work Programme No.		
(2.6) Translation of species assessments	\$ 8,000	
(2.7) Maps for species assessments	\$ 5,000	
(4.2) Attendance at RFMO meetings	\$ 30,000	\$ 30,000 (p.a.)
(4.3) Review of tracking/distribution data for all species/age classes	\$	\$ 10,000 (AC5+)
(4.4) Complete reports on analysis of overlaps of distribution with fisheries managed by RFMOs		
- Trawl fisheries analysis		\$ 10,000 (AC6)
- Updated overlap analysis		\$ 5,000 (AC6)
(4.5) Develop materials for RFMOs/fisheries managers	\$ 40,000	
(4.20) Estimate mortality in range of waved albatrosses	\$ 20,000	?
(5.2) Improve seabird bycatch data collection from observers in South America	\$	\$ 50,000 (AC5+)
(5.7) Development of Observer Programme in Peru	\$ 10,000	
<b>Total indicative funding from Advisory Committee funds</b>	<b>\$ 113,000</b>	<b>\$ 105,000</b>

<sup>5</sup> As there will not be an Advisory Committee meeting next year the actual amount to be allocated from 2009 project funds to work programme tasks will be determined intersessionally in consultation with the Advisory Committee's Finance Sub-committee.

<sup>6</sup> It is anticipated that these figures will change following amendment of the Work Programme at the next meeting/s of the Advisory Committee.

**16. DRAFT RESOLUTION 1 – AMENDMENT TO ANNEX 1**

## **DRAFT RESOLUTION**

### **AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS**

#### **Resolution 3.1**

##### **Proposal to amend Annex 1 of the Agreement**

**United Kingdom, Australia**

*Noting* that following a priority scoring procedure for the listing of new species and the collation of relevant information, the fourth meeting of the Advisory Committee advised that the three North Pacific species of albatross, *Phoebastria albatrus*, *Phoebastria immutabilis*, *Phoebastria nigripes* should be added to Annex 1 of the Agreement;

*[Noting also Case 3449 assessed by the International Commission on Zoological Nomenclature on the spelling of the species name of *Thalassarche melanophrys*/*melanophris* and the result of that case:]*

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

In accordance with Article XII (5), to amend Annex 1 of the Agreement as set out in Appendix A.

## Appendix A

### Annex 1. Albatross and Petrel Species to which the Agreement will apply.

#### Albatrosses (22 species)

*Diomedea exulans*  
*Diomedea dabbenena*  
*Diomedea antipodensis*  
*Diomedea amsterdamensis*  
*Diomedea epomophora*  
*Diomedea sanfordi*  
*Phoebastria irrorata*  
*Phoebastria albatrus*  
*Phoebastria immutabilis*  
*Phoebastria nigripes*  
*Thalassarche cauta*  
*Thalassarche steadi*  
*Thalassarche salvini*  
*Thalassarche eremita*  
*Thalassarche bulleri*  
*Thalassarche chrysostoma*  
*Thalassarche melanophris*  
*Thalassarche impavida*  
*Thalassarche carteri*  
*Thalassarche chlororhynchos*  
*Phoebetria fusca*  
*Phoebetria palpebrata*

#### Petrels (7 species)

*Macronectes giganteus*  
*Macronectes halli*  
*Procellaria aequinoctialis*  
*Procellaria conspicillata*  
*Procellaria parkinsoni*  
*Procellaria westlandica*  
*Procellaria cinerea*

**17. DRAFT RESOLUTION 2 – ADVISORY COMMITTEE WORK PROGRAMME**

**DRAFT RESOLUTION**

**AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS**

**Resolution 3.2**

**Advisory Committee Work Programme**

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*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;*

*Reminded that the first Session of the Meeting of the Parties agreed to the establishment of an Advisory Committee and a work programme for this Committee;*

*Noting that the fourth meeting of the Advisory Committee (AC4) developed a work programme for the period 2009-2012 (AC4 Final Report – Annex 8) 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**

**Agrees:**

1. to the Advisory Committee work programme in Appendix A.

**ATTACHMENT 1**

**1. STATEMENT – LA REPUBLICA ARGENTINA**

“El Informe del Reino Unido contenido en el documento AC4 Doc 40 contiene información sobre territorios argentinos que fueran incluidos por el Reino Unido en su instrumento de ratificación.

Sin perjuicio de la vigencia del artículo XIII del Acuerdo, el gobierno argentino rechaza la inclusión de las Islas Malvinas, Georgias del Sur y Sandwich del Sur en el Informe presentado por el Reino Unido como documento AC4 Doc 40, el que carece de toda validez por referirse a una parte del territorio argentino. De la misma manera, la Argentina rechaza cualquier otro documento o informe que pudiera ser presentado como consecuencia de la pretendida extensión territorial hecha por el Reino Unido, la que fue rechazada por la Argentina mediante una declaración específica incluida en su instrumento de ratificación, depositado el 29 de agosto de 2006”.

**ATTACHMENT 2**

**2. STATEMENT – UNITED KINGDOM**

The United Kingdom has no doubts about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas. There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the Falkland Islanders so wish. The principle of self-determination underlies our position on the sovereignty of the Falkland Islands.

The United Kingdom frequently makes our position on the Falkland Islands known to the International Community. The last time we had an opportunity to do so at the United Nations was on 22 January 2008.