

 <p>Agreement on the Conservation of Albatrosses and Petrels</p>	<p>Ninth Meeting of the Advisory Committee <i>La Serena, Chile, 9 - 13 May 2016</i></p> <p>Conflict of interest and bias</p> <p><i>Australia, New Zealand and Uruguay</i></p>
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SUMMARY

The Advisory Committee is considering policy arrangements concerning conflicts of interest and bias. Interim procedures have been adopted concerning conflicts of interest. A policy is now proposed concerning conflicts of interest and bias. The application of the policy is discussed. A register of interests is proposed.

RECOMMENDATIONS

That the Advisory Committee agrees to:

1. Adopt the *Conflicts of interest and bias policy*, included as **Annex 1**.
2. Apply the policy from 1 July 2016.
3. Provide the policy to the next Meeting of the Parties for consideration.

1. CONTEXT

The Eighth Meeting of the Advisory Committee: Punta del Este, Uruguay, 15-19 September 2014 (AC8) discussed development of a procedure concerning conflicts of interest and bias, and how these matters would be managed if they arose during the work of the Advisory Committee and its working groups (**AC8 Final Report**, paragraph 19.1). Although positive steps are already being taken in the working groups concerning conflicts of interest, these remain informal. AC8 agreed to intersessional work being conducted on procedures for conflicts of interest and bias by a contact group comprising Australia, New Zealand and Uruguay.

As an interim measure, AC8 agreed that the Convenor(s) of each Working Group would bring the following information concerning conflicts of interest to the attention of participants in each working group for their consideration and action at the beginning and during the course of the meeting:

Conflicts of interest

1. A conflict of interest may arise in work undertaken under the Agreement. This may happen where an individual has a direct or indirect interest which could impair the individual's impartiality, objectivity or independence in carrying out his or her role and functions under the Agreement. A conflict of interest may be actual or perceived.
2. Any individual with a potential or actual conflict of interest must declare the conflict of interest at the outset of a meeting. The individual may take part in the discussions at that meeting as long as there are no objections, but cannot:
 - a. for that aspect of the meeting, participate in making of recommendations and related matters; and
 - b. chair that aspect of the meeting where the conflict of interest arises.

These procedural steps provide reassurance that any conflict of interest matter is managed practically, feasibly and effectively.

The above interim procedure does not apply to the Parties or their representatives.

The Advisory Committee seeks the timely implementation of a procedure to manage actual and potential conflicts of interest and bias that may affect the work conducted by the Advisory Committee and its working groups under the Agreement, including the opportunity for reviewing the effectiveness of the interim approach for each working group.

The Fifth Meeting of the Parties: Santa Cruz de Tenerife, Spain, 4-8 May 2015 noted that the Advisory Committee was developing a policy on conflicts of interest and bias, and that the policy would be provided to the next Meeting of the Parties for consideration (**MoP5 Final Report**, paragraph 7.15).

2. POLICY FRAMEWORK

Annex A sets out a proposed policy concerning the potential for conflicts of interest and bias to arise in the work of the Advisory Committee and Working Groups established by the Advisory Committee from time-to-time. The application of the policy is limited to elected officials and invited experts of the Advisory Committee and its Working Groups.

Definitions are provided about what is meant by a conflict of interest and bias. The policy sets out procedural requirements for individuals to whom the policy applies, and for the operation of the Advisory Committee and its Working Groups. The policy will require individuals to whom the policy applies to provide a declaration of their interests, and will establish a register of interests to be maintained by the Secretariat.

It is envisaged that the policy would apply from 1 July 2016, if adopted, and that the policy would be provided to the next Meeting of the Parties for their consideration.

ANNEX 1

Conflict of interest and bias policy

Policy context

This policy aims to prevent the potential for a conflict of interest and bias arising during the work of the Advisory Committee, and Working Groups established by the Advisory Committee from time-to-time.

The Advisory Committee and its Working Groups are established under the *Agreement on the Conservation of Albatrosses and Petrels*¹ to provide scientific, technical and other advice and information to ensure the ongoing effectiveness of the Agreement in achieving and maintaining a favourable conservation status for albatrosses and petrels globally. This advice and information includes, among other things, recommendations about the implementation of the Agreement, priorities for further research to be carried out, effectiveness of conservation measures undertaken, status and trends of albatross and petrel populations, best practice advice concerning seabird bycatch mitigation methods, and priorities for addressing threats to albatrosses and petrels at sea and on land.

The Parties to the Agreement consider that it is essential that Advisory Committee and Working Group members and officials properly distance themselves from any possibility of a conflict of interest and bias arising between their personal and/or professional interests, and their activities concerning the Advisory Committee and its Working Groups.

The procedural steps of this policy provide reassurance that any conflict of interest and bias matters concerning the Advisory Committee, and Working Groups established by the Advisory Committee from time-to-time are managed efficiently and effectively.

Application

This policy applies to the Advisory Committee and Working Groups established by the Advisory Committee from time-to-time:

1. The policy applies to:
 - a. Office holders of the Advisory Committee: Chair and Vice-chair, elected pursuant to art IX(5) of the Agreement; and Working Groups and their Convenor(s) and Vice-Convenor(s), pursuant to art IX(3) of the Agreement.
 - b. Any expert invited to attend meetings of the Advisory Committee and its Working Groups in a personal capacity pursuant to art IX(3) of the Agreement.
2. The policy does not apply to representatives of Parties to the Agreement appointed as an Advisory Committee member, or their advisers, pursuant to art IX(2) of the Agreement.

¹ *Agreement on the Conservation of Albatrosses and Petrels*, done 19 June 2001, 2258 UNTS 257 (entered into force 1 February 2004).

Definitions

Conflict of interest

A conflict of interest:

- a. is a situation in which a person owing a duty to provide professional advice or skill is compromised in the performance of that duty by either a like duty to another whose interests conflict with the first, or by the opportunity to make a personal profit
- b. includes an actual conflict of interest and perceived conflict of interest
- c. is determined objectively — the existence of a conflict of interest arises when a fair-minded person might reasonably suspect the person has a conflict of interest.

Bias

Bias:

- a. is a pre-existing favourable or unfavourable attitude to a issue when impartial consideration of the issue and its merits is required
- b. includes actual bias and perceived bias
- c. is determined objectively — the existence of bias arises when a fair-minded person might reasonably suspect the person is biased.

Procedural requirements

All persons to whom this policy applies are to avoid the potential for a conflict of interest and bias arising when undertaking any work concerning the Advisory Committee and Working Groups established by the Advisory Committee from time-to-time.

Individual requirements

If this policy applies to you, then you are required to:

1. Complete and maintain a current register of interests — it is your responsibility to ensure that this declaration is up-to-date at all times.
2. Disclose any interest(s) at the outset of any meeting of the Advisory Committee and/or Working Group you attend that potentially:
 - a. significantly impairs your objectivity in carrying out your duties and responsibilities for the Advisory Committee and its Working Groups
 - b. creates an unfair advantage for you or any person or organisation, and which could result in your securing a direct and material gain through outcomes of a Advisory Committee and/or Working Group process (for example a commercial advantage).
3. Avoid at all other times any conflict of interest and bias when undertaking any work concerning the Advisory Committee and/or any Working Group.

Meeting requirements

The following requirements apply to meetings of the Advisory Committee and any Working Group established by the Advisory Committee.

1. The Secretariat is to circulate a notice to Advisory Committee and Working Group members and officials requesting that individuals to whom this policy applies submit a declaration registering their interests. The notice is to be circulated no later than 60 days before the upcoming meeting(s) and is to request that responses be provided no later than 30 days before the relevant meeting commences.
2. At the outset of a meeting the Advisory Committee Chair/Working Group Convenor(s) is to ask individuals to whom this policy applies to declare any potential or actual conflict of interest.
3. Any individual who declares a conflict of interest may take part in discussions at the meeting as long as there are no objections raised by those present at the meeting, but cannot:
 - a. for that aspect of the meeting where the conflict of interest arises, participate in making of recommendations and related matters
 - b. chair that aspect of the meeting where the conflict of interest arises.
4. Where there is an objection, the Advisory Committee Chair/Working Group Convenor(s) may at his or her or their discretion, require any individual who declares a conflict of interest to leave the room for that aspect of the meeting where the conflict of interest arises.

Register of interests

The Secretariat is to create and hold a register of declared interest(s) of individuals to whom this policy applies.

Any individual to whom this policy applies is to complete a register of interests form and return the form to the Secretariat — the register of interest form is available on the Secretariat's website.

In completing the form, the following guidance about conflicts of interest and bias is relevant:

- a. whether an interest represents an actual or perceived conflict of interest, and an attitude represents bias is to be determined objectively — based on whether a fair-minded person might reasonably suspect the person has a conflict of interest and/or is biased
- b. disclosure of an interest and/or attitude on this form does not automatically mean that a conflict of interest and/or bias is present or that you will be unable to perform your designated role with the Advisory Committee and/or Working Group
- c. if you are in doubt about whether an interest or attitude should be disclosed, you are encouraged to disclose that information — in filling out this form, the Advisory Committee and its Working Groups rely on your professionalism, common sense and honesty.

It is the responsibility of each individual to ensure that their declaration is up to date at all times.

Register of interests and attitudes

Name	
Role <ul style="list-style-type: none"> • Advisory Committee • Population and Conservation Working Group • Seabird Bycatch Working Group • Taxonomy Working Group • Other (please explain) 	Indicate if Elected Official / Invited Expert
Do you have any significant and relevant professional interests that might be considered conflicts of interest? <i>Please list current, significant, and relevant professional and other <u>non-financial</u> interests, which could be interpreted as:</i> <ol style="list-style-type: none"> a. significantly impairing your objectivity in carrying out your duties and responsibilities for the Advisory Committee and/or Working Group b. creating an unfair advantage for you or any person or organisation — for example, membership on the board of an advocacy group(s). 	Yes (give details) / No
Do you have any significant and relevant financial interests in the subject matter of the work in which you will be involved, which might be considered conflicts of interest? <i>Please list current, significant, and relevant <u>financial</u> interests which could be interpreted as:</i> <ol style="list-style-type: none"> a. significantly impairing your objectivity in carrying out your duties and responsibilities for the for the Advisory Committee and/or Working Group b. creating an unfair advantage for you, or any person or organisation — for example, employment relationships, consulting relationships, and/or commercial interests. 	Yes (give details) / No
Is there anything else that could affect your objectivity or independence in the work in which you will be involved which might result in bias?	Yes (give details) / No

I declare that the disclosed information is complete and correct to the best of my knowledge.

Signed

Date