

The Southern Indian Ocean Fisheries Agreement (SIOFA) 5th Meeting of the Parties
25-29 June 2018

Cape Panwa Hotel, Phuket, Thailand

MoP5-Prop14 Rev1

Proposal for a Memorandum of Understanding between the Southern Indian Ocean Fisheries Agreement (SIOFA) and the Agreement on the Conservation of Albatrosses and Petrels (ACAP)

Relates to agenda item: 11.3

Proposal Other Document Info Paper

SIOFA Secretariat

Abstract

The Agreement on the Conservation of Albatrosses and Petrels (ACAP) is a multilateral agreement that seeks to achieve and maintain a favourable conservation status for albatrosses and petrels globally. The most significant threat facing albatrosses and petrels is mortality arising from interactions with fishing gear. ACAP has developed a range of materials, including best practice guidelines, to assist ACAP Parties, Range States and international organisations, in addressing these threats. In addition to individual nations taking measures to protect albatrosses and petrels, international cooperative action is also required. In order to enhance the cooperation and information exchange with relevant organisations, ACAP has signed Memoranda of Understanding or Cooperation Agreements with a range of RFMOs and other Conservation Bodies. Recently, the ACAP Parties authorised the Secretariat to commence negotiations for the development of a MoU with the Southern Indian Ocean Fisheries Agreement.

This proposal was presented at the Third Meeting of the Scientific Committee where the SC noted its desire for ongoing cooperation with ACAP and that an MoU may facilitate this (SC3 Report, para 275)

A draft in track changes in Annex I (completed template previously circulated with amendments) and a clean version of this draft is provided in Annex II for the consideration of the SIOFA Meeting of the Parties.

A statement prepared by ACAP Executive Secretary for presentation at SC3 is provided at Annex III.

Recommendations

That the Meeting of the Parties analyses the merits of signing a MoU between the Southern Indian Ocean Fisheries Agreement (SIOFA) and the Agreement on the Conservation of Albatrosses and Petrels (ACAP)

1. INTRODUCTION

The Agreement on the Conservation of Albatrosses and Petrels (ACAP) is a multilateral agreement that seeks to achieve and maintain a favourable conservation status for albatrosses and petrels globally (<http://www.acap.aq/en/acap-agreement>). The Agreement provides a framework for coordinating and undertaking international activity to mitigate known threats to populations of affected species.

The most significant threat facing albatrosses and petrels is mortality arising from interactions with fishing gear, especially in longline and trawl fishing operations. Many species are also threatened at their breeding sites by introduced predators, diseases, habitat loss or human disturbance. ACAP has developed a range of materials, including best practice guidelines, to assist ACAP Parties, Range States and international organisations in addressing these threats.

In addition to individual nations taking measures to protect albatrosses and petrels, international cooperative action is also required. Albatrosses and petrels are susceptible to threats operating throughout their very wide foraging ranges, which extend across national boundaries and into international waters. International cooperation on albatross and petrel conservation greatly enhances the prospects for successful conservation measures across their ranges.

Article X (d) of the Agreement calls upon the ACAP Secretariat to liaise with international organisations whose activities are directly or indirectly relevant to the conservation, including the protection and management, of albatrosses and petrels. ACAP's engagement includes the submission of papers to, and attendance at, scientific, technical and other meetings of these international organisations to collaborate on the adoption of seabird conservation and management measures that take into consideration ACAP's best practice advice about avoiding or minimise seabird bycatch during fishing operations. In order to enhance the cooperation and information exchange with relevant organisations, ACAP has signed Memoranda of Understanding or Cooperation Agreements with a range of Regional Fisheries Management Organisations (RFMOs), as well as other Conservation Bodies (<https://www.acap.aq/en/documents/mous>).

2. ENGAGEMENT WITH THE SOUTHERN INDIAN OCEAN FISHERIES AGREEMENT

Large numbers of ACAP-listed species are incidentally caught by fisheries managed by RFMOs. Consequently, engagement with RFMOs is an important component of ACAP's strategy to mitigate and reduce the bycatch of seabirds. At each of its meetings, the Seabird Bycatch Working Group (SBWG, a subsidiary body to the Agreement's Advisory Committee) routinely reviews and updates actions listed in ACAP's RFMO engagement strategy. Following discussions in the SBWG, the Advisory Committee endorsed the engagement with SIOFA to provide advice on matters including bycatch mitigation, data collection, risk assessments and others.

In line with the above, the ACAP Parties authorised the Secretariat to commence negotiations for the development of a Memorandum of Understanding with the Southern Indian Ocean Fisheries Agreement. The proposed MoU template with introduced track changes in Annex I and a clean version in Annex II is provided for the consideration of the SIOFA Meeting of the Parties.

~~ANNEX 1. Template of the proposed Memorandum of Understanding between the Southern Indian Ocean Fisheries Agreement (SIOFA) and the Agreement on the Conservation of Albatrosses and Petrels (ACAP)~~

MEMORANDUM OF UNDERSTANDING

between

**THE MEETING OF THE PARTIES~~Meeting of the Parties~~ OF THE SOUTHERN INDIAN OCEAN
FISHERIES AGREEMENT**

and

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

The [Meeting of the Parties of the Southern Indian Ocean Fisheries Agreement](#)~~Secretariat of Organisation~~ (hereafter [Organisation](#)~~SIOFA~~) and the Secretariat for the Agreement on the Conservation of Albatrosses and Petrels (hereafter the ACAP Secretariat);

ACKNOWLEDGING that the *Agreement on the Conservation of Albatrosses and Petrels* (hereafter ACAP), developed under the auspices of the *Convention on the Conservation of Migratory Species of Wild Animals*, is a multilateral agreement which seeks to achieve and maintain a favourable conservation status for albatrosses and petrels by coordinating international activity to mitigate known threats to albatross and petrel populations;

NOTING that Article X(d) of ACAP authorises the ACAP Secretariat to liaise with non-Party Range States and regional economic integration organisations and 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, including the protection and management, of albatrosses and petrels;

NOTING FURTHER that Article XI of ACAP authorises the ACAP Secretariat to consult and cooperate, where appropriate, with the secretariats of other relevant conventions and international instruments in respect of matters of common interest, and to enter into arrangements, with the approval of the Meeting of Parties, with other organisations and institutions as may be appropriate, and to consult and cooperate with such organisations and institutions in exchanging information and data;

ACKNOWLEDGING that the objectives of ~~[Organisation]~~SIOFA ~~is~~ are to ensure the long-term conservation and sustainable use of the fishery resources in the Area through cooperation among the Contracting Parties, and to promote the sustainable development of fisheries in the Area, taking into account the needs of developing States bordering the Area that are Contracting Parties to this Agreement, and in particular the least developed among them and small-island developing States;

~~**ACKNOWLEDGING FURTHER** that [Organisation]SIOFA [...];~~

CONSCIOUS that some ~~members~~ Parties to of ~~[Organisation]~~SIOFA are Parties to ACAP;

~~**NOTING** that Article [...] of the Agreement[Convention] calls upon the [SIOFA Secretariat of Organisation] to make suitable arrangements for consultation, cooperation and collaboration with other relevant organisations; that Article 16 of the Agreement requires Contracting Parties acting jointly under the Agreement to cooperate closely with other international fisheries and related organizations in matters of mutual interest~~

RECOGNISING that the achievement of the objectives of ~~[Organisation]~~SIOFA and ACAP will benefit from cooperation, with a view to strengthening the conservation measures adopted in respect of albatrosses and petrels;

DESIRING to put into place arrangements and procedures to promote cooperation in order to enhance the conservation of albatrosses and petrels;

JOINTLY DECIDE as follows:

1. OBJECTIVE OF THIS MEMORANDUM

The objective of this Memorandum of Understanding ('MoU') is to facilitate cooperation between ~~the [Secretariat of Organisation]~~SIOFA and the ACAP Secretariat (~~"the Participants"~~) with a view to supporting efforts to minimise the incidental by-catch of albatrosses and petrels listed in Annex 1 of ACAP within ~~the SIOFA[Organisation's] Convention~~ Area of Application ('Area').

2. AREAS OF COOPERATION

The ~~[Secretariat of Organisation]~~SIOFA and the ACAP Secretariat may consult, cooperate and collaborate with each other on areas of common interest that are directly or indirectly relevant to the conservation, including the protection and management, of albatrosses and petrels, including:

- a) development of systems for collecting and analysing data, and exchanging information concerning the bycatch of albatrosses and petrels in the [Organisation's] SIOFA Convention Area;
- b) exchange of information regarding management approaches relevant to the conservation of albatrosses and petrels;
- c) implementation of education and awareness programmes for fishers who operate in areas where albatrosses and petrels may be encountered;
- d) design, testing and implementation of albatross and petrel bycatch mitigation measures relevant to fishing operations in the SIOFA [Organisation's] Convention Area;
- e) development of training programmes on conservation techniques and measures to mitigate threats affecting albatrosses and petrels; and
- f) exchange of expertise, techniques and knowledge relevant to the conservation of albatrosses and petrels in the SIOFA [Organisation's] Convention Area and
- g) reciprocal participation with observer status at the relevant meetings of ACAP and SIOFA [Organisation].

3. REVIEW AND AMENDMENT

This MoU may be reviewed or amended at any time by the mutual written consent of both Participants.

4. LEGAL STATUS

The Participants acknowledge that this MoU is not legally binding between them.

5. COMING INTO EFFECT AND TERMINATION

- (a) This MoU will remain in effect for 6 years. At that stage the Participants will review the operation of the MoU and decide whether it will be renewed or amended.
- (b) Either Participant may terminate this MoU by giving six months written notice to the other Participant.
- (c) This MoU will come into effect on signature.

SIGNATURE

Signed atthisday of 2018

~~{Chairperson / Executive Secretary}~~
~~SIOFA{Organisation}~~

Executive Secretary
ACAP Secretariat

MEMORANDUM OF UNDERSTANDING

between

THE MEETING OF THE PARTIES OF THE SOUTHERN INDIAN OCEAN FISHERIES AGREEMENT

and

THE SECRETARIAT FOR THE AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND
PETRELS

The Meeting of the Parties of the Southern Indian Ocean Fisheries Agreement (hereafter SIOFA) and the Secretariat for the Agreement on the Conservation of Albatrosses and Petrels (hereafter the ACAP Secretariat);

ACKNOWLEDGING that the *Agreement on the Conservation of Albatrosses and Petrels* (hereafter ACAP), developed under the auspices of the *Convention on the Conservation of Migratory Species of Wild Animals*, is a multilateral agreement which seeks to achieve and maintain a favourable conservation status for albatrosses and petrels by coordinating international activity to mitigate known threats to albatross and petrel populations;

NOTING that Article X(d) of ACAP authorises the ACAP Secretariat to liaise with non-Party Range States and regional economic integration organisations and 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, including the protection and management, of albatrosses and petrels;

NOTING FURTHER that Article XI of ACAP authorises the ACAP Secretariat to consult and cooperate, where appropriate, with the secretariats of other relevant conventions and international instruments in respect of matters of common interest, and to enter into arrangements, with the approval of the Meeting of Parties, with other organisations and institutions as may be appropriate, and to consult and cooperate with such organisations and institutions in exchanging information and data;

ACKNOWLEDGING that the objectives of SIOFA are to ensure the long-term conservation and sustainable use of the fishery resources in the Area through cooperation among the Contracting Parties, and to promote the sustainable development of fisheries in the Area, taking into account the needs of developing States bordering the Area that are Contracting Parties to this Agreement, and in particular the least developed among them and small-island developing States;

CONSCIOUS that some Parties to SIOFA are Parties to ACAP;

NOTING that Article 16 of the Agreement requires Contracting Parties acting jointly under the Agreement to cooperate closely with other international fisheries and related organizations in matters of mutual interest

RECOGNISING that the achievement of the objectives of SIOFA and ACAP will benefit from cooperation, with a view to strengthening the conservation measures adopted in respect of albatrosses and petrels;

DESIRING to put into place arrangements and procedures to promote cooperation in order to enhance the conservation of albatrosses and petrels;

JOINTLY DECIDE as follows:

1. OBJECTIVE OF THIS MEMORANDUM

The objective of this Memorandum of Understanding ('MoU') is to facilitate cooperation between SIOFA and the ACAP Secretariat ('the Participants') with a view to supporting efforts to minimise the incidental by-catch of albatrosses and petrels listed in Annex 1 of ACAP within the SIOFA Area of Application ('Area').

2. AREAS OF COOPERATION

The SIOFA and the ACAP Secretariat may consult, cooperate and collaborate with each other on areas of common interest that are directly or indirectly relevant to the conservation, including the protection and management, of albatrosses and petrels, including:

- a) development of systems for collecting and analysing data, and exchanging information concerning the bycatch of albatrosses and petrels in the Area;
- b) exchange of information regarding management approaches relevant to the conservation of albatrosses and petrels;
- c) implementation of education and awareness programmes for fishers who operate in areas where albatrosses and petrels may be encountered;
- d) design, testing and implementation of albatross and petrel bycatch mitigation measures relevant to fishing operations in the Area;

- e) development of training programmes on conservation techniques and measures to mitigate threats affecting albatrosses and petrels; and
- f) exchange of expertise, techniques and knowledge relevant to the conservation of albatrosses and petrels in the Area and
- g) reciprocal participation with observer status at the relevant meetings of ACAP and SIOFA.

3. REVIEW AND AMENDMENT

This MoU may be reviewed or amended at any time by the mutual written consent of both Participants.

4. LEGAL STATUS

The Participants acknowledge that this MoU is not legally binding between them.

5. COMING INTO EFFECT AND TERMINATION

- (a) This MoU will remain in effect for 6 years. At that stage the Participants will review the operation of the MoU and decide whether it will be renewed or amended.
- (b) Either Participant may terminate this MoU by giving six months written notice to the other Participant.
- (c) This MoU will come into effect on signature.

SIGNATURE

Signed atthisday of 2018

Chairperson
SIOFA

Executive Secretary
ACAP Secretariat



Agreement on the Conservation
of Albatrosses and Petrels

STATEMENT BY THE ACAP SECRETARIAT TO SIOFA SC-03

Distinguished delegates to SC-03,

The *Agreement on the Conservation of Albatrosses and Petrels* (ACAP) is a Multilateral Agreement that seeks to improve and maintain the conservation status for albatrosses and petrels listed in Annex 1 of the Agreement [[Table 1](#) in supplementary material]. This can be primarily achieved by coordinating and undertaking international action to mitigate known threats to their populations. An important component of this international action is related to the work with Regional Fisheries Management Organisations (RFMOs), as the most significant threat facing albatrosses and petrels is mortality arising from interactions with fishing gear, especially in longline and trawl fishing operations.

Counselling on bycatch issues has been a central element in the interaction with RFMOs, with many of them having signed Memoranda of Understanding with ACAP [[Table 2](#) in supplementary material]. ACAP's engagement with RFMOs includes the submission of papers to, and attendance at, scientific, technical and other meetings to collaborate on the adoption of seabird conservation and management measures that take into consideration ACAP resources such as the best practice advice on seabird bycatch mitigation, the seabird identification guide, and the ACAP species assessments, among others.

Following discussions during the last meeting of the Seabird Bycatch Working group, the Agreement's Advisory Committee endorsed the engagement with the Southern Indian Ocean Fisheries Agreement. Consequently, Parties authorised the ACAP Secretariat to commence negotiations for the development of a Memorandum of Understanding with SIOFA. We will very much appreciate the support of the SIOFA Scientific Committee to the MoU proposed in document SC-03-10.4(1), understanding that the formalisation of this interaction will be of mutual benefit for both organisations.

We wish all delegates to SC-03 and the SIOFA Secretariat a very successful meeting.

Dr Marco Favero
Executive Secretary
Agreement on the Conservation of Albatrosses and Petrels

SUPPLEMENTARY MATERIAL

TABLE 1. 2017 Summary of Status of ACAP Albatross and Petrel species listed in Annex 1.

IUCN Status 2017	Species	Number of sites (ACAP)	Country Endemic (breeding)	Annual breeding pairs	Population Trend (1996 -2016)	Trend Confidence
CR	<i>Diomedea amsterdamensis</i>	1	France	39 (2016)	↑	High
CR	<i>Diomedea dabbenena</i>	1	UK	1,108 (2015-2016)	↓	High
CR	<i>Phoebastria irrorata</i>	2	Ecuador	9,615 (2001)	↓	Medium
CR	<i>Puffinus mauretanicus</i>	5	Spain	>2,907 (2008-2016)	↓	High
EN	<i>Diomedea antipodensis</i>	6	NZ	6,709 (1995-2017)	↓	High
EN	<i>Diomedea sanfordi</i>	5	NZ	5,135 (2017)	?	-
EN	<i>Thalassarche carteri</i>	6		35,073 (1984-2015)	↓	High
EN	<i>Thalassarche chlororhynchos</i>	6	UK	33,650 (1974-2011)	↔	Low
EN	<i>Thalassarche chrysostoma</i>	29		83,999 (1982-2017)	↓	Medium
EN	<i>Phoebetria fusca</i>	15		12,096 (1974-2017)	↓	Very Low
EN	<i>Procellaria westlandica</i>	1	NZ	2,827 (2011)	↔	Low
VU	<i>Ardenna creatopus</i>	3	Chile	33,520 (2009-2016)	↔	Low
VU	<i>Diomedea epomophora</i>	4	NZ	7,924 (1989-2017)	↔	Medium
VU	<i>Diomedea exulans</i>	28		8,149 (1981-2017)	↓	High
VU	<i>Phoebastria albatrus</i>	2		893 (2002-2017)	↑	High
VU	<i>Procellaria aequinoctialis</i>	73		1,257,568 (1984-2015)	↓	Very Low

IUCN Status 2017	Species	Number of sites (ACAP)	Country Endemic (breeding)	Annual breeding pairs	Population Trend (1996 -2016)	Trend Confidence
VU	<i>Procellaria conspicillata</i>	1	UK	14,400 (2010)	↑	High
VU	<i>Procellaria parkinsoni</i>	2	NZ	1,500 (2016)	↓	Medium
VU	<i>Thalassarche eremita</i>	1	NZ	5,296 (2017)	↔	High
VU	<i>Thalassarche impavida</i>	2	NZ	21,648 (2012)	↔	Low
VU	<i>Thalassarche salvini</i>	12	NZ	41,214 (1986-2014)	↓	Low
NT	<i>Phoebastria immutabilis</i>	17		666,658 (1982-2017)	↔	High
NT	<i>Phoebastria nigripes</i>	13		69,969 (1995-2017)	↑	Medium
NT	<i>Phoebastria palpebrata</i>	71		10,637* (1954-2017)	?	-
NT	<i>Procellaria cinerea</i>	17		75,565 (1979-2017)	↓	Very Low
NT	<i>Thalassarche bulleri</i>	10	NZ	32,701 (1984-2017)	↔	Low
NT	<i>Thalassarche cauta</i>	3	Australia	14,683 (2015-2017)	↓	Low
NT	<i>Thalassarche steadi</i>	5	NZ	95,917 (2009-2015)	?	-
LC	<i>Macronectes giganteus</i>	119		47,716 (1958-2017)	↑	Medium
LC	<i>Macronectes halli</i>	50		10,691 (1973-2017)	↑	Medium
LC	<i>Thalassarche melanophris</i>	65		688,230 (1982-2017)	↑	High

TABLE 2. Current ACAP cooperation arrangements with RFMOs and other Organisations.

Name of Organisation	Arrangement	Start-End Dates
Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)	Memorandum of Understanding	Nov 2015 – 2018
Commission for the Conservation of Southern Bluefin Tuna (CCSBT)	Memorandum of Understanding	Oct 2015 - 2021
Indian Ocean Tuna Commission (IOTC)	Memorandum of Understanding	Jun 2015 - 2020
Inter-American Tropical Tuna Commission (IATTC)	Memorandum of Understanding	Jul 2017 - 2023
Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC)	Memorandum of Understanding	Dec 2016 - 2022
International Commission for the Conservation of Atlantic Tunas (ICCAT)	Guidelines for Cooperation	Mar 2016 - 2022
South Pacific Regional Fisheries Management Organisation (SPRFMO)	Memorandum of Understanding	Oct 2014 - open
Western and Central Pacific Fisheries Commission (WCPFC)	Cooperation Arrangement	Dec 2007 - open