

SC-03-10.4 (01)

3rd Meeting of the Southern Indian Ocean Fisheries Agreement (SIOFA) Scientific Committee

20-24 March 2017, Saint Denis, La Reunion

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: 10.4

Working paper Info paper

ACAP 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. A template is provided in ANNEX 1 for the consideration of the SIOFA Scientific Committee.

Recommendation

1. That the Scientific Committee 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 template is provided in ANNEX 1 for the consideration of the SIOFA Scientific Committee.

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 SECRETARIAT OF THE SOUTHERN INDIAN OCEAN FISHERIES AGREEMENT

and

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

The [Secretariat of Organisation] (hereafter [Organisation]) 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 objective of [Organisation] is [...];

ACKNOWLEDGING FURTHER that [Organisation] [...];

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

NOTING that Article [...] of the [Convention] calls upon the [Secretariat of Organisation] to make suitable arrangements for consultation, cooperation and collaboration with other relevant organisations;

RECOGNISING that the achievement of the objectives of [Organisation] 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] 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 [Organisation's] Convention Area.

2. AREAS OF COOPERATION

The [Secretariat of Organisation] 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 [Organisation's] 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 [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 [Organisation's] Convention Area and
- g) reciprocal participation with observer status at the relevant meetings of ACAP and [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

[Chair / Executive Secretary]
[Organisation]

Executive Secretary
ACAP Secretariat
