

**REPORT ON A MEETING TO NEGOTIATE AN AGREEMENT ON THE
CONSERVATION OF ALBATROSSES AND PETRELS**

Outcome Statement

Twelve Range States participated in the meeting to negotiate on the Agreement on the Conservation of Albatrosses and Petrels held in Cape Town, South Africa, 29 January- 2 February 2001. They concluded negotiations and *ad referendum* adopted by consensus the following text of an Agreement on the Conservation of Albatrosses and Petrels under the Convention on the Conservation of Migratory Species of Wild Animals (CMS).

Those States undertook to give their early consideration to becoming party to the Agreement, and to encourage other Range States and Regional Economic Integration Organisations not represented at the meeting to also become party, with a view to entry into force of the Agreement by the time of the Conference of the Parties of the CMS scheduled for September 2002.

It was further resolved that, recognising the urgency of the conservation needs of albatrosses and petrels, and pending entry into force of the Agreement, those Range States and other potential Parties which may be in a position to do so would use their best endeavours to give effect to the objectives of the Agreement and implement provisions as though it had already entered into force.

Participants in the meeting looked forward to receiving confirmation from the Depository Government of the date and place on which the Agreement would be open for signature, acceptance or ratification, once an authentic text in the languages of the Convention had been circulated.

Introduction

A meeting to negotiate the text of an Agreement on the Conservation of Albatrosses and Petrels under the auspices of the Convention on Migratory Species was held in Cape Town, South Africa from 29 January to 2 February 2001.

All Range States of Southern Hemisphere albatrosses and petrels, and distant water fishing nations who interact with albatrosses on the high seas were invited. The following countries participated in the negotiation:

- Argentina
- Australia
- Brazil
- Chile
- France
- New Zealand
- Norway
- South Africa
- Ukraine
- United Kingdom
- United States of America
- Uruguay

The following international organisations were represented:

- BirdLife International
- Commission for the Conservation of Antarctic Marine Living Resources
- Convention on Migratory Species (Bonn Convention)
- Food and Agriculture Organisation of the United Nations
- World Wide Fund for Nature

A member of the Asia Pacific Economic Co-operation Forum was also represented. Apologies were received from the following: China, the European Community, Peru, Poland, Indonesia, Germany and the World Conservation Union (IUCN).

Official Opening

Mr. Mohammed Valli Moosa, Minister of Environmental Affairs and Tourism, welcomed all delegates to South Africa and thanked them for choosing Cape Town to negotiate this important Agreement. He thanked Australia, New Zealand and the United Kingdom for their support for these negotiations. He invited delegates to enjoy their stay in Cape Town. Minister Moosa wished delegates a fruitful meeting and looked forward to the early finalisation of an Agreement. He committed South Africa to working with all nations represented at the meeting in furthering the conservation of albatrosses and petrels.

Mr John Cooper, head of the Secretariat, thanked Minister Moosa for his welcome and presented him with a gift on behalf of the meeting participants.

Opening statements

All delegations thanked South Africa for hosting the meeting, as well as Australia, New Zealand and the United Kingdom for their contributions. The Secretariat was also thanked

for its work done in support of the meeting.

Argentina, as a member of the Valdivia group, reiterated its pledge to work towards the conservation of these threatened species and expressed its wish to contribute to the success of the negotiations.

Australia noted with pleasure progress on the Agreement at and since the Hobart meeting. It welcomed the participants to the negotiations. Australia noted the need for urgent action and that existing instruments were not sufficient to provide for the holistic conservation of albatrosses and petrels. Australia supported the establishment of a legally binding multilateral Agreement which addressed the range of threats to these species particularly through a focus on capacity building and the exchange of knowledge, information and expertise.

Brazil re-iterated its commitment to the conservation of endangered species generally and to the related outcomes of the United Nations Conference on the Environment and Development (Rio, 1992). The representative of Brazil noted that although it was not a party to CMS Brazil was an active member of other conventions concerned with species conservation. Brazil expressed its desire to complete a definitive version of the Agreement at this meeting.

The representative of Chile stated that as a fishing nation and having important reproductive colonies of albatrosses and petrels on its territory, this Agreement is of special concern. The Chilean Congress is now discussing a reform of its Fishing Law, that makes an obligation to have qualified observers on board fishing vessels operating on its economic zone waters. The Chilean Government will provide State funds for research on the monitoring of populations and mitigation measures for incidental catch of seabirds by longliners. These actions are indicative of our government commitment to conservation and protection of albatrosses and petrels. The representative of Chile looked forward to finalising the negotiations on the Agreement at this meeting.

France apologised for not attending the Hobart meeting and assured that this was not due to a lack of support for the proposed Agreement. France noted that seven species of albatrosses breed in French territories and that it had conducted much research on these species over the last 40 years. France noted that international efforts were needed and its particular concern about the impacts of Illegal Unregulated and Unreported (IUU) fishing. France committed itself to work intensively to develop this Agreement.

New Zealand stated its strong support for the proposed Agreement, its desire to see the widest possible participation by those fishing within the range of albatrosses and petrels and the completion of the Agreement at this meeting. It urged other potential parties to intensify their efforts to improve the conservation status of albatrosses and petrels in advance of the entry into force of this Agreement. New Zealand stated that if any permanent Secretariat was established, it should be cost effective and situated in the Southern Hemisphere.

Norway stated that it was strongly committed to solving the challenges being addressed by the draft Agreement and that it already participated in other relevant conservation agreements. Norway expressed hope that the Agreement text could be finalised at this meeting.

South Africa noted that it was a privilege and a pleasure to host this negotiation. South Africa was impressed with the work already done in Hobart and subsequently. It indicated its desire to join with other parties in finalising the Agreement text.

Ukraine expressed support for the development of the Agreement and noted that the Ukraine had joined the Convention for Migratory Species in 1999.

The United Kingdom stated that formal international action was needed to address the threats to albatrosses and petrels. It noted the need for the Agreement to be complementary to existing fishing agreements and that it should be attractive to potential distant water fishing parties. The United Kingdom looked forward to a successful outcome to the negotiations.

The representative of the United States of America looked forward to working with all delegations in the common goal of ensuring the preservation of endangered albatrosses and petrels.

The representative of Uruguay supported the statements made by Argentina, Brazil and Chile.

The representative of the CMS Secretariat expressed pleasure that the Agreement is being developed under the auspices of the Bonn Convention. He noted that the spirit of CMS lay in international co-operation which was the heart of this meeting and the proposed Agreement.

The representative of CCAMLR noted that the Convention was already seeking to address the issues with which the proposed Agreement is concerned within its area of competence. CCAMLR is pleased to see the entire range albatrosses and petrels being addressed in the international context and expressed best wishes for the negotiation.

The representative of the Food and Agriculture Organization noted that the organisation had recently developed the International Plan of Action for the reduction of incidental seabird mortality. It noted that while the IPOA is a voluntary arrangement, the proposed.

Agreement would be legally binding and should be seen as complementary to the IPOA. FAO noted that already the bycatch problem had reduced due to technical information being available.

BirdLife International expressed strong support for the proposed Agreement. It noted the high degree of public interest in the outcome and its effect on the conservation of albatrosses and noted that an agreement of the kind being negotiated will give a powerful impetus to the conservation efforts of all with an interest in this issue.

The representative of WWF encouraged the development of a campaign to pledge against plastic pollution in particular by users of the southern oceans and therefore achieve minimising of plastic pollution. With regard to the conservation of habitats on breeding islands, WWF encouraged responsible States including South Africa, to commit resources, including funding research and more particularly to monitoring needs. The WWF representative expressed strong support for the drafting of this Agreement.

Member Economy of the Asia Pacific Economic Co-operation Forum

The meeting noted the attendance of a delegation representing an APEC member economy and acknowledged the major contribution it could make to the conservation of albatrosses and petrels and implementation of the Agreement given its extensive distant water fishing fleet. All delegations worked constructively to find a way in which the APEC member economy could participate in the work of the Agreement.

Voluntary Fund

The meeting agreed that it would be necessary to develop guidelines for the acceptance of voluntary contributions to the fund referred to in Article VII (3). These guidelines could draw on those already developed for voluntary contributions under the CMS.

Interim Secretariat Responsibilities Prior to the First Session of the Meeting of the Parties

The meeting warmly welcomed Australia's offer to provide an Interim Secretariat to the Agreement.

The Interim Secretariat shall, at the earliest opportunity following the Cape Town meeting, develop an indicative secretariat budget and options for a scale of contributions. This paper will be circulated to prospective Parties for consideration and consultation.

Taking into account the results of the above consideration and consultation the Interim Secretariat will develop proposals for consideration at the first session of the Meeting of the Parties in relation to the following items:

- (i) options for determining a scale of contributions
- (ii) draft terms of reference for a draft budget
- (iii) draft budget
- (iv) draft rules of procedure
- (v) draft rules for financial management

The Interim Secretariat will also seek formal indications from prospective Parties to this Agreement and relevant organisations on whether they may wish to host the Permanent Secretariat. The Interim Secretariat will report to the first session of the Meeting of the Parties on any offers and outline the financial and other relevant implications.

The Interim Secretariat will work with prospective Parties to develop an agenda and supporting documentation for the first session of the Meeting of the Parties.

The Interim Secretariat will make all efforts to consult with all prospective Parties to the Agreement on issues to be canvassed at the first session of the Meeting of the Parties. The aim of these consultations will be to present proposals which are likely to be adopted by consensus at the meeting.

Statements by delegations

The United States fully supports efforts to conclude these negotiations concerning the conservation of Southern Hemisphere Albatrosses and Petrels. However, as a Northern Hemisphere State, the United States has not yet decided whether to sign the Agreement. Therefore we are unable to recommend our government to sign and ratify the Agreement as it stands.

Statement by the Representative of New Zealand

New Zealand notes particularly the significance of Albatrosses and Petrels to the Maori people of New Zealand and will consult appropriately as to the best way to implement the Agreement and its provisions bearing in mind their approaches.

New Zealand noted the meeting was very close to reaching Agreement on an Annex (Contained in doc ACAPSH2 WTO Rev 5: 2 Feb 2001) covering the participation of the APEC member economy and given the late hour joined consensus on the adoption of the text while reserving its position in light of the need to consider the implications of Article VIII (15).

Statement by the Representatives of the United Kingdom, Chile and France

The Representatives of the above noted a similar doubt about Article VIII (15).

Statement by the Representative of South Africa

The South African delegation indicated that it was joining with the other Meeting participants in adopting the Draft Agreement text as an indication of its commitment to the Agreement's early entry into force and to the conservation of the albatross and petrel species identified. It looked forward to expediting its own bureaucratic, administrative and legal procedures to clear the way for the Agreement's signing and ratification.

Translations

The meeting noted that the Interim Secretariat will provide copies of this report and the text of the Agreement in French and Spanish to relevant delegates for consideration of their accuracy in relation to the final English Agreement text.