



Agreement on the Conservation of Albatrosses and Petrels

Third Meeting of the Parties

Bergen, Norway, 27 April – 1 May 2009

**DEVELOPMENT OF ARRANGEMENTS WITH RELEVANT
INTERNATIONAL ORGANISATIONS**

Author: Secretariat

Development of Arrangements with Relevant International Organisations

Author: Secretariat

Article X (2) b) of the Agreement requires the Secretariat to consult and cooperate, where appropriate, with the secretariats of other relevant conventions and international instruments in respect of matters of common interest. In accordance with Article X (3) of the Agreement, the approval of the Meeting of the Parties is sought for the Secretariat to enter into arrangements with relevant international organisations to facilitate the exchange of information and data relevant to the conservation of albatrosses and petrels. The approval of the Meeting of the Parties is also sought to amend the existing arrangement between the ACAP Secretariat and Western and Central Pacific Fisheries Commission (WCPFC) to accommodate changes proposed by the Argentine Republic.

Purpose

Following the conclusion of an arrangement between the Secretariat and the WCPFC a number of other international organisations have approached the Secretariat seeking to enter into similar arrangements. In particular, an arrangement has recently been negotiated with the Indian Ocean Tuna Commission (IOTC) and is now available for signature by ACAP. A proposal has also recently been received from the Latin American Organization for Fisheries Development to enter into an arrangement (refer Attachment D). In order to facilitate this process, and the development of other arrangements, the approval of the Meeting of the Parties is sought for the Secretariat to enter into arrangements with the following international conservation organisations and regional fisheries management organisations:

International conservation organisations

- Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR);

Regional Fisheries Management Organisations (RFMOs)

- Commission for the Conservation of Southern Bluefin Tuna (CCSBT);
- Inter-American Tropical Tuna Commission (IATTC);
- **Indian Ocean Tuna Commission (IOTC);**
- International Commission for the Conservation of Atlantic Tunas (ICCAT); and
- South East Atlantic Fisheries Organisation (SEAFO).

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A template for future proposed arrangements is provided in Attachment A. This template is based on the arrangement with the WCPFC (Attachment A) and the proposed arrangement with the IOTC, modified to accommodate changes proposed by the Argentine Republic.

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Issues

1. The proposed arrangements would not be legally binding. Their purpose would be to establish a formal relationship between the above organisations and the ACAP Secretariat in order to facilitate cooperation between the organisations, particularly in regard to the exchange of information and expertise that would assist in minimising the incidental by-catch of albatrosses and petrels.

2. The Advisory Committee (AC1 Final Report, para. 13.8) noted that engagement with regional fisheries management organisations (RFMOs) is fundamental to improving the conservation status of many albatross and petrel populations.
3. Article XI of the Agreement encourages the development of relations between ACAP and relevant International Bodies. Paragraphs (2), (3) and (4) of this Article provides reference to the responsibilities of the Secretariat in relation to relevant international bodies, specifically:
 - (2). The Secretariat shall consult and cooperate, where appropriate, with:
 - b) the secretariats of other relevant conventions and international instruments in respect of matters of common interest; and
 - (3). The Secretariat may enter into arrangements, with the approval of the Meeting of Parties, with other organisations and institutions as may be appropriate.
 - (4). The Secretariat shall consult and cooperate with these bodies in exchanging information and data....
4. The development of a formal relationship between the ACAP Secretariat and the above organisations will facilitate the exchange of information necessary for the implementation of ACAP's Action Plan. Specifically, such arrangements have the potential to address the following elements of the Action Plan by providing:
 - 4.2 "...verifiable data to enable the accurate estimation of the nature and extent of albatross and petrel interactions with fisheries";
 - 5.1 f) "reviews...of data on the mortality of albatrosses and petrels in ...relevant fisheries; and
 - 5.1 g) "reviews of data on the distribution and seasonality of effort in fisheries which affect albatrosses and petrels".
5. The template proposed in Attachment A would provide guidance to the Secretariat in the negotiation of arrangements with the nominated organisations. The text of individual arrangements would be circulated to ACAP Parties for their information and advice.
6. The authority for the Secretariat to enter into and rescind arrangements with other organisations is the responsibility of the Meeting of the Parties and this should be clearly reflected in any Resolution adopted by the Parties and in the arrangements themselves (refer Attachment A – Article 5 (a)).
7. The Argentine Republic has suggested a number of changes to the arrangement entered into with the WCPFC. These changes are identified in Attachment B. The approval of the Meeting of the Parties is sought for the Secretariat to negotiate these changes to the arrangement with the WCPFC.
8. Prior to receiving notification of the changes proposed by Argentina, the Secretariat had commenced negotiations with the IOTC to develop an arrangement along the lines of the WCPFC MOU. This was considered and agreed by the IOTC at the meeting of the Commission in Bali earlier this month (Attachment C). The form of this MOU follows closely that of the proposed

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template (Attachment A), but incorporates a few minor changes requested by Japan at the IOTC meeting. Specifically, these revolve around substituting the word 'Sides' for 'Participants' as shown in the template, plus a small change to the recitals to reflect that only a few IOTC members are Parties to ACAP.

Recommendations

The Meeting of the Parties is requested to:

1. Authorise the Secretariat to enter into arrangements with CCAMLR, CCSBT, IATTC, ICCAT and SEAFO to facilitate cooperation with these organisations and in particular the exchange of information and data relevant to the conservation of albatrosses and petrels;
2. Authorise the Secretariat to negotiate changes to the arrangement with the WCPFC, specified in Attachment B;
3. Authorise the Secretariat to enter into the arrangement with the IOTC outlined in Attachment C to facilitate cooperation between ACAP and that organisation and
4. Authorise the Secretariat to enter into the arrangement with OLDEPESCA outlined in Attachment D to facilitate cooperation between ACAP and that organisation

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Attachment A



ARRANGEMENT

between

Organisation
and

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

The **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 authorizes 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 empowers 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 the **Organisation**;

ACKNOWLEDGING FURTHER that the **Organisation** ...;

CONSCIOUS that some members of the **Organisation** are Parties to ACAP;

NOTING that Article ?? of the **Convention** calls upon the **Organisation** to make suitable arrangements for consultation, cooperation and collaboration with other relevant organizations;

RECOGNIZING that the achievement of the objectives of the **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;

NOW THEREFORE the **Organisation** and the ACAP Secretariat record the following understandings:

1. OBJECTIVE OF THIS ARRANGEMENT

The objective of this Arrangement is to facilitate cooperation between the **Organisation** and the ACAP Secretariat (“the Parties”) with a view to supporting efforts to minimise the incidental by-catch of albatrosses and petrels listed in Annex 1 of the Agreement on the Conservation of Albatrosses and Petrels within the **Organisation**'s Convention Area.

2. AREAS OF COOPERATION

The **Organisation** and the ACAP Secretariat may consult, cooperate and collaborate with each other **in relation to the following matters** of common interest to both organisations:

- a) development of systems for collecting and analysing data, and exchanging information concerning the incidental by-catch of seabirds in the **Organisation** 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 seabird by-catch mitigation measures relevant to fishing operations in the **Organisation** 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

- g) of albatrosses and petrels in the **Organisation** Convention Area and reciprocal participation **with observer status** at the relevant meetings of each organisation.

3. REVIEW, MODIFICATION AND AMENDMENT

This Arrangement may be amended at any time by the mutual written consent of both Parties.

4. LEGAL STATUS

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

5. ENTRY INTO FORCE AND TERMINATION

This arrangement will remain in effect for ?..years. At that stage the Parties will review the operation of the Arrangement and decide whether it will be renewed or amended. The ACAP Secretariat may only act in accordance with the decisions of the MoP.

(a) Either Participant may terminate this Arrangement by giving six months prior written notice to the other Participant. **In resolving to terminate this arrangement, the ACAP Secretariat may only act in accordance with a decision of the MoP.**

(b) This arrangement will come into effect on signature.

SIGNATURE

Signed atthisday of 20

Chair
Organisation

Executive Secretary
ACAP Secretariat

Attachment B



ARRANGEMENT

between

**THE WESTERN AND CENTRAL PACIFIC FISHERIES COMMISSION
and**

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

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (hereafter WCPFC) 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 authorizes 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 empowers 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 the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (hereafter WCPFC Convention) is to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the western and central Pacific ocean;

ACKNOWLEDGING FURTHER that the WCPFC Convention also makes provisions for the conservation of non-target, associated or dependent species which belong to the same ecosystem as the target species, including albatrosses and petrels;

CONSCIOUS that some members of the WCPFC are Parties to ACAP;

NOTING that Article 22 of the WCPFC Convention calls upon the WCPFC to make suitable arrangements for consultation, cooperation and collaboration with other relevant organizations;

RECOGNIZING that the achievement of the objectives of the WCPFC Convention and ACAP will benefit from cooperation, with a view to harmonising 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;

NOW THEREFORE the WCPFC and the ACAP Secretariat record the following understandings:

3. OBJECTIVE OF THIS ARRANGEMENT

The objective of this Arrangement is to facilitate cooperation between the WCPFC 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 the Agreement on the Conservation of Albatrosses and Petrels within the WCPFC Convention Area.

4. AREAS OF COOPERATION

The WCPFC and the ACAP Secretariat may consult, cooperate and collaborate with each other in relation to the following matters of common interest to both organisations:

- a) development of systems for collecting and analysing data, and exchanging information concerning the incidental by-catch of seabirds in the WCPFC

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- 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 seabird by-catch mitigation measures relevant to fishing operations in the WCPFC 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 WCPFC Convention Area and
 - g) reciprocal participation with observer status at the relevant meetings of each organisation.

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3. REVIEW, MODIFICATION AND AMENDMENT

This Arrangement may be amended at any time by the mutual written consent of both participants.

4. LEGAL STATUS

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

5. ENTRY INTO FORCE AND TERMINATION

(a) Either Participant may terminate this Arrangement by giving six months prior written notice to the other Participant.

(b) This arrangement will come into effect on signature.

SIGNATURE

Signed atGuam.....this7th.....day ofDecember.2007

Chair
WCPFC

Executive Secretary
ACAP Secretariat

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Attachment C

PROPOSED ARRANGEMENT WITH THE SECRETARIAT FOR THE AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS and IOTC

THE INDIAN OCEAN TUNA COMMISSION

and

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

The Indian Ocean Tuna Commission (hereafter IOTC) and the Secretariat for the Agreement on the Conservation of Albatrosses and Petrels:

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 authorizes 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 empowers 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 (MoP), with other organisations and institutions as may be appropriate and to consult and cooperate with such organisations and institutions in exchanging information and data;

NOTING that Article XV of the IOTC Agreement calls upon the IOTC to

cooperate with other organizations active in fisheries, especially tuna fisheries.

ACKNOWLEDGING that the objective of the IOTC is to ensure, through effective management, the long-term conservation and sustainable use of the stocks of tuna and tuna-like species in the Indian Ocean;

CONSCIOUS that a few Members of the IOTC are also Parties to ACAP;

RECOGNIZING that the achievement of the objectives of the IOTC 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;

NOW THEREFORE the IOTC and the ACAP Secretariat record the following understandings:

1. OBJECTIVE OF THIS ARRANGEMENT

The objective of this Arrangement is to facilitate cooperation between the IOTC and the ACAP Secretariat (both sides) with a view to supporting efforts to minimise the incidental by-catch of albatrosses and petrels listed in Annex 1 of the Agreement on the Conservation of Albatrosses and Petrels within the IOTC Area.

2. AREAS OF COOPERATION

Both sides may establish and maintain consultation, co-operation and collaboration in respect of matters of common interest to both organisations for the:

- a) development of systems for collecting and analysing data, and exchanging information concerning the incidental by-catch of seabirds in the IOTC 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 seabird by-catch mitigation measures relevant to fishing operations in the IOTC 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 IOTC Area and
- g) reciprocal participation with observer status at the relevant meetings of each organisation.

3. MODIFICATION

This Arrangement may be modified at any time by the mutual written consent of both sides.

4. LEGAL STATUS

The both sides acknowledge that this Arrangement is not legally binding between them.

5. OTHERS

This arrangement will continue to operate for 5 years. At that stage the both sides will review the operation of the Arrangement and decide whether it will be renewed or modified.

(a) Either side may terminate this Arrangement by giving six months prior written notice to the other side.

(b) This arrangement will commence of the day of signature.

SIGNATURE

Signed at. this day of 2009 _____ Signed at Hobart, this day of 2009
Chairperson IOTC _____ Executive Secretary, ACAP
Secretariat

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ARRANGEMENT

between

THE LATIN AMERICAN ORGANIZATION FOR FISHERIES
DEVELOPMENT

and

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

The Latin American Organization for Fisheries Development (hereafter OLDEPESCA) 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 authorizes 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 empowers 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 main objective of OLDEPESCA is to meet Latin American food requirements adequately, making use of Latin American fishery resources for the benefit of its people, by concerted action in promoting the constant development of the countries and the permanent strengthening of regional cooperation in this sector.

ACKNOWLEDGING FURTHER that the Strategic Plan 2005-2010 of OLDEPESCA considers the promotion of the respect to the marine environment, by means of the control and application of responsible fisheries;

CONSCIOUS that some members of OLDEPESCA are Parties to ACAP;

NOTING that **Resolution 193-CM-2003** calls upon OLDEPESCA to make suitable arrangements for consultation, cooperation and collaboration with other relevant organizations;

RECOGNIZING that the achievement of the objectives of OLDEPESCA and ACAP will benefit from cooperation, with a view to harmonising 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;

NOW THEREFORE OLDEPESCA and the ACAP Secretariat record the following understandings:

5. OBJECTIVE OF THIS ARRANGEMENT

The objective of this Arrangement is to facilitate cooperation between OLDEPESCA 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 the Agreement on the Conservation of Albatrosses and Petrels within the OLDEPESCA Convention Area.

6. AREAS OF COOPERATION

OLDEPESCA and the ACAP Secretariat may consult, cooperate and collaborate with each other in relation to the following matters of common interest to both organisations:

- a) development of systems for collecting and analysing data, and exchanging information concerning the incidental by-catch of seabirds in the OLDEPESCA 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 seabird by-catch mitigation measures relevant to fishing operations in the OLDEPESCA 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 OLDEPESCA Convention Area and
- g) reciprocal participation with observer status at the relevant meetings of each organisation.

3. REVIEW, MODIFICATION AND AMENDMENT

This Arrangement may be amended at any time by the mutual written consent of both participants.

4. LEGAL STATUS

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

5. ENTRY INTO FORCE AND TERMINATION

(a) Either Participant may terminate this Arrangement by giving six months prior written notice to the other Participant. In resolving to terminate this arrangement, the ACAP Secretariat may only act in accordance with a decision of the MoP.

(b) This arrangement will come into effect on signature.

SIGNATURE

Signed atthisday of 20

Executive Director
OLDEPESCA

Executive Secretary
ACAP Secretariat