

 <p>Agreement on the Conservation of Albatrosses and Petrels</p>	<p style="text-align: center;">Sixth Meeting of the Parties <i>Skukuza, South Africa, 7 - 11 May 2018</i></p> <p style="text-align: center;">Arrangements with other Organisations</p> <p style="text-align: center;">Secretariat</p>
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SUMMARY

The Meeting of the Parties has previously authorised the Secretariat to enter into non-legally binding arrangements or Memoranda of Understanding (MoU) with other organisations. Two of these MoUs will expire in the period between MoP6 and MoP7. The approval of MoP6 is sought for the Secretariat to renew Memoranda of Understanding with CCAMLR and IOTC, using the same text for the MoU already signed (Resolutions 4.7 and 5.7, respectively). Negotiations to sign an arrangement with the Southern Indian Ocean Fisheries Agreement will continue as outlined and approved in Resolution 5.7. The in-principle approval of MoP6 is also sought to commence formal negotiations for MoU with the South-East Atlantic Fisheries Organisation (SEAFO).

RECOMMENDATIONS

That the Meeting of the Parties authorise the Secretariat to renew MoU with the:

1. Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) to facilitate cooperation to minimise the incidental bycatch of albatrosses and petrels in the CCAMLR Convention area;
2. Indian Ocean Tuna Commission (IOTC) to facilitate cooperation to minimise the incidental bycatch of albatrosses and petrels in the IOTC Convention area; and

That the Meeting of the Parties provides in-principle approval for the Secretariat to commence formal negotiations for the development of MoU with the:

3. Secretariat of the South East Atlantic Fisheries Organisation (SEAFO) to facilitate cooperation to minimise the incidental mortality of albatrosses and petrels in the SEAFO Convention area; and
4. Secretariat of the Southern Indian Ocean Fisheries Agreement (SIOFA) to facilitate cooperation to minimise the incidental mortality of albatrosses and petrels in the SIOFA Convention area.

1. CURRENT STATUS OF MOU APPROVALS

At MoP3, Parties adopted a template to be used by the Secretariat in negotiating MoUs with other Organisations ([Resolution 3.7](#)). In this and subsequent meetings (MoP4 and MoP5), Parties authorised the Secretariat to commence negotiations with a number of organisations with a view to negotiating MoU or Cooperation Arrangements with them on the basis of the above referred template. During the last triennium, a MoU with the Inter-American Tropical Tuna Commission (IATTC) was renewed, and two new arrangements were signed with the Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC) and the Karen C. Drayer Wildlife Health Center, School of Veterinary Medicine, UC Davis. **ANNEX 1** shows the current status of MoU and other Arrangements approved by the ACAP Parties, highlighting those requiring action and/or approval from Parties during the triennium 2019 – 2021.

2. PROPOSED ACTIONS IN REGARD TO EXISTING MOUS

Two of the MoU that are currently in effect will cease to operate in the intersessional period between MoP6 and MoP7 (this is before May 2021) and approval is sought to renew them.

2.1. MoU with CCAMLR

The current MoU with CCAMLR encompasses the period 27 November 2015 to 27 November 2018. The approval of MoP6 is sought for the ACAP Secretariat to negotiate a renewal of the MoU using the same text of the current MoU.

2.2. MoU with IOTC

The current MoU with the IOTC encompasses the period 30 June 2015 to 29 June 2020. The approval of MoP6 is sought for the ACAP Secretariat to negotiate a renewal of the MoU using the same text of the current MoU

3. DEVELOPMENT OF NEW MOU OR COOPERATION AGREEMENTS

3.1. Development of MoU with SEAFO

The SEAFO Secretariat was already contacted by the ACAP Secretariat in 2016 and 2017 with the aim of exploring the possibility of signing an arrangement. The SEAFO Convention was signed in 2001 by Angola, the European Community, Iceland, Namibia, Norway, Republic of Korea, South Africa, United Kingdom and the United States of America, so a number of Parties and Range States are shared between both organisations. The in-principle approval of MoP6 is sought for the Secretariat to commence formal negotiations for a Memorandum of Understanding with SEAFO. The draft text of a MoU to be presented in the 14th SEAFO Scientific Committee meeting (November 2018) is appended in **ANNEX 2** for the consideration of MoP6. The draft MoU follows the template approved by Parties ([Resolution 3.7](#)) with the edition of preambular paragraphs relevant to SEAFO.

3.2. Development of MoU with SIOFA

The SIOFA Secretariat has been recently contacted by the ACAP Secretariat to explore the feasibility of signing a MoU/Cooperation Arrangement. Contracting Parties to SIOFA are Australia, the Cook Islands, the European Union, France, Japan, the Republic of Korea, Mauritius, the Seychelles and Thailand. Comoros, Kenya, Madagascar, Mozambique and New Zealand are also signatories to this Agreement but have not ratified it. At the time of drafting this paper, negotiations with the SIOFA Secretariat contemplated the submission of a MoU proposal to the 3rd SIOFA Scientific Committee Meeting (20-24 March 2018), following the approval granted by Parties in [Resolution 5.7](#).

ANNEX 1. Current status of arrangements with other Organisations. Those requiring action before MoP7 are highlighted in blue.

Name of Institution	Authority	Arrangement	Start-End Dates	Comments
Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)	Resolution 5.7	Memorandum of Understanding	Nov 2015 – 2018	Authorisation from MoP6 required for renewal in 2018 until 2021.
Commission for the Conservation of Southern Bluefin Tuna (CCSBT)	Resolution 5.7	Memorandum of Understanding	Oct 2015 - 2021	No action required.
Department of Economic Development, Tourism and Arts (DEDTA) [now Department of State Growth]	Resolution 2.1	Memorandum of Understanding	Feb 2013 - 2023	No action required.
Indian Ocean Tuna Commission (IOTC)	Resolution 4.7	Memorandum of Understanding	Jun 2015 - 2020	Authorisation from MoP6 required for renewal in 2020 until 2025.
Inter-American Tropical Tuna Commission (IATTC)	Resolution 5.7	Memorandum of Understanding	Jul 2017 - 2023	No action required
Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC)	Resolution 5.7	Memorandum of Understanding	Dec 2016 - 2022	No action required
International Commission for the Conservation of Atlantic Tunas (ICCAT)	Resolution 5.7	Guidelines for Cooperation	Mar 2016 - 2022	No action required
Southern Indian Ocean Fisheries Agreement (SIOFA)	Resolution 5.7	MoU/ Cooperation Arrangement		Draft MoU text submitted to 3rd SIOFA Scientific Committee Meeting in March 2018
South-East Atlantic Fisheries Organisation (SEAFO)		MoU/ Cooperation Arrangement		Initial conversations with SEAFO Secretariat in 2016-17. Authorisation from MoP6 required for formal negotiations
South Pacific Regional Fisheries Management Organisation (SPRFMO)	MoP4 (intersessional)	Memorandum of Understanding	Oct 2014 - open	No action required
Karen C. Drayer Wildlife Health Center, School of Veterinary Medicine, UC Davis	Resolution 5.7 (intersessional)	Arrangement	Sep 2017 - 2022	No action required
Western and Central Pacific Fisheries Commission (WCPFC)	MoP2 (intersessional)	Arrangement	Dec 2007 - open	No action required

**ANNEX 2. Draft text proposed for the MoU between SEAFO and ACAP Secretariat.
Minor edits and additions highlighted.**

MEMORANDUM OF UNDERSTANDING
between
THE SOUTH EAST ATLANTIC FISHERIES ORGANISATION
and
THE SECRETARIAT FOR THE AGREEMENT ON THE CONSERVATION
OF ALBATROSSES AND PETRELS

The South East Atlantic Fisheries Organisation (hereafter SEAFO) and the Secretariat for the Agreement on the Conservation of Albatrosses and Petrels (hereafter 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 the Convention on the Conservation and Management of Fisheries Resources in the South East Atlantic Ocean is to ensure the long term conservation and sustainable use of the fishery resources in the Convention Area;

ACKNOWLEDGING FURTHER that Article 3(c) of the SEAFO Convention requires the contracting parties to apply the provisions of this Convention relating to fishery resources, taking due account of the impact of fishing operations on ecologically related species such as seabirds, cetaceans, seals and marine turtles; Conservation Measure 25/12: On Reducing Incidental By-catch of Seabirds in the SEAFO Convention Area was adopted in December 2012.

CONSCIOUS that some members of SEAFO are Parties to ACAP;

NOTING that Article 18 of the SEAFO Convention requires SEAFO to cooperate, as appropriate, with other relevant organisations on matters of mutual interest and shall seek to make suitable arrangements for consultation, cooperation and collaboration with such other organisations;

RECOGNISING that the achievement of the objectives of SEAFO 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 SEAFO 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 SEAFO Convention Area.

2. AREAS OF COOPERATION

SEAFO 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 SEAFO 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 SEAFO 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 SEAFO Convention Area and
- g) reciprocal participation with observer status at the relevant meetings of ACAP and SEAFO.

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
SEAFO

Executive Secretary
ACAP Secretariat