

RENEWAL OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE IOTC AND THE SECRETARIAT FOR THE AGREEMENT OF THE CONSERVATION OF ALBATROSSES AND PETRELS (ACAP)

PREPARED BY: IOTC SECRETARIAT, 27 MARCH 2015

PURPOSE

To provide the Commission with an opportunity to consider the revised Memorandum of Understanding (MoU) between the IOTC and the Secretariat for the Agreement of the Conservation of Albatrosses and Petrels (ACAP).

BACKGROUND

At the 13th Session of the Commission held in 2009, the IOTC and the Secretariat for the Agreement of the Conservation of Albatrosses and Petrels (ACAP) entered into a five (5) year arrangement to facilitate cooperation between the IOTC and the ACAP Secretariat with a view to supporting efforts to minimise the incidental bycatch of albatrosses and petrels listed in Annex 1 of the Agreement on the Conservation of Albatrosses and Petrels within the IOTC area of competence.

Due to that agreement having expired, the Chairperson of the IOTC, via IOTC Circulars 2015/017 and Circular 2015/030 sought the Commission's comment on whether the previous arrangement, with minor modifications, should be renewed for a further five (5) years.

Several suggestions for incorporation into the revised MoU were received by Members. These have been incorporated into the revised version provided at **Appendix I**.

DISCUSSION

The IOTC Agreement, Article XV, paragraphs 1 and 2, on the *Cooperation with other organisations and institutions* state:

- 1. The Commission shall cooperate and make appropriate arrangements therefore with other intergovernmental organizations and institutions, especially those active in the fisheries sector, which might contribute to the work and further the objectives of the Commission in particular with any intergovernmental organization or institution dealing with tuna in the Area. The Commission may enter into agreements with such organizations and institutions. Such agreements shall seek to promote complementarity and, subject to paragraph 2, to avoid duplication in and conflict with the activities of the Commission and such organizations.*
- 2. Nothing in this Agreement shall prejudice the rights and responsibilities of other intergovernmental organizations or institutions dealing with tuna or a species of tuna in the Area or the validity of any measures adopted by such organization or institution.*

Thus, the Commission is asked to consider whether it would like to renew the arrangement between the IOTC and the Secretariat for the Agreement of the Conservation of Albatrosses and Petrels (ACAP) for a further five (5) years.

RECOMMENDATION/S

That the Commission

- 1) **NOTE** paper IOTC-2015-S19-08 which provided the Commission with an opportunity to consider the revised Memorandum of Understanding (MoU) between the IOTC and the Secretariat for the Agreement of the Conservation of Albatrosses and Petrels (ACAP).
- 2) **CONSIDER** the revised MoU and further revise if necessary.

APPENDIX I

MEMORANDUM OF UNDERSTANDING

BETWEEN

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 (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 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 to ACAP, 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 Agreement for the Establishment of the Indian Ocean Tuna Commission (hereafter IOTC Agreement) calls upon the IOTC to cooperate with other organisations active in fisheries, especially tuna fisheries;

ACKNOWLEDGING that the objective of the IOTC Agreement 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;

RECOGNISING 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 MEMORANDUM OF UNDERSTANDING

The objective of this Memorandum of Understanding (MoU) is to facilitate cooperation between the IOTC and the ACAP Secretariat (both sides) with a view to supporting efforts to minimise the incidental bycatch of albatrosses and petrels listed in Annex 1 of the ACAP within the area of competence of the IOTC.

2. AREAS OF COOPERATION

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

- a) development of systems for collecting and analysing data, and exchanging information concerning the incidental bycatch of seabirds in the area of competence of the IOTC;
- 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 bycatch mitigation measures relevant to fishing operations in the area of competence of the IOTC;
- e) development of training programs 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 of competence of the IOTC; and
- g) reciprocal participation with observer status at the relevant meetings of each organisation.

3. MODIFICATION

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

4. LEGAL STATUS

Both sides acknowledge that this MoU is not legally binding between them.

5. COMING INTO EFFECT AND TERMINATION

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

- a) Either side may terminate this MoU by giving six months prior written notice to the other side.
- b) This MoU will come into effect on the day of signature.

SIGNATURE

Signed in Mauritius on dd MMM 2015

Signed at Hobart,

Mr. Mauree Daroomalingum

Chairperson IOTC

Executive Secretary, ACAP Secretariat