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

PREPARED BY: IOTC SECRETARIAT

PURPOSE

To provide the Commission with an opportunity to consider the replacement of the existing Memorandum of Understanding (MoU) between the Indian Ocean Tuna Commission (hereafter IOTC) and the Secretariat for the Agreement on the Conservation of Albatrosses and Petrels (hereafter ACAP Secretariat) with a Letter of Understanding (LoU).

BACKGROUND

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.*

THE PROPOSAL

In 2009, IOTC and ACAP entered into an arrangement (Memorandum of Understanding) 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. The MoU was updated in 2015 after the previous MoU had expired.

Due to the expiry in 2020 of the MoU signed in 2015, there is again a need to update the existing arrangements. Note that the Chairperson of IOTC is not permitted by FAO to sign a MoU due to IOTC not being a legal entity. Therefore, the agreed mechanism being proposed in the revised arrangement is a Letter of Understanding (LoU) that would be signed by the IOTC Chairperson and the authorised counterpart in the ACAP Secretariat.

The Commission is invited to consider whether the current arrangement with ACAP Secretariat can be replaced with the proposed LoU in Appendix 1.

The LoU is largely based on the text from the MoU, which the Commission agreed to in 2015, and the proposed modifications to the existing text are provided in Appendix 2.

RECOMMENDATION/S

That the Commission:

- 1) **NOTE** paper IOTC–2020–S23–07 which provides the Commission with an opportunity to consider the draft Letter of Understanding (LoU) between the Indian Ocean Tuna Commission (IOTC) and the Secretariat for the Agreement on the Conservation of Albatrosses and Petrels (ACAP).
- 2) **AGREE** that the Chairperson of the Commission shall sign the LoU on behalf of the Commission, as detailed in Appendix 1, and the LoU to be communicated to ACAP Secretariat accordingly for signature.

APPENDIX 1



Letter of Understanding between the ACAP Secretariat¹ and IOTC² to facilitate cooperation with a view to supporting efforts to minimise the incidental bycatch of albatrosses and petrels within the area of competence of the IOTC

Introduction

1. The Indian Ocean Tuna Commission (hereafter IOTC) and the Secretariat for the Agreement on the Conservation of Albatrosses and Petrels (hereafter ACAP Secretariat);
2. The 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. Currently, several IOTC Members are also Parties to ACAP;
3. 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;
4. 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;
5. 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;
6. 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;
7. In 2009, IOTC and ACAP began a collaborative arrangement to work on common areas of interest related to seabird conservation.
8. The IOTC adopted Resolution 12/06³ which is specifically dedicated to reducing incidental bycatch of seabirds in longline fisheries through reporting of data on incidental bycatch of seabirds and the use of effective mitigation measures.
9. 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;
10. There are serious challenges faced in undertaking assessments of the status of seabirds in the Indian Ocean due to a paucity of good quality data on seabird interactions and this lack of data seriously undermines the ability of IOTC to respond to and prevent adverse effects of fishing on seabirds. This highlights the need to improve the availability of good quality data on seabird interactions. Work is also required to develop and

¹ Secretariat for the Agreement on the Conservation of Albatrosses and Petrels

² Indian Ocean Tuna Commission

³ Resolution 12/06 on reducing the incidental bycatch of seabirds in longline fisheries

test the effectiveness of seabird bycatch conservation techniques and measures to mitigate threats affecting albatrosses and petrels.

11. The IOTC and ACAP Secretariat desire to put into place arrangements and procedures to promote cooperation in order to enhance the conservation of albatrosses and petrels, since they recognise that the achievement of the objectives of the IOTC and ACAP will benefit from cooperation, with a view to strengthening the outcomes of the conservation measures adopted in respect of albatrosses and petrels.

12. This Letter of Understanding (LoU) has been established to facilitate such cooperation, including efforts to mitigate the incidental bycatch of albatrosses and petrels.

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

Objective of this Letter of Understanding

13. 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 mitigate 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.

Scope of this Letter of Understanding

14. This LoU applies to all activities in relation to efforts to minimise the incidental bycatch of albatrosses and petrels within the area of competence of the IOTC.

Areas of cooperation between ACAP and IOTC

15. 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, including, for example, indicators for the IOTC ecosystem report card, 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 and guidelines 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.

Modification

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

Legal Status

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

Coming into effect and termination

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

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

Signed and duly dated:

Chairperson
Indian Ocean Tuna Commission

Secretariat for the Agreement on the
Conservation of Albatrosses and Petrels

Date: _____

Date: _____

APPENDIX 2: [Letter showing revisions from MoU1](#)

Secretariat for the Agreement on the
Conservation of Albatrosses and Petrels



Food and Agriculture
Organization of the
United Nations



Indian Ocean Tuna Commission
Commission des Thons de l'Océan Indien

Letter of Understanding between the ACAP Secretariat⁴ and IOTC⁵ to facilitate cooperation with a view to supporting efforts to minimise the incidental bycatch of albatrosses and petrels within the area of competence of the IOTC

Introduction

1. The Indian Ocean Tuna Commission (hereafter IOTC) and the Secretariat for the Agreement on the Conservation of Albatrosses and Petrels (hereafter ACAP Secretariat);
2. ~~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. Currently, several IOTC Members are also Parties to ACAP;
3. ~~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;
4. ~~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;
5. ~~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;
6. ~~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;
7. In 2009, IOTC and ACAP began a collaborative arrangement to work on common areas of interest related to seabird conservation.
6. The IOTC adopted Resolution 12/06⁶ which is specifically dedicated to reducing incidental bycatch of seabirds in longline fisheries through reporting of data on incidental bycatch of seabirds and the use of effective mitigation measures.

⁴ Secretariat for the Agreement on the Conservation of Albatrosses and Petrels

⁵ Indian Ocean Tuna Commission

⁶ [Resolution 12/06 on reducing the incidental bycatch of seabirds in longline fisheries](#)

~~7.8.~~ CONSCIOUS that a few Members of the IOTC are also Parties to ACAP;

~~9.~~ RECOGNISING 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;

~~8-10.~~ There are serious challenges faced in undertaking assessments of the status of seabirds in the Indian Ocean due to a paucity of good quality data on seabird interactions and this lack of data seriously undermines the ability of IOTC to respond to and prevent adverse effects of fishing on seabirds. This highlights the need to improve the availability of good quality data on seabird interactions. Work is also required to develop and test the effectiveness of seabird bycatch conservation techniques and measures to mitigate threats affecting albatrosses and petrels.

~~9-11.~~ The IOTC and ACAP Secretariat desire~~DESIRING~~ to put into place arrangements and procedures to promote cooperation in order to enhance the conservation of albatrosses and petrels; since they recognise that the achievement of the objectives of the IOTC and ACAP will benefit from cooperation, with a view to strengthening the outcomes of the conservation measures adopted in respect of albatrosses and petrels.

12. This Letter of Understanding (LoU) has been established to facilitate such cooperation, including efforts to mitigate the incidental bycatch of albatrosses and petrels.

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

Objective of this ~~Letter Memorandum~~ of Understanding

~~10-13.~~ The objective of this ~~Memorandum-Letter~~ of Understanding is to facilitate cooperation between the IOTC and the ACAP Secretariat (both sides) with a view to supporting efforts to mitigate 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.

Scope of this Letter of Understanding

14. This LoU applies to all activities in relation to efforts to minimise the incidental bycatch of albatrosses and petrels within the area of competence of the IOTC.

Areas of cooperation ~~between ACAP and IOTC~~

~~11-15.~~ Both sides may establish and maintain consultation, co-operation and collaboration in respect of matters of common interest to both sides for the:

- h) development of systems for collecting and analysing data, including, for example, indicators for the IOTC ecosystem report card, and exchanging information concerning the incidental bycatch of seabirds in the area of competence of the IOTC;
- i) exchange of information regarding management approaches relevant to the conservation of albatrosses and petrels;
- j) implementation of education and awareness programmes for fishers who operate in areas where albatrosses and petrels may be encountered;
- k) design, testing and implementation of seabird bycatch mitigation measures relevant to fishing operations in the area of competence of the IOTC;
- l) development of training programs and guidelines on conservation techniques and measures to mitigate threats affecting albatrosses and petrels; and
- m) exchange of expertise, techniques and knowledge relevant to the conservation of albatrosses and petrels in the area of competence of the IOTC; and
- n) reciprocal participation with observer status at the relevant meetings of each organisation.

Modification

~~19-16.~~ This ~~MeU-LoU~~ may be modified at any time by the mutual written consent of both sides.

Legal Status

~~1.17.~~ Both sides acknowledge that this [MoU-LoU](#) is not legally binding between them.

Coming into effect and termination

~~2.18.~~ This LOU 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-LoU](#) and decide whether it will be renewed or modified.

- c) Either side may terminate this [MoU-LoU](#) by giving six months prior written notice to the other side.
- d) This [MoU-LoU](#) will come into effect on the day of signature.

Signed and duly dated:

Indian Ocean Tuna Commission

Secretariat for the Agreement on the
Conservation of Albatrosses and Petrels

Date: _____

Date: _____