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## AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS

### Resolution 3.7

#### Authority of the Secretariat to Enter into Arrangements with Relevant International Organisations

Adopted by the Third Session of the Meeting of the Parties, Bergen, 27 April – 1 May 2009

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*Recalling* that Article X (d) of the Agreement calls upon the Secretariat to, *inter alia*, liaise with international organisations and institutions whose activities are directly or indirectly relevant to the conservation, including the protection and management, of albatrosses and petrels;

*Aware* that Article XI (1) of the Agreement calls upon Parties to, *inter alia*, promote the objectives of this Agreement and develop and maintain coordinated and complementary working relationships with all relevant international, regional and sub-regional bodies, including those concerned with the conservation and management of seabirds and their habitats and other marine living resources;

*Further recalling* that Article XI (3) authorises the Secretariat enter into arrangements, with the approval of the Meeting of Parties, with other organisations and institutions as may be appropriate;

#### **The Meeting of the Parties to the Agreement on the Conservation of Albatrosses and Petrels**

##### **Decides that:**

1. The Secretariat may enter into the Arrangement with the Indian Ocean Tuna Commission as set out in Annex A.
2. The template set out in Annex B to this resolution will be used in respect of any future arrangements that the Secretariat may negotiate with organisations and institutions relevant to the conservation of species listed in Annex 1 to the Agreement, including the Latin American Organization for Fisheries Development. The Secretariat will seek the approval of Parties before it commences formal negotiations with an organisation or institution.
3. Any substantive derogation from the template that is more than merely editorial must be approved by the Parties.
4. Any proposal by the Secretariat to renew, amend or terminate an existing Arrangement will only be made following consultation with the Parties. Any proposed amendment of a substantive nature must be approved by the Parties.

## **Annex A**

### **Proposed Arrangement between the ACAP Secretariat and the Indian Ocean Tuna Commission**

#### **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 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 (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;

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 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

## ANNEX B

### MEMORANDUM OF UNDERSTANDING between THE [SECRETARIAT OF ORGANISATION] and THE SECRETARIAT FOR THE AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS

The [Secretariat of 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 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 [Organisation] is [...];

**ACKNOWLEDGING FURTHER** that [Organisation] [...];

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

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

**RECOGNISING** that the achievement of the objectives of [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;

**JOINTLY DECIDE** as follows:

### **1. OBJECTIVE OF THIS MEMORANDUM**

The objective of this Memorandum of Understanding ('MoU') is to facilitate cooperation between the [Secretariat of Organisation] 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 [Organisation's] Convention Area.

### **2. AREAS OF COOPERATION**

The [Secretariat of Organisation] 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 [Organisation's] 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 [Organisation's] 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 [Organisation's] Convention Area and
- g) reciprocal participation with observer status at the relevant meetings of ACAP and [Organisation].

### **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 at .....this .....day of ..... 20

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[Chair / Executive Secretary]  
[Organisation]

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Executive Secretary  
ACAP Secretariat