



INTRODUCTION

A memorandum of understanding (MoU) between the CCSBT and ACAP Secretariats was first proposed in 2009. The draft text for the MoU was circulated by the CCSBT Secretariat to its Members for their consideration. Comments received from Members are incorporated into the attached draft of the MoU.

The proposed MoU was considered at the Extended Commission of the Seventeenth Annual Meeting of the Commission. Although some Members considered a MoU would be beneficial to allow sharing of information and expertise, no consensus was reached on entering into a MoU with ACAP. However the meeting noted that a MoU might be possible once progress on ERS matters starts to be made within the next ERSWG. (para 74, Report of the Extended Commission of the Seventh Annual Meeting of the Commission).

RECOMMENDATION

In view of the progress being made within the ERSWG on matters related to reducing the incidental bycatch of seabirds in the CCSBT fishery, the endorsement of ERSWG11 is sought for consideration of the MoU by the next meeting of the Extended Commission.

MEMORANDUM OF UNDERSTANDING
between
THE SECRETARIAT OF THE COMMISSION FOR THE CONSERVATION OF
SOUTHERN BLUEFIN TUNA
and
THE SECRETARIAT FOR THE AGREEMENT ON THE CONSERVATION
OF ALBATROSSES AND PETRELS

The Secretariat of the Commission for the Conservation of Southern Bluefin Tuna (hereafter the CCSBT Secretariat) 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 Commission for the Conservation of Southern Bluefin Tuna (hereafter CCSBT) is to ensure, through appropriate management, the conservation and optimum utilisation of southern bluefin tuna;

ACKNOWLEDGING FURTHER that that the Preamble to the 2008 CCSBT Recommendation to Mitigate the Impact on Ecologically Related Species of Fishing for Southern Bluefin Tuna identifies that CCSBT is determined to mitigate incidental harm to ecologically related species caused by fishing for southern bluefin tuna;

CONSCIOUS that some members of CCSBT are Parties to ACAP;

NOTING that Article 12 of the Convention for the Conservation of Southern Bluefin Tuna requires CCSBT to collaborate with other inter-governmental organisations which have related objectives to, among other things, obtain the best available

information including scientific information to further the attainment of the objective of the Convention and seek to avoid duplication with respect to the work of the other organisations;

RECOGNISING that the achievement of the goals of CCSBT 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 CCSBT Secretariat 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 caused by fishing for southern bluefin tuna.

2. AREAS OF COOPERATION

The CCSBT Secretariat 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 caused by fishing for southern bluefin tuna;
- 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 southern bluefin tuna fishing operations;
- 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 when fishing for southern bluefin tuna and
- g) reciprocal participation with observer status at the relevant meetings of ACAP and CCSBT.

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 20

Executive Secretary
CCSBT

Executive Secretary
ACAP