

Invited IGO Discussion Paper for K2B Meeting

The Agreement on the Conservation of Albatrosses and Petrels (ACAP)

The Agreement on the Conservation of Albatrosses and Petrels is a binding international treaty whose objective aims to achieve and maintain a favourable conservation status for albatrosses and petrels. Thirteen fishing nations, Argentina, Australia, Brazil, Chile, Ecuador, France, New Zealand, Norway, Peru, South Africa, Spain, the United Kingdom and Uruguay are Parties to the Agreement, with Canada, the United States and several NGOs active participants in its work. The Agreement entered into force on 1 February 2004.

The impetus for the development of ACAP was the international recognition that albatrosses and petrels are amongst the most threatened birds in the world, with many species facing extinction. As albatrosses and petrels are migratory in nature many of the threats they face can only be effectively addressed through international collaborative action.

The most significant threat facing albatrosses and petrels is mortality resulting from interactions with fishing gear, especially in longline and trawl fisheries. Albatrosses are long-lived seabirds. The characteristic features of the life history of albatrosses and petrels include delayed age of maturity and low productivity. Consequently, even a relatively low increase of at-sea mortality of adults and juveniles from fisheries bycatch can result in the decline and eventual extinction of many albatross populations.

The Responsibilities of Fishing Nations and RFMOs

The FAO Code of Conduct for Responsible Fisheries and, for those RFMO members which are also Parties to the UN Fish Stocks Agreement, the UN Fish Stocks Agreement, establishes the 'Ecosystem Approach' and the 'Precautionary Approach' as key concepts necessary to achieve sustainable management of the world's fisheries, as well as establishing the duty of fishing nations to minimise fishing impacts on non-target species such as albatrosses and petrels.¹

For example, Article 5(f) of the UN Fish Stocks Agreement places a binding obligation on fisheries management organisations to maintain biodiversity and to establish conservation and management measures to minimise the catch of non-target species, including impacts on associated or dependent species.

¹ Article 5(f) of the UN Fish Stocks Agreement 1 and Article 6.6. of the Code of Conduct for Responsible Fisheries

It is recognised that implementing these requirements places additional demands on fisheries managers and would, of necessity, require additional resources to be allocated by fisheries management organisations, were they to take on these obligations on their own.

ACAP is recognised as the pre-eminent international body holding the knowledge and expertise available to assist fisheries managers in meeting their responsibilities under Article 5(f) in relation to the conservation of seabirds. It has established a comprehensive database of information on the biology, ecology, status and trends of albatrosses and petrels listed in Annex 1 of the Agreement² — species that have a high level of interaction with tuna fisheries.

How can Tuna RFMOs Better Assess Bycatch?

Fisheries managers within individual nations and, more recently, within RFMOs, have struggled to embed the ecosystem and precautionary approaches into their management decision-making in a meaningful and practical way. One approach that could assist tuna RFMOs in assessing the level and extent of seabird bycatch in their fisheries is to conduct ecological risk assessments (ERA).

ERAs offer a framework through which managers can identify species and/or habitats most at risk from interactions with fisheries that they manage, taking data scarcity and uncertainty into consideration, enabling them to adopt science-based, targeted management strategies based upon the ERA results.

Although seabird bycatch can be addressed in the absence of formal risk assessment, a number of significant benefits may be derived from undertaking a dedicated ERA process. ERAs can highlight that a bycatch problem may exist for particular species, within a specific operational area, or for a particular fishing practice. An ERA can also assist RFMOs in identifying data gaps and research priorities and allow resources and efforts to be focussed on areas or species facing the greatest level of threat. ERA can provide transparent evidence that ecosystem and precautionary approaches have been applied to assess bycatch issues.

ACAP has reviewed ecological risk assessments that have been carried out in recent years for, and by, fisheries management bodies on the effects of fishing on seabirds. The review showed a variety of approaches are possible: those based on expert scoring; semi-quantitative productivity-susceptibility analysis, and; more complex models that may incorporate information on demography, overlap between bird distribution and fishing effort, and bycatch rates.

² Agreement on the Conservation of Albatrosses and Petrels, Annex 1, <http://www.acap.aq/instruments>

It should be recognised that ERAs are just one tool that may be used to assess if a bycatch problem exists. ERAs do not replace the need for effective observer programmes with sufficient coverage to produce robust estimates of bycatch. Observer programmes can also test the efficacy of mitigation measures and ensure they are being properly applied and appropriate levels of bycatch reductions achieved.

How can Tuna RFMOs Improve Mitigation of Bycatch?

The FAO '*Best practices to reduce incidental catch of seabirds in capture fisheries*' (FAO 2009)³ provides an effective framework to guide RFMOs in improving their mitigation of seabird bycatch. The guidelines acknowledge that fisheries vary considerably and that mitigation measures should be fishery specific.

In addition, ACAP has established a specialist Seabird Bycatch Working Group (SBWG) to provide expert scientific and technical advice on issues relating to seabird bycatch. A key role of the SBWG is to develop information and products for RFMOs to assist them in improving their mitigation of seabird bycatch. The terms of reference of this working group are to:

1. Undertake actions that will assist in assessment, mitigation and reduction of negative interactions between fishing operations and albatrosses and petrels. Efforts to achieve this aim will include the provision of information and products to assist RFMOs and other relevant international and national bodies.
2. In developing solutions to reduce bycatch of albatrosses and petrels, give consideration to ensuring approaches to mitigation do not adversely affect other marine species.
3. Ensure the work of the SBWG broadens and enhances the existing work of other international and national bodies in the assessment, reduction and mitigation of seabird bycatch and conservation of albatrosses and petrels⁴.

The SBWG conducts regular reviews of mitigation research for pelagic longline, demersal longline and trawl fisheries, identifying knowledge gaps and areas for further research. These reviews have led to the development of best practice advice statements on mitigation measures for each of these fishing methods to guide the development of policy and practice within fisheries under the jurisdiction of RFMOs and ACAP Parties. These statements, together with tables containing the results of

³ FAO (2009) Fishing operations 2. Best practices to reduce incidental catch of seabirds in capture fisheries. *FAO Technical Guidelines for Responsible Fisheries no 1 Suppl. 2*. FAO Rome

⁴ Agreement on the Conservation of Albatrosses and Petrels, 'AC2 Final Report - Annex 7', <http://www.acap.aq/english/english/advisory-committee/ac-2/ac2-final-report/view-category>

the most recent review, have been provided as background documents for this meeting.

How Can Tuna RFMOs Better Cooperate and Coordinate to Address Bycatch?

The Kobe process was initiated in response to the realisation that the tuna RFMOs needed to improve their performance and that there were efficiencies to be gained from closer cooperation. The framework for improved cooperation and coordination already exists. A number of RFMOs have already established Memoranda of Understanding (MoU) with each other to facilitate closer cooperation and this mechanism could be used as a framework for greater cooperation on bycatch issues.

There are many benefits to be gained from working in partnership to address the complex issues involved with the bycatch of dependent and associated species. The tuna RFMOs do not have the resources, nor often the knowledge or expertise, to address these issues by themselves. Making use of the resources of other international organisations with expertise on bycatch species, such as ACAP, as well as non-government organisations and domestic agencies within the governments of RFMO Members, will provide the tuna RFMOs with a much greater capacity to address these issues effectively.

The challenge for this meeting is to find a mechanism to draw together the combined resources, knowledge and expertise of these bodies, so that they can assist the tuna RFMOs in meeting their responsibilities under the UN Fish Stocks Agreement to implement effective conservation measures for associated and dependent species. If this responsibility is not met, the international community will transfer this responsibility elsewhere.

There are obvious benefits to be gained from having a single body providing advice to the tuna RFMOs on bycatch issues, to remove the duplication and inefficiencies of each RFMO having its own ecosystem bycatch working group. However, careful consideration will be required on the structure of such a body to ensure that it is not only efficient, but also more effective in delivering improved conservation outcomes for associated and dependent species.

Historically, there has been reluctance from some tuna RFMOs to work with other organisations, which have been viewed with a level of suspicion. It needs to be acknowledged that our underlying objectives are basically the same, to conserve our marine environment so that future generations are able to appreciate and make use of these resources. The best way to achieve this is to work in partnership with each other. The development of Memoranda of Understanding (MoU) between the various organisations is one possible framework for this partnership.