



**MEMORANDUM OF UNDERSTANDING ON  
THE CONSERVATION OF MIGRATORY  
SHARKS**

CMS/Sharks/MOS2/Inf.16

29 January 2016

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Second Meeting of the Signatories  
San José, Costa Rica, 15-19 February 2016

**DRAFT MOU BETWEEN CMS AND THE INDIAN OCEAN TUNA COMMISSION**

*(Prepared by the Secretariat)*

1. As outlined in documents CMS/Sharks/MOS2/Doc.7.1 and 11.2, the CMS Secretariat prepared a draft MOU between the Indian Ocean Tuna Commission (IOTC) and CMS to support efforts to minimize the impact of fisheries on species listed on Appendix I and II, also covering sharks listed on Annex 1 of the Sharks MOU. The draft MOU with the IOTC also incorporates comments from the Advisory Committee of the Sharks MOU, expressing full support for the cooperation.
2. The draft was presented to the IOTC Commission at its 19th session (S19) in April, 2015. It was recommended that the MOU should be considered at the 20th session of the Commission (S20) and that the MOU was in the interests of IOTC.
3. The CMS Secretariat presented the draft MOU with IOTC to the 44th Meeting of the CMS Standing Committee in October, 2015. The document (attached as Annex 1) included a number of suggested amendments proposed by Japan through IOTC.
4. The Standing Committee agreed to place the reference to sharks and rays in square brackets and await the outcome of the Meeting of Signatories to the Sharks MOU (MOS2) and to reject Japan's suggestion of adding a reference to sustainable use. The draft was adopted as amended for onward transmission to the IOTC for their consideration.



# Convention on the Conservation of Migratory Species of Wild Animals

*Secretariat provided by the United Nations Environment Programme*



## 44<sup>th</sup> Meeting of the Standing Committee

*Bonn, Germany, 14-15 October 2015*

UNEP/CMS/StC44/18.2/Rev.1

### **DRAFT MEMORANDUM OF UNDERSTANDING BETWEEN CMS AND THE INDIAN OCEAN TUNA COMMISSION**

*(prepared by the Secretariat)*

#### Summary

The draft Memorandum of Understanding between CMS and the Indian Ocean Tuna Commission seeks to facilitate cooperation between the two organisations. It covers species listed on CMS Appendices I and II occurring within the IOTC area of competence.

CMS Resolution 10.14 requesting cooperation with Regional Fisheries Management Organisations.

## **DRAFT MEMORANDUM OF UNDERSTANDING BETWEEN CMS AND THE INDIAN OCEAN TUNA COMMISSION**

*(prepared by the Secretariat)*

1. CMS Resolution 10.14 requested the Secretariat, the Scientific Council and Parties “to continue and increase efforts to collaborate with [...] the Regional Fisheries Management Organizations (RFMOs), with a view to avoiding duplication, increasing synergies and raising the profile of CMS and CMS agreements related to aquatic species in these for a”.
2. The draft Memorandum of Understanding (‘MOU’) between the Indian Ocean Tuna Commission (IOTC) and CMS seeks to facilitate cooperation between the IOTC and the CMS Parties with a view to supporting efforts to minimise the impact of IOTC fisheries on endangered migratory species listed in Appendix I, as well as those migratory species which have an unfavourable conservation status listed on Appendix II of the CMS, within the IOTC area of competence. In particular, the draft MOU covers marine mammals, marine turtles, seabirds, sharks and rays.
3. The draft MOU was prepared by the IOTC and CMS Secretariats based on the long-term informal cooperation between the Secretariat of the CMS Memorandum of Understanding on the Conservation and Management of Marine Turtles and Their Habitats of the Indian Ocean and South-East Asia (‘IOSEA Marine Turtle MOU’) and the Secretariat of the IOTC, as well as the existing Memorandum of Understanding between the Agreement on the Conservation of Albatrosses and Petrels (ACAP) and the IOTC.
4. The draft text of the MOU was presented to the IOTC Commission at its 19<sup>th</sup> session (S19) in April 2015, where the Members “agreed that the scope and intention of the draft MOU was in the interests of the IOTC, and as such, it should be further circulated following the S19 meeting, for comments and revision among Contracting Parties of IOTC and parties to CMS. At the 20<sup>th</sup> Session of the Commission (S20) a draft MOU will be considered” (see paragraphs 145 and 146 of the IOTC S19 Report).
5. The enclosed draft MOU includes all comments and suggestions for revisions received from IOTC Members following its circulation to IOTC membership from 25 June 2015 to 30 July 2015.
6. The IOTC Secretariat forwarded to the CMS Secretariat a circular to IOTC Members dated 25 August 2015 informing its Members of additional comments received by Japan (Annex 2).
7. The draft MOU also incorporates the comments received from Signatory States of the IOSEA Marine Turtle MOU, which had expressed their full support prior to the IOTC S19 considering the draft.
8. The draft MOU also incorporates the comments of the Chairs of the Intersessional Working Group and the Advisory Committee of the Memorandum of Understanding on the Conservation of Migratory Sharks (‘Sharks MOU’) respectively, who expressed their full support.
9. Signatories to all relevant CMS Agreements and Memoranda of Understanding, including the IOSEA Marine Turtle MOU and the Memorandum of Understanding on the Conservation of Migratory Sharks are therefore encouraged to use the MOU as a framework for their cooperation with the IOTC.

10. The MOU recognises that any matter within the purview of ACAP, concluded under Article IV of CMS, will be addressed within the existing Memorandum of Understanding between ACAP and IOTC.

**Action requested:**

- i.) The CMS Standing Committee is invited to consider and endorse the draft MOU, including the amendments proposed by Japan to the IOTC Secretariat (Annex 2) and convey it to the 20<sup>th</sup> Commission of the IOTC to be held in May 2016 for its consideration and adoption.



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MEMORANDUM OF UNDERSTANDING  
BETWEEN

THE INDIAN OCEAN TUNA COMMISSION  
and  
THE CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD  
ANIMALS

The Indian Ocean Tuna Commission (hereafter 'IOTC') and the Convention on the Conservation of Migratory Species of Wild Animals (hereafter 'CMS');

**ACKNOWLEDGING** that the IOTC, as a Regional Fisheries Management Organisation has as its core objective, to promote cooperation among its Members with a view to ensuring, through appropriate management, the conservation and optimum utilisation of stocks covered by this Agreement and encouraging sustainable development of fisheries based on such stocks;

**ALSO ACKNOWLEDGING** that the CMS, as an environmental treaty under the aegis of the United Nations Environment Programme, provides a global platform for the conservation and sustainable use of migratory wild animals and their habitats;

**NOTING** that CMS brings together the States through which migratory animals pass, the Range States, and lays the legal foundation for internationally coordinated conservation measures throughout a migratory range, which includes species of marine mammals, marine turtles, seabirds, sharks and rays that interact with IOTC fisheries;

**RECOGNISING** that migratory species considered to be endangered are listed on Appendix I of the Convention, and thus, CMS Parties strive towards strictly protecting these animals, conserving or restoring their habitats, mitigating obstacles to migration and controlling other factors that might endanger them;

**ALSO RECOGNISING** that migratory species that need or would significantly benefit from international cooperation are listed in Appendix II of the Convention and for this reason, the Convention encourages the Range States to conclude global or regional agreements;

**FURTHER RECOGNISING** that besides establishing obligations for each Party to the Convention, CMS promotes concerted action among the Range States of many of these species;

**CONSCIOUS** that the majority of Members of the IOTC are also Parties to CMS or Signatories to agreements concluded under Article IV of CMS;

**RECOGNISING** that any matter within the purview of the Agreement on the Conservation of Albatrosses and Petrels (ACAP), concluded under Article IV of CMS, will be addressed within the existing Memorandum of Understanding (MoU) between ACAP and IOTC;

**NOTING** that as the only global convention specialising in the conservation of migratory species, their habitats and migration routes, CMS complements and cooperates with a number of other international organisations, NGOs and partners in the media as well as in the private sector;

**FURTHER NOTING** that Article XV of the Agreement for the Establishment of the Indian Ocean Tuna Commission (hereafter IOTC Agreement) empowers the Commission to cooperate and make appropriate arrangements with other intergovernmental organisations 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 organisation or institution dealing with tuna in the IOTC area of competence;

**RECOGNISING** that the achievement of the objectives of the IOTC and CMS will benefit from cooperation, with a view to strengthening the conservation measures adopted in respect of migratory species;

**DESIRING** to put into place and promote complementary arrangements that avoid duplication in and conflict with the activities of the two organisations, to promote cooperation in order to enhance the conservation of migratory species;

**NOW THEREFORE** the IOTC and the CMS 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 CMS Parties (hereafter 'both sides') with a view to supporting efforts to minimise the impact of IOTC fisheries on endangered migratory species listed in Appendix I, as well as those migratory species which have an unfavourable conservation status listed on Appendix II of the CMS, within the IOTC area of competence;

## 2. AREAS OF COOPERATION

Both sides may establish and maintain consultation, cooperation and collaboration with respect to matters of common interest to both sides for the:

- a) development and adoption of standardised systems for collecting, exchanging and analysing data concerning fishery interactions with marine mammals, marine turtles, seabirds, sharks and rays within the IOTC area of competence;
- b) exchange of expertise and information regarding the management approaches relevant to the conservation of marine mammals, marine turtles, seabirds, sharks and rays, including their strengths and weaknesses within the IOTC area of competence;
- c) development and implementation of education and awareness programmes for persons active in the fisheries sector who operate in areas where marine mammals, marine turtles, seabirds, sharks and rays may be encountered;
- d) design, testing and implementation of bycatch mitigation measures for marine mammals, marine turtles, seabirds, sharks and rays relevant to fishing operations within the IOTC area of competence;
- e) development of training programmes for persons operating in the fisheries sector, port samplers and participants in the IOTC Regional Observer Scheme on legal requirements under CMS (including its agreements) and IOTC relating to bycatch species, data collection, reporting and analysis, measures to mitigate threats to marine mammals, marine turtles, seabirds, sharks and rays, including best practice handling for successful live release;
- f) exchange of expertise, techniques and knowledge relevant to the conservation of marine mammals, marine turtles, seabirds, sharks and rays; 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 both sides will review the operation of the MoU and decide whether it will be renewed or modified.

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

### SIGNATURE

Signed in XXXX on dd MMM YYYY

Signed in XXX on dd MMM YYYY

Chairperson, IOTC

Executive Secretary, CMS







**IOTC CIRCULAR 2015-078/ CIRCULAIRE CTOI 2015-078**

Dear Sir/Madam,

**SUBJECT: 2<sup>ND</sup> DRAFT – MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE IOTC AND THE CONVENTION ON THE CONSERVATION OF HIGHLY MIGRATORY SPECIES OF WILD ANIMAL (CMS)**

At the 19<sup>th</sup> Session of the Commission held in 2015, the IOTC noted the draft proposed five (5) year arrangement between the IOTC and the CMS with a view to supporting efforts to minimise the impact of IOTC fisheries on endangered migratory species listed in Appendix I of the CMS, as well as those migratory species which have an unfavourable conservation status listed on Appendix II of the CMS, within the IOTC area of competence.

The Commission agreed during the 19<sup>th</sup> Session that the scope and intention of the draft MoU was in the interests of the IOTC, and as such, it should be further circulated following the S19 meeting, for comments and revision among Contracting Parties of IOTC and parties to CMS. At the 20<sup>th</sup> Session of the Commission (S20) a draft MoU will be considered (see paragraphs 145 and 146 of the S19 Report).

The draft was subsequently circulated via IOTC Circular 2015-064 for a 35 day comment period ending on 30 July 2015. The IOTC Secretariat received two responses from IOTC Members (Australia and Japan). Australia supported the Draft in its current form, while Japan suggested a number of modifications, as presented in Appendix I.

Given the proposed changes, the Draft is once again being distributed to all IOTC CPCs for a further comment period, ending 30 September 2015.

Please note that as agreed by the Commission, a final draft will be considered for adoption during the 19<sup>th</sup> Session of the Commission in 2016.

Madame/Monsieur,

**OBJET: 2<sup>E</sup> PROJET DE PROTOCOLE D'ACCORD ENTRE LA CTOI ET LA CONVENTION SUR LA CONSERVATION DES ESPECES MIGRATRICES APPARTENANT A LA FAUNE SAUVAGE (CMS)**

Lors de la 19<sup>e</sup> session de la Commission, en 2015, la CTOI a noté le projet d'accord d'une durée de cinq (5) ans entre la CTOI et la CMS en vue de soutenir les efforts visant à minimiser l'impact des pêcheries de la CTOI sur les espèces migratrices menacées inscrites à l'Annexe I de la CMS, ainsi que sur les espèces migratrices qui présentent un état de conservation défavorable, inscrites à l'Annexe II de la CMS, au sein de la zone de compétence de la CTOI.

La Commission a reconnu au cours de sa 19<sup>e</sup> session que la portée et l'intention du projet de protocole d'accord sont dans l'intérêt de la CTOI, et partant, que celui-ci devrait encore être plus largement diffusé, après la réunion S19, pour commentaires et révision, aux Parties contractantes de la CTOI et aux parties de la CMS. Lors de la 20<sup>e</sup> session de la Commission (S20) un projet de protocole d'accord sera considéré (voir paragraphes 145 et 146 du rapport de S19).

**Distribution / Destinataires**

**IOTC Members/ Membres de la CTOI:** Australia/Australie, Belize, China/Chine, Comoros/Comores, Eritrea/Erythrée, European Union/Union européenne, France (Territories/DOM-TOM), Guinea/Guinée, India/Inde, Indonesia/Indonésie, Iran (Islamic Rep of/Rép. islamique d'), Japan/Japon, Kenya, Rep. of Korea/Rép. de Corée, Madagascar, Malaysia/Malaisie, Maldives, Mauritius/Ile Maurice, Mozambique, Oman, Pakistan, Philippines, Seychelles, Sierra Leone, Somalia/Somalie, Sri Lanka, Sudan/Soudan, United Rep. of Tanzania/Rép.-Unie de Tanzanie, Thailand/Thaïlande, United Kingdom/Royaume-Uni, Vanuatu, Yemen/Yémen.

**Chairperson IOTC / Président de la CTOI**

**Cooperating Non-Contracting Parties/ Parties coopérantes non-contractantes:** Bangladesh, Djibouti, Liberia, Senegal/Sénégal, South Africa/Afrique du Sud.

**Intergovernmental organisations & Non-governmental organizations / Organisations intergouvernementales et non-gouvernementales**

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Le projet a ensuite été diffusé par l'intermédiaire de la circulaire CTOI 2015-064, pour une période de commentaires de 35 jours se terminant le 30 juillet 2015. Le Secrétariat de la CTOI a reçu deux réponses de membres de la CTOI (Australie et Japon). L'Australie a appuyé le projet dans sa forme actuelle, tandis que le Japon a proposé un certain nombre de modifications, comme présentées à l'appendice I.

Compte tenu des modifications proposées, le projet est de nouveau diffusé à l'ensemble des CPC de la CTOI pour une nouvelle période de consultation se terminant le 30 septembre à 2015.

Veuillez noter que, comme convenu par la Commission, un projet final sera soumis pour adoption lors de la 20<sup>e</sup> session de la Commission en 2016.

Yours sincerely / Cordialement



Mr Rondolph Payet  
Executive Secretary / Secrétaire exécutif

**Attachments / Pièces jointes:**

- 2nd Draft MoU between the IOTC and CMS (2015) / 2<sup>e</sup> projet de Protocole d'accord entre la CTOI et la CMS (2015)

## MEMORANDUM OF UNDERSTANDING BETWEEN

### THE INDIAN OCEAN TUNA COMMISSION and

### THE CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS

The Indian Ocean Tuna Commission (hereafter 'IOTC') and the Secretariat for Convention on the Conservation of Migratory Species of Wild Animals (hereafter 'CMS');

**ACKNOWLEDGING** that the IOTC, as a Regional Fisheries Management Organisation has as its core objective, to promote cooperation among its Members with a view to ensuring, through appropriate management, the conservation and optimum utilisation of stocks covered by their Agreement for the establishment of the Indian Ocean Tuna Commission (hereafter IOTC Agreement); and encouraging sustainable development of fisheries based on such stocks;

**ALSO ACKNOWLEDGING** that the CMS, as an environmental treaty under the aegis of the United Nations Environment Programme, provides a global platform for the conservation and sustainable use of migratory wild animals and their habitats;

**NOTING** that CMS brings together the States through which migratory animals pass, the Range States, and lays the legal foundation for internationally coordinated conservation measures throughout a migratory range, which includes species of marine mammals, marine turtles, seabirds, sharks and rays that interact with IOTC fisheries;

**RECOGNISING** that migratory species considered to be endangered are listed on Appendix I of the Convention CMS, and thus, CMS Parties strive towards strictly protecting these animals, conserving or restoring their habitats, mitigating obstacles to migration and controlling other factors that might endanger them;

**ALSO RECOGNISING** that migratory species that need or would significantly benefit from international cooperation are listed in Appendix II of the Convention CMS and for this reason, the Convention encourages the Range States to conclude global or regional agreements;

**FURTHER RECOGNISING** that besides establishing obligations for each Party to the Convention CMS, CMS promotes concerted action among the Range States of many of these species;

**CONSCIOUS** that the majority of Members of the IOTC are also Parties to CMS or Signatories to agreements concluded under Article IV of CMS;

**RECOGNISING** that any matter within the purview of the Agreement on the Conservation of Albatrosses and Petrels (ACAP), concluded under Article IV of CMS, will be addressed within the existing Memorandum of Understanding (MoU) between ACAP and IOTC;

**NOTING** that as the only global convention specialising in the conservation of migratory species, their habitats and migration routes, CMS complements and cooperates with a number of other international organisations, NGOs and partners in the media as well as in the private sector;

**FURTHER NOTING** that Article XV of the Agreement for the Establishment of the Indian Ocean Tuna Commission (hereafter IOTC Agreement) empowers the Commission IOTC to cooperate and make appropriate arrangements with other intergovernmental organisations 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 organisation or institution dealing with tuna in the IOTC area of competence;

**RECOGNISING** that the achievement of the objectives of the IOTC and CMS will benefit from cooperation, with a view to strengthening the conservation measures adopted in respect of migratory species;

**DESIRING** to put into place and promote complementary arrangements that avoid duplication in and conflict with the activities of the two organisations, to promote cooperation in order to enhance the conservation and sustainable use of migratory species;

**Comment [CPC1]:** Suggest adding 'THE SECRETARIAT FOR.....', before 'THE CONVENTION'

**Comment [CPC2]:** CPC suggest changing to 'NOTING'

**Comment [CPC3]:** CPC suggest changing to 'NOTING'

**Comment [CPC4]:** CPC suggest changing to 'NOTING'

**Comment [CPC5]:** CPC suggests deleting this paragraph because:  
'cannot understand the purpose of this paragraph. This paragraph means some IOTC members are NOT Parties of CMS.'

**Comment [CPC6]:** CPC requests 'examples' to

**Comment [CPC7]:** CPC suggest deleting this paragraph because:  
'The purpose of IOTC is not just conservation of migratory species, but optimum utilization of species covered by the Agreement.'

NOW THEREFORE the IOTC and the Secretariat of the CMS 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 CMS Parties (hereafter 'both sides') with a view to supporting efforts to minimise the impact of IOTC fisheries on endangered migratory species listed in Appendix I and, as well as those migratory species which have an unfavourable conservation status listed on Appendix II of the CMS, within the IOTC area of competence;

## 2. AREAS OF COOPERATION

Both sides may establish and maintain consultation, cooperation and collaboration with respect to matters of common interest to both sides for the:

- development and adoption of standardised systems for collecting, exchanging and analysing data concerning fishery interactions with marine mammals, marine turtles, and seabirds, sharks and rays within the IOTC area of competence;
- exchange of expertise and information regarding the management approaches relevant to the conservation of marine mammals, marine turtles, and seabirds, sharks and rays, including their strengths and weaknesses within the IOTC area of competence;
- development and implementation of education and awareness programmes for persons active in the fisheries sector who operate in areas where marine mammals, marine turtles, and seabirds, sharks and rays may be encountered;
- design, testing and implementation of bycatch mitigation measures for marine mammals, marine turtles, and seabirds, sharks and rays relevant to fishing operations within the IOTC area of competence;
- development of training programmes for persons operating in the fisheries sector, port samplers and participants in the IOTC Regional Observer Scheme on legal requirements under CMS (including its agreements) and IOTC relating to bycatch species, data collection, reporting and analysis, measures to mitigate threats to marine mammals, marine turtles, and seabirds, sharks and rays, including best practice handling for successful live release;
- exchange of expertise, techniques and knowledge relevant to the conservation of marine mammals, marine turtles, and seabirds, sharks and rays; and
- 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 both sides will review the operation of the MoU and decide whether it will be renewed or modified.

**Comment [CPC8]:** CPC suggests changing this to 'Secretariat' for the following reason: 'This is a MOU between two organizations, not states.'

**Comment [CPC9]:** CPC suggests deleting this word.

**Comment [CPC10]:** CPC suggests deletion 'The Appendixes are developed by the CMS. IOTC does not admit these list as endangered and/or unfavourable conservation species lists.'

**Comment [CPC11]:** CPC suggest deletion. 'Delete "and adoption." "adoption" is not appropriate because it is not cooperative work, it should be done by each organization'

**Comment [CPC12]:** CPC suggests deletion. 'Delete "standardised." What does "standardised" mean in this context?'

**Comment [CPC13]:** CPC suggests deletion: 'Delete "sharks and rays" Shark and rays are caught in association with IOTC managed species as important food resources especially in developing countries. It is not appropriate for shark and ray to be considered from only conservation perspective. Same comment is applicable for other paragraphs as well.'

**Comment [CPC14]:** CPC suggest deletion.

**Comment [CPC15]:** Question from CPC: 'What is the difference between "person active" in this paragraph and "persons operating" in paragraph e)?'

**Comment [CPC16]:** CPC suggest deletion.

**Comment [CPC17]:** CPC suggest deletion.

**Comment [CPC18]:** CPC suggest deletion. Justification: 'Delete these words. There is no obligation to do that for IOTC member which are not party of CMS.'

**Comment [CPC19]:** CPC suggests deletion.

**Comment [CPC20]:** CPC suggest deletion. Justification: 'Delete these words. Live release is not always appropriate means in terms of crew's safety. Without these words, training program may include live release handling.'

**Comment [CPC21]:** CPC suggest deletion.



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



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

#### **SIGNATURE**

Signed in **XXXX** on **dd MMM YYYY**

Signed in XXX on **dd MMM YYYY**

Chairperson, IOTC

Executive Secretary, CMS

**PROTOCOLE D'ACCORD  
ENTRE  
LA COMMISSION DES THONS DE L'OCÉAN INDIEN  
ET**

**LA CONVENTION SUR LA CONSERVATION DES ESPECES MIGRATRICES  
APPARTENANT A LA FAUNE SAUVAGE**

**Comment [OR1]:** Suggestion de la CPC: ajouter "Le Secrétariat de" avant "la Convention"

La Commission des thons de l'océan Indien (ci-après « la CTOI ») et le Secrétariat de la Convention sur la conservation des espèces migratrices appartenant à la faune sauvage (ci-après « la CMS ») ;

**RECONNAISSANT** que la CTOI, en tant qu'organisme régional de gestion des pêches, a pour objectif de base de promouvoir la coopération entre ses membres en vue d'assurer, par une gestion appropriée, la conservation et l'utilisation optimale des stocks couverts par son l'Accord portant création de la Commission des thons de l'océan Indien (ci-après « l'Accord CTOI ») et d'encourager le développement durable de la pêche exploitant ces stocks ;

**RECONNAISSANT ÉGALEMENT** que la CMS, un traité sur l'environnement sous l'égide du Programme des Nations unies pour l'environnement, fournit une plate-forme mondiale pour la conservation et l'utilisation durable des animaux sauvages migrateurs et de leurs habitats ;

**CONSTATANT** que la CMS réunit des États à travers lequel les animaux migrateurs passent, les États de l'aire de répartition, et établit les fondements juridiques de mesures de conservation coordonnées au niveau international à travers une aire de migration, qui comprend des espèces de mammifères marins, de tortues marines, d'oiseaux de mer, de requins et de raies qui interagissent avec pêcheries de la CTOI ;

**RECONNAISSANT** que les espèces migratrices considérées comme en voie de disparition sont inscrites à l'Annexe I de la Convention CMS, et donc, que les Parties à la CMS s'efforcent de strictement protéger ces animaux, de conserver et restaurer leurs habitats, d'atténuer les obstacles à leurs migrations et de contrôler les autres facteurs qui pourraient les mettre en danger ;

**Comment [OR2]:** Suggestion de la CPC: remplacer par : NOTANT"

**RECONNAISSANT ÉGALEMENT** que les espèces migratrices qui ont besoin ou qui bénéficieraient de manière significative de la coopération internationale figurent à l'annexe II de la Convention CMS et, pour cette raison, la Convention encourage les États de l'aire de répartition à conclure des accords mondiaux ou régionaux ;

**Comment [OR3]:** Suggestion de la CPC: remplacer par : NOTANT"

**RECONNAISSANT ÉGALEMENT** que, outre l'établissement d'obligations pour chaque Partie à la Convention CMS, la CMS favorise une action concertée entre les États de l'aire de répartition de plusieurs de ces espèces ;

**Comment [OR4]:** Suggestion de la CPC: remplacer par : NOTANT"

**CONSCIENTE** de ce que la majorité des membres de la CTOI sont également Parties à la CMS ou signataires d'accords conclus conformément à l'article IV de la CMS ;

**RECONNAISSANT** que toute question relevant de l'Accord sur la conservation des albatros et des pétrels (ACAP), conclu au titre de l'Article IV de la CMS, sera abordée dans le cadre du protocole d'accord existant entre l'ACAP et la CTOI ;

**NOTANT** que, en tant que seule convention mondiale spécialisée dans la conservation des espèces migratrices, de leurs habitats et des routes migratoires, la CMS complète et coopère avec un certain nombre d'autres organisations internationales, des ONG et des partenaires dans les médias ainsi que dans le secteur privé ;

**NOTANT EN OUTRE** que l'article XV de l'Accord portant création de la Commission des thons de l'océan

Indien (ci-après « Accord CTOI ») CTOI habilite la Commission à coopérer et à prendre les dispositions nécessaires avec d'autres organisations et institutions intergouvernementales en particulier celles qui sont actives dans le secteur de la pêche, qui pourraient contribuer aux travaux de la Commission, promouvoir les objectifs de la Commission,



**Comment [OR5]:** La CPC suggère de supprimer ce paragraphe car: "*nous ne pouvons pas comprendre l'objectif de ce paragraphe. Ce paragraphe signifie que certains membres de la CTOL ne sont PAS parties de la CMS*"

**Comment [OR6]:** La CPC demande que des "exemples" soient inclus

en particulier avec toute organisation ou institution intergouvernementale s'occupant des thons dans la zone de compétence de la CTOI ;

**RECONNAISSANT** que la réalisation des objectifs de la CTOI et de la CMS profitera de la coopération destinée à renforcer les mesures de conservation adoptées au sujet des espèces migratrices ;

**SOUHAITANT** mettre en place des dispositifs et des procédures pour éviter la redondance et les conflits dans les activités des deux organisations et visant à favoriser la coopération dans le but d'améliorer la conservation **et l'utilisation durable** des espèces migratrices ;

**POUR CES MOTIFS**, la CTOI et **le Secrétariat de** la CMS prennent acte des conventions suivantes :

## 1. OBJECTIF DU PRÉSENT PROTOCOLE D'ACCORD

Le présent Protocole d'accord a pour objectif de faciliter la coopération entre la CTOI et les parties à la CMS (ci-après appelées « les deux parties ») en vue de soutenir les efforts visant à réduire au minimum les impacts des pêcheries de la CTOI sur les espèces de poissons migrateurs **en danger** listées à l'Annexe I, ainsi que sur celles qui présentent un état de conservation défavorable, **et** listées à l'Annexe II de la CMS, dans les limites de la zone de compétence de la CTOI.

## 2. DOMAINES DE COOPÉRATION

Les deux parties peuvent établir et maintenir la consultation, la coopération et la collaboration sur des questions ayant rapport à des sujets de préoccupation communs aux deux parties :

- l'élaboration et **l'adoption** de systèmes **standardisés** de collecte, d'échange et d'analyse des données concernant les interactions des pêcheries avec les mammifères marins, les tortues marines **et** les oiseaux de mer, **les requins et les raies** dans la zone de compétence de la CTOI ;
- l'échange d'expertise et d'informations concernant les approches de gestion liées à la conservation des mammifères marins, des tortues marines **et des** des oiseaux de mer, **des requins et des raies** dans la zone de compétence de la CTOI ;
- l'élaboration et la mise en œuvre de programmes de formation et de sensibilisation pour **les personnes actives** dans le secteur de la pêche qui opèrent dans des zones où pourraient se trouver des mammifères marins, des tortues marines **et des** des oiseaux de mer, **des requins et des raies** ;
- la conception, la mise à l'essai et la mise en œuvre de mesures de réduction des captures accessoires concernant les mammifères marins, les tortues marines **et** les oiseaux de mer, **les requins et les raies** durant les opérations de pêche dans la zone de compétence de la CTOI ;
- l'élaboration de programmes de formation pour les personnes opérant dans le secteur de la pêche, les échantillonneurs au port et les participants au Mécanisme régional d'observateurs de la CTOI, **sur les exigences légales** au titre de la CMS (y compris ses accords) et de la CTOI, concernant les captures accessoires, la collecte, la déclaration et l'analyse des données, les mesures d'atténuation des menaces sur les mammifères marins, les tortues marines, **et les** **les** oiseaux de mer, les requins et les raies, y compris les bonnes pratiques pour leur manipulation et leur libération ; et
- l'échange d'expertise, de techniques et de connaissances relatives à la conservation des mammifères marins, des tortues marines **et** des oiseaux de mer, **des requins et des raies** ;
- la participation réciproque aux réunions pertinentes de chaque organisation, en tant qu'observateur.

**Comment [OR7]:** La CPC suggère de supprimer ce paragraphe car: "L'objectif de la CTOI n'est pas uniquement la conservation des espèces migratrices, mais l'utilisation optimale des espèces couvertes par l'Accord"

**Comment [OR8]:** La CPC suggère de le supprimer car "Ceci est un protocole d'accord entre deux organisations, pas des États"

**Comment [OR9]:** la CPC suggère de supprimer ce mot.

**Comment [OR10]:** la CPC suggère de supprimer cette partie de la phrase : "Les appendices sont élaborés par la CMS. La CTOI n'a pas validé ces listes comme listes d'espèces en danger/en état de conservation défavorable"

**Comment [OR11]:** La CPC suggère de supprimer "et l'adoption" car "Adoption n'est pas un terme approprié car ce n'est pas un travail collaboratif, cela devrait être fait par chaque organisation"

**Comment [OR12]:** La CPC suggère de supprimer "standardisés" car "Que signifie standardisés dans ce contexte?"

**Comment [OR13]:** La CPC suggère de supprimer "des requins et des raies" car "Les requins et les raies sont capturés en association avec des espèces gérées par la CTOI et forment une importante source de nourriture, en particulier dans les pays en développement. Il n'est pas approprié que les requins et les raies soient uniquement considérés du point de vue de la conservation. Ce commentaire s'applique également aux paragraphes suivants."

**Comment [OR14]:** La CPC suggère de supprimer "des requins et des raies"

**Comment [OR15]:** Question de la CPC: "Quelle est la différence entre une 'personne active' dans ce paragraphe et une 'personne opérant' dans le paragraphe e)?"

**Comment [OR16]:** La CPC suggère de supprimer

**Comment [OR17]:** La CPC suggère de supprimer

**Comment [OR18]:** La CPC suggère de supprimer ceci, car "Il n'y a pas d'obligation de faire ceci pour les membres de la CTOI qui ne sont pas parties de la CMS"

**Comment [OR19]:** La CPC suggère de supprimer ceci

**Comment [OR20]:** La CPC suggère de supprimer ceci car "La libération n'est pas toujours appropriée en termes de sécurité de l'équipage. Sans ces mots, les programmes de formation peuvent toujours inclure les techniques de libération"

**Comment [OR21]:** La CPC suggère de supprimer ceci

### 3. MODIFICATION

Le présent Protocole d'accord est susceptible d'être modifié à tout moment par consentement mutuel des deux parties.

### 4. STATUT JURIDIQUE

Les deux parties reconnaissent que le présent Protocole d'accord n'est pas juridiquement contraignant entre elles.

### 5. ENTRÉE EN VIGUEUR ET RETRAIT

Ce Protocole d'accord s'appliquera durant 5 années à partir de la date de sa signature. À ce moment, les deux parties examineront le fonctionnement du Protocole d'accord et décideront si il doit être renouvelé ou modifié.

- a) Le présent Protocole d'accord entrera en vigueur dès le jour de sa signature.
- b) L'une des deux parties peut résilier le présent Protocole d'accord en donnant à l'autre partie un préavis de six mois.

### 6. SIGNATURE

Signé à XXX le [JJ MM YYYY]

Signé à XXX le [JJ MM YYYY]

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XXXXXXXX  
Président de la CTOI

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Secrétaire exécutif de la CMS