

THE AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS: RATIONALE, HISTORY, PROGRESS AND THE WAY FORWARD

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SUMMARY

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The Agreement on the Conservation of Albatrosses and Petrels (ACAP) is a newly-constituted international treaty that as yet may be little known to marine ornithologists around the world. We outline the rationale for the existence of the Agreement, the history of its development, the progress it has achieved to date and its future plans. It is hoped that the aims and objectives of ACAP will be fostered by creating a general awareness of it within the global seabird research community, leading to an improved conservation status for those procellariiform species that it lists.

Key words: Albatrosses, petrels, Procellariiformes, conservation, international policy

INTRODUCTION

The Agreement on the Conservation of Albatrosses and Petrels (ACAP) is a newly-constituted international treaty that as yet may be little known to marine ornithologists around the world. This forum article attempts to outline the rationale for the existence of the Agreement, the history of its development, the progress it has achieved to date and its future plans. It is hoped that creation of a general awareness of ACAP within the global seabird research community will foster the aims and objectives of the Agreement, leading to an improved conservation status for those procellariiform species that it lists.

The avian order Procellariiformes (albatrosses and petrels) contains some of the most globally threatened species of birds in the world. Of 129 living species, fully 47% (60) species have been accorded a formal threatened status by BirdLife International following criteria of the World Conservation Union (BirdLife International 2004, Cooper in press). Procellariiforms face a suite of threats, both at land and at sea. However, it has been the mortality caused by fisheries, especially longlining in both domestic and international waters, first reported in the early 1990s, that has placed their conservation high on the agendas of national governments, intergovernmental

bodies, professional meetings and nongovernmental organizations (e.g. Croxall 1990, Brothers 1991, Murray *et al.* 1993, Alexander *et al.* 1997, Environment Australia 1998, Robertson & Gales 1998, Cooper 1999, FAO 1999, Cooper 2000, Melvin & Parrish 2001, Tuck *et al.* 2003).

ROLE OF THE CONVENTION ON MIGRATORY SPECIES

Because much at-sea mortality of albatrosses and petrels in the Southern Hemisphere occurs on the high seas outside territorial and Exclusive Economic Zone (EEZ) waters, it was realized at an early stage that this mortality was an issue best addressed via international actions, such as could be taken within the Convention on the Conservation of Migratory Species of Wild Animals (the CMS or Bonn Convention—Gales 1993, see also Bache & Rajkumar 2003).

The Convention on Migratory Species provides a framework for enhancing the conservation status of migratory species through the co-operative efforts of range states of those species (www.cms.int). The term “range state” in the context of the CMS includes not only those nations that support or are visited by populations of the species under question, but also those nations whose vessels (primarily fishing vessels) interact with such species on the high seas.

The CMS provides for listing of migratory species under two appendices. Appendix I lists “critical” species which are on the brink of extinction. CMS Parties are expected to undertake concerted action to ensure the conservation of Appendix I-listed species. Appendix II provides for listing of migratory species that may not be endangered, but which require or would benefit from international co-operative agreements for conservation. The CMS is a framework convention, in that it obliges range states that are Parties to it to develop regional agreements for species listed on its Appendix II. Notably, such agreements are legally “stand-alone” treaties, with their own adopted texts and memberships.

Australia, with support from several other countries, raised the matter of the conservation status of albatrosses at the Third and Fourth Meetings of the Conference of Parties of the Convention on Migratory Species in 1991 and 1994 (CMS 1993, 1994). At the 1991 meeting a resolution (3.4) recommended that albatrosses be included within an agreement (CMS 1993, p. 21). At the next CMS Conference of Parties, following a recommendation originally made by Gales (1993), Australia successfully proposed that 11 species of southern hemisphere albatrosses be added to the Appendices of the Bonn Convention at its Fifth Meeting of the Conference of Parties held in Geneva, Switzerland, in April 1997 (CMS 1997). In its opening statement to that conference, Australia noted “the need for concerted and cooperative action by all range states” and urged “an active role by range states in the development of an Agreement” (CMS 1997, p. 41). Support for the Australian initiative came at the meeting from Chile, Ecuador, France, New Zealand, Norway and Uruguay, all range states for southern albatrosses (CMS 1997, pp. 23 & 143).

Following a proposal by South Africa, the seven species of petrels of the genera *Macronectes* and *Procellaria* were included on Appendix II of the CMS at its Sixth Conference of Parties, held in November 1999 (CMS 1999b). The rationale for their inclusion was motivated, as for the albatrosses earlier, by the need to address the broad-scale deleterious effects of longline fisheries (CMS 1999c, Huyser *et al.* 1999). Deliberations for an Agreement from then on included these seven species. At the Sixth Conference of Parties, resolutions on Southern Hemisphere albatross conservation and on bycatch were adopted; the former accepting Australia’s offer to host a meeting in 2000 to develop an agreement text (CMS 1999b, pp. 39–42).

Concurrent with activity within the CMS were several presentations at meetings which sought to gain the support of both the scientific and conservation communities for these international policy initiatives. At a workshop held in Hobart, Australia, in 1995 in association with the First International Conference on the Biology and Conservation of Albatrosses, an unpublished discussion paper was presented which included a draft Action Plan for such an agreement (Scott & Weaver 1995, Alexander *et al.* 1997). Further support for an agreement came from a workshop held in conjunction with the Second International Conference on the Biology of Albatrosses and Petrels, held in Honolulu, Hawaii, in May 2000, which recommended that the seven species of *Macronectes* and *Procellaria* petrels be included within it (Cooper 2000). Awareness among marine ornithologists was also raised at the 2002 annual meeting of the Pacific Seabird Group (Cooper *et al.* 2002). A recommendation titled “Southern Hemisphere albatross and petrel conservation,” supporting development of the agreement and calling on range states to participate in its negotiation, was adopted at the World Conservation Congress of the World Conservation Union held in Amman, Jordan, in October 2000 (IUCN 2001).

DEVELOPMENT OF THE AGREEMENT

In June 1998, Australia presented a paper titled “Southern Hemisphere Albatross Conservation” to the Fourth Meeting of the Coordinating Committee of the Group of Temperate Southern Hemisphere Countries on the Environment (the Valdivia Group) in Wellington, New Zealand (Australia 1998). Based on the recommendations of that paper, the meeting supported the development of a regional agreement under the CMS for Southern Hemisphere albatrosses and set up an ad hoc working group to identify the scope, function and content of an agreement text. The ad hoc working group held its inaugural meeting in Canberra, Australia, in June 1999, when it produced a potential framework for a regional agreement for presentation at the next meeting of the Conference of Parties of the CMS (CMS 1999a). It also considered the geographical scope of an agreement.

Shortly after the Sixth Conference of Parties of the CMS, a one-day informal meeting was held in Paris, France, in January 2000 to discuss the development of an agreement. That meeting was attended by representatives of Australia, France, the United Kingdom and the Bonn Convention. Two formal negotiation meetings were then held in Hobart in July 2000 and in Cape Town, South Africa, in January–February 2001 to draft the text of an agreement to conserve albatrosses and petrels (Anon. 2000, 2001a; Cooper & Ryan 2001). The two meetings were attended by range states and nongovernmental organizations alike, notably BirdLife International. The final text of the Agreement, including an Action Plan, was adopted at the Cape Town meeting (Anon. 2001b).

The Agreement’s Action Plan (Annex 2—Anon 2001b) covers these subjects:

- Species conservation
- Habitat conservation and restoration
- Management of human activities
- Research and monitoring
- Collation of information by the Advisory Committee
- Education and public awareness
- Implementation

The Action Plan describes conservation measures to be implemented by Parties. These call for a reduction in fishery-induced mortality, eradication of introduced predators at breeding sites, reduction of human disturbance and habitat loss and measures to reduce marine pollution.

Significantly, following a proposal made by the United Kingdom at the Hobart negotiation meeting, the Agreement is not restricted geographically, although the albatross and petrel species that it currently lists on its Annex I breed in the Southern Hemisphere only (Table 1). There is no impediment to Parties agreeing to add Northern Hemisphere procellariiforms in the future, thus expanding the Agreement’s geographic scope (see Bache & Rajkumar 2003).

PROGRESS

The Agreement was opened for signature in June 2001 in Canberra, Australia. By February 2004, the requisite number of parties (five: Australia, Ecuador, New Zealand, South Africa and Spain) had ratified the Agreement, allowing it to enter into force. By June 2006, Chile, France, Peru and the United Kingdom (including on

behalf of its Overseas Territories in the South Atlantic) had also ratified, with notification of imminent ratification by Argentina received by the ACAP Interim Secretariat. This means that all the eight current breeding-range states for ACAP-listed species are now, or are about to become, Parties to the Agreement (www.acap.aq). This notable achievement will have been reached in a little over a decade since the need for an agreement was first raised at the 1991 CMS Conference of Parties. Ratification by the remaining signatory, Brazil, is expected soon. Several other range states (such as Namibia, Norway and Uruguay) that have either attended ACAP meetings or have shown earlier interest at Valdivia and CMS meetings may ratify the Agreement in time. The United States of America has sent observers to all the ACAP meetings held to date.

The First Session of the Meeting of Parties was held in Hobart in November 2004 immediately after an informal Scientific Meeting (ACAP 2004a,b). At the Meeting of Parties, an Advisory Committee was established to provide scientific, technical and other advice to the Meeting, and rules of procedure and a work programme were adopted (ACAP 2004b). The Advisory Committee was requested to establish two Working Groups: one to carry out a review of the status and trends of albatrosses and petrels covered by the Agreement, and the second to consider issues related to the taxonomy of albatrosses.

The first meeting of the Advisory Committee was held in July 2005, again in Hobart (ACAP 2005). At this meeting, several initiatives were continued or started. A third Working Group, to review the

protection and management of breeding sites, was constituted and an important decision made to commence engagements with a number of Regional Fishery Management Organizations (RFMOs), which manage high-seas fisheries affecting southern seabirds (see Small 2005). These are primarily the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the Inter-American Tropical Tuna Commission (IATTC), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Indian Ocean Tuna Commission (IOTC) and the Western and Central Pacific Fisheries Commission (WCPFC). To date, ACAP has been represented at meetings of CCAMLR and CCSBT, with Parties reporting to the Advisory Committee on their attendance at meetings of other RFMOs.

The Second Meeting of the Advisory Committee was held in Brasilia, Brazil, in June 2006, when a fourth Working Group to consider seabird bycatch was established. Reports of the three existing Working Groups were received, and the work programme adopted by the First Meeting of Parties was redrafted for the triennium 2007–2009 (ACAP 2006). The Status and Trends Working Group reported that it had so far compiled population size estimates for 68% of all populations of ACAP-listed species. Trend data were available for only 40% of populations. Of these, 27% are increasing, 30% are stable, and 43% are declining. Limited information (<20% of populations) was available on survival and recruitment, parameters required for demographic modelling. Information was most lacking for the burrow-nesting *Procellaria* petrels.

The Taxonomy Working Group had considered the specific status of several closely-related albatross taxa. It agreed that Gibson's Albatross *Diomedea antipodensis gibsoni* and Pacific Albatross *Thalassarche bulleri platei* should be recognized only at the subspecific level, but decided that evidence was sufficient to regard Shy *T. cauta* and White-capped *T. steadi* Albatrosses as specifically distinct. The Breeding Sites Working Group has developed a database to collate data on breeding sites. Approximately 300 breeding sites for ACAP species have been identified, and information has been collated on approximately one half of them to date.

The Agreement on the Conservation of Albatrosses and Petrels has already resulted in several national initiatives. Examples include new conservation legislation adopted in February 2006 by the UK Overseas Territory of Tristan da Cunha that takes account of the Agreement's text, thus allowing for that territory to be included within the UK ratification of ACAP in April 2006 (St Helena 2006); the holding of an international meeting in Stanley, Falkland Islands, in March 2006 to consider priorities for conservation of ACAP species in the South Atlantic (Falklands Conservation 2006); and the adoption by Brazil in 2006 of a National Plan of Action for the Conservation of Albatrosses and Petrels (Bugoni *et al.* 2006).

The ACAP web site (www.acap.aq) openly lists all ACAP meeting reports and submitted documents and information papers, and has commenced news and education sections, with a photographic gallery.

THE WAY FORWARD

The 2006 meeting of the Advisory Committee considered how best to assess proposals that may be made in the future to add new species to the Agreement's Annex 1. It was agreed that a paper submitted to the meeting (Cooper & Baker 2006) that proposed

TABLE 1
Species listed in Annex 1 of the Agreement on the Conservation of Albatrosses and Petrels^a

Wandering Albatross <i>Diomedea exulans</i>
Tristan Albatross <i>D. dabbenena</i>
Antipodean Albatross <i>D. antipodensis</i>
Amsterdam Albatross <i>D. amsterdamensis</i>
Southern Royal Albatross <i>D. epomophora</i>
Northern Royal Albatross <i>D. sanfordi</i>
Waved Albatross <i>Phoebastria irrorata</i>
Shy Albatross <i>Thalassarche cauta</i>
White-capped Albatross <i>T. steadi</i>
Salvin's Albatross <i>T. salvini</i>
Chatham Albatross <i>T. eremita</i>
Buller's Albatross <i>T. bulleri</i>
Grey-headed Albatross <i>T. chrysostoma</i>
Black-browed Albatross <i>T. melanophrys</i>
Campbell Albatross <i>T. impavida</i>
Indian Yellow-nosed Albatross <i>T. carteri</i>
Atlantic Yellow-nosed Albatross <i>T. chlororhynchos</i>
Sooty Albatross <i>Phoebastria fusca</i>
Light-mantled Sooty Albatross <i>P. palpebrata</i>
Southern Giant Petrel <i>Macronectes giganteus</i>
Northern Giant Petrel <i>M. halli</i>
White-chinned Petrel <i>Procellaria aequinoctialis</i>
Spectacled Petrel <i>P. conspicillata</i>
Parkinson's Petrel <i>P. parkinsoni</i>
Westland Petrel <i>P. westlandica</i>
Grey Petrel <i>P. cinerea</i>

^a It is expected that the above list will be adopted at the Second Session of the Meeting of Parties, to be held in November 2006. Common names follow Brooke (2005).

a scoring system to consider candidate species should be further developed for consideration at the Third Meeting of the Advisory Committee, planned to be held in 2007 (ACAP 2006).

Following the report of the Taxonomic Working Group to the Advisory Committee in Brazil, a resolution is expected to be adopted by the Second Session of the Meeting of Parties—to be held in Christchurch, New Zealand, in November 2006—that will revise the taxonomy of albatrosses listed in Annex 1 of the Agreement so that 19 species are included, giving a total of 26 listed species (Table 1). It also expected that, at this meeting, a Headquarters Agreement will be adopted, allowing for the current Interim Secretariat to become a permanent one, based in Hobart, Australia.

The Status and Trends and Breeding Sites Working Groups will work towards producing conservation assessments for each ACAP species. These assessments will comprise a statement of the status of each species, including such information as taxonomy, breeding localities, population trends and demographic parameters, threats, foraging distribution and overlap with fisheries. These two Working Groups will also continue to build their respective databases to ensure that gaps in both demographic and breeding-site information are addressed. The Breeding Sites Working Group will also include information on breeding sites of Southern Giant Petrels *M. giganteus* that fall outside national jurisdictions on the Antarctic Continent and associated islands, aided by the Scientific Committee on Antarctic Research Group of Experts on Birds. The Taxonomy Working Group will consider the taxonomic status of seven sister taxa listed by the Agreement. These are the two giant petrels *Macronectes* spp., White-chinned *Procellaria aequinoctialis* and Spectacled *P. conspicillata* Petrels, Parkinson's *P. parkinsoni* and Westland *P. westlandica* Petrels and four "pairs" of albatrosses (Southern Royal *D. epomophora* and Northern Royal *D. sanfordi*, Indian Yellow-nosed *T. carteri* and Atlantic Yellow-nosed *T. chlororhynchos*, Chatham *T. eremita* and Salvin's *T. salvini*, and Buller's *T. bulleri bulleri* and Pacific *T. bulleri platei*). The first roles for the newly constituted Seabird Bycatch Working Group will be to appoint its membership and develop a strategy for ACAP Parties and range states to engage with RFMOs, following its Terms of Reference and indicative work programme for the working group that were adopted at the Second Meeting of the Advisory Committee (ACAP 2006).

A paper presented at the Second Advisory Committee meeting considered the use of indicators to measure the collective success of Parties to the Agreement in achieving and maintaining a favourable conservation status for albatrosses and petrels (New Zealand/South Africa/BirdLife International 2006). It suggested that the Red List Index of BirdLife International could serve as a "headline" indicator (see Butchart *et al.* 2004). The meeting agreed that the paper's authors should develop interim indicators to use until outputs from the Breeding Sites and Status and Trends Working Groups became more advanced (ACAP 2006).

Most importantly, it is hoped that the Agreement's engagements with RFMOs (and by Parties acting on behalf of and with the interests of ACAP) will encourage them to take the necessary actions to reduce at-sea mortality of ACAP species by adopting mitigation measures similar to those pioneered by CCAMLR in the Southern Ocean. If these endeavours achieve success, then it can be truly said that ACAP will have made a difference to the survival

prospects of the albatrosses and larger petrels of the Southern Hemisphere. However, major high-seas fishing nations, such as Japan and Korea, have yet to indicate an interest in joining ACAP, and this remains a challenge for the future.

In time, ACAP may "spread its wings" to the northern hemisphere and thus move from being a southern hemisphere to a global Agreement. This might come about, for example, if the three North Pacific albatrosses of the genus *Phoebastria* were to be listed on Annex 1 of the Agreement. Their inclusion may well encourage and assist those nations which are range states for north Pacific albatrosses, such as Canada, Japan and the United States, to join the Agreement.

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