ASSESSMENT OF AVOIDANCE OF INCIDENTAL MORTALITY OF ANTARCTIC MARINE LIVING RESOURCES

Incidental mortality of marine animals during fishing operations

5.1 The Commission considered advice prepared by the Scientific Committee on the assessment and avoidance of incidental mortality of Antarctic marine living resources (SC-CAMLR-XXIII, paragraphs 5.1 to 5.48). It endorsed the report, its conclusions and advice (specifically paragraphs 5.46 to 5.48), subject to the comments below.

5.2 The Commission, in noting advice from the Scientific Committee, welcomed the reports of:

(i) the continuing low levels and rates of seabird by-catch in regulated longline fisheries in most parts of the Convention Area in 2004;

(ii) substantial reductions in by-catch levels and rates (by 73 and 76% respectively) in the French EEZs in 2004, reflecting substantial intersessional initiatives by France, including revision to fishing practices.

5.3 The USA noted, with pleasure, the reduction of seabird by-catch reported in the French EEZs over the past year, and encouraged France to implement the further recommendations noted by the Scientific Committee (SC-CAMLR-XXIII, paragraph 5.7).

5.4 France thanked the USA for its comments and was pleased to inform the Commission that its efforts to reduce seabird by-catch this year have borne positive results. It also thanked its fishing industry, Australia and New Zealand for their cooperation and help in putting new techniques in place. France continued to refine its methods to avoid incidental mortality of seabirds and considered that it would be able to produce good results in this regard, even though as great a reduction as was recorded last season would seem difficult to achieve in the next season.

5.5 Poland informed the Commission that, compared to last year, it had also improved its record with no reports of incidental mortality of marine mammals and seabirds during fishing operations in 2004.

5.6 The Commission noted with concern the reduced compliance this year with several elements of Conservation Measure 25-02. It noted that many of these requirements have been in force for some time and that vessels should have no problem with their implementation. The Commission requested Members to ensure that their vessels fully comply with all elements of Conservation Measure 25-02.

5.7 New Zealand referred to the report of WG-FSA (SC-CAMLR-XXIII, Annex 5) and noted that if compliance with Conservation Measure 25-02 is interpreted strictly, only 13 of 40 vessels fully complied with all elements of the measure this year. The fully compliant vessels were *Burdwood, Isla Sofía, Janas* (Australia), *Janas* (New Zealand), *Eldfisk, Gudni Olafsson, San Aotea II, Yantar, Piscis, American Warrior, Froyanes, Avro Chieftain* and *San Liberatore*. Some other vessels failed to comply by small margins.

5.8 New Zealand also noted the advice of the Scientific Committee that vessels should make every effort to improve compliance in order to reattain, and preferably exceed, the levels of compliance with Conservation Measure 25-02 reported in 2003 (SC-CAMLR-XXIII, paragraph 5.14).

5.9 South Africa informed the Commission that it viewed these contraventions of conservation measures seriously. It reported that domestic policy on fishing issues is currently being revised and a suite of policies is being developed to deal with contraventions of conservation measures.

5.10 Spain informed the Commission that in 2003 the Spanish non-governmental organisation SEO-BirdLife organised an international competition with a €18 000 prize promoting best practice for fishers. It was aimed at finding new, simple and effective solutions to reduce the interaction between seabirds and fishing vessels. The winners of the prize, two fishers from New Zealand and Australia, used fish oil to form a slick astern of the vessel which deterred seabirds from this area while baits were being set. Spain informed the Commission that its vessels will be testing this in the Convention Area and urged others to trial this method.

5.11 Australia noted the work done on integrated weighted lines (IWLs) by CCAMLR scientists. It informed the Commission that Dr G. Robertson (Australia) was awarded a Pew Fellowship in Marine Conservation for his work on seabird mitigation measures.

5.12 The Commission endorsed the following recommendations made by the Scientific Committee (SC-CAMLR-XXIII, paragraph 5.47):

(i) for improvements to by-catch mitigation measures for implementation in the French EEZs;

(ii) for improved performance in implementation of conservation measures related to mitigation of seabird by-catch;

(iii) requests for key data on streamer line aerial extent and sink rate of externally weighted autolines to enable improvements to Conservation Measure 25-02;

(iv) provision of reports from Argentina, France, South Africa and the UK, and other Members as appropriate, for summarised data on status, trends and distribution (at sea) of albatross and petrel populations.

5.13 The Commission considered specific advice proposed by the Scientific Committee (SC-CAMLR-XXIII, paragraph 5.48).

5.14 The decisions taken by the Commission relating to advice concerning revision of Conservation Measure 24-02, exemption of night-setting requirements for autoline vessels operating in Division 58.5.2 and mitigation measures in relation to increased levels of incidental mortality in icefish trawl fisheries in Subarea 48.3, are discussed in section 10.

5.15 In relation to trawl fisheries for krill, the Commission noted evidence of increased levels of entrapment, and with some vessels subsequent mortality, of Antarctic fur seals.

5.16 Japan drew the Commission's attention to paragraph 5.36 of the Scientific Committee's report (SC-CAMLR-XXIII). It was pleased to know the seal-excluder devices developed by Japanese trawler companies were appreciated by the Scientific Committee and would be willing to provide more information to Members on request through the Japan Deep Sea Trawlers Association.

5.17 The UK congratulated Japan on its pioneering efforts to minimise entrapment and incidental mortality of seals in the trawl fishery for krill and commended other Members who had provided information on other devices which also appear to be successful in this regard.

5.18 Ukraine informed the Commission of the successful use of a rope-trawl net design used on the *Konstruktor Koshkin* which enables seals to escape, and recommended that net designs should also be considered to prevent seal by-catch in the krill fishery.

5.19 Chile also joined others in their approval of the measures taken by Japan to minimise seal by-catch. Chile stressed the need for observers to monitor and report by-catch on krill vessels. They believed that seal by-catch has not been taken as seriously as it should and the Commission needs to place more emphasis on this problem, in particular, taking into account initiatives proposed under the International Polar Year (IPY) such as the Census of Marine Life (CoML) and possible synoptic krill survey.

5.20 With respect to seal-exclusion devices for krill trawl vessels, the Commission endorsed the recommendation of the Scientific Committee that information on all such devices should be combined and circulated to CCAMLR Members and other interested parties (SC-CAMLR-XXIII, paragraph 5.37(i)).

5.21 The Commission noted that all notifications for new and exploratory fisheries were in conformity with advice relating to incidental mortality of seabirds (SC-CAMLR-XXIII, paragraph 5.23(iv)).

5.22 Prof. Croxall, as the outgoing Convener of ad hoc WG-IMAF, commented that the Commission's success in reducing IUU toothfish removals had also reduced the estimates of seabirds killed in IUU operations to levels only slightly greater than the total estimated for all regulated fisheries in the Convention Area. However, substantial numbers of seabirds from the Convention Area were still being killed by fishing operations outside the Convention Area – and almost certainly at levels much greater than the latest estimates of seabird by-catch associated with IUU fishing in the Convention Area. He noted that last year the Commission reiterated its desire to collaborate with those regional fisheries management organisations (RFMOs) with responsibilities for relevant areas outside the Convention Area (CCAMLR-XXII, paragraphs 5.17 to 5.19). Prof. Croxall was disappointed with the lack of response from these RFMOs and urged the Commission to reaffirm its request for communication and data exchange between CCAMLR and other RFMOs.

5.23 The Republic of Korea informed the Commission that CCSBT recently held a meeting of its Ecologically Related Species (ERS) working group where seabird mitigation measures were discussed, and its members were urged to keep developing seabird mitigation measures in the tuna fisheries.

5.24 South Africa informed the Commission of its intention to standardise fishing permit conditions so that when its vessels fish in areas under the jurisdiction of other RFMOs, mitigation measures of the highest standard are adhered too.

5.25 Chile proposed that the Secretariat write a letter, signed by the Members of the Commission, to all RFMOs with competency for fishing activities adjacent to the Convention Area, urging them to adopt appropriate by-catch mitigation measures.

5.26 The Executive Secretary informed the Commission of the Secretariat's efforts to contact and inform other RFMOs of the requirements agreed to by CCAMLR to reduce by-catch (COMM CIRC 04/54 and SC CIRC 04/17), but had not received any response. It was felt that a letter on behalf of the Commission, rather than a request from the Secretariat, may be more appropriate.

5.27 The Commission therefore requested the Executive Secretary to draft a letter, to be signed by the Chair of the Commission, to RFMOs, informing them about CCAMLR's seabird mitigation measures and inviting the establishment of cooperative working relationships to effectively address the reduction of incidental mortality of seabirds.

5.28 The USA suggested that the Commission develop a resolution that encourages outreach to, and action and feedback from, the appropriate RFMOs, and urged CCAMLR Members that are also members of other RFMOs to ensure CCAMLR's issues are raised at relevant meetings.

5.29 Resolution 22/XXIII was developed and adopted by the Commission (paragraph 10.98).

5.30 The Commission thanked Prof. Croxall for all his hard work and dedication in guiding ad hoc WG-IMAF over the past seven years, noting that his efforts had helped CCAMLR to achieve a major reduction of incidental mortality of marine mammals and seabirds, to the extent that CCAMLR now leads in this respect amongst international organisations involved in fishing activities.

5.31 The UK welcomed the valuable debate on incidental mortality of marine animals during fishing operations. It noted that a paper prepared by the Secretariat (CCAMLR-XXIII/BG/23) is to be submitted to the First Meeting of Parties of the Agreement on the Conservation of Albatrosses and Petrels (ACAP), to be held from 10 to 12 November 2004. The UK suggested that once the Commission report is adopted, the part of the report dealing with incidental mortality, along with the ad hoc WG-IMAF report, should be submitted to the ACAP meeting.

5.32 Some Members urged those Members who have not yet ratified ACAP, and that are Range States and fishing nations, to do so as soon as possible.

5.33 The Commission invited Members to implement FAO's International Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries (IPOA-Seabirds) and to develop and implement effective and practicable National Plans of Action (NPOAs) as soon as possible.

Marine debris

5.34 The Commission noted the report prepared by the Secretariat and considered by the Scientific Committee on the current status and trends of national surveys on monitoring marine debris and its impact on marine mammals and seabirds in the Convention Area (SC-CAMLR-XXIII/BG/11; SC-CAMLR-XXIII, paragraphs 6.1 to 6.14).

5.35 The Commission noted that Members conducted marine debris programs in accordance with the CCAMLR standard methods at 11 sites, all within Area 48. These data are submitted to CCAMLR and entered into the marine debris database. It was noted that Uruguay has submitted data on beached marine debris from their site on King George Island for the fourth consecutive year and so these data have been included in this year's review.

5.36 Members, locations and duration of marine debris surveys are as follows:

(i) beached marine debris: Chile (Cape Shirreff, Livingston Island, South Shetland Islands 1993 to 1997), UK (Bird Island, South Georgia 1989 to present, and Signy Island, South Orkney Islands 1991 to present), and Uruguay (King George Island, South Shetland Islands 2001 to present);

(ii) debris associated with seabird colonies: UK (Bird Island 1993 to present);

(iii) marine mammal entanglement: UK (Bird Island 1991 to present, and Signy Island 1997 to present);

(iv) hydrocarbon soiling: UK (Bird Island 1993 to present).

5.37 The Commission noted that the trends reported from monitoring sites within the Convention Area showed a decrease in marine debris for the 2004 season (SC-CAMLR-XXIII, paragraph 6.3). In particular, beached items such as packaging bands, fishing gear and wood items at Bird Island and Signy Island continued to decrease, as well as a decrease in the levels of debris associated with seabird colonies and marine mammal entanglements at Bird Island. The number of seabirds contaminated with hydrocarbons also remains low.

5.38 The Commission noted the suggestion of the Scientific Committee (SC-CAMLR-XXIII, paragraph 6.6) that Members be invited to submit pertinent papers relating to the methods used for the analyses of marine debris data for consideration by the Scientific Committee next year.