

## ASSESSMENT OF INCIDENTAL MORTALITY OF ANTARCTIC MARINE LIVING RESOURCES

### Marine debris

6.1 The Commission noted the Scientific Committee's advice on the occurrence of marine debris in the Convention Area (SC-CAMLR-XXVII, paragraph 5.40). It further noted that WG-IMAF had amended its terms of reference to include the consideration of marine debris in the Convention Area (SC-CAMLR-XXVII, paragraph 5.39(i)).

6.2 The Commission noted with concern the general increase in the incidence of marine debris in the Convention Area (SC-CAMLR-XXVII, paragraph 5.39(ii)).

6.3 The Commission endorsed the Scientific Committee's recommendations concerning the CCAMLR marine debris program (SC-CAMLR-XXVII, paragraphs 5.40 and 5.41).

6.4 Chile thanked the Secretariat for the distribution of the hook discard posters produced after CCAMLR-XXVI (SC-CAMLR-XXVI, paragraphs 5.29 to 5.32). It informed the Commission that these posters were displayed not only in its Antarctic fishing fleet, but also on Chilean vessels fishing adjacent to the Convention Area.

### Incidental mortality of seabirds and marine mammals during fishing operations

6.5 The Commission noted the Scientific Committee's general advice on incidental seabird and marine mammal mortality during fishing operations (SC-CAMLR-XXVII, paragraph 5.46).

6.6 In particular, the Commission noted that, for the second consecutive year, observations of incidental seabird mortality during longline fishing in the Convention Area in 2007/08 were confined to the French EEZ in Subarea 58.6 and Division 58.5.1.

6.7 The Commission further noted that it was the third consecutive year that there had been no reports of albatrosses observed captured during longline fishing in the Convention Area (SC-CAMLR-XXVII, paragraph 5.3(ii)).

6.8 The Commission acknowledged the success of the French action plan to reduce seabird mortality and was greatly encouraged by the observed reduction in incidental mortality of seabirds reported by France (SC-CAMLR-XXVII, paragraphs 5.6 and 5.7).

6.9 France thanked WG-IMAF and the Scientific Committee for the constructive and positive way in which the problem of incidental seabird mortality had been addressed. It advised the Commission that France was committed to its action plan aimed at reducing incidental seabird mortality and that this had resulted in a drastic reduction of 40% in the first year of implementation. France explained that addressing the problem was difficult, however, along with the help of scientists from other Members, the work will continue with France fulfilling all its obligations.

6.10 France further informed the Commission that it would transmit an English version of SC-CAMLR-XXVII/BG/8 to the Scientific Committee and WG-SAM. This paper dealt with the impact of incidental mortality arising from fisheries on the population of seabirds in the French EEZ (at Crozet and Kerguelen). France will also send a representative to the next meeting of WG-SAM. In addition, it noted that a report on the second year's implementation of the French plan of action for seabirds will be provided to WG-IMAF's 2009 meeting.

6.11 France noted that it would continue its seabird conservation efforts, especially in respect to impacts on seabirds breeding on Kerguelen and Crozet Islands. However, it commented that all these efforts may be undermined by incidental mortality that occurs outside the Convention Area.

6.12 The Commission expressed its thanks to France and noted that the observed reductions in seabird mortality indicated what could be achieved when CCAMLR best practice was initiated within the French EEZ as well as other areas inside or outside the Convention Area.

#### Incidental mortalities of seabirds during fishing outside the Convention Area

6.13 The Commission noted the report from the Scientific Committee on the incidental mortality of seabirds during fishing outside the Convention Area (SC-CAMLR-XXVII, paragraphs 5.12 to 5.17).

6.14 Chile noted that the boundaries of the Convention Area are very fragile with respect to seabirds and that this created opportunities for cooperation across such boundaries in the conservation of seabirds, for example in the close collaboration between CCAMLR and ACAP.

6.15 Argentina, while stating that the Commission should not legislate for areas outside the Convention Area, expressed its understanding that at this stage ACAP has developed and has the competence to coordinate activities on the status of seabird populations.

6.16 Australia, New Zealand, UK and the USA disagreed with Argentina's statement concerning jurisdiction of the Convention.

6.17 Australia made the following statement:

'Australia does not agree with the interventions of Argentina. The only spatial limitation on the area of the application of the Convention is to the resources to which the Convention applies. The Convention applies to Antarctic marine living resources in the Convention Area that is defined in Article I. The spatial application of the Convention is not restricted in any other way. The objective of the Convention as stated in Article II, is the conservation of Antarctic marine living resources, where conservation includes rational use. Measures to further this objective, that is, to conserve Antarctic marine living resources that are situated within the Convention Area, can apply outside the Convention Area.'

6.18 In reply to Australia, Argentina indicated that it does not share Australia's views and that the scope and the boundaries of the Convention are well defined in its text.

6.19 In the opinion of Russia, a definition of the limits of the CCAMLR competence should be guided by the provisions of the Convention on the Conservation of Antarctic Marine Living Resources *per se*, namely Articles I, II and IX. In these, it is specified that the objective of the Convention and CCAMLR is the conservation of Antarctic marine living resources.

6.20 The Commission supported continuing close collaboration between CCAMLR and ACAP. It noted that such collaboration already existed between WG-IMAF and the ACAP Seabird Bycatch Working Group (SBWG). This provided a mechanism whereby CCAMLR receives information on seabird mitigation from adjacent RFMOs.

6.21 In response, ACAP informed the Commission that data on seabird incidental mortality available from adjacent RFMOs was very limited and most of these RFMOs have very low levels of data collection.

#### Incidental mortality of seabirds during unregulated fishing in the Convention Area

6.22 The Commission noted the Scientific Committee's advice on incidental seabird mortality during unregulated fishing in the Convention Area (SC-CAMLR-XXVII, paragraphs 5.23 and 5.49(iii)).

6.23 The Commission endorsed the series of recommendations and proposals made by the Scientific Committee in relation to the reduction of incidental mortality of seabirds and marine mammals (SC-CAMLR-XXVII, paragraphs 5.47 and 5.49).