

2.66 Pirate fishing and seabird mortality from longlining in the Southern Ocean and adjacent waters

RECALLING Resolutions 1.15 *Incidental mortality of seabirds in longline fisheries* and 1.16 *Fisheries by-catch* adopted by the 1st Session of the World Conservation Congress (Montreal, 1996) and Recommendation 19.61 *By-catch of non-target species* adopted by the 19th Session of the IUCN General Assembly (Buenos Aires, 1994);

NOTING that the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) has responsibility for managing the living resources, including fish and seabirds, of the Southern Ocean, and that in recent years it has continued to express serious concern about Illegal, Unreported and Unregulated (IUU) or 'pirate' fishing for toothfish (*Dissostichus* spp.) and the attendant high levels of seabird mortality caused by the lack of adoption of mitigation measures, considering that the current levels of exploitation of both fish and birds by pirate fishers are in many cases unsustainable;

FURTHER NOTING that CCAMLR at its 18th Meeting in November 1999 adopted a *Catch Documentation Scheme* (Conservation Measure 170/XVIII) that requires CCAMLR members to document international trade in toothfish and to certify that it has been caught in a manner consistent with CCAMLR conservation measures;

NOTING HOWEVER, that the *Catch Documentation Scheme* is only binding on CCAMLR members, and that the majority of pirate fishing for toothfish is carried out by vessels licensed by non-CCAMLR nations, including 'flag-of-convenience' States;

GREATLY CONCERNED about the harmful levels of over-fishing particularly of Patagonian Toothfish (*Dissostichus eleginoides*) in the Southern Ocean and the inability of CCAMLR to ensure adequate compliance with its regulations;

COMMENDING the activities of several CCAMLR members in patrolling the waters of the Southern Ocean and arresting unlicensed longline fishing vessels within territorial waters and Exclusive Economic Zones surrounding sub-Antarctic islands under their jurisdiction, but also noting that these activities have not halted pirate fishing, given the difficulties of effectively patrolling such a vast area;

NOTING WITH APPROVAL that CCAMLR continues to address seabird mortality by longline fisheries in the Southern Ocean by the adoption and annual renewal of conservation measures designed to minimize interactions with seabirds such as closed seasons, night-setting, dumping of offal and use of bird-scaring streamer lines, and that it annually through its *ad hoc* Working Group on Incidental Mortality Arising from Longline Fishing (CCAMLR WG-IMALF) collates and analyses data collected by observers aboard longliners, both on levels of seabird mortality and compliance with conservation measures;

ALSO NOTING WITH APPROVAL that the United Nations Food and Agriculture Organization (FAO) at its 1999 Ministerial Meeting on the Implementation of the *Code of Conduct for Responsible Fisheries* decided to develop an *International Plan of Action* (IPOA) to deal effectively with all types of IUU fishing, and that an Expert Consultation took place in Australia in

May 2000, to be followed by a Technical Consultation in Rome, Italy in October 2000 to effect an IPOA, planned to be adopted at the 24th Session of the FAO Committee on Fisheries (COFI) in early 2001;

NOTING that many Southern Ocean seabirds at risk from longlining migrate to adjacent waters at lower latitudes, north of the area of competence of CCAMLR, where they are caught by pelagic longliners fishing for tuna and other fish species on the high seas and in domestic waters, and by demersal longliners fishing within domestic waters surrounding the large Southern Hemisphere land masses of Africa, Australasia, and South America;

ALSO NOTING that the Commission for the Conservation of Southern Bluefin Tuna *Thunnus maccoyii* (CCSBT) has considered the problem of seabird mortality, including of Southern Ocean species, through its Working Group on Ecologically Related Species by introducing some mitigation measures, but noting that other regional fishery bodies with areas of competence visited by Southern Ocean seabirds have yet to address adequately, or at all, the problem of seabird mortality;

FURTHER NOTING that a worldwide review of the incidental catch of seabirds by longline fisheries published by the FAO in 1999 (*FAO Fisheries Circular No. 937*) showed that albatrosses (Family Diomedidae), giant petrels (*Macronectes* spp.) and petrels (*Procellaria* spp.) occurring in the Southern Ocean were severely affected by mortality caused by longline fishing, including that for toothfish;

NOTING that, mainly as a consequence of this mortality, all species belonging to these seabird taxa have now been listed in the Appendices of the Convention on the Conservation of Migratory Species of Wild Animals (CMS or Bonn Convention), that following adoption of a resolution expressing concern over fisheries by-catch, including seabirds, the 6th Conference of Parties to CMS, held in 1999 in South Africa, resolved that an *Agreement for Southern Hemisphere Albatrosses and Petrels* should be adopted by Range States, and that an intergovernmental meeting was held in July 2000 in Australia to develop such an Agreement;

ALSO NOTING that at its 23rd Session in March 1999 the Committee on Fisheries (COFI) of the FAO unanimously adopted, an *International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries* (IPOA–Seabirds) and that IPOA–Seabirds requests FAO member States to undertake an assessment of the levels of seabird mortality in their longline fisheries and to adopt *National Plans of Action* (NPOA–Seabirds) if found warranted by the levels of mortality occurring, and to describe progress at the 24th Session of COFI to be held in early 2001 as part of their reporting in terms of the *FAO Code of Conduct for Responsible Fisheries* which, *inter alia*, states that by-catch of non-target species should be reduced to a minimum;

COMMENDING those States whose licensed vessels fish for toothfish in the Southern Ocean that have completed or commenced the process of producing and adopting their NPOA–Seabirds, but further noting that for many other such countries, no progress has apparently yet been achieved; and

NOTING that researchers in a number of countries are continuing to develop and test new mitigation measures to reduce seabird mortality from longline fishing, such as underwater setting

devices and line-weighting regimes, and that a number of workshops, conferences, and other meetings held in several countries in the last two years continue to review and publicize such methods, and that *FAO Fisheries Circular No. 937* exhaustively reviews mitigation measures;

The World Conservation Congress at its 2nd Session in Amman, Jordan, 4–11 October 2000:

1. CALLS ON States and regional fishery bodies to combat pirate fishing for toothfish in the Southern Ocean by all practical means, including by undertaking at-sea patrols, by removal of economic incentives that lead to the re-flagging of vessels to non-CCAMLR nations, by adoption of strict port and trade controls, by passage of domestic regulations, by the documentation and certification of international trade in toothfish, including the implementation of the *CCAMLR Catch Documentation Scheme*, and by the adoption of the *FAO International Plan of Action to Combat Pirate Fishing* (currently under development);
2. CALLS ON all States, including flag of convenience nations, whose flagged vessels fish for toothfish in the Southern Ocean to accede to CCAMLR, and urges those states who have not yet acceded to CCAMLR, or whose vessels fish in waters adjacent to CCAMLR and in the CCSBT convention areas, to adopt voluntarily the conservation measures adopted under these treaties;
3. CALLS ON States and regional fishery bodies to reduce the mortality of seabirds consequent on longline fishing in the Southern Ocean to levels which do not significantly affect the population status of the affected species;
4. RECOMMENDS that regional fishery bodies which manage geographical regions visited by Southern Ocean seabirds adopt an ecosystem approach that takes full account of the mortality of seabirds by longlining, and adopt regulations and conservation measures that lead to a significant and rapid reduction in such mortality;
5. URGES every State whose licensed vessels undertake longlining in seas visited by Southern Ocean seabirds to undertake assessments and if appropriate produce, adopt, and implement by regulation and test for compliance by way of independent observer programmes in its fisheries an NPOA–Seabirds that will lead to significant and rapid reductions in seabird mortality, reporting to the FAO Committee of Fisheries biennially on its achievements from 2001 onwards;
6. CALLS ON all range States for Southern Ocean albatrosses and petrels, including those States fishing on the high seas within their migratory ranges, to support the speedy development of an *Agreement for Southern Hemisphere Albatrosses and Petrels* under the terms of the Bonn Convention, and to become a party to such an Agreement as soon as it is opened for signature and ratification;
7. CALLS ON States to consider other national and international measures to address the problem of IUU-caught Patagonian Toothfish (*Dissostichus eleginoides*);
8. CALLS ON all importers, wholesalers, and retailers of toothfish and derived products to purchase and trade only in toothfish caught in compliance with all appropriate CCAMLR

conservation measures, as evidenced by an accompanying verifiable *Catch Documentation Certificate*;

9. REQUESTS BirdLife International, through its global partnership of national members and its Seabird Conservation Programme and Save the Albatross Campaign, to work collaboratively and constructively with IUCN's Species Survival Commission and Antarctic Advisory Committee, IUCN members, States, regional fishery bodies especially CCAMLR and CCSBT, the Bonn Convention, FAO, the Scientific Committee on Antarctic Research, non-governmental organizations, fishers, fishing and fishing-gear industries, researchers, and conservationists to study further the problem of seabird mortality from longline fishing in the Southern Ocean and to advocate its reduction to insignificant levels by the testing and adoption of mitigation methods;
10. REQUESTS IUCN members to report to the Director General prior to or at the 3^d Session of the World Conservation Congress on progress made in reducing pirate fishing for toothfish in the Southern Ocean and in the adoption of mitigation measures aiming at a reduction in bird mortality from longlining in the Southern Ocean and adjacent waters;
11. CALLS ON the Director General to direct IUCN activities appropriately and to report on progress made in implementing this Resolution at the 3^d Session of the World Conservation Congress and if necessary to make further recommendations.

This Resolution was adopted by consensus. State and Agency members United States refrained from engaging in deliberations on this Motion and took no national government position on the Resolution as adopted, for reasons given in the US General Statement on the IUCN Resolutions Process (see p. 76).