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Southern Ocean fishing vessel management

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Abstract

This paper provides an update on the development of safety measures for non-SOLAS vessels, including fishing vessels, by the International Maritime Organization (IMO) and refers to initiatives aimed at the implementation of the IMO's Polar Code. It also elaborates on the development of an action plan to address marine plastic pollution from shipping by the IMO. ASOC calls on CCAMLR and its Members to contribute to expanded cooperation between the IMO and the Antarctic Treaty System in areas of relevance to fishing vessels including by:

- Engaging fully in the negotiations at the IMO to ensure that any recommendatory or mandatory provisions adopted for non-SOLAS vessels are “fit for purpose” in the Antarctic Area (south of 60°S).
- Designating a CCAMLR observer to the IMO's Maritime Safety Committee and relevant technical sub-committees to facilitate CCAMLR's engagement in developing guidelines and mandatory measures for fishing vessels operating in polar waters.
- Supporting urgent and effective action through the IMO to address the threat from ship-sourced marine plastics.
- Assisting in the collection and analysis of data to inform management and mitigation of vessel impacts on marine mammals including avoidance planning by ships operating in Antarctic waters.

Further CCAMLR should:

- Note the operationalization of the Arctic Council's Arctic Shipping Best Practice Information Forum and agree to collaborate meaningfully in the exchange of best practice.

In addition, ASOC highlights the importance of CCAMLR Members strengthening Resolution 20/XXII by replacing it with a conservation measure requiring Members only license fishing vessels with a minimum ice classification standard of ICE-1C or more.

Safety measures for fishing (non-SOLAS) vessels operating in polar waters

Five years after the formal adoption of the Polar Code, the work to consider “Step 2” and develop safety measures for vessels not already covered by the Polar Code, including fishing vessels, is underway. In an earlier submission to CCAMLR-XXXVII², ASOC identified that the safety provisions of the IMO's Polar Code³ are likely to be relevant to under half the vessels operating in the Antarctic Treaty area on an annual basis. The safety provisions of the Polar Code, as implemented through the International Convention for the Safety of Life At Sea (SOLAS), primarily apply to cargo ships of 500 GT or larger and to all passenger ships. Early in the process of negotiating the Polar Code, it was envisaged that a second phase of work would be required to identify measures that should be made applicable to those vessels not covered by the Polar Code, including fishing vessels, small cargo ships (<500GT), and pleasure yachts. The consideration of safety measures for these so-called “non-SOLAS” vessels is a current agenda item for the IMO's Maritime Safety Committee (MSC).

Earlier this year, the Maritime Safety Committee (MSC) commenced consideration of the feasibility and consequences of applying the requirements of chapter 9 (Safety of Navigation) and chapter 11 (Voyage Planning) of the Polar Code to non-SOLAS vessels operating in polar waters. There was broad,

¹ Lead author Sian Prior with contributions from Claire Christian, Barry Weeber, and Rodolfo Werner.

²CCAMLR-XXXVII/BG/35 Full steam ahead for the Polar Code – developing safety measures for fishing vessels and implementation of marine mammal avoidance measures. Submitted by ASOC 2018.

³ The International Code for Ships Operating in Polar Waters applies to the Antarctic Treaty Area.

but not comprehensive, support for mandatory application of chapters 9 and 11 of the Polar Code to non-SOLAS vessels, and the work now has been forwarded to the Navigation, Communication and Search & Rescue sub-committee, which meets early in 2020⁴, for more detailed consideration. An Assembly Resolution urging IMO Member States to implement the Polar Code safety measures on a voluntary basis for ships not certified under the SOLAS Convention operating in polar waters, including fishing vessels of 24 metres in length and over, was agreed. It is due to be adopted by the IMO Assembly when it meets later this year.

In parallel, a technical sub-committee is developing recommendatory measures covering all aspects of maritime safety for fishing vessels and pleasure yachts operating in polar waters, including construction, watertight integrity, weathertight integrity, subdivision, stability, machinery and electrical installations, fire protection and safety. A Correspondence Group is due to submit a report for consideration by the IMO Member States at the next meeting of the sub-committee in early 2020⁵.

Since approximately two-thirds of the vessels operating in the Southern Ocean on an annual basis qualify as non-SOLAS vessels, ASOC calls on CCAMLR Members to engage fully in the negotiations at the IMO to ensure that any recommendatory or mandatory provisions adopted are “fit for purpose” in the Antarctic Area (south of 60°S). In addition, ASOC proposes that CCAMLR designates a CCAMLR Observer to the IMO’s Maritime Safety Committee and the appropriate technical sub-committees⁶, to facilitate CCAMLR’s involvement in the ongoing deliberations which will have direct implications for fishing vessels operating in the Southern Ocean.

In the context of introducing mandatory measures and establishing adequate safety provisions for polar fishing vessels, ASOC highlights again the importance of CCAMLR Members ratifying the Cape Town Agreement, and CCAMLR strengthening Resolution 20/XXII by replacing it with a conservation measure which would require Members to only license vessels which have a minimum ice classification standard of ICE-1C or more.

Arctic Council’s Polar Code Best Practice Forum

To assist in effective implementation of the Polar Code in 2017, the Arctic Council’s Working Group on the Protection of the Arctic Marine Environment (PAME) established an Arctic Shipping Best Practice Information Forum, along with a public web portal which was launched in May 2018⁷. The Forum is open to participation by Arctic States, Arctic Council Permanent Participants, Arctic Council Observers and any widely recognised professional organization dedicated to improving safe and environmentally sound marine operations in the Arctic. Following the Arctic Council Ministerial meeting in early May 2019, the Chair’s Statement notes with satisfaction the operationalization of the Arctic Shipping Best Practice Information Forum and encourages further efforts for harmonized implementation of the Polar Code⁸.

ASOC recommends that the CCAMLR Members note the operationalization of the Arctic Shipping Best Practice Information Forum and agree to collaborate meaningfully in the exchange of best practice, both contributing to lessons and learning from experience in the Arctic. This has already been initiated

⁴ The Navigation, Communications, and Search & Rescue sub-committee meets between 15th – 24th January 2020.

⁵ The Ship Design & Construction sub-committee meets between 3rd – 7th February 2020

⁶ In particular, the Ship Design & Construction (SDC) and Navigation, Communication and Search and Rescue (NCSR) sub-committees are tasked with supporting the development of the recommendatory measures and mandatory provisions on voyage planning and navigation respectively.

⁷<https://www.pame.is/index.php/projects/arctic-marine-shipping/the-arctic-shipping-best-practices-information-forum>.

⁸https://arctic-council.org/images/PDF_attachments/Rovaniemi-Statement-from-the-chair_FINAL_840AM-7MAY.pdf

at the ATCM, which included an item on its Multi-Year Strategic Work Plan to “exchange views on national experiences in implementing the Polar Code in Antarctica”⁹.

Marine plastics action plan

Recognising the global concern about the levels of plastic pollution in the oceans, in 2018 the IMO adopted an IMO Action Plan to address the threat posed by plastic litter from ships. The action plan is focused on both enhancing existing regulations and introducing new measures to further reduce marine plastic litter from shipping, and includes:

- Reducing marine plastic litter generated from, and retrieved by, fishing vessels,
- Reducing shipping’s contribution to marine plastic litter,
- Improving the effectiveness of port reception facilities and treatment in reducing marine plastic litter,
- Enhancing public awareness, education and seafarer training,
- Improving understanding of the contribution of ships to marine plastic litter,
- Improving understanding of the regulatory framework associated with marine plastic litter from ships,
- Strengthening international cooperation, and
- Targeted technical cooperation and capacity-building.

In May 2019, the IMO’s Marine Environment Protection Committee developed terms of reference for an IMO study of marine plastic litter from ships which focused around two areas – 1) information on the contribution of all ships to marine plastic litter and 2) information of storage, delivery and reception of plastic waste from and collected by ships. The terms of reference for the study will include estimating the contribution to marine plastic litter, including both macro and microplastics, by all ships including fishing vessels.

The Committee also issued an invitation to the Food & Agricultural Organization (FAO) to make information on fishing gear marking and logging schemes available to MEPC (and/or the GESAMP Working Group, as appropriate). It also invited FAO to collaborate with IMO and provide advice on the voluntary or mandatory application of marking fishing gear, including costs associated with the implementation of a mandatory requirement and the most appropriate FAO or IMO instrument for potentially introducing such as requirement.

In addition, the IMO Secretariat is to develop a regulatory framework matrix as an up-to-date resource. Ahead of the next MEPC meeting in 2020, work will continue to develop and finalise an IMO Strategy to address marine plastic litter from ships. ASOC calls on CCAMLR Members to support urgent and effective action through the IMO to address the threats to the oceans from ship-sourced marine plastics. ASOC appreciates the ongoing efforts by some fishing operators to introduce filters in their grey water discharges and would welcome reports on their experience in reducing plastic discharges.

Voyage planning and marine mammal avoidance

In 2018, ASOC submitted CCAMLR-XXXVII/BG/35¹⁰ considering implementation of marine mammal avoidance measures, as included in the voyage planning requirements of the Polar Code. This includes a provision on marine mammal avoidance and requires Masters considering a route through polar waters to take into account ‘current information and measures to be taken when marine mammals are encountered relating to known areas with densities of marine mammals including seasonal migration areas’. Work to increase awareness of the need for mariners to consider marine mammal avoidance during voyage planning is ongoing, along with the identification of available information on marine mammal populations.

⁹ Antarctic Treaty Consultative Meeting. 2019. Decision 5, ATCM XLII-CEP XXII. Prague. https://ats.aq/devAS/ats_meetings_meeting_measure.aspx?lang=e

¹⁰CCAMLR-XXXVII/BG/35 Full steam ahead for the Polar Code – developing safety measures for fishing vessels and implementation of marine mammal avoidance measures

ASOC welcomes the recent announcement by IAATO of the introduction of mandatory measures, either a 10kn speed restriction or an extra watchman on the ship's bridge to reduce the risk of ship / whale strikes. ASOC recommends that CCAMLR supports the discussion and development of marine mammal avoidance planning in the Southern Ocean, by identifying available data sets on marine mammal densities and seasonal migratory routes, and assisting the collection and analysis of further data to inform the management and mitigation of vessel impacts on marine mammals including avoidance planning by ships operating in Antarctic waters.

Conclusion and summary of recommendations

Although the Polar Code has taken effect, there are still additional measures needed to reduce environmental risks from shipping activity. ASOC recommends that CCAMLR and, where appropriate, SC-CAMLR, contribute to expanded cooperation between the IMO and the Antarctic Treaty System in areas of relevance to fishing vessels including by:

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- Designating a CCAMLR observer to the IMO's Maritime Safety Committee and relevant technical sub-committees to facilitate CCAMLR's involvement in the developing guidelines and mandatory measures for fishing vessels operating in polar waters.
- Supporting urgent and effective action through the IMO to address the threats to the oceans from ship-sourced marine plastics.
- Assisting the collection and analysis of data to inform management and mitigation of vessel impacts on marine mammals including avoidance planning by ships operating in Antarctic waters.

Further CCAMLR should:

- Note the operationalization of the Arctic Council's Arctic Shipping Best Practice Information Forum and agree to collaborate meaningfully in the exchange of best practice, both contributing to lessons and learning from experience in the Arctic.

In addition, ASOC highlights the importance of CCAMLR Members ratifying the Cape Town Agreement, and CCAMLR strengthening Resolution 20/XXII by replacing it with a conservation measure requiring Members to only license fishing vessels with a minimum ice classification standard of ICE-1C or more.