

 <p>Agreement on the Conservation of Albatrosses and Petrels</p>	<p style="text-align: center;"><b>Fifth Meeting of the Parties</b> <i>Santa Cruz de Tenerife, Spain, 4 - 8 May 2015</i></p> <p style="text-align: center;"><b>Lethal experimentation</b></p> <p style="text-align: center;"><b><i>Australia</i></b></p>
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### **SUMMARY**

Interim principles have been developed to guide assessment by the Grants Subcommittee of project applications where lethal experimentation is proposed. The interim principles disallow lethal experimentation. A definition of best practice has been adopted by the Advisory Committee to be used when developing advice on mitigation measures to reduce seabird bycatch. It is inconsistent with this best practice if grants under the Agreement are refused in circumstances where a proposed experiment yields definitive results about whether a candidate mitigation technology significantly reduces the rate of seabird incidental mortality, because the proposal involves lethal experimentation. This paper proposes changes to the interim principles clarifying that significantly greater obligations need to be met by applicants for grants under the Agreement where lethal experimentation is proposed. The additional requirements would ensure the funds of the Agreement could be available for responsibly conducted experiments including lethal experiments that have the potential to significantly reduce seabird mortalities.

### **RECOMMENDATION**

The following recommendations are provided for the consideration of the Meeting of the Parties:

1. Note the potential overall conservation benefits to albatrosses and petrels from lethal experimentation findings.
2. Note the interim principles to guide assessment by the Grants Subcommittee of project applications where lethal experimentation is proposed.
3. Note also the potential inconsistency with best practice that grants under the Agreement are refused in circumstances where a proposed experiment yields definitive results about whether a candidate mitigation technology significantly reduces the rate of seabird incidental mortality, because the proposal involves lethal experimentation.

4. Agree to replace the interim principles with the principles set out at Annex 1 clarifying that significantly greater obligations need to be met by applicants for grants under the Agreement where lethal experimentation is proposed.
5. Agree also that these additional requirements ensure the funds of the Agreement may be available for responsibly conducted experiments including lethal experiments that have the potential to significantly reduce seabird mortalities.

## 1. INTERIM PRINCIPLES CONCERNING LETHAL EXPERIMENTATION

The Seventh Meeting of the Advisory Committee: La Rochelle, France, 6-10 May 2013 (AC7) discussed the use of lethal experiments to test the efficacy of mitigation devices ([AC7 Report](#), [12.2.6]-[12.2.13]). At issue was whether the Agreement should support projects that involve the use of lethal experimentation.

AC7 recognised that applications for grant monies have included projects proposing the use of lethal experimentation. Developing robust conclusions about the efficacy of seabird bycatch mitigation measures require an experimental approach. Such experiments may have the potential to injure and kill birds, which presents an ethical challenge. Although consideration of the technical merits of a research design that may have lethal consequences for ACAP species is a scientific or technical issue, the funding of projects involving lethal experimentation raises policy issues.

AC7 noted that there can be overall conservation benefits to albatrosses and petrels resulting from lethal experimentation. Innovation in seabird bycatch mitigation as a consequence of appropriately designed lethal experiments has reduced seabird mortalities significantly, preventing the deaths of large numbers of seabirds, particularly in high-latitude fisheries adjacent to the Antarctic, and Alaska.

Some Parties considered that there should be a distinction between the technical merits of a research design that may involve lethal experiments, and the ethical considerations associated with funding such projects, using collective Party funds.

The use of Agreement funds to support research involving lethal experiments is a policy matter. The AC referred the matter to MoP5 to consider the merits of developing a policy on how to deal with project proposals that include lethal experiments.

As an interim measure, AC7 adopted the interim principles to guide assessment by the Grants Subcommittee of project applications where lethal experimentation was proposed (summarised below).

### **Interim principles**

A 'lethal experiment' is an experiment using a lethal metric which may elevate seabird deaths above the level of bycatch that would have occurred under typical fishing operations. Experimental research that aims to investigate the efficacy of seabird bycatch mitigation measures by comparing these measures with a control that comprises the status quo in that fishery at the time is not considered a lethal experiment.

1. Project applications submitted as part of the ACAP grants scheme must show that the proposals are in line with the ethical requirements of the proponent's country, and the country in which the research will take place; and
2. Proponents must show unequivocally that the proposed research does not include a lethal experimental approach, as defined above.

## 2. DEFINITION OF BEST PRACTICE

The Eighth Meeting of the Advisory Committee: Punta del Este, Uruguay, 15-19 September 2014 (AC8), endorsed a revised definition of Best Practice to be used when developing advice on mitigation measures to reduce seabird bycatch ([AC8 Report](#), [12.1.3]; see also AC8 Doc 12 Rev 1, [3.1]). The criteria include, among other things that:

*Individual fishing technologies and techniques should be selected from those shown by experimental research to significantly<sup>1</sup> reduce the rate of seabird incidental mortality<sup>2</sup> to the lowest achievable levels.*

Experience has shown that experimental research comparing the performance of candidate mitigation technologies to a control of no deterrent, where possible, or to status quo in the fishery, yields definitive results. Analysis of fishery observer data after it has been collected on the relative performance of mitigation approaches are plagued with a myriad of confounding factors. Where a significant relationship is demonstrated between seabird behaviour and seabird mortality in a particular system or seabird assemblage, significant reductions in seabird behaviours, such as the rate of seabirds attacking baited hooks, can serve as a proxy for reduced seabird mortality. Ideally, when simultaneous use of fishing technologies and practices is recommended as best practice, research should demonstrate significantly improved performance of the combined measures.

[Emphasis added.]

## 3. AMENDING THE INTERIM PRINCIPLES

It would be beneficial if the interim principles were updated to be consistent with the above criterion. It is inconsistent with best practice that grants under the Agreement are refused in circumstances where a proposed experiment is likely to yield definitive results about whether a candidate mitigation technology significantly reduces the rate of seabird incidental mortality, merely because the proposal involves lethal experimentation. A more considered policy is required in such circumstances.

It is proposed that the principles to guide assessment by the Grants Subcommittee of project applications where lethal experimentation is proposed be amended to those set out at **Annex 1**.

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<sup>1</sup> Any use of the word 'significant' or 'significantly' is meant in the statistical context.

<sup>2</sup> This may be determined by either a direct reduction in seabird mortality or by reduction in seabird attack rates, as a proxy.

The proposed changes to the principles clarify that significantly greater obligations need to be met by applicants for grants under the Agreement where lethal experimentation is proposed. The additional requirements would ensure the funds of the Agreement may be available for responsibly conducted experiments including lethal experiments that have the potential to significantly reduce seabird mortalities.

## **ANNEX 1. PRINCIPLES GUIDING ASSESSMENT BY THE GRANTS SUBCOMMITTEE OF PROJECT APPLICATIONS**

A 'lethal experiment' is an experiment using a lethal metric which may elevate seabird deaths above the level of bycatch that would have occurred under typical fishing operations. Experimental research that aims to investigate the efficacy of seabird bycatch mitigation measures by comparing these measures with a control that comprises the status quo in that fishery at the time is not considered a lethal experiment.

1. Project applications submitted as part of the ACAP grants scheme must show that the proposals are in line with the animal ethics and welfare assessments and requirements of the proponent's country, and the country in which the research will take place.
2. Project applications that include a lethal experimental approach, as defined above, must demonstrate that consideration has been given to the following:
  - a. Extent to which the proposed lethal experimentation is preferable to experimental research comparing the proposed seabird bycatch mitigation measure(s) with a control that comprises the status quo in that fishery at the time.
  - b. Likelihood that the experimental design will yield definitive results about whether a candidate mitigation technology significantly reduces the rate of seabird incidental mortality.
  - c. Whether the rate of seabirds attacking baited hooks, can serve as a proxy for reduced seabird mortality.
  - d. Level of seabird mortality that would trigger a suspension of lethal experimentation—taking into account, among other things, risks to breeding populations, particularly threatened populations of albatrosses and petrels.
  - e. Procedures following suspension for reviewing the lethal experimentation approach and criteria for either lifting the suspension; or ceasing further lethal experimentation.
  - f. Whether the proposed research design includes a clear, reasonable and comparable baseline on what would be considered a significant reduction in the mortality rate.