Your Excellencies, Distinguished Delegates, Stakeholders and Rightsholders, Colleagues and Ocean Lovers:

Opening

First of all, I really appreciate the opportunity to be part of this esteemed round of speakers. My name is Fabienne McLellan, I am the Plastic Programme Lead of OceanCare, an international marine conservation organisation representing the diverse marine species that are harmed or killed by plastic, species that we love, species that we depend on, but species that have no voice in these negotiations.

Abandoned and Lost Fishing Gear is a devastating form of plastic pollution. We have a unique opportunity to address this serious threat to marine life, food security and ocean health as our life support system.

In light of the triple planetary crisis of biodiversity loss, climate change and pollution, accelerating action to close the plastic tap is now more urgent than ever, and this is especially true for lost fishing gear.

Background about ALDG

Out of marine plastic pollution, ‘Ghost gear’ is widely regarded as the most harmful forms of plastic marine debris to ocean biodiversity.

While current estimates suggest roughly 640,000 tonnes of fishing gear are lost or abandoned in the oceans each year, this is likely a gross underestimation, as no universal tracking or reporting system exists.

Instead imagine all fishing gear used around the world, and now consider that an estimated 5.7% of all those fishing nets, 8.6% of all those traps and a staggering 29% of all those lines are lost annually. Unlike land-based sources of plastic, these are plastics that are designed to trap, designed to kill, and designed to last in the ocean for decades.

Fishing gear can accidentally be lost in bad weather or through equipment malfunction and can also be deliberately discarded, especially when used in illegal, unreported and
unregulated (IUU) fishing activities. Indirect causes, such as expensive, inaccessible or non-existent disposal facilities at or around ports also increase gear dumping and mismanagement.¹

In addition to these lost plastics, every year, thousands of tonnes of plastic are intentionally thrown into the ocean by fisheries.

Fish Aggregating Devices (FADS), each of which can weigh hundreds to thousands of kilograms, are deployed by fisheries to attract target species. Target species are adapted to concentrate around natural debris like wood, which use them as a shelter. In the four years between 2016 and 2020, more than 96,000 drifting FADs were deployed in the Western Central Pacific Ocean. Investigation showed that 44.1% of FAD (with transmitters) were abandoned.² These lost FADs are a major challenge for current regulatory bodies, like Regional Fisheries Management Organizations (RFMOs).

**Threats by ALDFG**

When fishing gear is lost, it continues to catch – for months or even years - both target and non-target species entangling and killing threatened and protected marine animals and commercially important fish species.³

Marine life is far more likely to die from entanglement in marine debris than it is to die from ingestion or other plastic interactions. Of documented cases, nearly 80% of individuals that become entangled in marine debris were directly harmed or killed from this entanglement, while an estimated 4% of individuals observed ingesting plastic were harmed or killed by the encounter. While fish entanglement is underreported.⁴ Species impacted by entanglement include threatened or endangered species, like turtles, seals, sea lions, puffins, and whales, especially the critically endangered northern right whale. Lost fishing gear also damages coral reefs and the seabed.

FADs continue to attract fish long after being abandoned, and scientists suggest they are ‘ecological traps’. Fish assume these FADs are woody debris from land, providing safety in productive coastal waters, instead these FADs can drift, with sheltering fish, far from shore, for years.

Lost fishing gear also hurts local communities who depend on the ocean for their livelihood. In one intervention, removal of as little as 9% of derelict gear can increased local harvests by 27%.

Surface ALDFG also presents a significant safety hazard for shipping and maritime activities, such as through propeller entanglement.

Once washed ashore, ALDFG litters beaches with plastic. Disintegration of ALDFG into dangerous chemical components, contributes to microplastics in the marine environment and on beaches.⁵ While further research is needed, ingestion of microplastics has the
potential to increase the bioavailability of toxic substances, which is likely to impact all parts of the marine food web.

As global fishing efforts intensify, the risk of plastic pollution through an increasing amount of ALDFG, impacting food security and marine and coastal environments poses a significant challenge.

Relevance on INC2

Ghost gear needs a tailored approach within the ongoing negotiations for the new global plastics treaty.

While recent attempts have been made through existing intergovernmental fora, RFMOs and Regional Fisheries Bodies (RFBs) to address elements of the fishing gear pollution issue, including the adoption of the FAO Voluntary Guidelines on the Marking of Fishing Gear and provisions within the IMO Action Plan to Address Marine Plastic Litter from Ships, no single instrument or body has adopted a comprehensive strategy for interventions across the full fishing gear lifecycle including design, use, trade and end of life treatment and has the capability to address the magnitude of the problem. Also, lack of proper disposal for gear is by far one of the biggest issues.

To achieve the 2030 Agenda for Sustainable Development, and especially SDG14.1, more is required than the current regulatory framework which is far too fragmented to effectively address ALDFG.

- New international legally binding instrument (ILBI) as unique opportunity to fill gaps.

WHAT IS NEEDED?

- Dedicated Programme of work to develop global strategy on fishing gear allowing coordination & expansion of existing initiatives.

- Specific Article on fishing gear with core obligation to reduce ALDFG in ILBI (such as design criteria, legal and sustainable usage, mandatory reporting and tracking, and environmentally sound & safe retrieval of lost gear and adequate end-of-life treatment to facilitate collection, ease of disassembly, recycling and safe disposal)

- A mechanism to develop a comprehensive strategy: in coop and coordination with other UN agencies, including, but not limited to, IMO, FAO, RFMOS, RFBs, national fisheries authorities, etc.

- Provisions: Control Measures & guidelines adopted by COP for Port Reception Facilities, EPR, environmentally sound waste management, licensing schemes, reporting, fishing gear design, environmentally sound and safe retrieval, fiscal incentives.
Licences could prove to be particularly effective and could include fishing gear restrictions on different types (Norway and Canada have ear loss reporting as part of their licenses of commercial fisheries). Of gear deemed particularly vulnerable to becoming ghost gear and require gear marking, gear design standards, reporting of lost gear and retrieval. Licenses should include penalties for violations and could provide information. On fiscal incentives such as buyback or deposit-refund schemes that incentivise fishing vessels to return derelict gear and retrieve lost gear.

- Multistakeholder action agenda: all relevant authorities within governments, RFMOs, fisheries representatives, fishing-gear producers, fishing and seafood companies, port authorities, local municipalities, recyclers, certification bodies, civil society etc.

To sum up: While some initiatives arguably fall under the competencies of existing instruments and sectoral bodies, significant shortcomings exist in the current governance framework. The new global agreement on plastic pollution should serve as the umbrella framework for the adoption and implementation of a comprehensive global fishing gear strategy, or ‘sectoral approach’, to dealing with plastic pollution in fisheries. This should be in full recognition that, on topics where there exists a potential overlap of competencies with existing instruments, joint working groups would be established to clarify respective roles, share knowledge, data and best practices, build capacity and align activities and funding.

However, the new global plastics treaty provides a fresh opportunity to develop a new comprehensive and effective governance framework, enabling cooperation and coordination to create a clear path for an ambitious action on this pervasive and problematic source of pollution.

And lastly, there's a growing group of countries, academics and other stakeholders who stand ready to assist intersessionally in advancing ideas and input into the potential options for addressing fishing gear so I encourage you to reach out.

Thank you very much.

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Potential microplastic release from beached fishing gear in Great Britain’s region of highest fishing litter density. Available here.