



CONVENTION ON MIGRATORY SPECIES

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BYCATCH

Adopted by the Conference of the Parties at its 12th Meeting (Manila, October 2017)

Recalling previous related decisions of the Conference of the Parties including Resolution 6.2, Recommendation 7.2, Resolution 8.14, and, Resolution 9.18, and Resolution 10.14 on bycatch¹,

Acknowledging the obligations of the global community to conserve natural resources through sustainable development, as underpinned by, *inter alia*, the United Nations Convention on the Law of the Sea, the Convention on Biological Diversity, the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the Commission on the Conservation of Antarctic Marine Living Resources and the Food and Agriculture Organization of the United Nations (FAO), especially through its Code of Conduct for Responsible Fisheries,

Recognizing that bycatch has been highlighted as a priority threat to be mitigated in a number of CMS subsidiary agreements and memoranda of understanding,

Concerned that despite considerable progress on implementing bycatch mitigation measures to reduce the adverse impacts of fishing on listed migratory species, bycatch still remains one of the major causes of mortality of listed migratory species from human activities in the marine environment,

Further concerned that despite the progress made so far by the Parties, bycatch remains a key threat to aquatic species, especially those listed on Appendix I and Appendix II of the Convention (including seabirds, fish, turtles and aquatic mammals) and that significant additional efforts are required to ensure that bycatch is reduced or controlled to levels that do not threaten the conservation status of these species,

Concerned that migratory aquatic species face multiple, cumulative and often synergistic threats with possible effects over vast areas, such as bycatch of species, over-fishing, pollution, habitat destruction or degradation, marine noise impacts, hunting as well as climate change,

Recognizing that Article II of the Convention requires all Parties to take action to avoid any migratory species becoming endangered and, in particular, to endeavour to provide immediate protection for migratory species listed in Appendix I to the Convention, and to endeavour to conclude Agreements covering the conservation and management of migratory species listed in Appendix II,

Recognizing that Article III requires Parties to prevent, reduce or control factors that are endangering or are likely to further endanger species in Appendix I,

¹ All now consolidated as Resolution 12.22

Noting that Section 3 paragraph 8 of the Sharks MOU, to which a number of CMS Parties have acceded, provides that “sharks should be managed to allow for sustainable harvest where appropriate, through conservation and management measures based on the best available scientific information”, and that paragraph 13j of Section 4 of the Sharks MOU encourages “relevant bodies to set targets based on the best available science for fish quotas, fishing effort and other restrictions to help achieve sustainable use”,

Recognizing the importance of integrating conservation activities with socio-economic development of some fisheries that accidentally take species listed in Appendices I and II,

Aware of the significant and continuing mortality of many species of fish, seabirds, marine turtles and marine mammals through fisheries bycatch,

Noting that the co-operation of Range States in developing technical solutions and improving practice in relation to bycatch could greatly enhance the conservation of many populations of marine organisms,

Recognizing the efforts already made by some Parties to reduce bycatch by fisheries within their territorial waters and exclusive economic zones and by vessels fishing on the high seas under their flags,

Noting that different stakeholders apply different definitions of bycatch and that this may cause confusion and inconsistency in reporting bycatch and in the development and delivery of bycatch mitigation strategies,

Conscious of the work already completed or underway under the auspices of CMS daughter agreements and other relevant bodies, especially the Agreement on the Conservation of Albatrosses and Petrels (ACAP), the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area (ACCOBAMS), and the Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS), as well as of the Bycatch Mitigation Initiative agreed on by the International Whaling Commission (IWC) in 2016,

Recognizing the important role of the FAO and where appropriate Regional Fisheries Management Organizations (RFMOs) in reducing bycatch of CMS-listed species and other non-target species,

Welcoming the assessment of the impact of gillnet fisheries on CMS-listed species and the review presented in UNEP/CMS/ScC18/Inf.10.15.1,

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Reaffirms* the obligation on all Parties to protect migratory species against bycatch, including seabirds, fishes, marine turtles and aquatic mammals;
2. *Further notes and encourages* Parties to implement the best practice approach and procedures outlined in the 1999 FAO International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries (IPOA-Seabirds) and its related Best Practices Technical Guidelines, the 1999 FAO International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks), the 2009 FAO Guidelines to Reduce Sea Turtle Mortality in Fishing Operations and the 2011 FAO International Guidelines on Bycatch Management and Reduction of Discards, and to develop and implement national plans of action as required by the IPOAs;

3. *Urges* Parties to assess the risk of bycatch arising from their fisheries, as it relates to migratory species, including by using observer programmes and/or other methods, where appropriate, to implement best practice mitigation measures and to review regularly the effectiveness of their implementation of mitigation measures with a view to refining them if required;
4. *Requests* all Parties, as a matter of gravity, to continue and strengthen measures within fisheries under their control, both within their territorial waters and exclusive economic zones, and by vessels fishing on the high seas under their flag, to minimize as far as possible the incidental mortality of migratory species listed in Appendices I and II;
5. *Calls upon* Parties to cooperate by providing reports of the type of injuries found in the bodies of marine species with a view to find tools that will lead to the solutions needed to address the problems that cause the different types of injuries, which are the same problems that cause the stranding of diverse migratory species, such as birds, marine mammals, turtles, sharks and rays;
6. *Encourages* all Parties that are Range States of the aquatic species listed in Appendices I and II, and that have fisheries in which there is interaction with these species, to cooperate with each other and with other countries in order to reduce, as far as possible, bycatch in these fisheries through information exchange and further development of practical and effective mitigation measures and/or devices for seabirds, sea turtles and cetaceans;

Participation in Regional Fisheries Management Organizations

7. *Requests* those Parties that are also Parties to regional fisheries management organizations (RFMOs) to highlight there the serious problems of incidental mortality of migratory species listed in Appendices I and II, with a view to the adoption of mitigating measures;
8. *Calls on* Parties, working through RFMOs and regional fisheries management agreements, as appropriate, to:
 - a) raise the serious and ongoing problem of bycatch of migratory species, especially as it refers to seabirds, fishes, marine turtles and marine mammals, with a view to improving mitigation measures for the reduction of bycatch;
 - b) compile information and take action regarding fishing activities in waters under their jurisdiction, or by flagged fishing vessels under their jurisdiction or control, as the very first step to address the problem, covering:
 - i) resources targeted;
 - ii) resources being caught incidentally;
 - iii) effects on the resource being caught incidentally (estimate total bycatch in the fishery(ies) and population impact);
 - iv) implementation of mitigation measures known to be effective; and
 - v) information on fishing capacity and effort by gear type;
 - c) implement appropriate schemes (including, where appropriate, on-board observers or electronic monitoring systems) for fisheries within waters under their jurisdiction, or carried out by flagged fishing vessels under their jurisdiction or control, in order to determine the impact of fisheries bycatch on migratory species. Where relevant, this should be carried out in the context of the Food and Agriculture Organization of the United Nations' (FAO's) International Plans of Action on Seabirds and Sharks;

- d) encourage research proposals in geographical areas in which there is a particular lack of information and that, at the same time, are not covered by currently existing CMS Agreements. In particular, information is needed on:
 - i) artisanal fisheries, generally;
 - ii) gillnet fisheries, generally;
 - iii) pelagic and bottom trawling, and purse seine fisheries;
 - iv) in the case of cetaceans, special attention is to be paid to South, South-east and East Asia and West Africa;
 - v) for marine turtles, all fisheries, particularly including long-line fisheries in the Pacific Ocean and impacts on Olive Ridley Turtles in South Asia;
 - vi) for birds, South America and northern hemisphere gillnet and longline fisheries;
 - vii) for sharks, all fisheries;
- e) consider and implement ways and means to reduce the amount of discarded and lost nets and other detrimental fishing gear both within their maritime zones and on the high seas, as well as ways and means of minimizing such losses from vessels flying their flag;

Bycatch Mitigation Measures and Data Collection

9. *Encourages* Parties to conduct research to identify and improve mitigation measures, including use of alternative fishing gear and methods, particularly in respect to non-selective gears such as gillnets, to avoid or reduce bycatch where feasible, and subsequently promote their use and implementation;
10. *Recommends* carrying out further evaluation of the welfare implications of bycatch of marine mammals, including investigation into the sub-lethal effects of bycatch-related injury and stress, and their conservation implications;
11. *Requests* Parties to improve reporting of bycatch information and data in their CMS National Reports, or via their reports to CMS daughter agreements, particularly on bycatch mitigation methods that have proved to be effective;
12. *Further encourages* Parties and *invites* other governments, fisheries and fisheries-related organizations and the private sector to facilitate collection of species-specific bycatch data and to share such data wherever possible;
13. *Requests* Parties to provide available information, including the results of bycatch risk assessments or mitigation research, to the Scientific Council to allow the Scientific Council, upon request from one or several Parties, to identify and provide advice to them on best-practice mitigation techniques for each particular circumstance;
14. *Requests* the CMS Secretariat, subject to the availability of resources, to:
 - a) undertake studies to assist any interested developing countries to determine relative levels of bycatch in their commercial and artisanal fisheries when they so require, where feasible in collaboration with relevant intergovernmental organizations;
 - b) organize a series of specialist bycatch mitigation workshops in developing country Parties and non-Parties with substantial commercial fisheries coordinated with any interested Parties, where feasible in collaboration with relevant intergovernmental organizations;

- c) report progress on these actions to the CMS Standing Committee and Scientific Council;
- d) make the information gathered under paragraph 12 a) readily accessible to all relevant range states for migratory species threatened by bycatch, *inter alia* to assist in the application of bycatch mitigation techniques relevant to migratory species and report progress to meetings of the Standing Committee and Scientific Council;

Collaboration and Cooperation

15. *Requests* the Secretariats of CMS and relevant daughter agreements to improve cooperation and communication on bycatch-related issues, and to cooperate closely with other relevant programmes, such as the IWC Bycatch Mitigation Initiative;
16. *Invites* the Scientific Council and the Working Group on Bycatch to recommend to the Conference of the Parties, as appropriate, concerted actions to be taken by Parties in respect of species listed in Appendices I and II that are affected by bycatch;
17. *Instructs* the Scientific Council and the Bycatch Working Group to identify for each particular bycatch situation (gear type, species, fishing area and season) the most effective mitigation techniques, which should build upon and complement existing initiatives within the fisheries sector;
18. *Requests* the Scientific Council to consider any scientific and technical information submitted by Range States or other relevant bodies, relating to impacts on migratory species from bycatch, in particular CMS daughter agreements;
19. *Encourages* stakeholders to consult experts on all taxa concerned, including the particular expertise available within relevant CMS agreements, to consider the potential effects on aquatic mammals, seabirds, marine turtles and sharks when choosing mitigation measures;
20. *Requests* the Secretariat, the Scientific Council and Parties to continue and increase efforts to collaborate with other relevant international fora and where appropriate the RFMOs, with a view to avoiding duplication, increasing synergies and raising the profile of CMS and CMS agreements related to aquatic species in these fora;

Technological and Financial Assistance

21. *Calls upon* Parties to support the participation of representatives of the Secretariat and Scientific Council in relevant international fora through voluntary contributions;
22. *Calls upon* all donor countries to consider helping developing countries acquire and use relevant technology, and with appropriate education and training of fishermen;
23. *Further encourages* Parties to provide financial and technical support to developing countries for the mitigation of bycatch of species listed in the Appendices of CMS, focusing on work with indigenous and local communities that depend on fisheries for their livelihoods;
24. *Calls upon* Parties and *invites* other governments, partner organizations and the private sector to provide voluntary contributions for independent research on the effectiveness and further improvement of bycatch mitigation measures; and

Final Provisions

25. Repeals

- a) Resolution 6.2, *By-Catch*;
- b) Recommendation 7.2, *Implementation of Resolution 6.2 on By-Catch*;
- c) Resolution 8.14, *By-Catch*;
- d) Resolution 9.18, *By-Catch*; and
- e) Resolution 10.14, *Bycatch of CMS-Listed Species in Gillnet Fisheries*.