



Convention on the Conservation of Migratory Species of Wild Animals



RESOLUTION 6.2*

BY-CATCH

Adopted by the Conference of the Parties at its Sixth Meeting (Cape Town, 10-16 November 1999)

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 Organisation of the United Nations, especially through its Code of Conduct for Responsible Fisheries;

Recognising that, under Article II of the Convention, Range States agree to take action for the conservation of migratory species, whenever possible and appropriate, paying special attention to migratory species, the conservation status of which is unfavourable, and taking individually or in cooperation appropriate and necessary steps to conserve such species and their habitat;

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;

Recognising that Article III permits the Conference of the Parties to recommend to those Parties that are Range States of a migratory species listed in Appendix I that they take further measures considered appropriate to benefit the species;

Recognising that Article VII requires the Conference of the Parties to review the implementation of the Convention and, in particular, to decide on any additional measure that should be taken to implement the objectives of the Convention;

Noting that four species of albatross are listed in Appendix I and twelve in Appendix II, and that it is proposed that, at its sixth meeting, seven species of petrel should be added to the latter Appendix;

Noting that six species of marine turtle are listed in Appendices I and II;

Noting that six species of cetaceans are listed on Appendix I and thirty-one in Appendix II, and that it is proposed that, at its sixth meeting, four further such species should be added to the latter Appendix;

* The original draft of this resolution, considered by the Conference of the Parties, was numbered 6.10.



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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 albatross and other sea-bird species, marine turtles and cetaceans through fisheries by-catch;

Noting that the co-operation of Range States in improving practice in relation to by-catch could greatly enhance the conservation of sea-bird, marine turtle and cetacean populations;

Recognising the efforts already made by some Parties to reduce by-catch by fisheries within their territorial waters and exclusive economic zones and by vessels fishing on the high seas under their flags;

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 by-catch, including seabirds, marine turtles and cetaceans;
2. *Requests* all Parties to strengthen the measures taken to protect migratory species against by-catch by fisheries within their territorial waters and exclusive economic zones, and by vessels fishing on the high seas under their flags;
3. *Requests* all Parties, as a matter of gravity, to continue and strengthen measures within fisheries under their control, to minimize as far as possible the incidental mortality of migratory species listed in Appendices I and II, including seabirds, marine turtles and cetaceans;
4. *Requests* those Parties, which are also Parties to regional fisheries organisations, to highlight there the serious problems of incidental mortality of migratory species listed in Appendices I and II, including seabirds, marine turtles and cetaceans, with a view to the adoption of mitigating measures;
5. *Requests* the Secretariat to bring the present resolution to the attention of, and to explore future cooperation with, the Convention on Biological Diversity and the Committee of Fisheries of the Food and Agriculture Organization of the United Nations;
6. *Invites* the Scientific Council to recommend to the Conference of the Parties, or to the Standing Committee, as appropriate, concerted measures to be taken by Parties in respect of seabirds, marine turtles and cetaceans listed in Appendices I and II;
7. *Invites* consultation with regional fisheries organizations having a function in relation to those species with a view to obtaining scientific data, and to coordination with conservation measures enforced by them;
8. *Encourages* all Parties that are Range States of seabirds, marine turtles and cetaceans listed in Appendices I and II, and which have relevant fisheries, to co-operate mutually and with other

countries to reduce as far as possible the incidental taking by such fisheries of such migratory species, for example by the sharing of, and further development of, practical and effective mitigation devices for seabirds, marine turtles and cetaceans; and

9. *Calls* upon all donor countries to consider helping developing countries acquire and use relevant technology, and with appropriate education and training of fishermen.