



**CONVENTION ON
MIGRATORY
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Agenda Item 26.2

BYCATCH

(Prepared by the Secretariat)

Summary:

This document reports on a number of activities for marine mammals, turtles and seabirds that have been undertaken by the Scientific Council and the Secretariat to implement Resolution 12.22 *Bycatch* and makes suggestions for future activities related to chondrichthyan species.

Furthermore, the Council recommends decisions directed to the Parties, the Council and the Secretariat on concrete activities to implement Resolution 12.22, in particular on the application of existing new guidelines to reduce bycatch of marine mammals, reviewing the overall bycatch situation for aquatic species in general and for chondrichthyans in particular, and identifying appropriate bycatch mitigation measures.

BYCATCH

Background

1. Resolution 12.22 *Bycatch* recognizes that bycatch of marine species remains one of the major causes of mortality of CMS- listed migratory species from human activities in the marine environment.
2. Paragraph 6 of the Resolution encourages all Parties that are Range States of aquatic species listed in Appendices I and II to exchange information and further develop practical and effective mitigation measures and/or devices. Furthermore, paragraph 9 encourages Parties to conduct research to identify and improve mitigation measures to avoid or reduce bycatch where feasible, and subsequently promote their use and implementation.
3. The Resolution also calls on the Scientific Council to undertake a number of specific actions to further work under CMS on bycatch, including in paragraph 16 to make recommendations on actions to be taken by Parties in respect of species listed in Appendices I and II that are affected by bycatch; and in paragraph 17 to identify the most effective mitigation techniques for each particular situation leading to bycatch (gear type, species, fishing area and season).
4. Paragraph 14 of the Resolution requests the Secretariat to “undertake studies to assist any interested developing countries to determine relative levels of bycatch in their commercial and artisanal fisheries when they so require” and to “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, this should be done in collaboration with relevant intergovernmental organizations. Further, paragraph 14 requests the Secretariat to “assist in the application of bycatch mitigation techniques relevant to migratory species”.
5. This document provides an update on activities for marine mammals, turtles and seabirds that have been undertaken by the Scientific Council and the Secretariat to implement Resolution 12.22 and makes suggestions for future activities related to chondrichthyan species.
6. Furthermore, the Council recommends decisions directed to the Parties, the Council and the Secretariat on concrete activities to implement Resolution 12.22, in particular on the application of new guidelines to reduce bycatch of marine mammals, reviewing the overall situation regarding bycatch for aquatic species in general and for chondrichthyans in particular, and identifying appropriate bycatch mitigation measures.

Marine Mammals

7. Since the 12th Meeting of the Conference of the Parties (COP12, Manila, 2017), several initiatives have sought to draw together the often-disparate knowledge on technical mitigation to reduce marine mammal bycatch in commercial fisheries:
8. Hamilton and Baker (2019)¹ provide a comprehensive assessment and synopsis of gear modifications and technical devices to reduce marine mammal bycatch in commercial trawl, purse seine, longline, gillnet and pot/trap fisheries. Successfully implemented mitigation measures include: acoustic deterrent devices (pingers) which reduced the bycatch of some small cetacean species in gillnets; appropriately designed exclusion devices, which reduced pinniped bycatch in some trawl fisheries; and various pot/trap guard designs, which reduced marine mammal entrapment. However, for some gear types and taxa, there are currently

¹ Hamilton, S. and Baker, G.B. 2019. Technical mitigation to reduce marine mammal bycatch and entanglement in commercial fishing gear: lessons learnt and future directions. *Reviews in Fish Biology and Fisheries* <https://doi.org/10.1007/s11160-019-09550-6>

limited technical options with strong evidence to suggest that they effectively reduce bycatch, and substantial development and research of best practice mitigation options are needed to address marine mammal bycatch in many fisheries. Nonetheless, there are measures now available that are effective and warrant consideration by any fishery where marine mammal bycatch is an identified problem. The publication is available as UNEP/CMS/COP13/Inf.11.

9. The Food and Agriculture Organization of the United Nations (FAO) convened an Expert Workshop on Means and Methods for Reducing Marine Mammal Mortality in Fishing and Aquaculture Operations in Rome from 20 to 23 March 2018, which was attended by 27 experts in marine mammal science and bycatch mitigation. The workshop reviewed the current state of knowledge on the issue of marine mammal bycatch and evaluated the efficacy of different strategies and measures for mitigating bycatch and their implementation. The workshop produced some key technical outputs² including an extensive review of techniques across different gear types and species, together with a summary table and a draft decision-making tool, which could be used to support management decision-making processes. The report of the workshop is available as UNEP/CMS/COP13/Inf.12.
10. The workshop recommended that FAO develop technical guidelines on means and methods for the prevention and reduction of marine mammal bycatch and mortality in fishing and aquaculture operations in support of the Code.
11. To facilitate the development of guidelines, FAO convened a further Expert Meeting, in Rome, Italy, from 17 to 19 September 2019. This meeting was attended by the CMS Scientific Councillor on Bycatch, Dr Barry Baker. The overall objective of the Meeting was to prepare “technical guidelines to reduce bycatch of marine mammals in fisheries” that are directed at decision-makers, planners, and all those involved in developing and implementing policy and technical interventions relevant to the bycatch of marine mammals in fisheries. The resulting technical guidelines will be published by the FAO as Supplement No.4 under volume 1 Fishing Operations — the other three supplements under volume 1 deal with vessel monitoring systems, incidental bycatch of seabirds, and safety at sea in fisheries and can be found in UNEP/CMS/COP13/Inf.13.
12. Any outcomes from the Rome meeting, available in time for COP13, will be shared with Parties as an information document.
13. Mitigation measures to reduce bycatch of marine mammals have been proven to be effective for some gear types and are available for widespread implementation now. It would be advantageous for all Parties that manage fisheries with identified marine mammal bycatch problems to review the Hamilton and Baker (2019) assessment and the FAO Technical Guidelines, when they become available, and implement mitigation measures for marine mammals, as appropriate to their fishing operations.
14. The guidelines are intended to provide fisheries managers and those working with fisheries, to improve their sustainability with this best-practice methodology. In addition, the guidelines are intended to enable managers, ‘trainers’, and anyone involved with fisheries policy or management, to understand the rationale and need for ‘best practice’ as well as the science that supports the recommended practices.

Turtles and Seabirds

15. The Secretariat collaborates as a partner with BirdLife International on the implementation of a project that addresses bycatch of marine turtles and seabirds in West African industrial fisheries. The project aims at improving fisheries governance through a revision of policy, doing research on bycatch and mapping hotspots, setting up observer programmes, where needed, and developing standards and providing training for data collection. Activities are being

² FAO. 2018. Expert workshop on means and methods for reducing marine mammal mortality in fishing and aquaculture operations. Rome, 20-23 March 2018. Food and Agriculture Organization of the United Nations (FAO). <http://www.fao.org/3/I9993EN/i9993en.pdf>

implemented in seven countries in the region (Cabo Verde, the Gambia, Guinea, Guinea-Bissau, Mauritania, Senegal and Sierra Leone) with support from a range of national and international partners, which are working on the various components in each country.

16. The first phase of the project, which is being funded by the MAVA Foundation, started in 2018 and will end in June 2020. A final report on delivery of outputs will be presented by the Secretariat to the 14th Conference of the Parties.

Chondrichthyans

17. Bycatch is considered to be one of the major threats to CMS-listed chondrichthyan species, which are caught in high numbers as bycatch in commercial fisheries, particularly in longline, bottom trawling and gillnetting fisheries.
18. To provide guidance to Parties on the implementation of paragraph 9 of Resolution 12.22 with regard to chondrichthyan species, the Scientific Council should be mandated to review current levels of bycatch of CMS-listed chondrichthyan species and existing measures to mitigate bycatch based on species, fishing area, fisheries, fishing season and gear type. Furthermore, the Council should be requested make recommendations on the most effective and appropriate measures to mitigate and reduce bycatch to sustainable levels based on the above categories.
19. In order to improve cooperation and communication on bycatch-related issues with daughter agreements of CMS, as requested in operative paragraph 15 of the Resolution, the Council should aim at collaborating with the Advisory Committee (AC) to the Memorandum of Understanding in the Conservation of Migratory Sharks (Sharks MOU). The Sharks MOU AC has been given the task of providing expert advice to the Sharks MOU Signatories on the implementation of the MOU and its Conservation Plan, which requests its Signatories inter alia to “develop and/or use selective gear, devices, and techniques to ensure that the take of sharks in fisheries is sustainable and appropriately managed and that mortality of non-utilized catches is minimized to the greatest extent possible”.
20. Furthermore, Signatories to the Sharks MOU agreed in activity 11 of their Programme of Work 2019-2021 to “cooperate with the CMS Family on matters related to shark conservation” and amongst other things to “contribute to the implementation of Resolution 12.22 *Bycatch*”.

Recommended actions

21. The Conference of the Parties is recommended to adopt the draft Decisions contained in the Annex of this document.

ANNEX**DRAFT DECISIONS****BYCATCH*****Directed to Parties***

- 13.AA Parties that manage fisheries with identified marine mammal bycatch problems are urged to:
- a) review the Hamilton and Baker (2019) assessment, available as UNEP/CMS/COP13/Inf.11.
 - b) review the FAO Technical guidelines to reduce bycatch of marine mammals in fisheries when they become available; and
 - c) implement appropriate mitigation measures for marine mammals, as appropriate to their fishing operations.

Directed to the Scientific Council and its Working Group on Bycatch

- 13.BB The Scientific Council and the Working Group on Bycatch are invited, subject to the availability of funds and in cooperation with the Sharks MOU Advisory Committee to:
- a) review current levels of bycatch of CMS-listed chondrichthyan species and existing measures to mitigate bycatch based on species, fishing area, fisheries, fishing season and gear type;
 - b) based on the above review, identify priorities for bycatch mitigation and make recommendations to Parties and the CMS Sharks MOU on the most effective and appropriate measures to mitigate and reduce bycatch to sustainable levels based on the above categories, while ensuring that recommended measures do not act to the disadvantage of other CMS-listed marine species.

Directed to the Secretariat

- 13.CC The Secretariat is requested to, subject to the availability of funds:
- a) upon the request of Parties, and, as appropriate, in collaboration with relevant intergovernmental organizations:
 - i. commission national or regional reviews to determine relative levels of bycatch of CMS-listed marine species in commercial and artisanal fisheries;
 - ii. identify and prioritize fisheries and areas in which adverse impacts of bycatch are highest for CMS-listed marine species; and
 - iii. organize, if warranted, regional workshops to identify appropriate bycatch mitigation measures for fisheries of highest priority.
 - b) support the Scientific Council with the implementation of its task agreed in Decision 13.BB, including by commissioning a review on bycatch in chondrichthyan species and by facilitating cooperation between the Scientific Council and the Sharks MOU Advisory Committee.