



**CONVENTION ON
MIGRATORY
SPECIES**

Distribution: General

UNEP/CMS/COP12/Doc.21.2.4/Rev.1
19 June 2017

Original: English

12th MEETING OF THE CONFERENCE OF THE PARTIES
Manila, Philippines, 23 - 28 October 2017
Agenda Item 21.2.4

CONSOLIDATION OF RESOLUTIONS: BYCATCH

(Prepared by the Secretariat on behalf of the Standing Committee)

Summary:

This document consolidates four Resolutions and one Recommendation on bycatch into a single Resolution.

This document should be read in conjunction with UNEP/CMS/COP12/Doc.24.4.4.

Rev.1 corrects some inconsistencies.

CONSOLIDATION OF RESOLUTIONS: BYCATCH

Background

1. Four Resolutions and one Recommendation provide advice to the Parties relating to bycatch:
 - 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*](#).
2. Annex 1 presents a draft consolidated resolution that includes, in the left-hand column, the original text and preamble of the Resolutions and Recommendations being consolidated. The right-hand column indicates the source of the text and a comment regarding any proposed change.
3. Annex 2 contains the clean version of the draft consolidated Resolution, taking into account the comments in Annex 1.

Recommended Actions:

4. The Conference of the Parties is recommended to
 - a) adopt the consolidated Resolution included in Annex 2.

ANNEX 1

DRAFT CONSOLIDATED RESOLUTION: BYCATCH

NB: Proposed new text is underlined. Text to be deleted is ~~crossed-out~~.

Text from Existing Resolutions	Comment
<i>Recalling</i> previous related decisions of the Conference of the Parties including Resolution 6.2, Recommendation 7.2, Resolution 8.14 and Resolution 9.18, <u>and</u> Resolution 10.14 on Bycatch;	Resolution 10.14 Retain with updated text to reflect consolidation
<i>Recalling that</i> the Conference of the Parties adopted Resolutions 6.2 and 8.14 on by catch with a view to stimulating remedial and pre-emptive measures by the Parties;	Resolution 9.18 Repeal; redundant
<i>Noting that</i> the Sixth Meeting of the Conference of the Parties adopted Resolution 6.2 (By-catch) with a view to stimulating remedial measures by Parties; and	Resolution 7.2 Repeal; redundant
<i>Noting that</i> the Sixth Meeting of the Conference of the Parties adopted Resolution 6.2 (By-catch) with a view to stimulating remedial measures by the Parties;	Resolution 8.14 Repeal; redundant
<i>Further noting that</i> the Seventh Meeting of the Conference of the Parties adopted Recommendation 7.2 (Implementation of Resolution 6.2 on by-catch) with a view to guiding implementation of Resolution 6.2;	Resolution 8.14 Repeal; redundant
<i>Acknowledging</i> the obligations of the global community to conserve natural resources through sustainable development, as underpinned by, <i>inter alia</i> , 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, especially through its Code of Conduct for Responsible Fisheries;	Resolution 6.2 Retain
<i>Recognizing</i> that by-catch <u>bycatch</u> has been highlighted as a priority threat to be mitigated in a number of CMS subsidiary agreements and memoranda of understanding;	Resolution 8.14 Retain
<i>Concerned</i> that despite considerable progress on implementing by-catch <u>bycatch</u> mitigation measures to reduce the adverse impacts of fishing on listed migratory species, by-catch <u>bycatch</u> still remains one of the major causes of mortality of listed migratory species from human activities in the marine environment;	Resolution 9.18 Retain
<i>Concerned that</i> by-catch remains one of the major causes of mortality of migratory species from human activities in the marine environment;	Resolution 8.14 Repeal; redundant
<i>Further</i> 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	Resolution 10.14 Retain

Text from Existing Resolutions	Comment
required to ensure that bycatch is reduced or controlled to levels that do not threaten the conservation status of these species;	
Concerned that despite the progress made so far by the Parties, by-catch remains a key factor that is threatening many species listed on Appendix I and Appendix II of the Convention (including seabirds, sharks, turtles, marine mammals and sturgeons) and that significant additional efforts are required to ensure that by-catch is reduced or controlled to levels which are not threatening the conservation status of these species;	Resolution 8.14 Repeal; redundant
Concerned that, notwithstanding recent developments addressing the problem, by-catch remains one of the major causes of mortality of migratory species from human activities in the marine environment;	Recommendation 7.2 Repeal; redundant
<i>Concerned</i> that migratory aquatic species face multiple, cumulative and often synergistic threats with possible effects over vast areas, such as bycatch of species, over-fishing <u>over-fishing</u> , pollution, habitat destruction or degradation, marine noise impacts, hunting as well as climate change;	Resolution 10.14 Retain
<i>Recognizing</i> 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;	Resolution 6.2 Retain
<i>Recognizing</i> 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;	Resolution 6.2 Retain
<i>Recognizing</i> that Article II of the Convention requires all Parties to take action to avoid migratory species from becoming endangered and that Article III requires parties to prevent, reduce or control factors that are endangering or are likely to further endanger species on Appendix I; and	Resolution 8.14 Repeal crossed out text as redundant
<i>Recognizing</i> 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;	Resolution 6.2 Retain
<i>Recognizing</i> 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;	Resolution 6.2 Retain
<i>Noting</i> that four <u>two</u> species of albatross are listed in Appendix I and twelve <u>twenty</u> in Appendix II, and that it is proposed that, at its sixth meeting, seven species of petrel are listed in Appendix I and seven in Appendix II; be added to the latter Appendix;	Resolution 6.2 Retain with new text to reflect current status of the Appendices
<i>Noting</i> that six species of marine turtle are listed in <u>both</u> Appendices I and II;	Resolution 6.2 Retain as modified

Text from Existing Resolutions	Comment
<i>Noting</i> that six <u>sixteen</u> species of cetaceans are listed on <u>in</u> Appendix I and thirty-one <u>forty-four</u> in Appendix II, and that it is proposed that, at its sixth meeting, four further such species should be added to the latter Appendix;	Resolution 6.2 Retain with updated text
<i>Recognizing</i> that the taking of Appendix I shark species is prohibited under Article III (5) of the Convention; and	Resolution 10.14 Retain
<i>Noting</i> that Section 3 paragraph 8 of the Shark 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 Shark 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”;	Resolution 10.14 Retain
<i>Recognizing</i> the importance of integrating conservation activities with socio-economic development of some fisheries that accidentally take species listed in Appendices I and II;	Resolution 6.2 Retain
<i>Aware</i> of the significant and continuing mortality of albatross and other sea-bird species, marine turtles and cetaceans through fisheries by-catch <u>bycatch</u> ;	Resolution 6.2 Retain
<i>Noting</i> that the co-operation of Range States in improving practice in relation to by-catch <u>bycatch</u> could greatly enhance the conservation of sea-bird, marine turtle and cetacean populations;	Resolution 6.2 Retain
<i>Recognizing</i> the efforts already made by some Parties to reduce by-catch <u>bycatch</u> by fisheries within their territorial waters and exclusive economic zones and by vessels fishing on the high seas under their flags;	Resolution 6.2 Retain
<i>Noting</i> that different stakeholders apply different definitions of by-catch <u>bycatch</u> and that this may cause confusion and inconsistency in reporting bycatch and in the development and delivery of by-catch <u>bycatch</u> mitigation strategies;	Resolution 9.18 Retain
<i>Welcoming</i> the work underway through the implementation of Resolution 8-22 <u>Resolution 10.15</u> to identify gaps and overlaps between CMS and other relevant bodies with respect to their work on by-catch <u>bycatch</u> ; and	Resolution 9.18 Retain with updated text.
<i>Conscious</i> of the work already completed or underway under the auspices of CMS daughter agreements and other relevant bodies;	Resolution 10.14 Retain
<i>Further noting</i> the work already completed or underway under the auspices of CMS daughter agreements and other relevant bodies;	Resolution 9.18 Repeal; redundant
<i>Recognizing</i> the important role of the FAO and where appropriate Regional Fisheries Management Organizations (<u>RFMO</u>) in reducing bycatch of CMS-listed species and <i>welcoming</i> the 2011 FAO International Guidelines on Bycatch Management and Reduction of Discards;	Resolution 10.14 Retain

Text from Existing Resolutions	Comment
<p>Noting that gillnets are widely used in both commercial and artisanal fisheries in all oceans of the world; and therefore <i>welcoming</i> the assessment of the impact of <u>gillnet</u> fisheries on CMS-listed species and the review to identify priority fisheries, regions and species and suitable mitigation measures called for in Resolution 9.18 and presented to the Conference in document UNEP/CMS/Inf.10.30 presented in UNEP/CMS/ScC18/Inf.10.15.1; and</p>	<p>Resolution 10.14 Retain with updated text reflecting work of the Scientific Council</p>
<p><i>Aware</i> that there is a scarcity of information of the magnitude of gillnet fishing effort, bycatch incurred through this fishing method, the efficacy of mitigation measures, as well as abundance and distribution of many aquatic species listed on the CMS Appendices;</p>	<p>Resolution 10.14 Retain</p>
<p>Encouraging proper implementation of Resolution 6.2 in the shortest possible period of time and an adequate assessment of its outcomes;</p>	<p>Resolution 7.2 Repeal; out of date</p>
<p>Recognizing that Objective 2 of the CMS Strategic Plan 2006-2011 and its updated version for the period 2012-2014 is to “ensure that migratory species benefit from the best possible conservation measures”, and that migratory aquatic species in particular, due to the inherent connectivity of their dynamic habitats, can best be conserved through joint international cooperative efforts;</p>	<p>Resolution 10.14 Repeal; out of date</p>
<p><i>The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals</i></p>	
<p>1. <i>Reaffirms</i> the obligation on all Parties to protect migratory species against by-catch <u>bycatch</u>, including seabirds, marine turtles and cetaceans;</p>	<p>Resolution 6.2 Retain</p>
<p>4. <u>2.</u> <i>Notes</i> the conclusions of the review presented to the Conference in document UNEP/CMS/Inf.10.30 <u>and the Assessment of Bycatch in Gill Net Fisheries (UNEP/CMS/ScC18/Inf.10.15.1);</u></p>	<p>Resolution 10.14 Retain with updated text</p>
<p>2. <u>3.</u> <i>Takes note</i> that the species most exposed to risk from gillnet fisheries are likely to include representatives of all aquatic taxonomic groups listed on the Appendices of the Convention;</p>	<p>Resolution 10.14 Retain</p>
<p>3. <u>4.</u> <i>Further notes and encourages</i> 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, <u>and to develop and implement national plans of action as required by the IPOAs;</u></p>	<p>Resolution 10.14 Retain with text from Resolution 9.18</p>
<p>4. <u>5.</u> <i>Urges</i> Parties to assess the risk of bycatch arising from their gillnet fisheries, as it relates to migratory species, including by using observer programmes and/or other methods, where appropriate, to implement best</p>	<p>Resolution 10.14 Retain</p>

Text from Existing Resolutions	Comment
practice mitigation measures and to review regularly the effectiveness of their implementation of mitigation measures with a view to refining them if required;	
3.6. <i>Requests</i> 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;	Resolution 6.2 Retain
1. Invites CMS Parties to endorse the proposed FAO's 'Technical Guidelines on the Interaction Between Sea Turtles with Fisheries' at the 27 th meeting of COFI, and in the meantime, implement, as appropriate, the by-catch elements of the draft guidelines as a priority;	Resolution 8.14 Repeal; redundant
2. Urges Parties that have not already done so, to implement the United Nations Food and Agriculture Organization's <i>International Plan of Action (FAO IPOA) for Reducing the Impacts of Longline Fisheries on Seabirds, IPOA for the Conservation and Management of Sharks</i> and the <i>FAO Guidelines to reduce sea turtle mortality in fishing operations</i> , and to develop and implement national plans of action as required by the IPOAs;	Resolution 9.18 Repeal; redundant
2. 7. <i>Requests</i> all Parties to strengthen the measures taken to protect migratory species against by-catch <u>bycatch</u> by fisheries within their territorial waters and exclusive economic zones, and by vessels fishing on the high seas under their flags;	Resolution 6.2 Retain
4. Encourages Parties to apply appropriate fisheries management measures to mitigate by-catch of migratory species;	Resolution 9.18 Repeal; redundant
8-8. <i>Encourages</i> 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	Resolution 6.2 Retain
Participation in Regional Fisheries Management Organizations	New header
4. 9. <i>Requests</i> those Parties which are also Parties to regional fisheries organizations (RFMOs) 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;	Resolution 6.2 Retain
3-10. <i>Strongly encourages</i> Parties, through their participation in relevant fora, for example through regional fisheries management organizations (RFMOs), to raise the serious and ongoing problem of by-catch <u>bycatch</u> of migratory species, especially as it refers to seabirds, sharks, marine turtles and marine mammals, with a view to improving mitigation measures for the reduction of by-catch <u>bycatch</u> as well as improving data collection through, <i>inter alia</i> , independent observer programmes;	Resolution 9.18 Retain
11. <i>Calls on</i> Range State Parties, working through regional fisheries management organizations and agreements, as appropriate, to: (a) 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,	Recommendation 7.2 Retain

Text from Existing Resolutions	Comment
<p>covering:</p> <ul style="list-style-type: none"> (i). resources targeted; (ii). resources being caught accidentally; (iii). effects on the resource being caught accidentally (estimate total by-catch <u>bycatch</u> in the fishery(ies) and population impact); and (iv). implementation of mitigation measures; <p>(b) Implement appropriate schemes (including, where appropriate, onboard observers) 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 by-catch <u>bycatch</u> on migratory species. Where relevant, this should be carried out in the context of FAO's International Plans of Action on Seabirds and Sharks;</p> <p>(c) 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:</p> <ul style="list-style-type: none"> i. artisanal fisheries, generally; ii. pelagic and bottom trawling, and purse seine fisheries; iii. in the case of cetaceans, special attention is to be paid to South, Southeast and East Asia and West Africa; iv. for turtles, these include long-line fisheries in the Pacific Ocean and impacts on Olive ridley turtles in South Asia; v. for birds, South America and northern gillnet fisheries; and vi. for sharks, all fisheries; and <p>(d) 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 <u>minimizing</u> such losses from vessels flying their flag;</p>	
<p>9.—<u>12.</u> <i>Requests</i> the CMS Secretariat, in conjunction with CMS daughter agreements (to avoid duplication of effort), to write to relevant RFMOs and other competent international bodies, inviting them to share with the CMS Secretariat available information on:</p> <ul style="list-style-type: none"> (a) migratory species by-catch <u>bycatch</u> policy and management; (b) migratory species by-catch <u>bycatch</u> in the fisheries for which they have responsibility; (c) assessments of the impacts by their respective fisheries on seabirds, sharks, turtles and cetaceans; (d) adoption of monitoring, control and surveillance measures on by-catch <u>bycatch</u> in the fisheries relevant to migratory species; and (e) best practices on the basis of the performance reviews that are underway; <p>and <i>requests</i> the CMS Secretariat to transmit this information to the</p>	<p>Resolution 9.18</p> <p>Retain</p>

Text from Existing Resolutions	Comment
Scientific Council;	
<p>2. <u>13.</u> <i>Calls</i> on CMS Parties:</p> <p>(a) to implement the FAO's 'International Plan Of Actions (IPOA) for reducing the impacts of longline fishing on Seabirds' and 'Sharks' and develop and implement national plans of action as required by those IPOAs;</p> <p>(b) (a) to require the implementation of proven by-catch <u>bycatch</u> solutions for these areas of work relating to implementation of the FAO's 'International Plan Of Actions (IPOA) for reducing the impacts of longline fishing on Seabirds' and 'Sharks' and development and implementation of national plans of action as required by those IPOAs; and</p> <p>(c) (b) that are also members of relevant Regional Fisheries Management Organizations (RFMOs) (e.g. ICCAT, IOTC, CCSBT, WCPFC) to work within those RFMOs to reduce by-catch <u>bycatch</u> in these fisheries through <i>inter alia</i> the development of by-catch <u>bycatch</u> action plans, independent observer schemes, assessments of the scale of the problem, awareness raising, and promoting technical mitigation; and</p> <p>(d) to agree to the appointment of a Scientific Councillor with expertise in by-catch to coordinate all of the work of the Scientific Council on by-catch;</p> <p>–</p>	<p>Resolution 8.14</p> <p>Repeal paragraph (a); redundant</p> <p>Retain as modified to reflect deletion of paragraph (a)</p> <p>Retain</p> <p>Repeal; Mr. Baker has been appointed</p>
Bycatch Mitigation Measures and Data Collection	New header
<p>5. <u>14.</u> <i>Encourages</i> Parties to conduct research to identify and improve mitigation measures, including use of alternative fishing gear and methods, to avoid or reduce bycatch where feasible, and subsequently promote their use and implementation;</p>	<p>Resolution 10.14</p> <p>Retain</p>
<p>4. <u>15.</u> <i>Invites</i> Parties to improve reporting of by-catch <u>bycatch</u> information and data in their CMS National Reports, or via their reports to CMS daughter Agreements, particularly on by-catch <u>bycatch</u> mitigation methods that have proved to be effective;</p>	<p>Resolution 9.18</p> <p>Retain</p>
<p>8. <u>16.</u> <i>Further encourages</i> Parties and <i>invites</i> other governments, fisheries and fisheries-related <u>fisheries-related</u> organizations and the private sector to facilitate collection of species-specific bycatch data and to share such data wherever possible;</p>	<p>Resolution 10.14</p> <p>Retain</p>
<p>9. <u>17.</u> <i>Requests</i> 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 <u>best-practice</u> mitigation techniques for each particular circumstance;</p>	<p>Resolution 10.14</p> <p>Retain</p>
<p>3. <u>18.</u> <i>Requests</i> the CMS Secretariat to:</p> <p>(a) Source funds for:</p> <p>(i). a study to assist developing countries to determine relative levels</p>	<p>Resolution 8.14</p> <p>It does not appear that these workshops have</p>

Text from Existing Resolutions	Comment
<p>of by-catch <u>bycatch</u> in their commercial and artisanal fisheries when they so require; and</p> <p>(ii). a series of specialist by-catch <u>bycatch</u> mitigation workshops in developing country Parties and non-Parties with substantial commercial fisheries in coordination with interested Parties;</p> <p>(b) report progress on these actions to the CMS Standing Committee;</p>	<p>taken place. If the workshops are no longer desired, this paragraph should be repealed.</p>
<p>Collaboration and Cooperation</p>	<p>New header</p>
<p>5-19. <i>Requests</i> the Secretariat to bring the present <u>this</u> 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;</p>	<p>Resolution 6.2</p> <p>Retain with updated text</p>
<p>40-20. <i>Instructs</i> the CMS Secretariat to make the information gathered under paragraph 7(a) <u>17</u> readily accessible to all relevant range states for migratory species threatened by by-catch <u>bycatch</u>, <i>inter alia</i> to assist in the application of by-catch <u>bycatch</u> mitigation techniques relevant to migratory species and report progress to each Standing Committee meeting;</p>	<p>Resolution 9.18</p> <p>Retain</p>
<p>42-21. <i>Invites</i> the Secretariats of CMS and relevant daughter agreements to improve cooperation and communication on by-catch <u>bycatch</u>-related issues;</p>	<p>Resolution 9.18</p> <p>Retain</p>
<p>6-22. <i>Invites</i> the Scientific Council <u>and the Working Group on Bycatch</u> 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;</p>	<p>Resolution 6.2</p> <p>Retain with updated text</p>
<p>42-23. <i>Further</i> instructs the Scientific Council to develop terms of reference for studies identifying the degree of interaction between gillnet fisheries and CMS-listed species, as well as identifying <u>identify</u> for each particular <u>bycatch</u> situation the most effective mitigation techniques, which should build upon and complement existing initiatives within the fisheries sector;</p>	<p>Resolution 10.14</p> <p>Retain as modified; the first task (developing terms of reference) has been completed. The resolution does not make clear whether the second task (identifying mitigation techniques) is to be completed by a specific date (and thus a Decision) or an ongoing task.</p>
<p>7-24. <i>Requests</i> the Scientific Council to:</p> <p>(a) continue to identify emerging and best practice by-catch bycatch mitigation techniques as relevant to the Convention-listed species as a priority and in coordination with relevant international competent bodies in order to avoid the duplication of effort; and</p> <p>(b) consider any scientific and technical information submitted by Range States or other relevant bodies, relating to impacts on migratory species from by-catch bycatch, in particular CMS daughter agreements;</p>	<p>Resolution 9.18</p> <p>Repeal; redundant</p> <p>Retain</p>

Text from Existing Resolutions	Comment
<p>4. Requests the Scientific Council to: (a) identify emerging and best practice techniques of by-catch mitigation as a priority in coordination with relevant international competent bodies in order to avoid the duplication of effort; and— (b) make this information readily available to key range states for migratory species threatened by by-catch and report progress to the CMS Standing Committee; and—</p>	<p>Resolution 8.14 Repeal; redundant</p>
<p>7.<u>25.</u> <i>Invites</i> 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;</p>	<p>Resolution 6.2 Retain</p>
<p>5.<u>26.</u> <i>Urges</i> the secretariats of Agreements or Memoranda of Understanding which include actions to address by-catch <u>bycatch</u> (such as ACAP, ACCOBAMS, ASCOBANS, West African Marine Turtle MOU, and the IOSEA Marine Turtle MOU) to identify any range states not yet signatory to such arrangements and encourage such range states to become parties and/or signatories to these arrangements and report progress to the CMS Standing Committee at its 2007 and 2008 meetings;</p>	<p>Resolution 8.14 Retain and include changes to the text because the provision out of date. If the Parties do not the provision to set out an ongoing reporting requirement, then repeal the provision as out of date.</p>
<p>6.<u>27.</u> <i>Encourages</i> stakeholders to consult experts on all taxa concerned to consider the potential effects on aquatic mammals, seabirds, marine turtles and sharks when choosing mitigation measures;</p>	<p>Resolution 10.14 Retain</p>
<p>7.<u>28.</u> <i>Further encourages</i> all stakeholders to make full use of CMS agreements related to aquatic species and the particular expertise available within them related to bycatch of the taxonomic groups they deal with;</p>	<p>Resolution 10.14 Retain</p>
<p>10.<u>29.</u> <i>Requests</i> the Secretariat, the Scientific Council and Parties to continue and increase efforts to collaborate with other relevant international fora and where appropriate the Regional Fisheries Management Organizations (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;</p>	<p>Resolution 10.14 Retain. This paragraph is similar to paragraph 12. The Parties may wish to combine them.</p>
<p><u>Technological and Financial Assistance</u></p>	<p>New header</p>
<p>11.<u>30.</u> <i>Calls upon</i> Parties to support the participation of representatives of the Secretariat and Scientific Council in relevant international fora through voluntary contributions;</p>	<p>Resolution 10.14 Retain</p>
<p>9.<u>31.</u> <i>Calls upon</i> all donor countries to consider helping developing countries acquire and use relevant technology, and with appropriate education and training of fishermen;</p>	<p>Resolution 6.2 Retain</p>
<p>5.<u>32.</u> <i>Further encourages</i> Parties to provide financial and technical support to developing countries for the mitigation of by-catch <u>bycatch</u> of species listed on <u>in</u> the appendices of CMS, focussing on work with indigenous and local communities that depend on fisheries for their livelihoods;</p>	<p>Resolution 9.18 Retain</p>

Text from Existing Resolutions	Comment
<p>13.—33. Calls upon Parties and invites other governments, partner organizations and the private sector to provide voluntary contributions for the execution of these follow-up reviews and to finance independent research on the effectiveness and further improvement of mitigation measures; and</p>	<p>Resolution 10.14 Retain</p>
<p>6. Invites Parties to consider making voluntary contributions or provision of in-kind support for the work of the 2007-2010 Work Programme on By-catch;</p>	<p>Resolution 9.18 Repeal; redundant</p>
<p>14. Reaffirms Resolutions 6.2, 8.14 and 9.18 on By-catch and urges Parties, the Scientific Council and the Secretariat to address outstanding or recurring actions.</p>	<p>Resolution 10.14 Repeal</p>
<p>8. Requests the CMS Secretariat, taking into account information already made available by CMS daughter agreements and other relevant international fora, to investigate the feasibility of producing:</p> <p>(a) an assessment of the impact of fisheries by-catch and discarding on the conservation status of migratory species covered by the Convention;</p> <p>(b) a review to identify priority fisheries, regions and species that would benefit from cooperative action through the CMS and relevant activities; and</p> <p>(c) advice to the Standing Committee of the likely cost and completion date of such an assessment and review by no later than the next meeting of the Committee;—</p>	<p>Resolution 9.18 Repeal; work completed and presented to the Scientific Council at the 18th Meeting.</p>
<p>11. Further requests the CMS Secretariat to:</p> <p>(a) improve cooperation and communication between CMS and the FAO, in particular the Committee on Fisheries, by extending invitations to the FAO to attend relevant CMS meetings; and—</p> <p>(b) communicate with, and consider the results of, other ongoing efforts to document by-catch in fisheries, for example Project GLoBAL (Global Bycatch Assessment of Long-Lived Species), which attempts to document by-catch of birds, marine turtles, marine mammals and migratory sharks; and</p>	<p>Resolution 9.18 Repeal, activity appears to have been taken by the Secretariat. Recommend retaining provision if the Parties want to make this an ongoing request to the Secretariat.</p>
<p><u>Final Provisions</u></p>	<p>New header</p>
<p><u>34. Repeals</u></p> <p>(a) Resolution 6.2, <i>By-Catch</i>;</p> <p>(b) Recommendation 7.2, <i>Implementation of Resolution 6.2 on By-catch</i>;</p> <p>(c) Resolution 8.14, <i>By-Catch</i>;</p> <p>(d) Resolution 9.18, <i>By-Catch</i>; and</p>	<p>New text to reflect consolidation</p>

Text from Existing Resolutions	Comment
(e) Resolution 10.14, <i>Bycatch of CMS-Listed Species in Gillnet Fisheries.</i>	

DRAFT RESOLUTION

BYCATCH

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 bycatch;

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, 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, 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;

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;

Recognizing 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;

Recognizing 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 two species of albatross are listed in Appendix I and twenty in Appendix II, and that seven species of petrel are listed in Appendix I and seven in Appendix II;

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

Noting that sixteen species of cetaceans are listed on Appendix I and forty-four in Appendix II;

Recognizing that the taking of Appendix I shark species is prohibited under Article III (5) of the Convention;

Noting that Section 3 paragraph 8 of the Shark 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 Shark 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 albatross and other sea-bird species, marine turtles and cetaceans through fisheries bycatch;

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

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;

Welcoming the work underway through the implementation of Resolution 10.15 to identify gaps and overlaps between CMS and other relevant bodies with respect to their work on bycatch;

Conscious of the work already completed or underway under the auspices of CMS daughter agreements and other relevant bodies;

Recognizing the important role of the FAO and where appropriate Regional Fisheries Management Organizations (RFMO) in reducing bycatch of CMS-listed species and the 2011 FAO International Guidelines on Bycatch Management and Reduction of Discards;

Noting that gillnets are widely used in both commercial and artisanal fisheries in all oceans of the world; and therefore, *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; and

Aware that there is a scarcity of information of the magnitude of gillnet fishing effort, bycatch incurred through this fishing method, the efficacy of mitigation measures, as well as abundance and distribution of many aquatic species listed on the CMS Appendices;

*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, marine turtles and cetaceans;
2. *Notes* the conclusions of the review presented to the Conference in document UNEP/CMS/Inf.10.30 and the Assessment of Bycatch in Gill Net Fisheries (UNEP/CMS/ScC18/Inf.10.15.1);
3. *Takes note* that the species most exposed to risk from gillnet fisheries are likely to include representatives of all aquatic taxonomic groups listed on the Appendices of the Convention;
4. *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;
5. *Urges* Parties to assess the risk of bycatch arising from their gillnet 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;
6. *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;
7. *Requests* all Parties to strengthen the measures taken to protect migratory species against bycatch by fisheries within their territorial waters and exclusive economic zones, and by vessels fishing on the high seas under their flags;
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;

Participation in Regional Fisheries Management Organizations

9. *Requests* those Parties which are also Parties to regional fisheries organizations (RFMOs) 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;
10. *Strongly encourages* Parties, through their participation in relevant fora, for example through RFMOs, to raise the serious and ongoing problem of bycatch of migratory species, especially as it refers to seabirds, sharks, marine turtles and marine mammals, with a view to improving mitigation measures for the reduction of bycatch as well as improving data collection through, *inter alia*, independent observer programmes;
11. *Calls on* Range State Parties, working through regional fisheries management organizations and agreements, as appropriate, to:
 - a) 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 accidentally;
 - iii) effects on the resource being caught accidentally (estimate total bycatch in the fishery(ies) and population impact); and
 - iv) implementation of mitigation measures;
 - b) Implement appropriate schemes (including, where appropriate, onboard observers) 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 FAO's International Plans of Action on Seabirds and Sharks;
 - c) 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) pelagic and bottom trawling, and purse seine fisheries;
 - iii) in the case of cetaceans, special attention is to be paid to South, Southeast and East Asia and West Africa;
 - iv) for turtles, these include long-line fisheries in the Pacific Ocean and impacts on Olive ridley turtles in South Asia;
 - v) for birds, South America and northern gillnet fisheries; and
 - vi) for sharks, all fisheries; and
 - d) 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;

12. *Requests* the CMS Secretariat, in conjunction with CMS daughter agreements (to avoid duplication of effort), to write to relevant RFMOs and other competent international bodies, inviting them to share with the CMS Secretariat available information on:

- a) migratory species bycatch policy and management;
- b) migratory species bycatch in the fisheries for which they have responsibility;
- c) assessments of the impacts by their respective fisheries on seabirds, sharks, turtles and cetaceans;
- d) adoption of monitoring, control and surveillance measures on bycatch in the fisheries relevant to migratory species; and
- e) best practices on the basis of the performance reviews that are underway;

and *requests* the CMS Secretariat to transmit this information to the Scientific Council;

13. *Calls* on CMS Parties:

- a) to require the implementation of proven bycatch solutions for work relating to implementation of the FAO's 'International Plan Of Actions (IPOA) for reducing the impacts of longline fishing on Seabirds' and 'Sharks' and development and implementation of national plans of action as required by those IPOAs; and
- b) that are also members of relevant RFMOs (e.g. ICCAT, IOTC, CCSBT, WCPFC) to work within those RFMOs to reduce bycatch in these fisheries through *inter alia* the development of bycatch action plans, independent observer schemes, assessments of the scale of the problem, awareness raising, and promoting technical mitigation;

Bycatch Mitigation Measures and Data Collection

14. *Encourages* Parties to conduct research to identify and improve mitigation measures, including use of alternative fishing gear and methods, to avoid or reduce bycatch where feasible, and subsequently promote their use and implementation;

15. *Invites* 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;

16. *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;

17. *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;

18. *Requests* the CMS Secretariat to:

- a) Source funds for:
 - i) a study to assist developing countries to determine relative levels of bycatch in their commercial and artisanal fisheries when they so require; and
 - ii) a series of specialist bycatch mitigation workshops in developing country Parties and non-Parties with substantial commercial fisheries in coordination with interested Parties;
- b) report progress on these actions to the CMS Standing Committee;

Collaboration and Cooperation

- 19. *Requests* the Secretariat to bring this resolution to the attention of, and to explore cooperation with, the Convention on Biological Diversity and the Committee of Fisheries of the Food and Agriculture Organization of the United Nations;
- 20. *Instructs* the CMS Secretariat to make the information gathered under paragraph 17 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 each Standing Committee meeting;
- 21. *Invites* the Secretariats of CMS and relevant daughter agreements to improve cooperation and communication on bycatch-related issues;
- 22. *Invites* the Scientific Council and the Working Group on Bycatch to recommend to the Conference of the Parties, as appropriate, concerted measures to be taken by Parties in respect of seabirds, marine turtles and cetaceans listed in Appendices I and II;
- 23. *Instructs* the Scientific Council to identify for each particular bycatch_situation the most effective mitigation techniques, which should build upon and complement existing initiatives within the fisheries sector;
- 24. *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;
- 25. *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;
- 26. *Urges* the Secretariats of Agreements or Memoranda of Understanding which include actions to address bycatch (such as ACAP, ACCOBAMS, ASCOBANS, West African Marine Turtle MOU, and the IOSEA Marine Turtle MOU) to identify any range states not yet signatory to such arrangements and encourage such range states to become parties and/or signatories to these arrangements and report progress to the CMS Standing Committee at its meetings;

27. *Encourages* stakeholders to consult experts on all taxa concerned to consider the potential effects on aquatic mammals, seabirds, marine turtles and sharks when choosing mitigation measures;
28. *Further encourages* all stakeholders to make full use of CMS agreements related to aquatic species and the particular expertise available within them related to bycatch of the taxonomic groups they deal with;
29. *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

30. *Calls upon* Parties to support the participation of representatives of the Secretariat and Scientific Council in relevant international fora through voluntary contributions;
31. *Calls upon* all donor countries to consider helping developing countries acquire and use relevant technology, and with appropriate education and training of fishermen;
32. *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;
33. *Calls upon* Parties and *invites* other governments, partner organizations and the private sector to provide voluntary contributions for the execution of these follow-up reviews and to finance independent research on the effectiveness and further improvement of mitigation measures; and

Final Provisions

34. *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*.