UN environment programme

CMS

CONVENTION ON MIGRATORY SPECIES

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BYCATCH AND OTHER FISHERIES-INDUCED MORTALITY

Adopted by the Conference of the Parties at its 15th Meeting (Campo Grande, March 2026)

Concerned that despite considerable progress on implementing bycatch mitigation measures to reduce the adverse impacts of fishing on CMS-listed species, bycatch remains one of the major causes of mortality of migratory species,

Noting that significant additional efforts are required to prevent bycatch of Appendix I-listed species and to reduce bycatch to levels that do not threaten the conservation status of Appendix II-listed species,

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,

Recalling Art. III (4.c) of the Convention, which calls upon Parties that are Range States of Appendix I-listed migratory species to, where feasible and appropriate, prevent, reduce or control factors endangering, or likely to further endanger such species,

Further recalling Art. III (5) of the Convention, which obliges Range States of Appendix I-listed migratory species to prohibit the taking of animals belonging to such species, except for specific and limited purposes, namely scientific research, enhancement of propagation or survival, traditional subsistence use, or in extraordinary circumstances, with such exceptions being precise in content and restricted in space and time, and ensuring that any such taking does not operate to the disadvantage of the species,

Affirming that this Resolution applies to fisheries both within national waters and Exclusive Economic Zones, as well as to flag vessels operating in Areas Beyond National Jurisdiction in accordance with Art. I (1.h), which states that "Range State in relation to a particular migratory species means any State (and where appropriate any other Party referred to under subparagraph (k) of this paragraph) that exercises jurisdiction over any part of the range of that migratory species, or a State, flag vessels of which are engaged outside national jurisdictional limits in taking that migratory species",

Recognizing the importance of indigenous peoples and local communities in addressing bycatch, particularly in communities that rely significantly on fisheries,

Acknowledging that many mitigation techniques have been developed for different taxa, fisheries and regions providing technical solutions and improving practices in relation to bycatch which could greatly enhance the conservation of many populations of migratory species,

Recognizing that specific mitigation techniques and practices are only effective within specific fisheries and that significant research and development is necessary to establish the effectiveness of mitigation within particular fisheries,

Further recognizing the important role of the FAO and where appropriate Regional Fishery Bodies (RFBs) in reducing bycatch of CMS-listed species and other non-target species,

Also recognizing increasing concern that fisheries to supply growing global demand for fish maw are seriously impacting marine species, including CMS-listed species caught as bycatch, and the importance of ongoing CMS collaboration with the IWC, CITES and other relevant organizations, Parties and stakeholders to address and mitigate these impacts,

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 CMS-listed migratory species against bycatch in line with the Convention;

2. *Urges* Parties to take precautionary measures where bycatch is poorly known or levels are unquantified;

3. *Further urges* Parties to implement applicable measures for Appendix I-listed species to actively prevent, mitigate, and where possible, eliminate bycatch; and to ensure that any specimens of Appendix I-listed species that are caught are recorded, reported, handled safely and humanely, and released immediately if alive, and that no specimens are retained on board, transshipped, landed, or used as bait, unless in accordance with the Convention and consistent with national legislation;

4. *Agrees* that for Appendix II-listed species, actions should be taken to reduce bycatch to levels that do not threaten the conservation of these species and where possible eliminate it;

5. *Further urges* Parties to address bycatch in their national legislation to implement the Convention and the provisions of this Resolution;

6. *Encourages* Parties to apply a mitigation hierarchy framework[1], that includes avoidance as the preferred option, to identify and implement effective bycatch mitigation measures;

7. *Further encourages* Parties to implement the best practice approaches and procedures provided in Annex 1 to this Resolution and to develop and implement national plans of action in accordance with relevant International Plans of Action (IPOAs) of the Food and Agriculture Organization of the United Nations (FAO);

[1] Gilman, Eric & Chaloupka, Milani & Booth, Hollie & Hall, Martin & Murua, Hilario & Wilson, Jono. (2023). Bycatch-neutral fisheries through a sequential mitigation hierarchy. Marine Policy. 150. 10.1016/j.marpol.2023.105522. (https://www.sciencedirect.com/science/article/pii/S0308597X23000490)

8. *Further urges* Parties, and *encourages* non-Parties, the FAO, RFBs, other relevant organizations, and the private sector, to simultaneously implement effective bycatch mitigation measures, while strengthening monitoring, data collection and research on bycatch of CMS-listed species, and to apply results to continuously improve implementation of bycatch mitigation measures, including by:

   a) assessing risk and implementing monitoring schemes, including, where appropriate, on-board observers or electronic monitoring, to determine and address the impact of fisheries bycatch;

   b) applying best practice mitigation measures informed by monitoring results and / or research, and regularly reviewing and refining their effectiveness;

   c) facilitating collection and sharing of species-specific bycatch data, including information on injuries caused by fisheries activities, to support the development of technical tools and management approaches to reduce post-release mortality;

   d) evaluating and minimizing adverse effects of bycatch on welfare and conservation, including sub-lethal effects of injury and stress, and their conservation implications; and

   e) funding, supporting and undertaking independent research to identify, assess and improve bycatch mitigation measures, including the development and promotion of alternative fishing gear and methods, particularly in respect to non-selective gear, which poses a particularly high risk to several CMS-listed species, supporting fishers in the uptake and continuous improvement of mitigation measures through engagement and collaboration, outreach, and education programmes in all types of fisheries, including, but not limited to small scale and artisanal fisheries, where resources are constrained;

9. *Further urges* Parties to develop and implement effective measures to reduce the amount of abandoned, lost or otherwise discarded fishing gear both within and beyond their national jurisdictions, and to minimize such losses from vessels flying their flag;

10. *Calls on* Parties to consider potential effects on other taxa when developing or adopting mitigation measures, in order to avoid unintended negative impacts;

11. *Further urges* Parties to actively cooperate with, and work through, competent national, regional, and international bodies responsible for fisheries management, taking into account the guidance set out in Annex 1 to this Resolution, with a view to enhancing the conservation of migratory species affected by bycatch and promoting coordinated implementation of effective mitigation measures;

12. *Further encourages* Parties that are Range States of CMS-listed species to cooperate with each other and with non-Party Range States through information exchange and further development of practical and effective bycatch mitigation measures and/or devices;

13. *Further calls* on Parties working through RFBs, as appropriate, to raise the serious and ongoing challenge of bycatch on CMS-listed species within these fora to promote the development and adoption of appropriate measures to address the issue;

14. *Requests* the Secretariat, the Scientific Council and Parties to continue and increase efforts to collaborate with other relevant international fora and where appropriate the RFBs, with a view to avoiding duplication and increasing synergies;

15. *Further encourages* Parties to utilize the Global Biodiversity Framework Fund (GBFF) under the GEF in providing financial and technical support to the implementation of this Resolution; and

16. *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*.

Annex to the Resolution

GUIDANCE ON MITIGATION AND MANAGEMENT OF BYCATCH IN FISHERIES

General

ICES (2020). ICES Roadmap for bycatch advice on protected, endangered and threatened species (2020). ICES Technical Guidelines. Report. https://doi.org/10.17895/ices.advice.6022

FAO (2011). International Guidelines on Bycatch Management and Reduction of Discards. https://openknowledge.fao.org/server/api/core/bitstreams/d47172a3-731b-49b7-9c59-bbda0b328ee7/content

Clarke, Sato, Small, Sullivan, Inoue & Ochi (2014). Bycatch in longline fisheries for tuna and tuna-like species: a global review of status and mitigation measures. FAO Fisheries and Aquaculture Technical Paper No. 588. Rome, FAO. https://www.fao.org/responsible-fishing/resources/detail/en/c/1315947/

Eayrs & Fuentevilla (2021). Advances and best practices in bycatch reduction in tropical shrimp-trawl fisheries. FAO Fisheries and Aquaculture Technical Paper No. 678. Rome, FAO. https://doi.org/10.4060/cb6635en

ISSF (2019). Non-Entangling & Biodegradable FADs Guide. Best Practices for fishers, RFMOs, governments & vessel owners. https://www.iss-foundation.org/about-issf/what-we-publish/issf-documents/non-entangling-and-biodegradable-fads-guide-english/

Marine Mammals

Hamilton and Baker 2019. Technical mitigation to reduce marine mammal bycatch and entanglement in commercial fishing gear: lessons learnt and future directions. Rev Fish Biol Fisheries 29, 223–247. https://doi.org/10.1007/s11160-019-09550-6 and UNEP/CMS/COP13/Inf.11

FAO (2021). Fishing operations. Guidelines to prevent and reduce bycatch of marine mammals in capture fisheries. FAO Technical Guidelines for Responsible Fisheries No.1, Suppl. 4. Rome. https://doi.org/10.4060/cb2887en

Cetaceans

CMS (2018). Review of Methods Used to Reduce Risks of Cetacean Bycatch and Entanglements (CMS Technical Series No.38). https://www.cms.int/en/publication/review-methods-used-reduce-risks-cetacean-bycatch-and-entanglements-cms-technical-series

ASCOBANS (2021). Monitoring Cetacean Bycatch: An Analysis of Different Methods Aboard Commercial Fishing Vessels - ASCOBANS Technical Series No.1. https://www.ascobans.org/en/publication/monitoring-cetacean-bycatch-analysis-different-methods-aboard-commercial-fishing-vessels

ASCOBANS (2021). Cost-benefit Analysis for Mitigation Measures in Fisheries with High Bycatch - ASCOBANS Technical Series No.2. https://www.ascobans.org/en/publication/cost-benefit-analysis-mitigation-measures-fisheries-high-bycatch

Hamer, D.J., Minton, G., 2020. Guidelines for the safe and humane handling and release of bycaught small cetaceans from fishing gear, In: Secretariat, U.C. (Ed.), CMS Technical series,

Bonn, Germany, p. 50. Available here: https://www.cms.int/publication/guidelines-safe-and-humane-handling-and-release-bycaught-small-cetaceans-fishing-gear

International Whaling Commission, 2024, Best Practices for the Disentanglement of Free Swimming Cetaceans. Adapted from practices developed for the United States National Oceanographic and Atmospheric Association, and endorsed by the International Whaling Commission's Scientific Committee. Available here: https://iwc.int/public/documents/v4UwJ/Adaptation-of-NOAA-Best-practices-for disentanglement-of-free-swimming-small-cetaceans_IWC-SC-Endorsed.pdf

IWC Large Whale entanglement response network: https://iwc.int/management-and-conservation/bycatch-and-entanglement-of-cetaceans-in-fishing/entanglement

Shark and Rays

Drynan D.A.D., Baker G.B, Garnett S.T., Kyne, P.M. (2025). Technical mitigation techniques to reduce the bycatch of sharks: there is no silver bullet.

Turtles

CMS (2025). A review of technical and operational measures to mitigate bycatch of marine turtles in commercial fisheries. UNEP/CMS/COP15/Inf.25.1.1

ISSF (2024). Jelly-FAD Construction Guide. Building netting-Free, Biodegradable FADs for Sustainable Tuna Fishing. https://www.iss-foundation.org/about-issf/what-we-publish/issf-documents/jelly-fad-construction-guide/

Seabirds

Agreement on the Conservation of Albatrosses and Petrels (ACAP). Bycatch Mitigation Advice. https://www.acap.aq/resources/bycatch-mitigation