

Draft Report of the Aquatic Species Working Group at the 5th Meeting of the Sessional Committee of the Scientific Council – ScC-SC5

01 & 05 July 2021: 12.00 – 14.30 (CEST)

1. Document 3. Programme of Work for the Sessional Committee of the Scientific Council for the intersessional period between COP13 and COP14

1.1. Tasks already included in the draft POW

The Working Group (WG) reviewed UNEP/CMS/ScC-SC5/Doc.3/Annex/Part B on aquatic species conservation issues, and made amendments as provided in CRP 3.b

Decision 13.56 Important Marine Mammal Areas (IMMAs)

- The WG welcomed the brief provided by the CAC for Aquatic Mammals, Giuseppe Notarbartolo di Sciara, and commended the IUCN Marine Mammal Protected Areas Task Force for its successful work.
- 159 IMMAs have been identified encompassing habitat of 30 marine mammal species listed in at least one of the CMS Appendices.
- Identification of IMMAs based on ad hoc criteria on a regional basis is planned to continue for the coming years, pending availability of funds, while 35% of the world's oceans have been covered by the effort.

Decision 13.60 Adverse Impacts of Anthropogenic Noise on Cetaceans and other Migratory Species

- The WG noted the overview on progress and agreed planned future activities on the implementation of Decision 13.60. The Secretariat was working with the CMS/ACCOBAMS/ASCOBANS Joint Noise Working Group (JN WG) in order to provide the requested advice to the Scientific Council. Three things were mandated: a) preparing the report on Best Available Technology (BAT) and Best Environmental Practice (BEP) for publication as an issue of the CMS Technical Series, b) advice on any additional noise mitigation guidance required; and c) an assessment of the need to update the EIA Guidelines (Annex to Res.12.14) and/or their Technical Support Information.
- A notification would be sent to Parties in line with Decision 13.58 to solicit input with respect to experiences and lessons-learned in the application of the EIA Guidelines. Parties present requested sufficient time to respond to this matter.
- The WG agreed that the EIA Guidelines themselves did not require updating, but that consideration might be given to the Technical Support Information. Where new science is available the technical experts who authored each chapter will be invited to review and consider revising their contributions. New chapters may also be considered. The highest priority should be the publication of the BAT/BEP report.
- The WG commended the government of Australia's National Offshore Petroleum Safety and Environmental Management Authority for applying the EIA Guidelines for seismic surveys.
- The WG welcomed the invitation of the IWC Anthropogenic Underwater Noise Intersessional Correspondence Group (AUN ICG) to collaborate closely on this issue. The AUN ICG was currently focusing on collecting information on seismic surveys, and

a questionnaire on that matter will be sent out shortly to its Member States and partners, in order to gain a better understanding of seismic activities on a global scale.

Decision 13.62 Bycatch

- the Secretariat will commission a review on current levels of bycatch of CMS and Sharks MOU Annex 1-listed chondrichthyan species and available knowledge of at-vessel and post-release mortality in those fisheries interacting with these species.
- Barry Baker, COP-appointed Councillor for Bycatch, will review existing bycatch mitigation measures and produce a draft report by the end of this year.
- The COP-appointed Councillors for Bycatch and Marine Fish in collaboration with the Sharks AC will prepare guidelines that include recommendations to CMS Parties and Sharks MOU Signatories on the most effective and appropriate measures to mitigate and reduce bycatch of CMS-listed and Sharks MOU Annex 1-listed chondrichthyan species.
- The WG welcomed these plans and the Sharks MOU AC Chair confirmed that the Sharks AC will support the Council and the Secretariat with implementation.
- Furthermore, the WG noted the offer from Sea Shepherd Legal (SSL) to provide support with the development of recommendations to mitigate bycatch.
- Concerns about the difficulties in distinguishing between catch and bycatch of sharks when analyzing logbook data (e.g. on mako sharks in the North Atlantic) were raised and the need for a clear definition of bycatch was expressed.
- It was noted that the Sharks MOU has agreed bycatch to be defined as: “**Sharks that interact with but are not the targets of fishing operations**”, and many supported this definition.

Decision 13.64 Aquatic Wild Meat

- The WG noted the report on progress presented by Margi Prideaux (Aquatic Wild Meat WG chair), as also contained in ScC-SC5/Inf.4, and the proposed focus of work in the coming intersessional period. This will entail a focus on the development of the proposed *Wild Meat Action Plan for the Gulf of Guinea*, strategic connections with aligned MEAs discussions, and further understanding about sharks and rays. A West African workshop, in collaboration with the Government of Benin and Abidjan Convention is planned for late 2021 or early 2022. Strategic papers being prepared for this workshop were briefly outlined.
- The WG also noted the Aquatic Wild Meat WG’s current lack of capacity to make progress on implementation of the part of the Decision (Part a.) that requires the Bycatch and Aquatic Wild Meat WGs to develop an analysis of the extent of instances where bycatch transitions to aquatic wild meat harvest.

Decision 13.68 Marine Wildlife Watching

- The Secretariat is developing guidelines, including a recommended code of conduct for operators, on recreational in-water interaction with CMS-listed species. A draft may be available for review by the end of 2021.
- The WG recommended that a link to Resolution 12.23 *Sustainable Tourism and Migratory Species* be taken into account by the consultant.

Decision 13.70 Marine Turtles

- The WG noted and agreed planned activities and progress made. In particular, the collaboration with IOSEA, SPREP and WWF undertaking preparatory work for the development of the Single Species Action Plan for Hawksbill Turtles covering South East Asia and parts of the Western Pacific was highlighted. A meeting of Range States was tentatively planned for the second quarter of 2022.

Decision 13.72 Chondrichthyan species

- The WG reviewed document 6.2.1 “[Synthesis of information on bycatch of Appendix I-listed chondrichthyan species provided by Parties in their National Reports to COP13](#)” which was prepared by the Secretariat.
- It was agreed that the information provided by Parties in their National Reports to COP13 was not sufficient to provide the requested advice to Parties on measures to reduce bycatch to sustainable levels.
- Nevertheless, the WG felt that the Decision should be regarded as completed and that advice on bycatch mitigation measures would be dealt with under Decision 13.62. This decision requests the Scientific Council to prepare guidelines that include recommendations on the most effective and appropriate measures to mitigate and reduce bycatch of chondrichthyan species listed on the CMS appendices and Sharks MOU Annex 1.
- It was generally agreed that reporting on bycatch is a significant burden to Parties, and that similar requests came from a variety of organizations, including CITES and RFMOs.
- The WG welcomed the offer by the Sharks MOU AC Chair to assist with developing a method to improve the reporting process and noted that a revised Format for National Reports under CMS will be reviewed by the CMS Standing Committee in September 2021.

Decision 13.81-13.82 Global Programme of Work for Cetaceans

- The WG noted and agreed planned activities as suggested by the Secretariat:
 - Commissioning a review on regional threats to aquatic mammals other than cetaceans; funding was required and prioritization of species to be addressed first should be undertaken.
 - Reviewing and updating the POW for Cetaceans which will expire soon; financial support pending confirmation from a donor.
 - Developing an Action Plan for Cetaceans in the Red Sea in consultation with Range States; coordination with the CMS Abu Dhabi office are underway.
- [Pursuant to Decision 13.83d,] the Secretariat co-hosted a joint workshop with IWC in April 2021, which focused on providing an overview of current knowledge on the role of cetaceans in ecosystems. A report is available [here](#). A follow-up workshop is planned, which will focus on more technical aspects.

1.2 Emerging issues/new items to be included in the POW:

- The WG agreed to include several additional tasks to the draft POW:

Addition of Core Tasks of the Scientific Council to the POW

- The WG agreed to include the core tasks of the Scientific Council as mandated through the Convention text, COP ROP and Resolution 10.04 to the POW to have them properly reflected. These tasks are presented in the Aquatic POW (CRP 3 Part B). Given that these tasks are generic to all taxonomic groups, the WG suggested it be included at the beginning of Section A of the POW.

Freshwater Fish

- SC Members from South America requested support and attention for the ongoing work they are doing on migratory Freshwater fish in South America.
- It was agreed to develop recommendations to Parties on measures to conserve freshwater fish in South America in response to the expected conservation status review.
- The Secretariat will consult with the CAC for Freshwater Fish, Zeb Hogan, and other interested Councillors on that matter.

Illegal Killing and Mutilation of Seabirds

- SC member for Oceania Graeme Taylor alerted the group to a report on the emerging issue of intentional killing and extensive aggressive handling of albatrosses and petrels at sea in the southwestern Atlantic Ocean, as recently published by [Gianuca et al.2020](#)¹.
- The paper outlines a series of problems in SW Atlantic, containing images of maltreatment of birds, including CMS-listed species, that were bycaught and severely mutilated instead of being safely handled and released. A large variety of species are vulnerable to this. Recommendations such as the need of understanding how widespread the problem is, and whether it is a problem affecting other fisheries areas were highlighted.
- It was noted that the matter was already being discussed by the ACAP Seabird Bycatch Working Group and that it may come up in their upcoming Meetings of the Advisory Committee and Working Group in August/September 2021.
- Discussions also addressed the problem of mutilation and deliberate killing in the context of other taxa, but the WG felt it best to keep the focus on seabirds for the time being.
- It was recommended to include a task in the POW to address this issue, specifically to undertake a review of the situation based on available literature to understand the magnitude and severity of the problem. It was further suggested that Parties from the region should provide information on measures undertaken to address this issue in waters under their jurisdiction.
- The WG recommends establishing an Intersessional Working Group on the mutilation of seabirds, to work in close cooperation with ACAP.

¹ Gianuca, Dimas & Bugoni, Leandro & Jiménez, Sebastián & Daudt, Nicholas & Miller, Philip & Canani Sampaio, Gabriel & Silva-Costa, Augusto & Faria, Fernando & Bastida, Julian & Seco Pon, Juan Pablo & Yates, Oli & Serafini, Patricia & Bond, Alexander. (2020). Intentional killing and extensive aggressive handling of albatrosses and petrels at sea in the southwestern Atlantic Ocean. *Biological Conservation*. 10.1016/j.biocon.2020.108817.

Draft portfolio of incoming COP Appointed Councillor for Marine Pollution

- The WG considered a work programme developed by the new COP-appointed Councillor for Marine Pollution, Mark Simmonds, which it was agreed should be reflected in the POW.
- The following areas were identified as priorities:
 - marine debris including Fish Aggregating Devices (FADs), noting links to the work of the Councillors for Bycatch and Marine Fish,
 - evidence of the effects of persistent organic pollutants (POPs) on marine migratory species, and
 - nutrient pollution

Draft portfolio of incoming COP Appointed Councillor for Marine Fish

- The WG welcomed the planned activities of the new COP-appointed Councillor for Marine Fish, Rima Jabado, who would contribute to several existing mandates, already included in the POW (Decision 13.62 and core tasks of the ScC). These include:
 - Further strengthening cooperation with the Sharks MOU Advisory Committee in general and, in particular, on ensuring the scientific quality and rigor of shark and ray listing proposals to CMS COP and identifying regional priorities for conservation actions.
 - Collaborating and strengthening cooperation with the IUCN Species Survival Commission's Shark Specialist Group (SSC SSG) in reviewing the conservation status of species and informing Parties.
 - Based on results from upcoming IUCN Red List of Threatened Species assessments, evaluating which species might require immediate attention, what the regional priorities are, and report back to Parties.
 - Supporting the implementation of the CMS Concerted Action for Rhino Rays (sawfishes, wedgefishes, guitarfishes and banjo rays) through the development of conservation planning strategies and action plans.
 - Supporting regional capacity-building activities (e.g., West Africa) on shark and ray data collection, conservation, and management.
 - Collaborating with the COP Appointed Councillor for Bycatch on developing guidelines/recommendations to Parties on bycatch mitigation measures (*Decision 13.62 on Bycatch*).
 - Collaborating with the COP Appointed Councillor on Marine Pollution on FADs and ghost gear.

2. Any Other Business (AOB)

Live Capture of Cetaceans from the Wild for Commercial Purposes

- Nicola Hodgins from WDC brought the document ScC-SC5/Inf.5 Recent Information on Live Capture of Cetaceans from the Wild for Commercial Purposes, to the attention of the WG.
- It was pointed out that sometimes there were issues with permits that were reported through the CITES database: some countries reported on all permits, even if the trade did not occur, and some countries only reported on trade that did occur.

Process Questions about Information Documents and the development of the ScC-SC Agenda

- The subject of Information documents was discussed. It was suggested that in future the Secretariat include relevant Inf. docs in the annotated agenda of its meetings and the agendas for WGs such as these. This would enable all delegates to find and read them in advance, and thus be better prepared if and when they are raised from the floor. This is already normal practice in a number of CMS daughter agreements.
- Delegates also noted that some information documents presented to ScC-SC5 really should have been meeting documents, which perhaps had not met the relevant deadline. Delegates discouraged such practice in future.
- Delegates also raised the question of when and how the agendas for ScC-SC meetings are finalised, and whether there is an opportunity to provide inputs to this process. The WG requested the Secretariat to provide guidance to Councillors and observers on deadlines and procedures regarding submission of documents.

➤ **Action for Plenary:**

Chair, the Plenary would need to consider the establishment of an Intersessional Working Group on the mutilation of seabirds, and to gather members if the group is established.