



TWENTY EIGHTH MEETING OF THE COUNCIL

*17 - 19 March 2020
Oslo, Norway*

DOCUMENT 15	OBSERVER REPORT FROM THE FAO BY-CATCH EXPERT MEETING TO DEVELOP TECHNICAL GUIDELINES TO REDUCE BYCATCH OF MARINE MAMMALS IN CAPTURE FISHERIES (ROME, 17-19 SEPTEMBER 2019)
Submitted by	Secretariat
Action requested	Take note
Background	<p>The NAMMCO Secretariat received an invitation from the FAO to participate in the Expert Meeting (EM) and Desportes participated to the meeting.</p> <p>Remark:</p> <p>The meeting report (adopted at the meeting) with the draft Technical guidelines in appendix C was published as FAO Fisheries and Aquaculture Report No. 1289 and is available on-line. It is now being circulated to COFI members for any final comments and suggestions for improvement of the draft Technical Guidelines, to be provided to FAO <u>before Friday 20 March 2020</u>. Any final comments/suggestions should be sent to the following e-mail address: Mammal-Bycatch@fao.org.</p>

1. BACKGROUND FOR THE FAO EXPERT MEETING

The FAO *Expert Workshop on Means and Methods for Reducing Marine Mammal Mortality in Fishing and Aquaculture Operations* ([March 2018](#)) 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, as well as the current state of their implementation. The workshop focussed on capture fisheries, but also reviewed techniques used to prevent interactions between marine mammals and aquaculture operations.

The Expert Workshop (EW) produced an extensive review of mitigation techniques across different gear types and species, together with a summary table and a draft decision tree for supporting management decision making. The EW recommended that the “*FAO develop Technical Guidelines on means and methods for prevention and reduction of marine mammal bycatch and mortality in fishing and aquaculture operations*”.

In 2018, the FAO Committee on Fisheries (COFI) welcomed the work on bycatch, including the recommendations of the EW. COFI encouraged the FAO to continue this work and to engage with Members, relevant experts and organizations such as the International Whaling Commission and the **North Atlantic Marine Mammal Commission** in developing technical guidelines to support best practices.

In response, the FAO convened the *Expert Meeting to Develop Technical Guidelines to Reduce Bycatch of Marine Mammals in Fisheries* in September 2019. The NAMMCO Secretariat received an invitation to participate in the Expert Meeting (EM). Although NAMMCO was not involved in the EW in 2018, it welcomed the invitation to join the EM in 2019. Desportes attended from the NAMMCO Secretariat, while Guðjón M. Sigurdsson (MFRI) participated as expert from Iceland and Arne Bjørge (IMR) as expert from Norway.

At the beginning of the meeting it was underlined that the participants were invited due to their personal expertise and not as national or institutional representatives. They came from a wide range of backgrounds, including from governmental and scientific institutions as well as NGOs.

2. EXPECTED OUTPUT FROM THE FAO EXPERT MEETING

The principal output expected from the EM was an agreed draft of the “**FAO Technical Guidelines for Responsible Fisheries: guideline to reduce bycatch of marine mammals in capture fisheries**”. These technical guidelines should support the implementation of the FAO 1995 Code of Conduct for Responsible Fisheries.

Ahead of the meeting, draft guidelines prepared by two FAO resource persons (both US scientists) were circulated to participants. The aim of the EM was *de facto* to review this draft and suggest changes to ensure that it was up to date and agreeable to all participants.

Other points on the agenda of the EM included discussing the impact of fisheries bycatch on marine mammals and reviewing the relevant policy instruments and institutional frameworks within fisheries that support the conservation of marine mammals.

In addressing its task “*the Meeting should take into Consideration recent recommendations from FAO meetings, workshops and other regional and international meetings on marine mammal bycatch reduction in fisheries, as well as ongoing processes of development of ‘Technical guidelines on safe handling and release of small cetaceans from fishing gear’ by the International Whaling Commission (IWC). Specific attention will be given as well to the **North Atlantic Marine Mammal Commission (NAMMCO) Report of the NAMMCO Scientific Working Group on By-catch (2018).***”

3. NAMMCO INPUT PRIOR TO AND DURING THE MEETING

Prior to the meeting, the reports of the NAMMCO 2017 and October 2018 BYCWG were sent to the FAO team organising the meeting, in addition to the report referred to above from the April 2018 BYCWG meeting. The Secretariat also sent a revised version of the description of NAMMCO that was included in the draft guidelines. The final text provided to the FAO reads as follows:

“The North Atlantic Marine Mammal Commission (NAMMCO), established by an international agreement in 1992, contributes to the conservation, rational management and study of cetaceans (whales, dolphins and porpoises) and pinnipeds (seals and walruses) in the North Atlantic through regional consultation and cooperation. Its four members – the Faroe Islands, Greenland, Iceland and Norway are committed to the sustainable and responsible use of marine mammals. This also includes a focus on animal welfare and minimising animal suffering related to both hunting and bycatch. With regards to bycatch, direct cooperation through NAMMCO started in 1998, through a Working Group established by the Management Committee, and addresses both conservation and management as well as animal welfare. The Scientific Committee established in 2014 a Working Group on By-catch with the aim of identifying all fisheries with potential by-catch of marine mammals. It should review and evaluate current by-catch estimates and provide advice on improved data collection and estimation methods to obtain best estimates of by-catch over time for use in stock assessment. In 2017, NAMMCO also established a Working Group on Bycatch, Entanglements and Live Strandings (BYCELS) to provide advice on welfare issues related to bycatch, entanglement, and live strandings affecting marine mammals. BYCELS shall ensure that its advice is based on the best available scientific findings, technological developments and traditional knowledge, with due consideration given to safety requirements for humans.”

Under the agenda point “General discussion on the draft Technical Guidelines”, Desportes conveyed NAMMCO’s general evaluation of the draft guidelines, with the main criticisms relating to a) the use of partial and subjective vocabulary (particularly in the introduction) for defining removals and some mitigation methods, and b) the length of the document, and particularly the amount of text that had little direct relevance for by-catch mitigation and was rather focused on conservation/protection of marine mammals (e.g. a lengthy review of national instruments in some countries). These features made the draft far from an impartial instrument and lacking in sufficient focus for technical guidelines. These same points were raised by several other participants. (see point 10 & 11 of the meeting report).

During the meeting, Desportes also made numerous additional interventions related to specific points and participated in the ad hoc group tasked with revising the draft decision-making tool produced by the 2018 Expert Workshop.

4. OUTPUT FROM THE FAO EXPERT MEETING

The EM focussed solely on mitigation and did not address how to best assess the rate or risk of by-catch. The NAMMCO BYCWG reports provided to the meetings were therefore not reviewed, as they dealt with estimating levels of by-catch.

The EM agreed on several important modifications to the draft guidelines, regarding both the content and the style.

There was general agreement that the draft guidelines were too long, lacked focus and in many places presented a biased perspective. It was therefore agreed to shorten the draft and provide a stronger focus on by-catch mitigation, e.g. by removing the review of national instruments (see point 17 & 18 of the meeting report - attached as appendix).

The vocabulary used was revised in several places to keep the text impartial, and the parts of the draft that were not directly related to bycatch mitigation were removed.

There was a clear consensus to not define general management objectives related to bycatch (e.g. by defining total allowable bycatch), as those vary among states. For example, from the sustainability of removals (e.g. the US and many others) to the complete elimination of by-catch (e.g. Australia).

On the whole, the participants expressed satisfaction with the meeting and the changes made to the original draft. The meeting was considered productive and respectful towards the different positions present.

The participants agreed upon the report and the recommendations of the EM, - provided in full as an appendix to this note.

The authors of the draft guidelines were tasked with incorporating the changes decided during the meeting as well as the specific changes forwarded by the participants but not directly addressed during the meeting. Following this, the guidelines will be recirculated to the meeting participants before being further processed within the FAO system.

NAMMCO Secretariat (GD), 11 October 2019

