



INTERNATIONAL GUIDELINES ON BYCATCH MANAGEMENT AND REDUCTION OF DISCARDS

DIRECTIVES INTERNATIONALES SUR LA GESTION DES PRISES ACCESSOIRES ET LA RÉDUCTION DES REJETS EN MER

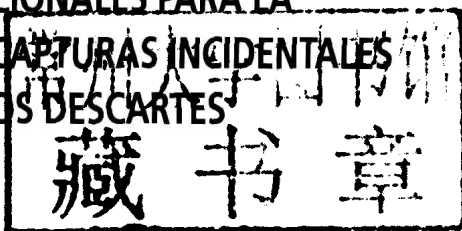
DIRECTRICES INTERNACIONALES PARA LA ORDENACIÓN DE LAS CAPTURAS INCIDENTALES Y LA REDUCCIÓN DE LOS DESCARTES



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ISBN 978-92-5-006952-4

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PREPARATION OF THIS DOCUMENT

This document contains the International Guidelines on Bycatch Management and Reduction of Discards which were endorsed by the Committee on Fisheries (COFI) at its twenty-ninth session (February 2011).

The purpose of these guidelines is to assist States and regional fisheries management organizations and arrangements (RFMO/As) in implementing the ecosystem approach to fisheries and United Nations General Assembly (UNGA) Resolution A/RES/64/72.

The Guidelines were drafted and developed through a series of activities, which were undertaken at the request of COFI at its twenty-eighth session (March 2009) and comprised:

- an Expert Consultation to Develop Draft International Guidelines on Bycatch Management and Reduction of Discards (Rome, Italy, 21–23 December 2009); and
- a Technical Consultation on the International Guidelines on Bycatch Management and Reduction of Discards (Rome, 6–10 December 2010), where the FAO International Guidelines were further developed and adopted (FAO Fisheries and Aquaculture Report No. 957).

The whole process, including the convening of the Technical Consultation, was generously supported by the Government of Norway.

PRÉPARATION DE CE DOCUMENT

Le présent document contient les Directives internationales sur la gestion des prises accessoires et la réduction des rejets en mer, qui ont été approuvées par le Comité des pêches à sa vingt-neuvième session, en février 2011.

Les directives ont pour objet d'aider les États et les organismes et arrangements régionaux de gestion des pêches à mettre en pratique une approche écosystémique et à appliquer les dispositions de la résolution A/RES/64/72 adoptée par l'Assemblée générale des Nations Unies à sa soixante-quatrième session.

Les directives sont l'aboutissement d'une série d'activités entreprises à la demande du Comité des pêches à sa vingt-huitième session, en mars 2009. Deux consultations ont eu lieu successivement:

- une consultation d'experts sur un projet de directives internationales sur la gestion des prises accessoires et la réduction des rejets en mer (Rome, 21-23 décembre 2009) ; et

- une consultation technique pour l'élaboration de directives internationales sur la gestion des prises accessoires et la réduction des rejets en mer (Rome, 6-10 décembre 2010), au cours de laquelle les directives ont été élaborées plus avant puis adoptées (voir le rapport n°957 de la FAO sur les pêches et l'aquaculture).

L'ensemble des travaux, y compris la consultation technique, a bénéficié d'une aide généreuse de la Norvège.

PREPARACIÓN DEL PRESENTE DOCUMENTO

El presente documento contiene las Directrices Internacionales para la Ordenación de las Capturas Incidentales y la Reducción de los Descartes, que fueron aprobadas por el Comité de Pesca (COFI) en su 29.º período de sesiones celebrado en febrero de 2011.

La finalidad de dichas Directrices es ayudar a los Estados y las organizaciones o acuerdos regionales de ordenación pesquera (RFMO/As por sus siglas en Inglés) a aplicar el enfoque ecosistémico a la pesca y la Resolución A/RES/64/72 de la Asamblea General de las Naciones Unidas.

Las Directrices se redactaron y elaboraron a través de una serie de actividades que se llevaron a cabo en respuesta a una petición formulada por el COFI en su 28.º período de sesiones, celebrado en marzo de 2009, y comprenden las consultas siguientes:

- una Consulta de expertos para elaborar el proyecto de Directrices internacionales para la ordenación de las capturas incidentales y la reducción de los descartes (celebrada en Roma [Italia] del 21 al 23 de diciembre de 2009); y
- una Consulta técnica sobre la elaboración de Directrices internacionales para la ordenación de las capturas incidentales y la reducción de los descartes (Roma, 6-10 de diciembre de 2010), en las que se desarrollaron y aprobaron las Directrices internacionales de la FAO (*Informe de pesca y acuicultura* de la FAO n.º 957).

Todo el proceso, incluida la convocatoria de la Consulta técnica, recibió el generoso respaldo del Gobierno de Noruega.

FAO.

International Guidelines on Bycatch Management and Reduction of Discards.

Directives internationales sur la gestion des prises accessoires et la réduction des rejets en mer.

Directrices Internacionales para la Ordenación de las Capturas Incidentales y la Reducción de los Descartes.

Rome/Roma, FAO. 2011. 73 pp.

ABSTRACT

These International Guidelines on Bycatch Management and Reduction of Discards were developed through a participatory process involving fisheries experts, fishery managers from governments, the fishing industry, academia and non-governmental and intergovernmental organizations. The guidelines are designed to provide guidance on management factors ranging from an appropriate regulatory framework to the components of a good data collection programme, and include the identification of key management considerations and measures necessary to ensure the conservation of target and non-target species, as well as affected habitats. These guidelines are voluntary and constitute an instrument of reference to help States and RFMO/As in formulating and implementing appropriate measures for the management of bycatch and reduction of discards in all fisheries and regions of the world.

RÉSUMÉ

Les Directives internationales sur la gestion des prises accessoires et la réduction des rejets en mer sont le résultat d'une collaboration entre spécialistes de la pêche, responsables nationaux de la gestion des pêcheries, représentants de l'industrie de la pêche, universitaires et organisations non gouvernementales et intergouvernementales. Elles donnent des indications sur la manière de gérer la pêche, depuis le cadre réglementaire qu'il convient de mettre en place jusqu'aux éléments constitutifs d'un bon programme de collecte de données, en passant par des considérations de gestion et par des mesures de conservation des espèces visées et non visées ainsi que des habitats. Il s'agit de directives à caractère facultatif. Elles sont conçues comme un outil de référence à l'intention des États et des organismes et arrangements régionaux de gestion des pêches devant les aider à mettre au point et à appliquer des mesures adaptées de gestion des prises accessoires et de réduction des rejets en mer, dans toutes les pêcheries et dans toutes les régions du monde.

RESUMEN

Las presentes Directrices Internacionales para la Ordenación de las Capturas Incidentales y la Reducción de los Descartes se elaboraron a través de un proceso participativo en el que intervinieron expertos en pesca, responsables de pesca de los gobiernos, la industria pesquera, instituciones académicas y organizaciones no gubernamentales e intergubernamentales. Las Directrices están diseñadas para proporcionar orientación sobre los factores de la ordenación que van desde la elaboración de un marco normativo adecuado hasta los componentes de un buen programa de recopilación de datos, pasando por la determinación de los aspectos fundamentales de la ordenación y las medidas necesarias para garantizar la conservación de las especies objetivo y las especies que no son objeto de captura, así como los hábitats afectados. Las presentes Directrices son de aplicación facultativa y constituyen un instrumento de referencia para ayudar a los Estados y las OROP/AROP a formular y ejecutar medidas adecuadas para la ordenación de las capturas incidentales y la reducción de los descartes en todas las pesquerías y regiones del mundo.

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INTERNATIONAL GUIDELINES ON BYCATCH MANAGEMENT AND REDUCTION OF DISCARDS

Summary

These International Guidelines on Bycatch Management and Reduction of Discards were developed and adopted by the FAO Technical Consultation held in Rome from 6 to 10 December 2010. They are intended to assist States and RFMO/As in the management of bycatch and reduction of discards in conformity with the FAO Code of Conduct for Responsible Fisheries.

1. BACKGROUND

- 1.1 The 1995 Code of Conduct for Responsible Fisheries (the Code) of the Food and Agriculture Organization of the United Nations (FAO) calls for the sustainable use of aquatic ecosystems and requires that fishing be conducted with due regard for the environment. The Code also promotes the maintenance, safeguarding and conservation of biodiversity of ecosystems by minimizing fisheries impacts on non-target species and the ecosystem in general. However, despite the Code's endorsement by all FAO Members, there is growing concern that levels of fishing mortality as a result of bycatch and discards threaten the long-term sustainability of many fisheries and the maintenance of biodiversity in many areas, resulting in increased food insecurity and adversely affecting the livelihoods of millions of fishers and fishworkers dependent on fish resources.
- 1.2 Calls for action on bycatch and discards have been raised at the United Nations General Assembly (UNGA), including in UNGA Resolution A/RES/64/72 on Sustainable Fisheries adopted by the Sixty-fourth Session. States, subregional and regional fisheries management organizations and arrangements (RFMO/As) and other relevant international organizations were urged to reduce or eliminate bycatch, catch by lost or abandoned gear, fish discards and post-harvest losses, and to support studies and research that will reduce or eliminate bycatch of juvenile fish.
- 1.3 Past efforts taken by FAO to address these issues have included the development of 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) and the 2009 FAO Guidelines to Reduce Sea Turtle Mortality in Fishing Operations. Despite these efforts, problems persist with the high levels of unwanted and often unreported bycatch and discards in many fisheries around the world, including the capture of juveniles of economically valuable and ecologically important fish. In 2004, FAO estimated that discarded global catch was approximately 7 million tonnes. Estimating the total amount of global bycatch and discards, however, has proven difficult for a variety of reasons. Depending on the definition used, bycatch may be in excess of 20 million tonnes.
- 1.4 At the Twenty-eighth Session of the FAO Committee on Fisheries (COFI) in March 2009, FAO reported on bycatch and discards and

reiterated that in poorly managed fisheries, unreported and unregulated (i) landings of bycatch, (ii) discards and (iii) pre-catch losses were issues of major concern. At the same session, COFI agreed that FAO should develop International Guidelines on Bycatch Management and Reduction of Discards through the process of an Expert Consultation followed by a Technical Consultation.

- 1.5 Accordingly, FAO took steps to develop the Guidelines by coordinating (i) an Expert Consultation held in Rome, Italy, from 30 November to 3 December 2009 to prepare a draft of the Guidelines and (ii) a Technical Consultation held in Rome, Italy, from 6 to 10 December 2010 to finalize the International Guidelines on Bycatch Management and Reduction of Discards (these Guidelines).
- 1.6 These Guidelines are to be interpreted and applied in conformity with the relevant rules of international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 (1982 UN Convention). Nothing in these guidelines prejudices the rights, jurisdiction and duties of States under the international law of the sea as reflected in the 1982 UN Convention.
- 1.7 These Guidelines are also to be interpreted and applied to complement bycatch measures addressed in the IPOA-Seabirds and its related Best Practices Technical Guidelines, the IPOA-Sharks and Guidelines to Reduce Sea Turtle Mortality in Fishing Operations.

2. SCOPE, PURPOSE AND OBJECTIVES

2.1 Scope

The scope of these Guidelines is global, covering all fishing activities in all seas, oceans and inland waters.

2.2 Purpose

The purpose of these Guidelines is to assist States and RFMO/As in implementing the Code and an ecosystem approach to fisheries through effective management of bycatch and reduction of discards.

2.3 Objective

The objective of these Guidelines is to promote responsible fisheries by:

- (i) minimizing the capture and mortality of species and sizes which are not going to be used in a manner that is consistent with the Code;

- (ii) providing guidance on measures that contribute towards more effective management of bycatch and reduction of discards; and
- (iii) improving reporting and the accounting of all components of the catch of which bycatch and discards are subsets.

2.4 Characteristics of bycatch

- 2.4.1 It is not possible to develop a standard international definition of bycatch because of the very diverse nature of the world's fisheries, historical differences in how bycatch has been defined nationally, ambiguities associated with bycatch related terminologies and choices of individual fishers on how different portions of their catch will be used. Also there are functional interpretations of bycatch that include catch that a fisher did not intend to catch but could not avoid, often did not want or chose not to use. There are also regulatory interpretations of bycatch in fisheries management plans and these types of interpretations may not necessarily coincide.
- 2.4.2 In fisheries that have a fishery management plan, species and sizes considered to be bycatch may be designated in the plan. If not designated, bycatch refers to the portion of the total catch that is not consistent with the plan. Bycatch may also be designated as catch that is prohibited in that fishery.
- 2.4.3 In multispecies/multigear fisheries where there is poor gear selectivity and where most species caught are used, bycatch refers to that part of the catch that should not have been caught, *inter alia*, because of detrimental ecological and/or economic consequences.
- 2.4.4 A wide range of problems with bycatch have been recognized in specific fisheries and some examples include, *inter alia*, catching:
 - (i) species and sizes not specifically targeted in a fishery;
 - (ii) species that are protected, endangered or threatened;
 - (iii) juvenile fish; and
 - (iv) organisms for which there is no intended use.

- 2.4.5 Some countries include pre-catch mortality and ghost fishing in their legal definitions of bycatch, whereas others do not. Additional measures may be necessary to address these other consequences of fishing and are considered in section 8 of these Guidelines.

2.5 Characteristics of discards

Discards are that portion of the total catch which is thrown away or slipped. Discards may be comprised of single or multiple species and may be alive or dead. In the context of these Guidelines discards refer to the throwing away or slipping of dead fish and fish that may not survive after live release. While the objective is to reduce the capture of living aquatic resources that are not going to be used, some capture is unavoidable. In this case, the objective should be to release them alive and maximize their survival by reducing post-release mortality. Some examples of the fishery-specific problems of discarding include, *inter alia*:

- (i) changes in food chain ecology through discarding dead fish or fish that may not survive after live release;
- (ii) perceived wastage of fish through discarding; and
- (iii) unsustainable fishing if the amount of discards is not included in the assessment of the status of the fishery and in the implementation of the relevant management plan.

3. MANAGEMENT FRAMEWORK

3.1 Governance frameworks

3.1.1 States, acting as flag States, port States, coastal States or importing or exporting (market) States in conformity with the relevant rules of international law, in particular trade-related instruments, or when exercising jurisdiction over their nationals, should, with the advice of the competent fisheries management authority, contribute to the attainment of their objectives for the management of bycatch and reduction of discards.¹

3.1.2 States should establish and implement national policies, legal and institutional frameworks for the effective management of bycatch and the reduction of discards, including those

¹ At the twenty-ninth session of the Committee on Fisheries, Iceland noted that their understanding of the term “their objectives” in paragraph 3.1.1 related to the objectives of the competent national fisheries management authority

measures agreed by RFMO/As in which they are members or participate as cooperating non-members. Governance and legal frameworks should enable, *inter alia*:

- (i) the application of an ecosystem approach to fisheries;
- (ii) the use of effective input controls and/or output controls especially in fisheries where bycatch and discards are a significant issue;
- (iii) as appropriate, the implementation of co-management and community-based management of fisheries to better manage bycatch and reduce discards; and
- (iv) the implementation of measures and actions set out in international conventions, internationally agreed guidelines and other international fisheries instruments, in order to manage bycatch and reduce discards.

3.2 Institutional and management frameworks

- 3.2.1 States should ensure that measures taken to manage bycatch and reduce discards are consistent with the 1982 UN Convention and the 1995 Agreement for the Implementation 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 (UN Fish Stocks Agreement) and with other international instruments including the Code.
- 3.2.2 States should adopt and implement measures necessary to ensure the management of bycatch and reduction of discards as part of fisheries management:
 - (i) in accordance with the precautionary approach, as reflected in Article 6 of the UN Fish Stocks Agreement, and as set out in Article 6.5 and 7.5 of the Code;
 - (ii) in accordance with the responsible use of fish as set out in the Code; and
 - (iii) based on the best scientific and technical information available, taking into account fishers' knowledge.
- 3.2.3 States should promote capacity building for better management of bycatch and the reduction of discards