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## **AUSTRALIA'S PROPOSAL TO ADDRESS THE IMPACT OF PURSE SEINE FISHING ACTIVITY ON WHALE SHARKS**

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**WCPFC9- 2012-DP-13**

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### **Explanatory Note**

Australia is deeply concerned about the potential impacts of purse seine fishing activities on populations of whale sharks in the Western and Central Pacific Ocean (WCPO).

Whale sharks are listed on Annex 1 of the *United Nations Convention on the Law of the Sea* and as such are a highly migratory fish species which must be conserved and managed by WCPFC (Articles 2 and 5(a) of the WCPFC Convention).

Whale sharks are listed in Appendix II to the *Convention for Migratory Species of Wild Animals*. This appendix lists migratory species that would benefit significantly from international co-operation organised by tailored agreements.

Whale sharks are listed on the International Union for Conservation of Nature Red List of Threatened Species as vulnerable.

Whale sharks are particularly vulnerable to being encircled by purse seine nets, due to the propensity of tuna to form schools around them.

A paper by SPC-OFP on whale shark and cetacean interactions in the purse seine fishery of the WCPO was presented to WCPFC8 (WCPFC8-2011-IP/01). This paper updates the paper presented to WCPFC7, and presents 2007-2010 data from logsheets and from observers that show associations and interactions of purse seine sets with whale sharks, baleen whales, false killer whales, pilot whales and a number of other cetaceans.

Observers have recorded that 2.6% of purse seine sets are intentionally set on cetaceans or whale sharks—1,020 intentional sets observed from a total of 39,989 observed sets. This infers a total of approximately 4,703 intentional sets over the period. Logsheets, however, only record 0.2% of sets as intentional sets. Observer data also highlight that all other set types can encircle whale sharks and cetaceans unintentionally, with 58% of observed whale shark interactions occurring in sets classified as 'unassociated' (i.e. as on free schools of tuna).

The paper concludes that: "It is clear that purse seine sets on whale sharks are a combination of both targeted sets and inadvertent capture."

For some species, the mortality rates following these interactions are high: In 2007-2009, 12% of interactions with whale sharks resulted in mortality, and in 2010,

this figure was 5%. For 2009, it is estimated that there were 56 whale shark deaths and in 2010, 19 whale shark deaths due to encirclement by purse seine nets.

At WCPFC8, a Conservation and Management Measure (CMMs) was proposed to address this issue. A similar CMM to Address the Impact of Purse Seine Activity on Cetaceans (CMM2011-03) was adopted. WCPFC8 agreed that a CMM on protecting whale sharks from purse seine fishing operations will be finalised at WCPFC9, based on the measure before WCPFC8 (WCPFC8-20110DP/15a(Rev1)).

Australia welcomes the recommendation of the Science Committee of developing best practice guidelines for release of encircled whale sharks without injury while considering the safety of the crew, and continues to assist in this work. This is also part of an overall strategy for the management of fishery impacts on these species – the guidelines will not in their own right be a suitable alternative to the proposals tabled by Australia.

Australia proposes the attached CMM to prohibit the deliberate setting of purse seine nets around whale sharks (and to mitigate the impact of inadvertent encirclement). This includes requirements for logbook and observer reporting of all interactions, both to the flag State and to the Commission. This reporting is required to improve the data available to the WCPFC so that members and cooperating non-members are well informed about interactions with these species and the effectiveness of the measure. The draft CMM also refers to the best practice guidelines for safe release of encircled animals that continue to be developed by the Science Committee.

Australia notes that the Parties to the Nauru Agreement (PNA) have already implemented a ban on setting purse seine nets within one nautical mile of a whale shark, by way of their third implementing arrangement and associated national instruments. This measure therefore already applies in the area where the majority of the purse seine fishing occurs. At TCC7 and WCPFC8, members indicated their support of, and compliance with, the PNA requirements.

We note the concerns raised by some members at TCC7, WCPFC8 and TCC8, with the attached draft incorporating these views. This includes the lack of awareness, in some instances, of the presence of a whale shark at the time the set is made. These concerns are addressed in the measures in that it firstly prohibits setting a purse seine net on a school of tuna associated with a whale shark in the high seas and exclusive economic zones of the Convention area, regardless of whether the animal is alive or dead, if the animal is sighted prior to the commencement of the set. Secondly, the proposed measure specifies the actions that should be taken in the case of accidental encirclement.

Australia looks forward to consideration of this measure with a view to endorsement at WCPFC9.