



SEVENTH REGULAR SESSION
Honolulu, Hawaii, USA
6-10 December 2010

**PROPOSED CONSERVATION AND MANAGEMENT MEASURE MITIGATING
FISHING IMPACTS ON CETACEANS**

WCPFC7-2010-DP/17 Rev 2
09 December 2010

Paper prepared by Australia

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MITIGATING FISHING IMPACTS ON CETACEANS

The Western and Central Pacific Fisheries Commission;

In accordance with the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention);

Recognising the ecological and cultural significance of cetaceans in the Western and Central Pacific Ocean;

Recognising that a number of these species are listed under the International Union for the Conservation of Nature Red List of Threatened Species, and are particularly vulnerable to being encircled by purse seine nets;

Recognising further that cetaceans are listed in Appendix I or II to the *Convention for International Trade in Endangered Species of Wild Fauna and Flora* (CITES), Appendix I or II to the *Convention for Migratory Species of Wild Animals* (CMS), and Annex I (Highly Migratory Species) of the *United Nations Convention on the Law of the Sea*;

Concerned to ensure that cetaceans are protected from accidental mortality through purse seine operations;

Acknowledging that the conservation of these species depends on co-operative and co-ordinated activity at the international level, and that Regional Fisheries Management Organisations play an integral role in mitigating the impacts of fishing on these species;

Noting with concern that observer reports on fishing activities by vessels flagged to Members, Co-operating Non-Members and Participating Territories (CCMs) indicate a number of instances of interactions with these species;

Adopts the following Conservation and Management Measure in accordance with Article 10 of the Convention:

1. ~~CCMs shall require that, w~~While fishing in the high seas and exclusive economic zones of the Convention Area, no ~~master-of-a~~ fishing vessel shall intentionally knowingly set a purse seine nets around a cetaceans, ~~regardless of whether the animals are is alive or dead.~~
2. ~~CCMs shall require that, i~~In the event that a cetacean is ~~inadvertently~~ encircled in athe purse seine net, ~~the master-of~~ the vessel shall:
 - (a) ensure that all reasonable steps are taken to ensure its safe release, ~~-including by stopping the net roll and not recommencing fishing operation-~~ until the animal has been released and is no longer at risk of recapture; and
 - (b) report the details of the incident to the relevant authority of the flag State, including ~~details-of~~ the species (if known) and the estimated number of individuals, ~~how and why the encirclement happened, where it occurred, steps taken to ensure safe release, and an assessment of the life status of the animal on release (including whether the animal was released alive but subsequently died).~~
3. CCMs shall advise in their Part 2 Annual Report of any instances in which a cetaceans has~~ve~~ been encircled by athe purse seine nets of a vessel flying their flagged vessels, including the details required under paragraph 2(b).
4. The Secretariat shall report on interactions with cetaceans ~~the implementation of this conservation and management measure based~~ on the information in basis of observer reports, as part of the Annual Report on the Regional Observer Program.