



**COMMISSION  
EIGHTH REGULAR SESSION**  
Tumon, Guam, USA  
26-30 March 2012

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**Australia Proposals to Address the Impact of Purse Seine Fishing Activity on Whale Sharks**

**WCPFC 2011-DP-15a Rev1**

**29 March 2012**

## **PROTECTION OF WHALE SHARKS FROM PURSE SEINE FISHING OPERATIONS [Rev.1](#)**

*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 whale sharks in the Western and Central Pacific Ocean (WCPO);

**Aware** that whale sharks are listed in Appendix II to the *Convention for International Trade in Endangered Species of Wild Fauna and Flora* (CITES); in Appendix II to the *Convention for Migratory Species of Wild Animals* (CMS); and as vulnerable on the International Union for the Conservation of Nature Red List of Threatened Species;

**Mindful** that whale sharks are particularly vulnerable to being encircled by purse seine nets, due to the propensity of tuna to form schools around them;

**Concerned** about the potential impacts of purse seine operations on the sustainability of whale sharks;

**Required**, by Article 5(d) and (e) of the Convention, to adopt management arrangements for whale sharks as non-target and associated or dependent species, as they are incidentally caught by purse-seine fisheries in the WCPO.

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

**Alarmed** by observer reports on fishing activities by vessels flagged to Members, Co-operating Non-Members and Participating Territories that indicate a number of instances of interactions with whale sharks, high mortality rates of encircled whale sharks and instances of misreporting of these interactions in logbooks;

**Noting** that the Parties to the Nauru Agreement (PNA) have prohibited the purse seine vessels fishing in their exclusive economic zones from conducting sets on or around whale sharks;

**Recalling** that Article 8 of the Convention requires compatibility of conservation management measures established for the high seas and those adopted for areas under national jurisdiction;

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

1. CCMs shall prohibit their flagged vessels from ~~the intentional~~ setting of a purse seine net ~~within one nautical mile of 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.~~
2. For fishing activities in PNA exclusive economic zones, the prohibition shall be implemented in accordance with the Third Arrangement implementing the Nauru Agreement as amended on 11 September 2010.
3. CCMs shall require that, in the event that a whale shark is unintentionally encircled in the purse seine net, the master of the vessel shall:
  - (a) ensure that all reasonable steps are taken to ensure its safe release, ~~while considering the safety of the crew.~~ This shall include 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 incident to the relevant authority of the flag State, including the number of individuals, details of how and why the encirclement happened, where it occurred, steps taken to ensure safe release, and an assessment of the life status of the whale shark on release (including whether the animal was released alive but subsequently died).
4. In taking steps to ensure the safe release of the whale shark as required under paragraph 3(a), CCMs shall require the master of the vessel to follow any guidelines adopted by the Commission for the purpose of this measure.
- [4bis. In applying steps under paragraphs 2, 3\(a\) and 4, the safety of the crew shall remain paramount.](#)
5. CCMs shall advise in their Part 1 Annual Report of any instances in which whale sharks have been encircled by the purse seine nets of their flagged vessels, including the details required under paragraph 3(b).
6. The Secretariat shall report on the implementation of this conservation and management measure on the basis of observer reports, as part of the Annual Report on the Regional Observer Programme.