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Australia Proposals to Address the Impact of Purse Seine Fishing Activity on Cetaceans

**WCPFC 2011-DP-15b Rev 2
29 March 2012**

PROTECTION OF CETACEANS FROM PURSE SEINE FISHING OPERATIONS Rev.2

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 (WCPO);

~~**Aware** that a number of these species are listed in Appendix I and II to the Convention for International Trade in Endangered Species of Wild Fauna and Flora (CITES); in Appendix I and II to the Convention for Migratory Species of Wild Animals (CMS); and as vulnerable or endangered on the International Union for the Conservation of Nature Red List of Threatened Species.~~

Mindful that cetaceans are particularly vulnerable to being encircled by purse seine nets, due to the propensity of tuna to form schools around them, or for toothed cetaceans to be attracted to the same prey as tuna;

Committed to ensuring that potential impacts on the sustainability of cetaceans from accidental mortality through purse seine operations are mitigated;

Required, by Articles 5(d) and (e) of the Convention, to adopt management arrangements for cetaceans 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 these species depends on co-operative and coordinated activity at the international level, and that Regional Fisheries Management Organisations play an integral role in mitigating the impacts 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 these species, and instances of misreporting of such interactions in logbooks;

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 on a school of tuna associated with~~around~~ a cetacean in the high seas and exclusive economic zones of the Convention Area, if the animal is sighted prior to commencement of the set,~~regardless of whether the animal is alive or dead.~~
2. CCMs shall require that, in the event that a cetacean 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 details of the species (if known) and number of individuals, location and date of such encirclement~~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 animal on release (including, if possible, whether the animal was released alive but subsequently died).
3. In taking steps to ensure the safe release of the cetacean as required under paragraph 2(a), CCMs shall require the master of the vessel to follow any guidelines adopted by the Commission for the purpose of this measure.

3bis. In applying steps under paragraphs 2(a) and 3, the safety of the crew shall remain paramount.

4. CCMs shall ~~include~~ ~~advise~~ in their Part 1 Annual Report ~~of~~ any instances in which cetaceans have been encircled by the purse seine nets of their flagged vessels, ~~reported including the details required~~ under paragraph 2(b).
5. 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.
6. This Conservation and Management Measure shall enter into force on January 1, 2013.