

**RESOLUTION 13/05****ON THE CONSERVATION OF WHALE SHARKS
(*RHINCODON TYPUS*)**

APPLICABLE TO



This Resolution requires certain measures to avoid interactions, entanglements and mortalities of whale sharks in purse seine fisheries and to collect and report data. It applies to all CPC vessels on the IOTC Record of Authorised Vessels or authorised to fish for IOTC species on the high seas. It does not apply to artisanal fisheries operating exclusively in their respective EEZs.

REPORTING REQUIREMENTS

CPC flag States have two reporting requirements: reports on information and data collected through logbooks or observer programmes in relation to encirclement of any whale shark with a purse seine net and interactions with other fishing gear; reports in accordance with Article X of the IOTC Agreement on the instances of encirclement of whale sharks by purse seine nets by their flag vessels.

WHO

CPC FLAG STATE

WHAT

Report the following data collected through logbooks or observers - any encirclement with purse seine nets, or any other interaction with other fishing gear with following information:

- i. the number of individuals;
- ii. a short description of the interaction, including details of how and why the interaction occurred, if possible;
- iii. the location of the encirclement;
- iv. the steps taken to ensure safe release;
- v. an assessment of the life status of the animal on release, including whether the whale shark was released alive but subsequently died.

Any instances in which whale sharks have been encircled by purse seine nets by their flagged vessels in accordance with Article X of the IOTC Agreement.

WHEN

DEADLINE
*30 June
annually*

DEADLINE
*60 days before the session of the Commission
annually*

REPORTING REQUIREMENTS: FORMAT AND CONTENT

There are reporting templates for this Resolution. For encirclement and other interactions the reporting is subject to the requirements of Resolution 15/02, and reporting in accordance with Article X of the Agreement for encirclement of cetaceans by purse seine nets must be made in the Report on Implementation, Part C.

REPORTING REQUIREMENT 1:

REPORT ANY ENCIRCLEMENT WITH PURSE SEINE NETS, OR ANY OTHER INTERACTION WITH OTHER FISHING GEAR (PARA 7)

IMPLEMENTATION

- How to report: The flag State CPC should report the instances in accordance with the requirement of Resolution 15/02.
- Reporting format: A template is available at <https://www.iotc.org/node/4076> (Form 1D1)
- Where to send the information: The form should be sent to iotc-secretariat@fao.org

REPORTING REQUIREMENT 2:

ANY INSTANCES IN WHICH WHALE SHARKS HAVE BEEN ENCIRCLED BY PURSE SEINE NETS BY THEIR FLAGGED VESSELS (PARA 8)

IMPLEMENTATION

- How to report: The CPC flag State shall report in accordance with Article X of the IOTC Agreement.
- Reporting format: In the Report of Implementation, Part C.
- Where to send the information: The report should be sent to iotc-secretariat@fao.org



TRANSPPOSITION INTO NATIONAL LAW

PROPOSED LEGISLATIVE FRAMEWORK

TO PROHIBIT OF INTENTIONALLY SETTING PURSE SEINE NET AROUND A WHALE SHARK (PARA 2)

1) The operator of a [country] fishing vessel [that is included on the IOTC Record of Fishing Vessels, or is authorised to fish tuna and tuna-like species on the high seas managed by the IOTC], except any [country] fishing vessel that is exclusively engaged in artisanal fisheries in the Fisheries Waters, shall not intentionally cause or allow a purse seine net to be set around any whale shark [in the IOTC area of competence] if it is sighted prior to the commencement of the set.

TO REPORT EVENT OF ENCIRCLEMENT OF CETACEAN TO THE FLAG STATE BY PURSE SEINE NETS (PARA 3)

2) Where any whale shark is unintentionally encircled in a purse seine net, the operator referred to in subsection (1) shall:

- a. take all reasonable steps to ensure the safe release of any whale shark, while taking into consideration the safety of the crew, in accordance with best practice guidelines for the safe release and handling of cetaceans developed by the IOTC Scientific Committee;
- b. report the incident to the [relevant authority of the flag State] with the following information:
 - i. the number of individuals;
 - ii. a short description of the interaction, including details of how and why the interaction occurred, if possible;
 - iii. the location of the encirclement;
 - iv. the steps taken to ensure safe release;
 - v. an assessment of the life status of the animal on release, including whether the whale shark was released alive but subsequently died.

TO REPORT EVENT OF INTERACTION WITH WHALE SHARK TO THE FLAG STATE BY GEAR OTHER THAN PURSE SEINER NETS (PARA 4)

3) The operator of [country] fishing vessels using gear types other than purse seiners for fishing tuna and tuna-like species associated with whale sharks shall report all interactions with whale sharks to the [relevant authority of the flag State] and include all the information required pursuant to subsection 2(b)(i-vi).



COOPERATION REQUIREMENTS

None in this Resolution.

OBLIGATIONS OF THE INDUSTRY

As required by the flag CPC, report encirclement of whale sharks by purse seine nets and interactions with whale sharks by other gear to their flag State in logbooks and use all reasonable steps to ensure the safe release of the whale shark.

OBLIGATIONS OF THE SECRETARIAT

None in this Resolution.

OBLIGATIONS OF THE COMMISSION & BODIES

The Commission tasked the IOTC Scientific Committee to develop best practice guidelines for safe release and handling of whale sharks, considering other such documentation and practices of other RFMOs, for submission to the Commission meeting in 2014.



Indian Ocean Tuna Commission
P.O. Box 1011, Seychelles
Tel: +248-4225494
www.iotc.org