



ON THE CONSERVATION OF CETACEANS

SUBMITTED BY: REP. OF KOREA

Explanatory Memorandum

PROPOSAL TO AMEND RESOLUTION 13/04: ON THE CONSERVATION OF CETACEANS

The views expressed in this proposal are without prejudice to the further development of positions and proposals that may be raised by other CPCs.

This proposal aims to:

- 1) Support the long-term sustainability of cetaceans, especially in light of their importance and vulnerability in the IOTC Area of Competence;
- ~~2) Highlight Principle 15 of the Rio Declaration, that the lack of full scientific certainty shall not be used as a reason to postpone cost-efficient measures to prevent irreversible environmental damage, by taking precautionary approach in terms of whale protection through protecting all cetacean species to the extent practicable until sufficient amount of information and data are accumulated;~~
- 3) Expand the scope of application of Resolution 13/04 to include longline and gillnet fisheries, taking into account the FAO technical paper *Bycatch in longline fisheries for tuna and tuna-like species: A global review of status and mitigation measures* and Anderson et. Al, 2020 paper on Cetacean bycatch in Indian Ocean tuna gillnet fisheries respectively, that states marine mammals such as cetaceans are known to interact with longline gear although relevant information is limited;
- 4) Endeavor to collect as much information and data possible in order to continuously examine whether the proposed level of cetacean protection is appropriate, in belief that once the scientific certainty reaches a certain point the Scientific Committee would produce specific recommendations for cetaceans, preferably by species.

RESOLUTION 21/XX
ON THE CONSERVATION OF CETACEANS

The Indian Ocean Tuna Commission (IOTC),

RECOGNISING Resolution 12/01 *On the Implementation of the Precautionary Approach* calls on IOTC Contracting Parties and Cooperating Non-Contracting Parties to apply the precautionary approach when managing tuna and tuna-like species in accordance with Article V of the United Nations Fish Stocks Agreement;

RECOGNISING the ecological and cultural significance of cetaceans in the Indian Ocean;

MINDFUL that cetaceans are particularly vulnerable to ~~exploitation including from fishing~~ **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;**

MINDFUL ALSO that pelagic longline fishing grounds overlap with the distributions of most cetacean species and that cetacean interactions with longline fisheries do take place in the IOTC Area of Competence;

CONCERNED about the potential impacts of purse seine **and longline and gillnet** fishing operations on the sustainability of cetaceans;

NOTING that under Resolution 10/02 [superseded by Resolution 15/02] *On mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPC's)*, paragraph 3: 'CPCs are also encouraged to record and provide data on species other than sharks and tunas taken as bycatch';

CONCERNED by the lack of accurate and complete data collection and reporting to the IOTC Secretariat concerning interactions and mortalities of non-target species with fishing vessels in the IOTC area of competence;

FURTHER NOTING that the IOTC Working Party on Ecosystems and Bycatch (WPEB) noted paper IOTC-2011-WPEB07-08 which reviewed the status of the information available on non-target species associated with IOTC fisheries; recommended that data on marine mammal interactions with IOTC fisheries are collected and reported by CPCs to the IOTC Secretariat;

ADOPTS in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. This measure shall apply to all fishing vessels flying the flag of a CPC and on the IOTC Record of Fishing Vessels or authorised to fish tuna and tuna-like species managed by the IOTC on the high seas. The provisions of this measure do not apply to artisanal fisheries operating exclusively in their respective EEZ.
2. Contracting Parties and Cooperating Non-Contracting Parties (collectively, CPCs) shall prohibit their flagged vessels from intentionally setting a purse seine net around a cetacean in the IOTC area of competence, if the animal is sighted prior to the commencement of the set.
3. CPCs shall require that, in the event that a cetacean is unintentionally encircled in a purse seine net, **or in the event that one is incidentally hooked on or entangled with longline gear, or captured or entangled in the gillnets,** the master of the vessels shall:
 - a) take all reasonable steps to ensure the safe release of the cetacean, while taking into consideration the safety of the crew. These steps shall include following the 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 **to the best extent practicable**:
 - i. the species ~~(if known)~~;
 - ii. the number of individuals;
 - iii. a short description of the interaction, including details of how and why the interaction occurred, ~~if possible~~;
 - iv. the location of the encirclement;
 - v. the steps taken to ensure safe release;
 - vi. an assessment of the life status of the animal on release, including whether the cetacean was released alive but subsequently died.
 4. CPCs using other gear types fishing for tuna and tuna-like species associated with cetaceans shall report all interactions with cetaceans to the relevant authority of the flag State and include all the information outlined in paragraph 3b(i–vi).
 5. **CPCs shall prohibit all purse seine and longline vessels flying their flag from retaining onboard any part of or whole carcass of cetaceans in the IOTC Convention Area of Competence.**
 6. CPCs shall adopt Fish Aggregating Device designs that reduce the incidence of entanglement, according to **Annex III** of Resolution 13/08 [superseded by Resolution 15/08, then by Resolution 17/08] (or any subsequent revision).
 7. The Commission requests that the IOTC Scientific Committee develop best practice guidelines for the safe release and handling of encircled, **hooked, or entangled** cetaceans, taking into account those developed in other Regional Fisheries Management Organisations, including the Western and Central Pacific Fisheries Commission, and that these guidelines be submitted to the ~~2014~~**[2022]** Commission meeting for endorsement.
 8. CPCs shall report the information and data collected under paragraph 3(b) and paragraph 4, through logbooks, or when an observer is onboard through observer programs, or alternate means of data collection (such as crew-based observers, electronic monitoring) and provide to the IOTC Secretariat by 30 June of the following year and according to the timelines specified in Resolution 10/02 [superseded by Resolution 15/02] (or any subsequent revision).
 9. CPCs shall report, in accordance with Article X of the IOTC Agreement, any instances in which cetaceans have been encircled by the purse seine nets or entangled in gillnets of their flagged vessels.
 10. For CPCs having national and state legislation for protecting these species shall be exempt from reporting to IOTC, but are encouraged to provide data for the IOTC Scientific Committee consideration. The IOTC Scientific Committee will analyse the situation concerning the availability of data and will advise the Commission to undertake support measures to developing CPCs to overcome this situation.
 11. **CPCs should provide, with due diligence, their purse seine, ~~and longline~~ and gillnet operators with outreach and education on the protection of cetaceans in the IOTC Area of Competence.**

12. Resolution 13/04 On the conservation of cetaceans, is superseded by this Resolution.