

ON THE CONSERVATION OF CETACEANSSUBMITTED BY: KOREA, Rep. of, **Maldives, EUROPEAN UNION****About this revision:**

- Take into account the comments that LL interactions with cetaceans are rare and the relevant information are already collected
- Revert to original text as suggested

Changes are highlighted in **yellow**.**Explanatory Memorandum**

10 years have passed since the adoption of Resolution 13/04 *On the Conservation of Cetaceans*. Republic of Korea notes it is a high time for Commission to consider amending Res.13/04. This proposal aims to ensure the sustainability of cetaceans in the IOTC area of competence through expanding the scope of application to longline and gillnet. Given that sound science information is important, and at the same time, concerning there is a lack of data available on cetaceans at IOTC Scientific Committee, we propose CPCs endeavour to collect and report as much information and data as possible including use of Electronic Monitoring System.

At 25th Session of the IOTC Commission meeting in 2021, the proposal to amend Res.13/04 was deferred due to time constraints and it was agreed to continue to work and collaborate on a revised proposal intersessionally, with a view to submitting it at the next Commission meeting. At its 25th Session of the IOTC SC in 2022, the SC recommended that the Commission note the management advice developed for cetaceans and suggested the following should be noted:

- The number of fisheries interactions involving cetaceans is highly uncertain and should be addressed as a matter of priority as it is a prerequisite for the WPEB to determine a status for any Indian Ocean cetacean species.
- Available evidence indicates considerable risk to cetaceans in the Indian Ocean, particularly from tuna drift gillnets (Anderson, 2020).
- Current reported interactions and mortalities are scattered but are most likely severely underestimated (Anderson et al.2020, Kiszka et al., 2021)
- Maintaining or increasing fishing effort in the Indian Ocean without appropriate mitigation measures in place will likely result in further declines in a number of cetacean species. An increasing effort by tuna drift gillnet fisheries has been reported to the IOTC, which is a major cause of concern for a number of species, particularly in the northern Indian Ocean.
- Efforts should be undertaken to encourage CPCs to investigate means to reduce cetacean bycatch and at-vessel and post-release mortality in IOTC fisheries and improve data collection and reporting for cetaceans. This may include alternative data collection mechanisms such as skipper-based reporting, port sampling and cost-effective electronic monitoring systems.

The Republic of Korea, therefore, taking into consideration of SC recommendation, proposes to amend Res.13/04.

Resolution ~~213/04XX~~
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 ([hereinafter CPCs](#)) 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 ~~being encircled by purse seine nets, due to the propensity of tuna to form schools around them~~ **exploitation including from fishing** ~~exploitation including from fishing~~;

CONCERNED about the potential impacts of ~~purse seine, longline, and gillnet~~ fishing operations **(purse seine and gillnets) targeting tuna and tuna-like species** 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;

FURTHER NOTING that the IOTC Working Party on Ecosystem and Bycatch (WPEB) noted the paper IOTC-2020-WPEB16-22 that cetacean populations in the Indian Ocean may have been reduced to a low level, perhaps <20%, of their original levels but that the use of an aggregated approach was problematic, and that it is not possible to fully evaluate the change of population abundance without a species specific analysis; recalled the importance of cetacean bycatch monitoring and the collection of species-specific bycatch data;

RECOGNISING that Recommendation 12/15 *On the Best Available Science* recommends CPCs take all measures to improve the collection and submission of data to the IOTC Secretariat, including on bycatch;

RECALLING that IOTC Commission in 2022 noted document IOTC-2022-S26-09 which was produced concerning lack of data available on cetaceans at the IOTC, and therefore, to improve the information available to the Scientific Committee, also recognizing the common will of FAO and International Whaling Commission (IWC) is to strengthen the monitoring and assessment of cetacean bycatch and the implementation of proper and effective conservation and management measures to reduce it;

NOTING that 19th Regular Session of the Western and Central Pacific Fisheries Commission in 2022 adopted the Graphics for Best Practices for the Safe Handling and Release of Cetaceans;

RECOGNISING that 25th Session of the IOTC Scientific Committee in 2022 recommended that the Commission note the management advice developed for cetaceans noting the number of fisheries interactions involving cetaceans is highly uncertain and should be addressed as a matter of priority and available evidence indicates considerable risk to cetaceans in the Indian Ocean, particularly from tuna drift gillnets;

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 in by the IOTC area of competence 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, incidentally hooked on or entangled in longline gear, or captured or entangled in the gillnets, or interactions with cetaceans are occurred, 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:
 - 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 and the gear type, if possible;
 - iv. the location of the encirclement or entanglement (if occurred);
 - v. the steps taken to ensure safe release (if encirclement or entanglement occurred);
 - 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. Notwithstanding paragraph 1, in the event of any interactions with cetaceans occurred in artisanal fishing, the CPCs shall encourage their vessels immediately release the animal to the extent possible and to report the information outlined in paragraph 3b) to relevant authority of the flag State as outlined in paragraph 3b) or in accordance with Resolution 15/01 and 15/02 (or any subsequent revisions).
- ~~5.6.~~ CPCs shall adopt ensure that only non-entangling material and designs shall be used for drifting Fish Aggregating Devices (DFADs) designs that to reduce the incidence of entanglement, according to Annex III of Resolution 23/02 13/08 [superseded by Resolution 15/08, then by Resolution 17/08] (or any subsequent revision).
- ~~6.7.~~ The Commission requests that the IOTC Scientific Committee develop best practice guidelines for the safe release and handling of encircled 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 2025/2014 Commission meeting for endorsement by 2025 at the latest.
- ~~7.8.~~ CPCs shall endeavour to ensure that fishermen are aware of and use proper mitigation, identification, handling and releasing techniques and keep on board all necessary equipment for the safe release of cetaceans before the guidelines mentioned in paragraph 6 are endorsed.

- ~~8.9.~~ 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, and provide to the IOTC Secretariat by 30 June of the following year and according to the timelines specified in Resolution ~~15/02~~ ~~10/02~~ ~~[superseded by Resolution 15/02]~~ (or any subsequent revision). CPCs are encouraged to use an Electronic Monitoring System (EMS) to enhance the data collection required in this Resolution.
- ~~9.10.~~ CPCs shall report, in accordance with Article X of the IOTC Agreement, any instances in which cetaceans have been encircled or caught by the purse seine nets or entangled in gillnets or in Fish Aggregating Devices of their flagged vessels.
- ~~10.11.~~ For CPCs having national and state legislation for protecting these species ~~shall be exempt from reporting to IOTC, but~~ are encouraged to provide the information data for the IOTC Scientific Committee. Scientific Compliance Committee and Working Party on the Implementation of Conservation and Management Measures (WPICMM) 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.~~
- ~~11.12.~~ The IOTC scientific committee shall review information on the status of cetaceans in the IOTC area of competence and provide recommendation or advice to the Commission no later than 2025 to identify appropriate measures that Commission shall take to mitigate negative effects of the interactions with for conservation and management of cetaceans by in the IOTC fisheries area of competence.
- ~~12.13.~~ Resolution 13/04 *On the conservation of cetaceans* is superseded by this Resolution.