

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

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 whale sharks in the Indian Ocean;

MINDFUL that whale sharks are particularly vulnerable to exploitation including from fishing;

CONCERNED about the possible impacts of purse seine fishing operations on the sustainability of whale sharks;

ACKNOWLEDGING that under Resolution 10/02 *Mandatory Statistical Requirements for IOTC Members and Cooperating Non-Contracting Parties (CPC's)*, paragraph 3: 'the provisions, applicable to tuna and tuna-like species, shall also be applicable to the most commonly caught shark species and, where possible, to the less common shark species';

CONCERNED by the lack of complete and accurate data reporting concerning fishing activities on non-target species;

NOTING that the Working Party on Ecosystems and Bycatch (WPEB) noted paper IOTC–2011–WPEB07–08 that reviewed the status of the information available on non-target species associated with IOTC fisheries; recommended that Resolution 10/02 be revised to include whale sharks in a list of the most commonly caught elasmobranch species for which nominal catch data shall be reported as part of the statistical requirements for IOTC CPCs;

FURTHER NOTING that the WPEB noted paper IOTC–2011–WPEB07–08, paragraph 163: 'recommended that the recommendations from the KOBE bycatch technical working group are considered to encourage research and development of best practice with regard to setting nets on whale sharks to determine the impacts of the practice' and that the WPEB also recommended developing best practice methods for extraction of whale sharks from purse seine nets through direct collaboration with the Western and Central Pacific Fisheries Commission;

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 for 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 whale shark in the IOTC area of competence, if it is sighted prior to the commencement of the set.
3. CPCs 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) take all reasonable steps to ensure its safe release, while taking into consideration the safety of the crew. These steps shall follow the best practice guidelines for the safe release and handling of whale sharks 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.
4. CPCs using other gear types fishing for tuna and tuna-like species associated with a whale shark shall report all interactions with whale sharks to the relevant authority of the flag State and include all the information outlined in paragraph 3b(i–v).
5. CPCs shall adopt Fish Aggregating Device designs that reduce the incidence of entanglement, according to Annex III of Resolution 13/08 (or any subsequent revision).
6. The Commission requests that the Scientific Committee develop best practice guidelines for the safe release and handling of encircled whale sharks, 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 Commission meeting for endorsement.
7. 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 10/02 (or any subsequent revision).
8. CPCs shall report, in accordance with Article X of the IOTC Agreement, any instances in which whale sharks have been encircled by the purse seine nets of their flagged vessels.
9. For CPCs having national and state legislation for protecting the species shall be exempt from reporting to IOTC, but are encouraged to provide data for the IOTC Scientific Committee consideration. The 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.