

# Environment, Food and Rural Affairs Committee

## Oral evidence: Marine Mammals, HC 697

Tuesday 11 October 2022

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Members present: Sir Robert Goodwill (Chair); Ian Byrne; Barry Gardiner; Dr Neil Hudson; Mrs Sheryll Murray.

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### Witnesses

**I:** Rob Deaville, Project Manager, UK Cetacean Strandings Investigation Programme; Professor David Lusseau, Professor of Marine Sustainability, National Institute of Aquatic Resources, Technical University of Denmark, and member of Special Survival Commission Cetacean Specialist Group, International Union for Conservation of Nature (IUCN); and Dr Carol Sparling, Director, Sea Mammal Research Unit (SMRU).

**II:** Lucy Babey, Deputy Director and Head of Science and Conservation, ORCA; Chris Butler-Stroud, Chief Executive, Whale and Dolphin Conservation (WDC); and Mark Simmonds OBE, Director of Science, OceanCare.

Written evidence from witnesses:

- [Whale and Dolphin Conservation](#)
- [OceanCare](#)



## Examination of witnesses

Witnesses: Rob Deaville, Professor David Lusseau and Dr Carol Sparling.

Q1 **Chair:** Welcome to the Environment, Food and Rural Affairs Committee meeting. This is the main hearing of the marine mammals mini inquiry. The first panel will focus on the status of marine mammal populations in UK waters and globally, as well as assessing the biggest threats to marine animals. The second panel will look at UK Government policy domestically and the role played by the UK internationally, and consider how these might be improved to further strengthen marine mammal populations.

Could I ask our panel to introduce themselves? We are joined remotely by Professor David Lusseau, so maybe you could kick us off by introducing yourself and who you represent, please.

**Professor Lusseau:** Thank you for the opportunity to come and talk to you today. I am professor of marine sustainability at the Technical University of Denmark in Copenhagen and I represent the IUCN cetacean specialist group.

**Dr Sparling:** I am the director of the Sea Mammal Research Unit, which is a unit based at the University of St Andrews in Scotland.

**Rob Deaville:** I am from the Institute of Zoology and I manage the cetacean strandings investigation programme, which co-ordinates the investigation of all strandings of cetaceans around the coast of England and Wales.

Q2 **Chair:** You are all very welcome indeed. I will start off the questions and we will see who jumps in first. Why is the health of marine mammal populations important and to what extent does their health mirror that of the marine environment more generally? In other words, to what extent are they an indicator or sentinel species? David, are you going to start us off?

**Professor Lusseau:** I was going to leave the floor for the folks there, but that is fine. Why are marine mammals important? There are a range of ways to respond to that. The cold and scientific way to approach it is that they are key species in the ecosystem performing important ecosystem functions, both as predators but particularly in that role in cycling of nutrients and, therefore, being quite important in maintaining healthy ecosystems.

From our perspective, from a human dimension, they provide key services to our economies and our local coastal communities. They are used in tourism and support thriving whale-watching and dolphin-watching tourism, as well as other forms of coastal and nature-based tourism. They play roles in recreation as well as, of course, their ecosystem role, which is important for the other ways by which we use marine ecosystems.



Q3 **Chair:** Are they likely to be the canary in the coalmine, so to speak? If these species are thriving and doing well—in some cases they are at the top of the food chain pyramid—is that an indicator of the whole health of the marine ecosystem?

**Professor Lusseau:** That is right, yes. That is a view that has been around for a little while. In most cases that will be the case, that is right. Because of their role as predators, if an ecosystem is able to maintain these populations or not have the pressures that might mean that they cannot maintain these populations, then indeed it is a good indication that the ecosystem is likely to be doing well. It is a necessary but not a sufficient indicator. That is why I am putting a little disclaimer on the sentinel definition. It is possible as well for other parts of the ecosystem that are not performing well but still being able to maintain marine mammals.

Q4 **Chair:** In two weeks' time we are doing a one-day inquiry into the crustacean deaths off the Yorkshire coast. The seal population is doing well, the harbour seals and the grey seals to a lesser extent, but we are seeing a lot of dead crabs and lobsters, so that underlines the point you made. Carol, would you like to come in?

**Dr Sparling:** Yes. I would like to add to the point about the caveats around marine mammals being sentinel to ocean health from the perspective of being top predators. Take pollutants, for example. They will bioaccumulate pollutants all through the food web, so by the time you start seeing impacts in marine mammal species there might already be some quite significant effects on other parts of the marine ecosystem. I would caution against holding these species up that we need to monitor them but it is only if there is something that we notice going wrong. We need to be assessing the whole ecosystem health at all levels to get an early warning system that things—

**Chair:** By the time we spot it in a cetacean it is too late?

**Dr Sparling:** It might be too late, yes.

**Chair:** Yes, it could be too late. Thank you.

**Rob Deaville:** I would agree with the comments from David and Carol. To add to that, some of these species are quite long lived. It is a long time to bioaccumulate some of these toxins that Carol mentioned. Therefore, they are a good indicator of what is happening in our marine environment.

When looking at the impacts of climate change, presence or absence in an area—particularly with strandings, which is my area of expertise—will tell you whether, broadly speaking, animals are in an area or not. Seeing shifts and distribution over time could be a marker for some of these impacts that we are going to talk about today.

Q5 **Chair:** To what extent does the availability of food make a difference? My



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fishermen tell me that seals catch more fish than they do by a long way. As species like cod are moving north, is that an indicator of other things going on in the marine environment? Do they follow the fish north or stay put and eat what is still there?

**Rob Deaville:** They are highly mobile marine species so they will respond to shifts like prey availability, for example, but other impacts that we work on can equally have an effect. Trying to tease apart the effects of some of these impacts individually can be quite difficult. That is quite a profound problem for us as scientists trying to work on these issues in these species.

Q6 **Chair:** Going back to you, David, I understand that there are 28 species that can be spotted in our waters, of which 12 are seen regularly. To what extent does the latest International Union for Conservation of Nature red list tell us about the status of marine mammal populations globally and in UK waters?

**Professor Lusseau:** I will let the British folks answer for the UK water part in more detail. The IUCN provides a more global view on species. We are dealing with those species that, while they might range in UK waters, are globally distributed and face different challenges around the world. For those more global species and from a more global view on those species, we know that we have five species of cetaceans in the world that are critically endangered at the moment, 12 are endangered and seven are vulnerable. Those are the categories, if you prefer, of conservation status that can constitute a level that we might consider as threatened. Those are species that are threatened.

Over the past 20 years we have seen some improvement in some species, particularly when we look at some of the whale populations that are recovering from whaling pressures, but these recoveries are disparate. Not all populations and not all whales are recovering as quickly from whaling, for example.

From this perspective, if we look at those threatened species, the primary pressure that is problematic for those species is bycatch in fisheries. That might take different forms. It might be different fishing gear involved in this bycatch process. Gillnetting is particularly—

**Chair:** We are going to move on to some of the reasons later.

**Professor Lusseau:** Oh, sorry, yes. That is the position from a status perspective, yes. We have these five and 12 and seven species that are threatened globally. I will let the others answer on UK waters.

Q7 **Chair:** Carol, from a UK perspective, do we have any of these very endangered species in our waters that we need to particularly focus on?

**Dr Sparling:** Not the same species that David mentioned, but that is not to say that there are not concerns around some of the UK marine mammal populations. I will start off with seals. Seals are my background



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so I am more comfortable talking about the UK seal populations. The organisation I represent is funded by the Natural Environment Research Council to provide scientific information to inform the management and conservation of seal populations in the UK. We carry out all the UK's seal monitoring programmes.

From the UK seal perspective, grey seals are the success story. Grey seal numbers have been increasing since hunting was stopped in the 1970s and we have seen some very rapidly increasing populations around the UK. That population growth has slowed and has stabilised in a lot of the north of the UK, so around the Scottish islands, where current thinking is that those populations have reached carrying capacity. The North Sea colonies down the east coast of Scotland and the east coast of England and the south-east of England are still rapidly increasing. We are seeing some rapidly increasing numbers of pup production during our surveys, whereas in other parts of the UK they have slowed.

There are some areas where we do not know quite as much because it is more difficult to survey or the funding is not in place to carry out surveys there. In Wales we have a bit of a data gap. We do not have a handle on what seal populations are doing in Wales or in the south-west of the UK. Those are primarily grey seals. You do not get the second species of seal in those areas.

Taking us on to harbour seals, sometimes called common seals—which is a bit ironic because they are becoming less common—they are not faring quite so well as grey seals. On the whole, numbers have increased since the phocine distemper outbreaks of 1988 and 2002. Those populations were depleted and then have since grown in recovery. In some parts of the UK, we have seen some very dramatic declines. In the north coast of Scotland, in Orkney, Shetland and the east coast of Scotland we have seen some very big declines. For example, in the Firth of Tay and Eden Estuary, which is a special area of conservation, the population has declined by 95% and there are very few animals there now.

Up until very recently, the south-east of England was a bit of a stronghold for harbour seals and they were increasing rapidly. Again, post-epidemic but since 2019 our monitoring has detected quite a significant decrease—around 25%—in the south-east population of harbour seals.

**Q8 Chair:** In my neck of the woods, I think that the River Tees has seen quite a significant increase. I think that they spotted 150 last summer, which is up from 20 a few years ago. Is that right?

**Dr Sparling:** The numbers in the north-east of England have been increasing, so there is the potential that there is some redistribution from the south-east of England up into the north-east. There is also the potential that animals are moving across to the Wadden Sea, which has also been a very rapidly increasing population, although again that increase has slowed.



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The west coast of Scotland has seen an increase in the harbour seal population. In the UK, taking into account the recovery from previous depleted levels, numbers have not decreased overall yet, but we are seeing significant declines in a lot of regions.

**Q9 Chair:** We have had to protect seals as part of our deal with the United States to export our salmon now that we have the freedom to do that outside the European Union. Do you think that will have any impact or were fishermen not really killing many seals at all? I think they used to shoot them in the old days.

**Dr Sparling:** That is quite a difficult question to answer in terms of the information available to inform that. Certainly, in English waters there are no historical records of how many seals were shot. I can let Rob talk about the stranding scheme, which until very recently did not look at seal strandings to see the proportion of stranded animals that were shot. In Scotland, under the seal licensing regime, where licences were given for protection of fisheries and aquaculture, we at least had an idea of how many licences were issued every year. It will be difficult to detect an increase in seal shooting because we do not necessarily have the baseline information to measure against.

**Chair:** Understood. Rob, I think that leads into what you can tell us about some of the other species.

**Rob Deaville:** Following on from Carol's point, it is absolutely right that we only started monitoring seal mortality investigation in England and Wales as of this year. The last serious investigation was in 2001-02 in response to the PDV, phocine distemper virus, outbreak. There is 20 years with a lack of baseline, so we will be some time away from knowing what normal might be in England and Wales before we have that information on seals.

To go back to your earlier point about cetaceans, of the 12 species that are quoted as being seen here regularly, some of them are classified as data deficient. That is the broader problem with cetacean work. There is a lack of information on population status, size and distribution for many of these species, particularly the deep-diving species. They are rather cryptic. To illustrate that, we are still discovering new species of beaked whale. That is rather exciting but it also shows what the scale of the problem might be. We could be having a profound impact on some of these populations without even knowing that they are there. That is a big area of work that needs to be—

**Chair:** Even though they need to come up and breathe?

**Rob Deaville:** Absolutely. They spend a fraction of their time at the surface. To illustrate that, a Cuvier's beaked whale can breath-hold for three hours and dive under water. They spend a very small proportion of their time on the surface. Most of it is at depth. You have to be lucky enough to be looking the right way at the right place at the right time.



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They are hanging off the continental shelf edge, which is a very deep water distribution in the west of the UK, for example. We do not have much effort there in trying to monitor those species. It is a big area, a big data gap, I think, that we need to know more about.

From my perspective, the other thing to point out is that when we lump species together we might miss some of the small-scale issues. For example, we have small, in-shore populations of bottlenose dolphins in the UK. In Cornwall, there is a small population of bottlenose dolphins there that number 20 to 30. Offshore bottlenose dolphins number thousands. When you group them together the overall picture might be good, but it misses the granularity of that picture for some of these smaller, more fragmented populations that we see closer to the coast.

I will finish with one quite profound point to illustrate that. The community of killer whales off the west coast of Scotland is the last remaining population of killer whales left around the UK in terms of coastal distribution. They now number between four and five individuals as far as I am aware, and that population will go extinct in our lifetime. There are some quite profound problems with cetaceans out there in the UK and elsewhere.

**Q10 Chair:** Is that lack of prey? Is that warming sea temperatures, pollution?

**Rob Deaville:** We may come on to that in some of the other questions later on, Chair, but there is a lot of research looking at that and there is quite a complex picture. Certainly, in the UK on the cetacean side, I think that killer whale local extirpation is the most profound cetacean issue that we are looking at at the moment, but there may well be others.

**Chair:** Dr Neil Hudson, and this is Neil's specialist subject, by the way.

**Q11 Dr Neil Hudson:** I declare an interest as a vet who is very strongly interested in animal health and welfare. I did some work on this as an undergraduate as well and I know some of the difficulties in data collection in the marine mammal world that my colleague, Mr Gardiner, is going to be looking at.

What I think would be good to get on the public record is: you have touched on some of the species that are under threat in UK waters and you have talked about the long list of species that are at threat in the world. Could you very briefly headline which species are at threat in UK waters and internationally, so that we can get a headline on the ones that the world and the UK need to be looking at? You have mentioned killer whales in the UK. Can you give us a UK and international perspective about which are the headline species that we need to be concerned about as a Committee?

**Rob Deaville:** From my perspective, certainly the killer whales. There might be some question marks around the status of the inshore coastal bottlenose dolphin population. I know that they are fairly stable in the three main locations we see in the UK, but they are quite vulnerable to



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impacts. We will come on to impacts later on. When you lose a few individuals to bycatch in a population of thousands it is not a profound issue. When you lose them from a population of 150 it could be quite a serious problem. Therefore, we need to be more aware of these small local inshore populations. From my perspective in the UK, those are the two I would be most concerned about, alongside those data-deficient species I have already mentioned.

**Q12 Dr Neil Hudson:** Thank you. That is helpful. We are going to get on to the threats to species later with my colleagues. That is the UK perspective. What about internationally, David?

**Professor Lusseau:** Rob was making a very good point about how complicated it is to find data, and the first species I am going to talk about is exactly an example of that. The first species we are pretty sure is extinct but is still classified as critically endangered—because we are not 100% sure there are not one or two left in the Yangtze River—is the Yangtze River dolphin. It has been a very low number at best and probably extinct since the turn of the century.

The next one is the vaquita. That is a small porpoise that lives in the Gulf of Mexico, which has come down from numbers in the 500s to 700s in the late 1990s to now we have about 10 animals left. The good news with the vaquita is that, even though it is also critically endangered and there are only 10 animals left, it is quite likely that we could recover a viable population of that species from those 10 animals. Genomic work that has been done this year shows that it is likely that with these 10 animals, even though we will be dealing with a very inbred population, we might be able to do that. We are not giving up on vaquita just yet. That is what I am trying to get to with that.

The next one is the Atlantic humpback dolphin—I keep on looking right because I have my list there; I am not looking away—which lives mainly around west Africa. Then the last critically endangered species is the North Atlantic right whale, which is again a difficult story in that it was one of those conservation somewhat successes from the turn of the century until the 2010s, where the numbers were recovering slowly, and we will talk about that a bit later when we talk about impacts. It has recently dramatically decreased again.

These are our critically endangered species. As Rob was saying, this is at the species global level. These species are facing a lot of variability in how they fare in different regions of the world for all the ones that are threatened.

**Dr Neil Hudson:** Thank you. That is helpful. Carol, do you have anything to add to that?

**Dr Sparling:** From a UK perspective, although not critically endangered, harbour seals, in a regional and local context, are certainly of concern if we see populations decline as dramatically as we are seeing in some of





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the Scottish regions. We see indications that they could potentially go that way in other regions of the UK as well.

Globally, for the key pinniped species of concern, there aren't any critically endangered pinniped species but we have the Mediterranean monk seal and the Hawaiian monk seal that are endangered, as well as a whole list of otariid sea lion species that I could go through.

**Q13 Dr Neil Hudson:** What about, say, the status of dugongs and manatees? Are dugongs under threat?

**Dr Sparling:** I will need to pass that one over to David.

**Professor Lusseau:** I am showing the limitation of my cetacean specialist group hat here. They are threatened; several of the species are threatened. I cannot recall off the top of my head, but I can look and let you know in writing.

**Dr Neil Hudson:** It would be helpful if we could get a written submission because then that gives us a status report as to what the experts are telling us are under threat.

**Professor Lusseau:** Yes.

**Q14 Dr Neil Hudson:** You have answered a lot of this, about how marine mammal numbers have changed over time, and you have talked a bit about that. Are they more or less at risk today than in the past? How have things changed and are they more or less at risk now than they were?

**Professor Lusseau:** Risks are changing. I think that where we are currently less prepared, but from a research perspective actively working on getting prepared, is in the diversification of risk that these species are facing. While in the past we have dealt with species that were essentially overexploited from hunting or whaling practices, and we have learned how to manage that—and we can talk later about some of the successes and failures there—we moved on to a situation where we had a lot of bycatch issues and we have again learned a lot about how to manage that, and again there are successes and failures there.

What we see right now in 2022 is a large diversification of cumulative impacts, where species are still facing some of the dominant threats that they have had in the past but we now know that those are interacting with other threats such as pollution of many types: chemical, noise pollution and so on.

**Dr Neil Hudson:** We will get on to some of those threats in due course, yes.

**Professor Lusseau:** Yes. It is that diversification of risk that is making life more complicated right now, in terms of understanding how well they will fare in the near future compared to how they have done.



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Q15 **Dr Neil Hudson:** Thank you. I will pass back to Rob and add to that that if things are under more or less threat now—your expertise is, as you say, in strandings—is there more threat now than there used to be? Does it vary between species and location as well?

**Rob Deaville:** You have just answered the question: it very much varies by species, location and threat. For example, if you look at bycatch—I know we are going to come on to that later on—in the UK common dolphins are disproportionately impacted by bycatch. If you look at the Mediterranean, for example, the species they see in the Mediterranean are probably in a worse condition than those we see around the North Atlantic where we are based. Different threats cause different issues elsewhere, too. It is hard to give a general answer to that because it is quite complex. It is a mosaic of threats and a mosaic of different issues.

Q16 **Dr Neil Hudson:** That is fair enough. It is multifactorial. Carol, do you have anything to add from the Sea Mammal Research Unit in terms of where we are at with numbers? Is it better or worse than in the past?

**Dr Sparling:** Nothing to add, other than to echo that we have maybe replaced one single, more directly manageable impact of hunting and exploitation with a whole myriad of different stressors that are very hard and complex to research and manage.

**Dr Neil Hudson:** We are going to look at some of those stressors later, so back to you, Chair.

**Chair:** I represent Whitby as MP there and that was one of the big whaling spots. I was told that the right whale was called the right whale because it was the right one to catch. It was very easy to catch, unlike some that do not surface very often. They were easy to catch. Whitby's economy was built on whaling, but they did not have the same industrialised whaling methods that happened in later centuries.

Q17 **Barry Gardiner:** Professor Lusseau, 10% of cetacean species are classified by the IUCN as data deficient. Clearly, having the data is key in monitoring marine mammal status and health. What are the problems that you face in getting enough reliable data?

**Professor Lusseau:** We have two types of problem. The first one is the one that Rob described before. Some of those species are only known very recently. Therefore, we are just discovering that those species are there. That is entangled with a certain problem. The reason why we are only discovering those species is because, to be very frank, it is expensive to monitor at sea. Whether you need ships to go and survey some of these offshore locations or whether you might luckily try to use more autonomous remote sampling methods that we have available now, that is the challenge. It is being able to have well-funded monitoring programmes and at sea that is very expensive to do.

Q18 **Barry Gardiner:** You talked about some of the ways in which you might obtain technological solutions: aerial surveys, satellite scans and passive



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acoustic monitoring. Could you take us through all the different ways in which we could improve the data collection, remote electronic monitoring and so on?

**Professor Lusseau:** Yes. In order for us to get an understanding of the status of a species or of the populations of a species, we need to be able to count how many individuals are there and how that abundance changes through time. The most reliable way we can do that at the moment is still by visually counting individuals, whether it is with ships or by aerial surveys. That is a method by which we can get reliable estimates of that.

We are moving very quickly to devise other methods to do that, but it still requires some research and development. I would say that one of the most promising approaches is the deployment of passive acoustic monitoring. Deploying arrays of listening stations that allow us to understand which species are present, when and where, provides us with at least an understanding of distribution. In the next five to 10 years, I think that we will start to have the benchmarking work done that will enable us perhaps to get to counting individuals from these acoustic cues.

As you mentioned, some very recent work has been done with low altitude satellites that will automatically detect whales in the images, so larger-bodied cetaceans. Again, it is a very promising avenue, which, of course, relies on low-altitude satellites as opposed to the more deployed high-altitude satellites. It is a very promising avenue in that it provides a means to get a snapshot of a very large area very quickly. We then still have to comprehend how many animals are under the water compared to the ones that we see at the surface in this kind of sampling regime.

Q19 **Barry Gardiner:** Talk to us about Dr Bouffaut's work at Cornell University and the use of tapping into the underwater fibre-optic cables. In effect, that is providing a seabed satellite imagery up as opposed to the satellite imagery down that you were talking about.

**Professor Lusseau:** I am sorry, I am not completely familiar with that work.

**Barry Gardiner:** Dr Sparling is, so perhaps I should turn to her.

**Professor Lusseau:** Yes, please.

**Barry Gardiner:** Thanks for raising your hand and helping us out there.

**Dr Sparling:** I am perhaps not completely familiar with it, but I am aware of it. There was a paper published I think earlier this year or early summer in *Frontiers in Marine Science* by Dr Bouffaut, who I think is now at the University of Norway but don't quote me on that. This was the repurposing of unused fibre-optic cables in communication networks, so-called dark fibres. I do not pretend to understand the physics of it, but they use the perturbations and the light signal from small defects in the



fibre optic to detect sounds, so they are virtual hydrophones. This particular publication demonstrated their ability to detect and possibly track large baleen whales. The particular paper I think focused on the detection of blue whale calls in Norwegian waters, which shows amazing promise for repurposing of existing extensive communication networks.

I think that there are some challenges to that approach. Some of the challenges are that currently at least access to the technology and the interrogation of the technology to do that repurposing is quite limited, quite difficult and quite expensive, so that would need to be unlocked or opened up for it to be more widely applicable. Some of the similar points that David mentioned in terms of passive acoustic monitoring and the calibrations required to turn detections into numbers of animals and so on still need to occur.

The tracking possibilities using time of arrival differences in different parts of the network is a massive potential for looking at animal movement. Animal movement, of course, is also very important to understand population structure, the effects of impacts in relation to the distances animals move and which population they are part of, and what they are exposed to.

There is quite a fundamental problem that I think also applies across all these new and exciting methods of monitoring and detecting marine mammals in that they are capable of collecting vast amounts of data, so passive acoustic monitoring can rack up terabytes and terabytes of raw data and the analysis of this data is not an easy task. It is extremely specialised and you need specialised software, which is not always developed. It needs skills. It needs computer scientists. Or it is incredibly manual and it needs lots and lots of resource and manpower.

Q20 **Barry Gardiner:** Is it something where AI could assist?

**Dr Sparling:** It could assist, but that research and development work will need to happen to allow that to become more automated to reduce those bottlenecks and reduce the resources that are needed in the future. I cannot remember the unit of time. It might have been a day—I can double check this in the paper—but I think they mentioned a collection of seven terabytes of data in a single day, which is a huge amount of information. There is also the skills and expertise needed to analyse all these datasets, so investment in capacity and expertise is important.

**Barry Gardiner:** I am just trying to take on board what you are telling me, and maybe before I do I should ask if Professor Deaville has anything to add on this one.

**Rob Deaville:** You have given me a promotion, it is just Mr, but thank you. I don't think that I can add anything else to that. As a stranding scientist, our tech is fairly low tech, so a sharp knife and a pencil on the beach is all we work with. I do not think I can add anything else to what my colleagues have already expanded on.



**Q21 Barry Gardiner:** What you have shown us is that data collection at the moment is inadequate and that if we were to do it, it would be resource intensive, extraordinarily expensive and—if I can paraphrase—you are not too sure of what the results might give you. You need the data to get a handle on the decline and the causes of decline. You need that in order to be able to make a policy response that is intelligible. You then need programme implementation on the back of that policy response. Only if you have all that in sequence do you then get to recovery. How far away are we here from having an adequate system?

**Professor Lusseau:** If I can come on to that with some previous statistics to now, while we have 10% of cetaceans that are deficient right now, this is a huge decrease in that value compared to where we were in 2000, for example, where it was—I cannot remember exactly the value but close to half. I think there are rapid gains being made along the way and, while there are trade-offs between being able to use novel technologies, that will ultimately mean that the cost of monitoring will be cheaper. We take R&D to get it online.

There are abilities for a good amount of a species to engage in sustained monitoring programmes that are feasible for countries, which provide us with the minimum requirement to at least get some understanding about where the programme lies and how we might fix it, if they need fixing and if there are problems. It is a work in progress but it is moving at a rapid pace I guess is what I am trying to get at.

**Barry Gardiner:** Dr Sparling is nodding.

**Dr Sparling:** Yes. If I could just add one point to that, the collection of this information and the monitoring is not just crucial to enable recovery, understanding the mechanisms of impact and understanding the relationships is also very important to our predictive power in terms of being able to predict what might happen under future scenarios of change. I would also caveat that by saying—more might be discussed on this later—that the lack of knowledge and the lack of data should not preclude protective policies and being precautionary.

**Q22 Barry Gardiner:** Of course. Who is responsible for marine mammal monitoring?

**Professor Lusseau:** That depends where. You mean in UK waters?

**Barry Gardiner:** Carol, can you tell us?

**Dr Sparling:** For seal monitoring it would be my organisation, the Sea Mammal Research Unit. We have the responsibility for the UK seal monitoring programme. The cetacean monitoring programmes would be much more bottom-up driven. There has been no top-down governmental influence, it has been driven from individual scientists and their relationships with the cross-European organisations to implement the scan surveys, for example. I think that there is a responsibility for marine



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mammal monitoring at the highest level to feed into the agreements and assessments, both international and national.

Q23 **Barry Gardiner:** If we say that we are taking this seriously as a country, and we have all our Blue 30by30s and all the rest of it that we are seeking to implement at the international stage, is it your view that Government should take responsibility for marine mammal monitoring?

**Dr Sparling:** Yes.

Q24 **Barry Gardiner:** It is. Would it be something that you consider this Committee should be making as one of its recommendations in this report that that responsibility ultimately should lie with Government, and while engaging clearly with citizen science and with your own various organisations that there should be a clarity of line responsibility that emanates from Government?

**Dr Sparling:** Yes.

Q25 **Barry Gardiner:** Thank you. That is helpful. Let's move to the question of resources. Do you believe that the Government should be committing more resources to support monitoring schemes? Perhaps you could outline what the resources currently available are. If you do believe that there should be more, how much more?

**Dr Sparling:** I can talk from the seal monitoring perspective. We currently receive resources from NERC to fund our monitoring programme. Because that funding has been on a flat level for the past five years, therefore, we are able to do much less with it than we were five years ago. We have had to cut the frequency with which we can carry out surveys. Where we used to carry out surveys annually we—

Q26 **Barry Gardiner:** What is the real term cut in funding that you have experienced?

**Dr Sparling:** I haven't calculated that.

**Barry Gardiner:** You could provide that to the Committee in written evidence, then?

**Dr Sparling:** I would need to have a look at that, yes. It is also the security of that funding. In the past, we have received five-year blocks from NERC. We receive funding from the Scottish Government in annual blocks. Without that security of funding over longer periods of time, it is very difficult to plan and resource and ensure that the right expertise and capacity is in place to carry out sufficient monitoring. We are in the position where we are now looking to reduce our grey seal survey to every three years in the more stable parts of the range and carrying it out every two years in the still increasing parts of the range. Harbour seals we are looking to try to find enough resource to survey annually but that might not be possible. In Scotland we survey the islands, the rocky shore coastlines. Each region only gets covered every five years, more to do with limits in capacity and capability but also funding.



Q27 **Barry Gardiner:** It will not surprise you to know that many people who have come before this Committee—and, indeed, all Committees of Parliament—are seeking more funding, but there is another role that Government can play, isn't there? That is about improving the sharing of data and expertise across the different monitoring initiatives. How would you like to see Governments acting in that way to ensure that co-ordination of data happens?

**Dr Sparling:** That is a difficult one. There is a lot of good information being gathered by a lot of organisations, and I will highlight recent work by DEFRA and the Seal Alliance in terms of trying to co-ordinate some of those programmes. It is that centralised governing steer of data sharing and communication of all the organisations. Standardisation of methods is important. We are often in a position where we cannot always use data that have been collected by other organisations because they are not of the same nature and have not been collected in the same way.

Q28 **Barry Gardiner:** Again, would that be a helpful recommendation for this Committee to talk about the role that DEFRA might have in ensuring the standardisation of data collection, so that there was that interchange of data available?

**Dr Sparling:** It would increase the volume of data that we were able to use in our assessments.

Q29 **Barry Gardiner:** I am sorry, I am conscious I am taking quite a long time. Finally, on the role of citizen science, Rob, can you outline what role that plays at the moment, how what you are doing feeds into the gathering of that science and how that might evolve?

**Rob Deaville:** That brings us back to your earlier point about the role that Government have to play. We have made this point already that it is a partnership between different organisations and Government, including volunteer networks, too. At our end, we work with some really good volunteer networks in the UK: British Divers Marine Life Rescue, the volunteer scheme at the Cornwall Wildlife Trust, and also SMASS, the Scottish Marine Animal Stranding Scheme network. All those volunteer networks help to contribute a huge amount of data. They are immensely valuable to the work we do in the UK. I think that networks like those should be better supported in their aims and ambitions moving forward.

**Dr Sparling:** On the citizen science front, we have seen some very successful citizen science projects and those successes have been linked to significant amounts of external funding from other organisations. Where we have had resources in place to truly collaborate and partner with citizen science organisations and ensure training is in place and ensure that data collection protocols are robust, that can massively increase the amount of science and research that we can carry out.

**Barry Gardiner:** Did you want to give a shout out to any of those funding organisations? This is not the BBC.



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**Dr Sparling:** We have a project in Scotland called Citizen Fins, which is reaching out to communities and other organisations in the south-east of Scotland and north-east of England. That is massively increasing our knowledge of the range and behaviour of the Scottish coastal bottlenose dolphin population. It has been invaluable in allowing us to understand that range expansion. That has been done with private funding.

**Barry Gardiner:** Is there anything, Professor Lusseau, that you wanted to add to what has been said?

**Professor Lusseau:** Not at all. I think that both Rob and Carol have covered that perfectly.

**Rob Deaville:** Sorry, Chair, may I make another point?

**Chair:** Yes.

**Rob Deaville:** To come back to your question about funding, Carol talked about seal funding. From the point of view of cetacean monitoring, which is where I come from, we are fortunate enough to have possession of a new 10-year contract let through DEFRA, which is quite a fortunate position to be in and we are very grateful for that. There is a long-term continuous monitoring programme, essentially, that the UK Government have funded that allows us to tell more about the status of the cetacean populations in the UK environment. Alongside that, there is the bycatch monitoring scheme, which DEFRA has funded for many years, too. The role that Government play in setting these programmes going, the long-term monitoring programmes, that then allow other work to hang off the back of that is vital.

**Chair:** I think that Carol's point about training of citizen scientists is a good one because somebody swears blind they spotted a crocodile swimming off Scarborough last week. It has been in the newspapers and everything.

**Barry Gardiner:** My grandson's inflatable it was; he lost it.

Q30 **Ian Byrne:** I want to touch on the threats to marine mammal populations. The April 2021 OceanCare report provided a very useful outline of the case using the main threats identified, so I will just go through them: bycatch, strandings, noise, vessel strikes, climate change, and pollution. Out of that list, are there any that you do not agree should be on it and, if you do agree that that is the definitive list, what would you consider the biggest issues requiring the most urgent action?

**Dr Sparling:** I should probably pass this one over to Rob to take.

**Rob Deaville:** Thanks, Carol. The one I would take off the list is probably strandings. Strandings happen for natural and unnatural reasons. The reason our programme was set up is to separate the unnatural from the natural. There is a wide variety of natural causes of mortality. Alongside that list I would add on climate change, too, if you have not said that





already. Stranding I would take off, because then we look at stranding to try to work out what threats we are facing in the UK environment.

Q31 **Ian Byrne:** What are the biggest issues there that have been outlined?

**Rob Deaville:** From the point of view of the UK programme, which is all I can talk to, bycatch has been the consistent and main direct driver of manmade mortality in the UK over the 30 years we have been running. Over the 30 years that the programme has been collecting data, we have carried out 4,500 post-mortems and around 20% have been caused due to bycatch fisheries interaction. It happens across a variety of different species but primarily harbour porpoises and common dolphins.

Common dolphin bycatch is quite spatially explicit. It tends to occur in the south-west region and surrounding waters and coastline. Porpoise bycatch historically used to be along the south coast and the east coast of England and that has changed a little bit recently. Bycatch definitely is a significant UK issue and—as I am sure David will say—is a global issue, too. We have talked about some of the international examples here already.

Our work has also illustrated, though, that the impacts of pollution can be quite profound. The way I consider this when I am giving a talk is that pollution can work in three ways. You can have impacts from chemical pollutants, impacts from noise pollution, and impacts from physical pollution. If we take those three separately, on chemical pollutants, through our collaboration with Cefas over the last 30 years we have generated one of the world's largest datasets on exposure to marine contaminants and then linking that to impacts at an individual and potentially population level.

Many of these chemical pollutants will decline over time if you reduce their input into the marine environment. That is the good news story. Unfortunately, some of the more recalcitrant compounds, things we are quite concerned about, things like polychlorinated biphenyls, which I am sure the Committee has heard of, are legacy pollutants that we are quite concerned about because they can cause impacts on the immune system of an individual animal and they can also affect reproduction.

To bring it back to the beginning of the conversation today, we talked about killer whales. It is our belief that the killer whale population decline is at least in part being driven by exposure to manmade legacy pollutants we produced years ago, banned in the early 1980s but still causing quite significant effects.

Q32 **Ian Byrne:** Is that coming from the post-mortems?

**Rob Deaville:** Yes. Where we set up the post-mortem we end up with a cause of death. About 20% will obviously be manmade, so bycatch, ship strike, that kind of thing; 20% are more natural, attack by grey seals, attack by bottlenose dolphins. Then there is a mass in the middle where there is more of an open question. If an animal dies of infectious disease



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you cannot say conclusively that that animal died because of its exposure to marine pollutants.

What we end up doing with a large dataset, such as we have in the UK, is we can do case control studies. We compare animals that die due to disease with animals that are otherwise healthy and look at the difference between the two groups. We can see that their levels of pollution for PCBs are statistically higher in those disease cases than they are perhaps in the healthy cases, so there is a statistical link between exposure to some of these pollutants and disease, ill health and eventually decline and disappearing from an area.

**Ian Byrne:** Thanks, Rob, that was an excellent answer. David, would you like to look at it on a global scale?

**Professor Lusseau:** To echo what Rob was saying, one of the conclusions is that a dominant threat is bycatch for marine mammals on a global scale. It can be managed, and there are again good examples and bad examples of how to manage it around the world. It is a very complex issue of how you go about it. A localised understanding is best for this.

Habitat alteration is then a kind of servant threat if you prefer, but when we talk about this vague term, habitat alteration, it actually covers a wide range of ways of thinking about where animals are leaving. It can be coastal urbanisation or destruction of pristine habitat for other marine sectors; for example, disappearance of mangroves to put aquaculture there. It can also be things like increased disturbance in the habitat, a lot more shipping, a lot more traffic, a lot more tourism, for example, or more noise because we do certain things in that location; we look for oil and gas or we put in windfarms and these kinds of things.

Then, of course, pollution, as Rob said. Because these animals are long lived, we are dealing with accumulation of chemicals that we have regulated since then but they are still in the environment. Then there are also novel ones. The big challenge we have at the moment is the interaction between all those pressures in that they can cause multiplicative effects. It is not just that you have a bit of bycatch and you have a bit of noise and you have a bit of pollution and if we sum up all those we get a feel for what is going on. They might actually be interacting in manners to amplify the effect on populations.

Our problem is that we are not good yet at predicting when these multiplicative effects might happen and that is an active research area, definitely. From a concern perspective, as we are diversifying the way we use the oceans, it is very much that layering of pressures and how they ultimately affect conservation status that is problematic to understand at the moment.

**Ian Byrne:** Thanks, David. Would you like to touch on the seal population, Carol?



**Dr Sparling:** Before I do, I just want to add to what both David and Rob have said. All those multiplicative pressures are against a backdrop of climate change, so there is that longer-term ecological change on top of all these individual pressures.

From the seal perspective, bycatch is not as big an issue as it is for some of the cetacean species, although in the south-west of the UK bycatch rates of grey seal are quite high. Although if you assess that bycatch against the national population it does not look huge, at a local level the bycatch appears to be unsustainable because it is higher than the rates that the local population will be able to sustain. There is an issue there and more information is needed about the origin of the animals that are bycaught there.

In terms of elsewhere around the UK, it is probably limited by the low amount of bycatch monitoring effort. We have a bit of a knowledge gap in terms of the extent of seal bycatch elsewhere outside of that region where there is a lot of focus. Predictions of climate change, so changes and movements of prey population, could significantly affect seal populations and that has been one of the hypotheses for the observed declines in the north of Scotland. Seals are also subject to predation by other species. Grey seal predation is quite prevalent around some parts of the UK and we have some active research projects investigating that at the moment.

Q33 **Ian Byrne:** When it is just under decline in certain areas of the country, is that one of the main drivers?

**Dr Sparling:** It could be. It is likely to be a number of contributing factors but in some parts of the Scottish decline it could be. As I said, we have an ongoing active research project on at the moment that has not reported yet that will be asking that exact question. The levels that we are seeing could be consistent with the declines in some parts of the range. In some of the northern isles, killer whale predation has been put forward as a factor. Again, we have another research project investigating the level of killer whale predation around Shetland.

Biotoxins in seal populations is a potential contributing factor to the northern Scotland harbour seal decline. We have tested some levels in fish, their prey populations, that are quite high and could be causing a problem in the seals themselves. Biotoxins and the rate at which they are produced naturally are likely to increase with climate change and sea warming, as is the incidence of infectious diseases, which we have also seen in the past with the PDV epidemics. Although we have not seen it in the UK yet, outbreaks of avian flu have occurred in seal populations in the US, so we are watching very carefully in this country. Those are the things that could be increased in incidence as a result of climate change in the future.

**Chair:** I am going to bring Sheryll Murray in to talk about what grabs the headlines, which is some of the indigenous hunting of cetaceans.



Q34 **Mrs Sheryll Murray:** Chairman, I should declare an interest as chairman of the All Party Parliamentary Fisheries Group. I have one supplementary before I move on to my question and I will make it quick.

On strandings, I notice that there have been suggestions that medium frequency active sonar could be responsible for these strandings. It is quite interesting to me because in a different time, when I represented the fishing industry in the south-west, it was claimed by some fishermen when the navy started operating submarines in their waters that they seemed to be catching a lot more dolphins and there were a lot more strandings.

I also read a report, going back about 20 years, where in America it was attributed to some of the strandings of killer whales. Has there been any up-to-date research done on that? We are using sonar a lot more at all frequencies, very high, low and medium. Has there been any research into that?

**Rob Deaville:** One of the things we didn't touch on, or I touched on it briefly, was the issue of noise sound pollution. Obviously, as animals living in an acoustic environment, they are sensitive to noise disturbance and that can happen in a variety of different forms, from a guy paddleboarding out at sea to mid-frequency active sonar. In terms of the issue of naval sonar, because that is what you are referring to, there are well-established mass strandings that have been linked causally to usage of mid-frequency active sonar by the navy globally.

Here in the UK, we have had several mass strandings that we have linked spatially and temporally to impulsive sound, not necessarily mid-frequency active sonar but other sources of sound, too. There is no doubt that sound disturbance can be a significant issue for some species. For example, harbour porpoises in the North Sea are impacted by pile driving for installation of wind farms. They are also impacted, oddly enough, by ordnance disposal.

Some of you may know that off the coast of the Netherlands there is a large dump of Second World War munitions. The crew just dropped their bombs—they did not drop them on Germany—off the coast of the Netherlands and now that the Dutch are putting in wind farms that is causing a huge issue for impulsive release of sound, causing impacts on porpoises. It is a huge issue and a huge problem for some species in some areas, certainly.

Q35 **Mrs Sheryll Murray:** Could you prevent some bycatch by fixing what the industry describes as pingers to their nets so that it lets off a sound and possibly is a deterrent?

**Rob Deaville:** Bycatch, as I said, has been a huge issue in the UK and globally, too, as David said. We have tried lots of things to try to mitigate the impacts of bycatch and unfortunately cetaceans are smart and perhaps not so smart at the same time. We tried to put barium sulphate into fishing gear to make them acoustically visible to cetaceans,



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trapdoors to let them get out at a certain end of their fishing gear, and the focus at the moment is looking at pingers or acoustic deterrent devices. Unfortunately, it is a complex issue. These animals operate at different acoustic frequencies so it is not the case that you can have one ping and it will dissuade everything.

Certainly, in the UK at the moment, much of the focus of effort is looking at pingers to try to dissuade animals from getting into gear. We are also now looking, through the Clean Catch UK programme that I and other partners are involved with, at other new solutions, perhaps making acoustically visible floats to try to dissuade animals from getting into the gear in the first place. We are going back to some of the solutions that were trialled 30 years ago, but these things take time to develop and unfortunately bycatch is still an ongoing issue at our end.

**Chair:** We are starting to eat into the time for the second session but we do need to cover this important subject.

Q36 **Mrs Sheryll Murray:** I will be extremely quick now. How big is the factor of hunting of marine mammals for food and indigenous cultural reasons in terms of the threat to the population status? Could you give us any countries that you are aware of that do carry out this, please, for seals, whales and other species?

**Professor Lusseau:** Yes. Perhaps I will start with the countries and then I will come back to your question afterwards. In terms of what might be called indigenous hunting for whales, the more longstanding countries might be the US and Canada. There is hunting in Greenland. It is occurring in the Faroe Islands and, of course, in Japan in some form or another along its coastline.

What is the understanding on that? In terms of conservation status impacts of those catches, some of them are well established and well measured. Others are not as well measured, I would say. The International Whaling Commission—and here I will depart a little bit from my role at IUCN—over the past close to 100 years that it has been around in some form or another has worked hard since the 1980s to develop management approaches to try to figure out what might be sustainable levels of catches for whaling.

Those hunts are regulated under these management programmes and management objectives and there has been a lot of progress on that. We are in a situation now where I feel and I think that we are able to understand and estimate well what might be sustainable catches for those locations under the International Whaling Commission.

NAMMCO, the North Atlantic Marine Mammal Commission, if I remember rightly—I am never good with acronyms—is engaging in a similar management procedure for the North Atlantic and uses very similar management estimation processes to the IWC.



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From a conservation status perspective, I think that we are in a situation where those hunts are now managed, where in the past we had industrial-scale whaling that created—to put it in as much of a euphemism as possible—a challenge for whale populations, particularly in the southern hemisphere. The current approaches I think are providing sound advice on what are sustainable catches.

**Mrs Sheryll Murray:** Thank you very much. Carol, do you have anything to add?

**Dr Sparling:** I can add a bit about seal hunting globally. I am not completely up to speed on all the management regimes that are in place, but I know that in Canada there is a commercial hunt for harp seals that is managed by a quota system based on a sustainable yield. There is also commercial hunting of fur seals in Namibia that I think is one of the largest seal hunts in the world. I cannot speak for the management regime there, I am afraid. Then there is native subsistence hunting for walrus and seal species across the Arctic and in Greenland.

Q37 **Mrs Sheryll Murray:** Can you give us some examples of the Arctic countries?

**Dr Sparling:** Greenland. I am afraid I don't have that in front of me, but I can follow up with more details on that.

**Mrs Sheryll Murray:** Could you perhaps write to us with that?

**Dr Sparling:** Yes.

**Mrs Sheryll Murray:** That would be helpful. Rob, do you have anything to add?

**Rob Deaville:** In terms of aboriginal subsistence whaling—or ASW as they term it in the IWC—I think that around the Arctic we also have the Makah nation in the US that hunt as well, but that information is available and we can also provide that if that is useful.

I just wanted to make another point, though. Beyond the issues that are potentially having an impact at a population level, because that is a broader question about hunting, it is reasonable to ask the question about what hunting does at a welfare level, individually and at a population level, too. When you are hunting sentient individuals with strong, cohesive social bonds, the impact that hunting can have can be quite profound. That is an area of work that would need further development, but the UK Government thankfully have a very strong position on this. It is something that I entirely support.

Q38 **Chair:** Just before we finish, I will come back to David. In terms of the number of whales and other species taken, is this one of the key targets that would help species to recover or are other things like chemical pollution, bycatch and everything more important? I know that it is very emotive and everybody gets very excited about it and we get lots of



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letters about it, but would this make a massive difference if it was banned? Is it a small proportion of the overall problem or not?

**Professor Lusseau:** It is hard to paint one global picture for all species, but I would say that it is a managed challenge at the moment. We have very good management procedures in place for hunting, simply because, as Carol was saying, we have dealt with it for a long time. Because we have made mistakes as nations in the past we have learned from those mistakes, which is one of the successes in marine mammal exploitation. We have learned from the mistakes we have made with whaling in terms of mismanagement.

We have a handle on it in terms of being able to define something that is likely to be a sustainable catch. We have less of a handle on a lot of other challenges that the animals are facing. Therefore, I do not feel that it is a priority in terms of understanding how we best move forward with those species.

**Chair:** Certainly, when I was in Svalbard, where we did see whale on the menu, we were told that this is something that the older generation eats and it is likely to die out in a couple of decades or so.

Q39 **Dr Neil Hudson:** I have a quick follow-up question. The focus of the answers to Sheryll's excellent question was on indigenous hunting and aboriginal subsistence whaling. I think that it would be helpful for the Committee to put on record which countries are taking whales from the sea and from the oceans for other purposes, under the guise of science, basically in breach of the moratorium on commercial whaling. It would be helpful to know which countries are doing that and what numbers of animals are being slaughtered horrifically in this way.

**Professor Lusseau:** To give you a full list we would have to write it because, off the top of my head, there are also Caribbean nations, for which I don't know the complete list, that are still engaging in hunts as well. Of course, Iceland and Norway I forgot in my list. I talked about Japan. I can give you a list in a more appropriate manner in writing so that it is there.

Again, I am diverging from my position here, but it is not so much that they are in breach of a ban; in fact, there is a procedure in place at the whaling commission that those countries can put in an opposition to a position about the ban. Some of those countries have done so from the start and that is why they are continuing to engage in whaling in that manner.

Q40 **Dr Neil Hudson:** Significant numbers by a number of countries are still being taken. Am I correct in saying that there is no humane way of killing a marine mammal out at sea? This is a horrific practice that is carrying on today and that is what we are trying to look at as a Committee: that the UK can put pressure on these countries to stop these practices.



**Professor Lusseau:** I think that, as a veterinarian, Rob would be better placed to talk about the welfare context of the killing process. These are very large animals, yes.

**Rob Deaville:** Everyone keeps giving me a promotion. I am not a vet either but, thank you, David. I hang out with vets so it is fine.

I would agree, I do not think there is any humane way. This is something that we struggle with within the stranding networks, trying to find humane ways to euthanise animals that are stranded in extremis, so trying to kill an animal for meat or for bait is much further down the food chain, literally. Yes, I would agree that anything that the Government can do to put pressure upon that, stepping outside my remit slightly, is a good thing.

**Chair:** I thank our three expert witnesses for giving us such a good insight into the problem, both nationally and globally. We will now change to our second panel who are now waiting. Thank you again.

## Examination of witnesses

Witnesses: Lucy Babey, Chris Butler-Stroud and Mark Simmonds OBE.

Q41 **Chair:** Welcome. Could I ask our three witnesses to introduce themselves and the organisations they represent and then we will get straight into the questions, starting with Chris Butler-Stroud?

**Chris Butler-Stroud:** I am the chief executive and international director of Whale and Dolphin Conservation.

**Lucy Babey:** I am the head of science and conservation at ORCA and chair of the Wildlife and Countryside Link marine mammals working group.

**Mark Simmonds:** I am the director of science at OceanCare and I was very grateful that Mr Byrne mentioned our report. I hope that you all found it useful. I should just say very quickly that the strandings chapter was there because strandings are so interesting to everybody and can be caused by human activities. It was not there because it was a threat as such.

Q42 **Chair:** I used to be shipping Minister and, together with the Receiver of Wreck, once a whale was dead on the beach it was our responsibility to dispose of it, so I know the extent of strandings and how large some of these cetaceans can be when they need to be dealt with.

Going straight into to the questions—and we will start with Mark—what is your assessment of the Government’s current policy framework for marine mammal protection? I think that is the exam question, isn’t it?





**Mark Simmonds:** Yes, that is a good exam question. Chairman, could I just offer a quick comment on the status issues that we heard from the expert panel? To add a little bit more to what it is that we are trying to deal with in the UK context, allusion was made to the data-deficient status of many cetaceans globally and some coming into or that exist in UK waters.

A very nice allusion was made to bottlenose dolphins, where we have small populations inshore and a big population offshore. I think that we could add into that picture where we have responsibilities also for Risso's dolphins, which are very like bottlenose dolphins but are much more difficult to study. They tend to dive any time you go anywhere near them in a boat, which has made them very elusive. Beaked whales again have been mentioned. These are medium-sized, very deep-diving whales. There are a number of species in the UK and the north-east Atlantic. The blue whale, of course, is still highly endangered and an important species that passes through UK seas.

There are also concerns for those animals that have habitat on the UK continental shelf, where climate change may be pushing them out and off that habitat. Then the question becomes: where do they find habitat to the north of the UK? Internationally, there is the west African manatee. You mentioned the right whale and the fishery in Whitby for that. We still very occasionally see them. It is incredibly rare. There is only a population of a few hundred now on the American side of the north Atlantic, but they do occasionally track over here. That is an example of a whale that was historically pushed right to the edge of extinction, which is now being affected by other things, including climate change, ship strikes and bycatch, and it is having a heck of a difficult journey coming back. We have some new species that have also been discovered.

Coming back to your question on the strategy that we have in the UK, we very much appreciate a lot of the effort that has gone into the various initiatives that have come forward, the bycatch mitigation initiative, the dolphin and porpoise strategy and so on, but we think that it could be made a lot more coherent and we think that it could be drawn together into something rather better than that. With your permission, I would like to ask Chris if he would like to comment further on that.

Q43 **Chair:** Talking about bycatch, obviously when you buy a product you like to think that you are buying a dolphin-friendly product or a product that has not been caught in an unsustainable way. Are we doing enough on the supermarket shelves to inform people that what they are buying is sustainable and humane?

**Chris Butler-Stroud:** Answering that specific one, Chairman, yes, I think there is a commitment from supermarkets, retailers and quite a lot of people in the fishing communities to try to make sure that what people are buying is understood, is sustainable and is not impacting whales, dolphins or any other creatures. Whale and Dolphin Conservation has a project at the moment that is working with supermarkets in the UK, and



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we have now started working with supermarkets in the US, and, alongside the sustainable fishery alliance and the RSPB, we have been auditing supermarket supply chains and looking at where and what is happening in terms of the whole range of species that are potentially bycaught.

The essence of that approach is not just then to cut the fishermen off. It is to work with those fishing communities to look at alternative gears, find different techniques and that extends all the way to working with, for example, we have a project in Scotland working with the Scottish creel fishery with Nature Scotland and that community where we have been running a study looking at what entanglements are happening, often with minke whales there, and then looking at alternatives. That really is lessons learned from the US, where they have the Marine Mammals Protection Act, where you have taken reduction teams where it brings all the stakeholders together to find solutions.

I have invariably found that if you can get people committed to the same objective, fishermen do not want to have whales, dolphins or seals in their nets. It is expensive. It is not good for them in terms of their reputation, and often they want to see animals protected at sea. They rely on the ocean being healthy and if you can bring those stakeholders together, we can find solutions to some of these problems. Sorry, that is a very quick answer but yes, there is a commitment, I think.

**Q44 Chair:** Are you saying we could learn quite a bit from the United States in terms of the UK Government's approach? We have already had to protect seals because we want to sell them salmon, so is there more that we could learn from the US?

**Chris Butler-Stroud:** If you look at what we have to deal with in the UK, we are looking at a series of pieces of legislation that all interconnect but do not quite add up to a whole. For example, if I described it as you are in your house, you have the Wildlife and Countryside Act, which is giving you that protection out to about 12 miles. You step outside your house up to your garden gate and you have the Wildlife and Countryside Act. Then you have the Conservation of Habitats and Species Regulations 2017. Beyond your gate, that is out from the 12 to the 200, you have the Conservation of Offshore and Marine Habitats and Species Regulations.

Alongside that, we have guidance on noise, we have guidance on bycatch, we have initiatives on all those subject areas. We have CITES, which protects us from whale and dolphin products coming in, although we still have the situation where we can have whale meat products move through UK ports, not landed but move through them, and we have not been able to do anything about that yet, even though there has been a commitment from Government for several years now to try to address that issue. That helps incentivise the transport of whale meat from places, such as Iceland and Norway through to Japan, and we need to do something about that.



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If you think about all those pieces of legislation all trying to add up, in the US we have the Marine Mammals Protection Act. That brings certainty of process, both for the fishing community, the conservation community and also for industry as a whole.

Q45 **Chair:** I think we are straying into later material. Sorry, it is my fault for picking up on what you said.

**Chris Butler-Stroud:** I will put that as a little hook in there to come back to that question.

Q46 **Chair:** Lucy, back to the original question, is the Government policy effective?

**Lucy Babey:** Feeding into this area, there were two points that I want to raise, which I feel would be quick wins for the Government to be effective in the policy. I know we are going to discuss some of it, so I will come in on the bycatch mitigation initiative in the bycatch section of questions.

The two parts, which would be simple and very effective, the first one is for seals and we have discussed seals quite a lot and you have acknowledged the amazing steps that have happened around stopping the killing of seals around fish farms, however seals are also very much impacted by disturbance. By including them into the Wildlife and Countryside Act to make the intentional or reckless disturbance or harassments of the seals an offence, as it is for whales and dolphins, would be a wonderful step forward in their protection.

The second point I want to raise, which Chris touched on, is to ban the transit of cetacean products through UK ports and ensure that the ivory ban covers the teeth and tusks of cetaceans. Both of those would protect them in the UK, but also give global protection of marine mammals.

Q47 **Chair:** Do we know how much comes through? Is it large quantities?

**Chris Butler-Stroud:** In terms of the last few years we do not have any whale meat coming into British ports and then out again, but we have records and we can send you the details of what has happened previously. It appeared as an issue I think during the Brexit debate where one side used it quite a lot in terms of trying to say this is something that we could do after we had left the EU. Unfortunately, nothing has happened since we have left.

Q48 **Chair:** Like foie gras, in that case, then.

**Chris Butler-Stroud:** The benefits of Brexit.

Q49 **Chair:** Can I turn now to the precautionary principle? In my view, the precautionary principle is a great thing if you do it for the right reason, not just because you have no data on which to base your action and you just do it as a precaution. Are there areas where we need to be more sensitive to the precautionary principle and take further steps to protect these species, even when as we heard in the first session some of the



data are not as comprehensive as we would like them to be?

**Chris Butler-Stroud:** As Carol said, we do need to monitor and we need to gain more data, but that should not be an excuse for not taking action. We know the trends in quite a few of these populations. We know now increasingly that whales and dolphins play a really critical role in an ecosystem as engineers. We know that they move nutrients around in the ocean.

If we look back in terms of fishing, I think Professor Callum Roberts looked at the fishing effort in 1889 against now. We were taking in twice as much fish at that time from sailboats. We did not have the powered units, but they were out there. We are now at 17 times the effort in terms of our fishing. The ocean has been degraded. You mentioned this issue of sentinel species.

We have an incredible group of creatures here who are highly complex. Rob touched on it in terms of their social complexity. We know now that cetacean and certain species have culture. They pass on culture from one to the other, and for all the gentlemen in the room, I am afraid they are mostly matriarchal societies. The grandmothers are the ones who keep a lot of knowledge. We know now that if we lose some of those significant individuals, with the power analysis when you apply it to a population, it drops off incredibly fast.

It turns out we must think about protecting cultural populations, not just species and populations. If you take the approach that we have through the UK Dolphin and Porpoise Conservation Strategy, it is very much welcomed in terms of its intent, but in terms of its aspirations it is great but there are no targets in there. There are no timelines in there, and again I compare this to the American system where there are goals and targets.

We have something that is aspirational but unless it has targets and goals it will not account to anything. It came out in March 2021 and of course we had Covid and that has held us back, but there were commitments in there to start to set up steering committees and terms of reference.

Q50 **Chair:** I am going to turn to that now. That consultation was launched in March 2021, between DEFRA and the devolved Administrations. What is your analysis of the proposal in that consultation? Were there things that we should have definitely carried forward? We have had the pandemic and all sorts of things in the meantime, and there are plenty of excuses not to make progress, but do you feel that is a good line of direction to take?

**Chris Butler-Stroud:** I think the aspirations are good. I think limiting it to only a certain number of species, it is called the UK Dolphin and Porpoise Conservation Strategy, but it includes one of the great whales, which is the minke whale. Really, we should be looking at that 17 to 27 species we do find in UK waters. It does not go enough into the granular



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level. You cannot just take a species across the North Atlantic and say, "We are going to protect those". As Rob referred to earlier, it must be more granular in its assessment.

We cannot use it to bypass Marine Protected Area strategies. It must complement things we already have. If we could have the actions, the goals for it, and these are things again referring to our American colleagues, when you sit down with stakeholders where they have targets to go for, productivity seems to go up enormously. When aspirations are too widely described then you can get a lot of talk but very little action. The community in the UK absolutely wants to get on and see action.

The DEFRA teams who have worked on these and across the board on cetacean issues have been absolutely superb. Barry will remember back in his days as a Minister there have been some excellent people in the DEFRA team and we have benefited from the fact that despite the old adage of promoting civil servants as soon as they get good at something to another Department, there has been a bit of a slowing of that, which means that competency has been built up, understanding of the issues and ability to give good professional advice to Ministers.

It has been a topic that lots of Ministers of any Government, of any colour and description, have agreed with, in terms of protecting cetaceans, but that group of civil servants have been great. They do not always agree with what we ask of them, but they always listen, and we have always found that they have made sure Ministers get the full spectrum of information that they need to make decisions. For that we are extremely grateful.

Q51 **Chair:** Thank you. We are going to have to make some progress. Lucy and Mark, do you basically agree with what has been said?

**Mark Simmonds:** Yes. You are hearing us as one voice. It is just coming out of different faces. I want to add a little bit, because we can mix management and conservation aspirations with precaution. To add a bit of colour or tuning to that, the UK's initiative for dolphins, porpoises and the minke whale is very new, so it is very difficult to evaluate how effective it is going to be yet. It is almost too soon for us to be able to say but, as Chris said, we would like to see targets and targets set against time and so forth, and it being more aspirational and more inclusive of the other species.

If we think about all those species and populations where we are unsure about their status, we also now need to figure into that climate change is changing things very rapidly, so fish populations are changing. Fish populations are moving around. The temperature of the sea is changing, and that means that we are starting to see globally cetacean populations shifting and that has implications as well. All that together in combination with other threats means that we need to take a more precautionary approach.



Q52 **Chair:** Understood. Lucy, are you in agreement or do you want to add anything?

**Lucy Babey:** I am in agreement, and I would like to add something, but I can be swift. It is building on what Barry said earlier about monitoring and highlighting those important parts. Effective and robust monitoring is required for Government to meet their obligations, and it underpins all actions, so everything we are going to discuss today needs that monitoring. It is the baseline monitoring that is the essential first step in understanding cetacean and marine mammal populations and trends over time, and then informing, as you correctly said earlier, the mitigation measures, but it should not prevent precautionary action.

I also want to add that it is only through the collation of data sets that a true understanding can be made. Like Mark has said about the climate change, it is affecting things really rapidly. Government action should include the investment in this large-scale monitoring, such as scans, but it should not be the sole focus. As with everything, it does have its limitations. Investment in other data sets to complement these, to plug the gaps for real-time reporting, is essential.

There are things such as the stranding work that is done by CSIP and SMASS but, also, the incredible long-term monitoring work that is done by citizen science. There are robust programmes that are proven to work by researchers, by industry, and that is land-based and at sea.

Barry did mention that we need some standardisation of this data to make it work. There is a framework that already exists and that is from the JNCC, the Joint Cetacean Data Programme. It is an existing framework for an effective monitoring system, with the sharing of data. It provides guidelines for standardisation of data and I think through the low level continuous support we can have a development of a real-time annual reporting on UK cetaceans through this. I sit on the governance panel for it. It is a cross-sector monitoring with the scope to bring in more partners and stakeholders outside of the UK, so that is an important area to build on.

**Chair:** Thank you. I will hazard a guess that the new Secretary of State and his Ministers have not necessarily got their heads fully around this consultation yet, so I am sure somebody from DEFRA will be watching, so I hope they will place something in front of the Minister before he arrives in front of this Committee, so that he is better briefed and cannot just say, "I will write to you" which is never a good answer to give to any question.

Q53 **Barry Gardiner:** That was very helpful in terms of the recommendations that we can make from this Committee. You have given me the perfect segue, because I wanted to pick up on the JNCC guidelines and whether you believe that they are adequate in terms of the mitigation of harm to marine mammals for underwater noise. I think many people do not think of cetaceans as going deaf. Perhaps you could just say how it is that they



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sometimes do, what the JNCC guidelines say about underwater noise, and what are the mitigation strategies that could be used. I think it lands very much on you, Dr Simmonds.

**Mark Simmonds:** Thank you, Mr Gardiner. It is Mr Simmonds. You have also promoted me.

**Barry Gardiner:** It says "Dr" here.

**Mark Simmonds:** No, it should not. I did not know that. I would have reached forward and crossed it out. I should be, but I am not.

The issue is very technical and very much a key issue of our time, because the noise threat to cetaceans interfaces with fisheries mitigation activities, such as pingers, our aspirations for marine renewable development within our waters and possibly beyond, and even the cutting edge of warfare at this time, because of the powerful low frequency and other sonars that the military are using to find each other.

It is a difficult issue because it is very hard for people to understand how significant noise is to cetaceans. The way that we normally try to explain it is that we say something like we primarily perceive our world through vision, and they primarily perceive their world through listening to it, through sound, and some of them also make noises to help them, like a form of echolocation.

We introduce a lot of noise into the seas, where it travels much better than it does in air, so that provides another problem, and then we try to make all sorts of analogies like the cocktail room effect, or if like me you are starting to get increasingly deaf you cannot hear things anymore, if you are in a place where there is lots of background noise, and that will affect them over distance. Species such as the blue whale probably used to be able to communicate with other individuals across entire ocean basins and probably cannot do that now because of the low frequency rumbling that is going on, probably mainly from shipping and we might want to come back to address shipping.

Then we have very acute noises, such as those military noises, seismic survey noises, pile driving. I think Rob touched briefly on this for the harbour porpoise and there are going to be species-specific differences.

When the JNCC first came out with its seismic guidelines they were state of the art. It was the first time, as far as I can remember, that any country had tried to come out with something that would offer some attempt to mitigate. We have learned a lot since then and among the things that we have learned is how far noise may affect marine mammals. We are still refining that and looking at that on a global basis. There are still measurements to be made, there are still things to be understood for different species.

It was state of the art. Now we know a lot more and I will raise a flag of concern that if observers are based on boats that are the source of the



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noise, they may not be able to perceive effects that are so distant from the boat but are still significant.

With your permission, because it is an issue of importance and is very technical, we would like to come back to you on this one in writing after we have had more of a chance to consult and look at the current guidelines—I think there is more than one set—to see how they have been revised. It is such an important issue, so we are grateful that you have raised it.

- Q54 **Barry Gardiner:** If you could put that to us in writing that would be extremely helpful. You have all outlined how important it is that you adopt a precautionary approach in this area, and I want to ask you about the way in which the Marine Mammal Observer Association has suggested that there should be a greater use of shutdowns in industrial operations, and trying to almost give advance warning to cetaceans beforehand to clear them from the area. Would that be one aspect of the precautionary principle that you welcome? Do you think it would be effective? Is there any evidence that it is effective?

**Mark Simmonds:** With respect, I think I would like to come back to that one and we will take it onboard in our written response. I think it is part of that overall picture.

**Chris Butler-Stroud:** I join with Mark. This is a rapidly changing area. Whale and Dolphin Conservation has advocated previously for the use of noise limits. What would be potentially useful is to bring in written form, again to the Committee, work that has been done in Germany and Belgium where noise limits are used and then the type of monitoring.

The guidance as it stands at the moment is there is a lot of monitoring in the construction phase, say, of offshore. There is nothing afterwards, yet we then have quite a lot of noisy environments once we have offshore. We all recognise that we need more renewables going into place. It is something that the country must commit to. How we want that to be done—to answer one ecological challenge we do not want to create another one. I think there is a lot of learning.

- Q55 **Barry Gardiner:** We could of course do it onshore. There is a thought.

**Chris Butler-Stroud:** We could do it onshore. From a cetacean point of view, I would fully support onshore. There is a lot of learning coming across. We know, for example, having a 160 dB limit with a peak of about 190 we can map out to about 750 metres in terms of what the threshold impacts are on cetaceans. We know that that goes out to about eight kilometres, and we still have what we would classify as disturbance. There are significant impacts on species, where again we do not know too much, and under the UK Marine Strategy framework none of these species have good environmental status at the moment. We want to make sure they are still there, because they are contributing to a healthy ocean. We need them in there.





There is one paper that has just come out, which has looked at the contribution of cetaceans in the UK as carrying on their bodies about 2 megatons of carbon, and they are moving something like 90,000 tonnes of nitrogen around in terms of feeding the baseline of the food production in our waters. We cannot afford to drive them further offshore. We need them there to have healthy, productive seas.

**Q56 Barry Gardiner:** The Chair has been very kind to me, because he has allowed me to double up my international question with my domestic question, because I must go to the Urgent Question that is coming up on Iran. Can I get you to switch your hat, so your thought processes and focus on the CBD COP15 later on this year and the global Biodiversity Framework that is going to be produced there? The Global Ocean Alliance is pushing for this 30% of the world's oceans by 2030 target. How important do you believe that to be, and how essential is a high seas treaty in achieving it, and how important would that be for marine mammal conservation?

**Chris Butler-Stroud:** I can do a quick introduction. It is wonderful to have aspirations. We did not make the 20% by 2020. UK protected areas, at the moment we claim that we are protecting about 40%. We do not have enough management conservation plans in place to claim more than about 4% to 8% in terms of protection. The Benyon Review was excellent in terms of introducing further the concept of highly protected areas, but we need to make them work.

As the UK it is all well and good us going around and saying, "This area is protected halfway around the world that we have as an overseas territory", but unless we can also export the expertise in terms of how you protect that—and personally I think that is an area of growth of industry for this country. That we can develop the expertise that can help other countries to protect their oceans, but we must get it sorted out here first and then we can live up to that 30by30. 30by30 is a great aspiration and we should be going for it.

**Q57 Barry Gardiner:** Thank you. I am going to try to put words in your mouth in terms of the response of this Committee and the recommendations that global leadership in that aspiration is excellent, but that global leadership will only come from doing it properly in our own domestic sphere. At the moment you are conscious that we have not done it properly in our own domestic sphere. Is that a fair characterisation of what you said?

**Chris Butler-Stroud:** That is a very fair characterisation.

**Q58 Barry Gardiner:** Therefore, one of the recommendations that it would be helpful for this Committee to make would be in increasing the implementation and securing the protection of those Marine Protected Areas that we have designated?

**Chris Butler-Stroud:** Absolutely.



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Q59 **Chair:** I think if this was “Perry Mason” that would be leading the witness. They are not complaining, though.

**Lucy Babey:** It is written down in here.

Q60 **Barry Gardiner:** You have talked about the UK’s goals ahead of the next meeting of the Conference of the Parties. Specifically for marine mammal conservation, what should those goals be aside from 30by30?

**Chris Butler-Stroud:** I have a very quick one that others can then comment on. I think championing the role of the ocean and its inhabitants as nature-based solutions to the climate change, linking CBD to the UNFCCC in terms of the opportunities again for the UK to position itself. I was disappointed at the end of the UNFCCC in Glasgow that a lot of small island states seemed to drop off the agenda. The UK did a good job of trying to get countries together at the table, but a lot of those countries have major pieces of ocean that are providing incredible ecological services to all of us. The ocean is absorbing some 98.5% of all the carbon atmosphere flux that is taking place. We need to value those oceans. The natural capital that is involved in those can help us elevate some of those countries on the world stage.

Coming back to the leadership, the UK can position itself in a new way in terms of facilitating these countries to understand what their oceans are doing, not just for them but for us. Yes, I think CBD, linking it back to the UNFCCC and linking those two. The ocean has an incredible capacity to help us, and whales have been our ally for years, even though we took 3 million out of the ocean in the 1900s to the 2000s.

**Mark Simmonds:** I hope we can go back to other international agreements as well, because I would not want to lose the fact that the UK has shown, in my experience over the last quarter of a century or so, tremendous leadership in the international conventions where I work. I am also very mindful that in just a couple of days the whaling commission will open its first meeting for four years—delayed by the pandemic—and there is a team of people sent there by the UK who will look at some of the issues that we have already touched on, including where aboriginal subsistence and commercial whaling interface. These are different things, and I can give you a slightly different list of species and where they fit, and we might come back to you in writing as well to clarify that for the Committee.

We also have a regional agreement, ASCOBANS, which is a daughter agreement of the Convention on Migratory Species—and ASCOBANS is the Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas, not to be confused with the prison invented by JK Rowling. This is a regional agreement now that has significant importance, of course, because it brings together countries that are both within and outside of the EU.



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Again, the UK has shown great leadership and determination in holding that body together. It is also a body that has interesting roles. It has, for example, written to the Faroes recently about their extraordinary take of Atlantic white-sided dolphins. This happened roughly a year ago, they took 1,400 Atlantic white-sided dolphins in one single hunt in one single day. This is a species that is protected here and protected in the rest of Europe, and it is an extraordinary thing to have happened.

Q61 **Chair:** Normally it is just a handful. It was bizarre how many they seemed to catch.

**Mark Simmonds:** It was bizarre and unfortunately, Chair, recently they have also taken almost 100 bottle-nose dolphins in a single hunt. So here we have a situation where we are trying to protect them in the UK and in Europe, and they are being hunted, and this is not a hunt that is recognised as aboriginal subsistence. This is something else that is going on there, and we in the UK have an opportunity to talk to people in the Faroes, particularly as we now have a trade agreement with them in that direction, to follow up on this and try to persuade them that this is something they no longer need to do.

I am digressing slightly. International agreements, tremendous work at the Convention for Migratory Species, tremendous work at the International Whaling Commission. Watch this space. It is going to get very lively, and at ASCOBANS.

Q62 **Barry Gardiner:** You have not answered my question about a high seas treaty and how are we going to achieve 30by30? It is a great aspiration, but how are we going to achieve it without a high seas treaty?

**Chris Butler-Stroud:** I think the UK should be championing another round of the negotiations on the BBNJ. Again, the UK could take an absolute leadership position here because we are talking about an area of unregulated fishing and an area of unregulated extraction. Yet it is the common heritage of us all, to use a cliché. The UK again could position itself as that honest broker in terms of protecting that area of waters, which then has huge benefits for all the other countries in the world.

Q63 **Barry Gardiner:** Does it need to provide funding to do that, to get the next round going before the CBD COP?

**Chris Butler-Stroud:** You said earlier everyone comes before you and asks for more money. First, we can make sure that our DEFRA team is maintained and is able to engage with this on a long-term basis. It is not just about achieving the treaty; it is what comes next. Secondly, having the money to be—

Q64 **Barry Gardiner:** Is that a very specific recommendation about the maintenance of that team and the importance that it would have in eventually achieving the objective of 30by30 and the high seas treaty?



**Chris Butler-Stroud:** I am not sure how the individuals would react to me saying stay in place, but I would say in terms of the expertise that DEFRA has developed in terms of these areas—

Q65 **Barry Gardiner:** It should not be lost?

**Chris Butler-Stroud:** Let us not lose that. Let us make sure we can have continuity of that knowledge base as it moves forward.

I think there is an amazing opportunity for soft power for this country in terms of positioning itself, in terms of being able to invest. There are countries where if we could have investment in evaluating the ecological services of whales around their oceans where they could revalue their oceans in terms of the services they are providing it could be an amazing thing for this country as it leads forward.

**Lucy Babey:** I fully support that. A very quick one, if it is okay, to come back with your noise one prior to that. I think it is important that the UK Government do not forget to look at that baseline monitoring. You are right, noise causes a huge impact and shutdowns could be very helpful to stop that. However, by looking at that baseline information, having a cohesive monitoring network around the UK with real-time reporting that could help inform important areas where such activity may not be best placed.

**Barry Gardiner:** I do assure you no discourtesy is intended but I do have to leave.

**Chair:** Thank you. In case anyone who is watching at home heard us refer to 30by30 that is the aspiration to protect 30% of the oceans by 2030, which is certainly very ambitious but no reason not to make progress towards that. We are getting a bit pushed for time, so if we can try to make some progress and punctuate the questions with punchy answers.

Q66 **Mrs Sheryll Murray:** I will try to be very quick. If I can ask the panel if you can make your responses succinct as well that might help.

The UK Government recently published their bycatch mitigation initiative. How far does this go to address the issue of bycatch? Lucy?

**Lucy Babey:** As we have heard globally and within the UK, bycatch kills more marine mammals than any other threat. It is a multi-tasker issue and the bycatch mitigation initiative, the BMI, set out to do everything correctly to help mitigate this threat. It is fantastic that the UK has this. The document includes all the critical areas required and that need to be considered to ensure that they can meet the aim of minimising or eliminating bycatch.

Q67 **Mrs Sheryll Murray:** How far does this go to address the issue of bycatch?

**Lucy Babey:** The vision and rhetoric are there, but unfortunately it is the action that is missing. It is the action, not the words, that is going to



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make the difference, that will protect them. An incredible amount of time and effort has gone into this, and we applaud the DEFRA team for that, but without specific timebound or measurable actions it is merely a list of suggestions. Our advice for Government is quite simple. We have the information that we need to act, so we need effective monitoring action in place.

**Q68 Mrs Sheryll Murray:** I might be coming on to other parts of this with the rest of my questions. If we do not by the end of the question, and you think we have missed anything, perhaps, Chair, we could collect that in writing.

I am going to go to another panel member now with my next bit. Should the BMI be underpinned by a set of clear targets to reduce bycatch numbers, and if so, what should these targets be? Chris?

**Chris Butler-Stroud:** Yes.

**Q69 Mrs Sheryll Murray:** What should these numbers be?

**Chris Butler-Stroud:** Because the BMI seeks to attack all issues of types of bycatch you cannot just answer immediately off the cuff. What we need to do is to look at each fishery operation and work co-operatively to identify how to reduce those down and set those targets. Those targets then become the motivating factors. Solutions come when you try to meet those targets. It depends on the fishery. It depends on the species.

**Q70 Mrs Sheryll Murray:** When you say "the fishery", are you talking about species targeted or method of capture?

**Chris Butler-Stroud:** Usually method of capture and the animals that are getting bycaught. We need to look at that in the whole and then set targets for each of those.

**Q71 Chair:** Excuse me, if I buy dolphin-friendly tuna does that mean that no dolphin is ever caught by that fisherman, or they have a level below which they will accept a certain amount of bycatch?

**Chris Butler-Stroud:** If you look at the eastern tropical Pacific, Whale and Dolphin Conservation sat on the panel for many years, which was the infractions committee, which had fisherman and others on it. It had a target to reduce to 5,000 and then a commitment to reduce below 5,000 to zero. It wanted zero mortality. It also incorporated zero impact on those cetaceans, so it had a staged approach. What it tried to do was not block off markets and act as an incentive for change to happen.

The US took a position of boycotting tuna coming out of Mexico. Personally, I think that had advantages at the beginning but had disadvantages when it came to incentivise the fishermen to continue, because all they did was switch their market and move it to Europe at that time.



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If you are asking me: is it dolphin safe or dolphin friendly? They have two different meanings and the names can cover a multitude of sins in the way they describe what happens.

**Chair:** Sorry, I interrupted you.

Q72 **Mrs Sheryll Murray:** No, that is fine, Chair. I am happy to share my question with you. We are a good team.

I am now going to Mark for the next bit. Can I emphasise, if any of you do have anything to add, because we are short of time, then I am sure we can always accept it in writing.

Mark, my favourite subject. Should restrictions be placed on certain fishing gear such as gillnets to aid bycatch reduction and what impact would that have on the fishing sector?

**Mark Simmonds:** That is an interesting question and a hot potato. Thank you so much. I did a little exercise recently to inform the bycatch mitigation initiative of the International Whaling Commission where with a colleague I looked all around the world for examples of where bycatch action had led to an improved situation. We came up with examples from the United States. I know we seem to be a little bit fixated on the United States during this meeting. That is quite interesting and there may be reasons for that, but the examples were where the gillnets have been removed the porpoise population had recovered.

We have critically endangered porpoise populations around Europe, not in UK waters at the moment, but what we were looking for was what could we put in place that would be expected to bring a benefit for example for the Baltic harbour porpoise, and the removal of gillnets would be expected, based on the work in the States, to bring an improvement to that population.

Q73 **Mrs Sheryll Murray:** Can you expand on this question? Is it because porpoises were being caught by gillnets, or is it that as the fishermen were displaced there was more fish available to encourage the porpoises to come into that area to feed?

**Mark Simmonds:** I think the answer is because the porpoises were no longer being caught in the gillnets. I realise this is a problem for fishermen and that it is not necessarily desirable for fishermen to lose a particular milieu but—

Q74 **Mrs Sheryll Murray:** Is there any evidence to prove that?

**Mark Simmonds:** I would have to bring the papers before you, which we could do.

Q75 **Mrs Sheryll Murray:** If there is evidence perhaps you could send it in to us, because I am sure if we asked a fisherman they would say, "It is because we are not operating so our boats are not generating that much noise, there is no fishing gear there and so the porpoises would congregate in that area". I think we need to be clear before we take it as



gospel.

**Chair:** We are back to the precautionary principle in terms of being clear.

**Mrs Sheryll Murray:** Yes, we are.

**Mark Simmonds:** You asked what the implications are for the fisheries. I do not know exactly what the implications are for the fisheries. I would hope that alternative forms of fishing could then be practised. The operators of gillnet-focused vessels could probably find alternative methods and, hopefully, these could be advertised as being more environmentally sound and sensitive, and then the consumers could recognise this.

Q76 **Mrs Sheryll Murray:** Chris, would noise abatement attachments such as pingers on these nets act as a preventer from the bycatch, in your opinion?

**Chris Butler-Stroud:** Again, I am going to say it is a complex answer. Several studies around the world have indicated that in certain circumstances with certain species they can be effective. In other places—and I think Rob referred to them as smart creatures—one study showed that in the first year of use, yes, cetaceans moved away. In the second year cetaceans started to re-engage, and in the third year it was ringing the dinner bell. There are situations where fishermen have worked in co-operation with cetaceans. I have seen it off the coast of Iceland with the herring fleet, working with the orcas to track where the fish is and following the orcas. They then leave the nets in the water for the orca to bring in their young and take off some of the fish which is stunned and falling over the side.

In terms of those kind of acoustic devices, I do not have an easy answer for you to say put them on and it will be fine.

Q77 **Mrs Sheryll Murray:** Thank you. Chair, thank you for letting me go on a little bit longer. The final part, how can we constructively work with the men and women who carry out fishing activities on these issues? Should they be offered incentives to participate in bycatch mitigation trials? Do you know of any ongoing at present? Lucy, and then I will let Chris and Mark come in.

**Lucy Babey:** The simple answer is yes. There are projects that are already being delivered that do exactly that. The Government needs to invest in these to expand them, such as the Scottish Entanglement Alliance, the alternative gear projects. We can see how bringing together all these stakeholders and the fisher people have a real interest in this and have driven it forward.

There is also other work done in the south-west, especially with common dolphins and porpoises, looking at those alternative solutions. That partnership is there, but there does need to be support of the industry to help do that. Financial support might be required, but resources and the expertise as well. Immediate mitigation action needs to happen in the



high-risk fleets because these animals are being killed. We know the species, the locations and the gear types and I think the Government need to act on that in real time.

**Q78 Mrs Sheryll Murray:** Thank you very much. Gentlemen, do you have anything to add to that?

**Mark Simmonds:** The issues that we are touching on here are not only complicated, but there are organisations that are working very hard to try to bring forward solutions. Pingers may not be a perfect solution in all circumstances, but there may be other ways around this. Again, if we look to the International Whaling Commission which may seem a strange place to look, but it has developed its conservation work so much over the years, and it has this very important bycatch mitigation initiative, which is looking at examples from all around the world and trying to amass knowledge so that we can respond. ASCOBANS has a similar role on this issue in the north-east Atlantic region and finally bringing fisher folk to the table to take part in these discussions is incredibly important. I want you to know that there is a lot going on. This is a tremendous focus of activity all over the world and in these agreements where the UK is a significant supporter and player.

**Q79 Dr Neil Hudson:** In follow-up, I guess in terms of the UK's role in protecting marine mammals, what is your assessment of the role played by the United Kingdom in some of these multilateral marine mammal protection initiatives? What is their role and are they a leader in this?

**Chris Butler-Stroud:** In conventions, like the International Whaling Commission that the UK has—whatever Government we have had in power at any time—been taking a leading position. They were very influential when we were members of the EU. They continue to be influential now.

In terms of being party to ASCOBANS, we are one of the countries outside of the European grouping within ASCOBANS, so again we have an important role to play. The UK, because it has put the views of the public front and centre in terms of wanting to see an end to the exploitation of cetaceans, has often then given the political cover to other countries to line up behind and support.

It is a position that I think is popular with the public. It is popular with our decisionmakers, and it puts us on the world stage in terms of the role we can take.

One quick comment on the whaling issue, I know in the first panel there was discussion about whether whaling was low down on that list. In terms of ASW, there will be more data coming in terms of St Vincent and the Grenadines. The Russian Federation are also part of ASW hunting. Whaling should not just be seen as a group of numbers. Whaling is about the political stance that the world is willing to accept in its relationship with nature. What whaling does is give the cover for countries to say,





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“Yes, it is okay to take small cetaceans as bait for other fisheries”. We lose about 100,000 small cetaceans a year now in over 100 countries where loss of other food sources has led to more predation taking place. Whaling acts as that cover for all these other things to happen.

If we say commercial take of cetaceans is allowed, you can kill a sentient, intelligent creature that you do not need to kill, for commercial whaling countries this is not something they need to do anymore. It is all about political dynasties and whatever. It allows other countries to say, “Well, if it is acceptable to do that we can do the following”. How can you incentivise fishermen to say that bycatch is a problem when somebody is allowed to kill them for meat elsewhere? Luckily, I think a lot of fishermen do not want to catch them, but it fulfils that political position and it says something about that ethical stance that we take as a society.

It has been argued that we should be able to manipulate any species and do anything to anyone as human beings. It is not true. We must learn to live in balance with the rest of the environment and we have a shared understanding with these amazing creatures that we share the planet with. I think in protecting and saving the whales and the dolphins we stand a good chance of helping ourselves, so I think a sentinel in that way, not just in terms of being indicators of what is changing in the ocean.

**Q80 Dr Neil Hudson:** That is very powerful evidence for us in terms of the unacceptability and the ethics of what is going on in other parts of the world. Mark?

**Mark Simmonds:** I am grateful for your earlier comment about there being no humane way to kill a whale out at sea. We do think that is the case. If an exploding harpoon is very well-placed hopefully the whale is knocked out or killed very quickly but that obviously does not happen in all cases and I think that we will be hearing over the next few days about some examples of where multiple harpoons may have been deployed before the animal died and so on.

In terms of the UK’s leadership, one example of that would be within the context of the International Whaling Commission, where the UK has brought in new evidence and a new approach to welfare assessment, which goes beyond whaling and looks at all the different things that affect whales and what the implications are. An assessment tool has been developed through the UK, which will be presented and talked about as soon as Friday. That is a good example of the UK’s leadership in this.

Coming to the issue of whaling and the theoretical development of sustainable removal rates, and David Lusseau is absolutely right, these have been developed and they are as safe as they can be for the aboriginal whaling quotas, which are delivered for a few countries, but it is a totally different thing from developing a theoretical removal rate, something you can work up mathematically, to making sure that that is being adhered to out on the high seas.



We have no agreed whaling management regime and no prospect of that ever being agreed with the whaling nations, which is why Japan has left the IWC and is no longer bound by any of its requirements and Japan's whaling has been termed pirate whaling for that. The IWC clearly is the relevant management and conservation body. Norway and Iceland set their own quotas and are not even abiding by the rules that have been set in terms of quota delivery. Like everything else, it is a complex topic, but it is not as simple as just working out the number of what might be removed and what might be sustainable.

**Q81 Dr Neil Hudson:** Thank you. That is very helpful and we are going to touch more in one of the final questions about trade policy and the UK's power within that.

Can I move now into the International Maritime Organisation? Do you think enough is being done via that to mitigate the harm to marine mammals caused by shipping?

**Mark Simmonds:** This one falls to me again. IMO is potentially a very important place for us to try to achieve something. It is a win-win situation with IMO. If we can slow down ships then they will burn less fuel and they will produce less carbon, less greenhouse gas. They are less likely to bump into whales, which of course can be catastrophic, and they will also be quieter. That has become a priority issue to take to the IMO, to try to persuade this to happen. This may relate in particular to very sensitive areas where there are large numbers of whales congregating, and there is a proposal for a Particularly Sensitive Sea Area, a PSSA, in the Mediterranean that we would certainly like to recommend that the UK supports.

**Q82 Dr Neil Hudson:** Getting down to a more granular level, we are talking about shipping there. Is enough being done at country and regional level in terms of recreational vessels? I am thinking of the United States with manatees and speedboats and that side of things. Is enough being done at the granular level?

**Mark Simmonds:** There is a general concern. In fact, it came up at the recent ASCOBANS advisory committee meeting. Across the north-east Atlantic and probably beyond there is an increasing number of small, fast-moving watercraft. If anybody has been near the seaside, I am sure they will have seen some of these things. I am not sure if that is IMO jurisdiction or national jurisdiction, but we do need to look at that. A very fast-moving watercraft is not something that a bottle-nose dolphin could outdistance.

There is this theory that an animal like a bottle-nose dolphin will disappear under water or go away if it does not want to be there, but of course they are trapped at the water surface. They must come to the water surface to breathe on a regular basis every few minutes, so they can be chased and corralled and of course potentially hit. We do need to think about these very small, fast-moving watercraft.



**Lucy Babey:** If I can expand a little bit on that. We do have under the Wildlife and Countryside Act the intentional and reckless disturbance of cetaceans. There is good guidance out there that is largely followed for whale-watching vessels. However, there is not anything in place for these recreational vessels and it is increasing, especially around the coastlines where there are vulnerable populations. That is something that needs a lot more attention and some legislation in place.

Q83 **Dr Neil Hudson:** Do other countries do anything to your knowledge along those lines?

**Chris Butler-Stroud:** In terms of the UK, the Dolphin and Porpoise Conservation Strategy talks about the potential for licensing of these operations, and we would support that kind of approach because it then also protects the industry as well as protecting the various animals out there. The US has been looking at this issue of recreational vessels, so we have a study off the east coast of the US that has been looking at the impacts on right whales and humpbacks and increasingly it is recreational vessels that are causing the problem. The regulated larger vessels where we have controls on speeds, for example—so the port of Boston reducing the speed several knots down to about 10 knots outside of the port—has led to a significant reduction in impact. It is the recreational vessels that are now starting to be looked at, and we need to do the same here.

**Dr Neil Hudson:** I take your point from the beginning, Lucy, as well, about adding seals to those recommendations. These are powerful recommendations that we can put in our report, so thank you.

**Chair:** I will go to Ian Byrne. This might have to be the last question. I think we have covered off the last bit pretty much.

**Dr Neil Hudson:** It would be useful to have a quick one on it.

**Chair:** We do need to finish at 4.50 pm.

Q84 **Ian Byrne:** Thanks, Chair. I am going to touch on the enforcement of these treaties or lack of. How big a problem is the lack of enforcement that comes from international agreements on marine mammal protection? If it is a big problem what are the causes of the problem?

**Chris Butler-Stroud:** Most conventions that we sign up to are not immediately binding on us unless we adopt them into our national legislation. If you take something like the International Whaling Commission, we are talking about a 1946 convention, the ICIW, which allows for objections to be taken to decisions. Norway hunts commercially under objection. It has loopholes that were never designed to allow these things to happen, but you have scientific whaling, which was abused heavily by Japan and previously abused by Iceland and Norway in joint measure.

It is only pressure outside of those fora where we can bring a political dynamic to the situation. In CITES we have binding legislation that we implement internally in the UK, so that allows us to regulate what is



coming in and out. CMS, the Convention on Migratory Species, is advancing some amazing work at the moment, but again it is not compulsory in terms of binding at that stage. That is a problem.

International governance sometimes is not always compatible with national sovereignty, it would appear, when it comes to the marine and yet we must find a way of co-operating, which is why things like the BBNJ become even more important as we go forward.

**Ian Byrne:** Mark or Lucy, could you add to that?

**Mark Simmonds:** I would only add that I think that as the biodiversity crisis deepens more attention is being put on to the MEAs, the multilateral environmental agreements, to show that they are being effective. It is not necessarily their fault, the fault of the structures or the people administering them, but it does come down ultimately to whether the parties, the member nations, are following up on what it is that they have committed to. I think the way that the MEAs and probably the IWC, which sits just on the side of that, can help themselves is to put in place formal assessment processes. Like everything else, they are looking at targets, timelines and saying, "Where have we got with this? We have listed the species under CITES or CMS, we have put it on our appendix, we have decided it is critically endangered. This means that action should then follow. Is that action following?"

We have nice examples with the Convention for Migratory Species, which has just started to list culturally significant units, so a certain population of chimpanzees and a certain population of sperm whales have been listed because they are a unique culture that needs to be protected. The next question should be, "Okay, well done. What is happening in practice? What is the timeline on that?" That is the kind of thing that we are now starting to work on and advocate with these agreements.

**Chair:** Neil wanted to add a last quick point.

Q85 **Dr Neil Hudson:** Coming back to the UK's leadership role and your point that Governments, successive parties, have been maintaining this. It reflects the UK population's feeling about these animals—these incredibly intelligent animals—and how we value them. In terms of that the leadership role that the UK can take—we will ask these questions of Ministers as well, and we have asked them before about how the UK can go into trade negotiations and also negotiations on fisheries policies when they are talking to countries such as Japan, Norway, Iceland, the Faroe Islands—is there scope for us to use some of that soft power to show the world what we feel about these animals and protecting them?

**Mark Simmonds:** We have a good history of Ministers, particularly our Fisheries Minister, when they meet with their equivalent Minister in Japan, Norway, Iceland of raising these issues. I think we are very good at that, and we have a particular opportunity I think with the Faroe Islands currently because of our trade agreement with them and because of the developing economic situation. Also, the Faroese if anything seem



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to be going in the wrong direction, so that adds some spice to our need to address them.

Q86 **Dr Neil Hudson:** There is an opportunity for us, yes.

**Chris Butler-Stroud:** Just a classic there, we have had a situation this year where the Faroese have sold fishing rights in shared access waters for the UK to Russian vessels, which have been coming into that area. I just do not understand at this time where fish being taken out of a shared area is going back and generating money for the Russian Federation.

If you look at something like a blue whale in the southern hemisphere, they transport about 88 tonnes of nitrogen per year to their calving grounds. Before whaling they transferred 24,000 tonnes of nitrogen. This is where we can show that by starting to investigate these ecological services, we as the UK can then talk in these agreements. It is not just about the trade relationship between that country and us. It is the impact on all these other countries and that is where we can also take a leadership position in representing a lot of those countries to make some real change happen.

**Lucy Babey:** For that change to happen we do need to lead by example. We cannot just go in and recommend what others do. Just quickly, an example of that is when you come to bycatch, the UK should make sure that all our fishing vessels in UK waters and outside of UK waters has monitoring onboard, whether that is through remote electronic monitoring or observers. By leading by example, we then have that position and that power to influence others.

**Chair:** Thank you to our witnesses, who have once again given us some very helpful evidence. As politicians there may be countries around the world where people do not care about whales. Certainly, their Governments do not care about whales, but this is a country that has always seen animal welfare as front and centre in terms of politics, and our commitment to protecting these cetaceans and ensuring that we play our part globally as well as nationally is something that this evidence session has underlined. Thank you very much indeed.