

Written evidence submitted by Wildlife and Countryside Link (MM0014)

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Wildlife and Countryside Link is a coalition of 65 organisations working for the protection of nature. Together we have the support of over eight million people in the UK and directly protect over 750,000 hectares of land and 800 miles of coastline. Link's Marine Mammals group has a strong relationship with the UK delegation to the International Whaling Commission (IWC) and brings together experts in the field of marine mammal protection.

This response is supported by the following Link members:

- Environmental Investigation Agency
- Humane Society International
- International Fund for Animal Welfare
- ORCA
- RSPB
- The Wildlife Trusts
- Whale and Dolphin Conservation

1. What is the status of marine mammal populations?

Of the 90 species, 12 subspecies and 28 subpopulations of cetaceans that have been identified and assessed to date, 22 are listed as 'Critically Endangered', 22 as 'Endangered' and 16 as 'Vulnerable'.¹ The plight of marine mammals is exemplified by the precipitous decline of the vaquita in Mexico, with only about 8 individuals remaining.²

Bycatch is now widely regarded as the most serious threat to marine mammals globally, with more than 650,000 marine mammals (of which >300,000 are cetaceans) dying each year.³ Bycatch is both a conservation and welfare concern; it occurs in all types of fishing gear in both artisanal and industrial fisheries. Gillnets and other entangling nets are well-known problems, but large whales in particular are susceptible to becoming entangled in ropes used by pot and trap fisheries, as well as Fish Aggregating Devices (FADs).

¹ <https://iucn-csg.org/22-updated-cetacean-red-list-assessments-published-in-december-2020/>

² <https://iucn-csg.org/wp-content/uploads/2022/02/Vaquita-Expert-Elicitation-2021-Report-Final.pdf>

³ <https://www.nrdc.org/issues/prevent-global-bycatch-whales-and-other-wildlife>

Our understanding of bycatch rates in UK waters is still limited by the low level of observer coverage currently provided by the UK Bycatch Monitoring Programme. Monitoring of all protected species bycatch from UK-registered fishing vessels currently focuses on three broad gear types, with annual sampling achieving coverage of <1% of total static net effort, 1-2% of longline effort and roughly 5% of midwater trawl effort.⁴ Another challenge is a lack of wider bycatch monitoring of non-UK vessels fishing in the UK EEZ or the UK fleet fishing in UK overseas territories or outside UK waters.

2. How, and for what purpose, are marine mammals being killed?

In addition to commercial and aboriginal subsistence whaling of large whales, tens of thousands of small cetaceans are killed annually for meat (known as aquatic wild meat) and other products, bait for fisheries, and to address perceived competition with fisheries. Others are taken live for captive display facilities. A recent review of the threat posed by demand for aquatic wild meat and bait indicated that small cetaceans are widely hunted across the world. Troubling hotspots for hunting include the Faroe Islands, Ghana, Indonesia, Japan, Peru and Venezuela. Manatees and dugongs are also targeted for aquatic wild meat while walrus are hunted for meat and their ivory teeth, and polar bears for meat and hunting trophies.⁵

Canada conducts an annual commercial seal hunt, which primarily targets harp seal pups for products such as furs and pelts. Approximately 26,000 seals were reported killed in 2021. In the past decade, climate change has caused considerable ecosystem changes in the northwest Atlantic. A rapid deterioration of the sea ice in the region has resulted in up to 100% mortality in seal pups born in key whelping areas in some years, and Canadian government scientists assert that such negative outcomes for the ice dependent harp seals will increase in future. The deteriorating sea ice has additional implications for animal welfare; seals are shot near or in open water, allowing wounded pups to dive beneath the water's surface where they cannot be retrieved and die slowly. Namibia conducts what is now (since the decline of the Canadian hunt) the largest seal hunt in the world, with government quotas issued for 86,000 Cape fur seal pups and 8,000 bull seals. The hunt takes place between July and November. The seals are killed for fur, and in the case of the adult males, penises are sold for perceived aphrodisiac value in Asian markets. Pups are clubbed to death and adults are shot. The European Food Safety Commission's review of the welfare of the hunt concluded it was not humane.

3. Beyond whaling, what human behaviours are affecting whale populations and how?

⁴ Northridge, S., Kingston, A. and Coram, A. (2020) Preliminary estimates of seabird bycatch by UK vessels in UK and adjacent waters. Report prepared for the Department for Environment Food and Rural Affairs (Project Code ME6024)

⁵ <https://www.frontiersin.org/articles/10.3389/fmars.2022.837447/full>

Bycatch. Bycatch and entanglements remain a major threat to cetaceans. In UK waters this has welfare implications and potential population level impacts for at least Celtic Sea harbour porpoises, bottlenose dolphins in the southwest and humpback and minke whales in Scottish waters. The UK Bycatch Mitigation Initiative, currently in draft form, should outline measures to reduce bycatch, with robust independent monitoring and binding timelines to ensure actions are timely and effective.

Whilst we recognise that the UK bycatch monitoring programme collects more data than our European neighbours, it is still insufficient and there remains considerable uncertainty in the bycatch rates of all marine mammals, including those most commonly bycaught, due to poor levels of monitoring data. Serious concerns remain about bycatch levels of harbour porpoises in several areas of the UK, and particularly the Celtic Sea. To get accurate bycatch rates and to understand trends over time, it will be important to monitor bycatch on non-UK vessels fishing in UK waters. As far as we are aware, the UK does not ensure compliance with the requirement under the Data Collection Framework for fishermen to report all bycatch events. CSIP post mortems have been reduced in recent years and the scheme is under considerable pressure. The stranding scheme in England does not include seals, which is a significant failing and the stranding scheme in Northern Ireland does not, to our knowledge, include post mortems.

Chemicals. With the UK Government's Marine Strategy, there is nothing in the current or previous Programme of Measures to tackle the serious issue of chemical pollutants and the high levels of PCBs and other contaminants in UK cetaceans. The west coast orca population will be lost due to chemical burdens in the coming decade or two and we have already lost orcas from the North Sea. Harbour porpoise, bottlenose dolphin and other species also have high chemical burdens that impact their daily lives and make them more vulnerable to other human pressures.

Disturbance. The UK is home to over a third of the entire world's population of grey seals and 32% of the European subspecies of common seals. However, disturbance impacts on these animals are shocking (though often invisible); from distress, to injury, pup separation, and sometimes fatal outcomes. Voluntary codes of conduct are not sufficient to monitor and enforce compliance with legislation to protect marine mammals from disturbance. Licensing of commercial wildlife watching operations is required to maintain an overview of numbers of operators and potential hotspots, and should include conditions for monitoring and a requirement for WiSe training. Further measures required to document and prevent disturbance have been identified in Link's annual Wildlife Crime reports⁶ with the threat to seal's outlined in Link's recent paper on seal tourism.⁷

⁶ https://www.wcl.org.uk/docs/Link_Anual_Wildlife_Crime_Report_06.11.20.pdf

⁷ https://www.wcl.org.uk/docs/assets/uploads/WCL_Seal_Tourism_Briefing.pdf

Shipping. Global maritime traffic increased four-fold between 1992 and 2012, with much greater increases in some areas. This has resulted in an increase in chronic underwater noise, known to interfere with marine mammal behaviour, and lead to hearing loss, stress, difficulty feeding, and mating disruption. Greater numbers of larger ships, travelling at increased speeds also increase the risk of vessel strikes with marine mammals, especially large whales. In areas where critical whale habitat overlaps with busy shipping lanes, this risk is greater still.

Oil and Gas exploration and extraction. Acute, high intensity sounds emitted into the ocean during seismic testing can lead to displacement, disturbance, temporary/permanent hearing loss and even strandings. Pollution/contamination, direct and indirect impacts of oil spills.

Military. Sonar use, strandings, harassment, displacement, disturbance, temporary/permanent hearing loss.

Greenhouse gas emissions. Climate change is altering ocean ecology and functions due to ocean warming, redistribution of prey leading to changes in cetacean distribution and movement, direct and indirect effects on entire marine food web, changes in ocean currents, diminished or altered feeding opportunities, direct and indirect impacts to cetaceans including to their health, susceptibility to disease, and predation rates.

Marine debris and pollution. This contributes to increases in marine debris (particularly plastics), increased pollution/contaminants (i.e., from untreated wastewater, pollution/contaminants entering rivers and flowing to the oceans), directly and indirectly affecting the health of cetaceans including causing death.

4. How effective are the global protections of marine mammals?

The International Whaling Commission (IWC) has been very effective at protecting whales from hunting, reducing the numbers killed annually from a peak of almost 70,000 in the 1960s to around 1,000 today. Its measures, including the moratorium on commercial whaling, have been supported by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) which has banned international trade in large whale species and restricted trade in others. In addition, the Convention on the Conservation of Migratory Species (CMS) protects many cetacean species through listing on its appendices and associated activities.

Over recent decades, and as underpinned in a resolution agreed unanimously in 2010, the IWC has developed a comprehensive programme of work to address a wide range of anthropogenic threats to all cetaceans, including climate change, noise and chemical pollution, bycatch and entanglement, marine debris, and vessel strikes. The IWC's work on cetacean welfare has also evolved to keep pace with expanding scientific understanding of cetacean physiology, sentience and pain, as well as the field of ethics. However, the IWC's

expansion to conservation-focused work is not universally supported and this work and welfare mitigation initiatives are not typically funded from its core funds and need additional, long term financial support.

5. How can the UK better protect marine mammals?

There are a number of priority areas where the government can act to better protect marine mammals:

- A solutions-based approach is needed to tackle cetacean bycatch and entanglements, where we identify monitoring and bycatch prevention objectives/goals and detailed timelines. We know which fisheries and areas are the most problematic for different species, so we need to put scientifically robust measures in place to act. Further measures to address the bycatch of cetaceans should include gear limitations, alternative gears, closed areas or closed seasons to enable achievement of legal requirements. Unfortunately, the draft plan does not currently deliver.

The UK Fisheries Act Ecosystem Objective outlines that ‘bycatch of sensitive species is minimised and, where possible, eliminated’. Urgent and effective action is now needed to tackle bycatch in high-risk fisheries as a priority, and to improve at-sea monitoring of fishing activity and support delivery of action through targeted programmes of work to address sensitive species bycatch across UK fisheries. The general policy and legislative commitments outlined in the draft Bycatch Mitigation Initiative (BMI) demonstrate that effective action should have already been taken to address sensitive species bycatch and therefore, it is essential that any new initiatives are significantly more ambitious than existing programmes.

Actions that are unaccountable, not time bound and are voluntary will not translate into implementation or deliver reductions in bycatch. Effort is needed to set SMART targets to minimise and where possible eliminate bycatch, improve data collection (coverage and transparency), test, roll out and mandate use of mitigation measures, resource the necessary actions and ensure there are clear stakeholder involvement frameworks.

- Efforts to prevent the high levels of PCBs and other contaminants entering the marine environment and subsequently accumulating in UK cetaceans are also urgently needed.

- Action is needed on noise pollution, where target levels are set for reductions in underwater noise based on monitoring schemes and threshold values for likely impacts. Sound limits should be placed on all impulsive noise generating activities so that impacts on sensitive species are minimised. In particular, limits should be placed on all impulsive noise sources such that impacts on harbour porpoises are minimised.
- Licensing of commercial wildlife watching operations is also necessary, and a clear education programme for recreational water users, with sufficient funding to support the roll out of both. Seal disturbance should be illegal, as it is with whales and dolphins. These animals are protected under UK law against reckless or deliberate disturbance, harassment, killing and injury, with fines of up to £5,000.
- Management measures that effectively address threats are required for all cetacean MPAs and SACs, including new harbour porpoise SACs, minke whale and Risso's dolphin MPAs and existing bottlenose dolphin SACs⁸.
- Marine mammal rescue is led in the UK by the voluntary sector and underpinned by the work of the UK's stranding networks. It would be appropriate to see further support from the government in these endeavours, although we note with appreciation the work that Defra is now leading looking at the development of euthanasia options for cetaceans that cannot be rescued, a major ongoing welfare concern. Further liaison with the government could help to better define the roles of the various agencies involved in responding to stranded cetaceans. These animals should also be protected from 'trophy hunters' and similar individuals who seek to make a profit from these animals. Although the sale of such is illegal, it needs better enforcement, and this too requires government support
- Baseline cetacean monitoring must be improved to enable us to understand trends in populations and to assess impacts in a meaningful way. Acoustic monitoring is an important component of baseline cetacean monitoring, including the MarPAMM project. Although this is an important project for improving evidence, it is only operating in NI and a relatively small area of Scottish waters. The geographic scope is small in terms of all UK waters where this type of research is badly needed. Indeed, as well as a general requirement to improve levels of monitoring, monitoring is needed in other data poor areas, including the species-rich Northern Isles and offshore Atlantic waters, where beaked whales and other deep diving species are vulnerable to noise pollution.
- Amend the Wildlife and Countryside Act 1981 to make the intentional or reckless disturbance or harassment of seals an offence, as it already is for cetaceans.

6. What role can the UK Government play to protect and promote the conservation of marine mammals internationally?

⁸ We note the work in progress under the auspices of ASCOBANS to develop effective management measures for porpoise MPAs.

Internationally, there are a number of priority areas where the government could promote the conservation of marine mammals:

- The UK holds a leadership role in conservation and welfare work at the IWC and is a strong supporter of the commercial whaling moratorium. It could extend this support for the protection of cetaceans to other marine mammals such as walrus targeted for their body parts by proposing that CITES implement greater protections for these species. The UK should play a greater role in emphasising the contribution that cetaceans, alive and dead, make to vital ecological functions, including carbon sequestration and ocean productivity, and the need for the IWC and other international organisations, as well as their parties, to take the ecological and economic value of these services into account in decision-making.
- The UK should continue to contribute to and support ASCOBANS⁹ - the regional agreement that covers small cetacean conservation in the NE Atlantic region and to which the UK is a party. Important initiatives here include the various actions plans and collaborative research initiatives. ASCOBANS provides the opportunity for the UK to work with other states in collaborative conservation efforts now that it is no longer bound to EU initiatives.
- The UK is also an important contributor to the work of the Convention for the Conservation of Migratory Species (CMS). CMS has a variety of plans and actions that seek to address marine mammal conservation and it is important that the UK continues to assist and support these.
- The UK should ensure that seafood certification bodies such as the MSC account for the cumulative impacts of all fisheries on all species caught, especially when this relates to bycatch of Endangered, Threatened, or Protected (ETP) species. All fisheries, and in particular eco-certified fisheries, should demonstrate a progressive reduction of marine mammal bycatch and discards towards a zero goal. Fisheries that deliberately target marine mammals as a direct fishery or as a means to locate other species (i.e. the encirclement of cetaceans or whale sharks to locate tuna) should not be allowed to enter a seafood certification process.
- The UK should require certification bodies to verify their claims by mandating coverage levels for independent observation (human and/or electronic monitoring) of bycatch at high enough levels that can provide strong data. At a minimum >20%, but for fisheries that interact with endangered, threatened and protected species >65% to 100%. For tuna RFMOs and High Seas fisheries, 100% is recommended.
- Consider new legislation similar to the USA's foreign fisheries provisions under the MMPA, to ensure that nations exporting fishery products to the UK do not engage in fishing practices or use gear that result in bycatch.
- At the IWC and other fora, the UK should engage in discussions on how to protect small cetaceans from over-exploitation, including for aquatic wild meat.

⁹ <https://www.ascobans.org/>

- The illegal take of totoaba fish in illegal gillnets and trafficking in its swim bladders is a major factor in the decline in Mexico's vaquita porpoise, which numbers fewer than ten animals. We strongly encourage the UK to champion initiatives in international fora that address efforts to protect the vaquita by securing a gillnet-free environment. Such opportunities include supporting any resolution on vaquita that may be introduced at IWC68 in October 2022; proposing or supporting any proposal to impose trade sanctions on Mexico at CITES CoP19 in November 2022 or at CITES SC77 or to adopt substantive and rigorous Decision text on totoaba at CoP19; and encourage UNESCO's World Heritage Committee (WHC) members to support substantive and rigorous corrective measures and other conservation objectives for the Islands and Protected Areas of the Gulf of California World Heritage Site at the WHC's 45th meeting. The UK should also assist Mexican efforts to recover the vaquita through financial support, law enforcement training and support, and alternative livelihood and fishing gear development.
- As one of Canada's top trading partners, and through the updated trade agreement currently being negotiated, the UK could work to encourage the Canadian government to afford proactive protections to wild animals - including seals - whose populations are likely to suffer depletions as a result of our changing climate. This could extend far beyond seals to the many wild species in Canada whose habitats and food sources are disappearing at a rate that is outpacing the existing conservation measures in Canada.
- The UK should use any influence or connections it has with the Namibian government to seek clarity on the country's seal hunt management, both in terms of quotas (in light of recent declines in seal populations, and what appear to be mass starvation events) and welfare (in light of the European Food Safety Authority's in-depth review that highlighted numerous severe welfare problems with the killing methods).
- Help global efforts to reduce bycatch by supporting population assessments and the development of gear alternatives, particularly in the developing world. With regard to FAD use, the UK can support Conservation and Management Measure (CMM) proposals in all Regional Fisheries Management Organisations (RFMOs) for responsible FAD management. This has wide support from environmental organisations and major retailers.¹⁰¹¹
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¹⁰ https://www.bluemarinefoundation.com/wp-content/uploads/2021/03/IOTC-2021-SS4-INF11_-_Letter_of_support_for_Prop_D_on_FAD_management.pdf

¹¹ <https://www.bluemarinefoundation.com/wp-content/uploads/2021/10/Minimum-Requirements-for-Responsible-Drifting-FAD-Use.pdf>

mammal bycatch and discards towards a zero goal. Fisheries that deliberately target marine mammals as a direct fishery or as a means to locate other species (i.e. the encirclement of cetaceans to locate tuna) should not be allowed to enter a seafood certification process.

- Use all diplomatic and other tools to convince Iceland, Norway, Japan and the Faroe Islands (who do not hunt for subsistence) to cease all whaling activities; ensure proper management of ASW and small cetacean hunts.
- Use all diplomatic and other tools to compel countries to prevent bycatch by changing fishing practices including by prohibiting the use of gillnets and other fishing gear that threaten cetaceans with entanglement and death. Additional support (including through funding) is needed for the IWC's bycatch mitigation initiatives.
- Ensure the UK's compliance with the United States MMPA Foreign Import Provisions by taking actions to ensure that UK bycatch prevention measures are consistent with (if not better than) those in the USA.
- Ban the transit of cetacean products through UK ports and ensure that its ivory ban covers the teeth and tusks of cetaceans.



Wildlife and Countryside Link is the largest environment and wildlife coalition in England, bringing together 65 organisations to use their strong joint voice for the protection of nature.