

**Written evidence submitted by the Department for Environment, Food and Rural Affairs (MM0015)**

**EFRA Inquiry – Marine mammals - Government evidence**

**1. What is the status of marine mammal populations?**

Globally, 5 cetacean species and 19 subspecies/subpopulations are presently classified as 'Critically Endangered' according to the IUCN Red List<sup>1</sup>. A further 12 cetacean species are classified as 'Endangered', two of which (sei whale and blue whale) are vagrant species within UK waters.

Of the 28 cetacean species recorded in the UK, 12 are regularly seen - harbour porpoise, bottlenose dolphin, common dolphin, Risso's dolphin, white-beaked dolphin, Atlantic white-sided dolphin, long-finned pilot whale, killer whale, minke whale, sperm whale, humpback whale and fin whale. In addition, two seal species (grey and harbour seals) are widely dispersed and breed in the UK. Notably, the UK population of grey seals represents around 38% of the world population<sup>2</sup>. Both in European waters and at a global scale (where relevant), all 12 cetacean species and both seal species listed above are classed as 'Least Concern' or 'Data Deficient' according to the IUCN Red list (except for some localised populations for some species).

The UK Marine Strategy (UKMS) provides a framework under the Marine Strategy Regulations 2010 for assessing and monitoring the status of our seas and putting in place the measures needed to achieve Good Environmental Status (GES). GES is evaluated for cetaceans, seals, and a range of other descriptors including marine litter, contaminants and input of anthropogenic sound.

The cetaceans found in UK waters are part of much larger populations whose range extends beyond UK waters. The appropriate scale for the assessment of GES for cetaceans is the North-East Atlantic, which encompasses the Greater North Sea and Celtic Seas sub-regions and wider Atlantic to the west of the UK and Ireland.

In 2018, the assessment of progress towards the achievement of GES for cetaceans<sup>3</sup> concluded that, for the Greater North Sea:

- The UK target of 'no significant decline' was met for minke whale.
- Abundance of harbour porpoise and white-beaked dolphin appeared to be stable. However, uncertainty in the data means that a decline could not be ruled out.
- From 1994-2016, the range of harbour porpoise and minke whale remained the same, however the centre of their distribution shifted southwards.
- The UKMS target of 'no significant decrease in abundance' for coastal bottlenose dolphin populations was met. This target was also met in the Celtic Sea for the largest known group.

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<sup>1</sup> <https://www.iucnredlist.org/>

<sup>2</sup> <http://www.smru.st-andrews.ac.uk/files/2020/08/SCOS-2019.pdf>

<sup>3</sup> <https://moat.cefas.co.uk/biodiversity-food-webs-and-marine-protected-areas/cetaceans/>

- Data were not sufficient to draw confident conclusions on status of other cetacean species, or for coastal bottlenose dolphin in West Coast Scotland or Coastal South West England. We are addressing data gaps through evidence programmes listed in the response to Question 5.

These conclusions represent the UK-wide outcomes of data analysed as part of the 2018 assessment of GES. Regionally, trends may vary from this and in some cases identify overall increases in abundance (e.g., bottlenose dolphin in East Scotland)<sup>4</sup>.

For seals, GES is assessed on the spatial scale of UK waters (Exclusive Economic Zone (EEZ)). The waters to the west of the UK comprise part of the Celtic Seas sub-region, and waters to the east of the UK, including the Channel, form part of the Greater North Sea sub-region. In 2018, for seal biodiversity<sup>5</sup>:

- GES was achieved for grey seals across their UK range.
- While GES was not achieved for harbour seals in the Greater North Sea as a whole, within that, harbour seal abundance was stable or increasing across the English North Sea, but abundance had declined in the Scottish North Sea. The causes for this are presently unknown, though several potential factors have been identified.
- Harbour seal abundance was increasing significantly in West Scotland, however their status in other parts of the Celtic Seas remained uncertain.

The Special Committee on Seals provide annual updates on the current status of both seal species in the UK. As of 2020<sup>6</sup>, the UK grey seal population estimate is continuing to rise. Trends for harbour seals generally corroborate with those of the assessments presented above, although some more recent regional variation has been detected (e.g., decreases in harbour seal abundance in the Southeast of England).

OSPAR will publish the next assessment of its regional seas as the Quality Status Report<sup>7</sup> in 2023. This will update on the status of marine mammals in the North-East Atlantic.

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

While many societies historically hunted marine mammals for food and other products (including skin, bone and oil), today only a small number of countries continue to hunt marine mammals. This can be for commercial or subsistence purposes. A variety of killing methods are used<sup>8</sup>; for example, cetaceans can be killed using harpoons or in 'drive' hunts where cetaceans are herded towards land before stranding and being killed.

The UK Government is strongly opposed to the hunting of any cetaceans, other than some limited activities by indigenous people for clearly defined purposes. We believe that the hunting of cetaceans is unacceptably cruel and that well-managed, responsible tourism is the only truly sustainable interaction with these animals.

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<sup>4</sup> <https://www.nature.scot/doc/naturescot-research-report-1021-site-condition-monitoring-bottlenose-dolphins-within-moray-firth>

<sup>5</sup> <https://moat.cefas.co.uk/biodiversity-food-webs-and-marine-protected-areas/seals/>

<sup>6</sup> <http://www.smru.st-andrews.ac.uk/files/2021/06/SCOS-2020.pdf>

<sup>7</sup> <https://www.ospar.org/work-areas/cross-cutting-issues/qsr2023>

<sup>8</sup> The International Whaling Commission has a working group on Whale Killing Methods and Welfare Issues (WKM&WI) to ensure hunts are as humane as possible for the whale, and as safe as possible for the hunters: <https://iwc.int/commission/commission-sub-groups/working-group-on-whale-killing-methods-and-welfare-issues>

The UK is a Contracting Party to the International Convention for the Regulation of Whaling (ICRW), whose governing body is the International Whaling Commission (IWC). A global moratorium on commercial whaling has been in place since 1982 (with effect from the 1985/1986 season) and is binding on those ICRW Parties who agreed it. The UK is a strong supporter of the global moratorium remaining in place.

There are currently three countries that hunt large whales for commercial purposes<sup>9</sup>: Norway (a Party to the ICRW which made a formal objection to the moratorium), Iceland (a Party to the ICRW which made a reservation to the moratorium<sup>10</sup>), and Japan (which is not bound by the moratorium after withdrawing from the ICRW in 2019).

The UK accepts whaling for subsistence purposes where there is a clearly defined need, and it is in line with the scientific advice about relevant whale populations. The IWC categorises “aboriginal subsistence whaling” (ASW) differently from commercial whaling and ASW is not subject to the moratorium. Four ICRW Parties conduct subsistence hunts for large whales: Denmark (Greenland), Russia (Chukotka), St Vincent and the Grenadines (Bequia) and the United States (Alaska and also potentially a resumption of hunts previously undertaken by the Makah Tribe of Washington State). The IWC sets catch limits for ASW in these countries taking into account advice from the IWC’s Scientific Committee<sup>11</sup>. Whaling by indigenous people also occurs in Canada which is not a Party to the ICRW.

Small cetaceans are not covered by the ICRW’s moratorium on commercial whaling. There are several places where small cetaceans are killed including Japan, the Faroe Islands, Greenland, Canada, the Solomon Islands and Peru.

Other marine mammals are killed in several countries. This includes hunting of seals and walrus in some Arctic countries for both subsistence and commercial purposes. Canada’s commercial hunt of seals is the largest in the world and there is also a significant commercial hunt of Cape fur seals in Namibia.

### **3. Beyond whaling, what human behaviours are affecting whale populations?**

At a global level, the IWC’s Conservation Committee considers a wide range of cetacean conservation issues. It’s 10-year strategic plan identifies priority threats to cetaceans as: ship strikes, marine litter, bycatch, anthropogenic sound, chemical pollution and climate change.

Within the UK, the [Cetacean Strandings Investigation Programme](#) (CSIP) has investigated causes of death of stranded cetaceans since 1990, improving our understanding of, and ability to tackle, threats to cetaceans. The [Scottish Marine Animal Stranding Scheme](#) has been in operation since 1992 and, as of 2021, is managed by the Scottish Government as a separate project to the CSIP to investigate causes of death in cetaceans in Scotland.

From 1990-2019, 4051 UK stranded cetaceans were examined at post-mortem by CSIP partners and revealed a wide variety of both anthropogenic and non-anthropogenic causes of death. Non-anthropogenic causes of death included cases of interspecific aggressive interactions by bottlenose dolphins and grey seals with some cetacean species (n=463).

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<sup>9</sup> A list of commercial catches taken by all nations since the establishment of the moratorium: [https://iwc.int/table\\_objection](https://iwc.int/table_objection)

<sup>10</sup> The UK has objected to Iceland’s reservation

<sup>11</sup> Current catch limits for aboriginal subsistence whaling regulated under the IWC: [https://iwc.int/html\\_76](https://iwc.int/html_76)

Of the anthropogenic drivers of mortality, bycatch and entanglement in fishing gear has been the primary direct human-induced cause of death in the UK, with evidence of entanglement in a variety of gear types diagnosed in nearly 20% of all UK stranded cetaceans examined at post-mortem. Bycatch appeared to have highest impact in short-beaked common dolphins (n=343 or 42% of examined strandings) and harbour porpoises (n=377 or 16% of examined strandings), although impacts on populations are currently unclear. Bycatch was most frequently diagnosed in southwest England. Ship-strike was recorded in a relatively small number of both small and large UK stranded cetaceans (n=44).

In addition to these anthropogenic cases, recent work<sup>12</sup> has revealed likely climate change driven shifts in the distribution of several UK resident dolphin species, with as yet unknown impacts, as a result of population range expansion or contraction.

Noise pollution is a known issue globally in some cetacean species and populations and impacts can result from both acute and long-term exposure<sup>13</sup>. This can include impulsive noise (e.g., active sonar, underwater explosions, piling) and continuous noise (e.g., shipping, infrastructure such as offshore wind farms). In the UK as observed through the CSIP, impacts from marine litter through ingestion appear relatively limited with low observed prevalence of macro-litter ingestion<sup>14</sup>, however, the abundance of and potential impacts from microplastic and nanoplastic ingestion are unclear<sup>15</sup>. Impacts from entanglement in abandoned, lost or discarded fishing gear (ALDFG) in the UK are also unclear, as such cases can be difficult to differentiate from bycatch in active set gear. Globally, the IWC recognises that marine litter including ALDFG could be a significant threat.

Exposure and toxic effects from a range of chemical pollutants have been investigated through a collaboration between the CSIP and the Centre for Environment, Fisheries and Aquaculture Science (Cefas). Some persistent organic pollutants such as polychlorinated biphenyls (now banned in the UK) are of particular concern and are thought to have most serious impacts in long-lived apex predators such as killer whales and in small, fragmented populations, such as UK inshore bottlenose dolphins<sup>16</sup>.

Human behaviours can also affect cetaceans during their lives in ways that are not observed at post-mortem. For example, disturbance by humans can be detrimental to the health and welfare of cetaceans and other marine mammals.

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

The international regulation of whaling under the ICRW has reduced whaling dramatically from tens of thousands of whales hunted each year to just over 1,000 whales per year hunted today. This has improved the conservation status of many species; for example, the

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<sup>12</sup> Williamson, M.W., ten Doeschate, M.T.I., Deaville, R., Brownlow, A.C. and Taylor, N.L. (2021) Cetaceans as sentinels for informing climate change policy in UK waters *Marine Policy* **131** <https://doi.org/10.1016/j.marpol.2021.104634>

<sup>13</sup> Williams, R.S., Curnick, D.J., Deaville, R. (2021) Identification of key species in the UK, with a focus on English waters, sensitive to underwater noise. Defra commissioned review

[http://randd.defra.gov.uk/Document.aspx?Document=15309\\_Williamsetal2021keyspeciesnoise.pdf](http://randd.defra.gov.uk/Document.aspx?Document=15309_Williamsetal2021keyspeciesnoise.pdf)

<sup>14</sup> CSIP 2011-2017 final contract report (Appendix 3 Marine debris ingestion and/or entanglement 2011-2017) pp. 19-23

[http://sciencesearch.defra.gov.uk/Document.aspx?Document=14579\\_AppendicestoFINALCSIPContractReport2011-2017.pdf](http://sciencesearch.defra.gov.uk/Document.aspx?Document=14579_AppendicestoFINALCSIPContractReport2011-2017.pdf)

<sup>15</sup> Nelms, S.E., Barnett, J., Brownlow, A., Davison, N.J., Deaville, R., Galloway, T.S., Lindeque, P.K., Santillo, D. and Godley, B.J. (2019) Microplastics in marine mammals stranded around the British coast: ubiquitous but transitory? *Nature Scientific Reports* <https://www.nature.com/articles/s41598-018-37428-3>

<sup>16</sup> Jepson, P. D. et al. (2016) PCB pollution continues to impact populations of orcas and other dolphins in European waters. *Scientific Reports* **6**:18573 <https://www.nature.com/articles/srep18573>

humpback whale moved from being 'Vulnerable' to 'Least Concern' on the IUCN Red List as populations have recovered from historic whaling.

International trade in specimens of some marine mammal species is regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES is an international conservation agreement which aims to ensure that international trade in specimens of endangered species of animals and plants is sustainable and does not threaten the survival of those species in the wild. CITES species are listed in three Appendices<sup>17</sup>, according to the degree of protection Parties to the Convention agree that they need:

- Appendix I includes species threatened with extinction. Trade in specimens of these species is permitted only in exceptional circumstances. Most large cetaceans are listed on Appendix I as are the most endangered small cetaceans (e.g., vaquita), dugongs, manatees, Mediterranean monk seal, the Guadalupe fur seal, and southern sea otters.
- Appendix II includes species not necessarily threatened with extinction, but in which trade must be controlled in order to avoid utilization incompatible with their survival. All other cetacean and southern fur seal species not covered in Appendix I are listed in Appendix II as is the southern elephant seal.
- Appendix III contains species that are protected in at least one country, which has asked other CITES Parties for assistance in controlling the trade. Walrus is listed on Appendix III.

The UK is also a Party to the Convention on Migratory Species (CMS) which aims to conserve migratory species throughout their ranges. Many marine mammal species such as the blue whale, bowhead whale and Atlantic humpback dolphin are listed on Appendix I<sup>18</sup> which means that Parties which are range states have obligations in relation to conservation of these species, including by prohibiting the take of these species (with limited exceptions). Other species such as sei whale, killer whale, and dugong are listed on Appendix II which means that Parties which are range states must endeavour to conclude agreements where these would benefit the species.

There are regional agreements that the UK works through to advance the conservation of marine mammals. The UK is a Contracting Party to the Agreement on the Conservation of Small Cetaceans of the Baltic, Northeast Atlantic, Irish, and North Seas (ASCOBANS), a regional agreement under the auspices of the CMS. Through ASCOBANS, Parties seek to improve the conservation status of small cetaceans. The UK is also a Party to the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR). Through OSPAR's North-East Atlantic Environment Strategy 2030<sup>19</sup>, Parties committed to 12 strategic objectives to achieve OSPAR's vision of a clean, healthy and biologically diverse North-East Atlantic Ocean. The UK is also a Party to the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention). Bern Convention Parties have agreed a range of legal obligations with the aim of conserving wild plant and animal species

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<sup>17</sup> For species listed on CITES appendices, see here: <https://cites.org/eng/app/appendices.php>

<sup>18</sup> For species listed on CMS appendices, see here: <https://www.cms.int/en/species/appendix-i-ii-cms>

<sup>19</sup> <https://www.ospar.org/convention/strategy>

and their natural habitats. Over 1,500 plant and animal species are protected under the Convention, including marine mammals.

Within Regional Fisheries Management Organisations (RFMOs), the UK works to minimise the bycatch of marine mammals in fishing gear. We support increased collaboration between RFMOs and organisations such as the IWC.

The UK Overseas Territories (OTs) are also home to marine mammals. Since 2016 the OTs have enhanced marine protection across over 4 million square kilometres of marine environment with support from the Blue Belt Programme. For example, the Government of the Pitcairn Islands and St Helena designated their Exclusive Economic Zones as Marine Protected Areas which help to protect marine mammals from conservation threats. Other OTs have also designated MPAs and have various protections in place for marine mammal conservation.

## **5. How can the UK better protect marine mammals? What role can the UK Government play to protect and promote the conservation of marine mammals internationally?**

### Domestic

Domestic marine policy is largely devolved. Marine mammals are protected in UK waters under various legislation including the Wildlife & Countryside Act 1981, Wildlife (Northern Ireland) Order 1985, Conservation (Natural Habitats, &c.) Regulations 1994, Conservation of Habitats and Species Regulations 2017, Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995, Conservation of Offshore Marine Habitats and Species Regulations 2017, Conservation of Seals Act 1970, and Marine (Scotland) Act 2010.

Government policies and programmes are in place or in development to improve the conservation and welfare of marine mammals in the UK, including:

- The UK Dolphin and Porpoise Conservation Strategy<sup>20</sup> which aims to ensure effective management to achieve and/or maintain favourable conservation status for the nine species of cetaceans most commonly found in UK waters.
- The UK Bycatch Mitigation Initiative (BMI) which will be published shortly. The BMI identifies policy objectives and potential actions to meet part of the Fisheries Act 2020 ecosystem objective that “incidental catches of sensitive marine species are minimised and, where possible, eliminated”. This builds on existing work such as Clean Catch UK<sup>21</sup>, which is working collaboratively with the fishing industry to develop and trial bycatch monitoring and mitigation measures in Cornwall.
- The UK Government, regulators, Devolved Administrations and Statutory Nature Conservation Bodies released a joint interim position statement<sup>22</sup> which demonstrates our preference for quieter alternative technologies in the removal of unexploded ordnance from the marine environment.

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<sup>20</sup> <https://consult.gov.scot/marine-conservation/uk-dolphin-and-porpoise-conservation-strategy/>

<sup>21</sup> [www.cleancatchuk.com](http://www.cleancatchuk.com)

<sup>22</sup> <https://www.gov.uk/government/publications/marine-environment-unexploded-ordnance-clearance-joint-interim-position-statement>



- Through the Offshore Wind Enabling Actions Programme, Defra is undertaking research to better understand the potential impacts of noise associated with windfarm construction and is considering how underwater noise management can be improved to reduce harm and enable the sustainable and responsible growth of the offshore wind sector.
- The UK has a network of Marine Protected Areas including some which are primarily designated to protect harbour porpoise, bottlenose dolphin, Risso's dolphin, minke whale, grey seal and harbour seal. Sites should be managed to prevent activities harming the protected species and habitats they depend on.
- All programmes are underpinned by evidence programmes including the Small Cetaceans in European Atlantic waters and the North Sea, the UK-led Joint Cetacean Data Programme<sup>23</sup>, and the UK Bycatch Monitoring Programme. These are improving our understanding of the status of marine mammals.

### International

The UK plays an active role in all the Multilateral Environmental Agreements to which it is a Party. Under the Convention on Biological Diversity, the UK is playing a leading role in developing an ambitious post-2020 global biodiversity framework. We are calling for ambitious global targets to halt and reverse biodiversity loss by 2030 – this includes targets to ensure at least 30% of the land and of the ocean globally is protected and species population sizes are recovering.

At the IWC, the UK takes a leadership role as Vice-Chair of the Conservation Committee and Co-chair of the Working Group on Operational Effectiveness. We continue to elevate the IWC's conservation work, including raising the profile of small cetaceans.

The UK has and will continue to raise our opposition to commercial whaling with whaling countries at every appropriate opportunity. Recently UK Ministers engaged with the Government of the Faroe Islands to condemn the large hunt of Atlantic white-sided dolphins in 2021 and encouraged the Government of Iceland not to renew whaling permits in 2023.

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<sup>23</sup> <https://jncc.gov.uk/our-work/joint-cetacean-data-programme/>