



WWF

POSITION

IWC 66

2016



## WWF Position Statement

# 66<sup>TH</sup> INTERNATIONAL WHALING COMMISSION (IWC) MEETING

Slovenia 20-28 October 2016

*WWF's goal is to ensure that viable populations of all cetacean species occupy their historic range, and fulfil their role in maintaining the integrity of the ocean ecosystem. We work at a local level and across a broad range of international fora to address and reduce threats to cetaceans. The IWC has an important contribution to make to the conservation of all cetaceans, small and large, by minimising the adverse human impacts they face. This year the Conservation Committee will be discussing avenues to address the main threat to cetaceans today, bycatch. WWF welcomes the efforts of the Scientific Committee to raise the profile of this massive issue and the presentation of a proposal on how the IWC can make a difference. We urge all Contracting Governments to support this work and approve a dedicated IWC work-stream focused on the prevention and mitigation of bycatch.*

### **Bycatch (CC05)**

Accidental entanglement in fishing gear has long been recognized by scientists and policy makers around the globe as the most pervasive human-induced threat to cetaceans, causing a minimum of 300,000 cetacean deaths annually. While many studies point to a direct link between declining cetacean population numbers and interactions with fishing gear, much less has been done to determine how to prevent or mitigate cetacean bycatch. The International Whaling Commission, as the primary international body addressing cetacean conservation and management, is in a prime position to take the lead in a global effort to effectively reduce fisheries-related mortality and injury to whales and dolphins. **WWF welcomes document CC05 and urges all IWC Contracting Governments to engage in the development of the bycatch reduction work-stream. We strongly encourage the implementation of cetacean bycatch prevention and mitigation measures in national and international waters, particularly in important habitats for threatened populations.**

## Whaling under Special Permit

The International Court of Justice (ICJ) ruled in March 2014 that Japan's 'JARPA II' programme of scientific whaling in the Antarctic during 2005-2014 was not in accord with the Whaling Convention (ICRW) that established the IWC and is therefore illegal. The ruling cited that Japan's whaling in the Southern Ocean was not for purposes of scientific research, and was therefore "commercial" whaling, in contravention of various IWC decisions, including the moratorium on commercial whaling and the declaration of the Southern Ocean Whale Sanctuary.

In spite of the above Japan began whaling again under the pretence of science in the Antarctic in the 2015-2016 season, disregarding [resolution 2014-5](#) approved at the last IWC meeting, which clearly states "*that no further special permits for the take of whales are issued under existing research programmes or any new programme of whale research until: the Commission has, in accordance with Article VI, made such recommendations on the merits or otherwise of the special permit programme as it sees fit.*" At the IWC SC66a 42 scientists from 18 countries made a very clear statement "*we do not consider that there is any scientific justification for collecting lethal samples until it is demonstrated that the information collected is necessary and reasonable in accordance with the guidelines in Resolution 2014-5 adopted by the Commission*".

**WWF therefore believes that proposals for lethal whale research that do not contribute to the conservation and management of whales responding to a clear need established by the Commission, should be condemned and treated as infractions.**

## Improving the Review Process for Whaling under Special Permit (66-11)

This resolution intends to establish a small Working Group of the Commission to consider reports and recommendations of the Scientific Committee with respect to all the new, ongoing and completed special permit programmes, where the Contracting Government proposing or responsible for the special permit programme will only be eligible to participate as an observer.

**WWF welcomes this draft resolution, but asks Contracting Governments to strengthen it by enforcing resolution 2014-5 and emphasizing the findings of the ICJ, where special permits for scientific purposes cannot depend on the perception of the proponent state and no permits should be granted in whale sanctuaries established by the IWC.**

## South Atlantic Whale Sanctuary

No less than 54 species of cetaceans inhabit the waters of the South Atlantic Ocean. Seven of these (blue, fin, sei, common minke, Antarctic minke, humpback and southern right whales) are highly migratory baleen whales that feed in the Antarctic and Sub Antarctic oceans during summer and breed in tropical, subtropical and temperate waters in winter and spring. The proposal for the creation of the South Atlantic Whale Sanctuary (SAWS) represents the legitimate interests of southern hemisphere countries to offer permanent protection to these whale populations that benefit coastal communities through whale watching activities and non-lethal research. The Scientific Committee agreed "*that an adequate review of the scientific aspects of the SAWS proposal had been performed and that a new review... would not be needed*" (IWC SC 2016).

**WWF supports the proposal to create the South Atlantic Whale Sanctuary, and requests the suspension of "scientific" whaling in these areas that have been protected to avoid such hunting activities.**

## Food Security (66-12)

This resolution contains several policy goals to which most IWC contracting countries are already committed to through various international agreements and declarations. For this reason the resolution is unnecessary and out of context in the IWC.

**WWF does not believe that whale meat is the answer to food security issues; the problem is much broader and greater consideration should be given to improved fisheries management measures and better distribution of resources that allow for increased access to good nutrition where it is needed.**

## Cetaceans and Ecosystem Services (66-15)

Assuring the recovery of great whales may help to buffer marine ecosystems from destabilizing stresses and could lead to higher rates of productivity in locations where whales aggregate to feed and give birth, which means.

**WWF welcomes this resolution and recommends Contracting Governments to support since the protection of whales can also contribute to increasing fish productivity, which is where food security efforts should really be focused.**

## Minamata Convention (66-14)

WWF commends the adoption of the Minamata Convention on Mercury and encourages Contracting Governments to adhere to it as well as to increase collaboration between the IWC and this convention to contribute to the reduction of pollution, in this case mercury levels, in cetaceans and the marine environment.

## Japanese Coastal Whaling

Any proposal to create a new category of whaling undermines the spirit and intent of the whaling moratorium and should be rejected. It would also create an exemption to the finding of the ICJ (paragraphs 228-233) that there is currently no category of whaling that falls outside Article VIII, paragraph 1, or Schedule paragraphs 13 or 10(e). Additionally, Japan's proposed coastal whaling would be conducted where endangered inshore or "J-Stock" minke whales mix with the less vulnerable but still depleted offshore "O-Stock" minke whales and it is impossible to tell one from another. The endangered J stock of minke whale numbers approximately 900 animals and already faces the threat of bycatch and ongoing takes from special permit whaling.

## Critically Endangered Small Cetaceans

WWF is extremely concerned about the conservation status of several small cetaceans worldwide, in particular the impact of bycatch on these animals. For this reason we welcomes the decision of including small cetaceans in the terms of reference of the Non-deliberate Human-Induced Mortality Working Group. We also welcome the creation of task teams for intersessional action for particularly threatened species, and that different teams should be able to operate simultaneously and should report back progress to the Scientific Committee.

WWF strongly supports the Scientific Committee recommendation "*that no small cetacean removals (live capture or directed harvest) should be authorised for any population until a complete and up-to-date assessment of sustainability has been completed*" (IWC SC Report 2016). And we would like to highlight the following populations of concern and the recommendations made by the Scientific Committee in its latest report:

## Vaquita

The Scientific Committee has been very clear "**either gillnetting in the Upper Gulf ends or the vaquita will be gone - the second entirely preventable cetacean extinction that the Committee will have witnessed in the last ten years**". Given the imminent danger of the vaquita going extinct, WWF recommends that:

- (1) the Governments of Mexico, United States and China take urgent and coordinated measures to stop the fishing, trade and consumption of totoaba products;
- (2) Mexican authorities close immediately and permanently all gillnet fisheries in the habitat of the vaquita, and enforce strict and effective vigilance throughout the year to avoid any further reduction in vaquita numbers due to bycatch. Affected fishers should be compensated accordingly;
- (3) the immediate removal of all active and ghost gillnets from the range of the vaquita;
- (4) Mexican fisheries authorities give high priority to expeditiously implement vaquita-safe fishing technologies, in particular the small trawl net for shrimp, under the advice of the newly-created INAPESCA/ WWF Expert Committee on Fishing Technologies for the Upper Gulf of California;



- (5) Fisheries that do not negatively impact vaquita should be closely monitored and regulated to ensure no illegal activities occur behind these operations, therefore securing a long-term sustainable livelihood for fishers and their families.

### Māui Dolphin

Again the Scientific Committee concluded “*that existing management measures in relation to bycatch mitigation fall short of what has been recommended previously and expresses continued grave concern over the status of this small, severely depleted subspecies*”.

**WWF again requests the IWC uphold the SC request that, rather than seeking further scientific evidence, it is of highest priority to take immediate management actions that eliminate bycatch of Māui dolphins. This includes full closures of any fisheries within the range of Māui dolphins that are known to pose a risk of bycatch of small cetaceans (i.e. set net and trawl fisheries).**

### Franciscana

WWF supports the Scientific Committee conclusion that the franciscana is a good candidate to be put forward for the Conservation Management Plan (CMP) process, as well as the recommendation to monitor bycatch and assess the extent and other characteristics of fisheries in the franciscana’s range as high priorities.

### Baltic Harbour Porpoise

In order to save the critically endangered harbour porpoise population of the Baltic proper, the Committee has recommended as a matter of urgency that all countries adjoining the Baltic Proper assess and mitigate bycatch and other anthropogenic mortality, including consideration of cumulative effects throughout the range of the population, by:

- (1) implementing independent fishery observer schemes (in compliance with EC regulation 812/2004) and setting in force the JASTARNIA plan developed by ASCOBANS (ASCOBANS 2009);
- (2) monitoring population abundance;
- (3) monitoring the health status of the population through stranding networks and necropsies of collected carcasses;
- (4) developing and finalising effective management plans for designated Natura 2000 sites in the Baltic Sea and facilitate quick implementation and enforcement;
- (5) banning fishing practices associated with a high risk of cetacean bycatch in Natura 2000 sites;
- (6) immediately implementing management actions to reduce bycatch (i.e. strictly applying a precautionary approach in the absence of bycatch estimates);
- (7) encouraging, promoting and funding the use of alternative fishing methods throughout the population's range.”

### Yangtze Finless Porpoise

The Scientific Committee reiterated its previous recommendation that every possible effort be made to protect Yangtze River finless porpoises in their natural riverine and lacustrine habitat; and recommended that steps be taken to:

- (1) identify river and lake segments with the highest porpoise concentrations and enforce appropriate, year-round protection measures (including fishing bans);
- (2) vigorously enforce a basin-wide prohibition of electro-fishing and other fishing activities known to threaten porpoises;
- (3) vigorously enforce regional and seasonal closures of sand-mining;
- (4) strengthen pollution control measures; and
- (5) ensure that before any further modification of the natural flow regime (or other natural features) of the Yangtze ecosystem are allowed to take place, the implications for finless porpoise and other affected species are investigated and taken into account.

## South Asian River Dolphins

The Committee agreed that **“the situation facing South Asian river dolphins is a matter of grave concern and requires immediate attention”**, especially in India with the National Waterways Act (2016). WWF supports the initiative of establishing a Small Cetacean Task Team to provide urgent assistance.

## Ship Strikes

Ship strikes are a growing threat to large whale populations across the globe, particularly as new shipping routes open in Arctic waters as sea ice continues to retreat. Maritime traffic globally is expected to double in the next two decades, generating a proportional increase in pressure and potential impacts on cetaceans. Therefore anti-collision systems should be considered in areas of high risk. To that end the new "Biodiversity Law" in France requires the installation of a system that shares cetacean's positions in real time in order to avoid collisions. This is now compulsory for all French vessels of 24 meters or more navigating in the Mediterranean Pelagos and the Caribbean Agoa marine mammal sanctuaries. Other countries facing such cetacean conservation issues should follow this example.

**WWF strongly supports the efforts of the IWC to address the issue of ship strikes and we encourages all IWC Contracting Governments to continue to engage with and support the Ship Strikes Working Group, and to develop ship strike mitigation regulations for cetaceans in national and international waters, particularly in areas that are important habitats for threatened cetacean species.**

## Ocean Noise

Cetaceans have evolved to use sound as their primary means for communication, foraging, navigating, and generally perceiving features in the environment around them. Sound from human activities represents unwanted noise to these species. This noise can disrupt their natural activities, induce stress responses, degrade their environment and, in the more extreme cases, lead to permanent hearing damage, or even death. Research should prioritise noise impacts as well as technology for vessel noise reduction.

**WWF encourages all IWC Contracting Governments to phase in increasingly strict noise level standards for all noise-producing activities and seek ways to address and reduce the underlying demand for noise producing activities so that their occurrence can be reduced to the greatest extent possible.**

## The Future of the IWC

Since its establishment in 1946 the International Whaling Commission (IWC) has evolved into the primary body for cetacean conservation and research, including within its remit issues from ship strikes, chemical and noise pollution, to the establishment of whale sanctuaries, and the development of standards for whale watching operations. It has progressed to fill the void beyond that of the great whales, by now formally including small cetaceans within its mandate. **This is the “Future of the IWC”: a multilateral environmental agreement focused on the conservation of all of the world’s cetaceans, ensuring their full recovery throughout cetacean’s historic range and fulfilling their role in maintaining the integrity of the ocean ecosystems.**

