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Baltic harbour porpoise © Katarzyna Lesner / WWF

# Cetacean Bycatch and the International Whaling Commission

## The Challenge



**AT LEAST 300,000  
CETACEAN DEATHS  
ANNUALLY CAUSED  
BY ENTANGLEMENT IN  
FISHING GEAR.**

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 an estimated minimum of 300,000 cetacean deaths annually<sup>1</sup>. Fisheries bycatch was a leading factor in the recent extinction of the Yangtze River dolphin in China<sup>2</sup>, and is causing unsustainable levels of injury and mortality to Endangered North Atlantic right whales<sup>3-5</sup> and Arabian Sea humpback whales<sup>6</sup>, as well as the critically endangered vaquita in Mexico<sup>7,8</sup>, Māui and Hector's dolphins in New Zealand<sup>9</sup>, Baltic harbour porpoises<sup>10</sup> and various freshwater cetaceans throughout Asia<sup>11</sup> and South America<sup>12</sup>. Bycatch is often the leading cause of mortality in any cetacean population where habitat overlaps with fishing activity.

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<sup>13</sup>. Regional and international management efforts have been inadequate to date<sup>14,15</sup>. At the same time, many scientists and managers recognise that conservation of the most vulnerable cetacean populations will only be possible by finding ways to prevent and reduce 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.

# THE OPPORTUNITY



Document CC05, presented to the IWC Conservation Committee this year, offers an analysis of some of the threats posed by fisheries bycatch to cetacean populations, and makes a clear case for the IWC to play a greater role in mitigating this threat globally. The document proposes that the IWC implement a dedicated work-stream to ensure that bycatch

mitigation and prevention receives the priority it merits. During its 2016 meeting, the IWC Scientific Committee stressed “that the issue of bycatch is serious and extensive and that the IWC cannot fully address it alone. There is a need for greater collaboration with individual nations and other IGOs including FAO, CMS, CCAMLR, ACCOBAMS, ASCOBANS and ICES. Recent international work to mitigate the bycatch of other species (e.g. seabirds, sharks, turtles) might provide useful models of cooperation. It was suggested that the Committee should seek collaboration with other experts who have knowledge (e.g. fisheries managers, fishing gear engineers)” (IWC/66/Rep 01(2016) Section 7.1.7).

Large scale international collaboration can lead to effective and significant reduction of cetacean bycatch: extensive scientific research, technology development, advocacy and legal challenges have led to dramatic declines in dolphin mortality in the tropical pacific tuna purse seine fishery in the 1980s and 90s<sup>16</sup>; and mortality of cetaceans (and other marine species) in large-scale drift gillnet fisheries has also been effectively reduced following a United Nations General Assembly ban from 1993 onward (UNGA Resolution 46/215)<sup>17</sup>. These large-scale conservation measures show that a combination of scientific evidence and political will can lead to significant reduction of cetacean mortality. However, there is little evidence of similar initiatives or progress in more recent years. The United Nations’ recently agreed Sustainable Development Goal number

14, which urges all member nations to “conserve and sustainably use the oceans, seas and marine resources”. The 10 specific targets under this goal include combatting overharvesting of fisheries and destructive fishing practices, which should presumably include a reduction in bycatch of protected species.

The IWC is global in scope, and through its Scientific Committee, brings together some of the foremost cetacean scientists in the world. It already engages in bycatch assessment through the collection of cetacean bycatch data in countries’ annual reports to the IWC. It also has the capacity to encourage its Scientific Committee members to focus more on bycatch prevention and mitigation research and provide funding to do so, to invite reports and discussions on its effectiveness, and, perhaps most importantly, to disseminate what is

learned from these efforts through engagement with other international and national bodies that have the mandate to issue fisheries management advice and regulations.

Since its initiation in 2011, the IWC-led global disentanglement network has been extremely effective in disseminating best practice advice on whale disentanglement through issuing guidelines and offering hands-on workshops around the globe. With this programme, the IWC has demonstrated how it can effectively engage in science-based outreach and conservation. However, the Committee has stressed that disentanglement is not itself a prevention measure and only a small fraction of the entanglements that occur are likely to be successfully disentangled (IWC 2016, Report of Scientific Committee Annex J). The need for a dedicated IWC work-stream focused

on bycatch is imminent.

WWF invites member Governments of the IWC to support document CC05 presented to the Conservation Committee this year and encourages parties to actively engage in the prevention and mitigation of the world’s greatest threat to cetaceans today. WWF is committed to reduce bycatch and to that end we are collaborating with some of the regional and international bodies mentioned. Additionally we are working at a national level with fishers and management authorities to identify specific solutions to local bycatch problems. **We very much welcome this initiative and look forward to working with the IWC and Contracting Governments to help address the urgent issue of bycatch.**

## THE FOOD AND AGRICULTURE ORGANISATION OF THE UNITED NATIONS (FAO)

With 194 member countries, the FAO has a global mandate to “support improved governance” of food production and harvesting. It has numerous initiatives and organisations that could be brought into play if it joined forces with the IWC in the effort to reduce bycatch:

### FAO

Has established International Plans of Action (IPOAs) to encourage reduction of seabird bycatch and the conservation of shark stocks<sup>18</sup>. However, it has not developed any parallel measures for cetaceans<sup>15</sup>, and should be encouraged to do so, with technical specifications and advice that could be provided by the IWC.

### FAO’S COMMITTEE ON FISHERIES (COFI)

Has a mandate to conduct periodic general reviews of fishery and aquaculture problems of an international character and appraise such problems and their possible solutions with a view to concerted action by nations, FAO, inter-governmental bodies and civil society<sup>20</sup>.

### REGIONAL FISHERIES MANAGEMENT ORGANISATIONS (RFMOS)

The FAO has also established seven Regional Fisheries Management Organisations (RFMOS) to manage global fisheries, including five organisations that focus specifically on tunas and tuna-like species<sup>19</sup>. Some of these have started to address the reduction of marine mammal bycatch, but much more needs to be done.

### FAO BLUE GROWTH INITIATIVE

Assists countries in developing and implementing the new global agenda in relation to sustainable capture fisheries and it promotes the implementation of the Code of Conduct for Responsible Fisheries and the ecosystem approach to fisheries and aquaculture<sup>21,22</sup>.

## EUROPEAN UNION (EU)

The EU regulation 812/2004 requires member states to monitor and assess cetacean bycatch in commercial fisheries, and also requires the use of acoustic deterrents (“pingers”) in certain fisheries with high marine mammal bycatch. The regulation does not cover many fisheries that are known to have cetacean bycatch issues and has thus had limited success in addressing the problem. Currently, there is discussion of improving the manner in which protected species bycatch is documented under the EU’s Data Collection Framework (DCF) under the reformed Common Fisheries Policy (CFP) and the IWC could provide useful technical advice into this process.



Humpback whale © William W. Rossiter / WWF

## THE CONVENTION ON MIGRATORY SPECIES (CMS)

The CMS has two resolutions that call for the assessment of the impact of fisheries bycatch on CMS appendix listed species, the identification of best-practice bycatch mitigation techniques and cooperation with FAO/COFI on bycatch<sup>15</sup>. Furthermore, the CMS hosts two regional agreements for the conservation of cetaceans – both of which deal extensively with assessment and mitigation of bycatch:

### THE AGREEMENT ON THE CONSERVATION OF SMALL CETACEANS OF THE BALTIC AND NORTH SEAS (ASCOBANS)

ASCOBANS has a working group on bycatch, and meetings repeatedly produce recommendations and resolutions to address monitoring and mitigation measures with the aim of reducing cetacean mortality. In the latest meeting of parties a recommendation for a joint working group on bycatch between ASCOBANS and ACCOBAMS was approved.



Hector's dolphin © Stephen Dawson / WWF

### THE AGREEMENT ON THE CONSERVATION OF CETACEANS IN THE BLACK SEA MEDITERRANEAN SEA AND CONTIGUOUS ATLANTIC AREA (ACCOBAMS)

Is a cooperative tool for the conservation of marine biodiversity in the Mediterranean and Black Seas. Its purpose is to reduce threats to cetaceans in Mediterranean and Black Sea waters and improve knowledge of these animals. The group has developed a protocol for the collection of data on bycatch and depredation, a review of the effectiveness of acoustic devices as well as guidelines for technical measures to minimise cetacean-fisheries conflicts.

## THE UNITED STATES MARINE MAMMAL PROTECTION ACT (MMPA)

The MMPA has been in place since 1972, and has developed several regulatory processes and tools that have successfully helped to reduce marine mammal bycatch in some circumstances in US waters. Of particular importance is the Marine Mammal Take Reduction Programme, which can serve as an example to other countries striving to achieve similar targets. The August 2016 ruling on the Fish and Fish Product Import Provisions of the Marine Mammal Protection Act, requires all 122 countries exporting fisheries products to the United States to demonstrate that they have regulatory programmes in place to address incidental and intentional mortality and serious injury to marine mammals in their fisheries. Many of these countries are Contracting Parties to the IWC and could benefit from technical support and guidance to be able to meet this regulation’s requirements.

## INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA (ICES) WORKING GROUP ON BYCATCH OF PROTECTED SPECIES (WGBYC):

The Working Group on Bycatch of Protected Species (WGBYC) collates and assesses information on bycatch monitoring and assessment for protected species, including mammals, birds, turtles, and rare fish. The group has a technical focus on improvements to monitoring and mitigation methodology and provides advice on how the monitoring of protected species bycatch can be improved. It also provides advice on experimental design to test the effectiveness of bycatch mitigation measures.





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### Why we are here

To stop the degradation of the planet's natural environment and to build a future in which humans live in harmony with nature.

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