

Voluntary National Cetacean Conservation Report 2022

Submitted by the Government of United Kingdom to the Conservation Committee
68th Meeting of the International Whaling Commission, October 2022

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1. Legal developments (laws, regulations and other regulatory measures related to cetaceans)

The 28 species of cetacean recorded in UK waters are protected within a strong legal regime which encompasses both international commitments and national laws.

The UK is a party to a number of treaties and agreements, both global and regional in scope, that are relevant to cetaceans. These are implemented through different mechanisms including specific implementing legislation, codes of practice, recommendations, and guidelines.

Key treaties the UK is party to include:

- United Nations Convention on the Law of the Sea 1982 (UNCLOS)
- International Convention for the Regulation of Whaling 1946 (ICRW)
- International Maritime Organization (IMO)
- The Convention on the Conservation of European Wildlife and Natural Habitats 1979 (Bern Convention)
- Convention on the Conservation of Migratory Species of Wild Animals 1979 (CMS)
- Convention on Biological Diversity 1992 (CBD)
- Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR)
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
- Agreement of the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS)

Domestic marine policy in the UK is largely devolved. Cetaceans 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, and Conservation of Offshore Marine Habitats and Species Regulations 2017.

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

The Fisheries Act 2020 includes an “ecosystem objective” which includes the objective to minimise and, where possible, eliminate incidental catches of sensitive marine species. Regulation (EU)

2019/1241 (Technical Conservation Measures) was retained in UK law and includes requirements for certain vessels to use an acoustic deterrent device ('pinger') to reduce cetacean bycatch. This applies to vessels >12m that use bottom set gill or entangling nets in certain areas at certain times of year. In 2021, the UK [implemented](#) a licence condition on vessel operators in the UK Exclusive Economic Zone to report all intentional and incidental mortality and injury of all marine mammals in course of commercial fishing operations.

The UK has a licensing framework for regulating certain marine activities, including those related to developments e.g., renewable energy, extraction, aggregates, disposal, dredged material. In issuing licenses for marine activities, consideration is given to impacts on the marine environment, including potential harm to cetaceans. For example, the Joint Nature Conservation Committee (JNCC) has [mitigation guidelines](#) for minimising the risk of injury to marine mammals from piling, use of explosives and geophysical surveys in which the energy sectors routinely apply when undertaking such activities.

2. Information on whale watching operations (scale, target species/populations and relevant management issues)

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.

Whale and dolphin watching around the UK has increased in the past decades. They can be seen along most of the UK's coastline but there are a few locations known for organisation cetacean watching activities including Cardigan Bay, Wales, the west coast of Scotland and the Moray Firth on the east coast of Scotland.

There are several codes of conduct and accreditation schemes aimed at the public and at commercial wildlife watching operators. WiSe (Wildlife Safe) is a UK-wide training and accreditation scheme aimed at wildlife cruise operators, dive and service boats, yacht skippers and sea kayakers which may come into contact with marine wildlife.

The Marine Management Organisation (MMO) is the enforcing body in English waters for wildlife legislation which includes disturbance offences. The MMO is working with local police forces, the RSPCA and other organisations on 'Operation Seabird' which aims to tackle increases in disturbance to marine wildlife by providing education and guidance to prevent wildlife disturbances from occurring and, to prosecute with the support of local police forces where necessary.

3. Current Government programs related to cetacean conservation

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

- The UK [Dolphin and Porpoise Conservation Strategy](#) 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 Government and Devolved Administrations recently published the UK [Bycatch Mitigation Initiative](#) (BMI). 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”. The actions include improving our understanding of where and how much bycatch occurs and implementing effective mitigation measures to minimise and, where possible, eliminate bycatch. It includes a commitment to engage with international partners on bycatch including through the IWC’s Bycatch Mitigation Initiative.

- The UK BMI builds on existing bycatch work such as [Clean Catch UK](#), which is working collaboratively with the fishing industry to develop and trial bycatch monitoring and mitigation measures in Cornwall. This includes trialling acoustic deterrent devices and lights, as well as developing and trialling a new passive acoustic reflector to reduce cetacean bycatch.
- The UK Government, regulators, Devolved Administrations and Statutory Nature Conservation Bodies released a [joint interim position statement](#) which demonstrates our preference for quieter alternative technologies in the removal of unexploded ordnance from the marine environment.
- 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, and minke whale. 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 (SCANS), the UK-led [Joint Cetacean Data Programme](#), and the UK Bycatch Monitoring Programme.

4. Current threats to cetacean conservation and management measures taken/proposed

From 1990-2019, 4051 UK stranded cetaceans were examined at post-mortem by the Cetacean Strandings Investigation Programme (CSIP) and partners which 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).

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).

The UK recognises that bycatch in fishing gear is one of the most significant threats globally to the conservation and welfare of cetaceans. Through the Fisheries Act 2020 and the Joint Fisheries Statement (JFS), the UK government and devolved administrations recognise the need to minimise and, where possible, eliminate bycatch of these sensitive marine species as part of a wider effort to

ensure the sustainability of our fisheries. The UK [Bycatch Monitoring Programme](#) (BMP) has been operational since 1996 and deploys observers on fishing vessels to record protected species bycatch in a range of fisheries around the UK. Defra funds [Clean Catch UK](#), a co-ordinated stakeholder-led research programme which is developing and trialling a range of monitoring and mitigation measures in different fisheries along Cornwall's south coast (a known high-risk area for bycatch). Recent achievements include the development and roll-out of a bycatch self-reporting mobile application validated by observers and electronic monitoring, trials of mitigation technologies including acoustic deterrent devices and passive acoustic reflectors, and the development of an online [Bycatch Mitigation Hub](#) with information on different techniques or devices that aim to reduce interactions between fishing gear and sensitive marine species.

Noise pollution is a known issue in some cetacean species and populations and impacts can result from both acute and long-term exposure. While the behavioural responses to high intensity noise that could lead to strandings may not result in physical evidence at post-mortem, the strandings programmes can draw on over 30 years of contextual data on stranding patterns to assess atypical events and try to determine causality.

The UK has a licensing framework for regulating certain marine activities, including those related to developments and consideration is given to impacts on the marine environment, including potential harm to cetaceans. The UK Government, regulators, Devolved Administrations and Statutory Nature Conservation Bodies released a [joint interim position statement](#) which demonstrates our preference for quieter alternative technologies in the removal of unexploded ordnance from the marine environment. We are working to consider how underwater noise management can be improved to reduce harm and enable the sustainable and responsible growth of the energy sector here in the UK. The Royal Navy takes its environmental responsibilities very seriously and continues to work with the relevant UK authorities to ensure all practical measures required to reduce environmental risk and comply with legislation are taken. There is continued collaboration between the Royal Navy, Defra and Statutory Nature Conservation Bodies to ensure that mitigation of naval activity is appropriate whilst still maintaining UK defence capabilities and supporting the UK's commitment to ASCOBANS.

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, however, the abundance of and potential impacts from microplastic and nanoplastic ingestion are unclear. Impacts from entanglement in abandoned, lost or discarded fishing gear in the UK are also unclear, as such cases can be difficult to differentiate from bycatch in active set gear.

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.

There are likely climate change driven shifts in the distribution of several UK resident dolphin species as a result of population range expansion or contraction.

Disturbance by humans can be detrimental to the health and welfare of cetaceans. Intentional or reckless disturbance of cetaceans is an offence in the UK under the Wildlife and Countryside Act 1981. The [Scottish Marine Wildlife Watching Code](#) contains recommendations, advice and information for those who watch marine wildlife in Scotland. Defra is currently drafting a Marine and Coastal Wildlife

Code to help minimise disturbance and the risk of harm to marine wildlife from encounters with the public.

5. Reporting systems for cetacean injuries/mortality/strandings

Since 1990, the [Cetacean Strandings Investigation Programme](#) (CSIP) has investigated the causes of death of stranded cetaceans around the UK. The [Scottish Marine Animal Stranding Scheme](#) (SMASS) 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.

People that find a stranded cetacean are encouraged to contact the relevant authorities. For live animals, these are the RSPCA, Scottish SPCA, and British Divers Marine Life Rescue. For dead strandings, these are the CSIP and SMASS. There is [guidance](#) on how to report strandings.

The UK reports its strandings data to the IWC and ASCOBANS on an annual basis.

There is a [licence condition](#) on vessel operators in the UK Exclusive Economic Zone to report all intentional and incidental mortality and injury of all marine mammals in course of commercial fishing operations.

6. International cooperation activities (includes bilateral or multilateral cooperation, assistance and funding programs and appropriate contact information, and other international activities of the Country submitting the Report)

The UK plays an active role in all the Multilateral Environmental Agreements to which it is a Party. The UK is proud to take a leadership role at the IWC as Co-Chair of the Working Group on Operational Effectiveness, Vice-Chair of the Conservation Committee, Chair of the Voluntary Conservation Fund Steering Group and Chair of the Intersessional Working Group on Welfare. In 2022, the UK provided a voluntary contribution of £300,000 to the IWC including £75,000 to the Voluntary Conservation Fund.

Within Regional Fisheries Management Organisations (RFMOs), the UK works to minimise the bycatch of cetaceans in fishing gear. We support increased collaboration between RFMOs and the IWC, building on the recent Letter of Intent between the IWC and the Indian Ocean Tuna Commission.

The UK has a £500 million [Blue Planet Fund](#) which supports developing countries to protect the marine environment and reduce poverty. We are planning a range of programmes at bilateral and multilateral level to deliver the Fund's outcomes.

7. Other (at the discretion of the Authority submitting the Report)

The UK's Environment, Food and Rural Affairs Committee is currently undertaking an inquiry that will investigate the issues affecting marine mammals, in the UK and around the world, to better understand the role that the UK can play in protecting them. For more information, see: <https://committees.parliament.uk/work/6670/marine-mammals/>