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ABSTRACT

The catfish (*Calophysus macropterus*) is distributed throughout the length of the Amazon Basin, occurring in Brazil, Bolivia, Colombia, Peru and Venezuela. This species is a voracious scavenger that feeds on dead animal carcasses, and it leads its fishing, preferably, with dead bait. The fish are attracted to cages or pens, and dolphins and alligator are the preferred baits used for that. The market demand has led to increase the catch to exportation. Besides these, the intensification of this activity coincides with the decline in catches of large migratory catfish, as *dourada* and *piramutaba*. There is a treaty, named Amazon Cooperation Treaty (ACT), which aims to promote a harmonious and integrated development of the Amazon Basin. Even though, the fish exploitation stocks, including *Piracatinga*'s, is occurring in Amazon Basin independently, and each country is using its own regulations. All this activity is considered legal, except the use of dolphins and alligators as bait for the catches. Under the Brazilian law, the slaughter of these animals is a crime punishable with imprisonment and, as an administrative offense, subjecting the violator to a fine of R\$ 5.000.00 (five thousand reais) per individual of species recorded in the official lists as endangered or threatened extinction. The Brazilian government, through its environmental agencies, has been trying to reverse this scenario, through Actions Plans, Civil Public Inquiry, Interministerial Group, enforce the laws, surveillance, as well as the environmental education actions. *Inia geoffrensis* is considered endangered in Brazil in accordance with the latest assessment of threatened species of Brazilian fauna. In 2014 the Fishing and Aquaculture Ministry (MPA) and the Environment Ministry (MMA) published a normative establishing a moratorium prohibiting *piracatinga* fishing for a period of five years from January 2015.

Keywords: Piracatinga, *Calophysus macropterus*, *Inia geoffrensis*, Amazon Basin, Brazil.

INTRODUCTION

The catfish (*Calophysus macropterus*, Lichtenstein, 1819) (Siluriforme, Pimelodidae) is locally known as *piracatinga*, water's vulture, *mandizinho*, *zamurito*, *mota*, among others, and is distributed throughout the length of the Amazon Basin, occurring in Brazil, Bolivia, Colombia, Peru and Venezuela. The *piracatinga* is a voracious scavenger that feeds on dead animal carcasses, and it leads its fishing, preferably, with dead bait. Fish are attracted to cages or pens made especially for this activity and fishermen's preferred baits are dolphins and alligators (Brum, 2011).

The great demand for the Colombian market with the increase in exports, the ease of obtaining bait and plenty of *piracatinga*, have led to increased interest in the species in the Amazon region. Besides these factors, the intensification of this activity coincides with the decline in catches of large migratory catfish, as *dourada* and *piramutaba* (Lobato, 2009). The large migratory catfish exploitation stocks, as well as *piracatinga*, is occurring in Brazil, Peru and Colombia independently and each country is using its own regulations (Barthem, 2000), even all countries being signatories of the Amazon Cooperation Treaty (ACT).

The Amazon Cooperation Treaty (ACT) is a technical nature legal instrument, which aims to promote the harmonious and integrated development of the Amazon Basin. It relies on the support of a model of regional economic contemplation, which aims to improve the life's quality of its inhabitants and the conservation and rational utilization of natural resources. Among the preamble to the TCA predictions, highlights the cooperation among States Parties, aiming to promote the rational use of natural resources for the harmonious development of their territories (Amazon Cooperation Treaty, 1978). In this sense, the issue of dolphins' killing for fishing for *piracatinga* should be a subject discussed/addressed both in the environmental context, as in the sphere of international relations among the countries involved, considering the Amazonian dimensions.

Fishing and marketing are considered legal; illegal in this activity is the use of dolphins as bait, whereas to use them the fishermen buy the dolphins from hunters. Despite recent, this activity presents worrying numbers of dolphins' mortality and these numbers seem to be increasing (Brum, 2011).

It is worth mentioning that, in Brazil, the slaughter of these animals is a crime punishable with sentences of up to five (05) years of imprisonment as provided in Laws 7.643/87 and 9.605/98. In addition, it is about administrative offense (art. 24, Decree 6.514/08 II) subjecting the violator to a fine of R\$ 5.000.00 (five thousand reais) per individual of species recorded in the official lists as endangered or threatened extinction.

ACTIONS TAKEN

The Brazilian government, through its environmental agencies, has been trying to reverse this scenario. One of the tasks of the Chico Mendes Institute for Biodiversity Conservation/ICMBio is to promote and implement research programs, protection, preservation and conservation of biodiversity, as established by Law 11.516/07. To achieve this goal, the National Action Plan was created for the Conservation of Marine Mammals - Small Cetaceans PAN, approved by ICMBio Ordinance No. 86/10. The National Centre for Research and Conservation of Aquatic Mammals - CMA/ICMBio fits the coordination of PAN Small Cetaceans, with supervision of the Coordination Action Plans for Endangered Species Management for Biodiversity Conservation - COPAN/ICMBio.

The Plan provides the development of effective conservation action to safeguard the species with imminent threats, including the pink river dolphin (*Inia geoffrensis*) and tucuxi (*Sotalia fluviatilis*). The PAN's priority actions related to the dolphins' killing to be used as bait for *piracatinga* fishing are:

- 1) Assess and monitor the impact of intentional and incidental small cetaceans' capture (river dolphins);
- 2) Create and implement an Inspection Plan to combat the targeted catch of pink river dolphins (*I. geoffrensis*);
- 3) Evaluate and monitor the use of dolphins (*I. geoffrensis* and *S. fluviatilis*) as bait in fishing for *piracatinga* (*Collophypus macropterus*);
- 4) Testing new baits and alternative attractive forms for use in *piracatinga's* fishing (*C. macropterus*).

All the PAN's actions have a deadline by December, 2015 (Rocha-Campos et al. 2011). The Small Cetaceans PAN is half way through its implementation/execution and last year a Monitoring Meeting was performed to assess the actions' progress. Many necessary data for implementing some shares are hold by researchers and may be disclose only at the end through dissertation and scientific papers publication.

In 2012, the Federal Public Ministry (MPF) was trigger by a representation sent by a citizen, with some articles published in the print media about the indiscriminate use of dolphins and alligators as bait for fishing for *piracatinga*. The MPF is define, in Article 127 of the Brazilian Federal Constitution, as a permanent institution, essential to the jurisdictional function of the State and responsible for the defense of the legal order, the democratic regime and the inalienable social and individual interests. Civil society has mobilized about the problem and sent an electronic petition, entitled "*Environmental Crime - Save the dolphins of the Amazon - stop the killing*," the MPF of the State of Amazonas, with 12,518 signatures requesting action.

The MPF, through the Federal Prosecutorial of the State of Amazonas, considering its duties relating to the protection of the environment, introduced Public Civil Inquiry n ° 1.13.000.000790/2012-61, according to Decree No. 047/2012 (<http://www.pram.mpf.gov.br/institutional/shares-the-mpf/Ordinances>) to investigate the practice of pink river dolphins killing to be used as bait by fishermen for *piracatinga* catch. The Brazilian government, on the initiative of the Fishing and Aquaculture Ministry (MPA) and under its direction, created the Interministerial Group for Combating Illegal Fishing in Brazil, also composed by the Environment Ministry (MMA), Agriculture Ministry, Justice Ministry, Brazilian Institute of Environment and Renewable Natural Resources (IBAMA) and the Brazilian Navy.

Recent research evaluating the mercury levels found in Amazonian commercial fish have demonstrated that *piracatinga* has mercury levels, bioaccumulative substance, above the permitted (Beltran-Pedrerros et al, 2011), and that consumption of this fish should be prohibited by health issues, considering the minimum hygiene conditions for the processing and storage, in addition to high levels of mercury. Furthermore, there is evidence of fraud at the time of fish sale, because many times the *piracatinga* is sale in other regions of the country with different names, "douradinha" or "pirosca", confusing consumers, who mostly do not know product they are purchasing (Civil Public Inquiry, 2012).

In July 2014, the MPA and MMA published a normative (Normative Interministerial n° 6/2014) establishing a moratorium on fishing and marketing of *piracatinga* (*C. macropterus*) in Brazilian waters and throughout the country for five years from January 2015. The MMA was responsible for evaluating the moratorium effects for the recovery species dolphin (*I. geoffrensis* and *S. fluviatilis*).

For this purpose a working group (WG) was established for the MMA (Decree n°. 318/2014) to define the procedures and monitor the fishing and marketing of *C. macropterus* during the moratorium period. The group is composed by government environmental agencies and its responsibilities involve some important aspects for the populations of river dolphins, among them: to establish procedures to monitor and evaluate the recovery of populations of *I. geoffrensis* and *S. fluviatilis*; identify techniques and alternative methods for piracatinga's fishing; develop fisheries enforcement strategies and control; promote periodic evaluations and propose measures to ensure compliance with the moratorium. The GT has a term by January 2020, when end the period of moratorium.

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