

Draft Resolution on the Critically Endangered Vaquita

Submitted by the USA

BACKGROUND

IWC Rules of procedure state: *Notwithstanding the advance notice requirements for draft Resolutions in Rule J.2, at the recommendation of the Chair in consultation with the Bureau, the Commission may decide to consider urgent draft Resolutions which arise after the 60 day deadline where there have been important developments that warrant action in the Commission. The full draft text of any such Resolution must be circulated to all Commissioners prior to the opening of the meeting at which the draft Resolution is to be considered.*

The IWC has long been concerned about the status of the vaquita, and supported efforts to save the species, including Resolution 2007-5 which urged IWC members to assist in providing economic and technical expertise to Mexico.

Extensive acoustic and visual surveys at the end of 2015 estimated a vaquita abundance of just 59 animals, and three dead vaquita were documented in March 2016. There is ongoing evidence of illegal fishing targeting totoaba with the use of gillnets, the likely source of these mortalities. The situation could not be more critical, and as a result the international community has responded in recent months:

- In June 2016 at its 7th meeting, CIRVA released the new abundance estimates and called on the Government of Mexico to immediately implement and enforce a permanent ban on all gillnets throughout the entire range of the vaquita and consider stopping all fishing there if illegal fishing continues;
- In June 2016, the Scientific Committee endorsed the CIRVA-7 recommendations, stating: “The choice is simple and stark: 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 10 years;
- In July 2016, the National Commissioner for Fisheries and Aquaculture announced a permanent ban on entangling nets (gillnets) that affect the vaquita, by spring 2017, a ban on night fishing before the end of 2016 and a restriction on the docks from which fishermen can depart and arrive in order to further aid enforcement.ⁱ
- In July 2016, President Obama and President Peña Nieto committed to intensify bilateral cooperation to protect the vaquita, including to make permanent a ban on the use of gillnets in all fisheries throughout the range of the vaquita in the upper Gulf of California;ⁱⁱ
- The World Conservation Congress (IUCN) in its session in Hawaii 1-10 September 2016 adopted Resolution 013 which recognised the concern expressed by the IWC and its Scientific Committee, called on all organisations to support the Mexican Government in its efforts to save the vaquita and urged all governments and competent international organisations [emphasis added] to assist any and all countries where totoaba products are found in markets or in transit, including Mexico, the United States and other countries, in combating the illegal international trade in totoaba products;ⁱⁱⁱ
- Later in September the Convention on International Trade in Endangered Species of Wild Fauna & Flora (CITES) adopted a consensus decision on totoaba, which directed Parties to

undertake awareness-raising activities about the impact of totoaba trade on the vaquita, increase enforcement efforts to eliminate illegal fishing and trade and eliminate supply of and demand for totoaba.^{iv}

These important developments warrant a response from the IWC that cannot wait until the next biennial meeting in 2018 – by then it may be too late.

The following draft Resolution text is therefore submitted to the Chair of the IWC, with a request that it be circulated to Commissioners prior to the opening of IWC66.

NOTING that the biology of vaquita and concerns about incidental mortality in the shark and totoaba fishery were first mentioned in the published report of the IWC Scientific Committee’s first meeting on small cetaceans, Montreal, 1974 (IWC, 1975).^v

NOTING that the Commission first passed Resolution 1994-3, which acknowledged the immediate need to eliminate incidental catches of vaquita throughout the entire range of the species;

AWARE that the International Union for the Conservation of Nature (IUCN) listed the vaquita as Critically Endangered in 1996, and the population has significantly declined since then as a result of bycatch in entangling fishing nets (gillnets);

RECALLING IWC Resolution 2007-5 which urged members of the IWC and the world community to support Mexico's efforts to prevent the extinction of the vaquita by reducing bycatch to zero in the immediate future and assisting in providing financial resources and technical as well as socio-economic expertise;

RECALLING the repeated recommendations of the IWC Scientific Committee, the International Committee for the Recovery of the Vaquita (CIRVA) and the IUCN that gillnets must be eliminated from the vaquita’s range in order to reduce bycatch to zero;

CONCERNED about the recent escalation of the illegal totoaba fishery and the illegal international trade of totoaba swim bladders, which has precipitated a dramatic decline in vaquita numbers over the last five years;

DEEPLY CONCERNED that the estimated total abundance of vaquitas in 2015 was 59 (95% CI 22–145), compared to previous estimates of 567 (95% CI 177–1,073) in 1997 and 245 (95% CI 68–884) in 2008;

FURTHER CONCERNED that at least three vaquita were killed by totoaba gillnets in March 2016, despite strong enforcement efforts in the Upper Gulf of California;

NOTING the Scientific Committee’s strong endorsement of the recommendations contained in the June 2016 CIRVA-7 report;^{vi}

NOTING the recent adoption of IUCN Resolution 013 on “Actions to avert the extinction of the vaquita porpoise (*Phocoena sinus*)” and CITES Decision 17.X “Totoaba - *Totoaba macdonaldi* – Opportunities for international collaboration within the CITES framework”;

RECOGNIZING the hardships faced by the fishing communities of the Upper Gulf in light of the gillnet ban, and mindful of the need to develop and support alternative livelihoods such that these communities can overcome these challenges;

NOW THEREFORE the Commission:

EXPRESSES DEEP CONCERN that the vaquita numbers less than 59 animals and is facing imminent extinction;

AFFIRMS that only a permanent, complete, and effective gillnet ban in all fisheries operating in the Upper Gulf of California will prevent the imminent extinction of the vaquita;

COMMENDS the Mexican Government for the Strategy on the Comprehensive Care of the Upper Gulf of California that includes an interagency enforcement programme, a two-year gillnet ban (from May 2015), compensation for fishermen and those who work in fishery-related activities and the development of alternative fishing gear;

COMMENDS the Mexican Government on the announcement of a permanent ban on gillnets in the Upper Gulf of California gillnet exclusion zone from April 2017 and the programme to remove derelict fishing gear in the Upper Gulf of California.

URGES the Mexican Government to eliminate any exemptions to the ban, which can facilitate illegal fishing for totoaba, and to prohibit the use of any gillnets within the range of the vaquita;

ENDORSES the recommendations of the CIRVA-7 report and the IWC Scientific Committee, in particular the urgent need to strengthen enforcement efforts against illegal fishing in Mexico and totoaba smuggling out of Mexico and into transit and destination countries; the urgent need to remove active and ghost gillnets from the range of the vaquita; and the need to maintain the acoustic monitoring programme as a key action in support of any recovery strategy;

URGES all Contracting Governments to follow the recommendations in CITES Decision 17. X and strengthen enforcement actions to eliminate the illegal international trade in totoaba swim bladders, in particular those countries where totoaba products are consumed or in transit, including the United States and China;

URGES Contracting Governments to support Mexico's efforts to prevent the extinction of the vaquita by assisting in providing financial resources as well as technical and socio-economic expertise;

REQUESTS the IWC Secretary to forward a copy of this Resolution to the CITES, FAO and IUCN Secretariats.

ⁱ <http://www.gob.mx/conapesca/articulos/conjuntan-esfuerzos-para-protger-la-vaquita-marina-y-combatir-el-furtivismo-en-b-c?idiom=es> & <https://www.whitehouse.gov/the-press-office/2016/07/22/fact-sheet-united-states-mexico-relations>

ⁱⁱ <https://www.whitehouse.gov/the-press-office/2016/07/22/fact-sheet-united-states-mexico-relations>

ⁱⁱⁱ Actions to avert the extinction of the vaquita porpoise (*Phocoena sinus*)

<https://portals.iucn.org/congress/motion/013>

^{iv} https://cites.org/sites/default/files/esp/cop/17/Com_I/E-CoP17-Com-I-02.pdf

^v IWC (1975) Report of the meeting on smaller cetaceans, Montreal, April 1–11, 1974. Journal of the Fisheries Research Board of Canada, 32, 887–983.

^{vi} Report of the Scientific Committee, Bled, Slovenia. 7-19 June 2016. IWC/66/Rep01(2016) p77.