

4.027 Relationship between fisheries and great whales

CONCERNED about the global status of fisheries resources, which are, according to the UN Food and Agriculture Organization (FAO) more than 50% fully exploited and 25% overexploited, depleted or recovering from depletion;

NOTING that this situation has arisen as a result of human activities, predominantly documented overfishing on a global scale including illegal, unregulated, unreported (IUU) fishing and wasteful and destructive fishing methods;

ACKNOWLEDGING that better understanding of marine ecosystems would contribute to the conservation and management of living marine resources and is of interest to nations as well as to Regional Fisheries Management Organizations (RFMOs) and international research organizations;

FURTHER ACKNOWLEDGING that the improvements in the global status of fisheries resources should first and foremost be addressed through direct improvements in the management of fisheries;

ALSO NOTING that the International Whaling Commission (IWC) determined in 2003 that it was not in a position to provide quantitative management advice on the impact of cetaceans on fisheries or of fisheries on cetaceans, and that the IWC Scientific Committee has established a subcommittee on ecosystem modelling; and

RECALLING that Articles 61(4) and 119(1) (b) of the United Nations Convention on the Law of the Sea (UNCLOS), which are also reflected in the FAO *Code of Conduct for Responsible Fisheries*, require states to manage fisheries in such a way as to, *inter alia*, take into consideration the effects on species associated with or dependent upon harvested species and to ensure that they are not threatened by those fisheries;

The World Conservation Congress at its 4th Session in Barcelona, Spain, 5–14 October, 2008:

1. ACKNOWLEDGES that the great whales play no significant role in the current crisis affecting global fisheries;

2. URGES its members that are engaged in fisheries management to improve the status of commercial fish stocks and marine biodiversity, including great whale populations, by:

- (a) relieving excessive fishing effort;
- (b) controlling and preventing wasteful and destructive fishing methods;
- (c) improving gear selectivity and fishing exploitation patterns;
- (d) protecting habitat and endangered species; and/or
- (e) designating and effectively managing new and additional Marine Protected Areas;

3. REMINDS members of the need to apply the Precautionary Approach in fisheries management, in line with the 1995 UN Fish Stocks Agreement; and

4. ENCOURAGES the use of non-lethal research methods by members engaged in studies on the biology and behaviour of whales, including their feeding habits;

In addition, the World Conservation Congress, at its 4th Session in Barcelona, Spain, 5–14 October 2008, provides the following guidance concerning implementation of the *IUCN Programme 2009–2012*:

5. REQUESTS the Director General to forward this decision to the Secretary of the IWC, the Secretary of the North Atlantic Marine Mammal Commission (NAMMCO), the Secretary General of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Executive Secretary of the Convention on Migratory Species (CMS), the Executive Secretary of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) and the Director General of FAO.

The State member Australia made the following statement for the record in proposing the adopted wording for operational paragraph 1:

It is correct that the contact group for this motion came to a somewhat reluctant consensus. We would like to make it clear that, in the spirit of cooperation, Australia did not block that consensus. However, we will be unable to support the motion as it stands. With due respect to all members of IUCN, Australia believes it is important for the Union to be aware of the key area of disagreement within the contact group. In Australia's view, the substantive issue covered in operative paragraph 1 of Motion 37 should limit its reference to the status of science and what science can say about interactions between two parts of the marine ecosystem (in this case whale numbers and the amount of fish available to fishers). Australia would support an amendment to the current operative paragraph 1 that would capture this in a more accurate and succinct manner. Our suggestion is:

"ACKNOWLEDGES that the great whales play no significant role in the current crisis affecting global fisheries".

Such an amendment clearly reflects a consensus on what the science is telling us. Equally importantly, it avoids the highly contentious and scientifically unsupportable notion that a management response such as culling whales should be considered if there was a link between whale numbers and fishing yields. Australia believes this amendment clearly reflects the discussions and outcomes of the very useful 'whales and fisheries interactions' workshop that was held during the IUCN World Conservation Forum. Australia supports the conclusions that great whales are indeed not a threat to fisheries and that more science to investigate this issue is a waste of valuable research finding and effort.

Australia requests that this statement be incorporated into the official record of this meeting.

The State member United Kingdom indicated that it wished its name to be appended to the statement for the record made by Australia.

The State member Japan provided the following statement for the record:

The delegation of Japan expresses appreciation to the sponsors of this motion for their work to develop a text that could be adopted by consensus. We participated in the contact group on this motion in good faith and indicated we could go along with the text agreed to in the contact group. It is in our view regrettable that, at the Plenary Session, the Government of Australia introduced an amendment to the agreed text particularly since they had participated in the contact group and did not propose their change at that time. For this reason, Japan voted against the amended motion.