

Agenda Item 4: Opening Statements

Statement by the World Wild Fund for Nature (WWF)

Submitted by the WWF

NOTE FROM THE SECRETARIAT:
**IN THE INTERESTS OF ECONOMY, DELEGATES ARE KINDLY REMINDED TO BRING THEIR OWN
COPIES OF THESE DOCUMENTS TO THE MEETING**

6th Meeting of the Advisory Committee to ASCOBANS 12-14 April 1999, Aberdeen, Scotland

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WWF values the Committee's systematic approach to implementing its 1997–2000 work plan as described in the Resolution on Activities of the ASCOBANS Advisory Committee. However, bearing substantive commitments by the 2nd Meeting of Parties in mind (cf. resolutions on incidental take and/or effects of pollutants on cetacean health and/or further implementation of ASCOBANS), WWF would like to see a more targeted and proactive approach in some areas:

- Conservation objectives and information related to (unacceptable) levels of bycatch should be presented in a way that enables competent authorities to take comprehensive action to reduce the bycatch rate in the short or medium term.
- Further to the discussions on pollutant issues at the 5th Meeting in Hel, Poland, WWF believes that time is right for the Advisory Committee to raise “flags of concern” on elevated levels of hazardous substances in small cetaceans and to bring this specific concern to the attention of the relevant authorities / fora.
- WWF regrets that the review of criteria for identifying, establishing and managing protected areas has not been identified as a priority for the 6th Meeting. It cannot be anticipated that cetacean specific requirements will automatically be taken into account by other intergovernmental fora concerned some of which have just started to develop criteria for the selection and management of Marine Protected Areas (MPAs).

Cross Institutional Issues

In the 1998 International Year of the Oceans (IYO), the Regional Seas Conventions relevant to the ASCOBANS area (OSPAR, HELSINKI) have adopted keystone objectives and agreements in order to reduce and eliminate marine pollution. WWF is convinced that these agreements will bring about a number of significant implications for the work under ASCOBANS. Particular reference is made to the

- OSPAR Strategy with Regard to Hazardous Substances (Sintra, Portugal, 23 July 1998)
- HELCOM Objective with Regard to Hazardous Substances - and the Strategy to implement this Objective (= HELCOM Recommendation 19/98)

Furthermore, the 1998 Ministerial Meeting of the OSPAR Commission set the stage for future measures to protect species and habitats by adopting a new Annex to the Convention on the Protection of the Marine Environment of the NE Atlantic. In this context, reference is made to

- Annex V and the Strategy on the Protection and Conservation of the Ecosystems and Biological Diversity of the Maritime Area (Sintra, Portugal, 23 July 1998).

The essence of the new OSPAR commitments is reflected by the following quotation from the Sintra Ministerial Statement:

Ecosystems and Biological Diversity

WE STRENGTHEN the Convention's framework for the protection of the marine environment by the unanimous adoption of an Annex on the Protection and Conservation of the Ecosystems and Biological Diversity of the Maritime Area. WE SHALL SEEK an early entry into force of this Annex.

WE RE-EMPHASISE our commitment, in implementing the new Annex, to protect and conserve the biological diversity of the maritime area and its ecosystems which are, or could be, affected as a result of human activities, and to restore, where practicable, marine areas which have been adversely affected.

To this end, the Commission will implement the strategy on the protection and conservation of the ecosystems and biological diversity of the maritime area and, in doing so, *inter alia*:

- assess a candidate list of human activities which may produce adverse impacts on the marine environment and its species, habitats and ecological processes other than through causing pollution;
- identify and prioritise those of the activities for which programmes and measures should be developed;
- identify those marine species, habitats or ecosystems that need to be protected, conserved or restored;
- promote the establishment of a network of marine protected areas to ensure the sustainable use and protection and conservation of marine biological diversity and its ecosystems;
- as a first step develop by 2003 the most necessary programmes and measures to achieve the purposes of the Annex.

Hazardous Substances

WE AGREE to prevent pollution of the maritime area by continuously reducing discharges, emissions and losses of hazardous substances (that is, substances which are toxic, persistent and liable to bioaccumulate or which give rise to an equivalent level of concern), with the ultimate aim of achieving concentrations in the environment near background values for naturally occurring substances and close to zero for man-made synthetic substances. WE SHALL MAKE every endeavour to move towards the target of cessation of discharges, emissions and losses of hazardous substances by the year 2020. WE EMPHASISE the importance of the precautionary principle in this work.

To this end, the Commission will:

- implement our strategy progressively and with well-defined intermediate targets; this implementation will start from the OSPAR List of Chemicals for Priority Action which we have already agreed, including carrying forward the drawing up of programmes and measures by 2003 for the control of discharges, emissions and losses of the substances on that list, and their substitution with less hazardous or non-hazardous substances where feasible;
- develop a dynamic selection and prioritisation mechanism, in order to tackle first the substances and groups of substances which cause most concern, and use it to up-date by 2000 the current OSPAR List of Chemicals for Priority Action;
- identify and assess substances that, although not fulfilling all the traditional criteria of a hazardous substance give rise to equivalent concern, especially those that act as endocrine disruptors;
- develop the necessary programmes and measures within three years after agreeing on the need for OSPAR action on a substance or group of substances.

WWF is confident that ASCOBANS will make use of the new opportunities arising from the 1998 OSPAR Agreements in order to prevent pollution potentially harmful to small cetaceans and/or to protect key habitats of small cetaceans. With regard to agenda item 7, it is therefore recommended to the Advisory Committee addressing the appropriate Working Groups (cf. Report from 5th Meeting) in this context, namely

- the OSPAR Working Group on Concentrations, Trends and Effects of Substances in the Marine Environment (SIME) - concerning the assessment of pollutant levels and/or related effects;
- the OSPAR Working Group on Diffuse Sources (DIFF) - concerning proposed measures to reduce/eliminate hazardous substances (including endocrine disruptors);
- the OSPAR Working Group on Impacts on the Marine Environment (IMPACT) - concerning the assessment **and/or** proposed measures related to species and habitats, including the issue of marine protected areas.

By-catch

In 1998 a report to WWF by consultant Rowena Rees assessed the relationship between the by-catch of selected marine animals and specific gears on a regional basis in North-East Atlantic waters. Marine animals assessed were not only limited by the information available, namely the Harbour Porpoise, the Common Dolphin, the Grey Seal, the Auk Family and the Leatherback Turtle but the report concluded that:

- The appropriate information for this vital environmental assessment is not adequately collected with respect to fishing effort (e.g. time and accurate location of net deployment) and bycatch.
- It was not viable to undertake a representative cost benefit analysis.

The report and tabled information is currently being used as a working document by WWF which is updated as new information becomes available.¹

It is clear that the appalling and unacceptable gap in information on bycatch needs to be addressed and enshrined in fisheries management procedures and practice. However, from the limited data that is available it is evident that levels of bycatch for certain animals are well above that considered to be sustainable in the ASCOBANS Resolution on Incidental Take of Small Cetaceans. Areas of particular concern to WWF include the greater than 2% of the best abundance estimate of the harbour porpoise in the central and southern North sea, and Swedish Skagerrak. In view of the obvious problems associated with bycatch of small cetaceans in regions of the ASCOBANS area WWF considers it essential that the ASCOBANS Resolution on Incidental Take of Small Cetaceans be taken forward into practical action by the 6th Advisory Committee Meeting. WWF believes that one means of

¹ An assessment of the relationship between the by-catch of selected marine organisms and specific fishing gears on a regional basis in the north east Atlantic. A report to WWF by Rowena Rees. See executive Summary - October 1998 - and excerpt tables submitted under agenda item 5.3. For additional information, contact Marine Unit, WWF-UK, Panda House, Weyside Park, Godalming, Surrey GU7 1XR, UK, sjones@wwfnet.org.

achieving this could be the adoption by Parties of the approach outlined in ASCOBANS document ASCOBANS/ADV.COM/5/DOC11, Bycatch Response Strategy, presented at the 5th Meeting of the Advisory Committee.

With a view to enhancing the progress on implementation of the ASCOBANS Resolution on Incidental Take, WWF highlights the following:

- In his opening speech at the OSPAR Ministerial Meeting in Sintra, Portugal, 22-23 July 1998, the Danish Minister of Environment raised the issue of the Danish bycatches in the North Sea. With regard to the new OSPAR Annex and Strategy on the Protection and Conservation of the Ecosystems and Biological Diversity, Mr Auken explicitly addressed the unacceptably high rate of harbour porpoise bycatch and stressed the need to integrate environmental objectives into fisheries policy and management.
- In a letter to the Member of the European Commission, Mrs Ritt Bjerregaard, four Danish environmental NGOs have expressed their concern over the means by which the Danish government has attempted to resolve the bycatch problem in Danish North Sea bottom set net fisheries. They believe that by relying on the use of pingers which could potentially a) fail to be effective over time or b) exclude porpoises from large areas of important habitat, the Danish government may be in breach of their commitments under the EU Habitats Directive (Art. 11, 12). WWF as one of the signatories of this letter believes that the use of acoustic deterrents cannot be relied upon as a sole means of decreasing bycatch given the lack of knowledge of the way in which they work, their variable success rate and the fact that the marine environment is already an acoustically loud place where additional noise introduction should be discouraged. Priority has to be given to reduce the effort of harmful fishing practices and/or to establish closed areas where appropriate to safeguard key habitats for small cetaceans. - *Cross reference is made to the contribution by B. Håkansson, Danmarks Naturfrednings Forening (DNF) on behalf of the Danish NGO Committee.*

Pollutants / Hazardous Substances

At their 1998 Ministerial Meetings, OSPAR and HELCOM in parallel have adopted important reference lists of hazardous substances:

- (1) OSPAR List of Chemicals for Priority Action, comparable to the HELCOM List of Selected Substances for Immediate Priority Action. In the case of OSPAR, this list reads as follows: polychlorinated dibenzodioxins (PCDDs), polychlorinated dibenzofurans (PCDFs), polychlorinated biphenyls (PCBs), polyaromatic hydrocarbons (PAHs), pentachlorophenol (PCP), short chained chlorinated paraffins (SCCP), hexachlorocyclohexane (HCH), mercury and organic mercury compounds, cadmium, lead and organic lead compounds, organic tin compounds (such as TBT), nonylphenol/ethoxylates (NP/NPEs) and related substances, musk xylene, brominated flame retardants, dibutylphthalate (DBP) and diethylhexylphthalate (DEHP). - The corresponding HELCOM list includes a number of additional compounds, such as toxaphene.
- (2) OSPAR List of Candidate Substances (subject to further selection and prioritisation),

comparable to the List of Potential Substances of Concern to be Considered by HELCOM

WWF believes that there is justification for the Advisory Committee to immediately raise “flags of concern” in any cases where elevated levels of chemicals from category (1) are reported for small cetaceans. With regard to (1) and (2), the Advisory Committee should seek to review, on an annual basis, new information available and liaise on these results with the relevant working groups of OSPAR/HELCOM (see above).

In line with this, WWF raises two tentative “flags of concern” of such nature:

- according to the draft EU Risk Assessment Report on selected brominated flame retardants which is based on a number of individual scientific reports, dolphin blubber from the southern North Sea is contaminated with levels up to 5,500 µg/kg ww of tetrabromodiphenylether.
- according to the aquatic environment monitoring reports from the UK (CEFAS/MAFF), organotin compounds leaching from antifouling paints on ships hulls reach levels of 180 µg/kg in livers of harbour porpoises for tributyltin (TBT) and/or 640 µg/kg for the sum of TBT, DBT and MBT.

Protected Areas

While the review of criteria on protected areas is postponed until the 7th Meeting, WWF welcomes the progress made by the German Federal State of Schleswig-Holstein with regard to one of the potential pilot areas: the proposed small cetacean sanctuary in the waters west of the island Sylt (cf. discussions at the 4th Advisory Committee Meeting and the 2nd Meeting of Parties) has been included in the draft revised Wadden Sea national park law by proposing seawards extension of the coverage and zonation model. However, WWF is concerned about the fact that the necessary measures to protect small cetaceans in this area will be subject to further regulations instead of clear definitions in the draft national park legislation.

In general terms, WWF refers to the first tranche of potential offshore MPAs presented on the occasion of the 1998 OSPAR Ministerial Meeting and/or to the OSPAR Workshop on Marine Protected Areas (Vilm, Germany, 31 August – 4 September 1998).

A brochure on MPAs produced by WWF’s global Marine Programme will be provided at the Meeting.