



Accord sur la Conservation des Cétacés de la mer Noire, de la Méditerranée et de la zone Atlantique adjacente, conclu sous l'égide de la Convention sur la Conservation des Espèces Migratrices appartenant à la Faune Sauvage (CMS)

Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area, concluded under the auspices of the Convention on the Conservation of Migratory Species of Wild Animals (CMS)



REPORT OF THE SECOND MEETING OF THE PARTIES TO ACCOBAMS



Palma de Mallorca (Spain), 9th-12th November, 2004

Introduction

1. Following the entry into force of the Agreement on 1st June 2001 and the First Meeting of the Parties held in Monaco in February-March 2002, the Second Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, the Mediterranean Sea and the Contiguous Atlantic Area (ACCOBAMS), was held from 9th to 12th November 2004 at the Hotel Meliá Palas Atenea in Palma de Mallorca (Spain).

Participants

2. Representatives of the following States Parties to the Agreement took part in the meeting: Albania, Bulgaria, Croatia, France, Georgia, Greece, Malta, Monaco, Portugal, Romania, Spain, Tunisia and Ukraine (as observer).

3. Representatives of other riparian States - Cyprus, Italy and United Kingdom - and of the European Commission also took part in the Meeting as observers.

4. Representatives of the following intergovernmental and non-governmental organizations and scientific institutions or bodies also attended the Meeting as observers: United Nations Environment Program (UNEP), Convention on the Conservation of Migratory Species of Wild Animals (CMS), Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS), UNEP/MAP Regional Activity Centre for Specially Protected Areas (RAC/SPA), Commission Internationale pour l'exploration Scientifique de la Mediterranee (CIESM), Council of Europe/Bern Convention, World Conservation Union (IUCN), International Whaling Commission (IWC), Istituto Centrale per la Ricerca Scientifica e Tecnologica Applicata al Mare (ICRAM), Whale and Dolphin Conservation Society (WDCS), Swiss Cetacean Society (SCS), Institute for Marine Research Conservation (Blue World), Tethys Research Institute, Spanish Cetacean Society (SEC), ASMS Ocean Care, International Fund for Animal Welfare (IFAW), Environmental Investigation Agency (EIA), Centro Oceanográfico de Baleares, Natural Resources Defense Council (NRDC), Grupo Balear d'Ornitologia i defensa de la Naturaleza (GOB) and Ocean Alliance.

5. The full list of participants is attached as Annex I to this report.

Agenda item 1: Welcoming addresses

6. Mr. Patrick Van Klaveren, Chairperson of the Bureau, after welcoming participants, said that the first triennium in the life of ACCOBAMS was coming to an end and that the current Meeting would be assessing the results and setting a course of action for the three years to come. He invited the representative of UNEP and the national and local authorities of the host Country to deliver their opening addresses.

7. Mr. Robert Hepworth, Acting Executive Secretary of CMS, speaking on behalf of both the Executive Director of UNEP and of CMS as the parent convention, stressed the importance of ACCOBAMS as a flagship CMS Agreement, a major ingredient in the environmental protection of two sensitive regional seas and a model of practical action. Welcoming the six new States Parties to the Agreement, he thanked the Government of Spain for hosting the Meeting and for its financial support, as well as the other Countries that had provided funding and support in kind. The position of Greece, whose original signature was equivalent to ratification was highly appreciated, notably in terms of its financial implications. He drew attention to the progress made by ACCOBAMS despite its modest resources. He stressed the importance of reporting on national compliance with the Agreement and praised the quality of the reports received. Credit was due to NGOs for their support and valuable partnership. In conclusion, he expressed thanks to the Principality of Monaco for hosting ACCOBAMS and turning it from a legal instrument into a genuine working instrument for conservation.

8. Mr. Miguel Aymerich, representative of Spain, pointed out that environmental protection and the conservation of threatened species were directly linked to two economic sectors that were crucial to his Country, namely tourism and fisheries. Spain was in fact the first Country, after the Depositary, to have ratified the Agreement, and its scientific efforts to promote and protect biological diversity were backed up by appropriate legislative measures. He went on to inform the Meeting of the many cetacean conservation measures taken by his Country's national and regional authorities. He concluded by congratulating the Secretariat of the Agreement and its team for the quality of the work accomplished and of the Meeting documents. He likewise thanked the authorities of the Balearic Islands and Palma de Mallorca, and the port authorities, for the support they had provided for the organization of the Meeting.

9. Mr. Miguel Ramis D'Ayreflor, Secretary-General for the Environment of the Government of the Balearic Islands, welcomed participants to ACCOBAMS' Second Meeting of the Parties, which was being held in the very place where, over a century before, the Oceanographic Laboratory of the Balearic Islands had been founded by a friend of Prince Albert I of Monaco. Cetaceans were more than a symbol to the Balearic Islands: they were a valuable part of their heritage. The Autonomous Community was sparing no effort to protect cetaceans, as could be seen when, following an epidemic, some hundred stranded dolphins had been rescued. It was collaborating in particular with Marineland to rescue stranded animals that were viable and with various authorities to mitigate the risks arising from leisure activities. It had other ambitious conservation projects and was sure it could rely on ACCOBAMS support to carry them out.

10. In her opening address, Ms. Marie-Christine Van Klaveren, Executive Secretary of ACCOBAMS, recalled that it had been in Palma de Mallorca, where the current Meeting was being held, that the meeting convened under the Bern Convention on the Conservation of Small Cetaceans had been held in 1991, as the initial step in the process that had led to ACCOBAMS. During the previous three years, the Secretariat had had occasion to work with many partners in national administrations, universities and intergovernmental and non-governmental organizations. She extended warm thanks to those partners for their efficiency and resolve. She also expressed satisfaction with the work of the Scientific Committee and with the spirit of cooperation that had prevailed in relations with its Chair.

Agenda item 2: Granting the right to vote

11. The Chairperson of the Bureau recalled that becoming a Party to the Agreement is a long process, and that Countries that ratified the Agreement and deposited the relevant instruments with the Depositary still did not become Parties to the Agreement until a given period had elapsed, specified in the Agreement. A case in point was Portugal, which would not legally become a Party until 1 January 2005 and should not therefore be entitled to vote at the current Meeting. Considering that it would be desirable for as many Parties as possible to take part in decision-making, he proposed that Portugal should exceptionally be granted the status of full participating Party with the right to vote and that the relevant Resolution should be completed accordingly.

12. The proposal was unanimously approved.

Agenda item 3: Election of the Bureau

13. The outgoing Chairperson of the Bureau informed the Meeting that, following consultations among the heads of delegation prior to the Meeting, it was proposed that the new Bureau should be composed of the representatives of Spain, Croatia, Romania and Tunisia.

14. The Meeting approved the composition of the Bureau as follows:

Chairperson:	Mr. Miguel Aymerich (Spain)
Vice-Chairperson:	Mr. Simion Nicolaev (Romania)

Vice-Chairperson:

Mr. Mohammed Nejmeddine Bradai (Tunisia)

Vice-Chairperson and Rapporteur:

Ms. Ana Strbenac (Croatia)

Agenda item 4: Adoption of the agenda

15. The Chairperson invited comments on the agenda proposed by the Secretariat in document MOP2/Doc 1 Rev 1 and the annotated version in document MOP2/Doc 2 Rev 2.

16. The Secretariat drew attention to some amendments to the list of Meeting documents in document MOP2/Doc 3a. The Meeting adopted the agenda contained in Annex II to this report.

Agenda item 5: Admission of observers

17. The Executive Secretary presented the requests for admission as observers to the Second Meeting of the Parties, as listed in document MOP2/Doc 6. She proposed that the Meeting accept those requests, specifying that, in accordance with Article III, paragraph 4 of the Agreement, observers admitted to the First Meeting of the Parties were entitled to participate in the Second Meeting. The Meeting of the Parties approved the participation of the observers listed in document MOP2/Doc 6.

Agenda item 6: Establishment of the Credentials Committee

18. In accordance with the provisions of Article 4 of the Rules of Procedure of the Meeting of the Parties, a Credentials Committee was established, composed of the representatives of Monaco, Georgia and Portugal. The Chairperson invited the Committee to meet, with Monaco in the Chair, and to submit its conclusions at a later stage in the Meeting.

Agenda item 7: Opening statements

19. The Chairperson opened the floor to the delegations of the new Parties to ACCOBAMS as well as the Riparian States wishing to make a statement to the Meeting.

20. The representative of Portugal said how pleased her Country was to have joined the ACCOBAMS family. Long before the date of 1 January 2005, the conservation of cetaceans had been one of its major environmental concerns, since the Portuguese law prohibiting the capture of whales and dolphins in its territorial waters dated from 1981. Portugal had also participated in numerous international forums on the preservation of biodiversity. New laws were now in preparation, particularly to regulate whale watching and leisure activities in sensitive areas. Portugal therefore looked forward to cooperating closely with all States Parties to ACCOBAMS with a view to ensuring better protection of their common marine heritage.

21. The representative of France said that her Country was most gratified to have joined ACCOBAMS. Possessing territories in several parts of the world as it did, France was a party to many conventions on the conservation of marine biodiversity (Cartagena, Nairobi, Barcelona and other Conventions). In the Mediterranean, it had joined with Italy and Monaco in creating the Pelagos Sanctuary for the conservation of marine mammals, now registered as a SPAMI. With its ratification of ACCOBAMS, France intended to develop its regional action in synergy with all those concerned with the protection of the marine environment and its biodiversity. Without minimizing the importance of that task, she observed that the Mediterranean region was populated by human beings as well as cetaceans and that socioeconomic considerations should be taken into account.

22. The representative of Greece recalled that his Country had signed ACCOBAMS without reservations as to ratification and that the Greek authorities therefore considered that Greece had been a Party to the Agreement since signing it and would pay its contribution to the budget accordingly. Greece was pleased to take part in the Meeting and in all ACCOBAMS programmes as a fully-fledged Party.

23. The representative of Cyprus said that her Country had been a signatory to the Agreement since November 1996 and that the ratification process was underway. Meanwhile, legislation on fisheries and nature conservation in her Country already provided for legal protection of cetaceans. All cetacean species had been legally protected since 1971. Cyprus had established a stranding network and is keen on contributing to the MEDACES database. A project to assess the effectiveness of acoustic devices (pingers) was underway in Cyprus.

24. The representative of Italy stressed that his Country had not awaited its ratification of the Agreement, which was imminent, to commence active collaboration with ACCOBAMS in the form of voluntary contributions and fellowships. In the sphere of bilateral cooperation, it had worked together with France and Spain to promote an agreement with Libya for the protection of cetaceans. With regard to the Pelagos Sanctuary, Italy had established a Steering Committee and organized the Second Meeting of Contracting Parties to the Agreement on the Sanctuary. Italy intended to intensify its bilateral cooperation with neighbouring Countries for improved implementation of ACCOBAMS. A public awareness campaign for the conservation of cetaceans, targeted at young people, sea users and tourism professionals, was to be launched in his Country in the following year. Italy would appreciate publicity material prepared by the Secretariat for that purpose. The representative of Italy also informed the Meeting that his Country will renew its support to the fonctionnement of the Secretariat.

25. The representative of Albania pointed out that the Albanian coastal environment was extremely rich in biodiversity. Her Country harboured a wide variety of wildlife, with over 80 species of mammals, representing over 40% of European fauna. However, that rich biodiversity was seriously jeopardized by human activities such as sand extraction and intensive fishing, and was in danger of being further threatened by climate change in the future. Those were the concerns Albania wished to share with its ACCOBAMS partners.

26. The representative of the United Kingdom thanked the Secretariat for inviting her Country to the Second Meeting of the Parties to ACCOBAMS. On account of the rather lengthy procedures involved, she was unable to specify when ACCOBAMS would be ratified by her Country. The United Kingdom remained committed, however, to the objectives of ACCOBAMS and would continue to make a voluntary contribution of € 10,000 in the future.

Agenda item 8: Progress reports

(a) Report of the Depositary

27. Introducing the report of the Depositary (MOP2/Doc 7 Rev 1), the delegate of the Principality of Monaco informed the Meeting that, since the First Meeting of the Contracting Parties, the Depositary had recorded the deposit of the instruments of ratification of five riparian States and the notification of the Greek Republic confirming that its signature of the Agreement on 24 November 1996 was valid as ratification.

28. The Depositary had informed all the Contracting Parties, the European Community, the Treaty Section of the United Nations and the Permanent Secretariats of ACCOBAMS and of CMS of those accessions and the dates of entry into force of the Agreement for each of those Countries.

29. In addition, the Depositary, through the various diplomatic officers of the Principality of Monaco, had supported the action taken by the permanent Secretariat to raise awareness among the other riparian States and the European Commission with a view to their accession.

30. The status of ratification by Contracting Parties to ACCOBAMS, as at 31 October 2004, is attached as Annex III to this report.

31. The representative of Greece said that all Countries that had signed ACCOBAMS without reservations as to ratification should be considered Parties to the Agreement from the date of its entry into force. They should therefore pay their contributions to the budget as from the First Meeting of the Parties.

32. The Secretariat stated its intention to approach Countries not yet Parties, notably Egypt, Turkey and the Russian Federation to encourage them to join ACCOBAMS.

(b) Report of the Secretariat

33. The Executive Secretary introduced the report of the Secretariat contained in document MOP2/Doc 8 and reviewed the main points concerning the installation and organization of the Secretariat and the principal activities carried out since the First Meeting of the Parties. The main points to which the Executive Secretary drew attention under this item are contained in Annex IV to this report.

34. Several delegations praised the Secretariat for the work accomplished over the previous three years and for the quality of the Meeting documents, and confirmed their Countries' commitment to strengthening links with the Secretariat.

(c) Report of the Bureau

35. Mr. Patrick Van Klaveren introduced the report of the Bureau contained in document MOP2/Doc 9. He informed the Meeting *inter alia* that, since the First Meeting of the Parties, the Bureau had met twice (Monaco, 24th March 2003 and Palma de Mallorca, 8th November 2004) and that a written consultation had been organized at the beginning of 2004.

36. The Bureau had been chaired by H.E. Mr. Bernard Fautrier, Minister Plenipotentiary in charge of International Cooperation for Environment and Development (Monaco) and also composed of: Mr. Besnik Baraj (Albania), Mr. Simion Nicolaev (Romania) and Mr. Miguel Aymerich (Spain) represented by Ms. María Jesús de Pablo.

Ms. Marie-Christine Van Klaveren, Executive Secretary of the Agreement, had ensured the secretariat of the meetings.

37. Mr. Van Klaveren said that the Executive Secretary had kept the Bureau regularly informed of the Secretariat's activities and the action taken, with the support of the Depositary, to facilitate accession by all riparian States to the Agreement. He then reported the main decisions taken by the Bureau during its term of office, namely:

- Adoption of the work programmes for 2003 and 2004 and the relevant budgetary allocation adjustments, expressing satisfaction that the Secretariat had kept to its policy of devoting 50% of the budget to conservation activities;
- Extension to 2004 of the 2002 system of calculating Parties' regular contributions, as provided for in Resolution MOP 1/1.6, Annex II;
- Granting of the status of "ACCOBAMS Partner" to the following organizations: Spanish Cetacean Society (SEC), World Conservation Union (IUCN), Ecole pratique des hautes études, Montpellier, France, (EPHE), Blue World Institute of Marine Research and Conservation, Israel Marine Mammal Research and Assistance Center (IMMRAC) and Conservación, Información e Investigación en Cetáceos (CIRCE).

38. The text of the report of the Bureau is reproduced in Annex V to this report.

39. Mr. M. Aymerich, speaking on behalf of the new Bureau, thanked the outgoing members of the Bureau and congratulated them on their excellent work over the previous three years under the leadership of Monaco.

(d) Report of the Chair of the Scientific Committee

40. The Chair of the Scientific Committee, introducing document MOP2/Doc10, said that the Scientific Committee had met twice since MOP1. At the first meeting, held in Tunis in October 2002, the Committee had made recommendations on (i) the use of acoustic devices; (ii) by-catch; (iii) fin whale research in the Mediterranean, and (iv) the establishment of tissue banks. The second meeting of the Scientific Committee had been held in Istanbul in November 2003. It had adopted recommendations on (i) guidelines for the use of acoustic deterrent devices; (ii) pelagic gillnets in the ACCOBAMS area; (iii) the relationship between ACCOBAMS and the Pelagos Sanctuary; (iv) the Conservation Plan for cetaceans in the Black Sea; (v) the organization of a fin whale workshop; (vi) national stranding networks; (vii) man-made noise; (viii) ship collision, and (ix) the fundamental need for information on abundance and distribution of cetaceans in the ACCOBAMS area.

41. He then presented the 28 actions undertaken by the Scientific Committee since the first Meeting of the Parties. A description of the activities, their results and work in progress is contained in Annex VI to this report. He also presented a list of items for future consideration, as follows:

- Definition of the procedures for the establishment and functioning of an ACCOBAMS sighting database
- Conservation plan for sperm whales in the Mediterranean Sea
- Conservation plan for fin whales in the Mediterranean Sea
- Conservation plan for harbour porpoises in the Mediterranean Sea
- Conservation plan for the common dolphin
- Conservation plans for other regular cetacean species (Cuvier's beaked whales, long-finned pilot whales, Risso's dolphins, striped dolphins) in the Mediterranean Sea
- Establishment of a working group to support the development of stranding networks
- Strengthening of a system of tissue banks
- Address the problem of prey depletion
- Address the problem of anthropogenic noise
- Further promote the establishment of specially protected areas for cetaceans in the Agreement area through field and desk studies
- Support the establishment and functioning of an Emergency Task Force, and
- Creation of a network of specialized bibliographic collections and databases.

42. He further informed the Meeting that the next meeting of the Scientific Committee was expected to take place within the first few months of 2005 and that the Scientific Committee intended to carry out a thorough review of its *modus operandi*, to ensure that it could best fulfil its responsibilities in an efficient and scientific manner.

43. Several participants expressed satisfaction with the excellent work of the Scientific Committee, which had secured the support of high-level specialists, working in an exemplary spirit of partnership.

44. Some delegations asked for the Scientific Committee's recommendations concerning the impact of man-made noise to be re-examined by the Meeting. It was decided that a working group chaired by Spain should be set up to amend the relevant draft Resolution. The results of the group's work would be considered in plenary under agenda item 13.

(e) Reports of the Subregional Coordination Units

Report of the Mediterranean Subregional Coordination Unit (MOP2/Doc 11)

45. Speaking on behalf of the Mediterranean Subregional Coordination Unit, the representative of RAC/SPA reviewed the activities carried out since the signing of the Memorandum of Understanding with ACCOBAMS. The main issues to be addressed were the lack of the knowledge about the status of cetacean populations and the threats to which they were exposed, fostering the development and coordination of stranding networks and building capacity in several of the Countries concerned by the Agreement. To that end RAC/SPA had collaborated with the University of Valencia in setting up a Mediterranean Database on Cetacean Strandings (MEDACES) and had undertaken the standardization of photo-identification catalogues. In cooperation with the "Ecole Pratique des Hautes Etudes", Montpellier (France), RAC/SPA had produced a report on the exploitation of marine trophic chains by teutophagous cetaceans in the Mediterranean. RAC/SPA had participated actively in many workshops and seminars, and had produced, in collaboration with ACCOBAMS, a CD-ROM on marine mammal tissue banks. It was supporting the development of national action plans for the conservation of cetaceans and of cetacean stranding networks in Countries such as Libya and Tunisia. Overall, it was endeavouring to carry out a wide range of actions and projects in partnership, with a view to achieving ACCOBAMS' objectives, taking into account the framework laid down by the Barcelona Convention.

Report of the Black Sea Subregional Coordination Unit

46. In the absence of a representative of the Permanent Secretariat of the Black Sea Commission, The Executive Secretary briefly outlined the report of the Black Sea Subregional Coordination Unit (MOP2/Doc 12).

Agenda item 9: Report by the Credentials Committee

47. The Chairperson of the Credentials Committee reported on the results of its verification of credentials, as follows:

48. The Credentials Committee had met to verify the credentials of the delegates of each Contracting Party represented at the Second Meeting of the Parties to ACCOBAMS. The Committee was composed of the delegates of Georgia (Maka Tsereteli), Monaco (Patrick Van Klaveren) and Portugal (Marina Sequeira).

49. The credentials of the following Countries had been verified and deemed valid: Albania, Bulgaria, Croatia, France, Georgia, Greece, Malta, Monaco, Portugal, Romania, Spain.

50. The credentials of Tunisia entitled the delegate to participate in the deliberations but not to vote, the credentials not having been issued by a competent authority. The letter of credentials of the delegates of Ukraine specified that he was to be considered a governmental observer for that Country.

Agenda item 10: National reports

(a) Synthesis of the national implementation Reports of the Parties (MOP2/Doc 13)

51. Recalling that the reports received by the Secretariat were available as information documents, the Secretariat introduced a synthesis of the reports showing the progress made in the implementation of the Agreement by the Parties. The synthesis covered national reports received by the Secretariat by 3 September 2004, i.e. a total of 11 reports out of the 13 expected, all prepared in accordance with the format adopted by MOP 1 for initial reports.

52. The Secretariat expressed its satisfaction with the number of reports received and with the submission of the report of Turkey, prepared on a voluntary basis.

53. Commenting on the main conclusions of the synthesis presented by the Secretariat, some delegations noted the absence of emergency plans that could be activated in the event of massive mortality and to deal with cases of strandings of live cetaceans

54. The Secretariat also presented a proposal for a system of “online reporting” designed to enable ACCOBAMS National Focal Points to update information on their respective Countries through access to an Agreement website with safe access via a password. The system would be equipped with a restricted-access component for entering information and free-access component for visualizing data. The proposal was based on similar systems in use elsewhere under other agreements.

55. Several delegations said they were in favour of setting up such a system and considered that it would facilitate the task of the Focal Points in preparing the national reports, improve the management of information flows between Focal Points and the Secretariat, and ensure a better dissemination of information. The Meeting invited the Secretariat to develop the “online reporting” system for the national reports of the Parties and to submit it to the next Meeting of the Parties.

(b) Range States activities

56. The Chairperson invited Parties whose national reports were not covered by the synthesis presented by the Secretariat to provide additional information if they so wished. The delegations of Portugal and France presented information that would be used by the Secretariat to update the synthesis. The Secretariat had also received the reports of Cyprus, Italy and Ukraine in the course of the Meeting.

(c) Format of national implementation Reports: follow-up of Resolutions and Recommendations

57. The Executive Secretary, introducing draft Resolution 2.5 (MOP2/Doc 21), explained that the purpose of the Resolution was to introduce a new section on follow-up of Resolutions and Recommendations into the national reporting formats.

58. Following the presentation by the Executive Secretary and statements by several delegations stressing the importance of such a mechanism and noting that such a measure reflected sound environmental governance, the Meeting adopted draft Resolution 2.5.

Agenda item 11: Institutional arrangements

(a) Status of the Secretariat

59. The Executive Secretary introduced Resolution 2.2 as contained in document MOP2/Doc18 and explained the advantages of strengthening links with UNEP. She specified that the provisions of draft Resolution 2.2 had no budgetary implications.

60. The Executive Secretary of CMS, representing the Executive Director of UNEP, welcomed the ACCOBAMS Secretariat’s initiative of strengthening links with UNEP. The main points to be considered in that regard were: links between ACCOBAMS and the other Agreements on cetaceans; information management systems; joint ACCOBAMS/CMS conservation projects; joint fund-raising efforts and capacity-building.

61. The representative of the Principality of Monaco, the host Country of the Secretariat of the Agreement, said he was most gratified to have heard the statement by the representative of UNEP, and expressed his Country’s interest in seeing such links strengthened.

62. The Meeting then considered draft Resolution 2.2 with a view to its adoption.

63. The Executive Secretary informed the Meeting of the need for some kind of interface between the Scientific Committee and the Parties. It would take the form of a body responsible for considering the Recommendations of the Scientific Committee before submitting them to the Parties in order to take account of the socioeconomic implications and the implications in terms of conservation policies and sustainable management of resources. The establishment of such a body would also enable the Scientific Committee to focus more on the scientific aspects of the implementation of ACCOBAMS.

64. She said that the body in question could be a meeting of the ACCOBAMS National Focal Points or an enlarged Bureau - the form of which was to be determined – but pointed out that instituting a meeting of Focal Points would require an amendment to the Agreement, as the latter made no provision for such a forum.

65. Several delegations said they were in favour of the Secretariat's proposal, but the option of an enlarged Bureau was considered preferable to the institution of a meeting of Focal Points.

66. The Meeting agreed to the Secretariat's proposal to give further consideration to the matter and to submit a proposal to the next Meeting of the Parties.

(b) Appointment of Scientific Committee members

67. The Executive Secretary recalled that, pursuant to the provisions of Resolution 1.3, Countries with a shared coastline between two regions were required to choose the region with which they wanted to be associated. The Parties in question had made their choices as follows:

- Greece chose to be associated with the Eastern Mediterranean
- Tunisia chose to be associated with the Western Mediterranean
- Italy chose to be associated with the Central Mediterranean
- Turkey, which was not represented at the Meeting, was unable to express its choice between the Eastern Mediterranean and the Black Sea.

68. Following consultations among the delegations representing the four regions of the Agreement Area, the Meeting decided to appoint the Regional Representatives of the Scientific Committee and their alternates (see point 74).

69. The representative of Tunisia drew attention to the regional imbalance in the membership of the Scientific Committee, pointing out that in the coming three years of the Agreement not a single expert from the whole of the southern rim of the Mediterranean would be taking part in the meetings of the Scientific Committee. He proposed that the matter should be examined in order to redress the imbalance.

70. Several delegations said they understood the concern expressed by the delegate of Tunisia. One delegation proposed that consideration should be given to increasing the membership of the Scientific Committee, perhaps by establishing a fifth region or considering the possibility of changing the regional representation so that the Committee would better reflect the scientific community as a whole. Another delegation proposed that alternates be given a more important role in the work of the Scientific Committee.

71. The Meeting decided to request the Executive Secretary to engage in in-depth reflection on ways and means of ensuring more balanced regional representation in the Scientific Committee and to submit a proposal on the subject to the next Meeting of the Parties.

72. The Director-General of CIESM reasserted the importance the Commission attached to its relations with ACCOBAMS, to which it brought the experience of its network of scientists and

provided support for the holding of the meetings of the Scientific Committee. He gave the Meeting the names of the five experts designated by CIESM to sit on the Scientific Committee of ACCOBAMS (see point 74).

73. The Executive Secretary announced the names of the experts designated by the ECS, IWC and IUCN (see point 74).

74. The meeting approved the composition of the Scientific Committee, as follows (Resolution 2.6):

Bego, Ferdinand (Central Mediterranean, alternate)
Birkun, Alexei (CIESM)
Bradai, Nejmedine Mohammed (Western Mediterranean, alternate)
Cañadas, Ana (CIESM)
Donovan, Greg (IWC)
Guinet, Christophe (CIESM)
Hadjichristoforou, Myroula (Eastern Mediterranean Representative)
Holcer, Drasko (CIESM)
Khprivokhizhin, Sergei (Black Sea, alternate)
Komnenou, Anastasia (Eastern Mediterranean, alternate)
Lauriano, Giancarlo (Central Mediterranean Representative)
Notarbatolo di Sciara, Giuseppe (CIESM)
Panigada, Simone (ECS)
Radu, Gheorghe (Black Sea Representative)
Raga, Juan Antonio (Western Mediterranean Representative)
Reeves, Randall (IUCN)

Agenda item 12: Financial arrangements

(a) Report by the Secretariat

75. Introducing document MOP2/Doc 14 Rev 1/Add 1, the Executive Secretary recalled that, thanks to the support of the Principality of Monaco, the Agreement budget had not had to bear the costs of staff, premises or most of the equipment. Regular and voluntary contributions had represented 79% of the budget in 2002 and 61% in 2003 and 2004, with income representing a surplus of 40%, but contributions had come in very late in the year.

76. Apart from the recruitment in 2004 of two administrative assistants thanks to a voluntary contribution by the Italian Government, most administrative expenditures had gone on meetings of the Scientific Committee and of the Bureau, staff costs and the preparation of reports.

77. She stressed the fact that in 2004 the level of expenditure on conservation activities exceeded administrative expenditure, and that, as the Parties had recommended, priority had been given to capacity building and research and monitoring activities. Most of the activities had been carried out thanks to voluntary contributions from France, Italy, Monaco, Spain, the United Kingdom and certain partner organizations (WDCS, ASMS, IFAW, Ocean Alliance). The Executive Secretary expressed warm gratitude to those Countries and Organizations for their invaluable support.

78. There had been a regular increase in programme execution activities. However, significant delays in receiving regular contributions might result in activities being delayed and postponed from one year to another. She proposed that the budgetary surplus should be used to create a reserve fund to avoid any slowing down of activity at the beginning of financial years, and to supply the Supplementary Conservation Grants Fund after approval by the Bureau.

79. The representative of RAC/SPA, speaking on behalf of the Mediterranean Subregional Coordination Unit, recalled that the Contracting Parties to the Barcelona Convention had encouraged RAC/SPA to act as the ACCOBAMS Mediterranean Subregional Coordination Unit, but had requested RAC/SPA to fulfil that function without any additional cost to its budget, which came from the Mediterranean Trust Fund.

80. He pointed out that the activities carried out by RAC/SPA relative to ACCOBAMS required increasingly substantial financial and human resources, and stressed the need to provide for the coverage of such expenses within the budget of ACCOBAMS and to include a budgetary item for that purpose in the 2005-2007 budget, as had been the case for the previous financial period.

81. The Executive Secretary informed the Meeting that the ACCOBAMS budget had covered the costs of certain activities conducted jointly with RAC/SPA and of the participation of the representative of the Coordination Unit in the Scientific Committee meetings. For the coming triennium the ACCOBAMS Secretariat and the Coordination Units would have to draw up a work programme specifying the activities to be carried out, together with the appropriate financial arrangements.

82. The Meeting approved the contents of the report presented and the proposals made by the Executive Secretary under the agenda item.

(b) Report of the Fund Management Controller

83. Introducing the report of the Fund Management Controller (document MOP2/Doc15), the Executive Secretary explained that the document did not call for any particular comment, apart from the fact that it noted delays in payments of contributions which could cause financial difficulties. She therefore suggested that annual contributions should henceforth be paid as of the first quarter of the year.

(c) Adoption of the budget for the period 2005-2007

84. Before introducing draft Resolution 2.3 on financial and administrative matters (document MOP2/Doc19 rev 1), the Executive Secretary commented on the explanatory notes on the draft budget (document MOP2/Doc 16), particularly the passage relating to the scale of contributions. She explained that in order to ease the financial burden on small contributors, ACCOBAMS had secured acceptance by the three largest contributors of a waiver of the United Nations system rule whereby no Party should contribute more than 22% to the budget, Spain having agreed to pay 22%, France 28% and Italy 28%. At the same time, it had been proposed that any contribution below 1,000 euros should be rounded up to that figure, taking account of administrative costs and of the fact that small contributors were major beneficiaries of the Agreement. Such arrangements would make it possible to look ahead to the budgetary situation for 2006-2007 with confidence.

85. The representative of Greece agreed with the Secretariat's proposal concerning the calculation of Parties' contributions to the budget and said that Countries which had signed the Agreement without any reservation as to ratification should pay their contributions from the outset, following the example of Greece.

86. The representative of Tunisia said that the institution of a minimum contribution of 1,000 euros penalized small contributors, some of whose contributions would double, not to mention the devaluation of their currencies vis-à-vis the euro.

87. The Executive Secretary pointed out in that connection that small contributors were also those that benefited most from ACCOBAMS assistance.

88. The representative of France expressed her concern about the increase in the budget caused by the appointment of new administrative staff and hoped for a stabilisation of such costs during several years in the future.

89. In reply to a question by the representative of RAC/SPA as to why the budget did not include an item designed to cover the operating costs of the coordination units, as had been the case for the previous triennium, the Executive Secretary said that the explanatory notes to the budget already provided that budgetary item 1224 could be used for that purpose.

(d) Establishment of the Supplementary Conservation Grants Fund

90. The Secretariat recalled that the Fund had been established at the First Meeting and stressed the importance of voluntary contributions.

91. The Meeting then considered draft Resolution 2.4 with a view to its adoption.

Agenda item 13: Implementation of the Agreement

92. The Meeting considered the draft Resolutions and documents submitted under this agenda item. The discussions that ensued are reflected below.

Draft Resolution 2.8: Guidelines on the granting of exceptions concerning non-lethal in situ research aimed at maintaining a favourable conservation status of cetaceans (MOP2/Doc 24)

93. Introducing draft Resolution 2.8, the Executive Secretary recalled that a large part of the Mediterranean Sea lay outside the scope of national jurisdiction and that certain research activities could constitute harassment to cetaceans; hence the need for guidelines, as proposed in the Resolution, and to be mandated to approach third Countries involved in such research in order to secure their collaboration.

94. The delegation of France stressed the need, through a strengthening of links with the Pelagos Sanctuary, to mitigate the risks of overlapping jurisdictions, particularly in the context of granting derogations. The Meeting urged the Scientific Committee to draw up a working definition of the concept of harassment as soon as possible.

95. The Meeting then considered the draft Resolution 2.8 with a view to its adoption.

Draft Resolution 2.9: Contribution to the CBD/CMS Joint Work Programme (MOP2/Doc 25)

96. Introducing the draft Resolution, the Chair of the Scientific Committee noted that CBD and CMS had many objectives in common but that, as indicated in the annex to the draft Resolution, the level of priority of the two Conventions was not necessarily the same.

97. The Meeting then considered the draft Resolution 2.9 with a view to its adoption.

Draft Resolution 2.10: Facilitation of exchange of tissue samples (MOP2/Doc 26)

98. The Executive Secretary explained the reasons behind draft Resolution 2.10, pointing out *inter ali*, that the Secretariat had been approached on several occasions to provide assistance for transfers of samples to specialized laboratories. The purpose of the Resolution was to facilitate such transfers.

99. The Meeting then considered the draft Resolution 2.10 with a view to its adoption.

Draft Resolution 2.11: Facilitation of scientific research campaigns and programmes (MOP2/Doc 27)

100. On the subject of draft Resolution 2.11, the Executive Secretary said that on several occasions she had had to take action to secure permits for *in situ* research campaigns. The procedures for obtaining that kind of permit were very long and complex and it was not always easy to know which administration to approach. The Resolution in question requested Parties to provide the Secretariat with the necessary information on the procedures and the authorities in charge of delivering permits for marine research campaigns. The information would be compiled and posted by the Secretariat on the ACCOBAMS web site.

101. The Meeting then considered the draft Resolution 2.11 with a view to its adoption.

Draft Resolution 2.12: Guidelines for the use of acoustic deterrent devices (MOP2/Doc 28)

102. The Chair of the Scientific Committee said that the new acoustic deterrent devices were meant to reduce the risks of by-catch by coastal fishing gear. Such devices, particularly pingers, whose use was often uncontrolled and excessive but which were not of proven effectiveness, were likely to disturb cetacean populations. The use of pingers should therefore be linked to a monitoring programme to ascertain their long-term efficiency.

103. The representative of the European Commission requested an amendment to the text of the draft Resolution to avoid conflict with European Regulations which encouraged the use of such devices.

104. The representative of Cyprus said that, in anticipation of its membership of the European Union, her government had stopped compensating fishermen for damage caused by dolphins, and was testing a system of pingers.

105. The Meeting then considered the draft Resolution 2.12 with a view to its adoption.

Draft Resolution 2.13: Pelagic gillnets (MOP2/Doc 29)

106. The Chair of the Scientific Committee said that the project was a response to a request from States Parties. Pelagic gillnets, still widely used in the Agreement area despite the laws in force, caused serious losses of cetaceans.

107. The use of such gear must therefore be regulated and information must be obtained from riparian States on the subject.

108. The representative of Spain informed the Meeting that in accordance with the European regulation the use of such fishing gear is prohibited in his Country and appealed to other Countries to do likewise.

109. The representative of Tunisia emphasised that his Country prohibited the use of large drift nets in the waters under its jurisdiction.

110. The Meeting then considered the draft Resolution 2.13 with a view to its adoption.

Draft Resolution 2.14: Protected areas and cetacean conservation (MOP2/Doc 30) and Introductory note (MOP2/ Doc 48)

111. The Chair of the Scientific Committee recalled that protected areas were a crucial feature of the Agreement Conservation Plan. When drafting those documents, the Committee had endeavoured to draw up criteria for the identification of areas of importance for cetaceans whose protection would enjoy special status, and a proposal format, gathering the necessary knowledge and collaborating with the States concerned to carry out those tasks under the auspices of the relevant legal instruments.

112. The Meeting then considered the draft Resolution 2.14 with a view to its adoption.

113. The representative of Croatia expressed gratitude to the Principality of Monaco for its support for the project to establish a specially protected area in the Cres-Losinj Archipelago. Preliminary results of the project were presented by Blue World.

Draft Resolution 2.15: Guidelines on tissue banks (MOP2/Doc 31)

114. In connection with the consideration of draft Resolution 2.15 the Chair of the Scientific Committee informed the Meeting of the work of the Committee on the question of tissue banks. A working group had been set up to work on the preparation of guidelines.

115. Mr. Alex Aguilar, coordinator of the working group, recalled that the development of tissue banks was among the priorities identified by the Parties. He then presented the main recommendations of the working group, which had met in Tajura, in Libya. It had dealt in particular with questions relating to the financing of the banks, the contribution of stranding networks in terms of providing the banks with samples, and the facilitation of exchanges of tissue samples, having due regard for CITES requirements.

116. The Meeting then considered the draft Resolution 2.15 with a view to its adoption.

117. One delegation pointed out that draft Resolution 2.8 would make the granting of derogations for biological sampling subject to supply, where possible, of samples to the tissue banks.

Draft Resolution 2.16: Assessment and impact assessment of man-made noise (MOP2/Doc 32)

118. The Chairperson of the working group set up to revise the draft said that the new version included more precise references to certain potentially harmful activities, and stressed the importance of the precautionary principle and the need for ACCOBAMS to collaborate with all the sectors concerned.

119. The Chair of the Scientific Committee noted that, under paragraph 2 of the draft Resolution, the reference to experimentation had been deleted. Stressing the importance of careful experimentation in order to address the problem of noise, he observed that the same concept was contained in the third insert of the paragraph and reflected in the appropriate section of the working programme.

120. The Meeting then considered the draft Resolution 2.16 with a view to its adoption.

Draft Resolution 2.17: On the release of cetaceans into the wild (MOP2/Doc 33 rev 1)

121. The Chair of the Scientific Committee pointed out that the release of captive cetaceans can pose major risks to wild populations and other ecosystem components (genetic pollution, introduction of pathogens...), one of the most exposed species being the Black Sea bottlenose dolphin. Guidelines should therefore be developed to help decision-makers take appropriate measures, in close liaison with the ACCOBAMS Scientific Committee.

122. The Meeting then considered the draft Resolution 2.17 with a view to its adoption.

Draft Resolution 2.18: Preliminary Strategic Action Plan for the conservation of cetaceans in the Black Sea (MOP2/Doc34)

123. The Executive Secretary said that, since the project document had not reached the Secretariat in time and neither the Scientific Committee nor the Parties had been able to examine it, the draft Resolution was de facto withdrawn and the Secretariat would convey the document to the riparian

Countries and to the Scientific Committee for comment and finalization. It would then be sent back to the riparian Countries to facilitate the preparation of national action plans.

124. At the request of the Chairperson, Mr. Alexei Birkun outlined the Strategic Action Plan.

Draft Resolution 2.19: Abundance and distribution of cetaceans within the ACCOBAMS Area (MOP2/Doc 35)

125. Introducing draft Resolution 2.19, the Chair of the Scientific Committee said that a number of conservation measures provided for by the Agreement were difficult to implement on account of the lack of data on the abundance of populations. It was therefore important to have a programme to study the abundance and distribution of cetaceans in the Agreement Area. That activity would be one of the most important scientific activities on ACCOBAMS' agenda in the coming years, with regard both to the amount of work to be carried out and to the resources needed. A balanced involvement of Countries in this activity should be ensured.

126. Ana Cañadas explained that cetacean population estimates for the Mediterranean were inadequate and highly diverse. She then outlined the activities that would need to be carried out to fill those gaps.

127. The representative of Romania informed the Meeting about the cetacean assessment project planned in the Black Sea in close collaboration between Black Sea Commission and ACCOBAMS.

128. In order to inform the Meeting about a number of programmes and initiatives that were relevant to ACCOBAMS, the floor was given to the relevant NGOs (IFAW, Ocean Alliance, ECS), which presented the campaigns conducted within the ACCOBAMS framework.

129. After the presentations, the Executive Secretary warmly thanked the partner organizations and said that the Secretariat looked forward to the results of those initiatives so that they could be utilized in the implementation of ACCOBAMS.

130. The Meeting then considered draft Resolution 2.19 with a view to its adoption.

Draft Resolution 2.20: Conservation plan for short-beaked common dolphins in the Mediterranean (*Delphinus delphis*) (MOP2/Doc 36)

131. The Chair of the Scientific Committee and the author of the project, Mr. G. Bearzi, briefly outlined the conservation plan for that endangered population, whose decline seemed to be mainly attributable to human activities. He drew attention to several amendments to the draft, made by the working group set up by the Meeting to examine the document. Several delegates thanked the working group whose members had worked in an innovative way, reconciling the views of EU member and non-member Countries. The Meeting recognized that it was important for the implementation of the action plan to have the support of a coordinator and requested the Secretariat to make proposals on that subject.

132. The Meeting then considered the draft Resolution 2.20 with a view to its adoption.

Draft Resolution 2.21: Assessment and mitigation of the adverse impacts of interactions between cetaceans and fishing activities in the ACCOBAMS area (MOP2/Doc 37)

133. Introducing the discussion on draft Resolution 2.21, the Chair of the Scientific Committee outlined ACCOBAMS' programme on interactions between certain human activities and cetaceans.

134. Mr. Chedly Rais introduced the project on assessment and mitigation of the adverse impacts of interactions between cetaceans and fishing activities. The project had been finalized at a joint meeting with FAO-GFCM and RAC/SPA.

135. The Meeting then considered draft Resolution 2.21 with a view to its adoption.

Draft Resolution 2.23: Education strategy and programmes (MOP2/Doc 39)

136. The representative of WDCS described the education programme for young people and local communities drawn up for the Secretariat by WDCS and ASMS and proposed in the annex to the draft Resolution. The purpose of the programme was to raise awareness about cetaceans and rally support for conservation measures through various media and educational activities.

137. One delegate said the initiative proved the ability of ACCOBAMS to generate genuine, fruitful partnerships by mandating NGOs to carry out specific tasks, and the usefulness of officially designating Partners to the Agreement.

138. The representative of Malta welcomed the programme and proposed its further development.

139. The Meeting then considered draft Resolution 2.23 with a view to its adoption.

Draft Resolution 2.25: Prey depletion (MOP2/Doc 41)

140. The Chair of the Scientific Committee briefly outlined the ecosystemic approach of the project: systematic collection of information on the diet of cetacean species covered by the Agreement so as better to assess their needs, and application of trophodynamic models to research data.

141. The Meeting then considered the draft Resolution 2.25 with a view to its adoption.

Draft Resolution 2.28: On the promotion of photo-identification activities (MOP2/CRP1)

142. Following the presentation by the Chair of the Scientific Committee on the purpose of the Resolution, one delegate welcomed ACCOBAMS' collaboration with the Europhlukes programme. He invited the Secretariat to propose ways of ensuring the sustainability of that programme whose funding by the European Commission would soon come to an end. Following a discussion about the relevance of that activity, the Executive Secretary recalled that photo-identification was one of the priority activities adopted by the First Meeting of the Parties and that it was to be reported on at each Meeting, particularly with regard to the assessment of results. She added that the continuation of Europhlukes would not be funded entirely by ACCOBAMS and thanked the European Cetacean Society for the commitment it had undertaken in that regard. Encouragement should therefore be given to such useful activities which reflected the concerns of the Parties to the Agreement.

143. The Meeting then considered the draft Resolution 2.28 with a view to its adoption.

Recommendation 2.2: Advisory role of ACCOBAMS in CITES appendices amendments (MOP2/Doc 45)

Recommendation 2.3: Advisory role of ACCOBAMS in CMS appendices amendments (MOP2/Doc 46)

144. Introducing the two draft Recommendations, the Executive Secretary said that in both cases the texts were simple, logical and useful, aiming as they did to ensure greater consistency between the organizations, as required by sound environmental governance.

145. The Meeting then considered the two draft Recommendations with a view to their adoption.

Cetacean research and conservation in Georgia (MOP2/Inf 29)

146. Introducing the information document on cetacean research and conservation in Georgia, Mr. Giovanni Bearzi reported on the exploratory visit the Tethys Research Institute had made in August 2004 for ACCOBAMS to the Marine Ecology and Fisheries Research Institute (MEFRI) in Batumi (Georgia). The visit had enabled the way to be paved for a cetacean conservation strategy and particularly for local capacity building.

147. One delegate said that it was an excellent initiative and an example to be followed in the field of training, both on account of the careful selection of candidates and of the follow-up on the ground, and commended the Secretariat on its responsible selection of candidates and trainers.

148. The representative of Romania observed that the success of the visit also reflected the usefulness and efficiency of the Batumi institute.

Conservation status of the common bottlenose dolphin (*Tursiops truncatus*): Assessment using morphological and genetic variation (MOP2/Inf 30)

149. Introducing the document, Ms. Karine Viaud, a researcher at San Diego State University, drew attention to the specific morphological features of the bottlenose dolphin, which for 10,000 years had lived in isolation in the Black Sea and could be said to constitute a separate subspecies, which justified the concerns for the population and appropriate conservation measures.

150. One delegate said in that connection that, thanks to ACCOBAMS action and despite commercial pressures, the Black Sea bottlenose dolphin could no longer be exported, which was a welcome development.

Towards a Conservation Plan for common bottlenose dolphins in the Mediterranean Sea (MOP2/Inf 33)

151. Introducing the document, the Chair of the Scientific Committee explained that the project was based on the approach already adopted for other species, but that the problems were very different because it was a more abundant and widespread species which raised critical problems, especially on account of interactions with fishing activities.

152. The delegate of Spain pointed out that, according to IWC, the species concerned mainly suffered, across the world, from a very high level of pollution which affected its fertility rate. The fact was that there was no provision in the action plan for research on contamination.

153. The Chair of the Scientific Committee said that all specialists wishing to cooperate with the Committee were welcome, and that the shortcomings in the document could be explained by a lack of time, which left room for amendments to the initial plan.

Agenda item 14: Relations with other Organizations

154. The Meeting considered draft Resolutions 2.9 and 2.22 and draft Recommendations 2.2 and 2.3 concerning relations with other organizations (CBD, CMS, CITES and IUCN).

155. The representative of the Bern Convention stressed the importance of the co-operation and dialogue between the Convention on the Conservation of the European Wildlife and Natural Habitats in Europe and the ACCOBAMS Agreement, as it has been from the very beginning of the elaboration of ACCOBAMS. One example of such co-operation is the financial support from the Bern Convention for the preparation of the Preliminary Conservation Action Plan for Cetaceans of the Black Sea, one of the Regions of common interest for both instruments. Cetaceans are protected under the Convention and are matter of a significant number of resolutions and recommendations. Related to marine and

coastal biodiversity, the Council of Europe jointly with UNEP, within the framework of the Pan-European Biological and Landscape Diversity Strategy (PEBLS) is supporting actively an initiative setting up the European Coastal and Marine Ecological Network. Within this project a meeting gathering all stakeholders tackling with marine biodiversity issues in Europe has been foreseen in 2006 in order to set up priorities implementing the network. The aim of such event is to facilitate an exchange of information and strengthen co-operation and synergies between parties involved in the conservation of marine and coastal biodiversity as the Accobams Agreement.

156. The Executive Secretary introduced a draft Resolution stressing the important role of NGOs and thanking them for the valuable contributions and encouragement to ACCOBAMS.

Agenda item 15: Adoption of Resolutions and Recommendations

157. The Resolutions and Recommendations adopted at the Second Meeting of the Parties to ACCOBAMS appear in Annex VII to this report.

Agenda item 16: Other business

158. WDCS drew attention to the continued establishment of so-called “rehabilitation centres”, “swim-with programmes” and other captive dolphin leisure facilities whose purpose was unclear or questionable. At its second meeting in Istanbul, the Scientific Committee had expressed concern about such commercial operations which were likely to cause increasing conservation problems for wild cetacean populations through illegal takes and reintroductions. Some of the dolphins displayed were claimed to be “captive-bred” but no mechanism was in place to confirm that. Particular matters of concern were the continued trade in bottlenose dolphins from the Black Sea irrespective of existing trade restrictions, and possible disease transmission from alien species. While CITES was mandated to regulate international trade in endangered species, it would be useful for the Scientific Committee of ACCOBAMS to provide assistance in undertaking genetic analyses and identification of the animals in trade.

159. On the proposal of one delegation, the Meeting issued Resolution 2.29 thanking the organizers of the Meeting, the Secretariat of ACCOBAMS and the Principality of Monaco in recognition of their crucial role and support for the Agreement.

160. The Meeting then considered the Resolution 2.29 with a view to its adoption.

Agenda item 17: Date and venue of the Third Meeting of the Parties

161. The Meeting accepted the offer by Croatia to host the Third Meeting of the Parties in 2007 and expressed its gratitude to the Croatian Authorities for their kind and generous offer.

162. The Meeting then considered the Resolution 2.27 with a view to its adoption.

Agenda item 18: Adoption of the report of the Meeting

163. The meeting adopted the its report

Agenda item 19: Closure of the Meeting

164. After the exchange of the usual civilities the Chairperson closed the meeting at 5.40 pm (Friday 12th November 2004).

ANNEX I

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**UNITED NATIONS ENVIRONMENT PROGRAM (UNEP) /PROGRAMME DES NATIONS UNIES POUR
L'ENVIRONNEMENT (PNUE)**

and

**CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS
CONVENTION SUR LA CONSERVATION DES ESPECES MIGRATRICES APPARTENANT A LA FAUNE
SAUVAGE (CMS)**

and

**AGREEMENT ON THE CONSERVATION OF SMALL CETACEANS OF THE BALTIC AND NORTH
SEAS/ACCORD SUR LA CONSERVATION DES PETITS CETACES DE LA MER BALTIQUE ET DE LA MER
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ANNEX II

AGENDA

1. Welcome addresses
2. Granting the right to vote
3. Election of the Bureau
4. Adoption of the Agenda
5. Admission of Observers
6. Establishment of the Credentials Committee
7. Opening Statements
8. Progress reports by:
 - (a) Depositary
 - (b) Secretariat
 - (c) Bureau
 - (d) Chair of the Scientific Committee
 - (e) Sub-Regional Coordination Units
9. Report by the Credentials Committee
10. National reports
 - (a) Synthesis of the National Implementation Reports of the Parties
 - (b) Range States activities
 - (c) Format of National Implementation Reports: follow up of the Resolutions and Recommendations
11. Institutional dispositions:
 - (a) Status of the Secretariat
 - (b) Appointment of Scientific Committee Members
12. Financial arrangements:
 - (a) Report by the Secretariat
 - (b) Report of the Fund Management Controller
 - (c) Adoption of the Budget for the period 2005-2007
 - (d) Establishment of the Supplementary Conservation Grants Fund
13. Implementation of the Agreement
14. Relations with other Organizations
15. Adoption of the Recommendations and Resolutions
16. Other business
17. Date and venue of the Third Meeting of the Parties
18. Adoption of the Report of the Meeting
19. Closure of the Meeting

ANNEX III

REPORT OF THE DEPOSITARY

Since the first Meeting of the contracting Parts, the Depositary recorded the deposit of the instruments of ratification of 5 Riparian States as well as the notification of the Greek Republic confirming that its signature of the Agreement on November 24, 1996 was valid as ratification.

The Depositary informed all the contracting Parties, the European Community, the Section of the treaties of the United Nations, the Permanent Secretariats of the ACCOBAMS and of the CMS of these accessions and the dates of entry into force of the Agreement for each of these Countries.

In addition, the Depositary, through the various Diplomatic Officers of the Principality of Monaco, supported the Permanent Secretariat in its relations aiming at raising the awareness of the other Riparian states and the European Commission for their accession.

Table hereafter presents the list of Contracting Parties of contracting, at the date of October 31st, 2004:

COUNTRY	SIGNATURES	RATIFICATIONS		ENTRY INTO FORCE
	Dates	Date of the Tool	Deposit of the Tool	
ALBANIE	24/11/1996	25/05/2001	03/07/2001	01/10/2001
ALGERIE				
BOSNIE-HERZEGOVINE				
BULGARIE	16/09/1999	23/09/1999	10/11/1999	01/06/2001
CHYPRE	24/11/1996			
COMMUNAUTE EUROPEENNE				
CROATIE	24/11/1996	03/05/2000	10/07/2000	01/06/2001
EGYPTE				
ESPAGNE	24/11/1996	07/01/1999	02/02/1999	01/06/2001
FRANCE	24/11/1996	26/02/04 (AA)***	10/03/2004	01/06/2004
GEORGIE	24/11/1996	30/03/2001	31/05/2001	01/06/2001
GRANDE BRETAGNE				
GRECE	24/11/96*	24/11/96*	24/11/96*	01/06/2001
ISRAEL				
ITALIE	24/11/1996			
LIBAN				
LIBYE		12/05/2002	18/06/2002	01/09/2002
MALTE	23/03/2001*	23/03/2001*	23/03/2001*	01/06/2001
MAROC	28/03/1997	13/05/1999	05/07/1999	01/06/2001
MONACO	24/11/1996	25/04/1997	30/04/1997	01/06/2001
PORTUGAL	24/11/1996	30/09/2004	15/10/2004	01/01/2005
REPUBLIQUE FEDERALE DE YOUGOSLAVIE				
ROUMANIE	28/09/1998	13/06/2000	17/07/2000	01/06/2001
RUSSIE				
SLOVENIE				
SYRIE		07/02/02 (A)**	22/03/2002	01/06/2002
TUNISIE	24/11/1996	31/12/2001	15/01/2002	01/04/2002
TURQUIE				
UKRAINE		09/07/2003	23/10/2003	01/01/2004

* Signature valant ratification

** A = Adhésion

*** AA = Approbation

ANNEX IV

REPORT OF THE SECRETARIAT

This report covers the main events of the period 2002-2004.

The Secretariat's normal administrative activities such as distribution of information, advertising, letting and follow-up of work contracts for projects etc., are not considered.

I. Previous history

A/ Installation of Permanent Secretariat

The Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic area was adopted in 1996 during the plenipotentiary meeting.

The final item indicates that the Principality of Monaco would be the Depositary of the Agreement and in activating the instrument would provide the interim Secretariat together with the CMS Secretariat.

Following on from contracts with CMS in 1997, it was agreed that the Principality of Monaco would assume the majority of the tasks during this interim stage, maintaining contact with the parent Convention

Initially, the interim Secretariat was placed under the Public Works and Social affairs Department (Environment Service), then under the Department of the Environment, Urbanism and Construction and was then placed under the Department of International Cooperation for Environment and Development.

This integration allowed the interim Secretary, Dr MC Van Klaveren, to operate full-time.

All activities of the interim Secretariat have been financed by the Principality of Monaco, allowing for easier contact with neighbouring states and with the Secretariats of international governmental and non-governmental organisations.

The first Meeting of the Contracting Parties (in February-March, 2002) established the Permanent Secretariat and accepted the offer of remaining in the Principality of Monaco.

From 2002 to the first quarter of 2004, the Secretariat was within the Department of International Cooperation for Environment and Development. Since summer 2003, the Secretariat has been integrated into the Department of Foreign affairs. New, more spacious, and better adapted offices allowing for the staff accommodation and additional equipment were allocated.

B/ Secretariat support

The Secretariat has benefited from the substantial support of two Countries, not Parties to the Agreement, by providing staff.

From September 2002 to November 2003, the Turkish Ministry of the Environment seconded a biologist, Mrs Ebru Francour-Coskun, to the Secretariat for a renewable period of six months. In her own Country she was in charge of files concerned with International Conventions. Her contribution has been very profitable especially in developing technical documents, and she has contributed to the development of ties between national and regional interests under the Agreement.

In 2004, the Italian Ministry of the Environment seconded a young lawyer, Miss Caterina Ronchieri, who remained until August 2004, as well as Miss Roberta Mazzucco, a communications specialist with experience of international relations, whose expertise is irreplaceable.

Since the middle of August, a young German expert, Miss Dilara Betz, has on her own initiative made an efficient full-time contribution to the Secretariat.

In addition, the Spanish Ministry of Environment seconded a young expert, Miss Carolina Lopez, who provided valuable assistance in preparations for the Second Meeting of the Contracting Parties, as much within the Secretariat as from the Ministerial office.

- ❖ Given the ever-increasing tasks of the Secretariat, such support has proved indispensable. The Executive Secretary encourages Parties, neighbouring States and Partners or non-Partners of ACCOBAMS Organisations to support the Secretariat by seconding staff for periods of not less than 6 months, in accordance with a profile established for the Secretariat.

II. Contacts with Countries

To facilitate the establishment of the Agreement, the Secretariat, representatives of the Principality, of CMS and its Agreements, have established contacts within each of the neighbouring States through meetings concerned with biodiversity and/or protection of the marine environment.

Through redistribution of work between the CMS and Agreements Secretariats, member States can be serviced more efficiently. The ACCOBAMS Secretariat has been put in charge of CMS, Eurobats and AEWA for southern and eastern Mediterranean Countries.

The ACCOBAMS Secretariat has made the most of opportunities to meet the authorities of different Countries, not yet Parties to the Agreement, in order to present the objectives of ACCOBAMS and facilitate their membership, as well as to meet with the authorities of certain Parties concerning the their activities under the Agreement.

Thus in 2003, interviews were held with the Egyptian Minister of Environment, the Moroccan Minister of Fisheries, the Ukrainian Minister of the Environment, the Georgian Minister of the Environment, the Italian Minister of the Environment, the President of the Council of Lebanon, and representatives of the Greek and Syrian Foreign Affairs authorities.

ACCOBAMS currently consists of 16 Parties. Two other Countries have almost completed their Accession formalities.

In accordance with Article VIII a) of the Agreement, Focal Points have been nominated by the Parties as well as by certain non-member Countries (MOP2/Inf 13). Some Countries have not yet officially named their Focal Points.

- ❖ The Secretariat draws the Parties' and neighbouring Countries' attention to the requirement to nominate Focal Points so that liaison can be established between the Secretariat and those Countries, and to provide the necessary information concerning changes taking place within their relevant administrations.

III. The major activities of the Secretariat

A/ To ensure financial resources for the implementation of national activities

Activities under the Agreement hinge on the application of the conservation plan translated into funded projects. Each such project needs funds sought for the short-, medium- and long-term.

Proposals were presented to private funding agencies and in the framework of establishing bilateral cooperation. Thus in 2004, during the ACCOBAMS meeting and workshops, a meeting was held in Libya with the representatives of the French, Spanish and Italian embassies.

Following that meeting, ACCOBAMS objectives were included in the collaborative programme to be agreed between France and Libya in 2005.

In Syria, a similar meeting was organised with the participation of the European community. The definition of a SMAP project was envisaged.

The Secretariat met with many difficulties organising such meetings. The main difficulty was to identify people in charge of the cooperation, as much by the Secretariat as by the Focal Points.

Establishing such a strategy for bilateral cooperation can only assist Countries in applying the Agreement.

- ❖ The Secretariat seeks the help of Parties and riparian Countries in obtaining better information, via the Focal Points, on bilateral cooperation programmes already underway or envisaged, so as to launch a strategy of financial activities answering the needs of Countries in applying the Agreement.

B/ Establishment of Supplementary Conservation Funds

In implementing Resolution 1.7 the Secretariat has established terms of reference for the Supplementary Conservation Funds (MOP 2/ Doc 20). Those funds will benefit from voluntary contributions from states and sponsors and be put towards national projects up to a maximum of 15000 Euros.

Over the period covered by this report, the Secretariat was able allow the contracting Parties to benefit from direct help and voluntary contributions using budgetary mechanisms.

- ❖ The Secretariat seeks contributions to this Additional Conservation Fund necessary for national activities in applying the Agreement, for the Parties, riparian States and non-governmental organizations. Such support can also result from bilateral cooperation programmes, contributions in kind or gifts from private and/or other organisations.

C/ Communication and awareness

The first Meeting of the Contracting Parties adopted a logo for the Agreement and a logo for ACCOBAMS' Partners, for official use.

This last has been used in:

- Web-sites of the Blue World Institute, ASMS Ocean Care, IMMRAC, Tethys Research Institute, WDCS;
- Letterheads for stationery, information and promotion documents, educational documents as in the WDCS and ASMS common dolphin awareness campaign for children, as well as in educational leaflets;
- Scientific projects and power point presentations

Public awareness material

English, French and Russian language brochures have been published. Translation into Arabic has been completed but publication is still awaiting the necessary funds.

A poster was produced and distributed throughout schools and international and national events.

Four bulletins have been published.

Given the cost of printing and distribution an electronic version was produced, called FINS. The first was distributed to more than 2000 correspondents and requests have continued to increase.

A compilation of Press articles concerning ACCOBAMS was prepared for presentation at MOP2 (MOP2 Inf 15). Around 50 articles were collected illustrating the publicity for ACCOBAMS over its geographical area.

During the Annual Environment Day of UNEP, the Agreement was promoted in the Principality of Monaco, involving 300 schoolchildren. In this frame, several presentations were held:

- Conferences for children and the general public on the conservation of Cetaceans;
- Interview by SAS the Hereditary Prince by a young representative of schools in the Principality;
- Realization of a MCQ

Similarly, ACCOBAMS contributed to the Cetacean Club created for the young students in Monaco, by preparing posters illustrating the different cetacean species and by distributing educational material. ACCOBAMS was represented at the Children's Salon, organised by the Principality in 2002.

Several information posters were produced for an exhibition organised by UNEP in Johannesburg (RIO + 10) and for a CMS travelling exhibition..

For whale watching, guidelines and information documents illustrating the Agreement, including an operators' guide produced by WDCS, were distributed to whale watching organisations and distributed to tourist agencies throughout the Principality.

In 2003, ACCOBAMS collaborated with the Nicolas Hulot Foundation among young people of the Principality, to promote awareness of biodiversity conservation among young people. An educational session was organised on board the *Fleur de Lampaul*, the Foundation's vessel, as well as on a one-week cruise in the waters of the Pelagos Sanctuary, where several species of cetaceans have been seen.

A science web-site was created; it illustrates the activities of the Scientific Committee and those in the frame of capacity building activities developed by the Secretariat.

A Social Science thesis on ACCOBAMS was completed by Dr. Sarah Gotheil of the Social and Political Sciences Faculty, University of Lausanne. The 175 page thesis will soon be available on the ACCOBAMS web-site.

An educational brochure in French has been prepared in collaboration with the Swiss Cetacean Society. It has been distributed especially in schools. An English version is being prepared.

An information leaflet on ACCOBAMS activities has been produced in French and English and distributed widely.

In 2003, the Secretariat distributed to Contracting Parties a package of documents together with a CD-rom presenting French, English, Arabic and Russian versions.

On this occasion the Secretariat solicited the Focal Points for publication, either in one of the four languages as appropriate or in the national language with the Secretariat's support.

This initiative did not meet with its expected success; as for other activities, an increase in commitment of Focal Points is highly recommended.

- ❖ The Secretariat solicits the support for the Focal Points and relevant institutions in the diffusion of information at a national level concerning the Agreement, its objectives and activities.

D/ Institutional Relations

Sub-regional coordination Units

Implementation of the Agreement should be facilitated by the two sub-regional Coordination Units allowing to promote synergies with organisations already active in the Agreement area i.e. the Barcelona and the Bucharest Conventions.

The Contracting Parties have entrusted that role to the Regional Activity Centre for the Specially Protected Areas of the Mediterranean and to the Commission for the Protection of the Black Sea against Pollution. A memorandum of cooperation, describing the basis for the collaboration needed to establish the Agreement for each of the two Sub-regional Coordination Units, was signed for the Mediterranean on the occasion of the meeting of the Parties at ACCOBAMS, and for the Black Sea, during the 9th Ministerial Conference of the Commission for the Protection of the Black Sea against Pollution (12-14 June 2002 in Sofia).

The Sub-regional Coordination Units prepared reports for presentation to the Meeting of the Parties (MOP2/ Docs 11 and 12).

The two Coordination Units undertook their cetacean conservation activities within the framework of their programmes and of their agreements with PAM and the Bucharest Convention, respectively.

Some activities were carried out in collaboration with the Secretariat, in accordance with its priorities.

As a general rule, exchanges were more developed with the Mediterranean than with the Black Sea; the structure and functioning of CAR/ASP were more adapted to the role conferred by the Parties.

The contents of the reports demonstrated some ambiguity between these structures' missions vis à vis their parent institutions and the missions dedicated to ACCOBAMS. Such ambiguities are also apparent in duplication between pre-existing plans of action in the two sub-regions and the action plan of ACCOBAMS. The former were intended to become obsolete as the Parties acceded to ACCOBAMS, as it was obvious that the same State could not operate two almost identical action plans, sometimes through different institutions, and have to answer for their actions to different institutions.

The Units' budget allocated in the Triennial budget was only partly spent on the Units' representatives' participation at the meetings of the Scientific Committee and at a meeting related to the establishment of the Black Sea Commission. It should also be remembered that not all the funds listed in the ordinary budget were available.

The experience obtained during this first Triennium will enable the Secretariat to identify how to optimise the role of the Units.

- ❖ The Secretariat emphasises the need for better functioning with the coordination Units. That should occur through defining a precise annual programme. The attribution of funds should be related to the nature of the activities to be developed. Those activities should reflect the priorities adopted by the Parties and the procedures for establishing programmes and exchange of information with the Secretariat.

ONG and Partners

ONG and Partners have shown great interest in the establishment of the Agreement. Their collaboration with the Secretariat was related as much to research, capacity building, awareness and promotion of the Agreement as with preparation of the conservation plans.

Collaboration included:

- With IFAW in a sightings programme for sperm whales in 2003 in the Ionian Sea (cf MOP2/ Inf 10) and in 2004 in the Eastern Mediterranean. These two projects involved scientific participation over the ACCOBAMS zone and resulted in press coverage for the Agreement in the Countries involved especially in Malta and Monaco through public awareness events.

- With Ocean Alliance in 2004 for a project in the Mediterranean on the distribution and concentration of pollutants in 'top' predators such as the sperm whale and large pelagic fish. This type of study is in addition to projects on genetics, photo-identification, acoustics and trophic relations. Some scientists from Mediterranean riparian Countries participated (cf MOP2/ Inf 11).

For such activities, the Secretariat has had to seek research permission in the relevant Countries. These demands, for which support from the Focal Points was necessary, are varied, relatively complicated, difficult to identify and took up much of the Secretariat's time.

❖ Through the Resolution 2.11, the Secretariat seeks a mandate from the Parties to prepare a document regrouping the official procedures to be undertaken for research in riparian Countries and underlining the importance of the support of the Countries for such requests so as to reduce and/or lighten the delays and procedures required by those administrations in charge of providing the necessary authorisation.

WDSCS and ASMS provided additional administrative and financial expertise in preparing the *Delphinus delphis* Conservation Plan and in promoting awareness of the species.

The Slovenian Adriatic Society Project, ONG, undertook promotional activities at a national level.

The Secretariat presented several requests to the Bureau for recognition as ACCOBAMS Partners Status. All these organisations received favourable responses from the Bureau. The ACCOBAMS Partner list can be found in MOP2/Inf14.

Relationship with the Bureau

Since the first meeting of the Parties, two meetings with the Bureau have been organised by the Secretariat. Details are given in MOP2/Doc 9.

Relationship with the Scientific Committee

The Secretariat organised two Scientific Committee meetings: in Tunis in October 2002 and in Istanbul in November 2003, where the two sub-regional coordination units are based, so as to facilitate contacts and benefit from logistic support.

In 2004, The Scientific Committee has been unable to meet for the following reasons:

- The Secretariat was fully occupied in organising the November 2004 MOP2.
- Members of the Committee participate in field work at sea from June to August.
- Delays in submission of working documents for MOP2 (due in July for the Budget project and September for the others) reduced to eight months the Committee's active period and the need for its members to concentrate on these matters.

The second Scientific Committee Meeting (SC2) was opened widely to the scientific community: more than 30 observers assisted Committee members. A workshop on acoustic disturbance preceded the meeting.

The relatively full SC2 agenda reduced exchange between scientists during its plenary sessions. The Committee sought a review of arrangements for the next meeting; it should include associated workshops to take advantage of such a large gathering of scientists.

Concerning the functioning of the Committee:

Committee members sought development of certain subjects for MOP2 intersessionally. The degree of members' participation was irregular and not proportional to the needs for a good functioning of the Committee itself. In July 2004, in preparing for MOP2, the Secretariat proposed criteria for nomination of new representatives (document available at the Secretariat).

In addition, procedures for the preparation of established Resolutions as recommended by the Committee need to be established and clarified before MOP3.

- ❖ The Secretariat is well aware of the necessity for a strictly scientific level of discussion in the Committee. In this context, the Secretariat underlines the gap, which exists between the SC and the MOP. Although the Bureau represents the organisation intersessionally, its general mandate concerns financial questions (reorientation of budgetary items) and designations of Partners. With this in mind, the Secretariat seeks the advice of the Parties on an intermediary consultative structure to operate between meetings of the SC and the Parties. The frequency of these respective meetings could be:
- Scientific Committee: annually;
 - Intermediary organ (extended Bureau, Focal Points meetings) half-way through;
 - MOP every three years.

Partnership with the public

The Agreement also allows for the possibility of receiving additional funding for conservation actions. The Secretariat has prepared an investment file and approached Societies based in Monaco with the idea of developing an environment and conservation programme.

Among those societies:

Promocom, the Monegasque Water Board, the Monegasque Electricity and Gas Board, have continued to contribute to the functioning of the Agreement.

Other organisations such as the Monte Carlo Yacht Show, the SNCM, (National Maritime Mediterranean and Corsica Society) Monaco Yacht Club, have shown a lively interest in the Agreement's objectives.

Nevertheless, involvement in this type of activity requires much time which the Secretariat cannot always afford and only provides limited support in actual economic terms.

E/ Capacity building

In meeting the priority agreed by the Parties at their first meeting, the Secretariat has developed many lines of activity (cf MOP2/Inf 7).

Subjects concerned were:

- Development of a cetological knowledge base for scientists from institutes in charge of cetacean conservation (Morocco, Bulgaria, Romania, Italy, Libya, Greece and Slovenia) and for public administrations involved in the management of the Pelagos Sanctuary (Italy)
- More specialised programmes (photo-identification) for Black Sea scientists (Ukraine, Russian federation and Georgia)
- Participation in sightings programmes and acoustic studies (IFAW and Ocean Alliance) within the scientific zones of the Agreement

- Setting up of a regional strandings network

To establish the network, a national network programme was launched. The first centre of activity was in Syria; in 2005 ACCOBAMS member states that have not developed such a network will benefit from the programme.

- So as to optimise the capacity building programmes knowledge of the Countries is needed. Such an approach was developed in Georgia in 2004 (cf MOP2/Inf 29).

In the frame of these capacity building activities, the Secretariat has had to face several problems concerning:

Candidate selection:

Difficulties were encountered in the nomination of candidates.

To optimise the formation and the investment in the light of the limited resources available, it is axiomatic that Countries nominate candidates from national institutions in charge of applying ACCOBAMS (or cetacean conservation in a wider sense if the Country is not a Party) and destined to remain active.

Future educational programmes foresee follow-up in the Countries concerned.

Obtaining visas

In many cases, and not only in the frame trainings programmes, participants require visas. Procedures are often long and costly. They involve:

- Office expenses;
- Travelling expenses for the applicant, usually covering trips for the presentation of the application and collecting of visa;
- Translation expenses (for example in Arabic Countries),
- Long delays often experienced in issue of the document;
- A diversity of procedure according to the Country (or even understanding of the procedure to be followed)
- Special postal expenses involved for invitation to meetings

❖ The Secretariat urges Parties and riparian Countries of the Agreement to consider the possibility of setting up a system to facilitate provision of visas.

F/Research and monitoring

Research programmes have been undertaken in collaboration with ONG (SEC, IFAW and Ocean Alliance). In these occasions the Secretariat sought research permits in the Countries concerned. Not all these requests were met and there were some unacceptable delays (six months). The Secretariat prepared a special Resolution (Res. 2.11) asking Parties to make available all the procedures necessary for the provision of permits.

G/ Guidelines elaboration

The Secretariat has prepared several guidelines either independently or following proposals from the Scientific Committee. The Whalewatching Guidelines (MOP2/Inf 8) adopted by MOP1 were adopted by the Contracting Parties at the Bucharest Convention and published jointly. The Secretariat prepared a special Resolution asking Parties to make available all the procedures necessary for the provision of permits.

IV Synthesis of National reports

Ten reports were received. Many arrived late. Only those received by the Secretariat before September 3rd have been included in the synthesis (MOP2/Doc13). The Secretariat circulated non-Party Countries inviting them to prepare on a voluntary basis a report on their Country's activities. Only Turkey complied.

V Promotion of the Agreement within pertinent Intergovernmental Organisations

In addition to attending meetings with the authorities of the Countries concerned and seeking sponsors, the Secretariat has contacted several Intergovernmental and Non-governmental Organisations and has participated at their meetings. These organisations include.

- ASCOBANS Advisory Committee, Hindas (Sweden), 9-12 June 2002; 10th Meeting of the Advisory Committee, Bonn, 9-11 April 2003; COP4 Esberg (Denmark), 18-22 August 2003; 11th Meeting of Advisory Committee, Jastrzebia Gora (Poland), 27-29 April 2004;
- EPHE Cetological Formation Course, 18/04/2004, Montpellier (France);
- BARCELONE (Convention of) Focal Points Meeting at ASP, Marseille, from 17th to 20th June 2003; 13th Meeting of the Contracting Parties, Catania (Italy), 11th to 14th November 2003;
- EUROPEAN COUNCIL (Berne Convention) 5th Meeting of the Group of Experts on Invading Exotic Species, Strasbourg, from 19th to 20th June 2003; Conference on Marine Biodiversity in European Seas, Dubrovnik (Croatia), from 14th to 18th October 2003; 23rd Permanent Committee, Strasbourg, from 1st to 4th December 2003;
- BSC (Black Sea Commission) 9th Black sea Commission meeting Sofia (Bulgaria) 14th June 2002; ICZM, Istanbul, 6-7 February 2003, Meeting, Istanbul, 26-30 October 2003;
- CBD (Biological Diversity Convention) 6th Parties Conference, 15/04/2002; SUBSTTA Montreal, from 10th to 14th November 2003; 3rd Conference on Biodiversity in Europe (European preparation for the COP7 of CBD), Madrid, from 19th to 23rd January 2004;
- CMS 7th Contracting Parties Meeting, Bonn, from 18th to 24th September 2002; 26th Permanent Committee Meeting, Bonn, from 17th to 18th July 2003; Scientific Council, Glasgow, From 31st March to 3rd April 2004; 25th Anniversary of the Bonn Convention, Berlin, 22nd to 24th June 2004, Working group Meeting with the Secretariats, Bonn, from 19th to 22nd September 2004;
- European Cetacean Society (ECS), 16th Conference, Liege (Belgium), 7-11/04 2002; 17th Conference, Las Palmas, 9 - 13 March 2003;
- Presentation of the Agreement to the General Direction of Environment and the General Direction of European Fisheries Commission, Brussels (Belgium), 12/04/02;
- GFCM: 5th Session, Rome from 1st to 4th July 2002, 27th Session, Rome, from 18th to 23rd November 2002; Ministerial Conference for the Development of Fishing in the Mediterranean, Venice, from 25th to 26th November 2003; SCME, Malaga, 10-12 May 2004, 29th Session, Rome, October 2004; Advisory Committee, Rome, 19-22 October 2004;

- IUCN, Mediterranean Conference of Mediterranean Protected Areas, Murcia (Spain), 26-30 March 2003; World parks Congress, Durban (South Africa), from 7th to 17th September 2003;
- IWC (International Whaling Commission), 55th Meeting, Berlin, 14-18 June 2003, Technical RMS meeting, Monaco 2002; 56th Meeting, Sorrento (Italy), 13-23 July 2004;
- RAC/SPA SAP BIO Advisory Committee, Tunis; 5-9 May 2002, Advisory Committee, Tunis, 23-25 January 2003; SAP BIO Advisory Committee and Nationals Correspondents; Athens, 7-8 May 2003; Euro Mediterranean Conference for Marine Protection, Tunis;
- From 12th to 14th September 2003; CAR/ASP Meeting, Tunis, from 1st to 4th March 2004;
- Preparatory SANCTUARY Meeting at MOP1, Monaco, 13th January 2003; 1st Meeting of Contracting Parties, Monaco, 17th February 2003; Working Group Meeting», Genoa, 12th March 2003; 4th «Development of Establishment Plan», Camogli (Italy), 24th September 2003; 5th Working Group Meeting ««Development of Establishment Plan» », Nice, 26th November 2003; 6^{ème} Working Group Meeting «Development of establishment Plan»», Monaco, 28th January 2004; 7th Working Group Meeting «Development of establishment Plan»», Monaco, from 5th to 6th February 2004; 8th Working Group Meeting «Development of establishment Plan»», Genoa, 17th March 2004; Working Group Meeting, Monaco, from 7th to 8th July 2004; 2nd Contracting Parties Meeting Elba, from 15th to 16th September 2004;
- "The First Egyptian International Conference on Protected Areas and Sustainable Development", Sharm-El-Sheikh (Egypt), 22-26 October 2002;
- UNITAR Workshop on integrated coastal zones management, Tunisia, from 6th to 10th October 2002.

❖ These contacts have permitted presentation of the Agreement, the research into common objectives and into activities to be developed together. At the same time, the Secretariat recommends that the Focal Points of the Agreement and those of other relevant Agreements relating to biodiversity and marine resources be co-ordinated.

The Secretariat has also participated in finalising a Life project for Romania centred on the ACCOBAMS objectives.

VI. List of Meetings organised within ACCOBAMS

MOP1 Monaco (28th February- 2nd March 2002; 1st Scientific Committee Meeting, Tunis, (1st to 10th October 2002), Bureau Meeting, Monaco (24th March 2003); First workshop to prepare the "National Action Plan for Dolphin Conservation in Romanian Black Sea waters" Constanta (Romania), 3-4 April 2003); «Capacity Building» Workshop, Monaco (17th July 2003); 2nd Scientific Committee Meeting, Istanbul, Turkey (20 - 22 November 2003); Workshop on by-catch, Rome, Italy (18-22 April 2004); Preparation and Organisation of MOP2, Palma de Majorca, (6 - 9 May 2004); Workshop on GuideLines for the use of pingers Rome, Italy, (28 June-1st July 2004); 2nd July 2004; Workshop on the establishment of a national strandings network , Lattaquié (Syria), (2-6 July 2004); Workshop on the elaboration of the Guide lines for tissue Banks, Tajura, (Libia), 29-03 June 2004.

VII. Other activities relevant for the implementation of the Agreement

The Parties and NGOs addressed the Secretariat on several issues related both to the interpretation and the implementation of the Agreement.

1/ Israeli Ministry of Environment asked on the position of ACCOBAMS and its Scientific Committee with regard to the release of captive dolphins. On the basis of such request, the Scientific Committee drafted the Resolution 2.17.

2/ Egyptian authorities asked on the interpretation of the text of the Agreement about the maintenance in captivity of Black Sea dolphins. A similar issue has been raised by Ukraine dealing with Dolphin therapy. The Scientific Committee has expressed its view on the matter.

3/ Several Countries demanded the Secretariat to be fully provided with both information and advice on the use of the acoustic devices. With regard to such issue, the Resolution 2.12 was drafted.

4/ The WWF informed the Secretariat on the use of driftnets by Morocco, not conformed to the Agreement Conservation Plan. Moroccan authorities were contacted by the Secretariat in order to provide any information on this subject and showed their concern and the willingness to solve the matter.

VIII. Relationships with CMS and PNUE

The Secretariat has developed permanent exchanges with the Secretariat of the Mother Convention of the Agreement.

Two inter-secretarial sessions took place at the Secretariat Headquarters in Bonn. As well, the Executive Secretary is in permanent contact with the Mother Convention.

Work sessions have also taken place with UNEP and especially with the Environmental Conventions Division so as to identify ways and means to reinforce the links with such Organisation.

Also in this context ACCOBAMS participated at the last but one meeting of all programmes and conventions concerning regional seas.

IX. Support for establishment of the Agreement

The Secretariat would like particularly to express its recognition of the support over the activities of this triennium of Governments and Intergovernmental and Non-governmental Organisations. Their assistance, both financial and in the provision of staff, and the interest shown in contacts between staff, has ensured substantial progress in implementing the Agreement. It represents direct evidence of encouragement for the work of the Secretariat.

The Secretariat is likewise very grateful to the members of the Scientific Committee and particularly to the Chair, for their commitment and availability. The results of such teamwork allowed us to prepare this Meeting and to offer a wide panel of Resolutions and scientific documents prepared on solid basis.

ANNEX V

REPORT OF THE BUREAU

Following the entry into force on 1st June 2001 of the Agreement on the Conservation of Cetaceans of the Black Sea, the Mediterranean Sea and Contiguous Atlantic Area, the members of the Bureau were elected by the First Meeting of the Contracting Parties.

The Meeting of the Bureau was held in Monaco on 24 March 2003 and written consultation was organized in early 2004.

The Bureau was chaired by H.E. Bernard Fautrier, Minister Plenipotentiary in charge of International Cooperation for Environment and Development (Monaco) and composed by: Mr. Besnik Baraj (Albania), Mr. Simion Nicolaev (Romania), M. Miguel Aymerich (Spain), represented by Ms. Maria Jesus de Pablo.

Dr. Giuseppe Notarbartolo di Sciara (Chair of the Scientific Committee of ACCOBAMS) also participated at the Meeting and reported on the activity of the Committee.

Mrs. Marie-Christine Van Klaveren, Executive Secretary of the Agreement ensured the Secretariat of the Meeting.

The full report of the Meeting of the Bureau was transmitted to all Contracting Parties.

The Executive Secretary regularly informed the Bureau on its activity and on the actions implemented, with the support of the Depositary, to extend the accession of the Riparian States to the Agreement.

The Bureau adopted the programs of works for 2003 and 2004 and the relevant budgetary allocations adjustments. He expressed his satisfaction that the Secretariat was able to keep the policy to devote 50% of the budget to the conservation of actions.

After having examined the budgetary situation of the Trust Fund, the Bureau decided to extend to 2003/2004 the 2002 system of calculation for ordinary contribution of the Parties, as adopted in Resolution MOP 1/1.6 annex 2.

The Bureau granted the status of ACCOBAMS Partner to the Spanish Cetacean Society (SEC), the World Conservation Union (IUCN), the "Ecole Pratique des Hautes Etudes of Montpellier (France)" (EPHE), "Blue World Institute of Marine Research and Conservation", "Israel Marine Mammal Research and Assistance Center" (IMMRAC) and "Conservación, Información e Investigación en Cetáceos" (CIRCE).

In line with the budgetary constraints, the Bureau decided that, if no activities of the Scientific Committee required particular decision, its next Meeting will be organized the day before the Second Meeting of the Parties in November 2004 (Spain).

The Bureau expressed its concerns about the impact of marine sonars and other man made noises on Cetaceans and urged the Scientific Committee to prepare a recommendation directed to governmental agencies, scientists, industry and the military on:

- The prohibition of any kind of cetacean harassment unless special derogation granted for scientific research after advice from the Scientific Committee (pursuant to Article II of the Agreement) and
- The use of active sonars and other man-made, high level underwater impulsive sounds.

The Bureau underlined that to be efficient, mitigation tools for maritime activities impact needed a strong commitment of the sea users. This commitment could be facilitate by several means like awarding or labelling. In order to have a first approach on this topic, the Bureau asked to the Scientific Committee to determine main human activities that could benefit from such action. A study was realized on this topic to be presented to the Contracting Parties.

When H.E. Fautrier retired from His functions, in August 2003, his Advisor M. P. Van Klaveren acted as Chairman.

ANNEX VI

REPORT OF THE CHAIR OF THE SCIENTIFIC COMMITTEE TO THE SECOND MEETING OF THE CONTRACTING PARTIES TO ACCOBAMS

This report summarises the activities of the Scientific Committee of ACCOBAMS occurred between the First and the Second Meetings of the Parties to the Agreement. During this period, the Committee met twice (Tunis, 2-5 October 2002; and Istanbul, 20-22 November 2003). To carry out during the intersessions specific actions adopted by the Meetings, several working groups were established. The report includes summaries of the outcomes of the meetings, a list of the recommendations adopted, and a brief description of relevant actions (concluded, in progress and proposed).

A more detailed description of the activities, as well as the full reports of both meetings, is available on the ACCOBAMS Science Website at <http://www.accobams.org/sc/index.htm>.

1. First meeting (Tunis, 2-5 October 2002).

The meeting was attended by 20 persons. Of these, 11 were members of the Committee, five were experts invited by the Secretariat, two represented, respectively, the Mediterranean/Atlantic and the Black Sea Sub-Regional Coordinating Units, and two represented the Secretariat. The members of the Committee included: (a) the four Regional Representatives (Abdellatif Bayed, Morocco; Drasko Holčer, Croatia; Anastasia Komnenou, Greece; Akaki Komakhidze, Georgia); the five components of the CIESM Panel of Experts for ACCOBAMS (Alex Aguilar; Alexei Birkun, Jr.; Pierre-Christian Beaubrun; Alexandros Frantzis; Giuseppe Notarbartolo di Sciara); (c) Representatives from the European Cetacean Society (Juan Antonio Raga) and the World Conservation Union (Andrew Read). Greg Donovan, Representative of the International Whaling Commission, could not attend and apologised for his absence.

2. Second Meeting (Istanbul, 20-22 November 2003)

The meeting was attended by 53 persons. Of these, ten were members of the Committee; 11 were invited experts; 22 were observers; five represented, respectively, the Mediterranean/Atlantic and the Black Sea Sub-Regional Coordinating Units, and five represented the Secretariat. The members of the Committee included: (a) the four Regional Representatives (Abdellatif Bayed, Morocco; Drasko Holčer, Croatia; Anastasia Komnenou, Greece; Akaki Komakhidze, Georgia); four¹ components of the CIESM Panel of Experts for ACCOBAMS (Alexei Birkun, Jr.; Pierre-Christian Beaubrun; Alexandros Frantzis; Giuseppe Notarbartolo di Sciara); (c) Representatives from the European Cetacean Society (Juan Antonio Raga) and the International Whaling Commission (Greg Donovan). Andy Read, Representative of the IUCN, could not attend and apologised for his absence.

3. Recommendations adopted

First meeting

Recommendation 1.1 on the use of acoustic devices (a matter of some urgency given that the use of acoustic devices in the Agreement area - pingers and Acoustic Harassment Devices- is on the increase. It was suggested that the matter be brought to the attention of the Parties as soon as possible).

Recommendation 1.2 on by-catch (in response to Implementation Priorities n. 2 and 3 adopted by MOP1, it was suggested that the matter be brought to the attention of the Parties as soon as possible, in

¹ The fifth component designated by the CIESM, Alex Aguilar, resigned from the Scientific Committee early in 2003 due to work overload.

order to allow the Secretariat to obtain updated information on cetacean bycatch in the Agreement area on an annual basis).

Recommendation 1.3 on fin whale research in the Mediterranean (focussing on the opportunity of establishing a link between ACCOBAMS and the Agreement on the Pelagos Sanctuary, *in primis* to harmonise research activities through an *ad hoc* meeting, possibly to be held in March 2003 at the ECS Annual Meeting in the Canary Islands).

Recommendation 1.4 on the establishment of tissue banks (In response to Implementation Priority n. 17 adopted by MOP1, to draft appropriate protocols for the collection, preservation and dissemination of samples to be presented for adoption at the Second Meeting of the Parties).

Second meeting

Recommendation 2.1 on guidelines for the use of acoustic deterrent devices – a way forward (to stimulate the organisation of an *ad hoc* workshop to develop a risk assessment framework in order to provide practical guidelines for the use of ADDs and other mitigation measures, and to define the Terms of Reference for such a workshop).

Recommendation 2.2 on pelagic gillnets in the ACCOBAMS area (urging the Parties to ACCOBAMS to address as a matter of high priority the problems of cetacean mortality still caused by this fishing gear in portions of the Agreement area).

Recommendation 2.3 regarding the relationship between ACCOBAMS and the Pelagos Sanctuary (recommending that the Secretariat explores how best to ensure that appropriate co-operation occurs between ACCOBAMS and the PELAGOS Sanctuary for the benefit of cetacean conservation).

Recommendation 2.4 on the Conservation Plan for cetaceans in the Black Sea (urging the Parties to support the funding of a Conservation Plan and to invite all Black Sea Riparian States to endorse the proposal).

Recommendation 2.5 on a fin whale workshop (to promote a workshop on fin whale research and management involving relevant fin whale experts from the region, and establishing the Terms of Reference for such workshop).

Recommendation 2.6 on national stranding networks (urging the Parties to develop appropriate networks where they do not exist and to encourage Riparian States to do the same, and send the information to MEDACES).

Recommendation 2.7 on man-made noise (defining a set of management and research activities to be undertaken to address and mitigate the problems).

Recommendation 2.8 on ship collisions (this emphasises the need to assess the impact of collisions on the most vulnerable populations of cetaceans, and to develop appropriate mitigation measures *via* an *ad hoc* workshop that might be organised in conjunction with the fin whale workshop recommended under 2.5).

Recommendation 2.9 on the fundamental need for information on abundance and distribution of cetaceans within the ACCOBAMS area (to draw the attention of the Parties to the fundamental importance of obtaining baseline population estimates and distributional information of cetaceans within the area as soon as possible), noting that this is the highest priority for research in the region if ACCOBAMS is to meet its conservation goals.

4. Completed actions

A summary of the actions completed between 2002 and 2004 is presented in Table 1. These include: conservation plan for common dolphins in the Mediterranean Sea (item n° 3); establishment of a link with the Pelagos Sanctuary Agreement to ensure cooperation on matters related to fin whale research and conservation (7); harmonisation of the Protocol on strandings and of the annexed Code of deontology to incorporate in such documents both ACCOBAMS' and RAC/SPA concerns (10); organisation of a workshop on tissue banks (11); drafting of a questionnaire to collect relevant information on the existence of problem areas in which damage from cetaceans to fishing or aquaculture activities occur (12); organisation of a workshop to develop a risk assessment framework in order to provide practical guidelines for the use of AHDs and other mitigation measures (12); drafting of a proposal for addressing and mitigating the adverse impacts of interactions between cetaceans and fishing activities in the ACCOBAMS area (12 & 13); request all Parties and Range States to provide to the Secretariat on an annual basis estimates of cetacean by-catches through their fishing operations (13); consult with EC officials on the problems related to fisheries interactions (13); adopt guidelines on whalewatching (17); create a web-based database on commercial whalewatching activities in the Agreement area (17); establish a link between the scientific committees of ACCOBAMS and the IWC on whalewatching (17); implementation of photo-id training programmes (21); establish a connection with the EU-funded Europhlukes programme (21); create a web-based database on research activities (22); create web-based directories useful for the implementation of ACCOBAMS work (23); adopt Scientific Committee procedures for the evaluation of research and management proposals (26); support an IWC workshop on methods for the evaluation of habitat degradation and its effect on cetacean populations (27); and elaborate a proposal for cooperation to the CBD/CMS Joint Working Programme and Global Register of Migratory Species (28).

5. Work in progress

The list of the actions still in progress at the present date is presented in Table 1. Actions in progress include: comprehensive cetacean population estimates and distribution in the ACCOBAMS Area (item n° 1), including the proposal for basin-wide Mediterranean sperm whale survey (2); conservation plan for cetaceans (harbour porpoises, common dolphins, bottlenose dolphins) in the Black Sea (4); conservation plan for bottlenose dolphins in the Mediterranean Sea (5); organisation of a workshop on Mediterranean fin whale conservation to set the bases for a conservation plan, possibly in connection with a workshop on collisions (7); support to the establishment of national stranding networks in Bulgaria, Romania and Syria, (10); organise a workshop on vessel collisions (16); promote further actions to support the orderly development of whalewatching in the Agreement area (17); review of the status of the establishment of specially protected areas for cetaceans in the Agreement area (18); support the creation of a long-term capacity building strategy (20); and support the development of guidelines on the application of the Precautionary Principle (25).

6. Items for future consideration

The list of the actions to be considered in the future is presented in Table 1. Actions suggested for future consideration include: definition of the procedures for the establishment, functioning and completion of an ACCOBAMS sighting database (Item n° 1); conservation plan for sperm whales in the Mediterranean Sea (6); conservation plan for fin whales in the Mediterranean Sea (7); conservation plan for harbour porpoises in the Mediterranean Sea (8); conservation plans for other regular cetacean species in the Mediterranean (Cuvier's beaked whales, long-finned pilot whales, Risso's dolphins, striped dolphins) in the Mediterranean Sea (9); establishment of a working group to support the development of stranding networks (10); strengthening of a system of Tissue banks (11); address the problem of prey depletion (14); address the problem of anthropogenic noise (15); further promote the establishment of specially protected areas for cetaceans in the Agreement area through field and desk

studies (18); support the establishment and functioning of an Emergency Task Force (19); and creation of a network of specialised bibliographic collections and databases (24).

In addition, the Scientific Committee will carry out a thorough review of its *modus operandi*, to ensure that it can best meet its responsibilities in an efficient and scientific manner.

7. Next meeting

The Third Meeting of the Scientific Committee is expected to take place within the first months of 2005, in a location still to be determined.

A handwritten signature in black ink, appearing to read 'G. Notarbartolo di Sciara', with a stylized, cursive script.

Giuseppe Notarbartolo di Sciara
Chair

Table 1 - Summary of actions undertaken by the Scientific Committee

N°	TITLE	165. ACTION(S)	OUTPUT	STATUS
1	Comprehensive cetacean population estimates and distribution in the ACCOBAMS Area.	1. To organise a workshop to start planning a comprehensive population abundance, distribution and structure study targeting all cetacean species throughout the Agreement area, in conjunction with a workshop to finalise plans for the Mediterranean sperm whale survey (item 2).	Workshop	In progress. Workshop will take place in Dec 2004.
		2. To define the procedures for the establishment, functioning and completion of an ACCOBAMS sighting database, as well as the criteria for inclusion of the data and a code of deontology.	Desk study	To be done, pending approval
2	Basin-wide Mediterranean sperm whale survey.	Based on pilot cruises implemented by IFAW in the Mediterranean in 2003 and 2004, proceed to draft of a proposal, to be harmonised with comprehensive survey targeting all species (see item 1).	Workshop	In progress. Workshop is being planned for Dec 2004.
3	Conservation plan for common dolphins in the Mediterranean Sea.	To commission drafting of conservation plan	Document	Done
4	Conservation plan for cetaceans (harbour porpoises, common dolphins, bottlenose dolphins) in the Black Sea.	To follow up the procedure for approval of the GEF medium-sized project throughout, or to find alternative donors.	Desk study	In progress
5	Conservation plan for bottlenose dolphins in the Mediterranean Sea.	To make progress in drafting of plan, and explore possibilities for EU funding through LIFE programme and addressing the problem of cetacean – fisheries interactions. Set up a small working group to draft a short document to explore the interest in appropriate circles.	Desk study, consultations	In progress
6	Conservation plan for sperm whales in the Mediterranean Sea.	The drafting of the plan should be completed after results of action under item 2 are available, through the identification of the main past and current threats, and the suggestion of mitigation measures.	Desk study	To be done, pending approval from MoP
7	Conservation plan for fin whales in the Mediterranean Sea.	1. To establish a link with the Pelagos Sanctuary Agreement to ensure cooperation on matters related to fin whale research and conservation;	Consultations	Done
		2. To organise a workshop on Mediterranean fin whale conservation to set the bases for a conservation plan, possibly in connection with Workshop on collisions (see item 16);	Workshop	In progress. Workshop is being planned for Spring 2005.

N°	TITLE	165. ACTION(S)	OUTPUT	STATUS
		3. To commission drafting of conservation plan.	Desk study	To be done, pending approval from MoP
8	Conservation plan for harbour porpoises in the Mediterranean Sea.	1. To collect detailed information on the distribution and density of harbour porpoises in the Northern Aegean Sea, as well as their relationship with the Black Sea population; 2. To commission drafting of conservation plan.	Field studies, desk study	To be done, pending approval
9	Conservation plans for other regular cetacean species in the Mediterranean (Cuvier's beaked whales, long-finned pilot whales, Risso's dolphins, striped dolphins) in the Mediterranean Sea.	To commission drafting of conservation plan.	Desk study	To be done in a future date
10	Strandings.	Secretariat to liaise with the RAC/SPA in order to ensure appropriate harmonisation of the Protocol on strandings and of the annexed Code of deontology to incorporate in such documents both ACCOBAMS' and RAC/SPA concerns.	Documents	Done
		Support to the establishment of National Stranding Networks (NSNs) in Member States	NSNs in Bulgaria, Romania and Syria	In progress

N°	TITLE	165. ACTION(S)	OUTPUT	STATUS
		<p>To establish an <i>ad hoc</i> Working Group to carry out the following tasks in cooperation with the relevant Sub-regional Coordinating Units:</p> <ol style="list-style-type: none"> 1. Implementing capacity building programmes to improve the functioning and geographic coverage of NSNs. 2. Promoting the involvement in the stranding effort of scientists and institutions capable of performing necropsies on stranded animals to determine the cause(s) of stranding and death, ascertaining the existence of pathologies, assessing health condition and parasite loads, and estimating the age of the animals. 3. Contributing to the strengthening of the existing system of Tissue Banks in the Agreement area (see item 11), where biological samples deriving from NSNs are stored to allow future pathological, toxicological and genetic investigations, and facilitate understanding of cetacean mortality causes and threats. 4. Developing techniques and guidelines to deal with the problem of live strandings. 5. Supporting the Emergency Task Force (ETF; see item 19) in case of unusual mortality events. 6. Promoting homogeneity among different NSNs to facilitate their functioning under the wider umbrella of an Agreement-wide Stranding Network. 	Creation of Working Group	To be done
11	System of Tissue banks	Organise a workshop to develop agreed protocols for collection, preservation and release of tissue samples, as well as to ensure effective networking between suppliers of samplers (e.g., strandings – item 10; and bycatch – item 13) and potential users in the various ACCOBAMS Countries.	Workshop	Done. Workshop took place in Tajura, Libya, May – June 2004.
		To strengthen the current system of Tissue banks in the Agreement area.	Organisation and funding	To be done
12	Competitive interactions between coastal dolphins and artisanal fisheries	<ol style="list-style-type: none"> 1. Create a working group to establish a procedure for the collection of relevant information on the existence of problem areas in which damage from cetaceans to fishing or aquaculture activities occur; 2. Prepare a questionnaire to collect the above information; 	Questionnaire	Done
		Organize a workshop to develop a risk assessment framework in order to provide practical guidelines for the use of AHDs and other mitigation measures.	Workshop	Done. Workshop took place in Rome on 28 June 2004

N°	TITLE	165. ACTION(S)	OUTPUT	STATUS
		Commission a proposal for rationally addressing the problem of competitive interactions in the Agreement area (see also item 13.1)		Done. "Project for mitigating the adverse impacts of interactions between cetaceans and fishing activities in the ACCOBAMS area" to be presented to MOP2.
13	Bycatch	<ol style="list-style-type: none"> 1. Commission a study of the current knowledge regarding the extent and magnitude of cetacean by-catches in the Agreement area (see also item 12); 2. Request all Parties and Range States to provide to the Secretariat on an annual basis estimates of cetacean by-catches through their fishing operations. 3. Facilitate the participation of ACCOBAMS in the efforts undertaken by the European Commission on by-catch 	Study	Done. "Project for mitigating the adverse impacts of interactions between cetaceans and fishing activities in the ACCOBAMS Area" to be presented to MOP2.
			Communication to Parties and Range States	In progress
			Consultations with EC officials	Done
14	Prey depletion	<p>The Scientific Committee to:</p> <ol style="list-style-type: none"> 1. promote the collection of systematic information on the diet of different cetacean species throughout the Agreement area, and its geographic, seasonal and ontogenetic variability, through direct analysis of stomach contents of bycaught and stranded specimens, and through biochemical investigations such as fatty acids and stable isotope analyses. 2. investigate the possibility of applying trophodynamic models to data deriving from population surveys, feeding ecology, and fishery ecology to facilitate our understanding of specific trophic issues 	Field studies, desk studies	To be done

N°	TITLE	165. ACTION(S)	OUTPUT	STATUS
15	Anthropogenic noise	<p>The Scientific Committee to assist in the implementation of:</p> <ol style="list-style-type: none"> 1. a geographic mapping of local marine ambient noise coupled with similar mapping of the distribution and abundance of cetaceans within the agreement area; 2. a reference signature database, to assist in identifying the source of potentially damaging sounds (in conjunction with the mapping exercise above); 3. the assessment of the potential acoustic risk for individual target species from consideration of their acoustic capabilities and characteristics; 4. the carrying out of targeted, well-defined experiments to identify and quantify the actual and potential risk for individual species, with a view inter alia to refine and test existing guidelines on the use of noise in the context of cetaceans, and where appropriate, develop new guidelines. 5. acting as a review body for applications for such research in the ACCOBAMS area 6. development of a pro forma for such applications (which will inter alia consider any existing processes elsewhere in the world and the need within the ACCOBAMS agreement for an EIA); 7. reviews of the results of such work within a specified timeframe. 	Field studies, lab studies, desk studies, reviews, documents	To be done
16	Vessel collisions	<p>Organise a Workshop, possibly in connection with item 7, to address and plan actions to:</p> <ol style="list-style-type: none"> 1. determine the impact of ship collisions on the most vulnerable populations. 2. develop effective mitigation measures. 	Workshop	In progress. Workshop is being planned for Spring 2005.
17	Whalewatching	<p>Working group to establish an e-mail correspondence group on whalewatching, to prepare recommendations on modifications to whalewatching guidelines to accommodate needs of different species and different local situations.</p>	Modified guidelines	Done. Guidelines posted on website
		<ol style="list-style-type: none"> 1. Enlist the support of an Information Technology expert to place the form as in Annex 11 on a website in an user-friendly format; 2. Ensure that access to entering data on the database be open, and that the database is easily updated; 3. Find a moderator to ensure that the data entered is relevant to the conservation goals of the Agreement; 4. Ensure, with the help of the Regional Representatives, that the initiative be given a wide information through all possible means, including specialised email discussion lists. 	Web-based database	Done

N°	TITLE	165. ACTION(S)	OUTPUT	STATUS
		Chair to establish a link between the ACCOBAMS Scientific Committee and the IWC Scientific Committee	Communication	Done
		Further actions to be undertaken include: 1. the use of the web-based database to its full potential, to thoroughly collect relevant information and provide the Parties, on their next Meeting, with a comprehensive report on commercial whalewatching activities in the Agreement area. 2. Promoting the development of responsible whalewatching as a complementary or alternative activity to problematic practices (e.g., fishing in competitive situations with dolphins). 3. Constantly improving the existing guidelines as appropriate on the basis of newly available information and experience.	Organisation, awareness, desk study	In progress
18	Specially protected areas	1. Proposals should include area of Losinj for bottlenose dolphins, area of Kalamos for common dolphins, area of SW Crete for sperm whales, and area of Crimea for harbour porpoises. 2. Regional Representatives to solicit proposals to consider additional areas.	Document	In progress
		3. Draft criteria for the establishment of special protected areas for cetacean conservation. 4. Prepare special format should for the proposal of protected areas for cetaceans in the ACCOBAMS area 5. Gather knowledge of the existence and location of sites, including the high seas, containing important cetacean habitat in the Agreement area, and perform in such sites detailed investigations to assess whether they fulfil the criteria mentioned in 3 above. 6. Prepare formal proposals should in co-operation with the concerned Riparian State(s), using the special format mentioned in 4 above. 7. Proposals to be submitted to the Meeting of the Parties for consideration and further action.	Desk studies, field studies.	To be done, pending approval by MoP
19	Emergency Task Force (ETF) for special mortality and strandings events.	1. Establishment of the ETF. The Secretariat to draft a roster of contact persons and experts from the scientific and conservation communities and from governmental environment and natural resource agencies, contributing with appropriate fields of expertise, to volunteer and remain on call in case of emergency. Appointment to be done by the Parties. 2. The Secretariat to coordinate response to unusual events. 3. The Scientific Committee to prepare a contingency plan including a list of the possible events for which the ETF may be called upon. 4. Periodical updating of the contingency plan. 5. Organisation of training and drills, as appropriate. 6. Establishment of an emergency fund to enable the timely	Organisation and funding	To be done

N°	TITLE	165. ACTION(S)	OUTPUT	STATUS
		implementation of the ETF activities.		
20	Long-term capacity building strategy.	The Secretariat to draft a comprehensive capacity building strategy, to assist the Parties to strengthen their national capabilities to implement the Agreement. The work will include a description of the goals and objectives, an analysis of the current situation in the relevant Countries and synthesis of the relevant national and international organizations' activities in the field (including UNEP), an evaluation of the Countries' needs, procedures and means for implementing the strategy, an action plan, and the possibility of developing partnerships and of harmonising efforts with other organisations' programmes.	Document	In progress
21	Photo-identification data-bases and programmes encompassing the entire ACCOBAMS Area.	Implement a pilot project involving training in the Mediterranean Sea and application of learned techniques in the Black Sea, to be undertaken in 2003, involving a Ukrainian and a Russian team, supervised by A. Birkun	Field & training work	Pilot project completed. SC considering next steps
		To report on SC decision to Europhlukes at Madeira (2003) meeting	Communication	Done
22	Database on research activities	<ol style="list-style-type: none"> 1. Enlist the support of an Information Technology expert to place the form as in Annex 8 to the report of SC1 on a website in an user-friendly format; 2. Ensure that access to entering data on the database be open, and that the database is easily updated; 3. Find a moderator to ensure that the data entered is relevant to the conservation goals of the Agreement; 4. Ensure, with the help of the Regional Representatives, that the initiative be given a wide information through all possible means, including specialised email discussion lists. 	Web-based database	Done
23	Directories of national authorities, research and rescue centres, scientists, governmental and non-governmental organisations	<ol style="list-style-type: none"> 1. Enlist the support of an IT expert to place a Directory entry form on a website in an user-friendly format; 2. Ensure that access to entering data on the database be open, and that the database is easily updated; 3. Find a moderator to ensure that the data entered is relevant to the conservation goals of the Agreement; 4. Ensure, with the help of the Regional Representatives, that the initiative be given a wide information through all possible means, including specialised email discussion lists. 5. Compile the directory onto a PDF file, a version of which (updated on a yearly basis) be posted on a website. 	Web-based Directory, PDF-based Directory posted on web	1-3 done: web-based Directory in operation since early 2004. 4-5 in progress.

N°	TITLE	165. ACTION(S)	OUTPUT	STATUS
24	Network of specialised bibliographic collections and databases.	To consider this proposal (CS1/Doc23) once a capacity building strategy is in place.	Incorporate into capacity building strategy, and eventually implement	To be done in connection with item 18
25	Guidelines on the Precautionary Principle	Establishment of a small Working Group, possibly including outside experts from other organisations (e.g., CBD) to elaborate the matter further and to try to develop draft practical guidelines on how to apply the Precautionary Principle to ACCOBAMS.	Working group	In progress
26	Operational procedures for the Scientific Committee (Procedures for the evaluation of research and management proposals)	Working Group to prepare procedures	Procedures	Done
		Secretariat to circulate procedures for comments to SC members, possibly reach consensus	Communication	Done. Procedures posted on website.
27	Workshop on methods for the evaluation of habitat degradation and its effect on cetacean populations.	Chair to contact the IWC SC to provide advice on the potential impact of habitat degradation on the demography of cetaceans in the Mediterranean and Black Seas.	Communication	Done
		Secretariat to contact the IWC Secretariat to explore availability to co-operate on the workshop in the future.	Communication	Done. The workshop was approved by the IWC and will take place in Siena from 12-15 Nov 2004.
28	CBD/CMS Joint Working Programme and Global Register of Migratory Species (GROMS)	<ol style="list-style-type: none"> 1. To elaborate together concrete proposals for joint future work. 2. To circulate within the SC for comments and suggestions. 3. To prepare proposals for possible links between ACCOBAMS and GROMS 	Document	Done

ANNEX VII

<p style="text-align: center;">RESOLUTIONS AND RECOMMENDATIONS ADOPTED BY THE SECOND MEETING OF THE PARTIES TO ACCOBAMS</p>
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RESOLUTION 2.1

GRANTING THE RIGHT TO VOTE

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area:

Aware of the fact that becoming a Party to the Agreement might be a long process that many States have embarked upon but have not yet been able to bring to completion in time for the start of the second Meeting of the Parties, on 9th November 2004;

Informed however by the Depositary that some States have in fact completed the process in time for the start of the second Meeting of the Parties, but must wait until the first day of the third month after the completion of its procedures in conformity with Article XIV, paragraph 2, of the Agreement;

Convinced that the decision-making process at the second Meeting of the Parties will benefit from the active participation of as many Parties as possible;

1. *Decides* that, Portugal, although it is officially requested to wait, meet the above criteria for being a Party and shall exceptionally be granted the status of full participating Party with the right to vote;
2. *Instructs* the Credentials Committee to monitor the Credentials of Portugal according to the accepted procedures and report to the Meeting.

RESOLUTION 2.2

STRENGTHENING LINKS WITH UNEP AND CMS

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area:

Recalling that:

- The ACCOBAMS, adopted in Monaco in November 1996, was negotiated, in application of Article IV of UNEP/ Convention on the Conservation of Migratory Species of Wild Animals (CMS) under UNEP rules and procedures;
- Article III of the Agreement, stating that Meeting of the Contracting Parties are convened by the Executive Secretary in consultation with the UNEP/CMS Secretary;
- Article IV of the Agreement stating that, subject to the approval of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS), an Agreement Secretariat shall be established within the Secretariat of the Convention;
- The Resolution 1.2 of the Contracting Parties, establishing the Secretariat, accepting the offer from the Principality of Monaco and providing the Agreement with a trust fund and rules to manage it as stated in Resolution 1.6 and its annexes;
- The special role conferred by the Agreement and the Meeting of the Parties to UNEP managed Secretariats in particular CMS and the Mediterranean Action Plan;

Considering that:

- The Secretariat of ACCOBAMS already collaborates extensively with the CMS Secretariat;
 - Although managed under national rules of the Host Country, the ACCOBAMS Secretariat serves the goals and purposes of an UNEP negotiated Agreement;
 - ACCOBAMS Meetings Rules of Procedures are generally consistent with UNEP Rules of Procedures and practices;
 - The tasks and the legal and financial obligations of the Secretariat are specified in Resolutions adopted by the Contracting Parties in accordance with the Government of Monaco;
1. *Recognizes* that a strengthening of the relations of the Secretariat with UNEP and CMS will facilitate the implementation of the Agreement, and the promotion of wider goals in the region including synergies with UNEP Conventions and in particular CMS and the Barcelona Convention;
 2. *Takes* note with satisfaction of the progress report of the Executive Secretary on its relations with UNEP and CMS;
 3. *Welcomes* the statement made by the Executive Secretary of CMS to strengthen links with the ACCOBAMS Secretariat, with particular emphasis on (i) links between ACCOBAMS and other regional and global initiatives affecting cetaceans; (ii) co-operation on information management systems; (iii) joint conservation and publicity projects; (iv) joint fundraising; and (v) joint capacity building programmes;

4. *Urges* the Secretariat, in close link with the Government of the Principality of Monaco and pertinent UNEP structures, to find the ways and the means to strengthen the link with UNEP and, as far as relevant, to establish a memorandum of understanding (or equivalent mechanism) to this end;
5. *Charges* the Bureau to follow this process, decide upon the issue of this process and report at the next Meeting of the Parties.

RESOLUTION 2.3

FINANCIAL AND ADMINISTRATIVE MATTERS

The Meeting of the Parties to the Agreement on the Conservation on Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic are:

Recalling Article IX, paragraphs 1 and 2, of the text of the Agreement, stating that Parties shall determine the scale of contributions to the budget and that the Meeting of the Parties shall adopt a budget by consensus;

Acknowledging with appreciation:

- The financial and other voluntary supports provided by the Government of the Principality of Monaco for the Agreement Secretariat, and given by France, Italy, Monaco, United Kingdom, Governmental and Non-Governmental Organizations and others on a voluntary basis to the Agreement budget, and
- The secondment to the Secretariat provided by Turkey, Italy and Spain;

Recognizing the importance of all Range States being able to participate in the implementation of the Agreement and related activities;

Aware that many Parties, particularly developing Countries or Countries with economies in transition, may not have the financial means to send representatives to meetings of bodies established under the Agreement;

1. *Takes* note with satisfaction of the audited account for the period 2002-2004 presented by the Secretariat;
2. *Agrees* to transfer a part of the outstanding resources from the Budget 2002-2004 to the Supplementary Conservation Grants Fund as presented in Resolution 2.4 and *charges* the Bureau to set the amount on recommendation of the Secretariat;
3. *Confirms* that Parties shall contribute to the Budget adopted at the scale agreed upon by the Meeting of the Parties in accordance with article III, paragraph 8 (e), of the Agreement;
4. *Adopts* the Budget for 2005-2007 attached as annex 1 to the present Resolution;
5. *Approves* the budgetary allocation for the Administration Assistant post;
6. *Agrees* to the scale of contributions of Parties to the Agreement as listed in annex 2 to the present Resolution and to the application of that scale to new Parties, *pro rata* of the remaining annual financial exercise;
7. *Agrees* that any annual contribution less than 1000 Euros will attract an invoice of 1000 Euros;
8. *Requests* Parties, in particular those that have to pay the minimum contribution, to consider paying for the whole triennium in one instalment;
9. *Further requests* Parties to pay their contribution promptly as far as possible but in any case not later than the end of March of the year to which they relate;

10. *Decide*, to pay for 2005 a contribution calculated according to annex 2 and to rely on the agreed scale as of 2006, unless circumstances require measures adopted for 2005 to be applied again;
11. *Invites* the Secretariat, as far as possible, to use ordinary contributions from any new Parties or voluntary contributions towards the conservation actions listed in annex 1 of the present Resolution, or, upon the approval of the Bureau, for the replenishment of the Supplementary Conservation Grants Fund;
12. *Takes note* of Resolution 2.7 of the Meeting of the Parties on the program of work for the period 2005-2007;
13. *Recommends* Parties to support requests from developing Countries and Countries with economies in transition to participate in and implement the Agreement throughout the triennium 2005-2007;
14. *Invites* Contracting Parties as well as Range States and Organisations to consider the feasibility of providing gratis personnel;
15. *Invites* States not Party to the Agreement, Governmental, Intergovernmental and Non-Governmental Organizations and other sources to consider contributing to the implementation of the Agreement on a voluntary basis;
16. *Charges* the Secretariat to explore the availability of multilateral and bilateral governmental funds appropriate to support the implementation of the Agreement;
17. *Approves* the Terms of Reference for the administration of the Agreement budget as set out in annex 3 to the present Resolution for the period 2005-2007.

ANNEX 1/pg. 1

Budget 2005-2007

		2 005		2 006		2 007	
		Fonds d'affectation spécial / Trust Fund	Contributions pays hôte / Host Country contributions	Fonds d'affectation spécial / Trust Fund	Contributions pays hôte / Host Country contributions	Fonds d'affectation spécial / Trust Fund	Contributions pays hôte / Host Country contributions
Administrative Functions / Fonctions administratives		€	€	€	€	€	€
10	Personnel						
1 100	Personnel professionnel / Professional staff						
1 101	Secrétaire Exécutif / Executive Secretary		67 000		71 000		71 000
1 102	Agent comptable / Fund management controller						
1 103	Secrétaire/ Secretary		31 000		31 000		31 000
1 200	Consultants / Consultancie						
1 221	Consultants administratifs / Administrative Consultants	10 000		10 000		12 000	
1 222	Interprètes / Interpreters (MOP)						
1 223	Rédacteurs / Reviewers (MOP, Sc. Com.)	1 000		1 000		9 000	
1 224	Autres consultants / Other consultancies (MOP)	10 000		10 000		12 000	
1 225	Traducteurs / Translators (MOP, Sc. Com)	4 000		4 000		10 000	
1 300	Appuis administratifs / Administrative support						
1 301	Assistant administratif / Administrative Assistant	35 000		37 000		37 000	
1 600	Missions / Travels on official business						
1 601	Personnel du Secrétariat / Secretariat staff	13 000		13 000		11 000	
1 602	Experts en mission / Experts on mission						
1 999	Sous total / Subtotal	73 000	98 000	75 000	102 000	91 000	102 000
30	Réunions / Meetings						
3 301	Réunion des Parties / Meeting of the Parties					40 000	
3 302	Réunions du Comité Scientifique / Meetings of the Scientific Committee	18 000	1 300	18 000	1 300		
3 303	Réunions du Bureau / Meetings of the Bureau	7 000		7 000		3 500	
3 999	Sous total / Subtotal	25 000	1 300	25 000	1 300	43 500	
40	Equipements et locaux / Equipment and premise						
4 100	Consommables / Expendable equipment						
4 101	Fournitures de bureau / Miscellaneous office supplies	500	1 500	500	1 500	700	1 500
4 102	Documentation et abonnements/ Documentation and subscriptions	700		700		700	
4 200	Non consommables / Non-expendable office equipment						
4 201	Equipement de bureau / Office equipment		1 500		1 500		1 500
4 300	Locaux / Premises						
4 301	Location et entretien / Rent and maintenance costs		18 000		18 000		18 000
4 999	Sous total / Subtotal	1 200	21 000	1 200	21 000	1 400	21 000
50	Divers / Miscellaneous Costs						
5 100	Fonctionnement et entretien / Operation and maintenance						
5 101	Fonctionnement et entretien informatique / Operation and maintenance of computers						
5 102	Photocopieurs / Photocopy						
5 103	Divers / Miscellaneous	200		200		200	
5 200	Rapports / Reporting costs						
5 201	Matériel d'information / Information material	15 000		15 000		10 000	
5 202	Rapports de Réunions / Reports of the Meetings	1 500		1 500		1 500	
5 203	Maintenance du site Web / Website maintenance	700	500	700	500	700	500
5 300	Divers / Sundry						
5 301	Téléphone et fax / Telephone and fax						
5 302	Affranchissements et divers / Postage and miscellaneous	2 200	2 000	2 200	2 000	2 200	2 000
5 303	Frais bancaires / Bank charges	700		700		700	
5 400	Accueil / Hospitality						
		2 000		2 000		2 000	
5 999	Sous total / Subtotal	22 300	2 500	22 300	2 500	17 300	2 500
Sous total des Fonctions administratives / Subtotal Administrative Functions		121 500	122 800	123 500	126 800	153 200	125 500

ANNEX 2

Ordinary contributions 2005 - 2007 Contributions ordinaires 2005 - 2007		2005			2006		2007	
		key/clef	key/clef	Contribution	key/clef	Contribution	key/clef	Contribution
		ONU 2005	ACCOBAMS zone	€	ACCOBAMS zone	€	ACCOBAMS zone	€
Albania	Albanie	0,005	0,03	1 000	0,03	1 000	0,03	1 000
Algeria	Algérie	0,076	0,45	1 000	0,45	1 000	0,45	1 070
Bosnia and Herzegovina	Bosnie Herzégovine	0,003	0,02	1 000	0,02	1 000	0,02	1 000
Bulgaria	Bulgarie	0,017	0,10	1 000	0,10	1 000	0,10	1 000
Croatia	Croatie	0,037	0,22	1 000	0,22	1 000	0,22	1 000
Cyprus	Chypre	0,039	0,23	1 000	0,23	1 000	0,23	1 000
Egypt	Egypte	0,120	0,71	1 405	0,71	1 441	0,71	1 690
France	France	6,030	28,00	55 580	28,00	56 980	28,00	66 836
Georgia	Géorgie	0,003	0,02	1 000	0,02	1 000	0,02	1 000
Greece	Grèce	0,530	3,13	6 207	3,13	6 363	3,13	7 464
Israel	Israël	0,467	2,76	5 469	2,76	5 607	2,76	6 577
Italy	Italie	4,885	28,00	55 580	28,00	56 980	28,00	66 836
Lebanon	Liban	0,024	0,14	1 000	0,14	1 000	0,14	1 000
Libyan Arab Jamahiriya	Lybie	0,132	0,78	1 546	0,78	1 585	0,78	1 859
Malta	Malte	0,014	0,08	1 000	0,08	1 000	0,08	1 000
Monaco	Monaco	0,003	0,02	1 000	0,02	1 000	0,02	1 000
Morocco	Maroc	0,047	0,28	1 000	0,28	1 000	0,28	1 000
Portugal	Portugal	0,470	2,77	5 504	2,77	5 643	2,77	6 619
Romania	Roumanie	0,060	0,35	1 000	0,35	1 000	0,35	1 000
Russian Federation	Fédération de Russie	1,100	6,49	12 882	6,49	13 206	6,49	15 491
Serbia and Montenegro	Serbie Monténégro	0,019	0,11	1 000	0,11	1 000	0,11	1 000
Slovenia	Slovénie	0,082	0,48	1 000	0,48	1 000	0,48	1 155
Spain	Espagne	2,520	22,00	43 670	22,00	44 770	22,00	52 514
Syrian Arab Republic	Syrie	0,038	0,22	1 000	0,22	1 000	0,22	1 000
Tunisia	Tunisie	0,032	0,19	1 000	0,19	1 000	0,19	1 000
Turkey	Turquie	0,372	2,19	4 356	2,19	4 466	2,19	5 239
Ukraine	Ukraine	0,039	0,23	1 000	0,23	1 000	0,23	1 000
United Kingdom*	Royaume Uni*			10 000				
EC	CE							
Total		17	100	219 200	100	214 041	100	248 349
Grand Total / Budget général			198 500		203 500		238 700	

Contributions lower than 1000 Euros will be invoiced 1000 Euros

Les contributions inférieures à 1000 Euros donneront lieu à une facturation de 1000 Euros

* Being present in the Agreement zone only by special statute Territories, United Kingdom agrees to contribute to the Trust Fund on a voluntary base

* Présent dans la zone de l'Accord au travers de Territoires à statut particulier le Royaume-Uni contribue au Fonds d'affectation spécial de l'Accord sur une base volontaire

ANNEX 3

TERMS OF REFERENCE FOR THE ADMINISTRATION OF THE BUDGET

1. The terms of Reference for the Budget of the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area shall refer to the financial years beginning 1st January 2005 and ending 31th December 2007.
2. The Budget shall be administered by the Executive Secretary.
3. The administration of the Budget shall be governed by the financial regulations and rules of the Host Country.
4. The financial resources of the Budget shall be derived from:
 - a) contributions from the Parties according to annex 2, including contributions from any new Party and
 - b) other voluntary contributions from Parties, contributions from States not Party to the Agreement, other Governmental, Intergovernmental and Non-Governmental Organisations and other sources.
5. All contributions to the Budget shall be paid in Euros.
6. For contributions from States that become Parties after the beginning of the financial period, the initial contribution (from the first day of the third month after the deposit of the instrument of ratification, acceptance or accession, till the end of the financial period), shall be determined *pro rata* based on the contribution of other Parties using the adopted scale of assessments, and depending on the remaining annual financial exercise.
7. The scale of contributions for all Parties shall be revised by the Secretariat on 1st January of the following year on the base of the UN scale of contributions updating. Unless otherwise provided, contributions shall be paid in annual instalments.
8. The contributions are due on 1st January 2005, 1st January 2006 and 1st January 2007. Contributions should be paid into the following account:

<i>Titulaire du compte</i>	<i>Code Swift</i>	<i>Code Banque</i>	<i>Code Guichet</i>	<i>N° de Compte</i>	<i>Clé RIB</i>
ACCOBAMS	CFMOMCMX	12739	00070	0107023000 M	76

9. For the convenience of the Parties, the Executive Secretary shall notify as soon as possible the Parties to the Agreement of their assessed contributions, for each of the years of the financial period.
10. Contributions received into the Budget and not immediately required to finance activities, shall be invested at the discretion of the Executive Secretary, and any income shall be credited to the Budget.
11. The Budget shall be audited by a fund management Controller.
12. The budget estimates covering income and expenditures for each of the calendar years of the financial period to which they relate, shall be prepared in Euros and submitted to the Meeting of the Parties to the Agreement.

13. The estimates of each of the calendar years covered by the financial period shall be divided into sections and objects of expenditure; they shall be specified according to budget lines, shall include references to the programs of work to which they relate, and shall be accompanied by such information as may be required by or on behalf of the contributors.
14. The proposed budget, including all the necessary information, shall be dispatched by the Secretariat to all Parties at least ninety days before the date fixed for the opening of the Meeting of the Parties.
15. The budget shall be adopted by consensus at the Meeting of the Parties.
16. Following authorization of the Bureau, the Secretariat of the Agreement can make transfers from one budget line to another.
17. Should the Secretariat anticipate a shortfall in resources over the financial period as a whole, the Secretariat shall consult the Bureau as to its priorities for expenditure.
18. Commitments against the resources of the Budget may be made only if they are covered by sufficient incomes.
19. A secured fund is created equivalent to thirty per cent of the administrative budget.
20. At the end of each calendar year¹ of the financial period, the Secretariat shall submit the accounts of the year to the Bureau. These shall include details of actual expenditure compared to the original provisions for each budget line.
21. The Secretariat shall provide the Bureau with an estimate of proposed expenditures for the coming year simultaneously with, or as soon as possible after, distribution of the accounts and reports as referred to in the preceding paragraphs.
22. The Secretariat shall present the audited accounts for the financial exercises to the Meeting of the Parties.
23. The present Terms of Reference shall be implemented by the Executive Secretary.

¹ The calendar year 1 January to 31 December is the accounting and financial year, but the accounts official closure date is 31 March of the following year.

RESOLUTION 2.4

SUPPLEMENTARY CONSERVATION GRANTS FUND

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area:

Taking into account that Article IX, paragraph 3, of the Agreement authorizes the Meeting of the Parties "to establish a supplementary conservation grant Fund from voluntary contributions of Parties or from any other source in order to increase the funds available for monitoring, research, training and projects relating to the conservation of Cetaceans";

Recalling:

- Article IX, paragraph 4, of the Agreement, which encourages Parties to provide *inter alia* financial support to other Parties on a multilateral and bilateral basis to assist them in implementing the Agreement;
- Resolution 1.7, adopted by the Meeting of the Parties at its first session, regarding the establishment of a supplementary Conservation Grants Fund to become operational as of the second session of the Meeting of the Parties;
- Paragraph 2 of Resolution 1.7, which instructed the Agreement Secretariat, to submit to the second session of the Meeting of the Parties proposals for the operation of the Fund, including administration, eligibility criteria, submission and evaluation of proposals, allocation of funds and fund-raising;

Noting with satisfaction that since the first session of the Meeting of the Parties substantial voluntary contributions have been made by Contracting Parties, others riparian States, Intergovernmental and Non Governmental Organizations and other donors for the purpose of providing resources to the implementation of the Agreement;

1. *Reiterates* its conviction that in some Countries, the basic implementation of the Agreement will be severely constrained by the lack of adequate financial resources;
2. *Urges* Contracting Parties and other donors to make voluntary contributions to the Agreement budget, to be directed to the Supplementary Conservation Grants Fund;
3. *Decides* that the following conditions shall apply to the award of grants from the Supplementary Conservation Grants Fund;
 - a) Only developing Countries and Countries with economies in transition shall benefit from this funding;
 - b) The proposed activities should clearly contribute to the implementation of the Agreement and the priorities adopted by the Parties;
 - c) The proposed activities should be implemented at a national or sub-regional level;
 - d) Interministerial involvement and partnership with economic sectors and/or NGOs will be favored;
 - e) The award for any single project will not exceed €15,000;
 - f) Priority will be granted to Parties having no unpaid pledge for the prior years;
4. *Authorizes* the Bureau, on proposal of the Secretariat and, as far as relevant, the advice from the Scientific Committee and/or the Sub-Regional Coordination Units, to review and decide upon

applications received for grants, taking into account the conditions in paragraph 3 above and the budget available;

5. *Instructs* the Agreement Secretariat with the assistance of the Sub-Regional Coordination Units and the Scientific Committee to consult with Parties and potential sponsors concerning sponsorship in consistence with the guidelines for accepting voluntary financial contributions as in Res. 1.6 annex 4;
6. *Instructs* the Secretariat to allocate a part of the remaining 2002-2004 budget to the Supplementary Conservation Grants Fund following the modalities established in point 2 of Resolution 2.3 and, upon the approval of the Bureau, new Parties contributions, as far as the current year expenditures adopted by the Parties are fully covered by regular contributions to the Trust Fund;
7. Unless provide by the present Resolution, the Supplementary Conservation Grants Fund shall be administered by the Secretariat in the same way that the regular Budget.

RESOLUTION 2.5

FOLLOW UP OF THE RESOLUTIONS/RECOMMENDATIONS FOR THE TRIENNIUM 2004 -2007

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area:

Referring to Article VIII of the Agreement establishing the need to report regularly on the national implementation of the Agreement;

Recalling the Resolution 1.8 establishing the format of the triennial national reports and its revision by the second session of the Meeting of the Parties;

Considering that, although these reports should primarily focus on the obligations as defined in the Agreement itself;

Recognizing that a follow up of the implementation of Resolutions and Recommendations is part of the execution of the Agreement and has to be included in the national reports;

Also recognizing that such information will be necessary to determine whether ACCOBAMS is meeting its objectives;

Aware that the reporting obligations by Parties is a heavy task for the Focal Points;

Recalling point 5 of the Resolution 1.8 instructing the Secretariat to liaise actively with other relevant Intergovernmental Bodies in order to harmonize data and information collection and management;

1. *Decides* to add a new section in the triennial national reports formats concerning the follow up of the Recommendations and Resolutions as here annexed;
2. *Asks* the Secretariat to, update this new section after each Meeting of the Parties according to the new Resolutions and Recommendations adopted by the Meeting;
3. *Recommends* the Contracting Parties, to improve, on this matter, coordination between their ACCOBAMS National Agreement Focal Points and Focal Points responsible for reporting, as relevant, to the Organizations listed in the Agreement preamble¹;
4. *Encourages* the Secretariat to exchange with these relevant Organizations on the way to alleviate reporting mechanisms by Parties.

¹ The International Convention for the Regulation of Whaling, 1946; the Convention for the Protection of the Mediterranean Sea against Pollution, 1976, its related protocols and the Action Plan for the Conservation of Cetaceans in the Mediterranean Sea adopted under its auspices in 1991; the Convention on the Conservation of European Wildlife and Natural Habitats, 1979; the United Nations Convention on the Law of the Sea, 1982; the Convention on Biological Diversity, 1992; the Convention for the Protection of the Black Sea against Pollution, 1992; and the Global Plan of Action for the Conservation, Management and Utilization of Marine Mammals of the United Nations Environment Programme, adopted in 1984; as well as initiatives of *inter alia* the General Fisheries Council for Mediterranean, the International Commission for Scientific Exploration of the Mediterranean, and the International Commission for the Conservation of Atlantic Tunas.

ANNEX 1

FORMAT FOR NATIONAL REPORTS ON THE FOLLOW UP OF THE RESOLUTIONS / RECOMMENDATIONS

The following tables will take place as paragraph 23 of form I, 26 of form II, 21 of form III, 26 to form IV.

N° RESOLUTIONS/ RECOMMENDATIONS	TITLE / STATUS OF IMPLEMENTATION
<u>1. Financial and administrative matters</u>	
Res 1.6	Financial and administrative matters <i>7. Requests</i> all Parties to pay their contributions as promptly as possible but in any case not later than the end of June of the year to which they relate;
Res 1.7	Establishment of a supplementary conservation grants Fund <i>4. Urges</i> Parties and donors to make voluntary contributions to this Fund;
Res 1.8	Establishment of a triennial national report format for the Agreement <i>5. Urges</i> all Parties to prepare national reports and submit them to the Meeting of the Parties at its second session in accordance with the imetable outlined in Article VIII, paragraph b), of the Agreement;
<u>2. Implementation of the Agreement</u>	
2.1 Adoption and enforcement of national legislations	
Res 1.11	Guidelines for commercial cetacean-watching activities in the ACCOBAMS area <i>1. Recommends</i> the Contracting Parties to take into consideration the Guidelines annexed below when drafting or updating their domestic legislation on cetacean watching;
2.2 Evaluation and management of human-cetacean interactions	
2.3 Habitat degradation	
2.4 Research and monitoring	

Res 1.10	Cooperation between national networks of cetacean strandings and the creation of a database
	2. <i>Recommends</i> each Party individually: <ul style="list-style-type: none"> - to implement, if not already done, or to complete at a national level, networks or information structures for intervening and collecting data on strandings; - to reinforce the co-ordination so that the data collected can be effectively used; - to increase as needed the participation of the NGO and scientific community in such actions; - to support the introduction in cetacean training courses, of appropriate methods of field-work;

	3. <i>Recommends</i> the co-ordination of national networks and the creation of a data base covering the Agreement zone;

	8. <i>Invites</i> Parties who are also Parties to the CITES to register competent laboratories with the CITES Secretariat, in application of the CITES Resolution Conf.11/15, which allows for free exchange of specimens between their scientists (MOP 1/Inf.11);
2.5 Capacity building, collection and dissemination of information, training and education	
2.6 Responses to emergency situations	
2.7 Miscellaneous	
Res 1.9	International implementation Priorities for 2002 -2006
	3. <i>Urges</i> Parties and specialised international Organisations to develop international co-operation projects for the implementation of the Agreement, in line with the priorities listed in annex I, and to keep the Agreement Secretariat fully informed of progress;

	5. <i>Further urges</i> Parties, the Agreement Secretariat and specialised International Organisations to seek innovative mechanisms and partnerships in particular with fishermen and other relevant professionals, to enable implementation of the Conservation Plan and the priorities listed in annex I. This could include joint ventures, twinning arrangements, secondment and exchange programmes, corporate sector sponsorships and species adoption programmes;

RESOLUTION 2.6

REGIONAL REPRESENTATIVES TO THE SCIENTIFIC COMMITTEE

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area:

Aware of the need to insure a balanced-geographical and efficient representation of the Agreement regions in the Scientific Committee;

Recalling Resolution 1.3 establishing the Scientific Committee of the Agreement consisting of 12 members:

- One qualified expert representing each of the four geographical regions;
- One alternate for each regional representative, to participate in meetings only in the absence of that delegate;
- Five qualified experts in cetacean conservation appointed by the General Secretariat of the CIESM following consultation with the Permanent Secretariat of the Agreement;
- One representative each from the World Conservation Union (IUCN), the European Cetacean Society (ECS) and the Scientific Committee of the International Whaling Commission (IWC) appointed by the individual Organization;

1. *Takes note*, in application of Resolution 1.3 Annex 1, that¹:

- Greece chooses to belong to the Eastern Mediterranean Region
- Tunisia chooses to belong to the Western Mediterranean Region and near Atlantic
- Italy chooses to belong to the Central Mediterranean Region

2. *Appoints*, pursuant to the Article 27 of the Rules of Procedures, the following persons, in their capacity as experts representing Regions of the Agreement Area to the Scientific Committee until the third session of the Meeting of the Parties, on the proposal of the Countries of their Region:

Regional Representatives	Alternates
<i>Western Mediterranean and near Atlantic:</i>	
• Juan Antonio RAGA	• Mohamed NEJMEDDINE BRADAI
<i>Central Mediterranean:</i>	
• Giancarlo LAURIANO	• Ferdinando BEGO
<i>Eastern Mediterranean:</i>	
• Myroula HADJICHRISTOFOROU	• Anastasia KOMNENOU
<i>Black Sea:</i>	
• Gheorghe RADU	• Sergey KHRIVOKHIZHIN

¹ Turkey was not represented to chose between the Eastern Mediterranean Region and the Black Sea.

3. *Thanks* CIESM for covering the participation cost of the five qualified experts appointed by this Organization to the Scientific Committee meeting.
4. *Charges* the Secretariat to take close contact with the Representative of the Scientific Committee in order to establish discussion leading to a geographical balance of the regional representation within the Scientific Committee.
5. *Recommends* to the Chairman of the Scientific Committee to involve the Alternate Representatives in the discussion preliminary to the meetings of the Scientific Committee, and to the Regional Representatives to closely collaborate with their Alternates.

RESOLUTION 2.7

WORKING PROGRAM 2005 - 2007

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area:

Aware that scientific research in the Agreement area remains essential to identify the populations having the least favourable conservation status and to address the conservation priorities;

Aware that resources for the implementation of the Agreement (information, research expertise and funds) are unequally distributed throughout the Agreement area, and that an effective implementation of the Agreement will require strong international co-operation with a special focus on capacity building;

Considering that Parties, particularly developing Countries and Countries with economies in transition, require a clear prioritisation of conservation and research activities in order to apply their limited resources most effectively in their national actions plans;

Recalling that Article IX.3 calls for voluntary contributions in order to increase the funds available for monitoring, research and training and projects related to conservation;

Recalling

- Resolution 1.9, adopting international implementation priorities for 2002-2006
- Resolution 1.7 and 2.4, establishing and implementing a Supplementary Conservation Fund;

Further considering that bilateral and multilateral donors will be greatly assisted in their allocation of funds for international co-operation, by a clear prioritisation of needs;

1. *Notes* the particular importance for the Agreement of focusing on known scientific gaps (both thematic and geographic), and of identifying remaining gaps;
2. *Adopts* the working program for 2005-2007 as in Annexe 1, without prejudice to the pursuance of existing conservation actions, and considers its implementation as a priority;
3. *Urges* Parties and specialised International Organisations to develop international co-operation projects for the implementation of this working program, and to keep the Agreement Secretariat fully informed of progress;
4. *Instructs* the Agreement Secretariat to disseminate the working program as priority actions for 2005 - 2007, to collaborate closely with related Conventions, International Organizations and ACCOBAMS' Partners, for their implementation, and to seek appropriate donors;
5. *Further urges* Parties, the Agreement Secretariat and specialised International Organisations to seek innovative mechanisms and partnerships (in particular with fishermen and other relevant professionals), to enable implementation of the Conservation Plan and the working program. This could include joint ventures, twinning arrangements, secondment and exchange programs, corporate sector sponsorships and species adoption programs;
6. *Requests* bilateral and multilateral donors to provide financial assistance to Riparian States for the implementation of the Agreement, by supporting implementation of this working program directly or through the financial mechanisms of the Agreement;

7. *Calls on* the Scientific Committee, the Sub Regional Coordinating Units, the ACCOBAMS' Partners and the International and National NGOs to further develop the actions needed to facilitate the implementation of this working program, fully bearing in mind all the Resolutions adopted by the Meetings of the Parties.

ANNEX 1

WORKING PROGRAM 2005-2007

The following list of 11 actions was prepared to assist the Contracting Parties to ACCOBAMS implement a Work Program for the period 2005-2007. The order in which actions are listed in this document does not imply priority. Detailed project descriptions will be successively prepared, once their implementation and funding will be assured.

List of Actions

- 1. Comprehensive cetacean population estimates and distribution in the ACCOBAMS Area**
- 2. Species Conservation Plans:**
 - a. Mediterranean Sea common dolphins
 - b. Black Sea harbour porpoises, bottlenose dolphins, common dolphins
 - c. Mediterranean Sea bottlenose dolphins
 - d. Sperm whales
 - e. Fin whales
 - f. Mediterranean Sea harbour porpoises
- 3. Stranding networks and Tissue banks**
- 4. Interactions with fisheries**
- 5. Prey depletion**
- 6. Anthropogenic noise**
- 7. Ship collisions**
- 8. Whale watching**
- 9. Habitat protection**
- 10. Creation of an Emergency Task Force**
- 11. Capacity building**



1. Comprehensive cetacean population estimates and distribution in the ACCOBAMS Area.

Obtaining baseline population estimates (including knowledge of population structure as well as abundance) and distributional information of cetaceans within the Agreement area (including an understanding of cetacean movements between different parts of the area, and the existence of biological corridors) is of fundamental importance to determine appropriate mitigation measures and priority actions, to assess risk, and ultimately to determine whether ACCOBAMS is meeting its conservation objectives. However, obtaining such information represents a formidable challenge from both a scientific and financial perspective. Work is in progress under the auspices of the Scientific Committee to address the issue under a number of different approaches. The following actions should be encouraged: (a) dedicated surveys, (b) genetic studies, and (c) the creation of a sighting database.

a) Dedicated surveys. A workshop is programmed later in 2004, in conjunction with a workshop to finalise plans for the Mediterranean sperm whale survey, to start planning a comprehensive survey targeting all cetacean species throughout the Agreement area. Goal of the combined workshops will be to compile the basic information required to begin to explore options, including the total area to be covered, available information to assist in designing survey blocks and stratification, ways of combining the sperm whale survey (largely based on acoustic techniques) with visual surveys, and levels of effort required to provide various layers of coverage; the scientific advantages and logistical

difficulties of a single or small number of synchronous surveys using a number of vessels and aircraft will be considered. This research is expected to be very expensive and will require a major collaborative and co-operative effort. In this respect, as a first step the necessary resources for thorough initial planning would be needed.

b) Genetic studies. The stock identity and structure of the Agreement's cetacean populations should be assessed to test population differentiation and gene flow within and among sub-regions on sufficiently fine geographic scales. To achieve this, a programme of collection of tissue samples from different portions of the Agreement area will be implemented, through national stranding networks and the support of MEDACES and tissue banks (see Action 3), and carefully planned biopsy collection schemes during sighting cruises. In parallel, the necessary laboratory analytical framework should be secured and funded.

c) Sighting database. A systematic effort to create an Agreement-wide sighting database should be started under the auspices of ACCOBAMS. All future available sighting data fulfilling the necessary quality requirements should be used to accrue to the database. Data may be contributed both by ACCOBAMS dedicated surveys and research efforts, and through independent, bona fide research activities conducted in the area. The ACCOBAMS effort may be made to cooperate with global (such as OBIS-SEAMAP or UNEP/MMAP) and regional (e.g., the CIESM database) initiatives, to enrich the database and increase time series by including past sightings. The task of defining the procedures for the establishment, functioning and fruition of the database, as well as the criteria for inclusion of the data and a code of deontology, should be given to the Scientific Committee with the request of proceeding expeditiously to its implementation.

2. Species Conservation Plans

Work will continue in the drafting and implementation of species Conservation Plans. Currently, the drafting of one plan concerning Mediterranean common dolphins is in the process of being completed; two Black Sea related to cetaceans and Mediterranean bottlenose dolphins are in an early programming stage; two more for sperm whales and fin whales should be launched as soon as possible, and initial investigations should be undertaken for a further plan focused on Mediterranean harbour porpoise).

a) Common dolphins in the Mediterranean Sea

The plan is completed and presented to MOP2. Parties and Riparian States are invited to implement appropriate parts of the plan and introduce relevant activities into their national plans. The Scientific Committee will review and further develop and propose amendments to the plan as appropriate, and the Secretariat to appoint a coordinator pending on the availability of the necessary financial resources.

b) Black Sea cetaceans (harbour porpoises, bottlenose dolphins, common dolphins), and

c) Bottlenose dolphins in the Mediterranean Sea.

Both plans are in their preliminary drafting phases. The Black Sea cetaceans conservation plan is currently being redrafted by Alexei Birkun for a wider evaluation of donorship potential. Resources should be allocated for the completion of their drafting and to allow fundraising efforts to continue for their implementation.

d) Sperm whales

A basin-wide study of the distribution and abundance of sperm whales in the Mediterranean (see Action n. 1), with the identification of critical habitat, should be considered the first step in the implementation of a conservation plan for this species. The drafting of the plan should be completed through the identification of the main past and current threats, and the suggestion of mitigation measures.

e) Fin whales

Drafting terms of reference for this conservation plan should be among the objectives of the workshop on fin whales which is being planned in the beginning of 2005.

f) Harbour porpoises in the Mediterranean Sea

Detailed information on the distribution and density of harbour porpoises in the Northern Aegean Sea, as well as their relationship with the Black Sea population, should be viewed as the essential pre-requisite for the drafting of a conservation plan.

Finally, a study should be undertaken by the Scientific Committee to evaluate whether species that have not been included yet in a conservation plan (e.g., Cuvier's beaked whales, long-finned pilot whales, Risso's dolphins and striped dolphins) should be eventually considered, and in the affirmative case, when.

3. Stranding networks and Tissue banks

Cetacean strandings create an important opportunity for gathering knowledge on natural and human-induced mortality of cetacean populations, and provide a readily available source of precious additional information on the biology, mortality, pathology, toxicology, life history, morphometrics and population structure of the concerned species. The Conservation Plan of ACCOBAMS requests Parties, among other things, to:

- develop systematic research programmes on dead, stranded, wounded or sick cetaceans to determine the main interactions with human activities and to identify present and potential threats;
- develop systems for collecting data on by-catches, strandings, epizootics, and other related phenomena;
- establish databanks for the storage of the information collected.

However, at the present moment efficient stranding networks only exist in a few Countries within the ACCOBAMS area. It is therefore urgent to develop networks where they do not exist, and to encourage other Riparian States to do the same. During their first Meeting, the Contracting Parties to ACCOBAMS agreed to endeavour to improve the efficiency, when needed, of national stranding networks (NSN), to help extending the appropriate know-how to Countries where strandings are currently not monitored, and to create the basis for the establishment of a wider network at the regional level. Accordingly, that Meeting adopted Resolution 1.10 ("Cooperation between national networks of cetacean strandings and the creation of a database") which recommended, among other things, that each Party, individually, implement a NSN; that NSNs be coordinated within an Agreement-wide stranding network (ASN), and common databases created; and that other riparian Countries of the region be invited to participate in such actions. This action intends to proceed to: (a) the **strengthening of existing NSNs**, also encouraging States having a NSN to integrate national information within the MEDACES database; (b) **the creation of NSNs** in Countries where they don't exist¹; and (c) **implementation of an umbrella ASN** with a view of enabling a thorough reporting of the findings of dead, injured or sick cetaceans across the Agreement area. To reach such objectives, the full support of Member and Range States will be essential for the promotion, implementation and funding of NSNs. Furthermore, the Scientific Committee will be charged with the establishment of an *ad hoc* Working Group to carry out the following tasks: (a) Establish the basis of the **capacity building programmes** to improve the functioning and geographic coverage of NSNs. (b) Promoting the **involvement in the stranding effort of scientists** and institutions capable of performing necropsies on stranded animals to determine the cause(s) of stranding and death, ascertaining the existence of pathologies, assessing health condition and parasite loads, and estimating the age of the animals. (c) Contributing to the strengthening of the existing system of **Tissue Banks** in the Agreement area, where biological samples deriving from NSNs are stored to allow future pathological,

¹ The establishment of NSNs is currently on-going in Syria, Bulgaria and Romania.

toxicological and genetic investigations, and facilitate understanding of cetacean mortality causes and threats. (d) Developing techniques and guidelines to deal with the problem of **live strandings**. (e) Supporting the **Emergency Task Force** (ETF) in case of unusual mortality events. (f) Promoting **homogeneity** among different NSNs to facilitate their functioning under the wider umbrella of an ASN.

4. Interactions with fisheries

This action will involve addressing **bycatch**, **depredation**, possible solutions to avoid such depredation, and the impact of consequent reactions prompting the fishing community to use acoustic devices. The action is based on the “Guidelines for technical measures to minimise cetacean-fishery conflicts in the Mediterranean and Black Seas” resulting from a workshop organised in Rome on 8 July 2004, and on a project proposal prepared by the Secretariat of ACCOBAMS entitled: “Project for mitigating the adverse impacts of interactions between cetaceans and fishing activities in the ACCOBAMS Area”. Implementation of this comprehensive project will represent the totality of actions dealing with fisheries. The project will involve an assessment of the extent of the by-catch problem in the Agreement area, a set of awareness campaigns targeting the fishing community, and pilot actions on the use of acoustic devices and other by-catch and depredation avoidance measures, and on their possible environmental impact. The Secretariat, in cooperation with the Scientific Committee, will enact all possible initiatives to reach the goal of funding implementing the project mentioned above.

5. Prey depletion

Long-lived, slow-reproducing marine species such as cetaceans are becoming increasingly endangered due to growing human impacts on the marine environment. A likely source of problems, which has proven particularly difficult to properly address, is nutritional stress caused by depletion of food resources due to overfishing and environmental degradation. The lack of sufficient food to maximise reproductive potential may be the most important regulator of population size in animals. Unfortunately, it is difficult to assess whether nutritional stress is a contributing factor to the decline of any particular cetacean population. The “nutritional quality” of a diet to an animal is a complex matter to assess given the range of components that can influence its value. The trophic interactions between cetaceans and fisheries has proved particularly hard to track and understand. Gaining a better insight of the roles played by cetaceans in the dynamics and functioning of the marine ecosystem is a key to the proposition of management policies and measures that would ensure that possible competition for prey resources between cetaceans and fisheries is managed in an optimal fashion. To enhance our understanding of the issue, the Scientific Committee is directed to: (1) promote the collection of systematic **information on the diet of different cetacean species** throughout the Agreement area, and its geographic, seasonal and ontogenetic variability, through direct analysis of stomach contents of bycaught and stranded specimens, and through biochemical investigations such as fatty acids and stable isotope analyses. (2) Investigate the possibility of **applying trophodynamic models** to data deriving from population surveys, feeding ecology, and fishery ecology to facilitate our understanding of specific trophic issues, such as prey choice by any given cetacean population, its food consumption, its dependence on prey availability, its trophic overlap with other species and with fisheries, the existence of competition with fisheries, and the population’s ecological role within the trophic web.

6. Anthropogenic noise

Although in most cases up to now there are insufficient data to evaluate the potential negative effect of anthropogenic noise on cetaceans, there is now general acceptance that many unusual mass stranding of beaked whales were the result of military sonar activities. Although mass strandings may appear to represent the most critical class of incidents concerning the effect of sound on cetaceans, anthropogenic noise (overwhelmingly from shipping) has been increasing in the oceans (especially in the Northern Hemisphere) since the industrial revolution, especially in recent decades. Whilst there is little evidence to suggest that this generally has acute effects, the chronic effects of increased noise levels and loud point sources (ships, explosives, constructions etc.) may potentially have significant effects at the population level. Two categories of actions can be envisaged to address the issue of anthropogenic noise and its effects on cetaceans in the ACCOBAMS area: management and research.

Management actions: Despite the overall lack of knowledge of the impact of the many kinds of anthropogenic noise on the conservation status of most cetacean species, there is already sufficient knowledge gathered to justify mitigative actions. These would include: (1) Considering that a significant acute impact is known to occur of high level sound produced by military sonar on beaked whales, particularly *Ziphius cavirostris*, given our lack of understanding of the conservation status and distribution of this species in the region, in accord with the precautionary principle extreme caution should be regarded as the minimum necessary. At present there are no mitigation measures that can guarantee to eliminate completely the risks posed by military sonar to this species, other than a complete ban on their use. There is at least one (NATO) and probably more protocols or guidelines developed by military authorities with respect to use of such sonar in the context of threats to cetaceans. Guidelines also exist in some Countries for the use of other sonic devices (e.g. seismic exploration). All such guidelines and the information upon which they are based (including data and distribution models) should be made available as soon as possible for review by the Scientific Committee, with a view to developing common sets of guidelines for use in the ACCOBAMS area. In the meantime, consultations should be made with any profession using such acoustic devices, including military authorities, and extreme caution should be exercised in their use in the ACCOBAMS area, with the ideal being no further use until satisfactory guidelines are developed. (2) Concerning the low-frequency noise produced by shipping, which is ubiquitous within most of the Agreement area, it is recognised that such noise, largely generated by cavitation of the ships' propellers, may have relevant effects on cetacean communication and behaviour. Such sound is likely to be substantially reduced by improvement of ship design, and if appropriate standards were to be developed and adopted in new constructions, the abatement of shipping noise may be substantial in the future. In consideration of the very high density of shipping in the region, and consequent high levels of noise, ACCOBAMS should undertake an active role in the promotion of discussion and initiatives in the appropriate fora (e.g., IMO), targeted to reducing noise produced by ships on a global scale.

Research actions: Fundamental research is needed to address this very complex question and a number of new techniques have become available to begin to address this issue. In order to address questions related to the possible effects of anthropogenic noise on cetaceans in the ACCOBAMS area, a number of research projects need to be initiated. These may include: (1) a collaborative and co-ordinated temporal and geographic mapping of local ambient noise (both anthropogenic and biological noise) coupled with similar mapping of the distribution and abundance of cetaceans within the agreement area; this will provide the essential baseline information to allow identification of potential areas/times of highest risk and the beginning of an evaluation of the possible relationship between abundance and distribution and noise levels; (2) the compilation of a reference signature database that is made publicly available, to assist in identifying the source of potentially damaging sounds (in conjunction with the mapping exercise above); (3) assessing the potential acoustic risk for individual target species from consideration of their acoustic capabilities and characteristics; (4) the carrying out of targeted, well-defined experiments to identify and quantify the actual and potential risk for individual species (including particularly vulnerable classes of animals such as calves), with a view *inter alia* to refine and test existing guidelines on the use of noise in the context of cetaceans (e.g. seismic exploration and other specific human activities that involve underwater sound) and where

appropriate, develop new guidelines. The ACCOBAMS Scientific Committee (supplemented as necessary by appropriate experts) should act as a review body for applications for such research in the ACCOBAMS area, and should develop a pro forma for such applications (which will inter alia consider any existing processes elsewhere in the world and the need within the ACCOBAMS agreement for an EIA); finally, it should reviews the results of such work within a specified timeframe.

7. Ship collisions

The potential threat of ship collisions to the conservation of some cetacean populations in the ACCOBAMS area, especially of large whales, is significant. The two species most vulnerable within the area are the fin whale and the sperm whale. Such threat has been exacerbated by the increase in vessel traffic, including fast ferries, over recent years, throughout the area including within existing sanctuary areas. Actions to be undertaken under this topic fall under two headings: assessment of impact at the population level and development of mitigation measures. This work can and should continue in parallel. An ad hoc workshop is planned in the near future, to address and plan actions to address both aspects of the problem. (1) Determination of the impact of ship collisions on the most vulnerable populations. Understanding the potential impact of ship collisions requires knowledge of (a) the number of mortalities and (b) the size of the affected populations. With respect to (a) Riparian States should be encouraged to improve reporting of ship strikes. The importance of evidence from both post-mortem information from strandings networks and the ACCOBAMS central database (see Item 4.1.18) and photo-identification studies (photographs may contain evidence of non-lethal encounters with vessels) in this regard is also recognised. With respect to (b) this action will interface with Work Programme Action n. 1, “Comprehensive cetacean population estimates and distribution in the ACCOBAMS Area” (see above). Also the potential monitoring value of observations from vessels following regular routes (e.g. ferries) should be investigated further. (2) Development of effective mitigation measures. Whilst determination of the impact on cetaceans at the population level helps to clarify the priority that mitigation against ship strikes might have in any overall conservation plan, it is in both the interests of cetaceans and shipping companies that ship strikes be minimised towards zero. This will require research (initially focussing on fin and sperm whales) at a number of related levels and should include consideration of existing research and management actions (e.g. concerning the case of the North Atlantic right whale and the collaboration with the Pelagos Sanctuary and the SNCM activities): (a) mapping the temporal and geographic distribution and abundance of cetaceans (see above) in relationship to similar information on vessel traffic. Parties and other Riparian States are encouraged to assist in the provision of relevant information on shipping routes and frequencies; (b) behavioural and physiological research (including controlled exposure experiments) into the reasons some cetaceans do not avoid collisions with vessels; and (c) examination of methods that might be used by vessel personnel and ship designers to avoid collisions.

8. Whale watching

ACCOBAMS work on this subject has produced thus far 1) the “Guidelines for commercial cetacean-watching activities in the Black Sea, the Mediterranean Sea and Contiguous Atlantic Area”, and 2) a web-based, searchable database of commercial whale watching operators in the ACCOBAMS area (<http://www.accobams.org/activities/index.htm>) to collect information on whale watching activities throughout the Agreement area, and to provide an updated source of information on whale watching operations in the region. Such preparatory work was needed to support Parties and Range States in the timely adoption of appropriate legislation and rules while the industry is developing, and to enable the gathering of updated knowledge on whale watching activities throughout the Agreement area. Such knowledge will be essential for the description of the industry’s development, for the assessment of its potential impact on the targeted cetacean populations, for the assessment of the conservation, scientific, educational and economic values of whale watching, and, ultimately, for the orderly

management of such activities. Actions to be undertaken include: (1) the use of the **web-based database** to its full potential, to thoroughly collect relevant information and provide the Parties, on their next Meeting, with a comprehensive report on commercial whale watching activities in the Agreement area. The cooperation of the Parties and Range States in this task will be essential, through formal requests to operators active in areas within their jurisdiction to supply all the information needed (and already specified in the database). The Scientific Committee is directed to charge its Regional Representatives to ensure the full cooperation and awareness of relevant operators. (2) Promoting the development of responsible **whale watching as a complementary or alternative activity to problematic practices** (e.g., fishing in competitive situations with dolphins). Based on *ad hoc*, site-specific recommendations from the Scientific Committee, Parties should explore the possibilities of such development through awareness, capacity building, and legal and economic facilitation initiatives. (3) Given the evolving nature of whale watching and the complexity which intrinsic in the regulation of this industry, the existing **guidelines should be constantly improved** as appropriate on the basis of newly available information and experience, keeping into account that operational procedures must be tailored to each specific case. The Scientific Committee is therefore encouraged to maintain a Working Group tasked with further elaborating and updating the guidelines, particularly in cooperation with existing organizations active in whale watching hot spots such as the Pelagos Sanctuary.

9. Habitat protection

The issue of how to proceed with marine protected areas (MPAs) was discussed during the second meeting of the Scientific Committee of ACCOBAMS (Istanbul, 20-22 November 2003), where it was recalled that the Parties to ACCOBAMS adopted a Resolution (Resolution 1.9) on the implementation of conservation priorities, which included 18 actions in its Annex. Of these, Action n° 4 (*Development and implementation of pilot conservation and management actions in well-defined key areas containing critical habitat for populations belonging to priority species*) identified four initial areas: (a) the coastal waters of western Greece and the small islands archipelago centred around Kalamos (short-beaked common dolphins); (b) the coastal area of southern Crimea, Ukraine, comprised between Cape Sarych and Cape Khersones (harbour porpoises and Black Sea common bottlenose dolphins); (c) the offshore waters of southern Crete, Greece (sperm whales); and (d) the waters of the Lošinj - Kreš Archipelago, Croatia (Mediterranean common bottlenose dolphins); each of them containing important habitat for one of the four species of the Agreement area thought as being in greatest need of protection (“priority species”), in which pilot conservation and management projects be developed and implemented as soon as possible. Conservation measures envisaged would involve the establishment of MPAs encompassing critical habitat of the targeted species, and the adoption of experimental management plans with the involvement of local people and user groups. In its Resolution 1.9 (paragraph 8), the Meeting of Parties called “on the Scientific Committee to further develop the actions needed to implement the priorities listed and described in Annex 1 ... “. During its first Meeting (Tunis, 3-5 October), the Scientific Committee addressed this issue, and remarked that MPAs containing critical habitat of priority and other species should also be envisaged in other areas in addition to the four identified by the Meeting of the Parties. It was thus decided that proposals for additional areas in which to undertake such actions should be solicited from the conservation community at large, possibly through the Regional Representatives of the Scientific Committee, and sent to the Scientific Committee for an evaluation. In order to proceed in this direction, the four Regional Representatives within the Scientific Committee were requested on 28 May 2004 to solicit proposals from the scientific and conservation community at large for the future consideration and possible designation of MPAs to protect cetacean critical habitat in the Agreement area. The following procedure is envisaged to make further progress in addressing the issue of MPAs in the ACCOBAMS context: (1) **Criteria** for the establishment of special protected areas for cetacean conservation should be drafted by the Scientific Committee and submitted for adoption by the Contracting Parties. (2) A special **format** should be prepared for the proposal of protected areas for cetaceans in the ACCOBAMS area, adapted from the existing format for the proposal of SPAMIs, and considering the criteria adopted under point (1). (3) Knowledge of the **existence and location of sites** containing

important cetacean habitat in the Agreement area should be gathered by the Scientific Committee through its Regional Representatives in cooperation with the relevant Sub-regional Coordinating Units. Such sites may be located either in the territorial waters of the Agreement's Riparian States, or in the high seas, or in both. (4) Detailed **investigations** are performed in such sites, to assess whether they fulfil the criteria mentioned in (1). In particular, such investigations should aim to describe cetacean presence and assess the existence of cetacean critical habitat; detect the existence of threats to continued use of such habitat by the cetacean populations involved; and provide arguments in favour of the establishment of specially protected areas as relevant tools to counteract and minimise such threats and contribute effectively to the favourable conservation status of cetaceans in the region. (5) If the above investigations provide convincing arguments in favour of the establishment of an MPA in a particular site, and the criteria are fulfilled, a **formal proposal** should be prepared by the Scientific Committee in co-operation with the concerned Riparian State(s), using the special format mentioned in (2). (6) **Proposals are submitted** to the Meeting of the Parties for consideration and further action.

10. Creation of an Emergency Task Force

During the First Meeting of the Parties a number of implementation priorities were adopted, including one concerning the establishment of an "Emergency Task Force for special mortality events". The Parties recognised that "In recent years the Agreement area has been the scene of major cetacean mortality events, involving mass strandings over wide geographical areas, which have evoked great concern and have attracted considerable attention from the scientific community. To face possible new mortality outbreaks, as well as major accidental events affecting cetacean populations or their critical habitats, the establishment of a Task Force for marine mammal mortality and special events, formed by international experts, is highly recommended. When necessary, and if requested by the Secretariat, the Task Force will convene and arrange for a small team of experts to assess the situation on the ground and advise national groups. The development of intervention protocols and of code of conducts to be followed in case of emergency situations should also be included within the tasks of such group". The following steps are proposed, in order to support the expeditious implementation of an ACCOBAMS Emergency Task Force (ETF): (1) **Establishment of the ETF**, having the primary role to determine when an unusual event is occurring, and directing responses to such event. The Secretariat is directed to draft a roster of contact persons and experts from the scientific and conservation communities and from governmental environment and natural resource agencies, contributing with appropriate fields of expertise (e.g., pathology, epidemiology, toxicology, biology, ecology, acoustics), to volunteer and remain on call in case of emergency. Geographic considerations should be considered as well in making the appointments. Appointment of the members will be done by the Secretariat in cooperation with the Parties, for the duration of the intersessional period. The use of volunteer support in specific circumstances should be considered. (2) Coordination of **response** to unusual events should be the responsibility of the Secretariat, or person delegated by the Secretariat. The ETF may be called upon to provide its expertise when unusual events occur. It may be envisaged that emergencies might be generally addressed by putting ETF members in contact with local correspondents or officials on the site of concern, to provide guidance and assistance by telephone or email, and only in exceptional cases by dispatching one or more ETF members on the event site. (3) Preparation by the Scientific Committee of a **contingency plan** including a list of the possible events for which the ETF may be called upon (e.g., epizootic outbreaks, massive oil or toxic chemicals spills in known cetacean critical habitat, cetacean mass mortality of unknown cause); a description of procedures and modalities for the interventions, of the decision-making process, and of the management of information, communication and relationship with the media. For each event type, a set of protocols and guidelines will be prepared detailing actions that the ETF should undertake, as soon as it is notified of the event. Consultation is recommended with disaster management experts from the Agreement Range States, as well from other States where organisms similar to the ETF have been established, to take advantage of pre-existing experience. (3) The contingency plan should be periodically **updated**, based on past experiences and the development of new techniques and technologies. (4) When appropriate, **training and drills** should be organised to enhance the

effectiveness of the ETF. (5) An **emergency fund** should be established to enable the timely implementation of the ETF activities (e.g., to compensate experts for the costs incurred in acting in accordance with the contingency plan).

11. Capacity building

Efforts will continue to implement ACCOBAMS strategy for capacity building (inf. 9), to ensure that the abilities needed to fulfil its mandate are available. Such strategy simultaneously addresses the technical, financial and administrative aspects, and strives to strengthen: (a) the institutional capacity of the Agreement itself and of its organs (Meeting of Parties, Bureau, Secretariat, Scientific Committee), as well as that of the Parties' public administrations, the research and teaching institutions, the media and non-governmental advocacy organisations; (b) the technical capacity of working on the priorities adopted by the Parties in the different fields concerned (e.g., management, science, training, education, public awareness), including individual capacity building of law enforcers, MPA managers, researchers, teachers, media operators, etc.; and (c) the fundraising capacity to secure from both the public and private sectors the financial resources needed to fulfil the goals and objectives of the Agreement.

Other elements of this capacity building strategy keep into account the following considerations: (a) The current heterogeneity of the distribution of management and research abilities across the Agreement area must be addressed through diffused training initiatives encompassing the full range of needed expertise, coupled with follow-up support to the trainees once they return to their home bases. (b) Existing research teams with proven expertise and a sound professional record, currently functioning as repositories of cetacean conservation know-how in the area, should be supported and utilised to their full potential to promote the diffusion of relevant capacity. (c) To facilitate access to specialised literature, currently insufficiently available in most of the Agreement area, efforts should be made to create digital libraries to be distributed electronically to corresponding research teams, and support should be provided to existing libraries containing significant cetological bibliographic collections, to ensure continued updating and expansion, to facilitate access to information to the local scientific community, and to provide a framework for capacity building that will encourage documented cetacean research in the Agreement area. (d) The cooperation of all individuals and institutions already engaging in capacity building in the ACCOBAMS area with independent programmes are solicited within the wider framework of the Agreement capacity building strategy, through appropriate coordination by the Secretariat. (e) Existing research and teaching organisations in States from the southern and eastern Mediterranean and Black seas should be involved in the development of bilateral or multilateral projects on cetacean research and management in cooperation with other Countries, in the promotion of post-graduate programs conducted to develop research activities in their waters in collaboration with universities having expertise in this subject, and in facilitating the participation of their researchers in capacity building activities supported by ACCOBAMS.

RESOLUTION 2.8

FRAMEWORK GUIDELINES ON THE GRANTING OF EXCEPTIONS FOR THE PURPOSE OF NON-LETHAL IN SITU RESEARCH AIMED AT MAINTAINING A FAVOURABLE CONSERVATION STATUS FOR CETACEANS

The Meeting of the Parties to the Agreement on the Conservation on Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area:

Aware of the fact that cetaceans are particularly vulnerable to disturbance.

Recognising the value of non-lethal in situ research, to provide sound scientific foundation to the decisions of the Parties, but that such activity entails risks to cetacean populations and impacts to individual welfare that may be difficult to evaluate or predict;

Recalling that:

- Article II.1 of the Agreement prohibits any deliberate “taking” of cetaceans;
- The CMS Art I.1.i¹ definition of “taking” – as used in ACCOBAMS – includes harassment;
- Article II.2 of the Agreement establishes the possibility for any Party to grant an exception to this prohibition for the purpose of non-lethal *in situ* research aimed at maintaining a favourable conservation status for cetaceans and after having obtained the advice of the Scientific Committee,;
- In an emergency, Parties shall immediately inform the Bureau and the Scientific Committee, through the Agreement Secretariat, of any exception that has been granted. The Agreement Secretariat then shall inform all Parties of the exception without delay by the most appropriate means;
- Article XI.1 states that the provisions of the Agreement shall not affect the right of any Party to maintain or adopt more stringent measures for the conservation of cetaceans and their habitats;

Considering that for the purpose of the present Resolution, to harass should mean to disrupt deliberately or incidentally the normal behaviour or prior activity of a cetacean either by actions and omissions;

Recalling also:

Resolution 1.1 paragraph 8 Facilitating the diffusion of biological samples;

Resolution 2.11 Facilitation of research campaigns and programs;

Resolution 2.16 Assessment and impact assessment of man-made noise;

Resolution 2.10 Facilitation of exchange of tissue samples and 2.15 Guidelines on tissue banks;

Resolution 2.17 Guidelines for reintroduction of Cetaceans for conservation purposes;

1. Requests Parties:

- To limit exception permits² to “taking” that only has the potential to disturb a cetacean or cetacean population by causing disruption of behavioural patterns, and excluding those which have the potential to injure a cetacean or cetacean population;

¹ Article I

Interpretation

1. For the purpose of this Convention:

....

"Taking" means taking, hunting, fishing capturing, harassing, deliberate killing, or attempting to engage in any such conduct

....

² Permit should be considered as a general term covering any form of national procedure to notify exception granting

- To consider that harassment risk begins when a vessel is voluntarily closer than the minimum distance identified in common rules of cetaceans watching (ACCOBAMS Resolution 1.11);
- 2. *Adopts* the "Framework guidelines on the derogations for the purpose of non-lethal in situ research aimed at maintaining a favourable conservation status for cetaceans" (as in Annex 1) to be applied for research in waters under their jurisdiction and to their nationals conducting research whatever ACCOBAMS zone is concerned and whatever the flag States of the vessel they are operating from, noting that this is in the spirit of Art 117 of UNCLOS¹;
- 3. *Asks* the Secretariat:
 - To develop, in close cooperation with the Scientific Committee:
 - A pro forma for the applications of exceptions (which will inter alia consider any existing relevant processes and the requirement within the ACCOBAMS Agreement for an EIA);
 - A list of useful definitions relevant to this issue in order to help Parties and Riparian States in their development of the exceptions permits procedures;
 - To seek the advice of the Scientific Committee on any experimentation, conducted by non Parties Countries in the context of cooperation with ACCOBAMS, which may induce or risk cetacean harassment and communicate this advice to its principal investigator;
 - Pursuant to the definition of Range States², to contact the pertinent administration of non-Party Countries whose ships are engaged in research activities that could cause or risk cetacean disturbance in order to seek their collaboration;
 - In application of Article II.2, to establish, update and make available on the web site:
 - The list of the national authorities in charge of granting exception permits (in relation to Resolution 2.11, point 3);
 - All the exception permits granted in the frame of this Resolution;
- 4. *Charges* the Scientific Committee to further develop as soon as possible technical items relevant to these guides lines on, inter alia:
 - Symptoms of disruption of normal behavior;
 - Particular care applicable in special circumstances (for example, experiments conducted in the presence of mothers with calves);
 - Acceptable sampling equipments for different species of cetaceans;
 - Particular rules in case of injury or death of an animal;
- 5. *Recommends* to Parties, other Riparian States and Range States, when granting such exceptions permit, in line with Resolution 2.15 on tissue banks, to request that all materials collected or obtained under this exception shall be maintained according to accepted curatorial standards. After completion of initial research goals, any remaining samples shall be deposited into a bona fide scientific collection, which meets the minimum standards of collection curation and data cataloging, as established by the scientific community. Information from each sample should be optimized by conducting all possible analyses on each one.

¹ Article 117: Duty of States to adopt with respect to their nationals measures for the conservation of the living resources of the high seas. All States have the duty to take, or to cooperate with other States in taking, such measures for their respective nationals as may be necessary for the conservation of the living resources of the high seas.

² Article I 3.g

"Range State" means any State that exercises sovereignty and/or jurisdiction over any part of the range of a cetacean population covered by this Agreement, or a State, flag vessels of which are engaged in activities in the Agreement area which may affect the conservation of cetaceans;

ANNEX 1

FRAMEWORK GUIDELINES ON THE DEROGATIONS FOR THE PURPOSE OF NON-LETHAL IN SITU RESEARCH AIMED AT MAINTAINING A FAVOURABLE CONSERVATION STATUS FOR CETACEANS

1. Parties should establish a competent authority to issue exception permits;
2. Exceptions permits should only be issued for a fixed (renewable) term;
3. The designated nature conservation authorities will, through the ACCOBAMS Secretariat, call upon the advice of the Scientific Committee, using, as soon as available, the pro forma established in point 3 of the Resolution;
4. Holders of exceptions permits should comply with any legal requirements applicable in their Country, or in the marine area of operations, governing the harassment of protected species and in particular the use of 'invasive' techniques in accordance with any existing legislation or pertinent Intergovernmental Agreement' procedures related to scientific research, experiments on animals or animal welfare;
5. The awarding of an exception permit should be subject to minimum standards set by the licensing authority;
6. Applicants should demonstrate competence in the activities to be licensed and should provide a written outline of the proposed project including the reasons for the application;
7. Exception permits should be granted to a principal investigator but eventual co-investigators should be listed in the exception permit;
8. Exception permits should be as precise as possible including inter alia the species/numbers of animals that may be approached as many times as necessary in the specified geographic locations during the conduct of behavioural observations, photo-identification, tagging, biopsies or acoustic playback experiments;
9. Exception permits should clearly identify permitted techniques;
10. Permits may restrict the carrying out of any of the activities, such that they are:
 - allowed only under any specified circumstances;
 - not allowed in particular specified circumstances (e.g. during special climatic events or calving periods);
 - restricted to use only in approved projects;
11. Systems should be established to respond to:
 - Infringements of licences,
 - Licensable activities conducted without an appropriate licence; and
 - Reporting procedures for activities carried out under the licence.

RESOLUTION 2.9

CONTRIBUTION TO CBD/CMS JOINT WORK PROGRAMME

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area:

On recommendation of the ACCOBAMS Scientific Committee:

Aware of the need facilitate synergies and to avoid overlapping in the implementation of Multilateral Environmental Agreements;

Recalling Convention Biological Diversity decision II.10, which *Invites* international and regional bodies responsible for legal instruments, agreements and programmes which address activities relevant to the conservation and sustainable use of, *inter alia*, migratory species, to review their programmes with a view to improving existing measures and developing new actions which promote conservation and sustainable use of marine biological diversity, taking into account the recommendations for action by the Parties to the Convention on Biological Diversity adopted by the Conference of the Parties at its second meeting, and provide information on their actions on a regular basis to the Conference of the Parties and, in a first instance, as soon as possible through the Executive Secretary. Furthermore, these various institutions are invited to cooperate with the Conference of the Parties through the Subsidiary Body on Scientific, Technical and Technological Advice in planning and implementation of programmes affecting marine and coastal biological diversity, so as to reduce any unnecessary duplication or gaps in coverage;

Recalling the need to synergize Multilateral Environment Agreements emphasized by the UNEP Governing Council/Ministerial environmental forum;

Noting that the MOU between the CMS and CBD, Secretariats endorsed by each of the Conventions' respective Conferences of Parties and, in particular, CBD Decision III.21 that encourages the development of further such arrangements with relevant international biological diversity-related bodies, including regional conventions;

Noting that this MOU encourages the CBD and CMS Secretariats, including Agreements concluded under CMS auspices, to develop exchanges of experience and information;

Taking into account that some Resolutions adopted by the First and the Second Meeting of the Parties are already relevant to the CBD/CMS Joint Work Programme,

1. *Takes note* of the analysis of the CBD/CMS Joint Work Programme (Annex1) by the ACCOBAMS Secretariat in order to enhance the potential for ACCOBAMS to be implemented and the involvement of the pertinent actors;
2. *Recognizes* that ACCOBAMS implementation complements the CBD's implementation and that therefore ACCOBAMS should take part in and closely coordinate with the Secretariat of the Convention on Migratory Species on the planned development of guidance to integrate migratory species considerations into national biodiversity strategies and action plans and existing and future programmes of work under the Convention on Biological Diversity, pursuant to CBD Decision VI.20, as well as the future revision and implementation of the CBD/CMS Joint Work Programme;
3. *Urges* Parties, which are Parties to the CBD, to organize close coordination between their CBD and ACCOBAMS focal points in the preparation and the implementation of national biodiversity strategies and action plans.

ANNEX 1

CONTRIBUTION TO THE CBD/CMS JOINT WORK PROGRAMME¹

ACTIONS HAVING HIGH PRIORITY²

1.2.3. Forward CMS Resolution 6.2 (By-catch) to CBD; explore possibilities for future co-operation and subsequently implement (under objective 2.1).

1.2.4. Intensify dialogue and co-operation with the fisheries sector where there are known impacts on migratory species due to by-catch and contribute to the CBD's future work on by-catch case studies or a commissioned study on the magnitude of the threat.

Actions relevant with ACCOBAMS Resolution n°	Title of the Resolution
1.9	International Implementation Priorities for 2002-2006
2.13	Pelagic gillnets in the ACCOBAMS Area
2.21	Assessment and mitigation the adverse impacts of interactions between cetaceans and fishing activities in the ACCOBAMS Area

Cetacean by-catch is a well-known phenomenon in the ACCOBAMS area, and involves all species known from the region, two of which (sperm and fin whales) are listed in CMS Appendix I. Pelagic species, such as sperm whales and striped dolphins, are thought to be particularly affected by driftnets, still extensively used in the area. ACCOBAMS SC (hereafter, "SC") experts can provide specialised support to all items listed in CMS Resolution 6.2. The establishment of a by-catch database was identified as a priority by ACCOBAMS MOP1 (hereafter, "MOP"); furthermore, a recommendation on bycatch (SC1 Recommendation 1.2) was adopted by SC, concerning, among other things, the commissioning of a study (pending funding availability) of the current knowledge regarding the extent and magnitude of cetacean by-catch in the Agreement area; a request all Parties and Range States to provide to the Secretariat on an annual basis estimates of cetacean by-catches through their fishing operations; and the participation of ACCOBAMS in the efforts undertaken by the European Commission on by-catch. The related topic of competitive interactions between coastal dolphins and artisanal fisheries is also being addressed by SC, and a recommendation on acoustic devices (SC1 Recommendation 1.1) was adopted, warning on the dangers deriving from the abuse of pingers and acoustic harassment devices. An *ad hoc* WG (WG3) was created, with the task of collecting relevant information on the existence of problem areas in which damage from cetaceans to fishing or aquaculture activities occur.

1.2.7. Taking concerted actions in favour of the endangered marine birds, mammals and reptile species listed in CMS Appendix I that are not adequately covered by other instruments as appropriate.

Actions relevant with ACCOBAMS Recommendation n°	Title of the Resolution
2.3	Amendments of CMS appendices

¹ Document prepared by: Giuseppe Notarbartolo di Sciara (coordinator), Alexei Birkun, Jr., Stefan Bräger, Juan-Antonio Raga, and Marie-Christine Van Klaveren in 2003. A reference to the Resolutions adopted by the Parties in 2002 and those to be presented for adoption in 2004 was included to the text for the purpose of the MOP2 presentation.

² The level of priority was determined in the original document for the CMS; it should not be considered as relevant for ACCOBAMS

Fin whales and sperm whales are CMS Appendix I species regularly found in the ACCOBAMS Area, and to which ACCOBAMS applies. These species are affected, or potentially affected, by a number of serious threats (e.g., collisions with vessels, high-level industrial and military noise, chemical pollution, unregulated whale watching, and, particularly in the case of sperm whales, accidental entanglement in driftnets) which may not be adequately addressed by other instruments as appropriate. ACCOBAMS must address all these issues, and support from CMS and CBD would be very needed; in turn, ACCOBAMS' experience may be useful as a case study for addressing these problems elsewhere.

1.3.1. Include expertise on migratory species and marine and coastal protected areas in the CBD ad hoc technical experts group to support CBD Operational Objective 3.1³.

Actions relevant with ACCOBAMS Resolution n°	Title of the Resolution
1.9	International Implementation Priorities for 2002-2006
2.14	Protected areas and cetacean conservation

MOP identified as a priority the development and implementation of pilot conservation and management actions in well-defined key locations in the ACCOBAMS Area containing critical habitat for populations belonging to priority species. Marine protected areas designated to protect cetaceans exist in the ACCOBAMS Area, and more are in the planning. The ACCOBAMS Area also includes one of the few existing MPA established in the high seas, the Cetacean Sanctuary. SC has specific expertise in the field of cetacean conservation through MPAs. A Joint Working Programme is being initiated between ACCOBAMS and the Agreement on the International Sanctuary for Mediterranean Marine Mammals, based on SC Recommendation 1.3, to harmonise research activities on fin whale ecology and conservation in the Mediterranean. SC is available to cooperate with the CBD ad hoc technical experts group and propose nominations accordingly.

1.3.2. Review CMS Instruments and include information about those instruments and about the special needs of migratory species in the documents of the ad hoc technical expert group on marine and coastal protected areas.

SC is available to assist ACCOBAMS Executive Secretary (hereafter ES) in participating in the consultation with adequate knowledge.

6.1. Provide case studies on the relationship between migratory species and the prevention of introduction, eradication or control of alien invasive species, pursuant to the format annexed to CBD COP Decision V/8, compile them and make them available to Parties through CHM.

Although ongoing or completed projects involving case studies on the relationship between cetaceans and alien invasive species may not exist at the moment in the Agreement Area, these can be envisaged if needed. Case studies on alien invasive species may involve habitat-altering species such as *Caulerpa* spp. and the connected fish (=prey) fauna in Mediterranean coastal habitats, or invasive carnivorous zooplankton in the Black Sea and its effects on the pelagic trophic web. From a different angle, cetaceans from geographically identifiable populations (e.g., Black Sea *Tursiops*) released outside their range (e.g., the Red Sea, as in Israel), may pose problems of interest to this action.

³ *CBD Operational objective 3.1*: "To facilitate research and monitoring activities related to the value and the effects of marine and coastal protected areas or similarly restricted management areas on sustainable use of marine and coastal living resources."

7.1. Provide case studies to be compiled by the secretariats on the relationship between the ecosystem approach and the conservation and sustainable use of migratory species taking into consideration the migratory range approach and make them available through CHM.

By “sustainable use” of migratory species we intend here only intentional use, thereby excluding instances such as bycatch that are being addressed elsewhere in this document. Based on such definition, sustainable use of cetaceans in the ACCOBAMS Area can only be non-consumptive and non-lethal. Whale watching may fall within such a category of use. ACCOBAMS is finalising the development of guidelines for respectful whale watching, and is setting up a web-based database for the acquisition of information and inventorying of commercial whale watching operations in the Agreement area.

8.1. Consider how GROMS could be developed to most effectively contribute to the implementation of the CBD GTI and CMS.

Actions relevant with ACCOBAMS Resolution n°	Title of the Resolution
1.9	International Implementation Priorities for 2002-2006
1.10	Cooperation between national networks of cetacean strandings and the creation of a database
2.21	Assessment and mitigation the adverse impacts of interactions between cetaceans and fishing activities in the ACCOBAMS Area

A major operational problem in the ACCOBAMS Area resides in the lack of knowledge of the distribution (and seasonal variations thereof) of cetacean populations in a large portion of the area itself, both in the Mediterranean (particularly as far as the southern and eastern portions are concerned) and in the Black Sea. Thus a considerable effort is now being placed in organising a Mediterranean-wide survey, conducted both with visual and acoustic methods, to assess such population distribution. Furthermore, stranding programmes and databases are being carried out in parts of the area, but are lacking elsewhere. Therefore an effort is being undertaken under the auspices of ACCOBAMS, in cooperation with UNEP MAP's Regional Activity Centre for Specially Protected Areas, for the establishment of an umbrella stranding network encompassing the entire Agreement range, and consequently for the creation of a Mediterranean (and Black Sea) database of cetacean strandings (MEDACES). Both initiatives (surveys at sea and stranding database), when completed, will be able to contribute significantly to the GROMS effort.

8.2. Identify experts on migratory species and taxonomy from the roster of experts under CBD and CMS to participate in the short-term GTI activities.

ACCOBAMS is creating a directory of its experts. From such a directory, ad hoc experts from the ACCOBAMS area can be provided for this task.

9.1. Identify experts on migratory species as indicators that could be included on the CBD roster of experts and the expert meeting on indicators.

9.3. Provide case studies, best practices, guidelines, reviews, reports and data on the use of migratory species as indicators of biological diversity and their use in assessment and monitoring programmes (i.e. AEWA guidelines to reduce damage to fisheries and other forms of conflict between water birds and human activities, guidelines on bat-friendly forestry practices under the Agreement on the Conservation of Bats in Europe (EUROBATS), to

support the regional process of workshops on indicators, and contribute to the implementation of CBD COP decision V/7 on developing a set of principles, standard questions and a list of available and potential indicators.

Air-breathing marine animals such as mammals and turtles are significantly easier to study than non-air breathers because the former are linked to the sea surface (and therefore visible) by their constant physiological need for atmospheric oxygen. In addition, as long-lived, top marine predators, able to accumulate toxins in their tissues through biomagnification, cetaceans can be regarded in some cases (e.g., when detecting trends over short periods is not a stringent need) as useful indicators. The ACCOBAMS Black Sea Sub-regional Coordinating Unit is active on this item, as marine mammals are likely to be used as indicators (e.g. by Ukraine). Several ACCOBAMS species could be thus be selected as possible bioindicators, and as a consequence ACCOBAMS experts are available for inclusion in the CBD roster of experts.

10.1. Organize a technical workshop or a commissioned study examining migratory species and impact assessment, including the problems posed by obstacles to migration, as an input into the CBD process.

Actions relevant with ACCOBAMS Resolution n°	Title of the Resolution
1.9	International Implementation Priorities for 2002-2006
2.13	Pelagic gillnets in the ACCOBAMS Area
2.16	Assessment and impact assessment of Man made noise

There is a number of human activities in the ACCOBAMS area that are known to or likely to impact on cetaceans, and particularly on two Appendix I species (fin and sperm whales). Fishing with driftnets, navigation with high-speed ferries and airgun prospecting are just few examples. While recognising the difficulties involved (particularly as far as funding and the ability to reach rapid conclusions are concerned), studies to assess impact on such species would be very useful, and ACCOBAMS has the expertise to carry out such studies, which will be part of specific conservation plans envisaged by MOP.

11.4. Give particular attention to CMS Appendix I species when creating networks of critical sites or corridors throughout the migratory range of the species concerned, in close co-operation with other Range States, particularly neighbouring States.

Actions relevant with ACCOBAMS Recommendation n°	Title of the Resolution
2.13	Pelagic gillnets in the ACCOBAMS Area
2.16	Assessment and impact assessment of Man made noise
2.3	Amendments of CMS appendices

The International Sanctuary for Mediterranean cetaceans, which entered into force in February 2002, contains major critical habitats for all regular Mediterranean cetacean species, and in particular for CMS Appendix I fin and sperm whales. The Scientific Committee of ACCOBAMS adopted in 2002 a recommendation to cooperate with the Mediterranean Cetacean Sanctuary Agreement to investigate the location of other critical habitats for these species in the Mediterranean, and ensure that migratory movements among such habitats can occur unimpeded along appropriate “corridors”. Once identified, sites and corridors could be proposed as restricted/controlled fishing, navigation and mineral

prospecting protected areas to alleviate bycatch, collision and noise problems. Funding for the implementation of such activities is seen as a priority in the ACCOBAMS area.

14.1. Provide case studies to be compiled by the secretariats on the sustainable use of migratory species and their economic value to support the development of CBD principles and guidelines

Actions relevant with ACCOBAMS Recommendation n°	Title of the Resolution
1.11	Guidelines for commercial whale watching activities in the ACCOBAMS Area

Sustainable use of cetaceans in the ACCOBAMS area can only be non-lethal, non-consumptive (i.e., whale watching). ACCOBAMS MOP1 has adopted guidelines for respectful whale watching, which are currently being revised by an *ad hoc* Working Group established by ACCOBAMS Scientific Committee. It is thus possible for ACCOBAMS to contribute to the support of CBD principles and guidelines in matters concerning the sustainable use of migratory species and their economic value.

19.4. Ensure that National Reports of CMS and Agreements are made available for consideration in CBD decision-making

Actions relevant with ACCOBAMS Recommendation n°	Title of the Resolution
1.8	Establishment of a triennial report format for the Agreement
2.5	Follow up of the Resolutions/Recommendations

The Scientific Committee of ACCOBAMS is available to support the Secretariat in the implementation of this task.

ACTIONS HAVING MEDIUM PRIORITY⁴

1.1.1. Review CMS Instruments for their relevancy to IMCAM to support operational objective 1.1 (CBD Decision IV/5)

Actions relevant with ACCOBAMS Resolution n°	Title of the Resolution
1.9	International Implementation Priorities for 2002-2006
2.7	Working Program 2005-2007

Integrated Marine and Coastal Management (IMCAM) is highly relevant with a view of ensuring conservation of endangered populations of coastal cetacean species in the ACCOBAMS area, and most notably common and bottlenose dolphins, and harbour porpoises. Actions related to ACCOBAMS MOP1-adopted Implementation Priorities n. 4 (“Development and implementation of pilot conservation and management actions in well-defined key areas containing critical habitat for populations belonging to priority species”), 5 (“Workshop on methods for the evaluation of habitat degradation and its effects on cetacean populations”), 6 (“Conservation plan for cetaceans in the Black Sea”), 7 (“Conservation plan for short-beaked common dolphins in the Mediterranean Sea”), 8

⁴ The level of priority was determined in the original document for the CMS; it should not be considered as relevant for ACCOBAMS

(“Conservation plan for bottlenose dolphins in the Mediterranean Sea”) should be best framed within the greater objectives of IMCAM. Proposals of pilot conservation and management areas (Action 4, above) should be considered as examples of IMCAM having a specific conservation objective (i.e., conserving an endangered marine mammal population).

6.2. Make available to the CBD guidelines by the CMS Instruments, such as AEWA, relevant to migratory species and the prevention of introduction, eradication or control of alien invasive species.

Actions relevant with ACCOBAMS Resolution n°	Title of the Resolution
2.25	Prey depletion
2.17	Guidelines for reintroduction of cetaceans for conservation purposes

See 6.1

9.2. Evaluate how GROMS could contribute to the CBD’s work programme, including the development of regional and global assessments of biodiversity (e.g., the Global Biodiversity Outlook).

Actions relevant with ACCOBAMS Resolution n°	Title of the Resolution
1.9	International Implementation Priorities for 2002-2006
2.19	Abundance and distribution of cetaceans within the ACCOBAMS Area

See 8.1

9.4. Organize a technical workshop or a commissioned study examining migratory species as indicators and contribute to the work of the SCBD on developing a set of principles, standard questions and a list of available and potential indicators (Decision V/7).

See 9.3. ACCOBAMS could be available to supply both experts and/or contributions to such a workshop.

11.1. CMS to provide expertise on migratory species and contribute to the CBD’s future work programme on protected areas including peer review of CBD papers, the participation in experts meetings and submission of case studies or commissioned studies on the value of protected areas to migratory species.

Actions relevant with ACCOBAMS Resolution n°	Title of the Resolution
1.9	International Implementation Priorities for 2002-2006
2.14	Protected areas and cetacean conservation

We should explore the possibility that CMS could promote the case of high-seas marine protected areas to conserve threatened populations of migratory species, particularly those listed in CMS Appendix I. The ACCOBAMS Area contains a pilot example of this, the Pelagos Sanctuary, and expertise developed in this process should be made available to CBD. Furthermore, protected (no-fishing) areas, especially the creation of new sanctuaries to form a network of protected areas and

corridors of critical habitat for migratory species, may be a useful tool to alleviate by-catch problems. The study of the effect of no-fishing zones (protected areas) as they may exist in Malta, Spain or Algeria on cetacean populations should be encouraged. Finally, the funding of the basin-wide survey could have a high priority for CBD/CMS to identify critical sites and corridors. ACCOBAMS will be able to assist CMS in such an effort.

11.2. Gather information on the relationship between protected areas and the conservation and sustainable use of migratory species.

Actions relevant with ACCOBAMS Resolution n°	Title of the Resolution
1.9	International Implementation Priorities for 2002-2006
2.14	Protected areas and cetacean conservation

See previous item.

11.3. Develop pilot projects and research initiatives assessing the effect of protected areas on the conservation and sustainable use of migratory species (operational objective 3.2 of marine and coastal programme of work; elements 1 and 4 of the work programme for forest biological diversity).

Actions relevant with ACCOBAMS Resolution n°	Title of the Resolution
1.9	International Implementation Priorities for 2002-2006
2.14	Protected areas and cetacean conservation

Pilot projects and research initiatives aimed at the assessment of the effect of MPAs on the conservation of cetaceans and on their non-lethal, non consumptive use (i.e. whale watching) can be readily programmed within the framework of ACCOBAMS Implementation Priority n. 4 (“Development and implementation of pilot conservation and management actions in well-defined key areas containing critical habitat for populations belonging to priority species”), as well as n. 10 (“Identification of sites of conservation importance for fin whales”).

11.5. Encourage research on the effects of protected areas or closed areas on population size and dynamics (operational objective 3.1 of marine and coastal programme of work).

Actions relevant with ACCOBAMS Resolution n°	Title of the Resolution
1.9	International Implementation Priorities for 2002-2006
2.14	Protected areas and cetacean conservation

See previous item.

13.1. Incorporating migratory species into the programme elements on education and public awareness (CEPA) being developed between CBD and UNESCO initiative as appropriate.

Actions relevant with ACCOBAMS Resolution n°	Title of the Resolution
1.9	International Implementation Priorities for 2002-2006
2.23	Educational program

ACCOBAMS' Scientific Committee has created a working group for the establishment of a long-term training programme on cetacean research, monitoring and conservation (Implementation Priority n. 12). ACCOBAMS is also developing educational tools for the organisation of research projects and basic technical studies (Implementation Priority n. 13). The experiences acquired in these processes can be shared with the CEPA initiative, for mutual benefit.

13.2. Consider designating migratory species as a possible theme in the near future for the International Day of Biological Diversity.

Actions relevant with ACCOBAMS Resolution n°	Title of the Resolution
1.9	International Implementation Priorities for 2002-2006
2.23	Educational program

Important ACCOBAMS species, some of which listed in CMS Appendix I and II, could be designated on subsequent years "species of the year" to assist in fund-raising for conservation purposes. Another example could be the 20th anniversary of the total ban of cetacean kills in the Black Sea, which occurs in 2003, an opportunity for promoting awareness concerning ACCOBAMS in the Black Sea sub-region.

13.3. Promote awareness-raising, information sharing and training with regard to migratory species for stakeholders involved in sustainable tourism.

Actions relevant with ACCOBAMS Resolution n°	Title of the Resolution
1.9	International Implementation Priorities for 2002-2006
1.11	Guidelines for commercial whale watching activities in the ACCOBAMS Area
2.23	Educational program

ACCOBAMS-adopted guidelines for whale watching, as well as future guidelines for sustainable use of cetacean habitat by shipping (ferries and cruise vessels), sport-fishing, water sports (jet skis, sailing etc.) and other 'stakeholders involved in sustainable tourism' can be provided to implement this action.

14.2. Determine the most appropriate means for migratory species and tourism to be addressed in the CBD work on sustainable tourism and contribution to the Commission for the Sustainable Development (CSD) Initiative.

Actions relevant with ACCOBAMS Resolution n°	Title of the Resolution
1.11	Guidelines for commercial whale watching activities in the ACCOBAMS Area
2.23	Educational program

This action should be implemented in conjunction with the previous item.

14.3. Make available to the CBD when published, guidelines by the CMS Instruments, such as those by AEWA on (1) the development of ecotourism in wetlands, (2) the sustainable harvest of migratory waterbirds (3) regulating trade in migratory waterbirds and (4) reducing crop damage from migratory waterbirds.

Actions relevant with ACCOBAMS Resolution n°	Title of the Resolution
1.9	International Implementation Priorities for 2002-2006
1.11	Guidelines for commercial whale watching activities in the ACCOBAMS Area
2.23	Educational program

See previous item.

15.1. Integrate the conservation and sustainable use of migratory species into national biodiversity strategies and action plans.

The ACCOBAMS Secretariat can support CSM in this action, by interacting with Contracting Governments both directly and multilaterally to ensure that national legislation, strategies and action plans will include cetacean conservation in their objectives.

15.2. Integrate the conservation and sustainable use of migratory species into national decision-making especially across the competencies of governmental institutions.

See previous item.

16.1. Support the implementation of the CMS Instruments as appropriate, to facilitate co-operation, collaboration and synergy.

Actions relevant with ACCOBAMS Resolution n°	Title of the Resolution
2.2	Strengthening links with UNEP

CMS and CBD could support the implementation of ACCOBAMS by asking all their relevant Parties to become Parties to the Agreement. ACCOBAMS plays also a major role in widening the concept of migratory species to the benefit of CMS and the other relevant Agreements.

16.2. Promote national-level cross-sectoral coordination to improve the conservation and sustainable use of migratory species, including co-ordination between the national focal points of the two conventions. Guidelines for sectoral and cross-sectoral integration can facilitate this activity.

Synergies among CMS, CBD, and Bern, Barcelona and Bucharest Conventions could be used to stimulate exchanges, organise meetings, establish focal point committees promoting such cross-

sectoral coordination. In this effort, ACCOBAMS Sub-regional Coordinating Units could be particularly helpful.

19.1. Exchange and disseminate information on migratory species, including case studies, reports and others on the importance of migratory species in all thematic areas and crosscutting issues.

Actions relevant with ACCOBAMS Resolution n°	Title of the Resolution
2.23	Educational program

ACCOBAMS has already started to accumulate expert information (e.g., the report ‘Cetaceans of the Mediterranean and Black Seas: state of knowledge and conservation strategies’; the ACCOBAMScience website at www.accobams.org, etc.) which can be disseminated to this effect. Furthermore, as part of its beginning effort in capacity building, SC is encouraging scientists from the area to make available their data through appropriate means (e.g., publications on journals such as the Journal of Cetacean Research and Management, participations in meeting such as those of the European Cetacean Society, etc.).

ACTIONS HAVING LOW OR NO PRIORITY¹

15.3. Develop national legislation for the protection and conservation of migratory species, as appropriate.

See item 15.1.

10.2. Include migratory species considerations in the guidelines for the integration of biodiversity considerations in impact assessments procedures.

Actions relevant with ACCOBAMS Resolution n°	Title of the Resolution
1.9	International Implementation Priorities for 2002-2006
2.13	Pelagic gillnets in the ACCOBAMS Area
2.16	Assessment and impact assessment of Man made noise

See Item 10.1. Also, given that the ability to migrate is essential to migratory biodiversity, activities that may impact on migratory processes such as shipping, fishing, construction, navy exercises, and oil exploration should require a proper Environmental Impact Assessment study (required by national law). The results of a questionnaire on national legislation by ACCOBAMS in 2000 may be relevant here and possibly deserve to be updated for MOP2.

¹ The level of priority was determined in the original document for the CMS; in this case particularly it do not correspond to ACCOBAMS' levels of priority.

RESOLUTION 2.10

FACILITATION OF EXCHANGE OF TISSUE SAMPLES

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area:

Stressing that Parties decisions for efficient conservation measures must be based on the best available scientific information;

Recalling that:

- Article II, paragraph 3.e) of the Agreement invites the Parties to reinforce the collection and dissemination of information;
- The Conservation Plan, which is fully part of the Agreement and binds the Parties to:
 - Develop systematic research programs on dead, stranded, wounded or sick animals, to determine the main interactions with human activities and to identify present and potential threats (paragraph 4.d);
 - Develop the systems for collecting data on observations, by-catches, strandings, epizootics and other phenomena related to cetaceans (paragraph 5.a);
 - Establish, as appropriate, a sub regional or regional data bank for the storage of information collected (paragraph 5.e);

Recognizing that, to provide scientific sound bases, non-lethal sampling of cetaceans' tissues may be necessary;

Recalling also:

- Resolution 1.10 inviting Parties who are also Parties to the CITES to register competent laboratories with the CITES Secretariat, in application of the CITES Resolution Conf.11/15, implementing the exemption for scientific exchanges between their scientists and Scientific institutions as provided in article VII, paragraph 6 of this Convention, and;
- Resolution 2.8 concerning the granting of derogations provided in Article II and in particular the non-lethal sampling of live cetaceans tissues in the wild;

Aware of the need to enhance worldwide scientific collaboration with specialized laboratories for a better knowledge of cetaceans in ACCOBAMS area;

Convinced on the need to fully control international trade of endangered species belonging to wild life, in particular by the implementation of CITES;

1. *Urges* Parties to implement Resolution 1.10, and register at least one specialized competent Scientific Institution within the CITES Secretariat and inform ACCOBAMS Secretariat of this designation;
2. *Asks* Parties CITES management authorities to facilitate the granting of import permits for samples coming from the sea under an ACCOBAMS implementation program and, as far as necessary the subsequent exportations;
3. *Charges* the Secretariat to manage and make available an updated database listing including Scientific Institutions, the procedures to be implemented for such exchanges and the national CITES authorities competent to grant any relevant permits.

RESOLUTION 2.11

FACILITATION OF SCIENTIFIC RESEARCH CAMPAIGNS AND PROGRAMS

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area:

Aware that scientific research in the Agreement area remains essential to identify the populations having the least favourable conservation status and to address the conservation priorities;

Recalling that research field works are also a major tool for capacity building;

Considering with appreciation international surveys organised on behalf of ACCOBAMS by IFAW and Ocean Alliance in the previous triennium and the help of several Riparian States to delivering research permits;

Aware that international surveys in semi-enclosed seas needs more than elsewhere several national permits, which procedures are not harmonized, long lasting and not well publicized;

Recalling

- Resolution 2.7, adopting a working program for 2005-2007;
- Resolution 2.8 on derogation pursuant to Article II.1 of the Agreement for scientific research;

Without prejudice of national measures imposed by maritime traffic and public security;

1. *Calls upon* Parties, Riparian States, Range States, the International Organisations, the International Scientific Institutions and others to participate and support the ACCOBAMS studies;
2. *Urges* Parties to facilitate research *in situ* campaigns organized under the auspices of ACCOBAMS;
3. *Calls upon* Parties to provide the Agreement Secretariat with the pertinent information concerning *inter alia* :
 - national legal definitions of marine scientific research;
 - concerned geographical areas;
 - conditions and regulations established by the coastal state;
 - procedures;
 - contact points to address any requests of *in situ* research;
4. *Instructs* the Agreement Secretariat to establish, make available and update all the relevant information on the Agreement website.

RESOLUTION 2.12

GUIDELINES FOR THE USE OF ACOUSTIC DETERRENT DEVICES

The Meeting to the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area:

On recommendation of the ACCOBAMS Scientific Committee:

Aware of the fact that cetaceans are particularly vulnerable to disturbance at certain stages of their life cycle;

Particularly conscious of the interaction of Cetaceans with some coastal and artisanal fisheries and the resulting conflicts;

Convinced that the importance of coastal and artisanal fisheries in the sustainable development of the ACCOBAMS range States implies the integration of conservation activities with socio-economic development;

Noting that acoustic deterrents represent a new technique for the remediation of by-catches in fishing gears effects of which on nature and on different components of biodiversity cannot be fully assessed or predicted at present as they may produce significant noise pollution and possibly exclude cetaceans from certain areas;

Noting also that widespread use of acoustic deterrents in fishery and aquaculture operations in the Mediterranean indicates that these could raise conservation concerns;

Recalling that:

- Article II.3 in which Parties shall apply the conservation, research and management measures, which shall address inter alia the assessment and management of human-cetacean interactions and in implementing this measures, they shall apply the precautionary principle;
- The Conservation Plan, which is fully part of the Agreement, requires the Parties to establish and implement legislative, regulatory or administrative measures:
 - To minimize adverse effects of fisheries on the conservation status of cetaceans;
 - For impact assessments to be carried out in order to provide a basis for either allowing or prohibiting the continuation or the future development of activities that may affect cetaceans or their habitat in the Agreement area as well as establishing the conditions under which such activities may be conducted;

Recalling also Resolution 2.16 on Man made noise;

Taking into account the advice of the Scientific Committee on the ineffectiveness and harmful potential of AHDs¹ to alleviate conflicts between cetaceans and fisheries or mariculture operations in the Agreement and considering pingers² to be less invasive than AHD and their use is, in principle, oriented towards cetacean conservation;

¹ Acoustic devices used to avoid dolphin interaction with fishing activities and aquaculture have the potential to adversely impact cetacean and other animal populations. They may damage the hearing of cetaceans and, if used extensively, exclude them from significant portions of their habitat. These undesired effects are well documented for “acoustic harassment devices” (AHD) which are used, for example, to prevent animals from approaching aquaculture facilities; AHD produce high source levels (>185dB re 1 P at 1m) and operate primarily in the mid to high frequency range (c.5-30kHz).

² “Pingers” are used primarily to alert cetaceans to existence of fishing gear and thus avoid entanglement. These are low-intensity (generally <150dB re 1 P at 1m) sources that operate in the mid to high frequencies between about 2.5-109kHz, with harmonics to much higher frequencies (Reeves *et al.*, 2001). These devices are considered to be less invasive than AHD and their use is, in principle, oriented towards cetacean conservation.

Aware of the scarcity of controlled studies of the efficacy of pingers in reducing by-catches in the Agreement area;

1. *Adopts* the “Guidelines for technical measures to minimize cetacean-fishery conflicts in the Mediterranean and Black Seas” in Annex 1;
2. *Urges* the Parties:
 - To strictly regulate the use of AHDs to alleviate conflicts between cetaceans and fisheries or mariculture operations in the Agreement area;
 - To strongly recommend that the use of pingers, where authorized and appropriate, only be conducted with controlled studies to ensure that they are an effective mitigation measure;
 - To link any use of pingers with an observer scheme designed to monitor their effectiveness over time;
3. *Charges* the Scientific Committee to update technological informations on this topic, with a view to developing common sets of guidelines for use in the ACCOBAMS area;
4. *Charges* the Secretariat, in relation the regional fisheries bodies and all financing agencies and donor Countries to consider helping developing Countries acquire and use relevant technology, and with appropriate education and training of fishermen.

ANNEX I

GUIDELINES FOR TECHNICAL MEASURES TO MINIMISE CETACEAN-FISHERY CONFLICTS IN THE MEDITERRANEAN AND BLACK SEAS

Edited by Simon Northridge, Caterina Fortuna and Andrew Read

Administrative introduction

These Guidelines have been developed in response to requests made by member states to the ACCOBAMS Secretariat for advice on how to minimise conflicts between small cetaceans and fisheries in the Mediterranean and Black Seas. Implicit in the Agreement between member states is the assertion that culling is an inappropriate and usually ineffective means of addressing such conflicts with unacceptable consequences for the conservation of small cetaceans.

There is still much uncertainty over many aspects of the mitigation tools that have been used in attempts to minimise cetacean fishery conflicts. In some cases the efficacy of the methods used is still questionable. These Guidelines have been compiled with the knowledge that there are no certain solutions to any of these problems, and that much scientific work remains to be done to understand how they can be resolved in the long term. Governments are urged to support research efforts in this area.

Terminology

Conflicts between fisheries and cetaceans generally take one or both of two forms. These are: the accidental capture of cetaceans in fishing operations (**bycatch**) and the **depredation** of fishing gear by cetaceans, leading to loss of catch and damage to fishing gear. In many cases these two problems occur in the same fisheries, and resolving the latter problem may help to resolve the former.

The 2001 ICRAM workshop (Reeves *et al* 2001) recognised a variety of potential mitigation methods to deal with cetacean bycatch and depredation of fish catches in static net fisheries in the Mediterranean. Perhaps the most widely-used methods involve acoustic devices of one form or another. The ICRAM workshop recognised two major categories of acoustic mitigation devices: Acoustic Harassment Devices (AHDs) and Acoustic Deterrent Devices (ADD), including pingers.

Pingers are relatively low-intensity (generally <150dB re 1µP at 1m) battery-powered sound generators that operate in the mid to high sound frequencies (between about 10kHz to around 100 kHz). Pingers are usually designed to prevent small cetaceans from becoming entangled in gill nets, however a new generation of such devices has been designed to mitigate the depredation. At the other extreme, AHDs are designed to work by causing pain, discomfort or irritation to potential predators, and have been developed primarily with the aim of discouraging seals from approaching caged fish. Pingers are usually small (hand-sized) devices that run for weeks, months or years on small batteries. AHDs, in contrast, have relatively high sound source levels (typically >185dB re 1µP at 1m) and operate primarily in the low to mid frequency range (c. 5-30kHz). They are typically bulky pieces of equipment powered from mains electricity or large lead-acid vehicle batteries. As they have primarily been designed with seals in mind, AHDs produce sound within pinniped hearing sensitivities, which are typically lower than those of small odontocetes. Not all acoustic devices necessarily fall into one category or another and the difference between the two types of device, especially in terms of their acoustic output, is qualitative.

How do acoustic devices work?

It remains unclear how most of these devices work and a range of possible mechanisms has been postulated. These include: in the case of AHDs discomfort; scaring; deterring; masking of the

animals' acoustic detection senses; or simple confusion. However, in most cases the exact behavioural mechanism by which AHDs work is unclear.

In some cases, it appears that ADDs function in an aversive manner. For example, several studies have shown that harbour porpoises (*Phocoena phocoena*) and, to a lesser extent, bottlenose dolphins (*Tursiops truncatus*) avoid pingers (Koschinski & Culik 1997, Kastelein *et al.* 2000, Culik *et al.* 2001, Laake *et al.* 1998, Cox *et al.* 2003, Goodson *et al.* 1994, Anonymous 2003b). Further details of this research are available on the ACCOBAMS website. Nevertheless, the scope of this research is limited i. The response of small cetaceans to any acoustic stimulus is likely to be context-dependent and our understanding of their reaction to any such sound is limited at best.

Do they work?

Both practical experience and several experimental studies have shown that pingers are able to significantly reduce the bycatch of harbour porpoises in gillnets (Kraus *et al.* 1997, Gearin *et al.* 2000, SMRU *et al.* 2000, Larsen *et al.* 2000). Several other studies have shown a similar effect with other small cetacean species including the striped dolphin (*Stenella coeruleoalba*), common dolphin (*Delphinus delphis*) and franciscana (*Pontoporia blainvillei*) (Barlow and Cameron 1999, Imbert *et al.* 2001, Imbert *et al.* 2002, Bordino *et al.* 2002, Bordino *et al.* 2004). The exact reduction in by-catch depends on many factors including the behavioural response of the species in question and the degree to which devices are properly used and maintained.

Early types of AHD were shown to be ineffective in the medium to long term in several experimental studies in North America. Pinnipeds habituated to these devices and sometimes came to regard them as a dinner bell, resulting in *increased* depredation at salmon capture sites (Mate and Harvey 1980). Since these early studies, a new generation of AHDs has been designed for the salmon aquaculture industry. Unfortunately, there have been very few experimental studies to show whether or not these new generation AHDs are effective in reducing depredation. One study in Sweden, in which one model of 'seal scarer' AHD was used close to a salmon netting station was shown to be effective over a short period of several weeks (Westerberg *et al.* 1999).

Several studies in the Mediterranean have tested the effectiveness of acoustic deterrents in reducing damage to gear and depredation caused by bottlenose dolphins. The results of these studies, while promising in some cases, do not present a clear and straightforward answer to the question. Studies to date are summarised in Box 1 below.

Concerns about the use of acoustic devices

Several concerns have been raised about the use of acoustic devices. Louder devices, such as AHDs designed to keep pinnipeds away from fish farm sites, have been shown to exclude cetaceans from large areas (Olesiuk *et al.* 2002, Morton and Symonds 2002, Johnston 2002). Concerns have, therefore, been raised that the widespread use of such devices may significantly reduce the habitat available for cetaceans in an area. This concern has also been expressed with respect to the large-scale use of pingers, although the spatial scale of such exclusion is likely to be much smaller for each individual device. Small-scale exclusion has been reported for harbour porpoises around active pingers (Culik *et al.* 2001, Berggren *et al.* 2002), but intensive use of such devices over a large area may be a cause for concern if small cetaceans are likewise excluded from significant parts of their habitat. The potential exclusion effect of pingers may be ameliorated to some extent by the finding that continued exposure to such devices may lead to a diminution (though not a disappearance) of the behavioural response and, thus, the area of exclusion (Cox *et al.* 2001).

The possibility has also been raised that some of the AHDs in use around aquaculture sites may cause physical damage to animals nearby. It might be assumed that animals would choose to remain at a comfortable distance from a very loud sound source, but in situations in which aversive signals are

only emitted sporadically it is possible that a cetacean or seal might get close enough to a sound source to suffer auditory damage if the device was activated. Theoretical studies suggest that auditory damage would be possible for cetaceans within 10m of a sound source. Pinnipeds, with less sensitive hearing, are less likely to be damaged unless they were even closer (Gordon and Northridge, 2002; Taylor *et al.* 1997).

In the Mediterranean, where small populations of the highly endangered Mediterranean monk seal still survive, there are important concerns about the possibility of both habitat exclusion and hearing damage to seals as a result of the use of AHDs (Reeves *et al.* 2001).

Depredation – approaches to minimising the problem

There are numerous accounts of dolphins depredating fisheries in the Mediterranean, and more details of these can be found on the ACCOBAMS website (http://www.accobams.org/index_science.htm). Fisheries involved include hook and line fisheries, purse seine or *lampara* fisheries and gillnet fisheries. While not the only species involved, bottlenose dolphins appear to be the most frequently implicated.

Member States in the ACCOBAMS area have committed themselves to protecting cetaceans, and thus have a duty to assist fishermen in finding appropriate means of minimising these conflicts. Experience in many areas shows that if fishermen are not given appropriate assistance and guidance that they may resort to inappropriate measures to deal with the problem. Appropriate mitigation measures should therefore be sought and encouraged by Member States.

At present there does not appear to be any one simple panacea that will solve the problem of depredation. It is likely that solutions will be case-specific, and the national authorities of member states will need to determine which are the most likely routes to resolve the problem. These guidelines are intended to summarise information at present and assist national or regional authorities to find the most promising avenues. It should be stressed that at present there has been no demonstration of long term effectiveness of any solution.

Acoustic mitigation measures represent a potential avenue that may lead to a solution, but many other appropriate ideas should also be explored, including changes in fishing practices and behavioural conditioning of animals (Reeves *et al.* 2001). Member states should be encouraged to explore such ideas.

Several acoustic deterrents are currently being marketed for use in the ACCOBAMS region to minimise dolphin depredation. It is important to note that no study of such devices has yet shown anything more than a short-term effect. Further trials are urgently required, particularly as there are concerns that animals may habituate to acoustic deterrent signals over time and resume depredation. A summary of the trials conducted so far is given in Box 1. At the present time, no acoustic device has been shown effective at reducing depredation over the medium to long-term.

The acoustic devices marketed to reduce depredation are all relatively quiet, none approaching the sound source levels achieved in the AHDs used at aquaculture sites. This is largely because AHDs are very expensive and require significant power inputs, whereas most of the lower power devices are less expensive and run on standard alkaline or lithium cells. Box 2 lists some of the available devices.

Not all trials done so far have involved battery-powered sound sources, and some have relied on physical sound production using bells, tubes or clangers (see Box 1). Although these sounds may reduce depredation over the very short term, their effects are not long-lasting.

As some of these devices may effectively limit cetacean habitat availability, member states should be aware of where and how they are being used, and should consider ways to monitor their use. If certain devices are shown to be effective at reducing depredation over the long-term, it may be advisable to

certify them for use as mitigation tools. Member States should determine the number of users, the number and type of devices, their output levels, the exposure schedule, the gear type on which they are being used, the area and season of use and the number of 'target' and 'non target' species present (notably monk seals). ACCOBAMS can provide a central registry to maintain these data. Further details of the number of units that have been sold to certain areas could usefully be obtained from manufacturers.

The main species involved in depredation is the bottlenose dolphin *Tursiops truncatus*. This species, like other cetaceans, may show an obvious **startle** reaction to novel stimuli that could lead to excessively optimistic expectations by the fishermen. In fact, this species learns rapidly, is extremely adaptable and likely to habituate in the long run to almost any noise. Therefore, alternative mitigation strategies or "combined approaches" - such as changes in fishing practices or behavioural conditioning should be favoured.

Overall, acoustic tools to minimise dolphin predation should be used only in an experimental manner. Government agencies should continue to learn how and if they work, and in what circumstances, and also the nature and extent of any ill-effects that they might have, including habituation to the signal. With adequate co-operation and transfer of experience, much may be learned with little expenditure.

Member states should also be aware that other approaches, such as changes in fishing practice or behavioural conditioning, may also prove useful avenues for further research.

Bycatch –unintentional capture in fishing operations

There are numerous records of bycatch of cetaceans in the ACCOBAMS area. Almost all species of cetaceans that are present in any number in the ACCOBAMS area have been recorded taken in some fishing operation or other. In the Black Sea the largest number of animals taken are harbour porpoises. In the Mediterranean and Contiguous Atlantic areas common and striped dolphins are the species most often recorded. A summary of information on bycatches is presented in Box 3.

European Council regulation 812/2004 will require the use of pingers in many northern European gill and entangling net fisheries from 2005 – 2006. The intention of this regulation is primarily to minimise bycatch of harbour porpoises in EU waters. As noted above, pingers have been shown to be effective in reducing porpoise bycatch in a number of fisheries in Europe and North America, and there is no evidence yet that their effectiveness is diminished through time. It should be noted that there have been at least two studies in which bycatch of delphinid species in driftnets has been demonstrably reduced through the use of pingers. Box 2 summarises the types of pinger that are currently available to reduce bycatch, and the tests that have been carried out to show that they work.

It must also be recognised that bycatch of cetaceans cannot ever be completely eliminated by the use of acoustic devices. Pingers have been shown to reduce porpoise bycatch by 90% or more in carefully controlled field experiments. Similar studies have shown a reduction of dolphin bycatch by 80% or more.

Where pinger use has been mandated in other areas, including northern Europe, accompanying observer/monitoring programmes have been mandated to ensure that the efficacy of these devices is maintained. This is even more important where delphinids are concerned, as they may be less easily deterred from entanglement than porpoises.

Any intention to deploy pingers should be preceded by a practicability trial in which selected vessels are equipped with the devices so that deployment issues can be addressed. Experience elsewhere shows that while one pinger may work in one fishery, unexpected problems may arise in another fishery. Issues of concern include how the devices are attached to the net, how they effect fishing efficiency and whether they lead to net fouling. Specific expertise to address these issues can be made available through the ACCOBAMS Secretariat.

Other issues, including spacing, costs, battery replacement, and enforcement (where this is needed) need to be considered in advance of any deployment programme. Again, expertise in these areas is available and can be contacted through the ACCOBAMS secretariat.

As with measures to reduce depredation, acoustic approaches are not the only possible solution. Other approaches may include, on a case by case basis, time or area closures for fisheries, or switching to other gear types.

Final remarks

The possible adverse impacts of acoustic devices on cetaceans, at both individual and population level, remain poorly known. Furthermore, their effectiveness in reducing depredation is still in the process of being assessed. There is scientific evidence that pingers may reduce the by-catch of harbour porpoises and other small cetaceans in some fisheries. It is still too early to say whether acoustic devices will be effective in reducing depredation over the long term. More focused, long-term research on these topics is urgently needed.

Further information can also be accessed at the following websites:

ACCOBAMS:

<http://accobams.org>

Cetacean Bycatch Resource Center:

<http://www.cetaceanbycatch.org/>

International Dolphin Conservation Programme:

<http://europa.eu.int/scadplus/printversion/en/lvb/l28083.htm>

Summary of current legislation for the conservation of cetaceans:

http://europa.eu.int/comm/fisheries/doc_et_publ/liste_publi/studies/bycatch/07_10legislation.htm

National Marine Fisheries Service:

<http://www.nmfs.noaa.gov/bycatch.htm>

Other information:

http://europa.eu.int/comm/fisheries/doc_et_publ/liste_publi/studies/bycatch/contents.htm

BOX 1: Studies examining effectiveness of acoustic deterrents

Species	Type of interaction	Fishery	Author	Country	Device/Manufacturer
Harbour porpoise (<i>Phocoena phocoena</i>)	Bycatch	Bottom set nets	Larsen 1999, Larsen <i>et al.</i> 2002	Denmark	Pinger/AQUAtec Sub Sea Ltd.
Harbour porpoise	Bycatch	Bottom set nets	Kraus <i>et al.</i> 1997, Trippel <i>et al.</i> 1999, Gearin <i>et al.</i> 2000	Canada, and USA	Pinger/Dukane Corporation
Common dolphin (<i>Delphinus delphis</i>)	Bycatch	Drift nets	Barlow and Cameron 2003	USA	Pinger/Dukane Corporation
Striped dolphins (<i>Stenella coeruleoalba</i>)	Bycatch	Drift nets	Imbert <i>et al.</i> 2002	France	Pinger/AQUAtec Sub Sea Ltd.
Bottlenose dolphins (<i>Tursiops truncatus</i>)	Depredation	Set nets	Goodson <i>et al.</i> 2001	Italy	Pinger/AQUAtec Sub Sea Ltd.
Bottlenose dolphins	Depredation	Set nets	Gazo <i>et al.</i> 2002 also as IWC paper in Shimonoseki	Spain	Pinger/AQUAtec Sub Sea Ltd.
Bottlenose dolphins	Depredation	Set nets	Northridge <i>et al.</i> 2003, Vernicos <i>et al.</i> 2003	Greece	Pinger/SaveWave BV
Bottlenose dolphins	Depredation	Set nets	Anonymous 2003a	Italy	Pinger/STM Dolphin Deterrent Device
Bottlenose dolphins	Depredation	Set nets, Purse seine	Ben Naceur 1994, Zahri <i>et al.</i> 2004	Morocco, Tunisia	Dolphin scaring tube/ handmade
Franciscana (<i>Pontoporia blainvillei</i>)	Bycatch	Set nets	Bordino 2003 and Bordino <i>et al.</i> 2004	Argentina	Pinger/AIRMAR

BOX 2: Available deterrent devices

Produced by	Dukane (dismissed)	Aquatec			Savewave		Airmar	Fumunda	STM
Model	Netmark 1000	Aquamark 100 Porpoise deterrent	Aquamark 200 Acoustic Cetacean Deterrent	Aquamark 300 Pinger	Endurance	White Saver & Black Saver	Gillnet pinger	FMDP2000	DDD Dolphin Dissuasive Device
Gear	Gillnets and drifnets	Gillnets	Gill, drift and trammel nets	Gillnets	Gill and trammel nets	Gill, trammel and trawling nets	Gillnets	Driftnet	Trammel nets
Mitigation use		bycatch	Depredation and bycatch	bycatch	depredation	depredation	bycatch	bycatch	depredation
Frequency (kHz)	10	20-160	5-160	10 (tonal)		5-90 & 30-160	10	10	1-500
Source level (dB re 1µPa at 1m)	130	145	145	132	155	155	132	130-134	NA
High-frequency harmonics	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Pulse duration (ms)	3	2-3		3		2-9	3	3	NA
Inter-pulse period (s)	4	4-30	4-30	4		4-16	4	4	NA
Wet switch	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
Battery	4 Alkaline AA cells	1 D-Cell Alkaline	1 D-Cell Alkaline	1 D-Cell Alkaline	Sealed 9 v unit		1 D-Cell Alkaline	1 lithium	4 alkaline 1,5V
Life	800 hours	1.5-2 years	1.5-2 years	1.5-4 years	8000 hours	2000 hours	> 1 year	15 months	3 months
Battery change	Yes	No	No	No	Yes	Yes	Yes	Yes	?
# of emitters	1	1	1	1	1	1	1		NA
Maximum depth	200	200	200	200	200	200	275	200	300
Distance between pingers	100	200	200	200				100	200
Dimensions	168 x 55mm (Ø)	164mm x 58mm (Ø)	164mm x 58mm (Ø)	164mm x 58mm (Ø)	200mm x 60mm		156mm x 53mm (Ø)	152mm x 46mm (Ø)	185mm x 61mm (Ø)
Weight (g)	400	410	410	370	400	Trawls: 6 units per net	408	230	740
Price (Euro)	Discontinued	100	100	100	55-70	55-70	44.72	74.80	223
Web site	NA	www.netPinger.net			www.savewave.net		www.airmar.com	www.fumunda.com	www.stm-products.com

Box 3: Bycatch summary of information for the ACCOBAMS area

Gear Type	Nation	Season	Location	Target species	Bycatch species	Known or suspected	Monitored/ Estimated
Drift nets ("spadara" and other types) (mesh size 18 to 42 cm)	Morocco, Turkey, France, Italy, a few vessels are also present in Albania, Algeria, Greece, Monaco	April-August	Mediterranean	<i>Xiphias gladius</i> , <i>T. alalunga</i>	<i>S. coeruleoalba</i> , <i>Ziphius cavirostris</i> (<i>Globicephala</i> spp.), <i>D. delphis</i> , <i>Grampus griseus</i> , <i>Physeter macrocephalus</i> , <i>Balaenoptera physalus</i> , <i>B. acutorostrata</i>	Known	Monitored and extrapolated: Di Natale <i>et al.</i> , 1999; Di Natale <i>et al.</i> , 1992; Silvani <i>et al.</i> 1999; Di Natale <i>et al.</i> 1993
Drift nets ("Thonaille") (mesh size 18 to 24 cm)	France, Monaco	May-September	Mediterranean	<i>T. thynnus</i>	<i>S. coeruleoalba</i>	Known	Monitored and extrapolated: Imbert <i>et al.</i> 2001, 2002
Drift nets (mesh size 8 to 16 cm)	Italy	Spring-Autumn	Mediterranean	<i>Sarda sarda</i> , <i>Auxis rochei</i> , other small tuna species.	<i>T. truncatus</i> , <i>Grampus griseus</i>	Known	Estimated total: Di Natale & Notarbartolo di Sciara, 1994
Drift nets (mesh size 4 to 7 cm)	Many coastal areas	Spring	Mediterranean	<i>Scomber</i> spp., <i>Boops boops</i> , and other small pelagic species	<i>S. coeruleoalba</i> , <i>Tursiops truncatus</i>	Suspected: many interactions with fishing gear	
Bottom set gillnets (including coastal trammels)	Many coastal areas	All	Mediterranean	<i>Mullus</i> spp., <i>Sepia</i> spp. Sparidae, <i>Scorpaena</i> spp. other demersal species	<i>Ziphius cavirostris</i> , <i>D. delphis</i> <i>S. coeruleoalba</i> , <i>Grampus griseus</i> , <i>T. truncatus</i> , <i>Physeter macrocephalus</i>	Known: also high level of gear interaction	Di Natale, 1989; Di Natale & Notarbartolo, 1994; Bradai, 2000; Centro Studi Cetacei, 1987-2000; Lauriano <i>et al.</i> , 2001.
Bottom set gillnets	Many deep coastal areas	All	Mediterranean	<i>Palinurus elephas</i> , <i>Merluccius merluccius</i>	<i>T. truncatus</i>	Gear interactions known	CORISA, 1992
Bottom set gillnets for turbot and dogfish	All range Countries	April-June	Black Sea	<i>P. maeotica</i> , <i>Squalus acanthias</i>	<i>Phocoena phocoena</i> , <i>T. truncatus</i>	Known: high impact	Birkun 2002
Bottom set gillnets for sturgeon	All range Countries	April-June	Black Sea	<i>Acipenser</i> spp., <i>Huso huso</i>	<i>Phocoena phocoena</i> , <i>T. truncatus</i> , <i>D. delphis</i>	Known: low impact	Birkun 2002
Bottom set gillnets for turbot	Turkey	April-June	Black Sea	<i>P. maeotica</i> , <i>Squalus acanthias</i>	<i>Phocoena phocoena</i>	Known: high impact	Birkun 2002
Bottom set gillnets for turbot	Turkey	April-June	Black Sea	<i>P. maeotica</i> , <i>Squalus acanthias</i>	<i>T. truncatus</i>	Known: very low impact	Birkun 2002
Middle-water set gillnets	Many coastal areas	All	Mediterranean	<i>Boops boops</i> , <i>Oblada melanura</i> , <i>Trachurus</i> sp., <i>Spicara</i> spp.	<i>T. truncatus</i>	Known	Di Natale pers comm.

Set gillnets for sprat and anchovy	Romania	March-May	Black Sea	<i>S.s. phalaericus, E .e. ponticus</i>	<i>Phocoena phocoena</i>	Known	Birkun 2002
Set gillnets for scad	Romania	July-September	Black Sea	<i>Trachurus spp.</i>	<i>D. delphis</i>	Known	Birkun 2002
Trap nets	Bulgaria, Georgia, Ukraine	May-June	Black Sea		<i>T. truncatus</i>	Very low impact	Birkun 2002
Purse seine	All	All	Mediterranean	<i>Sardina pilchardus, Engraulis encrasicolus</i> , other small pelagic species	<i>T. truncatus</i>	Known: occasional plus many gear interatciouns	Bradai, 2000
Purse seine (mullet and anchovy)	Kerch Strait, Crimea	November-December	Black Sea	<i>M. soiyu, E .e. ponticus</i>	<i>T. truncatus</i>	Low impact	Birkun 2002
Tuna purse seine	Spain, France, Italy, Greece, Tunisia, Turkey, Croatia, Algeria, Morocco	March-October	Mediterranean	<i>Thunnus thynnus</i>	<i>S. coeruleoalba.</i>	Known: rare	Magnaghi & Podesta, 1987; Podesta & Magnaghi, 1989
Tuna traps	Spain, Italy, Tunisia, Libya, Morocco, Croatia	April-July	Mediterranean	<i>Thunnus thynnus</i>	<i>T. truncatus B. acutorostrata, Orcinus orca</i>	Known: Interactions are sporadic	Di Natale, 1992; Bradai, 2000; Di Natale & Mangano, 1983
Bottom trawl	All areas	All	Mediterranean	A large range of demersal species	<i>T. truncatus</i> . A very high number of interactions is reported	Known.	Silvani et al., 1992
Harpoons	Italy, Turkey	April-August	Mediterranean	<i>Xiphias gladius, Thunnus thynnus, Tetrapturus belone</i>	<i>S. coeruleoalba, Grampus griseus, Physeter macrocephalus, Ziphius cavirostris, D. delphis.</i>	Known: reports of deliberate harpooning in the 1980s, no recent cases recorded;	Di Natale, 1992
Drifting long lines	Spain, Italy, Greece, Albania, Turkey, Cyprus, Lebanon, Egypt, Libya, Tunisia, Algeria, Morocco, Malta	March-December	Mediterranean	<i>Xiphias gladius, Thunnus thynnus</i>	<i>Stenella coeruleoalba, Grampus griseus, T. truncatus, Pseudorca crassidens, Globicephala melas, Ziphius cavirostris, Physeter macrocephalus, Balaenoptera physalus</i>	Known: probably low level	Duguy <i>et al.</i> 1983; Di Natale & Mangano, 1983; Di Natale, 1992 Di Natale <i>et al.</i> , 1993
Drifting long lines	Spain, Italy, Greece, Albania	Spring-Autumn	Mediterranean	<i>Thunnus alalunga</i> and other small tunas	<i>S. coeruleoalba, T. truncatus..</i>	Frequent interactions are already reported	Di Natale <i>et al.</i> , 1992
Pelagic pair trawl	Italy	All	Mediterranean	Pelagic schooling species	<i>T. truncatus</i>	Known	Vallini, pers.com
Pelagic trawl	France, Italy	All	Mediterranean	Demersal species	Delphinids	Suspected, by analogy	No

Pelagic trawl	Georgia, Ukraine	November-December	Black Sea	<i>E .e. ponticus</i>	<i>D. delphis</i>	Known	Birkun 2002
Encircling gillnets	Spain, Italy, Greece	Spring-Summer	Mediterranean	<i>Boops boops</i> , <i>Oblada melanura</i> , <i>Belone belone</i> , <i>Spicara spp.</i> other small and medium size pelagic species	<i>Tursiops truncatus</i>	Suspected	Goodson <i>et al.</i> , 2001
Bottom long lines	Spain, Italy, Greece, Albania,	All	Mediterranean	<i>Merluccius merluccius</i> , <i>Sparidae spp.</i> , <i>Lepidopus caudatus</i>		Suspected: fishermen report sporadic interactions	
Rod and reel	Spain, France, Italy	Spring-Summer	Mediterranean	<i>Thunnus thynnus</i>		Suspected: fishermen report sporadic interactions	
Hand-line	Spain, Italy, Greece	Spring-Summer-Autumn	Mediterranean	<i>Thunnus thynnus</i>		Suspected: fishermen have reported a few interactions	
Jigging line	Spain, Italy, Greece	May-September	Mediterranean	<i>Todarodes sagittatus</i> , <i>Illex sp.</i>		Suspected: Very frequent interactions are reported by fishermen	

Based on:

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RESOLUTION 2.13

PELAGIC GILLNETS

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area:

Aware that traditional or modified pelagic gillnets, whether drifting or not, are known to represent a major source of incidental mortality for cetaceans;

Recalling that the Conservation Plan, which is fully part of the Agreement, requires the Parties to develop and implement measures to minimize adverse effects of fisheries on the conservation status of cetaceans and, in particular, that no vessel shall be allowed to keep on board, or use for fishing, one or more drift nets whose individual or total length is more than 2.5 kilometers;

Concerned that such gear is still being widely used in the Agreement Area, in contrast to mainstream international and national legislation;

Noting that such gear is resulting in significant cetacean mortality in the Agreement Area, even in Marine Protected Areas especially established for cetaceans;

Considering the efforts ongoing on this topic of several Intergovernmental Organisations in particular FAO, ICCAT and the European Community;

Recalling:

- Resolution 1.9 on International Implementation priorities 2002-2006 and in particular actions 2 and 3;
- Resolution 1.8 on national reports;
- Resolution 2.7, adopting a working program for 2005-2007;
- Resolution 2.12, on the Guidelines for the use of acoustic deterrent devices;
- Resolution 2.21 on assessment and mitigation of man/cetacean interactions;

1. *Urges* Parties to:

- Ensure that their fishing operations are conducted in full accordance with the relevant existing regulations aimed at the mitigation of cetacean bycatch;
- Ensure that their fishing effort on pelagic drifting and non-drifting gillnets, be reported to the ACCOBAMS Secretariat;

2. *Invites* Riparian States to join the effort of the ACCOBAMS Parties in preventing further cetacean mortality in the Agreement Area, and to provide relevant information on fishing gear, particularly driftnets, and effort to FAO.

RESOLUTION 2.14

PROTECTED AREAS AND CETACEAN CONSERVATION

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area:

On recommendation of the ACCOBAMS Scientific Committee:

Recalling:

- Article II.1, in which Parties, in order to achieve and maintain a favourable conservation status for cetaceans shall co-operate to create and maintain a network of specially protected areas to conserve cetaceans;
- Article V.2 in which each Sub-Regional Co-ordination Unit, in consultation with the Scientific Committee and the Agreement Secretariat, shall facilitate the preparation of a sub regional directory of important areas for cetaceans;
- Article XI.1 in which the provisions of ACCOBAMS shall not affect the right of any Party to maintain or adopt more stringent measures for the conservation of cetaceans and their habitats;
- The Conservation Plan, which is fully part of the Agreement and requires the Parties to endeavor, to establish and manage specially protected areas for cetaceans corresponding to the areas which serve as habitats of cetaceans and/or which provide important food resources for them. Such specially protected areas should be established within the framework of the juridical tools of the Mediterranean Action Plan or within the framework of the Bucharest Convention and its relevant protocols or other appropriate instruments;

Taking into account:

- Decision VII 5 of the Parties to the Convention of Biological Diversity which aimed to the establishment and maintenance of marine and coastal protected areas that are effectively managed, ecologically based and contribute to a global network of marine and coastal protected areas, building upon national and regional systems;
- Decision VII.28 of the Parties to the Convention on Biological Diversity which recommends Parties to collaborate with other Parties and relevant partners through the United Nations Informal Consultative Process on the Law of the Sea (UNICPOLOS) to establish and manage protected areas in marine areas beyond the limits of national jurisdiction, in accordance with international law, including the UN Convention on the Law of the Sea, and based on scientific information;

Convinced that, particularly concerning highly migratory species, to be efficient these protected area must be of a sufficient extent and as such require frequently transboundary cooperation;

Noting with satisfaction that some protected areas notably devoted to cetacean conservation in the ACCOBAMS area have already been established: such as the International "Pelagos" Sanctuary, the marine part of Kolikheti National Park in Georgia, and several coastal and marine sites proposed by EU Countries to be included in the Natura-2000 network for the protection of *Tursiops truncatus* and *Phocoena phocoena*. Noting also that others are in progress such as the Lošinj Dolphin Reserve in Croatia;

1. *Charges* the Scientific Committee to further work on this matter and in particular to:
 - Draft criteria for the selection of special protected areas for cetacean conservation;
 - Prepare a special format for the proposal of protected areas for cetaceans, adapted from the existing format for the proposal of SPAMIs from the Barcelona Convention, and considering the above mentioned criteria;
 - Gather knowledge of the existence and location of sites containing important cetacean habitat in the Agreement area, in cooperation with the Sub Regional Co-ordination Units. Such sites may be located either within territorial waters or beyond them, or in both spaces, as appropriate; detailed investigations in such sites should be performed, to assess whether they fulfil the criteria mentioned above. In particular, such investigations should aim to:
 - Describe cetacean presence and assess the existence of cetacean critical habitat;
 - Detect the existence of threats to continued use of such habitat by the cetacean populations involved;
 - Provide arguments in favour of the establishment of specially protected areas as relevant tools to counteract and minimise such threats and contribute effectively to the favourable conservation status of cetaceans in the region;
 - If the above investigations provide convincing arguments in favour of the establishment of an MPA in particular sites, and the criteria are fulfilled, collaborate, with the concerned Riparian State(s) to prepare the scientific and socio economics bases for formal proposals;
 - Use, if appropriate, the supplementary conservation grant Fund to facilitate these tasks;
2. *Urges* Parties and other Riparian States, separately or jointly, to involve their own scientific community and support the Scientific Committee in this task;
3. *Urges* the Mediterranean Parties, separately or jointly, to make a wide use of the SPAMI concept to protect areas having importance for cetacean conservation, particularly in transboundary areas or areas beyond their jurisdictions;
4. *Urges* the Black Sea Parties to explore transboundary cooperation through the Black Sea Biodiversity and Landscape Conservation Protocol to the Bucharest Convention in order to establish protected areas devoted to cetaceans conservation;
5. *Charges* each Sub Regional Co-ordination Unit, based on the outcome of the task listed in Point 2 above and in consultation with the Scientific Committee and the Agreement Secretariat, to prepare sub-regional directories of areas having cetacean conservation importance to be submitted to Third Meeting of the Contracting Parties;
6. *Charges* the Scientific Committee to proceed, also through the active involvement of its Regional Representatives, to draft guidelines for the management of such protected areas;
7. *Charges* the Secretariat to liaise with the "Pelagos" Agreement management body any other similar Organisations in the ACCOBAMS region in order to facilitate networking and synergies between them in particular at the scientific level.

RESOLUTION 2.15

GUIDELINES ON TISSUE BANKS

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area:

On recommendation of the ACCOBAMS Scientific Committee:

Stressing that Parties decisions for efficient conservation measures must be based on the best available scientific information;

Recalling that:

- Article II, paragraph 3.e) of the Agreement invites the Parties to reinforce the collection and dissemination of information;
- The Conservation Plan, which is fully part of the Agreement, binds the Parties to:
 - Develop systematic research programs on dead, stranded, wounded or sick animals, to determine the main interactions with human activities and to identify present and potential threats (paragraph 4.d);
 - Develop the systems for collecting data on observations, by-catches, strandings, epizootics and other phenomena related to cetaceans (paragraph 5.a);
 - Establish, as appropriate, a sub regional or regional data bank for the storage of information collected (paragraph 5.e);

Recalling also:

- ACCOBAMS Resolution 1.10 on cetacean stranding networks;
- ACCOBAMS Resolution 2. 8 concerning the granting of derogations related to Article II and in particular the non-lethal sampling of live cetaceans tissues in the wild;
- ACCOBAMS Resolution 2. 10 on the facilitation of exchanges of tissue samples;

Aware of the need to enhance worldwide scientific collaboration with specialized laboratories for a better knowledge of cetaceans in ACCOBAMS area;

Taking advantage of the current existence of two Tissue Banks in the ACCOBAMS area:

- The Barcelona BMA Tissue Bank, based at the University of Barcelona, and
 - The Marine Mammal Tissue Bank of the University of Padua;
1. *Takes note* of the Guidelines for the establishment of a system of tissue banks within the ACCOBAMS (annex 1);
 2. *Urges Parties and riparian states* to support the Tissue Bank system by:
 - a) Seeking to provide financial support to Tissue Banks to cover their running costs;
 - b) Ensuring that national stranding networks and by-catch monitoring programmes contribute samples to the Tissue Banks;

- c) Facilitating appropriate permits (*e.g.* CITES) for the trans-national exchange of samples within the shortest time possible as adopted in resolution 2.10;
3. *Ask the Scientific Committee:*
 - To organize coordination between both Tissues Bank managers in order to ensure mutual exchanges between their respective banks and with the national and regional stranding and by-catch programmes operating under the umbrella of ACCOBAMS;
 - To prepare operational guides lines and a code of conduct to facilitate availability of information and samples;
 4. *Recommends to* the Coordinators of the existing data banks, in collaboration with the ACCOBAMS Scientific Committee, the ACCOBAMS Secretariat and the Sub-Regional Coordination Units, to discuss the creation of future Tissue Banks in the Agreement region to strengthen the current Tissue Banks system, and fulfil other conservation-related objectives not currently covered by the existing banks;
 5. *Charges* the Secretariat to report on this issue at the next Meeting of the Parties.

ANNEX 1

GUIDELINES FOR THE ESTABLISHMENT OF A SYSTEM OF TISSUE BANKS WITHIN THE ACCOBAMS AGREEMENT

Introduction

The first Meeting of the Parties identified the necessity of creating a central database of stranding information. This first action should be completed through the establishment of central repositories of cetaceans tissues, also known as *Tissue Banks*, to provide researchers and managers with comprehensive collections of samples to be used as a cost-effective diagnostic tool for research and conservation. The aim of Tissue Banks are: a) to promote selective collection of tissue samples; b) prepare and store such samples long-term using suitable preservation conditions; and c) distribute them to the scientific community for research and conservation purposes.

Although collections held in Tissue Banks may be used in a wide range of applications, they are considered particularly useful for studies of population health, infectious diseases, pollution monitoring and effects, population genetics, and a number of population biology aspects such as reproduction, trophic level, and diet through fatty acid analysis. Collected materials may be also promote knowledge, *inter alia*, on mortality causes, functional anatomy, physiology (including respiratory and diving physiology), toxicology and pathology. To reach these ends, collections of Tissue Banks should be geographically and temporally comprehensive in order to allow comparisons and examination of trends.

Following thorough examination of primary issues on cetacean conservation, and on methods of tissue collection and preservation, the ACCOBAMS Meeting of the Parties has approved the purpose of establishing networks and databases on strandings in the Mediterranean and Black Seas and adjacent waters, and to this end it has directed the Scientific Committee to establish appropriate guidelines.

Guidelines:

1) Coordination: The need for the establishment of an Agreement-wide coordinating mechanism is recognized, which would facilitate the links between the stranding and by-catch collection programmes on one side, and the Tissue Banks on the other side. To assist in the functioning of such mechanism, and taking advantage of the current existence of two tissue banks in the ACCOBAMS area, it identified two Tissue Bank Coordinators, who would interact on an operational basis with national stranding /by-catch focal points:

- The **Barcelona BMA Tissue Bank**, based at the University of Barcelona, focusing on studies on genetics, ecotoxicology and population biology (Coordinator: Alex Aguilar).
- The **Marine Mammal Tissue Bank of the University of Padua**, focusing on histology and pathology studies (Coordinator: Bruno Cozzi).

Contact details for these institutions are given below.

Both coordinators should interact and ensure mutual exchanges between their respective banks and with the national and regional stranding and by-catch programmes operating under the umbrella of ACCOBAMS.

2) Availability of information and samples: To fulfil the goals listed above, the Tissue Banks will prepare and maintain open-access on-line databases with the objective of spreading information about the bank holdings and the protocols for collection and preservation of samples. Samples will be made available free of charge to the researchers or institutions that have previously provided the bank an

amount of material that is equivalent to their request, and at the lowest possible cost to external, non-contributing researchers or organisations.

Costs involved in handling, packing and shipping will always be covered by the final user.

3) Support: ACCOBAMS member Countries are encouraged to support the Tissue Bank system by: a) Institutionally funding Tissue Banks to cover their running costs; b) ensuring that national stranding and by-catch programmes contribute samples to the Tissue Banks; c) facilitating appropriate permits (e.g. CITES) for the agile trans-national exchange of samples.

Moreover, the Scientific Committee further recognizes the necessity of international funding (e.g. through ACCOBAMS or RAC/SPA) to cover the expenses derived from the shipment of samples donated to the Tissue Banks.

4) Future Action: The Coordinators, in collaboration with the ACCOBAMS Scientific Committee and the ACCOBAMS and RAC/SPA Secretariats, should discuss the creation of future Tissue banks in the Agreement region to strengthen the current Tissue Banks system, and fulfil other conservation-related objectives not currently covered by the existing banks. In particular, this would include a Tissue Bank designed for bacteriological and viral monitoring and research.

CONTACT DETAILS

Barcelona BMA Tissue Bank

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Website:
<http://www2.ub.edu/BMATissuebank/home.htm>

Mediterranean Marine Mammal Tissue Bank

Scientific Coordinator: Professor Bruno Cozzi
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Website:
<http://www.sperivet.unipd.it/tissuebank/>

RESOLUTION 2.16

ASSESSMENT AND IMPACT ASSESSMENT OF MAN-MADE NOISE

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area:

On recommendation of the ACCOBAMS Scientific Committee:

Aware of the fact that cetaceans are particularly vulnerable to disturbance;

Recognizing that anthropogenic ocean noise is a form of pollution, comprised of energy, that can have adverse effects on marine life ranging from disturbance to injury and mortality;

Aware that some types of anthropogenic noise can travel hundreds and even thousands of kilometers underwater and, more than other forms of pollution, are not restricted by national boundaries;

Concerned that, over the last century, noise levels in the world's oceans generally, and in the Agreement area in particular, have increased as a result of human activities such as, but not exclusively, commercial shipping, oceanographic and geophysical research, military testing and training, shoreline development, oil and gas exploration, and aquaculture;

Conscious that:

- The chronic effects of increased anthropogenic noise levels are generally unknown but may potentially include significant effects at the population level, that cannot be fully assessed or predicted at present;
- The awareness on the impact of man made noises is a raising concern at the level of the Intergovernmental community;

Aware of several incidents of mass strandings and deaths of cetaceans coincident with the use of high-intensity active sonar;

Recognising that some scientific experiments may entail some intentional harassment of cetaceans;

Recalling that:

- The definition of pollution adopted in main of the relevant intergovernmental Conventions covers *inter alia* direct and indirect introduction by man of energy in the maritime environment;
- Article II requires the Parties to apply conservation, research and management measures to the assessment and management of human-cetacean interactions, based on the precautionary principle;
- The Conservation Plan, which is fully part of the Agreement, requires the Parties to:
 - (a) Carry out impact assessments in order to provide a basis for either allowing or prohibiting the continuation or the future development of activities that may affect cetaceans or their habitat in the Agreement area, as well as establishing the conditions under which such activities may be conducted; and
 - (b) Regulate the discharge at sea of pollutants believed to have adverse effects on cetaceans, and adopt within the framework of other appropriate legal instruments stricter standards for such pollutants;
- Resolution 2.8 on the Guidelines for derogations from Article II.1 for the purpose of non-lethal *in situ* research is aimed at maintaining a favourable conservation status for cetaceans;
- Relevant Resolutions, Directives and other legal commitments the Parties could have accepted in others intergovernmental fora like UNCLOS, IMO, and IWC;

1. *Urges* Parties and non Parties to take a special care and, if appropriate, to avoid any use of man made noise in habitat of vulnerable species and in areas where marine mammals or endangered species may be concentrated, and undertake only with special caution and transparency any use of man made noise in or nearby areas believed to contain habitat of Cuvier's beaked whales (*Ziphius cavirostris*), within the ACCOBAMS area;
2. *Urges* Parties to facilitate national and international researches on the following subjects:
 - A collaborative and co-ordinated temporal and geographic mapping of local ambient noise (both of anthropogenic and biological origin);
 - The compilation of a reference signature database, to be made publicly available, to assist in identifying the source of potentially damaging sounds;
 - An assessment of the potential acoustic risk for individual target species in consideration of their acoustic capabilities and characteristics;
3. *Urges* Parties to provide the ACCOBAMS Scientific Committee with public, national or international, protocols/guidelines developed by military authorities with respect to use of sonar in the context of threats to cetaceans, and the information upon which they are based (including data and distribution models);
4. *Urges* Parties to consult with any profession conducting activities known to produce underwater sound with the potential to cause adverse effects on cetaceans, such as the oil and gas industry, oceanographic and geophysical researchers, military authorities, shoreline developers, and the aquaculture industry, recommending that extreme caution be exercised in the ACCOBAMS area. The ideal being that the most harmful of these activities would not be conducted in the ACCOBAMS area until satisfactory guidelines are developed;
5. *Encourages* the development of alternative technologies and require the use of best available control technologies and other mitigation measures in order to reduce the impacts of man-made noise sources in the Agreement area;
6. *Charges* the Scientific Committee to review the technical bases of this Resolution and to develop by the next Meeting of Parties a common set of guidelines on conducting activities known to produce underwater sound with the potential to cause adverse effects on cetaceans;
7. *Invites* Parties to report to the next Meeting of Parties about the progress made on this Resolution.

RESOLUTION 2.17

ON THE RELEASE OF CETACEANS INTO THE WILD

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area:

On recommendation of the ACCOBAMS Scientific Committee:

Recognising that there may be occasions when proposals are made to release cetaceans into the wild;

Concerned about the risks of such actions to wild populations and other ecosystem components including the introduction of pathogens and parasites, and genetic pollution;

Recalling that Article II of ACCOBAMS asks the contracting Parties to prohibit and take all necessary measures to eliminate, where this is not already done, any deliberate taking of cetaceans;

Recalling Art. 8 h the Convention on Biological Diversity on the prevention, the control and the eradication of alien species;

Recalling that all cetaceans are included in CITES annexes and that return to the wild of live specimens is in one of the options of CITES Resolution Conf 10.7 for confiscated animals;

Agreeing that very short-term capture-release programmes of wild or stranded cetaceans are not relevant to the present Resolution;

1. *Urges* Parties and *Invites* Riparian States to submit any proposal for release of cetaceans in the wild to the Permanent Secretariat for review and advice by the Scientific Committee;
2. *Requests* the Scientific Committee to provide such review and advice via the Secretariat in a timely fashion;
3. *Urges* Parties who are also Parties to CITES to ensure close liaison between their CITES authorities and the Scientific Committee of ACCOBAMS through the Agreement Permanent Secretariat on this issue;
4. *Requests* the ACCOBAMS Permanent Secretariat, in close consultation with the Scientific Committee, and in liaison with pertinent ACCOBAMS Partners, to develop:
 - guidelines on proposals for the release of cetaceans in the wild that are not in contrast with the Agreement, on the basis of scientific knowledge and the lessons learned from the experience of appropriate release programmes;
 - A pro forma for the provision of ACCOBAMS advice on the proposals to release cetacean in the wild;
5. *Recommends* to the Executive Secretary and to the Scientific Committee to consult with the IUCN Species Survival Commission Cetacean and Reintroduction Specialists Groups whenever appropriate for advice and support concerning the release of cetaceans in the ACCOBAMS area.

RESOLUTION 2.19

ABUNDANCE AND DISTRIBUTION OF CETACEANS WITHIN THE ACCOBAMS AREA

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area:

On recommendation of the ACCOBAMS Scientific Committee:

Acknowledging that lack of information on abundance, spatial and seasonal distribution and population structure remains important limitations on determining the impact of by-catch, noise and other anthropogenic impacts on cetaceans and in designing effective mitigation measures;

Aware that such lack of information:

- may impede the credibility of the proposed conservation measure;
- makes difficult to evaluate if ACCOBAMS is meeting its conservation objectives;

Aware on the fundamental importance of obtaining baseline population estimates and distributional information of cetaceans within the area as soon as possible;

Recognizing that the required research will be extremely expensive and therefore call for a major collaborative and co-operative effort;

Recalling

- Resolution 1.9 of the Implementation Priorities, and in particular Action #9: Basin wide Mediterranean Sperm Whale survey;
- Resolution 2.7 on the program of work and 2.3 on the 2005-2007 budget;

Recalling that identification of the component of the biological diversity is a fundamental priority expressed *inter alia* in the Convention of Biological Diversity;

1. *Endorses* the document (MOP2 Doc 50) established by the Scientific Committee in order to draft a long term of multi-species surveys and its program of work;
2. *Urges* Parties, Range States and International Organisations to assist in the process and to consider whether they may be able to provide financial or in kind (e.g. vessels, aircraft, personnel) support for the survey;
3. *Charges* the Secretariat to work with the Scientific Committee to determine possible sources of funding for the major survey;
4. *Recommends* that Parties and Range States continue to support further work to elucidate temporal and spatial aspects of distribution of cetaceans in the ACCOBAMS area;
5. *Thanks* IFAW and Ocean Alliance for the priceless support provided to ACCOBAMS in 2003-2004.

RESOLUTION 2.20

CONSERVATION PLAN FOR SHORT-BEAKED COMMON DOLPHINS (DELPHINUS DELPHIS)

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area:

On recommendation of the ACCOBAMS Scientific Committee:

Aware that the short-beaked common dolphin has declined in the last few decades, and has almost completely disappeared from large portions of its former range;

Taking into account the IUCN Red List of Threatened Animals, that in 2003 classified the Mediterranean common dolphin population as Endangered;

Conscious that most of the factors that are responsible for the decline of common dolphins in the Mediterranean are likely to derive from human activities that are unsustainable and/or illegal (e.g., overfishing, use of driftnets, habitat degradation);

Considering that the principal management measures that will benefit common dolphins are already embedded in existing legislation and treaties;

Convinced that if all such measures, invoked by the existing international, regional and national legal instruments for the management of the Mediterranean Sea, were to be fully implemented and enforced, the decline of common dolphins would likely cease;

Recalling:

- Resolution 1.9 of the Implementation Priorities, and in particular Action #7 on the common dolphin conservation plan, and Action #4 on pilot conservation and management actions in well-defined key areas containing critical habitat for populations belonging to priority species;
 - Resolution 2.14 on Protected Areas and cetacean conservation;
1. *Strongly welcomes* the development of the Conservation Plan for Mediterranean common dolphins (MOP2/Doc 49);
 2. *Thanks* the authors for their considerable work and *thanks* the Whale and Dolphin Conservation Society and ASMS Ocean Care for their financial support to implement common dolphin conservation actions and for co-funding the preparation of the Conservation Plan;
 3. *Invites* Parties and Riparian States to: implement appropriate parts of the Conservation Plan for Mediterranean common dolphins without prejudice to other international obligations; introduce relevant activities into their national action plans; and report on these efforts to the ACCOBAMS Permanent Secretariat.;
 4. *Charges* The Scientific Committee to:
 - Review, further develop and propose amendments to the Conservation Plan as appropriate,

- Ensure a regular assessment of the adequacy of the provisions advocated by the Conservation Plan for Mediterranean common dolphins, on the basis of the advances in scientific knowledge and feedback received from the Countries,
5. *Requests* the Secretariat to take into consideration the possibility to appoint a co-ordinator in consultation with the Bureau;
 6. *Incites* the Parties, the Riparian States, the Inter-governmental and Non-governmental Organisations to seek financial support for the appointment of this co-ordinator.

RESOLUTION 2.21

ASSESSMENT AND MITIGATION OF THE ADVERSE IMPACTS OF INTERACTIONS BETWEEN CETACEANS AND FISHING ACTIVITIES IN THE ACCOBAMS AREA

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area:

On recommendation of the ACCOBAMS Scientific Committee:

Recalling that the Conservation Plan, which is fully part of the Agreement, requires the Parties to develop and implement measures to minimize adverse effects of fisheries on the conservation status of cetaceans;

Aware that to be effectively assessed and mitigated, man/cetaceans interactions should be handled not only with the ecological point of view but also with their socio-economical aspects;

Considering the efforts ongoing on this topic of several Countries and Intergovernmental Organisations;

Recalling

- Resolution 1.9 on International Implementation priorities 2002-2006 and in particular actions 2 and 3;
- Resolution 2.7, adopting a working program for 2005-2007;
- Resolution 2.12, on acoustic deterrent devices;

1. *Takes into account* the draft "Project for assessing and mitigating the adverse impacts of interactions between cetaceans and fishing activities in the ACCOBAMS Area " (MOP2/Inf 5) presented by the Secretariat;
2. *Agrees* to a special action program aimed to mitigate cetacean by-catches in the project area with the following objectives:
 - To collect historical data about the cetacean by-catch in the project area;
 - To provide assistance to national authorities at their request to enable independent observers to board fishing vessels;
 - To collect data about the present cetacean by-catch in the project area;
 - To test the most appropriate mitigation measures;
 - To help Countries undertaking information campaigns for fishermen with special focus on the handling procedures in case of incidental catch of cetaceans;
3. *Instructs* the Agreement Secretariat to establish and reinforce relations with relevant Organisations and in particular GFCM, Black Sea Commission, European Commission, COPEMED, ADRIAMED, MedSudMed, MEDISAMAK;
4. *Calls upon* Parties, Riparian States, Range States, the International Organisations, the International Scientific Institutions and others to participate and support the ACCOBAMS works on man/cetaceans interactions;
5. *Urges* Parties to nominate one national organisation to serve as national vis-à-vis of the project and inform the Secretariat of this nomination;

6. *Calls upon* Multilateral and Bilateral sources of funding and in particular the European Commission to support ACCOBAMS activities on the base of the draft "Project for assessing and mitigating the adverse impacts of interactions between cetaceans and fishing activities in the ACCOBAMS Area".

RESOLUTION 2.22

RELATION WITH IUCN

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area:

On recommendation of the ACCOBAMS Scientific Committee:

Aware of the common interest between the work of the IUCN SSC's Cetacean Specialist Group and that of the Scientific Committee of ACCOBAMS, in their respective effort of assessing the levels of threat of cetacean populations found in the Agreement Area;

Noting particularly that the current process of evaluating threats to cetaceans by the Scientific Committee is linked to the IUCN Red List assessment of cetacean populations;

Convinced that a harmonization of such effort within a proper joint institutional arrangement would greatly enhance reciprocal efficiency;

Recognizing all the benefit of the participation of IUCN through Resolution 1.3. as full member of the Scientific Committee;

Recognizes that a further strengthening of the relations of ACCOBAMS and IUCN will facilitate the implementation of the Agreement, the promotion of IUCN goals in the region and synergies with its specialized Commissions;

1. *Urges* the Secretariat to liaise with IUCN, in order to find the ways and the means to strengthen their link and, as far as relevant, to establish a memorandum of understanding to this end.

RESOLUTION 2.23

EDUCATION STRATEGY AND PROGRAMS

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area:

Recognizing that civil society plays a major role in the implementation of ACCOBAMS;

Aware that the acceptance of compulsory measures will be facilitated by the increase of knowledge on cetacean role in the ecosystem by the concerned public and that the young generation must be prepared for a more participative role in the decision process;

Recognizing children and youth as key mediatic actors in the awareness of the civil society and the stakeholders;

Desirous to fully participate in the UNEP and other Intergovernmental bodies efforts in the implementation of the Millennium Goals and the WSSD JPOA in particular, in relation with the gender issues and intergenerational relations as such;

Recalling the ten TUNZA commitments of the UNEP TUNZA International Youth Conference held in Dubna, Russia, from 25th-27th August 2003 and in particular commitment n° 2:

"I will establish communication with individuals and organizations involved in the protection of the environment in my community and in my region, and ensure that relevant information concerning them is included and shared with the TUNZA network through the UNEP website";

Recalling:

- Article II.3 e) of the Agreement and its Conservation Plan engaging Parties to address management measures addressing inter alia capacity building, collection and dissemination of information, training and education for the conservation of cetaceans;
- Resolution 1.11 on implementation priorities action 4 focusing on pilot conservation and management actions in well-defined key area;

Considering with appreciation the efforts by the NGO's devoted to public awareness and *recognizing* their success in this matter;

1. *Takes note* of the ACCOBAMS Educational strategy and program;
2. *Thanks* WCDCS and ASMS Ocean Care for their involvement in drafting the program;
3. *Calls upon* Parties, Riparian States, Range States, Specialized IGO and NGOs to support this program and participates to its further development at the national and international levels by providing educational material and substantive fundings;
4. *Entrusts* WCDCS, ASMS Ocean care, in synergy with other NGOs and in particular others ACCOBAMS Partners:
 - To further develop this strategy and take a key role in the implementation of the programs;
 - To develop, if requested, with the support of a limited budgetary allocation from the ACCOBAMS budget, an educational awareness section of the ACCOBAMS web site, under the supervision of the ACCOBAMS Secretariat.

ANNEX I

HOW TO CONSERVE CETACEANS... AN EDUCATION STRATEGY AND PROGRAMME



A proposal by WDCS¹, the Whale and Dolphins Conservation Society and and ASM Ocean Care²

¹ In Resolution 1.13, WDCS, the Whale and Dolphin Conservation Society, has been recognised as an “ACCOBAMS Partner”. This has been “a consequence of the historical relationship” with the Secretariat and aims to “facilitate cooperation in assessment and management activities of man-cetacean interactions and also in activities of capacity building, collection and dissemination of information, training and education”.

² ASMS OceanCare has been recognised as an “ACCOBAMS Partner” in February 2004 with the Secretariat and will “facilitate the awareness on cetacean conservation in the region and also enhance the establishment of scientific based conservation actions”.² Both items produced in the context of education initiatives promoted by WDCS and ASMS Ocean Care.

I. Introduction

With regards Education in the context of conservation and effective management within the ACCOBAMS Agreement Area, Notarbartolo di Sciara & Brikun (2002) remark: "Education and awareness campaigns are critical elements of effective management, and need to be prepared and implemented at the highest professional level. The greater public needs to be constantly informed about the status of cetaceans in their region of residence, the possible effects of human activities on their well-being, and ways to improve their chances of survival. Awareness on the very existence of cetaceans, on their possible and real threats, and on **actions that can be taken to ensure their survival** is still very low in the Agreement area, and very inhomogeneous in its distribution. Education and awareness can be achieved both by ensuring that the media operators are trained and updated on cetacean conservation matters, and that educational material and programmes are constantly developed and **appropriately disseminated**. Such activities are particularly suited to a number of Non-Governmental Organisations concerned with cetacean conservation, and best results can be achieved through a co-operative effort between institutions and NGOs"¹. Art.II. e. of ACCOBAMS and the Action Plan engages parties to address capacity building, collection and dissemination of information, training and education for the conservation of cetaceans. The Action Plan further lists that „Parties shall co-operate to develop common tools for the collection and dissemination of information about cetaceans and to organise training courses and education programmes. Such actions shall be conducted in concert at the sub-regional and Agreement level, supported by the Agreement secretariat, the Co-ordination units and the Scientific Committee and carried out in collaboration with competent international institutions or organizations. The results shall be made available to all Parties“. WDCCS and ASMS perceive potential partners to be specialized IGOs (e.g. UNESCO), other NGOs and Foundations.

“Education programmes and well designed public awareness programmes” are also recognised within the Comprehensive Assessment of cetacean status and problems as essential components of any strategy regarding the mitigation of negative effects of interactions with fisheries, mitigation of disturbance and other threats cetaceans in the Agreement area are facing² and to prepare actual and future generation to accept environmental conservation constraints.

There is no doubt that education and awareness programmes are vital to achieve a wide acceptance and support for the implementation of measures, e.g. based on the International Implementation Priorities for 2002-2006 and the program of work 2005-2007, to conserve and protect cetaceans and their habitat among the public and those interest groups possibly affected by such.

II. Target Audience

Defining the Target audience for an educational programme concerning whales, dolphins and their environment is a difficult task. In one way or another we are all responsible for our activities which, on many occasions, wherever we live, affect cetaceans. For example, although perhaps different to the influence that coastal communities have on the environment, the actions of businesses and tourists can also have a negative impact. As a consequence, any educational programme should ideally reach as many people as possible to accomplish support and understanding for conservation measures.

Educational programmes targeting a young audience are particularly valuable to achieve long-term results, as these can create the necessary sensibility and understanding to support conservation measures. Targeting children is an investment in the future. They have a strong interest in becoming involved and therefore can become an inspiring example for their parents.

¹ Giuseppe Notarbartolo di Sciara and Alexei Birkun, Jr. 2002. Conservation Needs and Strategies. In: Notarbartolo di Sciara (Ed.), Cetaceans of the Mediterranean and Black Seas: State of Knowledge and Conservation Strategies. A report to the ACCOBAMS Secretariat, Monaco, February, 2002, Section 18., p.21.

² Giuseppe Notarbartolo di Sciara and Alexei Birkun, Jr. 2002. Conservation Needs and Strategies. In: Notarbartolo di Sciara (Ed.), Cetaceans of the Mediterranean and Black Seas: State of Knowledge and Conservation Strategies. A report to the ACCOBAMS Secretariat, Monaco, February, 2002, Section 18., p.21.

Another important aspect of a successful education programme is the involvement of local communities. Few conservation efforts work effectively without the support of the local stakeholders. Wherever possible, conservation measures should involve and be supported by the local communities. Capacity building of local people as volunteers should be part of the overall programme. Other opportunities involve engaging people in long-term community-based projects that are self-perpetuating.

This proposal focuses on the education and direct involvement of school children (Junior Programme) on the one hand and the development of education programmes within local communities in key areas of the Agreement range (Community Programme) on the other. To reinforce both programmes the training of teachers and other instructors has to be developed and realized.

As Target groups we define:

(1) Junior Programme:

- School children¹ in Range States
- School children in Countries with high numbers of tourists travelling to the Mediterranean region
- Teachers / Educators

(2) Community Programme:

- Local communities²
- Local instructors / trainers

III. Objectives

The objectives of this programme are:

-) To create awareness of the cetacean species inhabiting the Agreement Area, Their biology, their needs and habitat and the threats they face;
-) To create acceptance and support for cetacean conservation measures;
-) To create enthusiasm and opportunities to become engaged and join conservation efforts.

The Education Programme should offer solutions and encourage people to take part in conservation activities. Where possible, avenues for ongoing personal involvement in, or commitment to, conservation initiatives should be created. Education becomes a powerful conservation tool when commitment is over a lifetime.

IV. Methods

1. Junior Programme

The programme consists of producing a sound, practical and informative **education package** that can be attractive to both teachers and pupils. The proposed "Action Kit for Kids" will fulfil these expectations, be suitable for regular updating, and consist of different modules that focus on specific "hotspots" of different regions.

The Kit may include tools based on existing products (e.g. the webclip "Coastal Dolphins" and the documentary "Dolphin People"³). The "Action Kit for Kids" should be based on state-of-the-art

¹ It is important to distinguish between children of different age groups and recognise them as different target groups. We suggest focusing on children between the ages of 8 and 12 years.

² As a starting point, we suggest conducting educational programmes with a focus on human communities living along the coasts of areas of special conservation importance for cetaceans, as recognised within Action No.4 "Development and implementation of pilot conservation and management actions in well-defined key areas containing critical habitat for populations belonging to priority species", but not be restricted to those.

³ Both items produced in the context of education initiatives promoted by WDCC and ASMS Ocean Care

scientific information but prepared according to sound educational principles. It should be available in the official languages of the Range states (including those not yet parties to ACCOBAMS¹), including states whose citizens often choose the Mediterranean as a favoured holiday destination.

The aim of this programme is to provide a basic tool consisting of different modules in one or two languages as a first step. This product is open to translation and synchronization through the different Member States or Parties. The different Education systems and teaching methods of the various Countries will have to be considered while producing individual versions for each Country.

Content of the education package

- Information on the cetacean species inhabiting the Agreement Area (biology, distribution, habitat, threats etc.)
- Explanation and presentation of cetacean conservation measures and ACCOBAMS initiatives, recognising regional hot spots
- Conservation projects and initiatives to join – both inside and outside the classroom
- Presentation of key initiatives focusing on priority species, e.g. coastal dolphin species (e.g. bottlenose dolphin, common dolphin) and large whale species such as the sperm whale and the fin whale
- List of activities necessary to receive a “Whale / Dolphin Diploma” (e.g. answering a questionnaire, writing an essay, participating in a certain number of related projects)

Structure of the education package

- Introduction for teachers: how they can include the material in their lectures and structure lesson plans around whales and dolphins
- Children’s activity sheets
- Teacher’s notes with background information
- Interactive tools (educational games, learning through play)
- Education video materials
- Educational posters. These can be displayed at schools and are not, therefore, solely reliant on teachers giving a lesson
- Mechanisms for children to communicate what they have learnt to other children – most easily done with online tools² and forums
- “Whale / Dolphin Diploma” package

Educational principles:

Develop problem-solving skills
Stimulate imagination and planning skills
Encourage self-responsible learning
Develop social processes within school classes
Assist to strengthen children’s self-confidence

Products:

„Action Kit for Kids“- Printed version (incl. CD and/or DVD with video materials etc.)
„Action Kit for Kids“- DVD only
“Action Kit for Kids“ –Downloadable online version

Dissemination of the education package:

-) Online: dedicated section of the ACCOBAMS website

¹ Albanian, Arabic, Bulgarian, Croatian, English, French, Georgian, German, Greek, Italian, Maltese, Romanian, Russian, Spanish, Turkish, Ukrainian

² This can be restricted to access problems in large portions of the Agreement Range

At present the ACCOBAMS website contains of two key sections: Institutional web site and Scientific web site. This programme recommends creating a new "Education & Awareness" section¹.

In the future this third section may include education and awareness subsections targeting the wider public, including interest groups identified as prime targets (e.g. fishermen, whale watching tour operators etc.). The "Action Kit for Kids" could act as a "kick start" for such a section.

The "Kit" section could be linked to the websites of various organisations. A concept for online promotion will be required and could be developed by the proponents of this programme in co-ordination with the ACCOBAMS Secretariat. It is also possible to create chat-lines, email forums or galleries to allow children to communicate their learning process to other children, encouraging an exchange on different initiatives and projects

-) Distribution in schools and integration in national educational programmes

The "Action Kit" will be created in order that it is suitable for integration in national education programmes.

Examples of distributors:

National ministries;

Federal, regional and local authorities responsible for educational initiatives;

Institutions focusing on environmental education and conservation (e.g. UNEP² or UNESCO);

Teacher-training colleges;

ACCOBAMS partners;

NGOs;

Organisations that deliver learning resources to schools across the Countries as well as to libraries and other learning centres.

2. Community Programme: Events and Mobile Exhibitions

As described in Chapter II (Target groups), a starting point could be to conduct educational programmes with a focus on human communities living along the coasts of areas of conservation importance for cetaceans, as recognised within Action No. 4 "Development and implementation of pilot conservation and management actions in well-defined key areas containing critical habitat for populations belonging to priority species"³, but not be restricted to those.

The diversity and variety of field projects in the Agreement area will be instrumental for the development of such programmes. In some areas field projects (conducted by institutions, NGOs, individual researchers, etc.) already have awareness-raising activities as an integrated part. For instance, successful public awareness initiatives linked to local research projects have been conducted by Blue Woorld in Croatia, Studiomare in Italy, Tethys Research Institutre in Italy, Croatia and Greece, Tudav in Turkey, etc etc. Whenever public awareness programmes are already in place, such programmes should be supported, complemented, and coordinated to integrate them in the wider effort to promote awareness in the ACCOBAMS region. In other cases where existing field projects do not include public awareness activities, an attempt should be made to develop such activities by taking advantage of the existing local expertise (e.g. Training courses could be implemented. In addition capacity building initiatives could be planned in areas where no field work is undertaken currently, or new programmes developed to launch education and awareness-raising activities in these regions. All these initiatives should aim to involve the local communities.

At present, the proposed programme cannot include a complete list of the possible activities, as their number and range will depend on the available budget.

¹ One of the implications could be that there will be a need to revise the entire website to make it consistent in format.

² E.g. as part of the UNEP TUNZA Programme (see www.unep.org/children-youth/tunza/)

³ ACCOBAMS: International Implementation Priorities for 2002-2006

Public events:

Organising or supporting public events in areas close to where dolphins or whales live can be an effective tool in making people aware of the importance of protecting the animals.

-) Dolphin Day / Whale Day:

Some ACCOBAMS Partners have successfully established an annual "Dolphin Day" which includes a variety of public awareness events. The institutionalisation of such "Dolphin [or Whale] Days" is an effective way of creating and maintaining awareness among local communities as well as stakeholders and tourists. Depending on the available resources, various activities could be organised, which the local authorities could then promote. A "Dolphin Day" may include public seminars and presentations, video projections, dolphin sounds, music events, beach cleaning, drawing competitions for children, production of whale and dolphin artwork, distribution of dedicated information and public awareness materials, etc.

Targets: Institutionalisation of "Dolphin and/or Whale Days"

Increase number of public events within local communities

Reporting of such events (e.g. online)

-) Mobile exhibition:

While the creation of exhibitions and/or exhibition centres is a reasonable objective, resources may be restricted on some occasions and in some areas. An alternative and/or complementary activity for raising awareness could be a mobile exhibition that, for example, displays inflatable cetacean species. This type of "event" could be an added attraction to a "Dolphin Days" and help raising awareness among the public.

Targets: Develop a mobile exhibition and tour with a selection of inflatable cetacean species of the Agreement area for 2005/2006

Identifying priority regions and communities benefiting from such attraction

Co-ordination with other ACCOBAMS initiatives and activities



RESOLUTION 2.25

PREY DEPLETION

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area:

Recalling that:

- *Article II paragraph 3*, of the Agreement, invites the Parties, within the limits of their sovereignty and/or jurisdiction and in accordance with their international obligations, to assess and manage human-cetacean interactions and to protect the habitats in all waters under their sovereignty and/or jurisdiction and outside these waters in respect of any vessel under their flag or registered within their territory;
- *The Conservation Plan*, which is fully part of the Agreement, binds the Parties to evaluate the feeding requirements of the species covered by the Agreement and adapt fishing regulations and techniques accordingly;

Taking into account Decision VII.11 of the Parties to the Convention for the Biological Diversity to facilitate the implementation of the ecosystem approach as the primary framework for addressing the three objectives of the Convention in a balanced way and welcoming the implementation guidelines and annotations to rationale as outlined in annex I to the decision;

1. *Urges* the Contracting Parties to take in consideration the ecological role of the exploited marine living resources in their fisheries policies;
2. *Charges* the Scientific Committee :
 - to promote the collection of systematic information on the diet of different cetacean species throughout the Agreement area and its geographic, seasonal and ontogenetic variability, and investigate the possibility of applying trophodynamic models to data deriving from population surveys, feeding ecology, and fishery ecology;
 - to take into account the results of the CIESM Workshop “Investigating the roles of cetaceans in marine ecosystems” (Venice, 28-31 January 2004) and its recommendations;
3. *Charges* the Secretariat to collaborate closely with the relevant Fisheries Bodies in order to facilitate the implementation of the present Resolution.

RESOLUTION 2.27

DATE, VENUE AND FUNDING OF THE THIRD SESSION OF THE MEETING OF THE PARTIES

The Meeting of the Parties to the Agreement on the Conservation of the Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area:

Recalling Article III, paragraph 2, of the Agreement, which states that the Agreement Secretariat shall convene, in consultation with the Convention Secretariat, ordinary sessions of the Meeting of the Parties at intervals of not more than three years, unless the Meeting of the Parties decides otherwise;

Noting that the second session of the Meeting of the Parties was hosted by the Government of Spain, from the 9 to 12 November 2004,

Appreciating the benefits that may accrue to the Agreement and to Parties, particularly developing Countries or those with economies in transition, that host sessions of the Meeting of the Parties in different regions in the Agreement area;

1. *Decides* that the third session of the Meeting of the Parties shall take place end of 2007;
2. *Welcomes* and accepts with great appreciation the offer from Croatia to host the third session of the Meeting of the Parties.

RESOLUTION 2.28

ON THE PROMOTION OF PHOTO-IDENTIFICATION ACTIVITIES

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area:

Aware of the fact that «Europhlukes», a EU-funded programme having the goals of developing a European cetacean photo-identification system and related matching software, of initiating a European network of providers and end-users of the European Cetacean photo-identification system, and of ensuring the continued contribution of material and supportable use of the database, has reached the end of its term;

Considering the International Implementation Priorities adopted by the First Meeting of the Parties, and in particular Implementation Priority n. 11 (“Development of photo-identification databases and programmes encompassing the entire ACCOBAMS Area”), where it was “highly recommended that an operational link be established between ACCOBAMS and the «Europhlukes» project management, to explore possibilities for future co-operative effort, for the extension of the programme to non-European partners within the Agreement Range States, and to help ensuring the indefinite continuation of this worthy initiative after the European project is terminated”;

Convinced of the importance of providing photo-identification training in the Agreement area (as demonstrated by the successful training conducted to the benefit of Black Sea research teams), of the need to make further progress, and of integrating photo-identification techniques in current and future efforts of advancing in the understanding of comprehensive description of cetacean populations distribution and abundance in the Agreement area, and that there is a need to take this complex of activities forward with independent funding;

Considering the reports of the First and of the Second Meetings of the Scientific Committee, containing recommendations to implement pilot projects to develop capacity-building programmes on photo-identification techniques, in particular envisaging the establishment of a link between Europhlukes and Black Sea Countries, to support the involvement of Black Sea researchers and the provision of their data to «Europhlukes», thus gaining access to the deliverables «Europhlukes» will develop before the end of 2004;

Aware of the participation of ACCOBAMS in the Steering and Liaison Committees of «Europhlukes»;

Aware that the European Cetacean Society has agreed to provide initial support for the project in an interim period of one year (2005);

1. *Instructs* the Scientific Committee to present a scientific study on the results of the project and to report to the Bureau for further support.
2. *Mandates* the Secretariat, with the agreement of the Bureau, to actively support the project.
3. *Mandates* the Secretariat to encourage Parties and non-Parties to participate and to support actively the Programme, in order to guarantee the continued survival and growth of the «Europhlukes» activities in collaboration with other relevant organisations.
4. *Charges* the Secretariat in close cooperation with the Scientific Committee to report to the next meeting of the Parties the result of this collaboration and to make any proposal for the follow-up.

RESOLUTION 2.29

TRIBUTE TO ORGANISERS

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area:

Aware of the significant effort, necessary for preparing and organizing the present session of the Meeting of the Parties;

1. *Expresses* its gratitude to the invaluable support of the Spanish Government for having made available all the means necessary for the success of this Meeting in Spain;
2. *Congratulates* the Permanent Secretariat and the Scientific Committee on the excellence of the preparation for this present session of the Meeting of the Parties to the Agreement and their concrete efforts to facilitate the implementation of the Agreement;
3. *Expresses* its strong gratitude to the Government of the Principality of Monaco for its hospitality to the Permanent Secretariat and the competent as well as devoted staff it provides;
4. *Also thanks* the Commission Internationale pour l'Exploration Scientifique de la Méditerranée (CIESM), the World Conservation Union (IUCN), the International Whaling Commission (IWC), and the European Cetacean Society (ECS) for their great help and their experts for their major contribution in the Scientific Committee.

RESOLUTION 2.30

**RECOGNISING THE IMPORTANT ROLE OF NON-GOVERNMENTAL ORGANISATIONS
(NGOS) IN CETACEAN CONSERVATION**

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic:

Recalling Resolution 1.13 on granting the ACCOBAMS Partner title, and *acknowledging* the success of this initiative;

Aware that the expertise and the activities of competent NGOs represent a substantial contribution to the successful implementation of the Agreement;

Recognising that the governments highly benefit from the voluntary monitoring and data collection work of such NGOs;

Appreciating the enormous and most successful efforts of NGOs in public awareness raising for the need of cetacean conservation;

Aware that both governments and NGOs highly benefit if they co-operate closely and solve potential conflicts in a constructive manner through recognising each others roles and responsibilities;

Further aware that NGO activities could have increased impacts if they are not only locally or nationally orientated but also seek for international co-operation and exchange of information as well as trans-boundary projects;

1. *Expresses* its good will to further support the most valuable activities of competent NGOs
2. *Encourages* activities of NGOs to collaborate and share experience in ways that have the potential to substantially improve trans-boundary co-operation and exchange of information as well as mutual assistance.

RECOMMENDATION 2.1

IDENTIFICATION AND ENCOURAGEMENT OF ECONOMIC ACTIVITIES PARTICIPATING TO THE MITIGATION OF HUMAN – CETACEAN IMPACTS

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area:

On recommendation of the ACCOBAMS Bureau:

Stressing that adoption and enforcement of national legislation includes juridical recognition of activities participating to the mitigation of human – cetacean impacts;

Recognizing the benefits of the use of non regulatory systems like voluntary codes of conduct, charters, certifications, labels, ...;

Recalling that economic incentives must be evaluated on their environmental impacts by competent Bodies;

Having considered with appreciation the "Report on the juridical recognition of marine products and activities" established on behalf of ACCOBAMS Secretariat;

1. *Encourages* Parties, Riparian States and the European Commission, directly or through competent Organisation, to further identify ways and means to encourage economic activities participating to the mitigation of human-Cetaceans impacts;
2. *Charges* the Scientific Committee to organize a technology warning assessment on new techniques suitable to mitigate impact of human activities on cetaceans.

RECOMMENDATION 2.2

ADVISORY ROLE OF ACCOBAMS IN CITES APPENDICES AMENDMENTS

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area:

Recalling that CITES Appendices I and II include cetaceans species whose populations are present in the Agreement area;

Recalling CITES Article XV, paragraph 2 b by which the CITES requires its Secretariat to consult Intergovernmental Bodies having a function in relation to those species;

Recalling also that CITES, as one of the Conventions concerned *inter alia* with the conservation of cetaceans has, through Article III.4 of the Agreement, an observer status to ACCOBAMS Meeting of the Parties;

1. *Urges* Parties, which are also Parties to CITES, to organize and/or reinforce close coordination between their CITES management and scientific Authorities and ACCOBAMS' Focal Points on any proposal of amendment of CITES Appendices concerning cetaceans occurring or that may occur in the ACCOBAMS area, in order to ensure national positions consistency;
2. *Calls upon* CITES Secretariat to recognize ACCOBAMS as a relevant Intergovernmental Body in application of CITES article XV and asks for technical advice of the ACCOBAMS Scientific Committee through the Agreement Secretariat and in particular for species listed in ACCOBAMS Annex I.

RECOMMENDATION 2.3

ADVISORY ROLE OF ACCOBAMS IN CMS APPENDICES AMENDMENTS

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area:

On recommendation of the ACCOBAMS Scientific Committee:

Recalling that CMS Appendices I and II include cetacean species whose populations are present in the Agreement area;

Noting that Appendix II of CMS includes cetacean populations in the Agreement area that are not listed properly based on current scientific knowledge;

1. *Urges* Parties, which are Parties to CMS, to ask for harmonisation of the Appendices of the two intergovernmental tools and for this purpose, to organize close coordination between their CMS and ACCOBAMS Focal Points;
2. *Takes already note* of the following inconsistencies concerning cetacean species listed in Appendix II:
 - a) *Grampus griseus*: add Mediterranean population;
 - b) *Tursiops truncatus*, *Stenella coeruleoalba*, *Delphinus delphis*: change from “western Mediterranean population” to “Mediterranean population”;
3. *Calls upon* CMS Secretariat to ask for technical advice of the ACCOBAMS Scientific Committee through the ACCOBAMS Secretariat on any proposal of amendment of CMS Appendices concerning cetaceans occurring or that may occur in the ACCOBAMS area and in particular those listed in ACCOBAMS Annex I;
4. *Charges* the Secretariat, to further examine the Annexes of Conventions, Agreements and other regional juridical tools relevant for the conservation of the cetaceans of the ACCOBAMS region in order to draw the attention of their Executive Body on any discrepancy with the ACCOBAMS Annex.

STATEMENTS

STATEMENT OF GREECE

Second Meeting of the Parties to ACCOBAMS, 9th-12th November 2004

Mr. Chairman,

Greece is a state party of the ACCOBAMS Agreement since its signature. I am very happy to see Greece participating to this Meeting as a full member state.

After a study of the ACCOBAMS Treaty, the Legal Department of the Ministry of Foreign Affairs of Greece, has decided that the full membership of Greece to the Treaty starts from the date of the signature of this Agreement.

During the signature of the Agreement, Greece has not made any reservation for ratification. In accordance with the Agreement, states which wished to express a reservation for ratification, they were obliged to submit such a declaration. Some Countries do not recognize this reality, which is in conformity with the law of the treaties.

This has a negative effect for the Budget of the ACCOBAMS Agreement.

We hope that those Countries which insist to interpret the Agreement in a wrong way, they finally will follow the Greek example.

Regarding the implementation of the Agreement, I would like to inform the participants that Greece participates in all programmes in the framework of the ACCOBAMS Treaty, and especially in programmes within the territorial waters of Greece or in waters over the Greek continental shelf.

Thank you Mr. Chairman

UNITED KINGDOM STATEMENT

The United Kingdom is delighted to be invited to the Second ACCOBAMS Meeting of Parties. At the last meeting, the UK explained that it was reviewing from a legal point of view whether the metropolitan UK should ratify the Agreement. I am unable to report at this Meeting the outcome of that review because, to date, it has not yet been completed.

The legal complexities created by the mix of the European Union interests and various UK Government Department interests, have delayed progress on this issue.

I regret that I am unable to provide a more definite report to this meeting, but I can confirm that the UK remains committed to the objectives of ACCOBAMS and will continue to make a voluntary contribution of € 10, 000 in the future.

DECLARATION DE LA REPRESENTANTE DE LA FRANCE

La France est particulièrement heureuse de rejoindre ACCOBAMS et de compter parmi les 15 Parties de la Méditerranée et de la Mer Noire. Elle manifeste ainsi son engagement pour la conservation des cétacés, mais aussi au travers de plusieurs textes internationaux ou régionaux de conservation de la diversité biologique des espèces migratrices ou plus spécifiquement des cétacés :

- Convention sur la Diversité Biologique,
- Convention sur les Espèces Migratrices,
- CBI,
- ASCOBANS étendu à l'Atlantique auquel la France sera bientôt Partie

Parce qu'elle possède des territoires dans plusieurs océans et mers au monde, la France est Partie à plusieurs textes de conservation du milieu marin et de la diversité biologique :

- Convention de Carthagène,
- Convention de Nairobi,
- Convention de Barcelone

En Méditerranée spécifiquement, elle s'est engagée avec ses partenaires italiens et monégasques pour la création du Sanctuaire Pélagos pour la conservation des mammifères marins, aujourd'hui notifié en tant qu'ASPIM.

Elle a aussi instauré au delà de ses eaux territoriales en Méditerranée, une zone de protection écologique.

La France en ratifiant ACCOBAMS souhaite développer sur un groupe d'espèces particulièrement sensible aux diverses activités humaines, une action régionale en synergie avec les actions de protection du milieu marin et de sa biodiversité. Elle n'ignore pas l'ampleur de la tâche, ayant elle-même par ses activités de pêche, de transport maritime ou autre, un impact sur les cétacés, mais elle remplira ses obligations et essaiera aussi de contribuer positivement à la mise en œuvre de l'Accord. Elle souhaite aussi rappeler que la Région est une mer peuplée de cétacés certes, mais aussi d'hommes et que les considérations socio-économiques devront être abordées en même temps que la conservation des espèces.

Vaste entreprise à laquelle pays Parties organisations intergouvernementales et ONG participent déjà et que nous rejoignons.

STATEMENT OF PORTUGAL

Second Meeting of the Parties to ACCOBAMS, 9th-12th November 2004

Thank you Mr. Chairman,

Good morning Ladies and Gentlemen,

It is a great pleasure for me to attend this meeting Representing Portugal in its new capacity as one of the youngest Parties to ACCOBAMS. The Agreement will enter in force for my Country on the 1st of January 2005, but the conservation of cetaceans and of their habitat was been one of the major issues of the program of work of the Ministry of the Environment since 1981, when national legislation was approved forbidden any killings of whales and dolphins in mainland Portugal.

Since then, Portugal has been involved in several international force related to the conservation of biological diversity and in particular, on matters related to the maintenance of a favourable conservation state of cetacean populations.

At the national level, new legislation has been prepared in order to regulate whale meeting activities and recreational navigation on sensitive areas, and the revision and update of the existing national legislation, regarding the conservation of cetaceans, is also planned to place in early 2005. Several others projects are already in place, aiming at the conservation of cetacean populations and I look forward to closer and fruitful cooperation with all the Parties and Rage State to ACCOBAMS in order to better protect our common marine environment.

STATEMENT OF THE REPUBLIC OF CROATIA

Second Meeting of the Parties to ACCOBAMS, 9th-12th November 2004

Mr. Chairman, Honourable Ministers, distinguished Delegates, Ladies and Gentlemen,

Allow me to extend my gratitude on behalf of the Government of Republic of Croatia to the Government of Spain for hosting the second Meeting of the Parties to the Agreement on the conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS).

Cetaceans represent one of the most valuable parts of the marine biological diversity and yet one of the most sensitive to the anthropogenic impacts. We must be aware that such impacts pose a constant threat to the conservation of cetaceans in the Black Sea, Mediterranean Sea waters and the contiguous Atlantic area. In this regard, we see the ACCOBAMS Agreement in the framework of the Bonn Convention as one of the crucial “players” to ensure long-term conservation of cetaceans. It is of particular significant that in reaching this goal, the Agreement recognizes and obliges all Countries to cooperation and harmonization of conservation efforts. After all, animals do not recognize state borders.

The Bonn Convention and its ACCOBAMS Agreement are significant for the Republic of Croatia for providing conservation of cetaceans in the Adriatic Sea and ensuring their favourable conservation status. The Bonn Convention entered into force for the Republic of Croatia in October 2000, while the ACCOBAMS Agreement was ratified in July 2000 and entered into force on 1 June 2001. Croatia developed and adopted the National Strategy and Action Plan for the Protection of the Biological and Landscape Diversity (NSAP) in 1999, which laid down elaboration of several action plans concerning the protection of cetaceans. Let me also remind you that the Republic of Croatia ratified all international agreements aimed at conservation of marine biological diversity. As the candidate state for European Union membership, the Republic of Croatia also started to implement the obligations arising from the relevant EU Directives. In this regard, in October 2003 the Croatian Government adopted the new Nature Protection Act that addresses nature protection as an integrated activity based on species, habitat and protected area conservation. It also aims at ensuring a rational and sustainable use of natural resources by all sectors.

The new Act establishes the State Institute for Nature Protection as the central institution that performs special tasks in nature conservation, including responsibility for organizing and implementing biodiversity inventorying, monitoring and preparation of proposals for designation of the ecological network and protected areas.

We believe that the ratification of the ACCOBAMS Agreement contributes significantly to implementation of the nature conservation policy in Croatia. At this point, we would like to extend our gratitude to the Principality of Monaco and its support that enabled the former Ministry of Environment Protection and Physical Planning in cooperation with the Blue World Marine Institute to prepare the ground for designation of Losinj-Cres archipelago as the first marine area protected for cetaceans. This is the area where the most intensive studies of bottlenose dolphins have been carried out. Research has shown that it represents a critical habitat of the only known resident population of bottlenose dolphins in the Croatian part of the Adriatic Sea, as well as other significant marine species. Particular emphasis is put on the human-cetaceans interaction. To achieve this balance is the must for designation of any protected area and its successful management; The Republic of Croatia will make these additional efforts prior to final designation of this protected area. This intention corresponds to the obligations of Croatia as a party to the ACCOBAMS Agreement, regarding creation of protected zones important for the feeding, breeding and birthing of cetaceans.

I would like to express the commitment of the republic of Croatia to continue its work and to contribute to implementation of the ACCOBAMS Agreement. The competent Ministry of Culture with the State Institute for nature Protection and relevant scientific institutions and NGOs will expand research and conservation efforts to the other part of the Adriatic Sea. As already mentioned, the human – cetaceans interactions is the issue that will be given particular importance in the near future.

We would also like to remind you that we will continue to share our experience and results so as to contribute to the cetaceans conservation at the international level. Let me remind you that the Croatian representative played an important role as the member of the ACCOBAMS Scientific Committee. Republic of Croatia was also a host to the 4th International Symposium of the Pan-European Ecological Network on Marine and Coastal Biodiversity and Protected Areas, held in Dubrovnik in October 2003 that resulted in the Dubrovnik declaration, stressing also the importance of conservation of marine biological diversity and strengthening the international cooperation.

Mr. Chairman, Ladies and Gentlemen,

Once again, I would like to emphasize that the Republic of Croatia will make every effort to continue activities for conservation of cetaceans in the Adriatic Sea and beyond. This exceptional natural value requires utmost attention of all Countries in the regions benefiting from it.

I must also point out the work of all the bodies that contributed to preparation and enforcement of the Agreement. In that regard, let me extend our gratitude to the Principality of Monaco that has assumed the responsibility to manage the Interim Secretariat of the ACCOBAMS Agreement and to the Interim Secretariat itself for doing such an excellent work.

Furthermore, I would like to thank both the Secretariat of the Bonn Convention for its endeavours in the realization of the Agreement, as well as bodies of other relevant international conventions related to the Agreement.

Let me finish by saying that the ACCOBAMS Agreement gives us the opportunity for an effective protection of cetaceans and obliges us to make joint efforts and cooperate in reaching this common goal.

Thank you, Mr. Chairman

DECLARATION DE L'ITALIE SUR SA MISE EN OEUVRE DE L'ACCOBAMS

Dans l'attente de la ratification de l'Accord ACCOBAMS (le projet de loi, déjà approuvé au Sénat est actuellement à l'examen de la Chambre) l'Italie, au cours des dernières années, a contribué à la mise en oeuvre de l'Accord.

Le Ministère de l'Environnement a développé une étroite et fructueuse collaboration avec l'ACCOBAMS, notamment au travers d'un appui financier sous forme de deux bourses d'études destinées à deux expertes Italiennes apportant leur soutien administratif au Secrétariat et d'une contribution volontaire. Celle ci a été en partie utilisée par le Secrétariat pour l'organisation de trois cours de formation professionnelle sur les Techniques de surveillance des cétacés, destiné aux Organismes Publics et Forces de l'ordre liés au milieu marin de l'aire italienne couverte par le Sanctuaire Pelagos.

Récemment, dans le cadre des programmes de collaboration bilatérale, l'Italie avec la France et l'Espagne, a collaboré à démarrer, en Libye, un programme de conservation des Cétacés.

Concernant le Sanctuaire Pelagos, pour les mammifères marins, ratifié par l'Italie par la loi n° 391 de 2001 entrée en vigueur le 21 février 2002, différentes initiatives ont été entreprises. Parmi elles :

- constitution d'un Comité de pilotage,
- émanation d'un avis pour le financement de proposition projet orienté à la réalisation d'activités fonctionnelles à la gestion institutionnelle du Sanctuaire,
- organisation et accueil de la « 2^{ème} Réunion des Parties Contractantes du Sanctuaire Pelagos » tenue à l'Ile d'Elbe en septembre 2004.

Il est prévu que d'ici la fin de l'an 2005 le projet de loi nationale de ratification d'ACCOBAMS soit approuvé par la Chambre des Députés permettant à l'Italie de devenir officiellement Partie Contractantes à l'Accord.

La nomination du Point Focal pour l'Italie devrait avoir lieu d'ici la fin de l'année en tenant compte de la réorganisation de la Direction pour la Protection de la Nature et avec la création de la nouvelle Division II pour la Protection de la Flore et de la Faune que j'ai l'honneur de diriger.

En outre nous confirmons également, pour l'année 2005, l'apport d'un soutien au Secrétariat Permanent de la part du Ministère de l'Environnement italien.

Avec son accession à l'Accord, l'Italie pourra développer de nombreux programmes de coopération bilatérale avec les Pays limitrophes et notamment du fait de sa position géographique avec la France, l'Espagne, la Libye, la Tunisie et la Croatie, l'Albanie, la Grèce, Malte et l'Egypte.

En 2005, il est envisagé d'organiser une campagne de sensibilisation pour la conservation des cétacés destinée à un large public (étudiants, jeunes, opérateurs de la mer, touristes et tour-opérateur). Dans cet esprit, il serait extrêmement utile de pouvoir disposer d'un matériel de sensibilisation préparée par le Secrétariat en langue italienne.

Un autre engagement à caractère institutionnel sera d'impliquer les régions italiennes tenant compte de leur compétence dans la conservation de la biodiversité marine avec une référence spéciale pour les régions ayant une localisation stratégique (Sardaigne, Sicile, Calabre, Pouille), au travers des relations notamment « Etat-régions » ; un exemple d'une telle implication pourrait être la campagne de sensibilisation.

Je conclus en souhaitant que l'année 2005 permette à l'Italie de devenir totalement opérationnelle dans la mise en œuvre de l'Accord.

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