

**DOCUMENT CONTAINING WRITTEN COMMENTS OF TÜRKİYE ON DRAFT RESOLUTIONS OF MOP9
(RECEIVED BY THE SECRETARIAT ON 14 NOVEMBER 2025)**

1. ACCOBAMS-MOP9/2025/Draft Res9.5

General Comments

As we indicated during the online meetings on the draft resolution held prior to MOP9, all three proposed scenarios are, in principle, acceptable to us. We also express our support for the version of annual contribution calculated by the Secretariat that includes a minimum contribution increase to 1% in all three scenarios, in order to ensure a more balanced distribution of contributions among Parties.

We acknowledge that the proposed budget includes adjustments across administrative, strategic, and conservation domains. However, we are of the view that the proportion allocated to the conservation domain should be increased, considering the core objectives of ACCOBAMS and the growing need for effective conservation actions in the region. Regarding the expected remaining funds from the 2023–2025 Triennium, considering the strategic importance and urgency of the ASI-II initiative, we believe it could be more appropriate to allocate the entire or most of remaining funds to the implementation of ASI-II which is classified as main priority in the work programme.

Page 4, Para 4

It has been observed that draft Resolution 9.5, on page 4, paragraph 4, contains references to the United Nations Convention on the Law of the Sea (UNCLOS), to which Türkiye is not a Party as well as CMS and IWC. In order to ensure that this reference does not prejudice Türkiye's status as a "persistent objector" to UNCLOS, it is considered advisable to replace the phrase "in particular" with "including those" in the mentioned paragraph.

2. ACCOBAMS-MOP9/2025/DraftRes9.10

Page 1, Para 6

In the draft decision entitled "Post-War Plan for Black Sea Cetaceans," the reference to the Black Sea Mine Countermeasures Task Group (MCM Black Sea) is considered appropriate. However, in order to align the sentence in paragraph 6 with the MCM Black Sea Memorandum of Understanding, it may be amended to read:

"...to ensure the safety of maritime traffic against the threat of naval mines in the Black Sea..."

Likewise, it is considered appropriate to replace the term "sea mines" in the same sentence with "naval mines."

The proposed version of the paragraph is as follows:

Recalling the "Trilateral Initiative" launched in 2024 between the naval forces of Bulgaria, Romania and Türkiye, with its respective Memorandum of Understanding (MoU), signed in Istanbul on 11th January, 2024, and the establishment of the Mine Countermeasures Black Sea (MCM BLACK SEA) Task Group **to ensure the safety of maritime traffic against the threat of naval mines in the Black Sea** through the surveillance, identification, and neutralisation of **naval** mines, while conducting related search and rescue operations.

Action Section of Annex

Including the phrase "**Acting in coordination with the naval forces of littoral countries**" in the "Action" section of the annex to the draft resolution would be considered appropriate, as it would allow for the conduct of any military

operations, training, or exercises that may be undertaken jointly or individually by the littoral states in the Black Sea during or post war.

3. ACCOBAMS-MOP9/2025/DraftRes9.21

Page 1, Para 5

While acknowledging the relevance of the Ecologically or Biologically Significant Marine Areas (EBSAs) process under the Convention on Biological Diversity, and its contribution to highlighting areas important for marine biodiversity, including cetaceans, it should be noted that, in accordance with the CBD EBSA process, EBSAs are described rather than formally identified. Therefore, references to the process should reflect this descriptive nature to remain consistent with CBD guidance and methodology.

Therefore, it is recommended that the phrase in the paragraph, “to **identifying** areas important for marine biodiversity, including cetaceans,” be replaced with “to **describing** areas important for marine biodiversity, including cetaceans.”

Page 1, Para 7

While noting the relevance of revising the above-mentioned Annex to Resolution 4.15, Türkiye wishes to underline that such an approach should not supersede or dilute the primacy of ecological and biological criteria in habitat identification. As we explain in page 2 Operative Para 1, Türkiye supports retaining the term “Cetacean Critical Habitat” (CCH) and considers that CCHs should be identified primarily on ecological and biological grounds rather than on the presence or intensity of human activities in cetacean habitats. Focusing predominantly on anthropogenic pressures risks shifting the conceptual basis of habitat identification away from areas where cetaceans are temporarily or permanently resident particularly feeding grounds, calving or breeding sites, and migration routes which constitute the core characteristics of critical cetaceans habitats. Maintaining an ecologically driven framework is therefore essential to ensure that CCHs accurately reflect the ecological needs, high-density areas, and critical habitats of cetacean species, in line with established scientific principles and the provisions of the Agreement.

Therefore, the paragraph in question should be revised by removing the reference to *quantifying anthropogenic pressures* and replaced with the following wording: ‘Noting that it is appropriate to revise the above-mentioned Annex to Resolution 4.15, taking into account the already existing mechanisms and tools related to area-based cetacean conservation (e.g. Important Marine Mammal Areas, Marine Protected Areas, Other Effective Area-based Conservation Measures, Maritime Spatial Planning, etc.).

Page 2, Operative para 1

Türkiye supports retaining the term “**Cetacean Critical Habitat**” (CCH) rather than replacing it with “**Cetacean Co-occurrence with Human Activities**.” CCHs should be identified primarily based on **ecological and biological criteria**, rather than the presence of human activities in cetacean habitats, as they represent areas where cetaceans are temporarily or permanently resident, **including**, in particular, feeding grounds, calving or breeding sites, and migration routes. Such designation ensures that CCHs reflect the ecological needs, high-density areas, and critical habitats of cetacean species, in accordance with both established scientific and conservation principles and the Agreement.

Page 3, Operative Para 6 (b)

It is considered that Article 1(c) of the Agreement is sufficiently clear. Accordingly, we believe that the phrase ‘on the part of the Agreement’ in operative paragraph 6 should be deleted.

Page 3, Operative Para 6

We would like to reiterate our statement regarding areas 9, 10, and 16 as shown in Resolution 3.22, Resolution 4.15, and their respective annexes. The statement is as follows.

Türkiye has become a party to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS) as of February 1st, 2018.

According to the resolutions "3.22 Marine Protected Areas for Cetaceans" and " 4.15 Marine Protected Areas of Importance for Cetaceans Conservation" adopted at the previous Meetings of the Parties, there are proposals for marine protected areas in the Sea of Marmara and the Aegean Sea, depicted as number 16: "the Turkish Straits System", number 9: "The Northern Aegean Sea" and the number 10: "the Waters Surrounding Dodecanese".

Regarding the maritime area depicted as number 16, it should be reminded that nothing in the ACCOBAMS nor any act adopted on the basis of the Agreement shall prejudice the rights and obligations to the 1936 Montreux Convention as mentioned in Article 1 of the Agreement. The 1936 Montreux Convention defines the Turkish Straits as composed of the İstanbul Strait, the Sea of Marmara and the Çanakkale Strait. This Convention has been meticulously, transparently and impartially implemented by Türkiye for more than eight decades. The identification of a possible marine protected area in the Turkish Straits under the ACCOBAMS would not undermine the rights and obligations of Türkiye stemming from the Montreux Convention.

Regarding the maritime areas depicted as number 9 and 10, it should be underlined that maritime boundaries are yet to be delimited by Agreements between Türkiye and Greece in the Aegean Sea. In line with the Article 1 of the Agreement, nothing in the ACCOBAMS nor any act adopted on the basis of the Agreement shall prejudice the present and future claims or legal views of any State relating to the law of the sea, in particular the nature and the extent of marine areas, the delimitation of marine areas between States with opposite or adjacent coasts. Hence, the description of the maritime areas depicted in the list and maps under numbers 9 and 10 should be changed to include Türkiye.

In the light of above, we propose the following actions to be taken:

1. The maritime areas described is in the Northern Aegean Sea (9) and The Waters Surrounding Dodecanese (10) fall within the national jurisdictions of both Türkiye and Greece. Therefore, we request that this information should be updated as "Greece and Türkiye" in the same resolutions and their annexes.
2. As stated in MOP 8-Doc 30, the CCH is not a marine protected area. We request that the map of proposed marine protected areas expression on the map in the 3.22 and 4.15 annexes should be changed to areas of special importance for cetaceans. Hence, the list and map corrected in line with the above-mentioned points regarding the areas of special importance for cetaceans in the ACCOBAMS should be added to the draft resolution 9.21., provided that it is placed after operative paragraph 6(b).