

PROCEEDINGS OF THE
THIRD MEETING OF PARTIES
TO ASCOBANS

BRISTOL, UNITED KINGDOM
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ASCOBANS
Agreement on the Conservation
of Small Cetaceans of the
Baltic and North Seas

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Proceedings of the Third Meeting of Parties to ASCOBANS

1 Opening of Meeting

Dr Peter Reijnders, Chairman of the Advisory Committee and acting Chairman of the Meeting of Parties opened the meeting and greeted participants. He introduced Dr Roger Pritchard of the Department of the Environment, Transport and the Regions, who welcomed delegates on behalf of the British Government. Dr Pritchard pointed out that the Meeting of Parties to ASCOBANS had been organised back-to-back with the Meeting of Parties to EUROBATS because both dealt with migratory species and, therefore, there were common issues. However, there were of course also issues specific to ASCOBANS. He wished all delegates a productive meeting.

Dr Reijnders expressed his welcome to the latest country to have acceded to the Agreement, Finland. He also introduced the new Executive Secretary, Rüdiger Stempel, whom he welcomed as being an active and capable person who would not allow the Parties to 'hibernate'

Mr Stempel welcomed the delegates to Bristol on behalf of the Secretariat and expressed his thanks to the DETR for their co-operation in organising this meeting. He stated that his predecessor, Holger Auel, sent his best wishes to the meeting. He expressed the hope that it would be a successful, fruitful and productive meeting.

2 Rules of Procedure

The Executive Secretary presented draft Amended Rules of Procedure for the Meeting of Parties which contained an amendment to Rule 4 (2) of the Rules of Procedure and a further minor amendment. The amendment to Rule 4 (2) specified deadlines for the submission of documents preceding Meetings of Parties. He explained that in the past there had been problems with the submission of documents that concerned the area of competence of other bodies.

The UK expressed sympathy with the proposed amendment but voiced concern that it might be unduly restrictive, making it impossible to discuss information received shortly before the meeting. The proposed amendment was too inflexible. Rather, the Parties should be urged to submit papers on time. The Executive Secretary emphasised that he appreciated this point, but reiterated that the current proposal had been made on account of the problems experienced in the past, when 'urging' had not been sufficient to solve these problems.

Belgium expressed the view that the word 'affecting' in relation to the competence of other organisations might be inappropriate. Denmark agreed with Belgium. In the light of the opposition by three parties, the proposal was rejected.

In relation to Rule 2(1) concerning observers, Germany pointed out that OSPARCOM was specifically mentioned and suggested that HELCOM should also be specified.

The Rules of Procedure (MOP3/Doc. 11(S)) as amended were accepted by consensus. They are attached as Annex 4 to this report.

3 Election of Chairman

Poland nominated Dr Roger Pritchard as Chairman of this Meeting of Parties. This proposal was seconded by the Netherlands and agreed by consensus. Mr Palle Uhd Jepsen was proposed as Vice-Chairman by Germany, and the proposal was seconded by Sweden. This was also agreed by consensus.

4 Adoption of Agenda

The Draft Agenda (MOP3/Doc. 1(S)) was adopted without amendments. It is attached as Annex 1.

5 Admittance of observers and establishment of the Credentials Committee

The Chairman called for the observers listed on pages 4-6 of the List of Participants to be formally admitted. This was agreed by consensus.

A Credentials Committee was established. The Chair suggested it be comprised of three Parties, one of which should be the UK as host nation. The Netherlands and Poland volunteered.

Ms Christine Tucker, chairing the Credentials Committee, confirmed that all countries had produced valid credentials. She warned, however, that care had to be taken to ensure the accuracy of credentials, pointing out that a member of one delegation was not included in that delegation's letter. Since the delegation in question was large and the head of delegation was listed, this did not present a problem in the present case. However, a problem might have arisen for a smaller delegation.

6 Opening addresses and statements

Mr Arnulf Müller-Helmbrecht of the UNEP/CMS Secretariat presented the Opening Statement by the Executive Director of UNEP in his absence (*Statement of the Executive Director of UNEP, Dr Klaus Töpfer, to the Third Session of the Meeting of Parties to the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas*). He added that as the Executive Secretary to CMS he would guarantee the independence of Agreement Secretariats integrated into the newly established UNEP/CMS Agreements Unit.

Opening Addresses and Statements had been received in writing from SSMAR, RSPCA, WWF and Denmark. The text of these can be found in MOP3/Doc. 12(O), MOP3/Doc. 13(O), MOP3/Doc. 21(O) and MOP3/Doc. 22(P) respectively. These observers were also invited to make verbal opening statements.

SSMAR introduced itself as a recently formed non-profit making Swedish organisation whose aim was to seek improved protection for the marine environment, and in particular cetaceans. The organisation recognised the importance of ASCOBANS as the first agreement with the objective of conservation of small cetaceans, and expressed its pleasure at being able to attend the third Meeting of Parties.

The observer for SSMAR stated that her organisation recognised the growing attention being afforded to interactions between marine mammals and fisheries, and highlighted in particular the situation of harbour porpoises in the Baltic Sea. In this area, the population estimate was below 1,000 and bycatch was known to exist at unsustainable levels.

SSMAR expressed the hope that the present meeting would result in sound actions in accordance with ASCOBANS conservation objectives and in respect of the situation of the harbour porpoise population in the Baltic Sea, a decision to agree and implement a powerful action plan addressing the acute and chronic problems in the region.

The RSPCA echoed the sentiments of SSMAR and drew delegates' attention to the fact that the unacceptably high levels of bycatch in fisheries was one of the most critical problems facing cetaceans. It expressed regret at the fact that implementing sufficient mitigation measures to reduce this was one of the key actions which Parties had failed to take to date. It was clear that action must be taken by Parties at a national level but the urgent need for action to be taken on an EU-wide basis was also evident.

The observer from the RSPCA stated that it was the view of many that the answer lay in amending the Common Fisheries Policy (CFP) and expressed the view that it would be both appropriate and helpful if Parties sent a clear statement to the Commission outlining the need for action to reduce the unacceptably high levels of bycatch through a revision of the CFP, which was currently being reviewed. This topic had been raised within the Advisory Committee on several occasions and some Parties had noted their intention to take up the issue with the Commission. A joint statement from all Parties would be all the stronger and a welcome development.

The WWF expressed concern that no strategic solutions had been presented to deal with the problem of incidental catches of small cetaceans throughout EU waters. It called for a workshop involving fishermen as early as possible.

WDCS made a brief introductory statement in order to strongly associate itself with the statements of the RSPCA and SSMAR. It drew attention to the problem of fisheries bycatch, whereby thousands of small cetaceans died annually in European waters. Not only were these levels unsustainable, but they also caused suffering to individual animals. This situation was wholly unacceptable. The WDCS therefore called for urgent action to save lives.

HELCOM presented a statement from HELCOM to ASCOBANS concerning harbour porpoises in the Baltic Sea and a document relating to the meeting of the HELCOM Nature Conservation and Coastal Zone Management Group held in Denmark on 22-26 May 2000. HELCOM proposed a project on harbour porpoises but, recognising the competence of ASCOBANS, it suggested a joint project with other organisations in order to avoid duplication of effort.

7 Reports

7.1 Secretariat

The Executive Secretary presented the Triennial Report of the ASCOBANS Secretariat (ASCOBANS/MOP3/Doc. 14(S), attached as Annex 5). He explained that the past triennium had been one of considerable change for the Secretariat. The Secretariat had been relocated to Bonn and there had been several changes in staff since the last Meeting. Despite this lack of continuity the Secretariat had remained operational and performed its service function, and had established good working relations with the Parties and Advisory Committee. However, he felt that there remained room for improvement, and welcomed suggestions on ways to improve the work of the Secretariat. He stressed that members of the Advisory Committee should be enabled to devote adequate time to the intersessional work of ASCOBANS.

Highlighting some points of particular interest, he presented an overview of Secretariat activities during the past triennium. The Secretariat had prepared and serviced 4 meetings during the past triennium and presented 3 annual compilations of national reports. There had been some problems concerning deadlines for submissions of reports to the Secretariat and the period covered by the reports, but the situation had improved and the most recent compilation came close to meeting the requirements set out in Art. 2.5 and Art. 4.1 of the Agreement.

PR work had been steadily stepped up since the Secretariat's relocation to Bonn. This had been possible due, amongst other things, to the German voluntary contributions for 1999-2000. Thus, a website had been established, and an ASCOBANS poster, and a mobile exhibition, as well as some other advertising material, had been produced. An ASCOBANS leaflet was in preparation and preparations were under way for a 10th anniversary celebration to take place in September 2001 in Bonn.

Concerning the budget which is administered by the Secretariat, the Executive Secretary pointed out that national audits of the budgets for the period of 1 January 1997 to 31 December 1999 had been carried out and the accounts had been found in fine order.

Regarding relations with Range States, the Executive Secretary reported that regular contacts had been established with some, though not all, Range States. Norway remained actively involved in ASCOBANS work and ASCOBANS maintained regular contacts with France, Estonia and Latvia. The Executive Secretary was pleased to be able to report that Lithuania, which had rarely participated in ASCOBANS activities to date, had informed the Secretariat that it had translated the Agreement text and would co-ordinate its approval by the relevant ministries.

With regard to a possible southward extension of the Agreement area, he informed the meeting that the Secretariat was currently in contact with both Spain and Portugal.

7.2 Advisory Committee

The Chairman of the Advisory Committee presented a report prepared in co-operation with Mark Tasker, vice-chairman of the Advisory Committee, which reviewed the progress that had been made by the Parties and the Advisory Committee in the preceding triennium (and is presented in

MOP3/Doc. 18(AC), attached as Annex 6) and presented conclusions and suggestions for the way ahead.

Peter Reijnders stated that the outcome of the evaluation of the Work Plan 1997-2000 clearly indicated that considerable work had been carried out and progress had been made in several areas. Nevertheless it was evident that least progress had been made with respect to the factor that had the highest priority for small cetaceans, namely bycatch. Concrete reduction of bycatch in those areas where anthropogenic removal is above the "acceptable level of interaction" could not be demonstrated. It was therefore to be recommended that the highest priority be assigned to the reduction of bycatch in the new Work Plan. The recently commissioned study on possible mitigation measures and related case studies elsewhere, applicable to the ASCOBANS area, was the first step in this direction. Concurrently, initiatives had to be taken to integrate ASCOBANS objectives into Fisheries Policies. This might be achieved through joint discussions with Fisheries Organisations and Nature Conservation Organisations. Simultaneously, it was important to take forward this issue in the ongoing bilateral discussion between ASCOBANS and the European Commission in the context of the Common Fisheries Policy. The process of the review of the CFP offered an opportunity to integrate ASCOBANS concerns (as well as other environmental considerations) into Community Fisheries Policy with a view to including provisions on cetacean bycatch.

With respect to the impact of pollution, ASCOBANS should closely follow the progress and outcome of the IWC-Pollution 2000+ programme, and decide accordingly in which way it could further contribute to the implementation of that programme.

The general line of ASCOBANS activities related to reduction of disturbance might be to continue collecting information on seismic surveys and high speed ferries, and to continue the dialogue with the seismic industry and military authorities on preventing/mitigating the impact of seismic activities and other noise producing tests.

The most appropriate route to establishing criteria for protected areas was for ASCOBANS to work within the mechanisms of the EU, HELCOM and OSPAR.

Outstanding questions to be solved through focussed research were the acquisition of data on seasonal and spatial distribution of small cetaceans, and longer-term trend monitoring. Discussions on the feasibility and planning of SCANS II should start soon.

The maintenance and improvement of the external relations of ASCOBANS with relevant international bodies, NGOs and specialist groups were considered to be of importance and should be promoted.

The Chair of the Advisory Committee noted that after a further three years of the functioning of the Advisory Committee, it had to be concluded that the concerns raised at the last Meeting of Parties about the restricted amount of time that the Advisory Committee members and their advisors could allocate to ASCOBANS still persisted, causing problems to the Advisory Committee in carrying forward the objectives of ASCOBANS at a speedy pace.

Enlargement of the Advisory Committee in relevant areas of scientific and administrative expertise, ensuring that permanent members of the Advisory Committee had sufficient time and budgets for intersessional activities, and the possibility of commissioning more studies through external contracts seemed to be an indispensable and effective way to enable the Advisory Committee to operate decisively.

These latter considerations and the ever-increasing workload for the Advisory Committee meant that the Advisory Committee would, to a greater extent than in the past, need to assign priorities for its work, with the issue of reduction in harbour porpoise bycatch taking the highest priority for those working to implement ASCOBANS.

In closing, Peter Reijnders thanked all those who have helped in the work of the ASCOBANS Advisory Committee over the past triennium, and urged everyone to even undertake greater efforts in the future.

Following his evaluation, the Chair of the Advisory Committee explained that Denmark, in its opening statement to this Meeting of Parties, had provided new information which stated that the Danish Fisheries Authority had made the application of acoustic alarms compulsory in gill-net fisheries close to wrecks in the period from 1 August to 31 October. The coming into force in 2000 of this measure to mitigate the impact of bycatch was acknowledged.

The WWF stated that it supported the conclusions of the Advisory Committee Chairman and Vice-Chairman prioritising the urgent need for progress in mitigation measures of bycatches of small cetaceans and the suggested way forward with respect to the Common Fisheries Policy and involving fisheries organisations.

7.3 Parties

All Parties submitted Annual National Reports for 1999. The 4th Compilation of Annual National Reports, prepared by the Secretariat (MOP3/Doc. 19(S)) was not discussed.

7.4 Range States

Norway thanked the UK government and DETR for their hospitality in providing such pleasant meeting facilities and organising such an interesting reception and excellent dinner on the night prior to the start of the meeting. The Norwegian observer emphasised the importance of the Agreement to Norway, since the Agreement area covered large sections of Norwegian North Sea and Skagerrak waters. Norway strongly supported the conservation work of ASCOBANS and welcomed close co-operation, especially with the Advisory Committee. It would continue to co-operate with ASCOBANS as a non-party Range State.

8 National reports

The UK informed the meeting that the UK Conservation Strategy for the Harbour Porpoise had been published and would be distributed in the course of the meeting.

9 Relations with other bodies

9.1 Inter-governmental organisations

Mr Patrick Van Klaveren, representing the Interim Secretariat of ACCOBAMS, expressed his intention of applying the experience of ASCOBANS to the Mediterranean area. He emphasised that linking the two Agreement areas would be useful and hoped that this link could be established through the accession of Portugal to ASCOBANS. ACCOBAMS had recently received two further ratifications, viz. Romania and Croatia. Only one more ratification was required from a Mediterranean state in order to bring ACCOBAMS into force.

In the absence of Dr Ray Gambell of the IWC Secretariat, the Chairman of the Advisory Committee stated that the work of ASCOBANS was followed closely by the IWC.

Sweden highlighted the importance of a recovery plan for the Baltic Sea. It was, therefore, important for ASCOBANS to have links with the International Baltic Sea Fisheries Commission. In order to achieve the aims of sustainable fishing, it could be useful if ASCOBANS made some initiative to establish a link with IBSFC.

The Executive Secretary stated that no formal link currently existed with the IBSFC but agreed that it would be useful if such links were established.

Sweden declared itself willing to facilitate contact between IBSFC and the ASCOBANS Secretariat.

9.2 Non-governmental organisations

Peter Evans, speaking for the ECS, thanked ASCOBANS for its continued invitations to meetings of the Advisory Committee and the Meetings of Parties. Since the ECS comprised most of the scientists currently working on cetaceans in Europe, it hoped to foster links between scientists and relevant organisations. The ECS declared itself willing to work closely with ASCOBANS and provide reports and other relevant publications on an annual basis.

The WDCS requested that for future Meetings of Parties the Secretariat could more fully report on the contributions of NGOs. Liaison with the ECS had grown more important over the years. Information was also regularly provided by the Sea Watch Foundation and the WWF. The WDCS had helped particularly in the work of the Advisory Committee.

10 Communication and public relations

Denmark highlighted a new project "Fokus på hvaler" started in Denmark in co-operation with the Museum of Fishing and Shipping in Esbjerg, the Zoological Museum in Copenhagen, the Outdoor Life Council and the Danish National Forest and Nature Agency. A poster had been produced in Danish and German, providing information about the project. In addition, a 24-hour hotline had been established to raise public awareness. Its target were users of leisure boats, and fishermen. The aim was to establish a network of people who could report to the project. It was also intended

to improve the existing strandings network to report strandings of cetaceans and seals for databases. A homepage and database had been established to collect this information.

11 Establishment of Committees and working groups

The Meeting set up two working groups to discuss the draft resolutions.

The Chair of the Plenary Session pointed out that the agenda referred to a four-year work program but that under the ASCOBANS Agreement Parties were bound to have a Meeting of Parties no less than every three years. The UK welcomed a move to a three-year plan, which would highlight the seriousness of the situation and emphasise commitment to progress. Denmark agreed. Consequently the Chair stated that any papers discussed by working groups should be considered on the basis of a three-year term.

The Working Group on Implementation of the work plan 1997-2000, work plan 2001-2003 and the future direction of ASCOBANS (the Scientific Working Group), chaired by Peter Reijnders with Mark Tasker as Vice Chair, discussed the following draft resolutions:

- Draft Resolution No. 3: Incidental Take of Small Cetaceans
- Draft Resolution No. 4: Disturbance
- Draft Resolution No. 5: Monitoring, Status and Population Studies
- Draft Resolution No. 7: Further Implementation of ASCOBANS
- Draft Resolution No. 8: Activities of the Advisory Committee 2001-2003
- The Draft Triennium Work Plan for 2001-2003.

The Working Group on Budgetary, Administrative and Promotional Matters, chaired by Gerhard Adams, dealt with the following draft resolutions:

- Draft Resolution No. 1: Integration of the ASCOBANS Secretariat into the UNEP/CMS Agreements Unit
- Draft Resolution No. 2: Financial, Budgetary and Administrative Matters
- Draft Resolution No. 6: Educational and Promotional Activities
- The Draft Triennium Work Plan for 2001-2003.

12 Agreement on Triennium Work Plan 2001-2003

The WDCS pointed out that the reference to “the national level” in section 1(a) of the Work Plan referred to consultation with all stakeholders.

There was extensive discussion concerning the arrangements for the Advisory Committee’s Baltic Discussion Group and the workshop aimed at drafting a recovery plan for harbour porpoise. It was agreed that, given the short time frame specified, it could not be concluded that the meetings would

definitely take place as intended but it was desirable that they do so and the Secretariat should make efforts to promote this.

The RSPCA noted that in order to ensure that appropriate recommendations could be produced at the 9th meeting of the Advisory Committee, it should be acknowledged that this might require a additional time and/or participation beyond that of a normal Advisory Committee meeting.

The Meeting of Parties recognised that the work outlined in the Triennium Work Plan cannot be met in full from the agreed budget. The Consultancy budget would be the first source of funding; any surplus which became available from other budget lines should be used for projects in the Plan; and any further supplementary funding needed should come from voluntary contributions and other sources. The meeting urged the Secretariat and Parties to seek additional funding for projects through voluntary contribution and other sources.

The Meeting recognised that, if sufficient funds were not forthcoming to take forward all the work identified, priority should be given to work on Harbour Porpoise Conservation in the Baltic Sea, by-catch and population structure and abundance estimates.

The Triennium Work Plan for 2001-2003 was approved by consensus (MOP3/Doc. 10(S), Annex 10).

13 Resolutions

The Meeting of Parties discussed the following resolutions:

- a) Resolution No. 1 on Integration of the ASCOBANS Secretariat into the UNEP/CMS Agreements Unit (MOP3/Doc. 2(S)/R, attached as Annex 9a)

The Meeting of Parties adopted this resolution by consensus. Denmark stated that it was satisfied with the work of the Secretariat and with the integration of the ASCOBANS Secretariat into the UNEP/CMS Agreements Unit. However it was concerned about the financial implications of this integration, viz., increases in the contributions required from Parties.

- b) Resolution No. 2 on Financial, Budgetary and Administrative Matters (MOP3/Doc. 2(S)/R, attached as Annex 9b)

One Party called for a vote on this resolution. The vote was taken by show of hands in accordance with the rules established in Part IV of the Rules of Procedure. There were 6 votes in favour, 2 against and no abstentions. The resolution thereby received the three-quarters majority required for financial decisions by Rule 14 of the Rules of Procedure, and was adopted.

Belgium made the following statement concerning Draft Resolution 2:

"Belgium agreed to the principle that an integration of the ASCOBANS Secretariat into UNEP would be beneficial according to the arguments that were put forward. Important arguments for this integration were, and I quote: '*Once full integration is achieved, certain economies of scale through sharing of posts and administrative/financial expertise can be expected*'. Belgium regrets that now that integration is imminent, it is proposed not to economise, but in contrast to what was originally proposed, to increase the budget by a very significant percentage. This is incom-

patible with the current guidelines of the Belgian government with respect to financial contributions to international conventions."

The Netherlands made a statement as follows:

"The Netherlands very much appreciate the efforts made by the Secretariat of ASCOBANS in relation to the conservation of small cetaceans in the North and Baltic Seas. Action on the conservation of small cetaceans is urgently needed. The Netherlands also welcome the integration of the Secretariat of ASCOBANS into the UNEP/CMS Agreements Unit. From the beginning of the discussion on this issue, the Netherlands have consistently supported and promoted the establishment of the UNEP/CMS Agreements Unit. But the above-mentioned integration has enormous consequences for the contributions of the Parties to ASCOBANS. The increase in staff expenditure of the ASCOBANS Secretariat is disproportionate to the Secretariat's efforts in relation to conservation activities for small cetaceans. In spite of the increase in staff expenditure, the Netherlands continues to support further progress on the conservation of small cetaceans by the ASCOBANS Secretariat. Therefore the Netherlands agrees with Draft Resolution 2."

Denmark made the following statement:

"Denmark recognises the need for an efficient and proactive Secretariat in order to achieve the objectives of ASCOBANS. However, Denmark has great difficulties in accepting the dramatic increase of about 80% in the budget for the triennium 2001 - 2003. Therefore Denmark makes a strong reservation and objects to the resolution."

- c) Resolution No. 3 on Incidental Take of Small Cetaceans (MOP3/Doc. 4(S)/R, attached as Annex 9c)

Resolution No. 3 was adopted by consensus.

The WDCS asked what actions the Parties might be going to take as regards contact with the EU. The Executive Secretary informed the Meeting that efforts had been made to involve the EU in ASCOBANS and the EU had been asked to attend this Meeting of the Parties. However, a lack of staff and a high workload had prevented EU attendance. Furthermore the EU had been unable to arrange a meeting to take place before the Meeting of Parties, but it was hoped that a meeting could be arranged with the EU in September or October.

- d) Resolution No. 4 on Disturbance (MOP3/Doc. 5(S)/R, attached as Annex 9d)

The resolution was adopted by consensus. Denmark noted that it would support the resolution but would give priority to the reduction of bycatch and pollution. It expressed the view that measures to reduce disturbance should be undertaken at EU level.

The meeting also adopted the following resolutions by consensus:

- e) Resolution No. 5 on Monitoring, Status and Population Studies (MOP3/Doc. 6(S)/R, attached as Annex 9e)

- f) Resolution No. 6 on Educational and Promotional Activities (MOP3/Doc. 7(S)/R, attached as Annex 9f)
- g) Resolution No. 7 on Further Implementation of ASCOBANS (MOP3/Doc. 8(S)/R, attached as Annex 9g)
- h) Resolution No. 8 on Activities of the Advisory Committee 2000-2003 (MOP3/Doc. 9(S)/R, attached as Annex 9h)

14 Arrangements for the next Meeting of Parties

No definite arrangements were made as to where the next Meeting of Parties in 2003 would be held.

15 Any other business

The WWF stated that it was looking for solutions to reduce bycatch, not only through ASCOBANS, but also through collaborations with fishery organisations. The WWF had invited the head of the Scottish Fishermen's Association, Mr Ian Duncan, to attend the ASCOBANS Meeting as a member of their delegation.

Dr Duncan made a statement on behalf of the Scottish Fishermen's Association to the effect that it was imperative that the actions recommended by the ASCOBANS Meeting of Parties were communicated to the fishing industries of Europe. Denmark was to be commended for beginning what may well prove to be a difficult task. However, much remained to be done. Communication with the industry on this issue, whether by the EU, national governments, or ASCOBANS itself, was poor. Fishermen were left in the dark on an issue that would have far-reaching implications for their industry. This needed to change.

Gillnetting was the fishing method primarily responsible for the incidental take of small cetaceans. Fishermen who employed this gear type were aware of the problem and were already working in collaboration with various scientific institutes in the testing of acoustic deterrent devices, gear modifications and escape panels.

However, in the absence of adequate technical measures, the likely methods of bycatch reduction would have a big impact on the fishing industry. The segment of the industry that would bear the brunt of any control measures was the segment least able to accommodate them. Gillnets were generally launched from small boats. The fishery was most common in remote areas, for example in the UK, gillnetting was found in the South West, Northumberland and the Outer Hebrides. These fishermen found it hard to make a living at the best of times. In these times of stock decline and ever-greater restrictions it would be almost impossible. The introduction of closures, gear modifications and further controls would have a significant impact on fisheries and the communities that depended upon them. To alleviate this impact and to preserve the livelihood of small fishing communities, governments needed to offer support to the industry. Without this, the small boatmen of these remote areas would not survive.

The UK welcomed the adoption of the Resolution on Incidental Take of Small Cetaceans, since this Resolution sent a clear message that all Parties were committed to reducing the levels of bycatch of

small cetaceans. It was also a clear signal to other competent authorities with responsibilities for fishing in the ASCOBANS area that action needed to be taken.

With this in mind, the United Kingdom requested that the Secretariat, when reporting the outcome of the Meeting to the Commission, stressed the importance of this Resolution. In that report the Secretariat should request on behalf of the Parties that, in the light of this Resolution, the European Commission give a high priority to the conservation of small cetaceans in the forthcoming reform of the Common Fisheries Policy, including the need for coordinated action to reduce bycatch.

Denmark, Germany and Sweden supported the UK statement. It was agreed that the report of the Meeting of the Parties be sent by the Secretariat to the European Commission with an accompanying letter containing the statement suggested by the UK.

Sweden stressed the importance of establishing a link between ASCOBANS and the IBSFC. The EU was an important member of the IBSFC and it was important to have support from the European Commission in relation to the Baltic Sea. It was established that a representative of the Advisory Committee would be represented at the forthcoming meeting of the IBFSC.

16 Review and adoption of the final report and press release

The Meeting of Parties adopted the final report and approved a press release (see Annex 11).

17 Concluding remarks and close of the meeting

On behalf of all the Parties, the Netherlands thanked the Chairman of the Meeting and the Secretariat. He also thanked the UK government for hosting the Meeting and having arranged an excellent reception.

Speaking also on behalf of the Vice-Chairman, the Chairman of the Advisory Committee thanked the participants of the Working Groups for their patience, and commended their spirit of cooperation. He expressed his thanks to the host government, the DETR and the Secretariat for providing excellent facilities. He also thanked the Chair of the Plenary Sessions for his able handling of the proceedings.

Summing up, the Chairman of the Advisory Committee reiterated that the most burning issue, the reduction of bycatch, had been addressed in a comprehensive manner in Resolution 3, and that it was now up to individual nations to translate this into action. He emphasised the importance of securing the extension of the Agreement area. In view of the budgetary restrictions to which ASCOBANS was subject, it was important that Parties contributed increased expertise to the Agreement.

The Executive Secretary of UNEP/CMS expressed his gratitude for the hospitality of the UK government and the excellent guidance of the Chairman in both the EUROBATS and ASCOBANS meetings.

The Meeting had finally reached a decision on the future status of ASCOBANS. He stressed the need for a further extension of the Agreement. He also congratulated the Meeting on its success. While there were always those who criticised slow progress, in this case he felt that such criticism

was unwarranted because the problems associated with the conservation of small cetaceans were notoriously difficult to solve.

He promised to do his best to promote further synergies and achieve economies, while at the same time guaranteeing the independence of the Agreement, following the integration of the ASCOBANS Secretariat into the Agreements Unit. Referring to Resolution No. 2, which was adopted by vote, he expressed the hope that this would not set a precedent for decision making at future Meetings.

In a closing comment, the WDCS expressed thanks to the Chairman, the Chairs of the Working Groups and to the Parties and Range States for the kind consideration given to WDCS' interventions. He also expressed appreciation for the hard work of the Advisory Committee's Chair and Vice-Chair. Concluding, WDCS repeated their view that words needed to be followed by appropriate actions.

The WWF echoed the sentiments of WDCS and thanked the Secretariat for their cooperation with WWF. WWF again drew attention to their constructive dialogue with the Scottish Fishermen's Association and stated that they looked forward to continued cooperation with ASCOBANS.

The Executive Secretary also thanked the hosts for their hospitality and cooperation in preparing and servicing the meeting. It had been a pleasure to work with them and the delegates.

The Chair thanked the Secretariat for the superb job done in preparing documentation and responding to requests from delegations. He thanked the Vice-Chair and the three Chairs of the Working Groups. The successful outcome of the Meeting had only been possible due to the hard work of these groups. He also thanked his own staff of DETR for their efforts before and during the meeting and thanked the delegates for attending.

The meeting was closed at noon on Friday, 28 July 2000.

ASCOBANS 3rd Meeting of Parties**Final Agenda**

- 1 Opening of meeting
- 2 Rules of Procedure
- 3 Election of chairman
- 4 Adoption of agenda
- 5 Admittance of observers
- 6 Opening addresses and statements; establishment of Credentials Committee
- 7 Reports from
 - 7.1 Secretariat
 - 7.2 Advisory Committee
 - 7.3 Parties
 - 7.4 Range States
- 8 National reports
- 9 Relations with other bodies
 - 9.1 Inter-governmental organisations
 - 9.2 Non-governmental organisations
- 10 Communication and public relations
- 11 Committees and working groups
 - 11.1 Implementation of the work plan 1997-2000; work plan 2001-2003 and future direction of ASCOBANS
 - 11.2 Budgetary, Administrative and Promotional Matters
- 12 Agreement on Triennial Work Plan 2001 - 2003
- 13 Resolutions
 - 13.1 Resolution No. 1: Integration of the ASCOBANS Secretariat into the UNEP/CMS Agreements Unit
 - 13.2 Resolution No. 2: Financial, Budgetary and Administrative Matters
 - 13.3 Resolution No. 3: Incidental Take of Small Cetaceans
 - 13.4 Resolution No. 4: Disturbance
 - 13.5 Resolution No. 5: Monitoring, Status and Population Studies
 - 13.6 Resolution No. 6: Educational and Promotional Activities
 - 13.7 Resolution No. 7: Further Implementation of ASCOBANS
 - 13.8 Resolution No. 8: Activities of the Advisory Committee 2000 – 2003
- 14 Arrangements for the next Meeting of Parties
- 15 Any other business
- 16 Review and adoption of the final report and press release
- 17 Concluding remarks and close of the meeting

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Final List of Documents

Document Code	Agenda Item	Document Title	Distributed	Submitted by
MOP3/Doc. 1(S)	4	Final Agenda	27 July 2000	Secretariat
MOP3/Doc. 1a(S)	4	Annotated Agenda	26 July 2000	Secretariat
MOP3/Doc. 2 (S)/R	13.1	Resolution No. 1: Integration of the ASCOBANS Secretariat into the UNEP/CMS Agreements Unit	27 July 2000	Secretariat
MOP3/Doc. 3(S)/R	13.2	Resolution No. 2: Financial, Budgetary and Administrative Affairs	27 July 2000	Secretariat
MOP3/Doc. 4(S)/R	13.3	Resolution No. 3: Incidental Take of Small Cetaceans	27 July 2000	Secretariat
MOP3/Doc. 5(S)/R	13.4	Resolution No. 4: Disturbance	27 July 2000	Secretariat
MOP3/Doc. 6(S)/R	13.5	Resolution No. 5: Monitoring, Status and Population Studies	27 July 2000	Secretariat
MOP3/Doc. 7(S)/R	13.6	Resolution No. 6: Educational and Promotional Activities	27 July 2000	Secretariat
MOP3/Doc. 8(S)/R	13.7	Resolution No. 7: Further Implementation of ASCOBANS	27 July 2000	Secretariat
MOP3/Doc. 9(S)/R	13.8	Resolution No. 8: Activities of the Advisory Committee 2001 - 2003	28 July 2000	Secretariat
MOP3/Doc. 10(S)	12	Triennium Work Plan 2001 - 2003	28 July 2000	Secretariat
MOP3/Doc 11(S)	2	Amended Rules of Procedure for the Meeting of Parties to ASCOBANS	28 July 2000	Secretariat
MOP3/Doc. 12 (O)	6	Opening Statement by the Swedish Society for Marine Action and Research (SSMAR)	3 July 2000	SSMAR
MOP3/Doc. 13(O)	6	Opening Statement by the Royal Society for the Prevention of Cruelty to Animals (RSPCA)	3 July 2000	RSPCA
MOP3/Doc. 14(S)	7.1	Triennial Report of the ASCOBANS Secretariat	13 July 2000	Secretariat
MOP3/Doc. 15a(P)/Revised	8	Triennial Report by Belgium	13 July 2000	Belgium
MOP3/Doc. 15b(P)	8	Triennial Report by Denmark	3 July 2000	Denmark
MOP3/Doc. 15c(P)	8	Triennial Report by Germany	3 July 2000	Germany
MOP3/Doc. 15d(P)	8	Triennial Report by the United Kingdom	3 July 2000	UK
MOP3/Doc. 15e(P)	8	Triennial Report by Sweden	13 July 2000	Sweden
MOP3/Doc. 15f(P)	8	Triennial Report by the Kingdom of the Netherlands	13 July 2000	Netherlands
MOP3/Doc. 15g(P)	8	Triennial Report by Poland	26 July 2000	Poland
MOP3/Doc. 16(S)/Revised	11.1	Data on post-mortem research. Information submitted by Parties and Range States in response to post-mortem research questionnaire	13 July 2000	Secretariat
MOP3/Doc. 17(S)	7.1	Annual Report from the ASCOBANS Secretariat	13 July 2000	Secretariat
MOP3/Doc. 18(AC)	7.2	Report by the Chairman of the Advisory Committee	26 July 2000	Advisory Committee
MOP3/Doc. 19(S)	7.3	Fourth Annual Compilation of National Reports	13 July 2000	Secretariat
MOP3/Doc. 21(O)	6	Opening Statement by World Wide Fund for Nature	26 July 2000	WWF
MOP3/Doc. 22(P)	6	Opening Statement by Denmark to ASCOBANS MoP3	26 July 2000	Denmark

AMENDED RULES OF PROCEDURE FOR THE MEETING OF PARTIES TO ASCOBANS

Adopted by the Third Meeting of Parties to ASCOBANS, 26-28 July 2000, Bristol, U.K.

PART I**DELEGATES, OBSERVERS, SECRETARIAT****Rule 1: Delegates**

- (1) A Party to the Agreement (hereafter referred to as a "Party")¹ shall be entitled to be represented at the meeting by a delegation consisting of a Representative and such Alternative Representatives and Advisers as the Party may deem necessary.
- (2) The Representative of a Party shall exercise the voting rights of that Party. In the absence of the Representative, an Alternative Representative of that Party shall act as a substitute over the full range of the Representative's functions.
- (3) Seating limitations may require that no more than four delegates of any Party be present at a plenary session and sessions of the Advisory Committee or any working group established by the Meeting of the Parties in accordance with Rule 23.

Rule 2: Observers

- (1) The United Nations, acting as the Depository to this Agreement, the Secretariats of the Convention on the Conservation of Migratory Species of Wild Animals, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on the Conservation of European Wildlife and Natural Habitats, the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft, and the Convention for the Prevention of Marine Pollution from Landbased Sources (OSPARCOM), the Helsinki Commission (HELCOM), the Common Secretariat for the Co-operation on the Protection of the Wadden Sea, the North-East Atlantic Fisheries Commission, the International Whaling Commission, the International Council for the Exploration of the Sea, IUCN - The World Conservation Union, and all non-Party Range States and Regional Economic Integration Organisations bordering on the waters concerned may be represented at the meeting by observers who shall have the right to participate but not to vote.²
- (2) Any other body qualified in cetacean conservation and management which has informed the Secretariat not less than 90 days before the Meeting of its desire to be represented at the Meeting by observers, shall be entitled to be present unless at least one-third of the Parties have opposed their application at least 30 days before the meeting.³ Once admitted, these observers shall have the right to participate but not to vote.

¹ See Agreement, paragraph 1.2, sub-paragraph (e), and paragraphs 8.4 and 8.5. A Party is a Range State or a Regional Economic Integration Organisation which has deposited with the United Nations Headquarters by 27 August 1994 its consent to be bound by the Agreement

² See Agreement, paragraph 6.2.1

³³ See Agreement, paragraphs 6.2.2

- (3) Seating limitations may require that no more than two observers from any non-Party Range State or body be present at a plenary session and sessions of the Advisory Committee or of any working group established by the Meeting of the Parties in accordance with Rule 23.
- (4) The standard participation fee fixed by the Meeting of the Parties shall be paid in advance of the Meeting by all non-governmental organisations. The fee shall be announced in the letter of invitation. This Meeting will determine the fee for the next Meeting of the Parties.

Rule 3: Credentials

- (1) Each contracting Party shall assign a Representative for each meeting and Alternative Representatives as it thinks appropriate. Contracting Parties shall submit the names of these delegates to the Secretariat through their coordinating authorities by the start of the Meeting.
- (2) The names of assigned Representatives and Alternative Representatives shall be available for inspection by contracting Parties.

Rule 4: Secretariat

- (1) The Secretariat, assisted by the Secretariat of the Convention, shall service and act as secretariat for the Meeting. For the second and following Meetings of the Parties, the Secretariat shall service and act as secretariat for the meeting.

PART II

OFFICERS

Rule 5: Chairpersons

- (1) The Chairperson of the Advisory Committee shall act as temporary Chairperson of the Meeting until the Meeting elects a Chairperson in accordance with Rule 5, paragraph (2).
- (2) The Meeting in its inaugural session shall elect from among the delegates of the contracting Parties a Chairperson and a Vice-Chairperson.

Rule 6: Presiding Officer

- (1) The Chairperson shall preside at all plenary sessions of the meeting.
- (2) If the Chairperson is absent or is unable to discharge the duties of Presiding Officer, the Vice-Chairperson shall deputise.
- (3) The Presiding Officer shall not vote, but may designate an Alternative Representative from the same delegation.

PART III

RULES OF ORDER OF DEBATE

Rule 7: Powers of Presiding Officer

- (1) In addition to exercising powers conferred elsewhere in these Rules, the Presiding Officer shall at plenary sessions of the Meeting:
 - (a) open and close the session;
 - (b) direct the discussions;
 - (c) ensure the observance of these Rules;
 - (d) accord the right to speak;
 - (e) put questions to the vote and announce decisions;
 - (f) rule on points of order; and
 - (g) subject to these Rules, have complete control of the proceedings of the Meeting and the maintenance of order.
- (2) The Presiding Officer may, in the course of discussion at a plenary session of the Meeting, propose to the Meeting:
 - (a) time limits for speakers;
 - (b) limitation of the number of times the members of a delegation or observers from a State which is not a Party or a Regional Economic Integration Organisation, or from any other body, may speak on any question;
 - (c) the closure of the list of speakers;
 - (d) the adjournment or the closure of the debate on the particular subject or question under discussion; and
 - (e) the suspension or adjournment of any session;
 - (f) the establishment of drafting groups on specific issues.

Rule 8: Seating, Quorum

- (1) Delegations shall be seated in accordance with the alphabetical order in the English language of the names of the Parties, non-Party Range States, including Regional Economic Integration Organisations, and non-Range States.
- (2) A quorum for plenary sessions shall consist of two thirds of the Parties. No plenary session shall take place in the absence of a quorum.

Rule 9: Right to Speak

- (1) The Presiding Officer shall call upon speakers in the order in which they signify their desire to speak, with precedence given to the delegates.
- (2) A delegate or observer may speak only if called upon by the Presiding Officer, who may call a speaker to order if the remarks are not relevant to the subject under discussion.
- (3) A speaker shall not be interrupted, except on a point of order. The speaker may, however, with the permission of the Presiding Officer, give way during his speech to allow any delegate or observer to request elucidation on a particular point in that speech.

Rule 10: Submission of Proposals for Amendment of the Agreement and its Annex

- (1) As a general rule, proposals for amendment of the Agreement or its Annex, together with the reasons for the amendment, shall be communicated at least 90 days before the Meeting to the Secretariat, which shall circulate them to all Parties in the working language of the Meeting. Proposals arising out of discussion of the foregoing may be discussed at any plenary session of the Meeting, provided copies have been circulated to all delegations not later than the day preceding the session. However, decisions with respect to such proposals shall follow the provisions of paragraph 6.5 of the Agreement.
- (2) After a proposal has been adopted or rejected by the Meeting, it shall not be reconsidered unless a two-thirds majority of the Parties participating in the meeting so decide. Permission to speak on a motion to reconsider a proposal shall be accorded only to a delegate from each of two Parties wishing to speak against the motion, after which the motion shall immediately be put to the vote.

Rule 11: Procedural Motions

- (1) During the discussion of any matter, a delegate may rise to a point of order, and the point of order shall be immediately, where possible, decided by the Presiding Officer in accordance with these Rules. A delegate may appeal against any ruling of the Presiding Officer. The appeal shall immediately be put to the vote, and the Presiding Officer's ruling shall stand unless a majority of the Parties present and voting decide otherwise. A delegate rising to a point of order may not speak on the substance of the matter under discussion, but only on the point of order.
- (2) The following motions shall have precedence in the following order over all other proposals or motions before the Meeting:
 - (a) to suspend the session
 - (b) to adjourn the session
 - (c) to adjourn the debate on the particular subject or question under discussion
 - (d) to close the debate on the particular subject or question under discussion.

Rule 12: Arrangements for Debate

- (1) The Meeting may, on a proposal by the Presiding Officer or by a delegate, limit the time to be allowed to each speaker and the number of times delegates or observers may speak on any question. When the debate is subject to such limits, and a speaker has spoken for the allotted time, the Presiding Officer shall call the speaker to order without delay.
- (2) During the course of a debate the Presiding Officer may announce the list of speakers and, with the consent of the meeting, declare the list closed. The Presiding Officer may, however, accord the right of reply to any delegate if a speech delivered after the list has been declared closed makes this desirable.
- (3) During the discussion of any matter, a delegate may move the adjournment of the debate on the particular subject or question under discussion. In addition to the proposer of the motion, a delegate may speak in favour of, and a delegate of each of two Parties may speak against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.

- (4) A delegate may at any time move the closure of the debate on the particular subject or question under discussion, whether or not any other delegate has signified the wish to speak. Permission to speak on the motion for closure of the debate shall be accorded only to a delegate from each of two Parties wishing to speak against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.
- (5) During the discussion of any matter a delegate may move the suspension or the adjournment of the session. Such motions shall not be debated but shall immediately be put to the vote. The Presiding Officer may limit the time allowed to the speaker moving the suspension or adjournment of the session.

PART IV

VOTING

Rule 13: Methods of Voting

- (1) Without prejudice to the provisions of Rule 1, paragraphs 2, each Representative duly accredited according to Rule 3 shall have one vote. Regional Economic Integration Organisations, in matters within their competence, shall exercise their voting rights with a number of votes equal to the number of their Member States that are Parties to the Agreement. In such case, the Member States of such organisations shall not exercise their right individually.
- (2) The Meeting shall normally vote by show of hands, but any Party may request a roll-call vote.
- (3) At the election of officers or of prospective host countries, any Party may request a secret ballot. If seconded, the question of whether a secret ballot should be held shall immediately be voted upon. The motion for a secret ballot may not be conducted by secret ballot.
- (4) Voting by roll-call or by secret ballot shall be expressed by "Yes", "No" or "Abstain". Only affirmative and negative votes shall be counted in calculating the number of votes cast by Parties present and voting.
- (5) If votes are equal, the motion or amendment shall not be carried.
- (6) The Presiding Officer shall be responsible for the counting of the votes and shall announce the result. The Presiding Officer may be assisted by tellers appointed by the Secretariat.
- (7) After the Presiding Officer has announced the beginning of the vote, it shall not be interrupted except by a Representative on a point of order in connection with the actual conduct of the voting. The Presiding Officer may permit Representatives to explain their votes either before or after the voting, and may limit the time to be allowed for such explanations.

Rule 14: Majority

Except where otherwise provided for under the provisions of the Agreement or these Rules, all votes on procedural matters relating to the forwarding of the business of the meeting shall be decided by a simple majority of Parties. All other decisions shall be taken by a simple majority among Parties

present and voting, except that financial decisions and amendments to the Agreement and its Annex require a three-quarter majority among those present and voting.

Rule 15: Procedure for Voting on Motions and Amendments

- (1) A delegate may move that parts of a proposal or of an amendment be voted upon first. Permission to speak on the motion for division shall be accorded only to a delegate from each of two Parties wishing to speak in favour of and a delegate from each of two Parties wishing to speak against the motion. If the motion for division is carried, those parts of the proposal or amendment that are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.
- (2) When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Meeting shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on until all amendments have been put to the vote. If, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amendment proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.
- (3) If two or more proposals relate to the same question, the Meeting shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Meeting may, after voting on a proposal, decide whether to vote on the next proposal.

Rule 16: Elections

- (1) If, in an election to fill a vacancy, no candidate obtains the required majority in the first ballot, a second ballot shall be taken restricted to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the Presiding Officer shall decide between the candidates by drawing lots.
- (2) If, in the first ballot, there is a tie amongst candidates obtaining the second largest number of votes, a special ballot shall be held to reduce the number of these candidates to two.

PART V

LANGUAGES AND RECORDS

Rule 17: Working Language

English shall be the working language of the Meeting.

Rule 18: Other Languages

- (1) A delegate may speak in a language other than English, provided he/she furnishes interpretation into English.
- (2) Any document submitted to the Meeting shall be in English.

PART VI
OPENNESS OF DEBATES

Rule 16: Committee meetings

All sessions of meetings shall be closed to the public.

Rule 17: Sessions of the Working Groups

As a general rule, sessions of working groups shall be limited to the Committee Members, their advisers and to observers invited by the Chairs of working groups.

PART VII
WORKING GROUPS

Rule 18: Establishment of Working Groups

The Advisory Committee may establish working groups as may be necessary to enable it to carry out its functions. It shall define the terms of reference and composition of each working group, the size of which may be limited according to the number of places available in assembly rooms.

Rule 19: Procedure

Insofar as they are applicable, these Rules shall apply *mutatis mutandis* to the proceedings of working groups.

Triennial Report of the ASCOBANS Secretariat pursuant to Article 4.3 of the Agreement

I. Summary

For the ASCOBANS Secretariat, the Agreement's second triennium was marked both by change and continued consolidation. Thus, at the beginning of the triennium the Secretariat was relocated to the United Nations premises in Bonn, an arrangement that has been beneficial to the work of the Secretariat in a number of ways. Integration of the Secretariat into the Agreements Unit of the CMS Secretariat, with which it is co-located, is envisaged and can be effected as of January 2001, subject to a positive decision by the 3rd Meeting of Parties to ASCOBANS. In addition to the change of location there were several changes of Secretariat staff since the last Meeting of Parties.

Despite this lack of continuity, the Secretariat remained operational and performed its service function throughout the second triennium and was able to establish functional and durable structures and procedures for its daily work. Good working relations have been established with Parties and with the Advisory Committee. The quality of this cooperation could, however, be further enhanced. Thus, it would for instance be desirable for Parties to ensure that members of the Advisory Committee are able to devote an adequate amount of time to the intersessional work of ASCOBANS. The past triennium has shown, moreover, that in order for the Secretariat to continue to effectively fulfil its tasks the current staff arrangements must be maintained.

II. Location and status of the Secretariat, Staff Arrangements

1. Location and status of the Secretariat

a) The 2nd Meeting of Parties (MOP) to ASCOBANS (Bonn 1997), acknowledging resolutions adopted at the 4th and 5th Conferences of the Parties of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) inviting the Parties of European-based regional Agreements to consolidate their secretariat functions in a future CMS Agreements Unit, decided to establish the ASCOBANS Secretariat in Bonn on an interim basis. The relocation of the ASCOBANS Secretariat to Germany took effect in June 1998 and the Secretariat is now co-located with the Secretariats of UNEP/CMS and EUROBATS in the United Nations Premises in Bonn. However, it is still a formally independent and fully autonomous institution.

Pending the establishment of the Agreements Unit in co-location with the UNEP/CMS Secretariat, the Secretariat is presently provisionally administered by the German Federal Agency for Nature Conservation and the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety.

The location of the Secretariat at the UN premises in Bonn has proved to be advantageous in a number of ways:

- Co-location with the CMS and EUROBATS Secretariats has led to a very good working relationship with these two Secretariats and useful synergies;
- Integration of the ASCOBANS Secretariat into a CMS Agreements Unit would be facilitated by the fact that co-location is already implemented;
- The Secretariat is easily accessible by air, car or rail due to good transport infrastructure in the Bonn region.

In addition, the excellent quality of the office space and equipment and the administrative support provided by the Federal Government must be mentioned.

- b) During its 4th meeting (Nairobi 1994) the Conference of Parties (CoP) to CMS invited the Parties to the Agreements concluded under the auspices of CMS to consider consolidating Secretariat functions for one or more Agreements in regional centres in order to facilitate links with the CMS Secretariat. In particular, the Parties to ASCOBANS and other European Agreements were invited to consolidate Secretariat functions in a special Agreements Unit to be co-located with the CMS Secretariat (CMS CoP 4, Resolution 4.4).

CMS CoP 5 (Geneva 1997) confirmed its invitation to the Parties to the European Agreements under the Convention to relocate their Secretariats with the CMS Secretariat. The Conference approved the establishment of an Agreements Unit within the CMS Secretariat and formulated "Terms of Reference for the Secretariat Arrangements" (CMS CoP 5, Resolution 5.5).

Acknowledging CMS CoP 4 Resolution 4.4, the 1st MoP to EUROBATS (Bristol, 1995) decided to co-locate the Agreement Secretariat with the Convention Secretariat in Bonn. EUROBATS MoP 2 (Bonn, 1998), voted to extend the current status (co-located, but autonomous) until the end of 2000 and agreed that the 3rd MoP should adopt the full integration of the EUROBATS Secretariat into the CMS Secretariat from January 2001 (Resolution No. 1).

The 2nd Meeting of Parties to ASCOBANS (Bonn 1997), acknowledging both of the above-mentioned CMS Resolutions, decided to establish the ASCOBANS Secretariat in Bonn on an interim basis pending its full integration into the UNEP/CMS Secretariat from January 2001.

At the 1999 Meetings of the Advisory Committees to ASCOBANS and EUROBATS the Terms of Reference for the Agreements Unit as suggested in the Annex to CMS Resolution 5.5 were discussed. The Parties to the Agreements decided to establish a joint ASCOBANS/EUROBATS Working Group (AEWG). This AEWG met on 24 August 1999 in Bonn. The AEWG Interim Secretariat was also represented at this meeting. The AEWG considered the Terms of Reference for the Agreements Unit and suggested certain substantive amendments.

The CMS Secretariat forwarded the proposal for revised Terms of Reference to UNON for official comment. UNON indicated that, for its part, the amendments were acceptable, with two provisions concerning the use of a New York-based bank account and the recruitment of Secretariat officers. In addition, UNON made an amendment with respect to the primary screening of candidates for these posts.

CMS CoP 6 (Cape Town, November 1999) reviewed and endorsed the amended Terms of Reference, thereby repealing and substituting the Annex to Resolution 5.5.

In keeping with Article VI, paragraph 7 (6) of the Final Act of the Negotiating Meeting on the adoption of AEWG (The Hague, 1996), which stipulates that “at its first session, the Meeting of the Parties shall establish an Agreement Secretariat within the Convention Secretariat”, AEWG MoP 1 (Cape Town, November 1999) decided to establish a permanent AEWG Secretariat co-located with the UNEP/CMS Secretariat and to integrate this Secretariat into the proposed Agreements Unit under the above-mentioned Terms of Reference. The Secretariat was relocated to Bonn at the beginning of July.

EUROBATS AC 5 (Zagreb, Croatia, 21 – 23 February 2000), voted in favour of recommending the adoption of a Draft Resolution on integration of the EUROBATS Secretariat into the CMS Agreements Unit to the upcoming 3rd MoP.

Pursuant to Article IV of the Final Act of the Negotiating Meeting on the Adoption of the ACCOBAMS (Monaco, November 1996), “subject to the approval of the Conference of the Parties to the Convention, an Agreement Secretariat shall be established within the Secretariat of the Convention.”

A Draft Resolution on the integration of the ASCOBANS Secretariat into the UNEP/CMS Agreements Unit (MOP3/Ddoc.2(S)/DR) prepared by the Secretariat was approved by the AC at its 7th Meeting in Bruges, Belgium in March of this year.

2. Personnel/Staff Arrangements

Unfortunately, a high turnover of Secretariat staff characterised the second triennium much as the first. This lack of continuity has undoubtedly not been beneficial to the work of the Secretariat.

Ms Jette Jensen, who was appointed Executive Secretary to ASCOBANS in October 1997, left the Secretariat on 31 May 1998. Her successor, Dr Holger Auel, took up his appointment on 15 May 1998 and held the position until August 1999. He was succeeded by Dr Heinz Kirch and Mr Rüdiger Stempel, who has been in office since 18 October 1999. At the administrative level, Ms Patricia Stadié has been serving as assistant to the Executive Secretary since September 1998.

Experience has shown that in order for the Secretariat to discharge its duties effectively the current staff arrangements (i.e. full-time Executive Secretary, full-time assistant) need to be maintained. This is true in particular for peak times such as the run-up to Advisory Committee Meetings or the Meeting of Parties, but also for the everyday work of the Secretariat. In this context it must be borne in mind that the situation described in the Secretariat's report to the 2nd Meeting of Parties in 1997 has not changed. Just as during the first triennium "*The Advisory Committee members are generally unable to devote much intersessional time to ASCOBANS work and thus many tasks are assigned to the Secretariat*"¹. Moreover, the gradual increase in the number of Parties to the Agreement will continue to engender additional work for the Secretariat.

Irrespective of the regular workload of the Secretariat which, though unevenly distributed over the year, is such as to make a reduction in personnel seem unviable, the current staff arrangement has the additional advantage of helping to keep the Secretariat operational even in the absence of an Executive Secretary. Thus, it was due to the dedicated work of Ms Stadié that the Secretariat was able to compensate to some extent for the frequent changes at the professional level.

III. Service Function of the Secretariat

1. Meetings

The following meetings were prepared and serviced by the Secretariat during the past triennium:

- 5th Meeting of the Advisory Committee, Hel, Poland, 22-24 April 1998;
- 6th Meeting of the Advisory Committee, Aberdeen, UK, 12-14 April 1999
- 7th Meeting of the Advisory Committee, Bruges, Belgium, 13-16. March 2000;
- 3rd Meeting of Parties, Bristol, UK, 26-28 July 2000.

2. Cooperation with the Advisory Committee

The Secretariat strives to maintain close intersessional cooperation with the Advisory Committee members and their advisors, with e-mail having emerged over the past triennium

as the main communicational link. As noted above, however, members of the Advisory Committee are frequently unable to devote a sufficient amount of time to ASCOBANS issues. This has occasionally proved to be an obstacle to smooth and efficient intersessional cooperation between the Secretariat and the Advisory Committee. From the Secretariat's point of view, therefore, it would be desirable for Parties to ensure that all nominated members of the Advisory Committee and their advisors not only be available for the Committee meetings, but also be able to devote an adequate amount of time to intersessional work.

3. Cooperation with Parties

The Secretariat maintains good working relations with coordinating authorities of all Parties. Regrettably, however, just as in the case of the Advisory Committee, the trend established in the Secretariat's report to the 2nd Meeting of Parties² has not been reversed. Deadlines for papers or comments to be submitted to the Secretariat by Coordinating Authorities (or Advisory Committee members) are frequently not observed. While the Secretariat appreciates that this is due to the heavy non-ASCOBANS workload of the persons involved, it must nevertheless persist in trying to ensure that deadlines are met.

4. Cooperation with Range States

The Secretariat has been able to establish a network of contacts in some, though regrettably not all Range States. Norway, in particular, in addition to being represented at all meetings of the Advisory Committee, contributes continually to the intersessional work of ASCOBANS. The Secretariat also maintains contacts with Estonia, France and Latvia. No reliable contacts have been established with the Russian Federation and Lithuania, the only Range State that has not been represented at any ASCOBANS meetings to date.

In the second triennium the pace of accession of Range States has not accelerated, with only one accession during the period covered by this report: ASCOBANS was able to extend its reach to the northeastern Baltic with the accession of Finland in September 1999. France indicated at the 7th meeting of the Advisory Committee that it would possibly ratify both ASCOBANS and ACCOBAMS before the end of 2000. In addition, following an unofficial inquiry by Spain, the Secretariat is presently in contact with both the Spanish and Portuguese authorities concerning the possibility of accession of these countries. Regrettably, however, the Secretariat currently has no indication that the eastern Baltic Range States (Estonia, Latvia, Lithuania, Russian Federation) are considering accession to the Agreement in the near future.

¹ Report from the ASCOBANS Secretariat 1994-1997, ASCOBANS/MOP/2/DOC.20, p. 1

² Report from the ASCOBANS Secretariat 1994-1997, ASCOBANS/MOP/2/DOC.20, p. 2

5. Cooperation with IGOs

The Secretariat has continued to build, maintain and enhance links with other relevant IGOs, such as:

CMS

An excellent working relationship has been established with the CMS Secretariat. Cooperation between the two Secretariats, which has been greatly facilitated by their co-location at the UN premises in Bonn, has been mutually beneficial.

ACCOBAMS

Cooperation with ACCOBAMS has been developed further. The Interim Secretary to ACCOBAMS, Ms Marie-Christine Van Klaveren, attended the 7th meeting of the Advisory Committee to ASCOBANS (Bruges, March 2000) and provided an update on the development of ACCOBAMS. The Advisory Committee agreed that the two Agreements should seek close cooperation, that the Executive Secretaries should represent their Agreements at the Meetings of Parties of the other Agreement and that the Secretariat should liaise. There is a continual exchange of documents and information between the Secretariats and the Executive Secretaries have exchanged letters outlining possible future areas of cooperation.

Council of Europe

Cooperation between ASCOBANS and the Council of Europe consists primarily in a mutual exchange of information on relevant activities of the respective organisations. A useful move towards establishing a closer working relationship might be to assure regular attendance by the Executive Secretary at the annual Meeting of the Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats.

HELCOM

One of the most tangible results of cooperation between HELCOM and ASCOBANS is the harmonised reporting scheme for the Baltic (cf. HELCOM Recommendation 17/2 concerning the protection of Baltic harbour porpoise populations). The Secretariat submitted the ASCOBANS form to HELCOM EC Nature (held at Vilm in May 1999). This meeting endorsed the proposal to harmonise reporting schemes. The draft reporting format presented at this meeting, which was nearly identical to the ASCOBANS form, was formally adopted by HELCOM EC 10/99 in Copenhagen in October 1999. In September/October 1998 the Executive Secretary represented ASCOBANS at HELCOM EC 9/98, held on the Isle of Vilm.

IWC

ASCOBANS and IWC share a common interest in research and have cooperated successfully during the past triennium. Thus, for instance, in March 1999 the Executive Secretary represented ASCOBANS at the meeting of the IWC/ASCOBANS Working Group on Harbour Porpoises in St Andrews, Scotland.

The Secretariat writes to all relevant intergovernmental bodies following meetings of the Advisory Committee, enclosing the minutes of the respective meeting and highlighting points of potential particular interest to the bodies concerned. In addition, the Executive Secretary occasionally represents ASCOBANS at meetings of these organisations.

6. Cooperation with NGOs

The Secretariat cooperates with the NGO sector *inter alia* through the exchange of relevant information.

7. Representation of ASCOBANS

In the past triennium, the Secretariat represented ASCOBANS at the following meetings of relevant IGOs and NGOs and scientific workshops:

- Workshop on the Ecosystem Approach to the Management and Protection of the North Sea, Oslo, 15-17 June 1998;
- Seismic & Marine Mammal Workshop, London, 23-25 June 1998;
- IWC/ASCOBANS Working Group on Harbour Porpoises, St Andrews, 8-10 March 1999;
- Annual Conference of the European Cetaceans Society, Valencia, 3-9 April 1999;
- 16th Baltic Marine Biologists' Symposium, Klaipėda, 21-26 June 1999.

8. Budget

National audits of the ASCOBANS budget, which is administered by the Secretariat, were carried out for the period 1 January 1997 to 31 May 1998 (by SMRU), for the financial year 1998 as a whole, and for 1999 (by the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety). The accounts were found in fine order. The audited accounts are attached as Annex 5 to Draft Resolution No. 2, Financial, Budgetary and Administrative Matters (MoP3/Ddoc. 3 (S)/DR).

9. Compilation of Annual National Reports

According to Article 4.4 of the Agreement, “*the Secretariat shall present to the Coordinating Authorities, each year no later than 30 June, a summary of the Party reports submitted in accordance with Article 2.5.*” In the past triennium, the Secretariat presented the following compilations:

- 2nd Annual Compilation of National Reports, 1998
- 3rd Annual Compilation of National Reports, November 1999
- 4th Annual Compilation of National Reports, July 2000

As in the first triennium, and despite the standard template distributed by the Secretariat, it has proved very difficult for Parties to meet the deadline laid down in Article 2.5 (31 March). Moreover, the reports submitted frequently did not concern exactly the period of 1 January to 31 December of the previous calendar year. Consequently, the Secretariat was not able to observe its deadline for compilation, and of the three compilations of annual national reports produced by the Secretariat in this triennium, only the most recent one (Fourth Annual Compilation of National Reports) comes close to meeting the requirements set out in Article 2.5 and Article 4.1 of the Agreement.

10. Library and Database Facilities

The Secretariat maintains a small reference library and an extensive collection of scientific papers (currently 613 articles) relevant to the work of the Agreement. All papers available at the Secretariat have been catalogued and entered into a database.

The Secretariat continues to maintain a register of addresses of contacts in States Parties and Range States as well as IGOs and NGOs.

A questionnaire on post mortem research and stranding schemes was circulated to Parties and Range States by the Secretariat. To date, not all recipients have responded. The information received in response to this questionnaire is kept for reference by the Secretariat. In response to a request by the Advisory Committee (AC 7, Bruges, March 2000) this material will be updated approximately every two years. The Secretariat will liaise with Peter Evans to ensure that information available to the ECS is fully used.

11. Promotional Campaign

While the need to actively promote the Agreement and its objectives is undisputed, efforts to achieve this have so far been hampered by the lack of a specific budget line for public relations. Despite budgetary constraints, however, the Secretariat has actively sought to reach both relevant decision-makers and the general public. To this end, PR work has been steadily stepped up since the Secretariat’s relocation to Bonn. This has been possible, among other

reasons, due to the German voluntary contributions for 1999 and 2000, which have been allocated to a large extent to public relations. In the past triennium the following promotional measures were taken:

- An ASCOBANS website was established in 1998. It will be revamped completely in the second half of 2000;
- A new ASCOBANS poster, available in Danish, Dutch, English, German, Swedish and Polish was produced and has been distributed widely;
- A mobile exhibition, “Harbour Porpoise in Distress”, consisting of 18 display boards was produced in 1999. It has been shown at the venue of the 7th meeting of the Advisory Committee in Bruges, Belgium, and at the Sea Life Center in Constance, Germany, and is currently on display at Hel Marine Station, Poland. Plans for the exhibition to be presented at other locations have been made.
- The ASCOBANS Secretariat regularly participates in the annual UN Day celebrations, staged in Bonn’s market square;
- Ballpoint pens and cloth bags bearing the ASCOBANS logo for distribution to the general public were produced;
- An ASCOBANS information leaflet is currently in preparation and will be published in the second half of 2000;
- Preparations are under way for a 10th anniversary celebration to take place in September 2001 in Bonn, as agreed by the Advisory Committee at its 7th meeting in Bruges in March 2000.

In addition, the Secretariat actively seeks and maintains contacts with German Members of Parliament and the local press.

Report of the Chairman of the Advisory Committee

**Evaluation of the implementation of the ASCOBANS Work Plan 1997-2000,
and a view forward**

*Peter J.H. Reijnders and Mark L. Tasker
Chair and vice-chair ASCOBANS Advisory Committee*

The ASCOBANS Triennial Work Plan 1997-2000 was structured according to the resolutions adopted at the 2nd Meeting of Parties (MOP) and designed at the 5th Meeting of the ASCOBANS Advisory Committee (AC) in Hel, Poland, spring 1998. The main categories of priority activities, subdivided into specific actions, are evaluated here and we give a personal view as to whether these were addressed sufficiently (++), partly sufficient (+), partly but not sufficiently (-), or not addressed by either the Parties and/or the AC(--).

EVALUATION

- | | |
|--|-----------------|
| I. Management and research needs to address effects of pollutants on cetacean health | |
| 1. literature review on pollution and effects on small cetaceans | AC++ |
| 2. facilitate development Pollution 2000+ in co-operation with IWC | AC++, Parties+ |
| 3. liaison with other bodies to reduce pollutants discharge | AC++ |
| II. Reduction of interaction with fisheries | |
| 1. revision of level of unacceptable take (bycatch) | AC++ |
| 2. measures to reduce bycatch | Parties -- |
| 3. provision of fisheries data to facilitate bycatch estimation | Parties - |
| 4. bycatch reporting and estimation of bycatch | Parties/AC- |
| 5. integration of ASCOBANS' objectives into fisheries | Parties/AC- |
| 6. research on mitigation measures | Parties+ |
| 7. recovery plan for harbour porpoise in the Baltic | AC/Parties-- |
| III. Reduction of disturbance | |
| 1. seismic surveys, collection of information and guidelines | AC+ |
| 2. high speed ferries, collection of information | AC+/-, Parties+ |
| 3. protected areas, criteria development | AC+, Parties+ |
| 4. whale watching, guidelines and implementation thereof | Parties+/- |
| IV. Research | |
| 1. monitoring status and population studies
(stock structure/spatial and seasonal distribution) | AC/Parties+/- |
| 2. stranding scheme, post-mortem examinations | AC/Parties+/- |
| V. External relations | |
| 1. accession of Range States and the EC | Parties/AC+ |
| 2. extension of ASCOBANS Agreement area | Parties- |
| 3. promotional campaign | AC/Parties+ |
| 4. co-operation with other international organisations | AC/Parties++ |
| VI. Administrative issues | |
| 1. National reports | Parties+ |

EXPLANATORY NOTES TO THE EVALUATION

The first observation made in retrospect over the last triennium is that a considerable amount of work has been carried out by the permanent members and their advisors of the AC, in co-operation with members from Range States and observers. The support from the latter two groups is greatly appreciated. The Secretariat has facilitated considerable work in some areas. The work was carried out during the several AC-meetings as well as inter-sessionally. Significant progress has been made in certain areas, however, in other areas progress did not meet the expectations. Some specific comments on the different categories will be given in the next paragraphs.

I. Pollution issues

We conclude that the activities under this category have been carried out to a satisfactory level. Relevant literature has been identified, analysed and listed. It is important for ASCOBANS to continue to liaise with the competent bodies in this field, and not duplicate the work of those groups. ASCOBANS' contribution in this field is a supporting role to the working groups under IWC (the Standing Working Group on Environmental Concern), OSPAR (the working groups IMPACT, INPUT, SIME and DYNAMEC), HELCOM and ICES (e.g. the Marine Mammal Habitat Working Group).

II. Fisheries interactions

The joint IWC-ASCOBANS Working Group on Harbour Porpoises continued its work successfully. An important result from that work was the advice to ASCOBANS that its interim objective "to restore populations to, or maintain them at, 80% or more of carrying capacity", will only be achieved over an *infinite* time horizon when the maximum annual bycatch is equal to or less than 1.7% of the population size in that year. Meeting the objective in a shorter time will require that the annual bycatch is reduced to an even lower fraction of the abundance. This implies that the present level of the total anthropogenic removal of 2%, as defined by ASCOBANS, should therefore be considered as "unacceptable interaction".

On individual points in this area:

- there is no evidence that a demonstrable reduction of bycatch, particularly in the southern North Sea (ICES areas IVb and IVc) has occurred, although we note that the closure of pelagic drift netting in the Celtic Shelf and other areas in the near future will be beneficial;
- there was little progress in the provision of fisheries data which would facilitate the estimation of bycatch, although we recognise that this is a difficult area;
- there is little evidence for the integration of ASCOBANS' objectives into fisheries policy;
- the establishment of a Recovery Plan for the Harbour Porpoise in the Baltic has not progressed rapidly.

The area where some success has been obtained is the research on mitigation measures. The application of pingers revealed promising results during tests in several countries and discussions are ongoing about the costs/benefits of this technique, in particular the longer term efficacy and influence on habitat use of harbour porpoises and other marine organisms.

III. Reduction of disturbance

A special protected area for cetaceans, in particular harbour porpoises, was established in Germany. Other discussions on the relevance of protected areas for harbour porpoises have continued at the EU level, and within the context of OSPAR. Progress has been made on the collection of information on the influence of seismic surveys and experiences with related guidelines. However, no general implementation of the UK-designed guidelines has occurred in the ASCOBANS Agreement Area.

Guidelines for whale watching, and in the reduction in recreational disturbance as operational in the UK have not been developed by other Parties and Range States, partly due to the limited opportunities for whale watching in the other countries.

IV. Research

Research on small cetaceans is ongoing in most areas within the ASCOBANS Agreement area and Range States waters. However, collection of data on spatial and seasonal distribution needed to assess in particular the impact of bycatch, and long term monitoring of population trends are currently not adequately addressed.

V. External relations

A welcome enlargement of the Agreement was achieved by the accession of Finland. Unfortunately there is little development in the southward or westward extension of the Agreement Area. The ongoing co-operation with IWC/OSPAR/HELCOM/ACCOBAMS/EU should be continued and intensified.

VI. Administrative issues

The submission of National Reports in the modified format has been improved, although the annual reporting is not fully satisfactory.

GENERAL CONCLUSION AND WAY FORWARD

The outcome of the evaluation of the Work Plan 1997-2000 clearly indicates that considerable work has been carried out and progress has been made in several areas. Nevertheless it is also evident that the least progress has been made with respect to the factor that has the highest impact on small cetaceans, namely bycatch. Concrete reduction of bycatch in those areas where anthropogenic removal is above the “acceptable level of interaction” can not be demonstrated. It is therefore concluded, without neglecting the high importance of solving the impacts of other anthropogenic factors, and recommended to assign the highest priority in the new Work Plan to the reduction of bycatch. The recently commissioned study on possible mitigation measures and related case studies elsewhere, applicable to the ASCOBANS area is the first step towards that. Concurrently, initiatives have to be taken to integrate ASCOBANS’ objectives into Fisheries Policies. This might be achieved through joint discussions with Fisheries Organisations and Nature Conservation Organisations, to learn their views and perspectives about possible mitigation measures to solve the bycatch problem. Simultaneously, it is important to take forward this issue in the ongoing bilateral discussion between ASCOBANS and the European Commission in the context of the Common Fisheries Policy. The process of the review of the CFP offers an opportunity to integrate ASCOBANS’ concerns (as well as other environmental considerations) into Community Fisheries Policy, i.e. include provisions on cetacean bycatch.

With respect to the impact of pollution, it is recommended that ASCOBANS closely follows the progress and outcome of the IWC-Pollution 2000+ programme, and decides accordingly in which way it can further contribute to the implementation of that programme.

The general line of ASCOBANS’ activities related to reduction of disturbance might be to continue collecting information on seismic surveys and high speed ferries, and to continue the dialogue with the seismic industry and military authorities on preventing/mitigating the impact of seismic activities and other noise producing tests.

The most appropriate route to establish criteria for protected areas is for ASCOBANS to work within the mechanisms of the EU, HELCOM and OSPAR.

Outstanding questions to be solved through focussed research are the acquisition of data on seasonal and spatial distribution of small cetaceans, and longer term trend monitoring. Discussions on the feasibility and planning of SCANS II should start soon.

Maintaining and improvement of the external relations of ASCOBANS with relevant international bodies, NGOs and specialist groups, is considered of importance and should be promoted.

Finally, after a further three years of functioning of the Advisory Committee, it has to be concluded that the concerns raised at the last Meeting of Parties about the restricted amount of time that AC-members and their advisors can allocate to ASCOBANS, still persist. It is therefore felt that the AC still faces problems in carrying forward the objectives of ASCOBANS at a speedy pace. This despite the fact that co-operation with other organisations, invited experts, and observers contributed considerably to the implementation of the Work Plan.

Enlargement of the Advisory Committee in relevant areas of scientific and administrative expertise, ensure that permanent members of the AC have sufficient time and budget for intersectional activities, and the possibility of commissioning more studies through external contracts, seem to be an indispensable and effective way to enable the Advisory Committee to operate decisively.

These latter considerations and the ever increasing workload for the AC, mean that the AC will need to assign priorities for its work, more so than in the past. Based on the above analysis, it is plain that the issue of reduction in harbour porpoise bycatch has to take highest priority for all those working to implement ASCOBANS.

We thank all those who have helped us in the work of the ASCOBANS' Advisory Committee's work over the past triennium.

REPORT BY THE WORKING GROUP ON IMPLEMENTATION
OF THE WORK PLAN 1997-2000, WORK PLAN 2001-2003
AND THE FUTURE DIRECTION OF ASCOBANS
(SCIENTIFIC WORKING GROUP)

The Working Group met on 26 and 27 July under the chairmanship of Dr Reijnders, who was assisted by Mr Tasker. Karen Simpson and Simon Waterfield acted as rapporteurs. It was agreed that the best way to conduct its business was to concentrate on the drafting of specific resolutions, and after this that there would be discussion of the Triennium Workplan.

Draft Resolution No. 7: Further implementation of ASCOBANS

The Group considered MOP3/Ddoc. 8(S)/DR. Several improvements were suggested and, after discussion, adopted. These included suggestions clarifying suggestions clarifying the need for actions in relation to their contribution to the conservation of species.

Draft Resolution No. 4: Disturbance

The Group considered MOP3/Ddoc. 5(S)/DR. This derived from discussion at the 7th Advisory Committee Meeting that had identified priorities for action and research in relation to disturbance. The Group noted that disturbance from military activities had not been considered previously. Dr Reijnders suggested that a distinction could be drawn between military activities that did not affect national security and those that were of a sensitive nature. Mr Tasker expressed the view that the relevant paragraph of the draft resolution was suitably generalised. After some further clarification of the wording, the draft resolution was agreed by the Working Group.

Draft Resolution No. 6: Educational and Promotional Activities

The Group considered Document MOP3/Ddoc. 7(S)/DR. One aim of the draft resolution is to coordinate a focused impact with the production of material of a lasting nature. Indeed the development of a “programme of publicity” implies work over a period of time. In relation to the final paragraph of the draft resolution, concerning press releases, it was agreed that ASCOBANS currently fails to make the most of publicity opportunities. Press releases should be utilised in order to promote interest in the objectives of ASCOBANS. The Working Group did not feel that it was appropriate to provide in the text of the resolution specific examples of possible means of publicity. After some changes, the draft resolution was accepted.

Draft Resolution No. 5: Monitoring, Status and Population Studies

The Group considered Document MOP3/Ddoc. 6 (S)/DR. It was recognised that abundance estimates, population structure and seasonal distribution information was of vital importance in assessing the impact of bycatch on cetacean populations. After changes to emphasise this point, the draft resolution was accepted.

Draft Resolution No. 8: Activities of the Advisory Committee 200-2003

The Group considered Document MOP3/Ddoc. 9(S)/DR/Revision 1. The latest version incorporated the changes necessary to reflect the triennial rather than quadrennial nature of the programme. Amendments to make clear the need to implement the consequences of the IWC programme Pollution 2000+ were approved. Further amendments to stress the importance of relevant international organisations making active contributions to the process of reducing pollution and the importance of encouraging appropriate exchanges of information in this regard were also approved. With these amendments, the text was agreed.

Triennial Workplan

The group considered Document MOP3/Ddoc. 10(S). It was noted that the Plan linked with Resolution 7. The section on pollution was expanded to re-emphasise the importance of collaboration in this field. There was general consensus that the priorities were dealing with fisheries interactions and pollution, but that disturbance and post mortem research should nonetheless not be forgotten. The plan was also revised in the light of the decisions reached in Resolution 3.

The Group further agreed on the importance of taking forward the initiative in the Baltic, particularly given the commitment by Nordic Ministers. It was agreed that the ASCOBANS statement would be made more robust in the light of this. It was agreed that the Secretariat should facilitate the initiative as far as possible.

Resolution 3: Fisheries Issues (re-named to Incidental Take of Small Cetaceans)

A draft text of Document MOP3/DDoc. 4(S)/DR amended by Denmark, Sweden, Finland and Norway was distributed and was worked upon.

Denmark introduced this revised text focusing on the need to underline the importance of integration of the mechanism into the CFP, the need to avoid unrealistic expectations in terms of bycatch reduction, and the need to involve stakeholders in any decisions.

It was agreed that references to the bycatch resolution of the CMS meeting in Cape Town should also be included.

It was agreed that references to the Baltic would need to be reviewed in the light of potential future developments in this area.

Considerable concern was expressed by the UK in what would be seen as a failure to take account of the advice provided by the ASCOBANS/IWC Workshop, which had been subsequently endorsed by the Advisory Committee and IWC. Germany and the Netherlands expressed sympathy with the UK view. The UK, however, recognised the need to acknowledge the progress Denmark had made in dealing with the issue in its own waters. However, in the light of the firm Ministerial endorsement, felt unable to modify the resolution in the way Denmark and fellow Nordic states had proposed.

After considerable further discussion, a compromise was reached which maintained the desired link with the Workshop's advice and acknowledged efforts to achieve bycatch reduction, and with these changes and further amendments to clarify text, the draft was agreed.

**Agreement on the Conservation of Small Cetaceans in the Baltic and North Sea
3rd Meeting of the Parties**

Working Group on Budgetary, Administrative and Promotional Matters

Chair: Gerhard Adams (Germany)

Note of Meetings of 26 July (PM) and 27 July (AM & PM)

(All Parties were present at both meetings)

The Chair introduced the work of the Group which would comprise draft Resolution 1 (Integration of the ASCOBANS Secretariat into the CMS Agreements Unit); draft Resolution 2 (Budgetary Matters, 2001 – 2003); and draft Resolution 6 (Educational and Promotional Matters). In addition the Group would consider the relationship of the proposed budget to the triennium workplan.

Draft Resolution 1 (Integration of the ASCOBANS Secretariat into the UNEP/CMS Agreements Unit)

The Secretariat introduced the resolution that had already been discussed at the last Advisory Committee. The resolution followed the terms of reference already adopted by AEWA and now by Eurobats. These had also been confirmed by CoP 6 of the CMS and approved by UNEP (Nairobi).

All parties spoke in favour of the draft Resolution though a number of Parties expressed concern about the budgetary implications. **The Netherlands** proposed amendments to the Preamble to refer to decisions already made by AEWA and Eurobats. The Working Group agreed to recommend adoption of the draft Resolution subject to these amendments.

Draft Resolution 2 (Administrative and Financial Matters, including the Budget for 2001-2003)

The Secretariat circulated a revised budget for the triennium, 2001-2003. There was a surplus from the present triennium, estimated at \$63,170, which was committed to reduce Parties' contributions during 2001-2003. **The Chair** commented that the Eurobats' budget had settled on a full-time Executive Secretary with a half-time Assistant in 2001 and 2002 and a full-time Assistant in 2003, the year of its next MoP.

The following points were emphasised in discussion –

- What was the justification for a full-time Executive Secretary?
- Where were the promised economies of scale that would result from integration into the CMS Agreements Unit?
- Would the increased budget provide for additional activity in the next triennium?
- How could the Agreement sustain its public profile unless staffing of the Secretariat were maintained?

Parties agreed -

- to accept the UNEP salary scales and other costs deriving from integration.
- to seek the greatest synergy from integration and to look to free the Secretariat to pursue other tasks to drive the Agreement forward.
- to investigate what savings could be made in non-Personnel budget lines.
- to use the surplus from the 1998-2000 triennium to smooth out contributions between the three years, 2001-2003.

Finland, Germany, the Netherlands, Poland, Sweden and the United Kingdom agreed a budget. The budget assumed a full-time Executive Secretary throughout the triennium; a half time Assistant in 2001 and 2002 but full time in 2003, the next year of a MoP; and reduced provision for the last. **Belgium and Denmark** were unable to agree such a budget but the Group considered no further compromise was possible. During the discussions Belgium regretted that no account had been taken of the concerns raised by several Parties concerning a possible major increase in the budget, and that so account had been taken of the proposals made by Belgium. Belgium further argued that ASCOBANS, which is much smaller than Eurobats, could manage with a less extensive secretariat. **The Netherlands** expressed similar concerns but was prepared to support the budget to demonstrate their commitment to the future of the Agreement.

The Working Group therefore concluded by a majority to recommend a revised version of draft Resolution 2 to the MoP.

Draft Resolution 6 (Educational & Promotional Activities)

The Working Group received a revised draft from the Scientific Group but made further revisions which –

- confirmed the 10th anniversary of the Agreement as falling on 13th September 2001; and
- agreed that the Secretariat should co-ordinate a programme of national action to mark the Agreement's 10th anniversary.

Germany confirmed its voluntary funding of ASCOBANS' promotional activities and the Working Group therefore agreed to recommend an amended version of draft Resolution 6 to the MoP.

Agenda Item 12: Triennium Work Plan 2001-2003

The Working Group received a revised draft of the triennium work plan from the Scientific Group, together with estimates of the scale and sources of funding. The Group concluded that resources for the work plan would need to be found from –

- (a) budget line 1220 (Consultancies);
- (b) any personnel savings in the next triennium;
- (c) voluntary contributions; and
- (d) other funding sources for co-funded projects.

The Working Group therefore agreed to recommend the work plan to the MoP but to seek views in plenary about the broad priorities to be given to proposed activities.

3rd Session of the Meeting of Parties**Bristol, United Kingdom****26 – 28 July 2000****Resolution No. 1****Integration of the ASCOBANS Secretariat into the
Agreements Unit of UNEP/CMS**

RECALLING the invitation by the Conference of Parties to the *Convention on the Conservation of Migratory Species of Wild Animals* (CMS) to consolidate the secretariat functions of the European-based Agreements, including ASCOBANS, in a special Agreements Unit to be co-located with the Secretariat of the Convention (Resolution 4.4 adopted in Nairobi 1994);

ACKNOWLEDGING Resolution 5.5 adopted by the Conference of Parties to CMS at its fifth meeting in Geneva 1997, which approved the establishment of an Agreements Unit in co-location with the Convention Secretariat;

ACKNOWLEDGING also that this Resolution provided for the establishment of a Common Administrative Unit for the UNEP/CMS Secretariat and the Agreements Unit;

ACKNOWLEDGING further that, at the request of the Conference of Parties to CMS, UNEP has provided an Administrative and Fund Management Officer for the Common Administrative Unit;

ACKNOWLEDGING also Resolution 6.7 on Financial and Administrative Matters adopted by the Conference of the Parties to CMS at its Sixth Meeting in Cape Town in 1999,

ACKNOWLEDGING further Resolution 1.1 on the Establishment of the permanent Secretariat for AEW, adopted by the Conference of the Parties to AEW at its First Session in Cape Town in 1999,

ACKNOWLEDGING as well that the AEW Secretariat took the lead in the establishment of the Agreements Unit from 1 July 2000;

ACKNOWLEDGING further Resolution 3.1 on Integration of the EUROBATS Secretariat into the UNEP/CMS Agreements Unit, adopted by the Meeting of Parties to EUROBATS in Bristol in July 2000;

EXPECTING that the political and institutional weight of the Agreement will increase considerably through the integration into the UNEP/CMS framework and that this will facilitate the accession of other Range States to the Agreement;

EXPECTING also that mutual benefit will be derived from the establishment of the Agreements Unit through the pooling of resources and by strengthening the organisational and administrative potentials and increasing the efficiency of the secretariats in implementing the aims of the Agreements;

GUIDED by a common will to maintain the independent and autonomous functioning of each secretariat according to the instructions of their relevant bodies;

ACKNOWLEDGING with gratitude the contribution of the German Government in providing, and agreeing to continue to provide, the accommodation for the Secretariat on a rent-free basis;

RECOGNISING also the support given to the Secretariat by the Common UN Premises Administration in Bonn;

**The Meeting of the Parties to the
Agreement on the Conservation of Small Cetaceans
of the Baltic and North Seas**

1. ACCEPTS with gratitude the offer of the United Nations Environment Programme to administer the Agreement Secretariat within the Agreements Unit to be established from January 2001, including their provision of an Administrative and Fund Management Officer free of charge for ASCOBANS;
2. AGREES to continue to provide the necessary budget to cover the operational costs of the Secretariat;
3. ENCOURAGES close co-operation, exchange of information as well as expertise between the Advisory Committee to ASCOBANS and the Standing Committee and the Scientific Council of CMS;
4. EMPHASISES that the Agreements Unit shall have the status of a regional centre for European-based Agreements according to Resolution 4.4 of the fourth Meeting of the Conference of Parties to CMS (Nairobi, June 1994);
5. RESERVES its right, either separately or in agreement with Meetings of Parties of other European-based Agreements, to make alternative arrangements for the location of the Agreement Secretariat and its administration if the need arises;
6. REAFFIRMS the autonomy of the Meeting of Parties as the decision-making body of the Agreement and similarly reconfirms that the Executive Secretary to ASCOBANS as head of the Agreement Secretariat, albeit being an Executive Officer within the UNEP/CMS framework, primarily shall be responsible to the Meeting of Parties and the Advisory Committee;
7. DECIDES that any changes to the arrangements concerning the accommodation of the ASCOBANS Secretariat and the space currently assigned to it shall be made in agreement with the host Government and the Common UN Premises Administration in Bonn and in consultation with the UNEP/CMS Secretariat.
8. AGREES that for the administration of the ASCOBANS Secretariat within the UNEP/CMS Agreements Unit, the Terms of Reference annexed to this Resolution shall apply.

Terms of Reference for Secretariat Arrangements

For the Establishment of the Agreements Unit the following terms of reference will apply:

1. The Agreements Unit will comprise personnel according to the budgets of the respective Agreements.
2. The Executive Secretaries to the Agreements will report to the Executive Secretary to CMS for internal administrative matters and communication with UNEP. They will report to the Parties as well as to the competent bodies of the Agreements on their work programme. The competent bodies of the Agreements shall contribute to the annual performance appraisal of an Agreement's Executive Secretary.
3. Staff members of the Agreements Unit will function independently and will report to their respective Agreements. When the need arises, reciprocal staff assistance might be accommodated for short periods of time as authorised by the Executive Secretary to CMS.
4. Apart from the cost of the Administrative and Fund Management Officer, which is borne by UNEP, the cost of personnel for common administrative support and of common secretarial services will be funded on a cost-sharing basis by budgets of the Convention and the Agreements.
5. Recruitment of all staff members will be carried out by the United Nations Environment Programme on the basis of job descriptions prepared under the direction of the Executive Secretary to CMS with the agreement of the Chairperson of the competent body of the Agreement concerned.

UNEP will be responsible for ensuring classification of all posts. The advertisement for any Executive Secretary to a given Agreement, as well as the subsequent appointment of a candidate, will be limited to the Contracting Parties to the Agreement concerned. Secondment of staff members from Governments should be encouraged, subject to mutually acceptable arrangements between UNEP and the Government concerned.

6. Primary screening of candidates for all posts will be conducted by a panel of three, selected by the Executive Secretary to CMS in consultation with the UNEP Executive Director as appropriate in accordance with set recruitment procedures and consisting of staff including officers from United Nations agencies in Bonn. The Chairperson of the competent body of the Agreement concerned will be actively involved in the screening of candidates for the post of Executive Secretary to that Agreement and will be a member of the panel. If the Chairperson is unable to attend panel sessions, he/she is entitled to appoint a substitute. Preliminary screening of general service staff applications and interviews will be organised by the responsible Executive Secretary, in consultation with senior UNEP/CMS staff. Current staff of the respective Agreements will be eligible to compete for the available posts. Recommendations of short-listed candidates for professional and general service staff posts will be submitted to UNEP through the Executive Secretary to CMS.

Financial arrangements

7. Parties to each Agreement will request the Executive Director of UNEP to establish separate Trust Funds for each Agreement. A separate budget will continue to be adopted for each Agreement and for the Convention, by the respective Meeting of the Parties (MoP) or Conference of the Parties (CoP), as appropriate.
8. The Agreement Secretariats shall be entitled to appropriate local banking facilities for the conducting of day to day transactions.
9. The operating costs of the Secretariats (e.g. telephone use, postage, photocopying, special printing cost, etc.) will be computed and budgeted separately for each of the constituent Agreements. Where it is impracticable to compute actual costs separately (e.g. for common office supplies), the Agreements are expected to agree a contributing figure to the overall costs for these items.

Trust Fund contributions

10. Contributions from Parties will continue to be calculated separately for each Agreement and for the parent Convention, and paid annually according to the UN scale of assessment. However, a rationalised system will be developed allowing Parties to the Convention and to one or more of the Agreements concerned to pay subscriptions in a single instalment, giving clear instructions as to how the funds are to be allocated. Requests for payment will continue to be sent by UNEP in the form of an invoice, detailing the contributions to be made towards the Convention and any applicable Agreements. UNEP will administer one or more trust funds which will supply CMS and each of the Agreements concerned, according to contributions received and the overall budgets by the respective MoP/CoP.
11. Every effort should be made by the Parties to ensure adequate and timely contributions. Nevertheless, in the event of insufficient funds for salaries of Agreements Unit staff, the Executive Director of UNEP will be authorised, through a provision in the terms of reference of the CMS Trust Fund, to make special provision to cover these salaries on a reimbursable basis from the CMS Trust Fund if its resources allow. UNEP will liaise with the UNEP/CMS Secretariat on such temporary transfers of funds from the parent Convention to any Agreement. Any such movements, however temporary, will be communicated to the competent bodies of the Convention and the Agreement concerned, and reported upon at the next session of the Meeting/Conference of the Parties.

Annex 9b

Resolution No. 2: Financial, Budgetary and Administrative Matters

Not available in PDF format

3rd Session of the Meeting of Parties

Bristol, United Kingdom

26 – 28 July 2000

**Resolution No. 3
Incidental Take of Small Cetaceans**

The Meeting of Parties:

RECALLING that the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas agreed in its Annex that "... management measures shall be applied ..." to develop, in the light of available data indicating unacceptable interaction, modifications of fishing gear and fishing practices in order to reduce by-catches and that in the waters of EU Member States, Article 2 of Council Regulation (EEC) No. 3760/92 of December 1992 stipulates that the common fisheries policy shall provide for rational and responsible exploitation on a sustainable basis, taking account of the implications for the marine ecosystem;

RECALLING that, in the waters of EU Member States, Article 12.4 of Council Directive 92/43/EEC requires States to establish a system to monitor the incidental capture and killing of all cetaceans, and that in the light of the information gathered they shall take further research or conservation measures as required to ensure that incidental capture and killing does not have a significant negative impact on the species concerned;

RECALLING the Statement of Conclusions at the Intermediate Ministerial Meeting on the Integration of Fisheries and Environmental Issues held in March 1997 in Bergen, where Ministers agreed to take appropriate measures to minimise, in accordance with the FAO Code of Conduct for Responsible Fisheries, adverse impact of fishing activities on North Sea species and their habitats;

RECALLING the recommendations adopted at this meeting concerning the future work on abundance estimates and population structure;

NOTING Resolution 6.2 on by-catch adopted by the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) at its Sixth Meeting (Cape Town, November 1999);

NOTING the findings in the report of the ASCOBANS working group on by-catch, November 1997, "Cetacean by-catch issues in the ASCOBANS area", which documents

levels of by-catch in some North Sea fisheries, and studies that have helped define the sub-structure of harbour porpoise populations in the North Sea;

NOTING that the above report documents an abundance estimate of 170,000 harbour porpoises in the central and south North Sea and a minimum estimated annual by-catch of 4,450 harbour porpoises in this area; and an abundance estimate of 36,000 harbour porpoises and a minimum estimated annual by-catch of 2,200 animals on the Celtic Shelf, which is adjacent to the ASCOBANS area and where catches may have an adverse effect on the recovery of porpoise populations within ASCOBANS waters;

NOTING that abundance for a part of the harbour porpoise range of occurrence in the Baltic Sea is estimated to be 600 (confidence limits: 200 and 3300 and that the Advisory Committee will agree a Recovery Plan for harbour porpoise in the Baltic Sea, which will also include by-catch mitigation measures.

NOTING the findings of the "Review of Marine Mammal By-catch Observer Schemes", which recommended that a properly designed observer scheme is the best way of acquiring reliable information on by-catch, but that extrapolation from existing information on comparable gear types and areas may be necessary when an observer scheme is logistically impossible;

NOTING that the International Whaling Commission has endorsed its Scientific Committee's advice that an estimated annual by-catch of 1 % of estimated population size indicates that further research should be undertaken immediately to clarify the status of the stocks and that an estimated annual by-catch of 2 % may cause the population to decline and requires immediate action to reduce by-catch;

NOTING the Resolution on Incidental Take of Small Cetaceans adopted by the 2nd Meeting of Parties (ASCOBANS/MOP2/DOC. 4);

RECALLING that the Second Meeting of Parties agreed that specific conservation objectives needed to be defined to enhance the work of ASCOBANS and monitor its success and also agreed with the approach to achieve this and the working definitions given in ASCOBANS/MOP/2/DOC.4, specifically:

- (1) that the aim of ASCOBANS can be interpreted as "to restore and/or maintain biological or management stocks of small cetaceans at the level they would reach when there is the lowest possible anthropogenic influence" - a suitable short-term practical sub-objective is to restore and/or maintain stocks/populations to 80% or more of the carrying capacity;
- (2) that the general aim should be to minimise (i.e. to ultimately reduce to zero) anthropogenic removals within some yet to be specified time frame, and that intermediate target levels should be set; and

(3) that the longer term approach, which involves *inter alia* taking into account uncertainty in the available data, should be developed by the Advisory Committee;

RECOGNISING the high selectivity of bottom set gillnets in relation to target fish species;

NOTING that the IWC/ASCOBANS Working Group on harbour porpoises advised that the maximum annual by-catch that achieves the ASCOBANS interim objective over an *infinite* time horizon, assuming no uncertainty in any parameter, is 1.7% of the population size in that year. This advice was subsequently endorsed by IWC at its 51st meeting. If uncertainty is considered, such as measurement error in estimating population size, maximum annual by-catch must be less than 1.7% to ensure a high probability of meeting the ASCOBANS objective;

NOTING the agreement at this Meeting of Parties that an estimated annual by-catch of 2 % was too high and that further research indicated that an anthropogenic removal above 1.7 % of a harbour porpoise population must be considered unacceptable;

REGRETTING that the recommendation set out in the above mentioned Resolution to reduce by-catch to less than 2% of a population, preferably by the Third Meeting of Parties, has not been fulfilled;

NOTING that efforts to reduce by-catch require close co-operation between managers, scientists and fishermen;

RECOGNISING the need to integrate by-catch issues in sustainable fisheries practices and socio-economic considerations, particularly in the context of the Common Fisheries Policy of the European Union;

COMMENDS those countries that have adopted measures to reduce by-catch; that have set up and continued observer programmes to estimate marine mammal by-catch in fisheries; and have undertaken research on methods to reduce levels of by-catch;

REQUESTS that Parties and Range States continue to investigate methods to reduce by-catch and fully evaluate them and their ecological implications, noting the valuable input the fishing industry may have to such studies;

DEFINES, for the present, according to the most recent scientific information "unacceptable interactions" as being, in the short term, a total anthropogenic removal above 1.7 % of the best available estimate of abundance, keeping in mind that the 2nd Meeting of Parties recommended an anthropogenic removal of more than 2% is an "unacceptable interaction";

UNDERLINES the intermediate precautionary objective to reduce by-catches to less than 1% of the best available population estimate;

NOTING also that if available evidence suggests that a population is severely reduced, or in the case of species other than the harbour porpoise, or where there is significant uncertainty in parameters such as population size or by-catch levels, then "unacceptable interaction" may involve an anthropogenic removal of much less than 1.7 %;

PROPOSES that competent authorities accept this interim definition in respect of findings of current and future research in the ASCOBANS area and in adjacent waters where there may be conservation implications for cetacean populations within the ASCOBANS area;

RECOMMENDS in view of the foregoing that competent authorities take precautionary measures to ensure that the total anthropogenic removal of marine mammals in the area defined by the ASCOBANS agreement and its adjacent waters is reduced as soon as possible to below an “unacceptable interaction”;

RECOMMENDS, particularly with regard to harbour porpoises in the central and south North Sea (ICES Areas IVb and IVc), that total anthropogenic removal is reduced without delay by competent authorities, regardless of the time needed to establish better population data and to calculate an acceptable removal level;

RECOMMENDS that relevant Parties and Range States continue to make estimates of annual by-catch for North Sea set-net fisheries and pelagic trawl fisheries where they are currently lacking, especially in the northern North Sea;

REQUESTS that relevant Parties and Range States provide where possible an estimate of total harbour porpoise by-catch in the Skagerrak/Kattegat/Belt Sea and the Baltic Sea;

REQUESTS Parties and Range States to continue collecting data on fishing efforts, reporting in a summary style and focussing in particular on the types of fisheries relevant to small cetaceans and by-catch;

URGES Parties and Range States in the Baltic Sea region (referring to HELCOM Recommendation 17/2), together with the Advisory Committee, to continue their work towards developing a recovery plan for porpoises in the Baltic Sea, one element of which should be to identify human activities, including those resulting in by-catches, that are potential threats to the recovery of this species in the Baltic, and that the competent authorities consider appropriate methods to limit such threats;

URGES the ASCOBANS Secretariat, Parties and Range States to promote the integration of by-catch issues in the Common Fisheries Policies and in relevant National Fisheries Policies.

3rd Session of the Meeting of Parties

Bristol, United Kingdom

26 – 28 July 2000

Resolution No. 4
Disturbance

The Meeting of Parties:

RECALLING that the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas stipulates that ASCOBANS work towards "the prevention of other significant disturbance, especially of an acoustic nature";

RECOGNISING that the difficulty of proving the detrimental effects of acoustic disturbance on cetaceans necessitates a precautionary approach in dealing with this issue;

RECOGNISING the national sensitivities in relation to military activities;

COMMENDING the development by the United Kingdom of Regulatory Guidelines on Seismic Surveys;

INVITES Parties and Range States to introduce guidelines on measures and procedures for seismic surveys that provide the opportunity to

- a) alter the timing of surveys or to minimise their duration;
- b) reduce noise levels as far as practicable;
- c) avoid starting surveys when cetaceans are known to be in the immediate vicinity;
- d) introduce further measures in areas of particular importance to cetaceans;
- e) develop a monitoring system that will enable adaptive management of seismic survey activities;

INVITES Parties and Range States to work with military authorities to introduce codes of conduct and similar measures - such as environmental impact assessments and standing orders - to reduce disturbance of small cetaceans;

INVITES Parties and Range States to report before the Advisory Committee meeting in 2003, where possible, on approaches to reducing disturbance to small cetaceans by military activities;

INVITES Parties and Range States to support further research into the effects on small cetaceans of acoustic devices used to keep marine mammals away from nets or fish farms or other sites;

INVITES Parties and Range States to support research into the effects of shipping and particularly high-speed ferries and into possible ways of mitigating any adverse effects;

INVITES Parties and Range States to support further research on behavioural changes in cetaceans caused by acoustic disturbance; this research should, if possible, encompass biologically significant effects;

INVITES the European Cetacean Society to elaborate a protocol for the removal of cetaceans' ears from carcasses to be investigated for possible damage to the auditory system as part of further research into possible effects of noise on the hearing of cetaceans;

INVITES Parties and Range States to develop and introduce, where appropriate, guidelines and other measures to reduce other forms of disturbance to small cetaceans.

3rd Session of the Meeting of Parties

Bristol, United Kingdom

26 – 28 July 2000

Resolution No. 5
Monitoring, Status and Population Studies

The Meeting of Parties:

NOTING that lack of information on abundance, spatial and seasonal distribution and population structure are important limitations on determining the impact of by-catch and other anthropogenic impacts on harbour porpoises and in designing effective mitigation measures;

NOTING that the last comprehensive abundance estimates for small cetaceans in the ASCOBANS area were made in 1994 and 1995 and that no estimate has been made in adjacent waters to the west of the Agreement area which are likely to be used by small cetaceans from within that area;

NOTING that the structure of small cetacean populations in the ASCOBANS area may be complex and is not well understood at present;

NOTING that Council Directive 92/43 EEC requires knowledge of the status of small cetaceans in the waters of Member States of the EU and that because small cetaceans move freely through the area it is important to conduct wide area surveys;

RECOMMENDS that Parties and Range States support further work to elucidate temporal and spatial aspects of distribution of small cetaceans in the ASCOBANS area, as a prerequisite to any abundance estimates;

REQUESTS that the Advisory Committee ensures planning for an abundance survey of the Agreement area is completed by the Fourth Meeting of Parties;

RECOMMENDS that relevant Parties and Range States plan and conduct an abundance survey in waters to the west of the ASCOBANS area before the Fourth Meeting of Parties;

RECOMMENDS that Parties and Range States ensure that further work to elucidate the genetic population structure of small cetaceans is undertaken in the ASCOBANS area.

3rd Session of the Meeting of Parties

Bristol, United Kingdom

26 – 28 July 2000

**Resolution No. 6
Educational and Promotional Activities**

The Meeting of Parties:

NOTING that public support of the aims of ASCOBANS is critical to its success;

NOTING that there is currently little information easily available on the activities being undertaken to implement ASCOBANS;

NOTING that the 10th Anniversary of ASCOBANS will fall on 13 September 2001,

RECOMMENDS that,

as a priority, the Advisory Committee with the support of the Secretariat develop a programme of publicity to support the work of Parties and Range States in implementing the Resolution on Fisheries Issues;

the Secretariat develops, by the end of January 2001, suitable information material for decision-makers in other areas relevant to the aims of ASCOBANS to mark the 10th Anniversary of the Agreement, and that Parties develop complementary national publicity by March 2001. These materials and publicity should be designed to have continuing use after the 10th Anniversary;

the Secretariat continues to develop the ASCOBANS website, aiming to meet the needs of a wide range of target audiences;

the host Parties of Meetings of the Advisory Committee and of Parties, in co-operation with the Secretariat, consider ways in which the Agreement might be best promoted.

3rd Session of the Meeting of Parties

Bristol, United Kingdom

26 – 28 July 2000

**Resolution No. 7
Further Implementation of ASCOBANS**

The Meeting of Parties:

RECOGNISING that the conservation, research and management measures listed in the Conservation and Management Plan in the Annex to the Agreement require an action plan for the full implementation of the Agreement;

RECOGNISING the commitments by the Parties in other international bodies and fora to cetacean conservation and other commitments that will aid cetaceans;

RECOGNISING the importance of the need for Parties to cooperate and not to duplicate the work of other international bodies and the desirability of drawing upon their expertise;

RECOGNISING the requirements under EU legislation;

RECALLING Resolution 2 of the Second Meeting of Parties, where the Advisory Committee was asked to assess which pollutants are likely to adversely affect small cetaceans, in the light of the results of the IWC Workshop on Chemical Pollution and Cetaceans, and further provide advice to the Parties both for management measures and further research needs;

NOTING that the IWC has developed a programme of research that investigates the causative link between levels of pollution and physical responses in cetaceans, known as POLLUTION 2000+;

RECALLING that OSPARCOM and HELCOM are working towards reduction of emissions and sources of chemical pollutants and will develop their objectives and strategy with regard to hazardous substances further;

NOTING that ASCOBANS can support this work in an advisory capacity;

NOTING that knowledge on the less common species of small cetaceans such as the Lagenorhynchus species, especially the white-beaked dolphin, is less well developed than knowledge on the harbour porpoise;

NOTING the resolutions agreed at this Meeting on disturbance and fisheries issues;

COMMENDING existing efforts to identify and protect specific areas for small cetaceans;

INVITES Parties and Range States to

CONTINUE or INITIATE research aimed at identifying the location of any further suitable sites for the establishment of protected areas, and to implement appropriate management actions in these areas on their own or in the context of other intergovernmental bodies to ensure the protection of small cetaceans;

CONTINUE or INITIATE support for schemes that ensure that the bodies of small cetaceans are, where possible, subject to full and expert post-mortem analysis for cause of death and any other studies relevant to conservation; and take appropriate measures to reduce those impacts on small cetacean populations recognised to increase mortality rates;

ENCOURAGE further research relevant to ASCOBANS objectives on abundance, life history parameters, migration patterns and population structure of small cetaceans as a basis for an improvement of conservation measures;

RECOMMENDS that Parties and Range States

INITIATE or CONTINUE monitoring programmes for the residues of novel contaminants of particular concern, including polybrominated compounds, toxaphenes and organotin compounds and where possible these should be associated with appropriate pathological studies to provide basic data on population biology and indications for physiological effects of contaminants, thereby helping to identify significant harmful impacts at the earliest stage, leading to the swift development of appropriate conservation measures;

SUPPORT research in particular on the less well-known cetacean species of the ASCOBANS area, in particular as regards life-history parameters and population structure.

3rd Session of the Meeting of Parties

Bristol, United Kingdom

26 – 28 July 2000

Resolution No. 8
Activities of the ASCOBANS Advisory Committee 2001 -2003

The Meeting of Parties:

RECOGNISING the importance of the need to cooperate with, and not to duplicate the work of, other international bodies and the desirability of drawing upon their expertise;

RECOGNISING that much progress is achieved by the commissioning of work by specialists, whether members of the Advisory Committee or otherwise;

NOTING that the Advisory Committee needs a balance of scientists, policy-makers and administrators to adequately cover its role;

Decides to ask the Advisory Committee to:

CONTINUE to invite the intergovernmental bodies IWC, ICES, IBSFC, HELCOM, OSPARCOM and the European Commission to send a representative to Advisory Committee meetings;

CONTINUE to review, on an annual basis, new information on population distribution, sizes and structures, and by-catches of small cetaceans in the ASCOBANS area. On the basis of this review, provide recommendations to individual Parties and other relevant authorities;

CONTINUE to review at each meeting a list of international meetings, compiled by the Secretariat, at which the aims of ASCOBANS might most usefully be promoted, and recommend which meetings should be attended, by whom and with what objective and to review the outcomes of meetings attended;

CONTINUE to establish, and to facilitate management by the Secretariat, of a database on post-mortem results and contaminant studies in the ASCOBANS area;

CONTINUE to review, on an annual basis, new information on pollution and its effects on small cetaceans which occur in the ASCOBANS area and, on the basis of this review, provide recommendations to Parties and other relevant authorities;

CONTINUE to review the progress and implementation of the IWC programme POLLUTION 2000+ and provide recommendations to Parties and Range States on ways to facilitate its execution;

REVIEW, in 2002, knowledge on by-catch in the ASCOBANS area with a view to providing recommendations on further by-catch monitoring to Parties and Range States;

FORMULATE, by 2002, advice to Parties, Range States and other relevant authorities on by-catch mitigation measures applicable to the ASCOBANS area;

REVIEW the progress on by-catch mitigation and report on this progress to the 4th Meeting of Parties;

REVIEW, in 2001, the extent of disturbance to small cetaceans due to seismic surveys in the ASCOBANS (and possibly adjacent) areas during the period 1997-2000;

REVIEW, in 2003, progress of Parties and Range States in working with military authorities to reduce disturbance to cetaceans by military activities;

REVIEW, in 2003, the extent of disturbance to small cetaceans by shipping;

REVIEW, in 2003, the output of the IWC programme POLLUTION 2000+ and, based on the review, provide recommendations to Parties, Range States and other relevant authorities.

Requests that Parties

ENSURE that all nominated Advisory Committee members and their advisors can allocate time to attend Advisory Committee meetings, to intersessional work, and to participate in the intersessional Advisory Committee working groups;

CONTINUE to ensure where possible a suitable balance of expertise within delegations to the Advisory Committee.

ASCOBANS Triennium Work Plan for 2001 - 2003

1. Fisheries Issues

a) By-catch Mitigation Measures

A report focussing on mitigation measures applicable to the ASCOBANS area should be produced by Andy Read by December 2000 to be considered at the national level by April 2001 and Parties should report on progress to the 8th Advisory Committee meeting. On the basis of decisions reached at that meeting, appropriate recommendations will be given to Parties and Range States on this issue.

b) By-catch Monitoring; Targeting Hotspots

As a follow up to the Report of the ASCOBANS Advisory Committee working group on by-catch, *Cetacean By-catch Issues in the ASCOBANS Area*, presented to the 2nd Meeting of Parties in 1997, a *Review of Knowledge on By-catch in the ASCOBANS Area* should be produced for the 9th Meeting of the Advisory Committee. This review should include an inventory of known problem zones and identify means of counteracting the problems encountered. On the basis of this report, the 9th meeting of the Advisory Committee should provide advice on further by-catch monitoring.

c) Review Progress on By-catch

A brief progress report on by-catch mitigation should be produced for the 10th meeting of the Advisory Committee in April 2003. A written review of progress should be produced for consideration at the Fourth Meeting of Parties in 2003.

d) Recovery Plan for Harbour Porpoises in the Baltic Sea

The Advisory Committee's Baltic Discussion Group should meet in early autumn of 2000 in order to be able to present its final report by November 2000. The Secretariat will continue its efforts to promote completion of the work of the ASCOBANS Baltic Discussion Group. In winter 2000/2001, prior to the 8th meeting of the Advisory Committee in April 2001, a workshop aimed at drafting a recovery plan for harbour porpoises in the Baltic Sea should be held.

The 8th meeting of the Advisory Committee should consider the final report of the Baltic Discussion Group and the output of the aforementioned workshop to produce recommendations for Parties and Range States.

2. Disturbance

The Advisory Committee, with the assistance of the Secretariat, should, if sufficient resources are available, commission a report on the extent of seismic surveys in the ASCOBANS (and, if easily obtainable, adjacent) area since 1997. This report should encompass at a minimum line-kilometre of "high energy" seismic information, per 1° x 1° rectangle (or similar) for each month and year

since 1997. If information on the size/power of guns and the use of observers was easily obtainable, such information should be sought also.

The 8th meeting of the Advisory Committee in April 2001 should discuss the results of the report on seismic surveys.

Parties should report to the 10th meeting of the Advisory Committee on progress in working with military authorities in order to reduce disturbance to cetaceans by military activities.

The 9th Meeting of the Advisory Committee should define terms of reference for a report on disturbance to cetaceans by shipping. This report should be commissioned by the Advisory Committee with the assistance of the Secretariat and discussed at the 10th meeting of the Advisory Committee.

3. Pollution

The Advisory Committee will continue to keep pollution issues under review, including the implementation of the IWC programme Pollution 2000+, and provide recommendations to Parties and others to enable its execution.

The 10th meeting of the Advisory Committee in 2003 should review the output of Pollution 2000+ and decide on further action.

4. Post Mortem Research and Stranding Schemes

The Secretariat, in cooperation with the European Cetacean Society, should update the collated material on post mortem research and stranding schemes in States Parties and Range States and present compilations in 2002.

5. Monitoring, Status and Population Studies

The Advisory Committee should ensure that planning for an abundance survey is completed by the Fourth Meeting of Parties.

ASCOBANS



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PRESS RELEASE

CONSERVATION ACTIONS AGREED FOR DOLPHINS AND PORPOISES

3rd Meeting of Parties to the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS) held in Bristol from 26 - 28 July 2000

The Third Meeting of Parties to the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS) took place from 26th to 28th July 2000 in Bristol. At the invitation of the United Kingdom representatives of the eight parties and two range states, together with a large number of intergovernmental and non-governmental organisations attended.

Key actions identified by the meeting were:-

- To produce a recovery plan for the threatened harbour porpoise in the Baltic Sea.
- To develop further advice on measures to reduce by-catch.
- To carry out further work on population structure, abundance and distribution.

The meeting also expressed the views that the European Community should take initiatives to reduce cetacean by-catch in the ASCOBANS area and that the Agreement area should be extended southwards and westwards to include the waters of Spain, Portugal and the Republic of Ireland.

One of the most important objectives of the Agreement is the reduction of the number of small cetaceans incidentally caught by fisheries. While whales and dolphins are no longer deliberately hunted in the Agreement area, several thousand are killed each year by accidental entanglement in fishing gear. By-catch is therefore considered the most important threat to cetaceans in European waters. In order to allow depleted stocks to recover, by-catch must be significantly reduced. The Meeting therefore set clear minimum limits for levels of incidental take of harbour porpoises.

Marine pollution also poses a severe threat requiring international co-operation. Hazardous substances, such as heavy metals and organic pollutants, accumulate on their way through the food chain and reach highest levels in the body tissues of marine mammals, affecting their health status. Acoustic disturbance is a further growing cause for concern.

ASCOBANS was concluded in 1991 under the auspices of the Bonn Convention on the Conservation of Migratory Species (UNEP/CMS) to co-ordinate and implement conservation measures for dolphins, porpoises and other toothed whales (Odontoceti) in the Baltic and North Seas. Currently eight European countries - Belgium, Denmark, Finland, Germany, the Netherlands, Poland, Sweden and the United Kingdom - are Parties to the Agreement. The accession of further Range States is expected in the near future.

The Meeting of Parties, which convenes triennially, is the decision-making body of the Agreement. At its third session, the Meeting reviewed progress made and difficulties encountered in addressing these issues and achieving the objectives of the Agreement since the 2nd Meeting of Parties, held in Bonn, Germany in 1997.