

AGREEMENT ON THE CONSERVATION OF SMALL CETACEANS OF THE BALTIC AND NORTH SEAS



ACCORD
SUR LA CONSERVATION DES PETITS CÉTACÉS
DE LA MER BALTIQUE ET DE LA MER DU NORD

ABKOMMEN
ZUR ERHALTUNG DER KLEINWALE
IN DER NORD-UND OSTSEE

СОГЛАШЕНИЕ
ОБ ОХРАНЕ МАЛЫХ КИТОВ
БАЛТИЙСКОГО И СЕВЕРНОГО МОРЕЙ

ADVISORY COMMITTEE MEETING

Cambridge, 8-10 March 1995

Report of the First Meeting of the Advisory Committee

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Concluded under the auspices of the Bonn Convention

Executive Summary - Points for Action

Secretariat / general action:

1. Secretariat to receive National Reports by 31 March 1995, and to provide a summary to Parties and Range States by 30 June 1995. This requires all Parties (and Range States) to supply such reports. Reports are requested in printed version plus WP51 (IBM compatible) or ASCII flat file format on diskette. Summaries and National Reports will be sent to Advisory Committee members and to national co-ordinators.
2. Secretariat to provide a summary of the National Reports to the Scientific Committee of the IWC for consideration by the Small Cetacean Sub-Committee at the May 1995 meeting, Dublin.
3. Secretariat to provide a list of meetings of international bodies for the forthcoming year, where an ASCOBANS observer is desirable, and find a suitable representative from Parties to represent ASCOBANS and report back to the Advisory Committee. The list should be notified to the Advisory Committee member with a copy to the national co-ordinator, if different.
4. Item addressing fishing gear modification to be placed on the agenda for November 1995.
5. Secretariat to compile Range State projects on by-catch from National Reports and projects in other places for November 1995 meeting.
6. Experts on by-catch schemes to be invited to participate at the November 1995 meeting, through Party delegations (advisers) or as individuals. The Secretariat, Committee members and national co-ordinators will judge whom to invite.
7. Report of this meeting to be completed by correspondence. First draft to be circulated by early April. Final draft incorporating comments to be distributed to all by end of April 1995. This final version to be available for reference for the IWC Scientific Committee.
8. Secretariat to approach Finland about membership of ASCOBANS through HELCOM channels of EC-Nature chairman Henning von Nordheim. (Gerhard Adams (Germany) will also contact von Nordheim and endorse the Secretariat's letter.)
9. Secretariat to enquire about the EC's current position on ratification of ASCOBANS, and ask France about their progress on signing.
10. Secretariat to write to each non-Party Range State detailing current estimation, according to UN scale, of individual Party contributions to the Secretariat, if (i) that Range State alone became a Party, and (ii) if all Range States become Parties.
11. Education and promotion matters to be placed on the November 1995 meeting agenda.

Committee Members / Parties:

12. Peter Reijnders and Arne Bjørge will both attend the forthcoming meetings of IWC in Bergen on contaminants in cetaceans (27-29 March 1995) and NAMMCO meeting in Shetland (20-21 April 1995) covering some similar issues. They will report back to the Secretariat on events at these meetings.
13. Peter Reijnders, Arne Bjørge and Secretariat to discuss the need for and possible function of a working group to the Advisory Committee on

pollution after reporting back on the above meetings.

14. UK delegation to approach a suitable consultant, to undertake a review of by-catch and observer schemes. Terms of reference to be defined. Task to be completed by October 1995. This item to be on the agenda for November 1995.
15. Per Berggren to report on the Gulf of Maine pinger deterrent scheme at the November 1995 meeting.
16. Working group to investigate possible safe limits and options for by-catch. Members to include Per Berggren, Arne Bjørge and Mark Tasker. Item to be on the November 1995 meeting agenda. Task for the October 1995 meeting is to arrive at definite quantitative recommendation on matters of "unacceptable levels of take".
17. Martin Steer to compile a list of criteria used by Parties, Conventions and other bodies, etc, for defining "protected areas". Parties should send information to Martin Steer on this matter.
18. Advisory Committee members to request their national co-ordinating authorities to gain information about military activities (re. explosions, etc.) for the November 1995 meeting.
19. ASCOBANS Advisory Committee (through Secretariat and Arne B.) to monitor international progress on the North Atlantic harbour porpoise population structure proposal, and consider ways that ASCOBANS may facilitate a meeting of researchers to discuss results in 1997.
20. Martin Steer to prepare, after consultation with the Irish government, a draft resolution concerning the extension of ASCOBANS area into Irish waters in due time for approval by the Advisory Committee before the second meeting of Parties in 1997.
21. Per Berggren to provide Secretariat with a copy of information on the Baltic survey a.s.a.p.
22. Each Party to consider for November 1995 meeting the following: education and information schemes already in place and working; new media ideas; contacts with relevant experts on public relations; needs of the Agreement for education and promotion; indirect initiatives.
23. Copies of national legislation to be sent to the Secretariat. English summaries (also on diskette in WP51 (IBM compatible) or ASCII format) addressing take, kill and injury to cetaceans, bycatch and strandings should be provided, but all information relevant to ASCOBANS should also be sent. Deadline for submission by Parties is end 1995, but compilation will be before 1997 meeting of Parties.
24. Parties should bring some form of flexible rewording for amending two rules of the Rules of Procedure - namely Rules 13 and 22, for consideration at the November 1995 meeting.
25. Peter Boye will prepare a draft on standards of analysis for the November 1995 meeting.
26. Thierry Jacques will provide a review of strandings schemes and needs for the November 1995 meeting. Members should initially provide information on national schemes to Thierry Jacques, and a.s.a.p.

ASCOBANS Advisory Committee

Report of the meeting 8-10 March 1995, Cambridge

1. Election of chairperson

The Committee elected Peter Reijnders (Netherlands) as Chairman, and UK adviser Mark Tasker as Vice-Chairman. Unfortunately Reijnders had to leave the meeting early and in his absence, Tasker acted as Chairman for the remaining sessions.

2. Appointment of rapporteurs

The Committee appointed Christina Lockyer and Sara Heimlich-Boran of the Secretariat to act as rapporteurs.

3. Admission and status of observers

This item was affected by points in the Rules of Procedure which had yet to be discussed and approved. Discussion on this item was therefore deferred until Agenda item 5: Rules of Procedure.

A list of Committee members, advisers and observers is provided in Annex 1. Mr Dmitri Bondar was only able to attend part of the meeting, and Phil Hammond only attended for the presentation about progress on SCANS.

4. Adoption of agenda

The agenda was adopted (Annex 2) with the following additional points for discussion under "other business" or specific agenda items.

Gerhard Adams requested that the subject of species, habitat group and undisturbed areas be discussed in relation to the activities of the Conference of the North Sea and ASCOBANS Resolution 2 (Annex 4, Report of the First Meeting of Parties, September 1994).

The subject of membership of ASCOBANS in relation to new initiatives to encourage Range States to sign (in addition to Agenda item 11 addressing progress on discussions of extension of the Agreement area to include western UK and Ireland).

Gerhard Adams had a specific enquiry concerning the ASCOBANS budget. It was decided that this should be discussed initially with the Secretariat, and then brought to the Committee's attention if necessary.

The Chairman, Peter Reijnders led discussion as to how the Advisory Committee would work, and it was agreed that work would be shared amongst the Committee members, and tasks be allotted to specific members both during the meeting and between meetings, in order to develop and progress action.

5. Rules of Procedure

Christina Lockyer of the ASCOBANS Secretariat, introduced the draft rules of procedure which had been prepared for the Advisory Committee, explaining the necessity to adopt a formal document at the current meeting. The Committee agreed that, although it is desirable that formal rules of procedure be adopted, the tone of the Advisory Committee meetings should be more flexible and informal, with rules of procedure referred to formally only when necessity arises in matters of dispute or procedural uncertainty.

A number of points were raised in discussion. Firstly, it was recommended and accepted that adoption and revision of the RoP be delayed until later in the meeting in order to see how the Committee was able to function cooperatively. Secondly, it was unclear to some Committee members whether they represented Parties only or could express scientific and other opinions freely according to best judgment. Generally, it was agreed that members were representatives of Parties and Range States, even if individuals expressed their own opinions, and that therefore formal rules of procedure were important. This formality of RoP was also recognized as being important for the future when more Range States become Parties, and more people will be on the Advisory Committee increasing the potential for problems to arise.

A third issue concerned status of observers, particularly from non-governmental organizations. It was considered important that this point be clarified in the RoP during this meeting, so that the situation would be stated for future meetings.

The advisory role of the Committee was emphasised by some members, and

that, in their opinion, the majority view was not necessarily useful; minority views could also be important. Therefore the need for rules on voting might be superfluous, and that matters requiring a vote should be referred to the meetings of Parties. The need for intersessional advice to the Secretariat was also recognized.

The Committee was reminded about the role of co-ordinating authorities, and that somewhere there should be a Party mandate empowering individuals to speak on behalf of country, even during Advisory Committee meetings.

The Secretariat pointed out that the Advisory Committee should help to implement action plans, but pointed out that the Advisory Committee was also charged with an executive role at the Stockholm meeting in 1994 (Annex 4, Resolution 5, Report of the First Meeting of Parties), further necessitating an executive role, and hence formal RoP.

It was suggested that the draft rules be reviewed page-by-page, after the Stockholm meeting Resolution 5 had been studied, in order to find out what the Advisory Group is expected to do, then discuss it.

Rule 1: Delegates

Committee members requested that the Secretariat be instrumental in inviting experts required at meetings. Regarding voting, the Committee was reminded by Olaf Christiani that only the Agreement text is binding, and that even Resolutions are not legally binding. Therefore, the position regarding the precise role and representation of parties at meetings should not present great difficulties in the event of a vote.

Rule 2: Observers

There was discussion on the particular role of non-governmental observers (NGOs). Gerhard Adams referred to the recommendation of the Bonn Convention (Nairobi 1994) which argues that NGOs should be specifically invited by the Committee only if they have expertise relevant to agenda items, and can provide input. Olaf Christiani reminded the Committee that Standing Committees usually do not allow observers. Martin Steer suggested that NGOs could be appointed as advisers to Committee members. Arne Bjørge considered it appropriate that NGOs attend by invitation only, but that not too many be invited to avoid interference with the Advisory Committee's work. The Committee agreed that any NGO applications for observer status should be unanimously approved.

It was agreed that some modifications would be required to the draft RoP, and therefore a working group comprising Martin Steer, Gerhard Adams and Thierry Jacques were appointed to convene and redraft some sections before the Committee next considered the RoP.

In a discussion about the potential role of the Advisory Committee in deciding budgetary matters that might require a vote, Martin Steer requested that budgetary matters be taken up directly with co-ordinating authorities, and that present wording should be left as is in the RoP, and not refer to budget.

Subsequently the RoP were again considered on the last day of the meeting, and approved as amended (Annex 3). Reservations were made by Thierry Jacques and Gerhard Adams, in that they wished certain points in the RoP to be reconsidered again at the next meeting of the Advisory Committee. For the present however, the RoP were as adopted with the deletion of draft Rule 22 which addressed how to handle amendments to the RoP. Rule 12 (Annex 3) would be reconsidered at the November '95 meeting, together with the competence of the Advisory Committee in dealing with budgetary matters and voting. It was agreed that Committee members would consult with their co-ordinating authorities before November '95 and bring any amendments up at this time.

6. Documentation submitted to the meeting

A number of documents were available for consideration by the Advisory Committee, including the agenda, draft Rules of Procedure, the Stockholm Report of the First Meeting of Parties, CMS/ASCOBANS/1/RP.1, Preliminary report on the distribution and abundance of harbour porpoises and other small cetaceans in the North Sea and adjacent waters by P. Hammond et al, Seismic Testing Guidelines, prepared by the UK DOE. The Committee agreed that dates should be placed on all papers, especially working papers that have a limited life. This would facilitate sorting out documents that had been superseded.

7. Consideration of Resolution 5 (Committee function) Annex 4 of the Report of the First Meeting of Parties, September 1994

It is clear that the Advisory Committee has functions both of a scientific advisory and also executive nature. Gerhard Adams considered that guidance should be provided to the Secretariat, and Christina Lockyer responded on the needs of the Secretariat. Apart from the role of advising on the implementation of action plans (Resolution 2), ASCOBANS Advisory Committee would need to input information to other organizations e.g. IWC, ICES, etc., executive matters relating to budget issues, new Parties, approval of observers, information to the media and other unforeseen matters that might arise intersessionally between Meetings of Parties. These would all have to be dealt with by the Advisory Committee, and advice given to the Secretariat.

National reports: The Chairman Peter Reijnders noted that the Secretariat's task would be made easier by the prompt completion and submission of National Reports by March 31, 1995 so that summaries could be completed by the Secretariat by 30 June and subsequently distributed to co-ordinating authorities and members. The Advisory Committee should consider the Secretariat's summary report on the National Reports at its meetings. Information supplied to organizations such as the IWC and ICES should be based on such National Reports. Olaf Christiani suggested that a work plan be drawn up for the Secretariat for the following year.

The Advisory Committee provided several recommendations as follows.

1. Regarding exchange of information with other bodies, ASCOBANS should be represented as observer at most relevant international meetings. The Secretariat should have the duty to find a suitable person to attend such meetings, especially if unable to attend in person. The significance of information exchange on activities would minimise overlap of action, and would help to co-ordinate any action with other organizations where required. Any information derived from attending such meetings should be reported to Advisory Committee members, but also copied (marked "for information") to Coordinating Authorities.

2. Working groups to address specific topics should be decided at Advisory Committee meetings, but could operate by correspondence or during meetings.

3. National Reports are required annually, so that the Secretariat's summary would be produced annually. However, in the third year a summary for all years would be produced. Information in these reports would be important for Agenda Item 8 (Consideration of Resolution 5, Annex 4 of the Report of the First Meeting of Parties, September 1994).

8. Consideration of Resolution 2 Annex 4 of the Report of the First Meeting of Parties, September 1994

I. *Reduction of Pollution:*

1. Three international meetings were drawn to the attention of the Committee: IWC meeting in Bergen, Norway, 27-29 March '95

NAMMCO meeting in Lerwick, Shetland, 20-21 April '95

ICES study group meeting, Cambridge, December '95.

The Advisory Committee were informed that two persons (Arne Bjørge and Peter Reijnders) would attend the IWC workshop, and could report back to ASCOBANS. Also, Peter Reijnders, Arne Bjørge and Christina Lockyer all planned to attend the NAMMCO meeting. It was understood that the IWC meeting would devote time to "exotic" and new contaminants, although the agenda was not available at this time.

2. The Advisory Committee considered the possibility of establishing a working group to assess pollution matters, that could meet intersessionally. The role would be to inform the main Advisory Committee so that ASCOBANS could report directly back to governments on action required. Establishment of such a working group might have budgetary implications. Reijnders, Bjørge and Lockyer advised that it would be wiser to assess the need for such a group after the IWC, NAMMCO and ICES meetings this year.

3. At this point, Olaf Christiani reminded the Committee that the North Sea Conference will have discussions in June 1995. It is important for ASCOBANS to be involved with organizations such as HELCOM on these matters.

4. Attention was drawn to the report prepared by the European Cetacean

Society workshop held in Leiden in 1993. This detailed regimes for autopsies and tissues collection, and the Advisory Committee might wish to endorse the use of this document. However, further attention would be paid this matter before 1996.

II. (i) *Reduction of direct interactions with fisheries*

5. and 6. National Reports should contain information about by-catches, and there was discussion among members about the content of the reports, and mention of important points to be noted. The following summarises work on fishery interactions by the Range States represented at the meeting.

Denmark: Olaf Christiani reported that observer schemes on by-catch are to be encouraged and continued. The schemes are operated by DIFTA, and the budget for the next 3 years has been set at Dkr 2 million. The schemes cover all Danish fisheries except Fyke net (traps), and include recording of all non-target species, e.g. birds, cetaceans. In the initial by-catch report (Vinther, 1994) the decision was taken to continue the observer scheme in 1994. However, the greatest problem in implementation is the liaison and relationships with fishermen.

Poland: Krzysztof Skóra reported that there are few porpoises on the coast, and that therefore they are regarded as "exotic". The aim is for good co-operation with fishermen in respect of potential by-catch and sighting reporting. The media reports are helpful in promoting co-operation with researchers, and provide good information and discuss the presence of porpoise as a sign of "good water quality", etc. in the Baltic. Newspapers refer to harbour porpoise as "Baltic dolphins", and many articles appear in the press with instructions to fishermen to a) release live animals or retrieve carcasses and send them to the Hel Marine Station, Gdansk. The initial need is to get information about porpoise distribution and incidents before attempting to introduce the idea of reducing by-catch.

Poland needs action (under HELCOM) to create six protected areas in the Gulf of Gdansk (most porpoises are in this area). Between 80-90% of Polish harbour porpoises are taken in salmon nets. Harbour porpoises and grey seals are now presented as tourist attractions. This is encouraged as an alternative source of income for many fishermen who are now out of a job because of the implementation of protected areas. There are two main kinds of salmon nets: 1) long drifting nets in the open sea, resulting in few by-catches; 2) short nets with only one corner anchored, that move with the tide. Statistics are now available for the numbers of such nets in operation, especially in the Gulf of Gdansk. These latter types catch many porpoises compared to the drift nets. In addition there are a few porpoises caught in cod bottom nets, but these present less of a problem. During the 1920's and 1930's, 100-200 harbour porpoises were caught every year but now only 5-7 per year are recorded in the Gulf of Gdansk.

Belgium: Thierry Jacques reported that very few porpoises are caught at all. The only evidence is from strandings. All the Belgian fleet comprise bottom-trawlers and shrimpers. A survey is planned for recording by-catch, not by having observers on board, but by personal contact with fishermen. Sportsfishermen sometimes operate illegal driftnets, and a number of such incidences were reported in 1994 resulting in confiscation of gear by fisheries control. Regulations on the sport fishery may change as a result of investigations (two specimens have been by-caught to date). New legislation may request the delivery of by-catch but also require a report while still at sea. Fishermen trust few outside the industry, but on balance trust researchers more than most. There are no set nets off Belgium. This is known because of licensing procedures.

Norway: Arne Bjørge stated that by-catches of marine mammals are known to occur in several coastal fisheries in Norway. By-catch statistics are available on particular occasions when fishermen may claim compensation for damage to gill nets caused by marine mammals, e.g. during periods of anomalous mass migrations of harp seals into coastal waters of North Norway. Information is also available from individual research projects collecting by-caught animals for biological studies, e.g. by-catches of harbour porpoises in the drift net fishery for salmon. During half the drift net fishing season in 1988

a total of 96 porpoises was recorded as by-catch. This particular fishery was closed after the 1988 season in order to reduce the fishing mortality on mixed stocks of wild salmon. Coastal bottom set net fisheries were also examined, but porpoises seem to be less vulnerable in these fisheries, probably due to the topography of Norwegian coastal waters. Bjørge concluded that there are no complete statistics for by-catch of marine mammals in Norway, and there is at present no observer scheme or mandatory reporting system for obtaining such statistics.

Sweden: Per Berggren reported that porpoises are found in the Skagerrak and Kattegat seas and occasionally in the Baltic Sea. By-catches are reported year-round in all areas with a peak during the spring months. Currently by-catches should be reported to the Swedish Environmental Protection Agency. Only animals by-caught in the Baltic Sea are regularly collected. A voluntary reporting scheme for by-catches and strandings whereby fishermen were paid £12 per animal was operating between June 1988 and December 1991. Every year, 150 animals (60% known by-catch and 40% strandings which often were caused through by-catch) were collected during this time period. Most by-catches were taken in bottom set gill-nets (for cod) in the Skagerrak and Kattegat seas. Some by-catches were also recorded in drift nets (for salmon in the Baltic Sea and mackerel in the Skagerrak and Kattegat seas). From March through May 1995, observers will operate full-time in the Skagerrak area on gill-netters. There are 21 licensed gill-netters in the area and 20 have agreed to take out observers and retrieve carcasses. The overall cost amounts to approximately £20,000. The system works by operating a random draw each week as to which vessel carries the observer.

There is currently a co-operative proposal with the EC involving the United Kingdom, Sweden and Denmark submitted concerning by-catch. This proposal plans a project to commence in 1996, and will operate observers, record and retrieve by-catch, and utilise material and data from these specimens.

The Advisory Committee could aim to recommend sampling procedures for observers. In this regard, the Gulf of Maine by-catch recording programmes were mentioned. The Committee discussed the possible establishment of a working group to address by-catch issues.

Germany: Peter Boye reported that exact statistics for by-catches are not known. In the Baltic there are standing nets. In the North Sea there are two ships. There is no dumping of catch allowed, therefore by-catches are dumped to make room for the target catch. Compensation is provided for fishermen who bring in cetacean carcasses. There is a new project supervised by the Fisheries Department and Ministry of Agriculture and Forestry that will involve a one-year study of by-catches in the North Sea. It will investigate numbers caught in drift net fisheries, and assess the accuracy of statistics coming from the current reporting scheme. The project requires cooperation with fishermen but aims ultimately to reduce by-catches. In this fisheries programme which is only for the North Sea, there is methodological study alongside an actual practical scheme of observers on board vessels.

United Kingdom: Martin Steer presented information about a voluntary reporting scheme which was introduced by the Ministry of Agriculture, Fisheries and Food (MAFF) three to four years ago. It has been admitted that the scheme failed for a variety of reasons including poor promotion and advertisement. The National Federation of Fishermen's Organisation (NFFO) contacted the government indicating co-operation on a reporting scheme that would involve research. At the present there is no by-catch national reporting scheme. There has been a voluntary reporting scheme in the southwest of England during 1993-1994, which included all fisheries and all species. Results indicated problems with by-catch of porpoises, but alienated fishermen. Bottom-set gill nets were revealed as really the biggest problem.

Netherlands: Peter Reijnders informed the Committee that there was no clear documentation or investigation on by-catches in the Netherlands. One observer has been placed on trawlers in the Irish Sea. In 1994 until October, 49 dolphins were landed, comprising predominantly (85%) white-sided dolphins. It was seen to be important to develop good relations with fishermen. Once such contacts were established, they stimulated colleagues who requested posters

providing pictures of cetacean species. The plan at the moment is to modify the existing observer scheme for implementation in the North Sea. Fishermen are now more favourably disposed to such schemes than previously. A certain proportion of stranded animals originate as by-catch according to pathological investigations. In at least 20% of all stranded harbour porpoises, drowning in nets was the presumed cause of death.

Discussion followed these presentations. Arne Bjørge raised the following points:

1. Are there observers planned for the Baltic salmon fishery in Sweden?
2. Is the recommendation that independent observer schemes are best, but that local national (Range State) schemes be developed and encouraged as appropriate?
3. Should national law be brought into line with requests of ASCOBANS?
4. Would a working group be desirable to organise a sample programme of observers in fisheries and design for efficiency of reporting?

Per Berggren suggested that a "model reporting scheme" could be helpful in determining what could be achieved with "x" observers? What would be the outcome if only certain fisheries were targeted? The Advisory Committee agreed that a group comprising Per Berggren, Arne Bjørge and Olaf Christiani would be set up during this meeting to identify which fisheries pose greatest risk to small cetaceans and suggest a scheme for these fisheries. Their report would be prepared for discussion before the end of the meeting.

Christina Lockyer reminded the Committee of the reference to by-catch reporting and observer schemes in the Report of the Scientific Committee of the IWC (Annex G), Puerto Vallarta, 1994. This referred to four paragraphs of recommendations which encouraged co-operation through ASCOBANS and action via their Advisory Committee and Working Groups.

Olaf Christiani reported back to the Committee on the work of the three-person working group (Annex 4). There are four aspects of independent observer schemes (IWC Scientific Committee; IWC Resolutions: ICES Study Group) for reference in ASCOBANS recommendations. Regarding the design of schemes, variations in fisheries, such as areas of operation, season, fishing practices (duration of trip), the way the fishery is conducted (net length, type, soak time, depth set), are all important for consideration. Schemes which could be studied include those in the Gulf of Maine, Sweden (Skagerrak), Celtic Shelf, Denmark. Collaboration with the fishing industry and organizations is essential.

The way the scheme is presented to fishermen is very important. It is vital to discover better ways to introduce schemes for reducing by-catch to find out why, where, numbers, etc. There will be a need for observers to record information. This requires the participation of fishermen. There can be no secrecy, reasons must be explained, and data kept confidential. It should be explained that by-catch data can be used to assist fishermen and make their operations more efficient. Information concerning the importance of schemes should be put out in the press.

The Committee had discussion on whether or not by-catch reduces the profit of fishermen, if it causes both inconvenience and inefficiency, and whether individuals might prepare a report on these matters. Arne Bjørge reminded members that the Stockholm Meeting Report asked the Advisory Committee to 1) get observer schemes started, and 2) to improve existing schemes. Bjørge suggested that ASCOBANS should approach ICES to get information relating to observer schemes and related matters. He also expressed the opinion that by-catches do influence fishing efficiency, and cause economic loss in passive gear. The fishermen may therefore be interested in measures to reduce by-catches.

Mark Tasker suggested that the UK might commission an expert, for example Simon Northridge, on behalf of the Advisory Committee, to do a review of these matters, and thought that that it would not be constructive to go back to ICES. Tasker also noted that the Scottish observer scheme which operated using a random sample over the past several years, had recorded few cetaceans because the fishery is a trawl operation. Peter Reijnders asked for guidance on the terms of reference for Simon Northridge or another who might be commissioned. The Committee wished the review to be completed by October 1995 before the next Advisory Committee meeting. Arne Bjørge requested that the IWC Special Issue on bycatch and fisheries should be consulted before the terms of reference are drawn up. The Committee requested the ASCOBANS Secretariat to send a letter to ICES and talk to John Harwood about the

correct channels to use in ICES about by-catch-related matters.

Martin Steer noted that it was important for observers to be "seen" to observe all types of fisheries, because singling out particular operations may "victimise" fisheries. In the light of these discussions and the agreement to commission a review, the following suggestions were made for action in preparation for a possible November '95 meeting of the Advisory Committee:

1) Move several items to the agenda:

- By-catch report (Northridge); should involve ICES in analysis in terms of reference
- Gear modification: suggest that the Secretariat compiles projects on bycatches from National Reports and elsewhere for November 1995.
- Report on Gulf of Maine schemes

2) Experts with bycatch expertise should be present at the November 1995 meeting.

The Committee agreed that if Simon Northridge (UK) was unavailable to prepare a review for ASCOBANS, then Morten Vinther (Denmark) would be suitable for the by-catch reporting scheme contract. The terms of reference for this contract would be as follows:

to evaluate previous and ongoing independent observer schemes with respect to:

- o methods and proper statistical design;
- o co-operation with fishery organisations;
- o cost effectiveness;
- o recommendations to ICES;

with a view to producing guidelines on best practice for establishing and conducting independent observer schemes to be presented at the November '95 meeting of the ASCOBANS Advisory Committee.

7. Arne Bjørge suggested that ASCOBANS might consult with fish capture research institutes to make use of their expertise regarding fishery gear modifications necessary to minimise by-catch.

8., 9. and 10. The need to determine "unacceptable levels of interaction" in the fishery should wait until the final SCANS report. A figure of 2% by-catch of population has been suggested in USA/Canadian research. However, population parameters and fecundity are required in order to assess the true percentage of take which is acceptable. The Gulf of Maine studies produced a model which gives a range of safe estimates and also gives likely errors in variables' input. Models can help target particular variables which require further research and definition.

Arne Bjørge informed the Committee that the IWC will address harbour porpoises at the May 1995 meeting in Dublin, when the Scientific Committee may provide new information on population structure, population size, by-catch levels, and biologically "acceptable levels" of take. Mark Tasker considered that one could assume a population sub-structure and assume the worst possible impact in terms of by-catch, in which case the population structure is not of primary importance. However Bjørge and Lockyer stated that ultimately, for best management, a knowledge of population structure is very important. Meanwhile certain assumptions might be made, allowing for caution.

Peter Reijnders referred to point 8. of Resolution 2 (p.29 of Stockholm Meeting Report), and requested that at least two persons be appointed to investigate possible safe limits and options for by-catches. Historic perspectives such as original population levels and distribution were important but are unlikely to be discovered. A working group comprising Per Berggren, Arne Bjørge and Mark Tasker would address this matter. The item would be placed on the agenda for the next November '95 meeting of the Advisory Committee. The work would encompass recommendations that would assist the Advisory Committee to satisfy points 8. and 9. of Resolution 2 (p.29 of the Stockholm Meeting Report). Definitive quantitative recommendations would be required on current knowledge of population size, unacceptable levels of take, and the form of words would be critical. There followed diverse discussion about priorities and statements, and Martin Steer noted that government Administrations need some guidelines based on preliminary results in order to get Ministerial backing for implementation.

II (ii) *Reduction of indirect interactions with fisheries:*

11. The Advisory Committee agreed that nothing constructive could be

said on this matter as yet.

III (i) *Reduction of disturbance:*

12. A number of types of disturbance were considered.

Seismic testing Martin Steer introduced the United Kingdom DOE Seismic guidelines document, with a history of its development, status, and need for future review to the Advisory Committee. The document which is now public, addresses the use of air gun arrays. These guidelines are available for use by other Parties, and may be obtained from the UK DOE. Feedback from Parties and Range States would be useful. Small cetaceans generally use higher frequencies than air guns, etc. Ship engine noise is potentially more of a problem. The guidelines do not address similar problems with large baleen whales, which use lower frequencies.

Arne Bjørge mentioned the compilation of on-going research on seismic testing, and noted that Sweden, Norway and the UK currently have a research plan to observe small cetacean behaviour in relation to seismic activity.

Sara Heimlich-Boran reminded the Committee about the Heard Island acoustic experiments, and suggested that useful data might be available from the USA. Peter Boye noted that there were two publications on acoustic disturbance available: 1) a publication "Low Frequency Sound and Marine Mammals - current knowledge and research needs", 1994, National Academy Press, Washington; 2) report of work in the Netherlands on North Sea Ferry disturbance.

Military seismic disturbance Martin Steer mentioned that enquiries had been addressed to the UK Ministry of Defense (MOD) concerning any existing guidelines for military explosions. Committee members considered that input might be relevant to the North Sea Conference. The Royal Navy and Belgian Navy are currently exploding old ammunition in the southern North Sea, which is permitted under the Oslo Convention (now OSPARCOM).

Krzysztof Skóra suggested that a comparison of areas where there was military exposure with those without any could be instructive. However, surveys in "exposed" areas might be very difficult or even impossible.

The Committee requested that ASCOBANS Coordinating Authorities be asked for information about military activity which might disturb cetaceans and for suggestions to reduce such disturbance before the next Advisory Committee meeting in 1995, in the hopes that some information may become available.

Whale watching guidelines

Martin Steer informed the Committee that the UK was in the process of producing guidelines relating to whale watching, but these would not be legally binding. The IWC have compiled guidelines on these matters.

There was discussion about the disturbance of boat traffic and Per Berggren noted that both drilling and boat traffic could be potential problems. Mark Tasker pointed out that Peter Evans' work in the Shetland Islands had shown that some boats produced disturbance of harbour porpoise (avoidance behaviour) e.g. large ferries, while local ferries did not. Porpoises appear to detect and deviate 1.5 km from the source, probably the noise signal. Also, Paul Thompson's work in the Moray Firth recorded most disturbance of small cetaceans from whale-watching boats.

Olaf Christiani questioned the definition of "disturbance", and the temporariness or permanence of it. Per Berggren suggested that however temporary, possibly the biggest threat from disturbance is to females and accompanying calves.

III (ii) *Reduction of indirect disturbance:*

13. Information for designating protected areas might be gained from National Reports, from reports of the North Sea Conference and the EC Habitats and Species Directive. Gerhard Adams mentioned that the North Sea Conference designated protected and undisturbed areas and that some involvement of OSPARCOM might be helpful.

Arne Bjørge noted that both Norway and Sweden have a network of protected areas for seals. Perhaps there is some information about the outcome of this programme. The United Kingdom has no similar areas although these will be designated under the EC Habitats and Species Directive. Norway is currently working on criteria for selecting marine areas for protection, but these are mainly focusing on benthic communities.

Martin Steer agreed to compile a list of criteria used for defining "protected areas" by Parties, Conventions, etc. for the Advisory Committee.

IV Monitoring, status and population studies:

8.1 Results from SCANS and future plans (Points 15. and 18. of Resolution 2)

Phil Hammond was invited to give a presentation on the preliminary results from the SCANS survey, which was supported by a working document. The results were emphasised as preliminary because the final report had not yet been submitted to the EC, and therefore results are not given here.

Per Berggren mentioned some "spin-offs" from SCANS, which included a Swedish aerial survey in the Baltic in 1995, using unspent air time from SCANS '94. Sweden and Germany would top up existing funds to achieve this, and Denmark might also contribute. The most cost-effective way to conduct this survey would be to operate this summer 1995. Area "K" in Figure 1 of the SCANS preliminary report will be extended to include all Baltic States. Per Berggren agreed to send the proposal for the survey to ASCOBANS for inclusion in the report (Annex 5).

Arne Bjørge referred to the large scale international sighting survey conducted in the North Atlantic in 1989 (NASS89) and the present plans for a new survey in 1995. These surveys may be repeated every 5 years (as per IWC recommendations). Bjørge underlined the importance of co-ordination between any future SCANS surveys and surveys in the Northeast Atlantic outside the SCANS area in order to increase simultaneous geographical coverage.

The Advisory Committee endorsed such co-ordination whilst recognizing certain problems with regard to differences in target species and survey design. ASCOBANS should liaise with countries involved in organizing subsequent surveys in the North Sea and North Atlantic regions.

Recognizing earlier discussion on by-catch and "unacceptable levels of take", the Advisory Committee considered the preliminary results of SCANS, results of some by-catch recording schemes, and considered briefly factors needed to assess the impact of by-catches on affected populations. The Committee therefore expresses considerable concern at reported by-catch levels of harbour porpoises in the bottom-set net fisheries for cod and turbot in the eastern and central North Sea, and the bottom-set net fishery for hake in the Celtic Sea. The Committee encourages relevant Parties to conduct further research on these by-catches and urges introduction of measures to minimise such by-catches. Given the similar nature of these fisheries, the Committee identifies bottom set-net fisheries as a priority for investigation of by-catch levels.

8.2 Implementation of CMS/ASCOBANS/1/RP.1 (Point 14. of Resolution 2)

Christina Lockyer and Arne Bjørge provided a summary of the harbour porpoise population structure programme proposal. The Committee was informed that the IWC had received some funds (via USA) to support this research. Norway had available 130 samples for examination under this programme, and desired contact with Poland, Russia, Iceland and N. America for sample exchanges. The possible movement of animals between the Baltic and North seas would be investigated in a collaborative United Kingdom and Denmark project which would encompass exchange of genetic information as well as other materials and information.

The Committee heard that funding was required for certain research projects. So far Norwegian and USA money was available for contaminant studies. EU funding could be ideal for genetics studies in population structure.

In Germany DNA and contaminant studies were going ahead (Harald Benke at Kiel). These results will be available in the future. Lockyer noted the relative importance of genetics but emphasised other approaches as defined in CMS/ASCOBANS/1/RP.1. Per Berggren stated that the Baltic porpoises are the most threatened.

Lockyer mentioned that the Report of the Advisory Committee should note the central importance of population structure to the by-catch issue. The Committee should consider the framework which is vital to the work of ASCOBANS, then endorse the framework and individual research proposals that would forward this aim. Lockyer reminded the Committee of the endorsement of the population structure programme by ICES, IWC and ASCOBANS (at the Stockholm Meeting of Parties). A priority should be to encourage Parties and Range

States to collaborate for EU funding. It was suggested that the Secretariat and authors of the main programme review proposals addressing population structure.

ASCOBANS (through the Secretariat and Arne Bjørge) will monitor progress on this matter and look towards ways to facilitate a meeting in 1997 to collate data and results of researches.

16. and 17. Life history and biology Per Berggren mentioned an investigation of porpoise migration patterns between Germany and Denmark. Time/depth recorders (TDR) and satellite tags would be required to track movements, and it was planned that this study should go ahead. The IWC's Small Cetacean sub-committee would be focusing only on harbour porpoises in May 1995.

18. SCANS and Extension There has been some discussion on this point earlier (agenda item 8.1). In terms of investment, an extension of the SCANS survey to include the Celtic Shelf and southwest British Isles, would cost about a quarter of the full SCANS programme. Only two countries (UK and Ireland) would be involved. If seabirds are included in the survey, the UK Joint Nature Conservation Council (JNCC) may also contribute funding.

Phil Hammond, the SCANS co-ordinator, stated that the primary goal of SCANS is small cetacean abundance. Olaf Christiani mentioned that other analyses e.g. distribution, especially in relation to fish species, bird abundance, water temperature, depth, etc. could also be done, but these would be secondary. The SCANS 1994 data will be openly available once abundance is published.

SCANS 1994 collaboration included "Seabirds At Sea" observers on board for independent bird and cetacean counts (i.e. conducting observations as per their normal methodology). International Fund for Animal Welfare (IFAW) conducted passive acoustic survey data collection on at least six vessels, and these data are now being analysed. Poland has expressed interest in the possible use of acoustic surveys.

19. Databases The Committee had discussion on the types of data to be collated. Any listing should include species, date, location, sex and length. Additional biological information is desirable, but may present a property ownership problem.

Thierry Jacques stated that Belgium has only 60km of coastline, and that private groups have a stranding network, presenting a question of how to proceed with creating a common database where ownership of data would be clear.

For guidance, Olaf Christiani referred the Committee to information on this matter presented in the *Ad Hoc* Advisory Committee Report from June 1994. Meanwhile, Martin Steer agreed to send notes to the Secretariat and others in the Committee on existing strandings schemes.

The Advisory Committee agreed to place this matter on the agenda for their next November '95 meeting.

V. Education and Promotion

20. Peter Boye informed the Committee that in Germany public relations work includes Worldwide Fund for Nature (WWF) publications and data on strandings. A programme targeting coastal dwellers and fishermen has just started in Germany.

Arne Bjørge referred to paragraphs 3 and 5 in the Annex of the ASCOBANS Agreement on information to fishermen to promote reporting and landing of by-caught cetaceans for research under the Agreement, and the paradox of the illegality of cetacean by-catch landings in some ASCOBANS member nations. The Committee agreed that this dilemma needs to be addressed nationally, in order to ensure further co-operation from fishermen.

In Poland, Skóra mentioned that local education is needed because people know more about exotics (from films, media, etc.) than indigenous species.

The Committee considered that non-Governmental Organizations (NGOs) could be involved in public education programmes. Sara Heimlich-Boran suggested that fishermen's organizations might also be helpful in distributing information.

It was agreed that external advice was needed and that the following points might be looked into:

- 1) WWF educational plans and possible collaboration
- 2) Media Natura (UK Media promotional experts) work part-time on environmental and human rights issues at competitive rates (suggested by Tasker).

Thierry Jacques considered the following items in preparing promotional material:

- 1) Targets of educational programmes (fishermen, etc).
2. Content (ASCOBANS is too new to know exactly what it should give)
3. Channels for communication
4. Form of promotion taken depends on content.

The Committee agreed that ideas could be consolidated in National Reports, and the Secretariat might pick out relevant information in the summary. The entire item would be put on the agenda for November '95, and meantime, each Party should list ideas for the next meeting, including what is already in place and working, and also talk to relevant experts. Members drew attention to the fact that existing initiatives were not recognized in the media.

VI. Administrative

21. This matter would be deferred until the next November '95 meeting or even '96. The Committee agreed that it would be highly advantageous to submit National Reports both in printed form and in WP5.1 or ASCII file format on 3.25" (or 5.25") IBM-compatible diskette. This would facilitate compilation of summaries by the Secretariat.

22. The Committee agreed that Parties and Range States should send a summary and explanation of national legislation relating to intentions *vis a vis* on small cetacean kill, injury, by-catch and any other relevant topics. The Committee noted that the Bonn Convention had recently made a similar request for information on national legislation. The summary should present a simple summary in English, so that a compilation could be made by the Secretariat.

Arne Bjørge stated that legislation is important for co-ordination between neighbouring States. The Committee members queried whether or not the actual documents of legislation should be sent to the Secretariat. Initially only those dealing directly with kill, injury and by-catch should be submitted, but an English summary is essential and should accompany documentation - suggested length of half-page of A4 and in WP5.1 or ASCII file on diskette.

Compilation and an inventory may be useful *per se* as information, but it would be helpful to see how these meet the needs of the Agreement and what progress can be made. Such compilations could be helpful for new Parties seeking to formulate new legislation. Dmitri Bondar, speaking for the Russian Federation, mentioned that this would be important for developing new legislation in his country.

Parties and Range States should send in the required information by the end of 1995. The deadline for final compilation might be before the Advisory Committee meets in 1996. Subsequently, revisions, amendments and new legislation could be notified through National Reports.

IBSFC: Skóra informed the Committee about new legislation in Poland to report small cetaceans as well as other species recorded as by-catch through the International Baltic Sea Fisheries Commission (IBSFC).

9. Appendix 2 (also under agenda item 10)

The Committee agreed that certain items would be picked out from the list as not all items had priority at this time.

I. 1.1 Christina Lockyer raised the topic of tissue banks, and this item is discussed more fully below under point 10., but is also relevant to IV. 6.1
 I. 1.2 Peter Boye requested that standard collection procedures should be collated and followed. Olaf Christiani and Krzysztof Skóra agreed that procedures need collating and that this has to be done before data and tissue banks can be gained. The ECS procedure (Leiden workshop) was again referred to here. Peter Boye stated that he would prepare a draft on this matter (with Harald Benke) for the next November '95 meeting of the Advisory Committee.

IV. 6.1 The Committee agreed to develop recommendations for handling stranded animals, live and dead. Martin Steer mentioned that the UK can offer guidance; and also provide information on the MAFF brucellosis work, as background

information on precautions to take in handling animals.

Lockyer said that the Secretariat would contact Australian and New Zealand IWC resources to learn about their methods of dealing with strandings.

Peter Reijnders provided information from the Netherlands about strandings networks.

V. Publicity and availability of sightings data: training techniques were now available as a result of the SCANS aerial survey, and could be used in preparations for future surveys.

VI. Thierry Jacques agreed to prepare a report on strandings procedures with consideration of existing and new needs, for the next November '95 meeting.

10. International Exchange of samples

Per Berggren informed the Committee that Stockholm University has a tissue bank. All information on animals collected by museums since 1876 is publicly available. More recent specimens are frozen from whole animals, including porpoise skin, muscle, blubber, kidneys, and liver, and stored. These could be available for international use.

Christina Lockyer reported that Harry Ross (Veterinary Investigation Centre, Inverness) has tissue samples with brucellosis available, possibly for international use.

Peter Boye reported that the University of Kiel has samples from 1990, also available for international use. A general tissue bank exists in Berlin, but cetaceans are not included.

Arne Bjørge reported that a small bank of frozen harbour porpoise tissues is kept at the Norwegian Institute for Nature Research (130 porpoises collected since 1988), and samples are available for national and international use. Similar tissue banks for other species may be available at other research institutions. However, there is at present no central tissue bank for marine mammal tissue.

Peter Boye drew attention to skeletal collections world-wide that could also be considered to represent a tissue bank, for certain types of analysis. The National Museum of Scotland, Edinburgh (Andrew Kitchener) has skull collections from harbour porpoise and other cetacean species.

Olaf Christiani reported that Danish museums (mainly in Copenhagen) have kept skulls for decades and samples of strandings since the 1980's. The Advisory Committee recommend that after the November '95 meeting the Secretariat will compile a list of the international data/tissue banks; writing to individuals and completing the task for 1997; the situation would be reconsidered in the November '95 meeting.

11. Progress on discussion of extension of the Agreement area

The ultimate aim would be for an Amendment to the Agreement or a Resolution to be available for consideration at the second meeting of Parties in 1997. This would require negotiation between the UK and Ireland (through Irish minister Michael Canny). Arne Bjørge reminded the Committee of the whale sanctuary around Ireland, and noted that management measures are not yet in place.

Olaf Christiani mentioned the possible complications of migrant species west of Ireland, inferring links with France, Spain and Portugal.

Tasker noted that regarding other areas for inclusion under ASCOBANS, the Isle of Man and the Channel Islands supported ASCOBANS in principle but have not signed the Agreement. There is a 12-mile territorial limit around these islands, which theoretically means that small areas within the main ASCOBANS area could currently be excluded in the Channel, while the Isle of Man would have to be consulted in extension of the area towards Ireland.

ASCOBANS 'membership' and business: Current status and membership of Range States was reviewed.

France stated at the Stockholm Meeting in 1994 that they would sign the Agreement in Spring '95, ratify this year, and be Party in 1997.

Poland intended to sign in October '95, at the Sofia Conference. It will give an announcement to sign at this time, acceding to the Bonn, ASCOBANS and Berne Conventions. The Advisory Committee welcomed this news and that Poland will hopefully be a Party to ASCOBANS by 1997 for the second Meeting of Parties.

Norway had no news on future signing and ratification, but noted that ASCOBANS covers significant Norwegian coastal and North Sea waters south of 62°N, and that ASCOBANS is the only organization dealing directly with small cetacean conservation in these areas. Norway reiterated its desire to co-operate with ASCOBANS on the scientific level (e.g. exchange of information, National Reports, collaborative projects, etc.). The Advisory Committee expressed their gratitude for Norway's interest, but hoped that they would sign in due course. Arne Bjørge expressed appreciation of involvement with the Advisory Committee, despite the fact that Norway is not a member, and assured the Committee of continued interest by Norway.

Finland had expressed no clear intention about signing, and Skóra had contact with authorities in Tallinn, also via Henning von Nordheim (HELCOM). The Committee requested that the Secretariat approach Finland through HELCOM, enquiring about their position. Gerhard Adams offered to contact von Nordheim with regard to this matter.

The Committee requested a letter to be sent to the EC enquiring about their delay in ratification.

On the matter of Range States joining, Martin Steer suggested that a letter be sent to individual States setting out the contributions for each country if all signed. This would be related to the current UN scale. The Secretariat agreed to do this.

12. Other business

Olaf Christiani requested guidance on the use of the preliminary results from SCANS vis a vis the media and press. This was considered a sensitive matter, but that any mention of results to the media before the publication of the final results, must indicate that they are preliminary and will be updated at the May 1995 IWC meeting in Dublin.

Martin Steer asked about the possible location of the next Meeting of Parties in 1997. There was no new information, but the timing is likely to be during the last quarter of 1997. Gerhard Adams mentioned that Germany is considering acting as host, but as yet nothing has been decided.

13. Date and venue of next meeting

The Committee decided on a 3-day meeting, to commence mid-day or early morning on the first day. The most favourable dates for all members were 11-13 October 1995. (This has subsequently had to be altered to 29 November - 1 December 1995, immediately preceding the ICES marine mammal study group meeting to be held in Cambridge.) The potential venues considered included Netherlands and UK, with options of Bristol, London and Cambridge. Most members favoured Cambridge at the British Antarctic Survey.

14. Close of meeting

Before the close of the meeting, it was agreed that the Report of the Advisory Committee March 1994 meeting should be completed by correspondence and the draft circulated for comments by late March. The final version would hopefully be ready before the end of April, before the IWC Scientific Committee meeting in May. In any event, the Secretariat would be present at this meeting and could report on main decisions.

The Chairman thanked all members for their efforts during the meeting, and the meeting was closed.

Annex 1	List of attendees
Annex 2	Agenda
Annex 3	Rules of Procedure
Annex 4	By-catch working group report
Annex 5	Harbour porpoise abundance survey of the Baltic Sea.

ASCOBANS Advisory Committee

List of Participants

Belgium:

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Support

ASCOBANS Advisory Committee meeting, 8-10 March 1995, Cambridge

AGENDA

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1. Election of chairperson (for both meeting and of the Committee until end 1997)
 2. Appointment of rapporteur(s)
 3. Admission and status of observers (non-Party Range States)
 4. Adoption of agenda
 5. Rules of Procedure for the Advisory Committee
 6. Documentation submitted to the meeting
 7. Consideration of Resolution 5, Annex 4 of the Report of the First Meeting of Parties, September 1994; function of the Advisory Committee
 8. Consideration of Resolution 2, Annex 4 of the Report of the First Meeting of Parties, September 1994
 - 8.1 Results from SCANS and future plans
 - 8.2 Implementation of CMS/ASCOBANS/1/RP.1
 9. Consideration of Appendix 2 of the Report of the First Meeting of Parties, September 1994
 10. Consideration of an international network for exchange of samples and information where health risks to marine mammals and man are implicated
 11. Progress on discussions of extension of the Agreement area to include western UK and Ireland
 12. Other business
 13. Date and venue of next meeting
 14. Close of meeting

AGREEMENT ON THE CONSERVATION OF SMALL CETACEANS
OF THE BALTIC AND NORTH SEAS

First meeting of the Advisory Committee, Cambridge, 8-10 March 1995

RULES OF PROCEDURE

*Prepared by the ASCOBANS Secretariat, and based on Rules of Procedure
adopted by the Parties for the Meeting of Parties, 26-28 September 1994*

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 appoint one member of the Advisory Committee (thereafter referred to as a Committee Member) and such advisers as the Party may deem necessary.
- (2) The voting rights of the Parties shall be exercised by the Committee Member. In the absence of the Committee Member, an adviser may be appointed by the Committee Member to act as a substitute over the full range of the Committee Member's functions.

Rule 2 - Observers

- (1) All non-Party Range States and Regional Economic Integration Organizations bordering on the waters concerned may send observers to the meeting, who shall have the right to participate but not to vote.²
- (2) Application to observe at any meeting of the Advisory Committee may be requested by organizations listed under paragraph 6.2.1. of the Agreement, and include the United Nations, acting as the Depositary 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 Protection of the Marine Environment of the North East Atlantic (OSPARCOM), 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 Baltic Sea Fisheries Commission, the Baltic Marine Environment

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 Organization 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

Protection Commission, the International Council for the Exploration of the Sea, IUCN - The World Conservation Union.

- (3) The Advisory Committee may, as appropriate, invite any other body or individual qualified in cetacean conservation and management to participate in a meeting. Such persons shall not have the right to vote.
- (4) Seating limitations may require that no more than two observers from any non-Party State or body be present at sessions of the Advisory Committee.

Rule 3 - Credentials

- (1) Each contracting Party shall appoint a Committee Member and alternate, when appropriate, to the Advisory Committee, who shall represent the Party. Contracting Parties shall submit the names of these delegates to the Secretariat through their coordinating authorities by the start of the Meeting.
- (2) The appointed Committee Member or alternate shall be available for consultation inter-sessionally.

Rule 4 - Secretariat

Unless otherwise instructed by the Parties, the Secretariat shall service and act as secretariat for the Advisory Committee at its meetings.

Part II

Officers

Rule 5 - Chairpersons

- (1) The Advisory Committee shall, at its first session, elect a Chairperson from among the Committee Members, and a Vice-chairperson from the Committee Members or their advisers.
- (2) The Chairperson and Vice-chairperson of the Advisory Committee shall hold office until the first meeting of the Advisory Committee following each Meeting of Parties. The Chairperson may be nominated for re-election at the end of a term of office.

Rule 6 - Presiding Officer

- (1) The Chairperson shall preside at all meetings of the Advisory Committee.
- (2) If the Chairperson is absent or is unable to discharge the duties of Presiding Officer, the Vice-Chairperson shall deputize.
- (3) The Presiding Officer may vote.

Part III

Rules of Order and Debate

Rule 7 - Powers of Presiding Officer

- (1) In addition to exercising powers conferred elsewhere in these Rules, the Presiding Officer shall at Advisory Committee meetings:
 - (a) open and close the sessions;
 - (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 meeting, propose:
- (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 Organization, 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;
 - (e) the suspension or adjournment of any session; and
 - (f) the establishment of drafting groups on specific issues.

Rule 8 - 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 Committee Members.
- (2) A Committee Member, adviser 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 participant or observer to request elucidation on a particular point in that speech.

Rule 9 - Procedural Motions

- (1) During the discussion of any matter, a Committee Member 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 10 - Arrangements for Debate

- (1) The Meeting may, on a proposal by the Presiding Officer or by a Committee Member, limit the time to be allowed to each speaker and the number of times anyone 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 Committee, declare the list closed. The Presiding Officer may, however, accord the right of

reply to any individual if a speech delivered after the list has been declared closed makes this desirable.

- (3) During the discussion of any matter, a Committee Member may move the adjournment of the debate on the particular subject or question under discussion. In addition to the proposer of the motion, a Committee Member may speak in favour of, and a Committee Member 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 Committee Member may at any time move the closure of the debate on the particular subject or question under discussion, whether or not any other individual has signified the wish to speak. Permission to speak on the motion for closure of the debate shall be accorded only to a Committee Member 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 Committee Member 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 11 - Methods of Voting

- (1) Without prejudice to the provisions of Rule 1, paragraph 2, each Committee Member duly accredited according to Rule 3 shall have one vote.
- (2) The Committee shall normally vote by show of hands at a meeting, but any Committee Member may request a roll-call vote. In the event of a vote during an inter-sessional period, there will be a postal ballot.
- (3) At the election of officers, any Committee Member 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 Committee Members 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 the Secretariat. Inter-sessional voting by postal ballot will be co-ordinated by the Secretariat.
- (7) After the Presiding Officer has announced the beginning of the vote, it shall not be interrupted except by a Committee Member on point of order in connection with the actual conduct of the voting. The Presiding Officer may permit Committee Members to explain their votes either before or after the voting, and may limit the time to be allowed for such explanations.

Rule 12 - Majority

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.

Part V

Languages and RecordsRule 13 - Working Language

English shall normally be the working language of any Advisory Committee meeting and working groups.

Rule 14 - Other Languages

- (1) An individual may speak in a language other than English at meetings, provided he/she furnishes interpretation into English.
- (2) Any document submitted to a meeting shall be in English.

Rule 15 - Summary Records

Summary records of Committee meetings shall be kept by the Secretariat and shall be circulated to all Parties in English.

Part VI

Openness of DebatesRule 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 GroupsRule 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.

ASCOBANS Advisory Committee

Notes on investigations of by-catch of small cetaceans in fisheries

Independent observer schemes have been recommended by a number of bodies including IWC, ICES and ASCOBANS as the best method to obtain reliable information on by-catch rates in various fisheries.

General investigations

Independent observer schemes should be operated in all types of fisheries and waters. This could be done most cost efficiently in connection with general investigations of by-catch on non-target species. General investigations of by-catch are best done in collaboration between institutions from the environmental and fisheries sectors, with the possible support of the fishing industry and non-Governmental Organisations (NGO's).

General investigations can detect specific fisheries with high by-catch rates and in addition provide useful information for management purposes on how to focus further investigations and initiatives to reduce by-catches.

Priority investigations

Bottom set gillnets have up to now been identified as the most serious threat to the harbour porpoise, as reported in the report from the Ad Hoc Advisory Committee (p 4). Priority in independent observer schemes should be given to the types of fisheries that, from the information available, are likely to have the highest by-catch rates. Such information could come from voluntary reporting schemes, interviews with fishermen, strandings etc.

Design of studies

Design of by-catch studies should take into consideration variation in:

- o areas used by a particular fishery
- o seasonal changes
- o durations of fishing trips
- o number and length of gillnets
- o soak time
- o set depth
- o period of the day for use of gear
- o other differences in fishing practice

Cooperation with the fishing industry

It is important how an observer scheme is presented and introduced to the fishermen. The aim of by-catch studies should be to investigate the circumstances when and where by-catches occur to provide information for creating solutions to reduce by-catch.

ASCOBANS Advisory Committee

Harbour porpoise abundance survey of the Baltic Sea.

During the summer of 1994 the Small Cetacean Abundance in the North Sea (SCANS) survey covered the North Sea, the English Channel, the Celtic Shelf, the Skagerrak and the Kattegat seas. The waters of the southwest Baltic Sea were not adequately covered because of poor weather and time constraints.

At the first meeting of the Parties to ASCOBANS a Resolution was adopted on the implementation of the conservation and management plan (Annex 4, Report from the First Meeting of Parties, Stockholm, 26-28 September 1994). This Resolution established an Action Plan for 1994-97 and listed priority actions. Action (15) under paragraph IV, Monitoring, status and population studies, states:

"The Meeting recommends to Parties and relevant non-Party Range States that a sightings survey be undertaken to estimate harbour porpoise population size of the Baltic Sea. It would be cost effective to undertake this as an extension of the SCANS survey in summer 1995."

This is a proposal to survey, by air, an extended area in the Baltic Sea during the month of July 1995 using the same methodology, aircraft and personnel as during the SCANS survey. The expected density of sightings of harbour porpoises in the Baltic Sea is low, which sets certain conditions on the design of the survey. By using the same aircraft, the same observers and data on effective search width calculated from duplicate sightings from the SCANS survey, an aerial survey will be the most cost efficient method for the Baltic Sea. About 60 hours of flying will be necessary to ensure enough replicates of tracks to estimate abundance with a reasonably low coefficient of variation. Half of the needed flying time, 30 hours, can be contributed by SCANS from remaining aerial time from 1994.

Design of the proposed survey and the analyses of collected data will be contracted to Conservation Research Ltd in the UK that also developed the methodology and analysed the data for the aerial surveys performed during the SCANS 1994 surveys.

The area covered will be the Baltic proper, but not north of the Swedish island of Gotland (see map Fig.1).

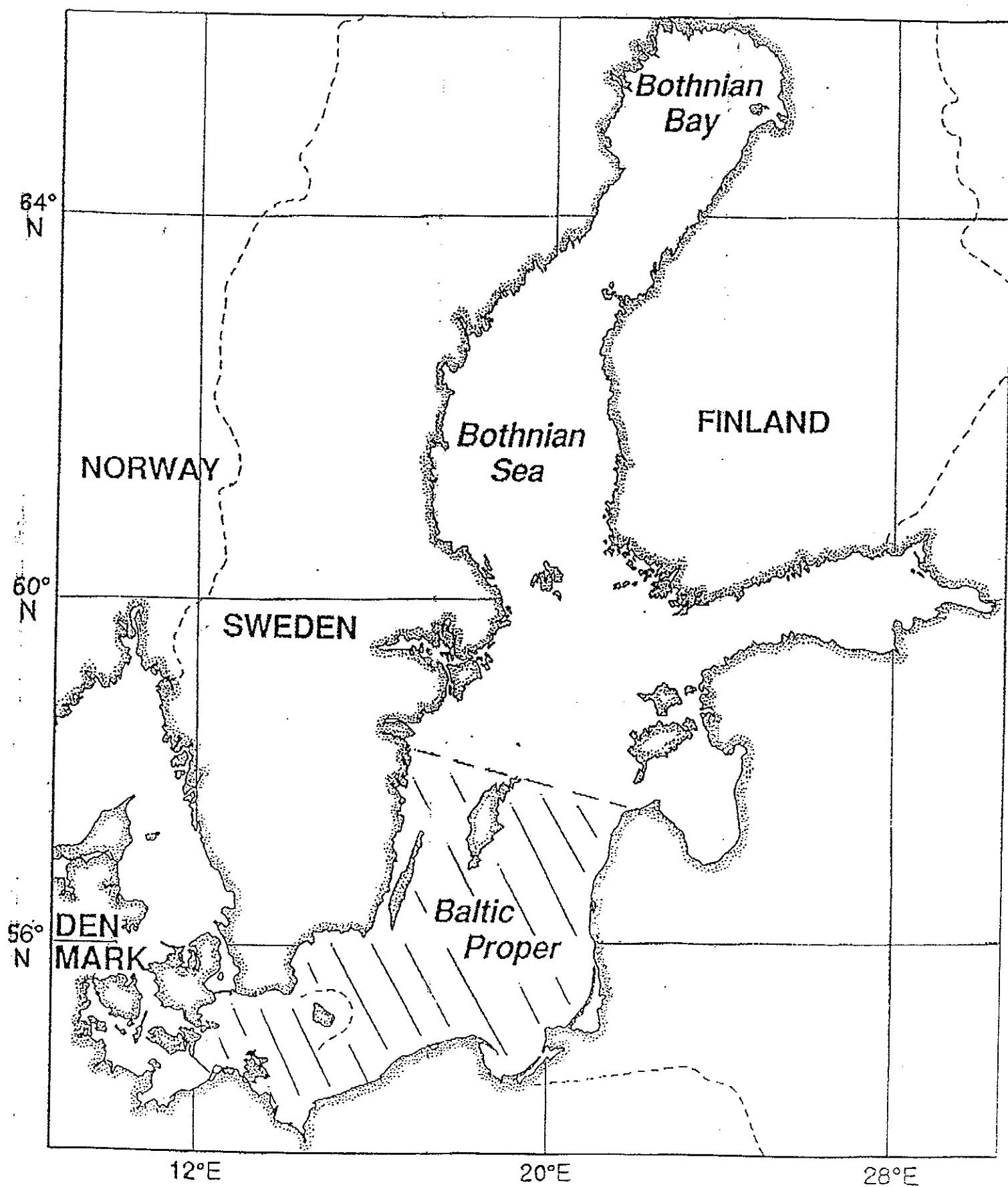
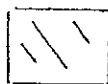


FIG. 1



Area to be surveyed in the Baltic