



ASCOBANS

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 МОРЕ

ADVISORY COMMITTEE MEETING

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Report of the Third Meeting of the Advisory Committee

ASCOBANS Secretariat, c/o Sea Mammal Research Unit, High Cross, CAMBRIDGE CB3 0ET, United Kingdom
Tel/Fax: +44-1223-301282 E-Mail: ascobans@smru.ac.uk Web: <http://www.wcmc.org.uk/cms>

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CONTENTS

EXECUTIVE SUMMARY - POINTS FOR ACTION	1
1. INTRODUCTION.....	5
2. ADOPTION OF AGENDA.....	5
3. DOCUMENTATION SUBMITTED TO THE MEETING.....	5
4. WELCOME TO NEW SECRETARY, NEW MEMBER, PROGRESS ON ACCESSION OF OTHER RANGE STATES AND EU	6
4.1 New Secretary	6
4.2 Accession of Poland.....	6
4.3 Progress on Accession	6
4.3.1 <i>France</i>	6
4.3.2 <i>Estonia</i>	6
4.3.3 <i>Latvia</i>	6
4.3.4 <i>Norway</i>	6
4.3.5 <i>Russian Federation</i>	6
4.3.6 <i>EU</i>	6
4.3.7 <i>General</i>	7
5. POSSIBLE EXTENSION OF ASCOBANS AREA.	7
5.1 <i>Irish waters</i>	7
5.2 ACCOBAMS	7
6. PROGRESS OF ACCOBAMS.	7
7. FINANCIAL/BUDGETARY ISSUES.	8
8. OBSERVERS AT MEETINGS SINCE NOVEMBER 1995.	8
8.1 Reports.	8
8.1.1 <i>ICES annual meeting</i>	8
8.1.2 <i>The North Sea Conference</i>	8
8.1.3 <i>IWC</i>	8
8.1.4 <i>NAMMCO</i>	9
8.1.4.2 <i>NAMMCO SCIENTIFIC COMMITTEE MEETING</i>	9
8.1.4.3 <i>NAMMCO COUNCIL MEETING</i>	10
8.1.5 <i>HELCOM</i>	10
8.2 Functioning of observer system, list of relevant international meetings	10
9. ASSESSMENT OF COMPILATION OF NATIONAL REPORTS.....	10
10. POLLUTANT ISSUES.	11
11. BYCATCH ISSUES.....	12
11.1 Progress with BYCARE.....	12
11.1.1 <i>Denmark</i>	12
11.1.2 <i>Sweden</i>	13
11.1.3 <i>United Kingdom</i>	14
11.1.4 <i>Netherlands</i>	14
11.1.5 <i>General</i>	14
11.2 Information from EC on funding on cetacean projects.....	14

11.3 Unacceptable level of take.....	14
11.4 Bycatch general.....	15
11.4.1 Approach to ICES over their bycatch records.....	15
11.5 Possible resolution on bycatch monitoring.....	15
12. EDUCATIONAL AND PROMOTIONAL MATTERS.....	15
13. DISTURBANCE REDUCTION - GUIDELINES AND OTHER OPTIONS - MILITARY ACTIVITIES	16
13.1 Disturbance-reduction.....	16
13.1.1 UK.....	17
13.1.2 Denmark.....	17
13.1.3. Norway.....	17
13.2 Military activities.....	17
13.2.1 The Netherlands.....	17
13.2.2 Germany.....	17
14. REVIEW OF STRANDINGS SCHEMES	17
15. STATUS OF CETACEANS IN THE BALTIC.....	18
15.1 Baltic States.....	18
15.2 Poland.....	18
15.3 Sweden.....	18
15.4 General.....	18
16. PROTECTED AREAS REVIEW.....	19
17. FUNCTIONING OF THE ADVISORY COMMITTEE.	19
18. REVIEW OF ASCOBANS ACHIEVEMENTS.....	20
19. SECRETARIAT ISSUES.....	20
19.1 Location of the Secretariat.....	20
19.2 General.....	21
20. RULES OF PROCEDURE OF ADVISORY COMMITTEE - PARTICULARLY OBSERVERS.....	21
21. ARRANGEMENTS FOR THE SECOND MEETING OF PARTIES.	22
22. RECENT RESEARCH/SURVEYS	22
22.1 Formal assessment of SCANS with recommendations on methods and future surveys.....	22
22.2 Progress on the population structure project, including involvement of Iceland and Faroes	23
23. TISSUE BANKS.	23
24. ACTION POINTS.....	23
25. DATE AND VENUE OF NEXT MEETING.....	23
26. OTHER BUSINESS.....	23
27. CLOSE OF MEETING.	23

ANNEXES

LIST OF ANNEXES	24
A: AGENDA.....	25
B: LIST OF PARTICIPANTS.....	27
C: LIST OF DOCUMENTS	29
D: LETTER SENT TO CMS CONCERNING ACCOBAMS	31
E: REPORT FROM BUDGETARY WORKING GROUP	33
F: LIST OF IGOS AND NGOS ON DISTRIBUTION LIST FOR INVITATIONS AND REPORTS.....	35
G: LIST OF INTERNATIONAL MEETINGS IN 1997 OF RELEVANCE TO ASCOBANS.....	37

EXECUTIVE SUMMARY - POINTS FOR ACTION

1. EU status (agenda item 4)

THE CHAIRMAN will write to EC,DGXI (Directorate of Environmental Quality and Natural Resources), requesting information on: (1) who is the responsible person for ASCOBANS, (2) why the EU has not ratified the Agreement (even though it has signed); and (3) why EU representatives have not attended the Advisory Committee Meetings? With respect to point (3) it is important to ensure that they obtain a mandate to represent the Commission.

2. Ratification matters (agenda item 4)

THYSSEN will contact the CMS Secretariat to ensure that ways in which range states could be more effectively encouraged to accede to ASCOBANS is put on the agenda of the Conference of Parties to the Bonn Convention.

3. Budgetary matters (agenda item 4,7)

3.1 THE SECRETARY will write to the Norwegian Ministry of Fisheries thanking them for their co-operation and requesting that Norway considers making a financial contribution to ASCOBANS.

3.2 A BUDGET WORKING GROUP (convenor: Salmon, Berggren, Christiani, Haelters, Thyssen) will: (1) provide advise and guidance on the draft budget for 1997; and (2) consider a draft triennium budget (1998-2000) ready for consideration at the next Advisory Committee Meeting, including scientific and economic consequences of the location of the Secretariat. The latter will provide the basis for a DRAFT RESOLUTION to be presented to the Meeting of Parties.

3.3 THE SECRETARY will send full details of 1996 expenditures and anticipated expenditures on salaries and travel for 1997 to Salmon (convenor of the budget working group) by Christmas 1996.

4. Extension of ASCOBANS agreement area (agenda item 5)

4.1 THE SECRETARY AND CHAIRMAN will write to Ireland (DACG) requesting their support for an extension of the ASCOBANS area into their waters. SALMON will continue his efforts to seek a UK/IRELAND bilateral agreement.

4.2 THE SECRETARY will write to France, Spain and Portugal requesting their view on the possible inclusion of their waters in the Atlantic Ocean as an extension of the ASCOBANS area so that the ASCOBANS and ACCOBAMS areas are contiguous.

5. Cooperation with/matters of relation to ACCOBAMS (agenda item 6)

5.1 THE CHAIRMAN will write to CMS informing them that ASCOBANS Advisory Committee will submit a resolution to the next Meeting of Parties that will result in the addition of ACCOBAMS to the list of IGOs that are automatically entitled to observer status at ASCOBANS meetings.

5.2. THE CHAIRMAN and SECRETARY will present a DRAFT RESOLUTION on item 5.1 above for consideration by the Advisory Committee at its next meeting.

5.3 THE CHAIRMAN will write to CMS that ASCOBANS find migratory corridors of importance and therefore suggest that the Sea of Marmara should be included in the ACCOBAMS Agreement area.

6. National reports (agenda item 9)

6.1. THE SECRETARY will supply the Advisory Committee members with a standardised template for national reports on disk and ADVISORY COMMITTEE MEMBERS will submit the updated national reports on that disk by 31 March 1997.

6.2 THE CHAIRMAN, VICE-CHAIRMAN AND SECRETARY will evaluate the national reports and send out their review to the Advisory Committee in April 1997.

6.3 THE ABOVE GROUP PLUS BERGGREN will develop a summary from the received comments for the next Advisory Committee meeting. This will provide the basis for DRAFT RESOLUTIONS to be presented to the Meeting of Parties.

7. Pollution issues (agenda item 10)

7.1 THE CHAIRMAN will evaluate the report from the IWC pollution workshop, and compile a list of items of relevance to ASCOBANS. This will be sent out to the Advisory Committee, and will include suggestions for

research proposals to be evaluated at the next Advisory Committee Meeting. The report and the research proposals as well as a DRAFT RESOLUTION are to be presented at the next Meeting of Parties.

7.2 At the request of ICES, THE MEMBERS OF THE ADVISORY COMMITTEE will contact relevant scientists in their countries informing them of the data bank on contaminants in biota in the marine environment and requesting them to report relevant results to ICES.

7.3 A WORKING GROUP (Convenor: the Chairman, everyone else has withdrawn!] will provide a technical report to ICES based on their standard reporting format on contaminants in biota in the marine environment.

8. Bycatch issues (agenda item 11)

8.1 A WORKING GROUP (Convenors: Tasker and Berggren, Bjørge, Bravington, Christiani, Larsen and Lockyer) will; (1) evaluate the available information on bycatch and abundance *inter alia* in the light of the recommendations from the IWC, and (2) consider the formulation of a draft Resolution on the subject of levels of take for consideration at the next Advisory Committee meeting. This will provide the basis for a DRAFT RESOLUTION to be presented to the Meeting of Parties.

8.2 BERGGREN AND THE VICE-CHAIRMAN will develop a standard format for collecting information on bycatch that could be used to improve the information collected by ICES for consideration at the next Advisory Committee meeting.

8.3 A WORKING GROUP (Convenor: the Vice-Chairman, Berggren, Bjørge and Skora) will formulate a draft resolution on bycatch monitoring on artisanal fisheries for consideration at the next Advisory Committee meeting. This will provide the basis for a DRAFT RESOLUTION to be presented to the Meeting of Parties.

9. Promotional campaign (agenda item 12)

9.1 In order to try to improve relations with other IGOs, THE SECRETARY will on a formal basis: (1) send out reports of Advisory Committee meetings; (2) send out invitations to meetings; and (3) attend more meetings of other IGOs, both to raise their awareness of ASCOBANS and to provide the Advisory Committee with information on the activities of other IGOs.

9.2 THE VICE-CHAIRMAN will investigate possibilities for the production of promotional material including the cost to undertake such a campaign.

10. Disturbance reduction (agenda item 13)

10.1 THE VICE-CHAIRMAN will evaluate the UK experience from the implemented guidelines on disturbance reduction on cetaceans in UK waters and report to the next Advisory Committee meeting.

10.2 THE VICE-CHAIRMAN will consider the value of submitting a draft resolution on reduction of disturbance, and if appropriate try to formulate such a draft.

11. Review of stranding schemes (agenda item 14)

11.1 HAELTERS will provide a review of stranding schemes for the next Advisory Committee meeting. This may provide the basis for a DRAFT RESOLUTION to be presented to the Meeting of Parties.

11.3 HAELTERS AND BERGGREN will consider the merits and means of establishing a meta database of stranding records, for consideration at the next Advisory Committee meeting.

12. Assessment of harbour porpoises in the Baltic (agenda item 15)

THE SECRETARY will write to the Parties encouraging them to recommend to their EU representatives, that the EU provides support for a proposed survey in the Baltic to assess the harbour porpoise population.

13. Protected areas (agenda item 16)

13.1 THE SECRETARY AND SALMON will write to EU states, requesting them to provide information on the criteria they consider when preparing Special Areas of Conservation under the EU Habitats directive. A review of the information will be presented at the next Advisory Committee meeting. This may provide the basis for a DRAFT RESOLUTION to be presented to the Meeting of Parties.

13.2 SALMON AND BERGGREN will formulate terms of reference for protected areas for consideration at the next Advisory Committee meeting. They will consult with the Chairman as to whether the steps outlined in DOC. 8 are sufficient for this purpose.

13.3 THE CHAIRMAN AND SALMON will evaluate the need to employ a consultant to carry out a full review of protected areas criteria and report to the next Advisory Committee meeting.

13.4 HAELTERS will present the work of ASCOBANS at the next OSPAR meeting.

14. Advisory Committee (agenda item 17)

14.1 A WORKING GROUP (Convenor: Bjørge, Berggren, Bravington, the Chairman) will present a report on ways to improve the work of the Advisory Committee to be circulated at least one month ahead of the next Advisory Committee meeting.

14.2 Based on the report mentioned under 14.1, THE CHAIRMAN AND SECRETARY will formulate a DRAFT RESOLUTION for consideration at the next Advisory Committee meeting.

15. Assessment of the ASCOBANS achievements (agenda item 18)

THE CHAIRMAN, VICE-CHAIRMAN AND SECRETARY will: (1) compile a report of ASCOBANS achievements; (2) distribute it to the Advisory Committee members for their comments (at least a month before the next Advisory Committee meeting) and (3) submit a revised summary to the next Advisory Committee meeting.

16. Harbour porpoise population structure (agenda item 22)

BJØRGE AND LOCKYER will present a report summarising progress on the harbour porpoise population structure project (including its relevance to management) to the next Advisory Committee meeting.

17. Assessment of SCANS (agenda item 22)

THE CHAIRMAN AND VICE-CHAIRMAN will contact a suitable independent expert to carry out the assessment of SCANS described under item 22.

1. INTRODUCTION

Reijnders, Chairman of the Advisory Committee, welcomed participants to the third Advisory Committee Meeting. He considered this as a particularly important meeting because of the Meeting of Parties next year. The primary aims before the Meeting of Parties are to evaluate the implementation and functioning of the Agreement, including the production of a report of what has been achieved thus far. He reminded participants that if resolutions or recommendations are to be produced, then they must be circulated 90 days before the Meeting of Parties (i.e. by August 1997). In short, the Advisory Committee must be ready with its preparatory work at the latest in July 1997, to be in time for the next Meeting of Parties!

Christiani, as the host of this meeting also welcomed the participants to the National Forest and Nature Agency in Denmark, providing them with information on the Agency and with practical details on the organisation of the meeting.

The recently appointed secretary, Jette Jensen, was welcomed (see Item 4.1) and appointed Rapporteur. Tasker continued as Vice-Chairman of the Committee.

This was the largest meeting of the Advisory Committee thus far, with 18 participants (Annex B).

The Advisory Committee was particularly pleased that the International Council for Exploration of the Sea (ICES) was represented for the first time. ASCOBANS looks forward to developing close co-operative ties with ICES.

Janet Pawlak, the ICES environment secretary, provided some general information on the scope of the work of ICES. ICES has nineteen member countries, with coasts on the North Atlantic, including the North Sea and Baltic Sea. ICES coordinates scientific work in the fields of fisheries, oceanography and marine pollution/environment. Presently, ICES has two Advisory Committees - the Advisory Committee on Fishery Management (ACFM) and the Advisory Committee on the Marine Environment (ACME) - and twelve subject/area Committees, including the Marine Mammals Committee. Under these Committees there are approximately ninety Working Groups or Study Groups coordinating work on specific topics. The group most relevant to the work of ASCOBANS is the Working Group on Seals and Small Cetaceans (WGSEAL), co-chaired by Dr. John Harwood and Dr. Per Berggren. WGSEAL focus is at present on assessment of the status of marine mammal populations in the Baltic, contaminant levels in marine mammals and the impact of the fisheries on marine mammals. The Committee structure of ICES is presently being revised; the new structure will integrate the Marine Mammals Committee into the broader work of ICES.

Pawlak further gave information on other relevant IGOs that ICES co-operates closely with, including HELCOM, which has a standing request for advice on the status of harbour porpoise populations and on all human impacts such as contaminants and fisheries, and OSPARCOM which deals with contaminants and marine mammals. Matters relating to ICES meetings are discussed under Item 8.1.

2. ADOPTION OF AGENDA.

The adopted agenda is given as Annex A.

3. DOCUMENTATION SUBMITTED TO THE MEETING.

Documents for this meeting are listed in Annex C.

Despite a request for documents to be submitted in advance of the meeting for pre-circulation by the Secretariat, most documents were submitted at the meeting. It was agreed that for the next Advisory Committee Meeting, all documents should be distributed before the meeting or, in exceptional circumstances, at least be available in the Hotel on the evening before the Meeting. To facilitate the process of receiving documents at the Secretariat and circulating them ahead of the meetings, it was strongly urged that all members of the Advisory Committee obtain access to e-mail. Almost all members are already on e-mail and their addresses are included in Annex B.

4. WELCOME TO NEW SECRETARY, NEW MEMBER, PROGRESS ON ACCESSION OF OTHER RANGE STATES AND EU.

4.1 New Secretary

The Advisory Committee formally welcomed Jette Jensen, who was appointed as the new Secretary to ASCOBANS on 7 October 1996, after the resignation of Sara Heimlich-Boran. The Secretariat is temporarily based at the National Environmental Research Institute, Department of Arctic Environment in Denmark until 1 December 1996, after which it will return to the Sea Mammal Research Unit in Cambridge.

4.2 Accession of Poland

Poland submitted its instrument of accession to ASCOBANS on 18 January 1996, and the Agreement came into force for Poland 30 days afterwards. The Advisory Committee was extremely pleased to welcome representatives of the new Party to its meeting.

4.3 Progress on Accession

Jensen reported that she had written to all non-member range states enquiring as to whether they would be acceding to ASCOBANS in the foreseeable future, and where possible following this up by telephone. The responses are summarised below:

4.3.1 France

France had given notice of its intention to accede to the Agreement before the end of 1996, but no further information had been received. France had requested some changes in the French version of the Agreement Text, which had been met with approval from the Depository, and had been reviewed by the Parties.

4.3.2 Estonia

The Estonian Ministry of Environment stated that signing CMS and ASCOBANS is not high in the list of immediate international activities, but this Convention and Agreement will be taken into consideration when preparing new nature protection acts and legislation.

4.3.3 Latvia

Small cetaceans are extremely rare in Latvian waters, and no research institutions are working on marine mammal matters. It is unlikely that Latvia will accede to ASCOBANS.

4.3.4 Norway

Norway's previously expressed position has not changed. In order to maintain a consistent national policy on conservation and management of marine mammals, no further steps have been taken to sign the Agreement. However, Norway recognises the importance of the conservation issues addressed by ASCOBANS and notes that these include small cetaceans in Norwegian waters. Therefore Norway wants to cooperate actively with ASCOBANS in scientific matters. The Advisory Committee expressed great appreciation of Norway's active and cooperative role in relation to ASCOBANS (e.g. by submitting a national report and participating actively in the Advisory Committee meetings). It was **agreed** that the Secretariat should write to the Norwegian Ministry of Fisheries expressing this view. Given for examples Norway's large financial contribution to SCANS, the letter should also requests that Norway, considers making a financial contribution to ASCOBANS.

4.3.5 Russian Federation

It was noted that due to current financial difficulties the Russian Federation probably will not sign ASCOBANS in the near future.

4.3.6 EU

It was noted that EU accession to ASCOBANS is tied in with the ratification of the ACCOBAMS; the EU will not initiate its accession to ASCOBANS until the ACCOBAMS agreement has been adopted.

The Chairman reported that he had written to the head of EC,DGXI - unit Nature Protection , Coastal Zones and Tourism with questions related to ratification matters and EC participation in the Advisory Committee meetings. A brief letter was received stating that due to other commitments they did not have time to attend this meeting. The Advisory Committee found this response disappointing and unsatisfactory. It was agreed that the Chairman should convey this view to the responsible of EC,DGXI, Directorate Environmental Quality and Natural Resources and ask the director to provide further information on the responsible person for ASCOBANS, why the EU is not ratifying, and why EU representatives do not attend the Advisory Committee meetings.

4.3.7 General

The Committee discussed ways in which Range States could be more effectively encouraged to accede to ASCOBANS. It was agreed that a proper forum for addressing this issue would be the next meeting of the Bonn Convention of Parties which takes place from 10-16 April 1997. Deadline for proposals for the agenda were 11 November 1996, but given the importance of this matter, Thyssen agreed to contact Müller-Helmbrecht from the CMS Secretariat to request that it be put on the agenda.

5. POSSIBLE EXTENSION OF ASCOBANS AREA.

5.1 Irish waters

Salmon reported that UK efforts to persuade Ireland to support the extension of the ASCOBANS geographical scope to the Irish Sea and North Atlantic waters had not proved successful. He had met with officials from the Heritage Policy Division of the Irish Department of Arts, Culture and the Gaeltacht (DACG) on 26 February 1996 to discuss the issue. At that meeting reservations on the part of the Irish Department of Marine became known. Since the meeting, he had continued to correspond with DACG in an effort to reassure the Department of Marine, but without success. Recently, DACG had questioned whether the UK would consider the establishment of a Memorandum of Understanding between the countries. Although he personally is not convinced that this is the best way forward, Salmon is liaising with DACG over a form of words for such a Memorandum. Whilst stating that he would continue to liaise with Ireland, Salmon suggested that it would be helpful if the Secretariat and the Chairman also write to DACG in Ireland, requesting their support for an extension of the ASCOBANS area into their waters to coincide with Ireland's designated Whale and Dolphin Sanctuary. The meeting agreed with this suggestion.

5.2 ACCOBAMS

There was some discussion as to whether the ACCOBAMS area could or should be joined to the ASCOBANS area and whether France, Spain and Portugal should be approached for possible extensions into their waters to enable this. The Advisory Committee agreed that it should await the results of the ACCOBAMS negotiating meeting (see Item 6 below) before taking further action. If action is to be taken, the Secretary will write to France, Spain and Portugal.

6. PROGRESS OF ACCOBAMS.

The Secretary reported that although the ACCOBAMS meeting in September 1995 had made considerable progress, a number of important issues had been left open for a final negotiating session to resolve. This final meeting to conclude the text of the Agreement will take place in Monaco from 19-24 November 1996, and it is expected that the Final Act with the Agreement text attached, will be signed 24 November.

Salmon reported that whilst the UK would not be represented at the negotiating session, that it intended to sign the Final Act (on behalf of Gibraltar) as soon as possible. He hoped that the UK would be able to provide an additional conduit for information between the two Agreements.

The Advisory Committee noted that Turkey wanted to exclude the Sea of Marmara, which connects the Black Sea and the Mediterranean, from the ACCOBAMS area. Stressing the importance of the full range of species and their migratory routes being included in any cetacean conservation agreement, the Advisory Committee agreed that it was important that the Sea of Marmara should be included in the area. A letter to this effect was e-mailed immediately to the CMS Secretariat in Bonn, and is attached as Annex D.

It was agreed that it is important that ASCOBANS should cooperate fully with the new ACCOBAMS Secretariat and stay in regular contact with them. For this reason the letter to CMS mentioned above also informed them that ASCOBANS Advisory Committee will prepare a resolution to the MOP regarding cooperation with ACCOBAMS. The Chairman and the Secretary will draft this resolution before the next Advisory Committee meeting

7. FINANCIAL/BUDGETARY ISSUES.

The Secretariat submitted a financial statement of expenditures to date in 1996, the national audited ASCOBANS account in 1995 as well as a revised scale of contributions to ASCOBANS after Poland joined (DOC.5).

A working group (Salmon as Chairman, Christiani, Berggren, Haelters, Boye) [*Boye has subsequently been replaced by Thyssen*] was established to provide advise on a draft budget for 1997 and to consider a next triennium budget (1997-2000). Its report (originally DOC.21) is given as Annex E. The working group had some queries with respect to the details of 1996 expenditure, most notably concerning salaries and travel. Without a clear understanding of how the recent changes within the Secretariat will affect the salaries budget, the working group, and hence the Advisory Committee felt unable to provide guidance on a 1997 budget or any future triennium budget. It was agreed that the Secretariat should provide the working group with full details of 1996 salaries and travel details, and anticipated expenditure on salaries and travel for 1997, by Christmas 1996.

It was agreed that the budget working group should work intersessionally and have advice and proposals ready for the next advisory Committee Meeting. The triennium budget should include a description of the tasks it expected the Secretariat to accomplish and the economic consequences of the location of the Secretariat. The triennium budget will be presented as a proposal at the next Advisory Committee meeting and be formatted as a resolution for the 1997 Meeting of Parties.

8. OBSERVERS AT MEETINGS SINCE NOVEMBER 1995.

8.1 Reports.

8.1.1 ICES annual meeting.

Tasker reported that only a few papers on marine mammals were presented at the ICES annual meeting and that they were from outside the areas covered by ASCOBANS. Relevant papers will be circulated by the Secretariat.

Summary papers from a NAFO/ICES symposium on " the Role of Marine Mammals in the Ecosystem", held 6-8 September 1995, can be found on the ICES web page (<http://www.abdn.ac.uk/~nhi104/ices1995.htm>) and were submitted as DOC. 19.

8.1.2 The North Sea Conference

Tasker described the process leading up to the forthcoming (March 1997) Intermediate Ministerial Meeting. This was an important meeting due to dialogue between scientists from fisheries and environmental research. The issue of bycatches in the North Sea was a major subject that is clearly also of relevance to ASCOBANS.

The relationship between the North Sea Conference process and the OSPAR process was noted. OSPAR is in the process of preparing a new Annex to the Convention for Nature Conservation that would deal with certain nature conservation issues in offshore marine areas. The Annex will not allow measures to be taken in relation to fishing but will be able to draw attention of the appropriate authorities to any problems. The annex will enable OSPAR to bring forward measures that cover other activities.

8.1.3 IWC

Tasker had attended the meeting of the IWC Scientific Committee in Aberdeen in June 1996 and noted that two matters were particularly of interest to ASCOBANS, those relating to North Atlantic harbour porpoises and those relating to whalewatching. Heimlich-Boran had attended the Commission meeting but had not submitted a written report.

In response to a request for further information, the IWC Secretariat had supplied the meeting with an unofficial summary of its 1996 meetings, particularly with respect to ASCOBANS-related matters (DOC.13). The Advisory Committee welcomed this tangible evidence of co-operation with the IWC.

Despite the differing views on the competence of the IWC with respect to the management of small cetaceans, the Whaling Commission agreed with the Scientific Committee's view that it was important to involve coastal and range states in its work on small cetacean topics. It was agreed to encourage such participation through the convenor of the Scientific Committee's sub-committee on small cetaceans.

The Commission also passed a Resolution 1996-4 reminding governments of previous Resolutions on small cetaceans, including those concerning North Atlantic harbour porpoises.

The IWC Scientific Committee this year continued its previous year's consideration of criteria for assessing the status of harbour porpoise populations, while stressing that there was no intention to discuss issues of management *per se*. Discussion was restricted to the assessment of harbour porpoise populations in the North Atlantic. It considered a presentation of the approach used to assess the status of marine mammals in the USA. This uses information on abundance, bycatch and population growth rates to estimate a parameter called the Potential Biological Removal (PBR). However, there was no consensus on the use of the PBR equation, particularly with respect to its ability to incorporate questions of stock identity adequately and so it was not applied to the North Atlantic stocks.

A brief review of updated information on the abundance and magnitude of known bycatches of harbour porpoises in the Gulf of Maine, Kiel Bight, Celtic Shelf and southern North Sea gave estimates greater than 2.5% of the best estimate of abundance, levels that the Scientific Committee agreed may not be sustainable.

The Scientific Committee reviewed new information on the methodology used to estimate bycatch of harbour porpoises, recognising that other organisations, such as ICES and ASCOBANS, were undertaking similar reviews. Estimates of bycatch generally incorporate two independent measures: an estimate of the bycatch rate and a measure of total fishing effort. It was noted that statistically designed observer schemes provided the best estimates of bycatch levels. It was recommended that wherever estimates of harbour porpoise bycatch rates exist from observer programmes, member states should provide relevant data on fishing effort to allow estimation of total bycatch. It was also recommended that an assessment of the potential marine mammal bycatch should be made for new fisheries using independent observers before such fisheries are developed commercially.

The Scientific Committee also discussed *Lagenorhynchus* species, including those found in the ASCOBANS area. There was a report suggesting that *L. acutus* is one of the most frequently taken cetaceans in a Dutch pelagic trawl fishery at the edge of the continental shelf southwest of Ireland, bordering the ASCOBANS area. A report of work sponsored by the European Community on the bycatch in this fishery exists but has not yet been released to the public. It is expected to contain information relevant to a consideration of this species' status in the eastern North Atlantic. No assessment of status was possible from the currently available data. The Committee noted that a large amount of specimen material is available in both Europe and North America and recommended that available samples be analysed for stock identification and other studies as soon as practicable.

With respect to whalewatching, the Commission agreed with its Scientific Committee's proposed general principles for the management of whalewatching and will draw these to the attention of coastal states.

Pollutant issues are discussed under Item 10.

8.1.4 NAMMCO

8.1.4.1 NAMMCO POLLUTION WORKSHOP.

Bjørge reported briefly on the NAMMCO pollution workshop held on the Shetland Islands, 1996. In particular he noted that there were some interesting results on the impact on humans from eating cetaceans in Greenland and the Faroe Islands. Papers from the meeting are published in the *Science of the Total Environment* (1996), vol.186 (1+2). Further discussion of pollutant issues is given under Item 10.

8.1.4.2 NAMMCO SCIENTIFIC COMMITTEE MEETING

Bjørge reported on the NAMMCO Scientific Committee meeting on the Faroe Islands, February 1996 (DOC.2). Two Scientific Committee working groups primarily focused on assessing the status of ringed and grey seals.

Its plenary sessions however were of more relevance to ASCOBANS. It noted the importance of obtaining data on the level of bycatch of marine mammals for population assessment, and recommended that member countries reported statistics to NAMMCO, perhaps following the ICES structure. A NAMMCO Abundance Estimate Working Group was established to review the results from NASS-95 and NILS-95, noting that the minke whale abundance estimates based on NILS-95 will be made within the frame work of the IWC Scientific Committee. The Committee also discussed the possibility of developing a NAMMCO publication series in order to make the role of NAMMCO more visible.

In future work, the NAMMCO Scientific Committee will be dealing with requests from the NAMMCO Management Committee for advice on long-finned pilot whales and killer whales. When Lockyer was

Secretary to ASCOBANS, she had requested cooperation on harbour porpoise population stock identity via the NAMMCO Secretariat. The NAMMCO Scientific Committee had also recommended to the Council that a review of harbour porpoises should be included on the agenda for its next meeting in Tromsø in 1997. This was however not considered by the Council to be a priority item although it may be reconsidered in the future.

8.1.4.3 NAMMCO COUNCIL MEETING.

Lockyer attended this meeting and gave a presentation on the work of ASCOBANS which was received favourably.

8.1.5 HELCOM

In response to a request from the CMS Secretariat, Jensen had obtained information on a HELCOM recommendation (17/2) that was adopted in March 1996 (DOC. 17). It concerned the protection of harbour porpoises in the Baltic Sea. HELCOM had recognised the relevance of the subject matter to ASCOBANS, amongst other IGOs, and had recommended that the HELCOM members gave high priority to the avoidance of by-catches; co-operated with ICES on the collection and analysis of data on population distribution, abundance, stock identity and human impacts; and further that they considered the establishment of a protected area.

There had been some concern expressed that this recommendation overlaps with the ASCOBANS area and responsibilities, but HELCOM responded that since many of its members are not members of ASCOBANS, there was a need for HELCOM to adopt this recommendation. They hoped that this would strengthen the bonds between HELCOM and ASCOBANS. It should be noted that a draft of this resolution had been submitted to the previous Advisory Committee meeting.

The Advisory Committee recognised the lack of communication between HELCOM and itself and the general apparent unawareness of each other's responsibilities. It was agreed that this should be improved and that HELCOM (and other relevant IGOs such as the EC Nature Group and EC Environment Group) should in future be invited to Advisory Committee meetings and sent relevant reports. Jensen reported that she had already approached the HELCOM secretariat to improve cooperation; in particular, ASCOBANS has now been installed on the invitation list to future HELCOM meetings.

8.2 Functioning of observer system, list of relevant international meetings

The observer system is functioning well with respect to reporting at the ASCOBANS Advisory Committee Meetings. However, members are requested to photocopy important documents, abstracts, and especially the list of documents from the meetings they attended. The list of documents from any attended meeting, should always be a standing document to Advisory Committee meetings, e.g. the list of documents from the NAMMCO pollution workshop could have been submitted as a document for this Advisory Committee meeting.

The Secretariat provided a list of relevant international meetings taking place in 1997 (DOC.24), and members of the Advisory Committee were asked to inform the Secretariat if they are attending any of these meetings so that ASCOBANS observers can be nominated. The list has been updated after the meeting and is attached as Annex G.

9. ASSESSMENT OF COMPILATION OF NATIONAL REPORTS

It was agreed that all Parties should submit annual progress reports (by calendar year) on the implementation of the Agreement, following agreed guidelines. The Advisory Committee noted that most Parties had not submitted their first annual report by the nominated deadline. Most of the reports submitted this year covered the two previous years and some included the early part of 1996. It was also clear that the guidelines had not been consistently interpreted. Denmark had finally submitted a report (DOC. 14) covering the total period, and apologised for the delay. In addition, Norway, a non-signatory, also submitted a national report (DOC. 3).

Under normal circumstances, the Secretariat would have summarised the available national reports, but, given the recent changes in personnel this had not been possible. The Advisory Committee took this opportunity to discuss the procedures for summarising, compiling and evaluating national progress reports.

A compilation of progress reports had earlier been circulated by the Secretariat, comprising the reports themselves and relevant literature attached as annexes. It was noted that this resulted in a rather large and unwieldy document. It was agreed that in future, reports should comprise a succinct update of progress. For example if no research has been carried out on a specific topic, this should simply be stated without

explanation. In order to facilitate this it was **agreed** that the Secretariat would send out a disk to each party including the report(s) already submitted and a standardised template for the update. This must be completed and the same disc returned to the Secretariat by 31 March 1997.

It was further **agreed** that the Secretary, Chairman and vice-Chairman will evaluate and summarise the submitted national reports and send out a draft document for comment to the Advisory Committee by the end of April. From the received comments, the above group supplemented by Berggren will submit a final summary document to the next Advisory Committee Meeting which will form the basis for resolutions to be presented to the next Meeting of Parties, requiring specific action for consideration by the next Meeting of Parties.

10. POLLUTANT ISSUES.

The Chairman reminded the Committee about its responsibilities under the action plan (First Meeting of Parties, Resolution 2). In the triennium 1994-1997, the Advisory Committee shall:

- (1) assess which pollutants are likely to affect small cetaceans adversely;
- (2) provide advice to the Parties both for management measures and further research needs;
- (3) assess needs in relation to standardisation of analytical and reporting procedures in post-mortems, biopsies and pollution analyses.

In addition, members were encouraged to implement existing commitments to reduce polluting discharges that may have an adverse impact on cetaceans.

These three mentioned items were dealt with at length at the IWC workshop in Bergen, 1995. The report of that meeting has been available since the 1995 IWC Scientific Committee meeting. Its conclusions can be summarised as follows:

‘The Workshop believes that there are sufficient data on the adverse effects of pollutants on the health of other marine mammal and terrestrial species to warrant concern for cetaceans. However, the report and its recommendations show that a considerable amount of fundamental research is needed before it will be possible to adequately address the question of the effects of chemical pollutants on all cetaceans.

Notwithstanding the cautionary note that it is often not appropriate to extrapolate from one species to another, it is clear that if any progress is to be made within a reasonable timeframe, a multidisciplinary, multinational focused programme of research is required that concentrates on those species/areas where there is most chance of success. The Scientific Committee (and the Commission) is strongly urged to consider ways to facilitate the development and execution of such research.

Three species are considered particularly suitable: the bottlenose dolphin; the harbour porpoise; and the white whale.’

The Report and a number of peer reviewed scientific papers will be published in a volume in the IWC Special Issue at the beginning of 1997, edited by Reijnders, Aguilar and Donovan. Matters arising out of the volume that are particularly relevant to the work of ASCOBANS will be summarised by the Chairman and his report circulated to the Advisory Committee. This will include items such as:

- (1) guidance for sampling in the field;
- (2) what kind of samples are needed;
- (3) preservation of samples;
- (4) summary of known and potential negative effects on cetaceans;
- (5) a comprehensive list of pollutants likely to affect small cetaceans;

The Chairman’s report will include suggestions for research proposals to be evaluated at the next Advisory Committee Meeting. The IWC Workshop had specifically recommended the harbour porpoise as a key species for study. The report and research proposals will be presented at the next Meeting of Parties, perhaps resulting in a resolution.

There is no comprehensive list of management needs with respect to pollutants and cetaceans in the ASCOBANS area, although the IWC Workshop addresses this question in a general way. However, a number of bodies (e.g. ICES, OSPARCOM, the North Sea Conference) are considering management matters.

Pawlak drew attention to three requests from ICES to ASCOBANS for cooperation at the Secretariat level with respect to pollution.

- (1) ICES has a data bank on contaminants in the marine biota including marine mammals using a standard reporting format. It requests the members of the ASCOBANS Advisory Committee to inform the laboratories in their respective countries about this data bank, and to urge them to report relevant information to the ICES Environmental Data Bank.
- (2) At the IWC Workshop, ICES had been asked by the IWC to evaluate the contaminants in cetacean prey, in order to find out if the contaminant levels might influence prey abundance. ICES in turn requested ASCOBANS to provide information on prey species in the ASCOBANS area if such information existed.
- (3) OSPAR has a new Joint Assessment and Monitoring Programme, under which one issue of concern is related to the concentrations and effects of chlorobiphenols in marine mammals. An OSPAR working group had requested ICES to determine whether other organisations, e.g. ASCOBANS would be interested in co-operating with OSPAR in the development of assessment criteria for chlorobiphenyl concentrations in marine mammals (i.e. determining at what concentration level biological effects in various species of marine mammals may be observed).

In response to these requests it was agreed that:

- (1) ICES should provide ASCOBANS with the standard reporting format, and hence Reijnders will provide a technical report to ICES;
- (2) it would be preferable for ICES to ask WGSEAL and IWC for information on prey species since they are Scientific Committees;
- (3) some information related to these requests will be included in the IWC pollution volume and the Chairman will cooperate with ICES on this issue.

11. BYCATCH ISSUES

11.1 Progress with BYCARE

BY-CARE is a partly EU funded project that includes Denmark (The Danish Institute for Fisheries Research), Sweden (Stockholm University), Ireland (University College Cork) and the United Kingdom (St. Andrews University and University of Warwick); with the Sea Mammal Research Unit in St. Andrews as the overall co-ordinator. The main aim of the BY-CARE project is to address the issue of by caught animals in the North Sea, Bay of Biscay, Skagerrak-Kattegat and the western Baltic, focusing on the harbour porpoises caught in bottom-set gill nets and dolphins caught in the drift nets for tuna, as well as to investigate different gear modifications that can reduce the by catch. The BY-CARE programme is funded from 1 December 1995 until the end of 1997.

11.1.1 Denmark

Lockyer summarised the progress on BY-CARE in Denmark (DOC.6 plus addendum). Although the BY-CARE programme started in December 1995, the Danish component was not fully implemented until April 1996, when 2 senior scientists were employed. In addition, a 6-month position has been created to complete a national database on available tissue samples from strandings and bycatches as well as providing information on biological parameters.

Comprehensive observer schemes were already set up at the start of the BY-CARE programme in Denmark for all types of bycatches and discards in the North Sea, Skagerrak-Kattegat and the Baltic in the commercial and industrial fisheries. At present only the commercial fisheries (excluding the small vessel coastal fisheries) have observer coverage (at about 2%). Carcasses landed under observer supervision will be stored and kept frozen for later autopsy. At present 10¹ porpoises have been reported as bycatch, but only 4 landed through official observer channels. One unusual bycatch involved 20 long-finned pilot whales taken in a trawl fishery near Norway (7 were brought to Denmark for autopsy). Bycatch estimates are known to be under-estimated for

1 Lockyer updated this to 20 porpoises after the meeting.

various reasons including non-representative observer effort, non-coverage in some fisheries and reluctance to land carcasses (see discussion in Lowry and Teilmann, 1994)²

Voluntary bycatch (and sightings) reporting by the commercial fishery did not prove possible, but it seems more feasible for the small coastal fishing vessels. A plan to ask observers in the fishing fleet to make dedicated watches for small cetaceans on route to the fishing ground is scheduled, so that correlation between bycatch occurrence and presence of cetaceans in the area can be investigated. An emergency stranding network was established in 1993, but there is no compilation of the stranding reports, and the possibility of improving the established system is being investigated in response to the requirement of ASCOBANS that an efficient stranding reporting network be maintained.

Analyses of microsatellite mtDNA for population structure is scheduled for 1997 on porpoises bycaught in 1996, in addition to earlier and scheduled analyses on samples from Denmark, British Isles, Netherlands and West Greenland. Other approaches, for example looking at morphological and biological characters, will also be employed when looking at stock identity.

DIFRES is developing its fishery database containing complete documentation on landings and bycatches in relation to type of fishery, area of operation, season, target species etc. which should be completed at the end of 1997.

DIFRES is also collaborating with the University of Loughborough in the development of acoustic modifications to nets. Field trials with active acoustic alarms and passive acoustic reflectors took place in 1996 and more are scheduled for 1997. In addition, a number of relevant experiments should take place in 1997 in a new captive holding facility, the Fjord and Bælt Centre in Kerteminde. Due to the late start of the BY-CARE programme in Denmark, the programme is expected to be extended until mid-1998. Therefore a final report cannot be written in time for the Meeting of Parties in 1997.

11.1.2 Sweden

Berggren reported on progress on BY-CARE in Sweden (DOCS 10 and 16).

Harbour porpoises are known to be by-caught year round in the Swedish part of Skagerrak. A pilot observer programme was used to monitor the bycatches of harbour porpoises in the Swedish bottom set gillnet fishery for cod between March-May 1995 in the Skagerrak. The 1996 BY-CARE observer programme uses the methods developed in the 1995 pilot programme, but with year-round coverage in selected fisheries in the Skagerrak and Kattegat Seas. The results for the 1995 and 1996 programmes in the Skagerrak Sea yielded similar bycatch estimates; 75 and 82 porpoises per 1000km net, or 30 and 36 per 10,000km*hrs fished for each year respectively. Annual removals were about 3% of the abundance estimates for the corresponding ICES rectangle. If extrapolated to other areas, this rate would provide cause for concern.

Positions were received for 41 days from a harbour porpoise satellite-tagged in Swedish waters in June 1996 revealing that the porpoise travelled to the waters of Denmark and Norway. Results from recent stock identity studies including morphometric and genetic analyses show that the Baltic porpoises comprise a separate stock and should be managed as such.^{3,4}

A pinger experiment is planned to be conducted in the Skagerrak Sea during spring 1997. To date, 50 % of the budget has been secured for this project.

Berggren noted that BY-CARE will submit a progress report to the EU commission in December 1996. He agreed to arrange with copy of the report for the ASCOBANS Secretariat who will forward it to the Advisory Committee members for information.

11.1.3 United Kingdom

Tasker reported verbally on his knowledge on progress in the UK. An assessment had been made of the overall level of effort in the parts of the North Sea using information derived from various sources. This "effort" information was important in establishing a sampling scheme, and will be important when observations are

2 Lowry, N. and Teilmann, J. 1994. Bycatch and Bycatch Reduction of the Harbour Porpoise, *Phocoena phocoena*, in Danish Waters. Rep. Int. Whal. Commn (special issue 15) p.203-209.

3 Börjesson, P. and Berggren, P. 1997. Morphometric comparisons of harbour porpoise (*Phocoena phocoena*) to identify populations in the Baltic and Skagerrak Seas. Can. J. Zool. In press

4 Wang, J. and Berggren, P. 1997. Mitochondrial DNA analysis of harbour porpoises (*Phocoena phocoena*) to identify populations in the Baltic Sea, the Kattegat-Skagerrak Seas and the North Sea. Marine Biology. In press.

11.1.3 United Kingdom

Tasker reported verbally on his knowledge on progress in the UK. An assessment had been made of the overall level of effort in the parts of the North Sea using information derived from various sources. This "effort" information was important in establishing a sampling scheme, and will be important when observations are being extrapolated to the whole fishery. The available data are not ideal. Observers had been placed on a number of boats.

The following UK information was provided in written form after the meeting by John Harwood (Sea Mammal Research Unit), overall coordinator of the BY-CARE project:

UK work under BY-CARE in 1996 concentrated on monitoring by-catch in the English North Sea gillnet fishery using independent observers. The population structure of the North Sea harbour porpoise population was analysed based on mtDNA variation. Mathematical models to investigate the implications of this structure for the effects of by-catches have been developed. Future modelling work will focus on the implications for catches and by-catches of changes in governance for the gillnet and drift net fisheries.

11.1.4 Netherlands

Reijnders reported on a Dutch EU funded project called "CETASEL", which co-operates with the BY-CARE project in studies to obtain more information on how harbour porpoises use their sonar system, with a view to determine which gear modifications will best enable small cetaceans to avoid entanglement in fishing gear.

11.1.5 General

Lorentsen representing the Nordic Fishermen's Environmental Secretariat (NFES) in Norway presented information on the organisation that represents approximately 42,000 Nordic Fishermen and hunters (DOC.23). He also reported on an inconclusive experiment conducted by the Danish Fishermen Association in the Danish waters to examine whether setting gillnets lower in the water would lead to a reduction in the by-catch; of 800 gillnets set, 280 were set lower. Four and three animals were caught in the higher and lower set gear respectively. This approach reflects the fishermen's view that the behaviour of the porpoises should be taken into account when developing approaches to reduce bycatch. He observed that given the expense of pingers, fishermen were unlikely to buy them without strong evidence of their effectiveness. He expressed the opinion that bycatches were not a serious problem in Norway.

At present there is no unequivocal behavioural explanation as to why pingers deter porpoises from net entanglement. In the USA studies have shown them to apparently function well in some situations at certain times of the year but not in others. US research into the effectiveness of pingers is ongoing. Sweden is addressing the behavioural part of the implementation of pingers (but not as a part of BY-CARE), and the Danish work in collaboration with the University of Loughborough (and partner in CETASEL, see item 11.1.4) should also help to resolve such questions.

11.2 Information from EC on funding on cetacean projects

The Chairman reported that no new information had been received from the EC with respect to funding. In part this stemmed from the previously noted uncertainty as to who had responsibility in the EU for ASCOBANS-related matters. There was general agreement that it would be desirable if the EU commission actively participated in the next Meeting of Parties, and it was noted that in order for the Commission to do so it needed a mandate. It was agreed that the Chairman should approach the responsible department in DGXI, as well as DGIV, to clarify this and to ensure that such a mandate is obtained, well in advance of future meetings.

11.3 Unacceptable level of take

As noted under Item 8.3, this matter has received considerable attention by the IWC Scientific Committee as well as ICES. Until these discussions are complete, the IWC Scientific Committee is continuing to provide advice on impact and possible measures to in accordance with its interim guidelines i.e. that takes of about 1% of estimated abundance is the precautionary level beyond which to be concerned about the sustainability of anthropogenic removals and that bycatch in no case should exceed 2%, (1/2 of the estimated maximum growth rate of a population). The IWC Scientific Committee recommends further research in all cases where bycatches occur.

ICES has established guidelines with respect to levels of take, accepting the advice of SGSEAL (now WGSEAL), that levels of take in excess of 1% require urgent investigation. ICES have recommended that the issue of bycatches of harbour porpoises in the North Sea should be investigated as a matter of urgency.

11.4 Bycatch general

Based on Danish bycatch estimates and the SCANS survey, the estimated annual bycatch rate in the North Sea ASCOBANS area is 1.7%. This exceeds the 1% threshold referred to above. Since many potential sources of bycatch are ignored in this estimate, the true annual bycatch rate is probably higher. Within more restricted areas, bycatch rates sometimes exceed 2.5%; whether such rates are sustainable or meaningful, depends on the stock structure in the North Sea and Baltic, which is uncertain.

The Advisory Committee acknowledged the ongoing work of the BY-CARE programme, and recognised that important management implications may derive from the work, which ASCOBANS will need to advise on. These implications include the definitions of unacceptable level of take, and which particular fisheries will need to be modified to reduce bycatch levels.

Member Governments will expect management guidelines from ASCOBANS and fishermen will require scientific evidence to encourage them to change practice. The Advisory Committee **agreed** that it should try to develop a consensus statement covering two issues (1) whether existing information is sufficient to determine if current levels of bycatch warrant urgent concern and (2) on which issues is information inadequate for drawing conclusions. It is important that ASCOBANS advice be co-ordinated with that of the IWC Scientific Committee.

An intersessional working group was established (Berggren and Tasker as convenors, Bjørge, Bravington, Christiani) [*Lockyer and Larsen (Danish Institute for Fisheries Research) have subsequently been added to this group*] to evaluate the information on bycatch and abundance, not merely from BY-CARE, and to consider the recommendations from the IWC. It would consider the formulation of a draft Resolution on the subject of levels of take for consideration at the next Advisory Committee meeting and ultimately the Meeting of Parties.

11.4.1 Approach to ICES over their bycatch records

ICES has a standard format for collecting information on bycatches, but SGSEAL (now WGSEAL) considered that this format was inadequate. However, SGSEAL (now WGSEAL) noted "in future, Member Countries (should) be requested to provide estimates of by-catch per unit of effort in individual fisheries for each ICES Area, with a complete description of how the estimates was arrived at. It was **agreed** that a revised format should be developed in co-operation with ICES experts (e.g. Roger Bailey). Berggren and Tasker will develop such a format and circulate it to WGSEAL for their consideration and comment before final discussion at the next Advisory Committee meeting.

11.5 Possible resolution on bycatch monitoring

Bycatches of artisanal (part time and small boat) and small coastal fisheries are particularly difficult to monitor, especially using an independent observer programme as recommended by ASCOBANS Advisory Committee for other types of fisheries.

Bjørge reported that due to the large numbers of small operative units in Norwegian coastal fisheries, direct observer programmes will be exceedingly expensive. To obtain statistically robust bycatch estimates, modified observer programmes will be considered. Statistics for effort and landed catch are available for commercial fisheries.

ICES does not deal with artisanal fisheries, and therefore they do not have catch statistics that could be of help to ASCOBANS.

It was **agreed** that an intersessional working group (Tasker as convener, Berggren, Bjørge, Skora) will draft a resolution on bycatch monitoring of small boat fisheries, based on information provided in Northridges review of bycatch estimation methods for other types of fisheries.

12. EDUCATIONAL AND PROMOTIONAL MATTERS.

The Advisory Committee recognised that ASCOBANS is not well enough known either to the various relevant IGOs and the participants at their meetings, nor to NGOs or the public at large. It **agreed** that the profile of ASCOBANS needs to be raised considerably and that it needs to be in regular contact with other organisations.

The Advisory Committee discussed different strategies for promoting ASCOBANS, and it was decided to divide any such campaign into two categories:

- (1) relations with various IGOs including official attendance at their meetings; and

(2) production of promotion material.

With respect to Item (1) the Advisory Committee **agreed** to:

- (a) send out invitations (including the agenda) to all relevant IGOs for the Advisory Committee Meetings (the list is attached as Annex F)
- (b) officially send out Advisory Committee meeting reports to those IGOs and relevant NGOs (the list is attached as Annex F)
- (c) send official observers to IGO meetings to present the work of ASCOBANS, and to provide the Advisory Committee with information on the activities of other IGOs. Where appropriate, both the Secretary and a scientist should attend the meetings. This is because the scientist will usually represent another country/organisation as well ASCOBANS, thereby detracting from their ASCOBANS profile. The Secretary in contrast will always be clearly identified with ASCOBANS but may require scientific advice at primarily scientific meetings (e.g. the IWC Scientific Committee). This advice may not be necessary at more political meetings such as the IWC Commission meeting or the NAMMCO Council meeting. Attendance at meetings by the Secretary is an important way to raise the profile of ASCOBANS and provide accurate information about its work. The Advisory Committee recognised that this has economic implications and **agreed** that these should be taken into account by the Working Group established to develop the budget for the next triennium.

With respect to Item (2) a number of ideas was put forward:

- (a) a new poster should be designed that is more succinct and eye-catching than the existing one which had been developed to serve a specific purpose at the first Meeting of Parties. In the context of posters, other suggestions included: the development of a mobile display that the official ASCOBANS observers could take to meetings rather than a large print run of posters for distribution; the design of three different types of posters for scientists, conservation “bureaucrats” and the general interested public, and the design of a universal poster template with changeable text depending on the language and the group that is aimed at;
- (b) leaflets;
- (c) postcards (c.f. the example from the Polish educational campaign on porpoises in Poland);
- (d) linking ASCOBANS with ongoing campaigns in individual countries e.g. with cards handed out by the Natural History Museum, London to fishermen and others who found stranded animals;
- (e) supplying information to various marine mammal society newsletters;
- (f) providing web pages at more sites than CMS e.g. ECS and MARMAM;
- (g) promotion at the international level should be dealt with by the Secretariat and the Advisory Committee members whereas at the national level it should be dealt with by the national responsible people, to account for local circumstances;
- (h) press packages should be prepared in advance of, during and after meetings by the host of the meeting together with the Secretariat for sending out to national and international press associations.

It was **agreed** that such a promotional campaign should have high priority despite the financial implications. Tasker agreed to carry out research into the financial costs of publishing posters, leaflets etc. and he will report back at the next Advisory Committee meeting. The results will then be presented to the Meeting of Parties for action. Poland reported that promotional material could be printed cheaply in Poland. The Advisory Committee members are encouraged to think of additional ways to promote ASCOBANS, particularly via the media, recalling the presentation made by Bruce McKinnon from Media Natura at the last Advisory Committee meeting.

13. DISTURBANCE REDUCTION - GUIDELINES AND OTHER OPTIONS - MILITARY ACTIVITIES .

13.1 Disturbance-reduction

In accordance with discussion at a previous meeting, the following sets of draft guidelines had been developed and circulated for comment: (1) seismic disturbance; (2) whalewatching; and (3) general disturbance.

13.1.1 UK

Tasker informed about the continuing progress on matters relating to disturbance reduction in the United Kingdom.

Guidelines for seismic disturbance were already in use in UK waters.

Information packages on whalewatching will be developed. These will contain general principles and illustrative guidelines. They will be available for use by local officers. Since whalewatching is a local issue, the UK does not believe that it is necessary to impose national rules and regulations.

With respect to general disturbance, a discussion document has been circulated to various industries, ports, jet boats etc. for their comments. When these have been received, a final set of guidelines will be developed. The UK believed that it was important to develop these guidelines in co-operation with the people most likely to be affected by them.

Tasker noted that in the UK there was a high degree of co-operation both with respect to contributing to and implementing guidelines.

Tasker will evaluate the experience from UK and provide a document to the next Advisory Committee meeting. The Advisory Committee will strive to reach an agreed conclusion on this issue and formulate a resolution to the Meeting of Parties.

13.1.2 Denmark

Christiani reported that Denmark did not consider disturbance from leisure boats to be a priority problem in their waters, and therefore the distributed UK draft guidelines had not been implemented. He informed the meeting of an ongoing research programme to assess potential disturbance by high speed Catamaran ferries on harbour porpoises and other species. Preliminary results suggested no significant reactions by harbour porpoises to the ferries.

13.1.3 Norway

Bjørge reported that in Norway there is a network of protected areas within the 12-mile zone. These are mainly aimed at protection of birds and in a few cases seals. A plan for an additional set of protected areas aimed at conservation of marine species and habitats has recently been developed. The national protected areas have direct regulations on boat traffic that might be of interest to ASCOBANS.

13.2 Military activities

At the last meeting it had been agreed that members would seek information on military activities in their countries that might affect cetaceans. Only the following two countries reported on this issue:

13.2.1 The Netherlands

Reijnders reported that it has not yet proved possible to receive information on military activities from the Netherlands authorities.

13.2.2 Germany

Thyssen had obtained some information from the German Ministry of Defence. The German Airforce operate in the Helgoland and Bryggen areas at 20,000 feet and the Navy test explosives for one month a year and carry out diving team training exercises for 10 days per year. There was no information on the possible disturbance.

14. REVIEW OF STRANDINGS SCHEMES

At the second meeting of the Advisory Committee of ASCOBANS it was agreed that Belgium would distribute a questionnaire on national stranding schemes to member states and other range states. This was a repeat request from first meeting of the Advisory Committee. Haelters informed that replies had only been received from Belgium, Germany, The Netherlands, Poland, Sweden and the UK. Due to the fact that some answers arrived very late, and that several countries did not reply at all, he stressed that his submitted review (DOC.15) should be considered preliminary. The answers still due were received at the meeting, and a full summary and extensive review will soon be circulated to the Advisory Committee members.

Nevertheless, he made a few preliminary remarks from the replies received. Strandings of small cetaceans are reported systematically to national databases, and necropsies are performed on most animals. It would be useful if strandings were also recorded on an international database, from which information could be extracted. This might facilitate the examination of possible trends in strandings and even allow a quicker

response to stranding events. There is perhaps a need for an overview of strandings in a whole region instead of publications from individual countries which often happens many years after the strandings took place. It is only for 'spectacular' strandings, e.g. the sperm whales in the winter 1994 and 1995, that information reaches the international press. Often only a limited number of scientists know of reports of strandings. The North Sea and the Baltic should be considered as one ecosystem and therefore the data should not be artificially separated by national boundaries. An overview of contaminant burden in cetaceans and necropsy results for the entire area is lacking. This would be facilitated by an international database.

The United Kingdom reported that it was not likely to set up a new stranding database, since they already have an established one (POSEIDON). Norway noted that it would not set up a stranding scheme due to the nature of the coastline. Norway also reminded the group of the considerable difficulties in interpreting data from stranded animals.

The Advisory Committee discussed a number of (not necessarily mutually exclusive) possibilities:

- (1) to establish a meta database that essentially is a guide to where to find data and which referred to existing databases;
- (2) to include the stranding data in the national reports;
- (3) to send stranding information directly and promptly to the ASCOBANS Secretariat for collation;
- (4) to ask the Secretariat to establish a stranding database which might correlate necropsy records with the international tissue bank.

Haelters noted that OSPARCOM had issued a qualitative status report of trends and effects of marine substances in 1993 and intended to produce a report for the whole area by the year 2000. He hoped that this report would stimulate better cooperation at a national level. He suggested that ASCOBANS might try to produce a similar report, utilising a standardised format/questionnaire that will make compilation easier.

It was **agreed**, that in addition to the review/evaluation document referred to above, Haelters should also contact ICES, since their Marine Mammals Committee has tried to encourage the formation of stranding schemes and is aware of the problems. His review will be considered at the next Advisory Committee meeting and used as the basis for formulating a resolution to be presented to the Meeting of Parties.

Haelters and Berggren **agreed** to consider the merits and means of establishing a meta-database of stranding records, for consideration at the next Advisory Committee meeting.

15. STATUS OF CETACEANS IN THE BALTIC

15.1 Baltic States

Cetaceans are rare in Latvian waters, sightings of harbour porpoises happen once in a decade in Estonian waters, and no recent sightings have been made in Lithuanian waters.

15.2 Poland

Kuklik verbally reported that only a few harbour porpoises are bycaught annually in Polish waters (12 animals were by-caught or stranded in 1996). Since recent studies began in 1993, 24 specimens have been examined. Most were in the age group 0-1 yr with a few being 2-3 yr. The salmon driftnet fishery accounts for about 50 % of the recorded harbour porpoise bycatch; 22 % are caught in bottom cod set nets. The highest density of bycatches is in the Gulf of Gdansk, but observations are made all along the coast, mainly in winter and spring. Polish waters have never been surveyed.

15.3 Sweden

Berggren noted that there are records of bycatch in the Swedish Baltic Sea all year around in salmon driftnets and bottom set nets for cod. Between 1988-1991, an annual average of 4.5 animals were caught, about half in salmon nets. Sweden and Germany surveyed their Baltic waters in 1995.

15.4 General

Given the relatively low abundance of harbour porpoises in the Baltic Sea, the Advisory Committee **agreed** that there is a clear need for further research to assess the population status of harbour porpoises in this area. It noted that a German/Danish/Norwegian/ Polish/ Swedish collaborative proposal is presently being drafted for submission to the EU for funding. It was **agreed** that the Secretariat should send to all Parties, a

recommendation on the need of for a survey in the Baltic (to be drafted by Berggren) requesting them to forward it to their EU representatives for support.

16. PROTECTED AREAS REVIEW

Salmon presented a brief overview of his report of the working group (DOC.8) established to identify criteria at the national and international level which have been, or are being, developed for the identification and definition of marine protection areas as well as to consider how far implementation of any of the identified criteria might provide protection against indirect disturbance of small cetaceans in the ASCOBANS area.

At the 4th North Sea Conference of Ministers it was noted that there are three general types of area protection in the North Sea: (1) Protected areas; (2) Closed areas; and (3) Undisturbed areas.

Contact had been made with various IGOs and several countries, but no EU countries have supplied information to date, probably because the nations are considering how to interpret the requirements of the EC Habitats Directive and nominate "Special Areas of Conservation" in accordance with its requirements. A four volume IUCN-CNPPA/World Bank report provides extensive description of world wide marine protection areas.

Salmon reported that because the working group had received so little information, he had been unable to take further steps apart from recommending that further attempts be made to obtain information from EU and OSPARCOM and suggesting the following general guidelines:

- (1) national protective designation should be obtained before international designation, a management plan should be put into place, and the area must have features of importance for conservation;
- (2) ASCOBANS should offer guidance to nations regarding best practice either generally or on a site by site basis, since it is unlikely that Governments will establish a new level of designation, under ASCOBANS.

In view of the apparent reluctance on the part of nations to present general information, Salmon recommended that a request for specific information be despatched by the Secretariat. Working with the Secretariat, Salmon agreed to request information from EU member states regarding the criteria that they had used or would be using to decide whether areas should be designated Special Areas of Conservation for small cetaceans listed on the EU Habitats Directive. He hoped that by drawing together such information on a species specific basis that ASCOBANS could offer advice, to member states and the EC, on the best criteria to be used.

There was a general discussion on the importance of protected areas for cetaceans and the cost of this e.g. closing down the fisheries in certain areas (as opposed to e.g. seasonal regional fishing closures) are not likely to be very useful for the conservation of wide-ranging species such as cetaceans, except perhaps where locally discrete stocks can be identified. It became clear that the Advisory Committee members were not in a position to judge technical implementations, but that the Committee should at least try to evaluate the need for protected areas, although this was not deemed a priority. It was considered that a specialist on such matters could be invited to the Advisory Committee meeting, and it was noted that considerable expertise is available in the USA. The Chairman and Salmon would consider whether it would be best to employ a consultant to carry out a full review of protected areas criteria.

It was noted that OSPARCOM is working intensively on protected area issues and Haelters agreed to discuss the work of ASCOBANS at the next meeting of the 'impact working group' of OSPARCOM.

17. FUNCTIONING OF THE ADVISORY COMMITTEE.

A working group (Jensen, Lockyer, Reijnders, Tasker, Thyssen) was established to focus discussion on the functioning of the Advisory Committee. It reviewed the items in the working plan with a view to identifying both positive and negative items as well as ways to improve procedures in the future.

At the positive level, advances had been made with respect to bycatch estimation and observer schemes. In practice it seems clear that the most effective work was achieved under contract. Many Advisory Committee members reported that they found it difficult to allocate time to ASCOBANS work; this is clearly illustrated by the fact that questionnaires/reports etc were rarely completed by suggested deadlines and often either did not appear at all or only at or immediately prior to meetings. Experience with intersessional working groups had revealed that in practice they were only active near meeting times.

A number of suggestions were made that should improve matters at least to some extent. These included:

- (a) greater involvement of the Secretariat in intersessional working groups;
- (b) establishment of firm deadlines and allocation of responsibility to the Secretariat to do its utmost to ensure that these are met;
- (c) greater use of invited participants at meetings;
- (d) greater use of contract studies;
- (e) revision and pruning of the action plan to ensure that it is practical.

It was agreed that this matter is of fundamental importance and that it should be thoroughly discussed at the next meeting with a view to formulating a resolution for the Meeting of Parties. A working group comprising and Bjørge as convenor, Berggren, Bravington, Reijnders, will provide a discussion document for the next meeting. This document should be sent to the Secretariat for circulation to the members at least one month before the next meeting. The Chairman and Secretary will draft a resolution on improving the work of the Advisory Committee based on the report from the working group.

18. REVIEW OF ASCOBANS ACHIEVEMENTS.

The chairman highlighted the importance of this issue in particular, because he is of the opinion that this is a procedure by which it is possible to measure whether ASCOBANS has contributed to the conservation of small cetaceans and if its existence brings additional elements to those of other organisations. To that end he proposed that the Advisory Committee should evaluate

- (1) the functioning of the Advisory Committee (addressed under Agenda item 17)
- (2) the functioning of the Secretariat (addressed under Agenda item 19)
- (3) the implementation of the Agreement

The basic questions to be answered on the Implementation of the Agreement are:

- (a) Is the Agreement working well?
- (b) Can anything be improved?
- (c) Can we provide advice for improvements to the Meeting of Parties and for the CMS Secretariat?

These questions can best be addressed by:

- (1) producing a report summarising the activities of the Advisory Committee and its evaluation of what has been achieved, given the agreed resolution at the first Meeting of Parties on the ASCOBANS Action Plan and the terms of reference for the Advisory Committee;
- (2) drafting before the next Meeting of Parties resolutions for further action stemming from the former Action Plan and for new action, all to be included in the draft next Triennial ASCOBANS Action Plan;

The report will consist of two parts, the first dealing with Aims of the Conservation and Management Plan of the Agreement from the first Meeting of Parties, which were not covered in the Action Plan; the second evaluating the Action Plan as described during the first Meeting of Parties. The Chairman briefly explained the outline of the evaluation process and stated that he and the Vice-chairman will produce a concept report to be distributed to the Committee members for comments a few months before the next Advisory Committee Meeting. Together with the Secretariat a second draft will then be prepared to be discussed at the next Advisory Committee Meeting.

19. SECRETARIAT ISSUES.

The Secretariat submitted a report of its activities since 1 December 1995 (DOC.7).

19.1 Location of the Secretariat

It was recalled that the location of the Secretariat for the next triennium would need to be decided formally at the next meeting of Parties. It was suggested that tenders should be sought, and that the Advisory Committee should present a summary of the options to the Meeting of Parties that *inter alia* should incorporate a financial assessment of the implications of the locations; an indication of the value of the options from both an

administrative and scientific perspective; other technical and practical considerations (e.g. communication links).

Norway stated that they believed that it was important for the Secretariat to be located in close proximity to other science based organisations such as the IWC and ICES, rather than larger administrative bodies, given the nature of the work of the Advisory Committee. On these grounds Norway therefore recommends that Cambridge and Copenhagen would be excellent locations for the Secretariat.

The United Kingdom noted the value of stability in the Secretariat and also believed that the Secretariat should remain in close contact with the scientific community.

19.2 General

The Advisory Committee agreed that it should become more directly involved with the work of the Secretariat. For example it would be of value if copies of important correspondence received by the Secretariat were circulated to Committee members to supplement the present arrangement whereby members of the Committee send copies of relevant mail to the Secretariat. The practicalities of this need to be investigated and as noted earlier in the report the availability of all members on e-mail would greatly enhance the efficiency of this process as well as reduce administrative and postal costs.

20. RULES OF PROCEDURE OF ADVISORY COMMITTEE - PARTICULARLY OBSERVERS.

Sweden and the UK had submitted a proposal for an amendment to the rules of procedure to allow NGOs to attend Advisory Committee Meetings as observers (DOC. 9). This topic was discussed in a working group (Salmon as convenor, Berggren, Boye, Christiani, Haelters) that met twice during the meeting to discuss the proposal. Sweden and the UK asserted that there were benefits in allowing NGOs to participate in the Advisory Committee Meetings. They suggested that 'allowing general attendance for NGOs may allow for further speedy implementation of the action points of the Advisory Committee and the Conservation Plan of the Agreement'. They believed that the participation of NGOs from non-range states 'may contribute significantly to the ongoing discussion of the Advisory Committee'. They also commented that the Rules of Procedure of ASCOBANS are not consistent with those for other CMS agreements, who allow NGO participation at their Advisory Committee Meetings, and drew attention to the fact that NGOs can attend Meetings of the Parties.

Several Advisory Committee members expressed concern about the proposed amendments. These can be summarised as follows:

- (a) the presence of specially interested NGOs may inhibit free discussion of participants for fear of having their comments and opinions misrepresented outside the meetings, and even possibly in the media;
- (b) the reputations of many NGOs are such that they might complicate and confound ASCOBANS liaisons with fishery organisations and even government ministries by compromising the neutrality of the Committee - time and again it has been shown that bycatch reduction programmes can only function effectively with the full co-operation of fishermen;
- (c) similarly the overall credibility of the Advisory Committee as impartial and broadly scientific might be compromised;
- (d) numbers - it is not inconceivable that NGO observers might outnumber the members of the Advisory Committee - it also has financial and practical implications for suitable venues and for servicing meetings;
- (e) time at Advisory Committee meetings might be wasted by internal disagreements among NGOs.

It was further noted that the Swedish/UK proposal had only been submitted by fax to the Secretariat two days before the meeting (although this matter had been discussed at previous meetings).

Some members believed that the relevant Rule of Procedure of the Eurobat Agreement (circulated as DOC. 20) addressed the above concerns. In particular it specified that two-third of the Parties shall accept their application and that attendance may be decided upon taking seating limitations into account. Concern was expressed that while the principle that two-thirds of the parties must accept a nomination appeared sensible, it would be difficult to reach a soundly based decision on unknown NGOs from other countries. It was also noted that unanimity was required for NGOs to attend IWC technical working groups.

In discussion, the UK and Sweden were asked to provide examples of where NGOs had in their opinion benefited the work of IGOs, given the assertions in DOC 20. The UK stated that it was unable to provide any specific examples although it believed that NGOs might be helpful in any publicity campaign. Sweden replied

that it had good experience from non-ASCOBANS activities where NGOs had been helpful in drafting documents and submitting background information. Some members commented that these replies hardly constituted a strong case for the admission of NGOs in the context of furthering the ASCOBANS Agreement.

It was suggested that one possible approach was for the Advisory Committee to identify specific areas where NGO help might be useful, then intersessional technical meetings on these specific matters could be held. Sweden and the UK responded that they were not in favour of this approach. Their information suggested that this would make the NGOs feel left out; if NGOs not could attend the Advisory Committee meetings then they did not want to participate at all. Other members commented that it was important to separate out the desire of an NGO to attend intergovernmental meetings and its ability to contribute to such meetings.

In the absence of any experience of meetings of this nature that included NGOs, Poland commented that it had no objections in principle to their attendance at ASCOBANS meetings.

After considerable discussion and no convergence of views, it was clear that the Advisory Committee could not reach an agreement, and the Advisory Committee considered having a vote on the proposed amendment. It was then realised that the voting procedure for matters such as amending the Rules of Procedure were not clear. It should have been an agenda item for this Advisory Committee meeting but was forgotten when the agenda was drafted. The Rules of Procedure need to be changed first and then the suggested amendment of the Rules of Procedure can be accepted or rejected. It was agreed that both problems should be solved at the next meeting of the Advisory Committee.

The Chairman noted that in the interest of time it would be helpful if participants could perhaps agree to some temporary solution, and the Advisory Committee finally came to the following temporary agreement that NGOs may be represented at the next Advisory Committee Meeting provided the following procedures are followed:

The NGO must have some expertise in cetacean conservation and management and apply to the ASCOBANS Secretariat for observer status not less than 60 days in advance of the meeting, nominating a specific observer and their background. The Secretariat shall communicate such applications to the Advisory Committee Members at least 30 days before the meeting. If no country objects the NGO will be permitted to attend the meeting.

Both Sweden and the UK stated that they would have preferred the matter to have been resolved at this meeting. However, they accepted the solution proposed for the next meeting, and hoped that the issue can be resolved between parties between now and the next meeting to ensure that that meeting concentrates on measures of direct importance to the conservation of small cetaceans.

21. ARRANGEMENTS FOR THE SECOND MEETING OF PARTIES.

Germany offered to host the next Meeting of Parties in 1997. The German budget for 1997 includes provision for Germany to host the meeting and a formal decision will be taken by the German Ministry of Finance and the German Parliament in late November 1996. The meeting will take place in November or December 1997.

The Secretariat will meet with the CMS Secretariat in Bonn on 29 November 1996, to begin arrangements for the second Meeting of Parties and to determine the level of ASCOBANS Advisory Committee involvement required. At a minimum, the Committee must be involved in developing the agenda, and the Secretariat (in consultation with the Chairman) should be the primary force behind the meeting in cooperation with the German government. The Committee will be kept regularly informed about the progress.

22. RECENT RESEARCH/SURVEYS .

22.1 Formal assessment of SCANS with recommendations on methods and future surveys

One of the tasks of the Advisory Committee is to review SCANS methodology and identify further survey needs.

It is recognised that the results of SCANS (and its methodology) have been reviewed by both the IWC Scientific Committee and, to a lesser extent, ICES. The ASCOBANS review should list the advantages and disadvantages of SCANS as a one year survey as compared to a hypothetical time series of surveys, particularly in the context of advancing scientific knowledge with respect to abundance, seasonal/temporal distribution and

migrations, stock structure and providing information relevant to bycatch and status. Financial considerations must also be addressed

It was agreed that the most effective way to carry out such a review, including assessing what further research would be most useful, was by contract study. It was further agreed that the most appropriate scientist to carry out such a review would be a person who, while familiar with the survey, had not been directly involved in the SCANS project. The Chairman suggested Dr Tim Smith of the US National Marine Fisheries Service who is based at the Woods Hole Oceanographic Institute in the USA. Other independent experts such as Drs Andy Read and Jay Barlow were suggested. The Chairman and Vice-Chairman will contact Dr Smith or another suitable independent expert directly about this. The review will be circulated in advance of the next Advisory Committee meeting for evaluation.

22.2 Progress on the population structure project, including involvement of Iceland and Faroes

As reported under Item 11, analyses of harbour porpoise DNA has been carried out and further analyses are planned for 1997. The Faroe Islands and Iceland have been approached via NAMMCO and by personal contact to the scientists involved. Lockyer is dealing directly with Icelandic scientists on the ageing of harbour porpoises; Iceland is cooperative, but has no immediate plans to carry out genetic analyses. Progress on developing an international database was made during discussions of relevant scientists at the IWC Scientific Committee Meeting in Aberdeen. Preliminary examination of the available results suggests that the North Sea is a major mixing ground for a number of sub-populations.

Lockyer and Bjørge agreed to prepare a briefing for the next Advisory Committee meeting including a status report and a discussion of the relevance of this project to management.

23. TISSUE BANKS.

The Secretary had sent out a questionnaire to members of the Advisory Committee as well as to the European Cetacean Society (ECS) national contact persons on existing national tissue banks having tissue from small cetaceans from the Baltic and North Seas available for international use. The replies are presented in DOC. 1+4. It has been suggested that should an international tissue bank be deemed valuable, then the datalist and requests for samples can be co-ordinated by the ASCOBANS Secretariat. However, lack of time prevented to discuss this item at this meeting. Discussion is therefore deferred to the next meeting, and the Secretary will continue to seek information.

24. ACTION POINTS.

A draft version was provided by the Secretary, commented upon and is incorporated as the Executive Summary at the beginning of this report.

25. DATE AND VENUE OF NEXT MEETING.

Reijnders offered to host the next meeting of the Advisory Committee in Texel in the Netherlands, from 30 June to 2 July 1997. The Advisory Committee cordially accepted the offer.

26. OTHER BUSINESS.

The Secretary reminded the members about the list of relevant international meetings taking place in 1997 (DOC 23) and that they should inform the Secretariat if they are attending any of these meetings so that ASCOBANS observers can be nominated. An updated list is attached as ANNEX G).

27. CLOSE OF MEETING.

The Chairman expressed thanks on behalf of the Advisory Committee to Olaf Christiani for the excellent and efficient hosting of the meeting.

LIST OF ANNEXES.

- A. AGENDA
- B. LIST OF PARTICIPANTS
- C. LIST OF DOCUMENTS
- D. LETTER SENT TO CMS CONCERNING ACCOBAMS
- E. REPORT FROM THE BUDGETARY WORKING GROUP
- F. LIST OF IGOS AND NGOS ON DISTRIBUTION LIST FOR INVITATIONS AND REPORTS.
- G. LIST OF INTERNATIONAL MEETINGS IN 1997 OF RELEVANS TO ASCOBANS.

AGENDA

1. Introduction
2. Adoption of Agenda
3. Documentation submitted to meeting
4. Welcome of accession of Poland, welcome new Secretary, progress on accession of other range states/EU
5. Possible extension of ASCOBANS area - Trevor Salmon to report on discussions with Ireland
6. Progress of ACCOMABS - report from Secretariat
7. Financial/budgetary issues. First work on draft 1997 and first draft triennium budget (1997-2000).
Financial statement - Secretariat.
8. Reports of observers at meetings since November 1995.
(ICES Annual Science - Mark Tasker; North Sea conference - Mark Tasker, IWC, Aberdeen -Secretariat/ Mark Tasker/ others; NAMMCO Scientific Council - Arne Bjørge; Helcom - Jette Jensen; others).
9. Assessment of compilation of national reports (Mark Tasker, Peter Reijnders)
10. Pollutant issues (Peter Reijnders to report)
11. Bycatch issues. Progress with BYCARE (Secretariat, other BYCARE participants)
Information from EC (Secretariat)
Unacceptable level of take
Approach to ICES over their bycatch records
Possible resolution on bycatch monitoring
12. Educational and promotional matters. Is the profile of ASCOBANS good enough? how can we enhance it?
13. Disturbance-reduction - guidelines and other options. Military activities -any progress by Parties?
14. Review of strandings schemes (Jan Haelters)
15. Status of cetaceans in the Baltic - further information
16. Protected Areas review (Trevor Salmon)
17. Functioning of the Advisory Committee (Peter Reijnders, Mark Tasker) Are we achieving all we could, could we work better, is our relationship with the Secretariat ideal.
18. Review of ASCOBANS achievements.
19. Secretariat issues. The location of the Secretariat. General.
20. Rules of Procedure of Advisory Committee - particularly observers
21. Arrangements for second Meeting of Parties
22. Recent research/surveys. Assessment of SCANS with recommendations on methods and future surveys.
Progress on the population structure project, including involvement of Iceland and Faroes.
23. Tissue banks. Jette Jensen is investigating national availabilities.
24. Agreement on Action Points.
25. Date and venue of next meeting.
26. Other business.
27. Close of meeting

LIST OF PARTICIPANTS

Jan Haelters (For T. Jacques, Advisory Committee)
 Management Unit of the North Sea Mathematical
 Models (MUMM)
 3e en 23e Linierregimentsplein
 8400 Oostende
 BELGIUM
 Tel: +32-59 70 01 31
 Fax: +32-59 70 49 35
 E-mail: mummjh@camme.ac.be

Janet Pawlak (ICES observer, attending selected items)
 ICES
 Palægade 2-4
 1261 Copenhagen K
 DENMARK
 Tel: +45 33 154225
 Fax: +45 33 934215
 E-mail: janet@server.ices.dk

Olaf G. Christiani (Advisory Committee)
 The National Forest and Nature Agency
 Haraldsgade 53
 2100 Copenhagen Ø
 DENMARK
 Tel: +45-39-272000
 Fax: +45-39-279899
 E-mail: ogc@sns.dk

Astrid Thyssen (Advisory Committee)
 Bundesministerium für Umwelt, Naturschutz und
 Reaktorsicherheit, Referat N I 3
 Godesberger Allee 90
 Postfach 120629
 D-5300 Bonn 1
 GERMANY
 Tel: +49-228-3052634
 Fax: +49-228-3052697

Odma Johannesen (Advisor, Danish delegation)
 Ministry of Agriculture and Fisheries
 Holbergsgade 2
 1057 Copenhagen K
 DENMARK
 Tel: +45 33 923535
 Fax: +45 33 145042
 E-mail: ojo@lfm.dk

Peter Boye (Advisor, German Delegation)
 Federal Agency for Nature Conservation
 Kontantinstrasse 110
 D-53179 Bonn
 GERMANY
 Tel: +49-228-8491124
 Fax: +49-228-8491200

Christina Lockyer (Advisor, Danish delegation)
 Danish Institute for Fisheries Research
 Charlottenlund Slot
 Jægersborg Allé
 2920 Charlottenlund
 DENMARK
 Tel: +45 33 963373
 Fax: +45 33 963333
 E-mail: chl@dfu.min.dk

Peter J.H.Reijnders (Chairman, Advisory Committee)
 Institute for Forestry and Nature Research
 Dept. Aquatic Ecology
 P.O.Box 167
 1790 AD Den Burg
 NETHERLANDS
 Tel: +31-222-369700
 Fax: +31-222-319235
 E-mail: P.J.H.Reijnders@ibn.dlo.nl

Elling Lorentsen (Advisor, Danish delegation)
 Nordic Fishermen's Environmental Secretariat
 c/o Norges Fiskarlag
 Pir-Senteret
 7005 Trondheim
 NORWAY
 Tel: +47 7354 5850
 Fax: +47 7354 5890
 E-mail: fisklag@sn.no

Arne Bjørge (Range State Participant)
 Norwegian Institute for Nature Research
 P.O. Box 736
 Sentrum
 0105 Oslo
 NORWAY
 Tel: +47-22-940371 (direct line)
 +47-22-940300 (office line)
 Fax: +47-22-940302
 E-mail: arne.bjorge@bio.uio.no

Krzysztof Skóra (Advisory Committee)
Hel Marine Station
84-150 Hel
P.O.Box 37
Morska 2
POLAND
Tel: +48-58-750836
Fax: +48-58-750420
email: skora@univ.gda.pl

Iwona Kuklik (Advisor, Polish delegation)
Hel Marine Station
84-150 Hel
P.O.Box 37
Morska 2
POLAND
Tel: +48-58-750836
Fax: +48-58-750420
E-Mail: oceik@univ.gda.pl

Per Berggren (Advisory Committee)
Department of Zoology
Stockholm University
10691 Stockholm
SWEDEN
Tel: +46-8-164029
Fax: +46-8-167715
E-mail: per.berggren@zoologi.su.se

Mark Bravington (Advisor, British delegation)
Fish Stock Management Group
DFR Fisheries Laboratory
Pakefield Road
Lowestoft
Suffolk NR33 0HT
UNITED KINGDOM
Tel: +44 1 502 524540
Fax: +44 1 502 513865
E-mail: m.v.bravington@cefas.co.uk

Helen McLachlan (Advisor, British delegation)
RSPCA
Causeway
Horsham
West Sussex RH12 1HG
UNITED KINGDOM
Tel: +44 1 403 241148
Fax: +44 1 403 241048
E-mail: hmclach@rspca.org.uk

Trevor Salmon (Advisory Committee)
Species Conservation Branch
European Wildlife Division, Room 9/02
Department of the Environment
Tollgate House
Houlton Street
Bristol BS2 9DJ
UNITED KINGDOM
Tel: +44 1 179 878854
Fax: +44 1 179 878182
E-mail: global.wildlife@gtnet.gov.uk

Mark Lindley Tasker (Vice-Chairman, advisor British delegation, alternate ICES Observer)
Joint Nature Conservation Committee
Dunnet House, 7 Thistle Place
Aberdeen AB10 1UZ
UNITED KINGDOM
Tel: +44 1 224 655701
Fax: +44 1 224-621488
E-mail: MLTasker@aol.com
Tasker_m@jncc.gov.uk

Jette Jensen (ASCOBANS Secretariat)
ASCOBANS Secretariat
c/o Sea Mammal Research Unit
High Cross, Madingley Road
Cambridge CB3 0ET
UNITED KINGDOM
Tel: +44 1 223 301282
Fax: +44 1 223 301282
E-mail: ascobans@smru.ac.uk

LIST OF DOCUMENTS

ASCOBANS/ADV.COM./3/DOC.

- 1 JENSEN, J. Preliminary list of existing tissue banks.
2. BJØRGE, J. Observers report from the NAMMCO Scientific Committee.
3. BJØRGE, A. National report from Norway.
4. BJØRGE, A . Summary of small cetacean tissue held at NINA, Oslo.
5. JENSEN, J. ASCOBANS Secretariats financial report.
6. LOCKYER, C. AND F. LARSEN. Interim progress report on BY-CARE from the Danish Institute for Fisheries Research (DIFRES).
7. JENSEN, J. Report from the ASCOBANS Secretariat, 1/12 1995 - 12/11 1996.
8. Report from the working group on Marine Protection Area Criteria.
9. SWEDEN AND UNITED KINGDOM. Proposal regarding Agenda Item 20 - Rules of Procedure of Advisory Committee - regarding observers.
10. CARLSTROM, J. AND P. BERGGREN. Bycatch Estimates of Harbour Porpoises (*Phocoena phocoena*) in the Swedish Skagerrak Sea Obtained From Independent Observer Data. This document was also presented to the IWC Scientific Committee in Aberdeen, Scotland, June 1996, as SC/48/SM25. For information, not to be cited.
11. HEIMLICH-BORAN, S. L. Progress report on the Agreement on Conservation of Small Cetaceans of the Baltic and North Seas, May 1995 - April 1996. Presented to IWC in Aberdeen, Scotland, June 1996, as IWC/48/OS ASCOBANS.
12. HEIMLICH-BORAN, S. L. Progress report on the Agreement on Conservation of Small Cetaceans of the Baltic and North Seas, May 1995 - July 1996, for the CMS web site.
13. DONOVAN, G. P. Unofficial summary from the IWC Meeting in Aberdeen, June 1996, with an attachment of the resolution on harbour porpoises in the North Atlantic and the Baltic Sea adopted by IWC in 1994.
14. CHRISTIANI, O. National report to ASCOBANS, Denmark.
15. HAELTERS, J. Draft. A review of stranding schemes in the ASCOBANS area.
16. BERGGREN, P., BÖRJESSON, P., CARLSTRÖM, J., KULL, M., WESTGATE, A.J., KOOPMAN, H.N. AND READ, A.J. Satellite tracking of a harbour porpoise in the Skagerrak Sea. For info, not to be cited.
17. Report of the 17th Helsinki Commission Meeting, 12-14 March 1996, Annex 4. HELCOM Recommendation 17/2. Protection of harbour porpoises in the Baltic Area.
18. ICES. Extract from the 1996 annual report of the International Council for the Exploration of the Sea. Marine Mammals Committee.
19. NAFO/ICES SYMPOSIUM. The role of Marine Mammals in the Ecosystem. Extract from the ICES web site.
20. Agreement on the Conservation of Bats in Europe. Rules of Procedure, Rule 2, Admittance of Observers.
21. Now incorporated as Annex E to this report.

22. ICES. Extract from the 1996 Report of the Advisory Committee on the Marine Environment. Section 13, issues regarding marine mammals.
23. NFES. Information on the Nordic Fishermen's Environmental Secretariat (NFES).
24. JENSEN,J. Preliminary list of international meetings in 1997

LETTER SENT TO CMS CONCERNING ACCOBAMS

Douglas Hykle

dhykle@unep.ch

Dear Douglas

Negotiating meeting for ACCOBAMS

We have been following with interest the negotiations towards the Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and contiguous Atlantic Area (ACCOBAMS) and are very pleased with progress.

We are aware that discussion will take place as to whether the Sea of Marmara should be included in the Agreement area. To assist with these discussions, the Advisory Committee to the Agreement on the Conservation of Small Cetaceans in the Baltic and North Sea (ASCOBANS) would like to point out that all marine waters of the North and Baltic Seas, including several areas of internal water, are included in the ASCOBANS area. To offer the maximum possible conservation benefit, we consider it important that as far as possible the full range, including migratory corridors, of relevant species should be included in international cetacean Agreements.

We hope that the above will be of assistance in your negotiations. We intend to further improve the relationship between the two Agreements by submitting a resolution to the next Meeting of Parties to ASCOBANS (1997) to include the (interim) secretariat of ACCOBAMS as one of the intergovernmental organisations that are automatically entitled to observer status at ASCOBANS meetings.

We hope that the final negotiating session for ACCOBAMS on 19-24 November proves successful.

Yours Sincerely,

Peter J. Reijnders

Chairman, ASCOBANS Advisory Committee

REPORT FROM BUDGETARY WORKING GROUP

Having reviewed the financial statement contained in ASCOBANS/ADV.COM./3/DOC.3 and in the Secretariat's report (DOC.7) and having noted the budget lines agreed at the first meeting of the parties in (Resolution 3, Annex 1), the working group:

- found itself unclear as to the details of actual expenditure during the 1996 period, notably salaries and travel;
- without the clear understanding of how the recent changes within the Secretariat will affect the salaries budget, were unable to give any firm guidance on a 1997 budget or any future triennium budget;
- ACCORDINGLY, the Advisory Committee Members request the Secretariat to provide them with:
 - full details of 1996 salaries and travel details,
 - anticipated expenditure on salaries and travel for 1997,

by Christmas 1996.

Notwithstanding the above, the working group urged the Secretariat to spend any relevant surplus on promotional material for the Agreement.

LIST OF IGOS AND NGOS ON DISTRIBUTION LIST FOR INVITATIONS AND REPORTS

IGOs entitled to send observers to the ASCOBANS meetings, and to receive invitation to meetings and reports of meetings:

the United Nations, acting as the Depositary to this agreement

the Secretariats of the Convention on the Conservation of Migratory Species (CMS)

the Convention on International Trade in Endangered Species of wild Fauna and Flora (CITES)

the Convention on the Conservation of European Wildlife and Natural Habitats (BERN CONVENTION)

the Oslo and Paris Conventions for the Prevention of Marine Pollution (OSPARCOM)

the Common Secretariat for the Co-operation on the Protection of the Wadden Sea (CWSS)

the North-East Atlantic Fisheries Commission (NEAFC)

the International Whaling Commission (IWC)

the International Baltic Sea Fisheries Commission (IBSFC)

the Baltic Marine Environment Protection Commission (HELCOM)

EC NATURE

the International Council for the Exploration of the Sea (ICES)

the Int. Union for the Conservation of Nature and Natural Resources (World Conservation Union) (IUCN)

the North Atlantic Marine Mammal Commission (NAMMCO)

the European Cetacean Society (ECS)

the Inter-American Tropical Tuna Commission (IATTC)

NGOs to receive reports officially from the ASCOBANS Meetings:

the World Wide Fund for Nature (WWF)

the Wildlife and Countryside Link

the European Environment Bureau (EEB)

the Whale and Dolphin Conservation Society (WDCS)

the Environmental Investigation Agency (EIA)

the Environmental Investigative Network (EIN)

the Royal Society for Prevention of Cruelty to Animals (RSPCA)

Greenpeace

Nordic Fishermen's Organisation

Gesellschaft zum Schutz

Deutsches Museum für Meereskunde

Nederlandse Vereniging tot Bescherming van Dieren

LIST OF INTERNATIONAL MEETINGS IN 1997 OF RELEVANCE TO ASCOBANS

OSPAR WG on Concentrations, Trends and Effects of substances in the Marine Environment (SIME)	3-7 February	Belgium
ICES WG on Biological Effects of Contaminants (WGBEC)	4-7 March	Copenhagen, Denmark
ECS Annual conference	10-12 March	Stralsund, Germany
NAMMCO Scientific Committee	10-15 March	Tromsø, Norway
HELCOM Commission meeting	11-13 March	Helsinki, Finland
CONSSO Intermediate Ministerial Meeting on the Integration of Fisheries and Environmental Issues (IMM)	13-14 March	Bergen, Norway
ICES WG on Seals and Small Cetaceans in European Seas (WGSEAL)	1-4 April	Stockholm, Sweden
CMS Conference of the Parties (COP)	10-16 April	Geneva, Switzerland
HELCOM WG on Nature Conservation and Biodiversity (EC NATURE)	26-29 May	Russia or Denmark
NAMMCO Council Meeting	27-30 May	Tórshavn, Faroe Islands
ICES Advisory Committee on the Marine Environment (ACME)	9-14 June	Copenhagen, Denmark
ICES Annual Science Conference	25 Sept.-3 Oct	Baltimore, USA
IWC Scientific Committee, WGs.	26-29 September	Bournemouth, England
IWC Scientific Committee, main meeting	29-11 October	Bournemouth, England
OSPAR WG on Impacts on the Marine Environment (IMPACT)	October	?
IWC Commission Meeting, WGs	17-19 October	Monaco
IWC Commission Meeting, main meeting	20-24 October	Monaco