

# Policy Context – ASCOBANS



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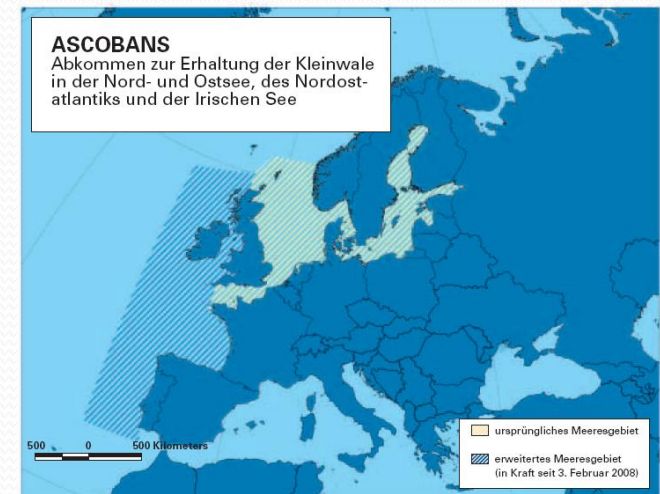
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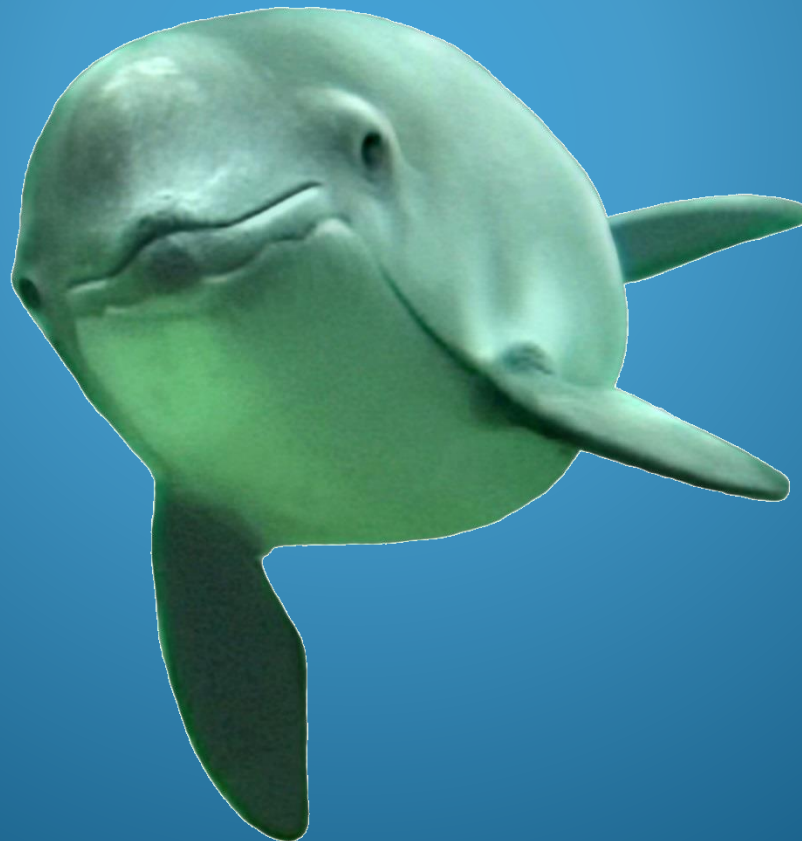
# ASCOBANS

*Agreement on the  
Conservation of Small  
Cetaceans of the Baltic,  
North East Atlantic, Irish  
and North Seas*

- Intergovernmental treaty
- Signed 1992, in force since 1994
- 10 Parties



# The Agreement Text



# Purpose

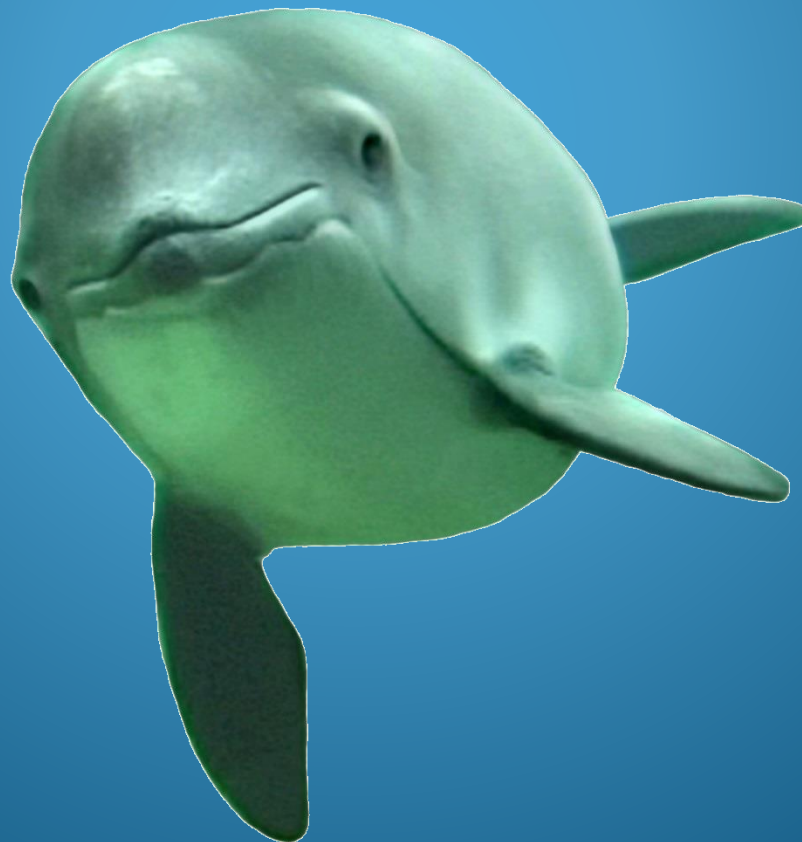
- The Parties undertake to cooperate closely in order to achieve and maintain a favourable conservation status for small cetaceans. (Article 2.1)
- In particular, each Party shall apply within the limits of its jurisdiction and in accordance with its international obligations, the conservation, research and management measures prescribed in the Annex. (Article 2.2)



# Conservation and Management Plan

- Covers 5 main topics:
  - Habitat conservation and management  
“(b) the development, in the light of available data indicating unacceptable interaction, of modifications of fishing gear and fishing practices in order to reduce by-catches”
  - Surveys and research
  - Use of by-catches and strandings
  - Legislation  
“... Parties shall endeavour to establish (a) the prohibition under national law, of the intentional taking and killing of small cetaceans”
  - Information and education

# Resolutions & AC Deliberations



# MOP1 (1994)

- **Resolution 1.2 on the Implementation of the Conservation and Management Plan (*expired*):**

The Advisory Committee shall, in the light of work of other intergovernmental organisations, assess the level at which interactions between fisheries and small cetaceans become unacceptable, and shall report no later than the next Meeting of the Parties.

# AC1 (1995)

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

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

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



# AC2 (1995)

## 11.4 Recommendations for "unacceptable level of take"

Berggren suggested in a note which was circulated in his absence, that the Committee might consider the current IWC suggestion of 1-2% of the population (May, 1995, Dublin). Tasker also proposed that this be considered, and apologised for the fact that Berggren, himself and Bjørge had been unable to meet and report on this matter. Bjørge asked that the Committee recommend that the real scientific and biological aim was 0% take, but accept that 1% was a more realistic goal. Christiani queried whether ASCOBANS was just endorsing the IWC recommendation. Salmon suggested that the matter be referred to the relevant ICES study group for their opinion. Reijnders suggested that ASCOBANS await expert opinion of other competent bodies before our working group put forward a recommendation. However, a report should be made for the second Meeting of Parties in 1997. The matter of by-catches should be placed again on the agenda of the next Advisory Committee meeting in November 1996.

# AC4 (1997)

- (2) **Introduction section:** should be rewritten with changes in the section covering acceptable levels of bycatch, as follows:

It should be made more explicit that **interim management objectives** are being proposed. It should be explained how important this is in the context of developing a management strategy on bycatch. An indication should be given of the issue that need to be considered when developing objectives, and of how choice of objectives affects research and management. Selection of objectives will shape the workplan for the next triennium, and the Working Group was asked to draft Terms of Reference for a working group to address this issue; see Agenda item 18 for further discussion.

- (3) as yet ASCOBANS has no agreed and uniquely appropriate method of quantifying "acceptability";
- (4) nevertheless, until such a method is agreed, **sustainability** provides a minimum standard for conservation;

- Result: MOP2 Doc.4 Towards Development of Conservation Objectives for ASCOBANS

# MOP2 (1997)

- **Resolution 2.3 Incidental Take of Small Cetaceans**  
*(repealed)*:

- 80% carrying capacity aim
- Goal to minimise bycatch/reduce to zero
- 2% removal limit

- **Resolution 2.5 Activities of the ASCOBANS Advisory Committee 1997-2000** *(expired)*:

ASKS the AC to “develop, by 1999, precise conservation objectives for Parties for small cetacean populations in the ASCOBANS area that will enable decisions on unacceptable levels of by-catch and on monitoring programmes to be refined”

# MOP3 (2000)

- **Resolution 3.3 on Incidental Take of Small Cetaceans (*extant*):**

Recalls “that the aim of ASCOBANS can be interpreted as “to restore and/or maintain biological or management stocks of small cetaceans at the level they would reach when there is the lowest possible anthropogenic influence” - a suitable short-term practical sub-objective is to restore and/or maintain stocks/populations to 80% or more of the carrying capacity”

# MOP3 (2000)

- **Resolution 3.3 on Incidental Take of Small Cetaceans (*extant*):**

Agrees “that the general aim should be to minimise (i.e. to ultimately reduce to zero) anthropogenic removals within some yet-to-be-specified time frame, and that intermediate target levels should be set;”

“Defines, for the present, according to the most recent scientific information “unacceptable interactions” as being, in the short term, a total anthropogenic removal above 1.7 % of the best available estimate of abundance”



# MOP3 (2000)

- **Resolution 3.3 on Incidental Take of Small Cetaceans (*extant*):**

“Underlines the intermediate precautionary objective to reduce by-catches to less than 1% of the best available population estimate”

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

# MOP5 (2006)

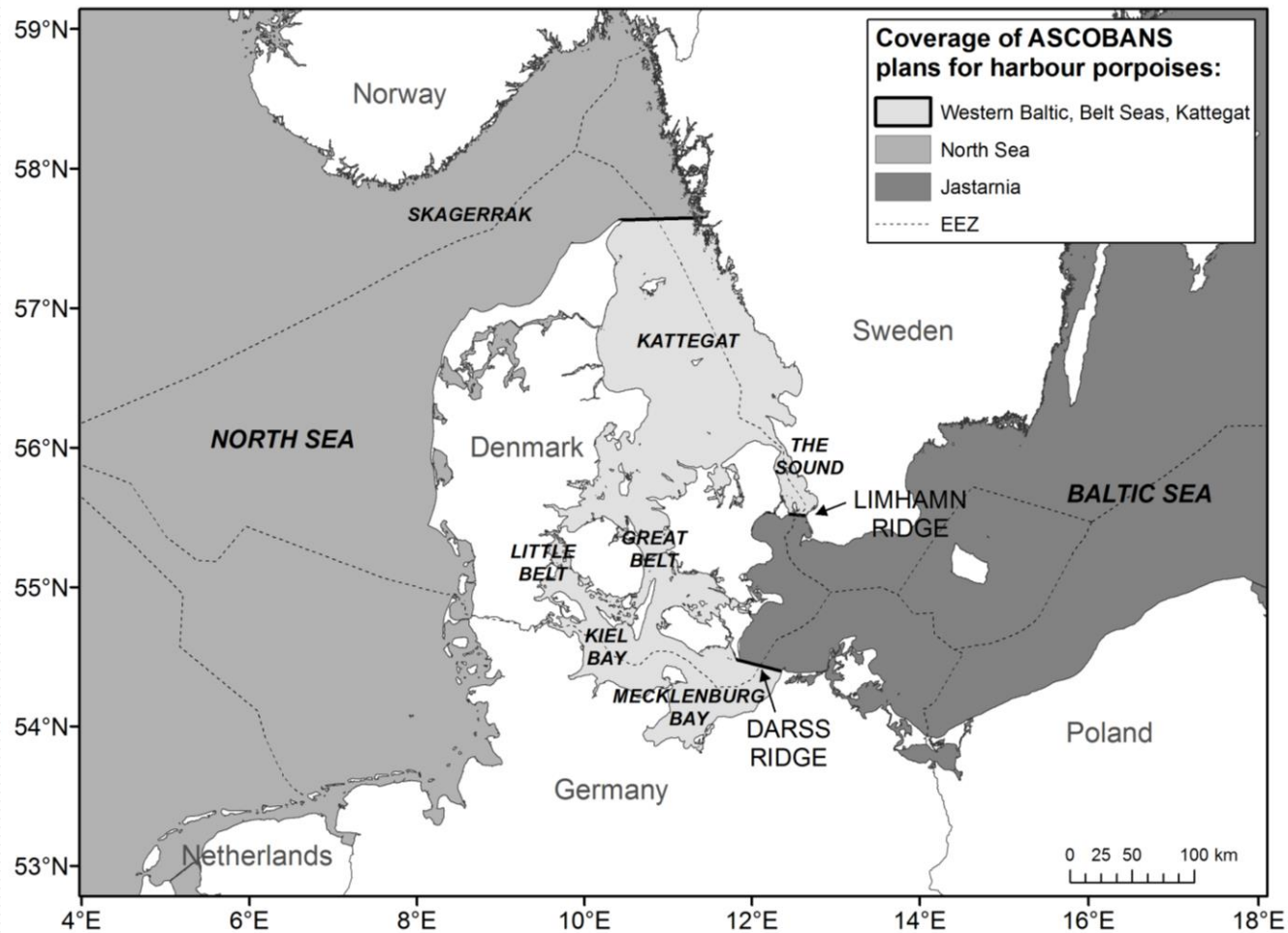
- **Resolution 5.5 on Incidental Take of Small Cetaceans (*extant*):**

“Reiterates the recommendations of Resolution 3 of MOP 3 particularly that total anthropogenic removal is reduced by the Parties to below the threshold of “unacceptable interactions” with the precautionary objective to reduce bycatch to less than 1% of the best available abundance estimate and the general aim to minimise bycatch (i.e. to ultimately reduce to zero)”

# Harbour Porpoise Action Plans



# ASCOBANS Porpoise Action Plans



# Harbour Porpoise Action Plans

- All three reaffirm the 80% of carrying capacity-goal
- Jastarnia Plan objectives:
  - (1) implement management measures of a precautionary nature to reduce the number of bycaught porpoises in the Baltic towards zero
  - (3) develop more refined (quantitative) recovery targets as new information becomes available on population status, bycatch and other threats
- WBBK Plan Recommendation 3: Protect harbour porpoises in their key habitats by minimizing bycatch as far as possible
  - “Bycatch should be reduced as far as possible in all waters by appropriate measures”



# North Sea Plan

- Action 6: Finalise a Management Procedure Approach for Determining Maximum Allowable Bycatch Limits in the Region
  - Target: to finalise a population dynamics modelling framework for evaluating the effect of bycatches (and other anthropogenic activities) on harbour porpoises in the North Sea that anthropogenic activities do not prevent agreed conservation goals being met

# 'Revived' Discussion



# AC20 (2013)

- Doc.3.1.2 Societal decisions required for the determination of safe bycatch limits for harbour porpoise, common dolphin and bottlenose dolphin

“The ASCOBANS conservation objective is ‘to allow populations to recover to and/or maintain 80% of carrying capacity in the long term.’”

Key policy decisions required:

- Whether the conservation objective should be met on average or some other percentage of the time (>50%)
  - Quantitative specification for the timeframe over which it needs to be applied (100 years, 200 years, another period?)
- 
- AC20 Report Annex 11 (PPT slides)
  - AC20 Report Annex 12 (ToR for WG)

# AC21 (2014)

- Doc.3.1.1.b Report of the Working Group for the Further Development of Management Procedures for Defining the Threshold of 'Unacceptable Interactions'
  - Decision to hold this workshop in order to develop a shared understanding on the use of thresholds/environmental limits
  - Decision to hold a technical follow-up workshop (10-11 September 2015, Bonn, Germany)
- AC21 Doc. 13.3.1 Report of the Joint ACCOBAMS/ASCOBANS Working Group on the Marine Strategy Framework Directive (MSFD)
  - Contains progress update for MSFD bycatch indicator
- AC21 Inf 13.3.1 ICES Advice May 2014: OSPAR Request on Implementation of MSFD for Marine Mammals

# CMS Family & Beyond





# CMS Family & Sustainable Removals

- Question sent to entire CMS Family about any examples of how similar ‘sustainable removal’ questions have been addressed for species not subject to legal direct take, in particular where alternative approaches to the use of thresholds have been adopted

# ACCOBAMS

- ACCOBAMS:
  - Purpose “to achieve and maintain a favourable conservation status for cetaceans”
  - Annex 2 paragraph 1 a) Parties shall “work out and implement measures to minimize the fishing negative effects on the conservation of cetacean”
  - “the determination of a maximum rate of accidental catches could never be interpreted as an implicit authorization to carry out accidental catches, which must be at all times avoided as far as possible” (reference not provided)

# CMS

- Resolutions 9.19 and 10.14 address bycatch – neither sets limits or thresholds, they merely call for reduction and mitigation of bycatch
- Resolution 9.9 on Migratory Marine Species expresses concern “that migratory marine species face multiple, cumulative and often synergistic threats with possible effects over vast areas, such as by-catch, over-fishing, pollution, habitat destruction or degradation, marine noise impacts, deliberate hunts as well as climate change”

# CMS

- Resolution 11.23 on Conservation Implications of Cetacean Culture
  - Recognizes “that the impact of removal of individuals from populations of socially complex species may have consequences beyond simply a reduction in absolute numbers”
  - “Encourages Parties and other stakeholders to assess anthropogenic threats to socially complex mammalian species on the basis of evidence of interactions of those threats with social structure and culture”
  - “Urges Parties to apply a precautionary approach to the management of populations for which there is evidence that influence of culture and social complexity may be a conservation issue”

# Agreement on the International Dolphin Conservation Program (AIDCP)

- A legally binding, multilateral agreement established in the framework of the Inter-American Tropical Tuna Commission (IATTC)
- One of the objectives: “To progressively reduce incidental dolphin mortalities in the tuna purse seine fishery in the Agreement Area to levels approaching zero, through the setting of annual limits” = Stock Mortality Limits (SMLs)



# Concluding Thoughts



# Some final thoughts/questions

- ASCOBANS is a conservation treaty, not a management organization – what is wanted for ASCOBANS? what is recommended to other fora such as the EU?
- Aim to restore populations to 80% or more of the carrying capacity – for what percentage of time, and over which timeframe?
- Aim to minimise anthropogenic removals, incl. bycatch (i.e. to ultimately reduce to zero) – can “intermediate target levels” be used to achieve this?
- 1.7% was a short-term goal
- Acceptability vs. Sustainability
- Population vs. Individuals

Thank you for  
your attention!

