



CONVENTION ON MIGRATORY SPECIES

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CONFERENCE OF THE PARTIES
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Agenda Item 16b

REVIEW OF ARTICLE IV AGREEMENTS ALREADY CONCLUDED

- I. The Secretariat is circulating herewith, for the information of participants in the Tenth Meeting of the Conference of the Parties to the Convention on Migratory Species, the report provided by the Secretariat of the **Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS)**, to accompany document UNEP/CMS/Conf.10.9.
2. The report is provided unedited in the format and language that it was submitted.

EXAMEN DES ACCORDS DE L'ARTICLE IV DEJA CONCLUS

1. Le Secrétariat diffuse ci-joint, pour l'information des participants à la dixième session de la Conférence des Parties à la Convention sur les espèces migratrices, le rapport développé fourni par le Secrétariat de l'**Accord sur la conservation des petits cétacés de la mer Baltique et de la mer du Nord (ASCOBANS)**, pour accompagner le document UNEP/CMS/Conf.10.9.
2. Le rapport est fourni sans avoir été mis au point, dans le format et la langue dans lesquels il a été soumis.

REVISIÓN DE ACUERDOS ARTÍCULO IV YA CONCLUIDOS

1. La Secretaría adjunta, para información de los participantes a la décimo Conferencia de las Partes de la Convención sobre Especies Migratorias, el informe completo presentado por la Secretaría del **Acuerdo sobre la conservación de los pequeños cetáceos del Mar Báltico y el Mar del Norte (ASCOBANS)**, en complemento en el documento UNEP/CMS/Conf.10.9.
2. El informe se presenta sin modificaciones editoriales, bajo la forma y en el idioma original.



**Report of the joint CMS/ASCOBANS Secretariat
to the 10th Meeting of the Conference of the Parties to CMS**

1. This document contains a report on recent progress made by the Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS). Further details can be found in CMS/StC36/Inf.6 and CMS/StC37/Inf.12.2, both available on the CMS Website.

Status of Ratifications / Agreement Area Extension

2. An extension of the ASCOBANS Agreement area south-westwards entered into force in 2008. The official title of the Agreement thereby, for those countries that accepted the amendment, changed from Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas to **Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas**. The acronym stays unchanged. Seven of the ten Parties to ASCOBANS have so far ratified the Amendment, and others are in advanced stages of the ratification process.

Institutional Bodies

3. The 6th Meeting of the Parties (MOP6) was held at the UN Campus in Bonn, Germany, from 16-18 September 2009. The report of the meeting can be accessed at <http://www.ascobans.org/mop6.html>. Besides adopting a new Conservation Plan for Harbour Porpoises in the North Sea (Resolution No. 1), which outlines concrete actions to be undertaken in order to protect this species in one of the most intensely used maritime areas, and a revised and updated version of the Recovery Plan for Baltic Harbour Porpoises, strategic priorities were set for the coming triennium. Special focus of the many activities in the Agreement's new, ambitious triennial work plan (2010-2012 – Resolution No. 3) should be on two issues: bycatch and underwater noise. Resolution No. 2 is concerned with adverse effects of underwater noise on marine mammals during offshore construction activities for renewable energy production. Noting the difficulty of proving long-term detrimental effects of acoustic disturbance on cetaceans, Parties agreed that a precautionary approach is necessary in dealing with activities associated with renewable energy.
4. The 17th Meeting of the ASCOBANS Advisory Committee was held from 4-6 October 2010 at the UN Campus in Bonn, Germany, followed by the 18th Meeting from 4-6 May 2011. Reports of both meetings can be accessed at http://www.ascobans.org/ac_documents.html.

Staffing and Evaluation of Secretariat Arrangements

5. The CMS Secretariat was requested by MOP6 to continue providing Secretariat services to ASCOBANS until the end of 2012, by which time Parties will have come to a final decision on their preferred Secretariat arrangements. Accordingly, the Executive Secretary of CMS continues to serve as Acting Executive Secretary of ASCOBANS, as had been the case since January 2007. However, the Agreement continues to be an independent and legally binding instrument, holding its own meetings and managing its own financial resources.
6. A Working Group comprising Belgium, Finland, Germany and the Netherlands had been established to evaluate the Secretariat arrangements for the Agreement in 2011. The working group concluded that while the benefits of having a joint Secretariat with CMS had taken some time to come through, the Parties were receiving value for money from a hard-working Secretariat. The needs of Parties could be met with the current Secretariat arrangements and therefore no changes were being proposed.
7. Several changes in staffing have taken place since the last meeting: the appointment of Elizabeth Mrema as Executive Secretary of CMS and therefore *ex officio* Acting Executive Secretary of ASCOBANS, Borja Heredia's entry on duty as Scientific and Technical Officer of CMS and *ex officio* Senior Advisor to ASCOBANS, the recruitment of Bettina Reinartz as Administrative Assistant and the confirmation in the post of Coordinator of Heidrun Frisch.

Extension of the ACCOBAMS Agreement Area

8. The 4th Meeting of the Contracting Parties to ACCOBAMS (November 2010) adopted a resolution extending their Agreement Area to include the entire EEZs of continental Portugal and Spain, which had been proposed by these two countries. This amendment will take effect upon deposit of instruments of acceptance by two thirds of the Parties and has already been formally accepted by the Principality of Monaco.
9. The ACCOBAMS Agreement Area was thus extended into waters of the Atlantic already covered by ASCOBANS. When the proposals first became public, the matter was discussed at the 17th ASCOBANS Advisory Committee Meeting (October 2010) to seek the Parties' guidance.
10. Key facts to bear in mind are that Spain and Portugal are Range States to both ASCOBANS and ACCOBAMS but are only Party to the latter. France is to date the only Party to both. While ASCOBANS is confined to small cetaceans, no such restriction applies to ACCOBAMS. The amendment leads to an overlap of the areas covered by the two Agreements and two different regimes apply to the common species of the two Agreements. The Secretariat had sought legal advice on the implications of having two regimes applying to the same waters and fortunately no practical problems were anticipated.
11. The Advisory Committee was of the view that in terms of coherence with other international treaties such as OSPAR and the EU, ASCOBANS was better placed than ACCOBAMS. The same applied to biological criteria, for which all evidence shows a much higher continuity between the Atlantic populations covered by ASCOBANS and those animals found in Portuguese and Spanish waters. The same applied to many of the threats. Also, both the Committee and the Secretariat were of the opinion that it would be preferable for ACCOBAMS to defer consideration of the extension of its Agreement Area until the outcome of the Future Shape process was known. However, despite these misgivings, which were presented by the Acting Executive Secretary to the Meeting of the Parties to ACCOBAMS, the decision for the amendment was taken.

12. Regrettably it is now clear that Spain and Portugal have no intention of joining ASCOBANS in the future. It is also clear that both Agreements should continue to collaborate. However, the ASCOBANS Advisory Committee agreed with the Secretariat that it would be most practical to focus collaboration on issues of common concern, rather than the common area, in order to invest the scarce resources of ASCOBANS most prudently.

Implementation of the Work Programme 2010-11

13. The Triennial Work Plan (adopted by MOP6 for 2010-2012) covers all areas of the Agreement's work, as laid out in the Conservation and Management Plan: a) Habitat conservation and management; b) Surveys and research; c) Use of bycatches and strandings; d) Legislation; c) Information and education.
14. In February 2011, the 7th Meeting of the ASCOBANS Jastarnia Group was held in Copenhagen, Denmark. Established in 2003 to carry forward the Agreement's **Recovery Plan for Baltic Harbour Porpoises** (Jastarnia Plan), this Working Group each year makes recommendations to the Advisory Committee of the Agreement. The report of the latest meeting is available at http://www.ascobans.org/pdf/ASCOBANS_JG7_Report_withAnnexes.pdf.
15. Based on the example of the multi-stakeholder Jastarnia Group, a North Sea Working Group was formed which facilitates the implementation of the ASCOBANS **Conservation Plan for Harbour Porpoises in the North Sea**. Open to North Sea states, environmental NGOs and fisheries organizations, this working group started operating in late 2010 and submitted a first progress report to the 18th Advisory Committee Meeting. Starting from July 2011, the Group will be supported through a part-time consultant employed to promote the Conservation Plan with stakeholders and support Parties in its implementation.
16. Also in 2010 the Advisory Committee (AC) created a time-bound **Bycatch Working Group**, to address the most pressing threat to the majority of species covered by the Agreement. This Working Group was re-established at the AC18 Meeting in May 2011 and new terms of reference were agreed (<http://www.ascobans.org/ac18.html>, Annex 7). The Group will support approaches to address the bycatch problem within fisheries fora; report to the AC on relevant projects, scientific studies and alternative gear experiments, national initiatives, work of other fora such as OSPAR, EC, ICES and HELCOM and prepare an overview of problem areas (geographical and fishery type) and the status of knowledge of the problem, monitoring and mitigation measures in place to identify gaps.
17. AC18 also endorsed the continuation of a **Noise Working Group**, whose terms of reference were also revised to take account of positive developments in the efforts to ensure close collaboration on this topic with the sister Agreement ACCOBAMS (<http://www.ascobans.org/ac18.html>, Annex 8). Besides an informative role, reporting on relevant activities and developments to the AC, the Group will also draft summaries of the ASCOBANS/ACCOBAMS noise guidelines for specific stakeholders in consultation with these stakeholders to ensure practical measures can be identified and implemented. Finally, the Group is responsible for reviewing the implementation by Parties of the different aspects of the Resolution 6.2 on adverse effects of underwater noise on marine mammals during offshore construction activities for renewable energy production.
18. At the suggestion of the 6th Meeting of the Parties, an **Informal Working Group on Large Cetaceans** was formed in order to address conservation needs of large cetaceans in the Agreement Area, considering that an amendment to species coverage of the Agreement is not imminent. It is mandated to summarize information on abundance, distribution and status of large cetacean species occurring within the ASCOBANS Agreement Area; to identify major issues likely to be having a negative

effect upon large cetacean populations in the Agreement Area, and the extent to which they can be addressed alongside small cetaceans; and to make informal recommendations of appropriate mitigation measures (more details on http://www.ascobans.org/pdf/ac18/AC18_5-04_rev1_LargeCetaceansASCOBANSarea.pdf).

19. Savings made on the ASCOBANS Trust Fund were redirected to the support of **conservation projects**. Based on prioritization done by the Advisory Committee, the Secretariat was so far able to fund 12 projects with a direct significance towards supporting the goals of the Agreement. Final reports of the following projects are available on the ASCOBANS website, while the other projects are ongoing:

- Effects of Contaminants on Reproduction in Small Cetaceans (http://www.ascobans.org/pdf/ac17/AC17_6-05_ProjectReport_Contaminants.pdf)
- Genetic structure of white-sided dolphin (*Lagenorhynchus acutus*) in the Eastern North Atlantic (http://www.ascobans.org/pdf/ac17/AC17_6-07_ProjectReport_LagenorhynchusGenetics.pdf)
- Development of a co-ordinated reporting system and HELCOM/ASCOBANS database on Baltic Sea harbour porpoise sightings, by-catches and strandings (http://www.ascobans.org/pdf/ac17/AC17_6-09_ProjectReport_HELCOM_PorpoiseDatabase.pdf)
- Historic and present harbour porpoise populations in the Baltic region – geometric morphometrics analysis (http://www.ascobans.org/pdf/ac18/AC18_6-03_ProjectReport_MorphometricsBalticHP.pdf)
- Risk Assessment of Potential Conflicts between Shipping and Cetaceans in the ASCOBANS Region (http://www.ascobans.org/pdf/ac18/AC18_6-04_rev1_ProjectReport_ShipStrikes.pdf)
- Review of Trend Analyses in the ASCOBANS Area (http://www.ascobans.org/pdf/ac18/AC18_6-05_rev1_ProjectReportTrendAnalyses.pdf)
- Coordination of the ASCOBANS North Sea Harbour Porpoise Conservation Plan (http://www.ascobans.info/pdf/ac18/AC18_4-06_ReportNorthSeaCoordinators.pdf)

20. Awareness raising is seen as one of the key tools for the achievement of the conservation targets of the Agreement. Accordingly, the development of outreach and educational material and outreach events are seen as a priority. Details on information material, the revision of the ASCOBANS website (www.ascobans.org) and outreach events can be found here: http://www.ascobans.org/pdf/ac18/AC18_4-09_OutreachReport.pdf. The annual outreach event “International Day of the Baltic Harbour Porpoise” continues to be celebrated in institutions around the Baltic Sea on the third Sunday in May. The Secretariat commemorated the 2011 event by means of a lecture series on the Harbour Porpoise in the Baltic Sea delivered to three universities along the German Baltic coast.

21. ASCOBANS has also co-sponsored the print version of *Odontocetes: the toothed whales: Distribution, Behaviour, Migration and Threats* (online at http://www.cms.int/reports/small_cetaceans/index.htm), which is under preparation and will become available shortly. It has been co-sponsored by CMS, ASCOBANS, ACCOBAMS, Greenpeace, IFAW, Loro Parque Foundation and WWF. Copies can be requested from the CMS Secretariat. This publication includes recent scientific findings on the distribution, migration, behaviour and threats to this group of cetaceans, as well as recommendations which additional species or populations should be considered for listing on the CMS Appendices.