



Convention on Migratory Species

Memorandum of Understanding for the Conservation of Cetaceans and their Habitats in the Pacific Islands Region

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PROGRESS OF CMS CETACEAN-RELATED AGREEMENTS

(Prepared by the Secretariat)

1. CMS agreements (including both legally binding Agreements and the more informal Memoranda of Understanding) now constitute an important regional implementation mechanism for the conservation of cetaceans. These agreements facilitate deeper region-wide cooperation to address issues of shared responsibility including threat reduction, habitat protection and the establishment of migratory corridors, research and monitoring and regional capacity building as well as providing a regional focal point for coordination and cooperation with other regional and global conservation related instruments.
2. Such mechanisms include the two binding cetacean Agreements, ASCOBANS (Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas) and ACCOBAMS (Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Areas), as well as the Pacific Cetaceans MoU (Memorandum of Understanding for the Conservation of Cetaceans and their Habitats in the Pacific Islands Region) and the latest addition, the Western African Aquatic Mammal MoU (Memorandum of Understanding concerning the Conservation of the Manatee and Small Cetaceans of Western Africa and Macaronesia).
3. Together these agreements and their associated action plans cover the Pacific Islands Region, Eastern Atlantic and Macaronesia, and the Baltic, Black, Irish, Mediterranean and North Seas.
4. ACCOBAMS has an independent secretariat based in Monaco with close links to CMS and the United Nations Environment Programme (UNEP). Since January 2007 UNEP/CMS has provided the Secretariat to ASCOBANS. UNEP/CMS is the permanent Secretariat to the Pacific Cetaceans MoU working collaboratively with the Pacific Regional Environment Programme (SPREP), as well as the Western African Aquatic Mammal MoU.
5. Progress on the ASCOBANS, ACCOBAMS and the Western African Aquatic Mammal MoU are provided for the information of the Pacific Cetaceans MoU Signatories.

ASCOBANS

6. The Agreement currently has 10 Parties (Belgium, Denmark, Finland, France, Germany, Lithuania, Netherlands, Poland, Sweden, United Kingdom). An extension of the ASCOBANS Agreement area south-westwards entered into force on 3 February 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. This amendment has to date been ratified by 6 Parties, with others in advanced stages of the ratification process.
7. The 5th Meeting of the Parties in December 2006 had decided that for the period January 2007 to December 2009, the UNEP/ASCOBANS Secretariat would be merged with the UNEP/CMS Secretariat on a trial basis. Accordingly, the Executive Secretary of CMS currently

serves as Acting Executive Secretary of ASCOBANS. However, the Agreement continues to be an independent and legally binding instrument, holding its own meetings and managing its own financial resources. The new arrangements have been reviewed in a UNEP-led evaluation in late-2008 and the ASCOBANS MOP6 in September 2009 will decide whether the arrangement will continue.

8. The Triennial Work Plan adopted by MOP 5 (2006) 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.

9. In February 2009, the Fifth Meeting of the ASCOBANS Jastarnia Group was held in Turku, Finland. 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 Group also finalised a revised version of the Jastarnia Plan, which was forwarded to the Advisory Committee. The next meeting of the Group is scheduled to take place in Poland in early 2010. Reports of all meetings of the Jastarnia Group are available from the ASCOBANS website (<http://www.ascobans.org/index0503.html>).

10. An Intersessional Working Group on the Assessment of Acoustic Disturbance was established in 2008 and will shortly submit advice to the Parties on the management of three main human activities: use of sonar, seismic surveys and pile-driving. For each of these subjects, the working group was asked to examine the management (e.g. impact mitigation) of the activities with regard to noise; summarise the assessments that have been made; indicate the main concerns relevant to the ASCOBANS objectives; and identify or prepare guidelines or recommendations for best practice.

11. The 16th Meeting of the Advisory Committee (2009) also established a small working group to provide advice to the ASCOBANS Parties regarding the possible inclusion of all cetacean species occurring in the Agreement Area under the treaty. The working group produced a list of pros and cons (Annex 19 of AC16 Report, available from www.ascobans.org). This document will be further refined before submission to the MOP.

12. The proceedings of two workshops held in October 2007 on Small Cetacean Population Structure in the ASCOBANS Area have been published on the ASCOBANS website. The publication includes also the results of extensive work conducted in follow-up of the workshops, leading to recommendations on population differentiation and possible management units for five species: harbour porpoise, bottlenose dolphin, white-beaked dolphin, Atlantic white-sided dolphin and short-beaked common dolphin.

13. Savings made on the ASCOBANS Trust Fund were redirected to the support of conservation projects. Based on prioritisation done by the Advisory Committee, the Secretariat is able to conclude funding agreements for research projects with a direct significance towards supporting the goals of the Agreement. So far, a project on an analysis of the risk of ship strikes, which will consider both AIS shipping and cetacean distribution data, as well as a study on the effects of contaminants on reproduction in small cetaceans have been supported. The recent AC meeting identified a further five projects for support through ASCOBANS, e.g. covering the investigation of population structure and management units for *Lagenorhynchus acutus*, an analysis of contaminant in samples from Baltic harbour porpoises and the production of a review of stranding trends.

14. The 6th Meeting of the Parties will be held at the UN Campus in Bonn, Germany, from 16-18 September 2009.

ACCOBAMS

15. As of May 1st 2009, there are 21 State Parties to the Agreement, Montenegro will become a Party on August 1st 2009. Three additional Institutes have become ACCOBAMS Partners: The Turkish Marine Research Foundation, The écoOcéan Institute and the Bottlenose Dolphin Research Institute.

16. The International Workshop on bycatch in the ACCOBAMS Area (ByCBAMS) *September*

2008, Rome considered interactions between the fishing sector and the conservation of cetaceans, and according to the recommendations of the Parties, the Secretariat established close coordination with the Secretariat of the General Fisheries Commission for the Mediterranean (GFCM) and developed a series of collaborations. In 2008, the Secretariat attended the relevant meetings of GFCM and convened, jointly with the Secretariat of GFCM, two back-to-back workshops on the issue of bycatch. The workshops were organized at FAO in Rome from 15 to 18 September 2008 and were attended by 29 Experts from 10 countries, as well as from the GFCM Secretariat, the ACCOBAMS Secretariat and NGOs. During these workshops the experts assessed the status of bycatch based on national reports presented by experts. The assessment included the evaluation of existing information on endangered species mortality induced by fishing. The efficiency of the existing techniques and devices for avoiding or reducing the incidental catches of endangered species was also discussed during the workshops. During the workshops, the experts recommended to promote the collection of data about bycatch of endangered species using a standard methodology and format. They recommended using the format prepared within the framework of the BYCBAMS project and adapting it to cover other threatened species. They also recommended to further develop the GFCM Information System to include detailed information on bycatch. A draft protocol for data collection on cetacean bycatch and depredation will be used for other species concerned by the same type of problem. The "Task 1" Database elaborated within the GFCM will be extended in order to collect data relative to incidental catches.

17. ACCOBAMS continues to progress cooperation between developed and developing States, including:

- i. Tunisia and Morocco: Project on cetacean Bycatch evaluation, raising fishermen awareness, and pilot project related to the use of acoustic devices to mitigate Bycatch in collaboration with Italian and Spanish ACCOBAMS Experts.
- ii. Lebanon: Assessment and monitoring of cetacean populations along Lebanese coasts and organisation of training sessions on cetacean photo-identification starting in September 2009.
- iii. Collaboration with the Regional Activity Centre for Specially Protected Areas (RAC/SPA) for the development of National Action Plans for the conservation of cetacean populations in Lebanon and Tunisia.
- iv. Development of a national network for monitoring stranded and by-caught Black Sea cetaceans in Bulgaria and Romania, and identifying relevant measures for mitigating the adverse impact of fisheries. The project aims to establish operative mechanism for systematically collecting information on cetaceans in the Bulgarian and Romanian Black Sea area on cetaceans stranded alive, found dead on the coast or entangled in fishing gear, and outline measures for preventing cases of increased mortality.

18. During their last meeting (October 2007), ACCOBAMS Contracting Parties have agreed on the appropriate tools for assessing the impacts of underwater noise on cetaceans in order to establish mitigation measures to reduce these impacts and a set of guidelines which will guide Governments in the application of such measures. A Working Group composed by France, Italy, Spain and paired with the OSPAR Convention, the Whale and Dolphin Conservation Society (WDCCS) and the NRDC is currently developing the Guidelines which will be presented to ACCOBAMS Contracting Parties by the end of 2010 for adoption.

19. The Ministero della Tutela del Territorio e del Mare of Italy supported a project on cetacean collisions mitigation. This project aims to:

- i. Document mortality from ship strikes to obtain reliable estimates of rates of human caused removals and generate a database for analysis;
- ii. Map the temporal and geographic distribution and abundance of large cetaceans in relationship to similar information on vessel traffic to identify potential higher risk areas.

20. ACCOBAMS seeks the status of permanent observer within the International Maritime Organization (IMO) to develop collaboration on the collision issue.

21. Established under the auspices of the ACCOBAMS Scientific Committee and the PELAGOS Sanctuary Secretariat, the ACCOBAMS Secretariat is progressing the REPCET project aimed to mitigate the collisions impact of cetaceans with vessels. A network of different research institutes and concerned shipping companies, and a central database on ship strikes to facilitate information exchanges and data sharing and to apply and test the suggested mitigation measures, will be established.

22. In the last couple of years, the IWC Scientific Committee has been developing a centralised database on ship strikes with cetaceans. The ACCOBAMS Scientific Committee has agreed to participate in the process. The objective of developing such a global database was to obtain reliable data to contribute towards an objective assessment of the extent of the problem at the population level in order to: better understand factors that contribute to ship strikes; and thus to be able to prioritise mitigation measures and regions. The purpose of the Workshop is to bring together the various stakeholders (including scientists, technicians, ship owners, regulators, etc.) that will be involved in developing and implementing successful mitigation measures. Mitigation can be addressed through a series of approaches: technical (detection), regulatory (national and international measures, including reporting, vessel speed, shipping lanes, etc.) and informative/educational (awareness raising and crew training). While many of the issues discussed at the workshop will be of broad application, it will be valuable to choose some areas as case studies. It is proposed to focus on the Mediterranean Sea and the Canary Islands given the amount of data and information already available for these regions.

23. An ACCOBAMS Survey Initiative project has been finalized: its aim is to obtain baseline population estimates (stock structure and abundance) and distributional information of cetaceans within the ACCOBAMS area. Including actions related to management tools, capacity building and public awareness.

24. During the last ACCOBAMS MOP (October 2007) the Parties adopted criteria for the selection of marine protected areas (MPAs) for cetaceans and a special format for cetacean MPA proposals, and made recommendations concerning sites in the Agreement area known to contain important cetacean habitats. A map, presenting the existing and potential areas of importance for cetaceans, was widely distributed in the international forum. ACCOBAMS is a partner of the Steering Committee on the project "identification of Specially Protected Areas of Mediterranean Importance (SPAMIs) in the Mediterranean areas beyond national jurisdiction" developed by the RAC/SPA thanks to the support of EU.

The Western African Aquatic Mammal MoU

25. The second meeting of the Western African talks on Cetaceans and Their Habitats (WATCH II, 2-3 October 2008, Lomé, Togo) concluded successfully with the signature of a new Memorandum of Understanding concerning the Conservation of the Manatee and Small Cetaceans of Western Africa and Macaronesia. The agreement, covering a total of 29 Range States along the Atlantic Coast of Africa from Morocco to South Africa, as well as offshore waters and the tributary rivers serving as habitat for the manatee, has so far been signed by 16 states (Angola, Benin, Cape Verde, Chad, Congo Brazzaville, Cote d'Ivoire, Equatorial Guinea, Gabon, Ghana, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Portugal, Togo). It is also formally supported by five collaborating NGOs (Society for the Conservation of Marine Mammals, Wetlands International Africa, Wildlife Trust, Whale and Dolphin Conservation Society and World Wide Fund for Nature). Two separate Action Plans, one on the conservation of the West African manatee and one on small cetaceans, form part of the agreement. They address a wide range of issues and identify key actors and priorities for each action.

26. Funding is currently sought for holding regional workshops for the identification of short- and medium-term implementation priorities of the Action Plans.

Action requested:

The Signatories, and where appropriate other meeting participants, are requested to *inter alia*:

- Note the progress of CMS cetacean-related agreements and look for synergies.