

**SECOND MEETING OF PARTIES
TO
ASCOBANS**

17-19 November 1997, Bonn, Germany



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

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Report of the Second Meeting of Parties to ASCOBANS 17-19 November 1997, Bonn, Germany

1. OPENING OF MEETING

Dr Reijnders, Chairman of the Advisory Committee and Acting Chairman of the Meeting of Parties opened the meeting and welcomed the participants. He introduced Mr Erhard Jauck, State Secretary for the German Federal Ministry of the Environment, Nature Conservation and Nuclear Safety.

Mr Jauck welcomed the participants on behalf of the German Federal Minister (Dr Merkel) and wished the meeting every success. In his opening address, he stressed the importance of international agreements, such as ASCOBANS, for the conservation of migratory species like small cetaceans. He mentioned that Germany would like Bonn to become an international centre for environmental protection. The city already houses the offices of the Convention on the Conservation of Migratory Species of Wild Animals, and the offices of the Framework Convention on Climate Change, and the Convention to Combat Desertification will soon move there.

Prof. Harwood was appointed as rapporteur for the meeting.

2. RULES OF PROCEDURE

ASCOBANS/MOP/2/DOC.14 (rev. 1) proposed some minor changes to the Rules of Procedure. This was accepted by consensus. The revised Rules of Procedure are attached as Annex D. Germany indicated that it would like Rule 3, on credentials, to be more formal and closer to the rules under which CITES and CMS operate. It indicated that it would propose a change to this rule in time for the next Meeting of Parties in 2000. The Acting Chairman noted that the Advisory Committee would discuss with the Secretariat ways in which the vetting of credentials could be formalised.

3. ELECTION OF CHAIRMAN

The United Kingdom proposed that Dr von Websky should be the Chairman of this Meeting of Parties. This proposal was seconded by Denmark and agreed by consensus. Dr Sneep was proposed as Vice Chairman by Germany, and seconded by Denmark. Dr Sneep was also elected by consensus.

4. ADOPTION OF AGENDA

The draft agenda was adopted with some minor revisions. The agreed Agenda is given as Annex A.

5. ADMITTANCE OF OBSERVERS

The Secretary, Ms Jensen, read out the names of the organisations which had been admitted as observers, in accordance with the Rules of Procedure, rule 2.

Inter-Governmental Organisations which had sent observers were:

The Agreement of the Conservation of Cetaceans in the Black Sea, Mediterranean Seas and contiguous Atlantic areas (ACCOBAMS);

The Convention on the Conservation of Migratory Species of Wild Animals (CMS);

The Helsinki Commission (HELCOM);

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

The International Whaling Commission (IWC);

as well as the Non-Governmental Organisation: IUCN- The World Conservation Union.

The following Non-Governmental Organisations had also sent representatives that were admitted as observers:

Greenpeace;

The International Fund for Animal Welfare (IFAW);

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

The Whale and Dolphin Conservation Society (WDCS);

The World Wide Fund for Nature (WWF).

6. OPENING ADDRESSES AND STATEMENTS

Of the Parties, Belgium and Denmark made brief opening statements. These can be found in ASCOBANS/MOP/2/DOC.37 and DOC.26.

CMS, HELCOM, IWC, IUCN and Greenpeace also made verbal opening statements. The text of these, and opening statements from WDCS, EIA and RSPCA can be found in DOC. 27 (IWC), DOC. 28 (Greenpeace), DOC. 30 (WDCS), DOC. 31 (EIA), DOC. 32 (RSPCA), DOC. 33 (WWF) and DOC. 34 (CMS).

7. REPORTS

7.1 Report of the Secretariat

The Secretary presented ASCOBANS/MOP/2/DOC. 20. This is attached to the Report as Annex E.

A major function of the Secretariat is to act as the coordinating body for the Advisory Committee and to arrange its meetings. Thus far, there have been four meetings of the Advisory Committee. The Secretariat maintains close intersessional contact with the Advisory Committee members and their advisors as well as the coordinating authorities. Experience has shown that it is essential that there be a full time Secretary to ASCOBANS.

The Secretariat has established databases of references, addresses of Parties and Range States, IGOs and NGOs, and are in the process of creating databases on tissue banks and stranding records. Good contact with Ministries and scientists in the Range States that are not Parties to ASCOBANS have been established, and the Secretariat has actively encouraged their accession to ASCOBANS. Since the agreement entered into force, one new country has acceded to ASCOBANS, Poland, which entered in January 1996.

7.2 Report of the Advisory Committee

The Chairman of the Advisory Committee reviewed the progress that had been made towards the objectives of the Agreement in the preceding triennium and described the problems which the Advisory Committee had experienced. These are described in ASCOBANS/MOP/2/DOCs 5 and 16, which have been combined in Annex F.

Good progress has been made in the following areas:

- (1) preparing a list of pollutants and identifying further research needs on this topic;
- (2) gathering and assessing information on by-catch reporting and providing guidelines on best practice;
- (3) supporting research on methods to reduce by-catch;
- (4) defining the level of 'unacceptable interactions' with fisheries;
- (5) developing guidelines for the reduction of disturbance;
- (6) sightings surveys in the Baltic;
- (7) stranding schemes; and
- (8) assessing what was necessary to promote the activities of ASCOBANS.

However, the Advisory Committee had experienced some problems in its work because of the broad range of actions in the original Work Plan for the Agreement and the difficulty in ensuring the necessary range of expertise at its meetings. The Chairman of the Advisory Committee therefore suggested that, in the next triennium, the Committee should focus on a smaller number of high-priority objectives. These are described in ASCOBANS/MOP/2/DOC. 4. Some of the problems encountered with the lack of expertise

could be addressed by greater collaboration with other organisations (such as IWC, ICES, HELCOM and OSPARCOM).

Two ways forward were suggested:

- (a) establish a large Advisory Committee, comprising all the experts needed to accomplish the implementation of the Work Plan;
- (b) have a smaller Advisory Committee which relied on external experts and contractors for specialist advice.

7.3 Reports of Range States

The Secretary presented the current status of the accession of Range States (see Annex E) and the Range States present provided the following information:

Estonia

Estonia recognised that the occurrence of small cetaceans in its waters depends critically on the status of these species in the Baltic and North Seas. It is following the work of ASCOBANS with interest, but has no intention to accede to the Agreement in the next three years.

France

France indicated that it had followed the activities of ASCOBANS very closely. It wishes to ratify the Agreement which requires the approval of its Parliament.

Lithuania

Lithuania reported that the last confirmed sighting of the harbour porpoise in Lithuanian waters was in 1981. It will decide in the future whether or not it will accede to the Agreement.

Norway

Norway indicated that it appreciated the work carried out by ASCOBANS, but it did not intend to take any steps to sign the present text of the Agreement. However, it will continue to cooperate with ASCOBANS on research and exchange of information. Norway's activities with relevance to ASCOBANS is described in ASCOBANS/MOP/2/DOC.12. The full text of the Norwegian statement can be found in ASCOBANS/MOP/2/DOC.39.

8. NATIONAL REPORTS

This matter is dealt with in Annexes E, F and G. The Meeting of Parties agreed to ask the Advisory Committee to develop a practical format for national reports that will encourage Parties and Range States to submit such reports promptly and in a way that will enable progress to be reviewed easily at its meetings in 1998. This should build on the discussions which have already taken place in the Advisory Committee where it has been agreed that a short national report will be prepared each year and a full report at the end of each triennium.

9. COMMITTEES AND WORKING GROUPS

In order to facilitate the work of the Meeting of Parties, two working groups were established: a Working Group on Scientific Matters; and a Working Group on Administrative Issues.

The Working Group on Scientific Matters, under the chairmanship of the Chairman of the Advisory Committee considered:

- (1) the draft resolutions on cetacean by-catch, the effects of pollution on cetacean health, further implementation of ASCOBANS, and the activities of the Advisory Committee (ASCOBANS/MOP/2/DOCs 2, 7, 17, 18);
- (2) the functioning of the Advisory Committee (ASCOBANS/MOP/2/DOC.16);
- (3) an Action Plan for the triennium 1998-2000 (ASCOBANS/MOP/2/DOCs 1,3, 4, 15);
- (4) national reports and a new reporting format;
- (5) protected areas (ASCOBANS/MOP/2/DOCs 23 and 29).

The Working Group on Administrative Issues, to be chaired by Mr Pritchard, considered:

- (1) financial and budgetary matters;
- (2) the budget for 1998-2000 (ASCOBANS/MOP/2/DOCs 19, 20);
- (3) the location of the Secretariat (ASCOBANS/MOP/2/DOC.22);
- (4) the functioning of the Advisory Committee (ASCOBANS/MOP/2/DOC.16);
- (5) progress with the accession of new parties (ASCOBANS/MOP/2/DOC.20);
- (6) communication and public relations (ASCOBANS/MOP/2/DOCs 20, 35).

9.1 Working Group on Scientific Matters

The report of the Working Group on Scientific Matters (ASCOBANS/MOP/2/DOC. 38) was adopted with minor modifications. It is given as Annex G.

In plenary, WWF expressed its regret that, in spite of firm commitments to carry the issue of protected areas forward as laid down in ASCOBANS/MOP/2/DOCs 17 and 18, the Second Meeting of Parties had not achieved progress on the issue of Sylt, where the need to establish such an area was obvious. WWF pointed out that, according to the EC Habitats Directive, the designation of this area must not be postponed due to feasibility studies.

9.2 Working Group on Administrative Issues

The report of the Working Group on Administrative Issues (ASCOBANS/MOP/2/DOC. 36) was adopted. It is given as Annex H.

In order to ensure that information on the activities carried out by the Advisory Committee reach the Parties, the Chairman of the Advisory Committee

proposed that there should be a formal intersessional contact between the Parties and the Advisory Committee. It was agreed that a proposal to that end will be prepared at the next Advisory Committee meeting and put forward to the Parties through their coordinating authorities.

10. AGREEMENT OF WORK PROGRAMME

The Meeting of Parties recognised that ASCOBANS requires a focussed set of conservation objectives to guide its Work Plan for the next triennium. These objectives and priorities for work are identified and discussed in Annex G.

The Work Programme for the next triennium is effectively defined in the resolutions passed by the Parties on:

- (1) incidental take of small cetaceans (Annex K);
- (2) the effects of pollutants on cetacean health (Annex L);
- (3) activities of the Advisory Committee (Annex M);
- (4) further implementation of ASCOBANS (Annex N).

The Chairman of the Advisory Committee indicated that his Committee would draw up a detailed Work Plan derived from these resolutions at its next meeting.

11. RESOLUTIONS

The Meeting of Parties adopted the following resolutions by consensus, subject to minor revision by the Secretariat to convert them to a common format:

- (1) Resolution on financial and budgetary matters (Annex I);
- (2) Resolution on the establishment and location of the ASCOBANS Secretariat (Annex J);
- (3) Resolution on incidental take of small cetaceans (Annex K);
- (4) Resolution on management and further research needs to address effects of pollutants on cetacean health (Annex L);
- (5) Resolution on activities of the ASCOBANS Advisory Committee (Annex M);
- (6) Resolution on further implementation of ASCOBANS (Annex N).

The Netherlands noted that, if it had been necessary to vote on any of these resolutions, it would have abstained on the resolution on incidental take of small cetaceans (Annex K) because of its objection

to the paragraph on p.2 of that resolution beginning 'RECOMMEND, in view of the foregoing, that competent authorities take measures to ensure...'¹

The observer of WWF expressed concern at the nature of the intervention of the EC in the Meeting of Parties and particularly that this constituted another example of confusion of competency which was potentially inhibiting the development of a conservation agreement. He noted that similar problems had arisen at the North Sea Intermediate Ministerial Meeting on the Integration of Fisheries and Environmental Issues (Bergen, 13-14 March 1997) and in the negotiation meetings of ACCOBAMS. Greenpeace, IFAW and WDCC noted that they had similar concerns.

12. RELATIONS WITH OTHER BODIES

12.1 Cooperation with IGOs

The cooperation which has been developed between ASCOBANS and other IGOs is described in detail in Annex E. In summary, good relationships have been established between the Secretariat and CMS, ACCOBAMS, The Council of Europe, HELCOM, ICES, IWC and NAMMCO.

The Working Group on Scientific Matters (Annex G) had noted that the work of the Advisory Committee could be improved by greater cooperation with other intergovernmental and governmental organisations, such as the IBSFC, IWC, ICES, HELCOM, and OSPARCOM, so that there is no duplication of effort. The Meeting of Parties has resolved that these organisations should be invited to send a representative to the Advisory Committee meetings in order to facilitate this process (Annex M).

12.2 Cooperation with NGOs

The Secretariat is working together with ECS and IFAW on documenting the criteria for designating protected areas.

13. COMMUNICATIONS AND PUBLIC RELATIONS

The Working Group on Administrative Issues (Annex H) reviewed ASCOBANS/MOP/2/DOC. 35, which considered the issue of communication. The Working Group had recommended that this document should be re-submitted to the Advisory Committee to consider how best its principles might be carried forward, within the budgets available. It also wished to encourage communication and the use of new technologies with the particular aim of spreading good practice between the Parties and Range States.

¹ Secretary's note: Subsequently (24 November) the reservation has been withdrawn.

14. ARRANGEMENTS FOR THE NEXT MEETING OF PARTIES

The United Kingdom offered to host the next Meeting of Parties in the year 2000 in the city of Bristol. This gracious offer was gratefully accepted by the Second Meeting of Parties.

The Meeting of Parties requested that the Advisory Committee reviews the Rules of Procedure at its last meeting before the next Meeting of Parties, in particular to ensure that the issues of accreditation and reservations to resolutions are addressed.

15. ANY OTHER BUSINESS

No issues were raised.

16. REVIEW AND ADOPTION OF THE FINAL REPORT AND PRESS RELEASE

The Meeting of Parties adopted the final report at 14:51 as well as the press release given as Annex O.

17. CONCLUDING REMARKS AND CLOSE OF THE MEETING

The Chairman thanked the participants for the good co-operation they had shown in enabling the meeting to reach a timely and successful conclusion. In particular, he acknowledged the dedicated work of the Advisory Committee over the last three years. He further thanked the Chairman of the Advisory Committee, the Secretariat and the interpreters for their hard work during the meeting.

The United Kingdom expressed its sincere thanks to the Chairman for his excellent way of managing the meeting's business and to the German Government for its successful hosting of the meeting.

In its closing remarks, Denmark reaffirmed the importance it attached to the ASCOBANS Agreement. The first Meeting of Parties had initiated work to fulfil the aims of the Agreement, and Denmark believed that significant progress had been made at this Meeting in determining the future direction that ASCOBANS parties should follow. Denmark strongly supports the resolutions adopted at this meeting and in particular drew attention to two. The first was that the parties had recognised the need for and accepted the concept of setting conservation objectives. It represents a very important step forward that decisions have been taken on the nature of such objectives and on an approach to further develop and refine them. In the years to come this might prove to be one of the most important decisions of this meeting. Secondly, Denmark commends the Advisory Committee's Working Group on by-catch for its excellent report, which was endorsed at this meeting. Denmark considers the problem of by-catch of small

cetaceans to be serious, especially the case of harbour porpoises in the central and south North Sea. Reduction of this by-catch to below the unacceptable level defined by this meeting should take place in close corporation with all those involved.

The Norwegian observer, having attended the meetings of the Advisory Committee during this triennium and also this Second Meetings of Parties, made three points. The first concerned resolutions. He noted that the Meeting of Parties had adopted a set of resolutions in which some of the operative paragraphs are also addressed to non-member Range States. As a representative of one of these Range States, he appreciated the opportunity given to discuss the basis and contents of the resolutions on equal terms with the Member Parties in the Advisory Committee and in the Scientific Working Group at this meeting. Secondly, he wished to take this opportunity to acknowledge the efficiency and availability of the Secretariat, particularly with respect to forwarding relevant information to Range

States. Thirdly, he wished every success to ASCOBANS for the next triennium; Norway looks forward to continued co-operation with ASCOBANS in the efforts to improve the situation for small cetaceans in the North and Baltic Seas. Finally, he thanked the Chairman, for ensuring that this was a well conducted meeting, and the German government for its hospitality.

The Chairman of the Advisory Committee noted that the triennial Meeting of Parties provided the only face-to-face opportunity to inform the Parties and Range States of the excellent working relationship that exists between the Advisory Committee and the Secretariat. He noted that any references to an apparent lack of communication between the Parties and the Advisory Committee might create misunderstandings over the work of the Advisory Committee and the Secretariat. In particular he wished to take the opportunity to express, on behalf of the whole Advisory Committee, a deep appreciation for the dedicated work conducted by the Secretary, Ms. Jensen.

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ANNEX A

AGENDA

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ANNEX B

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ANNEX C

LIST OF DOCUMENTS

ASCOBANS/MOP/2/DOC.

1. Report of the ASCOBANS Advisory Committee Working Group on by-catch. Cetacean by-catch issues in the ASCOBANS area.
2. Draft resolution on cetacean bycatch.*
3. CLARKE, E.D., BUCKLAND S.T. and L. HIBY. The estimation of the bycatch mortality of harbour porpoise in the Baltic Sea.
4. REIJNDERS, P.J.H. Towards development of conservation objectives for ASCOBANS.
5. REIJNDERS, P.J.H. Concise status of the implementation of the Action Plan.
6. DONOVAN, G.P. 1996. Environmentalists, fishermen, cetaceans and fish: is there a balance and can science help to find it? Paper presented to a symposium on Marine Mammals: Biology and Conservation, Valencia, 12/9 1996 (unpublished).
7. Resolution on management and further research needs to address effects of pollutants on cetacean health.*
8. National Report from Belgium to ASCOBANS, 2 April 1996 – 5 May 1997.
9. National Report from Poland to ASCOBANS 1996.
10. National Report of the Federal Republic of Germany to ASCOBANS 1995-1997.
11. National Report to ASCOBANS, Denmark.
12. National Report from Norway.
13. First Annual Compilation of the National Reports.
14. Proposed amendment of Rules of Procedures for Meetings of Parties.
15. Proposal to the IWC on Furthering the Recommendations of the Pollution Workshop. Originally presented to the IWC Scientific Committee Meeting, Bournemouth, October 1997 as SC/49/Rep6.
16. REIJNDERS, P.J.H. and J. JENSEN. Functioning of the Advisory Committee: A Suggested Way Forward.
17. Draft resolution on further implementation of ASCOBANS.*
18. Draft resolution on activities of the ASCOBANS Advisory Committee 1997-2000.*
19. Draft resolution on financial and budgetary matters.*
20. JENSEN, J. Report from the ASCOBANS Secretariat 1994-1997.
21. National Report of the Kingdom of the Netherlands, ASCOBANS 1996-1997.
22. Draft resolution on the establishment and the location of the Secretariat*
23. KOCH, K.H. The waters of Sylt and Amrum – an Area Important for Harbour Porpoise (*Phocoena phocoena*) in the German Wadden Sea.
24. The United Kingdom Implementation Report (updating 1996 data).
25. National Report to ASCOBANS from Sweden.
26. Opening statement by Denmark.
27. Opening statement to the 2nd Meeting of the Parties of ASCOBANS on behalf of the International Whaling Commission.
28. Greenpeace opening statement to the 2nd Meeting of Parties to ASCOBANS.
29. The Isle of Sylt coastal waters as a harbour porpoise habitat, a note by IUCN-The World Conservation Union.

30. Opening statement of the Whale and Dolphin Conservation Society to the Second Meeting of the Parties to ASCOBANS. Bonn, Germany 17-19th November 1997.
31. Opening statement by the Environmental Investigation Agency Ltd.
32. Opening statement by the Royal Society for the Prevention of Cruelty to Animals.
33. Statement by the World Wide Fund for Nature (WWF).
34. Opening statement by the Convention on the Conservation of Migratory Species of Wild Animals (CMS).
35. TASKER, M. and H. MCLACHLAN. Report on the educational and promotional needs in relation to the work of ASCOBANS. Originally attached as Annex 8 to the Report of the Second Meeting of the Advisory Committee.
36. Preliminary note on the discussions and conclusions of the Administrative Working Group.
37. Opening statement by Belgium.
38. Report of the Working Group on Scientific Matters.
39. Opening statement by Norway.

* Several revisions of these resolutions were submitted during the meeting. The final adopted versions are given as Annexes to this report.

ANNEX D

RULES OF PROCEDURE FOR THE MEETING OF PARTIES TO ASCOBANS

As adopted at the Second Meeting of the Parties to ASCOBANS, 17-19 November 1997, Bonn, Germany.

PART I

DELEGATES, OBSERVERS, SECRETARIAT

Rule 1. Delegates

- (1) A Party to the agreement (hereafter referred to as a "Party")² shall be entitled to be represented at the meeting by a delegation consisting of a Representative and such Alternative Representatives and Advisers as the Party may deem necessary.
- (2) The Representative of a Party shall exercise the voting rights of that Party. In the absence of the Representative, an Alternative Representative of that Party shall act as a substitute over the full range of the Representative's functions.
- (3) Seating limitations may require that no more than four delegates of any Party be present at a plenary session and sessions of the Advisory Committee or any Working Group established by the Meeting of the Parties in accordance with Rule 23.

Rule 2. Observers

- (1) The United Nations, acting as the Depositary to this agreement, the secretariats of the Convention on the Conservation of Migratory Species of Wild Animals, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on the Conservation of European Wildlife and Natural Habitats, the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft, and the Convention for the Prevention of Marine Pollution from Landbased Sources (OSPARCOM), the Common Secretariat for the Co-operation on the Protection of the Wadden Sea, the North-East Atlantic Fisheries Commission, the International Whaling Commission, the International Baltic Sea Fisheries Commission, the Baltic Marine Environment Protection Commission, the International Council for the Exploration of the Sea, IUCN - The World Conservation Union, and all non-Party Range States and Regional Economic Integration Organizations bordering on the waters concerned may be represented at the meeting by observers who shall have the right to participate but not to vote.³
- (2) Any other body qualified in cetacean conservation and management which has informed the Secretariat not less than 90 days before the Meeting of its desire to be represented at the Meeting by observers, shall be entitled to be present unless at least one-third of the Parties have opposed their application at least 30 days before the Meeting⁴. Once admitted, these observers shall have the right to participate but not to vote.
- (3) Seating limitations may require that no more than two observers from any non-Party State or body be present at a plenary session and sessions of the Advisory Committee or of any working group established by the Meeting of the Parties in accordance with Rule 23.
- (4) The standard participation fee fixed by the Meeting of the Parties shall be paid in advance of the Meeting by all non-governmental organizations. The fee shall be announced in the letter of invitation. This Meeting will determine the fee for the next Meeting of the Parties.

² See agreement, paragraph 1.2, sub-paragraph (e), and paragraphs 8.4 and 8.5. A Party is a Range State or a Regional Economic Integration Organization which has deposited with the United Nations Headquarters by 27 August 1994 its consent to be bound by the agreement.

³ See agreement, paragraph 6.2.1

⁴ See agreement, paragraph 6.2.2

Rule 3. Credentials

- (1) Each contracting Party shall assign a Representative for each meeting and Alternative Representatives as it thinks appropriate. Contracting Parties shall submit the names of these delegates to the Secretariat through their coordinating authorities by the start of the Meeting.
- (2) The names of assigned Representatives and Alternative Representatives shall be available for inspection by contracting Parties.

Rule 4. Secretariat

The Secretariat, assisted by the Secretariat of the Convention, shall service and act as secretariat for the Meeting. For the second and following Meetings of the Parties, the Secretariat shall service and act as secretariat for the Meeting.

PART II**OFFICERS****Rule 5. Chairpersons**

- (1) The Chairperson of the Advisory Committee shall act as temporary Chairperson of the Meeting until the Meeting elects a Chairperson in accordance with Rule 5, paragraph (2).
- (2) The Meeting in its inaugural session shall elect from among the delegates of the contracting Parties a Chairperson and a Vice-Chairperson.

Rule 6. Presiding Officer

- (1) The Chairperson shall preside at all plenary sessions of the meeting.
- (2) If the Chairperson is absent or is unable to discharge the duties of Presiding Officer, the Vice-Chairperson shall deputize.
- (3) The Presiding Officer shall not vote, but may designate an Alternative Representative from the same delegation.

PART III**RULES OF ORDER AND DEBATE****Rule 7. Powers of Presiding Officer**

- (1) In addition to exercising powers conferred elsewhere in these Rules, the Presiding Officer shall at plenary sessions of the Meeting:
 - (a) open and close the session;
 - (b) direct the discussions;
 - (c) ensure the observance of these Rules;
 - (d) accord the right to speak;
 - (e) put questions to the vote and announce decisions;
 - (f) rule on points of order; and
 - (g) subject to these Rules, have complete control of the proceedings of the Meeting and the maintenance of order.
- (2) The Presiding Officer may, in the course of discussion at a plenary session of the Meeting, propose to the Meeting:
 - (a) time limits for speakers;
 - (b) limitation of the number of times the members of a delegation or observers from a State which is not a Party or a Regional Economic Integration Organization, or from any other body, may speak on any question;

- (c) the closure of the list of speakers;
- (d) the adjournment or the closure of the debate on the particular subject or question under discussion; and
- (e) the suspension or adjournment of any session.
- (f) the establishment of drafting groups on specific issues.

Rule 8. Seating, Quorum

- (1) Delegations shall be seated in accordance with the alphabetical order in the English language of the names of the Parties, non-Party Range States, including Regional Economic Integration Organizations, and non-Range States.
- (2) A quorum for plenary sessions shall consist of two thirds of the Parties. No plenary session shall take place in the absence of a quorum.

Rule 9. Right to Speak

- (1) The Presiding Officer shall call upon speakers in the order in which they signify their desire to speak, with precedence given to the delegates.
- (2) A delegate or observer may speak only if called upon by the Presiding Officer, who may call a speaker to order if the remarks are not relevant to the subject under discussion.
- (3) A speaker shall not be interrupted, except on a point of order. The speaker may, however, with the permission of the Presiding Officer, give way during his speech to allow any delegate or observer to request elucidation on a particular point in that speech.

Rule 10. Submission of Proposals for Amendment of the Agreement and its Annex

- (1) As a general rule, proposals for amendment of the agreement or its Annex, together with the reasons for the amendment, shall be communicated at least 90 days before the Meeting to the Secretariat, which shall circulate them to all Parties in the working language of the Meeting. Proposals arising out of discussion of the foregoing may be discussed at any plenary session of the Meeting, provided copies have been circulated to all delegations not later than the day preceding the session. However, decisions with respect to such proposals shall follow the provisions of paragraph 6.5 of the Agreement.
- (2) After a proposal has been adopted or rejected by the Meeting, it shall not be reconsidered unless a two-thirds majority of the Parties participating in the meeting so decide. Permission to speak on a motion to reconsider a proposal shall be accorded only to a delegate from each of two Parties wishing to speak against the motion, after which the motion shall immediately be put to the vote.

Rule 11. Procedural Motions

- (1) During the discussion of any matter, a delegate may rise to a point of order, and the point of order shall be immediately, where possible, decided by the Presiding Officer in accordance with these Rules. A delegate may appeal against any ruling of the Presiding Officer. The appeal shall immediately be put to the vote, and the Presiding Officer's ruling shall stand unless a majority of the Parties present and voting decide otherwise. A delegate rising to a point of order may not speak on the substance of the matter under discussion, but only on the point of order.
- (2) The following motions shall have precedence in the following order over all other proposals or motions before the Meeting:
 - (a) to suspend the session;
 - (b) to adjourn the session;
 - (c) to adjourn the debate on the particular subject or question under discussion;
 - (d) to close the debate on the particular subject or question under discussion.

Rule 12. Arrangements for Debate

- (1) The Meeting may, on a proposal by the Presiding Officer or by a delegate, limit the time to be allowed to each speaker and the number of times delegates or observers may speak on any question. When the debate is subject to such limits, and a speaker has spoken for the allotted time, the Presiding Officer shall call the speaker to order without delay.

- (2) During the course of a debate the Presiding Officer may announce the list of speakers, and, with the consent of the meeting, declare the list closed. The Presiding Officer may, however, accord the right of reply to any delegate if a speech delivered after the list has been declared closed makes this desirable.
- (3) During the discussion of any matter, a delegate may move the adjournment of the debate on the particular subject or question under discussion. In addition to the proposer of the motion, a delegate may speak in favour of, and a delegate of each of two Parties may speak against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.
- (4) A delegate may at any time move the closure of the debate on the particular subject or question under discussion, whether or not any other delegate has signified the wish to speak. Permission to speak on the motion for closure of the debate shall be accorded only to a delegate from each of two Parties wishing to speak against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.
- (5) During the discussion of any matter a delegate may move the suspension or the adjournment of the session. Such motions shall not be debated but shall immediately be put to the vote. The Presiding Officer may limit the time allowed to the speaker moving the suspension or adjournment of the session.

PART IV

VOTING

Rule 13. Methods of Voting

- (1) Without prejudice to the provisions of Rule 1, paragraph 2, each Representative duly accredited according to Rule 3 shall have one vote. Regional Economic Integration Organizations, in matters within their competence, shall exercise their voting rights with a number of votes equal to the number of their member States which are Parties to the agreement. In such case, the member states of such organizations shall not exercise their right individually.
- (2) The Conference shall normally vote by show of hands, but any Party may request a roll-call vote.
- (3) At the election of officers or of prospective host countries, any Party may request a secret ballot. If seconded, the question of whether a secret ballot should be held shall immediately be voted upon. The motion for a secret ballot may not be conducted by secret ballot.
- (4) Voting by roll-call or by secret ballot shall be expressed by "Yes", "No" or "Abstain". Only affirmative and negative votes shall be counted in calculating the number of votes cast by Parties present and voting.
- (5) If votes are equal, the motion or amendment shall not be carried.
- (6) The Presiding Officer shall be responsible for the counting of the votes and shall announce the result. The Presiding Officer may be assisted by tellers appointed by the Secretariat.
- (7) After the Presiding Officer has announced the beginning of the vote, it shall not be interrupted except by a Representative on a point of order in connection with the actual conduct of the voting. The Presiding Officer may permit Representatives to explain their votes either before or after the voting, and may limit the time to be allowed for such explanations.

Rule 14. Majority

Except where otherwise provided for under the provisions of the agreement or these Rules, all votes on procedural matters relating to the forwarding of the business of the meeting shall be decided by a simple majority of Parties. All other decisions shall be taken by a simple majority among Parties present and voting, except that financial decisions and amendments to the agreement and its Annex require a three-quarter majority among those present and voting.

Rule 15. Procedure for Voting on Motions and Amendments

- (1) A delegate may move that parts of a proposal or of an amendment be voted on separately. If objection is made to the request for such division, the motion for division shall be voted upon first. Permission to speak on the motion for division shall be accorded only to a delegate from each of two Parties wishing to speak in favour of and a delegate from each of two Parties wishing to speak against the motion. If the motion for division is carried, those parts of the proposal or amendment which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.
- (2) When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Meeting shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on until all amendments have been put to the vote. When, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.
- (3) If two or more proposals relate to the same question, the Meeting shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Meeting may, after voting on a proposal, decide whether to vote on the next proposal.

Rule 16. Elections

- (1) If, in an election to fill a vacancy, no candidate obtains the required majority in the first ballot, a second ballot shall be taken restricted to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the Presiding Officer shall decide between the candidates by drawing lots.
- (2) If, in the first ballot, there is a tie amongst candidates obtaining the second largest number of votes, a special ballot shall be held to reduce the number of these candidates to two.

PART V**LANGUAGES AND RECORDS****Rule 17. Working Language**

English shall be the working language of the Meeting.

Rule 18. Other Languages

- (1) A delegate may speak in a language other than English, provided he/she furnishes interpretation into English.
- (2) Any document submitted to the Meeting shall be in English.

Rule 19. Summary Records

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

PART VI**OPENNESS OF DEBATES****Rule 20. Plenary Sessions**

All plenary sessions of the Meeting shall be open to the public, except that in exceptional circumstances the Meeting may decide, by a two-thirds majority of Parties present and voting, that any single session be closed to the public.

Rule 21. Sessions of the Working Groups

As a general rule, sessions of working groups shall be limited to the delegates and to observers invited by the Chairs of working groups.

PART VII

WORKING GROUPS

Rule 22. Establishment of Working Groups

The Meeting of the Parties may establish such working groups as may be necessary to enable it to carry out its functions. It shall define the terms of reference, composition, and elect the Chairpersons of each working group. Seating limitations may restrict the size of each working group.

Rule 23. Procedure

Insofar as they are applicable, these Rules shall apply *mutatis mutandis* to the proceedings of working groups.

PART VIII

AMENDMENT

Rule 24 - Amendments

These rules may be amended as required by decision of the Meeting of the Parties.

ANNEX E

Report from the ASCOBANS Secretariat 1994-1997

Jette Jensen, ASCOBANS Secretariat

TERMS OF REFERENCE FOR THE SECRETARIAT

In accordance with the Agreement text, article 4.1 the ASCOBANS Secretariat shall...promote and co-ordinate the activities undertaken...of this agreement and shall in close consultation with the Advisory Committee provide advice and support to the Parties and their co-ordinating authorities; and in accordance with article 4.3, the ASCOBANS Secretariat shall present to each meeting of the Parties a summary of, *inter alia*, progress made and difficulties encountered since the last Meeting of Parties.

LOCATION OF THE SECRETARIAT

The Interim Secretariat was established at the Sea Mammal Research Unit (c/o British Antarctic Survey) in Cambridge, UK, in 1992. At the First Meeting of Parties in 1994, it was decided to retain the Secretariat there for the first triennium. It was agreed that the future location of the Secretariat should be decided at the Second Meeting of Parties, taking into account the resolution of CMS on the co-location of Agreement Secretariats.

In 1996, the headquarters of SMRU moved to the University of St Andrew's in Scotland. The Secretariat, however remained in Cambridge at the British Antarctic Survey. One member of SMRU remains full-time in Cambridge and other members of staff visit Cambridge on a weekly or biweekly basis.

The location of the Secretariat in Cambridge has had a number of benefits. These include the excellent facilities offered at the British Antarctic Survey with respect to offices, equipment support and the extensive library. The Secretariat has throughout the period benefited from the nearby presence of the Headquarters of the International Whaling Commission and the staff there have provided considerable advice and assistance to the ASCOBANS Secretariat, as well as offering their library facilities and use of equipment, where appropriate. It has also proved to be convenient in that the Chairman of the Advisory Committee has been able to visit the Secretariat on numerous occasions to further the work of ASCOBANS in combination with visits to the IWC. This has also been facilitated by the presence of Cambridge Airport (direct flights to Amsterdam) and London Stansted (direct flights to Europe and beyond), both of which can be reached from the Secretariat office within 30 minutes.

PERSONNEL

Since the First Meeting of Parties to ASCOBANS in 1994 there has been several changes in the Secretariat staff. The first Secretary, Dr. Christina Lockyer left 1 April 1996 for a harbour porpoise research position at the Danish Fisheries Research Institute and was replaced by Sara Heimlich-Boran, her former part-time assistant. The staff situation then changed to a full time position as Secretary with no assistant. Ms. Heimlich-Boran left 1 November 1996, and Jette Jensen, coming from a cetacean position at the Greenland Institute for Natural Resources, Denmark, was appointed as the new Secretary to ASCOBANS on 7 October 1996.

The Sea Mammal Research Unit has provided additional assistance, largely with respect to administrative and budgetary matters.

Experience has shown that it is essential that there be a full time Secretary to ASCOBANS. As discussed further below, there is a considerable amount of work associated with ASCOBANS and the functioning of the Advisory Committee. The Advisory Committee members are generally unable to devote much intersessional time to ASCOBANS work and thus many tasks are assigned to the Secretariat. It is important that there is stability in the Secretariat and that the Secretary is familiar with all the aspects (both scientific and administrative) of ASCOBANS' work. Stability also enables a good working relationship to be built up with the members of the Advisory Committee and most importantly its Chairman and Vice-Chairman.

SERVICE FUNCTION FOR THE ADVISORY COMMITTEE

A major function of the Secretariat is to act as the coordinating body for the Advisory Committee and to arrange its meetings. Thus far there have been four meetings of the Advisory Committee:

1. In Cambridge, UK from 8-10 March 1995 (Secretary: Lockyer);
2. In Cambridge, UK from 29 November – 1 December 1995 (Secretary: Lockyer);
3. In Copenhagen, Denmark from 13-15 November 1996 (Secretary: Jensen);
4. In Texel, The Netherlands from 30 June – 2 July 1997 (Secretary: Jensen).

The Secretariat maintains close intersessional contact with the Advisory Committee members and their advisors as well as the coordinating authorities. At their request, the Advisory Committee members, their permanent advisors and the coordinating authorities receives copies of all major correspondence sent to and from the Secretariat. Over the triennium, the major communicative link has become e-mail, although the fax and ordinary mail are of course important. The work of the Secretariat has been greatly facilitated by the fact that almost all of the relevant authorities and individuals are now on e-mail.

In the next triennium, it is important that the Secretariat investigates the potential of e-mail even further, particularly with respect to determining the most efficient way to use the attached file facility. This will need to be carried out in co-operation with the Advisory Committee members and should draw on the experience of other international organisations. At this developmental stage it is particularly important that Advisory Committee members acknowledge receipt of all electronic communications. Similarly, the potential of using World Wide Web and FTP technology should be investigated. The Secretary is currently examining the cheapest and most efficient way to establish an Advisory Committee web page. The present system of supplying information to the CMS Secretariat for inclusion on an ASCOBANS sub-section of the CMS web site has not proved satisfactory, with long delays in the material reaching the web site.

It must be said, however, that despite improved and cheaper means of communication, much of the material that is supposed to be sent to the Secretariat by Advisory Committee members arrives late (or not at all). This is discussed further in documents 5 and 16. Although this often stems from the heavy non-ASCOBANS workload of the Advisory Committee members, the Secretariat must become even more proactive in trying to ensure that deadlines are met.

National Reports

According to the Agreement Text, each Party must submit an annual national report to the Secretariat by 31 March, commencing in 1996. It has proved very difficult for any of the Parties to keep to the deadline, and hence the First Compilation of Annual Reports (for the year 1995) was not available till September 1996 - even then one country had not submitted a report.

The Advisory Committee agreed that to facilitate the submission of the second national reports (for the year 1996), a standard template should be produced and distributed by the Secretariat. Unfortunately, this approach was not successful either. To date only three countries have submitted

a report, none of which met the deadline. It has therefore not been possible for the Secretariat to provide a useful compilation and summary as intended. The status and problems with national reports are discussed further in document 5, and in the report of the fourth Advisory Committee meeting and consideration of a new structure should be given at this meeting.

Office equipment

The Secretariat has to produce a number of reports and other documents throughout the year, produce publicity and promotional material and maintain and develop databases. Accordingly, it has been seen as extremely important that software is kept up-to-date and that the Secretariat system is capable of reading and translating a wide variety of different formats given the variety of systems used in the various Parties and Range States. The tendency for ASCOBANS meetings (both of the Advisory Committee and the Meeting of Parties) to be held in various venues away from the Secretariat office has meant that the Secretary has invested in laptops rather than desktop computers.

LIBRARY AND DATABASE FACILITIES

In addition to the access to the extensive libraries of SMRU, the British Antarctic Survey, the International Whaling Commission and the University of Cambridge, the Secretariat is beginning to establish a library of references most directly relevant to ASCOBANS. To aid in this process it has purchased a reference bibliographic system (PAPYRUS) from the IWC. As well as the software, the IWC has generously made available its extensive database of over 22,000 references on cetaceans. PAPYRUS has a comprehensive search facility. All ASCOBANS documents are being entered onto the PAPYRUS system.

In accordance with the request of the first Meeting of Parties, the Secretariat has created and is maintaining an international register of addresses of Parties and Range States, IGOs and NGOs.

The Secretariat is in the process of designing and creating a number of databases holding information on *inter alia* tissue banks and strandings. Parties and Range states have been or will be asked for information to be included on these, as will relevant international organisations such as ICES and IWC.

COOPERATION WITH PARTIES

The Secretariat has established good working relations with the Parties (co-ordinating authorities, Advisory Committee members and advisors). The permanent mailing list is given as Appendix B.

COOPERATION WITH RANGE STATES

The Secretariat has now established good contact with persons within Ministries as well as with scientists in the Range States that are not Parties to ASCOBANS (see Appendix B). Such reliable contacts have only been established in the past year and have arisen primarily as a result of direct contacts made during the attendance of the Secretary at a number of international meetings (Appendix D). In particular, many contacts within ministries were established during COP5 whilst contacts with scientists from the Baltic Sea area were improved and/or established during a HELCOM meeting. The Secretariat maintains close contact with these persons and continues to actively encourage their accession to ASCOBANS on a regular basis. However, it should be noted that neither the Secretariat nor the Chairman of the Advisory Committee have been able to establish good reliable contacts with the EU. It is important that this situation is rectified early in the next triennium.

Norway participates actively with ASCOBANS scientific matters. An observer has attended all Advisory Committee meetings as well as working intersessionally. Norway is interested in the conservation efforts made by ASCOBANS and has ensured continued co-operation on research and exchange of information.

Success with accession of new parties

Since the agreement entered into force one new country has acceded to ASCOBANS, Poland, which entered in January 1996.

The most recent state of affairs with respect to the accession of Range States are as follow:

Estonia

The Ministry of Environment has informed that signing ASCOBANS will be taken into consideration when preparing new nature protection acts and legislation.

Finland

The Ministry of Environment had indicated that Finland is not likely to sign ASCOBANS in the near future due to both the rare occurrence of harbour porpoises in Finnish waters and the additional bureaucratic workload adherence to ASCOBANS would entail.

France

The Ministry of Environment and the Ministry of Foreign Affairs have informed that they are in the process of signing ASCOBANS.

Latvia

The State Minister for Environment has indicated that Latvia is preparing to join the Bonn Convention, and that they will give priority to bats and water birds.

Lithuania

No information from Lithuania.

Norway

No decision has been taken to sign the present text of the ASCOBANS Agreement, since Norway seeks a balanced policy for management of marine mammals, which includes both conservation and sustainable harvest.

Russian Federation

The State Committee of the Russian Federation on Environmental Protection has informed that due to current financial difficulties, it is not likely to sign ASCOBANS.

EU

The EU had indicated in its progress report to COP5 that it will sign ASCOBANS in 1997.

COOPERATION WITH IGOs

The Secretariat has tried to maintain good links with other relevant international organisations. By co-operating actively with these, particularly in the area of research, the work of ASCOBANS as detailed in its action plan can most efficiently be furthered. A short summary of co-operation with some of the most directly relevant IGOs is given below. A list of meetings attended is given in Appendix D.

CMS

Over the triennium, the Secretariat has paid a number of visits to the CMS headquarters in Bonn and established a good working relationship with the staff there. In practice, however, there is relatively little overlap between the more general work of the CMS Secretariat and the rather more specific work required of the ASCOBANS Secretariat. The chief contribution the CMS Secretariat can make is in using its political influence and contacts to encourage range states to accede to ASCOBANS and to encourage Parties to fulfil their obligations under ASCOBANS where appropriate.

ACCOBAMS

Co-operation and a good working relationship has been established with our sister agreement under CMS in the Mediterranean and Black Sea areas. The Secretariat attended one of the negotiating meetings and has met representatives from the depository government, Monaco, at several international meetings since then.

COUNCIL OF EUROPE

The Council of Europe and UNEP have joint responsibility for implementing of the PAN-European Landscape and Diversity Strategy Plan. The Secretary attended a meeting on this plan and the Advisory Committee has agreed to act as a peer-reviewer to relevant sections of the plan,

although no comments from individual members have yet been received.

HELCOM

HELCOM granted observer status to ASCOBANS in 1996 upon request from the ASCOBANS Secretariat. This resulted in attendance of the Secretary at the EC NATURE meeting where good scientific and administrative relations were established. HELCOM has also passed a resolution on the status of harbour porpoises and called for more research. As a result of the co-operation established it was agreed that HELCOM members should now report on such matters to ASCOBANS, following the ASSCOBANS reporting format, in order to avoid duplication of effort. However, no reports have yet been received under this system.

ICES

The Secretary has established good contact with the Environmental secretary to ICES, after visiting the ICES headquarters in Copenhagen in conjunction with attendance at the Third Advisory Committee meeting held in Copenhagen. Co-operation with ICES is important with respect to several matters of importance to the work of the Advisory Committee meeting.

IWC

As already mentioned elsewhere in this report, there has been extremely good co-operation with the IWC since the establishment of the interim ASCOBANS Secretariat. This has been a result of the proximity of the IWC Secretariat office in Cambridge and the direct relevance of the work carried out by the IWC Scientific Committee to the work of ASCOBANS, particularly with respect to the issues of bycatch and pollution related matters. The ASCOBANS Secretariat has attended all relevant sections of both the IWC Scientific Committee and Commission meetings during the triennium. IWC Scientific Committee reports have provided considerable input to the work of the Advisory Committee and will provide information to the present meeting of Parties that will assist the implementation of the ASCOBANS action plan. It is important that such links are maintained and strengthened.

NAMMCO

Good co-operation has been established between the two Secretariats and the then Secretary attended a NAMMCO Council meeting in March 1996 to present the work of ASCOBANS. Although the aims of the two organisations can be considered somewhat different, there is value in continuing co-operation, particularly at the scientific level.

COOPERATION WITH NGOS

It is only relatively recently that there has been direct co-operation between ASCOBANS and NGOs in that it was not until the fourth Advisory

Committee meeting that NGOs were able to attend in their own right (prior to that, NGOs had been represented on some national delegations). As a result of that meeting, the Secretariat is working together with ECS and IFAW on obtaining the criteria for designating protected areas used in the Habitats directive.

BUDGET

The Budget has been administered by the Secretariat. In accordance with the wish of the Meeting of Parties, national audits of the accounts have been carried out for 1995 and 1996. Both audits found the accounts in fine order. The national audited accounts are circulated to the Parties for their information. An Advisory Committee budget Working Group was established to review the budget and to provide advice to the Secretariat. This has been extremely useful and the practice should be continued. The audited accounts for 1995+1996, and the preliminary final budget for 1997 is attached as Appendix A.

BALTIC STUDY

In accordance with the wish of the Advisory Committee as expressed at its Fourth Meeting (see discussion under item 15.4 of that report) the Secretariat, in consultation with the Chairmen of the Advisory Committee, contracted a study on the most cost effective way to carry out research on the status of the harbour porpoise population in the Baltic, particularly with respect to bycatch issues. The report of that study is given as DOC. 3. Unfortunately, some disagreement surfaced over the responsibility of the Secretariat for contracting such work. This must be clarified at the present meeting to ensure that no further misunderstandings occur on similar matters that may arise in the future.

PROMOTIONAL CAMPAIGN

The Secretariat has been promoting the ASCOBANS agreement and sought co-operation on administrative and scientific issues at various meetings including those of (see Appendix D for details):

CMS, NAMMCO, HELCOM, COUNCIL OF EUROPE, BERN CONVENTION, ECS, IWC, THE SOCIETY FOR MARINE MAMMALOGY.

At their third meeting, the Advisory Committee decided that the profile of ASCOBANS should be raised. Despite the financial implications, it agreed that at the international level, a promotional campaign should be undertaken by the Secretariat.

It agreed that national campaigns should be undertaken by national authorities. As a result the Secretary attended six meetings in 1997. As noted earlier, the direct contacts made as a result of these meetings was considerably more beneficial than simply writing letters and sending out reports to 'anonymous' institutions and agencies. In addition, the Secretariat considerably broadened the mailing list for the circulation of the reports of the Advisory Committee meetings to a wide range of NGOs and IGOs (listed in Appendix C). They are now circulated to about 100 Parties, Range States, IGOs, NGOs and institutes.

The potential of the World Wide Web for promoting ASCOBANS is enormous and, as noted earlier, the Secretariat is currently negotiating with WCMC on setting up an Advisory Committee web page on their server.

This could be broadened to include more general information that can be regularly updated. A link to the CMS web page could be easily established as is the case for the EUROBATs Agreement.

In the end, however, the best promotional campaign is only of value if ASCOBANS lives up to its objectives.

LIST OF APPENDIXES

- A Audited accounts for 1995+1996 and preliminary final budget for 1997.
- B List of contact persons in Parties and Range States.
- C List of IGOs and NGOs installed on mailing list for reports.
- D List of meetings attended by the Secretariat, 1995-1997.

APPENDIX A

NATIONAL AUDITED ACCOUNTS FOR 1995 AND 1996

Income and Expenditure Account for the year ended
31st December 1996

	1996		1995
	£	£	£
INCOME			
Contributions			
Belgium	5,436		6,423
Denmark	3,858		3,937
Germany	13,017		13,088
Holland	8,315		9,088
Poland	1,791		-
Sweden	6,633		6,727
United Kingdom	13,017		13,088
			<u>13,088</u>
		52,067	<u>52,351</u>
EXPENDITURE			
Staff Costs	33,485		32,888
Other Expenses			
Travel, Subsistence and Hospitality	4,798		4,253
Office Equipment	489		3,284
Miscellaneous Administrative Expenses	3,428		3,372
Communications	2,728		1,688
Auditors Remuneration	2,100		2,000
			<u>2,000</u>
		47,028	<u>47,485</u>
Surplus for the year		<u>5,039</u>	<u>4,866</u>
Income and expenditure account brought forward		4,866	-
Income and expenditure account carried forward		<u>9,905</u>	<u>4,866</u>

APPENDIX A

PRELIMINARY FINAL BUDGET FOR 1997

1997 EXPENDITURE/INCOME STATEMENT TO 30/9/97

STAFF COSTS (estimated to end of 1997)	TOTAL COSTS
J.Jensen (Full-Time)	£ 24,524.98
J. Harwood (18 days)	£ 5,143.94
C. Last (4 months)	£ 4,232.80
G. Banks (77 days to end of Feb 98)	£ 8,133.27
A.J. Pomeroy (25 days)	£ 1,819.22
	£ 43,854.22

SUMMARY	
STAFF COSTS	£ 43,854.22
RECURRENT EXPENDITURE TO DATE	£ 12,261.68
FURTHER ESTIMATED MAJOR EXPENDITURE	£23,595.00
TOTAL	£ 79,710.90

*

RECURRENT EXPENDITURE

EXPENDITURE CATEGORY	Name	Invoice Date	Details	Amount
REPORT COSTS	Heffers	10/02/97	Binders	£17.39
	Jensen,J	11/02/97	Report supplies, etc.	£34.69
	International Whaling Commission	17/02/97	Papyrus and photocopying charges - Jette Jensen	£193.50
	Jensen,J	10/09/97	ASCOBANS national report Sept 97	£97.71
	Last,C	22/09/97	Board report covers	£ 6.98
	Sub-Total			£ 350.27
	COMPUTING	Leading Edge	13/01/97	JJ-Windows 95 upgrade lic and office for windows 95
Leading Edge		31/01/97	Microsoft select disc and docs-JJ	£45.71
Dan Technology		24/02/97	4MB RAM module 30 pin	£122.20
Dan Technology		25/04/97	2.0GB Eide hard disk	£236.18
Jensen,J		18/07/97	Word 97 upgrade	£15.00
Gateway		18/07/97	Solo 2200 system (laptop)	£2,347.00
Gateway		06/08/97	Telepath	£140.00
Last,C		22/09/97	Microsoft Excel Book	£ 18.49
Sub-Total			£ 3,011.47	
TRAVEL & SUBSISTENCE & MEETING COSTS	Jensen,J	28/04/97	ECS-Germany-March 1997	£1,051.19
	Jensen,J	28/04/97	Conference fee	£81.30
	Jensen,J	30/04/97	ASCOBANS-Switzerland-Apr 97	£1,269.06
	Harwood,J	03/06/97	T&S-ASCOBANS mtg-Lond-2.6.97	£29.00
	Jensen,J	11/08/97	T&S-Russia/Poland-May 1997	£1,429.74
	Jensen,J	02/09/97	T&S-Netherlands-June/July 1997	£582.14
	Jensen,J	18/09/97	T&S-Helsinki-15-16.9.97	£ 844.37
	Jensen,J	13/10/97	T&S-IWC-Boumemouth-30.9-9.10.97	£ 554.85
	Jensen,J	29/09/97	Estimated T&S claim for 2nd MOP with A.Thyssen	£ 456.61
	Jensen,J	24/10/97	Estimated T&S claim for Monaco IWC meeting	£ 1,111.50
Sub-Total			£5,841.65	
PHONE & FAXES	Jensen,J	06/02/97	Faxes sent for ASCOBANS	£51.96
	BT Business Communications	11/02/97	Phone Bill-Dec 96 - Feb 97	£249.49
	BT Business Co	12/05/97	ASCOBANS-Tel/Fax-301282-Feb-May 97	£245.91
	Cambridge Repr	30/05/97	To clean and service ASCOBANS fax	£94.00
	BT Business Co	12/08/97	01223 301282-May-Aug 97-ASCOBANS	£304.34
	Jensen,J	13/10/97	Telephone and e-mails	£ 12.86
	Sub-Total			£ 958.56
	BANK CHARGES	Jensen,J	28/04/97	Bank Charges
Jensen,J		30/04/97	Bank charges	£3.01
Jensen,J		11/08/97	Cash handling charges-Russia	£21.51
Jensen,J		02/09/97	Bank Charges in Netherlands	£3.47
Jensen,J		18/09/97	Bank charges	£ 2.50
Sub-Total			£ 37.81	
AUDIT FEE	National Audit O	15/05/97	Audit of ASCOBANS A/C for 1996	£2,099.73
TOTAL:				£ 12,261.68

Further estimated major expenditure:	
RUWPA (Feasibility Study)	£5,390.00
Bonn Meeting T&S Costs	£6,000.00
Meeting of Parties plus report costs	£10,000.00
Final Audit Costs	£2,205.00
	£23,595.00

* Please note that staff costs includes salary and other expenses incl. National Insurance contribution (the salary for the present Secretary is £18,000)

APPENDIX B

LIST OF CONTACT PERSON IN PARTIES*

The coordinating authorities (CO), Advisory Committee members (AC) and their permanent advisors (ADV) installed on mailing list.

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* Norway's representative has also been included here although Norway have not signed ASCOBANS, since he regularly attends and contributes to all Advisory Committee meetings

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APPENDIX C

LIST OF IGOs AND NGOS ON DISTRIBUTION LIST FOR REPORTS

IGOs

the United Nations, acting as the Depository 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)

HELCOMS Working Group on nature conservation and biodiversity (EC NATURE)

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

the North Atlantic Marine Mammal Commission (NAMMCO)

the Inter-American Tropical Tuna Commission (IATTC)

ACCOBAMS

NGOs

the World Conservation Union (IUCN)

the European Cetacean Society (ECS)

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 der Meeressaugetiere

German league for nature and environment

Nederlandse Vereniging tot Bescherming van Dieren

Danish Animal Welfare Society

Greenlife Society - North American chapter

Institutes

Deutsches Museum für Meereskunde und Fischerei

Duisburg Zoo

World Conservation Monitoring Centre

APPENDIX D

LIST OF MEETINGS ATTENDED BY THE SECRETARIAT, 1995-1997.

1995

The European Cetaceans Society's 9th Annual Conference, March 1995, Lugano, Switzerland. Attended by Lockyer and Heimlich-Boran.

NAMMCO Symposium, April 1995, Shetland Islands. Attended by Lockyer

The 47th Annual Meeting of the International Whaling Commission, May 1995, Dublin, Ireland. Attended by Lockyer and Heimlich-Boran.

ACCOBAMS negotiating meeting, September 1995, Monaco. Attended by Heimlich-Boran.

1996

The European Cetaceans Society's 10th Annual Conference, 11-13 March 1996, Lisbon, Portugal. Attended by Lockyer.

The 6th Meeting of the NAMMCO Council, 27-29 March 1996, Tromsø, Norway. Attended by C. Lockyer.

The 11th Biannual Conference on the biology of Marine Mammals, 14-18 March 1996, Orlando, Florida. Attended by Lockyer and Heimlich-Boran

The 48th Annual Meeting of the International Whaling Commission, June 1996, Aberdeen, Scotland. Attended by Heimlich-Boran.

1997

The European Cetaceans Society's 11th Annual Conference, 10-12 March 1997, Stralsund, Germany. Attended by Jensen.

The Fifth Meeting of the Conference of the Parties to the Convention on Migratory Species of Wild Animals, 10-16 April 1997, Geneva, Switzerland. Attended by Jensen.

The Seventh Meeting of the HELCOM Working group on Nature Conservation and Biodiversity (EC NATURE), 25-28 May 1997, Svetlogorsk, Russia. Attended by Jensen.

The second annual coordinating meeting of the Working Party on Action Theme 5: 'Coastal and Marine Ecosystems' of the PAN-European Landscape and Diversity Strategy Plan, 15-16 September 1997, Helsinki. Attended by Jensen.

The 49th Annual Meeting of the Scientific Committee of the International Whaling Commission, October 1997, Bournemouth, England. Attended by Jensen.

The 49th Annual Meeting of the International Whaling Commission, 20-24 October 1997, Monte Carlo, Monaco. Attended by Jensen.

ANNEX F

Report of the Chairman of the Advisory Committee

CONCISE STATUS OF THE IMPLEMENTATION OF THE ACTION PLAN

The Action Plan is structured according to six categories of priority actions, which are further subdivided in specific points of action. Each of these categories are viewed and evaluated whether it was addressed sufficiently (++) , partly addressed (+) , not sufficiently addressed (-) or not addressed (--). It is also indicated whether this was the task of the Advisory Committee (A.C.) or the Parties. Reports prepared for ASCOBANS and documenting implementation are given under each category.

I. Reduction of Pollution

1. List of pollutants likely to adversely affect small cetaceans	A.C.	(++)
2. Management measures/research needs	A.C.	(+)
3. Reduction of pollution discharge	Parties	(-)
4. Standardisation procedures	A.C.	(+)

Relevant documents:

Aguilar, A., A. Bjørge, G. Donovan & P.J.H. Reijnders 1997. Proposal to the IWC on furthering the recommendations of the Pollution Workshop. SC/49/Rep6. Also available as ASCOBANS/MOP/2/Doc. 15.
Reijnders, P.J.H. ASCOBANS/ADV.COM./4/DOC. 5.
Resolution on Pollutants and Cetaceans, ASCOBANS/MOP/2/Doc. 7.

II i Reduction of direct interactions with fisheries

5.1. Encourage to continue or establish of observer schemes	Parties	(+/-)
5.2. Education/promotional program for fishermen	Parties	(-)
6. Gather and assess information on bycatch reporting	A.C.	(+)
+ provide guidelines on best practice	A. C.	(+)
7. Support research on gear/method developments to reduce bycatch	Parties	(+)
8. Level of unacceptable take	A.C.	(+)
9. Impact of bycatch	A.C.	(-)
10. Regulations/management measures to reduce levels of bycatch	Parties	(-)

Relevant documents:

Assessment and reduction of the bycatch of small cetaceans (By-care). ASCOBANS/ADV.COM./2/DOC.15.
Bravington, M.V., F. Larsen, C. Lockyer, S.P. Northridge & M.L. Tasker 1997. Cetacean bycatch issues in the ASCOBANS area. Report of the ASCOBANS Advisory Committee Working Group on Bycatch. ASCOBANS/MOP/2/DOC. 1.
Carlstrom, J. & P. Berggren (unpubl.). Bycatch estimates of Harbour porpoises (*Phocoena phocoena*) in the Swedish Skagerrak Sea, obtained from independent observer data. SC/48/SM25. Also available as ASCOBANS/ADV.COM./3/DOC. 10
Haan, D. de 1997. Prevention of by-catch cetaceans in pelagic trawls by technical means (project CETASEL). Consolidated report to the European Commission. RIVO-DLO report CO18/97.
Lockyer, C. & F. Larsen 1997. Interim progress report on By-care from the Danish Institute for Fisheries Research (DIFRES). ASCOBANS/ADV.COM./3/DOC. 6.
Northridge, S.P. 1996. A review of marine mammal observer schemes with recommendations for best practice. JNCC Report No. 219.
Resolution (draft) on by-catch. ASCOBANS/MOP/2/DOC. 2.
Tasker, M.L. & P. Berggren 1997. Requirements of a database on by-catch for ASCOBANS. ASCOBANS/ADV.COM./4/DOC. 10.

II ii Reduction of indirect interactions with fisheries

11. Research on food and feeding ecology	Parties	(-)
--	---------	-----

Some work has been carried out on bycaught animals, however, no detailed feeding information on ecology studies/ relation to indirect interactions with fisheries has been undertaken.

III i. Reduction of disturbance**12. Guidelines to reduce disturbance** Parties (+)

In former meetings of the Advisory Committee, three types of disturbance were identified, where guidelines could be drafted and implemented. The United Kingdom has already made progress on matters relating to disturbance and it was agreed that the experience in the United Kingdom will be evaluated and a report made available to the Advisory Committee.

Relevant documents:

ASCOBANS/ADV.COM/2/DOC. 8. Guidelines for minimising disturbance to cetaceans from cetacean-watching operations. Draft report UK's JNCC.

ASCOBANS/ADV.COM/2/DOC. 9. Guidelines for minimising disturbance to cetaceans from vessels at sea. Draft report of the UK's JNCC.

III ii. Reduction of indirect disturbance**13. Encourage work to establish criteria to define protected areas** Parties (+/-)

The working group established to identify criteria at the national and international level has received very little information from EU countries, and therefore has been unable to make much progress.

Relevant documents:

ASCOBANS/ADV.COM/2/DOC. 10. A: Protocol concerning specially protected areas and biological diversity in the Mediterranean; B: Criteria used in defining Marine Protected Areas; C: Barcelona Protocol.

ASCOBANS/ADV.COM/3/DOC. 8. Report from the working group on Marine Protected Areas Criteria.

IV. Monitoring, status and population studies**14. IWC proposal on population structure of harbour porpoise in the N.E. Atlantic** A.C. + Parties (+)

- | | | |
|---|---------|-------|
| 15. Sighting survey on the Baltic harbour porpoise population | Parties | (+) |
| 16. Research on life history parameters | Parties | (+/-) |
| 17. Research on migration patterns/importance | Parties | (+/-) |
| 18. Review of SCANS and further research needs | A.C. | (+/-) |
| 19. Stranding schemes | A.C. | (+) |

Relevant documents:

ASCOBANS/ADV.COM/4/Report, section 18.1.

Berggren, P. 1995. Draft summary report of the 1995 Baltic harbour porpoise survey. ASCOBANS/ADV.COM/2/DOC. 7.

Berggren, P., P.Börjesson, J. Cariström, M. Kull, A.J. Westgate, H.N. Koopman & A.J. Read. Satellite tracking of a harbour porpoise in the Skagerrak Sea. ASCOBANS/ADV.COM/3/DOC. 16.

Haelters, J. 1997. A review of stranding schemes in the ASCOBANS area. ASCOBANS/ADV.COM/4/DOC. 14.

Lockyer, C. 1997. Progress on population structure studies of harbour porpoise, with special reference to the North and Baltic Seas. ASCOBANS/ADV.COM/4/DOC. 8.

Mattson, K. 1995. Cetaceans in Finnish waters. ASCOBANS/ADV.COM/2/DOC. 2.

V. Education and promotion**20. Assessment of education and promotion needs in relation to the work of ASCOBANS.** A.C. (++)

A comprehensive assessment of the education and promotion needs to further the ASCOBANS objectives has been carried out. It was concluded that a campaign to raise the ASCOBANS profile has a high priority. A series of proposals for activities have been suggested and partly carried out.

Relevant documents:

- Bjerge, A. 1996. Observers report from the NAMMCO Scientific Committee meeting. ASCOBANS/ADV.COM./3/DOC. 2.
- Fischer, H. 1997. Report from the 7th NAMMCO Council Meeting, 27-30 May 1997, Tórshavn, Faroe Islands. ASCOBANS/ADV.COM./4/DOC. 11.
- Jensen, J. 1997. Preparatory meeting with the secretariat of the Convention on Migratory Species of Wild Animals (CMS) of the Fifth Conference of the Parties to CMS, 13 March 1997, Bonn, Germany. ASCOBANS/ADV.COM./4/DOC. 2.
- Jensen, J. 1997. Report from the Seventh meeting of the Working Group on Nature Conservation and Biodiversity (EC NATURE), 25-28 May 1997, Svetlogorsk, Russia. ASCOBANS/ADV.COM./4/DOC. 4.
- Jensen, J. 1997. Report of the European Cetacean Society's 11th Annual Conference, 10-12 March 1997, Stralsund, Germany. ASCOBANS/ADV.COM./4/DOC. 1.
- Jensen, J. 1997. Report of the Fifth Meeting of the Conference of the Parties to the Convention on Migratory Species of Wild Animals, 10-16 April, Geneva, Switzerland. ASCOBANS/ADV.COM./4/DOC. 3.
- Heimlich-Boran, S.L. 1996. Progress report on the Agreement on Conservation of Small Cetaceans of the Baltic and the North Seas, May 1995 - April 1996. Presented to IWC in Aberdeen, Scotland, June 1996, as IWC/48/OS ASCOBANS. Also available as: ASCOBANS/ADV.COM./3/DOC. 11.
- Heimlich-Boran, S.L. 1996. Progress report on the Agreement on Conservation of Small Cetaceans of the Baltic and the North Seas, May 1995 - April 1996, for the CMS web site. ASCOBANS/ADV.COM./4/DOC. 12.

VI. Administrative issues

- | | | |
|-------------------------------------|---------|------|
| 21. Guidelines for National Reports | A.C. | (-) |
| 22. Copies of national legislations | Parties | (++) |

The submission of National Reports in time for the Advisory Committee meetings was unsatisfactory. It was tried to solve this through facilitating reporting via a standardised template for update. It is likely that the problem might not be solved. A suggestion for further improvement will be elaborated at the 2nd Meeting of Parties.

Relevant documents:

ASCOBANS/ADV.COM./4/Report, section 23.

Peter J.H. Reijnders
chair ASCOBANS Advisory Committee

FUNCTIONING OF THE ADVISORY COMMITTEE: A SUGGESTED WAY FORWARD

The functioning of the Advisory Committee can be concisely described as *driving forward the objectives of ASCOBANS between the triennial Meetings of Parties*.

This implies that its work is governed in general by the ASCOBANS Conservation and Management Plan, but in particular by the triennial Action Plan. The present Action Plan contains elements of scientific, organisational and management nature and ideally the Advisory Committee should be comprised of members able to cover that whole spectrum.

Experience and observations over the past three years prompted a discussion in the Advisory Committee, on possible ways to enhance and improve its work. Two major issues in that respect were considered:

- (1) the composition of the Action Plan, and
- (2) the representation of the necessary expertise in the meetings of the Advisory Committee and those of its intersessional working groups.

The Action Plan

The Action Plan was designed by taking into consideration all known and suspected threats to small cetaceans. It covers an extensive series of actions, ranging from specific actions such as providing a list of chemical compounds harmful to cetaceans, to broad actions such as reducing discharges of pollutants. This has led to difficulties in focussing on high priority actions and achieving measurable success over the whole range of actions. The Action Plan has proven to be too extensive and in some areas too ambitious to lead to satisfactory achievements in short term.

This situation can be considerably improved by setting clear and well defined objectives first. Such a list of priority objectives facilitates and directs the design of an achievable and efficient Action Plan. A framework to arrive at such a list of priority objectives is provided in Document 4, submitted to this meeting.

The Advisory Committee

The issue of having the necessary expertise available within the Advisory Committee to work efficiently can be distinguished by:

- (1) the field of conservation/management and scientific activities the Advisory Committee intends to cover, and
- (2) the involvement of the relevant expertise in the work of the Advisory Committee.

It is considered inefficient to duplicate work that is already being carried out in other intergovernmental or governmental organisations such as IWC, OSPARCOM/HELCOM. These organisations have a longstanding record of proven expertise in their fields, and in such cases it is considered of more value to co-operate and participate in their work, rather than to try and set up our own programmes. It is further possible that the necessary expertise to solve certain questions does not exist in the Advisory Committee, and where this is the case the Advisory Committee should concentrate its efforts on co-operating with these bodies.

The permanent members of the Advisory Committee have experience from either science, administration or management, and the involvement of the necessary expertise needed in the work of the Advisory Committee has been proven to be insufficient. Although the permanent Advisory Committee members attempt to be accompanied by relevant experts, there are presumably financial restraints to compose the delegations in such a way that most subjects can be dealt with adequately during the Advisory Committee meetings as well as intersessional.

The restricted time Advisory Committee members and their advisors can allocate to ASCOBANS matters has proven to be a serious problem. For the actual meetings time is officially allocated, but outside the meetings it is generally complicated to allocate time to specific tasks, the inefficiency of the intersessional working groups is primarily caused by lack of time as presently it can not be time-budgeted. Progress has mostly been made where the activities were part of an already ongoing institute or organisations research programme.

A suggested way forward

- (1) compose the permanent Advisory Committee of the administrative and scientific experts and advisors required to comprehensively address all actions in the Action Plan, and guarantee that the permanent members can allocate time intersessional to ASCOBANS work.
- (2) compose the permanent Advisory Committee of a limited group of experts and extend the group by inviting external advisors depending on the specific issues that are to be discussed during the Advisory Committee meetings.

In cases where highly specific expertise is required, it will be more efficient to carry out the task via an external contract. The consultancy can then be taken over by an Advisory Committee working group to achieve a specific objective in the Action Plan.

The intersessional groups should be composed of relevant experts from Parties, Range States and other countries, irrespective of their affiliation to (inter) governmental, private or scientific organisations.

Decision to be taken by the Meeting of Parties

The Meeting of Parties has to decide whether they will:

- (1) ensure that all nominated Advisory Committee members and their advisors can allocate time to attend Advisory Committee meetings, to work intersessional, and participate in the intersessional Advisory Committee working groups, or
- (2) provide funding for inviting experts and consultant work by establishing a specific budget line for this.

It is emphasised that the participation of observers in Advisory Committee meetings has proven very valuable and is appreciated by the Advisory Committee. It is considered of strong importance that the Parties continue to strive for participation of observers with expertise in cetacean conservation, in the work of the Advisory Committee.

Peter J.H. Reijnders

Jette Jensen

chairman ASCOBANS Advisory Committee

ASCOBANS Secretariat

ANNEX G

Report of the Working Group on Scientific Matters

1. INTRODUCTION

The Working Group met on 17 and 18 November under the chairmanship of Dr Reijnders, who was assisted by Mr Tasker. Prof. Harwood was appointed rapporteur. It agreed that the best way to conduct its business was to concentrate on the drafting of specific resolutions on by-catch, the effects of pollution, the activities of the Advisory Committee (including reporting format), and on further implementation of the Agreement. Appropriate sections of these resolutions would then be extracted to form an action plan for the next triennium.

2. CONSERVATION OBJECTIVES

Before addressing specific resolutions, however, the Chairman believed that it was important to discuss ASCOBANS/MOP/2/DOC.4. This document explained the necessity for defining specific conservation objectives for ASCOBANS and suggested an approach to achieve this. This approach involves the definition of a main conservation objective from which sub-objectives are derived. This then allows specific action to be identified and enables progress towards the sub-objectives to be evaluated.

2.1 Aim of ASCOBANS

The Working Group agreed to the general approach outlined above. Specifically it agreed that, in this context, 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.

This form of words was chosen to be as close as possible to the original wording of the Agreement ('to achieve and maintain a favourable conservation status for small cetaceans in the Agreement area'), but to enable a specific conservation objective, and sub-objectives, to be formulated.

2.2 Objectives

In practice, it is necessary to have specific target population levels so that the status of a stock and the effectiveness of conservation measures can be evaluated. It was agreed that a suitable interim objective would be

to restore populations to, or maintain them at, 80% or more of the carrying capacity.

This level was chosen after taking account of information for other cetacean species (c.f. the development of the International Whaling Commission's Revised Management Procedure) which indicate this is above the level of maximum productivity and therefore more appropriate for a conservation agreement.

2.2.1 Longer term approach

The Working Group recognised that while it is difficult, and perhaps impossible, to determine carrying capacity, such a theoretical target level will allow the development and application of the longer-term approach described in ASCOBANS/MOP/2/DOC.4. This approach will take into account the uncertainty which is inevitably inherent in the data required to assess the status of stocks. The Working Group also agreed that this longer term approach was appropriate, and that it should be developed further by the Advisory Committee in cooperation with other organisations, particularly the International Whaling Commission (ASCOBANS/MOP/2/DOC.27).

3. BY-CATCH

3.1 Aims

3.1.1 Long-term aim

The Working Group accepted that a long-term aim of the Agreement should be

to minimise all by-catches (i.e. reduce them to zero),

within some yet-to-be defined time frame.

3.1.2 Short-term aim

The Working Group accepted that in the shorter term it should

set interim targets for the levels of by-catch.

3.2 Definition of unacceptable interactions

The First Meeting of Parties had requested that the Advisory Committee develop a definition of the phrase 'unacceptable interactions' with fishing activities, which occurs in the Annex to the Agreement. The Report of the Working Group on By-catch (ASCOBANS/MOP/2/DOC.1) was reviewed and certain factual errors noted and a new version of the report (ASCOBANS/MOP/2/DOC.1 revised) was issued. The Report concluded that,

in the short term, a total by-catch level in all fisheries above 2% of the maximum likelihood estimate of abundance within an appropriately defined management region should be considered as an 'unacceptable interaction'.

The Working Group accepted this, however it recognised that for populations which were severely depleted, this level would not be acceptable even in the short-term. The Working Group noted that the IWC's Scientific Committee had advised that an estimated annual by-catch of 1% of estimated population size indicates that further research should be undertaken immediately to clarify the status of the stocks. There was some discussion as to whether this might be a more appropriate short-term target level than 2%, but this was not agreed by the Parties.

3.3 Resolution on incidental take

The Working Group agreed on a revised wording of ASCOBANS/MOP/2/DOC 2, which took account of its discussions. This resolution can be found in ASCOBANS/MOP/2/DOC.2, revised. The adopted resolution is attached to the report of the Meeting of Parties as Annex K.

3.4 EU competency in fisheries regulations

The Working Group noted the importance of recognising the exclusive competency of the European Union in the regulation of fisheries in EU waters and by EU vessels elsewhere.

4. EFFECTS OF POLLUTION ON CETACEAN HEALTH

The IWC Workshop on Chemical Pollution and Cetaceans had concluded that there was sufficient evidence for there to be concern about the effects of contaminants on marine mammals, but that this evidence was insufficient to establish a cause-and-effect relationship. It had therefore identified a need for further research.

4.1 Reduction of emissions and sources of pollutants

The Working Group concluded that there was sufficient evidence for it to be concerned about the effects of pollution on the health of small cetaceans in the ASCOBANS area. It agreed that Parties should work towards the reduction of emissions and sources of pollutants, and that the most appropriate way to do this was within existing international agreements, such as HELCOM and OSPARCOM, which have their own defined objectives.

4.2 Levels of chemical pollutants

The Working Group also recognised that there is a need to determine the significance of specific levels of certain chemical pollutants for individual cetaceans and for their populations. It suggested that the most appropriate way to do this was for the Parties to endorse the focussed, interdisciplinary, multinational programme of research on this topic which had been developed by the IWC's Scientific Committee, to help find funding for this programme, and to endeavour to supply samples from by-caught animals.

4.3 Resolution on pollutants

The Working Group revised the draft resolution on this subject (ASCOBANS/MOP/2/DOC.7) in the light of its discussions. This can be found in ASCOBANS/MOP/2/DOC.7 revised. The adopted resolution is attached to the report of the Meeting of Parties as Annex L.

5. ACTIVITIES OF THE ADVISORY COMMITTEE AND THE FURTHER IMPLEMENTATION OF ASCOBANS

5.1 Resolution on the activities of the Advisory Committee in the next triennium

The Working Group reviewed ASCOBANS/MOP/2/DOC.18, a draft resolution on the activities of the Advisory Committee over the next triennium. The revised version of the resolution can be found in ASCOBANS/MOP/2/DOC.18 revised. The adopted resolution is attached to the report of the Meeting of Parties as Annex M.

5.2 Resolution on further implementation of ASCOBANS

ASCOBANS/MOP/2/DOC.17 provides a draft resolution on the further implementation of ASCOBANS. It was noted that many sources, such as seismic activities (including both exploratory and research uses), recreation, military activity, anti-predator devices and cetacean watching, could cause disturbance to small cetaceans, but the Parties decided not to include specific examples in the resolution. The Working Group suggested some

revisions to this resolution, and the revised version can be found in ASCOBANS/MOP/2/DOC.17 revised. The adopted resolution is attached to the report of the Meeting of Parties as ANNEX N.

5.3 EU competency on protected areas

It should be noted that there is no intention in either of these resolutions to suggest that Parties which are members of the EU should undertake action on protected areas which in any way undermines actions already taken or planned under EC Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.

6. FUNCTIONING OF THE ADVISORY COMMITTEE

6.1 Evaluation of the functioning of the Advisory Committee

The Working Group considered ASCOBANS/MOP/2/DOC.16 which suggests that the function of the Advisory Committee is to '*drive forward the objectives of ASCOBANS between the triennial Meetings of the Parties*'. It was particularly concerned with ways to ensure that the Advisory Committee had the necessary expertise to work efficiently. In part, this could be achieved by co-operation with other intergovernmental and governmental organisations, such as the IBSFC, IWC, ICES, HELCOM, and OSPARCOM, so that there is no duplication of effort.

However, even on issues that were outside the expertise of these organisations, the restricted amount of time that Advisory Committee members, and their advisors, can allocate to ASCOBANS activities had proved to be a problem in carrying forward the objectives of the Agreement.

6.2 A suggested way forward

Two solutions were suggested:

- (1) *to ensure that the composition of the Advisory Committee is such that all relevant areas of scientific and administrative expertise are represented and to seek guarantees that permanent members have sufficient time for intersessional activities;*
- (2) *to accept that the total expertise of the Advisory Committee is limited and to invite external advisors to contribute to particular meetings. In some cases this may involve commissioning studies through external contracts.*

6.3 Involvement of invited experts

The Working Group noted that the use of invited experts and external contracts had been a very effective way of carrying forward the work of the Advisory Committee in the first triennium of the Agreement.

7. OTHER BUSINESS

7.1 Isle of Sylt

The Working Group noted that ASCOBANS/MOP/2/DOC.29 included a resolution calling for the establishment of a protected area around the Isle of Sylt. It was noted that the Rules of Procedure for the Meeting of Parties only permit Parties, the Advisory Committee or the Secretariat to propose resolutions. Since none of these was in a position to submit the resolution in question, the Chairman ruled that it was not possible to consider it. The IUCN observer indicated that IUCN was well aware of the Rules of Procedure of the Agreement, had respected them, and accepted the Chairman's ruling.

Germany provided some background information on the current status of proposals for a protected area around Sylt. Such a proposal is already on the table in the State of Schleswig-Holstein. The Federal Government had commissioned a study (which is described in ASCOBANS/MOP/2/DOC.23) to determine whether the establishment of a protected area for the harbour porpoise in this area was possible and appropriate. This should be completed within the next 12 months. Although the Federal Ministry of the Environment, Nature Protection and Nuclear Safety had indicated that it felt there was a need for a protected area for this species within German waters, the responsibility for establishing such an area rests with the appropriate Federal State (in this case, Schleswig-Holstein). The appropriate authorities are currently taking the appropriate steps to explore the designation of this area as a specific protection area.

ANNEX H

Report of the Working Group on Administrative Issues

1. INTRODUCTION

The Working Group met on 17 and 18 November under the chairmanship of Mr. Pritchard. Mr. Salmon was appointed rapporteur. The Working Group set itself the objective of initially agreeing on the general principle of relocating the Secretariat from its present location within the Sea Mammal Research Unit (SMRU) at Cambridge, in the United Kingdom.

2. RELOCATION OF THE SECRETARIAT

2.1 Relocation of the Secretariat

The Working Group accepted that in the light of the relocation of SMRU to St Andrews, Scotland, SMRU no longer felt able to effectively discharge the role of the Permanent Secretariat. The Working Group recognised that only one proposal, from Germany, for a replacement Secretariat had been tabled at the Meeting of Parties (ASCOBANS/MOP/2/DOC. 19). Germany explained that they had tabled the bid, not to compete with the United Kingdom, but following the decision of SMRU to relinquish the role, and with the knowledge of the United Kingdom, had proposed that the Secretariat be based in Bonn.

The Working Group was grateful for the proposal and acknowledged the recommendations of the 5th Conference of the Meeting of the Parties (COP5) to CMS, that Parties to ASCOBANS and other regional European based Agreements should consider relocating to Bonn to establish a collocated Secretariat Unit. The Working Group noted the positive features and facilities that Bonn was able to present (as detailed in DOC. 19, Annex A), and agreed to the principle that

the Secretariat should be relocated to Bonn.

2.2 New location of the Secretariat

Germany explained to the Working Group that their proposal comprised two options:

- (1) the Secretariat function be administered by the German Federal Agency for Nature Conservation (FANC) for the full triennium and be co-located with the UNEP/CMS Secretariat; and
- (2) the Secretariat be administered by FANC from 1998 but that in the year 2000 it be fully integrated within the UNEP/CMS' Secretarial Unit.

The Working Group discussed the merits of each option and noted that the costs associated with option (2) were considerably higher than the previous triennium. While recognising that cost savings could be achieved in option (2) by making use of UNEP/CMS administrative support and thereby reducing the need for a full-time clerical assistant, the Working Group felt that Parties would not be in a position to agree to such an arrangement at this meeting.

The Working Group agreed that option (1) was the most viable and realistic. It acknowledged the agreements made at COP5 and appreciated that once full integration is achieved certain economies of scale through sharing of posts and administrative/financial expertise can be expected.

As a consequence the Working Group unanimously agreed that

option (1) should be regarded as a transitional move towards integration of the Secretariat into a collocated Secretariat Unit within the UNEP/ CMS facility from 1 January 2001.

The Working Group felt that the triennium 1998-2000 would provide a reasonable period during which the Secretariats of ASCOBANS and EUROBATS could grow together enabling a smooth integration into the UNEP facility from the beginning of 2001.

2.3 Resolution on the establishment and the location of the ASCOBANS Secretariat

In the light of its discussions, the Working Group proposed the adoption of a revised Resolution (ASCOBANS/MOP/2/DOC. 22.rev1). The adopted resolution is attached to the report of the Meeting of Parties as ANNEX J.

3. THE 1998-2000 BUDGET

Having decided upon option (1), the Working Group considered the proposed budget in DOC. 19. The Working Group acknowledged the generous offer by Germany to provide the accommodation and basic office facilities free of charge, as well as an allocation of up to a total of DM90,000 in 1998 to relocate the Secretariat, and DM50,000 in 1999 and 2000 for subject related projects and events organised by the Secretariat.

3.1 Secretariat staff

Following some discussion about the opportunities of economies to be provided through the collocated Secretariat Unit (ASCOBANS and EUROBATS), the Working Group accepted the merits of a full time Secretariat and a full time clerical assistant for the coming triennium. However, the Working Group recognised that as a result of the integration within the UNEP/CMS Secretariat, opportunities to consider economies in the clerical support should be investigated.

3.2 The competence of the Advisory Committee to make financial decisions

Discussion of establishment of further budget lines for inviting external experts to the Advisory Committee meetings, as recommended in ASCOBANS/MOP/2/DOC. 16, prompted the Working Group to consider the competence of the Advisory Committee to take decisions about the allocation of monies within the budget.

There were at least two interpretations of the way in which paragraph 6b of Resolution 3 of the first Meeting of the Parties had intended that the Secretariat's utilisation of budgets should be controlled:

- (1) that it was intended to be the function of the host Government, and
- (2) that after the establishment of the Secretariat's financial structures, it was more appropriate for the Parties to do so through the Advisory Committee.

The Working Group believed that some clarification would be beneficial.

Without some clarification of the scope of the Advisory Committee to consider and influence decisions with financial consequences, some Parties felt that it was unclear what level of attendance at Advisory Committee meetings was required. The Working Group accepted that the Advisory Committee had an important role in guiding the Parties in the way in which monies were allocated to appropriate research projects. However, it recognised that those attending the Advisory Committee meetings would not necessarily have the expertise to enable them to authorise the spending of monies for such projects.

The Working Group decided that

the establishment of a new budget line for the Advisory Committee to invite external experts did not have sufficient merits.

The Working Group recognised that

the competence to authorise the Secretariat to undertake expenditure in areas not specified precisely in any triennium budget should rest with the host country during the establishment of the Secretariat and subsequently with the Parties' coordinating authorities.

In the case of the generous offer by Germany to provide DM50,000, to projects and events organised by the Secretariat in 1999 and 2000, the Group recognised Germany's right to control the allocation of that sum.

The Working Group decided that it was right and proper that

the Advisory Committee be able to offer guidance to the Secretariat as to how expenditure on agreed projects should be allocated in the intersessional period. However, any expenditure in areas outside that agreed by the Meeting of Parties, during the intersessional period, should be agreed by the Parties coordinating authorities.

The Working Group felt that this arrangement already operated.

The Working Group concluded that the present arrangement worked sufficiently well to enable the terms of reference for the Advisory Committee not to require alteration for the coming triennium. It is important that effective and efficient relationships between the Advisory Committee, the Secretariat and the Parties are maintained and developed.

3.3 Secretariats travels

Having clarified the authority, which could appropriately manage the budget, the Working Group considered the figures contained in the budget line at 2.1. The Working Group concluded that the budget allocated for the Secretariat's travel was set at an appropriate level.

The type of meetings it was appropriate for the Secretariat to attend was also considered. To ensure that the best use was made of a limited budget, the Working Group agreed with the Advisory Committee's recommendation that it should compile a list of those meetings at which the attendance of the Secretariat would be appropriate. The Working Group felt that it was important that

the Secretariat visit range states to encourage their accession, and Parties to ensure that obligations were in progress.

The Secretariat should work in cooperation with the Advisory Committee to identify whether it was necessary to attend other meetings to promote the Agreement.

Having reviewed the budget proposals under option (1), the Group felt that the budget lines were set at realistic and appropriate levels, and it agreed to

recommend the budgets accordingly.

3.4 Surplus monies

The Working Group considered how to handle any surplus monies remaining unspent from the current triennium. It was estimated that such a surplus may equal up to £20,000.

The Working Group felt that it would be reasonable to allow the Secretariat a degree of flexibility in how it spent any surplus, which should be carried over from year to year until the Secretariat integrates with UNEP/CMS. Any surplus remaining at that time could then be used within 2001 to reduce the contributions of the Parties when they would otherwise be facing a large budgetary rise.

Should additional parties accede to the Agreement, recalculation of the contributions should take place in accordance with Financial Regulation 6.

3.5 NGOs contribution for attendance at the next Meeting of Parties

The Working Group discussed the appropriate level of contribution NGOs should pay to attend the Meetings of Parties. In the light of the precedents already set by the CMS, it was agreed that a payment of DM200 was appropriate.

3.6 Resolution on Financial and Budgetary matters

In the light of its discussions, the Working Group proposed the adoption of the resolution ASCOBANS/MOP/2/DOC.19 rev.1. The adopted resolution is attached to the report of the Meeting of Parties as Annex I.

4. ENCOURAGING RANGE STATES TO ACCEDE

The Working Group considered how best to encourage Range States to accede. It recognised that some States would find it difficult to meet the financial contributions required, whilst others might find it difficult to bear the cost of implementing the Agreement.

Bearing these points in mind, the Working Group concluded that,

in addition to effort and visits on the part of the Secretariat to Range States, Parties also had an important role.

Parties should also consider other opportunities at meetings that would enable either officials or ministers of the Parties to encourage range states to accede.

5. THE FUNCTIONING OF THE ADVISORY COMMITTEE

The Working Group acknowledged the Advisory Committee's recommendation that the Parties allocate sufficient time and resources to allow it to carry out its functions properly (ASCOBANS/MOP/2/DOC 16). The Group sympathised with this request but recognised the wide range of demands on Parties' time. It was nevertheless agreed that

the Secretariat should remind the Contracting Parties of forthcoming meetings of the Advisory Committee in order that they might be able to make the necessary arrangements.

Recognising the pressures upon the Advisory Committee and the Secretariat, the Working Group also expressed its concerns at the late receipt of many of the documents to be considered at this meeting. It therefore

reminded the Advisory Committee, the Secretariat and the Contracting Parties of the need to observe Clause 6.1[d] of the Agreement which requires that papers should normally be submitted 90 days before a Meeting of the Parties.

6. COMMUNICATIONS

The Working Group considered ASCOBANS/MOP/2/DOC. 35 and agreed to

acknowledge the content of DOC. 35 and to re-submit it to the Advisory Committee to consider its proposals, within the budgets available.

It also

encouraged communication and the use of new technologies

with the particular aim of spreading good practice between the Parties and Range States.

ANNEX I

RESOLUTION ON FINANCIAL AND BUDGETARY MATTERS

The Meeting of Parties:

HAVING REGARD to paragraph 6.1c) of the Agreement on the Conservation of Small Cetaceans of the North and Baltic Seas, signed on 17 March 1992 at the United Nations, New York, ('the Agreement') which states that the Meeting of Parties shall consider and decide upon: 'the establishment and review of financial arrangements and the adoption of a budget for the forthcoming three year';

HAVING REGARD also to paragraph 7 of the agreement which states that the Parties agree to share the cost of the budget according to the United Nations scale of assessment and that these sums shall be paid to the government or international organisation hosting the Secretariat;

RECOGNISING the need to strengthen the capacity of the Secretariat to the Agreement to enable it to function correctly;

DISCHARGES and APPROVES the budget for the years 1995-1996 (as shown in the audited accounts at Appendix 1), and that the accounts for the year 1997 should be discharged and approved by the Third Meeting of Parties;

APPROVES the budget towards the cost of the Secretariat's operations attached as Appendix 2 and the scale of contributions for 1998-2000 attached as Appendix 3 to this resolution, the administration of the budget shall be governed by the Financial Regulations attached as Appendix 4;

STATES that in accordance with paragraph 7.2 of the Agreement, the annual contribution be paid as soon as practicable after the end of March and in no case later than before the end of June of the calendar year to which they relate;

AGREES that any deficit or surplus between income and expenditure arising from the first triennium should be absorbed in the period, 1 January 1998 to 31 December 2000 and that any surplus remaining thereafter should be used to reduce the Parties' contributions in the year beginning 1 January 2001;

INVITES Parties, non-Party Range States and any organisation to make voluntary contributions to special activities for implementation of the Agreement;

INVITES the host government to direct the Secretariat to:

- (a) establish and administer a separate designated account to receive contributions;
- (b) establish rules and procedures to make expenditures, transfer of funds as appropriate from one budget line to another than between staff costs and other running costs;
- (c) make arrangements for the external audit of the Secretariat's account;

DECIDES that the standard fee for the participation in Meetings of the Parties shall be fixed at DM200 for all non-governmental organisations within the definition contained in paragraph 6.2.2 of the Agreement.

APPENDIX 1

NATIONAL AUDITED ACCOUNTS FOR 1995 AND 1996

Income and Expenditure Account for the year ended
31st December 1996

	1996		1995
	£	£	£
INCOME			
Contributions			
Belgium	5,436		6,423
Denmark	3,858		3,937
Germany	13,017		13,088
Holland	8,315		9,088
Poland	1,791		-
Sweden	6,633		6,727
United Kingdom	<u>13,017</u>		<u>13,088</u>
		52,067	<u>52,351</u>
EXPENDITURE			
Staff Costs	33,485		32,888
Other Expenses			
Travel, Subsistence and Hospitality	4,798		4,253
Office Equipment	489		3,284
Miscellaneous Administrative Expenses	3,428		3,372
Communications	2,728		1,688
Auditors Remuneration	<u>2,100</u>		<u>2,000</u>
		47,028	<u>47,485</u>
Surplus for the year		<u>5,039</u>	<u>4,866</u>
Income and expenditure account brought forward		<u>4,866</u>	-
Income and expenditure account carried forward		<u><u>9,905</u></u>	<u><u>4,866</u></u>

APPENDIX 2

ASCOBANS BUDGET 1998-2000 IN DM

Budget Line	1998	1999	2000
1. Personnel			
1.1 Secretary	81.200	83.500	87.000
1.2 Clerical Assistant (AO)	50.500	52.500	55.000
<i>Sub-total</i>	<i>131.700</i>	<i>136.000</i>	<i>142.000</i>
2. Travel on official business			
2.1 Secretariat Staff	9.000	9.000	9.000
2.2 Others (experts etc.)	2.500	3.000	3.000
<i>Sub-total</i>	<i>11.500</i>	<i>12.000</i>	<i>12.000</i>
3. Meetings			
3.1 Meeting of Parties	0	0	21.000
3.2 Advisory Committee	5.500	6.000	6.500
<i>Sub-total</i>	<i>5.500</i>	<i>6.000</i>	<i>27.500</i>
4. Equipment			
4.1 Miscellaneous office supplies	4.000	4.000	4.000
4.2 Office equipment	0	1.000	1.000
<i>Sub-total</i>	<i>4.000</i>	<i>5.000</i>	<i>4.000</i>
5. Miscellaneous components			
5.1 Operation and Maintenance			
a) Computer	1.000	1.000	1.000
b) Photocopier	2.500	2.500	2.500
c) Fax	1.000	1.000	1.000
<i>Sub-total</i>	<i>4.500</i>	<i>4.500</i>	<i>4.500</i>
5.2 Reporting costs			
a) Documentation	0	0	4.000
b) Information materials	2.000	2.500	3.000
c) Reference materials	1.000	1.000	1.000
<i>Sub-total</i>	<i>3.000</i>	<i>3.500</i>	<i>8.000</i>
5.3. Communications			
a) Phone/Fax	6.000	6.500	7.500
b) Mailing	5.000	5.500	6.500
<i>Sub-total</i>	<i>11.000</i>	<i>12.000</i>	<i>14.000</i>
5.4 Hospitality	1.500	1.500	1.750
<i>Sub-total</i>	<i>1.500</i>	<i>1.500</i>	<i>1.750</i>
5.5 Audit charges	5.000	5.000	5.000
<i>Sub-total</i>	<i>5.000</i>	<i>5.000</i>	<i>5.000</i>
5.6 BfN General costs	5.000	5.000	6.000
<i>Sub-total</i>	<i>5.000</i>	<i>5.000</i>	<i>6.000</i>
Total Costs	182.700	190.500	225.750

APPENDIX 3

SCALE OF CONTRIBUTIONS TO THE 1998-2000 BUDGET

Annual contribution in DM*

PARTY	UN Scale, %	1998	1999	2000	Budget scale, %
Belgium	1.01	18910	19717	23365	10.35
Denmark	0.72	13483	14059	16660	7.38
Germany	9.06	45675	47625	56438	25.00
Netherlands	1.59	29762	31032	36775	16.29
Poland	0.33	6175	6439	7630	3.38
Sweden	1.23	23020	24003	28444	12.60
United Kingdom	5.32	45675	47625	56438	25.00
TOTAL	19.26	182700	190500	225750	100.00

* Based on the UN scale applicable at the time the budget was adopted (November 1997); all contributions have been adjusted to take account of the fact that the contribution of any Party shall not exceed 25% of the budget, in accordance with paragraph 7.1 of the Agreement.

APPENDIX 4

FINANCIAL REGULATIONS FOR 1 JANUARY 1998 TO 31 DECEMBER 2000

1. The budget of the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (hereinafter referred to as the budget) shall be adopted for a period of three years to provide financial support for the aims of the Agreement.
2. Each financial year shall be administered for 12 months beginning 1 January and ending 31 December, both dates inclusive. The financial period shall be for three calendar years beginning 1 January 1998, and ending 31 December 2000.
3. The budget shall be administered by the Secretariat to the Agreement.
4. The administration of the budget shall be governed by these Financial Regulations.
5. The Financial resources of the budget for 1998-2000 shall be derived from:
 - (a) The contributions made by the Parties, including contributions from any new Parties;
 - (b) Further voluntary contributions from Parties and contributions from States not Parties to the Agreement, other governmental, intergovernmental and non-governmental organisations and other sources.
6. All contributions to the budget shall be paid in Deutsche Marks. For contributions from States and regional economic integration organisations that become Parties after the beginning of the financial year, the initial contribution (from the first day of the month deposit of the instrument of ratification, acceptance or accession until the end of the financial year) shall be determined *pro rata* based on the contribution of other Parties on the same level on the United Nations scale of assessment, as it applies from time to time. However, if the contribution of a new Party determined on this basis would be more than 25 per cent of the budget, the contribution of that Party shall be 25 per cent of the budget for the financial year of joining (or *pro rata* for a part of the year). The scale of contributions for all Parties shall be revised by the Secretariat on 1 January of each year as necessary. Contributions shall be paid in annual instalments and into an account to be specified by the Secretariat.
7. The Secretariat shall send invoices to all Parties, notifying them of their assessments before the start of each financial year.
8. The budget shall be subject to audit by an external auditor who will be appointed by the Secretariat.
9. The auditor shall prepare a report on the accounts certified, and on any matters on which the Meeting of Parties may from time to time give specific instructions. The auditor shall submit his report to the Meeting of Parties in accordance with paragraph 4.2 of the Agreement. The Meeting of the Parties shall, following consideration of the audited annual financial statements and audited report submitted to the Parties, signify its acceptance of the audited annual financial statements or take such other action as it may consider appropriate.
10. The Secretariat shall provide to the Coordinating Authorities by 30 June each year, a report of income and expenditure for the previous year, and shall circulate to all Parties a financial report for the triennium and a budget proposal for the next triennium not later than 60 days before the next Meeting of Parties.

Commitments against the resources of the budget may be made if they are covered by the necessary income of the Agreement. No commitments shall be made in advance of the receipt of contributions, except for salaries.

ANNEX J

RESOLUTION ON THE ESTABLISHMENT AND THE LOCATION OF THE ASCOBANS
SECRETARIAT

The Meeting of Parties:

RECALLING the offer of the United Kingdom to host the Secretariat at the Sea Mammal Research Unit in Cambridge, at the expense of the Parties, during the years 1995 to 1997;

ACKNOWLEDGING with appreciation the support given by the Government of the United Kingdom with regard the establishment of the Secretariat;

RECALLING and APPRECIATING the offer of the German Government to host the Agreement Secretariat at the expense of the Parties;

ACKNOWLEDGING Resolution 4.4, Annex, paragraph 19 of the Fourth Conference of the Parties, and Resolution 5.5, of the Fifth Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals, that the Secretariats of the European Agreements concluded under the Convention should be consolidated in a special Agreement Unit within the UNEP/CMS Secretariat;

APPRECIATING that once full integration is achieved, certain economies of scale (through sharing of posts and financial/administrative expertise) can be expected;

RECOGNISING that further work will be undertaken by the Secretariat to the Convention on the Conservation of Migratory Species of Wild Animals to produce calculated costs of the ASCOBANS Secretariat integrated with the UNEP/CMS Secretariat;

Decide to invite Parties to:

That, from 1 January 1998, a Secretariat be established in Bonn administered by the German Federal Agency for Nature Conservation;

To REQUEST the German Government to enter into negotiations with the appropriate UN authorities, with a view to securing formal agreement and terms for the ASCOBANS Secretariat to be located in the UN premises in Bonn on an interim basis pending its full integration in the UNEP/CMS Secretariat from 1 January 2001;

Should such agreement be forthcoming, to REQUEST the ASCOBANS Secretariat to enter into timely discussions with the UNEP/CMS Secretariat with a view to developing an accounting system for accurately apportioning all operational costs.

ANNEX K

RESOLUTION ON INCIDENTAL TAKE OF SMALL CETACEANS

The Meeting of Parties:

RECALLING that the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas agreed in its Annex that '...management measures shall be applied...' to develop, in the light of available data indicating unacceptable interaction, modifications of fishing gear and fishing practices in order to reduce by-catches and that in the waters of EU member states, Article 2 of Council Regulation (EEC) No. 3760/92 of December 1992 stipulates that the common fisheries policy shall provide for rational and responsible exploitation on a sustainable basis, taking account of the implications for the marine ecosystem;

RECALLING that, in the waters of EU Member States, Article 12.4 of Council Directive 92/43/EEC requires States to establish a system to monitor the incidental capture and killing of all cetaceans, and that in the light of the information gathered they shall take further research or conservation measures as required to ensure that incidental capture and killing does not have a significant negative impact on the species concerned;

RECALLING the Statement of Conclusions at the Intermediate Ministerial Meeting on the Integration of Fisheries and Environmental Issues held in March 1997 in Bergen, where Ministers agreed to take appropriate measures to minimise, in accordance with the FAO Code of Conduct for Responsible Fisheries, adverse impact of fishing activities on North Sea species and their habitats;

NOTING the findings in the report of the ASCOBANS working group on by-catch, November, 1997 "Cetacean by-catch issues in the ASCOBANS Area", which documents levels of by-catch levels in some North Sea fisheries, and studies that have helped define the sub-structure of harbour porpoise populations in the North Sea;

NOTING that the above report documents an abundance estimate of 170,000 harbour porpoises in the central and south North Sea and a minimum estimated annual by-catch of 4,450 harbour porpoises in this area; and an abundance estimate of 36,000 harbour porpoises and a minimum estimate annual by-catch of 2,200 animals on the Celtic Shelf, which is adjacent to the ASCOBANS area and where catches may have an adverse effect on the recovery of porpoise populations within ASCOBANS waters;

NOTING the findings of the 'Review of Marine Mammal By-catch Observer Schemes' which recommended that a properly designed observer scheme is the best way of acquiring reliable information on by-catch, but that extrapolation from existing information on comparable gear types and areas may be necessary when an observer scheme is logistically impossible;

NOTING that the International Whaling Commission has endorsed its Scientific Committee's advice that an estimated annual by-catch of 1% of estimated population size indicates that further research should be undertaken immediately to clarify the status of the stocks and that an estimated annual by-catch of 2% may cause the population to decline and requires immediate action to reduce by-catch;

RECOGNISING the high selectivity of bottom set gillnets in relation to target fish species;

Decide to invite Parties and non-Party Range States to:

AGREE that specific conservation objectives need to be defined to enhance the work of ASCOBANS and monitor its success;

AGREE with the approach to achieve this and the working definitions given in ASCOBANS/MOP/2/DOC.4, specifically:

- (1) 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;
- (2) 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; and
- (3) that the longer term approach, which involves *inter alia* taking into account uncertainty in the available data, should be developed by the Advisory Committee;

COMMEND those countries that have set up and continued observer programmes to estimate marine mammal by-catch in fisheries, and which have undertaken research on methods to reduce levels of by-catch;

REQUEST that Parties and Range States continue to investigate methods to reduce by-catch and fully evaluate them and their ecological implications, noting the valuable input the fishing industry may have to such studies;

DEFINE, for the present, 'unacceptable interactions' as being, in the short term, a total anthropogenic removal above 2% of the best available estimate of abundance within an appropriate management region; however, if available evidence suggests that a population is severely reduced then 'unacceptable interaction' may involve an anthropogenic removal of much less than 2%;

PROPOSE that competent authorities accept this interim definition in respect of findings of current and future research in the ASCOBANS area, and in adjacent waters where there may be conservation implications for cetacean populations within ASCOBANS;

RECOMMEND, in view of the foregoing, that competent authorities take measures to ensure that the total anthropogenic removal of harbour porpoises in the central and south North Sea (ICES Areas IVb and IVc) is reduced as soon as possible to less than 2% of the current abundance estimate per year, preferably by the Third Meeting of Parties;

RECOMMEND that relevant Parties and Range States make estimates of annual by-catch for North Sea set-net fisheries and pelagic trawl fisheries, where they are currently lacking, especially in the northern North Sea;

REQUEST that relevant Parties and Range States provide an estimate of total harbour porpoise by-catch in the Skaggeiak/Kattegat/Belt Sea;

REQUEST that Parties and Range States make appropriate fisheries data available to enable the Advisory Committee to make estimates of annual by-catch rates in all the above fisheries;

INVITE Parties and Range States in the Baltic Sea region (referring to HELCOM recommendation 17/2), together with the Advisory Committee, to develop by 2000 a recovery plan for porpoises in the Baltic Sea, one element of which should be to identify human activities which are potential threats to the recovery of this species in the Baltic, and that the competent authorities consider appropriate methods to limit such threats.

ANNEX L

RESOLUTION ON MANAGEMENT AND FURTHER RESEARCH NEEDS TO ADDRESS EFFECTS OF POLLUTANTS ON CETACEAN HEALTH

The Meeting of Parties:

RECALLING Resolution 2 of the First Meeting of Parties, where the Advisory Committee was asked to assess which pollutants are likely to adversely affect small cetaceans, in the light of the results of the IWC Workshop on Chemical Pollution and Cetaceans, and further provide advice to the Parties both for management measures and further research needs;

RECALLING that OSPARCOM and HELCOM are working towards reduction of emissions and sources of chemical pollutants and will develop their objectives and strategy with regard to hazardous substances further;

NOTING that the IWC Workshop concluded that a considerable amount of fundamental research is needed before it will be possible to adequately address the question of effects of pollutants on all cetaceans;

NOTING that the IWC Workshop was strongly convinced that, if any progress in this area is to be made within a reasonable time frame, an interdisciplinary, multinational programme of research is required that focuses on those species/areas where there is most chance of success, and further that harbour porpoises in the North Atlantic represented one such species/area;

NOTING that at its 49th Annual meeting, the IWC Scientific Committee endorsed a comprehensive scientific research programme to implement the Workshop recommendations, and that the International Whaling Commission accepted this endorsement and agreed to finance the initial planning phase thereof;

Decide to invite Parties and non-Party Range States to:

ENDORSE strongly the recommendations of the IWC Workshop on Chemical Pollution and Cetaceans and the research programme on the establishment of cause-effect relationships between cetacean health and chemical pollutants developed by the IWC's Scientific Committee (ASCOBANS/MOP/2/DOC.15);

AGREE that the Parties and the Advisory Committee should consider ways to facilitate the development and execution of that part of the programme which addresses cause-effect relationships between harbour porpoise health and chemical pollutants, in co-operation with the IWC and other relevant bodies;

ADVISE that the sampling and storage procedures described in the Report on the IWC Pollution Workshop (ASCOBANS/ADV.COM./4/DOC.4) and the forthcoming IWC Special Volume on Pollutants and Cetaceans should be followed when pollution studies on small cetaceans are carried out;

STRIVE, within OSPARCOM and HELCOM, for a significant reduction of pollutant emissions and sources in the ASCOBANS area, particularly for those pollutants where levels in small cetaceans exceed those associated with adverse effects.

ANNEX M

RESOLUTION ON ACTIVITIES OF THE ASCOBANS ADVISORY COMMITTEE 1997 - 2000

The Meeting of Parties:

RECOGNISING the importance of the need to co-operate with, and not to duplicate the work of, other international bodies and the desirability of drawing upon their expertise;

Decide to ask their Advisory Committee to:

INVITE the intergovernmental bodies IWC, ICES, IBSFC, HELCOM, OSPARCOM to send a representative to Advisory Committee meetings;

ASSESS, on an annual basis, new information on population sizes and structures, and bycatches of small cetaceans in the ASCOBANS area. On the basis of this review, provide recommendations to individual parties and other relevant authorities;

REVIEW at each meeting a list of international meetings, compiled by the Secretariat, at which the aims of ASCOBANS might most usefully be promoted, and recommend which meetings should be attended, by whom, and with what objective;

REVIEW, by 2000, criteria for identifying, establishing and managing protected areas for small cetaceans with a view to producing guidance to Parties;

CONTINUE to establish, and to facilitate management by the Secretariat of, a database on post-mortem results and contaminant studies in the ASCOBANS area;

REVIEW, in 1999, levels of disturbance to small cetaceans caused by seismic activity in the ASCOBANS area, methods to reduce such disturbance, and where appropriate to provide recommendations to Parties and other authorities;

REVIEW, on an annual basis, new information on pollution and its effects on small cetaceans which occur in the ASCOBANS area and, on the basis of this review, provide recommendations to Parties and other relevant authorities;

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;

DEVELOP, in 1998, a practical format for national reports that will encourage Parties and Range States to submit such reports promptly and in a way that will enable progress to be reviewed easily; this will build on the discussions which have already taken place in the Advisory Committee where it has been agreed that a short national report will be prepared each year and a full report at the end of each triennium.

ANNEX N

RESOLUTION ON FURTHER IMPLEMENTATION OF ASCOBANS

The Meeting of Parties:

RECOGNISING that the conservation, research and management measures listed in the Conservation and Management Plan in the Annex of the Agreement require an action plan for the full implementation of the Agreement;

RECOGNISING the commitments by the Parties in other international bodies and fora to cetacean conservation and other commitments that will aid cetaceans;

RECOGNISING the importance of the need of Parties to co-operate and not to duplicate the work of other international bodies and the desirability of drawing upon their expertise;

NOTING that in the waters of EU member states, several of the articles of Council Directive 92/43/EEC require the conservation of small cetaceans;

NOTING the resolutions agreed at this meeting on the effects of pollutants on cetacean health and incidental take of small cetaceans;

COMMENDING existing efforts to identify and protect specific areas for small cetaceans;

Decides to invite Parties and non-Party Range States to:

Protected areas

CONTINUE or INITIATE research aimed at identifying the location of any further suitable areas, and to implement appropriate management actions in these areas to ensure the protection of small cetaceans;

Post-mortem examinations

CONTINUE or INITIATE support for schemes that ensure that the bodies of small cetaceans are, where possible, subject to full and expert post-mortem analysis for cause of death and any other studies relevant to conservation;

Reduction in disturbance

SUBMIT to the Advisory Committee by 1999 available information on the location and extent of seismic activities in the ASCOBANS and neighbouring areas during 1997 and 1998, and provide details of any mitigation measures taken to reduce possible effects of such activities on small cetaceans;

INTRODUCE, where appropriate, guidelines and other measures to reduce disturbance to small cetaceans;

Monitoring, status and population studies

ENCOURAGE further research relevant to ASCOBANS on abundance, life history parameters, migration patterns, and population structure of small cetaceans.

ANNEX O

PRESS RELEASE

CONFERENCE ON THE CONSERVATION OF SMALL CETACEANS IN BONN

Representatives of the North Sea and Baltic countries and observers from a large number of national and international organisations met in Bonn from 17-19 November 1997 to discuss and adopt measures to protect small cetaceans in the North Sea and the Baltic. The Parties, range states and nature conservation organisations had been invited by the Federal Environment Ministry to attend the Second Meeting of Parties to the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas.

One of the most important objectives of the Meeting was to bring about a reduction in the numbers of small cetaceans caught incidentally by fisheries. For example, more than 4500 harbour porpoises are caught incidentally each year by set-net fisheries in the central and southern North Sea. It was the view of the Meeting that this level of by-catch must therefore be reduced to less than 2 % of stocks if small cetacean species are to be maintained at a favourable conservation status.

The Meeting also focused on the influence of pollutants on small cetaceans. The result was a decision that further research along the lines adopted by the International Whaling Commission should be undertaken by ASCOBANS Parties, Range States and others.

The Meeting adopted recommendations on the establishment of protected areas, on the avoidance of disturbance to the animals, and on further research projects, particularly regarding the status of stocks and the causes of threats to small cetaceans.

The Meeting of Parties decided that the location of the Secretariat should move from Cambridge (UK) to Bonn. This will ensure in future that there will be even closer co-operation with the Secretariat of the Bonn Convention on the Conservation of Migratory Species, which is already based in Bonn.

