

PROCEEDINGS OF THE 4th MEETING OF THE PARTIES TO ASCOBANS

Esbjerg, Denmark
19 – 22 August 2003



ASCOBANS
Agreement on the Conservation
of Small Cetaceans of the
Baltic and North Seas

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TABLE OF CONTENTS

1	Opening of the Meeting.....	1
2	Adoption of the Rules of Procedure.....	1
3	Election of Chairperson for this Meeting.....	1
4	Adoption of the Agenda.....	1
5	Admittance of Observers.....	2
6	Opening addresses and statements; establishment of Credentials Committee.....	2
7	ASCOBANS Reports.....	3
7.1	Chair/Vice-chair of Advisory Committee.....	3
7.2	Secretariat.....	4
8	National Reports.....	5
8.1	Parties.....	5
8.2	Range States.....	6
9	Introductory presentations on key elements of the ASCOBANS Work Plan.....	6
9.1	Interaction with fisheries.....	6
9.2	Interactions with shipping.....	8
9.3	Effects of pollutants and noise.....	9
9.4	Education and promotional activities.....	9
10	Plenary/Working Groups.....	10
10.1	Report by Credentials Committee.....	12
10.2	Budgetary, Administrative, Legal and Promotional Matters.....	12
10.2.1	Resolution No. 1: Headquarters Agreement for and Juridical Personality of the Agreement Secretariat.....	12
10.2.2	Resolution No. 2: Educational and Promotional Activities.....	12
10.2.3	Resolution No. 3: Financial, Budgetary and Administrative Matters.....	13
10.2.4	Resolution No. 4: Extension of the ASCOBANS Agreement Area.....	13
10.3	Work Plan 2004 - 2006 and future direction of ASCOBANS.....	13
10.3.1	Resolution No. 5: Disturbance.....	13
10.3.2	Resolution No. 6: Incidental Take of Small Cetaceans.....	13
10.3.3	Resolution No. 7: Cetacean Populations in the ASCOBANS Area.....	15
10.3.4	Resolution No. 8: Further Implementation of ASCOBANS Secretariat.....	15
10.3.5	Resolution No. 9: Activities of the ASCOBANS Advisory Committee 204-2006.....	15
10.3.6	Resolution No. 10: Recovery Plan for Harbour Porpoise in the North Sea.....	16
11	Arrangements for the next Meeting of the Parties.....	16
12	Any other business.....	16
13	Review and adoption of the final report and press release.....	17
14	Concluding remarks and close of the Meeting.....	17

ANNEXES

Annex 1	Final Agenda.....	19
Annex 2	List of Participants	21
Annex 3	List of Documents.....	27
Annex 4	Rules of Procedure for the Meeting of the Parties to ASCOBANS	29
Annex 5	Triennial Report of the ASCOBANS Secretariat.....	37
Annex 6	Evaluation of the implementation of the ASCOBANS Work Plan 2001-2003 and the work of the ASCOBANS Advisory Committee.....	45
Annex 7	Report of Working Group I: Budgetary, Administrative, Legal and Promotional Matters.....	49
Annex 8	Report of Working Group II: Work Plan 2004-2006 and future direction of ASCOBANS	51
Annex 9	Resolution No. 1: Headquarters Agreement for and Juridical Personality of the Agreement Secretariat.....	53
Annex 10	Resolution No. 2: Educational and Promotional Activities	63
Annex 11	Resolution No. 3: Financial, Budgetary and Administrative Matters	65
Annex 12	Resolution No. 4: Extension of the ASCOBANS Agreement Area.....	91
Annex 13	Resolution No. 5: Effects of Noise and of Vessels	95
Annex 14	Resolution No. 6: Incidental Take of Small Cetaceans.....	97
Annex 15	Resolution No. 7: Cetacean Populations in the ASCOBANS Area	101
Annex 16	Resolution No. 8: Further Implementation of ASCOBANS	105
Annex 17	Resolution No. 9: Activities of the ASCOBANS Advisory Committee 2004-2006.....	107
Annex 18	Resolution No. 10: Recovery Plan for Harbour Porpoise in the North Sea	109
Annex 19	ASCOBANS Triennium Work Plan for 2004-2006	111
Annex 20	Written Opening Statements	113
Annex 21	Press Release.....	121

Proceedings of the 4th Meeting of the Parties to ASCOBANS

1. Opening of the meeting

The Chairman of the ASCOBANS Advisory Committee, Mark Tasker, opened the 4th Meeting of the Parties to ASCOBANS, and welcomed the participants to Esbjerg. He introduced the representative of the hosts, the Deputy Director General of the Danish Forest and Nature Agency, Mr Jens Peter Simonsen.

Mr Simonsen expressed a warm welcome on behalf of the Danish Government and Esbjerg Kommune, saying that it was a pleasure for Denmark to be able to host this meeting of crucial importance. During the next few days, experts from governments and non-governmental organisations would be working together, recognising that small cetaceans are an integral and important part of marine ecosystems. Mr Simonsen concluded by wishing all those present a successful meeting and a pleasant stay in Esbjerg.

The ASCOBANS Executive Secretary, Rüdiger Stempel, then also welcomed the delegates on behalf of the Secretariat.

2. Adoption of the Rules of Procedure

The Advisory Committee Chairman referred to Document 15, Rules of Procedure for the Meeting of the Parties to ASCOBANS, and asked for comments. Belgium pointed out that there was an inconsistency between this text, which in Rule 14 allows for a three-quarter majority on financial decisions, and the Terms of Reference for such decisions which require a unanimous vote. At the suggestion of the Secretariat, the Meeting of the Parties decided to change the Terms of Reference to correspond to the Rules of Procedure, which in turn were in line with Article 6.3 of the Agreement.

3. Election of Chairperson for this meeting

In response to the Advisory Committee Chairman's request for nominations, Germany proposed Mr Christian Prip, the Danish Head of Delegation, to chair the Meeting of the Parties. This suggestion was seconded by Poland. In agreement with this suggestion, the Parties elected Mr Prip to chair the meeting.

4. Adoption of the Agenda

Christian Prip thanked the Parties for his election and introduced himself to the meeting as Head of Unit at the Danish Ministry of Environment. He stated that he considered it a privilege to serve the meeting as Chairman, declaring that he would do his utmost to make the meeting a success and produce good results.

Returning briefly to Agenda Item 3 he then requested proposals for the Vice-chair of the Meeting. Denmark proposed Linda Smith. Finland seconded this proposal which was then agreed by consensus.

No proposals were made to amend the Draft Agenda (MoP4/Doc. 1), which was thus adopted.

5. Admittance of Observers

The Chairman stated that Parties had received from the Secretariat a list of intergovernmental and non-governmental organisations and scientific institutions requesting admission as observers to the Meeting. As no objections had been received by the Secretariat, those observers present had the approval of the Parties.

6. Opening addresses and statements; establishment of Credentials Committee

As members of the Credentials Committee, the Chair proposed Linda Smith (UK), Maj Munk (Denmark) and Joachim Schmitz (Germany). This proposal having been accepted, the Credentials Committee was established accordingly.

The Chairman stated that participants had been encouraged to submit opening addresses and statements in writing, and thanked those organisations that had done so. These statements were available from the Secretariat.¹ He offered the floor to delegates or observers wishing to make oral statements also.

The representative of UNEP, Ambassador Nehemiah Rotich, read a statement by Dr Klaus Töpfer, Executive Director of UNEP. The statement commended ASCOBANS for its work and expressed the hope that ASCOBANS would continue to be successful in raising public awareness and mitigating the various threats to small cetaceans in the Agreement area. It also praised the number of documents being presented concerning educational and information campaigns. In addition, Dr Töpfer expressed his pleasure that the Agreement was able to take advantage of co-location with the CMS Secretariat and the Secretariats of other regional agreements of the CMS family, and assured the meeting that he was anxious to ensure that ASCOBANS received the required administrative support for its work.

The representative of Estonia then made a statement. As the harbour porpoise was effectively extinct in Estonian waters, recovery was only possible by international cooperation. For this reason, Estonia was willing to put its best efforts into the implementation of the Jastarnia Plan. As reintroduction of the species was not possible, the only hope was that the present small Baltic population would increase. He stated that the Estonian government was working towards accession to ASCOBANS, and expressed the hope that ratification of the Agreement would take place in the course of 2003. The Chairman thanked the Estonian representative for this statement and expressed his gratification that Estonia was in the process of ratifying the Agreement.

The representative of the Common Wadden Sea Secretariat (CWSS), represented at an ASCOBANS MoP for the first time, also made a statement informing about the trilateral Wadden Sea cooperation between Denmark, Germany and the Netherlands, which covers both seals and harbour porpoises in the Wadden Sea.

The representative of WWF International presented a written opening statement highlighting what WWF considered some of the key issues requiring action in the forthcoming triennium. In the light of critically low abundance estimates for the Baltic harbour porpoise population he called on Parties to formally adopt the Jastarnia Plan and to implement it without delay. He welcomed the German proposal for the development of a North Sea recovery plan and encouraged ASCOBANS and EU Members to support and help improve the European Commission's proposal to minimise small cetacean bycatch. He too wished the meeting a successful outcome.

¹ Written opening statements are attached as Annex 20

The Executive Secretary of CMS, Arnulf Müller-Helmbrecht, expressed his thanks to the Secretariat for the invitation, and to Denmark for hosting this meeting. Cetaceans, as migratory species, were increasingly subject to threats from human activity, and these needed to be dealt with. Here ASCOBANS had a very important role to play at a regional level, while CMS worked at a global level to help the regional agreements be effective. Highlighting several recent CMS resolutions on subjects directly related to the work of ASCOBANS, he asked the ASCOBANS delegates to keep these in mind. They covered i.a. wind turbines, environmental impact assessment and oil spills. He also noted with satisfaction that the current agenda was substantial, covering many important activities with consequences far beyond the present ASCOBANS Agreement Area. He continued, however, by emphasising that the primary reason for his presence was to help respond to requests for information, and assist the Meeting of the Parties in taking decisions for the near future. The Chairman thanked the Executive Secretary of the ASCOBANS “mother convention” for attending the meeting.

The representative of the Whale and Dolphin Conservation Society (WDCS) commended the report commissioned by ASCOBANS on bycatch being presented here (MoP4/Doc. 21), which highlighted the great deal of work still required to address this issue. She welcomed the new bycatch regulation being proposed by the European Commission as an excellent first step, but emphasised that more measures would be required and that it might take some time to come into effect. She looked to ASCOBANS and Parties to adopt a strong resolution at this meeting to reduce bycatch. She urged Parties to adopt the Jastarnia Plan and implement its provisions without delay. She also highlighted the issue of noise as having received too little attention to date.

The Chairman then gave the floor to the representative of Sailing for the Sea International. He introduced his organisation, which united volunteer skippers, divers, biologists and administrators worldwide. A species of considerable concern to them was the white-beaked dolphin, which was in danger of being lost in the North Sea.

On behalf of IFAW, Mr Hemmo Muntingh briefly introduced his organisation as one of the world’s biggest animal welfare organisations. IFAW was involved worldwide in activities related to cetaceans, one of the priorities of the European office being the harbour porpoise. Although its view on the use of pingers was slightly critical, IFAW was much in favour of the Jastarnia Plan, and was supporting this very energetically in contacts with the European Commission. He was also pleased that the ban on driftnets would be extended to the Baltic and hoped the Baltic countries would begin to implement this before the EU ban came into force in 2007.

7. ASCOBANS Reports

7.1. Chair/Vice chair of Advisory Committee

The Chairman of the Advisory Committee presented MoP4/Doc.18. This report was traditionally a personal view from the Chair and Vice-chair, and did not necessarily reflect the opinions of their respective Parties. Using the work plan as a basis, and grouping the topics, it was an evaluation of the Committee’s performance, but also a reflection on how well the Parties had performed.

Regarding incidental take/bycatch, the greatest threat to small cetaceans, progress during the triennium was considered good. The European Commission had produced two important documents: the revision of the Common Fisheries Policy that had now been adopted by Council (2002/2371), which contained very good

principles, and in July 2003 a set of proposals to the Council on bycatch reduction. These were considered very encouraging. The closure of driftnet fisheries early in the last triennium in almost all areas except the Baltic was also notable. ASCOBANS could congratulate itself on having helped to achieve this improvement. The report by Andy Read on potential mitigation measures should be particularly commended. On the other hand bycatch in pelagic trawls, particularly in the southwest of the ASCOBANS area, had apparently increased.

As far as the Baltic was concerned, the Jastarnia Plan had been a very inclusive process, involving many meetings and stakeholders, thus giving it considerable force. Since the Plan had been drafted, various organisations had considered it; this year's HELCOM Ministerial Meeting in Bremen had welcomed it, and both the IWC Subcommittee on Small Cetaceans and the ICES Advisory Committee on Ecosystems considered it would be effective if implemented. Randy Reeves deserved particular praise for doing an excellent job and seeing the project through to the end.

Activities on disturbance had been less successful, not enough had been achieved and more effort could be made to address this problem.

The Pollution Working Group, led by Mark Simmonds of WDCCS, had done excellent work on monitoring this issue (and also on disturbance), but again it was felt that insufficient progress had been made. However, the responsible bodies HELCOM and OSPAR had made progress on this, and the EU chemical strategy was also moving forward, if not directly as a consequence of ASCOBANS activities.

Regarding monitoring and research, preparations for the new abundance survey would be considered later in the Meeting, but ASCOBANS was involved in the planning group for SCANS-II.

Poland had been particularly active as far as external relations were concerned, doing exemplary work informing the general public, despite the presence of very few harbour porpoises in Polish waters. No new Parties had acceded to the Agreement, but it had now been ratified by the Bailiwick of Jersey, and a proposal to extend the Agreement area was being tabled at the present Meeting. The European Commission had invited ASCOBANS to send representatives to work in advisory groups. All in all this had been a good triennium, and it was hoped the positive trend would continue.

7.2. Secretariat

The Executive Secretary introduced the Secretariat's triennial report (MoP4/Doc. 19), which he hoped provided a comprehensive overview. He stated that after a period of frequent changes related to high turnover of staff, relocation to Bonn and, finally, the integration into the CMS Agreements Unit, which had not proceeded as smoothly as hoped, he now felt the Secretariat was entering a new phase. He was confident that many problems encountered in the initial years of integration were now being overcome. He therefore felt that in the coming triennium the Secretariat would be able to provide even better service to the Agreement than in the past.

8. National reports

8.1. Parties

The Chairman referred to the Triennial National Reports that had been received from Denmark (MoP4/Doc. 40), Finland (MoP4/Doc. 25), Germany (MoP4/Doc. 24), the Netherlands (MoP4/Doc. 37), Poland (MoP4/Doc. 29) and Sweden (MoP4/Doc. 26), as well as to some annual reports. Belgium apologised for not submitting its national reports to meet the deadline. These were ready but had not yet been approved, and would be submitted shortly after the meeting.

Sweden announced that in May 2003 the National Board of Fisheries and the Swedish Environment Protection Agency had agreed on a national action plan for the harbour porpoise and that some of the proposed actions had already been instigated. An English-language summary of the action programme would be available in autumn, and a copy would be sent to ASCOBANS.

The observer from the Swedish Museum of Natural History (SMNH), Ida Carlén, gave a presentation on the Swedish porpoise reporting programme, funded by the Swedish Environmental Protection Agency. SMNH had established a web site (www.nrm.se/tumlare) for reporting live sightings of harbour porpoises along the Swedish coast. The site also included information as to how to report stranded porpoises and links to related sites. The programme was launched on 4 July 2003, and the first report was received on 6 July. To date eleven reports of live sightings along the Swedish west coast had been submitted, also e-mails with photographs of dolphins and stranded animals had been received. This was considered a good response after only a few weeks. Various organisations were thanked for supporting the site by including links and references.

WWF voiced concern regarding the bycatch estimates for the Kattegat and Skagerrak presented in the triennial report from Sweden because these data had been derived from interviews with fishermen only, whereas ASCOBANS and IWC had both recognised that the only reliable means of assessing bycatch was through independent observer schemes. It was therefore essential that the Advisory Committee provided guidance on the appropriate methodology.

With reference to the agenda item on national reports, the United Kingdom commented that it considered these important, and was aware that annual reports were required by the Agreement. However, it did question whether, in the light of the fact that annual reports were frequently very comprehensive, the triennial reports, which had been agreed at the 2nd Meeting of the Parties, were really necessary, or if they could possibly be discontinued. The Chairman thanked the UK for raising this question, commenting that annual reports did fulfil the purpose adequately, and that triennial reports involved duplication of work. Germany remarked that the purpose of triennial reports was to prepare the stage for the Meeting of the Parties and allow comparisons from one MoP to the next, whereas the annual reports were more suitable for presentation to the Advisory Committee.

The IWC observer commented that, while it was undoubtedly a burden to submit reports regularly, if Parties agreed that the information contained in them was important to the work of the Advisory Committee they should make every effort to submit them fully and on time.

The Executive Secretary, commenting on the UK's proposal, suggested that annual reports might suffice if they were indeed submitted by the official deadline, 31 March. This would allow the Secretariat time to

prepare a compilation of the most recent reports for presentation at the Meeting of the Parties, which was usually in mid-year. The Parties then agreed unanimously that in future only annual reports would be required.

8.2. Range States

Estonia reported that during the previous year there had been no reports of harbour porpoises in Estonian waters. Public awareness had been raised by the ASCOBANS exhibition “Harbour Porpoise in Distress”, which had been shown at two locations for a total of 75 days and been seen by more than 5000 people. He also reported on his cooperation with the German Oceanographic Museum in Stralsund on the Baltic harbour porpoise project. At a preliminary meeting it had been agreed to intensify cooperation between this museum and other Baltic states for porpoise studies. An early outcome had been an application for funding for an acoustic detection pilot project from the Estonian Environmental Investment Centre, planned to be conducted next year. It was hoped that this application would be successful. In addition the International Day of the Baltic Harbour Porpoise would be celebrated in May 2004. This would mark the launch of a public awareness campaign about the harbour porpoise, which would hopefully result in more information and reported sightings.

The Executive Secretary provided an update on some other range states that had not been able to send observers due, in some cases, to the vacation season. Lithuania had informed the Secretariat that accession was in progress. France, as far as was known, was currently in the process of acceding to all the agreements under the Bonn Convention; for ASCOBANS this procedure was likely to be completed during the coming triennium.

The Spanish Minister of the Environment had written to the Secretariat informing it about Spain’s position (see MoP4/Doc. 27). The Ministry was in favour of the proposal to extend the Agreement area, and had informed the Secretariat that in the event of extension there would be an interest in acceding to ASCOBANS.

The representative of the International Whaling Commission expressed his regret that only one Range State was present. He particularly regretted the absence of Norway, which in the past had been a constructive and regular participant. He requested that every effort be made to encourage Norway and other Range States to participate in the work of ASCOBANS on the conservation of small cetaceans. Parties agreed with the statement made by the IWC.

9. Introductory presentations on key elements of the ASCOBANS Work Plan

9.1. Interaction with fisheries

The Chairman of the Advisory Committee made a presentation based on the report commissioned from Kristin Kaschner (MoP4/Doc. 21) on small cetacean bycatch in the ASCOBANS area.

Bycatch is the greatest threat to cetaceans in the ASCOBANS area. The report analysed population status, the numbers of bycaught animals, the effects of pressure on the population, and possible mitigation measures. Current population figures were slightly out of date, but knowledge on distribution had improved as the UK would soon be launching a new atlas that might update this information. Furthermore there was little knowledge about the movements of small cetaceans, and information on population substructure was poor.

Regarding bycatch, it was necessary to analyse which fisheries posed the greatest risk. This information was best obtained by independent and dedicated on-board observers, and such observer schemes were particularly needed in the Norwegian and German North Sea and in the Bights. Observation was particularly difficult in areas of low abundance. A further problem was that standardised fisheries effort data were difficult to obtain.

More information was needed in order to assess the effects of bycatch on population. At present the 1.7 percent rule was applied to identify harbour porpoise populations at risk, and this rule needed to be considered for other species.

Regarding mitigation measures, it was clear that if fishing were reduced, bycatch would also be reduced, but reduction in the higher-risk fisheries would be more beneficial. Worsening the situation by changing from low to higher-risk fishery should be avoided. Rapid action was required to save the Baltic harbour porpoise, and mandatory pinger use in high-risk areas and the abolishment of driftnets was considered essential. However, much further research was needed on all aspects of bycatch. The report also highlighted the need for a management framework.

Concluding, Mark Tasker also outlined and evaluated the new European Commission proposals on bycatch mitigation, which had become available only after the report (MoP4/Doc. 21) was finished.

He thanked Kristin Kaschner, who had produced a good report in a very short time. He also thanked Randy Reeves and Andy Read for their contributions in the past triennium.

The representative of Sailing for the Sea International reported that SFTS had conducted annual migration studies and had documented winter migration, primarily of the white-beaked dolphin. The organisation had good contacts with fishing organisations and fishermen, who were concerned about the cost of introducing pingers. It was generally thought that small sustainable fishing communities should bear a smaller financial burden in this respect.

The IWC observer noted that MoP4/Doc. 21 was one of several such reviews on bycatch that had been developed over the years, and that the information and recommendations contained in all of these were similar. It was now time for attention to focus on ways to put such recommendations into effect. He reiterated the value in this regard of developing a management framework that dealt with the inevitable scientific uncertainty surrounding the bycatch issue, citing the approach developed by the IWC Scientific Committee. Such a procedure, which started with clearly-defined management objectives, detailed data and analysis requirements and resulted in transparent management decisions, benefited both the animals and fishermen. It would be valuable if ASCOBANS could give priority to furthering such work, involving all stakeholders, noting that there was considerable expertise available in this regard, for example in the IWC Scientific Committee.

The United Kingdom commented that the SCANS-II project, to be discussed later, included a management framework element. This would be covered in Dr Hammond's presentation.

WDCS echoed the IWC representative's comments about the need for a management framework and emphasised that this was required in order to identify conservation objectives, research and monitoring requirements and appropriate mitigation measures, and also to evaluate the implementation and efficacy of these measures and their wider impacts. Indeed this had been the first recommendation of the SGFEN report

submitted to the Commission, but had not been reflected in the Commission's proposals. It would be very useful if ASCOBANS could support the need for such a framework. WDCS proposed that Parties should be encouraged to look at the sections related to them in order to identify areas where further work was required.

Mark Tasker commented that while the need for a management framework was appreciated, within the EU this could not be divorced from the fisheries management framework; this posed a challenge.

Iwona Kuklik made a presentation on recorded bycatch in the Baltic Sea. This summarised the preliminary results of the report she was currently preparing; she was hoping for more data from Parties in order to complete it. She stressed that this was information on recorded bycatch in the Baltic only, with data from 1945 to the present. In the report the Baltic Sea is defined as ICES Area IIId, subdivisions 24 - 29, also called the Baltic proper, and subdivisions 30 - 32, which includes the Gulf of Finland and the Bothnian Bay. It included information from Sweden, Germany and Poland, as well as anecdotal information from the northern part of the Baltic. However, as the German and Swedish data also covered other parts of the Baltic, data extraction was difficult.

Bycatch occurred in all parts of the Baltic. Data were available from Poland, Sweden and Germany. Occasional reports were received from Finland, Lithuania and Latvia. Although the data available were far from comprehensive, they did already reveal areas where harbour porpoises were reported relatively frequently. Available data are not sufficient to identify fisheries particularly susceptible to bycatch. Gill set nets are among those considered to pose the highest threat to harbour porpoises.

Following the presentation, Randy Reeves asked for an explanation as to why so many historical reports from Germany were not identifiable as bycatch or strandings. This, Iwona Kuklik, explained, was due to the way the data were collected. Ida Carlén pointed out that an effort should be made to record these data.

Finland informed the meeting that more information was available than had been shown here, and that this could be provided.

Sailing for the Sea International proposed a control system such as the one currently being introduced into Norway, with independent observers arriving unannounced to monitor bycatch aboard ships.

9.2. Interactions with shipping

Peter Evans presented his report on disturbance to cetaceans by shipping (MoP4/Doc. 17). The report covered physical damage to cetaceans from strikes by vessels, disturbance from active sonar equipment, and disturbance from recreational activities.

Strikes often caused extensive injuries, and many kinds of vessels were involved. Such strikes might be increasing as vessels became faster. A total of 21 species had been recorded as having been involved in such incidents. There were few data related specifically to strikes by high-speed ferries, but the report showed the routes used by these ferries and identified several mitigation measures for this type of vessel.

Other maritime activities had also been included in the study: active sonar was thought to cause physical damage, for example to cetaceans' auditory apparatus, and consequent disorientation. Some attention had been given to recreational activities as a source of disturbance, with an outline of the kinds of activity

implicated, some of the species and areas involved, and a discussion of possible ways to mitigate the impacts. The report concluded that the establishment of marine protected areas was the most appropriate mitigation measure for this kind of local disturbance.

Opening the discussion, the IWC observer commended the amount of detailed information contained in the report and inquired whether there was any evidence to suggest that this disturbance was affecting or was likely to affect the population status of small cetaceans in the ASCOBANS area. Peter Evans responded that because there was a lack of data from the ASCOBANS area, this was not known. In the Mediterranean about 17 % of stranded fin whales had evidence of strike damage, but there was no evidence of a resulting population decline.

ACCOBAMS congratulated the Secretariat and Peter Evans for his interesting presentation, which was a good example of the positive exchange between the Agreements. ASCOBANS was of course invited to attend the next meeting of the ACCOBAMS Scientific Committee in 2003.

The representative of Sailing for the Sea International reported that they would be starting a project to study the nocturnal behaviour of harbour porpoises, and this might indicate where special protected areas should be established. SFTS would also begin a project on cetacean behaviour related to the colour of leisure vessels below the waterline. SFTS also urged all Parties and participants to support this project by printing and distributing questionnaires.

9.3. Effects of pollutants and noise

Peter Reijnders made a brief presentation on the activities of the ASCOBANS Pollution Working Group. As in past years, information on marine mammal-related pollution issues had been obtained through monitoring of literature and involvement of working group members in different fora in this field. This was a wide area to cover and therefore the working group concentrated on chemical pollution and to a lesser extent on noise pollution. He concluded that the most effective role of ASCOBANS in this area would be to continue taking on the role of facilitator and be involved in initiatives of those assessing impact of pollutants on marine mammals and on the reduction of pollution.

In the past, heavy metals and organochlorines had been the major pollutants investigated. Today research was concentrated on the levels of contaminants as they related to physiological effects, and thus involved mainly the search for biomarkers.

9.4. Education and promotional activities

The Executive Secretary reported on the Secretariat's promotional activities and future scope of its PR work. He stated that he was pleased to make this presentation on an aspect close to his heart. Document 11 presented to AC10 had provided a detailed report of the Secretariat's promotional activities in the current triennium. In past years the Secretariat had been producing basic information tools such as the web site, brochures etc. Now it would be possible to enter a new phase and produce more targeted material. On the one hand, this meant producing new general information if needed, but also making the current material available to the ASCOBANS audience in languages other than the present English and in some cases German versions. A translation into French of the ASCOBANS leaflet was currently in progress, and other languages would be useful. On the other hand, more specialised material for particular target groups and

regions was required, but there should also be more emphasis on educational activities. The Secretariat had already begun to produce more targeted material. A Polish translation of Fact Sheet No. 1 was being prepared. The Guide to Accession was available, and there would also soon be a poster designed specifically for the Baltic region, intended not least for use in relation to the International Day of the Baltic Harbour Porpoise on the first Saturday in May.

The Secretariat would welcome new ideas, and wished to thank many people for their assistance in the past. Various NGOs such as WDCS and GSM had supported the Secretariat by providing photographic material free of charge. The web designers had for some time been working free of charge. The artist Martin Camm deserved a particular word of thanks for providing the cetacean illustrations used in ASCOBANS material. WDCS Germany and Mats Amundin of Kolmården Djurpark, had been especially helpful with the most recent project, the music CD "Project C". The Executive Secretary introduced the CD which delegates had found in their conference bags. This was now available from the Secretariat and from Hel Marine Station. Some copies would be available free of charge, but it was hoped that NGOs would be able to purchase the CD and sell it in aid of their activities. Interested organisations were invited to contact the Secretariat.

The UK welcomed the efforts being made to translate material into other languages. The web site was an important aspect; the UK felt concern that ASCOBANS was lagging behind in this respect and wished to encourage the Secretariat to develop the ASCOBANS web site further.

Regarding priorities for targeting educational material, the IWC observer noted that there could be no lasting solution to the bycatch problem that did not involve the cooperation of fishermen. To this end it was important that ASCOBANS should not be seen as an anti-fishing organisation. Effort should be directed towards developing suitable educational material for fishermen, in cooperation with fishermen's organisations.

The Executive Secretary fully agreed and stated that fishermen were one of the target groups for which material would be produced.

10. Plenary/Working Groups

Two Working Groups were established to cover agenda items 10.2 (Working Group I – Budgetary, Administrative, Legal and Promotional Matters), and 10.3 (Working Group II – Work Plan 2004-2006 and Future Direction of ASCOBANS). Working Group I examined Draft Resolutions 1 - 4, Working Group II examined Draft Resolutions 5 - 9, as well as Draft Resolution 10. The Chairs of the Working Groups reported to the Plenary on progress made in their groups.

Report of Working Group I

The summary report of Working Group I is attached as Annex 7. The Chairman of Working Group I, Christian Prip, reported that an amendment had been made to Draft Resolution No. 2 (Educational and Promotional Activities) to reflect the suggestion by the ASCOBANS Secretariat to make promotional material available in other languages. The Working Group had also discussed the point made by the United Kingdom in plenary concerning possible improvements in the quality of the ASCOBANS website. It had noted that the Internet was now an important source of information and this should be used to the best advantage of the Agreement. The Secretariat had highlighted the substantial work involved in maintaining a

website and suggested that it would be necessary to consider the resources available for this activity. The Working Group had noted that documents were available on the websites of other agreements and it was possible either to download meeting documents from websites or for such documents to be sent by e-mail. The Working Group had suggested that such distribution methods would save money on mailing. It noted that this had been suggested by the Secretariat at earlier meetings but had met with mixed reactions.

Whilst the vice-chairman of the Advisory Committee was sympathetic to the issue of cost-saving in the distribution of documents by the Secretariat, he noted that there might be some reluctance to make documents publicly available to people who would not be participating in the meetings.

The Executive Secretary acknowledged this concern and added that in any case not all documents could be made available in electronic format. He noted that many documents had been submitted very late, and requested that in future documents be submitted for circulation in a timely manner, in particular with a view to posting them on the website.

The Chairman of the Advisory Committee noted that other multilateral environmental agreements had also been faced with this issue and a possible solution was to have a section on the website where a password was required to access the documents held in that section. OSPAR and HELCOM had already utilised this method. Germany and the observer for Sailing for the Sea International supported this suggestion.

The representative of UNEP reiterated the offer made to the Secretariat by the Executive Secretary of UNEP to link with the UNEP Information Unit as regards work on website issues.

The Chairman welcomed the discussion on communication within ASCOBANS and with the outside world. He urged that the Secretariat should, within the resources available, give high priority to the maintenance of the ASCOBANS website. There was consensus that Parties were willing to sacrifice the mailing of documents preceding a meeting in order to save resources, and instead to obtain documents from the website or receive them via e-mail.

Christian Prip reported that his Working Group had considered Resolution 3 on Financial, Budgetary and Administrative Matters and the draft budgets attached to this resolution. There had been a fruitful discussion with the Secretariat concerning the budgets and the Working Group had approved the budget. The Executive Secretary of CMS explained that he had made great efforts in the recent past to ensure that adequate administrative support would be provided to other Agreement Secretariats. The costs of the Administrative and Fund Management Unit of CMS had been borne entirely by CMS. He noted, however, that under the Terms of Reference for Secretariat Arrangements annexed to Resolution No. 1 of MoP3, the cost of personnel for common administrative support and of common secretariat services should be funded on a cost-sharing basis by the budgets of the Convention and the Agreements. He urged Parties to consider ways to meet this commitment.

Mr. Müller-Helmbrecht noted that since 1995 the German Government had been developing a database, the Global Register of Migratory Species (GROMS), to service secretariats and relevant agreements. The database was now finished. The CMS Secretariat needed to fund the further development of GROMS, which had so far been financed without the support of the Agreement Secretariats. Mr. Müller-Helmbrecht suggested that GROMS might be useful for the dissemination of scientific information relevant to ASCOBANS, and called on Parties to support the further development of the database.

The Chairman suggested that the Advisory Committee should consider this further.

Report on Working Group II

The summary report of Working Group II is annexed as Annex 8.

The Chairman of Working Group II, Mark Tasker, reported that the Group had drafted a new resolution on a recovery plan for harbour porpoises in the North Sea (Draft Resolution 10). The Group had renamed Draft Resolution 5 "Disturbance" as "Effects of Noise and of Vessels".

10.1. Report by the Credentials Committee

Speaking on behalf of the Credentials Committee, Linda Smith reported that the credentials of all Party representatives had been examined and found to be in order. She wished to remind Parties of Rule 3 of the Rules of Procedure for the Meeting of the Parties, which stated that they should nominate both a representative and an alternative. She noted that some Parties had sought the signatures of their Foreign Ministries, and some that of their Heads of Department. It was considered that both these criteria fulfilled the obligations, and that all accreditations were therefore in order. They would be available for inspection in the Secretariat if required.

10.2. Budgetary, Administrative, Legal and Promotional Matters

10.2.1 Resolution No. 1: Headquarters Agreement for and Juridical Personality of the Agreement Secretariat

Resolution No. 1 (MoP4/Doc. 6) is attached as Annex 9. The Meeting of the Parties adopted this Resolution by consensus.

10.2.2. Resolution No. 2: Educational and Promotional Activities

Resolution No. 2 (MoP4/Doc. 7) is attached as Annex 10.

The United Kingdom noted that efforts to produce materials targeted towards particular groups were valid, but voiced concern about the potential burden that would be put on the Secretariat and also on resources.

The Chairman pointed out that the resolution contained an operative paragraph that encouraged NGOs to support the work of the Secretariat.

The ECS agreed that the Secretariat did not have the time, resources and, in some cases, expertise required to produce such material, and suggested that the Advisory Committee establish a working group or sub-committee to deal with this.

The Chairman of the Advisory Committee noted that this issue had been reviewed several times. However, he suggested that if the Advisory Committee was to undertake work in this area, the Parties must send participants to the Advisory Committee meetings that had relevant expertise. The Parties had so far failed to do this. He also noted that this was a question of priorities for ASCOBANS, and drew attention to the existing workload of the Advisory Committee.

The Executive Secretary agreed that more targeted material should be produced, but there was a lack of resources and, depending on what was required, there might also be a lack of expertise. However, he noted that part of the Secretariat's role was to promote the ASCOBANS and it would be harder to fulfil this role if the promotion and education work was to be determined solely by the Advisory Committee, which met only once a year, depriving the Secretariat of any flexibility with regard to outreach and educational activities.

The Secretariat of ACCOBAMS proposed that, as far as possible, there should be collaboration between the ASCOBANS and ACCOBAMS Secretariats as regards the preparation of information documents on bycatch for distribution to fishermen.

The United Kingdom suggested that the biennial reports to be submitted by the Secretariat to the Advisory Committee should contain sufficient detail to give Parties an overview of what activities had been undertaken in the relevant period.

The Meeting of the Parties noted that more specific requirements for the reports could be discussed by the Advisory Committee.

The Resolution was adopted by consensus.

10.2.3. Resolution No. 3: Financial, Budgetary and Administrative Matters

Resolution No. 3 (MoP4/Doc. 8, attached as Annex 11) was adopted by consensus.

10.2.4. Resolution No. 4: Extension of the ASCOBANS Agreement Area

Resolution No. 4 (MoP4/Doc. 9) is attached as Annex 12. It was adopted by consensus.

The Meeting of the Parties requested that the Advisory Committee provide coordinates for the lighthouses of Cape St. Vincent (Portugal) and Casablanca (Morocco) referred to in the replacement text for Article 1.2 (b) of the ASCOBANS Agreement.

10.3. Work plan 2004-2006 and future direction of ASCOBANS

10.3.1. Resolution No. 5: Effects of Noise and of Vessels

Resolution No. 5 (MoP4/Doc. 10) is attached as Annex 13. This resolution was adopted by consensus.

10.3.2. Resolution No. 6: Incidental Take of Small Cetaceans

Resolution No. 6 on Incidental Take of Small Cetaceans (MoP4/Doc. 11) is attached as Annex 14.

The Chairman of Working Group II had noted that Parties could be invited to make statements concerning their implementation of the Jastarnia Plan and these statements could be recorded in the report of the Meeting of the Parties. The Chairman invited comments from Parties.

Sweden stated that it strongly supported the Jastarnia Plan and had already incorporated substantial parts of the plan into its national action plan for harbour porpoises. Thus the implementation of the Plan had already begun.

The United Kingdom recognised the importance of the Jastarnia Plan, given the conservation status of harbour porpoise in the Baltic. While the United Kingdom was not directly involved in the Baltic Sea, it encouraged other states to implement the Plan and noted that it would participate in the development of a North Sea recovery plan for harbour porpoises. It also noted that the UK's Bycatch Response Strategy proposed measures for porpoises in the Celtic Sea.

The Netherlands stated that, like the United Kingdom, they were not involved in the implementation of the Jastarnia Plan, but nevertheless supported it.

Denmark noted that it was revising its action plan from 1998 and would in this connection take the Jastarnia Plan into account.

The representative of WDCS expressed concern about the first operative clause of the draft resolution, referring to the exclusive competency of the European Community for the conservation, management and exploitation of living aquatic resources. She questioned whether the statement was sufficient without further qualification to set it in the context of fisheries management or the CFP. She feared that as the statement stands, it was misleading and could be interpreted as having serious implications for other conservation measures covered by ASCOBANS or for the Habitats Directive. WDCS, supported by WWF, GSM and Greenpeace, requested that further text be added to the clause to clarify its origin from EU fisheries legislation. This was not supported by the Parties.

WWF emphasised that in the context of the upcoming EU Marine Strategy, regional ecosystem-based approaches to managing human activities that impact the marine environment and/or wildlife were given high priority. In the light of this, the holistic recovery plans for harbour porpoise populations in the Baltic and North Seas should be welcome to EU institutions and authorities and the sectoral approach overcome.

The Meeting acknowledged certain difficulties arising in its discussions in relation to the requirement applying to Parties that are members of the European Union to respect treaty obligations. The Parties recognised the requirements on them in this respect. They emphasised, however, the need to involve the European Commission in the work of the Advisory Committee at an early stage. This could include encouraging the Commission to take up its entitlement to send observers to the Committee meetings, and to participate actively in its business, wherever possible.

As an EU member and as Chair of the EU coordination meetings during this Meeting of the Parties, the Netherlands pointed out that while it was not always easy for non-EU Member States to understand procedures under the EU Treaty, it was the responsibility of all EU members to follow the right procedure under the EU Treaty and to work cooperatively with the European Commission. With reference to the statement by the Parties on the improvement of relations with the European Commission the Netherlands emphasised that this went without saying..

The Meeting of the Parties adopted Resolution No. 6 by consensus.

10.3.3. Resolution No. 7: Cetacean Populations in the ASCOBANS Area

Dr Philip Hammond summarised the proposed survey of small cetaceans in European Atlantic waters and the North Sea (SCANS-II), presented in MoP4/Doc. 32. He stressed that bycatch was the major threat to small cetaceans in these waters and that abundance estimates were required to determine the impact of bycatch on populations, and to assess whether ASCOBANS conservation objectives were being met. The map in MoP4/Doc. 32 illustrated the area to be surveyed, which included the area surveyed in SCANS-I in 1994. SCANS-II would focus on the two species most threatened by bycatch: the harbour porpoise and the common dolphin. SCANS-II had three main objectives: (1) to estimate absolute abundance of small cetaceans in the area; (2) to develop methods for monitoring populations between decadal absolute abundance surveys; and (3) to develop a framework for using information on distribution and abundance to inform conservation and management. Objective (2) was particularly important for areas such as the Baltic Sea, as recommended in the Jastarnia Plan. SCANS-II would not attempt to estimate absolute abundance in the entire Baltic; the eastward extent of these surveys into the Baltic would be determined based on all available information. Some work was planned in 2004, but the main work would be in 2005 (shelf surveys) and 2006 (offshore surveys). Objective (3) should result in a bycatch management procedure; this did not imply an acceptance that bycatch was inevitable, but would be a way of determining safe bycatch limits to allow conservation objectives to be met. Surveys to estimate absolute abundance of small cetaceans are expensive; Table 3 of MoP4/Doc. 32 suggested how costs could be met by Parties, Range States and the EU. Dr Hammond had already discussed financing for the survey with some delegates, and expressed the hope that further progress would be made at the Meeting and in the coming weeks.

Reiterating his organisation's opening statement, the IWC observer commended the proposed project and stated that SCANS-II was essential for proper management. He strongly urged Parties to support the survey, both in principle and in financial terms.

The Executive Secretary of ACCOBAMS noted that the area to be covered by SCANS-II as currently projected would overlap slightly with the ACCOBAMS Agreement Area as it extended as far south-east as Gibraltar.

The observer from Sailing for the Sea International stated that his organisation might be willing to organise vessels and crews to participate in the survey and would discuss this further with Dr. Hammond.

The Executive Secretary of CMS explained that he was aware of the results of SCANS which had contributed to the conservation of cetaceans. He welcomed SCANS-II as a continuation of the work already done by the original survey, and suggested that partnerships be developed. These partnerships could include institutions from countries outside the survey area, which would encourage participation in ASCOBANS. He also welcomed partnerships with countries in the Black Sea area. Synergies between ASCOBANS and ACCOBAMS could thus be created.

Dr Hammond agreed that co-operation with countries outside the survey area was desirable and expressed the hope that experience and knowledge obtained from the survey could be shared with these states.

Resolution No. 7 on Cetacean Populations in the ASCOBANS Area (MoP4/Doc. 12, attached as Annex 15), was considered by the Plenary. The Meeting of the Parties adopted this Resolution by consensus.

10.3.4. Resolution No. 8: Further Implementation of ASCOBANS

Resolution No. 8 (MoP4/Doc. 13) is attached as Annex 16. This resolution was adopted by consensus.

10.3.5. Resolution No. 9: Activities of the ASCOBANS Advisory Committee 2004 - 2006

Resolution No. 9 (MoP4/Doc. 14) is attached as Annex 17.

The representative of WDCCS drew attention to the bycatch report commissioned by ASCOBANS and tabled at this meeting (Review of small cetacean bycatch in the ASCOBANS area and adjacent waters – current status and suggested future actions by Kristin Kaschner, MoP4/Doc. 21). She expressed the view that production of this substantial review should not simply be an academic exercise but should lead to an active response from Parties to address the recommendations made. She proposed that the report be noted in the preamble to the resolution and referred to within the clause instructing the Advisory Committee to review the progress on bycatch mitigation. This was not supported by the Parties.

Resolution No. 9 was adopted by consensus.

The Triennium Work Plan for 2004-2006 (MoP4/Doc. 16, attached as Annex 19) was approved.

10.3.6. Resolution No. 10 on Recovery Plan for Harbour Porpoise in the North Sea

Resolution No. 10 (MoP4/Doc. 43) is attached as Annex 18. The Meeting of the Parties adopted this Resolution by consensus.

WWF repeated the statement it had made in relation to Resolution No. 6 concerning the EU Marine Strategy.

11. Arrangements for the next Meeting of the Parties

The Dutch delegation stated that within their International Policy Programme Biodiversity of the Netherlands 2002-2006, the Netherlands would continue to contribute to the development of ASCOBANS. Therefore the Netherlands announced their intention to host the next Meeting of the Parties. The date and venue of the meeting would be decided upon at a later date. The Netherlands looked forward to welcoming delegates to the 5th Meeting of the Parties in 2006, and also expressed the hope that delegates from new Parties would attend the meeting in 2006.

12. Any other business

The Chairman of Working Group II, Mark Tasker, noted that a list of potential members of the Jastarnia Group had been considered in that Working Group. It was necessary to agree on the membership of the group and he especially welcomed representatives from NGOs concerned with fisheries issues. He particularly requested that Parties identify representatives of fishing interests. It was also necessary to establish when and how this group would undertake its work. He noted that one of the first objectives of the Jastarnia Group would be to identify hotspots for harbour porpoises in the Baltic. The IWC offered to designate a representative to the Jastarnia Group.

As regards the procedures for the Group, it was intended that participants would largely correspond by e-mail but at least one face-to-face meeting might be required. The Meeting of the Parties agreed that Chair and Vice-Chair or the Advisory Committee would initiate an e-mail group.

The Secretariat suggested that a meeting of participants of the Jastarnia Group might take place back-to-back with the 11th Meeting of the Advisory Committee in April 2004. Concern was voiced by the Chairman of the Advisory Committee and by the IWC that this might be somewhat late for a first meeting. The Chair and Vice-chair will review progress of the e-mail group and determine an appropriate date for the meeting.

Mark Tasker noted that a significant number of valuable reports had been submitted to ASCOBANS as meeting documents, and suggested that it would be useful to put these reports together as an ASCOBANS Technical Series. The Meeting of the Parties agreed to put this on the Agenda for the 11th Meeting of the Advisory Committee.

13. Review and adoption of the final report and press release

The Meeting adopted the report. A press release was drafted and disseminated by Denmark, and is attached as Annex 21

14. Concluding remarks and close of the meeting

The Chairman noted that the delegates should be pleased with the results of the meeting. Summing up, he noted that the Meeting of the Parties had expressed strong support for the Jastarnia Plan, which had been a major achievement of ASCOBANS, and Parties had expressed a strong commitment to its implementation. The Meeting of the Parties had expressed the intention to develop a similar plan for the North Sea. He hoped that this would be successful. The Meeting of the Parties had also extended the area of the ASCOBANS Agreement to cover further areas important to the operation of the Agreement. This amendment would come into effect when it had been ratified by five of the Parties to ASCOBANS. The Chairman reiterated the hope that Parties would ratify the amendment as soon as possible.

On a personal note, the Chairman expressed his pleasure at serving as the Chairman and thanked those who had participated. In particular he thanked Mark Tasker and Peter Reijnders and the Advisory Committee who had prepared well for the Meeting of the Parties. He thanked the Secretariat for the preparation of documentation and for servicing the Meeting. He also expressed his thanks to the interpreters and to the Esbjerg Højskole for their professionalism. Finally he thanked the participants and observers. He supported the involvement of NGOs and favoured the open approach adopted by the Meeting of the Parties to ASCOBANS. Indeed, in this respect ASCOBANS should be regarded as a model for other fora. He hoped that Estonia would soon be a Party. Finally, he congratulated Parties on the results achieved and noted that the Meeting had been constructive.

The Chairman of the Advisory Committee expressed his thanks to Denmark for hosting the 4th Meeting of the Parties, and to the Chairman.

The meeting was closed at 1.30pm on Friday 22 August 2003.

Final Agenda

1. Opening of the meeting
2. Adoption of Rules of Procedure
3. Election of Chairman
4. Adoption of Agenda
5. Admittance of Observers
6. Opening addresses and statements; establishment of Credentials Committee
7. ASCOBANS Reports
 - 7.1. Chair/Vice chair of Advisory Committee
 - 7.2. Secretariat
8. National reports
 - 8.1. Parties
 - 8.2. Range States
9. Introductory presentations on key elements of the ASCOBANS Work Plan
 - 9.1. Interaction with fisheries
 - 9.2. Interactions with shipping
 - 9.3. Effects of pollutants and noise
 - 9.4. Education and promotional activities
10. Plenary/working group
 - 10.1. Report by Credentials Committee
 - 10.2. Budgetary, Administrative, Legal and Promotional Matters
 - 10.2.1. Resolution No. 1: Headquarters Agreement for and Juridical Personality of the Agreement Secretariat
 - 10.2.2. Resolution No. 2: Educational and Promotional Activities
 - 10.2.3. Resolution No. 3: Financial, Budgetary and Administrative Matters
 - 10.2.4. Resolution No. 4: Extension of the ASCOBANS Agreement Area

10.3. Work plan 2004-2006 and future direction of ASCOBANS

10.3.1. Resolution No. 5: Disturbance

10.3.2. Resolution No. 6: Incidental Take of Small Cetaceans

10.3.3. Resolution No. 7: Cetacean Populations in the ASCOBANS Area

10.3.4. Resolution No. 8: Further Implementation of ASCOBANS

10.3.5. Resolution No. 9: Activities of the ASCOBANS Advisory Committee 2004-2006

10.3.6. Resolution No. 10: Recovery Plan for Harbour Porpoise in the North Sea

11. Arrangements for the next Meeting of the Parties

12. Any other business

13. Review and adoption of the final report and press release

14. Concluding remarks and close of the meeting

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List of Documents

No.	Agenda Item	Document Title	Submitted by
MoP4/Doc. 1	4	Agenda	Secretariat
MoP4/Doc. 2	4	Annotated Agenda	Secretariat
MoP4/Doc. 3	-	List of Documents	Secretariat
MoP4/Doc. 4	-	List of Documents by Agenda Item	Secretariat
MoP4/Doc. 5	-	List of Participants	Secretariat
MoP4/Doc. 6	10.2.1	Draft Resolution 1: Headquarters Agreement for and Juridical Personality of the Agreement Secretariat	Secretariat
MoP4/Doc. 7	10.2.2	Draft Resolution 2: Educational and Promotional Activities	Secretariat
MoP4/Doc. 8 Restricted	10.2.3	Draft Resolution 3: Budget	Secretariat
MoP4/Doc. 9	10.2.4	Draft Resolution 4: Extension of the ASCOBANS Area	Secretariat
MoP4/Doc. 10	10.3.1	Draft Resolution 5: Disturbance	Secretariat
MoP4/Doc. 11	10.3.2	Draft Resolution 6: Incidental Take of Small Cetaceans	Secretariat
MoP4/Doc. 12	10.3.3	Draft Resolution 7: Cetacean Populations in the ASCOBANS Area	Secretariat
MoP4/Doc. 13	10.3.4	Draft Resolution 8: Further Implementation of ASCOBANS	Secretariat
MoP4/Doc. 14	10.3.5	Draft Resolution 9: Activities of the ASCOBANS Advisory Committee 2004-2006	Secretariat
MoP4/Doc. 15	2	Rules of Procedure for the Meeting of the Parties to ASCOBANS	Secretariat
MoP4/Doc. 16	10.3	ASCOBANS Triennium Work Plan 2003-2004	Secretariat
MoP4/Doc. 17	9.2	Shipping as a possible source of disturbance to cetaceans in the ASCOBANS region	Secretariat
MoP4/Doc. 18	7.1	Evaluation of the implementation of the ASCOBANS Work Plan 2001-2003 and the work of the ASCOBANS Advisory Committee	Secretariat
MoP4/Doc. 19	7.2	Report on the work of the Secretariat in the Third Triennium	Secretariat
MoP4/Doc. 20	10.3.4	Recovery Plan for Harbour Porpoise in the North Sea	Germany
MoP4/Doc. 21	9.1	Review of small cetacean bycatch in the ASCOBANS area and adjacent waters - current status and suggested future actions	Secretariat
MoP4/Doc. 22	10.3.4	Cooperation HELCOM/ASCOBANS	Secretariat
MoP4/Doc. 23	10.3.4	ASCOBANS Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan)	Secretariat
MoP4/Doc. 24	8.1	Annual National Reports: Finland, Poland, Sweden, United Kingdom	Secretariat
MoP4/Doc. 25	8.1	Triennial National Report: Finland	Finland

MoP4/Doc. 26	8.1	Triennial National Report: Sweden	Sweden
MoP4/Doc. 27	8.2	Possible accession of Spain to ASCOBANS: Letter from the Spanish Minister of the Environment	Secretariat
MoP4/Doc. 28	10.2 + 10.3	Synopsis of ASCOBANS Resolutions	Secretariat
MoP4/Doc. 29	8.1	Triennial National Report: Poland	Poland
MoP4/Doc. 30	10.3	Press reports on harbour porpoise stranding near Stockholm	Secretariat
MoP4/Doc. 31 Restricted	10.2.	Biennium Accounts - BA Trust Fund and XV Counterpart Contributions	Secretariat
MoP4/Doc. 32	10.3.3	Small cetaceans in European Atlantic waters and the North Sea (SCANS-II): Summary proposal	Secretariat
MoP4/Doc. 33	8.1	Annual National Report: Germany	Germany
MoP4/Doc. 34	8.1	Triennial National Report: Germany	Germany
MoP4/Doc. 35	6.1	Relevant Decisions of the Ministerial Declaration of the 9 th Trilateral Governmental Conference on the Protection of the Wadden Sea, Esbjerg, 2001	Common Wadden Sea Secretariat
MoP4/Doc. 36	10.2.2	ASCOBANS in Print	Secretariat
MoP4/Doc. 37	8.1	Triennial National Report from the Netherlands	The Netherlands
MoP4/Doc. 38	10.3	Final decision on the physical dimension for reporting on seismic activities	Germany
MoP4/Doc. 39	8.1	Annual National Report: Denmark	Denmark
MoP4/Doc. 40	8.1	Triennial National Report: Denmark	Denmark
MoP4/Doc. 41	-	Report of the Scientific Committee of IWC	Germany
MoP4/Doc. 42	10.3.3	Abundance of harbour porpoises in the Baltic Sea from aerial surveys conducted	Secretariat
MoP4/Doc. 43	10.3.	Draft Resolution 10: Recovery Plan for Harbour Porpoise in the North Sea	Germany

RULES OF PROCEDURE FOR THE MEETING OF THE PARTIES TO ASCOBANS

Adopted by the 4th Meeting of the Parties to ASCOBANS, 19-22 August 2003, Esbjerg, Denmark

PART I

DELEGATES, OBSERVERS, SECRETARIAT

Rule 1: Delegates

- (1) A Party to the Agreement (hereafter referred to as a "Party")¹ 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 Depository 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 Helsinki Commission (HELCOM), 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 Council for the Exploration of the Sea, IUCN - The World Conservation Union, and all non-Party Range States and Regional Economic Integration Organisations bordering on the waters concerned may be represented at the meeting by observers who shall have the right to participate but not to vote.²
- (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 meeting.³ 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 Range 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.

¹ 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 Organisation which has deposited with the United Nations Headquarters by 27 August 1994 its consent to be bound by the Agreement

² See Agreement, paragraph 6.2.1

³³ See Agreement, paragraphs 6.2.2

- (4) The standard participation fee fixed by the Meeting of the Parties shall be paid in advance of the Meeting by all non-governmental organisations. The fee shall be announced in the letter of invitation. This Meeting will determine the fee for the next Meeting of the Parties.

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

- (1) 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 deputise.
- (3) The Presiding Officer shall not vote, but may designate an Alternative Representative from the same delegation.

PART III

RULES OF ORDER OF 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 Organisation, 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 Organisations, 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, paragraphs 2, each Representative duly accredited according to Rule 3 shall have one vote. Regional Economic Integration Organisations, in matters within their competence, shall exercise their voting rights with a number of votes equal to the number of their Member States that are Parties to the Agreement. In such case, the Member States of such organisations shall not exercise their right individually.
- (2) The Meeting 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 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 that 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. If, 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 amendment 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.

Triennial Report of the ASCOBANS Secretariat

pursuant to Article 4.3 of the Agreement

I. Summary

The third triennium has been a busy period for ASCOBANS and, consequently, the ASCOBANS Secretariat. In addition to the day-to-day administrative work of the Secretariat, tasks related to organizing and servicing various ASCOBANS meetings, and substantive work related to the implementation of the ASCOBANS workplan, the Secretariat faced the challenge of integration into the UNEP family. Despite the obvious advantages of co-location and integration, the process of integration was not always entirely smooth, occasionally increasing rather than lightening the workload of the Secretariat. Moreover, the appointment of the ASCOBANS assistant on a part-time basis during the first two years of the triennium proved problematic. The experience of the Secretariat staff, acquired in five, respectively four, years of service with the ASCOBANS Secretariat, helped to alleviate some, though not all of the problems encountered. With many of the above-mentioned problems now overcome, the Secretariat hopes to be able to reap the full benefits of co-location and integration in providing ever better service to the Agreement in the coming triennium.

II. Location and status of the Secretariat, Staff Arrangements

1. Location and status of the Secretariat

a) The 2nd Meeting of Parties (MOP) to ASCOBANS (Bonn 1997), acknowledging resolutions adopted at the 4th and 5th Conferences of the Parties of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) inviting the Parties of European-based regional Agreements to consolidate their secretariat functions in a future CMS Agreements Unit, decided to establish the ASCOBANS Secretariat in Bonn on an interim basis. The relocation of the ASCOBANS Secretariat to Bonn was effected in June 1998. Pending the establishment of the Agreements Unit, the Secretariat was provisionally administered by the German Federal Agency for Nature Conservation and the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety. The 3rd Meeting of the Parties to ASCOBANS (Bristol, UK, 26 - 28 July 2000) adopted a resolution on Integration of the ASCOBANS Secretariat with the Agreements Unit of UNEP/CMS (MOP 3 Res. 1, MOP 3/Doc. 2 (S)R)

b) The integration of the ASCOBANS Secretariat with the CMS Agreements unit formally became effective on 1 January 2001. The actual process of integration was not altogether unproblematic. Difficulties with respect to recruitment of staff, administrative matters and fund management issues arose in particular in the first one and a half years following the establishment of the unit. The administrative workload of the Secretariat actually increased, as the support provided to the Agreement Secretariats by the Administrative and Fund Management Unit (AFMU) of CMS was not always entirely sufficient. In this context it must be noted that, due to the departure of the very experienced CMS finance assistant in September of 2001, the Administrative and Fund Management Officer (AFMO) of CMS had to shoulder the full burden of servicing four secretariats for several months (from late 2001 to early 2003). The arrival of a qualified new finance assistant in February 2002, of two excellent seconded UNON staff members in the course of 2002 and of an intern/consultant in late 2002 led to a gradual improvement of the overall performance of the AFMU. Regrettably, the intern/consultant left the CMS Secretariat in April 2003 and the UNON staff member currently seconded to CMS is expected to return to Nairobi in the

third quarter of this year. Hopefully, however, the recruitment of a fund management JPO, funded by the Federal Republic of Germany, in October of this year will contribute to preventing a recurrence of the problems of the past.

- c) Despite the problems encountered, the benefits of co-location and integration with the CMS Agreements Unit have always outweighed and continue to outweigh the disadvantages. Bonn, as a growing UN city and centre of international cooperation in particular in the environmental field, provides an excellent setting for the Secretariat. The Bonn-based UN agencies are easily accessible by air, car or rail due to good transport infrastructure in the Bonn region. Furthermore, co-location with three other members of the CMS family has generated useful synergies that could not otherwise be achieved, as demonstrated by the mutual support and occasional joint activities of the CMS and Agreement Secretariats. Moreover, the integration of ASCOBANS into the UN family has lent greater weight to the Secretariat and the Agreement as a whole, facilitating contacts and cooperation with national and international institutions. The visibility of ASCOBANS has increased due to the greater interest of the media in a UN institution, as opposed to a small, stand-alone regional agreement. Furthermore, additional benefits of co-location and integration are expected to materialize following the relocation of the Bonn-based UN organizations to the future UN Campus in the former parliamentary quarter, due to improved accessibility and expanded common services.

2. Personnel/Staff Arrangements

The high turnover of Secretariat staff characteristic of the first and second triennia has been halted. The current Executive Secretary was recruited in October 1999, the assistant has been with the ASCOBANS Secretariat since September 1998.

In the first two years of the current triennium, the assistant worked on a part-time basis. This proved to be problematic insofar as the workload of the Secretariat has not decreased in recent years. Rather, the situation described in the Secretariat's reports to the 2nd and 3rd Meetings of the Parties persists: *"The Advisory Committee members are generally unable to devote much intersessional time to ASCOBANS work and thus many tasks are assigned to the Secretariat"*¹. In order for the Secretariat to discharge its duties effectively, therefore, the assistant had to work considerable overtime, which in turn entitled her to compensatory time off, thereby creating a vicious circle. While interns were able to alleviate the situation to some extent, this must be considered a stopgap solution and, moreover, the availability of interns is unpredictable, making it difficult to plan ahead for peak times. To avoid problems of this kind in the upcoming triennium, therefore, it is essential that current staff arrangements (i.e. full-time Executive Secretary, full-time assistant) at least be maintained.

III. Service Function of the Secretariat

1. Meetings

The following meetings were prepared and/or serviced by the Secretariat during the third triennium:

- Final Meeting of the ASCOBANS Baltic Discussion Group, Charlottenlund, Denmark, 24 - 26 January 2001
- 8th Meeting of the Advisory Committee, Nymindégab, Denmark, 2 - 5 April 2001 (AC 8)
- ASCOBANS Workshop on drafting a recovery plan for Baltic harbour porpoises, Jastarnia, Poland, 9 - 11 January 2002

¹ Report from the ASCOBANS Secretariat 1994-1997, ASCOBANS/MOP/2/DOC.20, p. 1

- 9th Meeting of the Advisory Committee, Hindås, Sweden, 10 –12 June 2002 (AC 9)
- 10th Meeting of the Advisory Committee, Bonn, FRG, 9 - 11 April 2003
- 4th Meeting of the Parties, Esbjerg, 19 - 22 August 2003

2. Compilation of Annual National Reports

According to Article 4.4 of the Agreement, *“the Secretariat shall present to the Coordinating Authorities, each year no later than 30 June, a summary of the Party reports submitted in accordance with Article 2.5.”*

In the current triennium, the Secretariat presented the following compilations:

- 5th Annual Compilation of National Reports, November 2001
- 6th Annual Compilation of National Reports, November 2002

As in the previous triennia, and despite the standard template distributed by the Secretariat, it has proved very difficult for Parties to meet the deadline laid down in Article 2.5 (31 March). Consequently, the Secretariat was not able to observe its deadline for compilation. For the year 2002, only four reports have been submitted to the Secretariat to date.

3. Scientific Papers, Reports

The following papers were commissioned by the Secretariat since MOP 3:

- Potential Mitigation Measures for Reducing the Bycatches of Small Cetaceans in ASCOBANS Waters (author: Andrew J. Read), December 2000
- Briefing book for the ASCOBANS Workshop on drafting a recovery plan for Baltic harbour porpoises (author: Randall R. Reeves), January 2002
- Shipping as a possible source of disturbance to cetaceans in the ASCOBANS region (author: Peter G. H. Evans), July 2003
- Review of small cetacean bycatch in the ASCOBANS area and adjacent waters - current status and suggested future actions (author: Kristin Kaschner), July 2003
- Report on recorded bycatch in the Baltic Sea (author: Iwona Kuklik), to be published shortly.

4. Promotional Campaign

ASCOBANS AC 7 and AC 8 as well as MOP 3 acknowledged that more intensive PR work was needed to increase public awareness of the Agreement and the issues it deals with. Considerable efforts have been made in this field.

PR work has been steadily stepped up during the third triennium. This has been possible, among other reasons, due to the German voluntary contributions for the years 1999 - 2002, which have been allocated to a large extent to outreach and promotional activities. The following projects were realized:

- The ASCOBANS poster, produced in 1999 and available in Danish, Dutch, English, Finnish, German, Swedish and Polish was distributed widely;
- The mobile exhibition, “Harbour Porpoise in Distress”, produced in 1999, has been displayed in numerous States Parties and Range States (Belgium, Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland) since early 2000;
- The ASCOBANS website was revamped and is now being updated regularly;

- Information brochures in German and English and postcards were produced;
- On the occasion of the Agreement's 10th anniversary, a commemorative volume, entitled *From Idea to Implementation – ASCOBANS Ten Years On* was published and an exhibition of Polish art organized in Bonn;
- 10th anniversary stickers were designed and distributed widely;
- The Secretariat cooperated with the well-known British illustrator Martin Camm, Hel Marine Station and Telekomunikacja Polska to produce a telephone card commemorating the ASCOBANS Baltic Workshop in January 2002;
- In 2002, a joint exhibition on the Bonn Convention and its regional agreements was produced in cooperation with the secretariats of CMS and the other CMS-related agreements. Due to the modular design of the exhibition, the ASCOBANS panels can be displayed both jointly with those of CMS and the other agreements or separately, as needed;
- The first of what should eventually develop into a series of "ASCOBANS Fact Sheets" has been published. This "Fact Sheet No. 1" can also be downloaded from the ASCOBANS website. A Polish version is in preparation;
- An "ASCOBANS Guide to Accession" has been produced and distributed to environment ministries in Non-Party Range States. It is obtainable from the ASCOBANS Secretariat and is also available on the ASCOBANS website;
- The first International Day of the Baltic Harbour Porpoise was observed in May 2003, as suggested by the public awareness working group of the Jastarnia workshop;
- A new ASCOBANS logo was developed;
- A CD is under preparation;
- A new poster, designed specifically for the Baltic region is under preparation;

In addition to these activities, the Secretariat actively seeks, and maintains contacts with relevant governmental and non-governmental institutions and organizations throughout the Agreement area. The Executive Secretary meets with Members of Parliament, representatives of governmental and non-governmental institutions, the media and representatives of international organizations and the diplomatic corps in the host country. The ASCOBANS Secretariat also seeks to establish and maintain a dialogue with the general public in the Bonn region, in particular by participating in the annual UN Day celebrations and the "Festival of Nations" taking place annually in Bonn's largest park. The Secretariat's press releases draw the attention of regional and other media to ASCOBANS meetings. Thus, ASCOBANS AC 10, held in Bonn, Germany, in April 2003, received coverage by a number of German newspapers. Interviews were given to *DeutschlandRadio* (German nationwide news channel) and the Russian-language program of *Deutsche Welle* (German international radio, now based in Bonn). The Executive Secretary has also repeatedly been interviewed by *Radio Bonn/Rhein-Sieg*, a popular regional radio station. Generally speaking, coverage of ASCOBANS by the media in Germany and other countries of the ASCOBANS area has increased noticeably in recent years.

5. Representation of ASCOBANS

In the third triennium, the Executive Secretary represented ASCOBANS in the following meetings and conferences of relevant IGOs and NGOs:

- CMS, 23rd Meeting of the Standing Committee, Bonn, FRG, 13/14 December 2001

- ACCOBAMS 1st Meeting of the Parties, Monaco, Monaco, 28 February - 2 March 2002
- 16th Annual Conference of the European Cetacean Society, Liège, Belgium, 10 April 2002;
- CBD, 6th Conference of the Parties, The Hague, Netherlands, 11 April 2002;
- CMS, 24th Meeting of the Standing Committee, Bonn, FRG, 17 September 2002
- CMS, 7th Conference of the Parties, Bonn, FRG, 18 - 24 September 2002
- AEWA, 2nd Meeting of the Parties, Bonn, FRG, 25 - 27 September 2002
- CMS, 26th Meeting of the Standing Committee, Bonn, FRG, 18/19 July 2003

The very low travel budget for Secretariat staff repeatedly proved to be a hindrance to the participation of the Executive Secretary at meetings not held in Bonn.

6. Library and Database Facilities

The Secretariat maintains a small reference library and an extensive collection of scientific papers (currently 613 articles) relevant to the work of the Agreement. All papers available at the Secretariat have been catalogued and entered into a database.

The Secretariat continues to maintain a register of addresses of contacts in States Parties and Range States as well as IGOs and NGOs.

Questionnaires on post mortem research and stranding schemes are circulated to Parties and Range States by the Secretariat. The information received in response to these questionnaires is kept for reference by the Secretariat.

7. Budget

The ASCOBANS budget is administered by the Secretariat, with support from the Administrative and Fund Management Unit of CMS and the Fund Management and Budget Section (FMBS) of UNON. Audits of the ASCOBANS budget for 2001 and 2002 were carried out by FMBS. The accounts were found in fine order.

8. Cooperation with Parties, Range States, International Organizations, Non-Governmental Organizations

a) Parties

The Secretariat maintains good working relations with coordinating authorities of all Parties. Coordinators, for whom ASCOBANS generally constitutes only one of many dossiers to deal with, provide considerable support to the Secretariat. Nevertheless, the trend established in the Secretariat's reports to the 2nd and 3rd Meetings of the Parties² has not been reversed. Deadlines for papers or comments to be submitted to the Secretariat by Coordinating Authorities (or Advisory Committee members) are not always observed. While the Secretariat appreciates that this is due to the heavy non-ASCOBANS workload of the persons involved, it would be grateful to Parties for exploring ways to alleviate this problem, which can cause delays in the work of the Agreement.

The Secretariat also continues to strive to maintain close intersessional cooperation with the Advisory Committee members and their advisors. Despite their evident commitment to ASCOBANS work, however, members of the Advisory Committee were frequently unable to devote a sufficient amount of time to ASCOBANS issues. This occasionally created obstacles to smooth and efficient intersessional cooperation

² MOP/2/DOC.20, p. 2; MOP3/Doc. 14 (S), p. 4

between the Secretariat and the Advisory Committee. From the Secretariat's point of view, therefore, it remains desirable for Parties to ensure that all nominated members of the Advisory Committee and their advisors not only be available for the Committee meetings, but also be able to devote an adequate amount of time to intersessional work.

b) Range States

The Secretariat maintains a network of contacts in all Range States. Contacts with the Russian Federation are, however, sporadic.

In the third triennium no further Range States acceded to the Agreement. Two of the Baltic Range States, Estonia and Lithuania, have, however, indicated their intention to accede to ASCOBANS shortly. Spain has informed the Secretariat that it is studying the possibility of accession, in particular in the light of a possible extension of the Agreement area.

c) Cooperation with IGOs

The Secretariat has continued to build, maintain and enhance links with other relevant IGOs, such as:

- *CMS and related Agreements*

Cooperation between the Secretariats of the CMS family (ACCOBAMS, AEWA, Common Wadden Sea Secretariat, EUROBATS) has been beneficial to all concerned. Considerable synergies were achieved by co-locating the secretariats at the UN premises in Bonn. Representation of more than one Agreement by the Executive Secretary of the Convention or of individual Agreements at international conferences and meetings, as well as mutual support of Secretariat staff at peak times (in particular in advance of or during meetings) have contributed to relieving the stress caused by the low number of staff members per Secretariat. Cooperation between ACCOBAMS and ASCOBANS has continued, with a continual exchange of information and documents between the two Secretariats. Mutual representation by the Executive Secretaries at meetings is the rule. Moreover, in recent years enhanced contacts between the Secretariat of ASCOBANS and the Common Wadden Sea Secretariat (CWSS) have been established.

- *Council of Europe*

Cooperation between ASCOBANS and the Council of Europe consists primarily in a mutual exchange of information on relevant activities of the respective organisations and the participation of the ASCOBANS Executive Secretary or an ASCOBANS representative (the Executive Secretary of CMS or one of the other Bonn-based regional Agreements) in the annual Meetings of the Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention).

- *HELCOM*

ASCOBANS and HELCOM continued to cooperate in the third triennium. HELCOM provided valuable support to ASCOBANS in the process of elaborating the recovery plan for Baltic harbour porpoises (Jastarnia Plan). HELCOM 24/2003 acknowledged the actions taken by ASCOBANS with respect to harbour porpoise conservation in the Baltic and expressed its political support for the adoption and implementation of the Jastarnia Plan³. Currently, efforts are being undertaken to fine-tune the harmonised reporting scheme for

³ cf. Minutes of HELCOM 24/2003, IV (p. 70)

the Baltic (cf. HELCOM Recommendation 17/2 concerning the protection of Baltic harbour porpoise populations).

- *IBSFC*

Contacts between ASCOBANS and IBSFC have been enhanced. IBSFC is now regularly represented by an observer at ASCOBANS meetings, the Secretary of IBSFC participated in the Jastarnia workshop, and ASCOBANS sends observers to the annual IBSFC meetings.

- *NATO/SACLANT*

A recent development is the establishment of contacts between the ASCOBANS Secretariat and the NATO/SACLANT Undersea Research Centre in La Spezia, Italy. Possibilities for future cooperation are currently being explored.

As a matter of course, the Secretariat writes to all relevant intergovernmental bodies following meetings of the Advisory Committee, enclosing the minutes of the respective meeting and highlighting points of potential particular interest to the bodies concerned. In addition, the Executive Secretary occasionally represents ASCOBANS at meetings of these organisations.

d) NGOs

The Secretariat cooperates with the NGO sector in a number of ways. In addition to exchanging relevant information and offering expertise, NGOs provide valuable support to the work of ASCOBANS by championing the cause of cetacean conservation and raising awareness not only of cetacean conservation related issues in general but also, more specifically, of ASCOBANS and its role in this context. Moreover, a number of NGOs have cooperated or are cooperating with the ASCOBANS Secretariat in educational and promotional activities. The support of the NGOs consists among other things, in providing or assisting in the procurement of photo or other material needed for ASCOBANS PR activities, frequently free of charge.

Evaluation of the implementation of the ASCOBANS Work Plan 2001-2003 and the work of the ASCOBANS Advisory Committee

Mark L. Tasker and Peter J.H. Reijnders
Chair and Vice-chair, ASCOBANS Advisory Committee

The ASCOBANS Triennial Work Plan 2001-2003 was appended as Annex 10 to the Proceedings of the Third Meeting of Parties to ASCOBANS and was further elaborated (for the Advisory Committee's work) at the eighth meeting of the Advisory Committee. It was structured into five areas. The Work Plan was designed to be implemented by the Advisory Committee, Secretariat and Parties. Here we give a personal evaluation of progress in each of these categories. The evaluation is largely subjective and indicates whether the action was addressed sufficiently (++), partly sufficiently (+), partly, but not sufficiently (-), or not addressed (--).

EVALUATION

Incidental take

Production of a report on bycatch mitigation measures	++
Review knowledge on bycatch and make recommendations on monitoring	++
Provide advice on bycatch mitigation	+
Report on progress on bycatch mitigation	++
Develop programme of publicity	+

Baltic

Review output of Baltic Discussion Group and make recommendations	++
Hold workshop and draft Baltic harbour porpoise recovery plan	++
Consider progress of implementation of recovery plan	+

Disturbance

Review seismic disturbance and make recommendations	-
Review military disturbance and make recommendations	-
Commission report on cetaceans and shipping	++
Review report on cetaceans and shipping and make recommendations	--
Consider new information on disturbance annually	++

Pollution

Consider Pollution 2000+ and new pollution information	+
Provide recommendations based on results of Pollution 2000+	--

Monitoring/survey/research

Compile information on post-mortem research and stranding schemes	+
Complete planning for follow-up surveys to SCANS	++

External relations

Accession of further Range States and the EC	-
Extension of the ASCOBANS agreement area	++
Promotional work	+
Co-operation and co-ordination with other international organisations	++

COMMENTARY ON THE EVALUATION

Incidental take

Incidental take remains the greatest threat to small cetaceans in ASCOBANS waters. Measures to reduce this take rest as a responsibility to EU Fisheries managers alongside their right to manage EU fisheries. The ASCOBANS role in the past triennium might be summarised as helping EU Managers to meet their responsibilities. Andrew Read produced a very useful summary of bycatch mitigation techniques. This report, and information provided by Parties to ASCOBANS, was used in work within ICES and within Commission advisory structures (as an invited participant from ASCOBANS). Progress to actually introduce mitigation measures at the EU level has been slow, but the new basic framework regulation for the Common Fisheries Policy (2002/2371) is very encouraging, and the even more recent publication of draft regulations to reduce cetacean bycatch demonstrates clear progress. The closure of pelagic driftnet fisheries within and close to the ASCOBANS area will have reduced bycatch, but the apparent increase in numbers of dolphins caught in pelagic trawls to the south and west of the ASCOBANS area has been an unwelcome development. In summary, we have broadly delivered what was required of us (and to a large extent what was possible), but there remains much to do.

Baltic

The key development of the completion of the Baltic harbour porpoise recovery plan has been a vital development for ASCOBANS. The support of Randy Reeves in this achievement was critical and has given the plan a status which otherwise would not have been easily achieved. The plan has been fully endorsed by both political processes (the HELCOM ministerial meeting in Bremen in 2003) and by scientific peer groups (International Whaling Commission sub-committee on small cetaceans, ICES Advisory Committee on Ecosystems). In addition, a key factor affecting the status of harbour porpoises in the Baltic – incidental take in fisheries – has been recognised as an area for urgent action in the recent European Commission proposals. Broadly, we now know what we need to do, implementation remains a huge challenge.

Disturbance

This is perhaps an area where progress has not been as rapid and deep as hoped. A review of the amounts of seismic disturbance through time has not proved as easy to achieve as originally envisioned, especially in UK waters (where much of the exploration in ASCOBANS area occurs). The need to review the levels of military disturbance remains. A report on disturbance from shipping has been completed, but its findings have yet to be reviewed and decisions taken. Implementation of guidelines to minimise disturbance remains patchy within the ASCOBANS area.

Pollution

The pollution working group has kept this issue under review throughout the period, and in particular the work of Mark Simmonds (WDCS) has been helpful. The results from the IWC-programme POLLUTION2000+ are pending and will be considered as they become available. ASCOBANS' role continues as a support to those working to reduce pollutants in the area, particularly within ICES, EU, OSPAR and HELCOM.

Monitoring/survey/research

The planning of the new abundance survey, to cover both the North Sea and waters to the south and west of the current ASCOBANS area has been completed, with the key remaining issue being the sourcing of funding. ASCOBANS input has been via the Advisory Committee and members of the Committee. National efforts on post-mortem research and in recording stranded cetaceans have continued to be reported to the Advisory Committee. An atlas of cetacean distribution based on effort-related data has been under development throughout the triennium and its publication is very welcome.

External relations

ASCOBANS can really only work by influencing the actions of others. External relations are thus vital. No further Parties have joined ASCOBANS, but the Bailiwick of Jersey has acceded and will be represented by UK. A proposal to extend the ASCOBANS agreement area is before this meeting of Parties. Parties and the Secretariat have been active in promoting ASCOBANS, particularly in the Baltic area. As noted in other themes above, co-operation with bodies that can affect the status of small cetaceans in the ASCOBANS area has been high, as has cooperation with bodies concerned with small cetacean conservation elsewhere (e.g. ACCOBAMS).

Summary

The Advisory Committee met formally three times between 2001 and 2003. These meetings were supplemented by an enormous amount of time put in by Advisory Committee members between these meetings. The commissioning of experts to help in key areas of work has also been indispensable. We are extremely grateful for all of this work, without which most of the above achievements would have not been possible.

Report of Working Group I Budgetary, Administrative, Legal and Promotional Matters

All Parties as well as UNEP/Nairobi and the UNEP/CMS Secretariat were represented in the Working Group. The Group was chaired by Christian Prip of Denmark.

The Working Group considered the following resolutions:

1. Draft Resolution 1: Headquarters Agreement for and Juridical Personality of the Agreement Secretariat

The Working Group approved Draft Resolution No. 1.

The Working Group complimented and thanked Germany for its efforts to conclude the Headquarters Agreement and for its continued financial support to the Bonn based Regional Agreements under CMS.

2. Draft Resolution 2: Educational and Promotional Activities

The Working Group approved the Draft Resolution as amended.

It requested that the Secretariat continue to develop the ASCOBANS website as experience showed that websites were one of the most important media of information available. The Working Group felt, in particular, that documents for ASCOBANS meetings should be available on the website. It suggested that the Secretariat might save both time and money by posting meeting documents on the website, as these documents would no longer need to be distributed by mail. The Secretariat agreed with this but pointed out that its efforts to continuously enhance the website might be hampered by budgetary constraints.

3. Draft Resolution 3: Financial, Budgetary and Administrative Matters

The Working Group approved the Draft Resolution as amended. However, Belgium noted with disappointment that only one option for the budget had been presented to the meeting although at the 10th AC Meeting the Secretariat had been requested to explore and present different options.

In connection with this Draft Resolution several questions were discussed in detail:

Budget to be drafted in US Dollars or in Euro

The issue of converting the ASCOBANS budget to Euros was discussed. The Secretariat explained that this was possible. However, while the budget and tables of contributions would be prepared in Euros, the USD remained official currency of operation for the UN and all official financial statements would continue to be prepared in USD. The responsibility for preparing the necessary unofficial statements in Euros would then fall directly to the UNEP/CMS Administration and Fund Management Unit (AFMU). Parties felt that this might be problematic as the CMS AFMU was already overburdened. It was decided that the possibility of converting the budget to Euros should therefore be reviewed again by MOP 5 in the light of experiences gained by other regional MEAs with Euro-based budgets.

Budget surplus

The question was raised as to whether a part of the surplus in the ASCOBANS Trust Fund might be used towards reducing Party contributions in the coming triennium. The Secretariat was asked to inform Parties of

the exact reserve currently in the Trust Fund. This proved impossible, as UNON was unable to provide a precise figure at short notice. Parties expressed their concern about the inability of UNON to provide basic budget information.

It was agreed to amend the TOR for the administration of the trust fund to enable the Secretariat to reallocate a portion of the surplus in the Trust Fund at the beginning of the first calendar year of a triennium to reducing annual contributions of the Parties for the second and third years of that triennium (cf. Resolution 3, Annex 4, 19).

Parties also expressed their dissatisfaction with the fact that UNON was not providing audited accounts including full details of actual expenditures compared to the original provisions for each budget line. Rather, such an overview had to be prepared by the AFMU of CMS. Generally, the Parties voiced concern at the lack of administrative support provided by the Secretariat by UNEP.

Contribution of Poland

Poland has already approved its national budget for 2004. It therefore requested that in 2004 it be permitted to pay the same amount as in 2003 and add the outstanding amount to its contributions in 2005 and 2006. The Secretariat confirmed that this was possible according to the UN Rules and Regulations. Parties agreed to this *modus operandi*.

4. Table of Expenditures for 2001/2002

The Executive Secretary presented the latest document indicating the figures of the ASCOBANS expenditures for 2001 and 2002 to the Working Group. The Working Group asked that in the future an additional column containing the sums approved in the original budget be added to this kind of financial statements. The Secretariat promised to ask the AFMU to do so. It suggested, however, that this could be difficult since the procedure was not common in the UN-system.

The question was raised as to whether a deficit in the ASCOBANS Trust Fund could occur. The Executive Secretary replied that under normal circumstances this should not be the case and that it was highly unlikely.

5. Draft Resolution 4: Extension of the ASCOBANS Agreement Area

The Working Group approved the Draft Resolution as amended.

The Working Group discussed the implications of the projected extension of the Agreement Area with respect to the possible inclusion of further cetacean species in the Agreement.

Report of Working Group II

Work Plan 2004-2006 and future direction of ASCOBANS

The Working Group met on 19 and 20 August under the chairmanship of Mark Tasker, assisted by Peter Reijnders. Karen Simpson acted as rapporteur.

Draft Resolution No. 5: Effects of Noise and of Vessels

The Group considered Document MoP4/Doc. 10(S). The title of the Draft Resolution was changed from *Disturbance* to *Effects of Noise and of Vessels*. Several improvements were suggested and, after discussion, were agreed.

Germany introduced Document MoP4/Doc.38. Seismic activity was an issue of increasing importance to ASCOBANS and in recognition of this, the German delegation had held talks with the relevant German Ministry who had agreed to produce a report on the seismic activities. However, there was some uncertainty as to what unit of measurement should be used and Germany sought clarification on this point. The Working Group agreed that the shot point density was the appropriate unit of measurement.

Draft Resolution No. 6: Incidental Take of Small Cetaceans

The Group considered a draft text of Document MoP4/Doc. 11, amended to take into account issues relating to the EU treaty and the Common Fisheries Policy as it applies to activities practised in Community waters or by Community vessels, as defined in Council Regulation (EC) No. 2371/2002. Several amendments were agreed. These included the addition of a preambular paragraph relating to the joint OSPAR-HELCOM statement on bycatch, the inclusion of confidence figures and the dates of research in the eighth and ninth preambular paragraphs, and the addition of a preambular paragraph in recognition of ongoing efforts to reduce bycatch. Some members of the group expressed concern at the deletion of the paragraph recommending cooperation etc. to minimise the bycatch of harbour porpoises in the North Sea.

The Working Group noted that it was remained possible for individual Parties to make statements that their countries would take specific measures in relation to incidental take.

Some members of the Working Group expressed regret at the procedures that had complicated discussion of the Jastarnia Plan. However, the Working Group was pleased to note that the draft Resolution expressed the support of the Parties for the continued implementation of the Plan.

Some elements of the Jastarnia Plan, both in its main recommendations and in its list of “important steps” for implementation (Appendix 3 of the Plan) did not involve problems of overlapping or conflicting jurisdiction/competence. In fact, these elements included essentially technical tasks, such as literature reviews, data collection or compilation, mapping and modelling. These elements, and particularly those ranked as “top priority/immediate implementation”, could and should be implemented without delay, as such implementation would in no way prejudice the exclusive competence of the EC.

List of Potential Members of the ‘Jastarnia Group’

The Jastarnia Plan provided that a ‘Jastarnia Group’ was to be formed to progress the plan. A list of potential members was considered.

Draft Resolution No. 7: Cetacean Populations in the ASCOBANS Area

The Group considered Document MoP4/Doc.12. The operative paragraphs were rearranged to follow a more logical order, and the Draft Resolution was agreed.

Absolute abundance estimates were needed to determine whether bycatch levels were sustainable and whether ASCOBANS conservation objectives were being met. In principle, current absolute abundance estimates should be obtained for all populations in the ASCOBANS area so that assessment could be made.

In the Baltic Sea, however, the population of harbour porpoises was known to be very small (although, because of this, estimates were based on few data and were very imprecise). Recent work by Germany and Poland resulted in new information on distribution and density in the western Baltic, which was to be used to determine the extent of the area to be surveyed for absolute abundance. Recent work by Sweden had extended surveys to the eastern Baltic (Document MoP4/Doc.42), providing new information in this area.

Bycatch levels in the Baltic were known to be unsustainable and ASCOBANS conservation objectives were not being met. A new estimate of absolute abundance in the Baltic would not change this conclusion, as recognised in the Jastarnia Plan. To obtain an estimate of absolute abundance that was significantly better than existing estimates would require the commitment of considerable resources.

SCANS-II would therefore focus on collecting new information to allow the monitoring of trends in harbour porpoise abundance in the Baltic Sea. How far absolute abundance surveys extend eastwards into the Baltic would be determined based on the new information on distribution and density.

Draft Resolution No. 8: Further Implementation of ASCOBANS

The Group considered Document MoP4/Doc.13. It was noted that the ASCOBANS Agreement area would be extended by Resolution No. 4 and that this would have implications in terms of the threats and species affected. The extended area would be contiguous with the ACCOBAMS Agreement Area.

Draft Resolution No. 9: Activities of the ASCOBANS Advisory Committee 2004-2006

The Group considered Document MoP4/Doc.14. This was broadly agreed once wording had been made consistent with those of other resolutions, and two operative paragraphs were added relating to the extension of ASCOBANS work in the event that the Agreement area was extended and to include all cetacean species if the amendment to the ASCOBANS Agreement was accepted.

The representative of the IWC noted that the IWC is the global body responsible for the conservation and management of large whales.

Draft Resolution No. 10: Recovery Plan for Harbour Porpoise in the North Sea

Germany introduced Document MoP4/Doc.20, which expressed its willingness to assist in the development of a recovery plan for the harbour porpoise in the North Sea. This document proposed a timetable of actions for the development of such a plan. The Working Group expressed its support for this initiative and decided to adopt a separate Resolution (Document MoP4/Doc. 43) on the North Sea recovery plan for the harbour porpoise.

The Working Group noted that, if it was assumed the North Sea recovery plan would follow the template of the Jastarnia Plan, the efforts required to develop the North Sea plan should not be underestimated. It expressed the concern that the resources required for developing a North Sea recovery plan would not conflict with the resources required to implement the Jastarnia Plan. The Working Group noted the importance of avoiding similar problems to those encountered at this meeting in relation to the Jastarnia Plan.

ASCOBANS Triennium Work Plan 2004-2006

The Working Group suggested amendments to the ASCOBANS Triennium Work Plan 2004-2006.

4th MEETING OF THE PARTIES**Resolution No. 1****Headquarters Agreement for and Juridical Personality of the Agreement Secretariat**

Recalling the Resolution on the Establishment and the Location of the ASCOBANS Secretariat adopted by the Meeting of the Parties at its Second Session (Bonn, FRG, November 1997), which provided for the establishment of a permanent Secretariat in Bonn, to be located at the UN Premises in Bonn on an interim basis pending its full integration into the CMS Agreements Unit from 1 January 2001,

Recalling Resolution No. 1 adopted by the Meeting of the Parties at its Third Session (Bristol, UK, July 2000), accepting the offer of the United Nations Environment Programme to administer the Agreement Secretariat within the Agreements Unit to be established from January 2001 in co-location with the Secretariat of the Convention on Migratory Species (UNEP/CMS) in Bonn,

Aware that the establishment of the Agreements Unit and the integration of the ASCOBANS Secretariat into the Agreements Unit took place on 1 January 2001,

Further aware that for the functioning of the Agreement's Secretariat a similar legal status as granted by the Government of the Federal Republic of Germany to other United Nations bodies in the Federal Republic of Germany is desirable,

Acknowledging the efforts made by the Government of the Federal Republic of Germany, the United Nations and the Convention Secretariat to conclude a headquarters agreement, which will provide a legal status to the Convention Secretariat,

Aware that the headquarters agreement between the Government of the Federal Republic of Germany, the United Nations and the Convention Secretariat was concluded and signed on 18 September 2002 in Bonn,

Appreciating that a provision has been made in article 2, paragraph 2, of the headquarters agreement, subject to the consent of the competent bodies of Agreements concluded under article IV of the Convention, to apply the headquarters agreement *mutatis mutandis* to the secretariats of such Agreements, which have been co-located with the Convention Secretariat and are institutionally linked to the United Nations,

The Meeting of the Parties to ASCOBANS

Welcomes and endorses the agreement between the Government of the Federal Republic of Germany, the United Nations and the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals concerning the headquarters of the Convention Secretariat;

Endorses that, in accordance to article 2, paragraph 2, of the headquarters agreement, the agreement shall apply *mutatis mutandis* to the UNEP/ASCOBANS Secretariat

Expresses its sincere gratitude to the Federal Republic of Germany for the financial and other support to the Agreement Secretariat.

Agreement

between

the Government of the Federal Republic of Germany,

the United Nations

and

the Secretariat of the Convention on the Conservation of

Migratory Species of Wild Animals

concerning

the Headquarters of the Convention Secretariat

The Government of the Federal Republic of Germany
the United Nations
and
the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals,

Whereas the United Nations Environment Programme (UNEP) provides secretariat services for the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals (CMS), in accordance with Article IX of the Convention,

Whereas the Government of the Federal Republic of Germany has a special responsibility towards the Convention and its Secretariat, in view of its role in the Convention's early development and its present function as Depositary,

Whereas paragraph 2 of Article 4 of the Agreement between the Federal Republic of Germany and the United Nations concerning the Headquarters of the United Nations Volunteers Programme concluded on 10 November 1995 provides that it "shall also apply *mutatis mutandis* to such other Offices of the United Nations as may be located in the Federal Republic of Germany with the consent of the Government",

Whereas paragraph 3 of Article 4 of the Agreement between the Federal Republic of Germany and the United Nations concerning the Headquarters of the United Nations Volunteers Programme concluded on 10 November 1995 provides that it "may also be made applicable *mutatis mutandis* to other inter-governmental entities, institutionally linked to the United Nations, by agreement among such entities, the Government and the United Nations",

Whereas paragraph 2 of Article 4 of the Agreement between the Government of the Federal Republic of Germany and the United Nations concerning the Occupancy and Use of the United Nations Premises in Bonn concluded on 13 February 1996 *inter alia* provides that "the United Nations shall make available appropriate space in the Premises ..., subject to the availability of space, to other inter-governmental entities institutionally linked to the United Nations", and

Desiring to conclude an Agreement regulating matters arising from the applicability *mutatis mutandis* of the Agreement concluded on 10 November 1995 between the Federal Republic of Germany and the United Nations concerning the Headquarters of the United Nations Volunteers Programme to the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals,

Have agreed as follows:

Article 1 Definitions

For the purpose of the present Agreement, the following definitions shall apply:

- (a) “the UNV Headquarters Agreement” means the Agreement between the Federal Republic of Germany and the United Nations concerning the Headquarters of the United Nations Volunteers Programme concluded on 10 November 1995, and the Exchange of Notes of the same date between the Administrator of the United Nations Development Programme and the Permanent Representative of Germany to the United Nations concerning the interpretation of certain provisions of the Agreement. The Agreement and Exchange of Notes are appended in the Annex;
- (b) “the Convention” means the Convention on the Conservation of Migratory Species of Wild Animals, adopted in Bonn on 23 June 1979;
- (c) “the Conference of the Parties” means the Conference of the Parties to the Convention, the decision-making organ of the Convention, under Article VII thereof;
- (d) “the Convention Secretariat” means the Secretariat established under Article IX of the Convention;
- (e) “Executive Secretary” means the Head of the Convention Secretariat;
- (f) “Officials of the Convention Secretariat” means the Executive Secretary and all members of the staff of the Convention Secretariat, irrespective of nationality, with the exception of those who are recruited locally and assigned to hourly rates; and
- (g) “Headquarters” means the premises made available to, occupied and used by the Convention Secretariat in accordance with this Agreement or any other supplementary Agreement with the Government of the Federal Republic of Germany.

Article 2 Purpose and Scope of the Agreement

- (1) This Agreement shall regulate matters relating to or arising out of the applicability *mutatis mutandis* of the UNV Headquarters Agreement to the Convention Secretariat.
- (2) Subject to the consent of the competent bodies of Agreements concluded under Article IV of the Convention, this Agreement shall apply *mutatis mutandis* to Secretariats of such Agreements which have been administratively integrated within the Convention Secretariat and are institutionally linked to the United Nations by agreement among such Secretariats, the Convention Secretariat and the United Nations.

Article 3
Application of the UNV Headquarters Agreement

- (1) The UNV Headquarters Agreement shall be applicable *mutatis mutandis* to the Convention Secretariat in accordance with the provisions of the present Agreement.
- (2) Without prejudice to the provisions in paragraph 1 above, for the purposes of the present Agreement the references to:
 - (a) “the United Nations”, in Article 1 (m), in Article 4 paragraph 1, in Article 19 paragraph 2, in Article 23 and with respect to paragraph 1 (a) of Article 26 of the UNV Headquarters Agreement, shall be deemed to mean the Convention Secretariat or the Conference of the Parties; and, with respect to Article 19 paragraph 3 of the same Agreement shall be deemed to mean the United Nations and the Convention Secretariat;
 - (b) “the UNV”, in Article 5 paragraph 2 and in Articles 7, 8, 9, 10, 11, 12, 14, 17, 19, 21 and 26 of the UNV Headquarters Agreement, shall be deemed to mean the Convention Secretariat;
 - (c) “the Executive Co-ordinator”, in Articles 8, 11, 14, 19 paragraph 3, and in Articles 20, 21 and 22 of the UNV Headquarters Agreement, shall be deemed to mean the Executive Secretary;
 - (d) “the representatives of Members”, throughout the UNV Headquarters Agreement, shall be deemed to comprise the representatives of Parties and observer States to the Convention;
 - (e) “officials”, “officials of the UNV” or “officials of the Programme”, throughout the UNV Headquarters Agreement, shall be deemed to include officials of the Convention Secretariat;
 - (f) “persons”, in Articles 20 and 21 of the UNV Headquarters Agreement, shall be deemed to include all persons referred to in the present Agreement, including interns of the Convention Secretariat;
 - (g) “Party” or “Parties”, in Article 19 paragraph 3, and in Articles 24 and 26 paragraph 2 of the UNV Headquarters Agreement, shall be deemed to mean the Parties under the present Agreement; and
 - (h) “Headquarters district”, throughout the UNV Headquarters Agreement, shall be deemed to mean the Headquarters of the Convention Secretariat.
- (3) Without prejudice to the provisions in Article 21 of the UNV Headquarters Agreement, arrangements shall also be made to ensure that visas, entry permits or licences, where required for persons entering the host country on official business of the Convention, are delivered at the port of entry to the Federal Republic of Germany, to those persons who were unable to obtain them elsewhere prior to their arrival.

Article 4 Legal Capacity

- (1) The Convention Secretariat shall possess in the host country the legal capacity to:
 - a) contract;
 - b) acquire and dispose of movable and immovable property; and
 - c) institute legal proceedings.
- (2) For the purpose of this Article, the Convention Secretariat shall be represented by the Executive Secretary.

Article 5 Tenure

Without prejudice to paragraph 2 of Article 4 of the Agreement between the Government of the Federal Republic of Germany and the United Nations concerning the Occupancy and Use of the United Nations Premises in Bonn concluded on 13 February 1996, the Convention Secretariat shall be guaranteed permanent and rent-free tenure of sufficient space for it to carry out its work in a satisfactory manner, so long as its operations remain based in the Federal Republic of Germany, subject to the availability of space to other intergovernmental entities, institutionally linked to the United Nations.

Article 6 Immunity of Persons on Official Business of the Convention

Without prejudice to the pertinent provisions of the UNV Headquarters Agreement, all persons invited to the Headquarters on official business of the Convention shall enjoy immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity. Such immunity shall continue to be accorded after termination of their business. They shall also be accorded inviolability for all papers and documents.

Article 7 Final Provisions

- (1) The provisions of this Agreement shall be complementary to the provisions of the UNV Headquarters Agreement. Insofar as any provision of this Agreement and any provision of the UNV Headquarters Agreement relate to the same subject matter, each of these provisions shall be applicable and neither shall narrow the effect of the other.
- (2) This Agreement may be amended by mutual consent at the request of either Party to the present Agreement.
- (3) The present Agreement shall cease to be in force twelve months after any of the Parties gives notice in writing to the others of its decision to terminate the Agreement. This Agreement shall, however, remain in force for such an additional period as might be necessary for the orderly cessation of activities of the Convention Secretariat in the Federal Republic of Germany and the disposition of their property therein, and the resolution of any dispute among the Parties to the present Agreement.

- (4) Any bilateral dispute between any two of the Parties concerning the interpretation of this Agreement or the regulations of the UNV, which cannot be settled amicably, shall be submitted, at the request of either Party to the dispute, to an arbitral tribunal composed of three members. Each Party to the dispute shall appoint one arbitrator and the two arbitrators thus appointed shall together appoint a third arbitrator as their Chairman. If one of the Parties fails to appoint its arbitrator and has not proceeded to do so within two months after an invitation from the other Party to make such an appointment, the other Party may request the President of the International Court of Justice to make the necessary appointment. If the two arbitrators are unable to reach agreement, in the two months following their appointment, on the choice of the third arbitrator, either Party may invite the President of the International Court of Justice to make the necessary appointment.
- (5) Any dispute amongst the three Parties concerning the interpretation or application of this Agreement or the regulations of the UNV, which cannot be settled amicably, shall be submitted, at the request of any Party to the dispute, to an arbitral tribunal composed of five members. Each Party shall appoint one arbitrator and the three arbitrators thus appointed shall together appoint fourth and fifth arbitrators and the first three shall jointly designate either the fourth or the fifth arbitrator as Chairman of the arbitral tribunal. If any of the Parties fails to appoint its arbitrator and has not proceeded to do so within two months after an invitation from another Party to make such an appointment, such other Party may request the President of the International Court of Justice to make the necessary appointment. If the three arbitrators are unable to reach agreement, in the two months following their appointment, on the choice of the fourth or fifth arbitrator or designation of the Chairman, any Party may invite the President of the International Court of Justice to make the necessary appointment or designation.
- (6) The Parties shall draw up a special agreement determining the subject of the dispute. Failing conclusion of such an agreement within the period of two months from the date on which arbitration was requested, the dispute may be brought before the arbitral tribunal upon the application of any Party. Unless the Parties decide otherwise, the arbitral tribunal shall determine its own procedure. The expenses of the arbitration shall be borne by the Parties to the dispute as assessed by the arbitrators. The arbitral tribunal shall reach its decision by a majority of votes on the basis of the applicable rules of international law. In the absence of such rules, it shall decide *ex aequo et bono*. The decision shall be final and binding on all Parties to the dispute, even if rendered in default of one or two of the Parties to the dispute.
- (7) The provisions of this Agreement shall be applied provisionally, as from the date of signature, as appropriate, until its entry into force referred to in paragraph 9 below.
- (8) The headquarters agreement concluded between the Government of the Federal Republic of Germany and the United Nations Environment Programme by an exchange of letters dated 30 November and 17 December 1984, as amended by an exchange of letters dated 15 and 24 August 1989, shall expire upon entry into force of this Agreement, except paragraph 1 of the former agreement which shall remain applicable.

- (9) This Agreement shall enter into force on the day following the date of receipt of the last of the notifications by which the Parties will have informed each other of the completion of their respective formal requirements.

Done in Bonn, on 18 September 2002, in triplicate, in the German and the English languages, both texts being equally authentic.

For the Government of the Federal Republic of Germany

Julius Georg Luy, Ambassador

Jürgen Trittin, Federal Minister for the Environment, Nature Conservation and Nuclear Safety

For the United Nations

Shafqat Kakakhel, Deputy Executive Director UNEP

For the Secretariat of the Convention on the Conservation
of Migratory Species of Wild Animals

Arnulf Müller-Helmbrecht, Executive Secretary UNEP/CMS

4th MEETING OF THE PARTIES**Resolution No. 2****Educational and Promotional Activities**

Recalling Resolution No. 6 of the 3rd Meeting of the Parties;

Noting that the public support of the aims of ASCOBANS continues to be critical to its success;

Acknowledging the marked increase in the promotional and educational activities of ASCOBANS in the past triennium;

Noting, however, that despite this increase, public awareness of ASCOBANS and the issues of cetacean conservation is not entirely satisfactory in the ASCOBANS area;

Acknowledging the valuable contribution made by NGOs to ASCOBANS to date;

Noting that a particular emphasis of future promotional work will have to be on new Parties and non-Party Range States and on the Baltic region as a whole, in particular on the implementation of the ASCOBANS Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan);

The Meeting of the Parties to ASCOBANS

Recommends that the Secretariat continue and step up its activities to raise awareness of issues related to cetacean conservation in the Agreement area and to promote the Agreement itself especially with non-Party Range States, inter alia by translating ASCOBANS information material, the European Commission and the International Baltic Sea Fisheries Commission;

Recommends that the Secretariat continue to develop the ASCOBANS website, aiming to meet the needs of a wide range of target audiences;

Recommends that the Secretariat, taking appropriate advice, gives priority to producing targeted information material on conservation issues facing small cetaceans in the region. In particular, it is recommended that the Secretariat, in consultation with appropriate fishermen's organisation and others, develop material to distribute to fishermen, especially with respect to bycatch issues;

Recommends that host Parties of Meetings of the Parties and of the Advisory Committee, in co-operation with the Secretariat, consider ways by which the Agreement might be best promoted;

Encourages Parties and non-Party Range States to continue to co-operate with the Secretariat in this endeavour and to support this work through voluntary contributions;

Encourages NGOs to support the PR activities of the Secretariat if and when possible;

Encourages institutions or individuals to share the use of their intellectual property free of charge for use in non-profit information campaigns in support of ASCOBANS objectives;

Requests the Secretariat to report to Parties on promotional activities at least twice annually.

Repeals Resolution No. 6 of the 3rd Meeting of the Parties.

4th MEETING OF PARTIES

Resolution No. 3

Financial, Budgetary and Administrative Matters

The Meeting of the Parties:

Having Regard to Article 6.1 c) of the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (hereinafter referred to as "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 years";

Having Regard also to Article 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;

Recalling the Resolution on Financial and Budgetary Matters adopted at the Third Session, Bristol, United Kingdom, July 2000);

Recalling also that the Secretariat of the Agreement shall cooperate effectively with other Agreement Secretariats within the UNEP/CMS Agreements Unit;

Acknowledging with appreciation the substantial contribution of the German Government in providing, and agreeing to continue to provide, the accommodation for the Secretariat on a rent-free basis and its annual voluntary contribution of 25,000 Euro in support of special measures and projects aimed at improving the implementation of the Agreement;

Acknowledging with appreciation also the additional support provided by various Parties on a voluntary basis to contribute to the implementation of the Agreement;

1. *Discharges* and *Approves* the expenditures for the year 2000 (as shown in the audited account attached at Annex 5), as agreed by the Third Meeting of the Parties and the expenditures for the years 2001/2002 (Annexes 6 and 7) and AGREES that the expenditures for the year 2003 should be discharged and approved by the 5th Meeting of the Parties (MoP5);

2. *Adopts* the budget for 2004 - 2006 attached as Annex 1 to this resolution;

3. *Reiterates* that in accordance with Paragraph 7.2 of the Agreement, the annual contributions are to be paid as soon as practicable after the end of March and no later than the end of June of the calendar year to which they relate;

4. *Takes Note* of the medium-term plan for 2004 - 2009 attached at Annex 3 to this resolution;

5. *Invites* Parties and Non-Party Range States, government, intergovernmental and non-governmental organizations to make voluntary contributions towards special activities for the implementation of the Agreement;

6. *Invites* Non-Party Range States, governmental, intergovernmental and non-governmental organizations and other sources to consider contributing to the implementation of the Agreement on a voluntary basis;

7. *Requests* that the 5th Meeting of the Parties review the possibility of converting the budget for the triennium 2007-2009 to Euros in the light of experiences gained by other regional Multilateral Environmental Agreements with Euro-based budget;

8. *Acknowledging* the possibility of upgrading, by UNEP, of the following posts, in accordance with classification of the posts by the United Nations:

Executive Secretary:	to	P-4
Assistant:	to	G-5

9. *Requests* the Executive Director of UNEP to extend the duration of the trust fund to 31 December 2006;

10. *Approves* the Terms of Reference for the administration of the Trust Fund as set out in Annex 4 to this Resolution, for the period 2004 - 2006;

11. *Instructs* the Secretariat to report on its income and expenditure to the Advisory Committee at each of its meetings, and to report back to the Meeting of Parties at its next session;

12. *Decides* that the standard participation fee for Observers to the 5th Meeting of the Parties shall be 100 Euros.

ASCOBANS Budget 2004-2006 in US Dollars

	2004	2005	2006	Total
10 Personnel				
1100 Professional Staff				
1101 Executive Secretary*	82.752	84.480	86.207	253.439
1102 Administrative and Fund Management Officer (UNEP)	-	-	-	-
1220 Consultancies	4.000	4.000	4.000	12.000
1300 Administrative support				
1301 Administrative Assistant*	52.462	53.870	55.277	161.609
1600 Travel on official business				
1601 Secretariat staff	7.000	7.000	7.000	21.000
1602 Experts on mission	1.000	1.000	1.000	3.000
1999 Personnel Subtotal	147.214	150.350	153.484	451.048
30 Meetings				
3301 Meeting of the Parties	-	-	5.500	5.500
3302 Meeting of the Advisory Committee	3.700	3.800	3.800	11.300
3999 Meetings Subtotal	3.700	3.800	9.300	16.800
40 Equipment and Premises				
4100 Expendable equipment				
4101 Miscellaneous office supplies	2.100	2.100	2.100	6.300
4200 Non-expendable equipment				
4201 Office equipment	1.800	1.800	1.800	5.400
4300 Premises				
4301 Rent and maintenance costs	-	-	-	-
4999 Equipment and Premises Subtotal	3.900	3.900	3.900	11.700
50 Miscellaneous Costs				
5100 Operation and Maintenance				
5101 Operation/maintenance of computers	1.000	1.000	1.000	3.000
5102 Operation/maintenance of photocopier/fax	1.000	1.000	1.000	3.000
5200 Reporting Costs				
5201 Information material	2.250	2.250	2.250	6.750
5202 Reference material	250	250	250	750
5300 Sundry				
5301 Telephone and Fax	1.300	1.300	1.300	3.900
5302 Postage and miscellaneous	2.000	2.000	2.000	6.000
5400 Hospitality	600	600	600	1.800
5999 Miscellaneous Costs Subtotal	8.400	8.400	8.400	25.200
SUBTOTAL	163.214	166.450	175.084	504.748
6000 UNEP programme support costs 13 %	21.218	21.639	22.761	65.618
GRAND TOTAL	184.432	188.089	197.845	570.366

* Grading at P3 or P4S respectively G4 or G5S, contingent on grading of posts by UNEP

ANNUAL CONTRIBUTIONS TO ASCOBANS FOR THE YEARS 2004-2006
(IN US DOLLARS)
With current eight Parties

Party	UN Scale (%)*	ASCOBANS in %	2004	2005	2006
Belgium	1,12900	11,40651	21.037	21.454	22.567
Denmark	0,74900	7,56729	13.957	14.233	14.972
Finland	0,52200	5,27387	9.727	9.920	10.434
Germany	9,76900	22,00000	40.575	41.380	43.526
Netherlands	1,73800	17,55936	32.385	33.027	34.740
Poland	0,37800	3,81901	2.789**	9.310	9.683
Sweden	1,02675	10,37346	19.132	19.511	20.523
United Kingdom	5,53600	22,00000	40.575	41.380	43.526
TOTAL	20,8478	100	184.432	188.089	197.845

* Scale of Assessment for 2003, subject to revision when UN Scale of Assessments for 2004-2006 is available.

** Polish annual contribution for 2004 reduced by 4,254 USD for reasons related to Polish national budget for 2004; Polish annual contributions for 2005 and 2006 increased by 2,127 USD per annum to compensate for reduction in 2004

Medium-Term Plan
2004-2009 in US Dollars

	2004	2005	2006	2007	2008	2009
10 Personnel						
1100 Professional Staff*	82.752	84.480	86.207	88.362	90.571	92.835
1220 Consultancies	4.000	4.000	4.000	5.000	5.000	5.000
1300 Administrative support*	52.462	53.870	55.277	56.658	58.074	59.525
1600 Travel on official business	8.000	8.000	8.000	8.800	8.800	9.000
1999 Personnel Subtotal	147.214	150.350	153.484	158.820	162.445	166.360
30 Meetings	3.700	3.800	9.300	3.900	3.900	10.400
40 Equipment and Premises						
4100 Expendable equipment	2.100	2.100	2.100	2.200	2.200	2.200
4200 Non-expendable equipment	1.800	1.800	1.800	1.900	1.900	2.000
4300 Premises	-	-	-	-	-	-
4999 Equipment and Premises Subtotal	3.900	3.900	3.900	4.100	4.100	4.200
50 Miscellaneous Costs						
5100 Operation and Maintenance	2.000	2.000	2.000	2.200	2.200	2.300
5200 Reporting Costs	2.500	2.500	2.500	2.750	2.750	3.000
5300 Sundry	3.300	3.300	3.300	3.500	3.500	3.500
5401 Hospitality	600	600	600	800	800	800
5999 Miscellaneous Costs Subtotal	8.400	8.400	8.400	9.250	9.250	9.600
SUBTOTAL	163.214	166.450	175.084	176.070	179.695	190.560
6000 UNEP programme support costs 13 %	21.218	21.639	22.761	22.889	23.360	24.773
GRAND TOTAL	184.432	188.089	197.845	198.959	203.055	215.333

* Grading at P3 or P4S respectively G4 or G5S, contingent on grading of posts by UNEP

TERMS OF REFERENCE FOR THE ADMINISTRATION OF
THE TRUST FUND FOR THE AGREEMENT ON THE
CONSERVATION OF SMALL CETACEANS OF THE BALTIC AND NORTH SEAS

1. The Trust Fund for the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (hereinafter referred to as the Trust Fund) shall be extended for a period of three years to provide financial support for the aims of the Agreement.
2. The financial period shall be for three calendar years beginning 1 January 2004 and ending 31 December 2006.
3. The Trust Fund shall be administered by the Executive Director of the United Nations Environment Programme (UNEP), subject to the approval of the Governing Council of UNEP and the consent of the Secretary-General of the United Nations.
4. The administration of the Trust Fund shall be governed by the Financial Regulations and Rules of the United Nations, the Staff Regulations and Rules of the United Nations, and other administrative policies or procedures, promulgated by the Secretary-General of the United Nations.
5. In accordance with United Nations rules, UNEP shall deduct from the income of the Trust Fund an administrative charge equal to 13 per cent of the expenditure charged to the Trust Fund in respect of activities financed under the Trust Fund.
6. In the event that the Parties wish the Trust Fund to be extended beyond 31 December 2006, the Executive Director of UNEP shall be so advised in writing immediately after the fifth session of the Meeting of Parties. It is understood that such extension of the Trust Fund shall be decided at the discretion of the Secretary-General of the United Nations.
7. The financial resources of the Trust Fund for 2004-2006 shall be derived from:
 - (a) The contributions made by the Parties by reference to Annex 2, including contributions from any new Parties;
 - (b) Further contributions from Parties and contributions from States not Parties to the Agreement, other governmental, intergovernmental and non-governmental organisations and other sources.
8. All contributions to the Trust Fund shall be paid in fully convertible United States Dollars. For contributions from States that become Parties after the beginning of the financial period, the initial contribution (from the thirtieth day after deposit of the instrument of ratification, acceptance or accession until the end of the financial period) shall be determined pro rata based on the contribution of other States 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 22 per cent of the budget, the contribution of that Party shall be 22 per cent of the budget for the financial year of joining (or pro rata for a part-year).

The scale of contributions for all Parties shall then be revised by the Secretariat on 1 January of the next year. Contributions shall be paid in annual instalments. The contributions shall be due on 1 January 2004, 2005 and 2006. Contributions shall be paid into the following account:

UNEP Trust Fund
Account No. 485-000326
JP Morgan Chase
International Agencies Banking Group
1166 Avenue of the Americas, 17th Floor
New York, N.Y. 10036-2708, USA
Wire transfers: ABA number 021000021
SWIFT number BIC-CHASUS33
CHIPS participant number 0002

9. For the convenience of the Parties, for each of the years of the financial period the Executive Director of UNEP shall as soon as possible notify the Parties to the Agreement of their assessed contributions.
10. Contributions received into the Trust Fund that are not immediately required to finance activities shall be invested at the discretion of the United Nations, and any income shall be credited to the Trust Fund.
11. The Trust Fund shall be subject to audit by the United Nations Board of Auditors.
12. The budget estimates covering the income and expenditure for each of the three calendar years constituting the financial period to which they relate, prepared in US Dollars, shall be submitted to the ordinary session of the Meeting of Parties to the Agreement.
13. The estimates of each of the calendar years covered by the financial period shall be divided into sections and objects of expenditures, shall be specified according to budget lines, shall include references to the programmes of work to which they relate, and shall be accompanied by such information as may be required by or on behalf of the contributors, and such further information as the Executive Director of UNEP may deem useful and advisable. In particular estimates shall also be prepared for each programme of work for each of the calendar years, with expenditure itemised for each programme so as to correspond to the sections, objects of expenditure, and budget lines described in the first sentence of this paragraph.
14. In addition to the budget estimates for the financial period described in the preceding paragraphs, the Secretariat of the Agreement, in consultation with the Advisory Committee and the Executive Director of UNEP, shall prepare a medium-term plan as envisaged in Chapter III of the Legislative and Financial Texts Regarding the United Nations Environment Programme and the Environment Fund. The medium-term plan will cover the years 2004-2009, inclusive, and shall incorporate the budget for the financial period 2007-2009.
15. The proposed budget and medium-term plan, including all the necessary information, shall be dispatched by the Secretariat to all Parties at least ninety days before the date fixed for the opening of the ordinary session of the Meeting of Parties.
16. The budget and medium-term plan shall be adopted by a three-quarters majority of the Parties present and voting at the ordinary session.

17. In the event that the Executive Director of UNEP anticipates that there might be a shortfall in resources over the financial period as a whole, the Executive Director shall consult with the Secretariat, who shall seek the advice of the Advisory Committee as to its priorities for expenditure.
18. Commitments against the resources of the Trust Fund may be made only if they are covered by the necessary income of the Agreement. No commitments shall be made in advance of the receipt of contributions.
19. At the beginning of the first calendar year of a triennium, the Secretariat, after seeking the advice of the Parties, shall be authorised to allocate the surplus of the previous triennium left in the Trust Fund above and beyond the six-month operational reserve¹ to reducing the annual contributions of Parties for the second and third years of that triennium, in accordance with their scales of assessments for the ASCOBANS budget.
20. Upon the request of the Secretariat of the Agreement, after seeking the advice of the Advisory Committee, the Executive Director of UNEP should, to the extent consistent with the Financial Regulations and Rules of the United Nations, make transfers from one budget line to another. At the end of any calendar year within the financial period, the Executive Director of UNEP may transfer any uncommitted balance of appropriations to the following calendar year, provided that the total budget approved by the Parties is not exceeded, unless this is specifically sanctioned in writing by the Advisory Committee.
21. At the end of each calendar year within the financial period², the Executive Director of UNEP shall submit to the Parties, through the UNEP/ASCOBANS Secretariat, the accounts for the year. The Executive Director shall also submit, as soon as practicable, the audited accounts for the financial period. These shall include full details of actual expenditure compared to the original provisions for each budget line.
22. Those financial reports required to be submitted to the Executive Director of UNEP shall be transmitted simultaneously by the Secretariat of the Agreement to the members of the Advisory Committee.
23. The Secretariat of the Agreement shall provide the Advisory Committee with an estimate of proposed expenditures over the coming year simultaneously with, or as soon as possible after, distribution of the accounts and reports referred to in the preceding paragraphs.
24. The present terms of reference shall be effective from 1 January 2004 to 31 December 2006.

¹ The six-month operational reserve amounts to one half of the budget of a calendar year

² The calendar year 1 January to 31 December is the accounting and financial year, but the accounts official closure date is 31 March of the following year. Thus, on 31 March the accounts of the previous year have to be closed, and it is only then that the Executive Director can submit the accounts of the previous calendar year.

Audit Report on the ASCOBANS Budget 2000

Sections

- I. General remarks
- II. Comments on the various budget lines
- III. Conclusions: Auditor's statement

Annexes:

- Summary of ASCOBANS Budget 2000
- Overview of expenditure for Budget 2000 from UNEP Trust Fund January - March 2001

I. General Remarks

This report was prepared in accordance with the Resolution on Financial and Budgetary Matters as adopted by the 2nd Meeting of Parties, 17 - 19 November 1997, in Bonn.

The audit for the financial year 2000 was carried out on 26 March 2001 by Mr Joachim Schmitz of the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety. The ASCOBANS Secretariat made available the relevant documentation, including invoices, receipts, bank statements and budgetary expenditure lists.

A check on the actual figures included:

- Income and expenditure in individual, chronological order;
- Completeness of bank statements;
- Details of dates and payments, recipients, reason for and amount of each payment;
- Checking the financial and rational correctness of the original receipts;
- The economical use of the budget.

The period covered by the 2000 budget and by this audit extended from 1 January to 31 December 2000, and also included those bookings until March 2001 that were directly related to the 2000 budget.

Several invoices related to goods and services delivered in 2000 were not received by the Secretariat until 2001. These included *inter alia* charges for telephone and mail franking in 2000, and part of the personnel costs for the Executive Secretary and the Assistant; this was due to the fact that Secretariat staff were unable to take all their annual leave in 2000 and payment in lieu of this was made by the Bundesamt für Naturschutz (BfN) in January 2001. In order to present a complete and realistic description of the financial year 2000, this budget report therefore also includes bookings processed in 2001 but relevant to the 2000 budget.

Comments on the various budget lines

Income

Contributions for 2000 were received from all Parties to the Agreement. Additional income was kindly provided in the form of voluntary contributions by Germany for 2000 and Sweden towards the meeting of the ASCOBANS Baltic Discussion Group in 2001 (SEK 100,000 = DEM 22,928.18).

1. Personnel

As in previous years, the budget line for personnel did not suffice to cover the salary in 2000 of the Assistant. The employment of more experienced staff than originally foreseen meant that according to German BAT (the relevant wage agreement) a higher salary was payable. Moreover Secretariat staff had to receive compensation for leave not taken in 2000 due to pressure of work. For 2000 the gap amounts to DEM 49,310.38.

2. Travel

On 13 and 14 January 2000 the Executive Secretary visited Bristol for consultations with DETR and to inspect the venue for the 3rd Meeting of Parties. He met with the Chairman and Vice-Chairman of the AC in Schiphol on 28 April to discuss the upcoming MOP (travel expenses booked to budget line 3.1, MOP). On 14 August the Executive Secretary met with Danish and Swedish colleagues in Copenhagen to discuss options for a final meeting of the ASCOBANS Baltic Discussion Group and the projected workshop aimed at drafting a recovery plan for Baltic harbour porpoises. The Executive Secretary and the Assistant travelled to Hel Marine Station, Poland from 7 - 11 November 2000, where the ASCOBANS exhibition was on display. On 27 November 2000 the Executive Secretary represented ASCOBANS at the 20th meeting of the Standing Committee of the Bern Convention in Strasbourg.

In addition to these travel expenses incurred by Secretariat staff, travel expenses for the former Executive Secretary to Bonn in February (for consultations on the 1999 budget) were covered.

3. Meetings

DEM 4,075.04 of the German contribution for 2000 were used to cover travel expenses for the Estonian delegate, Mr Kruus, and the Latvian delegate, Mr Pilats, to AC7. The total costs of the 7th Advisory Committee meeting, held in Bruges, Belgium from 13 - 16 March 2000 amounted to DEM 8,104.81.

4. Equipment

The expenses for office supplies, mainly stationery, totalled DEM 2,403.88.

5.1. Operation and Maintenance

Computer accessories and repairs cost 1,176.31 in 2000. The cost of using the CMS photocopier in 2000 amounted to DEM 227,65. As from June 2000 a new photocopier, shared by the ASCOBANS, AEWA and Eurobats Secretariats and provided free of charge by the German government, was in use.

5.2. Reporting

The cost of information amounted to DEM 950,68 and the cost of documentation to DEM 9,330.27. This latter sum was used to cover the cost of the report on bycatch mitigation commissioned from Dr Andrew Read. DEM 6,000 were reallocated to this budget line from budget line 5.6 *BfN General*.

5.4 Hospitality

The total cost of hospitality in 2000 amounted to DEM 159.85.

5.5 Audit charges

The German Government kindly agreed to audit the financial year 2000 on a cost-free basis. Thus, no costs for auditing were incurred in 2000.

5.6 BfN general costs

The Meeting of Parties allocated DEM 6,000 as a general overhead for the administration of the Secretariat by the Federal Agency for Nature Conservation. However, BfN provided its support and services free of charge. The sum of DEM 6,000 was re-allocated to budget line 5.2. a) *Documentation*.

5. Public relations

ASCOBANS does not have a separate budget line for public relations. In 2000, however, the Secretariat was able to step up PR work thanks to the German voluntary contribution of DEM 40,000. The Secretariat commissioned *inter alia* a new information brochure, postcards and a completely revamped website.

3. Conclusions: Auditor's statement

In 2000 a total of DEM 46,323.86 was saved in various budget lines.

At the same time, a total expenditure in excess of the budget allowance of DEM 49,902.13 was incurred, primarily due to personnel costs. This amount was covered a) by the remainder of the surplus of the previous triennium (DEM 6,352.20) and b) by reallocating DEM 43,549.93 from the total amounts saved in other budget lines in 2000.



Bonn, 24.04.2001

Joachim Schmitz
Federal Ministry for the Environment
Nature Conservation and Nuclear Safety

ASCOBANS Budget 2000 (All figures in DEM)

Income	Approved Received in 2000 budget for 1999 (a)	Received in 2000 for 2000 (b)	Received in 2000 for 2001 (c)	Total Income in 2000 (a+b+c)
Party contribution for 1999 (Finland)	3581.01			3581.01
Parties' contributions for 2000	225750.00	225728.77		225728.77
German voluntary contribution		44075.04		44075.04
Swedish voluntary contribution (ABDG)		22928.18		22928.18
Observer Fees MOF		2166.89		2166.89
	225750.00	271570.50	22928.18	298479.59

Expenditure	Allowance	Paid in 2000 for 1999 (d)	Paid in 2000 for 2000 (e)	Paid in 2001 for 2000 (f)	Total expenditure from budget 2000 (e+f+g)	Amounts saved	Expenditure in excess of budget allowance
1. Personnel							
1.1 Secretary	87043.00	18730.27	110723.95		114899.04		-27889.04
1.2 Assistant	55000.00		73727.26	2684.08	76411.34		-21411.34
2. Travel							
2.1 Secretary	9000.00		3690.63		3690.63	5309.37	
2.2 Others	3000.00		287.28		1528.01	1471.50	
3. Meetings							
3.1 MOF	21000.00		8189.88	1240.73	8189.88	12810.12	
3.2 Advisory Committee	6500.00		4028.77		4028.77	2470.23	
German voluntary Contribution	4075.04		4075.04		4075.04	0.00	
4. Equipment							
4.1 Office supplies	4000.00		2403.88		2403.88	1586.12	
4.2 Office equipment	1000.00		1178.31		1178.31		-170.31
5. Miscellaneous components							
5.1 Operation and maintenance							
a) Computer	1000.00		895.38		895.38	4.82	
b) Photocopier	2500.00	400.00	227.85		227.85	2272.35	
c) Fax	1000.00				0.00	1000.00	
5.2 Reporting							
a) documentation	1000.00		950.88	9330.27	9330.27	668.73	
b) information	3000.00				950.88	2049.32	
c) reference	1000.00				0.00	1000.00	
5.3 Communications							
a) Phone/Fax	7500.00	559.92	607.12		1173.73	6326.27	
b) Mailing	9500.00	853.24	2173.45		3745.41	2753.59	
5.4 Hospitality	1750.00		152.85	7.00	159.85	1590.15	
5.5 Audit	5000.00				0.00	5000.00	
5.6 BMW garage/					0.00		
6. PR and related expenses	40000.00	8080.08	11240.92	19847.72	40415.44		-415.44
Subtotal	225750.00						
Grand Total	259825.04	29643.51	224882.06	28184.99	273493.31	48323.86	-45902.13

NOTE:
Figures in italics include voluntary contributions from Germany (40000.00 DEM for public relations, 4075.04 DEM for travel expenses of delegates from Range States to ACT)

** 6000 DEM reallocated to 5.2a) "Documentation" with Parties' approval

*** Budget deficit for 2000 covered by: a) surplus of previous triennium = 6352.20 DEM and b) 43543.93 DEM from surplus 2000

Financial situation at the beginning of
budget year 2000:

Surplus of previous triennium 1994-97	44774.43
Surplus of budget 1998	88790.88
Surplus of budget 1999	27977.32
Subtotal	161542.43
Expenditure paid from surplus of previous triennium	-36422.23
Total surplus at end of budget 1999	125120.20

Balance of account on 31.12.00

Balance of account on 31.12.99	152724.71
Income in 2000 for 1999 (a)	3581.01
Expenditure in 2000 for 1999 (d)	-29843.51
Income for budget 2000 (b)	271570.50
Income in 2000 for 2001 (c)	22928.18
Expenditure from budget 2000 (e)	-224552.05
Balance of account on 31.12.2000	196708.84

Balance of account at closure on 16.02.2001

Balance of account on 31.12.2000	196708.84
Expenditure in 2001 for 2000 (1.01.2001 - 16.02.2001)	-29184.99
Balance of account at closure on 16.02.2001	167523.85
transferred to UNEP Trust Fund (ASCOBANS)	

Balance of UNEP Trust Fund (ASCOBANS) as at 20.02.01 in USD

Credit to UNEP Trust Fund as at 20.02.2001 in USD	77587.00
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Balance of Trust Fund (ASCOBANS) at end of budget 2000 in USD

Balance of UNEP Trust Fund (ASCOBANS) in USD	77587.00
Expenditure for 2000 in 2001 in USD (g)	-9150.37

Balance of Trust Fund (ASCOBANS)
at end of budget 2000 in USD

	68436.63
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Total surplus at end of budget 2000 in USD

Surplus of previous triennium as at 31.12.00 in USD	2982.25
Surplus of budget 1998 in USD	41685.76
Surplus of budget 1999 in USD	13134.89
Deficit of budget 2000 in USD	-1679.93
Total surplus at end of budget 2000 in USD	56122.97

ASCOBANS Budget 2000

OVERVIEW OF EXPENDITURE FOR BUDGET 2000 FROM UNEP TRUST FUND (ASCOBANS) January - March 2001

Expenditure	in DEM	in USD
1. Personnel		
1.1 Secretary	4.175,09	1.960,14
1.2 Assistant	2.684,08	1.260,13
2. Travel		
2.1 Secretariat		
2.2 Others	1.240,73	590,82
3. Meetings		
3.1 MoP		
3.2 Advisory Committee		
4. Equipment		
4.1 Office supplies		
4.2. Office equipment		
5. Miscellaneous components		
5.1 Operation and maintenance		
a) Computer		
b) Photocopier		
c) Fax		
5.2 Reporting		
a) documentation		
b) information		
c) reference		
5.3 Communications		
a) Phone/Fax	366,61	172,12
b) Mailing	1.572,96	738,55
5.4 Hospitality		
5.5 Audit		
5.6 BfN general		
6. PR and related expenses	9.326,80	4.428,61
Total	19.366,27	9.150,37



UNITED NATIONS OFFICE AT NAIROBI

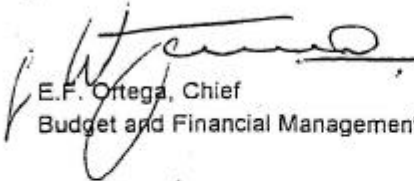
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 ОТДЕЛЕНИЕ ОРГАНИЗАЦИИ ОБЪЕДИНЕННЫХ НАЦИЙ В НАЙРОБИ • OFICINA DE LAS NACIONES UNIDAS EN NAIROBI

Budget and Financial Management Service

MEMORANDUM

To: Mr. Rüdiger Stempel
 Executive Secretary
 UNEP/ASCOBANS Secretariat
 UN Premises in Bonn,
 Martin-Luther-King-Street 8
 53175, BONN, F.R. Germany

Reference: BA/XV

From: 
 E.F. Ortega, Chief
 Budget and Financial Management Service

Date: 26 August, 2002

Subject: *BIENNIUM ACCOUNTS – BA TRUST FUND AND XV
 COUNTERPART CONTRIBUTIONS*

Attached please find the financial statements and the status of contributions for the 2000-2001 biennium ended 31 December 2001 related to:

1. *Trust Fund for the Conservation of Small Cetaceans of the Baltics and North Seas (ASCOBANS); and*
2. *Voluntary Counterpart Contributions in Support of the ASCOBANS Secretariat.*

Kindly ensure that these accounts are transmitted, through you to the members of the relevant bodies.

For your ample information, we are also sending you a copy of the Financial Report and Accounts for the 2000-2001 biennium.

Thank you.

**General Trust Fund for the Conservation of Small Cetaceans of the Baltics and North Seas
(ASCOBANS)**

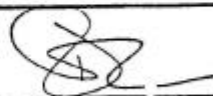
**I. Statement of income and expenditure and changes in reserves and fund balances for the biennium 2000-2001 ended
31 December 2001**

	USD
Income	
Voluntary contributions	236,954
Interest income	4,559
Total Income	241,513
Expenditure	
Staff and other personnel costs	76,532
Travel	5,523
Operating expenses	7,601
Acquisitions	3,769
Other expenditures	121
Programme support costs	12,147
Total Expenditure	105,693
Excess/(shortfall) of income over expenditure	135,820
Net excess/(shortfall) of income over expenditure	135,820
Reserves and fund balances, end of period	135,820

II. Combined statement of assets, liabilities, reserves and fund balances as at 31 December 2001

Assets	165,390
Cash and term deposits	22,299
Voluntary pledges receivable	21,601
Other accounts receivable	209,290
Total assets	
Liabilities	45,661
Interfund payable	23,749
Other accounts payable	4,060
Reserve for obligation	73,470
Total liabilities	
Reserves and fund balances	135,820
Cumulative surplus	135,820
Total reserves and fund balances	209,290
Total liabilities, reserve and fund balance	

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David Hastie


Chief

ACCOUNTS SECTION

BUDGET AND FINANCIAL MANAGEMENT SERVICE, UNON

BAL

30/07/2002

Support of the ASCOBANS Secretariat		
I. <u>Statement of income and expenditure and changes in reserves and fund balances for the biennium 2000-2001 ended 31 December 2001</u>		
		USD
Income		
Expenditure		
Contractual services		538
Operating expenses		10,544
Acquisitions		2,569
Programme support costs		1,775
Total Expenditure		15,426
Excess/(shortfall) of income over expenditure		(15,426)
Net excess/(shortfall) of income over expenditure		(15,426)
Reserves and fund balances, end of period		(15,426)
II. <u>Combined statement of assets, liabilities, reserves and fund balances as at 31 December 2001</u>		
Assets		
Liabilities		
Interfund payable		15,426
Total liabilities		15,426
Reserves and fund balances		
Total reserves and fund balances		(15,426)
Total liabilities, reserve and fund balance		0
<div style="text-align: center;">  _____ David Hastie Chief ACCOUNTS SECTION BUDGET AND FINANCIAL MANAGEMENT SERVICE, UNON </div>		
QVL		12/08/2002

Status of Contributions as 31 December 2001

(United States dollars)

Countries/Organisations	Unpaid pledges as at 1 January 2000	Adjustments to prior years' pledges and receipts	Pledges for 2000 and 2001	Collections in prior years for 2000-2001	Collections in 2000-2001 for 2000-2001 and prior years	Collections in 2000-2001 for future years	Unpaid pledges for 2001 and prior years
General Trust Fund for the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANIS)							
BAL			17 219				17 219
Belgium			11 419		9 017		1 550
Denmark			7 563		7 763		160
Finland			57 563		37 553		
Germany			26 519		23 346		3 173
Netherlands			5 384		5 354		
Poland			15 055		15 431		229
Sweden			37 563		37 563		
United Kingdom			77 668		77 668		
European Secretariat							
BAL Total			236 954		214 655		22 259



UNITED NATIONS OFFICE AT NAIROBI

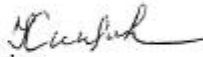
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Budget and Financial Management Service

MEMORANDUM

To: Mr. Rüdiger Stempel
Executive Secretary
UNEP/ASCOBANS Secretariat
UN Premises in Bonn,
Martin-Luther-King-Street 8
53175, BONN, F.R. Germany

Reference: BA/XV

From: 
Sergey Kurdjukov
Officer-In-Charge
Budget and Financial Management Service

Date: 1 July, 2003

Subject: **BIENNIUM ACCOUNTS – BA TRUST FUND AND XV
COUNTERPART CONTRIBUTIONS**

Attached please find the financial statements and the status of contributions for the first year of the biennium 2002-2003 ended 31 December 2002 related to:

1. *Trust Fund for the Conservation of Small Cetaceans of the Baltics and North Seas (ASCOBANS); and*
2. *Voluntary Counterpart Contributions in Support of the ASCOBANS Secretariat.*

Kindly ensure that these accounts are transmitted, through you, to the members of the relevant bodies.

For your ample information, we are also sending you a copy of the Financial Report and Accounts for the first year of the biennium.

Thank you.

General Trust Fund for the Conservation of Small Cetaceans of the Baltics and North Seas (ASCOBANS)

I. Combined statement of income and expenditure and changes in reserves and fund balances for the first year of the biennium 2002-2003 ended 31 December 2002

<u>Income</u>	USD
Voluntary contributions	148,079
Interest income	7,979
Total Income	156,058
<u>Expenditure</u>	
Staff and other personnel costs	95,738
Travel	7,511
Operating expenses	6,388
Acquisitions	(603)
Programme support costs	14,160
Total Expenditure	123,194
Excess/(shortfall) of income over expenditure	32,864
Net excess/(shortfall) of income over expenditure	32,864
Reserves and fund balances, beginning of period	135,820
Reserves and fund balances, end of period	168,684

II. Combined statement of assets, liabilities, reserves and fund balances as at 31 December 2002

<u>Assets</u>	
Cash and term deposits	233,643
Voluntary pledges receivable	5,093
Other accounts receivable	45,749
Total assets	284,485
<u>Liabilities</u>	
Interfund payable	1,922
Other accounts payable	62,232
Reserve for obligation	1,115
Deferred credits	50,532
Total liabilities	115,801
<u>Reserves and fund balances</u>	
Cumulative surplus	168,684
Total reserves and fund balances	168,684
Total liabilities, reserve and fund balance	284,485

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David Hastie

Chief

ACCOUNTS SECTION

BAL

BUDGET AND FINANCIAL MANAGEMENT SERVICE, UNON

23/05/2003

Support of the ASCOBANS Secretariat

I. Combined statement of income and expenditure and changes in reserves and fund balances for the first year of the biennium 2002-2003 ended 31 December 2002

<u>Income</u>	USD
Voluntary contributions	109,479
Interest income	917
Total Income	110,396
<u>Expenditure</u>	
Contractual services	92,958
Operating expenses	(382)
Acquisitions	97
Programme support costs	12,047
Total Expenditure	104,720
Excess/(shortfall) of income over expenditure	5,676
Net excess/(shortfall) of income over expenditure	5,676
Reserves and fund balances, beginning of period	(15,426)
Reserves and fund balances, end of period	(9,750)

II. Combined statement of assets, liabilities, reserves and fund balances as at 31 December 2002

<u>Assets</u>	
Cash and term deposits	68,671
Total assets	68,671
<u>Liabilities</u>	
Interfund payable	12,829
Reserve for obligation	65,592
Total liabilities	78,421
<u>Reserves and fund balances</u>	
Total reserves and fund balances	(9,750)
Total liabilities, reserve and fund balance	68,671




David Hastie

Chief

ACCOUNTS SECTION

QVL

BUDGET AND FINANCIAL MANAGEMENT SERVICE, UNON

27/05/2003

Status of Contributions as at 31 December 2002

(United States dollars)

Countries/Organisations	Unpaid pledges as at 1 January 2002	Adjustments to prior years' pledges and receipts	Pledges for 2002	Revaluations	Net pledges	Collections for future years	Collections in 2002 for 2002 and prior years	Unpaid pledges for 2002 and prior years
BAL								
Belgium	17,219	-	18,117	-	18,117	-	35,336	-
Denmark	1,502	-	12,020	-	12,020	-	13,522	-
Finland	180	-	8,375	-	8,375	-	8,555	-
Germany		-	30,060	-	30,060	-	30,060	-
Netherlands	3,173	-	27,889	-	27,889	-	31,044	18
Poland	-	-	5,075	-	5,075	-	-	5,075
Sweden	225	-	16,483	-	16,483	16,171	16,708	-
United Kingdom	-	-	30,060	-	30,060	34,361	30,060	-
BAL Total	22,299	-	148,079	-	148,079	50,532	165,285	5,093

General Trust Fund for the Conservation of Small Cetaceans of the Baltics and North Seas (ASCOBANS)

Status of Contributions as at 31 December 2002

(United States dollars)

Support of the ASCOBANS Secretariat (QVL)

Countries/Organizations	Collections in 2002
Germany	24,279
United Kingdom	85,200
Total	109,479

4th MEETING OF THE PARTIES

Resolution No. 4

Extension of the ASCOBANS Agreement Area

Noting that the range of a number of populations of species covered by ASCOBANS is known or assumed to comprise waters to the west and south-west of the current Agreement Area;

Noting that the Agreement Areas of ASCOBANS and the Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS) are currently not contiguous;

Recalling that the Advisory Committee to ASCOBANS has repeatedly recommended the extension of the Agreement Area to the west and south-west of the current Agreement Area;

Recognizing that the conservation of small cetaceans in the current ASCOBANS Agreement Area and in European waters as a whole would benefit from the extension of the ASCOBANS Agreement Area to parts of the North Eastern Atlantic and from the establishment of a direct geographical link between the Agreement Areas of ASCOBANS and ACCOBAMS;

Guided by a common will to further strengthen the Agreement;

The Meeting of the Parties to ASCOBANS

Agrees to:

1. *Replace* Article 1.2 (b) with

"Area of the Agreement means the marine environment of the Baltic and North Seas and contiguous area of the North East Atlantic , as delimited by the shores of the Gulfs of Bothnia and Finland; to the south-east by latitude 36°N, where this line of latitude meets the line joining the lighthouses of Cape St. Vincent (Portugal) and Casablanca (Morocco); to the south-west by latitude 36°N and longitude 15°W; to the north-west by longitude 15° and a line drawn through the following points: latitude 59°N/longitude 15°W, latitude 60°N/longitude 05°W, latitude, 61°N/longitude 4W;latitude 62N/ longitude 3W; to the north by latitude 62°N; and including the Kattegat and the Sound and Belt passages."

2. *Add* a new subparagraph 6.5.4 to Article 6.5 reading as follows:

"Any State that becomes a Party to the Agreement after the entry into force of an Amendment shall, failing an expression of a different intention by that State:

a) be considered as a Party to the Agreement as amended; and

b) be considered as a Party to the unamended Agreement in relation to any Party not bound by the Amendment."

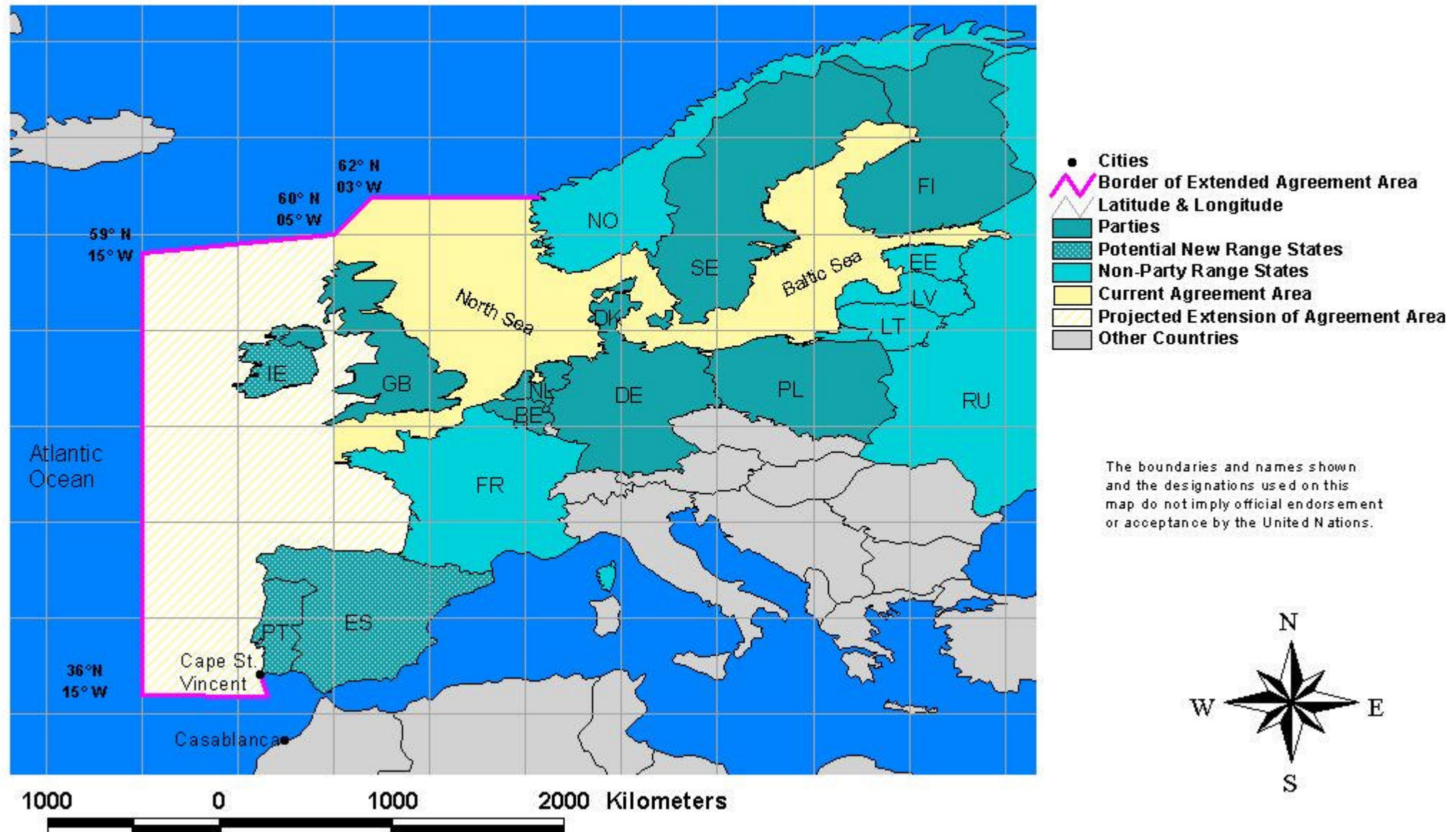
3. *Change* the name of the Agreement to:

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

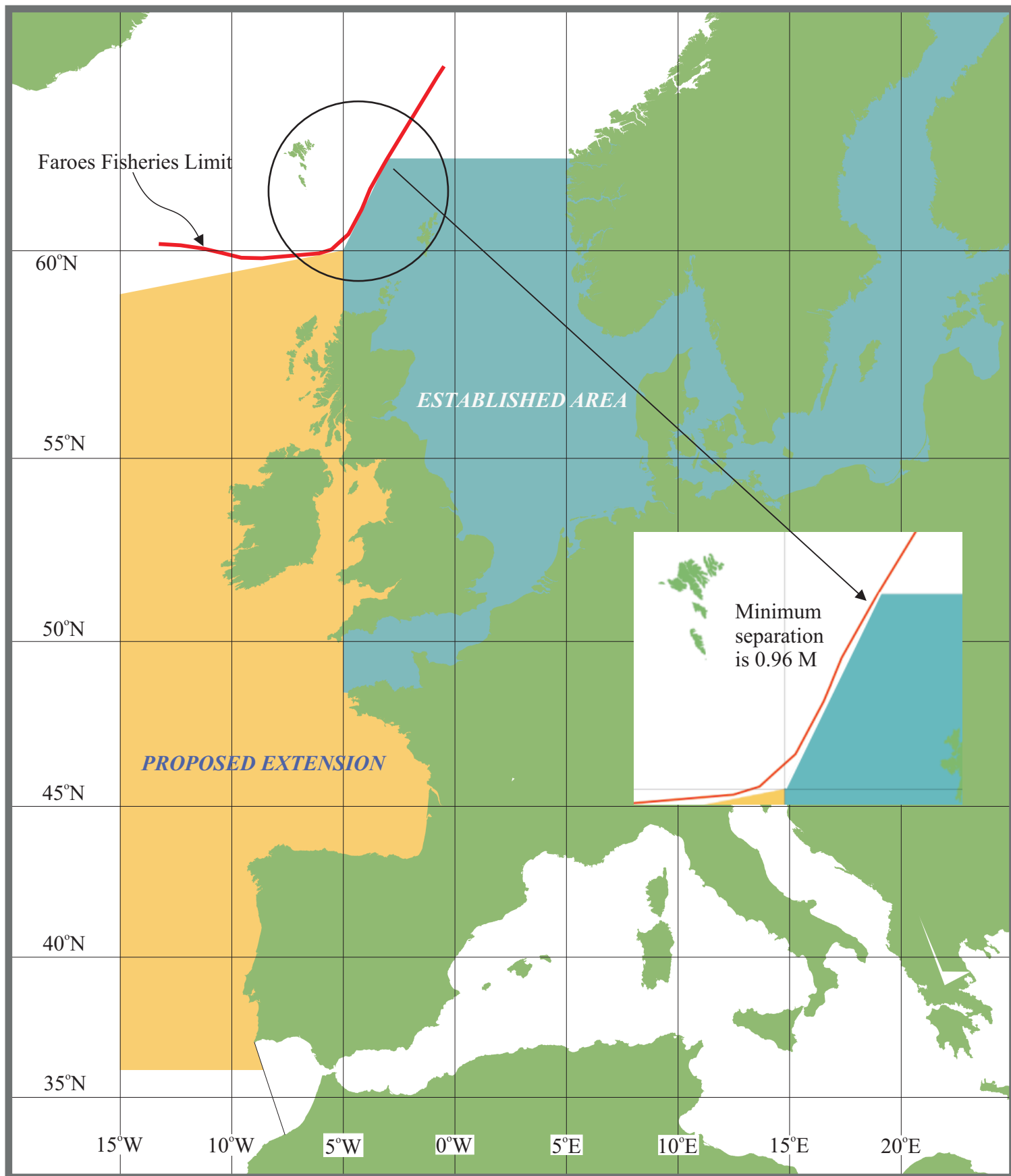
4. *Calls* on the Executive Secretary to ASCOBANS, Parties to the Agreement and the Secretariat of the Convention of Migratory Species of Wild Animals to encourage non-Party Range States to accede to the Agreement;

5. *Requests* Parties ratify the amendment contain in this resolution as soon as possible.

Projected Extension of ASCOBANS Agreement Area



ASCOBANS AREA AND PROPOSED EXTENSION (FAROE ISLANDS)



4th MEETING OF THE PARTIES**Resolution No. 5****Effects of Noise and of Vessels**

Recalling that the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas stipulates that ASCOBANS work towards "the prevention of other significant disturbance, especially of an acoustic nature";

Recalling Resolution No. 4 of the 3rd Meeting of the Parties;

Reaffirming that the difficulty of proving the detrimental effects of acoustic disturbance on cetaceans necessitates a precautionary approach in dealing with this issue;

Noting the results of the ASCOBANS study (MoP4/Doc.17) on the effects of noise and of vessels on cetaceans, which range from disturbance to potential lethal consequences from some military sonars and from ship strikes;

Noting Resolution 7.5 of the 7th Conference of the Parties to the Convention on the Conservation of Migratory Species on wind turbines and migratory species;

Recognizing the commitment of Parties to a change to using renewable sources of energy;

Recognizing the potential disturbance caused by offshore extractive industries and other activities including those associated with renewable energy;

Recognizing the political sensitivities in relation to military activities;

Commending the development by the United Kingdom of Regulatory Guidelines on Seismic Surveys and the adoption by Belgium of legislation providing for the establishment of guidelines such as those established by the United Kingdom;

Requests Parties and Range States to

introduce guidelines on measures and procedures for seismic surveys to

- (1) alter the timing of surveys or to minimise their duration;
- (2) reduce noise levels as far as practicable;
- (3) avoid starting surveys when cetaceans are known to be in the immediate vicinity;
- (4) introduce further measures in areas of particular importance to cetaceans;
- (5) develop a monitoring system that will enable adaptive management of seismic survey activities;

Invites Parties and Range States to

- (1) develop, with military authorities, effective mitigation measures including environmental impact assessments and relevant standing orders to reduce disturbance of, and potential physical damage to, small cetaceans;
- (2) report before the Advisory Committee meeting in 2005, where possible, on approaches to reduce or eliminate adverse effects on small cetaceans by military activities;
- (3) conduct further research into the effects on small cetaceans of:
 - (a) vessels, particularly high speed ferries;
 - (b) acoustic harassment devices, such as those used in fish farms and elsewhere;
 - (c) offshore extractive and other industrial activities;
 - (d) other acoustic disturbances.

This should include research on physical and behavioural effects, and be at the individual and population levels.

- (4) conduct research and develop appropriate management measures and guidelines to minimise any adverse effects on small cetaceans of the above factors;
- (5) develop and implement procedures to assess the effectiveness of any guidelines or management measures introduced;
- (6) report on high energy seismic surveys per one degree by one degree rectangle using shot point density.

Requests the European Cetacean Society to elaborate methods for investigation of possible damage to cetaceans (including removal of cetacean auditory apparatus from fresh carcasses, and examination for damage to other body tissue) as part of further research into possible effects of noise on cetaceans and their behaviour.

Repeals Resolution No. 4 of the 3rd Meeting of the Parties.

4th MEETING OF THE PARTIES

Resolution No. 6

Incidental Take of Small Cetaceans

Recalling the Annex to the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas, according to which "... 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 (EC) No. 2371/2002 of 20 December 2002 stipulates that the common fisheries policy shall ensure exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions;

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;

Welcoming the greater emphasis placed on environmental considerations in Council Regulation 2371/2002 on the Common Fisheries Policy (CFP) of the European Union;

Recalling the Ministerial Declaration of the Fifth International Conference on the Protection of the North Sea of 20-21 March 2002 (The "Bergen Declaration"), where Ministers agreed on a precautionary objective to reduce bycatch of marine mammals to less than 1% of the best available population estimate and that the Bergen Declaration called for "the development and adoption, as soon as possible and in cooperation with the competent authorities, of a recovery plan for harbour porpoises in the North Sea";

Recalling the Joint OSPAR-HELCOM "Statement on the Ecosystem Approach to the Management of Human Activities" where the need for "minimising by-catch of species which are not the intended object of commercial fishing" is highlighted (Bremen, Germany, 25-26 June 2003);

Recalling the Resolution on cetacean populations in the ASCOBANS Area adopted at this meeting;

Recalling Resolution 6.2 on by-catch adopted by the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) at its Sixth Meeting (Cape Town, November 1999) and Recommendation 7.2 by the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) at its Seventh Meeting (Bonn, September 2002);

Recalling an abundance estimate of 170,000 (95% confidence intervals 124,000 – 232,000) harbour porpoises in the central and south North Sea in 1994 and *noting* revised estimates of bycatch for harbour porpoises in this area (Denmark: annual mean 5,591, min. 3,887, max. 7,366, 1987-2001; UK: annual mean 599, min. 436, max. 818, 1995-1999), and that these data may not reflect the current situation caused by changes in certain fishing practices since 1998;

Recalling abundance estimate of 36,000 (95% confidence interval 13,000 – 103,000) harbour porpoises in 1994 and a minimum estimated annual bycatch of 2,200 (95% confidence interval 1,230 – 3,220) in 1993/94 in the Celtic Sea, where bycatches may have an adverse effect on the recovery of porpoise populations within ASCOBANS waters;

Recalling the findings of the 1996 Northridge Review of Marine Mammal Bycatch Observer Schemes (JNCC Report No. 219), which found 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 difficult;

Recalling the Resolutions on Incidental Take of Small Cetaceans adopted by the 2nd and 3rd Meetings of the Parties (ASCOBANS/MOP2/DOC. 4, MOP 3 Resolution 3);

Noting that the ASCOBANS Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan) (MoP4/Doc.23), following the final report of the ASCOBANS Baltic Discussion Group, states that with respect to Baltic harbour porpoises the available evidence clearly points to a population that is in serious danger and that as a matter of urgency, every effort should be made to reduce bycatches towards zero as quickly as possible;

Noting the ASCOBANS report on "Potential Mitigation Measures for Reducing the By-catches of Small Cetaceans in ASCOBANS Waters" (2000) (AC8, Doc. 5.1);

Regretting that the recommendations set out in Resolution 3 of the 3rd MOP to reduce bycatch to below 'unacceptable interaction' levels have probably not been fulfilled;

Appreciating the ongoing efforts made to reduce bycatch and noting the measures taken by the Parties which have led to a reduction in bycatch in certain fisheries in the North Sea;

Noting that efforts to reduce bycatch require close co-operation between managers, scientists and fishermen;

Recognizing the need to further integrate bycatch reduction measures into sustainable fisheries practices and socio-economic considerations, particularly in the context of the Common Fisheries Policy of the European Union;

Noting that ASCOBANS has elaborated the Jastarnia Plan and can contribute substantially to the development of a recovery plan for North Sea harbour porpoises;

Noting the initiatives taken by the European Community and particularly the proposal of July 2003 for a regulation laying down measures concerning incidental catches of cetaceans in fisheries;

Noting the increasing levels of stranded cetaceans particularly on coasts of the Celtic Sea and immediately adjacent to the original Agreement area, which may be caused by interaction with pelagic trawling;

The Meeting of the Parties to ASCOBANS,

Without prejudice to the exclusive competence of the European Community for the conservation, management and exploitation of living aquatic resources,

Requests that Parties and Range States develop and implement national plans of action or similar measures to reduce the bycatch of small cetaceans;

Supports the Jastarnia Plan and *invites* Parties and Range States in the Baltic Sea region, in light of other initiatives, including those of the European Community, to continue the implementation of the Jastarnia Plan;

Recommends, particularly with regard to harbour porpoises in the Celtic Sea (ICES Areas VII e, f, g, h and j), that total anthropogenic removal is reduced without delay by the Parties;

Recommends that Parties and Range States together with the Advisory Committee continue to support and cooperate in the light of other initiatives, including those of the European Community, in the development of a recovery plan for harbour porpoises in the North Sea, as called for in the Bergen Declaration adopted by the Fifth International Conference on the Protection of the North Sea (Bergen, March 20-21 2002);

Requests the Parties and Range States to provide further information on levels of bycatch and if appropriate to undertake further research into bycatch mitigation measures.

Repeals Resolution No. 3 on Incidental Take of Small Cetaceans of the 2nd Meeting of Parties.

4th MEETING OF THE PARTIES**Resolution No. 7****Cetacean Populations in the ASCOBANS Area**

Recalling Resolution No. 5 adopted by the 3rd Meeting of the Parties, which called for the completion of planning for an abundance survey of the original Agreement area and for an abundance survey of waters to the west of the Agreement area to be carried out in time for the 4th Meeting of the Parties;

Recalling that the structure of small cetacean populations in the ASCOBANS area may be complex and is not well understood at present;

Noting that lack of information on abundance, spatial and seasonal distribution and population structure remain important limitations on determining the impact of by-catch, noise and other anthropogenic impacts on small cetaceans and in designing effective mitigation measures;

Noting that populations of small cetaceans that enter the ASCOBANS region occur over a wider area,

Recalling that, although some parts of the ASCOBANS area have been surveyed recently, the last comprehensive abundance estimates for small cetaceans in the majority of the original ASCOBANS area were made in 1994/1995 and that no complete estimate has been made in adjacent waters west of the original Agreement area that are likely to be used by small cetaceans from within that area;

Recalling that Council Directive 92/43 EEC requires Member States to establish a system of surveillance of cetaceans in the waters of Member States of the EU and that because small cetaceans move freely across national boundaries through the area, it is important to conduct wide area surveys;

Commending the efforts undertaken since the 3rd Meeting of the Parties to elucidate spatial aspects of the distribution of harbour porpoises in the Baltic Sea;

Noting that preparatory work for a comprehensive survey of the Agreement area and waters to the west of that area (SCANS-II), to be conducted in or beginning in 2005, is nearly complete (MoP4/Doc.32), and *commending* the Parties that have contributed funds towards the preparation and completion of this survey;

Noting the proposal under Resolution No. 4, regarding the extension of ASCOBANS to a broader area in the Atlantic.

The Meeting of the Parties to ASCOBANS

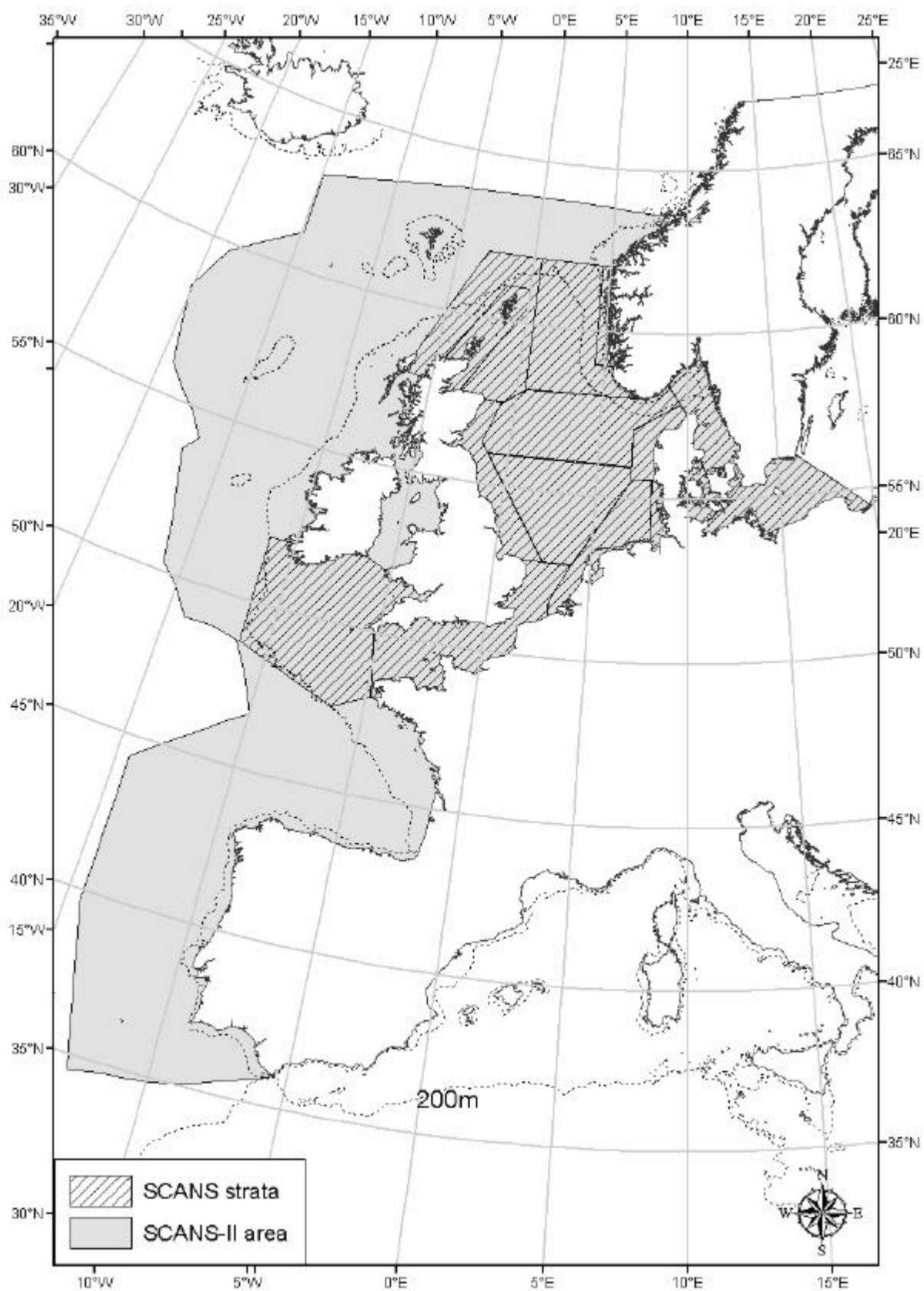
Agrees that survey activities be extended from the original ASCOBANS area to cover all the adjacent northwest European shelf and waters within European Atlantic fisheries limits, up to 64 degrees North latitude (see attached map), and *recommends* liaison with ACCOBAMS;

Requests that the Advisory Committee continue to contribute to the preparatory work for the projected new abundance survey of the Agreement area and waters to the west of the original Agreement area.

Recommends that Parties, Range States, international organisations and others, provide funds and other resources to support the proposed new abundance survey;

Recommends that Parties and Range States continue to support further work to elucidate temporal and spatial aspects of distribution of small cetaceans in the ASCOBANS area.

Proposed survey area of SCANS-II, which includes the SCANS area and new areas, mainly to the south and west. Continental shelf waters (approximated by the 200m contour) will be surveyed in 2005. Offshore waters (beyond the 200m contour) are to be surveyed in 2006.



4th MEETING OF THE PARTIES**Resolution No. 8****Further Implementation of ASCOBANS**

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

Noting and Supporting the ASCOBANS Recovery Plan for Baltic Harbour Porpoises;

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

Reaffirming the importance of the need for Parties to cooperate and not to duplicate the work of other international bodies and the desirability of drawing upon their expertise;

Recognizing the requirements under EU legislation;

Recalling that ASCOBANS endorsed (MoP3, Res. No.7) the IWC programme of research that investigates the causative link between levels of pollutants and physiological responses in cetaceans, known as POLLUTION 2000+;

Recalling that OSPAR, HELCOM and the European Commission through its Chemicals Strategy are working towards reduction of emissions and sources of chemical pollutants and will develop their objectives and strategy with regard to hazardous substances further; and RECOGNIZING previous ASCOBANS action in drawing the attention of OSPAR and HELCOM to substances hazardous to small cetaceans;

Recalling the commitment of ASCOBANS to non-lethal research;

Noting that knowledge of the harbour porpoise is better developed than that of most small cetacean species;

Noting the resolutions agreed at this Meeting on the effects of noise and of vessels, on incidental take and on the extension of the Agreement area;

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

The Meeting of the Parties to ASCOBANS

Invites Parties and Range States to

Continue or *Initiate* research aimed at identifying the location of any further suitable sites for the establishment of protected areas, and to implement appropriate management actions in these areas on their own or in the context of other intergovernmental bodies to ensure the protection of small cetaceans;

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; and take appropriate measures to reduce those impacts on small cetacean populations, recognised to increase mortality rates;

Continue to support the POLLUTION 2000+ research programme and to *Support* research into the occurrence and potential effects of priority chemicals identified by OSPAR and HELCOM (including brominated flame retardants, organotin and other endocrine disrupting chemicals) with the aim of collecting information on the distribution and accumulation of these compounds and their effects, and to ensure that this information is brought to the attention of authorities responsible for the reduction of such pollution;

Encourage further research relevant to ASCOBANS objectives on abundance, life history parameters, migration patterns and population structure of small cetaceans as a basis for an improvement of conservation measures;

Consider how to better collaborate with ACCOBAMS.

Recommends that Parties and Range States

Continue to support non-lethal research, with the emphasis on the less well-known cetacean species of the ASCOBANS area, in particular as regards life-history parameters and population structure.

Repeals the resolution on the further implementation of ASCOBANS of MOP 2 and Resolution No. 7 of MOP 3.

4th MEETING OF THE PARTIES**Resolution No. 9****Activities of the ASCOBANS Advisory Committee 2004-2006**

Reaffirming the importance of the need to cooperate with, and not to duplicate the work of, other international bodies and the desirability of drawing upon their expertise;

Recognising that much progress is achieved by the commissioning of work by specialists, whether members of the Advisory Committee or otherwise;

Reaffirming that the Advisory Committee, as a body tasked to provide advice on scientific, policy-related and administrative matters, needs a balance of scientists, policy-makers and administrators to adequately cover its role;

The Meeting of the Parties to ASCOBANS

Instructs the Advisory Committee to:

Continue to invite the intergovernmental bodies IWC, ICES, IBSFC, HELCOM, OSPARCOM, ACCOBAMS and the European Commission to send representatives to Advisory Committee meetings;

Continue to review, on an annual basis, new information on population distribution, sizes and structures, and by-catches of small cetaceans and other relevant fisheries information in the ASCOBANS area. On the basis of this review, provide recommendations to individual Parties and other relevant authorities, including guidance on the adequacy of bycatch monitoring and provision of fisheries data;

Continue to 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 and to review the outcomes of meetings attended;

Continue to review, on an annual basis, new information on pollution and disturbance 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;

Continue to review the progress and implementation of the IWC programme POLLUTION 2000+ and provide recommendations to Parties and Range States on ways to facilitate its execution;

Review, on an annual basis, the implementation of the ASCOBANS Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan) (Document MoP4/Doc.23) and to continue its efforts to further the implementation of that plan;

Continue to support and cooperate in the process of elaborating a recovery plan for harbour porpoises in the North Sea, as called for in the Bergen Declaration adopted by the Fifth International Conference on the Protection of the North Sea (Bergen, March 20-21 2002);

Continue to contribute to the preparatory work for the projected new abundance survey of the Agreement area and waters to the west of the Agreement area with a view to completing the survey by 2006.

Review the progress on by-catch mitigation and report on this progress to the 5th Meeting of the Parties;

Continue to review the extent of negative effects upon small cetaceans of shipping, including high-speed ferries, and relevant developments in vessel technology, with a view to providing recommendations to Parties, by the 5th Meeting of the Parties, on possible ways to mitigate those negative effects;

Consider how the work of ASCOBANS should be extended in the new Agreement area, especially regarding bycatch reduction;

Consider the possible amendment to the ASCOBANS Agreement to include all cetacean species;

Continue to review the extent of disturbance to small cetaceans due to seismic surveys in the ASCOBANS area;

Review, in 2005, the effects of offshore extractive activities and windfarms on small cetaceans;

Reiterates its request that Parties

Ensure that all nominated Advisory Committee members and their advisors can allocate time to attend Advisory Committee meetings, to intersessional work, and to participate in the intersessional Advisory Committee working groups;

Ensure where possible a suitable balance of expertise within delegations to the Advisory Committee.

4th MEETING OF THE PARTIES

Resolution No. 10

Recovery Plan for Harbour Porpoise in the North Sea

Recalling that the 5th International Conference on the Protection of the North Sea (Bergen, Norway, 20-21 March 2002) called for a recovery plan for harbour porpoise in the North Sea to be developed and adopted (Paragraph 30, Bergen Declaration);

Recalling that the declaration of the Joint Ministerial Meeting of the Helsinki and OSPAR Commissions (Bremen, Germany, 25-26 June 2003, 'Bremen Declaration') adopted the common statement "Towards an Ecosystem Approach to the Management of Human Activities (Paragraph 13) which highlights the need to develop and promote the implementation of Recovery Plans for harbour porpoises in the North Sea;

Recalling the considerable experience ASCOBANS has gained with the development of the recovery plan for harbour porpoise in the Baltic ('Jastarnia Plan');

Noting the preparations ASCOBANS has already undertaken towards the development of a recovery plan for harbour porpoise in the North Sea at the 9th and 10th Meetings of the Advisory Committee in Hindås (Sweden) and Bonn (Germany) in 2002 and 2003;

Commending Germany for its initiative for the development of a recovery plan for harbour porpoise in the North Sea;

Noting the requirements of the EU treaty and its Common Fisheries Policy;

The Meeting of Parties to ASCOBANS

Endorses the development of a recovery plan for harbour porpoise in the North Sea with ASCOBANS taking a leading role;

Endorses a holistic and inclusive approach to the development of such a plan;

Supports the establishment of a preparatory scientific group for the recovery plan;

Supports the establishment of a steering group to guide the development of the recovery plan. This group should consider all parties' interests in the development of the plan;

Requests the Chair and Vice-Chair of the Advisory Committee, working through the Secretariat and in close consultation with Germany to establish the preparatory scientific group and steering group;

Supports the annexed timetable in that the work on the recovery plan should start immediately and possibly end in June 2005;

Endorses the holding of a workshop of all interested parties where the first draft of the recovery plan will be reviewed and discussed;

Requests that in developing the plan full account should be taken of the requirements of the EU treaty.

Outline Timetable for the Elaboration of a North Sea Harbour Porpoise Recovery Plan

2003 A Steering Group will be established.

A Scientific Group will be established.

The Committee of North Sea Senior Officials (CONSSO) will be consulted by the ASCOBANS secretariat. A suitable opportunity is likely to be the next meeting of the Heads of Delegations (HOD) in autumn (22 October 2003), where ASCOBANS holds observer status.

2004 ASCOBANS Advisory Committee will agree contents of the recovery plan at its 11th meeting.

A scientist will be employed by the Federal Research Centre for Fisheries (Hamburg, Germany). The elaboration and detailed description of all elements of the recovery plan will be part of his/her duties.

The work of the scientist will be guided by the Steering Group and will be in close cooperation with international specialists on the biology, demography and protection of small cetaceans, and in relevant human activities in the North Sea. Where necessary their institutions will be visited to facilitate exchange of ideas and information.

A stakeholder workshop will be held in Germany in late 2004/ early 2005 in order to discuss the first draft of a recovery plan for harbour porpoise in the North Sea.

2005 The draft recovery plan for harbour porpoise in the North Sea will be considered by the 12th Meeting of the ASCOBANS Advisory Committee.

Based on the comments obtained the recovery plan is to be finalized approximately by June 2005.

ASCOBANS Triennium Work Plan for 2004 - 2006

Activity	Action required of	Interval / time line
Report to Parties on promotional activities.	Secretariat	Twice annually
Review new information on population distribution, sizes and structures, and bycatches of small cetaceans and other relevant fisheries information in the ASCOBANS area. On the basis of this review, provide recommendations to individual Parties and other relevant authorities.	Advisory Committee	Annually
Review 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 and review the outcomes of meetings attended.	Advisory Committee	Annually (at each meeting)
Review new information on pollution and disturbance 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.	Advisory Committee	Annually
Review the implementation of the ASCOBANS Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan) and continue efforts to further the implementation of that plan.	Advisory Committee	Annually
Review progress of Parties and Range States in working with military authorities to minimise adverse effects on cetaceans by military activities.	Advisory Committee	12 th AC, 2005
Review the effects of offshore extractive activities and windfarms on small cetaceans.	Advisory Committee	13 th AC, 2006
Report to the Advisory Committee on approaches to reduce or eliminate adverse effects to small cetaceans by military activities.	Parties	12 th AC, 2005
Review the progress on bycatch mitigation and report on progress to the 5 th Meeting of the Parties.	Advisory Committee	By 5 th MOP, 2006

Continue to review the extent of negative effects upon small cetaceans of shipping, including high-speed ferries and relevant development in vessel technology, with a view to providing recommendations to Parties, by the 5 th Meeting of the Parties, on possible ways to mitigate these negative effects.	Advisory Committee	By 5 th MOP, 2006
Review the extent of disturbance to small cetaceans due to seismic surveys in the ASCOBANS area.	Advisory Committee	11 th AC, 2004
Review needs of ASCOBANS in new extension area.	Advisory Committee	11 th AC, 2004 & 13 th AC, 2006
Consider the possible amendment of the ASCOBANS Agreement to include all cetacean species.	Advisory Committee	[2 th AC, 2005 & 13 th AC, 2006
Review the results of IWC programme POLLUTION 2000+ and provide recommendations to Parties and Range States.	Advisory Committee	2005 or 2006 (depending on availability)
Contribute to the preparation and implementation of the new abundance survey, SCANS-II.	Advisory Committee	Annually
Contribute to the elaboration of a recovery plan for harbour porpoises in the North Sea.	Advisory Committee	2004, 2005

Opening Statements

ASCOBANS 4th Meeting of Parties 19-22 August, 2003

Opening statement by Denmark to ASCOBANS MoP4

1. Whale species, including harbour porpoises present in Danish waters, are considered vulnerable, and all are fully protected according to the Hunting and Wildlife Management Act. All whales are also included in Annex IV to the EU Habitats Directive. Denmark protects and manages whales accordingly.
2. Denmark is concerned about the current problems connected with the incidental bycatch of small cetaceans in bottom gill-net fisheries. In 1998 Denmark developed an Action Plan for reducing incidental bycatches of harbour porpoises. The Action Plan was followed up by research and regulation on wreck fisheries in the North Sea. We note that these measures to reduce bycatches combined with the reduction of fisheries have resulted in a reduction of bycatches. This Action Plan is now being revised in co-operation with the Ministry of Food, Agriculture and Fishery, Danish Fishermen's Association and environmental NGO's.
3. At the 4th Meeting of Parties to ASCOBANS a draft resolution on the incidental take of small cetaceans will be discussed. Denmark acknowledges and appreciates the actions taken by ASCOBANS and supports the adoption of the resolution.
4. On 24th July 2003 the European Commission – based on i.a. input from Denmark – published a proposal for a Council regulation laying down measures concerning incidental catches of cetaceans in fisheries. The regulation will curb the accidental capture of cetaceans such as dolphins and harbour porpoises in fishing gear, as this is considered threatening the conservation of these species. The Commission has forwarded its proposal to the Council and the European Parliament. Denmark is sympathetic to the Commission's initiative and will participate constructively to adopt appropriate measures.
5. The aim of the revised Danish Action Plan is to fulfil obligations in accordance with ASCOBANS resolution on incidental bycatch of small cetaceans. It also takes into account future EU initiatives.
6. The Danish Action Plan thus will be presented to the Danish Minister for the Environment and the Danish Minister for Food, Agriculture and Fisheries for their approval as soon as possible.

**STATEMENT ON BEHALF OF THE EXECUTIVE DIRECTOR OF UNEP TO THE 4TH MEETING
OF THE PARTIES TO THE AGREEMENT ON THE CONSERVATION OF SMALL CETACEANS
OF THE BALTIC AND NORTH SEAS (ASCOBANS)**

**ESBJERG, DENMARK,
19 - 22 AUGUST 2003**

Ladies and Gentlemen,

1. The Executive Director of the United Nations Environment Programme, Dr. Klaus Töpfer, sends his best wishes to this meeting.
2. I wish to take this opportunity to congratulate ASCOBANS - which we hope will continue to grow this year. ASCOBANS must be commended for making the Agreement such a success through raising public awareness of these wonderful and intelligent creatures, which unfortunately also happen to be seriously threatened creatures by the activities of man. I urge you to continue the commendable work in mitigating the detrimental effects of marine pollution, continuously high by-catch rates, habitat deterioration and anthropogenic disturbance which jeopardise the existence of small cetaceans in the Baltic, North-east Atlantic and North Seas.
3. The WSSD target to significantly reduce biodiversity loss by 2010 is a new factor since your last meeting, and places a major responsibility to all Parties to this Agreement. UNEP's collective work in following this target is led by the UNEP World Conservation Monitoring Center. I would like to invite ASCOBANS to keep in close contact with the center on this and other relevant issues.
4. A further challenge for you is the initiative taken to extend the Agreement Area of ASCOBANS to the west and southwest of the current Agreement. The extension of the Agreement Area is a desirable development, and I know it has been discussed for some time previously. I hope this meeting will take action that will lead to an early decision.
5. At this juncture, I would like to invite and encourage non-Party Range States to consider joining this worthy agreement.
6. I am gratified with the papers and documents covering educational and informational campaigns targeting the status of the Baltic population of Harbour porpoises. Such initiatives are important in ensuring public support in implementing conservation measures for these animals. I take this opportunity to remind members that the UNEP Information Unit on Conventions located in Geneva is available to provide assistance in this area.

7. UNEP is pleased that this Agreement is able to take advantage of its co-location with the CMS Secretariat and the Secretariats of other migratory species in Bonn. This co-location is one of the practical examples of synergy that UNEP is supporting in response to decisions taken by the UN General Assembly, as well as by the UNEP Governing Council. I am also anxious to ensure that ASCOBANS has the required administrative support for its valuable conservation work. My staff in Nairobi have been discussing this with their counterparts in Bonn. I hope a positive announcement can be made about the current situation during the course of your meeting.
8. UNEP looks forward to a successful outcome of this meeting's deliberations and to further progress as the Agreement moves towards the implementation of its work programmes in synergy with other biodiversity-related global and regional multilateral environmental agreements.
9. I wish this meeting the best in its deliberations of the important global and regional issues concerning the effective conservation and sustainable use of small cetaceans of the Baltic, North-east Atlantic and North Seas.

THANK YOU

Opening Statement by ACCOBAMS to ASCOBANS MoP4

I would like to express my gratitude to have been invited to participate to this Meeting and congratulate the Secretariat for the preparatory documents and the actions implemented after the COP3 especially on research and public awareness.

ACCOBAMS and ASCOBANS have a lot of convergent actions focused in particular on human/cetaceans interactions, by catch and public awareness. The extension of the geographical range of ASCOBANS and its junction on the Atlantic coast will obviously catalyse new energy to coordinate and synergize between our two Agreements.

The two next ACCOBAMS events: the second Scientific Committee in November 2003 in Istanbul and the second Meeting of the Parties in Spain end 2004 will give the opportunity to ASCOBANS to present its actions to the southern rim of the European seas and look for exchanges and common actions.

I would like also to stress that the establishment of the new IWC Committee on conservation will certainly be an adapted forum to extend our concerns to other regions of the oceans and to act as a CMS frontline in the spirit of the MOU signed between CMS Secretariat and IWC.

I wish full success to this meeting.

Opening Statement of S.F.T.S. - international

Sailing For The Sea international was originally found as a national, Danish, Marine Research Organization, and mainly conducted it's own projects. Anyhow the need for a broader, international co-operation was understood from the beginning, and since October the 6th 2002 SFTS began to work as a worldwide organization, which proved a big success. The membership grew exponentially and has now stabilized at 3,7 new volunteers per week.

With no membership fee whatsoever, SFTS unites volunteer divers, skippers, crew, biologists and administrative staff from various educational backgrounds, and based on our growth we steadily need more administrative members.

THE WORK OF SFTS

SFTS is both conducting projects of its own, and seeks to finance them by seeking funds, sponsors and contributions, as well as SFTS is supporting research of states, faculties, other researchers or groups and so forth, as long as our advisory board has no objections on moral, ethical or professional ground.

OWN PROJECTS

Amongst own projects already conducted is a Photo-ID of *Lagenorhynchus Albirostris* in the North Sea area between Skagen reef and the Dogger Banks. The result was intriguing, in a negative manner, because many of the animals that had previously been counted as white-beaked dolphins were in fact *Lagenorhynchus Acutus*, who were socializing, herding and foraging together with *Lagenorhynchus Albirostris*. There was found almost certain proof that the population we observed between March 15th and November 15th is identical with the population observed at the Dogger Banks between November and March. These two areas being the areas containing the vast majority of the *Lagenorhynchus Albirostris* Population in the North Sea, the population of white/beaked dolphin in the North Sea must be estimated to be between 251 and 309 individuals. In other words, with an average reproductive rate of 4% no more than 12 animals have to die of natural as well as human causes and the population will decline.

STATISTICS

Over 11 % had scars that doubtless originated from human encounters. Fishing gear, propellers and even bullet wounds. Over 11 % more had scars that most likely had human causes, this, to be careful with the evaluation.

11,08 % had scars or open dermal diseases.

The report contains many other data and you can look at the two copies on the table and order copies on CD/rom from SFTS at the cost price during the meeting or have them sent. Remember we don't charge membership fees.

BEGUN AND PLANNED PROJECTS

We have started a survey on the nocturnal behavior of Porpoise and we have begun a survey on the influence of different colours of vessels under the waterline in order to prevent shipping accidents and eventually unintended bycatch. **If the survey on nocturnal behavior shows that there are special areas that are used for resting, these areas must be given special attention and protection.**

The whitebeaked dolphin must have status as endangered species in the North Sea !

HELPING OTHERS with their projects is our main goal.

Besides the projects SFTS is conducting itself, we are always open to help to improve the results of others research by making our armada of vessels, our divers, administration and biologists available for others under the favourable conditions as described on our website www.sailingforthesea.com and can be contacted by email at cruising@mail.dk.

As a matter of fact the main purpose of SFTS is to help others to conduct more, and / or better projects.

Best regards
Christof Lytken
SFTS international

WWF International Opening Statement

WWF are pleased to attend this, the fourth meeting of Parties to ASCOBANS. WWF were present during the first negotiations to establish the Agreement and have been firm supporters of the Agreement to date. Our support for, and engagement in, the business of ASCOBANS has been a priority for the organisation as we recognise the vital need for action to be taken to protect small cetaceans throughout all European waters.

We believe that the establishment of ASCOBANS set out an impressive set of objectives and targeted the key issues which need to be addressed if we are to secure better conservation status for small cetaceans in European waters. This fourth Meeting of Parties offers an opportunity to reflect on the objectives that were agreed at the outset of the Agreement and to take stock of how these are being met by Parties. Progress has been slower than WWF would have liked but we believe that there are some key issues where firm action by Parties can make a significant contribution towards achieving the goal of better conservation status for small cetaceans in the Agreement area.

The Baltic harbour porpoise population

Population decline: Undoubtedly the most acute problem facing Parties is the critical situation of the Baltic population of harbour porpoises. An abundance estimate generated in 1995 was of 599 animals (confidence intervals: 200-3300). A new abundance estimate based on part WWF funded survey work carried out in 2002 suggests that there may be as few as 93 (confidence intervals: 10 – 406) animals remaining in the Baltic.

There are many arguments which surround the abundance estimate of these animals, the surveys of which are fraught with difficulty because there are so few animals in the Baltic proper. However what is clear is that there are very few animals in the Baltic and Parties cannot afford to argue the details of numbers but rather take action to prevent the complete loss of the population. The precautionary approach must be a guiding principle. Doing nothing cannot be an option, and taking action that will improve the chances of harbour porpoise survival in the Baltic is not difficult. The most significant threat facing these animals throughout their range is the incidental capture in fishing gear. We know what gear and we know what action is required, it is simply a matter of prioritising this politically and providing the finances necessary to carry out the actions outlined in the Jastarnia Plan to:

- i) reduce fishing effort in key fisheries (static gear fisheries)
- ii) to introduce the observer monitored use of pingers as a short term measure
- iii) to replace static gear with alternatives which will not capture porpoises

Jastarnia plan: Regrettably to date action by Parties to agree and implement a recovery plan has been slow. MOP 2 and 3 identified the need to agree a recovery plan for the population in the Baltic. Since MOP 3 Parties have met and created the so-called Jastarnia Plan. As identified at the time of its drafting, given the critical nature of the population we are dealing with, Parties were encouraged to take immediate steps to implement the plan. Sadly little concrete action appears to have been progressed to change the situation in the Baltic.

WWF believe that the Baltic recovery plan, the Jastarnia Plan, should be formally adopted by Parties here in Esbjerg and that all Baltic Parties should fully implement the actions outlined without delay. Such action is vital if the Baltic porpoise population is to stand a chance of recovering. Doing nothing is not an option.

North Sea recovery plan for harbour porpoises

WWF is pleased that ASCOBANS have acknowledged their role in the elaboration of a recovery plan for harbour porpoises in the North Sea as called for in the Bergen declaration of the Fifth International

Conference on the Protection of the North Sea, and further supported at this year's Joint Ministerial meeting of the Helsinki and OSPAR Commissions. WWF welcome the German delegation's proposal to take this forward and will do what we can to assist Parties in the elaboration of the North Sea recovery plan.

EU regulation to minimise small cetacean bycatch

WWF welcome the publication by the European Commission of a proposal to minimise the unsustainable impact fisheries have on small cetaceans through incidental catches. WWF welcome the proposed drift net ban as this is arguably one of the most non selective gear types, a fact reflected by the UN agreed global ban on the use of drift nets. WWF urges EU Parties to support the Commission's proposed regulation.

However we believe there are some areas where the regulation would benefit from strengthening, namely:

- **Observer programme for pinger use:** The current proposal does not explicitly identify the use of observers to accompany the deployment of pingers. Given ASCOBANS commissioned work which identifies the need for observers to be a mandatory requirement of any pinger programme (Read 2000), ASCOBANS should highlight this weakness. Without a mandatory observer programme it is unlikely that pinger use and impact will be properly deployed or monitored.
- **Fisheries to be monitored for bycatch:** All fisheries with nets or trawls should be subject to observer programmes with sufficient coverage to assess the extent of the cetacean bycatch associated with the fishery. The current proposal only recommends certain fisheries – this should be addressed.
- **Development of alternative gear types:** The regulation fails to recommend the development of technical alternatives (other than active deterrent devices). The need to develop such alternatives is something which ASCOBANS have flagged as a necessity and should recommend is included in the regulation.
- **Undermining of pinger deployment:** There are no apparent means of addressing the potential (and possibly inevitable) redeployment of fishing effort to areas outside those identified for mandatory pinger use. This could mean that the intended benefits of mandatory pinger use - decreased bycatch - will be undermined as fishing effort moves to areas where pinger use is not mandatory.
- **Drift net ban:** The phase out of drift nets must be carefully monitored to avoid any shift of effort from the drift net fishery to alternative fisheries which may also adversely impact small cetaceans. This should be assisted by the funding of investigations into, and introduction of, alternative fishing gear and practices, a key recommendation of the Jastarnia recovery plan.

WWF urge ASCOBANS to submit a written response to the Commission supporting the proposed regulation, and in doing so address the above concerns. It is hoped that Parties can also reflect these concerns during the negotiation of the regulation.

SCANS II

WWF believe it is important that Parties give their support to the proposal for SCANS II. Proposed survey work will generate the much needed abundance estimates for populations for which we are lacking an estimate, such as common dolphin populations which are the subject of bycatch in trawl fisheries. The survey work will also provide updated estimates for populations surveyed in SCANS I.

Pollution related issues

Pollution is a well documented and increasing threat to cetaceans in the ASCOBANS area. Cetacean physiology and food chain position dictate risk in terms of pollutant accumulation and significantly high pollutant body burdens. Chemicals such as PCBs and mercury have known immuno suppressant effects in cetaceans as highlighted by WWF funded research in both the UK and Sweden. Effects on reproductive and developmental systems have also been mooted. A plethora of chemicals are known to be accumulating in cetacean tissues, many of which have unknown effects on mammalian systems.

OSPAR, HELCOM and the North Sea Conference have committed to phase out hazardous substances and with the emergence of the EU Chemicals strategy, a huge opportunity exists to address the reduction of environmental risks from chemicals. WWF recommend that ASCOBANS make clear their support for these

initiatives and in doing so we believe there is great potential for reducing the risks to cetaceans posed by such chemicals.

In light of this WWF would urge ASCOBANS to provide written support for such activities which have the potential of reducing chemical risks to cetaceans and support this with the proposed review of new information on pollution and its effects on small cetaceans. We would also urge support for further research into the impacts of pollutants on small cetaceans. The urgency of precautionary action in such areas cannot be stressed enough as once these chemicals enter cetacean tissue they may remain there for many years and once effects have been established no remedial action is possible.

Finally where particular chemicals are identified as a priority in relation to their impact on small cetaceans, ASCOBANS should provide relevant information to the appropriate policy fora outlining the risks to cetaceans associated with these chemicals and highlight the need for control and/or phase out measures.

Noise pollution

It is becoming increasingly clear that noise in the marine environment is an issue which needs to be effectively monitored and addressed in relation to its potential adverse impact on small cetaceans. Presentations to advisory committee meetings of ASCOBANS have usefully highlighted some of the key areas that need further investigation including shipping, seismic noise and military sonars. Of interest to the ASCOBANS area, the UK have recently issued 88 new licenses for oil and gas exploration, many of which will involve 2D or 3D seismic activities in the North Sea area.

WWF believes that Parties should support monitoring of activities of concern as well as further work to assess the potentially harmful impact they may have on cetaceans in the Agreement area, and to offer appropriate advice to Parties, industry and the military.

Conclusion

Time is running out for the harbour porpoise population in the Baltic. WWF encourages Parties to do everything within their powers to take the necessary actions that will lead to a recovery of this population. This will inevitably mean changes in the way fisheries operate in the Baltic. Finances will have to be committed to facilitate this change as well as in seeking alternative, less harmful ways of fishing.

While we advocate priority being directed to address the plight of the Baltic porpoise population this does not mean that Parties should lose sight of the effective monitoring and conservation measures needed, including protected site designation as required under the EU Habitats and Species Directive, to address the threats facing the other populations and species of small cetaceans throughout the Agreement area.

WWF wish the Parties well in their negotiations and hope that the beginning of the 21st century will witness a change in how we approach the conservation of small cetaceans. ASCOBANS needs to demonstrate its ability to make a difference - to take firm action and follow through on agreed priorities, as well as take full advantage of opportunities that arise in other fora to address the conservation objectives of the Agreement. Only by doing so will Parties achieve the recovery and favourable conservation status of small cetaceans throughout the agreement area.

WWF/August 2003

Press Release

Conservation Action Agreed for Small Cetaceans

The 4th Meeting of the Parties to the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (UNEP/ASCOBANS) took place in Esbjerg, Denmark from 19-22 August 2003.

At the invitation of the Government of Denmark, representatives of the 8 North and Baltic Sea Parties, Estonia and a large number of intergovernmental and non-governmental organisations met in Esbjerg to chart the course for the conservation of small cetaceans not only for the Baltic and the North Seas but soon also for the Eastern North Atlantic. At the meeting there was consensus on extending the Agreement to also cover parts of the North Atlantic and to incorporate waters adjacent to Ireland, Portugal and Spain into the Agreement area. This will, when ratified, close the gap between the Agreement areas of ASCOBANS and its sister agreement, the Agreement on the Conservation of Cetaceans of the Black and Mediterranean Seas and contiguous Atlantic Area (ACCOBAMS).

The Meeting focused on issues such as bycatch, disturbance and a new large-scale abundance survey for the extended ASCOBANS Agreement area.

A keypoint was the strong support to the ASCOBANS recovery plan for the particularly threatened harbour porpoise in the Baltic Sea (the Jastarnia Plan). Moreover, the Meeting agreed to begin the process of elaborating a recovery plan for harbour porpoises in the North Sea. While the conservation status and conservation problems are different between the Baltic Sea and the North Sea, the experience gained in the elaboration of the Jastarnia Plan will prove useful in develop a North Sea recovery plan .

UNEP/ASCOBANS was concluded in 1991 under the auspices of the Bonn Convention on the Conservation of Migratory Species (UNEP/CMS) to coordinate and implement conservation measures for dolphins, porpoises and other toothed whales in the Baltic and North Seas. Currently, eight European countries - Belgium, Denmark, Finland, Germany, the Netherlands, Poland, Sweden and the United Kingdom - are Parties to the Agreement. The accession of further Range States is expected in the near future. The ASCOBANS Secretariat is based in Bonn, Federal Republic of Germany.

For further information please visit the UNEP/ASCOBANS website or contact:

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