



# ASCOBANS

AGREEMENT ON THE CONSERVATION OF SMALL CETACEANS  
OF THE BALTIC AND NORTH SEAS  
ACCORD SUR LA CONSERVATION DES PETITS CÉTACÉS  
DE LA MER BALTIQUE ET DE LA MER DU NORD  
ABKOMMEN ZUR ERHALTUNG DER KLEINWALE  
IN DER NORD-UND OSTSEE  
СОГЛАШЕНИЕ ОБ ОХРАНЕ МАЛЫХ КИТОВ  
БАЛТИЙСКОГО И СЕВЕРНОГО МОРЕ

## ADVISORY COMMITTEE MEETING

TEXEL, THE NETHERLANDS  
30 JUNE - 2 JULY 1997

Report of the fourth Meeting of the Advisory  
Committee



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## EXECUTIVE SUMMARY - POINTS FOR ACTION

### **1. Sweden (agenda item 1)**

The SECRETARY and the CHAIRMAN will write to Sweden, expressing the Advisory Committee's concern with the Swedish decision not to send a delegate due to financial difficulties.

### **2. Pollutants (agenda item 6)**

The SECRETARY will send a letter to OSPARCOM indicating that ASCOBANS is concerned about certain chemicals that might affect cetaceans, and enquiring if information on reduction in discharges of those chemicals was available in OSPARCOM.

### **3. Tissue banks (agenda item 7.2)**

The SECRETARY shall notify Range States and Parties of the existing tissue banks and best practice for storage of both samples and data for specific types of analysis, and suggest establishing a central list or database describing the various national tissue banks. The SECRETARY will work on establishing a central list in co-ordination with IWC and ICES.

### **4. Bycatch report and resolution (agenda item 7.3)**

The BYCATCH WORKING GROUP will prepare a document and a resolution(s) on bycatch for the Meeting of Parties.

### **5. Bycatch database (agenda item 7.4)**

The BYCATCH WORKING GROUP shall approach IWC and ICES to investigate existing databases on the presence/absence of bycatch.

### **6. Stranding database (agenda item 11)**

The SECRETARY will investigate the possibility of setting up a central inventory database of national repositories of data on strandings at the ASCOBANS Secretariat.

### **7. Feasibility study for a survey in the Baltic (agenda item 15.4)**

7.1 The SECRETARY will endeavour to arrange a feasibility study on the most cost-effective way to carry out research on the harbour porpoise population in the Baltic Sea.

7.2 Based on the study mentioned in 7.1, the CHAIRMAN and SECRETARY will consider if a resolution on a sighting survey in the Baltic should be drafted for the Meeting of Parties.

### **8. Protected areas (agenda item 17.1)**

8.1 The SECRETARY will, together with IFAW and EVANS, compile information from EU members on the criteria used to identify areas designated as Special Areas of Conservation in the EU Habitat Directive.

8.2 The WORKING GROUP ON PROTECTED AREAS (Salmon, Christiani, Reijnders, Bjørge) will present an evaluation to the Meeting of Parties on the issue mentioned above.

### **9. Future surveys (agenda item 18.1)**

The BYCATCH WORKING GROUP will prepare Terms of Reference for a working group on designing future monitoring and surveys, as well as a resolution on monitoring of bycatch in fishing gear. To be presented to the Meeting of Parties.

### **10. EU (Agenda item 19)**

The CHAIRMAN will write to the EC to clarify the EU's involvement in ASCOBANS matters.

### **11. Extension of ASCOBANS agreement area (agenda item 20)**

11.1 SALMON will continue to liaise with Ireland on an extension of the ASCOBANS agreement area. The SECRETARY and the CHAIRMAN will also approach Ireland on this matter.

11.2 The SECRETARY will write to Portugal, proposing that it should coordinate considerations of a possible extension of the ASCOBANS agreement area so that the Atlantic waters of France, Spain and Portugal can be included in the ASCOBANS area; which could result in Spain and Portugal becoming Range States to ASCOBANS.

**12. National reports (agenda item 23)**

The SECRETARY and the CHAIRMAN will submit a draft resolution for the Meeting of Parties for the reporting format of National Reports for the next triennium.

**13. IGOs (agenda item 25)**

The CHAIRMAN and the SECRETARY will submit a resolution to the Meeting of Parties to add NAMMCO, ACCOBAMS, IATTC as well as ECS to the list of bodies entitled to automatic presence.

## 1. INTRODUCTION

Reijnders, Chairman of the Advisory Committee and also the host of the meeting, welcomed participants to the fourth Advisory Committee Meeting taking place at EcoMare (Texel, The Netherlands), and provided information on practical details on the organisation of the meeting. In accordance with good Dutch environmentally friendly traditions, the participants were provided with bikes.

The Secretary, Jensen, was appointed Rapporteur with assistance from others as appropriate.

This was the largest meeting of the Advisory Committee thus far, with 23 participants (Annex B). As agreed to at the last Advisory Committee Meeting, the Secretary had made sure that invitations were issued to all Range States as well as IGOs and other governmental institutions.

Apologies were received from Sweden, which explained that it was unable to attend due to financial difficulties. The Advisory Committee expressed its concern at this explanation, and it was agreed that the Chairman and the Secretary should send a letter to Sweden expressing this. Apologies were further received from France on the opening morning that its representative was unable to attend due to illness. The Committee expressed its regret, noting that France was preparing to accede to ASCOBANS, but welcomed its decision to send an observer to the Advisory Committee meeting for the first time. Apologies were also received from Russia due to financial difficulties.

## 2. ADOPTION OF RULES OF PROCEDURES

In accordance with Agreement text 5.3, the Advisory Committee established its own Rules of Procedure at its first meeting and they are given as Annex 3 to the report of that meeting. However, experience has shown that there is a need to clarify and/or expand the existing rules.

The Advisory Committee Rules of Procedure do not specify procedures for voting on motions and amendments and they do not allow NGOs to attend the meetings of the Advisory Committee. The Chairman introduced DOC. 21, the Secretariat's suggestions for amendments to Rules of Procedure on voting.

All Advisory Committee members agreed that there should be a vote on the amendments. To clarify the majority required the following amendment to the Rules of Procedure was agreed upon by all delegations but one:

Rule 12.

*All votes on procedural matters relating to the forwarding of the business of the meeting shall be decided by a simple majority of Parties. Financial decisions within the limit of the power available to the Advisory Committee shall be decided by three-quarter majority among those Parties present and voting. Amendments to the Rules of Procedure require a three-quarter majority among those present and voting. All other decisions shall be taken by simple majority among Parties present and voting.*

*When an amendment is moved to a proposal, the amendment shall be voted on first. If the amendment is adopted, the amended proposal shall then be voted upon.*

The amended Rules of Procedure were adopted (Annex D), with Belgium abstaining. Belgium was of the opinion that the new rule 12 could only be adopted by a unanimous decision of the Committee.

## 3. ADOPTION OF AGENDA

Observers were informed that they could not attend the business sessions of the Advisory Committee, which was agreed should include agenda items 2,8,9,13,14 and 25. Norway as a range state was however, invited by the Chairman to participate in the business sessions, particularly since Bjørge had dedicated time to several of those issues intersessionally.

The adopted agenda is given as Annex A.

## 4. DOCUMENTATION SUBMITTED TO THE MEETING

Documents for this meeting are listed in Annex C.

## 5. ADMISSION OF OBSERVERS

At the last Advisory Committee meeting it was agreed that NGOs could attend this meeting according to the following temporarily agreed rule:

*The NGO must have some expertise in cetacean conservation and management and apply to the ASCOBANS Secretariat for observer status not less than 60 days in advance of the meeting, nominating a specific observer and their background. The Secretariat shall communicate such applications to the Advisory Committee Members at least 30 days before the meeting. If no country objects the NGO will be permitted to attend the meeting.*

The Advisory Committee welcomed those organisations, which were attending under these procedures. The Advisory Committee considered permanent amendment to Rules of Procedure under item 8.

## 6. POLLUTANT ISSUES

Reijnders introduced DOC.5, listing the three points the Advisory Committee had been recommended to address according to the Action Plan:

- (1) assess which pollutants are likely to affect small cetaceans adversely;
- (2) provide advice to the Parties both for management measures and further research needs;
- (3) assess needs in relation to standardisation of analytical and reporting procedures in post-mortems, biopsies and pollutant analyses.

DOC.5 was based largely on the report of the IWC Workshop held in Bergen, 1995. The Annex to the document being the print proof of the report of the workshop. Reijnders expressed his gratitude to IWC that ASCOBANS had been permitted to use the report of the workshop even though it is not yet published.

The IWC Workshop had concluded, that if any progress is to be made within a reasonable timeframe on the likely effect of pollutants on cetaceans, research is required that concentrates on the geographical areas and species where there is most chance of success. Hence three species had been recommended: the harbour porpoise, white whale and bottlenose dolphin. The Advisory Committee considered that in the ASCOBANS area the harbour porpoise would be particularly useful for this purpose.

The Chairman proposed a resolution for the Meeting of Parties to facilitate a comprehensive research programme on cause-effect relationships between harbour porpoise health and chemical pollutants (Annex E). Bjørge welcomed this proposal and noted that this programme may be a suitable implementation in the ASCOBANS area of the recommendation made by the IWC Workshop on Chemical Pollutants. He requested that relevant non-party range states be included in the programme.

A subgroup of the IWC standing Working Group on Environmental Change (Aguilar, Bjørge, Donovan, Reijnders) would be meeting 3 July on Texel to consider ways to ensure that the recommendations made by the Pollution Workshop are taken further, and in particular try to design more specific research programmes. The conclusions from the subgroup may be incorporated into the recommendation to be presented to the Meeting of Parties.

Donovan stressed the value of cooperation between ASCOBANS and IWC on this issue, noting the Commission's instruction to its Scientific Committee to develop detailed proposals to further this work and recognising the need to cooperate with other bodies addressing these issues.

Lutter reported that WWF was impressed by the document, especially with regard to the inclusion of endocrine disruptors in the Annex. He pointed out that relevant Conventions for the protection of the marine environment encourage precautionary action on hazardous substances even in the absence of cause-effect relationships. He suggested that ASCOBANS should provide more information on observed levels of chemical pollutants in small cetaceans to the competent bodies e.g. OSPARCOM and HELCOM.

Reijnders noted that the Parties do not report in their National Reports on measures taken to reduce pollution discharges, and that problem should perhaps be addressed at the Meeting of Parties.

How the Secretariat and the Advisory Committee should receive information on pollutant discharges from the Parties in future was discussed. It was noted that OSPARCOM is the body where this information is available. It was **agreed** that the Secretary should send a letter to OSPARCOM indicating that ASCOBANS is concerned

about certain chemicals that might affect cetaceans, requesting information on whether information on reduction in discharges of those chemicals are available in OSPARCOM.

The Advisory Committee **agreed** that in any future Action Plan it would be more useful to ensure adequate samples were obtained and that proper analysis was carried out, rather than trying to obtain information on measures taken by Parties on reduction, which are issues that are already covered by other more competent bodies e.g. ICES, HELCOM, OSPARCOM, North Sea Conference. This priority should be addressed at the Meeting of Parties.

NGOs and IGOs were invited to submit suggestions to the Secretariat on items discussed under this agenda item for inclusion in the next triennium work plan.

The Advisory Committee decided that Parties should be advised to take into account the IWC guidelines on sampling techniques (listed in chapter 5.3) when carrying out research.

It was **agreed** that the resolution attached as Annex E, would if necessary, be amended according to the recommendation by the IWC Working Group meeting following the Advisory Committee meeting.

## 7. BYCATCH ISSUES

### 7.1 Progress with BYCARE

Tasker introduced a confidential draft report for the EU on the progress of the first year of the BY-CARE project (DOC.6), provided by the Sea Mammal Research Unit (SMRU). The Committee thanked SMRU for providing this useful document.

Specific BYCARE programmes have started or continued in the following areas:

- (1) bycatch monitoring of Danish bottom-set gillnets in the North Sea and inner Danish Waters;
- (2) bycatch monitoring of UK North Sea bottom-set gillnets in the North Sea;
- (3) bycatch monitoring of Swedish bottom-set gillnets in Skagerrak/Kattegat area;
- (4) bycatch monitoring of salmon driftnets in western Baltic Sea (limited by lack of funds);
- (5) bycatch monitoring in the albacore tuna fisheries in the SW approaches to the Channel;
- (6) studies of harbour porpoise population structure in the North Sea;
- (7) studies on harbour porpoise deterrent and their efficiency in reducing bycatch.

It was noted that the completion of some parts of BY-CARE may be delayed to mid 1998, so the Committee and Meeting of Parties should not anticipate results in the near future.

### 7.2 Tissue banks

In relation to the BY-CARE review the Committee discussed the status of tissue banks. At present, there is wide variation between countries in how tissues are dealt with. In addition, the storage requirements needed for particular analyses are not always met. The Committee **recommended** that the Secretariat notify range states and Parties of the existing tissue banks and best practice for storage of both samples and data for specific types of analysis, and suggested establishing a central list or database describing the various national tissue banks. Donovan informed the Committee that the IWC already has guidelines with respect to genetic and pollutant studies (IWC Special Issue 13), and that there is a link with the database on pollutants (item 6); hence work on establishing a central list should be co-ordinated with IWC and ICES.

### 7.3 Report from the Bycatch Working Group

Tasker introduced the draft report from the Bycatch Working Group, DOC.7. He emphasised that the report was not complete, nor fully agreed upon among the Working Group. The Working Group (Tasker, Bravington, Lockyer, Larsen and Northridge, with Berggren and Bjørge being unable to attend) had met once in Aberdeen on 12 May 1997, and had agreed that a report on the issues needed to be presented to the second Meeting of Parties along with a resolution on the issue. The report was structured around the information required to assess bycatch: (1) abundance of cetaceans; (2) nature of the fisheries; (3) size of lethal bycatch in each fishery; and (4) the population structure of the cetaceans in the area. A further key factor to decide whether action should be taken is the "acceptability" of any bycatch.

After lengthy discussion, the Committee made some broad recommendations about how DOC.7 should be brought forward into a finalised document for the 2<sup>nd</sup> Meeting of Parties. Detailed amendments should be submitted to Tasker by 7 July. These recommendations and amendments would be incorporated in a revised

draft that would be circulated for comment to participants shortly after 16 July. It was **agreed** that a final, *authored* version of DOC.7 would then be passed on to Parties for their consideration ahead of the Meeting of Parties.

The Committee agreed that it was not in a position to fully endorse the report or the draft resolution. This was a matter for the Meeting of Parties. However, it offered the following comments:

*7.3.1. Broad recommendations:*

- (1) **An Executive summary** for non-scientists should be included in DOC. 7. The language of the main report should be clarified for the non-specialist, and references should be included so that the scientific background can be traced.
- (2) **Introduction section:** should be rewritten with changes in the section covering acceptable levels of bycatch, as follows:

It should be made more explicit that interim **management objectives** are being proposed. It should be explained how important this is in the context of developing a management strategy on bycatch. An indication should be given of the issue that need to be considered when developing objectives, and of how choice of objectives affects research and management. Selection of objectives will shape the workplan for the next triennium, and the Working Group was asked to draft Terms of Reference for a working group to address this issue; see Agenda item 18 for further discussion.
- (3) as yet ASCOBANS has no agreed and uniquely appropriate method of quantifying "**acceptability**";
- (4) nevertheless, until such a method is agreed, **sustainability** provides a minimum standard for conservation;
- (5) **Abundance section:** should incorporate a map delineating the areas concerned, and should note that coverage of particular sub-populations is incomplete.
- (6) **Bycatch section:** should note that the lack of bycatch record does not necessarily imply that bycatch is negligible.
- (7) **Population structure section:** should be shortened and refer to DOC. 8 and IWC's consideration and summary of this issue, and noting more recent pieces of work. It should be made clear that from the available data that harbour porpoises in the North Sea and Baltic do not form a single freely-mixing population, so that the impact of bycatch needs to be considered on a more spatially-restricted basis. At present, it is possible to identify at least four "management" areas. Consequently, bycatch in each of those areas should be compared with abundance estimates restricted to the same area. On a more local-basis, for example in the Skagerrak/Kattegat, high local levels of bycatch relative to local population estimates might be cause for concern, even if bycatch on a wider scale did not appear threatening. However, while there may in reality be finer-scale stock structure, there may be little conservation benefit in defining rigid stock boundaries on a finer scale, at least at present; migration and spatial/temporal variability in bycatch make it much more complicated and uncertain to consider the impact of bycatch on a finer scale. This lack of fine-scale understanding need not interfere with conservation decisions on a broader scale.
- (8) **Life history/sustainable levels of bycatch:** these sections should be reworded in a more logical order. The sustainability section should focus on the continuing discussion in IWC Scientific Committee. The Committee **agreed** that, at present, the IWC criterion of 2% maximum likelihood estimate of abundance as a threshold for urgent action, should be used where information on bycatch rates and abundance were available (see overleaf). However, it noted that for cases of low absolute abundance caused by stock depletion, e.g. the Baltic and the Channel, any bycatch mortality was potentially problematic, even in the absence of precise estimates. In these areas, the Committee recognised the need to aid recovery of stocks, but appreciated the resistance to changing fishery behaviour when very few cetaceans were present. Nevertheless, it urged all possible measures to avoid bycatch, with priority being set for the Baltic.
- (9) **Status in the North Sea:** A table of bycatch rates should be added to provide a clearer explanation and a logical basis for the conclusion in the report and the draft resolution.
- (10) **Bycatch reduction:** Since the draft resolution contains a request that bycatch be cut, it was suggested that the Parties attention should be drawn to ongoing studies or attempts to reduce bycatch (e.g. see BY-CARE report references or progress reports). Some guidance on possible ways of reducing bycatch would be of

value to Parties. The Committee noted that acoustic deterrents have been shown to reduce bycatch in some but not all cases; hence use of acoustic deterrents could be a valuable way of reducing bycatch, provided they were tested through scientifically-designed controlled trials. Without such trials, it would be impossible to verify any conservation benefit. Van Liere stressed the importance of ethological expertise in solving, in the longer term, the problem of deterring harbour porpoises from nets.

#### *7.3.2 Draft resolution*

Tasker introduced the draft Resolution which recognised that bycatch is likely to be the greatest threat to small cetacean populations (and their ranges) in the ASCOBANS area. The success of the Agreement hinged to a large extent on the effectiveness of action to reduce bycatch. As discussed above, there is enough information to determine that harbour porpoise bycatch in some areas are likely to be unsustainable, and also to determine how low bycatch would have to be, for it to have some prospect of being sustainable. It is important that measures be taken in certain fisheries to reduce total bycatch to at least (or at most) this level. This conclusion rests on an accepted minimum standard for precautionary sustainability. In particular, the Working Group believed that action is needed to reduce bycatch of harbour porpoises in gillnet fisheries in the central and southern North Sea. The responsible authority in this case is the European Commission, and the Working Group considered that a strong signal should be sent to DG XIV on this issue.

It was further agreed that there should be another resolution in addition to the one attached to DOC.7, i.e. monitoring of bycatch in fishing gear, requesting that it be put in place by competent fisheries authorities.

The Bycatch Working Group noted the comments and requested that additional written comments on the original document and revisions presented at the meeting should be submitted to Tasker by 4 July. A first draft of the report, and the resolutions would be circulated by the Secretariat on 16 July to the participants at the meeting. Comments should be sent to Tasker by 17 August, whereafter the Working Group would produce a report for the Meeting of Parties. The final report would be distributed by the Secretariat to the participants at this meeting.

#### **7.4 Development of a standard format for bycatch**

Tasker introduced DOC.10, developed intersessionally by Tasker and Berggren. The document identified two different requirements of databases on bycatch:

- (1) to establish whether there is evidence of substantial bycatch from a particular fishery, and if there is, then
- (2) to obtain sufficient data to estimate the magnitude of the bycatch, and to what extent the bycatch is likely to pose a conservation problem.

Clearly this final question depends on the extent of bycatch from other fisheries on the same stock. The data requirements are very different in the two cases. To estimate the size of bycatch, an estimate of total fishing effort, not just bycatch rate, is required. This may be difficult to obtain directly, although effort may sometimes be estimated based on landings data. The Committee's attention was drawn to the report of the IWC Workshop on Gillnets and Cetaceans which addresses these issues in considerable detail, and the Committee agreed to that the Bycatch Working Group should approach IWC and ICES to investigate existing data requirements and databases on the presence/absence of bycatch and fishing effort.

Donovan stressed the fact that, despite a contradictory statement in the introduction to DOC.10, the IWC does have conservation objectives and indeed was one of the first intergovernmental conventions to include the word conservation in a marine context. The IWC will be delighted to provide ASCOBANS with information to confirm this.

#### **7.5 Bycatch monitoring in small-boat fisheries**

Fisheries where the boats are too small to carry observers give particular problems for bycatch monitoring schemes. Tasker reported no progress from the Working Group on this issue.

Bjerge described the Norwegian research plans for monitoring bycatch in fisheries where a large number of small boats are operating. The scheme is based on a two-stage sub-sampling procedure. A first step is to identify the stratified sample of boats that can carry observers and have skippers willing to maintain a detailed log of fishing effort, catch and bycatch. The second step is to choose a random sub-sample of the first sub-sample to carry observers. Observed bycatch rates from the second sub-sample are used to calibrate the reported rates from the first sub-sample, which are then extrapolated to the entire fleet to estimate total bycatch. Although some vessels may carry observers, most of the fleet in such fisheries are too small for an extra person.

The Committee welcomed this work, but noted that it might not be applicable to all small-boat fisheries. Indeed, it is possible that case-by-case approaches will have to be developed for small-boat fisheries, rather than designing a general scheme in the way that has been performed for larger boats.

The Committee **agreed** that it would be useful to return to this issue in future.

#### **7.6 Promotional and educational programmes on bycatch**

The Committee reviewed progress in this area since the last meeting. Although no large-scale programmes had taken place, there had been numerous local efforts based on contacts with individual fishermen. On the basis of experience in Denmark, the Netherlands and United Kingdom, the Committee believed that similar low-key efforts were the most appropriate way to make further progress, since large-scale campaigns risk alienating fishermen and stigmatising anyone associated with a monitoring programme.

It was noted that progress was often most successful when fishermen's interest in cetaceans could be developed, perhaps through simple educational material such as identification guides.

### **8. CHANGE OF RULES OF PROCEDURES FOR NGOS TO ATTEND THE ADVISORY COMMITTEE MEETINGS**

Salmon introduced DOC.20, which was based on the temporary solution agreed at the last Advisory Committee meeting to let NGOs attend the Advisory Committee meetings. See also Agenda item 25.

The Advisory Committee **unanimously agreed** to the following new Rule of Procedure:

*Any body or individual qualified in cetacean conservation and management may request admittance to plenary sessions of the Advisory Committee. Appropriate written applications for attendance should be received by the Secretariat at least 60 days before any Committee meeting, and circulated to Parties by the Secretariat forthwith. Parties shall inform the Secretariat of their acceptance or rejection of all applications no less than 30 days before that meeting. An applicant shall be permitted to attend as non-voting observer, if two-thirds of the Parties accept their application. Decisions on whether such bodies or individuals may attend Committee meetings should take into account possible seating limitations. Information on limitations of the venue shall be provided to the Secretariat by the host in time for circulation with any applications received.*

### **9. FINANCIAL/BUDGETARY ISSUES**

Salmon reported that in cooperation with SMRU he had reviewed 1996 outturns and considered the potential 1997 expenditure, outlined in DOC.16. Whilst this task was allocated by the previous meeting to a working group, the review has been carried out by the UK alone. Aside from the points in the following paragraphs the Parties accepted the conclusion of DOC.16.

- (a) The Advisory Committee took note of that the appropriate salary for the Secretary had been approved by SMRU, but not yet allocated. It expressed its strong support to that this should occur as soon as possible.
- (b) The Advisory Committee stressed that in future they would like the Secretariat to circulate reports of meetings they attended shortly afterwards. The Advisory Committee had requested reports from the previous Secretaries from meetings they had attended, and Lockyer's three reports had been received by the Secretariat for circulation to the Parties. The Advisory Committee expressed its satisfaction to Jensen for submitting reports of meetings she had attended (DOCs 1,2,3,4).

The Committee discussed the staff support for the Meeting of Parties and welcomed Germany's clarification of additional support. In view of this extra support, the Committee questioned the cost implications of Prof. Harwood's participation, other than as a rapporteur. The Secretariat was advised to employ an assistant for four months from September to December, rather than only three months from September to November as planned.

It was **agreed** that additional preparatory meetings between the Secretariat, the Chairman and the Vice-Chairman and Germany would probably need to take place before the Meeting of Parties.

Jensen reported that she had sought the views of the Norwegian Ministry of Fisheries for a financial contribution to ASCOBANS as requested at the last Advisory Committee meeting. She had not received any reply and Bjørge agreed to follow up on the request in the Ministry.

Discussions concerning the future location of the Secretariat and its financial consequences were deferred to agenda item 14.

## 10. DISTURBANCE-REDUCTION

Tasker reported that there had been limited progress in this area in the UK. In accordance with previous Advisory Committee discussions, it had been agreed that disturbance guidelines must be worked on with those people that the guidelines would affect. In the UK the issue of disturbance from boats had been split into two categories: whalewatching operations, and other recreational users. Guidelines for individual whalewatching areas were to be discussed and implemented at a local level, as there was frequently a need to integrate local circumstances into the guidelines (and in many areas there were pre-existing agreements). In order to facilitate this, a folder of worldwide existing guidelines would be provided to local nature conservation officers charged with establishing guidelines. An indication of minimum standards would be included in this folder.

A set of guidelines would be introduced for recreational users. This would be drawn up by a representative group of interested parties. A consultation questionnaire had been distributed, and several responses received, but no further activity had occurred. It was intended to introduce the guidelines in time for the 1998 summer season.

The seismic guidelines in use in all UK waters had not as planned been reviewed between the 1996 and 1997 seasons but were likely to be reviewed before the 1998 season. They appeared to be working reasonably well. A report on observations from seismic vessels was written over the 1996/97 winter and was available from Tasker. A further report will be produced covering the 1997 season.

Attention was drawn to the report on whalewatching sponsored by IFAW, held in Italy in 1995 and to the general principles and guidelines for whale watching agreed by the IWC in 1996 (Rep.Int.Whal.Comm. 47). The latter have been circulated to all coastal states by IWC.

Christiani noted that a Danish study on the effect of disturbance by high speed catamaran ferries to seabirds, seals and harbour porpoise has been completed, and the report would be sent to the Secretariat for circulation.

Sonntag informed the Committee that the German Navy has stopped mine testing in Kiel Bay and is planning ecological evaluation before conducting further tests. A pilot study is underway off Sylt to determine if harbour porpoises show behavioural responses to coastal management activities and related boat traffic.

Gordon noted that a 2 year study of harbour porpoise reaction to seismic testing is underway in the UK, it is a EU funded research project in collaboration with Sweden and Norway.

Reijnders explained that studies of the effect of disturbance would need to be viewed in two stages: in the first stage would be examined whether there are any changes in physiological parameters and behavioural patterns of which the latter will show if there are ecological consequences. If the physiological/behavioural responses are considered unacceptable, he informed that the precautionary principle should be applied in the absence of direct evidence of ecological effects.

## 11. REVIEW OF STRANDINGS SCHEMES

Haelters presented DOC.14, his review of stranding schemes in the ASCOBANS area. Comments to this paper had been received from Norway, ECS and RSPCA and additional comments would also be welcomed.

He considered that strandings of small cetaceans should be reported automatically to relevant national coordinating authorities, and guidelines should be introduced nationally on how to deal with live strandings. He suggested that a stranding database should be established within ASCOBANS, and should be combined with a database of bycatch and tissue banks. He considered this database could be very useful in determine historical trends in relative abundance of cetaceans. No international database exists for harbour porpoises and he considered it useful for that species. He referred to a 60 year old publication on strandings of cetaceans in the Netherlands, in which all stranded cetaceans were being dealt with, except harbour porpoises because they were so common.

The Committee considered whether there was need to set up a stranding database, and to link it to other type of databases (tissue bank, bycatch), whether ASCOBANS is the proper forum, problems with ownership of data, experience with various established databases. It was noted that most countries have their own databases.

Donovan informed the Committee that a list of people responsible for national databases was kept at IWC for its member states. He suggested that an ASCOBANS database should contain information on this and, most important, which samples are available, where they are held, and information on which institutes had analysed samples (using various techniques e.g. for age determination, pollution analyses etc.) or would be able to analyse samples at the request of other groups without the necessary expertise.

It was **agreed** that the possibility of setting up a central inventory-type database at the ASCOBANS Secretariat should be considered by the Secretariat after discussing with Haelters, IWC and ICES if it seemed that this was necessary and feasible.

## 12. REVIEW OF ASCOBANS ACHIEVEMENTS

Reijnders introduced DOC.9. The document presented the status of the implementation of the Action Plan, giving his personal assessment of how well items in the Action Plan had been addressed by the Advisory Committee and the Parties. During this meeting the status of the various points in the Action Plan had been dealt with under the relevant Agenda items, with the exception of two points agreed upon during the meeting:

(20) Promotional needs: see agenda item 24.

(21) National reports: see agenda item 23.

## 13. FUNCTIONING OF THE ADVISORY COMMITTEE

Bjørge informed the meeting that the Working Group established at the last Advisory Committee meeting to review the functioning of the Advisory Committee had not been in contact. However, he reported his personal views on this issue. Bjørge felt that an underlying problem was that the Terms of Reference for the Advisory Committee, as well as the instructions to the Committee, were too extensive and are given on more than one level.

Bjørge reviewed Committee activities for each of the main topics identified in the 1995-97 Action Plan. In summary, he felt that the Committee is efficient with regard to some aspects of its Terms of Reference. However, the Committee spent too much of its valuable meeting time discussing aspects not directly concerned with the conservation of small cetaceans, such as the Rules of Procedure. Elements in the Terms of Reference also carry the risk to generate activities that duplicated the business of other intergovernmental or governmental organisations, which could in future dilute the impact of both organisations. He recommended avoidance of these, in future triennial work programmes. He considered that members of the Committee have experience from science, administration and management, however, the Committee has insufficient expertise to act as a scientific or management body. He considered that the Committee might benefit from a narrowing of the Action Plan to focus on measures more directly related to cetacean conservation. The Committee should act as a catalyst between scientific and management levels to facilitate implementation of advice.

The Committee **agreed** that it should aim to produce a prioritised, more focussed and thereby achievable Action Plan for the next triennium.

It further **agreed** that some of the Committee's most effective work might occur in collaboration with external organisations/individuals and through external specialists providing input under contract. Further use of working groups should also be encouraged, with more input from the Secretariat to support these groups. In order to summarise the working of the Advisory Committee, members were encouraged to forward their views along with suggestions on how to proceed in the future to the Secretariat before 16 July, following which a document will be produced by Reijnders and the Secretariat.

## 14. SECRETARIAT ISSUES

Salmon reported that in considering the location of the Secretariat for the next triennium (1998-2000), it would be important to establish the purpose and Terms of Reference of the body. A draft set of those details was submitted for discussion (DOC.17). In noting resolution 5.5 of the Fifth Meeting of Parties to CMS (DOC.3), the Committee considered whether the co-location unit concept proposed accords with the best way forward, the desired purpose, and Terms of Reference for the future Secretariat.

It was **agreed** that it is very important for the functioning of the Advisory Committee where the Secretariat is located. Bjørge underlined the importance of links between the Secretariat and organisations dealing with

research and management advice on cetaceans. A Working Group was set up (Thyssen, Salmon, Christiani, Haelters) to draft a letter requesting parties to consider candidates for the future Secretariat.

On behalf of the Working Group, Thyssen introduced the letter to be sent to the Parties, which indicated that the Sea Mammal Research Unit is unlikely to continue to host the ASCOBANS Secretariat and that Parties should now consider candidates for the future location of the Secretariat. The letter will be accompanied by a modified version of DOC.17, a 'Guidance Note' on the Secretariat Function and Institutional Characteristics which was agreed upon by the Working Group. The Secretariat will send the letter on behalf of the Advisory Committee. The letter is attached as Annex F.

The Committee thanked the Secretariat for improving the level of contact between the Parties and the Secretariat, as requested at the last Advisory Committee meeting.

## **15. STATUS OF CETACEANS IN THE BALTIC**

### **15.1 Baltic Range States**

The Secretary reported that there has been no significant new information received from Latvia, Estonia, Finland, Lithuanian or Russia. All countries state that cetaceans are rare in their Baltic Sea waters.

These countries, as members of the Helsinki Commission, are now obliged to report to ASCOBANS about harbour porpoise issues following the guidelines for the ASCOBANS National Reports (DOC.4, item 24). The Advisory Committee welcomed this and looks forward to receiving those reports.

### **15.2 Poland**

Skóra reported that there had been no reports of bycatch, strandings or sightings of harbour porpoises in Polish waters during the last twelve months.

### **15.3 Germany**

Sonntag reported that for Kiel and Mecklenburg Bay, the estimate of harbour porpoises of the summer 1996 survey was 1568 (95% confidence limits 470-3501).

### **15.4 Feasibility Study on Research in the Baltic**

In accordance with the Action Plan, ASCOBANS needs to assess the status of cetaceans in the Baltic Sea proper. The Committee discussed whether there would be any value in carrying out another sighting survey in the Baltic Sea proper, due to the few (N=3) sightings previously made in that area.

It was **agreed** that the Secretariat should endeavour to arrange a feasibility study on the most cost-effective way to carry out research in the Baltic. If possible, the report of that contract study should be submitted to Meeting of Parties. It should be completed in time for the Chairman and Secretariat to consider if a resolution should be drafted for the Meeting of Parties.

Donovan suggested that a Working Group be set up to draft Terms of Reference for this study, a suggestion that was acknowledged and accepted by the Chairman.

The Working Group (Donovan, Kuklik, Larsen and Sonntag) provided the Terms of Reference for this study, which are attached as Annex G.

The Chairman thanked the Working Group for this useful document. It was **agreed** that the Secretariat would use the Annex as the basis for any contract study. The financial implications would be considered by the Secretariat in the context of the overall budget.

## **16. DESIGN OF A MONITORING SYSTEM FOR HARBOUR PORPOISES IN THE BALTIC SEA**

Referring to DOC. 4, the Secretary reported that the Helsinki Commission (HELCOM) has decided to establish an open sea and coastal monitoring program in the Baltic Sea. The data obtained in this program are needed to conduct periodic assessments of the state of the Baltic marine environment. The state of the Baltic Sea is assessed every 5 years, with the fourth periodic assessment period being 1994-1998. Within that framework EC NATURE designs the biological part of the monitoring programme.

The Secretary had attended an EC NATURE meeting where she had requested cooperation on the issues of harbour porpoises in the Baltic Sea. The meeting had invited ASCOBANS to design a monitoring programme for harbour porpoises in the Baltic Sea. Jensen had agreed to pass this invitation on to the Advisory Committee

and had informed EC NATURE that the Advisory Committee of ASCOBANS had the competence to carry out this task since it is part of the Conservation and Management Plan.

The Secretary referred to the views of EC NATURE that the monitoring programme should be expected to cover all aspects of monitoring. For example, it was not sufficient merely to propose an aerial survey for the Baltic Sea. It should ensure that the basic monitoring systems were in place, e.g. leaflets informing fishermen about data/tissue collection from stranded/bycaught animals, establishing of sighting and stranding network schemes, systematic autopsies etc. EC NATURE would be happy to provide further advice and cooperation in the development of the programme.

The Secretary reported that EC NATURE had asked that an outline of the proposed monitoring programme should be submitted to its next meeting, 25-28 May 1998.

It was **agreed** that the Committee should await the result of the feasibility study mentioned under agenda item 15, before deciding whether and how additional monitoring measures are needed.

## **17. PROTECTED AREAS**

### **17.1 Criteria for designating Special Areas of Conservation for small cetaceans.**

Salmon reported that at the last meeting it was agreed that he and the Secretariat should write to EU member states requesting information on the criteria that they had used or would be using to decide which areas should be designated Special Areas of Conservation for small cetaceans listed in the EU Habitat Directive. Unfortunately he had been unable to devote sufficient resources to the task and no further action had taken place. However, he suggested that the issue should be carried forward to the next triennium's work plan.

The Advisory Committee **agreed** that it was an important issue but recognised that no Advisory Committee members could carry out this time consuming task before the Meeting of Parties. Gordon proposed that IFAW could undertake the compilation in cooperation with Evans. It was **agreed** that the Secretariat should work together with IFAW and Evans to carry forward this issue and that the resultant compilation should be submitted to the Working Group (Salmon, Christiani, Reijnders, Bjørge) in time for it to be evaluated before the Meeting of Parties. The meeting thanked IFAW and Evans for their offer.

Lutter reported that the development of guidelines and criteria on marine protected areas were underway within OSPAR and existed under HELCOM. WWF felt that these frameworks would benefit from ASCOBANS comments regarding the specific conservation needs of cetaceans. An international WWF workshop was going to elaborate on this issue soon.

### **17.2 The island of Sylt**

The Secretariat had received questions from IUCN about the threats to small cetaceans in the waters surrounding the island of Sylt, and had asked Boye and Salmon to review the situation there and to present a document to the 4<sup>th</sup> Advisory Committee meeting (see letter circulated to all Advisory Committee members 17/2 1997 and DOC.13).

Thyssen informed the Committee that the document (which had been submitted one week in advance of the meeting) was withdrawn because it had not been coordinated within the German Government, although this decision had nothing to do with the content of the paper.

Sonntag, the IUCN representative, indicated his disappointment at the decision, as he would have submitted a similar IUCN paper had he known of this position in advance. He informed the meeting that scientists at Kiel University (himself included) had sent a resolution to the German Government that was essentially identical with the withdrawn document.

WWF regretted that the document had been withdrawn. The establishment of a cetacean sanctuary near Sylt would have provided the first marine protected area in the North Sea and made operational the draft OSPAR provisions on species and habitats.

Reineking informed the Committee that in the Draft Wadden Sea Management Plan within the framework of the Trilateral Wadden Sea Cooperation, the area off Sylt and Amrum as well as the Danish part north of it is mentioned as a breeding area that should be considered for designation as an area of special concern for harbour porpoises.

Bjørge stated that the scientific case that Sylt was an important breeding area is probably the best documented in the North Atlantic.

Reijnders agreed that the scientific information had been available for several years, and that he would like the issue to be addressed to the German Government. However, he drew attention to e.g. IUCN's view that protected areas need support from relevant authorities if they are to function properly.

The Advisory Committee **agreed** to note that the waters off Sylt and Amrum play an important role for breeding and calving of harbour porpoises in the North Sea. As a consequence it recommended that Germany takes appropriate measures to provide the necessary level of protection for the area.

## 18. RECENT RESEARCH/SURVEYS

### 18.1 Formal assessment of SCANS with recommendations on future surveys

At the last Advisory Committee meeting, the Committee agreed to commission a 'contract study' to review SCANS methodology and identify further survey needs. The Committee had received a draft report from Smith and Palka (DOC. 23). The Committee thanked the authors, noting that there had been no financial implications.

The Committee recognised that the paper represented a broad discussion of the various issues surrounding the bycatch issue based on the practical experience of bycatch management in the United States. The paper noted that clear objectives are necessary before the value of particular research projects can be assessed. Although it included a general consideration of abundance estimates and future surveys, it had, however, not addressed the specific issues included in the Terms of Reference.

The objectives for future surveys were discussed. It was noted that absolute estimates of abundance were only necessary in certain contexts. Now that SCANS has provided absolute estimates for most of the ASCOBANS area during the summer, it might be appropriate to focus on methods which would provide cost-effective estimates of the distribution of porpoises throughout the year. These could then be used to evaluate the potential importance of recorded bycatches. Placing observers on platforms of opportunity (such as fishing vessels) might be one way to obtain this kind of information, provided that an appropriate statistical basis for interpreting the results could be determined. The Committee noted that, without additional information on population structure and migration patterns, it would be difficult to interpret results obtained from observers on platforms of opportunity unless there was completely representative coverage of the species range.

Donovan and Bravington stressed the importance of establishing agreed objectives with respect to bycatch issues, as a prerequisite for deciding research priorities and developing a logically motivated scientific programme for monitoring bycatch and abundance. It was **agreed** that these are goals of the Advisory Committee, and that the terms of reference for a working group to address these issues should be drawn up. It was felt that it would be beneficial to invite experts from outside the Advisory Committee to participate in any such working group. The report from this working group will be fundamental to ASCOBANS in setting the basis for the next triennium work plan.

The Bycatch Working Group **agreed** to prepare the Terms of Reference for the working group in addition to the report discussed under agenda item 7.3

### 18.2 Proposal for a survey for abundance of cetaceans west of the British Isles

Hammond (Sea Mammal Research Unit) had submitted DOC.15, an outline of a proposal for an aerial and shipboard sighting survey for cetaceans in the waters to the west of Britain and Ireland, an area that was not surveyed by SCANS, with the aim of estimating cetacean abundance. It is suspected that substantial numbers of harbour porpoises occur in this area and he suggested that such a survey could aim to enhance the ability to identify future Special Areas of Conservation; allow the impact of cetaceans bycatches to be assessed; and provide information to industry on the distribution and abundance of cetaceans in sensitive areas. The earliest the project could take place would be July 1998. He pointed out that although much of the proposed survey area is outside ASCOBANS waters, it is highly likely that some animals found there migrate to and from ASCOBANS waters.

The meeting **agreed** that the proposed survey was potentially beneficial to ASCOBANS although it was outside the Agreement area.

Salmon pointed out that the UK had always stated that its ASCOBANS obligations would be applied in all territorial waters, including those in the proposed survey.

Tasker informed the Committee that he had been in contact with Hammond, and that the proposal would be submitted to the Joint Nature Conservation Committee for funding in mid-August.

Bjørge reported that Norway in 1989 and 1995 conducted large scale sighting surveys. Although these surveys had emphasis on minke whales, sightings of small cetaceans were recorded, and the surveys covered parts of the ASCOBANS area. Abundance estimates of small cetaceans from the -89 survey are published and results from the -95 survey are yet to come. The total costs of the 1995 survey were approximately 2.5 million pounds. In the future, one 1/6<sup>th</sup> of the range of Northeast Atlantic minke whales will be covered each year, rather than a full extensive survey every 6<sup>th</sup> year. The North Sea waters are planned to be surveyed in 1998. Bjørge suggested that any future surveys to the west of Britain and Ireland may be coordinated with the Norwegian surveys in order to obtain optimal coverage. Dr. N. Øien is the relevant contact person in Norway.

### **18.3 Status of the harbour porpoise population structure project**

Lockyer presented DOC. 8, her review of progress on the population structure studies of harbour porpoise in the North Atlantic, with special reference to the North and Baltic Seas. She stated that it was not a fully comprehensive review, it focused on recent research, and it was submitted to the meeting to provide information on progress with the harbour porpoise population structure project. The document reviewed a number of putative populations in relation to information available from five methods:

- (1) tagging for movements,
- (2) biological parameters (timing of breeding, life history, parasite load, tooth characteristics),
- (3) chemical signals (organochlorines, heavy metals, isotopes, fatty acids),
- (4) morphology (non-metric skull characters, morphometrics of skeleton),
- (5) genetics (mtDNA sequences, DNA microsatellites, mtDNA RFLP, electrophoresis).

Information from the various methods suggested different numbers of sub-populations and thus degrees of mixing. Lockyer recommended that the analyses be coordinated. DOC.8 also reviewed a method for integrating various types of information on population structure, based on Dizon et al (1992), that would facilitate decisions about population differentiation to be made. The 1996 IWC review (IWC Special Issue 16) estimated 13 putative sub-populations in the North Atlantic, of which 8 occur in the ASCOBANS agreement area (see DOC.7).

The meeting thanked Lockyer for her comprehensive review that was particularly useful for ASCOBANS from a bycatch management perspective.

Donovan noted that the question of stock identity had long been a problem in the management of marine natural resources. It is particularly difficult given the likely geographical and temporal variation in 'boundaries'. Despite this, it is of fundamental importance when trying to interpret abundance and bycatch estimates in a management context. Given the inevitable uncertainty, he stated that management should take into account not just the 'most likely' scenario but also the sensitivity to 'getting it wrong'.

It was suggested that the bycatch Working Group take this review into consideration.

Lockyer noted that NAMMCO is planning to undertake a comprehensive assessment of the harbour porpoise throughout its range including distribution, abundance, stock identity, biological parameters, ecological interactions, pollutants, removals, sustainability of removals (see also DOC.11), and recommended that NAMMCO should be contacted on this issue.

## **19. PROGRESS ON ACCESSION OF OTHER RANGE STATES AND EU**

The Secretary reported that since the last Advisory Committee meeting she had written to the Ministers for Environment in all Range States enquiring as to whether they would be acceding to ASCOBANS in the foreseeable future. She had at a later stage, during the Fifth Conference of the Parties to CMS, established good contact with people in several of the Ministries concerned (DOC.3). The responses are summarised below:

### **19.1 Estonia**

No news from the Estonian Ministry of Environment. Last year it informed the Secretariat that signing ASCOBANS would be taken into consideration when preparing new nature protection acts and legislation. The

Secretary had followed up on that reply by a request for information on when Estonia would prepare the new nature protection act and legislation, but no reply had been received.

#### **19.2 Finland**

The Ministry of Environment had indicated that Finland is not likely to sign ASCOBANS in the near future. The rationale behind this is that sightings of harbour porpoises are very rare in Finnish waters; the Ministry is not aware of bycatch by Finnish fishing vessels; the potential monitoring of the fishery by signing ASCOBANS is not in the competence of the Ministry of Environment; the Ministry is very busy with Natura 2000 and does not therefore have the resources for the additional bureaucratic burden of ASCOBANS. However, the contact person within the Ministry had informed the Secretary that the case is not yet closed and she will continue to gather information about ASCOBANS.

#### **19.3 France**

The Ministry of Environment and the Ministry of Foreign Affairs had both informed the Secretariat that the reason ASCOBANS was not signed yet was simply a lack of time. The signature by the Ministry of Foreign Affairs is needed; the Ministry of Environment has already given its approval. Contact persons in the two Ministries had assured the Secretary that they would facilitate the accession. However, nothing has happened to date.

#### **19.4 Latvia**

The State Minister for Environment had indicated that Latvia highly appreciates the work carried out by ASCOBANS to protect the small cetaceans in the North and Baltic Seas, and that it is well aware of threats to marine mammals in the region. However, Latvia is a country whose economy is in transition and therefore has to prioritise international Agreements. Latvia is preparing to join the Bonn Convention, and they will give priority to bats and waterbirds.

#### **19.5 Lithuania**

No news from Lithuania.

#### **19.6 Norway**

Bjørge repeated the previous statements, that Norway seeks a balanced policy for management of marine mammals in her waters. This policy includes both conservation and sustainable harvest based on scientific advice on a stock by stock level. Therefore, no decision has been taken to sign the present text of the ASCOBANS Agreement. However, Bjørge confirmed Norway's interest in the conservation efforts made by ASCOBANS and ensured continued cooperation on research and exchange of information.

#### **19.7 Russian Federation**

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

#### **19.8 EU**

The EU had indicated in its progress report to the Fifth Conference of Parties to CMS (COP5) that it will sign ASCOBANS in 1997 (DOC.3).

The Secretary had been informed by Mr. R. Geiser during COP5, that B. Julien was the person responsible for ASCOBANS matters, and that all questions should be addressed to him. With that information in mind, she had called the EC requesting to talk to Julien, to obtain further information on when the EU was likely to sign ASCOBANS. Julien had replied via his secretary that all ASCOBANS matters should be addressed to Geiser. When Geiser was again approached about this issue, he replied via his secretary, that he had no comments.

During COP5 Mr. R Geiser had informed the Secretary that ASCOBANS should be pleased to have our research projects funded rather than be concerned about ECs presence at our meetings.

The Advisory Committee again **agreed** that the EU attitude towards the Agreement is not helpful and that the Chairman should write to the EC to clarify matters.

#### **19.9 General**

The Secretary reported that the eastern Baltic States as well as Russia had made inquiries as to whether they could have their expenses reimbursed if they attended the next Meeting of Parties. It was **agreed** that this was a matter for the host Government and the Secretariat to consider. However, in principle funds from the ASCOBANS budget could be used for this purpose if available.

Christiani informed the meeting that the Danish Ministry for Foreign affairs might have funds available for eastern European Countries to attend meetings, and that other countries might have similar funds.

## 20. POSSIBLE EXTENSION OF ASCOBANS AREA

### 20.1 Irish waters

Salmon reported on his continuing discussions with Ireland. He had met with persons from the Department of Art, Culture and the Gaeltacht in December 1996. At that time they confirmed the reservation by the Department of Fisheries. Salmon hoped that there may be changes following the election of a new government in Ireland. The Party now in power was the same as the one that declared the Whale and Dolphin Sanctuary in 1990, and that would hopefully change the view of the extension of the ASCOBANS area. However, he noted that there would not be time before the Meeting of Parties to make it possible, but that he would continue his discussions.

The Secretary and the Chairman would also be approaching Ireland within the next few months. Due to the election no attempts had been made from their part.

### 20.2 Southward extension of the ASCOBANS boundary

The Secretary referred to DOC.1 and 3. She had contacted scientists, as well as people in the Ministries in France, Spain and Portugal, on an informal basis to seek their personal views on the following two models:

- (a) An extension of the ASCOBANS Agreement area to include the Atlantic waters of France, Spain and Portugal in the Agreement to make the waters of ASCOBANS and ACCOBAMS contiguous;
- (b) France, Spain and Portugal extend their obligations of the ACCOBAMS Agreement to cover all of their waters in the Atlantic Ocean. This model will put stronger obligations on the three countries, since ACCOBAMS covers all cetaceans and the text of the Agreement is stronger.

The contact person in the Portuguese Agency had previously expressed his desire for a 'bridge agreement' between ASCOBANS and ACCOBAMS and hence supported the idea that the Agreement areas join up and that Portuguese waters be included in the ASCOBANS area.

The two persons from the French and Spanish ministries both advised that they preferred to wait until ACCOBAMS came into force before considering further steps. They considered ACCOBAMS to be a sensitive issue and were, at this stage, uneasy about extending ACCOBAMS obligations further.

All contact persons had informed the Secretary that ASCOBANS was welcome to write an official letter to their Ministries regarding this issue. The Secretary sought the views of the Advisory Committee before taken further steps.

The Committee agreed that the Secretariat should write to Portugal, proposing that it considered acting as a lead country in taking forward this issue.

## 21. PROGRESS OF ACCOBAMS

The Secretary informed the Committee that the Final negotiation meeting of the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS) was held 19-24 November 1996 in Monaco. The Final Act to conclude the text of the Agreement was adopted and signed at that meeting, after which the Agreement was opened for signature. The Agreement needs seven signatures without reservation in respect of ratification from Coastal states to enter into force; of which at least two countries have to be from the Black Sea and at least five from the Mediterranean Sea.

12 Countries had to date signed the Agreement (Albania, Cyprus, Croatia, Georgia, Greece, Italy, Morocco, Monaco, Portugal, Spain and Tunisia) with only one country being from the Black Sea (Georgia). [Secretariat: only one country (Monaco) has signed without reservation in respect to ratification].

The Committee was reassured that the views that it had expressed at their last meeting on the status of the Sea of Marmara not being included in the Agreement had been addressed by the geographic scope being agreed as:

*all the maritime waters of the Black Sea and the Mediterranean and their gulfs and seas, and the internal waters connected to or interconnecting these maritime waters, and of the Atlantic Area contiguous to the Mediterranean Sea west of the Straits of Gibraltar.*

The Secretary reported that Monaco is optimistic about the success of the Agreement and is expecting to have the first Meeting of Parties in 1997. At that meeting Monaco will offer to host the Secretariat.

The Secretary informed that she had already established good contacts with Mr. and Ms. Van Klaveren at the interim Secretariat in Monaco, which is also the Depositary for the Agreement text, and that she had been invited to provide guidance on setting up their Secretariat.

The ACCOBAMS interim Secretariat has already registered to attend the 2nd Meeting of Parties to ASCOBANS.

## **22. REPORTS OF OBSERVERS AT MEETINGS SINCE NOVEMBER 1996**

The meeting thanked the observers and acknowledged their written and verbal reports of meetings they had attended on behalf of ASCOBANS:

- (a) The Secretary had submitted reports of the three meetings she had attended: The 11<sup>th</sup> Annual Conference of the European Cetacean Society (DOC.1), The 5<sup>th</sup> Conference of the Parties to CMS (DOC.2+3), The 7<sup>th</sup> Meeting of the Helsinki Commissions Working Group on Nature Conservation and Biodiversity (EC NATURE) (DOC.4).
- (b) Fisher, in the Danish Ministry of Foreign Affairs, had kindly agreed to act as an observer at the 7<sup>th</sup> NAMMCO Council meeting as well as submitting an observers report (DOC.11).
- (c) Tasker presented a verbal report of the 5<sup>th</sup> International Conference on the Protection of the North Sea: Intermediate Ministerial Meeting 1997.

## **23. NATIONAL REPORTS**

The deadline for the Secretariat to receive National Reports was 30 March 1997. However, only one Party (Belgium) had submitted a report. Skóra informed the meeting that he had sent the Polish National Report to the Ministry in Warsaw for approval already in February, and was disappointed that it had not yet been received by the Secretariat. Christiani informed the meeting that he intended to submit a National Report to the Meeting of Parties.

The standardised reporting format the Secretariat had supplied the Parties with last year had not facilitated the submission of the reports, and ways to facilitate the submission of National Reports in the future were discussed. The chairman proposed three models:

- (a) not to submit the National Reports;
- (b) change in the reporting interval, to only report every three years;
- (c) submit a very short report every year, indicating whether or not activities has been carried out, with a more comprehensive report every three years for the Meeting of Parties.

It was noted, that according to the current wording of the Agreement text a brief report had to be submitted every year, and it would therefore not be possible adopt (a) or (b) without changing the Agreement text. Although several Parties were in favour of either (a) or (b), these parties also agreed to continue with the existing rule (c), considering the perceived difficulties involved in amending the text of the Agreement. The Committee agreed that the Secretariat and the Chairman will draft the reporting format for the next triennium for presentation to the 2<sup>nd</sup> Meeting of Parties.

## 24. PROMOTIONAL CAMPAIGN

### 24.1 Promotional campaign by the Secretariat

The Secretary reported that she had been able to successfully promote ASCOBANS at various meetings she had attended (DOCs 1,3,4), in particular the Fifth Conference of the Parties to CMS (COP5) and the Helsinki Commission's (HELCOM) Working Group on Nature Conservation and Biodiversity (EC NATURE).

During COP5 she had given a well received presentation of the work carried out in implementation of the Agreement in its first triennium, as well as establishing good and reliable contacts within Ministries both for the Parties as well as for the Range States (see agenda item 19, 20).

She reported that HELCOM had decided to grant observers status to ASCOBANS, and hence she had attended the EC NATURE meeting. She had attended that meeting to urge cooperation on the newly adopted HELCOM recommendation on harbour porpoise in the Baltic Sea, and to establish contact with scientists in the Range States to ASCOBANS. She was pleased with the outcome of that meeting since ASCOBANS was now recognised as the main body responsible for harbour porpoise issues in the Baltic; EC NATURE had decided that the reporting system to HELCOM on progress in implementing the recommendation for harbour porpoise should now be submitted to ASCOBANS instead, and ASCOBANS had been invited to design a monitoring system for harbour porpoises in the Baltic (see agenda item 16).

Donovan noted that the ASCOBANS information on the CMS web page was outdated (more than a year old). The Secretary replied that it is very difficult to get it updated, she had supplied information to CMS several times requesting an update but without success. Donovan reported that the IWC had received excellent cooperation in setting up their web page from the staff at the World Conservation Monitoring Center (WCMC) in Cambridge. He noted that this did not involve any noteworthy financial implications, and he suggested that ASCOBANS should consult with WCMC on this matter.

It was **agreed** that the Secretariat should investigate establishing an ASCOBANS Advisory Committee web page at WCMC as soon as possible.

### 24.2 Production of promotional material

Tasker reported that there had not been any progress with this item, due to long term illness of the expert to be consulted at JNCC. However, as noted at the 3<sup>rd</sup> meeting of the Advisory Committee, promotional material required a clear objective to design to, and he suggested that the Advisory Committee needed to consider this issue at a future meeting.

## 25. IGOS ENTITLED TO OBSERVE AT THE ASCOBANS MEETINGS

### 25.1 Meeting of Parties

In relation to the Meeting of Parties, the Committee decided that the Chairman and the Secretariat would submit a resolution to add NAMMCO, ACCOBAMS, IATTC as well as ECS to the list of bodies in rule 2.2 of the Rules of Procedure for the Meeting of Parties, who are entitled to automatic presence.

### 25.2 Advisory Committee meetings

In relation to the Advisory Committee meeting, the Committee found that there had been a misunderstanding of the Rules of Procedure and IGOs had erroneously received automatic invitations. According to rule 2.2 of Rules of Procedure for the Advisory Committee, the listed bodies can *request* observer status at the Advisory Committee meetings, hence no IGOs are automatically entitled to observe at the Advisory Committee meetings.

To clarify the position the Committee members **agreed** to delete rule 2.2 from the Rules of Procedure, so that in future all bodies, regardless of whether they are IGOs or NGOs have to apply for observer status at the Advisory Committee meetings. The rule adopted under agenda item 8 now replaces the old rule 2.2.

The input from IGOs was nevertheless gratefully welcomed. The Chairman noted that it would be sensible to issue standing invitations to those IGOs the Committee wishes close cooperation and whose work is of fundamental importance to the Advisory Committee. This should be considered at future Advisory Committee meetings.

## **26. ARRANGEMENTS FOR SECOND MEETING OF PARTIES**

The German government will be hosting the 2<sup>nd</sup> Meeting of Parties, on 17-19 November 1997 in Bonn, Germany. Jensen had met with Thyssen in Bonn to inspect the venue and draft the agenda, which was available for discussion.

The number of Working Groups to be established at the Meeting of Parties was discussed, and it was agreed that at least two would be established: an administrative group to consider budgetary and secretariat issues and a scientific group to consider the Action Plan for the next triennium.

In relation to timing of papers, the Committee **recommended** that documents and proposals should be received by Parties at least one month ahead of the meeting (i.e. 17 October). In order to give the Secretariat time to prepare papers, they recommended receipt at the Secretariat by 7 October. These suggestions do not preclude submission of papers at the Meeting of Parties.

## **27. AGREEMENT ON THE DRAFT REPORT**

The Chairman had decided that the report from this meeting should be agreed upon during the meeting. However, due to limited time, the full draft report could not be agreed upon. The draft report would be circulated for comments, and it was **agreed** that one set of internally agreed comments should be provided to the Secretariat, by each member state. A second draft would then be circulated by the Secretariat.

## **28. DATE AND VENUE OF NEXT MEETING**

Skóra invited the Advisory Committee to meet in Poland at the Hel Marine Station for its next meeting. The Committee cordially accepted the offer and agreed to meet there on 22-24 April 1998.

## **29. OTHER BUSINESS**

Evans provided information on the World Marine Mammal Science Conference, 20-24 January 1998, Monaco (attached as Annex H).

## **30. CLOSE OF MEETING**

The Chairman closed the meeting at 13.30 and thanked for the fruitful discussions particularly on bycatch and pollution. Tasker expressed thanks on behalf of the Advisory Committee to Peter Reijnders for the excellent and efficient hosting of the meeting. The participants had been pleased that the Dutch coordinating authority, Jan Willem Sneep had attended the excellent hosted dinner.

## **LIST OF ANNEXES**

- A AGENDA
- B LIST OF PARTICIPANTS
- C LIST OF DOCUMENTS
- D RULES OF PROCEDURE FOR THE ADVISORY COMMITTEE.
- E RESOLUTION ON MANAGEMENT AND FURTHER RESEARCH NEEDS TO ADDRESS EFFECTS OF POLLUTANTS ON CETACEAN HEALTH
- F LETTER FOR THE SECRETARIAT TO CIRCULATE ON THE SUBJECT OF THE LOCATION ON THE ASCOBANS SECRETARIAT
- G TERMS OF REFERENCE FOR CONTRACT STUDY TO EXAMINE RESEARCH OPTIONS FOR THE BALTIC
- H INFORMATION ON THE FIRST WORLD MARINE MAMMAL SCIENCE CONFERENCE



**AGENDA**

1. Introduction.
2. Adoption of Rules of Procedures.
3. Adoption of Agenda.
4. Documentation submitted to meeting.
5. Admission of observers.
6. Pollutant issues.
7. Bycatch issues.
8. Change of Rules of Procedures for NGOs to attend the Advisory Committee meetings.
9. Financial/budgetary issues.
10. Disturbance-reduction.
11. Review of strandings schemes.
12. Review of ASCOBANS achievements.
13. Functioning of the Advisory Committee.
14. Secretariat issues.
15. Status of cetaceans in the Baltic.
16. Design of a monitoring system for harbour porpoises in the Baltic Sea.
17. Protected Areas.
18. Recent research/surveys.
19. Progress on accession of Range States and EU.
20. Possible extension of ASCOBANS area.
21. Progress of ACCOBAMS.
22. Reports of observers at meetings since November 1996.
23. National reports.
24. Promotional campaign.
25. IGOs entitled to observe at the ASCOBANS meetings.
26. Arrangements for Second Meeting of Parties.
27. Agreement on the draft report.
28. Date and venue of next meeting.
29. Other business.
30. Close of meeting



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## LIST OF DOCUMENTS

ASCOBANS/ADV.COM./4/DOC.

1. JENSEN, J. Report of the European Cetacean Society's 11<sup>th</sup> Annual Conference, 10-12 March 1997, Stralsund, Germany.
2. JENSEN, J. Preparatory meeting with the Secretariat of the Convention on Migratory Species of Wild Animals (CMS) of the Fifth Conference of the Parties to CMS, 13 March 1997, Bonn, Germany.
3. JENSEN, J. Report of the Fifth Meeting of the Conference of the Parties to the Convention on Migratory Species of Wild Animals, 10-16 April, Geneva, Geneva, Switzerland.
4. JENSEN, J. Report from the Seventh meeting of the Working Group on Nature Conservation and Biodiversity (EC NATURE), 25-28 May 1997, Svetlogorsk, Russia.
5. REIJNDERS, P.J.H. Pollutants and Cetaceans.
6. Progress report on FAIR PL 95/523 submitted to EU. Assessment and reduction of the by-catch of small cetaceans (BY-CARE). In strict confidence: Not to be copied or circulated beyond the recipient.
7. BYCATCH WORKING GROUP Report. Cetacean by-catch in the ASCOBANS area, a review and recommendations for future action.
8. LOCKYER, C. Progress on population structure studies of harbour porpoise, with a special reference to the North and Baltic Seas.
9. REIJNDERS, P.J.H. Status of the implementation of the Conservation and Management Plan.
10. TASKER, M.L. AND P. BERGGREN. Requirements of a database on by-catch for ASCOBANS.
11. FISCHER, H. Report from the Seventh NAMMCO Council meeting, 27-30 May 1997, Tórshavn, Faroe Islands.
12. Withdrawn.
13. Brackett, D., Chairman, IUCN Species Survival Commission. Letter regarding the protection of the calving areas for harbour porpoises around the Isle of Sylt.
14. HAELTERS, J. A review of stranding schemes in the ASCOBANS area.
15. HAMMOND, P.S. Abundance of cetaceans west of the British Isles: a proposal.
16. Report from the intercessional Budget Working Group.
17. SALMON, T. A proposal for Terms of Reference for the ASCOBANS Secretariat.
18. WWFs opening statement for the fourth ASCOBANS Advisory Committee meeting.
19. CWSSs opening statement for the fourth ASCOBANS Advisory Committee meeting.
20. UKs proposal to Rules of Procedure regarding NGOs.
21. ASCOBANS Secretariat. Notes on amendment to Rules of Procedure.
22. CETASEL. 2<sup>nd</sup> interim progress report.
23. SMITH, T. and D. PALKA. Research priorities for evaluating the significance of marine mammal by-catch, with examples from Eastern Tropical Pacific tuna purse seine and Western North Atlantic sink gillnet fisheries.



## RULES OF PROCEDURE FOR THE ASCOBANS ADVISORY COMMITTEE

*As amended at the fourth ASCOBANS Advisory Committee meeting 30 June-2 July 1997, Texel,  
The Netherlands.*

### PART I

#### DELEGATES, OBSERVERS, SECRETARIAT

##### **Rule 1. Delegates**

- (1) A Party to the Agreement (hereafter referred to as a 'Party')<sup>1</sup> shall be entitled to appoint one member of the Advisory Committee (hereafter referred to as a Committee Member) and such advisers as the Party may deem necessary.
- (2) The voting rights of the Parties shall be exercised by the Committee Member. In the absence of the Committee Member, an adviser may be appointed by the Committee Member to act as a substitute over the full range of the Committee Member's functions.

##### **Rule 2. Observers**

- (1) All non-Party Range States and Regional Economic Integration Organizations bordering on the waters concerned may send observers to the meeting, who shall have the right to participate but not to vote.<sup>2</sup>
- (2) Any body or individual qualified in cetacean conservation and management may request admittance to plenary sessions of the Advisory Committee. Appropriate written applications for attendance should be received by the Secretariat at least 60 days before any Committee meeting, and circulated to Parties by the Secretariat forthwith. Parties shall inform the Secretariat of their acceptance or rejection of all applications no less than 30 days before that meeting. An applicant shall be permitted to attend as non-voting observer, if two-thirds of the Parties accept their application. Decisions on whether such bodies or individuals may attend Committee meetings should take into account possible seating limitations. Information on limitations of the venue shall be provided to the Secretariat by the host in time for circulation with any applications received.
- (3) The Advisory Committee may, as appropriate, invite any other body or individual qualified in cetacean conservation and management to participate in a meeting. Such persons shall not have the right to vote.
- (4) Seating limitations may require that no more than two observers from any non-Party State or body be present at sessions of the Advisory Committee.

##### **Rule 3. Credentials**

- (1) Each contracting Party shall appoint a Committee Member and alternate, when appropriate, to the Advisory Committee, who shall represent the Party. Contracting Parties shall submit the names of these delegates to the Secretariat through their coordinating authorities by the start of the Meeting.
- (2) The appointed Committee Member or alternate shall be available for consultation inter-sessionally.

##### **Rule 4. Secretariat**

Unless otherwise instructed by the Parties, the Secretariat shall service and act as secretariat for the Advisory Committee at its meetings.

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<sup>1</sup> See agreement, paragraph 1.2, sub-paragraph (e), and paragraphs 8.4 and 8.5. A Party is a Range State or a Regional Economic Integration Organization which has deposited with the United Nations Headquarters by 27 August 1994 its consent to be bound by the agreement.

<sup>2</sup> See agreement, paragraph 6.2.1

## PART II

### OFFICERS

#### Rule 5. Chairpersons

- (1) The Advisory Committee shall, at its first session, elect a Chairperson from among the Committee Members, and a Vice-chairperson from the Committee Members or their advisers.
- (2) The Chairperson and Vice-chairperson of the Advisory Committee shall hold office until the first meeting of the Advisory Committee following each Meeting of Parties. The Chairperson may be nominated for re-election at the end of a term of office.

#### Rule 6. Presiding Officer

- (1) The Chairperson shall preside at all meetings of the Advisory Committee.
- (2) If the Chairperson is absent or is unable to discharge the duties of Presiding Officer, the Vice-Chairperson shall deputize.
- (3) The Presiding Officer may vote.

## PART III

### RULES OF ORDER AND DEBATE

#### Rule 7. Powers of Presiding Officer

- (1) In addition to exercising powers conferred elsewhere in these Rules, the Presiding Officer shall at Advisory Committee meetings:
  - (a) open and close the sessions;
  - (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 meeting, propose:
  - (a) time limits for speakers;
  - (b) limitation of the number of times the members of a delegation or observers from a State which is not a Party or a Regional Economic Integration Organization, or from any other body, may speak on any question;
  - (c) the closure of the list of speakers;
  - (d) the adjournment or the closure of the debate on the particular subject or question under discussion;
  - (e) the suspension or adjournment of any session; and
  - (f) the establishment of drafting groups on specific issues.

#### Rule 8. 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 Committee Members.
- (2) A Committee Member, adviser 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 participant or observer to request elucidation on a particular point in that speech.

#### **Rule 9. Procedural Motions**

- (1) During the discussion of any matter, a Committee Member 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 10. Arrangements for Debate**

- (1) The Meeting may, on a proposal by the Presiding Officer or by a Committee Member, limit the time to be allowed to each speaker and the number of times anyone 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 Committee, declare the list closed. The Presiding Officer may, however, accord the right of reply to any individual if a speech delivered after the list has been declared closed makes this desirable.
- (3) During the discussion of any matter, a Committee Member may move the adjournment of the debate on the particular subject or question under discussion. In addition to the proposer of the motion, a Committee Member may speak in favour of, and a Committee Member 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 Committee Member may at any time move the closure of the debate on the particular subject or question under discussion, whether or not any other individual has signified the wish to speak. Permission to speak on the motion for closure of the debate shall be accorded only to a Committee Member 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 Committee Member 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 11. Methods of Voting**

- (1) Without prejudice to the provisions of Rule 1, paragraph 2, each Committee Member duly accredited according to Rule 3 shall have one vote.
- (2) The Committee shall normally vote by show of hands at a meeting, but any Committee Member may request a roll-call vote. In the event of a vote during an inter-sessional period, there will be a postal ballot.
- (3) At the election of officers, any Committee Member 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 Committee Members 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 the Secretariat. Inter-sessional voting by postal ballot will be coordinated by the Secretariat.
- (7) After the Presiding Officer has announced the beginning of the vote, it shall not be interrupted except by a Committee Member on point of order in connection with the actual conduct of the voting. The Presiding Officer may permit Committee Members to explain their votes either before or after the voting, and may limit the time to be allowed for such explanations.

**Rule 12. Majority and voting procedures on motions and amendments**

- (1) All votes on procedural matters relating to the forwarding of the business of the meeting shall be decided by a simple majority of Parties.
- (2) Financial decisions within the limit of the power available to the Advisory Committee shall be decided by three-quarter majority among those Parties present and voting.
- (3) Amendments to the Rules of Procedure require a three-quarter majority among those present and voting.
- (4) All other decisions shall be taken by simple majority among Parties present and voting.
- (5) When an amendment is moved to a proposal, the amendment shall be voted on first. If the amendment is adopted, the amended proposal shall then be voted upon.

**PART V**

**LANGUAGES AND RECORDS**

**Rule 13. Working Language**

English shall normally be the working language of any Advisory Committee meeting and working groups.

**Rule 14. Other Languages**

- (1) An individual may speak in a language other than English at meetings, provided he/she furnishes interpretation into English.
- (2) Any document submitted to a meeting shall be in English.

**Rule 15. Summary Records**

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

**PART VI**

**OPENNESS OF DEBATES**

**Rule 16. Committee meetings**

All sessions of meetings shall be closed to the public.

**Rule 17. Sessions of the Working Groups**

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

## PART VII

### WORKING GROUPS

#### **Rule 18. Establishment of Working Groups**

The Advisory Committee may establish working groups as may be necessary to enable it to carry out its functions. It shall define the terms of reference and composition of each working group, the size of which may be limited according to the number of places available in assembly rooms.

#### **Rule 19. Procedure**

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



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

The Parties:

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

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

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

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

NOTING that at its 49th meeting, the IWC Scientific Committee will consider specific ways to ensure progress is made on the workshop recommendations;

DECIDE:

TO REQUEST that the Advisory Committee and Parties consider ways to facilitate the development and execution of a comprehensive research programme on cause-effect relationships between harbour porpoise health and chemical pollutants in co-operation with the IWC and other relevant bodies;

TO ADVISE, that when carrying out pollution studies on small cetaceans, the sampling and storage procedures as detailed in the IWC-Special Volume on Pollutants and Cetaceans.



**LETTER FOR THE SECRETARIAT TO CIRCULATE ON THE SUBJECT OF THE LOCATION ON  
THE ASCOBANS SECRETARIAT**

Dear Sir/Madam,

The fourth Meeting of the Advisory Committee to ASCOBANS noted that the organisation which is hosting the Secretariat of the Agreement (the Sea Mammal Research Unit in the United Kingdom) is unlikely to continue to be in a position to fulfil this role after the end of the current triennium.

The Advisory Committee therefore felt that Parties should now consider the future location of the Secretariat.

A decision on the future location of the Secretariat will be taken at the next Meeting of Parties in Bonn, 17-19 November 1997.

When considering candidates Parties should keep in mind the tasks of the Secretariat as laid down in Article 4 of the Agreement text and the attached Guidance Note agreed by the Advisory Committee for the Secretariat.

# Secretariat to the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS)

## Guidance Note

### Introduction

The purpose of the Agreement is to advance the conservation of small cetaceans in the Baltic and North Seas (including the Kattegat and the Channel). The Agreement has been made under the UN Convention on the Conservation of Migratory Species of Wild Animals (the Bonn Convention). The parties to ASCOBANS are responsible for its implementation in their territories, although many of the required actions may be undertaken in other contexts (for example, under the OSPAR convention, or within the Common Fisheries Policy). The primary means of coordinating actions by parties is through resolutions or other agreements at the usual triennial Meeting of Parties. Between Meetings of Parties, co-ordination is effected through the Advisory Committee. The Advisory Committee is composed of a representative of each party along with a small number of advisors. The Advisory Committee delegates some work to individuals or to small working groups.

### Secretariat Function

The function of the Secretariat is to help promote the Agreement, to support meetings of all of the ASCOBANS groups described above, to represent these groups at other relevant meetings and to provide advice to parties to help them advance the objectives of ASCOBANS. The Secretariat also maintains reports and correspondence records, prepares budgets, manages finance and keeps financial records, and keeps in close contact with all range states of the Agreement.

### Institutional Characteristics

The location of the Secretariat should ideally add value to the function of the Secretariat. The location should be in a known centre of knowledge on international nature conservation.

Additional features, which should be borne in mind, will include:

- ◆ relation with a known centre of knowledge on marine nature conservation or cetaceans;
- ◆ good external relations;
- ◆ cost.

### Secretariat Characteristics

The Secretariat is usually comprised of one person (the Secretary), with some administrative support. The amount of work required vary between those years when there is a Meeting of Parties, and those years without a meeting. In years with a Meeting, it is likely that the main requirement will be for further administrative support.

**The Secretariat should be able to provide staff who:**

*as a minimum have:*

- ◆ Fluency of the English language both active and passive;
- ◆ ability to independently take the initiative, but know limits;
- ◆ understanding of international nature conservation Conventions and Agreements;
- ◆ ability to command respect at international gatherings;
- ◆ promotional ability;
- ◆ efficient and rapid administrative skills.

*and, ideally have:*

- ◆ a solid grounding in cetacean biology;
- ◆ a good network of relationships with research and conservation groups related to cetaceans;
- ◆ ability to grasp complex international relationships;
- ◆ a working knowledge of at least one other official language of the Agreement.

## Terms of Reference for Contract Study to Examine Research Options for the Baltic

Greg Donovan, Iwona Kuklik, Finn Larsen and Ralf Sonntag

### INTRODUCTION

These Terms of Reference were drafted in response to a question posed by the Advisory Committee. The Contract should be completed in time for the Chairman of the Advisory Committee, in consultation, to consider if a Resolution should be drafted in time for the next Meeting of Parties.

### OBJECTIVE

To consider the research needs necessary to clarify the status of harbour in the Baltic Sea area [*needs to be defined*], if such research be deemed necessary, in the context of ASCOBANS management objectives [see bycatch document]. The Contract must consider:

- (1) the theoretical likelihood of obtaining successful results;
- (2) the relative costs of the considered research projects.

It is important to note that one possible outcome is that it might be found that considerable research expenditure may not increase our understanding of the problem sufficiently to change management advice over that which might be given at our present level of knowledge. In such a circumstance it would be wiser to spend any available money on attempting to reduce bycatch levels rather than to improve estimates of abundance or estimates of total bycatch.

### MECHANISM

The contract should be subdivided.

#### **(1) Review/inventory of available data and data collection opportunities**

The first phase should be relatively short and the aim is to provide necessary background information to the main contractors (for parts 2 and 3 below) who will probably not be familiar with the specifics of the Baltic region. The review is not intended to reach conclusions. It should document where the available published or unpublished data can be found with respect to:

- (a) past and recent distribution and abundance;
- (b) stock identity;
- (c) studies on bycatch;
- (d) broad overview of fishing operations (type/scale);
- (e) availability of existing monitoring programmes, surveys and platforms of opportunities.

This review can probably most efficiently be carried by one or two scientists from the Parties to ASCOBANS acting as a collator and requesting input from the western and eastern Baltic. For example, Sonntag and Kuklik would be in a position to carry out this work.

*Suggested time required and deadline: 2 weeks work, 18 July.*

Parts (2) and (3) are of necessity inter-related and could be carried out by one person/institution or two working together.

#### **(2) Survey data**

The contractor will examine the various ways of attempting to obtain necessary (in the context of bycatch) abundance estimate(s), paying due attention to:

- (1) techniques;
- (2) platforms; and
- (3) sampling strategies (e.g. total area, focussed areas)

and estimating potential precision/bias in the resultant estimates and approximate costs.

Brief consideration should also be given to the value of the estimates in the context of possible future surveys in the light of management objectives.

**(3) Bycatch estimates**

The contractor will examine the potential (and need) for obtaining improved estimates of bycatch in the light of extant information on (a) bycatch, (b) fishing operations and (c) porpoise density and on the potential outcome of the survey strategy discussed under (2).

*Suggested time required and deadline: 1 month, 15 August.*

Potential contractors: Surveys - Lex Hiby, Steve Buckland/David Borchers; Bycatch estimates - Mark Bravington, Jay Barlow

## INFORMATION ON THE FIRST WORLD MARINE MAMMAL SCIENCE CONFERENCE

The Twelfth Annual Conference of The European Cetacean Society and the Twelfth Biennial Conference on The Biology of Marine Mammals are being organised jointly as the First World Marine Mammal Science Conference (WMMSC) in the Principality of Monaco between 20th and 24th January 1998.

**During the meeting there will be six symposia on the following topics:**

- (1) oceanography and marine mammal habitat;
- (2) marine mammal management: implementation of the precautionary principle;
- (3) scale issues in marine mammals;
- (4) mysticetes: why migrate?;
- (5) recent advances in marine mammal acoustics;
- (6) molecular and stratigraphic evidence for marine mammal evolution.

**Prior to the meeting there will be six workshops on the following topics:**

- (1) monk seals;
- (2) whalewatch research;
- (3) reproduction;
- (4) cetacean bycatch reduction;
- (5) advances in bio-acoustics and signal processing;
- (6) development of a North Atlantic sperm whale ID catalogue.

There will also be a student meeting.

### **Information on the Conference**

For further details, contact the Conference Organiser Dr Anne Collet, Centre de Recherche sur les Mammifères Marins, Institut de la Mer et du Littoral, Port des Minimes, F-17000 La Rochelle, France (Tel +33 (0)546-449910; fax +33 (0)546-449945; email [crrm@univ-lr.fr](mailto:crrm@univ-lr.fr)). Please note that the deadline for early registration at discounted rates is 1 October 1997.

### **Information on the scientific program**

For details of the scientific program, contact one of the co-chairs of the Scientific Committee:

Dr Roger Gentry, NOAA, National Marine Mammal Laboratory, 7600 Sand Point Way NE, Bldg 4, Seattle WA 98115-0070, USA (Fax +1 (206) 526-6615; email: [Roger.Gentry@NOAA.GOV](mailto:Roger.Gentry@NOAA.GOV));

Dr Peter Evans, c/o Department of Zoology, University of Oxford, South Parks Road, Oxford OX1 3PS, UK (Fax +44 (0)1865-727984; email: [Peter.Evans@zoology.ox.ac.uk](mailto:Peter.Evans@zoology.ox.ac.uk)).

