

Agenda Item 4

Accession of Range States and Status of
Ratification of Extension of the Agreement
Area

Document 4-01

Status of Accessions and Ratification

Action Requested

- Take note
- Give guidance on priorities for recruitment efforts
- Provide oral reports on progress towards acceptance of the 2003 Amendment

Submitted by

Secretariat



NOTE:
IN THE INTERESTS OF ECONOMY, DELEGATES ARE KINDLY REMINDED TO BRING THEIR OWN COPIES OF DOCUMENTS TO THE MEETING

Status of Accessions and Ratification

1. The Secretary General of the United Nations has the function of depositary for the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas. The annexes to this document contain the official status register for the ASCOBANS Agreement and its Amendment, as published by the Depositary on 18 September 2012.

Accession of Range States

2. As indicated by the status shown in Annex 1, since the 6th Meeting of the Parties held in 2009, no new Parties have acceded to the Agreement, despite efforts by the Secretariat and several Parties to encourage the accession of further Range States.

3. Numerous contacts were made with all non-Party Range States, including encouraging them to attend ASCOBANS meetings and keeping them informed of developments.

4. Special efforts were invested in the Russian Federation, with support from and in close collaboration with the CMS Secretariat and the Government of Germany. In October 2009, the special assistant of the CMS Executive Secretary went to Russia on a joint mission with officials of the German Ministry of Environment. She also used her meetings with representatives of the Russian Ministry of Natural Resources and Environment to promote accession to CMS and its relevant daughter Agreements. While preparing the 18th Advisory Committee Meeting (2011), the Secretariat made efforts to encourage the country to send a representative to the Advisory Committee Meeting. Germany kindly allowed the Secretariat to use part of the annual voluntary contribution for sponsoring the attendance of representatives of the Baltic non-Party Range States. While unsuccessful for that meeting, a representative of the Russian Federation was present at the 19th Advisory Committee Meeting (2012).

5. Following Norwegian representation at the 6th Meeting of Parties, the Secretariat made repeated contacts with Norway, and has also been seeking to involve Estonia, Latvia and Ireland in the Agreement's activities. The representation of the Irish Department of the Environment at AC19 was seen as a positive sign.

6. Following proposals tabled by Spain and Portugal at the ACCOBAMS MOP4 in November 2010, the Parties to that Agreement decided, pending ratification by the required number of Parties, to extend the ACCOBAMS area to cover waters included in the ASCOBANS extension. Regrettably, this decision made clear that Spain and Portugal have no intention of joining ASCOBANS in the future. The Secretariat has therefore not invested further time into encouraging their accession. Instead, efforts relevant for this region have been focused on collaboration with ACCOBAMS on issues of common concern, both at Secretariat level as well as through the work undertaken by the Advisory Committee's Extension Area Working Group.

7. Accordingly, the Secretariat is proposing to focus future efforts on Estonia, Ireland, Latvia, Norway and the Russian Federation. Letters to the governments of Estonia and Latvia are under preparation, and contacts with Ireland will be continued.

Ratification of the Extension of the Agreement Area

8. The extension of the ASCOBANS Agreement area south-westwards, as decided by the 4th Meeting of Parties in 2003, entered into force on 3 February 2008 after the fifth country had ratified the amendment to the Agreement text. The official title of the Agreement thereby, for those countries that accepted the amendment, changed to Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas.

9. As indicated by the status shown in Annex 2, since the 6th Meeting of the Parties held in 2009, two Parties completed their ratification process for the Agreement's Amendment: Poland deposited their instrument of acceptance in 2009, followed by Sweden in 2010.

10. This means that to date, only Belgium, Lithuania and the United Kingdom have not been able to complete their acceptance process.

11. Any new Party acceding to the Agreement since the Amendment entered into force will automatically become Party to it as amended, unless the country indicates a different intention in their instrument of accession (as specified in Annex 2).

**9. AGREEMENT ON THE CONSERVATION OF SMALL CETACEANS OF THE BALTIC,
NORTH EAST ATLANTIC, IRISH AND NORTH SEAS ***

New York, 17 March 1992

ENTRY INTO FORCE 29 March 1994, in accordance with article 8(5).¹
REGISTRATION: 29 March 1994, No. 30865.
STATUS: Signatories: 6. Parties: 10.
TEXT: United Nations, *Treaty Series*, vol. 1772, p. 217; and C.N.338.1995.TREATIES-2 of 22 November 1995 (procès-verbal of rectification of the French authentic text).

Note: The Agreement was approved at Geneva on 13 September 1991, during the Third Meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals pursuant to article IV (4) of the said Convention, which was done at Bonn on 23 June 1979 ("Bonn Convention"). The Agreement was open for signature at United Nations Headquarters in New York on 17 March 1992 and will remain open for signature at United Nations Headquarters until its entry into force.

* The Amendment to the Agreement (see Chapter XXVII-9(a) herein), which entered into force on 3 February 2008, changed the name of the Agreement. The Agreement was previously known as "Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas".

<i>Participant</i>	<i>Signature</i>	<i>Definitive signature(s), Ratification, Accession(a), Acceptance(A), Approval(AA)</i>	<i>Participant</i>	<i>Signature</i>	<i>Definitive signature(s), Ratification, Accession(a), Acceptance(A), Approval(AA)</i>
Belgium.....	6 Nov 1992	14 May 1993	Netherlands ²	29 Jul 1992	29 Dec 1992 AA
Denmark.....	19 Aug 1992	29 Dec 1993 AA	Poland		18 Jan 1996 a
European Union	7 Oct 1992		Sweden.....		31 Mar 1992 s
Finland		13 Sep 1999 a	United Kingdom of Great Britain and Northern Ireland ³	16 Apr 1992	13 Jul 1993
France.....		3 Oct 2005 a			
Germany.....	9 Apr 1992	6 Oct 1993			
Lithuania		27 Jun 2005 a			

Notes:

¹ "Any State that becomes a Party to the Agreement after the entry into force of an Amendment shall, failing an expression of a different intention by that State:

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

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

² For the Kingdom in Europe.

³ For the United Kingdom of Great Britain and the Bailiwick of Guernsey. For the Bailiwick of Jersey (notification received on 26 September 2002).

**9. a) Amendment to the Agreement on the Conservation of Small Cetaceans
of the Baltic and North Seas**

Esbjerg, 22 August 2003

ENTRY INTO FORCE: 3 February 2008, in accordance with article 6.5.3.
REGISTRATION: 3 February 2008, No. 30865.
STATUS: Parties: 7.¹
TEXT: Depositary notification C.N.346.2006.TREATIES-1 of 9 May 2006.

Note: By Resolution No. 4, adopted on 22 August 2003 at the 4th meeting of the Parties to the Agreement on the conservation of small cetaceans of the Baltic and North Seas, held in Esbjerg, Denmark, from 19 to 22 August 2003, the Parties adopted an amendment to the Agreement, in accordance with paragraph 6.5. The Amendment, *inter alia*, changes the name of the Agreement as follows: "Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas".

<i>Participant</i>	<i>Acceptance(A)</i>	<i>Participant</i>	<i>Acceptance(A)</i>
Denmark	19 Dec 2006 A	Poland.....	1 Jul 2009 A
Finland.....	5 Nov 2007 A	Sweden	1 Oct 2010 A
France	3 Oct 2005 A		
Germany	15 Jan 2007 A		
Netherlands	24 May 2007 A		

Notes:

¹ "Any State that becomes a Party to the Agreement after the entry into force of an Amendment shall, failing an expression of a different intention by that State:

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

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

(Amendment to the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas, Esbjerg, 22 August 2003)

² For the Kingdom in Europe.