

Contents:

IWC/62/OS CMS/ASCOBANS/ACCOBAMS

- Convention on the Conservation of Migratory Species of Wild Animals
- Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas
- Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and contiguous Atlantic area

IWC/62/OS NAMMCO

IWC/62/OS IUCN



Convention on the Conservation of Migratory Species of Wild Animals

Secretariat provided by the United Nations Environment Programme



Progress Report on Relevant Activities Undertaken within the Framework of CMS, ASCOBANS and ACCOBAMS to the 62nd Meeting of the International Whaling Commission

Agadir, Morocco, 21-25 June 2010

I. Introduction

1. Cetacean conservation is a crucial component of the work of the Convention on the Conservation of Migratory Species of Wild Animals (CMS), which aims to conserve and manage avian, aquatic and terrestrial migratory species, as well as their habitats, throughout their range.

2. As a global environmental treaty, CMS organizes transboundary cooperation for species migrating across or outside national boundaries, such as cetaceans. It provides the legal framework for conservation measures throughout the migratory range and strives to maintain or restore a favourable conservation status of the species and their habitats in order to facilitate, where applicable, sustainable use. The Convention provides a platform to develop and tailor measures according to particular conservation needs. This is achieved through a variety of instruments.

3. A key instrument of the Convention is the listing of species on one or both of the two Appendices, which are updated at every meeting of the Conference of Parties. It is possible a) for a species to be listed on both Appendices of the Convention, b) for the species as a whole to be listed on one Appendix and a particular population to appear on the other or c) for just a particular population to be listed.

4. **Appendix I** contains migratory species that are endangered - that means in danger of extinction throughout all or a significant portion of their range. Provided that there is reliable scientific evidence available that a species is endangered, a migratory species may be listed on Appendix I. Parties that are Range States for Appendix I species endeavour to conserve and restore habitats; to prevent, remove, compensate for or minimise, as appropriate, the adverse effects of activities or obstacles, which prevent or impede migration; and to prevent, reduce or control factors that endanger the species. Taking of specimens of Appendix I species is generally prohibited and Parties allowing exceptions must inform the Secretariat.

5. Following its amendment at the 9th Meeting of the Conference of Parties, held in Rome, Italy, in December 2008, Appendix I lists the following 15 cetacean species:

- *Toothed whales (Odontoceti)*: Sperm whale (*Physeter macrocephalus*); Ganges river dolphin / Susu (*Platanista gangetica gangetica*); Franciscana / La Plata dolphin (*Pontoporia blainvillei*); Short-beaked common dolphin (*Delphinus delphis*) - only Mediterranean population; Common bottlenose dolphin (*Tursiops truncatus ponticus*) - Black Sea population; Irrawaddy dolphin (*Orcaella brevirostris*); Atlantic humpback dolphin (*Sousa teuszii*)
- *Baleen whales (Mysticeti)*: Sei whale (*Balaenoptera borealis*); Fin whale (*Balaenoptera physalus*); Blue whale (*Balaenoptera musculus*); Humpback whale (*Megaptera novaeangliae*); Bowhead whale (*Balaena mysticetus*); Northern right whale (*Eubalaena*

glacialis) - North Atlantic; North Pacific right whale (*Eubalaena japonica*) - North Pacific; Southern right whale (*Eubalaena australis*)

6. **Appendix II** contains species with an unfavourable conservation status that would significantly benefit from the international co-operation that could be achieved through an international agreement for their conservation and management. Parties that are Range States of Appendix II species are therefore encouraged to conclude agreements for the conservation and management of those species or geographically separate populations of those species. The approach of CMS to all cetaceans is conservation-oriented, whilst not excluding sustainable use of Appendix II species, and actively promoting non-lethal use such as safe wildlife-watching.

7. Appendix II, as amended at the 9th Meeting of the Conference of Parties in December 2008, lists the following 43 cetacean species:

- *Toothed whales (Odontoceti)*: Sperm whale (*Physeter macrocephalus*); Ganges river dolphin / Susu (*Platanista gangetica gangetica*); Franciscana / La Plata dolphin (*Pontoporia blainvillei*); Amazon river dolphin / Boto (*Inia geoffrensis*); Beluga / White whale (*Delphinapterus leucas*); Narwhal (*Monodon monoceros*); Harbour porpoise / Common porpoise (*Phocoena phocoena*) - North and Baltic Sea, western North Atlantic, Black Sea and North West African populations; Burmeister's porpoise (*Phocoena spinipinnis*); Spectacled porpoise (*Phocoena dioptrica*); Finless porpoise (*Neophocaena phocaenoides*); Dall's porpoise (*Phocoenoides dalli*); Indo-Pacific humpback dolphin (*Sousa chinensis*); Atlantic humpback dolphin (*Sousa teuszii*); Tucuxi (*Sotalia fluviatilis*); Guiana dolphin (*Sotalia guianensis*); White-beaked dolphin (*Lagenorhynchus albirostris*) - only North and Baltic Sea populations; Atlantic white-sided dolphin (*Lagenorhynchus acutus*) - only North and Baltic Sea populations; Dusky dolphin (*Lagenorhynchus obscurus*); Peale's dolphin / Black-chinned dolphin (*Lagenorhynchus australis*); Risso's dolphin (*Grampus griseus*) - only North Sea, Baltic Sea and Mediterranean populations; Indo-Pacific bottlenose dolphin (*Tursiops aduncus*) - Arafura / Timor Sea populations; Common bottlenose dolphin (*Tursiops truncatus*) - North Sea, Baltic Sea, Mediterranean and Black Sea populations; Pantropical spotted dolphin (*Stenella attenuata*) - eastern tropical Pacific and Southeast Asian populations; Spinner dolphin (*Stenella longirostris*) - eastern tropical Pacific and Southeast Asian populations; Striped dolphin (*Stenella coeruleoalba*) - eastern tropical Pacific and Mediterranean populations; Clymene dolphin (*Stenella clymene*) - West African population; Short-beaked common dolphin (*Delphinus delphis*) - North and Baltic Sea Mediterranean, Black Sea and eastern tropical Pacific populations; Fraser's dolphin (*Lagenodelphis hosei*) - Southeast Asian populations; Irrawaddy dolphin (*Orcaella brevirostris*); Australian snubfin dolphin (*Orcaella heinsohni*); Commerson's dolphin (*Cephalorhynchus commersonii*) - South American population; Chilean dolphin (*Cephalorhynchus eutropia*); Heaviside's dolphin (*Cephalorhynchus heavisidii*); Killer whale / Orca (*Orcinus orca*); Long-finned pilot whale (*Globicephala melas*) - only North and Baltic Sea populations; Baird's beaked whale (*Berardius bairdii*); Northern bottlenose whale (*Hyperoodon ampullatus*)
- *Baleen whales (Mysticeti)*: Antarctic minke whale (*Balaenoptera bonaerensis*); Bryde's whale (*Balaenoptera edeni*); Sei whale (*Balaenoptera borealis*); Omura's whale (*Balaenoptera omurai*); Fin whale (*Balaenoptera physalus*); Pygmy right whale (*Caperea marginata*)

8. Primarily for species listed on Appendix II, the Convention encourages the Range States to conclude global or regional Agreements. In this respect, CMS acts as a framework Convention. The development of models tailored according to the conservation needs throughout the migratory range is a unique capacity to CMS. CMS agreements (including both legally binding Agreements and the more informal Memoranda of Understanding) facilitate deeper region-wide cooperation to address issues of shared responsibility including threat reduction, habitat protection and the establishment of migratory corridors, research and monitoring and regional capacity building as well as providing a regional focal point for coordination and cooperation with other regional and global conservation related instruments. Thus, they constitute an important regional implementation mechanism for the conservation of cetaceans.

9. Such mechanisms include the two cetacean Agreements **ASCOBANS** (Agreement on the

Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas) and **ACCOBAMS** (Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Areas), the **Pacific Cetaceans MoU** (Memorandum of Understanding for the Conservation of Cetaceans and their Habitats in the Pacific Islands Region) and the latest addition, the **Western African Aquatic Mammal MoU** (Memorandum of Understanding concerning the Conservation of the Manatee and Small Cetaceans of Western Africa and Macaronesia).

10. In July 2000, the heads of the **CMS** and **IWC** Secretariats signed a Memorandum of Understanding outlining in general terms various measures intended to promote and strengthen cooperation and institutional linkages between the two organizations in their respective areas of competence. Among other things the Memorandum of Understanding seeks to ensure mutual participation in meetings of the respective convention bodies and to enhance information exchange and programmatic coordination.

11. Below is a report of activities on cetacean conservation, undertaken by the Convention on Migratory Species, and its two cetacean-related Agreements, namely ASCOBANS and ACCOBAMS since the 61st Meeting of the IWC.

II. Progress report

A. Convention on the Conservation of Migratory Species of Wild Animals (UNEP/CMS)

12. CMS continues to build up its coverage and activities on cetaceans and especially small cetaceans. 28 cetacean-related resolutions have been passed by the Parties since the 1st CMS Conference of the Parties in October 1985, addressing issues such as species status and the urgency of conservation action, bycatch, climate change, chemical and noise pollution. Progress on the implementation of the relevant resolutions passed at the 9th Meeting of the Conference of the Parties is described below.

13. Institutionally, since January 2007 UNEP/CMS has provided the Secretariat to ASCOBANS. UNEP/CMS is also the permanent Secretariat to the Pacific Cetaceans MoU working collaboratively with the Pacific Regional Environment Programme (SPREP), as well as the Western African Aquatic Mammal MoU.

I. 16th Meeting of the Scientific Council (ScC16)

14. The Scientific Council will meet for the 16th time from 28-30 June 2010 in Bonn, Germany. Several issues of relevance for cetacean conservation are on the agenda, including considerations on progress with in the implementation of the cetacean-related resolutions of the 9th Meeting of the Conference of the Parties (2008). Issues covered include climate change, by-catch, marine debris and noise. The Council has also been requested by Parties to consider whether additional migratory marine species, especially those vulnerable to climate change impacts in the Arctic regions, merit listing on the CMS Appendices.

II. Implementation and Follow-Up of Resolutions passed at the 9th Meeting of the Conference of the Parties (COP9)

15. At the 9th Meeting of the Conference of Parties (2008) a number of Resolutions relevant for the protection of cetaceans were passed.

16. **Resolution 9.1** on *Concerted and Cooperative Actions* identifies species for which the Parties to the Convention decided to carry out concerted and cooperative actions to improve their conservation status during the 2009-2011 triennium. The results of these efforts will be reviewed at the next meeting in 2011. Concerted actions have been recommended for the Black Sea population of the Bottlenose dolphin (*Tursiops truncatus ponticus*) and the Ganges river dolphin (*Platanista gangetica gangetica*). These two species have thus been highlighted as requiring special attention. Further, 13 cetacean species have been designated for cooperative actions, namely Peale's dolphin (*Lagenorhynchus australis*), Dusky dolphin (*Lagenorhynchus obscurus*), Burmeister porpoise (*Phocoena spinipinnis*), Spectacled porpoise (*Phocoena dioptrica*),

Commerson's dolphin (*Cephalorhynchus commersonii*), Chilean dolphin (*Cephalorhynchus eutropia*), Finless porpoise (*Neophocaena phocaenoides*), Indo-Pacific humpback dolphin (*Sousa chinensis*), Indian or Bottlenose dolphin (*Tursiops aduncus*), Pantropical spotted dolphin (*Stenella attenuata*), Spinner dolphin (*Stenella longirostris*), Fraser's dolphin (*Lagenodelphis hosei*) and Irrawaddy dolphin (*Orcaella brevirostris*).

17. Resolution 9.2 on *Priorities for CMS Agreements* supports the development of an appropriate CMS instrument on cetaceans in South-East Asia or the entire Indian Ocean. The Range States of the region have been requested to identify a lead country to support the instrument's preparatory phase and Parties, interested States and partner organizations are encouraged to provide financial and in-kind support to these efforts.

18. In Resolution 9.9 on *Migratory Marine Species*, Parties express their concern that migratory marine species face multiple, cumulative and often synergistic threats with possible effects over vast areas, such as by-catch, over-fishing, pollution, habitat destruction or degradation, marine noise impacts, deliberate hunts as well as climate change. The COP consequently urges the Scientific Council to identify priority issues, species and habitats in the marine sphere requiring intervention by CMS in the next decade, such as listing on the CMS Appendices, selecting for concerted or cooperative action, the conclusion of new agreements and the development of specific action plans.

19. Resolution 9.09 also addresses the completion of tasks outlined in Resolution 8.22 (2005) on *Adverse Human Induced Impacts on Cetaceans*. The work to finalize the *Programme of Work for Cetaceans* is ongoing in collaboration with the Whale and Dolphin Conservation Society (WDCS). Significant progress has been made on the substantive areas of the report including:

- a) A summary of regions and listed impacts;
- b) A review of the extent to which CMS and CMS cetacean-related Agreements are addressing listed impacts, including ship strikes, through their threat abatement activities; and
- c) A review of the extent to which IMO, IWC SC and CC, OSPAR, UNICPOLOS and the UNEP Regional Seas Programme are addressing listed impacts, including ship strikes, through their threat abatement activities.

20. The final stage of the review and the draft *Programme of Work for Cetaceans* will be completed in the second half of 2010, including an analysis of listed impacts and threat abatement that will be sent to IMO, IWC SC and CC, OSPAR, UNICPOLOS and UNEP for their individual input and comment. The review and draft *Programme of Work for Cetaceans* will then go to the CMS Standing Committee for consideration.

21. Resolution 9.18 on *By-Catch* among other things requests the Scientific Council to prioritise the identification of emerging and best-practice by-catch mitigation techniques as relevant to Convention-listed species. As a first step, the CMS Secretariat has written to relevant RFMOs, other competent international bodies and Parties to invite them to share available information on migratory species by-catch policy and management; migratory species by-catch in the fisheries under their management; impact assessments of their fisheries on seabirds, sharks, turtles and cetaceans; by-catch monitoring, control and surveillance measures they adopt; and best practices on the basis of any performance reviews that are underway. The information gathered to date has been made available as information documents to the CMS Scientific Council.

22. Resolution 9.19 on *Adverse Anthropogenic Marine/Ocean Noise Impacts on Cetaceans and other Biota* was passed in recognition of the fact that anthropogenic ocean noise is a form of pollution that affects cetaceans, marine turtles and migratory fish by degrading habitats and disturbing communication, group cohesion or even leading to injury and mortality, potentially over large distances. Because the negative impacts of anthropogenic ocean noise on marine life are often difficult to prove, Parties affirmed that a precautionary approach was necessary in addressing this matter. Based on relevant protocols, guidelines and provisions for the effective management of anthropogenic noise being gathered from Parties and relevant other organizations, the Scientific Council is requested to develop voluntary guidelines on noise-generating activities for presentation to COP10 in 2011. Discussions are currently ongoing in the CMS, ACCOBAMS, ASCOBANS and OSPAR frameworks to see whether a joint approach for the development of common guidelines

can be found.

23. The Conference of Parties also passed Resolution 9.7 on *Climate Change Impacts on Migratory Species*, which also requests actions relevant for cetacean conservation.

III. Regional Memoranda of Understanding for Cetacean Conservation

24. The Second Meeting of Signatories to the **Pacific Cetaceans MoU** was held from 28-29 July 2009 in Auckland, New Zealand, and was attended by 13 Pacific Island States and Territories. The Governor of the Pitcairn Islands (Mr George Fergusson) and delegates from the South Pacific Whale Research Consortium (SPWRC) and Whales Alive (WA), representing collaborating organisations, signed the MoU. The SPREP regional Whale and Dolphin Action Plan 2008-2012 was proposed to be adopted as the MoU action plan. After some changes had been introduced to its wording, the amended Action Plan was adopted as the MoU Whale and Dolphin Action Plan 2009-2012.

25. Signatories also decided to establish a Technical Advisory Group (TAG) for the MoU. The offer by WDCS to co-ordinate the TAG until the next Meeting of Signatories was gratefully accepted. The meeting requested that the CMS Secretariat and the WDCS coordinator cooperate with the SPREP Secretariat to ensure that duplication with the work undertaken in the framework of SPREP was avoided.

26. Progress was also made towards the finalization of a national reporting format for the MoU; a process was agreed upon to identify priorities specific to the MoU, taking account of regional and national considerations; and a website dedicated to the MoU, www.pacificcetaceans.org, developed by the WDCS, was presented to the meeting and welcomed as a useful regional communication tool.

27. In the period covered by this report, no meetings of the **Western African Aquatic Mammal MoU** took place. However, plans are being made for the first of a series of workshops on implementation of the MoU's Action Plans and capacity-building/training to take place later this year.

IV. Publications

28. The Secretariat has supported the production of two relevant scientific reviews.

29. Firstly, a review of climate change vulnerability of migratory species was carried out by the Zoological Society of London, which includes 6 marine turtle, 9 cetacean, 2 other marine mammal, 4 fish and 7 bird species. The draft document will be discussed during the 16th Meeting of the Scientific Council (28-30 June 2010) and a final version is expected to be available shortly afterwards.

30. Secondly, the recently published 2010 edition of Prof. Boris Culik's Review of Toothed Whales (available on the CMS website: www.cms.int) includes the most recent scientific findings on the distribution, migration, behaviour and threats to this group of cetaceans, as well as recommendations which additional species or populations should be considered for listing on the CMS Appendices.

B. Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas (UNEP/ASCOBANS)

I. Status of ratifications / Agreement Area extension

31. An extension of the ASCOBANS Agreement area south-westwards entered into force on 3 February 2008. The official title of the Agreement thereby, for those countries that accepted the amendment, changed from Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas to **Agreement on the Conservation of Small Cetaceans of the Baltic, North East**

Atlantic, Irish and North Seas. The acronym stays unchanged. Six of the ten Parties to ASCOBANS have already ratified the Amendment, and others are in advanced stages of the ratification process.

II. Institutional bodies

32. The **6th Meeting of the Parties** (MOP6) was held at the UN Campus in Bonn, Germany, from 16-18 September 2009.

33. Parties adopted a new Conservation Plan for Harbour Porpoises in the Baltic Sea (Resolution 1), which outlines concrete actions to be undertaken in order to protect this species in one of the most intensely used maritime areas. Further, a revised and updated version of the Recovery Plan for Baltic Harbour Porpoises was adopted.

34. The meeting also agreed on guidelines to address the adverse effects of underwater noise on marine mammals during offshore construction activities for renewable energy production (Resolution 2). Offshore construction of wind farms throughout the Agreement Area is expected to increase exponentially in the coming years. In particular the pile driving necessary for constructing most types of wind farms creates very high sound pressure levels, causing disturbance or even physical injury to individuals present at relatively close range. Noting the difficulty of proving long-term detrimental effects of acoustic disturbance on cetaceans, governments agreed that a precautionary approach is necessary in dealing with activities associated with renewable energy.

35. Further, strategic priorities were set for the coming triennium. Special focus of the many activities in the Agreement's new, ambitious triennial work plan (2010-2012) should be on two issues: underwater noise and by-catch.

36. The CMS Secretariat was requested to continue providing Secretariat services to ASCOBANS until the end of 2012, by which time Parties will come to a final decision on their preferred Secretariat arrangements. Accordingly, the Executive Secretary of CMS continues serving as Acting Executive Secretary of ASCOBANS, as had been the case since January 2007. However, the Agreement continues to be an independent and legally binding instrument, holding its own meetings and managing its own financial resources.

37. The 17th Meeting of the ASCOBANS **Advisory Committee** was due to be held in the United Kingdom in April 2010. However, due to flight bans across Europe following a volcanic eruption, the meeting had to be postponed on short notice. It will now take place from 4-6 October 2010 at the UN Campus in Bonn, Germany. More information and meeting documents are available on the ASCOBANS website www.ascobans.org.

III. Implementation of the work programme 2009-2010

38. The Triennial Work Plan (adopted by MOP5 for 2007-2009 and MOP6 for 2010-2012) covers all areas of the Agreement's work, as laid out in the Conservation and Management Plan: a) Habitat conservation and management; b) Surveys and research; c) Use of bycatches and strandings; d) Legislation; e) Information and education. The following points highlight some issues of particular interest to the IWC:

39. In February 2010, the 6th Meeting of the ASCOBANS **Jastarnia Group** was held in Hel, Poland. Established in 2003 to carry forward the Agreement's Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan), this Working Group each year makes recommendations to the Advisory Committee of the Agreement. The report of the meeting is available on the ASCOBANS website.

40. The **Intersessional Working Group on the Assessment of Acoustic Disturbance** has presented its final report to Parties (AC17/Doc.4-08). The document contains advice on the management of three main human activities: use of sonar, seismic surveys and pile-driving. For each of these subjects, the working group was asked to examine the management (e.g. impact mitigation) of the activities with regard to noise; summarise the assessments that have been made; indicate the main concerns relevant to the ASCOBANS objectives; and identify or prepare guidelines or recommendations for best practice.

41. The Secretariat is currently promoting the idea of a joint approach of CMS, ACCOBAMS,

ASCOBANS and OSPAR for further work with a view to developing a common set of guidelines for noise mitigation, which takes into account requirements under a variety of frameworks.

42. Savings made on the ASCOBANS Trust Fund were redirected to the support of **conservation projects**. Based on prioritisation done by the Advisory Committee, the Secretariat was so far able to fund 7 projects with a direct significance towards supporting the goals of the Agreement. A project entitled “Effects of Contaminants on Reproduction in Small Cetaceans” has been finalised and the report was published as AC17/Doc.6-05. Also concluded was a study on the “Genetic structure of white-sided dolphin (*Lagenorhynchus acutus*) in the Eastern North Atlantic” (AC17/Doc.6-07). Projects still ongoing are dealing with “Risk Assessment of Potential Conflicts between Shipping and Cetaceans in the ASCOBANS Region”, “Historic and present harbour porpoise populations in the Baltic region – geometric morphometrics analysis”, “Development of a co-ordinated reporting system and HELCOM/ASCOBANS database on Baltic Sea harbour porpoise sightings, by-catches and strandings”, “Review of Trend Analyses in the ASCOBANS Area” and “Coordination of the ASCOBANS North Sea Harbour Porpoise Conservation Plan”. More details on these projects are contained in AC17/Doc.6-01.

43. A call for proposals was sent out in January 2010 and 8 funding applications were received. Projects selected as high priority by the Advisory Committee will be funded as far as possible from savings made on the Agreement’s trust fund in 2009.

44. **Awareness raising** is seen as one of the key tools for the achievement of the conservation targets of the Agreement. Accordingly, the development of outreach and educational material and outreach events are seen as a priority. A revised and updated version of the ASCOBANS leaflet is now available in all 15 languages of the Agreement Area (Danish, Dutch, English, Estonian, Finnish, French, German, Latvian, Lithuanian, Norwegian, Polish, Portuguese, Russian, Spanish, Swedish). Further, a 10-banner exhibition covering topics such as the structure, functioning and aims of the Agreement, the cetacean species covered, the threats they face, how they are addressed and how each individual can contribute to cetacean conservation is now being shown in English and German. The annual outreach event “International Day of the Baltic Harbour Porpoise” continues being celebrated in institutions around the Baltic Sea on the 3rd Sunday in May.

45. The Secretariat had made arrangements for two recent publications to be distributed via the Conference Bags for the 24th Annual Conference of the European Cetacean Society in Stralsund, Germany (22-24 March 2010). These include the recently printed proceedings of the ASCOBANS/HELCOM Workshops on Small Cetacean Population Structure and a poster on the IUCN Red List status of all toothed whales (also available online at http://www.cms.int/reports/small_cetaceans/poster_download.htm). The production of the poster was co-financed by CMS, ASCOBANS, ACCOBAMS, WWF and Loro Parque Foundation.

46. The new online review on distribution, behaviour, migration and threats of toothed whales, available at http://www.cms.int/reports/small_cetaceans/index.htm, has been co-sponsored by CMS, ASCOBANS, WWF and Loro Parque Foundation. This updated and extended version of the Review of Small Cetaceans published in 2004 now contains a summary article on cetacean conservation under CMS, prepared by the Secretariat, and features IUCN distribution maps for all toothed whale species.

47. In order to address the Agreement’s strategic priority to reduce by-catch, a new initiative for improved **collaboration with fishing communities** was launched at MOP6 (September 2009). Because of the limited success of the various by-catch reduction measures required under different legal frameworks in European waters, Parties felt that a new approach was needed that would lead to a closer collaboration with fishers to reduce unwanted mortality. A workshop organised under the auspices of ASCOBANS and the European Cetacean Society (ECS) with input from the European Commission (DG MARE), aimed to provide an up-to-date review of mitigation measures and their effectiveness – their strengths and limitations, and then to discuss possible new cooperative approaches to improve the chances of successful mitigation of cetacean by-catch amongst different fisheries within Europe. A report of the workshop, outlining also its key recommendations, is contained in AC17/Doc.4-07. In addition, work on a dedicated leaflet for fishers is ongoing.

C. Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS)

I. Status of Ratification

48. As of July 1st 2010, following ratification of Egypt, the number of State Parties to the Agreement has risen to 23 (Albania, Algeria, Bulgaria, Croatia, Cyprus, Egypt, France, Georgia, Greece, Italy, Lebanon, Libya, Malta, Monaco, Montenegro, Morocco, Portugal, Romania, Slovenia, Spain, Syria, Tunisia and Ukraine).

II. Institutional Meetings

49. 6th Meeting of the Scientific Committee

The 6th Meeting of the Scientific Committee was held in Casablanca from the 11th to the 13th of January, 2010. Nine recommendations and a Declaration expressing the Committee's concern about the slow and/or limited level of implementation of the Agreement to effectively address the conservation problems affecting cetaceans in the Agreement area were adopted by the SC during the meeting and are related below. The meeting worked on the work programme and formed working groups in order to draft the scientific part of the work programme to be proposed to the Parties for the next three years.

50. 6th Meeting of the Bureau

The 6th Meeting of the ACCOBAMS Bureau was held in Monaco from the 9th to the 10th February, 2010 under the Chairmanship of Croatia. The participants examined the activities undertaken since the sixth meeting of the Scientific Committee (January 2010) and prepared the next meeting of the Extended Bureau.

51. 1st Meeting of the Extended Bureau

The 1st Meeting of the Extended Bureau was held in Rome the 17th and 18th of May, 2010 under the Chairmanship of Croatia. The participants examined the activities undertaken since the sixth meeting of the Bureau (February 2010), prepared the next Meeting of the Parties and discussed of the upcoming projects

52. 4th Meeting of the Parties

The 4th Meeting of the Parties which will be held in Monaco from the 9th to the 12th November, 2010, is currently prepared by the Secretariat.

III. International Meetings organised by the Permanent Secretariat in 2010 for the implementation of the Agreement

53. Regional Workshops on the implementation of ACCOBAMS in the Agreement Area

The 5th Meeting of the Bureau (December 2008) agreed upon the proposal of the Secretariat to organize Regional Workshops gathering groups of Countries Parties to ACCOBAMS in order to assess, and facilitate if needed, the implementation of the Agreement. From September 2009 to February 2010, five Regional Workshops were organized respectively for Eastern, South, Central and Eastern Mediterranean and also for the Black Sea Countries.

In order to prepare these workshops the participants had to assess the implementation of the Agreement according to the Resolutions and Recommendations adopted by the Parties to point out the achieved, ongoing and planned activities. These workshops offered the opportunity to identify the way to support the implementation of the Agreement and to find solution to the difficulties encountered by the Countries in carrying out the decisions of the Meetings of the Parties. In addition, it was a good opportunity to identify projects to be developed through the bilateral cooperation.

IV. ACCOBAMS Partnerships

54. As of date, 33 Organisations are ACCOBAMS Partners following the acceptance of one additional request: Bottlenose Dolphin Research Institute (BDRI).

V. Projects developed under the ACCOBAMS Supplementary Conservation Fund

55. This Fund is devoted to help Developing Countries and Countries with economy in transition to implement the Agreement through notably voluntary contributions.

- Bulgaria and Georgia: projects on the Establishment of a network on cetacean stranding monitoring and on bycatch assessment are currently finalized. A training for the Institute of Fish Resources (IFR) in Bulgaria by the University of Padova (Italy) was held from the 15th to the 17th of February, 2010.
- Romania: a similar project is currently being implemented in Romania.
- Tunisia:
 - The project “Study of dolphin/fishing net interactions at the level of traditional fisheries in Kerkennah and Kelibia (Tunisia): assessment of damage and economic loss” is being ongoing.
 - A workshop on the establishment of whale watching activities will be organized in September 2010.
 - A training on photo identification techniques for scientists from Algeria, Morocco and Tunisia will be organized in September 2010.
- Morocco:
 - To contribute to the main objective of the ByCBAMS project, which aims to evaluate and reduce the negative impacts caused by the interactions between the fisheries and cetaceans within the ACCOBAMS Agreement Area, Morocco is developing a pilot study at the Mediterranean level, to improve the use of acoustic solutions via monitoring and experimenting with a deterrent device « *Purse Seine Shield* ». A first report has been sent to the Permanent Secretariat.
 - A meeting for organizing the National Action Plan and developing the activities on whale watching is planned to be held in September 2010.
- Lebanon: the project “Study on the presence of cetaceans in Lebanon, their identification, their abundance and the areas of their distribution” is ongoing. It aims inter alia at training on survey techniques including theory and practical training in field campaigns.

VI. Activities undertaken in the Agreement area and other meetings

56. *“Train the Trainers” Programme*

In 2008, the Italian Ministry of Environment donated a voluntary contribution to establish the “Train the Trainers” project, which is designed to tutor the educators and scientists on the best way to disseminate their knowledge. An educational manual will be published and 3 Countries (Algeria, Morocco and Tunisia) were trained during summer 2009. The Programme will be extended to Albania and Montenegro in 2010.

57. *Italy/ACCOBAMS Event: “Un invito italiano ai giovani per la salvaguardia dei Mammiferi marini”*

On November 16th 2009, 60 students, 14 to 16 years old, from 3 schools Monaco gathered at the Méridien Beach Plaza (Monaco) to take part to an evening dedicated to the protection of cetaceans in the Mediterranean. A conference on the main threats faced by cetaceans was presented by Dr. Giuseppe Notarbartolo di Sciara, the Chair of the ACCOBAMS Scientific Committee. The students took part in a competition to present individual projects on cetacean conservation. Three winners have been selected. The prize is a week onboard of the Tethys Institute sailboat in the Ligurian Sea to approach cetaceans and realise the work of scientists on a daily basis.



OPENING STATEMENT

The North Atlantic Marine Mammal Commission (NAMMCO) is an international body for cooperation on the conservation, management and study of whales, seals and walrus in the North Atlantic. NAMMCO is also including studies on the interactions between marine mammals and other marine species. NAMMCO is pleased to present an opening statement with items of relevance and interest to the IWC and the attending delegations on the occasion of the 62nd Annual Meeting of the IWC, held in Agadir, and hosted by Morocco, 21-25 June 2010. As on previous occasions, NAMMCO wishes the IWC a productive meeting.

At its 18th Council Meeting 8-10 September 2009, in Tromsø, Norway, attended by member nations Faroe Islands, Greenland, Iceland, and Norway, and observer nations Canada, Japan and the Russian Federation, the whaling and sealing nations in the North Atlantic confirmed their commitment to ensuring the sustainable utilisation of marine mammals through science-based management decisions, stressing the vital importance marine mammals have as renewable resources for economies and cultures across the region.

Humpback Quotas for Greenland

The NAMMCO Management Committee for Cetaceans once again recommended that a total quota of 10 humpbacks in West Greenland in 2010, including struck and lost animals, would be sustainable. This recommendation was based on the 2006 advice from the NAMMCO Scientific Committee that such a level of catch is well within sustainable limits, and noting that the most recent abundance estimate for West Greenland humpbacks from 2007 is higher than the previous estimate from 2005.

New Abundance Estimates

Noting that there were new abundance estimates for the minke whale central North Atlantic stock and that results of a new survey off Iceland would be available in 2010, the NAMMCO Management Committee for Cetaceans recommended that removals of 200 minke whales per year be considered as the largest short-term catch that should be contemplated over a period of 2-5 years for the central North Atlantic stock.

Beluga and Narwhal

The NAMMCO Management Committee for Cetaceans welcomed the multi-annual catch quotas recently introduced by Greenland for beluga and narwhal stocks and noted that these are intended to rebuild the level of the stocks in coming years and therefore ensure the long-term sustainability of catches. These quotas are based on recommendations from the NAMMCO Scientific Committee, which has developed advice on beluga and narwhal in West Greenland jointly with the Scientific Committee Working Group under the bilateral Canada/Greenland Joint Commission on Conservation and Management of Narwhal and Beluga (JCNB). In addition, the NAMMCO Scientific Committee has for the first time had sufficient information to provide advice on narwhals in East Greenland, which Greenland has also taken into account in its national management measures.

Age determination workshop

Following joint recommendations from the JCNB and NAMMCO, NAMMCO will organize an international workshop on age determination focusing on methods for beluga and narwhal,

but also including new developments in age techniques in other species where there have been recent developments. The workshop is scheduled for 2011.

Ecosystem Management and Modelling

The NAMMCO Scientific Committee convened a working group in Reykjavik, Iceland, in April 2009 with experts from NAMMCO countries, Canada, Japan, Russia and South Africa to discuss advances in knowledge of marine mammal – fisheries interactions and ecosystem modelling. NAMMCO supported the proposed ambitious ecosystem modelling programme, which is to run over 2-3 years to progress work towards achieving NAMMCO's commitment to using ecosystem-based management of marine resources in the North Atlantic region, focusing on two regions – Iceland and the Barents Sea, and applying four different models to each region.

By-Catch Monitoring – Joint NAMMCO-ICES Workshop

NAMMCO and ICES are jointly organizing an international workshop on by-catch monitoring, 28 June – 1 July in Copenhagen this year.

The Terms of Reference for the workshop are:

- Review and describe the advantages and disadvantages of existing observation schemes for marine mammals and seabirds;
- Recommend best practices when establishing and implementing by-catch observation schemes.

The main outcome will be a published manual on best practices in by-catch monitoring of marine mammals and seabirds. The anticipated publication date will be before the end of 2010.

Expert Review of Whale Killing Data

The NAMMCO Committee on Hunting Methods convened an Expert Group in February 2010 to assess and evaluate the whale killing data submitted to NAMMCO by Japan. The Expert Group also examined data and information on recent and ongoing research on improvements and technical innovations in hunting methods and gears used for the hunting of large whales in NAMMCO countries. The report of this Expert Group is now available publicly for downloading at www.nammco.no/Nammco/Mainpage/Publications/WorkshopReports/.

NAMMCO Scientific Publications Series

This series focuses on different topics of concern to NAMMCO member countries with peer-reviewed scientific papers by international experts. A new volume 7 was published in 2009 on the North Atlantic Sightings Surveys. Volume 8 on Harbour Seals is due out during summer 2010.

NAMMCO Council News

Ole-David Stenseth (Norway) was elected as the new Chair of the NAMMCO Council. The Vice Chair, Ásta Einarisdóttir (Iceland), continues in office.

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IUCN Position

62nd Annual Meeting of the International Whaling Commission

IUCN has closely followed the proceedings of the International Whaling Commission (IWC) and has participated in the IWC Scientific Committee continuously for 40 years. The positions of IUCN State and NGO members with respect to cetacean conservation span the full range from those who believe cetaceans should enjoy special protection, to those who regard them as “ordinary” living resources to be utilised sustainably in accordance with best management practice. There is agreement, however, that any such use should be sustainable as determined by the best available science, and that non-lethal uses can be as or more important than lethal use.

IUCN welcomes in principle the attempt by the IWC Chair and Vice-Chair to bridge the divide in the Commission, and to secure a direction for the future of the IWC which both whaling and non-whaling countries can support. However, there are aspects of the proposal, posted on the IWC web site on 22 April 2010, which IUCN could not recommend to its members in its current form.

IUCN advocated and supported the adoption of the moratorium on commercial whaling, pending adoption of an effective mechanism that ensures that permitted levels of exploitation are safe, and that mistakes in the management of any stock will be detected and corrected. Since the Revised Management Procedure (RMP) was developed in the early 1990s, IUCN has consistently supported its adoption. IUCN policy, as determined by its Members at its World Conservation Congress, maintains that the moratorium should remain in effect at least until the RMP is in force.

The Chair’s proposal, while clearly well-intentioned, appears to depart from the practice of basing management decisions on sound science. The proposal mentions the RMP, but does not formally adopt it, nor does it explain whether or how the RMP would actually be used in the determination of catch limits. The proposal refers to unspecified “latest versions” of the RMP, or more generally to “established management procedures” without explaining what these are or how they would be chosen or applied.

A statement posted on the IWC’s web site on 7 May 2010 (revised 11 May 2010) provides some further explanation that sounds encouraging, but it is hard to reconcile with the actual text of the Chair’s proposal: we presume it is the latter that would be definitive if adopted.

IUCN acknowledges that in a politically negotiated document it can sometimes be necessary to accept a degree of “constructive ambiguity”, in order to secure agreement between parties with divergent positions. However, this should not, in IUCN’s view, be at the expense of the integrity of the science. If the RMP is mentioned, then it should be made clear that this refers to the official, published version of the RMP that has been developed by the Scientific Committee and endorsed by the Commission, and that it will be implemented by the Committee as provided for in the RMP rules. If this is not the intention, then it should be spelled out clearly and unambiguously what is intended.

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IUCN recognises that, in common with any procedure for sustainable, adaptive management, the RMP is not set in stone, but can be updated as the need arises to adjust to changing knowledge, circumstances and needs. However, changes to the procedure should not be made casually, but only in accordance with the Scientific Committee's established procedure for reviewing and evaluating proposed amendments to be the RMP. The name "RMP" is in itself no guarantee of safety or quality; the safety of the RMP is provided only by following its provisions strictly, and by ensuring that any amendments are subject to the same quality controls as the original RMP.

IUCN accepts that the setting of catch limits is not entirely a scientific matter, and that the Commission may have reasons to deviate from the scientific advice at times. However, IUCN strongly believes that the calculation of sustainable catch levels should first be performed by the Scientific Committee in a transparent, documented and verifiable manner using the agreed procedure. The scientific

advice would then provide a reference point for the political negotiations. This two-step approach would ensure a clear demarcation between the scientific advice on the one hand, and the political negotiations on the other. The Chair's proposal includes politically negotiated catch limits that are said to have a scientific basis, but the scientific basis is not made explicit and, therefore, cannot be checked: this is unsatisfactory.

As always, IUCN remains willing to offer any assistance it can to the process of moving the IWC forward to become a more effective instrument for cetacean conservation. Because most members of the Cetacean Specialist Group of the IUCN Species Survival Commission are also on the IWC Scientific Committee, we believe that in the current instance we can best help by insisting that the proposals are thoroughly vetted by the Committee. IUCN generally supports the Chair's proposals for improving IWC governance, and welcomes that the IWC's conservation agenda will be recognised as part of the IWC's mandate.

IUCN thanks the Government of the Kingdom of Morocco for its kind hosting of this meeting here in Agadir and wishes the Commission a successful outcome.