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MEDITERRANEAN ACTION PLAN

Joint Consultation concerning the Conservation  
of Cetaceans of the Mediterranean and the Black Seas

Athens, 26-27 October 1992

**REPORT OF THE JOINT CONSULTATION  
CONCERNING THE CONSERVATION OF CETACEANS OF  
THE MEDITERRANEAN AND THE BLACK SEAS**

## Introduction

### The Joint Consultation among the Conventions

- for the Protection of the Mediterranean Sea against Pollution (Barcelona Convention)
- on the Conservation of Migratory Species of Wild Animals (Bonn Convention)
- for the Conservation of European Wildlife and Natural Habitats (Bern Convention)

was the result of preliminary meetings among the three Secretariats, with the support of Greenpeace, to prepare documents to be adopted within the framework of the Conventions. A draft Action Plan for the Conservation of Cetaceans in the Mediterranean Sea was prepared for the Barcelona Convention, together with a draft Agreement on the Conservation of Small Cetaceans of the Mediterranean and the Black Seas and Contiguous Waters, which could be adopted within the framework of the Bonn or Bern Conventions.

The objective of the meeting was

- to consider and prepare recommendations for the implementation of the Action Plan adopted by the Contracting Parties to the Barcelona Convention,
- to consider the draft Agreement on the Conservation of Small Cetaceans of the Mediterranean and the Black Seas and Contiguous Waters which, after further discussion in the context of the Bonn and Bern Conventions, would be implemented within the framework of the Bonn Convention.

## Participation

For the Barcelona Convention, the National Focal Points for Specially Protected Areas of the following Contracting Parties were present: Albania, Cyprus, EEC, Egypt, France, Greece, Israel, Lebanon, Libya, Malta, Monaco, Morocco, Tunisia and Turkey.

In addition, delegates from the following countries attended the meeting: Bulgaria, Portugal, Russian Federation and the United Kingdom.

Representatives of the Secretariats of the Barcelona, Bonn and Bern Conventions also attended the meeting.

The following non-governmental organizations were represented by observers: World Conservation Union (IUCN), Greenpeace, the Mediterranean Association to Save the Sea Turtles (MEDASSET), Friends of the Earth (FOE), WorldWide Fund for Nature (WWF).

The list of participants is contained in Annex I to this report.

Agenda item 1: Opening of the Joint Meeting

The Coordinator of the Mediterranean Action Plan (MAP) of the United Nations Environment Programme, Mr. S. Busuttil, welcomed participants to the Meeting of the National Focal Points for Specially Protected Areas in the Mediterranean and the joint consultation with the Secretariats of the Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention, UNEP/CMS Secretariat) and the Convention for the Conservation of European Wildlife and Natural Habitats (Bern Convention, Council of Europe Secretariat) concerning the conservation of cetaceans in the Mediterranean and the Black Seas.

He recalled the principal stages in the formulation of the Mediterranean Action Plan. He also referred to the Genoa Declaration on MAP's second decade, one of whose articles concerned the protection of marine species (Article 17e).

With particular reference to cetaceans in the Mediterranean, he drew attention to the adoption of the Action Plan for the Conservation of Cetaceans in the Mediterranean Sea by the Contracting Parties to the Barcelona Convention at their meeting held in Cairo (8-11 October 1991). At their meeting, the Contracting Parties had mandated the meeting of National Focal Points for Specially Protected Areas to elaborate the Action Plan further for implementation by the Contracting Parties.

The Coordinator welcomed the fact that the meeting brought together the three Conventions, as well as a number of non-governmental organizations, since it would enhance the quality of conservation measures to protect cetaceans in the Mediterranean and would ensure their rapid implementation.

Mr. D. Hykle, the representative of the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention), welcomed participants to the meeting and thanked the Coordinating Unit for hosting the joint meeting.

He gave a detailed description of the Convention, underlining the role it could play in the conservation of small cetaceans.

With regard to the latter, he informed the meeting that an Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas had been concluded in September 1991 and had been signed by five range States and the EEC.

The representative of the Secretariat of the Convention for the Conservation of European Wildlife and Natural Habitats (Bern Convention), Mr E. Fernandez-Galiano, welcomed all participants.

He said that the Bern Convention's Secretariat, with the support of Greenpeace, had actively participated in the preparation of the provisional version of the Action Plan for the Conservation of Cetaceans in the Mediterranean Sea, which had been adopted within the framework of the Barcelona Convention, and in preparation of the draft Agreement on the Conservation of Small Cetaceans of the Mediterranean and Black Seas and Contiguous Waters.

He emphasized that both documents were important and their coordinated implementation would strengthen their chances of success in conserving cetaceans in general and small cetaceans in particular.

The Director of the Regional Activity Centre for Specially Protected Areas (RAC/SPA), Mr M. Saied, expressed his gratitude to the MAP Coordinating Unit and all the participants for their presence, which underlined the international community's interest in the conservation of fauna, especially cetaceans.

He said that RAC/SPA attached great importance to the joint consultation among the three Conventions, which was part of its mandate, as had been emphasized on many occasions by the Contracting Parties to the Barcelona Convention.

He drew attention to the lack of information on the biology and status of populations of cetaceans, which called for increased research and follow-up in all countries.

Agenda item 2: Election of the Chairman

After informal consultations, the meeting unanimously elected the following officers:

- Chairman: Mr. S. Busuttil, MAP Coordinator;
- Vice-Chairmen: Mr. D. Hykle, UNEP/CMS  
Mr. E. Fernandez-Galiano, Council of Europe
- Rapporteur: Mr. A. Jeudy de Grissac, IUCN-RAC/SPA Consultant

Agenda item 3: Adoption of the agenda and organization of work

The agenda contained in document UNEP(OCA)/MED WG.36/1 was adopted.

Agenda item 4: Conservation of cetaceans

(a) Review and further elaboration of the Action Plan on the conservation of cetaceans in the Mediterranean Sea

The Director of RAC/SPA outlined the Action Plan for the conservation of cetaceans in the Mediterranean, highlighting the threats to cetaceans, the Plan's objectives, priorities for action and the coordination structure. He said that discussion should focus on practical ways of implementing the Action Plan, as well as on cooperation and coordination with other conventions.

The MAP Coordinator emphasized that the Coordinating Unit would do everything possible to ensure the conservation of cetaceans through the Action Plan.

Many delegations congratulated the Secretariats of the Conventions on their cooperation. They drew attention to the need to collect more data in many countries and emphasized that that could only be achieved by training experts capable of collecting such data. They expressed the hope that the meeting would draft practical recommendations for implementation of the Action Plan.

The meeting then decided to establish an ad hoc group to formulate practical recommendations for implementation of the Action Plan. The recommendations drafted by the ad hoc group were approved by the meeting (Annex II).

Several delegations outlined their activities for the conservation of cetaceans, particularly with regard to legislation, and the possible creation of a sanctuary in which the use of drift-nets would be prohibited.

The Director of the RAC/SPA expressed the hope that the working group's recommendations would be sufficiently specific to allow him to request the Contracting Parties to the Barcelona Convention to allocate sufficient funds for the 1994-1995 biennium. He added that any financial contribution towards implementation of the Action Plan would be welcome.

The meeting considered that, due to its position within MAP, RAC/SPA was the most appropriate body for the coordination of activities, but that it should provide and exchange information and consult competent organizations in the field, for example, the European Cetacean Society and the International Commission for the Scientific Exploration of the Mediterranean. One of the objectives of such exchange could be to provide training courses and to facilitate access to existing data banks.

Several delegations expressed the view that RAC/SPA could be assisted by a group of experts to propose appropriate measures for the implementation of the Action Plan in the interval before the creation of the Scientific Committee to be established in accordance with an agreement on small cetaceans to be reached within the framework of the Bonn Convention.

(b) Presentation and discussion of the draft Agreement on the Conservation of Small Cetaceans of the Mediterranean and Black Seas and Contiguous Waters

The representatives of the Secretariats of the Bonn and Bern Conventions introduced the draft Agreement on the Conservation of Small Cetaceans of the Mediterranean and Black Seas and Contiguous Waters (document T-PVS (91)12). They described the background to preparation of the draft Agreement. The Standing Committee of the Bern Convention and the Conference of the Parties to the Bonn Convention had considered the draft and had decided that it be prepared within the framework of the Bonn Convention.

The representative of the Secretariat of the Bonn Convention said that it was the first time that the States concerned had met to discuss the draft agreement. He invited all the range States (as defined by Article 1, paragraph 1 (h) of the Bonn Convention) at the meeting to put forward their contributions and comments so as to make the draft agreement more specific and improve or modify it in accordance with their own positions on the issue. He added that further meetings would be held in order to allow all the range States to express their views on the document and said that the meeting reports would be transmitted to all the range States and the organizations concerned requesting their written comments.

He proposed that delegates should begin by making comments on the geographic area to be covered by the agreement, which was at present the maritime waters of the Sea of Marmara, the Black Sea, the Mediterranean Sea proper, including their gulfs and seas, and the waters west of the Strait of Gibraltar, bounded to the west by the line from the lighthouses of Cape S. Vincente (Portugal) and Casablanca (Morocco).

The representative of Morocco requested details concerning the reason for extending the agreement to include Atlantic waters. He added that, if the proposal was retained, he would have to discuss the matter with his authorities.

The representative of the Secretariat of the Bern Convention and the expert adviser to the Bonn Convention replied that the proposal was due to the fact that some cetacean populations moved between the Mediterranean and the above-mentioned part of the Atlantic.

The representative of Turkey emphasized that conditions were different in the Black Sea and the Mediterranean, consequently the cetacean population and their problems also differed. It would, therefore, appear preferable to elaborate two agreements, one on the Black Sea and another on the Mediterranean Sea and contiguous waters. The agreement on the Black Sea should be discussed within the framework of the Convention for the Protection of the Black Sea against Pollution, which had recently been adopted by the six Black Sea countries, some of whom were not present at the meeting. Moreover, the Sea of Marmara was in fact a Turkish internal sea and could not be the subject of an agreement since it was already covered by national legislation and by Turkey's signature of international agreements. She also referred to the Montreux Treaty, to which Turkey was signatory, which laid down strict provisions for the management by Turkey of the Sea of Marmara.

The representative of the Secretariat of the Bonn Convention pointed out that the Convention for the Protection of the Black Sea against Pollution had not been signed at the time the agreement had been drafted and the provisions of the current text were sufficiently flexible to be applicable to both the Mediterranean and Black Seas. Nonetheless, the question could be examined at a later date. Furthermore, the representative of the Bern Convention reminded the meeting that the agreement applied to both national and international waters.

Some observers expressed the view that the proposed agreement should include other species such as monk seals and marine turtles since the conservation problems were similar. Some delegations considered that it would be preferable to extend the agreement to include all cetaceans in view of current public awareness of the subject. However, it was pointed out that that could lead to conflict with other existing conventions. The representative of the Secretariat of the Bonn Convention said that consideration had previously been given to the merits of including other species. However, the meeting noted that marine turtles and monk seals went through a terrestrial phase which could raise problems when implementing the agreement. Other delegations preferred to restrict the agreement to small cetaceans at the present stage, but to leave open the possibility of extending it to large cetaceans or other marine species.

It was suggested that in a number of areas such as definitions and administrative arrangements text from the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas could be used in order to facilitate negotiations. For example, the following text was proposed to replace paragraph 3 of section II "Scope and definitions": "Small cetaceans means any species, subspecies or population of toothed whales Odontoceti, except the sperm whale Physeter macrocephalus".

Some delegations wished to see the order of the draft agreement restructured to include four main chapters: conservation measures, research and monitoring, education/awareness, coordination structure.

With regard to section IV "Taking", paragraph 2 could be included under the research and monitoring chapter and the definitions contained in the Bonn Convention could be used for authorizations for taking for scientific purposes. Other aspects relating to research and monitoring could be strengthened.

Concerning section V "Pollution", some delegations expressed the view that certain elements of the programme should be incorporated in the research section, taking into account all existing programmes, and that each country should implement the necessary measures.

Regarding section VI "Fisheries", paragraph 3 gave rise to a number of comments indicating that the present wording was inadequate. It was proposed that a text similar to EEC Regulation 345/92 should be used and that no exceptions should be allowed in territorial waters. During the discussion, it was considered appropriate that the prohibition of large-scale drift-nets should apply to the whole geographic area covered by the draft agreement.

With that objective, the following text was proposed to replace paragraph 3: "The range States shall prohibit any boat from having on board or fishing with one or more drift nets of a total or individual length exceeding [2.5] kilometres. These provisions shall apply in all waters under the sovereignty or jurisdiction of each State and outside these waters to any fishing vessel under the flag of or registered in the range States". The maximum length of drift-nets to be authorized (0.5 or 2.5 kilometres) was not decided upon.

It was suggested that a provision dealing with the need for research on methods of avoiding by-catches could be placed in section VIII. An additional provision was suggested to require Parties to establish systems for collecting data about by-catches in order to complement section XI (c). The wording of section VI would also need to be modified to allow for the fact that zero by-catches were probably unattainable.

A number of other comments were made, in particular concerning financial resources and the means of implementation, and they could be reflected when the text of the draft agreement was revised. It was suggested that the text be revised by the Secretariat of the Bonn Convention. To that end, range States, the EEC and other relevant organizations were invited to submit their comments within three months. The Secretariat of the Bonn Convention was requested to produce a second draft to be sent to the range States, the EEC and other relevant organizations for their formal comments. In addition, the Secretariat of the Bonn Convention was asked to prepare a proposal on future cooperation.

(c) Mechanisms for cooperation, coordination and transmission of information

The meeting adopted proposals concerning mechanisms for cooperation in the conservation of cetaceans among:

- the Secretariats of the Barcelona, Bonn and Bern Conventions;
- other parties and organizations which might be concerned;

in accordance with Annex II. Several additional points were considered relating to the collection, evaluation and dissemination of information, meetings of experts, budget and training sessions.

The meeting considered that the coordination structure should not be formalized but that it should be a simple mechanism for the ongoing exchange of information among the principal partners concerned.

Agenda item 5: Adoption of the minutes of the Consultation Meeting

The meeting adopted its report on 27 October 1992.

Agenda item 6: Closure of the Meeting

Following the customary exchange of courtesies, the Chairman declared the meeting closed.



ANNEX I

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ANNEX II

Recommendations in relation to the Action Plan adopted  
by the Contracting Parties to the Barcelona Convention

The meeting, taking into account the agreements and conventions applicable to the Mediterranean Sea,

- invites the States concerned to assess, where they exist, their national policies concerning the conservation of cetaceans and to prepare within one year a policy document for their implementation at the national level and to communicate that document to the Secretariat.
- proposes to the States concerned the following actions:

Legislation

if they have not already done so, to adopt and implement legislation within a period of two years:

- to prohibit the deliberate taking of cetaceans;
- to prohibit any boat from having on board or fishing with one or more drift nets of a total or individual length exceeding 2.5 kilometres;
- to prohibit the discarding of nets or other fishing gear at sea;
- to provide for the safe release of cetaceans accidentally caught;

and to identify and assess other threats to cetaceans, in particular, pollution, fishing practices and techniques which have an important negative effect on cetaceans and, when they have been identified, to formulate appropriate legislation to deal with them as soon as possible;

Management

In connection with the management necessary for the conservation of cetaceans, the meeting recommends the following to States:

Fisheries policy

- to request the competent organizations, inter alia the General Council for Mediterranean Fisheries of FAO, to develop fisheries policies that will avoid the negative impacts of fishing on cetaceans in the Mediterranean Sea;

Creation of protected areas

- to promote, in cooperation with RAC/SPA and other relevant bodies, the creation of a network of protected areas and marine sanctuaries covering sites where cetaceans live;

### Research

- to develop research so as to assess the status and biology of cetaceans, identify potential threats to them and develop appropriate alternative fishing methods and other practices to deal with those threats;

### Technical capacity

- in cooperation with appropriate organizations, to strengthen the capacity of countries in the field of experts (training) and financial and technical means;

### Promotion of awareness/education

- to prepare and disseminate documents individually or within the framework of RAC/SPA to promote awareness and information among the "target" public in cooperation with the Marine Mammal Action Plan (UNEP-OCA/PAC).

### Group of Experts

In order to assist with the implementation of the above proposals, it is recommended that, whenever necessary, the RAC/SPA should convene an ad hoc group of experts from the Mediterranean countries to be attended as well by representatives of the following bodies and organizations inter alia:

- RAC/SPA
- Bonn Convention
- Bern Convention
- International Maritime Organization
- Commission of the European Communities
- General Council of Mediterranean Fisheries (FAO)
- International Commission for the Scientific Exploration of the Mediterranean
- RAMOGE
- NGOs active in this field

The role of the Group of Experts would be to provide specific scientific advice to RAC/SPA with a view to efficient implementation of the Action Plan for the Conservation of Cetaceans in the Mediterranean Sea.