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## **Introduction**

1. In accordance with the decision of the Eleventh Meeting of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution, and its Protocols (Malta, 27-30 October 1999), the Regional Activity Centre for Specially Protected Areas (RAC/SPA) invited the National Focal Points for Specially Protected Areas to hold their Fifth Meeting in Valencia, Spain, from 23 to 26 April 2001.
2. The Meeting was held at the University of Valencia and was organized thanks to the generous financial contribution made by the Spanish authorities, the General Directorate for Conservation of Nature of the Ministry of the Environment, and the University of Valencia.

## **Participation**

3. The Meeting was attended by representatives of the following Contracting Parties: Albania, Bosnia and Herzegovina, Croatia, Cyprus, Egypt, European Community, France, Greece, Israel, Italy, Lebanon, Libyan Arab Jamahiriya, Malta, Monaco, Morocco, Slovenia, Spain, Syrian Arab Republic, Tunisia and Turkey.
4. The Coordinating Unit for the Mediterranean Action Plan (UNEP/MEDU) was represented.
5. The following institutions and non-governmental organizations were represented by observers: CHELON, DELPHIS, ICRAM, Interim Secretariat of ACCOBAMS, MEDASSET, MEDMARAVIS, MIO-ECSDE, RAMOGE, Seagrass 2000 Association, SEHUMED, University of Corsica (France) and WWF.
6. RAC/SPA acted as the secretariat for the Meeting.
7. The list of participants is attached as Annex I to the present report

## **Agenda item 1 - Opening of the Meeting**

8. Mr. Mohamed Adel Hentati, Director of RAC/SPA, welcomed participants to the Meeting and expressed thanks to the authorities of Spain for the assistance provided in its organization. Noting that the Meeting marked the first meeting of focal points since the entry into force of the new SPA Protocol, he briefly outlined the need for urgent action to address the critical situation of some Mediterranean species, in particular the Monk seal. He enumerated the items on the agenda of the Meeting, stressing the overall need to strengthen cooperation and collaboration between the Parties of the Barcelona Convention.
9. Mr. Miguel Aymerich, speaking on behalf of the General Directorate for Nature Conservation of Spain, welcomed participants and said that Spain was honoured to host the current Meeting. Spain continued to have a clear

commitment to the Mediterranean, and welcomed the opportunity to participate in the instruments set up for its protection and conservation.

10. Mr. Lucien Chabason, Coordinator of the Mediterranean Action Plan, recalling also that this was the first meeting of focal points since the entry into force of the SPA Protocol and the signing of the memoranda of understanding with both the Convention on Biological Diversity (CBD) and the Ramsar Convention. He welcomed participants and expressed thanks to the Spanish authorities for helping to organize the Meeting, pointing out that Spain continued to display a very active interest in the sustainable development of the Mediterranean region. Several recent shipping accidents in the region had demonstrated the impact of marine pollution on biological diversity. The Barcelona Convention, by virtue of its multidisciplinary and well-equipped nature, needed to be kept up-to-date, in order to have better control over emergency measures.
11. The delegates at the current Meeting, he continued, also needed to review the past two years of activities by RAC/SPA, as well as the status of implementation of the various action plans, with a view to preparing for the upcoming Twelfth Meeting of the Contracting Parties to the Barcelona Convention, to be held in Monaco in November 2001. Concerning the examination of the subject of SPAMIs, he was gratified to note that countries had already drawn up some proposals for such sites.
12. He was particularly glad to note the presence of observers from Non-governmental organizations at the Meeting, and pointed to their vital role in conservation issues, particularly with regard to providing knowledge, education, and raising awareness. They also played an essential role in the implementation of the action plans related to conservation of biodiversity.
13. He pointed to the urgent need for countries to ratify the SPA Protocol, even though it had already entered into force, as well as the amendments to the Barcelona Convention itself. He underlined the importance of cooperation with other Conventions, particularly CBD and Ramsar, and looked forward to intensified cooperation with the Bonn Convention on Conservation of Migratory Species of Wild Animals (CMS) and its ACCOBAMS Agreement, in particular.
14. In conclusion, he congratulated RAC/SPA on its dynamic accomplishments. The Contracting Parties to the Barcelona Convention had strengthened the budget of the Centre, which, in turn, had been increasingly active in mobilizing extra-budgetary resources. RAC/SPA continued to make a valuable contribution to the activities of MAP.

## **Agenda item 2 - Rules of Procedure**

15. The Meeting noted that the Rules of Procedure adopted for Meetings and Conferences of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution and its Protocols (UNEP(OCA)/IG.43/6, Annex XI) would apply *mutatis mutandis* to its

deliberations.

### **Agenda item 3 - Election of Officers**

16. After informal consultations, the Meeting unanimously elected the following officers:

Chairperson: Mr Tahar OU-RABAH (France)

Vice-Chairpersons: Mr Akram ISSA DARWISH (Syrian Arab Republic)  
Ms Stavroula SPYROPOULOU (Greece)

Rapporteur: Ms Özlem Ebru KAMILO LU (Turkey)

### **Agenda item 4 - Adoption of the Agenda and organization of work**

17. The Meeting adopted the provisional agenda contained in document UNEP(DEC)/MED WG.177/1. Two delegates announced that they intended to introduce additional subjects under the consideration of the item on "Other matters". The agenda is attached as Annex II to the present report.
18. The Meeting approved the organization of work proposed by the Secretariat, including the proposal to set up the following three working groups to examine specific issues in detail and to report to plenary thereon: Working Group 1, on environmental impact assessment (EIA) of seagrass meadows and species introductions, coordinated by Mr. Robert Turk (Slovenia); Working Group 2, on the Mediterranean Monk seal, coordinated by Mr. Zamir Dedej (Albania); and Working Group 3, on the Mediterranean Initiative on Taxonomy, coordinated by Mr. Giulio Relini (Italy).

### **Agenda item 5 - Format for the Reports of the NFP Meetings**

19. Introducing the item, the Secretariat recalled that, at the end of the fourth meeting of the national focal points for SPAs (April 1999), at the adoption of report of the Meeting, RAC/SPA had been invited to assess several options for presenting the reports of the Meeting of the National Focal Points, and to make a suggestion on the subject to the Fifth Meeting. The Secretariat introduced the draft format for reports of meetings of National Focal Points for SPAs (UNEP(DEC)/MED WG.177/3). The delegations were invited to review the proposed format and finalize it for adoption with a view to using it for preparing reports of meetings of Focal Points, starting from the Fifth Meeting.
20. Representatives considered that in the draft format for reports proposed by the Secretariat, more detail should be included on standing items of the agenda, such the status of activities carried out in the inter-sessional period, as well as cooperation with other international organizations. In addition, it was considered necessary to include a new chapter dealing with the

implementation of the recommendations of previous meetings of the Parties and of the focal points. The Meeting agreed to incorporate those proposals into the draft format for reports of meetings of RAC/SPA focal points. The draft format is contained in Annex V to the present report.

### **Agenda item 6 - Country Reports on Conservation of Natural Sites and Species**

21. The representatives were invited to present brief summaries of the actions carried out in their respective countries as part of the implementation of the SPA Protocol, and to provide the Secretariat with a written submission, no more than four pages long, summarizing the said activities. The submissions are contained in Annex III` to the present report, without formal editing by the Secretariat.
22. With the aim of making the best possible use of available time at meetings of the focal points, the Meeting agreed that, in future, delegates to the meetings of national focal points for SPAs would submit their country presentations to the Secretariat two months before the meeting, to enable them to be compiled into a working document of the meeting. Only if they considered it necessary to make comments on the status of implementation of the SPA Protocol or to provide supplementary or updated information would delegates need to make a further presentation at the meeting itself. The content of the working document would be subsequently annexed to the report of the meeting (Annex III).

#### **Legal and institutional framework for the conservation of species and sites**

23. Many representatives reported on the new and/or upgraded legislation approved in their countries relating to protection of the environment and conservation of biodiversity. Other representatives reported on legislation that was under preparation, or was with the government for approval. Several representatives observed that, despite all efforts in their countries, there were still gaps in their legislation related to protection and conservation of nature and the environment in coastal and marine areas.
24. One representative reported that, due to a new Ministerial decision, a special position was foreseen for the national focal point for SPAs in the near future, which would allow greater efficiency in the tasks to implement the Protocol and its Action Plans.
25. One representative reported on the results of a 1999 RAC/SPA mission to investigate the legal and institutional framework for environmental protection, and to review implementation of the regulations governing marine and coastal protected areas in the country, and pointed to the ongoing cooperation with Monaco in that connection.

## Elaboration and implementation of the National Biodiversity Strategy and Action Plans

26. Several representatives reported on the preparation and adoption of the National Biodiversity Strategy and Action Plans, and on the establishment of the necessary institutional structures. However, one representative noted that, owing to lack of institutional capacity and financial means, the development and implementation of the action plans was limited and slow.
27. One representative reported that the national strategy was being developed through plans for sustainable development in productive sectors, which would draw up concrete measures to be implemented in order to minimize or eliminate negative impacts. The process would be implemented for the tourism, agriculture and transport sectors.

## Marine and coastal protected areas (new developments)

28. A number of representatives reported that their countries had increased the number of protected areas through the creation of new national or nature parks, many of which a number were situated in marine and coastal areas. Proposals for parks were also under preparation. Several representatives described activities in their countries under the MedWet Coast Project. The representative from Monaco reported on the establishment of the agreement for the creation of a sanctuary for marine mammals between France, Italy and Monaco. One representative reported that her country had identified a site to be considered as the country's first Ramsar site. The Meeting was also informed about environmental education activities, in collaboration with universities, research institutions and non-governmental organizations, to protect flora and fauna in their habitats.

## Preparing and updating of relevant inventories

29. Several representatives reported on the work to compile data using the Standard Data Entry Forms (SDFs) and some said that they had already applied the criteria contained in the SDF, with a view to subsequently submitting SPAMI candidates to the focal points. In one country, the SDF had not yet been used, but it was intended to include it in the environment protection information system and future projects related to protection of coastal and marine areas. One representative that inventories of fauna and flora of SPAs in his country used the MedWet data sheet format.
30. A number of representatives reported on the status of inventories of endemic and Mediterranean species. Several representatives said that new lists of marine and coastal species of flora and/or fauna were being prepared or were undergoing legal review, and several reported on the beginning of preparatory work within working groups established to that end.
31. One representative reported on a training course for experts on inventorying of benthic marine habitats, which had been organized with the assistance of the University of Lecce (Italy), and supported by RAC/SPA.

32. One representative reported that a LIFE project on special areas of conservation, to facilitate implementation of EU Directive 92/43/EEC, was nearing completion in her country, and an inventory of coastal/marine habitats and of aquatic species of flora and fauna had been drawn up. A number of areas fulfilling the criteria of the Directive had been included in the national list of sites to be proposed for the NATURA 2000 network.

#### Adherence to, and activities under, relevant international instruments

33. A number of countries had become party to various international treaties and legal instruments concerning nature and environmental protection, a number had ratified the amendments to the Barcelona Convention and its Protocols, and others were preparing to ratify them in the near future. One representative reported that, in many instances, fulfilment of the obligations of the instruments in his country was proving to be slow.

#### Protected marine species of flora and fauna

34. In many countries, turtles, monk seals, cetaceans and certain marine vegetation constituted protected species, and delegates reported on the existing established areas and on the activities that were being carried out for the purpose of conservation and protection, as well as on proposals and legislation that were currently under consideration, and on newly established capacities and projects.
35. One representative said that his country had no protected species of marine and coastal flora or fauna. Another reported that his country only undertook an action plan for marine turtles. Some representatives reported that the activities within the framework of the action plans for protected species were not being implemented systematically, due to a lack of organizational and financial means.
36. One representative reported on the listing of species in his country's National Catalogue of Threatened Species. Such an inclusion implied that a national action plan for the species concerned had to be developed. Another reported on preparations for an action plan for sharks in his country.
37. With regard to monk seal conservation, some representatives reported on progress and positive trends of the monk seal "nuclei" in their countries, due to the implementation of the relevant action plan. The establishment of some protected areas which were considered as important habitats for monk seal was also reported. Others reported that there had been no sightings of the species in their areas.
38. Another representative informed the Meeting about the creation of a new national action plan for the conservation of Mediterranean marine vegetation in his country and the activities carried out within its framework. Yet, another reported that the Fisheries Law, banning trawling in shallow waters (less than 55m), provided protection for *Posidonia* meadows. Others reported on work to monitor and map vegetation area, and one said that detailed maps of sedimentary formations and benthic biocoenoses had been published by her

country.

39. Some representatives informed the Meeting about the ongoing activities for the protection and conservation of cetaceans. One said that, in her country, compensation to fishers for net damage by dolphins had been granted in 2001. Some others reported on activities for data collection for databases on sightings and strandings of cetaceans.
40. Several representatives reported on specific activities to protect marine turtles, particularly with regard to identifying threat, protecting nesting sites and ensuring hatchling survival. One representative reported on ongoing and completed projects to assess by-catch of marine turtles in various areas, as well as a completed project to assess interaction of turtles and fishing gear.
41. Several representatives reported on cooperation activities at the bilateral or subregional levels for the conservation of species. The representative of Monaco reported that, during 1999 and 2000, Monaco had funded the provision of a Monegasque officer to assist the RAC/SPA Secretariat in work for the implementation of the SPA Protocol.
42. One representative reported on studies and experiments to artificially breed three protected species listed in Annex II of the SPA Protocol, with the aim of generating know-how and transferring it to managers of marine parks.

#### Activities related to alien species

43. Several representatives reported on activities to identify and monitor occurrences of *Caulerpa* species, to increase awareness among fishers and local people, and to carry out research on the species. One representative reported on the monitoring of *Styropodium* in the marine area of her country. Another reported that the recommendations of the March 1998 Heraklion workshop on invasive *Caulerpa* species in the Mediterranean were being implemented by scientific institutions in the country. Yet, another reported the findings of a comprehensive review of alien species that her country had carried out in the eastern Mediterranean.

#### **Agenda item 7 - Technical aspects related to the drawing up of the List of Specially Protected Areas of Mediterranean Importance (SPAMIs)**

44. The Secretariat introduced documents UNEP(DEC)/MED WG.177/5, "Draft annotated format for the presentation reports for the areas proposed for inclusion in the SPAMI list", and UNEP(DEC)/MED WG.177/Inf.4, recalling that these two documents were outputs from the expert meeting held in Ajaccio, Corsica, in November 2000.
45. Some representatives sought clarification concerning certain difficulties they had encountered in applying the annotated format for the presentation reports. Following an exchange of views on the content of the document, the Meeting adopted the document, as amended by the incorporation of some

minor modifications proposed by some representatives, with a view to submitting it to the Contracting Parties at their twelfth meeting, emphasising that each presentation report should be necessarily signed by a national qualified authority. The adopted format for presentation reports nominating those areas proposed for inclusion on the list of SPAMIs is contained in Annex VI to the present report.

46. Following a proposal by one representative, supported by others, the Meeting invited RAC/SPA to prepare a "drafting aid" for the presentation reports and to include an explanation of the procedures for inclusion on the list of SPAMIs.
47. Following the consideration of the draft grid for the objective evaluation of proposals for inclusion on the list of SPAMIs, the Meeting agreed to use this tool on a pilot basis for the first proposals for inclusion on the list of SPAMIs, with the aim of further refining the tool later.

#### **Agenda item 8 - Progress and further development of the activities of RAC/SPA**

48. The Secretariat presented the activities that RAC/SPA had been carrying out since the Fourth Meeting of National Focal Points for SPAs (Tunis, 12-14 April 1999), with reference to the relevant sections of document UNEP(DEC)/MED WG.177/4.

##### **a. New internal organization of RAC/SPA**

49. The Director of RAC/SPA informed the Meeting about the new arrangements made in consultation with the MAP Coordinator concerning the internal organization of RAC/SPA, and briefly set out the aims. In that connection, he pointed out that, with the adoption of the new SPA Protocol in 1995 and its entry into force in 1999, RAC/SPA had seen a considerable increase in its activities. It had even been necessary to embark upon the elaboration of several technical tools that were required for the implementation of the new arrangements introduced under the new Protocol, particularly with regard to inventories and the list of SPAMIs. Moreover, the adoption of the new Action Plan for the Conservation of Marine Vegetation in the Mediterranean Sea and the revision of the Action Plan for the Conservation of Mediterranean Marine Turtles triggered a series of activities linked to the implementation of their respective provisions. In addition, an important new project had been launched in January 2001 for the elaboration of a Strategic Action Plan for the conservation of biological diversity in the Mediterranean region (SAP-BIO).
50. Thus, it had been necessary to reorganize the internal structure of RAC/SPA, in order to adapt it to the activities arising from the new attributes of RAC/SPA. To that end, in consultation with the MAP Coordinator, it was decided to establish the post of Scientific Director, who, under the supervision of the Director of RAC/SPA, would be responsible for supervising the scientific activities of the Centre. In addition, the job descriptions of the other two experts within RAC/SPA had been adjusted in line with the internal reorganization.

51. He explained that the new internal reorganization had entailed no new budgetary implications nor new recruitment of experts.
52. The Director of RAC/SPA reported that, following the departure of Mr. Marco Barbieri in 2000, a vacancy announcement for the post of expert in marine biology had been circulated. Following a painstaking selection process, Mr. Giovanni Torchia had been recruited as of 1 March 2001.
53. The representatives expressed their approval for the new internal organization that had been implemented within RAC/SPA.

**b. Action Plan for the Management of the Mediterranean Monk Seal**

54. Introducing this sub-item, the Secretariat stressed that the activities undertaken in the Mediterranean for the conservation of the monk seal had not been sufficient to prevent the decline of the species. It had proved necessary to contemplate the implementation of the provisions of paragraph 21 of the action plan. A Working Group on the Monk seal met to study the proposal set out by the Secretariat in section 2 of document UNEP(DEC)/MED WG.177/4.
55. The Coordinator of the Working Group reported on the group's deliberations, stressing that there had been general agreement not to support the Secretariat's proposal, as it was considered to be premature, since participants believed that all the other measures for the conservation of the Monk seal had not been implemented. He said that the Working Group had reached agreement on several immediate measures, for implementation in the short term.
56. Several representatives, while expressing understanding for the fears of the Secretariat concerning the situation of the Monk seal, agreed on the following points:
  - Increased efforts to collect scientific information;
  - The need to continue efforts to inventory sites containing possible habitats for the Monk seal, with a view to their conservation;
  - The need to elaborate action plans at the national level, based on the Action Plan for the Management of the Mediterranean Monk Seal adopted within the framework of MAP.
57. Concerning data collection, one representative recalled that, despite the increase in the number of research programmes on the Monk seal, many data were not available. The representative of a regional economic integration organization offered to make available the studies carried out by his organisation.
58. Concerning inventories of sites containing possible Monk seal habitats, some representatives requested RAC/SPA support to conduct investigations to assess the presence of the Monk seal and to inventory the habitats it frequented. One representative recalled that, two years ago, an assessment of the status of the Mediterranean Monk seal populations had been made,

which had indicated that populations were in decline and that urgent conservation measures were necessary.

59. The Meeting agreed to set up, in the immediate future, an emergency group of specialists to draw up an emergency plan, with concrete actions and a timetable.
60. The Meeting adopted the draft recommendations submitted by the Coordinator of the Working Group. The text of the recommendations is found in Annexes IV and VII to the present report.

**c. Action Plan for the Conservation of Mediterranean Marine Turtles**

61. Introducing this sub-item, the Secretariat described the activities of RAC/SPA concerning the implementation of the Action Plan for the Conservation of Marine Turtles in the Mediterranean, with reference to the relevant section of document UNEP(DEC)/MED WG. 177/4.
62. The Director of RAC/SPA informed the Meeting about the progress made for holding the first Mediterranean conference on marine turtles, scheduled to take place in Rome in October 2001, in collaboration with the Secretariats of the Berne and Bonn Conventions and of ICRAM. He expressed thanks to the Government of Italy for its assistance in organizing the meeting.
63. The Secretariat subsequently introduced the draft Guidelines for Legal Frameworks for Conservation and Management of Mediterranean Marine Turtles, contained in document UNEP(DEC)/MED WG.177/7. The delegates were invited to review and finalize the guidelines, with a view to submitting them to the Contracting Parties at their next meeting.
64. Several representatives congratulated RAC/SPA on its work and, in particular, on the outputs that had been drawn up. One representative stressed the need to involve fishers to a greater degree in the conservation of marine turtles and congratulated RAC/SPA for the document produced on sensitising and informing fishers, with the aim of reducing by-catch mortality.
65. The Meeting underlined the need for regional and national coordination and, in this respect, one representative proposed that the Contracting Parties be asked to promote national networks of experts, in order to reinforce the Mediterranean network and equally underlined the need of co-ordination with FAO and GFCM for measures concerning the protection of turtles in the Mediterranean interacting with fisheries.

The meeting stressed the importance of training courses as basic tool in marine turtle conservation and invited RAC/SPA to continue to support such courses.

66. Concerning tagging, one representative requested that tagging methods be standardized and proposed that the Contracting Parties be asked to provide no further funding for tagging programmes that did not conform to the established norm. An observer from a non-governmental organisation recalled

that RAC/SPA had launched a regional tagging programme, to which several countries did not adhere.

67. The Meeting approved the proposal to centralize the information resulting from different tagging programmes within a database administered by RAC/SPA.
  68. In answer to a question formulated by several representatives concerning the selection criteria for inclusion on the directory of marine turtle specialists working in the Mediterranean region, the Secretariat described the procedure for compiling the directory, and the Meeting stressed the role of the national focal points in that activity.
  69. The Meeting approved the recommendation to extend the directory of marine turtle specialists to include relevant organizations and/or laboratories.
  70. The Meeting approved the Secretariat's proposals concerning (a) the elaboration of a project, to be submitted for EC financing, to identify important habitats for marine turtles and (b) the creation of a web site to group all available resources for the conservation of Mediterranean marine turtles. An observer from a non-governmental organization informed the Meeting that her organization was ready to collaborate with RAC/SPA in the creation of the web site in question.
  71. The recommendations of the Meeting on the subject of Marine turtles are contained in Annex IV of the present report.
  72. With regard to the guidelines for the establishment of legislation and rules governing the conservation and management of marine turtle populations and habitats, the representatives stressed that the document covered all aspects for the implementation of the Action Plan and dealt with incorporation of the provisions of international agreements (e.g. CITES) into national legislation. One representative recommended that, within the framework of strengthening cooperation with other conventions, a representative of the CITES Secretariat be invited to attend future meetings.
  73. The representative of a regional economic integration organization expressed reservations about the guidelines, particularly concerning the part dealing with the interaction between fishing and marine turtles.
  74. Concerning the question of the status of the guidelines, the Meeting agreed to recommend that the Contracting Parties take note of the document and monitor its application.
- d. Action Plan for the Conservation of Cetaceans in the Mediterranean Sea**
75. The representative of the Secretariat informed the Meeting that, during the preceding two years, RAC/SPA had collaborated closely with the Interim Secretariat of ACCOBAMS and with CIESM in activities to implement the Action Plan for the Conservation of Cetaceans in the Mediterranean Sea. Those activities primarily involved developing the monitoring of cetacean

strandings in Mediterranean countries. He presented the activities carried out by RAC/SPA to implement the Action Plan, drawing attention to section 4 of document UNEP(DEC)/MED WG.177/4.

76. The representative of Spain presented his country's proposal on setting up a Mediterranean database for cetacean strandings (MEDACES). He explained that the creation of that database had been recommended by the workshop on cetacean strandings organized by RAC/SPA in Montpellier. A document describing the aims of the database and its envisaged operating methods had been distributed to participants. The representative stressed that the database project had been elaborated in close cooperation with experts from several Mediterranean countries and in concert with RAC/SPA. It would be governed by a deontological code.
77. RAC/SPA would be the depository of the database, and its administration would be undertaken by the Cavanilles Institute of Biodiversity of the University of Valencia, which would receive financial support from the Spanish authorities to that end.
78. Several representatives supported the creation of the database and some informed the Meeting that they would be collaborating closely with RAC/SPA and the Cavanilles Institute in the development and application of the database.
79. The meeting agreed that it was important that RAC/SPA remain in charge of the work of the database and that the data to be included in MEDACES should be supplied annually by national coordination centres designated by the national focal points for SPAs.
80. Following the debate, the Meeting approved the project to create a database.
81. Several representatives asked RAC/SPA to assist them in elaborating and implementing national action plans for the conservation of cetaceans, including the networks for monitoring strandings and for training. It was stated, in this context, that the Sanctuary for marine mammals in Ligurian Sea provides for a management plan whose suggested measures would support the Action Plan.
82. The representative of the Interim Secretariat of ACCOBAMS reported on the progress of the Agreement and presented the draft Memorandum of Cooperation, which would govern the participation of RAC/SPA in the implementation of ACCOBAMS as a subregional coordinating unit for the Mediterranean. She stressed that the memorandum aimed at harmonizing the implementation of the ACCOBAMS conservation plan and the Barcelona Convention's Action Plan for the Conservation of Cetaceans.
83. The Meeting approved the proposals contained in the said Memorandum of Cooperation.

**e. Action Plan for the Conservation of Marine Vegetation in the Mediterranean Sea**

84. The Secretariat briefed participants on the activities carried out to implement the Action Plan for the Conservation of Marine Vegetation in the Mediterranean Sea, and introduced to section 5 of document UNEP(DEC)/MED WG.177/4 and its annex II. Delegates were invited to give their opinion on the activities undertaken and give instructions for future RAC/SPA activities in this field.
85. One representative stressed the importance of the activity set out in the Action Plan to map and inventory seagrass meadows and to develop the capacities of countries to perform this task.
86. Following a proposal by one representative, the Meeting recommended that the monitoring of the health of meadows be promoted and that the referent techniques be disseminated through technical manuals and training.
87. The representative of the Secretariat also drew attention to a document prepared in accordance with paragraph 22 of the Action Plan for the Conservation of Marine Vegetation in the Mediterranean Sea, entitled "Draft Guidelines for Impact Assessment on Seagrass Meadows" (UNEP(DEC)/MED WG. 177/8). The Secretariat introduced the document and recalled that Working Group 1, at its first meeting, had considered the Draft Guidelines for Impact Assessment on Seagrass Meadows. The Coordinator of the Working Group introduced the report of the Group (contained in Annex IX to the present report) and outlined the proposed amendments to the Draft Guidelines contained therein.
88. The Meeting approved the Draft Guidelines for Impact Assessment on Seagrass Meadows, as amended by Working Group 1, for transmission to the Contracting Parties at their twelfth meeting. The text of the Draft Guidelines is contained in Annex X to the present report.
89. The Secretariat also presented the requests made by six Mediterranean institutions to be associated, according to the terms of Articles 25 and 26 of the Action Plan, with the implementation of the Action Plan: GIS Posidonie (France); ICRAM (Italy); INSTM (Tunisia); the Secretariat of the RAMOGE Agreement; the University of Corsica (France); and the World Seagrass Association. Delegates were invited to consider those requests, with a view to submitting them to the next Meeting of the Contracting Parties.
90. Representatives speaking on behalf of the Secretariat of the RAMOGE Agreement, ICRAM (Italy), the University of Corsica (France) and the World Seagrass Association made brief presentations of their candidatures.
91. The Meeting approved the applications of the institutions to be granted the status of "Action Plan Associate", and agreed to transmit them to the Contracting Parties at their twelfth meeting for approval.

**f. Development of protected areas**

92. Introducing this sub-item, the Secretariat described the activities of RAC/SPA to assist Mediterranean countries in the identification, creation and management of marine and coastal protected areas, and drew attention to section 6 of document UNEP(DEC)/MED WG.177/4. The delegates were invited to look into the activities undertaken and make recommendations for future RAC/SPA activities in this field.
93. The representative of the Secretariat recalled that, with the entry into force of the Protocol, the national focal points had been given the task of examining the proposals for inclusion on the list of SPAMIs. To carry out that task, it was important that the focal points, at their meeting, set out internal procedures. In that context, the Secretariat proposed that candidate areas for inclusion on the list which were submitted to RAC/SPA, and which failed to meet the eligibility criteria for SPAMIs concerning management and legal protection, should be placed on a list of candidate areas for SPAMIs and efforts should be made to make them eligible for inclusion on the SPAMI list, within 3 years. The aim would be to stimulate Mediterranean solidarity and cooperation for the improved protection and management of the natural heritage of the region. This would also offer the advantage of encouraging countries to identify and nominate relevant areas, while awaiting assistance to finalize dossiers, which they were unable to complete themselves.
94. During the discussion, some representatives called for prudence in ensuring that there would be no confusion between the provisional list and the official list of SPAMIs, and one representative requested a written clarification from the Secretariat on the procedure proposed for inclusion of areas on the provisional list. The representative of a regional economic integration organization considered that the procedures were too abstract, and asked how to identify who would provide assistance, and on the basis of what criteria.
95. Several representatives, however, expressed their support for the Secretariat's proposal.
96. In reply to questions from several representatives, the representative of the Secretariat explained that the list in question would contain only areas of obvious Mediterranean interest and for which the Party (Parties) concerned had provided a presentation report in line with the adopted format. The Secretariat stressed that the said list constituted an internal working tool for the focal points, with the aim of assisting Parties that had expressed a need to improve the protection and/or management of Mediterranean protected areas, so that they could meet the requisite conditions for SPAMIs.
97. The Meeting approved the proposal to compile a list of areas which countries had identified as candidates for SPAMIs, but for which the selection criteria required under the Protocol could not be completely met, pending the provision of assistance to the country concerned.

98. The following representatives informed the Meeting of their country's intention to submit proposals for inclusion on the SPAMI list:

- France, Italy and Monaco, concerning the Franco-Italian-Monegasque sanctuary for the conservation of marine mammals;
- Tunisia, concerning the sites of Zembra, la Galite and the Kneiss Islands;
- France, concerning several sites at Port-Cros national park.

99. On the sidelines of the current Meeting, the representatives of Monaco and Tunisia gave presentations describing the sites that were the subject of the nominations made at the Meeting.

The representative from Monaco, whose country was the depository of the Agreement on the marine mammal Sanctuary, distributed on behalf of France, Italy and Monaco, a summary and a map showing the Sanctuary area. In accordance with Article IX of the Protocol, the complete file will be sent to the Focal Points, when the modifications suggested by the meeting will be made by the three countries. The inclusion of the Sanctuary on the SMIPI List will be proposed by the three concerned countries for approval by the next meeting of the Contracting Parties in November 2001.

**g. Training activities developed by RAC/SPA**

100. Introducing this sub-item, the Secretariat made a summary of the training activities set out in the relevant section of document UNEP(DEC)/MED WG.177/4 and detailed in document UNEP(DEC)/MED WG.177/Inf.3. In addition, the Secretariat presented the results of the study carried out in 1999 to assess training needs, and described the main training activities planned by RAC/SPA for the biennium 2002 and 2003.

**h. Data collection (including inventories and databases)**

101. The representative of the Secretariat gave a summary of the activities undertaken as part of elaborating technical tools for inventories, describing (a) the tools already adopted and those still being prepared, and (b) the actions carried out by RAC/SPA to assist Mediterranean countries in applying the tools that had been adopted, with appropriate reference to the relevant sections of document UNEP(DEC)/MED WG.177/4. He thanked the Italian authorities for their support in organizing the expert meeting to finalize the SDF, which had subsequently been adopted by the Bureau of the Contracting Parties. He explained that work was underway to prepare a reference list of terrestrial coastal habitats and that an expert meeting on that subject was planned for the following November.

102. Participants were invited to inform the Meeting about future activities carried out by their countries or organizations, with particular reference to the Secretariat's suggestions on the elaboration and implementation of a project to assist the countries of the region in inventorying marine and coastal sites of interest for conservation.

103. The Secretariat also presented RAC/SPA's work related to its databases and to the assistance given to certain countries to develop national databases on biological diversity.
104. Some representatives reported that projects based on use of the SDF were underway in their countries and that collaboration with RAC/SPA had been initiated on the subject. The RAMOGE Agreement implemented the SDF to compile inventories and will provide RAC/SPA with suggestions to improve this tool.
105. Participants stressed the importance of this tool and recommended that it be computerized. It was also recommended that long-term training courses be organized on the use of the SDF and to assist those countries that had requested help in its application.

**i. SAP BIO Project**

106. Introducing this sub-item, the representative of the Secretariat informed the Meeting about the progress made by the SAP BIO Project, with reference to section 9 of document UNEP(DEC)/MED WG.177/4, and to Annex 3 of that document, which provided a summary of the project. He pointed to the upcoming meeting of National correspondents in Alicante in July 2001, which was to adopt a general outline for the preparation of SAP BIO, as well as guidelines for the preparation of national reports, and which was to discuss the mechanism for coordinating a regional network of national correspondents.
107. One representative considered that the SAP BIO Project needed to take account of the existing agreements and action plans and look at interlinkages between them. He believed that the SAP BIO Project should work closely with national biodiversity strategies and action plans under the CBD and should consider inland waters and agriculture. It was first necessary to assess the National Biodiversity Strategy and Action Plans under CBD to see how they addressed the obligations of the CBD and the SPA Protocol. Then the differences in implementing those strategies and action plans could be assessed, and the funding and capacity-building needs could be examined. The representative stressed the importance of involving the Mediterranean bodies representing the fishing sector.
108. The Secretariat agreed to pass the comments and concerns expressed on to the next meeting of the National Correspondents of the SAP BIO Project.

**j. CAMPs**

109. The Secretariat informed the Meeting about the main activities carried out by RAC/SPA under the CAMP projects, which concerned the CAMP-Malta project and preparations for the CAMP-Lebanon project.
110. The representative of Malta described the main components of the CAMP project in his country and reported on their progress.

**k. Coordination with other organizations**

111. The representative of the Secretariat informed the Meeting about the initiatives taken to strengthen collaboration with the Secretariats of other Conventions of relevance to the Mediterranean. With reference to the relevant section of document UNEP(DEC)/MED WG.177/4, the agreements signed with the Secretariat of the Convention on Biological Diversity and the Secretariat of the Ramsar Convention were presented.
112. Several representatives congratulate RAC/SPA on the efforts to carry out cooperation and expressed their satisfaction at the synergy between RAC/SPA and other organizations.
113. Following a proposal by one representative, the Meeting invited RAC/SPA to contact the Secretariats of the Berne and Bonn Conventions, with a view to reinforcing the collaborative links between RAC/SPA and those organizations by signing a Memorandum of Cooperation with each of them.

**l. Other activities**

**Species introductions**

114. The Coordinator of Working Group 1 briefed the Meeting on the work of the Group at its second meeting, to consider issues of species introductions, and introduced the report of the Group on that subject. He reported that the Group reviewed only one portion of the document and had been unable to reach agreement on approval of the Secretariat's proposed draft Guidelines for Introduction and Reintroduction of Marine Species in the Mediterranean Sea, as contained in document UNEP(DEC)/MED WG.177/6, and considered that the document needed to be revised.
115. The representative of the Secretariat clarified that the mandate of RAC/SPA did not include work on issues of invasive species. It was clear that a Mediterranean initiative on the subject was required to assist countries in dealing with the issue. He stressed the need for an action plan on species introduction and invasive species, which could cover such elements as: assistance to countries in inventorying alien species; preparation of information and manuals for identifying species; an alert system for new species; cooperation with and links to relevant international organizations. Within this action plan, the document concerning guidelines for introduction and re-introduction of marine species should be reviewed and improved. In that context, one representative pointed to the need to compile a list of existing studies and resources on the subject, and offered to make available a model questionnaire for the purpose.
116. One representative considered that, by failing to adopt the Secretariat's proposed draft Guidelines for Introduction and Reintroduction of Marine Species in the Mediterranean Sea, the focal points had missed an opportunity to establish procedures and carry out activities to combat species introduction in the Mediterranean. Other environmental conventions already took account of the problem, which had been around for a number of years. He considered

the Secretariat's document to be a good basis for the elaboration of an action plan on introduced and invasive species, and hoped that it could include a list of invasive species, as well as means for the control of existing and potential future invasive species and the avoidance of genetic pollution.

117. Other representatives expressed support for the elaboration of an action plan on introduced and invasive species by RAC/SPA.
118. The Meeting agreed to task RAC/SPA with the preparation of elements of a draft action plan on species introduction and invasive species, to be considered by the focal points at their sixth meeting.

#### Mediterranean initiative on taxonomy

119. The Coordinator of Working Group 3 reported on its work to address issues of taxonomy in the region and introduced the report of the Group, which also contained the recommendations of participants.
120. The Meeting approved the recommendations of the Working Group on the Mediterranean initiative on taxonomy. The report of Working Group 3, including the recommendations, is contained in Annex XII to the present report.

#### **Agenda item 9 - Programme-Budget of RAC/SPA for 2002-2003**

121. The Director of RAC/SPA introduced information document UNEP(DEC)/MED WG.177/Inf.6 on RAC/SPA's programme of activities proposed for the biennium 2002-2003. He expressed sincere thanks to all those who had provided assistance in funding the activities of the Centre in the past biennium and who had pledged support for the coming period.
122. Many representatives congratulated RAC/SPA on the work it had accomplished in the past biennium, and on the way it had successfully accomplished the additional burdens placed upon its members. One representative considered that, in light of its tasks, the Centre would need to be accorded greater human and financial resources. He believed that activities should also be undertaken to place databases on the Internet, and make available GIS data.
123. Another representative wished the activity concerning the new database of cetacean strandings to be included in the list of activities of the Centre.
124. One representative, supported by a number of others, proposed that an action plan be formulated for terrestrial and bird species of the Mediterranean, which would also complement some of the existing activities of other organizations on the subject. An observer from a non-governmental organization, expressing strong support for the initiative, offered the assistance of his organization in the preparation of action plans for one or more the 15 avian species listed in Annex II of the Protocol.

125. The Meeting agreed to task RAC/SPA with the preparation of elements of a draft action plan for the conservation of avian species listed in Annex II to the Protocol.
126. An observer, supported by several representatives, proposed the preparation of an action plan for cartilagenous fish of the Mediterranean, of which a number of species were vulnerable and some were endangered.
127. The Meeting agreed to task RAC/SPA with the preparation of elements of a draft action plan for the conservation of Mediterranean species of cartilagenous fish. It was observed that Italy had already formulated a national action plan for the monitoring and conservation of cartilagenous fish and was willing to make available its experience on the subject.
128. In answer to a query from one representative, the Secretariat confirmed that the training activities under the action plans would be continued in 2002-2003.
129. The Secretariat clarified that several activities were envisaged within the framework of the project proposed for SMAP financing and that, in cases of non-approval of the project, RAC/SPA would strive to find other funding for the activities in question.
130. The Meeting approved the proposed activities of RAC/SPA for the biennium 2002-2003, as contained in document UNEP(DEC)/MED WG.177/Inf.6, as amended by the focal points, for consideration by the Contracting Parties at their twelfth meeting.

## **Agenda item 10 - Any other matters**

### **Issues of trade in *Lithophaga lithophaga***

131. The representative of Slovenia proposed to the participants of the meeting to consider the problem of protection of the species *Lithophaga lithophaga*, listed in Annex II of the SPA Protocol. He wanted to take advantage of the presence of the other national focal points to have their views on the subject and exchange experience with those facing the same problem.
132. He explained that, although the national legislation prohibited, among other things, the collection (extraction) and trade of the species, those protection measures applied only to specimens inhabiting Slovene waters, and did not put any limitations on import or trade of imported stocks. The latter situation was the cause of serious problems, as far the implementation of the above-mentioned protection measures was concerned. The Secretariat and the participants were asked for comments on the issue and for suggestions on possible solutions.
133. One other representative reported that her country experienced the same problem.
134. Following the discussion, the Meeting requested RAC/SPA to investigate the

matter, also drawing upon advice from environmental legal experts, and to report on the subject to the focal points. In this context, contacts with CITES and Bern Convention should be made.

#### Proposal to change the name of the Centre

135. One representative, pointing to the increase in the Centre's work in the field of conservation of biological diversity in the Mediterranean, proposed that the title of the Centre be changed to reflect the increase in its mandate and sphere of activities.
136. Another representative, referring to the case of other entities with expanded mandates but no name change, considered that the title and logo of the Centre had already obtained a certain recognition and should be retained.
137. The Meeting requested the Secretariat to further investigate the question of a change in the name and logo of RAC/SPA and report to the focal points.

#### **Agenda item 11 - Adoption of the report of the Meeting**

138. The Meeting adopted the present report on its work on Thursday, 26 April 2001, on the basis of the draft report.

#### **Agenda item 12 - Closure of the Meeting**

139. After the customary exchange of courtesies, the Meeting was closed on Thursday, 26 April 2001 at 6.10 p.m.

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## LIST OF PARTICIPANT *LISTE DES PARTICIPANTS*

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## **ANNEX II: AGENDA OF THE MEETING**

## AGENDA OF THE MEETING

Agenda item 1 - Opening of the Meeting

Agenda item 2 - Rules of Procedure

Agenda item 3 - Election of Officers

Agenda item 4 - Adoption of the Agenda and organisation of work

Agenda item 5 - Format for the Reports of the NFP Meetings

Agenda item 6 - Country Reports on Conservation of Natural Sites and Species

Agenda item 7 - Technical aspects related to the drawing up of the List of Specially Protected Areas of Mediterranean Importance (SPAMIs)

Agenda item 8 - Progress and further development of the activities of RAC/SPA

- a. New internal organisation of RAC/SPA
- b. Action Plan for the Management of the Mediterranean Monk Seal
- c. Action Plan for the Conservation of Mediterranean Marine Turtles
- d. Action Plan for the Conservation of Cetaceans in the Mediterranean Sea
- e. Action Plan for the Conservation of Marine Vegetation in the Mediterranean Sea
- f. Development of protected areas
- g. Training activities developed by RAC/SPA
- h. Data Collection (including Inventories and Databases)
- i. SAP BIO Project
- j. CAMPs
- k. Co-ordination with other organisations
- l. Other activities

Agenda item 9 - Programme-Budget of RAC/SPA for 2002-2003

Agenda item 10 - Any other matters

Agenda item 11 - Adoption of the Report of the Meeting

Agenda item 12 - Closure of the Meeting

## **ANNEX IV: RECOMMENDATIONS OF THE MEETING**

## RECOMMENDATIONS OF THE MEETING

### **Technical aspects related to the drawing up of the List of Specially Protected Areas of Mediterranean Importance (SPAMIs)**

1. To invite RAC/SPA to prepare a "drafting aid" for the presentation reports and to include an explanation of the procedures for inclusion on the list of SPAMIs.
2. To invite the focal points to use the draft grid for the objective evaluation of proposals for inclusion on the list of SPAMIs on a pilot basis for the first proposals for inclusion on the list of SPAMIs, with the aim of further refining the tool later.

### **Action Plan for the Management of the Mediterranean Monk Seal**

3. To invite RAC/SPA to set up, in the immediate future, an emergency group of specialists to draw up an emergency plan, with concrete actions and a timetable.
4. To invite the Contracting Parties to adopt the following draft recommendations submitted by the working group:
  - More information needs to be collected on the number of individuals surviving in each Mediterranean country so as to produce estimates on the viability of each surviving nucleus. Such data must be exchanged between countries and RAC/SPA so as to provide a general view on the conservation status of the population in the Mediterranean.
  - Sources of funding must be identified for the execution of the above data collection. For all items of the action plan that have to be fulfilled by the countries, the identification of funds remains the principal obstacle in carrying out the activities. Special support is needed for developing countries that cannot proceed with such activities due to financial constraints.
  - The best experience of awareness programs geared toward the local population must be promoted by multi lateral and bilateral cooperation.
  - The RAC/SPA Secretariat is requested to establish a web page with a description of all programs and any useful information concerning Mediterranean monk seal, for better communication between decision-makers.
  - Meetings are more successful in achieving such goals for the local population.
  - Instruments and measures for the *in-situ* conservation of the monk seal, involving awareness programs directed at the local population, need to be identified and adapted to each country based on the social and economic conditions.

- Every country should formulate in the immediate future a national action plan for the protection of the monk seal based on the actions listed in the regional action plan formulated by MAP.
- The need for cooperation with other conventions (CMS and Bern Convention) is considered important considering the imminent formulation of an Action Plan for the conservation of the Mediterranean monk seal in the Atlantic, under the auspices of the Bonn Convention. Equally, the need for cooperation with FAO and GFCM concerning measures in the Mediterranean for the conservation of monk seal interacting with fisheries is also considered important.

### **Action Plan for the Conservation of Mediterranean Marine Turtles**

5. To recommend to the Contracting Parties to promote national networks of experts, in order to reinforce the Mediterranean network. Co-ordination with FAO and GFCM must be reinforced for measures concerning the protection of marine turtles in the Mediterranean interacting with fisheries.
6. To invite RAC/SPA to improve the standardization of tagging methods and to centralize the information resulting from different tagging programs within a database administered by RAC/SPA.
7. To recommended to the Contracting Parties to provide no further funding for tagging programs that did not conform to the established norm.
8. To invite RAC/SPA to extend the directory of marine turtle specialists to include organizations and/or laboratories.
9. To invite RAC/SPA to:
  - (a) Elaborate a project, to be submitted for European Commission financing, to identify important habitats for marine turtles.
  - (b) Create a web site to group all the available resources for the conservation of Mediterranean marine turtles.
10. To ask RAC/SPA to invite a representative of the CITES Secretariat to attend future meetings within the framework of strengthening cooperation with other conventions.
11. To recommend to the Contracting Parties to take note of Guidelines to design legislation and regulations relative to the conservation and management of marine turtle populations and their habitats and to take them into account to elaborate or upgrade the existing relevant legislation and its implementation.

### **Action Plan for the Conservation of Cetaceans in the Mediterranean Sea**

12. To invite RAC/SPA to create a Mediterranean database on cetacean stranding.

13. To ask RAC/SPA to assist the Parties in elaborating and implementing national action plans for the conservation of cetaceans, including the networks for monitoring strandings and for training.
14. To invite RAC/SPA to inform the next meeting of Contracting Parties about the provisions of the Memorandum of Cooperation to be signed between RAC/SPA and the Secretariat of ACCOBAMS, as approved by the fifth meeting of national focal points.

### **Action Plan for the Conservation of Marine Vegetation in the Mediterranean Sea**

15. To invite RAC/SPA to promote the monitoring of the health of meadows and to disseminate the referent techniques through technical manuals and trainings.
16. To transmit to the next meeting of Contracting Parties the document Draft Guidelines for Impact Assessment on Seagrass Meadows as amended by Working Group 1 (Annex X).
17. To recommend to the Contracting Parties to grant the status of "Action Plan Associate" to the following institutions: GIS Posidonie (France); ICRAM (Italy); INSTM (Tunisia); the Secretariat of the RAMOGE Agreement; the University of Corte in Corsica (France) and the World Seagrass Association.

### **Development of protected areas**

18. To invite RAC/SPA to compile a list of areas, which countries had identified as candidates for SPAMIs, but for which the selection criteria required under the Protocol, could not be completely met, pending the provision of assistance to the country concerned.

### **Data collection (including inventories and databases)**

19. To invite RAC/SPA to computerise the SDF.
20. To invite RAC/SPA to elaborate long-term training courses on the use of the SDF and to assist countries in its application.

### **SAP BIO Project**

21. To invite RAC/SPA, in the elaboration of the SAP BIO project, to take into account the countries national action plans, already developed for the CBD.

### **Coordination with other organizations**

22. To invite RAC/SPA to contact the Secretariats of the Bern and Bonn Conventions with a view to reinforce the collaborative link between RAC/SPA and those organisations by signing a MOU with each of them.

## **Other activities**

### Introduction and re-introduction of species

23. To invite RAC/SPA to prepare the elements of a draft action plan on introduced and invasive species with clear objectives and a timetable. The revision and the amendment of the document Draft guidelines for introduction of marine species and invasive species in the Mediterranean sea (UNEP(DEC)/MED WG.177/6) will be carried out within the framework of this action plan.

### Mediterranean initiative on taxonomy

24. To invite the contracting Parties to adopt the following recommendations of Working Group 3 on the Mediterranean initiative on taxonomy:
  - Invite the Contracting Parties to attach greater importance to taxonomy and to strive to increase the number of specialists in Mediterranean taxonomy.
  - Compile an inventory of taxonomy specialists in Mediterranean countries for those taxons that are important for the implementation of the SPA Protocol.
  - Prepare an inventory of laboratories with marine taxonomic competence, the capacities at their disposal, and their possibility of taking on students for training in taxonomy. The inventory should also encompass specialized scientific societies (e.g. societies for herpetology, ichthyology, etc.).
  - Identify the urgent needs of countries in the field of taxonomy.
  - Launch programmes to train taxonomists and to provide study grants and other means to encourage students to specialize in taxonomy. In this way, the bilateral cooperation mechanisms could be put to use.
  - Given the important role of reference collections in taxonomic work, it is important to carry out a study on the situation of reference collections of Mediterranean marine species. This study should lead to a program for their development, continuance and networking as tools to support taxonomic work.
  - Promote the organization of thematic workshops on taxonomy to allow exchanges between Mediterranean taxonomists.
  - Elaborate and update guides for the identification of marine species.
  - The implementation of the above recommendations should be integrated into a Mediterranean strategy, which must take account of other initiatives, particularly the Global Taxonomy Initiative undertaken within the framework of the CBD.

**Programme-Budget of RAC/SPA for 2002-2003**

25. To invite RAC/SPA to place its databases on the Internet, and make available GIS data.
26. To invite RAC/SPA to include the new Mediterranean database of cetacean strandings in the list of activities of the Centre.
27. To invite RAC/SPA to prepare the elements of a draft action plan for the conservation of avian species of the Mediterranean.
28. To invite RAC/SPA to prepare the elements of a draft action plan for the conservation of Mediterranean species of cartilaginous fish.
29. To invite the Contracting Parties to adopt the proposed activities of RAC/SPA for the biennium 2002-2003, as amended and agreed by the focal points.

**Any other matters**

Issues of trade in *Lithophaga lithophaga*

30. To invite RAC/SPA to investigate the matter, also drawing upon advice from environmental legal experts, and to report on the subject to the focal points at their next meeting.

Proposal to change the name of the Centre

31. To invite RAC/SPA to further investigate the question of a change in the name and logo of RAC/SPA and report to the focal points.

**ANNEX V**

**FORMAT FOR THE REPORTS OF THE MEETINGS**

**OF THE NATIONAL FOCAL POINTS FOR SPAs**

**ANNEX V**  
**FORMAT FOR THE REPORTS OF THE MEETINGS**  
**OF THE NATIONAL FOCAL POINTS FOR SPAs**

Introduction

Participation

Opening of the Meeting

Rules of Procedure

Election of Officers

Adoption of the Agenda and organization of work

Conservation of natural sites and species in the Mediterranean countries

Progress and development of activities

This section of the report will reflect the main discussions of the meeting relative to RAC/SPA's activities. It will be structured to reflect the different items of the agenda relating to this subject.

Programme and budget for the biennium XXXX-XXXX

Other matters

Adoption of the report of the Meeting

Closure of the Meeting

**Annex I**

List of participants

**Annex II**

Agenda of the Meeting

### **Annex III <sup>1</sup>**

#### Status of the implementation of the SPA Protocol

This annex will comprise two sections:

- A synthesis (10 pages maximum) of the reports presented by the delegations, setting out the main achievements and the gaps.
- The texts of the reports presented by the delegations under the agenda item relative to the conservation of natural sites and species in the Mediterranean countries<sup>2</sup>.

### **Annexe IV**

#### Recommendations of the Meeting

### **Possible further annexes**

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<sup>1</sup> This section of the report will be elaborated after the meeting.

<sup>2</sup> The focal points are to submit to RAC/SPA, two months before each meeting of focal points for SPAs, a report on the implementation of the Protocol, containing the information set out in the attached appendix. RAC/SPA will compile these reports into a working document of the meeting of focal points. The contents of that working document will form annex III of the reports of the meetings of focal points.

## Appendix

### **Proposed Format for the Country Reports of the Meetings of National Focal Points for SPA**

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The format detailed below is proposed to the National Focal Points for SPA for the drawing up of the country reports.

The requested information should be presented in a synthetic form, and the report, as a whole, should not exceed four (4) pages (about 2000 words).

The delegations are invited to present the national reports in English or French, with a copy in electronic format.

- Country
- Author(s) of the report
- Brief description of the institutional framework
- Brief description of the legal framework governing the conservation of species and sites (please list the main legal instruments)
- Status of signature/ratification of the relevant international agreements
- Marine and coastal protected areas (new developments since the last meeting of the focal points for SPAs)
- Protected marine and coastal species of fauna and flora
- Implementation of the national biodiversity strategy and action plans with regard to the Mediterranean marine and coastal zone
- Observation/studies about alien species recorded in the Mediterranean marine and coastal zone
- List of country and/or Mediterranean endemic species (if available for the country)
- Activities undertaken in the framework of the implementation of:
  - a. Action Plan for the Management of the Mediterranean Monk Seal

b. Action Plan for the Conservation of Mediterranean Marine Turtles

c. Action Plan for the Conservation of Cetaceans in the Mediterranean Sea

d. Action Plan for the Conservation of Marine Vegetation in the Mediterranean Sea

(if there is no action, please state the reasons)

- Activities related to the inventories (completed or ongoing) of sites using the Standard Data-Entry Form (SDF) for national inventories of natural sites of conservation interest
- Collaborative activities undertaken within the framework of the implementation of the Protocol and/or the Action Plans, especially at bilateral or sub-regional levels
- Status of implementation of the recommendations of earlier meetings of the focal points for SPAs and of the Contracting Parties.

**ANNEX VI**

**DRAFT ANNOTATED FORMAT FOR THE PRESENTATION**

**REPORTS FOR THE AREAS PROPOSED**

**FOR INCLUSION IN THE SPAMI LIST**

## **OBJECTIVE**

The objective of this Annotated Format is to guide the Contracting Parties in producing reports of comparable contents, including the information necessary for the adequate evaluation of the conformity of the proposed site with the criteria set out in the Protocol and in its Annex I (Common criteria for the choice of protected marine and coastal areas that could be included in the SPAMI List).

## **CONTENTS**

The presentation report shall include the following main information on: (i) identification of the proposed protected area (ii) site description (iii) its Mediterranean importance (iv) the activities in and around the area and their impacts (v) legal status (vi) management measures (vii) human and financial resources available for the management and the protection of the site.

## **SUBMISSION OF REPORTS**

The reports should be submitted to the RAC/SPA two months before the meeting of National Focal Points for SPA in English or in French.

Dossiers should be compiled on A4 paper (210 mm x 297 mm), with maps and plans annexed on paper with a maximum size of an A3 paper (297 mm x 420 mm). Contracting Parties are also encouraged to submit the full text of the proposal in electronic form.

The requested annexes should be submitted on paper and, if possible, also in electronic form. They are the following:

- Copies of legal texts
- Copies of planning and management documents
- Maps: administrative boundaries, zoning, land tenure, land use, and distribution of habitats and species, as appropriate
- Existing inventories of plant and fauna species
- Photographs, slides, films/videos, CD-ROMs
- List of publications and copies of the main ones concerning the site

**N.B.:** All the following sections have to be in the report submitted, even those sections or elements that do not apply to the proposed area. Where that is the case, please put “not applicable to the proposed area”.

**1. AREA IDENTIFICATION**

**1.1. COUNTRY/COUNTRIES** (in the case of transboundary areas)

--

**1.2. ADMINISTRATIVE PROVINCE OR REGION**

--

**1.3. NAME OF THE AREA**

--

**1.4. GEOGRAPHIC LOCATION**

Describe its geographical boundaries, e.g. rivers, roads, geographical or administrative boundaries (do not describe the co-ordinates here; please make a separate annex with a map and a description of geographical co-ordinates as stated in the legal declaration of the area).

--

**1.5. SURFACE OF THE AREA** (total)

--	--

(in national unit)

(in ha)

**1.6. LENGTH OF THE MAIN COAST** (Km)

--

**2. EXECUTIVE SUMMARY** (maximum 3 pages)

Supply a summary of the information contained in sections 3 to 9.

### 3. SITE DESCRIPTION

#### 3.1. TYPOLOGY OF THE SITE

3.1.1. Terrestrial surface, excluding wetlands (ha):

3.1.2. Wetland surface (ha):

3.1.3. Marine surface (Sq. Km):

Marine internal waters

Territorial sea

High sea

#### 3.2. MAIN PHYSICAL FEATURES

##### 3.2.1. Geology/Geomorphology

Give a brief description of: (i) geological aspects (lithologic and tectonics); (ii) processes of sedimentation and erosion observable in the area; (iii) coastal geomorphology and (iv) island system. Indicate bibliographical sources.

3.2.2. Other interesting physical features: Such as hydrodynamics, volcanic formations, caves, underwater formations, etc.

3.2.3. Length of beaches (in Km), including islands:

a) Length of sandy beaches:

b) Length of pebble or stony beaches:

c) Length, height and depth of active sand-dunes:

### 3.3. FRESHWATER INPUTS

3.3.1. Mean annual precipitation (in mm)

3.3.2. Main water courses (permanent and seasonal)

3.3.3. Estuarine areas: Existence and brief description

3.3.4. Freshwater springs: Existence and brief description, including marine offsprings

**3.4. BIOLOGICAL FEATURES** (B2, Annex I)

3.4.1. Habitats: A brief description of dominant marine and terrestrial habitats, on the basis of the habitat classifications adopted within the framework of MAP (and their coverage in ha)

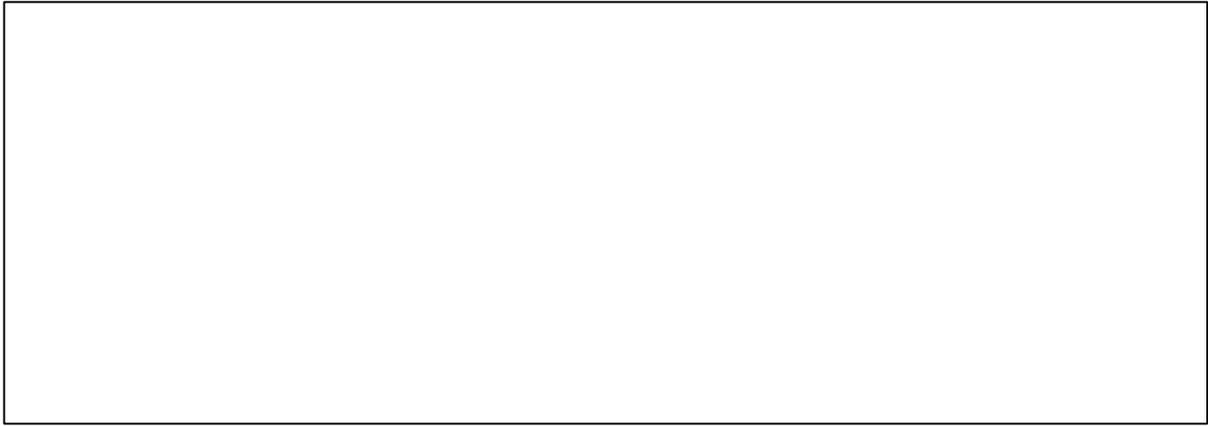
3.4.2. List of regionally important species (flora and fauna) (B-2a, Annex I)

List here ONLY those species protected by international agreements, particularly those marine species included in Annex II of the Protocol, which are present in the area. Any other species may be listed if it is clearly considered of regional importance given its high representation in the area. Display the species list under the headings Marine Plants, Terrestrial Plants, Marine Invertebrates, Fish, Amphibians and Reptiles, Birds, and Mammals. For each species state:

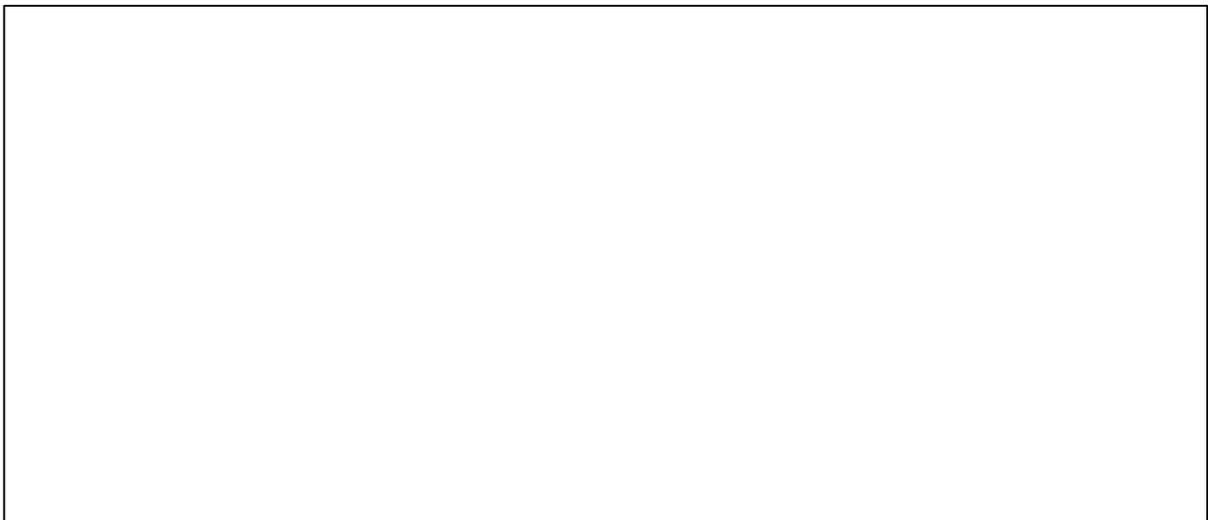
- a) its relative abundance as Common (C), Uncommon (U) or Occasional (O),
- b) Its global status as rare (r), endemic (e) and/or threatened (t), and
- c) its status as an important resident population (R), or important for its breeding (B), feeding (F), wintering (W) or migratory passage (M)

SPECIES	Rel. Abundance (C) (U) (O)	Global STATUS (r) (e) (t)	Local STATUS (R) (B) (F) (W) (M)
Examples: BIRDS <i>Pelecanus onocrotalus</i> <i>Falco eleonorae</i>	(C) (U)	(e) (t) (e) (t)	(R) (B)

3.4.3. Flora: Describe in a few sentences the main plant assemblages significant in the area.



3.4.4. Fauna: Describe in a few sentences, which are the main fauna populations present in the area.



### 3.5. HUMAN POPULATION AND USE OF NATURAL RESOURCES

#### 3.5.1 Human population

a) Inhabitants inside the area:

	Number	Date of data
Permanent		
Seasonal number (additional to permanent)		

Description of the population

Main human settlements and their populations

#### 3.5.2 Current human use and development

a) Briefly describe the current use of the area by subsistence, artisan, commercial and recreational fishing, hunting, tourism, agriculture and other economic sectors.

b) Enter how many of the users depend on these resources, seasonality, and assessment of the social and economic importance of their use and of the perceived impact on the conservation of the area, in a score of 0-1-2-3 (meaning null, low, medium, high).

ACTIVITY AND CATEGORY	ASSESS IMPORTANCE OF								Estimated No. of Users	Seasonality
	Socio-economic				Conserv. Impact					
<b>FISHING</b>										
Subsistence	0	1	2	3	0	1	2	3		
Commercial, local	0	1	2	3	0	1	2	3		
Commercial, non-local	0	1	2	3	0	1	2	3		
Controlled recreational	0	1	2	3	0	1	2	3		
Un-controlled recreational	0	1	2	3	0	1	2	3		
Other										
<b>TOURISM</b>										
Regulated	0	1	2	3	0	1	2	3		
Unregulated	0	1	2	3	0	1	2	3		
Indicate the type of tourism										
-.....	0	1	2	3	0	1	2	3		
-.....	0	1	2	3	0	1	2	3		
.										
.										
Tourism facilities	0	1	2	3	0	1	2	3		
<b>FOREST PRODUCTS</b>										
Subsistence	0	1	2	3	0	1	2	3		
Non-timber commercial, local	0	1	2	3	0	1	2	3		
Non-timber commercial, non-local	0	1	2	3	0	1	2	3		
Timber commercial, local	0	1	2	3	0	1	2	3		
Timber commercial, non-local	0	1	2	3	0	1	2	3		
<b>AGRICULTURE</b>										
Agriculture	0	1	2	3	0	1	2	3		
Stockbreeding	0	1	2	3	0	1	2	3		
Aquaculture	0	1	2	3	0	1	2	3		
<b>EXTENSIVE STOCK GRAZING</b>										
Subsistence	0	1	2	3	0	1	2	3		
Commercial, local	0	1	2	3	0	1	2	3		
Commercial, non-local	0	1	2	3	0	1	2	3		
<b>OTHER ACTIVITIES</b>										
-	0	1	2	3	0	1	2	3		
-	0	1	2	3	0	1	2	3		

### 3.5.3. Traditional economic or subsistence uses

Name any environmentally sound traditional activities integrated with nature, which support the well being of the local population. E.g. land, water use, target species, if closed seasons or closed zones are used as management techniques.

--

#### **4. MEDITERRANEAN IMPORTANCE OF THE SITE**

This Section aims at stressing the importance of the site for conservation at the regional or global scales, as set in Art. 8 para. 2 of the Protocol and B2-a, B2-b and B2-c in Annex I.

##### **4.1. PRESENCE OF ECOSYSTEMS/HABITATS SPECIFIC TO THE MEDITERRANEAN REGION**

Name the type of habitats considered of Mediterranean specificity, on the basis of the habitat classifications adopted within the framework of MAP, and their estimated cover (Ha).

##### **4.2. PRESENCE OF HABITATS THAT ARE CRITICAL TO ENDANGERED, THREATENED OR ENDEMIC SPECIES**

A critical habitat is an area essential to the conservation of the species concerned. These species should be those included in Annex II of the Protocol. E.g. Islets and sea stacks, as small islands in the sea or in large bodies of water, mostly important for water-bird colonies; caves appropriate for monk seals; undisturbed sand beaches where marine turtle nesting occurs; coastal lagoons where threatened fish or bird species feed or breed; tidal flats, coastal or benthic substrates important for marine invertebrates, etc.

Name the habitat types and the species linked to it.

### **4.3. OTHER RELEVANT FEATURES (Art. 8 paragraph 2 in the Protocol)**

#### **4.3.1. Educational Interest (B-3 in Annex I)**

E.g. particular values for activities of environmental education or awareness

#### **4.3.2. Scientific Interest (B-3 in Annex I)**

Explain if the site represents a particular value for research in the field of natural or heritage sciences.

#### **4.3.3. Aesthetic Interest (B-3 in Annex I)**

Name and briefly describe any outstanding natural features, landscapes or seascapes.

#### **4.3.4. Main cultural features**

Indicate if the area has a high representative value with respect to the cultural heritage, due to the existence of environmentally sound traditional activities integrated with nature which support the well-being of local populations.

## 5. IMPACTS AND ACTIVITIES AFFECTING THE AREA

### 5.1. IMPACTS AND ACTIVITIES WITHIN THE SITE

#### 5.1.1. Exploitation of natural resources

Assess if the current rates of exploitation of natural resources within the area (sand, water and mineral exploitation, wood gathering, fishing, grazing...) are deemed unsustainable in quality or quantity, and try to quantify these threats, e.g. the percentage of the area under threat, or any known increase in extraction rates.

#### 5.1.2. Threats to habitats and species

Mention any serious threats to marine or coastal habitats (e.g. modification, desiccation, disturbance, pollution) or to species (e.g. disturbance, poaching, introduced alien species...) within the area.

#### 5.1.3. Demand by an increased population and infrastructures

Assess whether the current human presence or an expected increase in frequentation (tourism, passage of vehicles and boats) and any human immigration into the area, or plans to build infrastructures, are considered a threat.

#### 5.1.4. Historic and current conflicts

Make a brief statement of any historic or current conflicts between users or user groups.

## **5.2. IMPACTS AND ACTIVITIES AROUND THE SITE**

In Art.7.2-e the Protocol calls for the regulation of activities compatible with the objectives for which a SPA was declared, such as those likely to harm or disturb species or ecosystems (Art.6.h), while Section B4 in Annex I asks to consider “the existence of threats likely to impair the ecological, biological, aesthetic or cultural value of the area” (B4-a in Annex I), recommending the existence, in the area and its surroundings, of opportunities for sustainable development (B4-d) and of an integrated coastal management plan (B4-e).

### **5.2.1. Pollution**

Name any point and non-point sources of external pollution in nearby areas, including solid waste, and especially those affecting waters up-current.

### **5.2.2. Other external threats, natural and/or anthropogenic**

Briefly describe any other external threat to the ecological, biological, aesthetic or cultural values of the area (such as unregulated exploitation of natural resources, serious threats on habitats or species, increase of human presence, significant impacts on landscapes and cultural values, pollution problems, any sectorial development plans and proposed projects, etc.), likely to influence the area in question.

### **5.2.3. Sustainable development measures**

Comment whether the area is covered by an integrated coastal management plan, or bordering upon a zone under such a plan. Are there other opportunities for sustainable development provided for in the neighbouring areas?

## **6. EXPECTED DEVELOPMENT AND TRENDS<sup>1</sup>**

The foreseeable development and trends of the site do not appear in the list of common criteria for the choice of protected marine and coastal areas that could be included in the SPAMI list, as established in the Protocol and its Annex I. Moreover, this is not always easy to assess and it is necessary to have knowledge about the site, which is not always available to all managers of protected areas; Thus, it is not obligatory to fill in the boxes in this Section 6.

On the other hand, the assessment of this foreseeable evolution and trends constitutes a dynamic supplement to the static knowledge of the site, as it appears in Sections 3, 4 and 5 above. Moreover, it is of significant importance for the definition of the objectives and the management plan of the site.

It thus appears desirable to bringing out the main outlines at least in respect to the following points:

### **6.1. EXPECTED DEVELOPMENT AND TRENDS OF THREATS TO AND PRESSURES UPON THE AREA**

Deal briefly in succession with:

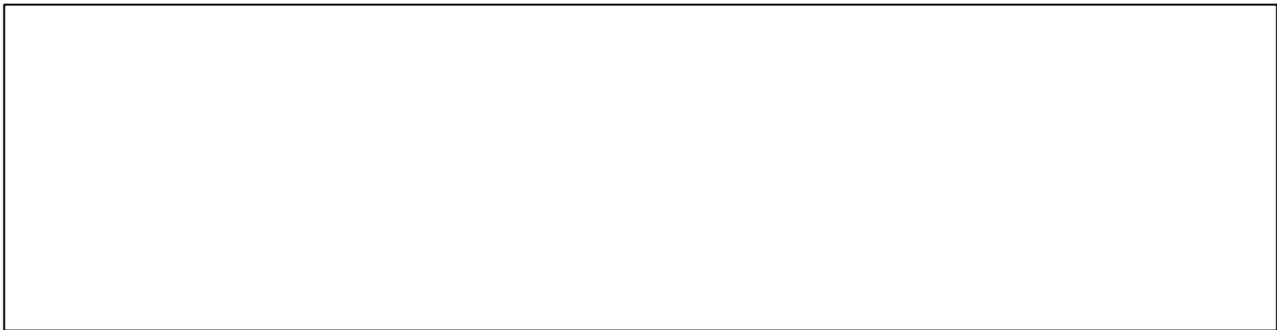
- The demographic development in and around the site
- The development of economic activities (other than tourism and recreation) within the area
- The development of local demand on tourism and recreation
- The development of tourism pressure on the area

### **6.2. POTENTIAL CONFLICTS IN THE AREA**

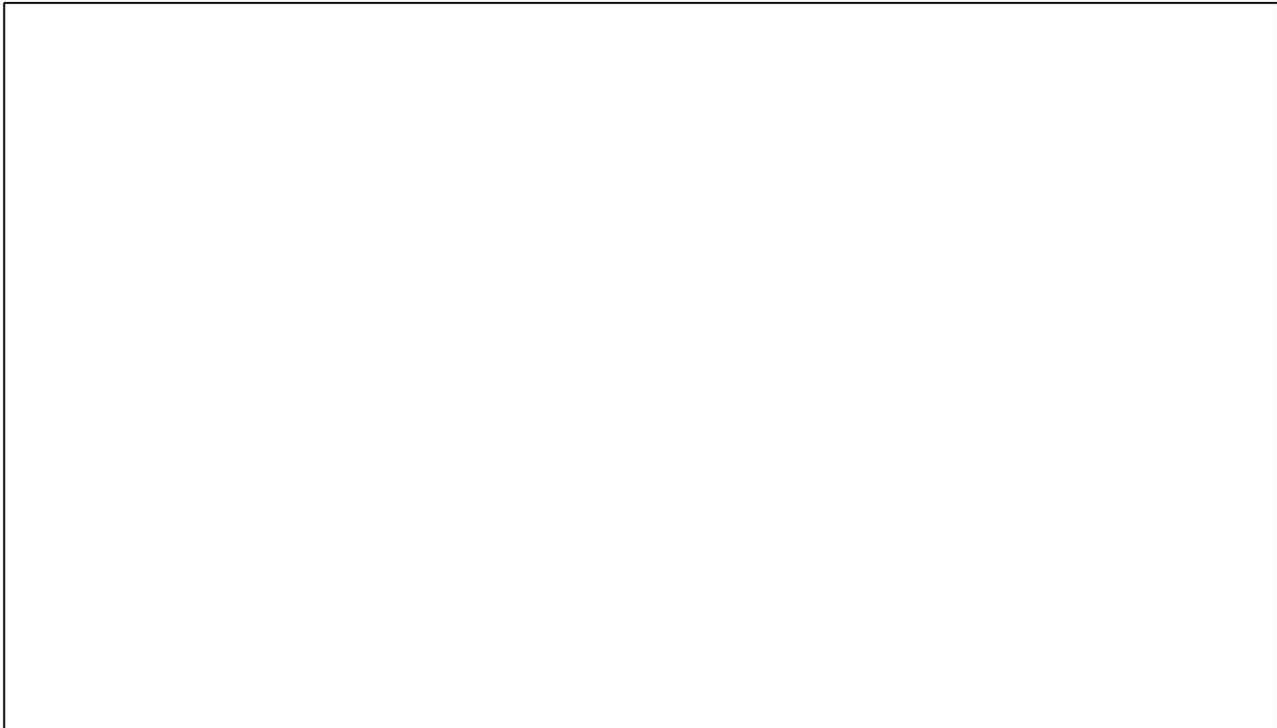
Make a brief statement of potential use conflicts between the users or group of users of the site.

<sup>1</sup> By expected development and trends are meant the development, which is thought most likely to occur in the absence of any deliberate intervention to protect and manage the site.

**6.3. EXPECTED DEVELOPMENT AND TRENDS OF THE NATURAL LAND ENVIRONMENT AND LANDSCAPES OF THE AREA:** as expected arising from the evolution of the pressures



**6.4. EXPECTED DEVELOPMENT AND TRENDS OF THE MARINE ENVIRONMENT AND SEASCAPES OF THE AREA:** as expected arising from the evolution of the pressures



## 7. PROTECTION REGIME

### 7.1. LEGAL STATUS (General Principles "e" and Section C-2 both in Annex I)

#### 7.1.1. Historical background of the protection of the site

#### 7.1.2. Legal texts currently ruling the protection on the site

Enter the national conservation category, the dates and the present enforcement status of the legal instrument declaring the protection of the area. Consider both the land and the marine areas of the site. Include the full text(s) as an annex.

#### 7.1.3. Objectives (General Principles "a" and D-1 in Annex I)

Name in order of importance the objectives of the area as stated in its legal declaration.

#### 7.1.4. Indicate whether the national protection regime arises from international treaties enforced or from implementation measures of treaties (Art. 6.a in the Protocol).

## **7.2. INTERNATIONAL STATUS**

### **7.2.1. Transboundary or high seas areas**

Complete this section only if the area is transboundary, totally or partially in the high sea, or within areas where the limits of national sovereignty or jurisdiction have not yet been defined. In this case, mention the modalities of the consultation (Art. 9 para. 3A in the Protocol and General Principles “d” in Annex I).

### **7.2.2. International category**

Mention if the area, or part of it, has been designated and on what date, with an international conservation category (e.g. Specially Protected Area, Biosphere Reserve, Ramsar Site, World Heritage Site, European Diploma, Natura 2000, Emerald network, etc.).

## **7.3. PREVIOUS LEGAL BACKGROUND AND LAND TENURE ISSUES**

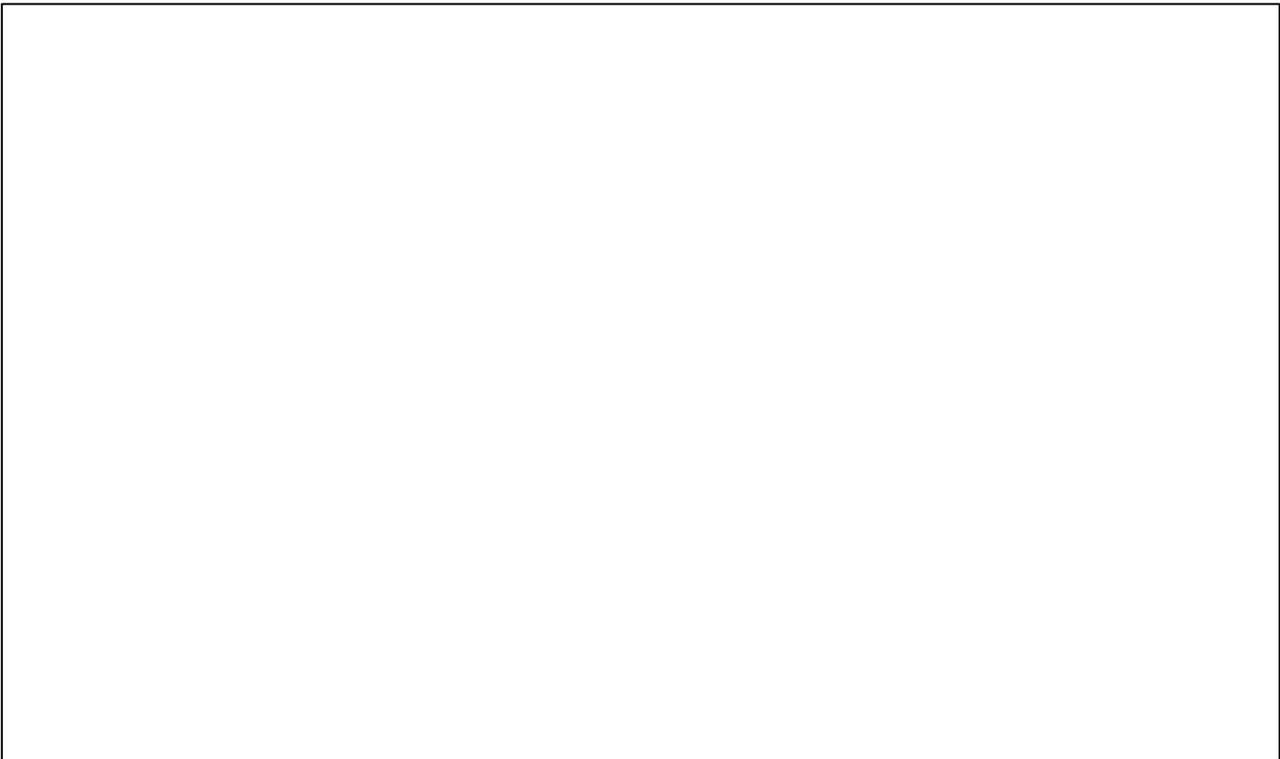
Briefly mention if the area or part of it is subject to any legal claim, or to any file open in that connection within the framework of an international body. Describe the land tenure regimes within the area, and append a map if existing.

**7.4. LEGAL PROVISIONS FOR MANAGEMENT** (Section D-1 in Annex I)**7.4.1. Zoning**

Briefly state if the legal text protecting the area provides for different zones to allocate different management objectives of the area (e.g. core and scientific zones in both land and sea, fishing zones, visitation, gathering, restoration zones etc) and in this case the surface area in ha of these zones. Include a map as an annex

**7.4.2. Basic regulations**

Mention the provisions, which apply to the area concerning the implementation of Article 6 of the Protocol (paragraphs a to i), Section D5 (a to d) in the Annex I and Article 17 of the Protocol.



#### 7.4.3. Legal competencies

Section D4 in Annex I states that the competence and responsibility with regard to administration and implementation of conservation measures for areas proposed for inclusion in the SPAMI List must be clearly defined in the texts governing each area. Additionally Art.7.4. of the Protocol calls for the provision of clear competencies and co-ordination between national land and sea authorities, with a view to ensuring the appropriate administration and management of the protected area as a whole. Mention in which way do the legal provisions clearly establish the institutional competencies and responsibilities for the administration and conservation of the area, and if being the case, their co-ordination means, including those between land and sea authorities.

#### 7.4.4. Other legal provisions

Describe any other relevant legal provisions, such as those requiring a management plan, the establishment of a local participation body, binding measures for other institutions or economic sectors present in the area, allocation of financial resources and tools, or any other significant measures concerning the protection and management of the area or its surrounding zones.

## 8. MANAGEMENT

Through the General Principles, para. (e) in the Annex I, the Parties agree that the sites included in the SPAMI List are intended to have a value as examples and models for the protection of the natural heritage of the region. To this end, the Parties ensure that sites included in the List are provided with adequate legal status, protection measures and management methods and means.

### 8.1. INSTITUTIONAL LEVEL

#### 8.1.1. Authority/Authorities responsible for the area

--

#### 8.1.2. Other participants in the management body

Such as other national or local institutions, as stated in Section D6 in Annex I.

--

#### 8.1.3. Participants in other committees or bodies

Such as a scientific committee, or a body of representatives from the local stakeholders, the public, the professional and non-governmental sectors, as in Sections B4-b and B4-c in Annex I.

--

#### 8.1.4. Effectiveness

As stated in Section B4 of Annex I, assess as very low, low, moderate, satisfactory, very satisfactory, and comment as needed on the following aspects:

a) Effectiveness of the co-ordination, where existing:

b) Quality of involvement by the public, local communities, economic sectors, scientific community:

## 8.2. MANAGEMENT PLAN (as set out in D7 of Annex I)

### 8.2.1. Management Plan

State if there is a management plan (MP) and in this case include the document as an annex. In the absence of a MP, mention if the main provisions governing the area and the main regulations for its protection are already in place and how (D7 in Annex I) and if the area will have a detailed management plan within three years (D7 in Annex I).

### 8.2.2. Formulation and approval of the Management Plan

Mention how the MP was formulated, e.g. by an expert team and/or under consultation and/or participation with other institutions or stakeholders. State the legal status of the MP, whether it is officialized, and how, and if it is binding for other institutions and sectors involved in the area.

### 8.2.3. Contents and application of the Management Plan

State the degree of detail in the MP by entering YES or NO in the following list of potential contents, and assess the degree of implementation of the MP by using the 0-1-2-3 score on the right hand side:

	Existing in MP		Degree of application			
	YES	NO	0	1	2	3
Detailed management objectives	YES	NO	0	1	2	3
Zoning	YES	NO	0	1	2	3
Regulations for each zone	YES	NO	0	1	2	3
Governing body(ies)	YES	NO	0	1	2	3
Management programmes as:						
Administration	YES	NO	0	1	2	3
Protection	YES	NO	0	1	2	3
Natural resource management	YES	NO	0	1	2	3
Tourism and Visitation	YES	NO	0	1	2	3
Education and Training	YES	NO	0	1	2	3
Research and Monitoring	YES	NO	0	1	2	3
Services and Concessions	YES	NO	0	1	2	3
Fund raising activities	YES	NO	0	1	2	3
Periodic revisions of the MP	YES	NO	0	1	2	3

### 8.3. PROTECTION MEASURES

By Art. 6 of the Protocol the Parties agree to take all the necessary protection measures required for the conservation of the area, particularly the strengthening the application of the other Protocols to the Convention, and through the regulation of any other activity likely to harm the natural or cultural value of the area, such as economic, recreation or research activities. As per Section D2 in Annex I, the protection measures must be adequate to the site objectives in the short and long term, and take in particular into account the threats upon it.

#### 8.3.1. Boundaries and signing

Briefly, state if the boundaries of the area and its zones are adequately marked in the field, both on land, in the sea, and at the principal points of access.

#### 8.3.2. Institutional Collaboration

Name the different national and local institutions or organisations with legal responsibilities or involved in the protection and surveillance of land and sea zones, and any measures or mechanisms through which their co-ordination is pursued.

#### 8.3.3. Surveillance

Consider the adequacy of the existing protection means (human and material), and your present ability to survey land and sea uses and accesses

#### 8.3.4. Enforcement

Briefly, consider the adequacy of existing penalties and powers for effective enforcement of regulations, whether the existing sanctions can be considered sufficient to dissuade infractions, and if the field staff is empowered to impose sanctions.

**9. AVAILABLE RESOURCES**

**9.1. HUMAN RESOURCES** (Art. 7.2.f in the Protocol)

**9.1.1. Available staff**

Assess the adequacy of the human resources available to the management body, in number of employees and training level, both in central headquarters and in the field. Indicate if there are staff training programmes.

**9.1.2. Permanent field staff**

Answer YES or NO on the current existence of the following FIELD staff categories. If YES, enter the number of staff either permanent or part-time in that category, and evaluate on a 0-1-2-3 score (0 is low, 3 is high) the adequacy of their training level.

	YES/NO		NUMBER Permanent/Part-time	ADEQUACY OF TRAINING LEVEL			
	YES	NO		0	1	2	3
Field Administrator	YES	NO		0	1	2	3
Field Experts (scientific monitoring)	YES	NO		0	1	2	3
Field Technicians (maintenance, etc)	YES	NO		0	1	2	3
Wardens	YES	NO		0	1	2	3
Of which marine wardens	YES	NO		0	1	2	3
Guides	YES	NO		0	1	2	3
Other	YES	NO		0	1	2	3

**9.1.3. Additional Support**

Briefly, describe if the area currently has the advantage of other external human resources in support of its objectives, either from other national or local institutions, volunteer programmes, non-governmental organisations, academic or international organisations. Mention if there are any significant changes in prospect for the near future.

## 9.2. FINANCIAL RESOURCES AND EQUIPMENT

By Art. 7 in the Protocol, the Parties agree to adopt measures or mechanisms to ensure the financing of the specially protected areas (Art.7.2.d), and the development of an appropriate infrastructure (Art.7.2.f). The General Principles para. "e" in the Annex I call upon the Parties to provide the areas with adequate management means.

### 9.2.1. Present financial means

Note if the basic financing is ensured: a core funding for basic staff, protection and information measures. Who provides this core funding? Briefly assess the degree of adequacy of the present financial means for the area, either low, moderate, satisfactory; e.g. the implementation of the management plan, including protection, information, education, training and research.

### 9.2.2. Expected or additional financial sources

Briefly describe any alternative sources of funding in use or planned, and the perspectives for long-term funding from national or other sources.

### 9.2.3. Basic infrastructure and equipment

Answer YES or NO to the following questions, and if YES, assess with a score of 1-2-3 (1 is low, 3 is high) the adequacy of the basic infrastructure and equipment.

	YES/NO		ADEQUACY			
Office and/or laboratory in the field	YES	NO	0	1	2	3
Signs on the main accesses	YES	NO	0	1	2	3
Guard posts on the main accesses	YES	NO	0	1	2	3
Visitors information centre	YES	NO	0	1	2	3
Self guided trails with signs	YES	NO	0	1	2	3
Terrestrial vehicles	YES	NO	0	1	2	3
Marine vehicles	YES	NO	0	1	2	3
Radio and communications	YES	NO	0	1	2	3
Environmental awareness materials	YES	NO	0	1	2	3
Capacity to respond to emergencies	YES	NO	0	1	2	3
Comment on basic infrastructure and equipment						

**9.3. INFORMATION AND KNOWLEDGE**

By Section D3 of Annex I, the Parties agree that the planning, protection and management of a SPAMI must be based on an adequate knowledge of the elements of the natural environment and of socio-economic and cultural factors that characterize each area. In case of shortcomings in basic knowledge, an area proposed for inclusion in the SPAMI List must have a programme for the collection on the unavailable data and information.

9.3.1. State of knowledge

a) Assess the general state of knowledge of the area.

0	1	2	3
---	---	---	---

b) Briefly describe the extent of knowledge of the area, considering at least specific maps, main ecological processes, habitat distribution, inventories of species and socio-economic factors, such as artisan fishing.

9.3.2. Data collection

Describe and assess the adequacy of any programme and activities to collect data in the area.

9.3.3. Monitoring programme

Section D8 in Annex I states that to be included in the SPAMI List, an area will have to be endowed with a monitoring programme having a certain number of significant parameters, in order to allow the assessment of the state and trends of the area, as well as the effectiveness and protection and management measures, so that they may be adapted if need be (indicators may, for instance, supply information about species status, condition of the ecosystem, land-use changes, extraction of natural resources -sand, water, game, fish-, visiting, adherence to the provisions of the management plan, etc.).

a) Is there a monitoring programme?

YES	NO
-----	----

b) If NO, are there plans to start one, and when?

c) If YES, assess as low, medium, satisfactory, its adequacy and present level of development.

d) If YES, who is/are carrying out the monitoring programme?

e) If YES, briefly describe how the monitoring programme will be used in reviewing the management plan.

**10. Other information, if any**

A large, empty rectangular box with a thin black border, occupying most of the page below the section header. It is intended for providing additional information related to the section.

**11. CONTACT ADDRESSES** (name(s), position(s) and contact address(es) of the person(s) in charge with the proposal and that compiled the report)

--

**12. SIGNATURE(S) ON BEHALF OF THE STATE(S) PARTY/PARTIES MAKING THE PROPOSAL**

--

**13. DATE**

--

## **ANNEX VII**

### **REPORT OF THE WORKING GROUP 2: MONK SEAL**

## REPORT OF THE WORKING GROUP 2: MONK SEAL

The meeting resulted in an animated discussion in which all the participants took an active part. In general all participants agreed on the serious situation concerning the monk seal's status in the Mediterranean region and said that urgent action must be taken to fulfill the items of the Mediterranean Action Plan for the Management of the Mediterranean Monk Seal adopted within the framework of MAP.

The first observation discussed concerned the necessity of referring as the base document to the recommendations on topics to be addressed as a matter of priority in the further implementation of the ACTION PLAN FOR THE MANAGEMENT OF THE MEDITERRANEAN MONK SEAL, as adopted by the Contracting Parties (Malta, 27-30 October 1999). On the other hand, the proposal of the Secretariat made in document UNEP(DEC)/MED WG.177/4, Section 2, which asks to envisage the provisions in Paragraph 21 of the Action Plan, was not accepted by the participants as it was considered to be a premature activity before all other measures for the conservation of the monk seal had been fulfilled.

For the meantime, the working group agreed in several immediate measures to be taken in the immediate short term. A time schedule was difficult to envisage so participants asked that the Plenary agree on this possible item. The following agreed recommendations are put to the Plenary session for adoption:

- More information needs to be collected on the number of individuals surviving in each Mediterranean country so as to produce estimates on the viability of each surviving nucleus. Such data must be exchanged between countries and between countries and RAC/SPA so as to provide a general view on the conservation status of the population in the Mediterranean.
- Sources of funding must be identified for the execution of the above data collection. For all items of the action plan that have to be fulfilled by the countries, the identification of funds remains the principal obstacle in carrying out the activities. Special support is needed for developing countries that cannot proceed with such activities due to financial constraints.
- The best experience of awareness programs geared toward the local population must be promoted by and multi lateral and bilateral cooperation.
- The RAC SPA Secretariat is requested to establish a web page with a description of all programs and any useful information concerning Mediterranean monk seal, for better communication between decision-makers.
- Meetings are more successful in achieving such goals for the local population.
- Instruments and measures for the *in-situ* conservation of the monk seal, involving awareness programs directed at the local population, need to be identified and adapted to each country based on the social and economic conditions
- Every country should formulate in the immediate future a national action plan for the protection of the monk seal based on the actions listed in the regional action plan formulated by MAP.
- The need for cooperation with other conventions (CMS and Bern Convention) is considered important considering the imminent formulation of an Action Plan for the conservation of the Mediterranean monk seal in the Atlantic, under the auspices of the Bonn Convention. Equally, the need for cooperation with FAO and GFCM concerning measures in the Mediterranean for the conservation of monk seal interacting with fisheries is also considered important.

**ANNEXE VIII**

**GUIDELINES TO DESIGN LEGISLATION**

**AND REGULATIONS RELATIVE TO THE CONSERVATION**

**AND MANAGEMENT OF MARINE TURTLES POPULATIONS**

**AND THEIR HABITATS**

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## **I. Developing appropriate frameworks at national level**

Where provisions of international instruments are couched in such a way that they are not 'self-executing', national legislation and regulations are necessary to make them operational in national legal systems. This may be done through existing national measures, or, if these are insufficient, by amending existing measures or adopting new ones.

Whether national measures should be legislative or regulatory will depend on the internal law of the State concerned. Certain matters usually have to be dealt with by legislation, notably the establishment of offences and penalties. Others can be dealt with at the level of regulations, issued by the relevant ministry or department, which can be updated and amended more easily.

An important function of national legislation is to establish institutional mechanisms with appropriate decision-making powers to develop implementing regulations, ensure compliance, monitor success and failure, and promote policies for improved implementation and any necessary legislative changes. Institutions are key to overseeing implementation and compliance, as well as to generate needed reforms. Establishing efficient institutions is one of the most important roles of legislation, though this is often underestimated.

The following sections present issues, objectives and basic indicators for making international obligations effective at national and local level.

### **I.1 Reviewing existing arrangements: common gaps and weaknesses**

Human activities affecting marine turtles are often subject to different sectoral laws that have evolved in a piecemeal way and are administered by separate branches of government. This can create a risk of inter-sectoral policy conflicts and gaps or inconsistencies in legal frameworks.

In addition, most countries have separate planning and regulatory frameworks for activities on land and at sea (the high-tide limit of the shoreline usually marks the dividing line).

On land, conservation departments usually have responsibility for endangered species and often act as focal point for negotiation of treaties and implementation of treaty obligations. However, unless their mandate extends to conservation of marine species and areas, they cannot implement the full range of measures for turtle conservation or establish protected areas that straddle the land-sea interface.

At sea, fisheries department may have no mandate to protect endangered species or their critical habitats or to regulate or manage non-fishing marine activities (sand extraction, tourism) that can adversely affect such species.

### **I.1.1 Guidelines for assessing existing legal and institutional arrangements<sup>1</sup>**

- (a) Preferably coordinated with national environmental/biodiversity planning processes, each State should seek to establish a knowledge base of:
  - measures that directly promote conservation of marine turtles, on land and at sea;
  - sectoral measures that directly or indirectly affect marine turtles;
  - relevant customary and religious rules.
- (b) Each State should assess this knowledge base to identify legal and institutional measures that conflict with its international obligations and constrain marine turtle protection and management.
- (c) The review process should specifically identify ‘perverse incentives’, such as sectoral subsidies, grants and tax benefits that may have the unintended effect of encouraging activities or development damaging to turtles or their habitats. Examples might include financial incentives for tourist development in or near turtle nesting beaches or for the manufacture/purchase of fisheries gear that falls below mandatory or recommended standards.

Example: Costa Rica’s 1998 Biodiversity Act mandates the removal of negative incentives. The Ministry of Environment and Energy and public authorities, taking into consideration public interest, must revise existing legislation and propose or carry out changes necessary to eliminate or reduce incentives that are negative for conservation of biodiversity and its sustainable use and propose appropriate disincentives.

- (d) The review should assess the adequacy of existing frameworks, in the light of these Guidelines. It should specifically assess whether provision is made for effective monitoring, adequate enforcement procedures and deterrent penalties for taking of turtles or destruction or damage to their critical habitats. It should also assess whether civil or administrative law remedies are available to interested parties (NGOs, individuals) for unlawful actions or omissions related to their critical habitats.
- (e) Where jurisdiction over marine turtles is shared by more than one department (e.g. fisheries and nature conservation or agriculture departments), the review should assess whether the overall mandate is adequate to meet treaty obligations and whether lines of institutional responsibility are sufficiently clear and comprehensive.
- (f) Based on the above, the review should aim to make proposals for the reduction and, where possible, elimination of incompatible measures and the promotion of positive legal, institutional and economic measures for marine turtle conservation.

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<sup>1</sup> For more detailed guidance on how to carry out such an assessment, see *Reviewing laws and institutions to promote the conservation and sustainable use of wetlands* (Ramsar Handbook 3, January 2000, which incorporates Resolution VII.7 on this subject) and *A Guide to Undertaking Biodiversity Legal and Institutional Profiles* (IUCN Environmental Policy and Law Paper No.35).

## **I.2 Designing appropriate legislation**

All laws and regulations should use clear and precise language to define the scope, requirements and procedures established by law. This is important to avoid ambiguity and facilitate effective implementation, monitoring and enforcement.

### **I.2.1 Key issues relate to the scope, type and general objectives, principles and content of legislation**

#### I.2.1.1 Guidelines on scope of legislation

The geographical coverage of legislation is extremely important because turtles spend different stages of their life at sea and on land. Legal frameworks must provide a comprehensive basis for turtle protection and management throughout their terrestrial and marine range. As discussed above, this will include waters under national sovereignty or jurisdiction as well as the high seas.

- (a) On land and in marine areas under national sovereignty, legislation must make it possible for the State to apply and enforce protection measures to all processes and activities and to all categories of actors (including non-nationals such as foreign tourist operators and foreign tourists that breach national or local regulations).
- (b) In areas beyond national jurisdiction (the high seas), each State must ensure that fisheries legislation is broad enough to cover activities by its nationals and by vessels flying its flag. Under Art.117 of UNCLOS, all States have the duty to take, or to co-operate with other States in taking, such measures for their respective nationals as may be necessary for the conservation of the living resources of the high seas.

#### I.2.1.2 Guidelines on type of legislation

A State may use one or more sectoral laws or special unitary legislation to protect marine turtles. Many States implement international species conservation obligations by amending existing sectoral legislation or regulations. For marine turtles, hunting, nature conservation or fisheries laws are most commonly used.

- (c) *Hunting laws* are primarily designed to regulate exploitation of species of commercial or recreational importance (usually classified as 'game'). They provide a basis for regulating direct taking and trade and can be used in a limited way to protect species by listing those that may not be hunted ('non-game'). This list may be contained in the Act or in regulations that sometimes have to be reissued annually.

The problem with relying on hunting legislation is that it rarely provides a basis for identifying and protecting critical habitats or developing recovery plans for threatened species. By definition, it does not apply to fisheries operations. For this reason, it is not enough on its own to implement comprehensive measures for turtle populations at all stages of their lifecycle.

- (d) *Nature conservation laws* usually provide a more satisfactory basis for turtle conservation as they make it possible to combine species-based and area-based protection measures, together with management planning provisions. Protected area provisions need to be broadly based to provide for multiple use and zoning of protected coastal and marine areas. This will not be possible if the legislation is narrowly drafted or if its coverage stops at the highwater line. In such cases, parallel protection measures must be developed under fisheries legislation but this is often not the case.
- (e) *Fisheries laws* (or most older ones) rarely provide a legal basis for conservation of non-target species or marine habitats or for regulation of non-fisheries activities (powered pleasure boating and jet-skiing, marine pollution, dumping etc.). Their area-based protection provisions are often single-purpose (closure of defined areas to fishing to support recovery of target stocks). The legal basis may be too narrow for management of coastal waters off nesting beaches or regulation of destructive practices.

However, fisheries legislation and the institutional mandate can be enlarged in scope to provide an integrated framework for marine biodiversity conservation.

Example: The Canadian Fisheries Act of 1985 prohibits, except under a permit, any work or undertaking resulting in the harmful alteration, disruption or destruction of spawning grounds and nursery, rearing and food supply areas on which marine animals depend directly or indirectly to carry out their life processes. The impact of projects potentially affecting fish habitats must be considered before an activity may begin.

- (f) Where turtles are covered by two or more laws, these must be consistent with one another and appropriate arrangements must be made for coordinated planning and implementation by the relevant institutions.
- (g) Special legislation, such as modern biodiversity or environmental protection legislation, may also be used and has the advantage of providing a single framework for all aspects of turtle conservation. However, if turtles are to be covered by a single law, this needs to be broad enough to support protection of populations throughout their range and conservation of critical habitats on land and at sea. This will generally necessitate an extension of the mandate of the competent authority.

### 1.2.1.3 Guidelines on general objectives and principles

National legal frameworks should be consistent with principles and approaches supported by applicable international instruments.

- (h) Clear objectives provide a conceptual framework to develop the legislation itself, guide implementation, set priorities and build public and political awareness. The objectives of national legal measures should, as a minimum, correspond to the three broad objectives set out in the revised Action Plan.
- (i) The legal framework should be consistent with the ecosystem approach and

provide for international, transboundary and inter-sectoral cooperation.

- (j) Principles to be applied should include prevention of environmental harm; the precautionary approach; the polluter pays principle; access to information and public participation in decision-making; access to justice in environmental matters; and provision of information and assistance in environmental emergencies.

Example: The FAO Code of Conduct for Responsible Fisheries supports the application of the precautionary approach to vulnerable marine species. It recommends to States and all involved in fisheries management and conservation that “the absence of adequate scientific information should not be used as a reason for postponing or failing to take measures to conserve target species, associated or dependent species and non-target species and their environment. It further recommends that where activities may have an adverse transboundary environmental effect on coastal areas, States should provide timely information and, if possible, prior notification to potentially affected States; and consult with those States as early as possible.

#### 1.2.1.4 Guidelines on general content of legislation

Whatever the enabling law or combination of laws, certain minimum components are essential.

- (k) Legislation should provide formal backing for research and open exchange of information; capacity-building; emergency planning and response measures; and education and public awareness measures.

The Revised Action Plan provides that development of research and exchange of information should cover all the priority fields for the conservation of marine turtle population by using various methods such as surveys, tagging, data logging, satellite telemetry, Geographic Information Systems (GIS), genetics, on-board observers, and modelling. Contracting Parties that have little or no information on critical habitats and size of breeding populations of marine turtles should make particular efforts to undertake such research programmes.

- (l) The competent authority (authorities) should have powers and adequate funding to:
- initiate and participate in planning processes for land and sea;
  - make regulations and/or provide incentives to control or manage potentially damaging processes and activities;
  - establish procedures, requirements and standards;
  - undertake monitoring, inventories and surveys and require the submission of information; and
  - hire and train sufficient personnel to carry out adequate coastal and beach monitoring and patrol activities for pre-enforcement education and enforcement and compliance of fisheries regulations.

## **I.2.2 Promoting institutional coordination and accountability**

Each coastal State needs to make efficient institutional arrangements for best management practices throughout the species management unit for turtles. As noted earlier, this unit crosses territorial jurisdictional boundaries (between land and sea, between areas under local government jurisdiction and national jurisdiction, between neighbouring territorial seas). It also crosses functional jurisdictional boundaries (between nature conservation, fisheries, planning, tourism and transport sectors...).

- (a) Looking outwards, there needs to be systematic communication between a State's various focal points for relevant treaties and regional organisations (both fisheries and biodiversity conservation). Each branch of government should know what other relevant branches are doing, particularly in advance of negotiation rounds, meetings of conferences of the parties and meetings of regional fisheries organisations. This is not always the case.
- (b) Still looking outwards, competent departments and personnel should have all necessary powers to cooperate with their counterparts in other Mediterranean coastal States for information exchange, coordinated research and management, cooperative planning on the establishment and management of transboundary protected areas and other relevant issues.
- (c) Looking inwards, horizontal (cross-sectoral) coordination should be promoted between sectoral bodies responsible for activities that directly or indirectly impact on turtles and the departments with statutory responsibility for turtle protection and management. Maximum use should be made of existing coordination mechanisms and biodiversity planning processes to avoid duplication.
- (d) Arrangements should support vertical coordination between different tiers or levels of government. In States with a regionalised system of government, legal responsibility for species and habitat conservation may be devolved to the provinces or regions or exercised concurrently by national and sub-national governments. Competence for fisheries and generally for activities in the public maritime domain is nearly always exercised by national government. Legal frameworks should ensure that measures adopted by provinces or regions are compatible with national measures and with treaty obligations. One way of doing this is to enact national framework legislation setting out basic norms and standards that bind lower levels of government.
- (e) States should recognise the extremely important role played by local (municipal) governments in land-use planning, economic development and tourism and their primary responsibility for enforcing local regulations, controlling illegal construction and so on. These bodies are usually closest to community needs and priorities and should be key players in site-specific conservation and management strategies. Procedures should be in place to ensure that local decision-making powers are exercised consistently with national legislation and with international obligations to which the country is party.

- (f) Where legislation does provide for the establishment of protected areas at sea or across the land-sea divide, it may be necessary to make special coordination arrangements where the competent authority is not the nature conservation authority.
- (g) Legislation should provide a basis for conservation authorities to be systematically consulted in sectoral planning and impact assessment procedures for activities that could have adverse impacts on marine turtles, where decision-making powers lied with other institutions.

Example (terrestrial context): Hungary's Nature Conservation Act of 1996 mandates the Nature Conservation Directorate to act "as a cooperating authority" in regional and municipal planning and development procedures related to natural areas, values and unique landscape features in order to enforce the provisions for landscape protection.

## **II. Guidelines for conserving, managing and enhancing turtle populations**

Legal measures for the maintenance and recovery of viable populations of turtle species in their natural surroundings must be broadly-based, in view of the serious depletion caused by direct taking in the recent past and the biological characteristics of the species concerned.

### **II.1 Species to be legally protected**

Turtles have delayed maturity: the bigger (older) they are, the more they contribute to the demographic growth of the populations to which they belong. Conservation measures must therefore attach as a priority to the adult and last juvenile stages and to the preservation of natural conditions on nesting beaches. This is particularly important because the two species that breed in the Mediterranean, *Caretta caretta* and *Chelonia mydas*, appear to be genetically isolated from Atlantic populations of the same species. This means that their populations cannot apparently be increased through immigration.<sup>2</sup>

Marine turtles go through two main ecological phases, first pelagic and then demersal (shallow waters above the continental shelf). Exceptions may occur when turtles migrate between wintering, feeding and nesting grounds. More than a quarter of Mediterranean States have not yet enacted legislation or completed the legislative process to confer protected status on marine turtles during both these phases (source, Revised Action Plan).

#### **II.1.1 Guidelines on scope of legal protection**

- (a) Legislation/regulations must confer strictly protected status on the five species of marine turtles that may occur in the Mediterranean: *Caretta caretta*, *Chelonia mydas*, *Dermochelys coriacea*, *Eretmochelys imbricata*, *Lepidochelys kempii*. The standard taxonomic references should be used as well as the common names used in the language of the State concerned.
- (b) Legal protection measures must clearly apply to turtles and also all parts and derivatives, including carapace and eggs, and their nests (see below for the CITES interpretation of parts and derivatives).
- (c) Turtles must be legally protected at each stage of their life cycle. One approach is for legislation/regulations to specify that the protection measures apply to all stages of life and natural development processes of marine turtles.

### **II.2 Prohibition of intentional “taking”**

The Revised Action Plan restates international law by calling on States to eliminate the exploitation and deliberate killing of marine turtles by designing and enforcing appropriate legislation. For this purpose, legal frameworks need to address a series of actions.

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<sup>2</sup> Background information in section 4 is taken from Gerosa G. and Casale P. 1999. *Interaction of Marine Turtles with Fisheries in the Mediterranean* (UNEP/MAP1999 RAC/SPA) and expert research cited in that publication.

## **II.2.1 Guidelines for prohibiting taking**

- (a) Legislation/regulations should specify each of the actions that is prohibited in order to promote legal certainty and to facilitate enforcement. The prohibition should apply to:
- intentional capture, killing or mutilation of turtle specimens in the wild, including hunting, fishing, injury, collection or other forms of taking;
  - intentional disturbance or harassment of specimens, particularly during the period of breeding, nesting, hibernation and migration;
  - intentional destruction or taking of eggs from the wild
  - keeping of turtle eggs, even if empty (based on the Bern Convention obligation)
  - intentional damage or destruction of turtle nests;
  - attempts and conspiracies to commit any of the above actions.
- (b) Although most of these terms are self-explanatory, it is useful to define more general terms such as “disturbance” or “harassment” to avoid ambiguity. Definitions used should be broad enough to include harmful but non-lethal disturbance that could for example result from non-essential scientific research.

Example: The German Nature Protection Act of 20 December 1976 prohibits disturbance of animals belonging to endangered species or their nests or breeding places, including through photography or filming. The US federal Endangered Species Act of 1973 prohibits harassment and pursuit of or harm to protected species. “Harm” is broadly defined<sup>3</sup> to cover significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioural patterns, including breeding, feeding or sheltering.

## **II.3 Strict control and reporting of exemptions**

International species conservation instruments all provide for limited exemptions to the above prohibitions. The criteria they establish have many points of similarity and should be followed as closely as possible.

### **II.3.1 Guidelines for controlling exemptions to the prohibition on taking**

- (a) Where coastal States provide for exemptions, applicable criteria should be clearly and unambiguously defined by legislation/regulations, consistently with applicable international law. Tight wording is important to guide the exercise of administrative discretion by competent authorities, to promote transparency and administrative accountability and to ensure compliance by those benefiting from the exemption.
- (b) The exemption must not harm the survival of the population or of any other

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<sup>3</sup> In implementing regulations issued by the US Fish and Wildlife Service.

species.

Example: The EC Habitats Directive provides that it must not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.

- (c) No other satisfactory solutions must be available.

Example: Under CMS, exemptions may only be granted if extraordinary circumstances so require. They must be precise as to content and limited in space and time.

- (d) The taking must be for scientific, research, education or management purposes necessary to ensure the survival of the species.

Example: ACCOBAMS (which applies to cetaceans in the Mediterranean) requires Parties to limit exceptions to purposes of non-lethal *in situ* research aimed at maintaining a favourable conservation status for cetaceans.

- (e) No exemptions shall be granted for traditional subsistence and cultural activities.

Source: The Barcelona Protocol states that traditional subsistence and cultural activities shall not be allowed if they would *inter alia* cause the extinction or substantial reduction in the number of individuals making up the populations or species of endangered, threatened or migratory species (Art 18).

### **II.3.2 Guidelines for reporting and record-keeping**

- (f) Competent authorities should be legally required to keep records of applications and decisions relating to exemptions and to monitor and follow up on exemptions granted. Under the Barcelona Protocol, exemptions with regard to listed Endangered or Threatened Species must be notified to the Contracting Parties.

- (g) Regulations should specify the information to be included in recording systems for exemptions and, as appropriate, reports to international bodies. This is important to promote harmonised approach and establish basic common standards and transparency.

Example: Information requirements could be modelled on the relevant provisions of the EC Habitats Directive (Art.16.3), to cover:

- the species which are subject to the derogations and the reason for the derogation, including the nature of the risk, with, if appropriate, a reference to alternatives rejected and scientific data used;
- the means, devices or methods authorised for the capture or killing of animal species and the reasons for their use;
- the circumstances of when and where such derogations are granted;
- the authority empowered to declare and check that the required conditions obtain and to decide what means, devices or methods may be used, within

- what limits and by what agencies, and which persons are to carry but the task;
- the supervisory measures used and the results obtained.

## **II.4 Measures to minimise incidental catch and mortality in fisheries operations**

All marine turtle species occurring in the Mediterranean are known to be affected by fishing activities, although data on turtle-fisheries interactions is often incomplete and is lacking for certain regions. To date, many States have not yet adequately researched such interactions (see Priority Actions annexed to Revised Action Plan). Research of this kind is an essential component of ongoing strategies to design and target appropriate conservation measures.

There are many variations between States regarding the scale, type and target species of fisheries operations, the techniques used, the main areas in which fisheries activities take place and the character of the fisheries (industrial, artisanal and small coastal etc.). This means that some of the guidelines given below will not apply to all States (e.g. some of the more technical regulatory guidelines in 4.4.2).

### **II.4.1 General guidelines for fisheries legislation and regulations**

- (a) National fisheries legislation should provide for the development, implementation and enforcement of regulations to protect marine ecosystems and to minimise incidental capture, retention, harm and mortality through fisheries operations. There should be a general legal basis for the development and strengthening of fishing regulations concerning depth, season, gear and so on, especially in areas with a high concentration of turtles.
- (b) States should ensure that fishers are involved in the policy formulation and implementation process relating to conservation and management of the fishery resources on which they depend and that legal rules for the implementation of fisheries conservation and management measures are effectively disseminated (see for example FAO Code of Conduct for Responsible Fisheries).
- (c) Fisheries regulations should comply with requirements and recommendations issued by regional fisheries organisations or other bodies to which the State is a party or member nation. It may be appropriate for legislation to specify that regulations to implement regionally agreed technical standards must be issued by the competent authorities within a reasonable time and/or to provide for periodic review of regulations in force.
- (d) Non-compliance with applicable regulations should be an offence punishable with criminal/administrative penalties as appropriate.

#### **II.4.2 Guidelines on measures to protect marine ecosystems and communities**

- (a) Consistently with international fisheries law, regional rules and recommended best practice, national legal systems should provide for measures for the conservation of marine ecosystems and communities as a whole. These should be carefully designed to take account of the ecology of legally protected species and habitats. There should be a legal basis for the different types of regulatory measures described below.
- (b) Measures to restrict fishing effort should provide a basis for limiting the number of craft, their total and individual power and total fishing time.
- (c) Area-based measures should make it possible to close defined areas to all access or to use of certain techniques. As a minimum, zones close to the shore (less than 50m deep) with fragile marine ecosystems or critical habitats for marine species should be closed to damaging practices. In addition, areas most frequented by marine turtles should be identified and, where necessary, made subject to total or seasonal fishing reduction measures.

Example: EC Member States are required<sup>4</sup> to draw up a list of protected zones in which fishing activities are restricted for biological reasons specific to those zones and to regulate fishing gear which may be used in protected zones, as well as appropriate technical rules on the basis of the relevant conservation objectives.

- (d) Temporal restrictions (closed seasons) should be put in place where needed to protect marine turtles during the most vulnerable periods of their life cycle. Regulations for this purpose should be consistent with species protection legislation covering all life forms and natural development processes of marine turtles.
- (e) Regulations should be implemented to minimise waste, discards and pollution in the course of fisheries operations.

Example: The FAO Code (sections 8.7.1-4) recommends the following practices:

- States should introduce and enforce laws and regulations based on the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78).
- Owners, charterers and managers of fishing vessels should ensure that their vessels are fitted with appropriate equipment as required by MARPOL 73/78 and should consider fitting a shipboard compactor or incinerator to relevant classes of vessels in order to treat garbage and other shipboard wastes generated during the vessel's normal service.
- Owners, charterers and managers of fishing vessels should minimize

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<sup>4</sup> Council Regulation (EC) No 1626/94 of 27 June 1994 laying down certain technical measures for the conservation of fishery resources in the Mediterranean (as amended).

the taking aboard of potential garbage through proper provisioning practices.

- The crew of fishing vessels should be conversant with proper shipboard procedures in order to ensure discharges do not exceed the levels set by MARPOL 73/78. Such procedures should, as a minimum, include the disposal of oily waste and the handling and storage of shipboard garbage.
- (f) Deliberate discarding or abandonment of fishing gear at sea should be prohibited, as this leads to incidental mortality as well as environmental degradation. States should cooperate to develop and apply technologies, materials and operational methods that minimize the loss of fishing gear and the ghost fishing effects of lost or abandoned fishing gear (FAO Code, section 8.4.6).

### **II.4.3 Guidelines for modification of fishing gear, methods and practices**

- (a) Fisheries legislation/regulations must prohibit or restrict the use of destructive gear and promote the development and systematic use of more selective gear, methods and strategies, in cooperation with regional fisheries organisations and other coastal States.
- (b) Before new fishing gear, methods and operations are introduced on a commercial scale to an area, regulations should provide for environmental impact assessment to be carried with specific reference *inter alia* to possible habitat disturbance (FAO Code, section 8.4.7).

Three types of fishing gear are responsible for significant incidental mortality of marine turtles. These are covered by the technical regulatory guidelines in 4.4.2.1-3 below.

#### II.4.3.1 Trawls

Trawling practices involve the towing by one or more ships of a net which catches all animals (target, non-target) in a large mouth, kept open by various devices, and passes them to a terminal bag. Turtle mortality results from stress or drowning, where the net is kept submerged for several hours. Where trawl periods are shorter, caught specimens may be brought alive to the surface.

Trawling can be mid-water (pelagic) or involve bottom trawling (demersal). In the Mediterranean, several turtles are caught in bottom trawlers, but mortality for this reason seems to be low (Gerosa and Casale).

The relatively new technique of physical trawling (using heavy weights to physically rake the sea bed also has serious implications for marine habitats.

The revised Action Plan recommends that Mediterranean States conduct trials for the use of Turtle Excluder Devices (TEDs). TEDs are technical fitments used in trawls that are designed to divert caught turtles towards a special exit before they enter the terminal bag along with the catch. They were first developed to reduce by-catch in American shrimp fisheries in the Gulf of Mexico. A range of TEDS of different

specifications now exists to improve the selectivity of trawling practices. In certain fisheries (small target species, mainly shrimp), such devices appear to have been successful in reducing by-catch and contributing to broader marine biodiversity protection.

In the context of the Mediterranean as a whole, shrimp fishing is much less developed. However, it is extremely important in certain areas, including the Gulf of Gabes and the benthic feeding grounds of the Bay of Iskenderun. The Revised Action Plan recommends that introduction of TEDs into fishing practices in the areas where the largest catches occur (A.3.19).

#### II.4.3.1.1 Guidelines on trawling practices

- (a) States should prohibit bottom trawling at shallow depths to protect demersal species and critical habitats in marine and coastal ecosystems. This prohibition may be permanent or seasonal, depending on the needs of turtle populations in the waters concerned.

Example: EC Regulation 1626/94 requires Member States to prohibit the use of trawls, seines or similar nets within three nautical miles of the coast or within the 50 m isobath where that depth is reached at a shorter distance, irrespective of the method of towing or haulage (unless specific derogations apply).

- (b) Fishing with bottom trawls, seines or similar nets above *Posidonia* beds or other marine phanerogams should be specifically prohibited.

- (c) Trawling practices should be regulated with regard to:

- maximum trawling time (to increase the chance of trapped specimens being brought alive to the surface);
- design of the trawl: States with relevant fisheries should, as soon as reasonably practicable, adopt regulations to require the use of TEDs in conformity with technical specifications appropriate to local fisheries and fishing conditions;
- handling by fishermen of incidentally caught turtles.

Example: One example of a comprehensive set of regulations is provided by the United States Code of Federal Regulations<sup>5</sup>. This provides that:

- with some exceptions, turtle excluder devices must be used by all shrimp trawlers in the Atlantic and Gulf of Mexico areas;
- shrimp trawlers exempt from the TED requirements must observe maximum tow-time durations ranging from 30 to 75 minutes depending on the targeted species and geographic area the trawler is fishing.

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<sup>5</sup> 50 CFR 17 (b)(1)(v), 222.41, 227.72(e) (1998). The associating handling regulations are cited in 4.4.3 below.

### II.4.3.2 Longlines

Surface and bottom longlining are relatively simple techniques that involve the placing of baited hooks to attract a variety of target species. Practice varies widely with regard to line length, type of bait used, depth at which the lines are placed and so on. For surface lines, turtle mortality is due to hook-related injuries or, after release by fishermen, to stress or to part of the hook and line remaining in the turtle's body. Less data is available for bottom lines.

The revised Action Plan provides that effective measures need to be identified and applied urgently, in order to minimize the accidental catches by longlines fisheries. It recommends that States conduct trials of modified longlines and, as appropriate, introduce their use into fishing practices.

#### II.4.3.2.1 Guidelines on longlining practices

- (a) Technical regulations should, in accordance with research findings, establish minimum requirements related to line length, number and design of hooks, kind of bait, times of setting and hauling, length of line and minimum depth at which bottom long lines may be set.
- (b) As a minimum, fisheries regulations should comply with rules and standards adopted by regional fisheries organisations and be updated as necessary. Relevant measures currently applicable to some or all Mediterranean States include prohibitions on:
  - use of surface-set longlines from vessels greater than 24 m in length for bluefin tuna during the period from 1 June to 31 July each year (applicable to ICCAT Parties and to EC Member States under Council Regulation (EC) No 1075/96 of 10 June 1996);
  - keeping on board or using surface-set longline longer than 60 km per vessel and bottom-set longline longer than 7 000 m of longline per vessel (applicable to EC Member States under EC Regulation No 1626/94 of 27 June 1994).

### II.4.3.3 Drift nets and gill nets

Many different types of gill nets are used throughout the Mediterranean to catch a variety of target species. They are placed vertically to fence in or block off areas of water and catch the marine organisms that try to pass through them. Turtles are caught as they move from place to place or as they feed on trapped fish. Mortality is mainly due to drowning.

Internationally, a series of resolutions and regulations have been adopted to control the use of non-selective large-scale drift nets that have serious adverse impacts on non-target species. The UN General Assembly called for a global moratorium on large-scale pelagic driftnet fishing (over 2.5km) on the high seas of the world's oceans and seas, including enclosed seas and semi-enclosed seas (UNGA Resolution 46/215 of 20 December 1991). Subsequent resolutions (especially

Resolution 52/29 of 26 November 1997) urge competent authorities of members of the international community that have not done so to take greater enforcement responsibility to ensure full compliance with Resolution 46/215 and to impose appropriate sanctions, consistent with their obligations under international law, against acts contrary to the terms of that resolution.

Stricter standards apply within the European Union under Council Regulation No 1239/98 of 8 June 1998 (see below).

#### II.4.3.3.1 Guidelines on drift net fishing practices

- (a) All Mediterranean States with drift net fisheries must as a minimum prohibit the keeping on board or use of drift nets whose individual or total length is more than 2.5 km.
- (b) In addition, EC Member States must prohibit the use of any drift nets by 1 January 2002. This ban applies to Community vessels anywhere in the world, except for the Baltic Sea.
- (c) To minimise the risk of unlawful use and/or trading in such nets, States should also prohibit the manufacture, sale, distribution or transfer of such drift nets.

#### II.4.3.4 Regulation of turtle handling and landings

The Revised Action Plan recommends that fishermen should be trained to correctly haul, handle, release and record incidentally caught turtles and urged to release marine turtles caught incidentally. Campaigns should be also conducted to reduce mutilations and killings because of ignorance and/or prejudice with possible support from and cooperation with GFCM and ICCAT.

#### II.4.3.4.1 Guidelines for turtle handling

- (a) States should, individually or in cooperation with other States, develop education and training programmes for fishermen on techniques for correctly hauling, handling, releasing and recording incidentally caught turtles. Where possible, they should involve existing rescue centres and aquariums.
- (b) Regulatory measures should be adopted to govern handling of incidentally caught turtles and to deter their landing.

Example: The United States Code of Federal Regulations<sup>6</sup> provide that incidental takings of listed endangered species during fishing activities is lawful only the following general rules are observed (in addition to the specific TEDS regulations mentioned above):

- active and dead turtles must be immediately returned to the sea;
- resuscitation of inactive or comatose turtles must be attempted;

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6 50 CFR 17 (b)(1)(v), 222.41, 227.71-72 (1998).

- any sea turtle caught incidentally may not be consumed, sold, landed, offloaded, transhipped, or kept below deck;
- exemption for incidental takings of sea turtles does not authorize incidental takings during fishing activities if the takings may be likely to jeopardize the continued existence of a species listed under the U.S Endangered Species Act.

#### II.4.3.4.2 Guidelines for turtle landings and strandings

- (c) In very exceptional circumstances, it may not be safe for fishermen to release turtles caught incidentally in fishing gear and return them to the sea. Regulations should specifically apply to turtle landings to remove any incentive for landing specimens for consumption or trade purposes.

Example: Malta's 1992 Reptile (Protection) Regulations provide that any marine turtle accidentally caught by fishermen in the course of routine fisheries activities and landed at the La Valette fish market must be handed over immediately to the Fisheries Director. Specimens may only be disposed of for scientific purposes. Where applicable, fishermen must be compensated for lost equipment and earnings.

- (d) Legislation/regulations should provide for the establishment of rescue centres, or the improvement of existing facilities, for the rehabilitation of sick and injured marine turtles. Such centres must be operated by appropriate scientific institutions and personnel.
- (e) Countries that have high numbers of strandings should establish a network of stranding observers and rescue centres along the coast of Spain. They should seek to harmonise rescue methodologies and contribute to the establishment of a common database on stranded and rescued turtles in the Mediterranean.

### II.4.4 Monitoring, implementation and compliance

#### II.4.4.1 Guidelines on monitoring

- (a) States should, individually or in cooperation with other States, establish and strengthen monitoring programmes to gather information on population status and trends. A standardised methodology should be followed in order to allow statistical comparisons to be made.
- (b) A monitoring system should be in place to record the incidental capture and mortality of turtles through fisheries operations. Fishermen should be actively encouraged to participate in information networks on turtles (report sightings of turtles, participate in tagging programmes and so on).
- (c) Regulations may require relevant information to be submitted as part of routine operating procedures.

Example: US Federal Regulations provide that fishing vessels' log books must contain information on sea turtles observed in the fishing area or in the vicinity of the fishing gear, on interference with fishing operations by sea turtles, on sea turtles entangled in fishing gear and released, whether alive or dead.

#### II.4.4.2 Guidelines on implementation and compliance

- (d) Legal frameworks should establish measures to enhance compliance and facilitate enforcement. These should be consistent with international law and measures and practices supported by regional fisheries organisations.
- (e) A non-exhaustive list of components of compliance/enforcement systems should include:
- a mandatory permit system for all flag vessels (whether fishing in waters under national jurisdiction or on the high sea);
  - binding permit conditions that require permit-holders to comply with appropriate conservation and management measures;
  - provision of meaningful sanctions, including the refusal, withdrawal or suspension of fishing permits in the event of non-compliance with such measures;
  - stringent penalties for illegal fishing with dynamite, poisons or toxic materials ;
  - powers to confiscate and destroy prohibited gear and gear used in the violation of applicable regulations;
  - cooperative monitoring, control, surveillance and law enforcement measures;
  - cooperative observer programmes, inspection schemes and vessel monitoring systems.

Example: The FAO Code specifically addresses problems linked to non-flag vessels. Without prejudice to relevant international agreements, States should encourage banks and financial institutions not to require, as a condition of a loan or mortgage, fishing vessels or fishing support vessels to be flagged in a jurisdiction other than that of the State of beneficial ownership where such a requirement would have the effect of increasing the likelihood of non-compliance with international conservation and management measures.

- (f) All Mediterranean States with relevant fisheries should implement a vessel monitoring system to provide for systematic satellite tracking of flag vessels.

Example: EC Member States<sup>7</sup> are required to set up a vessel monitoring system designed to locate fishing vessels flying their flag and to enable the latter to communicate to the Member States in whose waters they are carrying out their activities and to indicate their position at least once every

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<sup>7</sup> Council Regulation No 686/97 25 amending Regulation No 2847/93; Commission Regulation No 1489/97 26, which establishes detailed implementing rules.

two hours. This monitoring applies to all fishing vessels exceeding 24 m. length overall or 20 m between perpendiculars. From 1 January 2000, all Community vessels exceeding the length mentioned above must be equipped with a satellite tracking device, wherever they operate, the same goes for the vessels of third countries operating in Community waters.

- (g) States should extend monitoring, inspection and surveillance measures to non-flag vessels operating in waters under their jurisdiction.

Example: EC fisheries regulations have recently been strengthened<sup>8</sup> to provide or reinforced controls after landing, control of third country vessels in Community waters and transparency and co-operation between national surveillance authorities and the Commission in monitoring activities. The regulations provide for strengthening the monitoring of landings carried out by these vessels and subjecting such vessels to monitoring by satellite from the date on which the system will be fully applicable to Community vessels. The intention is that Community vessels and vessels of third countries in Community waters should be treated in the same manner

## **II.5 Measures to control trade and associated activities**

Controls on trade, commercial display, possession and consumption of endangered species are essential to underpin controls on deliberate and incidental taking. The primary aim should be to eliminate any legal channels for trade and associated activities in marine turtles, parts and derivatives as well as opportunities for financial gain. The long-term effectiveness of such measures is closely linked to education and awareness-building amongst target groups or communities with traditions of turtle consumption.

### **II.5.1 Control of international trade**

The revised Action Plan recommends that States issue instructions “prohibiting the purchase and sale of carapace and giving effect to the relevant ratified international conventions” (A.3.16). The FAO Code of Conduct for Responsible Fisheries also calls on States to cooperate in complying with relevant international agreements regulating trade in endangered species (section 11.2.4).

All Mediterranean States must be legally equipped to enforce the provisions of CITES.<sup>9</sup> With regard to marine turtles, the following elements should be given particular consideration in national legal frameworks.

#### **II.5.1.1 Guidelines for applying the law to turtle species, parts and derivatives**

- (a) Legislation/regulations should apply to the five marine turtle species that occur in the Mediterranean and are listed in CITES Appendix I.
- (b) If nature conservation legislation is used for this purpose, care should be taken that it is broad enough to cover marine species. A fairly common problem is that a legislative definition of “animal” quite often excludes fish and reptiles.

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8 Council Regulation No 2846/98 31 of 17 December 1998 amending Regulation No 2847/93.

9 For further information, see Shine C. and de Klemm, C. 2000. *Guidelines for the implementation of CITES* (2<sup>nd</sup> Edition, in press).

- (c) Where regulations under customs legislation are used as the basis for implementing CITES border controls, it is important to check that all listed turtle species, parts and derivatives feature on the Customs list. It may also be necessary to train Customs officers in recognition skills.
- (d) Legislation should define “specimen” broadly, consistently with CITES, to cover live and dead turtles and their readily recognisable parts or derivatives.<sup>10</sup> To facilitate enforcement, it is strongly preferable to list the main parts and derivatives that are likely to feature to be traded internationally. For turtles, a basic list should include carapace (shell) in raw or worked state and in any size, scales, flippers, cartilage, oil, eggs, raw hides, skins or leather.

#### II.5.1.2 Guidelines on transactions to be covered and applicable criteria

- (e) Legislation should prohibit the import, introduction from the sea, export or re-export of any marine turtle specimen without a valid permit issued by the appropriate Management Authority in conformity with conditions laid down in Articles III, IV and V of CITES. The legislation should cross-refer to or reproduce the CITES permit criteria. It is not satisfactory to use a vague formula like “subject to permit” as this does not guide the exercise of administrative discretion.
- (f) To minimise the risk of fraudulent transactions, legislation should specifically apply to transit and transshipment<sup>11</sup> as is done under Tunisian legislation. Competent authorities should have the power to inspect specimens in transit or being transhipped in order to control the existence of valid CITES export documentation.
- (g) Equivalent prohibitions should apply to all transactions, whether conducted between Parties or between Parties and non-Parties to CITES (Art.X).
- (h) Parties may adopt stricter domestic measures regarding the conditions for trade, taking, possession or transport of listed turtle species (Art.XIV.1).

#### II.5.1.3 Guidelines on exemptions

- (i) CITES provides for limited exemptions to the permit system (Art.VII). Parties may incorporate these exemptions into national legislation or impose more

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<sup>10</sup> Readily recognizable parts or derivatives shall be interpreted to include any specimen which appears from an accompanying document, packaging, mark or label, or from any other circumstances, to be a part or derivative of an CITES-listed animal, unless such part or derivative is specifically exempted from the provisions of the Convention (Res.Conf.9.6).

<sup>11</sup> These are not considered as an “import” under CITES if the specimens remain in Customs control (Article VII.1). Transit includes cases where the specimens remain at all times in the aircraft, ship or other means of transport in which they were brought in, as well as cases where specimens are transferred to a different form of conveyance during their stopover. Trans-shipment should refer only to specimens that remain in Customs control and are in the process of shipment to a named consignee in another country when any interruption in the movement arises only from the arrangements necessitated by this form of traffic Any shipments that fall outside this narrow definition should be considered as imports subject to the normal CITES trade controls (COP Resolution Conf. 9.7).

restrictive conditions. For marine turtles, permitted exemptions should be kept to an absolute minimum (e.g. limited to scientific and research purposes) and worded in precise and unambiguous language.

- (j) The sale of tourist souvenir specimens of Appendix-I species from places of international departure should be prohibited by all Parties (Resolution Conf. 10.6).

#### II.5.1.4 Guidelines on institutional arrangements for CITES implementation

- (k) Each Party must designate a CITES Management Authority with general powers to issue regulations necessary for CITES implementation, as well as a Scientific Authority to advise on permit applications in accordance with the Convention.
- (l) Because turtles are marine species, it may be necessary to establish a coordination procedure between the CITES Management Authority, the Fisheries Department and possibly Customs officers in order to promote consistency in the application and enforcement of CITES controls.
- (m) Legislation/regulations should clearly specify which agencies and classes of officers are responsible for enforcing protection measures for CITES-listed marine species.

#### II.5.1.5 Guidelines on enforcement and penalties

- (n) Parties to CITES must enact measures to penalise trade in or possession of specimens in violation of the Convention as well as measures for the confiscation of such specimens or for their return to the State of export (Article VIII.1).
- (o) The legal framework should confer general powers on enforcement officers, subject to the law of the country concerned, to search vessels, persons and premises and to request information, inspect documents and, if necessary, make arrests.
- (p) Specific powers should be available to seize turtle specimens if enforcement officers have reasonable grounds to believe that these are traded or possessed in contravention of the law.
- (q) Penalties for unlawful transactions should be meaningful. It should be possible to confiscate vessels, containers or other items used in committing the offence.
- (r) For confiscated specimens, detailed CITES recommendations apply to their disposal (Conf. Res.9.10 (Rev.) and 10.7):
  - live confiscated turtles should be entrusted to the Management Authority, which should be required to consult with the Scientific Authority before reaching a decision on disposal. Competent authorities should exercise their discretion in accordance with the CITES Guidelines for the Disposal of Confiscated Live Animals (Conf.Res.10.7, Annex I). The Management

Authority should prepare an Action Plan on Seized and/or Confiscated Live Specimens (same Resolution, Annex 3);

- dead confiscated turtles, parts and derivatives should be transferred to an approved institution for scientific or educational purposes, or to another government agency, for official use. If this is not possible, they should be kept in storage or destroyed.
  - Under no circumstances should Appendix I-listed marine turtle specimens be sold or otherwise disposed of in any way that would result in their being the object of trade.
- (s) Legislation should provide for the recovery of costs of seizure, confiscation and disposal from the importer and the person for whom the import has taken place. Where the identity of these persons cannot be established, costs should be recoverable from the transporter.

#### II.5.1.6 Controls on domestic trade, possession and consumption

Several conservation instruments require regulation of domestic trade, possession and associated activities involving marine turtle specimens.

Parties to the 1995 Barcelona Protocol should control and where appropriate prohibit commercial trade and transport of these species, their eggs, parts or products. (Art.11.3(a)). The revised Action Plan recommends that a campaign be carried out for fishermen and local populations to facilitate the implementation of legislation to ban the consumption and sale of all products derived from marine turtles.

The Bern Convention additionally requires Parties to prohibit the possession of such animals, alive or dead, including stuffed animals and any readily recognisable part or derivative thereof, where this would contribute to effective species protection.

The EC Habitats Directive also covers transport, sale, exchange, and offering for sale or exchange, of specimens taken from the wild and applies to all stages of life of marine turtles (Art.12.2, 3).

##### II.5.1.6.1 Guidelines for controlling domestic trade, possession and consumption

- (a) Legislation/regulations should prohibit the consumption and sale of marine turtles or any products derived from sea turtles. Again, it is preferable to list the full range of trade-related activities to remove uncertainty about what is or is not covered and to give greater visibility to the problem.

Example: An indicative list of prohibited activities, drawing on legislation in France, Malta and Israel, could include: possession, transport, sale, exchange, offering for sale or exchange, purchase, exhibition, display for commercial purposes, processing, taxidermy, serving in restaurants or consumption of any turtle specimen.

- (b) Exemptions to these prohibitions should be subject to permit. The legal basis for exemptions should again be narrow, precisely worded and subject to any

necessary conditions. Exemptions should only be granted for specimens that have been lawfully imported (e.g. under a scientific research permit). A record should be kept of exemptions granted.

- (c) To facilitate enforcement, legislation may require a person found in possession of turtle shell or other specimen to prove that the specimen was lawfully introduced into the country or otherwise lawfully obtained. Possession is deemed to be unlawful if the person in possession cannot produce the necessary proof.
- (d) In States with a regionalised system of government, controls on trade, transport and possession should be harmonised at national level to ensure consistent practice.

### **III. Guidelines for conserving, managing and restoring marine turtles habitats**

The revised Action Plan recommends a series of legal measures for protection of habitats on which marine turtles depend.

- Each country should be encouraged to develop and implement the necessary legislation for the establishment and management of protected areas for marine turtles (para.12).
- Integrated management plans should be drafted for terrestrial and marine areas which encompass marine turtle critical habitats (para.13).
- Measures and regulations aimed at protecting critical habitats, on land and at sea, should be developed and implemented (para.14).
- All Parties that have critical habitats for marine turtles should make immediate efforts for the adequate protection, conservation and management of the areas encompassing those habitats (para.19)
- An inventory of marine turtle critical habitats, including migration routes, in the Mediterranean should be prepared urgently, and should be regularly reviewed in the light of increased knowledge (para.20).
- A network of marine and coastal protected areas throughout the Mediterranean should be created covering known areas for reproduction, feeding, migration and wintering of marine turtles (para.21).

Critical habitat conservation measures are mandated under several other treaties and instruments. The Bern Convention, for example, breaks this requirement down into three interrelated steps. Parties must:

- take appropriate and necessary legislative/administrative measures to ensure the conservation of the habitats of listed turtle species and endangered natural habitats;
- have regard in their planning and development policies to the conservation requirements of such areas, to avoid or minimise as far as possible any deterioration of such areas; and
- give special attention to the protection of areas important to migratory turtle species that are appropriately situated in relation to migration routes, as wintering, feeding and breeding areas (Arts.4.1-3).

### III.1 Identification and inventories of critical habitats

At different stages of the life cycle of marine turtles, the following habitats are critical:

- nesting beaches
- summer and winter feeding grounds;
- wintering areas;
- migration routes.<sup>12</sup>

Preparation of inventories of endangered or threatened species' habitats is legally required under the Barcelona Protocol (Art.15). The revised Action Plan specifies that an inventory should include known sites (protected or monitored) and potential sites and should be regularly reviewed in the light of increased knowledge.

#### III.1.1 Guidelines for inventories of critical habitats and their legal effects

- (a) Each State should give formal backing for a comprehensive inventory of marine and terrestrial critical habitats. This should as far as possible be coordinated with and build on existing inventory programmes, bearing in mind that habitats important for turtles may house other animal and plant species that are inventoried pursuant to other conservation instruments (e.g. CBD, EC Habitats Directive).
- (b) The inventory should be designed to build the knowledge base about the location and conservation status of key habitats and sites so that planning and management tools can be designed and targeted to make best use of available resources.
- (c) Where appropriate, the inventory should also seek to identify *potential* nesting sites and feeding and wintering areas. This information may in some cases feed into strategies for site restoration and rehabilitation.
- (d) Contributors of information to an inventory programme can include government and non-government<sup>13</sup> bodies as well as local communities and individuals.
- (e) The identification of a critical habitat for an endangered species should trigger appropriate legislative/regulatory provisions by the State concerned. Allowing for differences between national legal systems and terminology, the following sequence of measures or equivalent steps should be followed:
  - designation of critical habitats as 'protected' (managed for conservation objectives) and notification to owners/occupiers and relevant authorities;
  - precise delimitation of habitat boundaries on a map annexed to primary legislation or incorporated in nature conservation, fisheries and/or planning regulations;<sup>14</sup>

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12 For a summary of current research findings, see Gerosa and Casale (1999) and sources cited at p.29-30.

13 A 1998 survey of the Turkish coastline was carried out by the World Wide Fund for Nature and provided a basis for specific recommendations for conservation and management of 17 identified nesting sites.

14 The US Endangered Species Act 1973 provides for exceptions where public disclosure of these locations might expose the species to vandalism, collection or other threats, or where insufficient

- identification of existing or potential threats to a particular site;
  - selection and implementation of legal measures to provide a basis for controlling or managing on-site and external activities and processes that may modify the physical, biological and ecological conditions of the habitat concerned, as well as measures for any necessary restoration.
  - protection measures may be site-specific or apply to all habitat types within a defined category. If possible, they should apply automatically once a critical habitat is designated (as under the US Endangered Species Act): otherwise, their adoption is a matter of administrative discretion.
- (f) National government, local authorities and public departments and agencies responsible for planning, authorisation and administration of activities affecting critical habitats should be required to exercise their functions consistently with the conservation and, where appropriate, rehabilitation of such habitats.

### **III.1.2 Legal tools for protection and management of nesting areas**

The revised Action Plan calls on all countries that have nesting areas for marine turtles to make immediate efforts for the stringent protection of these sites. Several of the Priority Actions emphasise the need for urgent steps in named beaches.

It is essential for the States concerned to apply and enforce existing regulatory powers to control activities and development on beaches, without waiting for longer-term developments (cadastral plans, new legislation, new integrated coastal plans etc.). Using existing legal tools can lessen the strain on administrative departments and personnel on the ground. However, political will at both national and local authority level is of critical importance in this respect.

#### **III.1.2.1 General guidelines**

- (a) As a minimum, the States concerned should prohibit deliberate damage to or destruction of sites used by *Caretta caretta* and/or *Chelonia mydas* for nesting (consistently with Article 12 of the Barcelona Protocol and Article 6 of the Bern Convention).
- (b) Potentially damaging activities should be subject to permit, following satisfactory completion of environmental impact assessment (EIA). No public authority should grant a permit or a regulatory exemption for activities liable to damage nesting areas (individually or in combination with other activities or developments).
- (c) Maximum use should be made of existing planning tools, such as setback zones and special planning areas, to protect beaches and surrounding coastal areas. This may help to secure interim protection for a beach pending the adoption of legislation/regulations to create a protected area.

III.1.2.2 Guidelines for controlling the location and design of buildings, facilities and infrastructure

- (d) Aquaculture and mariculture facilities (fish farms) should not be located on or near nesting beaches.
- (e) Airport night flights in the area of nesting beaches must be banned.
- (f) New buildings, restaurants, infrastructure and sports facilities (e.g. tennis courts) should be set back from the beach and construction restricted within a defined band or radius. The enlargement or extension of existing constructions and transport routes should be strictly controlled.
- (g) Where planning permission is granted to construct buildings and facilities, binding conditions should specify the height (number of floors), density of occupation and the hours, voltage and direction of external lighting. This is essential to minimise photo-pollution and the disorientation of hatchlings caused by artificial light.
- (h) Sewage and waste disposal arrangements should not involve discharge of untreated waste to the sea. Tourist operators should be required to provide for and finance the necessary treatment facilities as a condition of planning permission.
- (i) On beaches, the sitting and number of fixed structures (kiosks, sanitation facilities) and rented beach furniture should be strictly controlled to preserve natural conditions on the beach. Planting trees or non-indigenous plants in the nesting beach sand must be prohibited. Authorisation for other beach uses should only be granted if compatible with the ecological needs of turtles and hatchlings using the beach and the protection of nests. Beach furniture must be removed at night and stacked at the back of the beach.
- (j) Large litter bins should be placed in non-obstructive windproof positions, covered and emptied daily. Dumping of litter must be prohibited. Garbage dumps should not be located on or near nesting beaches, as these attract seabirds, which predate hatchlings.
- (k) All nesting beaches should be cleaned by hand at any time of year. Mechanical means such as bulldozers should never be used.
- (l) The development of marine facilities (yacht marinas, mooring and anchorage points) in the vicinity of nesting beaches should be rigorously controlled. No groynes or breakwaters to be built on or near nesting beaches.
- (m) Applicable planning rules and conditions should be included in a publicly-accessible land registry. Planning authorities should have legal powers to impose “stop” or demolition orders for illegal construction or encroachment.

- (n) Where competent authorities do not exercise enforcement powers with regard to unlawful development or activities, interested parties – specifically including NGOs – should have legal standing, funding and resources to bring proceedings for judicial review of administrative actions and, where applicable, to submit the matter to an environmental commissioner or ombudsman.

#### III.1.2.3 Guidelines for controlling access to and use of the beach

- (o) Turtle nesting warning and information signs should be erected on all nesting beaches.
- (p) No roads should be allowed along the back of the beach, and access roads to the nesting beach should be carefully arranged to prevent vehicular access to the beach. It may be appropriate to provide for the erection of barriers between car parks and access points to the beach.
- (q) The use or transit of vehicles across nesting beaches should be prohibited, either permanently or at least during the nesting season (May-September). Camping, caravans and camper vans should not be allowed on all or part of the beach. Horse-riding on nesting beaches must be strictly prohibited
- (r) Powers should be available to close parts of the beach to public access if necessary during the nesting season. Access to all nesting beaches should be prohibited from sunset to dawn, and the beach should be patrolled to enforce this rule.
- (s) Where necessary, cages should be used to minimise nest predation. Arrangements should be made for the translocation of endangered nests by trained and authorised personnel.
- (t) No hunting should be permitted where this may disturb or harass turtles or other protected species.

#### III.1.2.4 Guidelines for controlling activities damaging to sand lines

- (u) Dune systems are extremely fragile ecosystems and must be preserved. Moto-cross and similar events must be prohibited. Human access to coastal dunes should be regulated where necessary to conserve these sites.
- (v) The extraction of sand and shingle from dunes, foreshores and estuaries, and core drilling for mineral exploration on or near turtle nesting beaches, should be prohibited where this may adversely affect critical turtle habitats.
- (w) Where an application is made to renew an operating licence or concession for such activities, the competent authority should assess the compatibility of the activity concerned with turtle conservation requirements before deciding whether to renew or refuse a new licence or concession. If the licence is renewed, appropriate conditions or operating criteria should be attached as necessary.

### III.1.2.5 Guidelines for controlling nautical activities in inshore waters

- (x) Jet-skiing, water-skiing and other sea sports that can cause incidental mortality or disturbance to turtles should be subject to geographic and seasonal restrictions as appropriate. During nesting season, corridors for sea sports should not be demarcated in waters used by turtles to access nesting beaches.
- (y) Where corridors or operating licences are allocated to tourist operators, non-compliance with applicable rules should be grounds for withdrawal of the licence or termination of the concession. The terms of the licence or concession should be publicly accessible, except for commercially sensitive information.
- (z) Underwater activities near nesting beaches should be prohibited. Turtles should be protected from harassment by 'turtle watching' tourist boats.

## **III.2 Legal tools for protection and management of marine habitats**

Critical marine habitats include benthic feeding grounds, shallow waters used for wintering and deeper waters frequented by turtles during migration and for feeding during their pelagic phase. Although some Mediterranean sea areas are known to house high turtle populations (e.g. the Gulf of Gabes is an important foraging or feeding area for both juvenile and adult turtles throughout the year), much research is still needed into habitats and migration routes.

### **III.2.1 Guidelines for conserving critical marine habitats**

- (a) States should equip themselves with a legal basis to designate and legally protect identified critical habitats in waters under national sovereignty or jurisdiction (territorial waters, continental shelf and the waters above, EEZ where applicable). Fisheries legislation will usually provide the most suitable framework but may need to be amended for this purpose.
- (b) Appropriate regulatory measures may include permanent or seasonal closure to fisheries, modification of fishing gear, controls on dumping and discards and restrictions on navigation and vessel movements consistent with international law. It may be necessary to exclude non-fisheries vessels such as powered pleasure boats or to impose speed restrictions on a permanent or seasonal basis to minimise the risk of turtles being hit by propellers or hulls
- (c) Consultation and collaboration should be actively promoted between nature conservation interests, the fishing sector, the boating and tourist industry and other stakeholders. Particularly because enforcement presents logistical challenges at sea, efforts should be made to develop agreed best practices and to build awareness and support in different key sectors.

- (d) For the high seas, protection of critical habitats can only be implemented through regional cooperation. The 1995 Barcelona Protocol provides a legal mechanism for the establishment of Specially Protected Areas of Mediterranean Importance in the high seas, subject to the approval of the Meeting of the Parties established under the Protocol. All Parties to the Protocol will be bound by the protection rules adopted for a SPAMI.

### **III.3 Legislation for marine or mixed protected areas (MPAS)**

Relatively few Mediterranean States have a legal or institutional framework to establish and manage marine protected areas, whether entirely at sea or across the land-sea divide. Conventional protected area legislation often applies only on land, while area-based protection, measures under fisheries legislation are usually narrow in scope. Such laws are ill-equipped to promote multiple uses of coastal areas consistently with turtle conservation requirements.

#### **III.3.1 General guidelines for MPA legislation<sup>15</sup>**

- (a) In the short term, existing legal processes and tools should be used and flexibly combined to provide maximum protection for key sites and build public awareness. Appropriate action will vary from one country to another, depending on culture, tradition and legal processes. In some cases, it may be enough to upgrade the management category of an existing protected area to confer more effective legal protection

Example: In some cases, legal protection can be progressively extended (usually from land out to sea) as support grows for an MPA. This was done in the Port-Cros Marine National Park, France (Europe's first MPA). In Ecuador's Galapagos Islands, the land area (comprising 13 major islands) was first designated as a national park; the near and offshore waters around the islands were separately designated as a Marine Resources Reserve in 1986; and in 1998, special legislation was adopted, which brought all waters within 40 nautical miles of the outer perimeter of the islands under the jurisdiction of the National Park Service. The Service is now responsible for fisheries and a artisanal fisheries management plan is under development (Special Law for the Conservation and Sustainable Development of the Province of Galapagos)

- (b) States that have not already done so should take priority steps to amend existing legislation or enact new legislation to provide a legal basis for integrated protection and management across the land/sea interface.

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<sup>15</sup> These principles are partly drawn from Kelleher G. (ed.) 1999. *Guidelines for Marine Protected Areas*. Best Practice Protected Area Guidelines Series No.3. IUCN-The World Conservation Union (especially Chapter 2 on Legal Frameworks).

- (c) For this purpose, States should decide whether to adopt site-specific legislation or 'umbrella' legislation that generally provides for the future establishment of MPAs by secondary regulations.

Example: Italy has adopted a framework Sea Protection Law of 31 December 1982, which provides a general basis for establishment of marine reserves: site-specific regulations may be adopted for the designation and management of individual MPAs.

Example: Site-specific legislation may be particularly appropriate for large MPAs. In Australia's Great Barrier Reef Marine Park, legislation provides for a special management authority and zoning system. Iceland has also adopted a special law to create the Breiðafjarðar Conservation Area, which includes a marine area, its coastline and a very large number of small islands.<sup>16</sup>

- (d) When designing an MPA system, planners should also consider whether to propose a small number of large MPAs or a large number of smaller ones (perhaps linked to community-based management). They should specifically avoid any fragmentation of important nesting sites, and promote the development of complementary environmental policies in the surrounding ecosystem.
- (e) Legislation should provide for clear delineation of boundaries and establish a restrictive procedure for the alteration of boundaries. The legal procedure used to establish an MPA (primary/secondary legislation, public enquiry etc.) should also be followed if there is a proposal to abolish the MPA or to reduce its size. This is very important to secure long-term conservation of the area, even if there is a change of political direction. Equivalent safeguards against changing SPAMI boundaries are laid down by the Barcelona Protocol (Art.10).

#### III.3.1.1 Guidelines for basic components for establishing and managing MPAs

- (f) The primary objective of an MPA should be conservation, as broadly defined by the World Conservation Strategy to include conservation of biological diversity and biological productivity. Legislation should recognize the link between protection and maintenance of ecological processes and states and the ecologically sustainable use of living resources, particularly by local users including fishermen.
- (g) Institutional mechanisms are needed to establish specific responsibility, accountability and capacity for management of the MPA. For mixed land-sea protected area, there should be if possible an integrated system of administration and management. Failing this, management of the constituent parts should be fully coordinated.

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<sup>16</sup> Law of 8 March 1995.

- (h) For each MPA, it must be decided whether management responsibility should be allocated to existing agencies or whether a new agency should be created. Appropriate action will depend on the circumstances of each case. Choosing an existing institution usually has the advantage of minimising inter-agency disputes or delay, but may be perceived as too sectoral. Where there is strong public and political support for a new agency, this should have an objective and balanced structure that includes full representation of local and national civil society, including environmental NGOs.
- (i) Coordination with other institutional processes should be established. The legal instrument should specify the relationship between the MPA institutional structure and other national and local authorities. It should provide for coordination of planning and management by all agencies with statutory responsibilities for internal or external activities affecting the MPA and establish a procedure for resolution of conflicts between different agencies.
- (j) Public participation and consultation processes should preferably be backed by legislation/regulations. Appropriate procedures need to be put in place to maximise the involvement of local communities, NGOs and users of the coastal and marine environment, *inter alia* through representation on a consultative committee. There should be opportunities for participate with the MPA management agency at all stages of preparation of management and zoning plans.
- (k) Like any protected area, an MPA should be managed for perennity (long-term conservation) and ecological integrity. Management rules and criteria for decision-making should be developed with due regard for a State's international commitments and recognised best management practices.

Example: For Specially Protected Areas designated under the Barcelona Protocol, regulations should cover the dumping or discharge of waste or harmful substances; the passage, stopping or anchoring of ships; the introduction of alien species and genetically modified organisms; activities involving the exploration of the sea-bed; fishing and hunting; taking and destruction of and trade in wild animals and plants. Permit procedures should be developed for activities compatible with the conservation objectives of the SPA.

- (l) A management plan should be prepared for each MPA and reviewed and revised at regular intervals (e.g. every five years). Where MPAs are established for multiple uses (usually the case in the coastal zone), there needs to be a legal basis for zoning as part of management. Management plans should prescribe appropriate regulatory and management measures for different zones within the MPA. Regulatory provisions of zoning and management plans should override inconsistent provisions in local land- use plans and sectoral plans.

### **III.3.2 Guidelines on financial aspects and enforcement**

- (m) Compensation should be considered where the establishment or extension of an MPA entails the loss of clearly-established local rights and practices. In many cases, it will first be necessary to create or update a cadastral plan for the terrestrial areas concerned in order to determine ownership and use rights for the land concerned.
- (n) The legal instrument should specify financial arrangements for MPA management. Where possible, there should be a legal basis to earmark revenue generated from activities in the MPA for park management or for programmes involving local communities and/or conservation NGOs. The management authority should have legal powers to set fees, charge for concessions, provide services and operate with the same flexibility as operators in the private sector. Treasury departments in countries oppose earmarking provisions of this kind should update their policies to reflect a progressive approach for effective MPA management.
- (o) The management body must have authority to delegate and enforce the rules and regulations it promulgates. The civil or administrative code should therefore provide adequate powers for personnel to take enforcement action, backed by meaningful penalties. Under appropriate circumstances, coastal or marine conservation officers should have the authority to impose on-the-spot fines for minor resource and environmental offences. For more serious violations, their authority should extend to the gathering of evidence, impounding and confiscation of equipment, imposing a court summons, and when appropriate, arrest and detention powers.

### **III.4 Measures to enhance compliance**

- (a) Where possible, incentives and non-regulatory approaches should be used to encourage voluntary conservation and a culture of self-enforcement of rules by user groups.
- (b) It may be appropriate to conclude contractual management agreements between relevant agencies and local authorities, private organisations and NGOs to finance habitat management activities (patrolling, beach maintenance and protection, public information/awareness).
- (c) States should recognise the positive contribution that conservation NGOs can make to turtle conservation and environmental governance through their educational, campaigning and monitoring activities and their scrutiny of administrative actions or omissions. Where feasible, there should be close cooperation between national law-making bodies, the agencies responsible for application and enforcement and competent NGOs close to the ground.
- (d) Countries and institutions that provide financial assistance should establish procedures to ensure that financial and technical aid is not provided for programmes and projects that undermine international or national obligations for conservation of Mediterranean marine turtles.

Example: EC funding must, in accordance with the integration principle, take into consideration the environmental laws of the Community. The EC should not co-finance projects which have a negative impact on environmental interests that are protected under Community legislation, such as SACs protected under the Habitats Directive, unless the project complies in principle and practice with the protection requirements of that legislation. All Community funds must be granted in an appropriate policy context.<sup>17</sup>

- (e) States that request international assistance should ensure, as a priority, that the proposed projects and programmes do not involve damage to turtle populations or critical habitats.

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<sup>17</sup> Communication on implementing Community environmental law, Com(96)500 Final.

## **IV. Guidelines for integrating turtle conservation measures into coastal and marine planning processes**

Species-based and area-based measures for turtle protection are, as noted above, likely to be most effective when they are supported by broad-based ecosystem management policies and practices for the wider marine and coastal environment. The following sections provide brief indicators on how legal techniques and frameworks can facilitate this process of integration.

### **IV.1 Environmental impact assessment and planning processes**

Like the CBD (Art.14), the Barcelona Protocol requires Parties to adopt a broadly-based approach to planning and environmental impact assessment (EIA). Art.17 specifies that “in the planning process leading to decisions on industrial and other projects and activities that could significantly affect protected areas and species and their habitats, the Parties shall evaluate and take into consideration the possible direct or indirect, immediate or long-term impact, including the cumulative impact of the projects and activities being contemplated”.

#### **IV.1.1 Guidelines on environmental impact assessment**

- (a) Each State should have procedures in place for environmental impact assessment of proposed projects that are likely to have adverse effects on marine turtle populations or their habitats. EIA procedures should be conducted in an open and transparent way and the participation of the public and conservation organisations should be promoted.
- (b) EIA regulations should clearly specify the following matters:
  - when an EIA is required (project type; size/cost threshold etc.);
  - the information and analysis it should contain (direct and indirect impacts, short- and long-term, possible cumulative effect, areas of uncertainty, possible alternatives to mitigate or compensate for anticipated impacts etc.);
  - who should carry out the EIA (where possible, this should be an independent and qualified EIA practitioner, and not the project proponent);
  - which agency or institution should review the EIA during the decision-making process;
  - circumstances in which a public enquiry may be required;
  - criteria for determining whether a permit should be granted;
  - who should bear the costs of the EIA and associated procedures.
- (c) For marine turtles (and other protected species and habitats), stricter EIA requirements should apply to proposed developments in and around critical habitats and protected areas. EIA must be an integral part of tourist and development projects concerned with important nesting beaches. There should also be a legal basis for environmental impact assessment of new or modified types of fishing gear or methods and for potentially damaging categories of activities offshore.

## IV.2 Guidelines for planning processes

- (d) All countries use some form of territorial planning legislation to control the permitted type and density of land use and development in different locations. Most commonly, general strategic guidance is adopted at national or provincial level and must be followed by local authorities when developing detailed local plans. States and provinces must ensure that their strategic planning processes are consistent with international obligations and provide adequate visibility for nature conservation interests, including protected species.
- (e) Local land-use plans usually establish a system of zones for different categories of development (residential, industrial, tourism, maintenance of natural character etc.). Nesting beaches and other designated critical turtle habitats must be clearly marked in the most protective zone of the plan ('no-building' zone or equivalent). Protected areas should be clearly delimited in local land-use plans.
- (f) Particular care should be taken to ensure that areas in or near nesting beaches are not zoned for incompatible purposes or allocated an inconsistent legal status (e.g. the provision of tax incentives for high-density tourist development).
- (g) In the sensitive coastal zone, consideration should be given to developing special planning rules to protect natural amenity, prevent 'ribbon strip' development and safeguard public access to the coast. Where such rules are binding on local planning authorities, this helps to promote consistent practice between different coastal municipalities. The best-known rule of this type involves setback zones or protection strips (public interest servitudes).

Example: These are required by law in several Mediterranean States or provinces. In the Balearic Islands (Spain), new construction is prohibited in dunes, coastal wetlands, on cliffs and within 100m of the shore. In France, the width of protection strips varies depending on the activity: new transit routes may not be built within 2 kilometres of the shore.

- (h) Constructive working relationships should be developed between tourist operators, local authorities, nature conservation interests and other interested parties. It is important to promote responsible tourism practices through a combination of voluntary codes, regulatory sanctions and appropriate economic interests.
- (i) In areas subject to high levels of tourism, it may be useful to develop a sectoral tourism plan in collaboration with tourist operators. This could involve an assessment of the carrying capacity of beach areas and inshore waters, followed by a review of planning and sectoral controls to ensure that these are adequate for turtle conservation needs.

### **IV.3 Integrated approaches to coastal and marine management**

Integrated management of marine and coastal ecosystems is now a formal policy of the CBD institutions (*Jakarta Mandate on the conservation and sustainable use of marine and coastal biological diversity*, Decision II/10, 1995: work programme approved in 1998). The Jakarta Mandate recognizes that sectoral activities in the coastal zone, including construction, mining, shipping, tourism and fishing, can adversely affect biodiversity. Effective solutions should consider all sectors simultaneously, so that changes in policies or practices in one area are consistent with and complementary to those adopted in another. It recommends that Parties should establish and/or reinforce institutional, administrative and legislative arrangements for integrated coastal/marine management and integrate such measures within national development plans. Specific recommendations cover the establishment of marine and coastal protected areas to protect ecosystem processes and functions as well as particular species.

Many other international processes provide guidance on integrated coastal zone management (ICZM)<sup>18</sup>. Mediterranean States should also draw on the results of the recent EU demonstration programmes on ICZM. They should specifically promote involvement of local stakeholders in the conservation of the coastal zone, through awareness-building and practical opportunities for participation in coastal conservation projects.

An integrated framework is necessary to safeguard turtles against certain categories of damaging processes that are generated by sectoral activities, sometimes at long distance. For example, critical benthic habitats may be modified by a combination of trawling, dredging, gravel extraction, dumping of waste or rubble or pollution from marine or land-based sources. Pollution of the marine environment is mainly generated from land-based sources but also results from the dumping of persistent plastic and other debris at sea and accidental oil spills.

#### **IV.3.1 Guidelines for legal and institutional frameworks for closer integration**

- (a) There is no blueprint or model for integration. One option for fairly rapid implementation is an informal or ad hoc coordination committee of key agencies and stakeholders, which can be established without the need for special legislation. It can help to build institutional and public awareness and identify areas of conflict and complementarity. In several countries, national wetland committees established to streamline implementation of the Ramsar Convention on Wetlands may provide a useful model.
- (b) Another possibility is for planning legislation to establish a special institution with planning and management powers that bridge the land-sea divide and extend to the public maritime domain.

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<sup>18</sup> See bibliography for recommended further reading.

Example: In Tunisia, the Coastal Protection and Planning Agency (*Agence de protection de d'Aménagement du Littoral*) is a public body established in 1995 within the Ministry for Environment and Territorial Planning. Its statutory duties are to implement government policy for coastal protection and planning, with specific regard to the public maritime domain which must be protected against encroachments and unlawful occupation. All planning and development along the littoral is subject to permit from APAL. It must prepare an audit of existing land ownership and uses and carry out measures to identify, protect and restore natural and sensitive areas. Provision is made for monitoring procedures and for the establishment of a coastal observatory. The APAL carries out its functions under a detailed five-year management plan.

- (c) Integration may be promoted through a special law (such as the pioneering 1972 US Coastal Zone Management Act) or developed progressively through the gradual amendment of legislation to reflect an ecosystem-based approach to management. This type of legislative development needs to be supported by the development of one or more institutions with a broadly-based mandate.

Example: Jamaica has taken a progressive approach to developing an integrated legal and institutional framework. Its Beach Control Act has been gradually amended since 1956 to incorporate conservation measures in the legal regime applicable to the public maritime domain. All uses, including port facilities and commercial activities on bathing beaches, are subject to permit. It is now possible to create protected areas in the foreshore and including the seabed. Fishing, motorboat use, dredging, removal of coral or sedentary species and hunting and removal of treasure may all be prohibited in such areas.

The institutional mandate of the Natural Resources Conservation Authority has been significantly broadened: since 1991, it has had responsibility for coastal areas as well as river basins and watersheds (i.e. entire ecological units). A Council on Ocean and Coastal Zone Management has been formally established to implement integrated coastal zone management. Members include representatives of local authorities, the private sector, marine navigation, fisheries and protected area management bodies. Local standing committees for coastal management are being established and will include representatives of local communities and NGOs.

- (d) Marine legislation may also be used as an instrument for integrated management of the public maritime domain and marine waters. The FAO Code of Conduct calls on States to ensure that their fisheries interests, including the need for conservation of the resources, are taken into account in the multiple uses of the coastal zone and are integrated into coastal area management, planning and development (section 6.9).

Example: New South Wales (Australia) provides one example. The Fisheries Management Act (1994, amended 1997) not only regulates fisheries and aquaculture but also functions as a nature conservation law for marine ecosystems. It lays down protection measures for threatened species and critical habitats, including seagrass beds; provides for the institution of habitat protection plans, creation of marine reserves, regulation of dredging and dyking operations and prohibits introductions of alien species. Competent authorities must prepare recovery plans and address threats to biodiversity caused by destructive processes.

**APPENDIX  
RELEVANT INTERNATIONAL AND  
SUPRANATIONAL MEASURES**

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## **I. Relevant international and supranational measures**

Decision-makers and legislators need to take account of a series of internationally-agreed obligations and best practices, which form the baseline for the minimum content of national legal frameworks. This section describes the evolution and current position regarding key instruments and ends with a brief assessment of the existing regime.

Two distinct 'strands' of international law contain measures relevant to marine turtles:

- protection of species, habitats and ecosystems. Sources of relevant obligations include components of the Barcelona Convention regime as well as global and regional instruments for conservation and sustainable use of biological diversity; and
- management and conservation of fish stocks and other marine biological resources. Sources of relevant obligations include global and regional fisheries instruments as well as measures adopted by regional fisheries organisations.

Supranational legislation applicable within the European Union also covers these thematic areas.

### **I.1 The Barcelona Convention Framework**

The Mediterranean Action Plan was adopted by 16 Mediterranean States and the European Community in Barcelona in 1975 (MAP Phase II was adopted in 1995). Pursuant to MAP, several instruments have been adopted to address different aspects of environmental protection and management in the Mediterranean. None of these applied specifically to Mediterranean fisheries. Early components of the Convention framework contained no binding provisions for marine turtle conservation.

The Barcelona Convention was significantly amended in 1995 to promote protection of the marine environment and the coastal region of the Mediterranean. Parties to the amended Convention are required

*“individually or jointly, take all appropriate measures to protect and preserve biological diversity, rare or fragile ecosystems, as well as species of wild fauna and flora which are rare, depleted, threatened or endangered and their habitats, in the area to which this Convention applies” (Art.10).*

Based on this provision, a Protocol to the amended Convention has been concluded to provide a detailed framework for protection of endangered species and their habitats in the Mediterranean.

### **I.1.1 Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean (Barcelona, 9-10 June 1995)<sup>19</sup>**

The Barcelona Protocol lays down species and habitat protection requirements that Parties must incorporate into national legal frameworks.

Parties must identify and compile lists of endangered and threatened species in zones subject to their sovereignty or jurisdiction and accord protected status to such species. They must regulate and, where appropriate, prohibit activities having adverse effects on such species or their habitats, and carry out management, planning and other measures to ensure a favourable state of conservation of such species (Art.11.1)

Stricter obligations apply to species in the list of Endangered or Threatened Species<sup>20</sup>. The list includes five marine turtle species: *Caretta caretta*, *Chelonia mydas*, *Dermochelys coriacea*, *Eretmochelys imbricata*, *Lepidochelys kempii*. Parties must ensure “the maximum possible protection and recovery” of these species by controlling, and where appropriate, prohibiting:

- taking, possession or killing (including, to the extent possible, incidental taking, possession or killing), commercial trade, transport and exhibition for commercial purposes of these species, their eggs, parts or products (Art.11.3(a));
- “to the extent possible”, disturbance of wild fauna, particularly during breeding, incubation, hibernation or migration, as well as other periods of biological stress (Art.11.3(b));

Parties must also:

- prohibit the destruction of and damage to the habitat of such species (Art.12.3);
- formulate and implement action plans for their conservation or recovery and continue to cooperate in implementing relevant action plans already adopted (Art.12.3);
- where a species’ range extends to both sides of a national frontier or a jurisdictional limit between two Parties to the Protocol, cooperate with the Parties concerned to ensure the protection and conservation and, if necessary, the recovery of such species.

The Protocol provides a legal basis for creating protected areas to safeguard habitats critical to the survival, reproduction and recovery of endangered, threatened or endemic species of flora or fauna (Art.4(c)). It establishes detailed procedures for the establishment, planning and management of two categories of area (Arts.5-7 on Specially Protected Areas; Arts.8-10 on Specially Protected Areas of Mediterranean importance).

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19 The Protocol entered into force in December 1999. It replaces the 1982 Geneva Protocol (Protocol concerning Mediterranean Specially Protected Areas) in the relationship among the Parties to both instruments.

20 Annex II to the Protocol, adopted in Monaco, 24 November 1996.

Parties must also comply with more general requirements closely modelled on the 1992 Convention on Biological Diversity (see 2.2.1 below). They must, in particular:

- adopt strategies, plans and programmes for conservation of biological diversity and sustainable use of marine and coastal biological resources and integrate these considerations into relevant sectoral and intersectoral policies (Art.3.4);
- identify and monitor processes and categories of activities which have or are likely to have a significant adverse impact on the conservation and sustainable use of biodiversity (Art.3.5);
- provide for environmental impact assessment procedures in the planning process leading to decisions on industrial and other projects and activities that could significantly affect protected areas and species and their habitats (Art 17);
- take necessary measures for public awareness and education, scientific, technical and management research, mutual cooperation and assistance and reporting (Articles 19-23).

#### **I.1.2 Revised Action Plan for the Conservation of Mediterranean Marine Turtles (1999)**

The protection of Mediterranean marine turtles was identified as a priority target for the period 1985-1995 in the 1985 Genoa Declaration by the Parties to the Barcelona Convention.

The first Action Plan for the Conservation of Mediterranean Marine Turtles was adopted in 1989. Revisions were proposed by a Meeting of Experts (Arta, 27-29 October 1998), reviewed and approved by the 4th Meeting of National Focal Points for Specially Protected Areas (Tunis, 12-14 April 1999) and by the Meeting of MAP National Focal Points (Athens, 6-9 September 1999), and eventually adopted by the 11th Ordinary Meeting of the Contracting Parties to the Barcelona Convention (Malta, 27-30 October 1999). These Meetings also approved Annex I to the Plan, which sets out Proposed Priority Actions for its implementation at Regional/Sub-regional and National Levels.

The Revised Action Plan takes a holistic approach to processes threatening Mediterranean turtle populations and sets out mutually reinforcing objectives, priorities, and implementation measures. Its three objectives are:

- Protection, conservation and, where possible, enhancement of marine turtle populations in the Mediterranean, with special priority accorded to *Chelonia mydas* where appropriate;
- Appropriate protection, conservation and management of marine turtle habitats including nesting, feeding, and wintering areas and migration routes;
- Improvement of the scientific knowledge by research and monitoring.

An important feature of the Revised Action Plan is its emphasis on addressing interactions of marine turtles with Mediterranean fisheries. It generally recommends that coastal States combine legally-backed tools and awareness-building programmes to address deliberate and incidental taking and take steps for protection and management of known nesting, feeding (benthic and pelagic) and wintering areas and migration routes.

The Plan emphasises that appropriate legal measures are essential to fulfil the priorities and implementation measures. It specifically recommends that:

Parties that have not yet extended legal protection to marine turtles should do so as soon as possible, especially having regard to the relevant international conventions (para.11);

Each Party “should be encouraged” to develop and implement the necessary legislation for the establishment, protection, conservation and management of protected areas for marine turtles (para.12).

The Annex to the Revised Action Plan lists concrete actions for individual States, many of which concern the adoption or strengthening of legal protection for turtles and critical habitats. These actions are to be taken forthwith and are not contingent on further research. In addition, the Plan provides for ongoing research into turtle status, biology and behaviour and recognises that readjustments may be needed when further information becomes available.

Lastly, the Revised Action Plan emphasises the importance of developing public awareness, information and education measures to meet the needs of different target groups. Depending on specific conditions, these may include the local population and visitors to nesting areas; fishermen and other stakeholders; tourists and relevant organisations; schoolchildren and teachers; and decision makers at local/regional levels.

## **I.2 Other Biodiversity-related treaties**

Several elements of the Barcelona Protocol and/or the Revised Action Plan draw on substantive provisions of earlier treaties. These are summarised below.

### **I.2.1 Convention on Biological Diversity (Rio de Janeiro, 1992)**

All but two Mediterranean States are party to the CBD, which applies to terrestrial and aquatic species, habitats and ecosystems. This legally binding agreement establishes a country-driven framework for biodiversity planning and legislation and for regulation or management of processes and activities that may adversely affect biodiversity.

The CBD does not prescribe measures for individual species or groups of species, which makes it less easy for Parties to apply directly to marine turtle conservation. The most relevant measures are laid down by Article 8 on *in situ* conservation and call on Parties to:

- establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity;

- regulate or manage biological resources important for the conservation of biological diversity both in and outside protected areas, and promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in their natural surroundings;
- promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas;
- restore degraded ecosystems and promote the recovery of threatened species; and to
- develop or maintain necessary legislation for protection of threatened species/populations.

The CBD can make an important contribution to integrated planning approaches for conservation and sustainable use of biological resources, including fish stocks. Under Article 10, Parties shall integrate relevant considerations into national decision-making; adopt measures for the use of biological resources to avoid or minimise adverse impacts on biological diversity; support local populations to develop and implement remedial action in degraded areas; and encourage government-private sector cooperation in developing methods for sustainable use of such resources. This provides a legal basis for reviewing and, where necessary, modifying sectoral activities that involve incidental environmental damage.

The CBD's work programme on integrated management of marine and coastal ecosystems should provide a supportive, if general, framework for planning coastal development in ways compatible with marine turtle conservation.

### **I.2.2 Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 1979)**

CMS provides a global framework within which Parties must take appropriate action, individually and in cooperation, to conserve migratory species and their habitats and to avoid any migratory species becoming endangered.

The five turtle species that may occur in the Mediterranean are listed in Appendix I as endangered migratory species, for which Parties must endeavour to provide immediate protection. Article III requires Parties to:

- prohibit any "taking" of specimens of such species, broadly defined to include hunting, fishing, capturing, harassing and deliberate killing;
- endeavour to conserve and, where feasible, restore the important habitats of these species;
- prevent, remove, compensate for or minimise the adverse effects of activities or obstacles that seriously impede or prevent their migration; and
- to prevent, reduce or control factors that endanger or are likely to endanger these species.
- These species are also listed in Appendix II, which means that Range States

must "endeavour" to conclude international agreements for their conservation and management (Article IV). No such agreement has been developed for the Mediterranean.<sup>21</sup>

In 1999, the CMS Conference of the Parties adopted a specific resolution on by-catch of marine turtles and other species as a result of fishing operations (Resolution 6.2). This restates key obligations under the Convention and calls on Parties to strengthen measures to protect migratory species against by-catch by fisheries within their territorial waters and exclusive economic zones, and by vessels fishing on the high seas under their flags. It requests all Parties, as a matter of gravity, to continue and strengthen measures within fisheries under their control and to minimize as far as possible the incidental mortality of migratory species listed in Appendices I and II, including marine turtles. Parties to regional fisheries organisations are urged to highlight there the serious problems of incidental turtle mortality with a view to the adoption of mitigating measures.

Range States of marine turtles with relevant fisheries are urged to co-operate mutually and with other countries to reduce incidental taking, for example by sharing and further development of practical and effective mitigation devices. The Resolution calls upon all donor countries to consider helping developing countries acquire and use relevant technology and with appropriate education and training of fishermen.

### **I.2.3 Convention on International Trade in Endangered Species of Wild Fauna and Flora (Washington, 1973)**

All conservation treaties, including the Barcelona Protocol, leave regulation of international trade in endangered species to CITES.

The five marine turtle species that may occur in the Mediterranean are listed in Appendix I of CITES (species threatened with extinction which are or may be affected by international trade). Trade in listed species, their parts or derivatives must be strictly controlled under a reciprocal system operated by the States of export and import. Parties must prohibit transactions involving a specimen of an Appendix-I listed species if the relevant Scientific Authority advises that this would be detrimental to the survival of that species.

CITES is implemented within the European Union through binding regulations<sup>22</sup>. Member States must adopt legal measures to control the import, export, internal sales and movements of species listed in Annex A (which includes marine turtles) as well as possession of live specimens.

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21 A regional agreement for the Mediterranean has been concluded for cetaceans under CMS and may provide a useful frame of reference (Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS), Monaco, November 1996).

22 Council Regulation (EC) No. 338/97 (all species listed in CITES Appendix I are listed in Annex A to the Regulation), Commission Regulation (EC) No. 939/97 as amended.

#### **I.2.4 African Convention on the Conservation of Nature and Natural Resources (Algiers, 16 September 1968)**

This regional Convention has been ratified by four African States bordering the Mediterranean. All marine turtles are listed in Class A of the Appendix and must be strictly protected. Parties must prohibit hunting, killing, taking and collection of such species and confer special protection on habitats necessary to the survival of species threatened with extinction. Strict controls apply to trade in and transport of specimens and trophies of these species.

Despite these provisions, this Convention is effectively an instrument that does not contribute significantly to conservation of Mediterranean marine turtles. It has no institutional mechanism to oversee and review implementation or adopt policy recommendations.

#### **I.2.5 Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 19 September 1979)**

This European treaty, which has also been ratified by one African Mediterranean State at the invitation of the Council of Europe, currently makes the most significant contribution to enforcement of international obligations related to marine turtle conservation.

The most significant difference between this Convention and other conservation treaties is that it has effective institutional mechanisms and procedures for scrutinising national compliance, publicising cases of non-compliance and facilitating active participation of non-governmental organisations expert in species and habitat conservation.

The five marine turtle species that may occur in the Mediterranean are listed as strictly protected animal species in Appendix II to the Convention. Parties must protect members of listed species and their habitats and give special attention to the protection of areas of importance for listed migratory species. Deliberate damage to or destruction of breeding sites must be prohibited (Arts.4 and 6). They must co-ordinate their efforts for the protection of the migratory species specified in Appendices II and III whose range extends into their territories.

A Standing Committee, composed of one or more representative of each Party, meets annually to review implementation of the Convention. Compliance with turtle-related obligations has been on its agenda since 1986 and specialist NGOs in the area of marine turtle conservation regularly attend as observers.

The Committee has developed a procedure for opening 'case files' where there appears to be a breach of the Convention with regard to specific sites. The decision to open a case file is often based on information contained in reports submitted by NGOs with local knowledge of the situation. The Committee may commission an on-the-spot appraisal by an independent expert. Files are usually kept open until the matter is resolved or enforcement action is initiated.

The Committee has the power to address recommendations to individual Parties concerning measures to be taken for the purposes of this Convention (Art.14).

Several recommendations adopted to date list specific actions to be taken at named nesting beaches that provide critical habitat for marine turtles. These cover the establishment of protected areas, the grant of planning permission for potentially damaging developments and matters related to tourism and other Sectoral activities. Significantly, these recommendations are sufficiently detailed to be capable of objective verification by NGOs, donors or others and to promote transparency.

Sites that have been specifically considered by the Standing Committee include Patara (Turkey), Belek (Turkey), Akamas Peninsula (Cyprus), Kaminia (Greece) and Laganas Bay, Zakynthos, Greece. The latter, which is probably the best known case, has been considered in 14 Standing Committee meetings. The file was eventually closed in December 1999, after the European Commission opened an infringement procedure for non-compliance and submitted the matter to the European Court of Justice. European Structural Funds have been blocked in the area for lack of conformity with European legislation.

The Standing Committee has also established a Group of Experts on the Conservation of Amphibians and Reptiles, which has adopted the following recommendations:<sup>23</sup>

- sectoral policies should indicate the requirements for the conservation of turtle species;
- action should be taken in connection with fishing policies, notably within the European Community;
- a positive dialogue should be initiated as soon as possible with all or at least significant groupings of fisheries authorities.

### **I.3 Instruments and organisations relevant to fisheries management and conservation**

Whereas earlier fisheries instruments focussed on target species and their exploitation, recent instruments support a more holistic approach to the marine environment and include measures related to critical marine habitats and conservation of non-target species. There is also much greater emphasis on improving procedures for compliance and enforcement, a notoriously difficult matter particularly in the high seas.

The following sections briefly outline key instruments as well as the organisational arrangements for fisheries in the Mediterranean. Technical aspects are discussed in more detail in section III.4 below.

#### **I.3.1 United Nations Convention on the Law of the Sea (1982)**

The international law of the sea, as codified in UNCLOS, sets out the rights and duties of States for fisheries management, conservation of marine species and environmental protection in each part of the marine environment. A brief summary of the legal position applicable to each jurisdictional zone is given below.

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<sup>23</sup> Report of meeting, Thessaloniki 28-31 May 1998.

- Within its territorial sea (up to a limit not exceeding twelve nautical miles measured from its baseline), a coastal State has sovereign rights over all resources, living or non-living.
- A coastal State may establish an exclusive economic zone (EEZ) beyond its territorial sea to a maximum of 200 miles from its baseline. In its EEZ, a State has *sovereign rights* for exploring, exploiting, conserving and managing natural resources. It must ensure that maintenance of living resources is not endangered by over-exploitation and that populations of species associated to or dependent on harvested species are maintained above levels at which their reproduction may become seriously threatened. The State also has *jurisdiction* over scientific research and the protection and preservation of the marine environment.
- A coastal State has sovereign rights over the whole continental shelf, even where it extends beyond the 200 mile limit of a declared EEZ. Where the shelf does not extend as far as 200 miles (as is more usual), the coastal State has sovereign rights over the sea bed beyond the end of the continental shelf up to the 200 mile limit.
- The high seas are beyond the limits of national jurisdiction. These waters are open to all States and the principle of freedom of fishing applies, subject to general conservation and management rules laid down by Articles 116-120 of UNCLOS and to other treaty obligations a State has accepted. All States are required to co-operate with each other to conserve and manage living marine resources in the high seas, including associated and dependent marine species.

States bordering a semi-enclosed sea, such as the Mediterranean, must cooperate in exercising their rights and duties, either directly or through an appropriate regional organisation. They should coordinate management, conservation, exploration and exploitation of the living resources of the sea, implementation of their rights and duties for protection and preservation of the marine environment and scientific research policies (Art.123).

### **I.3.2 UN Straddling Stocks Agreement (1995)**

Because migratory fish move across different fisheries areas, conservation measures need to be defined jointly by all parties concerned.

Under the UNCLOS, common conservation and management rules for straddling fish stocks (stocks located across one or several EEZs and the high seas) and highly migratory fish stocks have now been laid down by the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (not yet in force).

The Agreement requires States to apply the precautionary approach to conservation and management of these stocks in their EEZs, taking into account uncertainties concerning the impact of fishing activities on non-target and associated and dependent species (such as marine turtles). They should not exceed precautionary reference points set out in an appendix to the Agreement.

States must take measures to minimise pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species, and impacts on associated or dependent species, in particular endangered species.

Compliance and enforcement provisions cover the duties of the flag State to control vessels flying its flag (e.g. to ensure that they do not conduct unauthorized fishing within areas under the jurisdiction of other States) and the rights of a port State to take measures to promote the effectiveness of conservation and management measures. States must cooperate to ensure compliance with such measures and establish procedures for boarding and inspection through subregional/regional fisheries organisations. The Agreement lays down procedures to be followed pending the adoption of such measures by these organisations.

The UN General Assembly<sup>24</sup> has recently called on States and other entities to integrate requirements for environmental protection, notably those resulting from multilateral environmental agreements described in I.1 above, in the management of these fish stocks.

### **I.3.3 FAO Compliance Agreement (1994)**

The Agreement to promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas was concluded under the auspices of the UN Food and Agriculture Organization (Rome, 23 November 1994, not yet in force). It establishes measures to promote the harmonised monitoring of fishing activities in international waters and to deter reflagging of vessels as a way of avoiding compliance with measures applicable on the high seas. Parties must ensure that vessels flying their flag do not engage in any activity that undermines the effectiveness of international conservation and management measures. Fishing in the high seas should be subject to a permit from the flag State and permit conditions must be complied with. In the event of non-compliance, Parties must take enforcement measures. Sanctions for serious offences must include the refusal, suspension or withdrawal of permits. Parties must maintain a record of fishing vessels authorised to fish on the high seas and make this information available to FAO.

### **I.3.4 FAO Code of Conduct for Responsible Fisheries (1995)**

This non-binding global Code, adopted unanimously by FAO Member Nations on 31 October 1995, sets out principles and standards to ensure effective conservation, management and development of living aquatic resources, with due respect for marine and coastal biodiversity. It is addressed to States, international governmental and non-governmental organisations and all those involved in the conservation of fishery resources and management and development of fisheries. The Code is fully integrated with the Straddling Stocks and Compliance Agreements summarised above.

The Code provides a comprehensive basis for States to review and strengthen policy, legal and institutional measures for responsible fisheries. It is particularly relevant to these Guidelines because it goes beyond fisheries management to cover

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<sup>24</sup> A/RES/54/32, 19 January 2000.

conservation of critical habitats, integration of fisheries into coastal area management, regulation of damaging processes such as pollution and the need for participative approaches with fishing communities. Selected provisions of the Code are referenced later in these Guidelines.

Mediterranean States and other stakeholders involved in Mediterranean fisheries should as a priority consult and follow this Code when developing or strengthening legal and institutional frameworks for fisheries management and conservation of marine living resources and ecosystems.

### **I.3.5 General Fisheries Commission for the Mediterranean**

The General Fisheries Council for the Mediterranean was established in 1949 as a UN institution under the auspices of the FAO to coordinate activities related to fishery management, regulations and research in the Mediterranean and Black Seas.

In 1998, following a series of intergovernmental meetings involving the EC, the institution was reformed and renamed the General Fisheries Commission for the Mediterranean. It now provides a forum for multilateral cooperation between all the countries whose vessels are fishing in the Mediterranean and has a broader mandate to promote the development, conservation, rational management and best utilisation of living marine resources of the Mediterranean basin. The European Community adhered to the GFCM in 1998 and has promoted the adoption of procedures consistent with those of other regional fisheries organisations (RFOs). A scientific fisheries committee has been established, meetings now take place annually and provision has been made for an autonomous budget.

The GFCM has the power to formulate and recommend appropriate measures for this purpose, notably to:

- regulate fishing methods and fishing gear;
- prescribe the minimum size for individuals of specified species; and
- establish open and close fishing seasons and areas.

The GFCM has adopted measures to ensure that fishing vessels flying the flags of non-member nations do not undermine regional conservation and management measures.

### **I.3.6 International Commission for the Conservation of Atlantic Tunas**

The Commission, established under the International Convention for the Conservation of Atlantic Tunas (ICCAT), has jurisdiction regarding fisheries of tuna and tuna-like fishes in the Convention Area (which includes the Mediterranean as a connected sea). This RFO aims to manage stocks of tuna and other associated species in these waters and has the power to adopt resolutions that are binding on its Parties. Existing resolutions include measures to regulate bluefin tuna fisheries in the Mediterranean and the use of large-scale pelagic drift-nets.

A GFCM/ICCAT Joint Working Group on Stocks of Large Pelagic Fishes has been convened on an ad hoc basis to promote institutional synergy.

## **I.4 Supranational measures applicable in the European union**

### **I.4.1 Implementation of Community legislation by Member States**

Four Mediterranean States (Spain, France, Italy, Greece) are Member States of the European Community. Several other States around the Mediterranean, including Croatia, Cyprus, Malta, Slovenia and Turkey, have begun pre-accession talks with the European Community. These candidate States will need to take progressive steps to bring their legal frameworks into compliance with European norms.

Member States are bound to implement legal instruments adopted by the various Community institutions, which are designed to secure harmonised implementation of agreed policies throughout the European Union. Whereas EC Regulations are directly applicable in Member States, EC Directives must be transposed into national legal systems within a defined period of time. "Transposition" refers to legislative, regulatory or administrative measures taken by any competent authority of a Member State to incorporate the obligations, rights and duties enshrined in Community directives into the national legal order. It also includes any additional provisions, such as the amendment or repeal of conflicting national provisions which are necessary to ensure that national law as a whole properly reflects the provisions of a directive<sup>25</sup>.

### **I.4.2 EC Habitats Directive (1992)**

The European Community is party in its own right to the Barcelona Convention, CBD, CMS, and the Bern Convention and as noted earlier, a signatory to the Mediterranean Action Plan. The Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (92/43/EEC of 21 May 1992) is the key Community instrument laying down biodiversity-related measures consistent with these treaties for implementation by Member States.

The five species of marine turtles occurring in the Mediterranean are listed in Annex IV (Animal species of Community interest in need of strict protection). Member States must strictly protect these species through prohibitions on:

- deliberate capture, killing, disturbance, destruction or taking of eggs from the wild;
- deterioration or destruction of breeding sites or resting places; and
- possession, transport and associated activities. (Article 12).

*Caretta caretta* is also listed in Annex II (Animal species of Community interest whose conservation requires the designation of special areas of conservation). This means that it benefits from mandatory habitat conservation requirements. For Annex II species, Member States must propose sites that contribute significantly to their maintenance at or restoration to a favourable conservation status as Special Areas of Conservation (SACs). The Directive sets out detailed rules for the establishment of a coherent European ecological network of SACs (Natura 2000), including conservation, management planning and impact assessment rules for SACs (Art.6). For aquatic species that range over wide areas, SACs should be proposed only where there is a clearly identifiable area representing the physical and biological factors essential to their life and reproduction (Art 4.1).

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25 Communication on implementing Community environmental law, Com(96)500 Final.

*Caretta caretta* is currently the only marine turtle species listed in Annex II. This is because it is the only turtle species that nests on the beaches of an EC Member State and reproduces in Community waters. If and when Cyprus and/or Turkey become Member States of the European Community, it will then be possible to include the seriously endangered *Chelonia mydas* in Appendix II.

### **I.4.3 EC Fisheries Regulations**

Community fisheries measures are developed within the framework of the Common Fisheries Policy (CFP), which will be revised in 2002. The EC has competence for fisheries management and conservation within Community waters: outside Community waters, its core responsibilities are to make proposals and to negotiate on behalf of the Community in international fora and to monitor the implementation of control and enforcement rules applied by the Member States. It has also concluded bilateral fisheries agreements with some third countries (non-EU States). The International Council for the Exploration of the Sea (ICES) also provides key scientific support for implementation and review of the CFP.

There is an increasing focus on integrating environmental issues into EC fisheries policy. The EC Scientific, Technical and Economic Committee for Fisheries was restructured in 1997 to expand representation of experts in the fields of fisheries economics and the environment. The Community Strategy on Biological Diversity<sup>26</sup> provides for the preparation of an Action Plan for the fisheries sector (due for completion in 2000) with two key objectives:

- to conserve commercially fished species of marine finfish, in order to achieve sustainability of stocks, fishing opportunities and food supply, and
- to reduce the impact of fishing and aquaculture operations on other components of the ecosystem i.e. non-target species (at all taxonomic levels) and marine habitats.

The main forum for debate with stakeholders is the Advisory Committee for Fisheries and Aquaculture. This Committee was reformed in 1999 to promote closer dialogue with the fishing industry and groups concerned with the impact of the CFP on consumers, the environment and development.<sup>27</sup> The aim is to promote better understanding of the overall context of the CFP so that, in addition to the legitimate defence of special interests, each group acknowledges the rights of other groups and the limitations of the natural environment.<sup>28</sup>

The EC is a contracting party to several regional fisheries organisations, including the GFCM and ICCAT. Where RFOs issue recommendations setting catch limitations and other conservation rules for certain species, the Community is responsible for ensuring the timely incorporation of the necessary technical measures into the

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<sup>26</sup> COM(1998)42, endorsed by the Council on 21 June 1998.

<sup>27</sup> Action plan (XIV/859/99); Commission Decision of 14 July 1999 renewing the Advisory Committee on Fisheries and Aquaculture 1999/478/CE (OJ L 187/70).

<sup>28</sup> Report from the Commission to the Council and the European Parliament on the application of the Community system for fisheries and aquaculture in 1996-1998 (COM(2000) 15 Final, 24 January 2000).

Community legal order. This is generally done by means of binding fisheries regulations with which Member States must comply. Given the rising number of such technical rules, the Commission is progressively consolidating existing measures in order to increase clarity and improve enforcement of Community legislation.<sup>29</sup> For example, it is currently developing a single regulation to bring together technical measures to protect highly migratory species, whether these are fished by Member States' fleets in Community waters or on the high seas.

Specific conservation rules for Mediterranean marine turtles have been established under the Regulation laying down certain technical measures for the conservation of fishery resources in the Mediterranean<sup>30</sup>. Member States must provide for the conservation of listed fragile or endangered species or environments, including all marine turtle species occurring in the Mediterranean, coastal wetlands and beds of marine phanerogams.

Clearly, the CFP can only be implemented effectively if decisions taken at Community level are followed up by the necessary actions at national level. Developments in the Community control and enforcement regime are discussed in below.

### **I.5 Assessment of the existing regime with regard to marine turtles**

The preceding summary reveals a pattern of separate, cumulative development of biodiversity-related and fisheries instruments. This reflects the traditional separation of 'conservation' and 'exploitation' interests, which has been embedded for decades in international law-making and institutional organisation. Different instruments have different Contracting Parties: there are many overlaps but little in the way of formal linkages or coordination.

This fragmentation makes it difficult to get a clear picture of the body of rules applicable to Mediterranean marine turtles. They have low visibility within the existing international regime as a whole, even though the position is slowly improving.

None of the biodiversity-related treaties explicitly address interactions between marine turtles and tourism or fisheries, although the Barcelona Protocol places important emphasis on action planning and provides a legal basis for regulating or prohibiting fishing and other activities in Specially Protected Areas. However, very recent non-binding instruments – the Revised Action Plan, CMS Resolution 6.2 – do emphasise the need to initiate systematic dialogue and coordination with the regional fisheries organisations.

In a European context, the Bern Convention has made a remarkable contribution through the proven willingness of the Standing Committee and observer NGOs to deploy resources and keep up pressure on individual countries. However, its

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29 E.g. Regulation No 850/98 for the Conservation on Fishery resources through Technical Measures for the Protection of Juveniles of Marine Organisms", adopted by the Council on 30 March 1998. This contains measures for the harmonisation of mesh sizes over the whole of the area covered by the Regulation; significant reduction of the amount of mandatory discarding; increase of selectivity of fishing gears; and simplification of the rules to improve monitoring and control.

30 Council Regulation (EC) No 1626/94 of 27 June 1994. This has been amended on several occasions to implement recommendations issued by ICCAT for the management of bluefin tuna and swordfish. These concern minimum landing sizes, seasonal closures and restrictions on the use of aircraft as an aid to fishing operations.

contribution is basically confined to terrestrial habitats. There is no equivalent procedure under any international instrument for marine terrestrial habitats. For African Mediterranean States, regional conservation rules have been comparatively weak until the very recent entry into force of the Barcelona Protocol.

Modern fisheries instruments have made dramatic progress insofar as they now address the effects of fishing activity on the whole ecosystem, not just on commercially valuable target species (De Klemm, 2000). Internationally, there is now a legal basis to take conservation needs of marine turtles and critical habitats into account when negotiating and designing technical conservation rules. However, these changes are extremely recent, key fisheries agreements are not yet in force and enforcement of multilateral agreements is weak. Much has to be done to build political, sectoral and community support for the kind of broad-based measures recommended in the Code of Conduct for Responsible Fisheries. In the sensitive Mediterranean context, the relationship between the European Community and the GCFM for policy development, standard setting and enforcement procedures may need to be clarified and made more transparent.

The Revised Action Plan expressly supports enhanced cooperation and coordination between Parties and with regional organisations and experts to support management of the Mediterranean as a whole. CMS Resolution 6.2 supports consultation with relevant regional fisheries organisations to obtain scientific data and to coordinate conservation measures. The Bern Convention Experts' Group on the Conservation of Amphibians and Reptiles has issued a similar recommendation.

Mediterranean marine turtle conservation would benefit from improving and streamlining linkages between all competent bodies and concerned sectors, including the fisheries and tourism sectors. The Bern Convention, Barcelona Protocol and CMS each have elements that could be better knitted together, possibly through an agreed joint work programme or memorandum of understanding for marine turtles. A catalyst for Mediterranean synergies could be the first Conference on Mediterranean marine turtles, which is currently planned for 2001. However, coordination must be an ongoing process, not a one-off event.

Lastly, no amount of resolutions or regional cooperation will suffice if Mediterranean countries do not comply with the measures described above. Existing levels of compliance with treaty obligations are too low, as shown by the list of priority actions annexed to the Revised Action Plan.

### List of useful references for further reading

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**ANNEX IX**  
**REPORT OF THE WORKING GROUP 1 (SESSION 1)**  
**ON IMPACT ASSESSMENT**  
**ON SEAGRASS MEADOWS**

## REPORT OF THE WORKING GROUP 1 (SESSION 1) ON IMPACT ASSESSMENT ON SEAGRASS MEADOWS

1. The working group analysed the document UNEP(DEC)/MED WG.177/8 "Draft guidelines for impact assessment on seagrass meadows".
2. The subject was introduced by a presentation of Mr. Gérard Pergent on the importance of the seagrass meadows in the Mediterranean.
3. In analysing the document the following issues were discussed:
  - a/ the role of *Caulerpa taxifolia* and *C. racemosa* as an indirect cause for the disappearance of species;
  - b/ the regulations on impact studies in the Mediterranean countries;
  - c/ the practical measures to mitigate impacts on meadows (sea-rocks, replanting techniques);
  - d/ schematic draft guidelines for the part of environmental impact assessment dealing with meadows.

ad 3a/ Different participants to the workshop stated that the paragraph on the role of *Caulerpa taxifolia* and *C. racemosa* on the *Posidonia oceanica* meadows should be improved. The following change was agreed:

### Concerning the introduction of alien species

The introduction of invasive species that are likely to compete directly with marine seagrasses is a relatively recent phenomenon. Even if we have at our disposal increasingly precise information on the mechanisms operating during these interactions, namely with regard to *Caulerpa* species (Villèle & Verlaque, 1995; Ceccherelli *et al.*, 2000), it is still too early to evaluate the real impact of introduced species on seagrass meadows. In fact, if this competition phenomenon does not appear to lead to a drastic regression in *Posidonia* meadows, the modifications caused, namely with regard to energy allocation and mobilisation of the plant's reserves, must be studied over a long period of time. Likewise, it is necessary to consider the meadow as a biocoenosis, notably in terms of its spatial structure (micro habitats) and the diversity of the associated flora and fauna. In addition, it seems judicious to apply the precautionary principle and to consider invasive species as factors that are likely to cause a threat for marine seagrass meadows.

ad 3b/ The Secretariat invited the focal points to review the information presented in this document and send to RAC/SPA the due corrections or new information before 10 May 2001.

ad 3c/

- The participants agreed that the term sea-rocks is inadequate for describing artificial reefs, and proposed to delete it from the text.
- Considering the fact that replantation techniques need further research and that they could be used as an excuse for new destruction of seagrass meadows, the participants proposed that the paragraph on replantation (pp. 24, 25) should read as follows:

Over the last few years, several replanting techniques have been improved, particularly as regards *P. oceanica* (Cinelli, 1980; Meinesz *et al.*, 1992;

Molenaar *et al.*, 1993; Genot *et al.*, 1994), but some problems are still present. Concerning that it is important to continue the research with the aim of further improving the replantation techniques.

It is advisable to make sure that replanting techniques are not hijacked to serve as an excuse for new destruction. Experience has shown that in many sectors planting has been done for planting's sake, with no overall strategy. Thus, *P. oceanica* has been planted in sectors where it does not naturally exist and seems never to have existed, or in areas where the meadow is speedily retreating. At Cannes, part of the replanting of *P. oceanica* was done in an old, stable *C. nodosa* meadow; now destroying one phanerogam to replace it with another is not a very coherent strategy. It has been suggested that *P. oceanica* be replanted as a compensatory measure in the context of projects to build or enlarge pleasure boating ports. The 6 August 1992, decision of the Sanary-sur-Mer Municipal Council approving this project was later annulled by the Nice Administrative Tribunal (3 December 1992 decision; Boudouresque, personal communication).

ad 3d/ In order to facilitate the use of the document, the participants agreed that it would be useful to annex two pages with schematic draft guidelines for the portion of environmental impact assessment dealing with meadows.

The following sentence should be added, as introduction, at the end of the foreword: The main elements more directly related to the planning out of the impact assessment are summarised in Annex B.

**ANNEX XI: REPORT OF THE WORKING GROUP 1  
(SESSION 2) ON INTRODUCTION AND  
REINTRODUCTION OF SPECIES**

## **REPORT OF THE WORKING GROUP 1 (SESSION 2) ON INTRODUCTION AND REINTRODUCTION OF SPECIES**

1. In its second session the working group analysed the document UNEP(DEC)/MED WG.177/6 Draft guidelines for introduction and reintroduction of marine species in the Mediterranean sea.
2. The document and its aims were introduced by the Secretariat. In its presentation the Secretariat remember that the mandate concerns the guidelines for introduction and reintroduction of marine species and not for invasive species. Invasive species need an action plan rather than guidelines. The Secretariat said that during the elaboration of the document one element that stood out was the need to develop an action plan for introduced and invasive species.

2. In analysing the document several general issues were discussed:

a/ The participants were of the opinion that the title of the document does not express the aim of the document. In view of that it was decided to change it so that it would read: Draft guidelines for the control of introduction and re-introduction of marine species in the Mediterranean sea.

b/ Some delegates expressed the opinion that the introduction and re-introduction issues should make two separate parts of the document.

c/ The structure and title of the second chapter "Aims and objectives of the species introduction and re-introduction in the Mediterranean sea" were questioned saying, that the chapter was about causes and criteria rather than on aims and objectives.

d/ Some participants stated that the "Criteria to identify introduced species" needs to be better elaborated.

e/ The delegates said that it was not clear whether marine species also include marine birds or only aquatic species.

f/ One delegate stressed the importance of quoting the source of information.

g/ The representative of the EC put a reservation on the Recommended measures for unintentional and intentional introductions, in particular those dealing with fishery.

h/ The representative of Greece put a reservation on the possible adoption of the document since it was evident from the discussion that the documents need further and more detailed elaboration.

i/ some delegates underlined the importance of the document that is an important step for the control of the introduction of species.

The secretariat noted the suggestions and stressed the importance of the document.

**ANNEX XII**  
**REPORT OF WORKING GROUP 3**  
**MEDITERRANEAN INITIATIVE ON TAXONOMY**

### **REPORT OF WORKING GROUP 3: MEDITERRANEAN INITIATIVE ON TAXONOMY**

The participants in Working Group 3, which considered the Mediterranean taxonomy initiative, stressed the importance of taxonomy in providing adequate knowledge of the constituent elements of Mediterranean biodiversity and in the adequate application of evaluation methods. Reliable identification of species is a fundamental element of their conservation. Moreover, environmental impact assessments, which are increasingly becoming the practice in the Mediterranean, often require the compiling of lists of species and habitats, and thus call upon taxonomy.

In reviewing the situation of taxonomy in participants' countries, the Working Group identified the following points:

- The number of taxonomists is declining in the majority of the countries of the region. This is due to the fact that taxonomy does not number among the priorities set for research, and students are no longer drawn by this discipline;
- Authorities dealing with conservation of biodiversity call upon universities and researchers to assist them in taxonomy. The implementation of conservation programmes will be affected by the lack of taxonomists in the medium term if adequate measures are not taken;
- Natural history museums play an important role in taxonomy and in the maintenance of reference collections.

#### **Recommendations of the working group**

- Invite the Contracting Parties to attach greater importance to taxonomy and to strive to increase the number of specialists in Mediterranean taxonomy;
- Compile an inventory of taxonomy specialists in Mediterranean countries for those taxons that are important for the implementation of the SPA Protocol;
- Prepare an inventory of laboratories with marine taxonomic competence, the capacities at their disposal, and their possibility of taking on students for training in taxonomy. The inventory should also encompass specialized scientific societies (e.g. societies for herpetology, ichthyology, etc.);
- Identify the urgent needs of countries in the field of taxonomy;

- Launch programmes to train taxonomists and to provide study grants and other means to encourage students to specialize in taxonomy. In this way, the bilateral cooperation mechanisms could be put to use;
- Given the important role of reference collections in taxonomic work, it is important to carry out a study of the situation of reference collections of Mediterranean marine species. This study should lead to a programme for their development, continuance and networking as tools to support taxonomic work;
- Promote the organization of thematic workshops on taxonomy to allow exchanges between Mediterranean taxonomists;
- Elaborate and update guides for the identification of marine species;
- The implementation of the above recommendations should be integrated into a Mediterranean strategy which must take account of other initiatives, particularly the Global Taxonomy Initiative undertaken within the framework of the CBD.