

**RESOLUTION 5.13****CONSERVATION OF CUVIER'S BEAKED WHALES IN THE MEDITERRANEAN**

*The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area:*

*Recalling* Article II, paragraph 1, of the Agreement, which provides that Parties shall take co-ordinated measures to achieve and maintain a favourable conservation status for cetaceans,

*Recalling* Article 236 of the United Nations Convention on the Law of the Sea, which states: "The provisions of this Convention regarding the protection and preservation of the marine environment do not apply to any warship, naval auxiliary, other vessels or aircraft owned or operated by a State and used, for the time being, only on government non-commercial service. However, each State shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such vessels or aircraft owned or operated by it, that such vessels or aircraft act in a manner consistent, so far as is reasonable and practicable, with the said Convention",

*Aware* that the Mediterranean population of Cuvier's beaked whale (*Ziphius cavirostris*) has been assessed as vulnerable in the IUCN's Red List and is frequently exposed to human activities involving the production of intense underwater noise,

*Given* the scientific evidence that military sonar has a negative impact upon Cuvier's beaked whales,

*Convinced* that events in which the underwater transmission of naval sonar has been linked to atypical mass strandings and deaths of Cuvier's beaked whales have occurred in the Mediterranean and that the production of intense underwater noise in areas identified as Cuvier's beaked whale habitat carries environmental implications and responsibilities,

*Recalling* that a number of initiatives have taken place to prevent mortalities of Cuvier's beaked whales resulting from the use of intense anthropogenic noise sources,

*Recalling* in particular that the NATO Centre for Maritime Research and Experimentation (CMRE) developed in 2009 the document "NURC Marine Mammal Risk Mitigation Rules and Procedures" (hereinafter: NURC-Mammal Rules), which aims at limiting in the Mediterranean the risk of mass strandings and other impacts on Cuvier's beaked whales related to CMRE activities and states, *inter alia*, that "CMRE's precautionary policy is therefore to reduce the temporal and spatial interactions of sounds and beaked whales" and that "the risk mitigation of CMRE focuses on avoiding the habitat of beaked whales",

*Recalling and reconfirming* the importance of implementing marine mammals conservation actions defined within various international fora, such as the United Nations, the European Union, the Convention on Biological Diversity, the Convention on Migratory Species, the Agreement on the Conservation of Small Cetaceans of the Baltic, North-East Atlantic, Irish and North Seas, including the Resolutions of the ACCOBAMS Meetings of Parties, in particular Resolution 4.15 (Marine protected areas of importance for cetacean conservation) and Resolution 4.17 (Guidelines to address the impact of anthropogenic noise on cetaceans in the ACCOBAMS area),

*Referring* to the most recent information about Mediterranean areas that have been identified as hosting high concentrations of Cuvier's beaked whales,

*Considering* that the locations of mass strandings ( $\geq 2$ ) of Cuvier's beaked whales in the Mediterranean are important additional indicators of areas of enhanced risk for such species,

*Taking specific note* of the report of the 7th Meeting of the ACCOBAMS Scientific Committee where, since a large proportion of areas within the Mediterranean where depths are greater than 600 m are potential beaked whale habitats, it is recommended that, based on existing knowledge of noise disturbance thresholds, beaked whales should not be exposed to noise where received levels exceed a certain level and that a precautionary buffer around the preferred habitats mentioned should be applied to ensure that the noise threshold is not exceeded,

*Considering* the Recommendation on the conservation of Cuvier's Beaked Whales from the Scientific Committee, where "Areas of Special Concern for Beaked Whales" (ASC-BW) are identified,

*Also considering* that in the whole of the Mediterranean Sea, besides areas of special concern for Cuvier's beaked whales, also in "areas of unknown risk" for Cuvier's beaked whale, effective mitigation measures should be applied to human activities identified as representing important risk factors for Cuvier's beaked whales, such as the use of intense sound sources,

1. *Agrees* that:

- a) Cuvier's beaked whales need special consideration, and
- b) the concept of areas of special concern in which noise would be mitigated should be enhanced;
- c) promotion of work that produces data to validate and improve the beaked whale distribution model in order to update and refine the delimitation of beaked whale preferred areas in the Mediterranean should carry on;

2. *Encourages* the Parties to:

- a) fully comply with Resolution 4.17 and report on its application to the Secretariat;
- b) inform the Secretariat and Scientific Committee of any atypical stranding events and to which degree the measures included in Resolution 4.17 were adhered to;
- c) include in mitigation requirements dedicated surveys and monitoring efforts of all potential beaked whale habitats with buffer zones around planned noise activities;
- d) consider effective mitigation requirements in national regulations (as outlined in paragraphs 5 and 6 of Resolution 5.15);

3. *Calls on* the Parties to:

- a) assist in the future identification of critical habitat and encourage the noise producers to use the identified areas as management tools to plan their activities;
- b) consider the implementation of protected areas for Cuvier's beaked whales;

4. *Requests* the Secretariat

- a) to bring the recommendation of the Scientific Committee to the attention of relevant international and regional instruments in the Agreement area to assist in the conservation of Cuvier's beaked whales;
- b) to assist Countries in need of capacity building to implement monitoring activities on the presence of Cuvier's beaked whales;

5. *Requests* the Noise Working Group in collaboration with Parties, non-Parties, as well as NATO and other stakeholders as necessary to develop implementable measures to reduce impacts of intense noise activities within areas identified as of special concern for consideration by the next Meeting of the Parties;

6. *Requests* the Secretariat, in collaboration with the Scientific Committee, to convene a workshop on ways to mitigate cumulative and synergistic impacts of noise together with other anthropogenic threats on Cuvier's beaked whales, subject to available funding.