

**DRAFT RESOLUTION 8.10**  
**ILLEGAL DRIFT NETS**

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

*Recalling* that compliance with the obligations arising from ACCOBAMS requires the adoption and enforcement of relevant national legislation, as provided for in Annex 2, paragraph 1, to ACCOBAMS,

*Aware* that the conservation status of cetaceans can be adversely affected by deliberate and incidental catches,

*Deeply concerned* that bycatches are by far the primary anthropogenic cause of mortality for most cetacean populations in the Mediterranean Sea,

*Recalling* their conviction that the vulnerability of cetaceans to such threats warrants the implementation of specific conservation measures, where they do not yet exist, by States that exercise sovereignty or jurisdiction over any part of their range, and by States flag vessels of which are engaged outside national jurisdictional limits in activities that may affect the conservation of cetaceans,

*Recalling that* the Agreement requires that Parties collect and analyze data on direct and indirect interactions between humans and cetaceans in relation to fishing and take appropriate remedial measures, applying, when necessary, the precautionary principle,

*Aware* that drift nets, in particular, are known to represent a major source of incidental mortality for cetaceans and can seriously affect cetacean populations,

*Bearing in mind* that a moratorium on all large-scale pelagic drift net fishing has been recommended by the United Nations General Assembly since Resolution 46/215 of 1991 and has been reaffirmed several times, and that such fishing gear has been restricted and prohibited by a number of instruments applicable to the ACCOBAMS Area, including General Fisheries Commission for the Mediterranean Recommendation 22/1997/1 and European Union Regulation 2019/1241,

*Recalling* that Annex 2 (Conservation Plan), as amended in 2007 by Resolution A/3.1, which forms an integral part to the Agreement, requires the Parties to work out and implement measures to minimize the fishing negative effects on the conservation of cetaceans and, in particular, provides that that no vessel will be authorized to keep on board or to use any drift nets,

*Taking note* of the study entitled "Use of Driftnets in the ACCOBAMS Area: A Review of Relevant Treaties and National Legislation", prepared on the basis of information provided by Parties by legal consultants appointed by the Secretariat,

*Conscious* that international, regional and national instruments are based on different definitions of the technical characteristics of drift nets to be prohibited,

*Aware* that different types of drift nets consistent with conservation measures adopted by other international and regional regulatory instruments are still legally used in the Agreement's area,

*Worried* by the fact that drifts nets most impacting on cetaceans, especially those targeting large pelagic fish, even if prohibited by other international instruments are still being used illegally, even in marine protected areas especially established for the protection of cetaceans,

*Aware* that effective measures against illegal, unregulated and unreported fishing still occurring in the ACCOBAMS area, is a prerequisite for successfully addressing the link between fisheries and cetacean conservation,

*Recalling* that Parties shall adopt the necessary legislative, regulatory or administrative measures to give full protection to cetaceans in waters under their sovereignty or jurisdiction and, outside these waters, in respect of any vessel under their flag or registered within their territory, engaged in activities which may affect the conservation of cetaceans,

*Recalling* that, on the basis of the model legislation on cetacean conservation annexed to Resolution 4.19, it would be appropriate that Parties ensure, in their national legislations, criminal provisions sanctioning the possession on board and the use of drift nets, as well as the act of discarding or leaving fishing gear adrift at sea,

*Taking in consideration* the "Guidelines for technical measures to minimize cetacean-fishery conflicts in the Mediterranean and Black Seas" adopted by Resolution 2.12,

*Taking in consideration* the Recommendations of the Scientific Committee, including Recommendation 14.5 on "Bycatch",

*Firmly convinced* that concerns caused by the use of drift nets can only be addressed through a close collaboration between relevant regional fisheries and conservation bodies,

*Recalling:*

- Resolution 2.12 on Guidelines for technical measures to minimize cetacean-fishery conflicts in the Mediterranean and Black Seas,
- Resolution 2.13 on Pelagic Gillnets,
- Resolution 2.21 on Assessment and Mitigation of the Adverse Impacts of Interactions between Cetaceans and Fishing Activities in the ACCOBAMS Area,
- Resolution A/3.1 on Amendment of the Annex 2 to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area Related to the Use of Driftnets,
- Resolution 3.8 on Strengthening collaboration with the General Fisheries Commission for the Mediterranean;
- Resolution 4.9 on Fisheries Interactions with Cetaceans,
- Resolution 4.19 on Model Measures on Conservation of Cetaceans,
- Resolution 7.11 on Interactions between Fisheries and Cetaceans,

1. *Strongly reiterates* that bycatch in fishing gear is a widespread and significant threat to cetaceans across the entire Agreement area;
2. *Urges* the Parties to develop an improved understanding of bycatch levels as soon as possible, in order to allow ACCOBAMS conservation objectives to be met and related implementing measures to be enhanced;

3. *Reiterates its concern* that the use of illegal drift nets for large pelagic species continue to cause mortality of several species of cetaceans, in particular sperm whales (*Physeter macrocephalus*) in the Mediterranean Sea, and *urges* that national legislations banning such fishing gear be enhanced, implemented and enforced by the Parties;
4. *Urges* Parties to ensure that their national legislation is in full accordance with the relevant treaties and regulations and that transgressors are sanctioned by penalties of sufficient gravity to deter violations, including accessory measures, such as confiscation of illegal nets;
5. *Notes* that programmes of compensation for dismissal of driftnets and reconversion of fishing vessels may be useful in promoting compliance with the rules on driftnets;
6. *Notes with appreciation* the information provided by several National Focal Points on the legal tools and measures applied under the Parties' jurisdiction to enforce the ACCOBAMS provisions on the drift nets ban;
7. *Encourages* those Parties that have not yet provided the above information to do so as soon as possible;
8. *Mandates* the ACCOBAMS Secretariat, in collaboration with the ACCOBAMS Scientific Committee, to continue liaising with relevant regional fisheries management organizations in order to provide a common definition of the technical characteristics of drift nets that pose a major threat to cetaceans, and to report on that matter at the Ninth Meeting of Parties.