

***AGREEMENT ON THE
CREATION OF A SANCTUARY
FOR MARINE MAMMALS
IN THE MEDITERRANEAN SEA***

THE PARTIES TO THIS AGREEMENT,

Considering the threats to marine mammals in the Mediterranean Sea, and in particular to their habitat;

Considering that the Mediterranean Sea hosts a distribution area of these animals that is particularly important for their conservation;

Considering that, on the basis of the United Nations Convention on the Law of the Sea, this area consists partly of waters over which each Party exercises its sovereignty or jurisdiction;

Considering that the European Community exercises exclusive competence over the conservation and management of living marine aquatic resources for two States Parties; that the technical measures for the conservation of fishery resources in the Mediterranean are currently laid down in Council Regulation (EC) No 1626/94 of 27 June 1994;

Acknowledging that, for two States Parties, the provisions to be adopted pursuant to this Agreement shall not call into question the relevant principles and Community provisions, or their obligations and commitments as Member States of the Community;

Taking into account the Treaties and other relevant international instruments, in particular:

The Conventions on the Conservation of Migratory Species of Wild Animals and on the Conservation of European Wildlife and Natural Habitats;

The International Convention for the Regulation of Whaling and the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area;

The Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and the Protocols thereto;

Desiring to work for the conservation of marine mammals in the Mediterranean Sea:

HAVE AGREED AS FOLLOWS:

Article 1

For the purposes of this Agreement:

a) The conservation status is deemed to be “favourable” when knowledge of the populations indicates that the marine mammals in the region are a vital part of the ecosystems to which they belong;

b) “Habitat” means any part of the distribution area of marine mammals temporarily or permanently occupied by them, in particular for breeding, birthing, nursing and migration routes;

c) “Taking” means the hunting, capture, killing or harassment of marine mammals, as well as the attempt to carry out such acts.

Article 2

1. The Parties shall establish a Marine Sanctuary in the Mediterranean area defined in Article 3, whose biological diversity and richness are vital factors for the protection of marine mammals in their habitat.
2. The Parties shall protect marine mammals of all species in the Sanctuary.

Article 3

The Sanctuary consists of maritime areas located in the internal waters and territorial seas of the French Republic, the Italian Republic and the Principality of Monaco, as well as the adjacent areas of high seas. Its boundaries are as follows:

to the west, a line extending from Escampobariou Point, on the west edge of the Giens peninsula (43°01'70"N, 06°05'90"E) to Falcone Cape, on the west coast of Sardinia (40°58'00"N, 008°12'00"E);

to the east, a line extending from Ferro Cape on the north-east coast of Sardinia (41°09'18"N, 009°31'18"E) to Fosso Chiarone, on the west coast of Italy (42°21'24"N, 011°31'00"E).

Article 4

The Parties shall endeavour to take appropriate measures in the Sanctuary, as set out in the following articles, to ensure a favourable conservation status of marine mammals by protecting them and their habitat from direct and indirect negative impacts of human activities.

Article 5

The Parties shall cooperate with a view to regularly assessing the status of marine mammal populations, causes of mortality and threats to their habitat, and in particular to their vital functions, such as feeding and breeding.

Article 6

1. In accordance with their international commitments, the Parties shall conduct monitoring activities in the Sanctuary and intensify their efforts to combat all forms of pollution, whether of maritime or land-based origin, which have, or are likely to have, a direct or indirect impact on the conservation status of marine mammals.

2. The Parties shall implement national strategies for the phasing out of discharges of toxic substances in the Sanctuary, giving priority to those listed in Annex I to the Protocol of the Barcelona Convention for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities.

Article 7

In the Sanctuary, the Parties shall:

a) prohibit any deliberate taking or intentional disturbance of mammals: however, they may authorise non-lethal taking in emergency situations or as part of on-site scientific research conducted in accordance with this Agreement;

b) comply with international and European Community legislation, in particular concerning the use and possession of the fishing gear known as “driftnet”;

c) consult one another, as necessary, with a view to promoting in the appropriate fora, after scientific evaluation, the adoption of rules concerning the use of new fishing methods which might lead to the capture of marine mammals or endanger their food resources, taking into account the risk of loss or abandonment of fishing gear at sea.

Article 8

In the Sanctuary, the Parties shall regulate the observation of marine mammals for tourism purposes.

Article 9

The Parties shall consult one another with a view to regulating and possibly prohibiting fast motor boat racing in the Sanctuary.

Article 10

The Parties shall consult one another with a view to harmonising the measures laid down in application of the preceding articles as much as possible.

Article 11

Without prejudice to the relevant provisions of international law and, where applicable, of European Community law, the above provisions shall not affect the right of the Parties to take more stringent national measures.

Article 12

1. The Parties shall hold regular meetings on the implementation and application of this Agreement. They shall set the conditions for holding such meetings, taking into account the structures already in place.

2. In this context, they shall promote and encourage:

a) national and international research programmes for the scientific implementation of the provisions of this Agreement;

b) awareness-raising campaigns among operators and other sea users, as well as non-governmental organisations, with a focus on the prevention of collisions between ships and marine mammals and the reporting of dead or distressed marine mammals to the competent authorities.

Article 13

To ensure the application of the provisions of this Agreement, the Parties shall rely in particular on the services authorised to carry out surveillance at sea. In this context, they undertake to cooperate and exchange any necessary information. To this end, the Parties shall facilitate the mutual use of their air and sea ports following simplified procedures.

Article 14

1. Each State Party to this Agreement shall be responsible for ensuring the implementation of the provisions of this Agreement in the part of the Sanctuary located in the waters under its sovereignty or jurisdiction.

2. In the other parts of the Sanctuary, each State Party shall be responsible for ensuring the application of the provisions of this Agreement by the ships flying its flag as well as, within the limits of international law rules, by ships flying the flag of third States.

Article 15

Nothing in this Agreement shall prejudice the sovereign immunity of warships or other ships owned or operated by a State, insofar as they are used for non-commercial public services. However, each State Party shall ensure that its ships and aircraft enjoying sovereign immunity in accordance with international law act in a manner consistent with this Agreement.

Article 16

As soon as the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean enters into force, the Parties shall submit a joint proposal to register the Sanctuary on the list of Specially Protected Areas of Mediterranean Importance.

Article 17

1. The Parties shall encourage other States exercising activities in the area defined in Article 3 to take protection measures similar to those provided for in this Agreement, taking into account the Action Plan adopted within the UNEP/MAP framework for the Conservation of Cetaceans in the Mediterranean Sea, and the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area, or any other relevant treaties.

2. This Agreement shall be communicated to all competent international organizations at international or regional level and to the Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean.

Article 18

This Agreement is subject to ratification, acceptance or approval by the Signatory Parties.

Article 19

1. The instruments of ratification, acceptance or approval shall be deposited with the Government designated as Depositary of this Agreement.

2. This Agreement shall enter into force on the thirtieth day following the date of deposit of the instruments of ratification, acceptance or approval by the Signatory Parties.

Article 20

1. The Parties may invite any other interested State or international organisation to accede to this Agreement. Accession shall be open after the entry into force of the Agreement.

2. With reference to the acceding Parties, this Agreement shall enter into force on the thirtieth day following the date of deposit of the instruments of accession, acceptance or approval.

Article 21

1. Any party may request the convening of a conference to review the Agreement. Any revision shall require the approval of the Signatory Parties.

2. Any party may denounce the agreement. The denunciation shall take effect three months after its notification to the Depositary. Denunciation by an acceding Party shall not invalidate the Agreement for the other Parties.

Article 22

1. This Agreement, drawn up in the Italian and French languages, each version being equally authentic, shall be deposited in the archives of the Government of the Principality of Monaco.

2. This Agreement shall be registered by the Depositary in accordance with Article 102 of the Charter of the United Nations.

Signed in Rome, on 25 November 1999

by:

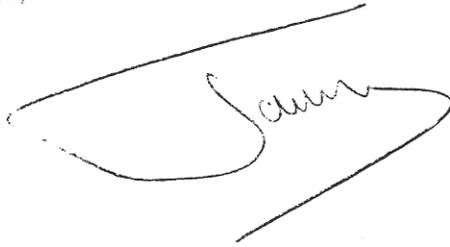
The Principality of Monaco (signature)

The French Republic (signature)

The Italian Republic (signature)

Fait à Rome, le vingt-cinq novembre mil neuf cent quatre-vingt-dix-neuf.

Pour la Principauté de Monaco,

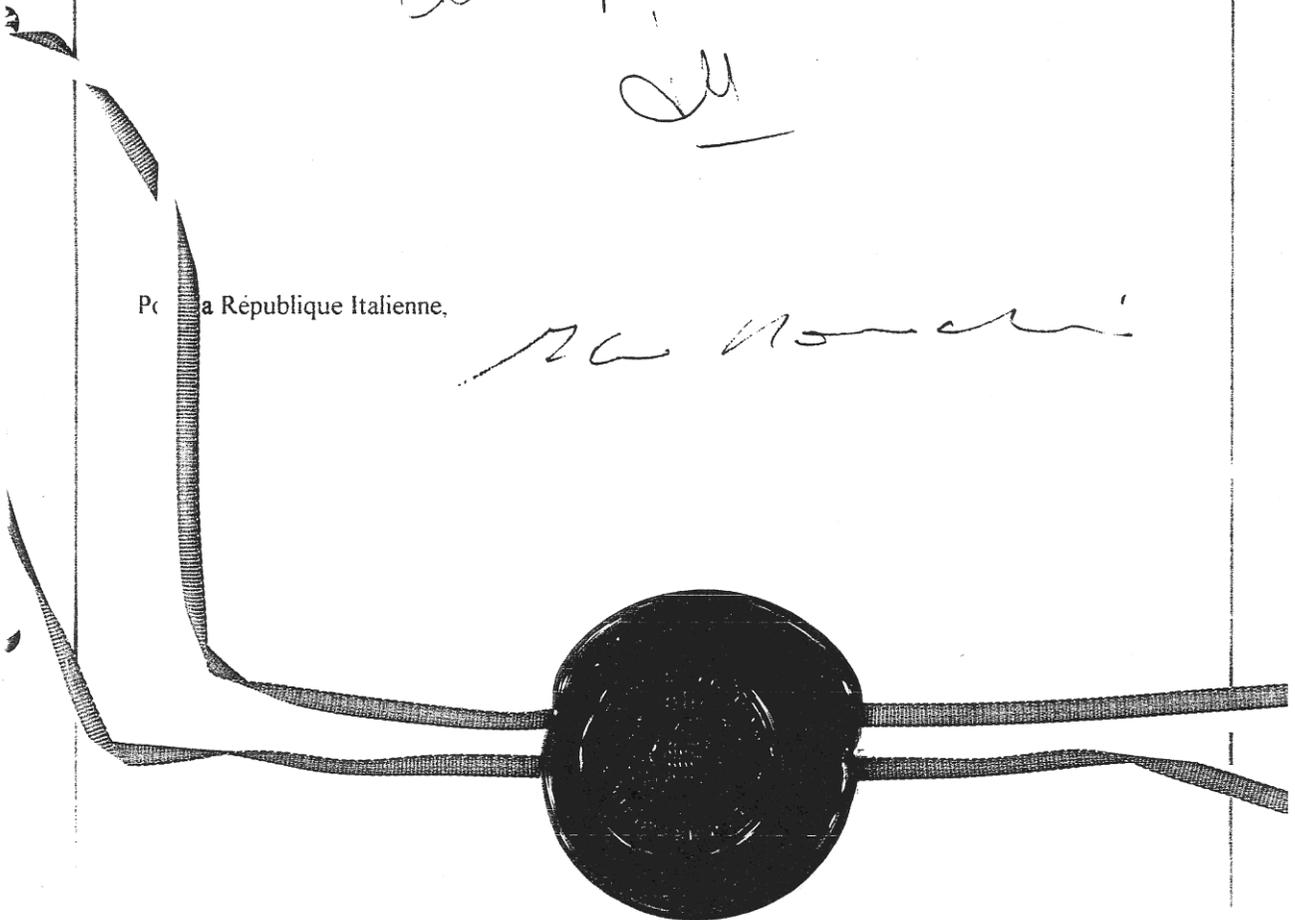
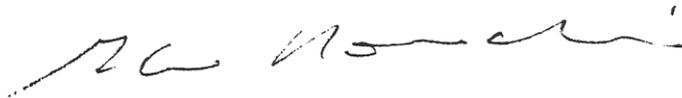


Pour la République Française,

Dominique Vaxel



Pour la République Italienne,



JOINT STATEMENT

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The representatives of the three Signatory Parties welcome the excellent outcome of a dossier on which they have been working for more than six years. Like all human endeavours, this agreement can obviously be improved; nonetheless, it is the first crucial step towards the real and effective protection of marine mammals in the western Mediterranean Sea.

Pending the ratification procedures, the Signatory Parties undertake as of now to facilitate the implementation of the Agreement by laying the foundations for the Sanctuary management.

The Signatory Parties will take mutual advantage of the work already undertaken, both at State level and in their local communities. In particular, the experience gained within the RAMOGE Agreement may positively contribute to the creation and management of the Sanctuary.

In addition to the rapid implementation of the commitments set out in the Agreement by the States competent authorities and local communities, and in full application of the precautionary principle, the Parties call for the performance of studies on certain aspects that could add to its substantive implementation. In particular, they should focus on the impact on marine mammals resulting from the use of seismic or acoustic detection and prospecting equipment and the exploitation of non-living natural resources. Finally, the problem of noise and fast speed boats, already mentioned in the Agreement, should be examined.