

Accord Pelagos  
relatif à la création en Méditerranée  
d'un Sanctuaire pour les mammifères marins

9<sup>ème</sup> Réunion ordinaire des Parties  
25 et 26 janvier 2024



Accordo Pelagos  
relativo alla creazione nel Mediterraneo  
di un Santuario per i mammiferi marini

IX Riunione ordinaria delle Parti  
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# **GUIDING PRINCIPLES ON THE METHODOLOGY OF THE PELAGOS AGREEMENT WORKING GROUPS**

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**NOTE:** *this document has been drafted by the coordinators' group, under the supervision of the Permanent Secretariat and in accordance with Appendix 1 of Resolution 8.4 on Working Groups. It provides background information on the Agreement's institutional setup and detailed guidance for coordinators and members of the working groups to facilitate their action, ensure the best professional environment and maximise their efficiency.*

## 1. What it is Pelagos?

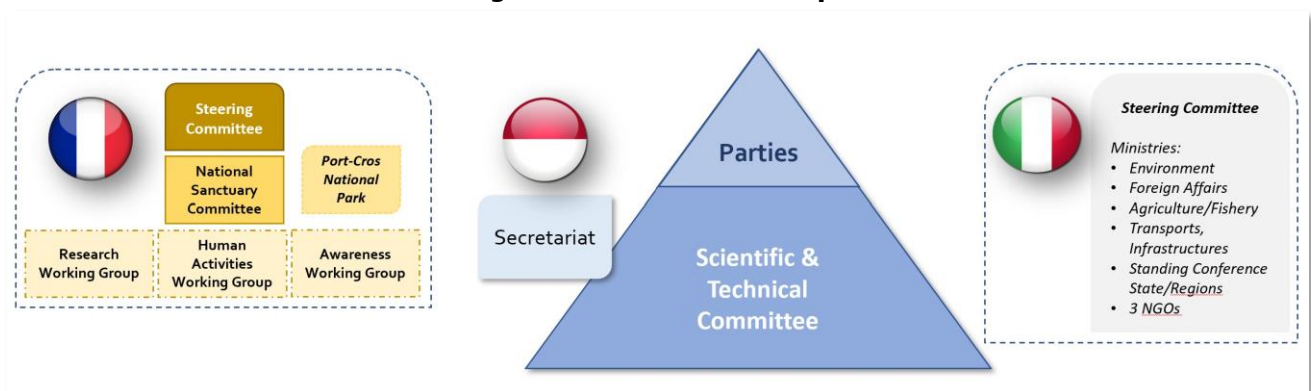
Pelagos is a trilateral Agreement (signed by France, Italy and Monaco in 1999) that entered into force in 2002 establishing an 87,000 square km protected area (Fig. 1) to protect marine mammals and their habitats in national and international waters.

The Agreement text states that, within the Sanctuary, Parties should aim to regulate all activities that could result in a "take"<sup>1</sup>. It also indicates that "to ensure a favourable conservation status of marine mammals [...] from direct or indirect negative impacts of human activities" Parties commit "to take the appropriate measures" in several fields. The Agreement specifies [quite cryptically] that the "conservation status is judged "favourable" when the knowledge of the populations indicates that the marine mammals of the region **constitute a vital element of the ecosystems to which they belong**".

**Figure 1: The Mediterranean Sanctuary for Marine mammals**



**Figure 2: Institutional setup**



<sup>1</sup>"Take" is defined as "the hunting, capture, killing or **harassment of marine mammals, as well as the attempt to perform such acts**".

The Agreement's structure shows an approach similar to that used in the context of the Maritime Spatial Planning and Integrated Coastal Zone Management. Parties **establish national frameworks to regulate** activities that might harm marine mammals within the Pelagos Sanctuary. In addition, Parties **cooperate at the international level on specific themes** (Fig. 2).

At the **national level**, Parties have agreed to:

- ⇒ intensify efforts to **eliminate all forms of pollution** (of either maritime or terrestrial origin), which have or are likely to have a direct or indirect impact on the conservation status of marine mammals, by adopting **national strategies** aimed at the progressive suppression of any release of toxic substances in the Sanctuary and giving priority to those listed in Annex I of the Barcelona Convention ([\*Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities\*](#));
- ⇒ **regulate "in situ" research**;
- ⇒ **comply with** international and European Union **fishery legislation**;
- ⇒ **regulate** the **observation of marine mammals** for economic purposes (*e.g.*, whale and dolphin watching);
- ⇒ **regulate** and possibly prohibit **powerboat racing** in the Sanctuary;
- ⇒ apply **conservation measures** in line with the relevant UNEP MAP Action Plans, ACCOBAMS and any other relevant treaty.

At the **international level**, Parties have agreed to cooperate to:

- ⇒ file a joint proposal on the Pelagos Sanctuary listing as **SPAMI** (done in 2001);
- ⇒ **harmonise national rules, conservation measures and legislation** on the Pelagos Sanctuary;
- ⇒ undertake **periodic assessments** on (a) the **status of marine mammal populations**, (b) the **causes of mortality** and (c) the **threats affecting their habitat** and, in particular, their vital functions, such as nutrition and reproduction;
- ⇒ **agree, if necessary**, on the adoption of **rules concerning the use of new fishing systems** that could 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.

## 2. Relevant international frameworks

The Pelagos Agreement ([French](#), [Italian](#)) anchors its foundations and mandate to the existing international legislative framework. In particular, the Agreement text refers to the legislative tools listed below.

- ⇒ [UNITED NATIONS CONVENTION ON THE LAW OF THE SEA](#) (*Agreement preamble and articles 14.2 and 15*): within the limits of UNCLOS, Parties need to ensure Pelagos conservation standards are met by vessels flying the flags of third Countries and that Pelagos Parties' ships and aircrafts, which enjoy sovereign immunity under international law, act in a manner compatible with the Agreement principles and rules.
- ⇒ The [CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD FAUNA](#) (Bonn convention) (*Agreement preamble*).
- ⇒ The [CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE AND NATURAL HABITATS](#) (Bern convention) (*Agreement preamble*).
- ⇒ The [INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING](#) (ICRW/IWC) (*Agreement preamble*).
  - The [AGREEMENT ON THE CONSERVATION OF CETACEANS OF THE BLACK SEA, MEDITERRANEAN SEA AND CONTIGUOUS ATLANTIC AREA](#) (ACCOBAMS) (*Agreement preamble and article 17.1: harmonization of conservation measures and networking*).
- ⇒ The [INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING](#) (ICRW/IWC) (*Agreement preamble*).
- ⇒ The [CONVENTION FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION](#) (BARCELONA CONVENTION) [AND ITS PROTOCOLS](#) (*Agreement preamble*):
  - [PROTOCOL FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION FROM LAND-BASED SOURCES AND ACTIVITIES](#) (*article 6.2: adoption of national strategies aimed at the suppression of discharges of toxic substances in the Sanctuary, with priority for those in Annex I*),
  - the [PROTOCOL CONCERNING SPECIALLY PROTECTED AREAS AND BIOLOGICAL DIVERSITY IN THE MEDITERRANEAN](#) (SPA/BD Protocol) (*article 16: Pelagos listed as SPAMI*), Action Plan for the Conservation of Cetaceans in the Mediterranean Sea of the UNEP/MAP (*article 17: harmonization of conservation measures and networking*).
- ⇒ The [INTERGOVERNMENTAL AGREEMENT ON COOPERATION BETWEEN FRANCE, ITALY AND MONACO FOR THE CONSERVATION OF THE MARINE ENVIRONMENT](#) (RAMOGE) (*Agreement declaration: capitalize on the experience acquired, both at the level of authorities and territorial communities in the RAMOGE area for the implementation and management of the Sanctuary*). Considering also that, following the sinking of the oil tanker \*Haven\* in 1991, the RAMOGE Agreement adopted an intervention plan in 1993 to combat accidental pollution: the RAMOGEPOL plan. Its purpose

is to strengthen cooperation in the event of severe pollution and to share available services, ships, and support aircraft among the three States. The area covered by the intervention plan – the "RAMOGEPOL Zone" – extends from the Rhone River delta to the Cape Anzio lighthouse and includes Sardinia and Corsica.

⇒ The technical measures for the conservation of fishing resources in the Mediterranean established by Regulation (EC) 1626/94, now replaced by [EU REGULATIONS 2019/1022](#) and [2019/1241](#) (*Agreement preamble and article 7.b and c: Parties must take into consideration the provisions of these Regulations, including the banning of large driftnets and assessing the impact of new fishing methods on marine mammals in terms of bycatch, resource competition and lost gear*).

Throughout its history, the Pelagos Agreement has developed its activities keeping in mind these links (Fig. 3) and has established more structured co-operations with key Conventions and Agreements (e.g., UNEP MAP SPA/RAC, ACCOBAMS and IWC).

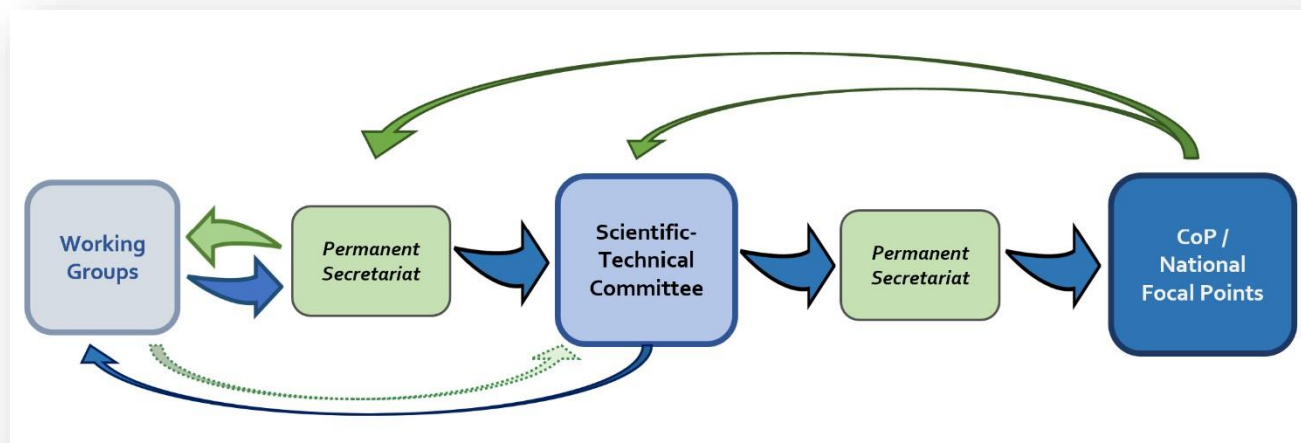
**Figure3: International legislative framework relevant to the Pelagos Agreement, based on the Agreement text**



### 3. Pelagos Working groups

In order to further the ability of Pelagos to fulfil its objectives, it has been decided to establish six working groups (WGs). The role of the WGs is **purely advisory, directly supporting the Permanent Secretariat** and thus supporting the Parties indirectly. However, in case of the submission of substantive and/or highly technical material to the STC, the relevant WG coordinators will be invited to attend the STC annual meeting to report back directly. Relationships are exemplified as communication flow in Fig. 4.

**Figure 4: Communication flow**



The work of the Working Groups may be further directed by the Conference of the Parties (CoP) or agreement among the three National Focal Points via three routes:

- ⇒ instructions in resolutions passed by the CoP addressed to the Permanent Secretariat and its Working Groups.
- ⇒ decisions taken during the MoP; and
- ⇒ requests addressed by the Scientific and Technical Committee to the Permanent Secretariat and its Working Groups.

#### 3.1 Code of Conduct and working methods

Given its institutional role, the Pelagos Permanent Secretariat is committed to enabling communication exchanges and events at which everyone can participate in an **inclusive, respectful, and safe environment**. This includes the work of the Pelagos Working Groups, which have been created (1) to cultivate a greater culture of **transparency** and **inclusiveness** within the Pelagos Agreement and (2) to **assist the Secretariat** in the implementation of specific activities of the six-year Agreement Action Plan. As such, the work of the WGs must be conducted following the highest professional and ethical standards. Both WGs coordinators and participants must ensure that communication exchanges (in



writing and oral) and meetings (in person and virtual) are **conducted** in an **efficient** and **respectful manner**.

WGs **coordinators** are acting as delegates of the Permanent Secretariat, and they **accept to follow** the **Permanent Secretariat guidance**.

The **Permanent Secretariat** has the power to **remove** WGs members and coordinators that do not follow this Code of Conduct.

### *3.1.1 Coordinators' conflict of interest*

To ensure **impartiality** and **transparency**, coordinators must avoid any **conflicts of interest** and circumstances that could be interpreted as creating a conflict of interest. In particular, they will:

- ⇒ avoid providing any **unjustified preferences** based on their **nationality** or **affiliation**;
- ⇒ abstain from exploiting their position as coordinators to **pursue personal gain**, acquire personal financial advantages, or receive other forms of payment;
- ⇒ abstain from participating in evaluations related to projects or activities in which they are involved;
- ⇒ **serve in their capacity** as Pelagos coordinators assisting the Permanent Secretariat rather than serving as experts of a Country, member of organisations or individually, with respect to any topic that is under consideration in the execution of their responsibilities and functions;
- ⇒ deal with possible problems that are brought to their attention in a consistent and fair manner;
- ⇒ avoid hindering the work of the Pelagos working groups or applying a biased, preferred, or prejudicial viewpoint; and
- ⇒ avoid undermining the confidence of Permanent Secretariat in the reliability of the work of the working groups.

Coordinators must disqualify themselves from serving in that capacity in situations in which they believe a conflict of interest may arise. In those cases, either the **co-coordinators** or the **Secretariat** will **temporarily** take their role.

### *3.1.2 Coordinators' duties during debates*

During debates (in meetings or in email exchanges), **coordinators** are expected to perform their responsibilities efficiently and **maintain control over the proceedings**. These responsibilities include the fair and reasonable prompt delivery of proceedings, by ensuring that meetings are conducted in an efficient and respectful manner. In meetings, they have the responsibility to accord the right to speak, maintain a list of speakers and limit the time to be allowed to speakers, as appropriate. They have the right to call a speaker to order if their statements are not relevant to the subject under discussion or sound offensive.



### 3.1.3 Code of conduct of Working Groups' members

Pelagos WGs are made of experts bringing in diverse expertise that are all greatly valued by the Pelagos Permanent Secretariat. All WGs members are also expected to behave with **integrity** and **respect towards all experts** and to follow the advice of the WG coordinators on conduct and procedures.

'**Harassment**' and '**bullying**' characterise any improper or unwelcome conduct that might reasonably be expected or be perceived to cause **offence** or **embarrassment** to another person. Therefore, **generic, unsolicited, derogatory** or **demeaning comments** on colleagues are all unacceptable.

Of course, **constructive scientific criticism** is fundamental to making progress in a professional environment. This **comprises objective statements**, backed up by a **clear rational**, focussing on **specific issues**, and where appropriate **suggesting better** approaches.

### 3.1.4 Confidentiality of Topics Discussed within the Working Groups

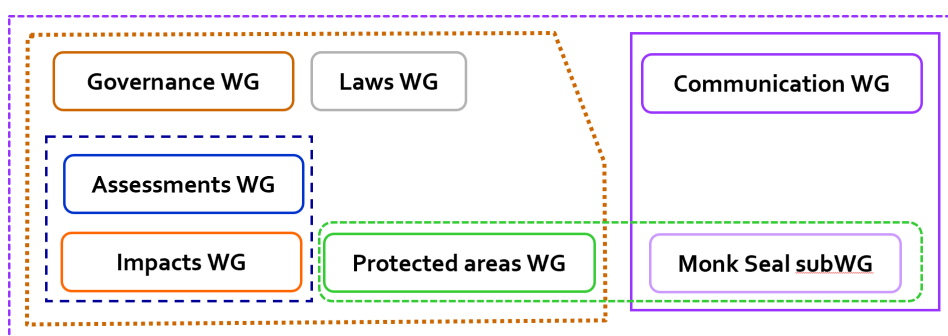
In accordance with the European Union's General Data Protection Regulation (GDPR), it is prohibited to forward to third parties any information (e.g., emails) containing personal data (e.g., email addresses, contact details, etc.).

Additionally, as part of Pelagos' policy, all members of the Working Groups are requested not to forward any information, materials, or content without prior written authorization from the Permanent Secretariat. While the Working Groups are open, this does not imply that all discussions are, especially when there is a risk of violating any international or national confidentiality laws.

## 3.2 Working Groups relationships

The **intersessional work 2024-2025** will be organised and carried out with the support of six Working Groups (WG). These will work as support groups of the Pelagos Secretariat, intersessionally and mostly via remote tools. Three of these WGs have a more technical-scientific vocation (*i.e.*: WG on Assessments, WG on Impacts and WG on Marine protected areas). The other three are more related to various Pelagos governance aspects and they will focus on supporting the outreach activities of the Permanent Secretariat (*i.e.*: WG on Communication and its sub-group on the Monk Seal) and on stimulating the Parties to carry out the implementation of the Management and Action plans (2022-2027) and adhere to their original commitments (*i.e.*: WGs on Governance and Laws). Given the agreed Terms of Reference at COP8 (2021), the interconnections among different working groups are shown in Figure 5.

**Figure 5: Interconnections among working groups**



### 3.3 Working Groups Terms of Reference (2024-2025)

The **Terms of Reference** of the Pelagos WGs (see boxes below) will be regularly refined to harmonise and coordinate with relevant ACCOBAMS, RAMOGE and Barcelona Convention WGs.

WORKING GROUP ON THE ASSESSMENT OF THE STATUS OF SPECIES AND THEIR ECOSYSTEM - TERMS of REFERENCE	
<p><i>Short name:</i>  <i>Justification:</i>  <i>Coordinator 2024-2025:</i>  <i>Composition:</i>  <i>Role:</i></p>	<p>Assessment WG                      Agreement articles 5 and 7                      Greg Donovan                      Open to experts in relevant fields (requires CV evaluation).                      The WG on the Assessments of Pelagos species and ecosystem, including the assessment of fish resources and the economic, social and cultural value of Pelagos will provide reports on:</p> <ol style="list-style-type: none"> <li>a) Initial/retrospective and periodic assessment of the status of populations and species (including estimating human-induced mortality).</li> <li>b) Initial/retrospective and periodic assessment of the ecosystem status.</li> <li>c) Contribution to the First Pelagos Quality Status Report (2027).</li> </ol> <p>The WG will support the Communication WG by providing new information and proof-reading to relevant Pelagos awareness-raising material and assisting in the identification of outreach initiatives. The group will set its agenda in coordination with the Impact WG and will consider priorities suggested by the Impact WG.</p>
<p><i>Objectives (up to 2027):</i></p>	<ul style="list-style-type: none"> <li>⇒ Create a repository of existing knowledge and datasets relevant for Pelagos (tabulated list of datasets and key technical papers/reports)</li> <li>⇒ Explore the possibility to carry out an assessment on Ziphius to complement the document produced by the Impact WG on this species.</li> <li>⇒ Support with the updating of Pelagos Institutional Website (2023).</li> </ul>

### WORKING GROUP ON IMPACTS (ASSESSMENT AND MITIGATION) - TERMS of REFERENCE

<p><i>Short name:</i></p> <p><i>Justification:</i></p> <p><i>Coordinator 2024-2025:</i></p> <p><i>Composition:</i></p> <p><i>Role:</i></p>	<p>Impacts WG</p> <p>Agreement articles 6 and 7</p> <p>Aurélie Moulins; Cristina Fossi; David Gamba &amp; Fulvio Garibaldi, Daniela Silvia Pace; Maxime Sebe</p> <p>Open to experts in relevant fields (requires CV evaluation).</p> <p>The Impacts WG will have the task of suggesting possible management measures to be implemented or encouraged within the Sanctuary to:</p> <ol style="list-style-type: none"> <li>a) boost the fight against pollution of all kinds (including noise, marine litter and pathogens from land origin).</li> <li>b) mitigate the human-induced mortality (in particular: detrimental interactions with fisheries and bycatch, collisions) and any other types of disturbance (e.g., in situ research, tourism, geo-seismic surveys and military exercises).</li> <li>c) Proposed actions and/or measures must be in line with decisions of the Barcelona Convention, ACCOBAMS, RAMOGE, the EU (e.g., MSFD, HD, fishery Regulations, etc.), IMO, GFCM, etc.).</li> </ol> <p>The group will set its agenda in coordination with the Assessment WG and will consider the recommendations and results generated by the Assessment WG.</p> <p>The WG will support the Communication WG by providing new information and proof-reading to relevant Pelagos awareness-raising material and assisting in the identification of outreach initiatives.</p>
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### WORKING GROUP ON GOVERNANCE - TERMS of REFERENCE

<p><i>Short name:</i></p> <p><i>Justification:</i></p> <p><i>Coordinator 2024-2025:</i></p> <p><i>Composition:</i></p> <p><i>Role:</i></p> <p><i>Objectives (up to 2027):</i></p>	<p>Governance WG</p> <p>Agreement articles 2 and 17.</p> <p>Executive Secretary (Costanza Favilli)</p> <p>On invitation only (National Focal Point, CST President, Delegates of the relevant IGOs, 3 experts).</p> <p>This WG will work on:</p> <ol style="list-style-type: none"> <li>a) The vision and coherence of the Agreement's activities with relevant policies and formal activities promoted under the Barcelona Convention, ACCOBAMS, EU, as appropriate, under other conventions listed in the Agreement (e.g., IWC, CMS, RAMOGE) or competent for the regulation of relevant pressures (e.g., IMO, GFCM, ICCAT, etc.). The WG will harmonize and integrate the activities of the Agreement with the above policies, guaranteeing their implementation and avoiding overlaps.</li> <li>b) Drafting, amending and updating the administrative procedures of the Accord, including working methods for improving the governance of the Accord. The WG may take its cue from procedures of other multilateral agreements to ensure efficiency, transparency and consistency in line with appropriate international standards; or any administrative, procedural and consistency questions that may arise from the work of the other WGs.</li> </ol> <p>The WG will support the Communication WG by providing new information and proof-reading to relevant Pelagos awareness-raising material and assisting in the identification of outreach initiatives.</p> <p>⇒ find solution to facilitate the participation of key stakeholders (e.g., missing representatives of Pelagos MPAs and SPAMIs; missing representatives of national working groups; missing key Pelagos experts, etc.) (<b>ASAP</b>).</p>
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### WORKING GROUP ON REGULATORY OPTIONS/LAWS - TERMS of REFERENCE

<p><i>Short name:</i> <i>Justification:</i> <i>Coordinator 2024-2025:</i> <i>Composition:</i> <i>Role:</i></p>	<p>Laws WG Articles 8, 9 and Statement attached to the Agreement. Elena Tagliani Open to experts in this field (requires CV evaluation). The Laws WG will evaluate possible regulatory options that can be adopted jointly by the three countries and in line with articles 8, 9 and the Declaration attached to the Agreement: in particular: a) Article 8: the Parties “<i>regulate the observation of marine mammals for tourism purposes</i>”. b) Article 9: the Parties “<i>agreed together with a view to regulating and possibly prohibiting powerboat racing in the Sanctuary</i>”. c) Declaration: The Parties undertake to consider the “<i>consequences on marine mammals, of the use of seismic surveys or active acoustic detection means and of the possible exploitation[hydrocarbon or mineral] dead resources</i>”. This WG will also explore legislative questions generated by the discussions in other WGs.</p>
<p><i>Objectives (up to 2027):</i></p>	<p>⇒ Support with the updating of Pelagos Institutional Website (<b>2023</b>). ⇒ Preparation of a dossier on prohibiting or regulating “<i>seismic surveys or active acoustic detection</i>” within the Sanctuary (<b>2024</b>).</p>

### WORKING GROUP ON COMMUNICATION AND TRAINING - TERMS of REFERENCE

<p><i>Short name:</i> <i>Justification:</i> <i>Coordinator 2024-2025:</i> <i>Composition:</i> <i>Role:</i></p>	<p>Communication WG - Assistant to Executive Secretary (Viola Cattani) &amp; Maddalena Jahoda. Open to experts in this field (requires CV evaluation). The WG on Communication and training will provide support to the Permanent Secretariat for the identification of suitable activities to achieve the objectives contained in the Action Plan. The group will also provide editorial support to the Permanent Secretariat.</p>
<p><i>Objectives (up to 2027):</i></p>	<p>⇒ Revamping of the Pelagos Institutional Website, including the update of contained information and addition of new material with the help of all relevant WGs.</p>

### SUB-GROUP ON MONK SEAL - TERMS of REFERENCE

<p><i>Short name:</i> <i>Justification:</i> <i>Coordinator 2024-2025:</i> <i>Composition:</i> <i>Role:</i></p>	<p>Monk Seal sWG Pelagos is the Sanctuary for marine mammals. Lobna Ben Nakhla Open to experts in this field (requires CV evaluation). The Monk Seal WG supports the Secretariat and the Scientific and Technical Committee in the development of activities related to the Monk Seal within the Sanctuary. In particular, it: a) Facilitates the coordination between France, Italy and the Principality of Monaco on Training and monitoring activities, including: (i) The identification of historical caves from bibliographic searches. (ii) Definition of methods for caves census and monitoring and related training. b) Contributes to the Pelagos outreach activities on the monk seal by: (i) Identifying the best approaches to raise awareness among the most “critical users” in areas with historic caves (e.g., artisanal fishers, boaters, divers) and for the whole Sanctuary, for example, focusing on MPAs visitors and staff, staff of city information centres, shipping companies, schools, citizen, etc. (ii) Identifying priority areas on which to focus dissemination efforts. (iii) Developing the content of the educational material and supporting the identification of the most appropriate photos and videos for Pelagos communication campaigns. (iv) Defining the necessary elements and steps to ensure an appropriate information flow on sightings to competent authorities (including data management, validation and storage).</p>
<p><i>Objectives (up to 2027):</i></p>	<p>⇒ Support with the updating of Pelagos Institutional Website (2023). ⇒ Produce Pelagos tailored guidelines on monk seal monitoring (MPAs staff training kit). ⇒ Develop communication material in cooperation with the Communication WG.</p>



The coordinators for the biennium 2024-2025 are listed in the relevant section of the tripartite website. After the first term the Permanent Secretariat, in consultation with the National Focal Points, can propose their renewal or identify alternatives. To ensure the widest participation of experts from the Agreement Area, the main coordinators cannot serve for more than three terms.

Besides the responsibilities outlined in section 3.1, coordinators of WGs oversee the organisation of the work of the expert group, ensuring the adherence to their **Terms of Reference** and the **Code of Conduct**. They **can propose the prioritisation of topics**, in consultation with the Secretariat and in line with the biennial workplan. Always in consultation with the Secretariat, a coordinator **may** decide to **nominate a co-coordinator**, particularly in the case of working groups focusing on multiple themes or to simply share the work burden (e.g., Communication WG, Assessments WG and Impacts WG).

The **Secretariat ensures** the **coherence** of the WGs agendas with the priorities of the **biennial Work Programme** and will **report progress** or necessary changes **to the Parties**.

Each coordinator may organise the work of the group, including the type and means to carry out meetings, in the manner deemed appropriate. In-person meetings, when requiring fundings, must be authorised by the Parties.

For any **official communication** with potential new members or Authorities, the coordinators always **rely on the Secretariat**. Similarly, WGs communicate directly with the Permanent Secretariat and, through the Secretariat, with the Scientific and Technical Committee - the advisory body of the Agreement.

**Substantive results** of the work carried out intersessionally by the various WGs will normally be presented by coordinators at the meetings of the STC, for their consideration. The STC may, as necessary, endorse these reports and/or results and forward them to the Parties via the usual means. Coordinators have access to a [private folder \("Pelagos WG Working Methods"\)](#) setup by the Permanent Secretariat where they can exchange materials and keep track of progress.

#### 4. Background material

- ✓ [Pelagos Management and Action Plan \(2022-2027\)](#)
- ✓ [ACCOBAMS, MedPAN and UNEP/MAP-RAC/SPA Cetacean Manual for MPA Managers](#)
- ✓ [UNEP MAP Action Plan for the conservation of cetaceans in the Mediterranean Sea](#)
- ✓ [UNEP MAP SPA/RAC Action Plan for the Conservation of Cetaceans in the Mediterranean Sea. UN Environment/MAP Athens, Greece 2017](#)
- ✓ [UNEP MAP SPA/RAC Action Plan for the Management of the Mediterranean Monk Seal \(\*Monachus monachus\*\)](#)