

Agreement on the Conservation of Seals in the Wadden Sea (1990)

The Parties,

RECOGNIZING that seals are an irreplaceable component of the Wadden Sea ecosystem and that they are of great importance as indicators of its condition;

AWARE that they constitute a separate population whose main range and the main migration routes are located in the Wadden Sea and which should, as a consequence, be managed as a single unit;

DEEPLY CONCERNED by the conservation status of that population, which as the result of mass deaths of seals has been reduced to the lowest level ever recorded;

WITH A VIEW to improving this conservation status through concerted action on the part of the States that exercise jurisdiction over the range of that population;

RECALLING the Convention on the Conservation of Migratory Species of Wild Animals signed at Bonn on 23 June 1979 and notably its Appendix II which was amended in 1985 to include the Wadden Sea population of the common or harbour seal;

RECALLING the Joint Declaration on the Protection of the Wadden Sea, adopted at the Third Governmental Meeting on the Protection of the Wadden Sea in Copenhagen on 9 December 1982;

RECALLING the Declarations adopted by the First International Conference on the Protection of the North Sea, Bremen, 1 November 1984, and the Second International Conference on the Protection of the North Sea, London, 25 November 1987;

RECALLING the trilateral Administrative Agreement on a Common Secretariat for the Cooperation on the Protection of the Wadden Sea of 23 October 1987;

HAVE AGREED as follows:

I. Relationship with the Convention

This Agreement shall be deemed to be an agreement as defined in Article IV paragraph 4 of the Convention on the Conservation of Migratory Species of Wild Animals signed at Bonn on 23 June 1979.

II. Definitions

For the purpose of this Agreement:

- a) "seal" means an animal of the species *Phoca vitulina*;
- b) the "Agreement Area" means the area of water known as the Wadden Sea, including all sandbanks therein as well as all shore areas of the North Sea coasts of Denmark, the Federal Republic of Germany and the Netherlands between Blaavandshuk to the north and Den Helder to the west. The main ranges and the main migration routes are located in the Wadden Sea;
- c) "seal population" means all seals which, at any time, are present in the Agreement Area;

- d) "habitat" means any part of the Agreement Area which is essential to the maintenance of the vital biological functions of seals, including but not limited to breeding, whelping, nursing, feeding or resting;
- e) "Convention" means the Convention on the Conservation of Migratory Species of Wild Animals signed at Bonn on 23 June 1979;
- f) the terms defined in Article I, sub-paragraphs 1 (a) to (d) and 1 (I) of the Convention shall have the same meaning in this Agreement.

III. Purpose and Object

The Parties shall cooperate closely with a view to achieving and maintaining a favourable conservation status for the seal population.

IV. Conservation and Management Plan

The Parties shall develop on the basis of scientific knowledge a conservation and management plan for the seal population. This plan shall contain a comprehensive statement of actions which are or are to be undertaken by the Parties to achieve the goals of this Agreement. The Parties shall keep the plan under review and amend it, as may be required, taking into consideration, in particular, the results of scientific research.

V. Research and Monitoring

1. The Parties shall co-ordinate their research programmes and projects and their monitoring of the seal population to increase their knowledge of the biology and the habitats including harmful effects of human activities on the seal population to provide a basis for measures to improve its conservation status.
2. They shall, in particular, monitor and co-ordinate their research on,
 - a) population trends e.g. through periodic aerial surveys and counts;
 - b) seal migration;
 - c) seal population parameters, e.g. diseases, survival, age structure, sex ratio.

VI. Taking

1. The Parties shall prohibit the taking of seals from the Wadden Sea.
 2. The competent authorities may grant exemptions from the prohibition referred to in the first paragraph authorizing persons to take seals:
 - for institutions to be designated performing scientific research into the conservation of the seal population in the Wadden Sea or the conservation of the Wadden Sea ecosystem, insofar as the information required for such research cannot be obtained in any other way; or
 - for institutions to be designated nursing seals in order to release them after recovery, insofar as these are diseased or weakened seals or evidently abandoned suckling seals.
- Seals which are clearly suffering and cannot survive may be killed by the persons referred to in this paragraph.

3. Any Party having granted exemptions as mentioned above shall notify the other Parties as soon as possible and provide them with an opportunity for review and comment.

4. The Parties shall take appropriate action to suppress illegal hunting and taking of seals.

VII. Habitats

1. The Parties shall take appropriate measures for the protection of habitats. They shall pay due regard to the necessity of creating and maintaining a network of protected areas also in the migration areas of the seals in the Agreement Area and of ensuring the preservation of areas which are essential to the maintenance of the vital biological functions of seals.

2. The Parties shall preserve habitats and seals present from undue disturbances or changes resulting, directly or indirectly, from human activities.

3. The Parties shall have regard to the protection of habitats from adverse effects resulting from activities carried out outside the Agreement Area.

4. The Parties shall explore the possibility of restoring degraded habitats and of creating new ones.

VIII. Pollution

The Wadden Sea States are determined to do their utmost to further reduce pollution of the North Sea from whatever source with the aim of conserving and protecting the Agreement Area.

To this end they shall:

- a) endeavour to identify the sources of such pollution;
- b) co-ordinate their research projects regarding seal diseases and the effects on the seal population of such substances, e. g. organochlorine compounds, heavy metals and oil, and agree on methods which permit a comparison of research results;
- c) monitor in the Agreement Area, in particular in seal tissues and in organisms which are preyed upon by seals, the levels of those substances which in the light of the results of research appear to play a major role in the conservation status of the seal population.

IX. Responsible Authorities

Each Party shall inform the other Parties of the authorities which shall be responsible for the implementation of this Agreement.

X. Public Awareness

The Parties shall take such measures as may be required to make the general public aware of the conservation status of the seal population, of the content and aims of this Agreement, and of the measures they have taken pursuant to this Agreement, including the Conservation and Management Plan, to improve this conservation status.

XI. Amendment of the Agreement

Any Party may propose amendments to this Agreement. Any such proposed amendment shall be submitted to the Depositary and communicated by it to all Parties, which shall inform the Depositary of their acceptance or rejection of the amendment as soon as possible after the receipt of the

communication. The amendment shall enter into force ninety days after the Depositary has received notifications of acceptance of that amendment from all Parties.

XII. Effects on International Conventions and other Legislation

1. The provisions of this Agreement shall in no way affect the rights or obligations of any Party deriving from any existing bilateral or multilateral convention.
2. The provisions of this Agreement shall in no way affect the right of Parties to adopt stricter domestic measures concerning the conservation of seals.

XIII. Settlement of Disputes

1. Any dispute which may arise between the Parties with respect to the interpretation or application of the provisions of this Agreement shall be subject to negotiation between the Parties involved in the dispute.
2. If the dispute cannot be resolved in accordance with paragraph 1 of this Article within six months, the procedure provided for in the European Convention for the peaceful settlement of disputes of 29 April 1957 shall be followed.

XIV. Reservation

The provisions of this Agreement shall not be subject to reservations.

XV. Ratification, Acceptance, Approval

This Agreement shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Federal Republic of Germany, which shall be the Depositary.

XVI. Entry into Force

This Agreement shall enter into force on the first day of the third month following the date of deposit of the third instrument of ratification, acceptance, approval or accession with the Depositary.

XVII. Denunciation

At any time, after the expiration of a period of five years from the date of entry into force of this Agreement, any Party may by written notice to the Depositary denounce this Agreement with effect from the end of a calendar year. This Agreement shall be terminated twelve months after the Depositary has received such notice.

XVIII. Depositary

1. The original of this Agreement, in the Danish, Dutch, English and German languages, each version being equally authentic, shall be deposited with the Depositary. The Depositary shall transmit certified copies of each of these versions to the States which have signed the Agreement and the Secretariat of the Convention.
2. The Depositary shall inform all signatory States and the Secretariat of the Convention of signatures, deposit of instruments of ratification, acceptance, approval or accession, entry into force of this Agreement, amendments thereto, and notices of denunciation.

3. As soon as this Agreement enters into force, a certified copy thereof shall be transmitted by the Depositary to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations, and to the Secretariat of the Convention.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Agreement.

DONE at Bonn on 16 October 1990

For the Government of the Kingdom of Denmark

For the Government of the Federal Republic of Germany

For the Government of the Kingdom of the Netherlands