

Agenda Item 7.2

Relations with other Bodies
Proposal to Extend the ACCOBAMS
Agreement Area

Document 7-05

Proposal to Extend the ACCOBAMS Agreement Area

Action Requested

- Take note of the proposals
- Consider their implications for ASCOBANS
- Provide guidance to the Secretariat on the desired response

Submitted by

Secretariat



NOTE:
IN THE INTERESTS OF ECONOMY, DELEGATES ARE KINDLY REMINDED TO BRING THEIR
OWN COPIES OF DOCUMENTS TO THE MEETING

Secretariat's Note

Attached are two proposals for an amendment to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS), seeking to extend the ACCOBAMS Area. These proposals have been submitted to the ACCOBAMS Secretariat by the Governments of Portugal and Spain.

Since the proposed extended ACCOBAMS Agreement Area overlaps significantly with the current ASCOBANS Agreement Area, the Secretariat is seeking the guidance of Parties on the appropriate response.

This document also contains the draft Amendment Resolution for ACCOBAMS, which is being put before the 4th Meeting of the Contracting Parties (9-12 November 2010) for adoption.

Assessments of the implications of such a geographic overlap, as produced for the ACCOBAMS Secretariat and the joint CMS/ASCOBANS Secretariat have been published as AC17/Doc.7-06 and 7-07, respectively.



Instituto da Conservação da Natureza e da Biodiversidade, I.P.

RECU 10 JUN 2010

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RESERVA NATURAL
DO ESTUÁRIO DO SADO

DATA S. COMUNICAÇÃO
| |

DATA
9th June 2010

Exmo(a). Sr.(a)
Mrs Marie-Christine Grillo-Compulsione
Executive Secretary ACCOBAMS
Les Terraces de Fontvielle
Jardins de l'UNESCO
MC-98000 MONACO

S. REFERÊNCIA

N. REFERÊNCIA

REFERÊNCIA INTERNA

ASSUNTO: PROPOSAL FOR A RESOLUTION AMENDING THE ACCOBAMS AGREEMENT: EXTENSION OF THE
ACCOBAMS GEOGRAPHICAL AREA

Dear Madam,

Article X of the current text of the "Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean and Contiguous Atlantic Waters" establishes that "proposals for amendments to the Agreement may be made by any Party. The text of any proposed amendment and the reasons for it shall be communicated to the Agreement Secretariat not less than one hundred and fifty days before the opening of the session".

Taking into account the above mentioned rule, please find enclosed the Portuguese proposal to amend the text of the Agreement, in order to extend the ACCOBAMS geographical area to the entire Portuguese Exclusive Economic Zone. This proposal has been drafted in close coordination with the Spanish Focal Point, and it will be presented jointly by Portugal and Spain.

Sincerely yours,

Marina Sequeira
(Portuguese ACCOBAMS Focal Point)

Rationale for an Extension to the ACCOBAMS Agreement Area

(Proposed by Portugal)

Since the ratification of the ACCOBAMS Agreement it has always been the intention of Portugal to extend the agreement's geographical scope to cover the entire Portuguese coastline. This will allow not only the inclusion of all cetacean populations present in Portuguese coastal waters into management and conservation plans agreed upon and adopted by the Parties, but also a better implementation of all the measures aimed at maintaining all cetaceans in a favourable conservation condition.

From both a geographical and bio-ecological perspective, Portugal is much closer to the Mediterranean and North Africa region than the Baltic and North seas. In fact, several studies suggest an increasing affinity between the Portuguese marine fauna and flora with the marine fauna and flora from both the Mediterranean and Northern Africa. As far as the intertidal communities are concerned, the available information for the Portuguese coast is sparse and fragmented. Nevertheless, the biogeographical importance of this coast is well known, and it is also recognised as a limit for the distribution of boreal-atlantic species, as well as for species found in temperate and warm waters (Fischer-Piette, 1975, 1958, 1963; Ardré, 1970; Saldanha, 1974). Recent studies dedicated to the biogeography of marine organisms in Europe (Van den Hoek, 1975, 1982) suggest a continuous replacement of species with northern distribution by others with more southern characteristics. The biogeographical importance of the Portuguese coastal zone was noticed by Cúmano in 1945 who distinguished three different regions based on the study of echinoderms, and latter by Saldanha (1974) through the observation of several Mediterranean species whose distribution limit at that time seemed to be located at the Arrábida coast, in central Portugal. Recent studies suggest that this boarder between faunas and floras from boreal-atlantic and southern areas may be moving north, thus increasing the affinities between the Portuguese marine fauna and flora with those from the Mediterranean Sea and Northern Africa.

This phenomenon is enhanced by the fact that the distribution limits of several species from temperate and warm waters can be detected along the coast (for example top-shells like *Siphonaria algesirae* and *Monodonta lineata*) as well as the southern limits of several boreal-atlantic species (for example algae species like *Ascophyllum nodosum*, *Himanthalia elongate* and *Fucus* spp., dog whelks and limpets like *Nucella lapillus* and *Patella vulgata* and barnacles, *Semibalanus balanoides*) (Boaventura, 2002).

In central Portugal (Buarcos and São Pedro de Moel regions) the predominance of the boreal-atlantic fauna has declined over the years and the presence of Mediterranean and Mauritanian species has been regularly noticed (limpets, *Siphonaria algesirae* and celtic-sea-slug, *Oncidiella celtica*), with *Siphonaria algesirae* extending further north than in 1940 when its presence was first described for the Portuguese coast (Santos, 1994).

A similar expansion of the geographical boundaries has also been observed for some fish species, at least since 1963, with species typically found on the southern continental shelf moving North along the coast (Quero, 1988). More recent studies indicate that this tendency is being maintained and can be observed, for example, with the European toadfish (*Halobatrachus didactylus*), a species usually found in warmer waters of the Mediterranean sea (from its most western region until the Bay of Cadiz) and in the eastern Atlantic from the Gulf of Guinea, extending to northern Portugal and occasionally in more northern latitudes (Gulf of Biscay) (Roux, 1981, 1986; Bauchot, 1987; Monod, 1973; Debelius, 1997; Costa, 2004).

Since 1970 several studies conducted on the Tagus estuary have shown an increase on the number of fish species characteristic of subtropical regions and a decrease of the more Nordic species. Examples of this shift are the regular presence of the Senegal seabream (*Diplodus belloti*), previously known only from the Morocco coast, as well as the increase on the population numbers of the European toadfish (*Halobatrachus didactylus*), the Meagre (*Argyrosomus regius*) and the Gilthead seabream (*Sparus aurata*), all with greater affinities with warm waters. Similarly, the decrease in the abundance of some cold-water species like the European flounder (*Platichthys flesus*) and the Fivebearded rockling (*Ciliata mustela*) supports the idea of a change in the fish fauna of the Portuguese coast, with a greater affinity towards the marine fauna and flora of the Mediterranean and Northern Africa (Cabral, *et al.*, 2001).

Although these changes have not produced a visible shift in the distribution and abundance of cetaceans along the Portuguese coast, the species that regularly occur in this area show distinct densities when compared to the most common species in the Baltic and North Seas. The most common cetacean in Portuguese waters, the common dolphin, *Delphinus delphis*, is a warm water species and its abundance is higher than in more northern regions. The same is valid for the striped dolphin, *Stenella coeruleoalba*, that regularly strands on the central and southern regions of the Portuguese coast, with less strandings been recorded for the northern zone, with lower water temperatures (Marques, 2005). Also the harbour porpoise, *Phocoena phocoena*, a species abundant in northern temperate and subarctic waters, is less abundant in the southern European Atlantic.

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2010-2462



MINISTERIO DE
MEDIO AMBIENTE,
Y MEDIO RURAL Y MARINO

SECRETARÍA GENERAL DEL MAR

DIRECCIÓN GENERAL DE SOSTENIBILIDAD
DE LA COSTA Y DEL MAR

O F I C I O

S/REF.

N/REF.

FECHA 9th June 2010

RECU 10 JUN 2010

DESTINATARIO: Ms. Marie-Christine Grillo-Compulsione
Executive Secretary ACCOBAMS
Les Terrasses de Fontvieille
Jardin de l'UNESCO
MC- 98000 MONACO

ASUNTO: Proposal for a MoP 2010 Resolution amending the ACCOBAMS Agreement
(extension of the ACCOBAMS Area)

Madrid, 9th June 2010

Dear Marie Christine,

Article X of the current text of the "Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Waters" establish that "proposals for amendments to the Agreement may be made by any Party. The text of any proposed amendment and the reasons for it shall be communicated to the Agreement Secretariat not less than one hundred and fifty days before the opening of the session".

Taking into account the above mentioned rules, please find enclosed the Spanish proposal to amend the text of the Agreement in order to extend the ACCOBAMS Area to whole Spanish peninsular jurisdictional waters. This proposal has been drafted in close coordination with the Portuguese Focal Point, and this proposal will be presented jointly by Spain and Portugal.

With my best regards.

THE SPANISH ACCOBAMS NATIONAL FOCAL POINT,



Fdo.: José L. Buceta

Head of the Division for the Protection of the Sea
and Prevention of Marine Pollution

DIRECCIÓN GENERAL DE SOSTENIBILIDAD DE LA COSTA Y DEL MAR	
DIVISIÓN PARA LA PROTECCIÓN DEL MAR Y PREVENCIÓN DE LA CONTAMINACIÓN MARINA	
Registro	Nº 01/38043
SALIDA	FECHA: 9-6-2010
REMITIDO A:	



4th Meeting of the Contracting Parties to ACCOBAMS
Monaco, 9-12 November 2010

Proposal of extension of ACCOBAMS geographical scope

(Proposal of Spain)

Proposal motivation

The Government of Spain has always been in favour of including all jurisdictional waters of Spain in one single Cetacean Conservation Agreement. In that way, coherent protection plans for these species (not only large but also small cetaceans) could be developed at a national and international level in accordance with the populations' distribution, biology and environmental condition.

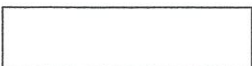
Cetacean populations that regularly inhabit the waters in front of Galicia and other Spanish Cantabrian regions are different in terms of species composition and density than the ones inhabiting more Northern seas (such as Baltic and North Sea). The former populations on the other hand are similar or the same than those inhabiting Portuguese coasts, as it is explained below.

21 cetacean species inhabit Galician coasts. That means that this region has the second highest rate of biodiversity after the Macaronesia region in the South of Europe. Among them there are resident, vagrant and rare species. All of them are susceptible to be found in the contiguous waters of Portugal and North Cantabrian region. The following species, which probably share the habitat that would cover ACCOBAMS, stand out among them:

- Fin whale (*Balaenoptera physalus*)
- Sperm whale (*Physeter macrocephalus*)
- Minke whale (*Balaenoptera acutorostrata*)
- Bottlenose dolphin (*Tursiops truncatus*)
- Short-beaked common dolphin (*Delphinus delphis*)
- Striped dolphin (*Stenella coeruleoalba*)
- Long-finned pilot whale (*Globicephala melas*)
- Cuvier's beaked whale (*Ziphius cavirostris*)
- Harbour porpoise (*Phocoena phocoena*)
- Killer whale (*Orcinus orca*)

The project "Bases para la conservación y gestión de las especies de cetáceos amenazadas en las aguas Atlánticas y Cantábricas" (Basis of conservation and Management of endangered cetacean species in Atlantic and Cantabrian Waters) carried out by "Coordinadora para o Estudio dos Mamíferos Mariños (CEMMA)", and financed by Fundación Biodiversidad, Ministry of Environment of Spain, 2006 and 2007, has become the first joint investigation effort in the North of the Iberian Peninsula to study the cetacean community present in this area.

This project checked the cetaceans' migratory movements among different points of the study area. Using the photo-identification, a technique currently used by many research teams all over the world, a joint database was created with the photographs obtained by every scientific research





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group of the North of the Iberian Peninsula. In this way photographs could be compared, in order to look for recaptures and finally prove the existence of these movements among different areas.

The main species studied was the Bottlenose dolphin (*Tursiops truncatus*). Apart from being the most frequent species seen in the coastal area, its group size and behaviour help to obtain good quality photographs. The technique used to know the population identity is the comparison of photo-identification catalogues of the different study areas. It helps to know if there are animals that have been seen in different areas, and thus indicates specimen movements among different geographic areas.

A compilation of photographs of this species taken in the area since 2000 were analysed and included in a database. Furthermore, some estimates of the degree of residence in specific areas were also made. The results show how some individuals are captured in the waters in front of the Basque Country and in waters of Galicia. This proves that there are movements among different areas in the North of the Iberian Peninsula that could cover a distance of up to 650 km.

The joint database gathers 468 individuals photo-identified by their dorsal fins (175 in Galicia, 256 in the Basque Country and 37 in Asturias). Taking into account the population size of Bottlenose dolphin estimated in this project (about 1850 individuals), the photo-identified individuals would represent 25.3% of the current population.

Although this analysis is limited because of the number of repetitions, it highlights that at least some Bottlenose dolphins use the coasts from Galicia to the East of Cantabrian Sea as their habitats. They cover long distances, although it could be possible that this movement were made by herds or complete groups.

Regarding the animals' degree of residence, the results suggest that Bottlenose dolphins of the Galician coast population are more residents than those inhabiting the Cantabrian coast. Perhaps this is due to a higher stability of food resources in the Galician rias.

This project, through the comparison of fins, has also helped to prove these individuals' movements among the different geographic areas considered. It has been checked that between 3 and 6 individuals have moved between the Basque Country and Galicia, which implies movements of up to 650 km.

With regard to some genetic analysis studies of Bottlenose dolphin, Short-beaked common dolphin (*Delphinus delphis*), Harbour porpoise (*Phocoena phocoena*), Long-finned pilot whale (*Globicephala melas*), and Killer whale (*Orcinus orca*), it is highlighted:

In relation to the short-beaked common dolphin in European waters, Natoli et al (2006) found a small but significant differentiation among the Scottish, Galician and Celtic Sea populations. The high number of haplotypes shared and the absence of geographic associations suggest a high genetic flow among these populations. Natoli et al (2008) found out that short-beaked common dolphins of Western Mediterranean and contiguous Atlantic waters only show a relevant difference in mitochondrial DNA data. This genetic information is only inherited by the maternal line and therefore only offers information about the movements of females. Amara et al (2007) did not find differences in the mitochondrial DNA among populations analysed in Scotland, Galicia and the South of Portugal, what supports the information given before by Natoli et al (2006). However, a few individuals in Galicia taking part of a small separate group were found. This might prove the existence of a diverging evolution lineage in this area. Finally Monteiro et al (under preparation) made a more detailed study with samples of Galicia and the North of Portugal, and did not find any



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population structure among them. This proves the existence of one single population of short-beaked common dolphin in the Northwest of the Iberian Peninsula, which is therefore connected with the populations of the Portuguese coast.

Regarding the Bottlenose dolphin, neither Natoli et al (2005) nor Quéroil et al (2007) found a population structure between populations of the South of Galicia and Portugal. Nevertheless a recent study (Fernández et al, under preparation) found that the population of Bottlenose dolphin of the South of Galicia is related to Bottlenose dolphins of Sado Estuary, South of Portugal. This difference might be due to the small size of the sample compared with the first mentioned study, or to the absence of individuals in the South of Portugal (Quéroil et al 2007). The individuals of these two areas would take part of two populations with a high genetic flow between them and isolated from the other populations analysed (North of Galicia, rest of Portugal, Basque Country, Canary Islands and Azores Islands).

As for the Harbour porpoise, Fontaine et al (2007) analysed samples all over Europe. As a result most of the range studied in the East Atlantic behaves as a “continuous” population, which expands from the French coast of Biscay Gulf to the Arctic waters of Norway and Iceland, with significant isolation distances. Anyway, strong barriers to the genetic flow in the Atlantic Southeast region have been detected, which almost isolate the Iberian and the Black Sea populations. The management of Harbour porpoise populations of the current geographic scope of ACCOBAMS (contiguous Atlantic area in Cadiz Gulf and the South of Portugal) cannot be considered without taking into account the rest of populations of the Peninsula.

As regards the Long-finned pilot whale, Verborgh P. et al (2010) analysed samples of the Atlantic waters (including Galicia and Portugal) and European Mediterranean waters. They found that there were no relevant differences among individuals of the Atlantic populations, except for the ones of the Basque Country. They seem to be a population significantly different from the others. No differences were found among the Mediterranean Sea individuals analysed. The population of the Strait of Gibraltar seems to have individuals from the other populations 3 populations, being the 30% from the Mediterranean Sea. Altogether 4 populations can be differentiated: the Atlantic, The Basque Country, the Strait of Gibraltar and the Mediterranean Sea populations. That shows therefore that there is a continuity of Long-finned pilot whales present in the Atlantic waters contiguous to the Mediterranean that must be managed together with those in the Atlantic area of Portugal and Galicia.

In relation to Killer whales, Foote et al, 2009, described the genetic differentiation of Killer whales in the North Atlantic. In this sense, Foote et al propose that there would be 3 Killer whale populations in the North Atlantic. The populations included in the current ACCOBAMS area could be genetically related to those observed in the South of Portugal. However some of the groups of Killer whales described in the Strait of Gibraltar would be genetically related to Cantabrian and North Atlantic populations (Esteban 2009).

On the other hand the monitoring of Fin whale (*Balaenoptera physalus*) in Alboran Sea (Castellote, 2009) has recently given a basis to interpret more precisely the population structure of this species in the Mediterranean Sea: the distribution area of the Mediterranean subpopulation in the West basin is smaller than thought, and it shares its ecological niche with the North-East Atlantic population. Therefore both subpopulations inhabit at least in Alboran Sea.



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**MINISTERIO DE MEDIO AMBIENTE,
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Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area, concluded under the auspices of the Convention on the Conservation of Migratory Species of Wild Animals (CMS)

Accord sur la Conservation des Cétacés de la Mer Noire, de la Méditerranée et de la zone Atlantique adjacente, conclu sous l'égide de la Convention sur la Conservation des Espèces Migratrices appartenant à la Faune Sauvage (CMS)



Fourth Meeting of the Contracting Parties

Monaco, 9th -12th November 2010

02/08/2010

English

Original: English

ACCOBAMS-MOP4/2010/Res A/4.1

DRAFT RESOLUTION A/4.1

PROPOSAL FOR AMENDMENTS: EXTENSION OF THE ACCOBAMS GEOGRAPHICAL SCOPE

Parties will be invited to:

- review the proposal for Amendments,
- adopt the Resolution.

Delegates are kindly invited to bring their own documents to the Meeting. This document will be available only in electronic format during the Meeting.

DRAFT RESOLUTION A/4.1

PROPOSAL FOR AMENDMENTS: EXTENSION OF THE ACCOBAMS GEOGRAPHICAL SCOPE
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Proposed by Portugal and Spain

The Meeting of the Parties to the Agreement on the Conservation of the Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area (ACCOBAMS):

Noting that cetacean populations present in the North of Portugal, Galician and Cantabric Seas are connected, as shown by the most recent scientific studies,

Noting that the European Directive 2008/56/EC, establishing a framework for Community action in the field of marine environmental policy (Marine Strategy Framework Directive), and the OSPAR Convention for the protection of the marine environment of the North-East Atlantic, create the sub-region “Bay of Biscay and the Iberian Coast” in order to implement their obligations,

Noting that the scopes of the ACCOBAMS Agreement and of the Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS) are slightly different, with the former including all cetacean species, and the latter focusing only on small cetaceans,

Recognizing that the implementation of the above mentioned international Instruments together with the ACCOBAMS Agreement, would be coherent,

Recognizing that the implementation of conservation and management measures for all cetacean populations along marine waters covered by the sovereignty or jurisdiction of both Portugal and Spain would benefit from the inclusion of all species and populations within one single Agreement,

1. *Replaces* the name of the Agreement with: “Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Atlantic Waters”;
2. *Replaces* the Article 1.a) with:

“1. a) The geographic scope of this Agreement, hereinafter referred to as the "Agreement area", is constituted by all the maritime waters of the Black Sea and the Mediterranean and their gulfs and seas, and the internal waters connected to or interconnecting these maritime waters, and of the Atlantic waters west of the Straits of Gibraltar. For the purpose of this Agreement:

 - the Black Sea is bounded to the southwest by the line joining Capes Kelaga and Dalyan (Turkey);
 - the Mediterranean Sea is bounded to the east by the southern limits of the Straits of the Dardanelles between the lighthouses of Mehmetcik and Kumkale (Turkey) and to the west by the meridian passing through Cape Spartel lighthouse, at the entrance to the Strait of Gibraltar; and
 - the Atlantic waters west of the Strait of Gibraltar in bounded to the south-east by latitude 35° N, where this line of latitude meets the meridian joining the lighthouses of Cape Spartel (Morocco) and Cape St. Vincent (Portugal); to the south-west by latitude 35° N and the border of marine waters covered by the sovereignty or jurisdiction of Portugal; and to the north by this border and the border between Portugal and Spain, continuing to the north by the border of marine waters covered by the sovereignty or jurisdiction of Spain until the border between Spain and France”;
3. *Replaces* the Article I, paragraph 3.j) with:

““Subregion”, depending on the particular context, means either the region comprising the coastal States of Black Sea or the region comprising the coastal States of the Mediterranean Sea and

Atlantic waters; any reference in the Agreement to the States of a particular subregion shall be taken to mean the States which have any part of their territorial waters within that subregion, and States, flag vessels of which are engaged in activities which may affect the conservation of cetaceans in that subregion;”

4. *Replaces* the Article XIV (entry into force), paragraph 1, with:
 “This Agreement shall enter into force on the first day of the third month following the date on which at least seven coastal States of the Agreement area or regional economic integration organizations, comprising at least two from the subregion of the Black Sea and at least five from the subregion of the Mediterranean Sea and Atlantic waters, have signed without reservation in respect of ratification, acceptance or approval, or have deposited their instruments of ratification, acceptance or approval in accordance with Article XIII of this Agreement”;
5. *Replaces* the headline of the second part of the Annex 1 with:
 “Indicative List of cetaceans of the Mediterranean Sea and Atlantic waters to which this Agreement applies”;
6. *Replaces* the paragraph 3 of the Annex 2 (Conservation Plan) with:
 “3. Habitat protection.
 Parties shall endeavour to establish and manage specially protected areas for cetaceans corresponding to the areas which serve as habitats of cetaceans and/or which provide important food resources for them. Such specially protected areas should be established within the framework of the Regional Seas Conventions (OSPAR, Barcelona and Bucharest Conventions), or within the framework of other appropriate instruments”.