

Agenda Item 5.2

Implementation of the Triennium Work Plan
(2010-2012)
Coverage of Western Baltic, Inner Danish
Waters and Kattegat Area in Harbour
Porpoise Action Plans

Document 5-07

**Explanatory Note on
Recommendation No. 23 adopted by
the 6th Meeting of the Jastarnia Group**

Action Requested

- Take note of the recommendation
- Debate the options
- Decide on the coverage of the “gap area”

Submitted by

Secretariat
(on behalf of the chair of the Jastarnia Group)



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

Secretariat's Note

The 6th Meeting of the Jastarnia Group (Hel, Poland, 23-24 February 2010) requested its Chair to draft an explanatory note on Recommendation 23, as contained in AC17/Doc.4-01 and the full report of the meeting (AC17/Doc.4-01 Addendum rev.1). The Secretariat is circulating this paper on behalf of the chair of the Jastarnia Group.

**Explanatory Note on Recommendation No. 23
adopted by the 6th Meeting of the Jastarnia Group
(Hel, Poland, 23 to 24 February 2010)**

1. Background

While the original Jastarnia Plan of 2002 does not contain any indication as to its exact geographical scope, it is generally assumed that the Plan follows the definition used by the ASCOBANS Baltic Discussion Group, according to which the Baltic comprises “the waters in ICES Division III d east of the Darss-Limhamn ridge.”¹

Since this definition excludes stretches of the western Baltic, the Danish Straits and the Kattegat, it has long been controversial and has repeatedly been on the agenda of the Jastarnia Group (JG), the Advisory Committee (AC) and the Meeting of the Parties (MOP). At its second Meeting (Stralsund, Germany, February 2006), the JG recommended defining the area covered by the Jastarnia Plan as coinciding with the HELCOM area².

The 13th Meeting of the Advisory Committee (Tampere, Finland, April 2006) picked up this recommendation, deciding that the area of application of the Plan should include the Belt Seas and the Kattegat up to a line running east from Skagen to Gothenburg, and that wording to this effect should be included in a draft resolution on the revision of the Jastarnia Plan to be submitted to the 5th Meeting of the Parties (MOP 5)³. The relevant resolution adopted by MOP 5 (Resolution 9, Implementation of the Jastarnia Plan), however, contains no wording to this effect and, in fact, does not address the issue of the Plan’s geographical scope at all. Nor was this question resolved in connection with the periodic review of the Jastarnia Plan undertaken from 2007 to 2009. The revised Jastarnia Plan adopted by MOP 6 (Bonn, Germany September 2009) therefore also does not define the area covered by the Plan.

On the other hand, the ASCOBANS Conservation Plan for Harbour Porpoises in the North Sea, adopted by the same meeting, contains an (implicit) definition of its geographical scope as it references the definition of the North Sea used by the 5th International Conference on the Protection of the North Sea (Bergen, Norway, 2002).⁴ According to this definition, the North Sea “comprises the body of water...northwards of latitude 57° 44.8’ North from the northernmost point of Denmark to the coast of Sweden.”⁵

Consequently, the area comprising the Kattegat, Danish Straits and Baltic west of the Darss-Limhamn line is currently not covered by either of the plans. This point was raised at MOP 6 but the meeting did not resolve the matter. Accordingly, the Triennial Work Plan for the Advisory Committee/Secretariat annexed to MOP 6 Resolution No. 3 requests AC 17 to “Incorporate the implications arising from the conclusions of the ASCOBANS/HELCOM Small Cetacean Population Structure Workshops in the development of the Jastarnia and North Sea harbour porpoise action plans and potentially other actions (to be elaborated by the Advisory Committee), taking particular note of the fact that the western Baltic, Inner Danish Waters and Kattegat areas are at present not covered by either plan”.

In preparation for AC 17, the 6th Meeting of the Jastarnia Group (Hel, Poland, 23-24 February 2010) therefore discussed the question of how best to cover the gap and formulated the following recommendation to AC 17:

¹ Report on the Meeting of the ASCOBANS Baltic Discussion Group Charlottenlund, Denmark 24 - 26 January 2001, p. 2, Fn. 1

² Cf. Report of the 2nd Meeting of the Jastarnia Group, item 4 (pp. 12 -13) and Recommendation 1 (p. 15),

³ Report of the 13th Meeting of the Advisory Committee, item 4.1.2., p. 4

⁴ ASCOBANS Conservation Plan for Harbour Porpoises (*Phocoena phocoena* L.) in the North Sea, legend to Figure 1

⁵ Cf. Progress Report to the Fifth International Conference on the Protection of the North Sea, 20-21 March, Bergen, Norway, p. 18

“Taking note of recent studies indicating that there is no clear-cut separation between the eastern and western populations of Baltic harbour porpoises, the Jastarnia Group recommends that the present Jastarnia Plan be extended to cover the Baltic as defined by HELCOM, without prejudice to the provisions of the Plan with respect to harbour porpoises in the area east of the Darss-Limhamn Ridge.”

2. Rationale

All members of the Jastarnia Group agree that the problem needs to be addressed and the gap should be closed as soon as possible. Three possible approaches were discussed at JG 6:

- Southward extension of the North Sea Plan;
- Development of a third plan specifically for the gap area;
- North-westward extension of the Jastarnia Plan.

The Group acknowledges the potential problems inherent in each of the three options but ultimately considers the extension of the Jastarnia Plan to be the most viable solution.

The first option is not considered suitable since, contrary to the Jastarnia Plan, the recently adopted North Sea Plan contains a definition of the Plan's geographical scope which clearly excludes the Kattegat and waters further south, and a revision of the North Sea plan would therefore be required to accommodate coverage of the area concerned. Some members of the Group also feel that genetical data available do not support linking the area concerned to the North Sea Plan.

The option of developing a separate plan for the gap area was also discarded for a number of reasons. While such a plan could be tailored specifically to the needs of harbour porpoises in the limited area concerned and might also be relatively manageable as it would only involve three Parties, it would, on the other hand, require considerable time and effort to develop and therefore delay the actual implementation of conservation measures for the gap area. Moreover, this option would likely cause substantial costs and additional administrative and institutional burdens for the Parties.

Consequently, the Group favours the north-westward extension of the Jastarnia Plan, as it feels that this would circumvent the above-mentioned problems and have certain other advantages. One notable advantage of this option would be the alignment of the area covered by the Jastarnia Plan with the HELCOM area. This would enhance the ability of the two organizations to leverage synergies in achieving their common goal (expressly laid down in both the Jastarnia Plan and the HELCOM Baltic Sea Action Plan) of reducing bycatch to close to zero.

The Group is fully aware of the problems associated with this approach. It realizes that an extension of the Jastarnia Plan is likely to meet with political resistance, as it has in the past. It is cognizant of the differences in conservation status between porpoises in the gap area and the Baltic proper and acknowledges the problem of adapting a single plan to the varying circumstances, as well as the associated problem of enlisting stakeholder support for a conservation plan aimed at a species that does not at present appear to be threatened in the area concerned. Nevertheless, the Group feels that the advantages of this option outweigh its disadvantages and it is confident that the problems can be solved. To this end, rather than advocating an inappropriate “one size fits all” solution, the Group suggests that the Plan should and, indeed, can be applied flexibly to take account of the different levels of threat. In practical terms, this means that Parties should continue to undertake efforts to comprehensively implement the Plan's recommendations with respect to the current area of application (i.e. the area to the east of the Darss-Limhamn ridge), and also take appropriate measures geared to the situation of porpoises in the extension area. The latter may deviate to some extent from the measures currently described in the plan. The JG suggests the establishment of a working group to take this process forward.