

## FRANCE VOLUNTARY REPORT TO THE CONSERVATION COMMITTEE FOR THE YEAR 2011

### 1. General legal aspects

All cetaceans are protected by national regulations. A new decree was issued in July 2011 insuring better protection of all marine mammals occurring in the French territories. Under this decree, it is prohibited to harass, catch or kill, voluntarily disturb, any individual of all cetacean species across the French territory and in waters under its EEZ and Ecological Protection Zone (EPZ). Under this decree, the habitat destruction or degradation are also prohibited. In addition to this, the same decree also stipulates that transport and trade of any cetacean, dead or alive, or of products processed from cetaceans are similarly forbidden.

Besides this species-oriented conservation strategy, a site-oriented conservation strategy is now facilitated by the adoption, in April 2006, of the law relative to the establishment of Marine Natural Parks and the creation of the Agency for Marine Protected Areas whose aims are: to support public policies in the field of marine protected areas, both concerning their creation and their management, to manage the human and financial resources dedicated to Marine Natural Parks, to give technical and administrative support to managers of marine protected areas. Among the network of MPA, four Marine Natural Parks have been created: *Parc Naturel Marin de la Mer d'Iroise*, located off the west coast of Brittany, *Parc Naturel du Golfe du Lion* located in Mediterranean Sea, a coastal area of 100 km spreading on 4000 km<sup>2</sup>, *Parc Naturel Marin de Mayotte* in the Indian Ocean (which spreads over 70,000 km<sup>2</sup> of EEZ around Mayotte and encompasses both lagoon, peri-isular slope and oceanic habitats), *Parc Naturel des Glorieuses*, adjacent to Mayotte, which spreads over 40 000 km<sup>2</sup> around Glorieuses Islands in Mozambique Channel, these two contiguous marine natural parks spreading over 110 000 km<sup>2</sup> in the Indian Ocean.

As a member of the European Union, France endorses European regulations on cetacean conservation. Three principal legal frameworks are particularly relevant, the habitat Directive, the Common Fishery Policy and the Marine Strategy Framework Directive..

1-Habitat Directive and the Common Fishery Policy. Under the Habitat Directive, all species of cetaceans are listed in appendix IV relative to protected species and two coastal-dwelling species, the harbour porpoise, *Phocoena phocoena*, and the bottlenose dolphin, *Tursiops truncatus*, are listed in appendix II which implies the designation of sites, called Natura 2000 sites, for their protection. At present, the Natura 2000 network covers 40 000 km<sup>2</sup> at sea (the harbour porpoise, *Phocoena phocoena* is present in 36 sites, the common bottlenose dolphin *Tursiops truncatus* in 61, among other cetaceans).

2-Under the Common Fishery Policy, regulation EC/812 of April 26th, 2004, determine how to assess, monitor and mitigate small cetacean by-catch in commercial fisheries. Since 2005, a yearly report is produced and some mitigation strategies are being tested

3-The newly implemented EU marine strategy Framework Directive was adopted by the European Union in June 2008 and will provide the main context in which the French policy for monitoring and protecting cetaceans among others will develop in the future. In particular, marine strategies to be developed by each Member State must contain a detailed assessment of the state of the environment, a definition of "good environmental status" at regional level and the establishment of clear environmental targets and monitoring programs, including of cetacean populations. In this context, marine mammal issues are dealt with mainly under descriptor 1 (biodiversity), and also under descriptors 4 (food web), 10 (marine debris) and 11 (energy and noise) for specific issues.

### 2. Specific programmes of cetacean conservation

#### 2.1 Conservation oriented research

The French Government contributes funding and scientific or logistic partnership to a number of recent research projects, either, European, national or local, whose objectives are relevant to cetacean conservation.

At national levels several actions can be identified:

-**The national stranding scheme** provides yearly synthesis on beached cetaceans allowing baseline data to be collected about species diversity in the area, causes of death, pathologies, population demographic structure, ecological parameters and levels of contaminants.

-Within the scope of our EC commitments regarding the Natura 2000 network at sea, the Ministry of Ecology has delegated the operational implementation of a **knowledge acquisition program on seabirds and marine mammals(PACOMM)** to the Agency for marine protected areas. The objective is to evaluate the initial state of seabird and cetacean populations and assess their conservation status in Natura 2000 sites and within the perimeters, either defined or under examination, of natural marine parks. The aim is also to designate new Natura 2000 sites that would supplement the Natura 2000 network offshore. -From 2008 onwards, **an inventory of cetaceans and other top pelagic predators was initiated throughout the French EEZ in overseas territories** in order to support the national policy for the establishment of future marine protected areas. This inventory will sequentially cover EEZ areas in the Atlantic, the Indian Ocean, Micronesia and Polynesia by using a standard methodology. Surveys around French overseas territories(known as REMMOA surveys) in the Caribbean and off Guiana were carried out in 2008. From December 2009 to April 2010, the southwest Indian Ocean survey was conducted regionally under the framework provided by the Indian Ocean Commission (IOC), a regional agreement that include Comoros, France-Réunion Island, Madagascar, Mauritius and the Seychelles. The EEZ of French Polynesia has been surveyed in the austral summer 2010-11 and a similar effort is planned to be deployed in the southwest Pacific around New-Caledonia and Wallis and Futuna in a spirit of regional collaboration. Results will be shared with SPREP. In addition, regional scientific cruises were organised in March -April under the Agoa Sanctuary scientific programme within the French Antilles EEZs, the EEZs of the Dutch Caribbean Islands and the EEZ of the British Overseas Territory of Anguilla, in close collaboration with the Regional Activity Center of the Cartagena Convention protocol on Specially Protected Areas and Wildlife(SPAW/ RAC). New scientific cruises will be organized in September-October 2012.

-**Several regional projects** are aimed at determining cetacean biodiversity, as well as habitat and resource use by cetaceans in many focal areas (Brittany, Mediterranean, New Caledonia, Mayotte, Martinique and Guadeloupe, Southern Ocean). Among those, the research projects carried out in Brittany on resident bottlenose dolphins, in the Mediterranean Sea, on fin whales and various delphinids, in New Caledonia on humpback whales, and around Mayotte on humpback whales and delphinids are explicitly related to conservation areas already established (the *Pelagos* marine mammal sanctuary in the Mediterranean; the whale sanctuary around New Caledonia, and the Marine Nature Parks of Brittany and of Mayotte).

-**France is also associated to the Australian initiative, Southern Ocean Research Partnership (SORP)**, in various ways. France held a SORP Steering Committee workshop in Paris from March 29 to April 1, 2011, contribute to the coordination of the blue and fin whale passive acoustic project and of the killer whale project. On another hand passive acoustic data set of the OHASIS-Bio survey, conducted in the SW Indian Ocean, have been made available to the SORP acoustic project. In parallel to this involvement, several national research actions are relevant to the SORP initiative. All cetaceans are surveyed in the summer along the routes of the supply vessel *Marion-Dufresnes* between Reunion Island and the French research stations of the Southern Indian Ocean: Crozet, Kerguelen and Amsterdam. Killer whales and sperm whales were surveyed year round off Crozet and Kerguelen Islands. Killer whales were surveyed from the coast of Possession Island (Crozet Islands). For the third consecutive year, cetacean observers operated on board the research and supply vessel *Astrolabe*. Large whales and other cetaceans were surveyed by using a systematic protocol on the way from Hobart, Tasmania, to Dumont D'Urville, Adélie Land, and back as well as during the oceanographic cruises that are conducted yearly off Adélie Land, Antarctica (project CETA).OHASIS-Bio is a long term acoustic survey dedicated to blue and fin whale monitoring that uses nine autonomous hydrophones located between 26-46°S and 53-83°E from December 2009.

## 2.2 Conservation actions

Cetacean conservation actions are mostly oriented toward a zonal protection with the aim of improving knowledge, public awareness and reducing humane activities having a potential impact on cetaceans.

### Marine Natural Parks

The 2006 law on Marine Natural Parks allows the designation of several marine protected areas selected *inter alia* for their specific abundance and diversity of cetaceans. The *Iroise* Marine Natural Park located at the western end of Brittany, northwest France, is home to two resident groups of bottlenose dolphin, *Tursiops truncatus*, as well as harbor porpoises, *Phocoena phocoena*. The MNP of Golfe du Lion off the French Western Mediterranean coast host several species of dolphin, sperm whales and fin whales.

In respectively 2010 and 2011, the Marine Nature Park of Mayotte and the Marine Nature Park of Glorieuses were created, north of the Mozambique Channel. This region is an important breeding ground for the humpback whale (stock C) and in general is an important hotspot of cetacean diversity. The first aim of those newly created MPAs will be to establish their management plan, in which it would have to consider *inter alia* the protection of breeding humpback whales, *Megaptera novaeangliae*, and of a diverse community of tropical delphinids and other toothed whales.

Other MPAs will be defined later on, both in metropolitan France and its over-seas territories. The authorities of New Caledonia and French Polynesia have already declared their EEZ whale sanctuaries, in order to reinforce strategies of cetacean conservation and conservation-oriented research in these areas of remarkable diversity. All cetacean species are protected and whale-watching activities are regulated in French Polynesia and New Caledonia. These sanctuaries are contiguous with several other national whale sanctuaries in the southern Pacific Ocean, thus creating a vast region where collaboration in cetacean conservation and research will be facilitated. In 2006, France, along with several other Pacific countries, has signed the Memorandum of Understanding for the conservation of cetaceans and their habitats in the Pacific islands region, under the CMS.

#### **Agoa sanctuary**

A marine mammal sanctuary has been officially created in 2010 in the Caribbean region around the *Overseas Countries* of Martinique and Guadeloupe, Saint Barthelemy and Saint Martin named *Agoa*. The design of the management plan is underway. In 2011, during the second ICOMMPA meeting which was held in Martinique, a sister sanctuary agreement was signed by the two competent agencies between Stellwagen bank, off the Massachusetts coast and Agoa, with the aim among others to better protect Humpback whales populations. Another sister sanctuary agreement is under preparation with the Silver bank Sanctuary of the Dominican Republic.

In addition, in order to foster collaboration and synergies at a regional level a common declaration has been adopted at the second ICoMPPA meeting underlining the importance of strengthening regional cooperation between marine mammals sanctuary. In order to implement this declaration a first workshop has been organized in Saint Martenn where a common action plan has been adopted.

A SPAW nomination is under process for the Agoa sanctuary.

On the basis of its partnership with the SPAW RAC, the French MPA Agency also supported a regional workshop on Whale watching in the Caribbean region in October 2011 .

<http://www.aires-marines.fr/Proteger/Protection-des-habitats-et-des-especes/Sanctuaire-mammiferes-marins-Agoa>  
also available in English

#### **Pelagos sanctuary**

France, together with Italy and Monaco, has created in 2002 the whale sanctuary *Pelagos* which encompasses both territorial and international waters of the north-western Mediterranean. This area is summer home range and critical feeding habitat to the isolated population of the Mediterranean fin whale, *Baleanoptera physalus*, and a diversity of small cetaceans. The management of this valued marine natural heritage in such a heavily anthropised region should benefit to other regions with a similar environmental challenge.

The research program going on since 2005, funded by the French Ministry of Ecology is underway. This program through 10 different projects, aims at assessing distribution and abundance of cetaceans, assessing the impact induced by human activities such as noise, pollution, whale-watching, boat traffic and ship strikes and developing mitigation measures.

#### **REAL TIME PLOTTING OF CETACEANS (REPCET ):**

Many populations of whales around the world are threatened by collisions with vessels. In the Mediterranean, right in the heart of the PELAGOS Sanctuary, the scientific community and several ship-owners have joined forces to deal with these accidents. It is from this dynamic that the REPCET system was born - a collaborative computer tool for use in commercial shipping. Consisting of a network of maritime companies involved in the protection of marine mammals, REPCET allows known positions of whales along shipping lanes to be shared in real time via a communications satellite. At present, several companies shipping in the sanctuary are beginning to use the tool. The concept is simple and is based on the following: every sighting of large cetaceans by watch-keeping personnel on board a vessel equipped with REPCET is transmitted by satellite in semi-real-time to a server located on land. The

server then centralises the data and sends out an alert to equipped vessels that are likely to be affected. The alerts are displayed cartographically on a dedicated screen on board.

The collaborative nature of the system means it relies on the density of commercial maritime traffic. Other vessels are also welcome to voluntarily contribute to the system by reporting cetacean sightings, especially military vessels, scientists at sea, whale watching operators, and pleasure boaters.

#### PARTICULARLY SENSITIVE SEA AREA (PSSA):

In the line of a recommendation of the Parties during MoP 2009, an application for the designation of Pelagos as a PSSA has to be elaborated. The draft measures to limit ship strikes should be included in the proposal. Work is ongoing.

#### WHALE-WATCHING ACTIVITIES:

The unregulated practise of watching cetaceans in their natural environment is likely to result in harm both to biodiversity and to sea eco-tourism. PELAGOS/ACCOBAMS label for commercial whale-watching activities will be implemented. The expected result is a form of partnership with operators.

#### PELAGOS SANCTUARY PARTNERSHIP CHARTER

The concept of a partnership charter with towns and cities bordering the Sanctuary was launched in 2007 and became operational in 2009. By signing the charter, municipalities are committed to help sustain the presence of marine mammals and in recognition they are authorised to fly the Sanctuary flag. At this writing, 24 French towns have signed the Charter. Updated list of signatories and more information on the charter is available on the website : <http://www.sanctuaire-pelagos.org/charte/signataires.php>  
[www.youtube.com/playlist?list=PL3D8077BA36CE027F&feature=mh\\_lolz](http://www.youtube.com/playlist?list=PL3D8077BA36CE027F&feature=mh_lolz)

### **3. International agreements**

#### *3.1 International agreements relevant to cetacean conservation*

France is a member state of the International Whaling Commission, the Convention on International Trade of Endangered Species (CITES), the convention on biodiversity (CBD) and the Convention on Migratory Species (CMS).

#### *3.2 Regional agreement relevant to cetacean conservation*

Beside Pelagos, France is a member state of ASCOBANS and ACCOBAMS agreements under CMS for the protection of cetaceans in European seas. In September 2006, France has signed the Memorandum of Understanding for the conservation on cetaceans and their habitats in the Pacific islands region, under the CMS.

France is also a member of the Cartagena Convention (Caribbean Region), Barcelona Convention (Mediterranean Region) and Bern convention (for Europe) whose protocols on biodiversity deal, *inter alia*, with the conservation of cetaceans. As a member state of OSPAR, France also participates to the conservation of cetaceans in the North-East Atlantic.

#### **3.3 CCAMLR**

France is leading an eco-regional program in order to contribute to CCAMLR MPA Network. Based on the Partnership between the French MPA Agency and the French Austral Territory, this program is aiming at defining important ecological areas, particularly for top predator such as marine mammals, and new MPAs. A First proposal of a network of 7 MPAs has been presented, jointly by France and Australia, at the 2011 CCAMLR meeting. A special workshop has been organized in May 2012 for the CCAMLR planning Domain 5, including the Del Cano area. The Outcomes of this scientific workshop, including important top-predators areas, will be presented at the CCAMLR Scientific Committee.