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(SPA) in the Wider Caribbean Region

## **CURRENT STATUS OF NATIONAL LEGISLATION ON MARINE MAMMALS IN COUNTRIES AND TERRITORIES OF THE WIDER CARIBBEAN REGION REPORT**



UNION EUROPÉENNE

CARI'MAM



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## 1. INTRODUCTION

The SPAW-RAC is a technical center dedicated to supporting the SPAW Protocol and implementing the SPAW workplan, the sub-program of the Cartagena convention dedicated to biodiversity. As such, it contributes to the United Nations Environment Program - Caribbean Environment Program (UNEP-CEP) and assists the Caribbean countries and territories in implementing their commitments regarding the protection of biodiversity.

The Caribbean Marine Mammals Preservation Network project (CARI'MAM) is a cooperation project funded by the European INTERREG program and led by the French Agency for Biodiversity and the SPAW-RAC with several marine protected areas. Encompassed in the objectives of the **Wider Caribbean Region Marine Mammal Action Plan referred as the MMAP (UNEP 2011) and the current SPAW workplan (COP 2019)**, its purpose is to implement the recommendations of the MMAP, strengthening managerial skills and developing common tools for conservation and evaluation purposes. It is also to draft the technical analyses that will enable the Signatory Parties of the SPAW protocol to discuss and potentially update the MMAP and design their next actions to be developed to better preserve marine mammals according to their commitment to SPAW.

**To obtain updated data on the current status of the national legislations on marine mammals protection in the Wider Caribbean Region countries and territories (Cari'mam workpackage 1)**, the SPAW-RAC has developed and disseminated an **online survey** sent to the SPAW focal points of the Wider Caribbean Region in January 2020 (Figure 1).

We received **15 responses** among which Mexico, Turk and Caicos and Montserrat have not ratified the SPAW Protocol. A total of **12 countries out of 17** countries having signed the SPAW protocol responded to the survey.

This report presents and analyses the answers. Its purpose is to draw up a regional analysis of the current national legislations about marine mammals preservation as a basis for further discussions.

*The answers and information received through the surveys and presented in this report do not engage SPAW-RAC, CEP or the UN Environment nor their presentation/ quotations imply automatically the expression of any opinion, endorsement or recommendations.*

Rubrique 1 sur 6

### Focal Point Consultation - Current Status of Legislation on MM Protection

Headed by the AGOA Sanctuary from the French Biodiversity Agency and the SPAW-RAC, with several MPAs, the main objective of the CARI'MAM project is to develop a regional network of marine protected areas dedicated to the conservation of marine mammals in the Caribbean. With specific emphasis on the MMAP's Priority Actions Plan, this project aims at strengthening managerial skills and developing common tools for management and evaluation purposes. Within the framework of the CARIMAM project, was identified the need for updated data on the current status of the regional legislation on marine mammals protection in the Wider Caribbean Region.

Name \*

Réponse courte

Territory \*

Réponse courte

**Illustration 1 : Snapshot of the online survey**

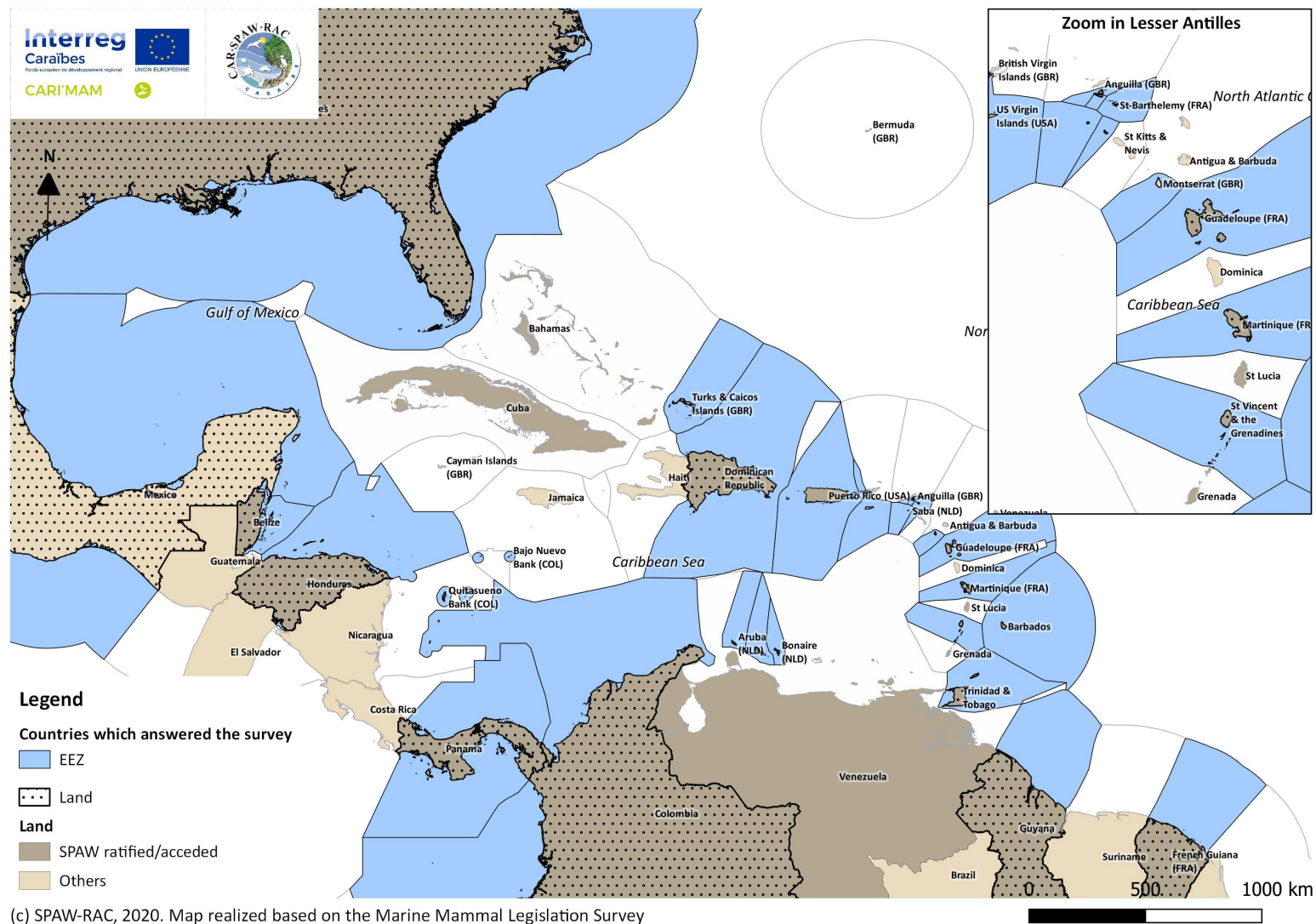
## 2. COUNTRIES AND TERRITORIES' CONTRIBUTION TO THE ONLINE SURVEY

The online survey has been shared with the **countries of the Wider Caribbean Region**, though emails to the focal points of the SPAW protocol and the Cartagena Convention and though the dedicated teamwork platform dedicated to the exchanges with the focal points. Specific reminders were sent to the Signatories parties to the SPAW protocol.

The list of countries and territories is showcased in Table 1 below, as well as in the map in the Figure1.

**Table 1 : list of countries and territories having contributed to the online survey**

Barbados (BRB)
Belize (BLZ)
Colombia (COL)
Dominican Republic (DOM)
France (FRA) ( <i>Guadeloupe, French Guiana, Martinique and Saint-Martin</i> )
Guyana (GUY)
Honduras (HND)
Panama (PAN)
Mexico (MEX)
Montserrat (MON)
Netherlands (NLD) ( <i>Aruba, Bonaire, Curaçao, Saba, Saint-Eustache and Sint-Maarten</i> )
Saint Vincent and the Grenadines (VCT)
Trinidad and Tobago (TTO)
Turks and Caicos Islands (T&C)
United States of America (USA) ( <i>including the American Virgin Islands and Puerto Rico</i> )



**Figure 1 : Map of the countries having contributed to the online survey concerning the status of national legislations for the protection of marine mammals**

### *Profile of answering people in their country / territory*

**100% of the respondents** to the survey are **representatives of their respective governments**, with the exception of the Netherlands, for which an independent representative replied in parallel with a government representative.

government officers, focal points of the SPAW protocol or the Cartagena Convention.

Among them :

- **66%** are attached to the **ministry in charge of the environment**,
- **33%** are attached to the **department in charge of fisheries**, often under the authority of the **Ministry of Agriculture**.

## **3. NATIONAL LEGISLATION (GENERAL)**

### **3.1 National legislation on marine mammal protection**

Among the 15 countries that have answered to the question "*Does legislation specifically referring to marine mammals exist in your country or territory?*" » (Figure 2, Table 2):

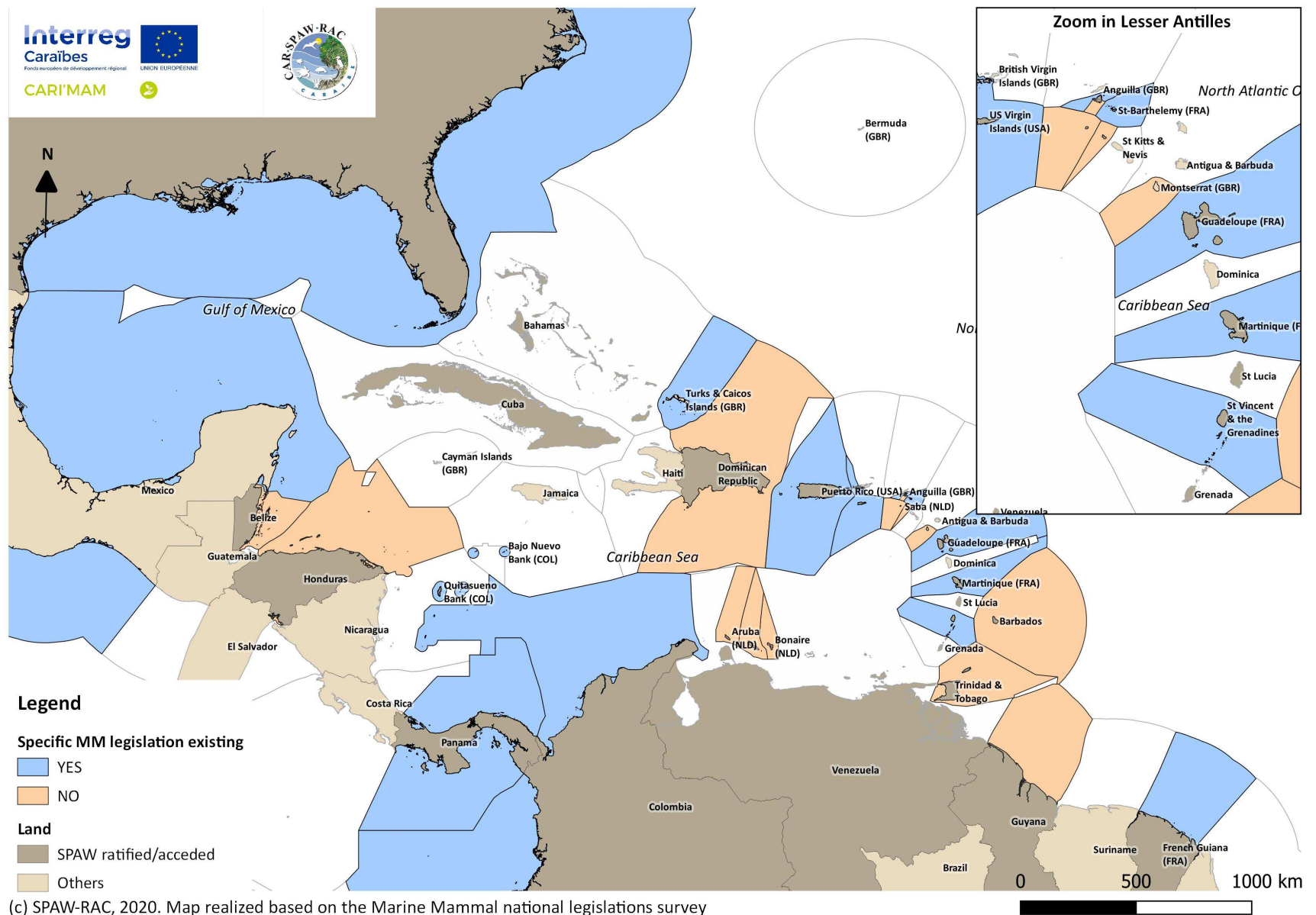
- **6 have enacted national legislation, such as a law, decree or act, that is solely dedicated to the conservation, protection and management of marine mammals.**
- **9 have not which does not mean that they can't have general overarching environmental, fisheries or biodiversity legislation including provisions pertaining to marine mammals**

*Table 2 : Regulatory tools dedicated to marine mammals*

Countries	Regulatory tools dedicated to marine mammals
Barbados (BRB)	NA
Belize (BLZ)	Fisheries Resources Act (2020) ruling on the comprehensive protection of marine mammals.
Colombia (COL)	<b>Permanent directives</b> (2001) of the General Marine Department on the sustainable observation of Humpback Whales in the Pacific. <b>Political constitution</b> (1991) establishing the duties of the Colombian State with regard to the protection of natural resources and more specifically of the diversity and integrity of the environment, guaranteeing the participation of communities in decision-making processes. <b>Laws</b> relating to the protection of wild fauna and ecosystems: Legislative Decree 2811 (1974) dictating the National Code of Renewable Natural Resources and Protection of the Environment. <b>Decree</b> 1681 (1978) regulating the conservation and use of hydrobiological resources.
Dominican Republic (DOM)	<b>Laws:</b> - general to the environment and natural resources (law 64 of 2000); - sectoral on protected areas (law 202 of 2004); - general on biodiversity (law 333 of 2015).
France (FRA)	<b>Ministerial decree</b> setting the list of marine mammals protected on the national territory and the methods of their protection (2011).
Guyana (GUY)	NA
Honduras (HND)	NA
Panama (PAN)	<b>Law</b> establishing the marine corridor for the protection and conservation of marine mammals in waters under national jurisdiction (2005). <b>Resolution</b> 0530-2017 of the Protocol on the observation of cetaceans in waters under national jurisdiction. <b>Decree</b> 6-A on provisions to reduce injuries to marine mammals during fishing activities.

Mexico (MEX)	<p><b>Federal penal code</b> (version updated in 2020):</p> <ul style="list-style-type: none"> <li>- article 420 of the General Law of Ecological Balance and Protection of the Environment (2019 version in force)</li> <li>- article 20 Bis. 6, Art. 28, Art. 51, Art. 131 y Art. 132 relating to marine ecosystems including aquatic fauna and flora.</li> </ul> <p><b>General Wildlife Law</b> (2020 version in force)</p> <ul style="list-style-type: none"> <li>- article 55 Bis (version in force in 2010) and Art. 60 bis.</li> </ul> <p><b>Cautionary protocol</b> for marine mammals strandings (2014).</p> <p><b>Decrees</b> establishing Natural Protected Areas.</p> <p><b>Agreements</b> on the management plans of Protected Natural Areas.</p>
Montserrat (MON)	<i>NA</i>
Netherlands (NLD)	<p><b>BES Fishing Decree</b> of 2010.</p> <p><b>BES Nature Act 2010</b> (referring to species under sections f, g, h and i of the SPAW protocol).</p> <p>Nature conservation framework.</p>
Saint Vincent and the Grenadines (VCT)	<b>Regulation</b> of Aboriginal subsistence whaling (2003)._
Trinidad and Tobago (TTO)	<i>NA</i>
Turks and Caicos Islands (T&C)	Fisheries protection <b>ordinance</b> (2018 version).
United States of America (USA)	<p>Marine mammal Protection Act.</p> <p>Endangered Species Act.</p> <p>Animal Welfare Act.</p> <p>Dolphin protection consumer information act.</p>





**Figure 2 : Map of the EEZs concerned by national legislation specifically dedicated to marine mammals**

### 3.2 Laws relative to the protection of wildlife and ecosystem mentioning or applying to marine mammals

Among the 15 countries that answered to the question "Are there laws relating to the protection of wildlife and ecosystems mentioning or applying to marine mammals?" » (see map on Figure 3):

- **12 declare to have laws mentioning or applying to marine mammals;**
- **3 declare not to have laws relative to the protection of wild fauna and / or ecosystems applying to marine mammals.**

Honduras, Montserrat and Trinidad and Tobago indicate that they have no legislation *solely* dedicated to the conservation, protection and management of marine mammals, but have biodiversity legislation, including provisions pertaining to marine mammals,

Saint Vincent and the Grenadines regulates subsistence whaling activity through the Aboriginal subsistence whaling (2003) but does not have a regulatory protection regime for marine mammals yet.

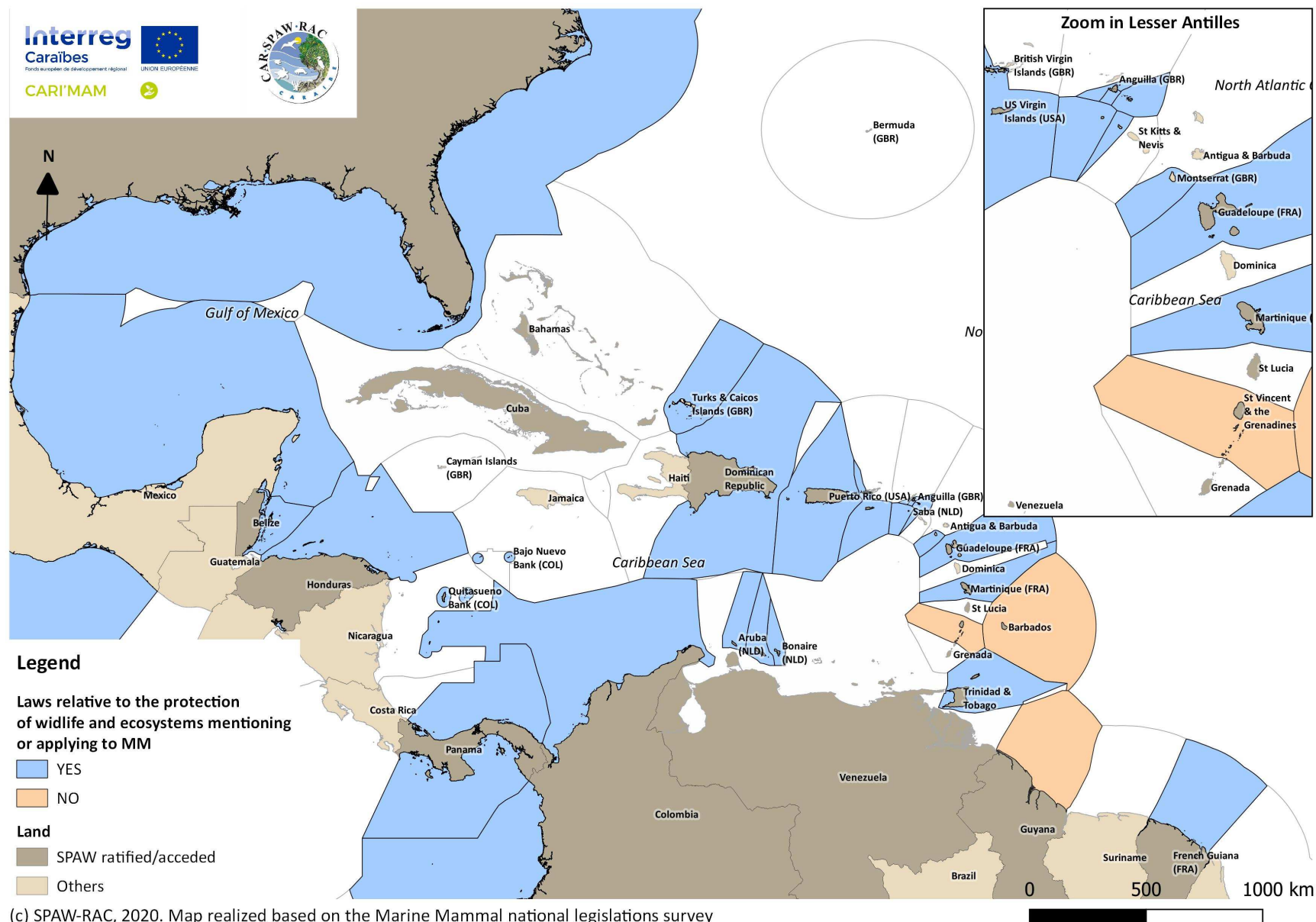
### 3.3 Ongoing initiative or action to incorporate or strengthen the protection of marine mammals in national legislations

Among the 15 countries answering to the question "Is there any ongoing initiative or action to incorporate or strengthen the protection of marine mammals in the national legislation?":

- **9 confirm plans to strengthen national regulations in favor of the protection of marine mammals;**
- **6 declare that they have no such initiatives or action**

Saint Vincent and the Grenadines, reports an intention to develop a protection regime for marine mammals  
Barbados and Guyana, which have neither specific legislation for marine mammals, nor a general wildlife protection regime from which this group of species would benefit, do not report initiatives or actions in that sense.

The 4 other countries (United States of America, Honduras, the Dominican Republic and Trinidad and Tobago) do not declare initiatives or actions in favor of strengthening the protection of marine mammals but have already a strong protective regime for this group of species, consistent with their commitments to the SPAW protocol.



**Figure 3 : Map of the EEZs where national legislation dedicated to wildlife and ecosystems protection applies to marine mammals**

### 3.4 Organizations/authorities in charge of addressing marine mammals issues

To the question "*What organization (s) / authority (ies) is (are) currently responsible for addressing marine mammal issues in your country or territory? (if any)*", the answer was: government entities, whether at ministerial level or a public establishment under ministerial supervision, including departments in charge of marine protected areas.

- for 6 countries out of 15 respondents (Colombia, France, Guyana, Mexico, Panama, Dominican Republic, Turks and Caicos Islands), the ministry in charge of environment and affiliated public entities.
- for 3 countries out of 15 respondents (Belize, Montserrat, Saint-Vincent and the Grenadines), the ministry or department in charge of fisheries (often linked with agriculture and food). It is worth noting that the legislation specific to marine mammals is placed under the aegis of the texts governing fishing activities in Belize and Saint Vincent and the Grenadines (see above).
- for 5 countries out of 15 respondents (Barbados, United States from America, Honduras, Netherlands, Trinidad and Tobago) the portfolio is shared between public entities in charge of environment and those in charge of fisheries.
- Finally, as a federal state, Mexico stated they have a public service including this competence

Colombia and the Dominican Republic precised that they work in strong collaboration with NGOs on those issues.

### 3.5 Acknowledgment of certain species or population stocks of marine mammals in decline

The first question was formulated as follows : « *Is it acknowledged by the State that certain species and population stocks of marine mammals are, or may be, in danger of extinction or depletion as a result of human activities ?* ».

Among the 15 respondents:

- **12 countries or territories recognized a decline in the number of certain populations or a danger of extinction of certain species in connexion with human activities.**

A blank field was left to make comments on the above answer, allowing countries / territories to provide details. Fishing, recreational and entertainment activities, illegal trade, destruction and degradation of habitats, and pollution from land origin well all quoted among the reasons for that decline.

Some countries / territories handle this perceived decline and / or risk of extinction by the adoption of devices aimed at reducing the impact of the human activities concerned locally (see above). These systems can be **legally binding** via legislative texts (e.g. Belize, Colombia, United States of America, France, Honduras, Mexico, Panama, etc.) or simply **educational** via charters or guides to good practices (e.g. targeting reduction of incidental catches by fishing in the Turks and Caicos Islands).

The establishment of **marine protected areas** is another example of response to this problem, in particular via **sanctuaries** covering all of the exclusive economic zones (EEZs) for certain territories (ex: Yarari for all of the Dutch Caribbean; Agoa for all of the French Antilles). Where they exist, management plans for marine protected areas include, for some, taking into account the challenges of preserving marine mammals (e.g. Honduras, Mexico). Certain territories are developing conservation plans specifically for certain species at the territorial level (e.g. the United States of America, France, etc.).

Finally, the assessment of the conservation status of populations is rarely carried out at the local scale due to the lack of sufficient resources (eg Guyana, Turks and Caicos Islands, Trinidad and Tobago, etc.). The territories then rely on international tools to assess the conservation status of species (species listed on different conventions, in particular the SPAW protocol of the Cartagena Convention or CITES, the IUCN Red List of threatened species, etc.). However, certain territories have set up concertation bodies bringing together various authorities and experts to assess the status of species and propose measures to reduce threats (e.g. the United States of America, France, Mexico, etc.).

A second question specifies "*Is it established by the State that such species and population stocks should not be permitted to diminish beyond their optimum sustainable population?*" (Point at which they cease to be a significant functioning element in the ecosystem of which they are a part) ”.

Among the 15 respondents:

- **10 countries or territories declare they establish a viability threshold beyond which populations or species cease to fulfill their function (s) in the ecosystem.**

A third question states "*Has a potential biological removal level been estimated in your country or territory? (maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population.)*".

Among the 15 respondents:

- **4 countries or territories have estimated a sustainable removal threshold.**

Among the 11 countries that have not estimated such a threshold, Monserrat, the Netherlands, the Dominican Republic and the Turks and Caicos Islands prohibit this practice in their legislation, this question is therefore irrelevant for them.

The United States of America, France, Mexico and Panama, which have estimated such a threshold, also prohibit the taking of marine mammals in their respective legislation (see below). In mainland France (the Caribbean is not concerned) and in the United States of America, this threshold is estimated to assess the impact of accidental mortality linked to human activities (e.g. fishing) and thus measure effectiveness in the medium or long term reduction measures implemented.

### 3.6 Licences authorizing human activities related to marine mammals

The question was asked in the form "*Does the State provide licenses relative to ...*" [i.e.. details of the proposals in the table below]:

**Table 3 : Human activities related to marine mammals requiring a license issued by the State (for abbreviation: note T&C for Turks and Caicos)**

Activities	HND	MEX	USA	DOM	VCT	FRA	COL	TTO	BRB	BLZ	PAN	T&C	NLD
<b>Import</b> , or attempt to import any marine mammal or marine mammal product	X	X	X	X	X	X	X	X	X			X	
<b>Export</b> , or attempt to export any marine mammal or marine mammal product	X	X	X	X	X	X		X	X				
<b>Sell</b> , or attempt to sell a marine mammal or a marine mammal product	X	X	X										
<b>Possess</b> , or attempt to possess, any marine mammal or marine mammal product	X	X	X	X	X		X					X	
<b>Conduct</b> , or attempt to conduct scientific research on any marine mammal	X	X	X	X	X	X	X	X	X	X	X		X
<b>Transport</b> , or attempt to transport, any marine mammal	X	X	X	X		X	X			X	X		
<b>Operate a vehicle for commercial purposes</b> to engage in or facilitate the observation or <b>interaction</b> with any wild occurring marine mammal	X	X	X	X	X	X	X	X		X	X		

Montserrat and Guyana do not issue licenses for these activities. In Guyana, however, the law allows the competent government authority to issue permits or licenses for import, export, possession or transport.

Note that no real case of import is known in the Turks and Caicos Islands despite the legislative possibility of import for any person holding a permit, certificate or any other document authorizing it, for exhibition purposes .

In the Dominican Republic, import permits only concern dolphinariums. The country promotes captive breeding and does not allow the capture of marine mammals in their territorial waters.

In Saint Vincent and the Grenadines, import / export permits comply with CITES. Scientific research and subsistence hunting permits are issued by the Ministry of Agriculture. Licenses for whale watching operators are issued by the Maritime Administration.

In Barbados, Mexico and Trinidad and Tobago, import / export permits also meet the CITES requirements and are issued only for scientific research purposes (no trade or consumption).

In the Dutch Caribbean, a license could soon be put in place for whale watching operators.

In France and Mexico, all permits respond to a system of derogation from the regulations in force.

In Belize, licenses mainly concern manatees and apply to scientific research or the transport of injured animals.

In Colombia, import / export permits for products derived from marine mammals are only issued for pharmaceutical and cosmetic purposes. However, these industries do not exist in Colombia, in fact there is neither export nor marketing of products from marine mammals on a national and international scale.

### 3.7 Activities forbidden by the national legislation

The question was asked in the following form "*Does the national legislation prohibit ...*" [cf. details of the proposals in the table below]:

**Table 4 : Human activities prohibited by national law (see Table 1 for abbreviation)**

Forbidden activities	MEX	NLD	USA	FRA	PAN	T&C	DOM	COL	MON	VCT
1. Taking Marine Mammals	X	X	X	X	X	X	X		X	
2. Harassing or disturbing Marine Mammals	X	X	X	X	X	X	X	X	X	
3. Feeding it	X	X	X	X	X	X	X	X		
4. Swimming or interacting with it	X	X	X		X	X		X		
5. Moving, enticing or causing it to move from the immediate vicinity in which it is found	X	X	X	X	X	X	X	X		
6. Separating it from members of its group or going between it and a calf	X	X	X	X	X	X	X	X		X
7. Trapping it or its group between a vessel and the shore or between a vessel and one or more other vessels	X	X	X	X	X	X	X	X		
8. Tagging or marking it	X	X	X	X		X				
9. Hunting or killing marine mammals	X	X	X	X	X	X	X	X	X	
10. The destruction, alteration or degradation of marine mammal reproduction and resting sites. These interdictions apply to physical and biological elements that are deemed necessary for specific MM species to rest or reproduce, as long as they are used in effect or usable during the successive reproductive and resting cycles and as long as the destruction, alteration or degradation of these sites jeopardizes the species conservation and the biological cycles.	X	X	X	X	X	X	X	X	X	
11. The sale of any product, processed or not, obtained from a marine mammal including meat, oil, fat, organs, raw furskins and tanned or dressed pelts etc.	X	X	X	X	X	X	X		X	
12. Importing pregnant or nursing mammals; depleted species or stock	X	X	X	X	X		X		X	

#### Countries that did not answer this question:

- Barbados
- Belize
- Guyana
- Honduras
- Trinidad and Tobago

Some countries provide for exemptions from regulatory prohibitions.

These exemptions sometimes relate to the importation of marine mammals by a person holding a license, certificate or any other document authorizing it, for exhibition purposes (Turks and Caicos Islands). However, no cases have been reported.

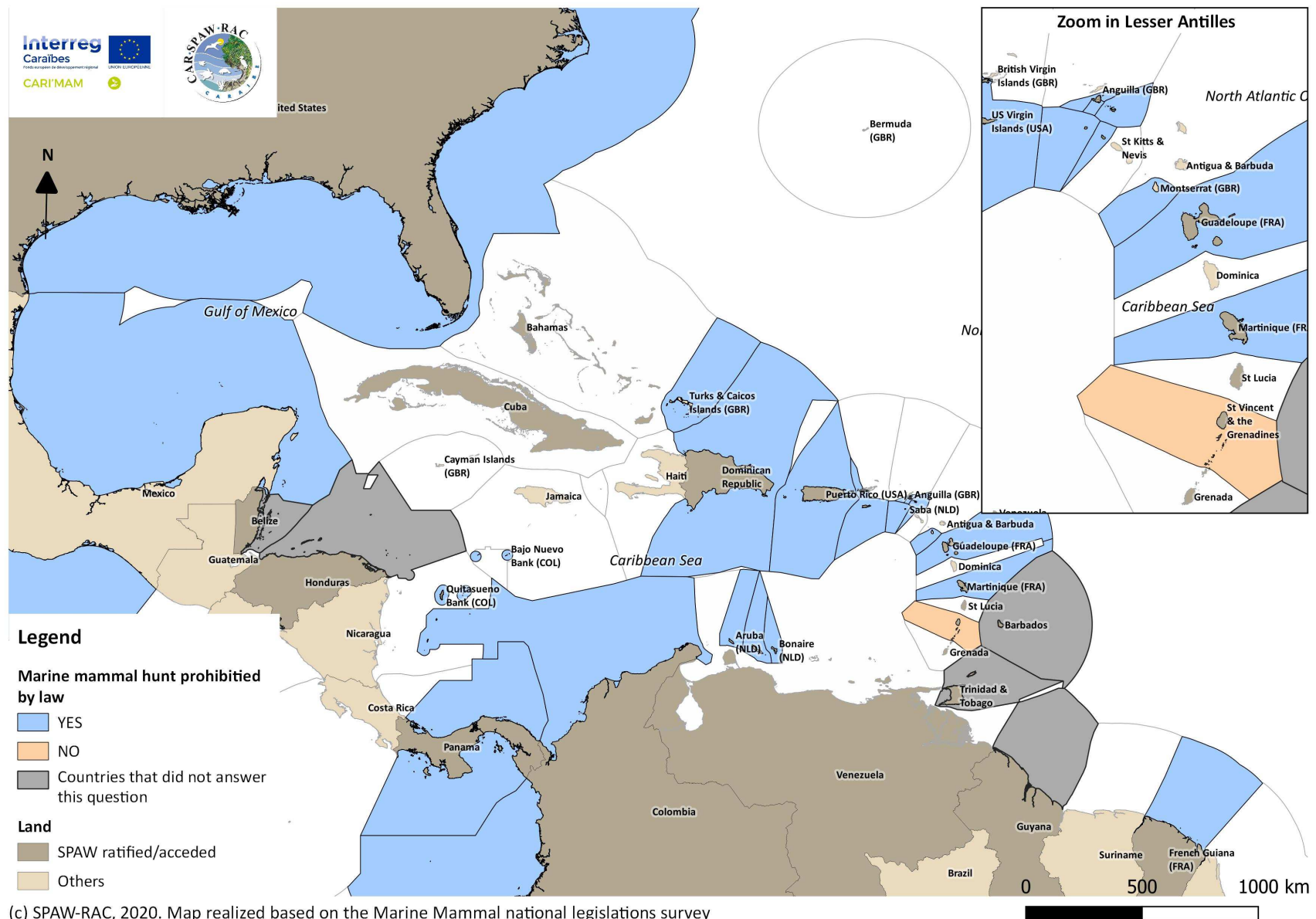
Exemptions may be granted for justified scientific reasons (USA, France, Mexico, Panama, Dominican Republic), with a case-by-case instruction (Netherlands), or in the case of a permit issued by the competent authority after justified request (Mexico, Trinidad and Tobago).

In Saint Vincent and the Grenadines, activities are regulated by an act on Aboriginal fishing and CITES regulations.

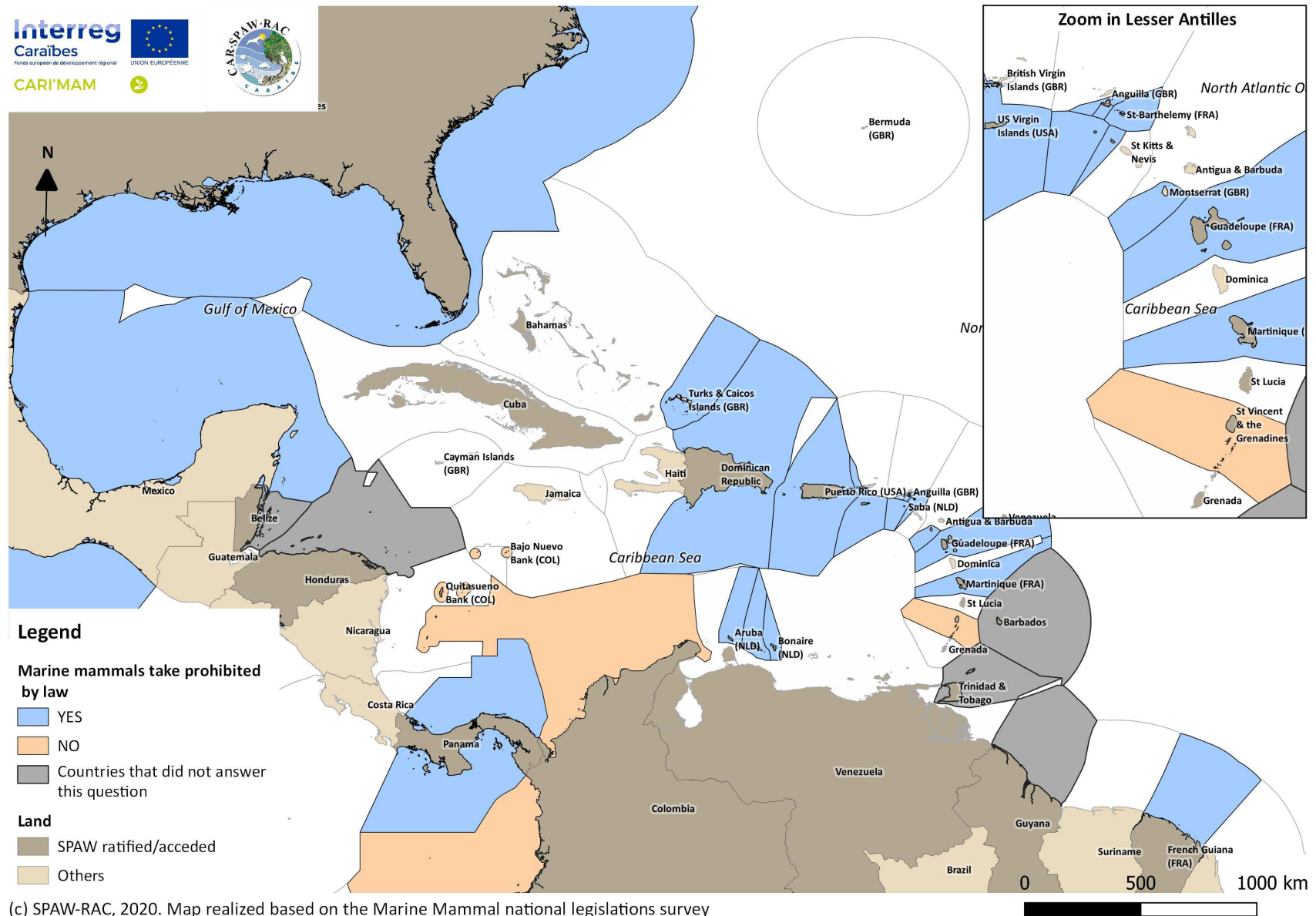
In the United States of America, the case of bycatch by commercial fishing is regulated by law. Other exemptions are possible, notably for scientific research, exposure to the public or conservation (same for Mexico).

Montserrat does not provide derogations to prescribed regulatory prohibitions.





**Figure 4 : Map of EEZs where national legislation forbid the hunt of marine mammals**



**Figure 5 : Map of EEZs where national legislation forbid the take of marine mammals**



### 3.8 Activities authorized by national legislation

The question was asked as follows :« *Does the national legislation allow... » [cf. details of the proposals in the table below]:*

**Table 5 : Human activities authorized by national law (cf. Table 1 for abbreviation: note T&C for Turks and Caicos and MON for Montserrat)**

Allowed activities	MEX	NLD	USA	FRA	PAN	T&C	DOM	TTO
1. The taking of a marine mammal when necessary to ensure its preservation	X	X	X	X	X	X	X	X
2. The rescue or attempt to rescue a stranded or beached marine mammal by an authorized person or organization	X	X	X	X	X		X	X
3. The rescue or attempt to rescue an entangled marine mammal by an authorized person or organization	X	X	X	X	X	X	X	X

#### Countries that did not answer this question:

- Barbados
- Belize
- Guyana
- Honduras
- Montserrat
- St-Vincent-and-Grenadines

Colombia does not have any of the specific laws detailed above, but those are taken into account in guidelines.

### 3.9 Human activities disturbing marine mammals

The question was asked as follows :« *Does the national legislation allow disturbances when established that the activity causing them... » [cf. details of the proposals in the table below]:*

**Tableau 6 : Human activities permitted by national law despite their disturbancy to marine mammals**

Human activities authorized despite their disturbancy to marine mammal	MEX	NLD	USA	FRA	PAN	DOM	HND
1. could benefit marine mammals without jeopardizing the survival of the species in the wild	X	X	X	X	X	X	
2. could improve a marine mammals immediate chance of survival	X	X	X	X	X	X	
3. would contribute to the conservation and protection of marine mammals	X	X	X	X	X	X	X
4. could ease the pain and suffering of a marine mammal that is in distress	X	X	X	X	X	X	
5. would contribute to marine scientific research	X	X	X	X	X	X	X
6. would permit the production of audiovisual records of activities of marine mammals, thus facilitating a better understanding of marine mammals and thereby contributing to their Conservation and protection	X	X	X	X	X	X	

#### Countries that did not answer this question:

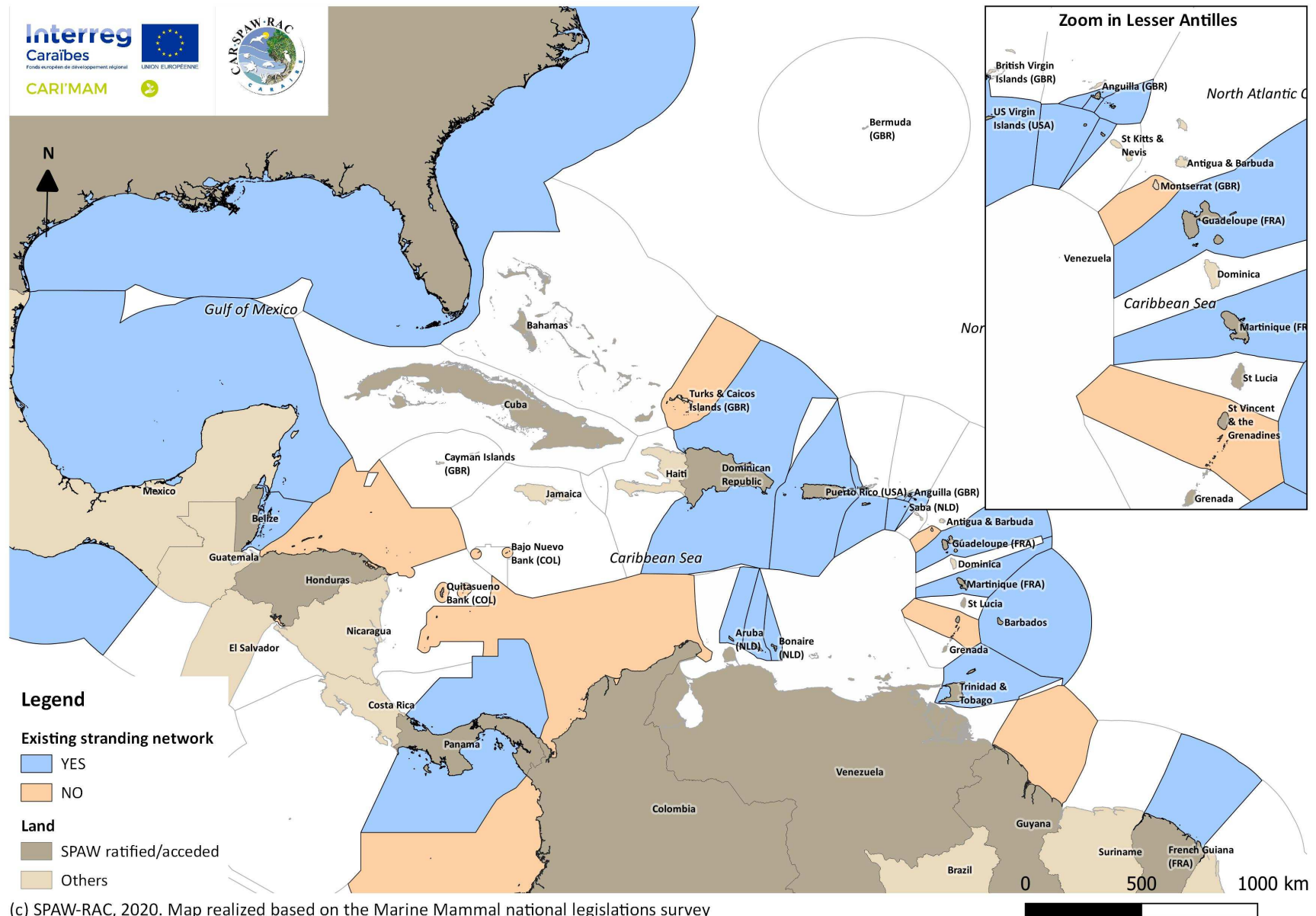
- Barbados
- Belize
- Colombia
- Guyana
- Honduras

- Monsterrat
- St-Vincent-and-Grenadines
- Trinidad-and-Tobago
- Turks and Caicos Islands

### **3.10 Stranding network**

9 countries out of 15 declare to host an organized stranding network for marine mammals (see map on Figure 7).





**Figure 7 : Map of EEZs where stranding network exist**

## 4. PERMITS AND EXEMPTIONS

### 4.1 Interaction with marine mammals

Among the 15 countries that have answered to the question « *Prior to granting a permit or licence to operate near or with marine mammals, relevant national authorities take into consideration the highest international practices and protocols in respect of marine mammals* » :

- 12 replied that they take into account the highest international practices and protocols,
- 3 did not reply to that question.

### 4.2 Circumstances allowing imports and exports of marine mammals

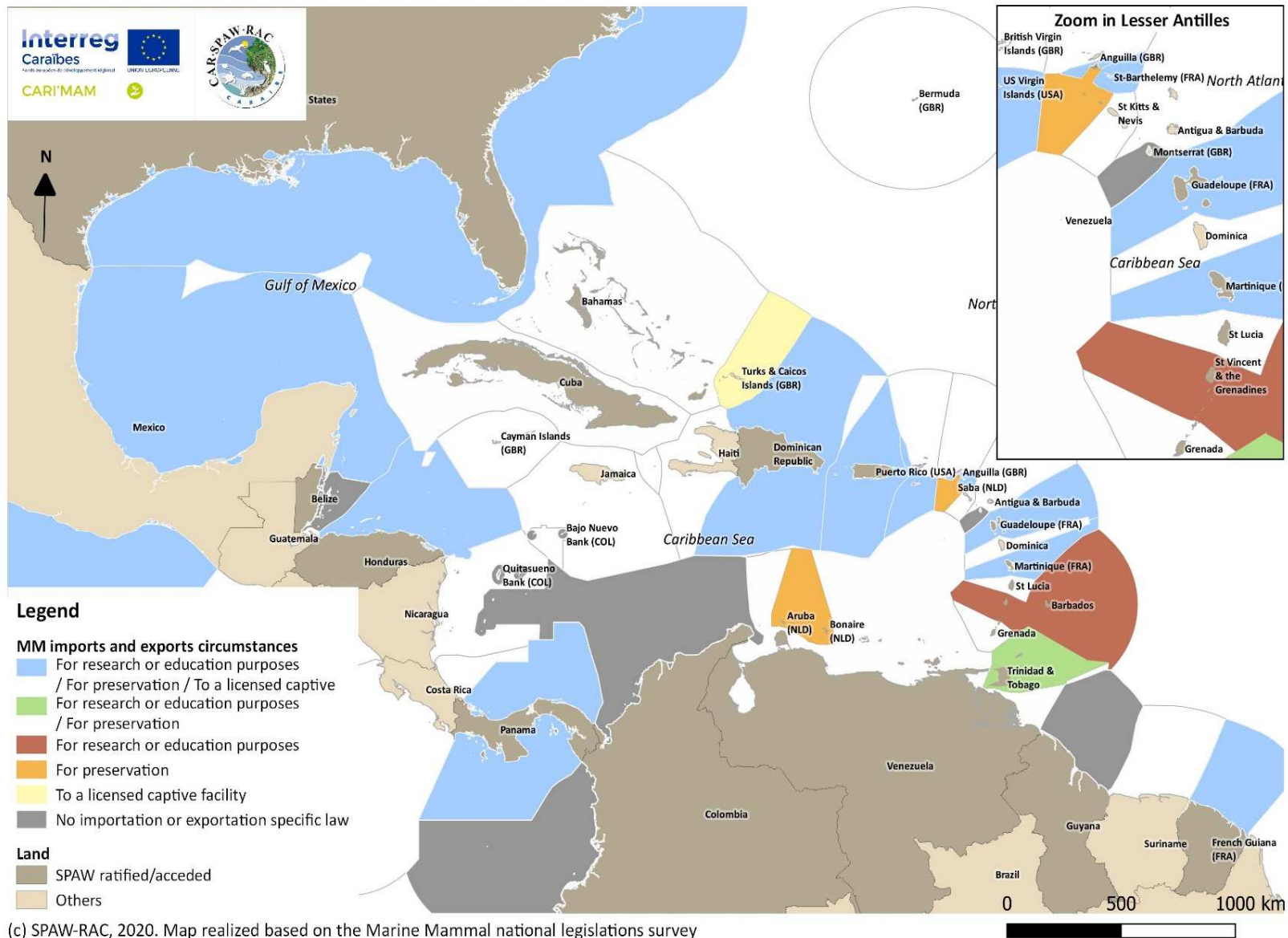
The question was asked as follows « *In which circumstances are imports and exports of marine mammals allowed?* » [cf. détail des propositions dans le tableau ci-dessous] :

**Tableau 7 : Circumstances allowing imports/exports of marine mammals (cf. Table 1 for abbreviation: note T&C for Turks and Caicos)**

Circumstances allowing imports/exports of marine mammals	FRA	MEX	PAN	DOM	HND	USA	TTO	BRB	VCT	NLD	T&C
1. When scientific research or educational purposes are justified	X	X	X	X	X	X	X	X	X		
2. When the preservation of that marine mammal requires such procedure	X	X	X	X	X	X	X			X	
3. When a marine mammal is transferred to a licensed captive facility	X	X	X	X	X	X					X
4. When a facility has exceeded its permitted carrying capacity and/or the well being of the marine Mammal is put in jeopardy	X	X	X								

#### Countries that did not answer this question:

- Belize
- Colombia
- Guyana
- Montserrat



**Figure 8 : Map of circumstances allowing imports/exports of marine mammals**



#### 4.3 Criteria to take into consideration prior to granting a permit or licence

The question was asked as follows « Prior to granting a permit or licence, relevant national authorities shall take into consideration... » » :

**Tableau 8 : criteria to take into consideration prior to granting a permit or licence (cf. 1 for abbreviation: note T&C for Turks and Caicos)**

Criteria to take into consideration prior to granting a permit or licence	BRB	DOM	FRA	GUY	HND	ME X	PAN	T&C	TTO	USA	VCT
(A) the number and kind of animals which are authorized to be taken or imported	X	X	X	X	X	X	X	X	X	X	X
(B) the location and manner (which manner must be determined by the relevant authority to be humane) in which they may be taken, Or from which they may be imported,	X	X	X	X	X	X	X	X	X	X	X
(C) the period during which the permit is valid	X	X	X	X	X	X	X	X	X	X	X

#### Countries that did not answer this question:

- Belize
- Colombia
- Montserrat
- Netherlands

#### 4.4 Revocation of permits or licences in case of breach

Among the 15 countries that have answered to the question « Is any revocation or refusal to renew a licence or permit issued planned in the case of a **breach of the conditions of attribution** of authorization? » :

- 11 declare to plan a revocation or refusal in the case of a breach of the conditions of attribution of authorization,
- 2 declare no to plan any revocation or refusal,
- 3 did not reply to that question.

#### 4.5 Revocation of permits or licences in case of necessity to ensure the sustainability of marine mammals

Among the 15 countries that have answered to the question « Is any revocation or refusal to renew a licence or permit issued planned in the case of the identification of the **necessity to ensure the sustainability of marine mammals?** » :

- 9 declare to plan a revocation or refusal in the case of the identification of the necessity to ensure the sustainability of marine mammals
- 2 declare no to plan any revocation or refusal in these conditions
- 4 did not reply to that question.

#### 4.6 Scientific research

The question was asked as follows « *Does « scientific research » relative to marine mammal abide by the following criteria ? ... » [cf. details of the proposals in the table below] :*

**Tableau 9 : criteria abiding scientific research relative to marine mammals (see 1 for abbreviation)**

Criteria abiding scientific research relative to marine mammals	BLZ	BRB	COL	DOM	FRA	HND	MEX	NLD	PAN	TTO	USA	VCT
1. The product of the research is likely to be accepted for publication in a Referred scientific journal	X	X	X	X		X		X	X	X	X	X
2. The product of the research is likely to contribute to the basic knowledge of marine mammal biology or ecology	X	X	X	X	X	X	X	X	X	X	X	X
3. The product of the research is likely to identify, evaluate, or resolve Conservation problems.	X	X	X	X	X	X	X	X	X	X	X	X

**Countries that did not answer this question:**

- Guyana
- Montserrat
- Turks and Caicos islands

## 5. CAPTIVE MARINE MAMMALS FACILITIES

### 5.1 Existing captive marine mammals facilities

Among the 15 countries that have answered to the question « *Are there captive marine mammal facilities in your country or territory?* » (see map Figure 9) :

- 6 countries declared they host captive marine mammal facilities .

### 5.2 Management of captive marine mammals activities

*Does the management of a captive marine mammal facility respect the conditions below ?*

Among the 6 countries or territories hosting captive marine mammal facilities, **5 require a licence for both the manager and the premises to operate.** The USA did not answer this question.

### 5.3 Revocation of permits or licences

Among the 6 countries or territories hosting captive marine mammal facilities and answering to the following question : « *Is any revocation or refusal to renew a licence or permit of a captive marine mammal facility planned if the facility is managed in a manner contrary to any regulations or in such manner that the revocation of the licence is required in the interest of the public or the well being of the marine mammal ?* » :

- Honduras is the only country that is not planning revocation of refusal under these conditions.

### 5.4 Inspection of captive marine mammals activities

Among the 6 countries or territories hosting captive marine mammal facilities and answering to the question : « *Do the relevant national authorities make inspections on these facilities?* » :

- All declare their relevant national authorities inspect these facilities.

### 5.5 Scope of inspection of relevant national authorities

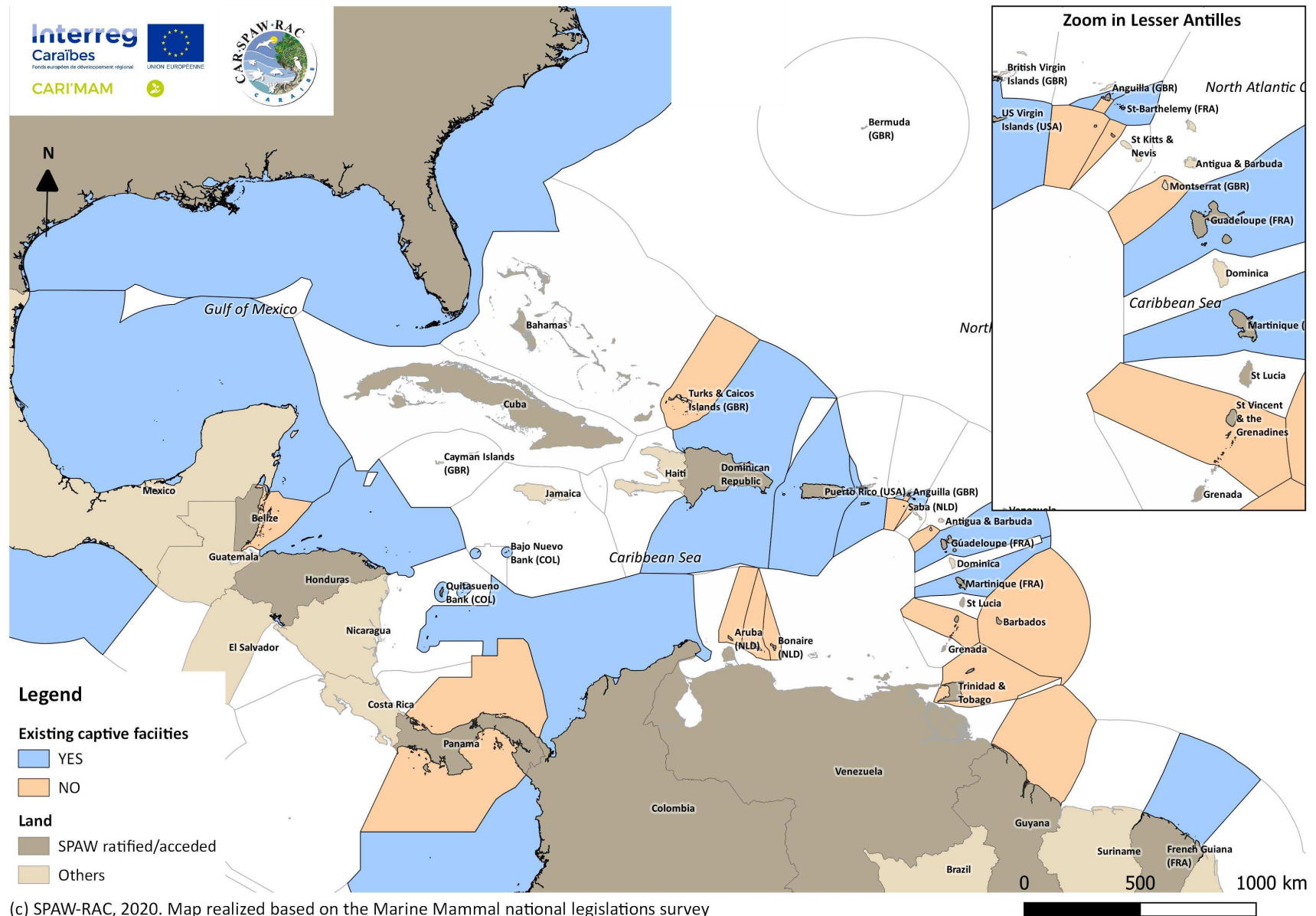
The question was asked as follows « *Do the relevant national authorities have the right to? ...* » [cf. details of the proposals in the table below] :

**Tableau 10 : scope of inspection of national authorities (cf. 1 for abbreviation: note T&C for Turks and Caicos)**

Scope of inspection of national authorities	BLZ	COL	DOM	FRA	GUY	HND	MEX	PAN	T&C	USA
1. Investigate any kind of vehicles used for marine mammal-related activities or marine mammal captivity facilities ?	X	X	X	X	X	X	X	X	X	X
2. Arrest a person or organization that does not abide by the legislation ?	X		X	X	X		X	X	X	
3. Seize the material owned a person or organization that does not abide by the legislation ?	X		X	X	X	X	X	X	X	

**Countries that did not answer this question:**

- Barbados
- Montserrat
- Netherlands
- St-Vincent-and-Grenadines
- Trinidad-and-Tobago.



**Figure 9 : Map of EEZ where sovereign countries host captive marine mammals facilities**

## 6. IMPACT OF HUMAN ACTIVITIES ON MARINE MAMMALS

### 6.1 Fisheries

#### 6.1.1. Bycatch

Among the 15 countries answering to the question « *Is there evidence that marine mammals are accidentally injured or killed in fisheries in your country?* » (see map on Figure 10):

- 12 out of 15 declare existing evidence of marine mammals injured or dead due to fisheries incidental catch.
- 

#### 6.1.2 Bycatch monitoring

« *Is there a responsible body to monitor bycatch or monitoring programmes?* » :

- 5 countries declare that the national service in charge of fisheries monitors bycatch,
- 5 countries declare that the national service in charge of the environment monitors bycatch,
- 2 do not reply to that question.

In France, this monitoring and these programmes are shared between the ministries in charge of ecology and fisheries. The case of the Netherlands is particular: the Saba Bank Management Unit is in charge of this monitoring in Saba; in Sint Eustatius, a data monitoring officer is in charge of it.

In Honduras, international organizations are in charge of these monitoring/programmes.

#### 6.1.3 Links between fisheries mechanisms and environmental authorities

Among 15 countries answering to the question « *Are there links between fisheries mechanisms and environmental authorities?* » :

- All declare existing links between fisheries mechanisms and environmental authorities. Guyana does not answer this question.

#### 6.1.4 Legislation relative to fisheries to limit the reduction on fish stocks on which marine mammals feed

Among the 15 countries answering to the question « *Does the legislation relative to fisheries limit the reduction of fish stocks on which marine mammals feed ? (Such as yellowfin tuna)* » :

- 5 declare an existing legislation relative to fisheries limiting the reduction of fish stocks on which marine mammals feed.
- 8 declare not to have such legislation.
- 2 countries do not answer that question.

In Colombia and Honduras, a minimum size of individuals fished is set in order to ensure a renewal of the stock of target species. Colombia also sets quotas.

In the United States of America, this legislation explicitly benefits marine mammals listed in the Endangered Species Act.

France specifies that the main legislation is the European regulation via the Common Fisheries Policy which effectively takes into account species targeted by marine mammals.

Panama specifies that international fishing fleets operating in its waters must have on-board observers. Inspections are also carried out on board by the national authorities.

The Netherlands specifies that there are no such limitations specifically related to marine mammals, but fishing permits are issued taking into account the state of fish stocks.

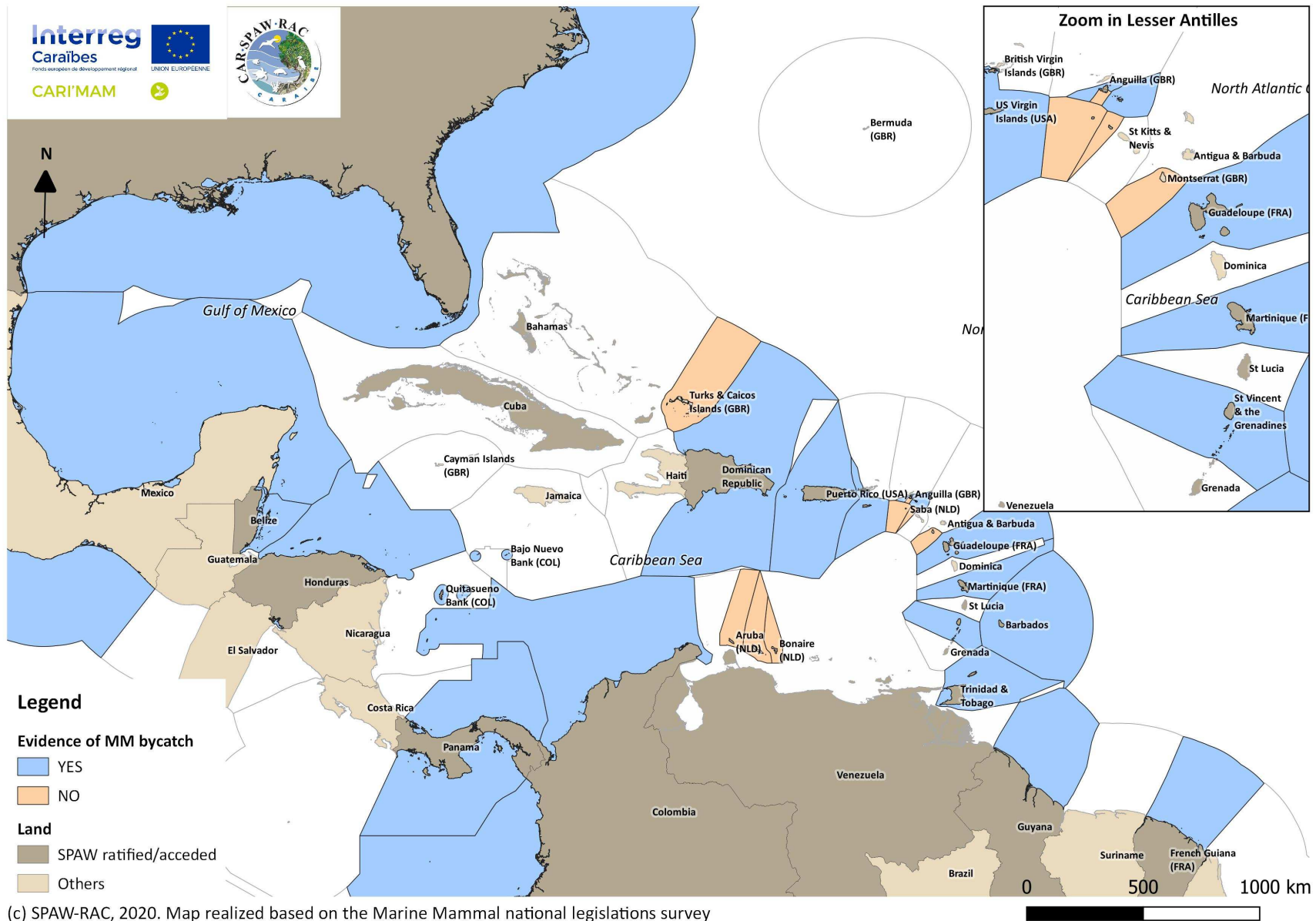
In the Turks and Caicos Islands, the only fisheries are for lamb and lobster, which are not eaten by marine mammals. Pelagic species are fished only by tour operators.

**6.1.5. Prohibition of certain fishing materials or practices to prevent bycatch**

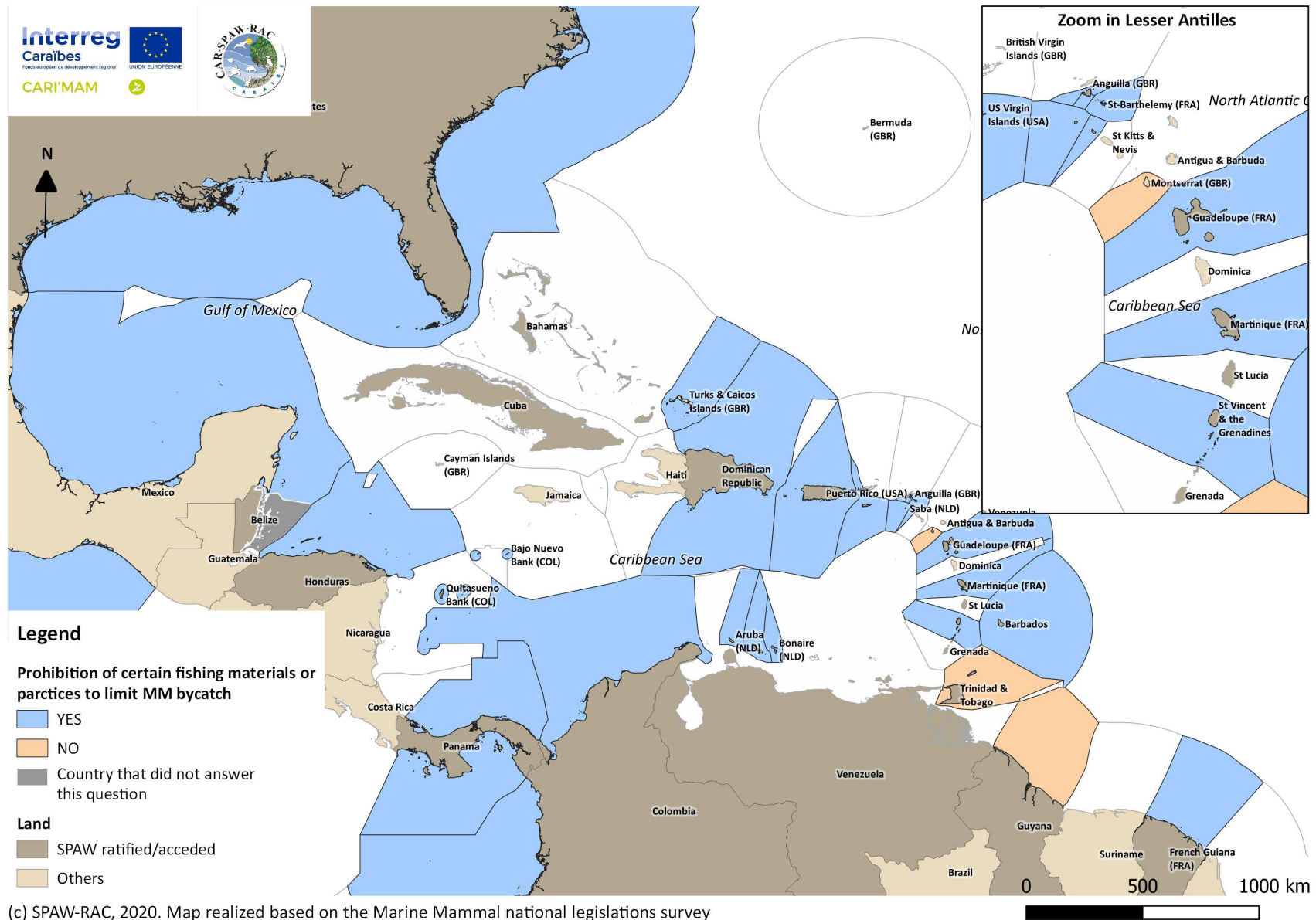
Among 15 countries answering the question « Does the legislation prohibit the use of certain fishing materials or practices to limit the number of MM caught and/or killed accidentally during fishing operations ? (i.e. Driftnet) » (cf. map on Figure 10) :

- **11 out of 15 declare their legislation prohibits the use of certain fishing material or practices to limit the number of marine mammals caught and/or killed accidentally during fishing operations.**

Belize did not reply to that question.



**Figure 10 : Map of EEZ where evidence of marine mammals bycatch exist**



**Figure 11 : Map of EEZ where a national legislation prohibits the use of certain fishing materials or practices to limit the number of MM caught and/or killed accidentally during fishing operations**



## 6.2 Marine mammal

A report analyzing the whale watching activity in the Wider Caribbean Region was published by SPAW-RAC in 2019 within the CARI'MAM project ([http://www.car-spaw-rac.org/IMG/pdf/marine\\_mamals\\_watching\\_survey\\_en-3.pdf](http://www.car-spaw-rac.org/IMG/pdf/marine_mamals_watching_survey_en-3.pdf)).

### 6.2.1 Manatee, dolphin or whale watching activities

Among the 15 countries answering to the question « *Do you have manatee, dolphin or whale watching activities in your country?* » :

- 11 declare an existing whale watching activity in their country.

### 6.2.2 Management of whale watching activities

The question was asked as follows « *If yes, how are these activities managed?* » :

Some countries or territories have taken **legislative measures** to regulate this activity (France, Panama, United States of America), sometimes with **guides to good practices** (Colombia, United States of America, Turks and Caicos Islands).

Some countries have also adopted a number of **obligations or recommendations** that are incorporated into the systems in a regulatory or incentive manner:

- prohibition of interaction with animals;
- swimming is prohibited;
- maximum limit on the number of people on board;
- maximum limit on the number of vessels engaged in animal watching activities);
- reduced speed;
- minimum distance of approach;
- approach parallel or behind the animal;
- no sudden change of direction.

Various organisations are involved in the management of this activity depending on the country.

- Ministry or its services in charge of the environment (Colombia, France, Panama, Turks and Caicos Islands);
- Ministry or its services in charge of fisheries (Belize, United States of America);
- Ministry or its services in charge of tourism (Panama, Saint-Vincent and the Grenadines);
- All stakeholders, including public, private, NGOs and civil society (Honduras, Mexico, Dominican Republic).

The Turks and Caicos Islands specify that these activities only take place during the migration period between November and March.

The Dominican Republic states that this activity has been carried out for 30 years for humpback whales, during which time practices, regulations, standards and controls have continued to improve.

### Countries that did not answer this question:

- Barbados
- Guyana (no whale watching activity),
- Montserrat (no whale watching activity),
- Netherlands (no whale watching activity)
- Trinidad-and-Tobago (no whale watching activity).

### 6.2.3 Socioeconomic benefits

The question was asked as follows « *What are the socioeconomic benefits of free-ranging marine mammal tourism?* » :

The **creation of jobs**, particularly for the **benefit of local communities**, is the main benefit of marine mammal-watching tourism in their natural environment.

The **creation of economic wealth** (the United States of America mentions millions of dollars) is partly reinvested in conservation of species and their habitats is also cited.

Honduras points out that only private operators benefit from the economic spin-offs of these activities.

This activity also has scientific and educational benefits: it increases knowledge on the biology and ecology of species and raises the collective awareness of stakeholders on the need to protect them sustainably (Dominican Republic).

Some countries have little information on the socio-economic benefits of this activity (France, Turks and Caicos Islands).

## 6.3 Whaling

### 6.3.1 Historical whaling

Among the 15 countries answering to the question « *Was historical whaling or manatee or dolphin hunting conducted in your waters?* » :

- **7 declare a historical marine mammal hunting activity in their waters** (whales in the USA, France, Mexico, St-Vincent-and-Grenadines and Turks and Caicos Islands ; dolphins in St-Vincent-and-Grenadines ; manatees in Colombia, France and Dominican Republic)
- **8 countries did not answer that question** (Barbados, Belize, Guyana, Honduras, Montserrat, Panama, Netherlands, Trinidad-and-Tobago).

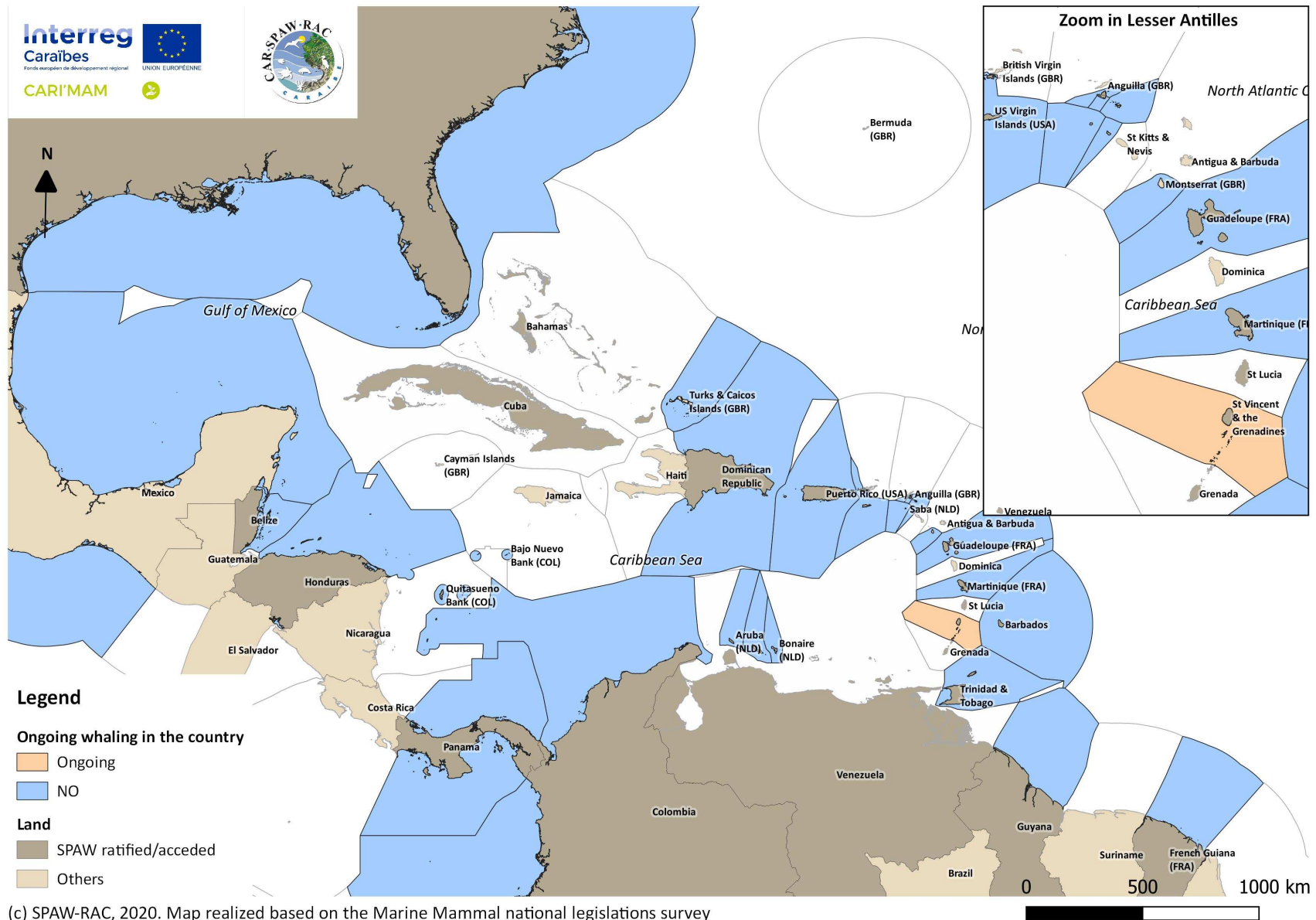
### 6.3.2 Ongoing whaling

Among the 7 countries declaring a historical marine mammal hunting activity and answering to the question « *If yes, until when or is it still ongoing?* » (see map in Erreur : source de la référence non trouvée) :

- **6 declare this activity has ceased a long time ago.** Marine mammal hunting remains in St-Vincent-and-Grenadines.

Colombia states that a few cases of manatee poaching are known.

The Dominican Republic states that manatees are sometimes consumed as a by-catch in fisheries, in a very sporadic way (and illegal according to the legislation in force).



**Figure 12 : Map of EEZ where marine mammal hunting is allowed**

## 7. MARINE MAMMAL PROTECTION - EDUCATION, RESEARCH AND AWARENESS-RAISING

### 7.1 Research and/or conservation programme financed by the government

Among the 15 countries answering to the question « Is there currently a marine mammal research and/or conservation programme financed by your government? » (see map in Erreur : source de la référence non trouvée) :

- **7 out of 15 declare that there are currently government-funded research or conservation programs.**

In most cases, the **ministry or its services in charge of the environment** of the country concerned is at the origin of the financing of research or conservation programmes for the benefit of marine mammals.

In some cases, the **ministry responsible for food and fisheries** is the source of funding, alone or jointly with the departments attached to the administration responsible for the environment.

Sometimes a contribution also comes from the ministry responsible for research and higher education (Colombia, Panama, Dominican Republic).

### 7.2 Awareness raising

Among the 15 countries answering to the question « Are there marine mammal networks or organizations to inform people about marine mammals and conservation? » :

- **11 out of 15 state that there are currently networks or organizations that inform the general public about marine mammals.**

Most of them are **foundations** (Colombia, Panama, Dominican Republic, Saint Vincent and the Grenadines), **research centres** (Panama, Dominican Republic), **universities** (France, Panama, Dominican Republic), **aquariums** (Dominican Republic) or **networks** made up of actors specifically dedicated to marine mammals or strandings (Barbados, France, Netherlands, United States of America) or **marine protected areas** hosting marine mammals (Belize, France, Netherlands) or NGOs (Belize, Colombia, United States of America).

**Government departments** are sometimes also involved in providing information to the general public (Belize, France, Guyana, Mexico, Saint Vincent and the Grenadines).

#### Government programme for education and outreach

Among the 15 countries answering to the question « Is there a government programme of marine mammal education and outreach? » :

- **8 state that there is currently a government education and awareness program in place ;**
- **7 assert that there is no such government program..**

In most cases where such a government program exists, it is the **ministry or its departments in charge of the environment** that initiates it.

It sometimes works with other structures on these aspects, including **NGOs, aquariums, educational centres**, etc. (Colombia, Mexico, Dominican Republic).

France has developed a programme of *Educational Marine Areas* for schools, which become actors in the management of a small marine area in partnership with local authorities and sometimes civil society actors.

#### 7.4 Marine Protected Areas management plans to protect and conserve marine mammals

Among the 15 countries answering to the question « Are Marine Protected Areas (MPAs) management plans established in your country to protect and conserve marine mammals? » (see map in Figure 14) :

- **11 out of 15 countries report that there are MPA management plans in place for the conservation of marine mammals.**

Barbados states that its two marine protected areas do not support a sedentary population of marine mammals.

France and the Netherlands have a sanctuary covering their entire Caribbean EEZ (Agoa and Yarari respectively) with a management plan dedicated to marine mammals (in progress for the Netherlands).

The Turks and Caicos Islands report that they are currently working on a management plan for each of the country's 18 marine protected areas.

#### 7.5 Non-governmental organizations(ONG)

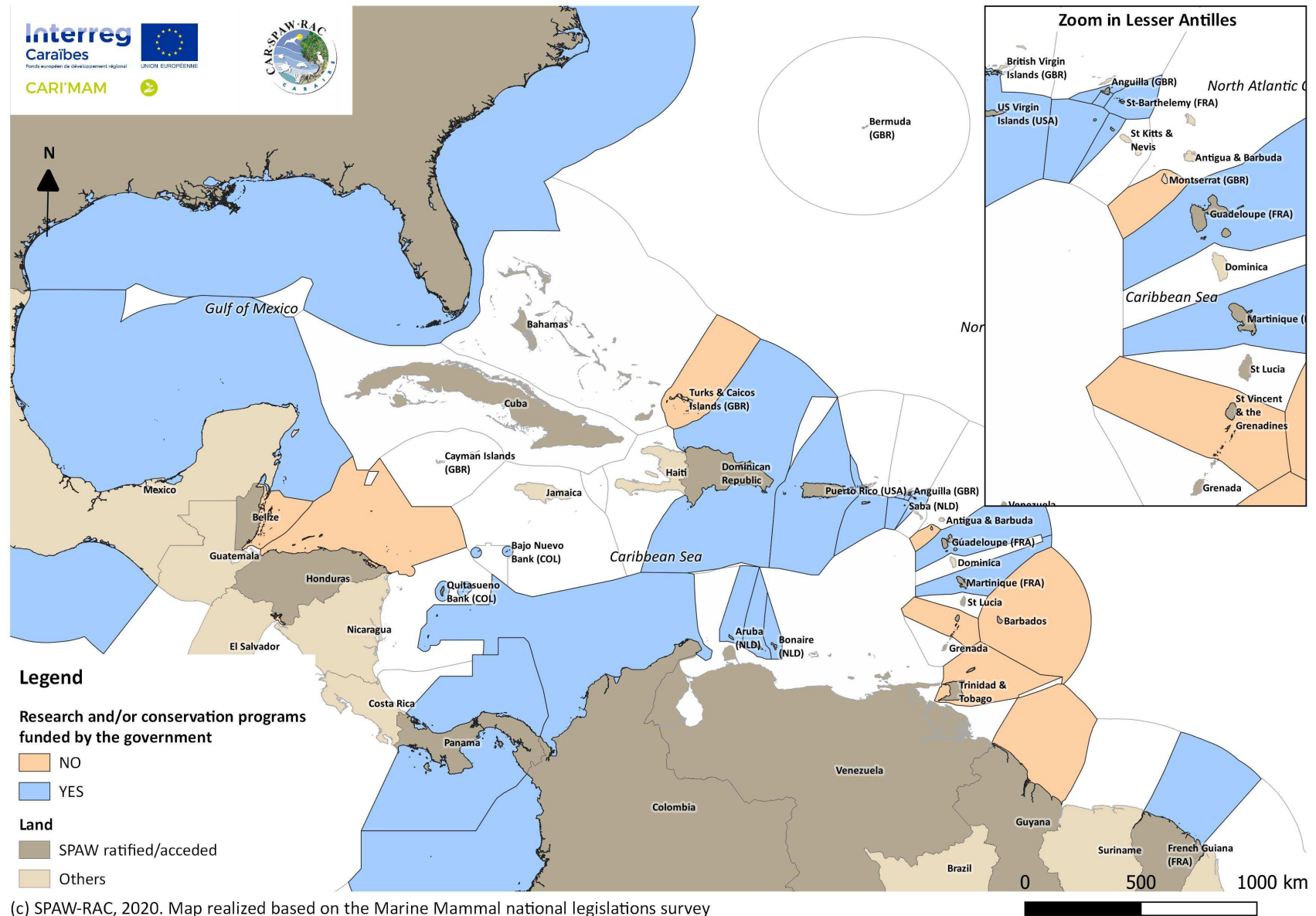
Among the 15 countries answering to the question « Are non-governmental organizations (NGOs) in your country involved in marine mammal research/management/monitoring/education activities? » :

- **14 state that there are NGOs involved in research, conservation, monitoring or education activities for marine mammals active in their country or territory. Montserrat indicates that there are no such NGOs.**

These NGOs are sometimes very numerous and active in all fields of conservation, particularly in the United States of America and the Dominican Republic.

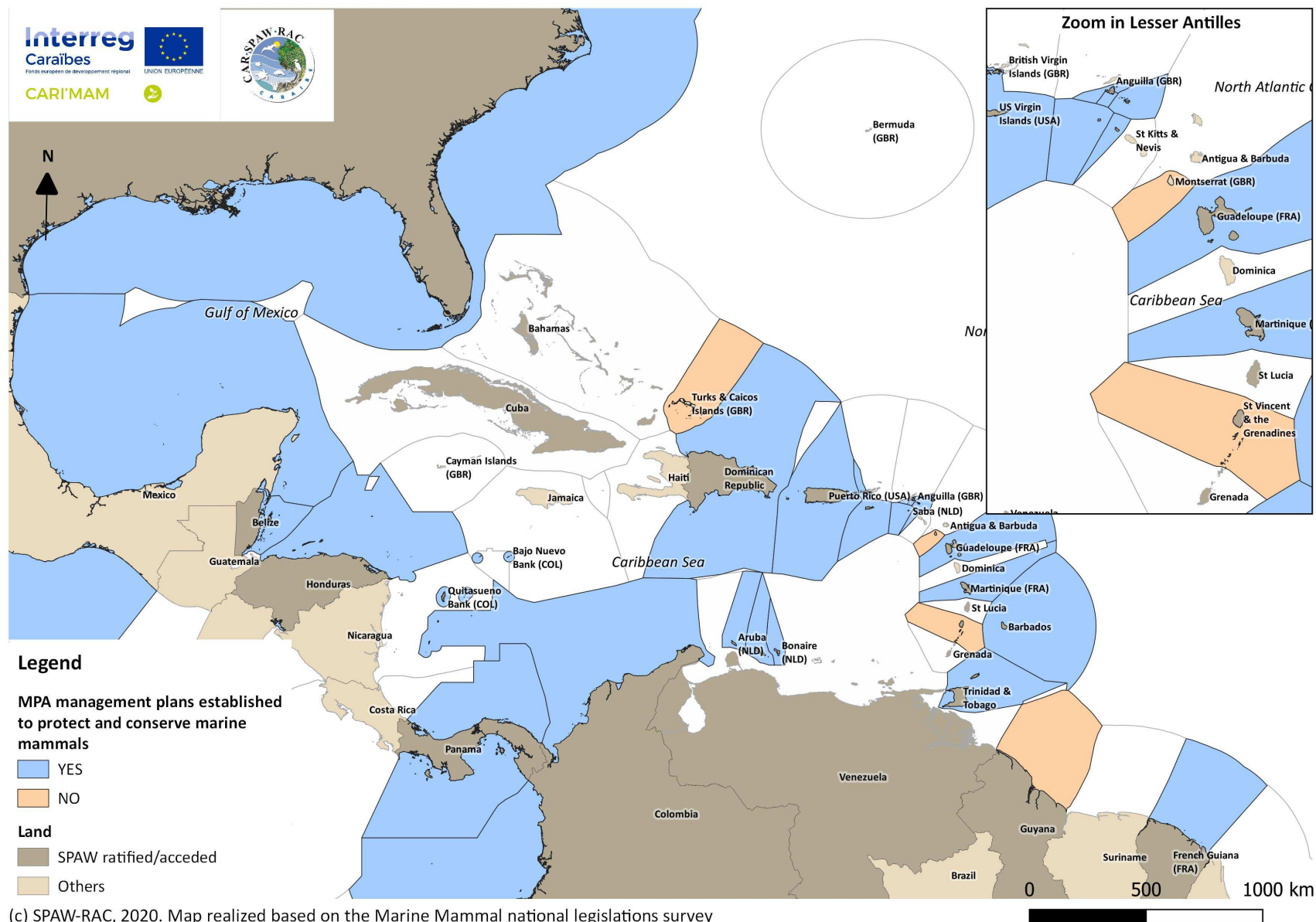
In the Netherlands, the management of marine protected areas is delegated to NGOs. Some NGOs are also responsible for monitoring strandings (e.g. Trinidad and Tobago, France).

These are both local foundations and NGOs (Belize, France, Guyana, Honduras, Mexico, Panama, Saint Vincent and the Grenadines, Trinidad and Tobago) and large international NGOs such as WWF or Conservation International (Colombia, France).



**Figure 13 : Map of EEZ whose sovereign governments fund research and/or conservation programmes for marine mammals**





**Figure 14 : Map of EEZs where Marine Protected Areas have a management plan that benefits marine mammals (protection and conservation)**

## 8. CONCLUSION

All species of marine mammals are listed in Annex II of the Specially Protected Areas and Wildlife (SPAW) Protocol of the Cartagena Convention. It means that the 17 SPAW Parties committed themselves to fully protect them on their territories. For these species, all forms of destruction and disturbance are prohibited. Their possession and trade are also prohibited. The same applies to products derived from these species. Any activity affecting their habitat is particularly regulated. Exemptions, that must be requested to the SPAW Parties, are possible for scientific, educational or management purposes necessary for the survival of the species.

The survey on the status of national legislation for the protection and/or conservation of marine mammals was sent to 30 countries or territories listed in the Wider Caribbean Region, regardless of their status of ratification of the SPAW Protocol. Of the **15 responses received**, Mexico, Turk and Caicos and Montserrat have not ratified the SPAW Protocol.

The majority of responding countries agree on the risk of decline or extinction of mammals due to human activities. However, due to a lack of means, the conservation status of populations at the territorial level is rarely assessed and States rely on existing international assessment tools. The threats to marine mammals identified by respondents are numerous (non-exhaustive: accidental fishing, recreational activities, illegal trade, habitat destruction, pollution, etc.).

**10 countries out of the 15 respondents have national legislation specifically dedicated to marine mammals.** When they do not benefit from specific legislation, marine mammals are at least protected by a general law applying to the protection of wildlife. Thus **13 out of 15 countries have specific or general legislation protecting marine mammals.**

The legislation applicable in the 15 respondent countries is mostly consistent with the SPAW status of marine mammal species. They prohibit the capture of animals, their disturbance, feeding, forced displacement, hunting, destruction or degradation of habitats and trade. **Exemptions** from these prohibitions are sometimes provided for scientific research, conservation, education and/or entertainment purposes. However few countries do not yet enforce all of the above prohibitions in their territory. Finally, the hunting of certain species of marine mammals continues to take place in some territories.

**The legislation currently in force is often recent** and in many cases still in the process of being amended to strengthen the protection regime (9 countries out of 15). However, this is not the case in **two countries whose current legislation does not yet protect marine mammals.**

Most of the governments or public services in the countries surveyed are involved in marine mammal issues. Depending on the territory, these services are attached to the **ministry in charge of the environment and/or the ministry in charge of fisheries management.**

This involvement takes the form, for example, of regulatory activities such as the **issuing of permits or licences** for human activities interacting with marine mammals, whether they are authorised by the legislation in force or subject to an **exemption regime**, for the purposes of scientific research, conservation, education, entertainment and sometimes subsistence hunting for the benefit of local populations.

**The authorities are sometimes also involved in supporting research, conservation, education and/or public awareness activities** on behalf of marine mammals in a variety of ways, depending on the country.

The particular case of **facilities holding marine mammals in captivity** shows a certain **heterogeneity between countries.** One third of the countries that replied to the survey authorise the presence on their territory of facilities holding marine mammals in captivity. In all cases, this activity is supervised and controlled: issuance of operating permits, obligation to keep captive individuals only born in captivity, etc.

Finally, the existence of **marine protected areas** with management plans including measures in favour of marine mammals in 11 out of 15 countries should be highlighted.