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Ninth Meeting of the Scientific and Technical Advisory Committee (STAC) to the Protocol Concerning Specially Protected Areas and Wildlife (SPA) in the Wider Caribbean Region

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## RECOMMENDATIONS FOR THE PROTECTION AND RECOVERY OF CARIBBEAN SEA TURTLES

*Por razones de salud pública y seguridad asociadas con el COVID-19, esta reunión se está convocando virtualmente. Se ruega a los delegados que accedan a todos los documentos de la reunión electrónicamente para descargarlos cuando sea necesario.*

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# Protection and Recovery of Caribbean Sea Turtles

A REPORT OF THE SPAW SPECIES WORKING GROUP

Task 4: “Develop priorities and strategies for regional collaboration on and implementation of management measures to improve protection of species listed under the Annexes of the Protocol.”

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1. Article 10 of the 1990 Protocol to the Cartagena Convention concerning Specially Protected Areas and Wildlife (SPAW Protocol) specifies that Parties “carry out recovery, management, planning and other measures to effect the survival of [endangered or threatened] species” and regulate or prohibit activities having “adverse effects on such species or their habitats”. Article 11 declares that each Party “shall ensure total protection and recovery to the species of fauna listed in Annex II”.
2. All six Caribbean-occurring species of sea turtle - green turtle/tortuga verde/tortue verte (*Chelonia mydas*), hawksbill/carey/tortue imbriquée (*Eretmochelys imbricata*), loggerhead/ caguama/caouanne (*Caretta caretta*), leatherback/tortuga laúd or baula /tortue luth (*Dermochelys coriacea*), olive ridley/golfina/olivâtre (*Lepidochelys olivacea*) and Kemp’s ridley/tortuga lora/ridley de Kemp (*Lepidochelys kempii*) - have been listed on Annex II of the SPAW Protocol since the Protocol came into force in 2000.
3. Threats to sea turtles in the region are many. They include direct take (harvest), indirect take (fisheries bycatch), erosion of nesting beaches, light pollution, invasive predators, loss of coral reef and seagrass foraging habitats, beach armoring, entanglement, oil spills, boat strikes, plastic and other coastal debris/pollution, and the broader existential threats associated with modern climate change (e.g., sea level rise, ocean acidification, feminisation of hatchlings).
4. Task 4 requires the development of “priorities and strategies for regional collaboration and implementation of management measures to improve protection of species listed under the Annexes of the Protocol”. Based on our review and expert knowledge of sea turtles in the region, we are recommending the following actions relating to take and bycatch, recognising that these do not address all threats to all species nor do they detract from efforts currently being made by countries to advance conservation and management of sea turtles by addressing the other threats, such as protection of nesting beaches, in line with the provisions of the SPAW Protocol.
5. Eckert and Eckert (2019) reported that of the 45 nations and territories examined in a regional review of the Wider Caribbean, including Bermuda and Brazil, 37 countries have legislated complete and indefinite protection for sea turtles. Five countries (Colombia, Honduras, Nicaragua, Suriname, Venezuela) provide for legal exceptions through a permit process intended to support bona fide indigenous or cultural processes that rely on “traditional” or “subsistence” exploitation. Eight countries, mainly Small Island Developing States, still have regulatory regimes that leave one or more species subject to seasonal exploitation. These seasonal fisheries operate in direct contravention of the SPAW Protocol and, because they are based on minimum size limits, they violate best scientific practices for the sustainable use of long-lived species such as sea turtles.
6. In order to complete Task 4, we reviewed laws relating to the protection of sea turtles from direct take, specifically within the SPAW Parties (see Annex 2). The review revealed that there are SPAW Parties whose legislation not only allows seasonal commercial take, possession and sale, despite the listing of sea turtles in Annex II, but also allows exploitation of the most valuable life stages. These Parties rely on minimum weight restrictions, which result in the harvesting of mature females, the most valuable age/sex class in a population. Moreover, the nesting seasons of exploited species are not always fully captured by the closed seasons, further contributing to declines in breeding-age individuals. In other SPAW Parties, there is a lack of clarity over subsistence harvest and if or what management measures (such as maximum sizes, catch limits and closed seasons) are being used to ensure sustainability of the

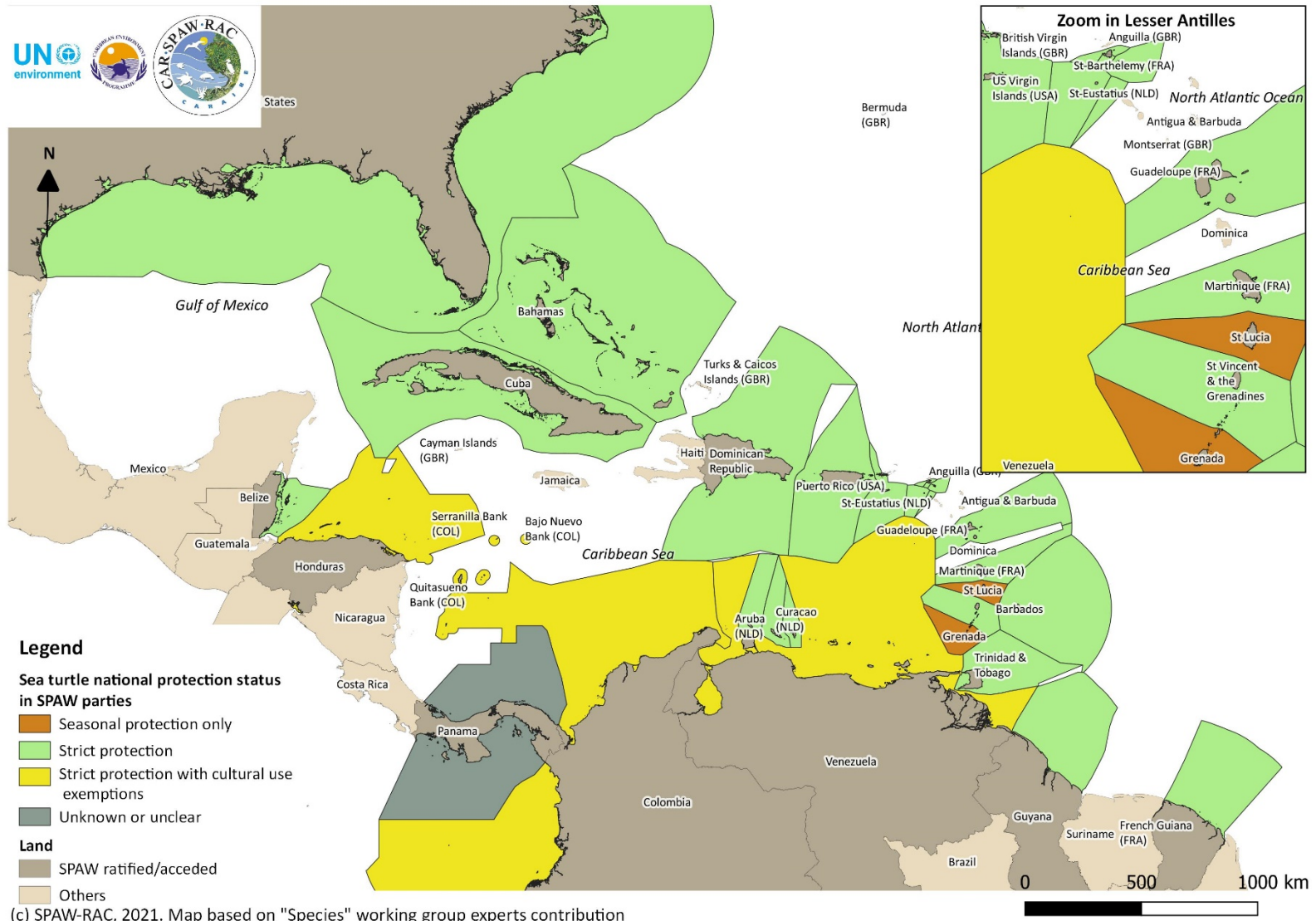
subsistence take. The fact that laws are not publically available in all SPAW countries makes it difficult to review implementation of the SPAW Protocol and has the potential to create enforcement problems. Inadequate enforcement is an issue of concern in many countries in the WCR, including SPAW Parties (e.g., Eckert and Eckert 2019; Brautigam and Eckert 2006).

7. Indirect take, particularly as bycatch in nearshore fisheries, also hinders the recovery of Caribbean sea turtle populations, and is thought to be a major factor in the decline in the Northwest Atlantic leatherback population (Northwest Atlantic Working Group 2018). Although direct (e.g., onboard Observer reports, landing data) and indirect (e.g., stranding reports) evidence suggests that bycatch is a significant problem, scientific data on the full extent of the problem remains elusive. Priority is here accorded to identifying and addressing bycatch, especially in nearshore fisheries affecting leatherbacks, given the magnitude of this incidental threat and the need for further data and information for the development of strategies to mitigate it.
8. Based on our review and expert knowledge, we are recommending the following priority actions to the STAC:
  - i. Encourage compliance with the SPAW Protocol through the following steps:
    - a. Prepare an information paper that summarizes the regulatory framework and any available data on the exploitation of sea turtle populations by SPAW Parties currently out of compliance with Annex II mandates to protect listed species.
    - b. Request that the SPAW protocol initiate a dialogue with non-compliant Parties to identify barriers to moratoria on sea turtle harvest, or at least barriers to management based on biologically meaningful criteria (such criteria are well articulated in Brautigam and Eckert, 2006).
  - ii. Compile information on the type (e.g., gear type, fishing practices) of nearshore fisheries for each country and any existing sea turtle protection measures related to those fisheries, and develop a strategy to address bycatch in nearshore fisheries.
  - iii. Coordinate with the Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC) to develop a cooperative mechanism to facilitate implementation across the species' range of Decision 6 UNEP(DEPI)/CAR IG.40/3, and IAC-COP9-2019-R2 "Conservation of the Northwest Atlantic Leatherback Turtle (*Dermochelys coriacea*)", based on the findings of Northwest Atlantic Leatherback Working Group (2018) relating to the need to reduce bycatch.
  - iv. Request that Parties with indigenous harvest meeting the traditional subsistence and cultural needs of their local populations (including egg collection), under Article 14 of the SPAW Protocol, provide information and justification on these activities (e.g., harvest data, management measures) and submit an exemption format if necessary.
  - v. Develop and administer a questionnaire to SPAW Parties and observers looking at issues concerning national level enforcement to help identify gaps and barriers to effective enforcement. Potential areas of investigation include: available enforcement personnel and resources; evidence laws; officer, prosecutor and judicial training in environmental crimes; penalties; successful and unsuccessful prosecutions of sea turtle law violations.
  - vi. Support Parties in developing, reviewing, and/or updating their Sea Turtle Recovery Action Plans (STRAP) (developed in partnership with SPAW and WIDECASST) and/or other national recovery planning processes and documents. Emphasis should be given to mobilizing resources,

implementation, and identification of strategic local initiatives to address bycatch and other threats. WIDECAST is playing a major role here.

- vii. Ensure that future Parties to the SPAW Protocol, if they sanction direct or indirect sea turtle take, indicate how they intend to comply with the Protocol, including legal protections to sea turtles, regulation of “activities having adverse effects on such species or their habitats and ecosystems”, and taking “appropriate actions to prevent species from becoming endangered or threatened” (Article 10).

Annex 1. Sea turtle national protection status in SPAW Parties



(c) SPAW-RAC, 2021. Map based on "Species" working group experts contribution

## Annex 2. SPAW Parties Legislation relating to sea turtle protection or the management of sea turtle fisheries

*Note:* Visit [www.widecast.org](http://www.widecast.org) "Network", select any country and refer to "Regulations" for details (it's not always up to date, but it can provide additional country-specific insight).

Country	Law	Bycatch	Comments
<b>Bahamas</b>	Fisheries Resources (Jurisdiction and Conservation) Regulations - s. 29 prohibits take (catch, capture, removal from the water), possession and trade in sea turtle parts and eggs, subject to exemptions by permit from the Minister for scientific, educational and research purposes (s. 32) - s. 30 protects nests	Longline fishing is prohibited. Trawling & large-scale drift nets will be prohibited under the draft Fisheries Act.	The Fisheries Act is being amended but protections are remaining in place
<b>Barbados</b>	Fisheries (Management) Regulations, 1998 - s. 7 prohibits possession, trade, fishing, ensnaring turtles, parts and eggs - s. 7(3) protects nests		
<b>Belize</b>	Fisheries Act was updated in 2020; pending subsidiary regulations to complement the new Act. In the previous version, chapter 210, 2003 - ss. 10 & 11 strict protection for sea turtles, parts and eggs - exemptions with written permission by the Fisheries Admin. - s.13 exception for traditional or cultural use - need to apply to the Fisheries Administrator - hawksbill take is not allowed under this provision	Trawling is prohibited.	While exceptions for bona fide indigenous or cultural use are technically allowed, no such exception has ever been granted under the 2003 Act.
<b>Colombia</b>	According to Brautigam & Eckert, 2006, exploitation has been prohibited since 1978, but subsistence take is permitted - a long list of subsequent Resoluciones & Accuerdos - Acuerdo 021 de 1991 is perhaps the most relevant one in that it "establishes regulations for the protection of sea turtle, nesting beaches and foraging areas"	Trawling is prohibited within 1 nautical mile from the coast and in specially designated areas; TEDs are mandatory	



Country	Law	Bycatch	Comments
<b>Cuba</b>	Reglamento de la Ley 129 "Ley de Pesca" - s. 32(2) prohibits capture, take, land, transport, process and trade in listed species, including sea turtles, subject to an exemption for research purposes. Also, Resolution 129/2011 - s. 20 prohibits hunting, capture, collection, reproduction, transport or any management action or exploitation of a listed species, including sea turtles, without a licence - for Appendix I species, which includes sea turtles, licence will be given only for research or conservation purposes (s. 21)		
<b>Dominican Republic</b>	Ley General Sobre Medio Ambiente y Recursos Naturales (64-00) - art. 140 prohibits hunting, fishing, capture, harassment, abuse, killing, import/export, possession, trade in species declared as endangered by DR or through international agreements Decreto 288-12- 10 year ban on catching, killing, trade, collecting turtles and eggs		
<b>France</b>	Arrêté ministériel du 14 octobre 2005 - The destruction, degradation or alteration of eggs, turtles and their living environment is prohibited - The purchase, transport, holding and sale of turtles harvested in their living environment is prohibited - There are exemptions for research, health, public safety and conservation purposes	TEDs (turtle excluder devices) are mandatory in all French territories and in Europe <a href="#">règlement 2019/1241</a>	
<b>Grenada</b>	Closed season: April 1 - Aug 31 Fisheries Regulations - s. 17 strict protection for leatherbacks and their eggs - some ambiguity around interfering with nests during open season - size limits and closed season set by the Minister in Gazette Fisheries (Levera Beach Closed Area ) Regulations of 2010 - s. 3 Levera Beach remains closed during the open season - s. 5 prohibits certain activities such as access without a permit		Minimum weight is 25lb

Country	Law	Bycatch	Comments
<b>Guyana</b>	Wildlife Conservation & Management Act, 2016 s 63 - <a href="https://wildlife.gov.gy/">https://wildlife.gov.gy/</a> prohibits the sale, possession or control without an authorization a listed species - applies to all CITES listed species Wildlife Management Protection Regulations 2013 (according to newspaper articles these have been replaced with Wildlife Conservation, Management and Sustainable Use Regulations in 2018 via Cabinet)	TEDs are mandatory.	
<b>Honduras</b>	Decreto No. 106-2015, art. 20 declares species protected under international agreements to be protected in Honduras. According to Eckert & Eckert (2019), indigenous take is allowed.	TEDs are mandatory.	
<b>Netherlands</b>	Fully protected in all Dutch Caribbean islands: Nature Conservation Act BES 2011 and Fisheries Act BES (Bonaire, St. Eust., Saba) St. Maarten - ARTICLE 16 and 17 of the Nature Conservation Ordinance St. Maarten - strict protection Curacao - Endangered Species Act Aruba - Marien Milieuverordening Aruba (Marine Environment Ordinance of Aruba) AB 1980, No. 18.		
<b>Panama</b>	Decreto Ejecutivo No. 5, 2017 - sets out environmental penalties, including for possession of sea turtle products for commercial and/or consumption purposes in violation of current legislation. In the report (2017) to the IAC this provision is interpreted as applying to commercial purposes only.	TEDs are mandatory.	
<b>St. Lucia</b>	Fisheries Act 2001 - s. 33 full protection for eggs, nests, nesting turtles - closed season between Feb 28 to Oct 1 - min size limits, no turtle nets within 100m of shore		27.22 kg for hawksbill; 34.02kg for green and loggerhead and 294.84kg for leatherbacks

Country	Law	Bycatch	Comments
St. Vincent & Grenadines	Fisheries (Amendment) Regulations 2016 - introduced an amendment that prohibits take, sale, possession of turtles, eggs and parts		
Trinidad & Tobago	Sea turtles have been designated as "environmental sensitive species" (ESS) under s. 41 of the Environmental Management Act. According to the ESS Notices for the five species of sea turtles outline strict protection for the species, including eggs and parts. Exemptions for education, scientific research and conservation. Some obligations on the Authority to engage in mitigation of threats and further research and education. Also protected (no take, possession trade of turtle, eggs and parts) under Protection of Turtle and Turtle Eggs Regulations.	TEDs are mandatory.	
Venezuela	Moratorium on all sea turtle fishing - exemptions for indigenous populations	TEDs are mandatory.	
U.S.	Endangered Species Act - strict protection for turtles & eggs, both on land and at sea	TEDs are mandatory.	

\* Strict protection meaning: no killing, capturing, harassing, possession, trading

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