

*Inter-American Convention
for the Protection and
Conservation of Sea Turtles (IAC):*

An Introduction



September 2004

Corrections to English edition

Articles VII and VIII of the Convention text (pp. 26-28) should read:

ARTICLE VII CONSULTATIVE COMMITTEE

1. At their first meeting, the Parties shall establish a Consultative Committee of Experts, hereinafter referred to as "the Consultative Committee", which shall be constituted as follows:
 - a. Each Party may appoint one representative to the Consultative Committee, who may be accompanied at each meeting by advisors;
 - b. The Parties shall also appoint, by consensus, three representatives with recognized expertise in matters pertaining to this Convention, from each of the following groups:
 - (i) the scientific community;
 - (ii) the private sector; and
 - (iii) nongovernmental organizations.
2. The functions of the Consultative Committee shall be to:
 - a. Review and analyze the reports referred to in Article XI, and any other information relating to the protection and conservation of populations of sea turtles and their habitats;
 - b. Solicit from any Party additional relevant information relating to the implementation of the measures set forth in this Convention or adopted pursuant thereto;
 - c. Examine reports concerning the environmental, socio-economic and cultural impact on affected communities resulting from the measures set forth in this Convention or adopted pursuant thereto;
 - d. Evaluate the efficiency of the different measures proposed to reduce the capture and incidental mortality of sea turtles, as well as the efficiency of different kinds of TEDs;
 - e. Present a report to the Parties on its work, including, as appropriate, recommendations on the adoption of additional conservation and management measures to promote the objective of this Convention;
 - f. Consider reports of the Scientific Committee;
 - g. Perform such other functions as the Parties may assign.
3. The Consultative Committee shall meet at least once a year for the first three years after the entry into force of the Convention, and after that in accordance with decisions made by the Parties.
4. The Parties may establish expert groups to advise the Consultative Committee.

ARTICLE VIII SCIENTIFIC COMMITTEE

1. At their first meeting, the Parties shall establish a Scientific Committee which shall be comprised of representatives designated by the Parties and which shall meet, preferably, prior to the meetings of the Consultative Committee.
2. The functions of the Scientific Committee shall be to:
 - a. Examine and, as appropriate, conduct research on sea turtles covered by this Convention, including research on their biology and population dynamics;
 - b. Evaluate the environmental impact on sea turtles and their habitats of activities such as fishing operations and the exploitation of marine resources, coastal development, dredging, pollution, clogging of estuaries and reef deterioration, among other things, as well as the potential impact of activities undertaken as a result of exceptions to the measures allowed in accordance with this Convention;
 - c. Analyze relevant research conducted by the Parties;
 - d. Formulate recommendations for the protection and conservation of sea turtles and their habitats;
 - e. Make recommendations on scientific and technical matters at the request of any Party regarding specific matters related to this Convention;
 - f. Perform such other scientific functions as the Parties may assign.

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Contents

FOREWORD	3
I. SEA TURTLES IN THE AMERICAN CONTINENT: A SHARED RESOURCE	4
II. SEA TURTLE POPULATIONS: PRINCIPAL THREATS	7
III. THE BEGINNING OF A CONTINENTAL EFFORT: THE CONVENTION	11
IV. THE PARTIES AND THEIR COMMITMENTS	12
V. THE CONVENTION TODAY	14
VI. STEPS TOWARD THE FUTURE	16
VII. SEA TURTLE SPECIES OF THE AMERICAN CONTINENT	19
VIII. TEXT OF THE INTER-AMERICAN CONVENTION FOR THE PROTECTION AND CONSERVATION OF SEA TURTLES	21
REFERENCES	34

PHOTOGRAPHS:

RODERIC MAST –

CONSERVATION INTERNATIONALCover, 2, 16, 36

EDWARD E. CLARK 3, 22, 23

SEBASTIAN TROËNG – CARIBBEAN CONSERVATION

CORPORATION 5

CARIBBEAN CONSERVATION CORPORATION 7

CARIBBEAN CONSERVATION CORPORATION 9

MICHAEL P. JENSEN – UNIVERSITY OF AARHUS 10

PROJETO TAMAR – BRAZIL 13

ERIN E. SENEY 14

RÁNDALL ARÁUZ – PRETOMA 17

INTER-AMERICAN TROPICAL TUNA

COMMISSION (IATTC).....18 A, B

CARIBBEAN CONSERVATION CORPORATION 21A, B

LARISA AVENS 24

© WWF-CANON / CAT HOLLOWAY 25

IAC SECRETARIAT..... 26

JOHAN CHEVALIER 27

MICHAEL P. JENSEN – UNIVERSITY OF AARHUS 35

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Redaction and
Eng/Sp translation



Embajada del Reino
de los Países Bajos



Redaction
and diagrams

Foreword

During its life cycle, a sea turtle can use the waters and coasts of several nations, as well as international waters. The wide ranges and long distances traveled by sea turtles are unique traits of these reptiles. Therefore, initiatives for protection, conservation and management in one nation can be positively or negatively affected by activities in other nations. International cooperation is necessary for the successful conservation of sea turtles. The Inter-American Convention for the Protection and Conservation of Sea Turtle entered into force in 2001, as an opportunity for dialogue and action in the American continent to achieve harmonious management of these species that are currently threatened with extinction and have the potential to contribute to the development of coastal communities.

Turtles spend only a small part of their lives on the nesting beaches. The rest of the time they make long migrations or remain in feeding areas. Studies carried out over many years on nesting beaches and the experience acquired in this kind of habitat has helped develop very useful knowledge for the conservation and protection of sea turtles on land, but what is happening to them where they spend the greater part of their lives? In many cases, incidental capture in fisheries and the direct take of these animals are causing serious problems for the conservation of their populations.

The development of outreach about the relevance of the Convention was included by the Parties in the Work Plan of its Secretariat. This document aims to facilitate access to interested Parties about the content and legal aspects of the Inter-American Convention for the Protection and Conservation of Sea Turtles. It also intends to facilitate dialogue with other interested sectors, national and international organizations, civil society, private enterprise, scientists and coastal communities.

The future vision is that the Inter-American Convention for the Protection and Conservation of Sea Turtles be established as the leading international cooperative mechanism for achieving the efficient management and recovery of sea turtle populations in the American continent, through ongoing participative, consensual work between its Parties, Subsidiary Bodies, private enterprise, local communities, non-governmental organizations, and other players.

***Marco Solano – Pro Tempore Secretariat
Inter-American Convention for the Protection and Conservation of Sea Turtles***

I. Sea turtles in the American continent: A shared resource

The first sea turtles evolved approximately 110 million years ago¹. This highly successful group of animals survived the extinction of the dinosaurs and currently inhabit all the oceans of the planet. Scientists consider them to be indicator species, since the size and health of their populations gives an indication of the general health of the sea and coasts². The Americas have nesting populations of six of the seven species of sea turtles that still occur in the world:

1. Leatherback turtle (*Dermochelys coriacea*)
2. Green turtle, black turtle (*Chelonia mydas*)
3. Hawksbill (*Eretmochelys imbricata*)
4. Loggerhead (*Caretta caretta*)
5. Olive ridley (*Lepidochelys olivacea*)
6. Kemp's ridley (*Lepidochelys kempii*).

The coastal and pelagic waters around the American continent provide numerous migration corridors and extensive feeding areas for these six species. Although the sea turtle populations of the Americas remained healthy until 500 years ago³, all six species are now threatened. According to the Red List of IUCN-The World Conservation Union, three of them are endangered and three are critically endangered⁴.

It is estimated that species such as the green turtle have declined 37% to 61% since 1860⁵ and the hawksbill, for example, has declined more than 80% in the last 105 years⁶.

The main cause for the drastic population reduction of sea turtles is human exploitation of their eggs, meat, skin and shell. In recent decades, additional threats to their survival have included incidental capture in long line fisheries, drift nets, and shrimp trawls, as well

At the end of the 1980s, 1,367 leatherbacks nested on Playa Grande, Costa Rica. The current decline suggests that there will be no more than 50 animals there by 2009. This trend has also been verified on other Pacific nesting beaches. The current total population of adults and sub-adults in the Eastern Pacific is 2,995 animales, whereas there were more than 91,000 adults in 1980 ⁷.

as the contamination and destruction of their habitats⁸.

Besides being used by coastal communities as a source of food and income, in recent years these reptiles have acquired high economic value as ecotourism attractions in several nations of the American continent. Some

60,000 tourists each year participate in the observation of sea turtles in their natural environment in at least 15 Latin American and Caribbean countries, thus creating jobs, services and income for the region. As such, these animals have become the basis of development for various communities of the continent. Similarly, it is estimated that investment by non-governmental organizations in the sea turtle conservation in Latin America and the Caribbean reaches at least \$3.6 million per year⁹.

Sea turtles fulfill important ecological roles in ecosystems as diverse as coral reefs¹⁰ and seagrass pastures¹¹ while transporting energy



Sea turtles have become a tourist attraction on many beaches of the American continent.

In 2002, the 26,292 tourists that came to observe nesting sea turtles on the beach of Tortuguero National Park spent \$6,714,483 in their visit to this Caribbean community of Costa Rica¹².

between the sea and terrestrial habitats such as nesting beaches and their surroundings¹³. Their disappearance could seriously affect the survival of other species of flora and fauna that depend on sea turtles and their eggs for their own survival.

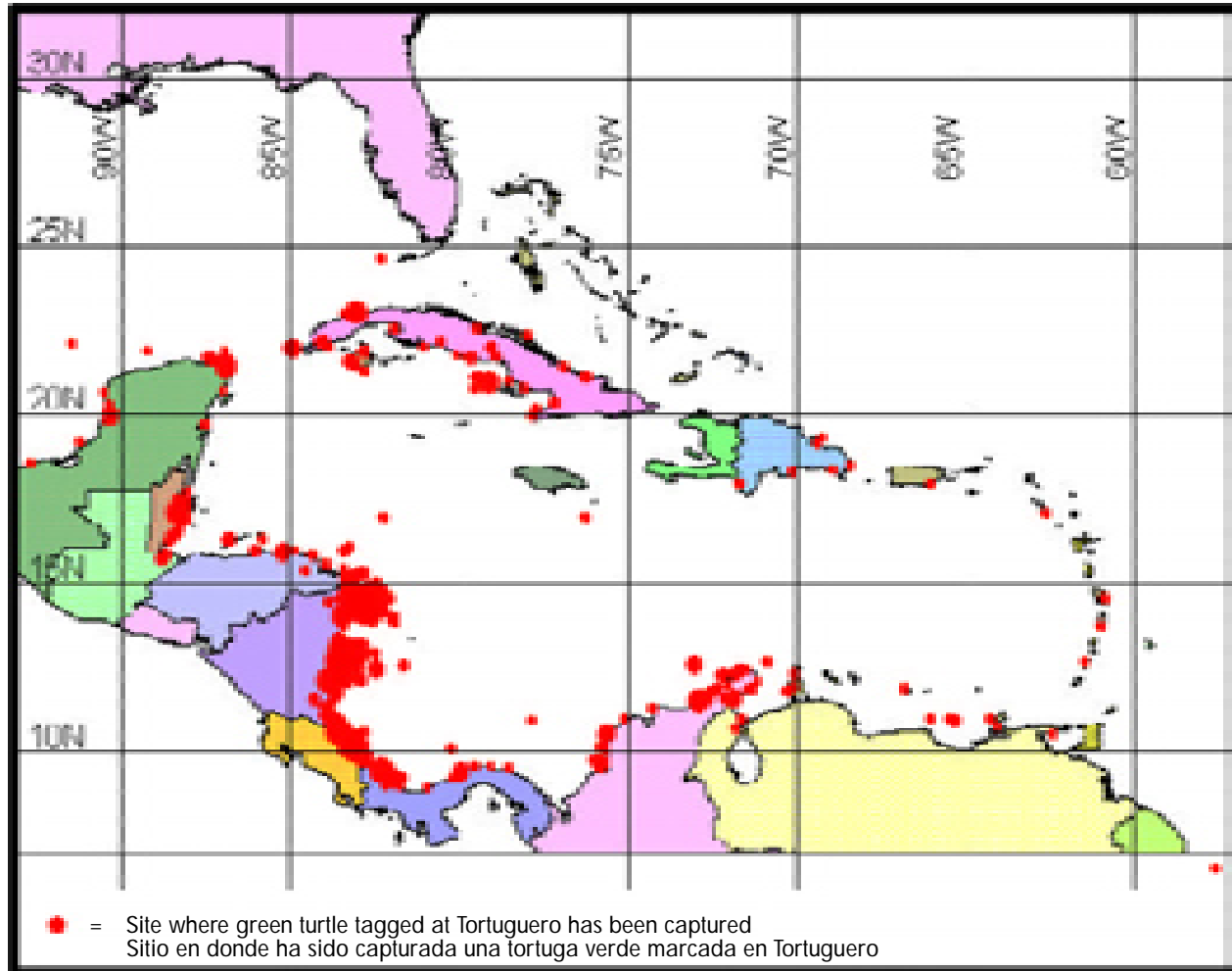
Sea turtles represent shared resources among nations of the American continent because they use the waters of more than one nation during their life cycle. The conservation efforts for a population of turtles in one country can be harmed or benefited by activities in another country.

International cooperation is essential for achieving efficient management that would ensure the survival of these ancient reptiles and the sustainability of the economic benefits and the ecological role that they offer the people and ecosystems of the continent.

On most of the beaches of Brazil where the TAMAR project (civil society and governmental sea turtle project) is present, the main source of income for local communities is participation in the turtle program conservation ¹⁴.

Citizens of the Americas: recapture of green turtles tagged while nesting in Tortuguero, Costa Rica, by country.

(Caribbean Conservation Corporation, unpublished data, www.cccturtle.org/tort-tag-returns.htm)



Recaptures/Recapturas

Country/ País	# of individuals/ # de individuos	Country/ País	# of individuals/ # de individuos
1. Belize/Belice:	32	15. Panama/Panamá:	137
2. Brazil/Brasil:	1	16. Puerto Rico:	1
3. Colombia:	72	17. St Kitts and Nevis/San Kitts y Nevis:	1
4. Costa Rica:	345	18. Saint Lucia/Santa Lucia:	1
5. Cuba:	101	19. USA/EEUU:	1
6. Dominican Rep./Rep. Dominicana:	7	20. Venezuela:	30
7. Grenada:	1	TOTAL	4378
8. Guatemala:	4	Unknown/País desconocido *:	2
9. Guyana:	1	* Sent from USA but probably caught elsewhere/ Enviado desde EEUU pero probablemente captu- rada en otro país	
10. Honduras:	44	Individuals tagged at Tortuguero/ Individuos marcados en Tortuguero 1955-2002:	45,715
11. Jamaica:	1	Proportion recaptured/ Proporción recapturada:	0.096
12. Martinique/Martinica:	1		
13. Mexico/México:	38		
14. Nicaragua:	3557		

II. *Sea turtle populations:* principal threats

Sea turtles are exposed to numerous natural obstacles to their survival. Very few, perhaps only one of every 1,000 turtles hatched, survive to maturity. However, the increase in anthropogenic threats is what has endangered all species of sea turtles in the American continent.

The complex life cycle of sea turtles, with several developmental habitats and migrations of hundreds or thousands of kilometers between feeding zones and nesting beaches, makes their management difficult and exposes the turtles to many impacts over a very broad geographical area.¹ Although important research efforts exist, there is still much to do in order to attain fundamental scientific knowledge

about sea turtles. Relatively little is known about their migration routes, use of different habitats and their spatial and temporal distribution. Additionally, sufficient data that would give a complete panorama about incidental mortality in fisheries is still lacking. However, the reduction of many of the populations that come to the nesting beaches is a clear indication that the situation of sea turtles is critical.

Incidental capture

A large number of sea turtles are captured in nets and hooked on long lines during fishing tasks aimed at other species. A recent study on incidental capture of leatherbacks

Human-induced sea turtle mortality

Currently, the mortality induced by human beings has greater impact on sea turtle populations than natural mortality. Necropsies of 107 turtles found dead on the Pacific beaches of Costa Rica reveal that the 81% of the deaths were caused by fishhooks; entanglement in nylon line and fish nets; ventral incisions to obtain eggs and meat; and fractures and cranial trauma sometimes caused by collision with boat motor propellers. The other 19% died of natural causes, mainly from predation by crocodiles, coyotes and sharks ¹⁵.



and loggerheads on long lines in the Pacific suggests that quantities that would allow an eventual recovery of these threatened populations have already been exceeded¹⁶. Existing information on this subject is sparse and in most fishery activities there are no records about incidental capture of sea turtles, except in the case of the Pacific tuna fleet. The Bycatch Working Group of the Inter-American Tropical Tuna Commission (IATTC) indicates that "Many of the long line fisheries of the Pacific Ocean are known to capture turtles incidentally. In this regard the most important fisheries, due to the magnitude of their effort, are those that capture tuna, swordfish, sharks, billfish and other species of the high seas, as well as many coastal fisheries that capture these same species, and others like mahi-mahi¹⁷." The IATTC estimates that industrial tuna fisheries on the high seas alone lower some 200 million fishhooks each year in the Pacific Ocean¹⁷.

Fishing activities provide jobs and food to many people that live on the coasts. The Food and Agriculture Organization (FAO) of the United Nations estimates that nearly half of the global fish trade consists of exports from developing countries to developed countries, as a means of raising revenues. For their value, frozen crustaceans are the principal products with 38%, followed by frozen fish with around 35% and canned fish with 11% of the international trade¹⁸.

In many cases, the reduction of the incidental catch of sea turtles responds to national legislation mandates to protect decimated populations of endangered

species. It also addresses, in some cases, the expectations of the consumer sector for fish products. The Inter-American Convention for the Protection and Conservation of Sea Turtles has the legal, administrative and technical components required to facilitate a joint search for measures to reduce bycatch and be able to call upon governments, scientists, industry representatives and civil society for this purpose.

Over-exploitation of turtles and egg harvesting

Over-exploitation from the direct capture of turtles and the taking of their eggs for commercial and subsistence purposes still persist in some coastal zones of the American continent. All sea turtle species are currently listed on the Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, known as CITES, and their trade between nations is prohibited. However, the illegal market outside of this framework is still a subject of concern¹⁹. Despite national prohibitions, the consumption of eggs has been reported in many countries; in others, turtle meat is still a highly appetizing dish. From the carapace of the sea turtle, many tortoiseshell articles are made and sold, including eyeglass frames, combs, rings and other kinds of jewelry. The traffic of these articles seems to be present in many nations of the area and it is often detected through the products that are sold to tourists^{20,21}.

Habitat destruction

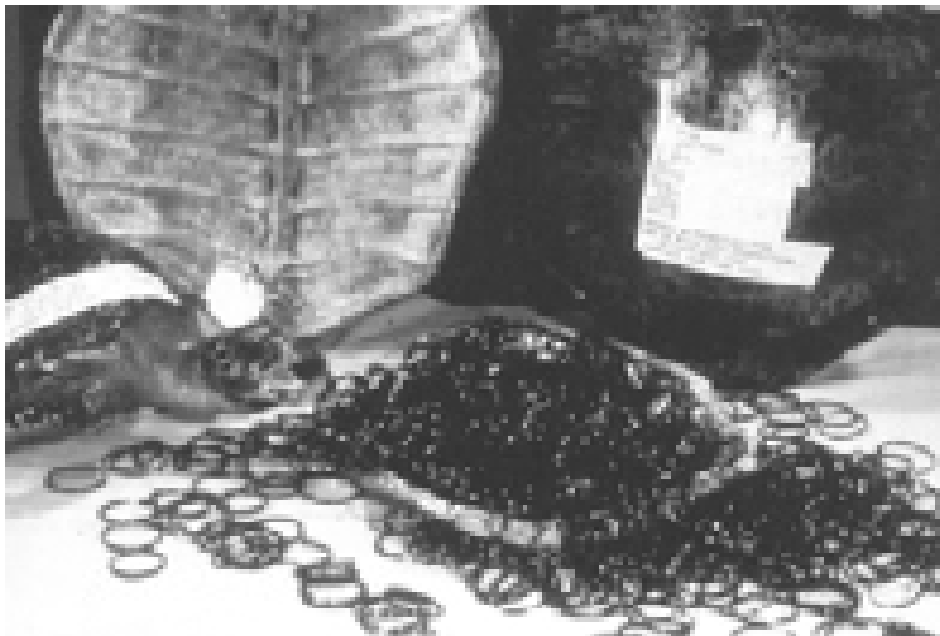
Development occurring in coastal zones used by sea turtles for nesting is often incompatible with this crucial stage of their life cycle. In addition to the loss of habitat caused by buildings on the beach or in adjacent zones, artificial lighting from these structures causes problems for the turtles when they are nesting, and it disorients hatchlings that are trying to reach the sea. Because sand temperature determines the sex of the hatchlings (high temperatures produce females and low temperatures produce males), high buildings or the destruction of the littoral vegetation can alter sand temperature and skew hatchling sex determination. The presence of motorized vehicles on the beach contributes to turtle mortality by compacting the sand, thus making it difficult for the sea turtles to nest as well as the hatchlings to exit the nest²². In summary, uncontrolled coastal development (mainly for tourism) can be

harmful to the nesting beaches and sea turtle populations. In contrast, the turtles are a big attraction for the visitors to many beaches of the world; therefore, only development with environmentally-friendly designs should be allowed and appropriate codes of conduct should be promoted in these areas.

On land, poor watershed management often results in chemicals and fertilizers in runoff waters, dumping of domestic and industrial wastes, and soil erosion and sedimentation in the coastal marine zone, thus causing the destruction of coral reefs and seagrasses, which are important habitats for the sea turtles.

Contamination

Other kinds of contamination have serious impacts on marine ecosystems, affecting sea turtle populations directly and indirectly. There is a gap in the knowledge about the



Products of hawksbills, confiscated by authorities.

noxious effects of sea and coastal zone contamination on sea turtles. The bio-accumulation of heavy metals or pesticides has been linked with immunological suppression in some marine mammals, which exposes them to diseases²³. This fact causes concern for sea turtles as well. Recent studies also indicate that the causative agent of tumors or fibropapillomas in the turtles may be linked to pollution in coastal waters and the high seas. The eventual impacts from oil exploration and exploitation and shipping wastes can also affect the health of aquatic plants and animals – sources of food for sea turtles. Finally, turtles continue dying from the consumption of non-biodegradable wastes, such as plastic bags and packing materials (sometimes indistinguishable from elements of their diet such as jellyfish) or by becoming entangled in larger wastes²⁴. The ingestion of plastic or entanglement in netting, cords or other kinds of wastes, can cause flotation problems, reduced mobility or the loss of extremities, which can eventually lead to the death of the turtles.

Some legal challenges

Studies suggest that in some countries within the area of action of the Convention there are contradictions between environmental laws and those related mainly to fisheries, to the detriment of sea turtles^{20,25}. On the other hand, there are some countries where the legislation prohibits the extractive use of sea turtles, but consumption of their meat and/or eggs for subsistence is allowed, which is difficult to control. For those cases where the

Convention allows subsistence use, the laws and regulations that control such activities should be updated under the framework of the social and economic reality of each nation and the conditions of each locality where sea turtles are used. Similarly, it may be necessary to adjust regulations to the requirements of non-extractive use schemes, such as sea turtle ecotourism, in order to minimize their social and ecological impact.

In summary, there must be a clear definition of the competencies of the different governmental entities and existing legal gaps should be filled. The Convention is an adequate mechanism for helping Signatory Parties develop legal frameworks and the management needed to mitigate the diverse threats that sea turtles confront. It also establishes the possibility for cooperation with other Party nations, international organizations and other key players that work on these matters.



III. *The beginning of a continental effort:* the Convention

In 1994, recognizing the regional nature of the threats to sea turtle survival, the nations of the western hemisphere began a collaborative effort to negotiate an agreement for the future of these species. In 2001, with the ratification of the eighth country, the Inter-American Convention for the Protection and Conservation of Sea Turtles, entered into force.

The Convention addresses the need to implement measures harmonized among nations, coordinate multilateral conservation and protection actions, and oversee the implementation of a regional agenda that will lead to the recovery of these species. To fulfill its objective of promoting the protection, conservation and recovery of sea turtle populations and their habitats, the Convention takes the best available scientific evidence into account, along with the environmental, socio-economic and cultural characteristics of the Parties (Article II).

The conservation measures adopted by the Convention place a fair and flexible approach ahead of confrontation. They address possible impacts on terrestrial and marine habitats, impacts from direct and

indirect sources of harm, and impacts from Parties and non-Parties.

The emphasis of the Convention on bilateral and multilateral agreements and the exchange of information and technology promotes a cooperative approach for resolving the problems of sea turtles.

Finally, the terms of the Articles give considerable flexibility to the States regarding the manner of implementing the measures.

Objective of the Convention

"To promote the protection, conservation and recovery of sea turtle populations and the habitats on which they depend, based on the best available scientific evidence, taking into account the environmental, socio-economic and cultural characteristics of the Parties."

Article II

The number of olive ridley nestings in Mexico during the 2000 season was the highest ever, following an upward trend in prior years. The Gulf of Mexico population has responded positively to many years of conservation efforts²⁶.



IV. The Parties and their commitments

The Inter-American Convention for the Protection and Conservation of Sea Turtles is open for signature and ratification by States of the American continent, as well as other States that have continental or insular territories in the region (Article I and Article III).

The signature and ratification, or accession to, the Convention, may not be made subject to any reservation (Article XXIII). The text of the Convention can be amended by the Parties (Article XXIV).

Each Party shall take appropriate measures such as: prohibiting capture and trade in sea turtles, reducing incidental capture, fostering scientific research, and promoting environmental education (Article IV).

Each Party will adopt the necessary measures in their national legislation (Article XVIII) and establish an oversight program for compliance with and enforcement of these measures (Articles IX and X). The Parties will also be able to establish management programs in national, bilateral, subregional or regional arenas (Article IV).

Each Party will prepare an annual report about the programs they have adopted with respect to the Convention (Article XI). Parties that are developing States can be helped with financial resources for the fulfillment of their obligations (Article XIII).

The Parties will establish a Consultative Committee and a Scientific Committee with the functions described in the Convention (Articles VII and VIII).

During the first three years, the Parties will hold an ordinary meeting every year and then one at least every two years. In the meetings, the Parties shall evaluate the application of the provisions of the Convention, examine the reports and consider the recommendations of the Consultative Committee and the Scientific Committee (Article V).

They will also adopt additional conservation and management measures that they deem

To comply with the objective of the Convention, the Parties commit to:

- **Protecting and conserving populations of sea turtles and their habitats.**
- **Reducing incidental capture, injury and mortality of sea turtles associated with commercial fishing activities.**
- **Prohibiting intentional and domestic capture and international trade in sea turtles, their eggs, parts and products; with the exception of the use of turtles to satisfy the economic subsistence needs of traditional communities.**
- **Fostering international cooperation for research and management of sea turtles.**
- **Implementing any additional measures needed for their protection.**

appropriate for achieving the objective, review the activity reports and discuss financial issues presented by the Secretariat (Article V).

Decisions from the meetings of the Parties shall be adopted by consensus. The Parties may invite other interested States and pertinent international organizations as observers such as the private sector, productive sector, scientific institutions and non-governmental organizations with recognized experience in issues related to the Convention (Article V). The Parties shall promote bilateral and multilateral cooperation to achieve the objective of the Convention and seek the support of relevant international organizations (Articles XII and XIV).

The Parties will promote international cooperation in the development of fishing techniques and gear, in order to maintain the productivity of commercial fishing

activities and ensure the protection, conservation and recovery of sea turtle populations (Article XII).

Regarding commercial measures, the Parties will act according to the provisions of the Agreement established by the World Trade Organization (Article XV).

No provision of the Convention shall be interpreted in such a way that prejudices the sovereignty exercised by any nation, in accordance with international law (Article XVII). The settlement of disputes about the interpretation or application of the provisions of the Convention is addressed in Article XVI. The Parties will encourage any eligible State to become a Party to the Convention, and non-Party States to adopt laws and regulations coherent with its provisions. They will also negotiate complementary protocols with States outside the area of the Convention for the purpose of promoting the protection and

conservation of sea turtles on a broader scale (Articles XIX and XX).



Hawksbill turtle swimming off the coast of Bahia, Brazil.

V. The Convention today

Summary of the negotiations

The Inter-American Convention for the Protection and Conservation of Sea Turtles was initially proposed by the Latin American Organization for Fisheries Development (OLDEPESCA) and various governments of the western hemisphere.

The event that motivated its formation was the embargo on the importation of shrimp from countries that were not using sea turtle protection methods similar to the techniques used in the United States²⁷.

Between September 19, 1994 and September 5, 1996, four rounds of inter-governmental negotiations were held to define the final text of the Convention²⁸.

A total of 24 countries participated in at least one of the negotiation meetings²⁹.

Accession procedure for the Convention:

1. The interested nation sends notification signed by its chancellery to the Chancellery of the Government of the Republic of Venezuela, which is the depository of the Convention.
2. It then ratifies the Convention in the national legislation and sends a copy of that instrument to the depository body of the Convention.

The Convention enters into force for the State on the date the instrument of accession is delivered to the depository.

The Convention was open for signature from December 1, 1996 to December 31, 1998. During this period, 12 countries sent their signed instruments to the despository nation, Venezuela.

The Convention entered into force on May 2, 2001, ninety days after the eighth ratification had been officially received by Venezuela.

Signatory countries as of September 2004:

- Belize • Brazil • Costa Rica • Ecuador
- Guatemala • Honduras • Mexico •
- Netherlands Antilles • Nicaragua • Peru
- United States • Uruguay • Venezuela

These countries, with the exception of Nicaragua and Uruguay, have ratified the Convention in their national legislation.



Juvenile Kemp's ridley turtle captured off the east coast of the United States of America.

First Conference of the Parties

The Ministry of Environment and Energy of Costa Rica (MINAE) convened the First Conference of the Signatory Parties in San José in August 2002. Among the achievements of the first phase of the Conference of the Parties were the approval of the resolution regarding the Rules of Procedure; the Resolution for Promoting Synergy and Collaboration with the CITES Convention; the creation of a Secretariat *Pro Tempore* in Costa Rica, valid for two years (located in the offices of the National Parks Foundation); and the establishment of a Special Fund for the Convention, which is administered by the same foundation.

On that occasion it was not possible to finalize the agenda set for COP1IAC. An

agreement was reached to suspend the meeting and continue it later. The second part of COP1IAC was held in San José in August 2003, organized by the *Pro Tempore* Secretariat with support from the Ministry of the Environment and Energy. In this meeting the point pending on the resolution about the Rules of Procedure was finalized, and the Scope of Work for the Consultative Committee of Experts, the base text of the Scientific Committee, the Work Plan for 2004 and the Secretariat's report about actions during the past year were approved. Two agreements were also made for the conservation and protection of endangered Pacific leatherbacks (*Dermochelys coriacea*) along with an outline to follow regarding international cooperation. Finally, Venezuela was chosen to occupy the Presidency for COP2IAC, as the host for the next Conference of the Parties.

Resolutions and Documents COP1IAC³⁰

Approved Resolutions COP1IAC

- COP1CIT-001 Establishment of the *Pro Tempore* Secretariat.
- COP1CIT-002 Guidelines for the Operation of the Inter-American Convention Special Fund.
- COP1CIT-003 Cooperation and Synergy between the Inter-American Convention for the Protection and Conservation of Sea Turtles and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).
- COP1CIT-004 Rules of Procedure for the Meetings of the Parties of the Inter-American Convention for the Protection and Conservation of Sea Turtles.
- COP1CIT-005 Terms of Reference for the Consultative Committee of the Inter-American Convention for the Protection and Conservation of Sea Turtles.

Current IAC documents

- CIT-004 Program of Work for the Parties of the Inter-American Convention for the Protection and Conservation of Sea Turtles.

This document was the first attempt to manage the various activities that the Secretariat should carry out from 2002 to 2004.

- CIT-006 Proposed Resolution for the Conservation of the Leatherback Sea Turtle (*Dermochelys coriacea*), in the Eastern Pacific.

Proposal for a resolution presented by Costa Rica during the first part of the COP1IAC urging the Signatory Parties to collect information about incidental capture in the Eastern Pacific and to carry out protection efforts on leatherback nesting beaches. In the second part of COP1IAC, the nations agreed to act on the protection of this species .

VI. Steps toward the future

In the interim following the conclusion of the COP1 agenda and during COP2, the Convention will address the following activities:

- Revision and approval of the format for the annual reports following what was established in Article XI, paragraph 1, Annex IV, and considering the agreement made by the Signatory Parties during the first part of COP1 in August 2002.
- Naming and installing members of the Scientific Committee by the Parties, and holding the first meeting, analysis of IAC document CIT-008 and presenting recommendations to COP2IAC, according to what was approved during COP1IAC. Preparation of a Work Plan for the scientific committee and establishment of a list of experts or directory of scientists, who will support the Committees of the Convention in different matters related to sea turtle conservation and management.
- Continue communications with non-Party States and continue with the efforts to increase the affiliation of new Signatory Parties to the IAC.
- Article IV of the Convention establishes the functions of the Secretariat. During the first meeting of COP1IAC, Resolution COP1CIT-001 was approved which

outlines the establishment of a *Pro Tempore* Secretariat for two years. This term will expire at the end of December 2004. Therefore, this point should be analyzed during COP2IAC to decide how to proceed from then on.

- According to provisions in the Resolutions approved during COP1IAC, there must be a Work Plan and its respective proposal approved by the Signatory Parties. The first three years of the Convention having been completed, the Conference of the Parties will be held at least every two years. Therefore, the Plan should cover this period.
- Examination of the development of international cooperation and relationships between the Convention and other global, regional and sub-regional agreements and arrangements for conservation.
- Discussion of the initial needs for the conservation and management of sea turtle populations, based on recommendations of the Subsidiary Bodies.
- Carry out the procedure in Rule 11 of Resolution COP1CIT-004 regarding the accreditation of observers who will participate in COP2IAC and in the meetings of the Subsidiary Bodies.

- One of the principal problems that affects the conservation and protection of sea turtles are all fishing activities that are carried out in the sea. Currently there are regulations for tuna fishing and shrimping (using Turtle Excluder Devices [TEDs]); however, with respect to long lines in the high seas and coastal zones, there is no awareness about the harm caused to turtle populations. For the purpose of minimizing this problem, an environmental and information campaign aimed at the entire fisheries sector should be coordinated.

In the interim after COP2 and during COP3, the priorities will be:

- The installation and holding the first meeting of the Consultative Committee

of Experts, made up of a representative from each Party nation and nine sectoral representatives: three from non-governmental organizations, three scientists and three representatives from private enterprise. Preparation of the biannual work plan of the committee.

- Establishment of a work strategy with the fisheries sector to report on the critical status of sea turtle populations and exchange scientific and technical knowledge. Support and implement the improvement and development of new fishing gear to reduce incidental capture and mortality and promote applied scientific research for the conservation sea turtles, among other activities.
- The revision and analysis of the annual



Incidental capture of an olive ridley in long line fisheries.

reports from the nations. This will allow a much clearer and more realistic vision of the problems of sea turtles within the action arena of the Convention.

- Continue with the mandate to foster and

coordinate collaboration with international organizations, scientific entities and conservationists specialized in the field of investigation, protection and conservation of sea turtles, for the purpose of achieving the objectives of the Convention.



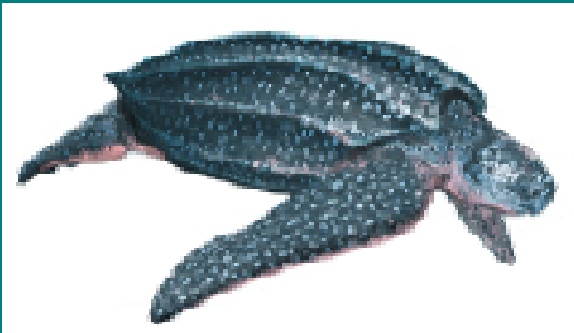
Fishermen in Caletas, Ecuador make the change to turtle-friendly fishing hooks.



Participative workshop on incidental fisheries in the coastal community of Santa Marianita, Ecuador.

VII. Sea turtle species of the American continent

Illustrations: Defenders of Wildlife / Juan Carlos Cantú

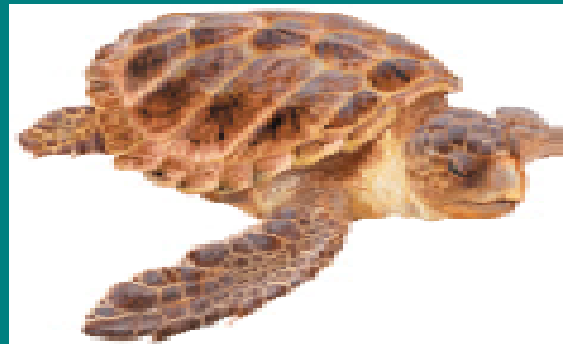


Species: *Dermochelys coriacea*

Common name: Leatherback

Biology: Lives in pelagic zones and has the widest distribution of all the species of sea turtles. Feeds mainly on jellyfish. It is the largest species; a female can weigh up to 500 kg.

Conservation status: Critically endangered (CR A1abd)*



Species: *Caretta caretta*

Common name: Loggerhead

Biology: Nests mainly in sub-tropical zones. Feeds mostly on crustaceans and mollusks. Can weigh up to 180 kg in the western Atlantic.

Conservation status: Endangered (EN A1abd)*



Species: *Chelonia mydas*

Common name: Green turtle, Black turtle, White turtle.

Biology: Found in all oceans. Plays an important ecological role in seagrass areas. Besides seagrass, feeds on algae. Can weigh up to 230 kg.

Conservation status: Endangered (CR A1bd)*



Species: *Eretmochelys imbricata*

Common name: Hawksbill

Biology: Lives in coral reef zones, feeds mainly on sponges. The adults weigh 60 kg on average.

Conservation status: Critically endangered (CR A1bd)*



Species: *Lepidochelys kempii*

Common name: Kemp's ridley

Biology: Most of the world population nests at Rancho Nuevo, in the Gulf of Mexico. Feeds mainly on crustaceans and mollusks. Reaches 35-50 kg.

Conservation status: Critically endangered (CR A1 bd)*



Species: *Lepidochelys olivacea*

Common name: Olive ridley

Biology: Lives in pelagic zones. Feeds mainly on crustaceans and mollusks. Reaches 35-50 kg.

Conservation status: Endangered (EN A1bd)*

* Category and classification according to the IUCN Red List, July 2004 (www.redlist.org).⁴

VIII. Text of the Inter-American Convention for the Protection and Conservation of Sea Turtles



Researchers have used satellite transmitters to identify sea turtle migration corridors and feeding zones.

Leatherback turtle hatchlings begin the challenge for survival in a sea of uncertainty.

Preamble

The Parties to this Convention:

Recognizing the rights and duties of States established in international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982, relating to the conservation and management of living marine resources;

Inspired by the principles contained in the 1992 Rio Declaration on Environment and Development;

Considering the principles and recommendations set forth in the Code of Conduct for Responsible Fishing adopted by the Conference of the Food and Agriculture Organization (FAO) of the United Nations in its 28th Session (1995);

Recalling that Agenda 21, adopted in 1992 by the United Nations Conference on Environment and Development, recognizes the need to protect and restore endangered marine species and to conserve their habitats;

Understanding that, in accordance with the best available scientific evidence, species of sea turtles in the Americas are threatened or endangered, and that some of these species may face an imminent risk of extinction;

Acknowledging the importance of having the States in the Americas adopt an agreement to address this situation through an instrument that also facilitates the participation of States from other regions interested in the worldwide protection and conservation of sea turtles taking into account the widely migratory nature of these species;

Recognizing that sea turtles are subject to capture, injury or mortality as a direct or indirect result of human-related activities;

Considering that coastal zone management

measures are indispensable for protecting populations of sea turtles and their habitats;

Recognizing the individual environmental, socio-economic and cultural conditions in the States in the Americas;

Recognizing that sea turtles migrate widely throughout marine areas and that their protection and conservation require cooperation and coordination among States within the range of such species;

Recognizing also the programs and activities that certain States are currently carrying out for the protection and conservation of sea turtles and their habitats;

Desiring to establish, through this Convention, appropriate measures for the protection and conservation of sea turtles throughout their range in the Americas, as well as their habitats;

Have agreed as follows:

ARTICLE I DEFINITIONS

For the purposes of this Convention:

1. «**Sea turtle**» means any of the species listed in Annex I.
2. «**Sea turtle habitats**» means all those aquatic and terrestrial environments which sea turtles use at any stage of their life cycles.
3. «**Parties**» means States which have consented to be bound by this Convention and for which this Convention is in force.
4. «**States in the Americas**» means the States of North, Central and South America and the Caribbean Sea, as well as other States that have continental or insular territories in this region.

ARTICLE II

OBJECTIVE

The objective of this Convention is to promote the protection, conservation and recovery of sea turtle populations and of the habitats on which they depend, based on the best available scientific evidence, taking into account the environmental, socioeconomic and cultural characteristics of the Parties.

ARTICLE III

AREA OF APPLICATION OF THE CONVENTION

The area of application of this Convention (the Convention Area) comprises the land territory in the Americas of each of the Parties, as well as the maritime areas of the Atlantic Ocean, the Caribbean Sea and the Pacific Ocean, with respect to which each of the Parties exercises sovereignty, sovereign rights or jurisdiction over living marine resources in accordance with international law, as reflected in the United Nations Convention on the Law of the Sea.

ARTICLE IV

MEASURES

1. Each Party shall take appropriate and necessary measures, in accordance with international law and on the basis of the best available scientific evidence, for the protection, conservation and recovery of sea turtle populations and their habitats:

a) In its land territory and in maritime areas with respect to which it exercises sovereignty, sovereign rights or jurisdiction included within the Convention Area; and
b) Notwithstanding ARTICLE III, with respect to vessels on the high seas that are authorized to fly its flag.

2. Such measures shall include:

a) The prohibition of the intentional capture, retention or killing of, and domestic trade in, sea turtles, their eggs, parts or products;
b) Compliance with the obligations established under the Convention on

International Trade in Endangered Species of Wild Fauna and Flora (CITES) relating to sea turtles, their eggs, parts or products;

c) To the extent practicable, the restriction of human activities that could seriously affect sea turtles, especially during the periods of reproduction, nesting and migration;

d) The protection, conservation and, if necessary, the restoration of sea turtle habitats and nesting areas, as well as the establishment of necessary restrictions on the use of such zones, including the designation of protected areas, as provided in Annex II;
e) The promotion of scientific research relating to sea turtles and their habitats, as well as to other relevant matters that will provide reliable information useful for the adoption of the measures referred to in this Article;

f) The promotion of efforts to enhance sea turtle populations, including research into the experimental reproduction, raising and reintroduction of sea turtles into their habitats in order to determine the feasibility of these practices to increase populations, without putting sea turtles at risk;

g) The promotion of environmental education and dissemination of information in an effort to encourage the participation of government institutions, nongovernmental organizations and the general public of each State, especially those communities that are involved in the protection, conservation and recovery of sea turtle populations and their habitats;

h) The reduction, to the greatest extent practicable, of the incidental capture, retention, harm or mortality of sea turtles in the course of fishing activities, through the appropriate regulation of such activities, as well as the development, improvement and use of appropriate gear, devices or techniques, including the use of turtle excluder devices (TEDs) pursuant to the provisions of Annex III, and the corresponding training, in keeping with the

principle of the sustainable use of fisheries resources; and:

i) Any other measure, in accordance with international law, which the Parties deem appropriate to achieve the objective of this Convention.

3. With respect to such measures:

a) Each Party may allow exceptions to Paragraph 2(a) to satisfy economic subsistence needs of traditional communities, taking

into account the recommendations of the Consultative Committee established pursuant to Article VII, provided that such exceptions do not undermine efforts to achieve the objective of this Convention. In making its recommendations, the Consultative Committee shall consider, inter alia, the status of the sea turtle populations in question, the views of any Party regarding such populations, impacts on such populations on a regional level, and methods used to take the eggs or turtles to cover such needs.

b) A Party allowing such an exception shall:

- i. Establish a management program that includes limits on levels of intentional taking;
- ii. Include in its Annual Report, referred to in Article XI, information concerning its management program.

c) Parties may establish, by mutual agreement, bilateral, subregional or regional management plans.

d) The Parties may, by consensus, approve exceptions to the measures set forth in paragraph 2(c)-(i) to account of circumstances warranting special



Nesting of a loggerhead turtle. Its hatchlings will make their way to the ocean after a 47-66 day incubation period.

consideration, provided that such exceptions do not undermine the objective of this Convention.

4. When an emergency situation is identified that undermines efforts to achieve the objective of this Convention and that requires collective action, the Parties shall consider the adoption of appropriate and adequate measures to address the situation. These measures shall be of a temporary nature and shall be based on the best available scientific evidence.

ARTICLE V MEETINGS OF THE PARTIES

1. For the first three years following the entry into force of this Convention, the Parties shall hold an ordinary meeting at least once per year to consider matters pertaining to the implementation of the provisions of this Convention. Following that, the Parties shall hold ordinary meetings at least once every two years.

2. The Parties may also hold extraordinary meetings when deemed necessary. These meetings shall be convened at the request

of any Party, provided that such request is supported by a majority of the Parties.

3. At such meetings, the Parties shall, among other things:

- a) Evaluate compliance with the provisions of this Convention;
- b) Examine the reports and consider the recommendations of the Consultative



The hawksbill feeds at coral reefs where sponges, its favorite food, are abundant.

Committee and the Scientific Committee, established pursuant to Articles VII and VIII, regarding the implementation of this Convention;

c) Adopt such additional conservation and management measures as deemed appropriate to achieve the objective of this Convention. If the Parties consider it necessary, such measures may be included in an Annex to this Convention;

d) Consider, and as necessary adopt, amendments to this Convention, in accordance with Article XXIV.

e) Review reports of the Secretariat, if established, relating to its budget and activities.

4. At their first meeting, the Parties shall adopt rules of procedure for meetings of the Parties as well as for meetings of the Consultative Committee and the Scientific Committee, and shall consider other matters relating to those committees.

5. Decisions reached at meetings of the Parties shall be adopted by consensus.

6. The Parties may invite other interested States, relevant international organizations, as well as the private sector, scientific institutions and nongovernmental organizations with recognized expertise in matters pertaining to this Convention to attend their meetings as observers and to participate in activities under this Convention.

ARTICLE VI SECRETARIAT

1. At their first meeting, the Parties shall consider the establishment of a Secretariat with the following functions:

- a) Providing assistance in convening and organizing the meetings specified in Article V;

b) Receiving from the Parties the annual reports referred to in Article XI and placing them at the disposal of the other Parties and of the Consultative Committee and the Scientific Committee;

c) Publishing and disseminating the recommendations and decisions adopted at the meetings of the Parties in accordance with rules of procedures adopted by the Parties;

d) Disseminating and promoting the exchange of information and educational materials regarding efforts undertaken by the Parties to increase public awareness of the need to protect and conserve sea turtles and their habitats, while maintaining the economic profitability of diverse artisanal, commercial, and subsistence fishing operations, as well as the sustainable use of fisheries resources. This information shall concern, *inter alia*:

i. Environmental education and local community involvement;

ii. The results of research related to the protection and conservation of sea turtles and their habitats and the socioeconomic and environmental effects of the measures adopted pursuant to this Convention;

e) Seeking economic and technical resources

to carry out research and to implement the measures adopted within the framework of this Convention;

f) Performing such other functions as the Parties may assign.

2. When deciding in this regard, the Parties shall consider the possibility of appointing the Secretariat from among competent international organizations that are willing and able to perform the functions provided for in this Article. The Parties shall determine the means of financing necessary to carry out the functions of the Secretariat.

ARTICLE VII

CONSULTATIVE COMMITTEE

1. At their first meeting, the Parties shall establish a Consultative Committee of Experts, hereinafter referred to as «the Consultative Committee», which shall be constituted as follows:

a) Each Party may appoint one representative to the Consultative Committee, who may be accompanied at each meeting by advisors;

b) The Parties shall also appoint, by consensus, three representatives with recognized expertise in matters pertaining to this Convention, from each of the



Contracting Party Delegates at COP1IAC.



The genetic variability of hawksbills allows the identification of several different subpopulations in the Caribbean.

following groups:

- i. The scientific community;
- ii. The private sector; and
- iii. Nongovernmental organizations.

2. The functions of the Consultative Committee shall be to:

- a) Review and analyze the reports referred to in Article XI, and any other information relating to the protection and conservation of populations of sea turtles and their habitats;
- b) Solicit from any Party additional relevant information relating to the implementation of the measures set forth in this Convention or adopted pursuant thereto;
- c) Examine reports concerning the environmental, socio-economic and cultural impact on affected communities resulting from the measures set forth in this Convention or adopted pursuant thereto;

ARTICLE VIII

SCIENTIFIC COMMITTEE

1. At their first meeting, the Parties shall establish a Scientific Committee which shall be comprised of representatives designated

by the Parties and which shall meet, preferably, prior to the meetings of the Consultative Committee.

2. The functions of the Scientific Committee shall be to:

- a) Examine and, as appropriate, conduct research on sea turtles covered by this Convention, including research on their biology and population dynamics;
- b) Evaluate the environmental impact on sea turtles and their habitats of activities such as fishing operations and the exploitation of marine resources, coastal development, dredging, pollution, clogging of estuaries and reef deterioration, among other things, as well as the potential impact of activities undertaken as a result of exceptions to the measures allowed in accordance with this Convention;
- c) Analyze relevant research conducted by the Parties;
- d) Formulate recommendations for the protection and conservation of sea turtles and their habitats;
- e) Make recommendations on scientific and technical matters at the request of any Party

regarding specific matters related to this Convention;

f) Perform such other scientific functions as the Parties may assign.

d) Evaluate the efficiency of the different measures proposed to reduce the capture and incidental mortality of sea turtles, as well as the efficiency of different kinds of TEDs;

e) Present a report to the Parties on its work, including, as appropriate, recommendations on the adoption of additional conservation and management measures to promote the objective of this Convention;

f) Consider reports of the Scientific Committee;

g) Perform such other functions as the Parties may assign.

3. The Consultative Committee shall meet at least once a year for the first three years after the entry into force of the Convention, and after that in accordance with decisions made by the Parties.

4. The Parties may establish expert groups to advise the Consultative Committee.

ARTICLE IX MONITORING PROGRAMS

1. During the year following the entry into force of this Convention, each Party shall establish, within its territory and in maritime areas with respect to which it exercises sovereignty, sovereign rights or jurisdiction, a program to ensure monitoring of the application of the measures to protect and conserve sea turtles and their habitats set forth in this Convention or adopted pursuant thereto.

2. The program referred to in the preceding paragraph shall include, where appropriate, mechanisms and arrangements for the participation by observers designated by each Party or by agreement among them in monitoring activities.

3. In implementing the program, each Party may act with the support or cooperation of other interested States and relevant international organizations, as well as non-

governmental organizations.

ARTICLE X COMPLIANCE

Each Party shall ensure, within its territory and in maritime areas with respect to which it exercises sovereignty, sovereign rights or jurisdiction, effective compliance with measures to protect and conserve sea turtles and their habitats set forth in this Convention or adopted pursuant thereto.

ARTICLE XI ANNUAL REPORTS

1. Each Party shall prepare an annual report, in accordance with Annex IV, on the programs it has adopted to protect and conserve sea turtles and their habitats, as well as any program it may have adopted relating to the utilization of these species in accordance with Article IV(3).

2. Each Party shall provide, either directly or through the Secretariat, if established, its annual report to the other Parties and to the Consultative and Scientific Committees at least 30 days prior to the next ordinary meeting of the Parties and shall also make such annual reports available to other States or interested entities that so request.

ARTICLE XII INTERNATIONAL COOPERATION

1. The Parties shall promote bilateral and multilateral cooperative activities to further the objective of this Convention and, when they deem it appropriate, shall seek the support of relevant international organizations.

2. Such activities may include the training of advisors and educators; the exchange and training of technicians, sea turtle managers and researchers; the exchange of scientific information and educational materials; the development of joint research programs, studies, seminars and workshops, as well as other activities on which the Parties may

agree.

3. The Parties shall cooperate to develop and to facilitate access to information and training regarding the use and transfer of environmentally sustainable technologies, consistent with the objective of this Convention. They shall also develop endogenous scientific and technological capabilities.

4. The Parties shall promote international cooperation in the development and improvement of fishing gear and techniques, taking into account the specific conditions of each region, in order to maintain the productivity of commercial fisheries and to ensure the protection, conservation and recovery of sea turtle populations.

5. The cooperative activities shall include rendering assistance, including technical assistance, to Parties that are developing States, in order to assist them in complying with their obligations under this Convention.

ARTICLE XIII FINANCIAL RESOURCES

1. At their first meeting, the Parties shall assess the need for and possibilities of obtaining financial resources, including the establishment of a special fund for purposes such as the following:

- a. Meeting the expenses that could be required for the potential establishment of the Secretariat, pursuant to Article VI;
- b. Assisting the Parties that are developing States in fulfilling their obligations under this Convention, including providing access to the technology deemed most appropriate.

ARTICLE XIV COORDINATION

The Parties shall seek to coordinate their activities under this Convention with relevant international organizations, whether global, regional or subregional.

ARTICLE XV TRADE MEASURES

1. In implementing this Convention, the Parties shall act in accordance with the provisions of the Agreement establishing the World Trade Organization (WTO), as adopted at Marrakesh in 1994, including its annexes.

2. In particular, and with respect to the subject matter of this Convention, the Parties shall act in accordance with the provisions of the Agreement on Technical Barriers to Trade contained in Annex 1 of the WTO Agreement, as well as Article XI of the General Agreement on Tariffs and Trade of 1994.

3. The Parties shall endeavor to facilitate trade in fish and fishery products associated with this Convention, in accordance with their international obligations.

ARTICLE XVI SETTLEMENT OF DISPUTES

1. Any Party may consult with one or more other Parties about any dispute related to the interpretation or application of the provisions of this Convention to reach a solution satisfactory to all parties to the dispute as quickly as possible.

2. If a dispute is not settled through such consultation within a reasonable period, the Parties in question shall consult among themselves as soon as possible in order to settle the dispute through any peaceful means they may decide upon in accordance with international law, including, where appropriate, those provided for in the United Nations Convention on the Law of the Sea.

ARTICLE XVII RIGHTS OF THE PARTIES

1. No provision of this Convention may be interpreted in such a way as to prejudice or undermine the sovereignty, sovereign rights or jurisdiction exercised by any Party in accordance with international law.

2. No provision of this Convention, nor measures or activities performed in its

implementation, may be interpreted in such a way as to allow a Party to make a claim, or to exercise sovereignty, sovereign rights or jurisdiction in contravention of international law.

ARTICLE XVIII IMPLEMENTATION AT THE NATIONAL LEVEL

Each Party shall adopt measures in its respective national laws for implementation of the provisions of this Convention and to ensure effective compliance by means of policies, plans and programs for the protection and conservation of sea turtles and their habitats.

ARTICLE XIX NON-PARTIES

1. The Parties shall encourage:
 - a) Any eligible State to become party to this Convention;
 - b) Any other State to become party to a complementary protocol as envisioned in Article XX.
2. The Parties shall also encourage all States not Party to this Convention to adopt laws and regulations consistent with the provisions of this Convention.

ARTICLE XX COMPLEMENTARY PROTOCOLS

In order to promote the protection and conservation of sea turtles outside the Convention Area where these species also exist, the Parties should negotiate with States that are not eligible to become party to this Convention a complementary protocol or protocols, consistent with the objective of this Convention, to which all interested States may become party.

ARTICLE XXI SIGNATURE AND RATIFICATION

1. This Convention shall be open for

signature at Caracas, Venezuela, by States in the Americas from December 1, 1996, until December 31, 1998.

2. This Convention is subject to ratification by the Signatories in accordance with their domestic laws and procedures. Instruments of ratification shall be deposited with the Government of Venezuela, which shall be the Depositary.

ARTICLE XXII ENTRY INTO FORCE AND ACCESSION

1. This Convention shall enter into force ninety days after the date of deposit of the eighth instrument of ratification.
2. After the Convention has entered into force, it shall be open for accession by States in the Americas. This Convention shall enter into force for any such State on the date of its deposit of an instrument of accession with the Depositary.

ARTICLE XXIII RESERVATIONS

Signature and ratification of, or accession to, this Convention may not be made subject to any reservation.

ARTICLE XXIV AMENDMENTS

1. Any Party may propose an amendment to this Convention by providing the Depositary the text of a proposed amendment at least 60 days in advance of the next meeting of the Parties. The Depositary shall promptly circulate any amendment proposed to all the Parties.
2. Amendments to this Convention, adopted in accordance with the provisions of Article V(5), shall enter into force when the Depositary has received instruments of ratification from all Parties.

ARTICLE XXV WITHDRAWAL

Any Party may withdraw from this Convention at any time after 12 months from the date on which this Convention entered into force with respect to that Party by giving written notice of withdrawal to the Depositary. The Depositary shall inform the other Parties of the withdrawal within 30 days of receipt of such notice. The withdrawal shall become effective six months after receipt of such notice.

ARTICLE XXVI STATUS OF ANNEXES

1. The Annexes to this Convention are an integral part hereof. All references to this Convention shall be understood as including its Annexes.
2. Unless the Parties decide otherwise, the Annexes to this Convention may be amended, by consensus, at any meeting of the Parties. Unless otherwise agreed, amendments to an Annex shall enter into force for all Parties one year after adoption.

ARTICLE XXVII AUTHENTIC TEXTS AND CERTIFIED COPIES

1. The English, French, Portuguese, and Spanish texts of this Convention are equally authentic.
2. The original texts of this Convention shall be deposited with the Government of Venezuela, which shall send certified copies thereof to the Signatory States and to the Parties hereto, and to the Secretary General of the United Nations for registration and publication, pursuant to Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF , the undersigned, having been duly authorized by their respective governments, have signed this Convention.

DONE AT CARACAS, Venezuela, on this first day of December, 1996.

ANNEX I SEA TURTLES*

1. *Caretta caretta* (Linnaeus, 1758) Tortuga caguama, cabezuda, cahuama, Loggerhead turtle. Tortue caouanne. Cabeçuda, mestiça.

2. *Chelonia mydas* (Linnaeus, 1758), including populations of this species in the Eastern or American Pacific alternatively classified by specialists as *Chelonia mydas agassizii* (Carr, 1952), or as *Chelonia agassizii* (Bocourt, 1868). Tortuga blanca, aruana, verde. Green sea turtle. Tortue verte. Tartaruga verde, Soe-pschildpad, krapé. Common alternate names in the Eastern Pacific: Tortuga prieta. East Pacific green turtle, black turtle. Tortue verte du Pacifique est.

3. *Dermochelys coriacea* (Vandelli, 1761) Tortuga laúd, gigante, de cuero. Leatherback turtle. Tortue luth. Tartaruga gigante, de couro Lederschildpad, aйтканти.

4. *Eretmochelys imbricata* (Linnaeus, 1766) Tortuga de carey. Hawksbill sea turtle. Tortue caret. Tartaruga de pente Karét.

5. *Lepidochelys kempi* (Garman, 1880) Tortuga lora. Kemp's ridley turtle. Tortue de Kemp.

6. *Lepidochelys olivacea* (Eschscholtz, 1829) Tortuga golfina. Olive ridley turtle. Tortue olivâtre. Tartaruga oliva. Warana.

* Due to the wide variety of common names, even within the same State, this list should not be considered exhaustive.

ANNEX II

PROTECTION AND CONSERVATION OF SEA TURTLE HABITATS

Each Party shall consider and may adopt, as necessary and in accordance with its laws, regulations, policies, plans and programs, measures to protect and conserve sea turtle habitats within its territory and in maritime areas with respect to which it exercises sovereignty, sovereign rights or jurisdiction, such as:

1. Requiring assessments of the environmental impact of marine and coastal development activities that may affect sea turtle habitats, including: dredging of canals and estuaries; construction of sea walls, piers and marinas; extraction of raw materials; operation of aquaculture facilities; siting of industrial facilities; use of reefs; deposit of dredged materials and trash; and other related activities;
2. Managing and, when necessary, regulating the use of beaches and coastal dunes with respect to the location and design of buildings, the use of artificial lighting and the transit of vehicles in nesting areas;
3. Establishing protected areas and taking other measures to regulate the use of areas where sea turtles nest or regularly occur, including permanent or temporary closures, modification of fishing gear, and, to the greatest extent practicable, restrictions on vessel traffic.

ANNEX III

USE OF TURTLE EXCLUDER DEVICES

1. «Shrimp trawl vessel» means any vessel used to catch shrimp species with trawl nets.

2. «Turtle Excluder Device» or «TED» means a device designed to increase the selectivity of shrimp trawl nets in order to reduce the incidental capture of sea turtles in shrimp fishing operations.

3. Each Party shall require shrimp trawl vessels subject to its jurisdiction that operate within the Convention Area to use recommended TEDs that are properly installed and functional.

4. Each Party, in accordance with the best available scientific evidence, may allow exceptions to use of TEDs as required in Paragraph 3 only in the following circumstances:

a) For shrimp trawl vessels whose nets are retrieved exclusively by manual rather than mechanical means, and shrimp vessels with trawl nets for which no TEDs have been developed. A Party allowing such exception shall adopt other measures to reduce the incidental mortality of sea turtles that are equally effective and that do not undermine efforts to achieve the objective of this Convention, such as limits on tow times, closed seasons and closed fishing areas where sea turtles occur.

b) For shrimp trawl vessels:

- i. Exclusively using other trawl gear that has been demonstrated not to pose a risk of incidental mortality of sea turtles; or
- ii. Operating under conditions where there is no likelihood of interaction with sea turtles; provided that the Party allowing such exception provides to the other Parties, either directly or through the Secretariat, if established, documented scientific evidence demonstrating the lack of such risk or likelihood;

c) For shrimp trawl vessels conducting scientific research under a program approved by the Party;

d) Where the presence of algae, seaweed, debris, or other special conditions, temporary or permanent, make the use of TEDs impracticable in a specific area, provided that:

i. A Party allowing this exception shall adopt other measures to protect sea turtles in the area in question, such as limits on tow times;

ii. Only in extraordinary emergency situations of a temporary nature may a Party allow this exception to apply to more than a small number of the vessels subject to its jurisdiction that would otherwise be required to use TEDs pursuant to this Annex;

iii. A Party allowing this exception shall provide to the other Parties, either directly or through the Secretariat, if established, information concerning the special conditions and the number of shrimp trawl vessels operating in the area in question.

5. Any Party may comment upon information provided by any other Party pursuant to Paragraph 4. Where appropriate, the Parties shall seek guidance from the Consultative Committee and the Scientific Committee to resolve differences of view. If the Consultative Committee so recommends, and the Parties agree, a Party that has allowed an exception pursuant to Paragraph 4 shall reconsider the allowance or extent of such an exception.

6. The Parties may, by consensus, approve other exceptions to the use of TEDs as required in Paragraph 3, in accordance with the best available scientific evidence and based on recommendations of the Consultative Committee and the Scientific Committee, to account for circumstances warranting special consideration, provided that such exceptions do not undermine

efforts to achieve the objective of this Convention.

7. For the purposes of this Convention:

a) Recommended TEDs shall be those TEDs determined by the Parties, with advice from the Consultative Committee, to reduce the incidental capture of sea turtles in shrimp trawl fishing operations to the greatest extent practicable;

b) At their first meeting, the Parties shall develop an initial list of recommended TEDs, which they may modify at subsequent meetings;

c) Until the first meeting of the Parties, each Party shall determine, in accordance with its laws and regulations, which TEDs to require for use by shrimp trawl vessels subject to its jurisdiction in order to reduce the incidental capture of sea turtles in shrimp trawl fishing operations to the greatest extent practicable, based on consultations with other Parties.

8. At the request of any other Party or of the Consultative Committee or the Scientific Committee, each Party shall provide, either directly or through the Secretariat, if established, scientific information relevant to the achievement of the objective of this Convention.

ANNEX IV ANNUAL REPORTS

The annual reports referred to in Article XI(1) shall include the following:

a) A general description of the program to protect and conserve sea turtles and their habitats, including any laws or regulations adopted to achieve the objective of this Convention;

b) Any pertinent new laws or regulations adopted during the preceding year;

c) A summary of actions taken, and the results thereof, to implement measures for the protection and conservation of sea turtles and their habitats, such as: operation of turtle

camps; improvement and development of new fishing gear to reduce incidental sea turtle capture and mortality; scientific research, including marking, migration, and repopulation studies; environmental education; programs to establish and manage protected areas; cooperative activities with other Parties; and any other activities designed to achieve the objective of this Convention;

d) A summary of the actions taken to enforce its laws and regulations, including penalties imposed for violations;

e) A detailed description of any exceptions allowed, in accordance with this Convention, during the preceding year, including monitoring and mitigation measures related to these exceptions, and, in particular, any relevant information on the number of turtles, nests, and eggs, as well as sea turtle habitats, affected by the allowance of these exceptions;

f) Any other information the Party may deem relevant.

References

1. Meylan, A.B and Meylan, P.A. (1999) Introduction to the evolution, life history, and biology of sea turtles. In: Research and Management Techniques for the Conservation of Sea Turtles. Eckert, K.L., Bjorndal, K.A., Abreu-Grobois, F.A. and Donnelly, M. (eds.). IUCN/SSC Marine Turtle Specialist Group Publication No. 4. p 3-5
2. Bjorndal, K.A. and Bolten, A.B. (2003) From ghosts to key species: restoring sea turtle populations to fulfill ecological roles. *Marine Turtle Newsletter*, 100: 16-21
3. Jackson, J.B.C. (1997) Reefs since Columbus. *Coral Reefs*, 16 Suppl.: S23-S32
4. IUCN 2003. 2003 IUCN Red List of Threatened Species. www.redlist.org. Consulted on 16 July 2004.
5. Seminoff, J. (2002) 2002 IUCN Red list global status assessment, green turtle *Chelonia mydas*. IUCN Marine Turtle Specialist Group Review, 93 pp
6. Meylan A.B. and M. Donnelly (1999) Status justification for listing the hawksbill turtle (*Eretmochelys imbricata*) as critically endangered on the 1996 IUCN Red List of Threatened Animals. *Chelonian Conservation and Biology* (3): 200-224
7. Epperly, S. (2003) Fisheries-related mortality and turtle excluder devices (TEDs). En: *The Biology of Sea Turtles Volume II*. Lutz, P.L., Musick J.A. y Wyneken, J. (eds). CRC Press, Boca Raton. pp 339-353.
8. Spotila J.R., Reina R.D., Steyermark A.C., Plotkin P.T. and F.V. Paladino (2000). Pacific leatherback turtles face extinction. *Nature* (405): 529-530
9. Troëng, S. and Drews C. (2004) Money Talks: Economic Aspects of Marine Turtle Use and Conservation. A WWF Report.
10. León, Y.M., and Bjorndal, K.A. (2002) Selective feeding in the hawksbill turtle, an important predator in coral reef ecosystems. *Marine Ecology Progress Series*, 245: 249-258
11. Bjorndal, K.A. and Jackson, J.B.C. (2003) Roles of sea turtles in marine ecosystems: reconstructing the past. En: *The Biology of Sea Turtles Volume II*. Lutz, P.L., Musick J.A. y Wyneken, J. (eds). CRC Press, Boca Raton. pp 259-273.
12. Bouchard, S.S. and Bjorndal, K.A. (2000) Sea turtles as biological transporters of nutrients and energy from marine to terrestrial ecosystems. *Ecology*, 81(8): 2305-2313
13. Harrison, E., Troëng, S., Nolasco, D., Crispin, D., Matthews, C., Padidar, K., Gaos, A., Towers, R., Jiménez, D., Debadé, X., Paxton, M., Sawyer, T., Gutiérrez, A., Garzón, J.C., Machado, J., Yañez, I., Díaz, A., and A. Redondo (2003) *Reporte Programa de Tortuga Verde 2002, Tortuguero, Costa Rica*. Reporte presentado al Caribbean Conservation Corporation y el Ministerio del Ambiente y Energía, San José, Costa Rica. 52 p. (available at www.cccturtle.org/pdf/cm2002-rep-esp.pdf)
14. Marcovaldi, M.A. and Marcovaldi, G.G. (1999) Marine turtles of Brazil: the history and structure of Proyecto TAMAR-IBAMA. *Biological Conservation*, 91: 35-41
15. Orrego, C.M. (2002) Causas naturales y antrópicas en la mortalidad de las tortugas marinas en el Pacífico de Costa Rica. Tesis de Maestría en Manejo y Conservación de Vida Silvestre. Programa Regional en Manejo de Vida Silvestre, Universidad Nacional, Heredia.
16. Lewison R.L., S.A. Freeman and L.B. Crowder (2004) Quantifying the effects of fisheries on threatened species: the impact of pelagic longlines on loggerhead and leatherback sea turtles. *Ecology Letters* 7: 221-231
17. Comisión Interamericana del Atún Tropical - CIAT (2004) Interacciones de tortugas marinas con pesquerías atuneras, y otros impactos sobre poblaciones de tortugas. Grupo de trabajo sobre captura incidental, 4ª reunión, Kobe, Japón, 14-16 de enero de 2004. Documento BYC-4-05b
18. FAO (2004) La pesca y la seguridad alimentaria. Archivo de FAO Focus. www.fao.org/FOCUS/S/Fisheries/incom.htm Consulted on 15 May 2004.

19. World Wide Fund for Nature – WWF (2004) Conserving Marine Turtles on a Global Scale. WWF International 28 p.
20. TRAFFIC (2002) Revisión de CITES sobre la Explotación, Comercio y Manejo de Tortugas Marinas en las Antillas Menores, Centro América, Colombia y Venezuela. Informe Interino de un estudio comisionado por TRAFFIC International a nombre de CITES 17p.
21. TRAFFIC North America (2001) Swimming against the tide: Recent Surveys of Exploitation, Trade and Management of Marine Turtles in the Northern Caribbean. By Elizabeth H. Fleming. April 2001. 161 pp
22. Projeto TAMAR-IBAMA. Projeto TAMAR-IBAMA and Sea Turtles of Brazil. www.projetotamar.org.br Consulted on 16 April 2004.
23. Luttrell, M., Plotkin, P., Witherington, B., and Lutz, P. (1997) Human Impacts on Sea Turtle Survival in *The Biology of Sea Turtles*. Lutz, P. and Musick, J. (eds.). CRC Marine Science Series. p. 395-396.
24. Caribbean Conservation Corporation. Sea turtle threats and conservation. www.cccturtle.org Consulted on 16 April 2004.
25. Chacón, D. (2002) Diagnóstico sobre el comercio de las tortugas marinas y sus derivados en el Istmo Centroamericano. Red Regional para la Conservación de las Tortugas Marinas en Centroamérica (RCA). San José, Costa Rica. 247 p.
26. Márquez, R., Burchfield, P., Carrasco, M.A., Jiménez, C., Díaz, J., Garduño, M., Leo, A., Peña, J., Bravo, R., and González, E. (2001) Actualización sobre la anidación de la tortuga lora en México. *Noticiero de Tortugas Marinas*, 92: 2-4
27. Frazier, J. (1997) Guest editorial: Inter-American Convention for the Protection and Conservation of Sea Turtles *Marine Turtle Newsletter*, 78: 7-13
28. Frazier, J. (1999) Guest editorial: Update on the Inter-American Convention for the Protection and Conservation of Sea Turtles. *Marine Turtle Newsletter*, 84: 1-3
29. Perrault, A., de Fontaubert, C., Hunter, D., Namnum, S. and Bagley, T. (2002) Cómo Lograr la Efectividad en la Convención Interamericana para la Protección y Conservación de las Tortugas Marinas. Una guía de referencia. WWF Programa para América Latina y El Caribe 24 p.
30. IAC (2003) Inter-American Convention for the Protection and Conservation of Sea Turtles, First Conference of the Parties. COP1CIT Final Report 100p.



Olive ridleys carry out massive nesting events (known as “arribadas”), where thousands simultaneously emerge over a 3-5 day period to lay their eggs at the same beach.

International cooperation is essential for successful sea turtle conservation. The Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC) entered into force in 2001, providing an opportunity for dialogue and action favoring sea turtle management.

This document constitutes reference material that aims to facilitate accession to the Convention by nations of the American continent, and to serve as a guide in negotiations with national and international organizations, civil society, scientists and coastal communities. Furthermore, it provides a collection of concepts and legal tools relevant to the Convention for professionals and decision makers who work with sea turtles.

Additionally, it includes descriptions of the six species of sea turtles that exist in the American continent with the corresponding illustrations, as well as the complete text of the articles of the Convention.

Inter-American Convention for the Protection and Conservation of Sea Turtles

