



Distr. LIMITED

UNEP(DEPI)/CAR WG.43/INF.24
19 December 2022

Original: ENGLISH

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

Virtual, 30 January – 1 February 2023

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

A RESPONSE TO UNEP(DEPI)/CAR WG.42/INF.39

A REPORT OF THE SPAW SPECIES WORKING GROUP

This meeting is being convened virtually. Delegates are kindly requested to access all meeting documents electronically for download as necessary.



Context

For this biennial, the SPAW STAC Working group on Species has been assigned three tasks by the STAC via the document “2021-2022 Tasks and Chairs of the SPAW STAC ad hoc Working Groups”.

The present document was prepared by the species working group in response to Task 2, Subtask Sea Turtles: “Strengthen work on the conservation and management of species listed in the Annexes of the Protocol, taking into account the recommendations in: paragraph 8 of UNEP(DEPI)/CAR WG.42/INF.39, recommendations of the species working group for the protection and Recovery of Caribbean Sea Turtles.”

ACRONYMS

RAC	Centre d'activités régionales
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
IAC	Inter-American Sea Turtle Convention
CEP	Caribbean Environment Programme
UNEP	United Nations Environment Programme
SPAW	Protocol Concerning Specially Protected Areas and Wildlife for the Wider Caribbean Region
STAC	Scientific and Technical Advisory Committee
STRAP	Sea Turtle Recovery Action Plans
TED	Turtle excluder device
WIDECATS	Wider Caribbean Sea Turtle Conservation Network

Recommendations for the Protection and Recovery of Caribbean Sea Turtles: A Response to UNEP(DEPI)/CAR WG.42/INF.39

Authors

Julia Horrocks, Sea Turtle Lead, Professor, University of the West Indies (UWI) Cave Hill Campus, Barbados

Karen Eckert, Professor and Director, Principia College Center for Sustainability, and Executive Director of WIDECAS

Olga Koubrak, Legal Advisor at SeaLife Law

Overview

1. UNEP(DEPI)/CAR WG.42/INF.39 presented a review of laws related to the protection of sea turtles from direct take within the SPAW Parties. 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 (hereinafter referred to as Non-Compliant Parties). The Non-Compliant Parties also rely on minimum weight restrictions, which result in the harvesting of mature individuals, including females, the most valuable age/sex class in a population. Moreover, the nesting seasons of exploited species are not always fully captured by the designated closed seasons, further contributing to declines in breeding-age individuals.

Table 1. SPAW Parties laws relating to sea turtle protection or the management of sea turtle fisheries.

Country	Law	Comments
Bahamas	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.	The Fisheries Act is being amended but protections are remaining in place.
Barbados	Fisheries (Management) Regulations, 1998 - s. 7 prohibits possession, trade, fishing, ensnaring turtles, parts and eggs - s. 7(3) protects nests.	
Belize	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.	While exceptions for bona fide indigenous or cultural use are technically allowed, no such exception has ever been granted under the 2003 Act.
Colombia	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. Turtle Excluder Devices (TEDs) are mandatory.	
Cuba	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).	The recently passed Law 150 "The System of Natural Resources and Environment" will introduce changes to Resolution 129/2011.

Country	Law	Comments
Dominican Republic	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.	
France	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 are mandatory.	
Grenada	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
Guyana	Wildlife Conservation & Management Act, 2016 s 63 - https://wildlife.gov.gy/ 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.	
Honduras	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.	
Netherlands	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	

Country	Law	Comments
	Ordinance St. Maarten - strict protection Curacao - Endangered Species Act Aruba - Marien Milieuverordening Aruba (Marine Environment Ordinance of Aruba) AB 1980, No. 18.	
Panama	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.	
St. Lucia	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.	Minimum weights are 27.22 kg for hawksbill; 34.02kg for green and loggerhead and 294.84kg for leatherback.
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.	
United States	Endangered Species Act - strict protection for turtles & eggs, both on land and at sea. TEDs are mandatory.	

Recommendations

2. UNEP(DEPI)/CAR WG.42/INF.39 made a series of recommendations, quoted below (**8.i-vii**), and herein we suggest a Lead Organisation and provide an implementation response in each case. Recommendations and priority ranking are summarised in Table 2.
3. Based on our review and expert knowledge, we are recommending the following priority actions to the STAC:
4. *i. Encourage compliance with the SPAW Protocol through the following steps:*
5. *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.*

Lead Organisation: Wider Caribbean Sea Turtle Conservation Network (WIDECAST)

Focus: Non-Compliant Parties

Approach: A stakeholder survey will be developed by WIDECAST to collect information in support of “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.” The survey will be submitted for review and approval by the STAC prior to its distribution in Non-Compliant Parties.

Reporting: WIDECAST will submit an information paper to the STAC that provides background (e.g., history of legislation/regulation) and current status of the legal framework, exploitation data assembled from the survey and published sources (e.g., including exploitation of turtles originally tagged in SPAW compliant countries), and gaps and recommendations.

Priority: High (supports 8.i.b; 8.vi)

6. *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 Bräutigam and Eckert, 2006).*

Lead Organisation: SPAW Secretariat

Focus: Non-Compliant Parties

Approach: In dialogue with SPAW Focal Points in Non-Compliant Parties, reiterate the importance of Article 10 of the SPAW Protocol (requiring Parties to implement measures to ensure the survival of endangered or threatened species, and regulate or prohibit activities

having adverse effects on such species or their habitats) and Article 11 (requiring Parties to provide total protection and recovery to Annex II species, including all six species of sea turtle). Identify barriers – and viable solution landscapes – related to “management based on biologically meaningful criteria” (cf. Bräutigam and Eckert, 2006).¹ Develop approaches, benchmarks, and timetables sufficient to bring Non-Compliant Parties into compliance with Articles 10 and 11.

Priority: High

7. *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.*

Lead Organisation: WIDECAST

Focus: All SPAW Parties. Note: given the biogeographical range of Caribbean sea turtles and the benefits of encouraging strategies to reduce bycatch throughout this range, consideration should be given to implementing the survey in all Wider Caribbean countries.

Approach: A survey will be developed by WIDECAST to collect relevant information related to nearshore fisheries type/gear/protection measures (related to sea turtles), conservation measures currently in place to mitigate the threat posed by fisheries interactions, and to inform strategies to reduce this threat, drawing on existing research and best practice. The survey will be submitted for the STAC review and approval prior to its distribution.

Reporting: WIDECAST will submit an information paper to the STAC summarizing the results of the survey, including a comparison between SPAW Parties and non-Parties, that identifies gaps, barriers, solution approaches, and recommendations for next steps in developing a strategy to address bycatch in nearshore fisheries.

Priority: High (supports 8.iii; 8.vi)

8. *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 the Northwest Atlantic Leatherback Working Group (2018) relating to the need to reduce bycatch.*

¹ Amie Brautigam & Karen L. Eckert, 2006. *Turning the Tide: Exploitation, Trade and Management of Marine Turtles in the Lesser Antilles, Central America, Colombia and Venezuela*. A TRAFFIC Report. https://www.widecast.org/Resources/Docs/Brautigam_and_Eckert_2006_Exploitation_Trade_Mgmt_of_Caribbean_Sea_Turtles.pdf.

Lead Organisation: SPAW Secretariat and SPAW Regional Activity Centre

Focus/Approach: In dialogue with the IAC Secretariat, develop a cooperative mechanism to facilitate implementation of Decision 6 UNEP(DEPI)/CAR IG.40/3 and IAC-COP9-2019-R2 across the Northwest Atlantic leatherback turtle's biogeographical range. Encourage those range countries that are SPAW Parties to consider joining the IAC to unite efforts to effectively address the species conservation challenges. Review and discuss a renewal of a Memorandum of Understanding between the IAC and SPAW to strengthen collaboration between these regional conventions and promote their application to the protection, conservation, and recovery of NWA leatherbacks and other sea turtle species.

Priority: High

9. *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.*

Lead Organisation: SPAW Secretariat

Focus/Approach: In dialogue with SPAW Focal Points, reiterate the importance of Article 14 of the SPAW Protocol, which requires that Parties with indigenous harvest (including egg collection) provide information and justification on these activities (e.g., harvest data, management measures), and submit an exemption form if necessary. Develop (and communicate) reporting requirements, mechanisms, and the consequences of non-compliance.

Priority: Medium

10. *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.*

Lead Organisation: Wider Caribbean Sea Turtle Conservation Network (WIDECAST)

Focus: SPAW Parties and observers.

Approach: A survey will be developed by WIDECAST to collect relevant information on “national level enforcement to help identify gaps and barriers”. Following the mandate of Article 10 that, “Each Party shall regulate and prohibit...activities having adverse effects on [endangered or threatened] species or their habitats and ecosystems”, the questionnaire will cover laws related to compliance with both sea turtles (including their parts and products) and

critical marine and terrestrial habitats legislation. Questions will be designed to capture data on personnel, resources, evidence laws/policies, training, penalties, and the degree to which offenders are successfully prosecuted. The survey will be submitted to the STAC for review and approval prior to its distribution.

Reporting: WIDECAST will submit an information paper to the STAC summarizing the status of existing legislation (including drawing from existing summaries, including that developed by the Working Group as part of UNEP(DEPI)/CAR WG.42/INF.39), including gaps, and the results of the survey, including an assessment of gaps, barriers, solution approaches, and recommendations for next steps.

Priority: High

11. *vi. Support Parties in developing, reviewing, and/or updating their Sea Turtle Recovery Action Plans (STRAP) (developed in partnership with SPAW and WIDECAST) 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.*

Lead Organisation: WIDECAST

Focus: Priority will be given to Grenada (which does not have a sea turtle national action plan) and St. Lucia (last published STRAP was in 1993), in addition to updating outdated STRAPs for other SPAW Parties: Barbados (1992), Belize (1992), and St. Vincent & the Grenadines (1993).

Approach: The Table of Contents will be updated and streamlined from earlier versions but, like their counterparts from three decades ago, revised STRAPs will summarize the distribution and abundance of sea turtles, discuss major causes of mortality (including bycatch and other threats), evaluate the effectiveness of existing conservation laws and policies, and prioritize implementing measures for stock recovery.

Reporting: WIDECAST Country Coordinators take the lead in developing a STRAP in collaboration with an inclusive team of local and national stakeholders. STRAPs are broadly peer-reviewed (including by UNEP/CEP, the SPAW RAC, and the national SPAW Focal Point), edited by the WIDECAST Executive Director, and published in the CEP Technical Report Series.

Priority: Medium (builds on 8.i.a; 8.ii; 8.v)

12. *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).*

Lead Organisation: SPAW Secretariat

Focus: In dialogue with future Parties, reiterate the critical importance of Articles 10 and 11, and the consequences of non-compliance.

Priority: In progress

Table 2: Summary of UNEP(DEPI)/CAR WG.42/INF.39 with recommendations by the SPAW Species Working Group/Sea Turtle Subgroup concerning next steps, including Lead Organisation, Focus, Approach, and Priority (high-H, medium-M, low-L).

Recommendation	Lead	Focus	Approach	Priority
<i>8.i.a</i> – summarize legislation and data related to sea turtle exploitation in non-compliant Parties	WIDECAST	Non-Compliant Parties	Review of published/unpublished data, stakeholder survey, identify gaps and barriers, submit Summary Report and Recommendations	H
<i>8.i.b</i> – identify barriers to sea turtle moratoria and best practice management in non-compliant Parties	SPAW Secretariat	Non-Compliant Parties	Dialogue with non-compliant Parties	H
<i>8.ii</i> – develop a strategy to address turtle bycatch in nearshore fisheries	WIDECAST	SPAW Parties	Review of published/unpublished data, stakeholder survey, identify gaps and barriers, submit Summary Report and Recommendations	H

Recommendation	Lead	Focus	Approach	Priority
8.iii – strengthen SPAW-IAC collaboration in reducing turtle bycatch	SPAW Secretariat & SPAW RAC	WCR Region	Discuss renewal of the MOU, identify gaps and opportunities for new mechanism of collaboration	H
8.iv – ensure compliance with SPAW Art. 14 (subsistence take)	SPAW Secretariat	SPAW Parties	Dialogue with Parties with legal exemption clauses for “traditional” or subsistence take regarding expectations for Art. 14 reporting	M
8.v – identify gaps and barriers to effective law enforcement	WIDECAST	SPAW Parties	Review of published/unpublished data, stakeholder survey, identify gaps and barriers, submit Summary Report and Recommendations	H
8.vi – review/update SPAW -WIDECAST STRAP series	WIDECAST	SPAW Parties	Review of published/unpublished information, stakeholder input, national Recovery Action Plans prioritising conservation actions	M
8.vii – ensure that new Parties understand/comply with protections to SPAW-listed species	SPAW Secretariat	Future SPAW Parties	Dialogue with prospective Parties to ensure a shared understanding of SPAW Protocol requirements, especially as these relate to turtles	In progress