

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

National Legislation of the Parties

Based on the 2005 Annual Reports

Country	Type and name of legal instrument (No.)	Description (Range of application)	Sanction(s) Imposed
Netherlands Antilles	National Nature Conservation Ordinance (PB1998/49) and changed as per PB2001/41	Prohibits catch, trade, and possession, of all sea turtles and their products, as well as disturbance of sea turtles or their nests in the Netherlands Antilles. Supercedes island ordinances	maximum fine of \$550,000 or 4 years imprisonment
	National Fishery Ordinance (PB1991/74) and Decree (PB1992/108)	Prohibits fishing for sea turtles in the Exclusive Fishery Zone of the Netherlands Antilles	maximum fine of \$280,000 or 3 months imprisonment
	Island Marine Environment Ordinance of Bonaire (AB2001/13)	Prohibits catch, trade, and possession, of all sea turtles and their products, as well as disturbance of sea turtles or their nests on the island of Bonaire	maximum fine of \$2700
	Island Marine Environment Ordinance of St. Eustatius (AB1996/3).	Maximum allowable catch of 2 sea turtles per person (Note: this is now superceded by the National Nature Ordinance). Prohibits catch of female sea turtles during the nesting season (Apr 1- Nov 30, on the island St. Eustatius).	maximum fine of \$2700 or 1 month imprisonment
	Island Marine Environment Ordinances of Saba	Same as above, but for the island of Saba	maximum fine of \$2700
	Island Fishery Ordinance of Saba (1996)	Prohibits all fishing for sea turtles in the territorial waters of Saba.	maximum of 1 month imprisonment
	Reef Management Ordinance of Curaçao AB1998/8, and Island Decree AB1998/8	Prohibits catch, trade, possession, of all sea turtles and their products, and disturbance of sea turtles or their nests	maximum fine of \$2700
	Island nature conservation ordinance of St. Maarten, AB2003/25	Prohibits catch and possession of all sea turtles and their products, and disturbance of sea turtles or their nests	maximum fine of \$550,000 or 4 years imprisonment
Belize	Statutory Instrument No. 66 of 2002 section 13 of the Fisheries Act Chapter 210 Substantive Laws of Belize	National territory	\$1000 BZ per any seaturtle or its product or to a term of one year imprisonment or to both fine and imprisonment
			TED violation \$2000 Bz or one year imprisonment or to both fine and imprisonment
Brazil	IBAMA*, Federal Law of Environmental Crimes nº9605	Environmental crimes forbids the exploitation of meat, eggs and carapace	Payment of fees, community services, and 6 months to 1 year of jail
	IBAMA, Federal Regulation, Portaria 000010	Forbids the traffic of any vehicles in the main nesting areas	
	IBAMA, Portaria 000011 State Law No. 7034, February 1997 - BA	Forbids artificial lighting (more than 0 lux) in the main nesting areas	
	CONAMA*, Resolução 000010 Law nº 6.938/81 and decree nº 99.274/90	For any environmental licensing in the main nesting areas an evaluation of Projeto TAMAR/IBAMA is required.	CONAMA could suspend enterprise implementation that are in disagreement with this resolution.
	Federal Regulation, Portaria IBAMA N-784, 28 May 1998	Forbids trawling at the Rio Doce sea, between latitude 18º20' e 20º 10', up to 2,5 nautical miles from the coast.	
	IBAMA, Portaria 001535, August 1995	Mandatory use of TED (Turtle Excluder Devices) for shrimp trawling fleets.	Fee payment and apprehension of fishery and fishing material, if relapse the license could be suspended
	Portaria IBAMA 1522, December 1989; Portaria IBAMA 45-N, April 1992.	Brazilian Red List, 05 sea turtles species classified as threatened	

Costa Rica	Political Constitution.	National	
	Law of the Creation of National Park Services (Law No.6084 August 17 th , 1977).	National	
	Wildlife Conservation Law (Law No 7317 October 21st, 1992) and its regulation.	National	
	Biodiversity Law (Law No.7788 April 30th, 1998).	National	
	Law of the Maritime Terrestrial Zone (Law No.6043 March 2nd, 1977)	National	
	Organic Law of the Environment (Law No.7554 October 4 th , 1995)	National	
	Forestry Law (Law No.7575 February 5 th , 1996)	National	
	Law of the Creation of the Costa Rican Fisheries and Aquaculture Institute (INCOPECA) (Law No. 7384 March 16 th , 1994).	National	
	Soil Use, Management and Conservation Law (Law No. 7779 April 30 th , 1998).	National	
	Executive Degree No28203-MINAE-MAG (authorizes the harvesting and commercialization of Olive Ridley eggs (<i>Lepidochelys olivacea</i>) layed within the Ostional National Wildlife Refuge to ADIO (The Association for the Integral Development of Ostional).	Ostional National Wildlife Refuge	
	Specific legislation for each Wildlife Protected Area	Each Wildlife Protected Area	
	Regulations on research	National	
	Law of the creation of the National Coast Guard Service N° 8000	National	
	INCOPECA Administrative board agreement No.051-1995	Prohibits commercial fishing using all types of nets, dragnets, and trawls in river mouths.	Fine of 20 to 60 times base salary
	INCOPECA Administrative board agreement No.146-2000	Regulates the line size and the number of hooks for small, medium and large scale artisanal commercial fleets.	Fine of 20 to 60 times base salary
	INCOPECA Administrative board agreement No.252-2003	Obligates longline fleets to use circular hooks.	Fine of 20 to 60 times base salary
	INCOPECA Administrative board agreement No.439-2003	Obligates sport fishing fleets to use circular hooks.	Fine of 20 to 60 times base salary
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Law 8325. Law of the Protection, Conservation and Recuperation of Sea Turtle Populations (Repealed with the approval of Law 8436).	Use of Turtle Excluder Devices (TED) is mandatory for shrimp trawler fleets	Fine, prison and cancellation of fisheries license.	
Law 8436. Law of Fisheries and Aquaculture.	Art.140. Prohibits the capture, injury, killing, transport or commercialization of chelonians. / Art.149. Use of Turtle Excluder Devices (TED) is mandatory for shrimp trawler fleets.	3 months to 2 years in prison, fine of 40 to 60 times base salary. /Fine of 5 to 15 times base salary.	

USA	Endangered Species Act of 1973 as amended	Provides for the listing of species as endangered or threatened with extinction. Prohibits all take of listed species, unless authorized as part of a permit, biological opinion, or regulation. Provides for issuance of federal regulations to conserve and recover listed species. Requires preparation of a federal Recovery Plan. Requires all federal agencies to consult with USFWS and NMFS if their actions may affect a listed species.	Criminal charges carry a maximum \$100,000 fine and a year in prison. Civil penalties carry a maximum \$25,000 fine.
	National Environmental Policy Act of 1969	Requires review of federal actions to assess their environmental impact and the development of various alternatives to carrying out the activity to reduce impacts.	
	Magnuson-Stevens Fishery Management and Conservation Act	U.S. federal fishery management act. Relevance to sea turtles: requires reduction of bycatch of sea turtles in federally managed fisheries.	
	Marine Turtle Conservation Act of 2004	Authorize a dedicated fund to support marine turtle conservation projects in foreign countries and to be administered by U.S. Fish & Wildlife Service. Primary focus is on protecting nesting populations and nesting habitat.	July 2, 2004
Guatemala	Presidential agreement October 26th, 1971	declared the closure of the capture, circulation and commercialization of the green turtle (<i>Chelonia mydas</i>) and her eggs for the protection of this species	Linked to current Fisheries Law
	Presidential agreement October 1976	These same measures were extended for 5 more years	Linked to current Fisheries Law
	Un-numbered governmental agreement from 17/02/1981	annuls the previous agreement mentioned (1976) and prohibits "for an indefinite amount of time, the capture circulation and commercialization of all species of sea turtles that inhabit and reproduce on the Guatemalan Coasts". In addition, this agreement promotes the creation of hatcheries in different areas of the country to encourage ecological aspects and the reproduction of the diverse species of sea turtles.	Linked to current Fisheries Law
	Law of Protected Areas, Congressional Decree 4-89 of the Republic of Guatemala	Regulates everything related to the use and management of protected areas and wildlife, including the CITES species (art. 25). CONAP has legislation directly and indirectly pertaining to Sea Turtles.	Prison time from 5 to 10 years and economic sanctions that range between US\$ 1300-2600
	Fisheries Law (Decree 80-2002)	the use of TEDs acquires a greater legal status, because the law considers sea turtle protection through the use of these devices, as well as establishes stronger sanctions	Economic sanctions and loss of license. The fines range between US\$ 2,600-10,000
	Ministerial Agreement 46-2005	Regulates the use of turtle excluder devices in the fishing technique of shrimp trawlers, similar to that established in 1996	Linked to current Fisheries Law
	General Hunting Law Decree 36-04	Regulates all synergistic species that support sea turtle protection	
Honduras	Fisheries Law, Decree # 154-59 article 49 and 53	National Regulations, Resolutions, Agreements	Article # 70 (reformed)
	General Law of the Environment Decree # 104-93	National Regulations, Resolutions, Agreements	Article 86 through 91

Mexico	General Law of Ecological Balance and Environmental Protection	Regulates the preservation and protection of biodiversity.	Fines equivalent of twenty to twenty thousand days of minimum salary. Confiscation and total or permanent closure.
	General Wildlife Law	Establishes the criteria that define the species and populations at risk and the sanctions for those who perform acts contrary to their recovery programs and closures.	Written warning, Fine, Temporary suspension of authorizations, licenses or permits, Temporary or permanent closure of installations, Confiscation of specimens.
	Fisheries Law	The objective is to guarantee the conservation, preservation of fisheries resources and to promote the administration of those natural resources whose life cycles depend totally, partially or temporarily, on the water.	Revocation of concession, permit, confiscation of products and/or fishing gear, boats or vehicles ; temporary closure of installations or fined
	Penal Code (twenty-fifth title) for the Federal District in Common Matters and for the Entire Republic in Federal Matters	To establish sanctions for those who illegally capture, hurt or deprive of life any chelonian, or collect or commercialize in any way their products or subproducts.	Art. 420. 1- 9 years of prison and 300 to 3,000 days of fines. Additional penalty from 3 years up to one thousand days of additional fines when affecting a natural protected area or with commercial purpose.
	Agreement on closed season (31st of May, 1990)	Establish a closed season for all species and subspecies of marine turtles in the waters under federal jurisdiction in the Gulf of Mexico and Caribbean Sea, as well as those of the Pacific Ocean, including the Gulf of California.	Confiscation of products obtained and/or boat or vehicle, fishing gear and/or fined.
	Refuge zone decree (29th of Oct)	To determine reserves and refuge sites for the protection, conservation, repopulation, development and control, in those areas where sea turtles go to nest and lay their eggs. In this nature, the 11th article establishes and operates Centers for Sea Turtle Protection, previously turtle camps.	Confiscation of products obtained and/or of the boat or vehicle, fishing gear and/or fined.
	Agreement for those areas determined to be natural protected areas, under the category of sanctuary. (16th of July, 2002)	Recategorize reserves and refuge sites for the protection, conservation, repopulation, development and control of sea turtles, located in the States of Chiapas, Guerrero, Jalisco, Michoacán, Oaxaca, Sinaloa, Tamaulipas and Yucatán, identified in the public decree of October 29 th , 1986.	Sanctions contemplated in Federal Penal Code

Mexico	Official Mexican Regulation NOM-002-PESC-1993	Organizes the use of the shrimp species found in waters under the federal jurisdiction of the United Mexican States.	Revocation of concession, permit; confiscation of products and/or fishing gear, boats or vehicles ; temporary closure of installations or fined
	Modification of the Official Mexican Regulation NOM-002-PESC-1993 (30th of July, 1997)	Organizes the use of the shrimp species found in waters under the federal jurisdiction of the United Mexican States.	
	Official Mexican Emergency Regulation NOM-EM-007-PESC-2004	Technical specifications for the turtle excluder devices used by the fleets of shrimp trawlers in waters under federal jurisdiction of the United Mexican States, from the 14th of September, 2004 and the extension published on the 15 th of March of 2005.	Stated in Fisheries Law
	<i>“Notice of the establishment of the geographic boundaries of Bahía de La Paz, Southern Baja California, to be used in the Official Mexican Regulation NOM-002-PESC-1993. (30th of October of 2002)</i>	<i>Organizes the use of the shrimp species found in waters under the federal jurisdiction of the United Mexican States, published the 31st of December, 1993 and its modification published the 30th of July, 1997”, which prohibits the use of all types of trawl nests within the Bahía de La Paz, Southern Baja California.</i>	
	Official Mexican Regulation NOM-059-SEMARNAT-2001(6th of March, 2002)	Environmental Protection, Native species of wild flora and fauna of Mexico, Risk categories and specifications for their inclusion, exclusion or change – List of threatened species.	Sanctions contemplated in the Federal Penal Code
	Official Mexican Regulation NOM-126-SEMARNAT-2000	Establishes the specifications necessary to collect biological materials of species of wild flora and fauna and other biological resources within national territory for scientific purposes.	Violating the present Official Mexican Regulation is punished in accordance to that laid out in the General Law of Ecological Balance and Environmental Protection, Fisheries Law and its Regulation, Forestry Law and its Regulation, and other applicable judicial dispositions
	Regulation of Environmental Impact	Establishes the guidelines for presenting declarations of environmental impacts	Fine equivalent of twenty to twenty thousand days of minimum salary valid in the state at the moment sanction is imposed. Total, permanent or partial closure and administrative arrest for up to 36 hours.
	Prohibits the possession or consumption of eggs, 1927	Instrument that established a period of closure at a national level.	Administrative

Peru	Law N° 27308 – Forestry and Wildlife Law	Regulates and supervises the sustainable use and conservation of Peru's forest and wildlife resources.	
	D.S N° 014-2001-AG Forestry and Wildlife Law Regulation	Regulation of the Forestry and Wildlife Law that establishes measures for the protection of wildlife resources, standards for scientific research, and establishes the infractions in wildlife matters.	Depends on the severity of the infraction, without prejudice to the civil and/or penal actions that took place, sanctions are fines no less than 0,1 nor greater than 600 UIT
	D.S N° 034-2004-AG	Approves categorizing wildlife species as threatened and prohibits their hunting, capture, possession, transportation or exportation for commercial purposes. For such Categories, the IUCN criteria are applied: <i>Dermochelys coriacea</i> (CR) critically endangered <i>Caretta caretta</i> (EN) endangered <i>Chelonia mydas agassizii</i> (EN) endangered <i>Eretmochelys imbricata</i> (EN) endangered <i>Lepidochelys olivacea</i> (EN) endangered	Articulated in D.S N° 014-2001-AG Regulation of the Forestry and Wildlife Law
	Supreme Decree N° 026 –2001-PE: reaffirms the Ministerial Resolution N°103-95-PE	Maintains the prohibition of the capture of all of the diverse species of whales and of all species of sea turtles in jurisdictional waters of Peru.	
	Ministerial Resolution N° 01065 –76-PE (Fisheries Ministry), January 7 th , 1977	Prohibits the capture of a) <i>Dermochelys coriacea schlegelii</i> along the entire coast, and b) <i>Chelonia mydas agassizii</i> less than 0.8 m long.	
	Ministerial Resolution N° 103-95-PE (Fisheries Ministry), as of March 6th, 1995	Prohibits the capture directed at all species of sea turtles present in waters under Peruvian jurisdiction.	
	Supreme Decree N°013-99-AG (Ministry of Agriculture)	Approves a systemization of threatened wildlife species, which classifies the sea turtles (<i>Dermochelys coriacea</i> , <i>Chelonia mydas</i> , <i>Eretmochelys imbricata</i> , <i>Lepidochelys olivacea</i> and <i>Caretta caretta</i>) as "species in a vulnerable state". Prohibits their hunting, extraction, transportation and/or exportation of the entire specimen for commercial purposes, products and/or sub-products of the wildlife species listed, with the exception of those originating from zoo hatcheries or wildlife management areas. However, under the new Forestry and Wildlife Regalement, the categories must be modified using the IUCN criteria.	
Bolivarian Republic of Venezuela	Constitution of the Bolivarian Republic of Venezuela (G.O.R.B.V. N° 5453 Extraordinary on 24/03/2000)	Protect biological diversity, genetic resources, ecological processes, national parks, natural monuments and other ecologically important areas.	
	Organic Law of the Environment (G.O.R.V. N° 18/06/1976)	Conservation, defend and improve the environment	
	Organic Law of Aquatic and Insular Spaces (G.O.R.B.V. N° 37.330 on 22/11/2001)	Guarantee better use of aquatic and insular spaces, aiming to ensure the conservation of natural aquatic resources, among others	
	Wildlife Protection Law and its Regulation (G.O.R.V. N° 29.289 on 11/08/1970, G.O.R.V. N° 5.302 Extraordinary on 29/01/1999)	Prohibit hunting with the exception of hunting for scientific purposes	Product confiscation and administrative sanctions
	Penal Law of the Environment (G.O.R.V. N° 4.358 Extraordinary on 03/01/1992)	Establishes the capture of sea turtles and the degradation of their habitat as a crime because they are species in danger of extinction	Penal Sanctions
	Law of Biological Diversity (G.O.R.B.V. N° 5.468 Extraordinary on 24/05/2000)	Article 22 specifies that animal species in danger of extinction will be priority <i>in situ</i> conservation objects	
	Fisheries and Aquiculture Law (G.O.R.B.V. N° 37.727 of 08/07/2003)	Defines "responsible fishing" as the sustainable use of the fisheries resources in harmony with the environment and the use of capture methods that do not harm the ecosystems, the resources nor their quality	
	Coastal Zone Law (G.O.R.B.V. N° 37.349 of 19/12/2001)	Article 7 specifies that conservation and sustainable harvesting in coastal zones includes the protection of biological diversity, punishment control and mitigating the causes generating contamination, as well as the policing and controlling of those activities capable of degrading the environment.	
	Decree declaring closure on those species in danger of extinction (N° 1.485, G.O.R.V. N° 36.059 of 11/09/1996)	Completely prohibits hunting sea turtles, with the exception of hunting for scientific purposes.	
	Decree that declares Species in Danger of Extinction (N° 1.486, G.O.R.V. N° 36.062 of 11/09/1996)	Includes all species of sea turtles present in the country	