
**INTER-AMERICAN CONVENTION FOR THE
PROTECTION AND CONSERVATION OF SEA TURTLES
FIRST MEETING OF THE CONSULTATIVE COMMITTEE**
San José, Costa Rica – October 26th -28th, 2005

**Minutes of the 1st Meeting of the Consultative Committee
October 26th – 28th, 2005**

Wednesday, October 26th

1. Participant Registration

2. Event Opening

The *Pro Tempore* Secretariat and representative from the COP3CIT Chairmanship welcomed the participants. Afterwards, Mr. Carlos Manuel Rodríguez, Minister of the Environment and Energy of Costa Rica, gave a presentation reflecting the importance of placing an economic value on natural resources so that they can compete within the national economic structure. As an example, he mentioned that the National Parks of Costa Rica generate 834 million dollars per year, representing 5.5 % of the GNP; this contributes more than bananas, pineapple, melons and coffee. To conclude, he pointed out that the economy, environment and agriculture should all be considered at the same level, as elements supporting economic growth and protecting society.

3. Presentation of Participants

Proceeded as indicated.

4. Approval of the Agenda

Mrs. Aída Peña takes the chair, representing the Chairmanship of the COP3CIT. The delegate of Mexico, Mr. Luis Fueyo, indicated that another point should be included in the agenda in which FAO agreements regarding sea turtle conservation matters are analyzed. The delegate of Venezuela, Ms. Edis Solórzano, also indicated that a point relating to the work plan of the Committee should be included. The Agenda of the First Meeting of the Consultative Committee (Annex I) was approved, including some new points in Other Issues.

5. Election of Committee Chairman, Vice-chairman and Rapporteur

Resolution COP1CIT-005, with regards to the terms of reference for the Consultative Committee, took into consideration the establishment of an interim procedure for nominating sectorial representatives before the COP2CIT; however, this was not possible until during the COP2. According to that established in Rule 8, the election of the chair, vice-chair and rapporteur shall be at the end of the meeting, for a period equal to that between Conferences of the Parties. Therefore, in order to comply with this rule, a board of directors was named to direct the first meeting of the Consultative Committee. At the end of the meeting, the Chairman, Vice-Chairman and Rapporteur were elected for the period remaining between the COP2 and the following Conference of the Parties (COP3).

The delegates proposed candidates for chairman. The delegate of Venezuela, Ms. Edis Solórzano, proposed Dr. Alberto Abreu of Mexico. Peru supported this motion. An agreement by consensus was taken to elect the representative of Mexico.

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Immediately following, proposals were heard for vice-chairman. The delegate of Peru, Mr. Jorge Vertiz, was proposed. This motion was supported by various members, among them, Dr. Carlos Drews of WWF and Mr. Miguel Ángel Mediana, delegate of Honduras. The delegate of Peru was elected as vice-chairman by consensus.

As for the election of the rapporteur, the delegate of Guatemala, Dr. Hiram Ordoñez, proposed the Costa Rican delegation. The motion was supported by various delegates, including Peru, México and Honduras. The delegate of Costa Rica was elected by consensus as in charge of taking the minutes of the meeting.

Changes to the agenda

The president of the Committee, Alberto Abreu, returned to the agenda suggesting that on Thursday, October 27th, point 15 on exceptions be moved to 9:30 a.m. He proposed to first look at the Strategic Plan in plenary and then point 15 on Exceptions. The change to the agenda regarding point 15 was approved.

6. Terms of reference for the Consultative Committee and results obtained at the COP2IAC in Venezuela

The *Pro Tempore* Secretariat gave an informative summary on the results of the first and second Conferences of the Parties, explaining the progress achieved over the last three years and lastly, presented the contents of the Terms of Reference for the Consultative Committee based on Resolution COP1CIT-005.

7. Results obtained at the COP2IAC in Venezuela

The IAC *Pro Tempore* Secretariat reported on this matter, including the following points:

- Agreement with OLDEPESCA.
- Election of the Sectorial Members of the Consultative Committee.
- In the Resolution on the terms of reference for the Scientific Committee, the approval of their structure is still pending.
- The Government of Costa Rica presented its request before the Conference of the Parties to host the Permanent Secretariat, once the *Pro Tempore* Secretariat period has expired. The *Pro Tempore* designation was extended for two more years. The Costa Rican proposal will be analyzed at the next Conference of the Parties.
- Mexico and the United States consider logistical support and financial contributions of the countries to be important and indispensable to the operation of a future Permanent Secretariat.
- The format of the annual reports was approved for use in 2005 and 2006.
- The *Pro Tempore* Secretariat's Work Plan was approved for 2005-2006.
- Holding the Scientific Committee meeting in June of 2005 and June of 2006 was approved.
- The first meeting of the Consultative Committee was approved for September of 2005 and the second one at the end of 2006, immediately after the COP3CIT.
- The creation of a Strategic Plan for the IAC was approved (from 2007 to 2012).

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8. Information on the Convention's website

The *Pro Tempore* Secretariat presented the content of the Convention's website: www.iacseaturtle.org, available in both English and Spanish, and invited the participants to support and disseminate sea turtle work. An explanation of the information found on this site was given. In addition, this site serves to build institutional memory by offering all the documents discussed during previous COP. There are documents and technical publications with multiple purposes, for example: information on sea turtle species, maps on the distribution of leatherback (*Dermochelys coriacea*) nesting sites. Particularly for this species, special efforts for their conservation are being carried out according to the guidelines of the resolution.

Although there have been many important contributions on behalf of the member parties of the Convention; the topic of fisheries still needs to be further developed. There is quite a bit of information on the protection and conservation of sea turtles.

In the future, it will be necessary to establish a strategy that allows the dissemination of existing information on sea turtles and their habitats to those groups of interest that do not have access to the Internet, through pamphlets, lectures and other instruments.

Comments from the delegates:

Brazil: The delegate of Brazil, Biologist Joao Carlo Thome, mentioned that he gave a presentation on the IAC using the information available on the website at the Oceanography Congress of Brazil, in which 2500 people participated; they agreed to translate the information on the website in Spanish and English into Portuguese. This would make the information available in three languages.

The question was brought up if the annual reports would be placed and maintained on the Web and what is the position regarding this matter. It was answered that this decision is up to each country. The Chairman suggested that it be first discussed internally among the Parties and, once approved, it may be placed on the web site.

The delegate of Honduras, Mr. Miguel Ángel Medina, indicated that he would like to contribute information on the species found in the Caribbean of Honduras, as well as their challenges and legislation being drafted; citing among these the Loggerhead turtle (*Caretta caretta*) in the Roatán Islands. They will supply the information to be placed on the website.

Jack Frazier, Chairman of the Scientific Committee, asked if the users and organizations visiting the website have been analyzed. If not, can this be done in order to respond better to the users of the website?

Julio Montes de Oca, Secretariat, indicated that a document will be circulated containing the annual evaluation of the website.

9. Information on the IAC database

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The *Pro Tempore* Secretariat gave a presentation describing several concerns such as, the different dates the annual reports were turned in and the geographic information accompanying nesting beaches is difficult to compare because of different systems used in generating the data. For example, the information provided by each of the Parties for the *Dermochelys coriacea* database was different, forcing a decision to be made as to which is the priority information that we want to analyze and work with. The information from Mexico, for example, is different from that of Costa Rica: these differences make their comparison difficult. Therefore, information intended for decision makers should be standardized in some way.

Information on threats should state precisely what types of threats sea turtles are facing and how significant they are. There is a lack of quantitative information, which makes estimating the degree of each threat difficult.

Comments from the delegates:

The delegate of Guatemala expressed that it would be helpful to have standardized common names of sea turtles and the names used by each country in the reports or, better yet, put each one of the different names.

The Chairman of the Scientific Committee explained that the subject of diverse common names has been discussed in detail within this Committee, observing differences not only between countries, but also among regions within the same country. Therefore, it was concluded that it is fundamental to use the scientific name in all documents of the Convention.

The delegate of Mexico emphasized that their annexes were not included in the copy of the report in the folder passed out and should be included in order to have all the appropriate information. Copies of the annexes were then made for all participants.

In regards to the subject of standardizing information, the Chairman recommended passing it on to the Scientific Committee for their analysis.

The delegate of Brazil consulted the Secretariat as to how the information was generated, for example, the maps. Belinda Dick of the Secretariat explained that for the moment they are working in GIS, but in the future the information can be distributed in a friendlier format to those who request it.

The delegate of Mexico gave recommendations on the format of the 2006 annual report. He asked if we would have the technical feedback of the Scientific Committee regarding protection, for example, there are differences that can lead to confusion, like: Does conservation refer to “areas” or to species?

Sebastián Troëng M.Sc., of the Caribbean Conservation Corporation (CCC), noted that as a NGO they generate a lot of technical information, for example on migrations within areas of Contracting Parties and also within areas not part of the Convention. This consultation refers to how this information can be delivered and included in the maps and in the rest of the common information available. The Secretariat indicated that they may send them this information and will make copies to be distributed to the Parties and its work groups.

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10. Advances in the work of the Scientific Committee

Report from the Chairman of the Scientific Committee, Dr. Jack Frazier:

Dr. Frazier began by listing the references in the COP2 Report containing information relevant to the Scientific Committee:

- Pgs. 13-14: Report of the First Meeting of the Scientific Committee (presented by Dr. Frazier) and comments.
- Pgs. 14-15: Presentation and analysis of the document CIT-008 “Terms of References for the Scientific Committee of the IAC”; and pgs. 28-31: Resolution COP2CIT-002 “Terms of Reference for the Scientific Committee of the Inter-American Convention...”, where that pending approval is indicated in brackets.

One of the topics pending approval by the Parties is in regards to the Terms of Reference for the Scientific Committee. It is still unclear if the Parties are going to assign the representatives of the Committee by consensus or if each Party will unilaterally designate their representative. Pending issues are indicated in the text of the Resolution by brackets. As an additional reference to understand how the discussion of this topic has evolved, page 58 of the COP1 presents the first draft of these Terms of Reference.

- Pgs. 15-16: Presentation of the Biannual Work Plan for the Scientific Committee (presented by Dr. Frazier); and pgs. 40-42: CIT-019-04 – Work Plan Project for the Scientific Committee (established during their first meeting).

He emphasized in the Presentation of the Plan that it is too ambitious.

- Pgs.67-70: INF-022-04 – Report of the First Meeting of the Scientific Committee (the 5 annexes are not included).

In the COP2, a call was made to develop synergies with other conventions, universities and other forums to support the Convention. The majority of the Convention’s members have a background in natural sciences. Therefore, alliances should be sought with professionals in other areas of social sciences (anthropologists, economists, sociologists, among others), given the projections of the Convention.

At the II Meeting of the Scientific Committee, held in June of 2005 in Costa Rica, 5 work groups were established:

- Annual Reports
- Standardization of data collection and presentation of information
- Fisheries relations
- Status of the hawksbill turtle (*Eretmochelys imbricata*)
- Continuation of the Resolution on *D. coriacea*

In the folder pertaining to the present meeting of the Consultative Committee, documents from three of these work groups were attached: INF-23-05 on Annual Reports, INF-24-05 on the status of the hawksbill turtle and INF-25-05 on standardization. The report on the fisheries work group has yet to be finalized. The minutes of the II Meeting of the Scientific Committee as well as the report from the Scientific Committee’s work group on the Resolution on *D. Coriacea*, are available from the Secretariat.

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A fundamental task of the Scientific Committee still pending is to resolve the lack of standardization in data collection, for example, in measuring turtles.

It was proposed to use e-mail as a way to follow-up on the work groups, however, this did not provide the desired results.

The group that analyzed the status of the hawksbill turtle, *Eretmochelys imbricata*, recommended holding a meeting on their status in the region in order to determine what is happening to this species, particularly in the Gulf of Mexico. In the Yucatan Peninsula an increase in their population was recorded, then a decline. Why did it go up and then later go down? How do we explain this situation? These are just some of the questions to be answered. Before the second meeting of the Scientific Committee, a meeting was held in Telchak, Yucatan, organized by the Secretary of the Environment of Mexico, with the purpose of analyzing this situation. The one in charge of the hawksbill turtle program in the State of Campeche gave a presentation before the Committee. Based on the information presented and discussed, the Scientific Committee recommended that the Parties consider the recommendations produced at the meeting in Telchak, as well as preventative measures while the situation is still being evaluated.

The Chairman of the Consultative Committee indicated that the apparent recovery of the hawksbill in the Yucatan can not be explained for certain: there were 4,500 nests per year in the Peninsula, which in the course of 5 years decreased by 35%. There is no evidence as to the main threat to the sea turtles. The possible cause or consequences of this phenomenon are unknown. Therefore, it is recommended that conservation actions be taken and suggest holding a meeting to look for synergies with other conventions. A lack of information in the ocean has been identified, caused in part by the tendency to carry out work mainly on beaches and not in feeding areas.

Continuing with his presentation, Dr. Frazier explained that the *Dermochelys coriacea* Resolution working group decided to use only the scientific name of this turtle and not common names. The main objective of this group was to counsel the Parties on how they can comply with the Resolution approved at the COP2 (Resolution COP2CIT-001).

As a part of the Scientific Committee's work group, Biologist Didiher Chacón gave a brief intervention relating to the continuation of Resolution COP2CIT-001, indicating that they presented very concrete recommendations on macro as well as particular actions to orient Contracting Parties towards compliance with the Resolution. In the annual reports, actions carried out for this purpose were not clearly stated.

J. Frazier described the advancements on the report from the fisheries group, although it has not yet been finished:

- The problem of incidental fishing as one of the main threats to sea turtles and the need for Parties to take respective action were analyzed. Accordingly, it was noted that within the FAO and important fishing organizations (for example, ICCAT and IATTC), resolutions have been adopted and recommendations made directed at taking measures to reduce and mitigate incidental capture. Many of these are already obligations to those countries Party to these instruments, and just by complying with these, they would be complying with the fundamental requirements of this Convention. Therefore, it is recommended that Parties of the Convention also Party to these international organizations, implement these actions.
- Priority actions were identified such as, training programs for onboard observers.

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- A draft resolution was made on the fisheries / sea turtle conservation problem.
- The topic of subsistence was not finished: although Art. IV of the Convention mentions subsistence in traditional groups, it is not very clear; the *Pro Tempore* Secretariat provided documents on this topic.

Finally, the Chairman of the Consultative Committee invited the participants to ask the Scientific Committee Chairman questions.

Honduras mentioned that sea turtle eggs have long been a source of subsistence for artisanal fishermen, although today there nearly aren't enough eggs. Therefore, the topic of tradition would be an interesting one to discuss. The Chairman noted that in the chapter of "exceptions" they would approach this topic.

Brazil requested clarity on how to analyze the Scientific Committee's recommendations before the Consultative Committee. The Chairman suggested that to proceed, they start with the recommendations of the Scientific Committee in plenary, discuss them one by one and continue developing them the following day in the work groups.

Regarding the Annual Reports, J. Frazier described that its elaboration is a continued learning process. Didiher Chacón added that the basic information and format of the reports was hardly comparable, for example, to identify trends. The use of the manual will help guide this matter.

The Chairman referred to the work being done in the Indian Ocean and South-East Asia (IOSEA) in regards to the information generated in this region, because over there, they have a Management Plan and other tools. The work of the IAC is more detailed and particular to each country and, therefore, the Scientific Committee must review and evaluate what and where the critical situations of the sea turtles in the Americas are.

Guatemala indicated that environmental education is necessary in rural areas; emphasizing the economic value that biodiversity can contribute. Similarly, he points out that the Scientific Committee or the Consultative Committee should approach this subject.

The Chairman presented proposals and recommendations on the work methodology. Mexico requested sending these recommendations to the work groups that will be organized the following day. The delegate of Ecuador, Washington Tapia, proposed that the general observations included in INF-23-05 be considered, further stating that they not be limited to the 16 recommendations outlined in section III of the document.

Venezuela indicated that the Scientific Committee makes observations on the Annual Reports; however, it is important that they, as the CC, review the reports, in order to incorporate further recommendations that the Scientific Committee did not consider, for example, the role of local communities in the IAC.

11. Analysis of the content of the Annual Reports

The Consultative Committee's Chairman asked for comments on the annual reports.

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The delegate of Belize, Julio Maaz, made a comment on the operation of tuna fleets in high seas and international waters and on the impact that countries far from the Convention have on its member countries. He recommended including this information in the form, requesting an analysis be done to determine where to include it.

The delegate of the United States, Earl Possardt, posed the question that if there is irrelevant or useless information in the format, can it be eliminated.

Similar to 2005, the Secretariat will assist in analyzing the information in the 2006 reports, based on the contributions of the Committees and Parties, so that the information will be more useful.

Mexico suggested establishing a way to prepare a proposal with the recommendations to the format of the Annual Report that can be ready for the next COP3 in 2006. He also proposed reviewing the Report of the annual report work group and adding a new section for “Other information” in the format, requesting the Secretariat to facilitate this process, lengthening and making the instructive more clear so that it can be more helpful. He suggested a tentative date of April to have all revisions ready. Brazil suggested that each country should be informed on the corrections that should be incorporated in the Annual Report, although the Chairman and the Secretariat disagree because it would not be taken well on behalf of the countries if they are told what they must correct in their annual reports. The delegate of Costa Rica, Marco Vinicio Araya, suggested an alternative by making suggestions or recommendations to each country on those issues they should pay special attention to.

The Secretariat indicated that it has detected a series of faults in the reports; these observations that they made should not be taken as criticism, but rather recommendations on their format.

The Chairman requested that Costa Rica creates a proposal on the language to be used to indicate the discrepancies, in a way that they are taken as recommendations of the Consultative Committee. It can act in the most efficient manner in order to receive punctual recommendations on modifications to the format.

On the format:

Costa Rica indicated that the Annual Report, year after year, will contribute very similar information. Therefore, the reports will become less volume and more straightforward, according to the state of which each country is found. There should be a first report that is more extensive and another more punctual that contributes information of greater value. Brazil suggested that for 2006 the same format is used.

The Chairman indicated that the information presented is available in a GIS system and should be more accessible to possible users. Belinda Dick (Secretariat) mentioned that she created a map integrating some of the main threats despite the lack of detailed information; the information is in Arc View but needs to be improved. Furthermore, recommendations and contributions based on the information supplied by the Parties will be incorporated. The Chairman summed up that in regards to the flow of information he realizes that the actual capacities will get better in proportion to more information being available. This is confirmed by Belinda Dick in her presentation, the one officially in charge of the compilation.

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Brazil proposed looking at the recommendations one by one, analyzing them and agreeing on whether or not to proceed.

Mexico proposed that the table on control and vigilance be expanded in such a way that it complies with that in Annex IV (d) of the text of the Convention. They also proposed to help synthesize this table. The U.S. considered, however, that to gather the information for this table would take too much time. The question should rather be if the country applies the laws or not in certain actions related to the IAC. Brazil agreed and states that the information is very dispersed due to the quantity of institutions involved in marine issues. This recommendation for the work group is accepted.

The Chairman finished by indicating that they have identified many ways in which to advance, but posed the question on what the Consultative Committee can do and, therefore, has added some suggestions to bring up the next day in the work groups.

Session adjourned: 6:00 PM

Day 2 – Thursday, October 27th

12. IAC Strategic Plan

Strategic Plan (S.P.) for the IAC, 2007-2012: Final draft for discussion.

Presentation made by Mr. José Pablo González, external advisor of the IAC. In theory, this document should be approved by the next COP3 in 2006: that is why the starting date is 2007. He explained the procedure followed when creating the S.P., expert consultations, the SWOT analysis (Strengths, Weaknesses, Opportunities, Threats) and defining the philosophical framework.

From there, they worked on generating Strategic Management Programs. A series of IAC values were identified: action, service, solidarity, commitment, responsibility, as well as the Convention's vision and mission. The strategic Objectives were derived from the mandate of the IAC.

The 5 Programs of the Scientific Committee were presented for comments and observations. The Program of the Scientific Committee was presented in detail with its objectives. Underlining that for actions, the range of action for each Contracting Party was considered, analyzing adjacent situations and their sovereignty over them according to international law and considering that each one of the countries should act internally to comply with the mandate of the Convention, in accordance with their judicial and administrative instruments.

Comments:

It was commented that the Strategic Plan contains too many objectives: maybe some of them can be reduced or combined; when making strategies, methodologies and action plans it is better to concentrate on fewer objectives. Venezuela agrees with this observation.

Mexico showed doubt regarding the way the S.P would be approved at a COP, expressing concern on the way in which the COP3 carries out the adoption of a Plan. A mechanism should

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be in place that allows all stakeholders involved in the objective of the IAC to actively participate. The strategy of the S.P. should be defined, in a way that the document to be approved has received contributions from all stakeholders and social sectors; in this way, an adequate appropriation of the document will be developed. It was also pointed out that at this moment the obligations to be acquired should be devised, for example, the mechanisms of action of the IAC, financing, etc.

The Chairmanship requests concrete proposals on behalf of the Consultative Committee.

Mexico asked to know the opinions of other Parties and from there, if it is reasonable to conclude that they could have a finished document on the Strategic Plan ready for the next COP3.

The Chairman of the Scientific Committee consulted the Chairmanship of the COP if it had any strategy for the S.P. for the next COP. The Chairmanship of the COP3 indicated that they have held meetings with the Secretariat, although there is not yet an outcome of these meetings because they need the feedback from this meeting.

The delegate of Netherlands Antilles, Paul Hoetjes, offered his opinion on the present discussion. He felt that it is too early to begin working; for now, what can be done is circulate a draft among the Parties and discuss it. He expressed that it lacked presentation of its objectives and mission of cooperation; such as a Cooperative Plan would be in which all of the Parties could meet to develop synergies within the region.

The Chairmanship proposed that the Committee establishes a timetable and the steps to follow in order to produce a more thorough document. A working group will be assigned to the topic of proposing a strategy for the S.P. The document will then be finalized in the Scientific and Consultative Committee meetings previous to the COP3.

The Secretariat would like to have a document with the greatest number of observations. In one month, it will be sent to all of the Parties, the Consultative and Scientific Committees. Those stakeholders working with sea turtles and able to contribute to this document will be recommended by each Party. The Chairmanship proposed the possibility of contributions from other sectors, including the fisheries sector.

Costa Rica suggested that each party elect its own process; time should be given to the Parties to make their observations and then the Consultative Committee reviews the document with an integrated vision.

The Chairman requested that the work group propose a timetable that allows the document to first pass through the Parties for consultation, and then go to a second consultation for further enrichment.

Mexico prepared a proposal that will be discussed in the working groups, containing the following 9 points:

- Retrieve the document;
- Determine and systematize reactions to the draft;
- Disseminate the observations to the Parties;
- Create a timetable for discussion and analyze the draft and its observations at a national level;

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- Prepare and synthesize contributions at the national level;
- Send to the Secretariat;
- Discussion in the Scientific Committee;
- Discussion in the Consultative Committee;
- Prepare proposal for resolution.

13. Exceptions

To initiate the discussion on expectations within the framework of the Convention, the Secretariat gave a presentation explaining various definitions, among them, practices and traditional knowledge, as defined in Convention 169 of the IOL; activities and subsistence economy, among other concepts. These definitions are found in the document INF-26-05c.

The Chairmanship indicated that guidelines defining these concepts for the IAC should be created as well as identifying some elements that allow knowledge on if it is, or not, “subsistence” or “traditional community” within its respective country. It was proposed to identify a series of elements that point towards the understanding of the term “subsistence” and not a definition of the term as is. To construct these definitions is fundamental. The question is: What elements should a report have regarding legal exceptions as specified in Article IV?

Organization of the work groups

The Chairman, based on the final objective of the meeting, suggested forming work groups, including: Committee’s Work Plan, Annual Reports and Exceptions (two groups). The products of these groups were presented and discussed in the plenary session the following day. Various countries made observations on the work procedure.

Table 1. Work Groups

Annual Reports	Work Plan	Exceptions
Maria Angela Marcovaldi, Tamar; Joao Carlos Thome, Brazil; Belinda Dick, Secretariat, Sebastián Troeng, CCC (mediator), Hedelvy Guada, CICTMAR (reporter), Melquíades Ramos, Observer from Panama, Marco Vinicio Araya, Costa Rica, Miguel Angel Medina, Honduras.	Edis Solórzano, Venezuela (mediator); Luis Fueyo, México (reporter); Anabella Barrios Observer from Guatemala; Jorge Vertiz, Perú; Ana Luisa Leiva, Observer from Costa Rica; Antonio Porras, Observer from Costa Rica; Washington Tapia, Ecuador; Marco Solano, <i>Pro tempore</i> Secretariat	SPANISH SPEAKING SUB GROUP - Didiher Chacón, Observer from Scientific Committee; Carlos Mario Orrego, Observer from Costa Rica; José Kowalsky, member CC; Hiram Ordóñez, Guatemala; Gerardo Chávez, Observer from Costa Rica; Sonia Motta, Observer from Nicaragua; Aida Peña, Chairmanship COP3; Lineth Córdoba, Observer from Panamá; Carlos Drews, member CC; Marvin Mora, Costa Rica; Jenny Asch, Observer from Costa Rica. ENGLISH SPEAKING SUB GROUP - Jack Frazier, Observer and Scientific Committee Chairman; Earl Possardt,

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		United States; Juan Carlos Cantú, member CC; Julio Maaz, Belize; Les Hodgson, member CC; Paul Hoetjes, Netherlands Antilles; Andrea Borel, Observer United States
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Day 3 – Friday, October 28th

14. Reports from work groups

Work groups that met on Thursday, October 27th, presented their conclusions to the plenary for discussion and development of follow-up agreements.

“Work Plan” Group

The delegate of Mexico presented the report on the “Consultative Committee’s Work Plan” group (Annex II).

Among other topics, he presented:

- Revisiting the issue related to Resolution CIT-CITES to be discussed at the COP3, for the purpose of creating a Memorandum of Understanding with this Convention.
- Increasing the number of Contracting Parties. He mentioned specific interest in Haiti, requesting that the Secretariat establish communication based on the contact initiated by Hedelvy Guada.
- The IAC *Pro Tempore* Secretariat should coordinate the development of a Memorandum of Understanding with SPAW. The delegate of Netherlands Antilles clarified that at the most recent technical meeting of this protocol, the SPAW Secretariat was approved to drive this initiative.
- Creating the 2007-2008 work plan at their next meeting in 2006. The structure of this plan should be based on the priorities of the IAC.
- Require that the Scientific Committee finalize the document they are creating on incidental fishing, for the purpose of using their recommendations and those of the FAO on incidental fishing of sea turtles to formulate a resolution project for the COP3.

At the request of clarifying which documents should be produced by the Consultative Committee for the COP3, he mentioned:

- Proposed Resolution on a Permanent Secretariat
- Proposed Resolution on the Strategic Plan
- Report on the continuation of Resolutions approved by the Parties
- Format for the Strategic Plan
- Prepare a proposal on guidelines for the Convention’s dissemination and training program.

Defenders of Wildlife brought to our attention to certain documents, specifically those on the text of the Convention in Spanish and English, which should be reviewed before publishing in order to avoid any inconsistencies or contradictions to the original text. México proposed correcting any possible errors by a *errata*. Jack Frazier, Chairman of the Scientific Committee, stated that the work involved in producing a *errata* would be a very long and tedious process, and suggested editing a new publication of the text of the Convention, faithfully employing the original text as deposited in Venezuela.

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“Annual Reports” Group

Hedelvy Guada presented the report on the discussions of the Annual Reports group (Annex III).

- An agreement was reached to try and simplify the content of the annual report, for which different technical options available will be considered. It was also insisted that careful attention be paid to the instructions accompanying the report, as its essential guide for elaboration.
- Other specific recommendations were: include a space for comments from users in the format in order to continuously improve the report; create a standardized format to collect quantitative information on fisheries, based on the experiences of organizations such as WWF and IATTC; review the format of the IOSEA report to look for possible simplifications and harmonization; request information on fishing effort and include feedback from the Fisheries Group of the Scientific Committee; include information on number of hatchlings.
- How to make modifications to the format of the annual report between Conferences of the Parties was discussed, in order for its accelerated adoption. It was decided not to submit a modified version to the focal points, however, it was agreed upon that the Consultative Committee, using their authority to request additional information from the Parties, would request that information on the implementation of the Resolution on *Dermochelys coriacea* conservation, is included in the 2006 annual report as an annex. This recommendation is supported by Netherlands Antilles and Brazil.

“Exceptions” Group

For the analysis of Exceptions two working groups were organized. Considering the limitations on availability of simultaneous translation for these sessions, a Spanish-speaking group and an English-speaking group were formed.

The groups worked on (1) an interpretation of the defining terms included in Article IV 3(a) on what would constitute an Exception: “*to satisfy economic subsistence needs of traditional communities*”, (2) a procedure to be used by the Parties to inform about Exceptions, and (3) elements to be contained in Management Plans required by Exceptions according to the Convention. While items (2) and (3) were complementary and can be combined into one proposal, results from item (1) were incompatible, according to the interpretation of the working groups.

The Spanish-speaking group agreed on the definitions for interpreting “*to satisfy economic subsistence needs of traditional communities*”, while the English-speaking group came to a consensus that it is not possible to come up with strict definitions for “*subsistence*” or “*traditional*” because there are numerous definitions, interpretations, notions and understandings of these terms, some of which are even defined in the legal frameworks of countries, for which it would be necessary to receive expert advice or guidelines.

The Consultative Committee decided that at this time an agreement on Exceptions cannot be reached, but maintaining the spirit of continuing discussions at a later moment,

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incorporating additional criteria and refining the desired objective. Two summaries are enclosed in the annex, corresponding to the discussions carried out in the two groups, with the agreement of continuing work on the subject.

15. Turtle Excluder Devices (TEDs)

The decision was made to create a purely informative and general space regarding the topic of TEDs. The Rapporteur, Biologist Marvin Mora Hernández, delegate of Costa Rica for INCOPECA, presented a report on the experience of his country on this subject. He detailed different considerations on their use, among them, the materials used, width of the openings, the correct measurement of the angle of inclination and location within the net. Afterwards, he briefly presented experiences in other countries on their use, including Honduras and the United States.

The Secretariat clarified the mandate of the Convention, according to that established in Annex 3.7(b), in regards to establishing a list of recommended TEDs that should be recommended to the Conference of the Parties by the Consultative Committee.

A list of approved TEDs by the United States already exists; therefore, the experiences of all countries will be vital in order to define modifications and adaptations to these devices under the different circumstances presented. At the same time, each country should be encouraged to carry out their own studies showing the efficiencies of each of the different TEDs.

An agreement was reached on compiling a list of TEDs being used in each country in order to be discussed during the next meeting of the Consultative Committee.

The Secretariat will be in charge of making the request and compiling the information.

16. Report on the hawksbill turtle in the Caribbean and Gulf of Mexico

The Chairman of the Consultative Committee reported on the state of the hawksbill turtle in the Mexican Gulf and Caribbean.

Due to their size and trends, the nesting populations in Mexico are among the world's principle nesting sites. In general, populations are usually small and are either threatened or not enough information is available. Increasing populations were found mainly in the Mexican Gulf (Campeche and Yucatán) and Cuba. More research has been developed to determine approximate migratory routes in the Caribbean, thus justifying regional cooperation.

Although positive results have been observed, as of 2000 it has experienced a decline that still can not be explained. This was analyzed at the meeting in Telchak, questioning if there is a need to refocus conservation strategies or if there is not enough information available.

In summary, a lack of information exists in certain parts of the sea turtle's life cycle, especially regarding their feeding habitats and threats to these sites. Similarly, too much emphasis has been placed on nesting beaches. Among the problems to immediately attend, were: incidental fishing, degradation of feeding grounds, possible capture of females nesting in Mexico in other areas, seismic exploration as either a possible reproductive inhibitor or cause of mortality. As for long term challenges, nest poaching, contamination and coastal development were identified.

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It was brought to attention that the recommendations made by the Scientific Committee's hawksbill working group should also be circulated by the Secretariat to the Parties. In addition, the recommendation on holding a Regional Technical Workshop should be considered, supported by the Convention and the collaboration of WWF. The objectives of this workshop include: 1- Update their population status; 2-Diagnostic of changes, trends and main threats at a regional level, 3-New methodologies to install an early alert system and to fill the information gaps.

The Chairman of the Scientific Committee insisted on the need to incorporate the fisheries sector in this discussion, possibly using the contacts Les Hodgson has within the Mexican shrimp industry.

Regarding the discussion on the possible continuation of dialogue with CITES on the hawksbill, it was reminded that even though there was a very good announcement of the 1st dialogue meeting, this is not considered to be the most appropriate instrument to carry this discussion to term; it is more likely to eventually delegate SPAW or the IAC. The Secretariat must analyze how to jointly direct this dialogue with CITES and SPAW. Netherlands Antilles recommended that the Secretariat consider meeting with SPAW a priority to bring attention to the hawksbill situation and explore with the Government of the Netherlands the possibility of finances available to support this process.

The Chairmanship will produce a general summary on the status of the hawksbill (especially in Mexico) to inform SPAW. He suggested that based on the information compiled by the Mexican scientists to be circulated to the Scientific Committee, a draft resolution be elaborated for discussion in both Committees during their next meetings and eventually presented at the COP3.

Brazil commented on the technical developments in seismic exploration and its environmental impact, as well as a workshop on seismic exploration to be held in the country next year. TAMAR will contact the focal point of Mexico and Vicente Guzmán (México) to inform them of this event. Brazil also commented that existing legislation prohibits seismic activity in the country during the nesting season within a 50km radius of the nesting beach.

Edis Solórzano mentioned some research efforts in Venezuela that can be shared on this topic.

17. Recommendations based on the meeting of FAO experts

At the request of Mexico, a discussion was carried out on the technical meeting of the FAO, held in Bangkok, on the challenges of incidental fishing and sea turtles, reviewing sea turtle interactions in fisheries. The priority areas were determined in this discussion by analyzing zones, species and fishing gear. It was recommended that the agreements made at the meeting in Bangkok, as well as by the Fisheries Committee (COFI), are reviewed in order to make them effective and incorporate them into a future proposed resolution before this Convention.

It was noted that the previous recommendations coincide with the work currently being carried out by the Fisheries Group of the Scientific Committee, as well as the measures and resolutions of other entities like the IATTC, among others.

18. Other issues

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Report on coastal development in Bahía, Brazil

The representative of the Caribbean Conservation Corporation presented the case of Bahía, Brazil, a well known nesting site where large coastal development is currently under way. He presented this case so that recommendations to the Brazilian authorities could be considered/included in the minutes, for the purpose of taking relevant mitigation measures (in accordance with Annex IV of the text of the Convention). Although an EIA has been carried out, for the next phases even stricter measures should be taken and attention should be called to the fragile situation of the entire area.

Netherlands Antilles and WWF back this motion; based on information they received by TAMAR over the last two years. Mexico backs the spirit of the proposal, however, requests that the language be validated by the representatives of Brazil to ensure that an appropriate tone is set to reach the proposed objective. Costa Rica recommended that the reference of the Convention, indicating that the Consultative Committee has the authority to make these kinds of recommendations, is included.

Brazil, TAMAR and the Secretariat of the Convention will work on the final redaction of the report to be sent to the country, according to their faculties.

Ratification of the Chairman, Vice-chairman and Rapporteur

The chairmanship of the COP3 (Mexico) clarified the ratification process of the Chairman, Vice-chairman and Rapporteur of the Consultative Committee, by repeating that the term will be extended until the following Conference of the Parties (COP3).

She proposed ratifying en bloc the three presently designated by consensus. Alberto Abreu (México) was designated as Chairman; Jorge Vertiz (Peru), as Vice-chairman; and Marvin Mora (Costa Rica), as Rapporteur. The representative of Costa Rica clarified that he will see to his mandate while he is in his current governmental position or, in his absence, Costa Rica will designate a representative.

19. Closing

The Chairman of the Committee closed the meeting by expressing his appreciation to the participants, host country and Secretariat.

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Annex I

Agenda 1st Meeting of the Consultative Committee October 26th - 28th, 2005

Wednesday, October 26th

1. Inscription of participants
2. Event opening
3. Presentation of participants
4. Approval of agenda
5. Election of Committee Chairman, Vice-chairman and Rapporteur
6. Terms of Reference for the Consultative Committee
7. Results obtained at COP2IAC in Venezuela
8. Information on the Convention's website
9. Information on the IAC database
10. Advances in the work of the Scientific Committee
11. Analysis of the content of the Annual Reports

Thursday, October 27th

12. IAC Strategic Plan
13. Exceptions
14. Work groups

Friday, October 28th

14. Work groups (continuation)
15. List of Turtle Excluder Devices (TEDs) recommended by the IAC (Annex 3.7)
16. Report on the hawksbill turtle in the Caribbean and Gulf of Mexico
17. Recommendations based on the meeting of FAO experts
18. Other issues
 - Report on coastal development in Bahía, Brazil
 - Ratification of the Chairman, Vice-chairman and Rapporteur
20. Closing

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Annex II – Report of the Consultative Committee’s Working Group on the Work Plan

Edis Solórzano, Venezuela (mediator); Luis Fueyo, México (Rapporteur); Anabella Barrios, Observer-Guatemala; Jorge Vertiz, Perú; Ana Luisa Leiva, Observer-Costa Rica; Antonio Porras, Costa Rica; Washington Tapia, Ecuador; Marco Solano, *Pro Tempore* Secretariat

2005-2006 Operative Plan

1. Propose to the Secretariat the points of the agenda to be addressed at the COP3.
2. Evaluate and give recommendations on the exceptions that each interested Party wishes to establish, in accordance with the mechanisms and guidelines defined in Art. IV paragraph 3 (a) (b), of the text of the Convention.
3. Revise, evaluate and give recommendations on the 2005 and 2006 annual reports presented by the Parties.
4. Support the Secretariat in carrying out the consulting process on the Strategic Plan and develop its resolution project relevant to the COP3.
5. Ask the Secretariat to request information from the Parties regarding the document Terms of References of the Scientific Committee, and prepare the recommendations to be presented at the COP3.
6. In agreement with the recommendations given by the Scientific Committee, prepare a proposal of guidelines for the dissemination and training program of the Convention.
7. Prepare a resolution project on the Permanent Secretariat and financing to be discussed and adopted during the COP3.
8. Devise a report on advancements made at the meeting of the Parties in order to evaluate and provide continuation to the resolution on the conservation status of the leatherback turtle, *Dermochelys coriacea*.
9. Request from the Scientific Committee the document they are creating on incidental fishing, with the purpose of having their recommendations and those of the FAO on matters regarding incidental fishing on sea turtles in order to prepare a resolution project for the COP3.
10. The Consultative Committee should prepare their 2007-2008 work plan during the next meeting in 2006 and should be structured based on the priorities of the IAC.

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Recommendations:

1. The Consultative Committee recommends consulting the Parties, in accordance with Rule 5.5 of the Rules of Procedure of the Conference of the Parties, to set the dates of the following meetings within the framework of the Convention. It proposed to hold the Consultative Committee meeting in September of 2006, maintaining the date set for the Scientific Committee in June of that same year, and the COP3CIT may be held towards the end of November of 2006. It is also recommended that the second meeting of the Consultative Committee is held separately from the COP3 due to the fact that topics requiring internal consulting within the countries will be discussed; at least two months time previous to the COP are needed for this purpose.

2. The Consultative Committee requests that the Scientific Committee give continuation to and prepare a report on the resolutions related to their technical functions approved by the Convention, revise the cases of exceptions presented by the Parties and prepares the proposals to modify the format of the annual report.

3. Urge the Parties that the Annual Report must be turned into the Secretariat no later than the 30th of April of 2006 and that the best information available is used in its preparation.

4. Consistent with the recommendation reached by the COP2CIT, urge the Scientific Committee to elaborate relationships among research carried out on sea turtles and their habitats in the region.

5. The Consultative Committee congratulates the Secretariat *Pro Tempore* for their work done on developing a data base and geographic information system for the Convention and urges the continuation of their work in this direction.

6. Recommend that the Secretariat *Pro Tempore* continues to promote synergies and cooperative mechanisms with international organizations, conventions and other international bodies relevant to the objective of the Convention. At the same time carrying out necessary efforts with the purpose of making a concrete Memorandum of Understanding with the CITES Convention.

Recommend that the Parties, Secretariat *Pro Tempore* and members of the subsidiary bodies increase their efforts in order to raise the number of member countries adhering to the Convention. Recommend establishing synergies and cooperative mechanisms, among others, with: CITES, Indian Ocean - South-East Asian Marine Turtle Memorandum of Understanding (IOSEA), Permanent Commission of the South Pacific (CPPS), Inter-American Tropical Tuna Commission (IATTC), International Commission for the Conservation of Atlantic Tuna (ICCAT), SPAW Protocol of the Cartagena Convention and Central American System of Integration (SICA- OSPESCA- CCAD)

7. The Consultative Committee recommends that the Secretariat *Pro Tempore* requests information from the Parties, which allows the Scientific Committee to evaluate the possible impacts recent hurricanes may have caused to sea turtle populations and their habitat.

8. The Consultative Committee calls the attention to the need for the Convention to prepare official elements to follow in order to promote community participation and create actions so that

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the Parties may promote such participation in favor of the conservation of sea turtles and their habitats.

9. Urge the Parties, according to their own abilities, to develop fisheries observer programs within waters of national jurisdiction and to inform the Scientific Committee of their results relevant to sea turtles.

10. Request that the Secretariat encourage regional fisheries organizations so that existing observer programs can recover information relevant to sea turtles and share it with the Convention.

11. Urge the Scientific Committee to incorporate within their work program the need to create guidelines for collecting data on incidental capture of sea turtles within observer programs. In addition, consider the impact of coastal development and tourist activities among these guidelines.

12. Lastly, propose that the Consultative Committee's President, Vice President and Rapporteur stay an additional two days after finishing the meeting in September 2006, to systematize and prepare the documents that the Secretariat must send to the Parties as the basic documents of the COP3CIT.

Notes for Preparing the 2007 2008 OP

Develop training programs in order to standardize the methodologies for collecting sea turtle data within the region.

Proposed Strategy for the Approval Process of the Inter-American Convention for the Protection and Conservation of Sea Turtles Strategic Plan

The Consultative Committee, with the purpose of ensuring that the Strategic Plan of the Convention is approved at the COP3, recommends the following procedure:

1. On November 7th, the Secretariat will send by e-mail the original version of the Strategic Plan as well as a revised one with reduced objectives, to the members of both the Consultative and Scientific Committees, each member will have eight days to remit their comments, if they do not, it will be assumed that they do not have any.
2. The Secretariat has until November 15th to compile and process any comments received regarding the objectives and accordingly will generate a second draft that will be sent to the Parties, indicating that the time-limit for receiving comments on the Plan will be January 16th, 2006.
3. The Secretariat will have until February 6th to compile the comments and generate a draft, at this time the resulting document will be sent once again to the Parties for their comments.
4. Each Party may carry out an internal consulting process according to their own regulations and organization and send their comments to the Secretariat before the June 8th, 2006.
5. The Secretariat will then prepare a draft including these comments and pass it on to the Scientific Committee so that they may remit their comments in areas that correspond to them.
6. With the draft containing the comments received by the Parties and the Scientific Committee, the Consultative Committee, during their meeting in September of 2006, will work on a final

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draft of the Strategic Plan and its resolution for its approval by the Parties at COP3, so that these documents can then be sent by the Secretariat to the Parties with sufficient anticipation to the date of the meeting in Mexico.

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Annex III – Report of the Consultative Committee Working Group on Annual Reports

Maria Angela Marcovaldi, Tamar; Joao Carlos Thome, Brasil; Belinda Dick, Secretariat; Sebastián Troëng, CCC (mediator), Hedelvy Guada, CICTMAR; Melquíades Ramos, Observer - Panama, Marco Vinicio Araya, Costa Rica; Miguel Angel Medina, Honduras

1- General Observations (based on the proposal of the Annual Reports Working Group of the Scientific Committee, Second Meeting of the Scientific Committee [INF. 23-05])

The reports present very diverse forms and types of acronyms; therefore, it is necessary to standardize them. It is recommended that when the Secretariat sends the 2006 Annual Reports and its instructions, they request that the Parties:

- Include a glossary of acronyms for official institutions, NGO's, etc.
- Specify latitude and longitude in degrees, minutes and seconds.
- Complete the tables. Note if information exists, but is not available, or if no information exists.
- Include examples on how references should be cited (scientific publications, monographs, thesis, etc.).
- Do not modify the tables in the national report.
- Remember that section 6.2. of the format includes, according to that specified in the text of the Convention on annual reports (Annex IV), a summary of actions taken to enforce its laws and regulations, including penalties imposed for violations.

2- Recommendations (based on the proposal of the Annual Reports Working Group of the Scientific Committee, Second Meeting of the Scientific Committee [INF. 23-05])

1, 2, 3 and 4: The Consultative Committee supports the recommendations of the Scientific Committee and proposes that the COP follow these recommendations.

5: Include in the format a [drop-down] list of threats that are specified in the instructions.

6: The Consultative Committee recommends that the Scientific Committee establish a definition or a series of characteristics for sea turtle migratory routes.

7: The Consultative Committee supports the recommendations of the Scientific Committee and suggests that the COP follows these recommendations.

8: The Consultative Committee recommends that the Scientific Committee define the phases (Section 1.1 of Annual Report).

9: For Section 1.2. of the Annual Report, the Consultative Committee recommends that the instructions include estimating the number of clutches and hatchlings per year through ranges added in the observation column. The ranges for clutches are: unknown, unavailable, 0-10, 11-100, 101-500, 501-1000, 1001-5000, 5001-10000, 10001-100000, 100001-500000, >500000. The ranges for hatchlings are: unknown, not available, 0-1000, 1001-10000, 10001-50000, 50001-100000, 100001-500000, 500001-1000000, 1000001-10000000, 1000001-50000000, >50000000.

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10: In the column “Category of Protection” the category of protection of the site should be defined according to national legislation, as well as specifying its equivalent category as specified by the IUCN for protected areas. This column should also include an OTHER category for protection categories different from the protected areas and the category NONE.

11: The Consultative Committee supports the recommendation of the Scientific Committee and suggests that the COP include a section in the Annual Report where the Parties can describe their progress in implementing the Resolutions adopted during the COPs. Until this section is included, such information will be included by the Parties as an annex to the Annual Report.

12: The Consultative Committee recommends maintaining the format in Section 6.1. of the Annual Report that corresponds to a general description of the protection and conservation program.

13: The Consultative Committee supports the recommendation of the Scientific Committee and suggests including the word “describe” instead of just listing programs or projects that involve protection in other countries.

14: The Consultative Committee supports the recommendation of the Scientific Committee and suggests that the COP urge the Parties to strictly follow the instructions when completing the Report.

15: The Consultative Committee supports the recommendation of the Scientific Committee.

16: The Consultative Committee supports the recommendation of the Scientific Committee that an expert in data management improve the platform of the data.

3- Additional Recommendations

i. Each section of the Annual Report form should include its corresponding part of the instructions. When opening each table, the instructions to fill out that section should appear.

ii. Change the presentation of the heading of the Annual Report, placing the name of the country, the topic of the annual report and the corresponding year. For example:

**Inter-American Convention for the Protection and Conservation of Sea Turtles
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iii. The Consultative Committee supports the recommendation of the Standardization Working Group of the Scientific Committee that the Parties send their protocols for field work for compilation and to compare methodologies.

iv. The Consultative Committee supports the recommendations of the Standardization Working Group of the Scientific Committee to develop the formats defined in their proposal and present it to the Consultative Committee in order for the Parties to consider them in the next COP.

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v. The Consultative Committee asks that the Scientific Committee produce a summary of the contents of the annual reports.

vi. The Consultative Committee asks that the Focal Points include any comments they may have regarding the format of the report as an annex to the Annual Report.

vii. The Consultative Committee asks that the Secretariat *Pro Tempore* provide each focal point with information on the problems identified by the Secretariat and Subsidiary Bodies of the various national reports. Furthermore, the Secretariat should emphasize that the information not provided in the 2005 Report should be requested for the next Report due in April of 2006.

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ANEXO IV – REPORT OF THE WORKING GROUPS ON EXCEPTIONS

SPANISH-SPEAKING GROUP

Participants: Didiher Chacón, Carlos Mario Orrego, José Kowalsky, Hiram Ordóñez, Gerardo Chávez, Sonia Motta, Aida Peña, Lineth Córdoba, Carlos Drews, Marvin Mora, Jenny Asch

1. Interpretation of ART IV, 3 a) regarding exceptions “*to satisfy economic subsistence needs in traditional communities*”

Highlighted in **green** are those requirements necessary to qualify for an Exception.

What is acceptable	What isn't acceptable
Economic subsistence needs	
- immediate beneficiaries in condition of poverty or extreme poverty, according to levels catalogued by each government, since the use would scarcely provide resources to subsist	- accumulation of wealth
- uses under analysis are specified under Art.IV, 2a), included uses to satisfy cultural (spiritual) needs, sensu Art. II of the Convention	
- the use is allowed under the national legislation (is legal), and who may carry out the extraction is also defined and allowed	
Traditional communities	
- implies uses already taking place	- new use schemes as they couldn't be considered “traditional”
- native groups or other groups already established at the site where turtles are used	
- human settlement should be officially acknowledged at the site where use takes place	- diffuse community or one that isn't local, that arrives at the site of use only for the purposes of sea turtle extraction
- uses which under biological criteria do not undermine the objectives of the Convention. This criteria needs to include the complete chain of commercialization of the product..	
<i>DESIRABLE:</i> that the major portion of the benefit derived from use remains for the immediate users, whose social condition or cultural need is what is expected to benefit	

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from the use under evaluation.

2. Procedure for submitting an Exception

Context of the analysis: Art. IV, 3 a) indicates that each Party may allow an exception to paragraph 2 (a)... taking into account the recommendations of the Consultative Committee... provided that such exceptions do not undermine efforts to achieve the objective of this Convention... 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 in the case under study.

The procedure for submission responds to the spirit of having to officialize under the Convention the particular scheme of use, which will need to be in line with the specifications of the Convention.

Entities involved:

1. Interested Party
2. Other Parties eventually affected by the projected use
3. Consultative Committee: extends recommendations based on the sources and criteria of the Scientific Committee and the Parties that provide points of view
4. Conference of the Parties
5. Secretariat: checks the formal aspects of the documentation presented and its procedures

Review Criteria

1. Biological sustainability

Procedure:

1. The interested Party, submits to the Secretariat the required information on the Exception, within a format previously established by the Consultative Committee, which allows the Committee to generate pertinent recommendations, and evaluate if the scheme for use in question undermines or not the objectives of the Convention.
2. The Secretariat checks that the established requirements of information are formally met, and if so, transfers the documentation to the Scientific Committee and the pertinent Parties and non-Parties
3. Comments by the Scientific Committee and pertinent Parties and non-Parties will be received by the Secretariat and transferred to the Consultative Committee.
4. The Consultative Committee extends recommendations to the interested Party, taking into account the observations produced by the Scientific Committee and pertinent Parties and non-Parties, and any other entity that is also considered pertinent.
5. The Consultative Committee transmits its recommendations and applied criteria to the COP, via the Secretariat
6. The COP, on the basis of the criteria and recommendations of the Consultative Committee, evaluates if the exception under analysis is acceptable

Furthermore, the interested Party will need to include the Exception within its Annual Report in the respective section, and an annex with an acceptable Management Plan, including the information indicated in Art. IV, 3 (a, b, d) as well as the indications of Annex 4

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Proposed elements for the dossier on the Exceptions, based on Art. IV, 3 (a)

The documentation will need to include:

1. Type of use (description)
2. Community involved (location, socio-economic and characterization of the beneficiaries)
3. Species of sea turtles involved
4. Legal framework
5. Scheme for the distribution of benefits derived from the use
6. Control and protection measures
7. Population trends
8. Impacts of the use at a local and regional scales on the object species and on other sea turtle species.
9. Description of Marketing strategies
10. Local conservation and protection measures
11. Limitations, obstacles and threats
12. Stipulation of a time frame for the use
13. Description of the extraction scheme and the methodology involved
14. Operational and commercial budget
15. Description of the site
16. Introduction and Background
17. Bibliography
18. Environmental impact study?
19. Monitoring and evaluation (indicators and verifiers)
20. 5 Year Work Plan

Other observations:

- Detailed information on the control of the commercialization scheme up to its final user and the attention given to counteract black market should be required.
- Information on the Exception should be provided in the Annual Reports

ENGLISH SPEAKING GROUP

PARTICIPANTS- Jack Frazier, Earl Possardt, Juan Carlos Cantu, Belice, Les Hodgson, Paul Hoetjes, Andrea Borel

- 1) ASSESSMENT - There are three levels of assessment:
 - a. Legality – the exception must be legal according to national legislation including the legality of subsistence use within the country in question.
 - b. Does not undermine the objectives of the Convention (“*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.*”)
 - i. Should not impede recovery of regional population
 - c. Is not inconsistent with the concepts of “Subsistence” & “traditional”

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- i. Should not include international commercial trade
 - d. The Management Plan should include
 - i. Limits on levels of intentional take
(Art. VI.3.b.i)
 - ii. Description of methods used in legal intentional take (Art VI.3.a) of
 - 1. Eggs
 - 2. Nesting turtles
 - 3. Non reproductive turtles
 - iii. All significant sources of mortality, particularly
 - 1. Levels of intentional take,
 - a. including reliable estimates of illegal directed take
 - 2. Levels of accidental take,
 - iv. Evaluation of the status of the population in question (art 4.3.a)
 - v. Projected impacts of the legal exploitation on
 - 1. The population in question (art 4.3.a)
 - 2. Ecological impacts of population on a regional level
 - 3. Socio-economic impacts on sea turtle populations resulting in increased risks to population other than that in question
 - vi. Comprehensive description of legal and enforcement measures
 - 1. Existing legislation
 - 2. Enforcement actions and facilities
 - 3. Reliable estimates of effectiveness of enforcement measures
 - 4. Monitoring programs
 - vii. Alternate livelihood strategies to avoid TOTAL dependence on sea turtles
 - viii. Consultations with other Parties (and non-Parties) that share the resource.
 - ix. Regular review of the entire management program
 - x. In carrying out its Assessment the Consultative Committee will take into account the report and recommendations of the Scientific Committee, points of view of other Parties (and non-Parties) involved in the consultations (point viii)
- 2) Procedure for [SOLICITING] [INFORMING] the parties about an exemption
 - a. Any Party that includes Article IV,3 exception must include in its annual report a Management Plan, that complies with the assessment criteria
 - b. The Annual Report with the management Plan will be reviewed, preferably by the Scientific Committee before the Consultative Committee
 - c. In the event that the information mandated under Article IV, 3, b is not provided, or is inadequate, the Consultative Committee (possibly recommended by the scientific committee), in accord with the Art VII, 2, b, will request, through the Secretariat, additional relevant information from the Party in question
 - d. If either, the Scientific Committee or the Consultative Committee determines that, in accord with Article VII, 2 a – e, that the exception in question risks undermining the objectives of the Convention, the Consultative Committee will recommend to the COP to request the country in question to take remedial actions, addressing the issues raised by each of the Committees

**INTER-AMERICAN CONVENTION FOR THE
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- e. The Consultative Committee will take into account the recommendations of the Scientific Committee in requesting additional information and carrying out its assessment of the Management Plan.

[Making reference to the Convention text] IAC Art VI, 3:

- (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.*

The Working Group agreed that it is not possible to have hard fast definitions of “subsistence” or “traditional”, therefore it

- i. Agrees that there are numerous definitions, interpretations, perceptions, understandings of “subsistence” and “traditional” some of which are legally defined
- ii. Needs guidelines, and the most effective way is identify what is clearly not subsistence or traditions
- iii. Subsistence cannot be:
 - a) international commercial trade
 - b) trade primarily to maximize profits
- iv. the exception must be legal by national legislation, including the legality of subsistence use within the country in question.