

105TH CONGRESS }
2d Session

SENATE

{ TREATY DOC.
105-48

INTER-AMERICAN CONVENTION ON SEA TURTLES

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

INTER-AMERICAN CONVENTION FOR THE PROTECTION AND CONSERVATION OF SEA TURTLES, WITH ANNEXES, DONE AT CARACAS DECEMBER 1, 1996, (THE "CONVENTION"), WHICH WAS SIGNED BY THE UNITED STATES, SUBJECT TO RATIFICATION ON DECEMBER 13, 1996



MAY 22, 1998.—Convention was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

U.S. GOVERNMENT PRINTING OFFICE

59-118

WASHINGTON : 1998

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *May 22, 1998.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Inter-American Convention for the Protection and Conservation of Sea Turtles, with Annexes, done at Caracas December 1, 1996, (the "Convention"), which was signed by the United States, subject to ratification, on December 13, 1996. I also transmit, for the information of the Senate, the report of the Secretary of State with respect to the Convention.

All species of sea turtles found in the Western Hemisphere are threatened or endangered, some critically so. Because sea turtles migrate extensively, effective protection and conservation of these species requires cooperation among States within the sea turtles' migratory range. Although the international community has banned trade in sea turtles and sea turtle products pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention I am transmitting is the first multilateral agreement that actually sets standards to protect and conserve sea turtles and their habitats.

In section 609 of Public Law 101-162, the Congress called for the negotiation of multilateral agreements for the protection and conservation of sea turtles. In close cooperation with Mexico, the United States led a 3-year effort to negotiate the Convention with other Latin American and Caribbean nations. Once ratified and implemented, the Convention will enhance the conservation of this hemisphere's sea turtles and harmonize standards for their protection.

I recommend that the Senate give early and favorable consideration to the Convention and give its advice and consent to its ratification.

WILLIAM J. CLINTON.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, July 16, 1997.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you the Inter-American Convention for the Protection and Conservation of Sea Turtles, with Annexes, done at Caracas December 1, 1996 (the "Convention"). The United States signed the Convention, subject to ratification, on December 13, 1996, in Caracas, Venezuela. I recommend that the Convention be transmitted to the Senate for its advice and consent to ratification.

All known species of sea turtles found in the Western hemisphere are threatened or endangered, some critically so. Because sea turtles migrate extensively, effective protection and conservation of these species require cooperation among States within their migratory range. Although the international community has banned trade in sea turtles and sea turtle products pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES"), the Convention I am submitting is the first multilateral agreement that actually sets standards to protect and conserve sea turtles and their habitats.

Congress called for the negotiation of multilateral agreements for the protection and conservation of sea turtles in Section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101-162). In close cooperation with Mexico, the United States led a three-year effort to negotiate the Convention with other Latin American and Caribbean nations. Substantive negotiations on the Convention concluded on September 5, 1996, at a meeting in Salvador da Bahia, Brazil. The Convention, once ratified and implemented, will enhance the conservation of sea turtles and harmonize standards for their protection throughout the Western Hemisphere.

More specifically, the Convention requires Parties to promote the protections and conservation of sea turtle populations and their habitats; to reduce the incidental capture, injury and mortality of sea turtles associated with commercial fisheries; to prohibit the intentional take of, and domestic and international trade in, sea turtles, their eggs, parts and products; and to foster international cooperation in the research and management of sea turtles. The Convention specifically obligates Parties to require the use of turtle excluder devices ("TEDs") by commercial shrimp trawl vessels in a manner comparable to the requirements in effect in the United

States. The Convention also includes provisions on monitoring and compliance.

The following material reviews the salient aspects of the Convention.

Article I defines certain key terms for purposes of the Convention. Article II of the Convention sets forth its objective, which is generally to promote the protection, conservation and recovery of sea turtle populations and of the habitats on which they depend. Article III prescribes the area of application of the Convention ("the Convention Area"), which is the land territory in the Americas of each of the Parties, as well as maritime areas of the Atlantic Ocean, the Caribbean Sea and the Pacific Ocean with respect to which each of the Parties exercises sovereignty, sovereign rights or jurisdiction over living marine resources in accordance with international law, as reflected in the 1982 United Nations Convention on the Law of the Sea.

Article IV of the Convention requires Parties to take a variety of measures to protect and conserve sea turtles and their habitats. Paragraph 1 contains a general obligation in this regard; paragraph 2 sets forth more specific obligations, which include, *inter alia*, prohibition of the intentional taking of sea turtles and of domestic trade in sea turtles, their eggs, parts and products; compliance with obligations under CITES relating to international trade in sea turtles, their eggs, parts or products; protection of sea turtle habitats; promotion of relevant scientific research and of efforts to enhance sea turtle populations to determine the feasibility of these practices; and minimization of incidental capture, retention, harm or mortality of sea turtles in the course of fishing activities.

With respect to the prohibition on trade in sea turtles contained in Article IV(2) (a) and (b), it should be noted that all species of sea turtles that occur in the Western Hemisphere appear on Appendix I to CITES; international trade in such sea turtles by CITES Parties is thus banned. The Convention is crafted to reaffirm the CITES regime with respect to international trade, while also prohibiting domestic trade in sea turtles.

Article IV(3) provides for certain exceptions to these obligations. Pursuant to Article IV(3)(a), a Party may allow exceptions to the obligations relating to the intentional capture, retention and killing of, and domestic trade in, sea turtles solely to satisfy economic subsistence need of traditional communities, provided such exceptions do not undermine efforts to achieve the objective of the Convention. A Party considering such exceptions must take into account recommendations of the Consultative Committee of Experts, established under Article VII. Such a Party must also establish a management program that includes limits on levels of intentional taking of sea turtles and report to the other Parties on this program.

This exception would not directly affect the United States, as U.S. law prohibits the intentional taking of sea turtles, for subsistence use or otherwise. However, traditional communities in certain other States in Latin America and the Caribbean do take sea turtles intentionally. If the Convention had prohibited this practice, few such States would have become party to it. The Convention instead creates a regime in which, for the first time, such takings will be circumscribed and monitored.

VII

In addition, the Parties may, by consensus, approve exceptions to the other measures required to be taken pursuant to Article IV(2) to address circumstances warranting special consideration, provided that such exceptions do not undermine the objective of the Convention. However, the Parties may not approve any exception relating to Article IV(2)(b), which, as noted above, reaffirms obligations set forth in CITES. The intention in this respect is to ensure that it is clear that CITES takes precedence over the Convention with respect to decisions relating to international trade in sea turtles (and in sea turtle eggs, parts and products).

Articles V through VIII of the Convention deal with institutional arrangements to help coordinate the implementation of the Convention by the Parties. Article V provides for regular and extraordinary meetings of the Parties to review implementation of the Convention and to consider further action, including the possibility of adopting additional conservation and management measures deemed appropriate to achieve the objective of the Convention. All decisions taken at such meetings, including the adoption of amendments to the Convention and to its Annexes, are to be adopted by consensus.

Although the Convention does not establish a secretariat, Article VI calls upon the Parties to consider doing so at their first meeting and sets forth a list of functions that such a secretariat could perform. As with other decisions that the Parties may make at their meetings, a decision to establish a secretariat would need to be adopted by consensus.

Article VII creates a Consultative Committee of Experts, composed of government officials and of representatives of the scientific community, the private sector and non-governmental organizations, to advise the Parties. This innovative feature is designed to ensure that the Parties will benefit from a broad spectrum of views and input in implementing the Convention and to provide a forum in which individuals representing a range of interests can develop common ground in making recommendations to the Parties on sea turtle conservation and protection. Although the Consultative Committee will have representatives of the scientific community, Article VIII establishes a separate Scientific Committee to allow for the provision of scientific advice directly to the Parties and to undertake scientific analyses at the request of the Parties.

Article IX of the Convention obligates each Party to establish a program to ensure monitoring and observation of the measures to protect and conserve sea turtles set forth in the Convention. More generally, Article X requires each party to ensure effective compliance with such measures, while Article XI calls for the preparation and dissemination program of each Party.

Articles XII–XIV seek to promote international cooperation and coordination in achieving the objective of the Convention, with a view in particular to helping developing States achieve better sea turtle protection and conservation. For years, the United States has promoted sea turtle protection efforts throughout this hemisphere, particularly by providing access to TEDs technology and by training foreign fishermen and fisheries managers in the construction and use of TEDs. We fully expect such efforts to continue. The

VIII

Convention does not, however, require the Parties to make assessed contributions.

Article XV requires the Parties, in implementing the Convention, to act in a manner consistent with the 1994 Agreement Establishing the World Trade Organization and to endeavor to facilitate fisheries trade.

Articles XVI–XX of the Convention address certain subsidiary matters. Article XVI requires that the Parties settle disputes that may arise under the Convention by peaceful means, but does not mandate recourse to any particular dispute settlement mechanism or forum. Article XVII contains two traditional safeguards clauses concerning the sovereignty, sovereign rights and jurisdiction of the Parties. Article XVIII obligates each Party to adopt measures in its respective national laws for implementation of the Convention and to ensure effective compliance. Article XIX seeks to encourage States that are not party to the Convention either to become Parties or otherwise to adopt laws and regulations consistent with the Convention. Article XX envisions the possibility that protocols to the Convention may be negotiated between States Parties to the Convention and States in other regions that are not eligible to adhere to the Convention for the purpose of promoting the protection and conservation of sea turtles in other regions of the world.

Articles XXI–XXVII of the Convention are the final clauses. Pursuant to Article XXI, any State in the Americas may become a party to the Convention (in this regard, Article I(4) defines “States in the Americas” as the States in North, Central and South America and the Caribbean Sea, as well as other States that have continental or insular territories in this region). Article XXII provides that the Convention will enter into force following the deposit of instruments of ratification by eight of these States.

In accordance with Article XXIII, no reservations are permitted. Article XXIV provides that amendments to the Convention are to be adopted, by consensus, at meetings of the Parties and are to enter into force for all Parties following ratification, acceptance or approval by all Parties. However, as is the case for several other international agreements relating to living marine resources to which the United States is a party, Article XVI provides that amendments to the annexes, which are technical in nature, will become effective for all Parties one year following their adoption, also by consensus, at a meeting of the Parties, without the need for ratification, acceptance or approval. Article XXV provides for withdrawal from the Convention, and Article XXVII concerns authentic texts and certified copies of the Convention.

Annex I lists the species of sea turtles to which the Convention applies.

Annex II calls upon each Party to consider the adoption of additional measures to protect sea turtle habitats within its territory and in maritime areas with respect to which it exercises sovereignty, sovereign rights or jurisdiction.

Annex III, which builds upon the provisions of Article IV(2)(h), obligates each Party to require shrimp trawl vessels subject to its jurisdiction that operate within the Convention Area to use TEDs. Annex III also provides the possibility for certain limited excep-

tions to this requirement and establishes a process for the development of more specific rules relating to the use of TEDs.

Annex IV describes elements to be included in the annual reports prepared by the Parties in accordance with Article XI(1).

Existing legislation, including the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. § 1801 *et seq.*, and the Endangered Species Act, 16 U.S.C. § 1531 *et seq.*, provide sufficient legislative authority to implement U.S. obligations under the Convention. Therefore, no new legislation is necessary in order for the United States to become party to the Convention.

Accordingly, I recommend that the Convention be transmitted to the Senate as soon as possible for its early and favorable advice and consent to ratification.

Respectfully submitted,

MADELEINE ALBRIGHT.

**INTER-AMERICAN CONVENTION FOR THE
PROTECTION AND CONSERVATION
OF SEA TURTLES**

PREAMBLE

The Parties to this Convention:

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

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

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

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

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

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

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

Considering that coastal zone management measures are indispensable for protecting populations of sea turtles and their habitats;

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

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

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

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

Have agreed as follows:

ARTICLE I DEFINITIONS

For the purposes of this Convention:

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

ARTICLE II OBJECTIVE

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

**ARTICLE III
AREA OF APPLICATION OF THE CONVENTION**

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

**ARTICLE IV
MEASURES**

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

a. In its land territory and in maritime areas with respect to which it exercises sovereignty, sovereign rights or jurisdiction included within the Convention Area; and

b. Notwithstanding Article III, with respect to vessels on the high seas that are authorized to fly its flag.

2. Such measures shall include:

a. The prohibition of the intentional capture, retention or killing of, and domestic trade in, sea turtles, their eggs, parts or products;

b. Compliance with the obligations established under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) relating to sea turtles, their eggs, parts or products;

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

d. The protection, conservation and, if necessary, the restoration of sea turtle habitats and nesting areas, as well as the establishment of necessary restrictions on the use of such zones, including the designation of protected areas, as provided in Annex II;

e. The promotion of scientific research relating to sea turtles and their habitats, as well as to other relevant matters that will provide reliable information useful for the adoption of the measures referred to in this Article;

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

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

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

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

3. With respect to such measures:

a. Each Party may allow exceptions to Paragraph 2(a) to satisfy economic subsistence needs of traditional communities, taking into account the recommendations of the Consultative Committee established pursuant to Article VII, provided that such exceptions do not undermine efforts to achieve the objective of this Convention. In making its recommendations, the Consultative Committee shall consider, inter alia, the status of the sea turtle populations in question, the views of any Party regarding such populations, impacts on such populations on a regional level, and methods used to take the eggs or turtles to cover such needs;

b. A Party allowing such an exception shall:

i) establish a management program that includes limits on levels of intentional taking;

ii) include in its Annual Report, referred to in Article XI, information concerning its management program;

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

d. The Parties may, by consensus, approve exceptions to the measures set forth in paragraph 2(c)-(i) to account of circumstances warranting special consideration, provided that such exceptions do not undermine the objective of this Convention.

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

ARTICLE V MEETINGS OF THE PARTIES

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

2. The Parties may also hold extraordinary meetings when deemed necessary. These meetings shall be convened at the request of any Party, provided that such request is supported by a majority of the Parties.

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

a. Evaluate compliance with the provisions of this Convention;

b. Examine the reports and consider the recommendations of the Consultative Committee and the Scientific Committee, established pursuant to Articles VII and VIII, regarding the implementation of this Convention;

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

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

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

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

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

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

ARTICLE VI SECRETARIAT

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

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

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

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

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

(i) environmental education and local community involvement;

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

e. Seeking economic and technical resources to carry out research and to implement the measures adopted within the framework of this Convention;

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

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

ARTICLE VII CONSULTATIVE COMMITTEE

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

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

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

- (i) the scientific community;
- (ii) the private sector; and
- (iii) nongovernmental organizations.

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

a. Review and analyze the reports referred to in Article XI, and any other information relating to the protection and conservation of populations of sea turtles and their habitats;

b. Solicit from any Party additional relevant information relating to the implementation of the measures set forth in this Convention or adopted pursuant thereto;

c. Examine reports concerning the environmental, socio-economic and cultural impact on affected communities resulting from the measures set forth in this Convention or adopted pursuant thereto;

- d. Evaluate the efficiency of the different measures proposed to reduce the capture and incidental mortality of sea turtles, as well as the efficiency of different kinds of TEDs;
- e. Present a report to the Parties on its work, including, as appropriate, recommendations on the adoption of additional conservation and management measures to promote the objective of this Convention;
- f. Consider reports of the Scientific Committee;
- g. Perform such other functions as the Parties may assign.

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

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

ARTICLE VIII SCIENTIFIC COMMITTEE

1. At their first meeting, the Parties shall establish a Scientific Committee which shall be comprised of representatives designated by the Parties and which shall meet, preferably, prior to the meetings of the Consultative Committee.

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

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

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

ARTICLE IX MONITORING PROGRAMS

1. During the year following the entry into force of this Convention, each Party shall establish, within its territory and in maritime areas with respect to which it exercises sovereignty, sovereign rights or jurisdiction, a program to ensure monitoring of the application of the measures to protect and conserve sea turtles and their habitats set forth in this Convention or adopted pursuant thereto.
2. The program referred to in the preceding paragraph shall include, where appropriate, mechanisms and arrangements for the participation by observers designated by each Party or by agreement among them in monitoring activities.
3. In implementing the program, each Party may act with the support or cooperation of other interested States and relevant international organizations, as well as non-governmental organizations.

ARTICLE X COMPLIANCE

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

ARTICLE XI ANNUAL REPORTS

1. Each Party shall prepare an annual report, in accordance with Annex IV, on the programs it has adopted to protect and conserve sea turtles and their habitats, as well as any program it may have adopted relating to the utilization of these species in accordance with Article IV(3).
2. Each Party shall provide, either directly or through the Secretariat, if established, its annual report to the other Parties and to the Consultative and Scientific Committees at least 30

days prior to the next ordinary meeting of the Parties and shall also make such annual reports available to other States or interested entities that so request.

ARTICLE XII INTERNATIONAL COOPERATION

1. The Parties shall promote bilateral and multilateral cooperative activities to further the objective of this Convention and, when they deem it appropriate, shall seek the support of relevant international organizations.
2. Such activities may include the training of advisors and educators; the exchange and training of technicians, sea turtle managers and researchers; the exchange of scientific information and educational materials; the development of joint research programs, studies, seminars and workshops; and other activities on which the Parties may agree.
3. The Parties shall cooperate to develop and to facilitate access to information and training regarding the use and transfer of environmentally sustainable technologies, consistent with the objective of this Convention. They shall also develop endogenous scientific and technological capabilities.
4. The Parties shall promote international cooperation in the development and improvement of fishing gear and techniques, taking into account the specific conditions of each region, in order to maintain the productivity of commercial fisheries and to ensure the protection, conservation and recovery of sea turtle populations.
5. The cooperative activities shall include rendering assistance, including technical assistance, to Parties that are developing States, in order to assist them in complying with their obligations under this Convention.

ARTICLE XIII FINANCIAL RESOURCES

1. At their first meeting, the Parties shall assess the need for and possibilities of obtaining financial resources, including the establishment of a special fund for purposes such as the following:
 - a. Meeting the expenses that could be required for the potential establishment of the Secretariat, pursuant to Article VI;

- b. Assisting the Parties that are developing States in fulfilling their obligations under this Convention, including providing access to the technology deemed most appropriate.

ARTICLE XIV COORDINATION

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

ARTICLE XV TRADE MEASURES

1. In implementing this Convention, the Parties shall act in accordance with the provisions of the Agreement establishing the World Trade Organization (WTO), as adopted at Marrakesh in 1994, including its annexes.
2. In particular, and with respect to the subject matter of this Convention, the Parties shall act in accordance with the provisions of the Agreement on Technical Barriers to Trade contained in Annex 1 of the WTO Agreement, as well as Article XI of the General Agreement on Tariffs and Trade of 1994.
3. The Parties shall endeavor to facilitate trade in fish and fishery products associated with this Convention, in accordance with their international obligations.

ARTICLE XVI SETTLEMENT OF DISPUTES

1. Any Party may consult with one or more other Parties about any dispute related to the interpretation or application of the provisions of this Convention to reach a solution satisfactory to all parties to the dispute as quickly as possible.
2. If a dispute is not settled through such consultation within a reasonable period, the Parties in question shall consult among themselves as soon as possible in order to settle the dispute through any peaceful means they may decide upon in accordance with international law, including, where appropriate, those provided for in the United Nations Convention on the Law of the Sea.

**ARTICLE XVII
RIGHTS OF THE PARTIES**

1. No provision of this Convention may be interpreted in such a way as to prejudice or undermine the sovereignty, sovereign rights or jurisdiction exercised by any Party in accordance with international law.
2. No provision of this Convention, nor measures or activities performed in its implementation, may be interpreted in such a way as to allow a Party to make a claim, or to exercise sovereignty, sovereign rights or jurisdiction in contravention of international law.

**ARTICLE XVIII
IMPLEMENTATION AT THE NATIONAL LEVEL**

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

**ARTICLE XIX
NON-PARTIES**

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

**ARTICLE XX
COMPLEMENTARY PROTOCOLS**

In order to promote the protection and conservation of sea turtles outside the Convention Area where these species also exist, the Parties should negotiate with States that are not eligible

to become party to this Convention a complementary protocol or protocols, consistent with the objective of this Convention, to which all interested States may become party.

**ARTICLE XXI
SIGNATURE AND RATIFICATION**

1. This Convention shall be open for signature at Caracas, Venezuela, by States in the Americas from December 1, 1996, until December 31, 1998.
2. This Convention is subject to ratification by the Signatories in accordance with their domestic laws and procedures. Instruments of ratification shall be deposited with the Government of Venezuela, which shall be the Depositary.

**ARTICLE XXII
ENTRY INTO FORCE AND ACCESSION**

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

**ARTICLE XXIII
RESERVATIONS**

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

**ARTICLE XXIV
AMENDMENTS**

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

**ARTICLE XXV
WITHDRAWAL**

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

**ARTICLE XXVI
STATUS OF ANNEXES**

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

ARTICLE XXVII
AUTHENTIC TEXTS AND CERTIFIED COPIES

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

In witness whereof, the undersigned, having been duly authorized by their respective governments, have signed this Convention.

Done at Caracas on this first day of December, 1996.

**ANNEX I
SEA TURTLES**

1. *Caretta caretta* (Linnaeus, 1758)

Tortuga caguama, cabezuda, cahuama
Loggerhead turtle
Tortue caouanne
Cabeçuda, mestiça

2. *Chelonia mydas* (Linnaeus, 1758), including populations of this species in the Eastern or American Pacific alternatively classified by specialists as *Chelonia mydas agassizii* (Carr, 1952), or as *Chelonia agassizii* (Bocourt, 1868).

Tortuga blanca, aruana, verde
Green sea turtle
Tortue verte
Tartaruga verde
Soepschildpad, krapé

Common alternate names in the Eastern Pacific:

Tortuga prieta
East Pacific green turtle, black turtle
Tortue verte du Pacifique est

3. *Dermochelys coriacea* (Vandelli, 1761)

Tortuga laud, gigante, de cuero
Leatherback turtle
Tortue luth
Tartaruga gigante, de couro
Lederschildpad, aitkanti

4. *Eretmochelys imbricata* (Linnaeus, 1766)

Tortuga de carey
Hawksbill sea turtle
Tortue caret
Tartaruga de pente
Karét

5. *Lepidochelys kempii* (Garman, 1880)

Tortuga lora
Kemp's ridley turtle
Tortue de Kemp

6. *Lepidochelys olivacea* (Eschscholtz, 1829)

Tortuga golfin
Olive ridley turtle
Tortue olivâtre
Tartaruga oliva
Warana

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

ANNEX II
PROTECTION AND CONSERVATION OF SEA TURTLE HABITATS

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

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

ANNEX III
USE OF TURTLE EXCLUDER DEVICES

1. "Shrimp trawl vessel" means any vessel used to catch shrimp species with trawl nets.
2. "Turtle Excluder Device" or "TED" means a device designed to increase the selectivity of shrimp trawl nets in order to reduce the incidental capture of sea turtles in shrimp fishing operations.
3. Each Party shall require shrimp trawl vessels subject to its jurisdiction that operate within the Convention Area to use recommended TEDs that are properly installed and functional.
4. Each Party, in accordance with the best available scientific evidence, may allow exceptions to use of TEDs as required in Paragraph 3 only in the following circumstances:
 - a. For shrimp trawl vessels whose nets are retrieved exclusively by manual rather than mechanical means, and shrimp vessels with trawl nets for which no TEDs have been developed. A Party allowing such exception shall adopt other measures to reduce the incidental mortality of sea turtles that are equally effective and that do not undermine efforts to achieve the objective of this Convention, such as limits on tow times, closed seasons and closed fishing areas where sea turtles occur.
 - b. For shrimp trawl vessels:
 - (i) exclusively using other trawl gear that has been demonstrated not to pose a risk of incidental mortality of sea turtles; or
 - (ii) operating under conditions where there is no likelihood of interaction with sea turtles;

provided that the Party allowing such exception provides to the other Parties, either directly or through the Secretariat, if established, documented scientific evidence demonstrating the lack of such risk or likelihood;
 - c. For shrimp trawl vessels conducting scientific research under a program approved by the Party;
 - d. Where the presence of algae, seaweed, debris, or other special conditions, temporary or permanent, make the use of TEDs impracticable in a specific area, provided that:
 - (i) a Party allowing this exception shall adopt other measures to protect sea turtles in the area in question, such as limits on tow times;

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

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

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

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

7. For the purposes of this Convention:

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

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

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

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

ANNEX IV
ANNUAL REPORTS

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

- a. A general description of the program to protect and conserve sea turtles and their habitats, including any laws or regulations adopted to achieve the objective of this Convention;
- b. Any pertinent new laws or regulations adopted during the preceding year;
- c. A summary of actions taken, and the results thereof, to implement measures for the protection and conservation of sea turtles and their habitats, such as: operation of turtle camps; improvement and development of new fishing gear to reduce incidental sea turtle capture and mortality; scientific research, including marking, migration, and repopulation studies; environmental education; programs to establish and manage protected areas; cooperative activities with other Parties; and any other activities designed to achieve the objective of this Convention;
- d. A summary of the actions taken to enforce its laws and regulations, including penalties imposed for violations;
- e. A detailed description of any exceptions allowed, in accordance with this Convention, during the preceding year, including monitoring and mitigation measures related to these exceptions, and, in particular, any relevant information on the number of turtles, nests, and eggs, as well as sea turtle habitats, affected by the allowance of these exceptions;
- f. Any other information the Party may deem relevant

REPÚBLICA DE VENEZUELA
MINISTERIO DE RELACIONES EXTERIORES



Quien suscribe ROGER YEPEZ MARTINEZ, Consultor Jurídico (E) del Ministerio de Relaciones Exteriores de la República de Venezuela, designado mediante Resolución N° D.G.S.P. 183 de fecha 13 de octubre de 1997, publicada en la Gaceta Oficial N° 36.313 de fecha 15 de octubre de 1997, certifica que el texto que se acompaña es copia fiel y exacta de los textos auténticos en español, inglés, portugués y francés de la Convención Interamericana para la Protección y Conservación de las Tortugas Marinas, hecha en Caracas, el 1° de diciembre de 1996, cuyos originales se encuentran en la sede del Ministerio de Relaciones Exteriores de Venezuela, como Depositario de la Convención.

En Caracas, a los siete días del mes de noviembre de mil novecientos noventa y siete.


Róger Yépez Martínez
Consultor Jurídico (E)



**U.S. Department of State
Office of Language Services
Translating Division**

LS No. 018530
JF/
Spanish

Republic of Venezuela
Ministry of Foreign Affairs

[Ministry stamp]

I, the undersigned, Roger Yépez Martínez, Acting Legal Adviser of the Ministry of Foreign Affairs of the Republic of Venezuela, appointed by means of Decision No. D.G.S.P. 183 of October 13, 1997, published in the Official Gazette, No. 36,313 of October 15, 1997, hereby certify that the enclosed text is a true and accurate copy of the authentic texts in Spanish, English, Portuguese, and French of the Inter-American Convention for the Protection and Conservation of Sea Turtles, done at Caracas on December 1, 1996, the originals of which are at the seat of the Ministry of Foreign Affairs of Venezuela, as depositary of the Convention.

Caracas, November 7, 1997.

[Signature]

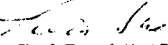
Roger Yépez Martínez
Acting Legal Adviser

[Ministry stamp]

CERTIFICATION OF TRANSLATION

I hereby certify that the above translation bearing LS No. 018530 was prepared by the Office of Language Services of the Department of State and that it is a correct translation to the best of my knowledge and belief.

Dated: 1/14/98


Chief, Translating Division