

COOPERATIVE AGREEMENT FOR THE CONSERVATION OF SEA TURTLES OF THE CARIBBEAN COAST OF COSTA RICA, NICARAGUA AND PANAMA

Unofficial English translation

WHEREAS;

FIRST: These three nations have signed and ratified: the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention), the Convention on Biological Diversity, the Convenio para la Conservación de la Biodiversidad y Protección de las Areas Silvestres Prioritarias en América Central, the Convention on the Conservation of Migratory Species of Wild Animals (signed and ratified by Panama), Convención de Cartagena sobre Vertimiento de Desechos Marinos; and these conventions provide the legal and administrative foundations for this agreement;

SECOND: Sea turtles are a shared resource that migrate through the oceans; and that the populations of sea turtles of Costa Rica, Nicaragua and Panama, spend part of their lives on the beaches and in marine areas of the three countries comprising a marine biological corridor in the Western Caribbean;

THIRD: Sea turtle species require special management considerations, because they are slow-growing and late to mature, their reproductive potential is realized only if survivorship of adults is high, and because the vulnerability of adult reproductive individuals has made them the target of much exploitation along the Caribbean coast at present;

FOURTH: During the first years of their lives, neonate turtles are distributed in the Sargasso Sea and in other areas of the high seas in a passive pelagic condition, where they encounter diverse problems with contamination and of other kinds;

FIFTH: Caribbean coastal communities of Costa Rica, Nicaragua and Panama have a shared cultural heritage in which sea turtles play an important role;

SIXTH: The countries of Costa Rica, Nicaragua and Panama shared a historic agreement for the conservation of sea turtles of the Caribbean coast; and have established the need for trilateral cooperation for the conservation of the shared populations of sea turtles;

SEVENTH: The populations of sea turtles of the Caribbean coast of Costa Rica, Nicaragua and Panama, in the absence of adequate protection and management of the same, will not survive commercial exploitation, due to the increasing demand by human populations and other economic activities of the Caribbean coast of the three countries;

EIGHTH: There exists an initiative by the nations of the western hemisphere to support the implementation of the Inter-American Convention for the Protection and Conservation of Sea Turtles, signed by the three countries, which establishes regional, subregional and national

measures to “promote the protection, conservation and recovery of sea turtle populations and the habitats on which they depend”;

NINTH: Costa Rica, Nicaragua and Panama have established interrelated and interdependent coastal and marine protected areas along the coast constituting a natural marine biological corridor, and have protected sea turtles through their national legislation;

TENTH: The need to develop a regional management plan for the purpose of establishing viable actions for the conservation of sea turtle populations is recognized;

ELEVENTH: Sea turtles require the protection of nesting habitat as well as marine habitat.

Agree to adopt the following objective:

To implement the international and national conventions and agreements of the Parties for the conservation of sea turtles, through the execution of a Regional Management Plan for the Caribbean coast of Costa Rica, Nicaragua y Panamá, that would integrate all stakeholder groups in the management of the resource, making use of the best scientific information available that would allow conservation measures in a committed way, whose preparation and implementation would be the responsibility of an Executive Secretariat, which would be established by the Regional Committee.

I. In order to achieve the objective of this Agreement, the Parties will establish the Regional Committee for the Conservation of Sea Turtles of the Western Caribbean, which will have the following functions:

1. The Committee will be made up of three members from each country, representing the environmental, the fishery and the civil sectors. The members will establish norms for the Committee’s operations.
2. To create an Executive Secretariat and the Scope of Work for its operation.
3. To provide oversight on the preparation and execution of the Regional Management Plan.
4. The Executive Secretary, with the official approval of the Committee, will seek the necessary financial cooperation for the implementation of this Agreement.
5. This ad hoc Committee will present the operations plan to their respective ministries of the environment and natural resources.

II. Seat

The Seat will be permanent and located within the environmental sector of the government of Costa Rica. Technical and financial assistance will be requested from institutions and other organizations interested in sea turtles and the conservation of biodiversity. In addition, the host country will provide a reasonable office space and two full time officials as counterpart.

III. Funding

The Executive Secretariat, with the official approval of the Parties when necessary, will request from national, regional and international sources, the funding needed for the operations of the Secretariat, for the meetings of the Parties and for the development of programs of protection, consolidation of protected areas, research, public information, conservation education, legal defense and other subjects related to the application of this Agreement. The sources of funding may be friendly governments, international development banks, foundations, funds for conventions and others; and may also have their origins in commercial and bilateral debt swaps, concessions in protected areas and payments for aesthetic environmental services.

IV. International Coordination and Cooperation

1. The Parties will promote the adoption of laws and regulations in non-party states that conform with those stipulated in this Agreement, and will encourage other nations to become parties to this Agreement.
2. The Parties will encourage international cooperation for technology transfer and the interchange of experiences.
3. The Parties are obligated to implement this Agreement once funding has been acquired.

This Agreement and its Annexes, signed 8 May 1998, in four original versions in Spanish, the four texts being equally authentic. The Agreement enters into force when all three nations sign.

/sign./ Miguel A. Rodríguez Echeverría
PRESIDENT OF THE REPUBLIC OF COSTA RICA

/sign./ Ernesto Perez Balladares
PRESIDENT OF THE REPUBLIC OF PANAMA

/sign. pending/ Arnoldo Alemán
PRESIDENT OF THE REPUBLIC OF NICARAGUA

ANNEXES

Annex 1: Definitions

For the purposes of the application of this Agreement, the terms below have the following meanings:

1. “Committee” means Regional Committee for the Conservation of Sea Turtles of the Caribbean, comprised of three representatives from each country — one representative from the environmental sector of the government, one from the fishery sector of the government, and one from civil society of each nation.

2. “Conservation” means the use of measures, methods and procedures required to ensure that (a) a population of sea turtles is maintained at or undergoing recovery to levels that guarantee its long-term survival and its viability in the regional ecosystem;

(b) the range of a population of sea turtles is not being or probably will not be reduced; and

(c) sufficient habitats exist to maintain the population at levels that guarantee its long-term survival and its viability in the ecosystem;

3. “Agreement” means Cooperative Agreement for the Conservation of Sea Turtles of the Caribbean between Costa Rica, Nicaragua and Panama and its Annexes;

4. “Sea turtle” means the green turtle (*Chelonia mydas*), loggerhead (*Caretta caretta*), leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*);

5. “Trade” means to sell, deliver, import, export, re-export, receive, carry, transport, or ship, by any means, products or sub-products, or attempt to sell, deliver, import, export, re-export, receive, carry, transport, or ship, by any means, products or sub-products;

6. “hunting and fishing” is the action, for whatever purpose, of pursuing, capturing or killing sea turtles as well as the collection of products derived from sea turtles;

7. “Management Plan” means the integration of conservation and development in a balanced way, through the recommendation of measures that would eradicate the irrational killing of sea turtle females and the destruction of sea turtle nests, and achieve the protection of sea turtle ecosystems and foraging sites; compiling and making use of the best available scientific information, facilitating the socio-economic participation of local inhabitants in a sustainable way and promoting clear and practical measures for the conservation of this resource; and it will focus on developing the concept of self-sustainability such that user groups, together with other key players, produce guidelines for the implementation of conservation measures.

8. “Sustainable Development” means a process of progressive change in the quality of human life, that places it as the center and primordial subject of development, through economic growth with social equality and transformation of the methods of production and of the patterns of consumption, and based on ecological equilibrium and vital support of the region. This process implies respect to regional, national and local ethnic and cultural diversity, as well as the strengthening of full citizen participation, in peaceful coexistence and in harmony with nature, without compromising and guaranteeing the quality of life of future generations.

9. “Parties” refers to the signatory nations.

Annex 2: Obligations of the Parties

1. With respect to the Regional Management Plan, as represented in Annex 5 of this document.

Each one of the signatory Parties should adopt and execute the stipulations and recommendations regarding sustainable use and management of sea turtles of the Caribbean coast, following the guidelines established by the Regional Management Plan. The Parties promise to prepare, apply and control the Plan, with the integration of all stakeholders.

The governments will develop the initiatives established in this Agreement once the necessary funds have been acquired.

2. Nesting Beaches, are represented in Annex 6 of this document.

3. Marine Habitats, are represented in Annex 7 of this document.

Annex 3: Regional Committee for the Conservation of Sea Turtles of the Western Caribbean

1. The Committee will meet at least two times per year for the first three years once the Agreement enters into force.

2. The Committee will adopt procedural rules within six months.

3. A category for observers with voice but without vote will exist for governmental and non-governmental entities, after regulations for observers have been established.

4. Each Party shall establish a National Committee for the Conservation of Sea Turtles, assigning a National Coordinator as counterpart to the current Agreement.

I. Functions of the Committee

1. The functions of the Committee will be to:

(a) Oversee and coordinate everything related to the objectives and scope of this Agreement through the Executive Secretariat

(b) Name the Executive Secretary

(c) Oversee the preparation and execution of the Regional Management Plan

(d) Review, evaluate and make recommendations on the annual reports prepared by the Parties

(e) Review and approve an annual operating budget prepared by the Executive Secretary

(f) Prepare and approve internal rules of the Committee and the Executive Secretariat

(g) Execute other functions as assigned by the Parties.

II. Advisory Sub-Committees

The Parties that make up the Committee will name ad hoc Advisory Sub-Committees, e.g. Scientific-Technical, Social, Finance and Funding, Conflict Resolution, as well as others that might be required specifically. The Committee shall regulate the composition of the Advisory Sub-Committees with respect to the academic disciplines, knowledge and functions of the sub-committee members.

III. Agreements of the Committee

The Agreements of the Committee will be decided by a two-thirds majority of the Parties. In the event of a conflict over a point of discussion, the Parties may delegate the decision to one of its members or to a Sub-Committee for that purpose, or as a last resort select a mechanism of arbitration. The decisions of the Committee will be of a binding character.

Annex 4: Executive Secretariat of the Committee

The Secretariat will be established by the Committee based on the reference terms that the Secretariat establishes. It will have an Executive Secretary and an Assistant.

I. Functions of the Executive Secretariat

1. The functions of the Secretariat when the Agreement enters into force will be to:

- (a) Name his/her personnel and to inform the Committee subsequently
- (b) Supervise the functions of contracted personnel
- (c) Oversee the progress and implementation of the objectives of this Agreement
- (d) Prepare proposals and projects for the financing of the activities to be carried out under the framework of this Agreement
- (e) Coordinate everything related to the execution of the Regional Management Plan
- (f) Program and coordinate with the contracted Parties the mechanisms through which public consultation will be achieved for the Regional Management Plan
- (g) Compile the available results of research and documents about sea turtles carried out in the signatory countries
- (h) Organize and convene the meetings of the Parties
- (i) Establish coordination with the Secretariats of other relevant conventions
- (j) Prepare annual reports for the Parties about the activities of the Secretariat and the application of this Agreement, as well as any other reports the Parties might request

(k) Prepare and execute the general annual budget approved by the Committee

(l) Execute any other function assigned by the Committee.

2. The Executive Secretary may be from any one of the three countries, and should fulfill the requirements established by the Regional Committee.

Annex 5: Guidelines for the Regional Management Plan

1. Within no more than six months from the effective date of the Agreement, the Committee will seek financing and prepare a scope of work for the preparation of a Regional Management Plan, which will include, among other things, the following:

2. Marine Biological Corridor of the Western Caribbean

Through a Regional Management Plan, propose a system for the effective protection of sea turtles, which will include different categories of management to guarantee the sustainability of the system. Once the plan has been concluded and during its implementation, the Committee should review the Marine Biological Corridor of the Western Caribbean periodically to ensure that it adequately protects sea turtles in all phases of their life cycles, while they are within the geographic limits of this Agreement.

3. Research and Monitoring

The Regional Management Plan should include an agenda for research and monitoring in which priorities based on the conservation needs of sea turtles are identified.

The Regional Management Plan will consider the development of monitoring protocols standardized for research and management criteria. These shall be based on generally accepted scientific methodology. Protocols to monitor nesting activities, sea turtle mortality due to different causes, determination of management units for each population, monitoring of individual turtle movements of the various species and at different stages in their life cycles, etc. shall be included.

4. Preparation of the Regional Management Plan

Will include the following stages:

(a) National diagnostics

(b) Preliminary regional planning document

(c) Validation (local consultancies)

(d) Approval of the final document

(e) The Committee will establish dates for the completion of each one of the stages within a period of two years

5. Regional Management Plan

Once the Regional Management Plan has been approved by the Committee, it shall be binding to the signatory Parties.

6. Consistency of the Regional Management Plan

The Parties shall ensure that the Regional Management Plan for the Conservation of Sea Turtles of the Western Caribbean is consistent with the management plans, strategic documents and other policy documents prepared at national and regional levels.

7. Stipulations for the Sustainable Management of Sea Turtles

These will be considered within the Management Plan. They should take into account the biology of sea turtles, their population situation, socio-economic aspects and pertinent legislation.

Annex 6: Nesting Beaches

1. The Parties shall list all beaches of the Caribbean coast where sea turtles are nesting, and whether or not they possess any protection management category.
2. The Parties shall ensure that nesting beaches within protected wildlands are of adequate size to protect the ecological integrity of dynamic beach ecosystems.
3. The Parties shall establish legal and administrative instruments for the management of nesting beaches that are not currently protected.

Annex 7: Marine Habitats

1. The Parties shall list all marine habitats identified as important for sea turtles of the Caribbean coast, and whether or not they possess any protection management category.
2. The Parties shall establish legal and administrative instruments for the management of those marine habitats of ecological importance for sea turtle species.

Annex 8 : Research, Training and Environmental Education

1. Each Party shall facilitate the research and its publication required for the management and conservation of sea turtles. A Party may delegate this responsibility to other institutions or non-governmental organizations with greater capability in this realm.

2. The Parties at the request of the Committee, shall facilitate programs, information and materials that they might possess in order to implement training programs about sea turtles at the regional level. They shall also facilitate the training of their personnel to carry out this type of activity.

3. The Parties shall promote socio-economic investigations in the communities of the region that are included in this Agreement, for the purpose of seeking alternative economic income sources for the inhabitants, thus avoiding much pressure on the resource. Likewise the Parties, in coordination with the Secretariat, shall prepare funding proposals to resolve these needs.

Annex 9: Monitoring and Compliance

1. The Parties shall offer their collaboration such that the members of the Committee or their designates may visit nesting beaches or other sea turtle habitats in coordination with the responsible authorities, in order to ensure compliance with the stipulations of this Agreement.

2. If the Committee, its designates, or observers encounter any violations of the Agreement, the Committee will inform the Party with jurisdiction in said areas, such that the legislation in effect can be enforced. The Parties with jurisdiction over nesting beaches and marine habitats will carry out all the steps necessary to stop violations of the Agreement immediately.

3. Each Party, in the short term, shall make all required efforts to establish national legislation that will guarantee compliance with the terms established in this Agreement.

4. The Parties will make a special effort with the Ministries of Public Education, such that the subject of sea turtle conservation will be included in the primary and secondary curriculums in the turtle zones of the three countries.

5. The Executive Secretariat will solicit national or international cooperation for the purpose of publishing educational materials about sea turtles, such as, coloring books and posters. These materials will be distributed to teachers in the turtle zones of the three countries following training sessions, by the ministries of education or the conservation organizations that function in said zones.

Annex 10: Annual Reports

At the end of each year, each Party will submit an annual report to the Committee about its programs to protect and conserve sea turtles based on the implementation of this Agreement. The Committee, with the collaboration of the Advisory Sub-Committees, will establish the format for the report, which shall include as a minimum:

1. A report from each Party on the different activities carried out under their responsibility, indicating the degree of progress, problems encountered, and results; as well as a timetable for future actions, based on the Regional Management Plan. Until the Management Plan has been prepared, the Committee will determine the format for the presentation of reports from each country.

2. A report on the principle scientific investigations carried out in each country.
3. An analysis and review of the laws and existing projects, regulations and specific management plans, among others, based on the Regional Management Plan.

Annex 11: Amendments and Annexes to the Agreement

1. Any Party may propose amendments to this Agreement or its Annexes, presenting the text of the proposed amendment to the Secretariat at least sixty (60) days before:

(a) The next meeting of the Committee, or

(b) A special meeting to discuss and vote on the amendment.

2. The Parties will adopt amendments to the Agreement and amendments to the Annexes of the Agreement, approved by two-thirds majority of the Parties.

3. New nesting beaches and marine habitats can be annexed to the list.

4. An amendment to the Agreement or its Annexes will enter into force for all the Parties 30 days after its adoption.