



Fondation pour la Protection de la Biodiversité Marine

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**Examination of Haitian environmental laws related to
marine turtle protection and management
and recommendations**

Haïti



for the
**Critical Ecosystem Partnership Fund
(CEPF)**

CEPF is a joint program of l'Agence Française de Développement, Conservation International, the European Union, the Global Environment Facility, the Government of Japan, the MacArthur Foundation and the World Bank.

CRITICAL ECOSYSTEM
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**Protecting Biodiversity by Promoting Nature-Based Tourism and Sustainable
livelihoods in the Massif – Plaine du Nord Conservation Corridor**

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Introduction

This report is an activity of the Critical Ecosystem Partnership Fund (CEPF) project **Protecting Biodiversity by Promoting Nature-Based Tourism and Sustainable livelihoods in the Massif – Plaine du Nord Conservation Corridor** and is an evaluation of Haiti's current sea turtle laws and recommendations for improvements if necessary based on the current condition in Haiti, and the internationally agreed upon need to protect and manage these important living marine resources.

Current Situation

There are seven species of sea turtle present worldwide, six present in the Caribbean and, to date, four known to be found in Haitian waters.

Despite current Haitian laws regulating sea turtles and their eggs all sea turtles caught in Haiti, by fishermen or on the beaches, are killed for food, bait, and sometimes shell. Sea turtles are caught by a variety of means including hook and line, nets, spear guns (illegal), and decoy, along with captures on and near beaches. Although not usually targeted by fishermen (except for decoy hunting) and usually the victims of opportunistic capture, sea turtles are captured and killed no matter the season and without restriction. Their eggs are taken from nests and consumed.

Although Haitian fishermen have described major decreases in sea turtle sightings and captures they continue to take them without respite. The primary challenge, again as reported by the fishermen, is the poor economic situation in the country. Basically, everything and anything a fisherman captures is used for income generation and is either sold for food or parts (e.g. carapace/shell) or used by the fisherman as either food or bait.

Being mostly unaware that there are laws regulating sea turtle exploitation most fishers say that there is a definite need to protect sea turtles, primarily so they may have more to harvest. They also feel that if there was stronger enforcement and more regulation this could be achieved. Unfortunately for Haiti right now stronger enforcement alone is not realistic on a nation-wide scale; however, targeted management at the protected area level would be much more feasible. Management and protective measures would have to be ensured through public-private partnerships/agreements.

The Tragedy of the Commons is a critical factor in the lack of management. The dire economic situation of most fishers and the concept of "...if I don't take it someone else will." have ravaged sea turtle stocks. In terms of peer pressure management the common refrain of "I can't stop him from making a living", in reference to other fishers, also brings major issues to the table in terms of management.

Sea turtle species present in the Caribbean and their status

Species	Status (IUCN Red List)
<i>Caretta caretta</i>	Endangered
<i>Chelonia mydas</i>	Endangered
<i>Dermochelys coriacea</i>	Critically Endangered
<i>Eretmochelys imbricata</i>	Critically Endangered
<i>Lepidochelys kempii</i>	Critically Endangered
<i>Lepidochelys olivacea</i>	Vulnerable

Analysis

Although the new environmental laws of 2006 transferred many responsibilities for resource management from the Ministry of Agriculture to the Ministry of Environment responsibilities for fisheries related management remains with the Ministry of Agriculture (MARNDR). Although MARNDR does have a mandate to ensure the proper management and sustainable use of resources it is primarily an exploitation ministry and not a protective one.

There are two article in the Haitian environmental laws related to sea turtles. Both of these articles are from the fisheries laws of 1978 with one relating to the protection of the species and the other to the commercialization of it products (i.e. shell/carapace/meat). Fines of 25 to 500 gourdes (500 gdes = ~ US \$12.00 in 2013) and imprisonment of from 15 days to 6 months for nonpayment of the fine is stipulated in Articles 131.1 and 131.3

One of the continuing issues remains the actual naming of the species. Whereas *Eretmochelys imbricata* is fairly clearly and commonly called “*Karet*” throughout Haiti and *Dermochelys coriacea* is known as “*Kawan*”, the remaining classification of “*Toti*” is fairly ambiguous in the classification of all of the other four species of marine turtles possibly found in Haiti. Even through all this, there often remains some ambiguity in the use of *Karet* and *Toti* as can be observed in the fisheries laws of 1978 below. In order to surmount this issue, all sea turtles, for the present, should be equally protected.

**Décret 27 Octobre 1978 sur la pêche
Moniteur No 81**

**DECRET
Dr. François Duvalier
Président à vie de la République**

DE LA POLLUTION DES EAUX ET DE LA PROTECTION DE CERTAINES ESPECES	ON WATER POLLUTION AND THE PROTECTION OF CERTAIN SPECIES
<i>Article 97.-Il est formellement interdit:</i>	Article 97. – It is formally forbidden :
<i>b) de pêcher la tortue, le caret durant les mois de Mai à Octobre (saison de la ponte);</i>	b) to fish for turtles during the months from May to October (nesting season);
<i>c) de ramasser des oeufs de tortue de toute espèce dans les eaux territoriales, spécialement ceux de caret et de Tortue;</i>	c) to collect turtle eggs of all species in the territorial waters, especially those of Caretta and turtle;
<i>d) de capturer des tortues de mer, des carets sur la plage.</i>	d) to capture sea turtles or Caretta on the beach.
DE LA COMMERCIALISATION DES FRUITS DE MER	ON THE COMMERCIALIZATION OF SEA FOOD
<i>Article 122.- Il est interdit:</i>	Article 122. – It is forbidden:
<i>2o) d'exporter la chair de caret, de tortue, et leur écailles, sans une autorisation du Service des Pêcheries.</i>	2o) to export Caretta or turtle meat, their shells, without an authorization of the Fisheries Service.

In spite of the formation of the Ministry of Environment in November of 1994 these laws are still technically to be enforced by the Ministry of Agriculture. A difficult situation because the Ministry of Agriculture, according to its mandate, would be in a position to promote both the exploitation and the protection of resources (species).

The environmental decree of 12 October, 2005 provides for the development of measures to monitor and protect endangered species but does not give the responsibility for this to any particular ministry.

DECRET
Sur le Cadre Institutionnel
et les Instruments de Gestion
de l'environnement

Adopté par le gouvernement haïtien
le 12 octobre 2005

TITRE III:
DES INSTRUMENTS POUR LA GESTION DE
L'ENVIRONNEMENT

Chapitre VII :
de la diversité biologique

<p>137. <i>Seront fixées par voie réglementaire :</i></p> <p>1. <i>la liste des espèces animales et végétales qui doivent bénéficier d'une protection particulière et les modalités d'application de cette protection ;</i></p>	<p>137. Will be designated through regulation:</p> <p>1. The list of animal or plant species which should benefit from particular protection, and the modalities for the application of these protective actions;</p>
<p>2. <i>les interdictions permanentes ou temporaires édictées en vue de permettre la préservation des espèces menacées, rares, ou en voie de disparition, ainsi que leur milieu ;</i></p>	<p>2. The permanent or temporary prohibitions ordered to permit the preservation of species which are endangered, rare, or threatened with extinction as well as their habitats;</p>
<p>3. <i>les conditions de l'exploitation, de la commercialisation, de l'utilisation, du transport et de l'exportation des espèces visées à l'alinéa précédent ;</i></p>	<p>3. the conditions for the exploitation, the commercialization, the use, transport and exportation of species targeted in the preceding line;</p>

Recommendations

- Ensure that the protection of sea turtles is integrated into a national coastal and marine development policy, and protected area development and management plans including all necessary legislation and frameworks
- A National Sea Turtle Action Plan including a recovery plan should be developed for Haiti which would implicate local communities in the development of protection and management plans for sea turtles in their areas including guidelines for any potential development of ecotourism generating activities as well as research activities to better inform decision-making. This action plan should include details on establishing MoUs and providing capacity building activities with/for coastal communities
- Completely update current sea turtle related and fisheries regulations taking into account current realities, updated scientific knowledge, local knowledge, and cultural sensitivities/requirements
- Ensure that discussions on the needs and benefits of protecting and managing sea turtles is undertaken at all levels of Haitian society from the President/Ministry level to the artisanal fisher
- Develop a mechanism to ensure long-term financing for the protection and management of sea turtles and their nesting beaches both within and outside of MPAs
- Any responsibility for the management or protection of vulnerable, threatened, or endangered species should be removed from the Ministry of Agriculture and handed over to the Ministry of Environment
- Enforcement of current laws, heavy fines, and potential imprisonment for violations need to be implemented
- Ratify important international conventions such as: the Cartagena Convention (SPAW Protocol), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and the Inter-American Convention for the Protection and Conservation of Sea Turtles

Proposed Decree

Recommended law (taken from sea turtle laws from Dominica, St. Lucia, USA, Trinidad and Tobago, Cuba, Bahamas, France (Guadeloupe), and Jamaica).

DECRET

Due to the international classification of all seven species of sea turtle as vulnerable, threatened or endangered, and in order to avoid any type of confusion, and for purposes of this decree, all seven species of sea turtle are hereby referred to as Sea Turtle (*Tortue de mer*) without distinction.

These laws are required for the protection of the species and will be published in *Le Moniteur* as required by law.

A person is hereby defined as any individual, institution, corporation, company, or any other entity in which humans are involved. Turtle is understood to include the whole or any part of a sea turtle

1. No person shall catch or take or attempt to catch or take any turtle;
2. Wounding, harassing, or killing any sea turtle in any manner is strictly prohibited;
3. It is forbidden to disturb any turtle nest or eggs or take any turtle eggs, or take or attempt to take any turtle laying eggs or on the shore engaged in nesting activities. interfere with or disturb in any way with a turtle nest, or turtle that is nesting
4. No person is allowed to possess any part of any sea turtle or their eggs nor to sell, trade, or barter any of these parts or eggs.
5. No person shall kill, catch or otherwise take possession of or purchase, sell, offer or expose for sale or cause to be sold or offered or exposed for sale any turtle; nor expose for sale, sell, purchase, or at any time have in his possession any turtle eggs;
6. The following penalties shall be assigned.
 - a. For any person attempting to catch or take a sea turtle, a fine of XX and/or imprisonment for up to XX months/years along with the confiscation of any and all materials involved in the act.
 - b. For any person found in possession of a live sea turtle, a fine of XX and/or imprisonment for up to XX months/years along with the confiscation of any and all materials involved in the act.
 - c. For any person found in possession of a dead sea turtle or any of its parts, a fine of XX and/or imprisonment for up to XX months/years along with the confiscation of any and all materials involved in the act.
 - d. For any person found in possession of sea turtle eggs or any of their parts, a fine of XX and/or imprisonment for up to XX months/years along with the confiscation of any and all materials involved in the act.
 - e. For any person attempting to sell or export any sea turtles or their parts, a fine of XX and/or imprisonment for up to XX months/years along with the confiscation of any and all materials involved in the act.

7. With a special permit from the Ministry of Environment scientific research such as temporary capture, tagging, measuring, testing, and other scientific endeavors will be permitted on sea turtles and/or their eggs and nests in order to protect and manage the species.

The Ministry of Environment hereby announces that the Fisheries Regulations governing sea turtles have been amended to give full protection to all sea turtles found in Haitian waters by prohibiting the harvesting, possession, purchase and sale of turtles, their parts and eggs. The new regulations also prohibits any type of disturbance to sea turtle nests. The regulations will come into effect on XXXX, 20XX.