



REPUBLIC OF THE MARSHALL ISLANDS (RMI)
MARINE TURTLE LEGISLATION REVIEW

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PREFACE

The SPREP regional Marine Turtle Action Plan 2008-2012 places high priority to legislation as shown by the selection of the area "Policy and Legislation" as one of the nine themes of the Action Plan. The priority actions identified under this theme by member countries and territories as well as partners are:

- Action 5.1: Review and identify gaps and conflicts in current policies and legislation (in member countries and territories) that support / limit the RMTCP, including conventions, treaties, MOUs, agreements etc. [Priority: High].
- Action 5.2: Encourage the need to address gaps and conflicts found in the review of policies and legislation as described in action 5.1 where required. [Priority: High].
- Action 5.3: Encourage and support compliance mechanisms that are more effective at the community level, drawing upon and supporting existing laws and controls and conflict resolution systems, and using local community members. [Priority: High].
- Action: 5.4: Amend relevant policies and legislation regarding turtle size limits to better reflect the impact of removing mature females from populations and, where possible, to ensure that preference is given to using smaller-sized animals. [Priority: High].
- Action: 5.5: Incorporate relevant traditional knowledge, customary marine tenure and practices into policy, legislation management plans where appropriate. [Priority: Medium]
- Action 5.6: Ensure adequate protection is provided for nesting beaches and other known critical habitats for turtles through policy and legislation. [Priority: High].

This review then documents existing legislation and policies as well as the country's participation in international/regional agreements and conventions relevant to marine turtles. It attempts to identify gaps and then make recommendations for relevant legislation to improve and/or clarify existing ones and improve protection/management of marine turtles.

To help with the identification of legislation gaps, a team at SPREP constructed a matrix of legislation from existing legislation in the region dealing with turtles as well as creating new ones based on available information.

The involvement of national experts from relevant agencies is a vital component of this work.

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CONTENTS

| | |
|---|-----------|
| PREFACE | i |
| CONTENTS | ii |
| 1. INTRODUCTION | 1 |
| 2. CURRENT LEGAL FRAMEWORK FOR MANAGEMENT AND CONSERVATION OF MARINE TURTLES IN THE MARSHALL ISLANDS | 1 |
| 2.1 EXISTING LEGISLATION | 1 |
| (i). <i>Marine Resources Act of 1997</i> | 1 |
| (ii) <i>National Environmental Protection Act 1984</i> | 2 |
| (iii) <i>Endangered Species Act 1975</i> | 2 |
| 2.2 OTHER MARINE TURTLE PROTECTION/MANAGEMENT MECHANISMS..... | 2 |
| (i) <i>Local customary/traditional practices</i> | 2 |
| (ii) <i>National and community/atoll-level driven efforts</i> | 2 |
| (iii) <i>Regional arrangements</i> | 3 |
| (iv) <i>International conventions/agreements</i> | 3 |
| 3. GAPS/CONFLICTS IN LEGISLATION | 3 |
| 4. KEY RECOMMENDATIONS..... | 5 |
| REFERENCES | 7 |
| CHECK-LIST FOR RELEVANT LEGISLATION..... | 8 |

1. INTRODUCTION

Marine Turtle Species present: Four species of marine turtles are known to occur in Marshall Islands waters: the green turtle (*Chelonia mydas*), hawksbill turtle (*Eretmochelys imbricata*), leatherback turtle (*Dermochelys coriacea*), and olive ridley turtle (*Lepidochelys olivacea*). The green turtle or 'wōn' is the most abundant and the hawksbill, known as 'jōbake', is relatively scarce. The leatherback turtle and olive ridley turtle are not well known in the Marshall Islands, hence there are no local names for them. However their existence in the RMI waters has been confirmed by fishery observers onboard foreign longline vessels based in Majuro.

Marine Turtle nesting: Seasonality of marine turtle nesting generally occurs from around May to November although nesting may occasionally occur in other months. The green turtle has been recorded to nest throughout the RMI, with nesting concentrated on the more remote atolls. Major nesting sites include the atolls of Bikar, Jemo, and Erikub. Other turtle nesting atolls are Rongerik, Bokak, Taka, Ailinginae, Bikini, and other northern atolls. There is very little information available on nesting in the inhabited atolls of the Marshall Islands including the uninhabited islets within the populated atolls. Hawksbill nesting is very rare (one possible nesting site identified on Bikar). There is no nesting by leatherback turtles and olive ridley turtles known in the Marshall Islands.

Importance of marine turtles locally: Marine turtles have been an important part of the Marshallese culture for centuries and feature in many myths, legends, and traditions, where they have been revered as sacred animals. Marine turtles were such an important cultural resource to the Marshallese that several islands and atolls were set aside by the chiefs as traditional marine turtle reserves, protected by the Marshallese concept of '*mo*' or taboo areas. Today, the turtle continues to be honored in Marshallese culture influencing a variety of art designs including carving, handicrafts such as jewelry and fans as well as traditional mats, painting, and tattooing. Eating turtle meat and eggs on special occasions such as a *kemem* (child's first birthday) and a wedding party remains a prominent part of the culture. Presently, despite national and international protection as endangered species, marine turtles remain prestigious and a highly desired source of food for RMI's atoll populations.

2. CURRENT LEGAL FRAMEWORK FOR MANAGEMENT AND CONSERVATION OF MARINE TURTLES IN THE MARSHALL ISLANDS

2.1 EXISTING LEGISLATION

(i). Marine Resources Act of 1997

Responsibility for management of all living marine resources in the Marshall Islands is vested in the Marshall Islands Marine Resources Authority. The Marine Resources Act 1997 covers sea turtles in Part III, section 33:

- (1) No hawksbill turtles or sea turtles shall be taken or intentionally killed while on shore, nor shall their eggs be taken.
- (2) No hawksbill turtle shall be taken or killed except for subsistence fishing and where its shell is at least 27 inches when measured over the top of the carapace shell lengthwise.

- (3) No green turtle shall be taken or killed except for subsistence fishing and where its shell is at least 34 inches when measured over the top of the carapace shell lengthwise.
- (4) Notwithstanding any provisions of this section, the taking of sea turtles and their eggs shall be allowed for scientific purposes when specifically authorized by the Authority.
- (5) No person shall buy, sell, display for sale, offer for sale or otherwise market any turtle or turtle product.
- (6) Any person who contravenes subsections (1), (2), (3) or (5) commits an offense and upon conviction shall be fined not more than \$10,000 or may be imprisoned up to six months, or both.

(ii) National Environmental Protection Act 1984

The RMI Environmental Protection Authority (RMIEPA) was created in 1984 by this Act for the protection and management of the environment. In relation to marine resources, Sections 129 (Natural Resources), 130 (Fisheries), and 132 (Studies, Research, etc) of this Act are most relevant. However, none of the sections specifically address marine turtles and their protection and management. There is no legislation or policy covered by this Act concerning protection or management of marine turtles in the RMI.

(iii) Endangered Species Act 1975

This Act provides for the protection of endangered species of plants and animals. A number of exemptions include: permitted take for scientific purposes; species raised in commercial quantities under controlled conditions of aquaculture, mariculture; where subsistence take for old traditional uses does not further endanger the species involved, provided that there is no commercial or export activity involved. Specific turtle species covered by the Act includes the hawksbill and leatherback turtles only. There are no regulations yet in place.

2.2 OTHER MARINE TURTLE PROTECTION/MANAGEMENT MECHANISMS

(i) Local customary/traditional practices

Mo designations by chiefs are an important control for food resource conservation that is still applied in some inhabited atolls as well as the northern uninhabited atolls where turtles are known to nest. In places where the practice has been abandoned, use of the concept in modern-day protected areas is occurring in some atolls such as Jaluit where it involves cooperative efforts between the national and local governments as well as the Iroij (chief) and alab (clan head) who are the traditional owners and caretakers of 'mo'. Traditional landowners hold considerable power over the use of the resources and are usually consulted when trying to establish management or conservation areas.

(ii) National and community/atoll-level driven efforts

Bikini Atoll was declared a protected area under local government ordinance in 1997 including Ailinginae, Rongelap, and Rongedrik in 2003, all of which are known turtle nesting areas. However, only Bikini Atoll has a specific regulation protecting turtles as listed in the RMI's National Biodiversity Report. Majuro is currently in the process of preparing its fisheries and conservation management plan, while Arno is awaiting approval on their

management plan by their local government. Other atolls such as Jaluit, Likiep, and Ailuk atolls have already started implementing their management plan, under which marine turtles are covered. Another recent development include *Reimaanlok: National Conservation Area Plan for the Marshall Islands* that was developed in 2008 to provide a strategic guide for conservation of terrestrial and marine resources in the Marshall Islands through community based management efforts and an ecosystem approach with both green and hawksbill sea turtles listed as target species.

(iii) Regional arrangements

RMI is a member of SPREP that has a regional Marine Turtle Action Plan 2008-2012 and a member of FFA that has an action plan for turtle by-catch mitigation. Additionally, the RMI is party to other various environmental conventions and agreements including the recently signed Micronesian Challenge, whereby the RMI has agreed to have 30% of near-shore marine (including marine turtles) and 20% of terrestrial forest areas under "effective conservation" by 2020.

(iv) International conventions/agreements

RMI is a party to the Convention on Biological Diversity (CBD), which involves protection/management of marine turtles. Under the CBD, RMI has a National Biodiversity Strategy and Action Plan (NBSAP) as well as a National Biodiversity Report addressing the need for conservation and management of natural resources.]

3. GAPS/CONFLICTS IN LEGISLATION

Existing legislation does not adequately cover the protection and management of marine turtles in the RMI. There are many issues that should be addressed:

- **Size limitations:** Although harvesting of juveniles and subadults in the water (hawksbills <27", greens <34") is prohibited except when taken for subsistence purposes, there is no regulation in place to protect larger breeding-size turtles. The impact of removing breeding-size turtles from turtle populations should be considered.
- **Catch limitations:** There is no restriction applied to the number of turtles harvested for subsistence purposes. Although the actual level of cultural take is unknown, there is a general feeling by the Marshallese that there is a decline in the number of turtles in the RMI. It is during cultural events such as *kemems* and wedding parties where many turtles are harvested.
- **Turtle harvest closures:** Turtles can be eaten anytime during the year and are harvested whenever the opportunity arises. Although a regulation on seasonal limits was established in 1988 under the Marine Resources Act, it was deleted in 1997. The lack of restriction on harvesting seasons prevents protection of both breeding turtles and nesting females, which contributes further to their endangerment.
- **Turtle species:** Although all marine turtle species present in RMI waters are endangered, only green turtles and hawksbill turtles are protected under the law.

- **Fishing gear used to catch turtles:** There are several ways that Marshallese employ to catch turtles including diving and grabbing hold of the turtle, fishing with longlines and hooks, spearing, and hunting on nesting turtles and eggs on land (which is illegal). No legislation exists to address other types of illegal fishing practices that are destructive.
- **Tagged turtles:** Tagged turtles are important for scientific purposes. However no legislation exists to protect them from being harvested. Releasing and reporting tagged turtles to relevant authorities including those accidentally caught, stranded, or found is not addressed.
- **Turtle by-catch:** Observer records have confirmed incidental catch of marine turtles by longline fishing operations in the RMI. Practical methods including usage of large circle hooks for longlines, TEDs for nets, and de-hooking gears for the safe release of hooked turtles can help reduce turtle by-catch.
- **Turtles held in captivity:** Keeping turtles in captivity as pets until their release (often when mature) has been a common practice for centuries. However, keeping newly hatched turtles in particular may interfere with their navigational skills and ability to survive on their own in the wild. There is no regulation in place to specifically deal with this practice.
- **Turtle watching and tourism activities:** There is no regulation restricting any tourism or turtle watching related activity within the vicinity of turtles and their nesting areas which can affect their movement and activities.
- **Sale of turtle and turtle products:** While the law prohibits selling, displaying, or buying of turtles and turtle products, it does not specify if it also applies to modern handicrafts such as necklaces, bracelets, and earrings that may have a piece of turtle shell.
- **Turtle export:** While RMI is non-party to CITES, it provides for a permit for the export of any marine wildlife, or product of marine wildlife as provided for by CITES. However, there is no regulation specifically stating that turtles and turtle products are prohibited from exportation except under the authority of a permit from MIMRA.
- **Nesting sites:** Turtle nesting areas are not protected under the law. Although nesting turtles and their eggs are protected from harvest, they are not protected from human disturbance including coastal development. Moreover, it is very difficult to monitor turtle nesting areas particularly in remote and uninhabited islets. There is also little or no control on the harvesting of turtles and turtle eggs especially on traditionally owned land and 'mo'.
- **Turtle research methodologies:** While the taking of sea turtles and their eggs is allowed for scientific purposes when authorized by MIMRA, it does not specify methods of turtle collection allowed as well as the size and condition permitted for sampling.
- **Euthanizing turtles:** No legislation exists to deal with incidences where a turtle is sick or injured and where euthanization and necropsy may be required to determine cause of illness/disease.
- **Translocation of turtle eggs:** There is no existing legislation that deals with translocation of turtle eggs to more suitable areas to avoid turtle egg loss due to natural causes or human activities.

- **Community/Customary:** There is no legislation incorporating relevant traditional knowledge, customary marine tenure, and practices on turtles.
- **Enforcement:** Enforcement of legislation is very poor due to limited resources (manpower and financial) and often difficult to conduct especially in outer atolls.
- **International conventions:** RMI is not a party to the Conservation of Migratory Species of Wild Animals (CMS or Bonn Convention) that acknowledge the importance of migratory species including turtles, where Parties are called upon to engage in a wide range of conservation activities that address key issues including species and habitat conservation, research and monitoring, human activities management, as well as other important issues.

4. KEY RECOMMENDATIONS

The following are the major recommendations to be considered:

(i) Marine Resources Act of 1997

- Size limitations: A maximum size of curved carapace length to protect both breeding and nesting turtles.
- Catch limitations: Restriction on turtle harvest including those caught for cultural events until there is available information on the current stock condition of RMI's turtle population.
- Turtle harvest closures: Establishment of a closed season for turtle harvest to ensure protection of both breeding turtles and nesting females.
- Turtle species: Addition of leatherbacks and olive ridley into turtle protection laws.
- Fishing gear used to catch turtles: Legislation to address illegal fishing practices to catch turtles.
- Tagged turtles and reporting: Immediate release and reporting of any tagged turtle including those accidentally caught, stranded, or found; also strict prohibition of the killing of any tagged turtles.
- Turtle bycatch: Usage of large circle hooks for longlines, TEDs for nets, and de-hooking gears for the safe release of hooked turtles. All longliners should be required to have at least de-hooking gears onboard.
- Turtles held in captivity: For clarification, specific prohibition on turtles being held in captivity except under the authority of a permit for scientific purposes or any other lawful purpose related to the conservation, health or welfare of that turtle.
- Turtle watching and tourism activities: Permit requirement for any kind of turtle watching activity, provided such activity does not result in injury or death to the animal.

- Sale of turtle and turtle products: Regulation to address the selling, displaying, or buying of any local handicraft such as necklaces, bracelets, and earrings that may contain a piece(s) of turtle shell or bone.
- Turtle export: Permit requirement to export turtle or turtle products for any purpose.
- Nesting sites: Protection of all important turtle nesting areas and prohibition of disturbance of nesting turtles as well as their nests and eggs from any kind of human activity including urbanization projects except under the authority of a permit.
- Turtle research and methodologies: Only non-lethal collection of turtles for scientific purposes unless otherwise authorized by MIMRA.
- Euthanizing turtles: Provisions allowing euthanizing of a sick or injured marine turtle when determined by a veterinarian or other suitably qualified biologist to establish cause of illness/disease.
- Translocation of eggs: Provisions for translocation of eggs to suitable areas by a qualified biologist or trained personnel, upon approval, if the nest is on a high risk area, and the moving of eggs for incubation under controlled conditions requiring a permit/approval.
- Community/Customary: Incorporation of traditional sea turtle reserves as legally protected sites.
- Enforcement: Strengthening existing local government ordinances and providing more community empowerment as well as public education and awareness.
- International conventions: RMI to consider becoming a signatory to the CMS or Bonn Convention and work towards satisfying the requirements under the Agreement.

(ii) National Environmental Protection Act 1984

- Establishment of turtle regulations: EPA to establish regulations on protected species that include turtles working with partner agencies like MIMRA to prevent overlap.

(iii) Endangered Species Act of 1975

- Addition of marine turtle species: Incorporation of all four marine turtles species found in RMI waters in developing regulations under this Act as all are currently listed as Endangered or Critically Endangered by the International Union for the Conservation of Nature (IUCN 2004).

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**MARINE TURTLE PROTECTION/MANAGEMENT LEGISLATION:
REGIONAL REVIEW**

CHECK-LIST FOR RELEVANT LEGISLATION

| LEGISLATION | Reference/Comment |
|--|--|
| 1. HARVEST / DIRECT TAKE | |
| • Minimum size limit | ✓ Marine Resources Act 1997 (Part III, Section 33) |
| • Maximum size limit | |
| • Egg taking prohibited | ✓ Marine Resources Act 1997 (Part III, Section 33) |
| • Taking of Nesting Turtle prohibited | ✓ Marine Resources Act 1997 (Part III, Section 33) |
| • Taking of turtles from within management area prohibited | |
| • Taking for traditional purposes only (permit required?) | |
| • Taking for research/educational purposes (permit required?) | ✓ Marine Resources Act 1997 (Part III, Section 33) |
| • Taking of turtles prohibited | |
| • Quota/Limited number | |
| • Taking of turtles during nesting (closed) season prohibited | |
| • Moratorium | |
| • Taking prohibited in certain zones e.g. territorial seas, EEZs | |
| | |
| 2. FISHING GEAR (specifically for catching turtles where catching is allowed) | |
| • Spearing prohibited? | |
| • Net prohibited? | |
| • Other? | |
| | |
| 3. TAGGED TURTLE | |
| • Release when caught | |
| • Report to authorities when caught/seen | |
| | |
| 4. INDIRECT TAKE (BY-CATCH) | |
| • Release when accidentally caught and is alive | |
| • Reporting to relevant authorities | |
| • Use of turtle friendly gear (TEDs, circle hooks etc) | |
| • De-hooking gear mandatory on long-line fishing vessels | |
| | |
| 5. KEEPING TURTLES IN CAPTIVITY | |
| • Not allowed at all | ✓ Marine Resources Act 1997 (Part III, Section 33) |
| • Not allowed except via permit (for research, educational, income generating, hobby, rehabilitation), with guidelines | |
| • Minimum/maximum size of a turtle allowed to be kept | |
| | |
| 6. TOURISM-RELATED ACTIVITIES | |
| • In the wild-Permit required (nesting and foraging) | |
| • Guidelines for best practice available | |
| • Turtle kept in captivity requiring permit | |
| • Guidelines available and enforced | |
| • Head-start requiring permit with conditions | |
| | |

| | | |
|---|---|--|
| 7. TRADE | | |
| • Local sale of turtles prohibited | ✓ | Marine Resources Act 1997 (Part III, Section 33) |
| • Local sales of turtle eggs prohibited | ✓ | Marine Resources Act 1997 (Part III, Section 33) |
| • Export of turtles and eggs prohibited | | |
| • Local sale of any products derived from turtles prohibited | ✓ | Marine Resources Act 1997 (Part III, Section 33) |
| • Export of any products derived from turtles prohibited | | |
| 8. HABITAT PROTECTION | | |
| • Nesting beaches protected | | |
| • Foraging grounds protected | | |
| • Sanctuary for turtles | | |
| • Nesting beaches considered in coastal development plans and EIAs | | |
| 9. RESEARCH METHODOLOGIES | | |
| • Only non-lethal collection of turtles for research allowed | | |
| • Exceptions: | | |
| o Parts and samples from turtles legally harvested or dead stranded can be used for research | | |
| o Hatchlings resulting from incubation under controlled conditions can be sacrificed for gonad histology etc under an approved project or research | | |
| o Hatchlings trapped in nests that would otherwise die may also be sacrificed for research into sex ratio etc | | |
| 10. EUTHENASING MARINE TURTLES | | |
| • Veterinarians or other suitably qualified biologists shall determine if a sick or an injured stranded turtle should be euthanased and necropsied to determine the cause of the illness/disease or whatever is impact in the turtle internally | | |
| 11. TRANSLOCATION OF TURTLE EGGS | | |
| • Turtle eggs can be translocated to suitable areas by suitably qualified biologist or trained personnel, upon approval, if the nest is on a high risk area | | |
| • Moving of eggs for incubation under controlled conditions requires permit/approval | | |
| 12. COMMUNITY/CUSTOMARY | | |
| • Incorporates relevant traditional knowledge, customary marine tenure and practices | | |
| • Effective at the community level, using local community members | | |
| 13. ENFORCEMENT | | |
| • Enforcement provisions | | |
| • Fine provisions | ✓ | Marine Resources Act 1997 (Part III, Section 33) |
| 14. AGREEMENT/CONVENTION AFFILIATIONS | | |
| • Party to CITES | | |
| • Party to CMS | | |
| • Signatory to MoU for the conservation of marine turtles in the Pacific (hopefully in the next 10 years!!) | | |