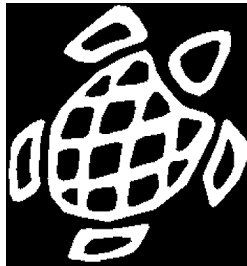


# **FAO: Taking Action on the Threat of Extinction of Sea Turtles?**

## **A Critical Analysis of the Reports by the FAO Expert and Technical Consultations on Sea Turtles and Fisheries as They Relate to Pelagic Longline Fishing<sup>1</sup>**

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### **SEA TURTLE RESTORATION PROJECT**

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<sup>1</sup> UN Food and Agriculture Organization, *FAO Expert Consultation on Interactions Between Sea Turtles and Fisheries Within an Ecosystem Context*, Draft Report, Rome, Italy 9-12 March 2004, released June 18, 2004, hereby referred to as the “expert consultation;” and UN Food and Agriculture Organization, *Technical Consultation on Sea Turtles Conservation and Fisheries [sic]: Sea Turtle Conservation Concerns and Fisheries Management Challenges and Options*, Report, Bangkok, Thailand, 29 November-2 December, 2004, hereby referred to as the “technical consultation.”



## Abstract

This report analyses the findings and recommendations of the United Nations Food and Agriculture Organization's (FAO) Expert and Technical Consultation reports concerning the bycatch of sea turtles by global fisheries. The consultations were motivated by the mounting scientific data showing the significant bycatch of Pacific leatherback and loggerhead sea turtles by industrial pelagic longline fishing in the Pacific that have generated international concern about their trajectory towards extinction. The female nesting population of the Pacific leatherback has declined by 95% since 1980 and is expected to go extinct within the next 5-30 years unless this trend is reversed. While both reports have recommended time and area closures of fisheries that capture and kill sea turtles—urgently need measures also called for by 622 international scientists and four UN agencies—the reports have a number of flaws and shortcomings that will be addressed and corrected.

Note: Analyses of select findings of both reports follow each summary of a finding and are in italics.

## Findings

### •*Scientific Data on Threats to Sea Turtles*

1. The report of the expert consultation claims that “all previous regional assessments of sea turtle abundance have been based mainly on anecdotal or qualitative information” (p. 3)

*That is inaccurate. Two significant studies of estimated loggerhead and leatherback populations, one of which is based on vessel observer bycatch data were not included in the report.<sup>2</sup> The technical consultation has corrected this inaccuracy (p. 2).*

### •*Bycatch Mitigation Gear*

1. Table 1 (p. 6) of the report of the expert consultation lists circle hooks, hook size, mackerel bait and blue-dyed bait as proven to affect to incidental catch of sea turtles in pelagic longline fisheries.

*This is not verified by any publicly available study. What this table refers to is the result of a 3 year study of longlining in the U.S. Atlantic. However, the data from this study have not yet been made publicly available by U.S. NOAA Fisheries. Furthermore,*

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<sup>2</sup> Spotila, James et al. Worldwide population decline of *Dermochelys coriacea*: Are leatherback turtles going extinct? *Chelonian Conservation and Biology*. 1996. 2(2): 209-222; and Lewison, R et al. Quantifying the effects of fisheries on threatened species: the impact of pelagic longlines on loggerhead and leatherback sea turtles. *Ecology Letters*. 2004. vol. 7. 221-231.

*Atlantic longliners in the US refuse to use this bycatch mitigation gear. Furthermore, studies of the effectiveness of using blue-dyed bait in the US and Costa Rica were concluded to have no effect on reducing bycatch.*

2. The “Case study of sea turtle bycatch in pelagic longline fisheries: North Pacific loggerhead stock” in the report of the expert consultation addresses how loggerheads are now endangered by longlining. (p. 15)

*However, this case study does not address the threat of longlining to loggerheads. Although bycatch by longlines are documented as the primary cause of the decline of Pacific loggerheads, the recommended “potential mitigation measures” does not address the threat of longlining on the high seas where as many as 200,000 critically endangered loggerheads and 50,000 critically endangered leatherbacks are caught each year by longlines globally and between 3600 to 9200 loggerhead and leatherback sea turtles were killed by longlines in the Pacific in 2000.<sup>3</sup>*

3. The technical consultation reports that the U.S. study of bycatch mitigation gear showed an increased catch of bigeye and bluefin tuna. (p. 6)

*The reported increase in catches of these two species is troubling as the bigeye tuna is listed as “vulnerable” and the Southern bluefin tuna is listed as “critically endangered” by the IUCN Red List (World Conservation Congress).<sup>4</sup> Furthermore, the U.S. study showed a significant increase in the catch of blue sharks, which the report of the technical consultation a member of a “vulnerable species.” (p. 7) Recommending gear that would increase the catch of these species contradicts the recommendations of the technical consultation that “adoption of management measures directed to reduce interaction with these vulnerable species [sea turtles, sharks, sea birds and marine mammals], takes place in an integrated manner” (p. 7), and the revision of “RFBs’ respective mandates to clearly include ecosystem considerations” (p. 12) outlined in the FAO’s own Code of Conduct for Responsible Fisheries and Guidelines on Ecosystem Approaches to Fisheries Management. (p. 10) The use of such mitigation measures would displace the impact of longlines to other already significantly threatened species and undermine these and other critically needed efforts at ecosystem management.<sup>5</sup>*

#### •International Jurisdiction

1. Although the report of the expert consultation identifies the United Nations Convention on the Law of the Sea (UNCLOS) as a key instrument for implementing fisheries conservation measures that can end the threat to sea turtles, the reports of both

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<sup>3</sup> Lewison, R et al. Quantifying the effects of fisheries on threatened species: the impact of pelagic longlines on loggerhead and leatherback sea turtles. *Ecology Letters*. 2004. vol. 7. 221-231.

<sup>4</sup> See the IUCN Red List at <http://www.redlist.org>.

<sup>5</sup> For an analysis on the impact on blue sharks see Ovetz, R. and T. Steiner, *Techno-Fixing Sea Turtles: How the Bush Administration’s Manipulation of Science is Driving the Leatherback Sea Turtle Towards Extinction*, September 27, 2004; available on-line at: <http://www.seaturtles.org/pdf/ACF4E.pdf>

the expert consultation identifies regional fisheries bodies (RFBs) such as the Inter-American Tropical Tuna Commission as the “primary implementing bodies for measures to address sea turtle bycatch through an ecosystems approach.” This recommendation is also repeated by the report of the technical consultation. (p. 4)

*This is a huge mistake. RFBs have caused the endangerment of sea turtles by ignoring their own catch limits, lack broad stakeholder involvement, and allow fishing for target species to exceed sustainable levels. In contrast to UNCLOS, nearly all of the RFBs have a singular concern with fisheries, are voluntary and lack enforcement. Furthermore, the geographic areas the RFBs cover are extremely limited, leaving about 60% of the world’s oceans unregulated. It is widely expected that the FAO will use the reports of the expert and technical consultations as the basis for an International Plan of Action (IPOA) on sea turtles. However, due to the voluntary nature of the FAO’s four previous IPOAs, after more than 5 years few countries have taken the necessary action to develop let a lone implement a plan of action. If such an IPOA will help protect sea turtles, such an IPOA must be mandatory and enforceable.*

- *Leatherback Bycatch*

1. The “Case study in retained bycatch: the southeast Pacific leatherback” in the report of the expert consultation addresses the decline of the critically endangered leatherback as bycatch that is kept and consumed by fishermen. (p. 19)

*However, this case study obscures the fact that Pacific leatherbacks are taken as bycatch by longlines. By failing to recognize this threat, this case study fails to acknowledge that longlines are one of the largest threats to the rapidly declining Pacific leatherback.*

2. The table “Overview of sea turtle stocks, their conservation status and major threats” (Appendix E) in the report of the expert consultation identifies the level of threat to leatherbacks by different sources and by gear.

*The Eastern and Western Pacific leatherback are incorrectly identified as merely declining. In fact, the data shows that the population of leatherbacks throughout the Pacific, and not just in Malaysia as it is listed in the table, has declined by 95 percent since 1980 and may only have about 3000 adult females remaining.<sup>6</sup>*

## **Recommendations**

- *Priority for Action*

1. The report of the expert consultation recommends that the Pacific loggerhead and Pacific leatherback populations require urgent attention. (p. 20)

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<sup>6</sup> Spotila, James et al. Pacific leatherback turtles face extinction. *Nature*. June 1, 2000. vol. 405. 529-530.

*However, it ranks the Eastern Pacific longline fishery which is contributing to their decline in the Pacific as 7<sup>th</sup> out of 7 in a list of priority fisheries requiring attention and does not include longlining anywhere else in the Pacific even though populations of leatherbacks are declining rapidly throughout that region.*

- *Need for Time and Area Closures*

1. The report of the expert consultation recommends that “spatial and temporal controls on fishing” (p. 21) and that “sea turtle mortality due to fishing can be reduced by restricting the fishing activity to certain times or seasons, or by restricting fishing in particular areas” (p. 7).

*This echoes recommendations by both international law and the international scientific community calling for closures of “destructive fishing” practices. Since 2002, four UN institutions have echoed the need to close destructive fishing practices including the 2002 World Summit on Sustainable Development, 2004 United Nations General Assembly, 2004 COP 7 of the Convention on Biological Diversity, and the 2004 UN Informal Consultative Process on the Law of the Sea. Since 2002, 622 scientists from 54 countries, including the renowned biologist E.O. Wilson, and representatives of 173 non-governmental organizations from 35 countries that the UN implement a moratorium on longline fishing in the Pacific.*

2. The report of the technical consultation lists “spatial and temporal controls of fishing operations” as a possible measure to reduce sea turtle mortality. (p. 5)

*However, such time and area closures are missing from their list of suggested actions. Unfortunately, this foresighted recommendation, which is echoed by a number of UN institutions and 622 international scientists, is instead replaced by recommendations for the implementation of “mitigation measures” (p. 11-12) that are not published or scientifically peer reviewed, are deeply flawed and are admittedly “preliminary” in their results.<sup>7</sup> (p. 6) Recommending measures that only have “preliminary” results is a deeply flawed method for making global policy.*

- *Reform the Regional Fisheries Bodies (RFBs)*

1. The report of the technical consultation recommends the revision of “RFBs’ respective mandates to clearly include ecosystem considerations” (p. 12) outlined in the FAO’s own Code of Conduct for Responsible Fisheries and Guidelines on Ecosystem Approaches to Fisheries Management. (p. 10)

*Unfortunately, due to the extensive limitations of the RFBs outlined above, these revisions will not be adequate to protect sea turtles from pelagic longline fishing in their migratory range. Many of the RFBs have been incapable of protecting the fish species for*

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<sup>7</sup> For a critical analysis of the flaws in the three year U.S. study of longline mitigation techniques see Ovetz, R. and T. Steiner.

*which they have responsibility from overfishing and illegal, unregulated and unreported fishing.*

- *Encouraging Compliance*

1. The report of the expert consultation recommends “establishing market-based incentives (eco-labeling) or non-market economic incentives” as a useful mechanism to encourage compliance.

*Eco-labels are proven to provide consumers with the necessary information to make informed healthy choices about the seafood they consume. Eco-labels and other proven incentives that encourage compliance should be recommended.*

- *Reducing Capacity*

1. The report of the technical consultation recommends reductions in effort, catch and capacity. (p. 5)

*These measures are critical complements to time and areas closures as part of an effective strategy for reducing the threat to sea turtles is to reduce the capacity of the global pelagic longline fleet through buy-outs and ending subsidies.*