

OFFICIAL REGISTER 371, NATIONAL PLAN OF TURTLES

That, the article 14 of the Constitution of the Republic of the Ecuador declares of public interest the preservation of the environment, the conservation of the ecosystems, the biodiversity and the integrity of the genetic patrimony of the country, the prevention of the environmental damage and the recovery of the natural spaces degraded;

That, the first subsection of the article 73 of the Constitution of the Republic of Ecuador establishes that the State will apply measured of caution and restriction for the activities that they could lead to the extinction of species, the destruction of ecosystems or the permanent alteration of the natural cycles;

That, the third subsection of the article 313 of the Constitution of the Republic of Ecuador establishes that it is considers strategic sector among others the biodiversity and the genetic patrimony;

That, the article 400 of the Constitution of the Republic of Ecuador establishes that the State will exert the sovereignty on the biodiversity, whose administration and management will make with responsibility intergenerational, and declares of public interest the conservation of the biodiversity and all his components, in particular the agricultural and wild biodiversity and the genetic patrimony of the country;

That, the Republic of Ecuador, ratified by Supreme Decree 77 published in the Official Register 739 of 7 February 1975, the Convention on the International Trade of Threatened Species of Fauna and Wild Flora (CITES) and the sea turtles are included in the Appendix I for being considered threatened species of extinction.

That, the Ecuadorian State is signatory of the Agreement on the Biological Diversity (CDB), of the Convention on the Conservation of the Migratory Species of Wild Animals (CMS), of the Inter-American Convention for the Protection and Conservation of the Marine Turtles (CIT), of the Permanent Commission of the South Pacific (CPPS) and the Inter-American Tropical Tuna Commission (CIAT) and that all these organizations have issued recommendations and resolutions for the protection and conservation of the marine turtles;

That, the Organization of the s United Nations for Food and Agriculture (FAO), issued in 2009 guidelines to reduce the mortality of marine turtles in the fishing activities. The same that they were approved in the session 26 of the Committee of Fishing of the FAO, where it requested the immediate implementation to the members and regional organs of fishing;

That, the first subsection of the article 1 of the Coding of the Law that protects the Biodiversity in Ecuador, published in the Official Register 418 Supplement of 10 September 2004, establishes that they will consider national goods of public use, the species that integrate the biological diversity of the country, this is, the alive organisms of any source, the terrestrial and marine ecosystems, the aquatic ecosystems and the ecological complexes of which form part;

That, the article 73 of the Coding of the Forest Law and of Conservation of Natural Areas and Wild Life, published in the Official Register 418 of 10 September 2004, establishes that the flora and wild fauna are domain of the State and corresponded to the Environment Ministry his conservation, protection and administration;

That, the Executive Decree No. 2232 published in the Official Register No. 11 of 30 January 2007 it establishes as a Political of State the National Strategy of Biodiversity of the Ecuador, includes the strategic Line 2 oriented to ensure the existence, integrity and functionality of the components of the biodiversity and as a resulted the protection of the populations of the threatened species;

That, through Ministerial Agreement No. 086 published in the Official Register No. 64 of 11 November 2009, issued by the Environment Ministry, are issue the National Environmental Politics within which promotes to protect and safeguard the species that are threatened or in state of vulnerability;

That, through Ministerial Agreement No. 212 issued by the Undersecretary of Fishing Resources, published in the Official Register 581 of 12 December 1990, established that the marine turtles are protected by the State and prohibited his capture, processing and internal and external commercialization;

That, through Ministerial Agreement No. 121 issued by the Undersecretary of Fishing Resources, the obligation set out to use the marine turtles excluder device (TED) to reduce the incidental capture of marine turtles in the operations of shrimp trawl catches, and that this disposal was collected in the article 133 of the General Regulation to the Fishing Law and Fishing Development and Unified Text of Fishing Legislation issued through Executive Decree 3198 published in the Official Register 690 of 24 October 2002;

That, through Ministerial Agreement No. 018 issued by the Ministry of Agriculture, Husbandry, Aquaculture and Fishing, set out the possibility to implement the use of excluders of marine turtles, like an additional measure of mitigation inside the hake fishery;

That, the Politics 7.2 of the National Plan for the Good Live 2013-2017, establishes inside his objectives to conserve and handle sustainably the natural patrimony and his terrestrial biodiversity, aquatic continental, marine and coastal, considered like strategic sector;

That, the marine turtles are an important element of the marine biodiversity, they realized big migrations by the oceans, take advantage of diverse coastal and marine ecosystems, and play an important role in the food chain of the sea. In Ecuador there are important nesting beaches and zones of feeding and reproduction of several species of marine turtles;

That, the marine turtles to world-wide level are considered like a species in danger of extinction so they have created several international and national instruments for his protection;

That, in Ecuador the principal's threats for survival of the marine's turtles are the alteration of the coastal zone, the destruction and looting of turtles nests, the capture of females during the put of eggs, the incidental capture in fishing activities, the illegal trade of parts and products derived of marine turtles, and the overboard discharged of pollutants to the sea and marine debris;

That, it is necessary a joint effort of the authorities of environment and fishing to protect and conserve the marine turtles and face strategically the main threats that affect them;

In exercise of the attributions that confers the articles 154 numeral 1 of the Constitution of the Republic of Ecuador, and 17 of the Statute of Administrative Legal System of the Executive Function;

It agrees:

Article 1. Approve the National Plan for the Conservation of the Marine Turtles like basic instrument to orient the actions of protection and conservation of the marine turtles, which it is attached like Annex to the present Ministerial Agreement forming integral part of the same.

Article 2. Implement the following specific objectives, that allow comply the general objective of the National Plan for the Conservation of the Marine Turtles:

1. Protect the nesting areas, reproduction and feeding.
2. Reduce the impact of the interaction with fisheries.
3. Involve to the citizenship in the protection of the marine turtles.
4. Generate priority information for decisions making for the conservation of marine turtles.
5. Contribute actively in international efforts for the protection of the marine turtles.

Article 3. The Environment Ministry, through the Undersecretary of Marine and Coastal Management will coordinate with the National Institute of Fishing, so that in the field of his competencies include inside his investigation activities and monitor the appearances of interaction of marine turtles with operations of fishing.

Article 4. Conform a work group of interdisciplinary where participate technical of the governmental sectors and nor governmental interested in the conservation of marines turtles. The working group will provide technical advice and will support the implementation of the National Plan for the Conservation of the Marine Turtles that it will be coordinated jointly with the National Institute of Fishing and the Direction of the Galápagos National Park.

Article 5. The Environment Ministry, through the Undersecretary of Marine and Coastal Management, will include in his planning and budget its necessary resources to implement the National Plan para the Conservation of the Marine Turtles.

Article 6. The Environment Ministry, through the Undersecretary of Marine and Coastal Management will be the manager and responsible of socialize and spread the present instrument.

Final disposal

The present Ministerial Agreement will go in in force from his subscription without prejudice to his publication in the Official Register, take charge of the implementation the Undersecretary of Marine and Coastal Management

Given in Quito, October 6th, 2014.

NOTIFY AND PUBLISH.

f.) Mgs. Lorraine Wall Núñez, Minister of the Environment.