Law 371

1 March 2023

Which establishes the conservation and protection of sea turtles and their habitats in the Republic of Panama

THE NATIONAL ASSEMBLY DECREES:

Article l. Purpose. The purpose of this Law is to protect and conserve all species of sea turtles present in the national territory, as well as to guarantee the restoration, prevention of pollution and degradation of sea turtle habitats, and to establish actions and measures necessary to ensure the resilience and survival of these species.

Article 2. The purpose of this Law is to adopt the necessary measures to guarantee the goals and commitments acquired by the country in the international instruments ratified on the subject, as well as to declare the protection, conservation and management of sea turtles and their habitats to be of public interest. The State recognizes that the conservation of sea turtle species and their habitats is of public interest and essential to guarantee the right to a healthy environment for all inhabitants, which is why special conservation, management, protection and preservation measures are required, among others that may be necessary to ensure their existence. The integral protection and conservation of sea turtle species requires the coordination of public administration agencies and entities among themselves and with the respective municipalities, as well as the integration of the efforts of the country's local communities and indigenous peoples, institutions for higher education and scientific research, and the country's non-governmental and social organizations.

Article 3. For the effects of the present Law, the following terms shall be understood as follows:1. Sea turtle. Turtle adapted to life in the sea, belonging to the Dermochelyidae and Cheloniidae families.2. All marine and terrestrial environments used by sea turtles during any stage of their life cycle.3. Sandy beach where sea turtles lay their eggs and complete part of their life cycle.4. Sea turtle product and/or derivative. Sea turtle meat, egg or body parts (shell, skin, blood and fat, among others). 5. Sea turtle by-product. That which is obtained from the processing of turtle products (handicrafts, rings, bracelets, earrings, spurs, combs and combs, among others).6. Newborn sea turtle specimen. 7. Sustainable tourism. Tourism that takes full account of its current and future economic, social and environmental impacts, addressing the needs of visitors, the industry, the environment and host communities.8. Low-impact ecotourism. Tourism where the activities and infrastructure respect the carrying capacity, established intensities of use and/or limits of acceptable change determined for the zone or site where they are developed, and consequently their negative impacts are controlled and managed.9. Threats. Activities that injure or cause impact or damage to the health of sea turtles and their habitats.10. Accidents that cause damage to sea turtles that do not allow them to return to their habitat and require attention and rehabilitation.

Article 4. The Ministry of the Environment is the authority in charge of protecting and conserving sea turtles. In addition, it must prevent contamination, reduce threats, monitor, restore and rehabilitate their habitats to ensure the resilience and survival of these species.

Article 5. In order to achieve the objectives of this Law, the Ministry of the Environment shall promote the participation and cooperation of public institutions, natural or juridical persons, national or international, that have the technical capacity, knowledge and know-how or financial capacity for conservation or research on sea turtles.

Article 6. The Ministry of the Environment shall establish protected areas, special management zones and reserve zones and decree any other conservation and/or rehabilitation measures required for the protection of sea turtles, their eggs, hatchlings and habitats. The conservation and protection measures established by the indigenous peoples in accordance with their cosmovision and traditions are recognized.

Article 7. In sites, zones, areas, surfaces and spaces that have been established as marine-coastal management zones, protected areas and others, where sea turtle habitats exist, only responsible sighting, open field therapy, scientific research, conservation projects, low impact ecotourism and environmental education shall be allowed. In protected areas where there are fishing and aquaculture activities, management measures for sustainable management shall be established.

Article 8. Any activity, work or project existing and to be developed in sea turtle nesting and nesting areas, whether public or private, which, due to its nature, characteristics, effects, location or resources, may generate risk to sea turtles and/or their habitats, shall be subject to current legislation on this matter, including the scientific-technical criteria of the Ministry of the Environment.

Article 9. Implementation of friendly measures. In order to comply with the previous article and reduce possible negative impacts, friendly measures shall be implemented to promote actions for the protection and conservation of sea turtles and/or their habitats.

Article 10. Turtle excluder devices and technologies for other types of fisheries. In order to avoid the incidental death of sea turtles in fishing activities, fishing vessels authorized to operate in marine waters under the jurisdiction of the Republic of Panama, as described in the United Nations Convention on the Law of the Sea (territorial sea, contiguous zone and exclusive economic zone), as well as national flag fishing vessels authorized to fish on the high seas or other areas outside of national jurisdiction, shall implement measures for the protection of sea turtles according to the type of fishery in accordance with current regulations. Shrimp trawlers authorized to fish in marine waters under the jurisdiction of the Republic of Panama, as well as those shrimp trawlers authorized to fish on the high seas and other areas outside of national jurisdiction, shall use the excluder devices. The Autonomous Authority for Aquatic Resources of Panama will coordinate with the Ministry of the Environment for training and follow-up actions regarding current national regulations and compliance with the resolutions of the Inter-American Convention for the Protection and Conservation of Sea Turtles, related to this issue. This shall not exclude the competent authorities from evaluating the application of other devices that demonstrate efficiency in preventing the incidental capture of sea turtles for other types of fisheries, which should be regulated in accordance with current regulations and/or complementary to this standard.

Article 11. The National Committee for the Protection, Conservation and Sustainable Management of Sea Turtles is hereby created.

Article 12. The members of the National Committee for the Protection, Conservation and Sustainable Management of Sea Turtles shall be the following:

1. The Minister of the Environment or his or her designee, who shall preside over it.

2. A representative of the National Customs Authority.

3. The administrator of the Panama Tourism Authority or his designee.

4. The Minister of Education, or his designee, as representative of the academic sector at the national level.

5. A representative of the National Customs Authority.

6. A representative of a guild or network of community organizations that work with turtles, chosen from among them.

7. A representative of the non-governmental organizations with experience in marine-coastal issues in the Pacific area, chosen from among them.

8. A representative of a national scientific research institute related to marine-coastal issues.

9. A representative of the indigenous peoples whose territories include marine-coastal habitats, chosen among them.

10. A representative of the organized national fishing sector, chosen among them.

11. A representative of the non-governmental organizations with experience in marine-coastal issues of the Caribbean area, chosen among them.

The aspects related to the Committee, its members and operation will be defined in internal regulations, agreed upon by the majority of the Committee members.The members of this Committee will be ad honorem, consequently, they will not receive remuneration or emoluments for their work as members of the Committee. The Committee will meet once every six months and will have extraordinary meetings when necessary.

Artículo 13. Funciones del Comité. El Comité Nacional para la Protección, Conservación y

Manejo Sostenible de las Tortugas Marinas tendrá las funciones siguientes:

1. Colaborar con el diseño e implementación de los programas de administración y/o planes

de acción para la conservación, manejo, protección y preservación de las tortugas marinas

y sus hábitats.

2. Promover y apoyar la programación y ejecución de acciones coordinadas y conce11adas

para la protección, conservación y manejo sostenible de las tortugas marinas.

3. Velar que cualquier tipo de actividad desarrollada en el territorio nacional no afecte a las

especies de tortugas marinas, proponiendo medidas para evitar dichas afectaciones.

4. Recomendar al Ministerio de Ambiente los sitios, zonas, áreas, superficies, espacios

terrestres y acuáticos, que son esenciales o prioritarios, con su ubicación específica para la

conservación y manejo de las especies de tortugas marinas en el ten-itorio nacional.

5. Colaborar en la elaboración de los planes de acción cada cinco años, para la conservación,

manejo; protección, preservación, repoblamiento y terapia de las tortugas marinas, que

incluirá programas de protección, seguimiento, vigilancia y fiscalización, educación

ambiental y didáctica, investigación científica, desarrollo de actividades recreativas y

turísticas, financiamiento, prevención y contingencia y las que sean necesarias. Este plan

será aprobado por el Ministerio de Ambiente mediante resolución motivada.

6. Promover la participación de las instituciones científicas, académicas y de seguridad, así

como de la sociedad civil, pueblos indígenas y comunidades locales en la protección y

conservación de las tortugas marinas.

7. Promover investigaciones científicas y tecnológicas, pertinentes, orientadas a la

conservación y manejo de todas las especies de tortugas marinas en la República de

Panamá.

8. Permitir la participación de otras instituciones afines que lo soliciten, las cuales solo

tendrán derecho a voz.

9. Apoyar la operación para el rescate y rehabilitación de las tortugas marinas.

10. Monitor compliance with the provisions of this Law, without prejudice to the powers that, within their respective competencies, correspond to each of these.

11. Promote environmental education activities with the corresponding entities that contribute to fostering the protection, conservation and sustainable management of sea turtles.

12. Promote transparency in the management of financial resources to support the Committee's programs and actions.

13. Develop internal regulations to be approved by the Ministry of the Environment by means of a reasoned resolution.

14. In the case that it generates actions of protection, conservation, scientific and technological research in indigenous territory, to do them under the consultation and previous free and informed consent to the indigenous peoples respecting their cultures and traditions.

15. Promote surveillance programs in nesting areas, coasts and territorial waters, as well as in places where sea turtle specimens, products, by-products, parts and derivatives are illegally traded.

Article 14. Scientific Research. Scientific research related to sea turtles and their habitats is declared to be of public interest, promoting the generation of scientific and technical information, in an organized, understandable and accessible manner, as well as the promotion of conservation and research projects. All proposed research shall obtain the corresponding research permit from the Protected Areas and Biodiversity Directorate of the Ministry of the Environment.

Article 15. Public institutions that generate or possess scientific information related to sea turtles shall provide it free of charge to the Ministry of the Environment. All information received by the Ministry of the Environment shall be incorporated into the National Environmental Information System in order to comply with the country's reporting commitments under international conventions and agreements. Private institutions that generate or possess scientific information related to sea turtles may cooperate with the Ministry of the Environment for the fulfillment of the goals and objectives of the present Law.

Article 16. Projects for the protection, conservation and sustainable management of sea turtles may be established by non-governmental organizations or community-based organizations. These projects must be registered and have scientific permission and supervision from the Ministry of the Environment for the development of the activity, for which they will be required to comply with a registry and corresponding reports. Private, educational or research institutions may establish alliances with the Ministry of the Environment and local organizations for such projects.

Article 17. Tourism. Companies, organizations or natural persons that carry out tourism activities in sea turtle nesting areas or other sea turtle habitats must have their activity registered with the Panama Tourism Authority and must also be part of an environmental certification program of the Ministry of the Environment.

Article 18. Companies, organizations or natural persons that carry out tourism activities in areas reported as nesting beaches or other essential habitats for sea turtles shall have a guide of good practices for responsible sea turtle watching and shall comply with the requirements established by the Ministry of the Environment for said activity, so that the activities do not negatively impact sea turtles and their habitats.

Article 19. When ecotourism potential sites are identified in sea turtle nesting areas or other habitats essential to sea turtles, the Ministry of the Environment, in coordination with the Panama Tourism Authority and the National Institute of Vocational Training and Capacity Building for Human Development, shall organize awareness and training programs for local residents on sea turtles and sustainable tourism.

Article 20. Community Training. he Ministry of the Environment, with the support of institutions, civil society and local governments, shall strengthen the technical capacities of the officials of institutions, organizations and community groups involved in sea turtle protection and conservation.

Article 21. Educational Programs. The Ministry of Education, in coordination with the Ministry of the Environment, shall develop, as a transversal axis, content directed at the student population, to strengthen environmental education focused on sustainable development, conservation and the responsible use of coastal and marine natural resources, with special emphasis on those species that are most vulnerable, such as sea turtles and their habitats.

Article 22. Implementation of campaigns. The Ministry of the Environment, in coordination with the Ministry of Education, shall implement campaigns aimed at raising awareness among the population through formal, non-formal and informal environmental education on the protection and conservation of our coastal and marine natural resources, with special emphasis on the most vulnerable species, such as sea turtles and their habitats.

Article23. The Ministry of the Environment, in coordination with the Ministry of Public Security, shall guarantee due assistance and collaboration regarding the protection, conservation and management of sea turtles and their habitats.

Article 24. Coordination of tagging systems. The Ministry of the Environment shall be responsible for coordinating the sea turtle tagging systems and the management of the information generated.

Article 25. The State shall guarantee that the Ministry of the Environment has the necessary budgetary funds to comply with the objectives of this Law and its regulations, as well as the appropriate technical and scientific personnel.

Article 26. All revenues collected from fines derived from non-compliance with this Law and collected by the Ministry of the Environment shall be used for the conservation, management, protection, preservation and research of sea turtles and their habitats. Similarly, with the objective of guaranteeing the protection of turtles, financial mechanisms may be generated through agreements, international cooperation and other instruments that allow for the management, conservation and sustainable use of these species.

Article 27. The extraction, intentional fishing, capture, hunting, siege, appropriation, captivity, extermination, exportation and processing of sea turtles, as well as their parts, products, byproducts and derivatives, shall be sanctioned by the Ministry of the Environment, according to the seriousness of the environmental damage. The sanctions and measures established in this article shall be applied without detriment to the corresponding criminal and administrative responsibilities.

Article 28. Sea turtles, eggs and hatchlings, of illegal origin, shall be seized and returned to their natural environment as far as possible. In the event that this is not feasible, the procedures and measures established in the current legislation shall be complied with.

Article 29. Protection of the rights of turtles and their habitats. The State shall guarantee that natural and legal persons protect the rights of sea turtles and their habitats, such as living and having free passage in a healthy environment, free of pollution and other anthropocentric impacts that cause physical and health damage, such as climate change, pollution, by-catch, coastal development and unregulated tourism, among others.

Article 30. Cancellation of permits. The Ministry of the Environment, the Panama Aquatic Resources Authority, the Ministry of Health, the Ministry of Commerce and Industries, the Panama Tourism Authority and any other public institution involved, as the case may be and within the scope of their competencies, shall not grant new concessions, permits, licenses, approvals, authorizations, registrations and notices, respectively, to natural and/or legal persons dedicated to the extraction, possession, sale, distribution, commercialization, processing and exportation of aquatic resources that are found to be engaged in the sale, distribution, exportation and processing of sea turtles, possession, sale, distribution, commercialization, processing and exportation of aquatic resources that are proven to be engaged in the sale, distribution, exportation and processing of sea turtles, as well as their parts, products, byproducts, derivatives and hatchlings, and/or extraction of sand on nesting beaches, modification or destruction of their essential or priority habitats. The sanctions and measures established in this article will be applied without prejudice to the corresponding criminal and administrative responsibilities. Exceptions to this article are permits focused on scientific research.

Article 31. Prohibitions. The capture, harassment or mistreatment, captivity, intentional fishing, retention, processing or intentional killing of sea turtles is prohibited throughout the national territory. Likewise, domestic and international trade of sea turtles, their eggs, hatchlings, parts, products, byproducts and derivatives is prohibited, with no exceptions. Only non-extractive uses that help satisfy the economic subsistence needs of communities that depend on sea turtles may be permitted, as long as such uses do not undermine efforts to achieve the objective of the present Law, the Inter-American Convention for the Protection and Conservation of Sea Turtles and other national or international legal instruments approved by Panama.

Article 32. The Executive Branch, through the Ministry of the Environment, shall regulate the present Law within a maximum period of one year, counted from its promulgation.

Article 33. This Law shall be in force as from its promulgation.

PROJECT 614 of 2021 approved in third debate in the Justo Arosemena Palace, City of Panama, on the seventeenth day of January of the year two thousand and twenty-three.