



# Marine Turtle Specialist Group

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Species Survival Commission / IUCN–The International Union for Conservation of Nature

## IUCN-SSC Marine Turtle Specialist Group Annual General Meeting Dalaman, Turkey | April 22, 2015

**Co-Chairs:** Roderic Mast (present), Nicolas Pilcher (not present)

**Program Officer:** Brian Hutchinson

**Rapporteur:** Patricia Elena Villegas

**Duration:** 5:30 PM – 7:00 PM

**Attendance:** Approximately 75-80

### Meeting Agenda:

- Global overview; Red List update
- Discussion:
  - Conflict of interest between Southwest Atlantic Regional Vice Chairs and Co-Chair, Nicolas Pilcher
  - Open discussion

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### Red List Update (Rod Mast)

- Red Listing is the primary mandate of the Marine Turtle Specialist Group (MTSG) in the eyes of the IUCN-SSC. It is our responsibility to assure that Red List assessments are completed accurately, and stay up to date.
- The leatherback assessment completed in late 2013 was the first Red List assessment done using the new approach of assessing subpopulations (Regional Management Units, RMUs) at the same time as the global species assessment. We are now working to re-assess the remaining species using the same approach.
- The Red List is updated by IUCN-SSC twice a year. **August 20, 2015** is the **deadline** for the Red List 2015.2 update; assessments must be submitted to IUCN by this deadline in order to be considered for inclusion in the second 2015 update.
- The MTSG assessors are working hard to complete assessments 8 weeks in advance of that deadline (June 20) in order to allow sufficient time for MTSG Assessment Steering Committee review followed by full MTSG membership review.
- Status of Red List Assessments currently underway:
  - Flatback:** Milani Chaloupka, et al.
    - Milani reports that he has just received the last key dataset, from Bare Sands, and expects to have a new assessment draft in Sept/Oct 2015.
  - Loggerhead:** Paolo Casale, et al.
    - Aiming to have draft completed in June 2015 to begin the internal review process to be ready for RL 2015.2



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- There are 10 loggerhead RMUs being assessed: 5 are completed, 4 are near completion, and 1 is in preparation

## **Kemp's ridley:** Thane Wibbels, et al.

- Thane and his team have been reviewing archives, and focusing in particular on properly quantifying the 1947 arribada (“Herrera Film”) because of the significance of this event
- Draft expected soon,.

## **Green turtle:** Jeff Seminoff, et al.

- New U.S. Endangered Species Assessment (March 2015) will help
- Aiming to have draft by end of June 2015, to be ready for RL 2015.2
- Assessments not currently underway:
  - **Olive ridley:** last assessed 2008; looking for volunteers to lead
  - **Hawksbill:** last assessed in 2008; looking for volunteers to lead
  - **Leatherback:** last assessed in 2013, no update needed at this time

## **Group Discussion: Red List Assessments**

- Re: the current draft of the loggerhead assessment, and Mediterranean subpopulation assessment in particular:
  - Comment: Yaniv Levy - “The current draft of the Mediterranean loggerhead regional management unit is least concern. If the loggerhead category changes to Vulnerable there will no longer be any support from the government in Israel. The government will not spend money on Vulnerable creatures and we will no longer be able to know if the population is in decline. The same applies to green turtles. If this happens we are basically throwing out all of our conservation efforts over the past 16 years. We will not be able to monitor, etc. There is a population increase in Greece but that is not saying much. Nesting is not the issue; there are more problems regarding the size of population, fisheries, etc.”
  - Response: Paolo Casale “The Red List assessment is a simple exercise to enter data and see if a population fits or not in the various categories. The rules and criteria were sent out and everyone was invited to send data or propose alternate listings, but that hasn’t happened. All are still welcome to send information and comments, or to review the categories and criteria and propose an alternate listing status. It’s not up to any of us to determine the result; ultimately, the assessment process places a population in the category that the data indicate is correct. The future (of funding) cannot be used to determine an assessment. You can say a species is conservation dependent but my understanding is that that categorization would not apply...”



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- **Group discussion re: What does the Red List represent?** It is not intended to drive policy, but it sometimes does. This is what creates conflict. Overall, we have to be careful when down listing.
- The people that are doing the assessments are the best in the business and the assessments are done with the precautionary principle built in.
- The population is only increasing due to our conservation efforts and the minute we stop our efforts it will change. We have to change our attitude; real life and statistics differ and if the loggerheads are delisted then we will have no power to do any conservation.
- The problem is the misunderstanding of what the IUCN is; it is wrongly used to provide support and determine funding and it shouldn't be used that way. You are totally right in that if you stop doing something the population will suffer. In order to be considered conservation dependent you must show that if you stop efforts tomorrow the population will suffer in 5 years. For sea turtles you will not have evidence in 5 years to change the status again. These are the guidelines for IUCN; it is not the Bible. It is a general problem for us that policy makers use the assessments for guidelines and laws. Unfortunately we can't just play with the data and change the outcome. The options are to not do the exercise or to do the exercise, but it is our responsibility to do the Red List. We can say they are Data Deficient, but there are species out there that really do only have 2 records and we have many papers on loggerheads in the Mediterranean. We may not like the result, but we can't change it.
- We are talking about 2 different issues. One is that the IUCN guidelines are difficult to use/apply for the life cycle of a sea turtle. The other problem is that IUCN advises governments and depending on the governments when you down list a species you may be giving those governments an excuse to stop protecting a species.
- It's important to have standards and not let those be impacted by policy. Let's think about the methods that we're using and if they are appropriate and can be used across the regions and consistently over time.

**Group Discussion:** Conflict of interest between Southwest Atlantic Regional Vice Chairs and Co-Chair Nicolas Pilcher

- Rod Mast: "There have been multiple calls for a discussion of this issue here at the AGM from users of the listserve. The co-chairs have been discussing it already with Simon Stuart, chair of the SSC, and looking to propose solutions for the future. We have some draft conflict of interest language to present to the group, but first we can have an open discussion about the situation. Keep in mind that Nick is not here to defend himself or clarify his position, and ultimately we should try to have an orderly and fair discussion that focuses on facts, and ultimately results in solutions and a stronger MTSG."



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- Group Discussion: This is not an isolated issue with Nick. On two occasions there were/are development companies that want to alter the environment close to nesting beaches. Local IUCN-MTSG specialists offered opinions and reviews. The developers hired Nick and he provided a different opinion without consulting local MTSG members. In both instances he added “Chairman of MTSG” as one of his affiliations at the bottom of his reports. It is a conflict of interest because it trumps local opinion. In these situations he was contracted as a private individual, which he is allowed to do, but not while wearing the hat of an IUCN specialist group chair, without consulting local MTSG specialists. This is improper behavior, and he should resign his position as chair.
- Interested to hear solutions that Rod, Nick, and Simon Stuart have been developing.
- Rod Mast: “All members, co-chairs, and regional vice chairs have signed off on terms of reference for their respective positions. The member and regional vice chair terms of reference were created by the MTSG, whereas the co-chair terms of reference are created by the IUCN-SSC. None of the terms of reference currently have any specific language that addresses conflict of interest. This is an issue that has come up in other specialist groups recently as well and is something that IUCN-SSC is interested in addressing. We are discussing new proposed language to be added to terms of reference that specifically addresses conflict of interest. We can enact this right away as a group, and SSC may be interested in adopting the same or similar language for all specialist groups. The current draft of the proposed language as developed by Rod, Nick and Simon (though still under discussion and not yet fully agreed upon) consists of two clauses:
  1. When an MTSG member or office holder is involved in a private consultancy, their reports should carry an explicit disclaimer to read: “The content and views expressed herein are those of the author(s), and do not necessarily represent the positions and policies of IUCN, SSC, or the MTSG.”
  2. When any MTSG office holder is involved in a private consultancy on marine turtles, they should, to the extent possible, provide the appropriate MTSG Regional Vice Chair(s) with prior notification that the consultancy is taking place, and to the extent possible inform the RVCs of the specific nature of the consultancy (recognizing that confidentiality requirements of companies sometimes limits the possibility of doing this).”
- WWF is also dealing with this issue because Nick is a scientific advisor to WWF and that affiliation was also listed on his reports. The WWF perspective is that we really cannot do anything about what has already been done because there were no terms of reference for the position. We are now discussing the situation but have not determined the appropriate course of action.



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- The unofficial “rule of thumb” at many international NGOs (e.g., Conservation International) was that visiting staff were compelled to always consult with field offices and in-country leaders before arriving on “their turf”. The 2 proposed clauses above are kind of like an official text of that rule of thumb.
- SW Atlantic RVCs: The proposal was to build a huge port next to the only consistent leatherback nesting beach in Brazil. Based on the environmental agency’s report during the permitting process, the developer was told they would not get the permit because there would be irreversible damage to the leatherback nesting population. Then the development company hired Nick Pilcher to refute the report and presented him to the Brazilian government as the Co-Chair of the MTSG. The documents that Nick prepared regarding the report said the leatherback population was not at risk of extinction, contradicting all the assessments that had been done for the region including the Red List assessment which lists the subpopulation as Critically Endangered. In addition, he made other technical statements that were disputed as false information in the licensing process. The report and assessment was made by Nick without even visiting the area, and without having any biological and social and economic context of the region. In addition he was also presented to the media as holding the position of Chair of the MTSG. It was never as a “consultant,” rather always as Chair of MTSG. All of the document are made public by Brazilian law and can be found in links send to everyone (on the MTSG listserv).
- The Brazilian members and regional vice chairs were never opposed to the development and installment of a port. Rather they were against the establishment of a port in this location; they already identified two other locations.
- The conflict of interest is not about Nick having another opinion; the conflict of interest is when someone represents themselves as the leader of a group. We shouldn’t be allowed to list our MTSG affiliation on consulting documents unless we are working within the context of the group. We should add this as a clause. This is standard practice when consulting, you don’t list your affiliations on the consulting documents unless you are working in that capacity.
- When someone goes to a country with credentials as the chair of MTSG, and is presented to the media and authorities as having the highest level of expertise in turtles, it really undermines what the local experts are doing. Joca (Thome) has been working in this area for 32 years and Nick did this right in front of him.
- The real conflict comes when Nick says he’s representing his foundation but Nick would not have been hired for this project if he didn’t have the title of MTSG Co-Chair. When he uses his position and title to have someone contract his private foundation, that’s not OK. In both instances he was hired because of that moniker and his using that position to obtain contracts. They would never have gone to Nick in the Pacific to assess a situation in Brazil if it weren’t for his position as co-chair.



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- The situation in India was different because Nick was actually representing the IUCN-MTSG officially, but he still went against the opinion of the entire regional membership. The real issue is what happens? Do we have a process? Rules?
- The decision of who becomes MTSG chair is made by the SSC Chair after a search that polls members and other specialists in the field. The changes occur (reappointed or not) every four years at the IUCN general assembly.
- If you follow the emails related to this project it is very clear that the chair position was used to get this contract.
- If Nick does not resign as co-chair, the SW Atlantic Co-Chairs will resign.
- It often happens when an MTSG chairman or member speaks to media, their MTSG title is shown even though they are not representing the group officially. Many times we include our MTSG affiliation in our communications. Perhaps we should not be allowed to sign our affiliation as MTSG going forward, but don't think it is fair to act retroactively since this policy was not in place.
- The conflict doesn't come from disagreeing; the issue comes when you receive payment. When a person receives payment, they have a different responsibility. The question now is do we want to take action and what do we want to do?
- The proposed conflict of interest clauses (above) address the future but do not address the past.
- Whatever comments come out of this meeting will be shared with Simon Stuart to inform his discussions with Nick and Rod about the way forward.
- If we decide on some sort of sanction on Nick it means we make some retroactivity, but without having had a policy in place, it is difficult to do.
- If this were the first time, acting retroactively would be wrong and it would be better to find a positive solution. But it's not the first time and that's why we've ended up here.
- Consider a two part proposal: 1) Vote to ask Nick to resign his position as Co-chair; 2) Go to the secretariat and ask them to ask him to resign. If it was one time I would [not act so strongly] but this is twice and maybe even more that we don't know about.
- This sets an important precedent as to how we should work. It's an ethical issue; you don't come in as a consultant in a country where there are experts already in place.
- The last time we had a question as to the leadership of the MTSG was in Kuala Lumpur and it was about sustainable use. That's why co-chairs were appointed. This is not something new to the MTSG or other specialist groups, but in this case there is a true conflict of interest. It's not about being against development, it's about the failure to contact and consult with the local experts, and his role as co-chair interfering with other interests.
- Just as a reminder: you don't get to put your affiliation on your private documents even if you agree with what the regional experts say. This isn't about agreeing or disagreeing, you just don't do it regardless of what the outcome is.
- Frank Paladino proposes a vote of no confidence in Nick as co-chair of the MTSG.



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- Don't think it's appropriate to use the word "vote" as the membership has no power to vote on such matters; maybe just a general consensus?
- It is clear that in the opinions of some of those present here , Nick should resign. However, this is not determined by voting. The vote wouldn't mean anything, it could only be seen as a recommendation. Either Nick would have to volunteer to step down, or the SSC will conduct a review of the situation and make their own determination about what to do.
- There could be people who support the proposal that Nick resign, but there may also be others who are less vocal and disagree. A show of hands would be useful to see how this group thinks. Whatever the result will be, it will bear on the future of this group. The MTSG South Asia group basically died due to the actions of the MTSG co-chair in Dhamra.
- Frank Paladino proposes the following language for a vote: "The membership of the MTSG in attendance here agrees to consensus of no confidence in Nick's ability to objectively perform his duties as Co-chair of MTSG."
- Not fair to vote because we haven't heard an opposing opinion and Nick is not here to defend himself. Maybe he had no control over how he was introduced and didn't actively present himself as chair. We have only heard one side of the story.
- What Nick did may have been inappropriate, but there were no rules regarding conflict of interest. It is not fair to penalize him because he didn't break any rules.
- Although Nick is not here to defend himself in person, there has been a lot of discussion on the MTSG listserv and Nick has not adequately responded. We do have our Brazilian colleagues here who have presented their opinion, and we should respect that. We should have a show of hands even though it may not count.

## **A show of hands is called in response to the following statement:**

"The membership of the MTSG in attendance here agrees to consensus of no confidence in Nick's ability to objectively perform his duties as Co-Chair of MTSG."

- In favor: 25
- Opposed: 4
- Abstentions: 14

**Meeting adjourned at 7:00 PM**