

**MEMORANDUM OF UNDERSTANDING CONCERNING
CONSERVATION MEASURES FOR MARINE TURTLES
OF THE ATLANTIC COAST OF AFRICA**

among

The Ministry of Environment, Angola
The Ministry of Rural Development, Benin
The Ministry of Environment and Forests, Cameroon
The Ministry of Tourism, Transport and the Sea, Cape Verde
The Ministry of Mines and Environment, Congo
The Ministry of Environment and Forests, Côte d'Ivoire
The Ministry of Environment, Nature Conservation, Fisheries and Forests,
Democratic Republic of Congo
The Ministry of Forests and Environment, Equatorial Guinea
The Ministry of Water, Forests and Fisheries, charged with Reforestation, Gabon
The Department of State for Presidential Affairs, Fisheries and Natural Resources, Gambia
The Ministry of Lands and Forestry, Ghana
The Ministry of Mines, Geology and Environment, Guinea
The Ministry of Agriculture, Fisheries and Natural Resources, Guinea-Bissau
The Ministry of Rural Development and Environment, Mauritania
The Ministry of Agriculture, Equipment and Environment, Morocco
The Ministry of Fisheries and Marine Resources, Namibia
The Federal Environmental Protection Agency, Nigeria
The Ministry of Economy, Sao Tome and Principe
The Ministry of Environment and Nature Protection, Senegal
The Ministry of Agriculture, Forestry and the Environment, Sierra Leone
The Department of Environmental Affairs and Tourism, South Africa
The Ministry of Environment, Togo
The appropriate authority (to be specified upon signature) of Liberia, the Azores and
Madeira (Portugal), and Canary Islands (Spain)

The undersigned, acting on behalf of the respective authorities named above,

Aware that the populations of marine turtles frequenting the territorial waters and beaches of the Atlantic coast of Africa, from the Strait of Gibraltar to the Cape of Good Hope, including Macaronesia, are seriously threatened;

Recognizing that members of the six species of marine turtles concerned -- namely, *Caretta caretta*, *Chelonia mydas*, *Dermochelys coriacea*, *Eretmochelys imbricata*, *Lepidochelys kempii*, and *Lepidochelys olivacea* -- are highly migratory, which makes their survival dependent on the conservation of widespread marine habitats (including migratory corridors, coral reefs, feeding grounds, and nesting beaches);

Aware that pollution of various marine habitats, destruction of coastal wetlands, industrial fishing activities, international trade and other man-induced threats, if not properly mitigated and managed, could lead to a further decline in marine turtle populations;

Concerned also by the harm caused to marine turtles by trawlers and other vessels of third countries operating in the waters covered by the present Memorandum;

Noting that marine turtles are listed in Appendices I and II of the Convention on the Conservation of Migratory Species of Wild Animals and, therefore, are the object of concerted and co-operative actions under that Convention;

Noting the existence of other international instruments relevant for the conservation of marine turtles on the Atlantic coast of Africa, notably the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region, and the United Nations Convention on the Law of the Sea;

Acknowledging their shared responsibility for the conservation and wise management of the marine turtle populations frequenting their waters and shores, and the desirability of involving all Range States, as well as concerned third parties and relevant intergovernmental and non-governmental organizations, in a common initiative;

Conscious that concerted, co-ordinated action must be taken immediately to address the threats posed to the existing populations;

AGREE to work closely together to improve the conservation status of the marine turtles and the habitats on which they depend.

To that end, in a spirit of mutual understanding and co-operation, they shall:

1. Endeavour to put in place measures for the conservation and, where necessary and appropriate, strict protection of marine turtles at all stages of their life cycle (including eggs, hatchlings, juveniles, sub-adults and adults);

2. Review and, as necessary, revise national legislation, and ratify or accede to those international conventions most relevant for the conservation of marine turtles, so as to enhance the legal protection given to these species;

3. Implement in their respective countries, subject to availability of necessary resources, the provisions of the Conservation Plan annexed to this memorandum. The Conservation Plan shall aim to improve basic knowledge of species and migration routes, reduce mortality of marine turtles, enhance co-operation among Range States and secure funding for the initiation and/or continuation of conservation programmes. It shall include *inter alia* protection measures for beaches used by marine turtles for nesting and measures to reduce, as far as possible, the taking of marine turtles, particularly in areas used for foraging. The Conservation Plan shall also provide for the identification of key habitats for nesting and foraging; for population monitoring and research; and the eventual preparation of national marine turtle action plans that take into account the needs of local human populations. Implementation of this Memorandum, including the Conservation Plan, shall be assessed at regular meetings to be attended by representatives of each of the Governments concerned and persons or organizations technically qualified in, or relevant to, the conservation of marine turtles. Such meetings shall be convened by the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals, and shall be hosted by and organized in collaboration with one of the Range States.

4. Facilitate the expeditious exchange of scientific, technical and legal information needed to co-ordinate conservation measures; and co-operate with recognized scientists of international organizations and other Range States in order to facilitate their work conducted in relation to the Conservation Plan;

5. Designate a national correspondent to serve as a focal point for the Parties and communicate without delay the name and complete contact details of this correspondent (and any changes thereto) to the Secretariat of the Convention on Migratory Species;

6. Provide to the Secretariat of the Convention on Migratory Species, no later than 30 September of each year, an annual report on implementation of this Memorandum in each of the respective countries. The Secretariat shall transmit to each of the Range States all of the reports received, together with an overview report which it shall compile on the basis of information at its disposal.

Basic principles

1. This Memorandum of Understanding shall be considered an agreement under Article IV, paragraph 4, of the Convention on the Conservation of Migratory Species of Wild Animals. The Memorandum shall take effect on 1 July 1999 for all Range States that have signed it. It shall remain open for signature indefinitely, and shall become effective for all other signatory States on the first day of the first month following the date on which they sign. The Memorandum of Understanding shall remain in effect indefinitely subject to the right of any Party to terminate its participation by providing one year's written notice to all of the other Parties.

2. The Memorandum of Understanding, including the Conservation Plan, may be amended by consensus of the signatory States.

3. The working language for all matters related to this Memorandum of Understanding shall be English and French, each version being equally authentic.



Convention on the Conservation of Migratory Species of Wild Animals

Secretariat provided by the United Nations Environment Programme



SECOND MEETING OF THE SIGNATORIES TO THE MEMORANDUM OF UNDERSTANDING CONCERNING CONSERVATION MEASURES FOR MARINE TURTLES OF THE ATLANTIC COAST OF AFRICA

Dakar, Senegal, 5-7 March 2008

UNEP/CMS/MT-AFR2/8

DECISION TO AMEND THE NON-BINDING MEMORANDUM OF UNDERSTANDING CONCERNING CONSERVATION MEASURES FOR MARINE TURTLES OF THE ATLANTIC COAST OF AFRICA

Pursuant to paragraph 2 of basic principles, the Signatory States, in their Second Meeting held in Dakar, Senegal, 5-7 March 2008, have adopted by consensus to: (1) establish an Advisory Committee, (2) encourage the Secretariat of the Convention to take necessary measures for effective regional coordination of the Memorandum, and (3) recall the decisions and accords reached during the First Meeting of Signatory States and make explicitly clear, in the text of this non-binding MoU, that this instrument is open to all States with impacts on Marine Turtles and relevant interests in the region. This requires three amendments to the text of the MoU as well as an amended Conservation Plan:

- I) Insert at the end of paragraph 4 the following text:
“and establish an Advisory Committee, together with its Terms of Reference appended hereto.”

- II) Insert a new paragraph 7:
“The Secretariat is requested to take necessary measures to enhance the functioning of the Memorandum by creating a Regional Coordinating Unit. The Secretariat shall inform the Signatory States of any such actions, providing them with relevant Terms of Reference, as well as Annual Reports and Work Plans of both the Secretariat and the Regional Coordinating Unit.”

- III) Insert a new paragraph 4 under Basic Principles:
“This Memorandum of Understanding is open to signing by all States with jurisdiction on the western coast of the African continent, all States with jurisdiction in waters adjacent to the Atlantic Coast of Africa, any States whose flag vessels and other activities have direct effects on the marine turtles and their habitats of the region or anywhere in their geographic range during their life history, as well as any other States that are also interested in collaborating with the objective of this MoU. Additionally, international and national non-governmental organisations are invited to recognise the MoU and ensure that their activities complement and reinforce the measures contained in the Conservation Plan.”

7 March 2008
Dakar, Senegal

**TERMS OF REFERENCE
FOR THE ADVISORY COMMITTEE OF THE MOU OF ABIDJAN**

OBJECTIVE OF THE COMMITTEE

1. The Committee's remit is to provide technical and scientific advice to the Signatory States, Secretariat, and its Regional Coordinating Unit of the MoU to promote the protection, conservation and recovery of marine turtle populations and of the habitats on which they depend, based on the best available scientific evidence, taking into account the environmental, socioeconomic and cultural characteristics of the Signatory States, along the Atlantic coast of Africa and related island territories and the high seas.

FUNCTIONS OF THE COMMITTEE

2. The Committee is first and foremost the advisory scientific and technical body of the Signatory States of the MoU of Abidjan, and its Secretariat. The members of the Committee will serve in their capacity as independent experts in topics central to the objective of the Abidjan MoU, and will not represent any State or organization.

3. In coordination with the Signatory States and Secretariat, the Committee will assist in the identification of priority issues and actions, interacting with the IUCN/SSC Marine Turtle Specialist Group and other global organisations that provide guidelines relevant to the objective of the MoU.

4. The Chair of the Committee, in consultation with the Committee, may create task forces, with anyone of African or non-African origin, whose expertise and experience will improve the effectiveness of this group in addressing particular topics of importance (for example: issues involving a specific species, community development, education and awareness, fisheries interactions, etc).

The Committee will:

5. Prepare, update, and distribute a three-year Work Plan, pursuant to the objectives of the MoU and necessities of the Signatory States.

6. Support and facilitate Signatory States and diverse organizations and stakeholders in the region in the standardization of protocols for data gathering, storage, and analysis, as well as facilitate with syntheses of information relevant to the conservation of marine turtles and their habitats in the region.

7. Review the Annual Reports submitted by the Signatory States, and provide recommendations for future reporting.

8. Periodically evaluate the template of the Annual Report for the Signatory States, and, if considered necessary, recommend modifications.

9. Provide advice to Signatory States, the Secretariat, and relevant stakeholders on ethical considerations of scientific and management initiatives undertaken in the region.
10. The Chair will provide a detailed report of the Committee's activities, as well as the work of any task force that has been created, to the signatory States on an annual basis and during each meeting of the MoU of Abidjan.

STRUCTURE AND COMPOSITION OF THE COMMITTEE

11. The Advisory Committee will have up to 10 members. In appointing the Advisory Committee, Signatory States should strive to integrate diverse areas of expertise relevant to the objective of the Memorandum of Understanding (marine turtle biology, marine resource management and conservation, coastal development, socio-economics, community development, education, legislation and policy, fisheries technology, and other relevant disciplines), as well as an equitable representation of sub-regions and gender, to the extent possible, preferably with specialists from the region.

NOMINATION AND SELECTION OF COMMITTEE MEMBERS

12. Each Signatory State may nominate individuals to serve as members of the Advisory Committee, so long as each nomination is either: a) seconded by at least two other Signatory States, or b) not a citizen from the nominating State. Nominations may also be received from the Secretariat, the current Committee, and relevant organisations that work in the region.

13. The Secretariat should inform the Signatory States, Committee, and relevant organizations of any vacancies arising from the end of a committee member's term or other reasons, such as voluntary resignation. Nominations for any vacancies should be provided in writing to the Secretariat at least 60 days in advance of the Meeting of Signatory States, and should include a detailed and complete curriculum vitae, as well as letters of support from at least two other Signatory States if applicable.

14. The Secretariat will circulate the nomination materials to all Signatory States. At their meetings, the Signatory States should appoint by consensus the members of the Advisory Committee from among the individuals nominated. If every effort to appoint members of the Advisory Committee by consensus fails, the Signatory States shall appoint members of the Advisory Committee by election (voting).

TENURE AND RENEWAL OF COMMITTEE MEMBERS

15. Advisory Committee members will serve for three years and be eligible for re-nomination and reappointment at subsequent Meetings of Signatory States, or intersessionally if needed.

16. Should a need arise to appoint one or more committee members intersessionally, the Signatory States, the Advisory Committee and/or the Secretariat may propose one or more provisional members for consideration by the Signatory States. The proposal(s) accompanied by the same supporting documents as would be required for a regular nomination, shall be

communicated to the Secretariat, who will communicate the nominations to the Signatory States. In the absence of an objection of any Signatory State, received within 30 days of the communication from the Secretariat, the interim appointment will be considered as having been accepted, and will become effective immediately. If an objection is raised by a Signatory State, the procedure may be repeated, as appropriate, until an acceptable nominee is identified. The term of appointment of the provisional nominee shall expire at the end of the next meeting of Signatory States, or at the end a three-year tenure, which ever comes sooner. The provisional nominee should be eligible for nomination and appointment to the Advisory Committee, as a full member, at the next meeting of the Signatory States.

INTERNAL ORGANIZATION OF THE COMMITTEE

17. The Advisory Committee will select a chair from among its members, who will be the principal point of contact between the Advisory Committee and the Secretariat. The Chair will be responsible for coordinating the work of the Committee, and will insure that the Committee is adequately represented in regional and other meetings. The Chair, in consultation with the Secretariat, will also be responsible for raising funds required for the functioning of the Committee.

18. Members of the Committee serve in a voluntary capacity, but may receive travel expenses to cover costs for attending meetings of the Committee and other relevant work to promote the objectives of the MoU.

COMMUNICATIONS AND MEETINGS OF THE COMMITTEE

19. To minimize costs, the Advisory Committee should conduct as much of its communications as possible through electronic means (e-mail). Regular meetings of the Advisory Committee should occur immediately prior to the regular meetings of the Signatory States, also to minimize travel and meeting costs. The Advisory Committee may also hold additional meetings in conjunction with other events, such as the Annual Sea Turtle Symposium and other relevant meetings.

20. The Advisory Committee may invite to its meetings any scientific institutions or individual experts in matters pertaining to the objective of the MoU. Observers may participate in the meetings of the Scientific Committee.

21. The Advisory Committee Chair should participate in the meetings of the Signatory States, and may also participate in the meetings of related and associated agreements and organisations that the Signatory States deem relevant to the work of the MoU. The other members of the Advisory Committee are encouraged to participate as observers in the meetings of the Signatory States.