
Memorandum of Understanding on the
Conservation and Management of Marine Turtles and
their Habitats of the Indian Ocean and South-East Asia

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Agenda item 10

FIRST MEETING OF THE SIGNATORY STATES
Bangkok, 22-24 January 2003

POSSIBLE AMENDMENT OF THE LEGAL CHARACTER OF THE MOU

Prepared by the Interim Secretariat

1. The Manila (June 2001) conference to conclude the Conservation and Management Plan agreed that the first meeting of signatory States would consider the development of a timetable for possible amendment of the legal character of the MoU. The interim secretariat has not prepared any paper in this regard, but instead invited signatory States to make their views known on this issue.
2. Accordingly, the Secretariat is transmitting a self-explanatory note received from the United States on 15 January 2003, attached hereto.

Development of a Timetable for the Possible Amendment
of the Legal Character of the MOU

Position of the United States

Item 10 of the agenda for the First Meeting of the Signatories to the Memorandum of Understanding on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia (the MOU) reflects the agreement of the parties to the negotiation of the MOU that the Signatories would review the function and implementation of the MOU with a view toward assessing its possible transition from a non-binding instrument to a version with more legal character, such as a treaty, at the first and following meetings of the Signatories.

Signatories and other interested parties will recall that, from the beginning of the negotiation of the MOU, the United States supported creating a legally binding agreement. This position reflects, among other things, the desire for all of the nations and entities with a stake in the conservation of these species to be responsible to each other in their efforts, across both the range and scope of the species and the obligations each government takes on to protect them. However, it was the desire of the countries participating in that negotiation that the first iteration of any agreement should be a cooperative and comprehensive, but non-binding, agreement.

The MOU and the integral Conservation and Management Plan are still in their early stages, and implementation of its provisions remains under review in many countries. Many other countries whose participation as Signatories is key to the success of the MOU are still in the process of securing the internal approvals necessary to sign the MOU. In addition, this First Meeting of the Signatories is the first opportunity many Signatories have had to participate in a significant collaborative discussion of the MOU, now that it has entered into force.

Therefore, the United States believes that at this time, it would be premature to embark on a transition to a legally binding treaty or other arrangement.

However, it remains the position of the United States that as the MOU takes life and its provisions are more fully implemented throughout the region, the conversion of the MOU into a legally binding agreement remains a vital objective. For this reason, we believe that this item should remain on the agenda of future meetings.