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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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SECOND MEETING OF THE SIGNATORY STATES  
Bangkok, 16-19 March 2004

INTERPRETATION AND POSSIBLE EXTENSION OF THE  
MOU'S GEOGRAPHIC SCOPE

PART 1: Interpretation of geographic scope

1. The geographic scope, or area of application, of the Memorandum of Understanding is described in terms of the definition given to the term "Region" – that is to say: "all of the waters and coastal States of the Indian Ocean and South-East Asia and adjacent seas, extending eastwards to the Torres Strait".
2. This definition has been interpreted to arrive at a list of "Range States" of the Region for which the provisions of the Memorandum are considered directly relevant, by virtue of the presence of marine turtles in their waters, populations of which may be shared with other Range States. The list has also facilitated the division of the Region into logical sub-regional groups (South-East Asia, including Australia for purposes of this MoU; Northern Indian Ocean, Northwest Indian Ocean and Western Indian Ocean). At the same time, the MoU welcomes the involvement of other States whose nationals or vessels conduct activities that may affect marine turtles of the Region, or which may be in a position to contribute resources or expertise.
3. The Meeting of Signatory States may wish to consider whether there is a need, on biological grounds, to clarify ambiguity with respect to Range States in the northeastern extremity of the Region. Whereas marine turtles are known to migrate throughout the South China Sea, including Chinese waters, and studies from Japan indicate migration of turtles in the vicinity of Okinawa and other southern islands, only Viet Nam, Malaysia and Philippines are considered to be Range States for the purpose of the Memorandum of Understanding. Adding China and Japan to the list of Range States, and formally inviting them to participate in the MoU in that capacity might serve to strengthen the involvement of two States that can have an important impact on marine turtle conservation in the Region.
4. The Secretariat invites the Signatory States to examine this question and to decide whether or not such a demarche would be desirable, after receiving advice from the Advisory Committee regarding the distribution of marine turtle populations in this area.

PART 2: Possible extension of the MoU's geographic scope

5. Within the last one to two years, concern about the conservation status of marine turtles of the Pacific Ocean has steadily increased, focussing particularly on the dramatic decline in numbers of nesting Leatherback turtles on both sides of the Pacific. Loggerhead turtles, though mentioned less frequently, are also thought to be under serious threat. It was with this sense of urgency that a meeting was convened in November 2003 in Bellagio, Italy, bringing together experts from many disciplines to try to develop innovative solutions.

6. One of the products of the conference, “The Bellagio Blueprint for Action on Pacific Sea Turtles”, reproduced in its current draft form at Annex 1, summarises the meeting’s deliberations on possible institutional frameworks for enhancing marine turtle conservation in the Pacific. The Blueprint proposes, among other things, that:

“The Pacific Island countries could consider adopting a new sea turtle conservation and protection arrangement for this region, along the lines of the model of the IOSEA MOU/CMP as the most comprehensive method to accomplish long-term sea turtle conservation and management in the western and south Pacific. The relevant countries are encouraged to explore how this objective might be achieved through the extension and further development of the IOSEA MOU, taking account of identified Pacific needs, with sub-regional coordination provided through SPREP, or the development of a new arrangement drawing on the Conservation and Management Plan of the IOSEA MOU.”

7. The Bellagio conference also looked at ways of improving coordination among existing institutions of the Pacific region, emphasising that “coordination of regional and sub-regional work programs across the relevant regional organizations is necessary to most efficiently utilize available resources, avoid duplication of effort, and promote consistency.” To that end, it encouraged members of the IAC<sup>1</sup>, IATTC, WCPFC, IOSEA MoU and SPREP to “consider and agree to authorize their respective secretariats or coordinating authorities to develop the envisioned coordinating body, including to elaborate its functions, and to convene a meeting of the body as soon as possible to begin its work.”

8. It must be stressed that the Bellagio conference was an expert think-tank of individuals speaking in their personal capacity, without any governmental or other mandate to develop conservation policy. Nevertheless, the conference made a serious attempt to prioritise actions that need to be undertaken – going well beyond the area of institutional reform, mentioned here – and to identify key actors and instruments, including the IOSEA Marine Turtle MoU. As such, the Secretariat considers it appropriate to draw these findings to the attention of the Signatory States, with a view to encouraging a wider discussion of the advantages, disadvantages and implications of a possible extension of the geographic scope of the Memorandum of Understanding.

9. If such an extension were contemplated, it might apply to some or all the following States or territories/self-governing entities not already participating (or potentially participating) in the Memorandum of Understanding, based on the current definition of “Region”:

Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, New Zealand, Palau, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu

American Samoa, Cook Islands, French Polynesia, Guam, New Caledonia, Niue, Northern Mariana Islands, Tokelau, Wallis and Futuna.

10. The South Pacific Regional Environment Programme already strives to coordinate marine turtle conservation activities in the Pacific, but the region lacks an instrument comparable to the IOSEA Marine Turtle MoU, and there is no formal mechanism in place for exchanging information with other regions. An extension of the IOSEA Marine Turtle MoU in some form, as proposed in the Bellagio Blueprint, making use of the existing capacity of SPREP for sub-regional coordination (i.e. effectively creating a fifth sub-region under the MoU) might offer a cost-effective solution that would avoid the need to develop a brand new instrument or institutional structure.

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<sup>1</sup> IAC: *Inter-American Convention for the Protection and Conservation of Sea Turtles*; IATTC: *Inter-American Tropical Tuna Commission*; WCPFC: *Western and Central Pacific Fisheries Commission*; IOSEA MoU: *Memorandum of Understanding on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia*; and SPREP: *South Pacific Regional Environment Programme*.

11. The attraction of this proposal is that it is a relatively expeditious way of closing a major gap in global coverage of marine turtle conservation instruments. With the CMS *Memorandum of Understanding concerning Conservation Measures for Marine Turtles of the Atlantic Coast of Africa* and the freestanding *Inter-American Convention for the Protection and Conservation of Sea Turtles* already in place, there are not many parts of the globe that would not be covered by some kind of dedicated institutional framework. The Conference of the Parties to the Convention on Migratory Species recognised the need to fill this gap when it adopted Conference Resolution 7.7 (Bonn, September 2002), which:

“Endorses the [CMS] Secretariat’s proposal to explore, by the most appropriate means, the possible development of an instrument for Marine turtles in the Pacific Ocean, with the context of the CMS Strategic Plan and the existing CMS Indian Ocean- South-East Asian Marine Turtle MoU, and to allocate sufficient resources for this purpose”.

12. Beyond this basic outline, it would be premature for the Secretariat to elaborate any specific proposal, apart from highlighting a number of basic questions that ought to be answered before proceeding further, such as:

Would the existing IOSEA MoU Signatory States be amenable to make changes to the MoU, as necessary, and to accept additional members from outside the IOSEA region?

Would there be interest from a majority of the Pacific States/territories to participate in such an arrangement? Or, if only a few States were interested, might they be invited to join individually?

Would the South Pacific Regional Environment Programme be prepared to assume the role of regional coordinator, under an IOSEA (or rather “IOSEAPAC”) umbrella?

To what extent might the Memorandum of Understanding (and its Conservation and Management Plan) need to be modified to accommodate any special requirements unique to the Pacific?

What additional resources might be required and made available for its implementation?

Over what time frame might such an arrangement be developed?

Clearly, there needs to be a first discussion of this matter within the IOSEA family before conferring to the IOSEA MoU Secretariat a mandate to pursue the concept further. The Meeting of Signatory States is invited to comment and provide guidance on how to proceed.

*Action requested / expected outcome:*

PART 1:

Decision on whether or not to consider China and Japan as Range States based on a liberal interpretation of the existing definition of “Region”.

PART 2:

Decision, in principle, on whether or not to make an overture to Pacific Island States to consider joining the Memorandum of Understanding;

Agreement on how to proceed, if the general consensus is favourable; and, irrespective of the foregoing,

Decision on granting a mandate to the Secretariat to participate in the development of a mechanism to improve coordination between the IOSEA MoU and other relevant bodies in the Pacific.