

ภาคผนวก

**MEMORANDUM OF UNDERSTANDING ON THE CONSERVATION
AND
MANAGEMENT OF MARINE TURTLES AND THEIR HABITATS
OF THE INDIAN OCEAN AND SOUTH-EAST ASIA**

THE SIGNATORY STATES,

Aware that the populations of the six species of marine turtles of the Region are listed as vulnerable, endangered or critically endangered on the IUCN - The World Conservation Union Red List of Threatened Species;

Noting that marine turtles have a priority for conservation action through their listing in the respective texts or appendices of the Convention on the Conservation of Migratory Species of Wild Animals (CMS), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the African Convention on the Conservation of Nature and Natural Resources, and the Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region and related protocols;

Recognising that the conservation of marine turtles and their habitats is specifically addressed in the Memorandum of Understanding on ASEAN Sea Turtle Conservation and Protection and the Memorandum of Agreement on the Turtle Islands Heritage Protected Area (TIHPA);

Recognising that other international instruments, including the United Nations Convention on Law of the Sea (UNCLOS), the FAO Code of Conduct for Responsible Fisheries, the International Convention for the Prevention of Pollution from Ships (MARPOL), and the Convention on Biological Diversity (CBD), are relevant to the conservation of marine turtles and their habitats;

Aware that existing regional organisations, including the Association of Southeast Asian Nations (ASEAN), the Regional Organisation for the Conservation of the Environment of the Red Sea and Gulf of Aden (PERSGA), and the Regional Organisation for the Protection of the Marine Environment (ROPME) operate programmes relevant to the conservation of marine turtles and their habitats;

Recognising that marine turtles migrate and disperse over vast distances, which makes their survival dependent on their conservation over a wide area and in a wide range of marine and coastal habitats;

Acknowledging that human activities that may threaten marine turtle populations directly or indirectly include harvesting of eggs and turtles, inappropriate hatchery

operations, destruction or modification of habitats, coastal development, pollution, fishing activities, mariculture and tourism;

Recognising the importance of integrating actions to conserve marine turtles and their habitats with activities related to the socio-economic development of the signatory States, including coastal development and maritime activities;

Acknowledging their shared responsibility for the conservation and management of marine turtle populations and their habitats;

Recognising the importance of involving all the States in the Region, as well as relevant inter-governmental, non-governmental and private sector organisations, in co-operative conservation and management of marine turtles and their habitats;

Noting the desirability of involving other States whose nationals or vessels conduct activities that may affect marine turtles of the Region, as well as States that may be in a position to contribute resources or expertise that may promote the implementation of this Memorandum of Understanding;

Recognising that concerted and coordinated action must be taken immediately to address the threats posed to marine turtle populations and their habitats;

Desiring to establish through this Memorandum of Understanding co-operative measures for the protection, conservation and management of marine turtles and their habitats throughout the Region;

AGREE to pursue the actions set forth in this Memorandum of Understanding, individually and collectively, to improve the conservation status of marine turtles and their habitats.

DEFINITIONS

1. Marine turtles means any of the species listed below:

<u>Common name</u>	<u>Species</u>
Loggerhead turtle	<i>Caretta caretta</i>
Olive ridley turtle	<i>Lepidochelys olivacea</i>
Green turtle	<i>Chelonia mydas</i>
Hawksbill turtle	<i>Eretmochelys imbricata</i>
Leatherback turtle	<i>Dermochelys coriacea</i>
Flatback turtle	<i>Natator depressus</i>

2. Habitats means all those aquatic and terrestrial environments which marine turtles use at any stage of their life cycles.

3. Region means all of the waters and coastal States of the Indian Ocean and South-East Asia and adjacent seas, extending eastwards to the Torres Strait.
4. Conservation status of marine turtles means the sum of the influences acting on a marine turtle species that may affect its long-term distribution and abundance.
5. Conservation status will be taken as favourable when:
 - a) population dynamics data indicate that the marine turtle species is maintaining itself on a long-term basis as a viable component of its ecosystems;
 - b) the range of the marine turtle species is neither currently being reduced, nor is likely to be reduced, on a long-term basis;
 - c) there is, and will be in the foreseeable future, sufficient habitat to maintain the population of the marine turtle species on a long-term basis; and

the distribution and abundance of the marine turtle species approach historic coverage and levels to the extent that potentially suitable ecosystems exist and to the extent consistent with wise wildlife management.

OBJECTIVE

The objective of this Memorandum of Understanding is to protect, conserve, replenish and recover marine turtles and their habitats, based on the best scientific evidence, taking into account the environmental, socio-economic and cultural characteristics of the signatory States.

ACTIONS

To achieve the objective of the Memorandum of Understanding, in a spirit of mutual understanding and co-operation, the signatory States will:

1. Co-operate closely in order to achieve and maintain a favourable conservation status for marine turtles and the habitats on which they depend.
2. Implement, subject to availability of necessary resources, the provisions of the Conservation and Management Plan which shall be annexed to this Memorandum of Understanding. The Conservation and Management Plan shall address: marine turtle habitat protection; management of direct harvesting and trade; reduction of threats, including fisheries bycatch; research and education; information exchange; and capacity building.
3. As necessary, review, formulate, revise and harmonise national legislation relevant to the conservation of marine turtles and their habitats, and make every effort to effectively implement such legislation.

4. Consider ratifying or acceding to those international instruments most relevant to the conservation of marine turtles and their habitats in order to enhance the legal protection of these species in the Region.
5. Establish a Secretariat which will assist communication, encourage reporting and facilitate activities between and among signatory States, sub-regional institutions and other interested States and organisations. The Secretariat shall transmit to all of the signatory States and to each of the sub-regional institutions created pursuant to paragraphs 5 and 6 of the Basic Principles, all of the national reports it receives, prepare a periodic overview of progress in implementation of the Conservation and Management Plan, and perform such other functions as may be assigned by the signatory States. The Secretariat shall be based in the office of an appropriate national, regional or international organisation, as agreed by consensus of the signatory States at their first meeting, after consideration of all offers received.
6. Establish an Advisory Committee to provide scientific, technical and legal advice to the signatory States, individually and collectively, on the conservation and management of marine turtles and their habitats in the Region. The signatory States may nominate for membership on the Committee individuals with expertise in the fields of marine turtle biology, marine resource management, coastal development, socio-economics, law, fisheries technology, and other relevant disciplines. The size, composition and terms of appointment of the Advisory Committee shall be determined by the signatory States at their first meeting.
7. Designate a competent national Authority to serve as a focal point for communication between signatory States and activities under this Memorandum of Understanding, and communicate the complete contact details of this Authority (and any changes thereto) to the Secretariat.
8. Provide to the Secretariat a regular report on their implementation of this Memorandum of Understanding, the periodicity of which will be determined at the first meeting of the signatory States.
9. Assess at their first meeting, the extent of the need for and possibilities of obtaining financial resources, including the establishment of a special fund for purposes such as:
 - a) meeting the expenses required for the operation of the Secretariat, the Advisory Committee and activities carried out under this Memorandum of Understanding; and
 - b) assisting the signatory States to carry out their responsibilities under this Memorandum of Understanding.

BASIC PRINCIPLES

1. This Memorandum of Understanding shall be considered an agreement under Article IV, paragraph 4, of the CMS. It shall take effect on the first day of the third month following its signature by the second State. It shall remain open for signature indefinitely for subsequent States, and will come into effect for those States on the first day of the third month after their signature.
2. Each signatory State will implement, within the limits of its jurisdiction, the Memorandum of Understanding with respect to:
 - a) its land territory in the Region;
 - b) marine areas in the Region under its national jurisdiction; and
 - c) vessels operating in the Region under its flag.
3. Implementation of this Memorandum of Understanding, including the Conservation and Management Plan, shall be assessed at regular meetings to be attended by representatives of each of the signatory States and persons or organisations technically qualified in, or relevant to, the conservation of marine turtles. Such meetings shall be convened by the Secretariat and shall be hosted by, and organised in collaboration with, one of the signatory States. Such meetings should be held annually, at least initially. The periodicity of these meetings may be reviewed and revised by consensus of the signatory States at any of their regular meetings.
4. This Memorandum of Understanding, including the Conservation and Management Plan, may be amended by consensus of the signatory States. When appropriate, the signatory States will consider amending this Memorandum of Understanding to make it legally binding.
5. Signatory States may establish, by mutual agreement, bilateral, sub-regional or regional management plans that are consistent with this Memorandum of Understanding.
6. Actions under this Memorandum of Understanding will be coordinated with signatory States, as well as with sub-regional institutions in the Region.
7. The original text of this Memorandum of Understanding, in the Arabic, English and French languages shall be deposited with the UNEP/CMS Secretariat which shall be the Depositary. In the event of any discrepancies, the English version will be considered definitive.
8. Nothing in this Memorandum of Understanding shall preclude signatory States from implementing stronger national measures than those specified in the Conservation and Management Plan, in accordance with international law.
9. This Memorandum of Understanding shall remain in effect indefinitely, subject to the right of any signatory State to terminate its participation by providing one year's notice to the Depositary