

1997 MEMORANDUM OF UNDERSTANDING ON ASEAN SEA TURTLE CONSERVATION AND PROTECTION

Signed in Bangkok, Thailand on 12 September 1997

PREAMBLE

The Government of Negara Brunei Darussalam, the Government of the Republic of Indonesia, the Government of Lao People's Democratic Republic, the Government of Malaysia, the Government of the Union of Myanmar, the Government of the Republic of the Philippines, the Government of the Republic of Singapore, the Government of the Kingdom of Thailand, and the Government of the Socialist Republic of Vietnam (hereinafter referred to as the "Parties" and individually as the "Party").

Recognizing the significance of the sea turtle populations and their habitats in ASEAN waters:

Recognizing also that sea turtles are migratory species and the waters of ASEAN countries form a contiguous area of waters without any interval.

Realizing that effective conservation efforts cannot be independently realized at a national level and that multilateral efforts are necessary to ensure the long-term survival of sea turtles in the ASEAN region;

Desiring to jointly manage, protect and conserve all species (if sea turtle and their habitats in the ASEAN region through a unified approach in the formulation and attainment of the management, conservation and protection strategies.

Have agreed as follows:

ARTICLE I DEFINITIONS

For the purposes of this Memorandum of Understanding (hereinafter referred to as "MOU") :

"Sea turtle" means any of the species as follows: Leatherback Turtle (*Dermochelys coriacea*) Green Turtle (*Chelonia mydas*) Hawksbill Turtle (*Eretmochelys imbricata*) Olive/Pacific Ridley (*Lepidochelys olivacea*) Loggerhead (*Caretta caretta*) Flatback Turtle (*Natator depressa*)

"Sea turtle habitats" mean all those aquatic and terrestrial environments where sea turtles live at any stage of their life cycles,

"Parties" means ASEAN countries which have consented to be bound by this MOU and in which this MOU is in force.

ARTICLE II OBJECTIVES

The objectives of the Memorandum of Understanding on ASEAN Sea Turtle Conservation and Protection are to promote the protection, conservation, replenishing and recovery of sea turtles and of the habitats based on the best available scientific evidence, taking into account the environmental, socio-economic and cultural characteristics of the Parties.

ARTICLE III AREAS OF APPLICATION

The areas of application of this MOU shall include the land territories and the maritime areas over which the Parties exercise sovereignty, sovereign rights or jurisdiction in accordance with international law as reflected in the United Nations Convention on the Law of the Sea, concluded at the Montego Bay, Jamaica on 10th December 1982 and came into force on 16th November 1994.

ARTICLE IV PROPOSED MECHANISM

1. This MOU shall recognise that all matters or issues concerning sea turtles conservation and protection shall be subjected to the existing national laws and regulations of each Party.
2. When necessary, Parties to this MOU would consider harmonizing their existing national laws and regulations, and enact new laws on sea turtle conservation and protection to suit with current situations.

ARTICLE V CO-ORDINATOR AND TECHNICAL EXPERT WORKING GROUP

1. A Co-ordinator shall be designated to coordinate and implement the proposed mechanism in Article IV when this MOU enters into force and report directly to the ASEAN Fisheries Working Group.
2. Considering its long-term experiences and strong efforts on sea turtle conservation, Malaysia shall be designated as the Co-ordinator under this MOU.
3. Each Party shall designate expert(s) to form the Technical Expert Working Group to prepare an ASEAN program and work plan on sea turtle conservation and protection, for the endorsement of the ASEAN Fisheries Working Group and the approval of the Senior Officials Meeting of the ASEAN Ministers on Agriculture and Forestry (SOM-AMAF).

4. ASEAN member countries, recognizing the Southeast Asian Fisheries Development Center (SEAFDEC) as the competent technical regional organization on marine issues in the ASEAN region, shall seek close co-operation and collaboration with SEAFDEC in undertaking its sea turtle conservation and protection program.

ARTICLE VI CO-ORDINATION AND LINKAGES

1. Each Party shall designate an appropriate agency to co-ordinate with the Co-ordinator as specified in Article V.
2. The co-ordinations and linkages among the Parties under this MOU shall be done on a networking basis.
3. The Co-ordinator shall be responsible in organizing meeting of the Expert Technical Working Group as soon as this MOU enters into force.

ARTICLE VII FINAL PROVISIONS

1. This MOU shall enter into force on the date of signature.
2. This MOU shall be deposited with the Secretary General of ASEAN.
3. Accession to this MOU shall take effect from the date on which the instrument of accession is deposited with the Secretary General of ASEAN.
4. Any Contracting Party may propose an amendment to the provision of this MOU. Such amendment shall only come into force after it has been accepted by all the other Contracting Parties.
5. A Contracting Party may at any time give formal notice of its intention to withdraw from this MOU and such withdrawal shall take effect one year from the date of the submission of the notification to the Secretary General of ASEAN.

IN WITNESS WHEREOF, the undersigned being duly authorized by their respective governments, have signed this MOU.

Done at Bangkok on this Twelfth day of September in the year One Thousand Nine Hundred and Ninety Seven in English language.