

## Cooperation between the Indian Ocean Tuna Commission and the Memorandum of Understanding on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia

In effect since 2001, the Memorandum of Understanding on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia (IOSEA Marine Turtle MOU) is a specialized intergovernmental agreement concluded under the auspices of CMS. At present, it has 35 Signatory States, of which 25 are also members of the IOTC. A full list of Signatory States and non-Signatory Range States is available on the MOU website (<https://www.cms.int/iosea-turtles/en>).

The MOU applies to the waters and coastal States of the Indian Ocean and South-East Asia and adjacent seas, extending eastwards to the Torres Strait. It puts in place a framework through which States, territories, inter- and non-governmental stakeholders can work together to conserve marine turtle populations and their habitats for which they share responsibility. The MOU covers all species of marine turtles in the MOU area.

The MOU Advisory Committee (AC), consisting of ten scientists chosen by Signatory States, provides scientific, technical and legal advice to the Signatory States and the Secretariat on the conservation and management of marine turtles and their habitats in the region. The expertise in the AC spans numerous fields, including bycatch mitigation.

An integral part of the MOU is its Conservation and Management Plan (CMP), which focuses on reducing threats, including bycatch, and seeks to enhance national, regional and international cooperation. Based on the CMP, at the 8<sup>th</sup> Meeting of the Signatories to the IOSEA Marine Turtle MOU, held in October 2019 in Viet Nam, Signatory States adopted a detailed Work Programme for the period 2020-2024.

The Work Programme instructs the MOU Secretariat to “*Revive efforts to conclude a cooperation agreement with IOTC on marine turtles.*” (WP #74). To implement this mandate, in 2021 the IOSEA Marine Turtle MOU Secretariat submitted paper IOTC-2021-WPEB17(AS)-31, which was noted by the WPEB, but no agreement was reached about whether the letter should be passed on to the Scientific Committee. Instead, the WPEB requested that the IOSEA Marine Turtle MOU Secretariat provide more information about the MOU’s structure and functioning and the rationale for the need for collaboration. This document intends to fulfil this request.

IOTC Contracting Parties and Cooperating Non-Contracting Parties have in Resolution 12/04 *On the Conservation of Marine Turtles* recognize the need to implement measures to manage the adverse effects of fishing in the Indian Ocean on marine turtles, and acknowledge the role of the IOSEA Marine Turtle MOU in this respect.

Specifically, IOTC Resolution 12/04 adopts the following provisions encouraging closer collaboration as proposed in this document:

*14. CPCs are encouraged to collaborate with the IOSEA and take into account the IOSEA MoU including the provisions of the Conservation and Management Plan in the implementation of bycatch mitigation measures for marine turtles.*

*15. The IOTC and IOSEA secretariats are encouraged to intensify their collaboration and exchange of information on marine turtle issues in accordance with the protocols agreed by the Commission.*

In line with the actions encouraged in IOTC Resolution 12/04, Signatory States of the IOSEA Marine Turtle MOU outlined the potential scope of the collaboration in the following measures in the Work Programme 2020-2024:

[...]

*1.4 Reduce to the greatest extent practicable the incidental capture and mortality of marine turtles in the course of fishing activities*

[...]

*25. Ensure that concerns related to sources of turtle mortality are presented at IOTC Meetings/ especially WPEB (e.g. including FADs and gill nets, based on new information that comes to light):*

*a) initiate dialogue on current issues of concern among Signatories and IOTC members in advance of each IOTC meeting (including subsidiary bodies)*

*b) continue to contribute to the IOTC Executive Summary on marine turtles*

*c) AC Members and National Focal Points to communicate important issues to members of national delegations attending IOTC in advance of each IOTC meeting*

*d) Signatories (especially if FPs are the same) to promote the cause of turtles in IOTC meetings, and to communicate issues with Secretariat and others for information. [...]*

*5.3 Enhance mechanisms for cooperation and promote information exchange*

[...]

*65. Encourage the participation of RFMOs and other relevant bodies (e.g. IOTC, ASCLME, IOC, SWIOFP, SEAFDEC, CTI) in the Marine Turtle Task Forces (MTTF) or other subregional meetings. [...]*

*74. Revive efforts to conclude a cooperation agreement with IOTC on marine turtles.*

[...]

These activities reflect the various aspects of the long-standing cooperation between the IOSEA Marine Turtle MOU and the IOTC, which included collaboration in the production of status reports on marine turtles, development of turtle ID cards for fishermen in various languages, joint workshops and co-funding the production of a region-wide Ecological Risk Assessment (ERA) in relation to interactions of fishing operations with marine turtles in the IOSEA region. Results of all these joint activities can be accessed through this webpage: <https://www.cms.int/iosea-turtles/en/bycatch/cooperation-rfmos>.

The IOTC already has formal cooperation agreements in place with several other organisations (see <https://www.iotc.org/about-iotc/cooperation-other-organisations>), including another daughter agreement of the Convention on the Conservation of Migratory Species, the Agreement on the Conservation of Albatrosses and Petrels (ACAP).

In line with the express wish of Signatory States of the IOSEA Marine Turtle MOU, including the 23 countries that are also members of the IOTC, to formalise the cooperation, as well as the encouragement contained in IOTC Resolution 12/04, the MOU Secretariat has prepared the *Draft Letter of Intent between the Food and Agriculture Organization of the United Nations (FAO) and the Secretariat of the Memorandum of Understanding on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia* contained in Annex 1. It is based on the template provided by the FAO, also used in the Letter of Intent between IOTC and IWC which has been accepted by the Commission in May 2022.

It is presented to the WPEB for comments and transmission to the Scientific Committee.

## DRAFT LETTER OF INTENT

## BETWEEN

**THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)**

and

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

The Food and Agriculture Organization of the United Nations ("FAO") and the Secretariat of the Memorandum of Understanding on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia ("IOSEA Marine Turtle MOU Secretariat") (hereinafter collectively referred to as "Parties" and individually as "Party");

**CONSIDERING** that FAO has the mandate to ensure, through effective management, the long-term conservation and sustainable use of the stocks of tuna and tuna-like species in the Indian Ocean;

**CONSIDERING** that the IOSEA Marine Turtle MOU is a Memorandum of Understanding developed under the auspices of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) which has the mandate to protect, conserve, replenish and recover marine turtles and their habitats, and includes a Conservation and Management Plan addressing reduction of threats, including fisheries bycatch, and seeking to enhance national, regional and international cooperation, and that Signatory States established the Secretariat *inter alia* to assist communication, encourage reporting and facilitate activities between sub-regional institutions and organizations, including fisheries management organizations;

**RECOGNIZING** the common will of FAO and the IOSEA Marine Turtle MOU Secretariat to strengthen the monitoring and assessment of marine turtle bycatch and the implementation of effective conservation and management measures to reduce it, as noted in the FAO Code of Conduct for Responsible Fisheries, the International Guidelines on Bycatch Management and Reduction of Discards, and the FAO Guidelines to Reduce Sea Turtle Mortality in Fishing Operations;

Now, therefore, FAO and the IOSEA Marine Turtle MOU Secretariat

1. Declare their intention to work together to promote cooperation in order to enhance the conservation of marine turtle stocks within the area of competence of the IOTC.
2. Acknowledge that:
  - a) This Letter of Intent is a statement of intent and does not create any legal, financial or other commitments for any of the Parties, nor does it create any formal relationship between the Parties, or authorize any Party to make representations on behalf of the other, or to bind the other in any manner whatsoever.
  - b) Any confidential or otherwise sensitive information exchanged under this Letter of Intent will be subject to any restrictions concerning the dissemination and confidentiality that FAO or the IOSEA Marine Turtle MOU Secretariat may apply as the owner of the information, and FAO and the IOSEA Marine Turtle MOU Secretariat agree to keep such information confidential.
  - c) No representation or warranty, express or implied, will be made by the Parties regarding the collaboration envisaged, including but not limited to any outcome thereof, any agreement or further relationship.
  - d) This Letter of Intent or information about this Letter of Intent may be published on FAO's website after it has entered into force consistent with its policies on transparency, as updated from time to time. This Letter of Intent or information about this Letter of Intent may also be published on the IOSEA Marine Turtle MOU Secretariat's website.
  - e) The name and/or logo of FAO and the IOSEA Marine Turtle MOU Secretariat will not be used in any form of publicity or public disclosure unless with their prior written consent.
  - f) Nothing in this Letter of Intent will affect the ownership of any intellectual property made available under this Letter of Intent, nor confers any right to use such intellectual property except as agreed by FAO or the IOSEA Marine Turtle MOU Secretariat as the owner of the intellectual property concerned.
  - g) Nothing in this Letter of Intent or in any document or arrangement relating thereto constitutes a waiver, express or implied, of the privileges and immunities of FAO or the IOSEA Marine Turtle MOU Secretariat nor confers any of the privileges and immunities enjoyed by FAO or the IOSEA Marine Turtle MOU Secretariat to the other party or its personnel.

Signed in \_\_\_\_\_, on \_\_\_\_\_, in two original copies in English.

**[To be used for signature of the Lol:**

**Option 1 – if the Parties decide to sign the Lol electronically:** [The Parties agree that electronic signature of this Letter of Intent using the Adobe-Acrobat tool shall be treated as valid and legally binding. This Letter of Intent shall be treated as an original for all purposes.]

**Option 2 – if the Parties decide to conclude the Lol through an exchange of emails attaching the scanned versions of the Lol signed in hard copy:** [The Parties agree that this Letter of Intent will be concluded electronically via email exchange of scanned signed copies and that the signed copies exchanged in this manner shall be treated as originals.]

For the Food and Agriculture Organization  
of the United Nations (FAO)

For the IOSEA Marine Turtle MOU  
Secretariat

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