



**The Memorandum of Understanding of a Tri-National Partnership between the Government of the Republic of Indonesia, the Independent State of Papua New Guinea and the Government of Solomon Islands on the Conservation and Management of Western Pacific Leatherback Turtles at Nesting Sites, Feeding Areas and Migratory Routes in Indonesia, Papua New Guinea and Solomon Islands**

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The Government of the Republic of Indonesia, the Independent State of Papua New Guinea and the Government of Solomon Islands, (hereinafter referred to singularly as “the Party” and collectively as “the Parties”);

**NOTING** that the Western Pacific Leatherback Turtles are amongst the most endangered marine turtles in the world,

**AWARE** that critical Western Pacific Leatherback Turtles nesting sites remaining in the Western Pacific are located in Indonesia, Papua New Guinea and Solomon Islands,

**RECOGNISING** that the countries of Indonesia, Papua New Guinea and the Solomon Islands share the inshore and offshore marine areas of the globally significant Bismarck Solomon Seas Eco-region,

**RECOGNISING** that Leatherback Turtles undertake Trans-Oceanic Migrations between distant feeding areas and nesting sites in the Bismarck Solomon Seas Eco-region,

**RECOGNISING** the importance of nesting sites, feeding areas and migratory routes for the survival of Western Pacific Leatherback Turtles,

**RECOGNISING** the close cultural and traditional links and respect for Western Pacific Leatherback Turtles by the communities and peoples of the region,

**RECOGNISING** that at least four major Western Pacific Leatherback Turtles nesting sites were identified as global priorities for conservation and sustainable management by scientific, government and community experts at the Bismarck Solomon Seas Eco-region Vision Workshop in 2003,

**ACKNOWLEDGING** that human activities threatening Western Pacific Leatherback Turtles populations directly or indirectly, include taking of eggs and/or turtles, destruction and modification of habitats, poorly planned coastal development, incidental mortality from fishing gears, pollution and insensitive tourism,

**ACKNOWLEDGING** recent successful community site-based leatherback turtles and other marine turtle conservation programs, supported by the Governments of Indonesia, Papua New Guinea and Solomon Islands, regional turtle conservation programs of the Secretariat of the Pacific Regional Environment Program, Secretariat of the Pacific Community, National Oceanic Atmospheric Administration, and the Western Pacific Regional Fisheries Management Council, and building on the recommendations from the inaugural Melanesian Turtle Forum, the Governments of Indonesia, Papua New Guinea and Solomon Islands declare the following

**APPRECIATING** the Western Pacific Leatherback Turtles conservation initiatives progressed by the Governments of Indonesia, Papua New Guinea and the Solomon Islands, in partnership with local and international civil society organizations and with the full participation of local communities,

**RECALLING** the decision at the 2002 World Summit on Sustainable Development for governments, intergovernmental organizations and non-government organizations to develop partnerships to implement on-ground conservation and sustainable development actions involving a range of stakeholders,

**RECALLING** that a primary objective of delivery on Millennium Development Goal 7 to ensure environmental sustainability, is to “integrate the principles of sustainable development into country policies and programs, and reverse the loss of environmental resources”,

**RECOGNISING** that a coherent program to ensure the survival of the Western Pacific Leatherback Turtles would contribute to meeting commitments made under a number of international Treaties and Conventions, such as the Convention on Biological Diversity (CBD), the Convention on Migratory Species (CMS), the Convention of International Trade of Endangered Species of Wild Fauna and Flora (CITES) and the Convention on Wetlands of International Importance, especially for Waterfowl Habitats (RAMSAR),

**NOTING** that migratory Western Pacific Leatherback Turtles do not recognize State and Territory borders, while inhabiting coastal beaches and waters of these countries during their migrations,

**CONVINCED** that sub-regional, regional and international cooperation is essential for the conservation, protection and sustainable management of Western Pacific Leatherback Turtles and their nesting sites, feeding areas and migratory routes,

**TAKING INTO ACCOUNT** the Memorandum of Understanding on the Conservation and Management of Marine Turtles and Their Habitats of the Indian Ocean and South East Asia,

**Have reached the following understanding:**

## **ARTICLE 1** **Definitions**

**For the purpose of this Partnership:**

1. Bismarck Solomon Seas Eco-region (BSSE), also known as the “Western Indo Pacific cradle of coral biodiversity” is the seascape stretches from the Vogelkop (Doberai) Peninsula of Papua, Indonesia, across the Admiralty and Bismarck archipelagos of Papua New Guinea, to Makira Island of Solomon Islands, covering approximately 2 million sq km and home to approximately 3 million people of which 80% rely on coastal resources for their livelihoods (Annex 1 BSSE Map).
2. Western Pacific Leatherback Turtles is the population of Leatherback Turtle, the common name of *Demochelys coriacea*, that nest, hatch, feed and migrate in the BSSE.
3. Partners may include – by the consent of the Parties - relevant international organizations and donor countries and agencies that support activities under this Partnership.
4. Partnership refers to the document of The Memorandum of Understanding on a Tri-National Partnership between the Government of the Republic of Indonesia, the Independent State of Papua New Guinea and the Government of Solomon Islands on the Conservation and Management of Western Pacific Leatherback Turtles at Nesting Sites, Feeding Areas and Migratory Routes in Indonesia, Papua New Guinea and Solomon Islands signed by the Governments of Indonesia, Papua New Guinea and Solomon Islands.
5. Sub-region in this Partnership refers to an area covered by the BSSE.

## **ARTICLE 2** **Objectives**

**The Objectives of this Partnership are to:**

1. Promote the conservation of populations of Western Pacific Leatherback Turtles through the systematic exchange of information and data on research, population and migratory routes monitoring, nesting sites and feeding areas management activities for Western Pacific Leatherback Turtles, and by enhancing public awareness of the importance of conserving Western Pacific Leatherback Turtles and their critical habitats.
2. Harmonize marine turtle and marine conservation activities, sustainable use principles where ecologically viable and appropriate and incentives for turtle conservation across the Bismarck Solomon Seas Eco-region.
3. Promote tri-national dialogue and partnership involving active participation by a range of stakeholders including national, state and local governments, site management agencies and owners, technical institutions, development agencies, industrial and private sector, non-government organizations, community groups and local people who share a responsibility in conserving Western Pacific Leatherback Turtles.
4. Encourage national delivery of commitments under International and Regional Conventions and relevant agreements, including through the development of national systems of marine protected areas and responsible fisheries.

### **ARTICLE 3**

#### **Scope of Cooperation**

1. The Parties facilitate regular information gathering and sharing on Western Pacific Leatherback Turtles conservation priorities and potential threats and solutions to the turtles and their habitats.
2. The Parties encourage and be supportive of cooperative research programs relevant to shared populations of Western Pacific Leatherback Turtles and their habitats. Data from such cooperative, joint research programs should be shared among the Partners.
3. The Parties cooperate to build expertise and collaboration across borders, including promoting innovative sustainable development, implementing management plans, monitoring of Western Pacific Leatherback Turtles populations, promoting awareness and public education, and research.
4. The Parties encourage the use of sustainable development principles to assist communities that share important nesting beaches with Western Pacific Leatherback Turtles.
5. The Parties invite and welcome relevant international organisations and donor countries and agencies to support activities under this Partnership.

### **ARTICLE 4**

#### **Intellectual Property Rights**

1. The protection of intellectual property rights shall be enforced in conformity with respective national laws and regulations of the Parties and with international agreements in force among the Parties.
2. The intellectual property rights in respect of any technology development carried out jointly by the Parties or research result through joint activity of the Parties shall be jointly owned by the Parties in accordance with the terms to be mutually agreed upon.
3. Each Party shall be allowed to use such intellectual property rights for the purpose of maintaining, adapting and improving the relevant technology. In the event that such technology is used by the Party and/or institutions on behalf of the Party for commercial purposes, the other Parties shall be entitled to obtain an equitable portion of royalty, among others.

4. Notwithstanding anything contained in this Article, a Party shall own the intellectual property rights in respect of any research results, technological development, and any products and services development, which were solely and separately developed by that Party

**ARTICLE 5**  
**Implementation**

To implement this Partnership, the Parties are encouraged to develop, if possible, within a year *inter alia*, the rules and organizational structure, programs and action plan of the Partnership and such other relevant arrangements, whilst taking into consideration the internal procedures and situations of each Party. Parties are also expected to meet in each country on a rotational basis at least once annually. Until a permanent secretariat is established, all correspondence and secretarial work of this Partnership will be carried out by each Party consecutively for a period of 2 (two) years on a rotational basis in collaboration with the current BSSE Program or where appropriate through diplomatic channels.

**ARTICLE 6**  
**Disputes Settlement**

Any disputes or differences arising out from the implementation or interpretation of this Partnership shall be settled amicably through negotiation and consultations between the Parties.

**ARTICLE 7**  
**Amendment**

This Partnership may be amended, if deemed necessary, by consensus of the Parties.

**ARTICLE 8**  
**Entry into Force, Duration and Termination**

This Partnership shall enter into force on the date of the signing and shall remain in effect indefinitely, subject to the right of any Party to terminate its participation by providing one year's prior written notice to the other Parties.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Partnership.

Done in duplicate, in .... on ..... in the year of ....., in the English and Indonesian languages. All text being equally authentic. In case of any divergences of the interpretation of this Partnership, the English text shall prevail.

**Signed by (Government)**

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Indonesia

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Papua New Guinea

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Solomon Islands