



**A Cooperative Arrangement  
between  
the Government of the United States of America,  
through the Department of the Interior, United States Fish and Wildlife Service,  
and the National Oceanic and Atmospheric Administration  
and  
the Government of the Republic of Kiribati,  
through the Ministry of the Environment, Lands, and Agricultural Development,  
regarding  
the Pacific Remote Islands Marine National Monument, United States of America, and  
the Phoenix Islands Protected Area, Republic of Kiribati**

**1. STATEMENT OF MUTUAL INTEREST TO COOPERATE**

WHEREAS the Treaty of Friendship between the governments of the United States of America and the Republic of Kiribati signed at Tarawa on September 20, 1979, encourages cooperation to protect the unique natural and cultural resources of Kiribati;

WHEREAS the Phoenix Islands Protected Area (PIPA) was announced in 2006 and formally established in February 2008 with the promulgation of the *Phoenix Islands Protected Area Regulations 2008* under the *Kiribati Environment Act* of 1999. Covering 408,250 square kilometers, PIPA is one of the world's largest marine protected areas. The 2008 Regulations prescribe a protected area for the terrestrial and marine resources of the Phoenix Islands.

WHEREAS since the inception of PIPA, the Government of Kiribati, through the Ministry of Environment, Lands and Agricultural Development, and the Phoenix Islands Protected Area Management Committee, have continuously fostered collaboration and partnership development for PIPA. The PIPA's status as a UNESCO World Heritage Site signals strongly its intent to support such relationships and to contribute to marine conservation at a regional and global scale.

WHEREAS in January 2009, the Pacific Remote Island Areas Marine National Monument (PRIMNM) was established through Presidential Proclamation 8336 and WHEREAS this Monument was expanded in 2014 through Presidential Proclamation 9173 to further protect the objects of historic and scientific interest therein. Encompassing approximately 1,270,000 square kilometers, the PRIMNM is the most widespread collection of marine- and terrestrial-life protected areas (including seven National Wildlife Refuges) under a single country's jurisdiction, and is currently the largest marine protected area in the world.

RECOGNIZING that both countries believe in the importance of ocean conservation and support the Pacific Oceanscape Framework envisioned by President Anote Tong of Kiribati

and endorsed by Pacific Island Forum Leaders in their 2010 Communique, this arrangement contributes to the Pacific Oceanscape vision by providing a model for moving from individual Marine Protected Areas (MPAs) to a larger MPA network;

RECOGNIZING a Statement of Intent to Cooperate was issued on August 2012, as announced by U.S. Secretary of State Hillary Clinton, by the Governments of the Republic of Kiribati and the United States of America, in order to facilitate the protection, preservation, conservation, and management of the Pacific Remote Islands Marine National Monument of the United States and the Phoenix Islands Protected Area of Kiribati.

RECOGNIZING the United States and Kiribati share a maritime boundary of approximately 2,333 kilometers in length, formalized in 2013 under the Treaty between the Government of the Republic of Kiribati and the Government of the United States of America on the Delimitation of Maritime Boundaries, done at Majuro on September 6, 2013, which has not yet entered into force;

RECOGNIZING Secretary of State Kerry's vision and the outcomes of the 2014 "Our Oceans" Conference, where representatives of governments, international organizations, and civil society committed to undertake new initiatives and commitments in an effort to help address the challenges facing the ocean, including the expansion of the PRIMNM and the closure of PIPA and portions of PRIMNM to commercial fishing activities.

RECOGNIZING that the foundation for the cooperative arrangement between the PIPA and the PRIMNM and the unique characteristics the two MPAs share with each other, including:

- Large and remote nature;
- Inclusion of entire island ecosystems, with little to no exploitation of the islands and surrounding marine environment;
- Inclusion of deep water habitat in the central Pacific Ocean;
- Preservation of near-pristine, intact, predator-dominated coral reefs that are examples of 'primal ocean';
- Conservation of seamounts, which may provide habitat for deepwater coral colonies thousands of years old, as well as mineral resources and undiscovered species;
- Protection of globally significant shorebird, seabird, nesting turtle, and cetacean populations, as well as a stopping point for a number of migratory species;
- Ability to serve as 'natural laboratories,' providing early warning and a comparative baseline for understanding how ecosystems will respond to changing planetary climate conditions in the absence of land based anthropogenic disturbances;
- Ecological connectivity;
- Shared geological history; and
- Shared human history, including the flight of Amelia Earhart, World War II history, voyaging, Hui Panalā`au and other human presence on some islands.

RECOGNIZING that the managers of PIPA and PRIMNM also share similar management challenges with respect to:

- Threats, such as
  - Illegal, Unreported, and Unregulated fishing,
  - Global changing climate and oceanographic conditions;
  - Coastal erosion and sea level rise;
  - Introduction of non-native species from visiting planes, boats, and shipwrecks;
  - Trespass and unauthorized activities; and

- Marine debris;
- Significantly high costs to administer MPAs due to large size, and remote nature in order to accomplish basic management activities such as:
  - Access by managers and researchers;
  - Maintenance of infrastructure and scientific instruments;
  - Surveillance and enforcement of regulations;
  - Understanding status and trends of the ecosystems through research and monitoring;
  - Conducting species and habitat rehabilitation, restoration, enhancement, and recovery;
  - Safety;
  - Creating an informed public;
- Administration, staffing and capacity challenges;
- Supporting visitor access where appropriate and while ensuring ecological sustainability into the future.

THEREFORE, the Government of the United States of America, through the Department of the Interior, United States Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration, and the Government of the Republic of Kiribati, through the Ministry of the Environment, Lands, and Agricultural Development (MELAD), collectively “the Participants”, seek to strengthen existing mutual cooperation in the scientific and management area of the “Phoenix Ocean Arc” MPAs through this Cooperative Arrangement.

This arrangement aspires to transcend political and generational boundaries by:

- Providing a new approach to ocean conservation by creating the first international trans-boundary large MPA network that covers the conservation of the archipelago and entire island ecosystems, coral reefs, seamounts, and deep water and oceanic habitat;
- Inspiring current and future generations to protect of the uniqueness of the two adjacent MPAs and share in their contribution to regional and global conservation efforts;
- Supporting the protection of ecosystems, biodiversity, and food security for future generations.

To carry out this vision, the Participants plan to work together and develop a strategy to;

- Support complimentary and comparable research and monitoring, including standardized research methods, enabling scientists to collaborate and find cost and resource efficiencies;
- Facilitate coordination on outreach and education to share information on the uniqueness of the two adjacent MPAs;
- Share and coordinate restoration and conservation management activities, lessons learned, equipment and resources when possible;
- Collaborate on emergency response and in contingency planning;
- Complement law enforcement activities in the central Pacific;
- Explore possible outside partnerships to further this arrangement;
- Explore possible funding opportunities to achieve the goals of this arrangement, as possible; and;
- Periodically review and advance this arrangement.

The Participants intend to work cooperatively to voluntarily manage lands, waters, and biota in each country and within their respective exclusive economic zones (EEZs), to the extent permitted by international law as reflected in the Law of the Sea Convention, in the spirit and intent of the Pacific Oceanscape, Phoenix Islands Protected Area and Pacific Remote Islands Marine National Monument. The Participants recognize the necessity of using cooperative conservation and ecosystem-based conservation management relative to management of resources within this trans-boundary ecosystem.

The Participants recognize the importance of continuing to respect international law, follow applicable national and local laws, and agency policies and procedures pertaining to managing their respective lands, waters, and biota, while planning to collaborate to achieve efficiencies, synergies, and greater effectiveness, where possible. Participants intend to meet at least once per year to ensure adequate communication and cooperation.

The Participants intend to share knowledge, management expertise, and resources to achieve more fully the goals of cooperative conservation and ecosystem-based conservation management in the central Pacific Ocean.

Each Participant to this Cooperative Arrangement intends to fund its own participation in activities under this Arrangement. All such participation is subject to the availability of appropriated funds (where applicable), personnel, and other resources. Each Participant intends to maintain the confidentiality of the information shared under this program according to its own procedures and policies as permitted by its laws.

This Cooperative Arrangement is not intended to create binding obligations under international or domestic law. Nothing in this Cooperative Arrangement is intended to affect negatively the Participants' responsibilities or ability to carry out their regulatory responsibilities and programs in accordance with their respective laws and regulations.

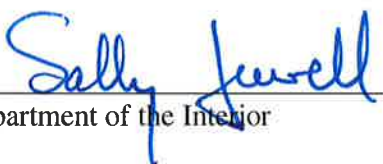
Each Participant to this Cooperative Arrangement intends for its activities under this Arrangement to be in accordance with international law, to include acting with due regard for the rights, freedoms, and lawful uses of the sea enjoyed by other nations under the law of the sea and respecting the sovereign immunity foreign warships, naval auxiliaries, and other vessels owned or operated by a state and used, for the time being, only on Government noncommercial service.

Cooperation under this Cooperative Arrangement may commence upon signature of the Participants. A Participant may discontinue its participation, in which event it should endeavor to provide sixty (60) calendar days' written notice to the other Participant. The arrangement may be modified at any time through mutual written consent of the Participants.


SIGNED at \_\_\_\_\_ on \_\_\_\_\_

For the **Government of the United States of America:**

For the **Government of Kiribati**

  
\_\_\_\_\_  
Department of the Interior

  
\_\_\_\_\_  
Ministry of the Environment, Lands, and  
~~Agricultural Development~~  
PRESIDENT

  
\_\_\_\_\_  
National Oceanic and Atmospheric  
Administration

Place: Washington DC

Date: November 6, 2014