



# Convention on Migratory Species

## Memorandum of Understanding for the Conservation of Cetaceans and their Habitats in the Pacific Islands Region

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Agenda Item 5

SECOND MEETING OF THE SIGNATORIES  
Auckland, New Zealand, 28-29 July 2009

### REVIEW OF IMPLEMENTATION PROGRESS OF THE PACIFIC CETACEANS MOU

*(Prepared by the Secretariat)*

1. It is the practice within CMS that every meeting of MoU Signatories reviews the conservation status of the target species and the status of implementation of the particular MoU and Action Plan, taking into consideration reports submitted by Signatories, a Secretariat Report and other relevant information, including any recommendation or scientific advice relating to the species that may have been made by the CMS Conference of the Parties or the Scientific Council (CMS Articles III (6), VII (5) (e) and VIII (5) (a)).
2. The MoU's substantive provisions are found in paragraph 1 (take steps to conserve cetaceans and fully protect those listed in CMS Appendix I), paragraph 2 (consider identifying or acceding to biodiversity-related instruments such as CMS), paragraph 3 (review or update legislation on cetaceans), paragraph 4 (implement the Action Plan subject to the availability of resources) and paragraph 5 (facilitate exchange of scientific, technical and legal information to coordinate conservation measures; co-operate with other states, inter-governmental and nongovernmental organisations).
3. Together the MoU and SPREP Whale and Dolphin Action Plans (2003-07 & 2008-2012) have provided the general substantive framework for action within the agreement area.
4. At this time the Signatories to the MoU have not yet agreed on a reporting format that enables the Secretariat to compile a composite progress report. Therefore, no reports have been called for in the preparations for this meeting and this document focuses on Secretariat-led activities in the region and at the CMS Conference of the Parties.

#### **Secretariat-lead activities**

5. As reported under agenda item 3.1 the Pacific Cetaceans MoU now has 11 Country and Territory Signatories and was further signed by 5 Collaborating Organization.
6. The Secretariat continues to act as the depository for the MoU. To date, 11 signatures have been received, with Australia, Cook Islands, Federated States of Micronesia, Fiji, France for its Pacific Territories New Caledonia, French Polynesia, Wallis and Futuna, New Zealand, Niue, Samoa and Vanuatu signing the MoU on the 15th September 2006; Solomon Islands and Papua New Guinea signed on 6th March 2007. In addition CMS, SPREP, IFAW and WDCS signed the MoU as Collaborating Organizations on 15th September 2006 and WWF signed as a Collaborating Organization on 6th March 2007.
7. The Secretariat has sought to maintain an appropriate presence in the region, having attended the 18<sup>th</sup> SPREP annual meeting, while also facilitating an information session to update SPREP members about the MoU progress.

8. Further, the Secretariat has been working towards gaining additional signatories for the MoU and has maintained a dialogue with the SPREP Secretariat on issues of mutual interest.

9. The Secretariat has reported on the MoU progress to the 59<sup>th</sup> (2007), 60<sup>th</sup> (2008) and 61<sup>st</sup> (2009) annual meetings of the International Whaling Commission (IWC).

10. The Secretariat represented the MoU during the 9<sup>th</sup> CMS Conference of the Parties (Rome, December 2008) reporting that the First Meeting of Signatories to the Pacific Cetaceans MoU had been held in March 2007. The Action Plan had been endorsed by the 18<sup>th</sup> SPREP meeting in September 2007; two Pacific Cetaceans MoU Capacity Building Workshops had been held in Fiji and Papua New Guinea; a research programme to implement to Pacific Cetaceans MoU in the Micronesian region was planned; and the Second Meeting of Signatories to the Pacific Cetaceans MoU was planned for the first half of 2009 (UNEP/CMS/Conf.9.9).

### **Decisions of the 9<sup>th</sup> Conference of the Parties to CMS**

11. The CMS Conference of the Parties met for its 9<sup>th</sup> Meeting (CMS COP9) in December 2008. Among other progress the COP passed CMS Resolution: *Priorities for CMS Agreements* (UNEP/CMS/Resolution 9.2), which determined that the focus for the triennium 2009-2011 should be the implementation and operationalisation of the existing binding and non-binding instruments under CMS auspices, acknowledging the importance of maintaining the momentum in regard to instruments already under development. Specifically the resolution:

(c)(ii) *Endorses the conclusion and entry into effect since COP8 of the:*

(ii.iii) *Memorandum of Understanding for the Conservation of Cetaceans and their Habitats in the Pacific Islands Region, as well as its appended Whale and Dolphin Action Plan, developed with the collaboration of the South Pacific Regional Environment Programme;*

(d) *Reiterates the measures set out in paragraph 43 of Resolution 8.2 to ensure that the Agreements should use similar systems for planning and reporting in order to ensure that they are fully integrated and strategically aligned with the Convention;*

(e) *Urges all Range States to sign, ratify or accede to the appropriate AGREEMENTS or agreements, and to take an active part in their implementation;*

(f) *Encourages the Secretariat to continue exploring partnerships with interested organisations specialised in the conservation and management of migratory species for the provision of developmental support and coordination services for MoUs concluded.*

The resolution also decides to conduct reviews of the existing CMS Agreements and related projects on: (a) Terrestrial Mammals; (b) Marine Species; and (c) Birds in the context of the intersessional process regarding the Future Shape of CMS initiated by UNEP/CMS Resolution 9.13.

12. CMS COP9 also considered a strategic paper on addressing threats to migratory marine species, from which UNEP/CMS Resolution.9.09: *Migratory Marine Species* was developed. It recognizes that migratory marine species face multiple, cumulative and often synergistic threats with possible effects over vast areas. It gives particular emphasis to potential consequences of climate change with a focus on arctic areas and requests the Scientific Council to seek a closer working relationship also with the IWC.

13. Resolution 9.09 further details the programme of work to implement CMS Resolution 8.22: *Human-induced Impacts on Cetaceans* (2005) developed by the CMS Secretariat and Scientific Council. A review is being undertaken in collaboration with the scientific advisory bodies of CMS cetacean-related Agreements of the extent to which CMS, CMS cetacean-related Agreements and other relevant bodies such as the IWC Scientific Committee and Conservation Committee, the International Maritime Organization (IMO), the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR), the United Nations Informal Consultation on Protection of the Oceans and the Law of the Sea (UNICPOLOS) and the UNEP Regional Seas

Programme are addressing a set of human-induced impacts which includes entanglement and by-catch, climate change, ship strikes, pollution, habitat and feeding ground degradation and marine noise. The report aims at identifying points of collaboration and synergies while analyzing gaps and overlaps. The timelines for the finalization of these activities have been revised for completion in 2009.

14. Two other Resolutions directly relevant for cetaceans were passed, namely UNEP/CMS Resolution 9.18: *Bycatch* and UNEP/CMS Resolution 9.19: *Anthropogenic Marine/Ocean Noise*.

### **Outcome of the 15<sup>th</sup> CMS Science Council Meeting**

15. The Scientific Council met for its 15<sup>th</sup> meeting (CMS StC15) in November 2008 in Rome, Italy. Among other issues the meeting progress the implementation or follow-up of the cetacean-related resolutions of the 8<sup>th</sup> Meeting of Parties (2005) was discussed, including Res.8.14 on Bycatch and Res.8.22 on Adverse human induced impacts on cetaceans. It agreed a new work programme for the Appointed Councillor for Bycatch and a revised schedule for the follow-up of Res.8.22.

16. CMS StC15 adopted the second edition of the *Encyclopedia of Marine Mammals*, edited by Perrin, Wursig and Thewissen and published by Academic Press as standard for taxonomic usage for the aquatic mammals.

17. CMS StC15 also agreed to adopt the nomenclature concordant with the recent split of *Orcaella brevirostris* into *O. brevirostris* and *O. heinsohni*. Recognition of the existence of the two species is especially important in that one, *O. brevirostris*, is classified as Vulnerable in the IUCN Red List, with several populations listed as Critically Endangered. *O. heinsohni* is classified as Near Threatened; a strong recommendation is made in the Red List assessment that the data needed to clarify its status be collected. There were no additional Pacific cetacean species or populations added to CMS Appendix I or II or the concerted/cooperative action lists.

### **Action requested:**

The Signatories, and where appropriate other meeting participants, are requested to *inter alia*:

- Seek any clarification that might be necessary;
- Note the report of the Secretariat on implementation.