



CONVENTION ON MIGRATORY SPECIES

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THIRD MEETING OF THE SIGNATORIES TO THE
MEMORANDUM OF UNDERSTANDING FOR THE
CONSERVATION OF CETACEANS AND THEIR
HABITATS IN THE PACIFIC ISLANDS REGION
Noumea, New Caledonia, 8 September 2012
Agenda Item 6.3

COORDINATING THE TECHNICAL WORK OF CMS AND THE PACIFIC CETACEANS MOU

(prepared by the Secretariat)

1. The Pacific Cetaceans MOU is a valuable part of a global and regional network of activities. It is therefore important to ensure that the MOU's activities both complement and are complemented by these activities. At MOS2 of the Pacific Cetaceans MOU (Auckland, New Zealand, July 2009), Signatories discussed how overarching synergies are found in the commitments under the Convention on Biological Diversity (CBD) for which the Convention on the Conservation of Migratory Species of Wild Animals (CMS) is the lead partner in the global conservation of migratory species over their entire range (see PIC2/Doc.8-01). Signatories also discussed a need to create greater linkages and synergies within the CMS Family in light of CMS Resolution 9.9 on Migratory Marine Species (December 2008), requesting the CMS Secretariat to consider options such as promoting joint priorities, the sharing of technical expertise and resources and holding joint meetings if appropriate (see PIC2/Doc.8-02).

2. As requested, the views of the Signatories were taken forward into the various related discussions. The CMS Global Programme of Work for Cetaceans was progressed during the 10th CMS Conference of the Parties, and work will now commence the sharing of cetacean related technical expertise and resources.

CMS Resolution 10.15: Global Programme of Work for Cetaceans

3. CMS Resolution 8.22, reconfirmed in CMS Resolution 9.9, had called for an extensive review, analysing what the most important threats to cetaceans are in different regions, how these are addressed by intergovernmental fora and based on a gap analysis proposing a work programme for CMS for the next twelve years. After consideration of the results of this exercise as contained in document UNEP/CMS/Inf.10.31, the 10th CMS Conference of the Parties adopted [Resolution 10.15: Global Programme of Work for Cetaceans](#). CMS Parties and non-Parties that exercise jurisdiction over any part of the range of cetacean species listed on the appendices of CMS, or over flag vessels that are engaged outside national jurisdictional limits, were urged to cooperate as appropriate with relevant international organizations; and to promote the integration of cetacean conservation into all relevant sectors by coordinating their national positions among various conventions, agreements and other international fora.

4. The review highlighted that twelve cetacean species and populations listed on the CMS Appendices for the Pacific Islands Region are:

- a. Australian snubfin dolphin (*Orcaella heinsohni*) Appendix II
- b. Blue whale (*Balaenoptera musculus*) Appendix I + Concerted/Cooperative Action
- c. Bryde's whale (*Balaenoptera edeni*) Appendix II
- d. Dusky dolphin (*Lagenorhynchus obscurus*) Appendix II + Concerted/Cooperative Action
- e. Fin whale (*Balaenoptera physalus*) Appendix I/II + Concerted/Cooperative Action
- f. Humpback whale (*Megaptera novaeangliae*) Appendix I + Concerted/Cooperative Action
- g. Indo-Pacific humpback dolphin (*Sousa chinensis*) Appendix II + Concerted/Cooperative Action
- h. Killer whale / Orca (*Orcinus orca*) Appendix II (included for Concerted Action during CMS COP10)
- i. Omura's whale (*Balaenoptera omurai*) Appendix II
- j. Pantropical spotted dolphin (*Stenella attenuata*) Appendix II + Concerted/Cooperative Action
- k. Sei whale (*Balaenoptera borealis*) Appendix I/II + Concerted/Cooperative Action
- l. Sperm whale (*Physeter macrocephalus*) Appendix I/II + Concerted/Cooperative Action

5. The *Global Programme of Work for Cetaceans* establishes two streams of work. The first, for the Secretariat and the Scientific Council, focuses on increasing cooperation and collaboration by CMS with species-related Multilateral Environment Agreements and Regional Fisheries Management Organizations. The second is focused on the Aquatic Mammals Working Group (AMWG) of the Scientific Council, which seeks to support the delivery of specific information to CMS Parties and CMS agreement Signatories. The development of the Pacific Island priorities was developed in consultation with the Technical Advisory Group and the MOU Secretariat to reflect the directions of the Whale and Dolphin Action Plan.

6. In the period 2012-2017 (from CMS COP10 to COP12):

- a. The Secretariat and the Scientific Council should maintain and where appropriate seek to enhance cooperation and collaboration with:
 - i. FAO/COFI in particular in respect of bycatch;
 - ii. CITES to support and complement the conservation activities of each convention. In particular:
 - ii.i. develop a formal process within CMS for providing comments to CITES on proposals to amend the latter's Appendices and to seek comments from CITES on proposals to amend the CMS Appendices;
 - ii.ii. representing CMS agreements when needed, to formally contribute to the deliberations of CITES Animals Committee and other CITES processes;
- b. The Aquatic Mammals Working Group (AMWG) should:
 - i. develop appropriate metrics for the reporting of regional conservation progress, to ensure the CMS Global Programme of Work for Cetaceans can be regularly and consistently assessed and forecast;
 - ii. provide advice as requested for CMS's engagement with FAO/COFI, UNICPOLOS, CITES and IWC;

- iii. host a workshop to review and provide advice on the impact of the emergent science of cetacean social complexity and culture, as it relates to regional populations and to inform forward decision about CMS conservation priorities;
- iv. develop advisory positions for use in Environmental Impact Assessments at the regional level;
- v. develop regular reports on progress of the CMS Global Programme of Work for Cetaceans for COP11 and COP12;
- vi. facilitate the development of thematic resolutions addressing priority threats for COP11 and COP12; and
- vii. support Parties in the development of any regional cetacean-related agreements and action plans prioritized by the COP.

7. Aware that the Pacific Islands Region has developed the Pacific Cetaceans MOU, in the period 2012-2017 (from COP10 to COP12) the Parties to CMS have recommended:

- a. The CMS Secretariat and the Scientific Council should:
 - i. develop an active collaboration agreement with relevant RFMOs, including IATTC, the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) and WCPFC with the objective of measurably reducing cetacean bycatch.
- b. The AMWG should:
 - i. provide support to the Pacific Cetaceans MOU, especially with assessing and developing mitigation measures for the region bycatch, identification of and where appropriate work on the protection of habitat; and
 - ii. develop comprehensive reports on regional progress of the CMS Global Programme of Work for Cetaceans for COP11 and COP12.

CMS Resolution10.23: Concerted and Cooperative Actions

8. The CMS Convention preamble refers to the Parties' conviction that conservation and management of migratory species require the concerted action of all range states. Over time the list of species designated for concerted and cooperative actions has grown cumulatively from each meeting of the Conference of the Parties to the next. The list has come to be understood as another layer of emphasis over and above the Appendix I and II listings.

9. To provide some clarity and establish clear priorities, the CMS Parties adopted [Resolution10.23: Concerted and Cooperative Actions](#) which instructs the CMS Scientific Council to, *inter alia*:

- a. undertake an analysis of Appendix I and II species listed for concerted and cooperative action, to indicate which species have been included in or under a CMS instrument or process, to what extent and how their needs have been addressed by those instruments or processes, and to summarize the future conservation action needs of each of those species (and their relative priority) in terms of the CMS mechanisms available;
- b. review the case for retaining on the list of concerted and cooperative actions any species for which the entirety of its range is covered by an existing CMS instrument;
- c. submit a report and proposed recommendations on all the activities listed above, for

consideration at the 18th meeting of the Scientific Council, a subsequent meeting of the Standing Committee and possible adoption at the 11th Meeting of the Conference of the Parties.

Pacific Cetaceans MoU process for identifying medium term implementation priorities for the Whale and Dolphin Action Plan

10. At MOS2 Signatories agreed to proceed with a process for identifying *Medium-term Implementation Priorities* of the Whale and Dolphin Action Plan to identify the individual steps required to achieve its practical implementation (see [PIC2/Doc.7-01](#)).

11. Signatories are invited to consider entering into an email correspondence process to establish medium term implementation priorities by initially:

- a. reviewing the priorities of the activities under the Whale and Dolphin Action Plan and ascertaining which are of specific priority for Pacific Cetacean MoU Signatories
- b. identifying any new activities that are of particular relevance to Pacific Cetacean MoU Signatories; and
- c. indicating timescales for implementation of each activity as (A) – immediate-term (1-3 years), (B) – medium-term (3-5 years), (C) – long-term (up to 10 years).

12. This information would be collated and summarized by the Secretariat, with the support of the Technical Advisory Group, and redistributed to Signatories and Collaborating Organizations for additional input and the identification of Lead Countries, Territories or Collaborating Organizations that are prepared to facilitate progress of activities. The Secretariat has scheduled this work in for the coming six months.

13. MOS3 is one the first formal cetacean related agreement meetings since the CMS COP10 in November 2011, and provides the Signatories with the opportunity to influence the forward agenda of the CMS AMWG.

14. The Secretariat suggests combining the three processes discussed in this document together, by facilitating Signatory input through the proposed *Medium-term Implementation Priorities* process that will commence in November of this year.

Action requested:

The Signatories are requested to:

- Take note of the Secretariat's report.
- Discuss the proposed priorities articulated in the CMS *Global Programme of Work for Cetaceans*; the process of analysis to be undertaken by the CMS Scientific Council; and the process for developing *Medium-term Implementation Priorities* for the Pacific Cetaceans MOU and identify any amendments or priorities specific to the Pacific Cetaceans MOU, including any specific requests for support from the AMWG.
- Instruct the Secretariat to commence a correspondence process which combines these three distinct, but related areas of work, to best reflect the views and priorities of the Pacific Cetaceans MOU.