



**CONVENTION ON
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SPECIES**

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Agenda item 14 (b)

**A MEMORANDUM OF UNDERSTANDING ON THE CONSERVATION AND
MANAGEMENT OF CETACEANS AND THEIR HABITAT
IN THE PACIFIC ISLANDS REGION**

A progress report by the Governments of Australia, New Zealand and Samoa

The Australian Government is pleased to report on progress towards the development and implementation of a Memorandum of Understanding (MoU) on the Conservation and Management of Cetaceans and their Habitat in the Pacific Islands Region.

The Third Meeting of Pacific Island nations aimed at developing the MoU was recently held in July 2005, and successfully finalised a draft of the MoU for consideration by all Pacific Island nations. The Meeting also determined the next steps for signing of the MoU.

To build on the successful Third Meeting on developing a MoU on the Conservation and Management of Cetaceans and their Habitat in the Pacific Islands, the Governments of Australian and New Zealand invite Parties to consider supporting the draft Recommendation on the **Memorandum of Understanding (MoU) on the Conservation and Management of Cetaceans and their Habitat in the Pacific Islands Region** (UNEP/CMS/Rec.8.19), noting the attached progress report.

Attachment

Convention on the Conservation of Migratory Species of Wild Animals *Submitted by the Governments of: Australia, New Zealand and Samoa*

PROGRESS ON “A MEMORANDUM OF UNDERSTANDING ON THE CONSERVATION AND MANAGEMENT OF CETACEANS AND THEIR HABITAT IN THE PACIFIC ISLANDS REGION”

INTRODUCTION

To demonstrate their commitment to the conservation of cetaceans in the Pacific Islands region, a Working Group of 12 Pacific Island countries, chaired by Samoa, have been working to finalise a Memorandum of Understanding under the auspices of the CMS. This paper outlines progress to date and the next steps.

BACKGROUND

At the last Conference of Parties in September 2002 (COP 7) the Parties agreed to list seven Southern Hemisphere cetacean species in the CMS Appendices. These species, all of which occur within the Pacific Islands region, are:

- *Balaenoptera physalus* (Fin whale);
- *Balaenoptera borealis* (Sei whale);
- *Physeter macrocephalus* (Sperm whale);
- *Balaenoptera bonaerensis* (Antarctic minke whale);
- *Balaenoptera edeni* (Bryde’s whale);
- *Caperea marginata* (Pygmy right whale); and
- *Orcinus orca* (Orca).

Since this time three meetings, facilitated by the CMS and SPREP Secretariats, have been held between Pacific Island nations aimed at building support for cetacean conservation in the Pacific Islands region. The first of these meetings was held in March 2003. This meeting was aimed at raising awareness about the CMS and the benefits of regional CMS arrangements. The second meeting, funded jointly by the CMS, the Packard Foundation, March 2004 with the primary outcome being the decision to establish a Working Group, chaired by Samoa, to negotiate a Memorandum of Understanding with the vision of:

“A Pacific Ocean where populations of marine mammals have recovered to healthy levels of abundance, have recovered to their former distribution, and continue to meet and sustain the cultural aspirations of Pacific peoples.”

The third meeting was held in July 2005 and was essentially a meeting of the MOU drafting group. This group was tasked with finalising a draft of the MOU (an initial draft of which was prepared subsequent to the second meeting) for consideration by all Pacific Island nations. The group was also tasked with determining the next steps for signing of the MOU. Both of these tasks were achieved.

Since this time the South Pacific Regional Environment Program (SPREP) and the CMS Secretariat have sought comments from Pacific Island nations and other interested parties. The proposal was circulated to the Range States for official comments in mid-September 2005

prior to the 16th SPREP General Meeting. CMS co-hosted with SPREP and Samoa a side event to provide background information on the MoU and the process to develop it. The MoU was subsequently discussed in the plenary of the SPREP meeting where it was strongly supported.

The comment period will end on 30 October 2005. It is hoped that the text can be finalised, and the MoU opened for signature, in early 2006.

Some key features of the MOU include that it:

- fosters regional cooperation and actions in order to achieve a favourable conservation status for all cetaceans;
- applies to all cetaceans in the Pacific Islands region;
- encourages accession to the CMS;
- annexes the “SPREP Whale and Dolphin Action Plan (2003-2007)”, which provides the basis for focused species-specific activities; and can be used as the template for developing future action plans under the MoU, and
- applies to areas of national jurisdiction, and to high seas areas within the area of application.

Australia and New Zealand would like to acknowledge the contribution of the CMS Secretariat and SPREP, and the chairmanship of Samoa, in progressing this MOU. Their efforts have been invaluable.

A draft resolution outlining the steps to be taken to finalise the MoU is proposed for consideration by the Conference of the Parties.
