

## **Second Meeting of the Signatories to the**

# **MEMORANDUM OF UNDERSTANDING FOR THE CONSERVATION OF CETACEANS AND THEIR HABITATS IN THE PACIFIC ISLANDS REGION**

**Auckland, New Zealand, 28-29 July 2009**

### **Agenda Item 1: Introductory Items**

#### **1.1: Welcoming Remarks**

1. Andrew Bignell (New Zealand) opened the meeting and welcomed the delegates. Ara Tai Rakena (New Zealand) began the meeting with a welcoming prayer.
2. Melanie Virtue (CMS) thanked Mr Lui Bell of the Secretariat for the Pacific Regional Environment Programme (SPREP) for the excellent coordination of the meeting, Australia for funding it, New Zealand for arranging the venue and the Whale and Dolphin Conservation Society (WDCS), which had provided much of the background documentation for the meeting. A list of participants is reproduced as Annex 1.
3. Ms Virtue then gave a brief outline of CMS and explained that the Convention was undergoing managerial transition. She stressed the importance of synergies with other CMS Agreements and MoUs.

#### **1.2: Signing Ceremony**

4. The signing ceremony took place on the second day of the meeting. George Fergusson, the Governor of the Pitcairn Islands, and delegates from the South Pacific Whale Research Consortium (SPWRC) and Whales Alive (WA), representing collaborating organizations, signed the MoU. The Governor addressed the meeting stressing the importance of demonstrating the Pitcairn Islands' stance on cetacean conservation. Because of the recent introduction of a scheduled shipping service to the island, developing a whale watching industry in the future was now a real possibility.

#### **1.3: Election of Officers**

5. Melanie Virtue (CMS) proposed that Andrew Bignell as representative of the host country be elected chair of the meeting, and this was unanimously agreed.

#### **1.4: Adoption of the Agenda and Meeting Schedule**

6. Andrew Bignell (New Zealand) called for amendments or additions to the agenda and schedule (Doc.1-02). The meeting agreed to Australia's proposal to schedule agenda item 7 to follow item 4. The agenda for the meeting and a list of documents are reproduced as Annexes 2 and 3 to this report.

### **Agenda Item 2: Opening Statements**

7. The Chair called for any Opening Statements to be forwarded to the Report Writer.

## **2.1: Signatories**

8. Mike Donoghue (New Zealand) noted that Auckland was an appropriate venue for the meeting since over one third of the world's cetacean species had been reported in the Hauraki Gulf. He expressed gratitude to Sue Tai from Conservation International and Lui Bell for their contributions to the MoU. He acknowledged the recent work of the SPWRC on the upgrading of the IUCN threat classification for humpback whales in Oceania. He emphasised that whales in the Pacific were under many pressures, such as by-catch, ship-strikes, pollution and climate change, and that these could be addressed through the MoU.

9. Donna Petrachenko (Australia) also thanked the organizers and highlighted the recent announcement of an AUD \$32 million six-year programme (the International Marine Mammal Conservation Initiative).

10. Ginny Silva (Pitcairn Islands) explained that the Pitcairn Islands, with a population of only 53, are made up of four islands, including Henderson, a World Heritage Site. The Islands had no resources to offer the MoU but wanted to support cetacean conservation and share information. She noted that a survey of humpback whales had recently been undertaken in Pitcairn waters, and also expressed an interest in any capacity building opportunities.

## **2.2: Collaborating Organizations**

11. Cara Miller (WDCS) commended the efforts of CMS especially in view of the limited resources available. Dr Miller explained that the Whale and Dolphin Action Plan (WDAP) was the basis for WDCS's engagement in the region. She offered help, training, scientific and technical advice, drawing attention to information material, including a DVD later distributed to delegates.

12. Rochelle Constantine (SPWRC) explained that humpback whale research began in Tonga in 1991. The SPWRC was formed in 1999 and now had over 40 researchers within the Oceania region, with a Trust Board in New Zealand. She stressed the importance of using robust scientific results to inform the conservation management of cetaceans. SPWRC had played a role in achieving the IUCN listing of humpback whales as 'Endangered'. Other recent work included identifying a new species of beaked whale and collaborating in a series of capacity building workshops

13. Lui Bell (SPREP) thanked delegates for attending and welcomed new members. He highlighted SPREP's commitment to the conservation of marine species, in the form of Action Plans for cetaceans, marine turtles and dugongs, with one for sharks to be developed. He explained that SPREP had been instrumental in the development of the MoU. He mentioned SPREP's recent collaboration with partners in cetacean work, including the Regional Guidelines on Whale Watching. He noted that 10 countries and territories in the region had declared national whale sanctuaries or marine sanctuaries including cetaceans. The SPREP cetacean network currently has a membership of 78 that includes national government contacts for all members as well as collaborating NGOs and other organizations and individual scientists.

## **2.3: Observers**

14. No observers offered an opening statement.

### Agenda Item 3: Report of the Secretariat

#### 3.1: Status of Signatures

15. Melanie Virtue (CMS) introduced Doc.3-01. Eleven countries had signed the MoU since it was opened for signature in September 2006 (Australia, Cook Islands, Federated States of Micronesia, Fiji, France, New Zealand, Niue, Papua New Guinea, Samoa, Solomon Islands and Vanuatu). The Secretariat called for suggestions to increase membership. Ms Virtue noted that as there were no objections received to Whales Alive and the SPWRC signing, an amendment to the MoU protocol would be prepared by the Secretariat. The meeting took note of the Secretariat's report.

16. Vaitoti Tupa (Cook Islands) suggested that the report be tabled at the SPREP meeting in November 2009 to increase the profile of the MoU. Mr Bell confirmed that the SPREP Secretariat had been submitting papers to SPREP annual meetings since the opening of the MoU, encouraging members to sign it as well as considering accession to CMS.

17. Olive Andrews (Whales Alive/IFAW) requested clarification about the status of Tokelau. New Zealand reported that there was nothing impeding Tokelau from signing the MoU and that consultations were ongoing. Whales Alive requested SPREP's support on behalf of Tokelau for technical advice for developing a whale sanctuary. SPREP confirmed that such support was being provided, including provision of relevant information to enable a decision to be made.

#### 3.2: Designated Competent Authorities and Contact Points

18. The meeting considered the list of designated competent authorities and focal points. Delegates were requested to provide the updated list to the Secretariat within two weeks of the meeting by making use of the form provided in document Inf.3-03. The Secretariat confirmed that it was acceptable for France to provide one contact for each of the three French territories in the Pacific.

#### 3.3: Pacific Cetaceans MoU Coordination and the Relationship with SPREP

19. Melanie Virtue (CMS) introduced Doc.3-02 and the meeting considered the draft agreement between SPREP and CMS on the coordination of the MoU and the appointment of an officer to facilitate the joint programme of work and be responsible for CMS activities throughout the region.

20. Ms Virtue explained that CMS had subsidised some other MoUs to employ staff members, typically between USD \$15,000-30,000 per annum. CMS would aim to provide a similar amount to this MoU if matched by other donors. Establishing and resourcing a Pacific Marine Officer to service the MoU would require a minimum of USD \$120,000 per annum.

21. Delegates were invited to consider the proposal and make suggestions on funding.

22. No direct funding suggestions were made, but in-kind contributions were offered. France recommended that if the proposal were approved in principle, details on funding could be agreed later. Vaitoti Tupa (Cook Islands) endorsed the creation of the post and suggested the Secretariat examine other avenues for funding (e.g. the EC). The Chair reiterated the need to find resources and suggested that delegates discuss funding over the next 24 hours.

23. The meeting endorsed the proposal for a CMS Pacific Marine Officer, to be based at SPREP, pending available funding.

#### Agenda Item 4: Adoption of the SPREP Whale and Dolphin Action Plan

24. Heidrun Frisch (CMS) introduced Doc.4-01 (Adoption of the SPREP Whale and Dolphin Action Plan (2008-2012)). She explained that the proposed MoU Action Plan (attached as Annex 2 of the document) had been adopted by SPREP at its 18<sup>th</sup> meeting (September 2007). The MoU and the SPREP WDAPs provided the substantive framework for action within the MoU area. She advised the meeting that if the proposed Action Plan were adopted, an amendment protocol for the MoU would be necessary.

25. Donna Petrachenko (Australia) suggested some amendments to the Action Plan as it was two years since it had been finalised. She proposed some changes in wording to Objective 2 (dealing with Direct Take) as well as the corresponding actions of Theme 2 on Threat Reduction. Whales Alive expressed some concerns about the proposed changes, such as the removal of the reference to drive hunts.

26. Andrew Bignell (Chair) invited the meeting to consider two main issues, the changes proposed by Australia to the wording of the section in the Action Plan, and whether to add updated priorities to it. The meeting decided that priorities should be discussed under Agenda Item 7.

27. After some discussion, the following amendment to Objective 2 under Theme 2 was agreed by consensus:

<b>OBJECTIVE (ii): Address threat of direct take and ensure favourable conservation status of whale and dolphin populations</b>		
<b>Actions</b>	<b>Lead</b>	<b>Priority</b>
<b>2.7</b> Support non-lethal research on abundance, structure, trends, and assessments of impacts, particularly on humpback, minke and fin whales.	SPREP/ partners/ members	High
<b>Drive hunts and live capture</b>		
<b>2.8</b> Support research on abundance, structure, distribution, trends, and assessments of affected whale and dolphin species.	SPREP/ partners/ members	High
<b>2.9</b> Take actions to ensure a favourable conservation status of affected whale and dolphin species.	members	High
<b>2.10</b> Ensure compliance with all relevant international regulations and agreements.	members	
<b>Indicators</b>		
⊙ Non-lethal research carried out on abundance, population structure, trends and assessments of impacts, particularly on affected whale and dolphin species.		
⊙ Compliance with all relevant international regulations, agreements and obligations		

28. The Action Plan was to be known as the “Convention on Migratory Species Memorandum of Understanding for the Conservation of Cetaceans and their Habitats in the Pacific Islands Region Whale and Dolphin Action Plan 2009-2012”. The meeting agreed. France requested that the Action Plan be made available also in French and the Secretariat agreed to do so.

## Agenda Item 5: Review of Implementation Progress of the MoU

29. Heidrun Frisch (CMS) advised that it was standard practice within CMS to review the conservation status of the species and the implementation of the MoU and Action Plan at every meeting of signatories. As there was no agreed reporting format, reports had not been required for this meeting.

30. Ms Frisch introduced Doc.5-01 Rev.1, which called for CMS to focus on the implementation of existing instruments, while maintaining momentum in regard to instruments under negotiation in the triennium 2009-2011. The Chair accepted the report and thanked the Secretariat for their work.

### 5.1: Signatory Reports on the Implementation of the Pacific Cetaceans MoU

31. Milena Rafic (Australia) reported on a number of activities to support the MoU including: capacity-building workshops with PNG, the development of the Pacific Islands Whale and Dolphin Watching Guidelines, and funding several Pacific countries to attend the International Marine Mammal Protected Areas Conference (Hawai'i, April 2009). Australia had also commissioned a report on the conservation status of cetaceans and the socio-economic value of cetacean conservation including whale watching. In late 2008, the Government announced the allocation of AUD \$32 million for a five-year programme of non-lethal research and other conservation including the Southern Ocean Research Partnership. This funding also financed an officer to implement the recommendations of the Cetaceans-Fisheries Interactions Workshop (Samoa, March 2007). Australia was also supporting the streamlining of reporting on Multilateral Environment Agreements and had made a significant contribution to meetings (e.g. the current MoU Meeting and an International Whaling Commission Scientific Committee workshop). The Guidelines on the Application of the *Environment Protection and Biodiversity Conservation Act 1999* to Interactions between Offshore Seismic Operations and Larger Cetaceans had been reviewed. A number of projects, including population and distribution studies, had also received grants.

32. Mike Donoghue (New Zealand) noted the recent report of two humpback whales in Tongan waters entangled in fishing gear, New Zealand's participation in the Southern Ocean Whale Research Partnership and collaboration with Australia over research in the Ross Sea and Southern Ocean in the coming summer. A collaborative effort was being made between the Department of Conservation (DOC), Auckland University and SPWRC on ship strikes. DOC was also liaising with Maritime New Zealand, the country's representative at the International Maritime Organization (IMO), on ocean noise and ship strikes. Four new marine mammal sanctuaries had been established, restricting seismic activities. New Zealand had also conducted capacity-building workshops and in 2008 had hosted a study tour of successful whale and dolphin-watching operations.

33. Pierre Yves Vion (France) reported that the two main provinces of New Caledonia had implemented 'Competency Codes' for the marine environment. Training workshops had been held for whale watching operators and a permitting system for operators would be introduced in 2010. 60% of the New Caledonian lagoon had been designated as a World Heritage Site in 2008. Research on humpback whales was continuing, with photographs of approximately 500 individuals and genetic samples archived. An aerial survey was planned for January 2010, as part of a wider effort to determine cetacean abundance in French territories.

34. Malama Momoemausu (Samoa) explained that Samoa was reviewing its marine mammal legislation to comply with the MoU. Eight cetacean-related projects had been

implemented since 2001, including: the development of GIS maps for cetacean locations; feasibility studies for whale watching and guidelines and licensing system for operators; the establishment of a data base of cetacean sightings; establishment of a National Stranding Committee; capacity building via awareness programmes and training. Despite the lack of funding, Samoa continued to be very motivated to implement the provisions of the MoU.

35. John Talagi (Niue) said that the Department of Environment was working closely with the Fisheries Division and collaborating with Whales Alive on research initiatives. A 2008 Marine Mammal Survey, recommended by the Niue Whale Sanctuary Management Committee, resulted in the observation over a ten-day period of 48 humpback whales, one minke whale and spinner dolphins. Two small humpback calves had been observed, indicating that Niue might be a calving ground.

36. Yvonne Tio (Papua New Guinea) said PNG had collaborated with Australia, SPREP and WDCCS on a workshop on research, training and capacity building, held in November 2007. Forty participants from 15 of PNG's 18 provinces, as well as Vanuatu and the Solomon Islands had attended. The workshop had aimed to help develop domestic policy for the protection of cetaceans.

37. Francis Hickey (Vanuatu) reported that his Government had established a whale sanctuary, which comprised all waters within the EEZ. Legislation provided protection measures for all marine mammals and included provisions for permitting non-lethal research, whale watching and for the import of marine mammal teeth for traditional purposes. The Chief Roi Mata Domain had been designated a World Heritage Site in 2007, affording additional protection for marine mammals. A survey in 2003 in southern waters by SPWRC confirmed these areas as important for humpback breeding. In 2004 a Traditional Knowledge and Cultural Values survey had been initiated by the Vanuatu Cultural Centre. Traditional knowledge associated with cetaceans was being documented to provide information on species found, seasonality, migration corridors, and breeding hotspots. This data would allow for the identification of 'hotspots' and would be useful for informing future scientific studies as well as national policy. Mr Hickey referred to the Sighting and Stranding Network which enabled relevant data to be centralised. Vanuatu had cooperated with the SPWRC in providing samples for genetic analysis. Cultural and ecological values were being promoted to increase public awareness of cetaceans. He also highlighted the Tuna Management Plan, which incorporated an ecosystem management approach.

38. David Mattila (USA) mentioned the First International Conference on Marine Mammal Protected Areas (ICMMPA), held in Maui, Hawaii (April 2009). The theme of networking had been inspired in part by the success in this regard achieved in Oceania. The conference also focused on effective management of Marine Mammal Protected Areas. The USA supported humpback whale surveys in American Samoa and the data were shared with the SPWRC and the International Whaling Commission. Skin lesions, not previously described, had been found in most whales in the area. These lesions were not prevalent in other humpback populations. A programme of the National Oceanic and Atmospheric Administration (NOAA) in Hawaii had collected valuable data on entanglement of large whales in fishing gear; many Hawaiian whales became entangled in their Alaskan feeding grounds, and carried the gear with them back to Hawaii. NOAA was convening a "Take Reduction Team" to mitigate negative cetacean and fisheries interactions and had also made estimates of the amount of biomass brought from polar feeding grounds to tropical breeding grounds by large baleen whales.

## Agenda Item 5.2: Collaborating Organization Reports on Contributions towards the Implementation of the Pacific Cetaceans MoU

39. Penina Solomona (WWF SPP) said that Fiji had declared its EEZ as a whale sanctuary in 2001. WWF was working with the government on a management plan for the sanctuary and on an offshore mineral policy, to reduce impacts on cetaceans. A tourism officer had attended the whale-watching workshop held in Auckland last year. WWF had hosted a capacity building workshop with the Fijian Department of Fisheries and established a sightings network, whose database would record information on whale breeding, stranding and feeding habits. Humpbacks had been recorded in Fiji.

40. Rochelle Constantine (SPWRC) said that the Consortium's work had contributed to the recent listing of sub-population of humpback as 'Endangered'. The Consortium had also been examining the genetics and population dynamics of spinner dolphins and pilot whales throughout the South Pacific. The SPWRC was committed to provide governments in the region with technical advice and expertise.

41. Cara Miller (WDCS) said that WDCS had a formal partnership with CMS and a joint work programme. WDCS advocated strengthening the CMS Family, through a formalised link between CMS and its cetacean instruments (ACCOBAMS, ASCOBANS, the Pacific Cetaceans MoU and the Western African Aquatic Mammals MoU). WDCS had facilitated the attendance of a Pacific Islander at the International Conference in Hawaii. WDCS continued to support the declaration of whale sanctuaries and had developed management plans in PNG and Fiji. WDCS has facilitated and participated in three regional capacity-building workshops in the last two years. A review of regional legislation would include recommendations on how to implement the MoU. Dr Miller reiterated the offer to make WDCS staff available to implement the MoU. She gave details of a website established to support the MoU: [www.pacificcetaceans.org](http://www.pacificcetaceans.org).

42. Olive Andrews (Whales Alive/IFAW) gave a presentation on behalf of both Whales Alive and the International Fund for Animal Welfare. IFAW had been involved in the development of SPREP's marine species action plans and was currently assisting in their implementation. The workshop of the Pacific Islands Whale and Dolphin Watching Working Group had developed guidelines, which could serve as a possible template for other regions. IFAW had initiated the National Whale Day in Tonga in June 2008 and supported regular training workshops for whale-watching operators. In Tonga, HRH Princess Pilolevu, the Royal Patron of Whales, had urged the Government to declare a whale sanctuary, sign the MoU and to give the whale watching guidelines legislative force. The Cabinet had endorsed the whale-watching regulations in November 2008. The Pacific Islands Forum (PIF) had met in Niue in 2008, achieving wide media coverage. Technical advice was also given to the Niue Fisheries Minister on the Whale Sanctuary and the Whale Watching Regulations. IFAW had convened a panel of independent legal experts to review the legality of Japanese 'scientific' whaling.

### 5.3: Consideration of Draft Report Format

43. Heidrun Frisch (CMS) explained that the MoU stipulated neither the frequency of nor the information to be collected in National Reports. An overview report compiled by the Secretariat, which was a regular feature for other instruments, would only be possible if standardised reports were submitted by the signatories. She emphasised that reporting was worthwhile, not only as a sign of commitment, but also because it helped identify progress and areas of concern.

44. A draft report format (Doc.5-02) based on the CMS National Reports required triennially of Parties had been circulated for comment. Ms Frisch explained that the report was modular in structure, meaning only relevant sections had to be filled in. The forms would be accessible on-line in future. WDCS offered assistance to signatories with completing the form for the first time.

45. Donna Petrachenko (Australia) advised the meeting of a project underway with SPREP, to streamline reporting formats for the Pacific Region. Both the Convention on Biological Diversity (CBD) and CITES supported the proposed template. A final agreement was expected by the end of 2009. Vanuatu, supported by Niue and France, expressed concern that the proposed report format was too onerous. New Zealand identified problems concerning the level of detail expected for Appendix 1 species and commented that the report form had a terrestrial bias.

46. Cara Miller (WDCS) reported on its experience assisting the Federated States of Micronesia to complete the draft form on a trial basis. Many questions were answered 'Data Deficient', suggesting that increased research in those areas would be needed. Filling out the form for the first time was challenging but subsequent updates would be easier.

47. The Secretariat agreed that streamlining the form was desirable and sought feedback on how the template could be improved while still fulfilling the obligations of Resolution 9.2.

48. A small working group, comprised of New Zealand, Fiji, France, WDCS, WWF and SPWRC, discussed the issue. It acknowledged that the majority of the MoU signatories present were not CMS Parties, and a simplified reporting process was appropriate for them. The objective would be to fulfil CMS requirements, while ensuring systematic reporting of cetacean species in the Pacific Islands region was achieved. The recommendations of the working group are attached as Annex 4.

49. The meeting endorsed the group's findings. The Chair thanked the working group for its contribution and requested that the Secretariat reflect the concerns of the working group in the development of the reporting template. The Chair requested that the Secretariat circulate the new draft to the delegates via email correspondence for agreement.

#### **5.4: Report on Results of the Year of the Dolphin 2007/2008**

50. Heidrun Frisch (CMS) drew the delegates' attention to document Inf.5-05. The "Year of the Dolphin 2007/2008" had been a major outreach campaign of CMS and its cetacean-related agreements. It had been launched in the Pacific Islands Region during the First Meeting of Signatories to the MoU. Educational material developed for the campaign was still available online and that the resources could still be useful to promote the objectives of the MoU.

#### **Agenda Item 6: Scientific and Technical Advice**

51. The Secretariat highlighted the need to encourage information sharing, as data on cetaceans was generally deficient. Agenda Item 6 included a presentation on a report compiled by WDCS followed by a discussion on the development of a Technical Advisory Group for the MoU. The meeting was also asked to endorse a proposal to develop SPWRC's Oceania Humpback Whale Recovery Plan.

## 6.1: Progress of Regional Scientific and Technical Knowledge

52. Cara Miller (WDCS) presented a report prepared by WDCS entitled: Update on the Current State of Knowledge of Cetacean Threats, Diversity and Habitats in the Pacific Islands Region (Inf.6-01). She said that the report was an update of one previously delivered by WDCS at the first MoU meeting in March 2007. The report would be reviewed and presented at subsequent Meetings of the Signatories.

53. Pierre Yves Vion (France) thanked WDCS for the report and informed the meeting of the recent sulphuric acid spill in the waters off New Caledonia in April 2009. An investigation had been carried out and revealed no evidence of long-lasting impacts to the sea. The acid had now been neutralised, but France would monitor the situation. In response, Dr Miller informed the meeting that there was a collection of relevant news stories available including the acid leak in New Caledonia contained in the DVD that had been distributed.

54. Mike Donoghue (New Zealand) thanked WDCS for their support to CMS. He reminded delegates that they should send tissue samples to those countries with laboratories equipped to process them and stressed the importance of coordinating research, including aerial surveys and training, in order to build regional capacity.

55. John Talagi (Niue) called for research on the impact of noise on cetaceans in relation to whale watching, as whales sighted from the shore appeared to be frightened by the approaching boats.

56. Olive Andrews (Whales Alive/IFAW) explained the collaborative research efforts between SPWRC and IFAW in Tongan waters on the effects of whale-watching vessels and swimmers on whale behaviour. She also commented on the need to communicate more on the impacts of sound, especially in the light of recent seismic research in Tonga.

57. Australia provided an update of research areas, including satellite tagging of humpback whales in order to identify temperate feeding grounds and a noise pollution study on beaked whales by the Defence Department.

58. After thanking WDCS, the Chair welcomed the increase of information and effort within the region and looked forward to receiving more data over the coming years. The Secretariat was requested to report regularly on the progress of regional scientific and technical knowledge at future meetings, as it had proposed in Doc.6-01.

## 6.2: Report of Intersessional Process Discussing a Pacific Cetaceans MoU Technical Advisory Group

59. By drawing attention to Doc.6-02, Melanie Virtue (CMS) opened the discussions of the open-ended Technical Advisory Group (TAG) to support the MoU. She proposed the establishment of a TAG that would operate by e-mail, at no cost to CMS, and noted that WDCS had offered to coordinate the TAG until the next meeting, as outlined in document Inf.6-2. The Chair identified two issues to consider; firstly, to decide whether to set up a TAG at all, and secondly, to adopt Terms of Reference (ToR).

60. Cara Miller (WDCS) clarified that the proposed co-ordinator would:

- Draft terms of reference and a programme of work, and circulate to signatories for comment;
- Seek nominations (scientific, legal and technical) for membership of TAG, to be endorsed by signatories;

- Establish an electronic meeting schedule;
- Maintain a register of experts;
- Maintain and develop relationships with the CMS Scientific Council and other CMS bodies (e.g. ACCOBAMS, ASCOBANS)
- Report regularly to CMS/SPREP/Signatories, including a formal report to the next meeting

61. The meeting discussed whether the MoU TAG could be identical to the SPREP Advisory Group. The delegates concluded that the mandate of the CMS Pacific Cetaceans MoU and SPREP were sufficiently different to require separate technical support groups. The proposed ToR were adopted and are attached as Annex 5 to this report.

62. The delegates then discussed the composition of the TAG. Membership of the TAG would be determined by the signatories, who were encouraged to include members of the SPREP advisory group in the MoU TAG. Although there could be some commonality, there might need to be a larger membership, due to the international focus of CMS.

63. The meeting adopted the membership selection process outlined in Inf.6-02. The offer by WDCS to co-ordinate the TAG until the next meeting of signatories was gratefully accepted. The meeting requested that the CMS Secretariat and the WDCS coordinator work with the SPREP Secretariat to ensure both advisory groups cooperated fully to avoid duplication.

### **6.3: Proposal to Develop an Oceania Humpback Whale Recovery Plan**

64. Rochelle Constantine (SPWRC) presented document Inf.6-03. A Recovery Plan had become necessary because most of the small breeding populations of humpbacks in the South Pacific remained at extremely low levels despite decades of protection. The Recovery Plan aimed to provide a coordinated effort to identify and prioritise threats, enabling appropriate management techniques to be developed and implemented. Initial funding was sought only to complete the Recovery Plan. Subsequent funding for the actual research and management response would be sought at a later date.

65. Dr Constantine indicated that the SPWRC would continue to move forward with the programme of work, but the support and endorsement of the delegates were crucial. The Chair and the delegates endorsed the discussion paper.

### **Agenda Item 7: Identifying Medium-term Implementation Priorities of the Whale and Dolphin Action Plan**

66. Heidrun Frisch (CMS) informed the meeting of the proposed process for identifying medium-term implementation priorities for the MOU Whale and Dolphin Action Plan (WDAP). Because the document was pitched at a high strategic level, there was a need to identify the individual steps required to achieve its practical implementation.

67. Ms Frisch acknowledged the importance of identifying priorities specific to the MoU rather than those of SPREP. The proposed prioritisation, taking account of regional and national considerations, was to be conducted by the signatories by email correspondence.

68. Andrew Bignell (Chair) thanked the Secretariat and the meeting adopted the proposal for an email correspondence process to establish medium-term priorities for the WDAP.

## Agenda Item 8: Alliances, Synergies and Complementary Activities

69. Heidrun Frisch (CMS) introduced Doc.8-01. She highlighted the importance of regular reporting on the progress of alliances to ensure synergies were used to their best effect and stressed that the MoU was a valuable part of a global and regional network of activities.

70. Francis Hickey (Vanuatu) welcomed the sentiments contained in the document to facilitate resources in the Pacific Region. He suggested CMS could be involved in by-catch data collection as most by-catch data provided by Asian distant-water fishing countries was viewed as unreliable and of a poor quality.

### 8.1: Progress of Relevant CMS Marine Mammal Agreements

71. Heidrun Frisch (CMS) drew attention to Doc.8-02, informing the meeting of progress made in other relevant CMS agreements and emphasised the importance of information sharing.

72. Mike Donoghue (New Zealand) commended the delegates on the work of the MoU and informed the meeting that the Lankanfilohu Declaration, made at an Indian Ocean Cetacean Symposium in the Maldives the previous week, was a tribute to the Pacific Cetaceans MoU, since a similar approach was being proposed in an adjacent ocean. He added that the lessons learnt by the ASCOBANS and ACCOBAMS Agreements could be used to inform the Pacific Cetaceans MoU.

73. David Mattila (USA) highlighted the opportunity to learn from the recent UNEP Marine Mammal Action Plan meeting, held in the Caribbean. Pierre Yves Vion (France) emphasised that there was already a good network, and that sharing information was necessary for better coordination to be achieved at varying levels.

### 8.2 Potential MoU Contributions to Global Initiatives

74. Andrew Bignell (Chair) requested that the Secretariat carry the aspirations of the Signatories to the Pacific Cetaceans MoU forward into the wider CMS arena. He called on delegates to keep in mind the importance of synergies when completing the priority assessment identified in Agenda Item 7.

75. Vaitoti Tupa (Cook Islands) drew attention to the subject of climate change. The meeting identified the upcoming UNFCCC COP in Copenhagen (December 2009) as an opportunity to express the concerns of the Pacific Cetaceans MoU signatories and to strengthen networks and create awareness of CMS.

76. The Chair identified the importance of conveying the outcomes of this meeting at the SPREP annual meeting.

## Agenda Item 9: Implementation Tools

77. Heidrun Frisch (CMS) referred to Doc.9-01, in which the Secretariat called for the delegates' feedback on priorities in developing material specific to their needs.

78. She thanked WDCS for the continued support on the development of the CMS Pacific MoU website, [www.pacificcetaceans.org](http://www.pacificcetaceans.org). Both the Secretariat and WDCS called on delegates to provide feedback, so that the website could be made as useful as possible.

Members were instructed to contact the Secretariat, should they require additions to the website.

79. Rochelle Constantine (SPWRC) noted the importance of the website in terms of making information available to signatories and offered to provide advice on data collection to improve methods and increase research gains. Pierre Yves Vion (France) requested that the website be translated into French or at least that French translations be posted where available.

80. It was agreed that the agenda item 'Implementation Tools' would remain on the agenda of future meeting as an opportunity to discuss related issues as necessary.

#### **Agenda Item 10: Next Meeting of the Signatories**

81. It was agreed that the next meeting of the signatories ideally should be held in approximately 12 months' time, when more progress had been made on the Humpback Whale Recovery Plan. The meeting date was to be confirmed, but to conserve resources, the next MoU meeting would be aligned to the annual SPREP meeting, tentatively scheduled for September 2010.

82. Andrew Bignell (Chair) reminded the delegates that funding would be needed for the next meeting and for implementing the MoU.

#### **Agenda Item 11: Any Other Business**

83. No issues were raised under this item.

#### **Agenda Item 12: Closure of the Meeting**

84. After the customary exchange of thanks to the hosts and organizers, the Chair declared the meeting closed at 2.30pm on 29 July 2009. In the Pacific tradition, Ara Tai Rakana (New Zealand) gave a "karakia" to wish participants a safe journey home.

### ACTION POINTS ARISING FROM THE MEETING

Agenda Item	Action Point
3.2	Delegates to provide the secretariat with an updated list of designated competent authorities and focal points
3.3	All participants to investigate ways to fund the proposed CMS Pacific Marine Officer to be based at SPREP
4.	Secretariat to distribute English and French versions of the Whale and Dolphin Action Plan, as amended and adopted.
5.3	Secretariat to develop a new draft of the National Report format and circulate to delegates for agreement. Delegates to note that WDCS stands ready to assist signatories to complete their National Reports for the first time.
6.1	Secretariat to report on progress of regional scientific and technical knowledge at future meetings.
6.2	Secretariat and WDCS to establish the Technical Advisory Group WDCS to act as Coordinator until the next meeting. Secretariat and WDCS to work closely with SPREP to ensure full cooperation between this group and the SPREP technical advisory group.
7.1	Secretariat to initiate email correspondence to establish the medium term priorities for the Whale and Dolphin Action Plan.
8.2	SPREP to convey outcomes of this meeting to its annual meeting
10.	Secretariat to convene next meeting, ideally in about 12 months' time, if possible back to back with the 2010 SPREP annual meeting.

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## AGENDA

1. Introductory Items
  - 1.1 Welcoming Remarks
  - 1.2 Signing Ceremony
  - 1.3 Election of Officers
  - 1.4 Adoption of the Agenda and Meeting Schedule
2. Opening Statements
  - 2.1 Signatories
  - 2.2 Collaborating Organizations
  - 2.3 Observers
3. Report of the Secretariat
  - 3.1 Status of Signatures
  - 3.2 Designated Competent Authorities and Contact Points
  - 3.3 Pacific Cetaceans MoU Coordination and the Relationship with SPREP
4. Adoption of the SPREP Whale and Dolphin Action Plan
5. Review of Implementation Progress of the MoU
  - 5.1 Signatory Reports on the Implementation of the Pacific Cetaceans MoU
  - 5.2 Collaborating Organization Reports on Contributions towards the Implementation of the Pacific Cetaceans MoU
  - 5.3 Consideration of Draft Report Format
  - 5.4 Reports on Results of the Year of the Dolphin 2007/2008
6. Scientific and Technical Advice
  - 6.1 Progress of Regional Scientific and Technical Knowledge
  - 6.2 Report of Intersessional Process Discussing a Pacific Cetaceans MoU Technical Advisory Group
  - 6.3 Draft Oceania Humpback Whale Recovery Plan
7. Identifying Medium-term Implementation Priorities of the Whale and Dolphin Action Plan
8. Alliances, Synergies and Complementary Activities
  - 8.1 Progress of Relevant CMS Marine Mammal Agreements
  - 8.2 Potential MoU Contributions to Global Initiatives
  - 8.3 Forthcoming Meetings and Events of Relevance to the MoU
9. Implementation Tools
  - 9.1 Pacific Cetaceans MoU Website
10. Next Meeting of the Signatories
11. Any Other Business
12. Closure of the Meeting

**LIST OF DOCUMENTS**

No.	Agenda Item	Document Title	Submitted by	Distributed
Doc.1-01 rev.1	1.4	Provisional Agenda	Secretariat	21/07/09
Doc.1-02	1.4	Provisional Annotated Agenda and Meeting Schedule	Secretariat	21/07/09
Doc.1-03		List of Documents	Secretariat	23/07/09
Inf.1-01		Provisional List of Participants	Secretariat	28/07/09
Inf.2-02	2.2	Opening Statements of Collaborating Organizations a) WDCS	Collaborating Organizations	22/07/09
Doc.3.01	3	Report of the Secretariat	Secretariat	21/07/09
Doc.3-02	3.3	Pacific Cetaceans MoU Coordination and the Relationship with SPREP	Secretariat	22/07/09
Inf.3-01	3.1	Status of Signatures and Agreement Summary Sheet	Secretariat	16/07/09
Inf.3-02	3.2	Designated Competent Authorities and Contact Points	Secretariat	23/07/09
Inf.3-03	3.2	Designated Competent Authority and Contact Point Form	Secretariat	17/07/09
Doc.4-01	4	Adoption of the SPREP Whale and Dolphin Action Plan (2008-2012)	Secretariat	03/07/09
Doc.5-01 rev.1	5	Review of Pacific Cetaceans MoU Implementation	Secretariat	15/07/09
Doc.5-02 rev.1	5.3	Draft Pacific Cetacean MoU Implementation Report Format	Secretariat	23/07/09
Inf.5-02	5.2	Collaborating Organization Reports on the Implementation of the Pacific Cetaceans MoU a) WDCS	Collaborating Organizations	22/07/09
Inf.5-03	5	Report of the First Meeting of Signatories	Secretariat	15/07/09
Inf.5-04	5.1	Papua New Guinea National Cetacean Research Training and Capacity Building Workshop	PNG	16/07/09
Inf.5-05	5.4	Report on Results of the Year of the Dolphin 2007/2008	Secretariat	21/07/09
Doc.6-01	6.1	Progress of Regional Scientific and Technical Knowledge	Secretariat	22/07/09

No.	Agenda Item	Document Title	Submitted by	Distributed
Doc.6-02	6.2	Report of Intersessional Discussions on the Establishment of an Open-ended Technical Advisory Group to support the Pacific Cetaceans MoU	Secretariat	01/07/09
Inf.6-01	6.1	Update on the Current State of Knowledge of Cetaceans Threats, Diversity and Habitats in the Pacific Islands Region	WDCS	15/07/09
Inf.6-02	6.2	Proposal/s to Coordinate the Open-ended Technical Advisory Group to Support the Pacific Cetaceans MoU between MOS2 and 3 a) WDCS	Secretariat	22/07/09
Inf.6-03	6.3	Oceania Humpback Whale Recovery Plan – Discussion Paper	SPREP + SPWRC	21/07/09
Inf.6-04	6.3	IUCN Proposal for Separate Listing for Oceania Sub-population of Humpbacks	SPWRC	16/07/09
Inf.6-05	6.1	CMS, CITES and IUCN Listings of Cetaceans in Waters of the Pacific Islands Region	Secretariat	22/07/09
Doc.7-01	7	Proposed Process for Identifying Medium Term Implementation Priorities for the Whale and Dolphin Action Plan	Secretariat	17/07/09
Doc.8-01	8	Alliances, Synergies and Complementary Activities	Secretariat	22/07/09
Doc.8-02	8	Facilitating Greater Collaboration between CMS Cetacean Agreements	Secretariat	16/07/09
Inf.8-01	8.1	Progress of CMS Cetacean-related Agreements	Secretariat	15/07/09
Doc.9-01	9	Implementation Tools	Secretariat	21/07/09

## NATIONAL IMPLEMENTATION REPORTING FORMAT

### Comments of the Working Group (New Zealand, Fiji, France, WDCS, WWF, SPWRC)

The group acknowledged that CMS members who are signatories to the MoU would need to fill in a Country Report for each COP, but the majority of the present signatories are not currently CMS members, so it would be preferable to simplify the process for non-CMS members, and to make it shorter if possible. The objective would be to fulfill CMS requirements, but also at the same time to deliver a systematic reporting of cetacean species in the Pacific Islands region.

Specific issues raised included:

- Some of the questions are more appropriately directed towards conservation actions for birds and terrestrial animals, and the format could accordingly be reviewed and modified to be more specific for Pacific Island cetaceans;
- It would be desirable if there were an opportunity for Pacific Island countries to emphasise the special cultural relationships that exist with cetaceans in many countries and to report on their achievements (perhaps to replace 2.1 question 1);
- Consider including a table with all cetacean species reported from the Pacific Islands and all signatories, with the opportunity for each signatory to list species reported from their waters (rather than, or in addition to, the Appendix I and Appendix II species listed);
- Accommodation could be made for reporting from Territories;
- WDCS reiterated their willingness to assist Signatories to compile their first report (following which, subsequent reports should be simply a matter of updating);
- The working group and interested participants would value the opportunity to review further drafts of the reporting format.

## TERMS OF REFERENCE FOR THE PACIFIC CETACEANS MOU ADVISORY GROUP

1. As follow-up of the First Meeting of the Signatories to the MoU an informal group identified during the MoU meeting discussed the Pacific Cetaceans MoU Advisory Group and developed draft Terms of Reference for a Pacific Cetaceans MoU Advisory Group.
  
2. The Pacific Cetaceans MoU Advisory Group should:
  - i. Advise the Pacific Cetaceans MoU Secretariat and the MoU Meeting of the Signatories as directed by the MoU Meeting of the Signatories;
  - ii. Operate in a mutually supportive role to both the MoU and the SPREP WDAP processes, but taking direction from the MoU Meeting of the Signatories specifically;
  - iii. Be composed of experts participating in their individual capacities nominated for their knowledge and not as national or institutional representatives;
  - iv. Determine its modus operandi including its coordination, frequency of meetings and the means to liaise with the Pacific Cetaceans MoU Secretariat. This would be endorsed by the MoU Meeting of the Signatories and reviewed periodically by it at agreed intervals;
  - v. Establish and maintain links with the scientific bodies of the cetaceans-related CMS Agreements, SPREP and other processes as necessary;
  - vi. Operate primarily through electronic communication or in the margins of other meetings;
  - vii. Have no financial implications for the MoU or the Convention on Migratory Species, securing any and all funding exclusively from extra-budgetary sources;
  - viii. Evolve with and adapt to the needs of the MoU as directed by the MoU Meeting of the Signatories;
  - ix. Be inclusive of all expertise (science, social, legal, technical etc) and should actively seek to build on institutional capacity of the region; and
  - x. Be coordinated by a Country, Territory or Collaborating Organization Signatory to the Pacific Cetaceans MoU.
  
3. As directed by the MoU's Meeting of the Signatories, the Pacific Cetaceans MoU Advisory Group, could respond to specific requests for technical and scientific advice from the Meeting of the Signatories, such as:
  - i. Review available scientific, technical and other information on cetaceans in the Pacific Islands Region as a basis to keep their conservation status under review to support the decision making of the Meeting of the Signatories.
  - ii. Make recommendations on scientific and technical work needed to support the implementation of the MoU and action plan.
  - iii. Evaluate, report on and keep under review the conservation impact of the MoU and its action plan.
  - iv. Review and contribute to species listing proposals from MoU signatories who are CMS Parties.

- v. Review and contribute to conservation status reports developed by the CMS Scientific Council.
- vi. Review the scientific and technical implications of resolutions and recommendations of the CMS Conference of the Parties and make recommendations to the MoU Meeting of Signatories for regional responses.
- vii. Review and contribute to the implementation of the CMS Scientific Council Implementation Plan (2006-2011).
- viii. Contribute relevant information to support the CMS triennial reporting requirements of MoU Signatories that are also CMS Parties, including information on the conservation status of cetaceans.