



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 3

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

REPORT OF THE SECRETARIAT (Prepared by the Secretariat)

1. It is a general principle that the CMS Secretariat acts as the secretariat for Memoranda of Understanding (MoU) concluded under CMS auspices. The CMS Secretariat acts as Secretariat for the Pacific Islands Region MoU pursuant to MoU paragraph 17. It also acts as the MoU depositary pursuant to MoU paragraph 16.
2. This note provides a brief overview of the Secretariat's responsibilities as depositary and provides a summary of the status of signatures to the MoU and the Secretariat's recruitment efforts since the first Meeting of Signatories in March 2007. Section 2 briefly summarises the need to generate a list of designated competent authorities and contact points.

Status of Signatures and Recruitment Efforts to Date

3. The CMS Secretariat undertakes a number of activities as the MoU's depositary. The primary activity is to keep track of the status of the MoU. It keeps the original version of the MoU on file, it notifies the signatories of new signatures and upon request transmits certified copies of the MoU to the various Signatories and organisations that have signed the MoU.
4. Document Inf.3-01 notes that as of 16 July 2009 there were 11 Signatories to the MoU: Australia, Cook Islands, Federated States of Micronesia, Fiji, France (incl. French Polynesia, New Caledonia, Wallis and Futuna), New Zealand, Niue, Papua New Guinea, Samoa, Solomon Islands and Vanuatu.
5. The CMS Secretariat and the SPREP Secretariat are actively working together to increase membership in the MoU. The CMS Secretariat has sent official letters inviting each of the countries and territories in the Pacific Islands Region that are not yet Signatories to the MoU to sign at this meeting.
6. In addition, the Secretariat has been working with key international NGOs actively working on cetacean conservation issues within the region to sign the MoU as collaborating organisations. Five organisations, CMS Secretariat, SPREP, IFAW, WWF and WDCS, have signed the MoU as collaborating organisations.
7. By signing the MoU, collaborating organisations demonstrate their commitment to support the implementation of the MoU and Action Plan. Some of the attributes considered in determining whether an organisation is invited to sign the MoU include *inter alia*: (1) a long term interest in the particular species; (2) a demonstrated commitment towards the MoU; and (3) a regional presence or influence, including good relations with Range States and NGOs in the agreement area.
8. Two additional organisations, the South Pacific Whale Research Consortium and Whales Alive, have expressed their desire to be included among the collaborating organisations. To this effect, the Secretariat informed all Signatories on 2 July 2009 and has requested any objections to be made known to the Secretariat by 22 July 2009. If no objections are received by that date, the Secretariat will set down the amendment to the MoU (i.e. the inclusion of the two new

collaborating organisations) in an “amending protocol”, and the Chairperson of the upcoming Meeting of Signatories and an authorised representative of the CMS Secretariat will be charged with signing it to certify that the consensus was reached. The two organisations will then be given opportunity to sign the MoU at the meeting.

Action requested:

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

- Seek any clarification that might be necessary.
- Take note of the Secretariat’s brief report concerning the status of signatures and recruitment efforts.
- Consider ways and means to increase the membership in the MoU.
- Representatives of non-Signatory States and Territories eligible to sign the MoU are invited to inform the meeting of their intentions to sign the MoU.
- Organisations meeting the criteria listed in paragraph 7 above are invited to express their interest in signing the MoU as a collaborating organisation.

List of Designated Competent Authorities and Contact Points

9. Paragraph 7 of the MoU invites Signatories to designate a competent authority to serve as a focal point for all matters relating to the MoU’s implementation and to communicate the name and address of the authority. In addition to this information, it would be useful to receive the name and address of individuals (contact points) within the competent authority with whom the Secretariat could correspond and who would have responsibility for coordinating the MoU implementation. A Designated Competent Authority and Contact Point Form was transmitted to all Signatories prior to the First Meeting of Signatories.

10. Inf.3-02 contains a list showing the designated contact points that have been communicated to the Secretariat so far. Signatories are requested to verify whether the information contained in this document is still up to date and communicate any changes to the Secretariat. The list will be maintained by the Secretariat and periodically circulated to the Signatories.

11. The form has been made available again as Inf.3-03 to provide an opportunity for Signatories to designate contact points for communications from the Secretariat. All Signatories are encouraged to return this form as soon as possible to the CMS Secretariat.

Action requested:

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

- Provide to the Secretariat as soon as possible their Designated Competent Authority and Contact Point Form, officially stamped by the relevant Minister or designee, if it has not been already forwarded to the Secretariat prior to the meeting; or verify whether the information provided to the Secretariat earlier on is still correct.