



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 3.1

REPORT OF THE SECRETARIAT

1. 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 second Meeting of Signatories in July 2009. It also briefly summarizes the need to generate a list of designated competent authorities and contact points.

Status of Signatures and Recruitment Efforts to Date

3. Document Inf.3.1.3 notes that as of 1 July 2012, 14 of the 22 Range States and Territories were Signatories to the MOU: Australia, Cook Islands, Fiji, France (incl. French Polynesia, New Caledonia, Wallis and Futuna), Federated States of Micronesia, New Zealand, Niue, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, the United Kingdom (for Pitcairn Is) and Vanuatu.
4. The CMS Secretariat and the SPREP Secretariat are actively working together to increase membership in the MOU. Before the 21st SPREP Meeting in 2010, the CMS Secretariat sent emails to all non-Signatory Range States, encouraging them to sign. Tonga and Tuvalu used the opportunity at this meeting. The Secretariat also passed "recruitment packs" to the representatives of all countries and territories that are not yet Party to CMS or Signatory to one of the MOUs relevant for the Pacific Islands Region (Pacific Cetaceans MOU, Sharks MOU and Dugong MOU), encouraging their full participation in these instruments by outlining the important work that is being undertaken in these frameworks. During the same meeting, on 9 September 2010, the CMS Marine Mammals Officer and Dugong Officer jointly ran a side event entitled "Migratory Marine Species – What CMS is doing in the Pacific Islands Region".
5. Recruitment focus for the Pacific Cetaceans MoU has been directed towards Kiribati, Palau and Tokelau. Prior to MOS3, there was also an expression of interest received from French Polynesia indicating internal discussions to consider the MoU were under way.
6. In addition, the Secretariat has been working with key international NGOs working on cetacean conservation issues within the region. Five NGOs, namely IFAW, South Pacific Whale Research Consortium, Whales Alive, WDCS and WWF South Pacific Programme, have signed the MOU as collaborating organizations. They have thereby demonstrated their commitment to

support the implementation of the MOU and Action Plan, and indicated their willingness to promote and support the MOU and Action Plan and their objectives at other meetings, as well as in their publications, projects, and research, and their commitment to feed relevant information back into MOU processes, e.g. by submitting papers to meetings and by participating actively in the work of the Technical Advisory Group. Additionally, these collaborating organizations have significantly supported efforts by Signatories to implement the MoU Action Plan. Further detail of this is provided in CMS/PIC/MoS3/Doc.3.2.

CMS Pacific Officer

7. In line with the recommendation of the 2nd Meeting of Signatories, the CMS and SPREP Secretariats undertook efforts to secure funding for the position of a CMS officer to be based in the SPREP Secretariat. On an ad-hoc basis funds for a one year contract were secured in early 2011, with a total of US\$80,000 contributed by the CMS (incl. US\$40,000 from the CMS Dugong MOU), and US\$15,000 added by SPREP, along with their free provision of office space, equipment and services. Following a recruitment process led by SPREP, Ms Penina Solomona was selected for the position and took office on the 9th January, 2012.

8. The CMS Pacific Officer's tasks include:

- i. **Networking and promotion:** maintaining regular contacts and working relations with the designated national focal point for CMS and relevant MOUs; promote CMS and its relevant MOUs among prospective states and territories in the region.
- ii. **Technical advice and support:** provide technical advice / assistance to support the implementation of existing and future CMS instruments in the region including relevant action plans.
- iii. **Consultation and cooperation:** pursue further and strengthen existing collaboration with partners and stakeholders to support the implementation of CMS related commitments in the region; support the delivery of CMS related meetings in the Pacific Islands region.
- iv. **Funding and resourcing:** support national focal point efforts to secure funding to undertake relevant projects; support CMS and SPREP to secure long term financing for this position.

9. Since recruitment, the CMS Pacific Officer has undertaken to:

- i. Engage in the review of the 2008 – 2012 Regional Marine Species Action Plans with a key focus on the Whale and Dolphin Action Plan due to its strong links with the MOU Action Plan. A preliminary review of the implementation of the MOU Action Plan is contained in CMS/PIC/MoS3/Doc.3.2.
- ii. Provide technical assistance to the CMS accession process in Tonga through a country visit resulting in the Ministry of Environment and Climate Change undertaking further internal consultations before advising on their next steps.
- iii. Provide technical assistance to the CMS accession process in Fiji through a country visit and stakeholder consultation (involving six key stakeholders) resulting in a draft Cabinet paper being prepared for submission by end of September, 2012.
- iv. Provide technical assistance through the preparation and submission of a paper entitled 'Brief synopsis and analysis of the CMS Migratory Shark MOU and its implications on

Pacific Island countries'. The paper was prepared upon requests received from Vanuatu and Samoa.

- v. Provide technical assistance through the review, compilation and dissemination of relevant grant opportunities for Pacific Island Country and Territory representatives and other partners, who are on the SPREP PI Cetacean / Dugong / Shark listserv.
 - vi. Provide technical assistance to Pacific Island country representatives at the recent NBSAP review workshop (Rotorua, NZ) to encourage the integration of threatened and migratory species, as reflected in relevant and existing regional marine species plans (eg: MoU Action Plan) into these national policies and plans. Further information of this process is contained in CMS/PIC/MoS3/Doc.7.1.
 - vii. Enhance the profile of the CMS in the region through the development of a Pacific themed factsheet; Radio Australia interview; presentations delivered at regional meetings.
 - viii. Ensure communication links between the Secretariat and Pacific Island Parties or Signatories is sustained by updating the focal contact points listing. This has been beneficial when attempting to *inter alia* relay donor opportunities to Parties and annual contribution information.
 - ix. Ensure that CMS issues are included in mainstreaming efforts at the regional and national levels. This includes identifying synergies with other biodiversity related MEAs (eg: CBD, Ramsar, CITES) to which other Pacific Island countries are a Party to.
 - x. Organize the Third Meeting of the Signatories to the Pacific Cetaceans MoU.
10. CMS and SPREP are currently exploring options for a continuation of the position. The tangible progress made in just over half a year demonstrates that there is a need for a CMS presence in the region. However, neither organization's core budget makes provision for such a post. Therefore voluntary contributions are urgently sought in order to be able to continue providing these essential services to the region.

Outcome of the "Future Shape of CMS" Process

11. The *Intersessional Process Regarding the Future Shape of CMS* had been launched at COP9 with a mandate set out in Resolution 9.13 and its addendum containing terms of reference for a Working Group to explore possibilities for strengthening the contributions of the CMS and the CMS Family to worldwide conservation, management and sustainable use of migratory species over their entire range.

12. The intersessional process was shaped in three phases, details of which can be accessed in UNEP/CMS/Inf.10.14 available at the following URL address http://www.cms.int/bodies/COP/cop10/docs_and_inf_docs/meeting_docs.htm. The Working Group developed three options:

Option 1 – essential measures that could be largely accomplished in a single intersessional period if commenced immediately after COP10.

Option 2 – Option 1 activities plus additional, highly desirable, measures that could be implemented within the existing structures of the CMS Family, but which would need longer to implement, and have some additional cost implications.

Option 3 – Option 1 & Option 2 activities plus additional measures that would require more profound, long-term changes, which might require amendments to the legal texts of instruments within the CMS Family. There would also be additional cost implications.

13. Resolution 10.9 *Future Structure and Strategies of the CMS and CMS Family* was adopted in November 2011. It lists a set of activities according to priorities assigned by the Parties, and divided into short-term and medium to long-term actions.

14. Among the sixteen main activities selected by CMS Parties are many relevant to the Pacific Islands Region. These include *inter alia*:

- (8) Identifying opportunities for cooperation and coordination at the local and regional level through the creation of synergies based on geography, to be achieved by means of greater regional presence through coordinators with assistance from UNEP, NGOs, Parties and MEAs
- (9) Harmonization and interoperability of information management and reporting systems where appropriate and applicable for the CMS Family
- (10) Strengthening the coordination and servicing of MOUs, by ensuring appropriate staffing levels of the CMS Agreements Unit
- (13) Seeking opportunities to expand and develop capacity-building across the CMS Family, e.g. by CMS providing centralized related services
- (14) Seeking opportunities to expand and enhance fundraising activities, by coordinating with partners and stakeholders
- (15) Enhanced collaboration between CMS agreements, by (a) cooperation and coordination between agreement programmes and projects based on species clustering, thematic issues or geography as appropriate, and (b) if appropriate, cooperation and coordination between agreement Secretariats e.g. based on species clustering or on geography

15. Many of these activities concern ongoing actions in which the CMS Secretariat and partner organizations have already invested considerable effort. CMS Parties thus provided confirmation that these efforts are in line with their priorities, and provided guidance as to the next steps to be taken.

Designated Competent Authorities and Contact Points

16. 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.

17. CMS/PIC/MoS3/Inf.3.1.1 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 by means of the form contained in CMS/PIC/MoS3/Inf.3.1.2. The list will be maintained by the Secretariat and periodically circulated to the Signatories. All Signatories that

have not yet designated a contact point or have had changes in responsibilities 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*:

- Take note of the Secretariat's report.
- Seek any clarification that might be necessary.
- Consider ways and means to increase the membership in the MOU.
- Suggest possible avenues for funding and make pledges for (co-)funding of the position.
- Consider the implications of CMS Resolution 10.9 for the MOU and provide guidance to the Secretariat regarding priorities for the region.
- Provide to the Secretariat as soon as possible their Designated Competent Authority and Contact Point Form, if not already done or if the information provided earlier is no longer valid.

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.