

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

Concluded under the auspices of the
Convention on the Conservation of Migratory Species of Wild Animals (CMS)
in partnership with
The Pacific Regional Environment Programme (SPREP)

Opened for signature at the 17th SPREP Meeting
Noumea, 15 September 2006



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

Among the States and Territories of the Pacific Islands Region

The undersigned,

Aware of international responsibilities to conserve cetacean populations of the Pacific Islands Region, in particular, pursuant to the Convention on Biological Diversity (CBD) for which the Convention on the Conservation of Migratory Species of Wild Animals (CMS) is the CBD lead partner in the global conservation of migratory species over their entire range;

Recognising the importance of cetacean conservation at the global level as reflected, *inter alia*, in the United Nations Convention on the Law of the Sea, the International Convention for the Regulation of Whaling, and the Convention on International Trade in Endangered Species;

Further recognising instruments, policies and strategies important to the Pacific Islands Region, in particular, the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region and related Protocols, the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States, the CBD Island Biodiversity Programme of Work, the Pacific Islands Regional Ocean Policy, and the Action Strategy for Nature Conservation in the Pacific Islands Region;

Committed to the key regional role of the Pacific Regional Environment Programme (SPREP) and the important work done at the regional level for cetaceans and, in particular, the SPREP Whale and Dolphin Action Plan (2003-2007);

Further recognising that cetaceans, as an integral part of the marine environment that connect ecosystems and cultures, should be conserved for the benefit of present and future generations;

Conscious that many cetaceans migrate and disperse over vast distances making their survival dependent on their conservation over a wide area and in a range of marine and coastal habitats;

Emphasising that knowledge of the biology, ecology, migrations, population abundance, and conservation status of many cetaceans is deficient and that international cooperation will facilitate research and monitoring of these species in order to develop and implement conservation measures;

Concerned that the conservation status of cetacean populations that frequent the waters of the Pacific Islands Region, particularly those that have been severely depleted, can be affected by factors such as directed take and by-catch, degradation and disturbance of their habitats, chemical and noise pollution, decline in food availability, use and abandonment of fishing gear, ship-strikes, climate change, and ozone depletion;

Aware that many maritime activities in the Pacific Islands Region, such as fishing and tourism, are socially and economically important and that they should be conducted in an ecologically sustainable manner;

Acknowledging the shared responsibility of States, Territories, intergovernmental organisations and the non-governmental sector to achieve and maintain a favourable conservation status for cetaceans and their habitats in the Pacific Islands Region;

Emphasising that the particular vulnerability of cetacean populations warrants the implementation of conservation measures where they do not already exist;

Conscious that a number of cetacean species are listed in Appendices I and II of CMS and that some of these have been designated for concerted and cooperative action by the CMS Conference of the Parties, and that urgent action should be taken to achieve and maintain a favourable conservation status for these species and their habitats;

Noting that CMS calls for international cooperative action to conserve migratory species, and that CMS Article IV encourages CMS Contracting Parties to conclude Agreements, including non-legally binding agreements, in respect of any population of migratory species;

Recognising that the scientific bodies of the existing cetacean-based regional Agreements negotiated under CMS auspices, and the CMS Scientific Council, have scientific and technical expertise that can be shared with the Pacific Islands Region to support the implementation of this Memorandum of Understanding;

Confirming that the signatories have the primary responsibility to implement this Memorandum of Understanding;

DECIDE to work closely together in the Pacific Islands Region (Annex 1), and to foster cooperation, build capacity and ensure coordinated region-wide actions to achieve and maintain a favourable conservation status for all cetaceans and their habitats occurring in the region, and to safeguard the associated cultural values for Pacific Islands peoples. To these ends, in the spirit of mutual understanding and cooperation, the signatories hereby record their understanding that their governments will individually or collectively:

1. Take steps to conserve all cetaceans and fully protect species listed in CMS Appendix I that occur in the Pacific Islands Region.
2. Consider, as appropriate, ratifying or acceding to those biodiversity-related international instruments that complement the intent of this Memorandum of Understanding, in particular CMS, so as to enhance the legal protection of cetaceans in the Pacific Islands Region.
3. Review, enact or update, as appropriate, legislation to conserve cetaceans.
4. Implement, subject to the availability of necessary resources, the provisions of the Action Plan attached as Annex 2 to this Memorandum of Understanding as a basis to conserve all populations of cetaceans in the Pacific Islands Region. The Action Plan will address:
 - a) Threat reduction;
 - b) Habitat protection, including migratory corridors;
 - c) Research and monitoring;
 - d) Education and public awareness;
 - e) Information exchange;
 - f) Capacity building;
 - g) Responses to strandings and entanglements;
 - h) Sustainable and responsible cetacean-based tourism; and
 - i) International cooperation.

5. Facilitate the rapid exchange of scientific, technical and legal information necessary to coordinate conservation measures and to cooperate with recognised experts, collaborating organisations and Territories concerned so as to facilitate the work conducted in relation to the Action Plan.
6. Assess the implementation of this Memorandum of Understanding, including the Action Plan, at regular meetings to be attended by representatives of each of the signatories, the Territories concerned, and persons or organisations technically qualified in cetacean conservation.
7. Designate a competent authority to serve as a focal point for communication between the signatories and for implementing activities under this Memorandum of Understanding, and communicate the complete contact details of this authority (and any changes thereto) to the Secretariat.
8. Provide to the Secretariat a regular report on their implementation of this Memorandum of Understanding, the periodicity of which will be determined at the first meeting of the signatories. The Secretariat will transmit to each of the States, Territories concerned and any collaborating organisations all of the reports received, together with an overview report that it will compile on the basis of the information at its disposal.

Further Understandings

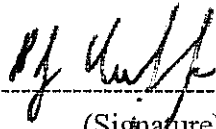
9. This Memorandum of Understanding is an agreement under Article IV, paragraph 4, of CMS and is not legally binding.
10. The Annexes are part of this Memorandum of Understanding.
11. Each signatory, as appropriate, will implement the Memorandum of Understanding in the Pacific Islands Region with respect to:
 - (a) its nationals and vessels; and
 - (b) marine areas under its jurisdiction.
12. This Memorandum of Understanding is open for signature by the States and Territories of the Pacific Islands Region and will take effect with four signatures. It will become effective for each subsequent signatory on the date of signature.
13. This Memorandum of Understanding will remain open for signature indefinitely, and will remain in effect indefinitely subject to the right of any signatory to terminate its participation by providing one year's written notice to all other signatories.
14. This Memorandum of Understanding, including its Annexes, may be amended by a consensus of all the signatories.
15. Nothing in this Memorandum of Understanding precludes signatories from implementing stronger measures than those specified in the Action Plan, in accordance with international law.

16. The original texts of this Memorandum of Understanding in the English and French languages will be deposited with the CMS Secretariat, which will act as the depositary. In the event of any discrepancies, the English version will be considered definitive.
17. The CMS Secretariat will act as the secretariat to this Memorandum of Understanding. It may use the services of any reliable organisation to support the coordination of this Memorandum of Understanding. An organization to coordinate the implementation of this Memorandum of Understanding will be determined by consensus of the signatories at their first meeting after consideration of all offers received. The signatories may also consider at their meetings suitable organizations to provide technical advice to support the implementation of this Memorandum of Understanding.

On behalf of the States and Territories of the Pacific Islands Region:

Au nom des Etats et Territoires de la Région des îles du Pacifique:

Representative of Australia
Représentant de l'Australie



(Signature)

Kevin James Keefe

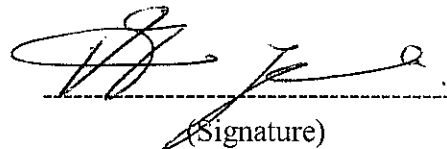
(Name in block letters/nom en majuscules d'imprimerie)

15/09/06
(Date)

Assistant Secretary, Department of Environment + Heritage

(Function/position)

Representative of the Cook Islands
Représentant des îles Cook



(Signature)

MR. Vaitoti Tupa

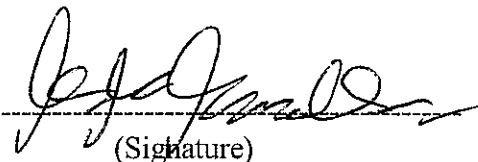
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15/09/06
(Date)

Director of Environment Service

(Function/position)

Representative of the Federated States of Micronesia
Représentant des Etats de la Fédération de Micronésie



(Signature)

KODARO M. GALLEN

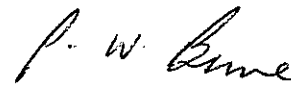
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15-09-06
(Date)

AMBASSADOR

(Function/position)

Representative of the Republic of Fiji
Représentant de la République de Fidji



(Signature)

POSECI W BUNE

(Name in block letters/nom en majuscules d'imprimerie)

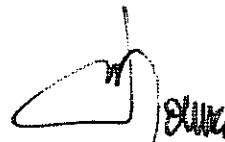
15 SEPTEMBER 2006

(Date)

MINISTER FOR ENVIRONMENT

(Function/position)

Representative of the French Republic
Représentant de la République française



(Signature)

PATRICK ROUSSEL AMBASSADEUR, SECRÉTAIRE PERMANENT POUR LE PACIFIQUE

(Name in block letters/nom en majuscules d'imprimerie)

15 SEPTEMBRE 2006

(Date)

(Function/position)

Representative of Kiribati
Représentant de Kiribati

(Signature)

(Name in block letters/nom en majuscules d'imprimerie)

(Date)

(Function/position)

Representative of the Republic of the Marshall Islands
Représentant de la République des îles Marshall

(Signature)

(Name in block letters/nom en majuscules d'imprimerie)

(Date)

(Function/position)

Representative of the Republic of Nauru
Représentant de la République de Nauru

(Signature)

(Name in block letters/nom en majuscules d'imprimerie)

(Date)

(Function/position)

Representative of New Zealand
Représentant de Nouvelle Zélande

(Signature)

MAHARA OKEROA

(Name in block letters/nom en majuscules d'imprimerie)

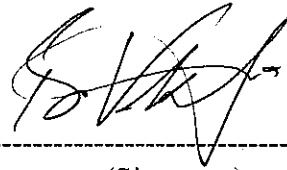
15. 9. 06 Hon Mahara Okeroa

(Date)

(Function/position)

Associate Minister

Representative of Niue
Représentant de Niue



(Signature)

BILL VAKAAFI MOTUFOOU

(Name in block letters/nom en majuscules d'imprimerie)

15 SEPTEMBER 2006

(Date)

MINISTER FOR ENVIRONMENT

(Function/position)

Representative of the Republic of Palau
Représentant de la République de Palau

(Signature)

(Name in block letters/nom en majuscules d'imprimerie)

(Date)

(Function/position)

Representative of Papua New Guinea
Représentant de Papouasie Nouvelle-Guinée



(Signature)

Dr Gae Gwae

(Name in block letters/nom en majuscules d'imprimerie)

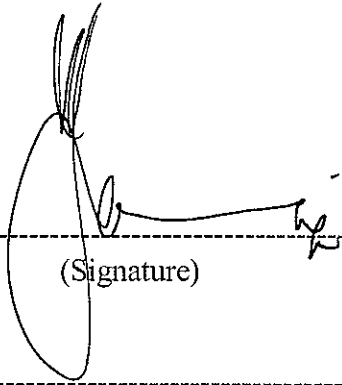
6th March 2007

(Date)

Deputy Secretary, Conservation

(Function/position)

Representative of the Independent State of Samoa
Représentant des Etats indépendants de Samoa




(Signature)

Hon. Faumuina Tiata Limaga
(Name in block letters/nom en majuscules d'imprimerie)

15th September 2006 : Minister of Natural Resources + Environment
(Date) (Function/position)

Representative of Solomon Islands
Représentant des îles Salomon



(Signature)

FRED IRO GANATE
(Name in block letters/nom en majuscules d'imprimerie)

6th MARCH 2007 PERMANENT SECRETARY
(Date) (Function/position)

Representative of Tokelau
Représentant de Tokelau

(Signature)

(Name in block letters/nom en majuscules d'imprimerie)

(Date) (Function/position)

Representative of the Kingdom of Tonga
Représentant du Royaume de Tonga



(Signature)

MAAFU

(Name in block letters/nom en majuscules d'imprimerie)

9/9/10 *Minister for Environment*

(Date) (Function/position)

Representative of Tuvalu
Représentant de Tuvalu



(Signature)

MR. MATAIQ TEKINENE

(Name in block letters/nom en majuscules d'imprimerie)

9/9/10 *DIRECTOR OF ENVIRONMENT*

(Date) (Function/position)

Representative of Vanuatu
Représentant de Vanuatu



(Signature)

(Name in block letters/nom en majuscules d'imprimerie)

15 Septembre 2006 *M.P and Gov. Minister*

(Date) (Function/position)

Representative of the United Kingdom of Great Britain and Northern Ireland
Représentant du Royaume-Uni de Grande Bretagne et d'Irlande du Nord

(Signature)

(Name in block letters/*nom en majuscules d'imprimerie*)

(Date)

(Function/*position*)

Representative of the United States of America
Représentant des Etats-Unis d'Amérique

(Signature)

(Name in block letters/*nom en majuscules d'imprimerie*)

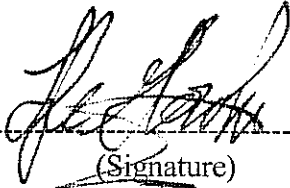
(Date)

(Function/*position*)

Collaborating Organisations evidencing their intention to support the implementation of the Memorandum of Understanding:

Organisations collaborateurs témoignant leur intention d'appuyer l'application du Mémorandum d'Entente:

Representative of the Secretariat, Convention on Migratory Species
Représentant du Secretariat, Convention sur les espèces migratrices



(Signature)

LYLE GLOWKA

(Name in block letters/nom en majuscules d'imprimerie)

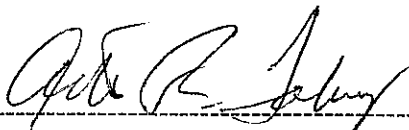
15 SEPTEMBER 2006

(Date)

AGREEMENTS OFFICER

(Function/position)

Representative of the Secretariat, Pacific Regional Environment Programme
Représentant du Secretariat, Programme régional océanien de l'environnement



(Signature)

Asterio R. Talley

(Name in block letters/nom en majuscules d'imprimerie)

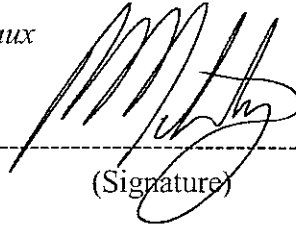
15 September 2006

(Date)

Director

(Function/position)

Representative of the International Fund for Animal Welfare
Représentant du Fonds international pour le bien-être des animaux



(Signature)

MICHAEL S MCINTYRE


(Name in block letters/nom en majuscules d'imprimerie)

15th SEPTEMBER 2006 DIRECTOR IFAW ASIA PACIFIC

(Date)

(Function/position)

Representative of the Whale and Dolphin Conservation Society
Représentant de la Société pour la conservation des baleines et des dauphins



(Signature)

MARGARET JEANNE PRIDOUX

(Name in block letters/nom en majuscules d'imprimerie)

15th SEPTEMBER 2006 STRATEGY DIRECTOR, WDCS INTERNATIONAL

(Date)

(Function/position)

Representative of the World Wide Fund for Nature
Représentant du Fonds mondial pour la nature



(Signature)

PENINA BANSE SOLOMONA

(Name in block letters/nom en majuscules d'imprimerie)

06 MARCH, 2007 REGIONAL MARINE OFFICER, WWF SOUTH PACIFIC PROG.

(Date)

(Function/position)