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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

REPORT OF THE MEETING

Agenda Item 1: INTRODUCTORY ITEMS

Agenda Item 1.1: Welcoming remarks

1. Heidrun Frisch, CMS Marine Mammals Officer, opened the meeting and welcomed the Signatories on behalf of the CMS Secretariat. She invited Vaitoti Tupa, representative from the Cook Islands, to lead the meeting in prayer.

2. Lui Bell, SPREP Marine Species Advisor, also welcomed the Signatories on behalf of the Secretariat of the Pacific Regional Environment Programme (SPREP). He recalled that the MOU had opened for signing in 2006 and suggested an exploration of shortening the name of the MOU to the 'Noumea MOU.' He also made reference to the 23rd SPREP Annual Meeting where the Marine Species Action Plans had been endorsed and noted that SPREP continued to commit efforts and resources to the MOU.

Agenda Item 1.2: Signing ceremony

3. There was no additional signatory to the MOU although there was strong indication from the United States of America that it was still considering this. Ms Frisch reiterated that the CMS Pacific Officer (Penina Solomona) was available to provide assistance where required.

Agenda Item 1.3: Election of Officers

4. Following the customary practice within CMS, the host country was invited to chair the meeting. This was agreed to by the meeting participants and thus Josiane Couratier (France) was elected.

5. Ms Couratier assumed the chair and thanked the delegates for being present particularly given that most had been in week-long meetings. She asked meeting participants for courage to see the day through.

For reasons of economy, this document is printed in a limited number, and will not be distributed at the meeting. Delegates are kindly requested to bring their copy to the meeting and not to request additional copies.

Agenda Item 1.4: Adoption of the Agenda and Meeting Schedule

6. The Chair proposed that the meeting adopt the annotated agenda and meeting schedule. With no dissent, the agenda was adopted and it is attached as Annex 1. Ms Frisch (CMS Secretariat) introduced to the meeting the list of documents and the final version is attached as Annex 2.

7. The provisional list of participants was updated to reflect all those that were present at the meeting and is attached as Annex 3. This included Margi Prideaux, Migratory Wildlife Network, who participated in the meeting electronically.

Agenda Item 2: OPENING STATEMENTS

8. The Chair invited opening statements from the meeting participants in the order of Signatories, Collaborating Organizations and Observers. Statements submitted in writing had been made available on the meeting webpage.

Agenda Item 2.1: Signatories

9. France noted that as a CMS Party it was delivering regular national reports to the Secretariat. In particular, attention was drawn first to the duty that France had to protect marine biodiversity including cetaceans given that over half of its EEZ was located in the Pacific Islands Region, and secondly to its engagement in response to that responsibility. As already stated at MoS 2, France would like to see meeting documents translated into French. It also expressed their willingness to support the development of a reporting format of the MOU.

Agenda Item 2.2: Collaborating Organizations

10. Cara Miller, chair of the Technical Advisory Group, delivered a statement on behalf of the Whale and Dolphin Conservation Society, followed by Claire Garrigue (France/New Caledonia) on behalf of the South Pacific Whale Research Consortium (SPWRC). These and two further statements, submitted by Whales Alive and Conservation International, had been made available as CMS/PIC/MoS3/Inf.2.2.

Agenda Item 2.3: Observers

11. Apar Sidhu, the representative of the United States of America, conveyed acknowledgements to SPREP, CMS and the Secretariat of the Pacific Community (SPC) and noted that the USA took the objectives of the MOU very seriously and was considering becoming a signatory to the MOU in the near future.

12. David Mattila, the representative of the International Whaling Commission, expressed his gratitude for having been invited and was looking forward to contributing to the discussions.

Agenda Item 3: REVIEW OF THE ADMINISTRATION & IMPLEMENTATION OF THE MOU AND ACTION PLAN

13. Sauni Tongatule (Niue) had recently submitted whale watching regulations to Cabinet with a view to securing endorsement before the end of September 2012. The country had made significant progress with humpback whale research in collaboration with Whales Alive. Niue was currently reviewing its NBSAP and would ensure MOU elements were a thematic area included in the process.

14. Mr Tupa (Cook Islands) was in the process of finalizing the designation of the competent authority and deciding on a contact point and would provide this information to the Secretariat as soon as possible.

15. Ms Garrigue (France/New Caledonia) reported on humpback whale surveys conducted in the breeding grounds with two migration paths identified. Land- and sea-based surveys were also being undertaken and reviews on the impact of mining. The inventory work had so far identified 25 species, and abundance estimates were available for Indo-Pacific bottlenose dolphins. Two regional scientific programmes were ongoing, REMOA looking at distribution, and CETA. There was also work to improve whale-watching activities including developing guidelines for approach, licensing and education, including annual training workshops. Educational kits for operators as well as flyers for private boaters had been prepared.

16. French Polynesia was working on its regulatory process for whale-watching operations and would be addressing this through a training and education programme later in 2012.

17. Christine Schweizer (Australia) reported that Operation CETUS, which supported compliance and education efforts, would be run again this season and would check the understanding of operations and the general public. Australia had also commenced the review of the national whale watching guidelines especially concerning 'swim-with' programmes and feeding of wild populations. Australia supported the SORP Year of the Blue Whale.

18. Jope Davetanivalu (Fiji) reported that the Government had been working with the CMS Pacific Officer to progress its intention to accede to CMS. To this end, the Department of Environment would present to Cabinet its submission on Tuesday, 11 September 2012. He commended the Whale and Dolphin Conservation Society for its engagement with communities, particularly with regard to any illegal activity. The Department of Environment also undertook compliance operations in order to minimize pollution.

Agenda Item 3.1: Secretariat

19. Ms Frisch (CMS Secretariat) introduced CMS/PIC/MoS3/Doc.3.1 which provided a brief overview of the Secretariat's responsibilities as the MOU depository and a summary of the status of signatures and recruitment efforts. She underlined the importance of identifying and confirming the list of competent authorities. The document also provided an overview of the recruitment and tasks of the CMS Pacific Officer, who was based at SPREP, and highlighted some of the key achievements. Funds were still needed for the continuation of this important position in 2013. Finally, the document outlined key results of the "Future Shape of CMS" process, as found in CMS Resolution 10.9.

20. Fakasoa Tealei (Tuvalu) congratulated the Chair and the CMS Pacific Officer and sought confirmation from the Secretariat that the MOU contact point forms had been received. This was affirmed by the CMS Pacific Officer. Mr Tealei noted that he would like to add other Ministry contacts to be copied into future correspondence.

21. Taulealeausumai Malua (Samoa) commended the Secretariat on the clear, concise and informative report and noted with appreciation efforts being made by the United States to become a Signatory. He also urged that more awareness-raising was needed to improve the profile of the MOU. He noted that there would be changes to the focal point and the relevant forms had been passed along to the CMS Pacific Officer.

22. Mr Davetanivalu (Fiji) confirmed that his office would complete and send through to the CMS Pacific Officer its form and also include other relevant Ministry contacts.

23. Asipeli Palaki (Tonga) sought clarification from the Secretariat on the number of competent authorities. It was clarified that only one competent authority could be designated, and one official contact point, but the Secretariat was willing to add others to the mailing list.

24. Mr Tongatule (Niue) raised the issue of future funding for the CMS Pacific Officer position noting that it was vital for the continued implementation of the MOU. He proposed that perhaps some communication could be issued from the meeting requesting the SPREP Council to allocate resources to this position when the CMS funding was exhausted. Additionally, he urged that the biodiversity/terrestrial section at SPREP consider this seriously.

25. Mr Tupa (Cook Islands) further emphasized the point made by Niue: it was essential that both Secretariats, CMS and SPREP, saw this as a vital position that contributed to other issues on biodiversity and the establishment of marine protected areas (MPAs). He requested and invited SPREP and CMS to consider the continuation of the CMS Pacific Officer post a priority and hoped that Australia, France and New Zealand, and perhaps the United States also once it had signed, looked into possibilities of helping.

26. Mr Malua (Samoa) strongly agreed with the proposal by the Cook Islands and Niue that the MOU and its coordination be made a formal part of the SPREP programme to give it a more robust legal foundation. He suggested this might work in a similar way to the mechanisms for other regional conventions, such as the Noumea and Waigani Conventions.

27. Ms Schweizer (Australia) commented that the interesting issue raised by Samoa warranted further consideration. Australia and Samoa both agreed that the goal was not to create another instrument, but rather, to make the MOU, and thus the Secretariat, a legal part of SPREP as currently this role lay with the CMS.

28. Mr Sidhu (United States) observed that discussions had strayed from the boundaries set by the MOU text.

29. Ms Frisch (CMS Secretariat) responded to queries on any legal implications of the provision of Secretariat services to the MOU through SPREP by noting that the text of the MOU assigned the role of the Secretariat to CMS. However, as in other cases, CMS had the option to enlist the help of other suitable organizations. The establishment of the CMS Pacific Officer position in SPREP was based on the 2005 Memorandum of Cooperation between CMS and SPREP. This position included many tasks not only relevant for the MOU, but depending on the wishes of CMS Parties, MOU Signatories and donors the terms of reference could be amended.

The key issue was sustainable funding for the position and if changing the structure might further aid this, then the CMS Secretariat would be happy to consider this.

30. The Chair suggested that further work was needed on the matter and Mr Tupa (Cook Islands) agreed and reiterated that the CMS Secretariat in Bonn still had a vital role to play. The Secretariat was asked to further clarify this in the context of the impact on the legal status and institutional arrangements.

31. Mr Bell (SPREP) proposed an additional action to form a working group to discuss this intersessionally. Mr Tupa suggested that the composition of this working group be MOU Signatories who had permanent representation in Samoa - namely Australia, New Zealand, France and perhaps the USA. However, the task might also be completed by means of a correspondence process, which the CMS Secretariat was asked to initiate. It was agreed that the working group should operate by correspondence, but that a face-to-face meeting would be considered just before MOS4 if members felt this was necessary.

32. Mr Palaki (Tonga) queried whether this would need to be submitted to the next SPREP Council and COP. Ms Frisch indicated that because the MOU was an independent institution, there would be no need for approval from the CMS COP unless the arrangement had permanent financial implications.

33. France cautioned that any options increasing its statutory funding commitments under CMS or SPREP would need careful review. Generally, it was more prepared to make voluntary funding commitments.

34. Mr Bell (SPREP) confirmed that SPREP and CMS would continue to look for funding. One suggestion was that this be a combined CITES/CMS position, whilst another, which had already been made known to the CMS, was that this position could be endorsed by the CMS COP as an extra-budgetary post, although this would need to be proposed by a CMS Party. With reference to the issue of increasing membership of the MOU, there was an identified gap in the territories. It would need clarification on whether the MOU automatically applied to territories when the mother countries signed. If this was the case, it would then increase the membership of the MOU. Ms Frisch commented that the different countries handled this differently.

Action Points:

- CMS Pacific Officer to work with countries and territories in order to increase MOU membership.
- Secretariat to initiate intersessional process to look at options for sustained funding of the CMS Pacific Officer position, including MOU coordination.
- Signatories to submit or update contact point information, as required.

Agenda Item 3.2: SPREP

35. Ms Solomona (CMS/SPREP) introduced CMS/PIC/MoS3/Doc.3.2 which provided a summary of the implementation progress and status of the 2009-2012 MOU Action Plan. The process of undertaking this review was done simultaneously with that of the SPREP 2008-2012 Whale and Dolphin Action Plan. The report provided key achievements made by Signatories including Tonga and Tuvalu signing the MOU and improved policies and guidelines focused on

cetacean conservation in the region. For 67 of the 94 actions activity was recorded. However, this report did not assess implementation on the ground or success measures such as population trends.

36. Mr Bell (SPREP) highlighted SPREP's role in further relevant activities, such as the endorsement of the Humpback whale recovery plan, or the facilitation of cooperation of the US National Marine Fisheries Service and the Whale and Dolphin Conservation Society with Fiji, Tonga and Vanuatu with respect to stranding networks.

Action Point:

- Signatories to provide updates on MOU Action Plan implementation to CMS and SPREP.

Agenda Item 3.3: Technical Advisory Group

37. Ms Miller (TAG Coordinator/WDCS) introduced CMS/PIC/MoS3/Doc.3.3 providing a summary of TAG activities since the establishment of the group in 2009. The Signatories were asked to provide comments on the outline of the sea-bed mining information document attached as an annex to the document. The TAG would welcome more such requests in order to assist Signatories.

38. Nina Young (USA) commented that there seemed to be coverage of this issue by various other organizations such as SPC and SPREP, and therefore raised the issue of synergies and whether any coordination was proposed between organizations on this topic. Topics A-D seemed relatively easy to access on the internet, while E-G were the ones adding real value. Ms Young suggested that the paper might also be used to inform SPREP's future work.

39. Ms Miller agreed that there was a great deal of information available from public sources, and the document would use the data. She clarified that this initiative was not looking to do research of any kind, but more to provide information to countries considering undertaking seabed mining so that they could use it as a reference. She was also asking the meeting for comments on the outline to see what other issues Signatories might like to access.

40. Mr Tongatule (Niue) sought clarification on whether the issue of seabed mining was within the terms of reference of the TAG. Ms Frisch (CMS Secretariat) confirmed that it was within the TAG's TOR to respond to any cetacean-related requests for advice or information from Signatories.

41. Mr Palaki (Tonga) pointed out that very few Signatories were represented on the TAG. Additionally, to his knowledge, only one country in the region, Papua New Guinea, was currently mining, with three others, Cook Islands, Fiji and Tonga, on their way to doing so. Environmental Impact Assessments were a requirement and the International Seabed Authority had a template for pertinent legislation. SPREP was involved in this work and the TAG should draw from these experiences.

42. Ms Schweizer (Australia) welcomed the proposed outline and commented that this would be a useful document and process. She noted that it would be good to change the title of document to specify that it was looking at the impacts on cetaceans of sea-bed mining. Perhaps an additional issue to include would be current mitigation measures to reduce such impacts.

43. Mr Davetanivalu (Fiji) welcomed the paper as seabed mining was a new issue and while there were existing papers, the TAG could support in further developing these for the benefit of the Signatories.

Action Points:

- TAG to produce document on impacts on cetaceans of sea-bed mining, taking into account the comments made on its scope and relevant related initiatives of other organizations.
- Signatories to avail themselves of the services of the TAG for any cetacean-related matter requiring advice.

Agenda Item 4: ADOPTION OF WHALE AND DOLPHIN ACTION PLAN

Agenda Item 4.1: Endorsement of SPREP WDAP as MoU Action Plan

44. Ms Solomona (CMS/SPREP) introduced CMS/PIC/MoS3/Doc.4.1 and reminded Signatories that this Action Plan had just been endorsed at the 23rd SPREP Annual Meeting. The Signatories adopted the 2013-2017 SPREP Whale and Dolphin Action Plan as the Action Plan for the MOU. Following this, the amending protocol was read out and signed by the Chair and Ms Frisch (CMS Secretariat). A copy of this is attached as Annex 4.

Agenda Item 4.2: Oceania Humpback Whale Recovery Plan

45. Ms Solomona (CMS/SPREP) introduced CMS/PIC/MoS3/Doc.4.2 which summarized the process undertaken since the proposal to develop the Oceania Humpback Whale Recovery Plan (OHWRP) had been endorsed at the Pacific Cetaceans MOU MoS2 in 2009. The OHWRP had been developed as a joint undertaking between SPREP and the South Pacific Whale Research Consortium (SPWRC), both collaborating organizations to the MOU. The OHWRP had been endorsed at the 2011 Annual SPREP Meeting with a recommendation to modify one figure to reflect existing legislation. A final version was not yet available.

46. Mr Tongatule (Niue) sought clarification on New Zealand's sanctuary status and was advised that despite New Zealand not having declared its EEZ a sanctuary, the legislation provided for the protection of cetaceans in New Zealand's waters.

47. David Mattila (IWC) welcomed the plan, but commented that humpback whale entanglement might best be assessed through scar studies, as observer programmes were not necessarily the optimum means of determining the level of interaction. Mr Bell (SPREP) responded that this was covered under the Whale and Dolphin Action Plan on entanglements and interaction with fisheries and would be noted in the record.

48. Ms Schweizer (Australia) flagged that there was perhaps merit in exploring a targeted workshop for consolidating data and the role of whale watching operators.

49. Ms Garrigue (France/New Caledonia) provided more information on humpback whale management efforts in New Caledonia where in the Southern Province approximately US$160,000 had been spent on studies and a similar amount on communication and awareness-

raising efforts. Whale watch operators had signed a code of conduct to minimize disturbance to the animals, and training kits for the guides to provide information and engage the tourists in conservation efforts had been made available. Surveys were conducted by two dedicated boats, which were also used for checking of boat operators, with about US$30,000 per year spent on these activities. An evaluation of the existing laws was needed, since so far there was no obligation for operators to be licensed, and the number of whale watch operator boats needed to be limited. Additionally, New Caledonia was undertaking studies related to migratory pathways of humpback whales through the tagging of individuals – this activity was now in its 18th season, with surveys primarily in the South, and a few in the North and Loyalty Islands. Data continued to reveal a small population with few signs of recovery and thus confirmed their endangered status. The first abundance estimate for Oceania showed fewer than 3,000 whales. Research was still proposed to address where Oceania humpback whales went to feed through a tagging programme that has seen some results in Tonga and Fiji. There were also plans for tagging in Samoa and New Zealand.

50. With no objections, the Signatories then endorsed the Oceania Humpback Whale Recovery Plan, pending its finalization.

Agenda Item 4.3: 2014 Pacific Year of the Whale

51. Mr Bell (SPREP) introduced this agenda item noting that it was already captured in the 2013-2017 Whale and Dolphin Action Plan which had been endorsed. Following the successful Pacific Year of the Turtle and Year of the Dugong campaigns, the Pacific Year of the Whales 2014 was to be officially confirmed by the next SPREP meeting. The item had been included in the agenda to bring this to the attention of the Signatories to create awareness and encourage early resource commitments towards its implementation in 2014. The Signatories endorsed the proposal.

Agenda Item 5: CO-ORDINATION OF THE MOU

Agenda Item 5.1: Technical Advisory Group

52. Ms Frisch (CMS Secretariat) introduced CMS/PIC/MoS3/Doc.5.1 and sought the Signatories' endorsement to continue the Technical Advisory Group (TAG), consider additional areas of expertise and persons who may be included in the TAG, endorse the offer for TAG coordination, as well as a proposal to create an on-line workspace, and instruct the TAG to provide specific technical support as required.

53. The Signatories endorsed the continuation of the TAG, stating that it should be considered an open-ended group, and accepted the offer from the Whale and Dolphin Conservation Society to continue in its current capacity as TAG Coordinator.

54. Mr Tongatule (Niue) and Mr Davetanivalu (Fiji) queried the regional composition of the TAG. Ms Miller (WDC/TAG Coordinator) advised the meeting that in November 2010 a call had gone out to all Signatories and Collaborating Organizations for nominations. Those received had then been circulated to Signatories for endorsement. The TAG currently contained ten members, all of whom had worked across the region in either a science or a policy capacity. New

nominations would however be welcomed. Ms Claire Garrigue (France/New Caledonia) introduced Ms Gentiane Firmin-Guion from New Caledonia, for nomination to the TAG.

55. Mr Malua (Samoa) welcomed the proposal to broaden the expertise of the group and stated that it was apparent from the report that there was a sufficient number of scientists and perhaps experts with social, cultural and legal backgrounds should be actively encouraged to be members. In response to concerns that this might involve many of them in discussions outside of their expertise, Mr Bell (SPREP) proposed that alternatively a second group could be established to accommodate this suggestion. Ms Frisch proposed that this might not be necessary given the mechanics of the online workspace that might cater to this issue.

56. Regarding the online workspace, France sought clarification on whether the one-time installation fee of €2,800 was meant for the system or a person. Ms Frisch clarified that it was for the installation of the system. Ms Young queried whether Google Docs had been explored as avenue that would have no costs, and Ms Frisch explained that the functionalities offered through the workspace went far beyond those of any free platform. It was agreed that there was no need for two groups.

Action Points:

- Whale and Dolphin Conservation Society to continue coordination of the Technical Advisory Group until further notice.
- TAG Coordinator to invite experts with social, cultural and legal backgrounds to apply for TAG membership.
- Signatories urged to provide funding for the installation of an online workspace for the Technical Advisory Group. Once funds were available, Secretariat to prepare system and make it available to the TAG.

Agenda Item 5.2: Reporting

57. Ms Solomona (CMS/SPREP) introduced CMS/PIC/MoS3/Doc.5.2. The paper provided a summary of reporting activities so far conducted under the MOU which included the *Preliminary implementation report of the Signatories to the CMS Memorandum of Understanding for the conservation of cetaceans and their habitats in the Pacific Islands region* and the report tabled as CMS/PIC/MoS3/Doc.3.2. The purpose was to determine lessons learned and to receive guidance for the preparation of a tailor-made reporting format, which should capture all aspects of MOU implementation.

58. Discussions ensued on determining a reporting format and process that would support existing national initiatives so as to ease burden, while delivering on regional and international requirements and providing useful information against the MOU Action Plan. The CMS Pacific Officer was requested to circulate the national report format as developed for MoS 2 to all Signatories as contained in UNEP/CMS/PIC2/Doc.5-01/Rev.1.

59. The Signatories noted the paper and instructed the Secretariat to undertake consultations with the TAG and interested Signatories to develop a reporting format and mechanism over the next 12 months. The resulting product and process should be an online format that built on existing experiences and processes, and was pre-populated so as to only require updating of current data.

Action Point:

- Secretariat to undertake consultations with the TAG and interested Signatories to develop a reporting format and mechanism over the next 12 months.

Agenda Item 5.3: Funding

60. Ms Solomona (CMS/SPREP) sought the Signatories' support to ensure the inclusion of the MOU Action Plan into national environment or development budget considerations, including the GEF 5 STAR allocations. Mr Tongatule (Niue) outlined that it would be best for MOU contact points to alert national GEF focal points to this request.

61. Ms Frisch (CMS Secretariat) also reiterated the request to Signatories to make pledges for the continuation of the CMS Pacific Officer post (approx. US$100,000 for one year) and the online workspace installation fee (one-time costs of approximately €2,800).

Action Point:

- Signatories to consider making voluntary contributions.

Agenda Item 6: ISSUES ARISING FROM CMS COP10

62. Ms Frisch (CMS Secretariat) introduced CMS/PIC/MoS3/Doc.6.1 which provided a summary of five CMS COP 10 Resolutions of relevance to the Pacific Cetaceans MOU Signatories, namely Resolution 10.4 on Marine Debris, Resolution 10.8 on Cooperation with IPBES, Resolution 10.14 on Gillnet Bycatch, Resolution 10.19 on Climate Change and Resolution 10.24 on Underwater Noise. Signatories were asked to discuss these resolutions and direct the TAG and Secretariat accordingly.

63. Mr Mattila (IWC) pointed out that in relation to Resolution 10.4 on Marine Debris, the IWC Conservation Committee would be convening a workshop on cetacean interaction with marine debris, mitigation of effects and standardized data collection. He would provide additional information to the Secretariat to circulate to the Signatories and the TAG as soon as plans proceeded.

64. In relation to Resolution 10.14 dealing with gillnet fisheries, the United States informed the meeting that in 2011 they had hosted an IWC workshop on that subject and would be open to explore needs for a workshop in the region on bycatch mitigation as part of a wider capacity-building initiative. Australia encouraged the Technical Advisory Group and Secretariat to follow up on this potential workshop.

65. Ms Solomona (CMS/SPREP) introduced CMS/PIC/MoS3/Doc.6.2 which summarized COP Resolution 10.3 on ecological networks and discussed their role in the conservation of cetaceans and their habitats. It also linked to work being undertaken through other MEAs e.g. the CBD Aichi Biodiversity Targets. The paper also recognized the leadership shown by the region in terms of designating large-scale protected areas.

66. Mr Malua (Samoa) expressed his gratitude for the Secretariat's initiative to present this and other outcomes of the CMS COP10 to the MOU Signatories. He noted that integrating

national activities against all MEAs was a priority, and CMS needed to be included in this. Several Signatories reported that in certain cases, this integration and collaborative work between MEAs were already being done in the region and CMS needed to strengthen its role, especially in relation to National Biodiversity Strategies and Action Plans (NBSAPs) and UNFCCC National Adaptation Plans (NAPs).

67. Relating to the proposal in the document to entrust the TAG with collating technical input to provide to the CMS Strategic Review on ecological networks, Mr Malua proposed that Signatories and CMS Parties needed to make this technical input themselves. Ms Schweizer (Australia) suggested that SPREP play a role in facilitating this.

68. Ms Garrigue (France/New Caledonia) voiced her support for the importance of working with the ecological networks concept, and to account for all existing initiatives looking to understand the distribution of cetaceans. The MOU had been created because of such an ecological network, the connection between the feeding and breeding grounds of the whales.

69. Mr Mattila mentioned, for the information of the Signatories, the International Marine Mammal Protected Area and Caribbean/CBD Lifeweb Initiative, which linked species and transboundary governance issues. This might provide an opportunity to learn from other regions.

70. It was agreed that the CMS Pacific Officer should aim to participate in the 9th Pacific Islands Conference on Nature Conservation and Protected Areas in 2013 and present the work of the MOU there, if feasible.

71. Ms Frisch introduced CMS/PIC/MoS3/Doc.6.3. The document focused on opportunities for coordination and synergies between initiatives at the Convention level and the implementation of decisions made by MOU Signatories at their second meeting. Resolution 10.15 Global Programme of Work of Cetaceans mandated the CMS Scientific Council and its Aquatic Mammals Working Group to link to other global and regional processes. Resolution 10.23 instructed the CMS Scientific Council to review and clean the list of Concerted and Cooperative Action Species and recommend the priority to be assigned to each. Finally, at MOS2 Signatories had agreed on initiating a process to identify the practical steps needed to achieve the implementation of the medium term priorities to be defined under the MOU Action Plan. Since these three strands of activity were all somehow related, but not formally connected, the Secretariat proposed to combine them for the Pacific Islands Region in order to gain clarity for Signatories. The process outlined for determining the medium-term implementation priorities for the MOU Action Plan would at the same time gather Signatory input relevant for the other two processes, to help reflect their views and priorities in all three areas of work.

72. Ms Garrigue raised a query on whether the process was going to redefine priorities separate from those already in the endorsed MOU Action Plan. Ms Frisch clarified that the idea was first to identify what was needed and could be done, given that capacity was limited and a large number of activities were classified as high priority.

73. Mr Tealei (Tuvalu) commented that each country had different priorities: for example, Tuvalu would be focusing on its legislative framework. Mr Malua also agreed that overall priorities were already defined in the MOU Action Plan. Ms Young (United States) suggested, however, that there was not necessarily any disconnect. Recognizing that the plan was very comprehensive, developing more concrete annual work plans might be beneficial. Ms Frisch confirmed that the idea was to identify which out of the many important and necessary activities

to focus on in the shorter term and to ensure that the priorities of the Signatories were also taken into account in global CMS initiatives.

74. Mr Bell (SPREP) mentioned that it would be best to keep this process aligned with the implementation of the SPREP WDAP and was seconded by Mr Malua. Ms Frisch confirmed that the MOU process was not seeking to change the Action Plan, but the aim of the correspondence process was to identify the specific needs of the MOU Signatories, which so far were only a subset of SPREP members, and to identify what needed to be done first in the context of the MOU. The Secretariat was endorsed by Fiji, Niue and Samoa to initiate this correspondence process.

Action Points:

- Secretariat to liaise with IWC regarding collaboration options for a workshop on cetacean interaction with marine debris.
- Technical Advisory Group and Secretariat to follow up with the United States on a potential workshop on bycatch mitigation.
- Signatories to coordinate between CBD, UNFCCC and CMS National Focal Points to integrate ecological networks into national environmental planning, especially in relation to National Biodiversity Strategies and Action Plans (NBSAPs) and UNFCCC National Adaptation Plans (NAPs).
- Signatories, through SPREP, to collate technical input for the CMS strategic review on ecological networks.
- CMS Pacific Officer to participate in the 9th Pacific Islands Conference on Nature Conservation and Protected Areas in 2013.
- Secretariat to initiate a correspondence process to determine medium-term implementation priorities for the MOU Action Plan, and at the same time gather Signatories' input relevant for the implementation of the CMS Global Programme of Work for Cetaceans and the CMS Scientific Council review of the list of Concerted and Cooperative Action Species.

Agenda Item 7: ALLIANCES, SYNERGIES AND COMPLEMENTARY ACTIVITIES

Agenda Item 7.1: Regional

75. Ms Solomona (CMS/SPREP) introduced CMS/PIC/MoS3/Doc.7.1 which provided Signatories with an update of work undertaken to date in terms of streamlining cetacean conservation into current regional and national processes. Additionally, it was to provide Signatories a basis for follow-up since the recent conclusion of the NBSAP review meetings in Rotorua (August, 2012). She asked Signatories to use the NBSAP process to harness support for the implementation of the Action Plan and offered her assistance to them.

76. The Signatories agreed that this would be an efficient way to ensure cetacean conservation was given the necessary priority and was included in wider national initiatives.

Action Point:

- Signatories to integrate relevant priority actions from the MOU Action Plan into national plans such as NBSAPs.

Agenda Item 7.2: International

77. Ms Frisch (CMS Secretariat) provided the Signatories with a brief on the work that was being undertaken at the international level between CMS and other bodies such as CITES, which had a joint work plan with CMS, and IWC. She made reference also to other relevant discussions that had taken place throughout the day. Ms Frisch also invited other colleagues to take the opportunity to address the Signatories.

78. Mr Mattila (IWC) addressed the Signatories in his capacity as a secondee to the IWC to work on non-whaling human impacts. The IWC website had been restructured and provided further information on this topic. Mr Mattila spoke on two major impacts IWC experts recognise as having fatal repercussions on whales: (i) ship strikes for which there was an international database, and for which he encouraged the development of national reporting schemes; and (ii) entanglement of large whales, which was both a conservation and a welfare issue. Average time to death for an entangled whale was five months, but trying to disentangle whales also raised human safety issues. The IWC was looking to build capacity on this topic, providing training on how to approach and release animals safely and how to determine the magnitude of the problem in national waters. Capacity-building workshops were already planned for the wider Caribbean region in collaboration with the SPAW Protocol. This could be used as a model for the Pacific Islands Region, and if Signatories were interested perhaps this was something that IWC, SPREP and CMS could collaborate on. There were also plans to develop an international database on entanglement. Within the next few years, the IWC was also hoping to hold a workshop on prevention of large whale entanglement.

79. Mr Mattila also drew attention to the International Committee of Marine Mammal Protected Areas (ICMMPA), of which he was a convening member. The ICMMPA had recently received IUCN designation. There was the possibility that the Third ICMMPA Conference might be held in Australia, which would provide an excellent opportunity to highlight the work in this region. He noted that Mr Bell was a member of the committee and SPREP would thus be able to keep Signatories and the CMS Secretariat informed. Mr Mattila pointed out that the major challenge was effective management of MPAs, and that perhaps the theme for the next Conference could be focusing on this.

80. Mr Tongatule (Niue) noted that especially for countries that were not IWC members it would be crucial to receive updates of main IWC decisions and meeting outcomes. Mr Bell (SPREP) offered to circulate relevant information on the SPREP cetacean listserv, as was already being done for CITES-related issues.

81. Ms Schweizer (Australia) commented that at the last IWC meeting, motions were made to have the Conservation Committee reach out to SPREP for engagement. To her knowledge, this had not happened yet, but once implemented the flow of information from IWC to SPREP should be improved.

Action Points:

- Secretariat to liaise with IWC regarding collaboration options for capacity-building workshops related to disentanglement of whales.
- SPREP to keep Signatories and the CMS Secretariat informed about progress in planning the Third ICMMPA Conference and about opportunities to become involved.
- SPREP to send updates of main IWC decisions and meeting outcomes through cetacean listserv.

Agenda Item 7.3: CMS Small Grants Programme

82. Ms Frisch (CMS Secretariat) introduced CMS/PIC/MoS3/Doc.7.3 providing the Signatories with a brief on the CMS Small Grants Programme. A call for applications had been made on 15 March 2012 with a total of 74 applications received from 44 countries. Regrettably, no eligible country in the region had put forward a proposal. In order to have the opportunity to benefit from the Small Grants Programme in the next funding round, CMS Parties were asked to encourage their governments to settle any outstanding arrears so as to make them eligible for the funding; non-Parties were asked to ratify the Convention. Their help would also be needed in disseminating the call for applications widely in order to ensure national institutions or organizations became aware of this opportunity.

Action Point:

- Signatories to take steps to become eligible for CMS Small Grants Programme support and to facilitate the submission of suitable proposals.

Agenda Item 8: NEXT MEETING OF THE SIGNATORIES

83. Ms Schweizer (Australia) proposed that the meeting be held every two or three years in the margins of the SPREP meetings and that they should be short and focused. Mr Bell (SPREP) proposed to hold a two-hour meeting next year just for the purpose of planning for the Pacific Year of the Whale 2014, and then to move to a two- or three-year cycle but always back to back with SPREP meetings. Ms Frisch (CMS Secretariat) said that a three-year cycle was more realistic and in line with common practice in other CMS MOUs.

84. The Signatories endorsed the proposals made.

Action Points:

- Secretariat to convene an informal two-hour meeting in the margins of the 2013 SPREP Annual Meeting.
- Secretariat to aim for a regular Meeting of Signatories every three years, to be held back to back with the SPREP Annual Meetings when feasible.

Agenda Item 9: ANY OTHER BUSINESS

85. No additional matters were proposed.

Agenda Item 10: CLOSURE OF MEETING

86. Mr Tupa (Cook Islands) thanked the Chair, confident that all had benefited from the discussions. He also extended his thanks, on behalf of the meeting participants, to the CMS and SPREP Secretariats for the documents and guidance throughout the meeting.

87. The Chair, Ms Couratier (France), thanked all the Signatories for their support. France and New Caledonia would be pleased to extend their hospitality for future Signatory meetings, too.

Note from the Secretariat

Sadly, on 29 November 2012, Lui Bell passed away. The actions foreseen for him in this report will be assigned to his successor in the SPREP Secretariat, as soon as appointed. The CMS Secretariat remains deeply grateful for the immense support Lui gave to the MOU and CMS in general.

CONVENTION ON MIGRATORY SPECIES

Distr: General

CMS/PIC/MoS3/Report
Annex 1

Original: English

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

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. REVIEW OF THE ADMINISTRATION & IMPLEMENTATION OF THE MOU AND ACTION PLAN
   - 3.1 Secretariat
   - 3.2 SPREP
   - 3.3 Technical Advisory Group

4. ADOPTION OF WHALE AND DOLPHIN ACTION PLAN
   - 4.1 Endorsement of SPREP WDAP as MoU Action Plan
   - 4.2 Oceania Humpback Whale Recovery Plan
   - 4.3 2014 Pacific Year of the Whale

5. CO-ORDINATION OF THE MOU
   - 5.1 Technical Advisory Group
   - 5.2 Reporting
   - 5.3 Funding

6. ISSUES ARISING FROM CMS COP10

7. ALLIANCES, SYNERGIES AND COMPLEMENTARY ACTIVITIES
   - 7.1 Regional
   - 7.2 International
   - 7.3 CMS Small Grants Programme

8. NEXT MEETING OF THE SIGNATORIES

9. ANY OTHER BUSINESS

10. CLOSURE OF MEETING

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

List of Documents

Document Number	Title
CMS/PIC/MoS3/Doc.1.4.1	Provisional Agenda
CMS/PIC/MoS3/Doc.1.4.2	Provisional Annotated Agenda and Meeting Schedule
CMS/PIC/MoS3/Doc.3.1	Report of the Secretariat
CMS/PIC/MoS3/Doc.3.2	Review of Progress of Implementation of the MOU Action Plan
CMS/PIC/MoS3/Doc.3.3	Report of the Technical Advisory Group
CMS/PIC/MoS3/Doc.4.1	Adoption of the Revised SPREP Whale And Dolphin Action Plan (2013-2017) as the MOU Action Plan
CMS/PIC/MoS3/Doc.4.2	Endorsement of the Oceania Humpback Whale Recovery Plan (2013-2017)
CMS/PIC/MoS3/Doc.5.1	Pacific Cetaceans MOU Technical Advisory Group Coordination
CMS/PIC/MoS3/Doc.5.2	Determining a Reporting Mechanism for the Pacific Cetaceans MOU
CMS/PIC/MoS3/Doc.6.1	CMS Resolutions Adopted During the 10th CMS Conference of the Parties Related to Cetaceans and Their Habitats in the Pacific Islands Region
CMS/PIC/MoS3/Doc.6.2	The Role of Ecological Networks for Conserving Cetacean Habitat in the Pacific Islands Region
CMS/PIC/MoS3/Doc.6.3	Coordinating the Technical Work of CMS and the Pacific Cetaceans MOU
CMS/PIC/MoS3/Doc.7.1	Integrating Threatened and Migratory Cetaceans into NBSAPs
CMS/PIC/MoS3/Doc.7.3	CMS Small Grants Programme

Information Documents

Document Number	Title
CMS/PIC/MoS3/Inf.2.2.rev	Opening Statements by Collaborating Organizations
CMS/PIC/MoS3/ Inf.3	Report of the Second Meeting of the Signatories
CMS/PIC/MoS3/ Inf.3.1.1.rev	Competent Authorities and Contact Points for the Pacific Cetaceans MOU
CMS/PIC/MoS3/ Inf.3.1.2	Designated Competent Authority and Contact Point Form
CMS/PIC/MoS3/ Inf.3.1.3	Agreement Summary Sheet
CMS/PIC/MoS3/ Inf.3.1.4	Building on the Local Knowledge of Whales and Dolphins along the Southern Coast of Upolu and the North-western Coast of Savai'i
CMS/PIC/MoS3/ Inf.3.3	Update on the Current State of Knowledge of Cetacean Threats, Diversity and Habitats in the Pacific Islands Region

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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

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CONVENTION ON MIGRATORY SPECIES

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Annex 4

Original: English

Amending Protocol to the Memorandum of Understanding for the Conservation of Cetaceans and Their Habitats in the Pacific Islands Region

1. Pursuant to clause 14 of the Memorandum of Understanding for the Conservation of Cetaceans and their Habitats in the Pacific Islands Region ("the MoU") and a consensus decision of all the Signatories, the MoU is hereby amended to replace the Action Plan 2009-2012 in Annex 2 to the MoU with the Pacific Regional Environment Programme's Whale and Dolphin Action Plan 2013-2017. The adopted Action Plan applies as the MoU's Action Plan under paragraphs 4, 5, 6 and 15 of the MoU.

2. The Signatory States, as certified by the signature of the Chairperson of the 3rd Meeting of the Signatories to the MoU and the representative of the Secretariat of the Convention on Migratory Species, jointly decide to implement the provisions of the MoU as amended by this Amending Protocol.

3. The new Whale and Dolphin Action Plan 2013-2017 (Annex 2) forms part of this Amending Protocol.

4. This Amending Protocol shall take effect 30 days after having been signed in full, unless any of the Signatories not represented at the 3rd Meeting of Signatories raises an objection to the amendment by that date.

Chairperson, 3rd Meeting of Signatories to the MoU

Date: 8 September 2012

Name: Josiane Couratier
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Secretariat to the Convention on Migratory Species

Date: 8 September 2012

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