



CONVENTION ON MIGRATORY SPECIES

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FIRST MEETING OF THE SIGNATORIES TO THE
MEMORANDUM OF UNDERSTANDING FOR THE
CONSERVATION OF CETACEANS AND THEIR
HABITATS IN THE PACIFIC ISLANDS REGION
Apia, Samoa, 6 March 2007
Agenda Item 7.0

REVIEW OF MOU AND ACTION PLAN IMPLEMENTATION

(Prepared by the Secretariat)

1. It is the practice within CMS that every meeting of MoU Signatories reviews the conservation status of the target species and the status of implementation of the particular MoU and Action Plan, taking into consideration reports submitted by signatories, a Secretariat's Overview Report, other sources of available information, as well as any recommendation or scientific advice relating to the species that may have been made by the CMS Conference of the Parties or the Scientific Council (CMS Articles III (6), VII (5) (e) and VIII (5) (a)).
2. The Pacific Islands Region MoU only entered into effect on 9 September 2006, a report format for the MoU has not been developed yet and the SPREP Whale and Dolphin Action Plan (2003-07) is still under review. Therefore the Secretariat has not prepared an Overview Report for this meeting as required by paragraph 8 of the MoU.
3. Instead, the Signatories will be invited to consider three very brief presentations on the:
 - Conservation status of cetaceans in the agreement area.
 - MoU and its relationship with the WDAP.
 - Status of implementation of the WDAP.
4. The first and third presentations will be in anticipation of more detailed presentations and discussions in the SPREP Regional Workshop to Review the WDAP following the MoU meeting.
5. The primary document before the meeting will be the Report of the SPREP Technical Meeting on Cetaceans in the Pacific Islands Region (Apia, 1-4 August 2006) (UNEP/CMS/PIC-1/5/Add.1), and its annex on conservation status and its annex presenting an Implementation Matrix produced by the SPREP Secretariat.
6. The CMS and SPREP Secretariats have transmitted the Technical Meeting report to all Signatories, the cooperating organisations that have signed the MoU and to all other non-signatory Range States and Territories.
7. Agenda item 7.0 will be considered in two parts during the meeting: (1) conservation status of cetaceans within the Pacific Islands Region and (2) status of implementation of the MoU and SPREP Whale and Dolphin Action Plan (2003-07) since the MoU's entry into effect.

Conservation Status of Cetaceans in the Agreement Area

8. “Conservation status” is not defined in the MoU. But it is defined in the Convention as “the sum of influences acting on the migratory species that may affect its long-term distribution and abundance” (CMS Article I (1)(b)).

9. The SPREP Technical Meeting Report provides a brief summary of the conservation status of cetaceans within the agreement area. “Current State of Knowledge of Cetacean Threats, Diversity, and Habitats in the Pacific Islands Region” (UNEP/CMS/PIC-1/Inf/5), a peer reviewed report produced by the Whale and Dolphin Conservation Society for the CMS MoU meeting, establishes a baseline of information against which to measure future implementation. It provides a more in-depth treatment of the issue especially with regard to threats.

10. Following a brief presentation on the conservation status of cetaceans in the agreement area, the meeting will be requested to provide comments on the Technical Meeting report and any strategic inputs into the SPREP Regional Workshop to Review the Whale and Dolphin Action Plan.

Action requested:

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

- Take note of the presentation and appropriate sections of the SPREP WDAP Technical Meeting Report addressing the conservation status of cetaceans within the agreement area.
- Provide additional information and strategic inputs to the SPREP WDAP Regional Workshop on the conservation status of cetaceans within the agreement area.

Status of Implementation of the MoU and Action Plan

11. The MoU and SPREP Whale and Dolphin Action Plan (2003-07) provide the general substantive framework for action within the agreement area until such time as the WDAP is revised and adopted by the Signatories as the new MoU Action Plan.

12. The MoU’s substantive provisions are found in paragraph 1 (take steps to conserve cetaceans and fully protect those listed in CMS Appendix I), paragraph 2 (consider identifying or acceding to biodiversity-related instruments such as CMS), paragraph 3 (review or update legislation on cetaceans), paragraph 4 (implement the Action Plan subject to the availability of resources) and paragraph 5 (facilitate exchange of scientific, technical and legal information to coordinate conservation measures; co-operate with other states, inter-governmental and non-governmental organisations).

13. The goal of the existing WDAP is “To conserve whales and dolphins and their cultural values for the people of the Pacific.” The WDAP provides a framework for SPREP members to undertake activities related to: (1) cultural significance (including whaling heritage), (2) whale and dolphin watching tourism, (3) whale sanctuaries, (4) strandings, (5) fisheries interactions and (6) other threats.

14. The SPREP Technical Meeting Report summarises the information available to the SPREP Secretariat on the status of implementation of the WDAP (2003-07) as at August 2006. The Technical Meeting developed an Implementation Matrix based on what is known for each

SPREP member country against actions in the WDAP. The Matrix is available as an annex to the Technical Meeting report.

15. The Matrix will be discussed further at the SPREP Regional Workshop to Review the WDAP after having been updated by the SPREP Secretariat with information from the responses to a questionnaire sent to SPREP members.

16. Another source of information on the status of implementation includes a report entitled “A Review of Measures for Marine Mammal Conservation, Protection and Management in the Pacific Islands Region (Apia, August 2006) (UNEP/CMS/PIC-1/Inf/6).” This report by IFAW summarizes the existing status of national marine mammal conservation legislation, policies and initiatives in the Pacific Islands Region.

17. The CMS Secretariat will make a brief presentation describing the process to develop the MoU, its content, and its relationship with the SPREP WDAP in order to better inform the Signatories of its provisions.

18. Following this the SPREP Secretariat will make a brief presentation summarising the status of implementation of the WDAP (2003-07) from a strategic perspective in anticipation of a more detailed treatment during the SPREP WDAP Regional Workshop.

19. The eight MoU Signatories will then be invited to share any additional information on their cetaceans-related activities in support of the MoU and Action Plan’s implementation since the MoU’s entry into effect on 15 September 2006.

20. Comments on the presentations, the status of MoU and Action Plan implementation, and strategic inputs into the Regional Workshop to Review the Whale and Dolphin Action Plan, will be invited from the Signatories, non-Signatories, collaborating organisations and other observers.

Action requested:

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

- Take note of the presentations and the Technical Meeting report.
- Provide additional information on the status of implementation of the MoU and WDAP (2003-07) since the MoU’s entry into effect on 15 September 2006.
- Provide any strategic inputs to the SPREP WDAP Regional Workshop regarding WDAP implementation.