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**REGIONAL REPORT OCEANIA**

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### Introduction

This report summarises key regional developments and activities in relation to implementation of the Convention on Migratory Species (CMS) by the Oceania Parties since the report to the 52<sup>nd</sup> meeting of the Standing Committee of the CMS (September 2021). The report is focused on policy and governance activities.

#### 1. Regional policies, programmes or initiatives directly or indirectly relevant to migratory species

##### *Christmas Island Frigatebird Single Species Action Plan*

The Christmas Island Frigatebird is a threatened migratory seabird which only breeds on Christmas Island (in Australia's jurisdiction). When birds are not breeding on Christmas Island, the species has been found across the area of the Indo-Malay Archipelago over the Sunda Shelf to South China Sea, Andaman Sea, Gulf of Thailand, Sulu Sea, off the coast of south-west Sulawesi and the Philippines. The seas around West Java, Indonesia also seem to be particularly important during the non-breeding season, especially in Jakarta Bay.

The Christmas Island Frigatebird is listed on Appendix I of CMS and Appendix III of the East Asian-Australasian Flyway Partnership. CMS Parties that are Range States for the Christmas Island Frigatebird include Australia and the Philippines (confirmed Range States), Sri Lanka (sparse records) and India (vagrant records).

To coordinate and enhance conservation efforts to benefit Christmas Island Frigatebirds, the Australian Government has developed a draft Single Species Action Plan (SSAP) to enhance protection of the Christmas Island Frigatebird among Range States. A SSAP will assist by identifying and prioritising national and international management and research actions across key Range States to ameliorate anthropogenic threats, such as bycatch in fishing gear, illegal hunting, prey depletion due to fishing, heavy metal contamination, marine debris and weed encroachment on roosting habitat, across the species entire range. Consultation with Range States has commenced, with the intention to present this document to the 6<sup>th</sup> CMS Sessional Committee meeting and subsequently to COP14, for endorsement.

##### *Review of cetacean diversity, status and threats in the Pacific Islands region 2021*

The South Pacific Regional Environment Programme (SPREP) recently contracted a cetaceans expert to review cetacean diversity, status and threats in the Pacific Islands region. The resulting draft report can be found [here](#). The report includes: i) an overview of cetaceans found in the Pacific Islands region, (ii) a review of key threats for Pacific Island cetaceans, and (iii) identification of knowledge gaps in assessing threats to Pacific Island cetaceans – with particular focus on the monitoring and evaluation of risk in relation to fisheries by-catch. The report represents an update to an initial review entitled “Current state of knowledge of cetacean threats, diversity, and habitats in the Pacific Islands Region” (Miller 2007).

##### *Pacific Cetacean Memorandum of Understanding*

The 4<sup>th</sup> Meeting of the Signatories for the Pacific Cetacean Memorandum of Understanding was held on the 5<sup>th</sup> and 6<sup>th</sup> August 2021. The meeting was hosted (virtually) by SPREP from their headquarters in Apia and run jointly by the CMS Secretariat and SPREP. The meeting report will be available [here](#).

*Pacific Island Regional Marine Species Programme 2022-2026*

From 28 July – 3 August, 2021), SPREP held workshops on the five draft marine species action plans for the Pacific Island Regional Marine Species Programme 2022-2026. Since the workshops the final Pacific Island Regional Marine Species Programme 2022-2026 has been finalised and is available online <https://library.sprep.org/content/pacific-islands-regional-marine-species-programme-pirmsp-2022-2026>. The intention is to translate this into French and produce some hard copies for our members and partners.

*Other SPREP migratory marine species work*

In relation to migratory marine species SPREP has been undertaking a range of activities with their member countries through an EU funded programme and SPREPs Bycatch and Integrated Ecosystem Management (BIEM) Initiative. The species relevant to CMS where activities have focused on are sharks, marine turtles, seabirds and cetaceans. Much of this has been capacity building to assist Pacific CITES parties to meet their obligations under CITES.

Activities include:

- Capacity building and development of non-detriment findings (NDFs) for sharks listed on Appendix II under CITES and also on CMS Appendix 1, which are caught as bycatch. These include short-fin mako and thresher sharks.
- Development of National Plans of Action for sharks and rays, seabirds and marine turtles
- The preparation of the review of Pacific Cetaceans and the threats they face. This review is in final draft form and will be published through SPREP.

*ACPMEA-3 programme*

The African Caribbean and the Pacific (ACP) Multilateral Environment Agreement (MEA) Phase 3 programme through SPREP will provide support to the Cook Islands to fulfil its obligations under biodiversity conventions, including CMS. The ACPMEA-3 programme will run from 2021-2025 and can include capacity strengthening across reporting, implementation, monitoring and enforcement, and policy development.

*Review of Other Effective Area-based Conservation Measures (OECMs)*

The Cook Islands National Environment Service, working together with UNEP-WCMC, IUCN Oceania and SPREP through the EU-OACPS<sup>1</sup> Biodiversity and Protected Areas Management (BIOPAMA) Programme, will undergo a review alongside national stakeholders to identify and potentially recognise areas that may be classified as Other Effective Area-based Conservation Measures (OECMs). The Cook Islands is the first Pacific Island country to engage with the above mentioned partners through SPREP to undertake a review of this kind. This review may provide opportunities to further support OECMs, strengthen baseline data collection and improve the protection, management and conservation of areas which may be habitats or breeding grounds for migratory species.

## **2. Key legislative, administrative or policy national measures on migratory species**

*National Underwater Anthropogenic Noise Guidelines (Australia)*

There have been significant global increases in anthropogenic underwater noise over the past century from a range of sources, including commercial shipping, recreational vessels, oil and gas exploration, military sonar sources and coastal development. There is increasing scientific evidence linking underwater noise exposure to detrimental effects on a range of marine fauna

<sup>1</sup> Organisation of African, Caribbean and Pacific States

species, particularly those that depend on sound in their marine environment for basic life functions (e.g. communication, navigation, mating, foraging).

The Australian Government is developing National Underwater Anthropogenic Noise Guidelines to provide guidance to proponents and regulators on how to reduce the impact of anthropogenic noise on threatened and migratory marine megafauna, such as cetaceans, marine turtles and dugong.

#### *National Guidelines for the Survey of Cetaceans, Marine Turtle and Dugong (Australia)*

Appropriately designed ecological surveys are essential for obtaining fit-for-purpose data on species distribution and abundance. Currently in Australia the type and scale of surveys used to monitor marine megafauna and inform environmental impact assessments vary as there are no standard protocols for collecting this information.

To address this lack of guidance, the Australian Government is developing National Guidelines for Survey of Cetaceans, Marine Turtles and Dugong to provide project proponents and regulatory decision-makers with a guide to appropriate survey design, including best practice survey methods, for in-water surveying of cetaceans, marine turtles, and dugong. It is anticipated that the guidelines will be shared for information with the Scientific Council at its next meeting.

#### *Review and Update of Biologically Important Areas (Australia)*

Biologically Important Areas (BIAs) are spatially defined areas where aggregations of individuals of a species are known to display biologically important behaviours such as breeding, foraging, resting or migration. BIAs are not defined in Australian legislation but provide important biological information to inform regulatory and management decisions made under the national environmental law. BIAs are similar to IMMAs and IMTAs, but at the national level.

The Australian Government has commenced a 12-month project to review and update the spatial data underpinning BIAs for regionally significant taxa such as cetaceans and marine turtles.

#### *Engaging Traditional Owners and First Nation people (Australia)*

The Australian government strongly supports the vital role First Nation people play in protecting and saving threatened species, endorsing the UN Declaration on the Rights of Indigenous people in 2009 and the goals under Target 14 of the CMS – Capacity development.

In consultation with Traditional Owners, the Australian Department of Climate Change, Energy, Environment and Water has developed a framework of engagement which seeks to integrate First Nation Knowledge's into the conservation assessment and planning activities for threatened migratory species. The framework is underpinned by:

- a transparent engagement framework driven by the internationally endorsed principles of the [Spectrum of Public Participation](#) (inform, consult, involve, collaborate, empower)
- working in partnership with Australia's leading Indigenous cultural intellectual property law practice [Terri Janke and Company](#), to develop and implement protocols and practices which protect misappropriation of data and ensure authorship and attribution of First Nations knowledges
- effective workflow planning to ensure we engage early in our processes and developing relationships based on trust and respect
- seeking to embed Indigenous ecological science principles alongside western perspectives where possible
- employing First Nation experts to co-design and develop our policies and practices going forward.

*Marine Initiatives (Australia)*

The Australian Government also has a number of national ocean-related initiatives that provide both direct and in-direct benefits for migratory species:

- The Ocean Leadership Package has four elements to build the ocean's health and resilience while supporting jobs and economic activities, including funding to support on-ground activities to protect threatened and migratory marine species, including marine turtles and cetaceans, from threats such as bycatch, light pollution and climate change.
- The Supporting Healthy Oceans investment tackles the impacts of ghost nets and plastic litter, enhance management of Australian Marine Parks and re-establish oyster reefs along the Australian coastline.

*Samoa Ocean Strategy 2020 – 2030*

The Samoa Ocean Strategy (SOS) 2020 – 2030 was officially launched in 2020 which outlines a pathway towards sustainable management of Samoa's ocean and marine resources. One of its key implementation is the development of a Marine Science Strategy that sets out a framework to necessitate the integration of modern science and TK, and proposes the main actions imperative to achieve the objectives and goals established for the SOS Integrated Management Solutions (IMS) 4: *Improve scientific research, data collection and monitoring within Samoa's ocean*. The Science Strategy is also fundamental for supporting the realization of other SOS solutions, including IMS 8: *Establish effective protection and management of endangered marine migratory species*. This solution aims to address the need for strong legislative frameworks for the conservation of endangered marine migratory species including: whales, sharks, mantas, seabirds and turtles.

Progress of the development of the Marine Science Strategy has seen the completion of two national stakeholder consultations to develop the zero draft and review of the first draft. We aim to finalize and launch the Science Strategy before end of 2022.

*National Environment Policy 2021 (Cook Islands)*

Review of the Environment Act 2003 by the National Environment Service has led to the development of the draft National Environment Policy 2021, which is planned to be passed by Cabinet later this year. This document has been in development since 2020 and will inform an updated National Environment bill, which takes an integrated approach to enhance the protection, management and conservation of biodiversity and protected areas, including migratory species and their habitats, to respond to changing conditions and emerging pressures.

*Cook Islands National Sustainable Development Agenda 2020+*

The Cook Islands National Sustainable Development Agenda (NSDA) 2020+ takes an extended outlook over a period of 100 years, with short to medium-term plans and targets dispersed throughout. The NSDA 2020+ will guide the country's priorities and directly links to the SDGs and other MEA goals. The continued focus on the management, conservation and protection of biodiversity, including migratory species and their habitats, is included in these goals and will drive further action in this area.

*National Policy and Regulations for cetaceans (Cook Islands)*

The Ministry of Marine Resources is undertaking a review of data collated from gathered whale research in the Cook Islands over a 23-year period. This information will inform the development of a national policy for cetaceans to manage any interactions in the Cook Islands EEZ, as well as the Whale Sanctuary declared in September 2001. The policy will then inform the development of regulations for the implementation of conservation and management measures for cetaceans in the Cook Islands EEZ and Whale Sanctuary.

Guidelines for sea turtles and cetaceans (Cook Islands)

The Ministry of Marine Resources, responding to concerns with increased activities developed around sea turtles and cetaceans, is developing guidelines for sea turtle and cetacean interactions relating to tourism-related activities.

**3. Planned activities and current policy, institutional or administrative issues, including those that could benefit from other regional views or where targeted assistance is required.**

Supporting the organisation of the 12<sup>th</sup> Australasian Shorebird Conference 29-30 October 2022

The 12<sup>th</sup> Australasian Shorebird Conference will be being held online from 29-30<sup>th</sup> October 2022. The theme for this Conference is “**Global Strategies Local Actions**”. The programme focuses on shorebird natural history, counting, research and local conservation action and will be of interest and relevance to migratory shorebird experts.

The 11<sup>th</sup> Meeting of Partners (MOP) of the East Asian-Australasian Flyway Partnership (EAAFP)

The 11<sup>th</sup> EAAFP MOP is scheduled for March 2023, in Brisbane, Australia. It is the opportunity for the partners of the Flyway to come together to review progress since the 10<sup>th</sup> MOP and set the direction of the Partnership for the next two years. Protection of habitat in China and South Korea will be a key issue for the MOP, as well as supporting the continuing work to nominate World Heritage Sites.

New Zealand conservation law reform programme

New Zealand is embarking on a comprehensive reform of conservation legislation to improve protection of biodiversity and implement Te Mana o te Taiao - Aotearoa New Zealand Biodiversity Strategy 2020. This includes targeted legislative amendments to improve conservation management planning. It also includes the following key projects, relevant to migratory species management:

- New Zealand is reviewing the Wildlife Act 1953, which is key legislation for regulating New Zealand’s conservation of migratory species, with the goal of improving New Zealand’s species management system. The next major milestone in the review of the Wildlife Act will be a report to Cabinet in 2023 that summarises the outcomes New Zealanders want a species management system to deliver and provides high-level options for progressing law reform.
- New Zealand is reviewing the Trade in Endangered Species Act 1989 (TIES Act). The TIES Act implements the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) which New Zealand ratified in 1989. A Bill is currently being developed to replace the TIES Act and associated regulations, that will modernise it and improve New Zealand’s operational ability to implement CITES obligations.
- New Zealand is also in the process of developing a National Policy Statement on Indigenous Biodiversity (NPSIB). NPSIB will be a key regulatory tool for implementing Te Mana o te Taiao as it will strengthen and clarify the requirements that are already in place for local authorities to manage indigenous biodiversity, including some migratory species, providing clarity and guidance for landowners, iwi/Māori, and local government.

Samoa Ocean Strategy 2020 – 2030 - Integrated Management Solution #8

The Integrated Management Solution (IMS) #8 Establish effective protection and management of endangered marine migratory specie of the Samoa Ocean Strategy (SOS) 2020 - 2030, has two main Objectives:

- i) By 2025, By 2025, the population status of whales, sharks, dolphins, mantas, marine turtles and seabirds is identified and feasibility for ecotourism explored
- ii) By 2026, an Integrated Management Plan for whales, dolphins, sharks, mantas, marine turtles and seabirds is developed and endorsed.

These are planned to be realized by its timeline specified.

In support of IMS #8 above:

- i) monitoring surveys for cetaceans will be undertaken during its migration and breeding season into Samoa's waters from August to November.
- ii) Annual monitoring surveys for nesting marine turtles and their habitats continues
- iii) Moreover, regular monitoring for enforcement and compliance of sales of prohibited products and protected species are being undertaken

*Issues* - One of the main issues that hinders the implementation of the above programme is lack of financial availability and the limited technical capacity and necessary resources. With available assistance on financial, technical and resources; it will greatly assist with realising the planned activities and ensure regular monitoring surveys and enforcement and compliance to support existing laws.

GEF 7 project (Cook Islands)

The national Global Environment Facility (GEF) 7 project will begin implementation in early 2023. The project will focus on the protection and conservation of biodiversity on several islands in the Cook Islands that provide essential habitat key species, such as migratory birds.

Updating of National Biodiversity and Strategic Action Plan (NBSAP) (Cook Islands)

The Cook Islands has secured funding under the Global Environment Facility (GEF) Enabling Activity to the Convention on Biological Diversity (CBD), to support the updating of the NBSAP to bring it in line with the upcoming Global Biodiversity Framework, which will include migratory species.

National Plans of Action for Sharks, and Sea Turtles (Cook Islands)

The National Plans of Action for Sharks, and sea turtles administered by the Ministry of Marine Resources is scheduled for review this year. This will involve a review of all fisheries data and management measures currently applied across Cook Islands fisheries, to inform any revisions and updates.