



CONVENTION ON MIGRATORY SPECIES

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FOURTH MEETING OF THE SIGNATORIES TO
THE MEMORANDUM OF UNDERSTANDING FOR
THE CONSERVATION OF CETACEANS AND THEIR
HABITATS IN THE PACIFIC ISLANDS REGION

5-6 August 2021, *Online*

REPORT OF THE SECRETARIAT

1. The CMS Secretariat acts as Secretariat for the Pacific Islands Cetaceans MOU pursuant to MOU paragraph 17. It also acts as the MOU depositary pursuant to MOU paragraph 16.
2. This report provides a brief overview of the status of signatures to the MOU, recent changes to Secretariat arrangements, and relevant outcomes from the 13th Session of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS COP13) held in Gandhinagar, India, from 17 to 22 February 2020. It also briefly summarises recent collaborations, publications and activities under CMS that are of relevance to the MOU.

Status of Signatures and Recruitment Efforts to Date

3. As of June 2021, 15 of the 23 Range States and Territories are Signatories to the MOU: Australia, Cook Islands, Fiji, France (incl. French Polynesia, New Caledonia, Wallis and Futuna), Federated States of Micronesia, New Zealand, Niue, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, the United Kingdom (for Pitcairn Islands), the United States and Vanuatu.
4. In 2012, the United States became the most recent Signatory to the MOU.

Secretariat Arrangements

5. From January 2012 until November 2014, the Pacific Islands Cetaceans MOU benefitted from support in its coordination by a CMS Pacific Officer, Ms Penina Solomona. This position was established to provide technical assistance to support the implementation of CMS instruments, strengthen collaboration with partners and stakeholders to support the implementation of CMS-related commitments, and support national focal point efforts to secure project funding. However, due to lack of funding, this position could not be maintained, despite the very notable benefits to the region.
6. Consequently, the Aquatic Species Team of the CMS Secretariat is currently responsible for the coordination of the MOU. This effort is led by Ms Melanie Virtue, Head of the Aquatic Species Team, and is supported by two officers, Ms Heidrun Frisch-Nwakanma and Ms Jenny Renell, each of whom has numerous other duties.

Relevant Outcomes of CMS COP13 (India, 2020) and their Implementation

7. Conservation Measures Relevant for CMS-listed Species Evidence from the Identification of Important Marine Mammal Areas (IMMAs)

- a) [UNEP/CMS/COP13/Doc.26.2.1/Rev.1](#) on IMMAs reports on progress to implement Decisions 12.40 and 12.41 relating to [Resolution 12.13](#). It contains a report by the IUCN Marine Mammal Protected Areas Task Force on activities related to the identification of IMMAs undertaken since CMS COP12. The collaboration between CMS and the IMMA process has worked organically through the involvement of the Chair of the Aquatic Mammals WG as well as through the considerable overlaps between the experts of the Aquatic Mammals Working Group and participants of the following workshops and IMMA implementation visits.
- b) To date, IMMAs have been developed with relevance for at least 30 CMS-listed species including the Blue Whale (*Balaenoptera musculus*, App I), Fin Whale (*Balaenoptera physalus*, App I & II), and Antarctic Minke Whale (*Balaenoptera bonaerensis*, App II). [Decision 13.54](#) encouraged Parties to make use of the IUCN Joint SCC/WCPA Marine Mammal Protected Areas Task Force [website on IMMAs](#) when identifying vulnerable habitats or designing mitigation measures and Marine Protected Areas (MPAs), as the website provides succinct summaries of the identification process and selection criteria for IMMAs as well as a comprehensive overview of all identified IMMAs through its factsheets and e-Atlas.
- c) [Decisions 13.54 - 13.57](#) adopted at COP13 include a request to Parties to make use of the identified IMMAs (posted on the [website](#) of the IUCN Joint Species Survival Commission/World Commission on Protected Areas (SSC/WCPA) Task Force), when identifying habitat at risk or designing threat mitigation measures, and when designating MPAs.

8. Marine Noise

- a) [UNEP/CMS/COP13/Doc.26.2.2/Rev.1](#) reports on progress to implement Decisions 12.42 and 12.43, which both relate to [Resolution 12.14](#) on *Adverse Impacts of Anthropogenic Noise on Cetaceans and Other Migratory Species*. In its Annex, this Resolution contains *CMS Family Guidelines on Environmental Impact Assessments for Marine Noise-generating Activities*. These Guidelines cover the necessary detail for meaningful EIAs for Military and Civil High-powered Sonar, Shipping and Vessels Traffic, Seismic Surveys (Air Gun and Alternative Technologies), Construction Works, Offshore Platforms, Playback and Sound Exposure Experiments, Pingers (Acoustic Deterrent/Harassment Devices, Navigation), and other Noise-generating Activities (Acoustic Data Transmission, Wind, Tidal and Wave Turbines and Future Technologies). The Resolution urges Parties to ensure that Environmental Impact Assessments take full account of the effects of activities on CMS-listed marine species and their prey and consider a more holistic ecological approach at a strategic planning stage. The Guidelines are designed to support them in this endeavour.
- b) [Decisions 13.58 – 13.60](#) request Parties to disseminate the *CMS Family Guidelines on Environmental Impact Assessment for Marine Noise-generating Activities* to all national departments involved in deciding on noise-generating activities. MOU Signatories are encouraged to do the same. CMS would also be grateful to receive information about experiences and lessons learnt in the application of these Guidelines, and the need for additional guidance on assessment and mitigation of marine noise.
- c) Further, these Decisions include a request for the CMS/ACCOBAMS/ASCOBANS Joint Noise Working Group (JNWG) to review the report on *Best Available Technology (BAT) and Best Environmental Practice (BEP) for Three Noise Sources: Shipping, Seismic Airgun*

Surveys, and Pile Driving published as UNEP/CMS/COP13/Inf.9, and to publish the resulting version as a Technical Series to make the information easily accessible to Parties. This activity is underway.

- d) MOU Signatories can access these guidance documents and also request advice from the JNWWG through the Secretariat.

9. Bycatch

- a) [UNEP/CMS/COP13/Doc.26.2.3](#) reports on many activities for marine mammals, turtles and seabirds that have been undertaken by the Scientific Council and the Secretariat to implement [Resolution 12.22](#) on *Bycatch*; and makes suggestions for future activities related to chondrichthyan species.
- b) [Decisions 13.61-13.63](#) directed to the Parties, the Council and the Secretariat on concrete activities to implement Resolution 12.22, in particular on the application of existing new guidelines to reduce bycatch of marine mammals, reviewing the overall bycatch situation for aquatic species in general and chondrichthyans in particular, and identifying appropriate bycatch mitigation measures.
- c) The information documents linked to Doc.26.2.3 included [Inf.11](#) *Technical Mitigation to Reduce Marine Mammal Bycatch and Entanglement in Commercial Fishing Gear: Lessons learnt and future directions* and [Inf.12](#) *Report of the FAO Expert Workshop on Means and Methods for Reducing Marine Mammal Mortality in Fishing and Aquaculture Operations*.
- d) One of the decisions adopted urges Parties that manage fisheries with identified marine mammal bycatch problems, to take account of the Hamilton and Baker (2019) assessment; and the FAO Technical guidelines to reduce bycatch of marine mammals in capture fisheries, once available; and the Leaper and Calderan (2018) study of methods used to reduce risks of cetacean bycatch and entanglements ([CMS Technical Series Publication No. 38](#)) – in addition to the best available scientific advice for the fisheries concerned and implement effective bycatch mitigation measures for marine mammals.
- e) CMS Parties can also request the Secretariat, as appropriate in collaboration with relevant intergovernmental organizations, including regional fisheries management organizations, to
- i. commission national or regional reviews to determine relative levels of bycatch of all CMS-listed marine species in commercial and artisanal fisheries;
 - ii. identify and prioritize fisheries and areas in which adverse impacts of bycatch are highest for CMS-listed marine species; and
 - iii. organize, if warranted, regional workshops to identify appropriate bycatch mitigation measures for fisheries of highest priority.

10. Aquatic Wild Meat

- a) [UNEP/CMS/COP13/Doc.26.2.4](#) reports on progress in implementation of Decisions 12.44 to 12.46 relating to [Resolution 12.15](#). It includes the progress report of the Aquatic Wild Meat Working Group, which was presented to the Scientific Council. The document is accompanied by a further annex posted separately, which deals with *Determining the Extent of Interplay between Bycatch and Aquatic Wild Meat Harvests*.
- b) [Decisions 13.64-13.65](#) outline the tasks for the CMS Aquatic Wild Meat Working Group.

11. Marine Wildlife Watching

- a) [UNEP/CMS/COP13/Doc.26.2.5](#) reports on progress to implement relevant decisions made at COP12 and combines the workstreams of *Recreational In-Water Interactions* ([Res.12.16](#)) and *Sustainable Boat Based Marine Wildlife Watching* ([Res.11.29](#) ([Rev.COP12](#))) as requested by Parties.
- b) The Secretariat developed a review of existing guidelines and issues of concern related to recreational in-water interactions with aquatic species, which the COP was recommended to take note of. The review can be found in Annex 2 of Doc.26.2.5. This activity was rendered possible were possible thanks to funds made available by the Government of the Principality of Monaco under the Migratory Species Programme.
- c) [Decisions 13.66 - 13.68](#) include a request to Parties to provide the Secretariat with copies of the relevant documents for any measures adopted regarding recreational in-water interactions with aquatic mammals; and regarding sustainable boat-based marine wildlife watching. Such submissions would also be welcome from Signatories of the MOU.

12. Live Capture of Cetaceans from the Wild for Commercial Purposes

- a) [UNEP/CMS/COP13/Doc.26.2.8](#) reports on three COP12 decisions. To implement these decisions, the Secretariat requested information from Parties on the implementation of the Best Practice Guidelines relating to the Live Capture on Cetaceans from the Wild for Commercial Purposes. The guidelines can be found as an Annex to [Resolution11.22](#) ([Rev.COP12](#)).
- b) By the deadline, the Secretariat had received one response (from Spain), which can be found as UNEP/CMS/COP13/Inf.16. The Secretariat proposed to provide Parties more time to submit information, through the extension of the decisions. [Decisions 13.74 - 13.75](#) were adopted.

13. Global Programme of Work for Cetaceans

- a) [UNEP/CMS/COP13/Doc.26.2.10/Rev.2](#) contains a compilation of several activities which relate to the activities foreseen in a very comprehensive programme of work contained in [Resolution 10.15 \(Rev.COP12\)](#). In summary, [Decisions 13.80-13.83](#) address four topics:
 - i. A review of the implementation of the current Programme of Work for Cetaceans, preparation of a gap analysis and identification of the priorities going forward;
 - ii. Development of similar work programmes for other aquatic mammal species;
 - iii. Development of an Action Plan for the cetacean populations found in the Red Sea;
 - iv. A new work area focusing on the role of whales in ecosystems, to be addressed in collaboration with the International Whaling Commission.
- b) Resolution 10.15 (Rev.COP12) specifically in its section on the Pacific Islands Region contains many additional recommendations not touched on by these Decisions. There is clearly scope for many more activities, as has also been pointed out by some partners in advance of this meeting, and their support to CMS and the MOU in addressing more issues will be most welcome.

14. Conservation Implications of Animal Culture and Social Complexity

- a) [UNEP/CMS/COP13/Doc.26.4.1/Rev.1](#) reports on progress in implementing Decisions 12.75 to 12.77 related to [Resolution 11.23 \(Rev.COP12\)](#). It also provides the progress report of the Expert Working Group on Animal Culture and Social Complexity to the Scientific Council.
- b) [Decisions 13.102-13.105](#) include a request for the Expert Working Group on Animal Culture to progress work on the development of a management tool at a workshop proposed for 2020 delayed due to the pandemic), and instructions to Secretariat to issue a questionnaire to Parties before COP14.

Collaboration with intergovernmental organisations

15. The Secretariat keeps in regular touch with the IWC on cooperation areas and submits a progress report to each meeting of the IWC Commission. The PIC MOU stands to benefit from cooperation between CMS and the IWC and the good working relationship between the Secretariats, which have had a Memorandum of Understanding since 2000.
16. The Secretariat is collaborating closely with SPREP on all matters relating to the PIC MOU, as well as on other shared interests relating to sharks, marine turtles, dugongs and migratory birds. As explained above, regrettably the shared position of a CMS Pacific Officer has not been maintained beyond 2014 due to a lack of funding.

Other Relevant Publications

17. [Whale Watching Handbook](#): Launched in October 2018, this handbook, jointly produced by IWC and CMS, consists of an online resource aimed at supporting the whale watching industry and regulators, as well as members of the public, to minimize adverse impacts on whale populations from these activities while assisting the communities that benefit from them to apply best practices. It offers comprehensive, impartial advice, and provides periodically updated country and species information, case studies, and management advice.
18. **Promoting Ecological Connectivity**: CMS has been providing the primary specialized intergovernmental framework for cooperative efforts on issues of connectivity concerning the conservation of migratory species. The need to prioritise and integrate the restoration of ecological connectivity into Convention activities and the post-2020 global biodiversity framework was further highlighted by the Gandhinagar Declaration (COP13, India, 2020). Prompted by the IPBES Global Assessment on Biodiversity and Ecosystem Services (2019), which noted that connectivity should play a greater role in a new strategic framework for biodiversity, CMS published Fact Sheets titled [Connectivity and the post-2020 Biodiversity Framework: An Introduction](#) (June 2019) and [Elements for New Goals and Targets](#) (August 2019). The [CMS website on ecological connectivity](#) also provides a useful overview of the importance of ecological connectivity and of how the concept underpins global ambitions to achieve economic, development, and environmental goals. It also acts as a valuable resource hub containing a wide range of relevant internal and external publications.
19. [Fact Sheet on Blue Whales and Climate Change](#): This fact sheet was published by the CMS Secretariat in February 2020, and aims to raise awareness on climate change and the melting of Antarctic ice as both direct and indirect threats to Blue Whales.
20. [Fact Sheet on Migratory Species and Infrastructure](#): Published in October 2020, this factsheet outlines the direct and indirect impacts that infrastructure projects may have on migratory species. It also includes an overview of relevant guidelines and CMS actions relating to marine infrastructure.

21. [**Fact Sheet on Sustainable Development for Wildlife and People**](#): Published in October 2020, this fact sheet highlights the necessity of effective conservation of migratory species in achieving the Sustainable Development Goals, and provides a comprehensive overview of the interconnectedness between migratory species and global health, consumption, and economic growth.
22. [**Fact Sheet on Marine Noise**](#): Published in June 2018, this fact sheet aims to raise awareness on marine noise as a threat to migratory species and their prey. It includes a list of potential impacts that marine noise may have on marine wildlife, a link to the Guidelines on Environmental Impact Assessments for Marine Noise-generating Activities, and information on how the CMS Family is taking action.
23. [**Review of Methods Used to Reduce Risks of Cetacean Bycatch and Entanglements**](#): This review was published as CMS Technical Series No. 38 in May 2018. Using case studies, the report summarizes the mitigation methods that have been undertaken to reduce cetacean bycatch and assesses their efficacy and future potential. The review, funded by WWF, is intended to support initiatives to address cetacean bycatch, including those by CMS, its associated regional agreements, ASCOBANS and ACCOBAMS, and the IWC, by providing a summary of the current state of mitigation techniques.
24. [**Guidelines for the Safe and Humane Handling and Release of Bycaught Small Cetaceans from Fishing Gear**](#): These guidelines, published as CMS Technical Series No. 43 in August 2020, aim to provide fisheries managers and fisheries-related stakeholders with best-practice methodologies on the handling and release of small cetaceans accidentally bycaught in fishing gear. They are also intended to enable managers and ‘trainers’, as well as those involved with fisheries policy or management, to understand the rationale and need for ‘best practices’ and for the science that supports the recommended practices.