



Convention on Migratory Species

Memorandum of Understanding for the Conservation of Cetaceans and their Habitats in the Pacific Islands Region

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Agenda Item 6.2

SECOND MEETING OF THE SIGNATORIES
Auckland, New Zealand, 28-29 July 2009

REPORT OF INTERSESSIONAL DISCUSSIONS ON THE ESTABLISHMENT OF AN OPEN-ENDED TECHNICAL ADVISORY GROUP TO SUPPORT THE PACIFIC CETACEANS MOU

(Prepared by the Secretariat)

1. Paragraph 7 of the Pacific Islands Cetaceans Memorandum of Understanding (MoU) states that signatories “may also consider at their meetings suitable organisations to provide technical advice to support the MoU’s implementation.”
2. Premised on the concept that good science leads to good decision-making, the First Meeting of the Signatories to the Memorandum of Understanding for the Conservation of Cetaceans and their Habitats in the Pacific Islands Region (Apia, March 2006) endorsed the further development of a concept to provide scientific and technical advice to the MoU.
3. It was agreed that an expanded concept for an open-ended technical advisory group (Pacific Cetaceans MoU Advisory Group) would be submitted by the CMS and SPREP Secretariats to the next Meeting of Signatories.
4. The CMS Secretariat had circulated a concept and draft terms of reference for a Technical Advisory Working Group as document UNEP/CMS/PIC-1/7. The principles and criteria elaborated in the document have been further refined to reflect the discussions in Apia and more advanced thinking. The Pacific Cetaceans MoU Advisory Group should:
 - i. Advise the Pacific Cetaceans MoU Secretariat and the MoU Meeting of the Signatories as directed by the MoU Meeting of the Signatories;
 - ii. Operate in a mutually supportive role to both the MoU and the SPREP WDAP processes, but taking direction from the MoU Meeting of the Signatories specifically;
 - iii. Be composed of experts participating in their individual capacities nominated for their knowledge and not as national or institutional representatives;
 - iv. Determine its modus operandi including its coordination, frequency of meetings and the means to liaise with the Pacific Cetaceans MoU Secretariat. This would be endorsed by the MoU Meeting of the Signatories and reviewed periodically by it at agreed intervals;
 - v. Establish and maintain links with the scientific bodies of the cetaceans-related CMS Agreements, SPREP and other processes as necessary;
 - vi. Operate primarily through electronic communication or in the margins of other meetings;
 - vii. Have no financial implications for the MoU or the Convention on Migratory Species, securing any and all funding exclusively from extra-budgetary sources;

- viii. Evolve with and adapt to the needs of the MoU as directed by the MoU Meeting of the Signatories;
 - ix. Be inclusive of all expertise (science, social, legal, technical etc) and should actively seek to build on institutional capacity of the region; and
 - x. Be coordinated by a Country, Territory or Collaborating Organization Signatory to the Pacific Cetaceans MoU.
5. During the First Meeting of the Signatories MoU meeting it was suggested that the ad-hoc working group created for the SPREP Technical Meeting on Cetaceans in the Pacific Islands Region that had met in Apia, 1-4 August 2006, and whose report was available to the meeting as UNEP/CMS/PIC-1/5/Add.1, could provide a conceptual model for the technical advisory group.
6. The SPREP Technical Working Group, convened for the purpose of informing the review of the SPREP Whale and Dolphin Action Plan (WDAP 2003-07), assessed the status of implementation of the SPREP regional WDAP and collected and reviewed available information on cetaceans in the Pacific Islands Region.
7. The Pacific Cetaceans MoU Advisory Group should focus on the priorities of the MoU Signatories. However, because of the expert capacity available in the region it is probable that the Pacific Cetaceans MoU Advisory Group and the SPREP Technical Working Group will work in parallel many times with the understanding that they would maintain separate identities when separate work needs to be done.

Action requested:

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

- Discuss the Pacific Cetaceans MoU Advisory Group concept and the draft terms of reference (Annex A).
- Endorse the establishment of the Pacific Cetaceans MoU Advisory Group.
- Consider endorsing any offers to coordinate the Pacific Cetaceans MoU Advisory Group.
- Consider instructing the Pacific Cetaceans MoU Advisory Group to provide specific technical support

Annex A:

DRAFT TERMS OF REFERENCE FOR THE PACIFIC CETACEANS MOU ADVISORY GROUP

1. As follow-up of the First Meeting of the Signatories to the MoU an informal group identified during the MoU meeting discussed the Pacific Cetaceans MoU Advisory Group and developed draft Terms of Reference for a Pacific Cetaceans MoU Advisory Group.
2. The Pacific Cetaceans MoU Advisory Group should:
 - i. Advise the Pacific Cetaceans MoU Secretariat and the MoU Meeting of the Signatories as directed by the MoU Meeting of the Signatories;
 - ii. Operate in a mutually supportive role to both the MoU and the SPREP WDAP processes, but taking direction from the MoU Meeting of the Signatories specifically;
 - iii. Be composed of experts participating in their individual capacities nominated for their knowledge and not as national or institutional representatives;
 - iv. Determine its modus operandi including its coordination, frequency of meetings and the means to liaise with the Pacific Cetaceans MoU Secretariat. This would be endorsed by the MoU Meeting of the Signatories and reviewed periodically by it at agreed intervals;
 - v. Establish and maintain links with the scientific bodies of the cetaceans-related CMS Agreements, SPREP and other processes as necessary;
 - vi. Operate primarily through electronic communication or in the margins of other meetings;
 - vii. Have no financial implications for the MoU or the Convention on Migratory Species, securing any and all funding exclusively from extra-budgetary sources;
 - viii. Evolve with and adapt to the needs of the MoU as directed by the MoU Meeting of the Signatories;
 - ix. Be inclusive of all expertise (science, social, legal, technical etc) and should actively seek to build on institutional capacity of the region; and
 - x. Be coordinated by a Country, Territory or Collaborating Organization Signatory to the Pacific Cetaceans MoU.
3. As directed by the MoU's Meeting of the Signatories, the Pacific Cetaceans MoU Advisory Group, could respond to specific requests for technical and scientific advice from the Meeting of the Signatories, such as:
 - i. Review available scientific, technical and other information on cetaceans in the Pacific Islands Region as a basis to keep their conservation status under review to support the decision making of the Meeting of the Signatories.
 - ii. Make recommendations on scientific and technical work needed to support the implementation of the MoU and action plan.
 - iii. Evaluate, report on and keep under review the conservation impact of the MoU and its action plan.
 - iv. Review and contribute to species listing proposals from MoU signatories who are CMS Parties.
 - v. Review and contribute to conservation status reports developed by the CMS Scientific Council.

- vi. Review the scientific and technical implications of resolutions and recommendations of the CMS Conference of the Parties and make recommendations to the MoU Meeting of Signatories for regional responses.
- vii. Review and contribute to the implementation of the CMS Scientific Council Implementation Plan (2006-2011).
- viii. Contribute relevant information to support the CMS triennial reporting requirements of MoU Signatories that are also CMS Parties, including information on the conservation status of cetaceans.