



**MEMORANDUM OF UNDERSTANDING
ON THE CONSERVATION OF
MIGRATORY SHARKS**

CMS/Sharks/MOS2/Doc.8.3.1
Rev. 1

21 December 2015

Original: English

Second Meeting of the Signatories
San José, Costa Rica, 15-19 February 2016
Agenda Item 8

**PROPOSAL FOR THE AMENDMENT OF ANNEX 3 TO THE MEMORANDUM OF
UNDERSTANDING ON THE CONSERVATION OF MIGRATORY SHARKS**

(Prepared by the Secretariat)

1. As set out in paragraph 11 of the MOU, a Conservation Plan was incorporated as Annex 3 to the Memorandum of Understanding at MOS1.
2. The columns on priorities, timeframes and responsible entities for the implementation of the Conservation Plan were not completed at the Meeting and this task was given to the Advisory Committee to finish (CMS/Sharks/Outcome 1.1 and CMS Sharks/Outcome 1.2).
3. Prior to MOS1, the Friends of the Chair Working Group prepared a draft. Based on this draft and after two consultation rounds, the Advisory Committee has prepared the attached revised draft Conservation Plan, whereby the text of the preamble, objectives and activities remained unchanged.
4. In completing this task the Advisory Committee applied the following scales and categories:
 - Priorities for implementation:
1 (lowest priority) to **5** (highest priority); This scale was adopted by the Signatories at MOS1.
 - Timeframe for starting implementation:
short term = 1-2 years, **medium term** = 3-5 years, **long term** = 6-10 years and **ongoing**;
 - Responsible entity for implementation:
SIG = Signatories, **SEC**= Secretariat, **MULTI** = multilateral fora, organizations or arrangements, **AC** = Sharks MOU Advisory Committee.
5. In the absence of an agreed procedure for dealing with proposed changes to Annex 3, the Secretariat proposed applying the procedure for modifying Annex 1 to the MOU as described in CMS/Sharks/Outcome 1.4. In accordance with the aforementioned, the Signatories were invited by the Secretariat to provide any comments on the proposals at least 60 days before the meeting. Within this consultation period, no comments have been received.

Action requested:

The Signatories are invited to:

- a) review and consider the draft revision of the Conservation Plan attached as Annex 1 for adoption;

Annex 3 to the MOU: Draft Revised Conservation Plan

(Prepared by the Advisory Committee, 18 September 2015)

Overall Principles:

- I. This Conservation Plan applies exclusively to those migratory species of sharksⁱ included in Annex 1 of this Memorandum of Understanding. Depending on the occurrence of a species, Signatories may set species-specific priorities.
- II. This Conservation Plan aims to complement, develop and promote the objectives and actions described in this Memorandum of Understanding to conserve and manage migratory sharks and their habitat. In particular, it establishes a comprehensive list of actions to further the objectives and actions of Section 4 of this Memorandum of Understanding.
- III. These objectives and related activities below should be implemented by Signatories either individually or cooperatively or both, as appropriate, including through:
 - a. Participation in and cooperation with the Food and Agriculture Organization of the United Nations (FAO) and, as appropriate, RFMOs, RSCs, and other relevant biodiversity-related MEAs;
 - b. Establishment of regional, sub-regional and any other cooperative arrangements considered by the Signatories to be necessary; and
 - c. in cooperation with the Secretariat.
- IV. Signatories should, periodically evaluate the effectiveness of efforts and strategies to implement this plan, with the technical and scientific support of the Secretariat and the Advisory Committee, as well as consider revisions or amendments if necessary to strengthen its effectiveness or applicability, consistent with Section 6 of this Memorandum of Understanding.
- V. Signatories endeavour to create synergies amongst their respective national and regional administrations responsible for environmental and fisheries-related policies as they affect sharks so as to facilitate the universal implementation of the contents of the Conservation Plan into their governmental programmes.
- VI. Signatories are encouraged to prioritize implementation of these actions with highest scores for priority.
- VII. Signatories are encouraged to use this Conservation plan, as a whole or only parts of it, and translate it into national or regional actions.
- VIII. The Conservation Plan combines short-term and long-term activities

Objective A: Improving understanding of migratory shark populations through research, monitoring and information exchange

Activities	Priority ²	Time frame ³	Responsible entity ⁴
1. Ecological research, monitoring and data collection			
1.1 Identify priority research, monitoring and training needs, taking into account regional differences.	5	short, ongoing	SIG, MULTI
1.2 Endeavour to develop capacity in research, data collection, monitoring and facilitate training in data quality.	5	ongoing	SIG, MULTI
<p>1.3 Compile relevant data, improve ecological knowledge and conduct baseline studies on:</p> <ul style="list-style-type: none"> • shark populations including studies on populations dynamics, structure and abundance; • essential shark habitats; • shark distributional range through acoustic, mark recapture and other programmes; • shark aggregations; • shark behaviour; • shark ecology; • the seasonal and spatial migration patterns and routes of sharks; • shark taxonomy; and • environmental factors with impacts on sharks 	4	short, ongoing	SIG, MULTI
1.4 Conduct long-term monitoring of shark populations in order to assess their conservation status and trends.	3	short, ongoing	SIG, MULTI
<p>1.5 Identify and prioritize (with a view to developing conservation measures):</p> <ul style="list-style-type: none"> • critical shark habitats including critical migration routes;⁵ • critical seasons;⁶ • critical life stages;⁷ and • shark populations. 	3	short, ongoing	SIG, MULTI

Activities	Priority ²	Time frame ³	Responsible entity ⁴
1.6 Assess and prioritize threats to sharks from human activities (especially fisheries) and identify the species most vulnerable to them.	4	short, ongoing	SIG, MULTI
1.7 Establish conservation targets and indicators to assess progress towards reaching these targets at the species population level, and develop species-specific reference points for enhanced conservation measures.	3	medium	SIG, MULTI, AC
2. Information exchange			
2.1 Facilitate the timely access to and exchange of information necessary to coordinate conservation and management measures.	3	medium	SIG, MULTI
2.2 Recommend standard methods and set minimum levels of data collection and adopt or develop a recommended set of protocols for research, monitoring, and information exchange.	5	short	SIG, MULTI, AC
2.3 Determine and, where appropriate, develop the most suitable methods for information dissemination.	2	medium	SIG, SEC, MULTI, AC
<p>2.4 Regularly exchange scientific and technical information and expertise among:</p> <ul style="list-style-type: none"> • national governments; • scientific institutions; • non-governmental organizations and civil society; • international organizations; and • the private sector. <p>in order to develop and implement best practice approaches to the conservation of sharks and their habitats.</p>	3	medium	SIG, MULTI, AC
2.5 Create a directory of experts and organizations concerned with shark conservation on a regional and global level.	3	long	SIG, SEC, MULTI, AC
2.6 Disseminate traditional knowledge on sharks and their habitats.	1	long	SIG, MULTI

Objective B: Ensuring that directed and non-directed fisheries for sharks are sustainable – In pursuing activities described under this objective Signatories should endeavour to cooperate through RFMOs, the FAO, RSCs and biodiversity-related MEAs as appropriate

Activities	Priority ²	Time frame ³	Responsible entity ⁴
3. Fisheries-related research and data collection			
3.1 Promote stock assessments and related research.	3	short	SIG, MULTI
3.2 Develop programmes to establish baseline data and facilitate reporting at a species specific level on: <ul style="list-style-type: none"> • shark catch rates; • fishing gear used in shark fisheries; • the amount of incidental and directed taking; • the amount of waste and discards; • size and sex of individuals caught; and • fisheries methods that are sustainable and responsible and protect the habitat. 	4	short	SIG, MULTI
4. Ecologically sustainable management of shark populations, including monitoring, control and surveillance			
4.1 Develop and adopt best practice guidance for the conservation and management of shark populations based on the best available scientific knowledge and following a precautionary and ecosystem approach.	3	short	SIG, MULTI
4.2 Develop programmes to monitor directed shark fisheries and shark bycatch, including programmes such as vessel monitoring systems, inspections and on-board observer or monitoring programmes.	3	short	SIG, MULTI
4.3 Prohibit the taking of species in accordance with paragraph 13 i of the MoU.	3	medium	SIG
4.4 Ensure that mortality rates arising from fishing activities do not exceed levels resulting in a significant decline of populations following the precautionary approach in proactively setting conservation and management measures at all times.	3	medium	SIG, MULTI
4.5 Encourage relevant bodies to set targets for fish quotas, fishing effort and other restrictions to help achieve sustainable use in line with the best available scientific advice and using the precautionary approach to ensure that all shark catch is within sustainable limits.	4	short	SIG, MULTI

Activities	Priority ²	Time frame ³	Responsible entity ⁴
4.6 Consider the development or application of certification systems for sustainable shark products.	2	long	SIG, MULTI
4.7 Encourage the consideration of including shark conservation criteria in existing certification systems for sustainable fisheries.	2	long	SIG, MULTI
4.8 Encourage no increase in and minimize the use of plastics and non-degradable materials in fishing operations.	1	long	SIG, MULTI
4.9 Encourage the participation of indigenous and local communities (ILC) in the fishery management process.	2	medium	SIG, MULTI
4.10 Ensure that the global moratorium on all large-scale pelagic driftnet fishing is fully implemented on the high seas of the world's oceans and seas, including enclosed seas and semi-enclosed seas, in accordance to UN General Assembly Resolution 46/215 ⁸ .	4	short	SIG, MULTI
5. Bycatch			
5.1 To the extent practicable, develop and/or use selective gear, devices, and techniques to ensure that the take of sharks in fisheries is sustainable and appropriately managed and that mortality of non-utilized catches is minimized to the greatest extent possible.	3	medium	SIG, MULTI
5.2 Liaise and coordinate with fishing industries, fisheries management organizations, academic institutions and environmental non-governmental organizations (NGOs) to develop and implement incidental capture mitigation mechanisms in national waters and on the high seas, prioritizing work to avoid the capture of protected sharks in accordance with paragraph 13 i of the MoU.	4	short	SIG, MULTI
5.3 Promote capacity building for the safe handling and release of sharks.	3	short	SIG, MULTI
6. Cooperation through RFMOs, RSCs and FAO			
6.1 Encourage implementation of conservation and management measures adopted by RFMOs, RSCs, biodiversity-related MEAs and FAO.	4	short	SIG
6.2 Develop and implement National Plans of Action for Sharks - NPOA-Sharks - to manage sharks within a State's jurisdictional waters and for the regulation of the activities of States' fleets fishing on the High Seas in accordance with FAO's voluntary International Plan of Action for Sharks - IPOA-Sharks - also taking into account UN General Assembly Resolutions 59/25 ⁹ and 61/105 ¹⁰ .	4	short	SIG, MULTI

Activities	Priority ²	Time frame ³	Responsible entity ⁴
6.3 Promote practical and enforceable conservation recommendations based on the best available science within relevant RFMOs, RSCs, biodiversity-related MEAs and FAO.	4	short, ongoing	SIG
7. Policy, legislation and law enforcement			
7.1 Review of domestic policy			
7.1.1 Review domestic policies and laws to address gaps or impediments to the conservation and management of sharks and their habitats.	4	medium	SIG
7.2 International trade			
7.2.1 Develop and implement strategies that seek to ensure that sharks and shark products entering international trade are harvested and traded in accordance with existing conservation and management measures and applicable regulations including those of CITES and RFMOs.	4	medium	SIG
7.2.2 Develop and implement additional measures to ensure legal and sustainable international trade in sharks and shark products.	2	medium	SIG
7.3 Finning¹¹			
7.3.1 Where not already in place, consider enacting legislation or regulations requiring sharks to be stored on board and landed with each fin naturally attached in line with applicable UN General Assembly Resolutions, including 62/177 ¹² , and 66/68 ¹³ and with applicable decisions from IUCN, including motion 4.114 ¹⁴ , and relevant RFMOs.	5	short	SIG
7.4 Law enforcement			
7.4.1 Implement and enforce existing fisheries conservation and management measures and trade regulations on shark fisheries through effective monitoring, control and surveillance.	4	short	SIG
7.4.2 Implement specific measures where gaps are identified and develop capacity in compliance and law enforcement.	3	medium	SIG
7.4.3 Cooperate on law enforcement, including through bilateral/multilateral agreements, and intelligence and information sharing.	2	medium	SIG

Activities	Priority ²	Time frame ³	Responsible entity ⁴
8. Economic incentives			
8.1 Work to reform, phase out and eliminate subsidies resulting in unsustainable use of sharks.	3	medium	SIG, MULTI
8.2 Develop opportunities for alternative livelihoods for and together with local communities.	2	short	SIG, MULTI

Objective C: Ensuring to the extent practicable the protection of critical habitats and migratory corridors and critical life stages of sharks

Activities	Priority ²	Time frame ³	Responsible entity ⁴
9. Conservation activities			
9.1 Designate and manage conservation areas, sanctuaries or temporary exclusion zones along migration corridors and in areas of critical habitat, including those on the high seas in cooperation with relevant RFMOs and RSCs where appropriate, or take other measures to remove threats to such areas.	3	long	SIG, MULTI
9.2 Integrate shark and shark habitat protection in environmental impact or risk assessments for marine and coastal development projects.	2	medium	SIG, MULTI
9.3 Develop, implement and assess spatial and/or seasonal closures of fishing areas to reduce incidental capture of sharks, particularly to protect nursery grounds as well as aggregation areas for mating and pupping.	2	long	SIG, MULTI
9.4 Promote the protection of the marine environment from land-based and maritime pollution that may adversely affect shark populations.	2	long	SIG, MULTI
9.5 Avoid the mortality of juvenile sharks and fecund females in order to maintain population levels and to ensure population viability.	3	long	SIG, MULTI
10. Legislation			
10.1 Contribute to developing legislation to protect species and their critical habitats and ensure implementation of regulations and policies on national, regional and global scale.	2	long	SIG, MULTI

Activities	Priority ²	Time frame ³	Responsible entity ⁴
11. Economic incentives			
11.1 Develop incentives for adequate protection of areas of critical habitats inside and outside protected areas.	2	long	SIG

Objective D: Increasing public awareness of threats to sharks and their habitats, and enhance public participation in conservation activities

Activities	Priority ²	Time frame ³	Responsible entity ⁴
12. Awareness raising			
12.1 Increase knowledge of the ecosystem services provided by sharks and knowledge about sharks in their marine environment.	2	ongoing	SIG, MULTI
12.2 Raise public awareness of threats to sharks and their habitats.	2	medium	SIG, MULTI
12.3 Raise public awareness of this Memorandum of Understanding and its objectives.	3	medium	SIG, MULTI
13. Stakeholder participation			
13.1 Encourage the participation of the following stakeholders in the implementation of this Conservation Plan: <ul style="list-style-type: none"> • government institutions; • non-governmental organizations; • indigenous and local communities; • commercial and recreational fishing communities; • the private sector; • scientists; • academia; and • the general public. 	3	medium	SIG, MULTI

Activities	Priority ²	Time frame ³	Responsible entity ⁴
13.2 Develop and apply methods of co-management and/or public participation with local fishery communities in shark fishing.	2	long	SIG, MULTI

Objective E: Enhancing national, regional and international cooperation

Activities	Priority ²	Time frame ³	Responsible entity ⁴
14. Cooperation among governments			
14.1 Identify specific management issues where cooperation among States is required for successful conservation and management.	3	medium	SIG, MULTI
14.2 Enhance institutional capacities and competencies in shark identification, management and conservation techniques to generate technical support for the implementation of the Memorandum of Understanding at the national, regional and international level.	3	short	SIG, MULTI
14.3 Strengthen existing and develop new mechanisms, where required, for cooperation and effective consultations involving stakeholders in research, management among coastal and fishing states, as well as with relevant IGOs and RFMOs and regional seas conventions, at the sub-regional level.	3	medium	SIG, MULTI
14.4 Develop networks, including those for information and data, for cooperative management of shared populations, within or across sub-regions, and, where appropriate, formalize cooperative management arrangements.	3	medium	SIG, MULTI
14.5 Cooperate, where possible, in the establishment of transboundary marine protected areas using ecological rather than political boundaries.	3	long	SIG
14.6 Conduct collaborative studies and monitoring in pursuing activities described in objective A and B above where appropriate.	3	medium	SIG, MULTI

Activities	Priority ²	Time frame ³	Responsible entity ⁴
15. Cooperation with existing instruments and organizations related to shark conservation			
15.1 Cooperate, as appropriate, with: <ul style="list-style-type: none"> • the fisheries industry; • FAO; • RFMOs; • RSCs; • UN entities such as UNCLOS, UNEP and biodiversity-related MEAs (e.g. CBD, CITES and Ramsar); • the World Trade Organization, Interpol and the World Customs Organization; and • IGOs and NGOs engaged with shark conservation, and other international organizations that deal with fisheries. 	3	medium	SIG, SEC, MULTI
16. Accession to international instruments relevant for the conservation and management of sharks			
16.1 Ratify or accede to those international instruments relevant to the conservation and management of migratory sharks and their habitats in order to enhance the legal protection of migratory shark species.	3	medium	SIG
16.2 Encourage Signatories that have not already done so to become Parties to: <ul style="list-style-type: none"> • the Convention on Migratory Species (CMS); • global fisheries agreements such as the UN Fish Stocks Agreement (1995), the FAO Compliance Agreement (1993), the FAO Port State Measures Agreement (2009) and other relevant international instruments; • RFMOs that can adopt conservation and management measures in relation to sharks, or comply with such conservation and management measures as cooperating non-members; and • the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). 	5	medium	SIG
16.3 Encourage Signatories to implement the FAO Code of Conduct for Responsible Fisheries (1995).	5	short	SIG

-
- ⁱ “Sharks” means any of the migratory species, subspecies or populations in the Class Chondrichthyes (which includes sharks, rays, skates and chimaeras) that are included in Annex 1 of this Memorandum of Understanding as defined in paragraph 3 p of the MOU.
- ² Prioritizes activities on a scale of 1-5 with “1” being of lowest and “5” being of highest priority. At MOS 1 the Advisory Committee was requested to develop these priority rankings and to submit its suggestions to MOS 2 for the Signatories’ consideration and approval.
- ³ Gives the time frame for starting the implementation of an activity. At MOS 1 the Advisory Committee was requested to develop the content of this column and to submit its suggestions to MOS 2 for the Signatories’ consideration and approval. The Secretariat would suggest distinguishing between short-, medium-, long-term and ongoing activities.
- ⁴ Gives the primary responsibilities or modes of cooperation for implementing the actions included in this Conservation Plan using the following codes: SIG=Signatories, SEC=Secretariat, MULTI=multilateral fora, organizations or arrangements, AC=Sharks MoU Advisory Committee. Given the nature and range of the actions some responsibilities may be shared or undertaken by more than one entity so more than one identifying code may be displayed. At MOS 1 the Advisory Committee was requested to develop the content of this column and to submit its suggestions to MOS 2 for the Signatories’ consideration and approval.
- ⁵ Critical habitats are defined as those habitats which have a key role for the conservation status of a shark population. This includes feeding, hunting, mating, birthing, pupping and aggregation sites as well as corridors between these sites such as migration routes.
- ⁶ Critical seasons are defined as a specific time in a year which has a key role for the conservation status of shark populations. Depending on the species this includes feeding, hunting, mating, birthing, aggregation seasons.
- ⁷ Depending on species, critical life stages can include eggs, neonates, juveniles or adult females based on based best available science
- ⁸ General Assembly Resolution 46/215 on Large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas.
- ⁹ General Assembly Resolution A/RES/59/25 on Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments.
- ¹⁰ General Assembly Resolution A/RES/61/105 on Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments.
- ¹¹ Finning: Practice of removing any of the fins of a shark (including the tail) while at sea and discarding the remainder of the shark at sea.
- ¹² General Assembly Resolution A/RES+G12/62/177 on Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments.
- ¹³ A/RES/66/68 - Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments.
- ¹⁴ IUCN Recommendation 4.114 of IUCN on a global policy against shark finning.