UN environment CMS

MEMORANDUM OF UNDERSTANDING ON THE CONSERVATION OF MIGRATORY SHARKS

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2nd Meeting of the Advisory Committee (AC2)
2nd Workshop of the Conservation Working Group (CWG2)
Bonaire, Netherlands, 20 - 24 November 2017
Agenda Item 9

COOPERATION WITH THE CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS (CMS) ON THE IMPLEMENTATION OF CONCERTED ACTION FOR SHARKS AND RAYS

(Prepared by the Secretariat- revised after CMS COP12)

1. The concept of "Concerted Action" under the Convention on the Conservation of Migratory Species of Wild Animals (CMS) aims to foster activities by Parties, Range States and relevant organizations to improve the conservation status of selected CMS-listed species.

2. Since the concept was revamped at the 11th Conference of the Parties (COP11) in 2014, all proposals to include additional species on the list for Concerted Action should follow a set of criteria adopted by COP11 (Resolution 11.13). Proposals should provide the target species or population, the case for action, which includes the conservation priority of the species, the relevance, the absence of better remedies, the state of preparedness and feasibility of the proposal, the likelihood of success, the magnitude of likely impact, and the cost effectiveness. In addition, the proposal should provide the activities and expected outcomes, the associated benefits, the timeframe of the proposed actions, and contain any relationship to other CMS actions.

3. As it was not specified in the above resolution, the CMS Secretariat is working on the assumption that proposals for Concerted Action can be submitted by a variety of stakeholders, including by Parties to the Convention, by specialized agreements under the Convention, such as the Sharks MOU, the Scientific Council, the Secretariat, and any relevant organization based on a format suggested by the Secretariat.

4. Following this new procedure, three Concerted Action proposals for shark and ray species were submitted to the 12th Conference of the Parties (COP12) of CMS, namely for all species of Mobulids, the Whale Shark and the Angelshark. All proposals were discussed and adopted at COP12.

5. Noting that the Angelshark is currently not included in Annex 1 of the MOU, the Concerted Action proposal for this species will not be discussed at this meeting.

Mobulidae

6. Following a proposal from The Manta Trust and the Wildlife Conservation Society, the entire family of Mobulid Rays (Mobulidae) was adopted for Concerted Actions at CMS COP12.

7. The agreed Concerted Action call in part for the implementation of the Conservation Strategy for Devil and Manta Rays (Lawson et al. 2017; UNEP/CMS/COP12/Inf.18). The proposed activities relate strongly to those which are contained in the Sharks MOU Conservation Plan, such as generating and communicating knowledge on Mobulid Rays (Activities 1 and 2), management of fisheries (Activity 3), bycatch (Activity 5), and community education and improved population management through the development of alternative livelihoods.

8. CMS Parties are encouraged to ensure that national, legally binding regulations are in place to protect Mobulid Rays. Furthermore, support is requested from the Sharks MOU and Cooperating Partners for the implementation of the Concerted Action.

9. The Concerted Action for Mobulid Rays is provided as UNEP/CMS/Concerted Action 12.6.

Whale Shark (*Rhincodon typus*)

10. Following a proposal from the Philippines, the Whale Shark was adopted for Concerted Action at CMS COP12.

11. The agreed activities touch upon many objectives and activities within the MOU Conservation Plan, including to mitigate bycatch (Activity 5: Bycatch), to undertake research on movement patterns and critical habitats (Activity 1: Ecological Research, monitoring and data collection) as well as to develop global guidelines for sustainable Whale Shark tourism.

12. The Signatories and bodies of the Sharks MOU were invited by the Philippines, itself a Signatory, to cooperate in the implementation of the Concerted Action and to provide technical guidance as appropriate.

13. The Concerted Action for the Whale Shark is provided as UNEP/CMS/Concerted Action 12.7.

Suggestions for cooperation on implementation

14. The activities in each Concerted Action are provided in Annexes 1-3 to this document. The activities are directed at the Parties of CMS, and the table details the potential for cooperation between the CMS Sharks MOU and the CMS Parties for implementation of the activities.

Action requested:

The Advisory Committee is requested to:

a) review the Concerted Action for Mobulid Rays and the Whale Shark presented as documents UNEP/CMS/Concerted Action 12.6 and 12.7;

b) review Annexes 1 and 2 to this document and make recommendations to MOS3 on options to support the implementation of the Concerted Action;

c) make suggestions as to whether the Sharks MOU would benefit from a similar mechanism to the CMS Concerted Action, under its own framework.

Annex 1: Overview of activities in the CMS COP12 Proposal for Concerted Action for Mobulid Rays, suggestions for implementation support by the Sharks MOU, Responsibilities and possible implications for the Sharks MOU Budget

Working Document –prefilled by the Secretariat, to be completed by AC2/CWG2

Activity *(please refer to UNEP/CMS/Concerted Action 12.6 for further details)*	**How the Sharks MOU could support implementation**	**Entity**	**Implications for the Sharks MOU Budget**
1.1. Review the Global Conservation Strategy (Lawson *et al.* 2017) and implement priority actions.	– The AC may provide advice on the Strategy and potential initiatives for Signatories to implement; – Signatories may consider adopting the Strategy	AC Signatories	none
2.1. Engage with local communities and fisheries sector to gather socio-economic information on mobulid catch, share information and develop collaborative conservation and management strategies.	– Signatories may coordinate with local communities in their countries.	Signatories	none
2.2. Build capacities within local communities to support a transition towards alternative livelihoods.	– Signatories may coordinate with local communities in their countries.	Signatories	none
2.3 Consult and collaborate with communities and fisheries sector to design and plan for regulatory or legislative changes prior to implementation.	– Signatories may coordinate with local communities in their countries.	Signatories	none
3.1. Conduct participatory community research to improve knowledge on target and incidental mobulid catches and the distribution and occurrence of mobulid rays within Range States.	– Signatories may coordinate with local communities in their countries.	Signatories	none

Activity *(please refer to UNEP/CMS/Concerted Action 12.6 for further details)*	**How the Sharks MOU could support implementation**	**Entity**	**Implications for the Sharks MOU Budget**
3.2. Develop, disseminate, and support implementation of best-practice approaches to reduce incidental catches of mobulid rays and for safe-handling and release to minimize post-capture mortality.	– Signatories may coordinate with local communities in their countries. – The AC may provide technical expertise on bycatch mitigation and safe handling and release techniques.	Signatories AC	none
3.3. Collaborate and coordinate research and management implementation with both local stakeholders and neighboring Range States, recognizing the need to address shared stocks conservation through coordinated approaches - e.g. via RFMOs and RFBs.	– Signatories may coordinate their activities with local stakeholders and neighboring Range States; – The AC may provide technical expertise.	Signatories AC	none
3.4. Ensure effective implementation of complementary CITES requirements and regulations particularly if no strict national protection for mobulids exists.		Signatories	none
3.5 Expand enforcement against illegal fishing and illegal trade		Signatories	none
4.1 Develop a plan to monitor and evaluate the effectiveness of interventions to reduce the socio-economic impact of protection measures.			
4.2 Develop an ecological monitoring plan for mobulid rays to determine effectiveness of conservation and	– The AC may provide technical expertise.	AC	none

Activity *(please refer to UNEP/CMS/Concerted Action 12.6 for further details)*	**How the Sharks MOU could support implementation**	**Entity**	**Implications for the Sharks MOU Budget**
management measures.			
4.3 Collate and share findings and best practices at national and regional workshops.	– Signatories may share best practice examples;	Signatories	none

Annex 2: Overview of activities in the CMS COP12 Proposal for Concerted Action for the Whale Shark, suggestions for implementation support by the Sharks MOU, Responsibilities and possible implications for the Sharks MOU Budget

Working Document –prefilled by the Secretariat, to be completed by AC2/CWG2

Activity *(please refer to UNEP/CMS/Concerted Action 12.7 for further details)*	**How the Sharks MOU could support implementation**	**Entity**	**Implication for the Sharks MOU Budget**
1.1: Investigate (through research, including satellite tagging and genetic studies) the connectivity of local populations and migrations.	– Signatories may support research activities.	Signatories	none
1.2: Collect information on the scale of bycatch and fisheries interaction to assess the level of impact this has on Whale Sharks and any potential mitigation strategies.	– Signatories may support research activities.	Signatories	none
1.3: Investigate locations and conditions in which pollution (such as discarded fishing gear, noise, plastics etc.) may be effecting Whale Shark populations.	– Signatories may support research activities.	Signatories	none
1.4: Assess the impacts of climate change on Whale Sharks.			
1.5: Identify (through research, including satellite tagging studies) and protect critical Whale Shark habitats (e.g. feeding or mating habitats) and migratory routes.	– Signatories may support research activities.	Signatories	none
2.1: Identify potential threats to Whale Sharks from tourism activities.	– Signatories may support research activities.	Signatories	none

Activity *(please refer to UNEP/CMS/Concerted Action 12.7 for further details)*	**How the Sharks MOU could support implementation**	**Entity**	**Implication for the Sharks MOU Budget**
2.2: Collate and share good practice from countries with established Whale Shark tourism.	– Signatories may share good practice examples; – AC may provide technical expertise; – The Secretariat may undertake a desk study.	Signatories AC Secretariat	?
2.3: Encourage licensing and regulation of Whale Shark tourism interaction tour operators.	– Signatories may establish a licencing system and regulate Whale Shark tourism.	Signatories	none
2.4: Develop unified tourism guidelines to limit impacts on Whale Sharks and provide a code of conduct	– The AC may provide technical expertise.	AC	?
2.5: Ensure socio-economic benefits of Whale Shark tourism benefits the local community.	– Signatories may coordinate with local communities and ensure full stakeholder participation in Whale Shark tourism.	Signatories	none
2.6: Develop appropriate education and awareness tools, incorporating scientific and traditional knowledge for a range of different stakeholders.	– Signatories may include the development of education and awareness tools into a Capacity Building Programme.	Signatories	?
2.7: Capacity building of Government agencies and local communities to deliver educational campaigns.	– The Secretariat may identify the gaps in capacity building; – The AC can provide advice on how to fill these gaps.	Secretariat AC	none
2.8: Ensure clear communication and stakeholder engagement with local communities that may be affected by conservation efforts and mitigate any negative impacts.	– Signatories may engage with local communities and mitigate negative impacts of tourism.	Signatories	none

Activity *(please refer to UNEP/CMS/Concerted Action 12.7 for further details)*	**How the Sharks MOU could support implementation**	**Entity**	**Implication for the Sharks MOU Budget**
3.1: Coordinate with RMFOs to encourage the sharing of information and streamlining of conservation efforts.			
3.2: Proposal of minimum onboard observers on commercial shipping lines & fishing vessels to gain more information on vessel strikes, bycatch and fisheries interactions.	– Signatories may work towards improving observer coverage on their fishing fleets.	Signatories	none
3.3: Collate information on the scale of bycatch and fisheries interaction to assess the level of impact this has on Whale Sharks and any potential mitigation strategies.	– Signatories may provide information on bycatch and fisheries interactions.	Signatories	none
4.1: Engage non-CMS Parties in the conversation to protect Whale Sharks and encourage their integration.			
4.2: Arrange a regional workshop to encourage cooperation and increase awareness.	– Signatories may attend the workshop; – The Secretariat may support with logistics.	Signatories Secretariat	?
5.1: Identify inconsistencies in the level of protection ensured by different Range States.	– The AC with assistance of the Secretariat may undertake a survey amongst Signatories and Range States.	AC Secretariat	?
5.2: Encourage all Range States to implement a ban on all targeted fishing of Whale Sharks.	– Signatories may address this with other Range States; – Cooperating Partners may develop awareness raising materials.	Signatories Cooperating Partners	none

Activity *(please refer to UNEP/CMS/Concerted Action 12.7 for further details)*	**How the Sharks MOU could support implementation**	**Entity**	**Implication for the Sharks MOU Budget**
5.3: Encourage all Range States to develop action plans for the conservation of Whale Sharks.	– Signatories may consider developing an AP for Whale Sharks – The AC may provide guidance to Signatories upon request	AC Signatories	?
5.4: Strengthen existing policies and legislation, develop new legislation where necessary, for the effective conservation of Whale Sharks, including measures to protect key habitats and alleviate threats.	– Signatories may strengthen or develop policies.	Signatories	none
5.5: Ensure enforcement capacity for the implementation of national protection regulations	– A Sharks MOU capacity building programme could be adopted, which includes enforcement of national regulations.	Signatories	?
5.6: Encourage the development of regional action plans to foster cooperation between Range States with connected populations.	– Signatories may consider developing regional AP; – The AC may provide technical expertise.	Signatories AC	?
5.7: Develop management plans for marine sanctuaries, MPAs and other ecosystem-based protection measures that include Whale Sharks.	– Signatories may consider developing management plans for MPAs; – The AC may provide technical expertise.	Signatories	?
5.8: Ensure all RMFOs ban the setting of purse seine nets around Whale Sharks.	– Signatories, that are also members to the different RFMOs concerned, may propose to ban the setting of purse sein nets around Whale Sharks.	Signatories	none

Activity *(please refer to UNEP/CMS/Concerted Action 12.7 for further details)*	**How the Sharks MOU could support implementation**	**Entity**	**Implication for the Sharks MOU Budget**
6.1: Encourage climate change mitigation strategies and awareness.			
6.2: Encourage enhanced waste management at small and large scales to reduce marine debris entering the oceans.			