

REVISED DRAFT
MEMORANDUM OF UNDERSTANDING
ON THE CONSERVATION OF MIGRATORY SHARKS

(MS2 Final Draft as at 8 December 2008)

THE SIGNATORY STATES,

RECALLING that the 8th meeting to the Conference of the Parties of the Convention on Migratory Species of Wild Animals adopted Recommendation 8.16 calling upon Range States of migratory sharks listed on Appendix I or II to develop a global migratory sharks conservation instrument in accordance with Articles III and V of the Convention;

[**NOTING** that three species of migratory sharks, the Basking, Whale and Great White Shark, have priority for conservation actions through listing on the appendices of both the Convention and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);]

RECOGNIZING the critical role that migratory sharks play in marine ecosystems, and concerned about the significant and continuing mortality of sharks listed on Appendix I and II through a range of impacts and threats including targeted (directed) fisheries, fisheries by-catch, illegal, unreported and unregulated (IUU) fishing, trophy hunting, marine debris, habitat destruction – including prey depletion, boat strikes and disturbances, and increasing pressures on the marine environment due to climate change;

CONVINCED that the vulnerability of migratory sharks to such threats warrants further development and stronger implementation of conservation measures by States and regional economic integration organisations that exercise sovereignty, or jurisdiction, or both over any part of their range, and by States, flag vessels of which are engaged outside national jurisdictional limits in activities that may affect the conservation of sharks;

MINDFUL OF the need to reconcile the provisions of this Memorandum of Understanding with other international shark conservation and management initiatives, including the FAO voluntary IPOA-sharks, which calls upon States to develop and implement complementary NPOA-sharks;

NOTING that both the FAO, through IPOA-sharks, and the Convention have embraced a common objective - the need to ensure the conservation and management of migratory sharks and their long-term wise and sustainable use – and that fishermen, fish traders and conservation NGOs have critical complementary roles to play in achieving this objective;

REALIZING that RFMOs should be involved in the development and implementation of this Memorandum of Understanding by virtue of their mandate to bring fishing nations together to promote conservation and management of fish stocks, and their knowledge and experience of migratory shark catches, and that it will be necessary to work with and through these bodies to achieve the objectives of this Memorandum of Understanding;

NOTING that the remit of the work to be undertaken by CMS should complement and not duplicate the work of RFMOs with regard to fisheries management;

BELIEVING that conclusion and implementation of an international agreement in the form of a non-binding Memorandum of Understanding and a supporting [Action Plan]/ [Conservation and Management Plan] under Article IV.4 of the Convention will add value and contribute significantly to the conservation of migratory sharks by strengthening the political will to implement migratory shark conservation measures in a coordinated and timely fashion, by bridging migratory shark fisheries and conservation interests, by reinvigorating the implementation of the FAO-IPOA for sharks by linking it to this Memorandum of Understanding and building on it, and by capitalizing on the potential of the Convention's broad membership to add expertise to global conservation efforts in the areas of science, research, monitoring, species identification, data analysis, threat definition and reduction, habitat protection, education and public awareness, information exchange, and capacity building;

WITH A VIEW TO improving the conservation status of Appendix I and II listed migratory shark species through concerted and coordinated action on the part of the States that exercise jurisdiction over the range of these populations;

ACKNOWLEDGING that, despite past and ongoing scientific research and monitoring, knowledge of the biology, ecology, and population dynamics of migratory sharks is deficient, and that it is necessary to promote stronger co-operation between fishing nations on research and monitoring in order to effectively implement conservation measures;

NOTING that other species of sharks not currently listed on Appendices I and II may also benefit from implementation of this Memorandum of Understanding as a consequence of more coordinated conservation efforts among Range States, shark fishing States, and shark trading States;

EXPRESS their desire to pursue the actions set forth in this Memorandum of Understanding, in the spirit of mutual cooperation, to achieve and maintain a favourable conservation status for migratory sharks; and

HAVE DECIDED as follows:

Scope, definitions and interpretation

1. This agreement is not legally binding upon the Signatories.
2. This Memorandum of Understanding applies to all migratory species of sharks included in Annex 1.
3. For the purpose of this Memorandum of Understanding:
 - a) "Shark" 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;
 - b) "Secretariat" means the body established under Article X of this Memorandum of Understanding to assist in its administration and implementation;
 - c) "Convention" means the Convention on the Conservation of Migratory Species of Wild Animals signed at Bonn, Germany on 23 June 1979;

- d) “Convention Secretariat” means the body established under Article IX of the Convention;
- e) “UNCLOS” means the United Nations Convention on the Law of the Sea, 1982;
- f) “FAO” means the Food and Agriculture Organisation of the United Nations;
- g) “IPOA-Sharks” means the International Plan of Action for the conservation and management of sharks established under the FAO (date);
- h) “NPOA-Sharks” means a National Plan of Action for the Conservation and Management of Shark (Shark-plan), developed pursuant to IPOA-sharks;
- i) “Range” means all the areas of water that a migratory shark inhabits, stays in temporarily, or crosses at any time on its normal migration route;
- j) “Habitat” means any area in the range which contains suitable living conditions, particularly known aggregation, feeding and breeding sites, for migratory sharks;
- k) “Signatory” means a State, regional economic integration organisation, or other body that is a Signatory to this Memorandum of Understanding;
- l) “Signatories present and voting” means the Signatories present and casting an affirmative or negative vote; those abstaining will not be counted amongst the Signatories present and voting;
- m) “Advisory Committee” means the committee of persons qualified as experts in migratory shark science and management established under this Memorandum of Understanding;
- n) “Conservation Status of migratory sharks” means the sum of all the influences acting on migratory sharks that may affect their long-term distribution and abundance;
- o) Conservation Status will be taken as “favourable” when all of the following conditions are met:
 - i. population dynamics data indicate that migratory sharks are maintaining themselves on a long term basis as a viable component of its ecosystems;
 - ii. the range of the migratory sharks is neither currently being reduced, nor is likely to be reduced, on a long-term basis;
 - iii. there is, and will be in the foreseeable future, sufficient habitat to maintain the population of migratory sharks on a long term basis; and
 - iv. the distribution and abundance of migratory sharks approach historic coverage and levels to the extent that potentially suitable ecosystems exist and to the extent consistent with wise wildlife management;
- p) Conservation status will be taken as “unfavourable” if any of the conditions set out in sub paragraph 7. o) is not met;

- q) “Range State” means any State that exercises jurisdiction over any part of the range of migratory sharks, or a State, flag vessels of which are engaged outside its national jurisdictional limits in taking, or which have the potential to take, migratory sharks;
 - r) “Taking” means taking, hunting, fishing, capturing, harassing, deliberate killing or attempting to engage in any such conduct, but excludes sustainable, managed, directed migratory sharks fisheries;
 - s) "Regional economic integration organisation" means an organisation constituted by sovereign States of a given region which has competence in respect of matters governed by this Memorandum of Understanding and has been duly authorised, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to this Memorandum of Understanding;
 - t) “[Action Plan]/ [Conservation and Management Plan]” means the Migratory Sharks Conservation and Management [Action Plan]/ [Conservation and Management Plan] contained in Annex 2 of the Memorandum of Understanding;
 - u) “Shark finning” means the practice of removing fins from sharks, on board fishing vessels, solely for the purpose of harvesting shark fins, where the shark carcass is discarded at sea.; and
 - v) “RFMO” means all the regional and sub-regional fisheries management bodies that have exclusive fisheries advisory and management responsibilities within their respective regions.
4. The interpretation of any term or provision of this Memorandum of Understanding will be made in accordance with the Convention, or Resolutions adopted by its Meeting of the Parties, or both, unless such a term or provision is defined or interpreted differently in this Memorandum of Understanding.
5. This Memorandum of Understanding is a legally non-binding agreement under Article IV paragraph 4 of the Convention, as defined by Resolution 2.6 adopted at the Second Meeting of the Parties to the Convention (Geneva, 11-14 October 1988).
6. The Annexes form an integral part of this Memorandum of Understanding.

Objective

7. The objective of this Memorandum of Understanding is to achieve and maintain a favourable conservation status for migratory sharks and their habitats, based on the best scientific evidence, taking into account the socio-economic and other values of these species for the people of the Signatory states.

Fundamental Principles

8. [The signatories acknowledge successful shark conservation and management requires the fullest possible cooperation among governments, intergovernmental organizations, non-government organizations and local communities, and immediate engagement pursuant to this Memorandum of Understanding with the fisheries industry, FAO, RFMOs and other relevant international organizations.]

9. The Signatories acknowledge the role and the scientific and political actions of states and RFMO/As (Arrangements), as appropriate, (which are responsible for the management of migratory shark [fisheries]/[species]), and the need to strengthen and improve their role.

10. Sharks should be managed to allow for sustainable harvest where appropriate, through conservation and management measures based on the best available scientific information.

11. In implementing the measures given in paragraphs 14-15 the Signatories will apply widely both an ecosystem and a precautionary approach [in a participatory manner]. Lack of scientific certainty [should]/ [is] not [to] be used as a reason for postponing measures to enhance the conservation status of sharks.

12. Signatories should have regard for the general duty to protect the marine environment and therefore should adopt, where necessary, conservation and management measures for minimizing pollution, waste, discards, catch by lost or abandoned gear and other threats [Signatories [are to]/[should] adopt, where necessary, conservation and management measures for minimizing pollution, waste, discards, catch by lost or abandoned gear and other threats, to protect the marine environment].

13. [Signatory States may establish, by mutual consent, bilateral, sub-regional or regional management plans that are consistent with this Memorandum of Understanding.]

Conservation and Management Measures

14. [The Signatories cooperatively will strive to adopt, implement and enforce such legal, regulatory and administrative measures as may be appropriate to conserve and manage migratory sharks and their habitat; and to this end will endeavour through the [Action Plan]/[Conservation and Management Plan] to implement as priorities the following specific measures:

- a. Build research, monitoring, compliance and enforcement capacity globally.
- b. Identify and protect critical shark habitats and migration routes.
- c. Create a standardized species-specific global shark database.
- d. Coordinate stock assessments and research.
- e. Regulate non-consumptive use of sharks including ecotourism.
- f. Prohibit shark finning and actively cooperate through RFMOs to ensure that shark finning does not take place.
- g. Cooperate with the fishing industry.
- h. Conduct studies of shark aggregation, breeding grounds, ecology and behaviour.
- i. Prohibit the taking of species listed in Appendix I of the Convention in accordance with Article III of the Convention.

- j. Regulate the exploitation of species listed in Appendix II to the Convention.
 - k. Encourage relevant bodies to set targets for fish quotas, fishing effort and other restrictions.
 - l. Regulate shark by-catch in non-directed fisheries. Note: It is suggested that this paragraph could be deleted as it is covered by j above.
 - m. Implement enforcement and compliance measures including observers on fisheries vessels.
 - n. Promote shark conservation and wise use globally.
 - o. Reduce pollution, marine debris and ship strikes.]
15. The Signatory States recognize that in order to be successful in these endeavours they must also make every effort, as appropriate, to:
- a. Implement, subject to the availability of necessary resources, the [Action Plan]/[Conservation and Management Plan] in Annex 2 of this Memorandum of Understanding.
 - b. Cooperate with relevant organisations and recognised experts and so as to facilitate the work conducted in relation to the [Action Plan]/[Conservation and Management Plan].
 - c. Engage immediately with the fisheries industry, FAO, RFMOs and other international organizations that deal with fisheries to develop a working relationship, analyze the strengths and weaknesses of current conservation and management initiatives, and involve them in the elaboration and execution of the [Action Plan]/[Conservation and Management Plan].
 - d. Promote concrete, actionable conservation recommendations to be carried forward to RFMOs by the nations (states) that are party to both this instrument and the RFMOs.
 - e. Facilitate the timely access to and exchange of information necessary to coordinate conservation and management measures.
 - f. Ensure development and implementation of NPOA- Sharks under the auspices of the FAOs voluntary IPOA-Sharks.
 - g. Take into account, where appropriate, subsistence and customary take of migratory sharks in those States where it is permitted.
 - h. Ratify or accede to those international instruments most relevant to the conservation and management of migratory sharks and their habitats in order to enhance the legal protection of migratory shark species.
 - i. Formulate, review, revise and harmonise national legislation and regulations, as necessary, relevant to the conservation and management of migratory sharks and their habitats.
 - j. Encourage other Range States to sign this Memorandum of Understanding.

[Action Plan]/ [Conservation and Management Plan]

16. Annex 2 of this Memorandum of Understanding will have effect as an Action Plan for the achievement of a favourable conservation status for sharks.

17. With due consideration to the capabilities of Signatories to implement these actions, the [Action Plan]/ [Conservation and Management Plan] sets out the activities that Signatories will progressively strive to undertake in relation to sharks, and assigns priorities to these activities, consistent with the conservation and management measures specified above.

18. The Secretariat will if necessary establish a technical and advisory body including representatives from the Convention, CITES, IUCN, FAO and RFMOs to advise the Signatories on the implementation of the [Action Plan]/ [Conservation and Management Plan] until such time as an Advisory Committee is established under this Memorandum of Understanding.

19. Progress in implementing the [Action Plan]/ [Conservation and Management Plan] should be assessed at each ordinary session of the Meeting of the Signatories and the content of the [Action Plan]/ [Conservation and Management Plan] reviewed in light of that assessment.

20. The Meeting of the Signatories should consider and may adopt any proposed amendment to the [Action Plan]/ [Conservation and Management Plan].

Implementation, Reporting and Financing

21. Each Signatory State should:

- a) Designate a focal point for communication among Signatory States and for implementing activities under this Memorandum of Understanding and the [Action Plan]/ [Conservation and Management Plan], and communicate the complete contact details of this authority, and any subsequent changes thereto, to the Secretariat.
- b) Provide to the Secretariat a regular national report on the implementation of this Memorandum of Understanding and the [Action Plan]/ [Conservation and Management Plan], the frequency and timing of which will be determined at the first meeting of the Signatory States.
- c) Assess the overall implementation of this Memorandum of Understanding, including the [Action Plan]/ [Conservation and Management Plan], at each ordinary session of the Meeting of the Signatories to be attended by representatives of each of the Signatory States and by persons or organisations technically qualified in shark conservation and management.
- d) Assess at the first meeting of Signatory States, and review periodically, the need for and possibilities of obtaining financial resources, as well as the establishment of a special fund or funds for purposes such as contributing towards any expenses required to operate the Secretariat, for activities carried out by the Secretariat at the request of Signatories, and for assisting the Signatory States to carry out their responsibilities under this Memorandum of Understanding.
- e) Endeavour to finance, from national and other sources, the implementation within their jurisdictions of the measures necessary for the conservation of sharks. In addition they will endeavour to assist each other in the implementation and financing of the activities under the [Action Plan]/ [Conservation and Management Plan].

22. In order to build capacity, the Signatories will endeavour to provide training, technical and financial support on a multilateral or bilateral basis to assist developing countries in implementing the provisions of this Memorandum of Understanding. No surcharge will be levied on the costs of such training, technical or financial support to meet administrative overheads of the Secretariat or any organisation providing services to it.

23. A fund may be established to meet expenses related to the participation of developing countries at sessions of the Meeting of the Signatories and the Advisory Committee. This does not preclude such expenses being met by other arrangements, bilateral or otherwise.

Meeting of the Signatories

24. The Meeting of the Signatories will be the decision-making body of this Memorandum of Understanding. The Convention Secretariat will convene the first Meeting of the Signatories not later than one year after the date of the entry into force of this Memorandum of Understanding. The Meeting of Signatories should decide on the frequency of its meetings thereafter.

25. At its first session, the Meeting of the Signatories should adopt its own rules of procedure governing, among other matters, the attendance and participation of observers, and make provision for transparency in the activities relating to the Memorandum of Understanding and timely access to the records and reports relating to the Memorandum of Understanding. Such rules should not be unduly restrictive. The first session should [create facilities for a Secretariat]/[ensure that Secretariat functions are provided]/[also establish a Secretariat] and set up an Advisory Committee.

26. Any State not a Signatory to the Memorandum of Understanding, the United Nations, any specialised Agency of the United Nations, any regional economic integration organisation, and any secretariat of relevant international conventions, particularly those concerned with the conservation and management of marine living resources or conservation and management of sharks, may participate as observers at the first session of the Meeting of the Signatories and its subsidiary bodies. For future sessions, such participation should be subject to the rules of procedure.

27. Any relevant scientific, environmental, cultural, fisheries or technical body concerned with the conservation and management of marine living resources or the conservation and management of sharks, may participate as an observer at the first session of the Meeting of the Signatories and its subsidiary bodies. For future sessions, such participation should be subject to the rules of procedure.

28. The Meeting of the Signatories may require any information relevant to the effective functioning of this Memorandum of Understanding to be supplied to the Signatories by way of the Secretariat.

29. At each of its ordinary sessions, the Meeting of the Signatories will consider making amendments to Annex I [based on]/[having regard to] any changes to Appendix I or II of the Convention. The meeting will also consider reports, advice and information from any of its subsidiary bodies; consider actual and potential changes in the conservation status of sharks and the habitats important for their survival, as well as the factors that affect them; review any difficulty encountered in the implementation of this Memorandum of Understanding including financial matters; deal with any matters relating to the Secretariat, the Advisory Committee and the membership; adopt a meeting report to be communicated to the Signatories to this Memorandum of

Understanding and to the Conference of the Parties of the Convention; and determine the time and venue of its next session.

30. At any of its sessions, the Meeting of the Signatories may amend the rules of procedure; make such recommendations as it deems necessary or appropriate; adopt measures to improve the effectiveness of this Memorandum of Understanding; adopt measures to improve the effectiveness of emergency response measures; consider and decide upon proposals to amend this Memorandum of Understanding; consider species covered by this Memorandum of Understanding; amend the [Action Plan]/ [Conservation and Management Plan]; establish such subsidiary bodies as it deems necessary to assist in the implementation of this Memorandum of Understanding, in particular for coordination with bodies established under other relevant international treaties; vary any time limits set in this Memorandum of Understanding for the submission of documents or otherwise; and decide on any other matter relating to the implementation of this Memorandum of Understanding.

31. At every session of the Meeting of the Signatories, it should review the effectiveness of the Secretariat in facilitating the achievement of the objectives of this Memorandum of Understanding. The previous session of the Meeting of the Signatories should agree the Terms of Reference for the review.

Advisory Committee

32. The first Meeting of the Signatories should establish an Advisory Committee, comprising persons qualified as experts in migratory shark conservation science and management to:

- a) provide expert advice and information to the Secretariat and the Signatories on conservation and management of migratory sharks and on other matters in relation to the Agreement;
- b) conduct scientific assessments of the conservation status of shark populations listed in Annex 1;
- c) advise on the development and coordination of international research and monitoring programmes, and make recommendations to Meetings of the Signatories concerning further research to be carried out;
- d) facilitate the exchange of scientific and management information, and techniques and new initiatives promoting the conservation of sharks amongst Signatories;
- e) make recommendations to the Meetings of the Signatories concerning the [Action Plan]/ [Conservation and Management Plan] and implementation of the Agreement;
- f) prepare for each ordinary session of the Meeting of the Signatories a report on its activities, which be submitted to the Agreement Secretariat not less than one hundred and twenty days before the session of the Meeting of the Signatories, and with copies to be circulated forthwith by the Agreement Secretariat to the Signatories; and
- g) carry out any other tasks referred to it by Meetings of the Signatories.

33. Each Signatory should be entitled to appoint one member to the Advisory Committee. The Advisory Committee should elect a Chair and Vice-chair and establish its own rules of procedure. Each Committee member may be accompanied at meetings of the Signatories by one or more

advisers. The Advisory Committee may invite other experts to attend its meetings, and may establish working groups as necessary to undertake specific tasks.

34. Unless a Meeting of the Signatories decides otherwise, meetings of the Advisory Committee should be convened by the Agreement Secretariat in conjunction with each ordinary session of the Meeting of the Signatories and at least once between ordinary sessions of the Meeting of the Signatories.

Emergencies

35. Where in the opinion of the Meeting of Signatories or the Advisory Committee an emergency has arisen which requires the adoption of immediate measures to avoid deterioration of the conservation status of one or more species of shark, either body may request the Agreement Secretariat to convene urgently a Meeting of the Signatories concerned. These Signatories should meet as soon as possible thereafter to establish rapidly a mechanism to give protection to the species identified as being subject to a particularly adverse threat or threats. Where a recommendation has been adopted at such a meeting, the Signatories concerned should inform each other, other Signatories and the Agreement Secretariat of the recommendation and the measures they have taken to implement it, or of the reasons why the recommendation could not be implemented.

Secretariat

36. The Signatories to this Memorandum of Understanding agree:

- a. A Secretariat should be established, based in an appropriate organisation or institution, to be decided by consensus at the first meeting of the Signatory States, to assist in the administration and implementation of this Memorandum of Understanding by coordinating, communicating, facilitating and reporting on relevant activities and events, and performing such other functions as may be assigned by the Signatory States.
- b. The Convention Secretariat should act as the interim Secretariat to this Memorandum of Understanding until a permanent Secretariat is established and may, subject to the availability of resources, use the services of any reliable organisation to support the coordination of this Memorandum of Understanding.

37. The functions of the Secretariat should include:

- a. to arrange and service the sessions of the Meeting of the Signatories as well as the meetings of the Advisory Committee;
- b. to execute the decisions addressed to it by the Meeting of the Signatories;
- c. to promote and coordinate activities under the Memorandum of Understanding and [Action Plan]/ [Conservation and Management Plan], in accordance with decisions of the Meeting of the Signatories;
- d. to liaise with non-Party Range States, shark fishing States, shark trading States, and regional economic integration organisations and to facilitate coordination between Parties and non-Party Range States, shark fishing States, shark trading States, and international and national

- organisations and institutions whose activities are directly or indirectly relevant to the conservation, including the protection and management, of migratory shark species;
- e. to make available to the Signatory States the national implementation reports received and prepare a periodic review of progress made to implement the Memorandum of Understanding and the [Action Plan]/ [Conservation and Management Plan];
 - f. to propose for approval a process for the assessment by Signatories of progress made to implement the Memorandum of Understanding and the [Action Plan]/ [Conservation and Management Plan], including who would conduct the assessment and how it would be carried out;
 - g. to invite the attention of the Meeting of the Signatories to other matters pertaining to the objectives of this Memorandum of Understanding;
 - h. to provide to each ordinary session of the Meeting of the Signatories a report on its work;
 - i. to provide to each ordinary session of the Meeting of the Signatories an overview report based on all the information at its disposal pertaining to sharks;
 - j. to administer the budget for the Memorandum of Understanding;
 - k. to provide information to the general public concerning the Memorandum of Understanding and its objectives, and promote the objectives of this Memorandum of Understanding;
 - l. to develop a system of performance indicators to measure the effectiveness and efficiency of the Secretariat and report to each ordinary session of the Meeting of the Signatories in terms of these;
 - m. to collate and distribute as appropriate information provided by Signatories to the Secretariat;
 - n. to support countries in search of financial resources to implement this agreement; and
 - o. to perform such other functions as may be entrusted to it by or under this Memorandum of Understanding.

Cooperation with other bodies

38. The Signatories, recognizing their duty and responsibility as Signatories to this instrument to facilitate coordination and cooperation with other instruments to which they are also a party, should promote the objectives of this Memorandum of Understanding and develop and maintain coordinated and complementary working relationships with all relevant international, regional and sub-regional bodies, including those concerned with the conservation and management of shark species and other marine living resources, particularly the FAO and RFMOs.

39. The Secretariat should consult and cooperate, where appropriate, with:

- a. the Convention Secretariat and the bodies responsible for secretariat functions under other agreements concluded pursuant to Article IV (3) and (4) of the Convention that are relevant to sharks;
 - b. The Secretariats of relevant RFMOs;
 - c. the secretariats of other relevant conventions, in particular the Convention on International Trade in Endangered Species (CITES) and the Convention on Biological Diversity (CBD) [and the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)], and international instruments in respect of matters of common interest; and
 - d. other organisations or institutions with competence in the field of conservation of sharks, as well as in the fields of research, education and raising awareness.
40. The Secretariat will enter into arrangements, with the approval of the Meeting of the Signatories, with other organisations and institutions as may be appropriate.
41. The Secretariat should consult and cooperate with these bodies in exchanging information and data, and may, with the consent of the Chair of the Advisory Committee, invite these bodies to send observers to relevant meetings.

Effect of this Agreement on International Conventions and Legislation

42. The provisions of this Memorandum of Understanding do not affect the rights and obligations of any Signatory deriving from existing international treaties, conventions or agreements.
43. The provisions of this Memorandum of Understanding in no way affect the right of any Signatory to maintain or adopt, at the national level, stricter measures for the conservation of sharks.

Other Provisions

44. This Memorandum of Understanding is open for signature by the Range States and regional economic integration organisations of the shark species listed in Annex I of this Memorandum of Understanding.
45. This Memorandum of Understanding will take effect on the first (last) day of the month following the date (month) on which there are at least [10] Range State signatures.
46. It will take effect for each subsequent Signatory on the first (last) day of the month following the date (month) of signature by that Signatory.
47. This Memorandum of Understanding will remain open for signature indefinitely at the seat of the CMS Secretariat and will remain in effect indefinitely subject to the right of any Signatory State to terminate its participation by providing one year's written notice to all other signatories.
48. Non-range states, inter-governmental and international and national non-government organizations may associate themselves with this Memorandum of Understanding through their

signatures as cooperating partners, in particular with respect to the implementation of the [Action Plan]/ [Conservation and Management Plan].

49. The Convention Secretariat should be the Depository for this Memorandum of Understanding.

50. The Memorandum of Understanding, including the Annexes, may be amended by a consensus of Signatory States.

51. The original text of this Memorandum of Understanding in the English, French, German, Russian and Spanish languages will be deposited with the CMS Secretariat, which should act as the Depository. In the event of any discrepancies, the English version will be considered definitive. The working language for all matters related to this Memorandum of Understanding will be English, [Spanish and French].

Done atthis.....day of2008

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Annex 1: List of species covered by this agreement and their ranges

Rhincodontidae	<i>Rhincodon typus</i>
Cetorhinidae	<i>Cetorhinus maximus</i>
Lamnidae	<i>Carcharodon carcharias</i>
	[<i>Isurus oxyrinchus</i>]
	[<i>Isurus paucus</i>]
	[<i>Lamna nasus</i>]
Squalidae	[<i>Squalus acanthias</i> (Northern Hemisphere populations)]

Annex 2: Migratory sharks conservation and management plan

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