

## 4<sup>th</sup> Meeting of the Sessional Committee of the CMS Scientific Council (ScC-SC4)

*Bonn, Germany, 12-15 November 2019*

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### **CHONDRICHTHYAN SPECIES (SHARKS, RAYS, SKATES AND CHIMAERAS)**

*(Prepared by the Secretariat and the COP-Appointed Councillors for Fish and Bycatch)*

#### Summary:

This document prepares part of the work directed to the Scientific Council in Decision 12.11 - to review Resolution 8.16 (Rev.COP12) *Migratory Sharks*, in light of new scientific information and other developments, and to propose amendments if warranted. also It includes a review of Resolution 11.20 *Conservation of Migratory Sharks and Rays*.

The document proposes changes to these two Resolutions and consolidates them into a single Resolution *Chondrichthyan Species (Sharks, Rays, Skates and Chimaeras)*.

Furthermore, additional paragraphs have been proposed for inclusion in the Resolution and several Decisions have been proposed to address emerging concerns.

## **CHONDRICHTHYAN SPECIES (SHARKS, RAYS, SKATES AND CHIMAERAS)**

### Background

1. At the Twelfth Meeting of the Conference of the Parties (COP12) a large exercise was undertaken to repeal redundant resolutions and consolidate multiple resolutions on the same subject into one revised document.
2. As part of this exercise, Parties adopted Decisions 12.11 and 12.12 on the Review of Resolutions:

#### ***Decision 12.11***

*The Scientific Council shall:*

*a) Review:*

- i. UNEP/CMS/Resolution 7.18 (Rev.COP12) on the Agreement for Dugong (Dugong dugong) Conservation,*
- ii. UNEP/CMS/Resolution 8.16 (Rev.COP12) on Migratory Sharks, and***
- iii. UNEP/CMS/Resolution 6.3 (Rev.COP12) on Southern Hemisphere Albatross Conservation*

*to determine whether they should be revised in light of new scientific information and other developments and propose amendments, if warranted.*

*b) Submit proposed amendments or a new resolution, as appropriate, to the Standing Committee for consideration at its 49<sup>th</sup> meeting.*

#### ***Decision 12.12***

*The Standing Committee shall review and consider the proposed amendments or new resolution of the Scientific Council referred to in Decision 12.11 (b) and submit any proposed amendments to the resolutions or a new resolution to the 13<sup>th</sup> meeting of the Conference of the Parties for its consideration and decision.*

3. Between the 3<sup>rd</sup> and the 4<sup>th</sup> Meeting of the Sessional Committee of the Scientific Council, the COP-appointed Councillors for Fish and for Bycatch and the Secretariat, have undertaken this exercise with regard to Resolution 8.16 (Rev.COP12) Migratory Sharks. The Scientific Council's reviews of UNEP/CMS/Resolution 7.18 (Rev.COP12) *Agreement for Dugong (Dugong dugong) Conservation* and UNEP/CMS/Resolution 6.3 (Rev.COP12) *Southern Hemisphere Albatross Conservation* are being dealt with in document UNEP/CMS/ScC-SC4/Doc.10.2.11 *Review of Resolutions*.
4. As part of the review process, the other Resolution in effect on these taxa, Resolution 11.20 *Conservation of Migratory Sharks and Rays* should also be considered by the Scientific Council. A consolidated resolution has been prepared for the Council's consideration.
5. Four additional paragraphs have been proposed, to provide guidance to Parties on the implementation of Article III (5) of the Convention with respect to Appendix I-listed chondrichthyan species that have been caught as bycatch or caught by a non-Party.

6. To assist in the implementation of these additional paragraphs, three draft Decisions, directed to the Scientific Council, the Secretariat and the Parties have been included, which specify relevant actions relating to the implementation of Article III (5), including national legislation and reporting.
7. Following the practice followed at COP12, Annex 1 presents a draft consolidated resolution that includes, in the left-hand column, the original text and preamble of the Resolutions being consolidated. The right-hand column indicates the source of the text and a comment regarding any proposed change.
8. Annex 2 contains the clean version of the draft consolidated Resolution, taking into account the comments in Annex 1.
9. Annex 3 contains draft decisions directed to the Parties, the Secretariat and the Council related to Appendix I-listed chondrichthyan species.

Recommended Actions:

10. The Council is recommended to:
  - a) review the suggestions made in Annex 1;
  - b) recommend the consolidated Resolution included in Annex 2 for adoption by COP13;
  - c) review and recommend the Decisions included in Annex 3 for adoption by COP13.

**DRAFT CONSOLIDATED RESOLUTION:  
CHONDRICHTHYAN SPECIES  
(SHARKS, RAYS, SKATES AND CHIMAERAS)**

NB: Proposed new text is underlined. Text to be deleted is ~~crossed-out~~.

Text from Existing Resolutions	Comment
<p><i>Acknowledging</i> the obligations of the global community to conserve, protect and manage migratory sharks as underpinned by, <i>inter alia</i>, the Convention on Biological Diversity (CBD), <u>the Convention on the Conservation of Migratory Species of Wild Animals (CMS)</u>, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the United Nations Convention on the Law of the Sea, the United Nations 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 the United Nations <u>Food and Agriculture Organization</u> (FAO) International Plan of Action for the Conservation and Management of Sharks (<u>IPOA-Sharks</u>), and FAO’s Committee on Fisheries,</p>	<p>Resolution 8.16 (Rev.COP12)</p> <p>Retain and amend to spell out CMS and FAO and to add the acronyms for “Convention on Biological Diversity” and “International Plan of Action for the Conservation and Management of Sharks”</p>
<p><i>Recognizing</i> that under CMS, Range States should take action to conserve, protect and manage migratory species, and endeavour to conclude Agreements to promote the conservation and management of migratory species,</p>	<p>Resolution 8.16 (Rev.COP12)</p> <p>Retain</p>
<p><i>Noting</i> that several <del>shark</del> <u>chondrichthyan</u> species are already listed in Appendices I and II,</p>	<p>Resolution 8.16 (Rev.COP12)</p> <p>Retain and amend to reflect that the resolution refers to all chondrichthyan species</p>
<p><del><i>Aware of the vital ecosystem role played by sharks, and the significant and continuing mortality of sharks listed on Appendix I and II through a range of impacts, including habitat destruction, target fisheries, illegal, unreported and unregulated (IUU) fishing, and as fisheries by-catch, and</i></del></p>	<p>Resolution 8.16 (Rev.COP12)</p> <p>Redundant; the content of this paragraph was merged with a similar</p>

Text from Existing Resolutions	Comment
	paragraph in Resolution 11.20 (see below)
<p><i>Noting</i> the importance of cooperation between Range States in furthering research, awareness raising, trade monitoring and <del>bycatch reduction</del> <u>reducing bycatch</u> of migratory <u>chondrichthyan species</u> <del>sharks</del>, and that these activities could greatly strengthen conservation outcomes for migratory <u>chondrichthyan species</u> <del>sharks</del>,</p>	<p>Resolution 8.16 (Rev.COP12)</p> <p>Retain and amend to reflect that the resolution refers to all chondrichthyan species</p>
<p><i>Aware</i> of the critical role that migratory <del>sharks and rays</del> <u>chondrichthyan species</u> play in marine ecosystems and local economies, and <i>concerned</i> about the significant mortality of these species, especially those listed on Appendices I and II of <del>CMS the Convention</del>, from a range of impacts and threats, <u>including habitat destruction, target fisheries, illegal, unreported and unregulated (IUU) fishing, and fisheries bycatch</u>,</p>	<p>Resolution 11.20</p> <p>Retain and amend to reflect that the resolution refers to all chondrichthyan species and to include information from Resolution 8.16 (Rev.COP12)</p> <p>(see redundant preambular paragraph four deleted above)</p>
<p><i>Noting</i> IUCN's <u>the 2014 assessment by IUCN</u> on the conservation status of <u>chondrichthyan species</u> <del>sharks, rays (including skate, guitarfish, sawfish, wedgefish, numbfish, etc.) and chimaera species (Chondrichthyan fish)</del>, estimating that one quarter of all examined species are threatened with extinction, and only one third are classified as being of low conservation concern,</p>	<p>Resolution 11.20</p> <p>Retain and amend to shorten the text</p>
<p><i>Noting</i> that <del>the</del> IUCN has warned that rays are generally more threatened and less protected than sharks, and that <u>all mobulids, sawfishes, and the Mediterranean population of the Common Guitarfish</u> <del>the Giant Manta Ray was added to</del> <u>are included in</u> CMS Appendix I and II, <del>at the Tenth Meeting of the Conference of the Parties;</del></p>	<p>Resolution 11.20</p> <p>Retain and update to include all relevant species listed</p>
<p><i>Noting with concern</i> that overfishing is the main driver behind significant declines in <u>chondrichthyan</u> <del>shark and ray</del> species world-</p>	<p>Resolution 11.20</p> <p>Retain and amend to reflect that the resolution</p>

Text from Existing Resolutions	Comment
<p>wide, threatening many populations, the stability of marine ecosystems, sustainable fisheries, shark- and ray-based eco-tourism and food security,</p>	<p>refers to all chondrichthyan species</p>
<p><i>Aware</i> that “finning”, the removal and retention of the fins of sharks (and some rays) and the discard at sea of the rest of the carcass, is associated with unsustainable mortality and unacceptable waste,</p>	<p>Resolution 11.20 Retain</p>
<p><i>Also aware</i> that the demand for shark (and some rays) fins can fuel unsustainable practices and overexploitation of these species,</p>	<p>Resolution 11.20 Retain</p>
<p><i>Recalling</i> the UN Fish Stocks Agreement that aims to ensure the long-term conservation and sustainable use of straddling and highly migratory fish stocks,</p> <p><i>Further recalling</i> <del>and that</del> the United Nations General Assembly <u>Resolutions on sustainable fisheries, which have been adopted by consensus</u> <del>Resolutions on sustainable fisheries</del> every year since 2007 (<del>62/177, 63/112, 64/72, 65/38, 66/68, and 67/79, 68/74</del>), calling upon States to take immediate and concerted action to improve the implementation of and compliance with existing Regional Fisheries Management Organizations (RFMOs) or <del>arrangement</del> measures that regulate shark fisheries and incidental catch of sharks,</p> <p><i>Emphasizing the importance of</i> <del>in particular</del> those measures that prohibit or restrict fisheries conducted solely for the purpose of harvesting shark fins, and, where necessary, to consider taking other measures, as appropriate, such as requiring that all sharks be landed with each fin naturally attached,</p>	<p>Resolution 11.20</p> <p>Retain and revise to avoid having to update the list of General Assembly resolutions continuously</p> <p>Split sentence to make it easier to read</p> <p>Add acronym for Regional Fisheries Management Organizations (RFMOs)</p>
<p><i>Aware</i> that, despite past and present scientific research and monitoring, knowledge of the biology, ecology and population dynamics of many migratory <u>chondrichthyan species</u> <del>sharks and rays</del> is deficient, and that it is necessary to promote stronger co-operation among fishing nations on research, monitoring, enforcement and compliance in order to effectively implement conservation measures,</p>	<p>Resolution 11.20</p> <p>Retain and amend to reflect that the resolution refers to all chondrichthyan species</p>
<p><i>Noting</i> that several RFMOs have adopted science-based conservation and management measures, applicable to all fishing vessels operating within the RFMO Convention areas, aiming at eradicating</p>	<p>Resolution 11.20</p> <p>Retain and amend to reflect that the resolution</p>

Text from Existing Resolutions	Comment
<p><del>shark</del> finning and ensuring protection and sustainable management of specific <del>sharks</del> <u>chondrichthyan</u> species harvested as target and/or bycatch species,</p>	<p>refers to all chondrichthyan species</p>
<p><del>Further noting that CITES lists a number of species that are also included in CMS Appendices, including all species of sawfishes, listed in CITES Appendix I, with effect from 14 September 2014, eight species of shark and all manta rays are included in Appendix II of the Convention on the International Trade in Endangered Species (CITES), and that all species of sawfishes are listed in Appendix I;</del></p>	<p>Resolution 11.20 Retain and make more general to avoid having to update information on CITES-listed species continuously.</p>
<p><del>Emphasizing the importance of the International Plan of Action for the Conservation and Management of Sharks, which was adopted by the Food and Agriculture Organization (FAO) of the United Nations in 1999, in providing guidance on the development of such measures, and welcoming the fact that the majority of the FAO 18 out of 26 top fishing nations recognized by FAO have adopted National Plans of Action for Sharks (NPOA-Sharks),</del></p>	<p>Resolution 11.20 Retain and make more general to avoid having to update the numbers continuously.</p>
<p><del>Further emphasizing the prominent role of RFMOs in establishing conservation and management measures for <u>chondrichthyan species</u> sharks, many of which are binding upon all fishing vessels operating within the RFMO Convention areas, based on best available data and scientific advice provided by their Scientific Committees,</del></p>	<p>Resolution 11.20 Retain and amend to reflect that the resolution refers to all chondrichthyan species</p>
<p><del>Recalling Recommendation 8.16 on the Conservation of Migratory Sharks requesting all Parties to strengthen measures to protect migratory shark species against threats, including habitat destruction, IUU fishing, and fisheries bycatch, and</del></p>	<p>Resolution 11.20 Redundant as Recommendation 8.16, which was partially repealed at COP12, is currently being consolidated</p>
<p><u>Recalling the obligations in Article III (5) of the Convention, which prohibits the taking of Appendix I-listed species and of Resolution 12.22 on Bycatch, which requests all Parties “as a matter of gravity, to continue and strengthen measures within fisheries under their control [...], to minimize as far as possible the incidental mortality of migratory species listed in Appendices I and II”.</u></p>	<p>New paragraph</p>

Text from Existing Resolutions	Comment
<u>Recalling</u> Resolution 12.12 on <i>Bycatch</i> , which requests Parties “to improve reporting of bycatch information and data in their CMS National Reports, or via their reports to CMS daughter agreements, [...]”, and	New paragraph
<i>Recalling</i> the establishment of the CMS Memorandum of Understanding on the Conservation of Migratory Sharks (Sharks MOU) in 2010, which aims to achieve and maintain a favourable conservation status for migratory sharks based on the best available scientific information, taking into account the socio-economic and other values of these species, and the Conservation Plan for Migratory Sharks <u>in Annex III of the Sharks MOU</u> .	Resolution 11.20  Retain
<i>The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals</i>	
1. <i>Requests</i> all Parties to strengthen measures to protect migratory <del>shark</del> <u>chondrichthyan</u> species against threatening processes, including habitat destruction, IUU fishing and fisheries bycatch;	Resolution 8.16 (Rev.COP12)  Retain and amend to reflect that the resolution refers to all chondrichthyan species
<del>2. Encourages</del> the FAO Committee on Fisheries to promote greater uptake of the International Plan of Action for the Conservation and Management of Sharks as a matter of urgency;	Resolution 8.16 (Rev.COP12)  Repeal (redundant and covered by para 3 of Res. 11.20)
<del>3. Requests</del> the Secretariat to explore future avenues of cooperation with the FAO Committee on Fisheries, and CITES as well as with Range States of migratory sharks that will lead to enhanced protection, conservation and management of these sharks.	Resolution 8.16 (Rev.COP12)  Repeal in part and merge aspects with para 13 of Res. 11.20
<del>4.2.</del> <i>Urges</i> Parties to ensure that all fishing and trade of sharks and rays <u>chondrichthyan species</u> are ecologically sustainable, and noting that a lack of scientific data does not preclude conservation or fisheries management action towards this objective;	Resolution 11.20  Retain and amend to reflect that the resolution refers to all chondrichthyan species

Text from Existing Resolutions	Comment
<p><del>2.3.</del> <i>Further urges</i> Parties to take steps to eliminate <del>shark</del>-finning where they have not already done so, including implementing measures such as prohibiting the removal of <del>sharks</del> fins at sea and discarding the carcass at sea, requiring <del>sharks</del>-<u>chondrichthyan species</u> to be landed with all fins naturally attached, or other measures in line with applicable UN General Assembly Resolutions;</p>	<p>Resolution 11.20  Retain and amend to reflect that the resolution refers to all chondrichthyan species</p>
<p><del>3.4.</del> <i>Further urges</i> Parties, where they have not already done so, to develop and implement National Plans of Action for Sharks (NPOA-SHARKS) in accordance with FAO's <del>International Plan of Action for Sharks</del>– IPOA-SHARKS;</p>	<p>Resolution 11.20  Retain and delete the full name of “IPOA-SHARKS”</p>
<p>4. <del>5.</del> <i>Further urges</i> Parties to comply with existing conservation and management measures in particular those of <del>Regional Fisheries Management Organizations</del> (RFMOs), where applicable, including compliance with data collection and submission requirements/ obligations to allow for reliable stock assessments by the Scientific Committees of these bodies;</p>	<p>Resolution 11.20  Retain and delete full name of RFMOs as it was spelled out above.</p>
<p><del>5.6.</del> <i>Further urges</i> Parties to develop and implement guidelines and procedures for implementing the provisions of CITES regulating the trade of <del>shark</del> <u>chondrichthyan species</u> products deriving from species listed under the Appendices of the Convention;</p>	<p>Resolution 11.20  Retain and amend to reflect that the resolution refers to all chondrichthyan species</p>
<p><del>6.7.</del> <i>Encourages</i> Parties to identify the needs of training and capacity development in research, species specific data collection and monitoring, and to facilitate initiatives to enhance institutional capacities and competencies in <del>shark and ray</del> <u>chondrichthyan species</u> identification, management and conservation techniques;</p>	<p>Resolution 11.20  Retain and amend to reflect that the resolution refers to all chondrichthyan species</p>
<p><del>7.8.</del> <i>Requests</i> Parties to improve the biological and ecological knowledge of migratory <del>elasmobranchs</del> <u>chondrichthyan species</u>' populations and identify ways to make fishing gear more selective to support effective conservation measures through research, monitoring and information exchange and promote population assessments and research including within the <u>framework</u> of RFMOs and their scientific bodies where applicable;</p>	<p>Resolution 11.20  Retain and amend to reflect that the resolution refers to all chondrichthyan species</p>
<p><del>8.9.</del> <i>Encourages</i> Parties to prioritize programmes to monitor and document directed <del>shark and ray</del> fisheries for <u>chondrichthyan</u></p>	<p>Resolution 11.20</p>

Text from Existing Resolutions	Comment
<p><u>species</u> and those fisheries where <del>sharks and rays</del> <u>chondrichthyan species</u> are a significant bycatch, which may include vessel monitoring systems, <u>port</u> inspections and on-board observer or <u>electronic</u> monitoring programmes;</p>	<p>Retain and amend to be more specific and to reflect that the resolution refers to all chondrichthyan species</p>
<p>9.10. <i>Further encourages</i> Parties, where appropriate, to promote the establishment of science-based conservation targets for migratory <u>chondrichthyan species</u> <del>sharks and rays</del>, and indicators to assess progress towards reaching these targets, including within the RFMOs where applicable;</p>	<p>Resolution 11.20  Retain and amend to reflect that the resolution refers to all chondrichthyan species</p>
<p><del>40.11.</del> <i>Requests</i> Parties to identify and conserve critical habitats and life stages, and migration routes, with a view to contributing to the development and implementation of effective conservation and sustainable management measures, based on the best available scientific knowledge and the precautionary approach;</p>	<p>Resolution 11.20  Retain</p>
<p>44.12. <i>Encourages</i> Parties, RFMOs and other relevant bodies to minimize the impact of fishing in migration corridors and other habitats deemed critical to the recovery and sustainability of <del>shark and ray</del> <u>chondrichthyan species</u> populations, including those that straddle jurisdictional boundaries;</p>	<p>Resolution 11.20  Retain and amend to reflect that the resolution refers to all chondrichthyan species</p>
<p><del>42.13.</del> <i>Invites</i> Parties, Range States, <del>and Cooperating Partners</del> <u>non-Range States, Inter-Governmental and Non-Governmental Organizations, and other relevant bodies and entities</u> to sign the Sharks MOU <u>as Signatory or Cooperating Partners</u> and engage in conservation and research measures in order to prevent the unsustainable use of <del>sharks and rays</del> <u>chondrichthyan species</u>;</p>	<p>Resolution 11.20  Retain and amend to reflect that non-Range States, Inter-Governmental and Non-Governmental Organizations, or other relevant bodies become Cooperating Partners only after signature of the MOU</p>

Text from Existing Resolutions	Comment
<p><del>43.</del><u>14.</u> <i>Instructs</i> the Secretariat to continue to liaise with FAO, RFMOs, CITES, civil society and other relevant stakeholders <u>and to explore future avenues of cooperation</u> in order to promote coordinated actions <u>that will lead to enhanced protection, conservation and management of chondrichthyan species;</u> <del>for the conservation and sustainable use of sharks and rays; and</del></p>	<p>Resolution 11.20</p> <p>Retain and amend to include elements from paragraph 3 of Resolution 8.16 (Rev Cop12)</p>
<p><del>44.</del><u>15.</u> <i>Encourages</i> Parties to bring to the attention of FAO, RFMOs and other relevant bodies the objectives of CMS and the CMS Sharks MOU with regard to the conservation of <u>chondrichthyan species</u> <del>Sharks and Rays</del> with the aim to ensure cooperation, complementarities and improve efficiency of global instruments and bodies sharing similar objectives in relation to <del>elasmobranchs</del> <u>the conservation and management of chondrichthyan species;</u></p>	<p>Resolution 11.20</p> <p>Retain and amend to reflect that the resolution refers to all chondrichthyan species</p>
<p>16. <i>Urges</i> Parties to prohibit the use of <u>Appendix I-listed chondrichthyan species, including those that were caught as bycatch;</u></p>	<p>New paragraph</p>
<p>17. <i>Further urges</i> Parties to prohibit the import of <u>chondrichthyan species listed in Appendix I that were captured by a non-Party;</u></p>	<p>New paragraph</p>
<p>18. <i>Further urges</i> Parties to enact and enforce national legislation to protect <u>chondrichthyan species listed in Appendix I;</u></p>	<p>New paragraph</p>
<p>19. <i>Requests</i> Parties to report in their National Reports on <u>bycatch of chondrichthyan species listed in Appendix I that occurred in their areas of jurisdiction and by their flag vessels that are engaged outside national jurisdictional limits; and</u></p>	<p>New paragraph</p>
<p><b><u>Final Provisions</u></b></p>	<p>New header</p>
<p>20. <u>Repeals</u></p> <p>(a) <u>Resolution 8.16 (Rev. COP12) <i>Migratory Sharks</i>;</u></p> <p>(b) <u>Resolution 11.20 <i>Conservation of Sharks and Rays</i>.</u></p>	<p>New text to reflect consolidation</p>

DRAFT RESOLUTION

**CHONDRICHTHYAN SPECIES  
(SHARKS, RAYS, SKATES AND CHIMAERAS)**

*Recalling* previous related decisions of the Conference of the Parties including Resolution 8.6 (Rev. COP12) and Resolution 11.20 on sharks and rays,

*Acknowledging* the obligations of the global community to conserve, protect and manage migratory sharks as underpinned by, inter alia, the Convention on Biological Diversity (CBD), the Convention on the Conservation of Migratory Species of Wild Animals (CMS), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the United Nations Convention on the Law of the Sea, the United Nations 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 the United Nations Food and Agriculture Organization (FAO) International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks), and FAO's Committee on Fisheries,

*Recognizing* that under CMS, Range States should take action to conserve, protect and manage migratory species, and endeavour to conclude Agreements to promote the conservation and management of migratory species,

*Noting* that several chondrichthyan species are already listed in Appendices I and II,

*Noting* the importance of cooperation between Range States in furthering research, awareness raising, trade monitoring and reducing bycatch of migratory chondrichthyan species, and that these activities could greatly strengthen conservation outcomes for migratory chondrichthyan species,

*Aware* of the critical role that migratory sharks and rays play in marine ecosystems and local economies, and concerned about the significant mortality of these species, especially those listed on Appendices I and II of CMS, from a range of impacts and threats, including habitat destruction, target fisheries, illegal, unreported and unregulated (IUU) fishing, and fisheries bycatch,

*Noting* the 2014 assessment by IUCN on the conservation status of chondrichthyan species, estimating that one quarter of all examined species are threatened with extinction, and only one third are classified as being of low conservation concern,

*Noting* that IUCN has warned that rays are generally more threatened and less protected than sharks, and that all mobulids, sawfishes, and the Mediterranean population of the Common Guitarfish are included in CMS Appendices I and II,

*Noting* with concern that overfishing is the main driver behind significant declines in chondrichthyan species worldwide, threatening many populations, the stability of marine ecosystems, sustainable fisheries, shark- and ray-based eco-tourism and food security,

*Aware* that "finning", the removal and retention of the fins of sharks (and some rays) and the discard at sea of the rest of the carcass, is associated with unsustainable mortality and unacceptable waste,

*Also aware* that the demand for shark (and some rays) fins can fuel unsustainable practices and overexploitation of these species,

*Recalling* the UN Fish Stocks Agreement that aims to ensure the long-term conservation and sustainable use of straddling and highly migratory fish stocks,

*Further recalling* the United Nations General Assembly Resolutions on sustainable fisheries, which have been adopted by consensus every year since 2007 to this date, calling upon States to take immediate and concerted action to improve the implementation of and compliance with existing Regional Fisheries Management Organizations (RFMOs) or measures that regulate shark fisheries and incidental catch of sharks,

*Emphasizing* the importance of those measures that prohibit or restrict fisheries conducted solely for the purpose of harvesting shark fins, and, where necessary, to consider taking other measures, as appropriate, such as requiring that all sharks be landed with each fin naturally attached,

*Aware* that, despite past and present scientific research and monitoring, knowledge of the biology, ecology and population dynamics of many migratory chondrichthyan species is deficient, and that it is necessary to promote stronger co-operation among fishing nations on research, monitoring, enforcement and compliance in order to effectively implement conservation measures,

*Noting* that several RFMOs have adopted science-based conservation and management measures, applicable to all fishing vessels operating within the RFMO Convention areas, aiming at eradicating shark finning and ensuring protection and sustainable management of specific chondrichthyan species harvested as target and/or bycatch species,

*Further noting* that CITES lists a number of species that are also included in CMS Appendices, including all species of sawfishes in CITES Appendix I,

*Emphasizing* the importance of the International Plan of Action for the Conservation and Management of Sharks, which was adopted by FAO in 1999, in providing guidance on the development of such measures, and welcoming the fact that the majority of the top fishing nations recognized by FAO has adopted National Plans of Action for Sharks (NPOA-Sharks),

*Further emphasizing* the prominent role of RFMOs in establishing conservation and management measures for chondrichthyan species, many of which are binding upon all fishing vessels operating within the RFMO Convention areas, based on best available data and scientific advice provided by their Scientific Committees,

*Recalling* the obligations in Article III (5) of the Convention, which prohibits the taking of Appendix I-listed species and of Resolution 12.22 on *Bycatch*, which requests all Parties “as a matter of gravity, to continue and strengthen measures within fisheries under their control [...], to minimize as far as possible the incidental mortality of migratory species listed in Appendices I and II”,

*Recalling Resolution 12.12 on “Bycatch”* which requests Parties “to improve reporting of bycatch information and data in their CMS National Reports, or via their reports to CMS daughter agreements, [...]”, and

*Recalling* the establishment of the CMS Memorandum of Understanding on the Conservation of Migratory Sharks (Sharks MOU) in 2010, which aims to achieve and maintain a favourable conservation status for migratory sharks based on the best available scientific information, taking into account the socio-economic and other values of these species, and the first Meeting of the Signatories in 2012 where the Conservation Plan for Migratory Sharks was adopted;

The Conference of the Parties to the Convention on  
the Conservation of Migratory Species of Wild Animals

1. *Requests* all Parties to strengthen measures to protect migratory chondrichthyan species against threatening processes, including habitat destruction, IUU fishing and fisheries by-catch;
2. *Urges* Parties to ensure that all fishing and trade of chondrichthyan species are ecologically sustainable, noting that a lack of scientific data does not preclude conservation or fisheries management action towards this objective;
3. *Further urges* Parties to take steps to eliminate finning, where they have not already done so, including implementing measures such as prohibiting the removal of fins at sea and discarding the carcass at sea, requiring chondrichthyan species to be landed with all fins naturally attached, or other measures in line with applicable UN General Assembly Resolutions;
4. *Further urges* Parties, where they have not already done so, to develop and implement National Plans of Action for Sharks (NPOA-SHARKS) in accordance with FAO's International Plan of Action for Sharks - IPOA-SHARKS;
5. *Further urges* Parties to comply with existing conservation and management measures in particular those of RFMOs, where applicable, including compliance with data collection and submission requirements/obligations to allow for reliable stock assessments by the Scientific Committees of these bodies;
6. *Further urges* Parties to develop and implement guidelines and procedures for implementing the provisions of CITES regulating the trade of chondrichthyan species products deriving from species listed under the Appendices of that Convention;
7. *Encourages* Parties to identify the needs of training and capacity development in research, species-specific data collection and monitoring, and to facilitate initiatives to enhance institutional capacities and competencies in chondrichthyan species identification, management and conservation techniques;
8. *Requests* Parties to improve the biological and ecological knowledge of migratory chondrichthyan species populations and identify ways to make fishing gear more selective to support effective conservation measures through research, monitoring and information exchange and promote population assessments and research including within the framework of RFMOs and their scientific bodies, where applicable;
9. *Encourages* Parties to prioritize programmes to monitor and document directed fisheries for chondrichthyan species and those fisheries where chondrichthyan species are a significant bycatch, which may include vessel monitoring systems, port inspections, and on-board observer or electronic monitoring programmes;

10. *Further encourages* Parties, where appropriate, to promote the establishment of science-based conservation targets for migratory chondrichthyan species, and indicators to assess progress towards reaching these targets, including within the RFMOs where applicable;
11. *Requests* Parties to identify and conserve critical habitats and life stages, and migration routes, with a view to contributing to the development and implementation of effective conservation and sustainable management measures, based on the best available scientific knowledge and the precautionary approach;
12. *Encourages* Parties, RFMOs and other relevant bodies to minimize the impact of fishing in migration corridors and other habitats deemed critical to the recovery and sustainability of chondrichthyan species populations, including those that straddle jurisdictional boundaries;
13. *Invites* Parties, Range States, non-Range States, Inter-Governmental and Non-Governmental Organizations, and other relevant bodies and entities to sign the Sharks MOU as Signatory or Cooperating Partner and engage in conservation and research measures in order to prevent the unsustainable use of chondrichthyan species;
14. *Instructs* the Secretariat to continue to liaise with FAO, RFMOs, CITES, civil society and other relevant stakeholders and to explore future avenues of cooperation in order to promote coordinated actions that will lead to enhanced protection, conservation and management of chondrichthyan species;
15. *Encourages* Parties to bring to the attention of FAO, RFMOs and other relevant bodies the objectives of CMS and the CMS Sharks MOU with regard to the conservation of chondrichthyan species with the aim to ensure cooperation, complementarities and improve efficiency of global instruments and bodies sharing similar objectives in relation to the conservation and management of chondrichthyan species;
16. *Agrees* to prohibit the use of Appendix I-listed chondrichthyan species, including those that were caught as bycatch;
17. *Further agrees* to prohibit the import of chondrichthyan species listed in Appendix I that were captured by a non-Party;
18. *Urges* Parties to enact and enforce national legislation to protect chondrichthyan species listed in Appendix I;
19. *Requests* Parties to report in their National Reports on bycatch of chondrichthyan species listed in Appendix I that occurred within their areas of jurisdiction, and by their flag vessels engaged outside national jurisdictional limits; and

## **Final Provisions**

20. *Repeals*
  - (a) Resolution 8.16 (Rev. COP12) *Migratory Sharks*;
  - (b) Resolution 11.20 *Conservation of Sharks and Rays*.

DRAFT DECISIONS

**CHONDRICHTHYAN SPECIES  
(SHARKS, RAYS, SKATES AND CHIMAERAS)**

**Directed to Parties:**

13.AA

Parties are requested to:

- a) Review their existing legislation and enact new legislation, as required, with a view to addressing the prohibition of the taking of Appendix I-listed chondrichthyan species, in accordance with paragraphs 16-17 of Resolution 13.XX *Chondrichthyan Species*;
- b) Inform the Secretariat, as required and as appropriate, about the need for support with the review and/or the development of new legislation regarding the above.

**Directed to Scientific Council:**

The Scientific Council shall:

13.BB

- a) Review reports on bycatch of Appendix I-listed chondrichthyan species and provide advice to Parties as warranted on measures to reduce bycatch to sustainable levels.

**Directed to the Secretariat**

13.CC

The Secretariat shall:

- a) Subject to the availability of resources and in the context of the National Legislation Programme:
  - i. Prepare legislative guidance materials and model laws; and
  - ii. Provide technical support to assist Parties in drafting adequate national legislationto support the implementation of Article III (5) of the Convention regarding the prohibition of the taking of Appendix I-listed chondrichthyan species, in accordance with paragraphs 16-17 of Resolution 13.XX *Chondrichthyan Species*;
- b) Revise the National Reporting format for the 14<sup>th</sup> Conference of the Parties (COP14) to include a question on reporting on bycatch of Appendix I-listed species in accordance with paragraph 19 of Resolution 13.XX *Chondrichthyan Species*.